AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, February 27, 2024
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, 94708

TELECONFERENCE LOCATION – 301 WEST 17TH STREET, AUSTIN, TX 98701

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/1614329714. 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: **161 432 9714**. 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.*

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.*

1. Presentation: State of Public Health in Berkeley

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.

Consent Calendar

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

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

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

Consent Calendar

1. **Minutes for Approval**
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of January 16, 2024 (regular), January 17, 2024 (closed), January 22, 2024 (special) January 23, 2024 (closed and special) and January 30, 2024 (regular)
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, (510) 981-6900

2. **Contract No. 31900184 Amendment: Alcor Solutions, Inc. to Expand Services for Intranet Services**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900184 with Alcor Solutions, Inc., to expand scope to include intranet services.
   Financial Implications: None
   Contact: Kevin Fong, Information Technology, (510) 981-6500

3. **Contract No. 105921-1 Amendment - TruePoint Solutions, LLC for Professional Services**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by $250,000, for a total not-to-exceed amount of $1,297,200 and extending the term by one year for the term beginning June 1, 2015 to June 30, 2025.
   Financial Implications: See report
   Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

4. Donation: Memorial Bench at Cesar Chavez Park in memory of Charlie Pollack
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Charlie Pollack.
Financial Implications: Revenue - $3,400
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

5. Contract: West Coast Arborists, Inc. for Tree Removal and Pruning Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with West Coast Arborists, Inc. for tree removal and pruning servings in an amount not to exceed $1,500,000 over a period of three years, with an option to renew for two additional years at $500,000 per year, for a total contract amount not to exceed $2,500,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

6. Contract: Rincon Consultants for Environmental Justice Element, Safety Element Update, and Equitable Climate and Resilience Metrics
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rincon Consultants, Inc. in an amount not-to-exceed $634,000 over a three-year period, to update Berkeley's General Plan Safety Element, develop a new General Plan Environmental Justice (EJ) Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

7. Contract No. 32300057 Amendment: Association for Energy Affordability for Pilot Climate Equity Fund
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32300057 with Association for Energy Affordability for the Pilot Climate Equity Fund, increasing the amount by $43,556, to a new total contract amount not to exceed $126,890, and extend the contract through May 30, 2025.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

8. Accept Energy Efficiency and Conservation Block Grant Program Equipment Voucher
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit an application and an Energy Efficiency and Conservation Strategy to the U.S. Department of Energy (DOE), execute any related revenue agreements and amendments, and accept funds for an equipment voucher from the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program of up to $174,290 for the two-year period of February 13, 2024 through February 13, 2026.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

9. Contract: (Specification No. 24-11529-C) JJR Construction Inc. for FY 2024 Sidewalk Repair Project
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the FY 2024 Sidewalk Repair Project; 2) Accepting the bid of JJR Construction Inc. as the lowest responsive and responsible bidder; and 3) Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed $4,246,955.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

10. Contract: (Specification No. 24-11621-C): Bay Pacific Pipeline, Inc. for Virginia Street, Russell Street, et al. Sanitary Sewer Rehabilitation Project
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the Sanitary Sewer Project located on Virginia Street, Russell Street, et al., and 2) Accepting the bid of the lowest, responsive and responsible bidder, Bay Pacific Pipeline, Inc., and 2) Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $4,828,002, which includes a 10% contingency of $438,909.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

Consent Calendar

11. Contract (Specification. No. 24-11645-C): Koios Engineering, Inc. for Urgent Sewer Repair FY2024 Project
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the Urgent Sewer Repair FY2024 Project; 2) Accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and 3) Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $465,187, which includes a 10% contingency of $42,289.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

12. Reject Bids – FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-advertise the work associated with the FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300

Council Consent Items

13. Resources to Plan for Future Health Care Access for Berkeley Residents
From: Mayor Arreguin (Author), Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Allocate $300,000 from the General Fund for legal and/or other technical expertise as may be needed to identify/evaluate existing or potential opportunities to secure the future of healthcare and hospital access for the people of Berkeley.
Funds should be used to broadly explore healthcare needs of the entire Berkeley community, now and in the coming decades, including the needs of low income communities and communities of color, the elderly, youth, women, and other groups that have lower health and life-expectancy outcomes and/or have specialized healthcare needs; and healthcare facilities, programs, and other assets that are and/or can be accessible to Berkeley residents in the coming years
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

14. Referral to the City Attorney: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street
From: Councilmember Bartlett (Author)
Recommendation: Refer the City Attorney to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.
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.

Action Calendar – Public Hearings

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.

15. ZAB Appeal: 2924 Russell Street, Administrative Use Permit #ZP2023-0081
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2023-0081 to install an unenclosed hot tub in the rear yard.
Financial Implications: Nione
Contact: Jordan Klein, Planning and Development, (510) 981-7400

16. Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending Title 23 of the Berkeley Municipal Code to streamline and clarify the permitting process for small businesses in commercial districts ("C-Prefixed"), select manufacturing ("M-Prefixed") districts, and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

17. FY 2024 First Quarter Investment Report: Ended September 30, 2023
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

18. State of Public Health in Berkeley Summary Report
From: City Manager
Contact: Anju Goel, Health, Housing, and Community Services, (510) 981-5400

19. LPO NOD: 2113-2115 Kittredge Street/#LMSAP2022-0011
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

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/.

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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.
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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 15, 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.

Item #15: ZAB Appeal: 2924 Russell Street, Administrative Use Permit #ZP2023-0081

1. Homayoon Kazerooni

ZAB Appeal: 2113-2115 Kittredge Street/#LMSAP2022-0011

2. Adams Broadwell Joseph & Cardozo

United Artist Theater at 2274 Shattuck

3. Deborah Chalfie
4. Kay Weinstein
5. David Brandon
6. Stuart Hyde
7. Elizabeth LaBarre

Crime and Police Matters

8. Sunwalk10@
9. Shellie Wharton
10. Miles Morris Walker

Council Chambers/Councilmembers

11. Rod Gutierrez
12. Kelsi Pertual
13. Justin Lee
14. Vivian Pisano

Tree Removal

15. Ken Jung, Transportation Department
16. Carol Denney

Property Taxes

17. Pauline Wallace (2)

PG&E Rate Increases
18. Patrick Golier

Pedestrian Safety
19. Sophie Johnson

McNair's Donated Items Taken
20. Moni Law
21. Paul Kealoha Blake

Fulton-Woolsey Bike Boulevard
22. Charles Siegel (2)
23. Ken Jung, Transportation Department (2)
24. Councilmember Harrison
25. Megan Wachspress
26. David Hoffman (5)
27. Justin Baldwin
28. Matt Weber
29. Dan A.
30. Emily McAfee
31. Ben Hays

Restaurant Inspections
32. David Lerman

Berkeley Marina
33. Tahirah Rasheed

Refuse Services Blocking Driveway
34. Dan Bristol

Middle Housing
35. Jonathan Singh
36. D. Scott Phoenix
37. Amanda Le

Chavez Park Air Quality
38. Martin Nicolaus, on behalf of the Chavez Park Conservancy
39. Carol Denny

Berkeley Unified School District
40. Dorothea Dorenz

Street Paving
41. Barbara Gilbert

Anti-Discrimination Ordinance
42. 6 similarly-worded form letters

Golden Duplex Rent Control
43. Lauren Schiller

People's Park
44. Moni Law (2)

Gaza and Israel
45. Micky Duxbury
46. Jon Jackson
47. Rainbow Alvarez
48. Naz Akbaroff
49. Nazanin Badakhsh
50. Dena Al-Adeeb
51. Michael Fullerton
52. Kelsi Pertula
53. Aaron Kalter
54. Anna Henry
55. Russbumper (2)
56. Nikki Roach
57. Anna Henry
58. Barbara Erickson
59. Gregory Kalkanis
60. 6 similarly-worded form letters

URL's Only
61. Vivian Warkentin

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.

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Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION
Approve the minutes for the Council meetings of January 16, 2024 (regular), January 17, 2024 (closed), January 22, 2024 (special) January 23, 2024 (closed and special) and January 30, 2024 (regular)

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1. January 16, 2024 – Regular Council Meeting
2. January 17, 2024 – Special Closed Council Meeting
3. January 22, 2024 – Special Council Meeting
4. January 23, 2024 – Special Closed Council Meeting
5. January 23, 2024 – Special Council Meeting
6. January 30, 2024 – Regular Council Meeting

Attachment 1

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, January 16, 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
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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: 6:13 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Humbert, Arreguin

Absent: None

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: None

City Manager Comments: None

Public Comment by Employee Unions: 2 speakers.

Public Comment on Non-Agenda Matters: 20 speakers.

Consent Calendar

The Mayor requested that the members of the public in attendance adhere to the City Council Rules of Procedure regarding decorum and cease their disruption of the meeting by shouting, yelling, and using amplified sound.

Recess 7:34 p.m. – 7:42 p.m.

The Mayor issued a warning to the members of the public in attendance that they were disrupting the meeting and making the orderly conduct of business unfeasible by shouting, chanting, yelling, and using amplified sound. The disruption continued. The level of disruption and the large number of people participating in the disruption rendered the Council unable to restore order by the removal of disruptive individuals.

The Council continued the meeting without members of the public present, allowing for members of the media to observe, as provided for in Government Code Section 54957.9 (Brown Act). The meeting continued on the videoconference platform and members of the public were able to provide public comments remotely.

Consent Calendar

Recess 7:44 p.m. – 7:58 p.m.

Public Comment on Consent Calendar and Information Items Only: 22 speakers.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute period for public comments on the Consent Calendar.
Vote: All Ayes.

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

1. Amendment: FY 2024 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,892–N.S. amending the FY 2024 Annual Appropriations Ordinance No. 7,879–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments authorized since July 1, 2023, in the amount of $270,355,759 (gross) and $258,134,257 (net).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,892–N.S.

2. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of November 20, 2023 (special closed), December 5, 2023 (regular) and December 12 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

3. California For All Animals Grant Award
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive a $60,000 California For All Animals grant award from the Koret Shelter Medicine Program at UC Davis and to enter into contract and all necessary amendments with the Regents of the University of California resulting from this funding.
Financial Implications: Grant - $60,000
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,153–N.S.

Consent Calendar

4. Contract No. R9710 Amendment: City of Piedmont for Animal Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend an existing contract number R9710 and any amendments with the City of Piedmont for Berkeley Animal Care Services (BACS) to provide animal sheltering and certain animal care services to the City of Piedmont. For these services the City of Piedmont will pay the City of Berkeley an amount not to exceed $196,572 for services performed from FY2024 through FY2026. This adjustment will result in a revised maximum total contract amount of $708,388.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,154–N.S.

5. Extension of Declaration of Homeless Shelter Crisis
From: City Manager
Recommendation: Adopt a Resolution extending Resolution No. 70,179 – N.S., extending the declaration of a Homeless Shelter Crisis until January 17, 2029.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,155–N.S.

6. Acceptance - $30,000 Grant from the National Endowment for the Arts
From: City Manager
Recommendation: Adopt a Resolution accepting a $30,000 grant from the National Endowment for the Arts (NEA). The grant will be used to support a new Civic Arts grant program totaling $60,000 to begin in Fiscal Year 2025 (FY25). The NEA grant will be used to underwrite a new program 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.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,156–N.S.

Consent Calendar

7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 16, 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 - $3,434,341
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

8. Contract: Healthy Black Families for Housing Preference Policy Outreach and Education
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Healthy Black Families (HBF) to provide outreach and education activities related to the Housing Preference Policy (HPP) from January 17, 2024 to January 17, 2025, in an amount not to exceed $70,400.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,157–N.S.

9. Contract No. 32300203 Amendment: Hansine Fisher & Associates for Targeted Case Management, Medi-Cal Administrative Activities, CalAIM Enhanced Care Management Consulting Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300203 for $73,060 and any additional amendments or extensions, with Hansine Fisher & Associates for Targeted Case Management (TCM) consulting services. The contract amendment's not-to-exceed amount will be increased to a total of $172,600 for the period July 1, 2023 through June 30, 2024.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,158–N.S.

10. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add $11,500 of state Crisis Care Mobile Units (CCMU) grant funding for a not-to-exceed amount of $4,579,500.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,159–N.S.

Consent Calendar

11. Revenue Contract: Funding from Berkeley Unified School District for First Aid Services at the Berkeley High School Health Center
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any resultant revenue agreements and amendments with the Berkeley Unified School District to conduct first aid services at the Berkeley High School Health Center with the projected total amount of $920,557 for July 1, 2023 to June 30, 2028.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,160–N.S.

12. Correcting Effective Date for Salary Range Adjustments of Select Local One Supervisors
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 70,993-N.S. and correcting the effective date of the increase in the salary range of select Local One supervisors – namely, Senior Building Maintenance Supervisor, Senior Equipment Supervisor, Senior Public Works Supervisor, and Senior Solid Waste Supervisor – from January 1, 2023 to December 1, 2022.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,161–N.S.

13. Contract No. 32200162-1 Amendment: ThirdWave Corporation for Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200162 with ThirdWave Corporation for professional services for an amount not to exceed of $230,000 for a total contract value not to exceed $275,000 through June 30, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,162–N.S.

Consent Calendar

14. Contract No. 32100080-1 Amendment: Assetworks LLC Software Modules and Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100080 with AssetWorks, LLC to provide additional software modules and professional services extending the term of the contract through December 31, 2028, increasing the amount by $270,000, for a total not-to-exceed amount of $757,249.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,163–N.S.

15. Grant Application: Caltrans Sustainable Transportation Grant Program for the Interstate 80 at Aquatic Park Tide Tube Renovation Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or a designee to submit a grant application to the Caltrans Sustainable Transportation Planning Grant Program for the Interstate 80 at Aquatic Park Tide Tube Renovation Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.
Financial Implications: Revenue - $535,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Item 15 removed from the agenda by the City Manager.

16. Grant Application: Cal Fire Wildfire Prevention Grants Program to mitigate hazardous tree conditions at Berkeley overnight camps
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a CAL FIRE hazardous tree mitigation grant application in the amount up to $3 million; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,164–N.S. as revised in material submitted by the City Manager in Supplemental Communications Packet #2.

Consent Calendar

17. Contracts: As-needed Derelict Vessel and Debris Removal and Disposal Services
From: City Manager
Recommendation: Adopt three (3) Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions, or other change orders for derelict vessel and debris removal and disposal services as-needed, each for a period of January 17, 2024 to January 16, 2026:
1. Lind Marine, for an amount not to exceed $162,000.
2. Power Engineering Construction, for an amount not to exceed $162,000.
3. Silverado Contractors, for an amount not to exceed $162,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,165–N.S. (Lind Marine); Resolution No. 71,166–N.S. (Power Engineering); and Resolution No. 71,167–N.S. (Silverado).

18. Prevailing Wage Requirements in the Southside Plan Area; Adding Berkeley Municipal Code Chapter 13.108
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 13 to add Chapter 13.108 --Prevailing Wage Requirements in the Southside Plan Area to establish prevailing wage requirements for projects exceeding 50 units or 50,000 square feet in the Southside Plan Area.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopt first reading of Ordinance No. 7,893–N.S. Second reading scheduled for January 30, 2024.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Kesarwani.

19. Contract: Ethico for Whistleblower Hotline and Case Management Services
From: Auditor
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Ethico for whistleblower hotline and case management software services for a total amount not to exceed $100,000 for the contract period of February 1, 2024 through January 31, 2027.
Financial Implications: General Fund - $100,000
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Adopted Resolution No. 71,168–N.S.

Council Consent Items

20. RFP for Development of West Berkeley Service Center
From: Mayor Arreguin (Author), Councilmember Kesarwani (Author), Councilmember Sophie Hahn (Co-Sponsor), Councilmember Susan 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
Action: Item 20 rescheduled to February 13, 2024.

21. Black History Month Event Berkeley Juneteenth Association, Inc. 501(c)3: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $1,500 from the discretionary Council office budget of Vice Mayor Ben Bartlett, to the Berkeley Juneteenth Association, Inc. 501(c)3 for the Black History Month Event. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Councilmember Ben Bartlett and the discretionary council office budgets of any other Councilmembers who wish to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 71,169–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - $250; Councilmember Humbert - $250; Councilmember Wengraf - $250; Councilmember Taplin - $250; Councilmember Hahn - $300; Councilmember Kesarwani - $100; Councilmember Harrison - $150.

Council Consent Items

22. Supporting the Installation of Permanent Chess/Games Tables on Telegraph Avenue and Proposing Resolution of Concerns at 2454 Telegraph Avenue
(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)
From: Councilmember Hahn (Author), Councilmember Robinson (Co-Sponsor)
Recommendation:
1. Refer to the FY2025 Budget Process $50,000 to support the installation of fixed or purchase of portable public chess/game tables on Telegraph Avenue, including at or near the intersection of Telegraph and Haste Streets, and potentially elsewhere in Berkeley to support development of a citywide chess & games facility.
2. Refer to the City Manager to explore the potential development of a parklet at or near the Telegraph/Haste intersection, potentially near the South/West corner (beyond the yellow loading area on Haste Street) and other potential locations for a parklet that could accommodate chess/game tables and the volume of community participation this activity generates. Staff should consider who is the appropriate entity to finance such an improvement.
3. Refer to the City Manager the development of a city-wide chess and game facilities program to integrate permanent chess/game nodes into park, curtilage, and/or sidewalk areas throughout Berkeley in a manner that encourages broad participation in and enjoyment of games and supports the building of community around these activities. Consider appropriate locations for nodes, installation of City-owned facilities, rules and regulations for use, and maintenance.
4. Direct the City Manager to explore entering into negotiations with the property owner at 2454 Telegraph Avenue to achieve an agreement that would result in upgrades and improvements to the building exterior/facade, create a landscaped perimeter around the exposed entry area, improve maintenance, and/or similar terms, in exchange for a reduction/waiver of accumulated fees.
Policy Committee Recommendation: To send Item 2 and Item 3 on the Policy Committee's agenda to the City Council as revised with a positive recommendation. Proposed revisions include consideration of: financing of improvements; negotiations with property owner(s); rules relating to the public right-of-way; and support of city-wide program(s).
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: No action taken on Item 22.
Vote: Ayes – Bartlett, Harrison, Hahn, Arreguin; Noes – None; Abstain – Kesarwani, Taplin, Wengraf, Humbert.

23. Installation of a 3-way Stop at the Intersection of Hopkins and McGee
From: Councilmember Hahn (Author), Councilmember Humbert (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Direct the City Manager to install two additional stop signs at the intersection of Hopkins and McGee Streets, transforming the ‘T’ intersection into a 3-way stop, to be installed as soon as possible, and no later than July 31, 2024.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

Council Consent Items

24. City of Berkeley Support for Proposition 1 on March 5, 2024 Ballot
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution in Support of California State Proposition 1 and request that the City Manager issue a press release indicating the City's support.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,170–N.S.

25. Referral: Policies to Accommodate Chess *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*
From: Councilmember Robinson (Author), Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation:
Refer to the City Manager to explore legislative and policy alternatives for accommodating chess and games in the public right-of-way. Consideration should be given to ensure that use of tables and chairs does not unduly obstruct public sidewalks or complicate existing enforcement of rules relating to the public right-of-way.
Policy Committee Recommendation: To send Item 2 and Item 3 on the Policy Committee's agenda to the City Council as revised with a positive recommendation. Proposed revisions include consideration of: financing of improvements; negotiations with property owner(s); rules relating to the public right-of-way; and support of city-wide program(s).
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: No action taken on Item 25.
Vote: Ayes – Harrison; Noes – None; Abstain – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin.

Action Calendar – Public Hearings

26. Expansion of the Elmwood Business Improvement District, Levy Assessments in the District for 2025, and Authorize a Contract with the Elmwood Business Association (EBA) to receive assessment revenue
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt first reading of an Ordinance expanding the Elmwood Business Improvement District, amending Chapter 7.84 of the Berkeley Municipal Code (BMC) originally adopted by Ordinance No. 6,164-N.S.; and
2. Adopt a Resolution levying assessments in the Elmwood Business Improvement District for calendar year 2025 and giving the City Manager authority to contract with the Elmwood Business Association (EBA) to receive assessment revenue and spend it on improvements and activities authorized in the Ordinance and the Resolution of Intention: Resolution No. 71,099 -N.S.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action: M/S/C (Arreguin/Taplin) to suspend the rules and allow for one-minute per speaker for Item 26.
Vote: All Ayes.

Action: M/S/C (Arreguin/Taplin) to suspend the rules and allow for a 15-minute public comment period for Item 26.
Vote: All Ayes.

Public Testimony: The Mayor opened the public hearing. 10 speakers.
M/S/C (Humbert/Hahn) to close the public hearing.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Action: M/S/C (Humbert/Hahn) to:
1. Adopt first reading of Ordinance No. 7,894–N.S. Second reading scheduled for January 30, 2024.
2. Adopt Resolution No. 71,171–N.S.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Action Calendar – New Business

27. 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 the Resolution of Intention and first reading of an Ordinance to amend 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.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: 2 speakers. M/S/C (Arreguin/Hahn) to:
1) adopt Resolution No. 71,172–N.S. including materials provided in Supplemental Communications Packet #2.
2) adopt first reading of Ordinance No. 7,895-N.S. Second reading scheduled for February 13, 2024.

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

28. Consideration of Options for Berkeley High School Staff Parking
From: City Manager
Recommendation: Receive information on several options for providing additional parking for Berkeley High School staff. Provide feedback to staff, which will then be shared with 2x2 Committee with the goal of identifying a mutually agreeable solution for both the school district and the City.
Financial Implications: See report
Contact: Anne Cardwell, City Manager's Office, (510) 981-7000
Action: Moved to Consent Calendar. Approved the recommended actions presented in Supplemental Communications Packet #2 from Councilmember Hahn, amended to only apply to Area C.

1. Direct the City Manager to issue permits to Berkeley High School pursuant to Berkeley Municipal Code Chapter 14.72, which allows the City to issue a number of permits equal to up to 60% of the school's employees, in the same or other RPP Areas, in conformance with criteria found in Sections 14.72.080 and 14.72.105.
2. Direct the City Manager to issue such permits in RPP Area C, ~~or in a combination of Areas C, J and/or E,~~ in consultation with the Councilmember representing the majority of potentially impacted areas of RPP Areas C~~, J and E~~.
3. With respect to BMC Sections 14.72.080 (B) and 14.72.105(B)(1), (2), (3), and (6), the Berkeley City Council hereby takes the following actions:

   Pursuant to BMC 14.72.105(B)(1), the Berkeley City Council finds that inadequate off-street parking for Berkeley High School exists and there is no financially feasible way of creating adequate off-street parking on the site of Berkeley High School. The cost estimated by BUSD is more than $25 million to create such parking; this cost is deemed

Action Calendar – New Business

infeasible considering other more important uses of funds to support Berkeley's public schools and their students.

Pursuant to BMC 14.72.080(B), the Berkeley City Council finds that the following together satisfy the requirements that the "Department of Finance in consultation with the traffic engineering division" ensure permits issued "will not unduly be concentrated on a specific block front in any given residential permit parking area":

- Many BHS staff and teachers already park in areas adjacent to the school and therefore issuing permits will not substantially change the number of vehicles parking in these areas.
- The size of potentially impacted RPP Areas is very large.
- The City Manager will consult with the Councilmember representing the majority of potentially impacted areas of RPP Areas C~~, J, and E~~ regarding issuance of permits.

The provisions of Section 14.72.105(B)(2) are satisfied with respect to the issuance of permits to Berkeley High School in light of the importance of the institution to the Berkeley Community and in light of severe constraints on BUSD and Berkeley High funds, which would result in the diversion of funds that otherwise are spent supporting students, teachers, and the uniquely important mission of Berkeley's largest public high school, rendering BUSD/Berkeley High School functionally unable to lease or rent parking.

With respect to BMC 14.72.105(B)(6), the Berkeley City Council finds that the requirement to consider the "degree of impact on parking conditions for residents and merchants in the area" is satisfied by the following:

- Requiring permits to be issued outside of RPP Area I, which includes the Downtown and South of Campus commercial districts.
- Many BHS staff and teachers already park in areas adjacent to the school and therefore issuing permits will not substantially change the number of vehicles parking in these areas.
- The size of potentially impacted RPP Areas is very large.
- The City Manager will consult with the Councilmember representing the majority of potentially impacted areas of RPP Areas C~~, J, and E~~ regarding issuance of permits.

With respect to BMC 14.72.080(B)(3), the Berkeley City Council clarifies that the term "employee" includes all regular employees of Berkeley High School, whether full or part time, but does not include seasonal employees working less than four (4) months per year or independent contractors.

4. Refer to the 2x2 and City Manager to work with BUSD and Berkeley High School to explore needs, facilities, programs, and other options to increase use of alternative modes such as walking, biking, carpooling, and public transit by BHS employees and students.
5. Refer to the City Manager to study and explore needs, facilities, programs, and other options to increase use of alternative modes such as walking, biking, carpooling, and public transit by City of Berkeley employees, and the availability, cost, and equitable distribution of parking opportunities, if any, made available by the City of Berkeley to employees.
6. The City Council respectfully requests that BUSD consider formally withdrawing from planning for a garage facility to be constructed on BHS/BUSD property on Milvia Street in downtown Berkeley and consider other uses for the property that directly support educational, health, leadership, recreational and other needs of Berkeley High Students.

Council Action Items

29. Referral: Neighborhood-Scale Commercial *(Reviewed by the Land Use, Housing, & Economic Development Committee)*
From: Councilmember Robinson (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author)
Recommendation: Refer to the City Manager and Planning Commission to consider and develop policies to permit neighborhood-scale retail uses in residential zones to increase economic opportunity, vitality, and walkability in Berkeley neighborhoods. Changes may include zoning alterations or modifications to use permit requirements. In order to inform any potential policy changes, staff should conduct analysis and outreach to understand the market demand for neighborhood-scale commercial uses and consider best practices from other municipalities.
Staff and the Planning Commission should consider conditions and development of performance standards to avoid detrimental impacts on surrounding residential uses and neighborhoods, including but not limited to limitations on noise, odors, smoke, waste generation, operating hours, signage, loading/unloading activity, setbacks, tenant protections, limitations on selling alcohol for on-site consumption, considerations for ADA compliance, restricting applicants to businesses with fewer than three locations, and establishing different permitting requirements depending on square footage, proposed use, or other factors.
Policy Committee Recommendation: To send the item as revised to the City Council with a positive recommendation.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Moved to Consent Calendar. Approved the item as recommended by the Land Use, Housing, & Economic Development Committee with the following amendment.

"Refer to the City Manager and Planning Commission to consider and ~~develop~~ report back on policies to permit neighborhood-scale retail uses in residential zones to increase economic opportunity, vitality, and walkability in Berkeley neighborhoods."

30. Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*
From: Councilmember Harrison (Author)
Recommendation: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit.
Policy Committee Recommendation: Send the item to Council with a qualified positive recommendation to approve the Ordinance with substantial edits and as may be necessary for legal and administrative purposes.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Item 30 continued to June 25, 2024.

Information Reports

31. FY 2023 Preliminary Year-End Status
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Received and filed.

Adjournment

Action: M/S/C (Arreguin/Taplin) to suspend the rules and adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

Adjourned at 9:01 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on January 16, 2024.

_____
Mark Numainville, City Clerk

Communications

Item #5: Extension of Declaration of Homeless Shelter Crisis
1. Irene Rice
2. Vianney Gonzalez, on behalf of Extra Space Storage
3. Elsa and Matt Esch
4. Stephanie Lowe

Item #30: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit
5. Tweed Conrad
6. C. Scott Chaney, Executive Director, California Horse Racing Board

BART Development
7. Melanie Lawrence and John Smail
8. Friends of Adeline
9. Chris Gilbert

Crime
10. Richard Robbins, on behalf of Wareham Development

Communications

11. Seamus Kelly
12. Ray Sharma, on behalf of Gora, Inc. (2)
13. Ilana Pearlman
14. David Lerman
15. John Parman

Safe Streets

16. Danielle Hacker
17. Ben Gould
18. John Parman
19. Alfred Twu
20. Sean

Street Paving

21. Susan Orbuch
22. Pamela Rudd
23. Alicia Telford
24. Clare and Dianna Mullins
25. Barbara Gilbert
26. Bryce Nesbitt
27. Ray Freeman
28. Kenny Yip
29. Laura Louis
30. Elizabeth Kloian
31. Lisa Chow
32. Diane Garcia
33. Kay Englund
34. Karen Nady
35. John Malork
36. Mario Aranha
37. Peggy Radel

Bus Service

38. Minar Aware
39. Luoping Zhang
40. Erin Baudo Felter
41. Grank Fletcher

Winter Shelter

42. Christoverre Kohller
43. Elana Auerbach
44. Moni Law
45. Diana Bohn

Mental Health

Communications

46. Moni Law
47. Eddie Bui

Minimum Wage
48. Henry Beadles

Farmers Market Porta Potties
49. Donna Mickleson

$14M Budget Update
50. Eric Friedman

Uber/Lyft
51. Wendy Alfsen
52. David Lermam

Brown Act
53. Berkeley People's Alliance
54. Anna Armstrong

Ohlone Greenway
55. Cindi Goldbert

Save Theaters
56. Salli Lundgren

Cup of Water Price
57. Jennifer Fisher

Tenants Opportunity to Purchase Act
58. Sierra Club, Northern Alameda County Group

Restaurant Inspections
59. Eric Friedman

Emissions Footprint
60. Corinne Scown

930 Harrison Street
61. Yessica Prado

#Giving Tuesday
62. Eric Friedman

People's Park

Communications

63. Carol Hirth
64. Diana Bohn

Library
65. Eric Friedman

Duplex Owners
66. Rick Maisel

URL's Only
67. John Parman
68. Vivian Warkentin (4)

Israel/Gaza
69. Sadaf Qazi
70. Ilana Pearlman
71. Hillary Kilimnik
72. Jennifer Carmona
73. Richard Tamm
74. Vladlena Gulchin
75. Rachel Factor
76. Sofia Pavlova
77. Linda Wulf
78. David Kilimnik
79. Blair Fingerhut
80. Lori Pottinger
81. Dorothea Dorenz
82. Joshua Schnoll
83. Laura Schmidt
84. Matt Lasner
85. Jaleh Niazi
86. Nancy Bickel
87. Sandy Schwarcz
88. czwolf@
89. John Blaustein
90. Craig Peterson
91. Michelle Chen
92. Anne Pescatello and Bonnie Wade
93. Jim Hynes
94. Tony Warwick
95. Mati Teiblum
96. Bohun Kinloch
97. Barbara Vaughan
98. Michael Salveson
99. Andrea and Stan Washburn
100. David Biale

Communications

101. Fran Segal
102. Susan Brand
103. Dave Kent
104. Judith and Stanley Lubman
105. Christina Crowley
106. Brett Mendel
107. Lori Berenson
108. Moni Law
109. Maya B.
110. Fateme Montazeri
111. Beatriz Manz
112. Luqman Saib
113. Caroline Lucas
114. Rohan Sabnis
115. Daniel Frydman
116. Mitch Cohen
117. Keith Watts
118. Robin Blum
119. Pamela Drake
120. Abigail Tolby
121. Jack Kurzweil
122. Veena Nambiar
123. James Nelson
124. Enikia Ford Morthel
125. David Kilimnik
126. Christine Lee
127. Christina Harb
128. Ellen Feigenbaum
129. Peter Schwab
130. Lori Berenson
131. Karin Vosgueritchian
132. Isa Hoffman
133. Amy Cummings
134. Emma Koeze
135. Lisa Jervis
136. Terry Mandel
137. Richard Fish
138. Sylvia Santillanez
139. Bob Flasher
140. Elana Auerbach
141. Chrissy Hoffman
142. Tasneem Nomnabhai
143. Debra Barach
144. Karen Carroll
145. Kiernan Rok
146. Barbara Erickson

Communications

147. Carl Nelson
148. Dorothea Dorenz
149. Lea Zalinskis
150. Daniel Goldstein
151. Clyde Leland
152. Jim Gilbert
153. Lillie Brum
154. Deb Fink
155. Luqman Saib
156. Jean Weininger
157. Ronnie Cohen
158. Martin and Jill Dodd
159. Jerry Berkman
160. Emily Brod
161. Jenny Wenk
162. Katya Gerwein
163. Karen Olson
164. Susan Matisoff
165. Candace Hyde-Wang
166. Judi Doyle
167. Raphael Goldman
168. Susan Orbuch
169. Jenna Lewis
170. Todd Andrew
171. Robert Zucker
172. Bronya Feldmann
173. Barbara Schick
174. Dorothea Dorenz
175. Karen Weinstein
176. Deborah Leeds
177. Susan Oliver
178. Daren Fields
179. Carmen de Monteflores
180. Janis Pearson
181. Mary Stapleton
182. rdurling@
183. Lean and John Rosenthal
184. Michael Lonergan
185. Verna Winters
186. Huzaifa Ahmad
187. Hope Alper
188. Ellen Feigenbaum
189. Monika Mann
190. Sarah Goldstein
191. Anirvan Chatterjee
192. John Hitchen

Communications

193. Ilene Lee
194. Shelley Horwitz
195. Malka Weitman
196. Eric Strauss
197. Robin Blum
198. Debbi
199. Jerry Skrainar
200. Mary Louise Zernicke
201. Martha Staskawi
202. Michael Cassidy
203. Lubat Asadova
204. Auzeef Ramzan Ali
205. Rachel Stevensen
206. Lionel Chocron
207. Esther Brass-Chorin
208. Barbara Mathew Smith
209. Vincent Casalaina
210. Judy Logan
211. Revi Sagee
212. Rabbi Adam Naftalin-Kelman
213. Rebecca Landes
214. Joan Bradus
215. Matthew Lasner
216. Stuart Cohen
217. Sofia Pavlova
218. Tom and Jane Kelly
219. Noah Alper
220. Andrea Medrano
221. Nancy Sader
222. Ruth Ehrenkrantz
223. Joan Hart
224. Carol Hirth
225. Harry Delmer
226. Linda Strean
227. Councilmember Harrison
228. Barbara Gilbert
229. Peggy Harris
230. Christina Harb
231. Laura Atkins
232. Robert Bonem
233. M. Audrey Gardner
234. Stefano DellaVigna
235. Mary Wrenn
236. Catalina Ruiz-Healy
237. Itamar Landau
238. Lowell Finley

Communications

239. Michael Gardner
240. Rochelle Blumenfeld
241. Stephen Morris
242. Fran Haselsteiner
243. Vicki Sommer
244. Richard Swartz
245. Dianna Dar
246. Helen Marcus
247. Robin Kojima
248. Richard Keene
249. Steve Scholl
250. Jessica Behrman
251. Mia Reid
252. Andrea Prichett
253. Barbara Vaughan
254. Gloria Schild
255. Nancy Rader
256. Scott West
257. Robsun Coaching
258. Jane Schoenfeld
259. Alan Pearson
260. Dan and Lynne Fingerman
261. Holly Smith
262. Barbara Lewis
263. Tali Ziv
264. Jim Blume
265. Alan Schoenfeld
266. Colleen Busch
267. Patricia Kipnis
268. Bill Powning
269. Rabbi Yonatan Cohen
270. Eric Friedman
271. Rebecca Brams
272. Ruth Muscehl
273. Andrea Cassidy
274. Elizabeth Horowitz
275. Jessica Abbe
276. Stuart Kelman
277. Ivan Diamond
278. Teresa Wong
279. Janice Pardoe
280. Alison Lingo
281. Issy Kipnis
282. Geri Degen
283. Steve Meyers
284. Paul Jacobs

Communications

285. John Light
286. Marsha Gale
287. Sarah Baughn
288. Elisabeth Goldstein
289. Richard Marcus
290. Liz Hoadley
291. Katherine Mapes-Resnik
292. Joan Sarnat
293. William Guynn
294. Isabelle Gaston
295. Rick Maisel
296. Gail Nanao
297. Wendy Bloom
298. Gytta Papier
299. Michael Scandling
300. Shelley Golomb
301. Jennifer Mary Pearson
302. Esta Brand
303. Michael Juster
304. Simone Hoelck
305. Susan Schickman
306. Susan Frankel and Moshe Maler
307. Barbara Gross Davis
308. Catherine de la Pena
309. Susan Goldstein
310. Elaine Jackson
311. Neil Lupa
312. Ellen Weinreb
313. Ruth Berins Collier
314. Bill Miner
315. Lili Naveh
316. Abigail Tolby
317. Namita Chandra
318. Roni Con
319. Francesca Mejia
320. Rachel Eryn Kalish
321. Luqman Saib
322. Eric Friedman
323. Medodee
324. Miranda Lucia
325. Vish Soroushian
326. Allen Mayer
327. Laurie Dubin
328. Moni Law
329. Myriam Misrach
330. Hillary Kilimnik

Communications

331. Pascal Bensoussan
332. Lea Zalinskis
333. Luqman Saib
334. Andrea Waid
335. John Anderson
336. Andrew Fox
337. Susan Whitman
338. Kenneth Solnit
339. Dora Weinstein
340. Hillary Kilimnik
341. Doug Herst
342. Anna Henry
343. David Davis
344. Diana Bohn
345. Judd
346. Abigail Tolby
347. Mikelle Emanuel-Shoham
348. Roxana Dhada
349. Karin Vosgueritchian
350. Dorthea Dorenz (2)
351. Amodini Choudhary
352. Desmid Lyon
353. Olivia Lapinsky
354. Eyyad Haddad
355. Janice Schroeder
356. Muniba Ahmed
357. Felisa Simon
358. Amber Yada
359. Yossi Fendel
360. Arushi Kalam
361. Eyman Elzarka
362. Leslie Valas
363. Samira
364. Zachary Weed
365. Phoebe Thomas Sorgen
366. Yoel Kahn
367. Anthony Stone
368. Dhoha Bareche
369. Bruce Feingold
370. Michelle Brenner
371. Thomas Luce
372. Sophia Elkin
373. Denah Bookstein
374. Somaya Abdelgany
375. Georgia Maslowski
376. Madeeha Khan

Communications

377. Anne Ellis
378. Rachel Gita Schiff
379. Jan Leuin
380. Rabbi Chai Levy
381. Milo Anjelo
382. Yael Chaver
383. Amy Gordon Risz
384. Baruch Kadish
385. Alison Griffith
386. Arbel Shemesh
387. Igor Tregub
388. Jane Diamond
389. Michelle Brenner
390. Barbara Schick
391. Ann Garrison
392. Hind Eliyan
393. Iris Greenberg-Smith
394. Aharon Hochbaum
395. Kay Englund
396. Karen Weil
397. Elsa Tranter
398. Dorit Hochbaum
399. Joan Wagger
400. Bobbie Steinhart
401. Josh Greenbaum
402. Ory Sandel
403. Judith Breakstone
404. Oleg Ivanov
405. Susanne DeWitt
406. Ayana Davis
407. Madeline Feingold
408. Skye Lovett
409. Jo Ilfeld
410. Lois Wolf
411. Sally Nelson
412. Dor Abrahamson
413. Nimrod Pitsker Ellas
414. Terry Friedkin
415. Kaeilyn Moss
416. Judy Chess
417. Mark Morris
418. Nancy Klein
419. John Citron
420. Benjamin Fleischman
421. David Kafton
422. Steven Segal

Communications

423. Jerry Berkman
424. Ditsa Pines
425. Charles and Deborah Koppelman
426. Saturn McCoy
427. Felisa Simon
428. Gabriela Kipnis
429. Howard Miller
430. Eli Dsko
431. Susanne DeWitt
432. Robert Bonem
433. William Rosen
434. Alan Kittner
435. Chloe Novak
436. Gabriela Kipnis
437. Stanley Wulf
438. Gabriella Kellerman
439. Jeff Stein
440. Birger Stamperdahl
441. Noga Alon
442. David Kafton
443. Judy Massarano
444. William Guynn
445. Susan Heitler
446. Soshana Gross
447. Rhoda Agin
448. Ilona Sturm
449. Leslie Valas
450. Elana Auerbach
451. Liron Ouziel
452. Deborah Sosebee
453. Miriam Ferris
454. Marin McCoy
455. Susanne DeWitt
456. Ly Tran
457. Melodee Au
458. Antoinette Siguenza
459. David Socholitzky
460. Coco Kennedy
461. Alex Gumbs
462. Amy Cummings
463. Jules
464. Cierra Cardenas
465. Sylvia
466. Jennifer Fechner
467. Anna Henry
468. Jude Berman

Communications

469. Robert Stamper
470. Sofia Pavlova
471. Hagar Scher
472. Riley Abeles
473. Amy Cummings
474. Miriam Barrere
475. Elissa Kittner
476. Dan Fendel
477. Desmid Lyon
478. Kinneret Katz
479. Eids TV
480. Dorothea Dorenz
481. Deborah Shaw
482. Aliza Elias
483. Joanne Donsky
484. Yafit Shriki-Magidash
485. Paul Lee
486. Marc Sapir
487. Liron Ouizel
488. Jay Park
489. Stephanie Green
490. Helane Zeiger
491. Nicole Chabot
492. Judith Tabb
493. Stefano Schiavon
494. John Rosenberg and Diane Gerstler
495. Jil Geller
496. Laurene Wu McClain
497. Tami Rowen
498. Andrea Cohen
499. Michael TenBrink
500. Andy Hanauer
501. Lean and John Rosenthal
502. Patrice Ignelzi
503. Donna DeDiemar
504. Jim Jones
505. Ben Ringler
506. Alan Shindel
507. Karen Weinstein
508. David Ritvo
509. Rachel Bradley
510. Darya Kavitskaya
511. Denise Resnikoff
512. Jennifer Lewis
513. Rebekah Stern
514. Cassidy Kelly

Communications

515. Robert Bonem
516. Hagar Scher
517. Itamar Landau
518. Brian Rosenberg
519. Rachel Gita Schiff
520. Dmitriy Ryaboy
521. Ariel Lev
522. Noga Ravid
523. Isaac Turiel
524. Margery Eriksson and James Nelson
525. Judd Goodman
526. Gary Grimm
527. Sandy Curtis
528. Colleen Busch
529. Jean Weininger
530. Sherry Smith
531. Lauren Kubiak
532. Gretchen Brandt
533. Mona Bernstein
534. Emily Fox
535. Lisa Miller
536. Phyllis Steiber
537. Norman Postone
538. Iola Vollen
539. Jay Park
540. Fran Haselsteiner
541. Barbara Gilbert
542. Todd Andrew
543. Stephen Woodrow
544. Raphael Goldman
545. Nick and Emily Brod
546. Andrew Bestwick
547. Megan Hall
548. Eric Friedman
549. Ayelet Waldman
550. Peggy Orenstein
551. Michael Bauce
552. Melissa Chapman
553. Marvin Engel
554. Gabrielle Hazan
555. Jaclyn Phi
556. Arthur and Sheila Braufman
557. Luqman Saib
558. Rebecca Perlman
559. Peter Bruce DuMont
560. Chris Koenig

Communications

561. Summer Brenner
562. Ly Tran
563. Liberty Schubert
564. Noga Ravid
565. Barryett Enge
566. Leah Amzel
567. Talia Dixon
568. Ilana Pearlman
569. Kim Friedman
570. Mikelle Emanuel Shoham
571. Madeline Pignetti
572. Yoni Brenner
573. Chris Koenig (2)
574. Sommer Iqbal
575. Karina Sando
576. Bay Area Educators for Palenstine
577. Sally Nelson
578. Isaac Kaplan
579. Tammy Hardin
580. James Tabor
581. Shanna Baron
582. Tal Garner
583. Jason Spangenthal
584. Marcelo Vaz
585. Michael Solorio
586. Michelle Lessans
587. Maryum Styles
588. Michael Steinberg
589. Moni Law
590. Nora Shourd
591. Esther Brass
592. Hillary Kilmnik
593. Roy Elis
594. Shoshana Beary
595. Mark Brody
596. Jennifer Splansky Jester
597. Rachel Factor
598. Jamie Epstein
599. Sara Shendelman
600. Arbel Shemesh
601. Wynd Kaufmyn
602. Rebecca Soffer and Alberto Malvestio
603. Leah Amzel
604. Lindsay Vurek
605. Brett Mendel
606. Stacey Hara

Communications

607. Laila Stone
608. Deb Fink
609. Shani Stolero
610. David Davis
611. Mimi Schultz
612. Helmi Abdellatif
613. Kiara Bragg
614. Jaiden Feldman
615. Daniel Milutin
616. Paul Lee
617. Khalid Kishawi
618. Cheryl Davila (2)
619. Nritkaar Dhesi
620. Berkeley Federation of Teachers
621. Chloe Novak
622. Diana Bohn (2)
623. Amy Cummings
624. Russbumper (2)
625. 41 similarly-worded form letters - “Ceasfire Now”. (Letters are on file at the City Clerk’s Office)
626. 194 similarly-worded form letters - “Demand for the People”. (Letters are on file at the City Clerk’s Office)
627. 323 similarly-worded form letters – “Urgent Appeal”. (Letters are on file at the City Clerk’s Office)
628. 545 similarly-worded form letters – “Urgency Item”. (Letters are on file at the City Clerk’s Office)
629. 2091 similarly-worded form letters – “Vote No”. (Letters are on file at the City Clerk’s Office)

Supplemental Communications and Reports 1

Item #30: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit

630. Lisa Lazarus, on behalf of Horseracing Integrity and Safety Authority
631. Donald Smith (2)
632. Keith Kleine, on behalf of American Association of Equine Practitioners
633. Jordyn Egan, on behalf of the California Thoroughbred Horsemen’s Foundation

Supplemental Communications and Reports 2

Item #16: Grant Application: Cal Fire Wildfire Prevention Grants Program to mitigate hazardous tree conditions at Berkeley overnight camps

634. Revised material, submitted by Parks, Recreation and Waterfront

Item #20: RFP for Development of West Berkeley Service Center

635. Andra Lichtenstein, on behalf of Ashby Village

Item #23: Installation of a 3-way Stop at the Intersection of Hopkins and McGee

636. Jim Offel and Nancy Newin
637. Jo Anne Wallace
638. Bill Hickman
639. Pamela Zelnik
640. Charles Almy
641. Isabelle Gaston
642. David Brandon
643. Gar Smith
644. Susan McKearnan
645. S. Entwistle
646. Hellen Guerrant Toy
647. Ellen, Glenn and Same Franzen
648. Bill Chambers
649. Roy Whalin
650. Michael Frantz
651. Keith Nason
652. David Coolidge
653. Melanie O'Hare
654. David Spinner
655. Carol Hirth
656. Janet Jacobson
657. Loretta Janca
658. Robert Wilkinson
659. Tom Edwards

Item #27: Amending the Miscellaneous CalPERS Contract to (a) Eliminate PEPRA Cost Sharing for Unrepresented Employees (b) Add Paramedic and Limited Term EMT to Safety Category

660. Supplemental material, submitted by Human Resources

Item #28: Consideration of Options for Berkeley High School Staff

661. Supplemental material, submitted by Councilmember Hahn
662. Jeffrey Jue
663. Ann Sperske
664. Laura Babitt
665. Irene Hegarty
666. Ray Yep

Item #30: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit

667. Fred Sarver, on behalf of USA Equestrian Trust
668. Karen Adams, on behalf of US Equestrian
669. Alan Balch, on behalf of the California Thoroughbred Trainers
670. Nicole Norris, on behalf of the California Professional Horsemen's Association

671. Georgy Maskrey-Segesman, on behalf of Pacific Coast Horse Shows Association
672. Marnye Langer
673. Marla Zanelli
674. Donald Smith
675. Julie M. Broadway, on behalf of the American Horse Council
676. David Blackwell
677. Ingmar De Vos, on behalf of Federation Equestre Internatinale
678. Ellen (2)
679. Craig Fravel, on behalf of the Golden Gate Fields

Supplemental Communications and Reports 3

Item #23: Installation of a 3-way Stop at the Intersection of Hopkins and McGee

680. Barbara Gilbert
681. Shirley Kirsten

Item #28: Consideration of Options for Berkeley High School Staff

682. Amanda Daly
683. Belinda Lesser
684. Regina Chagolla
685. Ana Vasuedeo
686. Fatemeh Mizbani

Item #30: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit

687. Alan French
688. TC Conrad
689. Christopher Kroll

Miscellaneous Communications

690. Travis Castle, on behalf of Path To Humanity
691. Urban Ore
692. Comments from Mr. Eid
693. Ceasefire, on behalf of SEIU Local 102

Attachment 2

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

WEDNESDAY, JANUARY 17, 2024
10:15 A.M.

2180 MILVIA STREET, BERKELEY, CA 94704 – REDWOOD ROOM

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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.

*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/1614943256. 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: **161 494 3256**. 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: 10:20 a.m.

Present: Taplin, Harrison, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani, Bartlett

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

CLOSED SESSION:

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

1. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) & (2):**

   a. *Berkeley Landfill Regular Variance Application*, Bay Area Air Quality Management District, Hearing Board Docket No. 3742
   b. *Air Pollution Control Officer v. Berkeley Landfill*, Bay Area Air Quality Management District, Hearing Board Docket No. 3747
   c. Bay Area Air Quality Management District, Notice of Violation Nos. A58778, A58784, A58787, A58802, A58845, A58851, A61731

   Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

Adjourned at 11:30 a.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on January 17, 2024.

_____
Mark Numainville, City Clerk

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Monday, January 22, 2024
10:00 AM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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

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Preliminary Matters

Roll Call: 10:08 a.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Humbert, Arreguin

Absent: Hahn

Councilmember Hahn present at 10:14 a.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 29 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

1. **Calling for a Special Municipal Election for April 16, 2024 to fill the City Council District 7 Vacancy**
   From: City Manager
   Recommendation: Adopt a Resolution: a) Calling for a Special Municipal Election to be held in Berkeley on April 16, 2024 to fill the City Council District 7 vacancy; b) Requesting that the Alameda County Board of Supervisors authorize the Registrar of Voters to provide election administration services for the special election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.
   Financial Implications: See report
   Contact: Mark Numainville, City Clerk, (510) 981-6900
   Action: Adopted Resolution No. 71,173–N.S.

2. **Amendment to Council Rules of Procedure and Order – Amplified Sound and Decorum**
   From: Mayor Arreguin (Author)
   Recommendation: Adopt a Resolution updating the Council Rules of Procedure and Order to prohibit the use of amplified sound in Council meetings and rescinding Resolution No. 70,961-N.S.
   Financial Implications: See report
   Contact: Jesse Arreguin, Mayor, (510) 981-7100
   Action: Adopted Resolution No. 71,174–N.S. amended to remove the reference to the Government Code Section 54957.9 in Chapter V, Paragraph C.

Consent Calendar

3. Temporary Hiatus for City Council Policy Committees
From: City Manager
Recommendation: Adopt a Resolution enacting a temporary hiatus for City Council policy committee meetings from January 22, 2024 to March 1, 2024, with certain exceptions, due to the vacancy in District 7 and the special election to fill the vacancy.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,175–N.S. amended to change the end of the hiatus from March 1 to May 1.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – Harrison.

Adjournment

Action: M/S/C (Arreguin/Taplin) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:47 a.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on January 22, 2024.

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

Attachment 4

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

TUESDAY, JANUARY 23, 2024

3:00 P.M.

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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.

*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/1604217623. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 421 7623**. 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.*

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Preliminary Matters

Roll Call: 3:08 p.m.

Present: Taplin, Harrison, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 3:36 p.m.

Public Comment - Limited to items on this agenda only – 2 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

a. Workers' Compensation Case: ADJ Number: ADJ16352062

Action: M/S/C (Humbert/Harrison) to provide direction to outside counsel and approve a settlement by Compromise & Release, as to the workers' compensation matter ADJ Number: ADJ16352062.
Vote: Ayes – Taplin, Harrison, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

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

a. Service Employees International Union Local 1021, CSU/PTRLA v. City of Berkeley, Arb No. 21-0278

Action: No reportable action taken.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Renne Public Law Group

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

Action: No reportable action taken.

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

a. Significant exposure to litigation pursuant to Section 54956.9(d)(2): One (1) case. See attached letter from Law Office of Jonathan Weissglass.

Action: No reportable action taken.

OPEN SESSION:

City Council met in closed session on January 23, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise & Release, as to the workers' compensation matter ADJ Number: ADJ16352062.

Adjournment

Action: M/S/C (Arreguin/Taplin) to adjourn the meeting.
Vote: Ayes - Ayes – Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Harrison.

Adjourned at 6:11 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on January 23, 2024.

_____
Mark Numainville, City Clerk

Attachment 5

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, January 23, 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

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Preliminary Matters

Roll Call: 6:47 p.m.

Present: Taplin, Bartlett, Harrison, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani

Report from Closed Session

City Council met in closed session on January 23, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise & Release, as to the workers' compensation matter ADJ Number: ADJ16352062.

Action Calendar

1. **Reimagining Public Safety Status Report** *(Item contains supplemental material.)*
   From: City Manager
   Recommendation:
   1. Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.
   2. Provide comments on the Gun Violence Prevention program model report for Berkeley with the goal of facilitating informed council discussion.
   Financial Implications: See report
   Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
   Action: 20 speakers. M/S/C (Taplin/Hahn) to approve the recommendation published in Supplemental Communications Packet #2:
   1. Receive the Reimagining Public Safety Status Report from the City Manager's Office;
   2. Refer Alternative #3 (Problem Oriented Policing along Gun Violence Corridors+ Street Outreach Workers + SNA [Social Network Analysis] Focused Deterrence + Social Services) in 2023 Gun Violence Prevention report to the City Manager for Gun Violence Prevention implementation.

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

Adjournment

Action: M/S/C (Arreguin/Taplin) to adjourn the meeting.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Wengraf.

Adjourned at 9:57 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on January 23, 2024.

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Reimagining Public Safety Status Report *(Item contains supplemental material.)*

1. Supplemental material, submitted by Councilmember Taplin

Supplemental Communications and Reports 3

Item #1: Reimagining Public Safety Status Report *(Item contains supplemental material.)*

2. Presentation, submitted by the City Manager's Office

Miscellaneous Communications

3. Gun Violence – Mr. Eid

Attachment 6

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, January 30, 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

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Preliminary Matters

Roll Call: 6:03 p.m.

Present: Taplin, Harrison, Hahn, Humbert, Arreguin

Absent: Kesarwani, Bartlett, Wengraf

Councilmember Bartlett present at 6:10 p.m.

Councilmember Kesarwani present at 6:14 p.m.

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: None

City Manager Comments: None

Public Comment on Non-Agenda Matters: 21 speakers.

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from Mayor Arreguin pursuant to Government Code Section 54954.2(b)(2) entitled Excused Absence for Councilmember Wengraf.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute public comment period on the Consent Calendar.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Recess Items

1. **Purchase Order: With Motorola for Firehouse Alerting System Equipment**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Motorola for an amount not to exceed $175,000 through July 31, 2024 for the purchase of equipment necessary to complete the emergency firehouse alerting retrofit project.
   Financial Implications: See report
   Contact: David Sprague, Fire, (510) 981-3473
   Action: Adopted Resolution No. 71,176–N.S.
   Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Humbert, Arreguin; Noes – Harrison; Abstain – None; Absent – Wengraf.

2. **Reject All Bids and Negotiate with Contractors for the Berkeley Fire Station Landscape Project, Specification No. 24-11622-C**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to reject all bids and direct staff to negotiate with contractors for the work associated with the Berkeley Fire Station Landscape Project Specification No. 24-11622-C.
   Financial Implications: See report
   Contact: David Sprague, Fire, (510) 981-3473
   Action: Adopted Resolution No. 71,177–N.S.

Consent Calendar

Urgency Item: Excused Absence for Councilmember Wengraf
From: Mayor Arreguin
Recommendation: Excuse Councilmember Wengraf from the January 30, 2024 Council meeting as a result of an illness of a close family member who requires immediate care.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Consent Calendar

3. Prevailing Wage Requirements in the Southside Plan Area; Adding Berkeley Municipal Code Chapter 13.108
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,893-N.S. amending Berkeley Municipal Code Title 13 to add Chapter 13.108 --Prevailing Wage Requirements in the Southside Plan Area to establish prevailing wage requirements for projects exceeding 50 units or 50,000 square feet in the Southside Plan Area.
First Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Kesarwani.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,893–N.S.
Second Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – Wengraf.

4. Expansion of the Elmwood Business Improvement District, Levy Assessments in the District for 2025, and Authorize a Contract with the Elmwood Business Association (EBA) to receive assessment revenue
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,894-N.S. expanding the Elmwood Business Improvement District, amending Chapter 7.84 of the Berkeley Municipal Code (BMC) originally adopted by Ordinance No. 6,164-N.S.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted second reading of Ordinance No. 7,894–N.S.
Second Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 30, 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 - $200,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

6. Grant Application: Funding from California Department of Forestry and Fire Protection (CAL FIRE) Wildfire Prevention Grant to Implement an Incentive Program for Residents in Berkeley's Very High Fire Hazard Severity Zone
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to the amount of $1.1 Million to implement a defensible space program for residents of Berkeley's Very High Fire Hazard Severity Zone.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,178–N.S.

7. State Homeland Security Grant Program Application to Implement CAD to CAD Interface between the City of Berkeley Emergency Communications Center and the Alameda County Regional Dispatch Center
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and manage a grant for the CAD to CAD (computer-aided dispatch) Interface Project between the City of Berkeley Emergency Communications Center and the Alameda County Regional Dispatch Center, with a total project cost of $99,600. This project is crucial for enhancing communication and coordination between agencies.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,179–N.S.

8. Contracts: As-Needed Hazardous Fire Fuel Treatment with Julian Tree Care, Professional Tree Care, West Coast Arborist Inc., and West Coast Tree Service
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for As-Needed Hazardous Fire Fuel Treatment and removal from February 1, 2024, to January 30, 2028, for a total cummulative amount not to exceed $4,000,000:
1. Julian Tree Care in the amount of $1,000,000;
2. Professional Tree Care in the amount of $1,000,000;
3. West Coast Arborist Inc. in the amount of $1,000,000; and
4. West Coast Tree Service in the amount of $1,000,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,180–N.S. (Julian Tree Care); Resolution No. 71,181–N.S. (Professional Tree Care); Resolution No. 71,182–N.S. (West Coast Arborist Inc.); and Resolution No. 71,183–N.S. (West Coast Tree Service).

Consent Calendar

9. Revenue Contract: 2024 Community Services Block Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept Community Service Block Grant (CSBG) Contract Number 24F-3001 for the amount of $299,495, and execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount or add discretionary funding, or to change the contract term, or to update contract terms, to provide low-income services for the time period January 1, 2024 to May 31, 2025, with the option to extend the contract period as amended by the California State Department of Community Services and Development.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,184–N.S.

10. Revenue Grant Agreement: Funding Support from the State of California Tobacco Control Program to Conduct Public Health Services
From: City Manager
Recommendation: Adopt Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tobacco Control Program in the projected total amount of $300,000 for Fiscal Year 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,185–N.S.

11. Expenditure Contract: Alameda County Public Health Department (Office of Dental Health) to Provide Dental Services to the Berkeley Unified School District
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Alameda County in an amount not to exceed $159,000 to provide dental services in Berkeley Unified School District for the period July 1, 2024 through June 30, 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,186–N.S.

Consent Calendar

12. Expenditure Contract: Berkeley Free Clinic for Laboratory Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with the Berkeley Free Clinic (BFC) for laboratory services, in an amount not to exceed $150,000 for the period July 1, 2024 through June 30, 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,187–N.S.

13. Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional $30,000 for a total not to exceed amount of $158,315 through March 4, 2026.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,188–N.S.

14. Contract No. 32300112 Amendment: Harold Dichoso for COVID-19 Outreach and Education
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300112 with Harold Dichoso for COVID-19 outreach and education, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by $20,000 utilizing one-time grant funds. The amendment will increase the NTE amount from $125,000 to $145,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,189–N.S.

Consent Calendar

15. Martin Luther King Jr. House Request for Proposals Recommendation
From: City Manager
Recommendation: Adopt a Resolution to: 1. Approve the transfer of Martin Luther King Jr.(MLK) House from Resources for Community Development to Insight Housing, including obligations under the City's existing loan and regulatory agreements; and 2. Extend the previously approved $1,178,974 funding reservation for MLK House and transfer that reservation to Insight Housing; and 3. Reserve an additional $822,014 from the Housing Trust Fund program to support Insight Housing's renovation of the property; and 4. Waive Sections I.A.1 and IV.C.1 of the Housing Trust Fund Guidelines. 5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,190–N.S.

16. Grant for 1741-1747 Russell Street
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to redirect $95,625, the amount of transfer tax recently paid for 1741-1747 Russell Street, from the General Fund to Insight Housing (Insight) to support the renovation of the property.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,191–N.S.

17. At-Will Designations: Employee Relations Manager and Assistant to the City Attorney
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance 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, and
2. Adopt a Resolution authorizing amendments to the Unrepresented Employee Manual and all other pertinent documents to effectuate the change; approving a 5% salary differential for the Employee Relations Manager classification, to be set forth in the Unrepresented Employee Manual; and modifying the Employee Relations Manager job specification to state that the incumbent "may act as department head in the absence of the Director of Human Resources."
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: 1. Adopted first reading of Ordinance No. 7,896–N.S. Second reading scheduled for February 13, 2024. 2. Adopted Resolution No. 71,192–N.S.

Consent Calendar

18. Donation: Memorial Bench at Cesar Chavez Park in memory of Samuel Lepie Hallward
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Samuel Lepie Hallward.
Financial Implications: $3,400 in revenue.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,193–N.S.

19. Contract No. 31900143 Amendment: Passport Labs Incorporated for a Parking Management System
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900143 and any necessary future amendments with Passport Labs Inc. to provide a Parking Management System for an additional two-year contract extension beyond the current contract expiration date of February 4, 2024, and to approve additional appropriations for the performance of this contract.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,194–N.S. as amended in Supplemental Communications Packet #1 by the City Manager.

20. Contract: CESCORP, dba Cal Elite Builders for Corp Yard City Fleet EV Charger Project. Specification No.23-11546-C
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Corp Yard City Fleet EV Charger Project (Project)., Specification No. 23-11546-C; 2. Accepting the bid of CESCORP, dba Cal Elite Builders as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed $814,680.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,195–N.S.

Consent Calendar

21. Contract: CESCORP, dba Cal Elite Builders & Cal Electric for the Central Library HVAC Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for Central Library HVAC Replacement Project, Specification No.23-11600-C; 2. Accepting the bid of CESCORP, dba Cal Elite Builders & Cal Electric as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed $1,566,000, which includes a contingency of $261,000.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,196–N.S.

22. Contracts: On-Call Construction and Project Management Services: Hollins Consulting, Inc., Kitchell/CEM, Inc., and O'Connor Construction Management, Inc.
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction management and project management services (CM/PM) for capital improvement projects, each for the period of January 1, 2024 through June 30, 2025:
1. Hollins Consulting, Inc. (Hollins), for an amount not to exceed $2,800,000.
2. Kitchell/CEM, Inc. (Kitchell), for an amount not to exceed $2,800,000.
3. O'Connor Construction Management, Inc. (OCMI), for an amount not to exceed $2,800,000.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,197–N.S. (Hollins); Resolution No. 71,198–N.S. (Kitchell/CEM); and Resolution No. 71,199–N.S. (O'Connor).

23. Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures; 2. Approving the CMAS Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed $311,348, which includes a contingency of $29,045.
Financial Implications: Capital Improvement Fund - $311,348
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Item 23 removed from the agenda by the City Manager.

Consent Calendar

24. Contract No. 108007-1 Amendment: Don's Tire Services, Inc. for Tire Repair Services for City Fleet Vehicles
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles in the amount of $650,000 for a total not-to-exceed amount of $1,073,534 and extend the contract through the June 30, 2025.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,200–N.S.

25. Lease Agreement: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage
From: City Manager
Recommendation: Adopt first reading of an Ordinance 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.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopt first reading of Ordinance No. 7,897–N.S. Second reading scheduled for February 13, 2024.

Council Consent Items

26. City Council Committee and Regional Body Appointments
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on January 31, 2025 or until new appointments are made.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,201–N.S.

Council Consent Items

27. Support for ACA 4 Elections: Eligibility to Vote
From: Councilmember Hahn (Author), Councilmember Robinson (Author)
Recommendation: Adopt a resolution in support of Assembly Constitutional Amendment 4 (Bryan), which would repeal a constitutional requirement disqualifying electors incarcerated for felony convictions, and send a copy of the resolution to Assemblymembers Isaac Bryan and Buffy Wicks, and State Senator Nancy Skinner.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 71,202–N.S.

28. Request by Resolution that PG&E Underground Utilities in Berkeley's VHFHSZ
From: Councilmember Wengraf (Author), Councilmember Humbert (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution urging PG&E to underground utility wires in Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ) to mitigate wildfire risk and limit evacuation and ingress obstruction. Send the Resolution to PG&E CEO Patti Poppe, the California Public Utilities Commission (CPUC), the Office of Energy Infrastructure Safety, State Senator Nancy Skinner, Assemblymember Buffy Wicks, Governor Gavin Newsom and Senator Mike McGuire, author of SB 884. Request the City Manager issue a press release about this Resolution as a critical Public Safety matter.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,203–N.S.

Recess 8:54 p.m. – 9:01 p.m.

Council Action Items

29. Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime
From: Councilmember Humbert (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: In order to deter violent crime and obtain evidence to solve criminal investigations, adopt the following recommendations:
1. Authorize the City Manager to install additional security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime and/or which include arterial streets offering entry/exit points for Berkeley.
2. Refer costs for security cameras and lighting to the next budget process.
Security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.
Priority intersections for security camera installation would include: -Alcatraz and College; -Woolsey and Telegraph; -Woolsey and Shattuck; -Alcatraz and Adeline; and -Alcatraz and Sacramento.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action: M/S/Failed (Arreguin/Humbert) to accept revised material from Councilmember Humbert on Item 29.
Vote: Ayes – Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – Kesarwani, Taplin; Abstain – None; Absent – Wengraf.

Action: M/S/Carried (Arreguin/Hahn) to suspend the rules and allow for a 30-minute public comment period on Item 29.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Wengraf.

Councilmember Harrison absent at 8:54 p.m.

Action: 21 speakers. M/S/C (Arreguin/Bartlett) to:

1. Pursuant to Berkeley Police Department Policy Numbers 351 and 1304, the City Council approves the following additional locations for the installation of External Fixed Video Surveillance Cameras, signage and increased lighting at the following locations, and refer the costs for acquisition of cameras and lighting to the FY 2025 Budget process:

    - Alcatraz and College
    - Woolsey and Telegraph
    - Woolsey and Shattuck
    - Alcatraz and Adeline

Council Action Items

- Alcatraz and Sacramento
- San Pablo Ave. and Gilman

Additional camera locations to be considered for potential future installation include:

- Telegraph and Dwight
- 5th Street and Gilman
- 4th Street and Hearst
- Cedar St. and Eastshore Hwy
- 4th Street and Virginia
- 8th Street and Harrison
- 2nd Street and Page
- University and San Pablo

The costs for installation and maintenance of cameras at additional authorized locations would be determined and approved separately during future budget processes.

2. Direct the City Manager to engage with the Police Accountability Board on this proposal and request their feedback to Council within 30 days of submission. The Council will take its comments into consideration during subsequent steps for final approval for purchase and installation of cameras at approved locations.

3. Direct the City Manager to prepare targeted amendments to various pertinent surveillance technology reports and policies in order to provide extra transparency beyond what is explicitly required by the Berkeley Municipal Code and Berkeley Police Department Law Enforcement Manual.

Security camera footage would be used solely in a manner consistent/compliant with existing ordinances and the Berkeley Police Department's existing use policies, as enumerated in the Berkeley Municipal Code, the Berkeley Police Department Law Enforcement Manual. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.

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

Information Reports

30. ***Removed from Agenda by City Manager* 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

Information Reports

31. LPO NOD: 2119 Marin Avenue, #LMSAP2023-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

32. LPO NOD: 910 Indian Rock Avenue, #LMIN2023-0002
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Adjournment

Action: M/S/C (Arreguin/Hahn) to suspend the rules and adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Wengraf.

Adjourned at 9:38 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on January 30, 2024.

_____
Mark Numainville, City Clerk

Communications

Supportive Housing
1. David Lerman

Stop Sign Added
2. Theo Posselt

Tibetan Flag Ceremony
3. Tenzin Tsering, on behalf of the Tibetan Association of Northern California (2)

Lack of Berkeley Businesses
4. Marnie Hatch

Berkeley Police Matters
5. Tenzin Jimenez

Residential Parking Permits
6. Ian Goodman

American Democracy
7. Vivian Warkentin

San Francisco Bay Ferry
8. Lauren Gularte, on behalf of Water Transit

Reparations
9. Aden Ishii

Port of Oakland
10. Danny Wan, on behalf of Port of Oakland

Brown Act
11. Jonathan Weissglass
12. Juan Carlo

Chronicle
13. Marc Sapir

Councilmember Robinson
14. Toni Mester

URL's Only
15. Vivian Warkentin (3)

People's Park
16. Jack Kurzweil
17. Sylvia
18. Jill Polsby
19. Moni Law (2)
20. Joty Dhaliwal
21. Summer Brenner (2)
22. Max Ventura
23. Arthur Stopes
24. Justin Lee
25. Leslie Firestone
26. Richard Crago
27. Sky Ocean
28. Owen Martin Zuidema

Gaza and Israel
29. Jack Kurzweil (3)
30. Linda and Stanley Wulf
31. Sandy Slauson
32. Karen Davis
33. Jane White

34. Stephanie Thomas
35. Cynthia Moore
36. Michael Weber (2)
37. Sally Nelson
38. Gael Alcock
39. Summer Brenner (2)
40. Mary Ann Gallagher
41. Jocelyn Goldsmith
42. Stephanie Allan
43. Barbara Erickson (2)
44. Jamie Cooney
45. Esha Potharaju
46. Summer Brenner
47. Diana Bohn
48. Dahlia Frydman
49. Elinor Tamari
50. Michael Kaye
51. Mincers.shroud.0k@
52. Noga Alon
53. Deborah Green
54. June Safran
55. Barbara Schick
56. Elana Auerbach
57. Esther Brass-Chorin
58. Allen Mayer
59. Dorit Dorenz
60. Doreet Stein
61. Robert Bonem
62. Peggy Scott
63. 5 similarly-worded form letters

Supplemental Communications and Reports 1

Item #19: Contract No. 31900143 Amendment: Passport Labs Incorporated for a Parking Management System

64. Revised material, submitted by the Police Department

Item #28: Request by Resolution that PG&E Underground Utilities in Berkeley's VHFHSZ

65. Janice Thomas

Supplemental Communications and Reports 2

Item #27: Support for ACA 4 Elections: Eligibility to Vote

66. League of Women Voters' of Berkeley, Albany and Emeryville

Item #29: Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime

67. Revised material, submitted by Councilmember Humbert and Bartlett
68. Supplemental material, submitted by Councilmember Hahn
69. Kelly Hammargren
70. Ken Peterson
71. David Lerman
72. Police Accountability Board
73. Madeline Feingold
74. Chesa Boudin

Supplemental Communications and Reports 3

Urgent Item

75. Excused Absence for Councilmember Susan Wengraf

Item #29: Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime

76. Melanie Bowden
77. Barbara Gilbert

Miscellaneous Communications

78. Path to Humanity – Travis Castle
79. Hunger, Food Insecurity - Eid

Office of the City Manager

CONSENT CALENDAR
February 27, 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 No. 31900184 Amendment: Alcor Solutions, Inc. to expand services for intranet services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900184 with Alcor Solutions, Inc., to expand scope to include intranet services.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

Currently, Staff are using ServiceNow's Information Technology Service Management (ITSM) tool which includes a Help Desk management suite with service catalog, knowledge base and a service portal for the City staff.

Alcor Solutions, Inc provided reliable implementation services for the initial phases of the ServiceNow project. Since launching with the portal in January 2018, Staff partnered with Alcor Solutions to upgrade to the newest software version of ServiceNow, and add features including employee on-boarding and off-boarding, on-call scheduling, and confidential service requests.

Alcor Solutions, Inc. extensive experience and guidance is needed to implement additional intranet services as the City transitions to other cloud solutions and platforms.

BACKGROUND

The Department of Information Technology (DoIT) was using a custom home-grown software application to manage Help Desk Service Requests since 2001. In 2015, DoIT started looking at replacement solutions that would serve both the daily needs of a service management and asset management solution, as well as the longer term needs of managing IT projects and IT resources. In September 2016, DoIT issued Request for Proposal (RFP) Specification No. 16-11072-C for an Information Technology Service

Management and Asset Management solution and receive three qualified vendor responses.

In May 2017, a cloud-based software called ServiceNow was chosen. Alcor Solutions, Incorporated was chosen for their implementation services. In January 2018, Alcor completed initial implementation, and the Department of Information Technology went live with the ServiceNow tool.

RATIONALE FOR RECOMMENDATION

Alcor Solutions, Inc. has extensive experience providing implementation services for ITSM solutions. Specifically, Alcor Solutions, Inc. is a Gold Services Partner to ServiceNow, Inc. Furthermore, City staff do not have the capacity or the knowledge to execute a successful implementation of the ServiceNow tool without the professional services requested of Alcor.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered not adding additional modules and taking no further action on this project. By not utilizing the additional functions of the ServiceNow tool, staff will need to continue using the previous customized, home-grown IT ticketing system for asset management, as well as manual methods of tracking contracts, and performance. This is direct contradiction to the goal of the Digital Strategic plan, which is to eliminate custom built software where feasible and choose Commercial off the Shelf (COTS) solutions to provide modern technological solutions that serve the City of Berkeley community.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Alcor Solutions Inc. will conduct most of their work remotely, and when they do come on-site, they will be working exclusively over multiple days with the IT Department to minimize both travel costs and greenhouse gas emissions related to travel.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6525

Attachments:

1: Resolution - Alcor Solutions Inc.

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

CONTRACT NO. 31900184 AMENDMENT: ALCOR SOLUTIONS INC. FOR IMPLEMENTATION OF INFORMATION TECHNOLOGY SERVICE MANAGEMENT AND INFORMATION TECHNOLOGY ASSET MANAGEMENT SOLUTION.

WHEREAS, in September 2016, the IT Department issued Request for Proposal (RFP) Specification Number 16-11072-C for an Information Technology Service Management and Asset Management solution, and selected the ServiceNow tool, and Alcor Solutions, Inc. as the implementation partner; and

WHEREAS, Alcor Solutions, Inc. has extensive experience providing implementation and support services for ITSM solutions, and is a Gold Services Partner to ServiceNow, Inc.; and

WHEREAS, funding in the amount of $300,000 for the requested support services is budgeted in the FY 2023 and FY 2024 IT Cost Allocation Fund, and spending in future years for this contract is subject to City Council's approval of the proposed citywide budget and annual appropriation ordinances.

WHEREAS, the City council authorized Contract No. 31900184 on December 14, 2021 (Resolution No. 70,158-N.S.) and any amendments with Alcor Solutions, Inc. to provide managed support services and upgrade support for the ServiceNow application from July 1, 2022 to June 30, 2024 for an amount not-to-exceed $300,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 31900184 with Alcor Solutions, Inc., to expand scope to include intranet services.

03

Office of the City Manager

CONSENT CALENDAR
February 27, 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 No. 105921-1 Amendment: TruePoint Solutions, LLC for Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by $250,000, for a total not-to-exceed amount of $1,297,200 and extending the term by one year for the term beginning June 1, 2015 to June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services are available in the Fiscal Year (FY) 2024 Permit Service Center Fund, Sewer Fund, and General Fund and in the Fiscal Year (FY) 2025 Permit Service Center Fund, Sewer Fund, and General Fund, as itemized below, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

	FY 2024: Professional Services – Planning
$95,000	Fund 621 - Permit Service Center Fund
	FY 2024: Professional Services – Public Works
$20,000	Fund 611 - Sewer Fund, Public Works
$10,000	Fund 011 - General Fund, Public Works
	FY 2025: Professional Services – Planning
$95,000	Fund 621 - Permit Service Center Fund
	FY 2025: Professional Services – Public Works
$20,000	Fund 611 - Sewer Fund, Public Works
$10,000	Fund 011 - General Fund, Public Works
$250,000	**Total Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The departments of Planning and Public Works currently use the Accela Civic Platform as their permitting system to apply for permits, schedule inspections, pay for permits online, and maintain permits. TruePoint Solutions provides resources that are focused on configuration and scripting work that is needed by the City to effectively implement critical features and functionality as well as to provide consultation and technical support.

The contract amendment is essential to continue the successful operation of the Public Works and Planning departments' permitting software, meet ongoing technical support requirements, provide consultation services, and complete software projects that maintain the City's legal compliance.

This contract extension aligns with the City's strategic goal to be a customer-focused organization that provides excellent, timely and easily accessible service to the community.

BACKGROUND

Established in 2004, TruePoint Solutions, LLC provides design, implementation, and support services to public sector technology solutions. In 2005, TruePoint Solutions became an Accela-Certified implementation partner.

In 2015, the City contracted with TruePoint Solutions for report writing and additional scripting and configuration of Accela's Building Permit system. In 2016, the City Council approved an amendment with TruePoint Solutions for the management of the Private Sewer Laterals module for the Department of Public Works. In 2018, the City Council approved an amendment with TruePoint Solutions to provide professional assistance for the work on system issues as requested and prioritized by the City and suggest additional enhancements/improvements. In 2019, the City Council approved an amendment with Truepoint Solutions for additional configuration and troubleshooting assistance. In 2021, the City Council approved an amendment to enhance online functionality of Accela. In 2022, the City Council approved an amendment to extend online functionality of Accela and additional enhancements/improvements.

ENVIRONMENTAL SUSTAINABILITY

The City will help reduce carbon emissions by allowing most, if not all, permitting processes to be performed online thereby reducing traffic into the City.

RATIONALE FOR RECOMMENDATION

TruePoint Solutions is an Accela-Certified implementation partner. TruePoint performs specialized process analysis, configuration, and scripting to support the City's permitting system. TruePoint has in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire.

ALTERNATIVE ACTIONS CONSIDERED
Staff considered completing these projects and enhancements without professional services however, doing so would lead to an inefficient allocation of staff resources and significantly extend implementation timelines.

CONTACT PERSON
Kevin Fong, Director, Information Technology, 510-981-6541

Attachments:
1: Resolution

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

CONTRACT NO. 105921-1 AMENDMENT: TRUEPOINT SOLUTIONS, LLC FOR ACCELA PROFESSIONAL SERVICES

WHEREAS, TruePoint Solutions provides design, implementation, and support services to public sector technology solutions, and is an Accela-Certified implementation partner; and

WHEREAS, TruePoint Solutions is essential to continue the successful operation of the Planning and Public Works departments' permitting software and meet ongoing technical support requirements; and

WHEREAS, TruePoint Solutions has previously provided excellent report writing, scripting, and consulting services and therefore has an in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire; and

WHEREAS, funding for the additional professional services are available in the Fiscal Year (FY) 2024 Permit Service Center fund, Sewer Fund, and General Fund and in the Fiscal Year (FY) 2025 Permit Service Center fund, Sewer Fund, and General Fund, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend contract No. 105921-1 with TruePoint Solutions, LLC, increasing the amount by $250,000, for a total not-to-exceed amount of $1,297,200 and for the term beginning June 1, 2015 to June 30, 2025.

04

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Donation: Memorial Bench at Cesar Chavez Park in memory of Charlie Pollack

RECOMMENDATION
Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Charlie Pollack.

FISCAL IMPACTS OF RECOMMENDATION
The value of a single bench and memorial plaque is $3,400, which covers the purchasing and installation costs performed by the City. This cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2024.

CURRENT SITUATION AND ITS EFFECTS
The family of Charlie Pollack wishes to donate a memorial bench in his memory to be placed at Cesar Chavez Park with a cash donation of $3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND
Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

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

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

CONTACT PERSON
Bruce Pratt, Parks Superintendent, 510-981-6700

Attachments:
1: Resolution

RESOLUTION NO. -N.S.

DONATION: MEMORIAL BENCH AT CESAR CHAVEZ PARK IN MEMORY OF CHARLIE POLLACK

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

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

WHEREAS, the family of Charlie Pollack wishes to donate a memorial bench in his memory to be placed at Cesar Chavez Park with a cash donation of $3,400; and

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

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation of $3,400 will be deposited into Marina Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

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

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract: West Coast Arborists, Inc. for Tree Removal and Pruning Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with West Coast Arborists, Inc. for tree removal and pruning servings in an amount not to exceed $1,500,000 over a period of three years, with an option to renew for two additional years at $500,000 per year, for a total contract amount not to exceed $2,500,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract is available in the FY 2024 Parks Tax Fund (Fund 138) and General Fund (Fund 011) Fire Fuel. Funding is subject to appropriation in the FY 2025-FY 2027 budgets in the Parks Tax (Fund 138) and General Fund (Fund 011).

CURRENT SITUATION AND ITS EFFECTS

The current contract for tree and stump removal services, with West Coast Arborists, terminated on November 24, 2023. In November of 2023, to prepare for a new contract for these services, the City conducted a competitive Request For Proposal (RFP) process to solicit tree removal and pruning services (Specification No. 23-11588-C). On December 19, 2023, the City received twelve bids. City staff determined that the proposal from West Coast Arborists, Inc. best meets the criteria described in the RFP. Therefore, staff recommends that a new contract be authorized.

BACKGROUND

The Urban Forestry Unit of the Parks Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, and hazardous to life or property, or causing substantial property damage. Tree removal and pruning services reduce the potential risks posed by trees and help to maintain a healthy urban forest throughout the City. The City has contracted for tree removal services for the past 23 years because it is more cost effective to do so and the City does not need to procure costly and specialized tree removal equipment. Services will be provided on an as-needed basis to be determined by the Parks Division, Urban Forestry Unit. The number of trees removed each year varies.

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E-Mail: manager@CityofBerkeley.info Website: http://www.CityofBerkeley.info/Manager

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Section D.2 in chapter 3 of the City's **Climate Action Plan** seeks to promote tree planting, landscaping, and the creation of green and open space that is safe and attractive and that helps to restore natural processes with significant environmental benefits in the form of carbon dioxide absorption and oxygen production as well as storm water retention, and climate control. This services contract is an essential component in the proper maintenance of the City's urban forest.

RATIONALE FOR RECOMMENDATION

City staff determined that the proposal from West Coast Arborists, Inc. best meets the criteria described in the RFP. Additionally, this contract service will expand the City's capacity to respond to emergencies, such as extreme or prolonged storms, that might otherwise exceed the limited capacity of the City's Urban Forestry Unit resources.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6632
Thomas Dodge, Senior Forestry Supervisor, 510-981-6689

Attachments:
1: Resolution

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

CONTRACT: TREE REMOVAL AND PRUNING SERVICES WITH WEST COAST ARBORISTS, INC

WHEREAS, the Urban Forestry Unit of the Parks, Recreation and Waterfront Department contracts with private companies for the removal of public trees that are dead, diseased, dying, hazardous to life or property, or causing substantial property damage; and the pruning of specific public trees to improve their safety; and

WHEREAS, the City has contracted out this service for the past 23 years because it is more cost effective to hire an outside contractor than to use City employees; and

WHEREAS, the current contract with West Coast Arborists for public tree removal and pruning services terminate on November 24, 2023; and

WHEREAS, in November of 2023, to prepare for a new contract for these services, the City conducted a competitive Request For Proposal (RFP) process to solicit tree removal and pruning services (Specification No. 23-11588-C). On December 19, 2023, the City received twelve bids. City staff determined that the proposal from West Coast Arborists, Inc. best meets the criteria described in the RFP; and

WHEREAS, funding for this contract is available in the FY 2024 Parks Tax Fund (Fund 138) and General Fund (Fund 011) Fire Fuel. Funding is subject to appropriation in the FY 2025- FY 2027 budgets in the Parks Tax (Fund 138) and General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with West Coast Arborists, Inc. in an amount not to exceed $1,500,000 for a period of three years, with an option to renew for two additional years at $500,000 per year, for a total contract amount not to exceed $2,500,000, contingent upon annual budget appropriation. A record signature copy of said contract will be on file in the Office of the City Clerk.

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract: Rincon Consultants for Environmental Justice Element, Safety Element Update, and Equitable Climate and Resilience Metrics

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rincon Consultants, Inc. in an amount not-to-exceed $634,000 over a three-year period, to update Berkeley's General Plan Safety Element, develop a new General Plan Environmental Justice (EJ) Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard.

FISCAL IMPACTS OF RECOMMENDATION

The total project budget is $849,042. Funding for this project comes from two sources:

- $497,042 from a grant awarded to the City, in partnership with the Ecology Center and the Berkeley Climate Equity Collaborative, by the Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program.

- $352,000 from the General Fund allocated in FY 2023 and carried over to FY 2024 in budget code 011-53-584-622-0000-000-441-612990. Of this amount, $300,000 was directly allocated for this project and $52,000 is being re-allocated from unspent funds from other land use policy projects.

$215,042 of the total budget will go to the Ecology Center, and $634,000 toward the contract with Rincon Consultants. The amount requested for the contract is a not-to-exceed amount.

CURRENT SITUATION AND ITS EFFECTS

On October 27, 2023, the City of Berkeley released a Request for Proposals (RFP) Specification Number 24-11641-C to update Berkeley's General Plan Safety Element, develop a new General Plan Environmental Justice Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard (Safety Element Update, EJ Element, and Community-Driven Metrics). The City held a pre-bid meeting on November 8, 2023, and accepted proposals through December 12, 2023.

The City received valid proposals from three respondents for this solicitation. Staff assessed the proposals according to the selection criteria in the RFP, including project standing and approach, client references, qualifications and experience, scope of work, and price proposal.

Based on a thorough review, including interviews and reference checks, staff recommends awarding a contract to Rincon Consultants, Inc. for a total amount of not to exceed $634,000. Rincon Consultants, Inc.'s proposal included a partnership with Equity First, CivicMakers and Fehr & Peers to provide expertise in equity, engagement, emergency evacuation, and hazardous materials training. The team was selected for its extensive experience updating General Plan Elements, demonstrated expertise in integrating evacuation planning with land use policy, and its long history and successful track record working alongside community-based organizations to serve and engage vulnerable residents. In particular, Rincon Consultants, Inc. has extensive experience working in the City of Berkeley, providing on-call planning and environmental services for the Land Use Planning Department for over 10+ years, developing the Environmental Impact Report for the 6th Cycle Housing Element Update, and working with the City, as well as the Ecology Center, on the creation of the Berkeley Existing Building Electrification Strategy.

BACKGROUND

The City of Berkeley's current Disaster Preparedness and Safety Element was adopted on April 23, 2002, and has since been amended to incorporate the City's Local Hazard Mitigation Plan (LHMP) in 2014 and 2019. Pursuant to Senate Bill (SB) 1035, the City is required to review and update the Safety Element, as needed, every eight years in line with the adoption of the General Plan Housing Element.

On February 28, 2023, the Housing Element Update was adopted by City Council and certified by the California Department of Housing and Community Development, thus triggering the requirement to update the Safety Element. Additionally, Program 27 of the Housing Element committed to update the City's Land Use Element, Safety Element, and Environmental Justice Element. The City committed to initiate this work within one year of certification of the Housing Element.

The City chose to initiate a concurrent update to the Safety Element and creation of the Environmental Justice Element in accordance with State law:

- SB 1000 requires that cities and counties with disadvantaged communities adopt an Environmental Justice Element. Under SB 1000, the City of Berkeley is required to adopt an Environmental Justice Element at the same time that the Housing and Safety Elements are updated.

- SB 1035 and SB 379 require a full update to the General Plan Safety Element, and require that all cities to address climate change adaptation and resilience in their General Plan Safety Element.

- Assembly Bill (AB) 747 and AB 1409 require that the General Plan Safety Element identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios, due to presence of Very High Fire Hazard Severity Zones (VHFHSZ).

- SB 99 requires that the General Plan Safety Element identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

On June 8, 2023, the Governor's Office of Planning and Research (OPR) awarded the City of Berkeley and the Ecology Center $497,042 to create a new Environmental Justice Element, update the General Plan Disaster Preparedness & Safety Element, and develop community-driven climate and resilience metrics as part of the Adaptation Planning Grant Program (APGP). On July 25, 2023, City Council passed Resolution No. 70,998-N.S. (Attachment 2) accepting this grant.

As outlined in the grant agreement, the project includes co-creating with community an update to Berkeley's General Plan Safety Element, development of a new General Plan Environmental Justice Element, and creation of an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard. As part of this work, the team will conduct additional technical analyses that will assess environmental justice impacts, which will guide strategies, goals and policies of the Safety and Environmental Justice Elements, as well as future General Plan Element updates. The intent of the project is to co-create equitable climate adaptation and resilience policies with vulnerable communities, as well as identify meaningful metrics for monitoring and evaluation that are specific and measurable.

Deliverables will include:

1. Climate Adaptation Assessment

2. Groundwater Rise and Toxic Material Analysis

3. Hazardous Railway Materials Training and Training Materials

4. Final Environmental Justice (EJ) Element, including:
    - Existing Conditions Memorandum
    - Evaluation of Environmental Hazard and Pollution section
    - Draft EJ Element goals, objectives, policies and programs and assessment of draft EJ Element goals, objectives, policies and program

5. Final Safety Element, including:
    - Evaluation of existing Safety Element Memorandum
    - Evaluation of Hazards Memorandum

- Assessment of draft Safety Element goals, objectives, policies and programs

6. Climate Action Monitoring and Evaluation Goals, Objectives and Metrics

7. Climate and Resilience Monitoring and Evaluation Dashboard/Storytelling

8. Matrix or memo detailing all Elements that must be amended for internal consistency and suggested language for updated goals and policies

9. Environmental Impact Report (EIR)

The City of Berkeley has a long and strong commitment to climate action and community resilience, and has developed numerous long-range plans and short-term strategies from an equity and community-driven perspective for outreach and engagement. Several relevant City-led planning efforts, either recently completed or currently underway, will inform this project, both in terms of technical analysis and community engagement approach, including the Berkeley Wellness Blueprint, the Local Hazard Mitigation Plan (LHMP), and the Community Wildfire Protection Plan. Additionally, the Ecology Center, which will be serving as a partner on this project, has been engaging closely with vulnerable communities to create the Berkeley Climate Equity Collaborative, which will also be a key partner in all phases of the proposed scope of work. The City and its partners will incorporate significant community engagement activities through the duration of the project. Staff estimate that the General Plan updates will ultimately be advanced to City Council for review and adoption by the fall of 2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project envisions developing a replicable model for a planning process that prioritizes the needs of Berkeley's most vulnerable and historically disadvantaged communities. These communities continue to experience adverse health impacts correlated to inadequate housing and other environmental factors due to historically low investment driven by deep-rooted racist policies. The City will create and implement a community-driven methodology to measure equitable outcomes and achieve multiple climate and resilience benefits for the community. This contract will further advance the City's climate and resilience goals, as well as the City's commitment to social and racial equity, one of the goals of its Strategic Plan.

RATIONALE FOR RECOMMENDATION

This contract directly responds to the goals set forth in the Council-adopted 2023-2031 Housing Element Update, and in particular Program 27, in which the City commits to update the Safety and Environmental Justice Elements of the General Plan by December 2026, as well as SB 1035 (requiring a full Safety Element Update by 2026) and SB 1000 (requiring cities with disadvantaged communities to add an Environmental

Justice Element when two or more General Plan Elements are updated concurrently). Awarding this contract will help the City of Berkeley implement the Housing Element, comply with State law, and advance the City's Strategic Plan goals.

ALTERNATIVE ACTIONS CONSIDERED

City staff considered managing and executing the project exclusively with staff resources. However, the scope of the work and the level of effort required to complete the tasks addressed required to update the Safety Element, create the Environmental Justice, as mandated by State law, and develop climate action monitoring and evaluation dashboard, as required by the OPR grant, exceeds the capacity of existing City staff. City staff also considered recommending awarding the contract to one of the other respondents but ultimately determined that the team led by Rincon Consultants, Inc. was the best qualified for the project.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534
Alisa Shen, Principal Planner, Land Use Planning Division, 510-981-7409
Zoe Covello, Associate Planner, Land Use Planning Division, 510-981-7418

Attachments:
1: Resolution
2. Resolution No. 70,998-N.S., adopted July 25, 2023, accepting grant funds from the Governor's Office of Planning and Research

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

CONTRACT: ENVIRONMENTAL JUSTICE ELEMENT, SAFETY ELEMENT UPDATE, AND EQUITABLE CLIMATE AND RESILIENCE METRICS

WHEREAS, California Government Code Section 65300 et seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

WHEREAS, the City of Berkeley adopted its current Disaster Preparedness and Safety Element on April 23, 2002 and does not currently have an Environmental Justice Element; and

WHEREAS, Senate Bill 1035 amended Government Code Section 65302 to require all cities to address climate change adaptation and resilience in their general plan safety element; and

WHEREAS, Senate Bill 1000 amended Government Code Section 65302 to require that cities and counties that have disadvantaged communities incorporate Environmental Justice (EJ) policies into their general plans, either in a separate EJ element or by integrating related goals, policies, and objectives throughout the other elements upon the adoption or next revision of two or more elements concurrently; and

WHEREAS, on March 31, 2023, the City of Berkeley, in partnership with the Ecology Center as a co-applicant, submitted a proposal in response to the APGP Round 1 opportunity to fund the creation of a new General Plan Environmental Justice Element, update to the existing General Plan Disaster Preparedness and Safety Element, and develop community-driven climate and resilience metrics; and

WHEREAS, on July 25, 2023, Berkeley City Council authorized the City Manager or their designee to accept the California Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) grant in the amount of $497,042 and to execute any resulting grant agreement, for the duration of August 31, 2023 through January 31, 2026; and

WHEREAS, the City of Berkeley released a Request for Proposals on October 27, 2023 (Specification No. 24-11641-C); and

WHEREAS, a selection committee reviewed the proposals and determined Rincon Consultants, Inc., in partnership with the Equity First, CivicMakers, and Fehr & Peers was the best qualified team to provide the services needed for developing and implementing a new General Plan Environmental Justice Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard for a cumulative amount not-to-exceed $634,000; and

WHEREAS, the cost of the contracted service of an amount not-to-exceed $634,000 is covered by the California Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) and budget code 011-53-584-622-0000-000-441-612990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to award a contract and execute any amendments, extensions, or change orders Rincon Consultants, Inc. for an amount not to exceed $634,000, for a three-year period from contract execution.

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

RESOLUTION NO. 70,998-N.S.

RESOLUTION TO ACCEPT GRANT FROM CALIFORNIA OFFICE OF PLANNING AND RESEARCH (OPR) ADAPTATION PLANING GRANT PROGRAM (APGP)

WHEREAS, California Government Code Section 65300 et seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

WHEREAS, Senate Bill 1000 (Leyva, 2016) amended Government Code Section 65302 to require that both cities and counties that have disadvantaged communities incorporate Environmental Justice (EJ) policies into their general plans, either in a separate EJ element or by integrating related goals, policies, and objectives throughout the other elements upon the adoption or next revision of two or more elements concurrently; and

WHEREAS, on March 31, 2023, the City of Berkeley, in partnership with the Ecology Center as a co-applicant, submitted a proposal in response to the APGP Round 1 opportunity to fund the creation of a new General Plan Environmental Justice Element, update to the existing General Plan Disaster Preparedness and Safety Element, and develop community-driven climate and resilience metrics; and

WHEREAS, on June 1, 2023, OPR announced that the City of Berkeley proposal was one of fourteen winners of the APGP Round 1 funding.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to accept the California Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) grant in the amount of $497,042, and to execute any resulting grant agreement, for the duration of August 31, 2023 through January 31, 2026.

The foregoing Resolution was adopted by the Berkeley City Council on July 25, 2023 by the following vote:

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

Noes: None.

Absent: Harrison.

Jesse Arreguin, Mayor

Attest: Mark Numainville, City Clerk

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract No. 32300057 Amendment: Association for Energy Affordability for Pilot Climate Equity Fund

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32300057 with Association for Energy Affordability for the Pilot Climate Equity Fund, increasing the amount by $43,556, to a new total contract amount not to exceed $126,890, and extend the contract through May 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

There are no net fiscal impacts of this recommendation. This proposed amendment would increase the contract authority for the Association for Energy Affordability by $43,556, which would be offset by funds not be fully expended under another contract (Contract No. 32300089 with BlocPower) within the Pilot Climate Equity Fund. Funding for the Pilot Climate Equity Fund was allocated in FY 2022 from budget code 017-53-583-611-0000-000-441-612990.

CURRENT SITUATION AND ITS EFFECTS

This proposed contract amendment increases the contract authority and extends the scope and associated funding and timeline of the existing Association for Energy Affordability (AEA) contract. This will allow AEA to upgrade one additional multifamily building with electrification and energy efficiency measures such as heat pump water and space heaters, weather sealing, and insulation. Under this amendment, AEA will continue working with deed-restricted affordable housing and/or multifamily buildings with income-qualified residents for building electrification upgrades, and work to leverage additional funding and rebates to bring down the overall cost of the upgrade.

Under Resolution No. 70,316-N.S., AEA received $83,334 through the Pilot Climate Equity Fund. Two other contractors, BlocPower, which focuses on single-family electrification upgrades and financing, and Northern California Land Trust, which has its own portfolio of affordable housing, received similar amounts within the Program Area #1- Resilient Home Retrofits program. BlocPower is unable to expend all the funds in its contract. This amendment would reallocate BlocPower's unused funds, $43,556, to

AEA. This would ensure that the funds will help additional income-qualified residents receive the benefits of building electrification.

Amending this contract supports the Strategic Plan Priority of advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

On July 27, 2021, the City Council approved the “Resolution Establishing a Pilot Climate Equity Action Fund,” and on June 29, 2021, the City Council approved a budget item for FY21-22 of $600,000 for climate equity programs to promote building and transportation electrification for low-income residents. On May 26, 2021, the Berkeley Energy Commission unanimously approved a recommendation to create a Pilot Climate Equity Fund. On April 26, 2022, City Council approved the contracts for Pilot Climate Equity Fund, including a resolution to execute a contract with the Association for Energy Affordability in a not-to-exceed amount of $83,334, to provide building decarbonization and resilience benefits that enhance resilience, support occupants, and reduce greenhouse gas emissions for low-income residents.

AEA has been working with the Office of Energy and Sustainable Development’s Pilot Climate Equity Fund to complete whole-building energy efficiency and electrification retrofits in income-qualified multifamily buildings. AEA was selected for its expertise in the multifamily building sector and its ability to leverage additional funds, address priorities and needs identified by local low-income community members, and integrate electrification and energy efficiency measures with other income-qualified housing improvement programs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This amendment extends electrification benefits to low-income community members, many of whom are hit first and worst by climate change and its impacts. Specifically, it advances the City’s climate and resilience goals by reducing greenhouse gas emission and improving indoor air quality in homes by helping residents to transition away from fossil fuel-powered home appliances.

RATIONALE FOR RECOMMENDATION

The additional funding and extension of the current contract to May 30, 2025, will ensure that more residents receive the benefits of building electrification upgrades. The proposed contract amendment directly responds to the goals set forth in the Council-adopted Existing Buildings Electrification Strategy while supporting Berkeley to become a fossil fuel-free community.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Marna Schwartz, Sustainability Coordinator, Office of Energy and Sustainable Development, 510-981-7473
Sarah Moore, Interim Manager, Office of Energy & Sustainable Development, 510-981-7494

Attachments:
1: Resolution

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

CONTRACT NO. 32300057 AMENDMENT: ASSOCIATION FOR ENERGY AFFORDABILITY FOR PILOT CLIMATE EQUITY FUND

WHEREAS, on November 30, 2021, Berkeley City Council adopted the Berkeley Existing Buildings Electrification Strategy to prioritize equitable building electrification for income-qualified residents; and

WHEREAS, the City of Berkeley has determined that supporting building electrification programs and providing climate and resilience benefits to low-income Berkeley residents is a priority; and

WHEREAS, the City of Berkeley released a Request for Proposals on December 3, 2021 (Specification No. 22-11488-C), and a selection committee reviewed the proposals and determined that Association for Energy Affordability, BlocPower, and Northern California Land Trust were the best qualified contractors to provide the services needed for Program Area 1 – Resilient Home Retrofits for a cumulative amount not-to-exceed $250,000; and

WHEREAS, on April 26, 2022, by Resolution No. 70,316-N.S., City Council authorized Contract No. 32300057 with Association for Energy Affordability to provide building electrification upgrades for income-qualified multifamily residents through the Pilot Climate Equity Fund in an amount not to exceed $83,334 for the period of September 1, 2022 to May 31, 2024; and

WHEREAS, the additional funding and extension of the current contracts to May 30, 2025, will enable Association for Energy Affordability to support additional income-qualified Berkeley residents on building electrification; and

WHEREAS, funds are available in the FY24 budget as part of the existing allocated Pilot Climate Equity Fund, budget code 017-53-583-611-0000-000-441-612990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32300057 with Association for Energy Affordability for the Pilot Climate Equity Fund, increasing the amount by $43,556, to a new total contract amount not to exceed $126,890, and extend the contract through May 30, 2025.

08

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Director of Public Works

Subject: Accept Energy Efficiency and Conservation Block Grant Program Equipment Voucher

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to submit an application and an Energy Efficiency and Conservation Strategy to the U.S. Department of Energy (DOE), execute any related revenue agreements and amendments, and accept funds for an equipment voucher from the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program of up to $174,290 for the two-year period of February 14, 2024 through February 13, 2026.

FISCAL IMPACTS OF RECOMMENDATION

There is no match requirement and/or leveraging of funds required to receive these funds. The total funding available for this project is up to $174,290, according to the DOE State and Community Energy Programs' Final Allocation of Funds notice which, specifically cites this amount for the City. The grant will fund necessary energy efficiency equipment upgrades at two critical municipal facilities: Fire Station 6 and the Public Safety Building. Vouchers to local governments will be for a two-year project and budget period. All funding will go towards equipment purchase and installation.

CURRENT SITUATION AND ITS EFFECTS

The funding from this EECBG Program will allow the City to make energy efficiency improvements to critical municipal facilities, which will in turn save money and allow the City to better serve the community. The projects are:

- Fire Station 6: Replace building windows to increase energy efficiency and improve comfort and health conditions.
- Public Safety Building: Replace old rooftop electric heat-pump HVAC units with new, more efficient electric heat-pump HVAC units.

The City plans to submit a formal application for the equipment voucher to DOE, and these projects will be managed through the Department of Public Works. All funding spent through this program must follow all federal regulations and rules, including Build

America, Buy America (BABA), Davis-Bacon, and the National Environmental Policy Act (NEPA).

This is a Strategic Plan Priority Project, advancing our goals to:

- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The US DOE EECBG Program is designed to assist states, local governments, and Tribes in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency. The EECBG Program is a Justice40-covered program and thus contributes to the goal that 40 percent of the overall benefits of federal investments in clean energy and climate solutions flow to disadvantaged communities.

2009 EECBG Funding - ARRA

The EECBG program was first funded through the 2009 American Recovery and Reinvestment Act (ARRA). On June 2, 2009, Council authorized a previous application for the EECBG, and the City of Berkeley was awarded $1,013,500 to develop the Money for Energy Efficiency (ME2) Program, which ran from 2009 to 2012. The program provided rebates and mini-grants for energy audits and improvements for City residents and property owners.

2022 EECBG Funding – IIJA (Current)

In 2022, the EECBG program was funded with $550 million for fiscal year 2022 through the Infrastructure Investment and Jobs Act (IIJA). Prior to distributing funding to eligible entities, DOE intends to utilize $110 million to ensure delivery of an effective and efficient EECBG Program and to provide technical assistance to eligible entities. DOE will distribute $440 million in formula and competitive EECBG Program funding to eligible units of local government, states, and Indian tribes, with 98% of the funds being directly allocated to entities eligible for the formula allocation, and 2% as competitive grants for formula-ineligible entities. As a local government with more than 35,000 people, the City is eligible for a formula allocation of up to $174,290. The program outlines 14 eligible activities which range from strategy development to clean energy development.

Local governments receiving an allocation can choose to receive the funding as a formula grant, a voucher for technical assistance, or a voucher for equipment purchase and installation. The vouchers are equivalent to the formula allocation amount, and eligible entities that opt for vouchers have a simplified application process. Those using vouchers will not need to apply for and administer a direct federal grant, will have reduced documentation, monitoring and reporting requirements, and are not required to establish financial management systems typically required for federal grant management. The voucher option is recommended by DOE for entities receiving less

than $250,000, and therefore Staff recommends pursuing a voucher in lieu of a grant. Since there are several upgrades needed in the City's critical facilities, staff recommends this funding of up to $174,290 for equipment purchase and installation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
This EECBG funding will advance energy efficiency, health and comfort benefits in critical municipal facilities directly serving the community. This work is aligned with the City's ambitious goals, including those outlined in the Climate Action Plan.

RATIONALE FOR RECOMMENDATION
The proposed usage of the equipment voucher to make energy efficiency upgrades in critical municipal facilities is an eligible activity under the DOE guidelines and is also a goal under the Climate Action Plan. This work directly addresses the EECBG program goals of reducing energy use and improving energy efficiency in buildings that serve the City's underserved communities.

The window replacements at Fire Station 6, which serves the West Berkeley community, will increase the efficiency, comfort, and health conditions at that station. The rooftop HVAC replacements at the Public Safety Building, which serves many critical functions including the Emergency Operations Center, Jail, and Fire and Police Departments, will improve the energy efficiency, has the potential for financial savings, and will ensure that the community and Staff utilizing the building will have continued comfort and health benefits.

ALTERNATIVE ACTIONS CONSIDERED
Staff considered receiving the funding as a grant for $174,290 as opposed to an equipment voucher, but this route is not recommended by the DOE and would require significantly more administrative work and time for application, implementation, and reporting. A grant would enable the City to program the funding out to other organizations and/or community members, whereas a voucher does not allow this re-granting. The City is currently programming over $2M from the Council-funded Pilot Climate Equity Fund and Just Transition Pilot Program for electrification and resilience benefits for low-income residents.

CONTACT PERSON
Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Elmar Kapfer, Supervising Civil Engineer, Public Works (510) 981-6435
Katie Van Dyke, Climate Action Program Manager/Chief Resilience Officer, Planning, (510) 981-7403

Attachments:
1: Resolution
2: Berkeley Energy Efficiency and Conservation Strategy

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

RESOLUTION TO ACCEPT FUNDING FOR AN EQUIPMENT VOUCHER FROM U.S. DEPARTMENT OF ENERGY (DOE) ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM

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

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

WHEREAS, on November 1, 2016, the Council approved the City's participation in the East Bay Community Energy (EBCE) Authority and authorized implementation of EBCE in the City; and

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

WHEREAS, on November 30, 2021, Council adopted a resolution approving the Existing Buildings Electrification Strategy; and

WHEREAS, on November 30, 2021, Council adopted a resolution for the Cities Race to Zero Campaign to establish a 2030 emission reduction target that reflects the City's fair share of the 50% global reduction in CO2e, committing to reduce emissions 60.5% from 2018 levels by 2030; and

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA) authorizes up to $174,290 of U.S. Department of Energy, Energy Efficiency Conservation Block Grant funding to the City; and

WHEREAS, an equipment voucher to purchase and installation of windows at Fire Station 6 and efficient electric heat pump HVAC rooftop systems at the Public Safety Building meets the objectives of the Climate Action Plan and federal guidelines for the EECBG Program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley authorizes the City Manager or their designee to submit an application and an Energy Efficiency and Conservation Strategy to the US Department of Energy, execute any related revenue agreements and amendments and accept funds for an equipment voucher, from the Federal Energy Efficiency and Conservation Block Grant Program in the amount of up to $174,290 for the two-year period of February 14, 2024 through February 13, 2026.

Attachment: 2

Berkeley Energy Efficiency and Conservation Strategy

Part A:

- **Grantee:** ***City of Berkeley, CA***
- **Date: (02/13/2024)**
- **UEI Number: KC7DYLV9EF25**
- **Program Contact Email:** ***kvandyke@berkeleyca.gov***

1) Local governments must include within their proposed strategy a description of their goals for increased energy efficiency and conservation in the jurisdiction. Does your local government have existing energy efficiency and conservation or related goals?

a) Yes

i) What goals do you have? (check all that apply)

(1) GHG reduction goal

(a) Specific goal (e.g., 80% GHG reduced from 1990 levels)

(b) By what year? (e.g., 2050)

Berkeley's 2009 Climate Action Plan sets a goal of reducing community-wide greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050. On June 12, 2018, the Berkeley City Council declared a Climate Emergency and proposed a goal of becoming Fossil Fuel-Free City as soon as possible. On November 30, 2021, Berkeley City Council adopted a resolution for the Cities Race to Zero Campaign to establish a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in CO_2e, committing to reduce emissions 60.5% from 2018 levels by 2030.

(2) Energy use reduction goal

(a) Specific goal –

(b) By what year?

On June 12, 2018, Berkeley declared a Climate Emergency and established a goal of becoming a Fossil-Fuel-Free City. Since municipal accounts and most of the community purchase clean electricity that is 100% renewable, becoming a fossil-fuel-free city in buildings requires the transition away from natural gas to clean electricity through electrification. On July 23, 2019, Berkeley adopted a prohibition on natural gas in new construction and in order to eliminate natural gas from existing buildings, Berkeley adopted the Berkley Existing Building Electrification Strategy (BEBES) on November 30, 2021. BEBES provides actions and policy pathways to reduce and ultimately eliminate natural gas usage in existing buildings as quickly as possible with equity guardrails to assure that communities of color benefit from the clean energy transition.

(3) Clean energy use goal

(a) Specific goal

(b) By what year?

Along with the fossil-fuel-free goal stated above, the City adopted a 100% renewable energy as soon as possible, or no later than 2045. Currently all municipal accounts and most residential and commercial electricity accounts subscribe to the 100% renewable option.

(4) EV adoption goal

(a) Specific goal
(b) By what year?
Berkeley's Electric Mobility Roadmap, adopted on July 21, 2020, states that EV adoption rates in Berkeley of approximately 25% of the community-wide in-use fleet by 2025, 55% by 2030, and 100% by 2045 are needed for Berkeley to achieve zero net carbon by 2045. On September 15, 2021, Berkeley City Council adopted a resolution requiring that trips, which begin or end within the Berkeley, use sustainable modes of transport including walking, bicycling, public transit, or electric vehicles. The goal states that 50% of trips must be sustainable by 2030 and 100% must be sustainable by no later than 2040. In addition, on July 28, 2020, Berkeley City Council adopted a Municipal Fleet Assessment, a plan to accelerate Berkeley's municipal fleet electrification by 2030.

(5) Job creation goal
(a) Specific goal
(b) By what year?
The Berkeley Existing Building Electrification Strategy identified that the transition to all-electric buildings will require additional training for skilled workers. The City did not adopt specific job creation goals.

(6) Job quality goal
(a) Specify goal
(b) By what year?
The Berkeley Existing Building Electrification Strategy included specific actions to achieve the goal of creating high-road jobs – family sustaining, living wages, comprehensive benefits and opportunities for career advancement - for building electrification. These actions include labor standards, Community Workforce Agreements, contractor prequalification and partnership with apprenticeship and pre-apprenticeship programs to support disadvantaged workers.

(7) Other
(a) Specific goal
(b) By what year?

2) Does your local government have an existing plan or strategy document (e.g., climate action plan, energy conservation plan, comprehensive energy plan, etc.) to reduce energy use, increase energy efficiency, reduce emissions, or train workers for high-quality energy efficiency jobs?

a) Yes

i) Please attach/submit/link your plan

(1) See: https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan

ii) Do you intend to update your plan in the next two years?
Since passing the Climate Action Plan in 2009, the City of Berkeley has developed several implementation plans, projects, and programs to meet the goals set forth in the CAP and by Council. For example, the City of Berkeley released its Resilience Strategy in 2016, adopted the Berkeley Electric Mobility Strategy in 2020, and adopted the Berkeley Existing Buildings Electrification Strategy in 2021. Further, in 2021 Berkeley City Council established

a $600,000 Pilot Climate Equity Action Fund to provide electrification and resilience upgrades to low-income residents, and also established a $1,500,000 Just Transition Pilot Program to provide low-income electrification retrofits in combination with minimum labor standards to advance equitable building decarbonization and high road jobs.

3) **Are you planning to use a blueprint (see Section 4.5 of the EECBG Program Formula Grant Application Instructions document for more details)?**
   a) **No**
      i) What category of work do you plan to apply your EECBG Program funds to? (check all that apply)
         (a) 5.d. Energy efficiency retrofits - Municipal

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Director of Public Works

Subject: Contract: (Specification No. 24-11529-C) JJR Construction Inc. for FY 2024 Sidewalk Repair Project

RECOMMENDATION

Adopt a Resolution:

- Approving plans and specifications for the FY 2024 Sidewalk Repair Project;
- Accepting the bid of JJR Construction Inc. as the lowest responsive and responsible bidder; and
- Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed $4,246,955.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the Sidewalk Capital Improvement Program, the Clean Storm Water Fund, and the Street Capital Improvement Program.

State Transportation Tax (FUND 127)	$200,000
Measure F Alameda County VRF ST and RD (FUND 133)	$300,000
Measure BB Sales Tax (Fund 134)	$750,381
Private Party Sidewalks (Fund 149)	$750,000
Capital Improvement Fund (Fund 501)	$1,526,574
Clean Storm Water Fund (Fund 616)	$720,000
Total construction cost	$4,246,955

No other funding is required, and no other projects will be delayed due to this expenditure.

Low bid by Contractor	$3,860,868
10% Contingency	$386,087
Total construction cost	$4,246,955

CURRENT SITUATION AND ITS EFFECTS

The project will address over 215 locations (see Attachment 2, Location Map for Sidewalk Repairs) that were identified as requiring removal and replacement to repair from the sidewalk locations on the 50-50 program waiting list.

In addition to 50-50 sidewalk repairs, the project incorporates 114 curb ramp improvements at locations corresponding to the streets selected for the Street Rehabilitation FY 2024 Project (see Attachment 3, Location Map for Curb Ramp Improvements). Completing the curb ramp improvements in advance of the Street Rehab FY 2024 Project will ensure timely completion of the paving within the optimal weather window.

The project was released for bids on December 11, 2023, and bids were opened on January 11, 2024 (see Attachment 4, Abstract of Bids). Four non-local/local bids were received, from a low of $3,860,867.50 to a high of $5,077,234. The engineer's estimate for the project was $3,747,432.

JJR Construction, Inc. of San Mateo, California was the lowest responsive and responsible bidder, with a bid of $3,860,868, and their references were found to be satisfactory. This project includes an 10% contingency, which brings the total contract amount up to the requested $4,246,955. Staff recommends a contract for this project be awarded to JJR Construction Inc.

The FY 2024 Sidewalk Repair Project (Specification No. 24-11529-C) is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

In October 2011, the City established a sidewalk repair and replacement program to improve the quality of Berkeley's sidewalks. There are approximately 375 total miles of concrete sidewalk within the city limits and approximately twenty miles of that total is sufficiently damaged to justify replacement at estimated costs of $7 million dollars. The City currently shares sidewalk replacement costs with property owners on a 50-50 basis, irrespective of the cause of the deterioration. Concrete sidewalk replacement, however, may only occur on a "funds-available" basis, which resulted in a ten-year backlog of customers awaiting replacement. In recent years, with the increase in available funding from the Capital Improvement fund and the addition of Measure T1 funding, the projected waiting period for addresses added to the waitlist at present has been reduced from 8 to 10 years to 3-5 years. Additionally, the Department of Public Works has reduced the quantity of sidewalk requiring replacement by deploying alternative means of repair such as concrete shaving. While the shaving process has been highly successful and cost effective, uplifts of over 2 inches require removal and replacement, and oftentimes shaving does not address the underlying issue for the uplift such as shallow tree roots. Sidewalk removal and replacement remain the most effective solution.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City's sidewalk repair program is a component of the City's climate action plan, as well-maintained sidewalks help to facilitate safe walking, which is a healthy and clean form of transportation.

RATIONALE FOR RECOMMENDATION

This sidewalk repair program is part of the City's ongoing annual program to repair deteriorated sidewalks throughout the City. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project.

ALTERNATIVE ACTIONS CONSIDERED

No alternative action considered for this sidewalk repair project. The City could choose not to proceed with this project. However, the sidewalk conditions would then continue to deteriorate, affecting use by the community and others.

CONTACT PERSON

Ronald A Nevels, Manager of Engineering, Dept. of Public Works, (510) 981-6439
Srinivas Muktevi, Supervising Civil Engineer, Dept. of Public Works, (510) 981-6402

Attachments:
1: Resolution
2: Location Map for Sidewalk Repairs
3: Location Map for Curb Ramp Improvements
4: Abstract of Bids

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

CONTRACT: JJR CONSTRUCTION INC. FOR FY 2024 SIDEWALK REPAIR PROJECT

WHEREAS, the FY 2024 Sidewalk Repair Project is part of the City's ongoing Sidewalk Capital Improvement Program to rehabilitate deteriorated sidewalks located throughout the City; and

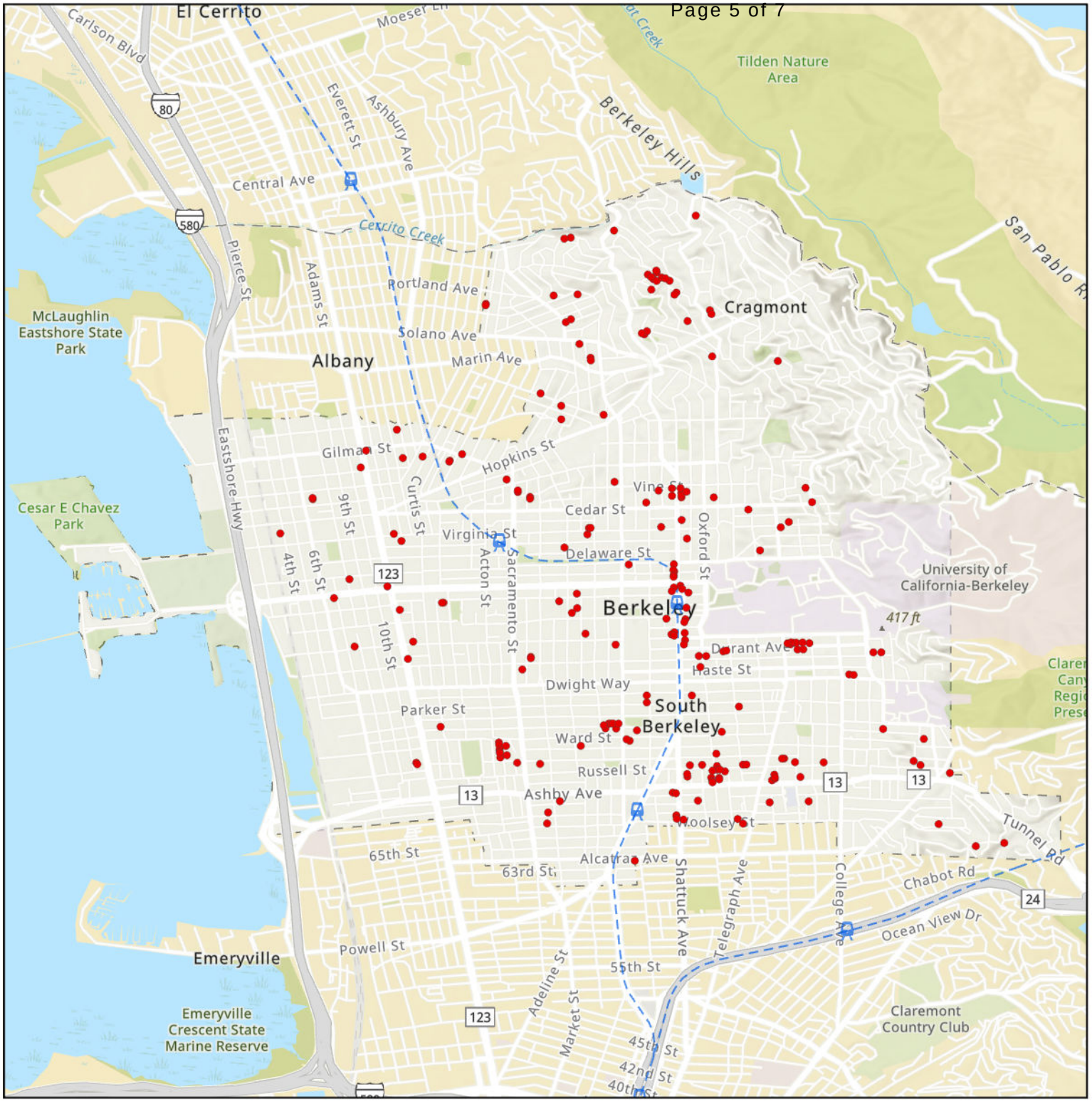
WHEREAS, the City has neither the labor nor the equipment necessary to undertake this FY 2024 Sidewalk Repair Project; and

WHEREAS, an invitation for bids was duly advertised and JJR Construction, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, funding is available in the FY 2024 and FY 2025 budget in State Transportation Tax (Fund 127), Measure F (Fund 133), Measure BB Sales Tax (Fund 134), Private Party Sidewalks (Fund 149), Capital Improvement Fund (Fund 501), and Clean Storm Water Fund (Fund 616).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 24-11529-C FY 2024 Sidewalk Repair Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with JJR Construction, Inc. for the FY 2024 Sidewalk Repair Project, in an amount not to exceed $4,246,955, which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.



FY 2024 SIDEWALK REPAIR SCOPE

- FY 2024 Sidewalk Repair Scope
- BART Station
- BART Line

This map is for reference purposes only.
Data are not survey precise

Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors.
November 17, 2023

N

0 0.5 1 2 Kilometers

CITY OF BERKELEY
Engineering Division
1947 Center Street
Berkeley CA 94704

FY 2024 CURB RAMP REPAIR SCOPE

- Curb Ramp Repair Scope
- BART Station
- BART Line

This map is for reference purposes only.
Data are not survey precise

Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors.
November 20, 2023

N

0 0.5 1 2 Kilometers

CITY OF BERKELEY
Engineering Division
1947 Center Street
Berkeley CA 94704

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

24-11529-C

Bid Date: **1.11.2024**

FOR: FY24 Sidewalk Repair Project

	Bidders	Package A	Package B	Package A + B	Bid Bond (required w/ bid)	Addendum (1)	Experience - Fin. Qual.	Taxpayer ID	Opp.States	Nuclear Free	EBO	Sanctuary City
1	Kerex Engineering	$ 2,920,440.00	$ 2,156,794.00	$ 5,077,234.00	X	X	X	X	X	X	X	X
2	Rosas Brothers Construction	$ 2,329,250.00	$ 1,549,647.00	$ 3,878,897.00	X	X	X	X	X	X	X	X
3	Sposeto Engineering	$ 2,444,197.00	$ 1,425,933.50	$ 3,870,130.50	X	X	X	X	X	X	X	X
4	JJR Construction Inc.*	$ 2,163,889.50	$ 1,333,978.00	$ 3,497,867.50	X	X	X	X	X	X	X	X
5	***Error in tabulation of JJR Construction's Bid**	**$ 2,526,889.50**	**$ 1,333,978.00**	**$ 3,860,867.50**								
6												
7												
8												
9												
10												

Bid Recorder: Roopreet Soorma _____ Date _____

Bid Opener: Darryl Sweet _____ Date _____

Project Manager: Terrence Salonga _____ Date 01/12/2024

Signature: Darryl Sweet
Email: DSweet@berkeleyca.gov

Signature: RSoorma
Email: RSoorma@berkeleyca.gov

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390
E-mail: finance@ci.berkeley.ca.us

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Director of Public Works

Subject: Contract: (Specification No. 24-11621-C): Bay Pacific Pipeline, Inc. for Virginia Street, Russell Street, et al. Sanitary Sewer Rehabilitation Project

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on Virginia Street, Russell Street, et al., and:

- Accept the bid of the lowest, responsive and responsible bidder, Bay Pacific Pipeline, Inc., and
- Authorize the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $4,828,002, which includes a 10% contingency of $438,909.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2024 Sanitary Sewer Fund.

Low bid by Pacific Pipeline, Inc.	$4,389,093
10% Contingency	$438,909
Total construction cost	**$4,828,002**

CURRENT SITUATION AND ITS EFFECTS

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

Planned work includes the rehabilitation of approximately 7,343 linear feet of sanitary sewer mains varying in size from 6-inch to 15-inch diameter sanitary sewer pipe; rehabilitation of fifty-three maintenance holes; and other related work.

The contract's ninety working day term includes a seventy working day construction period and an additional twenty working days for project closeout.

An Invitation for Bids (Specification. No. 24-11621-C) was released on December 15, 2023, and bids were opened on January 11, 2024. Five non-local bids were received ranging from a minimum of $4,389,093 to a maximum of $6,128,334, as detailed in Attachment 3 (Bid Results). The City Staff estimate for the project was $3.9 million.

Bay Pacific Pipeline, Inc. of Novato, CA was the lowest responsive and responsible bidder with a bid of $4,389,093. References for Bay Pacific Pipeline, Inc. proved satisfactory. Therefore, Staff recommends the contract be awarded to Bay Pacific Pipeline, Inc. Responsive bids are detailed in Attachment 3 (Bid Results).

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

BACKGROUND

To remain compliant with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree issued September 22, 2014, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to eliminate sanitary sewer overflows (SSOs) and to reduce stormwater infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in eliminating discharge from its wet weather facilities by the end of 2035.

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

The City filed a Notice of Exemption declaring this work is exempt from the California Environmental Quality Act (CEQA). This notification was filed with Alameda County to fulfill the requirement for public notification. No comments, questions, or protests were received.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks the in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay. Finally, subject to fines and stipulated penalties, the Consent Decree requires the City to complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City has a three-year running average of approximately 22,200 linear feet replaced or rehabilitated through December 2023.

ALTERNATIVE ACTIONS CONSIDERED

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

CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Srinivas Muktevi, Supervising Civil Engineer, Public Works, (510) 981-6402
Adadu Yemane, Associate Civil Engineer, Public Works, (510) 981-6413

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

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

CONTRACT: BAY PACIFIC PIPELINE INC. FOR SANITARY SEWER REHABILITATION – VIRGINIA STREET, RUSSELL STREET, ET AL. PROJECT

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

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

WHEREAS, on December 15, 2023, the City released an Invitation for Bids (Specification No. 24-11621-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received five bids, and Bay Pacific Pipeline, Inc. was found to be the lowest cost, most responsive and responsible bidder; and

WHEREAS, the City filed a Notice of Exemption on May 18, 2023, declaring this work is exempt from the California Environmental Quality Act; and

WHEREAS, funds are available in the FY 2024 budget Sanitary Sewer Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications of Specification No. 24-11621-C for the Sanitary Sewer Rehabilitation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Bay Pacific Pipeline, Inc., until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project - Virginia Street, Russell Street, et al, in an amount not to exceed $4,828,002, which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

CITY OF BERKELEY, CALIFORNIA
SANITARY SEWER REHABILITATION PROJECT
VIRGINIA ST, PARKER ST, ET AL.

SPECIFICATION NO. 24-11621-C

LEGEND

WORK LOCATION

LOCATION MAP

ATTACHMENT 2

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

24-11621-C **Bid Date:** **1.11.2024**

FOR: Sanitary Sewer Rehab, Virginia, Russel ETC

required w/ bid

	Bidders	Base Bid	Bid Bond	Addendum (1)	Experience - Fin. Qual.	Taxpayer ID	Opp.States	Nuclear Free	EBO	Sanctuary City
1	Koios Engineering	4,845,851	X	X	X	X	X	X	X	X
2	Devaney Engineering	5,386,167	X	X	X	X	X	X	X	X
3	Express Plumbing	4,942,119	X	X	X	X	X	X	X	X
4	Cratus Inc.	6,181,334	X	X	X	X	X	X	X	X
5	Bay Pacific Pipeline Inc.	4,389,092.50	X	X	X	X	X	X	X	X
6										
7										
8										
9										
10										

Bid Recorder: ROOP SOORMA Date 1.11.2024

Bid Opener: Darryl Sweet Date 1.11.2024

Project Manager: Date 1/12/2024

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.739
E-mail: finance@ci.berkeley.ca.us

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Director of Public Works

Subject: Contract (Specification. No. 24-11645-C): Koios Engineering, Inc. for Urgent Sewer Repair FY2024 Project

RECOMMENDATION

Adopt a Resolution:

- Approving plans and specifications for the Urgent Sewer Repair FY2024 Project;
- Accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and
- Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $465,187, which includes a 10% contingency of $42,289.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2024 Sanitary Sewer Fund.

Low bid by Koios Engineering, Inc.	$422,898
10% Contingency	$42,289
Total construction cost	**$465,187**

CURRENT SITUATION AND ITS EFFECTS

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

Planned work entails point (spot) repair of 6-inch, 8-inch, 16-inch diameter sanitary sewer pipe at twenty-four locations; rehabilitation of approximately 275 linear feet of

sewer mains; rehabilitation of two maintenance holes; and any related work. These repairs will correct existing acute defects including imminent structural failures identified during the FY2023 sewer main inspection and condition assessment program. The planned scope of work also includes provision for emergency/urgent work related to acute sewer system defects at other locations that may arise during FY 2024. As required by the Environmental Protection Agency (EPA) and California Regional Water Quality Control Board (RWQCB) Consent Decree, such acute defects must be addressed within one year of being identified. The contract's ninety-five working day term includes a fifty working day construction period, and an additional forty-five working days for project closeout. A 10% contingency is included for related construction events.

An Invitation for Bids (Specification. No. 24-11645-C) was released on December 6, 2023, and bids were opened on December 21, 2023. Thirteen non-local bids were received, ranging from a minimum of $422,898 to a maximum of $1,234,363, as detailed in Attachment 3 (Bid Results). The Engineer's estimate for the project was $600,000. Upon review of the bid results, two bids were found to have arithmetic errors. Corrections to the two bids did not affect the lowest responsive and responsible bidder. Koios Engineering, Inc., headquartered in San Francisco, California, was the lowest responsive and responsible bidder with a bid of $422,898, and their references were satisfactory.

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

BACKGROUND

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

This is the tenth year of the twenty-two-year Consent Decree program, which stipulates that the City shall perform collection system repair and rehabilitation to control infiltration and inflow at an average annual rate of no less than 22,120 feet of sanitary sewer mains on a three-fiscal-year rolling average. This supports ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

The City filed a Notice of Exemption declaring this work is exempt from the California. Environmental Quality Act (CEQA). This notification was filed with Alameda County to fulfill the requirement for public notification. No comments, questions, or protests were received.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks the in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay. Finally, subject to fines and stipulated penalties, the Consent Decree requires the City to repair acute defects within one year of discovery, and complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year yearly average of approximately 22,200 linear feet replaced or rehabilitated through 2023.

ALTERNATIVE ACTIONS CONSIDERED

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

CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Daniel Akagi, Supervising Civil Engineer, Public Works, (510) 981-6394
Jonathan Caudillo, Junior Public Works Engineer, Public Works, (510) 981-6427

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

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

CONTRACT: KOIOS ENGINEERING, INC. FOR URGENT SEWER REPAIR FY2024 PROJECT

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

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

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

WHEREAS, on December 6, 2023, the City released an Invitation for Bids (Specification No. 24-11645-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, on December 21, 2023, the City received thirteen bids, and Koios Engineering, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, the City filed a Notice of Exemption on May 18, 2023, declaring these urgent repairs are exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, funds are available in the FY 2024 budget Sanitary Sewer Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and result of Specification No. 24-11645-C for the Urgent Sewer Repair FY2024 Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Koios Engineering, Inc., until completion of the project in accordance with the approved plans and specifications for the Urgent Sewer Repair FY2024 Project in an amount not to exceed $465,187, which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

CITY OF BERKELEY, CALIFORNIA

SANITARY SEWER REHABILITATION

URGENT SEWER PROJECT FY 2024

SPECIFICATION NO. 24-11645-C

LEGEND

POINT REPAIR LOCATION

PROJECT LOCATION MAP

ATTACHMENT 2

ATTACHMENT 3

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

24-11645-C **Bid Date: 12/21/2023**

FOR: Urgent Sewer Repair Project FY 2024

	Bidders	Base Bid	Bid Bond (required w/ bid)	Addendum (1)	Experience - Fin. Qual.	Taxpayer ID	Nuclear Free	Opp.States	Sanctuary City	EBO
1	Andes Construction Inc	$ 655,334.00	X	X	X	X	X	X	X	X
2	APB ENGINEERING	$ 497,856.00	X	X	X	X	X	X	X	X
3	CALIFORNIA TRENCHLESS	$ 971,417.00	X	X	X	X	X	X	X	X
4	EXPRESS PLUMBING	$ 565,136.00	X	X	X	X	X	X	X	X
5	GLOSAGE ENGINEERING	$ 632,345.00	X	X	X	X	X	X	X	X
6	HARDIMAN CONSTRUCTION	$ 544,612.00	X	X	X	X	X	X	X	X
7	JOHN BOYLAN ENGINEERING	$ 599,185.60	X	X	X	X	X	X	X	X
8	JPB DESIGNS INC.	$ 763,330.00	X	X	X	X	X	X	X	X
9	KOIOS ENGINEERING	$ 422,898.00	X	X	X	X	X	X	X	X
10	KEREX ENGINEERING	$ 804,724.00	X		X	X	X	X	X	X
11	BAY CONSTRUCTION	$ 769,934.00	X	X	X	X	X	X	X	X
12	PIPE AND PLANT SOLUTIONS	$ 1,234,363.00	X	X	X	X	X	X	X	X
13	SMELLY MEL'S PLUMBING	$ 553,112.00	X	X	X	X	X	X	X	X

Bid Recorder:	Roop Soorma	RSoorma	Date Dec 29, 2023
Bid Opener:	Josh Roben	Josh Roben (Jan 2, 2024 09:23 PST)	Date Jan 2, 2024
Project Manager:	Jonathan Caudillo	Jonathan Caudillo	Date Dec 28, 2023

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E-mail: finance@ci.berkeley.ca.us

Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Director, Department of Public Works

Subject: Reject Bids – FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-advertise the work associated with the FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C.

FISCAL IMPACTS OF RECOMMENDATION

Additional staff time will be required to re-advertise the FY 2023 Retaining Wall and Storm Drain Improvement Project (Project).

CURRENT SITUATION AND ITS EFFECTS

The FY 2023 Retaining Wall and Storm Drain Improvement Project (Specification Nos. 23-11616-C and 23-11614-C) is a project that includes several required infrastructure repairs and improvements, including repairs of retaining walls and bridge abutments. Staff considered the impacts of rejecting the single bid proposal from Redgwick Construction Company and believes that promptly re-advertising the project is unlikely to pose any substantial additional risk to the current infrastructure.

The FY 2023 Retaining Wall and Storm Drain Improvement Project (Specification Nos. 23-11616-C & 23-11614-C) was released for bids on October 6, 2023, and bids were opened on November 7, 2023. At the bid opening, only one bid was received from Redgwick Construction Company of Oakland, California, with a bid of $2,010,117 (see Attachment 2, Abstract of Bids), approximately 40% higher than the $1.42 million Engineer's estimate for this project. Based on the review of bids with similarly scoped concrete projects, staff recommends that this bid be rejected and the project be re-advertised.

BACKGROUND

The project includes several infrastructure repairs and improvements throughout various locations in the City:

- Two existing storm drain access points at 2nd St are currently not up to the City's current standards and will be upgraded to standard storm drain maintenance holes to facilitate ease of access for maintenance workers.

- The City built the retaining walls on Hilgard and La Loma in the early 20th century without a robust tie-back system. With the extensive root damage from adjacent trees, the walls have begun to rotate and lean, with severely offset cracks. The project replaces the retaining walls with retaining walls anchored with cast-in-drilled-hole pier foundations.

- The north and south approaches to the La Loma Bridge are experiencing settlement at the bridge abutments. This work may require additional coordination with EBMUD as they plan to replace their water main at the south end of the La Loma bridge. The settled bridge approach sidewalks will be reinstalled for pedestrian safety with soil retaining structures and associated pavement.

- The traffic circle at Piedmont and Channing is a roundabout with one of the most extended crosswalk lengths in Berkeley. With funding from the UC Long Range Development Plan Settlement, this project will integrate pedestrian safety measures like curbed medians and island passageways, and upgraded signage and striping.

- A staircase will be installed at the lower end of an Upper Columbia Path, on an undeveloped 10' wide Public right-of-way, adding to our extensive Berkeley path network. Our partners, the Berkeley Path Wanderers Association, will work to complete the upper end of the path, building it with their standard wooden railroad tie path. The path will connect existing paths at Columbia Walk and Lower Columbia Path, further facilitating ease of evacuation in the hills in case of emergency.

- The makeshift traffic circle at Woolsey and Eton is not functioning efficiently as a traffic calming device and receives significant cut-through traffic to/from College and Claremont. The request for a redesigned traffic circle originated as a community traffic calming request in 2012. Improvements will include a larger traffic circle and median channelizers on all three legs of the intersection, designed via analyses of vehicle turn movements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Enhancements at the Piedmont and Channing traffic circle, including pedestrian-friendly features like curbed medians, island passageways, and the Upper Columbia Path staircase, promote walkability and environmental sustainability. These improvements encourage reduced vehicle use and emissions and support a healthier, more eco-friendly urban community.

RATIONALE FOR RECOMMENDATION

The only bid received is approximately 40% higher than the Engineer's estimate for the project. Staff reviewed bids with similarly scoped projects, and recommends that this bid be rejected and the project be re-advertised.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered recommending the project be awarded to Redgwick Construction Company and determined it would be in the City's best interest to re-advertise the project.

CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Srinivas Muktevi, Supervising Civil Engineer, Public Works, (510) 981-6402

Attachments:
1: Resolution
2: Abstract of Bids

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

REJECT BIDS AND DIRECT STAFF TO RE-ADVERTISE THE FY 2023 RETAINING WALL AND STORM DRAIN IMPROVEMENT PROJECT

WHEREAS, the FY 2023 Retaining Wall and Storm Drain Improvement Project is intended to address both maintenance and capital improvement needs at various locations throughout the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this FY 2023 Retaining Wall and Storm Drain Improvement Project; and

WHEREAS, an invitation for bids was duly advertised (Specification Nos. 23-11616-C & 23-11614-C), and one bid in the amount of $2,010,117 was received on November 7, 2023, and this bid amount is approximately 40% over the project engineer's estimate; and

WHEREAS, staff have evaluated the bid received and determined it to be in the City's best interest to re-advertise the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the bid from Redgwick Construction Company is rejected and the City Manager is authorized to re-advertise the FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C.

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

FOR: Ret. Wall / Storm Drain 23-11616-C **Bid Date:** **11.7.2023**

			required w/ bid							
	Bidders	**A + B**	Bid Bond	Addenda (2)	Experience - Fin. Qual.	Taxpayer ID	Opp. States	Nuclear Free	Sanctuary City	EBO
1	Redgwick Construction Co.	$ 2,010,117.00	X	X	X	X	X	X	X	X
2										
3										
4										
5										
6										
7										
8										
9										
10										

Bid Recorder: Roopreet Soorma RSoorma Date Nov 16, 2023

Bid Opener: Josh Roben Josh Roben (Nov 16, 2023 14:55 PST) Date Nov 16, 2023

Project Manager: Wai Kong Wai Kong Wai Kong (Nov 8, 2023 12:41 PST) Date Nov 8, 2023

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E-mail: finance@ci.berkeley.ca.us

Office of the Mayor

CONSENT CALENDAR
February 27, 2024

To: Honorable Members of the Berkeley City Council

From: Mayor Jesse Arreguín (Author), Councilmember Sophie Hahn (Author), and Councilmember Susan Wengraf (Co-Sponsor)

Subject: Resources to Plan for Future Health Care Access for Berkeley Residents

RECOMMENDATION

Allocate $300,000 from the General Fund for legal and/or other technical expertise as may be needed to identify/evaluate existing or potential opportunities to secure the future of healthcare and hospital access for the people of Berkeley.

Funds should be used to broadly explore healthcare needs of the entire Berkeley community, now and in the coming decades, including the needs of low income communities and communities of color, the elderly, youth, women, and other groups that have lower health and life-expectancy outcomes and/or have specialized healthcare needs; and healthcare facilities, programs, and other assets that are and/or can be accessible to Berkeley residents in the coming years.

BACKGROUND

In 2016, Sutter Health announced its intention to close Alta Bates hospital, the only full-service acute care hospital between Berkeley and the northernmost communities of Contra Costa County, by 2030. Alta Bates has a capacity of 347 beds, and is the third largest general acute care facility in the region. Its service area includes almost 850,000 residents, of whom 44% are people of color and 36% are below 200% of the federal poverty level.

On July 12, 2016, City Council passed Resolution No, 67,615–N.S, opposing Sutter's plans to close the hospital. The Resolution further resolved that the Mayor, City Council and City Departments pledged to cooperate fully to facilitate this process (Attachment 1). The Mayor's Office convened the Alta Bates Regional Task Force composed of officials from Alameda and Contra Costa Counties, and the cities of Alameda, Albany, El Cerrito, Emeryville, Oakland, San Pablo and Richmond, as a venue to share information

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and explore policy alternatives. Subsequently, a formal request was sent to Sutter Health on February 7, 2019 requesting that Sutter provide a plan, in writing, for the retrofitting/rebuild of Alta Bates Hospital or share their future plans for the property. To date, Sutter has not provided such a plan to the City Council or the public and has not indicated in any forum that it plans to continue operating Alta Bates as a full service acute and emergency care hospital after the 2030 deadline.

According to the 2018 Health Status Report, significant health disparities persist in Berkeley, particularly impacting the African American community. Despite comprising only 8% of the population, African Americans accounted for nearly 30% of the Years of Potential Life Lost (YPLL), indicating a higher rate of premature death compared to other racial/ethnic groups. This disparity extends to various health conditions: African Americans were 2.3 times more likely to die prematurely from any condition compared to Whites and faced inequitably high rates of hospitalization due to uncontrolled diabetes and its long-term complications. Moreover, the rate of hospitalization due to hypertension among African Americans sharply increased, being over five times that of the total population. These troubling health trends, coupled with the potential closure of Alta Bates hospital, could further strain the healthcare system, exacerbating the challenges faced by vulnerable populations in Berkeley and intensifying the need for comprehensive and accessible healthcare solutions across the city.

In December 2018, a Rapid Health Impact Assessment Report (RHIA) was commissioned by the Task Force and delivered by a research team at the UC Berkeley Institute of Urban and Regional Development, led by professor Jason Corburn. The RHIA report identified potential health impacts of the closure of Alta Bates. With the hospital serving as a regional hub for pregnancy and birthing, there will be reduced high quality prenatal, birthing & neonatal care accessible to Berkeley and other East Bay residents. Closure will disproportionately impact people of color and low-income/ uninsured residents, many of whom are already at a higher risk of having health complications. Emergency departments in hospitals throughout the region will see increased crowding, leading to longer wait times, longer travel times, and placing additional strains on ambulances, negatively impacting both the Berkeley Fire and Police Departments. Closure also places the entire I-80 corridor at additional risk in the event of a disaster such as an earthquake, wildfire - or pandemic, with victims having less access to emergency services.

In addition to these disparate impacts across the region, the report identified a particularly acute impact to Berkeley’s elderly and student populations. Approximately, 13% of the population in the Alta Bates Hospital Service Area is over the age of 65, with an additional 12% between the ages of 55-64. Notably, in three Berkeley ZIP codes (94705, 94707, and 94708), the elderly population (over 65) constitutes 20-30% of the residents, indicating a significant portion of the population that might require more

healthcare services, particularly in the context of emergency services and age-related health issues. Moreover, UC Berkeley students rely heavily on Alta Bates services, with an estimated 4,000 emergency visits per day. Student health and mental health would be impacted by the loss of Alta Bates, where between 2,500-3,000 students are referred to from the student health center (Tang Center).

While securing the healthcare needs of Berkeley residents and understanding and addressing the impacts of closure of Alta Bates have been topics of interest and concern to the City Council for many years, evidenced by resolutions, letters, and studies, the COVID pandemic paused progress at a critical moment - and put enormous stress on health care facilities region-wide, including Alta Bates, which heroically cared for (and continues to care for) victims of this unprecedented pandemic. With the Pandemic now under control - and 2030 just six years away - the need to pick up the pace to understand and explore options for the people of Berkeley to have their healthcare needs met is more urgent than ever. Allocating $300,000 will allow the City to commission studies and/or engage consultants and attorneys (if necessary) to quickly bring forward data and explore potential options for consideration by the City Council.

FINANCIAL IMPLICATIONS
$300,000 from the General Fund

ENVIRONMENTAL SUSTAINABILITY
Not Applicable

CONTACT PERSON

Mayor Jesse Arreguín	510-981-7100
Councilmember Sophie Hahn	510-981-7150

Attachments:
1. Resolution 67,615
2. City of Berkeley 2018 Health Status Summary Report
3. 2018 Rapid Health Impact Assessment: Proposed Closure of Alta Bates Campus

RESOLUTION NO. 67,615–N.S.

OPPOSE SUTTER HEALTH CORPORATION'S PLAN TO CEASE ACUTE CARE HOSPITAL OPERATIONS AT ALTA BATES HOSPITAL IN BERKELEY, FURTHER REQUESTING CITY DEPARTMENTS TO IDENTIFY PENDING OR FUTURE APPLICATIONS SOUGHT IN FURTHERANCE OF SUCH CLOSURE AND REPORT SUCH APPLICATIONS

WHEREAS, Alta Bates Summit Medical Center, has been providing "full service" Acute Care hospital services in Berkeley, the East Bay and in Alameda and other counties for decades, and

WHEREAS, Alta Bates Summit Medical Center is licensed for 944 acute care beds with more than half of them in Berkeley, and 347 of those at the Ashby facility; and

WHEREAS, Alta Bates Summit Medical Center's Ashby facility is crucial for providing timely healthcare services for the people of Berkeley and cities beyond Berkeley's border; and

WHEREAS, from 2002 through 2015, records from CA's Office of Statewide Health Planning and Development, OSHPD, revealed very high utilization of acute care services at Alta Bates' Berkeley facility, including over one million total days that hospital beds were occupied; which consisted in part of the following:

- 559,136 days patients were treated in Medical units;
- 228,498 days babies treated in Neonatal Intensive Care;
- 103,157 babies delivered;
- 111,946 admissions through the Emergency Departments;
- 73,612 adult Critical Care patients treated; and

WHEREAS, these numbers do not reflect the full scope of the amount of patients treated at the Berkeley facility because census data reported to CA's OSHPD agency does not include patients in "observation" status despite stays of up to 48 hours with "observation" patients; and

WHEREAS, these numbers reflect only the Ashby facility and not the Alta Bates Summit census data at the Oakland Summit site; and

WHEREAS, Sutter Health Corporation has announced its intention to dramatically reduce services by closing the Alta Bates' Berkeley facility in light of SB 1953; and

WHEREAS, the consolidation of hospital services results in loss of services as happened when Alta Bates Hospital merged with Summit Medical Center in 2000, and despite Sutter Health arguing that services would be enhanced, not reduced, when many in the community opposed the merger at that time, Alta Bates Summit afterwards experienced

the loss of many services in the past 15 years, overwhelmingly at the Alta Bates and Herrick campuses; and

WHEREAS, the national average for bed capacity per 1000 residents is 2.9 beds according to World Bank statistics. In Alameda County, the bed capacity is at 1.8 beds and neighboring Contra Costa at 1.4 beds, a figure that does not reflect the final phase of the 2015 closure of Doctor's Medical Center in San Pablo; and

WHEREAS, many hospital departments are often at capacity, and all of the local Emergency Departments already have large delays in service, which will only be exacerbated by the merging of the two full-service Acute Care Hospitals with their Emergency Departments to one Oakland location, increasing even further wait and admission times; and

WHEREAS, the University of California, has 37,581 Undergraduate and Graduate students who depend heavily on hospital services at the Alta Bates campus, including the Alta Bates Emergency Department in close proximity to campus, to address the students' life-threatening illnesses and injuries, and need for medical care; and

WHEREAS, the Berkeley, North Alameda, West Contra Costa area recently suffered the closure of an acute care hospital in San Pablo, and the loss of acute care hospital services as a result, and further, is subject to severe earthquakes, frequent urban interface with wild fires, industrial chemical releases and mass traffic casualties—all of which require emergency services; and

WHEREAS, when Berkeley's first responders are mandated to travel to Summit Campus in Oakland, they are unavailable for service for the rest of Berkeley for prolonged periods of time presenting a significant danger to the lives of Berkeley residents, and forcing an unacceptable standard of healthcare upon them; and

WHEREAS, closures and relocations of corporations on the community, impacting an array of businesses including family-owned businesses, with losses often doubling or tripling those who either lost jobs or had to relocate; and

WHEREAS, when access to healthcare is made more difficult, patients often delay healthcare but also stop seeking the care that is necessary; and

WHEREAS, the stated mission of corporate Sutter Health is to "enhance the well-being of people in the communities we serve through a not-for-profit commitment to compassion and excellences" in health care services; and

WHEREAS, Sutter Health as a non-profit corporation pays little or no property taxes for operations which are non-profit, such as its non-profit hospitals (as opposed to its for-profit operations) and is a highly profitable healthcare corporation whose total assets in the billions grow substantively each year, as shown:

- 2011: $11,820,000,000
- 2012: $12,390,000,000
- 2013: $14,215,000,000
- 2014: $14,290,000,000
- 2015: $14,344,000.000

WHEREAS, Sutter Health needs to live up to its stated mission, be held accountable for its actions, and provide the necessary healthcare for Berkeley residents, and must not be allowed to put profits before lives nor endanger the residents of Berkeley; and

WHEREAS, the Berkeley City Council has a role and responsibility to provide resources to the public to promote and protect its health with no regional body researching the health needs of the greater community.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Berkeley oppose Sutter Health Corporation's plan to close its acute care services at Alta Bates Hospital and calls upon Sutter Health to cease and desist all actions in furtherance of any and all plans to close Alta Bates hospital.

BE IT FURTHER RESOLVED that the Mayor and City Council shall establish open forums to inform and educate Berkeley residents of the possibility of Sutter Health's seismically retrofitting Berkeley's Alta Bates facility; shall ensure the residents of Berkeley are notified of any and all forums under the City of Berkeley's purview; and ensure a full service acute care general hospital for future generations.

BE IT FURTHER RESOLVED that the Mayor, City Council, and City Departments pledge to cooperate fully to facilitate this process such that it is expedited as much is legally permitted.

The foregoing Resolution was adopted by the Berkeley City Council on July 12, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

Tom Bates

Tom Bates, Mayor

Attest: Mark Numainville

Mark Numainville, City Clerk

CITY OF BERKELEY

City of Berkeley

Health Status

SUMMARY

Report

2018

ACKNOWLEDGEMENTS

We wish to acknowledge the many persons who contributed their time, expertise, and wisdom to inform this report. The assistance has been invaluable. We thank the City Manager, Dee Williams-Ridley, the City Council, Health Housing and Community Services (HHCS) Director Paul Buddenhagen, and HHCS staff for their support and dedication to the City's health.

This report was produced by the City of Berkeley Public Health Division:

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CITY OF BERKELEY LEADERSHIP

City of Berkeley City Council

City Mayor, Jesse Arreguin,
Councilmember Linda Maio, District 1
Councilmember Cheryl Davila, District 2
Councilmember Ben Bartlett, District 3
Councilmember Kate Harrison, District 4
Councilmember Sophie Hahn, District 5
Councilmember Susan Wengraf, District 6
Councilmember Kriss Worthington, District 7
Councilmember Lori Droste, District 8
Berkeley City Manager, Dee Williams-Ridley

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Toomey Design

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Cover photos: Berkeley Unified School District, Nancy Rubin-Berkeleyside, Annie Burke

INTRODUCTION

The City of Berkeley is a prosperous, innovative, and thriving community. Our city has considerable wealth, high levels of educational attainment, and a rich culture that all contribute to a healthy community. Despite overall good health, Berkeley is not a city where all people are living long and healthy lives and are achieving the highest possible level of health. In Berkeley, African Americans and other people of color die prematurely and are more likely than White people to experience a wide variety of adverse health conditions throughout their lives.

Achieving optimal health for all requires that everyone has access to resources and environments that support health and wellness. Higher incidence of disease is linked to neighborhoods that have been historically under-resourced and overexposed to unhealthy conditions. These neighborhoods have more people living in poverty and more people of color than surrounding neighborhoods. A truly healthy Berkeley depends on achieving and maintaining optimal health and wellness for all people regardless of an individual's or group's position in society. Health inequities among racial and ethnic groups are striking and extend across a number of indicators. These health inequities are neither new nor unique to Berkeley—nevertheless, they are unjust and unacceptable. The conditions in which we are born, grow, live, work and age, broadly known as the social determinants of health, greatly influence how well and how long we live. To aggressively address the health disparities we see in this report requires that we also address the underlying social, economic, and environmental inequities that perpetuate them.

Berkeley is well positioned to realize greater health equity. Our community is known for its political and social activism. Our residents are passionate about creating healthier communities. Our leaders have a long standing commitment to achieving health equity and have been at the forefront of innovative health programs and policies. We are one of three cities in the state of California that has its own Public Health Jurisdiction. This distinction enables public health services to be focused on and dedicated to a discreet population. While the challenges we face should not be underestimated, through strategic collaboration, a unified vision, and broad community engagement we can achieve our mission of optimal health and wellness for all.

The Health Status Report is written by the Public Health Division of the Department of Health, Housing and Community Services and is released periodically to provide a picture of the health status of people who live in Berkeley. The report has three key objectives:

- Monitor health concerns impacting the City with a focus on health disparities and social determinants of health;
- Show trends and changes in health over time;
- Guide our Public Health work and support community partners in shaping and responding to policy and other factors influencing Berkeley's health and quality of life.

This report will help the Public Health Division define goals and objectives for improving Berkeley's health. It is also designed to spark community conversations, spur collaboration and inform decision making throughout Berkeley.

DEPARTMENT OF HEALTH, HOUSING, & COMMUNITY SERVICES MISSION AND VISION

Vision: *A vibrant and healthy Berkeley for all*

Mission: The Department of Health, Housing, & Community Services' mission is to enhance community life and support health and wellness for all. We are committed to social and environmental justice and to promoting equity in health, housing, and economic opportunity. We collaborate with community partners to build a vibrant and healthy Berkeley.

PUBLIC HEALTH VISION AND MISSION

Vision: *Healthy people in healthy communities.*

Mission: To achieve and maintain optimal health and well-being for all people in Berkeley. We do this by working in partnership with our diverse communities to: promote healthy behaviors and environments, prevent illness and injury, protect against disease and other emerging health threats, eliminate health inequities, and advocate for social and environmental justice.

SOCIAL DETERMINANTS OF HEALTH

Addressing the social determinants of health continues to be a key objective of the Public Health Division. Research has shown that health is dependent largely on conditions that are not related to medical care. In fact, about 80% of our health is influenced by the environments around us which include social, economic factors, and every day behaviors. Conditions such as poverty, homelessness, shifting federal and local policies, changing City demographics, gentrification, and the subsequent rise in the cost of housing all have profound impacts on community health. In many of these areas, the Public Health Division works collaboratively with other departments, and with divisions in the City of Berkeley's Department of Health, Housing and Community Services. For example, Public Health staff are working on a multi-departmental group formulating the regulatory environment for newly legal adult use marijuana, which has serious public health impacts.

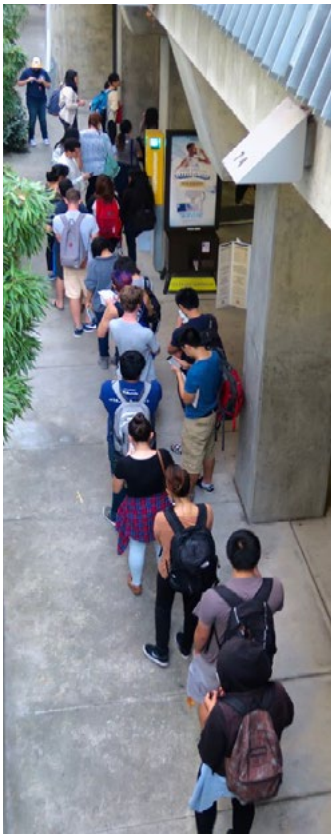
An important, continuing trend seen in the 2018 Health Status Report is the steady and significant shift in the City's demographics. Compared to the 2010 Census, the African American population has decreased from approximately 10% to 7% of the population, while other racial/ethnic groups have remained relatively stable. The phenomenon is not unique to Berkeley, but is a regional trend that is evidence of displacement caused by gentrification. Displacement disrupts access to education, employment, health care, and healthy neighborhood resources. Residents forced to move may face longer commutes to work or school, leading to increased stress, loss of income, job loss or greater school dropout rates. Displaced residents may have trouble obtaining medical records, prescriptions, and affordable health care services. Displacement can also mean relocation to neighborhoods with fewer health-promoting resources, such as high quality jobs, healthy food options, accessible public transit, and safe and walkable streets.

Socioeconomic status is one of the most powerful predictors of disease, injury, and mortality. In Berkeley, African Americans have lower income than any other ethnic/racial group. For every dollar a white family earns, an African American family earns 28 cents. This income inequality paired with unemployment or under employment can increase stress levels, make it difficult to find safe and affordable housing, and lower educational prospects. Research demonstrates that poverty is the single greatest threat to children's well-being. Children living in poverty are at significantly higher risk for poor health and development. In Berkeley, 10% of all children under the age of 18 live in poverty. Notably, 29% of African American children live in poverty, which is seven times the poverty rate for white children, and two to three times the rate of any other racial group.

Additionally, homelessness impacts the health of the entire community. Berkeley has the second highest number of homeless people among all Alameda County cities, second only to Oakland. Berkeley's homeless population accounts for 17% of the homeless people in Alameda County. Given that Berkeley makes up only 7% of the population of Alameda County, it is home to a disproportionate number of people experiencing homelessness. Poor health conditions among people who are homeless are frequently co-occurring with a mix of psychiatric, substance use, and social challenges. Exposure to high stress, unhealthy or dangerous environments, and food insecurity worsens overall health and often results in visits to emergency rooms and hospitalization. Nationally, individuals experiencing homelessness are three to four times more likely to die prematurely than their housed counterparts, and experience an average life expectancy as low as 41 years. Far too often, those experiencing homelessness are people of color. African Americans make up less than 8% of Berkeley's general population, but are 50% of the homeless population.

Berkeley Unified School District

Nancy Rubin, Berkeleyside


Berkeleyside

Nancy Rubin, Berkeleyside

KEY THEMES IN 2018 HEALTH STATUS REPORT

Three key themes can be found in the Health Status Report and will continue to guide the work of the Public Health Division:

- ***Inequities in Health.*** Since 1999, the Berkeley Public Health Division has been at the forefront of breaking down data to uncover hidden inequities in health. It is only through examining data by characteristics such as race, ethnicity, gender, age, income, neighborhood, immigration status and other qualities that we can see a true and full picture of health. The Berkeley Public Health Division is committed to monitoring health indicators by relevant, available demographic characteristics and investigating the status of health equity in our community. We will be thoughtful, intentional, and strategic in the development of programing to address these inequalities.
- ***Importance of Prevention.*** Prevention is a continuum and extends from deterring diseases and behaviors that foster disease to slowing the onset and severity of illness when it does arise. A focus on prevention includes focusing on upstream factors those that are largely outside of an individual's control and promoting conditions that support good health.
- ***Emerging Health Threats.*** The health landscape in Berkeley is not static but evolves, and new threats can emerge on both a global and local scale. Infectious disease such as tuberculosis, sexually transmitted infections, and diseases once considered under control such as pertussis, continue to be a significant source of illness in Berkeley. These threats require constant monitoring and a responsive public health system. New health threats can emerge from a variety of directions: from the rise in antibiotic resistant bacteria, to new risks from climate change and global connectedness, to the health impacts caused by changing federal and local policies. Additionally, public health systems across the country are responding in various ways to the complex and inter-related social, economic and environmental inequities that are connected to poor health.

Berkeley Unified School District

HEALTH INEQUITIES IN BERKELEY

Chapter 1: Sociodemographic Characteristics & Social Determinants of Health	Chapter 2: Pregnancy & Birth	Chapter 3: Child & Adolescent Health	Chapter 4: Adult Health	Chapter 5: Life Expectancy & Mortality
Families headed by a White householder earn 3.4 times more than African American families, 1.9 times more than Latino families, and 1.4 times more than Asian families.	The risk of an African American mother having a LBW baby is 2.5 times higher than the risk for White mothers.	African American children (under 18) are 7 times more likely, Latino children are 5 times more likely, and Asian children are 2 times more likely than White children to live in poverty.	African Americans are 3 times more likely than Whites to be hospitalized due to coronary heart disease.	African Americans are 2.3 times more likely to die in a given year from any condition compared to Whites.
The proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latino families and 3 times higher among Asian families, compared to White families.	The risk of an African American mother having a premature baby is 2 times higher than the risk for White mothers.	African American high school students are 1.4 times more likely than White students to drop out of high school.	African Americans are 34 times more likely than Whites to be hospitalized due to hypertension.	African Americans are 2.0 times more likely than Whites to die of cardiovascular disease.
African Americans are 2.8 times less likely, Latinos are 1.6 times less likely and Asian children are 1.1 times less likely than Whites to have a bachelor's degree or higher.	The teen birth rate among African Americans is 9 times higher, and among Latinas is 3 times higher than the rate among White teens.	The asthma hospitalization rates for children under 5 for African American children is 10 times higher, and for Latino children is 2.8 times higher than the rate among White children.	African American women are 1.5 times more likely than Whites to be diagnosed with breast cancer.	African Americans are 1.8 times more likely than Whites to die of cancer.

HOW TO READ THIS REPORT

ORGANIZATION: This report is organized along the life course, from conception through death. Health throughout the stages of life is influenced by an individual's social and physical environment, health and experience in the prior stage. The report begins with a description of Berkeley's population. Subsequent chapters give information about health in Berkeley during the major life stages which include pregnancy and birth, childhood and adolescence, adulthood, and finally the end of life. Each chapter starts with a description of the significance of that life stage, a list of key findings, the importance of the health indicator and its current status in Berkeley.

COMPARISONS: One way to evaluate the health of our City is to compare ourselves to others. Each time Berkeley meets one of the Healthy People 2020 (HP2020) goals, that goal is reported. By doing this, it allows us to compare the data on how Berkeley is doing relative to national health benchmarks. We also compare Berkeley with Alameda County and the State. We report how different groups of Berkeley residents compare with each other: by age, gender, income, race/ethnicity, education, and place of residence. Finally, we show how health indicators in Berkeley have changed over time. Such comparisons allow us to assess how Berkeley is faring relative to national goals, our past, and our neighbors.

PROGRAM HIGHLIGHTS: The City's Public Health Division works with partners to improve health in Berkeley. Each chapter contains program highlights, describing how the City is addressing issues raised by the data in that chapter. More information about these programs is available on the City's website: https://www.cityofberkeley.info/Health_Human_Services/Public_Health/A_to_Z_Public_Health_Services.aspx

FROM THE COMMUNITY: This report contains quotes and summaries from a series of community engagement events. These events were held in 2014 and were organized in order to hear from Berkeley residents and community members about what they see as priority areas for reducing health inequities.

DATA: This report contains quantitative data about the health of the Berkeley community. The data is as objective as possible — there may be biases related to reporting errors, incompleteness or limited by small samples. In our effort to understand what the data tell us about health in Berkeley, we look at correlations; what characteristics go along with better health or worse health? Public health programs and interventions are designed to address the likely "causal pathways" of adverse health outcomes, and are based on available evidence and best practices.

We use the latest year of data available at the time of analysis. For hospitalization and emergency department visit data, changes in the coding system were implemented in the last quarter of 2015 which made the previous years not comparable with current data. The last full year of data under the prior coding system was 2014, thus data on hospitalization and emergency department visits are only presented through 2014.

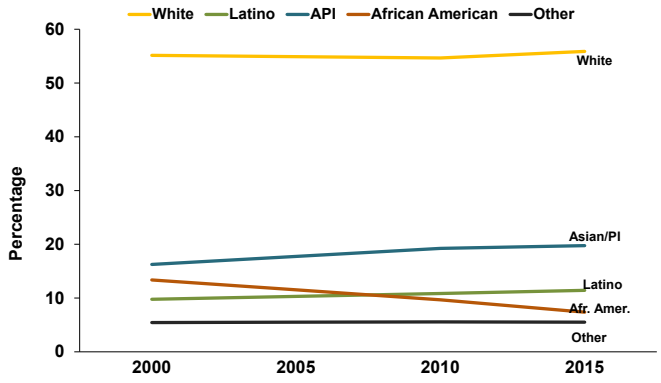
TECHNICAL NOTES: Data Sources and Definition of Key Terms: this information is provided at the end of the report. Those interested in additional technical details are invited to contact the Public Health Division Epidemiology and Vital Statistics Unit at publichealth@cityofberkeley.info.

1 CHAPTER 1: SOCIODEMOGRAPHIC CHARACTERISTICS AND SOCIAL DETERMINANTS OF HEALTH

The social and physical environments in which we live, work and play greatly influence our overall health. Experts agree that health is in part determined by access to social and economic opportunities; the cleanliness of our water, food and air; availability of preventative health care and wellness programs; the nature of our social interactions and relationships; and the resources and supports available in our schools, homes and neighborhoods. These conditions are broadly known as the social determinants of health, which this chapter explores in detail.

According to the 2011–2015 American Community Survey, the city's residents are 56% White, 20% Asian, 10% Latino and 7% African American. Compared to the 2010 census, the African American population has decreased from approximately 10% to 7%, while other racial/ethnic groups have remained relatively stable.

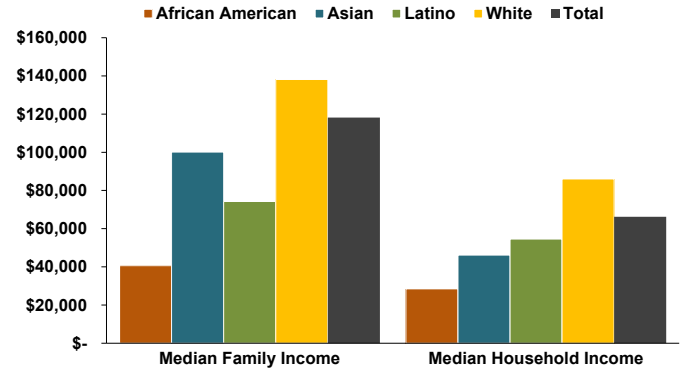
Figure 1.1 POPULATION DISTRIBUTION BY RACE/ETHNICITY Berkeley, 2000–2015



Source: City of Berkeley Public Health Division, Office of Epidemiology and Vital Statistics, U.S. Census Bureau, 2000–2015

In Berkeley the median family income is $118,190. The median household income is $66,237, which is influenced by the large population of low-income university students living in Berkeley. Families with a White head of household are more likely to be higher income while those headed by non-White households are more likely to be low income. All families and households have experienced an increase in median income during the last decade, except for African Americans who experienced a slight decrease.

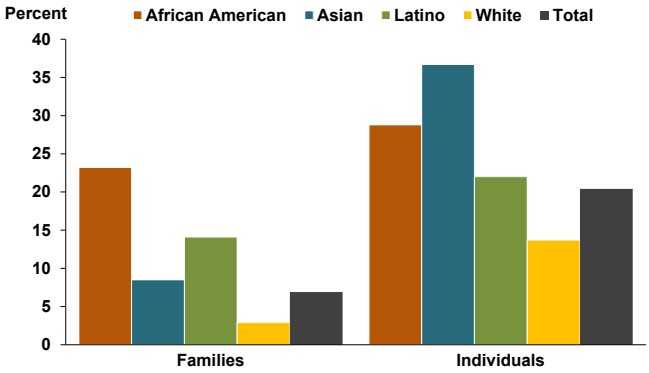
Figure 1.2 MEDIAN FAMILY AND HOUSEHOLD INCOME IN PAST 12 MONTHS (IN 2015 INFLATION-ADJUSTED DOLLARS) BY RACE/ETHNICITY IN BERKELEY 2011–2015



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2011–2015

Approximately 7% of Berkeley families live below the federal poverty level. Poverty rates vary drastically by race/ ethnicity. Compared to White families, the proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latino families and 3 times higher among Asian families. At the individual level, about 20% of all Berkeley residents live below the federal poverty level, which is strongly influenced by the large university student population in Berkeley.

Figure 1.3 PERCENT OF FAMILIES AND INDIVIDUALS BELOW FEDERAL POVERTY LEVEL IN THE PAST 12 MONTHS BY RACE/ETHNICITY IN BERKELEY 2011–2015

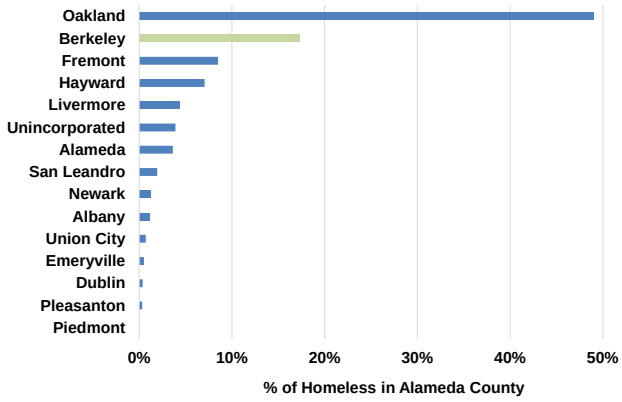


Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2011–2015

Berkeley Unified School District

Berkeley has the second highest number of homeless among all Alameda County cities, second only to Oakland. Berkeley's homeless population accounts for 17% of the 5,629 homeless people in Alameda County. Given Berkeley makes up only 7% of the population of Alameda County, it is home to a disproportionate number of homeless.

Figure 1.4 **ALAMEDA COUNTY HOMELESS POPULATION PERCENT BY CITY, 2017**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Alameda County 2017 Homeless Point-In-Time Count

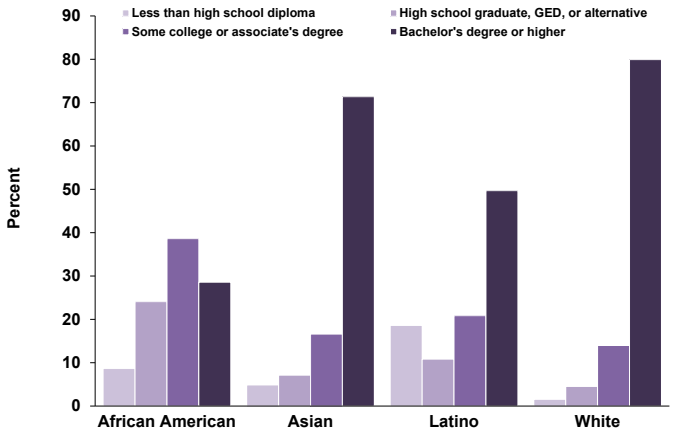
FROM THE COMMUNITY

African American respondents noted that African American communities and families are being displaced because of a lack of jobs, housing and community investments. Others noted that health inequities are rooted in poverty, racism, inadequate access to culturally relevant and high quality health services, and a lack of community and economic development in their communities.

Approximately 84% of Berkeley residents ages 25 and over attended at least some college. Over 70% of residents have a bachelor, graduate, or professional degree, compared with 43% in Alameda County and 31% in California. Berkeley's levels of education attainment are not evenly distributed. Whites and Asians have the highest rates of higher education. Latinos are the least likely to graduate from high school, and African Americans have the lowest rate of college and professional degrees.

Natalie Orenstein, Berkeleyside

Figure 1.5 **EDUCATIONAL ATTAINMENT OF POPULATION AGED 25 AND OLDER BY RACE/ETHNICITY Berkeley, 2011–2015**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2011–2015

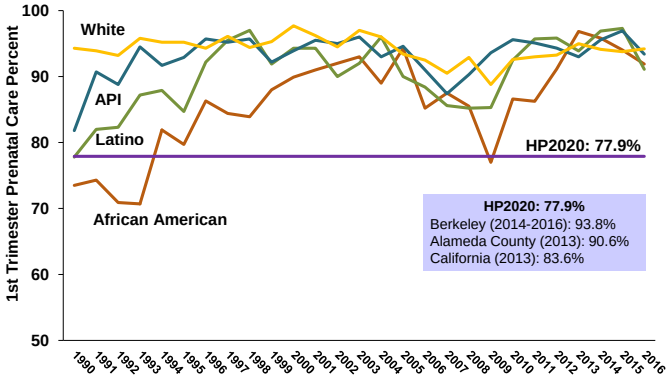
2 CHAPTER 2: PREGNANCY AND BIRTH

Pregnancy and childbirth mark the beginning of an individual's journey along the life course. The health conditions of pregnancy, birth, and early infancy have a profound impact on health and well-being throughout life. It is important to pay particular attention to this critical life stage when assessing the overall health status of a community.

Berkeley has excellent overall health indicators related to pregnancy and birth, and meets most HP2020 goals in these areas.There have been substantial improvements in health outcomes related to pregnancy and birth, including low birth weight (LBW), prenatal care, and teen birth. Almost 94% of pregnant Berkeley mothers of all racial/ethnic groups receive prenatal care in the first trimester, which is higher than Alameda County and California. Berkeley meets the HP2020 goal and there is no racial disparity in this indicator.

Robin Kempster

Figure 2.1 **PERCENT OF PREGNANT MOTHERS RECEIVING PRENATAL CARE IN 1ST TRIMESTER Berkeley, 1990–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Birth Records 1990–2016

African American babies, for the first time ever recorded, met the HP2020 objective for LBW in 2008-2010 and for prematurity in 2014–2016. However, a disparity still persists as African American babies are 2.5 times more likely to be LBW as compared to Whites and twice as likely to be born prematurely as White, Latino, or Asian babies.

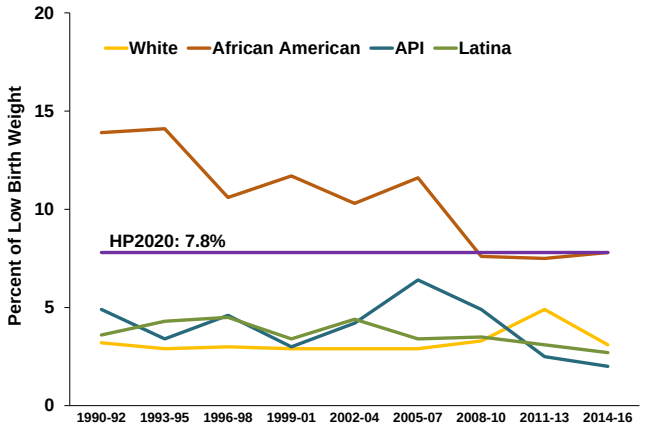
BERKELEY BLACK INFANT HEALTH (BBIH) PROGRAM

Berkeley's BIH program aims to improve birth outcomes and reduce health disparities affecting African American women and their babies. Through culturally affirming group education and complementary case management, the program works to empower African-American mothers and their families. BBIH helps to build social support, develop parenting and life skills, learn stress management tools, promote healthy behaviors and relationships, and support a healthy pregnancy. In addition, BBIH provides resource linkages to assist participants in connecting with the community, social, and health services to meet their needs.

FROM THE COMMUNITY

"I was born and raised in Berkeley. [Berkeley Black Infant Health] has been a big impact in a lot of our lives, helping us navigate our lives."

Figure 2.2 **LOW BIRTH WEIGHT BY RACE/ETHNICITY (EXCLUDES MULTIPLE BIRTHS) Berkeley, 1990–2016 (3-year-intervals)**

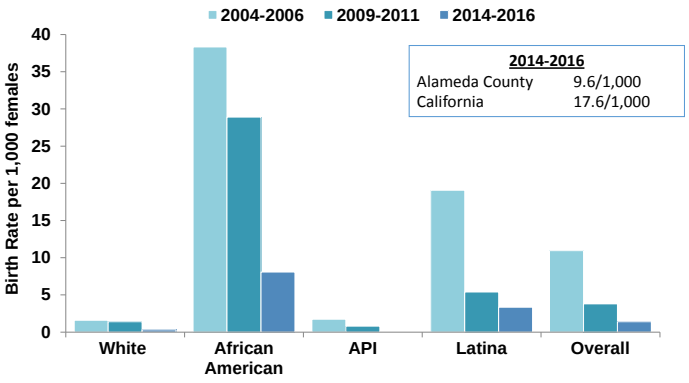


Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Birth Records 1990–2016

Robin Kempster

Berkeley's teen birth rate has been decreasing in all racial/ethnic groups over the past decade and it is at its lowest ever recorded. Berkeley has the lowest teen birth rate of any health jurisdiction in the state. From 2004–2006 to 2014–2016, the overall teen birth rate decreased by 82%. For African Americans, the rate decreased by 76% during the same time period. In spite of this decrease, the birth rate among African American young women is higher than all other racial/ethnic groups.

Figure 2.3 **BIRTH RATES IN FEMALES 15 TO 19 YEARS OLD BY RACE/ETHNICITY Berkeley, 2004–2006, 2009–2011, 2014–2016 (3-year intervals)**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Birth Records 1990–2016

Annie Burke

Robin Kempster

FROM THE COMMUNITY

"All around, we need to care about the health and safety for the moms in the family and especially single moms. Single moms sometimes are down and out; they need more care. They are caring for a whole community. You take care of her, then you are reaching a lot of people. If she doesn't feel safe, then a whole family will fall down."

Nancy Rubin, Berkeleyside

PUBLIC HEALTH NURSING FIELD SERVICES

Public Health Nurses (PHNs) provide quality, confidential, community-based case management services for families and individuals, primarily during home visits. The focus of the program is on Berkeley residents at highest risk for poor health outcomes, often those with special needs or limited access to care. These include pregnant women, new parents and their infants, school-aged mothers, children, elders, disabled, and people who are homeless.

Case management services include nursing assessments of health status and need for medical care and other services; counseling on diverse health related topics and supporting healthy lifestyle choices; advocating for better use of health care systems while linking families to other health and social services; assisting with enrollment in low cost medical and dental plans; and helping families support children's growth and development.

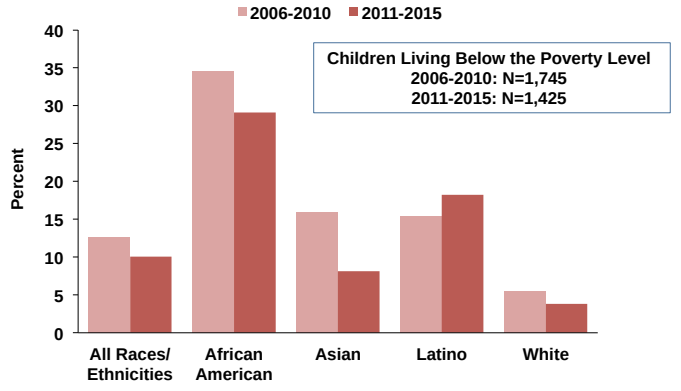
3 CHAPTER 3: CHILD AND ADOLESCENT HEALTH

Childhood and adolescence are important developmental periods in the life course and health in early life is the basis for continued health over the life span. Educational foundations are established during this time, influencing future learning and employment opportunities. Personal habits of physical activity, diet, and social connections are also formed. This chapter summarizes the state of health of children and adolescents in Berkeley: practices and behaviors, use of alcohol, tobacco and other drugs, overweight and obesity, childhood immunizations, and specific health outcomes including mental health, asthma hospitalizations, injuries, and sexually transmitted diseases.

Half of the children in Berkeley belong to non-White racial and ethnic groups; the largest proportion of these is Latino. In the last decade, the percentage of children living below the poverty level has decreased for the overall Berkeley population and every racial/ethnic group except Latinos. Children in poverty are concentrated in South and West Berkeley.

The Berkeley Unified School District (BUSD) four-year high school dropout rate fell from 15.5% in the 2010–2011 school year to 10.7% for the 2015–2016 school year. Despite a decrease from 18.8% to 13.5% since 2010–2011, African Americans still have the highest drop-out rate in Berkeley.

Figure 3.1 **PERCENT OF CHILDREN 17 YEARS AND YOUNGER LIVING BELOW THE POVERTY LEVEL BY RACE/ETHNICITY** Berkeley, 2006–2015

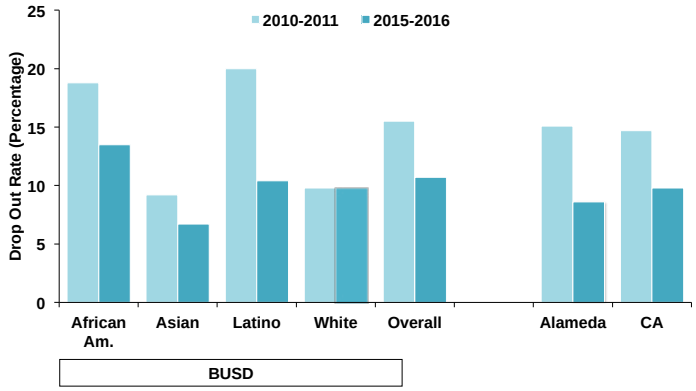


Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2006–2015

FROM THE COMMUNITY

"It's been an amazing experience to be born and raised here in Berkeley, grow up in Berkeley Unified School District, and to be able to work with the people that I've grown up with. We've had children together, been pregnant together."

Figure 3.2 **DROPOUT RATES, OVERALL AND BY RACE/ETHNICITY** Berkeley Unified School District, Alameda County, and California, 2010–2016



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Department of Education

2020 VISION

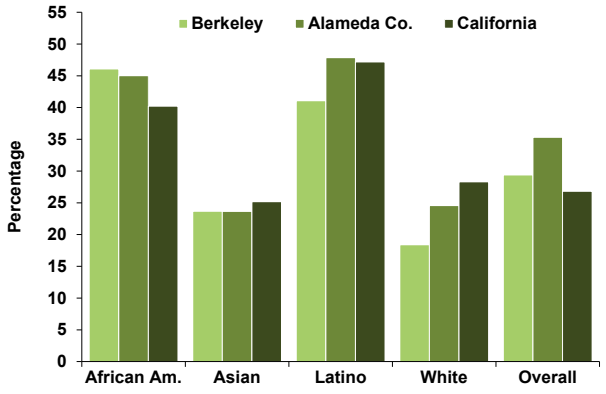
Berkeley's 2020 Vision is a city-wide collective impact effort to achieve equity in education for all Berkeley children from "cradle to career". The Berkeley community collaborates on six areas of systemic focus to end racial disparities in education, especially for Berkeley's African American and Latino children. Berkeley's 2020 Vision strives to "move the needle" on the following key indicators of educational equity: Kindergarten Readiness, Third Grade Reading Proficiency, Ninth Grade Math Proficiency, Attendance, College and Career Readiness, and Community Engagement. Berkeley's 2020 Vision also includes the Berkeley Promise, a college scholarship initiative.

FROM THE COMMUNITY

"It's really hard for kids of color (Latinas); you know, this is a predominantly white school—the white kids, they have all kinds of privilege; their parents have been paying for tutoring for years; they have been reading to them for years; they have so much more to start with. I don't understand my homework, I can't go to my parents for help. My mom didn't graduate from high school; that is why it is really frustrating when it comes to going to college, getting ahead."

Over a quarter of Berkeley's 5th and 7th grade students are overweight or obese. Berkeley has a lower proportion of 5th and 7th grade children who are overweight and obese (29.4%) compared to children in Alameda County (35.3%) but has a higher proportion compared to California (26.8%). A higher proportion of African American children are overweight and obese in Berkeley compared to in Alameda County and California.

Figure 3.3 **PERCENTAGE OF OVERWEIGHT AND OBESE CHILDREN IN 5TH AND 7TH GRADES BY RACE/ETHNICITY BUSD, Alameda County, and California School Districts, 2015–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Department of Education, FITNESSGRAM 2015–2016

FROM THE COMMUNITY

"One day your kid gets bigger and you worry. Is my child healthy or is she obese?"

Berkeley Unified School District

HEALTHY BERKELEY PROGRAM

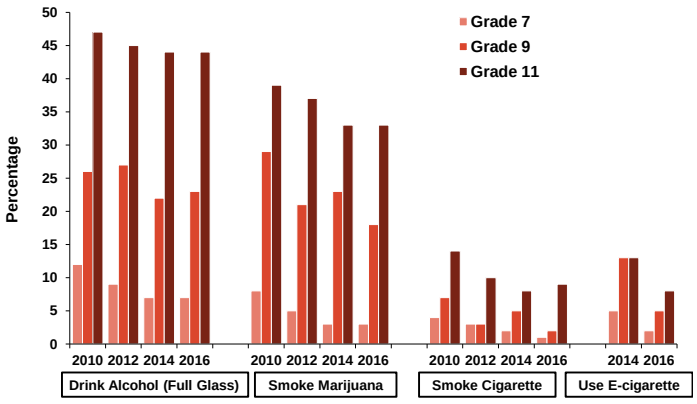
Initiated in 2015, this program stemmed from Berkeley's historic passing of an excise tax (1 cent/oz.) on the distribution of sugar-sweetened beverages (SSB). The program goal is to reduce the consumption of SSB as a pathway for decreasing the rates of Type 2 diabetes, obesity, and tooth decay in Berkeley. The Healthy Berkeley program offers multi-year community agency grants for programs designed to reduce SSB consumption and promote healthy beverages such as tap water in low-income communities, particularly children and youth targeted by the beverage industry; the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission makes agency funding recommendations to the City Council. The Healthy Berkeley program collaborates with the Bay Area Nutrition and Physical Activity Collaborative (BANPAC), Healthy Food America, University of California in Berkeley, and the Public Health Institute.

TOBACCO PREVENTION PROGRAM

The Tobacco Prevention Program provides community-based tobacco education programs and services to the community. Berkeley community members receive education about federal, state, and local tobacco control laws including ordinances relating to City of Berkeley's tobacco control related ordinances such as Smoke-Free Multi-Unit Housing, 600 ft. flavored tobacco buffer zone near schools K–12, tobacco free pharmacies and commercial zones ordinances. The Smoke-Free Multi-Unit Housing ordinance prohibits smoking in 100% of multi-unit housing with two or more units (i.e. apartments, co-ops, condominiums, common interest developments, etc.) and common areas. Free cessation classes are available to anyone interested in planning and sustaining a smoke-free lifestyle. Tobacco program staff also collaborate with Berkeley Tobacco Prevention Coalition members in the community, retailers, and policy makers in the City to develop policy aimed at reducing community members' exposure to tobacco smoke and tobacco products — including electronic nicotine delivery systems.

Alcohol is the most commonly used substance among BUSD students, followed by marijuana. The use of alcohol and marijuana have remained relatively unchanged among 11th graders. Cigarette smoking, already at comparatively low levels, has continued to drop for 7th and 9th graders but fluctuated for 11th graders. There has been a drop in e-cigarette use for students at all grade levels. The percentage of BUSD students who have been drunk or high on school property has steadily decreased for all grade levels over the past six years.

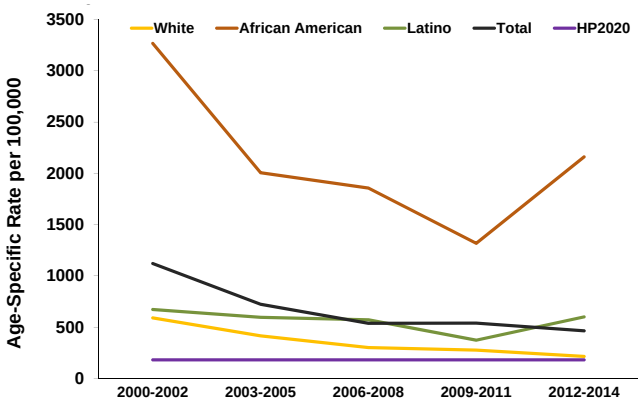
Figure 3.4 **ALCOHOL, TOBACCO, AND MARIJUANA USE IN PAST 30 DAYS: 7TH, 9TH, AND 11TH GRADERS Berkeley Unified School District (BUSD), 2010–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Healthy Kids Survey (CHKS) 2010–2016

The asthma hospitalization rates for children under 5 in all racial/ ethnic groups have declined. Compared to the HP2020 goal, the rate for African American children is 12 times higher, for Latino children is 3.3 times higher and for White children is 1.2 times higher. The number of hospitalizations among Asian children under 5 are too small to calculate a reliable rate and are therefore not presented.

Figure 3.5 **AGE-SPECIFIC ASTHMA HOSPITALIZATION RATE OF CHILDREN UNDER 5 YEARS OF AGE BY RACE/ETHNICITY Berkeley, 2000–2014**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Office of Statewide Health Planning and Development, 2000–2014

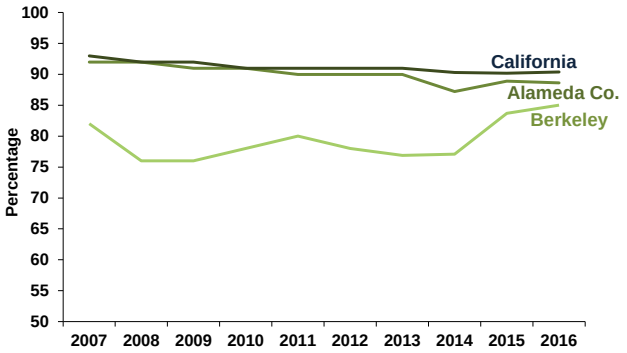
Berkeley Unified School District

BREATHMOBILE

The Breathmobile, a project of the Prescott-Joseph Center for Community Excellence (PJCCE), is partnering with Berkeley Unified School District and the City of Berkeley Public Health Division to bring asthma care to BUSD students. This free mobile asthma clinic provides diagnosis, education, and treatment for children with asthma. For the first year of this partnership, two BUSD elementary schools (Malcolm X and Rosa Parks) and one preschool (King Child Development Center) were selected based on the high asthma prevalence at these sites. In its fourth year (2016–2017) of partnership, the Breathmobile has expanded services to include all three BUSD preschools. PJCCE and school staff work closely with the City of Berkeley Public Health Division to identify students with asthma who could benefit from this community resource. The partnership is an example of community agencies working together to address health inequities and the achievement gap. Improving childhood asthma management improves health and improves educational success.

Berkeley Unified School District

Figure 3.6 **PERCENT OF KINDERGARTEN CHILDREN WITH ALL REQUIRED IMMUNIZATIONS** Berkeley, Alameda County, and California, 2007–2016



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Department of Public Health, Immunization Branch

For the past decade, the proportion of Kindergarten children immunized against the nine diseases for which childhood immunizations are required has been consistently lower in Berkeley compared to both Alameda County and California. Berkeley's immunization rate has also experienced some fluctuations with a recent peak of an 85% immunization rate in 2016, the highest percentage ever recorded. Required immunizations include polio, measles, mumps, rubella, diphtheria, tetanus, pertussis, hepatitis B, and varicella vaccines.

IMMUNIZATION PROGRAM

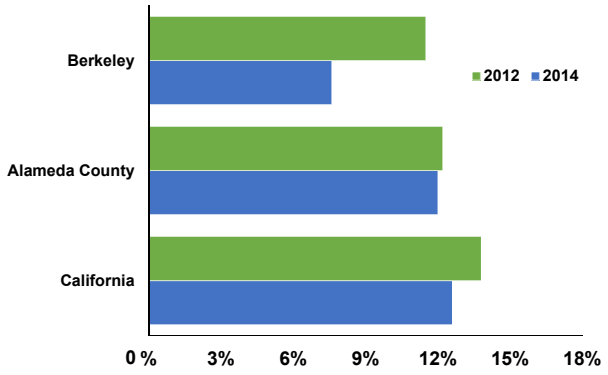
The Public Health Immunization Program works to increase immunization rates for all Berkeley residents across the life span. Special efforts are targeted at African American and Latino children less than two years of age by collaborating with WIC; public and private preschools; licensed family childcare homes; medical providers; and through community outreach, education and encouraging participation in the immunization registry among medical providers. Immunization services are provided to the community in several venues including at the Public Health Clinic. The program also focuses on pertussis vaccination for teens and adults and seasonal influenza vaccine for all ages. In addition, the Public Health Clinic expands its service by providing varicella vaccines to adults who are uninsured or underinsured.

4 CHAPTER 4: ADULT HEALTH

This is the stage of life when chronic diseases, including cancer, are most likely to develop and affect adults' well-being. Mental health conditions, injuries, and communicable diseases continue to have major roles as well. This is the period of life in which one is most likely to work, accumulate wealth, have partners, and hold responsibilities for other family members.

Approximately 7.6% of Berkeley residents were smokers in 2014, which was a substantial decrease from 11.5% in 2012.

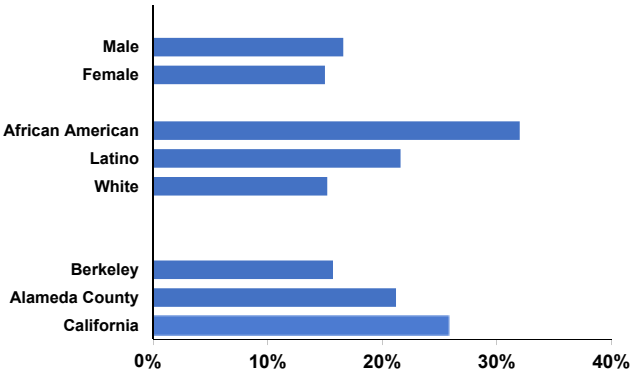
Figure 4.1 **ADULTS WHO ARE CURRENT SMOKERS Berkeley, Alameda County, CA, 2012, 2014**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, California Health Interview Survey (CHIS), 2012, 2014

The proportion of Berkeley adults categorized as obese based on BMI increased from 13.1% in 2012 to 15.7% in 2014. In Berkeley, African Americans and Latinos are more likely to be obese.

Figure 4.2 **OBESITY IN ADULTS BASED ON BODY MASS INDEX (BMI) OF 30 AND GREATER Berkeley, Alameda County, CA, 2014**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, California Health Interview Survey (CHIS), 2014

FROM THE COMMUNITY

"It's really overwhelming when you go to a store, and even when you think it's healthy, you don't know how much sugar there is in it. Juice has sugar and you don't realize it. "

Nancy Rubin, Berkeleyside

Annie Burke

HEART-2-HEART & BERKELEY HYPERTENSION PREVENTION

Heart 2 Heart (H2H) uses a holistic, community-based approach to addressing health inequities in Berkeley. The program focuses on preventing high blood pressure and heart disease in South Berkeley; additionally, healthy eating and physical activity are also encouraged. The program provides increased access to hypertension screening and treatment, and trains Community Health Advocates in a program focused on outreach, education, and intensive counseling and support. H2H serves to bridge community, programs, resources, and services that are necessary to address the needs of community members.

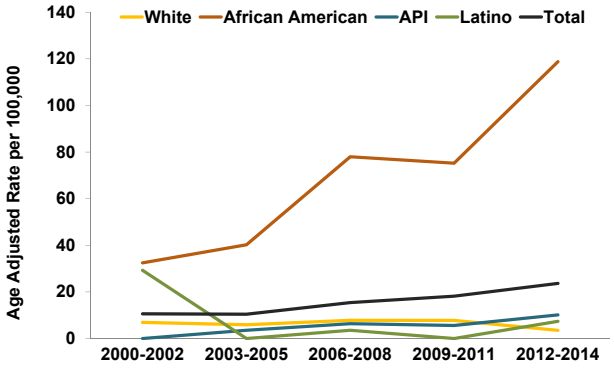
A highlight of the program is the weekly drop-in Hypertension Clinic that provides free blood pressure screenings and education for anyone, and provides treatment for uninsured residents with hypertension. Attendance at the drop-in Hypertension Clinic is correlated with lowered blood pressure in residents who attend the clinic consistently.

Berkeley's adult African American population experiences inequitably high rates of hospitalization due to both uncontrolled diabetes and long-term complications, such as kidney, eye, neurological and circulatory complications. However, the hospitalization rate among African Americans for lower-extremity amputation has substantially decreased between 2006 and 2014. For Latinos, hospitalizations for lower-extremity amputations dropped dramatically from 29.3 per 100,000 in 2000–2002 to 5.9 per 100,000 in 2003– 2005. The Latino rate has continued downward with no reported amputations in 2012–2014.

The rate of hospitalization due to hypertension among Berkeley's African American population has sharply increased, and is now over five times that of the total population.

However, hypertensive heart disease hospitalizations, a severe complication from hypertension, have decreased among all racial/ethnic groups over the past decade. The most dramatic decrease was among African Americans—from 170 per 100,000 in 2000–2002 to 51 per 100,000 in 2012–2014.

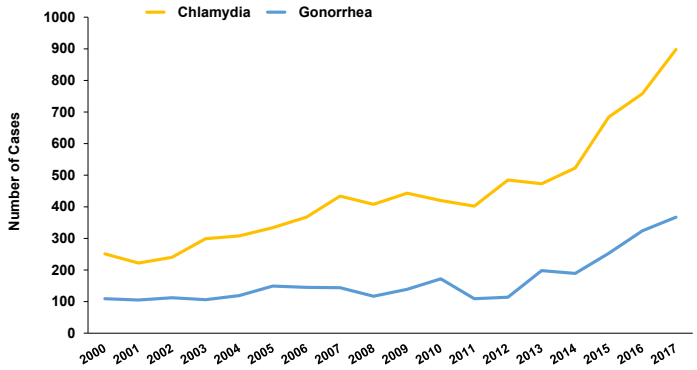
Figure 4.3 **HOSPITALIZATION RATES DUE TO HYPERTENSION BY RACE/ETHNICITY AND YEAR OF HOSPITALIZATION** Berkeley, 2000–2014



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, Office of Statewide Health Planning and Development, 2000–2014

The annual number of cases and rates of chlamydia, gonorrhea, and syphilis in Berkeley adults has increased in the last decade. These changes in rates may reflect either changes in Sexually Transmitted Infections screening or reporting, as well as actual changes in higher disease incidence. The most dramatic rise has been in chlamydia as the number of cases more than doubled from 420 in 2010 to 898 in 2017.

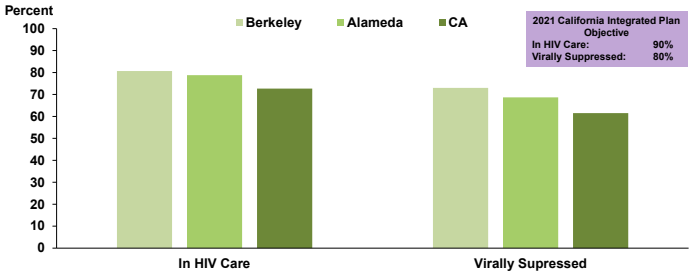
Figure 4.4 **CHLAMYDIA AND GONORRHEA INFECTIONS BY YEAR OF REPORT Berkeley, 2000–2017**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, California Department of Public Health, STD Control Branch, 2000–2017

Due to better treatment, people with HIV are living longer, and the overall number of people living with HIV is increasing. Berkeley has a higher rate of persons living with HIV than Alameda County and California. African Americans and Latinos experience disproportionately high rates of HIV/AIDS. The proportion of persons living with HIV who are in care and who are virally suppressed is higher in Berkeley than both Alameda County and California. Berkeley does not yet meet the 2021 California Integrated Plan Objectives of 90% in care and 80% virally suppressed.

Figure 4.5 **CONTINUUM OF HIV CARE FOR PERSONS LIVING WITH DIAGNOSED HIV INFECTION Berkeley, Alameda County, CA, 2016**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, CDPH, Office of AIDS, 2016

PUBLIC HEALTH CLINIC'S REPRODUCTIVE AND SEXUAL HEALTH SERVICES:

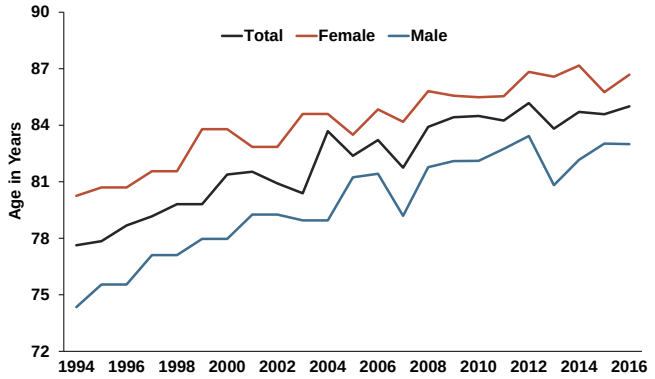
Berkeley's Public Health Clinic offers confidential testing, diagnosis, treatment, and prevention education to residents who think they may have a sexually transmitted infection, including HIV. Clinic staff follows up with clients who have sexually transmitted infection to ensure that they and their partners receive appropriate treatment. The program also provides free condoms and lubricant to both clients and non-clients on a drop-in basis. The Clinic offers comprehensive family planning services including nearly all types of birth control, reproductive life counseling, Pap smears (cervical cancer prevention), Hepatitis A, B and HPV vaccines, and referrals to local and low-cost breast screening/mammography services. Assistance is offered to survivors of intimate partner violence. The Clinic offers reproductive and sexual health services to people of all genders. The Public Health Clinic accepts Medi-Cal and FPACT (state funded payment programs). Others may qualify for reduced rates based on income. Some clients may even qualify for free services. No one is turned away because of inability to pay. Clinic clients are linked to a wide range of community and health services. Community outreach and presentations are provided on family planning methods, clinic services, sexually transmitted illnesses , HIV and sexually transmitted illnesses/HIV prevention. In 2012 over 2,300 individuals were seen at the clinic, many for more than one visit.

5 CHAPTER 5: LIFE EXPECTANCY AND MORTALITY

The number of years a person is expected to live, and the leading causes of death in Berkeley are important indicators of population health and guide Public Health Division program priorities.

In the last decade, the mortality rate in Berkeley has decreased steadily and life expectancy has increased for both men and women. Life expectancy in Berkeley is 86.7 years for women and 83 years for men in 2016. Mortality rates in Berkeley are lower than those of surrounding Alameda County and California—reflecting the city's long life expectancy.

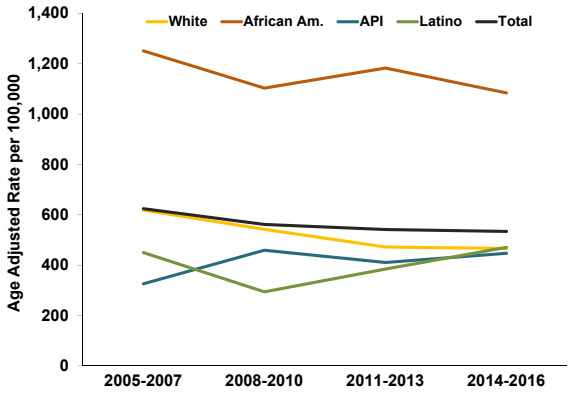
Figure 5.1 **LIFE EXPECTANCY AT BIRTH BY GENDER Berkeley, 1994–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 1994–2016, US Census Bureau

The overall age-adjusted mortality rate in Berkeley has decreased steadily throughout the last decade. The mortality rate for African Americans has reached the lowest ever reported. In spite of this marked decrease, the age-adjusted mortality rate for African Americans is twice as high as the mortality rate of Whites and is higher than the population overall. This disparity has remained unchanged throughout these years.

Figure 5.2 **MORTALITY RATES BY RACE/ETHNICITY AND YEAR OF DEATH Berkeley, 2005–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2005–2016

Mortality rates from cardiovascular disease and cancer have decreased for all groups over the last decade. Cancer is the leading cause of death in the population as a whole, followed by heart disease. However, among African Americans in Berkeley, heart disease is the leading cause of death, followed by cancer. Breast and lung cancer are the top leading causes of cancer death for women, while lung and pancreatic cancer are the top leading causes of cancer death for men. Women who are Latina, Asian, or Pacific Islander have the lowest mortality rates from breast cancer in Berkeley. Only African American women do not meet the HP2020 goal for breast cancer deaths.

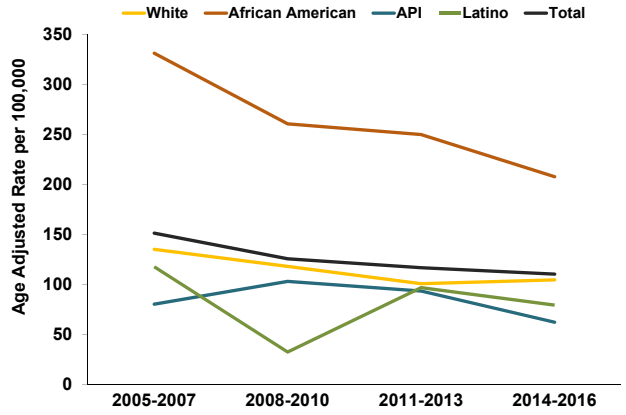
Figure 5.3 **TOP 10 CAUSES OF DEATH BY RACE/ETHNICITY Berkeley, 2014–2016**

Rank	White	Black	Latino	Asian/Pacific Islander
1	Cancer	Heart Disease	Cancer	Cancer
2	Heart Disease	Cancer	Heart Disease	Heart Disease
3	Stroke	Alzheimer's	Stroke	Stroke
4	Alzheimer's	Stroke	Unintentional Injury	Alzheimer's
5	Chronic Lower Respiratory Disease	Organic Dementia	Alzheimer's	Organic Dementia
6	Unintentional Injury	Chronic Lower Respiratory Disease	Organic Dementia	Diabetes
7	Organic Dementia	Diabetes	Diabetes	Pneumonia & Influenza
8	Intentional Injury	Nephritis & Nephrotic Syndrome	Pneumonia & Influenza	Parkinson's
9	Parkinson's	Unintentional Injury	Intentional Injury	Intentional Injury
10	Metabolic Disorders	Pneumonia & Influenza	Chronic Liver Disease & Cirrhosis	Chronic Liver Disease & Cirrhosis

NOTE: Color boxes denote causes of death that are leading in all racial/ethnic groups

Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2014–2016

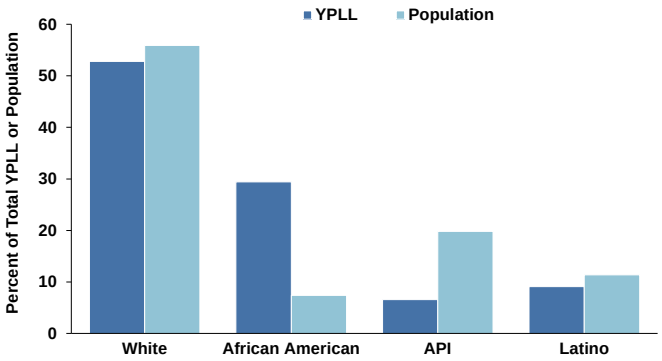
Figure 5.4 **ALL CARDIOVASCULAR DISEASE MORTALITY RATES BY RACE/ETHNICITY Berkeley, 2005–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2005–2016

Even though the Berkeley population as a whole is living longer healthy lives, there are racial/ethnic variations and disparities in causes of death, mortality rates, and years of potential life lost, as there are differences in health status throughout the life course. Shortened lives and premature mortality are the cumulative results of health inequities that span the life course from conception to old age.

Figure 5.5 **YEARS OF POTENTIAL LIFE LOST (YPLL) BY RACE/ETHNICITY Berkeley, 2014–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2014–2016

CITY OF BERKELEY VITAL STATISTICS OFFICE

The City's Vital Statistics unit registers every birth and death in Berkeley, and receives information about births and deaths of Berkeley residents outside of the City. The Vital Records Office plays an important role in the analysis of birth and death records. The California State Office of Vital Records has acknowledged the excellence of Berkeley's Vital Statistics performance with annual awards since 2005.

Annie Burke

SUMMARY

This report presents a snapshot of the health of the Berkeley community. It describes how health changes over time, how we compare to our County, the State, and to the National Healthy People 2020 goals. It also shows how groups within Berkeley compare with each other and geographically.

KEY AREAS

Based on the 2018 Berkeley Health Status Report, the Public Health Division has identified four key areas that are important to monitor and develop interventions for:

- ***Obesity in both children and adults.*** Since While the overall childhood obesity rate in Berkeley is lower than in Alameda and California, the proportion of African American children who are overweight and obese in Berkeley is higher than Alameda County and California. In 2014, 16% of Berkeley adults were categorized as obese based on Body Mass Index (BMI), which is an increase from 2012. Additionally, among children and adults, African Americans and Latinos experience higher rates of obesity than Whites and Asians.
- ***Hypertension is increasing in all people in Berkeley.*** Hospitalization rates due to high blood pressure for the overall population is 20/100,000, the highest in a decade. The hospitalization rate for African Americans has sharply increased and is 120/100,000, over five times that of the total population.
- ***Sexually transmitted disease rates are at epidemic levels.*** Historically, chlamydia rates in Berkeley were lower than the State, but in 2015, Berkeley's rate increased substantially, surpassing both Alameda County and California. From 2011 to 2017, Berkeley's chlamydia rate has increased from 349.7 per 100,000 to 738.2 per 100,000. Gonorrhea rates in Berkeley are also consistently higher than those of Alameda County and California. From 2011 to 2017, Berkeley's gonorrhea rate has increased from 94.8 per 100,000 to 301.7 per 100,000.
- ***African Americans are more likely to die prematurely than any other racial/ethnic group in Berkeley.*** Years of Potential Life Lost (YPLL), a measure of premature death, demonstrates the significance. Although African Americans comprise 8% of the population; they account for almost 30% of the YPLL.

An additional emerging key area of interest that we will be monitoring is in demographic shifts in breast cancer incidence. For the first time, African American women have surpassed White women in the rate of breast cancer diagnosis. As we monitor this notable change, we will also seek to understand what is driving this trend.

Berkeley's health is characterized by an overall excellent health status with striking health inequities. These patterns of health inequities are neither new nor unique to Berkeley nevertheless, they are unjust and unacceptable. The underlying causes and their solutions lie in the environments and neighborhoods in which people are born, grow, live, work, and age. Truly addressing the root causes of health inequities requires focused, consistent, comprehensive, and sustained effort on many fronts. Through strategic collaboration, a unified vision, and broad community engagement we can achieve our mission of optimal health and wellness for all.

Annie Burke

HOW BERKELEY PROVIDES THE 10 ESSENTIAL SERVICES OF PUBLIC HEALTH

Berkeley's Public Health Division is responsible for fulfilling the 10 Essential Services of Public Health as defined by the Centers for Disease Control and Prevention (CDC). The examples below demonstrate how Berkeley's public health activities address these essential services. This is not a comprehensive account of Public Health activities.

Essential Service	Berkeley Examples
1. **Monitor** health status to identify and solve community health problems.	• Communicable Disease surveillance (including TB, STIs, HIV/AIDS) • Registration of births and deaths (Vital Statistics)
2. **Diagnose** and **investigate** health problems and health hazards in the community	• Communicable disease outbreaks • Health inequities in cardiovascular disease, low birth weight, diabetes, and asthma
3. **Inform**, **educate** and **empower** people about health issues	• Berkeley High School Health Center and Berkeley Technology Academy Clinic • School Linked Health Services
4. **Mobilize** community partnerships and action to identify and solve health problems	• Berkeley Healthcare Preparedness Coalition/Hub • Comprehensive Perinatal Services Provider Roundtables
5. **Develop** policies and plans that support individual and community health efforts	• Tobacco ordinances • Sugar Sweetened Beverage Tax and Healthy Berkeley Program
6. **Enforce** laws and regulations that protect health and ensure safety	• Immunization requirements for school entry • Public Health Emergency Preparedness Program
7. **Link** people to needed personal health services and assure the provision of health care when otherwise unavailable	• Nursing Targeted Case Management (TCM) • Partnerships with LifeLong Medical Care and Alameda County Public Health
8. **Assure** a competent public and personal health care workforce	• YouthWorks and AmeriCorps Programs • Training site for students interested in health (high school, college, graduate, and clinical)
9. **Evaluate** effectiveness, accessibility, and quality of personal and population-based health services	• Member of the local Fetal and Infant Mortality Review Board • Participation in Alta Bates Hospital Infection Control Committee
10. **Research** for new insights and innovative solutions to health problems	• Contribute our experience to the scientific literature and to professional and academic venues • Evaluation of impact of Sugar Sweetened Beverage Tax

LOOKING AHEAD

The City of Berkeley Health Status Report 2018 is the groundwork from which the Public Health Division, the Department of Health, Housing and Community Services, the City, and the Berkeley community will identify priorities, develop a strategic plan, and implement tailored interventions to improve community health. This path to better health is not one we can take alone. It is the charge of the entire community to create a healthy Berkeley. As a community member, you make choices that impact not only your own personal health, but the health of your families and neighbors. Community leaders in our City government, community based organizations, faith institutions, and local businesses, in addition to providers and residents all have a role to play in creating a healthier community. Collectively, we can achieve a better quality of life for all who live in Berkeley. We look forward to working with you.

Annie Burke

RAPID HEALTH IMPACT ASSESSMENT

Proposed Closure of Alta Bates Campus Berkeley, CA

Final Report

December 2018

BERKELEY IURD INSTITUTE OF URBAN AND REGIONAL DEVELOPMENT

RAPID HEALTH IMPACT ASSESSMENT

Proposed Closure of Alta Bates Campus, Berkeley, CA

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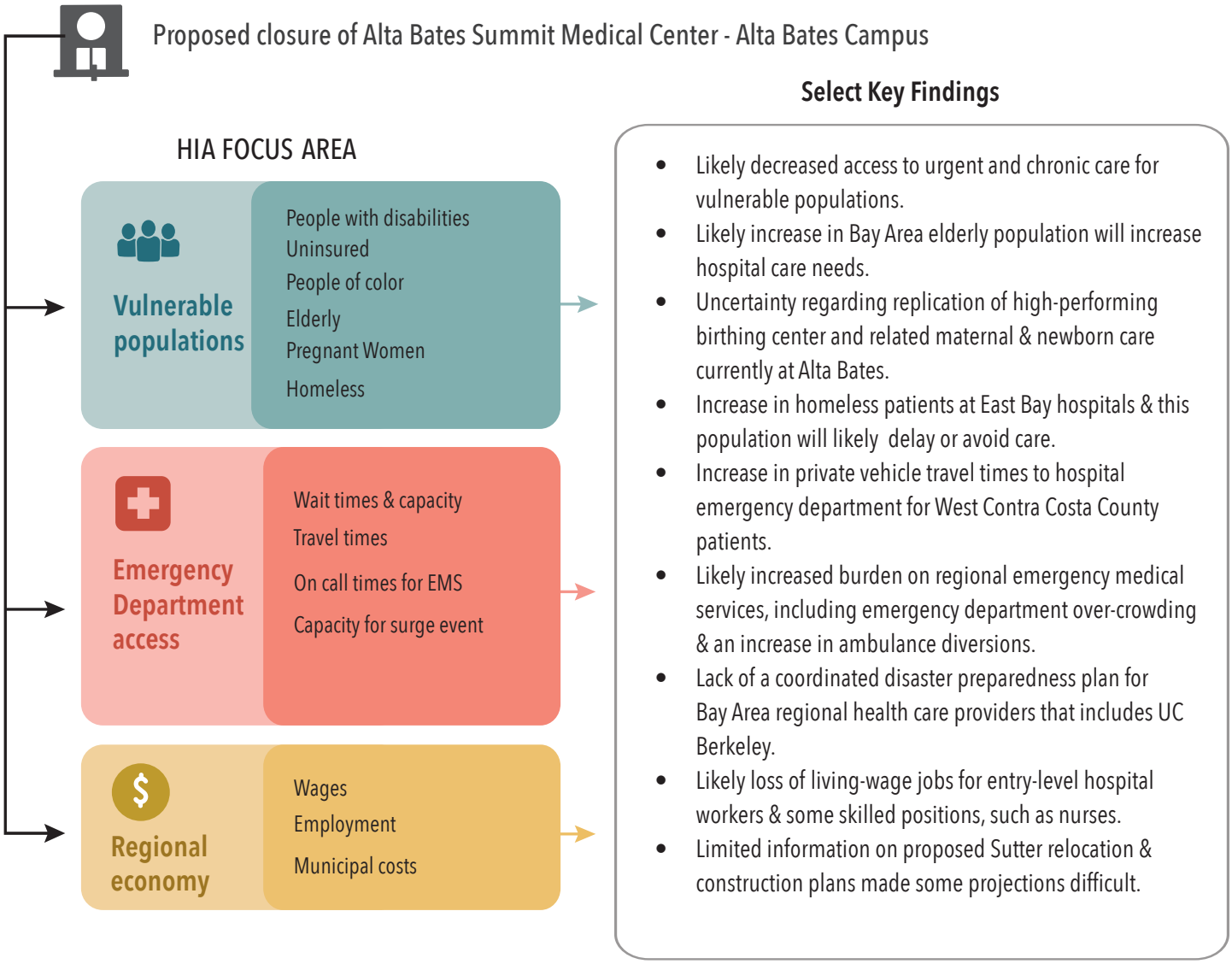
EXECUTIVE SUMMARY

Sutter Health has proposed to close Alta Bates Campus in Berkeley, California, by 2030. Alta Bates Hospital serves the City of Berkeley and the entire East Bay with **347 beds, 22 Emergency Department treatment stations, about 50,000 Emergency Department (ED) patients, and over 5,000 births in 2017. In 2016, the hospital billed almost $2 Billion in patient revenue.**[2-4] Sutter Health has determined that state-mandated earthquake safety upgrades would be too costly to keep the major functions of the hospital open. Sutter Health stated in 2016 that they plan to relocate most inpatient care and emergency services from the Alta Bates Campus site in Berkeley to an expanded Summit Medical Campus in Oakland approximately three miles from the Berkeley campus.

Figure 1. HIA Key Findings Overview



This **Rapid Health Impact Assessment (RHIA)** was commissioned by the City of Berkeley's, Alta Bates Regional Task Force and highlights some of the likely health impacts from the closure of Alta Bates hospital. More specifically, the Rapid HIA focuses on the health impacts to: (1) already vulnerable populations, such as the elderly, the uninsured, and people of color; (2) University of California, Berkeley, students; (3) emergency medical services, including travel times to the emergency room and regional emergency room capacity in the case of a disaster, and; (4) the local economy.

Alta Bates Campus has served as a regional community health asset since its founding in 1905 by nurse Alta Alice Miner Bates. Alta Bates has the greatest number of hospital-births out of all hospitals in the East Bay. Further, Sutter Health's own 2016 Community Health Needs Assessment (CHNA) report noted that the Alta Bates Summit Medical Center Service Area currently serves a large percentage of the region's vulnerable communities with high chronic health care needs.

Alta Bates Campus also has one of the highest volume emergency departments (ED) in the East Bay. The ED has experienced a sharp increase in patients from West Contra Costa County, many of whom were likely served by Doctors Medical Center (DMC) in San Pablo, which closed in 2015. **In 2017 the Alta Bates Campus ED was operating at about 6,000 visits above the capacity recommended by the American College of Emergency Physicians.**[4]

Research from across California and the United States has found that hospital closures in urban areas can displace patients, particularly those already vulnerable, from familiar and usual sources of care, and overburden the hospitals that remain open. More specifically, Emergency Department (ED) closures can adversely impact regional morbidity and mortality.

Overall, we found that the closing of Alta Bates Campus will have potentially significant adverse health impacts related to: birthing/obstetrics; ED care for the elderly, uninsured, homeless and people of color; private vehicle travel times for certain areas of the East Bay, particularly Western Contra Costa County; disaster response capacity, and; some UC Berkeley student health care needs. We also found that the closing of the Alta Bates campus will adversely impact employment for low-wage workers, reduce spending in the local economy and potentially reduce community-based health promotion investments.

A summary of the likely impacts appears in Figure 2. We describe the key impact, the likely magnitude of impact on a scale of 1-3 stars, with 3 being the greatest impact, and offer examples of key data for each impact.

This RHIA utilized a detailed review of the scientific literature, existing provider data, and interviews with select professionals to estimate likely impacts. However, the projected impact analyses and some conclusions were limited due to the fact that Sutter Health did not provide detailed relocation and re-construction plans for either the Summit or Alta Bates campuses. The findings here are based on available hospital and public health data. Despite these limits, we find that the closing of the Alta Bates hospital campus in Berkeley, CA, will likely have significant adverse public health impacts on populations along the corridor from Berkeley to San Pablo unless specific actions are taken to increase ER and inpatient care access for already vulnerable populations, increase existing hospital emergency department capacities and increase 24-hour urgent care facilities, especially those serving West Contra Costa County.

Figure 2: Likely Health Impacts from the Closing of Alta Bates Medical Center, Berkeley, CA
(Magnitude: 1 = less likely to 3 = highly likely)

Key Issue	Likely Health Impact	Magnitude of impact	Examples of Supportive Data
Birthing/ obstetrics	Reduced access to high quality prenatal, birthing & neonatal care	***	Over 5,000 births per year at Alta Bates - highest in the region Current birthing center has excellent maternal & infant outcomes
Elderly care	Delayed care, increased severity of disease & likely avoidable hospitalizations	*	Already high % Medicare serving facility; senior population increasing Hospital closures have resulted in delayed care & increased mortality for elderly
Uninsured & homeless	Delayed care, increased unnecessary hospitalizations, increased care costs & potential spread of infections	**	About 41% of patients in 2016 were Medi-Cal or uninsured 600% increase in homeless patients at Alta Bates between 2016 - 2017
People of color	Delayed care, increased unnecessary hospitalizations, increased care costs & some increase in unnecessary deaths	***	Over 63% of patients at Alta Bates were people of color (PoC) in 2016 West Contra Costa County has high % PoC utilizing Alta Bates & will experience greatest increased travel times to reach Summit campus
People with Disabilities	Accessibility barriers due to increased distance and unfamiliarity with relocated services	**	12% of the population in the HSA are living with a disability, of which at least 61% are racial/ethnic minorities
UC Berkeley Students	Loss of familiar ED & in-patient care; loss of some emergency mental health & suicide prevention	**	Estimated 4,000 UCB student visits to Alta Bates ED per year About 2 ambulance transfer per day from Tang Health Ctr. to Alta Bates Loss of familiarity & proximity of care may adversely impact students
Emergency Department	Increased crowding at EDs across the region, increasing wait times; Increase travel times to ED for some; Increased 'time-on-task' for many regional EMS providers.	***	Loss of 22 ED treatment stations at Alta Bates Increase private vehicle travel times to Summit hospital during PM peak rush hour, with some areas needing over 50 minutes to reach ED. Summit will need to double current ED capacity to accommodate all Alta Bates patients Berkeley EMS reports 10-12 min. increase in transport times to Summit compared to Alta Bates, which would add on average 2 extra hours of EMS 'time-on-task' per day if Alta Bates closes
Disaster preparedness	Loss of ED capacity to treat earthquake & fire victims, potential increase in avoidable deaths & hospitalizations; likely increased cost of long-term care.	***	Est. 900 people needing ED care in first days of HayWired scenario earthquake & 1,000-1,200 from a major fire at Chevron in Richmond w/out Alta Bates. Regional ED capacity in an emergency/disaster will be significantly compromised without Alta Bates Concentrating ED capacity in fewer locations may limit access during a disaster if roadway network to those facilities is compromised.
Economics	Local government EMS spending increase; low wage workers disproportionately lose jobs; Nurses may also be adversely impacted; local service economy suffers	*	Potential increased cost to local governments to provide additional EMS services due to longer time on task Potential loss of nurses out of region, increasing shortage of skilled practitioners Estimated loss of $20M to local economy from annual hospital contracting & services

INTRODUCTION

Proposed Closing of Sutter Alta Bates Campus, Berkeley, CA

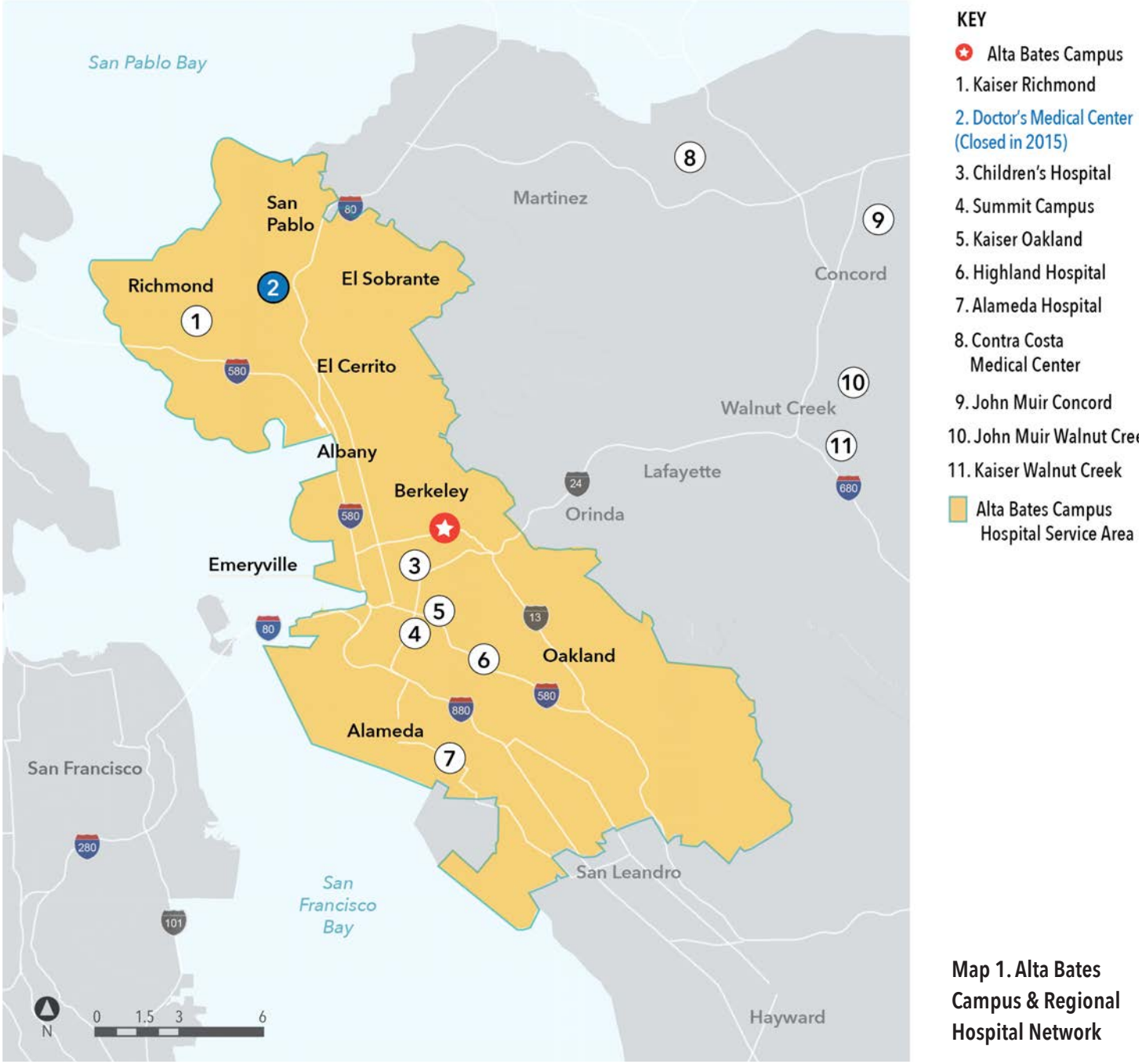
Sutter Health announced in 2016 that it will close its Alta Bates Campus in Berkeley and consolidate its current inpatient and emergency services approximately three miles away at its Summit Campus in Oakland, CA. Sutter Health has stated that the closure of the Berkeley hospital campus is expected to occur gradually, with full closure occurring by 2030 (Sutter Health, 2018). Some services have already been relocated from Alta Bates Campus to Summit Campus, such as the cardiac catheterization lab, which began to close as early as 2010.

Alta Bates Campus was established in 1905 by a nurse named Alta Alice Miner Bates. In 1906 the facility became the emergency hospital for many in the East Bay, especially as hundreds of San Franciscans fled to Berkeley after the Earthquake and Fire of 1906. Between 1910 and 1912, the hospital built two wings and had about 40 beds. In 1928 a new hospital was opened on the same site with 112 beds. In 1985, the 1928 building was replaced with a 300 bed, three story structure, that exists today (Sutter Health, 2018).

Alta Bates Campus currently serves the City of Berkeley and the entire East Bay with 347 beds and 22 Emergency Department stations, generating approximately $1.89 billion in total patient revenue in 2016.[1,4] Alta Bates Campus is one of the only hospitals serving the East Bay corridor from approximately San Pablo in Contra Costa County to Berkeley in Alameda County (see regional hospital network Map 1). Without access to Alta Bates Campus, West Contra Costa County residents will likely rely on Kaiser-Richmond, which has limited capacity, and hospitals located 18-25 miles east, such as Contra Costa Regional Medical Center and John Muir Hospital (Alta Bates averages 9 miles from most West Contra Costa County origins).

In response to the announcement of the proposed closure of the Alta Bates Campus, the Mayor's Office of the City of Berkeley convened the Alta Bates Regional Task Force to explore ways to prevent this closure and keep Berkeley's only acute and emergency care hospital open. The Berkeley City Council voted in 2016 to work to keep the hospital open, and the Task Force is one venue where information and policy alternatives are being explored. The Task Force is comprised of officials from Alameda and Contra Costa Counties, and the cities of Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, San Pablo, and Richmond, California. The task force also includes stakeholders from labor unions, non-profit organizations, the University of California Berkeley, and members of the public. **The Task Force commissioned this Rapid Health Impact Assessment (RHIA) in the Spring of 2018, to better understand the potential impacts of the hospital closure on health care utilization and access to emergency medical services (EMS).**

Research on hospital closures suggests that the events can displace patients from usual sources of care and force them to access facilities that may lack their prior medical records. Emergency Department (ED) closures can adversely impact morbidity and mortality in a region. The closure of an ED can have a significant impact on a region as patients may have to travel farther to obtain care and the remaining EDs have to



Map 1. Alta Bates Campus & Regional Hospital Network

bear the extra patient volume, especially for patients experiencing time-sensitive illnesses requiring prompt intervention. EDs provide care not only for the critically ill, but also for those unable to access care by other means, and are seeing a rising trend in patient volume in both the US and California. Significant increases in ED volume create a strain on existing emergency care capacity and emergency medical service providers, and can adversely impact patient health outcomes.

Overview of Potential Health Issues from an Urban Hospital Closing

Research in the public health, medical and health care services literatures suggests that urban hospital closures can have adverse impacts on population health, access to care and patient outcomes. However, research also suggests that whether or not a hospital closure will adversely impact access and/or patient outcomes can

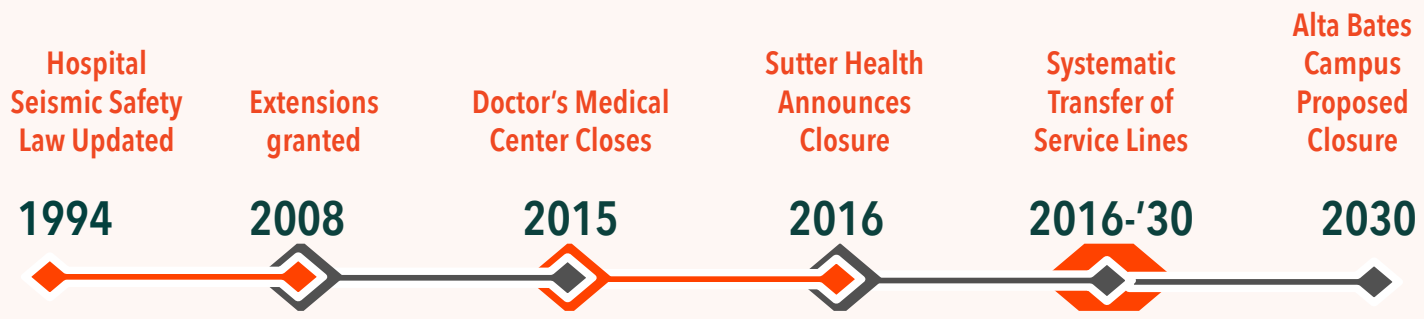


Figure 3. Alta Bates Closure key milestones time line

depend on a host of factors, such as if there are other high-performing institutions in close proximity, if these institutions are accessible to the poor, and if these same institutions can serve additional patients, particularly in the ED (Hsia & Shen 2011; Joynt et al., 2015; Liu et al., 2014). Urban hospital closures have seen an increase in both California and the US. Most recently and related to this trend, **Doctors Medical Center (DMC) in San Pablo, California, closed in April 2015. Since that time, as we will highlight in more detail below, residents living in Northwest Alameda County and West Contra Costa County have become increasingly reliant on the Alta Bates campus for emergency and inpatient care.**

Hospital closures can have a significant impact on emergency department (ED) access. A 2015 national survey by the American College of Emergency Physicians titled "Review of the Evidence on the Use of the Emergency Department by Medicaid Patients and the Evolving Role of Emergency Medicine Physicians," revealed that patients in crowded EDs have a greater likelihood of experiencing long wait times, leaving without being seen by a physician, feeling unsatisfied with their care, and having worse medical outcomes including delays in diagnosing myocardial infarction and increased mortality rates. Horwitz, et al., (2010) reported that only 67% of acutely ill ED patients were seen within the recommended times in the US. In 2009, Pines, et al., reported on the complication rate of patients with acute coronary syndrome (ACS) as a function of crowded versus non-crowded EDs, and found a significant increase in serious complications (approximately 6% vs. 3% incidence of death, cardiac arrest, heart failure, late myocardial infarction, arrhythmias, stroke, or hypotension) in those patients presenting during overcrowded EDs.

ED overcrowding may also reduce the quality of care and increases medical errors, as the emergency staff may have to continually focus on new patients. ED closure can also eliminate hospital capacity for accommodating critical incidents such as infectious disease epidemics and disasters, another issue we explore in more detail below.

The locations of urban hospital closures do not seem to be randomly patterned, as Sager (2013) and Ko et al. (2014) found that racially segregated communities and especially predominantly African-American neighborhoods are more likely to experience a hospital closing than predominantly white, Latino or Asian-American majority neighborhoods. Nationally, one in three urban African-Americans receive their primary and other care at a hospital while for whites this in about one in six.

A 2014 investigation by the Pittsburgh Post-Gazette/Milwaukee Journal Sentinel revealed that people in poor, urban neighborhoods are

less healthy than their more affluent neighbors, but more likely to live in areas with physician shortages and closed hospitals (Thomas, 2014).

A more detailed review of the medical literature is included in each section below, and suggests that urban hospital closings can have adverse impacts that disproportionately impact already vulnerable populations - such as the elderly, people of color, and the homeless - emergency department access, regional emergency management systems, and the local economy.

What is Health Impact Assessment (HIA)?

Health Impact Assessment (HIA) uses a combination of procedures, methods and tools to analyze the potential, and sometimes unintended, effects of a policy, plan, program or project on the health of a population and the distribution of those effects across population groups. HIA is a process that aims to create healthier communities by providing decision-makers with an understanding of the potential health impacts of a proposed project, and makes recommendations that could reduce adverse impacts. Importantly, HIA does not endorse or oppose a project or policy; rather, the purpose of conducting an HIA is to inform stakeholders and decision-makers about the population health implications of proposed actions, to identify and examine trade-offs, and to encourage the exploration of health promoting alternatives.

A Rapid or sometimes called a "desktop HIA", does not include the extensive community and stakeholder input of a typical HIA or original data collection, such as surveys. Instead, the **Rapid HIA (RHIA) utilizes existing data and limited stakeholder engagement to generate analyses that can inform ongoing policy debates and identify areas for additional study.** The key stages of the HIA process are highlighted in Figure 4, and this RHIA includes the first three major steps of screening, scoping and assessment. While there is no single best approach to HIA, each HIA process should reflect the needs of its particular context. This Rapid HIA aims to extend the knowledge and awareness for communities and decision-makers about select health equity issues raised by the proposed closing of Alta Bates hospital in Berkeley, California.

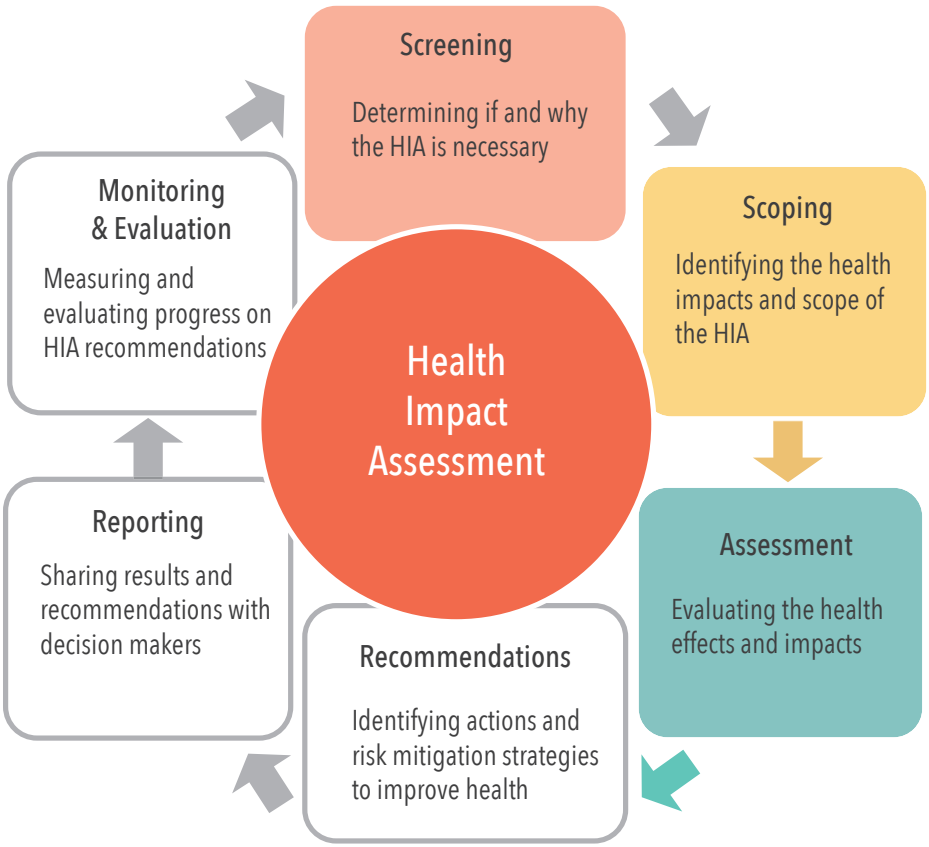


Figure 4. Health Impact Assessment process

*Figure adapted from Mecklenburg County

Scope of this Rapid HIA

On July 27, 2017, the City of Berkeley, California's Community Health Commission voted to authorize a scope of work for a Health Impact Assessment analyzing select impacts from the proposed closing of Alta Bates Campus. After reviewing this preliminary scope, a revised scope of work was developed by Professor Jason Corburn and University of California, Berkeley (UCB) researchers at the Institute of Urban and Regional Development (IURD), in consultation with the Health Commission and other City of Berkeley stakeholders. A Rapid HIA screening and scoping document was produced by UCB in December 2017. City of Berkeley staff commented on and suggested revisions to the initial draft scope of work (SOW). A final SOW was developed by Professor Corburn based on feedback and a preliminary review of availability data.

Since a detailed closing plan, including specific time frames and services, was not provided by Sutter Health, this RHIA was not able to offer detailed analyses of potential impacts from the removal and/or relocation of inpatient services. The RHIA analyses are based on the best and most up-to-date information we were able to obtain from Sutter Health on the closing and relocation of services from Sutter's website and the Sutter Vision for 2030: https://rebuild.altabatessummit.org.

Key RHIA Focal Areas

Based on consultation with the Alta Bates Regional Task Force and key stakeholders, we refined this RHIA to focus on the following areas:

1. Impacts on vulnerable populations, including but not limited to low-income, under and uninsured populations, people of color, elderly, pregnant women, and those with

Rapid HIA research questions:

Vulnerable populations — How might the proposed closure impact already vulnerable populations such as those who are low-income, people of color, the elderly, the uninsured, UC Berkeley students, and expecting mothers?

Emergency Department Access — How might the proposed closure influence access to emergency department care for Bay Area residents, particularly travel times & in the event of a major disaster, such as an earthquake or fire?

Regional economy — How might the proposed closure impact local jobs and the regional economy, such as from reduced hospital spending?

Figure 5. Rapid Health Impact Assessment guiding research questions

limited transportation options;
2. Impacts on health care and emergency department services for University of California, Berkeley students;
3. Impacts on Emergency Department access and regional ED capacity;
4. Impacts on Emergency Medical Services (EMS), specifically to paramedic 'time-on-task;'
5. Impacts on regional hospitals' disaster response ED capacity, particularly in the case of an earthquake and fire, and;
6. Impacts on local employment and the regional economy.

Hypothesized Impact Pathways

Based on the six agreed upon focal areas described above and the three key RHIA research questions (Figure 5), the research team performed a preliminary review of the scientific literature on hospital closures, ED closures in urban areas and previous studies of the impacts of hospital closures, specifically the report on the closure of Doctors Medical Center. The authors of this RHIA **hypothesize at least five potential pathways between the closure of Alta Bates Campus and population health outcomes,** informed by a preliminary research review. These hypothetical scenarios are highlighted in the Figures 6-10 and described below. **In each pathway diagram, a up arrow indicates a likely increase while a down arrow indicates a likely decrease.** The hypothetical scenarios helped to further refine our review of the literature and data analysis. The hypothesized pathways of potential impacts from the closing of Alta Bates hospital included:

Scenario A: Birthing center closes (Figure 6)
In this scenario, we hypothesized that the Alta Bates Campus birthing center & related prenatal and postpartum care, including the NICU, close and there is some replication of these exact services in any one location in the region.

Scenario B: Emergency Department closes (Figure 7)
In this scenario, the Alta Bates Campus ED closes and some additional capacity is provided for at Summit in Oakland.

Scenario C: ED closes & regional ED patients increase (Figure 8)
In this scenario, we hypothesized the Alta Bates Campus ED closes & the remaining open hospitals in the region experience increased ED patients.

Scenario D: Disaster & ED access (Figure 9)
In this scenario, we hypothesized potential impacts to ED access during a disaster in the absence of Alta Bates Campus.

Scenario E: Economic Impacts (Figure 10)
In this scenario, we hypothesized potential economic impacts to jobs and the local economy from the closure of Alta Bates Campus.

Figure 6. Hypothesized Impacts from Alta Bates Campus birthing center closing

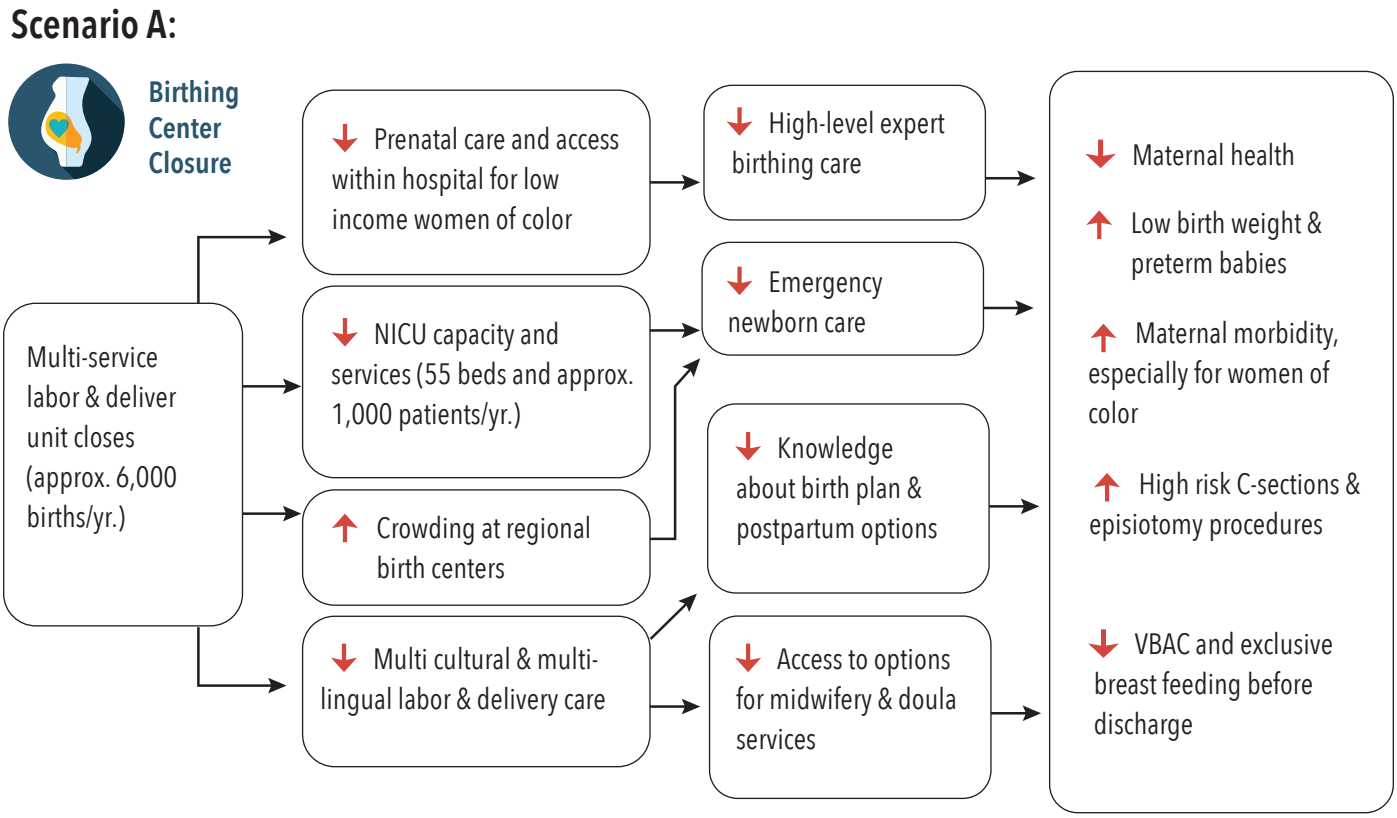


Figure 7. Hypothesized Impacts from Alta Bates Campus Emergency Department (ED) closing

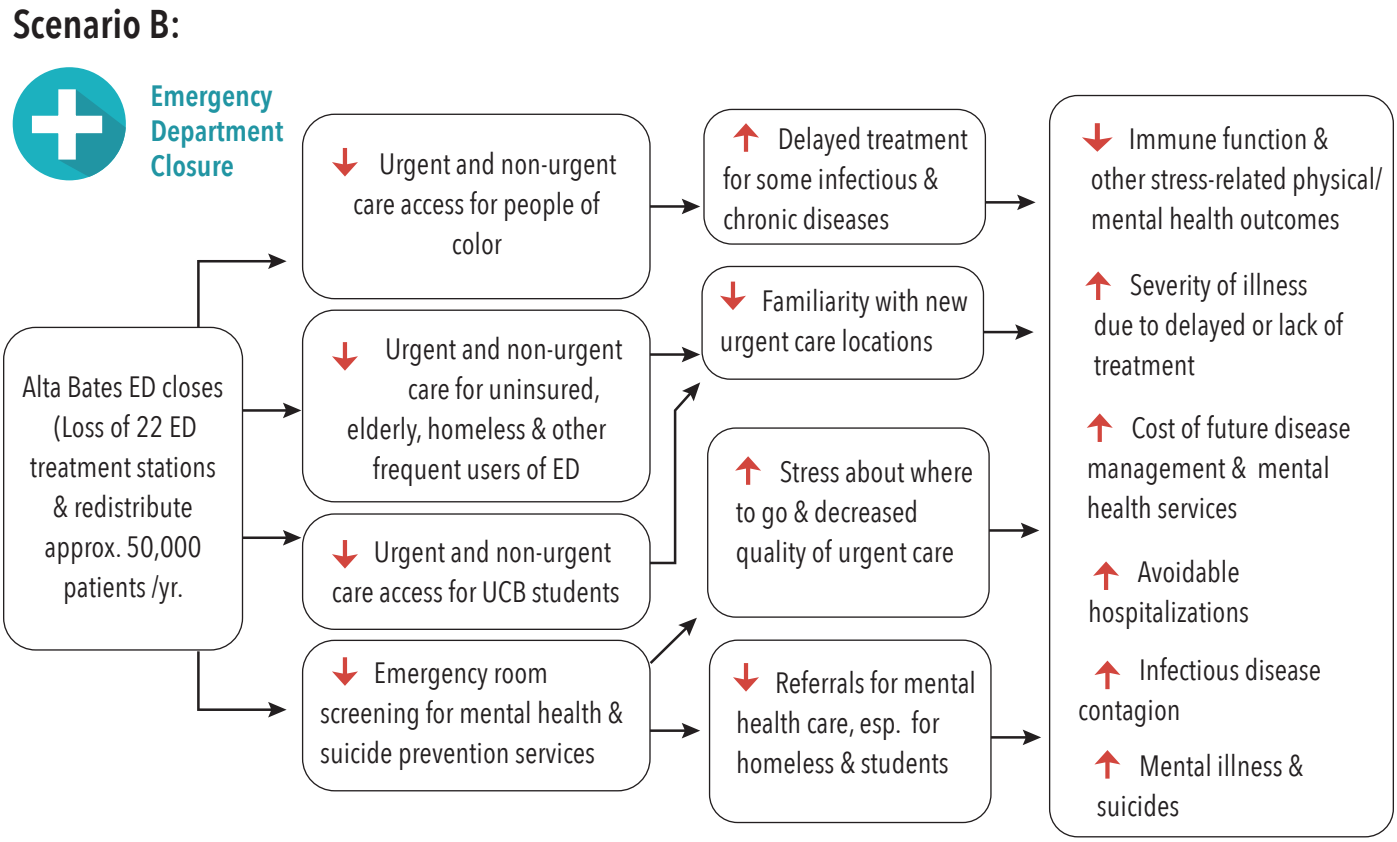


Figure 8. Hypothesized Impacts of Alta Bates Campus ED closing on Emergency Medical Services

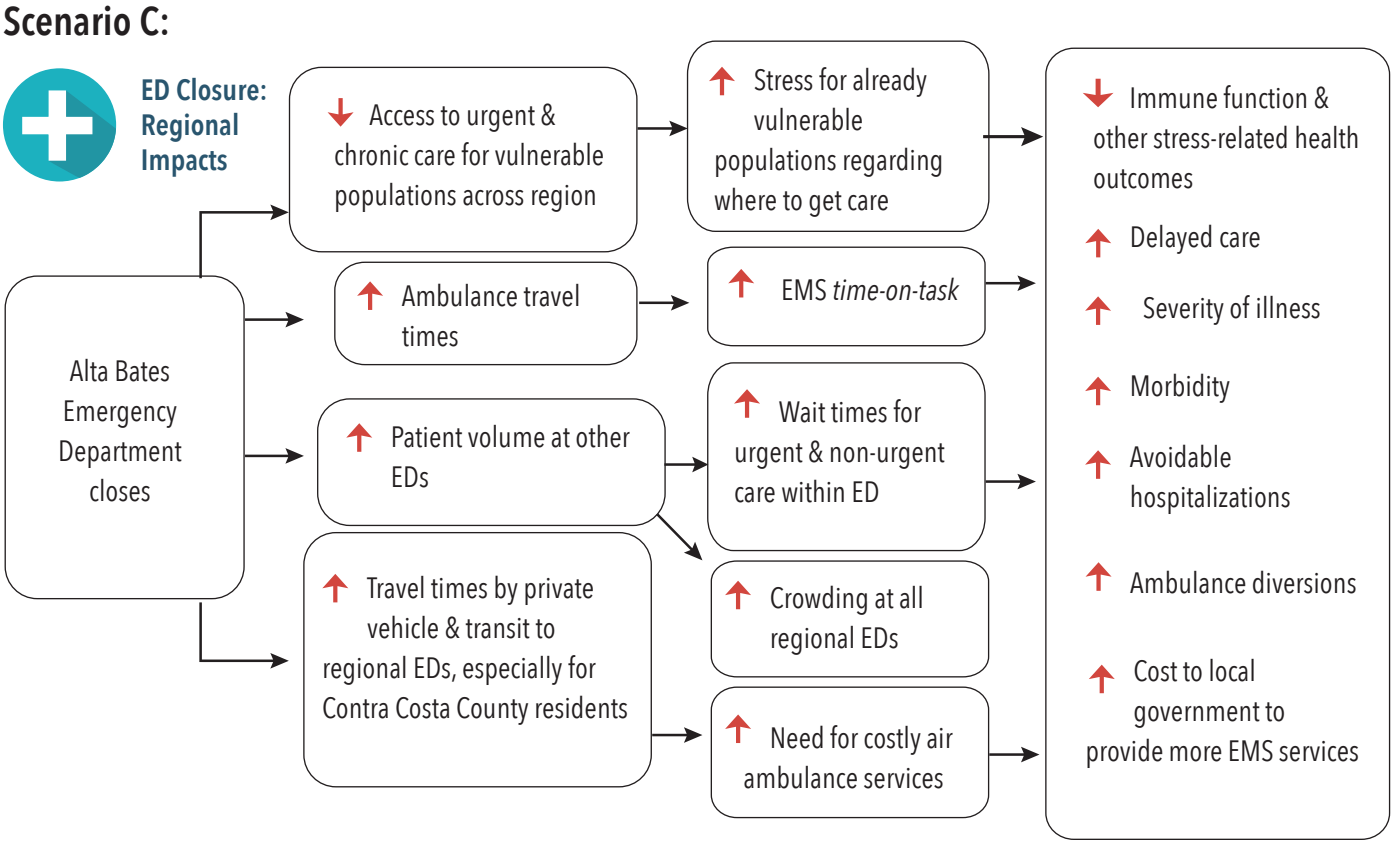


Figure 9. Hypothesized Impacts of a Regional Disaster on ED access without Alta Bates Campus

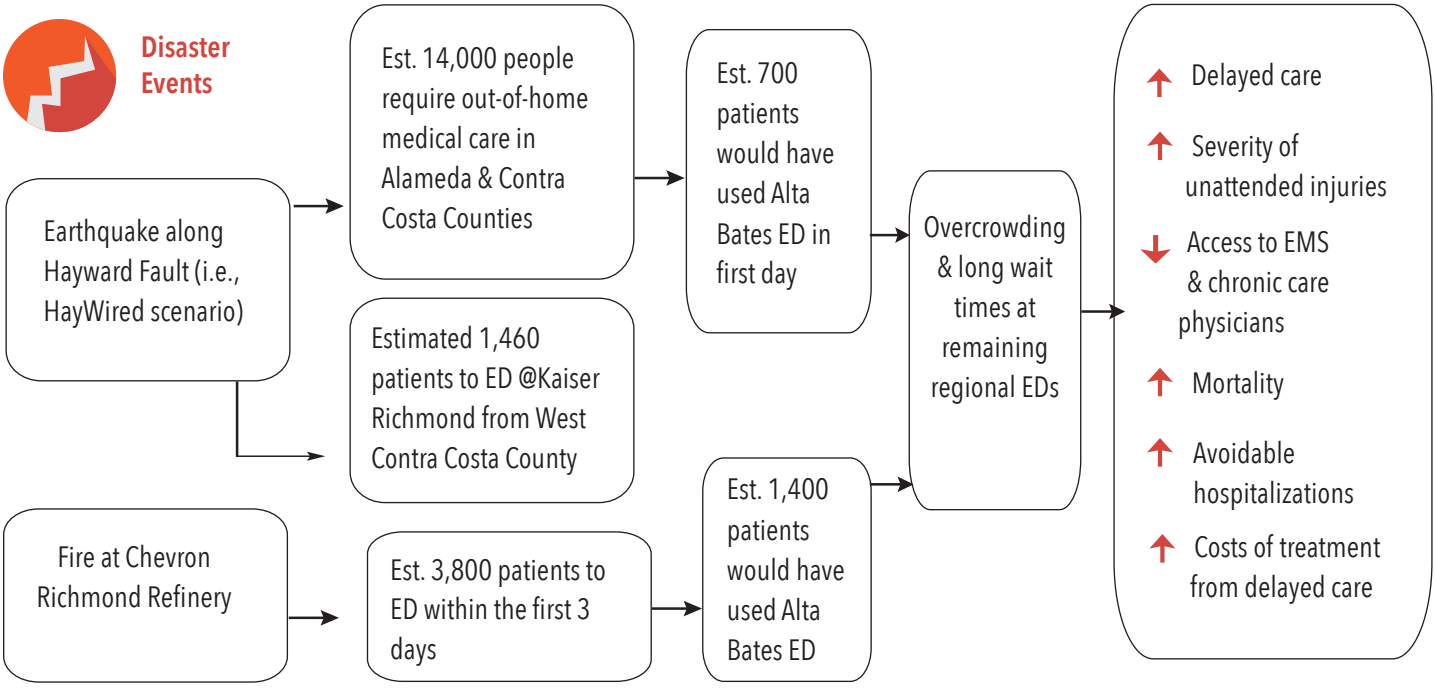
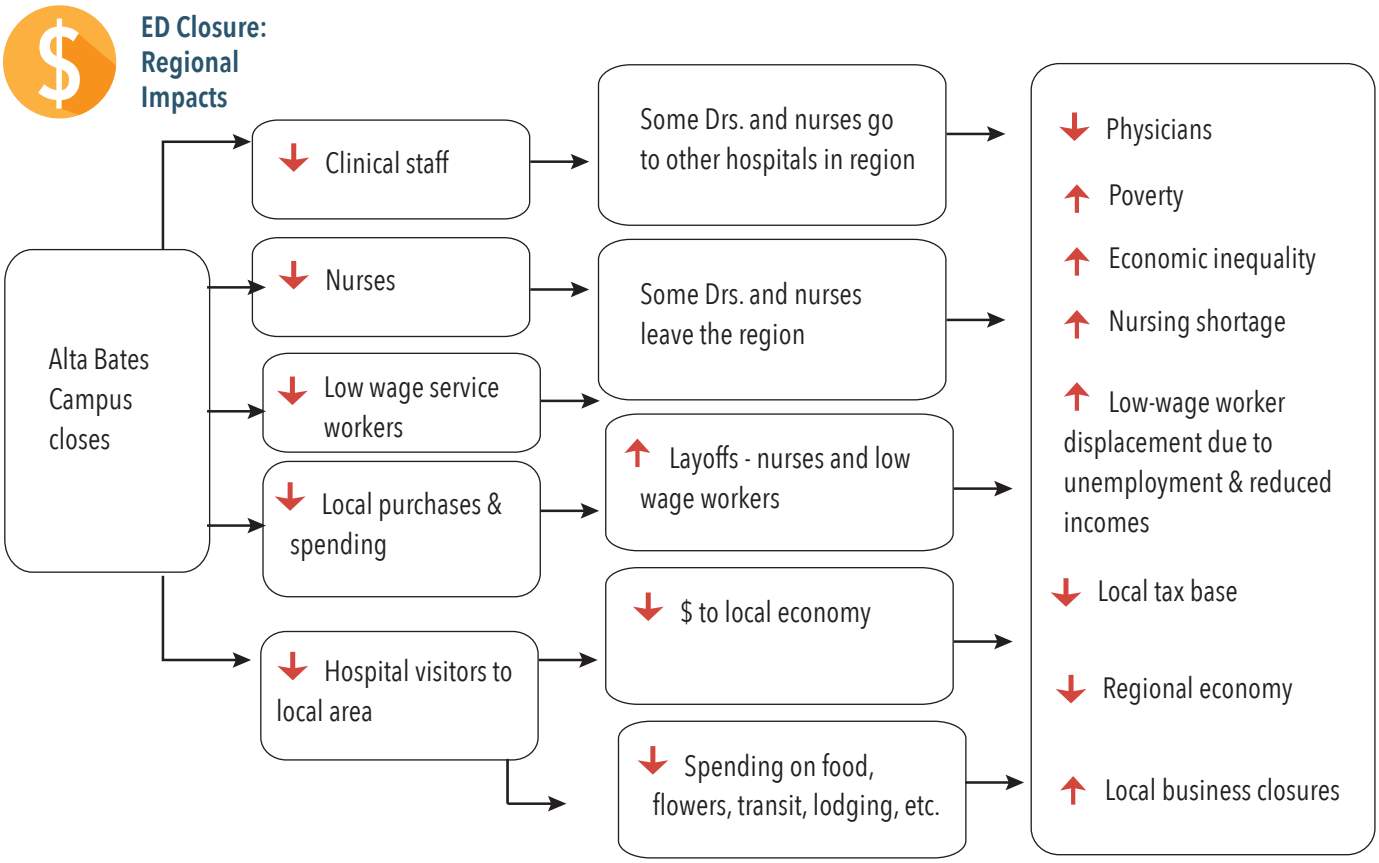


Figure 10. Hypothesized Impacts from Alta Bates Closing on Local & Regional Economy

Scenario E:



Rapid HIA Methodology

A mixed set of methods were used to complete this RHIA. As mentioned above, a detailed review of the scientific literature related to hospital closing was conduced to develop the hypothesized pathway diagrams and support data collection. We analyzed hospital and patient data using the California Office of Statewide Health Planning and Development (OSHPD). The RHIA also includes detailed reviews of reports by local hospital systems, emergency medical providers, and county health departments, which helped us obtain existing utilization information. Key findings from existing reports and analyses were summarized and incorporated into our analyses.

Data for multiple years and for multiple hospitals in the region, including Alta Bates Campus, were obtained from OSHPD. OSHPD conducts an annual, standardized survey required of all hospitals and health services in the state. Each facility is required to report data on patient capacity, inpatient utilization, ED utilization, and expenditures. We generated summary statistics on hospital and patient utilization for Alta Bates and Summit Campuses, as well as select hospitals in the East Bay region. Where possible, we utilized data from 2017, and otherwise reference complete OSHPD datasets from 2016. Five year estimates from the 2016 US Census, American Community Survey data were gathered to define ZIP Code populations and other community-scale demographics in the region.

Previously published health outcome data from the Alameda and Contra Costa County Health Departments were summarized by ZIP Code. In addition, ZIP Code level hospitalization data (2011) was accessed through the Sutter Health "Health Needs Maps" website (http://www.healthneedsmap.com). All these data are publicly available and as such this assessment was exempt from review by the human subjects' protection office of the University of California, Berkeley.

Meetings with Sutter Health, City of Berkeley and UC Berkeley's Tang Health Care providers also informed the analyses and provided qualitative data. A list of interviewees & reviewers of a first draft of this report appears in the appendix.

A summary of the inputs used appear in Figure 11. A full list of references appears at the end of this document.

Figure 11. Examples of inputs to Rapid HIA

Scientific Literature

- PubMed & Google Scholar
- Ovid, Proquest & Ebscohost
- Web of Science & Science Direct

Reports

- Alta Bates CHNA
- Haywired
- Doctors Medical Center Closure
- County Health Department Surveillance Reports

Existing data

- CA Health Interview Survey (CHIS)
- OSHPD
- City of Berkeley & County EMS
- US Census

Interviews

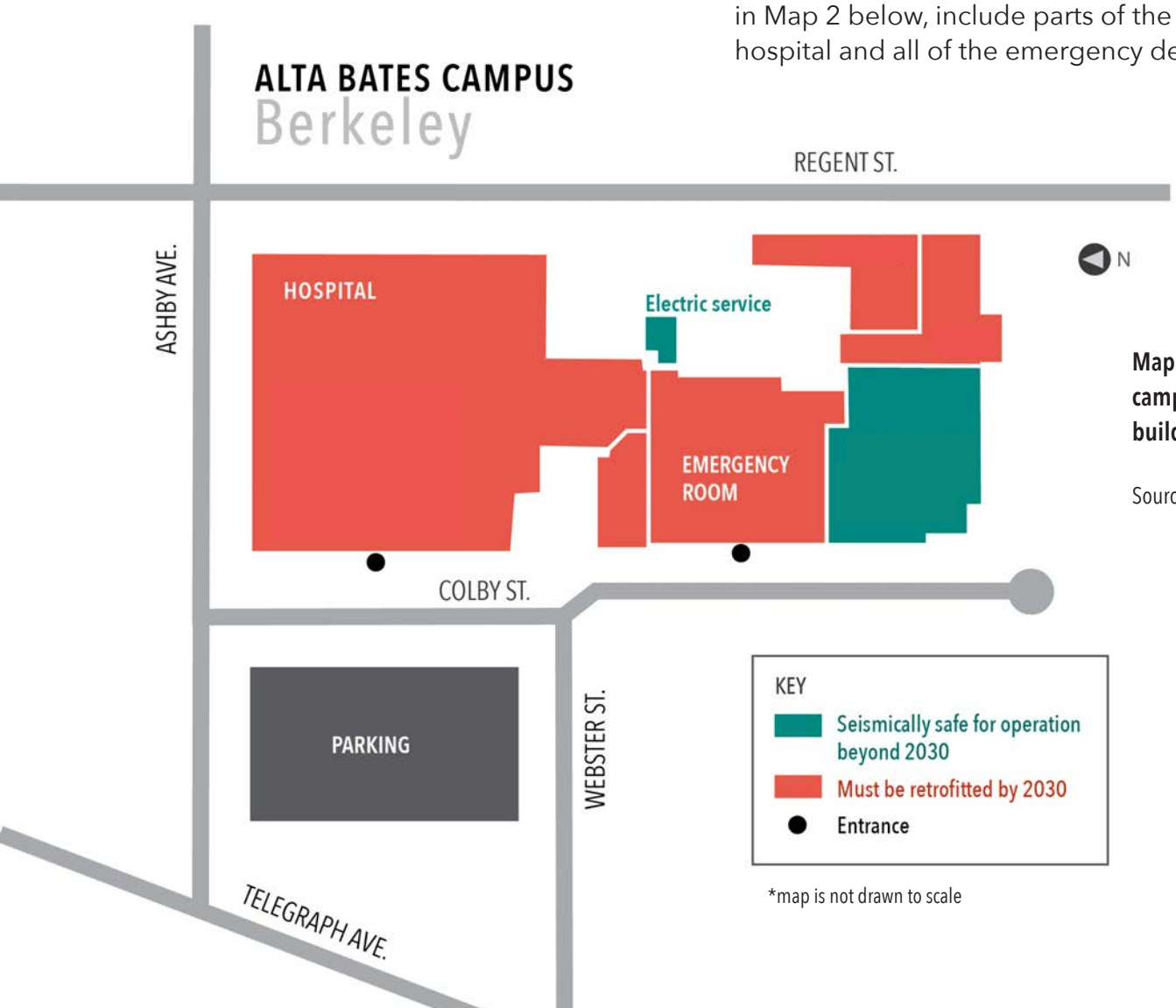
- Regional stakeholders
- UC Tang center providers
- Sutter Health
- UCB students

OVERVIEW OF ALTA BATES

Alta Bates Campus is one of the most utilized hospitals and birthing centers in Alameda and Contra Costa Counties, with a total of 66,268 patients in 2016. The hospital service area, in which 75% of patients reside, encompasses 9 cities across the East Bay. The hospital has recently seen a large increase in patients from West Contra Costa County after the closure of Doctor's Medical Center in 2015.

The Alta Bates campus of Alta Bates Summit Medical Center is a 347-bed acute care hospital, located in the city of Berkeley, in North Alameda County, California. Alta Bates was purchased by Sutter Health Corporation and integrated with Summit Medical Center in Oakland and Herrick Hospital in Berkeley to form Alta Bates Medical Center in the year 2000. Aside from providing emergency, acute and specialty care services, Alta Bates campus is also a major regional birthing center.

The Alta Bates Campus currently has 5 buildings that are out of compliance with the Hospital Seismic Safety Law, and must be retrofitted by 2030 or stop providing all inpatient and emergency services.[10] These buildings, depicted in Map 2 below, include parts of the general hospital and all of the emergency department.



Map 2. Alta Bates campus and affected buildings

Source: OSHPD, 2018

347 beds 3rd largest general acute care facility in the region

66,268 patient discharges, 2nd highest of non-Kaiser hospitals in Alameda County 2016

16,494 discharges from Contra Costa County in 2016 - 31% increase since 2013

45,900 ER visits in 2016 - 7% increase since 2013

61% of ER visits were **Medi-Cal and Medicare** in 2016

7% of ER visits were **uninsured** patients in 2016

5,863 live births in 2016 - highest in the region

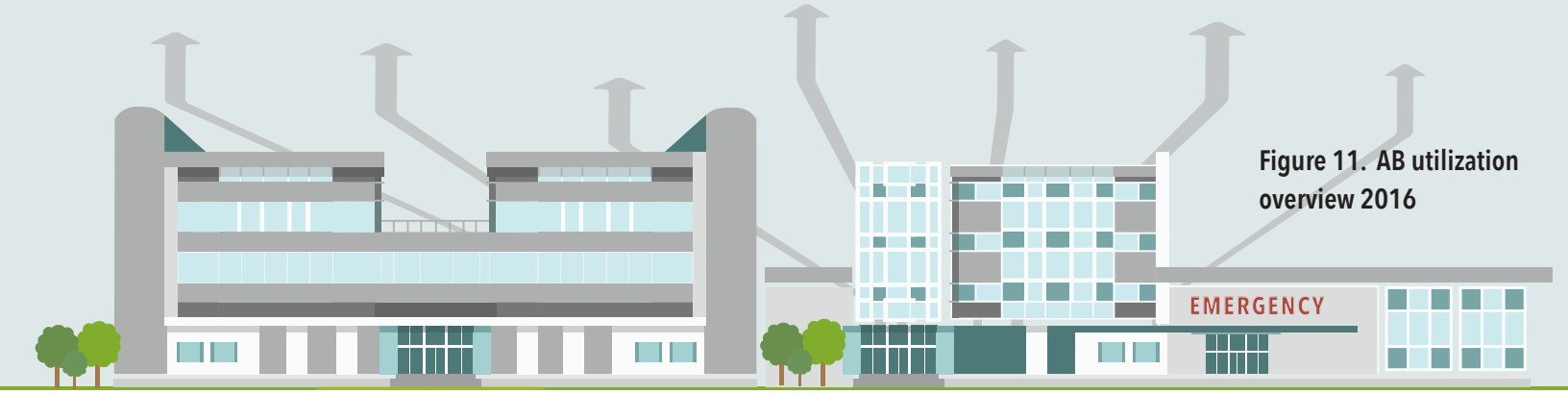


Figure 11. AB utilization overview 2016

We detail Sutter's response to the seismic upgrade on page 28 below.

Alta Bates Patient Utilization

Alta Bates Campus is one of the most utilized hospitals in Alameda County, and is the 3rd largest general acute facility in the region. Of its 347 beds, the facility currently has 146 general acute beds, 16 in intensive care, 116 perinatal, 55 in intensive newborn nursery, and 14 coronary care beds.[4]

In 2016, Alta Bates Campus discharged 66,268 patients, more than any other non-Kaiser hospital in Alameda County except Highland Hospital at 81,500. Of the 66,268 patients that were seen at Alta Bates Berkeley, 19,887 were hospitalized, including 5,930 patients admitted from the emergency department. **Of the 19,887 hospitalized patients, 30% were admitted for a birth-related diagnosis and 33% were admitted with a pregnancy-related diagnosis, for a total of 63% of all hospitalized patients.** In 2016, Alta Bates Berkeley delivered 5,863 babies, more than any hospital in Contra Costa County or Alameda County, making it the region's largest birthing center. After birthing and pregnancy patients, the third highest patient diagnosis was infection-related, which made up only 6% of hospital admissions.[8]

Alta Bates also operates an ambulatory surgery center, which conducted 6,975 surgeries and medical procedures in 2016. The most common principal diagnoses from the ambulatory surgery center were: eye disorders (22%), other reasons

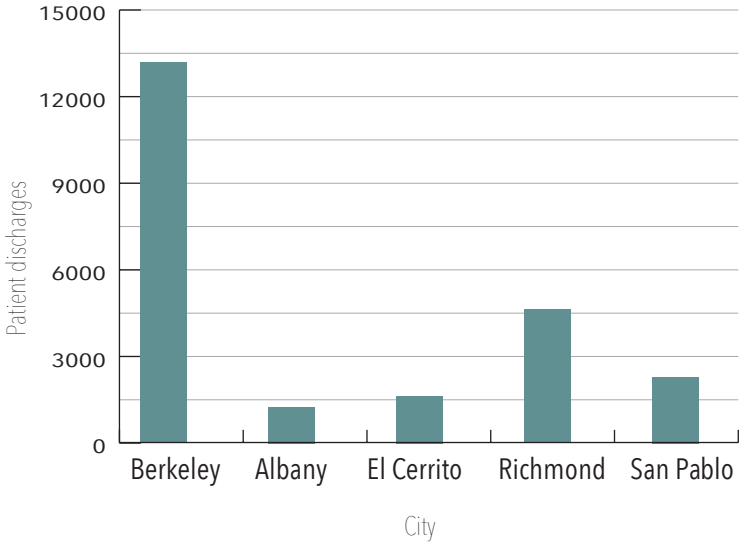


Figure 12. Alta Bates Campus ED patient discharges (2016) from cities impacted by the DMC hospital closure

Source: OSHPD, 2016

(15%), digestive system (14%), cancer (12%), and genitourinary system (11%). Of the 6,699 surgeries that were performed at the ambulatory surgery center in 2016, 60% were related to either eye and ocular surgeries (25%) or digestive surgeries (35%).[8]

Emergency Department

The Alta Bates Campus has one of the largest emergency department (ED) patient volumes in the region, operating over capacity by approximately 6,000 visits per year in 2017. That year the ED had 22 emergency treatment stations, down 3 stations from 2016.[3,4]

In 2017 Alta Bates Campus documented 50,414 emergency department visits, an additional 4,524 visits than 2016, despite having three less treatment stations. 63% of emergency department visits not resulting in admission were classified as severe, with 27% being life-threateningly severe and 36% being non-life-threateningly severe. Of the remaining visits, 27% classified as moderate, 9% were classified as low/moderate, and 1% were classified as minor.[4] Based on our review of the literature **it is unlikely that the 'severe' visits – comprising over 60% of total visits – could be treated in an urgent care facility or primary care setting.**

Given the high volume of ED patient traffic, Alta Bates Campus reported 57 hours of ambulance diversion in 2016, and 13 in 2017.[3,4] During these hours the hospital closed its ED to incoming ambulances, resulting in those ambulances being diverted to other hospitals. High ambulance diversion rates can be an indicator of ED overcrowding, and is associated with poorer health outcomes for patients as well as lost revenue for hospitals. A more detailed discussion on ED access and impact of an Alta Bates Campus closure on the regional emergency medical services network can be found in the section below on EMS.

Hospital Service Area

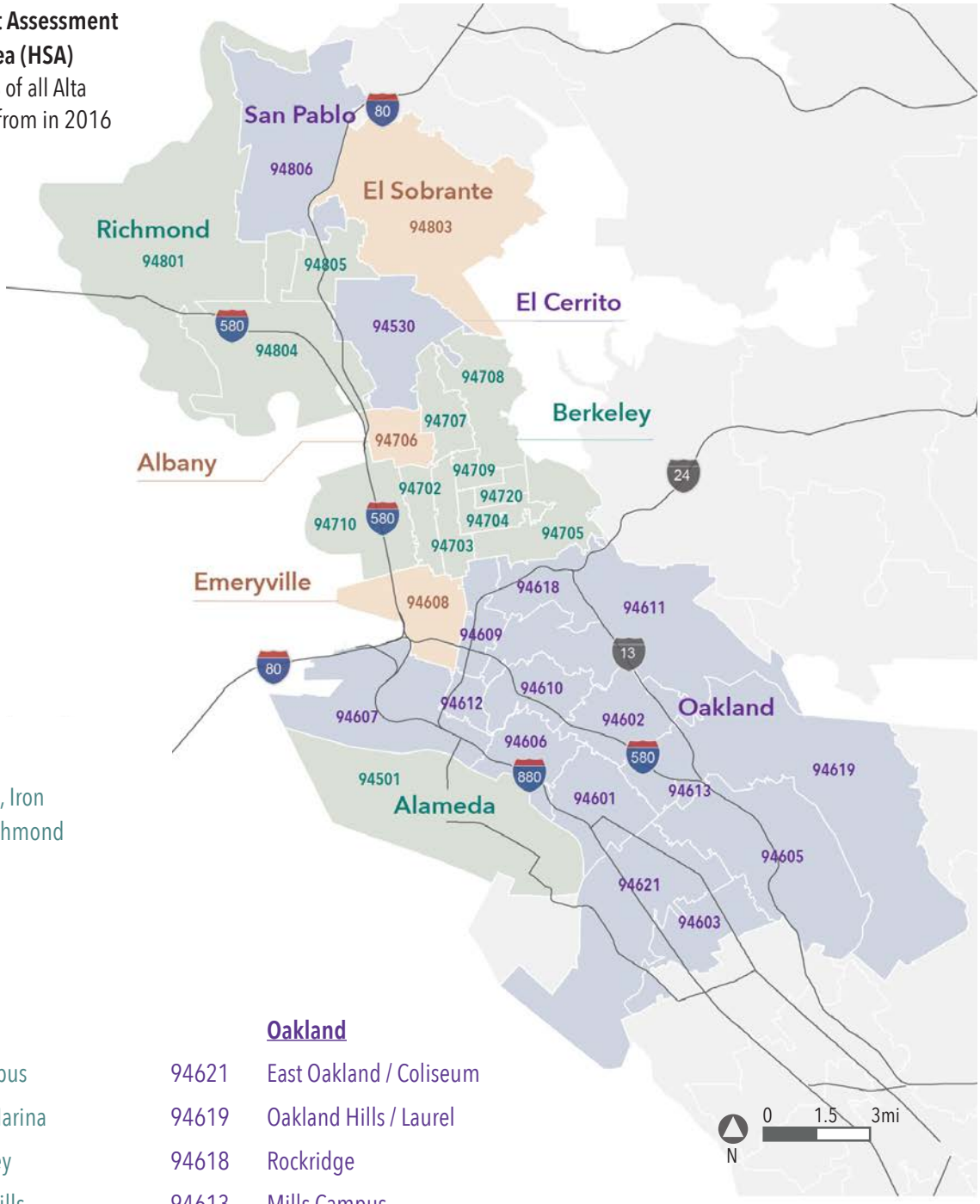
For this RHIA, we calculated the Alta Bates Campus hospital service area (HSA) using the latest available OSHPD (2016) patient origin data. This HSA best reflects the geographic area from which patients are coming from to receive care at Alta Bates Campus. As we describe below, the RHIA defined HSA is slightly larger than the area Sutter Health defines as the HSA for Alta Bates Summit Medical Center (which includes Alta Bates, Summit, and Herrick campuses) in their 2016 Community Health Needs Assessment (CHNA) report, since we aimed to capture the recent increase in patients coming from West Contra Costa County.

Using all 2016 inpatient and ED origin data, this RHIA defines the Alta Bates campus HSA to include the 32 ZIP Codes in the region where approximately 75% of patients lived. **The HSA spans across 9 cities in Alameda and Contra Costa Counties: Oakland, Alameda, Emeryville, Berkeley, Albany, El Cerrito, Richmond, San Pablo, and El Sobrante (Map 3). While 75% of patients in 2016 came from these 32 ZIP Codes, 66% of all patients that year came from Alameda County, and 25% from Contra Costa County, for a total of 91% of all patients.**[6]

According to the US Census, the RHIA HSA includes 839,299 residents, 44% of which are people of color and 18% of which lived below the poverty line in 2016 (ACS 2012-2016). Roughly 18% of the population in the service area are African American and 25% are Hispanic/Latinx. In the HSA **25% of the population receives Medicaid coverage and 11% are uninsured.** Since people with Medicaid and the uninsured may utilize a hospital for primary care more than those with other health insurance, there are approximately 301,146 people in the HSA that

Map 3. Rapid Health Impact Assessment defined Hospital Service Area (HSA)
32 ZIP Codes from which 75% of all Alta Bates Campus patients came from in 2016

Source: OSHPD POMS, 2016



ZIP Code	Community
94806	**San Pablo**
94803	**El Sobrante**
	Richmond
94805	East Richmond
94804	South Richmond
94801	Richmond - North, Iron Triangle, Point Richmond
94530	**El Cerrito**
94706	**Albany**
	Berkeley
94720	UC Berkeley Campus
94710	West Berkeley / Marina
94709	Northside Berkeley
94708	Tilden/Berkeley Hills
94707	North Berkeley / Kensington
94705	Claremont / Elmwood
94704	Berkeley Downtown / South of Campus
94703	Northwest Berkeley
94702	Northwest Berkeley
94608	**Emeryville**

	Oakland
94621	East Oakland / Coliseum
94619	Oakland Hills / Laurel
94618	Rockridge
94613	Mills Campus
94612	Downtown Oakland
94611	Piedmont / Oakland Montclair
94610	Oakland Grand Lake / Lakeshore
94609	Oakland MLK
94607	West Oakland / Jack London
94606	Oakand / Cleveland Heights
94605	Oakand Hills / Eastmont
94603	East Oakland / Brookefield
94602	Oakland / Glenview
94601	East Oakland / Fruitvale
94501	**Alameda**

RHIA defined Alta Bates Campus hospital service area

839,299 residents

32 ZIP codes

18% of population below 100% of the federal poverty level

44% People of Color

36% of population below 200% of the federal poverty level

may seek non-urgent care at Alta Bates Campus.

Health outcome data also suggests that residents in the Alta Bates Campus HSA experience health inequities and disproportionate rates of illness and injury including asthma, diabetes, assault, unintentional injury, and substance abuse compared to the State of California and both Alameda and Contra Costa Counties (Figure 15) (Sutter Health, 2013).

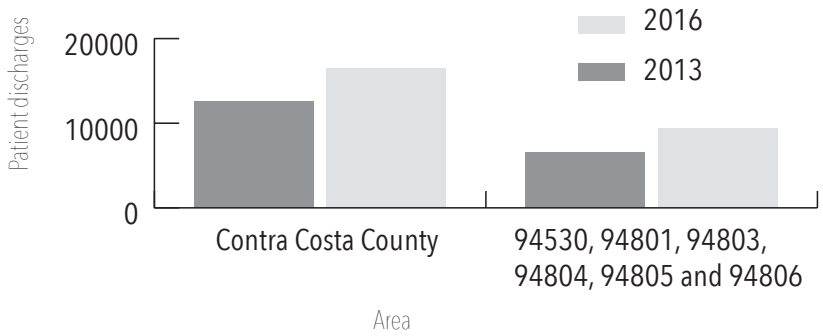
According to Sutter Health's 2016 Community Health Needs Assessment (CHNA) report, the HSA defined for all three campuses (Alta Bates, Herrick, and Summit) included 24 ZIP codes in Oakland, Berkeley, and Emeryville, what they call their "core market." **Approximately 20% of this population lives below the poverty line and about 59% are People of Color.** We highlight the differences in the Sutter CHNA defined service area and the RHIA defined service area in Figure 14 and Map 5. Rather than include patients from all three campuses in the Alta Bates Summit Medical Center, the RHIA defines the HSA solely for the Alta Bates Campus, in order to identify specific needs of the Alta Bates Campus patient population and evaluate impacts of the proposed campus closure.

Figure 14. Alta Bates Hospital Service Areas: RHIA & CHNA defined

Source: ACS 2012-2016 estimates

	RHIA defined service area	CHNA defined service area
Population	839,299	557,296
Number of Cities	9	3
Number of Zip Codes	32	24

Figure 13. Increased Alta Bates discharges from Contra Costa County & regional zip-codes



Source: OSHPD, 2013 & 2016

We determined that the larger number of residents from West Contra Costa County utilizing Alta Bates Campus in recent years demanded that we expand the HSA to include these communities in our analyses (Figure 13). The increase in patients from West Contra Costa County can be partly attributed to the closure of Doctor's Medical Center (DMC) in the city of San Pablo, California in 2015. **Of the 66,268 patients that visited Alta Bates Campus in 2016, approximately 18% were from 6 zip codes in Richmond, San Pablo, El Cerrito, and El Sobrante** (94530, 94801, 94803, 94804, 94805 and 94806) located in West Contra Costa County (Map 4). From 2013 through 2016, there was a 24% increase in patients visiting Alta Bates Campus from Contra Costa County and a **39% increase in patients visiting Alta Bates Campus from the six zip codes above.**[5,6]

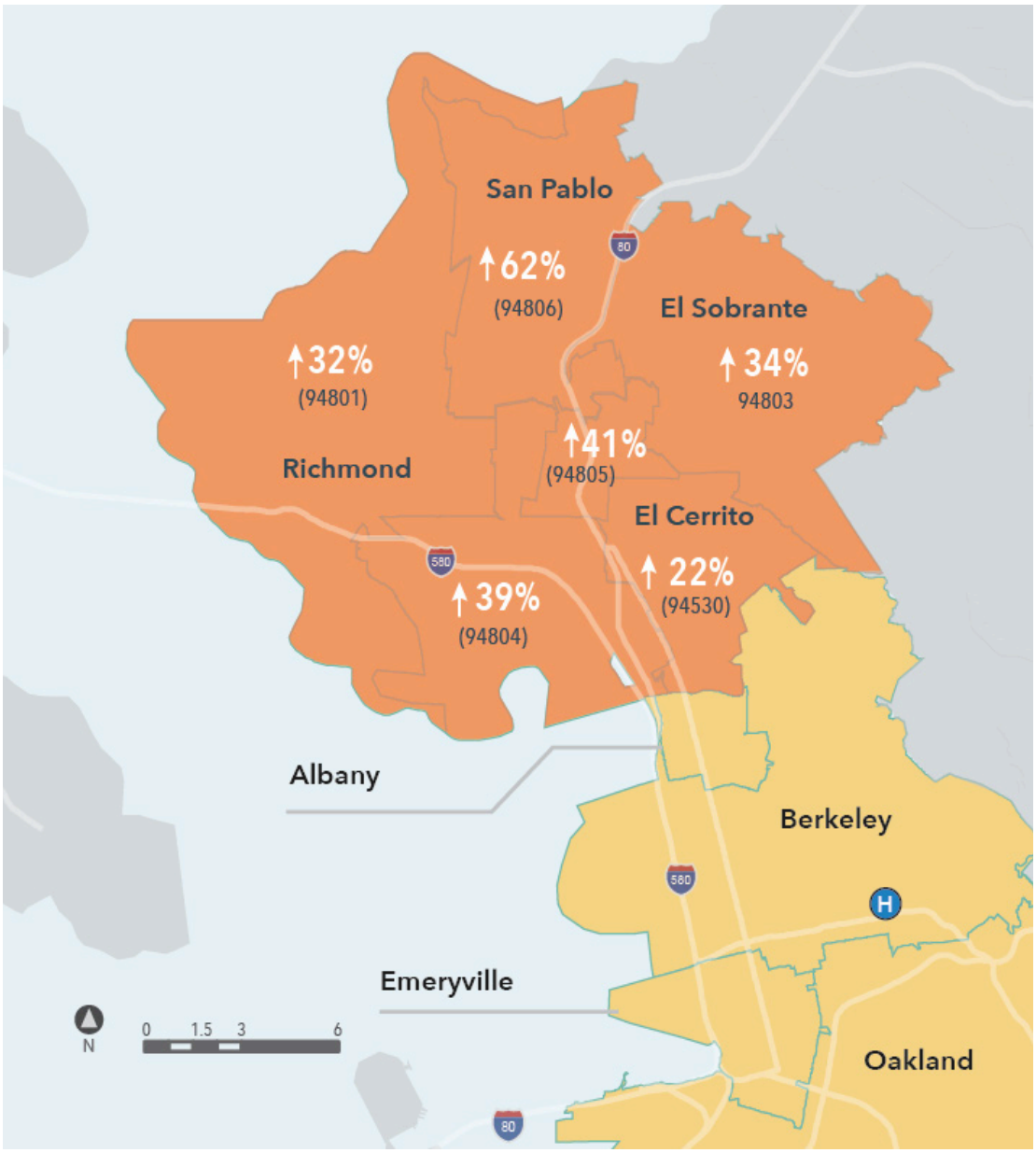
Since these communities are in close proximity to Kaiser Richmond (which has limited ED capacity and primarily serves Kaiser members) **the closure of Alta Bates Campus is likely to**

Map 4. Large volume increases in Alta Bates ED discharges from West Contra Costa County 2013 - 2016
Source: OSHPD, 2013 & 2016

Alta Bates campus

West Contra Costa County in the RHIA defined service area

Additional Cities in the HSA



have a significant adverse impact on access to ED and hospital care for residents of West Contra Costa County. These same communities are also some of the most vulnerable in terms of having the largest African-American populations, having preexisting health conditions and being uninsured.

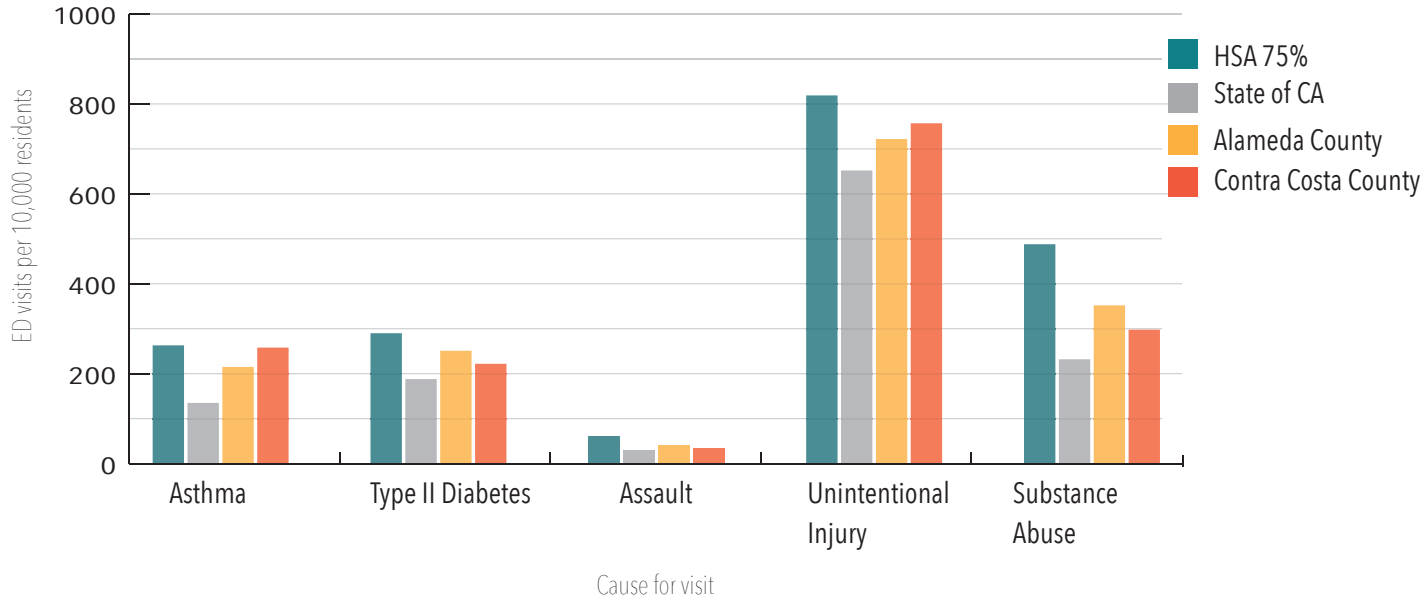
For example, according to Contra Costa Health Services 2010 Community Health Indicators Report:

- African Americans in Contra Costa had a shorter life expectancy (73 years) than any other racial/ethnic group in the county.
- African Americans also experienced higher rates of new cases of colorectal, lung and prostate cancer, new cases of HIV and AIDS, hospitalization for non-fatal assault and self-inflicted injuries, low birth weight infants and teen births, and a higher percent overweight and obese fifth-graders.
- The communities of Richmond and San Pablo had the highest health risks and death rates (particularly for African American men) from heart disease, all cancers, diabetes, stroke and homicides.
- African Americans in Richmond had 254 asthma hospitalizations and ED visits per 10,000 people, compared to 105 for all racial/ethnic groups.
- The rates of sexually transmitted infections and people living with HIV/AIDS are significantly higher in Richmond than in Contra Costa County.
- A larger percentage of Hispanic students in Richmond high schools reported contemplating suicide than other students, according to the 2011 California Healthy Kids Survey, Grades 9-11.

The RHIA addresses potential impacts of the proposed hospital closure on vulnerable populations served by Alta Bates on page 30 of this report.

Figure 15. ED Visits by Cause: Comparing the RHIA defined Alta Bates Campus HSA to State and County Rates

Source: Sutter Health Needs Maps, 2013



Map 5. Comparing RHIA & CHNA defined Hospital Service Areas

Source: OSHPD POMS, 2016 & Alta Bates Summit Medical Center CHNA, 2016

2016 CHNA defined Alta Bates Summit Medical Center HSA

RHIA defined Alta Bates Campus HSA

Alta Bates Campus

SUMMIT CAMPUS IMPACTS

Campus Utilization & Capacity to Absorb Alta Bates Patients

The Summit Campus includes an emergency room and hospital with 403 licensed beds in 2017. Sutter has indicated that all inpatient and emergency care capacity at Alta Bates Campus will be relocated to the Summit Campus by 2030. However key details about the expansion as well as the capacity for the Summit Campus to absorb an additional 40,000 ED patients remains in question.

The Summit Campus hospital on Hawthorne Avenue in Oakland includes an emergency department (ED) and a new patient pavilion that was renovated in 2014. Despite the recent renovation and a current emergency department expansion underway, **9 buildings at the Summit Campus do not currently meet seismic standards, and must be retrofitted or stop all inpatient and ED services by 2030** (Map 6).[10]

In 2017, Summit Campus saw a total of 60,038 patients, both hospitalized and from the ED. 47,117 patients were seen in the ED, of which 25% were admitted to the same hospital. In 2017, **Summit had 25 ED treatment stations, down from 32 stations the year prior.**[4]

Of the approximate 47,000 ED patients in 2017 (including those later admitted to the hospital), 35% were classified as severe and life threatening, 33% were classified as severe but not life threatening, 25% were moderate, 6% were low/moderate, and 1% was minor.[4]

Since the closure of the Alta Bates Campus catheterization lab, the Summit campus has become the central heart attack and ST-Elevation Myocardial Infarction (STEMI) patient receiving location. The hospital performed 345 cardiovascular surgery operations in 2016, and saw 2,531 cardiac catheterization patients (1,106 diagnostic 1,425 therapeutic), which resulted in 3,426 catheterization procedures in total.[8]

Summit Campus at a glance in 2017

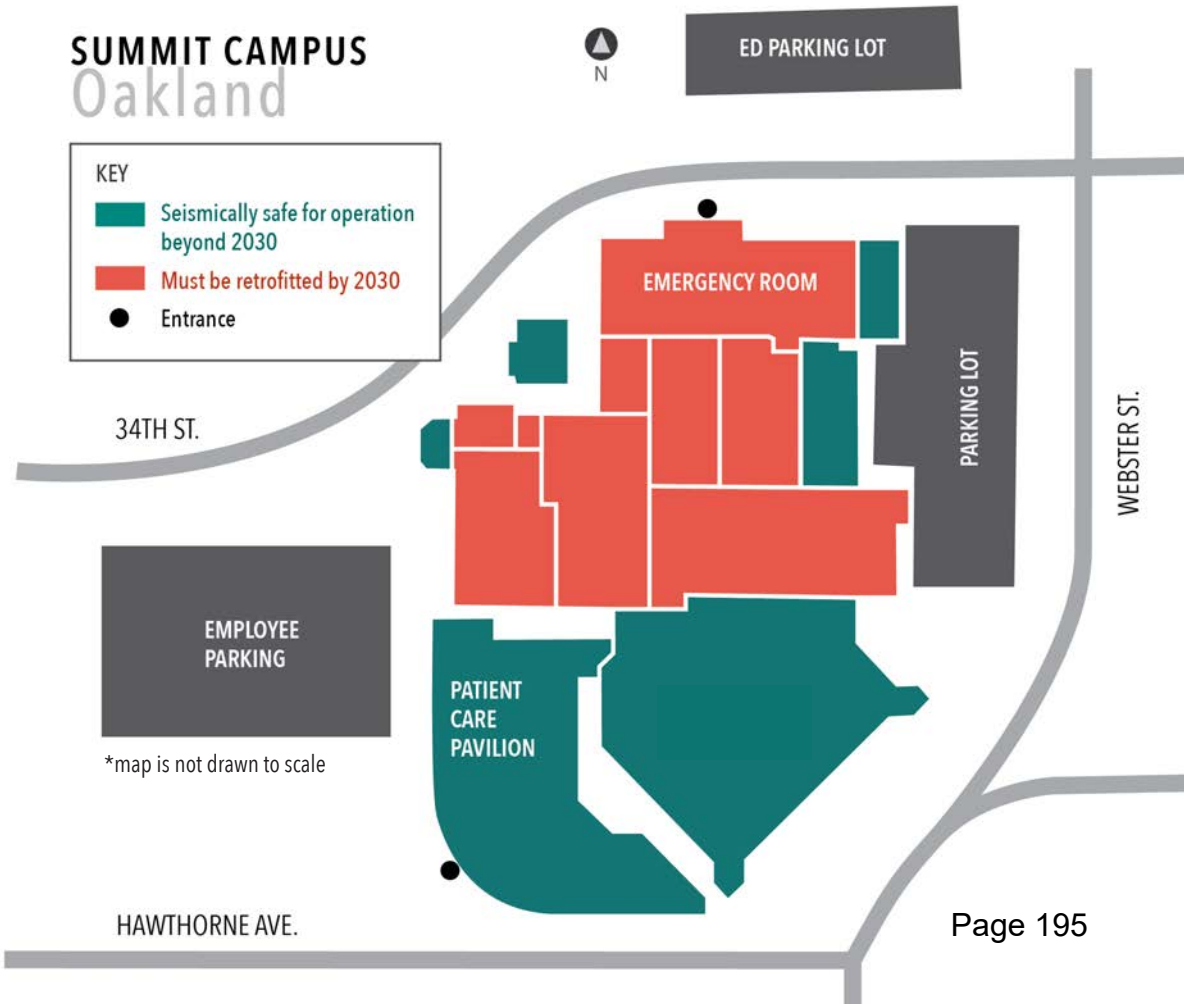
47,117	25	403	147,095	60,038	29	0
Total Emergency Department Patients	EMS Treatment Stations	Licensed Beds	Licensed Bed Days per year	Total patients	Diversion Hours	Total Live Births

The Summit Campus does not currently have the capacity to serve the volume of patients seen at the Alta Bates Campus, particularly for birthing and emergency care.

Summit currently does not operate a birthing center, and relocating services to Summit would require that a new birthing facility be built at the Oakland campus, with the capacity to deliver nearly 6,000 babies per year.

To replace Alta Bates Campus emergency department, **Summit Campus would need to expand its capacity by an additional 50,000 emergency department visits per year** (the number of ED patients seen at Alta Bates campus in 2017), for an approximate total of **100,000 visits annually.**

In the case of a relocation of all ED services from Alta Bates Campus to Summit, the total patient volume at Summit Campus would exceed any Emergency Department in the East Bay or San Francisco, including SF General, the highest traffic ED in the broader region which had 72,716 ED encounters in 2016.[8]



Map 6. Summit Campus and affected buildings

Source: OSHPD, 2018

Sutter Health Plans for Summit Campus Expansion

Sutter Health is proposing to relocate all East Bay inpatient and emergency services to its Summit Campus in Oakland. The Sutter website dedicated to the proposed closure of Alta Bates Campus (https://rebuild.altabatessummit.org), indicates that Sutter plans to build a new acute care medical center and ED at the Summit location by the year 2030.

The following section outlines select Frequently Asked Questions (FAQs) and responses from Sutter regarding the hospital closure, along with the RHIA's relevant key findings.

What services will Sutter Health continue to provide in Berkeley?

Sutter response:

We are committed to making future investments in Berkeley and see it as a primary location to provide outpatient care. Our Herrick Campus on Dwight Way has been identified by the city as a prime location to deliver medical services. We plan to expand Herrick's services, which include our Comprehensive Cancer Center and Behavioral Health program. In addition, we currently have three large care centers, including our newest one near the Herrick Campus on Milvia Street, where people can also visit our urgent care center.

RHIA analysis:

Since we did not have details from Sutter on what services will remain at Alta Bates Campus, we focused on impacts to the birthing center and ED.

Will the new facility in Oakland be able to provide enough emergency care?

Sutter response:

We plan to enlarge, upgrade and strengthen the current Summit Emergency Room so that we have the capacity to handle more than 90,000 ER visits a year. By the year 2030, we plan to completely rebuild our ER within a second critical care tower to be constructed at the Summit Campus.

RHIA analysis:

We detail the ED impacts throughout this report. A key finding is that the new Summit Campus ED will need a capacity of approximately 100,000 visits per year, but plans to serve 90,000.[4] This exceeds the number of visits seen by any ED in the East Bay or San Francisco.

Oakland is farther away than Berkeley from where I live. What if I'm having a heart attack or a stroke and need to call 9-1-1?

Sutter response:

Any non-Kaiser patient in the Alta Bates Summit service area calling 9-1-1 today for a heart attack or stroke is already transported to our Oakland campus, where we have one of the most advanced heart centers in California. Additionally, the Summit Campus ER is located next to two major freeways (I-580 and I-980) in Oakland. It's actually faster for most patients in the East Bay – including those from West Contra Costa County – to get to our Oakland campus than it is for them to get to our Berkeley campus, especially during an emergency.

RHIA analysis:

We offer a detailed travel time analyses in the Emergency Services section, on page 43. We found that private vehicle and transit travel times will increase for some communities. Where travel time increases exceed 30 minutes, the literature suggest patients will experience adverse health outcomes.

What will happen to the Summit Campus?

Sutter response:

In August 2014, the new 238-bed patient care tower opened at the Summit Campus in Oakland. This new tower meets the state's 2030 seismic regulations and is equipped with the latest technology, ensuring the highest level of medical care and patient safety. We plan to create a modern footprint at this campus that will allow us to build another building – a second pavilion – that will include new operating rooms, intensive care units, a modern, expanded Emergency Room and space for our Women and Infants Birthing Center and Newborn Intensive Care Unit. It is our plan to relocate inpatient and emergency hospital services, including all staff and doctors, from Berkeley to Oakland by 2030.

RHIA analysis:

As noted above, needs at an expanded Summit Campus would include a comprehensive birthing center and significantly increased capacity in the ED. The Summit Campus is located less than 3 blocks away from the Kaiser Oakland ED. Although Kaiser Oakland is not accessible to all patients, its ED has the capacity to see 96,000 visits per year, and was operating 32,313 visits below capacity in 2017. Summit currently has the capacity to see 50,000 ED visits per year, but was operating under capacity by 2,883 visits in 2017.[4] This suggests that while patients currently have the option to utilize Summit Campus or other EDs with more capacity, many are choosing to utilize the Alta Bates Campus ED which was operating above capacity by over 6,000 visits in 2017.

What happens next?

Sutter response:

Planning a project of this scale takes years and must be thoroughly vetted and collaboratively developed. We will keep our community informed with accurate and timely information. This transition must be planned far in advance to ensure the community's ongoing health needs are met without interruption. Please visit this site for updates or use the information on the Contact Us page to reach out to us.

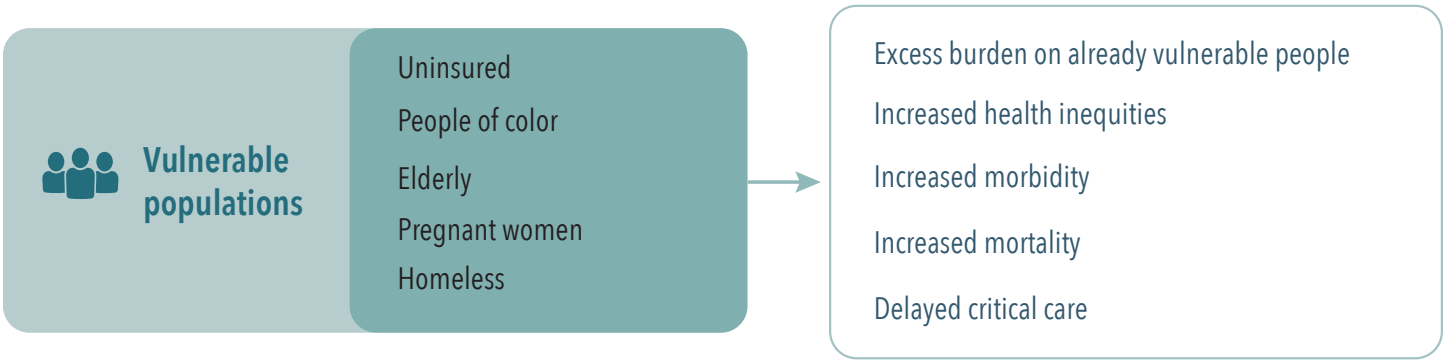
RHIA analysis:

Our review of the literature suggests that the timing of events is crucial to prevent adverse impacts to those seeking both chronic and urgent care. A more detailed plan would be necessary, including public awareness and engagement, to ensure treatment options are clearly communicated to current Alta Bates patients and those seeking urgent care in the region.

**All Sutter Health website text referenced reflects updates as of June 7th 2018*

IMPACT ON VULNERABLE POPULATIONS

Vulnerable populations are more likely to be impacted by the proposed closure of Alta Bates Campus, this includes low-income and people of color, Medi-Cal and Medicare patients, pregnant women, and the homeless.



ALTA BATES PATIENT DEMOGRAPHICS 2016

56% of ED patients and **63%** of hospitalized patients were people of color

41% of patients are uninsured/self pay or are Medi-Cal recipients

23% of hospitalized patients are elderly

68% of inpatient discharges were women

The Alta Bates Campus and ED provide key medical services to a high volume of patients from vulnerable populations in the Bay Area region which include but are not limited to: pregnant women, People of Color, low-income, uninsured and Medi-Cal patients, the elderly, and people living with disabilities. While people of color make up 44% of the Alta Bates campus Hospital Service Area (HSA), they represented 63% of hospitalized patients and 56% of ED patients in 2016. An additional 41% of patients in 2016 were Medi-Cal recipients or self pay/uninsured, and 23% of hospitalized patients were over 60.[8]

A wealth of evidence suggests that vulnerable populations may be more severely impacted by hospital closures, and should be taken into special consideration in the context of Alta Bates and the capacity of the East Bay regional healthcare network. Chen et al (2015) found that vulnerable populations, particularly African American and Medicaid patients, have higher measures of non-urgent ED scores, and are more

frequent users of the ED for both non-urgent and urgent reasons. A 2011 study looking at major medical services such as outpatient care, specialty care, marker conditions, births, and mental health and substance abuse services found that urban hospital closures led to disproportionate disruptions in accessing care, especially for uninsured African-Americans and Latinx populations, and all women on Medicaid hospitalized for births (Hsia & Shen, 2011).

The ED visit rate to Alta Bates Campus for patients living in low-income ZIP Codes (i.e., the lowest quartile), increased 23% from 2006 to 2014. There was no change in ED visits for patients living in higher-median-income ZIP Codes over this same period. This is not a surprise finding, but it does suggest that the Alta Bates Campus ED currently serves an increasingly number of low-income residents in the Bay Area.

Pregnant Women & Newborn Babies

As noted above, Alta Bates Campus is one of the region's premier birthing centers. The age and gender distribution of hospitalized Alta Bates Campus patients reflects the high utilization of its birthing and pregnancy-related services: **in 2016, 68% (13,564) of inpatient discharges were female,** and 32% (6,322) of inpatient discharges were male. 30% (6,018) of inpatient discharges were for patients under 1 year old, reflecting high utilization of birthing and the NICU.[8] **In 2016, Alta Bates Campus had 2,145 more births than Kaiser San Leandro, the second largest birthing center in the region that year (**Figure 17).[3]

While being one of the most highly utilized birthing centers in the region, Alta Bates Campus has some of the **best health outcomes for birthing services when compared to other regional birthing centers and CA state averages** (Cal Hospital Compare, 2018)**.** As depicted in Figure

Figure 16. Outcomes for Largest birthing centers in Alameda & Contra Costa Counties, 2016

	Lower is better		Higher is better	
	% C-Section in Low-risk pregnancies	% Episiotomy	Exclusive breastfeeding before discharge %	% Vaginal birth after C-Section (VBAC)
Alta Bates Campus	**19.4**	**2.8**	**86.5**	**33.2**
John Muir - Walnut Creek	23	7.2	73.7	20.8
Kaiser - San Leandro	20.2	6.9	80.7	21.8
State of CA Average	25	9.1	68.5	12.3

*numbers are reported as percentages (Adapted from CA Health Care Foundation & CHART 2014)

16, Alta Bates Campus reports the lowest regional rates for C-Section in low-risk pregnancies and episiotomy procedures, which can put mothers at risk for post surgical complications. Alta Bates Campus also has the highest rates for exclusive breastfeeding before discharge and vaginal birth after C-section (VBAC) which are both positive birth indicators for mothers and newborns.

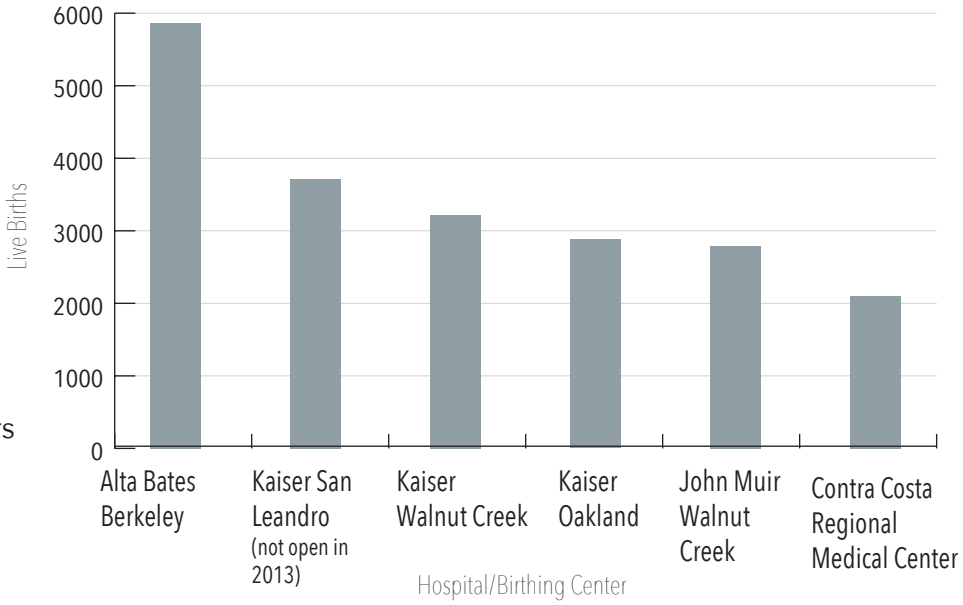


Figure 17. Number of live births across regional birthing centers 2016

Source: OSHPD, 2016

Alta Bates Campus also has an active 55-bed, level III newborn intensive care unit, operated by a 200-person healthcare team (Sutter Health, 2018). Compared to other birthing centers in the region, the Alta Bates Campus NICU has experienced a consistently high occupancy rate and discharged a high volume of newborns. In 2016, the NICU was at nearly 60% occupancy and discharged 964 patients, 350 more than John Muir Walnut Creek, which had the second highest number of live births for a non-Kaiser hospital. That year, John Muir Walnut Creek had a NICU occupancy rate of 27% with 614 patient discharges.[3]

Lorch et al (2013) found that when hospital obstetric units in Philadelphia closed, neonatal and fetal mortality increased almost 50% in the first three years after the closure compare to surrounding counties where hospitals did not close. This study also found that low income women tended to receive their prenatal care at the hospital, not a doctor's office, and this may have also had an impact on birth outcomes.

Given the comprehensive prenatal, labor and delivery, postpartum and specialty newborn care provided at the Alta Bates Campus as well as the high volume of births, **we determined that the hospital closure will likely have an adverse impact on maternal and newborn health in the region, particularly in the short term.** While Sutter plans to open a new regional birthing center at the Summit campus in Oakland, the timing and specific services that will be offered have not been disclosed.

People of Color

Alta Bates Campus serves diverse communities in terms of race, ethnicity, and socioeconomic status, and hospital and emergency department patients have consistently included a high proportion of low-income and people of color.

In 2016, 63% of inpatient discharges and 56% of emergency department discharges were for people of color (African American, Hispanic/Latino, Asian/Pacific Islander or Native American). Of the 63% of inpatient discharges for people of color, 22% were African American, 25% were Hispanic/Latino, 16% were Asian/Pacific Islander. White patients made up 32% of all 2016 discharges. For the ED, 56% of discharges were people of color, including 38% African American, 14% Hispanic/Latino, and 10% Asian/Pacific Islander. White patients made up 38% of 2016 ED

discharges.[8] African American people in particular were overrepresented in both inpatient and ED discharges from Alta Bates in 2016, making up only 18% of the population in the RHIA defined Alta Bates Hospital Service Area (HSA).

Within the Alta Bates HSA, an estimated 20% of the population has limited English proficiency; this figure is higher than both Alameda (18%) and Contra Costa Counties (14%) (ACS 2012-2016). Limited English proficiency can create language barriers between patients and providers, but can also contribute to decreased healthcare utilization particularly when a patient must access a relocated or unfamiliar facility.

Fishman et al (2018) studied ED and clinic usage in Chicago and found that patients living in medically under-served areas (MUAs) and areas with lower spatial access to primary care clinics had higher odds of preventable ED use. Analyzing data from the National Hospital Ambulatory Care Survey, Johnson et al. (2012) observed higher preventable ED use among those who were female, non-Hispanic black or Hispanic, older, or publicly insured, and that areas with large concentrations of ethnic and racial minority populations have been shown to have high rates of preventable use of EDs. While a significant portion of preventable ED use can be addressed by improved access to primary care, EDs still serve as an essential care provider for those unable to access care by other means. Chen et al. (2015) found that lower-income vulnerable populations, particularly African Americans and Medicaid patients, more frequently utilized the ED for both non-urgent and urgent reasons, and these same populations tended to utilize the hospital ED for medical conditions that could be addressed in a primary care setting.

With high rates of ED and hospital service utilization, and representing large percentage of the population in the HSA, **people of color will be disproportionately burdened by the closure of Alta Bates Campus. We are especially concerned with access for both urgent and non-urgent conditions, and the continuity of care for people of color that are already relying on Alta Bates' ED for regular care.** Related to the closure of Alta Bates Campus, we would expect short term (first 1-3 years) delays in seeking treatment, increased severity of some diseases, increased hospitalizations due to delays in seeking care, increased costs of treatment (i.e., medications, doctor visits, etc.) and potentially increased morbidity and mortality (especially from conditions already disproportionately burdening

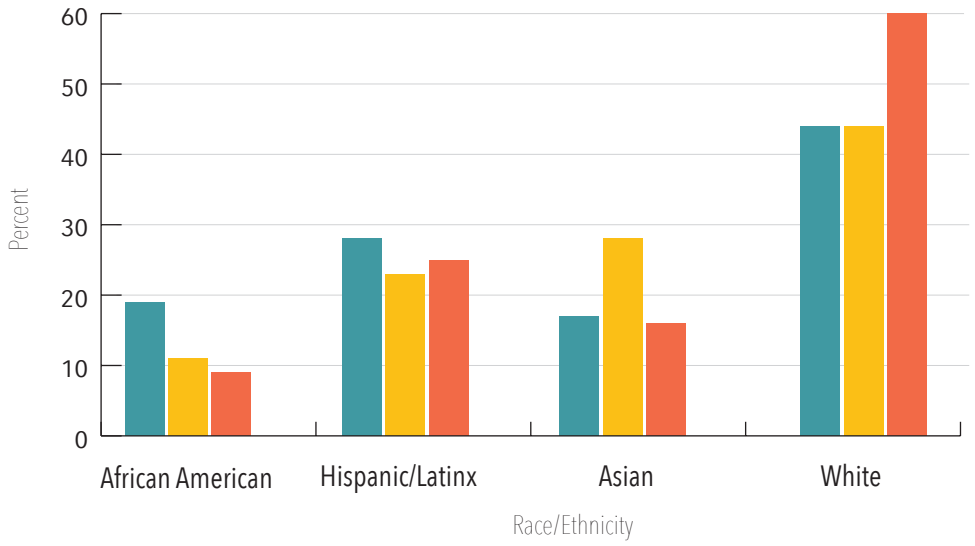


Figure 18. Percent race/ethnicity in the HSA compared to county and state rates

Source: ACS 2012-2016

HSA 75%

Alameda County

Contra Costa County

people of color such as diabetes, heart disease and asthma) for people of color in the region. The high utilization of the ED for both urgent and non-urgent conditions raises an opportunity in the Bay Area for increased coordination and communication between primary, urgent, and emergency care providers. While the region has a network of urgent care facilities that may be able to absorb some of the preventable ED patient traffic, urgent care hours of operation and insurance plans accepted may still pose barriers to low-income and people of color.

People with Disabilities

According to the US Census, **95,840 people or 11% of the population in the HSA are living with a disability, of which at least 61% are racial/ethnic minorities.** White people represent 44% of the population in the HSA, however they make up only 9% of people living with disabilities. Conversely, the Native American and Pacific Islander populations, which combined constitute less than 2% of the total HSA population, represent 31% of people living with disabilities in the area.

While this RHIA does not frame disability as a medical condition, we recognize that people living with disabilities may be adversely impacted by the closure of Alta Bates Campus due to transportation barriers and increased distance, unfamiliarity with relocated services, and other accessibility challenges.

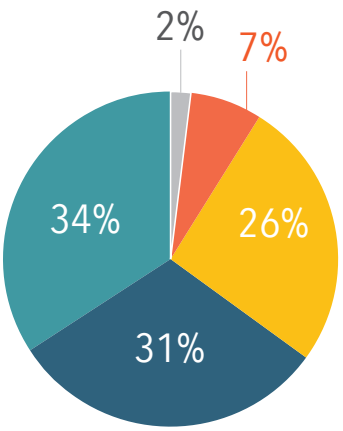


Figure 19. Alta Bates Campus expected payer source 2016

Source: OSHPD, 2016

- Unknown
- Self-pay/uninsured
- Medicare
- Private insurance
- Medi-cal

Uninsured & Publicly Insured Patients

As discussed above, Alta Bates Campus serves a large number of low-income patients. In the HSA, over 18% of the population lives below the federal poverty level, and 36% of the population live below 200% of the federal poverty level. This has a large impact on children and young people, as 61% of public school students are eligible for free/reduced price lunch, compared to 44% in Alameda County and 40% in Contra Costa County. This is consistent with the high rate of Medi-Cal covered patients (25%) and uninsured patients (11%) in the hospital service area (ACS 2012-2016).

Alta Bates Campus' 2016 expected payer sources (Figure 19) for emergency department patients highlights that a large percentage of Alta Bates patients are from vulnerable populations, as **68% of Alta Bates ED patients were expected to pay via either Medicare, Medi-Cal or were self-pay/uninsured.**[8] Medicare serves populations over 65 and also serves people with disabilities. People utilizing Medicare represent vulnerable populations, such as the aging/elderly, socioeconomically vulnerable and people with disabilities. Medi-Cal serves socioeconomically vulnerable populations, by qualifying people/families that are at 138% of the federal poverty level or below (i.e. $28,677 annually for a family of 3), which is very low-income for California and especially the Bay Area (DHCS, 2018).

Uninsured patients are also extremely vulnerable, as uninsured patients can include patients that are low-income, homeless and/or undocumented immigrants. Hsia et al (2013), found that between 2005-2010 **in California, ED visits by Medicaid beneficiaries increased by 14%, significantly higher than privately insured patients.** According to the 2006 California Health Care Foundation

report, *Overuse of Emergency Departments Among Insured Californians*, even insured patients can be more frequent ED users than uninsured patients, particularly those with Medicaid coverage, which still leaves them with difficulties in accessing primary care.

"I know seniors that don't drive and used to regularly use DMC (Doctor's Medical Center, San Pablo) for speciality and emergency situations. Now that DMC is closed, some have to travel 2 hours by public transportation to see speciality doctors. That has a huge impact on whether or not they receive care."

- Local government official, Bay Area

The Aging & Elderly

Aging people and the elderly (60+ years old) account for a disproportionately high percentage of inpatient discharges and emergency department visits at both Alta Bates and Summit Campuses. Despite representing only 18% of the population in the RHIA defined HSA In 2016, the 60+ year old population accounted for approximately 23% of inpatient discharges and over 30% of emergency department visits at the Alta Bates Campus. That same year, the 60+ year old population accounted for approximately 65% of inpatient visits and 39% of emergency department visits at the Summit Campus. [8]

The aging and elderly population is expected to increase in the coming decades. According to the Public Policy Institute of California, the 65+ year old population is expected to grow 87% from 2012 to 2030, and the California Health Care Foundation has similar findings, noting that California's 65+ year old population is projected to more than double from 2000 to 2030, growing to 8.8 million.

In 2012, the RHIA defined HSA had a 65+ year old population of 93,537, and with an 87% growth projection, will reach 174,914 in 2030 (ACS 2008 - 2012). This growing population is critical to consider because this age group is among the highest users of both emergency and inpatient care. The California Health Care Foundation noted that due to seniors' high rate of hospitalizations, acute care hospital days are projected to increase by 76% from 2000-2030, and by 2030, the 65+ group is projected to use over half of the state's acute care days, despite representing only 18% of the population.

The CA Health Care Foundation suggests that by 2030 there will be an insufficient number of acute care beds in the SF Bay Area due to the increasing numbers of hospitalized elderly. And, considering the high utilization of the emergency department by the 60+ year old population and the quick growth rate of that demographic, it is unlikely that a new emergency facility designed to meet current capacity would be able to accommodate the combined growth of the elderly and regional population, which could impact timely care for all patients needing to access emergency treatment.

A study that included focus groups with seniors two years after the closing of a Pittsburgh hospital (Countouris et al 2014) found that seniors' health was adversely impacted from a combination of feelings of sadness and loss, fear of finding a new, unfamiliar facility, and powerlessness. Elderly in this study also expressed concerns about having to navigate a new facility/location, uncertainty about transportation that resulted in canceled doctor's appointments, and higher parking costs at the new facility. Bindman et al (1990) found that hospital closures resulted in delayed treatment for the uninsured and elderly because

of inconveniences and difficulties in finding new providers.

Buchmueller et al (2006) revealed that hospital closures in the Los Angeles area increased travel distances to ED and ancillary care and contributed to an increase in heart attack deaths, most notably for the region's elderly population.

This RHIA suggests that the elderly and uninsured will be adversely impacted from the closure of Alta Bates Campus, both due to ED and chronic care needs. The elderly living in the HSA may be most adversely impacted if an adequate number of beds are not provided (such as at the Summit campus), due to their increasing numbers and inpatient needs. The uninsured and publicly insured will be adversely impacted from the lack of access to a familiar ED for both chronic and urgent medical needs. **We expect, especially in the short term, interruptions and delays in seeking care, increased severity of disease, potential greater spread of infections, increased need for costly future care and potentially increased hospitalizations.** We are less confident in the possibility of increased mortality, but this is a possibility especially for the elderly.

Mental health & Suicide Prevention

While the Sutter Herrick Campus in Berkeley is a designated site for mental health care, the Alta Bates Campus ED plays a significant role in treating and identifying mental health patients that may first be seen through emergency care. In 2018, the *Lancet Public Health* journal published, "Suicide in the USA: A Public Health Emergency" noting that the rate of mental health/ substance abuse-related ED visits increased 44% from 2006 to 2014, with suicidal ideation growing 415% over this period.

The Alta Bates Campus ED acts as a first-responder to screen for, intervene and refer for mental health care and suicide prevention. In 2016, **almost 4% of ED patients were transferred to psychiatric care.**[8] Since the hospital ED is often associated with traumatic events, it is the ideal environment to perform suicide risk assessments. Individuals in a suicidal crisis often seek help at a hospital ED. EDs also frequently provide care for people with other risk factors for suicide, such as serious mental illness, substance use disorders and chronic pain. The ED visit is an important window of opportunity, however brief, to intervene and save lives (Ahmedani et al 2014).

EDs can reduce suicide attempts among high-risk patients by delivering a combination of interventions that includes suicide risk screening, discharge resources, and other interventions (Betz et al 2016; Larkin & Beautrais, 2010). A multi-site study found that when compared to treatment as usual, a combined set of interventions starting in the ED resulted in a 5% decrease in the proportion of patients who attempted suicide in the 52 weeks after their initial ED visit and an overall 30% drop in the total suicide attempts (Miller et al 2017).

The presence of the Herrick Campus, with its comprehensive mental health services, may be able to accommodate any potential delays in care for those currently utilizing Alta Bates Campus. Significant impacts on mental health for the population in the HSA from the closing of Alta Bates Campus may be difficult to quantify.

Homeless People

Homeless people and families, some with mental health care needs, tend to rely on the ED for care (Karaca et al 2013). Nearly three out of four inpatient stays by homeless individuals began in the ED, compared with half of stays for non-homeless patients. Due to multiple barriers in accessing care, including lack of insurance and transportation as well as poor continuity of care, homeless people frequently use EDs as their primary or only source of health care.

A 2002 study by Kushel et al. examined the factors associated with emergency room visits among 2,578 homeless and marginally housed persons. They found that 40.4% of the 2,578 visited an emergency room one time or more during the previous year, and that less-stable housing, chronic illness and victimization were associated with emergency department use among homeless and marginally housed persons. The study also suggests that emergency care is a primary option for homeless and marginally housed persons due to convenience and 24-hour operation, and because they face challenges in addressing medical needs outside of an emergency setting.

In 2017, many Bay Area hospitals reported increases in homeless patients from the prior year. Figure 20 shows the total number of homeless patients that visited the Alta Bates Campus and 5 other major East Bay regional hospitals in 2017, and the volume increase in patients from 2016. Kaiser Richmond and Kaiser Oakland combine hospital data, and are represented as one site in the analysis. The figure highlights that all six hospitals saw a significant increase in the number of patients from 2016 to 2017, with the **Alta Bates Campus seeing nearly a 600% increase in homeless patients,** rising from 60 to 409. Highland Hospital had the smallest percentage increase in homeless patients but served 1,118 homeless patients in 2017. Importantly, aside from Highland and the Herrick Campus, at least 89% of homeless patients seen were either emergency department patients or inpatient from the emergency department, underscoring how essential emergency room care is for the homeless and marginally housed. [6]

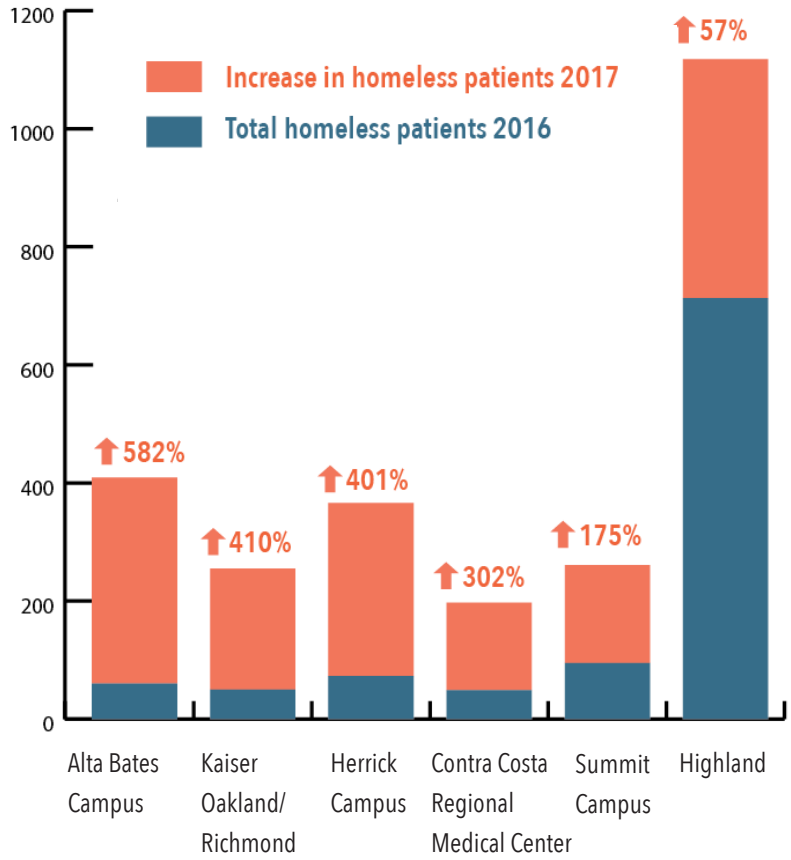
While the cause behind the increases in annual reported homeless patients across Bay Area hospitals is unclear, a recent quicknotes memo published by OSHPD suggests that the number of homeless patients has been historically underreported (OSHPD, 2018).

We find that the loss of Alta Bates Campus and its critical emergency and mental health care services may have an impact on the surrounding area's homeless population, particularly if the increasing trends in homeless patients seeking emergency care continue.

Adverse Impacts on Vulnerable Communities in the Alta Bates Hospital Service Area

Alta Bates Campus currently serves some of the most vulnerable communities in the Bay Area, such as those mentioned above in West Contra Costa County as well as many communities in

Figure 20. Total Homeless patients at select East Bay hospitals 2016 - 2017[6]



Oakland and other parts of Alameda County. Community vulnerability includes not just current-day utilization of hospital care, but the likelihood of future needs based on health-influencing risks, such as poverty, low education, housing displacement, exposure to pollution and violence. These same communities are also vulnerable since a large percentage of the populations living there have preexisting health conditions that require chronic care.

The 2016 Alta Bates Summit Medical Center Community Health Needs Assessment (CHNA) recognized these vulnerable communities as the medical center's "communities of concern." **The 2016 CHNA identified 13 'vulnerable community' ZIP Codes that represented 65% of the population served by all three campuses in the Alta Bates Summit Medical Center.**

Figure 21. Alta Bates Summit Medical Center CHNA Communities of Concern

Source: Alta Bates Summit Medical Center CHNA, 2016

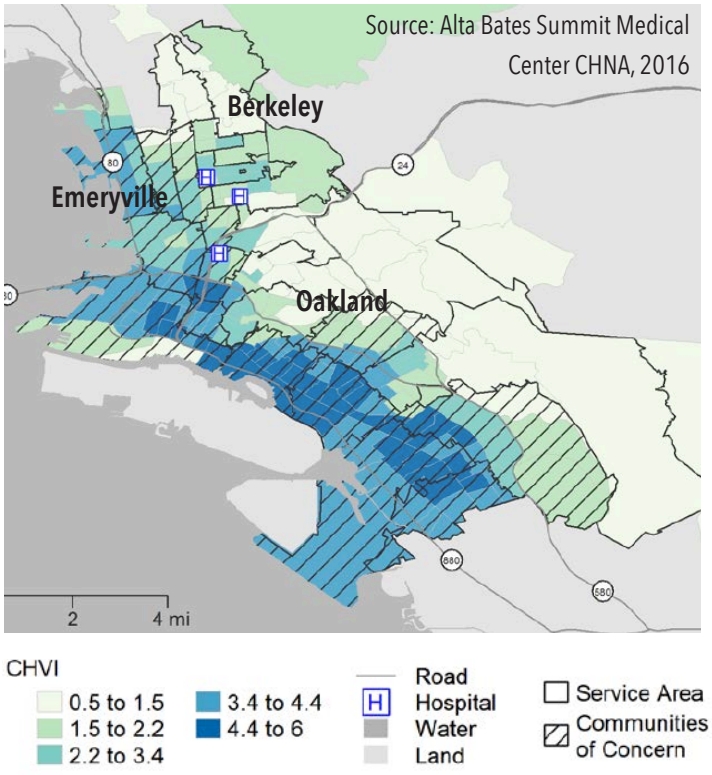
ZIP Code	Community
94601	East Oakland/Fruitvale
94602	Oakland/Glenview
94603	East Oakland/Brookefield
94605	East Hills/Oakland Zoo
94606	Oakland/Cleveland Heights
94607	West Oakland/Jack London
94608	Emeryville
94609	Oakland/MLK
94612	Downtown Oakland
94621	East Oakland
94702	Northwest Berkeley
94703	Northwest Berkeley
94710	West Berkeley/Marina

To identify communities of concern in the 2016 CHNA defined hospital service area, the CHNA authors identified significant health needs and developed what the report calls the 'Community Health Vulnerability Index' (CHVI), which combines the following indicators of community vulnerability into one CHVI index value (Map 7):

- Percent Minority
- Population 5 Years or Older Who Speak Limited English
- Percent 25 or Older Without a High School Diploma
- Percent Unemployed
- Percent Families with Children in Poverty
- Percent Households 65 years or Older in Poverty
- Percent Single Female-Headed Households in Poverty
- Percent Renter-Occupied Households
- Percent Uninsured

For this report we were not able to calculate CHVI scores for the additional ZIP Codes included in the RHIA defined HSA using the 2016 CHNA

Map 7: 2016 CHNA defined service area CHVI scores

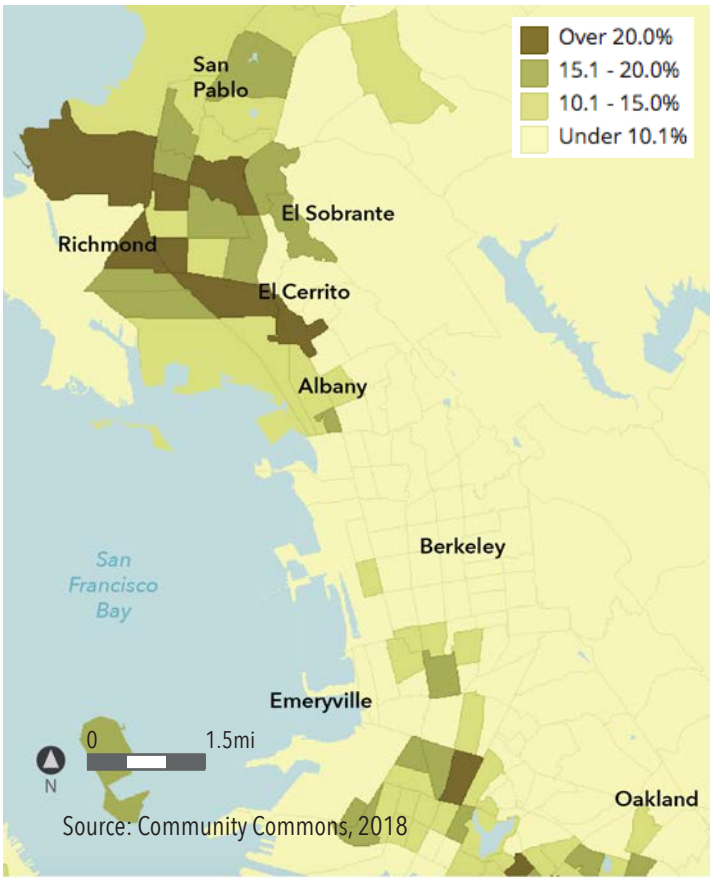


methodology. However, we reviewed each of the CHVI indicators to assess the vulnerability of the additional ZIP Codes (primarily communities in West Contra Costa County) using ACS 2012-2016 estimates. This review indicated that many communities in West Contra County likely meet the same standard of vulnerability as the 13 communities of concern in the 2016 CHNA, which did not include any ZIP Codes outside of Alameda County. **The vulnerable communities from West Contra Costa County include ZIP Codes within Richmond, San Pablo, El Cerrito, and El Sobrante; cities for which Alta Bates Campus saw a 39% increase in discharges between 2014-2016.**

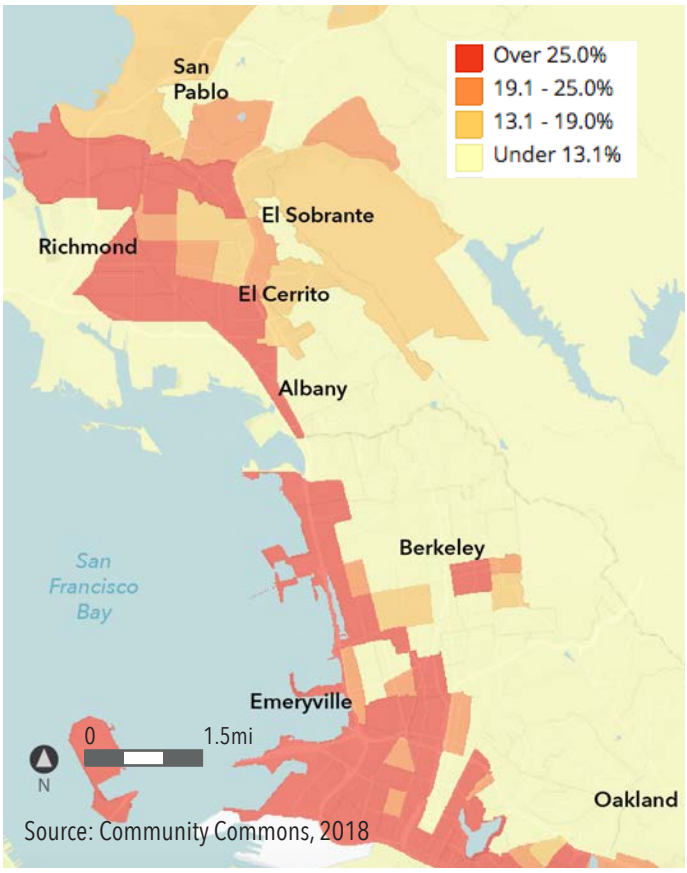
Maps 8 & 9 highlight select CHVI indicators for communities in the RHIA defined HSA. As both maps indicate, communities in West Contra Costa show high levels of vulnerability at comparable rates to those in Oakland, Emeryville, and parts of Berkeley, in Alameda County. In addition to the review of CHVI indicators, we reviewed data compiled by Sutter Health on their interactive Health Needs Maps website. The website provides 2011 data on hospitalization and ED visit rates by condition, reported per 10,000 residents and aggregated by ZIP Code. We compared the following 11 available reported causes (conditions) for ED visits and hospitalizations across all ZIP Codes in the RHIA defined hospital service area (HSA):

1. Asthma
2. COPD
3. Diabetes
4. Heart disease
5. Hypertension
6. Mental health

Map 8: Percent Uninsured across Census Tracts in the RHIA defined Service Area



Map 9: Percent of Families (with Children) in Poverty across Census Tracts in the RHIA defined Service Area



7. Assault
8. Self-inflicted injury
9. Unintentional injury
10. Stroke
11. Substance abuse

From this data, we identified high need ZIP Codes that fell within the top quartile relative to all zip codes in the HSA for each condition. We then ranked the top10 ZIP Codes in order of highest need (those that fell within the top quartile most often for the 11 conditions).

Figure 22. High Health Care Need Communities in the RHIA defined HSA

ZIP Code	Community
94801	Richmond/Iron Triangle
94804	South Richmond
94806	San Pablo
94621	East Oakland
94612	Downtown Oakland
94609	Oakland/MLK
94608	Emeryville
94607	West Oakland/Jack London
94605	East Hills/Oakland Zoo
94603	East Oakland/Brookefield

Figure 22 lists the top 10 high health care need ZIP Codes in the RHIA defined HSA from highest to lowest need. ZIP Codes that overlap with the 2016 CHNA communities of concern (listed in Figure 20) are highlighted in yellow.

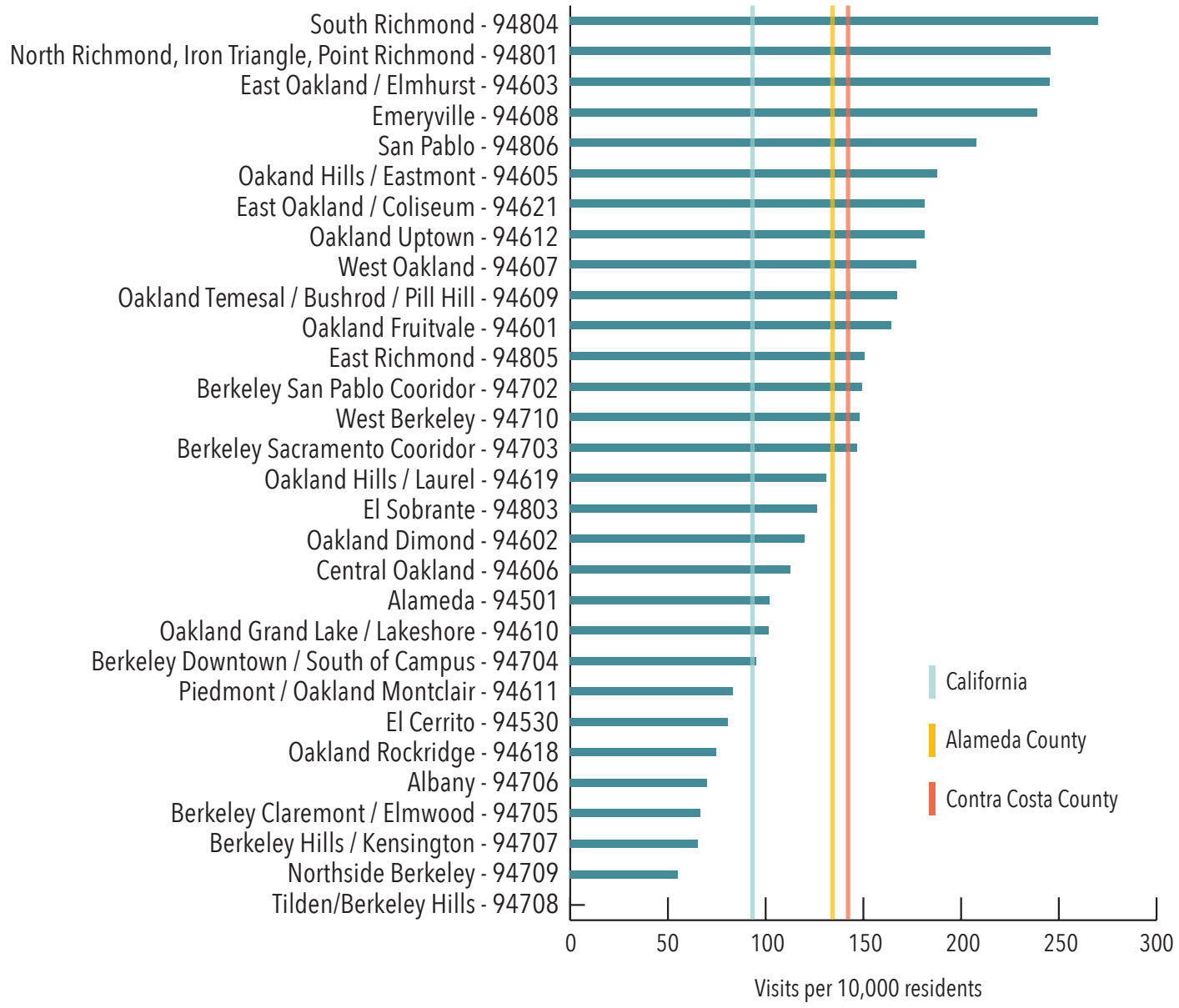
Consistent with our review of CHVI indicators in the RHIA defined HSA, we found that West Contra Costa County ZIP Codes are particularly vulnerable. Zip Code 94801 in Richmond, which includes unincorporated North Richmond, the Iron Triangle neighborhood, and relatively wealthy Point Richmond, ranks first out of all zip codes in the HSA for ED visits for all 11 conditions, and is 1st for stroke, 2nd for diabetes and heart disease, 3rd for asthma and 4th for injury-assault.

The 94804 South Richmond ZIP Code ranked 1st in heart disease-related ED visits, and the 94806 San Pablo and 94804 Richmond Iron Triangle ZIP Codes were ranked 3rd and 4th for highest incidence of diabetes-related inpatient hospitalization. As highlighted in Figures 23 and 24, many of the high health care need ZIP Codes experienced ED visit rates greatly exceeding those of both Alameda and Contra Costa Counties as well as the state of California in 2011.

While there are many vulnerable communities in the RHIA defined HSA that fall outside of West Contra Costa County (primarily in Oakland and Emeryville), these communities are currently served by existing services at the Summit Campus, as well as Highland Hospital and Kaiser Oakland, and are likely to be less adversely impacted by a closure of Alta Bates Campus.

As noted above, **we predict a disproportionate adverse impact on access to chronic and urgent care for the communities of West Contra Costa County, particularly Central and North Richmond, from a closure of Alta Bates Campus.** Access to care in these communities has already been adversely impacted by the closure of Doctors Medical Center and the limited capacity of Kaiser Richmond.

Figure 23. Heart Disease ED visits per 10,000 residents for all ZIP Codes in the RHIA defined Alta Bates HSA



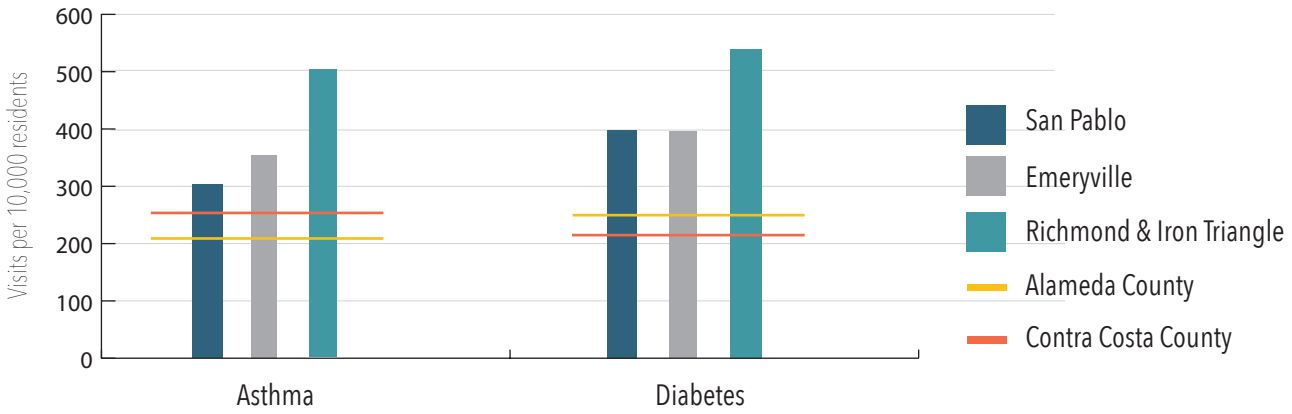


Figure 24. Select ZIP Codes - Asthma and Diabetes ED visits per 10,000 residents

Source: Sutter Health, Health Needs Maps, 2011

IMPACTS ON UC BERKELEY STUDENT HEALTH CARE

The UC Berkeley student population may be adversely impacted by increased travel times to the Summit campus. The campus can generate about 4,000 student ED visits per academic year, and the UC Tang Center alone estimates about 1,500 student ED referrals per year. While the Tang Center can meet the majority of urgent care student needs, it is not open 24 hours and does not perform imaging, surgery, and some emergency services make the UC Berkeley student population particularly reliant on Alta Bates Campus.

In the 2017-18 academic year, the University of California Berkeley had 30,574 undergraduate students, 11,336 graduate students, and approximately 12,000 staff (UC Berkeley Office of the Vice Chancellor of Finance, 2017). Since we did not have complete information on staff health insurance, this RHIA focuses on the potential impacts of the closing of Alta Bates Campus on student health care access. Roughly half of UCB students are enrolled in the Student Health Insurance Plan (SHIP), with the remainder enrolled either in alternative private insurance plans or through Medi-Cal. SHIP covers medical, counseling, prescription, vision and dental services. In interviews with Tang Center staff including Executive Director of University Health Services, Claudia Covello, and Medical Director Dr. Anna Harte, we learned that a larger proportion of graduate students are likely enrolled in SHIP. This is due in part to undergraduates being able to remain on their parents' insurance plans until age 26. Regardless of insurance enrollment, all students have access to the on-campus Tang Health Care Center.

The University Health Service Tang Center is a fully-accredited outpatient center designed to address most medical, mental health and health education issues. The Tang Center employs about 300 physicians, registered nurses, nurse practitioners, medical assistants, physical therapists, pharmacists, nutritionists, lab/radiology/pharmacy technicians, social workers, licensed psychologists and psychiatrists, and health educators. An urgent care facility is open seven days a week but limited to working hours, with reduced hours on weekends.

While the Tang Center is a student health asset, it is not a licensed hospital and therefore relies heavily on Alta Bates Campus for timely referrals of acutely ill patients for **conditions including appendicitis, ectopic pregnancies, blood clots, and head injuries requiring scans.** According to the Tang Center, they refer approximately **2,500-3,000 students per year to the ED, 21% for surgery and 41% for emergency care alone (not all, but most, go to ABMC). Approximately 1-2 students per day require ambulance transport to the hospital.** An additional 2 students per week may require hospitalization for psychiatric care from Tang.

There can be daily communication between Tang practitioners and Alta Bates and this close relationship enables students to receive referrals for potentially serious illnesses. In addition

to urgent care referrals, the Tang Center also refers students to Alta Bates Campus for some outpatient diagnostic procedures, maternity care, and specialty care.

We reviewed SHIP billing data to estimate the student utilization of Alta Bates Campus and Sutter health care facilities more generally. As noted, this is not the universe of all student health care issues and students on other insurance or without insurance are likely also accessing the hospital. In addition, our review of studies from the Journal of American College Health suggested that across US universities, there were approximately 100 ED visits per 1,000 enrolled students (McKillip et al, 1990).

With approximately 40,000 students in 2017, **we estimated that UC Berkeley generates as many as 4,000 student ED visits to Alta Bates Campus per academic year.** (We note here, but did not analyze, that the East Bay has a number of students at other institutions that will likely be similarly impacted by the closure of Alta Bates Campus. For example, there are an estimated 7,000 students at Berkeley City College, and 7,900 at Contra Costa College, but many of these are commuter students and we were unable to obtain data on these students' health insurance status or residence).

Student mental health is a critical issue on the UC Berkeley campus. Severe episodes of stress, depression, thoughts of suicide and other mental health issues are prevalent in both undergraduate and graduate settings. Receiving timely treatment for these mental health issues is critical to the health of students and the general UC Berkeley population.

Our analyses of SHIP claimant data by diagnosis code from August 2016 through May 2017 revealed that of the 8,111 SHIP diagnoses, **15% were for some type of mental health-related diagnosis,** including, but not limited to: suicide attempts, thoughts of suicide, psychosis, bipolar disorder, depression, schizophrenia, eating disorders and substance abuse. While a majority of these were likely treated at the Tang Center, we do note that 7% of the Alta Bates Campus ED diagnoses in 2016 were for mental disorders/ episodes. Figure 25 compares SHIP utilization for mental health related issues and those presenting at the Alta Bates Campus ED.

While we cannot determine the exact number of students visiting Alta Bates Campus for mental health care, our conversations with Tang and Alta Bates staff suggest that a high percentage of the mental health and suicide/self-harm visits to Alta Bates Campus are from UC Berkeley students. Similarly, a significant proportion of UC Berkeley

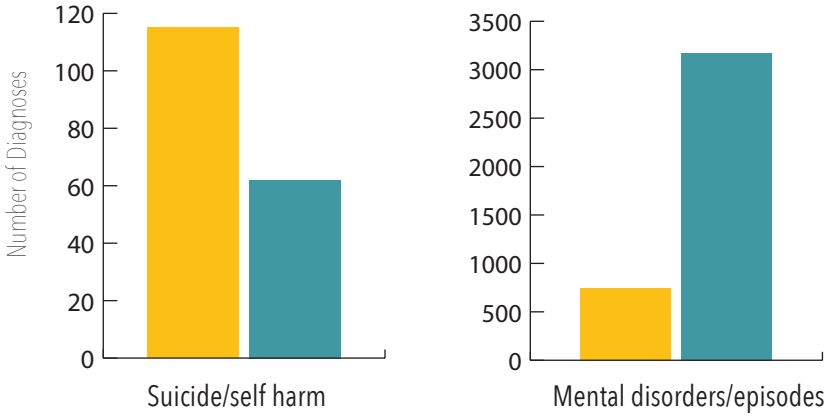


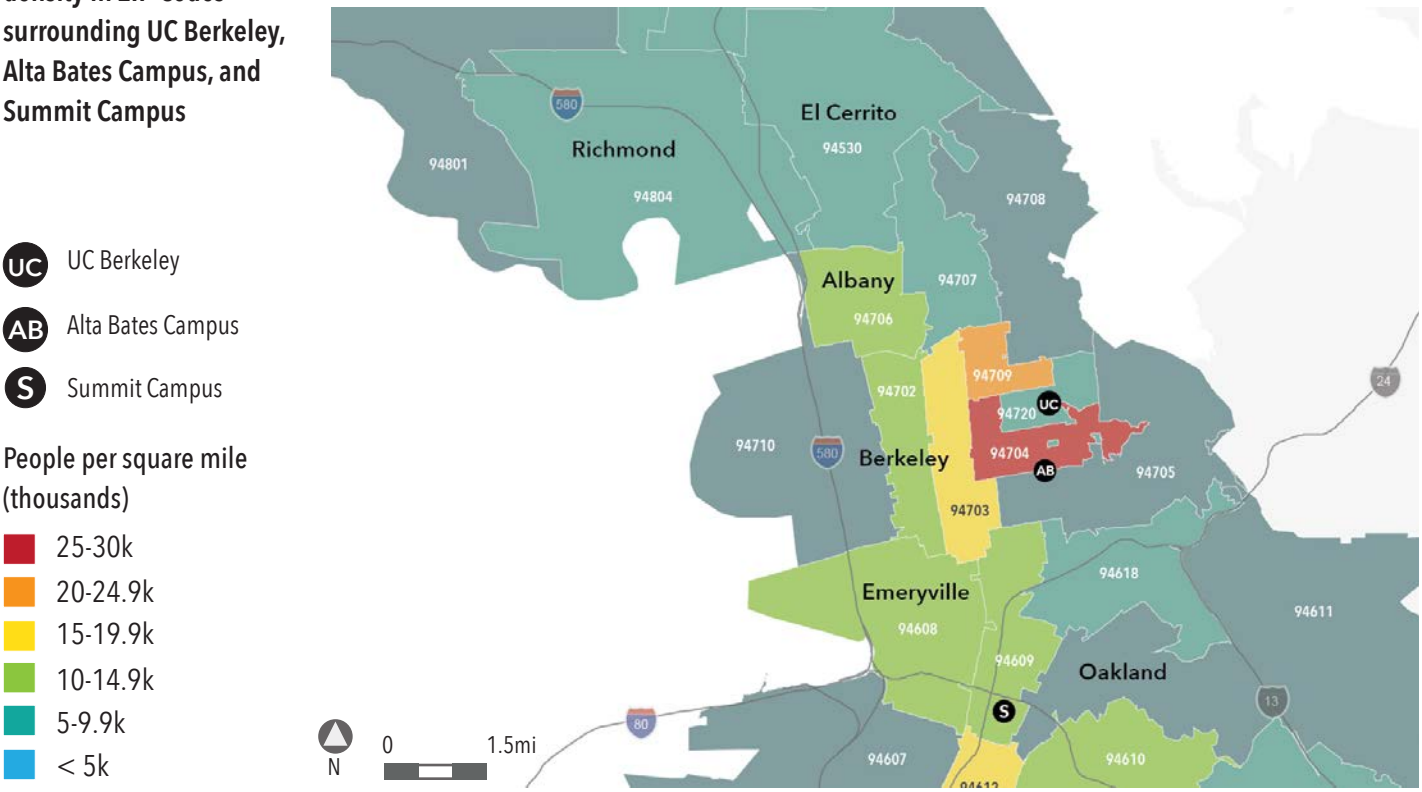
Figure 25. Student vs Alta Bates mental health care utilization

Source: SHIP, 2017 & OSHPD, 2016

SHIP utilization

Alta Bates ED

Map 10. Population density in ZIP Codes surrounding UC Berkeley, Alta Bates Campus, and Summit Campus



students that utilize mental health services seem to have received a referral after being seen at Alta Bates Campus, sometimes through the ED for issues such as anxiety and depression. The fact that Sutter's Herrick campus will not be affected by a potential closure is significant and will likely off-set any potential care that is now provided at Alta Bates.

However, since Herrick does not have an ED, a limited number of students that require emergency psychiatric services will be impacted by the closure. Runyan et al (2017) noted that when young people are unfamiliar with where to access care and support, this can adversely impact suicide-related episodes. In addition, the ED can provide important discharge counseling protocols for patients with potential suicide risks (Runyan, et al. 2017).

For accessing emergency care, travel by ambulance or private vehicle from the Tang Center to Summit or another ED besides Alta Bates will likely increase time to receive care. In addition, a number of students with chronic disease rely on Alta Bates Campus for routine specialty care for diagnosis and follow up. In the event of a closure, these students may have to travel farther, requiring more time to access care and money to get there, and potentially resulting in delays. The perception of this distance by students could also change the way they access care.

These impacts will be further compounded by students' time constraints, inexperience in navigating the healthcare system, and financial limitations. We predict that adding these barriers will further complicate health care access for students and may delay student utilization of care.

As depicted in Map 10, the 94704 (southside) and

94709 (northside) **ZIP Codes surrounding the UC Berkeley campus and Alta Bates Campus are the most densely populated in the RHIA defined Hospital Service Area (HSA**), with 25,297 and 20,165 persons per square mile respectively. This greatly exceeds the density of most other ZIP Codes in the HSA, with the next highest being 17,766 persons per square mile in Downtown Oakland (94612) and an overall average of 5,989 persons per square mile in the HSA (ACS 2012-2016).

Thus the **student population may be most adversely impacted during a campus or regional emergency, in which a large volume of students and residents in areas surrounding the UC Berkeley campus require access to timely care.** We discuss the impacts of a disaster scenario on emergency services in more detail on page 56.

We interviewed students and met with student organizations already concerned with the potential impacts of the closure of Alta Bates Campus. We heard from students that had direct experience at Alta Bates Campus and received treatment for appendicitis, hand lacerations, allergic reactions and other injuries. A common theme among the students was that Alta Bates Campus and its ED was close-by, familiar and served them when the Tang Center was closed.

In general, students we heard from were not familiar with other hospitals in the region and would need more information on what alternatives were available if Alta Bates Campus were to close. We also heard from both UCB health professionals and students that they viewed Alta Bates as an 'extension' of the UC Berkeley health care network. The likely short-term impacts to student health on Alta Bates closing are difficult to estimate, but may include a disruption of familiar care options and longer travel times to a 24hr ED.

UC BERKELEY STUDENT VIEWS ON ALTA BATES CLOSING

Student 1:

"It was around 9pm so we could not go to Tang first. I knew a friend of mine had gone to Alta Bates previously for a night time emergency, since it was the closest emergency care available, so that is why we chose it."

Student 2:

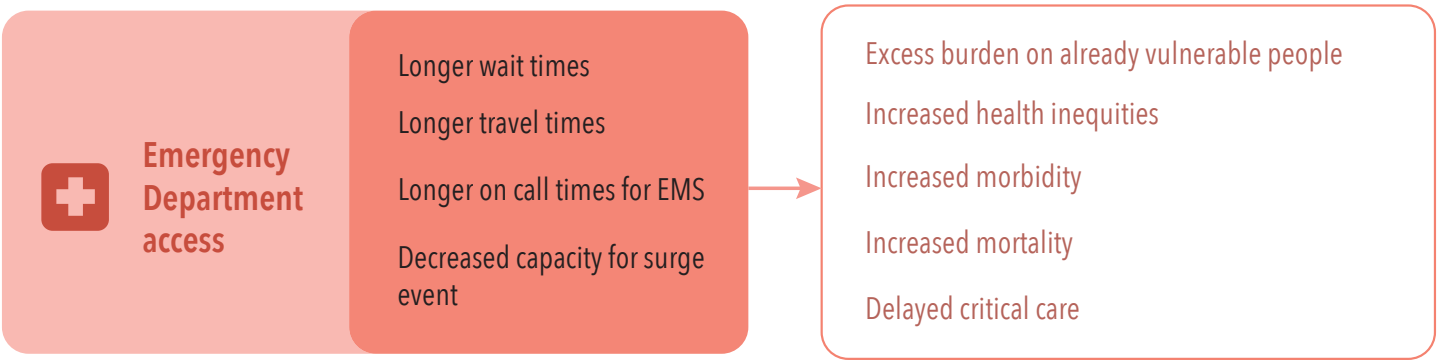
"I don't know of another urgent care facility nearby that I trust, and had the situation been worse, it may have been too far to go."

Student 3:

"[Alta Bates closing] would be extremely detrimental as students would no longer have a location that was close for emergencies. Particularly for more emergent situations, [when] there is a need to go see a doctor immediately. If not then it could cause more harm than good to go somewhere farther away.

IMPACT ON EMERGENCY SERVICES

In 2017, the Alta Bates Campus ED received 6,424 visits over the recommended number by the American College of Emergency Physicians (ACEP). Modeled travel times to Summit hospital surpass 40 minutes for the evening rush hour period for 10 ZIP Codes north of Alta Bates. For the Summit Campus, the average City of Berkeley EMS time on task is about 10-12 minutes longer than for transports to Alta Bates Campus. The additional travel time to Summit can result in about 2 hours of time an ambulance is away from service compared to ED transports to Alta Bates.



Whenever an urban hospital closes there are concerns over travel times for ambulances to reach the next closest ED and potential adverse health outcomes from delayed access to care. Liu et al. (2014) reviewed California emergency department closures between 1999 and 2010 and found that **patients who lived near a closed emergency department and were later admitted had a 5% higher chance of dying in the hospital than those who did not live near a closure.** They concluded that ED closures do have significant effects on patient outcomes.

Crandall et al. (2016) studied outcomes in EDs for serious trauma after the closing of a large medical center in Los Angeles. They did not find any significant impact on trauma-related health outcomes, but did find that one hospital ED surrounding the closure had a tripling of uninsured patients visiting their ED in a ten year period. Lee et al. (2015), found that in NY State, urban hospital ED use increased in areas where hospitals have closed and that ED visits have risen by 23% in the United States over the last decade.

Shen and Hsia (2016) studied changes in acute myocardial infarction (AMI) among Medicare patients whose communities experienced increased driving time to an ED due to the closing of an ED in their community. They found that **patients whose driving time related to local ED closure increased by ≥ 30 minutes had a statistically significant increase in 90-day mortality** by 6.58 percentage points (CI 2.49, 10.68) and 1-year mortality by 6.52 percentage points. Patients whose driving time increased by 10 – <30 minutes also had a significant but less pronounced increase in 90-day and 1-year mortality, by 1.60 percentage points (CI 0.53, 2.67) and 2.05 percentage points (CI 0.96, 3.14), respectively. Patients whose driving time increased by less than 10 minutes did not experience worse mortality rates after an ED closed in their community.

Hsia et al. (2012) used California data from 1999-2009, and found that patients with an increase in distance to the nearest ED (0.8 miles average distance increase) did not have significantly higher mortality in general or for specific conditions, including those with acute myocardial infarction, stroke, asthma or chronic obstructive pulmonary disease, and sepsis. However, Nichol et al. (2007) found that increased journey distance to the hospital appeared to be associated with an increased risk of mortality. Berlin et al. (2016) studied acute myocardial infarction (AMI) mortality in Switzerland and found a 19% increase and a 10 % increase for men and women respectively, all over 65 years, for those with the longest driving time to a university hospital compared to the same population group with the shortest driving times to the same hospital.

Alta Bates ED Utilization

Alta Bates Campus had a total of 50,414 ED visits in 2017, a 21% increase since 2010. The campus treated an average of 126 patients per day in 2016 and 138 patients per day in 2017. Alta Bates Campus currently has 22 emergency treatment stations in their ED.[4] **The American College of Emergency Physicians (ACEP) recommends a standard of 2,000 visits annually per emergency treatment station. In 2016, Alta Bates Campus had approximately 1,836 visits per emergency treatment station, but this rate increased to 2,292 visits per emergency treatment station in 2017.[3] This increase resulted in 6,414 ED visits over the ACEP standard in 2017.**

Our analyses of OSHPD data and review of the literature suggests that ED visits are increasing nationwide and in the Bay Area. Further, there may already be an inadequate supply of ED treatment stations to keep up with this increasing demand. The closing of Alta Bates Campus will remove at least 22 ED treatment stations and, as noted above, require a doubling of ED capacity at Summit to accommodate the patients from the Berkeley facility.

Analyses of Travel Times to Alta Bates vs Summit Campus Emergency Departments

Sutter has indicated that it plans to relocate all in-patient and emergency department services to the Summit campus in Oakland by 2030, though little details have been provided to date about the extent and time line of the proposed expansion. A concern is whether the move to Summit will increase the travel time to the ED for some people in the region.

Using Google Maps GPS navigation software, the RHIA modeled travel times via private vehicle to Alta Bates and Summit campuses during the morning and evening peak traffic periods (8:30am and 5:30pm). We compared these periods to travel time at 12am as the non-traffic period. We estimated travel times for all ZIP Codes in the RHIA defined Alta Bates Hospital Service Area. The analysis routed travel to Summit and Alta Bates campuses from the center point of each ZIP Code in the HSA, and recorded an estimated range in minutes to each destination.

Figure 22 provides detailed findings of travel times from all of the ZIP Codes north of Alta Bates Campus, using the high end of each travel time range. Findings revealed that travel times to both Alta Bates and Summit Campuses from ZIP Codes in north Alameda County and West Contra Costa County are longest at the 5:30pm peak traffic time. **For the PM rush hour, all ZIP Codes in West Contra Costa County (in Richmond, San Pablo, El Sobrante, and El Cerrito) as well as Albany and Berkeley, have increased travel times to Summit Campus when compared to Alta Bates Campus.** These findings also overlap with ZIP Codes identified in the vulnerable communities section, indicating that there is a potential negative impact of increased travel times on already vulnerable populations that are served by Alta Bates.

Overall travel times at 5:30pm are longest from ZIP Codes in West Contra Costa County, four of which have a total travel time between 50-60 minutes to the Summit Campus. An additional six ZIP Codes near the West Contra Costa and Alameda County border fall within a 40 – 50 minute range of travel time to the Summit campus.

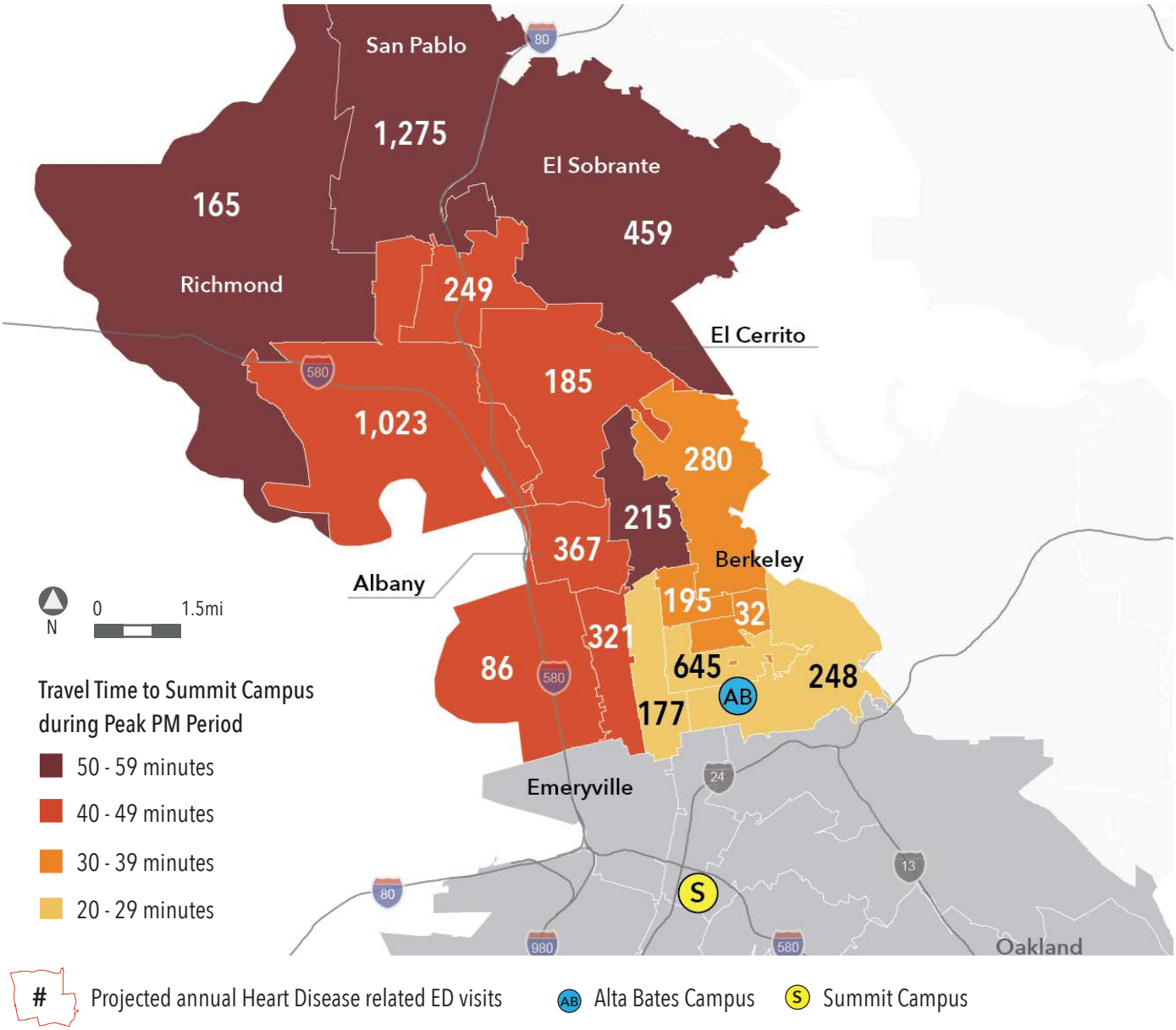
Timely transport to care is critical for a range of health emergencies, but can mean the difference between life and death for ST-segment elevation myocardial infarction (STEMI) patients (i.e., a heart attack in which an artery is blocked). Mathews et al. found that up to 40% of STEMI patients use private vehicle or non-EMS transportation to reach the hospital. While ambulance transport time is also critical, ambulances have life-saving equipment to treat a time-critical patient.

Map 11 depicts travel times via private vehicle to the Summit Campus during peak evening traffic within 10 minute increments, and projected annual emergency department visits related to heart disease. We calculated the number of estimated heart disease patients for each ZIP code by multiplying the population by the actual percent of ED visits for heart disease (from 2011). Richmond, San Pablo and El Sobrante have both the longest travel times to Summit and the largest estimated heart disease related ED visits. 13 ZIP Codes have estimated travel times greater than 30 minutes to Summit Campus, which is currently the closest STEMI receiving center in the region.

Figure 26. Travel times to Alta Bates & Summit Campuses from ZIP Codes in the HSA

		No Traffic (12am)			Traffic (8:30am)			Traffic (5:30pm)			Estimated annual Heart Disease related ED visits
City	ZIP Code	Time to AB	Time to S	Diff (S - AB)	Time to AB	Time to S	Diff (S - AB)	Time to AB	Time to S *	Diff (S - AB)	Population x % heart disease ED visit per ZIP Code (2011)
Berkeley	94702	10	12	2	18	22	4	20	40	20	321
	94703	5	10	5	10	16	6	12	22	10	177
	94704	6	12	6	9	22	13	12	26	14	645
	94705	6	14	8	8	20	12	9	24	15	248
	94706	16	10	-6	35	26	-9	28	45	17	367
	94707	16	16	0	30	35	5	30	50	20	215
	94708	20	22	2	22	28	6	22	35	13	280
	94709	12	16	4	18	30	12	18	35	17	195
	94710	10	8	-2	20	16	-4	24	40	16	86
	94720	9	20	11	10	26	16	12	30	18	32
El Cerrito	94530	20	14	-6	45	35	-10	40	45	5	185
Richmond	94801	26	22	-4	55	45	-10	45	50	5	165
	94804	18	12	-6	45	35	-10	35	45	10	1,023
	94805	18	12	-6	50	40	-10	35	45	10	249
El Sobrante	94803	26	22	-4	40	40	0	35	55	20	459
San Pablo	94806	26	22	-4	60	50	-10	45	50	5	1,275

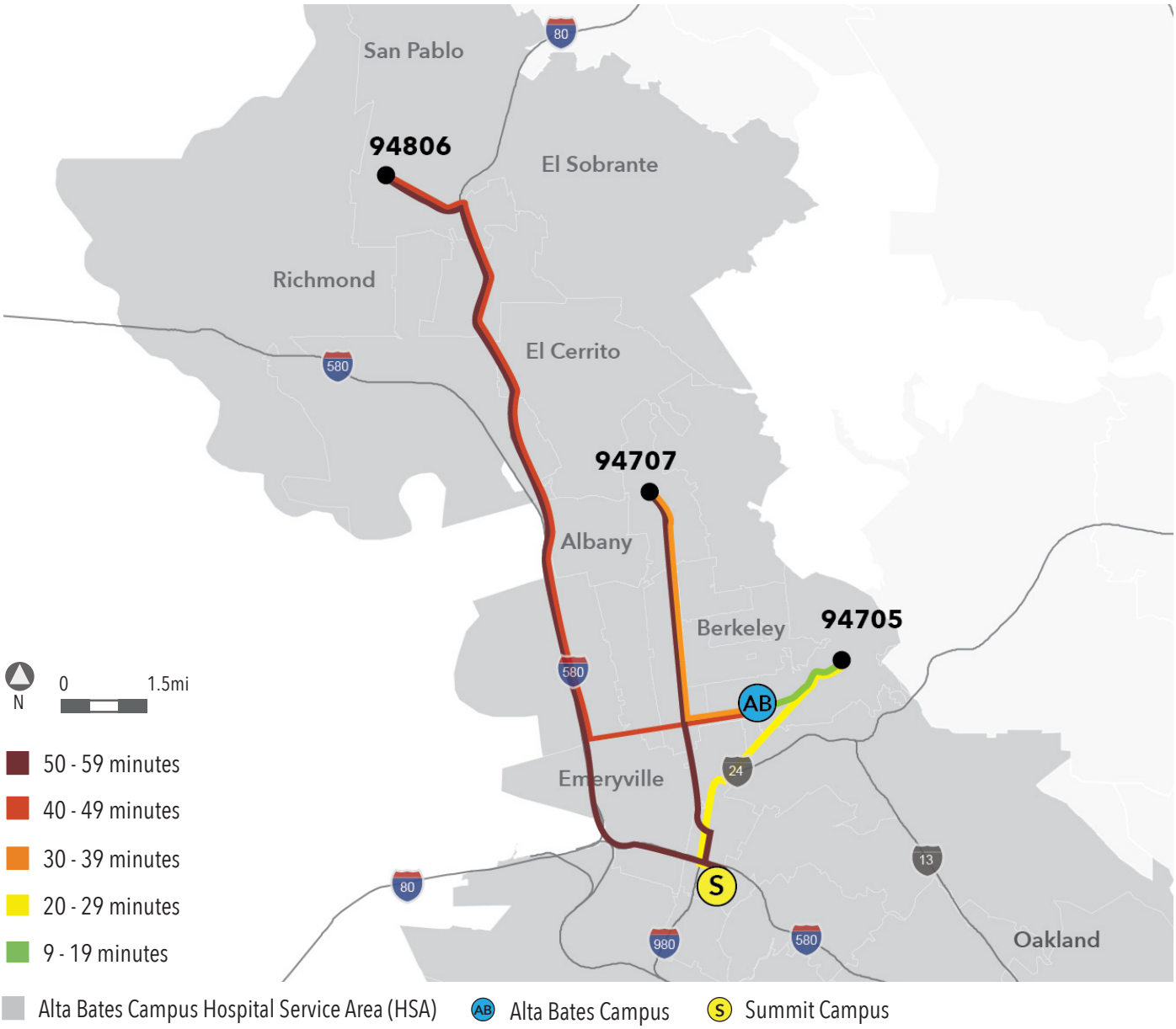
Map 11. Estimated Number of Heart Disease ED visits & Private Vehicle Travel Time for Peak Period to Summit Campus for select ZIP Codes



Map 12 depicts travel times to Summit Campus and Alta Bates Campus via private vehicle at 5:30pm for three ZIP Codes in the RHIA defined HSA. Each of these ZIP Codes experience shorter travel times to Alta Bates Campus than Summit Campus during peak evening traffic time, and one relies on heavily congested freeways including 580 and 80.

Given that **15% of households in the HSA report having no vehicle** (ACS 2012-2016), the analysis also tested travels times via public transportation (bus and BART). We did not find significant differences in travel time to Alta Bates Campus vs. Summit Campus for ZIP Codes north of Alta Bates in the HSA for public transit. Travel times via public transit averaged approximately 1 hour from West Contra Costa County to both Alta Bates and Summit campuses.

Map 12. Travel times to Alta Bates vs. Summit Campus at PM Peak Period from select ZIP Codes in the Alta Bates HSA



Impacts on Ambulance Travel Time

Though this RHIA does not include an analysis of projected ambulance travel times, we assume that emergency vehicles are likely to travel faster than private vehicles in both traffic and non-traffic conditions.

When an ED closes it can cause ambulances to travel to further, and may also result in ED crowding. **Overcrowding can cause increased ambulance time on task – the total EMS time from receiving a 9-1-1 call to arriving on scene, then arriving at the hospital, and returning to service.** That window represents time that the ambulance and associated staff cannot respond to new incoming calls, and cannot be at the Fire Department garage maintaining the vehicles or completing trainings and other tasks.

The Alameda County Emergency Medical Service (EMS) system responds to about 160,000

emergency calls annually. Under normal protocol a fire department unit and Paramedics Plus ambulance respond to emergency medical calls, however the Berkeley Fire Department EMS division owns and operates four of its own ambulances and therefore generally provides the emergency transport services in the Berkeley area. In 2014, the Berkeley Fire Department transported 5,049 patients to Alta Bates Campus, while Paramedics Plus transported less than 500 from the Berkeley area to the same campus.

Given this large volume of Berkeley EMS transports to Alta Bates Campus and findings from the general travel time analysis (Figures 22 & 23) which indicate that 5 ZIP Codes in Berkeley have increased travel times by vehicle to Summit Campus compared to Alta Bates Campus during no traffic hours, we focus the ambulance travel time analysis on the experiences of the Berkeley Fire Department, referencing data and insight provided by the Fire Captain for the City of Berkeley.

The Berkeley Fire Department transports about 7,000 patients annually to local hospitals, of which there are 14 receiving facilities throughout the county. Receiving centers are determined by matching the closest hospital with the equipment that the patient needs. For instance, if someone standing on the corner of Telegraph and Ashby has a major heart attack and is being transported by ambulance, they may be transported to Summit rather than Alta Bates Campus, since Summit is the closest ST- elevation myocardial infarction (STEMI) receiving center and can adequately address the needs of a major heart attack patient. The vast majority of all-cause City of Berkeley EMS transports are taken to Alta Bates Campus, followed by Kaiser Permanente in Richmond, and the Summit Campus in Oakland (4,576, 1,093, and 578 transports in 2016, respectively).

We assume that most of these transports were not for major heart attacks, since Alta Bates Campus is not a STEMI receiving center. Despite this, **closing the Alta Bates Campus ED may result in extra time spent transporting patients to care and decreased regional EMS capacity for ambulance transports**, which is particularly concerning for patients with conditions for which quicker transport time is related to measurable differences in health outcomes.

If Alta Bates Campus closes, the Berkeley Fire Department expects that most of the emergency transports would instead be taken to the Summit Campus in Oakland. **For the Summit Campus, the average City of Berkeley EMS time on task averages about 10-12 minutes longer than transports to Alta Bates Campus.** According to the data from Berkeley EMS, there are an average of 12.5 emergency trips made to Alta Bates Campus daily. If Alta Bates Campus were to close, the **extra time needed to transport these patients to the Summit campus instead would add up to about two hours extra of time on task in total per day.**

Without additional resources, response times to incoming emergency calls for all causes would likely increase due to the additional time on task required to transport patients to Summit and to get back to Berkeley, where they can receive another call. Assuming there are no additional ambulances in rotation to offset additional time on task for transport to Summit, patients with intermediary or high risk of mortality, including those requiring **time-sensitive interventions – such as coronary revascularization in acute myocardial infarction, fibrinolytic therapy for acute ischemic stroke, early goal directed therapy in sepsis, and trauma center care for injuries may not receive the timely response associated with a survival benefit**, and subsequently mortality rates for life threatening conditions may increase. While Alta Bates is not a critical stroke or STEMI receiving center, stroke and major heart attack patients in Berkeley will still be disproportionately impacted by the proposed closure due to the added time on task and decreased capacity of Berkeley EMS

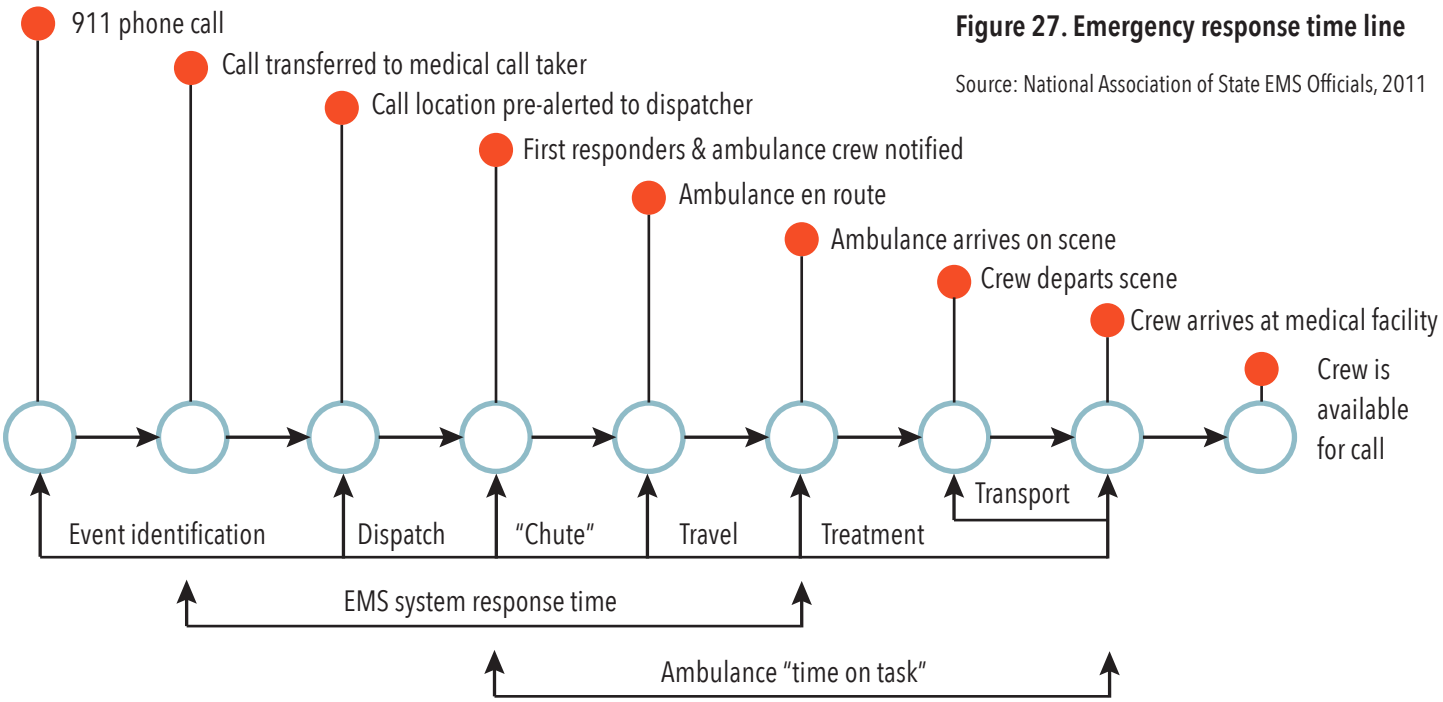


Figure 27. Emergency response time line

Source: National Association of State EMS Officials, 2011

to respond to all 9-1-1 calls. This impact may be worsened by an increase in diversion hours at Summit Campus after the proposed closure of Alta Bates Campus, which we discuss in the following section.

We find similar impacts on ambulance transports in West Contra Costa County, where the closest ED is at Kaiser-Richmond hospital, with the next closest being Alta Bates Campus, followed by Summit Campus. According to Patricia Frost, Director of Emergency Medical Services for Contra Costa County, prior to the DMC closure the Kaiser Richmond ED received about 31% of all ambulance transports, but after the closing this increased to 52%. From January 1 to March 31, 2016, 11% of the 4,692 EMS ambulance destinations in West Contra Costa County, 516 in total, went to Alta Bates Campus. **From 2014 to 2016, the Alta Bates Campus experienced a 123% increase in transports from Contra Costa County EMS, going from 2.5 trips to Alta Bates per day to nearly 5.7 trips to Alta Bates per day.**

If Alta Bates Campus closes, we would expect these patients to go to Alta Bates Summit in Oakland, which is further away from West Contra Costa County than the Alta Bates Campus. **The additional distance is likely to increase emergency service travel times and time-on-task, which would keep ambulances out of rotation longer and increase emergency response wait times for others in Contra Costa County.** In addition to increased distance to Alta Bates Summit, there could be time on task added if Alta Bates Summit is on diversion status or is not on diversion status, but is overwhelmed with a high volume of patients. Closing Alta Bates Campus will likely increase time on task for Contra Costa EMS, forcing the county to either contract out for additional ambulances or try to absorb the additional time on task, which could put lives at risk.

The 2014 Contra County Health Services report analyzing the potential impacts from the closing of the ED at Doctors Medical Center in San Pablo, noted the following impacts which are worth repeating here as they likely apply to the closing of Alta Bates' ED:

1. *American Medical Response ambulance crews will experience longer time-on-task for all*

transports going to more distant hospitals as a result of the DMC closure.

2. *In addition to possible delays in fire and ambulance response resulting from increased time on task, the West County community has raised a concern that there may be an increase in the number emergency calls. Increased 9-1-1 usage may result when patients choose to access 9-1-1 rather than private transport due to the longer driving distance and lack of familiarity with routes to other facilities.*

3. *9-1-1 ambulance traffic from the region would overwhelm Kaiser-Richmond's ED or require transporting patients to other EDs that would be further away, impacting ambulance availability within the county.*

4. *Kaiser-Richmond will experience 80 – 100 new ED patients per day on top of the 78 it already sees daily. That is an increase of at least 102 percent. While there are 12 other EDs in the region, Kaiser-Richmond will be disproportionately impacted. The reason for this is that patients typically choose the next closest ED for their ED needs, barring significant new healthcare resources in the community or an extensive public education campaign.*

Ambulance Diversion

Crowded EDs can also result in ambulance diversion, which is when ambulances are redirected to bring patients to a different ED than they would under normal conditions for timely treatment. Beyond indicating overcrowding, diversion is harmful in itself, as it increases time to definitive care and can be associated with poor outcomes for patients with certain conditions, particularly stroke and acute myocardial infarction. According to OSHPD, Alta Bates Campus had 182 hours of ambulance diversion in 2014 but only 57 hours of ambulance diversion in 2016. Sun et al. (2006) assessed the effects of nearby hospital closures on ED ambulance diversion in Los Angeles County from 1998 to 2004. They documented ambulance diversion hours due to ED saturation and found that hospital closures increased ambulance monthly diversion hours by an average of 56 hours for the first 4 months at the nearest EDs.

In 2016, both Alta Bates and Summit campuses practiced ambulance diversion for about 60 hours during the year.[3] However in 2017, Alta Bates' diversion hours decreased to 13, and Summit decreased to 29. Comparatively, Highland Hospital in Oakland had 161 hours of ambulance diversion in 2017.[4] Since Summit is already practicing diversion, there is a high likelihood that additional diversion hours would be added to the Summit ED after a closure of Alta Bates Campus.

Regional Emergency Department impacts

The San Francisco Bay Area is home to more than 80 acute care hospitals, serving a region of more than 7 million people, situated within 9 counties and 110 cities (ACS 2012-2016).[11] In Alameda and Contra Costa Counties, there is a large hospital network in place to serve the counties' more than 2.7 million residents. However, the hospitals within this network are not evenly distributed throughout the region, and this may impact where patients go for care if Alta Bates Campus is to close.

As we discuss throughout the report, the regional hospital network was recently impacted by the closure of Doctor's Medical Center (DMC) in 2015. The closure of DMC resulted in a regional gap in ED care, making Kaiser Richmond (which has limited capacity for non-Kaiser patients) the only ED besides Alta Bates Campus along the corridor from San Pablo to Berkeley. **This RHIA has found that Kaiser-Richmond experienced an increase in ED utilization since DMC closed, going from 40,065 ED visits in 2013 to 64,680 in 2017.**[4,7] According the 2016 Contra Costa EMS System Performance Report there was an approximate

12% increase in EMS responses from 2014-2016 in the county, with an average of 271 EMS responses per day (in 2016). Since 2014, there has not only been a large increase in total ambulance usage, but, as a result of the DMC closure and distance to the next closest hospitals, there has also been a large increase in ambulances originating from Richmond, San Pablo and nearby areas that travel high traffic roads and freeways to Kaiser-Richmond, Alta Bates Campus, Contra Costa Regional Medical Center in Martinez and John Muir Medical Center in Walnut Creek.

Within Alameda and Contra Costa County, only 6 hospital other than Alta Bates Campus (Summit Campus, Kaiser Richmond, Kaiser Oakland, Highland Hospital, Alameda Hospital and Children's Hospital Oakland) receive a significant (25% or more) number of patients from the RHIA defined Alta Bates Hospital Service Area (HSA), and in 2016 Alta Bates Campus was overwhelmingly the most utilized non-Kaiser hospital by residents of Berkeley, Albany, El Cerrito, Richmond and San Pablo.
Given the increasing reliance on Alta Bates Campus ED by patients from West Contra Costa County and the high utilization by Berkeley residents, it is unclear where people in the HSA will seek emergency care, both independently and by ambulance transport.

To assess the capacity of regional hospitals to absorb additional ED patients, we used the American College of Emergency Physicians (ACEP) standard of 2,000 ED visits annually per ED treatment station. Figure 24 shows the additional number of ED visits (using 2017 data) that could be absorbed by regional hospitals per year should Alta Bates Campus ED close, before exceeding the ACEP standard. If Alta Bates Campus were to close and all of the 50,414 ED patients in 2017 utilized the remaining open EDs, particularly Highland Hospital and Kaiser-Oakland, there would be capacity in the region even without an expansion of Summit Campus in Oakland. In 2017, Highland could have absorbed 48,003 visits before exceeding the ACEP standard, and Kaiser-Oakland could have absorbed 32,313 visits before exceeding the ACEP standard. However, whether or not the 50,414 patients that went to the Alta Bates Campus ED in 2017 will utilize Kaiser and/or Highland in the event of an Alta Bates Campus closure is unclear, given the disproportionate utilization of the campus (in 2017 Alta Bates Campus ED surpassed the ACEP standard by over 6,000 visits).

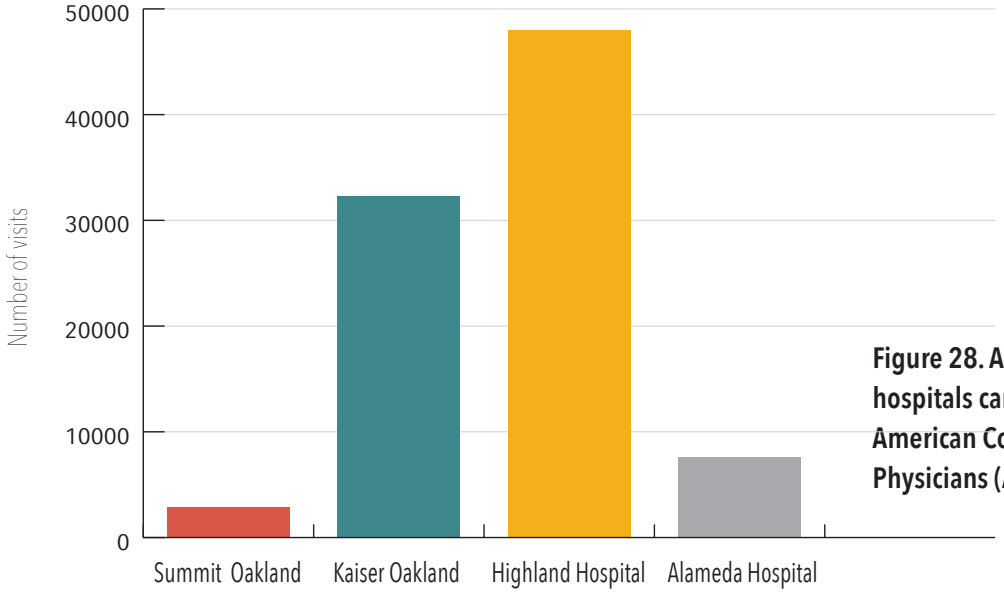


Figure 28. Additional ED visits/year hospitals can absorb before exceeding American College of Emergency Physicians (ACEP) standard, 2017.

Highland Hospital receives the majority of its patients from central and east Oakland, and in 2016 the hospital received 62% of its ED patients from 10 ZIP Codes. 8 of the 10 ZIP Codes fall within the Alta Bates Campus HSA, however just 14% of Alta Bates Campus ED patients came from those same 8 ZIP Codes.[6] Since there is currently relatively low utilization of Highland by the population primarily served by Alta Bates Campus, it is not likely that Highland will become the primary receiving center for Alta Bates Campus ED patients. It is more likely that the majority of Alta Bates Campus' current patients would choose to utilize Summit, which is already near capacity and would need to double its capacity to accommodate all of the patients that utilize Alta Bates Campus ED annually.

Figure 25 shows the relationship between the number of ED stations, total ED visits and the ACEP standard for the Alta Bates and Summit campuses. To calculate the emergency department capacity, based on the ACEP standard, the number of emergency department stations is multiplied by 2,000, which is the ACEP standard for yearly visits per emergency treatment station. In 2017, Alta Bates Campus had an ACEP defined capacity of 44,000 (22 ETS*2,000) and was over capacity by 6,424 visits. Meanwhile, Alta Bates Summit had an ACEP defined capacity of 50,000 (25 ETS*2,000) and was under capacity by 2,883 visits. **Summit Campus would need to expand their emergency treatment stations by at least 24 to accommodate the increase in patients from Alta Bates Campus.** Sutter Health has stated on their Vision 2030 website that they would increase the Alta Bates Summit Campus emergency department capacity to accommodate **90,000 visits per year. However, this would be insufficient to accommodate all Alta Bates Campus emergency department patients, should the campus close.**

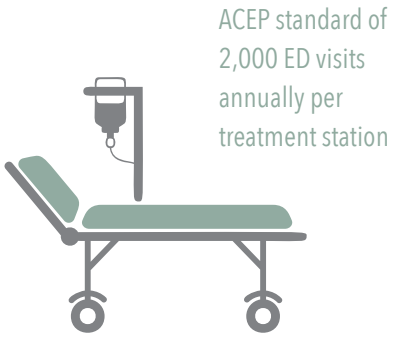


Figure 29. Alta Bates & Summit ED utilization & American College of Emergency Physicians' recommended capacity

	# ED Stations (2017)	ACEP standard (yearly visits per station)	ACEP Defined Capacity	2017 Total ED Visits	Visits that exceed capactiy (+ exceeds, - under capacity)
Alta Bates campus	22	2000	44000	50414	**+6414**
Summit campus	25	2000	50000	47117	**-2883**
Total	47		94000	97531	**+3531**

DISASTER EVENT IMPACTS

In this section, we estimate the potential impact of the closing of Alta Bates on emergency department capacity during two disasters, an earthquake and large fire. We base these analyses on the *HayWired Reports Volume I & II* which detail likely impacts from an earthquake on the Hayward fault line, and data from the aftermath of a 2012 fire at the Chevron refinery in Richmond, CA.

The entire Alta Bates HSA runs along the Hayward fault line, and the Working Group on California Earthquake Probabilities calculates that there is a 33-percent likelihood of a large (6.7 magnitude or greater) earthquake occurring along this fault line in the next few decades (USGS, 2018). In order to fully examine the potential impacts of a major earthquake along the Hayward fault line, the USGS, along with a number of stakeholders, created the *HayWired* scenario and resulting reports.

The HayWired scenario is one of many plausible scenarios for the region's next major earthquake. It investigates the likely impacts of a 7.0 magnitude earthquake along the Hayward fault, with an epicenter under the city of Oakland. In this scenario, the 7.0 magnitude earthquake strikes on April 18, 2018 at 4:18pm, just around the start of the week-day rush hour (USGS, 2018).

According to FEMA data, there are an estimated 837 people mortally injured, 461 life-threatening injuries, 3,007 injuries requiring a high degree of medical care, and 12,263 injuries that require medical attention and cannot be treated at home after the initial quake. In total, there are 16,568 casualties from the earthquake, 837 fatalities and 15,731 people that require medical attention. The **HayWired scenario rounds FEMA's estimates to 800 fatalities and 16,000 injured and needing medical attention.** FEMA estimates that 84% of displaced households will come from Alameda County (68%) and Contra Costa County (16%) (USGS, 2018). Using these same percentages, we estimate that those injured and needing medical attention would total to **13,440** in Alameda County and Contra Costa Counties, with **10,880 needing medical attention in Alameda County and 2,560 in Contra Costa County.**

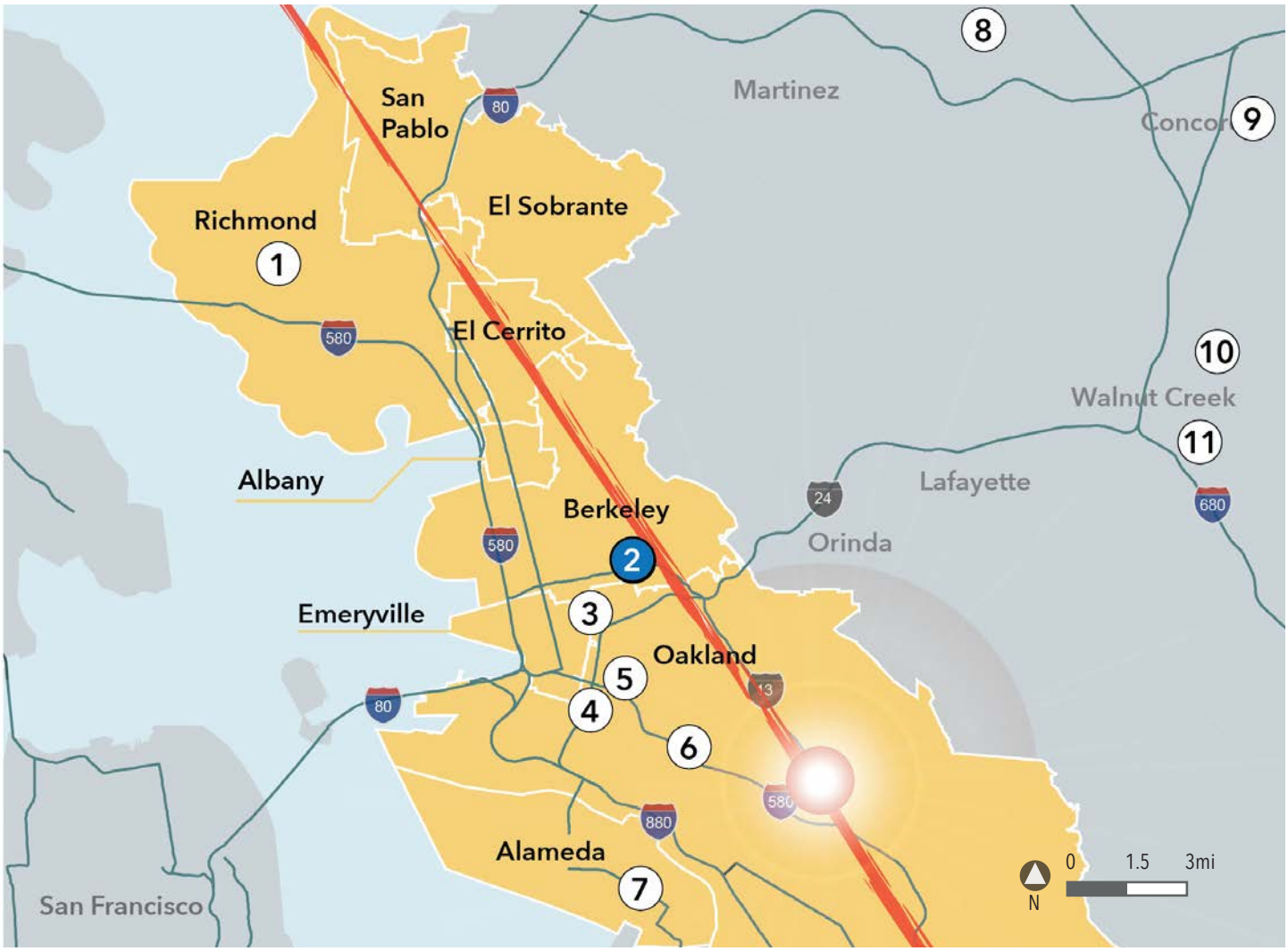
Access and time to treatment will be critical for many of the injured, and considering that the majority of the impact will be felt in Alameda County and Contra Costa County, there will be increased pressure on the existing hospital network and emergency services to respond to and treat the surge of patients in the ED. If all of the injuries that occur in Alameda County seek treatment at hospitals in Alameda County in an even manner (all hospitals are evenly impacted by the event), there would be an estimated **837 additional patients seeking treatment at each emergency department as a result of the quake.** For instance, in the event of the HayWired

Haywired Earthquake Scenario:

84% of households are displaced in Alameda and Contra Costa Counties

14,000 estimated injuries requiring medical attention from Alameda and Contra Costa Counties

$57 billion in total direct economic loss



Map 13. Earthquake along the Hayward Fault & Hospital Locations

Hayward Fault Line

Earthquake epicenter

Source: HayWired Report Volume I

scenario, Kaiser San Leandro, which addresses the highest # of ED cases/day in Alameda County, would need to serve an estimated 1,028 patients. This is a 438% increase from their daily average number of visits. If Alta Bates Campus were to close, the number of surge patients requiring ED treatment in Alameda County would increase by an additional **64 visits for each hospital in the county.**

In Contra Costa County, we estimate 2,560 injuries needing medical attention. We estimate that roughly 280 people from Contra Costa County would access emergency treatment at Alta Bates Campus. Since the Kaiser Richmond emergency department is the primary receiving center for West Contra Costa County residents, we would expect at least half of the remaining 2,280 to go to Kaiser Richmond. The Kaiser Richmond Emergency Department could be overwhelmed with an estimated 1,316 people needing treatment the day of the earthquake. If Alta Bates were to close, we estimate that Kaiser Richmond would experience an additional 282 ED patients immediately following the earthquake.

In the 1994 Northridge earthquake, a magnitude 6.7 earthquake in Los Angeles, there were over

9,000 people injured and 57 fatalities. Research conducted around the Northridge Earthquake showed that injuries increased significantly with age. 60-79 year olds were 10.9 times more likely to be injured, and people 80 and older were 34.6 times more likely than 0-19 year olds to sustain earthquake related injuries (Peek-Asa, 1998). The Northridge Earthquake highlighted that those most impacted by injuries are likely to be the aging/elderly (60+), and aging/elderly populations already experience issues of mobility, from issues related to driving restrictions, physical limitations or other cognitive/familiarity issues that inhibit their ability to access far away or unfamiliar hospitals.

Approximately 13% of the population in the Alta Bates Campus HSA are over the age of 65, with an additional 12% between 55-64. Compared to other cities in the HSA, Berkeley has a high concentration of elderly, as people over 65 make up between 20-30% of the population in three of its ZIP Codes (94705, 94707 and 94708). The ZIP Codes with the highest total number of elderly (65+) in the HSA are located in Richmond (94806), Alameda (94501) and Oakland (95611), each with over 6,500 residents over 65. These six zip codes would be particularly vulnerable to the impacts of an earthquake without Alta Bates Campus.

Though our earthquake analysis does not account for potential post-earthquake barriers to local hospitals, it is critical to note that the Summit Campus is bounded by freeways, including 580, 980 and 880. Under the Haywired scenario there is a high possibility that local freeways will be compromised and hospitals, including Summit, may not be accessible by all that need care. Concentrating ED care in fewer locations in the East Bay may compromise access to emergency medical treatment after an earthquake.

Potential Impact from Chevron Refinery Fire

On August 6, 2012, a major fire erupted at the Chevron Refinery in Richmond, CA. A Level 3 community warning and shelter in place order were immediately issued. There were no injuries or fatalities at the scene, but the emergency departments at Kaiser-Richmond and Doctors Medical Center began to receive patients that complained of respiratory problems. Emergency departments were overwhelmed and placed on diversion status. American Medical Response (AMR), a subcontractor for emergency services, requested mutual aid resources, and an ambulance staging area with one ambulance from San Ramon Valley Fire and two Paramedics Plus Units from Alameda County was established at San Pablo Town Hall. Tents were set up at both Kaiser and DMC, establishing separate areas for patients to be seen. Within the first two hours after the fire, 200 patients sought emergency treatment at DMC. On the peak day four days after the fire, regional EDs (mostly in Contra Costa County), saw 2,876 visits related to the fire, and an approximate 4,500 visited the ED over the next 3 days. **In total, the fire sent over 15,000 patients to the emergency department for 18 days following the event** (CCHS, 2012).

Figure 26 shows the regional emergency department surge pattern for ED visits related to

Chevron Fire Example:

Estimated **15,000** related emergency department visits over 2 ½ weeks

2,876 visits to emergency departments on peak day (4 days after fire occurred)

200 ED visits within the first 2 hours after the fire

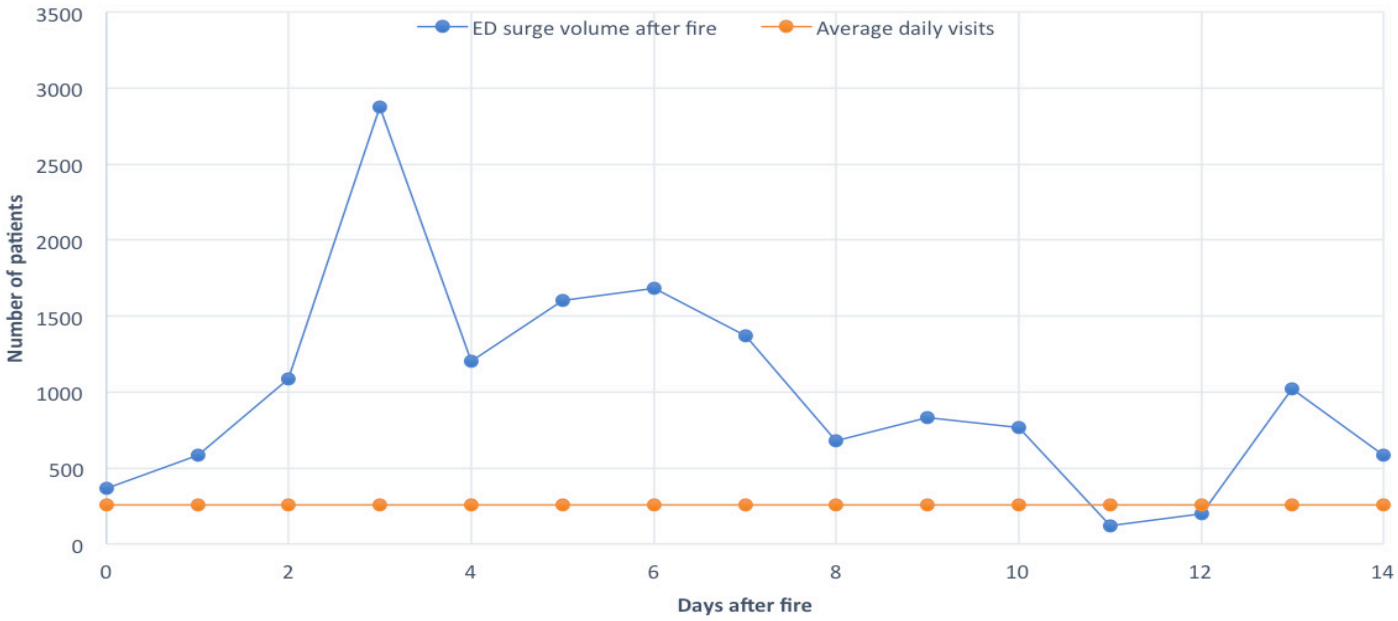
the Chevron fire in the two weeks following the incident. At the time of the fire, both DMC and Kaiser-Richmond EDs were in full operation. Before its closure, DMC had 25 emergency treatment stations, and Kaiser Richmond had 15 emergency treatment stations. Even with two hospitals receiving the surge of patients, both emergency departments were quickly overwhelmed and both hospitals did not return to normal operations until August 23rd (CCHS, 2012).

> **"The magnitude of the earthquake that's going to happen here is so significant that we really do need to have every critical facility in the best possible earthquake shape possible."**
>
> **- Nancy Skinner (NY Times Article)**

As highlighted in the Alta Bates Campus Utilization and Hospital Service Area sections above, Alta Bates Campus has seen an increase in patients from West Contra Costa County since the closure of DMC in 2015. If this scenario were to happen without the ED of Alta Bates Campus, we estimate that between 1000- 1,200 people would seek treatment at regional EDs in the first three days of the event. Kaiser Richmond would be most impacted, but it is unclear where patients from Contra Costa County and northern Alameda would seek treatment without Alta Bates Campus. We estimate that Summit and Highland Hospital, as well as urgent care facilities in Contra Costa County would need to absorb the increased ED patient load.

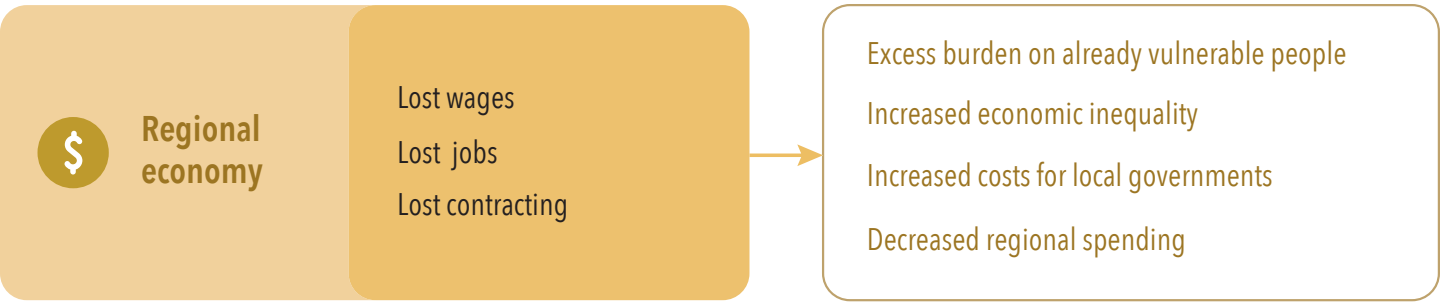
Without Alta Bates Campus, the emergency response plan to provide residents from Contra Costa County with timely care in the case of a major fire would need to be addressed. As noted above, a fire or earthquake disaster may overwhelm ED capacity and services at hospitals throughout the region, and these impacts may be critical if the Alta Bates Campus closes.

Figure 30. Emergency Department patient surge volume after Chevron refinery fire, Richmond, CA, 2012



ECONOMIC IMPACTS

Alta Bates generated over $1.9 billion in patient revenue and spent $604 million on operations and employee compensation in 2016. According to their filing with the State of CA, Alta Bates has reduced their overall spending by over $81 million since 2012. The closing of Alta Bates will adversely impact the local economy but the extent of the impact will depend on the nature of replacement services, hiring and contracting at the Summit campus.



Hospitals such as Alta Bates Campus are major generators of economic activity. As a result, closure of a hospital can not only impact those employed there but the local and regional economy. In 2016, Alta Bates Campus reported earning almost $1.9 billion in revenue for providing care to patients, with billing including Medicare (35% of total revenue), Medi-Cal (26%), and private insurance providers (38%).[2] Though Alta Bates Campus earned almost $1.9 billion in revenue, with spending, adjustments and other deductions, their net income was approximately $19 million in 2016.

Much Alta Bates Campus' revenue is subsequently spent on hospital clinical and nonclinical operations. In 2016, Alta Bates Campus reported spending a total of $604 million on operations. Of this, $284 million was spent on direct expenses, which includes purchases of supplies and equipment, leases and rents, and purchased services such as parking and security.[2]

Of the $604 million spent on operations, the other $320 million was spent on employee compensation. Aside from high-skilled and high-paying staff such as physicians, surgeons, and nurses, Alta Bates Campus is also a major source of low-skilled jobs. According to SEIU-UHW, the hospital directly employed 280 people in low-skilled, lower-paid jobs in 2015 (Rauber, 2014). These positions include clerks, patient aides, food service and custodial staff, nursing assistants, and technical support staff. With average hourly wages between $20 and $24 per hour, these lower paid positions nonetheless offer generally higher wages when compared with similar jobs in different settings.

In line with their announced plan to systematically shut down service lines and transfer them to Summit campus, Alta Bates Campus has already reported significant decreases in spending for certain service lines. Cardiac Services saw a 68% reduction, with spending going from almost $4.4 million in 2012 to less than $1.4 million in 2016. Radiology Services - for both diagnostic and therapeutic purposes - had a decrease of 57% or over $19 million over the same time period. Adolescents service lines showed no spending by 2016.[1,2]

According to their financial disclosures, Alta Bates has even started to reduce spending in their birthing center. Between 2012 to 2016, Labor and Delivery Services saw an almost 23%, or $7 million reduction in spending, while spending on Neonatal Intensive Care fell almost 35% over this same time period.[1]

Impact	Magnitude
Low wage workers	165 workers already laid off since 2012
Community benefits	Potential reduction of $91 million in charity care
Local economic activity	Potential loss of $1.5B annually in local economic activity

Alta Bates as an Economic Base Multiplier

Alta Bates Campus, like all hospitals, has a large impact on the regional economy. Hospitals draw in billions of dollars in revenue from medical reimbursements. These reimbursements come overwhelmingly from outside the region: Medicare brings in federal dollars; Medi-Cal brings in a combinations of federal and state dollars; and private insurance brings in money from corporations based across the country. With this continuous source of revenue, hospitals like Alta Bates Campus typically spend overwhelmingly within the metropolitan area or its surrounding region. In fact, economists estimate that an average urban hospital spends at least 80% of its patient revenue within the metropolitan area (Erickson et at., 1986).

The nature of hospital operations necessitates that Alta Bates Campus contracts with local companies for everything from medical supplies and equipment to food for its patients, staff, and visitors. They must also contract with local companies for purchased services such as laundry, parking, and security. Alta Bates Campus also contributes to the regional economy by employing hundreds of staff. If not through direct employment, Alta Bates supports dozens of jobs through its purchasing of services.

As a nonprofit hospital, Alta Bates Campus is required by law to reinvest any surplus revenue back into the community in the form of community benefit programs. **According to its Community Benefit Plan, Alta Bates spent over $97 million in 2016 for community benefit programs, activities, and initiatives. The vast majority of this community benefit--over $91 million**--comes in the form of charity care, providing free medical services for those without coverage and unable to afford the cost of their care (Sutter Health, 2016). The rest is spent funding various public health programs such as asthma and diabetes resource centers, neighborhood revitalization programs, and youth outreach and career development services.

As a result, Alta Bates Campus acts as what economists call an *economic base multiplier*. That is, the hospital generates significantly higher

$1.9 billion in patient revenue generated in 2016

23% reduction in spending on Labor & Delivery Services from 2012-16

35% reduction in spending on Neonatal Intensive Care from 2012-16

165 lower wage workers already laid off by Alta Bates since 2012

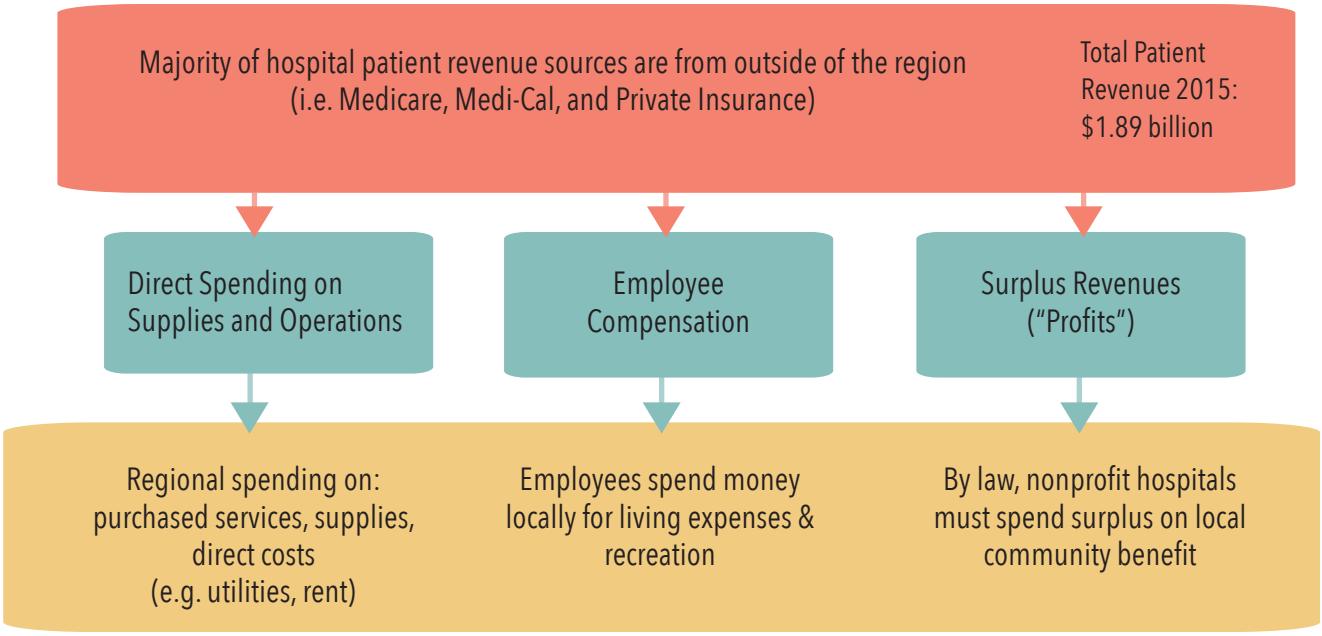


Figure 31. How hospitals contribute to regional Economies

downstream economic output in proportion to its revenue. A number of studies highlighted this economic base multiplier effect on urban hospitals in Pittsburgh, PA, Syracuse, NY, and Minneapolis, MN. These studies found that the multiplier ranged from 2.63 to 2.69, meaning that **every dollar that a hospital earns in patient revenue generates between $2.63 and $2.69 in economic activity for the surrounding region** (Moore, 1974 & Doeksen et al., 1997).

We used the economic-multiplier idea and conservative assumptions to estimate the hospital's likely contributions to the local economy. **Given that in 2016 Alta Bates Campus spent $604 million, we estimate that the hospital is likely responsible for generating approximately $1.5 billion in economic activity for the Bay Area.**

The economic impacts from the closing of Alta Bates Campus will likely also include loss of low wage jobs. These workers may lose income and experience other hardships. Skilled workers, such as physicians and nurses will either be relocated to Summit, find work elsewhere, loose their jobs, or leave the region to find work elsewhere. If skilled nurses leave, the region's health care facilities may experience an increase in the nursing shortage.

There is little doubt that Alta Bates Campus provides economic benefits to the local and regional economy. The exact adverse impacts from the closing are difficult to estimate, but our review of OSHPD data suggests that close to $1.5 billion in local economic activity could be lost.

APPENDICES

A. Acknowledgments, Reviewers & Interviewees

Alta Bates Regional Task Force, Members

Andy Katz, Alta Bates Regional Task Force Member

Anna Harte MD, Medical Director, UC Berkeley University Health Services

Mary Kay Lacey, Bateman Neighborhood Association

Bahar Navab, Associate Director, University Health Services

Carolyn Bowden, Community Organizer, California Nurses Association

Claudia Covello, Assistant Vice Chancellor, University of California, Berkeley Student Affairs & Executive Director, University Health Services

Community Health Commission, City of Berkeley

Cynthia Frankel, EMS Coordinator, Alameda County Emergency Medical Services

Daniel Caraco, Alta Bates Regional Task Force

David McPartland, EMS Captain, Berkeley Fire Department

Declan Walsh, Research Analyst, SEIU-UHW West

Dominic Chan, California Nurses Association

Gabriel Quinto, Mayor, City of El Cerrito

Jacquelyn McCormick, Senior Advisor to the Mayor, City of Berkeley

Jesse Arreguin, Mayor, City of Berkeley

Patrick Richards, Associate Director, Business and Finance at University of California, Berkeley

Rochelle Pardue-Okimoto, Mayor Pro Tem, El Cerrito

Scott Donahue, Council member, City of Emeryville

B. HSA Calculation & Discharges by ZIP Code

Calculation Description	Calculation	Notes
AB HSA	AB CHNA zip codes + non-CHNA zip codes sending highest numbers of patients to AB = approximately 75% of AB patients	See Table 1 below for more information
Surge Event Injuries Alameda County Estimate	(16,000 Haywired estimated injured)*(estimate of 68% of displaced households coming from Alameda County)= 10,880 estimated injuries in Alameda County	Assumes that the percentage of displaced households is equivalent to the percentage of injuries occurring in Alameda County
Economic Loss Estimate	$2.5 (economic base multiplier)*($1.9 billion in patient revenue in 2016)= $4,750,000,000	Economic base multiplier = $2.5 per every dollar in patient revenue

Zip Code	2016 # Patient Discharges from Alta Bates Campus
94613	10
94720	276
94612	866
94619	875
94618	972
94610	992
94602	1,106
94709	1,130
94708	1,186
94603	1,194
94606	1,215
94707	1,230
94710	1,295
94607	1,297
94621	1,579
94611	1,629
94605	1,751
94609	1,855
94705	1,992
94601	2,241
94704	2,394
94608	2,754
94702	2,922
94703	3,035
Total CHNA patient discharges	35796

94805	822
94803	1,145
94501	1,431
94801	1,557
94706	1,737
94530	2,156
94804	2,764
94806	3,134
Total non-CHNA zip code patient discharges (approximately 75% of all ABC patient discharges)	14746

C. Acute Care Hospitals in Alameda County and Contra Costa County with Basic or Comprehensive EDs

Hospital	County	2016 ED Visits/Beds (AMA benchmark is 2000 visits/Emergency Treatment Station (ETS)	2017 ED Visits/Beds (AMA benchmark is 2000 visits/Emergency Treatment Station (ETS)
Alta Bates Berkeley	Alameda County	1836 visits/ETS (25 ETS)	2292 visits/ETS (22 ETS)
Alta Bates Summit	Alameda County	1481 visits/ETS (32 ETS)	1885 visits/ETS (25 ETS)
Highland Hospital	Alameda County	1211 visits/ETS (57 ETS)	1158 visits/ETS (57ETS)
Kaiser Oakland	Alameda County	1289 visits/ETS (48 ETS)	1327 visits/ETS (48 ETS)
Kaiser Fremont	Alameda County	2347 visits/ETS (16 ETS)	2452 visits/ETS (16 ETS)
Kaiser San Leandro	Alameda County	1645 visits/ETS (40 ETS)	1739 visits/ETS (40 ETS)
Alameda Hospital	Alameda County	1404 visits/ETS (12 ETS)	1369 visits/ETS (12 ETS)
St. Rose Hospital	Alameda County	2037 visits/ETS (17 ETS)	2134 visits/ETS (17 ETS)
CHORI	Alameda County	1289 visits/ETS (37 ETS)	1261 visits/ETS (37 ETS)
San Leandro Hospital	Alameda County	2739 visits/ETS (12 ETS)	2,851 visits/ETS (12 ETS)
Washington Hospital Fremont	Alameda County	2236 visits/ETS (23 ETS)	2168 visits/ETS (23 ETS)
Eden Medical Center	Alameda County	2097 visits/ETS (22 ETS)	1943 visits/ETS (22 ETS)
Stanford ValleyCare	Alameda County	1768 visits/ETS (18 ETS)	1886 visits/ETS (18 ETS)
Contra Costa Regional Medical Center (CCRMC)	Contra Costa County	2122 visits/ETS (20 ETS)	1499 visits/ETS (26 ETS)
Kaiser Richmond	Contra Costa County	2256 visits/ETS (28 ETS)	2310 visits/ETS (28 ETS)
Kaiser Antioch	Contra Costa County	1588 visits/ETS (36 ETS)	1699 visits/ETS (36 ETS)
Kaiser Walnut Creek	Contra Costa County	1183 visits/ETS (52 ETS)	1224 visits/ETS (52 ETS)
John Muir Concord	Contra Costa County	1876 visits/ETS (32 ETS)	1858 visits/ETS (32 ETS)
John Muir Walnut Creek	Contra Costa County	1206 visits/ETS (44 ETS)	1262 visits/ETS (44 ETS)
Sutter Delta Antioch	Contra Costa County	1906 visits/ETS (32 ETS)	1835 visits/ETS (32 ETS)
San Ramon Regional Medical Center	Contra Costa County	1526 visits/ETS (12 ETS)	1578 visits/ETS (12 ETS)

REFERENCES

OSHPD Data Sets

RHIA Reference #	Report or Data Set Source	Data Set Description	URL	Data Used in HIA	Data Location
1	Annual Financial Disclosures Report 2012	Hospitals and long-term care (LTC) facilities report detailed annual facility-level data on services capacity, inpatient/outpatient utilization, patients, revenues and expenses by type and payer, balance sheet and income statement.	https://siera.oshpd.ca.gov/FinancialDisclosure.aspx	Total Patient Revenue	Page 12
				Clinical Operations	Page 17
				Nonclinical Operations	Page 18
2	Annual Financial Disclosures Report 2016	See above	https://siera.oshpd.ca.gov/FinancialDisclosure.aspx	Total Patient Revenue	Page 12
				Clinical Operations	Page 17
				Nonclinical Operations	Page 18
3	Hospital Annual Utilization Data 2016 (including ALIRTS)	Contains basic licensing information including bed classifications; patient demographics including occupancy rates, the number of discharges and patient days by bed classification, and the number of live births; as well as information on the type of services provided.	https://www.oshpd.ca.gov/HID/Hospital-Utilization.html#Pivot	Overview of capacity and services offered	Pivot Table
4	Hospital Annual Utilization Data 2017 (including ALIRTS)	See above	https://www.oshpd.ca.gov/HID/Hospital-Utilization.html#Pivot	Overview of capacity and services offered	Pivot Table
5	Patient Origin and Market Share Reports 2012-2013	ZIP Code of residence for all ED visits and hospitalizations	https://www.oshpd.ca.gov/HID/POMS-Report.html#Pivot		Pivot Table

6	Patient Origin and Market Share Reports 2016 - 2017	See above	https://www.oshpd.ca.gov/HID/POMS-Report.html#Pivot		Pivot Table
7	Facility Summary Reports 2013	Patient level data are reported through the Medical Information Reporting for California (MIRCal) system. These reports display a numerical and percentage breakdown of patient level data. These Summary Reports combine report periods into an annual view of a facility's Hospital Inpatient (IP), Emergency Department (ED), or Ambulatory Surgery (AS) patient level data.	https://www.oshpd.ca.gov/HID/Facility-Summary-Reports.html	Patient Payer Mix Emergency Department Ambulatory Services Inpatient services	Downloadable Report
8	Facility Summary Reports 2016	See above	https://www.oshpd.ca.gov/HID/Facility-Summary-Reports.html	Patient Payer Mix Emergency Department Ambulatory Services Inpatient services	Downloadable Report
9	Seismic Compliance Unit: Seismic Performance Ratings	Description of the seismic performance (SPC) rating criteria	https://www.oshpd.ca.gov/FDD/seismic_compliance/SB1953/SeisPerfRatings.html	Definitions of SPC + MPC ratings	Web page
10	California Hospital and Skilled Nursing Facility Data 2018	This page presents information for California hospitals and skilled nursing facilities such as site plans (also called "keyplans"), building numbers, SPC/NPC ratings and various links associated with the facility. Links to the OSHPD Report Center for open, closed, and old projects are included.	https://www.oshpd.ca.gov/FDD/Forms/Keyplans/index.html	Building Site Plans + SPC Ratings of Buildings Open Projects	Web page
11	General Facility Listing 2017	All California hospital facilities in 2017	https://www.oshpd.ca.gov/HID/Facility-Listing.html	Acute care hospitals in region	

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Alta Bates Summit Medical Center
RAPID HEALTH IMPACT ASSESSMENT

BERKELEY IURD INSTITUTE OF URBAN AND REGIONAL DEVELOPMENT

Ben Bartlett
Councilmember District 3

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Referral to the City Attorney: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street

RECOMMENDATION

Refer the City Attorney to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.

CURRENT SITUATION

Our City is estimated to have more than 100 vacant residential buildings, and numerous vacant commercial properties. These often dilapidated properties negatively impact neighborhoods, business districts, City revenues, and the overall quality of life. One such example is the blighted properties on 2902 and 2908 Adeline Street, and the adjacent abandoned house located on the corner of Adeline Street and Russell Street (collectively “2902 Adeline”). The three properties were bundled by the Realtex Group of San Francisco for the purposes of developing housing. However, the project appears to be inactive, and for years has been in a state of persistent, significant, deterioration and disrepair, which has subjected the community to unsafe, and unhealthy conditions.

Chapter 12.92 of the Berkeley Municipal Code on Anti-Blight, states that the purpose of the chapter is to require “a level of maintenance of residential and commercial property which will promote healthy neighborhoods and protect and preserve the livability and appearance of the City.” Yet the dilapidated and unsafe conditions of 2902 Adeline continue to threaten the health, safety, and general welfare of our citizens.

Numerous community members and neighbors have complained about the dangerous conditions associated with the abandoned site. Community members noted several fire hazards, and the presence of rats and other vectors that transmit disease and parasites. It is for these reasons that we find 2902 Adeline to be in violation of BMC 12.92.030.

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At the same time, the City has a pronounced need for mixed-use affordable housing. According to Berkeley's 1000 Person Plan to Address Homelessness and its accompanying affordable housing report, the City's current system has not created sufficient "permanently subsidized housing resources" to service the homeless population, and, instead, relies on short-term solutions, such as rapid rehousing, that do not provide any structural changes to the housing market. Furthermore, the number of people experiencing homelessness in Berkeley has increased by an average of 10% every two years, with dramatic racial disparities: since 2006, "65% of homeless service users in Berkeley identify as Black or African American."[1] To add to the problem, Berkeley's homeless services shelter beds have been serving "fewer unique households over time".[2]

As a result, the Council should uphold BMC 12.92 and ensure we take action by referring the City Attorney to analyze the feasibility of using eminent domain to purchase 2902 Adeline to develop mixed-use supportive housing that is both affordable and also provides mental and physical health care to its residents.[3]

This recommendation is within the City's authority. Chapter 12 of the municipal code goes on to state, "Whenever the City determines that property in the City is maintained as a nuisance," it shall follow per 12.92.050, and must provide a Notice to the Owner of Abatement of Nuisance.

As public agencies may condemn property only for public use, the City Attorney should include in the analysis a resolution of necessity as set forth in CCP §§ 1245.210 et seq. Such resolution must establish all of the following:

- The public interest and necessity require the project
- The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury
- The property in question is necessary for the project

BACKGROUND

The City has the power of eminent domain – to take private property for public use upon payment of just compensation. State law authorizes cities to condemn property

[1] https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response__1000_Person_Plan.aspx#:~:text=Simply%20put%2C%20a%20plan%20to,right%2Dsizing%E2%80%9D%20the%20system.

[2] https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response__1000_Person_Plan.aspx#:~:text=Simply%20put%2C%20a%20plan%20to,right%2Dsizing%E2%80%9D%20the%20system.

[3] https://www.cbpp.org/research/housing/supportive-housing-helps-vulnerable-people-live-and-thrive-in-the-community

necessary to carry out their municipal duties and functions. In Kelo v. New London, the Supreme Court allowed the use of eminent domain to facilitate the city's redevelopment and community enhancement efforts.[4] In Hawaii Housing Authority v. Midkiff, an eminent domain was used to break up land oligopolies, again in the interest of serving the community.[5] Finally, in Berman v. Parker, the Court upheld Congress' directive to redevelop parts of DC to enhance the conditions of those living in substandard housing.[6] While this strategy has not been readily employed by many cities, there are significant precedent-setting cases to justify the City of Berkeley considering this option as a way to acquire the 2902 Adeline properties to serve the public.

Based on the referral response item that originally appeared on the agenda of the May 16, 2017, Council Meeting and was submitted by City Attorney Zach Cowan, cities are permitted to use their eminent domain powers for purposes beyond those that the Legislature has expressly identified as public purposes. City Attorney Cowan concluded that providing affordable housing for those who cannot afford market-rate housing is a "public use" for purposes of eminent domain. In addition, with respect to open space, it has also long been generally recognized that providing open space is a public purpose. Similarly, acquiring property to provide public services, such as courthouses, municipal buildings, public health, or recreational services, is also appropriate. In sum, the City may use its power of eminent domain to acquire property for public services and buildings, affordable housing, and open spaces.

There exist healthy precedents for the successful use of eminent domain to establish affordable housing.

a. Vermont Housing Land Fund: The Sarah Cole House was chosen for the project because of its history as an owner-occupied rooming house. Despite having resident owners, the building had fallen into disrepair. Neighbors first objected to the development as another assault on the neighborhood and protested to the local zoning board. BCLT responded with an appropriate site plan, staffing plan, and house rules. Opposition was dropped and the zoning was approved. After BCLT rehabilitated the house and grounds, area residents expressed satisfaction with the neighborhood improvement.
b. In Lawrence, Kansas. This CDC promotes low-income housing by providing home ownership programs and credit counseling to help people qualify for mortgages. The organization acquires properties to sell to moderate and low-income people and renovate or build homes to sell to people not qualifying for

[4] Kelo et al. v. City Of New London et al. https://www.law.cornell.edu/supct/html/04-108.ZS.html
[5] Hawaii Housing Auth. v. Midkiff https://supreme.justia.com/cases/federal/us/467/229/case.html
[6] Berman v parker https://supreme.justia.com/cases/federal/us/348/26/case.html

traditional loans. Tenants become homeowners through education, communication, home improvement, and creative financing.

POTENTIAL USES FOR PROPERTY

After thorough consideration of alternatives for this blighted property, we find it in the best interest of the City of Berkeley and its communities that we explore more affordable housing initiatives for this property. As it stands, the 2902 Adeline properties are prime locations for construction of new residential living accommodations.

At the same time, the City has a pronounced need for mixed-use affordable housing. Mixed-use housing development allows for the placement of a variety of land uses, including commercial, office, and residential uses, within the same development or district. Mixed-use developments allow for a balanced mix of local jobs and services to be situated at or near residential areas, promoting walkability by reducing the need for commuting trips to and from work. They also offer cost savings for both developers and residents, as commercial uses can help subsidize affordable housing units. Since Berkeley is in need of more local job creation and more affordable housing, especially for young people, the Council should seek to promote these types of developments to tackle both needs at once.

Mixed-use developments can also serve as artistic spaces like theaters, performance spaces, and community art spaces for neighbors to use and enjoy.

It is also possible to use these locations for open green spaces. Open space has long been generally recognized as a public purpose for land. A green space would provide welcome refuge in such a dense, commercial section of Berkeley. South Berkeley suffers from an inequitable amount of green space. In fact, the City Council passed the Equity in Green Space policy of 2017[7], specifically prioritizing the creation of green space in South Berkeley.

Acquiring property to provide public services, such as municipal buildings, public health, or recreation, is also appropriate. Services like these are often starved of land in a city where property prices have risen astronomically in recent years.

The City may use its power of eminent domain to acquire the 2902 Adeline properties for affordable housing, open spaces, and public services and buildings.

RATIONALE FOR RECOMMENDATION

[7] Cal. Berkeley City Council, Reg. Meeting, Referral. (2017). https://drive.google.com/file/d/1J5Ded2H-8J1UCFw35n3cQKaHEEV8syQi/view?usp=sharing

Our publicly owned land is scarce. Social service programs, housing developments, and other public services require adequate land, which is in short supply in Berkeley. There have been voluminous complaints from residents, neighbors, and local businesses, with health and safety complaints directly stemming from these properties. These properties are located near daycare centers, a park, and a library, directly impacting the safety of families and nearby residents when out walking. Given the current unsafe conditions of the 2902 Adeline properties, which are in violation of BMC 12.92.030 and the purpose of the BMC Chapter 12.92, the Council should refer the City Attorney to perform an analysis on the properties to conclude whether or not the City can and should use eminent domain to purchase the properties for public good. By using the properties for much-needed public benefits–such as recreational options– we will be serving Berkeley residents while also incentivizing property owners to maintain their parcels and promote healthy neighborhoods.

FISCAL IMPACTS OF RECOMMENDATION
The fiscal impacts of this recommendation are normal operating Staff time for the analysis to be conducted at normal hourly rates.

ENVIRONMENTAL SUSTAINABILITY
There are no identifiable environmental effects associated with conducting an analysis on the properties. However, if the City Attorney concludes the use of eminent domain is appropriate, maintaining the properties will promote healthy neighborhoods and protect and preserve the livability and appearance of the City. Given the fact that the properties are blighted, eminent domain will allow us to effectively address any potential environmental contamination of the building.

CONTACT PERSON

Councilmember Ben Bartlett 510-981-7130
James Chang jchang@cityofberkeley.info

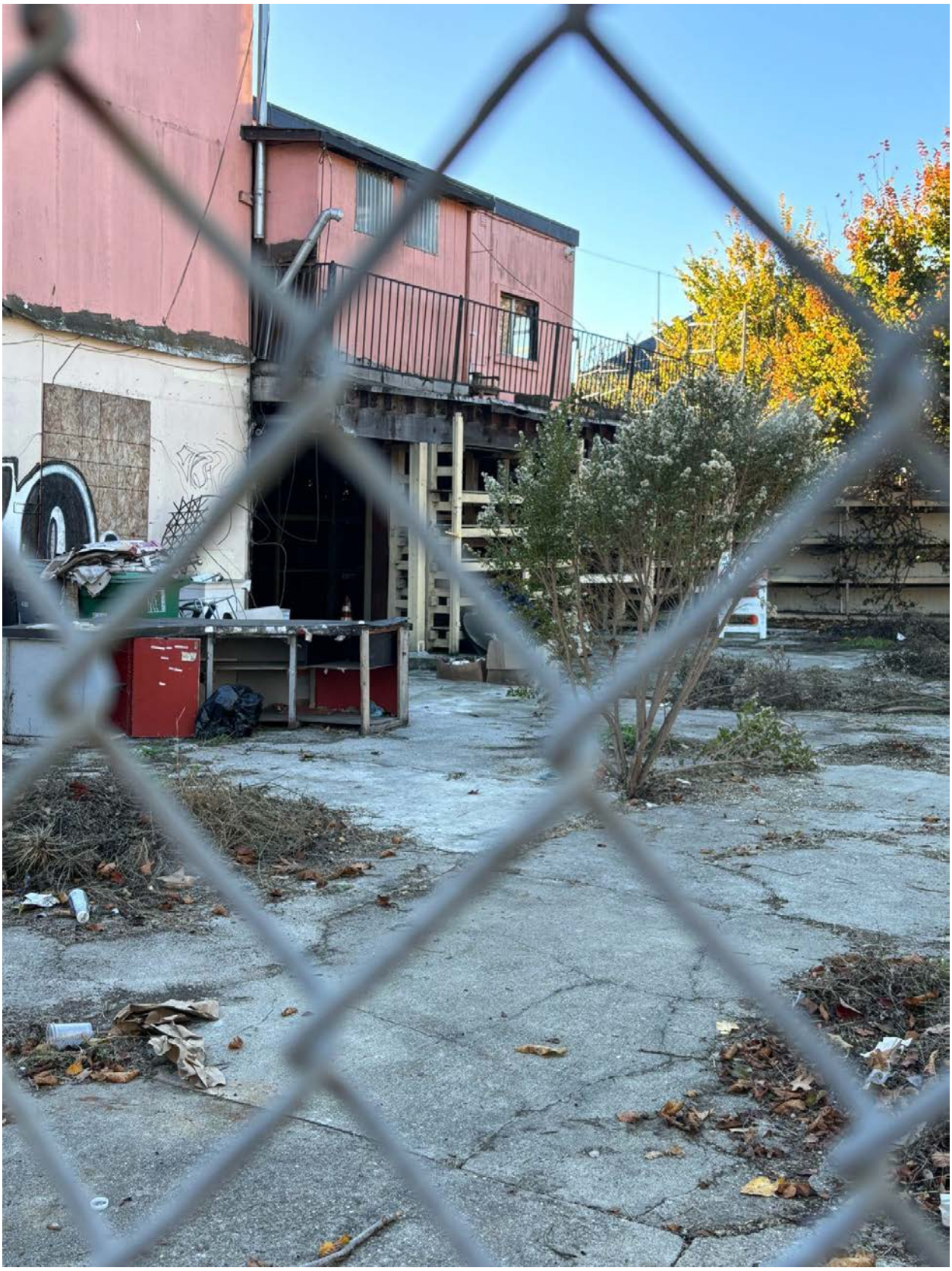
Attachment

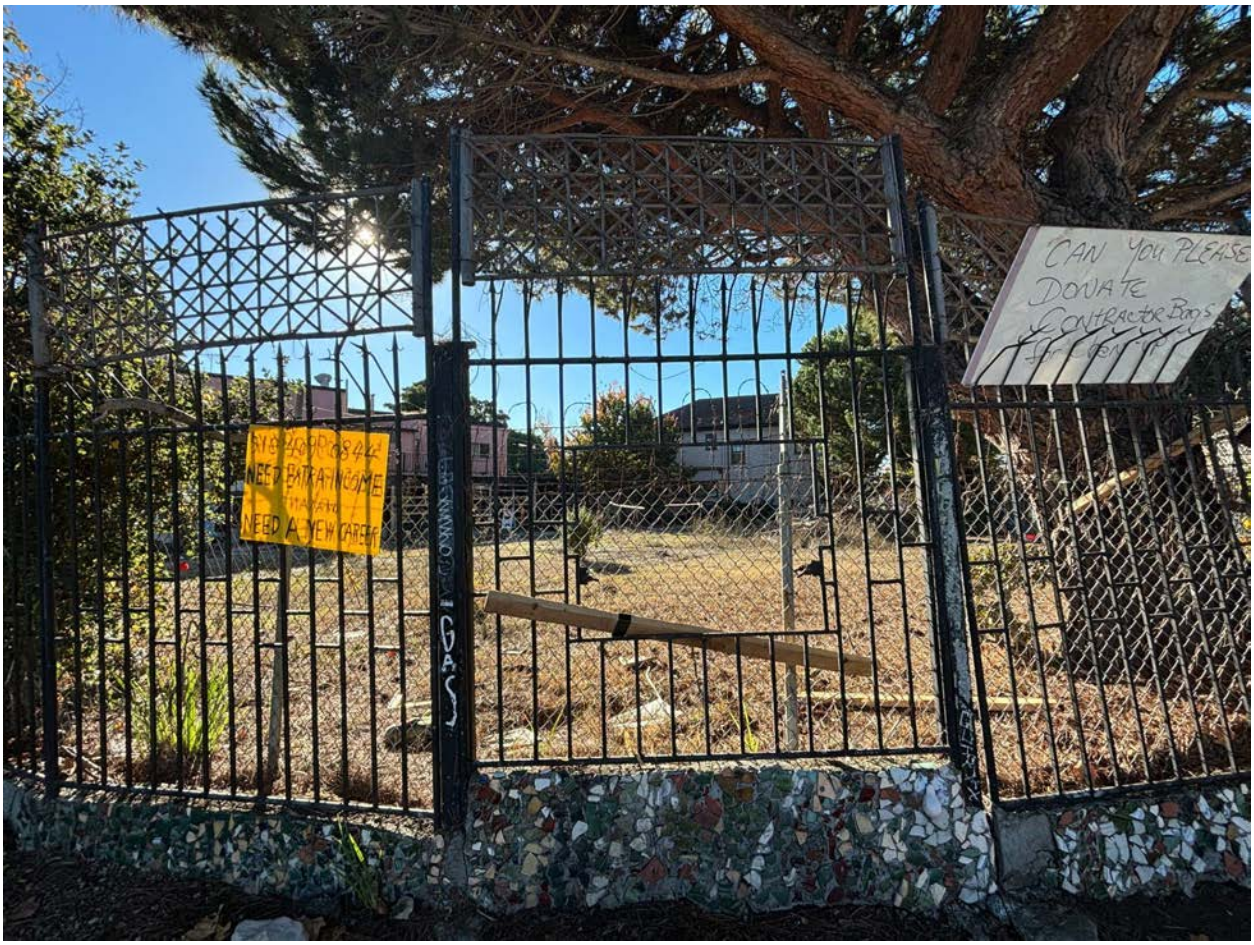
1. Photos of 2902 - 2908 Adeline Street Properties
2. Photos of abandoned house at 1946 Russell Street

Attachment 1:

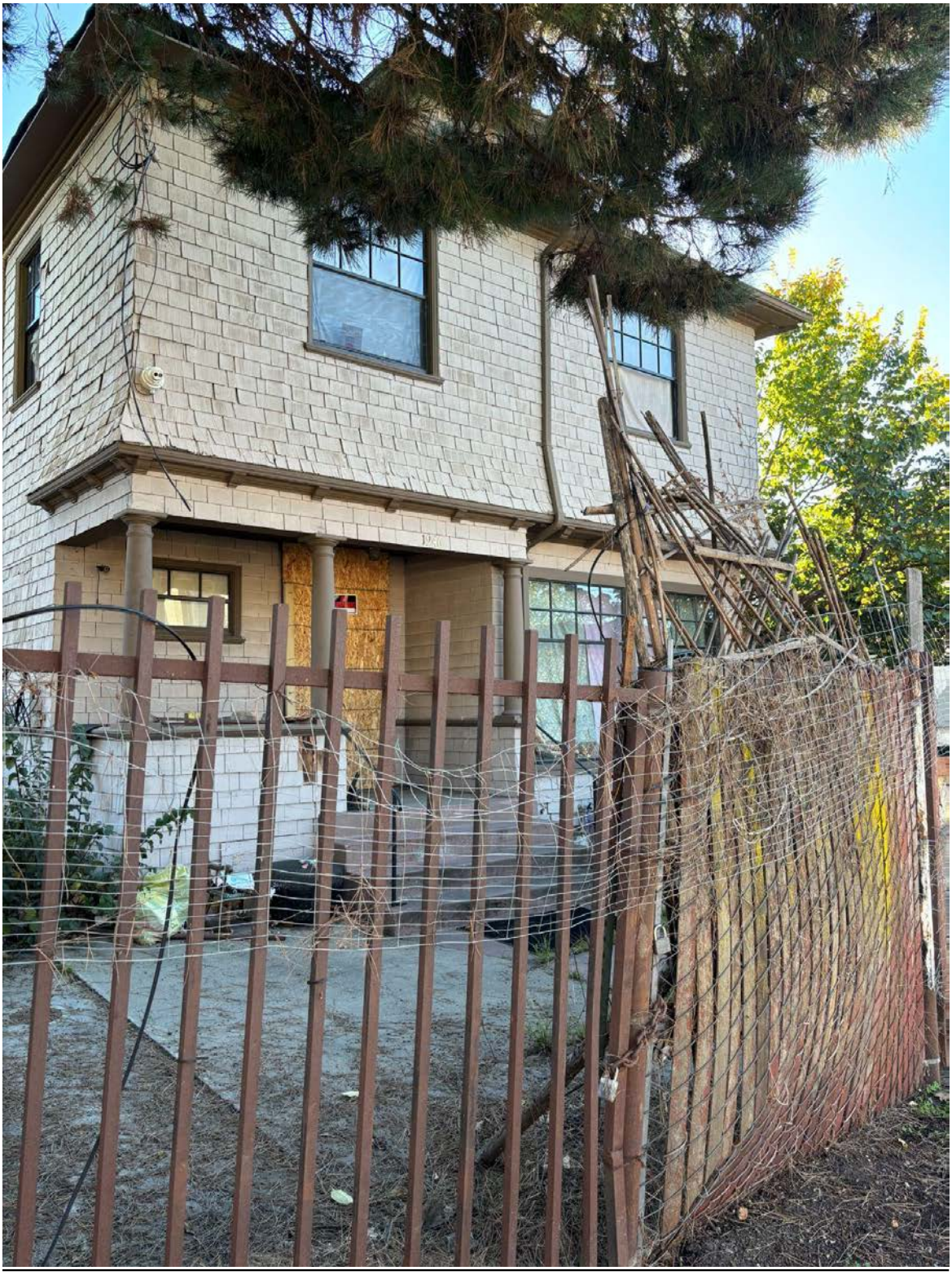
NO 1
PARKING

TOW-AWAY




NEED EXTRA INCOME
NEED A NEW CAREER
CAN YOU PLEASE
DONATE
GAS

Attachment 2:



Office of the City Manager

PUBLIC HEARING
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: ZAB Appeal: 2924 Russell Street, Administrative Use Permit #ZP2023-0081

RECOMMENDATION
Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit ZP#2023-0081 to install an unenclosed hot tub in the rear yard.

SUMMARY
The applicant proposes an unenclosed outdoor hot tub in the rear yard at 2924 Russell Street. The approval of the Administrative Use Permit by the Zoning Officer was appealed to the Zoning Adjustments Board (ZAB), who upheld the approval and dismissed the appeal. The ZAB approval was appealed to the City Council, and this hearing is required to resolve the appeal.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On June 2, 2023 Pennell Phillips filed an Administrative Use Permit (AUP) application for a hot tub in the rear yard on behalf of the property owner, Homayoon Kazerooni.

On July 20, 2023 the Notice of Administrative Decision of the Zoning Officer's approval was issued, which included posting the decision at the site and mailing the notice of approval.

On August 9, 2023 an appeal of the Zoning Officer's approval was filed by Richard Spohn, owner of 2928 Russell Street, the property to the east of the project site.

On October 12, 2023 the appeal was heard by ZAB at a duly noted public hearing. After receiving presentations from staff, the appellant, and applicant, hearing public comment, and holding a discussion, the ZAB upheld the Zoning Officer approval and dismissed the appeal by a vote of 6-0-0-2-1 (Yes: Duffy, Gaffney, Thompson, Lunaparra, Blackaby, Yung; No: None; Abstain: None; Absent: Tregub, O'Keefe; Recused: Sanderson (resides within 500 feet of project site)).

On October 17, 2023 the ZAB Notice of Decision was mailed.

On October 31, 2023 an appeal of the ZAB's approval was filed with the City Clerk's Office by Richard Spohn, owner of 2928 Russell Street, the property to the east of the project site.

On or before February 13, 2024 staff posted the public hearing notices near the site, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area.

BACKGROUND

The subject site is located in South Berkeley, outside of the Elmwood District between Ashby Avenue and Avalon Avenue, and is in the Single-Family Residential District (R-1). The surrounding area is composed of one- to three-story single-family dwellings and has many mature street trees and vegetation. The property is within a five-minute walk from several commercial and community uses, including the Claremont Club & Spa and John Muir Elementary School.

The project site is a rectangular, interior lot, located on the south side of Russell Street. The street slopes gently uphill heading east towards Claremont Avenue. It is developed with a two-story single-family dwelling and a two-car detached garage in the rear southeast corner. There is a 6-foot 5-inch concrete wall along the east side lot line that runs from the back of the existing dwelling to the rear lot line. The site also has some mature trees and vegetation.

The project approved by the Zoning Officer would allow an unenclosed hot tub in the rear yard, off of an attached deck. The hot tub would have enclosed equipment and be installed on top of a sound-reducing mat to ensure compliance with the zoning and noise ordinances, and additional screening hedges would be planted on the subject site along both the east and west lot lines to provide additional sound mitigation and privacy.

At the hearing on October 12, 2023, the ZAB discussed the applicability of the noise regulations in Berkeley Municipal Code (BMC) 13.40, Community Noise, and confirmed that there are standards for interior and exterior noise that apply throughout the City. Additionally, anyone has the ability to report violations should concerns arise. ZAB found that the applicant had already taken additional steps to mitigate potential noise impacts by proposing a sound-reducing mat and additional vegetation planted along the side lot lines, adjacent to the existing concrete wall along the shared lot line with the neighbor to the east. ZAB also acknowledged that the appeal raised several issues that were outside of its purview, and expressed hope that the neighbors could come together to resolve issues.

For additional project background, please see the ZAB Staff Report, dated October 12, 2023 (Attachment 4).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The project approved by the ZAB complies with all state and local environmental requirements.

RATIONALE FOR RECOMMENDATION
The neighbor to the east filed an appeal of the ZAB's decision during the 14-day appeal period. The issues raised in the appellant's letter and staff's responses are provided below. For the sake of brevity, the appeal issues are not restated in their entirety. Please refer to the appeal letter (Attachment 2) for the full text.

Issue 1: There is no evidence that the tub will meet the requirements of the City's Zoning Ordinance and Community Noise Ordinance.

The appellant states that there was not empirical evidence to prove that the noise impacts would be nondetrimental.

Response 1:
BMC Section 23.304.070(D)(2), Hot Tubs, Jacuzzis, and Spas, requires "any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa [to] be mounted and enclosed so that its sound is not auditable on an adjacent lot." This requirement applies to all outdoor hot tubs, regardless of their location.

The proposed hot tub is located approximately 11 feet behind the main dwelling, 5 feet, 7 inches from the eastern lot line and 35 feet from western side lot line, and 23 feet from the rear lot line. There is a 6-foot, 5-inch concrete wall that runs along the lot line shared with the appellant's lot, and additional vegetation would be planted along this wall, on the subject site. The appellant's residence is approximately 25-30 feet away from the hot tub. There is also an existing single-story accessory building located on the appellant's lot, discussed further under Issue 2, located approximately 7 feet, 5 feet from the hot tub.

The applicant demonstrated that the pump associated with the hot tub would be mounted and enclosed. The plans provided during neighborhood outreach (Attachment 1, Exhibit B, reference-only Sheet L2.0[1]) showed the hot tub equipment under the deck[2], however the plans were revised prior to submittal and include the statement, "no separate equipment under the deck will be required; hot tub to include enclosed equipment and be quieter than industry standards" (Attachment 1, Exhibit B, Sheet L2.0). Based on initial feedback that the appellant provided when signing the plans during community outreach on April 4, 2023, the applicant sought hot tub models that would be quieter than industry standards. The plans also show that a sound-reducing

[1] There are two sheets numbered L2.0 in the final plans. The first L2.0 sheet reflects the plan that was approved by the Zoning Officer and the ZAB; the second L2.0 is marked as "reference only," and is the sheet that was used to gather signatures during the pre-application neighborhood contact.
[2] Deck is allowed by-right and is being reviewed under Building Permit No. B2023-01579.

mat would be placed between the concrete pad and the hot tub to further reduce sounds caused not just from the pump, but from the full operation of the hot tub. The standard conditions of approval (COA) for hot tubs also require that “the pump shall be mounted, enclosed, and maintained to prevent noise from disturbing the occupants of neighboring properties,” and for “mechanical operation and use [to] adhere to the exterior noise standards of BMC 13.40.050, Exterior Noise Standards” (Attachment 1, Exhibit A, COA #31 and 34). Should the pump be audible on the adjacent lot and/or the mechanical operation and use exceed the levels allowed, the hot tub would be required to come into compliance with the Zoning Ordinance and condition of approval. ZAB added two conditions of approval. The first requires that “the hot tub shall be installed on a sound-proofing mat” and second that the “vegetation shown on the site plans shall be maintained at all times” (Attachment 1, Exhibit A, COA #29-30). There is no way to measure the sound of the pump on the adjacent lot nor the noise generated by the mechanical use and operation prior to installation and operation.

The existing concrete screening wall that runs between the properties and the additional plantings would provide additional sound mitigation beyond what is required (Attachment 1, Exhibit A, COA #30). The proposed hot tub would be located a significant distance from the main dwellings on all abutting lots, even exceeding the standard setback requirements for main buildings in the R-1 Zoning District. The accessory building on the appellant’s lot is not a dwelling unit, and has no openings along the façade facing the shared lot line. The existing concrete wall and new plantings would extend further than the location where the hot tub and accessory buildings are immediately adjacent to one another. Hot tubs are a common feature on residential lots in the City of Berkeley, and the siting of the proposed hot tub provides more separation from the adjacent dwelling units than is required for main or accessory buildings. Noise generated by the hot tub would not be beyond what would be reasonably expected in a developed, residential neighborhood within the City of Berkeley, where people use both the indoor and outdoor spaces in the places they reside.

Between 2019 and 2023, the City approved 60 zoning permits for unenclosed, outdoor hot tubs. During that same time period, Land Use has not received any code enforcement requests for service related to potential violations of the hot tub conditions of approval. Staff conferred with an inspector from Environmental Health, the City division responsible for enforcing the noise ordinance standards, and the most recent complaint about hot tub mechanical equipment was four years ago. Based on the number of zoning permits approved and low rates of complaints about the sound generated from hot tub operations, staff believes that the requirements in the Zoning Ordinance and standard conditions of approval provide sufficient assurances that compliance is readily achievable.

The appellant also raised issues with the use of the hot tub by residents and guests. While outside of the purview of the Zoning Ordinance, staff notes that the Community Noise Ordinance, BMC Chapter 13.40, applies throughout the City, and contains

standards for general, exterior, and interior noise, and provides enforcement authority should the standards be violated. The City-adopted standards are in place citywide, including all residential districts, and would be adequate to address potential noise for both the operation and the use of the hot tub.

Issue 2: Location of hot tub relative to appellants' dwelling and accessory building.

The appellant states that the location of their dwelling was misrepresented by the applicant, and that the applicant also withheld information from the City about the location of the desk inside of the appellant's accessory building in the application submitted for review.

Response 2:
The proposed hot tub was correctly shown on the application plans that were submitted and the approved plans. There were typos in the original findings that described the hot tub location, incorrectly stating that the "common living areas of the adjacent residents of 2928 Russell Street are located 10-feet, 10 inches above ground and 2928 Russell Street is approximately 50 feet away from the proposed location." This staff drafting error incorrectly refers to above ground living area at 2928 Russell Street twice, and omits other dimensions. Based on the submitted and approved plans, the hot tub is located 10 feet, 10 inches from the rear of the subject residence and around 50 feet from the residence at 2920 Russell Street. Further, it is located approximately 25-30 feet from the appellant's residence, and 7 feet, 7 inches from their accessory building. Staff corrected the findings and conditions prior to the ZAB hearing to properly describe the location of the proposed hot tub. This correction is reflected in the ZAB's approval. The findings and conditions are provided again with track changes to show the corrections clearly (Attachment 1, Exhibit A, page 1).

The accessory building on the appellant's lot was converted from a garage to a workshop / study with an Administrative Use Permit in 2014. The approved plans show that the single-story structure sits approximately 2 feet from the side lot line shared with the subject site, and 5 feet from the rear lot line, with an open floor plan and bathroom, and no windows facing the subject property. This accessory building was shown in the application plans on the survey and site photos as well as the proposed site plan (Attachment 1, Exhibit A, Sheets L1.0-L2.0).

Applicants are not required to show furniture on the site or floor plans for their own or adjacent buildings. The location of furniture such as desks is not within the purview of the Zoning Ordinance. The appropriate information was provided in the application submittal, and the Zoning Officer used the correct and required information when assessing the project for compliance with the Zoning Ordinance and the non-detriment findings. The appellant included the location of the desk inside their accessory building in the appeal letter to ZAB; however, ZAB did not modify the location of the hot tub,

screening and vegetation, project findings, or conditions of approval based on this information.

As discussed above in Issue 1 and in further detail in Issue 3 below, the appellant noted their concerns over noise generated from the operation and use of the hot tub with their signature during the community outreach process. The applicant responded by including measures to proactively address these concerns in their application – consideration of hot tub models that would be quieter than industry standards, installation of a sound-reducing mat between the hot tub and concrete pad, and additional plantings along both the east and west side lot lines.

The adjacent residences, including the appellant's, are located more than 20 feet from the hot tub in all directions. This distance exceeds the standard distance for front, rear, and side setbacks in the R-1 Zoning District and provides separation between living spaces and the hot tub. The existence of an accessory building, regardless of the activities that may take place within it, do not preclude outdoor site improvements typically associated with a residential use on adjacent lots. Berkeley is an urban environment, and normal outdoor activity is expected where people live. Additionally, the Community Noise Ordinance, BMC Chapter 13.40, applies throughout the City, and contains standards for general, exterior, and interior noise, and provides enforcement authority should the standards be violated.

Considering the location of the hot tub relative to the adjacent buildings, the existing 6-foot, 5-inch concrete wall, addition of a sound-reducing mat and new plantings, and standard conditions of approval, both the Zoning Officer and the ZAB found that the hot tub was sited in a manner that would not create detrimental impacts on neighboring properties.

Issue 3: Neighborhood Notice process.

The appellant states that the applicant did not properly follow the pre-application requirements for neighborhood contact and outreach, and that the owner did not inform them in advance of the plan to install a hot tub.

Response 3:
The requirements for a discretionary application are established in BMC Section 23.404.020, Application Submittal. An applicant must provide all the applicable submittal requirements per BMC 23.404.020(B), Application Form and Contents. The code states that an agent, with written authorization to represent the owner, is eligible to file a zoning permit application on their behalf (BMC 23.404.020(C), Eligibility for Filing). Further, before applying, the applicant is required to post a pre-application notice at the project site, visible from the front of the subject property (BMC 23.404.020(D), Pre-Application Notice Posted by Applicant).

In addition to posting a notice on site, pre-application neighborhood contact is listed as a requirement for any discretionary permit in the Zoning Project Submittal Requirements (Attachment 4[3]). This is a procedural issue that is not explicitly required by code. Per the Submittal Requirements, "all projects located in a Residential District… are required to contact all abutting and confronting residential occupants and residential property owners to advise them of the proposed development prior to submitting a zoning project application." The Instructions Regarding Community Outreach (Attachment 4[4]) states that "the City strongly encourages owners to meet with their neighbors" and "projects in a Residential (R) Districts require contact between the property owner and the abutting and confronting property owners and tenants," and requires that "once an applicant is ready to submit the application, he/she should request their neighbors' signatures on the site plan drawing…." While it is preferred that contact occur directly between neighbors, the owner can designate an applicant to act on their behalf, including gathering signatures prior to submitting a zoning permit.

The yellow pre-application poster was also posted in April 2023 in the front yard of the site prior to the application submittal. The applicant collected signatures from the owners at 2928, 2929, and 2932 Russell Street between April 3-4, 2023 (Attachment 1, Exhibit B, reference-only Sheet L2.0), including the signature of the appellant. Notice was sent via certified mail to 2920 Russell Street and 2923 and 2929 Ashby Avenue on April 5, 2023 (Attachment 4[5]). The application was submitted to the City on June 2, 2023 with the signatures on the site plan and the certified mail receipts. All abutting and confronting owners were contacted, including the appellant, prior to the application submittal according to the Submittal Requirements. The appellant signed a copy of the proposed site plan on April 4, 2023 (Attachment 1, Exhibit B, reference-only Sheet L2.0) and noted "concerns about operational noise of tub and usage." The applicant satisfied the pre-application neighborhood contact requirement by notifying neighbors and obtaining signatures, including that of the appellant, on the site plan drawing submitted at the time of application, or by sending certified mail. The appellant's concerns are recorded on the signed site plan, and the applicant addressed the appellant concerns in their initial submittal, both in the plans as well in their Applicant Statement (Attachment 4[6]). The application contained the required information to confirm that the pre-application neighborhood contacts and notice had occurred prior to submittal.

[3] Attachment 4, ZAB Staff Report; see Attachment 6, Zoning Project Submittal Requirements
[4] Attachment 4, ZAB Staff Report; see Attachment 7, Instructions Regarding Community Outreach
[5] Attachment 4, ZAB Staff Report; see Attachment 8, Certified Mail
[6] Attachment 4, ZAB Staff Report; see Attachment 9, Applicant Statement

ALTERNATIVE ACTIONS CONSIDERED
Pursuant to BMC 23.410.040(G)(2), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ACTION DEADLINE
Pursuant to BMC Section 23.410.040(I), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSON
Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Samantha Updegrave, Zoning Officer, (510) 981-7414

Attachments:
1: Resolution
    Exhibit A: Findings and Conditions
    Exhibit B: Project Plans, received June 2, 2023
2: Appeal letter, dated October 31, 2023
3: ZAB Notice of Decision, dated October 17, 2023
4: ZAB Staff Report and Attachments, dated October 12, 2023
5: Index to Administrative Record
6: Administrative Record
7: Public Hearing Notice, dated February 13, 2024

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF ADMINISTRATIVE USE PERMIT # ZP2023-0081 TO INSTALL AN UNENCLOSED HOT TUB IN THE REAR YARD, AND DISMISSING THE APPEAL

WHEREAS, on June 2, 2023 Pennell Phillips filed an Administrative Use Permit (AUP) application (ZP2023-0081) for a hot tub in the rear yard on behalf of the property owner, Homayoon Kazerooni; and

WHEREAS, on July 20, 2023 the Notice of Administrative Decision of the Zoning Officer's approval was issued, which included posting the site and mailed notice; and

WHEREAS, on August 9, 2023, an appeal of the Zoning Officer's approval was filed by Richard Spohn, owner of 2928 Russell Street, the property to the east of the project site; and

WHEREAS, on October 12, 2023 the appeal was heard by the Zoning Adjustments Board (ZAB) at a duly noted public hearing. After presentations from staff, the appellant, and applicant, and hearing public comment and holding a discussion, the ZAB upheld the Zoning Officer approval and dismissed the appeal by a vote of 6-0-0-2-1; and

WHEREAS, on October 17, 2023 the ZAB Notice of Decision was mailed; and

WHEREAS, on October 31, 2023 an appeal of the ZAB's approval was filed with the City Clerk's Office by Richard Spohn, owner of 2928 Russell Street, the property to the east of the project site; and

WHEREAS, on or before February 13, 2024 staff posted the public hearing notices near the site and mailed notice to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area; and

WHEREAS, on February 27, 2024 the City Council held a duly noticed public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in, or ascertainable from the public record, including comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby adopts the findings made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Administrative Use Permit #ZP2023-0081, adopts the conditions in Exhibit A and the project plans in Exhibit B, and dismisses the appeal.

Exhibits
A: Findings and Conditions, dated February 27, 2024
B: Project Plans, dated June 2, 2023

ATTACHMENT 1, EXHIBIT A

FINDINGS AND CONDITIONS
FEBRUARY 27, 2024

2924 Russell Street

Administrative Use Permit #ZP2023-0081

To install an unenclosed hot tub in the rear yard.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.070(D) to install an unenclosed hot tub.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. <u>The hot tub will be located approximately 11 feet from the back of the dwelling, and setback approximately 23 feet from the rear lot line (south), 36 feet from the west side lot line, and 5 feet, 7 inches from the eastern side lot line.</u> The proposed location is screened by a retaining wall, fencing and vegetation. ~~The common living areas of the adjacent residents of 2928 Russell Street are located 10 feet, 10 inches and 2928 Russell Street is approximately 50 feet away from the proposed location.~~ The hot tub is 7.5 feet x 7.5 feet and the applicant has proposed additional vegetation around the location of the hot tub to increase privacy to neighboring dwelling and is installing a pad between the tub and concrete pad to further reduce noise. In addition, because the hot

tub is at grade there will be no reduction to privacy, light, views, or air for abutting residence and is therefore not detrimental.

4. Pursuant to BMC Section 23.304.070(D)(2), the Zoning Officer finds that:

A. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot. The hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise impacts that may result from the use of the hot tub. In particular, the operation of the hot tub equipment is subject to the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels and Conditions of Approval #29-32.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.

B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. 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.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)
No change in the use or structure for which this Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement
The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

☐ **Project Liaison** _____

Name Phone #

Standard Construction-related Conditions Applicable to all Projects:

11. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

12. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

13. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.

16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.

17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

22. 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.

23. 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.

24. 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.

25. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Prior to Issuance of Occupancy Permit or Final Inspection:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 2, 2023.

At All Times (Operation):

28. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

Hot Tub Conditions

29. The hot tub shall be installed on a sound-proofing mat.

30. Vegetation shown on the site plans shall be maintained at all times.

31. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.

32. The hot tub shall be equipped with safety features in accordance with the California Building Code.

33. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.

34. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.

Samella Stover

Prepared by: Samella Stover, Planning Technician
For Samantha Updegrave, Zoning Officer

2924 Russell Street — Administrative Use Permit

General Notes

1. The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making herself/himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed.Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.

2. Demolition
   Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.

3. Drainage/Grading (Permit #B2023-01579)
   Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.

4. Stone paving & stone work
   See Permit #B2023-01579

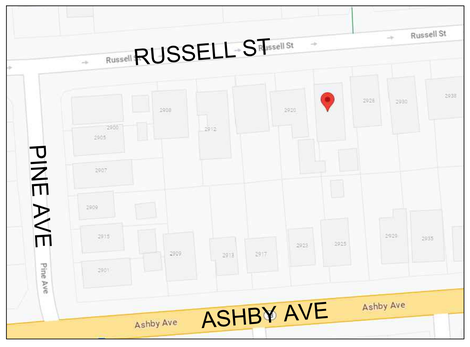
5. Concrete work (Permit #B2023-01579)
   Proposed 18" concrete retaining wall shall be less than three feet in total height including footing. See S2.0, Detail 12 for typical retaining wall and drainage. See L3.0 of Permit set #B2023-01579 for location of subsurface drainage line to (E) sump pump.

6. Electrical
   For rear deck perimeter GFCI, please refer to Permit #B2023-01579. Dedicated hot tub GFCI to be processed under separate application, pending AUP approval.

7. Wood work (Permit #B2023-01579)
   All new wood decking. Structural engineer to determine partial salvage of structural components of existing wood landing. SSD for final wood sizing, anchors and concrete footing.

8. Clean up
   At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

Location



Legend

(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
	Align
	90 Degrees angle
(824.76)	Existing spot elevation
+ 824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished

Flagstone paving
Random Full Range Connecticut Bluestone
Available at Bay Area Bluestone
(415) 453-2262

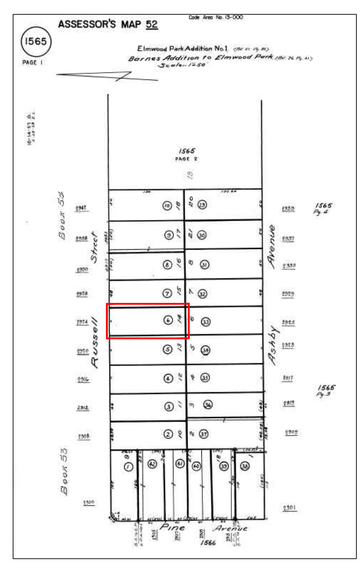
Cable railing

Sheet Index

L0.0	Cover Sheet
L1.0	Existing Site Plan
L2.0	Proposed Site Plan
L3.0	Elevations
L3.1	Elevations
L4.0	Details
SV	Survey

Assessor's Map

APN: 52-1565-6



Scope of Work

Installation of new hot tub.

Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. Planting of dense screening vegetation along eastern and western fences to further buffer hot tub sound and provide privacy for residents and neighbors.

NOTE: For rear deck and associated perimeter GFCI, please refer to Permit #B2023-01579.

NOTE: Dedicated hot tub GFCI and revisions to Permit #B2023-01579 to accommodate hot tub to be processed under separate application, pending AUP approval.

Project Team

Client
Hami Kazerooni
2924 Russell St.
Berkeley, CA 94705

Landscape Architect
InsideOut Design, Inc.
6000 Harwood Ave
Oakland CA 94618
(510) 655-7674
Penn Phillips

Contractor
TBD

Structural Engineer
Daniel A. Bastião
P.O. Box 1891
Union City, CA 94587
510-676-8457

INSIDEOUT
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6000 HARDWOOD AVE
OAKLAND CA 94618
510 655 7674
aboutinsideout.com

LICENSED LANDSCAPE ARCHITECT
Penn Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

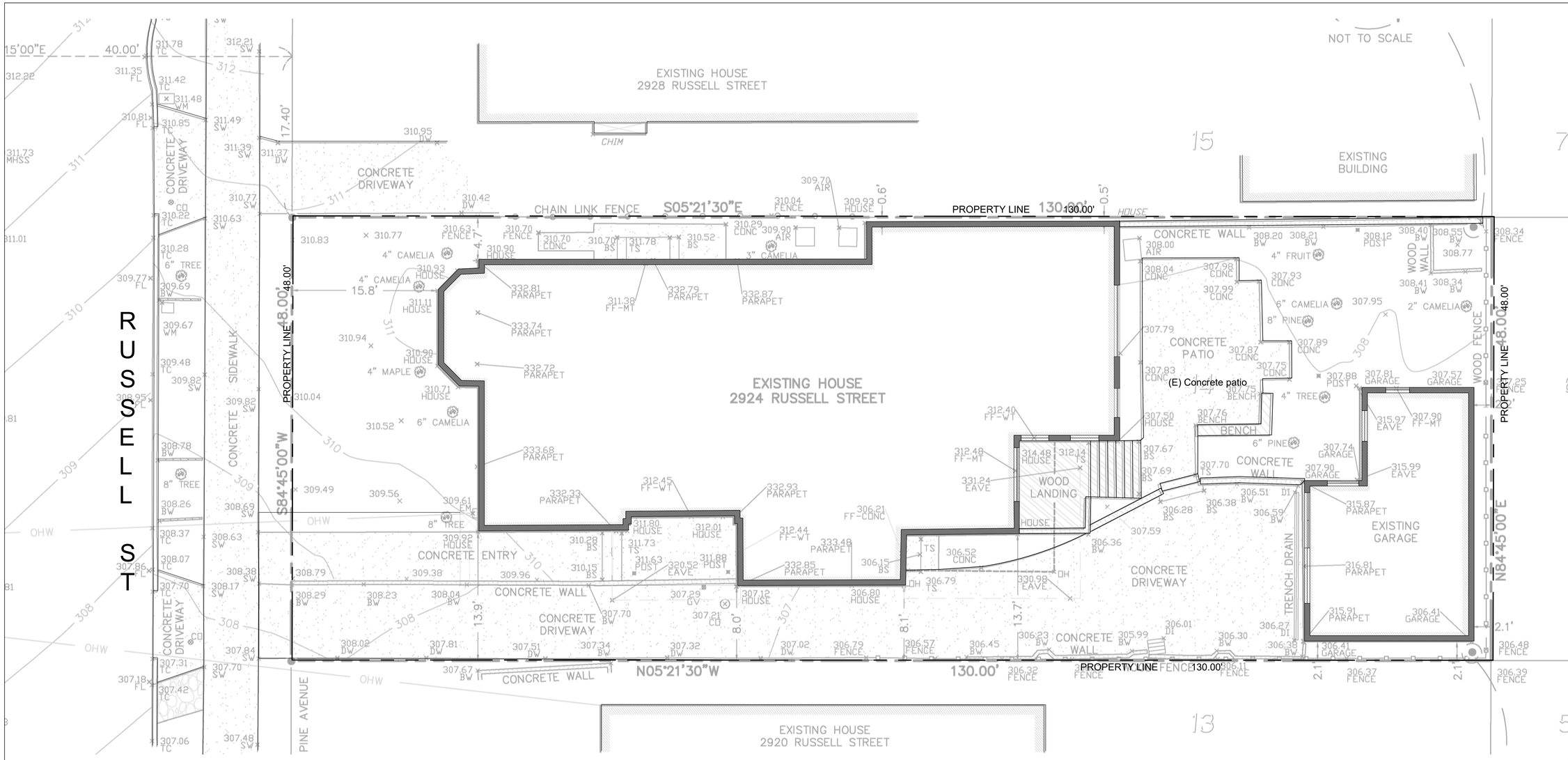
04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

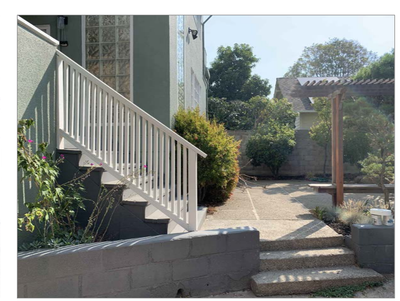
Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Cover Sheet, Notes & Legend

SCALE: N/A
DATE: MAY 15, 2023

DRAWING NO:
L0.0





Existing Conditions

North

3/16"=1'-0"
0 2 4 8

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OAKLAND CA 94618
510 655 7674
aboutinsideout.com

LICENSED LANDSCAPE ARCHITECT
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

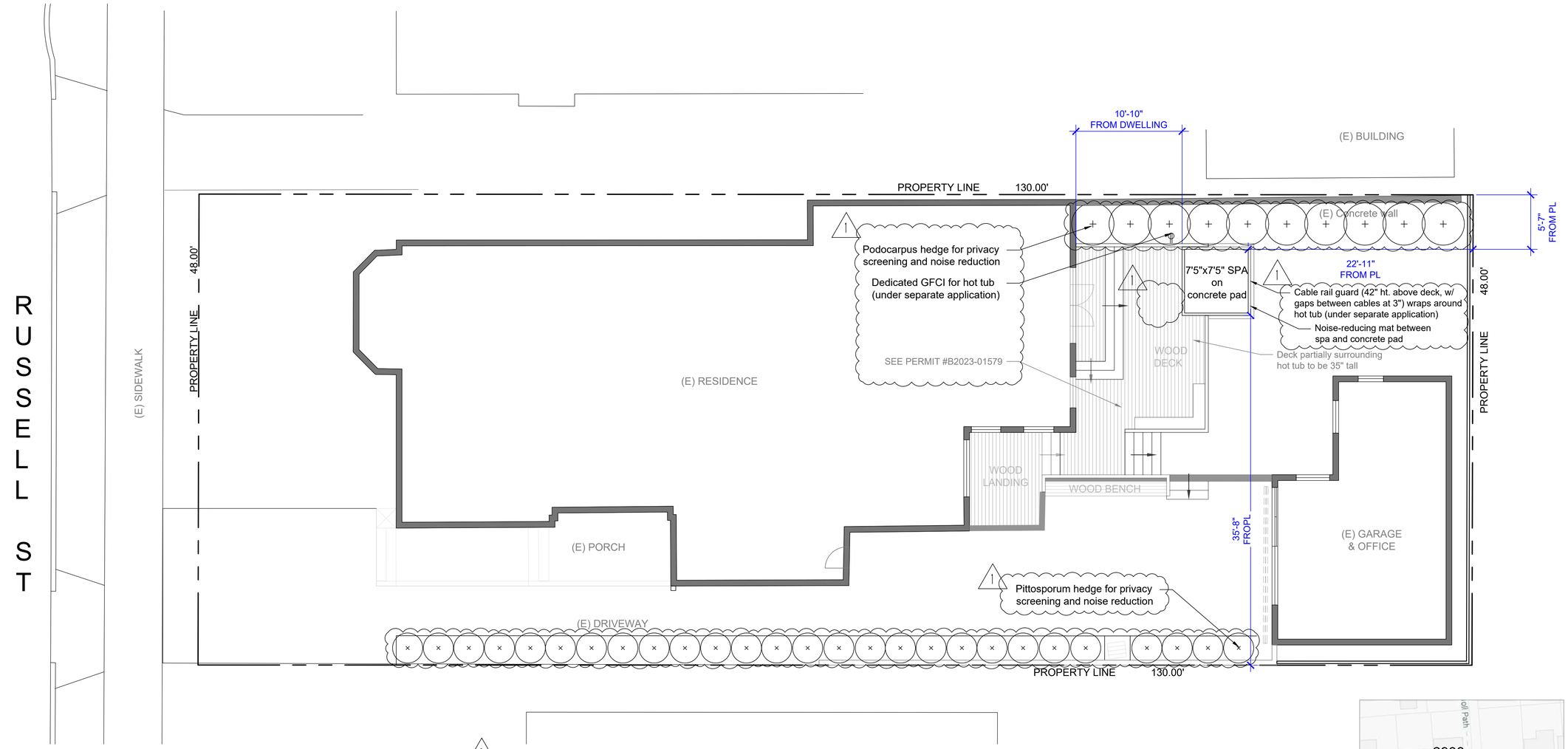
2924 Russell St.
Berkeley, CA

TITLE:

Existing Site Plan

SCALE: 3/16"=1'-0"
DATE: MAY 15, 2023

DRAWING NO:
L1.0

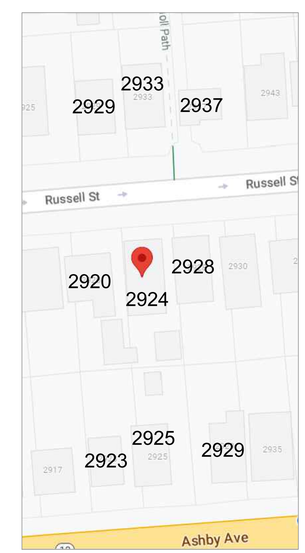


Community Outreach

NOTE: Please see scanned L2.0 (dated 03.29.23) with neighbor signatures from 04.03.23 and 04.04.23. This set has been revised to add additional noise mitigation measures in response to neighbor concerns. No separate equipment under deck will be required; hot tub to include enclosed equipment and be quieter than industry standards.

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
		2920 Russell St.					
		2920 Russell St.					
		2928 Russell St.					
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
		2933 Russell St.					
		2933 Russell St.					
		2937 Russell St.					
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
		2925 Ashby Ave.					
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

3/16"=1'-0"
0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
Jon Michael Phillips No. 5023
Signature
05-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

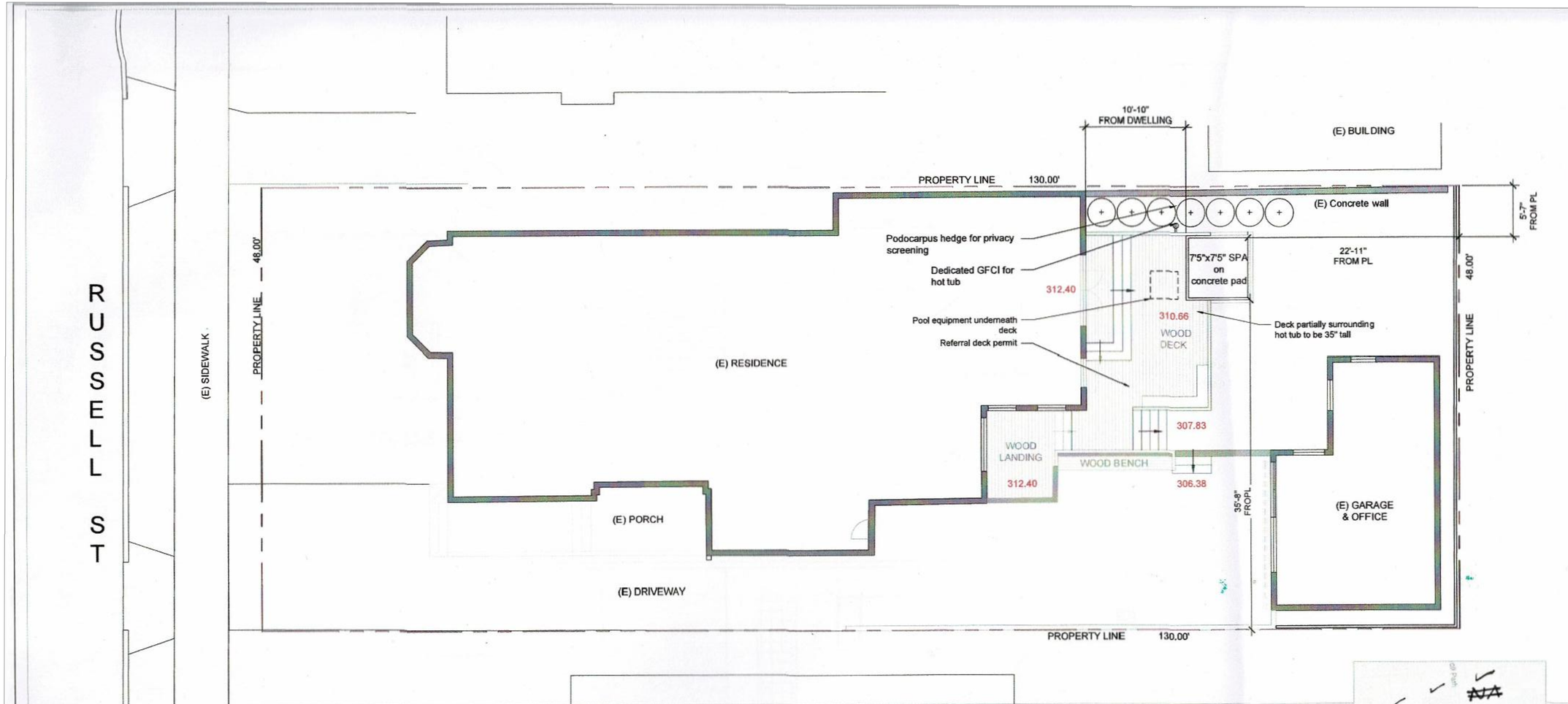
Proposed Site Plan

SCALE: 3/16"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L2.0



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LICENSED LANDSCAPE ARCHITECT
STATE OF CALIFORNIA

ISSUES:
00.00.0000 XX

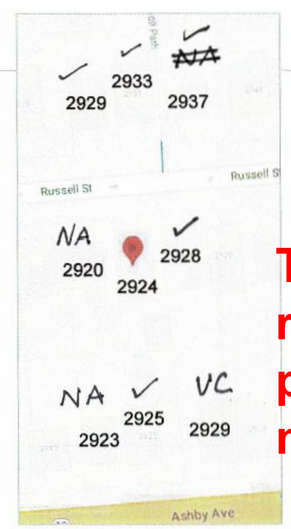
Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed site plan

Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
Beverly Doane	Beverly Doane	2920 Russell St.	Owner	4/3/23			✓
		2920 Russell St.					
RICHARD STOHN	Richard Stohn	2928 Russell St.	Owner	4/4/23		Concerns about operational noise of tub + usage	
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
Ronald Lee	Ronald Lee	2933 Russell St.	Owner	4/3/23	X		X
		2933 Russell St.					
T. R. BIRSH	[illegible]	2937 Russell St.	OWNER	4/4/23	✓		
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
Anita BALHAN	[illegible]	2925 Ashby Ave.	Owner	4-3-23	✓		
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



This sheet reference only; pre-application neighbor notice

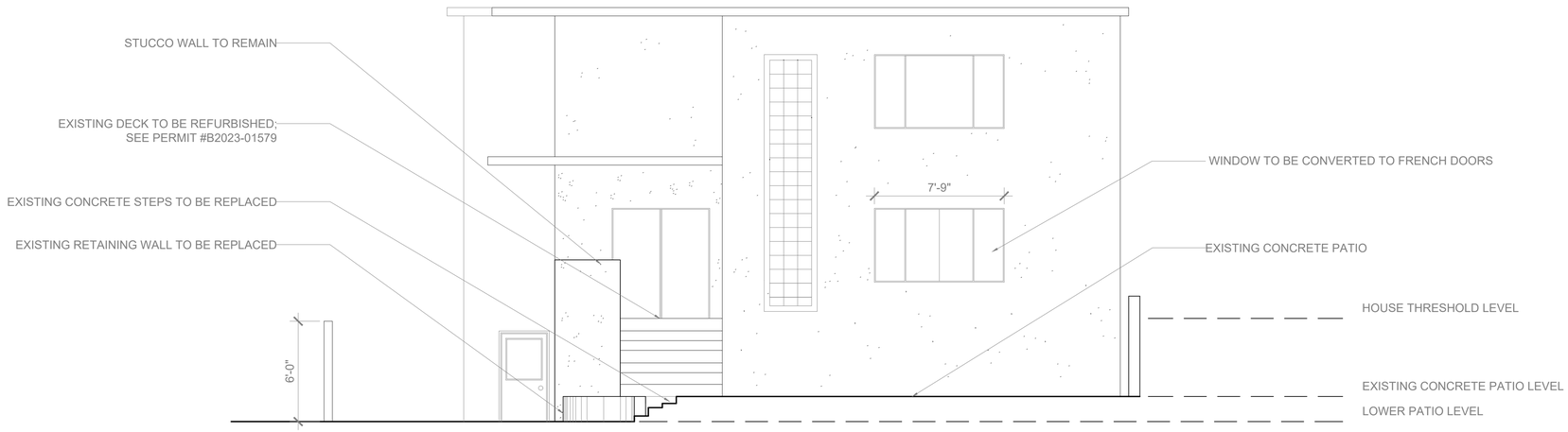
North

3/16"=1'-0"
1/4"=1'-0"
0 2 4 8

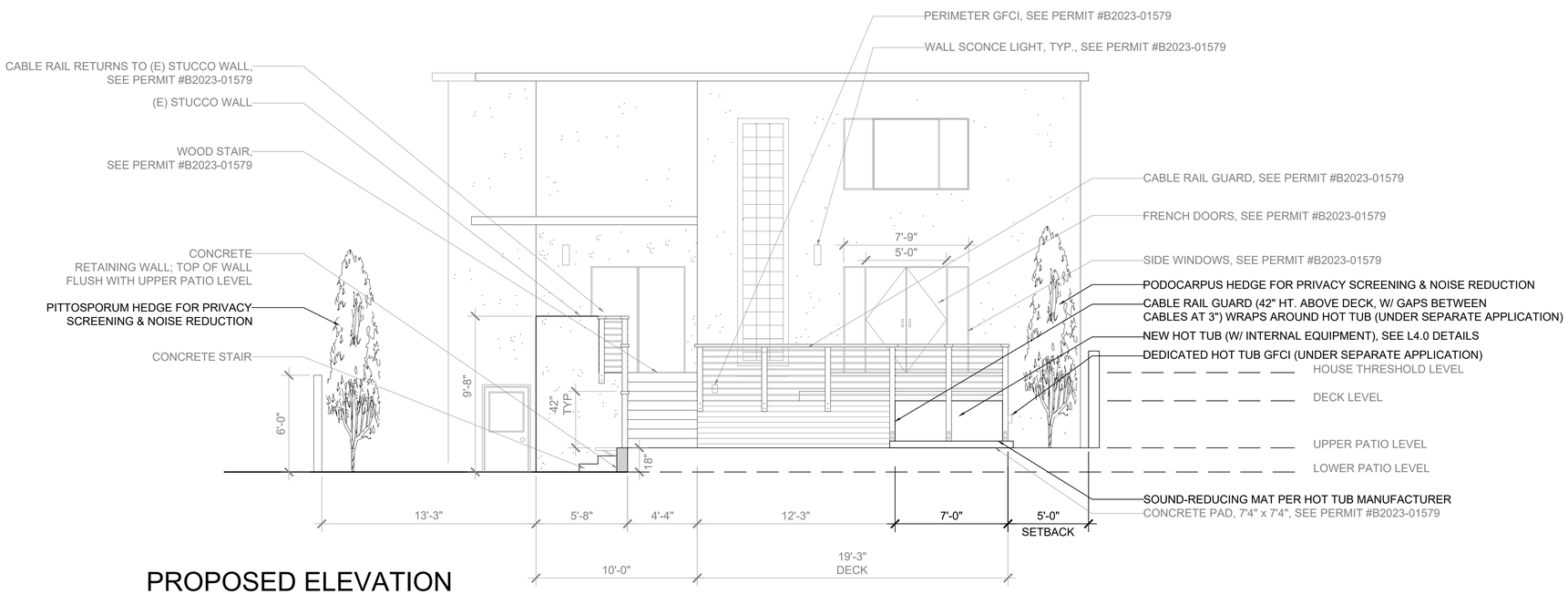
SCALE: 3/16"=1'-0"
DATE: MARCH 29, 2023
1/4"=1'-0"

DRAWING NO:
L2.0

VC = under construction — plans mailed
NA = no answer — plans mailed



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.

1

NOTE: Revisions to L3.0 since Community Outreach (04.03.23 - 04.04.23) reflect changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
Scott Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

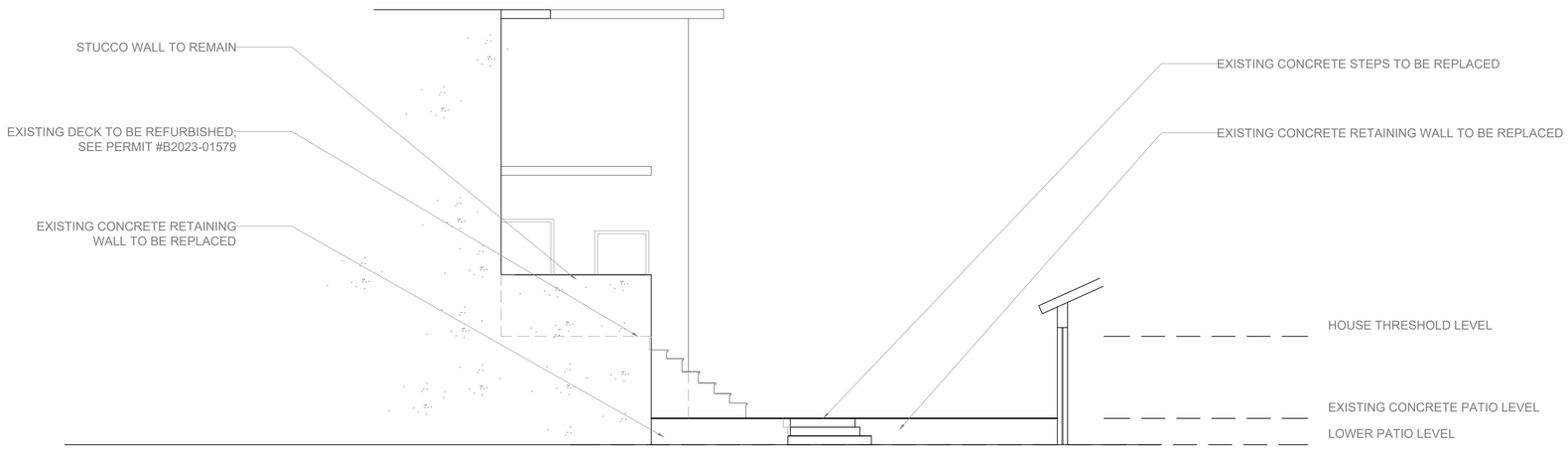
Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L3.0



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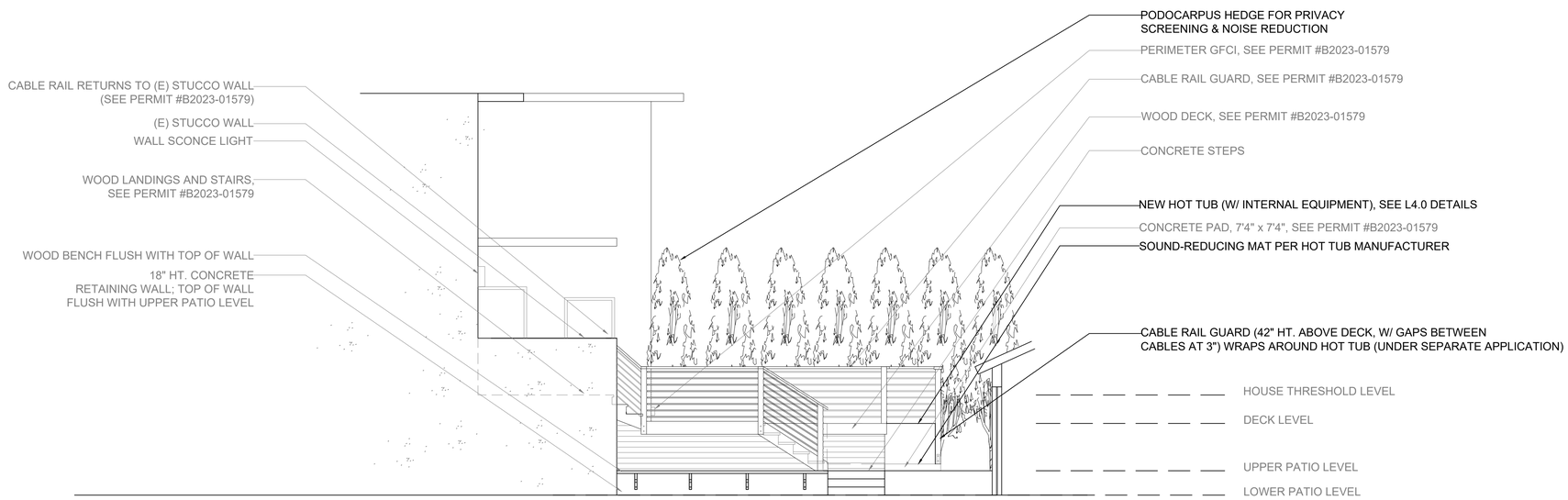

PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH.

1

NOTE: The addition of L3.1 since Community Outreach (04.03.23 - 04.04.23) reflects changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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STATE OF CALIFORNIA

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04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO: 1

L3.1

SUNDANCE CAMEO - 880 SERIES

Specs

Volume: 370 gal / 1400.60 liters

Dry Weight: 962 lbs / 436.35

Jets: 54

Primary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Secondary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Circulation Pump (Y/N): Yes

Diverter Valves #: 2

Filtration System: ClearRay

Filters: 1

Seat Jets: Lounge

Water Management System: ClearRay Active Oxygen™

View Less

Dimensions

Height (in): 37.5

Length (in): 89.0

Width (in): 89.0

Volume (gals): 370.0

NOTE: Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub to have internal equipment only. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. 1

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LICENSED LANDSCAPE ARCHITECT
Robert Scott Phillips No. 4000
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

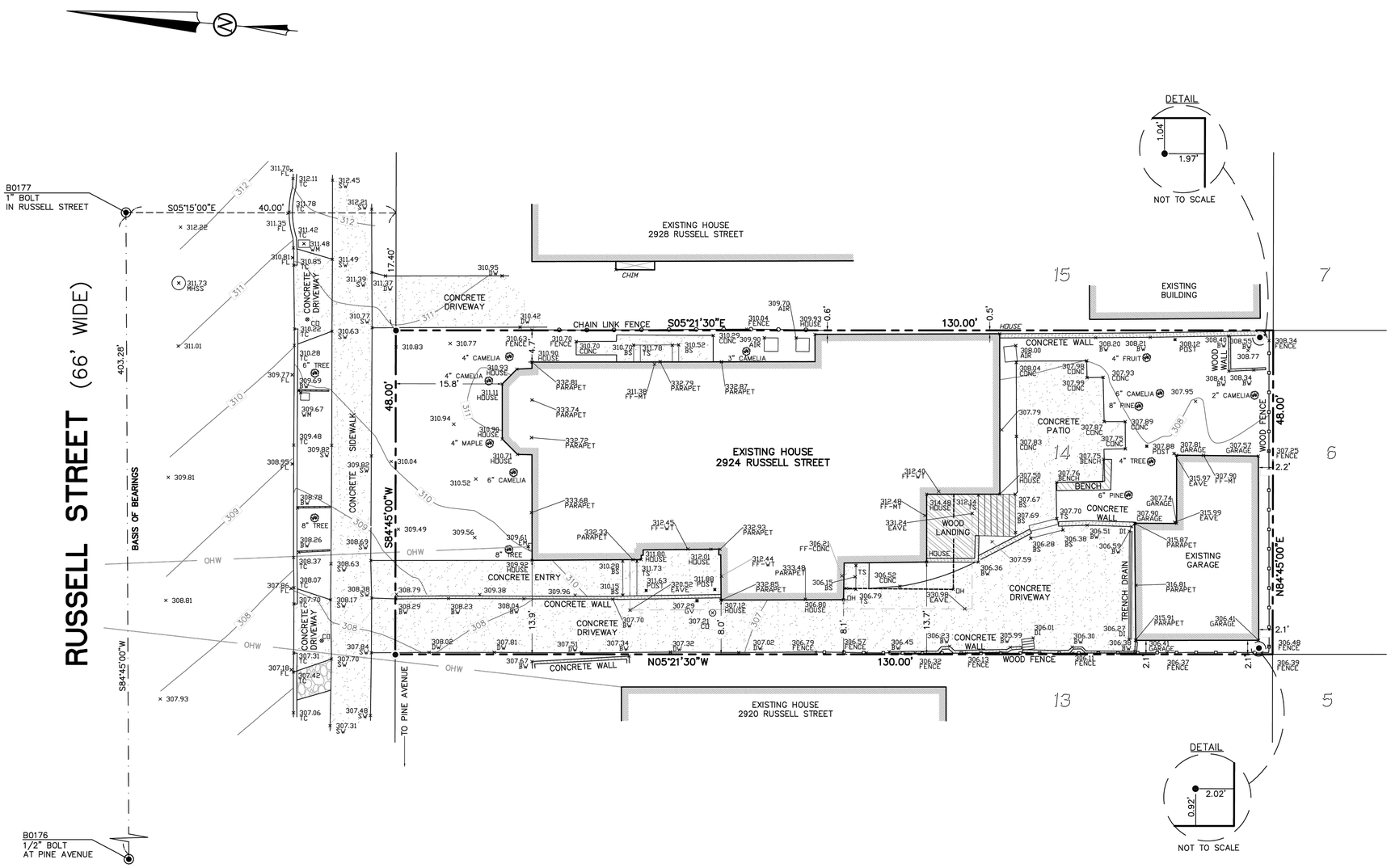
Details

SCALE: NOT TO SCALE

DATE: MAY 15, 2023

DRAWING NO:

L4.0



LEGEND

AIR	AIR CONDITIONING UNIT
BS	BASE OF STEPS
BW	BASE OF WALL
CHIM	CHIMNEY
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
EM	ELECTRIC METER
FF	FINISHED FLOOR
GV	GAS VALVE
FL	FLOWLINE
MH	MAINTENANCE HOLE
MT	METAL THRESHOLD
OH	OVERHANG
OHW	OVERHEAD WIRES
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
WW	WATER METER
WT	WOOD THRESHOLD
	BUILDING FOOTPRINT
	CONCRETE
	CONCRETE WALL
	FLAGSTONE
	WOOD
	WOOD WALL
	CHAIN LINK FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
	FOUND REBAR AND CAP, LS 5311
B####	CITY OF BERKELEY MONUMENT ID

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.

NO TITLE REPORT PROVIDED, EASEMENTS MAY EXIST.

ASSESSOR'S PARCEL NUMBER: 052-1565-006

PROPERTY AREA = 6,240± SQUARE FEET

DATE OF FIELD SURVEY: NOVEMBER 17, 2022

BASIS OF BEARINGS:
THE MONUMENT LINE IN RUSSELL STREET WAS TAKEN AS SOUTH 84°45'00" WEST AS SHOWN ON CORNER RECORD 6073 (58 CR 23).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE WESTERN MOST MONUMENT REFERENCE CROSS, FOR CITY OF BERKELEY MONUMENT B1846, LOCATED IN THE SIDEWALK AT THE SOUTH WEST CORNER OF THE INTERSECTION OF AVALON AVENUE AND CLAREMONT BOULEVARD, WAS TAKEN AS ELEVATION = 355.99 FEET PER CORNER RECORD 9875 (103 CR 68).

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA
12-06-2022

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BARNES ADDITION OF ELMWOOD PARK (26 M 41)
LOCATED AT 2924 RUSSELL STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 6, 2022 SCALE: 1" = 8'

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 1922 RUSSELL-TOPO.DWG JOB NO. 22-11022

October 31, 2023

Richard B. Spohn
2928 Russell Street
Berkeley, CA 94705

Honorable Members, Berkeley City Council
%. City Clerk
2180 Milvia Street, 1st Floor
Berkeley, CA. 94704

Re: Appeal of Decision by Zoning Adjustments Board, October 12, 2023, re AUP ZP#2023-0081

Honorable Members:

Appellant has lived at 2928 Russell Street for 40 years, where they raised five children, three stepchildren and two adopted children. All are now professionals, productive members of society. Appellant is presently a member of the Board of Directors of the Claremont Elmwood Neighborhood Association and for many years practiced as a regulatory/corporate lawyer. Prior to private practice, Appellant was the Director of the California Department of Consumer Affairs.

This Appeal presents several challenging issues that at once comprise and transcend Appellant's immediate concerns, pertaining as they do to your oversight responsibilities.

ISSUE PRESENTED (A MATTER OF HOT TUB NOISE)

Whether a residential property Owner should be officially permitted by the City of Berkeley to install a Hot Tub 10 feet from a neighbor's office Desk after the Owner Applicant:

1) failed to present empirical evidence or data-based analysis of the noise impact of the Tub that could demonstrate the Tub would be in compliance with the City's noise abatement Code requirements;
2) concealed from the City's permitting process the essential, pivotal fact of the 10-foot proximity of the Hot Tub to the Desk; and

3) ignored the City's stated policy that an Owner is to contact adjacent neighbors about the projected installation of the Tub.

Inexplicably the ZAB decision being appealed answers this question in the affirmative, on all three negative counts, establishing bad precedent and bad public policy.

Appellant will address each of these issues and will then propose a process for resolution that would both honor the City's requirements and procedures and be fair to the Parties:

Remand its decision back to ZAB, ordering verification and formal certification by a qualified noise expert, jointly chosen by the parties, that noise caused by the operation and use of the proposed Tub and its pump would meet the City's noise abatement Code requirements. In short, demonstration of compliance. (Brief paraphrase of formal motion, which may be found in Section "D" below.)

A. Proponent Has Offered No Data-based Analysis That The Tub's Noise Will or Can Meet the City's Regulatory Requirements.

1) The Noise Abatement Requirements
a) The Pump

As stated in the initial Zoning Officer Approval of AUP #ZP2023-0081 (July 20, 2023) and in the ZAB Decision of October 12, 2023, "Findings for Approval," No. 4, [redacted] "Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its **sound is not audible on an adjacent lot.**" (emphases added). This is an absolute requirement, yet no showing has been made that the Tub will meet it.

1) The Noise Abatement Requirements
b) Use and operation of The Tub

As stated in both the initial AUP Approval and in the ZAB Decision (see B.1.a above), both "the operation of the Tub equipment" and the "noise impacts that may result from the use of the hot tub" are "subject to the controls imposed

under BMC Chapter 13.40 as it relates to maximum noise levels." (emphases added)

The text of Section 13.40.050, "Exterior noise standards," may be found at Exhibit "2" to this letter. It reportedly is considered technically proficient and commendable. Although this is the City regulation that dictates the permissible levels of noise emanating from the use and the operation of the Tub, to the non-expert its technical specificity is virtually impenetrable. As such, in its unadorned state the Regulation will be virtually useless to the Proponent in their gauging given real-time levels of either operational or usage noise.

The reader is invited to review and ponder Exhibit "2" and consider how as the host of a party they would use Section 13.40.050 to gauge the acceptable level of noise rising from the Tub when it has several jolly hot tubbers whooping it up over a long soak.

1) The Noise Abatement Requirements

c) Miscellaneous: These tight standards could fall away

Conditions No. 30 of the AUP and No. 33 of the ZAB Decision both state: "This permit shall be subject to review and modification as <u>necessary to alleviate excessive noise or disturbance to the neighborhood</u>." (emphasis added). If the regulatory requirements of Sections "1) a)" and "b)" above promise protection from Tub-related noise, then these Conditions portend taking them away. Gone would be the "inaudible" standard and the exquisite specificity of the "use" and the "operations" limits, in favor of a standard of "not excessive." In other words, the tighter standards would be abandoned if they did not work, or if the Tub did not work, to be replaced by a standard that admitted of noise, as long as it were not "excessive." Small comfort to the hapless next-door neighbors.

2) The Tub Features Provide NO Affirmative Prediction of Noise Abatement

a) The Staff Analysis for the ZAB (p. 8) reports that according to the Proponent's Application Statement, "<u>recommendations on [hot tub] models with enclosed equipment and quieter operations than industry standards **were being considered.**"</u> (emphases added)

This is transparently worthless for any assurance of noise abatement: 1) "being considered" is merely a thought process, not a commitment. 2) Moreover, even if such a model were chosen, the noise would merely be less, by some unstated degree, than the standard set by the purveyors of hot tubs.

b) Condition Number 29 of the ZAB Decision states that "The hot tub shall be installed on a sound-proofing mat." However, the Proponent's architectural plan (Drawing L3.0) anticipates a "sound-reducing mat per hot tub manufacturer." In other words, the Tub professional anticipates being able to reduce noise, whereas the ZAB's "soundproofing" hikes that standard up to eliminating all noise. The difference is central to the noise issue: yet nothing is adduced to suggest that what the ZAB has required ("sound proofing") can be achieved. (emphases added)

c) A "podocarpus hedge" is planned for the narrow space between the Tub and Appellant's property.

d) Yet despite these numerous clearly empty blandishments, "Finding" Number 4 of the ZAB decision contains the gratuitous conclusory assertion that the Conditions of the AUP "will ensure that neighbors are not adversely affected by the noise impacts that may result from the use of the hot tub."

3) The Fundamental Shortcoming: Nothing is Adduced to Demonstrate That the City's Noise Abatement Requirements Can or Will Be Met

On none of the City's sound abatement regimens for the Tub – neither the absolute provision of BMC Section 23.304.070(D)(2) covering noise from its pump nor those of BMC Section 13.40.050 controlling noise levels resulting from the Tub's operation or use nor the abatement efficacy of the mat under the Tub nor the hedge -- does the Proponent offer any empirical evidence or data-based analysis whatsoever to demonstrate that the Tub can meet the City's Code requirements. No attempt is even assayed. The Proponent apparently believes it is exempt from the responsibility to demonstrate regulatory compliance as a condition of receiving a Permit or that this responsibility cannot be discharged, that regulatory compliance cannot be achieved.

The City should require the Proponent to come clean on what is technically possible, whether their Tub will be in compliance with the City's noise-abatement Code requirements, before it issues a Permit to install the Tub, 10 feet from the professional desk of Appellant's noise-sensitive spouse.

B. The Desk and the Tub: Distance Metrics Withheld, City and ZAB Deceived

Appellant apprised Proponent and their architectural firm on several occasions in writing, prior to their Permit Application, that their Hot Tub was positioned 10 feet from his noise-sensitive wife's professional office Desk. They ignored these good-faith communications and withheld this pivotal, central fact in applying for their City permits.

1) The Proponent Concealed from the City the Tub-Desk 10-foot Proximity.

This was a deliberate deception, concealing the core fact that might imperil their Tub permit; noise from the Tub might be considered by the City to be too close to the Desk and office. People deceive either by commission or by omission. Here the Proponent implicitly represented to the City in their application materials that there was "nothing there" by neither identifying on their plans or in their narrative the 10-foot relationship of the Tub to the office Desk. But there WAS something there -- the Desk and the office were there, in the space labeled on the plan as "Building," and their relationship to the Tub (see the "X"'s on Exhibit 1 hereto). Proponent omitted this central fact. This deliberate concealment constituted deception by omission.

2) The Staff Analysis Ignored the 10-foot Tub-Desk Proximity, Rather It Erroneously Determinined that the Tub would be located 50 feet From Appellant's House

Although the Appellant identified in his Appeal to the ZAB -- as he had previously to the Proponent and to their landscape architectural firm -- the 10-foot proximity of the Tub and the Desk, this utterly critical fact was ignored in the Staff Analysis for the ZAB. It is never mentioned. Instead of addressing the issue of the noise impact of the Tub on the use of the Desk and office, the central issue of the

Appeal, the Staff Analysis stated the irrelevant *non sequitur* that "The presence of an accessory structure or building does not preclude the applicant from having a hot tub on their lot." (sic) The "Analysis" made no acknowledgement whatsoever of the 10-foot Tub-Desk relationship and attendant noise impact, although this was the core issue of the Appeal.

There was also no noise analysis made in the Staff Analysis when they gratuitously dismissed the noise impact of the Tub on the use of Appellant's bedroom and large back living space -- where the family's cooking, eating, congregating, watching tv, reading, resting, meditating, etc. go on -- by asserting that the 25-foot distance identified in the Appeal was "adequate separation [from the Tub] for potential impacts." Such a conclusory statement, without the burden of empirical support, is hardly reliable guidance.

From the time of the award of the Administrative Use Permit for the Tub (July 20, 2023) until the ZAB hearing on Appellant's Appeal thereof (October 12, 2023), the public record of the award contained the staff's determination that the proposed Hot Tub would be located 50 feet from the Appellant's house – this in the face of actual measurements provided by Appellant, *e.g.,* 10 feet from the office Desk and 25 feet from the principal living space in the house. When the staff was asked where the 50-feet distance came from, the response was "from the plans. " The plans contained no such figure. This error and a related error were corrected at the ZAB hearing.

Such a glaring deviation from such a basic physical reality compromises the trust one should be able to place in professional work prepared for a major public administrative decision-making process.

C. Proponent Did Not Contact The Neighbors About Their Intention to Install The Hot Tub, Contrary to City Policy; ZAB Establishes a Two-Tier System of "Contact," One for the Wealthy, Another for the Not-Wealthy

1) The City's "require[d] contact" policy provisions

The Proponent did not inform their neighbors in advance of their intention to install a hot tub in their back yard, nor have they engaged in any conversation about the project thereafter. Proponent's disregard of their neighbors violated the language and spirit of the City of Berkeley's "Instructions Regarding Community Outreach," promulgated by its Land Use Planning Division (the "Instructions"), which state in part:

" [1] For all projects: Early in the design process, the City strongly encourages owners to meet with their neighbors, whenever possible, to present plans and try to identify and resolve issues of concern. Applicants can meet with neighbors one-on-one or at a gathering; whichever seems more appropriate to them.

[2]. Projects in a Residential (R) District **require contact between the subject property owner and the abutting and confronting property owners and tenants...**

[3] Projects of Community or Neighborhood Interest require a meeting with owners, residents, and community groups within 300 feet of the project."

(Emphases added) (https://berkeleyca.gov/sites/default/files/2022-02/Instructions-Regarding-Community-Outreach.pdf)

Please note that there are three (3) levels of requirements for meetings between owners and neighbors. Proponents of all projects are "strongly encourage[d]" to meet with neighbors; Residential projects "**require contact**" between owners and neighbors; community interest projects "require a meeting." (emphases added)

The purpose of the Instruction's "require[d] contact" is for the proponent of a Residential project to hear early and directly from potentially affected neighbors, to understand, consider and reckon with their concerns. Indeed, the City's Policy Instructions state that "If a neighbor voices concerns about the proposed project, the City advises that mediation take place early in the process." (p. 2)

2) The Proponent Ignores the City's Instructions, Absents Self from the Process, Hires the Duties Out

Proponent ignored the Instruction of this sound, unambiguous public policy mandate of the City and ignored their neighbors. There was no "require[d] contact" between Proponent and their neighbors. This is not a large development affecting many people, it is a Residential Project, of one property situated between two neighboring properties, involving a hot tub. The "require[d]

contact" should have been exceedingly easy. In the matter under consideration, all principals are mature, accomplished professionals who once actually communicated with each other.

However, rather than reaching out to their neighbors as required by the City's policy and Instruction – to say nothing of fundamental canons of neighborliness and civility -- Proponent instead had their landscape architect send a young Canvasser around to perform that critically important, distinctly neighbor's "contact" function. It was a cursory, very unsatisfactory experience for Appellant, hardly fulfilling the salutary objectives of the Instructions. (See details described in Appellant's Appeal to the ZAB, attached hereto as Attachment "A.")

Appellant (both spouses, at the referenced times very busy professionals and raising children) has performed this obligation at different times in the many years they have lived in their house. These City-mandated consultations with neighbors are an exercise of respect, comity and consideration between people living in close urban proximity to each other. Yet Proponent sank substantial time and money into the Tub project without ever discussing it with their neighbors. Asked why the Proponent was not contacting, the Canvasser replied, "He's too busy."

3) Staff Analysis Gratuitously Abandons "require[d] contact," Obliterates Objectives of City's Instructions

Nowhere in the City's Instructions is it stated that the "require[d] contact" between an owner-proponent and their neighbors may be conducted by a representative or other third party. Standard drafting canons would dictate that if such an alternative, a deviation from the direct language of "require[d] contact," were encompassed or even envisioned, then it would have been so stated. It's not an alternate policy option that can simply be breathed into the plain-language requirement of owner-neighbor contact in the Instructions. Such an "alternate reality" is radically inconsistent with, indeed inimical to, the entire array of public policy objectives of the Instructions invoked above.

Yet the Staff Analysis advising the ZAB, blithely and without reference to any justifying authority, announced the whole-cloth, gratuitous position: "Property owners may designate an applicant [sic] to act on their behalf during all stages of permitting. While it is preferred that contact occur directly between neighbors,

the owner can designate someone else to make contact and gather signatures prior to submitting a zoning permit [sic]."

Taking additional license with clarity, the word "applicant" in the excerpt above is used to refer to refer to a third party, whereas in the very same paragraph it had been used twice to refer to the Proponent. The Staff Analysis then confuses the reader further by ascribing to "applicant" in the 2924 Russell Street context the collection of signatures and notification of neighbors, but this is the third party *qua* "applicant," not the Proponent. To reiterate, the Owner Proponent *qua* "applicant" never surfaced in the entire process: no contact, no heads-up, no neighborliness, no neighborly respect. None of the sound public policy objectives of the Instructions are realized when the owner-neighbor "contact" required in the City's Instructions is farmed out.

4) ZAB Decision Establishes Two-Tier Construct for "Contact": One for the Wealthy, Another for the Not-Wealthy

The ZAB's apparent acquiescence in the staff's gratuitous evisceration of the City's "contact" rule establishes a two-tier construct of owner-proponent "contacting": one for the wealthy, another for the not-wealthy. If an owner can afford to hire someone to do the potentially challenging work of contacting the neighbors, explaining the project, fielding questions and objections, discussing alternatives, getting them to sign the acknowledgement, and so forth – they are spared grubby human interaction with their neighbors, they are spared the possibly awkward work of "contact." No fuss, no muss. It's little more than hiring a kid to mow the lawn. But it obliterates the City's objective of getting neighbors together "to identify and resolve issues of concern."

The City even urges mediation to arrive at resolution. The Instructions have laudable, virtuous objectives, but they are also very practical, clearly born of experience: "Folks, please work your differences out ahead of filing for a permit so they don't clog up and drag out our government processes and resources! Please try to bring us a clean, non-controversial application."

If you are not wealthy and can't afford a hired "applicant" (sic!), you must go out and talk with and do the work with the neighbors yourself. However, although it may take some time, and perhaps the expenditure of some emotional and

political capital, the results can be far more harmonious and enduring in the end -- precisely because the neighbors worked it through, even if they had to go to mediation to get to "ok."

D) A Proposed Process for Resolution

In the interest of securing a resolution of this fraught neighborly matter, Appellant in good faith is prepared to transcend for the time being the disturbing realities described above in Sections "B" and "C" hereof in order to focus on the core problematic of this Appeal, as described in Section "A" – the complete lack of empirical evidence or data-based analysis adduced by Proponent or his landscape architectural firm that would demonstrate that Proponent's Hot Tub and attendant apparatus are capable of meeting and will predictably comply with the City's noise-abatement codes and requirements as prescribed in the ZAB Decision of October 12, 2023.

Therefore, Appellant urges

That the ZAB Decision be stayed and remanded by this City Council to the ZAB, instructing the ZAB to submit Proponent's Hot Tub project for zero-based analysis by a qualified noise expert in the private sector, jointly chosen by the private parties herein, to determine whether the operation and use of Proponent's Hot Tub and all attendant apparatus together are capable of meeting and will predictably comply with the City's noise-abatement codes and requirements as prescribed in the ZAB Decision of October 12, 2023.

If the expert's conclusion is in the affirmative, they shall so verify and formally certify these findings to the ZAB and to this City Council. If the expert finds that certain specific modifications of the Tub and/or its associated apparatus would be needed in order to enable compliance with such City requirements, they shall report these findings to the parties and to the ZAB. If the expert finds that such compliance is not possible, it shall so state and certify.

Moreover, in consideration of Proponent's having ignored the obligation to demonstrate its Tub's compliance with the City's codified noise abatement requirements, Proponent shall bear all costs incurred by the independent expert in discharging its responsibilities hereunder.

Further, the ZAB shall ensure that the provisions of BMC Section 13.40.050 ("Exterior noise standards") are rendered intelligible, accessible and useful to a non-expert person of average intelligence and are placed on its website by appropriate linkage.

In short, Appellant proposes a process simply for demonstrating the Tub's compliance with the City's stated noise abatement requirements. This should have been a standard, indispensable function that had been performed earlier in the City's regulatory process.

As a matter of public protection and of civic self-respect, the City should not authorize a project or usage that does not meet its codified requirements.

Thank you for your consideration of this Appeal. Appellant would fervently hope that your City Council will adopt the good-faith recommended process to resolve this matter.

Sincerely,

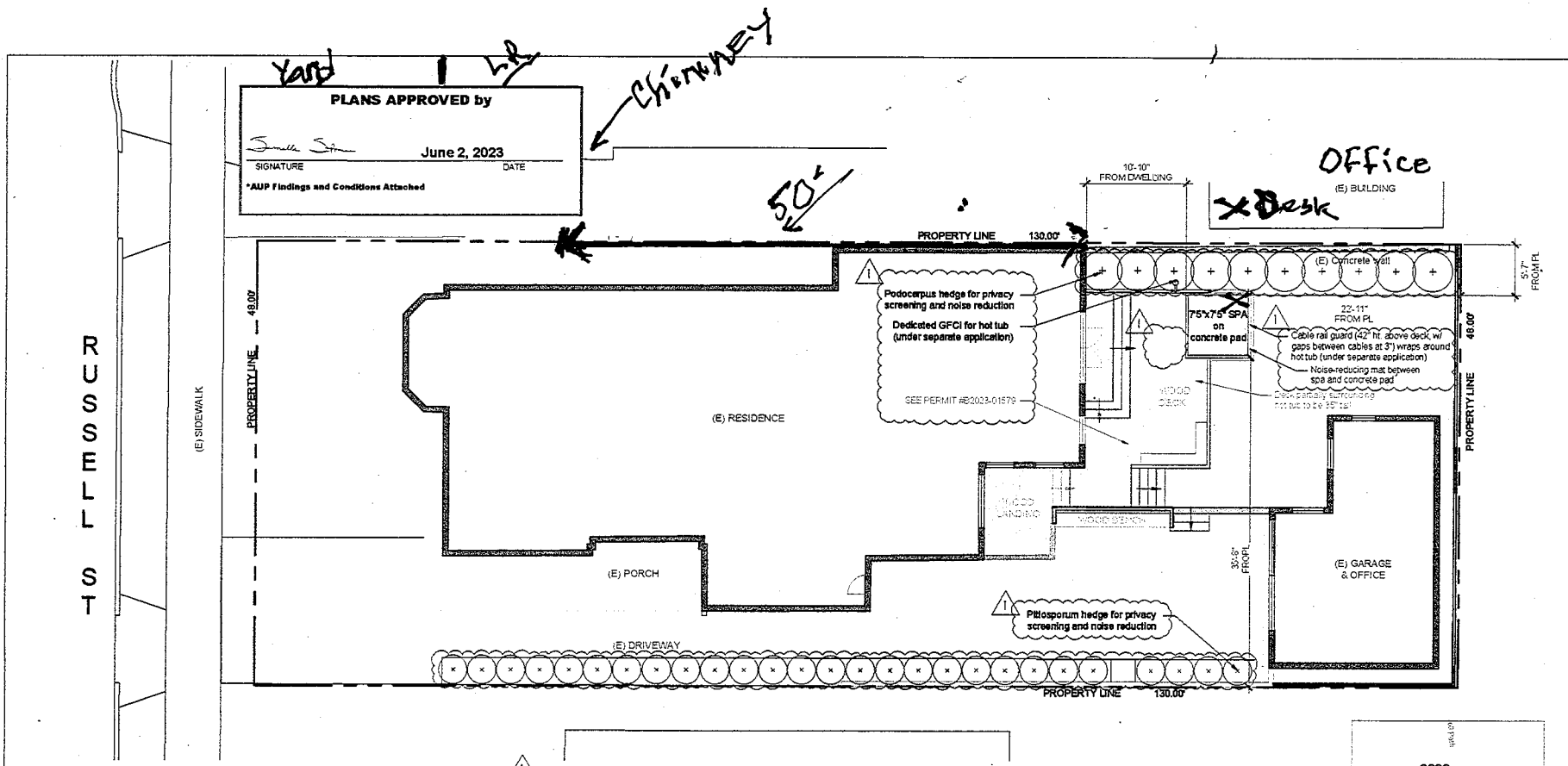
Richard B. Spohn, Appellant

Attachments

Exhibit "1": Landscape Architectural plan, illustrating 10-foot Tub-Desk proximity

Exhibit "2": BMC Section 13.40.050

Exhibit 1

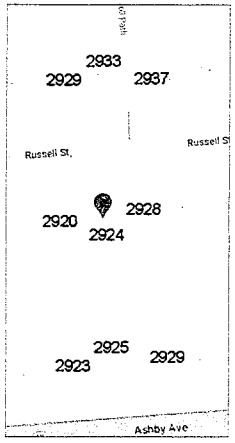


Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

NOTE: Please see scanned L2.0 (dated 03.29.23) with neighbor signatures from 04.03.23 and 04.04.23. This set has been revised to add additional noise mitigation measures in response to neighbor concerns. No separate equipment under deck will be required; hot tub to include enclosed equipment and be quieter than industry standards.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
		2920 Russell St.					
		2920 Russell St.					
		2928 Russell St.					
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
		2933 Russell St.					
		2933 Russell St.					
		2937 Russell St.					
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
		2925 Ashby Ave.					
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North 0 2 4 8 3/16"=1'-0"

INSIDEOUT
architecture | interiors | landscape
6000 HARDWOOD AVE
OAKLAND CA 94618
510 653 7674
ahmad@inside-out.com

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed Site Plan

SCALE: 3/16"=1'-0"
DATE: MAY 16, 2023

DRAWING NO:
L2.0

Exhibit 2

13.40.050. Exterior noise standards.

A. Maximum permissible sound levels shall be determined by the zoning district of the property subject to the noise, not the property from which the noise originates.

1. The noise standards for the various categories of land use in Table 13.40-1 or 13.40-2 shall, unless otherwise specifically indicated in other codes, apply to all such property within a designated zone.

2. No person shall operate or cause to be operated any source of sound at any location within the incorporated City or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on any other property to exceed:

(a) The noise standard for that land use as specified in Table 13.40-1 for a cumulative period of more than 30 minutes in any hour; or

(b) The noise standard for that land use as specified in Table 13.40-1 plus 5 dBA for a cumulative period of more than 15 minutes in any hour; or

(c) The noise standard for that land use as specified in Table 13.40-1 plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or

(d) The noise standard for that land use as specified in Table 13.40-1 plus 15 dBA for a cumulative period of more than 1 minute in any hour; or

(e) The noise standard for that land use as specified in Table 13.40-1 plus 20 dBA for any period of time.

Table 13.40-1. EXTERIOR NOISE LIMITS

(Levels not to be exceeded more than 30 minutes any hour)

Zoning District	Time Period	Noise Level (dBA)
R-1, R-2, R-1A, R-2A, and ESR	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	45
R-3 and above	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	55
Commercial	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	60
Industry	Anytime	70

3. If the measured ambient noise level is greater than the level permissible within any of the noise limit categories above, the sound level when measured on any other property shall not exceed:

(a) The ambient noise level for a cumulative period of more than 30 minutes in any hour; or

(b) The ambient noise level plus 5 dBA for a cumulative period of more than 15 minutes in any hour; or

(c) The ambient noise level plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or

(d) The ambient noise level plus 15 dBA for a cumulative period of more than 1 minute in any hour; or

(e) The ambient noise level plus 20 dBA for any period of time.

4. If the measurement location is on a boundary between two different zones, the sound level limit applicable to the quieter noise zone shall apply.

5. If possible, the ambient noise level may be measured at the same location along the property line utilized in subsection A.2 of this section with the alleged offending noise source inoperative. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the ambient noise level may be determined by traveling away from the noise source to a point where a steady state decibel reading is achieved. If this test is not possible, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

B. The classification of additional areas of the community not listed in Table 13.40-1 in terms of environmental noise zones shall be determined by the EHD. Industrial noise limits are intended primarily for use at the boundary of industrial zones rather than for noise reduction within the zone. (Ord. 7122-NS § 5, 2009: Ord. 5500-NS § 1 (part), 1982)

ZONING ADJUSTMENTS BOARD

NOTICE OF DECISION

DATE OF BOARD DECISION: October 12, 2023
DATE NOTICE MAILED: October 17, 2023
APPEAL PERIOD EXPIRATION: October 31, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)[1]: November 1, 2023

2924 Russell Street

Appeal of Zoning Officer's Decision to approve Administrative Use Permit ZP#2023-0081 to install unenclosed hot tub in rear yard.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the project and **DISMISSED the appeal of** the following permit:

- Administrative Use Permit to install an unenclosed hot tub, under Berkeley Municipal Code (BMC) Section 23.304.070(D)

ZONING: Single-Family Residential District (R-1)

APPLICANT: Pennell Phillips, 6000 Harwood Avenue, Oakland, CA 94618

PROPERTY OWNER: Homayoon Kazerooni, 2924 Russell Street, Berkeley, CA 94705

APPELLANT: Richard Spohn, 2928 Russell Street, Berkeley, CA 94705

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to CEQA Guidelines Section 15301 ("Existing Facilities").

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

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[1] Pursuant to BMC Section 23.410.050(C), the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

1947 Center Street, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
E-mail: zab@berkeleyca.gov

	Yes	No	Abstain	Absent	Recused
DUFFY	x				
BLACKABY	x				
YUNG	x				
O'KEEFE				x	
LUNAPARRA	x				
SANDERSON					x
THOMPSON	x				
GAFFNEY	x				
TREGUB				x	
BOARD VOTE:	**6**	**0**	**0**	**2**	**1**

ATTEST:
Samantha Updegrave, Zoning Adjustments Board Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23.404.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Samella Stover, at (510) 981-7425 or sstover@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23.410 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
   A. The fee for persons other than the applicant is $1500. This fee may be reduced to $500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
   B. The fee for all appeals by Applicants is $5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ATTACHMENT 1

FINDINGS AND CONDITIONS
OCTOBER 12, 2023

2924 Russell Street

Administrative Use Permit #ZP2023-0081

To install an unenclosed hot tub in the rear yard.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.070(D) to install an unenclosed hot tub.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

   A. The hot tub will be located approximately 11 feet from the back of the dwelling, and setback approximately 23 feet from the rear lot line (south), 36 feet from the west side lot line, and 5 feet, 7 inches from the eastern side lot line. The proposed location is screened by a retaining wall, fencing and vegetation. ~~The common living areas of the adjacent residents of 2928 Russell Street are located 10 feet, 10 inches and 2928 Russell Street is approximately 50 feet away from the proposed location.~~ The hot tub is 7.5 feet x 7.5 feet and the applicant has proposed additional vegetation around the location of the hot tub to increase privacy to neighboring dwelling and is installing a pad between the tub and concrete pad to further reduce noise. In addition, because the hot

tub is at grade there will be no reduction to privacy, light, views, or air for abutting residence and is therefore not detrimental.

4. Pursuant to BMC Section 23.304.070(D)(2), the Zoning Officer finds that:

A. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot. The hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise impacts that may result from the use of the hot tub. In particular, the operation of the hot tub equipment is subject to the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels and Conditions of Approval #29-32.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, apply to this Permit:

1. **Conditions Shall be Printed on Plans**
   The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. **Compliance Required (BMC Section 23.102.050)**
   All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**
   A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
   B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. **Conformance to Approved Plans (BMC Section 23.404.060.B.4)**
   All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. **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.

6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. **Permit Modifications (BMC Section 23.404.070)**
No change in the use or structure for which this Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. **Permit Revocation (BMC Section 23.404.080)**
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. **Indemnification Agreement**
The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

☐ **Project Liaison** _____

Name Phone #

Standard Construction-related Conditions Applicable to all Projects:

11. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

12. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

13. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.

16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.

17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

22. 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.

23. 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.

24. 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.

25. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Prior to Issuance of Occupancy Permit or Final Inspection:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 2, 2023.

At All Times (Operation):

28. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

Hot Tub Conditions

29. The hot tub shall be installed on a sound-proofing mat.

30. Vegetation shown on the site plans shall be maintained at all times.

31. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.

32. The hot tub shall be equipped with safety features in accordance with the California Building Code.

33. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.

34. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.

Samella Stover

Prepared by: Samella Stover, Planning Technician
For Samantha Updegrave, Zoning Officer

2924 Russell Street — Administrative Use Permit

General Notes

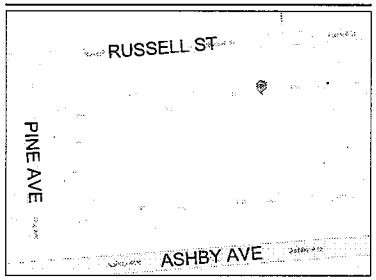
1. The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. . Contractor shall be responsible for making herself/himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed.Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.
2. Demolition
   Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.
3. Drainage/Grading (Permit #B2023-01579)
   Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.
4. Stone paving & stone work
   See Permit #B2023-01579
5. Concrete work (Permit #B2023-01579)
   Proposed 18" concrete retaining wall shall be less than three feet in total height including footing. See S2.0, Detail 12 for typical retaining wall and drainage. See L3.0 of Permit set #B2023-01579 for location of subsurface drainage line to (E) sump pump.
6. Electrical
   For rear deck parimeter GFCI, please refer to Permit #B2023-01579. Dedicated hot tub GFCI to be processed under separate application, pending AUP approval.
7. Wood work (Permit #B2023-01579)
   All new wood decking. Structural engineer to determine partial salvage of structural components of existing wood landing. SSD for final wood sizing, anchors and concrete footing.
8. Clean up
   At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: October 12, 2023

* Findings and Conditions Attached

Location



Legend

(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
	Align
	90 Degrees angle
(824.76)	Existing spot elevation
+824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished

Flagstone paving
Random Full Range Connecticut Bluestone
Available at Bay Area Bluestone
(415) 453-2262

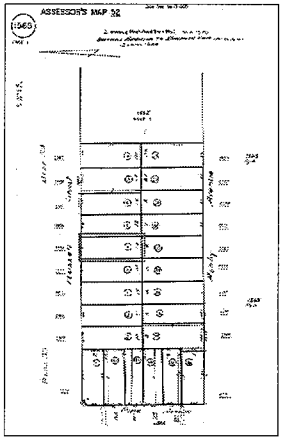
Cable railing

Sheet Index

L0.0	Cover Sheet
L1.0	Existing Site Plan
L2.0	Proposed Site Plan
L3.0	Elevations
L3.1	Elevations
L4.0	Details
SV	Survey

Assessor's Map

APN: 52-1565-6



Scope of Work

Installation of new hot tub.

Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. Planting of dense screening vegetation along eastern and western fences to further buffer hot tub sound and provide privacy for residents and neighbors.

NOTE: For rear deck and associated perimeter GFCI, please refer to Permit #B2023-01579.

NOTE: Dedicated hot tub GFCI and revisions to Permit #B2023-01579 to accommodate hot tub to be processed under separate application, pending AUP approval.

Project Team

Client
Hami Kazerooni
2924 Russell St.
Berkeley, CA 94705

Landscape Architect
InsideOut Design, Inc.
6000 Harwood Ave
Oakland CA 94618
(510) 655-7674
Penn Phillips

Contractor
TBD

Structural Engineer
Daniel A. Bastião
P.O. Box 1891
Union City, CA 94587
510-676-8457

INSIDEOUT
6000 HARWOOD AVE
OAKLAND CA 94618
510 655 7674

ISSUES:

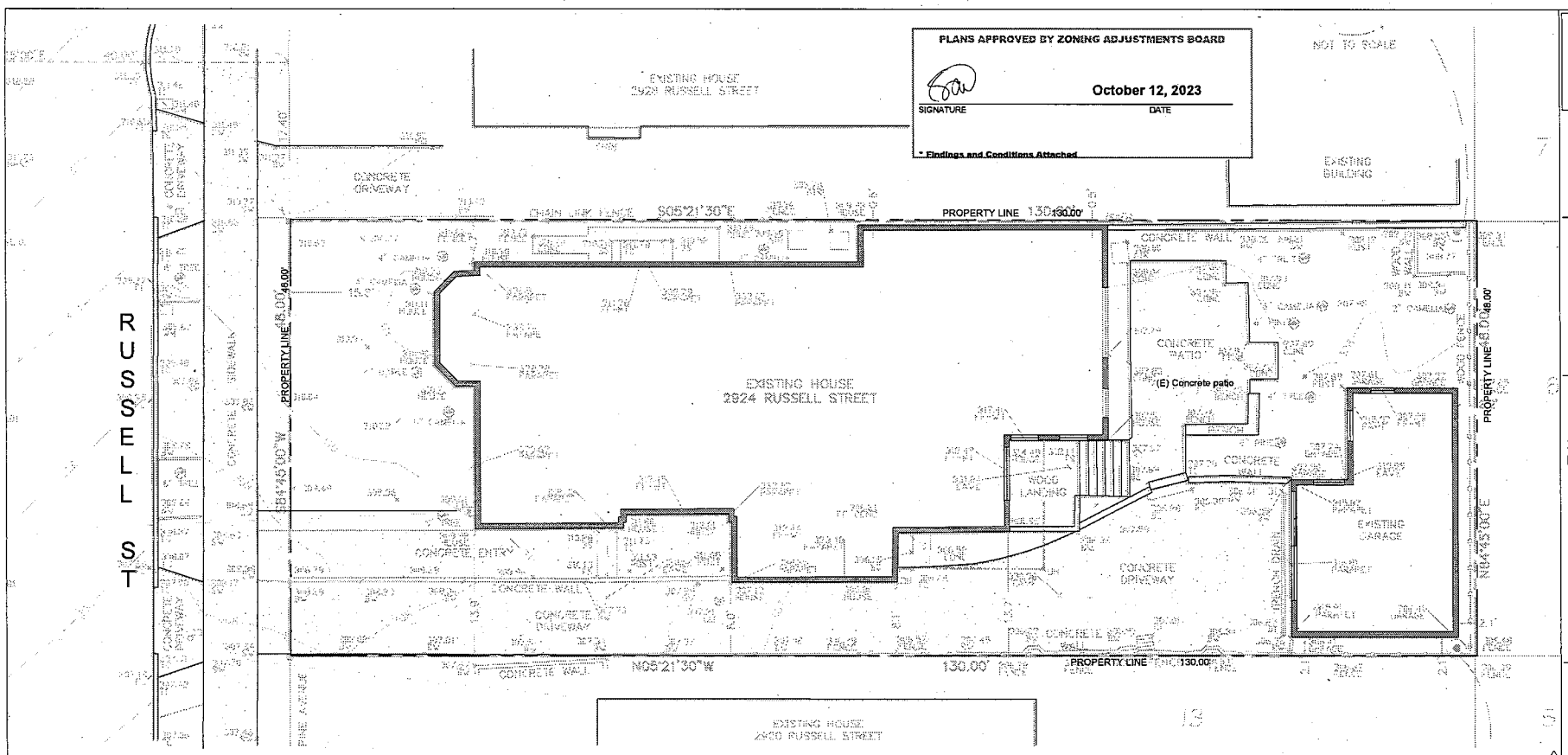
04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

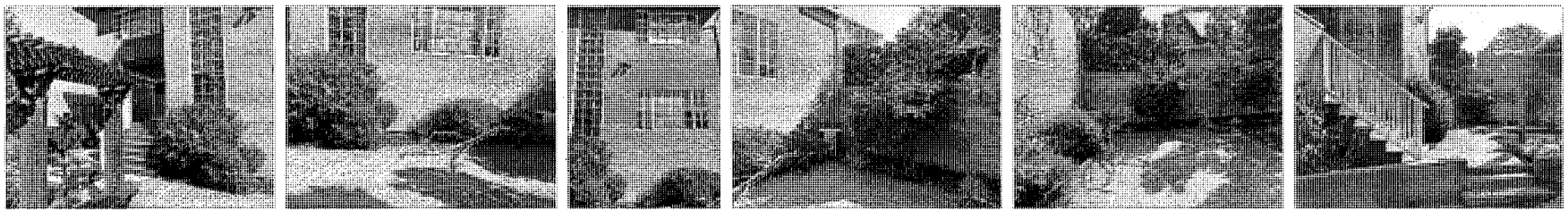
Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Cover Sheet, Notes & Legend

SCALE: N/A
DATE: MAY 15, 2023

DRAWING NO: L0.0





Existing Conditions

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ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

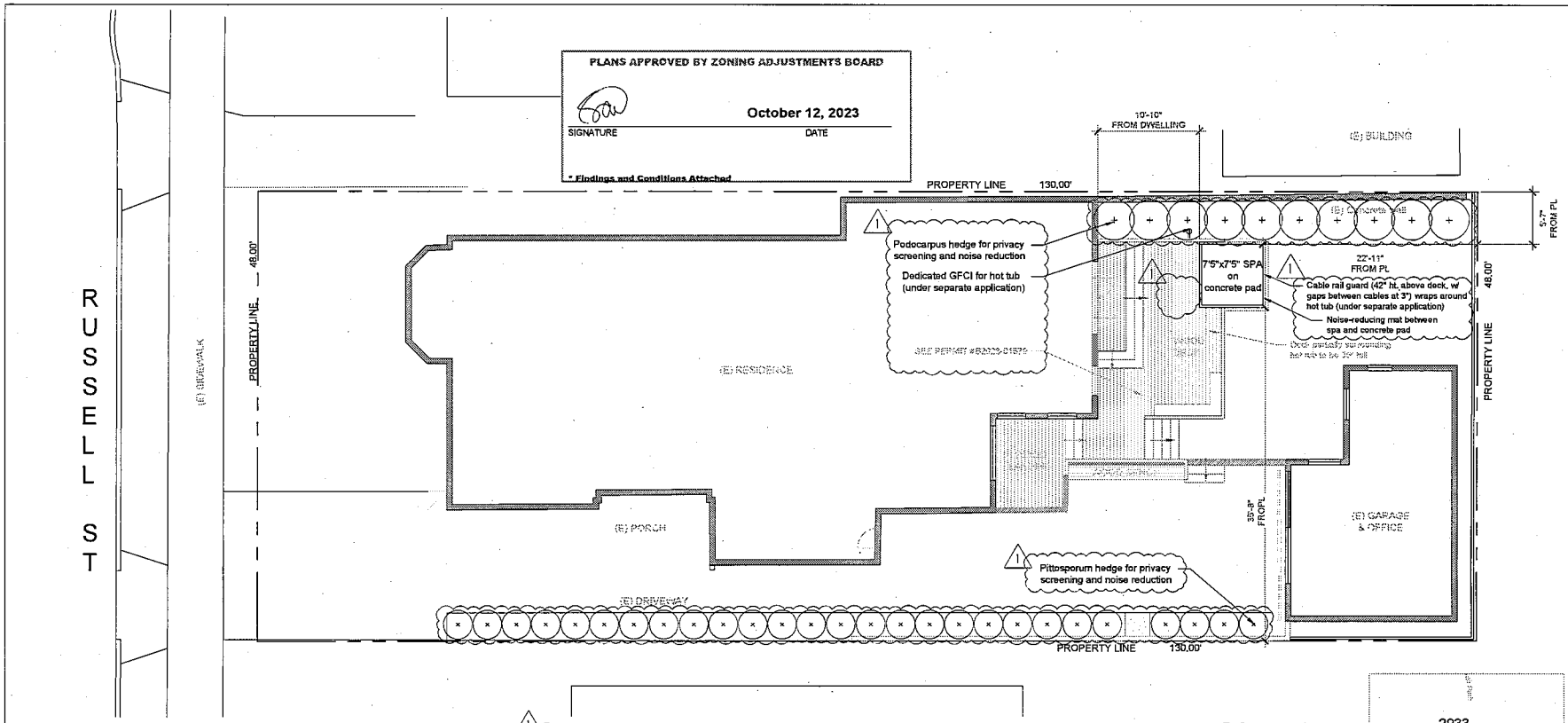
Existing Site Plan

SCALE: 3/16"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L1.0

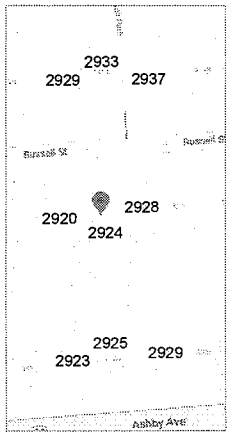


Community Outreach

NOTE: Please see scanned L2.0 (dated 03.29.23) with neighbor signatures from 04.03.23 and 04.04.23. This set has been revised to add additional noise mitigation measures in response to neighbor concerns. No separate equipment under deck will be required; hot tub to include enclosed equipment and be quieter than industry standards.

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
		2920 Russell St.					
		2920 Russell St.					
		2928 Russell St.					
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
		2933 Russell St.					
		2933 Russell St.					
		2937 Russell St.					
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
		2925 Ashby Ave.					
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

3/16"=1'-0"
0 2 4 8

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sbowin@inside-out.com

ISSUES:

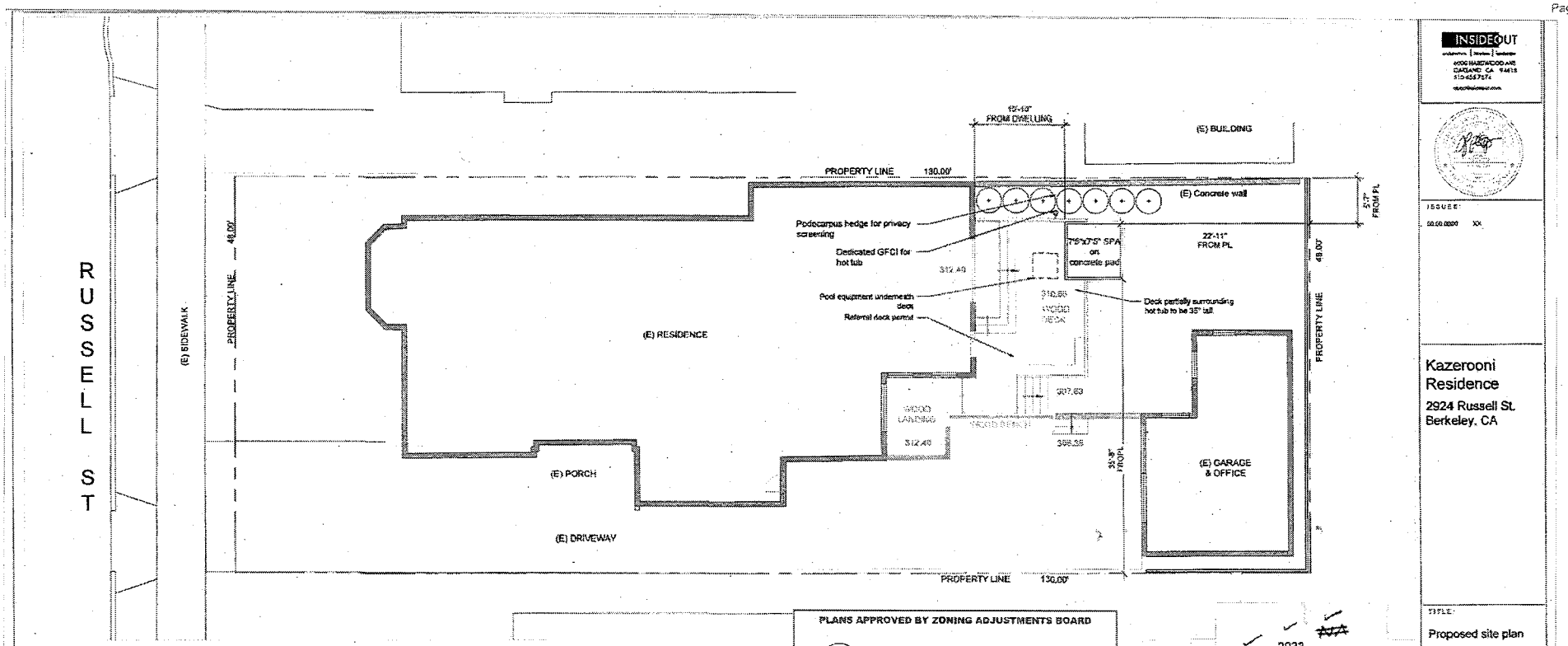
04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed Site Plan

SCALE: 3/16"=1'-0"
DATE: MAY 15, 2023

DRAWING NO:
L2.0



INSIDEOUT

ISSUES:
00.00.0000 XX

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed site plan

SCALE 3/16"=1'-0"
DATE: MARCH 20, 2023
1/4"=1'-0"

DRAWING NO.
L2.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

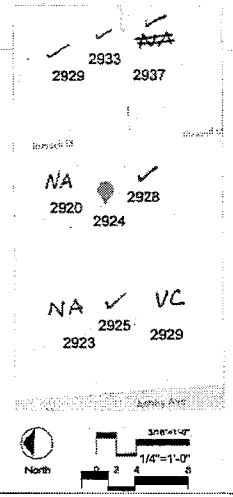
SIGNATURE — October 12, 2023 DATE

* Findings and Conditions Attached

Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections		Have no comment
Beverly Doane	Beverly Doane	2920 Russell St.	Owner	4/3/23			✓
		2920 Russell St.					
RICHARD STORM	Richard Storm	2928 Russell St.	Owner	4/4/23		Concerns about operational noise of tub + usage	
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
Ronald Lee	Ronald Lee	2933 Russell St.	Owner	4/7/23	X		X
		2933 Russell St.					
T.K. Birsh	[illegible]	2937 Russell St.	Owner	4/4/23	✓		
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
Erika Balhan	[illegible]	2925 Ashby Ave.	Owner	4-3-23	✓		
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					

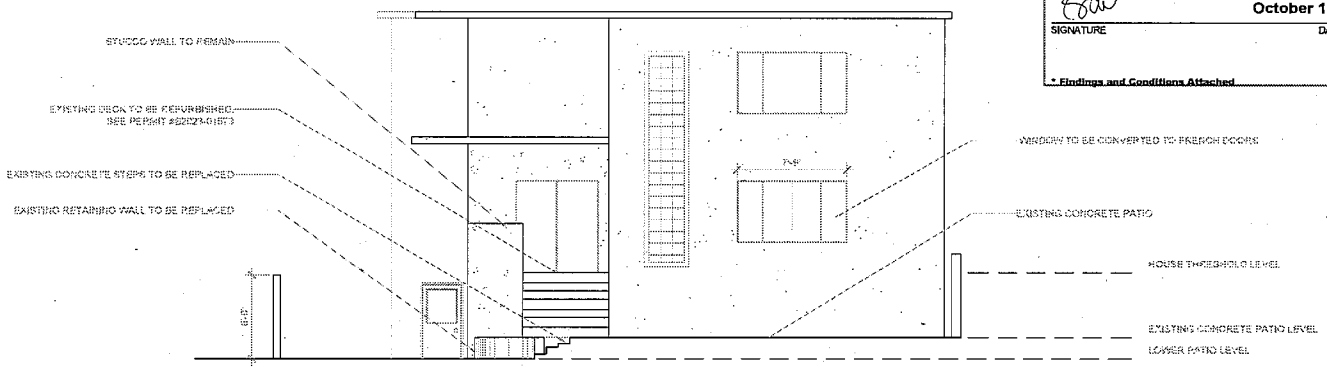


VC = verbal construction? — plans mailed
NA = no answer — plans mailed

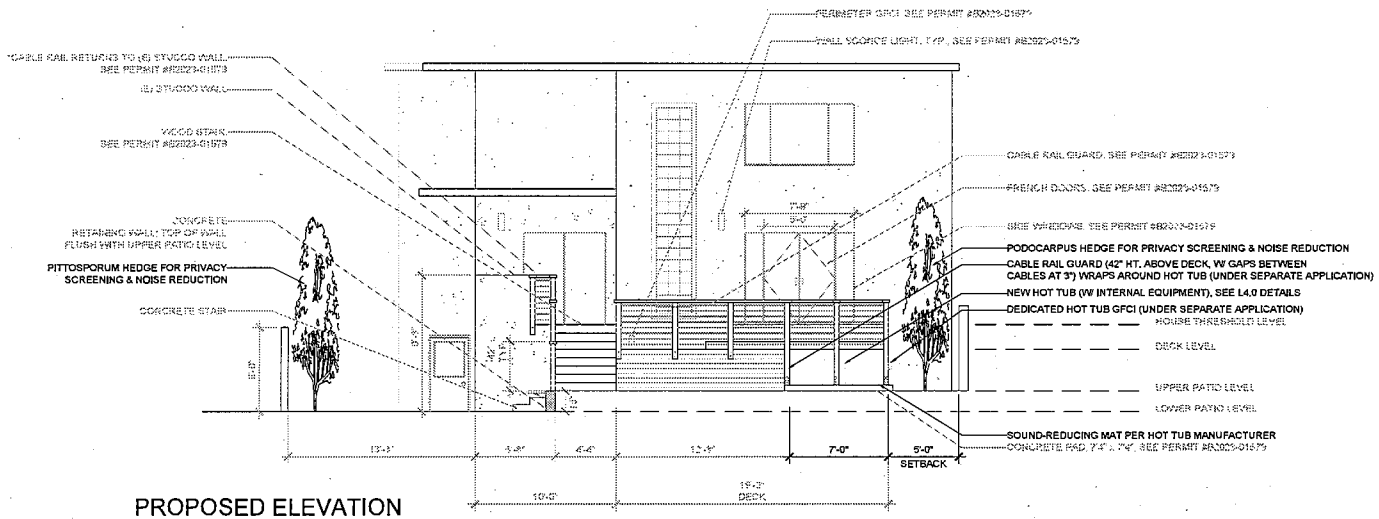
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: October 12, 2023

* Findings and Conditions Attached



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN ⅜ INCH.

1

NOTE: Revisions to L3.0 since Community Outreach (04.03.23 - 04.04.23) reflect changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"
0 2 4 8

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ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE: Elevations

SCALE: 1/4"=1'-0"
DATE: MAY 15, 2023

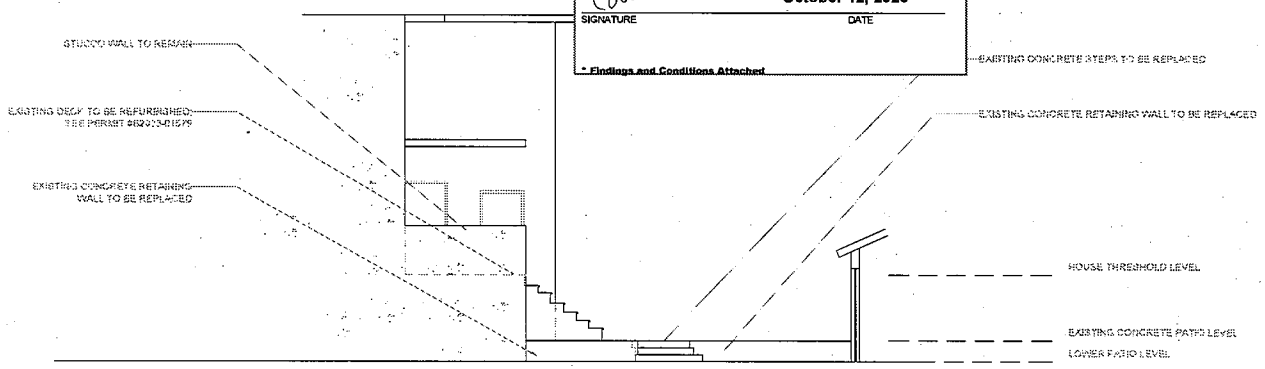
DRAWING NO: L3.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

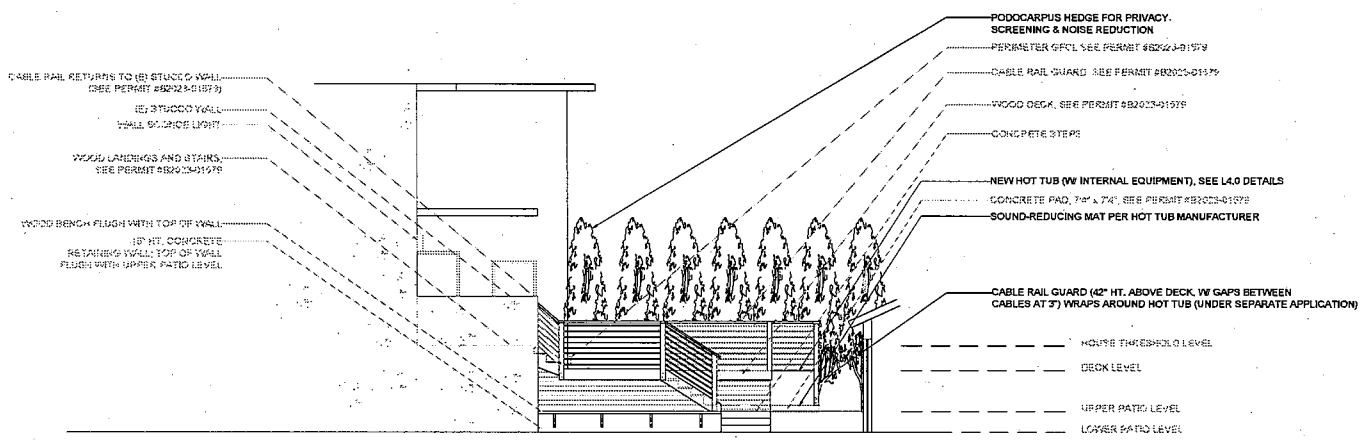
October 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN ⅜ INCH.

1/4"=1'-0"

0 2 4 8

NOTE: The addition of L3.1 since Community Outreach (04.03.23 - 04.04.23) reflects changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

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ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

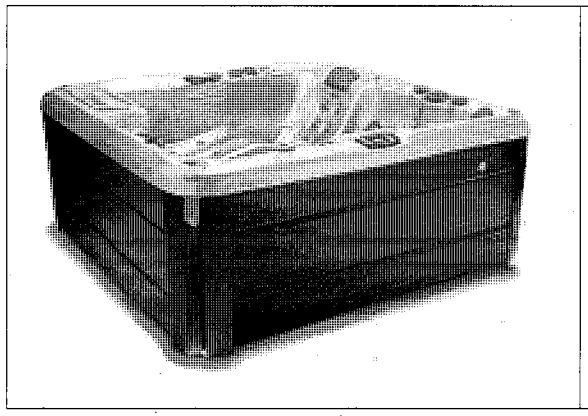
TITLE:

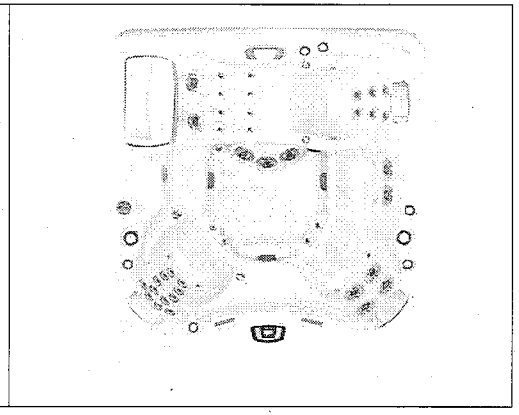
Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO.: L3.1





SUNDANCE CAMEO - 880 SERIES

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **October 12, 2023**

*** Findings and Conditions Attached**

Specs

Volume: 370 gal / 1400.60 liters

Dry Weight: 962 lbs / 436.35

Jets: 54

Primary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Secondary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Circulation Pump (Y/N): Yes

Divertar Valves #: 2

Filtration System: ClearRay

Filters: 1

Seat Jets: Lounge

Water Management System: ClearRay Active Oxygen™

View Less

Dimensions

Height (in): 37.5

Length (in): 89.0

Width (in): 89.0

Volume (gals): 370.0

NOTE: Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub to have internal equipment only. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. 1

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ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Details

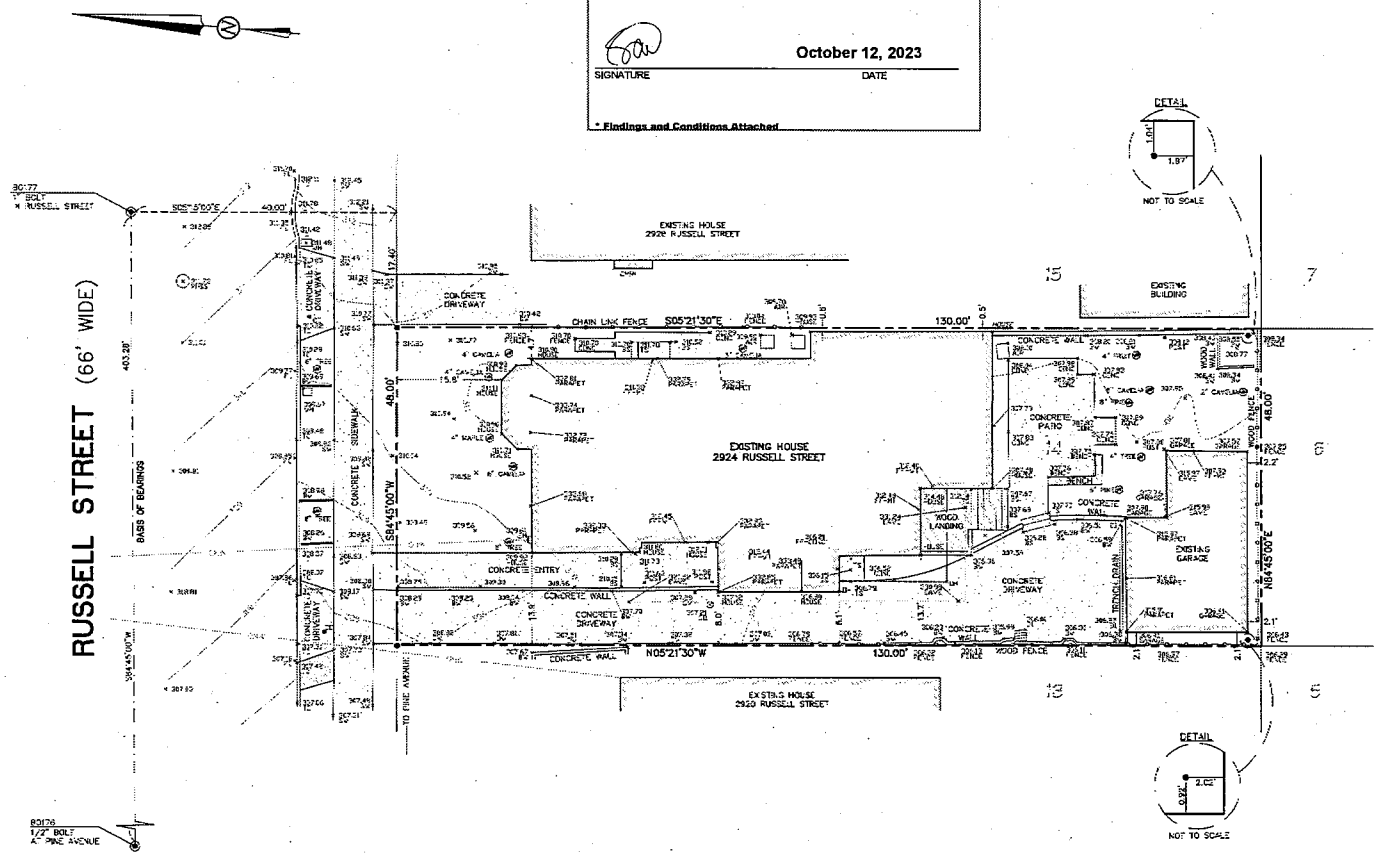
SCALE: NOT TO SCALE
DATE: MAY 15, 2023

DRAWING NO:
L4.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: October 12, 2023

* Findings and Conditions Attached



LEGEND

AIR	AIR CONDITIONING UNIT
BS	BASE OF STEPS
BW	BASE OF WALL
CHIM	CHIMNEY
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
EM	ELECTRIC METER
FF	FINISHED FLOOR
GV	GAS VALVE
FL	FLOWLINE
MH	MAINTENANCE HOLE
MT	METAL THRESHOLD
OH	OVERHANG
OHW	OVERHEAD WIRES
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
WM	WATER METER
WT	WOOD THRESHOLD
	BUILDING FOOTPRINT
	CONCRETE
	CONCRETE WALL
	FLAGSTONE
	WOOD
	WOOD WALL
	CHAIN LINK FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
	FOUND REBAR AND CAP, LS 5311
	CITY OF BERKELEY MONUMENT ID

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.

NO TITLE REPORT PROVIDED. EASEMENTS MAY EXIST.

ASSESSOR'S PARCEL NUMBER: 052-1565-006

PROPERTY AREA = 6,240± SQUARE FEET

DATE OF FIELD SURVEY: NOVEMBER 17, 2022

BASIS OF BEARINGS:
THE MONUMENT LINE IN RUSSELL STREET WAS TAKEN AS SOUTH 84°45'00" WEST AS SHOWN ON CORNER RECORD 6973 (68 CR 23)

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE WESTERN MOST MONUMENT REFERENCE CROSS, FOR CITY OF BERKELEY MONUMENT B1848, LOCATED IN THE SIDEWALK AT THE SOUTH WEST CORNER OF THE INTERSECTION OF AVALON AVENUE AND CLAREMONT BOULEVARD, WAS TAKEN AS ELEVATION = 355.69 FEET PER CORNER RECORD 9978 (103 CR 68).

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BARNES ADDITION OF ELMWOOD PARK (26 M 41)
LOCATED AT 2924 RUSSELL STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 6, 2022 SCALE: 1" = 8'

LICENSED LAND SURVEYOR JAMES S. MORAN 7681 STATE OF CALIFORNIA
12-06-2022

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1630 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 548-1530

F.B. NO. 1922 RUSSELL-TOPO.DWG JOB NO. 22-11022

ZONING ADJUSTMENTS BOARD

NOTICE OF DECISION

DATE OF BOARD DECISION: October 12, 2023
DATE NOTICE MAILED: October 17, 2023
APPEAL PERIOD EXPIRATION: October 31, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)[1]: November 1, 2023

2924 Russell Street

Appeal of Zoning Officer's Decision to approve Administrative Use Permit ZP#2023-0081 to install unenclosed hot tub in rear yard.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the project and **DISMISSED the appeal of** the following permit:

- Administrative Use Permit to install an unenclosed hot tub, under Berkeley Municipal Code (BMC) Section 23.304.070(D)

ZONING: Single-Family Residential District (R-1)

APPLICANT: Pennell Phillips, 6000 Harwood Avenue, Oakland, CA 94618

PROPERTY OWNER: Homayoon Kazerooni, 2924 Russell Street, Berkeley, CA 94705

APPELLANT: Richard Spohn, 2928 Russell Street, Berkeley, CA 94705

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to CEQA Guidelines Section 15301 ("Existing Facilities").

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

---

[1] Pursuant to BMC Section 23.410.050(C), the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

	Yes	No	Abstain	Absent	Recused
DUFFY	x				
BLACKABY	x				
YUNG	x				
O'KEEFE				x	
LUNAPARRA	x				
SANDERSON					x
THOMPSON	x				
GAFFNEY	x				
TREGUB				x	
BOARD VOTE:	**6**	**0**	**0**	**2**	**1**

ATTEST:
Samantha Updegrave, Zoning Adjustments Board Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23.404.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Samella Stover, at (510) 981-7425 or sstover@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23.410 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
   A. The fee for persons other than the applicant is $1500. This fee may be reduced to $500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
   B. The fee for all appeals by Applicants is $5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ATTACHMENT 1

FINDINGS AND CONDITIONS
OCTOBER 12, 2023

2924 Russell Street

Administrative Use Permit #ZP2023-0081

To install an unenclosed hot tub in the rear yard.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.070(D) to install an unenclosed hot tub.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. The hot tub will be located approximately 11 feet from the back of the dwelling, and setback approximately 23 feet from the rear lot line (south), 36 feet from the west side lot line, and 5 feet, 7 inches from the eastern side lot line. The proposed location is screened by a retaining wall, fencing and vegetation. ~~The common living areas of the adjacent residents of 2928 Russell Street are located 10 feet, 10 inches and 2928 Russell Street is approximately 50 feet away from the proposed location.~~ The hot tub is 7.5 feet x 7.5 feet and the applicant has proposed additional vegetation around the location of the hot tub to increase privacy to neighboring dwelling and is installing a pad between the tub and concrete pad to further reduce noise. In addition, because the hot

tub is at grade there will be no reduction to privacy, light, views, or air for abutting residence and is therefore not detrimental.

4. Pursuant to BMC Section 23.304.070(D)(2), the Zoning Officer finds that:

A. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot. The hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise impacts that may result from the use of the hot tub. In particular, the operation of the hot tub equipment is subject to the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels and Conditions of Approval #29-32.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, apply to this Permit:

1. **Conditions Shall be Printed on Plans**
   The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. **Compliance Required (BMC Section 23.102.050)**
   All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**
   A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
   B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. **Conformance to Approved Plans (BMC Section 23.404.060.B.4)**
   All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. **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.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)
No change in the use or structure for which this Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement
The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

☐ **Project Liaison** _____

Name Phone #

Standard Construction-related Conditions Applicable to all Projects:

11. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

12. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

13. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.

16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.

17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

22. 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.

23. 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.

24. 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.

25. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Prior to Issuance of Occupancy Permit or Final Inspection:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 2, 2023.

At All Times (Operation):

28. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

Hot Tub Conditions

29. The hot tub shall be installed on a sound-proofing mat.

30. Vegetation shown on the site plans shall be maintained at all times.

31. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.

32. The hot tub shall be equipped with safety features in accordance with the California Building Code.

33. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.

34. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.

Samella Stover

Prepared by: Samella Stover, Planning Technician
For Samantha Updegrave, Zoning Officer

2924 Russell Street — Administrative Use Permit

General Notes

1. The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making herself/himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed.Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.

2. Demolition
   Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.

3. Drainage/Grading (Permit #B2023-01579)
   Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.

4. Stone paving & stone work
   See Permit #B2023-01579

5. Concrete work (Permit #B2023-01579)
   Proposed 18" concrete retaining wall shall be less than three feet in total height including footing. See S2.0, Detail 12 for typical retaining wall and drainage. See L3.0 of Permit set #B2023-01579 for location of subsurface drainage line to (E) sump pump.

6. Electrical
   For rear deck perimeter GFCI, please refer to Permit #B2023-01579. Dedicated hot tub GFCI to be processed under separate application, pending AUP approval.

7. Wood work (Permit #B2023-01579)
   All new wood decking. Structural engineer to determine partial salvage of structural components of existing wood landing. SSD for final wood sizing, anchors and concrete footing.

8. Clean up
   At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

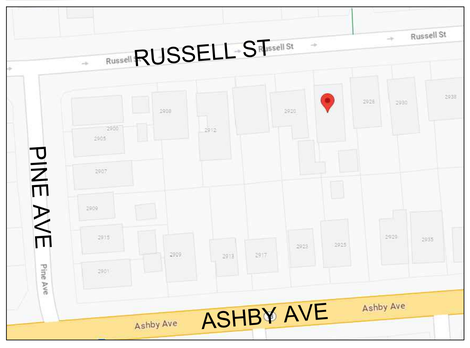
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

October 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached

Location



Legend

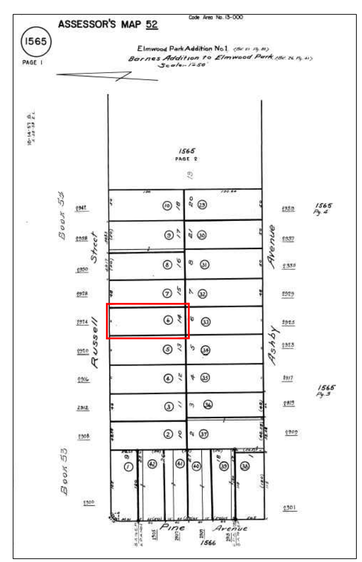
(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
	Align
	90 Degrees angle
(824.76)	Existing spot elevation
+ 824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished

Flagstone paving
Random Full Range Connecticut Bluestone
Available at Bay Area Bluestone
(415) 453-2262

Cable railing

Assessor's Map

APN: 52-1565-6



Sheet Index

L0.0	Cover Sheet
L1.0	Existing Site Plan
L2.0	Proposed Site Plan
L3.0	Elevations
L3.1	Elevations
L4.0	Details
SV	Survey

Scope of Work

Installation of new hot tub.

Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. Planting of dense screening vegetation along eastern and western fences to further buffer hot tub sound and provide privacy for residents and neighbors.

NOTE: For rear deck and associated perimeter GFCI, please refer to Permit #B2023-01579.

NOTE: Dedicated hot tub GFCI and revisions to Permit #B2023-01579 to accommodate hot tub to be processed under separate application, pending AUP approval.

Project Team

Client
Hami Kazerooni
2924 Russell St.
Berkeley, CA 94705

Landscape Architect
InsideOut Design, Inc.
6000 Harwood Ave
Oakland CA 94618
(510) 655-7674
Penn Phillips

Contractor
TBD

Structural Engineer
Daniel A. Bastião
P.O. Box 1891
Union City, CA 94587
510-676-8457

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OAKLAND CA 94618
510 655 7674
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LICENSED LANDSCAPE ARCHITECT — Penn Phillips — STATE OF CALIFORNIA
Signature
10-31-2024
Renewal Date
Date

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Cover Sheet, Notes & Legend

SCALE: N/A
DATE: MAY 15, 2023

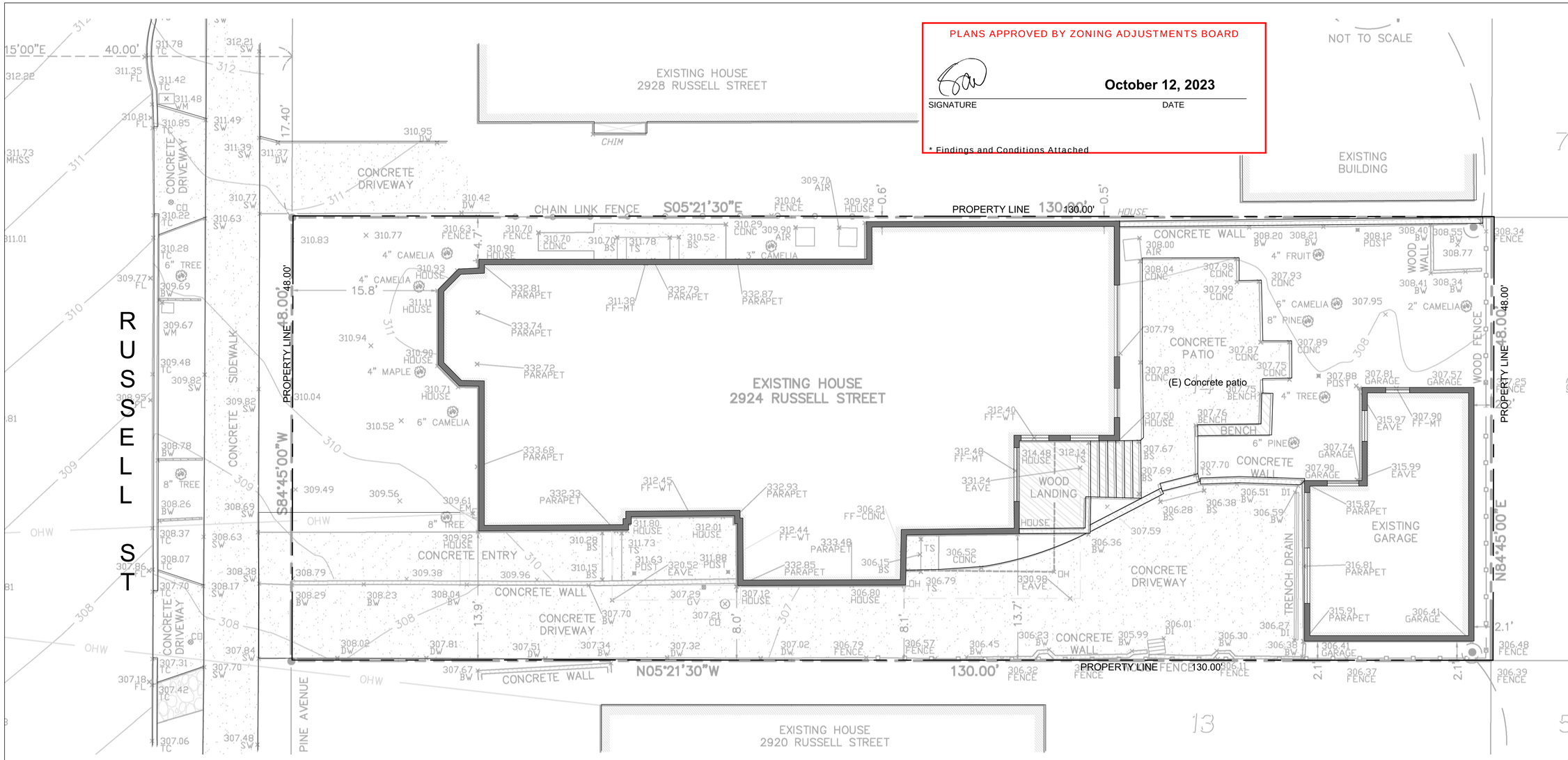
DRAWING NO:
L0.0

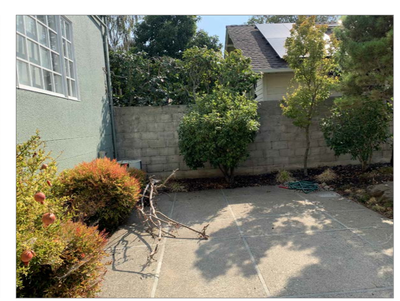
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

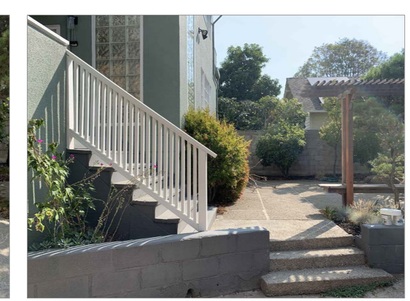
SIGNATURE

October 12, 2023
DATE

* Findings and Conditions Attached







Existing Conditions

North

3/16"=1'-0"
0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Existing Site Plan

SCALE: 3/16"=1'-0"
DATE: MAY 15, 2023

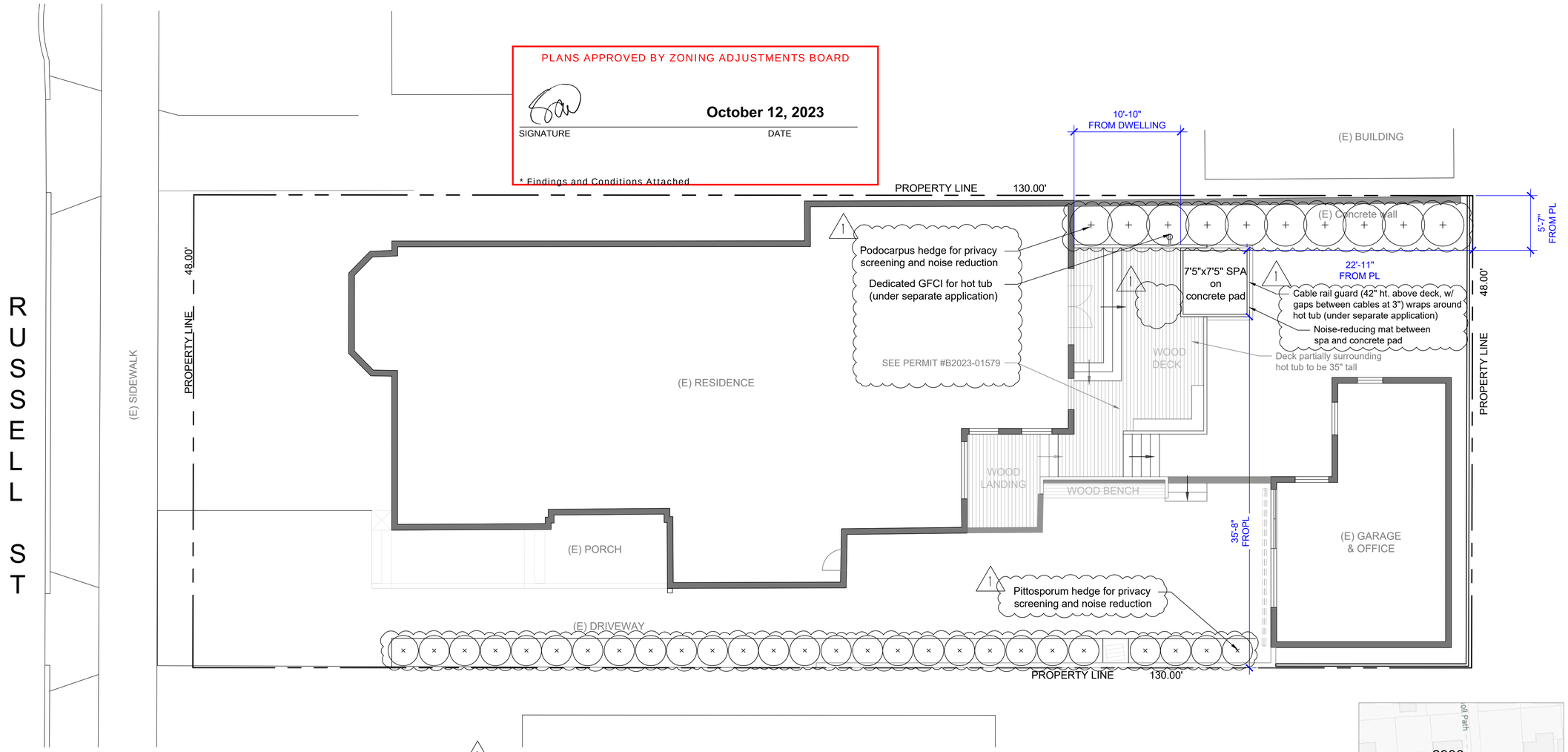
DRAWING NO:
L1.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

October 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached

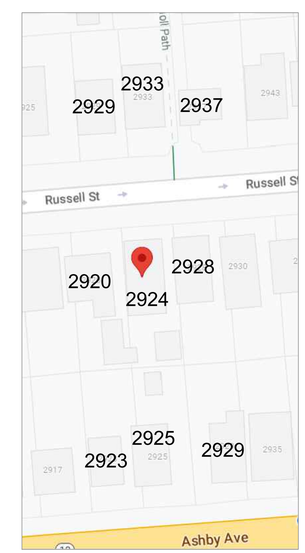


Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

NOTE: Please see scanned L2.0 (dated 03.29.23) with neighbor signatures from 04.03.23 and 04.04.23. This set has been revised to add additional noise mitigation measures in response to neighbor concerns. No separate equipment under deck will be required; hot tub to include enclosed equipment and be quieter than industry standards.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
		2920 Russell St.					
		2920 Russell St.					
		2928 Russell St.					
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
		2933 Russell St.					
		2933 Russell St.					
		2937 Russell St.					
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
		2925 Ashby Ave.					
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

3/16"=1'-0"
0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
Jon Michael Phillips No. 5023
Signature
05-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

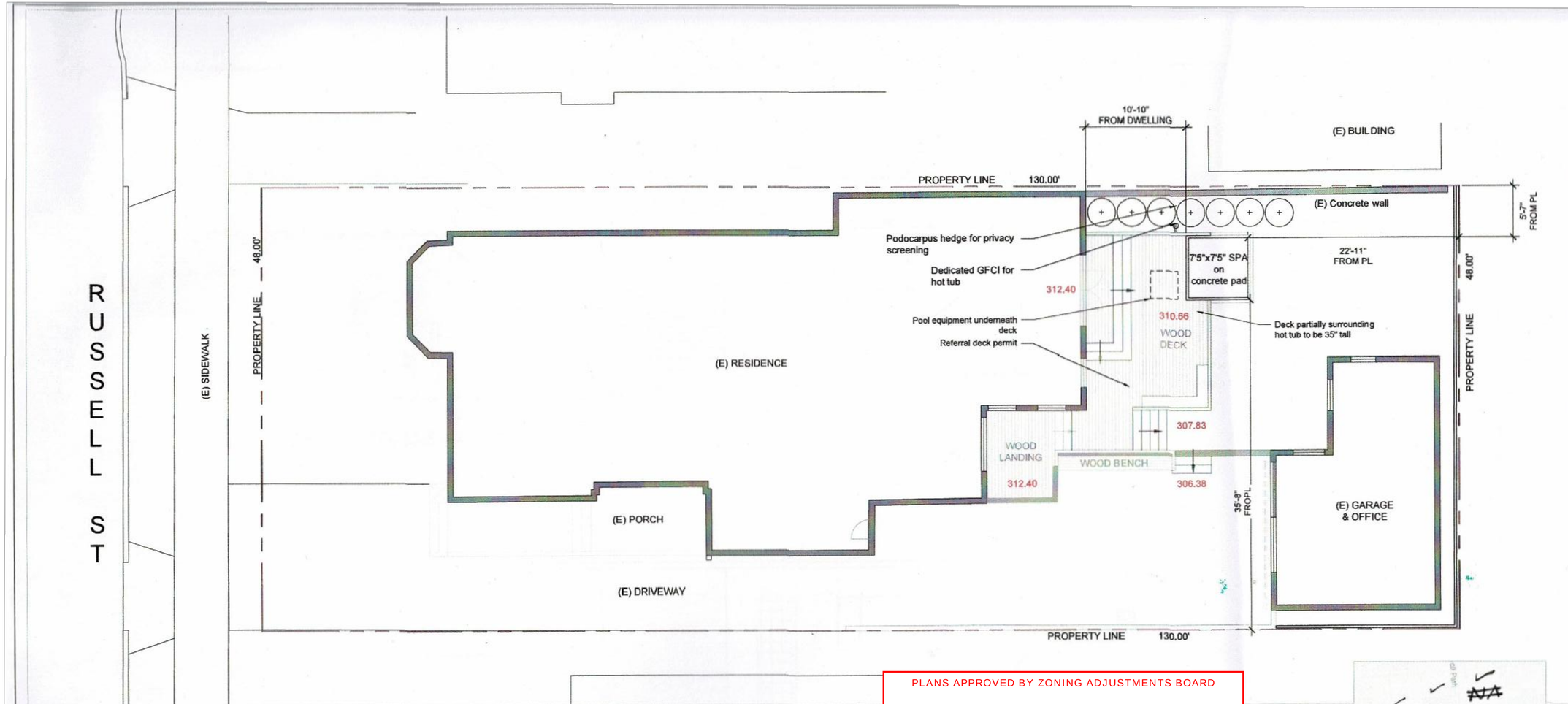
Proposed Site Plan

SCALE: 3/16"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L2.0



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

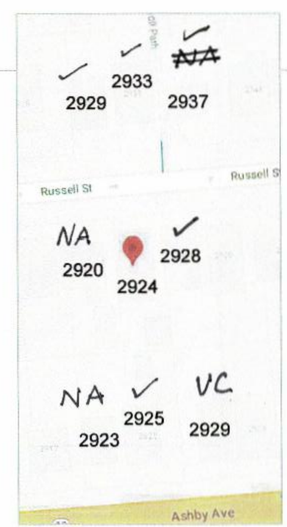
SIGNATURE — DATE: October 12, 2023

* Findings and Conditions Attached

Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections		Have no comment
Beverly Doane	Beverly Doane	2920 Russell St.	Owner	4/3/23			✓
		2920 Russell St.					
RICHARD STOHN	Richard Stohn	2928 Russell St.	Owner	4/4/23		Concerns about operational noise of tub + usage	
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
Ronald Lee	Ronald Lee	2933 Russell St.	Owner	4/3/23	X		X
		2933 Russell St.					
T. R. BIRSH	[illegible]	2937 Russell St.	OWNER	4/4/23	✓		
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
Anita BALHAN	[illegible]	2925 Ashby Ave.	Owner	4-3-23	✓		
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

3/16"=1'-0"
1/4"=1'-0"
0 2 4 8

VC = under construction — plans mailed
NA = no answer — plans mailed

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LICENSED LANDSCAPE ARCHITECT — STATE OF CALIFORNIA

ISSUES:
00.00.0000 XX

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed site plan

SCALE: 3/16"=1'-0"
DATE: MARCH 29, 2023
1/4"=1'-0"

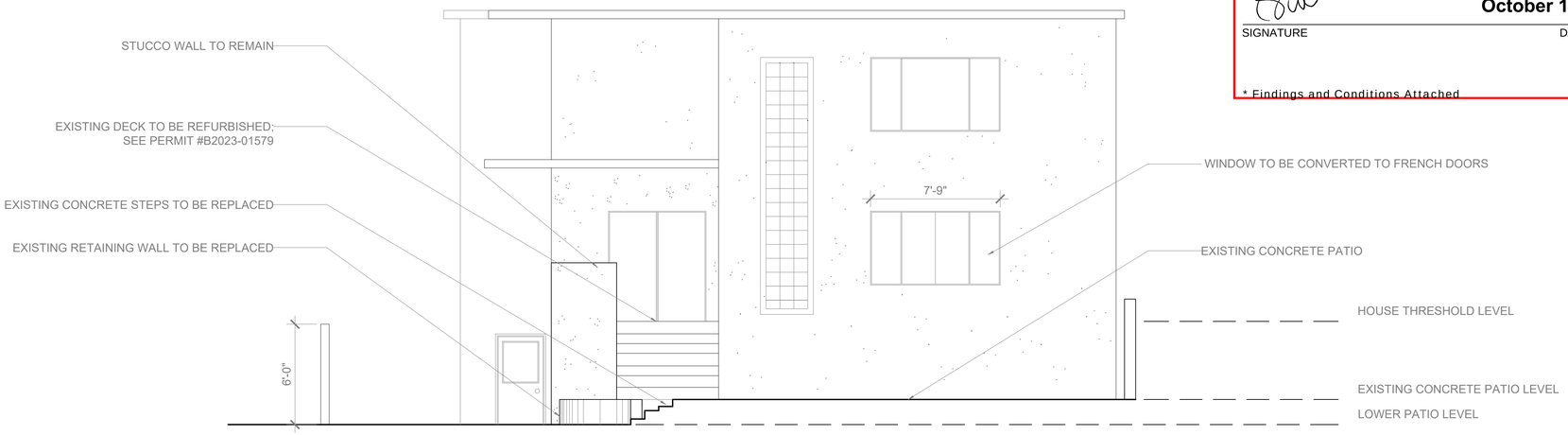
DRAWING NO:
L2.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

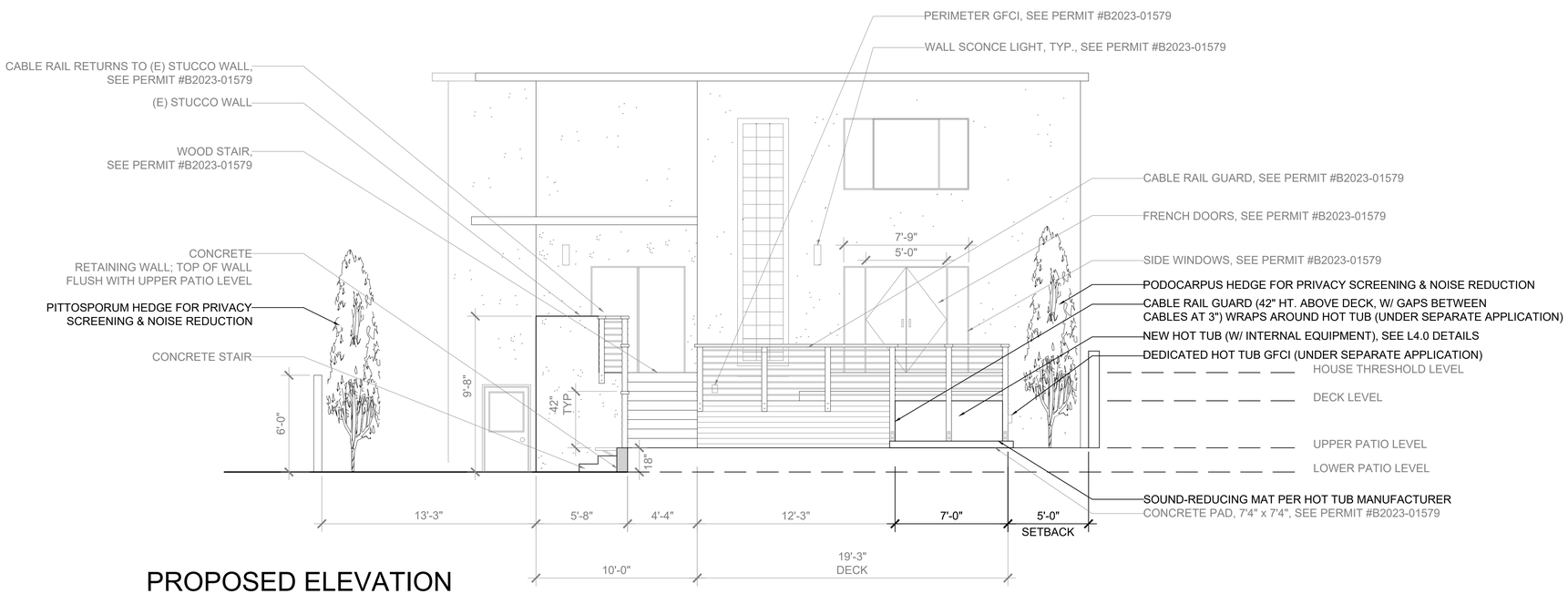
October 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.

1

NOTE: Revisions to L3.0 since Community Outreach (04.03.23 - 04.04.23) reflect changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
Scott Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

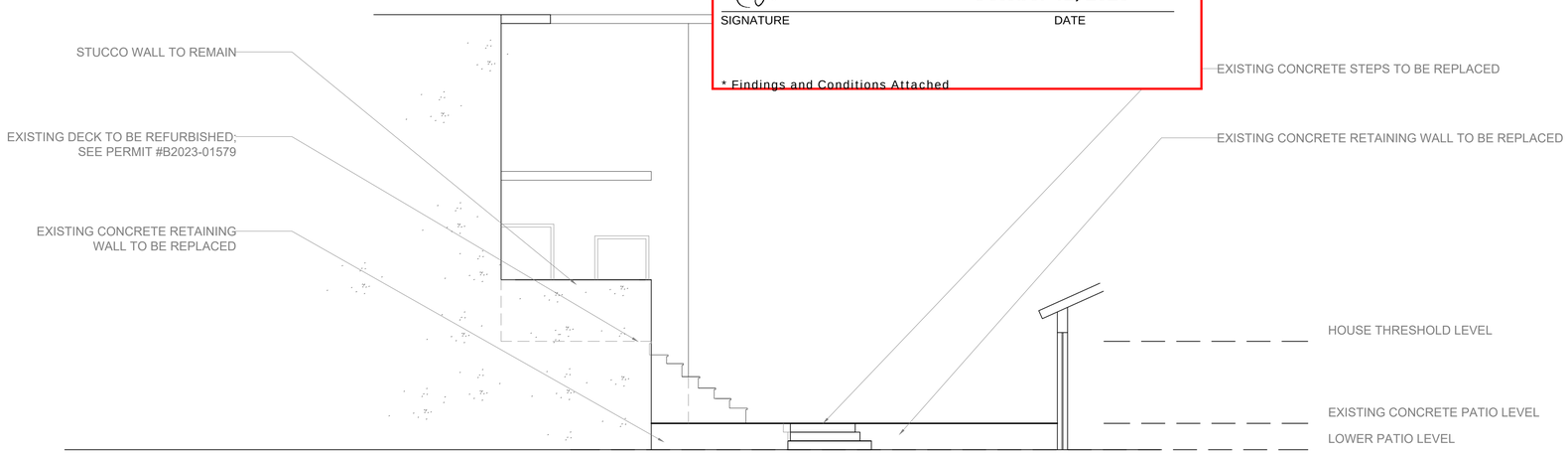
L3.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

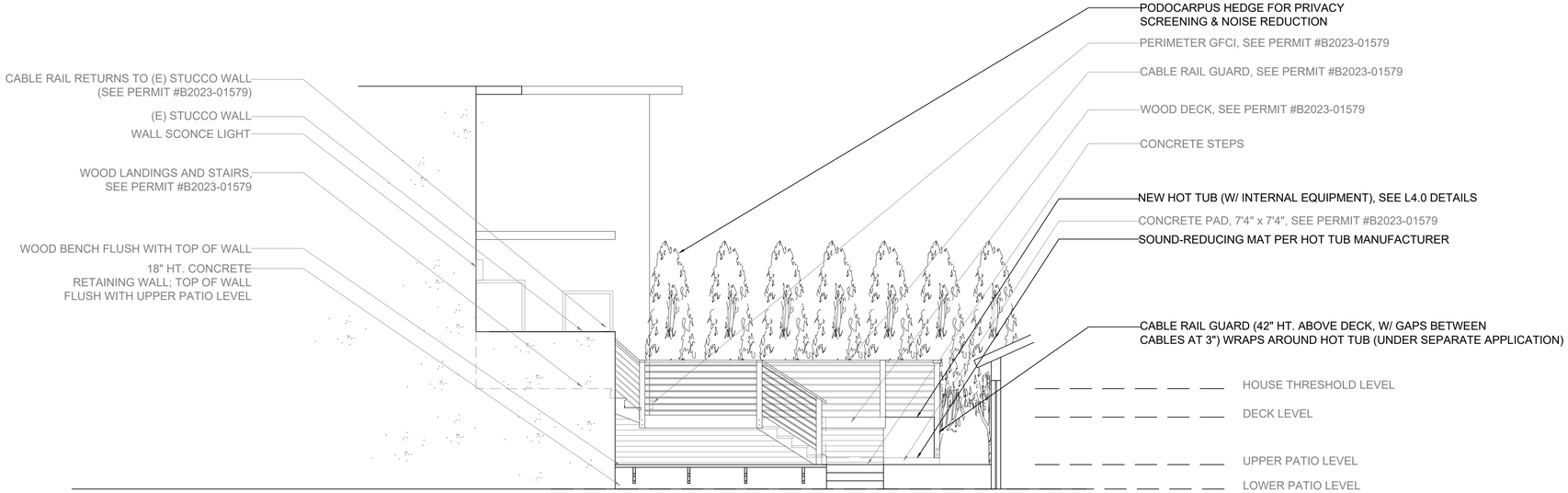
October 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.

1

NOTE: The addition of L3.1 since Community Outreach (04.03.23 - 04.04.23) reflects changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

INSIDEOUT
architecture | interiors | landscape
6000 HARDWOOD AVE
OAKLAND CA 94618
510 655 7674
aboutinsideout.com

LICENSED LANDSCAPE ARCHITECT
Scott Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO: 1

L3.1

SUNDANCE CAMEO - 880 SERIES

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **October 12, 2023**

* Findings and Conditions Attached

Specs

Volume: 370 gal / 1400.60 liters

Dry Weight: 962 lbs / 436.35

Jets: 54

Primary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Secondary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Circulation Pump (Y/N): Yes

Diverter Valves #: 2

Filtration System: ClearRay

Filters: 1

Seat Jets: Lounge

Water Management System: ClearRay Active Oxygen™

View Less

Dimensions

Height (in): 37.5

Length (in): 89.0

Width (in): 89.0

Volume (gals): 370.0

NOTE: Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub to have internal equipment only. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications.

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architecture | interiors | landscape
6000 HARDWOOD AVE
OAKLAND CA 94618
510 655 7674
aboutinsideout.com

LICENSED LANDSCAPE ARCHITECT — Scott Phillips — STATE OF CALIFORNIA — Signature — 03-31-2024 Renewal Date — Date

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Details

SCALE: NOT TO SCALE

DATE: MAY 15, 2023

DRAWING NO:

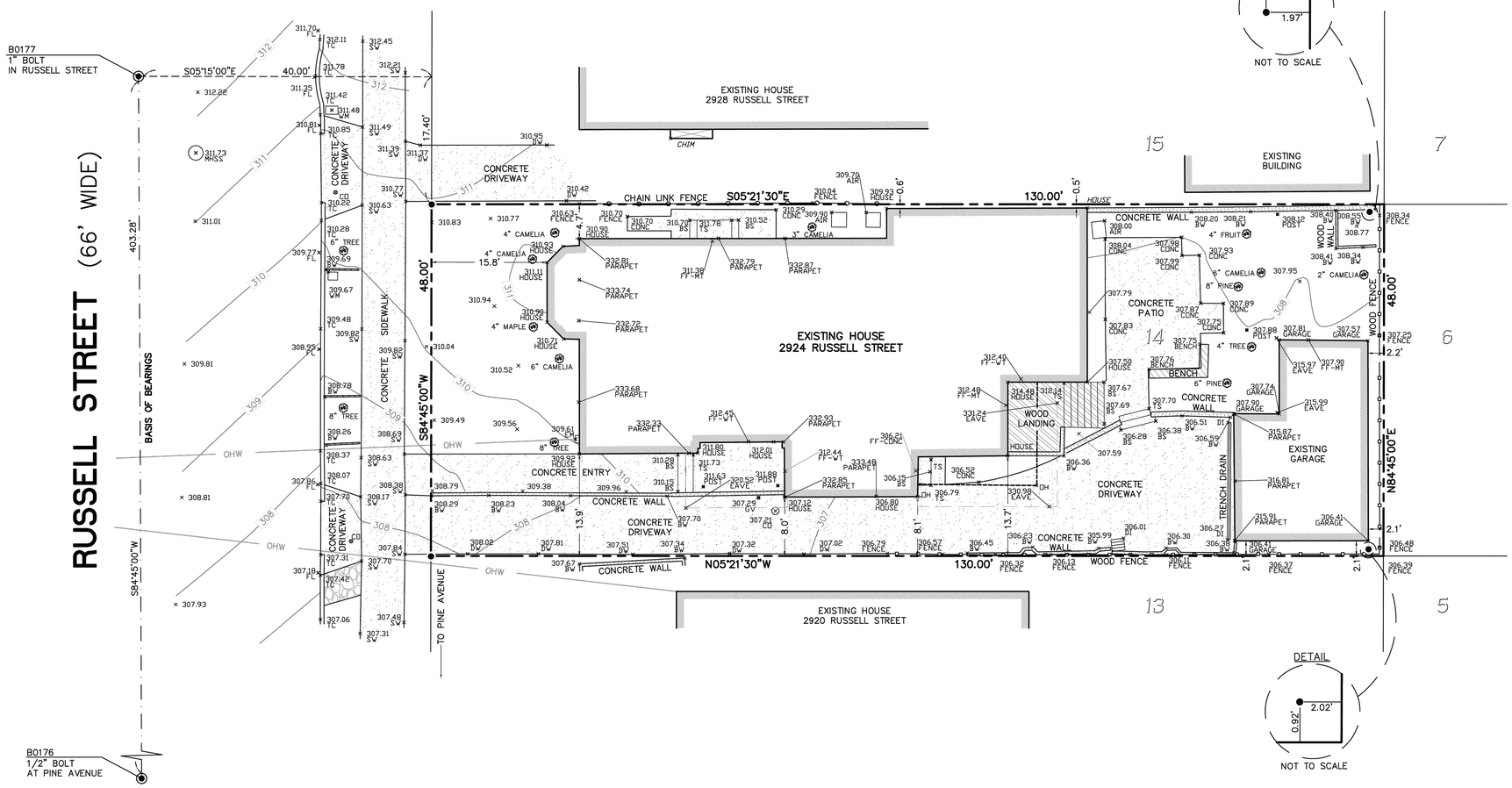
L4.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

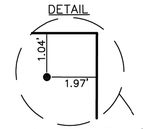
October 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



DETAIL



NOT TO SCALE

DETAIL

NOT TO SCALE

LEGEND

AIR	AIR CONDITIONING UNIT
BS	BASE OF STEPS
BW	BASE OF WALL
CHIM	CHIMNEY
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
EM	ELECTRIC METER
FF	FINISHED FLOOR
GV	GAS VALVE
FL	FLOWLINE
MH	MAINTENANCE HOLE
MT	METAL THRESHOLD
OH	OVERHANG
OHW	OVERHEAD WIRES
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
WW	WATER METER
WT	WOOD THRESHOLD
	BUILDING FOOTPRINT
	CONCRETE
	CONCRETE WALL
	FLAGSTONE
	WOOD
	WOOD WALL
	CHAIN LINK FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
	FOUND REBAR AND CAP, LS 5311
B####	CITY OF BERKELEY MONUMENT ID

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.

NO TITLE REPORT PROVIDED, EASEMENTS MAY EXIST.

ASSESSOR'S PARCEL NUMBER: 052-1565-006

PROPERTY AREA = 6,240± SQUARE FEET

DATE OF FIELD SURVEY: NOVEMBER 17, 2022

BASIS OF BEARINGS:
THE MONUMENT LINE IN RUSSELL STREET WAS TAKEN AS SOUTH 84°45'00" WEST AS SHOWN ON CORNER RECORD 6073 (58 CR 23).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE WESTERN MOST MONUMENT REFERENCE CROSS, FOR CITY OF BERKELEY MONUMENT B1846, LOCATED IN THE SIDEWALK AT THE SOUTH WEST CORNER OF THE INTERSECTION OF AVALON AVENUE AND CLAREMONT BOULEVARD, WAS TAKEN AS ELEVATION = 355.99 FEET PER CORNER RECORD 9875 (103 CR 68).

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

12-06-2022

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BARNES ADDITION OF ELMWOOD PARK (26 M 41)
LOCATED AT 2924 RUSSELL STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 6, 2022 SCALE: 1" = 8'

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 1922 RUSSELL-TOPO.DWG JOB NO. 22-11022

ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
OCTOBER 12, 2023

2924 Russell Street

Appeal of Zoning Officer's Decision to approve Administrative Use Permit ZP#2023-0081 to install unenclosed hot tub in rear yard.

I. Background

A. Land Use Designations:

- General Plan: Low Density Residential
- Zoning: Single-Family Residential District (R-1)

B. Zoning Permits Required:
Administrative Use Permit to install an unenclosed hot tub, under Berkeley Municipal Code (BMC) Section 23.304.070(D)

C. CEQA Recommendation: It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

D. Parties Involved:

- Applicant — Pennell Phillips, Oakland
- Property Owner — Homayoon Kazerooni, 2924 Russell Street, Berkeley
- Appellants — Richard Spohn, 2928 Russell Street, Berkeley

Figure 1: Vicinity Map –
2924 Russell Street (Project Site) & 2924 Russell Street (Appellant Site)

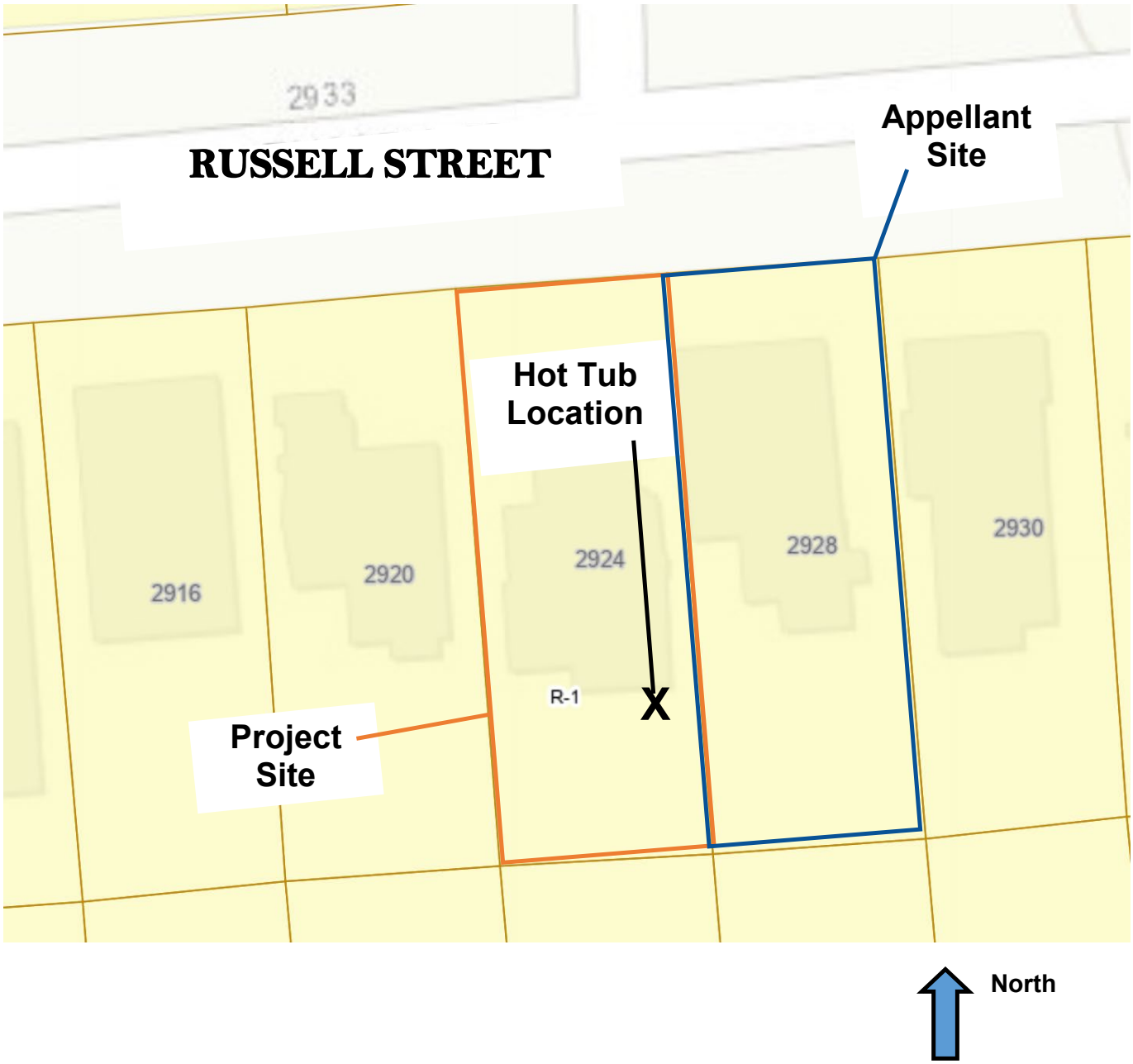
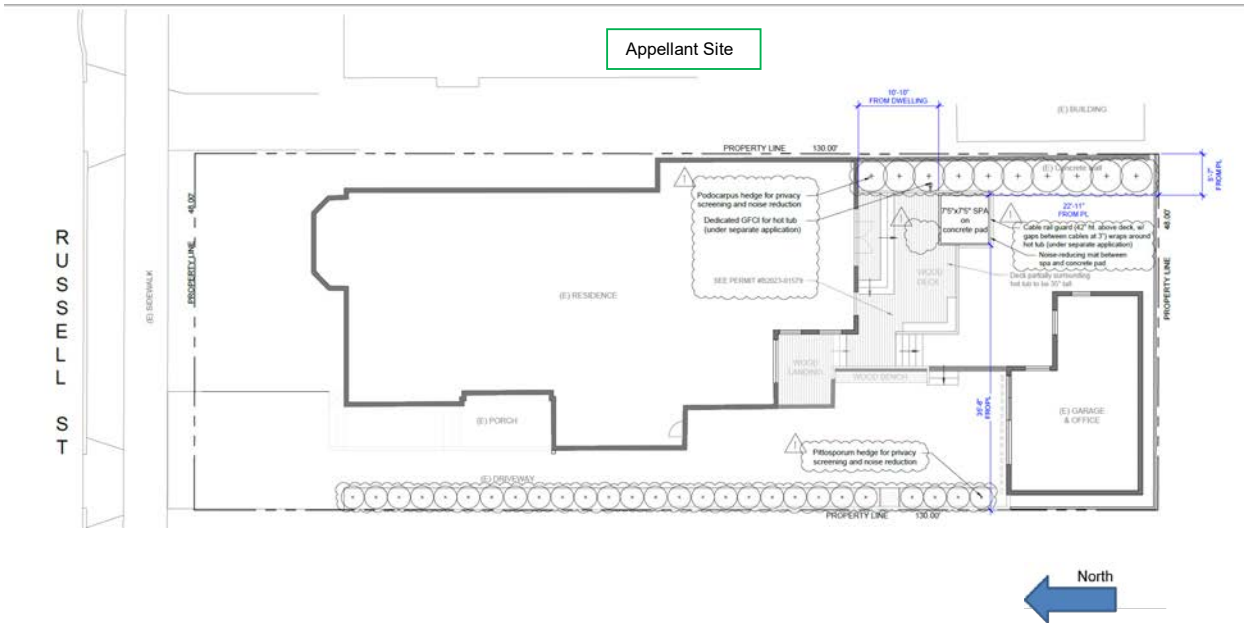


Figure 2: Site Plan – Hot Tub Installation



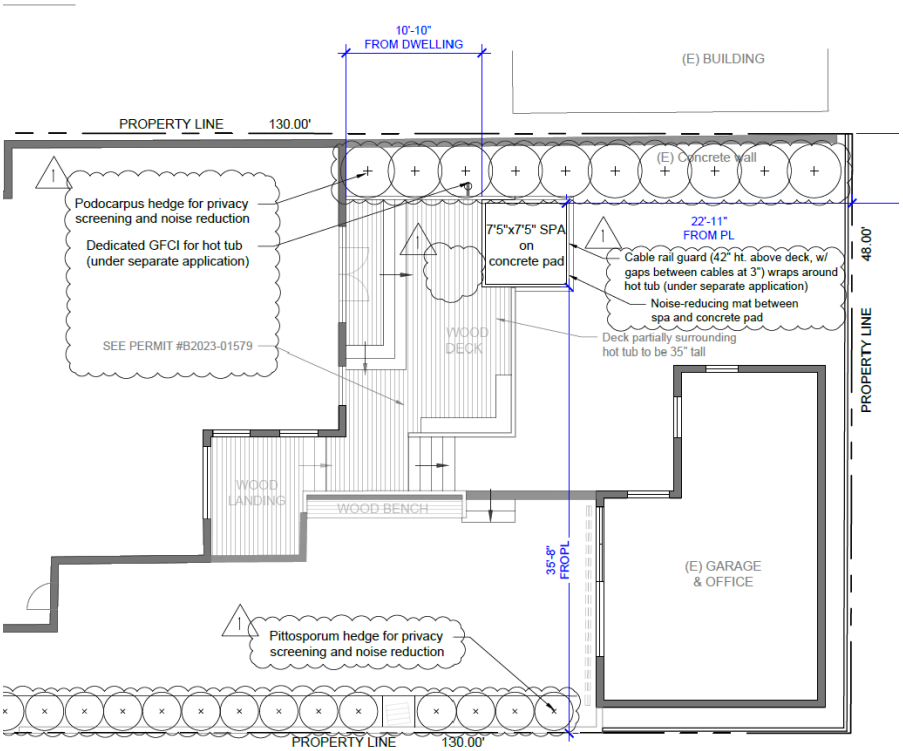


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family Dwelling	R-1	LDR (Low Density Residential)
Surrounding Properties	North	Two, detached single-family dwellings		
	South	Single-family dwelling		
	East			
	West			

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to projects with net new 7,500 square feet of non-residential floor area. The project is an accessory structure for a residential use, and thus this requirement does not apply
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020[1] because it does not include the construction of any residential units, and the inclusionary housing provisions do not apply.
Alcohol Sales/Service	No	This project is a residential project.
Creeks	No	This project is not located within the creek buffer.
Density Bonus	No	This project is not a density bonus project.
Natural Gas Prohibition (Per BMC 12.80.020)	No	This project is would not construct a new building, and is not subject to the natural gas prohibition.
Historic Resources	No	The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	A "housing development project" is defined as a project that is: residential units only, a mixed-use project with at least two-thirds of the square-footage, or for transitional or supportive housing. The project is a hot tub accessory to a residential use and does not create new dwelling units, therefore HAA and the Housing Crisis Act are not applicable.
Housing Crisis Act of 2019 (SB330)		
Oak Trees	No	There are no coast live oak trees on or abutting the project site.
Rent Controlled Units	No	There are no rent controlled units on the subject site.

Residential Preferred Parking (RPP)	No	The neighborhood surrounding the subject site is not located in an RPP zone.
Seismic Hazards (SHMA)	No	This property is not located within an area susceptible to earthquakes and landslides as shown on the State Seismic Hazard Zones Map, however the project is exempt because the structure is not habitable.
Soil/Groundwater Contamination	No	The project site is not located within the City's Environmental Management Area and is not on the Cortese List. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The property is located within 5 minutes of the AC Transit #79 and 604 Bus Routes.

Table 3: Project Chronology

Date	Action
June 2, 2023	Application submitted
July 3, 2023	Application deemed complete
July 20, 2023	Notice of Administrative Decision issued
August 9, 2023	Appeal letter received
September 28, 2023	Public hearing notices mailed/posted
October 12, 2023	ZAB appeal hearing

II. Project Setting

A. Neighborhood/Area Description: The subject site is located in South Berkeley, outside of the Elmwood District between Ashby Avenue and Avalon Avenue. The surrounding area is composed of one- to three-story single-family dwellings and has many mature street trees and vegetation. The property is within a five-minute walk from several commercial properties including the Claremont Club & Spa and John Muir Elementary School. |

B. Site Conditions: The project site is a rectangular, interior lot, located on the south side of Russell Street. The street slopes gently uphill heading east towards Claremont Ave from the street. It is developed with a two-story single-family dwelling and a two-car detached garage in the rear southeast corner. The site also has some mature trees and vegetation.

III. Project Description

The project approved by the Zoning Officer would allow a 7.5-foot-by-7.5-foot hot tub to be installed at the rear deck of the dwelling unit. The placement of the hot tub would sit on top of a concrete pad, have enclosed equipment and installation of a sound-reducing mat to ensure compliance with the noise ordinance and additional screening hedges to provide sound mitigation and privacy. There is a 6-foot 5-inch concrete wall along the east side lot line that runs from the back of the existing dwelling to the rear lot line.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, the applicant conducted the required neighborhood outreach by obtaining signatures from owners of five of the abutting or confronting and sending notice via certified mail to the three others between April 3—5, 2023. They also installed the yellow application poster in April 2023.

B. Zoning Officer's Decision to Approve: The Zoning Officer determined that the proposed project would not result in detrimental air, views, light, or privacy impacts, would be subject to City's noise ordinance and conditions of approval, and would be consistent with the underlying development standards in the R-1 zoning district (BMC Section 23.202.050).

C. Appeal: The appeal of the Administrative Use Permit approval was filed on August 9, 2023 by Richard Spohn, the owner of 2928 Russell Street, the parcel to the east.

D. Public Notice: On September 28, 2023, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property, and to interested neighborhood organizations. Staff also posted the Notice of Public Hearing at three locations within the immediate vicinity of the subject site. At the time of this writing, Staff has not received any communications, outside of the appeal letter, regarding this project.

V. Appeal Issues and Analysis

A. Appeal Issues:

Multiple issues were raised in the appeal letter, however, there are three main appeal points that may be subject to the Zoning Adjustments Board's purview and are summarized below. Please see attached letter for complete text.

1. The pre-application neighborhood contact was not done properly.

2. The hot tub would be installed too close to the appellant's property compromising their privacy.

3. The potential noise associated with the use of hot tubs.

B. Staff Analysis

1. Pre-Application Neighborhood Contact is one of the required submittal items for any discretionary permit (Attachment 6 pages 1 and 4). While the pre-application neighborhood contact is a procedural issue and not explicitly required by code, an applicant must provide all the applicable submittal requirements per BMC 23.404.020(B)(3). The Instructions Regarding Community Outreach (Attachment 7) states that "the City strongly encourages owners to meet with their neighbors," "projects in a Residential (R) Districts require contact between the property owner and the abutting and confronting property owners and tenants," and requires that "once an applicant is ready to submit the application, he/she should request their neighbors' signatures on the site plan drawing…." Property owners may designate an applicant to act on their behalf during all stages of permitting. While it is preferred that contact occur directly between neighbors, the owner can designate someone else to make contact and gather signatures prior to submitting a zoning permit.

   The applicant collected signatures from the owners at 2928, 2929, and 2932 Russell Street between April 3-4, 2023 (Attachment #2). Notice was sent via certified mail to 2920 Russell Street and 2923 and 2929 Ashby Avenue on Aril 5, 2023 (Attachment #7). The application was submitted to the City on June 2 with the signatures on the site plan and the certified mail receipts, as noted above.

   The appellant states that the pre-application neighborhood contact was not properly conducted, their concerns not disclosed, and that the AUP should be denied as a result. All abutting and confronting owners were contacted, including the appellant, prior to the application submittal. The appellant did sign a copy of the proposed site plan on April 4, 2023 (Attachment #2, Project Plans, sheet L2.0) and noted "concerns about operational noise of tub and usage." The yellow pre-application poster was also posted in the front yard of the site prior to the application submittal. Noise is discussed in further detail in item B(3) of this section below.

   The applicant satisfied this requirement by notifying neighbors and obtaining signatures, including that of the appellant, on the site plan drawing submitted at the time of application, or by sending certified mail. The appellant's concerns are recorded on the signed site plan, and addressed in the submittal. The application contained the required information to confirm that the pre-application neighbor notice had occurred.

   Hot Tub Distance from Accessory Building

2. The proposed hot tub would be installed behind the house, adjacent to a new deck approved under a separate building permit, approximately 11 feet from the back of the dwelling. There is a 6-foot, 5-inch concrete wall along the eastern lot line and additional privacy hedges are proposed in this area. The hot tub would be setback approximately 23 feet from the rear lot line (south), 36 feet from the west side lot line, and 5 feet, 7 inches from the eastern side lot line that is shared with the appellant's property at 2928 Russell Street. There is an accessory building in the southwest corner of 2928 Russell Street – a garage converted to a workshop and study with a water closet in 2014. Per the approved plans, it is approximately 2-feet from the shared lot line with the subject site.

The proposed hot tub was correctly shown on the application plans submitted and approved plans. There are typos in the original findings that describe the hot tub location incorrectly stating that the "common living areas of the adjacent residents of 2928 Russell Street are located 10-feet, 10 inches above ground and 2928 Russell Street is approximately 50 feet away from the proposed location." This staff error incorrectly refers to above ground living area, 2928 Russell Street twice, and omits other dimensions. The hot tub is located 10 feet, 10 inches from the rear of the subject residence and around 50 feet from the residence at 2920 Russell Street, and 7 feet, 7 inches from the accessory building at 2928 Russell Street. The findings and conditions have been revised to correct this error, and provided with track changes to show the corrections clearly.

The appellant states that the hot tub is too close to the accessory building, which is used as a home office and guest cottage, and that is 25 feet from their glass-enclosed living space that contains their kitchen and family room, and near a bedroom window. The presence of an accessory structure or building does not preclude the applicant from having a hot tub on their lot. The rear walls of the residence at 2928 Russell is offset from the rear wall of the dwelling on the subject site, and the hot tub is located almost 11 feet behind it. Twenty-five feet of separation between the proposed hot tub and the common living area and a bedroom of the neighboring residence is adequate separation for potential impacts. In addition to the separation between the neighboring residences and the existing wall and fences, new plantings are proposed along the side lot line. The location of the hot tub would not be detrimental to privacy.

Hot Tub Noises

3. All hot tubs, regardless of their location, are required to have mounted and enclosed pumps so that sound is not audible on adjacent lots, and zoning permits for hot tubs include standard conditions of approval to ensure compliance. The use of hot tubs is not regulated by the Zoning Ordinance, however, the City's Noise Ordinance, BMC Chapter 13.40 Community Noise, applies to all outdoor activities.

   As noted above, the appellant added concerns about the operational noise of tub and usage when they signed the plans on April 4, 2023. The Applicant Statement acknowledged these concerns and noted that recommendations on models with enclosed equipment and quieter operations than industry standards were being considered (Attachment 9). The statement also indicates that the tub would be located on a soundproof mat and additional screening vegetation would be planted at the side lot lines.

   The approved plans include a note (Attachment 2, Sheet L0.0) that "per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub to include a sound-reducing mat that complies with manufacture specifications. Planting of dense vegetation along eastern and western fences to further buffer hot tub sound and provide privacy for residents and neighbors."

   The City-adopted standards are in place citywide and adequate to address potential noise for both the operation and the use of the hot tub. The proposed projects would provide additional measures such a sound-proofing mat and plantings. These features are required to be installed because they are shown on the site plan, but staff have added them into the

revised conditions of approval to ensure their installation and maintenance (COA #29-30). The project would also be subject to the standard hot tub conditions of approval for operational noise (COA #31-34). Noise generated from the resident's use of the hot tub is regulated under BMC Chapter 13.40, Community Noise, and not underneath the Zoning Adjustments Board purview.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE ZP2023-0081** pursuant to Section 23.406.040 and subject to the attached revised Findings and Conditions (Attachment #6), and **DISMISS** the Appeal.

Attachments:
1. Findings and Conditions, October 12, 2023
2. Project Plans, received June 2, 2023
3. Notice of Administrative Decision (AUP), dated July 20, 2023
4. Appeal Letter, received August 9, 2023
5. Notice of Public Hearing
6. Zoning Project Application Submittal Requirements
7. Instructions Regarding Community Outreach
8. Certified Mail, April 5, 2023 (pages 15-18 extracted from June 2, 2023 Application Packet)
9. Applicant Statement, dated May 15, 2023

Staff Planner: Samella Stover, SStover@berkeleyca.gov, (510) 981-7425

ATTACHMENT 1

FINDINGS AND CONDITIONS
OCTOBER 12, 2023

2924 Russell Street

Administrative Use Permit #ZP2023-0081

To install an unenclosed hot tub in the rear yard.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.070(D) to install an unenclosed hot tub.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. <u>The hot tub will be located approximately 11 feet from the back of the dwelling, and setback approximately 23 feet from the rear lot line (south), 36 feet from the west side lot line, and 5 feet, 7 inches from the eastern side lot line.</u> The proposed location is screened by a retaining wall, fencing and vegetation. ~~The common living areas of the adjacent residents of 2928 Russell Street are located 10 feet, 10 inches and 2928 Russell Street is approximately 50 feet away from the proposed location.~~ The hot tub is 7.5 feet x 7.5 feet and the applicant has proposed additional vegetation around the location of the hot tub to increase privacy to neighboring dwelling and is installing a pad between the tub and concrete pad to further reduce noise. In addition, because the hot

tub is at grade there will be no reduction to privacy, light, views, or air for abutting residence and is therefore not detrimental.

4. Pursuant to BMC Section 23.304.070(D)(2), the Zoning Officer finds that:

A. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot. The hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise impacts that may result from the use of the hot tub. In particular, the operation of the hot tub equipment is subject to the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels and Conditions of Approval #29-32.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, apply to this Permit:

1. **Conditions Shall be Printed on Plans**
   The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. **Compliance Required (BMC Section 23.102.050)**
   All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**
   A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
   B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. **Conformance to Approved Plans (BMC Section 23.404.060.B.4)**
   All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. **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.

6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**
   Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. **Permit Modifications (BMC Section 23.404.070)**
   No change in the use or structure for which this Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. **Permit Revocation (BMC Section 23.404.080)**
   The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. **Indemnification Agreement**
   The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

☐ **Project Liaison** _____

Name Phone #

Standard Construction-related Conditions Applicable to all Projects:

11. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

12. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

13. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.

16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.

17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

22. 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.

23. 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.

24. 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.

25. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Prior to Issuance of Occupancy Permit or Final Inspection:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 2, 2023.

At All Times (Operation):

28. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

Hot Tub Conditions

29. The hot tub shall be installed on a sound-proofing mat.

30. Vegetation shown on the site plans shall be maintained at all times.

31. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.

32. The hot tub shall be equipped with safety features in accordance with the California Building Code.

33. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.

34. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.

Samella Stover

Prepared by: Samella Stover, Planning Technician
For Samantha Updegrave, Zoning Officer

2924 Russell Street — Administrative Use Permit

General Notes

1. The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making herself/himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed.Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.

2. Demolition
   Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.

3. Drainage/Grading (Permit #B2023-01579)
   Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.

4. Stone paving & stone work
   See Permit #B2023-01579

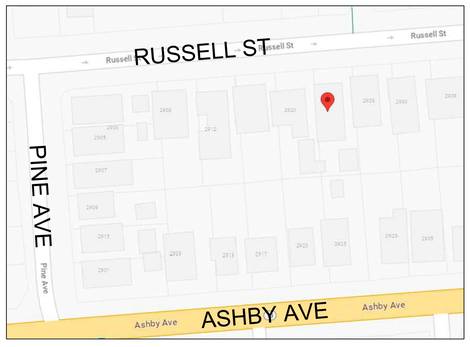
5. Concrete work (Permit #B2023-01579)
   Proposed 18" concrete retaining wall shall be less than three feet in total height including footing. See S2.0, Detail 12 for typical retaining wall and drainage. See L3.0 of Permit set #B2023-01579 for location of subsurface drainage line to (E) sump pump.

6. Electrical
   For rear deck perimeter GFCI, please refer to Permit #B2023-01579. Dedicated hot tub GFCI to be processed under separate application, pending AUP approval.

7. Wood work (Permit #B2023-01579)
   All new wood decking. Structural engineer to determine partial salvage of structural components of existing wood landing. SSD for final wood sizing, anchors and concrete footing.

8. Clean up
   At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

Location



Legend

(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
	Align
	90 Degrees angle
(824.76)	Existing spot elevation
+ 824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished

Flagstone paving
Random Full Range Connecticut Bluestone
Available at Bay Area Bluestone
(415) 453-2262

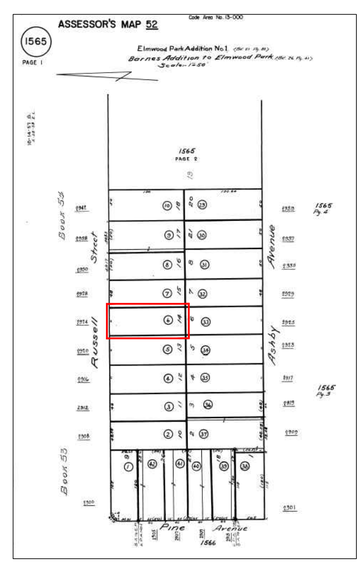
Cable railing

Sheet Index

L0.0	Cover Sheet
L1.0	Existing Site Plan
L2.0	Proposed Site Plan
L3.0	Elevations
L3.1	Elevations
L4.0	Details
SV	Survey

Assessor's Map

APN: 52-1565-6



Scope of Work

Installation of new hot tub.

Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. Planting of dense screening vegetation along eastern and western fences to further buffer hot tub sound and provide privacy for residents and neighbors.

NOTE: For rear deck and associated perimeter GFCI, please refer to Permit #B2023-01579.

NOTE: Dedicated hot tub GFCI and revisions to Permit #B2023-01579 to accommodate hot tub to be processed under separate application, pending AUP approval.

Project Team

Client
Hami Kazerooni
2924 Russell St.
Berkeley, CA 94705

Landscape Architect
InsideOut Design, Inc.
6000 Harwood Ave
Oakland CA 94618
(510) 655-7674
Penn Phillips

Contractor
TBD

Structural Engineer
Daniel A. Bastião
P.O. Box 1891
Union City, CA 94587
510-676-8457

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LICENSED LANDSCAPE ARCHITECT
Penn Phillips
Signature
10-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

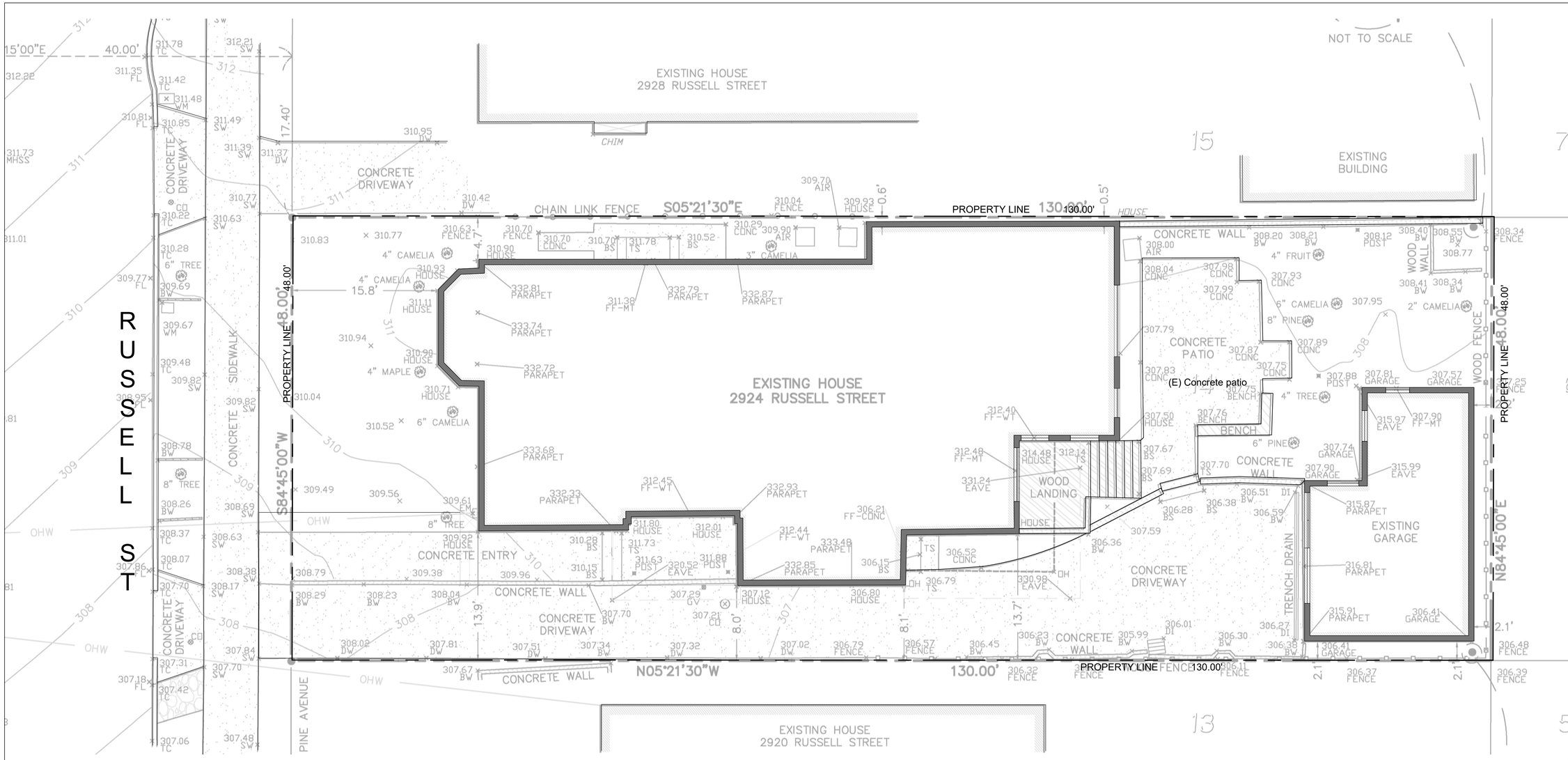
Cover Sheet, Notes & Legend

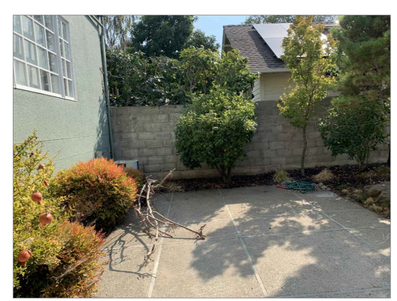
SCALE: N/A

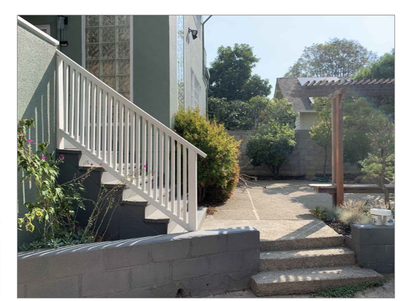
DATE: MAY 15, 2023

DRAWING NO:

L0.0







Existing Conditions

North

3/16"=1'-0"
0 2 4 8

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Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

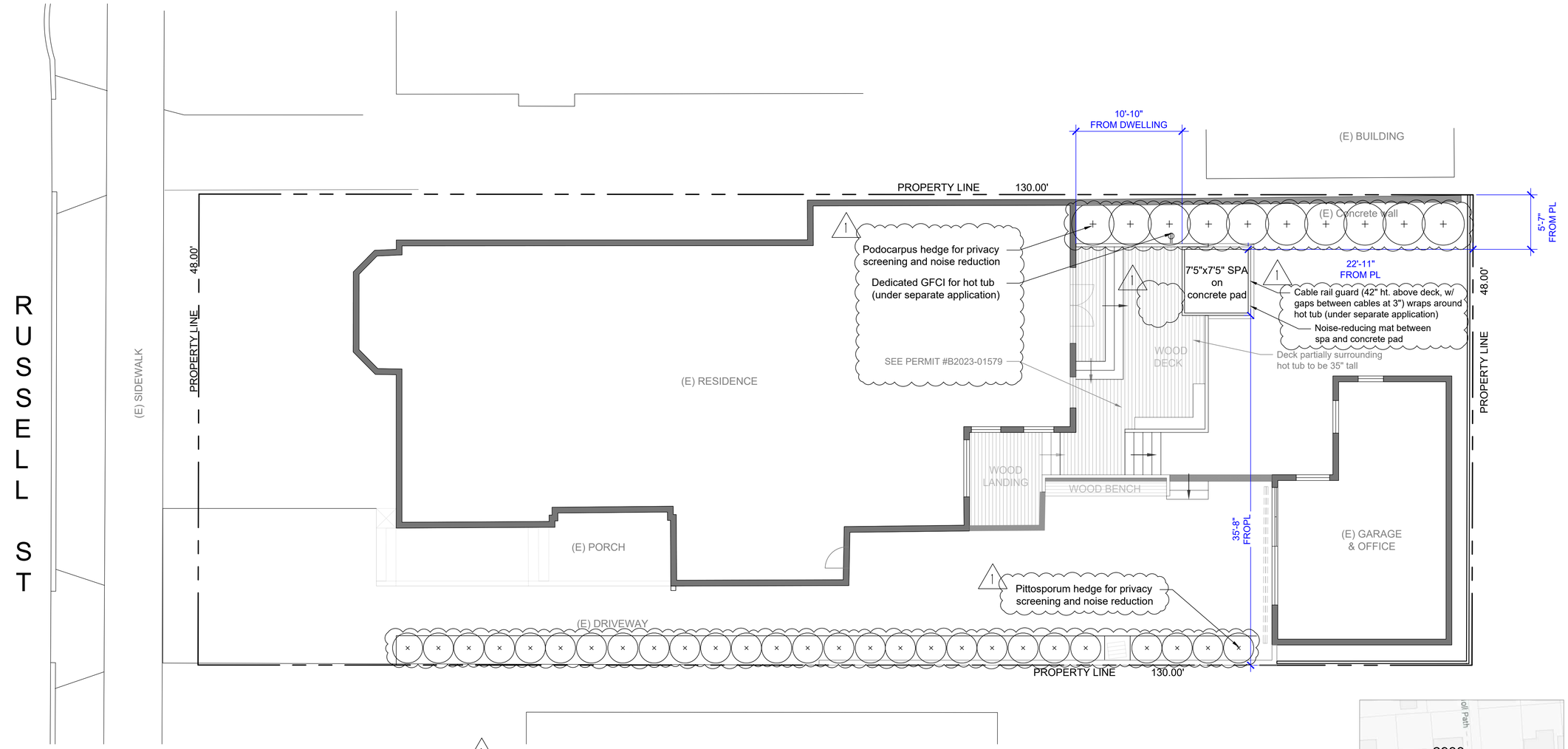
Existing Site Plan

SCALE: 3/16"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L1.0

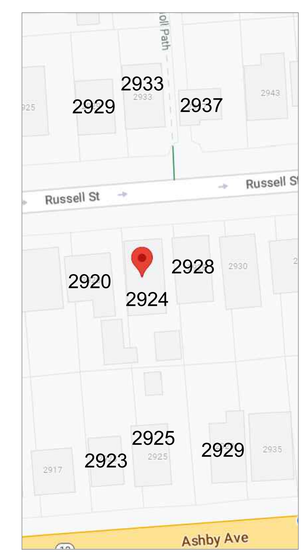


Community Outreach

NOTE: Please see scanned L2.0 (dated 03.29.23) with neighbor signatures from 04.03.23 and 04.04.23. This set has been revised to add additional noise mitigation measures in response to neighbor concerns. No separate equipment under deck will be required; hot tub to include enclosed equipment and be quieter than industry standards.

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
		2920 Russell St.					
		2920 Russell St.					
		2928 Russell St.					
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
		2933 Russell St.					
		2933 Russell St.					
		2937 Russell St.					
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
		2925 Ashby Ave.					
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

3/16"=1'-0"
0 2 4 8

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Jon Michael Phillips No. 5023
Signature
05-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

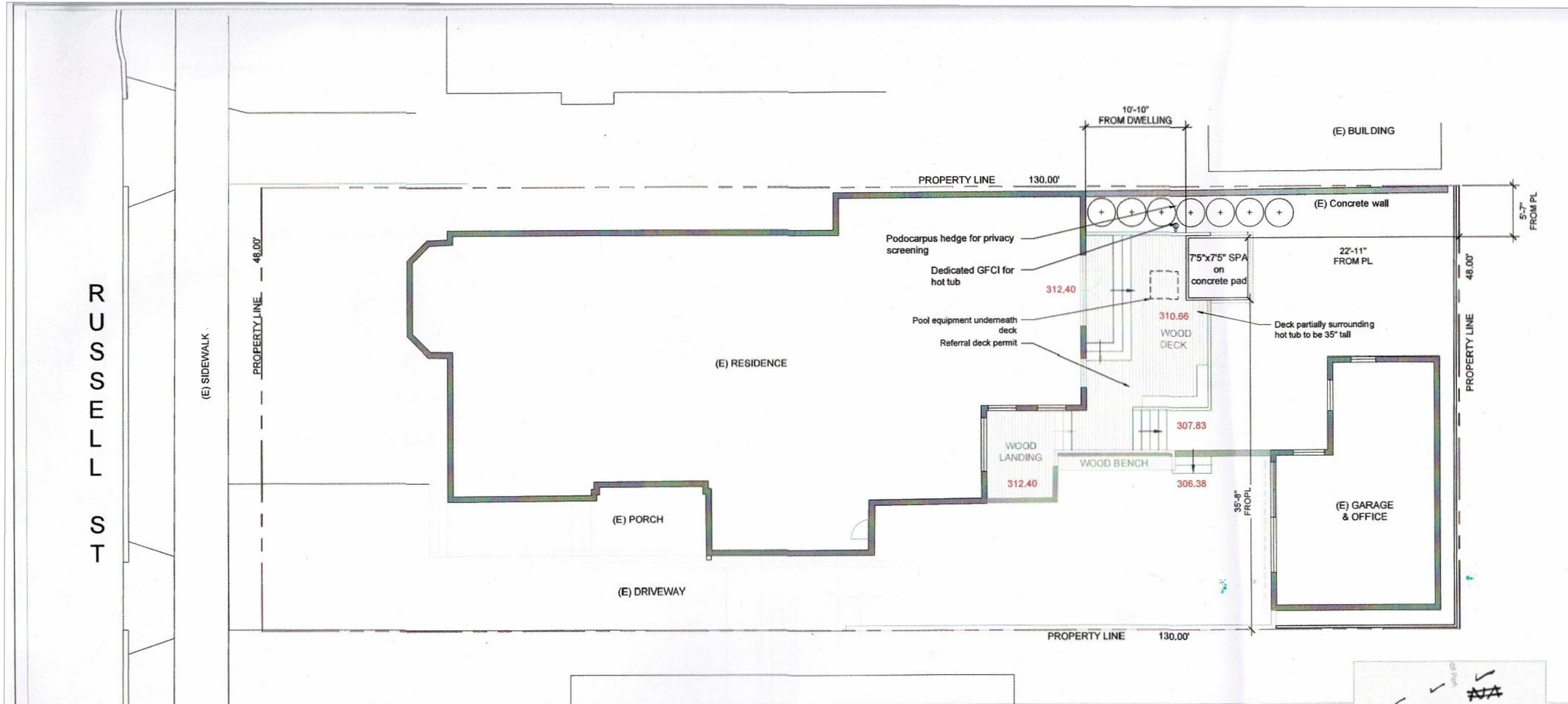
Proposed Site Plan

SCALE: 3/16"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L2.0



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ISSUES:
00.00.0000 XX

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed site plan

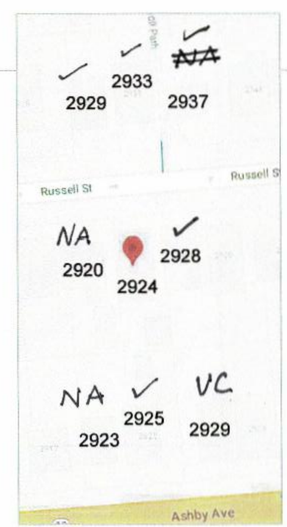
SCALE: 3/16"=1'-0"
DATE: MARCH 29, 2023
1/4"=1'-0"

DRAWING NO:
L2.0

Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

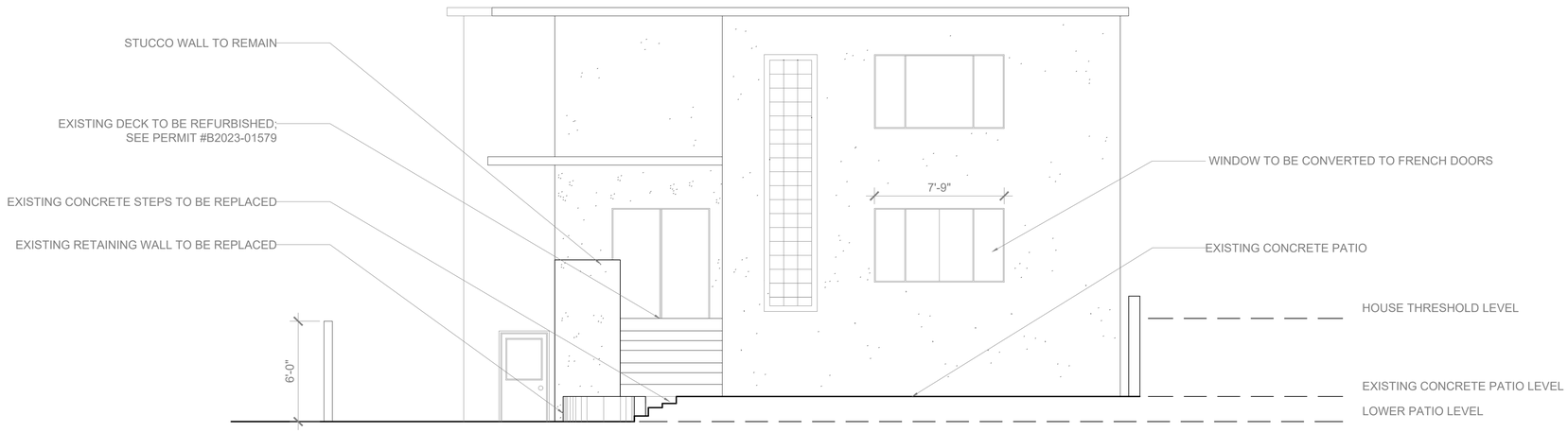
Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
Beverly Doane	Beverly Doane	2920 Russell St.	Owner	4/3/23			✓
		2920 Russell St.					
RICHARD STOHN	Richard Stohn	2928 Russell St.	Owner	4/4/23		Concerns about operational noise of tub + usage	
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
Ronald Lee	Ronald Lee	2933 Russell St.	Owner	4/3/23	X		X
		2933 Russell St.					
T. R. BIRSH	[illegible]	2937 Russell St.	OWNER	4/4/23	✓		
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
Anita BALHAN	[illegible]	2925 Ashby Ave.	Owner	4-3-23	✓		
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



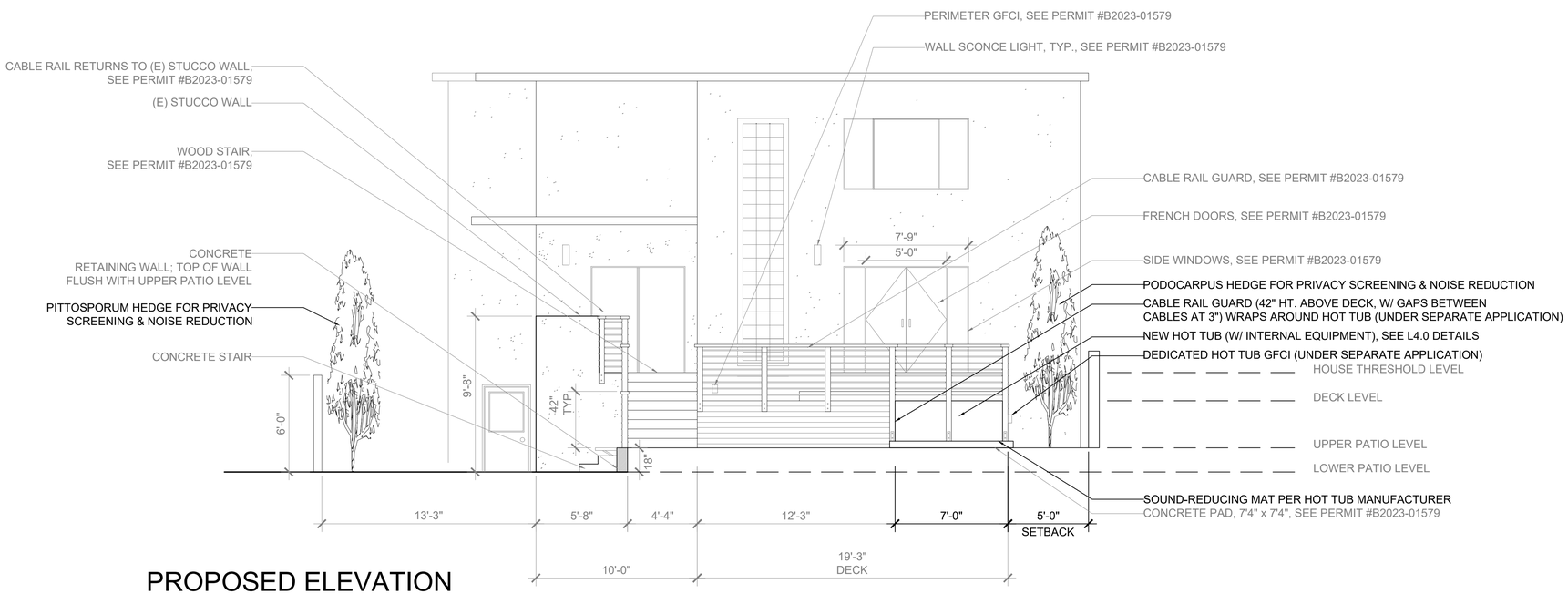
North

3/16"=1'-0"
1/4"=1'-0"
0 2 4 8

VC = under construction — plans mailed
NA = no answer — plans mailed



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH.

1

NOTE: Revisions to L3.0 since Community Outreach (04.03.23 - 04.04.23) reflect changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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Scott Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

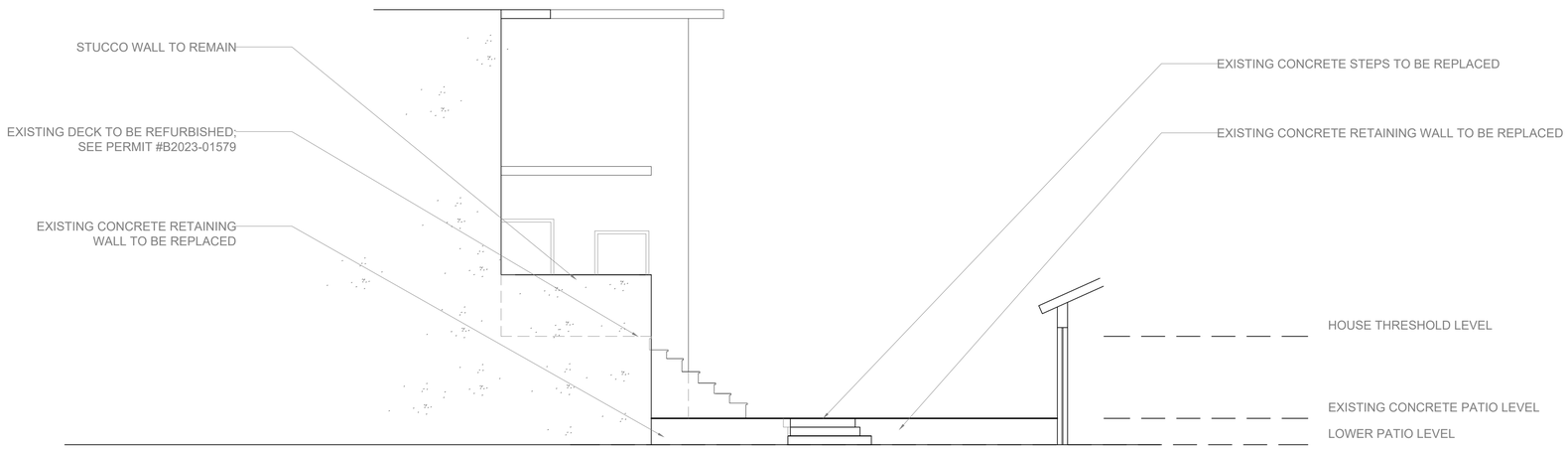
Elevations

SCALE: 1/4"=1'-0"

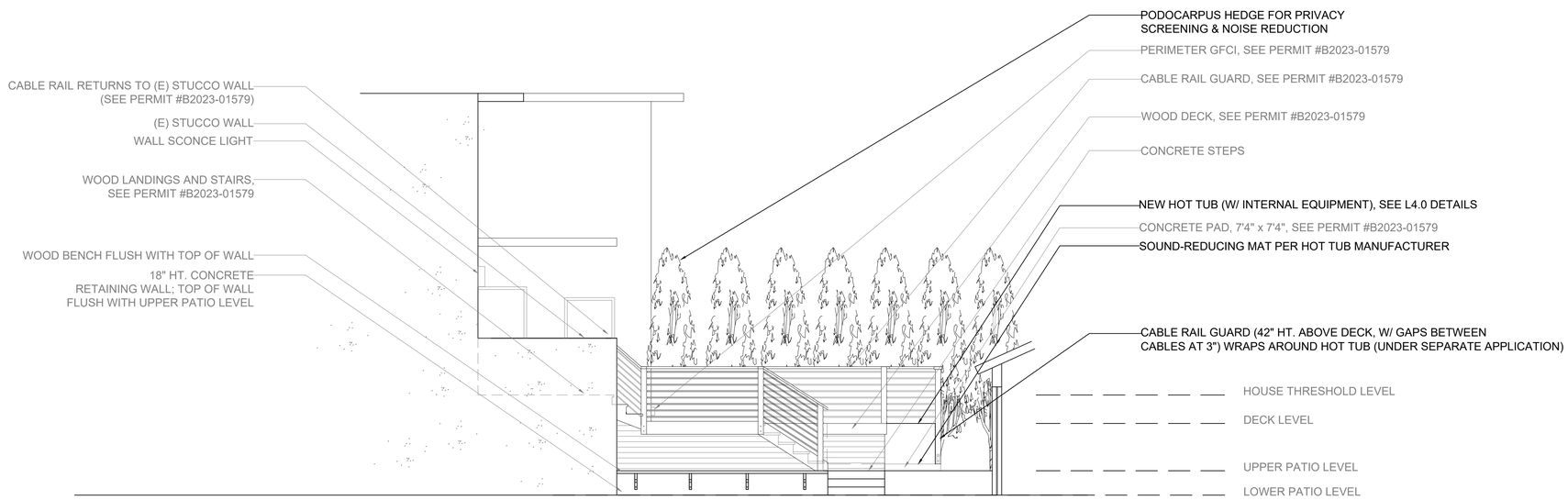
DATE: MAY 15, 2023

DRAWING NO:

L3.0



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.

1

NOTE: The addition of L3.1 since Community Outreach (04.03.23 - 04.04.23) reflects changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
Scott Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO: 1

L3.1

SUNDANCE CAMEO - 880 SERIES

Specs

Volume: 370 gal / 1400.60 liters

Dry Weight: 962 lbs / 436.35

Jets: 54

Primary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Secondary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Circulation Pump (Y/N): Yes

Diverter Valves #: 2

Filtration System: ClearRay

Filters: 1

Seat Jets: Lounge

Water Management System: ClearRay Active Oxygen™

View Less

Dimensions

Height (in): 37.5

Length (in): 89.0

Width (in): 89.0

Volume (gals): 370.0

NOTE: Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub to have internal equipment only. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. 1

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OAKLAND CA 94618
510 655 7674
aboutinsideout.com

LICENSED LANDSCAPE ARCHITECT
Lic. No. 5011 Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

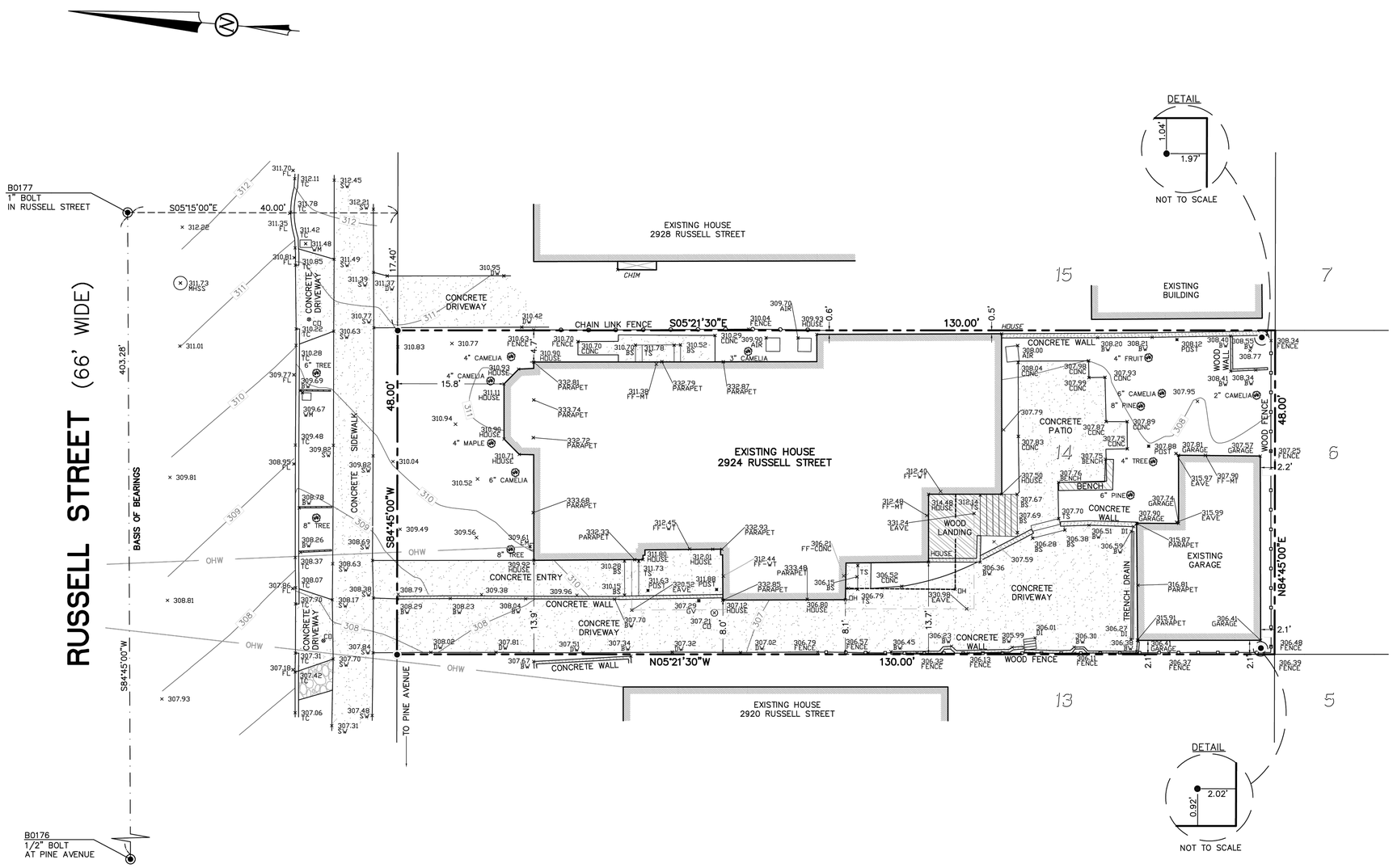
Details

SCALE: NOT TO SCALE

DATE: MAY 15, 2023

DRAWING NO:

L4.0



LEGEND

AIR	AIR CONDITIONING UNIT
BS	BASE OF STEPS
BW	BASE OF WALL
CHIM	CHIMNEY
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
EM	ELECTRIC METER
FF	FINISHED FLOOR
GV	GAS VALVE
FL	FLOWLINE
MH	MAINTENANCE HOLE
MT	METAL THRESHOLD
OH	OVERHANG
OHW	OVERHEAD WIRES
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
WW	WATER METER
WT	WOOD THRESHOLD
	BUILDING FOOTPRINT
	CONCRETE
	CONCRETE WALL
	FLAGSTONE
	WOOD
	WOOD WALL
	CHAIN LINK FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
	FOUND REBAR AND CAP, LS 5311
B####	CITY OF BERKELEY MONUMENT ID

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.

NO TITLE REPORT PROVIDED, EASEMENTS MAY EXIST.

ASSESSOR'S PARCEL NUMBER: 052-1565-006

PROPERTY AREA = 6,240± SQUARE FEET

DATE OF FIELD SURVEY: NOVEMBER 17, 2022

BASIS OF BEARINGS:
THE MONUMENT LINE IN RUSSELL STREET WAS TAKEN AS SOUTH 84°45'00" WEST AS SHOWN ON CORNER RECORD 6073 (58 CR 23).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE WESTERN MOST MONUMENT REFERENCE CROSS, FOR CITY OF BERKELEY MONUMENT B1846, LOCATED IN THE SIDEWALK AT THE SOUTH WEST CORNER OF THE INTERSECTION OF AVALON AVENUE AND CLAREMONT BOULEVARD, WAS TAKEN AS ELEVATION = 355.99 FEET PER CORNER RECORD 9875 (103 CR 68).

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA
12-06-2022

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BARNES ADDITION OF ELMWOOD PARK (26 M 41)
LOCATED AT 2924 RUSSELL STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 6, 2022 SCALE: 1" = 8'

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 1922 RUSSELL-TOPO.DWG JOB NO. 22-11022

NOTICE OF ADMINISTRATIVE DECISION

2924 Russell Street

Administrative Use Permit # ZP2023-0081

To install an unenclosed hot tub in the rear yard.

ZONING OFFICER DECISION: The Zoning Officer of the City of Berkeley has APPROVED the following permits pursuant to Berkeley Municipal Code (BMC) Section 23.406.030(F), and based on the attached findings and conditions (attachment 1) and plans (attachment 2):

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.070(D) to install and unenclosed hot tub.

DATE NOTICE IS ISSUED: July 20, 2023
APPEAL PERIOD: July 21, 2023 to August 9, 2023

ATTACHMENTS:
1. Findings and Conditions
2. Project Plans, dated received June 2, 2023

FOR FURTHER INFORMATION:
All application materials for this project are available online at:
https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. Questions about the project should be directed to the project planner, Samella Stover at (510) 981-7425 or SStover@berkeleca.gov.

PUBLIC NOTICE, PURSUANT TO BMC SECTION 23.404.040(A):
This Notice of Administrative Decision was:
1. Forwarded to the Zoning Adjustments Board and sent to the Main Library;
2. Posted at three visible locations in the vicinity of the subject property and at a bulletin board at the Zoning counter.
3. Mailed to neighborhood and community organizations for which the project falls within their expressed area of interest, as set forth in BMC Section 23.404.040(E);
4. Mailed to owners and residents of properties abutting and confronting the subject property.

The validity of the proceedings, however, shall not be affected by the failure of any such property owner, occupant or neighborhood or community organization to receive such mailed notice.

TO APPEAL THIS DECISION, PURSUANT TO BMC CHAPTER 23.410:
To appeal this decision, you must:
1. Submit a letter clearly and concisely setting forth the grounds for the appeal, along with the required fee (see below) to the Zoning Officer, at the Permit Service Center, 1947 Center Street, 3rd Floor, Berkeley.

2. The appeal and required fee (see below) must be received **prior to 2:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).**
3. Submit the required fee to the Permit Service Center (see above; checks and money orders must be payable to 'City of Berkeley'):
   A. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is $500. This fee may be reduced to $200 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
   B. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80 percent or less of Area Median Income) is $500, which may not be reduced.
   C. The fee for all appeals by Applicants is $3,680.

If an appeal is filed, the Zoning Officer shall set the matter for consideration by the Zoning Adjustments Board. An appeal stays the issuance and exercise of the AUP until a decision is rendered or the appeal is withdrawn. If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

ATTACHMENT 1

FINDINGS AND CONDITIONS
JULY 20, 2023

2924 Russell Street

Administrative Use Permit #ZP2023-0081

To install an unenclosed hot tub in the rear yard.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.070(D) to install an unenclosed hot tub.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. The proposed location is screened by a retaining wall, fencing and vegetation. The common living areas of the adjacent residents of 2928 Russell Street are located 10 feet, 10 inches above ground and 2928 Russell Street is approximately 50 feet away from the proposed location. The hot tub is 7.5 feet x 7.5 feet and the applicant has proposed additional vegetation around the location of the hot tub to increase privacy to neighboring dwelling and is installing a pad between the tub and concrete pad to further reduce noise. In addition, because the hot tub is at grade there will be no reduction to privacy, light, views, or air for abutting residence and is therefore not detrimental.

4. Pursuant to BMC Section 23.304.070(D)(2), the Zoning Officer finds that:

A. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot. The hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise impacts that may result from the use of the hot tub. In particular, the operation of the hot tub equipment is subject to the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels and Conditions of Approval #29-32.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, apply to this Permit:

1. Conditions Shall be Printed on Plans
The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)
All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.

B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)
All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. 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.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)
No change in the use or structure for which this Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement
The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to

represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

☐ **Project Liaison** _____

Name Phone #

Standard Construction-related Conditions Applicable to all Projects:

11. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

12. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

13. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.

16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.

17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

22. 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.

23. 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.

24. 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.

25. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the

discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Prior to Issuance of Occupancy Permit or Final Inspection:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 2, 2023.

28. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.

29. The hot tub shall be equipped with safety features in accordance with the California Building Code.

30. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.

31. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.

Samella Stover

Prepared by: Samella Stover, Planning Technician
For Samantha Updegrave, Zoning Officer

2924 Russell Street — Administrative Use Permit

General Notes

1. The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making herself/himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed.Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.

2. Demolition
   Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.

3. Drainage/Grading (Permit #B2023-01579)
   Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.

4. Stone paving & stone work
   See Permit #B2023-01579

5. Concrete work (Permit #B2023-01579)
   Proposed 18" concrete retaining wall shall be less than three feet in total height including footing. See S2.0, Detail 12 for typical retaining wall and drainage. See L3.0 of Permit set #B2023-01579 for location of subsurface drainage line to (E) sump pump.

6. Electrical
   For rear deck perimeter GFCI, please refer to Permit #B2023-01579. Dedicated hot tub GFCI to be processed under separate application, pending AUP approval.

7. Wood work (Permit #B2023-01579)
   All new wood decking. Structural engineer to determine partial salvage of structural components of existing wood landing. SSD for final wood sizing, anchors and concrete footing.

8. Clean up
   At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

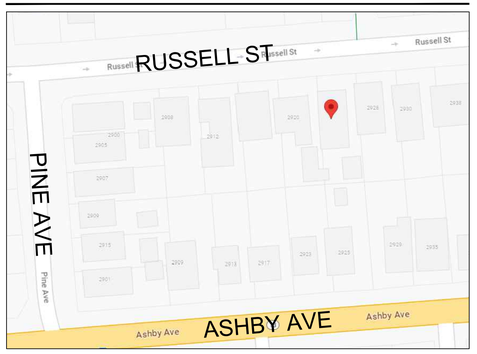
PLANS APPROVED by

Samella Stone — June 2, 2023

SIGNATURE — DATE

*AUP Findings and Conditions Attached

Location



Legend

(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
	Align
	90 Degrees angle
(824.76)	Existing spot elevation
+ 824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished

Flagstone paving
Random Full Range Connecticut Bluestone
Available at Bay Area Bluestone
(415) 453-2262

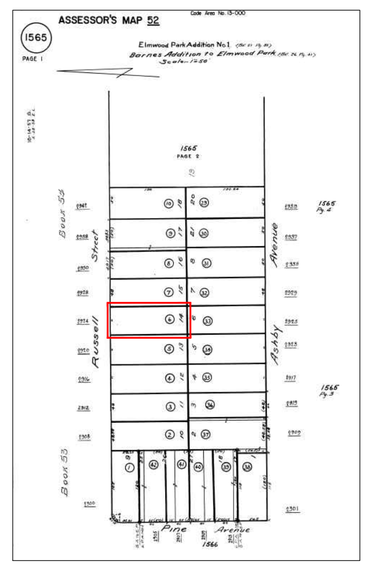
Cable railing

Sheet Index

L0.0	Cover Sheet
L1.0	Existing Site Plan
L2.0	Proposed Site Plan
L3.0	Elevations
L3.1	Elevations
L4.0	Details
SV	Survey

Assessor's Map

APN: 52-1565-6



Scope of Work

Installation of new hot tub.

Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. Planting of dense screening vegetation along eastern and western fences to further buffer hot tub sound and provide privacy for residents and neighbors.

NOTE: For rear deck and associated perimeter GFCI, please refer to Permit #B2023-01579.

NOTE: Dedicated hot tub GFCI and revisions to Permit #B2023-01579 to accommodate hot tub to be processed under separate application, pending AUP approval.

Project Team

Client
Hami Kazerooni
2924 Russell St.
Berkeley, CA 94705

Landscape Architect
InsideOut Design, Inc.
6000 Harwood Ave
Oakland CA 94618
(510) 655-7674
Penn Phillips

Contractor
TBD

Structural Engineer
Daniel A. Bastião
P.O. Box 1891
Union City, CA 94587
510-676-8457

INSIDEOUT
architecture | interiors | landscape
6000 HARDWOOD AVE
OAKLAND CA 94618
510 655 7674
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LICENSED LANDSCAPE ARCHITECT — Penn Phillips — STATE OF CALIFORNIA
Signature
03-31-2024
Renewal Date
Date

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Cover Sheet, Notes & Legend

SCALE: N/A
DATE: MAY 15, 2023

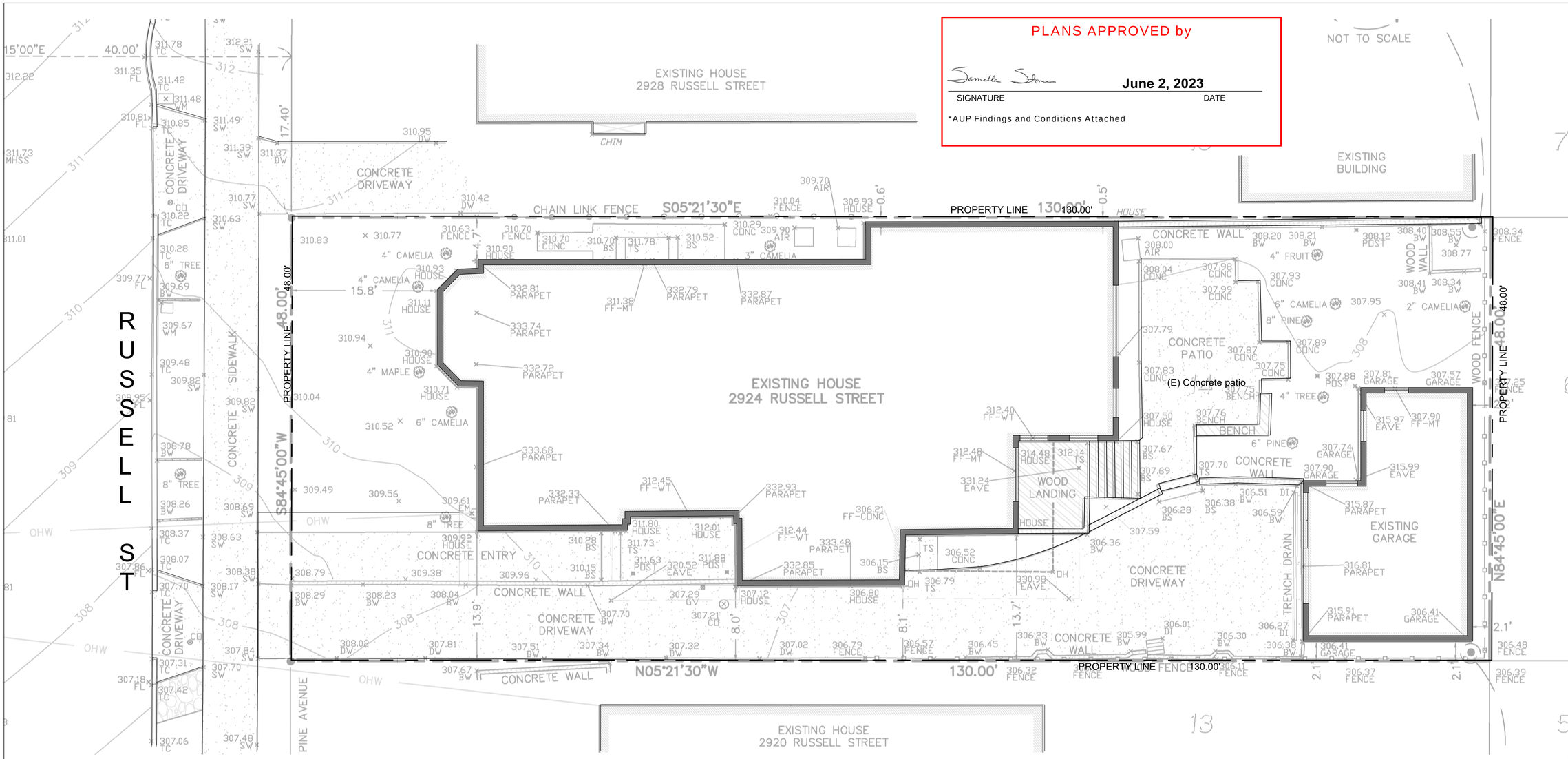
DRAWING NO:
L0.0

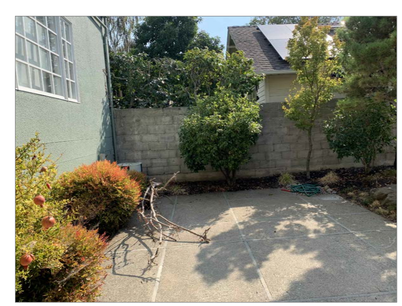
PLANS APPROVED by

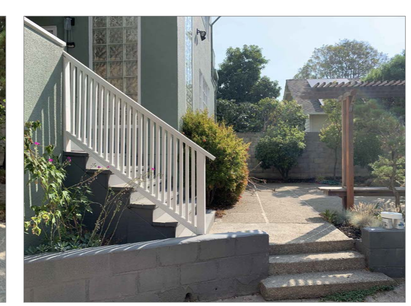
SIGNATURE — DATE: June 2, 2023

*AUP Findings and Conditions Attached

NOT TO SCALE







Existing Conditions

North

3/16"=1'-0"
0 2 4 8

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LICENSED LANDSCAPE ARCHITECT
JOHN PHILLIPS
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Existing Site Plan

SCALE: 3/16"=1'-0"

DATE: MAY 15, 2023

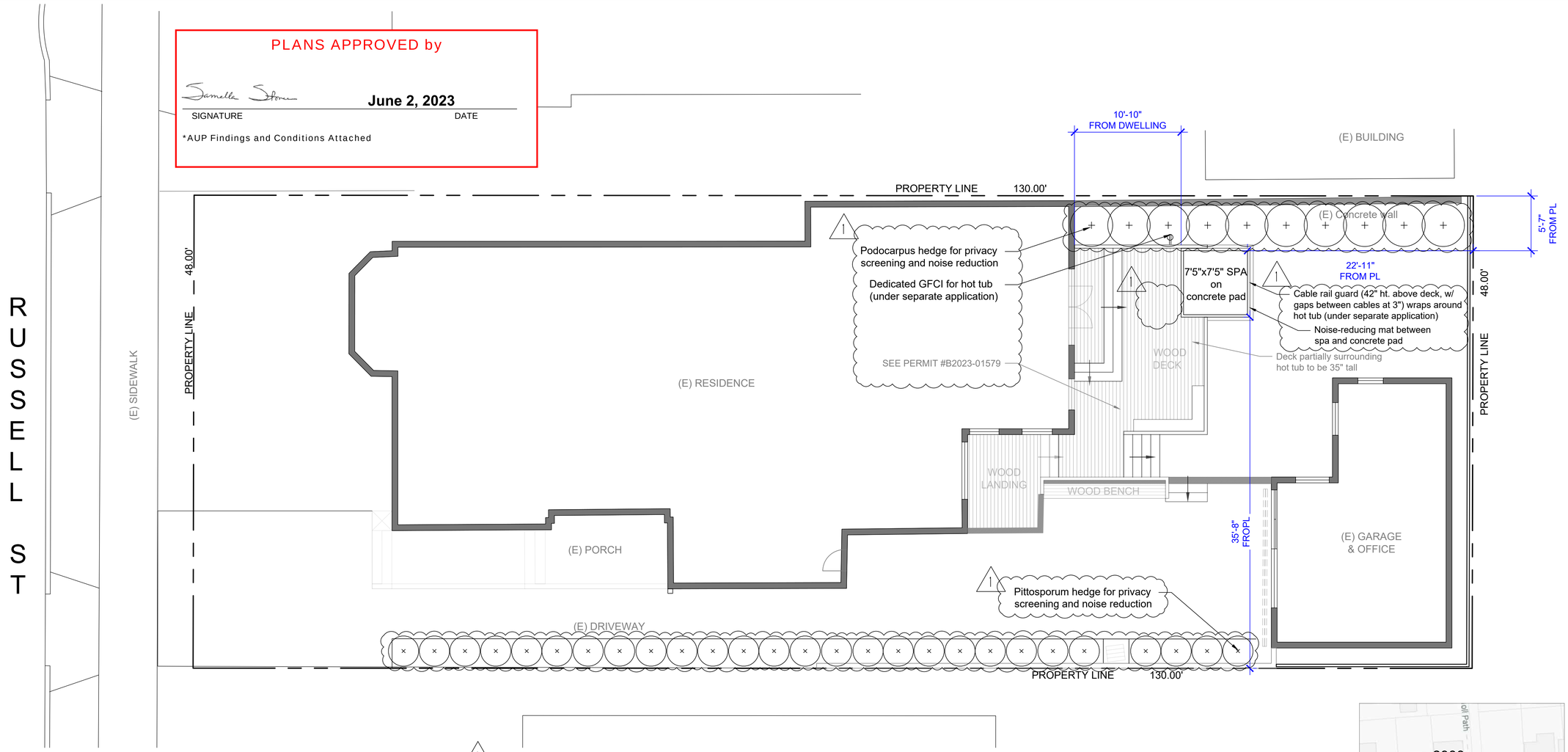
DRAWING NO:

L1.0

PLANS APPROVED by

SIGNATURE — DATE: June 2, 2023

*AUP Findings and Conditions Attached

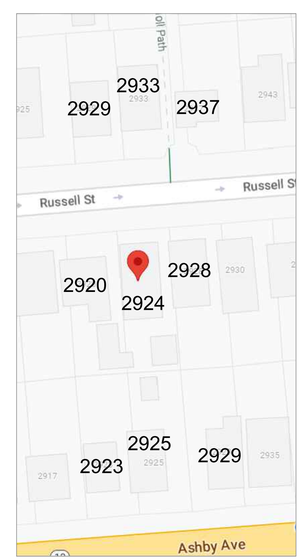


NOTE: Please see scanned L2.0 (dated 03.29.23) with neighbor signatures from 04.03.23 and 04.04.23. This set has been revised to add additional noise mitigation measures in response to neighbor concerns. No separate equipment under deck will be required; hot tub to include enclosed equipment and be quieter than industry standards.

Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
		2920 Russell St.					
		2920 Russell St.					
		2928 Russell St.					
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
		2933 Russell St.					
		2933 Russell St.					
		2937 Russell St.					
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
		2925 Ashby Ave.					
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

3/16"=1'-0"
0 2 4 8

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LICENSED LANDSCAPE ARCHITECT — JOHN PHILLIPS — STATE OF CALIFORNIA
Signature
03-31-2024
Renewal Date
Date

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE: Proposed Site Plan

SCALE: 3/16"=1'-0"
DATE: MAY 15, 2023

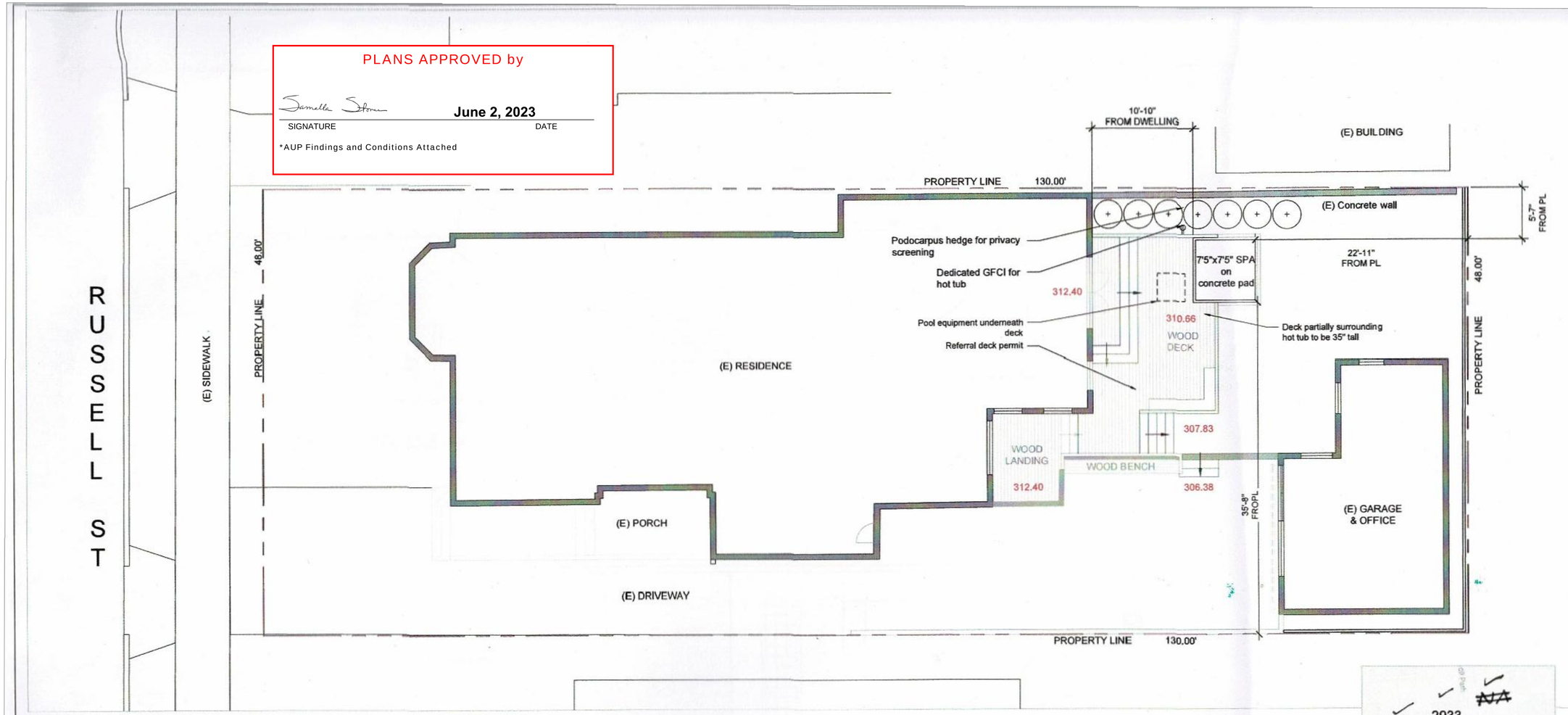
DRAWING NO: L2.0

PLANS APPROVED by

Samantha Sherman — June 2, 2023

SIGNATURE — DATE

*AUP Findings and Conditions Attached



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LICENSED LANDSCAPE ARCHITECT — STATE OF CALIFORNIA

ISSUES:
00.00.0000 XX

Kazerooni Residence
2924 Russell St.
Berkeley, CA

TITLE:
Proposed site plan

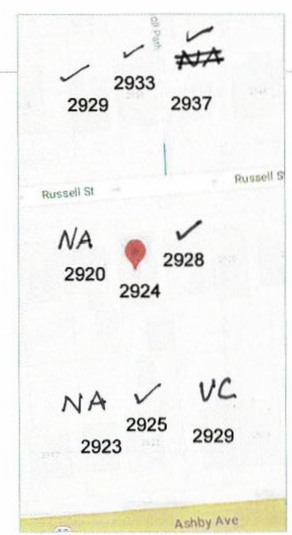
SCALE: 3/16"=1'-0"
DATE: MARCH 29, 2023
1/4"=1'-0"

DRAWING NO:
L2.0

Community Outreach

I have reviewed the plans for a 7.5' x 7.5' hot tub at 2924 Russell Street.

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (please state briefly)	Have no comment
Beverly Doane	Beverly Doane	2920 Russell St.	Owner	4/3/23			✓
		2920 Russell St.					
RICHARD STOHN	Richard Stohn	2928 Russell St.	Owner	4/4/23		Concerns about operational noise of tub + usage	
		2928 Russell St.					
		2929 Russell St.					
		2929 Russell St.					
Ronald Lee	Ronald Lee	2933 Russell St.	Owner	4/3/23	X		X
		2933 Russell St.					
T. R. BIRD		2937 Russell St.	OWNER	4/4/23	X		
		2937 Russell St.					
		2923 Ashby Ave.					
		2923 Ashby Ave.					
Anika Bahan		2925 Ashby Ave.	Owner	4-3-23	✓		
		2925 Ashby Ave.					
		2929 Ashby Ave.					
		2929 Ashby Ave.					



North

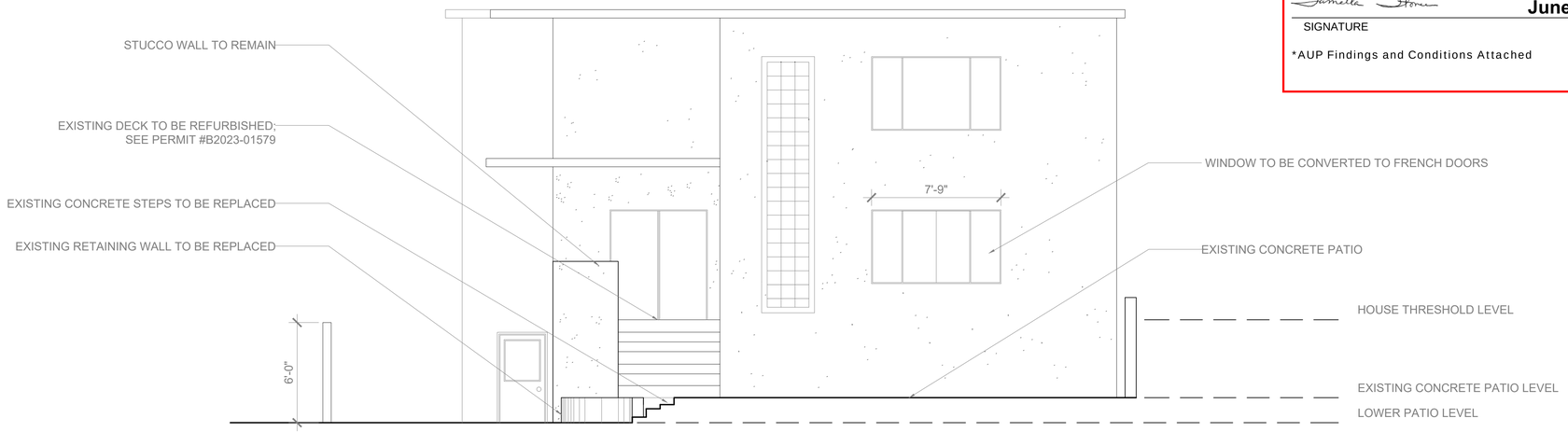
3/16"=1'-0"
1/4"=1'-0"
0 2 4 8

VC = voice construction — plans mailed
NA = no answer — plans mailed

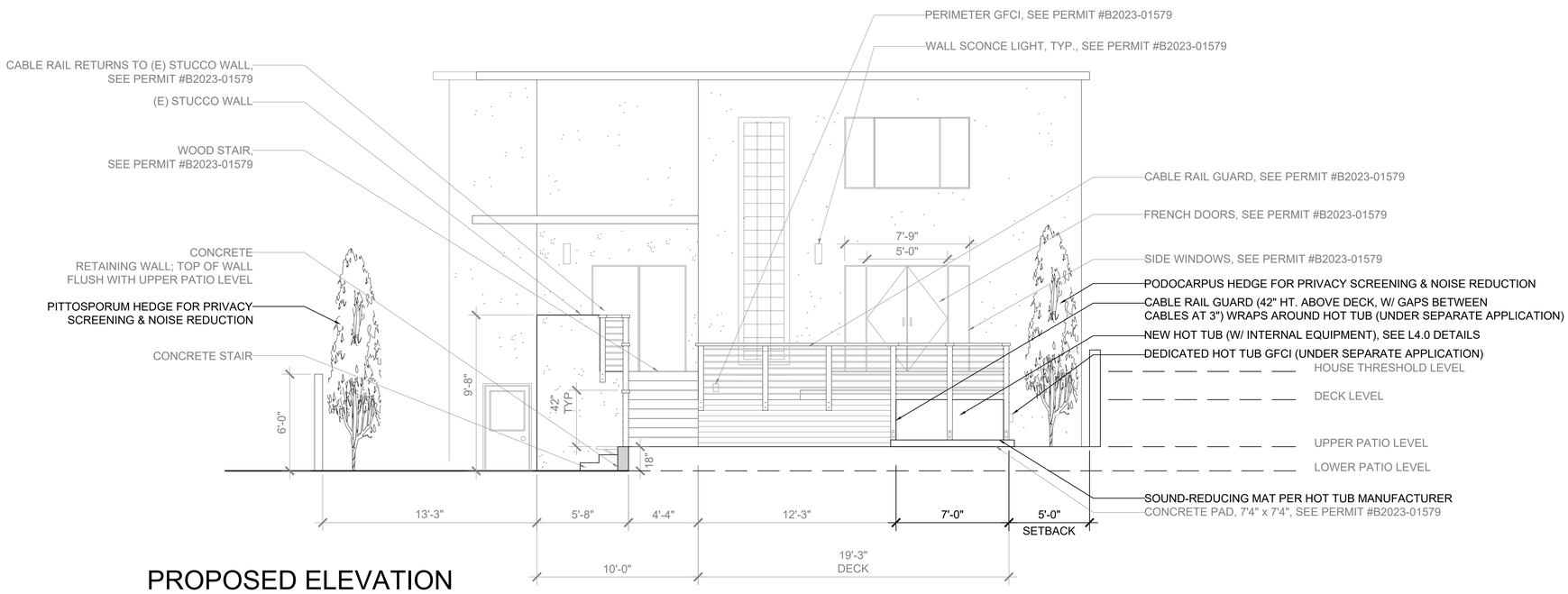
PLANS APPROVED by

SIGNATURE — DATE: June 2, 2023

*AUP Findings and Conditions Attached



EXISTING ELEVATION



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH.

1

NOTE: Revisions to L3.0 since Community Outreach (04.03.23 - 04.04.23) reflect changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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LICENSED LANDSCAPE ARCHITECT — Jennifer Phillips — Signature — 05-31-2024 Renewal Date — Date — STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

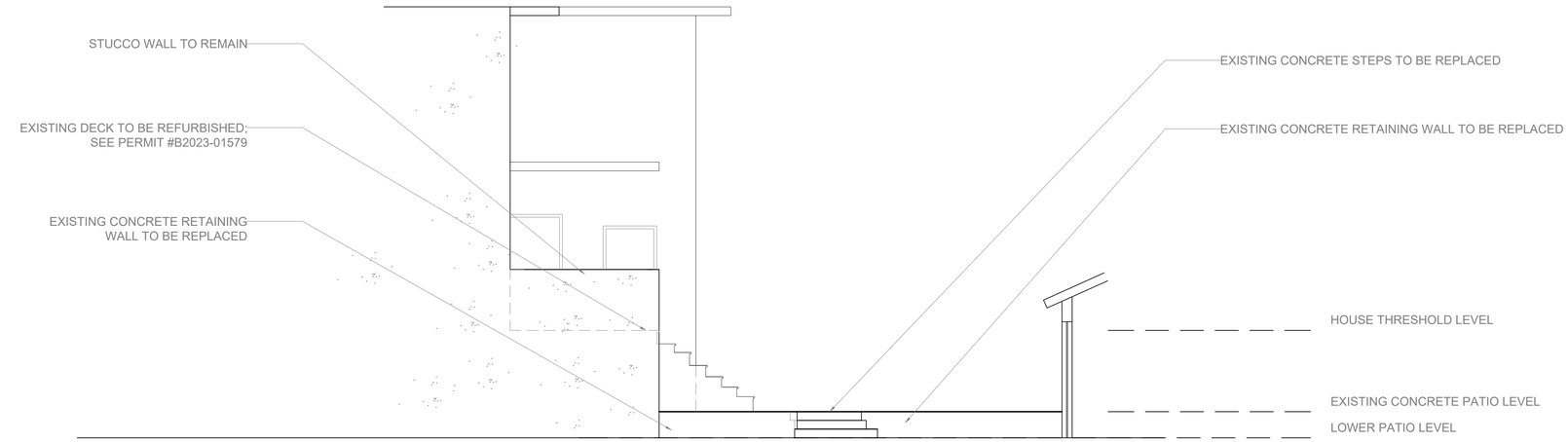
Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO:

L3.0



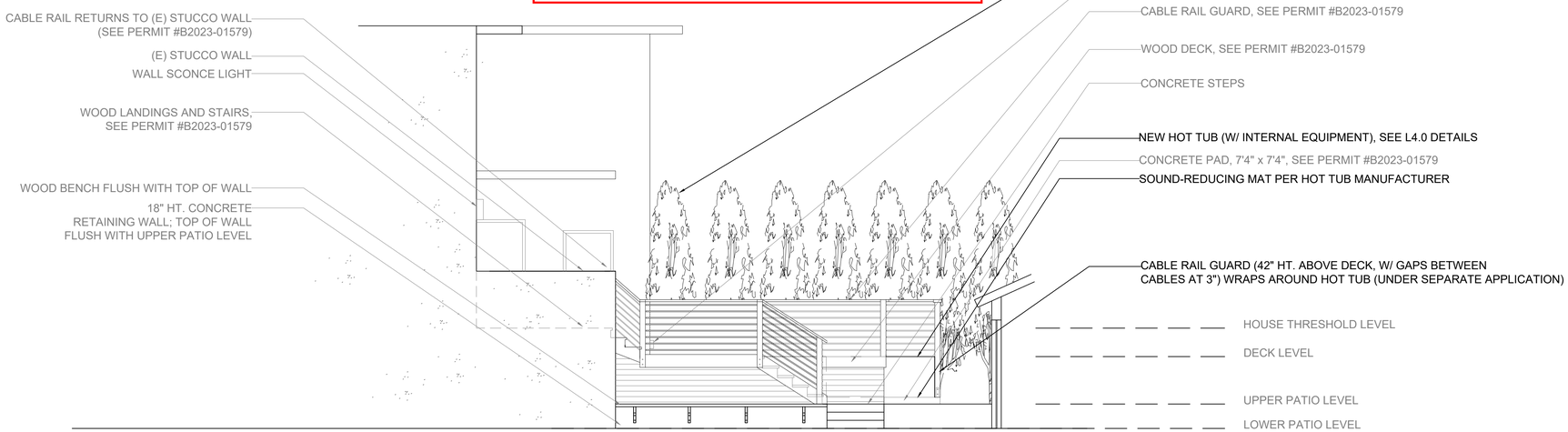
EXISTING ELEVATION

PLANS APPROVED by

Samella Stoner — June 2, 2023

SIGNATURE — DATE

*AUP Findings and Conditions Attached



PROPOSED ELEVATION

NOTE: THE GREATEST RISER HEIGHT AND TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.

1

NOTE: The addition of L3.1 since Community Outreach (04.03.23 - 04.04.23) reflects changes required for issuance of Permit #B2023-01579 and the addition of further sound reduction measures (in consideration of neighbor feedback) only.

1/4"=1'-0"

0 2 4 8

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LICENSED LANDSCAPE ARCHITECT — Gregory Phillips — 6/30/2024 — Signature — 12-31-2024 Renewal Date — Date — STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Elevations

SCALE: 1/4"=1'-0"

DATE: MAY 15, 2023

DRAWING NO: L3.1 1

SUNDANCE CAMEO - 880 SERIES

Specs

Volume: 370 gal / 1400.60 liters

Dry Weight: 962 lbs / 436.35

Jets: 54

Primary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Secondary Pump: North America (60 Hz): 1-Speed/2.5 HP Continuous, 11.3A Max., 56 Frame

Circulation Pump (Y/N): Yes

Diverter Valves #: 2

Filtration System: ClearRay

Filters: 1

Seat Jets: Lounge

Water Management System: ClearRay Active Oxygen™

View Less

Dimensions

Height (in): 37.5

Length (in): 89.0

Width (in): 89.0

Volume (gals): 370.0

PLANS APPROVED by

Samella Stoner — June 2, 2023

SIGNATURE — DATE

*AUP Findings and Conditions Attached

NOTE: Per neighbor request, hot tub selection criteria include low noise relative to industry standards. Hot tub to have internal equipment only. Hot tub installation to include a sound-reducing mat that complies with manufacturer specifications. 1

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LICENSED LANDSCAPE ARCHITECT
Jane Brown Phillips
Signature
03-31-2024
Renewal Date
Date
STATE OF CALIFORNIA

ISSUES:

04.04.2023	AUP COMMUNITY OUTREACH
05.12.2023	AUP APPLICATION REVISION IN RESPONSE TO NEIGHBOR COMMENT 1

Kazerooni Residence

2924 Russell St.
Berkeley, CA

TITLE:

Details

SCALE: NOT TO SCALE

DATE: MAY 15, 2023

DRAWING NO:

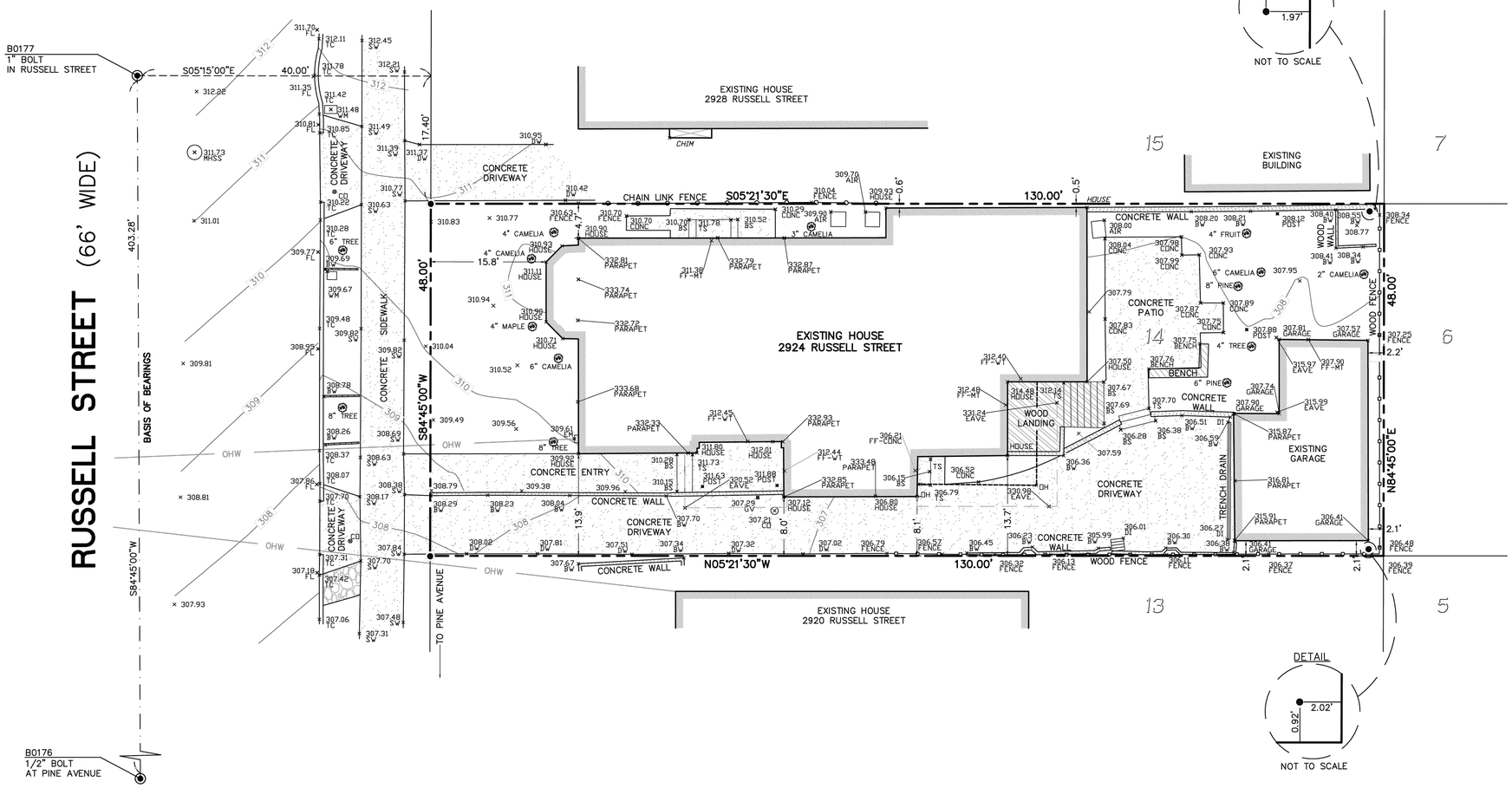
L4.0

PLANS APPROVED by

Samella Stroman — June 2, 2023

SIGNATURE — DATE

*AUP Findings and Conditions Attached



LEGEND

AIR	AIR CONDITIONING UNIT
BS	BASE OF STEPS
BW	BASE OF WALL
CHIM	CHIMNEY
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
EM	ELECTRIC METER
FF	FINISHED FLOOR
GV	GAS VALVE
FL	FLOWLINE
MH	MAINTENANCE HOLE
MT	METAL THRESHOLD
OH	OVERHANG
OHW	OVERHEAD WIRES
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
WW	WATER METER
WT	WOOD THRESHOLD
	BUILDING FOOTPRINT
	CONCRETE
	CONCRETE WALL
	FLAGSTONE
	WOOD
	WOOD WALL
	CHAIN LINK FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
	FOUND REBAR AND CAP, LS 5311
B####	CITY OF BERKELEY MONUMENT ID

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.

NO TITLE REPORT PROVIDED, EASEMENTS MAY EXIST.

ASSESSOR'S PARCEL NUMBER: 052-1565-006

PROPERTY AREA = 6,240± SQUARE FEET

DATE OF FIELD SURVEY: NOVEMBER 17, 2022

BASIS OF BEARINGS:
THE MONUMENT LINE IN RUSSELL STREET WAS TAKEN AS SOUTH 84°45'00" WEST AS SHOWN ON CORNER RECORD 6073 (58 CR 23).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE WESTERN MOST MONUMENT REFERENCE CROSS, FOR CITY OF BERKELEY MONUMENT B1846, LOCATED IN THE SIDEWALK AT THE SOUTH WEST CORNER OF THE INTERSECTION OF AVALON AVENUE AND CLAREMONT BOULEVARD, WAS TAKEN AS ELEVATION = 355.99 FEET PER CORNER RECORD 9875 (103 CR 68).

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

12-06-2022

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BARNES ADDITION OF ELMWOOD PARK (26 M 41)
LOCATED AT 2924 RUSSELL STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 6, 2022 SCALE: 1" = 8'

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 1922 RUSSELL-TOPO.DWG JOB NO. 22-11022

August 9, 2023

2928 Russell Street
Berkeley, CA 94705
rspohn20@gmail.com

The Honorable Zoning Officer of the City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, California. 94704

Re: Appeal of Approval of Administrative Use Permit # ZP2023-0081

Honorable Zoning Officer:

Please find attached an Appeal of the referenced AUP Approval. The grounds for the Appeal are summarized in the final section of the text. They are elaborated in the preceding sections, with a summary narrative at the outset.

The Proponent and their architectural Firm affirmatively sought to mislead and deceive the City of Berkeley by withholding essential information provided by Appellant regarding impact features of the Project.

Proponent and Firm ignored and failed to honor the mandate of the Land Use Planning Division that Applicants for an AUP for a project in a Residential District must contact specified affected neighbors and present plans and try to identify and resolve issues of concern. That they did not do so has led to this Appeal.

Applicants who ignore the City's mandates, as well as the legitimate interests of their neighbors and, scorning the good faith efforts of their neighbors to be proactively and productively collaborative, deliberately mislead and deceive the City, to the detriment of those neighbors – should not be rewarded with the ill-gotten government approval of their projects.

Thank you for your consideration of this Appeal.

Sincerely yours,

Richard B. Spohn, Appellant

Received
AUG 09 2023
Land Use Planning

SUMMARY

This is an appeal of Administrative Use Permit # ZP2023-0081 by the Zoning Officer of the City of Berkeley, to install an "unenclosed" hot tub in the rear yard of 2924 Russell Street (the "AUP"). Appellant is the owner of the adjacent home at 2928 Russell Street.

The Proponent of this installation (herein, the "Project") has scorned the directive of the City of Berkeley and the dictates of common neighborliness to inform Appellant of their intentions to install a hot tub (the "Tub"). Proponent shirked the tasks of informing neighbors and of personally soliciting concerns about the Project, instead deploying a young employee (the "Canvasser") of their landscape architect's firm (the "Firm") to inquire of their neighbors. The Canvasser and Firm had a clear structural conflict of interest in their work, which is reflected in the language and omissions of the AUP.

Proponent disregarded Appellant's detailed input to the Canvasser and to the Proponent personally. (See Attachment "A" hereto). For one pertinent example, that the Tub would be installed ten (10) feet from Appellant's noise-sensitive wife's professional desk. They withheld that crucial fact from the City of Berkeley.

There are several material factual errors reflected in the AUP that could only have come from Proponent or from the Firm. There are other assertions about the operation of the Tub that are gratuitous and suspect.

Appellant is apprehensive about both operational and usage noise that will inevitably emanate from the Tub. The AUP's proposed protections from noise are indeterminate and imprecise.

Proponent has also introduced into a quiet neighborhood the commotion and splash of three expensive cars and three motorcycles but has let their front yard and driveway deteriorate into a weeded (3-4 feet high) blight. Proponent has alienated neighbors on both sides of their property and has avoided all other community interaction, on a known chummy street. Thus Appellant has serious misgivings about the good faith and neighborliness with which Proponent would operate and use their Tub.

A. Proponent failed to communicate with neighbors, contrary to City Policy

The Project Proponent did not inform their neighbors in advance of their intention to install a hot tub in their back yard, nor engaged in any conversation about the Project thereafter. The first anyone learned of it was when the Notice sign was staked amongst the weeds that cover their front yard. That sign soon toppled and lay in the weeds for many weeks, until the City's AUP was issued and up it went. Proponent's disregard of their neighbors violated the language and spirit of the City of Berkeley's "Instructions Regarding Community Outreach," promulgated by its Land Use Planning Division (the "Instructions"), which state in part:

" [1] For all projects: Early in the design process, the City strongly encourages owners to meet with their neighbors, whenever possible, to present plans and try to identify and resolve issues of concern. Applicants can meet with neighbors one-on-one or at a gathering; whichever seems more appropriate to them.

[2]. Projects in a Residential (R) District **require contact between the subject property owner and the abutting and confronting property owners and tenants...**

[3] Projects of Community or Neighborhood Interest require a meeting with owners, residents, and community groups within 300 feet of the project."

(Emphases added) (https://berkeleyca.gov/sites/default/files/2022-02/Instructions-Regarding-Community-Outreach.pdf)

Please note that there are three (3) levels of requirements for meetings between owners and neighbors. Proponents of all projects are "strongly encourage[d]" to meet with neighbors, Residential projects "**require contact**" between owners and neighbors, community interest projects "require a meeting."

Proponent ignored the Instruction of this sound, unambiguous public policy mandate of the City and ignored their neighbors. There was no "require[d] contact" between Proponent and their neighbors. This is not a large development affecting many people, it is a Residential project, of one property situated between two neighboring properties, of a deck and a hot tub. The "require[d] contact" should have been exceedingly easy. In the matter under consideration, all principals are mature, accomplished professionals who once actually communicated with each other.

However, rather than reaching out to their neighbors as required by the City's policy and Instruction – to say nothing of fundamental canons of neighborliness and civility -- Proponent instead had their architect send a young Canvasser around to perform that critically important, distinctly neighbor's "contact" function. The purpose of the Instruction is for the proponent of a Residential project to hear early and directly from potentially affected neighbors, to understand and be able to consider their concerns. Appellant has performed this obligation at different times in the many years they have lived in their house. These mandated consultations are an exercise of respect, comity and consideration between people living in close urban proximity to each other. Yet Proponent sunk substantial money into the Project without ever discussing it with their neighbors.

Appellant's exposure to the Canvasser was primarily through a small window in the front door, since Canvasser had shown up unscheduled on a Saturday morning just as Appellant had concluded an academic seminar on Zoom and was still clad in bathrobe and pajamas. Canvasser seemed inexperienced and was balancing a nest of papers, at one point awkwardly flashing a sketch of the layout of the Project, pointing to where the Tub would be. They seemed to be in a hurry and asked Appellant to indicate on a form that they had been told about the Project, assuring Appellant that so indicating would not constitute approval of the Project. Tightening robe and opening the door for the first time, Appellant so indicated, noting in 7 words concerns about noise that would emanate from the Tub. Appellant has had two different hot tubs at a country residence for over 26 years and experience with hot tubs in various settings and conditions for over 50 years.

Appellant was never presented with plans or architectural drawings by the Canvasser. It was only days later that the owners of the other adjacent residence, 2920 Russell Street, shared with Appellant the full-blown architectural drawings they had received in the U.S. mail from Canvasser, who had not met with them in Canvasser's gratuitously unannounced walk-around of the area. It is seemingly inexplicable that Canvasser did not work to secure a meeting with the residents on the other side of the Project. So much for honoring the "require[d] contact" between Proponent and neighbors mandated in the City's Instructions.

But it is explicable. Canvasser and Firm had clear conflicts of interest in their role as Proponent's surrogate in the "require[d] contact": to be able to go forward

with the Project it was clearly in Canvasser's and Firm's economic interest to uncover as little objection to the Project as possible. Canvasser rushed Appellant on the one side and did not diligently secure contact with the residents of the other adjacent house. Ironically, those other-side residents thus received, in the drawings mailed to them, vastly more detailed information about the Project than did Appellant, who had received Canvasser's sketchy narrative through a very small window in a front door, hardly what the Instructions envision.

Both Appellant and the neighbors on the other side of Proponent's property have subsequently attempted to engage Proponent in conversation about the Project but have received no responses to their respective overtures. Thus there has been no "require[d] contact" as mandated in the City's Instructions.

B. Proponent largely ignored Appellant's extensive comments and input and misrepresented other essential input

Appellant, in good faith and despite feeling hustled by Canvasser and disdainfully "ghosted" by Proponent, sent two extensive e-mails to Canvasser and had one brief telephone conversation with them, articulating in specific detail "grave" concerns about the Project (see Attachment "A"). By this time, Appellant had the benefit of the detailed architectural drawings shared by the other-side residents and so had a far clearer picture than had been given in the one awkward encounter with Canvasser. Canvasser said Firm would work on the noise issue, e-mailed some technical materials from a vendor, and the nascent dialogue then petered out. Appellant sent to Proponent the emails sent to Canvasser, with a cover letter highlighting their concerns and asking that the Project not be pursued. It was never acknowledged.

The AUP states that Appellant's property is "approximately 50 feet away from the proposed location [of the Tub]." (Findings and Conditions, Section 3.0) Whoever fed this to the City was not telling the truth, as Proponent, Firm and Canvasser would have known from Appellant's proactive communications to them. As Appellant stated to Canvasser on April 14th,

"The proposed tub here would be about 10 feet from my wife's office desk in our "*casita*," immediately on the other side of the property boundary. The *casita* also serves as a guest cottage, where people sleep. The tub would be about 25 feet

from our glassed-in (not sound-proofed) large family room and kitchen, where we spend a lot of time, cooking, dining, reading, recreating, hanging out amongst ourselves, entertaining, watching tv, etc. When the weather is favorable we use the deck that extends out from the family room (and closer to the proposed tub) for the same uses as indoors. The tub would be just below and just around thei building corner from the bedroom of one of our daughters, who is a graduate student and in a demanding "practicum" work program. Her bedroom is her office and her study space..... **The tub would be right below my own glassed-in office, where as a disabled 80-year-old I spend much of my waking time that I'm not in the glassed-in family room.** The potential whirring and grinding of the hot tub motor would be a constant cyclical nuisance to all these spaces -- 24/7/365." (emphases added; see Attachment "A")

These are absolutely essential details, shared in good faith with Proponent and Canvasser yet purposefully not only left out of their communications with the City but superseded by contrary falsehoods. That they would knowingly withhold such information (e.g., Tub ten feet from a 72-year-old, noise-sensitive woman's professional office and desk, and closely proximate to Appellant's heavily-used Family Room) is shocking and shameful, a personal affront of the first order.

Proponent's attempt thus to mislead the City should itself be grounds for rescission of the AUP. The Instructions call for collaboration between the parties, not for manipulation and deception. Appellant acted in good faith in the spirit of the City's Instructions; Proponent acted in bad faith, knowing that they were deceiving, to disregard and burden for years to come a lovely and gracious neighbor. Had they honored the mandate of the Instructions, this could have been avoided. They knew what they were doing, they had been informed of the 10-foot Tub-desk axis by Appellant on April 14th.

C. Hot Tubs Make Noise, Users Make Noise; City has Set Indeterminate Standards for Tub Noise

Dropping a Tub immediately into this fraught space is seriously problematic, especially given the invariable attendant noise. Motors make noise, the internal recycling and purification of water has an audible grinding and whoosh to it. These are in frequent daily cycles that have no regard for the auditory sensitivities

of whomever happens to be within earshot. The whirr of jets as the hot tub is used creates gurgling and splashing sounds. The relentless inevitability of the hot tub's cyclical sounds and noise is wearing. They can wake one up, and then keep one awake waiting for the next cycle to hit. Appellant testifies to this reality out of many years of hot tub usage and ownership.

Of course the usage of a hot tub is typically the source of considerable noise. The hilarity of happy hot-tubbers is legendary and yet often inconsiderate of those who might be catching the sounds of a good time and nothing else. As Appellant noted to Canvasser and Firm in April,

"We are not so much worried about "socializing" noise emanating from tub usage by the current residents, whoseem quiet and refined. But houses get sold and hot tubs remain. Theirs is a large house, which would commend itself to a large family (I'm the eldest of six...) or perhaps as a frat base or extension, or to just a pick-up gaggle of CAL students. If party people got into that house with a hot tub, our lives would be made miserable." (see Attachment "A"). People who are having big social fun in warm water, particularly if intoxicated or stoned (or both), typically don't give a rat's patootie about the hapless auditors of their hilarity and camaraderie. Inhibitions and usual self-discipline generally become limited. And some people are just plain loud and boisterous.

The City has set a noise standard in the AUP for the Tub that goes beyond what Proponent's vendor has represented can be done about the noise. In Findings and Conditions Section 4 of the AUP the Zoning Officer finds that pursuant to a cited provision of the BMC the sound of the pump of the Tub shall be "not audible on an adjacent lot." Indeed, it promises that the Conditions of the AUP "will ensure that neighbors are not adversely affected by the noise impacts that may result from the use of the hot tub." A perusal of these Conditions does not render much clarity as to how these assurances will be achieved.

Moreover, there are imprecise controlling flexibilities on acceptable noise levels, at least one in the AUP and one in Drawing LO.0. In the latter, "Scope of Work" states in part that "...hot tub selection [shall] include low noise relative to industry standards." There is no certainty here of protection, only that the Tub's noise would be a little better than the standard set by the purveyors of tubs. That is hardly a reassuring tether. In the former, under "Prior to Final Inspection," Number 30 states that "This permit shall be subject to review and modification as

necessary to alleviate excessive noise or disturbance in the neighborhood." Clearly whatever would pass as non-excessive noise would be acceptable. Where is that pegged? What are the limitations? How do these loose references get to "not audible"?

Given these two loose, utterly indeterminate regulatory limits on noise created by the Tub, it is impossible to have confidence in the two requirements of Section 4 of the AUP articulated above: (1) that the sound of the pump shall be "not audible on an adjacent lot" and (2) that the Conditions of the AUP "will ensure that neighbors are not adversely affected by the noise impacts that may result from the use of the hot tub."

D. <u>Collateral Concerns</u>

Appellant has substantial concerns that portend problems with Proponent's operation and use of the Tub.

1. Proponent has already, in the course of 18 months, introduced an exceptional level of mechanical commotion on its property and on the street. There are a Porsche, a Tesla and a nice Honda for the high school daughter, plus no fewer than 3 motorcycles. The latter are housed in a semi-garage in the back, near where the Tub would go. They are frequently revved up, spewing noise and exhaust into the ambient air, in which Appellant also participates.

2. Appellant's front yard is a jungle of weeds 3-4 feet high, the driveway has weeds in every crack and cranny. When they purchased the property the sellers had installed a new, rich, turf-roll lawn, which Proponents have never tended, as too with the decorative trees around the side of the front of their house, which had been lovingly nurtured for decades by the previous owner, an avid gardener. Their front yard is frankly a blight on the street. If they bring this same level of care and attention to the Tub, the situation will become a disaster.

3. Proponent and spouse have managed in a short period of time to alienate themselves from neighbors on both sides of their property, communication has broken down. They do not socialize or participate in neighborhood gatherings or events and are rarely seen. Their previous residence was two blocks away on Ashby Boulevard, so they are hardly outsiders. The

Proponent male is a high academic and successful entrepreneur, the spouse reportedly a non-profit organization executive.

E. Petition of This Appeal

Appellant requests that Administrative Use Permit Number ZP2023-0081, relating to the installation of an unenclosed hot tub in the rear yard of 2924 Russell Street, be rescinded, for the reasons amply discussed hereinabove and non-inclusively itemized below. The Tub will profoundly compromise the peaceful enjoyment of Appellant's home and property.

Appellant has lived in the adjacent residence at 2928 Russell Street for 40 years come this Labor Day and is currently a member of the Board of Directors of the Claremont-Elmwood Neighborhood Association (CENA), so is an active, concerned citizen dedicated to enhancing the civility and quality of governance and life of our shared Berkeley community.

A. Proponent and Firm ignored the mandate of the City's Instructions that Owner-Applicants to the Land Use Planning Division contact specified neighbors and meet with them "to present plans and try to resolve issues of concern." Rather, in a clear conflict of interest, Proponent had its architect send around a young Canvasser to contact neighbors. Their process did not go well. Had they adhered to the City's Instructions, this Appeal would likely have been unnecessary.

B. Proponent and Firm withheld essential information from the City provided to them in good faith by Appellant. They instead gave the City false and misleading information. This is nowhere more harmful to Appellant than in withholding the feedback that the positioning of the proposed Tub would place it 10 feet from Appellant's noise-sensitive 72-year-old spouse's professional desk. Also 25 feet from our much-used Family Room and right below Appellant's glassed-in office, where as a disabled 80-year-old he spends much of his waking time when not in the glassed-in Family Room. Proponent and Firm withheld all of this information from the City. **Proponent's successful attempt thus to mislead the City should of itself be grounds for rescission of the AUP.**

C. The industry vendor-based standards for prevention of noise from the Tub referenced in the AUP are indeterminate and imprecise. Usage noise remains uncontrolled, which is threatening to Appellant.

D. Proponent has introduced 3 vehicles and 3 motorcycles, has neglected their weed-choked front yard for 18 months, been absent as a neighbor and has alienated themselves from adjacent neighbors – giving Appellant misgivings about Proponent's willingness to considerately manage its proposed Tub and deck and to engage in neighborly relationships.

E. Applicants who ignore the City's mandates, as well as the legitimate interests of their neighbors, and, scorning the good faith efforts of their neighbors to be proactively and productively collaborative, deliberately mislead and deceive the City, to the detriment of those neighbors – should not be rewarded with ill-gotten government approval of their projects.

Thank you for your consideration of this Appeal.

Richard B. Spohn
2928 Russell Street
Berkeley, California 94705

August 9, 2023

ATTACHMENT “A”

April 21, 2023

Mr. Homayoon Karzerooni

2924 Russell Street

Berkeley, California 94705

Re: Hot Tub

Dear Hami:

I was disappointed and sorry that you chose not to speak with your new neighbors about your plan to install a hot tub in your backyard, immediately adjacent to the side of our property. I was also disappointed that you chose not to comply with the Berkeley ordinance requiring you to do so. You rather had your architect send someone around to perform that critically important neighbor's function. The purpose of the ordinance is for the proponent of a project to hear directly from potentially affected neighbors, to understand and be able to consider their concerns. My wife and I have both performed this obligation at different times in the many years we have lived in our house. These mandated consultations are an exercise of respect, comity and consideration between people living in close urban proximity to each other. You have sunk money into the project without ever discussing it with your neighbors.

Your projected hot tub is threatening and seriously problematic to the peaceful enjoyment of our home. I have conveyed our grave concerns to your architect's representative, Ms. Diana Daisey, but want to share them directly with you, to afford you the unfiltered specificity the ordinance envisions a proponent receiving. (For example, that your hot tub would be approximately ten (10) feet from my noise-sensitive wife's office desk.) Thus you will find attached copies of my emails to Ms. Daisey. Please read them carefully. Our concerns, which are elaborated in detail in those communications, center on three products of the tub:

1. Operational noise
2. Usage noise
3. Diminution of property value

These concerns are based on our own experience with two different hot tubs at our house in Inverness over a period of 26 years, and with others over 50+ years.

Please desist from proceeding with this seriously intrusive hot tub installation.

THANK YOU, RICHARD SPOHN
2928 RUSSELL ST.

Gmail

Richard Spohn <rspohn20@gmail.com>

Re: FW: Soundproofing for Caldera Spas "Geneva" or similar
1 message

Richard Spohn <rspohn20@gmail.com> Fri, Apr 14, 2023 at 2:52 AM
To: Diana Daisey <diana@aboutinsideout.com>
Cc: Katherine Ramage <ramagekm@gmail.com>
Bcc: Mary Montali <mimimary@comcast.net>, Dennis Montali <cramdown@gmail.com>, Monica Spohn <monica.spohn@alumni.dominican.edu>, Katerin Spohn <Katerin.Spohn@hotmail.com>

Thanks for this package, Diana. I very much still would like to speak with you, about some elements of it as well as some issues raised by the use permit conditions and by the formal design plans, which were shared with us by a neighbor, not by your office or by the tub proponents. If 11 tomorrow is no longer good for you, please suggest another time thereafter. I'll be available until 5, when another commitment kicks in. Please confirm if 11 still holds.

Point of reiteration: Again, to be clear, my signature on your list of neighbors contacted was, per your assurances, merely for the purpose of acknowledging your having acquainted me with the plan for installation of a hot tub next door, and not to register any sort of sign-off by myself or our household. You were to have entered on the form our serious reservations about noise associated with the tub, especially when it is going through its daily cycles of operational whirring and grinding attendant upon its water-purifying and other processes.

As I indicated, we have a hot tub at our retreat home in Inverness so, have years of lived experience with such noise.
Our tub in Inverness is in a back corner of our large lot and garden, which is covered with sound-softening trees and foliage, and is in a distinctly rural, wooded environment And yet the noise from the hot tub can wake us up at night, in a bedroom some considerable distance and elevation from the tub. It can be annoying, since usually one has to wait till it shuts off to get back to sleep.

I have had 39.6 years of peaceful enjoyment of this home without the mechanical noise of a hot tub right behind our camellias. We are not so much worried about "socializing" noise emanating from tub usage by the current residents, who are quiet and refined. But houses get sold and hot tubs remain. Theirs is a large house, which would commend itself to a large family (I'm the eldest of six...) or perhaps as a frat base or extension, or to just a pick-up gaggle of students. If party people got into that house with a hot tub, our lives would be made miserable.

The proposed tub here would be about 10 feet from my wife's office desk in our "*casita,*" immediately on the other side of the property boundary. The *casita* also serves as a guest cottage, where people sleep. The tub would be about 25 feet from our glassed-in (not sound-proofed) large family room and kitchen, where we spend a lot of time,

cooking, dining, reading, recreating, hanging out amongst ourselves, entertaining, watching tv, etc. When the weather is favorable we use the deck that extends out from the family room (and closer to the proposed tub) for the same uses as indoors.
The tub would be just below and just around their building corner from the bedroom of one of our daughters, who is a graduate student and in a demanding "practicum" work program. Her bedroom is her office and her study space. Across the hall our other daughter has her bedroom, which 2-3 days a week is her office as an international fraud examiner for a bank. The tub would be right below my glassed-in office, where as a disabled 80-year-old I spend much of my waking time that I'm not in the glassed-in family room. The potential whirring and grinding of the hot tub motor would be a constant cyclical nuisance to all these spaces -- 24/7/365.

To add to the imposition, the property boundary between the two houses has always cheated us of some 5 feet or so in width because of a variance the builders (?) secured at some early point to extend the footprint of their building over into the buffer zone space that otherwise would have separated our structures as are all the other residences on the block. Next time you're out here you can check it out. It's starkly obvious. The variance begins where the side of their house comes smack up against our driveway, from before our back gate, and that line extends all the way back to the rear of our lot. (The camellias were planted years ago in an attempt to soften the ugly impact of their towering exterior wall in the space pared off from our plot by the variance.) I haven't been able to physically measure it, but I'd estimate the variance intrusion is 50-60 feet long, which means some 250-300 square feet of buffer land/space is denied us by the variance.

If that variance had not established their dominion over the otherwise-buffering land, the tub would not be so close to our property. When the plans say it is to be 5 feet from the boundary, that's from the intruding variance line -- not from the developer-intended boundary which would be in place but for the variance, with the presence of the buffer space. So the plans for the hot tub take advantage of and perpetuate the loss and damage caused by the variance -- and bring its noise all that much closer and into our family's predominantly used living spaces: the all-purpose family room and deck, bedrooms and offices.

So dropping a hot tub immediately into this fraught space is problematic, especially given the invariable attendant noise.
What Is being done to mitigate that noise? I have no desire of having my unknown remaining time clocked off by the
cyclical mechanical noise from a hot tub.

Thanks, Richard Spohn, 2928 Russell Street

On Wed, Apr 12, 2023 at 5:03 PM Diana Daisey <diana@aboutinsideout.com> wrote:

Hi Richard,

Thanks for your call yesterday. Please see below for preliminary research. Did you still want to schedule a brief call for Friday around 11:00?

Best,

Diana

From: Berkeley Heat Tubmakers <berkeleyheatsales@gmail.com>
Sent: Thursday, April 6, 2023 12:43 PM
To: Diana Daisey <diana@aboutinsideout.com>
Subject: Re: Soundproofing for Caldera Spas "Geneva" or similar

Hi Diana,

There always needs to be a space to be able to access the main front panel. If you build a vault or bunker you can build it in a way that it retains sound. There has to be a way to access the spa if need be. Obviously this space will be waterproofed and have a drain. I attached the decibel information for the Caldera spas.

Best,

Nic Leone

Berkeley Heat Tubmakers

915 ASHBY AVE

Berkeley, CA

94710

510 843-2000

Monday-Friday 10 am to 6 pm

Saturday 10 am to 5 pm

Sunday 11 am to 4 pm

www.berkeley-heat.com

for product updates & specials

Follow & like us on Facebook

On Wed, Apr 5, 2023 at 12:45 PM Diana Daisey <diana@aboutinsideout.com> wrote:

Dear Berkeley Heat,

We have a client in Berkeley who lives between two noise-sensitive neighbors, and is hoping to install a Caldera Spas "Geneva" or other 7.5' x 7.5' spa. Would it be possible to set up this model or similar (Sundance "Cameo", etc.) with some or all of the sound reduction techniques in this article?

https://www.soundproofcow.com/how-to-soundproof-hot-tub-motors/

So far our drawings are showing the tub on a concrete pad at ground level, partially surrounded by a wood deck, and with dense privacy plantings between tub and boundary fence, but if we can add additional soundproofing below and all around the tub, and especially if we can add a (large, properly ventilated) box around the pump under the deck, I'm sure the neighbors and client would appreciate it.

Thanks in advance for any advice or installation specs you may be able to provide. If this is easier to discuss by phone please feel free to call me at 301-651-7503.

Kind regards,

Diana

Diana Daisey | Designer

MLA 2022

INSIDEOUT architecture | interiors landscape

6000 Harwood Avenue | Oakland CA 94618

T 510.655.7674 | F 510.655.7673

check us out at:

www.aboutinsideout.com

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--
Richard B. Spohn, Esq.
(415) 308-4025

Gmail

Richard Spohn <rspohn20@gmail.com>

Fwd: FW: Soundproofing for Caldera Spas "Geneva" or similar
1 message

Richard Spohn <rspohn20@gmail.com> Fri, Apr 14, 2023 at 6:58 PM
To: Diana Daisey <diana@aboutinsideout.com>
Cc: Katherine Ramage <ramagekm@gmail.com>
Bcc: Mary Montali <mimimary@comcast.net>, Dennis Montali <cramdown@gmail.com>, Monica Spohn <monica.spohn@alumni.dominican.edu>, Katerin Spohn <Katerin.Spohn@hotmail.com>

Diana, by way of an amending supplement to my email of last night, I'd add that the presence of a hot tub situated as planned, right up against the otherwise-standard property boundary, clearly would materially compromise the value of our property. Not only would it significantly impact our peaceful use of our home, as I sketched earlier, but, if our house were put up for sale, prospective buyers would take notice of the hot tub so immediately adjacent to the spaces that would mean the most to them -- multi-use family "great room," bedrooms, offices, deck -- and either walk away or use such tub as a cudgel in price negotiations that would end up being distinctly adverse to our economic interest.

I am 80, my wife is 72, our daughters are in their late 20's, so the likelihood of it going on the market is not remote. Indeed, we could end up becoming the victims of a double and compounding negative whammy: driven from our home by the noise and disruption from the hot tub and then ending up realizing a significantly lower sale price because of the hot tub. Absent adequate soundproofing by the current occupants that could be the outcome. And if that property were sold to a less-considerate buyer, under whom usage of the tub occasioned additional noise and disruption, that would create an exponentially greater problem. People who are having big social fun in warm water, particularly if intoxicated or stoned (or both), typically don't give a rat's patootie about the hapless auditors of their hilarity and camaraderie. Inhibitions and usual self-discipline generally become limited. And some people are just plain loud and/or boisterous. Such is what immediately goes through the mind of a prospective buyer upon espying a hot tub right over the backyard fence.

I believe I'll seek out the estimate of some real estate professionals regarding the potential percentage diminution of value under the hot tub scenario. Given the market prices recent sales on Russell Street have fetched, I'd wager that delta would be six figures.

Thus the hot tub project entails externalities that have not been taken into account: the value of the compromised usage of our home and property and the loss of economic value when the house comes to be sold. These externalities would be borne by us, not by the owners and users of the tub. Hardly fair...

Thanks for reviewing this additional note. Please attach it to my email from last night.

Regards, Richard Spohn, 2928 Russell Street

-------- Forwarded message --------
From: **Richard Spohn** <rspohn20@gmail.com>
Date: Fri, Apr 14, 2023 at 2:52 AM
Subject: Re: FW: Soundproofing for Caldera Spas "Geneva" or similarthe
To: Diana Daisey <diana@aboutinsideout.com>
Cc: Katherine Ramage <ramagekm@gmail.com>

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I have had 39.6 years of peaceful enjoyment of this home without the mechanical noise of a hot tub right behind our camellias. We are not so much worried about "socializing" noise emanating from tub usage by the current residents, who are quiet and refined. But houses get sold and hot tubs remain. Theirs is a large house, which would commend itself to a large family (I'm the eldest of six...) or perhaps as a frat base or extension, or to just a pick-up gaggle of students. If party people got into that house with a hot tub, our lives would be made miserable.

The proposed tub here would be about 10 feet from my wife's office desk in our "*casita,*" immediately on the other side of the property boundary. The *casita* also serves as a guest cottage, where people sleep. The tub would be about 25 feet from our glassed-in (not sound-proofed) large family room and kitchen, where we spend a lot of time, cooking, dining, reading, recreating, hanging out amongst ourselves, entertaining,

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

2924 Russell Street

Appeal of Zoning Officer's Decision to approve Administrative Use Permit ZP#2023-0081 to install unenclosed hot tub in rear yard.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section 23.404.050 (Public Hearings and Decisions)

When: Thursday, October 12, 7:00 pm
Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY*: *THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:
- General Plan: Low-Density Residential
- Zoning: Single-Family Residential (R-1) District

B. Zoning Permits Required:
- Administrative Use Permit to install an unenclosed hot tub, under BMC Section 23.304.070(D)

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
E-mail: zab@berkeleyca.gov

C. CEQA Recommendation: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

D. Parties Involved:

- Applicant — Pennell Phillips, Oakland
- Property Owner — Homayoon Kazerooni, 2924 Russell St, Berkeley
- Appellant — Richard Spohn, 2928 Russell St, Berkeley

Further Information:
All application materials are available online at:
https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board.

Questions about the project should be directed to the project planner, Samella Stover, at (510) 981-7425 or SStover@berkeleyca.gov.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:
Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:
Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.

Accessibility Information / ADA Disclaimer:
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
    a. That this belief is a basis of your appeal.
    b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    c. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

INFORMATION & SUBMITTAL CHECKLIST CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects. Sections 2-7 is a checklist of materials that may be required based on the project type or location.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description identifies whether an item is required, and indicates how to prepare each document, drawing, material, and/or report. Hyperlinked forms and instructions are also online under Land Use at **https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms**.

Pages 1—2 of this packet must be completed and submitted with the Zoning Project Application. Staff will verify that the minimum submittal requirements have been included with your package during the application screening and submittal. Applications that are missing the materials will not be accepted for review.

All documents, reports and plans must be provided in digital format, unless requested in hard copy. See the **Guide to Submitting a Zoning Project Application** for digital plans and document standards.

❑ SECTION 1 - REQUIRED FOR ALL PROJECTS

A. ❑ **Completed Application**
   1. ❑ **Zoning Project Application Form**
   2. ❑ **Completed Copy of This Zoning Project Submittal Requirements Checklist (Pages 1-2)**

B. ❑ **Applicant Statement/Waiver Request**

C. ❑ **Payment of Application Fees**

D. ❑ **Hazardous Waste and Substance Statement**

E. ❑ **Tabulation Form**

F. ❑ **Pre-Application Yellow Poster**

G. ❑ **Pre-Application Neighborhood Contact**

❑ SECTION 2 - REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

A. ❑ **Site Plan**

B. ❑ **Landscape and Usable Open Space Plan**

C. ❑ **Lot Coverage Diagram**

D. ❑ **Floor Plans**

E. ❑ **Building Elevations**

F. ❑ **Street Strip Elevation**

G. ❑ **Section Drawings**

H. ❑ **Boundary and/or Topographic Survey**

I. ❑ **Grading Plan**

❑ SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS

A. ❑ **Site Photographs**

B. ❑ **Shadow Study**

C. ❑ **Story Pole Plan**

D. ❑ **Arborist Report**

E. ❑ **Structural Evaluation**

F. ❑ **Parking Survey**

G. ❑ **Transportation Demand Management**

H. ❑ **Photo Simulations**

I. ❑ **Public Art Declaration**

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❑ SECTION 4 - ENVIRONMENTAL REVIEW

A. ❑ **Creek Protection Documentation**
B. ❑ **Historic Resource Evaluation**
C. ❑ **Geotechnical and Seismic Hazard Investigation**
D. ❑ **Phase I or Phase II Site Assessment**
E. ❑ **Transportation Impact Study**
F. ❑ **State General Construction Permit**
G. ❑ **Stormwater Requirements Checklist**

❑ SECTION 5 - REQUIRED FOR PROJECTS SUBJECT TO AFFORDABLE HOUSING REQUIREMENTS

A. ❑ **Housing Affordability Statement**
B. ❑ **Anti-Discrimination Housing Policies**
C. ❑ **Density Bonus Eligibility Statement**
D. ❑ **Area of Potential Effects (APE) Statement**

❑ SECTION 6 - LANDSCAPE AND GREEN BUILDING REQUIREMENTS

A. ❑ **WELO Landscape Requirements**
B. ❑ **Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Co**
C. ❑ **Green Building Requirements**

❑ SECTION 7 - RELATED LAND USE PLANNING DIVISION APPLICATIONS

A. ❑ **Design Review**
B. ❑ **Structural Alteration Permit**
C. ❑ **Zoning Use Questionnaire**
D. ❑ **Home Occupation Questionnaire - Class II and III**

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SECTION 1 - REQUIRED FOR ALL PROJECTS	
❑	A. **Zoning Project Application Packet** 1. **Zoning Project Application Form** 2. **Zoning Project Submittal Requirements** (Pages 1 and 2 of this document)
❑	B. **Applicant Statement/Request to Waive a Submittal Requirement** **Submit** a written statement (in a separate document) that briefly describes the proposed project and how it satisfies the findings required by the Zoning Ordinance, as well as any request to waive a submittal requirement. For applications to modify a prior permit, **submit** the following information 1. Describe the proposed changes from the approved project 2. Clearly list and describe all changes from the approved project and the basis for the change
❑	C. **Payment of Land Use Planning Application Fees** **Submit** required fees to the cashier in the Permit Service Center or pay through the **Online Permit Portal**. Review of your application will not begin until the fees are paid in full. If supplemental technical studies are required, a Peer Review deposit will be required (e.g., Traffic Impact Analysis, Geotechnical Report, Arborist Report).
❑	D. **Hazardous Waste and Substances Statement** **Required for all projects**, pursuant to **Government Code Section 65928**.
❑	E. **Tabulation Form** **Required for all projects.** **Submit** the form as a separate document, completely filling out each column, using the applicable development standards of the Zoning Ordinance as a guide.
❑	F. **Pre-Application Yellow Poster** **Required for all Projects** **Install** the poster prior to submittal, and submit color photos that clearly show the poster installed at the front of the site and that clearly show the sign content. **Yellow Poster Instructions** **Small Project Sample Poster and fillable PDF template** **Large Project Sample Poster and fillable PDF template** (Large poster required for projects that include three or more stories, State Density Bonus, Floor Area Ratio greater than 2.0, or more than 10,000 square feet gross floor area.)

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ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 1 - REQUIRED FOR ALL PROJECTS

❑ G. **Pre-Application Neighborhood Contact and Outreach Instructions**

Required for the following projects:

- ❑ All **projects located in a Residential District,** and all **non-residential projects that abut a Residential District are required to** contact all abutting and confronting residential occupants and residential property owners to advise them of the proposed development prior to submitting a zoning project application.
- ❑ All **projects of community or neighborhood interest,** which consist of the following:
  - i. Any project in a Residential District that would create 6 or more bedrooms on a parcel within ½ mile of the UC Campus (or the area confined by Grant Avenue on the west, Derby Street on the south, and Rose Street on the north), or
  - ii. Any project in a Non-Residential District that includes three or more stories, State Density Bonus, Floor Area Ratio greater than 2.0, or more than 10,000 square feet gross floor area.
  - iii. **Are required to** contact all property owners, residents, and neighborhood organizations within 300 feet of the project site to advise them of the proposed development.
- ❑ **All residential projects that propose to alter an existing dwelling unit or eliminate a dwelling unit that is subject to the Rent Ordinance** (BMC Chapter 13.76) through demolition, including elimination of a dwelling unit through conversion, **are required to** provide all sitting tenants notice of the application no later than the date the application is submitted to the City.

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SECTION 2 - REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

❑ **Plans – General Requirements**

1. **All plans must be fully dimensioned, and include:**
   - ❑ Name of person preparing plans (licensed architect required for certain projects, see Item 3 below)
   - ❑ Dates of preparation and revision
   - ❑ Project address
   - ❑ Graphic scale (see Item 2 below for minimum scales)
   - ❑ North arrow
   - ❑ Legend describing all symbols and notations
   - ❑ Building Code construction and occupancy types.

   For applications to modify a prior permit, the plans must clearly show the approved and modified project, and you must "cloud" all changes from the approved project.

2. **Electronic Plans Requirements:**
   See the **Zoning Project Application Guide to Submitting** for digital plans and document standards.

   Note that these plans are often released to the public on paper no larger than 8½" x 11", and that you must format your plans so that all images and text are legible at this size.

   Hard copy plan sets may be required by the project planner, if necessary to facilitate project review.

   Design Review Committee, Landmarks Preservation Commission, and Use Permit applications only, 12 copies of 11" x 17" or 12" x 18" plan sets must be submitted at least two weeks prior to the public meeting or hearing.

3. **Architect or Engineer Required for Certain Projects**
   Plans that require preparation by a licensed California architect or engineer under the California Architects Practice Act (Business and Professions Code Sections **5537** and **6737**) shall bear the architect or engineer's stamp and signature on each sheet. **This requirement may be waived for projects involving only minor alterations or repairs; consult with a planner. For further information, visit www.cab.ca.gov**

4. **Change of Use**
   Applications that ***only*** propose to **change the type of activity or use** occurring within the building must submit the following site-related information:

   - ❑ **Site Plan** showing the following:
     a. Property lines and lot dimensions
     b. Existing and proposed building footprint(s), dimensions, setbacks (required, existing and proposed), and projections such as eaves, balconies and bays. Show all buildings , including garages, sheds, etc.
     c. Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.
   - ❑ **Floor Plans** showing the following:
     d. All floors, including mezzanines, basements, and attics
     e. Use of all rooms (existing and proposed), per the California Building Code
     f. For buildings with multiple commercial tenant spaces, label the use of each tenant space within the subject building.

Note: *For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.*

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SECTION 2 - REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS	
❑	A. **Site Plan** **Required for all projects** **The Site Plan must show the following:** ❑ Property lines and lot dimensions ❑ Existing and proposed building footprint(s) (dimensioned), setbacks (required, existing and proposed), and projections such as eaves, balconies, and bays. Show all accessory structures, such as garages, sheds, etc. ❑ Delineation of proposed additions, if any, with shading, hatching or another appropriate method ❑ Any portions of neighboring buildings within 20 feet of property lines, including the building-to-building separation (measured in feet) ❑ Pathway(s) from the residential structure to the public right of way ❑ Driveways and parking spaces with dimensions, location of ADA spaces, and security gates ❑ Trash/solid waste storage area ❑ Bicycle racks (short-term bicycle parking) subject to the **Berkeley Bicycle Plan – Appendix F – Facility Design Toolbox** ❑ Utility meters / boxes / equipment for all wet and dry utilities – including above-ground and under-ground, in conformance with utility company standards, including on the site and in the public right of way (subject to approval by the Public Works Department). ❑ Decks, patios, hot tubs, and all unenclosed accessory structures **Note:** The City of Berkeley **Community GIS Portal** is an online resource indicating site features and characteristics listed above, which are required to be shown on the Site Plan
❑	B. **Landscape and Usable Open Space Plan** **Required for all projects** **The Landscape Plan must show the following:** ❑ Fully dimension all areas that qualify as existing and proposed Usable Open Space, in compliance with the applicable zoning district development standard and **BMC Section 23.304.090**; and ❑ Any existing landscaping to remain and to be removed ❑ All proposed landscaping, including all existing and proposed trees, including street trees (indicate species, trunk diameter, drip line), hedge rows, and ground cover ❑ All paved areas and surface treatments ❑ Fences and retaining walls (materials and height) ❑ Significant natural features such as creeks (indicate banks or culvert outline), and prominent landforms.
❑	C. **Lot Coverage Diagram and Calculations** **Required for all residential projects** (or the residential portion of a mixed-use project). ❑ **Submit** the Lot Coverage Diagram and calculations, using the Site Plan as a base map, which must show the fully dimensioned diagrams to depict existing and proposed lot coverage in compliance with the applicable zoning district development standard and **BMC Section 23.106.020**.
❑	D. **Floor Plans** **Required for all projects.** The Floor Plan (s) must show the following: ❑ All floors, including mezzanines, basements, and attics ❑ Trash room pursuant to Public Works Department requirements ❑ Long-Term Bicycle parking, showing location of lockers or racks suitable for secure locks and subject to the **Berkeley Bicycle Plan – Appendix F – Facility Design Toolbox** ❑ Use of all rooms (existing and proposed), per the California Building Code ❑ For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, use dashed lines for demolished features and solid lines for new features.

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SECTION 2 - REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS	
❑	E. **Building Elevations** **Required for all projects.** The Elevations must show the following: ❑ All exterior features and openings, including finishes and materials ❑ Existing and proposed building height (as defined in BMC Sections 23.106.090), see Instructions linked below), finished floor elevations, and existing and finished grades (within five feet of the building). ❑ Adjacent features such as fences, landscaping, and other buildings and property lines. ❑ For changes to existing buildings, provide separate elevations for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features. **Height Instructions –Average Building Height*** (Residential districts, except R-S and R-SMU) **Height Instructions –Maximum Building Height*** (Hillside Overlay, R-S, R-SMU, Commercial, and Manufacturing districts) *In the Hillside Overlay ("H"), both average and maximum building height apply.
❑	F. **Street Strip Elevation** **Required for any new main buildings.** **Submit** a street elevation exhibit showing existing conditions on the parcel and the proposed project in elevation view; include at least two (2) parcels on either side of the subject parcel on a single sheet. Minimum scale is 1/8" = 1'.
❑	G. **Section Drawings** Required for the following projects: ❑ **New main buildings in the "H" District.** ❑ **Additions exceeding 14 feet in average height in the "H" District.** Submit drawings that show adjacent uphill or downhill buildings where views may be affected. Minimum scale is 1/8" = 1'. Show existing and proposed finished grades.
❑	H. **Boundary and/or Topography Survey** Required for the following projects: ❑ **Any new main building.** ❑ **Expansions of a building footprint or the creation of accessory building/structures less than two feet from, or within, a required setback.** Submit a survey meeting the following requirements: 1. Wet-stamped, signed by a licensed CA surveyor or appropriately licensed civil engineer 2. Minimum scale of 1/10" = 1' 3. All property lines, curb and sidewalk, spot elevations, existing structures, building dimensions, and setbacks to all property lines 4. For projects in the "H" District, survey must be no more than five years old and must show contour lines with minimum 5-foot intervals.
❑	I. **Conceptual Grading Plan** Required for projects with more than 50 cubic yards of cut and/or fill. **Submit** a grading plan meeting the following requirements: 1. Prepared by a licensed surveyor, architect or engineer 2. Estimated quantities and locations of cut and fill 3. Existing and final elevations

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SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS	
❑	A. **Site Photographs** **Required for all projects** Submit one set of exterior photos, that meet the following requirements: 1. Use captions or a key indicating the location (perspective) of each photo. 2. Provide an adequate number of photos to show entire project site and all adjacent buildings for context. Where possible, take wide-angle shots showing project site and adjacent buildings together.
❑	B. **Shadow Study** Required for the following projects: ❑ **Buildings exceeding 14 feet in average height, located in or adjacent to a residential (R) district (excluding ADUs)** ❑ **Additions exceeding 14 feet in average height on sites adjacent to a residential use** ❑ **Projects in either the C-T or C-DMU District, requiring a Use Permit to increase the maximum building height/number of stories** **Shadow Study Instructions**
❑	C. **Story Pole Plan** Required for the following projects: ❑ **New main buildings exceeding 14 feet in average height in the "H" District (excluding ADUs)** ❑ **Additions exceeding 14 feet in average height in the "H" District** **Story Pole Instructions**
❑	D. **Arborist Report** **Required for projects involving any construction activity (including excavation, trenching, demolition, paving, storage of materials, and parking of vehicles) within the drip line of a Coast Live Oak (quercus agrifolia) tree with a circumference of at least 18 inches at 4 feet above the ground (or at least 26 inches aggregate circumference for a multi-stemmed tree).** **Submit** 1. A report by a certified arborist assessing the project's impacts on the affected tree(s) (tree may be located either on- or off-site) and recommending preservation measures both during and after construction, as applicable. 2. Deposit of $460 for the first two hours of peer review of report (additional funds may be required for more complicated projects or site visits) **Tree Protection Instructions** **Coast Live Oak Tree Ordinance**
❑	E. **Structural Evaluation** **Required for any project that is not a demolition, but is removing between 25 and 49 percent of a main building's exterior wall and between 25 and 49 percent of a main building's roof framing** (including in-kind replacement of existing framing), in order to confirm the feasibility of retaining the remaining portions of any wall and roof. A Structural Evaluation is not required for projects requesting a Use Permit for demolition. **Submit** a demolition diagram that indicates the percentage of each wall and roof that is proposed to be replaced or removed, as well as a report by an independent, fully credentialed structural engineer that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible.
❑	F. **Parking Survey** **Required for projects requesting a waiver of any required off-street vehicular parking spaces** pursuant to the Zoning Ordinance, located in a Commercial or Manufacturing District (C, M, MM, or MU) . **Parking Survey Instructions**

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SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS	
❑	G. **Transportation Demand Management (TDM) and Bicycle Parking Supplemental Application** **Required projects creating five or more new dwelling units or Group Living Accommodation rooms** **TDM required** for projects creating 10 or more dwelling units outside of the C-DMU. (Not required for projects where 50 percent of total units are affordable, ADUs, projects located in ES-R, or projects on properties in the Hillside overlay on narrow streets 26-feet wide or less.) **Bicycle parking required** for projects creating five or more new dwelling units and/or Group Living Accommodation rooms. TDM and Bicycle Parking Process Overview TDM Program and Bicycle Parking Supplemental Application
❑	H. **Photo Simulations** **Required for a project creating any of the following:** ❑ Wireless telecommunications projects ❑ A "Large Scale Development Project," which consists of project located in a non-residential district that proposes **any** of the following: – Density Bonus under Section 65919 of California State Law, – Three or more stories in height, – Floor Area Ratio more than 2.00, or – 10,000 square feet or more of gross floor area. **Photo Simulation Instructions**
❑	I. **Public Art Declaration** Required for any of the following projects: ❑ **A new commercial or industrial building** ❑ **A project that creates five or more dwelling units** ❑ **An addition of more than 10,000 square feet to any commercial or industrial building** **Public Art Allocation Declaration form**

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ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 4 - ENVIRONMENTAL REVIEW

❑ A. **Creek Protection Documentation**

Required for any project within 40 feet of the centerline of an open creek, and/or within 25 feet of a culverted creek, that is protected by the Creeks Ordinance

Creek Protection Instructions

Note: *Applies even if a protected creek or culvert has not yet been identified by the City.*

❑ B. **Historic Resource Evaluation**

Required for:

- ❑ **Demolition of a non-residential building 40 or more years old, subject to referral to the Landmarks Preservation Commission in accordance with BMC Section 23.326**
- ❑ **Demolition/Substantial Change of any building 40 or more years old subject to environmental review pursuant to CEQA**

Submit: State of California Department of Parks and Recreation **(DPR) 523 forms**. Evaluation(s) to include references to development history documentation (including but not limited to photographs, building permits, Sanborn maps, and directory listings); completed by a qualified historian, architectural historian or historic architect. Provide supplemental information in accordance with the Landmarks Preservation Ordinance criteria (**BMC Section 3.24.110**).

The Environmental Review Officer may waive this requirement for residential addition and alteration proposals after determining that the project complies with preservation standards and environmental practices OR that qualified sources other than an HRE can provide the relevant information.

California guidelines (Instructions for Recording Historical Features)

❑ C. **Geotechnical and Seismic Hazard Investigation**

Required for all development projects intended for human occupancy located in a State-designated Seismic Hazard Zone, as defined by the California Seismic Hazards Mapping Act and Alquist-Priolo Earthquake Fault Zoning Act, as shown on the State's Environmental Constraints Map.

Exemptions:

For projects located in any State-designated Seismic Hazard Zone (PRC 2693, i.e. liquefaction, landslide, and earthquake shaking):

- ❑ Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to an approved subdivision map;
- ❑ A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings; or
- ❑ Alterations or additions to any structure within a seismic hazard zone which do not exceed either 50 percent of the value of the structure or 50 percent of the existing floor area of the structure.

If located in the Alquist-Priolo Fault Zone (PRC 2621.6 and 2621.7):

- ❑ Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to an approved subdivision map;
- ❑ A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings; and
- ❑ Alterations or additions to any structure if the value of the alteration or addition does not exceed 50 percent of the value of the structure; or
- ❑ Conversion of an existing apartment complex into a condominium.

Submit the following:

1. Geotechnical report satisfying the California Building Code and requirements of **Special Publication 117A** (for landslide and liquefaction zones) and/or **California Geological Survey Note 49** (for fault zones); and
2. Deposit of $1,500 for peer review of report (additional funds may be required for more complicated projects.

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SECTION 4 - ENVIRONMENTAL REVIEW	
❑	D. **Phase I or II Site Assessment** **Required** for any project that includes the following: ❑ **Substantial excavation in non-residential zoning districts** ❑ **A site with a history of soil and/or groundwater contamination (see the Hazardous Waste and Substances Statement)** ❑ **A site within an Environmental Management Area (see Community GIS Portal)** **Contact** the Toxics Management Division (510) 981-7460 for more information.
❑	E. **Transportation Impact Study** **Required** for projects that do not meet at least one of the City's screening criteria for determining if detailed VMT or vehicular parking analysis is necessary. **Consult** with the Transportation Division for a copy of the screening criteria and thresholds at (510) 981-7010
❑	F. **State General Construction Permit** **Required** for projects disturbing one acre or more of soil (or less than one acre if part of a larger development plan that disturbs one acre or more). **Submit** a copy of the Notice of Intent (NOI) submitted for the State General Construction Permit, and Storm Water Pollution Prevention Plan (SWPPP) prior to building permit issuance. **Construction Stormwater General Permits**
❑	G. **Stormwater Requirements Checklist** **Required** for projects creating or replacing 2,500 square feet or more of impervious surface, including single-family dwellings. Includes new buildings, additions, and alterations to existing roofs that affect drainage; does not include maintenance/re-surfacing of existing impervious surfaces.

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SECTION 5 - REQUIRED FOR PROJECTS SUBJECT TO AFFORDABLE HOUSING REQUIREMENTS

❑ A. **Housing Affordability Statement**

Required for a project creating any of the following:

- ❑ Five or more new dwelling units and/or five or more live/work units
- ❑ New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units (R-2, R-2A, and MU-R Districts)
- ❑ One to four new dwelling units and/or five or more live/work units, which are added to an existing one to four-unit property developed after August 14, 1986, and the resulting number of units totals five or more
- ❑ Additional condominium units, resulting in five or more condominium units converted and/or created after August 14, 1986 on the site

Submit a written statement describing the following:

1. How the project complies with the Inclusionary Housing Ordinance
2. Level of affordability that will be provided and/or amount of in lieu fee that will be paid
3. Number and location of any affordable units provided
4. Size and amenities (bedrooms, bathrooms, parking facilities) of any affordable units

❑ B. **Anti-Discrimination Housing Policies**

Required for a project creating any of the following:

- ❑ Five or more new dwelling units and/or five or more live/work units
- ❑ New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units
- ❑ One to four (new dwelling units and/or five or more live/work units, which are added to an existing one to four-unit property developed after August 14, 1986, and the resulting number of units totals five or more
- ❑ Additional condominium units, resulting in five or more condominium units converted and/or created after August 14, 1986 on the site

Submit a written statement answering the following questions and provide the requested documentation, if applicable:

- Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30 percent of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in states or jurisdictions outside of California?
- If the answer to (1) is yes, which?
- If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have policies in individual states that prohibit discrimination based on sexual orientation, gender identity, and/or gender expression in the sale, lease, or financing of any dwelling units enforced on every property in the state or states where the applicant or sponsor has an ownership or financial interest?
- If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?
- If the answer to (3) or (4) is yes, please provide a copy of that policy or policies as part of this application.

The Land Use Division will not accept an application as complete unless the applicant provides a response to this section. The processing of and recommendations or determinations made by the Land Use Division regarding an application will be unaffected by the applicant's response to this section.

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SECTION 5 - REQUIRED FOR PROJECTS SUBJECT TO AFFORDABLE HOUSING REQUIREMENTS	
❑	C. **Density Bonus Eligibility Statement** **Required** for projects requesting a density bonus pursuant to **Government Code Section 65915**. **Submit the following information** 1. A written statement that includes the following information: a. Number of "base project" units b. Number and percent of affordable units and level of affordability c. Percent density bonus requested and allowed pursuant to **Government Code Section 65915** d. Waivers or modifications of development standards necessary to physically accommodate "density bonus" units (e.g., increased height or FAR, reduced setbacks or parking, etc.) e. Explanation of why each waiver or modification is needed to accommodate "density bonus" units f. If the project is requesting an incentive or concession, describe each incentive or concession being requested in addition to (or instead of) waivers or modifications necessary to accommodate density bonus 2. **Plans showing a "base project" that complies with all applicable Zoning Ordinance requirements.** For staff to effectively review your density bonus project, a combination of diagrams, compliance tables and calculation tables must be included in the project plan set: a. Base Project and Proposed Project diagrams, per floor b. Base Project and Proposed Project development standards compliance tables c. Residential floor area calculations and diagrams (per floor; can be combined with Base Project and Proposed Project diagrams) d. Maximum allowable residential density calculation table e. Usable open space and lot coverage diagrams and calculations f. Base Project, Density Bonus, and Proposed Project residential floor area table Your project planner can provide examples of preferred diagram and table formats. **State Density Bonus - Procedures** **State Density Bonus - Objective Standards/Housing Accountability Memo - Dated 08/2021**
❑	D. **Area of Potential Effects (APE) Statement** Required for projects seeking federal funds (either directly or through the **City of Berkeley Housing Trust Fund**). Submit a statement identifying the project's "Area of Potential Effects" as defined in federal regulations (**36 CFR Part 800**). Contact the Housing Department at (510) 981-5400 for more information and requirements.

INFORMATION & SUBMITTAL CHECKLIST CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 6 - LANDSCAPE AND GREEN BUILDING REQUIREMENTS

❑ A. **WELO Landscape Requirements**

Required for projects with either:

- ❑ 500 square feet or more of new, or
- ❑ 2,500 square feet or more of renovated irrigated area.

These projects must comply with water efficient landscaping as specified in the **Model Water Efficient Landscape Ordinance (MWELO)** and **East Bay Municipal Utility District (EBMUD) Water Efficiency Review: Section 31 Regulations and MWELO Compliance**, and all applicable measures in the **Bay Friendly Basics checklist**.

Submit WELO-compliant landscape documentation including a planting, grading, and irrigation plan. Water budget calculations are also required for landscapes of 2,500 square feet or more. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

See Green Building requirements.

❑ B. **Natural Gas Prohibition, Berkeley Energy Code, and Berkeley Green Code**

Required for newly constructed buildings (buildings that have never before been used or occupied for any purpose).

Submit the following:

1. **A statement that the building will not include any natural gas infrastructure in compliance with BMC Chapter 12.**80, or documentation to support an application for an exception or public interest exemption to the Natural Gas Prohibition if the conditions of BMC Section 12.80.040A.1 or 12.80.050 are met. The Land Use drawing set submittal and the building permit plan set submittal shall both include a cover sheet declaration: 'Natural Gas-free Design as required by BMC Chapter 12.80.
2. **A statement, and corresponding features on plans, that the proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36)** and **Berkeley Green Code (BMC Chapter 19.37)** including solar PV system, battery energy storage, electric vehicle charging, and low-carbon concrete requirements. Note that for building permit submittal, quantitative values for appliance fuel efficiency must be included in relevant building permit architectural sheets, and window and door schedules, and on architectural, plumbing, and mechanical sheets, matching those values stipulated in prescriptive or performance energy compliance documents.

Note: Carefully consider the Building Code prior to submitting a Use Permit application. Per the standard Conditions of Approval for all development projects, only the Zoning Adjustments Board may approve a modification to the use or structure for which the Permit is issued, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

The **California Energy Design Assistance (CEDA) Program** provides free energy design assistance, financial incentives, and operational energy savings to new commercial, public, multifamily (4 stories or more), industrial, and agricultural buildings. CEDA application must occur while a project is in early design phases.

See Green Building requirements.

❑ C. **Green Building Requirements**

Required for newly constructed buildings and additions of more than 20,000 square feet for projects located in the Commercial-Downtown Mixed-Use District (C-DMU).

Submit a completed **LEED Checklist / Scorecard** (typically for commercial projects), showing that the proposed project is on track for LEED Gold certification or above, or a completed **GreenPoint Rated (GPR) Checklist** (for residential and most mixed-use projects), showing that the proposed project is on track for GPR Silver certification or above.

See **Green Building requirements**.

INFORMATION & SUBMITTAL CHECKLIST CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 7 - RELATED LAND USE PLANNING DIVISION APPLICATIONS	
❑	A. **Design Review** **Required for:** ❑ Projects with exterior changes in non-residential districts ❑ Non-residential projects in R-3, R-4, R-S and R-SMU Districts ❑ Other projects as required by the Zoning Officer **Submit** separate Design Review application form per the **Design Review Submittal Requirements**.
❑	B. **Structural Alterations Submittal** **Required** for exterior alterations to designated City Landmarks, Structures of Merit, and structures within a Historic District (and interior alterations to such structures if publicly owned). **Submit** separate Structural Alteration Permit application, per the **Structural Alteration Permit & Design Review Submittal Requirements**.
❑	C. **Zoning Use Questionnaire** **Required** for projects that establish a new business or create a new commercial space with the tenant/operator already selected.
❑	D. **Home Occupation Questionnaire – Class II and III** **Required** for Class II or Class III Home Occupations that establish a new home-based business. **Submit** a Zoning Permit Application (Section 1.A, above), and fill out the **Class II and III Home Occupation Questionnaire**.

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@cityofberkeley.info

INSTRUCTIONS REGARDING COMMUNITY OUTREACH

Last Updated January 2020

For all projects:

Early in the design process, the City strongly encourages owners to meet with their neighbors, whenever possible, to present plans and try to identify and resolve issues of concern. Applicants can meet with neighbors one-on-one or at a gathering; whichever seems more appropriate to them. Projects in a Residential (R) District require contact between the subject property owner and the abutting and confronting property owners and tenants (See Figure 2). Projects of Community or Neighborhood Interest[1] require a meeting with owners, residents, and community groups within 300 feet of the project (See page 2).

For a project that proposes to eliminate a dwelling unit subject to the Rent Ordinance (BMC Chapter 13.76) through demolition, including elimination of a dwelling unit by conversion:

The applicant must provide all sitting tenants notice of the application to demolish the building and the proposed scope of work no later than the date the application is submitted to the Land Use Planning Division, including notice of the tenant(s)' rights pursuant to BMC Chapter 13.76 (see attached Notice: https://tinyurl.com/ssnm5aq). Submit a statement confirming such notice has occurred with the Use Permit application.

For any project in a Residential (R) District:

Once an applicant is ready to submit the application, he/she should request their neighbors' signatures **ON THE SITE PLAN DRAWING**, following the instructions below (See Figure 1). These signatures tell the City that the applicant has informed their neighbors of the proposed project – it in no way implies that a neighbor "approves" of a project. The signatures do not ensure approval or denial of a project, rather they confirm the applicant has fulfilled the Zoning Project submittal requirement to contact their neighbors before submitting an application.

Signatures must be gathered from owners **AND** occupants of a property. If after more than one attempt to contact them in person, the owner is not able to contact a neighbor

[1] Projects of Community or Neighborhood Interest: 1) Any project in a Residential District that would create 6 or more bedrooms on a parcel within ½ mile of the UC Campus (or the area confined by Grant Avenue on the west, Derby Street on the south, and Rose Street on the north); and 2) Any project in a non-residential district that involves three or more stories, a Density Bonus under Section 65919 of California State Law, a Floor Area Ratio ≥ 2.00, or more than 10,000 square feet gross floor area.

(either owner or tenant), or the neighbor refuses to sign the plans for whatever reason, please provide evidence that you attempted to contact the individual in-person on more than one occasion, and have provided them with a copy of the plans via certified mail.

If a neighbor voices concerns about the proposed project, the City advises that mediation take place early in the process. SEEDS Community Resolution Center (formerly East Bay Community Mediation) is one option available to help applicants and neighbors resolve problems (www.seedscrc.org).

In unique circumstances, work with a Planner for guidance in the type of notification that would be appropriate for the particular project, or other substitute arrangements.

For projects of Community Interest – Community Meeting Required

For any project of Community or Neighborhood interest, the applicant is required to contact all property owners, residents, and neighborhood organizations within 300 feet of the project site to advise them of the proposed development. The steps to complete this requirement are the following:

1. Obtain from the Land Use Planning Division a list of all property owners, occupants/residents, and neighborhood organizations within 300 feet of the project site,
2. Invite those on the list to at least one neighborhood meeting to review the project plans and discuss any questions or concerns, and
3. Hold the meeting and keep a record of attendance and topics discussed.

Following the meeting, the applicant shall submit evidence of mailed invitations (in list form, not copies of each individual mailed letter), an attendance list with name, address, and contact information (email and/or phone number), signatures, and legible meeting notes describing the topics discussed, any potential concerns or issues and proposed solutions.

Note: *This requirement does not apply to any project that is subject to the 'Neighbor Pre-Application Contact for any residential project in any residential district', listed above. Other major non-residential projects are strongly encouraged, but not required, to follow this procedure.*

Figure 1. Sample Table and Statement for Neighborhood Signatures for Residential Projects:

Step 1: Print a blank signature block, like the example below, with the explanatory statement, **ON THE SITE PLAN ITSELF**. (No cutting and taping of the signature block onto the plans, etc.)

Step 2: Provide abutting and confronting neighbors (includes owners and occupants) an opportunity (1) to review the full set of plans and (2) to indicate that they have seen these plans.

Step 3: Submit the signed sheets of the plans to the City as part of the Application. Signatures must be included on this plan sheet on every set of plans submitted.

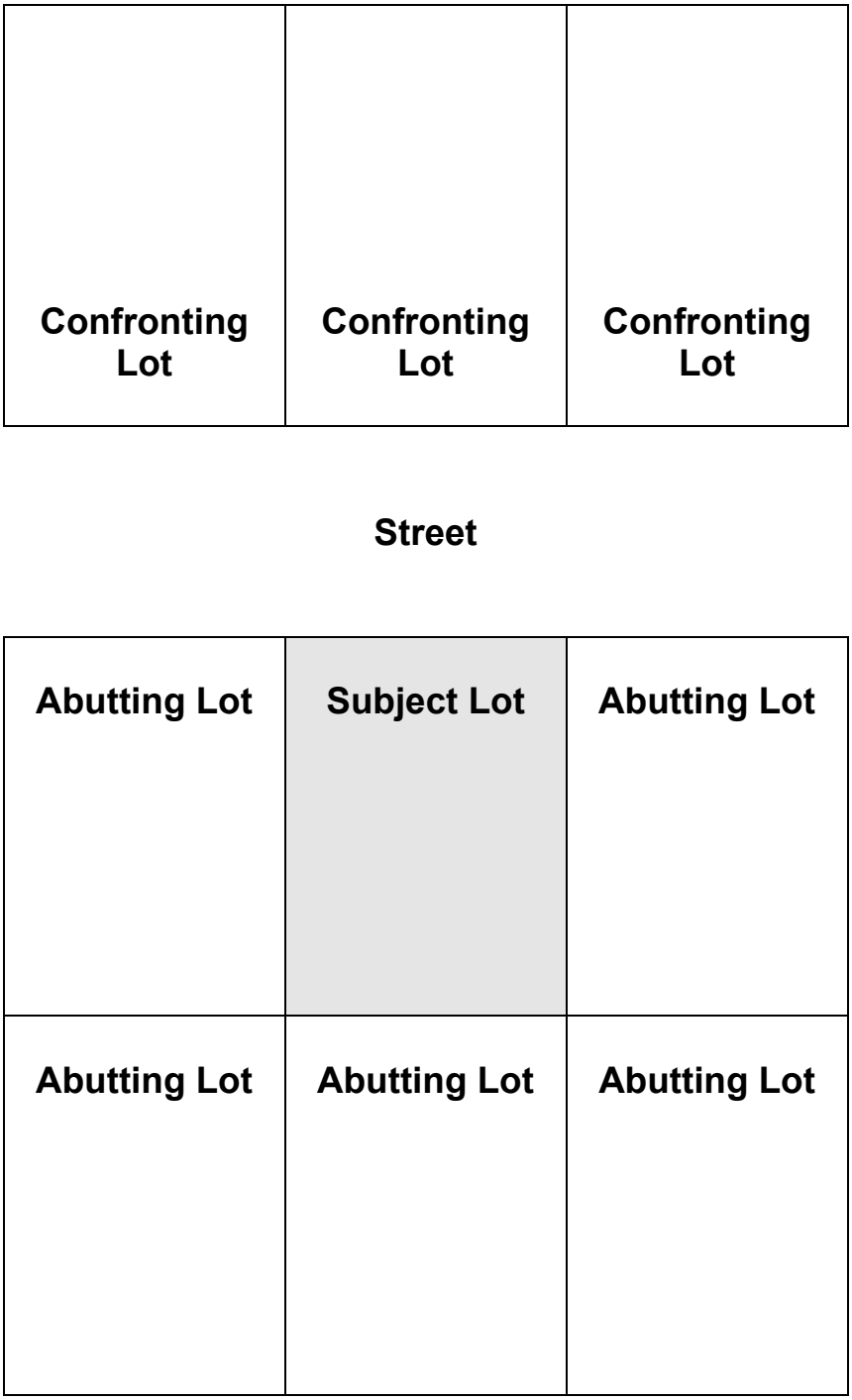
I have reviewed the plans for a ***([Insert short description of your project. Example – a 750 square foot, 24' high residential addition****)* at ***(Location of the project. Example -- 5 Albert Street*).***

Name (printed)	Signature	Address	Renter or Owner	Date	Have no objections	Have objections (Please state briefly)	Have no comment
	EXAMPLE						

* Example description and address

(See back)

Figure 2. Example of Abutting and Confronting Lots



INSIDEOUT architecture | interiors | landscape

04/05/23

Dear Russell Street or Ashby Avenue resident,

We are helping your neighbor Hami Kazerooni at 2924 Russell Street apply for an Administrative Use Permit for a new hot tub. The City of Berkeley Land Use Planning requires that applicants for hot tubs speak with their neighbors and share plans with them before applying. Per City instructions we attempted to speak with you in person on April 3 and April 4, and since we were not able to reach you, we are instructed to provide print plans by mail.

Please find enclosed plan set for your review and contact us if additional information is needed or if you would like to share objections or other comments. Thank you for your time and input.

Kind regards,

INSIDEOUT DESIGN, INC.

Pennell Phillips, Principal
Landscape Architect 5602
Certified Arborist WE-6608A

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Inside Out Design, Inc. 6000 Harwood Avenue Oakland, CA 94618 | 510.655.7974 T 510.655.7973 F

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CERTIFIED MAIL
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- [ ] Adult Signature Restricted Delivery $

Postage $1.74
Total Postage and Fees $5.89

Postmark Here
USPS ELMWOOD STATION
APR - 5 2023
04/05/2023

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Street and Apt. No., or PO Box No.
City, State, ZIP+4® Berkeley, CA 94705

PS Form 3800, April 2015 See Reverse for Instructions

7021 2720 0003 2739 4595

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- [x] Return Receipt (electronic) $ $0.00
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Postage $1.74
Total Postage and Fees $5.89

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City, State, ZIP+4® CA 94705

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Extra Services & Fees (check box, add fee as appropriate)
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- [ ] Adult Signature Restricted Delivery $

Postage $1.74
Total Postage and Fees $5.89

Postmark Here
USPS ELMWOOD STATION
APR - 5 2023
04/05/2023

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City, State, ZIP+4® Berkeley, CA 94705

PS Form 3800, April 2015 See Reverse for Instructions

UNITED STATES POSTAL SERVICE.

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BERKELEY, CA 94705-9991
(800)275-8777

04/05/2023 01:58 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		$1.74
Berkeley, CA 94705			
Weight: 0 lb 2.70 oz			
Estimated Delivery Date Fri 04/07/2023			
Certified Mail®			$4.15
Tracking #: 70212720000327394274			
Total			$5.89
First-Class Mail® Large Envelope	1		$1.74
Berkeley, CA 94705			
Weight: 0 lb 2.70 oz			
Estimated Delivery Date Fri 04/07/2023			
Certified Mail®			$4.15
Tracking #: 70212720000327394601			
Total			$5.89
First-Class Mail® Large Envelope	1		$1.74
Berkeley, CA 94705			
Weight: 0 lb 2.70 oz			
Estimated Delivery Date Fri 04/07/2023			
Certified Mail®			$4.15
Tracking #: 70212720000327394595			
Total			$5.89
Grand Total:			$17.67
Credit Card Remit			$17.67

Card Name: VISA
Account #: XXXXXXXXXXXX2798
Approval #: 04485G
Transaction #: 921
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required CHASE VISA

or call 1-800-410-7420.

UFN: 050644-0055
Receipt #: 840-59450117-3-6889551-2
Clerk: 37

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AUP Applicant Statement

05/15/23

CITY OF BERKELEY LAND USE PLANNING

CITY OF BERKELEY
2180 Milvia St
Berkeley, CA 94704

Dear City of Berkeley Land Use Planner,

We are seeking an Administrative Use Permit for a new hot tub located at the rear deck (under separate building permit application, approved with conditions as of 05.12.23; please refer to Permit #B2023-01579) of 2924 Russell Street, Berkeley, CA 94705, on behalf of owner Homayoon Kazerooni.

The proposed hot tub measures 7.5' x 7.5' or smaller and will be sourced from Sundance Spas (Cameo model) or similar. It would require a dedicated GFCI outlet located at the rear deck. Proposed hot tub, concrete pad, and GFCI locations and relevant dimensions relative to the deck and residence are shown in the included plans. As instructed by Building and Safety, the dedicated hot tub GFCI and revisions to Permit #B2023-01579 to accommodate the proposed hot tub will be processed under a separate application, pending your approval of this AUP application.

We conducted community outreach per AUP guidelines in early April. After discussing concerns about potential noise with the neighbors, we have recommended several hot tub models to the owner that have enclosed equipment and are quieter than industry standards, and have specified that the spa will be installed with a sound-reducing mat. We are also specifying screening hedges at the eastern and western boundaries to provide additional sound mitigation and privacy.

Please find enclosed AUP application materials per City of Berkeley Land Use Planning instructions and contact us if additional information is needed. Thank you for your time and input.

Kind regards,

INSIDEOUT DESIGN, INC.

Pennell Phillips, Principal
Landscape Architect 5602
Certified Arborist WE-6608A

Administrative Record

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

Attachment 7

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
2924 RUSSELL STREET

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 27, 2024 at 6:00 p.m.**, a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to **APROVE Administrative Use Permit #ZP2023-0081 to install a hot tub in the rear yard.**

The hearing will be held on, February 27, 2024 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Samantha Updegrave, Zoning Officer, (510) 981-7414 or at supdegrave@berkeleyca.gov.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 15, 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.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov 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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

_____
Mark Numainville, City Clerk

Mailed by: February 13, 2024
Noticed Pursuant: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

***NOTICE CONCERNING YOUR LEGAL RIGHTS**: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is*

mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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 at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

Office of the City Manager

PUBLIC HEARING
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning and Development

Subject: Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending Title 23 of the Berkeley Municipal Code to streamline and clarify the permitting process for small businesses in commercial districts ("C-Prefixed"), select manufacturing ("M-Prefixed") districts, and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.

SUMMARY

In 2019, the City Council adopted a referral (**Attachment 4**) with a set of nine policy considerations "to streamline the zoning review process for new or expanding small businesses," intended to support Berkeley businesses and bolster Berkeley's commercial districts. Between 2020 and 2023, the Planning Commission met and considered these recommendations and developed seven additional policy recommendations. Council consideration of these proposals will conclude work on the 2019 referral.

The proposed ordinance would to streamline and clarify the permitting process for small businesses in Berkeley by implementing the following changes:

- **Group Class Instruction**: Reduce the level of permitting discretion for Group Class Instruction and clarifying definitions of "Dance/Exercise/Martial Arts/Music Studio", "Group Class Instruction", and "Gyms and Health Clubs."

- **Incidental Distilled Spirits:** Revise permit requirements and provide clear performance standards for restaurants that wish to serve Incidental Distilled Spirits at a Food Service Establishment.

- **Stand-Alone Beer and Wine Sales and Service**: Permit stand-alone Beer and Wine Sales and Service with an administrative use permit (AUP), subject to performance standards, in all commercial zoning districts.

- **Alcohol Service, Live Entertainment, and Hours of Operation:** Modify the special use standards related to Alcohol Service, Live Entertainment, and Hours of Operation in select C-prefixed and M-prefixed districts.

- **Change of Use**: Removing the permit requirements to change a use in commercial districts, thereby reducing permitting time and costs for small businesses getting established in existing commercial spaces.

- **Office, Business and Professional; Art/Craft Studio; Pet Stores:** Reduce the level of permitting discretion for Office, Business and Professional; Art/Craft Studio; and Pet Stores in select C-prefixed districts.

- **Food Service:** Reduce levels of permitting discretion for food service in commercial and select manufacturing districts and in R-SMU and R-BMU zoning districts, as long as alcohol service is not included. Remove restrictions on rentals of food service establishments to third parties, and on outdoor and seated food service with alcohol in select C and M prefixed districts. Remove quotas on food service in the C-E (Elmwood) district.

- **Drug Paraphernalia Stores:** Remove the prohibition on uses involving sale or distribution of drug paraphernalia in the C-T (Telegraph) district.

These recommendations were considered by the Planning Commission and the Planning Commission's Zoning Amendments for Berkeley Business Subcommittee in the context of current zoning regulations and General Plan objectives. Staff subsequently developed a refined set of corresponding proposed Zoning Ordinance amendments.

On October 4, 2023, the Planning Commission held a public hearing (***Attachment 2***) and unanimously recommended the proposed zoning amendments to the City Council (Motion/Second (Mikiten/ Moore). Ayes: Merker, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh, and Vincent. Noes: None. Abstain: None. Absent: None (9-0-0-0)).

The zoning amendments are contained in ***Attachment 1,*** and are proposed for City Council adoption. The proposed zoning amendments advance the City's Strategic Plan goals to foster a dynamic, sustainable, and locally-based economy and to provide excellent, timely, easily accessible service and information to the community.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendments are intended to simplify the planning review process for business activities, including new business starts and expansions. Therefore, the proposed amendments may result in a modest increase in business license tax and sales tax revenues due to increased business activity. In addition, the proposed

amendments may result in a modest decrease in staffing-related expenditures and land use permitting fee collections, as more uses would be permitted “by right” rather than through a discretionary permitting process.

CURRENT SITUATION AND ITS EFFECTS

The proposed zoning amendments reflect policy changes that are summarized in *Table 1: Referral Actions and Zoning Amendment Proposals*. Detailed explanations of the proposed zoning amendments are included below.

The first set of proposed zoning amendments reflect specific previously referred actions from City Council, while the second set of proposed zoning amendments reflect staff-initiated changes that are consistent with the previous direction and intent of City Council referrals, and which are recommended by the Planning Commission. Table 1 also includes a column which indicates which Section(s) of the proposed ordinance include changes related to the indicated referral actions. ***Attachment 3*** is an annotated version of the proposed ordinance that includes comments for each Section which refer to items in Table 1.

Table 1: Referral Actions and Zoning Amendment Proposals

	Policy Change	Proposed Zoning Change	Ordinance Sections (Attachments 1 and 3)
2018-2019 CITY COUNCIL REFERRALS			
1.	**Group Class Instruction.** Allow Group Class Instruction with a Zoning Certificate (ZC) in the C-N, C-E, C-NS and C-SO zoning districts. (Council referral dated 10/15/2019). Revise definitions of “Dance/Exercise/Martial Arts/Music Studio”, “Group Class Instruction”, and “Gyms and Health Clubs.”	• Removed “Dance/Exercise /Martial Arts/Music Studio” definition and revised the definition of “Group Class Instruction” (simplified to “Group Instruction”). (Section 22) • Replaced “Gyms and Health Clubs” use with new “Health and Fitness Facility” use and definition. (Section 25) • Changed permit requirements and size thresholds. (Sections 1, 2 and 3)	1 2 3 4 11 13 22 24 25 26 27

	Policy Change	Proposed Zoning Change	Ordinance Sections (Attachments 1 and 3)
		• Removed ground floor transparency requirement for gyms in the C-DMU, for customer privacy. (Section 4) • Conforming technical edits, e.g., renumbering and references.	
2.	**Incidental Distilled Spirits.** Permit the sale of Distilled Spirits that are incidental to a Food Service Establishment with an Administrative Use Permit (AUP), subject to performance standards, in all commercial zoning districts and the MU-LI and MU-R zoning districts. (Council referral dated 10/15/2019, and Council referral dated 12/4/2018)	• Revised permit requirements. (Section 19)	19
3.	**Stand-Alone Beer and Wine.** Permit stand-alone Beer and Wine Sales and Service with an AUP, subject to performance standards, in all commercial zoning districts. (Council referral dated 10/15/2019 and Council referral dated 12/4/2018)	• Expanded Bar/Cocktail Lounge/Tavern use type to include “Tap Room/Wine Tasting.” (Sections 3, 13 and 21) • Revised permit requirements. (Section 3)	3 8 13 21
4.	**Alcoholic Beverage Sales Standards.** Update the Special Use Standards for Alcoholic Beverage Sales in BMC Section	• Revised permit requirements. (Sections 18 and 19)	18 19

	Policy Change	Proposed Zoning Change	Ordinance Sections (Attachments 1 and 3)
	23.310.030(C). (Council referral dated 10/15/2019)	• Revised Findings of Public Convenience or Necessity. (Section 18)	
5.	**Hours of Operation.** Modify hours and days of operations in commercial districts. (Council referral dated 10/15/2019).	• Amended district purpose for C-SO District. (Section 9) • Revised Hours of Operation. (Section 14) • Clarified exceptions. (Section 14) • Established that an AUP, not a Use Permit Modification, is required to extend hours to match this change. (Section 14) • Conforming technical edit. (Section 9)	9 14
6.	**Change of Use.** Remove permit requirements to change a use in commercial districts. (Attachment 1, referral dated 10/15/2019)	• Removed additional permit requirements related to change of use. (Sections 3 and 4)	3 4
7.	**ATMs.** Allow Automatic Teller Machines (ATMs) in commercial districts with a ZC. (Council referral dated 10/15/2019)	• No recommended changes.	N/A

STAFF-INITIATED CHANGES CONSISTENT WITH CITY COUNCIL REFERRALS			
8.	**Office, Business and Professional; Art/Craft Studio; Pet Stores.**	• Revised permit requirements. (Section 3)	3

	• Allow Office, Business and Professional uses with a ZC in the C-NS and C-T zoning districts. • Allow Art/Craft Studios with a ZC in all commercial zoning districts. • Permit Pet Stores with an AUP in the Corridor Commercial (C-C), University Commercial (C-U), C-N, C-E, C-NS, South Area Commercial (C-SA), C-T, C-SO, Downtown Mixed-Use (C-DMU) and Adeline Corridor Commercial (C-AC) zoning districts.		
9.	**Live Entertainment.** Allow unamplified Live Entertainment with a ZC, and permit amplified Live Entertainment with an AUP in the C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC, C-N, C-NS, West Berkeley Commercial (C-W), C-E, MU-LI and MU-R zoning districts.	• Added Live Entertainment as incidental use in the R-SMU districts. (Section 1) • Added “Live Entertainment, Unamplified” and “Live Entertainment, Amplified” as land uses in the residential, commercial and manufacturing Allowed Uses Tables. (Section 3) • Removed stand-alone section. (Section 13 and 15)	1 3 13 15

10.	**Seated Food Service Requirement.** Allow distilled alcoholic beverage service without seated food service in the C-T, C-NS, and the C-SO zoning districts.	• Removed requirement that food service must accompany distilled alcohol service. (Sections 8 and 19)	8 19
11.	**Food Service Establishments 3,000 sq. ft or less.** Allow Food Service Establishments 3,000 square feet or less with a ZC, and permit food establishments greater than 3,000 square feet with an AUP, in all commercial zoning districts and the R-SMU and R-BMU zoning districts, as long as alcohol service is not included.	• Added new "Food Service Establishments" uses to Residential and Commercial Allowed Use tables and removed stand-alone section. (Sections 1, 3 and 16) • Removed AUP requirement for food service on ground floor in C-DMU. (Section 10)	1 3 10 16
12.	**Food Service Establishment Quota.** Remove the Numeric Limitation for Food Service Establishments in the C-E zoning district.	• Removed numeric quota. (Section 5)	5
13.	**Incidental Food Service Establishment Requirements.** Permit incidental Food Service Establishments under 20,000 square feet in manufacturing districts to be indoors and outdoors with an AUP, and remove the specification that food or beverage be limited to "immediate consumption" in the MM zoning district.	• Added new "Food Service Establishment" incidental uses to Manufacturing Allowed Use Table and removed stand-alone code section. (Sections 13 and 16)	13 16

14.	**Drug Paraphernalia in C-T District.** Allow retail sales of drug paraphernalia in the C-T zoning district.	• Removed prohibition on uses involving sale or distribution of drug paraphernalia in C-T. (Section 8)	8
15.	**Third Party Rental.** Remove the restriction on renting space in a Food Service Establishment that serves alcohol incidental to food service to a third party.	• Removed restriction. (section 19)	19

Discussion of Proposed Changes

Items 1 through 7 in the list below were considered pursuant to City Council referrals in 2018 and 2019.

1. Group Class Instruction.

Allow Group Class Instruction with a Zoning Certificate (ZC) in the C-N, C-E, C-NS and C-SO zoning districts. Currently, most commercial zoning districts require an AUP for group class instruction. Recent business models focus on creating activity or experience-based enterprises for patrons alongside traditional retail sales (e.g., painting or art classes accompanying the sales of paint and art supplies, or pattern and fabric sales connected with sewing classes).

The proposed amendments would:

- Allow Group Instruction uses with a ZC in all commercial zoning districts, except:
  - An AUP would be required for Group Instruction uses 3,000 square feet or larger in the Neighborhood Commercial (C-N), Elmwood Commercial (C-E), and Solano Avenue (C-SO) zoning districts. The Planning Commission wished to maintain a higher level of discretion for larger Group Instruction uses in smaller commercial districts.
- Allow Health and Fitness Facility uses with a ZC in all commercial zoning districts, except:
- Require an AUP for Health and Fitness Facility uses 7,500 square feet or larger in the Neighborhood Commercial (C-N), Elmwood Commercial (C-E), and Solano Avenue (C-SO) zoning districts. The Planning Commission

wished to maintain a higher level of discretion for larger Health and Fitness Facilities uses in smaller commercial districts.

Revise Definitions Related to Group Class Instruction - The BMC currently includes three related use types (Group Class Instruction, Art Classes/Studios/Dance/Martial Arts Studios, and Gym/Health Club) that share some overlapping uses (exercise classes, for example, appear in both Group Class Instruction and Gym/Health Club). This has led to confusion as to how to classify a proposed use or accommodate emerging business models. The proposed zoning amendments consolidate and refine these definitions, as shown in Table 2.

Table 2: Existing and Proposed Group Class Instruction & Related Definitions

Existing Definitions	Proposed Definitions
Dance / Exercise / Martial Arts / Music Studio. An establishment in which customers assemble for group exercises, dancing, self-defense training, aerobics, choral or musical instrument instruction, other movement drills for learning, rehearsal or non-audience performances.	**Group Instruction**. An establishment that offers specialized programs in personal growth, development, and instruction in artistic, cultural, and academic pursuits, including music and choral schools, performing arts, arts and crafts, cooking, tutoring, martial arts and self-defense training. Excludes spaces designed exclusively for public performance.
Group Class Instruction. An establishment that offers specialized programs in personal growth and development. Includes music studios, drama schools, dance academies, art schools, tutoring schools, and instruction in other cultural and academic pursuits.	
Gyms and Health Clubs. An indoor facility where exercise equipment, classes and related activities related to personal health and fitness are available to paying customers. Excludes parks/playgrounds.	**Health and Fitness Facility.** An indoor facility where exercise equipment, group classes and other activities related to personal health and fitness are available to customers or members. This can include a facility where exercise equipment, swimming pools, group or aerobic classes (including yoga and Pilates) and other activities related to personal health and fitness are available to customers or members. Excludes: park/playground.

Dance, exercise and aerobics are proposed to be captured in the definition of "Health and Fitness Facility." "Music Studio" is proposed to be removed from the definition because the use is captured in the existing definition of "Media Production." Music Instruction is proposed to be included under "Group Instruction."[1] Note that the definition and permit requirements for a "Commercial Recreation Center" remain unchanged, which permit activities and uses that include indoor rock climbing, bowling alleys, bingo parlors, skating rinks, billiard or pool halls, miniature golf courses and axe throwing.

2. Incidental Distilled Spirits.

Permit the sale of Distilled Spirits that are incidental to a Food Service Establishment with an Administrative Use Permit (AUP), subject to performance standards, in all commercial zoning districts and the MU-LI and MU-R zoning districts, and with a UP in the R-BMU zoning district. Currently, an operator of a Food Service Establishment must obtain a Use Permit to serve Distilled Spirits that are incidental to food service, which is a process separate from, and in addition to, the State of California Division of Alcohol Beverage Control (ABC) review process. The proposed amendments would permit incidental sale and service of distilled alcoholic beverages with an AUP subject to performance standards. The proposed changes are included in Table 3, below and would also include an amendment to BMC Section 23.310.030(C) – Incidental Beer and Wine Service Standards to condition Food Service Establishments applying to expand alcoholic beverage service.

Table 3: Beer & Wine and Distilled Spirits Incidental to Food Service – Proposed Amendments

District	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
	Beer and Wine	**Distilled Spirits**
R-SMU	UP(PH)	UP(PH)
All Commercial Zoning Districts~~, except C-AC and the R-BMU District~~	ZC	~~UP(PH)~~ AUP
R-BMU	ZC	UP(PH)
MU-LI, MU-R	~~UP(PH)~~ AUP	~~UP(PH)~~ AUP

3. Stand-Alone Beer and Wine.

Permit stand-alone Beer and Wine Sales and Service with an Administrative Use Permit (AUP), subject to performance standards, in all commercial zoning districts. Currently, stand-alone Beer and Wine Sales and Service uses (e.g., tap rooms, wine bars, and tasting rooms) are permitted in the C-C, C-U, C-SA, C-T, C-DMU, C-W,

[1] Note: This would be separate from a home occupation use in a residential district that includes small group lessons as an incidental use, such as private piano lessons taught in a home.

and C-AC zoning districts with a Use Permit, which is a process separate from, and in addition to, the State of California's Alcoholic Beverage Control (ABC) review process. The proposed amendments would permit stand-alone sale and service of beer and wine with an AUP in the above listed districts.

4. Alcoholic Beverage Sales and Service Standards.

Update the Special Use Standards for Alcoholic Beverage Sales in BMC Section 23.310.030(C) to align with the proposed Zoning amendments. The proposed amendments include revisions to the standards for Alcoholic Beverage Sales and Service in BMC 23.310.020 and BMC 23.310.030.[2] These changes include revised findings for public convenience and necessity that provide updated standards consistent with ABC requirements for staff to reference when evaluating permit applications and/or preparing findings for a proposed permit involving alcoholic beverage sales or service.

Revise Alcoholic Beverage Sales General Requirements, Excluding Incidental Beer and Wine Service. BMC Section 23.310.020, Alcoholic Beverage General Requirements Excluding Beer and Wine Service (i.e., distilled spirits), applies to applications that are starting or increasing alcoholic beverage sales (except for beer and wine service that is incidental to food service). The proposed revisions would implement the following changes:

- Currently, a Use Permit is required to begin or increase alcoholic beverage sales or service. The proposed revisions would permit service of distilled spirits incidental to food service with an AUP.
- The proposed revisions would amend the findings of undue concentration of alcoholic beverage sales and service uses to be consistent with State of California definitions found in Business and Professions Code Section 23958.4[3] and current ABC regulations.
- The proposed revisions would amend the *Findings of Convenience and Necessity* to include "economic development benefits to the surrounding area", and to require that *only one, not all*, of the listed findings are required for permit issuance.
- The proposed revisions would remove existing requirements that the Berkeley Police Department (BPD) review proposed establishments to determine whether they would be expected to add crime to the area or whether an applicant's previous alcohol-related violations at another location would

[2] Special Use Standards for Alcoholic Beverage Sales were first established in 1999 and revised in 2008, 2009, 2010, 2011, 2014, and 2019.

[3] California State Code, Business and Professions 23958.4. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=23958.4&lawCode=BPC

indicate a high likelihood of further violations. These findings are difficult to make as there are no objective standards to evaluate the potential of a business to negatively impact public safety in the future, for BPD to forecast crime at a particular location, or to attribute any predicted increase in crime to the operation of a business that does not yet exist. BPD will instead be notified of all approved alcohol-related permits along with their conditions of approval. Furthermore, additional language has been added to the standard conditions of approval to increase safety and improve authentic identification verification.

Revise Alcoholic Beverage Sales General Requirements, Alcoholic Beverage Service When Incidental to Food Service. BMC Section 23.310.030(C) includes standards that apply to beer and wine service that are incidental to food service in commercial zoning districts. The proposed revisions would implement the following changes for beer and wine service that is incidental to food service:

- The proposed revisions would allow beer and wine to be served in its original bottle or can, or in a container.
- The proposed revisions would allow a lounge or bar area to be established for the sole purpose of alcoholic beverage sales and consumption.
- The proposed revisions would empower the Zoning Officer to review and approve changes to hours of operation that have been established through conditions of approval with an AUP.
- The proposed revisions would remove the common permit condition that prohibits the premises to be rented by a third party.
- The proposed revisions would allow advertising of alcoholic beverages and allow alcoholic beverage sales and service equipment to be visible from the public right-of-way, subject to standards in BMC 20.67 (Alcohol Product Advertising).

5. Hours of Operation.

Modify hours and days of operation in commercial zoning districts. Currently, the permitted days and hours of operation vary among commercial zoning districts, and do not account for holidays and other unique cultural and civic events that may occur on a weekday. Currently, in order for a business to extend hours of operation, a UP is required in most commercial zoning districts. To standardize the permitted hours and days of operations across districts, the proposed amendments include the changes to permitted hours of operation as shown in Table 4. Controls related to both noise and alcohol sales would remain in effect with the adoption of the changes articulated in Table 3.[4] While 24 hour a day operation would be allowed in the C-

[4] E.g., Chapter 9.84 (Responsible Beverage Service Training), BMC Section 13.46.050 (Regulations for Operation and Conduct of Entertainment Events Involving Service or Permitted Consumption of Alcohol),

DMU and C-T zoning districts for commercial uses, no alcohol service use would be permitted to continue past 2:00 a.m.[5]

Table 4: Hours of Operation – Proposed Amendments

District	Allowed Hours of Operation	Permit Required to Extend Hours
C-C, C-U, C-NS, C-AC, C-W nodes	~~7:00 a.m.--12:00 midnight~~ 6:00 a.m.—2:00 a.m.	AUP
C-N, C-E, ~~C-NS,~~ C-SO, C-SA, C-W outside nodes, MU-R	~~7:00 a.m.--11:00 p.m.~~ 6:00 a.m.--12:00 midnight	~~UP~~ AUP
~~C-W nodes~~	~~6:00 a.m.-12:00 midnight with Zoning Certificate~~	~~UP~~
~~C-SA~~	~~7:00 a.m.--12:00 midnight Sundays through Thursdays~~ ~~7:00 a.m.--12:00 Fridays and Saturday~~	~~UP~~
~~C-AC~~	~~7:00 a.m.--12:00 midnight Sundays through Thursdays~~ ~~7:00 a.m.--2:00 a.m. Fridays and Saturday~~ ~~6:00 a.m.—2:00 a.m.~~	~~UP~~
C-T ~~between Bancroft Way and the north side of Dwight Way,~~ C-DMU	24 hours per day, 7 days a week	N/A
~~C-T between the south side of Dwight Way and Parker Street~~	~~7:00 a.m.--12:00 midnight~~	~~AUP~~
~~C-DMU~~	~~6:00 a.m. and 2:00 a.m.~~	~~AUP~~
~~MU-R~~	~~6:00 a.m. --10:00 p.m.~~	~~AUP~~

The proposed amendments would require applicants to apply for an AUP to extend their hours of operation beyond what is allowed by their current permit or zoning code.

Chapter 13.48 (Civil Penalties for Multiple Responses to Loud or Unruly Parties, Gatherings or Other Similar Events), Chapter 13.49 (Social Host Ordinance), Chapter 13.60 (Warning Sign Against Consuming Alcoholic Beverages During Pregnancy), Chapter 13.40 (Community Noise), Chapter 20.67 (Alcohol Product Advertising).

[5] California State Business & Professions Code 25631 regulates any on-sale or off-sale licensee, or agent or employee of that licensee, who sells, gives, or delivers to any persons any alcoholic beverage or any person who knowingly purchases any alcoholic beverage between the hours of 2:00 a.m. and 6:00 a.m. of the same day.

6. Change of Use.

Remove "change of use" permit requirements in commercial districts. Currently, all commercial zoning districts except the C-T, C-DMU and C-AC require an AUP or a UP for a change of use, in addition to the permits required for the proposed use itself. In some cases, change of use requirements are different based on project size (square feet), not use. For example, General Retail is allowed in many commercial zoning districts with a ZC, but an AUP is required if it is a change of use for a space over 3,000 square feet in size.

The proposed amendments include the removal of change of use requirements in commercial zoning districts, both for individual uses and for the size of a proposed use. Any proposed use, whether in an empty (vacant) location or as a replacement for a previous use, would be subject to the same permit requirements as the underlying district; there would not be an added discretionary administrative requirement for a proposed use based solely on a change from a previous use. Uses that are different than the immediately previous use would still be evaluated based on compatibility with the purpose of the zoning district and any potential impacts and unique characteristics that may require conditions of approval, to the degree a discretionary permit is required. There remain sections of the zoning code that would still require discretionary procedures based on other underlying size-related regulations, as well as changes in floor area or tenant reconfigurations.

7. ATMs.

Allow Automatic Teller Machines (ATMs) in commercial districts with a Zoning Certificate (ZC). Currently the BMC requires a UP for an ATM that is not associated with a financial institution. After evaluation and consultation with small businesses and existing legislation, staff determined this is a low priority and there are no revisions included in the proposed amendments related to ATMs.

Items 8 through 14 below were advanced by Office of Economic Development (OED) staff in response to changing business conditions, research and community engagement. Some of these modifications, particularly number 8, were refined through outreach and engagement, particularly with the Planning Commission and its small business zoning subcommittee.

8. Office, Business and Professional; Art/Craft Studios; Pet Stores.

Allow Office, Business and Professional uses with a ZC in the C-NS and C-T zoning districts. Currently, Office, Business and Professional uses require an AUP in the C-NS and C-T zoning districts. The proposed zoning changes revise this requirement to a ZC. The Planning Commission wished to maintain a higher level of discretion for Office, Business and Professional uses in the smaller C-SO, C-E, and C-N zoning

districts and have indicated keeping the AUP requirement is more appropriate in those areas.

Allow Art/Craft Studios with a ZC in all commercial zoning districts and permit Pet Stores with an AUP in the C-C, C-U, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-DMU and C-AC zoning districts. Art/Craft Studios require an AUP in some commercial zoning districts and a ZC in others. Pet Stores currently require a UP in all but one commercial zoning district (the C-W). Existing performance standards in the BMC (e.g., Section 13.40.050 Exterior Noise Standards) would continue to provide limits and regulations for any unintended impacts related to the above-mentioned uses. Existing and proposed permit requirements are summarized in Table 5.

TABLE 5: OFFICE; BUSINESS AND PROFESSIONAL; ART/CRAFT STUDIOS; PET STORES – PROPOSED AMENDMENTS

Use	Existing	Proposed
Office, Business and Professional	AUP in C-N, C-E, C-NS, C-T and C-SO ZC in C-C, C-U, C-SA, C-DMU, C-W and C-AC	AUP in C-N, C-E and C-SO zoning districts ZC in all other commercial zoning districts
Art/Craft Studios	ZC in C-AC AUP in all other commercial zoning districts	ZC in all commercial zoning districts
Pet Stores	ZC in C-W UP(PH) in all other commercial zoning districts	ZC in C-W AUP in all other commercial zoning districts

9. Live Entertainment.

Allow unamplified Live Entertainment with a ZC, and permit amplified Live Entertainment with an AUP, in the C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC, C-N, C-NS, C-W, C-E, R-SMU, MU-LI and MU-R zoning districts. Live Entertainment is defined as:

> "*Any one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged: musical act (including karaoke); theatrical act (including stand-up comedy); play; revue; dance; magic act; disc jockey; or similar activity*."

Live entertainment, as either a primary or incidental use, is currently not permitted in any residential zoning district. The R-SMU, however, with its relatively dense and mixed-use character, and geographic limitation within the student-oriented Southside Plan Area, is considered an appropriate zoning district in which to permit live entertainment as an incidental use. The proposed changes would allow unamplified

Live Entertainment with a ZC and permit amplified Live Entertainment with an AUP, as summarized in Table 6.

TABLE 6: LIVE ENTERTAINMENT – PROPOSED AMENDMENTS

Zones	Permit Required for Live Entertainment	
	Unamplified	**Amplified**
C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC, C-N, C-NS, C-W, C-E, MU-LI, MU-R	ZC	AUP
R-SMU	~~Not Permitted~~ ZC	~~Not Permitted~~ AUP
~~C-N, C-NS, C-W~~	~~ZC~~	~~UP(PH)~~
~~C-E~~	~~ZC~~	~~Not Permitted~~
~~MU-LI, MU-R~~	~~UP(PH)~~	~~UP(PH)~~

10. *Alcohol and Seated Food Service Requirements.*

Remove the requirement for seated food service to accompany distilled alcoholic beverage service in the C-T, C-NS, and C-SO zoning districts. Currently, only the C-T, C-NS, C-SO and the R-BMU (BART Mixed Use) zoning districts require seated food service with distilled alcoholic beverage service. Under this requirement, business operators must include food service in order to sell and serve distilled alcohol. The C-C, C-U, C-N, C-E, C-SA, C-DMU, C-W and C-AC zoning districts do not have this requirement.

The proposed changes would remove this requirement in the C-T, C-SO, and C-NS districts and regulate the use consistently throughout commercial districts citywide. No change is proposed for the R-BMU district, which would continue to retain this requirement.

11. *Food Service Establishments*

Allow Food Service Establishments 3,000 square feet or less with a ZC and permit food service establishments greater than 3,000 square feet with an AUP in all commercial zoning districts and in the R-SMU and R-BMU zoning districts. Several zoning districts vary permit requirements for Food Service Establishments based on floor area or square footage. In some cases, this is a legacy requirement from having a number of different types of food service (i.e., quick service vs. full service) permitted by size (square feet) in the BMC.

In 2019, due to the evolving nature of food service and the availability of food delivery, three food-related use categories (Carry Out Food Store, Quick Service

Restaurant, and Full-Service Restaurant) were condensed into one use, *Food Service Establishment*. Combining these three previous uses into one removed the size distinctions that were the basis of varying permit requirements.

The proposed zoning amendments related to Food Service Establishment size include allowing Food Service Establishments under 3,000 square feet with a ZC, and permitting those of 3,000 square feet or more with an AUP, in all commercial districts and the R-SMU and in the R-BMU if no alcohol service is provided. The proposed revisions would also remove the requirement that a Notice of Decision (NOD) be posted within 300 feet of a subject property for any Food Service Establishment that receives an AUP in the C-N, C-E, C-NS, C-SA, C-T and C-SO districts.

In addition, the proposed changes include allowing Food Service Establishments in the Arts District Overlay with a ZC, consistent with other commercial zoning districts and its underlying zoning district (C-DMU), and would remove unique findings for food service in the Elmwood (C-E) district related to incidental use and limits on food establishment uses (see 12, below).

Remove the restriction on renting a Food Service Establishment space to a third party. Currently, BMC Section 23.310.030(C)(3) does not allow a restaurant space that includes incidental beer and wine service to be rented to a third party. In order to provide more flexibility and sustainability to food service operations, the proposed zoning amendments would remove the restriction on renting restaurant space to a third party.

12. Elmwood Food Service Establishment Quota.

Remove the quota for Food Service Establishments in the C-E zoning district. Currently the C-E (Elmwood) zoning district is the only remaining zoning district that restricts the total number of Food Service Establishments.[6] All other quotas throughout the City were eliminated in 2016, after an evaluation of the quota program citywide.[7] Future changes to the quota system in the Elmwood were to be brought to Council after further consultation with the Elmwood Business Association.[8] The proposed amendment would remove the quota on the number of Food Service Establishments in the C-E. OED staff presented this proposal to the Elmwood Business Association on April 21, 2023 and the Elmwood Business

[6] Berkeleyside, https://www.berkeleyside.org/2012/01/17/elmwood-business-quotas-may-change-to-help-startups, January 17, 2012.

[7] Berkeley City Council, *Removing Numeric Limitations ("Quotas") in the North Shattuck (C-NS), Telegraph Avenue (C-T), and Solano Avenue (C-SO) Commercial Districts; Amending Berkeley Municipal Code Title 23*, March 29, 2016.

[8] Ibid, page 3 of 76.

Association Board voted to support the recommendation to remove quotas in the C-E District.

13. Incidental Food Service Establishment Requirements in Manufacturing Districts.

Remove the requirement that incidental Food Service Establishments in buildings under 20,000 square feet in manufacturing zoning districts be indoors only. Currently, Incidental Food Service Establishments—i.e., Food Service Establishment uses that are co-located with a primarily permitted use—are permitted in select manufacturing (or "M-prefixed") zoning districts with an AUP or a UP based on square footage. The proposed zoning amendments would allow for **outdoor** food service in all manufacturing districts, and off-site food or beverage consumption (I.e. "to-go") in the MM District.

The AUP permit requirement for **indoor** food service in the MU-R and the MU-LI zoning districts would still apply for spaces under 5,000 square feet.

14. Drug Paraphernalia in the C-T Zoning District.

Allow drug paraphernalia stores and the sale of drug paraphernalia in the C-T zoning district. Currently, the C-T *Allowed Uses* section of BMC 23.204.110(B)(3) explicitly prohibits drug paraphernalia stores or the sale of drug paraphernalia in the C-T zoning district. No other zoning district includes this prohibition in the corresponding *Allowed Uses* section.

Currently, there are three existing legal Cannabis Retailers established in the C-T zoning district that offer cannabis paraphernalia. The existing regulation is also challenging to enforce since the statewide legalization of cannabis. The proposed change would remove this restriction in the C-T zoning district and would regulate this category of merchandise the same way as other commercial zoning districts, i.e., as general retail or as part of a Smoke Shop.

Existing Permitted Land Uses & Proposed Zoning Ordinance Amendments

As a result of some of the above proposed zoning amendments, there may be existing uses that, either as a result of previous zoning regulations or specific conditions of approval, would now find themselves subject to more restrictive regulations than new uses in the same zoning district established after the adoption of the proposed zoning amendments. For example, currently in the C-U zoning district, commercial hours of operation end at midnight. Accordingly, an existing business's approval was premised on ending business at midnight. Under the proposed zoning amendments, however, commercial hours of operation in the C-U zoning district would end at 2:00 a.m. A new business would therefore be allowed to operate two hours longer than an existing business. Currently, adjusting the existing business' commercial hours of operation would require a permit modification (BMC 23.404.070), which requires a public hearing.

To remedy this scenario and others like it, the revised ordinance includes new language in three sections to modify the process for modifying an existing land use approval to be consistent with the new regulations included in the proposed ordinance. In each case, an AUP is required to modify an approval, which includes public notice and an option to appeal an initial decision, as well as providing the City an opportunity to include conditions of approval, if necessary.

Authorization to modify existing approvals with an AUP is found in the proposed ordinance's revised language for Hours of Operation (BMC 23.302.020(B); Section 14 of ***Attachment 1***); General Requirements for Alcohol Beverage Sale and Service (BMC 23.301.020(B); Section 18 of ***Attachment 1***); and regulations regarding Alcoholic Beverage Service When Incidental to Food Service (BMC 23.302.030(A); Section 19 of ***Attachment 1***).

Miscellaneous Technical Edits

The proposed zoning amendments also include the following technical amendments and corrections unrelated to the amendments to support small businesses:

- *C-SA Text Amendments*: With the adoption of the Adeline Corridor Specific Plan, a number of parcels that were previously included in the C-SA zoning district were rezoned to C-AC. Section 23.204.100 (C-SA zoning district) still includes provisions related to acholic beverage sales and service that pertain only to those formerly C-SA parcels (see Section 6 in ***Attachments 1*** *and* ***3***). The proposed zoning amendments include the removal of those provisions from the C-SA zoning district regulations.

  C-SA Height Provisions: The C-SA zoning district includes two different building height standards, which are applied to parcels based on their location. Currently, there are parcels that are zoned C-SA that do not have a building height standard assigned to them. The proposed zoning amendments include revisions to the C-SA Maximum Building Heights Table and accompanying map to provide a building height standard for all C-SA zoned parcels (see Section 7 in ***Attachments 1*** *and* ***3***).
- *Use Category Titles*: Section 12 of the proposed ordinance includes the correct use category titles for Retail Uses, Person and Housing Services Uses and Food and Alcohol Service, Lodging, Entertainment and Assembly Uses.
- *Family Day Care*: SB 234 (2019) requires cities to consider all family day care homes for up to 14 children, operating under the standards defined by state law, a residential use and prohibits the local requirement of a business license. Earlier this year, the City Council adopted amendments to the Residential Allowed Use Table to reflect these requirements, but the requirement for a ZC still remains in the allowed use tables for commercial and manufacturing districts. The proposed

ordinance includes removal of Family Day Care permit requirements from the commercial and manufacturing use tables, consistent with State requirements.

- *Restaurant Uses*: As a result of previous amendments, there are no longer any regulations that pertain to Carry Out Food Stores, Quick Service Restaurants and Full-Service Restaurants. To eliminate confusion, the proposed zoning amendments include removal of the definitions for these restaurant types from the Glossary and a reference in another section.
- *Formatting Changes:* The proposed ordinance simplifies and improves usability of the Zoning Ordinance by consolidating information into fewer sections and tables.

BACKGROUND

The Zoning Ordinance has evolved over many decades to reflect Berkeley's changing values and the dynamic landscape of property development and land use. Its requirements are intended to guide the City's growth while providing opportunities for feedback from residents, business owners, and commercial district and neighborhood associations.

As noted in the June 7, 2023 Planning Commission report, OED staff consulted with external stakeholders including business services personnel, small business proprietors and operators, and business district networks, as well as City staff including the Community Services Bureau of the Berkeley Police Department, Code Enforcement, and Environmental Health. This collaborative effort also enabled the identification of enhancements in internal city processes and implementation efforts that align with the Council referrals from 2018 and 2019. Some work has already taken place in response to those referrals, including the creation a Coordinated Sign Design program by Council in November 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Small businesses contribute to sustainable transportation and consumer behavior by providing opportunities to shop in commercial districts that are accessible by foot, bicycle and transit. The continued pursuit of environmental sustainability goals, as well as the programs and policies that encourage that pursuit, represents an economic strength for Berkeley and a competitive advantage of the City and the region.

The proposed ordinance includes revisions to permit and other requirements for specified land uses. It does not include allowing any uses currently not permitted that would be anticipated to have a significant effect on the environment and does not qualify as a “project” under the California Environmental Quality Act (CEQA) and further environmental review is not required.

RATIONALE FOR RECOMMENDATION

The goal of these Zoning Ordinance amendments is to simplify and streamline the permitting experience for small businesses, which can in turn enhance the quality of commercial district offerings, help fill vacant storefronts, and generate more local and sustainable economic opportunities. Berkeley's commercial districts, and the small businesses that comprise them, are vital to the City's fiscal, social and civic wellbeing.

ALTERNATIVE ACTIONS CONSIDERED

The June 7, 2023 Planning Commission report included a set of recommendations and alternative suggestions for a number of the proposed policy changes, including different permit requirements, differently-worded definitions and alternative approaches to formatting and organization. Ultimately through the work of the subcommittee and wider discussion(s) with the Planning Commission, some of these suggestions were abandoned and others were workshopped into the recommendations presented in this report, to address the goals of City Council's referrals.

CONTACT PERSON

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Attachments:
1: Ordinance.
2: Planning Commission Staff Report, October 14, 2023.
3: Annotated Ordinance.
4: City Council referral to support small business, Oct. 15, 2019.
5: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), SUPPLEMENTAL USE REGULATIONS CHAPTER (BMC 23.302), ALCOHOLIC BEVERAGE SALES AND SERVICE CHAPTER (BMC 23.310), NONCONFORMING USES, STRUCTURES AND BUILDINGS CHAPTER (BMC 23.324) AND THE GLOSSARY CHAPTER (BMC 23.502) TO SUPPORT BERKELEY BUSINESSES

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

Section 1. That the lines named "Alcoholic Beverage Service," "Food Service Establishment" "Group Class Instruction," and "Gym/Health Club" in Table 23.202-1 Allowed Land Uses in Residential Districts, within Berkeley Municipal Code 23.202.020 are amended, and lines named "Food Service Establishment, Under 3,000 sq. ft.," "Food Service Establishment, 3,000 sq. ft. or larger," and a new Incidental Use use category with "Live Entertainment, Unamplified" and "Live Entertainment, Amplified" are added, to read:

Table 23.202-1: Allowed Land Uses in Residential Districts

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **--Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP).See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	**R-1A**	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU*~~*~~**	
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	NP	~~UP(PH)*~~ ZC*	UP(PH)*	23.310—Alcoholic Beverage Sales and Service
~~Food Service Establishment~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~UP(PH)*~~	~~UP(PH)*~~	~~23.302.070.E– Use-Specific Regulations~~
Food Service Establishment, Under 3,000 sq. ft.	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.302.070(E) – Use-Specific Regulations
Food Service Establishment, 3,000 sq. ft. or larger	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP*	AUP*	23.302.070(E) – Use-Specific Regulations
Group ~~Class~~ Instruction	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.202.150~~.~~(C) R-BMU Residential BART Mixed Use District
~~Gym/~~Health and Fitness Facility~~Club~~	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.202.150~~.~~(C) R-BMU Residential BART Mixed Use District
Incidental Uses												

Live Entertainment, Unamplified	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	NP	
Live Entertainment, Amplified	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	NP	

Section 2. That Berkeley Municipal Code 23.202.150(C)(2) is amended to read:

2. Group ~~Class~~ Instruction and ~~Gym/~~Health ~~Club~~and Fitness Facility. Group ~~class~~ instruction and ~~gym/~~health ~~club~~ and fitness facility uses are permitted at the Ashby BART station with a Zoning Certificate. Group ~~class~~ instruction and ~~gym/~~health ~~club~~ and fitness facility uses are permitted at the North Berkeley BART station with a Use Permit.

Section 3. That the lines named "Family Day Care Home, Large," "Family Day Care Home, Small," "Alcoholic Beverage Retail Sale," "Pet Store," "Retail General," "Personal and Household Services, General, "Laundromats and Cleaners," "Video Tape/Disk Rental," "Business Support Services," "Bank and Financial Services, Retail," "Insurance Agents, Title Companies, Real Estate Agents, Travel Agents," "Medical Practitioners," "Non-Chartered Financial Institutions," "Office, Business and Professional," "Bar/Cocktail Lounge/Tavern," "Dance/Exercise/Martial Arts/Music Studio," Food Service Establishment," "Gym/Health Club," "Alternative Fuel Station," "Large Vehicle Sales and Rental," "Small Vehicle Sales and Rental," "Vehicle Parts Store," "Vehicle Rentals," "Vehicle Repair and Service," "Vehicle Sales, New," "Vehicle Sales, Used," "Cannabis Testing," "Light Manufacturing," "Wholesale Trade," "Food and Beverage for Immediate Consumption," "Food Service Establishment," "Live Entertainment," "Retail Sale of Goods Manufactured On-Site," "Art/Craft Studio," "Public Market, Enclosed" and the Notes in Table 23.204-1 Allowed Uses in the Commercial Districts, within Berkeley Municipal Code 23.204.020, are amended, and lines named "Group Instruction, 3,000 sq. ft. or larger," Food Service Establishment, Under 3,000 sq. ft." "Food Service Establishment, 3,000 sq. ft. or larger" "Health and Fitness Facility, Under 7,500 sq. ft," "Health and Fitness Facility, 7,500 sq. ft." "Live Entertainment, Unamplified," and "Live Entertainment, Amplified," are added, to read:

Table 23.204-1 Allowed Uses in the Commercial Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
~~Family Day Care Home, Large~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	
~~Family Day Care, Small~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Alcoholic Beverage Retail Sale	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	NP	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	~~23.204.060.B.2~~ 23.310
Pet Store	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	ZC ~~[3]~~	AUP ~~UP(PH)~~	
Retail, General	ZC ~~[1]~~	ZC ~~[1]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC* ~~[1]~~	ZC*	ZC* ~~[2]~~	ZC	ZC* ~~[3]~~	ZC*	23.204.040.(C) ~~E (for department stores)~~ 23.204.040(D).~~F (for drug stores)~~
Personal and Household Services, General	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC	ZC ~~[2]~~	ZC	ZC ~~[5]~~	ZC	
Laundromats and Cleaners	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	AUP	AUP	UP(PH)	UP(PH)	AUP ~~[4]~~	AUP	
Video Tape/Disk Rental	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	AUP	ZC ~~[2]~~	--	ZC	ZC ~~[2]~~	ZC	ZC ~~[5]~~	NP	
Business Support Services	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC*	ZC ~~[2]~~	ZC	ZC ~~[5]~~	ZC ~~[6]~~	23.204.110.(B).~~6~~ (4)
Bank and Financial Services, Retail	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	ZC ~~[1]~~	AUP*	UP(PH)	ZC*	AUP	ZC	23.204.110.(B.)(~~6~~4); 23.204.130.(B).(6); 23.204.130.(D.)(3)
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	ZC ~~[1]~~	ZC ~~[1]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC ~~[1]~~	ZC*	ZC* ~~[2]~~	ZC*	ZC ~~[5]~~	ZC ~~[6]~~	23.204.040.~~D~~(B); 23.204.110.(B).~~6~~ (4); 23.204.130.(D).(3)
Medical Practitioners	ZC ~~[1]~~	ZC [~~1~~]	AUP	NP	UP(PH)	ZC ~~[1]~~	AUP*	UP(PH)	ZC*	ZC ~~[5]~~	ZC ~~[6]~~	23.204.040.~~D~~(B); 23.204.110.(B).~~6~~ (4); 23.204.130.D.3
Non-Chartered Financial Institutions	UP(PH)*	UP(PH)*	NP	NP	NP	UP(PH)*	UP(PH)*	NP	NP	UP(PH)*	UP(PH)	23.302.070.F 23.204.110.(B).~~6~~ (4)
Office, Business and Professional	ZC ~~[1]~~	ZC ~~[1]~~	AUP*	AUP*	~~AUP~~ ZC*	ZC ~~[1]~~	~~AUP~~ ZC*	AUP*	ZC*	ZC ~~[5]~~	ZC ~~[6]~~	23.204.040.(B); 23.204.110.(B).~~6~~ 4; 23.204.130.(D)(3)
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~--~~ AUP*	~~NP~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~NP~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~23.204.100.B.3~~ ~~23.204.110.B.2~~; 23.310
~~Dance/Exercise/Martial Arts/Music Studio~~	~~ZC [1]~~	~~ZC [1]~~	~~ZC [2]~~	~~AUP~~	~~AUP [4]~~	~~ZC [1]~~	~~ZC~~	~~AUP~~	~~ZC~~	~~ZC [7]~~	~~ZC~~	
Food Service Establishment, under 3,000 sq. ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070(.E)
Food Service Establishment,	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	23.302.070(.E)

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
3,000 sq. ft. or larger	*	*	*	*	*	*	*	*	*	*	*	
Group ~~Class~~ Instruction, Under 3,000 sq. ft.	ZC ~~[1]~~	ZC ~~[1]~~	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	ZC ~~[1]~~	ZC	~~AUP~~ ZC	ZC	ZC	ZC	~~23.204.040.B~~
Group Instruction, 3,000 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	
Health and Fitness Facility, Under 7,500 sq. ft	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Health and Fitness Facility, 7,500 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	
~~Gym/Health Club~~	~~See 23.204.040.C~~											
Alternative Fuel Station	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	AUP*	UP(PH)	23.204.110.(B).~~4~~ (2) 23.204.140.(B).(3)
Large Vehicle Sales and Rental	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [~~8~~1]	NP	23.204.140.(B).(3)
Small Vehicle Sales and Service	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	UP(PH)*	NP	23.204.100.(B).~~5~~ (3); 23.204.140.(B).(3)
Vehicle Parts Store	ZC ~~[1]~~	NP	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC	ZC ~~[2]~~	NP	AUP* [~~8~~1]	ZC	
Vehicle Rentals	AUP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	AUP* [~~8~~1]	NP	23.204.140.(B).(3)
Vehicle Repair and Service	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [~~8~~1]	NP	
Vehicle Sales, New	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	AUP* [~~8~~1]	NP	23.204.140.(B).(3)
Vehicle Sales, Used	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	UP(PH)*	NP	23.204.100.(B).~~5~~ (3); 23.204.140.(B).(3); 23.204.140.(D).(4)
Cannabis Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	AUP [~~8~~1]	NP	
Light Manufacturing	–	–	–	–		–	–	–	–	AUP [~~8~~1]	--	
Wholesale Trade	–	–	–	–	--	–	–	–	–	AUP ~~[8]~~1]	--	
Incidental Uses												
Food and Beverage for Immediate Consumption	ZC	ZC	~~AUP~~ ZC	~~UP(PH)~~ ZC	~~UP(PH)~~ ZC	ZC	~~AUP~~ ZC	~~UP(PH)~~ ZC	ZC	ZC	ZC	

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
~~Food Service Establishment~~	~~See 23.302.070.E~~											
Food Service Establishment, Under 3,000 sq. ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.310.030
Food Service Establishment, 3,000 sq. ft. or larger	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	23.310.030
Live Entertainment, Unamplified	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Live Entertainment, Amplified	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
~~Live Entertainment~~	~~See 23.302.070.E~~											
Retail Sale of Goods Manufactured On-Site	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC	ZC ~~[2]~~	ZC	~~AUP~~ ZC	ZC	
Art/Craft Studio	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	ZC ~~[6]~~	
Public Market, Enclosed	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP [~~9~~2]	AUP	
Notes~~:~~ ~~[1] Change of use of floor area over 3,000 square feet requires an AUP.~~ ~~[2] Change of use of floor area over 2,000 square feet requires an AUP.~~ ~~[3] Requires an AUP for uses 3,500 sq. ft. to 7,500 square feet. Requires a Use Permit for uses more than 7,500 sq. ft.~~ ~~[4] Requires a Use Permit if 5,000 sq. ft. or more.~~ ~~[5] Requires an AUP for uses 3,000 sq. ft. to 5,000 square feet. Requires a Use Permit for uses more than 5,000 sq. ft.~~ ~~[6] Requires an AUP for uses 2,500 sq. ft. or greater or 50 ft. wide or greater on Shattuck, between Ward and Russell; Adeline between Russell and the City boundary; on Ashby, east of Adeline; or on the north side of Ashby, west of Adeline.~~ ~~[7] Requires a Use Permit if 7,500 square feet or more.~~ ~~[8]~~[1] Require a Use Permit if either 5,000 sq. ft. or more of floor area or 10,000 square feet or more of lot area. ~~[9]~~[2]Requires a Use Permit if more than 10,000 sq. ft.												

Section 4. That Berkeley Municipal Code 23.204.040(B) through (F) be amended, to read:

~~B. Group Class Instruction.~~

~~1. **C-NS and C-DMU Districts.** When group class instruction in the C-NS or C-DMU districts are located on the ground floor adjacent to a street frontage, storefront windows must include a window display or to be transparent and provide pedestrian viewing at least 10 feet into the storefront area.~~

2. **C-NS District.** Group class instruction uses in the C-NS may not exceed 2,500 square feet.

3. **C-T District.** Group class instruction uses in the C-T district are not permitted on the ground floor.

C. Gyms and Health Clubs

1. Permits Required. Table 23.204-5: Gym and Health Club Permit Requirements shows permits required for gyms and health clubs in the Commercial Districts.

Table 23.204-5: Gym/Health Club/Fitness Studio Permit Requirements

DISTRICT/USE SIZE	PERMIT REQUIRED [1]
C-C, C-U, C-DMU	
Under 7,500 sq. ft	ZC
7,500 sq. ft. and greater	AUP
C-N, C-E, C-NS, C-SO	AUP
C-SA, C-T, C-AC	ZC
C-W	
Under 7,500 sq. ft	ZC
7,500 sq. ft. and greater	UP(PH)
Note: [1] Change of use permit requirements as described in Section 23.204.030.A – Additional Permit Requirements (Change of Use) also apply. In the C-C, C-U, and C-SA districts, a change of use of gross floor area over 3,000 square feet requires an AUP. In the C-N, C-E, C-NS, and C-SO districts, a change of use of gross floor area over 2,000 square feet requires an AUP.	

2. C-DMU District. When located on the ground floor adjacent to a street frontage, storefront windows for a gym and health club in the C-DMU district must include a window display or to be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

~~D~~**B. Transparency Requirement for Office Uses**. When office uses shown in Table 23.204-6: Office Uses Subject to Transparency Requirement are located on the ground floor adjacent to a street frontage, storefront windows shall either:

1. Include a storefront window display; or

2. Be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

Table 23.204-6: Office Uses Subject to Transparency Requirement

OFFICE USE	DISTRICT
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	CN, C-E, C-NS, CT, C-SO, C-DMU
Medical Practitioners	C-T
Office, Business and Professional	CN, C-E, C-NS, C-T, C-SO, C-DMU

~~E~~C**. Department Stores.** Table 23.204-7: Department Store Permit Requirements shows permits required for department stores in the Commercial Districts.

Table 23.204-7: Department Store Permit Requirements

DISTRICT/USE SIZE	PERMIT REQUIRED ~~[1]~~
C-SA, C-T	
3,000 sq. ft. or less	ZC
Over 3,000 sq. ft.	AUP
C-E, C-NS, C-SO	
3,000 sq. ft. or less	ZC
Over 3,000 sq. ft.	Not Permitted
C-N	
3,000 sq. ft. or less	AUP
Over 3,000 sq. ft.	Not Permitted
C-C, C-U	ZC
C-AC	
3,000 sq. ft. or less	ZC
Over 3,000 sq. ft.	~~UP(PH)~~AUP
~~Note:~~ ~~[1] Change of use permit requirements as described in Section 23.204.030.A Additional Permit Requirements (Change of Use) also apply. In the C-C, C-U, and C-SA districts, a change of use of gross floor area over 3,000 square feet requires an AUP. In the C-N, C-E, C-NS, and C-SO districts, a change of use of gross floor area over 2,000 square feet requires an AUP.~~	

~~F~~D**. Drugstores.** The following requirements apply to drugstores in the C-N, CE, C-NS, and C-SO districts.

1. Where Prohibited. A new or expanded drugstore is not permitted if it is:

a. Over 5,000 square feet in gross floor area; and

b. Within 1,000 feet of any property containing an existing drugstore.

2. Measurement of Distance. Distances between drugstores are measured by a straight line from the nearest point of the property line of the parcel on which the drugstore is proposed to the nearest point of the lot line of the lot on which the nearest drugstore is located.

Section 5. That Berkeley Municipal Code 23.204.080(B)(2) be amended to read:

2. ~~**Numerical and**~~ **Size Limitations.**

a. Table 23.20420 shows land uses subject to ~~numerical and~~ size limitations in the C-E district.

TABLE 23.204-20: C-E LAND USE NUMBER AND SIZE LIMITATIONS

USE	~~NUMBER LIMIT~~	MAXIMUM SIZE	PERMIT REQUIRED
Art/Craft Shops, Gift/Novelty Shops, Jewelry/Watch Shops	~~No limit~~	1,500 sq. ft.	ZC
Bookstores, Periodical Stands	~~No limit~~	2,000 sq. ft.	ZC
~~Food Service Establishments [1]~~	~~25 total~~	~~No max.~~	~~AUP~~
Photocopy Stores, Printing, Fax, Magnetic Disk Reproduction Services	~~No limit~~	1,000 sq. ft.	ZC
~~Notes:~~ ~~[1] Excludes food service uses accessory to a food product store. Secondary food service uses associated with all other principal uses are subject to limitations in Table 23.204-20.~~ ~~Change of use of over 3,000 square feet requires Use Permit~~			

b. The ZAB may allow a use to exceed the limitations in Table 23.20420 with a Use Permit upon finding that:

i. The use will result in the positive enhancement of the purposes of the district; and

ii. The use is likely to experience substantial patronage by surrounding residents as indicated by neighborhood resident support, merchant support, marketing surveys, or other information.

Section 6. That Berkeley Municipal Code 23.204.100(B) be amended to read:

1. **General.** See Table 23.204-1: Allowed Uses in the Commercial Districts

~~**2. Alcoholic Beverage Retail Sales.** The sale and service of distilled alcoholic beverages (hard liquor) is not permitted along Adeline Street, south of Ashby Avenue, except that such service is allowed when incidental to meals at full-service restaurants in accordance with Section 23.310—Alcoholic Beverage Sales and Service.~~

~~**3. Bar/Cocktail Lounge/Tavern.** Service of distilled alcoholic beverages is allowed along Adeline Street south of Ashby Avenue only when incidental to seated food service.~~

~~4~~2 Mixed-Use Permits Required.

a. **Zoning Certificate.** A mixed-use project is allowed with a Zoning Certificate if the project:

i. Complies with all applicable standards in Table 23.20427, Table 23.20428, and Table 23.20429;

ii. Includes only residential uses above the ground floor; and

iii. Is less than 5,000 square feet in gross floor area, including any existing floor area incorporated into the project.

b. **Use Permit.** If a mixed-use project does not meet the criteria for approval with a Zoning Certificate as provided above, the project requires a Use Permit and is subject to the findings in Section 23.204.100~~.~~(E)– C-SA South Area Commercial District (Permit Findings).

~~5~~3. Vehicle Sales.

a. **Applicability.**

i. In the C-SA district, small vehicle service is not permitted. Small vehicle sales that are exclusively indoor operations are permitted with a Zoning Certificate. Otherwise, a Use Permit is required.

ii. All new or relocated vehicle sales in the C-SA district shall be exclusively indoor operations with no outdoor activities and shall comply with the requirements of this subsection.

iii. Expansions or modifications of existing vehicle sales are:

1. Encouraged to comply with standards in Paragraph c (Standards) below where feasible; and

2. Shall not increase or exacerbate a non-conformity with these standards.

b. **Standards.**

i. **Street Frontage.** Outdoor vehicle display is permitted only along Shattuck Avenue and Adeline Street and is limited to 30 percent of the lot frontage on those streets.

ii. **Area for Outdoor Uses.** A maximum of 40 percent of the lot area may be used for outdoor uses, including but not limited to vehicle display and storage. Adequate landscaping and/or fencing shall be used to filter the view of outdoor uses from the adjacent right-of-way and abutting properties, with the exception of outdoor vehicle display;

iii. **Service Entries.** Vehicle and repair service entries may not exceed 20 percent of the primary lot frontage, no entrance may exceed a width of 20 feet. The primary street frontage is the frontage towards which the primary building entrance is oriented.

iv. **Transparency.** At least 60 percent of any new building shall be within 10 feet of the right-of-way along the primary street frontage and 60 percent of the street-facing facade shall be comprised of clear glass.

v. **Repair Activities.** All vehicle repair activities shall be conducted indoors.

vi. **Noise.** All noise-generating equipment and activities, such as vehicle repair, shall be shielded by noise-attenuating materials. Outdoor amplification is not permitted.

vii. **Lighting.** Exterior light standards and fixtures shall not be taller than 20 feet, shall achieve uniform light coverage and minimize glare, shall use light cutoffs to control light spillover onto adjacent properties and urban sky glow, and shall use low energy light fixtures consistent with the City's goals for energy efficiency.

vii. **Vehicle Storage.** No vehicles shall be stored in the public right-of-way.

c. **Modification of Standards.** The Zoning Officer may allow modification to standards in Paragraph c (Standards) above with an AUP upon finding that the modification:

i. Is necessary to facilitate incorporation of an existing structure;

ii. Achieve greater consistency with the surrounding street pattern;

iii. Buffers impacts to an adjacent residential district; or

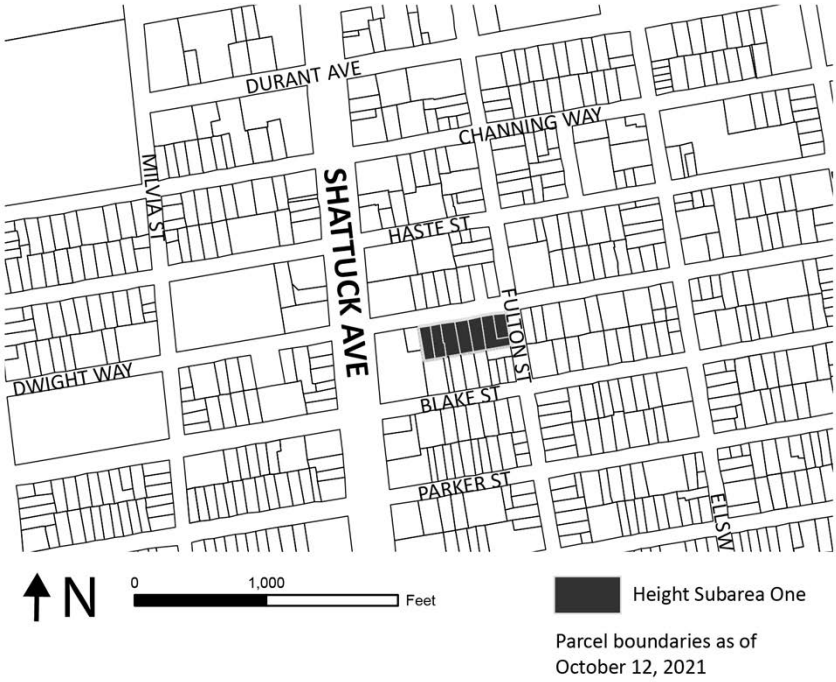
iv. Is needed to accommodate dealership operations.

Section 7. That Table 23.204-28 C-SA Maximum Building Heights and Figure 23.204-3 C-SA Building Height Sub-Areas be amended to read:

Table 23.204-28. C-SA Maximum Building Heights

Building Land Use	Maximum Height	
	Subarea ~~1~~One	~~Subarea 2~~All other parcels
Non-Residential Uses	36 ft and 3 stories	24 ft and 2 stories
Mixed Use and Residential Only	60 ft and 5 stories [1]	36 ft and 3 stories [1]
[1] In mixed-use buildings, the third story and above must be used for residential purposes entirely.		

Figure 23.204-3. C-SA Building Height Sub-~~Areas~~area One



Section 8. That Berkeley Municipal Code 23.204.110(B) be amended to read:

B. **Allowed Land Uses.**

1. **General.** See Table 23.2041: Allowed Uses in the Commercial Districts.

~~**2. Bar/Cocktail Lounge/Taverns.** Service of distilled alcoholic beverages in the C-T district is allowed only when incidental to seated food service.~~

~~**3. Drug Paraphrenalia Stores.** Any use involving the sale or distribution of drug paraphrenalia is not permitted in the C-T district.~~

~~4~~2. **Fuel Stations.** Alternative fuel and gasoline stations are allowed with Use Permit when located in a parking structure.

3. Residential Use, Ground Floor. Residential uses are permitted on the ground floor where located behind a commercial use. The ground floor commercial use must meet the following standards:

a. Occupy a minimum 30-foot depth of the ground floor, as measured from the ground floor street frontage, and

b. Occupy the full extent of the building frontage, excluding required utilities, driveways, pedestrian access and residential lobby.

~~6~~4. **Office Uses.**

a. Table 23.204-31 shows permits required for office uses in the C-T district.

TABLE 23.204-31: C-T OFFICE PERMIT REQUIREMENTS

Building Location	Permit Required	
	First and Second Story	Above Second Story
Adjacent to Bancroft Way	As required by Table 23.204-1	AUP
Not adjacent to Bancroft Way		UP(PH)

b. When office uses are located on the ground floor adjacent to street frontage, the storefront windows must either:

i. Include a window display; or

ii. Be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

~~7~~5. **Upper Story Uses.**

a. Floor area above the ground floor may be occupied only by a residential or office uses.

b. A commercial use that is an integral part of a ground floor establishment is permitted on the second story if the use:

i. Has no entrances or exits, other than required fire exits, outside of the ground floor space; and

ii. Does not exceed the ground-floor area of the use.

Section 9. That Berkeley Municipal Code 23.204.120(A)(2)(e) be amended to read:

e. Encourage location of ~~late night~~late-night commerce in appropriate areas in Berkeley, such as the downtown area, and allow businesses to address demand for late night service on Solano Avenue by establishing a ~~11:00 p.m~~12:00 midnight~~.~~ closing time for businesses on Solano Avenue; and

Section 10. That Berkeley Municipal Code 23.204.130(D)(3) be amended to read:

3. Use Limitations; Findings. ~~Food service establishments and offices~~ Offices on the ground floor adjacent to a street frontage require an AUP. To approve the AUP, the Zoning Officer must find that

(a) The project meets the purposes of the Arts Overlay District as set forth above; and

(b) The location, size, type, appearance, and signage of the proposed use will:

i. Animate and enhance the pedestrian experience on the street; and

ii. Be generally open to the public evenings and on weekends, whenever practicable.

Section 11. That Berkeley Municipal Code 23.204.130(E)(7)(a)(iv) be amended to read:

iv. ~~Gym/~~Health and Fitness Facility ~~Club~~

Section 12. That Berkeley Municipal Code 23.204.150(B)(3)(b) be amended to read:

b. Active Commercial Uses Defined. Active Commercial uses are commercial uses which generate regular and frequent foot traffic. Uses include businesses in the following use categories: ~~Retail~~ Retail Uses ~~Sales~~; Personal and Household Service~~s~~ Uses; Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses; and the following uses: Banks and Financial Services, Retail;~~,~~ and Vehicle Parts Stores.

Section 13. That the lines named "Family Day Care Home, Large," "Family Day Care Home, Small," "Bar/Cocktail Lounge/Tavern," "Dance/Exercise/Martial Arts/Music Studio, "Food Service Establishment," "Group Class Instruction," "Gym/Health Club," and "Food and Beverage for Immediate Consumption," in Table 23.206-1 Allowed Uses in Manufacturing Districts, within Berkeley Municipal Code 23.206.020, are amended, and lines named "Food Service Establishment, Under 5,000 sq. ft." "Food Service Establishment, 5,000 sq. ft. or larger," "Food Service Establishment, Under 20,000 sq. ft." "Food Service Establishment, 20,000 sq. ft. or larger" "Live Entertainment, Unamplified" and :Live Entertainment, Amplified" are added, to read:

TABLE 23.206-1: ALLOWED LAND USES IN MANUFACTURING DISTRICTS

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
~~Family Day Care Home, Large~~	~~NP~~	~~NP~~	~~ZC*~~	~~AUP*~~	~~23.206.040.C~~
~~Family Day Care Home, Small~~	~~NP~~	~~NP~~	~~ZC*~~	~~ZC*~~	~~23.206.040.C~~

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	NP	NP	NP	See 23.306	
~~Dance/Exercise/Martial Arts/Music Studio~~	~~NP~~	~~NP~~	~~--~~	~~UP(PH)~~	
~~Food Service Establishment~~	~~See 23.302.070.E~~				
Food Service Establishment, Under 5,000 sq. ft	--	--	AUP*	AUP*	23.302.070(E)
Food Service Establishment, 5,000 sq. ft. larger	--	--	UP(PH)*	UP(PH)*	23.302.070(E)
Group ~~Class~~ Instruction	~~NP~~ZC	~~NP~~ZC	__	~~UP(PH)~~ZC	
~~Gym/~~Health and Fitness Facility ~~Club~~	NP	NP	--	NP	
Incidental Uses					
~~Food and Beverage for Immediate Consumption~~	~~--~~	~~AUP [2]~~	~~--~~	~~--~~	
~~Food Service Establishment~~	~~AUP [2]~~	~~--~~	~~AUP [2]~~	~~AUP~~	
Food Service Establishment, Under 20,000 sq. ft	AUP*	AUP*	AUP*	AUP*	23.302.070(E)
Food Service Establishment, 20,000 sq. ft. larger	NP	AUP*	NP	AUP*	23.302.070(E)
~~Live Entertainment~~	~~NP~~	~~NP~~	~~UP(PH)*~~	~~UP(PH)*~~	~~23.302.020.D~~
Live Entertainment, Unamplified	NP	NP	ZC	ZC	
Live Entertainment, Amplified	NP	NP	AUP	AUP	

Section 14. That Berkeley Municipal Code 23.302.020(B) be amended to read:

B. **Hours of Operation.**

1. **Allowed Hours.** Table 23.302-1: Allowed Hours of Operation shows allowed hours of operation for commercial uses in the commercial districts and the MU-R district, unless otherwise restricted by an existing permit.

2. **Hours of Operation Defined.**

   a. For retail or customer-serving office commercial uses, hours of operation are those times that the business is open to customer access.

   a. For food service establishments, hours of operation include the time that the business is open for customer access to the departure of the last patron. These limitations do not apply to:

      i. The delivery, maintenance, security, product preparation and other pre-opening activities, and

      ii. Cleanup, shutdown, and other post-closure activities which do not involve presence of customers.

   c. For other commercial and manufacturing uses which do not involve customer access, hours of operation are those times that employees are present who are engaged in non-maintenance or security activities.

~~2.~~3. **Exceptions.** The City may allow extended hours of operations with the approval of a permit as shown in Table 23.302-1. If more restrictive hours of operation than what is permitted in Table 23.302-1 are imposed as a condition of approval on an existing AUP or UP, the hours may be modified within the district's current limits with approval of an AUP regardless of the original review authority.

Table 23.302-1: Allowed Hours of Operation

DISTRICT	ALLOWED HOURS OF OPERATION	PERMIT REQUIRED TO EXTEND HOURS
C-C, C-U, C-NS, C-AC, C-W nodes	~~7:00 a.m. – 12:00 midnight~~ 6:00 a.m. – 2:00 a.m.	AUP
C-N, C-E, ~~C-NS,~~ C-SO, C-SA, C-W outside nodes, MU-R	~~7:00 a.m. – 11:00 p.m.~~ 6:00 a.m. – 12:00 midnight	~~UP~~AUP
~~C-W nodes~~	~~6:00 a.m. – 12:00 midnight with Zoning Certificate~~	~~UP~~
~~C-SA~~	~~7:00 a.m. – 12:00 midnight Sundays through Thursdays~~ ~~7:00 a.m. – 12:00 Fridays and Saturday~~	~~UP~~
~~C-AC~~	~~7:00 a.m. – 12:00 midnight Sundays through Thursdays~~ ~~7:00 a.m. – 2:00 a.m. Fridays and Saturday~~	~~UP~~

C-T, C-DMU ~~between Bancroft Way and the north side of Dwight Way~~	24 hours per day 7 days a week	N/A
~~C-T between the south side of Dwight Way and Parker Street~~	~~7:00 a.m. – 12:00 midnight~~	~~AUP~~
~~C-DMU~~	~~6:00 a.m. and 2:00 a.m.~~	~~AUP~~
~~MU-R~~	~~6:00 a.m. and 10:00 p.m.~~	~~AUP~~

~~2~~4. **Alcohol Sales in C-T District.** A Use Permit is required in the C-T district for a business selling alcohol for off-site consumption to remain open past midnight. The Use Permit may be approved only if the business's ABC license does not require sales of alcohol for off-site consumption to cease by midnight. The Zoning Adjustments Board (ZAB) may approve the Use Permit only upon finding that the extended hours will not generate excessive noise~~, traffic or parking problems~~ affecting the well-being of the residents of the district.

~~3. **C-T District Findings.** The Zoning Officer may approve an AUP to extend hours of operation in the C-T district upon finding that the extended hours will not generate excessive noise, traffic, or parking problems affecting the well-being of the residents of the district.~~

~~4. **Hours of Operation Defined.**~~

~~a. For retail or customer-serving office commercial uses, hours of operation are those times that the business is open to customer access.~~

~~b. For food service establishments, hours of operation include the time that the business is open for customer access to the departure of the last patron. These limitations do not apply to:~~

~~The delivery, maintenance, security, product preparation and other pre-opening activities, and~~

~~Cleanup, shutdown, and other post-closure activities which do not involve presence of customers.~~

~~For other commercial and manufacturing uses which do not involve customer access, hours of operation are those times that employees are present who are engaged in non-maintenance or security activities.~~

Section 15. That Berkeley Municipal Code 23.302.020(D) be removed and that Berkeley Municipal Code 23.302.020(E) be amended to read:

~~D. **Live Entertainment -- Permits Required.** Live entertainment incidental to a permitted use is allowed as shown in Table 23.302-2.~~

~~**Table 23.302-2: Permit Requirements for Live Entertainment**~~

~~Zones~~	~~Permit Required~~	
	~~Amplified~~	~~Unamplified~~
~~C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC~~	~~AUP~~	~~ZC~~
~~C-N, C-NS, C-W~~	~~UP(PH)~~	~~ZC~~
~~C-E~~	~~Not Permitted~~	~~ZC~~
~~M, MM~~	~~Not Permitted~~	~~Not Permitted~~
~~MU-LI, MU-R~~	~~UP(PH)~~	~~UP(PH)~~

~~**1. Allowed Activities.**~~

~~a. In the S-O district, food service establishments may have no live entertainment other than unamplified music, poetry reading, comedy or other quiet activities.~~

~~b. In the C-NS district, food service establishments may have no live entertainment other than unamplified background music, unless a Use Permit is obtained.~~

~~E~~D. **Outdoor Uses.**

1. **Applicability.** This subsection applies to outdoor uses including but not limited to exterior service windows, outside automatic teller machines, and the outside storage of goods, containers and/or materials.
2. **General.** Commercial and manufacturing uses shall be conducted solely within an interior of a building unless:
   a. The permit as required by Paragraph 3 (Permits Required) is obtained; or
   b. the outdoor use is specifically allowed by the Zoning Ordinance.
3. **Permits Required.** Table 23.302-2 Permit Requirements for Outdoor Uses shows permits required for uses outside of a building in the Commercial and Manufacturing Districts.

~~3. Table 23.302-3: Permit Requirements for Outdoor Uses shows permits required for uses outside of a building in the Commercial and Manufacturing Districts.~~

TABLE 23.302-~~3~~2: PERMIT REQUIREMENTS FOR OUTDOOR USES

DISTRICT/USE CHARACTERISTICS [1]	PERMIT REQUIRED
All Commercial Districts Except for C-W	
Not abutting a residential district	AUP
Abutting a residential district	UP(PH)
C-W	
Not abutting a residential district and less than 10,000 s. ft.	AUP
Abutting a residential district	UP(PH)
10,000 sq. ft. or more	UP(PH)
M, MM [2]	
Less than 20,000 sq. ft.	ZC
20,000 sq. ft. or more	AUP
MU-LI	
Less than 20,000 sq. ft.	ZC
20,000 to 30,000 sq. ft.	AUP
More than 30,000 sq. ft.	UP(PH)
MU-R	
Not abutting a residential district	AUP
Abutting a residential district	UP(PH)
Notes: [1] Size is measured as the lot area of the outdoor activity or storage [2] In the M and MM district permits are required only for activity or storage not ancillary to a permitted use.	

~~5~~4. **C-W District.** In the C-W district, uses outside of a building must be permitted or incidental to permitted use in the district.

~~6~~5. **M, MM, MU-LI Districts.** Outside uses in the M, MM, and MU-LI districts may not abut a residential district.

Section 16. That Berkeley Municipal Code 23.302.070(E) be amended to read:

E. **Food Service Establishments.**

~~1. **Maximum Size in R-SMU.** Food service establishments in the R-SMU district may not exceed 1,200 square feet.~~

2. **Permits Required in Commercial Districts and in the R-BMU.** 6 shows permits required for food service establishments in the commercial districts and in the R-BMU.

Table 23.302-6: Permit Requirements for Food Service Establishments

District/Use Size	Permit Required
C-C, C-U, C-T, C-W	
Under 1,500 sq. ft	ZC
1,500 sq. ft. or more	AUP
C-N, C-NS, C-SA, C-SO	
Under 1,000 sq. ft	ZC
1,000 sq. ft. or more	AUP
C-AC, South Shattuck and North Adeline Subareas	
3,000 sq ft or less	ZC
Over 3,000 sq ft	AUP
C-AC, South Adeline Subarea	
1,500 sq ft or less	ZC
Over 1,500 sq ft	AUP
R-BMU, North Berkeley BART Station	UP(PH)
C-E	AUP [1]
C-DMU	
Under 3,000 sq. ft outside the Arts District Overlay	ZC
3,000 sq. ft. or more	AUP
Any size within the Arts District Overlay	AUP [2]
Notes: [10] All food service uses in the C-E district require an AUP and may not be considered as an incidental use except when accessory to a food product store. [11] See 23.204.130.D.3 for required findings.	

3. **Notification of Decision.** Food service establishments requiring an AUP in the C-N, C-E, C-NS, C-SA, C-T, C-SO districts must provide public notification of decision (NOD) within a 300-foot radius of the subject property.

4. **Carry Out Limitations in C-U District.** Food service establishments in the C-U district that exclusively sell food for offsite consumption are not permitted at any

~~location on University Avenue between Oxford Street and Martin Luther King Jr. Way until a Downtown Retail Plan is adopted by the City Council.~~

~~5.~~1. **Outdoor Cafe Seating.**

a. Outdoor cafe seating on private property outside of the public right-of-way is allowed in the commercial districts with the following permits:

i. Zoning Certificate when seating does not abut a residential district.

ii. AUP when seating abuts a residential district.

~~b. Outdoor seating is not permitted for food service establishments in the MU-LI District.~~

~~c.~~b. Sidewalk cafe seating within the public right-of-way is subject to 23.302.060 (Sidewalk Cafe Seating).

~~6.~~2. **Building Openings – C-E and C-NS Districts.** Food service establishments in the C-E and C-NS districts may have no openings, other than fixed windows and required fire exits, within 50 feet of a residential district.

~~7.~~3. **C-W District Requirements.**

a. Food service drive-through is not permitted on properties fronting San Pablo Avenue.

~~b. To approve a Use Permit for a food service establishment on a lot with frontage on San Pablo Avenue, the ZAB must find that:~~

~~i. The project does not conflict with the goals and policies of the C-W district;~~

~~ii. The location, size, appearance and signage of the project will not adversely affect the San Pablo Avenue corridor;~~

~~iii. The project supports pedestrian-oriented development;~~

~~iv. The project is designed to protect the residential character of surrounding neighborhoods from the adverse impacts of fast food development, including, but not limited to increased traffic, litter, and noise; and~~

~~v. For projects which include construction of new buildings, the project design:~~

~~1. Provides intensity of development which does not underutilize the property; especially at or near intersections of major streets;~~

~~2. Provides pedestrian scale and siting; and~~

~~3. Incorporates continuity in street facades.~~

8. **Permits Required in Manufacturing Districts.** Table 23.3028 shows permits required for food service establishments in the manufacturing districts.

TABLE 23.302-7: PERMIT REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS IN MANUFACTURING DISTRICTS

USE TYPE AND SIZE	DISTRICT			
	M	MM	MU-LI	MU-R
Incidental Use				
Under 20,000 sq. ft.	AUP [1]	AUP [1,2]	AUP [1]	AUP [1]
20,000 sq. ft. or more	-	-	-	AUP
Carry Out Food Service (Primary Use)				
Under 5,000 sq. ft.	-	-	AUP	AUP
5,000 sq. ft. or more	-	-	UP	UP
Quick Service Restaurant (Primary Use)				
Under 5,000 sq. ft.	-	-	AUP	AUP
5,000 sq. ft. or more	-	-	UP	UP
Full-Service Restaurant (Primary Use)	-	-	UP	UP
Notes: [12] Outdoor food service is not permitted. [13] Limited to food or beverage for immediate consumption.				

9.4. **MU-LI and MU-R District – Findings.**

a. To approve an AUP or Use Permit to establish or expand a food service establishment in the MU-LI or MU-R district, the review authority must find that the establishment of the use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area.

b. To approve an AUP for a food service establishment less than 5,000 square feet, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.

Section 17. That Berkeley Municipal Code 23.302.070(G) and (H) be amended to read:

G. **Parking Lot/Structure.**

1. **Permits Required.**

~~2.~~1. **Permits Required.** Table 23.302-~~9~~ 7 shows required permits for the exclusive or primary use of a lot for off-street parking spaces.

TABLE 23.302-~~9~~7: PERMIT REQUIREMENTS FOR PARKING LOTS/STRUCTURES

DISTRICT	PERMIT REQUIRED
Residential Districts	
R-3	Use Permit for all parking lots and structures. [1]
R-S, R-SMU, R-BMU	Use Permit for parking structures only. Parking lots are not permitted, except on lots between Acton Street and Virginia Gardens and between Peralta Avenue and Northside Avenue in the R-BMU.
All other residential districts	Use Permit for all parking lots and structures.
Commercial Districts	
C-C, C-U	Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-SO	AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-DMU	AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.
C-N, C-E, C-NS, C-SA	Use Permit for all parking lots and structures.
C-T	Use Permit for all parking structures. All parking lots not permitted.
C-W	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces.
Manufacturing Districts	
M, MM	AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-LI	Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-R	Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the district.

Notes: [1] Parking lots and structures in the R-3 district are not permitted within the Southside Plan area

~~3.~~2. **Residential District Standards.** See 23.322.110– Parking Lots in Residential Districts for standards that apply to the exclusive or primary use of a lot for off-street parking spaces in a residential district.

H. **Residential Use, Ground-Floor Units.**

1. Southside Plan Area. In the R-3, R-S, R-SMU, and C-T districts within the Southside Plan boundaries, individual unit entries located within six feet of the front property line shall be at least 18 inches above the finished grade of the adjacent public frontage.

I. **Senior Congregate Housing.** Table 23.302-~~10~~ 8 shows permits required for senior congregate housing.

TABLE 23.302-~~10~~8: PERMIT REQUIREMENTS FOR SENIOR CONGREGATE HOUSING

PROJECT	PERMIT REQUIRED
Change of use from an existing dwelling unit to accommodate six or fewer people	ZC
Change of use from an existing dwelling unit to accommodate seven or more people	AUP
New construction to accommodate any number of people	UP(PH)

Section 18. That Berkeley Municipal Code 23.310.020 be amended to read:

A. **Applicability.**

1. This section applies to any application to begin ~~or increase~~ alcoholic beverage sales or service, excluding ~~beer and wine~~alcoholic beverage service incidental to a food service establishment ~~in a Commercial District~~ (see 23.310.030 (Alcoholic Beverage Service When Incidental to a Food Service~~)~~).

~~2. As used in this section, an increase in alcoholic beverage sales or service includes, but is not limited to:~~

~~a. Adding the sales or service of distilled spirits to any existing sales or service of beer and/or wine;~~

~~b. Extending the hours of operation of any establishment that sells or serves any alcoholic beverage; and~~

c. Adding to the capacity, floor area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.

3. An increase in alcoholic beverage sales or service does not include extending the hours of operation of any food service establishments with incidental beer and/or wine service.

B. **Permit Required.** A Use Permit is required to begin or increase alcoholic beverage sales or service in any way.

1. An Administrative Use Permit is required to begin service of alcoholic beverages, except as provided in 23.310.030 (Alcoholic Beverage Service When Incidental to Food Service).

1.2. To increase sales and service of alcoholic beverages, an existing Administrative Use Permit or Use Permit may be modified with an AUP regardless of the original review authority.

C. Application – List of Nearby Establishments. As part of an application to begin or increase alcoholic beverage sales or service, the applicant must provide a list of all establishments within a 1,000-foot radius which are in the same category of alcoholic beverage sales or service, as defined by the California Department of Alcoholic Beverage Control.

DC. Findings of Public Convenience or Necessity. To approve a permit for alcoholic beverage sales or service, the decision-making body must make the following findings: If the proposed use is within a 1,000-foot radius of the site of a use that is in the same category of alcoholic beverage sales or service, excluding food service establishments with incidental service of beer and/or wine, the Zoning Adjustments Board (ZAB) may approve the application

1. The number of alcoholic beverage sales licensees in the census tract does not exceed the limit set by the Department of Alcoholic Beverage Control, as defined in California Business and Professions Code Section 23958.4, excluding Food Service Establishments with incidental alcohol service; and

1.2. At least one of the following:only if it makes all of the following findings:

a. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.

b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.

b. c. The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in Berkeley. as verified by the Police Department, such violations do not indicate a high likelihood of further

violations and/or detrimental impacts from the proposed establishment. In making this finding, the ZAB decision-making body may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.

4. If the proposed establishment is within 1,000 feet of any public park or public school, the ZAB has taken into consideration the effect of the proposed establishment upon such sensitive public uses.

3. If the number of alcoholic beverage sales licenses in the census tract exceeds the limit set by the Department of Alcoholic Beverage Control; the decision-making body must find that the public convenience or necessity would be served by approving alcohol sales at the proposed location for any two or more of the following reasons:

a. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the purposes of the district.

b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.

c. The sale of alcoholic beverages will enhance recreational or entertainment opportunities in the area.

d. The sale of alcoholic beverages complements the sale of other goods and merchandise at the location.

e. The issuance of a license at the proposed location will improve the convenience of area residents and visitors who purchase alcoholic beverages.

4. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.

Section 19. That Berkeley Municipal Code 23.310.030 be amended to read:

A. **Permits Required.** Table 23.310-1 shows permits required for alcoholic beverage service when incidental to a food service establishment. If more restrictive requirements than what is permitted in Table 23.310-1 are imposed as a condition of approval on an existing AUP or UP, the use may be modified with an AUP regardless of the original review authority.

Table 23.310--1: Permits Required for Alcoholic Beverage Service

District	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
	Beer and Wine	**Distilled Spirits**
R-SMU	UP(PH)	UP(PH)

District	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
	Beer and Wine	**Distilled Spirits**
R-BMU	ZC	UP (PH)
All Commercial Districts~~, except C-AC and the R-BMU District~~	ZC	~~UP(PH)~~ AUP
~~C-AC~~	~~ZC~~	~~AUP~~
MU-LI, MU-R	~~UP(PH)~~ AUP	~~UP(PH)~~ AUP

~~**B. Use Limitations.**~~

~~1. **R-SMU District.** In the R-SMU district, alcoholic beverage service is allowed only for full-service restaurants. Alcoholic beverage service is not allowed for carry out food stores and quick-service restaurants.~~

~~2. **Commercial Districts.** In Commercial Districts, beer and wine service is allowed by right when for on-site consumption with seated food service.~~

~~3. **C-NS and R-BMU Districts.** In the C-NS district, distilled spirit service is allowed only for full-service restaurants. Distilled spirit service is not allowed for carry out food stores and quick-service restaurants.~~

~~4. **C-T and C-SO Districts.** In the C-T and C-SO districts, distilled spirit service is allowed only for on-site consumption with seated food service.~~

~~5. **C-AC District.** In the C-AC district, distilled spirit service is allowed along Adeline Street south of Ashby Avenue only for on-site consumption with seated food service.~~

~~C~~B**. Incidental Beer and Wine Service Standards.** The following standards apply to beer and wine service incidental to a food service establishment. ~~in a Commercial District.~~

1. **Licensing.**
   a. The food service establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
   b. An operator of the licensed establishment may not have a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at this location.
2. **Service.**

a. Beer and wine beverage service shall be incidental to the primary food service use.

b. Beer and wine service incidental to seated food service shall only be allowed at a bona fide eating place making actual and substantial sales of meals as determined and required by the California Department of Alcoholic Beverage Control.

c. The sale of beer and wine for off-site consumption is not permitted.

~~d. Employees may not serve beer or wine to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.~~

~~e. All beer and wine served to patrons must be served in durable restaurant tableware. Beer or wine may not be distributed in its original bottle or can, or in any other potentially disposable container.~~

~~f. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service, or consumption of alcoholic beverages directly to patrons for consumption.~~

~~g.~~d. Hours of operation are subject to review and amendment by the review authority ~~Zoning Officer or the ZAB~~ as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City of Berkeley standards or policies.

3. **Operation.**

a. The food service establishment must operate at least five days a week.

b. The service of beer and wine shall be limited to normal meal hours (per California Department of Alcoholic Beverage Control) during the food service establishment's hours of operation.

c. During ~~operating~~ the food service establishment's hours of operation, ~~100 percent of the service~~all customer accessible areas shall be ~~designed and used~~available for meal service and the food service establishment must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.

~~d. At no time shall the operator rent the restaurant space to a third-party.~~

~~e.~~d. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include:

i. Signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets; and

ii. Surveillance to public areas near the establishment, keeping public areas free of trash and litter, providing lighting, and otherwise preventing conduct that might disturb the peace and quiet of residences in the vicinity.

~~f.~~e. The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

~~g.~~f. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

4. **Advertising.**

a. ~~There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior constitute a violation of this requirement.~~ Establishments shall comply with Municipal Code Chapter 20.67 (Alcohol Product Advertising)

~~b. Alcohol-dispensing facilities and signs advertising alcoholic beverages may not be visible from the public right-of-way.~~

5. **Training.**

a. The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.

b. All employees selling and/or serving beer and wine, or directly supervising such sales and/or service, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.

Section 20. That Berkeley Municipal Code 23.324.040(B)(2)(b) be amended to read:

b. **Uses with Major Investments.** Lawful nonconforming ~~full or quick service restaurants~~food services establishments with cooking or food preparation facilities, gas/auto fuel stations, theaters, manufacturing plants with specifically designed fixed facilities and other uses which represent a major investment in physical plant or facilities shall not be considered or declared terminated, regardless of the duration of non-use, unless:

i. Such fixed structures, equipment, or facilities are removed; or

ii. Other uses could not be established without major removal of or extensive remodeling or replacement of structures associated with the previous established use.

Section 21. That Berkeley Municipal Code 23.502.020(B)(4) be amended to read:

4. **Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting.** A business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is ~~only~~ incidental to the consumption of such beverages.

Section 22. That Berkeley Municipal Code 23.502.020(D) be amended to read:

D. **"D" Terms.**

~~1. **Dance/Exercise/Martial Arts/Music Studio**. An establishment in which customers assemble for group exercises, dancing, self-defense training, aerobics, choral or musical instrument instruction, other movement drills for learning, rehearsal or non-audience performances.~~

~~2.~~1. **Deck.** An unenclosed structure, usually made of wood, built to provide a solid continuous surface for outdoor use and/or access to a door, which is accessible from the ground level, directly or from a connecting stairway and is separated from the ground by an air space.

~~3.~~2. **Demolition.** A building or enclosed structure shall be considered demolished for the purposes of this chapter when, within any continuous 12-month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this definition, destroyed in part means when 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof are removed. Removal of facades or portions of facades requires Design Review.

~~4.~~3. **Density.** See 23.106.100 - Residential Density

~~5.~~4. **Density Bonus.** See 23.332.020 (Definitions).

~~6.~~5. **Department.** The Planning and Development Department of the City of Berkeley or its successor administrative unit.

~~7.~~6. **Department Store.** A retail store selling several kinds of merchandise, which are usually grouped into separate sections, including but not limited to, apparel, housewares, household hardware, household appliances, household electronics and gifts.

~~8.~~7. **Dormer.** A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. See also 23.304.110 (Dormers).

~~9.~~8. **Dormitory.** A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms.

~~10.~~9. **Drive-in Uses.** A use where a customer is permitted or encouraged, either by the design of physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated within an automobile. This use includes drive-through food service establishments, financial services (banks), and automatic carwashes.

~~11.~~10. **Driveway.** A paved, vehicular accessway connecting an off-street parking space or parking lot with a public or private street.

~~12.~~11. **Drug Paraphernalia.** As defined in California Health and Safety Code Section 11364.5(d).

~~13.~~12. **Drugstore.** A retail establishment where the profession of pharmacy is practiced and/or where licensed prescription drugs and general merchandise are offered for sale. A food products store with a pharmacy is not a drugstore.

~~14.~~13. **Dry Cleaning and Laundry Plants.** A place where clothes are dry cleaned, dyed and/or laundered as part of a commercial business, whether or not such clothes were deposited by a customer at that location, or transported from another location, as part of a service. This use includes all establishments subject to Section 19233 of the State of California Business and Professions Code, regulating Dry Cleaning Plants, but excludes laundromats and cleaners as defined in this chapter.

~~15.~~14. **Duplex.** A building or use of a lot designed for, or occupied exclusively by, two households.

~~16.~~15. **Dwelling Unit.** A building or portion of a building designed for, or occupied exclusively by, persons living as one household.

Section 23. That Berkeley Municipal Code 23.502.020(F) (11) be amended to read:

11. **Food Service Establishments.** An establishment which in whole or in part prepares food or beverages for immediate consumption on or off the premises.

~~**a. Carry Out Food Store:** A store which serves food or non-alcoholic beverages for immediate consumption not on the premises, but usually in the vicinity of the store. This use is usually characterized as an establishment which serves food altered in texture and/or temperature on a customer-demand basis, puts such food in non-sealed packages or edible containers, requires payment for such food before consumption, and provides no seating or other physical accommodations for on- premises dining. Examples of this use include~~

~~delicatessens and other stores without seating which sell doughnuts, croissants, ice cream, frozen yogurt, cookies, whole pizzas and sandwiches. This use excludes bakeries and food products stores.~~

~~**b. Quick Service Restaurant:** An establishment which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. This use is usually characterized as an establishment in which food is cooked on a customer-demand basis, payment is required before consumption, limited or no able service is provided (no waiters), and seating or other physical accommodations for on- premises customer dining is provided. Examples of this use include establishments selling primarily hamburgers or other hot or cold sandwiches, hot dogs, tacos and burritos, pizza slices, fried chicken, or fish and chips.~~

~~c. **Full-Service Restaurant**: An establishment which serves food or beverages for immediate consumption primarily on the premises, with only a minor portion, if any, of the food being taken out of the establishment. This use is characterized as an establishment in which food is stored, cooked or prepared on the premises on a customer-demand basis, which requires payment after consumption, and provides seating and tables for on-premises customer dining, and may provide with table service (waiters).~~

Section 24. That Berkeley Municipal Code 23.502.020(G)(6) be amended to read:

6. **Group ~~Class~~ Instruction**. An establishment that offers specialized programs in personal growth, ~~and~~ development, and instruction in artistic, cultural, and academic pursuits, including music and choral schools, performing arts, arts and crafts, cooking, tutoring, martial arts and self-defense training. Excludes spaces designed exclusively for public performance. ~~Includes music studios, drama schools, dance academies, art schools, tutoring schools, and instruction in other cultural and academic pursuits.~~

Section 25. That Berkeley Municipal Code 23.502.020(G)(9) be removed:

9. ~~**Gyms and Health Clubs.** An indoor facility where exercise equipment, classes and related activities related to personal health and fitness are available to paying customers. Excludes parks/playgrounds.~~

Section 26. That Berkeley Municipal Code 23.502.020(H)(2) – (11) be amended to read:

2. **Health and Fitness Facility**. A facility where exercise equipment, swimming pools, group or aerobic classes (including yoga and Pilates) and other activities related to person health and fitness are available to customers or members. Excludes park/playground.

~~2~~3. **Hedge**. Any line or row of plants, trees or shrubs planted in a continuous line to form a dense thicket or barrier.

~~3~~4. **Height of Building, Average**. See 23.106.090.A (Average Building Height).

~~4~~5. **Height of Building, Maximum**. See 23.106.090.B (Maximum Building Height).

~~5~~6. **Home Occupation**. A business use conducted on property developed with a residential use, which is incidental and secondary to the residential use, does not change the residential character of the residential use, is limited so as not to substantially reduce the residential use of the legally established dwelling, Accessory Dwelling Unit, Accessory Building or Group Living Accommodation room and is operated only by the residents of the subject residence.

There are three classification of Home Occupations. For the purposes of this section, a "customer" is considered a single paying customer, but may include more than one person receiving the services at the same time:

(1) Class I Home Occupation--Involves no more than five customer visits per day, with no more than four persons receiving services at a time. This class does not allow shipping of goods directly from the subject residence.

(2) Class II Home Occupation--Involves no more than ten customer visits per day, with no more than four persons receiving services at a time and no more than one non-resident engaging in business-related activities on-site. This class does not allow shipping of goods directly from the subject residence.

(3) Class III Home Occupation--Involves more than ten customer visits per day, with no more than four persons receiving services at a time and no more than one non-resident engaging in business-related activities on-site and/or involves shipping of goods directly from the subject residence.

~~6~~7. **Hospital**. A facility for in-patient medical care licensed under California Administrative Code, Title 17, Section 237 or 238.

~~7~~8. **Hot Tub**. A tub or small pool, usually made of wood or fiberglass, in which heated water is maintained for recreational or therapeutic activities, including, but not limited to, jacuzzis, whirlpools and spas.

~~8~~9. **Hotel, Residential**. A type of group living accommodations which provides rooms for rent for residential purposes, including single residential occupancy (SRO) rooms.

~~9~~10. **Hotel, Tourist**. A building with sleeping rooms used, designed, or intended for occupancy by transient guests for a period not to exceed 14 consecutive days.

This use includes inns, bed and breakfasts (B&Bs), and hostels, and excludes building with residential hotel rooms and dwelling units.

~~10~~11. **Household***.* One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.

~~11~~12. **Household Income, Gross***.* The income of all adult members of the household as determined by the guidelines used by the Berkeley Housing Authority for its administration of the Section 8 Rental Subsidy Program. For purposes of this definition, household is the same as Family in the federal Section 8 Existing Housing Program or its future equivalent. Classification of Households, based on income, shall be based on the following percentages of the Oakland Primary Metropolitan Statistical Area (PMSA) statistical figures for income of the most recent U.S. Census that are available:

(a) *Low Income Household.* A household whose gross income is greater than 80 percent and less than 100 percent of the median income.

(b) *Lower Income Household.* A household whose income is no greater than 80 percent and above 50 percent of the median income.

(c) *Very Low Income Household.* A household whose gross income is 50 percent or less of the median income.

Section 27. That Berkeley Municipal Code 23.502.020(S)(31) be amended to read:

31. **Studio**. See Art/Craft Studio~~ and Dance. Exercise, Martial Arts or Music Studio~~.

Section 28. 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.

Planning and Development Department
Land Use Planning Division

STAFF REPORT
October 4, 2023

TO: Members of the Planning Commission

FROM: Justin Horner, Associate Planner

SUBJECT: Zoning Amendments for Berkeley Business Public Hearing

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RECOMMENDATION
Planning Commission is asked to hold a public hearing, receive and provide comment on the proposed Zoning Amendments for Berkeley Business ("proposed zoning amendments'), and make a recommendation for consideration by the City Council.

SUMMARY
In response to City Council referrals and recommendations from the Planning Commission's Zoning Amendments for Berkeley Business Subcommittee, staff from the Office of Economic Development (OED) and the Land Use Planning Division (LUP) are proposing zoning amendments (***Attachment 1***) targeted at supporting businesses, particularly small businesses with fewer than 50 employees, in commercial, manufacturing and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.

On June 7, 2023, the Planning Commission heard a presentation and held a discussion on proposed policy changes and zoning amendments (***Attachment 2***). At that meeting, the Planning Commission appointed a Subcommittee, which met on June 28, 2023 and August 23, 2023, to review the draft proposed ordinance in detail. The proposed ordinance is included as ***Attachment 1*** to this report. The policy rationale for each of these zoning amendments is discussed at length in the June 7, 2023 Planning Commission staff report. Changes made subsequent to the June 7, 2023 Planning Commission meeting are discussed in detail below.

FISCAL IMPACTS OF RECOMMENDATION
As noted in the June 7, 2023 Planning Commission report, the proposed amendments are intended to simplify the planning review process for business activities, including new business starts and expansions. Therefore, the proposed amendments may result in a modest increase in business license tax and sales tax revenues due to increased

business activity. In addition, the proposed amendments may result in a modest decrease in staffing-related expenditures and land use permitting fee collections, as more uses would be permitted “by right” rather than through a discretionary permitting process.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance has evolved over many decades to reflect Berkeley's changing values and the dynamic landscape of property development and land use. Its requirements are intended to guide the city's growth while providing opportunities for feedback from residents, business owners, and commercial district and neighborhood associations.

OED staff has observed a specific challenge encountered by small, independent enterprises—the intricate path of maneuvering through the permit review procedure, and associated timelines and financial implications.

In order to better accommodate today's small, independent enterprises, OED staff propose a series of amendments. While they would apply to businesses of all sizes, these proposed zoning amendments aim to establish a streamlined, cost-effective, and expedited process tailored to smaller businesses. These changes further the City of Berkeley's Strategic Plan goals to "foster a dynamic, sustainable, and locally-based economy" and "provide excellent, timely, easily- accessible service and information to the community," while honoring the city's commitment to public participation and ensuring that new uses are compatible with neighboring land uses.

BACKGROUND

As detailed in the June 7, 2023 Planning Commission report, the proposed zoning amendments reflect policy changes that are summarized in Table 1 Referral Actions and Zoning Amendment Proposals. The first six proposed zoning amendments reflect specific referred actions from City Council, while the second set of eight proposed zoning amendments reflect staff-initiated changes that are consistent with the direction and intent of City Council referrals. Table 1 also includes a column which indicates which Section(s) of the proposed ordinance (***Attachment 1***) include changes related to the indicated referral actions. ***Attachment 1*** also includes comment bubbles for each Section of the proposed ordinance to indicate which of the items in Table 1 are referred to therein.

Table 1 Referral Actions and Zoning Amendment Proposals

	Policy Change	Proposed Zoning Change	Ordinance Sections (Attachment 1)
	CITY COUNCIL REFERRALS		
1.	**Group Class Instruction.** Allow Group Class Instruction with a Zoning Certificate (ZC) in the C-N, C-E, C-NS and C-SO zoning districts. (Council referral dated 10/15/2019). Revise definitions of "Dance/Exercise/Martial Arts/Music Studio", "Group Class Instruction", and "Gyms and Health Clubs."	• Removed "Dance/Exercise /Martial Arts/Music Studio" use and revised the definition of "Group Class Instruction" (simplified to "Group Instruction") to include it. (Section 23) • Replaced "Gyms and Health Clubs" use with new "Health and Fitness Facility" use and definition. (Section 25) • Changed permit requirements and size thresholds. (Sections 1, 2 and 3) • Removed ground floor transparency requirement for gyms in the C-DMU, for customer privacy. (Section 4) • Conforming technical edits, e.g. renumbering and references.	1 2 3 4 11 13 22 24 25 26 27
2.	**Incidental Distilled Spirits.** Permit the sale of Distilled Spirits that are incidental to a Food Service Establishment with an Administrative Use Permit (AUP), subject to performance standards, in all commercial zoning districts and the MU-LI and MU-R zoning districts. (Council referral dated 10/15/2019, and Council referral dated 12/4/2018)	• Revised permit requirements. (Section 18)	19
3.	**Stand-Alone Beer and Wine.** Permit stand-alone Beer and Wine Sales and Service with an AUP, subject to performance standards, in all commercial zoning districts. (Council referral dated 10/15/2019 and Council referral dated 12/4/2018)	• Expanded Bar/Cocktail Lounge/Tavern use type to include "Tap Room/Wine Tasting." (Sections 3, 12 and 20) • Revised permit requirements. (Section 3)	3 13 21
4.	**Alcoholic Beverage Sales Standards.** Update the Special Use Standards for Alcoholic Beverage Sales in BMC Section 23.310.030(C). (Council referral dated 10/15/2019)	• Revised permit requirements. (Sections 17 and 18)	18 19

	Policy Change	Proposed Zoning Change	Ordinance Sections (Attachment 1)
		• Revised Findings of Public Convenience or Necessity. (Section 17)	
5.	**Hours of Operation.** Modify hours and days of operations in commercial districts. (Council referral dated 10/15/2019).	• Amended district purpose for C-SO District. (Section 8) • Revised Hours of Operation. (Section 13) • Clarified exceptions. (Section 13) • Establish that an AUP, not a Use Permit Modification, is required to extend hours to match this change. (Section 13) • Conforming technical edit. (Section 8)	9 14
6.	**Change of Use.** Remove permit requirements to change a use in commercial districts. (Attachment 1, referral dated 10/15/2019)	• Removed additional permit requirements related to change of use. (Sections 3 and 4)	3 4
7.	**ATMs.** Allow Automatic Teller Machines (ATMs) in commercial districts with a ZC. (Council referral dated 10/15/2019)	• No recommended changes.	N/A
STAFF-INITIATED CHANGES CONSISTENT WITH CITY COUNCIL REFERRALS			
8.	**Office, Business and Professional; Art/Craft Studio; Pet Stores.** • Allow Office, Business and Professional uses with a ZC in the C-N, C-E, C-NS, C-T and C-SO zoning districts; • Allow Art/Craft Studios with a ZC in all commercial zoning districts; and • Permit Pet Stores with an AUP in the Corridor Commercial (C-C), University Commercial (C-U), C-N, C-E, C-NS, South Area Commercial (C-SA), C-T, C-SO, Downtown Mixed-Use (C-DMU) and Adeline Corridor Commercial (C-AC) zoning districts.	• Revised permit requirements. (Section 3)	3
9.	**Live Entertainment.** Allow unamplified Live Entertainment with a ZC, and permit amplified Live Entertainment with an AUP in the C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC, C-N, C-NS, West Berkeley Commercial (C-W), C-E, MU-LI and MU-R zoning districts.	• Added Live Entertainment as incidental use in the R-SMU districts. (Section 1) • Added "Live Entertainment, Unamplified" and "Live	1 3 13 15

	Policy Change	Proposed Zoning Change	Ordinance Sections (Attachment 1)
		Entertainment, Amplified" as their land uses in the residential, commercial and manufacturing Allowed Uses Tables. (Section 3) • Removed stand-alone section. (Section 12 and 14)	
10.	**Seated Food Service Requirement.** Allow distilled alcoholic beverage service without seated food service in the C-T, C-NS, and the C-SO zoning districts.	• Removed requirement that food service must accompany distilled alcohol service. (Sections 7 and 18)	8 19
11.	**Food Service Establishments 3,000 sq. ft or less.** Allow Food Service Establishments 3,000 square feet or less with a ZC, and permit food establishments greater than 3,000 square feet with an AUP, in all commercial zoning districts and the R-SMU and R-BMU zoning districts, as long as alcohol services is not included.	• Added new "Food Service Establishments" uses to Residential and Commercial Allowed Use tables and removed stand-alone section. (Sections 1, 3 and 15) • Removed requirement that food service on ground floor in C-DMU requires an AUP. (Section 9)	1 3 10 16
12.	**Food Service Establishment Quota.** Remove the Numeric Limitation for Food Service Establishments in the C-E zoning district.	• Removed numeric quota. (Section 5)	5
13.	**Incidental Food Service Establishment Requirements.** Permit incidental Food Service Establishments under 20,000 square feet in manufacturing districts to be indoors and outdoors with an AUP, and remove the specification that food or beverage be limited to "immediate consumption" in the MM zoning district.	• Added new "Food Service Establishment" incidental uses to Manufacturing Allowed Use Table and removed stand-alone section. (Sections 12 and 15)	13 16
14.	**Drug Paraphernalia in C-T District.** Allow retail sales of drug paraphernalia in the C-T zoning district.	• Removed prohibition on uses involving sale or distribution of drug paraphernalia in C-T. (Section 7)	8
15.	**Third Party Rental** Remove the restriction on renting space in a Food Service Establishment that serves alcohol incidental to food service to a third party.	• Removed restriction. (section 18)	19

Changes Subsequent to June 7, 2023 Planning Commission

The June 7, 2023 Planning Commission staff report included detailed discussion of the referral actions and rationales for the proposed zoning changes. Subsequent to that meeting, revised recommendations from the Zoning Amendments for Berkeley Business Subcommittee and from project planning, policy planning, and Office of Economic Development staff have been incorporated into the proposed ordinance. Those changes are summarized below.

1. Group Class Instruction: The BMC includes three related use types (Group Class Instruction, Art Classes/Studios/Dance/ Martial Arts Studios, and Gym/Health Club) that share some overlapping uses (exercise classes, for example, appear in both Group Class Instruction and Gym/Health Club). This has led to some confusion as to how to classify a proposed use. The June 7, 2023 Planning Commission report included revisions to the definitions of each of three related uses to make each one distinct and to clarify how a proposed use should be classified. The report also proposed an alternative approach: consolidating the definitions and creating fewer use types.

The proposed zoning amendments include a consolidation of the three use types into two use types (Group Instruction and Health and Fitness Facility) and provides definitions that expand and clarify what types of uses are to be considered under each use type.

- **Single Land Use Alternative:** An alternative approach is to consolidate the two proposed use types (“Group Instruction” and “Health and Fitness”) into one single land use, called “Group Activity.” As a result of other changes included in the proposed ordinance, the permit requirements for Group Instruction and Health and Fitness Facility are the same across all commercial districts. It may not be necessary to distinguish between the two use types if they are regulated similarly. However, the two uses are regulated differently in the M, MM, and MU-R zoning districts: Group Instruction is permitted with a ZC, while Health and Fitness uses are not permitted.

In addition, the June 7, 2023 Planning Commission report included permitting Group Class Instruction in any commercial zoning district with a ZC. Currently, Group Class Instruction uses require an AUP in smaller neighborhood commercial districts (C-N, C-E and C-SO zoning districts). The proposed ordinance includes a revision requiring an AUP for *larger* Group Instruction uses (3,000 sq. ft. or larger) in the C-N, C-E and C-SO zoning districts, while permitting smaller uses with a ZC.

2. Revised Levels of Permit Discretion for Office, Business and Professional: The June 7, 2023 Planning Commission report included a revision to the Allowed Use Table which permitted Office, Business and Professional uses in all commercial zoning districts with a ZC.

In discussing this item, Subcommittee members expressed a concern that making Office, Business and Professional uses easier to establish in smaller neighborhood commercial districts could make it difficult for neighborhood-serving retail to compete in these more discrete areas. Currently, Office, Business and Professional uses require an AUP in smaller neighborhood commercial districts (C-N, C-E and C-SO zoning districts). The proposed ordinance includes a revision that maintains this AUP requirement for Office, Business and Professional use in these three smaller neighborhood commercial zoning districts.

3. Live Entertainment. The June 7, 2023 Planning Commission report included revisions to BMC Section 23.302.020 to make it easier for live entertainment to be approved as an incidental use in commercial zoning districts and in the MU-LI and MU-R zoning districts.

The proposed ordinance includes an additional revision permitting live entertainment as an incidental use in the R-SMU district. Live entertainment, as either a primary or incidental use, is currently not permitted in any residential zoning district. The R-SMU, however, with its relatively dense and mixed-use character, and geographic limitation within the student-oriented Southside Plan Area, was considered an appropriate zoning district in which to permit live entertainment as an incidental use.

4. Structural/Formatting Changes. Currently, for some uses, the residential, commercial and manufacturing allowed use tables do not contain information about required permits for certain use types; instead, users are instructed to find this permit-related information in other sections or tables of the BMC.

Where appropriate, the proposed ordinance eliminates these references and additional tables, and includes required permit distinctions directly within the allowed use tables themselves. The intent is to simplify the ordinance, remove extraneous language, and to make it easier for users to locate the required permit(s).

- Food Service Establishments: Currently, Food Service Establishment is a single use, and users need to go elsewhere in the BMC to learn about permit distinctions based on project size. The proposed ordinance removes the extra section and instead includes two use types, based on size, directly in the Allowed Use Tables (Food Service Establishment, Under 3,000 sq. ft. and Food Service Establishment, 3,000 sq. ft. or larger).

- Live Entertainment: Currently, a user must consult a separate section of the BMC for permit requirements related to unamplified and amplified live entertainment. The proposed ordinance removes the extra section and instead includes two use types directly in the Allowed Use Tables (Live Entertainment, Unamplified and Live Entertainment, Amplified). This revision also includes the addition of an Incidental Use category within the Residential Allowed Use Table.

- Group Instruction and Health and Fitness Facility: Currently, a user must consult a separate section of the BMC for permit requirements related to the size and location of Gym/Health Club/Fitness uses. The proposed ordinance removes the extra section and instead includes size-based distinctions in the Allowed Use Tables (Group Instruction, Under 3,000 sq. ft.; Group Instruction, 3,000 sq. ft. or larger; Health and Fitness Facility, Under 7,500 sq. ft.; and Health and Fitness Facility, 7,500 sq. ft. or larger).

5. Technical Changes. The proposed zoning amendments also include five technical amendments: two related to the C-SA zoning district, one that corrects use category titles, and two related to restaurant uses.

- C-SA District:
    1. With the adoption of the Adeline Corridor Specific Plan, a number of parcels that were previously included in the C-SA zoning district were rezoned to C-AC. Section 23.204.100 (C-SA zoning district) still includes provisions that pertain only to those formerly C-SA parcels. The proposed zoning amendments include the removal of those provisions from the C-SA zoning district regulations.
    2. The C-SA zoning district includes two different building height standards, which are applied to parcels based on their location. Currently, there are parcels that are zoned C-SA that do not have a building height standard assigned to them. The proposed zoning amendments include revisions to the C-SA Maximum Building Heights Table and accompanying map to provide a building height standard for all C-SA zoned parcels.

- Use Category Titles: Section 12 of ***Attachment 1*** includes the correct use category titles for Retail Uses, Person and Housing Services Uses and Food and Alcohol Service, Lodging, Entertainment and Assembly Uses.

- Restaurant Uses: As a result of previous amendments, there are no longer any regulations that pertain to Carry Out Food Stores, Quick Service Restaurants and Full-Service Restaurants. To eliminate confusion, the proposed zoning amendments include removal of the definitions for these restaurant types from the Glossary and a reference in another section.

Existing Land Uses and the Proposed Zoning Ordinance Amendments

As a result of some of the proposed zoning ordinance amendments, there may be existing uses that, either as a result of previous zoning regulations or specific conditions of approval, would be subject to more restrictive regulations than new uses in the same zoning district that would be established after the adoption of the proposed zoning amendments.

For example, currently in the C-U zoning district, commercial hours of operation end at midnight. Accordingly, an existing business' approval was premised on ending business at midnight. Under the proposed zoning changes, however, commercial hours of operation in the C-U zoning district would end at 2:00 a.m. A new business would therefore be allowed to operate two hours longer than an existing business. Currently, adjusting the existing business' commercial hours of operation would require a permit modification (BMC 23.404.070), which requires a public hearing.

The revised ordinance includes new language in three sections to modify the process for modifying an existing land use approval to be consistent with the new regulations included in the proposed ordinance. In each case, an AUP is required to modify an approval, which includes public notice and an option to appeal an initial decision, as well as providing the city an opportunity to include conditions of approval, if necessary.

Authorization to modify existing approvals with an AUP is found in the proposed ordinance's revised language for Hours of Operation (BMC 23.302.020(B); Section 13 of ***Attachment 1***); General Requirements for Alcohol Beverage Sale and Service (BMC 23.301.020(B); Section 17 of ***Attachment 1***); and regulations regarding Alcoholic Beverage Service When Incidental to Food Service (BMC 23.302.030(A); Section 18 of ***Attachment 1***).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Environmental Review Status

The proposed ordinance includes revisions to permit and other requirements for specified land uses to encourage economic development. It does not include allowing any uses currently not permitted that would be anticipated to have a significant effect on the environment.

California Public Resource Code Section 21065 defines a "project" under CEQA as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed ordinance includes revisions to permit and other requirements for specified land uses to encourage economic development. It does not include allowing any uses currently not permitted that would be anticipated to have a significant effect on the environment. The proposed ordinance does not consist of a discretionary action that would permit or

cause any direct or indirect change in the environment. The proposed ordinance is therefore not a project under CEQA, and further environmental review is not required.

RATIONALE FOR RECOMMENDATION

The proposed zoning amendments aim to provide a more straightforward, cost-effective, and efficient process for businesses in their establishment or expansion phases. As noted in the June 7, 2023 Planning Commission report, OED staff consulted with business services personnel, small business proprietors and operators, as well as the Community Services Bureau of the Berkeley Police Department, along with code enforcement staff from the Zoning, Neighborhood Services, and Environmental Health Divisions. This collaborative effort enabled the identification of enhancements in processes and implementations that align with Council referrals.

At its June 7, 2023 meeting, the Planning Commission expressed support for the proposed zoning amendments' general direction. Consequently, a Subcommittee was convened to offer further analysis and a detailed review of the proposed ordinance. The Subcommittee conducted that review and suggested a select number of changes that have been incorporated into the proposed ordinance.

ALTERNATIVE ACTIONS CONSIDERED

As noted above, the June 7, 2023 Planning Commission report included a set of recommendations and alternative suggestions for a number of the proposed policy changes, including different permit requirements, differently-worded definitions and alternative approaches to formatting and organization.

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance. The proposed zoning amendments would be effective 30 days after the second reading of the ordinance by the City Council.

CONTACT PERSON

Kieron Slaughter, Chief Strategist, Economic Innovation, Office of Economic Development, 510-981-2490

Justin Horner, Associate Planner, Planning and Development Department, 510-981-7476

Attachments:

1. Ordinance
2. June 7, 2023 Planning Commission report and attachments
3. Public Hearing Notice

Referenced Council Referrals:

1. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (City Manager Williams-Ridley, 12/4/18)
2. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (City Manager Williams-Ridley, 10/15/19)

ATTACHMENT 3

ORDINANCE NO. -N.S.

AMENDMENTS TO THE RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), SUPPLEMENTAL USE REGULATIONS CHAPTER (BMC 23.302), ALCOHOLIC BEVERAGE SALES AND SERVICE CHAPTER (BMC 23.310), NONCONFORMING USES, STRUCTURES AND BUILDINGS CHAPTER (BMC 23.324) AND THE GLOSSARY CHAPTER (BMC 23.502) TO SUPPORT BERKELEY BUSINESSES

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

Section 1. That the lines named "Alcoholic Beverage Service," "Food Service Establishment" "Group Class Instruction," and "Gym/Health Club" in Table 23.202-1 Allowed Land Uses in Residential Districts, within Berkeley Municipal Code 23.202.020 are amended, and lines named "Food Service Establishment, Under 3,000 sq. ft.," "Food Service Establishment, 3,000 sq. ft. or larger," and a new Incidental Use use category with "Live Entertainment, Unamplified" and "Live Entertainment, Amplified" are added, to read:

Commented [HJ1]: 1. Group Class Instruction
9. Live Entertainment
11. Food Service Establishments 3,000 sq. ft. or less

Table 23.202-1: Allowed Land Uses in Residential Districts

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **--Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP).See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	**R-1A**	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU*~~*~~**	
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	NP	~~UP(PH)*~~ ZC*	UP(PH)*	23.310—Alcoholic Beverage Sales and Service
~~Food Service Establishment~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~UP(PH)*~~	~~UP(PH)*~~	~~23.302.070.E– Use-Specific Regulations~~
Food Service Establishment, Under 3,000 sq. ft.	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.302.070(E) – Use-Specific Regulations
Food Service Establishment, 3,000 sq. ft. or larger	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP*	AUP*	23.302.070(E) – Use-Specific Regulations
Group ~~Class~~ Instruction	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.202.150.~~(~~C) R-BMU Residential BART Mixed Use District
~~Gym/~~Health and Fitness Facility~~Club~~	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.202.150.~~(~~C) R-BMU Residential BART Mixed Use District
Incidental Uses												

Live Entertainment, Unamplified	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	NP	
Live Entertainment, Amplified	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	NP	

Section 2. That Berkeley Municipal Code 23.202.150(C)(2) is amended to read:

Commented [HJ2]: 1. Group Class Instruction

2. Group ~~Class~~ Instruction and ~~Gym/~~Health ~~Club~~and Fitness Facility. Group ~~class~~ instruction and ~~gym/~~health ~~club~~ and fitness facility uses are permitted at the Ashby BART station with a Zoning Certificate. Group ~~class~~ instruction and ~~gym/~~health ~~club~~ and fitness facility uses are permitted at the North Berkeley BART station with a Use Permit.

Section 3. That the lines named "Family Day Care Home, Large," "Family Day Care Home, Small," "Alcoholic Beverage Retail Sale," "Pet Store," "Retail General," "Personal and Household Services, General, "Laundromats and Cleaners," "Video Tape/Disk Rental," "Business Support Services," "Bank and Financial Services, Retail," "Insurance Agents, Title Companies, Real Estate Agents, Travel Agents," "Medical Practitioners," "Non-Chartered Financial Institutions," "Office, Business and Professional," "Bar/Cocktail Lounge/Tavern," "Dance/Exercise/Martial Arts/Music Studio," Food Service Establishment," "Gym/Health Club," "Alternative Fuel Station," "Large Vehicle Sales and Rental," "Small Vehicle Sales and Rental," "Vehicle Parts Store," "Vehicle Rentals," "Vehicle Repair and Service," "Vehicle Sales, New," "Vehicle Sales, Used," "Cannabis Testing," "Light Manufacturing," "Wholesale Trade," "Food and Beverage for Immediate Consumption," "Food Service Establishment," "Live Entertainment," "Retail Sale of Goods Manufactured On-Site," "Art/Craft Studio," "Public Market, Enclosed" and the Notes in Table 23.204-1 Allowed Uses in the Commercial Districts, within Berkeley Municipal Code 23.204.020, are amended, and lines named "Group Instruction, 3,000 sq. ft. or larger," Food Service Establishment, Under 3,000 sq. ft." "Food Service Establishment, 3,000 sq. ft. or larger" "Health and Fitness Facility, Under 7,500 sq. ft," "Health and Fitness Facility, 7,500 sq. ft." "Live Entertainment, Unamplified," and "Live Entertainment, Amplified," are added, to read:

Commented [HJ3]: 1. Group Class Instruction
3. Stand-Alone Beer and Wine
6. Change of Use
8. Office, Business & Professional. Art/Craft Studio, Pet Store
9. Live Entertainment
11. Food Service Establishments 3,000 sq. ft. or less
TECHNICAL CHANGE related to Family Day Care Homes

Table 23.204-1 Allowed Uses in the Commercial Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
~~Family Day Care Home, Large~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
~~Family Day Care, Small~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	~~ZC~~	
Alcoholic Beverage Retail Sale	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	NP	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	~~23.204.060.B.2~~ 23.310
Pet Store	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	AUP ~~UP(PH)~~	ZC ~~[3]~~	AUP ~~UP(PH)~~	
Retail, General	ZC ~~[1]~~	ZC ~~[1]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC* ~~[1]~~	ZC*	ZC* ~~[2]~~	ZC	ZC* ~~[3]~~	ZC*	23.204.040~~.~~(C) ~~E (for department stores)~~ 23.204.040(D)~~.F (for drug stores)~~
Personal and Household Services, General	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC	ZC ~~[2]~~	ZC	ZC ~~[5]~~	ZC	
Laundromats and Cleaners	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	AUP	AUP	UP(PH)	UP(PH)	AUP ~~[4]~~	AUP	
Video Tape/Disk Rental	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	AUP	ZC ~~[2]~~	--	ZC	ZC ~~[2]~~	ZC	ZC ~~[5]~~	NP	
Business Support Services	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC*	ZC ~~[2]~~	ZC	ZC ~~[5]~~	ZC ~~[6]~~	23.204.110~~.~~(B)~~.6~~(4)
Bank and Financial Services, Retail	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	ZC ~~[1]~~	AUP*	UP(PH)	ZC*	AUP	ZC	23.204.110~~.~~(B~~.~~)(~~6~~4); 23.204.130~~.~~(B)~~.~~(6); 23.204.130~~.~~(D~~.~~)(3)
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	ZC ~~[1]~~	ZC ~~[1]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC* ~~[2]~~	ZC ~~[1]~~	ZC*	ZC* ~~[2]~~	ZC*	ZC ~~[5]~~	ZC ~~[6]~~	23.204.040~~.D~~(B); 23.204.110~~.~~(B)~~.6~~(4); 23.204.130~~.~~(D)~~.~~(3)
Medical Practitioners	ZC ~~[1]~~	ZC ~~[1]~~	AUP	NP	UP(PH)	ZC ~~[1]~~	AUP*	UP(PH)	ZC*	ZC ~~[5]~~	ZC ~~[6]~~	23.204.040~~.D~~(B); 23.204.110~~.~~(B)~~.6~~(4); 23.204.130.D.3
Non-Chartered Financial Institutions	UP(PH)*	UP(PH)*	NP	NP	NP	UP(PH)*	UP(PH)*	NP	NP	UP(PH)*	UP(PH)	23.302.070.F 23.204.110.B.~~6~~4
Office, Business and Professional	ZC ~~[1]~~	ZC ~~[1]~~	AUP*	AUP*	~~AUP~~ ZC*	ZC ~~[1]~~	~~AUP~~ ZC*	AUP*	ZC*	ZC ~~[5]~~	ZC ~~[6]~~	23.204.040.B; 23.204.110.B.~~6~~4; 23.204.130.D.3
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~--~~ AUP*	~~NP~~AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~NP~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~UP(PH)~~ AUP*	~~23.204.100.B.3~~ ~~23.204.110.B.2~~; 23.310
~~Dance/Exercise/Martial Arts/Music Studio~~	~~ZC [1]~~	~~ZC [1]~~	~~ZC [2]~~	~~AUP~~	~~AUP [4]~~	~~ZC [1]~~	~~ZC~~	~~AUP~~	~~ZC~~	~~ZC [7]~~	~~ZC~~	
Food Service Establishment, under	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070.E

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ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
3,000 sq. ft.												
Food Service Establishment, 3,000 sq. ft. or larger	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	AUP *	23.302.070.E
Group ~~Class~~ Instruction, Under 3,000 sq. ft.	ZC ~~[1]~~	ZC ~~[1]~~	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	ZC ~~[1]~~	ZC	~~AUP~~ ZC	ZC	ZC	ZC	~~23.204.040.B~~
Group Instruction, 3,000 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	
Health and Fitness Facility, Under 7,500 sq. ft	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Health and Fitness Facility, 7,500 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	
~~Gym/Health Club~~	~~See 23.204.040.C~~											
Alternative Fuel Station	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	AUP *	UP(PH)	23.204.110.(B).~~4(~~2) 23.204.140.(B).(3)
Large Vehicle Sales and Rental	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP * [~~8~~1]	NP	23.204.140.(B).(3)
Small Vehicle Sales and Service	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	UP(PH)*	NP	23.204.100.(B).~~5(~~3); 23.204.140.(B).(3)
Vehicle Parts Store	ZC ~~[1]~~	NP	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC	ZC ~~[2]~~	NP	AUP * [~~8~~1]	ZC	
Vehicle Rentals	AUP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	AUP * [~~8~~1]	NP	23.204.140.(B).(3)
Vehicle Repair and Service	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP * [~~8~~1]	NP	
Vehicle Sales, New	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	AUP * [~~8~~1]	NP	23.204.140.(B).(3)
Vehicle Sales, Used	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	UP(PH)*	NP	23.204.100.(B).~~5(~~3); 23.204.140.(B).(3); 23.204.140.(D).(4)
Cannabis Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	AUP [~~8~~1]	NP	
Light Manufacturing	–	–	–	–		–	–	–	–	AUP [~~8~~1]	--	
Wholesale Trade	–	–	–	–	--	–	–	–	–	AUP [~~8~~1]	--	
Incidental Uses												
Food and Beverage for Immediate Consumption	ZC	ZC	~~AUP~~ ZC	~~UP(PH)~~ ZC	~~UP(PH)~~ ZC	ZC	~~AUP~~ ZC	~~UP(PH)~~ ZC	ZC	ZC	ZC	

Commented [HJ4]: Instead of using a table in section 23.204.040, we made new land uses here, for ease of use.

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ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
~~Food Service Establishment~~	~~See 23.302.070.E~~											
Food Service Establishment, Under 3,000 sq. ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.310.030
Food Service Establishment, 3,000 sq. ft. or larger	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.310.030
Live Entertainment, Unamplified	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Live Entertainment, Amplified	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
~~Live Entertainment~~	~~See 23.302.070.E~~											
Retail Sale of Goods Manufactured On-Site	ZC ~~[1]~~	ZC ~~[1]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[2]~~	ZC ~~[1]~~	ZC	ZC ~~[2]~~	ZC	~~AUP~~ ZC	ZC	
Art/Craft Studio	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	~~AUP~~ ZC	ZC ~~[6]~~	
Public Market, Enclosed	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP [~~9~~2]	AUP	

Notes~~:~~

~~[1] Change of use of floor area over 3,000 square feet requires an AUP.~~

~~[2] Change of use of floor area over 2,000 square feet requires an AUP.~~

~~[3] Requires an AUP for uses 3,500 sq. ft. to 7,500 square feet. Requires a Use Permit for uses more than 7,500 sq. ft.~~

~~[4] Requires a Use Permit if 5,000 sq. ft. or more.~~

~~[5] Requires an AUP for uses 3,000 sq. ft. to 5,000 square feet. Requires a Use Permit for uses more than 5,000 sq. ft.~~

~~[6] Requires an AUP for uses 2,500 sq. ft. or greater or 50 ft. wide or greater on Shattuck, between Ward and Russell; Adeline between Russell and the City boundary; on Ashby, east of Adeline; or on the north side of Ashby, west of Adeline.~~

~~[7] Requires a Use Permit if 7,500 square feet or more.~~

~~[8]~~[1] Require a Use Permit if either 5,000 sq. ft. or more of floor area or 10,000 square feet or more of lot area.

~~[9]~~[2] Requires a Use Permit if more than 10,000 sq. ft.

Commented [HJ5]: Instead of using a table in section 23.302.070, we made new land uses here, for ease of use.

Section 4. That Berkeley Municipal Code 23.204.040(B) through (F) be amended, to read:

Commented [HJ6]: 1. Group Class Instruction
6. Change of Use

~~B. Group Class Instruction.~~

~~1. **C-NS and C-DMU Districts.** When group class instruction in the C-NS or C-DMU districts are located on the ground floor adjacent to a street frontage,~~

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storefront windows must include a window display or to be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

2. **C-NS District.** Group class instruction uses in the C-NS may not exceed 2,500 square feet.

3. **C-T District.** Group class instruction uses in the C-T district are not permitted on the ground floor.

C. Gyms and Health Clubs

Commented [HJ7]: Created new use (Health and Fitness Facility) and moved permit requirements to Commercial Allowed Uses Table (Section 3, above), so we can get rid of this table. New definition in Glossary, below (Section 25)

1. Permits Required. Table 23.204-5: Gym and Health Club Permit Requirements shows permits required for gyms and health clubs in the Commercial Districts.

Table 23.204-5: Gym/Health Club/Fitness Studio Permit Requirements

District/Use Size	Permit Required [1]
C-C, C-U, C-DMU	
Under 7,500 sq. ft	ZC
7,500 sq. ft. and greater	AUP
C-N, C-E, C-NS, C-SO	AUP
C-SA, C-T, C-AC	ZC
C-W	
Under 7,500 sq. ft	ZC
7,500 sq. ft. and greater	UP(PH)
Note: [1] Change of use permit requirements as described in Section 23.204.030.A – Additional Permit Requirements (Change of Use) also apply. In the C-C, C-U, and C-SA districts, a change of use of gross floor area over 3,000 square feet requires an AUP. In the C-N, C-E, C-NS, and C-SO districts, a change of use of gross floor area over 2,000 square feet requires an AUP.	

2. C-DMU District. When located on the ground floor adjacent to a street frontage, storefront windows for a gym and health club in the C-DMU district must include a window display or to be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

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~~D~~B. Transparency Requirement for Office Uses. When office uses shown in Table 23.204-6: Office Uses Subject to Transparency Requirement are located on the ground floor adjacent to a street frontage, storefront windows shall either:

1. Include a storefront window display; or
2. Be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

Table 23.204-6: Office Uses Subject to Transparency Requirement

OFFICE USE	DISTRICT
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	CN, C-E, C-NS, CT, C-SO, C-DMU
Medical Practitioners	C-T
Office, Business and Professional	CN, C-E, C-NS, C-T, C-SO, C-DMU

~~E~~C. Department Stores. Table 23.204-7: Department Store Permit Requirements shows permits required for department stores in the Commercial Districts.

Table 23.204-7: Department Store Permit Requirements

DISTRICT/USE SIZE	PERMIT REQUIRED ~~[1]~~
C-SA, C-T	
3,000 sq. ft. or less	ZC
Over 3,000 sq. ft.	AUP
C-E, C-NS, C-SO	
3,000 sq. ft. or less	ZC
Over 3,000 sq. ft.	Not Permitted
C-N	
3,000 sq. ft. or less	AUP
Over 3,000 sq. ft.	Not Permitted
C-C, C-U	ZC
C-AC	
3,000 sq. ft. or less	ZC
Over 3,000 sq. ft.	~~UP(PH)~~AUP
~~Note:~~ ~~[1] Change of use permit requirements as described in Section 23.204.030.A Additional~~	

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~~Permit Requirements (Change of Use) also apply. In the C-C, C-U, and C-SA districts, a change of use of gross floor area over 3,000 square feet requires an AUP. In the C-N, C-E, C-NS, and C-SO districts, a change of use of gross floor area over 2,000 square feet requires an AUP.~~

~~F~~D**. Drugstores.** The following requirements apply to drugstores in the C-N, CE, C-NS, and C-SO districts.

1. Where Prohibited. A new or expanded drugstore is not permitted if it is:

a. Over 5,000 square feet in gross floor area; and

b. Within 1,000 feet of any property containing an existing drugstore.

2. Measurement of Distance. Distances between drugstores are measured by a straight line from the nearest point of the property line of the parcel on which the drugstore is proposed to the nearest point of the lot line of the lot on which the nearest drugstore is located.

Section 5. That Berkeley Municipal Code 23.204.080(B)(2) be amended to read:

Commented [HJ8]: 12. Food Service Establishment Quota (C-E)

2. **~~Numerical and~~ Size Limitations.**

a. Table 23.204-20 shows land uses subject to ~~numerical and~~ size limitations in the C-E district.

TABLE 23.204-20: C-E LAND USE NUMBER AND SIZE LIMITATIONS

USE	~~NUMBER LIMIT~~	MAXIMUM SIZE	PERMIT REQUIRED
Art/Craft Shops, Gift/Novelty Shops, Jewelry/Watch Shops	~~No limit~~	1,500 sq. ft.	ZC
Bookstores, Periodical Stands	~~No limit~~	2,000 sq. ft.	ZC
~~Food Service Establishments [1]~~	~~25 total~~	~~No max.~~	~~AUP~~
Photocopy Stores, Printing, Fax, Magnetic Disk Reproduction Services	~~No limit~~	1,000 sq. ft.	ZC

~~Notes:~~

~~[1] Excludes food service uses accessory to a food product store. Secondary food service uses associated with all other principal uses are subject to limitations in Table 23.204-20.~~

~~Change of use of over 3,000 square feet requires Use Permit~~

b. The ZAB may allow a use to exceed the limitations in Table 23.204-20 with a Use Permit upon finding that:

i. The use will result in the positive enhancement of the purposes of the district; and

ii. The use is likely to experience substantial patronage by surrounding residents as indicated by neighborhood resident support, merchant support, marketing surveys, or other information.

Section 6. That Berkeley Municipal Code 23.204.100(B) be amended to read:

Commented [HJ9]: TECHNICAL CHANGE to C-SA: many C-SA parcels were rezoned to C-AC when the Adeline Plan was adopted. Due to that rezoning, there are no longer areas within the C-SA zoning district that meet these conditions (there are now all C-AC).

1. **General.** See Table 23.204-1: Allowed Uses in the Commercial Districts

~~**2. Alcoholic Beverage Retail Sales.** The sale and service of distilled alcoholic beverages (hard liquor) is not permitted along Adeline Street, south of Ashby Avenue, except that such service is allowed when incidental to meals at full-service restaurants in accordance with Section 23.310—Alcoholic Beverage Sales and Service.~~

~~**3. Bar/Cocktail Lounge/Tavern.** Service of distilled alcoholic beverages is allowed along Adeline Street south of Ashby Avenue only when incidental to seated food service.~~

~~4~~2 Mixed-Use Permits Required.

a. **Zoning Certificate.** A mixed-use project is allowed with a Zoning Certificate if the project:

i. Complies with all applicable standards in Table 23.204-27, Table 23.204-28, and Table 23.204-29;

ii. Includes only residential uses above the ground floor; and

iii. Is less than 5,000 square feet in gross floor area, including any existing floor area incorporated into the project.

b. **Use Permit.** If a mixed-use project does not meet the criteria for approval with a Zoning Certificate as provided above, the project requires a Use Permit and is subject to the findings in Section 23.204.100~~.~~(E)– C-SA South Area Commercial District (Permit Findings).

~~5~~3. Vehicle Sales.

a. **Applicability.**

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i. In the C-SA district, small vehicle service is not permitted. Small vehicle sales that are exclusively indoor operations are permitted with a Zoning Certificate. Otherwise, a Use Permit is required.

ii. All new or relocated vehicle sales in the C-SA district shall be exclusively indoor operations with no outdoor activities and shall comply with the requirements of this subsection.

iii. Expansions or modifications of existing vehicle sales are:

1. Encouraged to comply with standards in Paragraph c (Standards) below where feasible; and
2. Shall not increase or exacerbate a non-conformity with these standards.

b. **Standards.**

i. **Street Frontage.** Outdoor vehicle display is permitted only along Shattuck Avenue and Adeline Street and is limited to 30 percent of the lot frontage on those streets.

ii. **Area for Outdoor Uses.** A maximum of 40 percent of the lot area may be used for outdoor uses, including but not limited to vehicle display and storage. Adequate landscaping and/or fencing shall be used to filter the view of outdoor uses from the adjacent right-of-way and abutting properties, with the exception of outdoor vehicle display;

iii. **Service Entries.** Vehicle and repair service entries may not exceed 20 percent of the primary lot frontage, no entrance may exceed a width of 20 feet. The primary street frontage is the frontage towards which the primary building entrance is oriented.

iv. **Transparency.** At least 60 percent of any new building shall be within 10 feet of the right-of-way along the primary street frontage and 60 percent of the street-facing facade shall be comprised of clear glass.

v. **Repair Activities.** All vehicle repair activities shall be conducted indoors.

vi. **Noise.** All noise-generating equipment and activities, such as vehicle repair, shall be shielded by noise-attenuating materials. Outdoor amplification is not permitted.

vii. **Lighting.** Exterior light standards and fixtures shall not be taller than 20 feet, shall achieve uniform light coverage and minimize glare, shall use light cutoffs to control light spillover onto adjacent properties and urban sky glow, and shall use low energy light fixtures consistent with the City's goals for energy efficiency.

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vii. **Vehicle Storage.** No vehicles shall be stored in the public right-of-way.

c. **Modification of Standards.** The Zoning Officer may allow modification to standards in Paragraph c (Standards) above with an AUP upon finding that the modification:

i. Is necessary to facilitate incorporation of an existing structure;

ii. Achieve greater consistency with the surrounding street pattern;

iii. Buffers impacts to an adjacent residential district; or

iv. Is needed to accommodate dealership operations.

Section 7. That Table 23.204-28 C-SA Maximum Building Heights and Figure 23.204-3 C-SA Building Height Sub-Areas be amended to read:

Commented [HJ10]: TECHNICAL CHANGE to C-SA: Some C-SA parcels are not included in the C-SA Maximum Building Heights Table

Table 23.204-28. C-SA Maximum Building Heights

Building Land Use	**Maximum Height**	
	Subarea ~~1~~One	**~~Subarea 2~~All other parcels**
Non-Residential Uses	36 ft and 3 stories	24 ft and 2 stories
Mixed Use and Residential Only	60 ft and 5 stories [1]	36 ft and 3 stories [1]
[1] In mixed-use buildings, the third story and above must be used for residential purposes entirely.		

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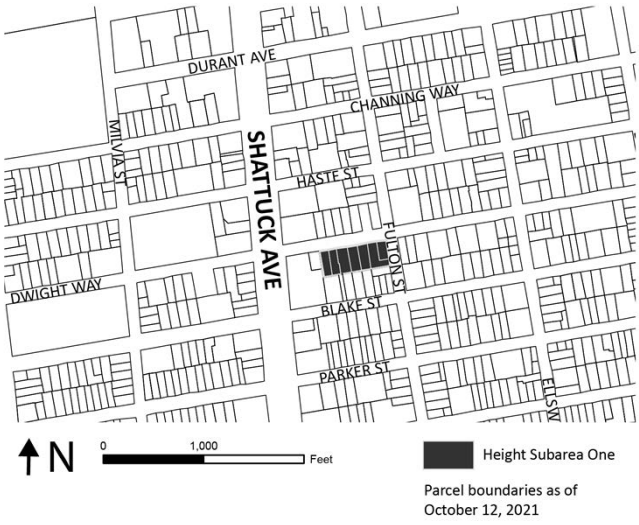
Figure 23.204-3. C-SA Building Height Sub-~~Areas~~area One



Section 8. That Berkeley Municipal Code 23.204.110(B) be amended to read:

Commented [HJ11]: 10. Seated Food Service Requirement
14. Drug Paraphernalia in C-T District

B. **Allowed Land Uses.**

1. **General.** See Table 23.204-1: Allowed Uses in the Commercial Districts.

~~**2. Bar/Cocktail Lounge/Taverns.** Service of distilled alcoholic beverages in the C-T district is allowed only when incidental to seated food service.~~

~~**3. Drug Paraphrenalia Stores.** Any use involving the sale or distribution of drug paraphrenalia is not permitted in the C-T district.~~

~~4~~2. **Fuel Stations.** Alternative fuel and gasoline stations are allowed with Use Permit when located in a parking structure.

~~5~~3. **Residential Use, Ground Floor.** Residential uses are permitted on the ground floor where located behind a commercial use. The ground floor commercial use most meet the following standards:

a. Occupy a minimum 30-foot depth of the ground floor, as measured from the ground floor street frontage, and

b. Occupy the full extent of the building frontage, excluding required utilities, driveways, pedestrian access and residential lobby.

~~6~~4. **Office Uses.**

a. Table 23.204-31 shows permits required for office uses in the C-T district.

TABLE 23.204-31: C-T OFFICE PERMIT REQUIREMENTS

Building Location	Permit Required	
	First and Second Story	**Above Second Story**
Adjacent to Bancroft Way	As required by Table 23.204-1	AUP
Not adjacent to Bancroft Way		UP(PH)

b. When office uses are located on the ground floor adjacent to street frontage, the storefront windows must either:

i. Include a window display; or

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ii. Be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

~~7~~5. **Upper Story Uses.**

a. Floor area above the ground floor may be occupied only by a residential or office uses.

b. A commercial use that is an integral part of a ground floor establishment is permitted on the second story if the use:

i. Has no entrances or exits, other than required fire exits, outside of the ground floor space; and

ii. Does not exceed the ground-floor area of the use.

Section 9. That Berkeley Municipal Code 23.204.120(A)(2)(e) be amended to read:

Commented [HJ12]: 5. Hours of Operation

e. Encourage location of ~~late night~~late-night commerce in appropriate areas in Berkeley, such as the downtown area, and allow businesses to address demand for late night service on Solano Avenue by establishing a ~~11:00 p.m~~12:00 midnight~~.~~ closing time for businesses on Solano Avenue; and

Section 10. That Berkeley Municipal Code 23.204.130(D)(3) be amended to read:

Commented [HJ13]: 11. Food Service Establishments 3,000 sq. ft. or less

3. Use Limitations; Findings. ~~Food service establishments and offices~~ Offices on the ground floor adjacent to a street frontage require an AUP. To approve the AUP, the Zoning Officer must find that

a. The project meets the purposes of the Arts Overlay District as set forth above; and

b. The location, size, type, appearance, and signage of the proposed use will:

i. Animate and enhance the pedestrian experience on the street; and

ii. Be generally open to the public evenings and on weekends, whenever practicable.

Section 11. That Berkeley Municipal Code 23.204.130(E)(7)(a)(iv) be amended to read:

Commented [HJ14]: 1. Group Class Instruction

iv. ~~Gym/~~Health and Fitness Facility ~~Club~~

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Section 12. That Berkeley Municipal Code 23.204.150(B)(3)(b) be amended to read:

Commented [HJ15]: TECHNICAL CHANGE to correct proper use category titles.

b. Active Commercial Uses Defined. Active Commercial uses are commercial uses which generate regular and frequent foot traffic. Uses include businesses in the following use categories: ~~Retail~~ Retail Uses ~~Sales~~; Personal and Household Service~~s~~ Uses; Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses; and the following uses: Banks and Financial Services, Retail;~~,~~ and Vehicle Parts Stores.

Section 13. That the lines named "Family Day Care Home, Large," "Family Day Cre Home, Small," "Bar/Cocktail Lounge/Tavern," "Dance/Exercise/Martial Arts/Music Studio, "Food Service Establishment," "Group Class Instruction," "Gym/Health Club," and "Food and Beverage for Immediate Consumption," in Table 23.206-1 Allowed Uses in Manufacturing Districts, within Berkeley Municipal Code 23.206.020, are amended, and lines named "Food Service Establishment, Under 5,000 sq. ft." "Food Service Establishment, 5,000 sq. ft. or larger," "Food Service Establishment, Under 20,000 sq. ft." "Food Service Establishment, 20,000 sq. ft. or larger" "Live Entertainment, Unamplified" and :Live Entertainment, Amplified" are added, to read:

Commented [HJ16]: 1. Group Class Instruction
3. Stand-Alone Beer and Wine
9. Live Entertainment
13. Incidental Food Service Requirements
XX. Technical change for Family Day Care Home

TABLE 23.206-1: ALLOWED LAND USES IN MANUFACTURING DISTRICTS

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
~~Family Day Care Home, Large~~	~~NP~~	~~NP~~	~~ZC*~~	~~AUP*~~	~~23.206.040.C~~
~~Family Day Care Home, Small~~	~~NP~~	~~NP~~	~~ZC*~~	~~ZC*~~	~~23.206.040.C~~
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	NP	NP	NP	See 23.306	
~~Dance/Exercise/Martial Arts/Music Studio~~	~~NP~~	~~NP~~	~~--~~	~~UP(PH)~~	
~~Food Service Establishment~~	~~See 23.302.070.E~~				
Food Service Establishment, Under 5,000 sq. ft	--	--	AUP*	AUP*	23.302.070(E)
Food Service Establishment, 5,000 sq. ft. larger	--	--	UP(PH)*	UP(PH)*	23.302.070(E)
Group ~~Class~~ Instruction	~~NP~~ZC	~~NP~~ZC	__	~~UP(PH)~~ZC	

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ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
~~Gym/~~Health and Fitness Facility ~~Club~~	NP	NP	--	NP	
Incidental Uses					
~~Food and Beverage for Immediate Consumption~~	~~--~~	~~AUP [2]~~	~~--~~	~~--~~	
~~Food Service Establishment~~	~~AUP [2]~~	~~--~~	~~AUP [2]~~	~~AUP~~	
Food Service Establishment, Under 20,000 sq. ft	AUP*	AUP*	AUP*	AUP*	23.302.070(E)
Food Service Establishment, 20,000 sq. ft. larger	NP	AUP*	NP	AUP*	23.302.070(E)
~~Live Entertainment~~	~~NP~~	~~NP~~	~~UP(PH)*~~	~~UP(PH)*~~	~~23.302.020(D)~~
Live Entertainment, Unamplified	NP	NP	ZC	ZC	
Live Entertainment, Amplified	NP	NP	AUP	AUP	

Commented [HJ17]: Instead of using a table in section 23.302.070, we made two new land uses here, for ease of use. Cutting the reference and the table simplifies the code.

Section 14. That Berkeley Municipal Code 23.302.020(B) be amended to read:

Commented [HJ18]: 5. Hours of Operation

B. **Hours of Operation.**

1. **Allowed Hours.** Table 23.302-1: Allowed Hours of Operation shows allowed hours of operation for commercial uses in the commercial districts and the MU-R district, unless otherwise restricted by an existing permit.

2. **Hours of Operation Defined.**

Commented [HJ19]: Not new language; existing language that has been relocated

   a. For retail or customer-serving office commercial uses, hours of operation are those times that the business is open to customer access.

   b. For food service establishments, hours of operation include the time that the business is open for customer access to the departure of the last patron. These limitations do not apply to:

      i. The delivery, maintenance, security, product preparation and other pre-opening activities, and

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ii. Cleanup, shutdown, and other post-closure activities which do not involve presence of customers.

a. For other commercial and manufacturing uses which do not involve customer access, hours of operation are those times that employees are present who are engaged in non-maintenance or security activities.

c.

2.3. **Exceptions.** The City may allow extended hours of operations with the approval of a permit as shown in Table 23.302-1. If more restrictive hours of operation than what is permitted in Table 23.302-1 are imposed as a condition of approval on an existing AUP or UP, the hours may be modified within the district's current limits with approval of an AUP regardless of the original review authority.

Table 23.302-1: Allowed Hours of Operation

District	Allowed Hours of Operation	Permit Required to Extend Hours
C-C, C-U, C-NS, C-AC, C-W nodes	7:00 a.m. – 12:00 midnight 6:00 a.m. – 2:00 a.m.	AUP
C-N, C-E, C-NS, C-SO, C-SA, C-W outside nodes, MU-R	7:00 a.m. – 11:00 p.m. 6:00 a.m. – 12:00 midnight	UPAUP
C-W nodes	6:00 a.m. – 12:00 midnight with Zoning Certificate	UP
C-SA	7:00 a.m. – 12:00 midnight Sundays through Thursdays 7:00 a.m. – 12:00 Fridays and Saturday	UP
C-AC	7:00 a.m. – 12:00 midnight Sundays through Thursdays 7:00 a.m. – 2:00 a.m. Fridays and Saturday	UP
C-T, C-DMU between Bancroft Way and the north side of Dwight Way	24 hours per day 7 days a week	N/A
C-T between the south side of Dwight Way and Parker Street	7:00 a.m. – 12:00 midnight	AUP
C-DMU	6:00 a.m. and 2:00 a.m.	AUP
MU-R	6:00 a.m. and 10:00 p.m.	AUP

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24. **Alcohol Sales in C-T District.** A Use Permit is required in the C-T district for a business selling alcohol for off-site consumption to remain open past midnight. The Use Permit may be approved only if the business's ABC license does not require sales of alcohol for off-site consumption to cease by midnight. The Zoning Adjustments Board (ZAB) may approve the Use Permit only upon finding that the extended hours will not generate excessive noise, traffic or parking problems affecting the well-being of the residents of the district.

3. **C-T District Findings.** The Zoning Officer may approve an AUP to extend hours of operation in the C-T district upon finding that the extended hours will not generate excessive noise, traffic, or parking problems affecting the well-being of the residents of the district.

4. **Hours of Operation Defined.**

a. For retail or customer-serving office commercial uses, hours of operation are those times that the business is open to customer access.

b. For food service establishments, hours of operation include the time that the business is open for customer access to the departure of the last patron. These limitations do not apply to:

- The delivery, maintenance, security, product preparation and other pre-opening activities, and
- Cleanup, shutdown, and other post-closure activities which do not involve presence of customers.

For other commercial and manufacturing uses which do not involve customer access, hours of operation are those times that employees are present who are engaged in non-maintenance or security activities.

Section 15. That Berkeley Municipal Code 23.302.020(D) be removed and that Berkeley Municipal Code 23.302.020(E) be amended to read:

D. **Live Entertainment -- Permits Required.** Live entertainment incidental to a permitted use is allowed as shown in Table 23.302-2.

Table 23.302-2: Permit Requirements for Live Entertainment

Zones	Permit Required	
	Amplified	Unamplified
C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC	AUP	ZC
C-N, C-NS, C-W	UP(PH)	ZC

Commented [HJ20]: This definition is moved up to the beginning of the section

Commented [HJ21]: 9. Live Entertainment.

Commented [HJ22]: Permit levels now moved to Commercial and Manufacturing Use Tables (one row for each of amplified and unamplified)

~~Zones~~	~~Permit Required~~	
	~~Amplified~~	~~Unamplified~~
~~C-E~~	~~Not Permitted~~	~~ZC~~
~~M, MM~~	~~Not Permitted~~	~~Not Permitted~~
~~MU-LI, MU-R~~	~~UP(PH)~~	~~UP(PH)~~

~~**1. Allowed Activities.**~~

~~a. In the S-O district, food service establishments may have no live entertainment other than unamplified music, poetry reading, comedy or other quiet activities.~~

~~b. In the C-NS district, food service establishments may have no live entertainment other than unamplified background music, unless a Use Permit is obtained.~~

~~E~~D. **Outdoor Uses.**

1. **Applicability.** This subsection applies to outdoor uses including but not limited to exterior service windows, outside automatic teller machines, and the outside storage of goods, containers and/or materials.
2. **General.** Commercial and manufacturing uses shall be conducted solely within an interior of a building unless:
   a. The permit as required by Paragraph 3 (Permits Required) is obtained; or
   b. the outdoor use is specifically allowed by the Zoning Ordinance.
3. **Permits Required.** Table 23.302-2 Permit Requirements for Outdoor Uses shows permits required for uses outside of a building in the Commercial and Manufacturing Districts.

~~3. Table 23.302-3: Permit Requirements for Outdoor Uses shows permits required for uses outside of a building in the Commercial and Manufacturing Districts.~~

TABLE 23.302-~~3~~2: PERMIT REQUIREMENTS FOR OUTDOOR USES

DISTRICT/USE CHARACTERISTICS [1]	**PERMIT REQUIRED**
All Commercial Districts Except for C-W	
Not abutting a residential district	AUP
Abutting a residential district	UP(PH)

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C-W	
Not abutting a residential district and less than 10,000 s. ft.	AUP
Abutting a residential district	UP(PH)
10,000 sq. ft. or more	UP(PH)
M, MM [2]	
Less than 20,000 sq. ft.	ZC
20,000 sq. ft. or more	AUP
MU-LI	
Less than 20,000 sq. ft.	ZC
20,000 to 30,000 sq. ft.	AUP
More than 30,000 sq. ft.	UP(PH)
MU-R	
Not abutting a residential district	AUP
Abutting a residential district	UP(PH)
Notes: [1] Size is measured as the lot area of the outdoor activity or storage [2] In the M and MM district permits are required only for activity or storage not ancillary to a permitted use.	

~~5~~4. **C-W District.** In the C-W district, uses outside of a building must be permitted or incidental to permitted use in the district.

~~6~~5. **M, MM, MU-LI Districts.** Outside uses in the M, MM, and MU-LI districts may not abut a residential district.

Section 16. That Berkeley Municipal Code 23.302.070(E) be amended to read:

Commented [HJ23]: 10. Seated Food Service Requirements
11. Food Service Establishments 3,000 sq. ft. or less
13. Incidental Food Service Establishments

E. **Food Service Establishments.**

~~1. **Maximum Size in R-SMU.** Food service establishments in the R-SMU district may not exceed 1,200 square feet.~~

~~2. **Permits Required in Commercial Districts and in the R-BMU.** 6 shows permits required for food service establishments in the commercial districts and in the R-BMU.~~

~~**Table 23.302-6: Permit Requirements for Food Service Establishments**~~

Commented [HJ24]: These requirements amended and moved to Residential and Commercial Allowed Use tables (see Sections 1 and 3, above)

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District/Use Size	Permit Required
C-C, C-U, C-T, C-W	
Under 1,500 sq. ft	ZC
1,500 sq. ft. or more	AUP
C-N, C-NS, C-SA, C-SO	
Under 1,000 sq. ft	ZC
1,000 sq. ft. or more	AUP
C-AC, South Shattuck and North Adeline Subareas	
3,000 sq ft or less	ZC
Over 3,000 sq ft	AUP
C-AC, South Adeline Subarea	
1,500 sq ft or less	ZC
Over 1,500 sq ft	AUP
R-BMU, North Berkeley BART Station	UP(PH)
C-E	AUP [1]
C-DMU	
Under 3,000 sq. ft outside the Arts District Overlay	ZC
3,000 sq. ft. or more	AUP
Any size within the Arts District Overlay	AUP [2]
Notes: [10] All food service uses in the C-E district require an AUP and may not be considered as an incidental use except when accessory to a food product store. [11] See 23.204.130.D.3 for required findings.	

3. **Notification of Decision.** Food service establishments requiring an AUP in the C-N, C-E, C-NS, C-SA, C-T, C-SO districts must provide public notification of decision (NOD) within a 300-foot radius of the subject property.

4. **Carry Out Limitations in C-U District.** Food service establishments in the C-U district that exclusively sell food for offsite consumption are not permitted at any location on University Avenue between Oxford Street and Martin Luther King Jr. Way until a Downtown Retail Plan is adopted by the City Council.

5.1. **Outdoor Cafe Seating.**

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a. Outdoor cafe seating on private property outside of the public right-of-way is allowed in the commercial districts with the following permits:

i. Zoning Certificate when seating does not abut a residential district.

ii. AUP when seating abuts a residential district.

~~b. Outdoor seating is not permitted for food service establishments in the MU-LI District.~~

~~c.~~b. Sidewalk cafe seating within the public right-of-way is subject to 23.302.060 (Sidewalk Cafe Seating).

~~6.~~2. **Building Openings – C-E and C-NS Districts.** Food service establishments in the C-E and C-NS districts may have no openings, other than fixed windows and required fire exits, within 50 feet of a residential district.

~~7.~~3. **C-W District Requirements.**

a. Food service drive-through is not permitted on properties fronting San Pablo Avenue.

~~b. To approve a Use Permit for a food service establishment on a lot with frontage on San Pablo Avenue, the ZAB must find that:~~

~~i. The project does not conflict with the goals and policies of the C-W district;~~

~~ii. The location, size, appearance and signage of the project will not adversely affect the San Pablo Avenue corridor;~~

~~iii. The project supports pedestrian-oriented development;~~

~~iv. The project is designed to protect the residential character of surrounding neighborhoods from the adverse impacts of fast food development, including, but not limited to increased traffic, litter, and noise; and~~

~~v. For projects which include construction of new buildings, the project design:~~

~~1. Provides intensity of development which does not underutilize the property; especially at or near intersections of major streets;~~

~~2. Provides pedestrian scale and siting; and~~

~~3. Incorporates continuity in street facades.~~

~~8. **Permits Required in Manufacturing Districts**. Table 23.3028 shows permits required for food service establishments in the manufacturing districts.~~

Commented [HJ25]: These requirements amended and moved to Manufacturing District Use table (see Section 13, above)

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~~Table 23.302-7: Permit Requirements for Food Service Establishments in Manufacturing Districts~~

~~Use Type and Size~~	~~District~~			
	~~M~~	~~MM~~	~~MU-LI~~	~~MU-R~~
~~Incidental Use~~				
~~Under 20,000 sq. ft.~~	~~AUP [1]~~	~~AUP [1,2]~~	~~AUP [1]~~	~~AUP [1]~~
~~20,000 sq. ft. or more~~	~~-~~	~~-~~	~~-~~	~~AUP~~
~~Carry Out Food Service (Primary Use)~~				
~~Under 5,000 sq. ft.~~	~~-~~	~~-~~	~~AUP~~	~~AUP~~
~~5,000 sq. ft. or more~~	~~-~~	~~-~~	~~UP~~	~~UP~~
~~Quick Service Restaurant (Primary Use)~~				
~~Under 5,000 sq. ft.~~	~~-~~	~~-~~	~~AUP~~	~~AUP~~
~~5,000 sq. ft. or more~~	~~-~~	~~-~~	~~UP~~	~~UP~~
~~Full-Service Restaurant (Primary Use)~~	~~-~~	~~-~~	~~UP~~	~~UP~~
~~Notes:~~ ~~[12] Outdoor food service is not permitted.~~ ~~[13] Limited to food or beverage for immediate consumption.~~				

~~9.~~4. **MU-LI and MU-R District – Findings.**

a. To approve an AUP ~~or Use Permit~~ to establish or expand a food service establishment in the MU-LI or MU-R district, the review authority must find that the establishment of the use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area.

b. ~~To approve an AUP for a food service establishment less than 5,000 square feet, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.~~

Section 17. That Berkeley Municipal Code 23.302.070(G) and (H) be amended to read:

Commented [HJ26]: TECHNCAL EDITS to correct numbering

G. **Parking Lot/Structure.**

~~1. **Permits Required.**~~

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2.1. **Permits Required.** Table 23.302-9 7 shows required permits for the exclusive or primary use of a lot for off-street parking spaces.

TABLE 23.302-97: PERMIT REQUIREMENTS FOR PARKING LOTS/STRUCTURES

DISTRICT	PERMIT REQUIRED
Residential Districts	
R-3	Use Permit for all parking lots and structures. [1]
R-S, R-SMU, R-BMU	Use Permit for parking structures only. Parking lots are not permitted, except on lots between Acton Street and Virginia Gardens and between Peralta Avenue and Northside Avenue in the R-BMU.
All other residential districts	Use Permit for all parking lots and structures.
Commercial Districts	
C-C, C-U	Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-SO	AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-DMU	AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.
C-N, C-E, C-NS, C-SA	Use Permit for all parking lots and structures.
C-T	Use Permit for all parking structures. All parking lots not permitted.
C-W	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces.
Manufacturing Districts	
M, MM	AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-LI	Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-R	Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the district.

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Notes:
[14][1] Parking lots and structures in the R-3 district are not permitted within the Southside Plan area

3.2. **Residential District Standards.** See 23.322.110– Parking Lots in Residential Districts for standards that apply to the exclusive or primary use of a lot for off-street parking spaces in a residential district.

H. **Residential Use, Ground-Floor Units.**

1. Southside Plan Area. In the R-3, R-S, R-SMU, and C-T districts within the Southside Plan boundaries, individual unit entries located within six feet of the front property line shall be at least 18 inches above the finished grade of the adjacent public frontage.

I. **Senior Congregate Housing.** Table 23.302-10 8 shows permits required for senior congregate housing.

TABLE 23.302-108: PERMIT REQUIREMENTS FOR SENIOR CONGREGATE HOUSING

PROJECT	PERMIT REQUIRED
Change of use from an existing dwelling unit to accommodate six or fewer people	ZC
Change of use from an existing dwelling unit to accommodate seven or more people	AUP
New construction to accommodate any number of people	UP(PH)

Section 18. That Berkeley Municipal Code 23.310.020 be amended to read:

Commented [HJ27]: 4. Alcoholic Beverage Sales Standards

A. **Applicability.**

1. This section applies to any application to begin or increase alcoholic beverage sales or service, excluding beer and winealcoholic beverage service incidental to a food service establishment in a Commercial District (see 23.310.030 (Alcoholic Beverage Service When Incidental to a Food Service)).

2. As used in this section, an increase in alcoholic beverage sales or service includes, but is not limited to:

a. Adding the sales or service of distilled spirits to any existing sales or service of beer and/or wine;

b. Extending the hours of operation of any establishment that sells or serves any alcoholic beverage; and

c. Adding to the capacity, floor area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.

3. An increase in alcoholic beverage sales or service does not include extending the hours of operation of any food service establishments with incidental beer and/or wine service.

B. **Permit Required.** A Use Permit is required to begin or increase alcoholic beverage sales or service in any way.

1. An Administrative Use Permit is required to begin service of alcoholic beverages, except as provided in 23.310.030 (Alcoholic Beverage Service When Incidental to Food Service).

1.2. To increase sales and service of alcoholic beverages, an existing Administrative Use Permit or Use Permit may be modified with an AUP regardless of the original review authority.

C. Application – List of Nearby Establishments. As part of an application to begin or increase alcoholic beverage sales or service, the applicant must provide a list of all establishments within a 1,000-foot radius which are in the same category of alcoholic beverage sales or service, as defined by the California Department of Alcoholic Beverage Control.

DC. Findings of Public Convenience or Necessity. To approve a permit for alcoholic beverage sales or service, the decision-making body must make the following findings: If the proposed use is within a 1,000-foot radius of the site of a use that is in the same category of alcoholic beverage sales or service, excluding food service establishments with incidental service of beer and/or wine, the Zoning Adjustments Board (ZAB) may approve the application

1. The number of alcoholic beverage sales licensees in the census tract does not exceed the limit set by the Department of Alcoholic Beverage Control, as defined in California Business and Professions Code Section 23958.4, excluding Food Service Establishments with incidental alcohol service; and

1.2. At least one of the following:only if it makes all of the following findings:

a. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.

b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.

b. c. The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in Berkeley. as verified by the Police Department, such violations do not indicate a high likelihood of

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further violations and/or detrimental impacts from the proposed establishment. In making this finding, the ZAB decision-making body may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.

4. If the proposed establishment is within 1,000 feet of any public park or public school, the ZAB has taken into consideration the effect of the proposed establishment upon such sensitive public uses.

3. If the number of alcoholic beverage sales licenses in the census tract exceeds the limit set by the Department of Alcoholic Beverage Control; the decision-making body must find that the public convenience or necessity would be served by approving alcohol sales at the proposed location for any two or more of the following reasons:

a. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the purposes of the district.

b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.

c. The sale of alcoholic beverages will enhance recreational or entertainment opportunities in the area.

d. The sale of alcoholic beverages complements the sale of other goods and merchandise at the location.

e. The issuance of a license at the proposed location will improve the convenience of area residents and visitors who purchase alcoholic beverages.

4. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.

Section 19. That Berkeley Municipal Code 23.310.030 be amended to read:

Commented [HJ28]: 2. Incidental Distilled Spirits
4. Alcoholic Beverage Sales Standards
10. Seated Food Service Requirement
15. Third Party Rental

A. **Permits Required.** Table 23.310-1 shows permits required for alcoholic beverage service when incidental to a food service establishment. If more restrictive requirements than what is permitted in Table 23.310-1 are imposed as a condition of approval on an existing AUP or UP, the use may be modified with an AUP regardless of the original review authority.

Table 23.310-1: Permits Required for Alcoholic Beverage Service

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District	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
	Beer and Wine	Distilled Spirits
R-SMU	UP(PH)	UP(PH)
R-BMU	ZC	UP (PH)
All Commercial Districts~~, except C-AC and the R-BMU District~~	ZC	~~UP(PH)~~ AUP
~~C-AC~~	~~ZC~~	~~AUP~~
MU-LI, MU-R	~~UP(PH)~~ AUP	~~UP(PH)~~ AUP

~~**B. Use Limitations.**~~

~~1. **R-SMU District.** In the R-SMU district, alcoholic beverage service is allowed only for full-service restaurants. Alcoholic beverage service is not allowed for carry out food stores and quick-service restaurants.~~

~~2. **Commercial Districts.** In Commercial Districts, beer and wine service is allowed by right when for on-site consumption with seated food service.~~

~~3. **C-NS and R-BMU Districts.** In the C-NS district, distilled spirit service is allowed only for full-service restaurants. Distilled spirit service is not allowed for carry out food stores and quick-service restaurants.~~

~~4. **C-T and C-SO Districts.** In the C-T and C-SO districts, distilled spirit service is allowed only for on-site consumption with seated food service.~~

~~5. **C-AC District.** In the C-AC district, distilled spirit service is allowed along Adeline Street south of Ashby Avenue only for on-site consumption with seated food service.~~

~~C~~B**. Incidental Beer and Wine Service Standards.** The following standards apply to beer and wine service incidental to a food service establishment~~ in a Commercial District.~~

1. **Licensing.**
   a. The food service establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
   b. An operator of the licensed establishment may not have a prior licensed establishment that was the subject of verified complaints or violations

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regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at this location.

2. **Service.**

   a. Beer and wine beverage service shall be incidental to the primary food service use.

   b. Beer and wine service incidental to seated food service shall only be allowed at a bona fide eating place making actual and substantial sales of meals as determined and required by the California Department of Alcoholic Beverage Control.

   c. The sale of beer and wine for off-site consumption is not permitted.

   ~~d. Employees may not serve beer or wine to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.~~

   ~~e. All beer and wine served to patrons must be served in durable restaurant tableware. Beer or wine may not be distributed in its original bottle or can, or in any other potentially disposable container.~~

   ~~f. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service, or consumption of alcoholic beverages directly to patrons for consumption.~~

   ~~g.~~d. Hours of operation are subject to review and amendment by the review authority ~~Zoning Officer or the ZAB~~ as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City of Berkeley standards or policies.

3. **Operation.**

   a. The food service establishment must operate at least five days a week.

   b. The service of beer and wine shall be limited to normal meal hours (per California Department of Alcoholic Beverage Control) during the food service establishment's hours of operation.

   c. During ~~operating~~ the food service establishment's hours of operation, ~~100 percent of the service~~all public areas shall be ~~designed and used~~available for meal service and the food service establishment must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.

   ~~d. At no time shall the operator rent the restaurant space to a third-party.~~

   ~~e.~~d. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include:

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i. Signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets; and

ii. Surveillance to public areas near the establishment, keeping public areas free of trash and litter, providing lighting, and otherwise preventing conduct that might disturb the peace and quiet of residences in the vicinity.

~~f.~~e. The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

~~g.~~f. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

4. **Advertising.**

a. ~~There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior constitute a violation of this requirement.~~ Establishments shall comply with Municipal Code Chapter 20.67 (Alcohol Product Advertising)

~~b. Alcohol-dispensing facilities and signs advertising alcoholic beverages may not be visible from the public right-of-way.~~

5. **Training.**

a. The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.

b. All employees selling and/or serving beer and wine, or directly supervising such sales and/or service, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.

Section 20. That Berkeley Municipal Code 23.324.040(B)(2)(b) be amended to read:

Commented [HJ29]: TECHNICAL EDIT: "full or quick service restaurants" no longer exist as a use type (see Section 25 below)

b. **Uses with Major Investments.** Lawful nonconforming ~~full or quick service restaurants~~food services establishments with cooking or food preparation facilities, gas/auto fuel stations, theaters, manufacturing plants with specifically designed fixed facilities and other uses which represent a major

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investment in physical plant or facilities shall not be considered or declared terminated, regardless of the duration of non-use, unless:

i. Such fixed structures, equipment, or facilities are removed; or

ii. Other uses could not be established without major removal of or extensive remodeling or replacement of structures associated with the previous established use.

Section 21. That Berkeley Municipal Code 23.502.020(B)(4) be amended to read:

Commented [HJ30]: 3. Stand-Alone Beer and Wine

4. **Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting.** A business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is ~~only~~ incidental to the consumption of such beverages.

Section 22. That Berkeley Municipal Code 23.502.020(D) be amended to read:

Commented [HJ31]: 1. Group Class Instruction

D. **"D" Terms.**

~~1. **Dance/Exercise/Martial Arts/Music Studio**. An establishment in which customers assemble for group exercises, dancing, self-defense training, aerobics, choral or musical instrument instruction, other movement drills for learning, rehearsal or non-audience performances.~~

~~2.~~1. **Deck.** An unenclosed structure, usually made of wood, built to provide a solid continuous surface for outdoor use and/or access to a door, which is accessible from the ground level, directly or from a connecting stairway and is separated from the ground by an air space.

~~3.~~2. **Demolition.** A building or enclosed structure shall be considered demolished for the purposes of this chapter when, within any continuous 12-month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this definition, destroyed in part means when 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof are removed. Removal of facades or portions of facades requires Design Review.

~~4.~~3. **Density**. See 23.106.100 – Residential Density

~~5.~~4. **Density Bonus.** See 23.332.020 (Definitions).

~~6.~~5. **Department.** The Planning and Development Department of the City of Berkeley or its successor administrative unit.

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~~7.~~6. **Department Store.** A retail store selling several kinds of merchandise, which are usually grouped into separate sections, including but not limited to, apparel, housewares, household hardware, household appliances, household electronics and gifts.

~~8.~~7. **Dormer.** A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. See also 23.304.110 (Dormers).

~~9.~~8. **Dormitory.** A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms.

~~10.~~9. **Drive-in Uses.** A use where a customer is permitted or encouraged, either by the design of physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated within an automobile. This use includes drive-through food service establishments, financial services (banks), and automatic carwashes.

~~11.~~10. **Driveway.** A paved, vehicular accessway connecting an off-street parking space or parking lot with a public or private street.

~~12.~~11. **Drug Paraphernalia.** As defined in California Health and Safety Code Section 11364.5(d).

~~13.~~12. **Drugstore.** A retail establishment where the profession of pharmacy is practiced and/or where licensed prescription drugs and general merchandise are offered for sale. A food products store with a pharmacy is not a drugstore.

~~14.~~13. **Dry Cleaning and Laundry Plants.** A place where clothes are dry cleaned, dyed and/or laundered as part of a commercial business, whether or not such clothes were deposited by a customer at that location, or transported from another location, as part of a service. This use includes all establishments subject to Section 19233 of the State of California Business and Professions Code, regulating Dry Cleaning Plants, but excludes laundromats and cleaners as defined in this chapter.

~~15.~~14. **Duplex.** A building or use of a lot designed for, or occupied exclusively by, two households.

~~16.~~15. **Dwelling Unit.** A building or portion of a building designed for, or occupied exclusively by, persons living as one household.

Section 23. That Berkeley Municipal Code 23.502.020(F) (11) be amended to read:

Commented [HJ32]: TECHNICAL EDIT: There are no longer any regulations pertaining to Carry Out Food Store, Quick Service Restaurant, or Full Service Restaurant; so, deleting definitions.

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11. **Food Service Establishments.** An establishment which in whole or in part prepares food or beverages for immediate consumption on or off the premises.

~~**a. Carry Out Food Store:** A store which serves food or non-alcoholic beverages for immediate consumption not on the premises, but usually in the vicinity of the store. This use is usually characterized as an establishment which serves food altered in texture and/or temperature on a customer-demand basis, puts such food in non-sealed packages or edible containers, requires payment for such food before consumption, and provides no seating or other physical accommodations for on- premises dining. Examples of this use include delicatessens and other stores without seating which sell doughnuts, croissants, ice cream, frozen yogurt, cookies, whole pizzas and sandwiches. This use excludes bakeries and food products stores.~~

~~**b. Quick Service Restaurant:** An establishment which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. This use is usually characterized as an establishment in which food is cooked on a customer-demand basis, payment is required before consumption, limited or no able service is provided (no waiters), and seating or other physical accommodations for on- premises customer dining is provided. Examples of this use include establishments selling primarily hamburgers or other hot or cold sandwiches, hot dogs, tacos and burritos, pizza slices, fried chicken, or fish and chips.~~

~~c. **Full-Service Restaurant**: An establishment which serves food or beverages for immediate consumption primarily on the premises, with only a minor portion, if any, of the food being taken out of the establishment. This use is characterized as an establishment in which food is stored, cooked or prepared on the premises on a customer-demand basis, which requires payment after consumption, and provides seating and tables for on-premises customer dining, and may provide with table service (waiters).~~

Section 24. That Berkeley Municipal Code 23.502.020(G)(6) be amended to read:

Commented [HJ33]: 1. Group Class Instruction

6. **Group ~~Class~~ Instruction**. An establishment that offers specialized programs in personal growth, ~~and~~ development, and instruction in artistic, cultural, and academic pursuits, including music and choral schools, performing arts, arts and crafts, cooking, tutoring, martial arts and self-defense training. Excludes spaces designed exclusively for public performance. ~~Includes music studios, drama schools, dance academies, art schools, tutoring schools, and instruction in other cultural and academic pursuits.~~

Section 25. That Berkeley Municipal Code 23.502.020(G)(9) be removed:

Commented [HJ34]: 1. Group Class Instruction

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9. ~~**Gyms and Health Clubs.** An indoor facility where exercise equipment, classes and related activities related to personal health and fitness are available to paying customers. Excludes parks/playgrounds.~~

Section 26. That Berkeley Municipal Code 23.502.020(H)(2) – (11) be amended to read:

2. **Health and Fitness Facility**. A facility where exercise equipment, swimming pools, group or aerobic classes (including yoga and Pilates) and other activities related to person health and fitness are available to customers or members. Excludes park/playground.

~~2~~3. **Hedge**. Any line or row of plants, trees or shrubs planted in a continuous line to form a dense thicket or barrier.

~~3~~4. **Height of Building, Average**. See 23.106.090.A (Average Building Height).

~~4~~5. **Height of Building, Maximum**. See 23.106.090.B (Maximum Building Height).

~~5~~6. **Home Occupation**. A business use conducted on property developed with a residential use, which is incidental and secondary to the residential use, does not change the residential character of the residential use, is limited so as not to substantially reduce the residential use of the legally established dwelling, Accessory Dwelling Unit, Accessory Building or Group Living Accommodation room and is operated only by the residents of the subject residence.

There are three classification of Home Occupations. For the purposes of this section, a "customer" is considered a single paying customer, but may include more than one person receiving the services at the same time:

(1) Class I Home Occupation--Involves no more than five customer visits per day, with no more than four persons receiving services at a time. This class does not allow shipping of goods directly from the subject residence.

(2) Class II Home Occupation--Involves no more than ten customer visits per day, with no more than four persons receiving services at a time and no more than one non-resident engaging in business-related activities on-site. This class does not allow shipping of goods directly from the subject residence.

(3) Class III Home Occupation--Involves more than ten customer visits per day, with no more than four persons receiving services at a time and no more than one non-resident engaging in business-related activities on-site and/or involves shipping of goods directly from the subject residence.

Commented [HJ35]: 1. Group Class Instruction

Commented [HJ36]: New definition to replace Gym/Health Club/Fitness Studio

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~~6~~7. **Hospital**. A facility for in-patient medical care licensed under California Administrative Code, Title 17, Section 237 or 238.

~~7~~8. **Hot Tub**. A tub or small pool, usually made of wood or fiberglass, in which heated water is maintained for recreational or therapeutic activities, including, but not limited to, jacuzzis, whirlpools and spas.

~~8~~9. **Hotel, Residential**. A type of group living accommodations which provides rooms for rent for residential purposes, including single residential occupancy (SRO) rooms.

~~9~~10. **Hotel, Tourist**. A building with sleeping rooms used, designed, or intended for occupancy by transient guests for a period not to exceed 14 consecutive days. This use includes inns, bed and breakfasts (B&Bs), and hostels, and excludes building with residential hotel rooms and dwelling units.

~~10~~11. **Household**. One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.

~~11~~12. **Household Income, Gross**. The income of all adult members of the household as determined by the guidelines used by the Berkeley Housing Authority for its administration of the Section 8 Rental Subsidy Program. For purposes of this definition, household is the same as Family in the federal Section 8 Existing Housing Program or its future equivalent. Classification of Households, based on income, shall be based on the following percentages of the Oakland Primary Metropolitan Statistical Area (PMSA) statistical figures for income of the most recent U.S. Census that are available:

(a) *Low Income Household.* A household whose gross income is greater than 80 percent and less than 100 percent of the median income.

(b) *Lower Income Household.* A household whose income is no greater than 80 percent and above 50 percent of the median income.

(c) *Very Low Income Household.* A household whose gross income is 50 percent or less of the median income.

Section 27. That Berkeley Municipal Code 23.502.020(S)(31) be amended to read:

Commented [HJ37]: 1. Group Class Instruction

31. **Studio**. See Art/Craft Studio ~~and Dance, Exercise, Martial Arts or Music Studio~~.

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Section 28. 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.

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Office of the City Manager

ACTION CALENDAR
October 15, 2019
(Continued from September 24, 2019)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses

RECOMMENDATION

Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.

SUMMARY

In April 2017, City Council referred to the City Manager analysis of a number of policy and programmatic initiatives to support the City's small businesses, including "streamlining of zoning, permitting and licensing requirements and processes." In February of 2019, six changes to the Zoning Ordinance were enacted. Subsequently, staff from the Office of Economic Development (OED) have identified eight additional potential modifications to the Zoning Ordinance for the Council and Planning Commission to consider. These eight changes are proposed in Berkeley's commercial zoning districts to make the permitting review process for small businesses less complex and time consuming:

1. Consider permitting Group Instruction (Dance Studios, Yoga Studios, Martial Arts, Exercise) with a Zoning Certificate.
2. Clarify the threshold for design review and the applicability of design guidelines for sign applications in commercial districts.
3. Consider permitting the sale of Distilled Spirits that are incidental to a Food Service Establishment with an Administrative Use Permit (AUP) subject to performance standards.
4. Consider permitting standalone Beer and Wine Sales (such as Tap Rooms and Wine Bars) with a Zoning Certificate subject to performance standards.
5. Consider modifying the limitation on hours of operations in some commercial districts.
6. Consider the necessity of 'change of use' requirements in commercial districts.
7. Consider the appropriate levels of discretion for Arcades and Automatic Teller Machines (ATMs) commercial districts.

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8. Update the Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades to reflect the proposed changes to the Zoning Ordinance.

These proposed revisions reflect input from the small business community and are seen by staff as relatively straightforward opportunities to modernize and improve the Zoning Ordinance to reflect present day conditions and community values. Each of these proposed modifications is designed to make the zoning review process for small businesses easier, clearer, and more streamlined.

FISCAL IMPACTS OF RECOMMENDATION

Modifications to the Zoning Ordinance, and the accompanying public hearings, will require staff time from the Planning Department, Office of Economic Development, and City Attorney's Office to produce staff reports and attend the required Planning Commission and City Council hearings. Proposed modifications are designed to simplify the planning review process for desirable business activities (including new business starts and expansions) and therefore may result in a modest increase in business license tax and sales tax revenues.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance has evolved over decades to reflect Berkeley's changing values and the changing landscape of property development and land use. Its requirements are intended to guide the City's growth while preserving its existing character. However, businesses and people operate differently than they did 20 to 50 years ago, and some of the current permit thresholds and ordinance requirements do not recognize these changes. This results in a permitting process that can be unnecessarily lengthy and cumbersome, especially for independently-owned small businesses without the sophistication to navigate our complicated code and permitting process. Since its last major overhaul in 1999, the Zoning Ordinance has been updated in large and small ways at least 16 times to reflect new approaches to land use and changes in the ways businesses function and residents view their community. Staff has observed that it is particularly difficult for smaller, independently-owned businesses to navigate the permit review process and the associated timelines and expense. The modifications proposed here are designed with the unique needs and challenges of small businesses in mind. Further, these recommendations follow up on the recently adopted (January 2019) zoning modifications to support small business that have improved the experiences in several cases over a period of five months.

In order to update our ordinance to better accommodate today's locally-owned, small, independent enterprises that are highly desirable to our community, and to adhere to best practices in planning and sustainable economic development, staff recommends the eight modifications to the Zoning Ordinance listed above to provide regulatory relief for small businesses in their establishment or expansion phases. These changes are an important component and continuation of a broader effort to improve our organization's embrace of our customer service and Strategic Plan goals to "foster a dynamic, sustainable, and locally-based economy" and "provide excellent, timely, easily-

accessible service and information to the community,"[1] while honoring the City's commitment to public participation and ensuring that new uses are compatible with neighboring land uses.

BACKGROUND

On April 25, 2017, the City Council referred to the City Manager a bundle of recommendations entitled the "Small Business Support Package" with the objective to "to support the establishment of new, and sustainability of existing small and/or locally owned businesses." Among the strategies that Council asked staff to analyze and implement included "streamlining of zoning, permitting and licensing requirements and processes for small/local businesses and not-for-profits, to reduce associated costs and delays, and, where appropriate, provide less onerous levels of review."[2] In the Council's annual referral prioritization exercise conducted in May 2017, the item was ranked as the Council's top priority among the referrals not pertaining to housing.

Subsequently, during summer and fall of 2017, Office of Economic Development (OED) staff conducted significant outreach and research on Berkeley's small businesses and complied its findings in a work session report and presentation to council on January 16, 2018.[3] Small business owners and advocates identified the lengthy permitting review process as one of the primary barriers to small business startup and expansion in Berkeley. As a result, staff recommended six modifications to the Zoning Ordinance that were adopted by the City Council on January 22, 2019.[4] Over six months since the zoning modifications went into effect, several business have benefited from the amendments by reducing months of permit review time and additional expenses. For example, Thai Corner at 1277 Gilman Street, the Sundhari Spa at 1605 Solano Avenue, and AxeVentures at 2566 Telegraph Avenue each were able to open their business or expand their hours via a Zoning Certificate, rather than wait several months for an AUP. In addition, the zoning modifications were acknowledged by the Northern California Chapter of the American Planning Association (NorCal APA) with an Award of Merit in Economic Planning and Development.

The goal of this second round of zoning changes is again to improve and simplify the permitting experience for small businesses, which can in turn enhance the quality of commercial district offerings, help fill vacant storefronts, and generate more local and sustainable economic opportunities. The recommendations distill specific complaints, concerns, challenges, and staff observations into concise changes to the zoning ordinance designed specifically to alleviate long permit queues, clear up applicant confusion, and streamline the experience of doing business in Berkeley. The

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[1] See *City of Berkeley 2018-2019 Strategic Plan*, adopted by Berkeley City Council, January 16, 2018.
[2] See *Small Business Support Package*, adopted by Berkeley City Council, Item 41, April 25, 2017.
[3] See *Economic Development Worksession, Small Business Support*. https://www.cityofberkeley.info/Clerk/City_Council/2018/01_Jan/Documents/2017-01-16_WS_Item_01_Economic_Development_Worksession.aspx
[4] See *Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses*, adopted by City Council, Item 1, January 22, 2019 https://www.cityofberkeley.info/Clerk/City_Council/2019/01_Jan/Documents/2019-01-22_Item_01_Ordinance_7635.aspx

recommendations are also informed by outreach, conducted February through August 2019, to neighborhood stakeholders, business owners, elected officials and commissioners. Staff aimed to identify and streamline the particular controls that lengthen the review process for desired and noncontroversial uses. In addition, the recommendations are consistent with purpose statements for commercial districts in section 23E of the Zoning Ordinance.

The following recommendations and rationale continue to iterate on the progress and inputs gathered from the first round of zoning amendments to support small businesses:

1. Consider permitting Group Instruction (Dance Studios, Yoga Studios, Martial Arts, Exercise) with a Zoning Certificate. Currently the Zoning Ordinance requires an AUP for Group Class Instruction in the majority of commercial zoning districts. A new yoga studio or exercise studio, or businesses interested in adding classes to an existing business, such as an art gallery or culinary business, are subject to discretionary review through an AUP application. The AUP requirement typically lengthens the zoning review process by three to six months, and typically increases the cost by roughly $1,000 to $4,000.

   OED staff has observed an increase in business models that employ a combination of retail and/or food consumption with instruction, training and class offerings. As the prevalence of online purchases for soft goods (e.g., clothing, books, music) increases, these creative commercial uses are increasingly critical to the vitality and sustainability of neighborhood commercial districts. Therefore staff recommends amending the Zoning Ordinance to permit these uses in commercial districts with a Zoning Certificate.

2. Clarify the threshold for design review and the applicability of design guidelines for sign applications in commercial districts. Section 20.12.070 of the Zoning Ordinance and Section 23E.08.020 of the Sign Code have conflicting and contradictory language related to the threshold for the design review of a new sign and the requirements for a Sign Permit. In addition, the current application for Signs and Awnings throughout the City refer to the Downtown Sign Guidelines; those guidelines have been used for the review and processing of signs beyond Downtown. This has led to confusion for applicants, business owners and sign companies wishing to do business in Berkeley. The impact is especially detrimental to small, independent business owners interested in opening a new business with a new sign.

   To remedy this, staff recommends a minor modification to the language in Section 23E.08.020 Applicability of Design Review in non-residential districts to clarify the types of signs that are subject to design review and signs that are exempt. In addition, the Planning Commission should determine whether the Downtown Sign Guidelines are suitable for the evaluation of signs throughout the City or only Downtown.

3. Consider permitting the sale of Distilled Spirits that are incidental to a Food Establishment with an Administrative Use Permit (AUP) subject to performance standards. Presently an operator of a food service establishment must obtain a Use Permit with a Public Hearing UP(PH) to serve distilled spirits. This review process is separate from and in addition to the review process an owner or operator is subject to by Alcohol Beverage Control (ABC), the state agency regulating the sale, service, and production of alcohol. The UP(PH) requirement typically lasts between five to eleven months, and includes $5,215 in fees. The requirement also generates additional demands on Planning staff and the Zoning Adjustments Board, and uncertainty for food service purveyors.

   Staff recommends the incidental service of distilled spirits at a food establishment be permitted via an AUP, subject to specific conditions of approval and the adopted performance standards which are approved by Berkeley's law enforcement officials and in line with the best practices employed by the state ABC. Nearby residents and property owners will still be notified of the proposed use and will have the ability to provide comments and appeal the Planning Department's decision.

4. Consider permitting standalone Beer and Wine Sales (such as Tap Rooms and Wine Bars) with a Zoning Certificate subject to performance standards. Currently, tap rooms, wine bars and tasting rooms are subject to the UP(PH) process in most commercial districts. As noted above, the UP(PH) requirement typically lasts between five to eleven months, and includes $5,215 in fees. The requirement also generates additional demands on Planning staff and the Zoning Adjustments Board, and uncertainty for entrepreneurs interested in this type of business. This review process is separate from and in addition to the review process an owner or operator is subject to by Alcohol Beverage Control (ABC), the state agency regulating the sale, service, and production of alcohol.

   Staff recommends that standalone beer and wine sales be permitted via a Zoning Certificate, subject to the performance standards which are approved by Berkeley's law enforcement officials and in line with the best practices employed by the state ABC. The City of Berkeley has an emerging wine and beer scene, resulting in additional tourism, tax revenue, manufacturing and job creation; this policy change could help to encourage its continued expansion.

5. Consider modifying the limitation on hours of operations in some commercial districts. Currently, several commercial zoning districts limit the hours of operation for businesses; e.g., businesses in the Elmwood District may not operate outside of 7am-11pm. In order for a business to exceed the existing limits, they must apply for a UP(PH) (adding approximately five to eleven months and $5,215 in fees to the zoning approval process). This is a significant obstacle for many business owners and has served as a deterrent for entrepreneurs that may be interested in providing food and drinks to customers after 11:00 pm. Many of the City's entertainment activities end at or after 11:00 pm; in some

districts, the limits on hours of operations restricts businesses from offering complementary services. This could result in lost tax revenue, job opportunities and lost business to adjacent cities. Staff recommends that the Planning Commission consider removing the blanket restriction in some or all commercial districts, allowing business owners to maintain hours of operation that comply with any applicable State laws and are aligned with their business model and customer demand.

6. Consider the necessity for 'change of use' requirements in commercial districts triggered by square footage. Currently in some C-prefixed districts, a change of use above a certain square footage threshold necessitates an AUP or a UP(PH). A commercial change of use requirement based on square footage is atypical; surrounding jurisdictions do not impose this level of scrutiny on neighborhood serving business, which puts Berkeley at a competitive disadvantage in its attraction of new businesses to larger commercial spaces. Each district's Use Table makes allowances for different levels of discretionary review for particular uses based on square footage thresholds. This additional requirement therefore adds to the overall complexity of the zoning ordinance; as it is a supplemental requirement implemented via an asterisk, often it is initially overlooked by applicants.

   Staff recommends that the Planning Commission review the appropriateness and benefits of an AUP for a Change of Use and consider eliminating the requirement in some or all commercial districts. Proposed uses would be evaluated and reviewed based on the levels of discretion defined in the Use Table for each district.

7. Consider the appropriate levels of discretion for Arcades and Automatic Teller Machines (ATMs) commercial districts. Commercial recreation uses that are classified as Arcades (e.g., Emporium and 90's Experience, Oakland, CA and the High Scores Arcade Museum, Alameda, CA) have become increasingly popular and prevalent. With the rise of internet sales posing challenges to retailers, these types of experiential commercial establishments have become increasingly important to the overall health of commercial districts. However, Berkeley's existing zoning controls make it difficult or impossible to open that type of establishment in most districts. Currently, Arcades are either prohibited or require a UP(PH), which adds approximately five to eleven months and $5,215 in fees to the zoning approval process. The requirement also generates additional demands on Planning staff and the Zoning Adjustments Board, and uncertainty for entrepreneurs interested in this type of business.

   ATMs also typically require an AUP or UP(PH), and in some districts are prohibited unless part of a Financial Institution. ATMs are often a beneficial and complimentary element for active commercial districts, especially if there's a lack of financial institutions in the area like some parts of Berkeley. Furthermore, the City of Berkeley is considering a policy that would require businesses to accept

cash. Staff recommends that the Planning Commission review the levels of discretion for Arcades and ATM's in commercial districts.

8. Update the Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades to reflect the proposed changes to the Zoning Ordinance. The Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades provide additional requirements and limitations for certain uses in the Zoning Ordinance. Several of the regulations are limiting and don't reflect the current standards in other jurisdictions. In addition, these sections would need to be modified to be consistent with the recommended Zoning Ordinance amendments above. Furthermore, the Public Convenience or Necessity findings for alcohol use and the distance buffers for Arcades are overly restrictive, don't reflect best practices and conflict with typical business practices. For example, Section 23E.16.040(A)(1)(b)(5) states *"no beer or wine may be distributed in its original bottle or can."* Staff recommends that the Planning Commission consider updating the Special Use section of the ordinance to be reasonable, enforceable and be consistent with surrounding jurisdictions.

Next Steps
Staff recommends that City Council review and adopt this referral to Planning Commission. Subsequently, Planning Department staff would present the Planning Commission with information, case studies and analysis relevant to each proposed change, seek guidance from the Commission, and draft Zoning Ordinance amendments for the Commission's review. It is possible that some of the recommendations may be implemented as part of the Zoning Ordinance Revision Project (ZORP), a current initiative to modernize and streamline the Zoning Ordinance. Planning Commission hearings will provide opportunities for additional feedback from small business owners, citizens, neighborhood associations, and commercial district groups.

Strategic Plan Connection
This referral is a component of a Strategic Plan Priority Project (Small Business Support), advancing our goals to provide an efficient and financially-health City government; to foster a dynamic, sustainable, and locally-based economy; and to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

ENVIRONMENTAL SUSTAINABILITY
Many of the City's environmental sustainability goals are inextricably tied to the overall health of the City's economy. Small businesses make up the bulk of Berkeley's economy. Small businesses often contribute to sustainable transportation and consumer behavior by providing opportunities to shop in neighborhood commercial districts that are accessible by foot, bicycle and transit.

RATIONALE FOR RECOMMENDATION
Berkeley's commercial districts, and the small businesses that comprise them, are vital to the City's economic, social and civic wellbeing. These zoning changes represent the

most immediate and straightforward approach the City can take to assist small businesses and potentially reduce commercial vacancies. They are designed specifically to support small independent operators seeking to invest and activate these districts, and will provide the community with needed goods and services. These changes also have the added addition of improving our city's internal permitting processes, by shortening timelines and improving customer service.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered various other changes to levels of discretionary review and other zoning compliance review for commercial uses, but recommends moving forward with the modifications proposed above while continuing to gather input on additional changes.

CONTACT PERSON

Jordan Klein, Economic Development Manager, (510) 981-7534
Kieron Slaughter, Community Development Project Coordinator, (510) 981-2490

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
ZONING ORDINANCE AMENDMENTS TO SUPPORT BERKELEY BUSINESS

The public may participate in this hearing by remote video or in-person.

The Department of Planning and Development is proposing amendments to the City's Zoning Ordinance (Title 23) to establish a streamlined, cost-effective, and expedited review and approval process tailored to smaller businesses, while preserving the city's commitment to public participation and ensuring that new uses are compatible with neighboring land uses. Proposed amendments affect the following sections of Title 23:

- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.202.150 R-BMU Residential BART Mixed Use District
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.040 Use-Specific Permit Requirements and Regulations
- 23.204.080 C-E Elmwood Commercial District
- 23.204.100 C-SA South Area Commercial District
- 23.204.110 C-T Telegraph Avenue Commercial District
- 23.204.120 C-SO Solano Avenue Commercial District
- 23.204.130 C-DMU Downtown Mixed-Use District
- 23.204.150 C-AC Adeline Corridor Commercial District
- 23.206.020 Allowed Land Uses (Manufacturing Districts)
- 23.302.020 Supplemental Use Regulations (Hours of Operation)
- 23.302.070 Supplemental Use Regulations (Use-Specific Regulations)
- 23.310.020 Alcoholic Beverage Sales and Service (General Alcohol Service Requirements)
- 23.310.030 Alcoholic Beverage Sales and Service (Incidental Alcohol Service Requirements)
- 23.324.040 Nonconforming Uses
- 23.502.020 Glossary

The hearing will be held on, February 27, 2024 at 6:00 pm in the 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 https://berkeleyca.gov/ as of February 15, 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 Justin Horner, Associate Planner, at 510-981-7476.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov 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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: February 16, 2024 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 15, 2024.

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Mark Numainville, City Clerk
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Office of the City Manager

INFORMATION CALENDAR
FEBRUARY 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: FY 2024 First Quarter Investment Report: Ended September 30, 2023

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended September 30, 2023 was 3.00%, 38 basis points less than the 3.38% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The returns earned on State LAIF's monthly portfolio are currently higher because it has a much shorter maturity and the yield curve is inverted (i.e., short-term rates are higher than medium and long-term rates).

  The return on pooled investments of 3.00% for the quarter ended September 30, 2023 was 6 basis points less than the rate of 3.06% earned in the quarter ended June 30, 2023.

- The average return on all Retiree Medical Trust Fund investments was 5.26% for the quarter ended September 30, 2023.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of the quarterly report for fiscal year 2024 First Quarter ending September 30, 2023 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

A. Portfolio Results

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than that of most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. Liquidity of Portfolio:
   The average investment in the pooled portfolio matures in 1,237 days as of September 30, 2023. This is 49 days less than the 1,286 maturity days as of June 30, 2023.

2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended September 30, 2023
   The City's yield on investments for the quarter ended September 30, 2023 was 3.00%, a decrease of 6 basis points (.06%) from the 3.06 earned during the quarter ended June 30, 2023. The average yield on a 91-day Treasury bill at the end of the quarter ended September 30, 2023 was 5.45%, an increase of 17 basis points (0.17%) from the 5.28% at the end of the previous quarter, primarily as a result of the Fed's raising the Federal Funds rate by .25% on July 26, 2023.

   As summarized in Table 1, staff's overall results were under the performance measure for the quarter by 38 basis points. Staff's performance was under the performance measure in July by approximately 23 basis points (-.23%); under the performance measure in August by approximately 48 basis points (-.48%); and, was under the performance measure in September by approximately 44 basis points (-.44%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

Table 1

For Quarter Ending September 30, 2023			
Period	**City**	**State LAIF**	**Difference**
Jul-23	3.07%	3.30%	-0.23%
Aug-23	2.95%	3.43%	-0.48%
Sept-23	2.98%	3.42%	-0.44%
Jul 1-Sept 30	3.00%	3.38%	-0.38%

3. Investment Results-Retiree Health Insurance Funds:

   Average interest rates earned on the retiree health insurance trust funds for the quarter ended June 30, 2023 compared to the quarter ended September 30 2023, were as follows:

Table 2

EARNED INTEREST RATES		
For Quarter Ended 6/30/2023 Compared To 9/30/2023		
Trust Fund	**4th Qtr 6/30/23**	**1st Qtr 9/30/23**
Retiree Medical Trust Fund (Misc Employees)	5.39%	5.42%
Fire Retiree Medical Trust Fund	5.19%	5.13%
Police Retiree Medical Trust Fund	4.60%	5.24%

The rates earned on these plans are expected to continue to increase, as staff is using the investment authority granted by Council to purchase long-term bonds as rates move higher.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

B. Discussion of Interest Rate Environment and Outlook

In its September 30, 2023 statement, the Federal Open Market Committee said recent indicators suggest that economic activity has been expanding at a solid pace. Job gains have slowed in recent months but remain strong, and the unemployment rate has remained low. Inflation remains elevated.

It stated that the U. S. banking system is sound and resilient. Tighter credit conditions for households and businesses are likely to weigh on economic activity, hiring, and inflation. The extent of these effects remains uncertain. The Committee remains highly attentive to inflation risks.

Yield Trend

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. In support of these goals, the Committee decided to maintain the target range for the federal funds rate at 5-1/4%-5-1/2%. The Committee will continue to assess additional information and its implications for monetary policy. In determining the extent of additional policy firming that may be appropriate to return inflation to 2 percent over time, the Committee will take into account the cumulative tightening of monetary policy, the lags with which monetary policy affects economic activity and inflation, and economic and financial developments. In addition, the Committee will continue to reduce its holdings of Treasury securities and agency debt and mortgage-backed securities, as described in its previously announced plans. The Committee is strongly committed to returning inflation to its 2 percent objective.

In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of incoming information for its economic outlook. The Committee would be prepared to adjust the stance of monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals. The Committee's assessments will take into account a wide range of information, including readings on labor market conditions, inflation pressures and inflation expectations, and financial and international developments.

Since the Federal Reserve change its zero-interest rate policy in March 2017 to combat high inflation, the Federal Reserve Board has raised the Federal Funds rate 11 times for a total of 5.25%-5.50%, as follows:

Table 3

DATE	RATE CHANGE	FEDERAL FUNDS RATE
03/17/22	.25%	.25%-.50%
05/05/22	.50%	.75%-1.00%
06/16/22	.75%	1.50%-1.75%
07/27/22	.75%	2.25%-2.50%
09/21/22	.75%	3.00%-3.25%
11/02/2022	.75%	3.75%-4.00%
12/14/2022	.50%	4.25%-4.50%
2/1/2023	.25%	4.50%-4.75%
3/23/2023	.25%	4.75%-5.00%
5/3/2023	.25%	5.00%-5.25%
7/26/2023	.25%	5.25%-5.50%

Since the rate hike on March 23, 2023, there were three regional bank failures (Silicon Valley Bank, Signature Bank and First Republic Bank), and other regional banks have been under pressure. During the current quarter, the Fed's rate hikes and these bank failures have resulted in (1) banks' raising their lending standards and reducing the number of loans granted; (2) mortgage rates rising to 8% for a while, but dropping below 7% currently; and (3) Analysts increasing the probability of a significant slowdown or recession in the US economy in 2024.

In addition, since July 2023, the Personal Consumption Expenditures (PCE) index (the Fed's favored inflation index) has declined from 4.2% to 2.6% in November 2023, close to the Fed's 2.0% target.

Therefore, under these circumstances it is likely that the Fed will be cautious about keeping the Federal Funds rates at this high level for a long time. In fact, the Fed Chairman recently suggested that the rate hikes have ended and that the Fed's is likely to lower rates at least three times in CY 2024, assuming the decline in the inflation rate continues. It should be pointed out that the market is anticipating five to six Fed rate cuts in CY 2024.

Change in Strategy

Prior to the Fed's change in monetary policy starting March 17, 2022, staff's basic strategy consisted of not purchasing any Agency or Medium-Term corporate note securities with a maturity beyond three years, unless the securities were step-up securities (i.e., securities whose interest rates increased periodically, if they were not called). After the

Fed's changed to a tighter monetary policy in March 2022, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years and locking in rates. In the short term, this strategy has resulted in a decline in yield from the previous quarter because the yield curve is inverted (i.e., short-term rates are higher than medium and long-term rates). As money is pulled out of short-term investments to lock in rates on long-term investments, the City's yield suffers in the short-term. However, this underperformance will disappear when the Fed's starts lowering short-term rates in CY 2024.

Many Analysts in the market are now predicting that the Fed's will start lowering rates in March 2024 and continue to lower them throughout CY 2024. However, Staff believes the decline in rates could come later in CY 2024, for the following reasons:

1. The Fed Chairman indicated that the Fed's will continue its program of selling $95 billion/month (or $1.14 trillion/year) of Agency and Mortgage-Backed securities from its Balance Sheet instead of purchasing them as it did before this program began. This decision will result in a substantial increase in bond supply without a corresponding increase in bond demand, which will increase the rates on medium and long-term bonds; and,
2. The projected US CY 2024 budget deficit of $1.8 trillion means the US will have to issue an additional $1.8 trillion of bonds to fund this budget deficit. This additional huge supply of bonds may overwhelm demand for Agency and Mortgage-Backed bonds and put further upward pressure on medium and long-term interest rates.

These two factors may keep medium-term and long-term interest rates higher for much of CY 2024 and impact short-term rates.

On a long-term basis, the City's earned rate is expected to be above the City's benchmark (State LAIF) and the City's return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 4

Other California Cities Earned Interest Rates	
For the Quarter Ending September 30, 2023	
City	**Rates Earned**
Oakland	4.19%
Burbank	3.15%
San Francisco	3.11%
Berkeley	**3.00%**
San Diego	3.00%
San Jose	3.00%
Los Angeles	2.72%
Sacramento	2.63%
Hayward	2.38%
Palo Alto	2.20%

BACKGROUND

- Pooled Investments

  Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency securities) notes, medium-term corporate notes and municipal securities for periods of one to ten years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

  In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

  The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero from 2008 to March 2020, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

1. Portfolio Evaluation FY 2024 First Quarter
2. Investment Report Analysis FY 2024 First Quarter
    a. Exhibit 2-A: Pooled Cash and Investments
    b. Exhibit 2-B.1 through 2-B.3: Interest Earnings July 1, 2023 – September 30, 2023
    c. Exhibit 2-C: Book Value By Investment Type
    d. Exhibit 2-D: Current Holdings vs. Policy Limits
    e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2024 First Quarter –Trust Funds
    a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
    b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
    c. Exhibit 3-C: Retiree Medical Trust Funds –Police

Attachment 1

Portfolio Evaluation
Quarter Ended September 30, 2023

	QUARTER ENDING			
	September 2023	**June 2023**	**March 2023**	**December 2022**
Total Portfolio				
Pooled Cash and Investments (COB)	$ 614,759,558	$ 712,329,294	$ 667,712,171	$ 657,109,639
Pooled Cash and Investments (Trust)	53,459,009	54,012,972	54,330,791	51,469,759
Total Cash and Investments	$ 668,218,567	$ 766,342,266	$ 722,042,962	$ 708,579,398
Average Life of Investment Portfolio				
Pooled Investments (CoB)	1,237	1,286	1,322	1,323
Trust Investments	7.883 years	7.852 years	8.047 years	7.586 years
Weighted Yield				
Pooled Investments (CoB)	2.999%	3.062%	2.761%	2.394%
Trust Investments	5.261%	5.063%	5.081%	4.670%
Prime Rate	8.500%	8.250%	8.000%	7.500%
91-day Treasury Bill Rate	5.446%	5.284%	4.693%	4.343%
2-year Treasury Note Rate	5.044%	4.895%	4.025%	4.426%

Cash and Investments Maturity								
Within one year	$ 104,135,475	15.58%	$ 234,655,408	30.62%	$ 208,919,256	28.93%	$ 223,131,582	31.49%
Between 1 to 3 years	374,559,348	56.05%	270,060,770	35.24%	103,151,808	14.29%	103,795,200	14.65%
Between 3 to 5 years	72,751,770	10.89%	164,373,440	21.45%	317,003,276	43.90%	316,456,840	44.66%
Between 5 to 10 years	105,896,100	15.85%	86,070,641	11.23%	81,672,587	11.31%	55,998,303	7.90%
Over 10 years	10,875,874	1.63%	11,182,007	1.46%	11,296,035	1.56%	9,197,473	1.30%
Total	$ 668,218,567	100.00%	$ 766,342,266	100.00%	$ 722,042,962	100.00%	$ 708,579,398	100.00%

Attachment 2

Investment Report Analysis
As of September 30, 2023

Investments	Pooled Investments	Pension and OPEB Trust Investments	Total
Portfolio	$ 583,585,611	$ 54,977,231	$ 638,562,843
Unrecognized gain/(loss)	(37,666,096)	(3,320,565)	(40,986,661)
Total Investments	545,919,515	51,656,666	597,576,181

Cash	Pooled Cash	Pension and OPEB Trust Cash	Total
Cash with Fidelity Money Market	62,905,290	-	62,905,290
Cash with Fiscal Agents	1,932,632	-	1,932,632
Cash Deposits in Banks	5,804,464	-	5,804,464
Pooled Cash Adjustment	(1,802,343)	1,802,343	-
Total Cash	68,840,043	1,802,343	70,642,386
Adjusted Grand Total (All Cash and Investments)	**$ 614,759,558**	**$ 53,459,009**	**$ 668,218,567**

Pooled Cash Portfolio Breakdown As of September 30, 2023	Book Value	Market Value
Investments	$ 583,585,611	$ 545,919,515

NOTE:

1. The pooled cash includes Rent Board cash $6,451,974.
2. The pooled cash does not include Section 115 cash of $7,097,533.37

Exhibit 2-A

City of Berkeley
Pooled Cash and Investments
As of September 30, 2023

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
Medium Term Notes										
88579YAR2	14659	3M COMPANY	4,903,196.93	5,000,000.00	4,761,950.00	3.000	4.120	08/07/2025	676	A2
008252AM0	14582	Affiliated Managers Group	1,006,867.57	1,000,000.00	991,140.00	4.250	2.300	02/15/2024	137	A3
04685A2L4	14590	Athene Global Funding	5,962,932.59	5,950,000.00	5,623,285.50	2.500	2.320	01/14/2025	471	A1
04685A2L4	14602	Athene Global Funding	4,955,607.45	5,000,000.00	4,725,450.00	2.500	3.250	01/14/2025	471	A1
20030NBN0	14563	Comcast Corp	5,023,194.94	5,000,000.00	4,807,850.00	3.375	3.100	08/15/2025	684	A3
233851CU6	14571	Daimler Finance	5,037,395.15	5,000,000.00	4,688,250.00	3.450	3.190	01/06/2027	1,193	A2
233851CU6	14574	Daimler Finance	3,773,634.82	3,725,000.00	3,492,746.25	3.450	3.000	01/06/2027	1,193	A2
24422EUM9	14554	John Deere Cap	5,000,489.94	5,000,000.00	4,997,600.00	3.650	3.300	10/12/2023	11	A2
24422EWK1	14663	John Deere Cap	4,982,278.24	5,000,000.00	4,818,350.00	4.150	4.250	09/15/2027	1,445	A2
375558BF9	14570	Gilead Sciences	5,057,537.07	5,000,000.00	4,786,450.00	3.650	3.118	03/01/2026	882	A3
30303M8G0	14660	Meta Platforms Inc	4,851,432.91	5,000,000.00	4,715,550.00	3.500	4.360	08/15/2027	1,414	A1
617446HD4	14670	Morgan Stanley	10,802,380.32	10,000,000.00	10,955,000.00	7.250	6.000	04/01/2032	3,105	A1
747525AT0	14564	Qualcomm Inc	4,995,601.63	5,000,000.00	4,912,400.00	2.900	3.050	05/20/2024	232	A2
747525AU7	14587	Qualcomm Inc	6,123,731.34	5,963,000.00	5,562,465.29	3.250	2.435	05/20/2027	1,327	A2
828807CS4	14606	Simon Property Group	4,998,826.05	5,000,000.00	4,871,000.00	3.375	3.353	10/01/2024	366	A3
07330MAA5	14588	Truist Bank	5,202,996.60	5,000,000.00	4,594,800.00	3.800	2.365	10/30/2026	1,125	A2
		Subtotal and Average	**82,678,103.55**	**81,638,000.00**	**79,304,287.04**		**3.556**		**1,108**	
Federal Agency Coupon Securities										
3133ENN22	14664	Federal Farm Credit Bank	4,987,069.38	5,000,000.00	4,873,600.00	3.750	3.890	09/22/2025	722	AAA
3133ENP95	14666	Federal Farm Credit Bank	4,986,109.77	5,000,000.00	4,915,300.00	4.250	4.400	09/30/2025	730	AAA
3133ENS50	14667	Federal Farm Credit Bank	4,999,374.40	5,000,000.00	4,874,300.00	4.125	4.128	10/14/2027	1,474	AAA
3133ENN30	14668	Federal Farm Credit Bank	4,651,248.37	5,000,000.00	4,578,650.00	3.875	4.863	09/20/2032	3,277	AAA
3133ENV72	14669	Federal Farm Credit Bank	4,987,371.38	5,000,000.00	4,935,050.00	4.500	4.600	07/27/2026	1,030	AAA
3133EPGG4	14686	Federal Farm Credit Bank	4,960,241.34	5,000,000.00	4,616,600.00	4.000	4.102	04/20/2033	3,489	AAA
3133EPGS8	14687	Federal Farm Credit Bank	4,995,928.83	5,000,000.00	4,920,650.00	4.250	4.300	07/24/2025	662	AAA
3133EPPE9	14689	Federal Farm Credit Bank	4,978,902.31	5,000,000.00	4,924,200.00	4.375	4.540	07/06/2026	1,009	AAA
3133EPPF6	14690	Federal Farm Credit Bank	4,955,981.50	5,000,000.00	4,825,150.00	4.125	4.300	07/05/2029	2,104	AAA
3130ATDK0	14661	Federal Home Loan Banks	4,999,009.37	5,000,000.00	4,983,400.00	3.875	3.989	12/08/2023	68	AAA
		Subtotal and Average	**49,501,236.65**	**50,000,000.00**	**48,446,900.00**		4.308		**1,442**	
Medium-Term Notes - Callable										
05531FBF9	14561	BB&T Corporation	5006163.93	5000000.00	4974850.00	3.750	3.012	12/06/2023	66	A3
22553PWD7	14652	Credit Suisse AG	5000000.00	5000000.00	4795500.00	4.050	4.050	05/25/2025	602	A3
22553PXJ3	14655	Credit Suisse AG	5000000.00	5000000.00	4412300.00	5.000	5.001	05/31/2032	3,165	A3
693475AV7	14557	PNC Financial Services	5001822.95	5000000.00	4961700.00	3.500	3.425	01/23/2024	114	A3
751212AC5	14566	Ralph Lauren	5055908.60	5000000.00	4827850.00	3.750	3.106	09/15/2025	715	A3
857477CD3	14698	State Street Corp.	4000000.00	4000000.00	3962440.00	5.272	5.272	08/03/2026	1,037	A1
91159HHU7	14562	US Bancorp	5089992.18	5000000.00	4811400.00	3.950	2.848	11/17/2025	778	A3
91159HHM5	14684	US Bancorp	4737675.62	5000000.00	4646300.00	3.100	5.348	04/27/2026	939	A3

Exhibit 2-A

City of Berkeley
Pooled Cash and Investments
As of September 30, 2023

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
91159HHW3	14693	US Bancorp	4,229,612.09	5,000,000.00	4,188,900.00	3.000	6.212	07/30/2029	2,129	A3
		Subtotal and Average	**43,121,175.37**	**44,000,000.00**	**41,581,240.00**		**4.183**		**1,041**	
Federal Agency Callable										
3133EN6K1	14676	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,651,150.00	4.220	4.220	01/23/2030	2,306	AAA
3133EN6K1	14677	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,651,150.00	4.220	4.220	01/23/2030	2,306	AAA
3133EPAJ4	14679	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,628,400.00	4.000	4.000	02/09/2033	3,419	AAA
3130ARXL0	14649	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,866,650.00	3.000	3.000	11/25/2024	421	AAA
3130AULM4	14678	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,822,950.00	5.620	5.620	01/26/2033	3,405	AAA
			25,000,000.00	**25,000,000.00**	**23,620,300.00**		**4.212**		**2,371**	
Federal Agency Continuously Callable										
31422XJW3	14638	Farmer Mac	10000000.00	10000000.00	9118900.00	1.500	0.300	07/20/2026	1,023	AAA
31422XZ47	14681	Farmer Mac	5000000.00	5000000.00	4871000.00	5.675	5.675	03/20/2030	2,362	AAA
3133ENUV0	14644	Federal Farm Credit Bank	5000000.00	5000000.00	4500550.00	4.000	4.000	04/19/2032	3,123	AAA
3133ENVV9	14647	Federal Farm Credit Bank	5000000.00	5000000.00	4730700.00	3.630	3.630	05/03/2027	1,310	AAA
3133ENWW6	14653	Federal Farm Credit Bank	4995246.80	5000000.00	4567550.00	4.370	4.384	05/17/2032	3,151	AAA
3133EN5C0	14675	Federal Farm Credit Bank	4994756.26	5000000.00	4863500.00	5.370	5.394	12/27/2028	1,914	AAA
3133EPEK7	14682	Federal Farm Credit Bank	5000000.00	5000000.00	4814300.00	4.620	4.620	04/03/2025	550	AAA
3133EPQT5	14695	Federal Farm Credit Bank	5000000.00	5000000.00	4844900.00	5.650	5.292	07/25/2033	3,585	AAA
3130AMAV4	14611	Federal Home Loan Banks	5600000.00	5600000.00	4947768.00	1.250	1.125	04/29/2027	1,306	AAA
3130ALZA5	14612	Federal Home Loan Banks	9000000.00	9000000.00	8332380.00	1.000	0.500	04/29/2026	941	AAA
3130AMEX6	14613	Federal Home Loan Banks	15000000.00	15000000.00	13766100.00	1.000	0.599	05/27/2026	969	AAA
3130AMF72	14615	Federal Home Loan Banks	15000000.00	15000000.00	13654200.00	1.300	1.040	05/27/2026	969	AAA
3130AMFQ0	14616	Federal Home Loan Banks	15000000.00	15000000.00	13598400.00	1.150	1.020	05/26/2026	968	AAA
3130AMFT4	14617	Federal Home Loan Banks	10000000.00	10000000.00	9090500.00	0.625	0.625	05/27/2026	969	AAA
3130AMG22	14618	Federal Home Loan Banks	20000000.00	20000000.00	18177400.00	0.900	0.500	05/27/2026	969	AAA
3130AMGG1	14619	Federal Home Loan Banks	10000000.00	10000000.00	9136200.00	0.600	0.600	05/26/2026	968	AAA
3130AMFN7	14620	Federal Home Loan Banks	10000000.00	10000000.00	9145800.00	0.750	0.500	05/26/2026	968	AAA
3130AMG55	14622	Federal Home Loan Banks	10000000.00	10000000.00	8856500.00	1.375	1.219	05/27/2027	1,334	AAA
3130AMG22	14624	Federal Home Loan Banks	10000000.00	10000000.00	9088700.00	0.900	0.500	05/27/2026	969	AAA
3130AMLS9	14627	Federal Home Loan Banks	10000000.00	10000000.00	9124600.00	1.000	0.875	06/17/2026	990	AAA
3130AMN24	14628	Federal Home Loan Banks	10000000.00	10000000.00	9064400.00	1.150	1.034	06/03/2026	976	AAA
3130AMN57	14629	Federal Home Loan Banks	20000000.00	20000000.00	18113000.00	1.100	1.013	06/03/2026	976	AAA
3130AMP71	14630	Federal Home Loan Banks	20000000.00	20000000.00	18101000.00	1.200	1.077	06/18/2026	991	AAA
3130AMPL0	14631	Federal Home Loan Banks	15000000.00	15000000.00	13599000.00	1.150	0.375	06/08/2026	981	AAA
3130AMMW9	14632	Federal Home Loan Banks	10000000.00	10000000.00	9158400.00	1.500	0.500	06/10/2026	983	AAA
3130AMWM0	14634	Federal Home Loan Banks	4250000.00	4250000.00	3828230.00	1.050	0.500	06/30/2026	1,003	AAA
3130AN5U0	14642	Federal Home Loan Banks	10000000.00	10000000.00	9092600.00	1.000	0.500	07/29/2026	1,032	AAA
3130ANJY7	14643	Federal Home Loan Banks	40000000.00	40000000.00	35803200.00	1.000	0.400	08/26/2026	1,060	AAA
3130ARTE1	14645	Federal Home Loan Banks	6425000.00	6425000.00	5785070.00	4.100	4.100	04/26/2032	3,130	AAA

Exhibit 2-A

City of Berkeley
Pooled Cash and Investments
As of September 30, 2023

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
3130ARX71	14648	Federal Home Loan Banks	5000000.00	5000000.00	4830400.00	3.000	3.000	05/23/2025	600	AAA
3130ARYA3	14651	Federal Home Loan Banks	5000000.00	5000000.00	4774400.00	4.000	4.000	05/26/2027	1,333	AAA
3130AS7K9	14654	Federal Home Loan Banks	5000000.00	5000000.00	4583700.00	4.440	4.440	05/26/2032	3,160	AAA
3130ASGF0	14656	Federal Home Loan Banks	5000000.00	5000000.00	4876850.00	4.000	4.000	06/30/2025	638	AAA
3130ATDV6	14662	Federal Home Loan Banks	5000000.00	5000000.00	4875300.00	5.000	5.000	09/30/2027	1,460	AAA
3130AXDY1	14699	Federal Home Loan Banks	5000000.00	5000000.00	5002550.00	5.550	5.550	09/26/2025	726	AAA
3134GXRS5	14646	Federal Home Loan Mortgage Co	5000000.00	5000000.00	4822850.00	3.100	3.100	04/29/2025	576	AAA
3134GXC28	14657	Federal Home Loan Mortgage Co	5000000.00	5000000.00	4881750.00	4.100	4.104	07/18/2025	656	AAA
3134GXC36	14658	Federal Home Loan Mortgage Co	5000000.00	5000000.00	4905250.00	4.000	4.000	12/30/2024	456	AAA
3134GYPL0	14685	Federal Home Loan Mortgage Co	5000000.00	5000000.00	4904450.00	5.250	5.251	05/01/2028	1,674	AAA
3134GYWC2	14694	Federal Home Loan Mortgage Co	4998072.22	5000000.00	4940450.00	6.000	6.009	07/26/2028	1,760	AAA
3134GYXR8	14696	Federal Home Loan Mortgage Co	2000000.00	2000000.00	1975740.00	6.000	5.327	07/27/2028	1,761	AAA
			377,263,075.28	**377,275,000.00**	**347,148,538.00**		**1.745**		**1,201**	
Medium Term Notes Continuous Callable Bonds										
06051GLG2	14688	Bank of America Corporation	1,000,000.00	1,000,000.00	963,300.00	5.202	5.202	04/25/2029	2,033	A1
		Subtotal and Average	**1,000,000.00**	**1,000,000.00**	**963,300.00**		**5.202**		**2,033**	
Municipal Bonds										
13063DGB8	14559	General Obligation Unlimited	5,022,020.24	5,000,000.00	4,854,950.00	3.375	3.087	04/01/2025	548	AA2
		Subtotal and Average	**5,022,020.24**	**5,000,000.00**	**4,854,950.00**		**3.087**		**548**	
		Total Investments and Average	**583,585,611.09**	**583,913,000.00**	**545,919,515.04**		**2.516**		**1,242**	

Total Investments (Book Value)	**583,585,611.09**
Cash	**68,840,043.00**
Total Investments (Book Value) and Cash	**652,425,654.09**
Increase / (Decrease) in Market Value of Securities	**(37,666,096.05)**
Total Investments (Market Value) and Cash	**614,759,558.04**

Exhibit 2-B.1

Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
July 1, 2023 - July 31, 2023
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AMWM0	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.030	3,718.75	0.00	3,718.75
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.177	20,000.00	0.00	20,000.00
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.500	1.472	12,500.00	0.00	12,500.00
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	1.000	0.867	7,361.11	0.00	7,361.11
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	0.981	33,333.33	0.00	33,333.33
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	3.925	16,666.67	0.00	16,666.67
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	11/25/2024	3.000	2.944	12,500.00	0.00	12,500.00
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.023	21,952.08	0.00	21,952.08
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	2.944	12,500.00	0.00	12,500.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.079	18,333.33	0.00	18,333.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.128	9,583.33	0.00	9,583.33
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	1.000	0.981	7,500.00	0.00	7,500.00
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.226	5,833.33	0.00	5,833.33
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.000	0.981	12,500.00	0.00	12,500.00
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.300	1.276	16,250.00	0.00	16,250.00
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.900	0.883	7,500.00	0.00	7,500.00
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	1.000	0.981	8,333.33	0.00	8,333.33
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.349	11,458.33	0.00	11,458.33
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.600	0.589	5,000.00	0.00	5,000.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.750	0.736	6,250.00	0.00	6,250.00
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.226	10,416.67	0.00	10,416.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	0.900	0.883	15,000.00	0.00	15,000.00
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.356	18,500.00	0.00	18,500.00
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	3.925	16,666.67	0.00	16,666.67
3130ATDK0	14661	010	FAC	5,000,000.00	4,997,678.67	4,997,914.76	12/08/2023	3.875	3.908	16,145.83	443.56	16,589.39
3130AULM4	14678	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/26/2033	5.620	5.514	23,416.67	0.00	23,416.67
3130ATH42	14665	010	MC4	8,000,000.00	8,000,000.00	8,000,000.00	09/29/2027	4.700	4.612	31,333.33	0.00	31,333.33
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	4.906	20,833.33	0.00	20,833.33

Pooled Investments Selected Funds
Interest Earnings
July 1, 2023 - July 31, 2023

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3133EPGS8	14687	010	FAC	5,000,000.00	4,995,367.72	4,995,467.27	07/24/2025	4.250	4.218	17,708.33	187.03	17,895.36
3133EPPE9	14689	010	FAC	5,000,000.00	0.00	4,174,581.33	07/06/2026	4.375	4.434	15,190.97	530.09	15,721.06
3133EPGG4	14686	010	FAC	5,000,000.00	4,959,200.84	4,959,385.44	04/20/2033	4.000	4.039	16,666.67	346.83	17,013.50
3133EPPF6	14690	010	FAC	5,000,000.00	0.00	4,315,168.38	07/05/2029	4.125	4.215	14,895.83	551.82	15,447.65
3133EPQT5	14695	010	MC5	5,000,000.00	0.00	1,129,032.26	07/25/2033	5.650	4.910	4,708.33	0.00	4,708.33
3133ENWW6	14653	010	MC5	5,000,000.00	4,995,109.07	4,995,133.51	05/17/2032	4.370	4.303	18,208.33	45.91	18,254.24
3133EPEK7	14682	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/03/2025	4.620	4.533	19,250.00	0.00	19,250.00
3133ENN22	14664	010	FAC	5,000,000.00	4,985,432.59	4,985,722.99	09/22/2025	3.750	3.819	15,625.00	545.60	16,170.60
3133ENV72	14669	010	FAC	5,000,000.00	4,986,252.70	4,986,451.18	07/27/2026	4.500	4.515	18,750.00	372.89	19,122.89
3133ENN30	14668	010	FAC	5,000,000.00	4,641,527.82	4,643,252.43	09/20/2032	3.875	4.916	16,145.83	3,240.18	19,386.01
3133EN5C0	14675	010	MC5	5,000,000.00	4,994,506.02	4,994,550.42	12/27/2028	5.370	5.294	22,375.00	83.41	22,458.41
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	3.925	16,666.67	0.00	16,666.67
3133EN6K1	14676	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33
3133ENP95	14666	010	FAC	5,000,000.00	4,984,371.08	4,984,678.93	09/30/2025	4.250	4.320	17,708.33	579.56	18,287.89
3133ENS50	14667	010	FAC	5,000,000.00	4,999,335.65	4,999,342.53	10/14/2027	4.125	4.051	17,187.50	12.92	17,200.42
3133EPAJ4	14679	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	02/09/2033	4.000	3.925	16,666.67	0.00	16,666.67
3133EN6K1	14677	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.562	15,125.00	0.00	15,125.00
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	3.925	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.042	12,916.67	0.00	12,916.67
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.023	17,083.33	0.00	17,083.33
3134GYWC2	14694	010	MC5	5,000,000.00	0.00	967,355.56	07/26/2028	6.000	5.078	4,166.67	5.56	4,172.23
3134GYPL0	14685	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/01/2028	5.250	5.151	21,875.00	0.00	21,875.00
3134GYXR8	14696	010	MC5	2,000,000.00	0.00	322,580.65	07/27/2028	6.000	4.867	1,333.33	0.00	1,333.33
617446HD4	14670	010	MTN	10,000,000.00	10,825,979.74	10,821,792.75	04/01/2032	7.250	5.718	60,416.67	-7,866.47	52,550.20
06051GLG2	14688	010	MC6	1,000,000.00	1,000,000.00	1,000,000.00	04/25/2029	5.202	5.104	4,335.00	0.00	4,335.00
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	1.500	1.472	12,500.00	0.00	12,500.00
31422XZ47	14681	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	03/20/2030	5.675	5.568	23,645.83	0.00	23,645.83
68389XAS4	14548	010	MTN	0.00	5,000,401.15	2,258,148.63	07/15/2023	3.625	3.466	7,048.61	-401.15	6,647.46
24422EUM9	14554	010	MTN	5,000,000.00	5,004,498.58	5,003,787.37	10/12/2023	3.650	3.264	15,208.33	-1,336.21	13,872.12
24422EWK1	14663	010	MTN	5,000,000.00	4,981,158.18	4,981,356.90	09/15/2027	4.150	4.175	17,291.67	373.35	17,665.02
693475AV7	14557	010	MC3	5,000,000.00	5,003,287.82	5,003,027.92	01/23/2024	3.500	3.317	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,025,690.28	5,025,039.15	04/01/2025	3.375	3.008	14,062.50	-1,223.34	12,839.16
05531FBF9	14561	010	MC3	5,000,000.00	5,014,698.60	5,013,184.38	12/06/2023	3.750	3.002	15,625.00	-2,844.89	12,780.11
91159HHW3	14693	010	MC3	5,000,000.00	0.00	2,848,041.90	07/30/2029	3.000	6.480	8,333.34	7,340.52	15,673.86
91159HHM5	14684	010	MC3	5,000,000.00	4,712,179.73	4,716,703.19	04/27/2026	3.100	5.346	12,916.67	8,498.63	21,415.30
91159HHU7	14562	010	MC3	5,000,000.00	5,100,565.68	5,098,689.73	11/17/2025	3.950	2.987	16,458.33	-3,524.50	12,933.83

Pooled Investments Selected Funds
Interest Earnings
July 1, 2023 - July 31, 2023

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
20030NBN0	14563	010	MTN	5,000,000.00	5,026,292.19	5,025,742.68	08/15/2025	3.375	3.053	14,062.50	-1,032.41	13,030.09
747525AU7	14587	010	MTN	5,963,000.00	6,134,782.38	6,132,821.71	05/20/2027	3.250	2.393	16,149.79	-3,683.68	12,466.11
747525AT0	14564	010	MTN	5,000,000.00	4,993,873.01	4,994,179.70	05/20/2024	2.900	2.985	12,083.33	576.20	12,659.53
751212AC5	14566	010	MC3	5,000,000.00	5,063,056.00	5,061,787.91	09/15/2025	3.750	3.080	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,063,489.18	5,062,433.16	03/01/2026	3.650	3.076	15,208.33	-1,984.03	13,224.30
233851CU6	14574	010	MTN	3,725,000.00	3,777,360.04	3,776,699.11	01/06/2027	3.450	2.952	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,040,259.46	5,039,751.28	01/06/2027	3.450	3.135	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,011,480.12	1,010,661.76	02/15/2024	4.250	2.335	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,219,470.62	5,216,553.71	10/30/2026	3.800	2.334	15,833.33	-5,491.34	10,341.99
04685A2L4	14590	010	MTN	5,950,000.00	5,965,446.49	5,965,000.47	01/14/2025	2.500	2.281	12,395.83	-837.97	11,557.86
04685A2L4	14602	010	MTN	5,000,000.00	4,946,978.23	4,948,509.22	01/14/2025	2.500	3.163	10,416.67	2,876.41	13,293.08
828807CS4	14606	010	MTN	5,000,000.00	4,998,532.57	4,998,584.64	10/01/2024	3.375	3.335	14,062.50	97.83	14,160.33
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	4.906	20,833.33	0.00	20,833.33
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	3.974	16,875.00	0.00	16,875.00
88579YAR2	14659	010	MTN	5,000,000.00	4,890,115.44	4,892,436.35	08/07/2025	3.000	4.058	12,500.00	4,360.49	16,860.49
30303M8G0	14660	010	MTN	5,000,000.00	4,841,841.07	4,843,542.84	08/15/2027	3.500	4.322	14,583.33	3,197.28	17,780.61
			Subtotal	**582,913,000.00**	**561,455,218.72**	**572,464,094.12**			**2.553**	**1,243,903.15**	**-2,564.71**	**1,241,338.44**
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	0.00	14,325,562.18	21,015,739.68		0.002	0.002	42.38	0.00	42.38
			Subtotal	**0.00**	**14,325,562.18**	**21,015,739.68**			**0.002**	**42.38**	**0.00**	**42.38**
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	87,764,950.06	150,205,822.59	126,742,534.29		0.003	5.886	633,565.29	0.00	633,565.29
			Subtotal	**87,764,950.06**	**150,205,822.59**	**126,742,534.29**			**5.886**	**633,565.29**	**0.00**	**633,565.29**
			Total	**670,677,950.06**	**725,986,603.49**	**720,222,368.10**			**3.065**	**1,877,510.82**	**-2,564.71**	**1,874,946.11**

Exhibit 2-B.2

Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
August 1, 2023 - August 31, 2023
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AMWM0	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.030	3,718.75	0.00	3,718.75
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.177	20,000.00	0.00	20,000.00
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.500	1.472	12,500.00	0.00	12,500.00
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	1.000	0.981	8,333.33	0.00	8,333.33
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	0.981	33,333.33	0.00	33,333.33
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	3.925	16,666.67	0.00	16,666.67
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	11/25/2024	3.000	2.944	12,500.00	0.00	12,500.00
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.023	21,952.08	0.00	21,952.08
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	2.944	12,500.00	0.00	12,500.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.079	18,333.33	0.00	18,333.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.128	9,583.33	0.00	9,583.33
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	1.000	0.981	7,500.00	0.00	7,500.00
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.226	5,833.33	0.00	5,833.33
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.000	0.981	12,500.00	0.00	12,500.00
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.300	1.276	16,250.00	0.00	16,250.00
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.900	0.883	7,500.00	0.00	7,500.00
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	1.000	0.981	8,333.33	0.00	8,333.33
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.349	11,458.33	0.00	11,458.33
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.600	0.589	5,000.00	0.00	5,000.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.750	0.736	6,250.00	0.00	6,250.00
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.226	10,416.67	0.00	10,416.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	0.900	0.883	15,000.00	0.00	15,000.00
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.356	18,500.00	0.00	18,500.00
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	3.925	16,666.67	0.00	16,666.67
3130ATDK0	14661	010	FAC	5,000,000.00	4,998,122.23	4,998,358.33	12/08/2023	3.875	3.908	16,145.83	443.57	16,589.40
3130AULM4	14678	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/26/2033	5.620	5.514	23,416.67	0.00	23,416.67
3130ATH42	14665	010	MC4	8,000,000.00	8,000,000.00	8,000,000.00	09/29/2027	4.700	4.612	31,333.33	0.00	31,333.33
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	4.906	20,833.33	0.00	20,833.33

Pooled Investments Selected Funds
Interest Earnings
August 1, 2023 - August 31, 2023

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3133EPGS8	14687	010	FAC	5,000,000.00	4,995,554.75	4,995,654.31	07/24/2025	4.250	4.218	17,708.33	187.04	17,895.37
3133EPPE9	14689	010	FAC	5,000,000.00	4,977,630.09	4,977,968.67	07/06/2026	4.375	4.462	18,229.17	636.11	18,865.28
3133EPGG4	14686	010	FAC	5,000,000.00	4,959,547.67	4,959,732.28	04/20/2033	4.000	4.039	16,666.67	346.84	17,013.51
3133EPPF6	14690	010	FAC	5,000,000.00	4,954,708.06	4,955,046.96	07/05/2029	4.125	4.235	17,187.50	636.72	17,824.22
3133EPQT5	14695	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/25/2033	5.650	5.544	23,541.67	0.00	23,541.67
3133ENWW6	14653	010	MC5	5,000,000.00	4,995,154.98	4,995,179.42	05/17/2032	4.370	4.303	18,208.33	45.91	18,254.24
3133EPEK7	14682	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/03/2025	4.620	4.533	19,250.00	0.00	19,250.00
3133ENN22	14664	010	FAC	5,000,000.00	4,985,978.19	4,986,268.58	09/22/2025	3.750	3.818	15,625.00	545.59	16,170.59
3133ENV72	14669	010	FAC	5,000,000.00	4,986,625.59	4,986,824.07	07/27/2026	4.500	4.515	18,750.00	372.89	19,122.89
3133ENN30	14668	010	FAC	5,000,000.00	4,644,768.00	4,646,492.62	09/20/2032	3.875	4.912	16,145.83	3,240.19	19,386.02
3133EN5C0	14675	010	MC5	5,000,000.00	4,994,589.43	4,994,633.83	12/27/2028	5.370	5.294	22,375.00	83.42	22,458.42
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	3.925	16,666.67	0.00	16,666.67
3133EN6K1	14676	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33
3133ENP95	14666	010	FAC	5,000,000.00	4,984,950.64	4,985,258.50	09/30/2025	4.250	4.319	17,708.33	579.57	18,287.90
3133ENS50	14667	010	FAC	5,000,000.00	4,999,348.57	4,999,355.44	10/14/2027	4.125	4.051	17,187.50	12.92	17,200.42
3133EPAJ4	14679	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	02/09/2033	4.000	3.925	16,666.67	0.00	16,666.67
3133EN6K1	14677	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.562	15,125.00	0.00	15,125.00
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	3.925	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.042	12,916.67	0.00	12,916.67
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.023	17,083.33	0.00	17,083.33
3134GYWC2	14694	010	MC5	5,000,000.00	4,998,005.56	4,998,023.30	07/26/2028	6.000	5.897	25,000.00	33.33	25,033.33
3134GYPL0	14685	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/01/2028	5.250	5.151	21,875.00	0.00	21,875.00
3134GYXR8	14696	010	MC5	2,000,000.00	2,000,000.00	2,000,000.00	07/27/2028	6.000	5.887	10,000.00	0.00	10,000.00
617446HD4	14670	010	MTN	10,000,000.00	10,818,113.27	10,813,926.28	04/01/2032	7.250	5.722	60,416.67	-7,866.47	52,550.20
06051GLG2	14688	010	MC6	1,000,000.00	1,000,000.00	1,000,000.00	04/25/2029	5.202	5.104	4,335.00	0.00	4,335.00
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	1.500	1.472	12,500.00	0.00	12,500.00
31422XZ47	14681	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	03/20/2030	5.675	5.568	23,645.83	0.00	23,645.83
24422EUM9	14554	010	MTN	5,000,000.00	5,003,162.37	5,002,451.16	10/12/2023	3.650	3.265	15,208.33	-1,336.21	13,872.12
24422EWK1	14663	010	MTN	5,000,000.00	4,981,531.53	4,981,730.25	09/15/2027	4.150	4.175	17,291.67	373.36	17,665.03
693475AV7	14557	010	MC3	5,000,000.00	5,002,799.53	5,002,539.63	01/23/2024	3.500	3.317	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,024,466.94	5,023,815.80	04/01/2025	3.375	3.009	14,062.50	-1,223.35	12,839.15
05531FBF9	14561	010	MC3	5,000,000.00	5,011,853.71	5,010,339.49	12/06/2023	3.750	3.003	15,625.00	-2,844.89	12,780.11
91159HHW3	14693	010	MC3	5,000,000.00	4,207,590.52	4,213,439.26	07/30/2029	3.000	6.570	12,500.00	11,010.79	23,510.79
91159HHM5	14684	010	MC3	5,000,000.00	4,720,678.36	4,725,201.82	04/27/2026	3.100	5.336	12,916.67	8,498.63	21,415.30
91159HHU7	14562	010	MC3	5,000,000.00	5,097,041.18	5,095,165.24	11/17/2025	3.950	2.989	16,458.33	-3,524.50	12,933.83
20030NBN0	14563	010	MTN	5,000,000.00	5,025,259.78	5,024,710.26	08/15/2025	3.375	3.053	14,062.50	-1,032.42	13,030.08

Pooled Investments Selected Funds
Interest Earnings
August 1, 2023 - August 31, 2023

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
747525AU7	14587	010	MTN	5,963,000.00	6,131,098.70	6,129,138.03	05/20/2027	3.250	2.395	16,149.79	-3,683.68	12,466.11
747525AT0	14564	010	MTN	5,000,000.00	4,994,449.21	4,994,755.90	05/20/2024	2.900	2.984	12,083.33	576.21	12,659.54
751212AC5	14566	010	MC3	5,000,000.00	5,060,673.53	5,059,405.44	09/15/2025	3.750	3.082	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,061,505.15	5,060,449.13	03/01/2026	3.650	3.077	15,208.33	-1,984.04	13,224.29
233851CU6	14574	010	MTN	3,725,000.00	3,776,118.30	3,775,457.37	01/06/2027	3.450	2.953	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,039,304.69	5,038,796.51	01/06/2027	3.450	3.136	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,009,942.60	1,009,124.25	02/15/2024	4.250	2.338	3,541.67	-1,537.51	2,004.16
07330MAA5	14588	010	MTN	5,000,000.00	5,213,979.28	5,211,062.37	10/30/2026	3.800	2.337	15,833.33	-5,491.34	10,341.99
04685A2L4	14590	010	MTN	5,950,000.00	5,964,608.52	5,964,162.51	01/14/2025	2.500	2.282	12,395.83	-837.96	11,557.87
04685A2L4	14602	010	MTN	5,000,000.00	4,949,854.64	4,951,385.63	01/14/2025	2.500	3.161	10,416.67	2,876.40	13,293.07
828807CS4	14606	010	MTN	5,000,000.00	4,998,630.40	4,998,682.47	10/01/2024	3.375	3.335	14,062.50	97.82	14,160.32
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	4.906	20,833.33	0.00	20,833.33
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	3.974	16,875.00	0.00	16,875.00
88579YAR2	14659	010	MTN	5,000,000.00	4,894,475.93	4,896,796.84	08/07/2025	3.000	4.054	12,500.00	4,360.50	16,860.50
30303M8G0	14660	010	MTN	5,000,000.00	4,845,038.35	4,846,740.13	08/15/2027	3.500	4.319	14,583.33	3,197.28	17,780.61
857477CD3	14698	010	MC3	4,000,000.00	0.00	3,741,935.48	08/03/2026	5.272	5.161	16,401.78	0.00	16,401.78
			Subtotal	**586,913,000.00**	**582,582,160.25**	**586,325,007.55**			**2.638**	**1,312,058.41**	**1,725.45**	**1,313,783.86**
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	72,724,016.51	87,764,950.06	80,586,210.27		0.003	5.246	359,066.45	0.00	359,066.45
			Subtotal	**72,724,016.51**	**87,764,950.06**	**80,586,210.27**			**5.246**	**359,066.45**	**0.00**	**359,066.45**
			Total	**659,637,016.51**	**670,347,110.31**	**666,911,217.82**			**2.953**	**1,671,124.86**	**1,725.45**	**1,672,850.31**

Exhibit 2-B.3

Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
September 1, 2023 - September 30, 2023
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AMWM0	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.065	3,718.75	0.00	3,718.75
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.166	14,375.00	0.00	14,375.00
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.217	20,000.00	0.00	20,000.00
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.500	1.521	12,500.00	0.00	12,500.00
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	1.000	1.014	8,333.33	0.00	8,333.33
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	1.014	33,333.33	0.00	33,333.33
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	4.056	16,666.67	0.00	16,666.67
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	11/25/2024	3.000	3.042	12,500.00	0.00	12,500.00
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.157	21,952.08	0.00	21,952.08
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	3.042	12,500.00	0.00	12,500.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.115	18,333.33	0.00	18,333.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.166	9,583.33	0.00	9,583.33
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	1.000	1.014	7,500.00	0.00	7,500.00
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.267	5,833.33	0.00	5,833.33
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.000	1.014	12,500.00	0.00	12,500.00
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.166	14,375.00	0.00	14,375.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.300	1.318	16,250.00	0.00	16,250.00
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.900	0.913	7,500.00	0.00	7,500.00
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	1.000	1.014	8,333.33	0.00	8,333.33
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.394	11,458.33	0.00	11,458.33
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.600	0.608	5,000.00	0.00	5,000.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.750	0.760	6,250.00	0.00	6,250.00
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.267	10,416.67	0.00	10,416.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	0.900	0.913	15,000.00	0.00	15,000.00
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.502	18,500.00	0.00	18,500.00
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	4.056	16,666.67	0.00	16,666.67
3130ATDK0	14661	010	FAC	5,000,000.00	4,998,565.80	4,998,794.98	12/08/2023	3.875	4.038	16,145.83	443.57	16,589.40
3130AXDY1	14699	010	MC5	5,000,000.00	0.00	333,333.33	09/26/2025	5.550	5.627	1,541.67	0.00	1,541.67
3130AULM4	14678	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/26/2033	5.620	5.698	23,416.67	0.00	23,416.67
3130ATH42	14665	010	MC4	0.00	8,000,000.00	7,466,666.67	09/29/2027	4.700	4.765	29,244.44	0.00	29,244.44

Pooled Investments Selected Funds
Interest Earnings
September 1, 2023 - September 30, 2023

Exhibit 2-B.3

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	5.069	20,833.33	0.00	20,833.33
3133EPGS8	14687	010	FAC	5,000,000.00	4,995,741.79	4,995,838.43	07/24/2025	4.250	4.358	17,708.33	187.04	17,895.37
3133EPPE9	14689	010	FAC	5,000,000.00	4,978,266.20	4,978,594.86	07/06/2026	4.375	4.610	18,229.17	636.11	18,865.28
3133EPGG4	14686	010	FAC	5,000,000.00	4,959,894.51	4,960,073.70	04/20/2033	4.000	4.173	16,666.67	346.83	17,013.50
3133EPPF6	14690	010	FAC	5,000,000.00	4,955,344.78	4,955,673.75	07/05/2029	4.125	4.376	17,187.50	636.72	17,824.22
3133EPQT5	14695	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/25/2033	5.650	5.728	23,541.67	0.00	23,541.67
3133ENWW6	14653	010	MC5	5,000,000.00	4,995,200.89	4,995,224.61	05/17/2032	4.370	4.446	18,208.33	45.91	18,254.24
3133EPEK7	14682	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/03/2025	4.620	4.684	19,250.00	0.00	19,250.00
3133ENN22	14664	010	FAC	5,000,000.00	4,986,523.78	4,986,805.67	09/22/2025	3.750	3.945	15,625.00	545.60	16,170.60
3133ENV72	14669	010	FAC	5,000,000.00	4,986,998.48	4,987,191.15	07/27/2026	4.500	4.665	18,750.00	372.90	19,122.90
3133ENN30	14668	010	FAC	5,000,000.00	4,648,008.19	4,649,682.28	09/20/2032	3.875	5.073	16,145.83	3,240.18	19,386.01
3133EN5C0	14675	010	MC5	5,000,000.00	4,994,672.85	4,994,715.94	12/27/2028	5.370	5.471	22,375.00	83.41	22,458.41
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	4.056	16,666.67	0.00	16,666.67
3133EN6K1	14676	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.279	17,583.33	0.00	17,583.33
3133ENP95	14666	010	FAC	5,000,000.00	4,985,530.21	4,985,829.65	09/30/2025	4.250	4.463	17,708.33	579.56	18,287.89
3133ENS50	14667	010	FAC	5,000,000.00	4,999,361.49	4,999,368.16	10/14/2027	4.125	4.186	17,187.50	12.91	17,200.41
3133EPAJ4	14679	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	02/09/2033	4.000	4.056	16,666.67	0.00	16,666.67
3133EN6K1	14677	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.279	17,583.33	0.00	17,583.33
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.680	15,125.00	0.00	15,125.00
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	4.056	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.143	12,916.67	0.00	12,916.67
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.157	17,083.33	0.00	17,083.33
3134GYWC2	14694	010	MC5	5,000,000.00	4,998,038.89	4,998,056.11	07/26/2028	6.000	6.094	25,000.00	33.33	25,033.33
3134GYPL0	14685	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/01/2028	5.250	5.323	21,875.00	0.00	21,875.00
3134GYXR8	14696	010	MC5	2,000,000.00	2,000,000.00	2,000,000.00	07/27/2028	6.000	6.083	10,000.00	0.00	10,000.00
617446HD4	14670	010	MTN	10,000,000.00	10,810,246.80	10,806,182.45	04/01/2032	7.250	5.917	60,416.67	-7,866.48	52,550.19
06051GLG2	14688	010	MC6	1,000,000.00	1,000,000.00	1,000,000.00	04/25/2029	5.202	5.274	4,335.00	0.00	4,335.00
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	1.500	1.521	12,500.00	0.00	12,500.00
31422XZ47	14681	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	03/20/2030	5.675	5.754	23,645.83	0.00	23,645.83
24422EUM9	14554	010	MTN	5,000,000.00	5,001,826.16	5,001,135.78	10/12/2023	3.650	3.375	15,208.33	-1,336.22	13,872.11
24422EWK1	14663	010	MTN	5,000,000.00	4,981,904.89	4,982,097.79	09/15/2027	4.150	4.314	17,291.67	373.35	17,665.02
693475AV7	14557	010	MC3	5,000,000.00	5,002,311.24	5,002,058.96	01/23/2024	3.500	3.428	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,023,243.59	5,022,611.53	04/01/2025	3.375	3.110	14,062.50	-1,223.35	12,839.15
05531FBF9	14561	010	MC3	5,000,000.00	5,009,008.82	5,007,538.96	12/06/2023	3.750	3.105	15,625.00	-2,844.89	12,780.11
91159HHW3	14693	010	MC3	5,000,000.00	4,218,601.31	4,224,290.21	07/30/2029	3.000	6.772	12,500.00	11,010.78	23,510.78
91159HHM5	14684	010	MC3	5,000,000.00	4,729,176.99	4,733,567.95	04/27/2026	3.100	5.504	12,916.67	8,498.63	21,415.30
91159HHU7	14562	010	MC3	5,000,000.00	5,093,516.68	5,091,695.69	11/17/2025	3.950	3.091	16,458.33	-3,524.50	12,933.83

Pooled Investments Selected Funds
Interest Earnings
September 1, 2023 - September 30, 2023

Exhibit 2-B.3

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
20030NBN0	14563	010	MTN	5,000,000.00	5,024,227.36	5,023,693.94	08/15/2025	3.375	3.156	14,062.50	-1,032.42	13,030.08
747525AU7	14587	010	MTN	5,963,000.00	6,127,415.02	6,125,511.78	05/20/2027	3.250	2.476	16,149.79	-3,683.68	12,466.11
747525AT0	14564	010	MTN	5,000,000.00	4,995,025.42	4,995,323.13	05/20/2024	2.900	3.083	12,083.33	576.21	12,659.54
751212AC5	14566	010	MC3	5,000,000.00	5,058,291.06	5,057,060.12	09/15/2025	3.750	3.186	15,625.00	-2,382.46	13,242.54
375558BF9	14570	010	MTN	5,000,000.00	5,059,521.11	5,058,496.02	03/01/2026	3.650	3.181	15,208.33	-1,984.04	13,224.29
233851CU6	14574	010	MTN	3,725,000.00	3,774,876.56	3,774,234.99	01/06/2027	3.450	3.052	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,038,349.92	5,037,856.62	01/06/2027	3.450	3.241	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,008,405.09	1,007,610.70	02/15/2024	4.250	2.420	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,208,487.94	5,205,650.74	10/30/2026	3.800	2.417	15,833.33	-5,491.34	10,341.99
04685A2L4	14590	010	MTN	5,950,000.00	5,963,770.56	5,963,337.61	01/14/2025	2.500	2.358	12,395.83	-837.97	11,557.86
04685A2L4	14602	010	MTN	5,000,000.00	4,952,731.04	4,954,217.19	01/14/2025	2.500	3.265	10,416.67	2,876.41	13,293.08
828807CS4	14606	010	MTN	5,000,000.00	4,998,728.22	4,998,778.77	10/01/2024	3.375	3.447	14,062.50	97.83	14,160.33
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	5.069	20,833.33	0.00	20,833.33
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	4.106	16,875.00	0.00	16,875.00
88579YAR2	14659	010	MTN	5,000,000.00	4,898,836.43	4,901,089.36	08/07/2025	3.000	4.186	12,500.00	4,360.50	16,860.50
30303M8G0	14660	010	MTN	5,000,000.00	4,848,235.63	4,849,887.56	08/15/2027	3.500	4.461	14,583.33	3,197.28	17,780.61
857477CD3	14698	010	MC3	4,000,000.00	4,000,000.00	4,000,000.00	08/03/2026	5.272	5.345	17,573.33	0.00	17,573.33
			Subtotal	**583,913,000.00**	**586,583,885.70**	**586,384,777.15**			**2.727**	**1,312,682.74**	**1,725.39**	**1,314,408.13**
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	62,905,289.66	72,724,016.51	64,990,058.95		0.003	5.266	281,273.15	0.00	281,273.15
			Subtotal	**62,905,289.66**	**72,724,016.51**	**64,990,058.95**			**5.266**	**281,273.15**	**0.00**	**281,273.15**
			Total	**646,818,289.66**	**659,307,902.21**	**651,374,836.09**			**2.980**	**1,593,955.89**	**1,725.39**	**1,595,681.28**

Exhibit 2-C

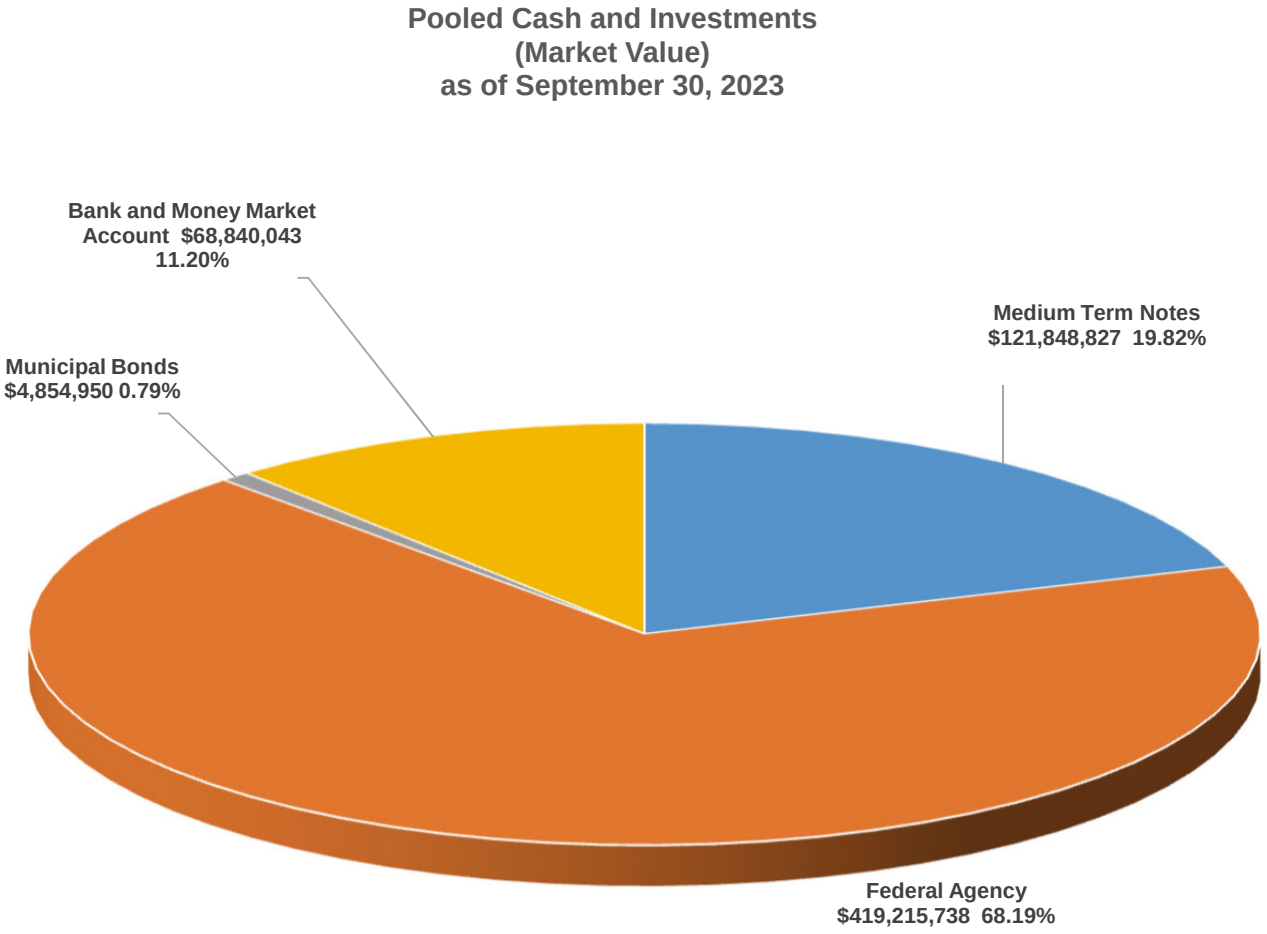

Pooled Cash and Investments
(Market Value)
as of September 30, 2023
Bank and Money Market Account $68,840,043 11.20%
Medium Term Notes $121,848,827 19.82%
Municipal Bonds $4,854,950 0.79%
Federal Agency $419,215,738 68.19%

Exhibit 2-D

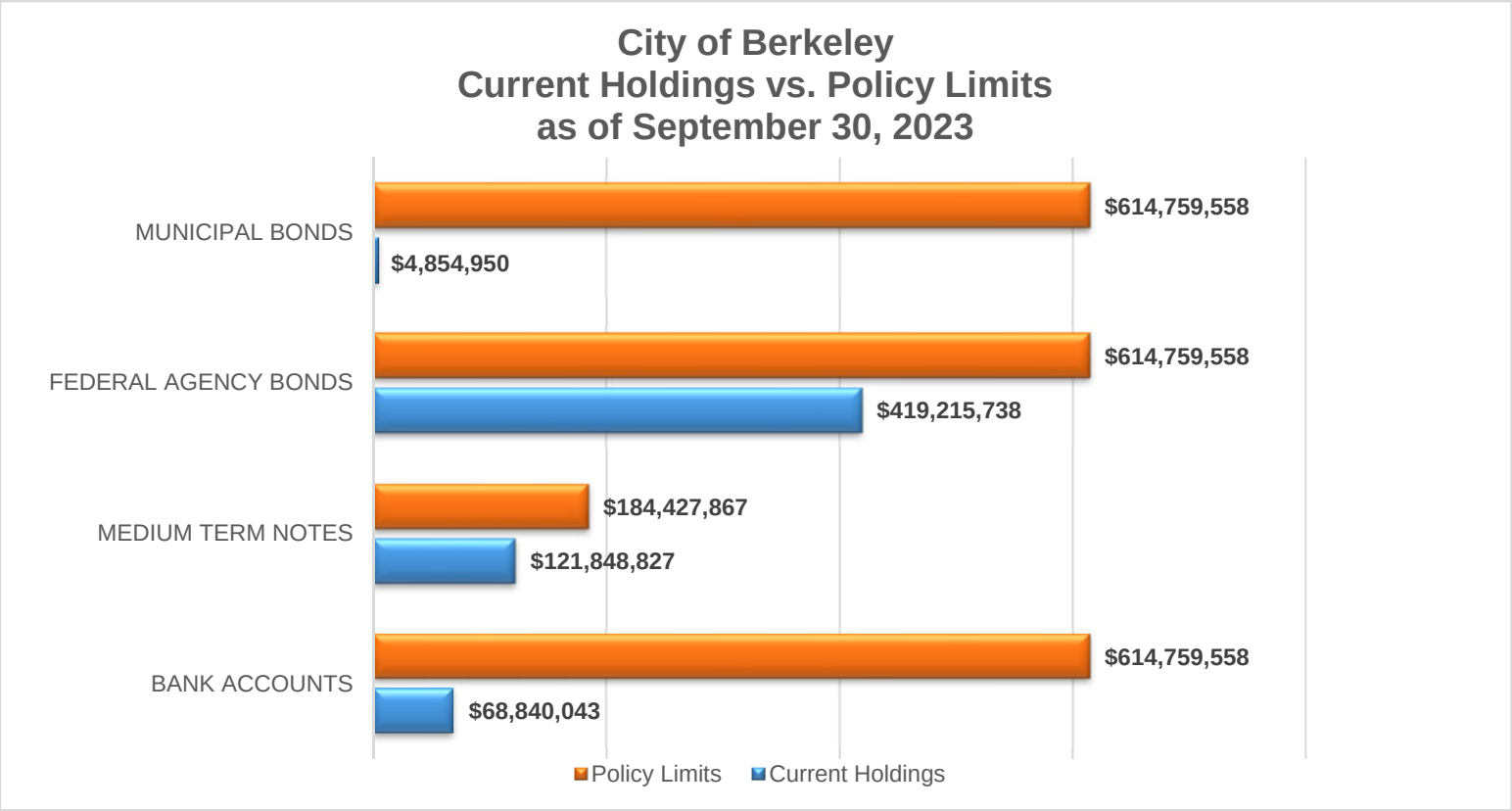
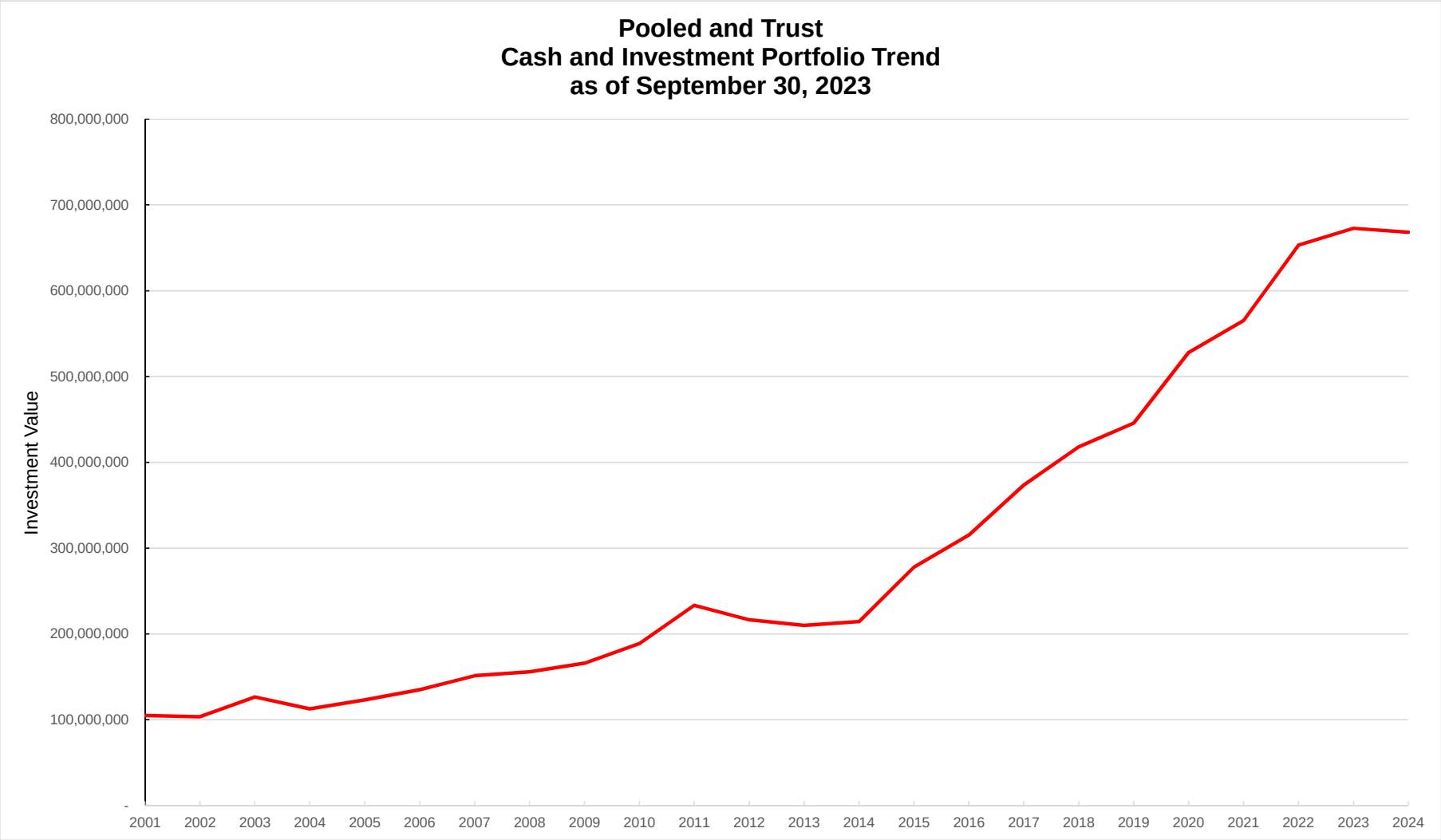

City of Berkeley
Current Holdings vs. Policy Limits
as of September 30, 2023
MUNICIPAL BONDS
$614,759,558
$4,854,950
FEDERAL AGENCY BONDS
$614,759,558
$419,215,738
MEDIUM TERM NOTES
$184,427,867
$121,848,827
BANK ACCOUNTS
$614,759,558
$68,840,043
Policy Limits
Current Holdings

Exhibit 2-E


Pooled and Trust
Cash and Investment Portfolio Trend
as of September 30, 2023
Investment Value
800,000,000
700,000,000
600,000,000
500,000,000
400,000,000
300,000,000
200,000,000
100,000,000
-
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024

Attachment 3

Summary of Pooled Cash and Investments - Trust Funds
(Market Value)
As of September 30, 2023

		Pooled Cash	Investments (Book Value)	Gain/Loss on Investments	Pooled Cash & Investments (Market Value)
Retiree Medical Trust Fund					
Fund No.					
721	BHA	$ 39,444	$ 576,223	$ 4,640	$ 620,307
722	M1=IBEW	(87,916)	93,043	(6,522)	(1,395)
723	M2=Local 1	655,602	11,295,412	(342,667)	11,608,347
724	MUI=Z1	38,124	2,031,399	(203,934)	1,865,589
725	MUI=Z2 to Z6	175,279	2,910,867	(197,621)	2,888,525
726	M535= Local 535	616,472	10,479,267	(767,774)	10,327,965
727	M3=Local 790	330,694	6,589,530	(331,014)	6,589,210
Total Retiree Medical Trust Fund		**1,767,699.00**	**33,975,739**	**(1,844,892)**	**33,898,546**
Fire Medical Trust Fund					
736	Fire Medical Trust Fund	116,479	13,899,449	(907,683)	13,108,245
Total Fire Medical Trust Fund		**116,479**	**13,899,449**	**(907,683)**	**13,108,245**
Police Medical Trust Fund					
731	Police EE Retiree HLT Assistance Plan	(11,014)	2,514,554	(222,229)	2,281,310
701	Safety Members Pension Fund	97,413			97,413
706	Police Medical Trust Fund	(168,234)	4,587,490	(345,761)	4,073,495
Total Police Medical Trust Fund		**(81,835)**	**7,102,044**	**(567,991)**	**6,452,218**
	Total Trust Funds	**$ 1,802,343**	**$ 54,977,231**	**$ (3,320,565)**	**$ 53,459,009**

Exhibit 3-A

Retiree Medical Trust Fund
Fund 721 - 727
Interest Earnings
July 01 to September 30, 2023

			Investments As of September 30, 2023						Interest Earnings July 01 to September 30, 2023				
											Adjusted Interest Earnings		
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Federal Agency Coupon Securities													
3133EFQT7	14361	Fed Farm Credit Bank	2,600,000.00	2,604,365.78	2,603,911.02	2,473,796.00	11/25/2025	AAA	2.700	2.633	17,550.00	(454.76)	17,095.24
Medium Term Notes - Callable													
665859AX2	14671	Northern Trust Corp	10,000,000.00	10,015,897.89	10,015,472.18	9,874,000.00	11/02/2032	A2	6.125	6.115	153,125.00	(425.71)	152,699.29
Federal Agency Continuous Callable													
3133EPMQ5	14691 Misc	Federal Farm Credit Bank	4,746,000.00	-	4,711,279.23	4,637,981.04	06/16/2033	AAA	5.360	5.429	62,183.15	874.23	63,057.38
3133EPNL5	14692 Misc	Federal Farm Credit Bank	3,796,800.00	-	3,582,619.07	3,631,715.14	06/23/2033	AAA	5.180	6.056	48,075.93	5,382.05	53,457.98
Continous Callable Bonds													
797440CD4	14680	San Diego Gas & Electric	2,000,000.00	1,979,175.82	1,979,350.82	1,816,340.00	04/01/2053	A1	5.350	5.457	26,750.00	175.00	26,925.00
Municipal Bonds													
786091AG3	14316	SACGEN	5,000,000.00	5,112,573.82	5,099,064.96	5,117,650.00	08/01/2025	A1	7.250	6.042	90,625.00	(13,508.86)	77,116.14
Savo Island Loan													
SYS10988	10988	EMPMED	104,000.00	150,000.00	104,000.00	104,000.00	09/01/2025	N/A	8.000	7.948	2,710.62	-	2,710.62
Preferred Securities													
00206R706	14591	AT&T Inc.	1,680,033.60	1,680,033.60	1,680,033.60	1,278,692.24	N/A	N/A	4.596	4.728	19,577.79	-	19,577.79
00206R706	14596	AT&T Inc.	1,680,008.40	1,680,008.40	1,680,008.40	1,278,673.06	N/A	N/A	4.640	4.728	19,697.91	-	19,697.91
00206R706	14597	AT&T Inc.	2,520,000.00	2,520,000.00	2,520,000.00	1,918,000.00	N/A	N/A	4.643	4.728	29,559.14	-	29,559.14
		Total	**34,126,842.00**	**25,742,055.31**	**33,975,739.28**	**32,130,847.48**				**5.417**	**$ 469,854.54**	**$ (7,958.05)**	**$ 461,896.49**

Total Investments (Book Value)	**$ 33,975,739.28**
Gain/Loss on Investments	**(1,844,891.80)**
Total Investments (Market Value)	**32,130,847.48**
Temporarily Invested with Pooled Cash & Investments	**1,767,699.00**
Total Pooled Cash and Investments	**$ 33,898,546.48**

Exhibit 3-B

Fire Retiree Medical
Fund 736
Interest Earnings
July 01 to September 30, 2023

			Investments As of September 30, 2023						Interest Earnings July 01 to September 30, 2023				
											Adjusted Interest Earnings		
CUSIP	**Investment #**	**Issuer**	**Par Value**	**Beginning Book Value**	**Ending Book Value**	**Market Value**	**Maturity Date**	**Moody's Rating**	**Current Rate**	**Annualized Yield**	**Interest Earned**	**Amortization/ Accretion**	**Adjusted Interest Earnings**
Medium Term Notes													
6174467X1	14318	Morgan Stanley DW DTC#0015	2,000,000.00	2,018,505.87	2,016,575.94	1,960,280.00	11/24/2025	BAA1	5.000	4.582	25,000.00	(1,929.93)	23,070.07
Federal Agency Coupon Securities													
3133EFQT7	14362	Fed Farm Credit Bank	2,300,000.00	2,303,862.04	2,303,459.75	2,188,358.00	11/25/2025	AAA	2.700	2.633	15,525.00	(402.29)	15,122.71
Federal Agency Continuously Callable													
3133EPMQ5	14691 Fire	Federal Farm Credit Bank	35,500.00	-	35,240.29	34,692.02	06/16/2033	AAA	5.360	5.429	465.13	6.54	
3133EPNL5	14691 Fire	Federal Farm Credit Bank	28,400.00	-	28,197.76	27,165.17	06/23/2033	AAA	5.180	5.246	359.61	5.08	
3130AUB78	14672	Federal Home Loan Banks	4,000,000.00	4,000,000.00	4,000,000.00	3,904,680.00	12/28/2037	AAA	6.230	6.247	62,300.00	-	62,300.00
3130AUB86	14673	Federal Home Loan Banks	2,996,000.00	2,996,000.00	2,996,000.00	2,958,609.92	12/29/2042	AAA	6.540	6.558	48,984.60	-	48,984.60
Preferred Securities													
00206R706	14592	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,278,653.88	N/A	N/A	4.596	4.728	19,577.21	-	19,577.21
00206R706	14594	AT&T Inc.	839,991.60	839,991.60	839,991.60	639,326.94	N/A	N/A	4.640	4.728	9,848.80	-	9,848.80
		Total	**$ 13,879,874.80**	**$ 13,838,342.71**	**$ 13,899,448.54**	**$ 12,991,765.93**				**5.130**	**$ 182,060.35**	**$ (2,320.60)**	**$ 178,903.39**

Total Investments (Book Value)	**$ 13,899,448.54**
Gain/Loss on Investments	**(907,682.61)**
Total Investments (Market Value)	**12,991,765.93**
Temporarily Invested with Pooled Cash & Investments	**116,479.00**
Total Pooled Cash and Investments	**$ 13,108,244.93**

Exhibit 3-C

Police Retiree Medical
Fund 731 and 706
Interest Earnings
July 01 to September 30, 2023

			Investments As of September 30, 2023						Interest Earnings July 01 to September 30, 2023				
											Adjusted Interest Earnings		
CUSIP	**Investment #**	**Issuer**	**Par Value**	**Beginning Book Value**	**Ending Book Value**	**Market Value**	**Maturity Date**	**Moody's Rating**	**Current Rate**	**Annualized Yield**	**Interest Earned**	**Amortization/ Accretion**	**Adjusted Interest Earnings**
Medium Term Notes													
6174467X1	14319	Morgan Stanley DW DTC#0015	500,000.00	505,108.95	504,143.98	490,070.00	11/24/2025	BAA1	5.000	4.582	6,250.00	(482.49)	5,767.51
Federal Agency Coupon Securities													
3133EFQT7	14363	Fed. Farm Credit Banks	2,300,000.00	2,304,264.34	2,303,459.75	2,188,358.00	11/25/2025	AAA	2.700	2.633	15,525.00	(402.29)	15,122.71
Federal Agency Continuously Callable													
3133EPMQ5	14691 Pol	Federal Farm Credit Bank	218,500.00	-	216,901.50	213,526.94	06/16/2033	AAA	5.360		2,862.83	40.25	2,903.08
3133EPNL5	14691 Pol	Federal Farm Credit Bank	174,800.00	-	173,555.24	167,199.70	06/23/2033	AAA	5.180		2,213.35	31.28	2,244.63
3130AUB86	14674	Federal Home Loan Banks	2,224,000.00	2,224,000.00	2,224,000.00	2,196,244.48	12/29/2042	AAA	6.540	6.558	36,362.40	-	36,362.40
Preferred Securities													
00206R706	14593	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,278,653.88	N/A	N/A	4.596	4.623	19,577.21	-	19,577.21
		Total	**$ 7,097,283.20**	**$ 6,713,356.49**	**$ 7,102,043.67**	**$ 6,534,053.00**				**5.237**	**$ 82,790.79**	**$ (813.25)**	**$ 81,977.54**

Total Investments (Book Value)	**$ 7,102,043.67**
Gain/Loss on Investments	**(567,990.67)**
Total Investments (Market Value)	**6,534,053.00**
Temporarily Invested with Pooled Cash & Investments	**(81,835.00)**
Total Pooled Cash and Investments	**$ 6,452,218.00**

Office of the City Manager

INFORMATION CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Dr. Anju Goel, Public Health Officer, Health, Housing, and Community Services

Subject: State of Public Health in Berkeley Summary Report

INTRODUCTION
Receive a presentation from the Health Officer on the State of Public Health in Berkeley, as required by the Future of Public Health grant.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no fiscal impacts directly associated with this update.

CURRENT SITUATION AND ITS EFFECTS
Documenting and communicating the health status of community residents is an essential function of a Health Officer, and a fundamental step toward identifying and prioritizing steps to improve public health. Additionally, the state Future of Public Health grant that the City receives requires the Health Officer to make a presentation to the community on health status annually.

The Department of Health, Housing, and Community Services (HHCS) started work in June 2023 with a team of consultants on the City's Community Health Assessment and Improvement Plan process, called the Berkeley Wellness Blueprint. Tonight, the Health Officer will present findings from the Blueprint's initial stage which ended in December, known as a Landscape Scan.

BACKGROUND
The City of Berkeley last published a Health Status Summary Report in 2018. We know that the health status of the City is significantly different now as a result of the COVID-19 pandemic and other factors. We are in the process of conducting a Community Health Assessment (CHA) to identify the most pressing current health issues in our jurisdiction. The CHA will be completed in August 2024, and will be followed by a Community Health Improvement Plan (CHIP). The CHIP will identify and implement strategies for addressing the top health concerns, and will be completed by May 2025. To date, we have completed a Landscape Scan to develop a baseline understanding across four areas:

- The health status of residents of Berkeley, including health conditions, social determinants of health, and demographic and geographic patterns
- The capacity of organizations and agencies inside and outside government to work independently and collectively to address priority health and safety concerns
- Resources, both allocated and potential, available to address priority health and safety concerns
- Community leaders – both those with organizational standing and those with lived experience – who could inform this project as members of a steering committee

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental sustainability and climate impacts associated directly with the content of this summary report.

CONTACT PERSON
Dr. Anju Goel, Public Health Officer, HHCS, 510-981-5308

Attachment:
1: Executive Summary

Berkeley Wellness Blueprint

A community-shaped health equity plan

JSI

December 22, 2023

LANDSCAPE SCAN EXECUTIVE SUMMARY

INTRODUCTION

In the summer of 2023, the City of Berkeley Health, Housing and Community Services (HHCS) Division engaged JSI Research and Training Institute (JSI) to conduct a Community Health Assessment (CHA) and create a Community Health Improvement Plan (CHIP) over the course of two years. JSI is a public health research and consulting organization with an office in Berkeley, CA. Our first step in this process was to conduct a landscape scan to develop a baseline understanding across four key areas:

- The health status of residents of Berkeley including health condition, social determinants of health, and demographic and geographic patterns.
- The capacity of organizations and agencies inside and outside government to work independently and collectively to address priority health and safety concerns.
- Resources, both allocated and potential, available to address priority health and safety concerns.
- Community leaders - both those with organizational standing and those with lived experience - who could inform this project as members of a steering committee.

This brief shares findings across the first three areas. Our findings from the fourth area of focus have been used to inform the recruitment and selection of a Community Steering Committee (CSC), who will guide the remaining phases of the project. Members of the CSC will be announced in January 2024.

METHODS

In order to understand the four key areas listed above, we employed a mixed methods approach. This included: 1) key informant interviews (n=15) with organizational and community leaders both internal and external to the City of Berkeley, identified in collaboration with HHCS staff; 2) a review of key documents (n=20) including relevant city, county and hospital briefs, assessments and memos, and; 3) the review and synthesis of quantitative data housed in MySidewalk. Interview transcripts and notes, and key documents, were analyzed by all team members using an extraction matrix to identify key themes and findings.

FINDINGS

A Bird's-Eye View

Taken as a whole, Berkeley is doing quite well in terms of wellness. The life expectancy at birth (82.8) exceeds that of Alameda County (80.9), California (80.3), and the nation (78.8). Rates of chronic disease and those who are uninsured are low in comparison to the county, state and country. Berkeley is also well-resourced when it comes to the healthcare workforce.

However, these data mask deep inequities and disparities across geographic areas and racial and ethnic groups.

For example, life expectancy in Berkeley varies dramatically by place. There is a 16-year difference in life expectancy between the northernmost census tract in Council District 6 (93 years), and the southernmost census tract in Council District 3 (77 years). The poverty rate for Black children is four times that of white children. Among seniors, American Indian and Alaskan Natives (AIAN) experience the highest poverty rate (23%), more than four times the rate for white seniors (5%).

In alignment with the quantitative data presented, this landscape scan unveiled several of these disparities through conversation and dialogue with community leaders.

In This Moment

At this time in Berkeley, **social issues are key drivers of disparities across geographic and racial and ethnic groups.** These issues, such as educational attainment, affordable housing, economic opportunity and access to services, are deeply intersectional and historical. Many stem from the legacy of policies such as redlining, the systematic denial of mortgages, loans and other financial services based on geographies in which certain people, namely Black folks, lived. Educational attainment, wealth and many health outcomes in Berkeley are correlated with these place-based, discriminatory and systemically racist policies and practices. Educational attainment rates vary sharply by race.

81.5% of the White population and 80% of the Asian population have a Bachelor's degree or higher. By comparison, 48% of the Hispanic population, 28.9% of the Black population, and 20% of the AIAN population hold a Bachelor's degree or higher. Additionally, Berkeley has been cited as having one of the worst public school test score achievement gaps in the nation.

Homelessness and housing affordability were cited as key issues by several interviewees. One interviewee described an increase in university students facing homelessness. Notably, Berkeley has seen a 60% decrease in Black residents since 1970, largely due to an increase in cost of housing. In spite of a 5% decrease in rates of homelessness between 2019 and 2022, likely due to COVID-19 emergency funding and progressive measures around tenancy and eviction, Berkeley still accounts for 11% of the homeless population in Alameda County, a rate that is disproportionate to its population (it accounts for just 7% of the total population in Alameda County). Economic inequality was also cited as an issue facing Berkeley community members. One CBO leader noted that 67% of individuals who use their organization's services live below the poverty line and 48% of these fall under the trans umbrella.

All in all, community leaders cite housing and economic inequality as being intersectional and complex issues, requiring collaboration and the prioritization of organizations who may have not necessarily focused on them in the past.

Access to and provision of necessary mental health services has been noted as another key issue. Mental health challenges can exasperate other health issues, particularly among older adults, youth, and LBGTQ+ populations. Relatedly, these populations are at higher risk for mental illness. Interviewees noted the lack of availability to culturally concordant mental health services, particularly for Asian Pacific Islanders, the Black population and LGBTQ+ groups.

It would be remiss to not mention the deep impact the COVID-19 pandemic has had on the Berkeley community. **The pandemic has exacerbated pre-existing service gaps; exposed systemic and relationship weaknesses across and between CBOs, city agencies and the county; and had a dramatic impact on the city's economic well-being.** There was a sharp rise in unemployment and recovery has been slow, with rates remaining above pre-pandemic levels. Community leaders cited an increase in mental health challenges and housing instability during the pandemic due to isolation, unemployment and illness.

From the Field

In addition to the social issues and related consequences described above, there is broad consensus across leaders both inside and outside the government that **the existing capacity of CBOs and city agencies is insufficient in meeting the needs of Berkeley's community.** City leaders noted the challenges of being a small local health jurisdiction (LHJ) and receiving few resources particularly in comparison with the county. Staff shortages and siloing of departments also create barriers to serving the community. CBO leaders cited a lack of funding, scarcity of staff, and limited infrastructure.

Additionally, interviewees described inefficient, overlapping and uncoordinated systems across and between the city and county. For example, systems of care fail to share data, and county priorities often contradict those of the city. Differing reporting requirements across systems and funding mechanisms create burden for CBO staff and dwindle capacity. That said, when collaboration between the city and CBOs occur and are well-executed, these relationships are effective. It is important to note that CBO staff may not always have the capacity to build and maintain relationships, and city staff should prioritize facilitating these connections.

As such, **collaboration and decision- and power-sharing are absolutely crucial for success in addressing the many complex challenges in the city of Berkeley.** Interviewees described unclear paths for prioritization of issues and a lack of shared strategy. It is unclear whose voices are included and prioritized in decision-making, and how decisions get made within the city and across city departments, particularly when it comes to the distribution of resources. One interviewee described that those with political power and connections often attempt to speak for individuals who receive services which means voices of those with lived experience are left out of critical conversations. Another leader expressed a desire for transparency around decision-making. Additionally, there is a lack of clarity around who is responsible for holding a vision for improvement in the city, and who is accountable for executing on that vision. Therefore, it is difficult to hold a shared vision of equity. However, partnership and collaboration between CBOs and city agencies have shown deep promise. Partnerships often occur organically when there is a gap, or when a funding requirement necessitates it. This allows individuals and entities across the service network to "be on the same page," problem solve together, share and leverage resources, and move towards decision-making.

CONCLUSION

This landscape scan revealed a number of paradoxes. Berkeley is a city with a strong identity that many are proud to call home and it is experiencing significant stressors and transitions. It is also a great place to live, work and learn, but not for everyone. And finally, ideals of inclusivity and collaboration are highly sought after, but challenging to put into practice. There are several learnings we will take forward into the next phases of this project including:

- There is a need to balance the views of community members who receive services with those of CBOs and nonprofits who provide them. This will inform qualitative data collection practices, from focus group organization to key informant interview guide design.
- Utilizing several different forms of qualitative data collection (focus groups, interviews, listening sessions, etc.) will be important in ensuring that the CHA/CHIP process is accessible to community members.

In the upcoming phases, we seek to engage community members in deepening our understanding of the health and wellness status of Berkley residents and the complex issues faced (CHA), and then turn to identifying ambitious and practical strategies to improve priority outcomes (CHIP).

Office of the City Manager

INFORMATION CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: LPO NOD: 2113-2115 Kittredge Street/#LMSAP2022-0011

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on February 13, 2024.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by February 27, 2024. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS
Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Fatema Crane, Principal Planner, Planning and Development, 510-981-7410

Attachments:
1: Notice of Decision – #LMSAP2022-0011 for 2113-2115 Kittredge Street

LANDMARKS PRESERVATION COMMISSION

NOTICE OF DECISION

DATE OF BOARD DECISION: October 5, 2023
DATE NOTICE MAILED: February 9, 2024
APPEAL PERIOD EXPIRATION: February 27, 2024
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): February 28, 2024[1]

2113 Kittredge Street

California Theater

#LMSAP2022-0011 to demolish the California Theater building while retaining and rehabilitating the primary façade, and to incorporate the façade into the construction of a new 18-story, mixed-use building featuring an approximately 24,000-sq. ft. performance venue and 211 dwelling units in the Downtown.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structural Alteration Permit**

APPLICANT: Christian Cerria of 2115 Kittredge Street, LLC and Rhoades Planning Group, 2140 Shattuck Ave., Suite 705, Berkeley, CA

ZONING DISTRICT: Downtown Commercial/Mixed Use

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under the California Environmental Quality Act Guidelines, Section 15331.

1 Pursuant to BMC Chapter 3.24, the City Council may "certify" any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

The application materials for this project is available online at:
https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx

FINDINGS FOR FINAL ACTION AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 5-1-1-1 *(one vacancy)*

YES: ENCHILL, LEUSCHNER, MONTGOMERY, SCHWARTZ, TWU

NO: FINACOM

ABSTAIN: LINVILL

ABSENT: CRANDALL (due to recusal)

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $500. This fee may be reduced to $100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is $500, which may not be reduced.
   c. The fee for all appeals by Applicants is $2500.

3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been

taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or fcrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings for Final Action
2. Project Plans, received September 26, 2023

ATTEST: _____
Fatema Crane, Secretary
Landmarks Preservation Commission

cc: City Clerk
Applicant
Property Owner: Robin Lent, 426 Sandhill Circle, Menlo Park, CA

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 5, 2023

2113-2115 Kittredge Street

Structural Alteration Permit #LMSAP2022-0011

PROJECT DESCRIPTION

The applicant proposes to demolish the California Theater building while retaining and rehabilitating the primary façade, and to incorporate the façade into the construction of a new 18-story, mixed-use building featuring an approximately 24,000-sq. ft. performance venue and 211 dwelling units in the Downtown.

CEQA FINDINGS REQUIRED UNDER CEQA

1. The discretionary design review for this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation"). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The historic use of this City Landmark property as a performing arts venue will be retained in part, while accommodating new construction and expansion which are necessary to ensure higher and better use of the property. The new residential use and expanded development will alter the spatial relationships within property. The proposed retention and rehabilitation of the historic Art Deco street façade will retain the distinctive materials of the City Landmark, and the new construction has been designed with compatible elements.

2. The project will retain the historic character of the property and will avoid removal of distinctive materials and the alteration of features that characterize the City Landmark's historic architectural design through rehabilitation of the Art Deco building façade.

3. The design of proposed residential tower does not resemble or replicate designs from the property's historic period. These new features are contemporary and will not result in a false sense of historical development.

4. Distinguishing features of the City Landmark, such as the mid-century marquee, have acquired significance in their own right; these features will be retained and restored as conditioned herein, and would not be adversely impacted by this project.

5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize this City Landmark property, such as finishes and decorative detailing of the Art Deco period, will be substantially retained and preserved (as conditioned herein) with this expansion and façade rehabilitation project.

6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items, as substantiated by documentary and physical evidence.

7. The applicant does not propose chemical or physical treatments. However, standard conditions of Structural Alteration Permit approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.

8. The project site is not known to have the potential to yield subsurface resources; the scope of proposed excavation is limited and not likely to disturb such resources if they exist. Nevertheless, as conditioned herein, actions to preserve and protect unexpected discoveries during project construction are required.

9. The proposed new work is designed with complementary, high-quality materials in simplified, contemporary style employing colors and finishes that harmonize with the historic design elements of the Art Deco building facade. Owing to these aspects, the proposed new work will be sufficiently differentiated from the historic design. Further, the design is complimentary in is organization elements, verticality and preliminary color palette. Further refinements will occur during the requisite Final Design Review with the Landmarks Preservation Commission.

10. If the proposed tower expansion were removed in the future and the façade was once again preserved, then this proposal would not permanently impair the integrity or essential character-defining features of the City Landmark California Theater.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

1. As required by Berkeley Municipal Code (BMC) Section 3.24.260.C(1)(a) 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 the characteristics and features specified in the designation for this property. Specifically:

    A. The proposed project will alter the scale of this Downtown development but it will not adversely affect the Art Deco design of the City Landmark California Theater. Its architectural style and the historical identity of the property would be retained and it will continue to lend value to the historic fabric of the Downtown neighborhood.
    B. The special character, interest and historic value of this City Landmark property lay in its ability to convey its early 20th century identity and connection to a formative period of Downtown development. This identity is most strongly exhibited in the Art Deco architectural design of the primary building façade. The project would alter the spatial relationship of the property to its setting, where it is currently among the tallest structures on the 2100-block of Kittredge Street. However, as designed, the height and scale of the original façade would remain clearly delignated in the new tower.

2. As required by BMC Section 3.24.260.C(2), the Commission finds that the City Landmark California Theater is a masonry structure and, in its current condition, is not suitable for expansion or conversion to higher or better uses; therefore, it is not feasible to preserve this building in its entirety and allow for its adaptive re-use as proposed. The request to demolish the building – including the north, east and west walls and roof – while preserving and re-habilitating the south wall, is found to ensure the public interest in preserving California Theater's Art Deco architectural design because this proposal retains the building's distinctive and character-defining Features to be Preserved.

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 use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Zoning Adjustments Board or Zoning Officer, Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits

A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the

project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

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:

10. <u>No changes can be made to these approved plans without prior approval.</u>

11. CITY PERMITS. This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite Use Permit and Public Work Permit for the project scope.

12. PLANS COMPLIANCE. Construction and building permit plans shall substantially conform to the Structural Alteration Permit (SAP) project plans received September 26, 2023.

13. FINAL DESIGN REVIEW. Pursuant to BMC Section 23.406.070, prior to submittal of any building permit for this project, the project proponent shall obtain Final Design Review (FDR) approval from the Landmarks Preservation Commission. Aspects of the building design that are subject to approval at FDR include but are not limited to: design of the north and east building elevations; treatments, colors and materials of lower portion of the east and west façade (floors one through four).

14. **SITE-SPECIFIC PRESERVATION TREATMENT PLAN.** A site-specific historic preservation plan for the retained portion of the City Landmark California Theater 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 Architect and Architectural History. This treatment plan shall define conditions assessment and documentation, protection, and monitoring requirements and procedures to be implemented during demolition of the historic building and restoration of the retained portion of the building. The treatment plan shall describe procedures to be undertaken for the documentation, evaluation, and treatment of previously unrecorded architectural features that are uncovered during demolition and rehabilitation activities. Such features may include artwork, decorative plaster or metalwork, or other building elements currently obscured by the renovation work. All procedures should be defined to avoid inadvertent damage to historic Art Deco building façade that will be retained for incorporation into the proposed development during project construction and shall include consideration of site security and fencing; avoidance and physical protection of historic surfaces and materials; and storage of temporarily removed or salvaged historic materials and building components. The treatment plan shall be submitted to the City of Berkeley Planning and Development Department prior to construction for review and approval.

15. **HABS PHOTOGRAPHY**. Documentation of the City Landmark building shall be completed in accordance with the standards of the Historical American Building HAB) Survey Level II, s described in the Guidelines for Architectural and Engineering Documentation (68 FR 43159), to include the following:

a) Drawings: select existing drawings, where available, may be photographed with large-format negatives or photographically reproduced on Mylar in accordance with the U.S. Copyright Act, as amended
b) Photographs: photographs with large-format negatives of exterior and interior views, or historic views where available and produced in accordance with the U.S. Copyright Act, as amended
c) Written data: history and description.

Upon completion, copies of all drawings, photographs, and the report shall be provided to the following repositories for archival information on Berkeley's historical resources and Northern California architectural history:

- NWIC
- Berkeley Architectural Heritage Association
- Berkeley Historical Society & Museum
- Berkeley History Room of the Berkeley Public Library
- University of California, Berkeley Environmental Design Library
- The Art Deco Society of California
- California State Library

16. **HISTORIC DISPLAY**. A permanent, high-quality on-site plaque or interpretive display shall be installed and legible from the public right-of-way. The primary goal of the exhibit shall be to inform the public about the history of the building, including its City Landmark status and acknowledge the alterations made. If deemed appropriate by staff and the Landmarks Preservation Commission Chair, the display may be designed consistent with the Berkeley Historical Plaque Project (berkeleyplaques.org). The placement, size, and appearance of the plaque shall be designed so as not to interfere

with the ability of the building's character-defining features to convey their significance consistent with the Secretary of the Interior Standards. A draft of the display shall be submitted with the building permit for review by staff in coordination with the Landmarks Preservation Commission Chair. The final display shall be in place prior to the issuance of a certificate of occupancy.

17. **SALVAGE**. The project proponent shall salvage interior building features and decorative elements and offer them to local re-use operations and/or interested parties, such as the California Theater Consortium. No materials shall be salvaged or removed until HABS documentation is completed.

18. **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.

19. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

20. **COLORS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.

21. **CLEAR GLASS.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, or includes signage, shall be indicated on all drawings, and shall be reviewed for approval by Landmarks staff.

22. **DETAILS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit window, door, base, and trim details for review and approval by the Landmarks plan checker.

23. **SIGNAGE.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit complete signage details, including colors, materials, letter heights, dimensions, placement on building, and installation details. The signs shall conform to all applicable standards of the City's Sign Ordnance, BMC Chapter 20, including the maximum number of signs permitted. All materials will be matte unless otherwise noted. All non-temporary signage and awnings not previously approved and not listed in this application are prohibited.

24. **LIGHTING.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.

25. **LANDSCAPE PLANS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit a Landscape plan including the number, location, and species of all proposed plantings, and which existing plantings

shall be removed. The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.

26. **LANDSCAPE IRRIGATION.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings. (Add alternative per R-district requirement)

27. 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.

28. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.

29. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.

30. 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.

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

GDC01 - USE PERMIT - 09/26/23

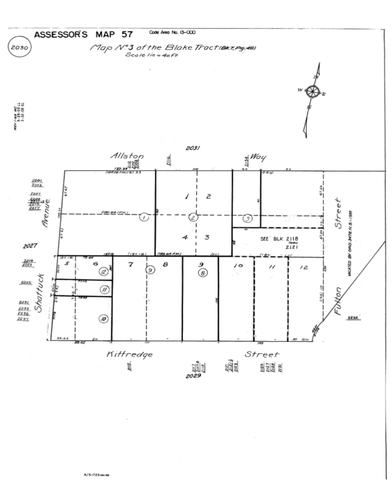
PROJECT LOCATION

5 G000 LOCATION MAP
NOT TO SCALE

PROJECT LOCATION

4 G000 VICINITY MAP
NOT TO SCALE

For Assessment Use Only



3 G000 ASSESSOR'S PARCEL MAP
12" = 1'-0"

ZONING CODE INFORMATION

SITE INFORMATION			
ADDRESS	**2115 KITTREDGE ST BERKELEY, CA**		
APN	**057-2030-009**		
ZONING DISTRICT	**C-DMU**		
OVERLAY / SPECIAL DISTRICT			
SEISMIC SAFETY			
ALQUIST PRIOLO	NO	LIQUEFACTION ZONE	NO
LANDSLIDE ZONE	NO	UNREINFORCED MASONRY	NO
HISTORIC INFO			
HISTORIC PRESERVATION			
LANDMARK / STRUCTURE OF MERIT	YES		
ENVIRONMENTAL SAFETY			
CREEK BUFFER	NONE	FIRE ZONE	**1**
ENVIRONMENTAL MGMT AREA	YES	FLOOD ZONE	NO

BUILDING DATA PER PLANNING CODE

	EXISTING	PERMITTED / REQUIRED	NEW: BASE PROJECT CALCULATION	NEW: PROPOSED PROJECT CALCULATION	NOTES / CODE REFERENCE
BUILDING / LOT INFO					
LOT AREA	13,500 SF	-	NO CHANGE	NO CHANGE	
BUILDING FOOTPRINT	8,680 SF	-	12,972 SF	12,016	
LOT COVERAGE	64%	-	96%	89%	
AREAS					
COMMERCIAL FLOOR AREA	-- SF		20,591 SF	24,473 SF	
RESIDENTIAL FLOOR AREA	0 SF	-	91,100 SF	136,362 SF	
GROSS FLOOR AREA	13,500+ SF	-	111,691 SF	160,835 SF	
COMMERCIAL USABLE OPEN SPACE	0 SF	20,591 SF / 50 SF = 412 SF	457 SF	-	1 SQ.FT / 50 SF
		24,473 SF / 50 SF = 489 SF	-	712 SF	BMC TABLE 23.204-40
RESIDENTIAL USABLE OPEN SPACE	0 SF	146 UNITS X 80 SF = 11,680 SF	11,680 SF	-	80 SF/UNIT
		211 UNITS X 80 SF = 16,880 SF	-	13,533 SF	BMC TABLE 23.204-40
					DENSITY BONUS CONCESSION REQUESTED
LANDSCAPED OPEN SPACE	0 SF	40% OF 11,488 = 4,595 SF		7% OF 11,488 = 890 SF	***DENSITY BONUS CONCESSION REQUESTED***
IMPERVIOUS SURFACE AREA	100%	-	100%	100%	
HEIGHT					
# STORIES	3	-	8	18	
MAX BLDG HEIGHT	60'-0" +	75'-0"	75'-0"	211'-04"	BMC:23.204-38: C-DMU
					DENSITY BONUS WAIVER REQUESTED
SETBACKS					
FRONT YARD SETBACK	0'-0"	0 - 20'-0" BLDG HT= NO MIN.	0'	MIN 0' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= NO MIN.	0'	MIN 0' VARIES	
INTERIOR EAST	8'-4.5"	0 - 20'-0" BLDG HT= NO MIN.	0'	MIN 3' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= 0' - 5'-0"	3'	MIN 3' VARIES	***USE PERMIT - 23.204.130B***
INTERIOR WEST	11'-8.5"	0 - 20'-0" BLDG HT= NO MIN.	0'	MIN 3' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= 0'- 5'-0"	3'	MIN 3' VARIES	***USE PERMIT - 23.204.130B***
REAR YARD SETBACK	2'-8"	0 - 20'-0" BLDG HT= NO MIN	0'	MIN 0' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= 5'-0"	3'	MIN 3' VARIES	***USE PERMIT - 23.204.130B***
UNITS					
RESIDENTIAL DENSITY (UNIT COUNT)					
UNIT COUNT					
STUDIO	0	-	-	121	
2-BEDROOM	0	-	-	90	
TOTAL	0	-	-	211	
BELOW MARKET RATE UNITS	0			22	15% OF BASE PROJECT UNITS ARE AFFORDABLE FOR VLI = ELIGIBLE 50% DENSITY BONUS (SEE...
PARKING					
RESIDENTIAL CAR PARKING	0	0	0	0	BMC 23.322-1
COMMERCIAL CAR PARKING	0	24,472 SF / 1,000 SF x 1.5 = 36	-	0	***USE PERMIT BMC 23.322.030(J)(2)***
ADA PARKING	0		0	0	
BIKE PARKING (COMMERCIAL)	0	24,472 SF / 2,000 SF = 12	-	0	***DENSITY BONUS WAIVER REQUESTED***
BIKE PARKING (SHORT TERM RESIDENTIAL)	1	301 / 40 = 7	-	7	2, OR 1 PER 40 BEDROOMS,WHICHEVER IS GREATER
BIKE PARKING (LONG TERM RESIDENTIAL)	2	301 / 3 = 100	-	100	1/3 BEDROOMS, BMC TABLE 23.322-90

UNIT MIX:
15% VLI FOR 50% DENSITY BONUS =
15% VLI OF 141 (BASE UNITS) = 21.15 = 22

	MR	BMR	TOTAL
STUDIO:	108	13	121
2-BEDROOM:	80	10	90

6 G000 UNIT MIX
NOT TO SCALE

PER BMC SECTION 12.80.040 NATURAL GAS INFRASTRUCTURE SHALL BE PROHIBITED IN NEWLY CONSTRUCTED BUILDINGS.

1 G000 PROJECT DESCRIPTION

THE PROPOSED PROJECT AT 2115 KITTREDGE WILL RETAIN THE ORGINAL PRIMARY SOUTH FACADE OF THE BUILDING AND CONSTRUCT A 18-STORY MIXED-USE BUILDING WITH APPROX. 160,000 SF WITH ADDITIONAL BASEMENT. THE PROPOSED BUILDING WILL INCLUDE A THEATRE OF APPROX. 20,000 SF IN THE GROUND AND SECOND FLOORS, AND (211) DWELLING UNITS. THIS DENSITY BONUS PROJECT WILL HAVE 22 AFFORDABLE UNITS. THERE WILL BE AMENITY USABLE OPEN SPACES FOR THE RESIDENTS ON THE SECOND, 16TH, 17TH, AND 18TH FLOORS.

2 G000 PROJECT TEAM

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ktgy Project Number GDC01
Contact Elwin Wong
Email ewong@ktgy.com
Principal Jessica Musick
Designer

Gilbane

Developer
GILBANE DEVELOPMENT COMPANY
649 Mission Street
5th Floor
San Francisco, CA 94105

2115 KITTREDGE ST
2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL

Client is responsible for notifying architect in writing for any discovered errors or omissions in the plans and specifications during construction of the project. Failure for Client to notify Architect of any known errors or omissions in the plans or specifications, and proceeding with constructing the portion of work shown in the plans or specifications containing known errors or omissions shall be a waiver by Client for any liability of Architect for such known errors or omissions. Client releases Architect for any liability for such portions of work, and Architect shall not be liable for any delay damages, change orders, repair costs, removal or demolition costs, or replacement of any such portions of work.

NOT FOR CONSTRUCTION

PROJECT INFORMATION

G000

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ABBREVIATIONS

&	AND
@	AT
Ø	DIAMETER OR ROUND
ABV	ABOVE
A/C	AIR CONDITIONING
AC	ASPHALTIC CONCRETE
ACC	ACCESSIBLE
ACOUS	ACOUSTICAL
ACT	ACOUSTICAL CEILING TILE
AD	AREA DRAIN
ADA	AMERICAN W/ DISABILITIES ACT
ADDM	ADDENDUM
ADJ	ADJACENT OR ADJUSTABLE
AFF	ABOVE FINISHED FLOOR
AGG	AGGREGATE
AL or ALUM	ALUMINUM
ALT	ALTERNATE
L or <	ANGLE
A.P.	ACCESS PANEL
APPROX	APPROXIMATE
ARCH	ARCHITECT(URAL)
ASPH	ASPHALT
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
BB	BULLETIN BOARD
BD	BOARD
BF	BRACE FRAME
BITUM	BITUMINOUS
BLDG	BUILIDNG
BLK	BLOCK
BLKG	BLOCKING
BLKHD	BULKHEAD
BM	BEAM
BN	BULLNOSE
BO	BOTTOM OF
BOH	BACK OF HOUSE
BOT	BOTTOM
BS	BOTTOM OF STAIR
BUR	BUILT-UP ROOF
BW	BOTTOM OF WALL
BDRY	BOUNDARY
CAB	CABINET
CAP	CAPACITY
CB	CATCH BASIC
CBU	CEMENTITIOUS BACKER UNIT
CEM	CEMENT
CER	CERAMIC
CG	CORNER GUARD
CIP	CAST-IN-PLACE
CJ	CONTROL JOINT
C	CENTER LINE
CLG	CEILING
CLO	CLOSET
CLR	CLEAR
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT OR CASED OPENING
COL	COLUMN
CONC	CONCRETE
CONST	CONSTRUCTION
CONT	CONTINUOUS
CORR	CORRIDOR
CPT	CARPET
CT	CERAMIC TILE
C.T.	COLLAR TIE
CTRL	CONTROL
CU FT	CUBIC FOOT (FEET)
CU YD	CUBIC YARD(S)
CW	COLD WATER
D	DRYER
d	DEGREE
DBH	DIAMETER AT BREAST HEIGHT
DEMO	DEMOLITION
DEPT	DEPARTMENT
DET	DETAIL
DF	DRINKING FOUNTAIN
D.F.	DOUGLAS FIR
DIA	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DISP	DISPENDER
DIV	DIVISION
DR	DOOR
DS	DOWNSPOUT
DSP	DRY STANDPIPE
DWG	DRAWING
E	EAST

ABBREVIATIONS

(E)	EXISTING
EA	EACH
EIFS	EXTERIOR INSULATION AND FINISH SYSTEM
EGSB	EXTERIOR GYPSUM SHEATHING BOARD
EJ	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
ELEV	ELEVATOR or ELEVATION
ELEVS	ELEVATIONS
EMER	EMERGENCY
ENCL	ENCLOSURE
EOS	EDGE OF SLAB
EP	ELECTRICAL PANEL BOARD
EQ	EQUAL
EQUIP	EQUIPMENT
EST	ESTIMATE
EXCAV	EXCAVATE
EXF	EXTERIOR FINISH SYSTEM
EXH	EXHAUST
EXP	EXPANSION
EXT	EXTERIOR
FA	FIRE ALARM
FBO	FURNISHED BY OTHERS
FD	FLOOR DRAIN
FDC	FIRE DEPARTMENT CONNECTION
FDMPR	FIRE DAMPER
FDN	FOUNDATION
FDR	FIRE DOOR
FE	FIRE EXTINGUISHER
FEC	FIRE EXTINGUISHER CABINET
FF	FACTORY FINISH, FINISH FACE, FINISH
FLR	
FG	FINISHED GRADE
FHC	FIRE HOSE CABINET
FIN	FINISH (ED)
FL	FLOOR
FLEX	FLEXIBLE
FLUOR	FLUORESCENT
FO	FACE OF
FOC	FACE OF CONCRETE
FOF	FACE OF FINISH
FOS	FACE OF MASONRY
FR	FACE OF STUD
FRPF	FIRE RATED
FRP	FIRE PROOF
FRT	FIBERGLASS REINFORCED STEEL
FS	FINISH SLAB
FSEC	FOOD SERVICE QUIP. CONTRACTOR
FSR	FIRE SPRINKLER RISER
FT or '	FOOT OR FEET
FTG	FOOTING
FOH	FRONT OF HOUSE
FURN	FURNITURE
FUT	FUTURE
GA	GAUGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GEN	GENERAL
GFRC	FIBER REINFORCED CONCRETE
GFRG	FIBER REINFORCED GYPSUM
GL	GLAZING
GR	GUARD RAIL
GSB	GYPSUM SHEATHING BOARD
GSM	GALVANIZED METAL SHEET
GYP	GYPSUM
GWB	GYPSUM WALLBOARD
H or HT	HEIGHT
HC	HOLLOW CORE
HCP	HANDICAP
HDR	HEADER
HDWD	HARDWOOD
HDW	HARDWARE
HM	HOLLOW METAL
HMD	HOLLOW METAL DOOR
HORIZ	HORIZONTAL
HR	HOUR or HANDRAIL
HSS	HOLLOW STRUCTURAL SECTION
HVAC	HEATING, VENTILATING, & AIR CONDITIONING
HW	HOT WATER

ABBREVIATIONS

ID	INSIDE DIAMETER or DIMESNION
IN or "	INCH or INCHES
INCL	INCLUDING
INFO	INFORMATION
INSUL	INSULATION
INT	INTERIOR
INV	INVERT
J-BOX	JUNCTION BOX
JS	JANITOR'S SINK
JST	JOIST
KEC	KITCHEN EQUIPMENT CONTRACTOR
L	LENGTH, LONG. ANGLE
LAM	LAMINATE
LH	LEFT HAND
LP	LOW POINT
LT	LIGHT
LTG	LIGHTING
LVL	LEVEL
LVR	LOUVER
LYR	LAYER
MAS	MASONRY
MAT	MATERIAL
MAX	MAXIMUM
MBSM	MODIFIED BITUMINOUS SHEET
MC	MINERAL CORE
MDF	MEDIUM DENSITY FIBERBOARD
MECH	MECHANICAL
MEMB	MEMBRANE
MTL	METAL
MFR	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
MUL	MULLION
MTD	MOUNTED
MWP	MEMBRANE WATERPROOFING
(N)	NEW
N	NORTH
NIC	NOT IN CONTRACT
NO or #	NUMBER
NOM	NOMINAL
NTS	NOT TO SCALE
NR	NON-RATED
O/	OVER
OC	ON CENTER
OCC	OCCUPANCY, OCCUPANT(S)
OD	OUTSIDE DIAMETER or DIMENSION
OFD	OVERFLOWN DRAIN
OH	OPPOSITE HAND
OPNG	OPPOSITE
OPP	OPENING
OPT	OPTIONAL or OPTIMUM
ORD	OVERFLOW ROOF DRAIN
OSCI	OWNER SUPPLIED, CONTRACTOR INSTALLED
OZ	OUNCE
PART BD	PARTICLE BOARD
PBO	PROVIDED BY OWNER
PCC	PRECAST CONCRETE
PCP	PORTLAND CEMENT PLASTER
PERF	PERFORATED
PL	PLATE or PROPERTY LINE
P-LAM	PLASTIC LAMINATE
PLAS	PLASTER
PLYWD	PLYWOOD
PNL	PANEL
POL	POLISHED
PR	PAIR
PRC	POLYMER REINFORCED CONCRETE
PREFAB	PREFABRICATED
PRKG	PARKING
PSD	PARKING STRUCTURE DRAWINGS
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
PTD	PAINTED
PT	POINT
PTN	PARTITION
PVMT	PAVEMENT
R	RADIUS or RISER
(R)	REMOVE
RA	RETURN AIR
RC	REINFORCED CONCRETE
RD	ROOF DRAIN

ABBREVIATIONS

REC	RECESSED
REF	REFERENCE
REFL	REFLECTED or REFLECTIVE
REG	REGISTER
REINF	REINFORCED
REQD	REQUIRED
RESIL	RESILIENT
REV	REVISION
RH	RIGHT HAND or ROOF HATCH
RM	ROOM
RO	ROUGH OPENING
RTU	ROOF TOP UNIT
RWL	RAIN WATER LEADER
RV	ROOF VENT
S	SOUTH
SA	SUPPLY AIR
SAB	SOUND ATTENUATION BLANKET
SC	SOLID CORE
SCHED	SCHEDULE
SCP	SCUPPER
SD	STORM DRAIN
SECT	SECTION
SEP JT	SEPARATION JOINT
SF	SQUARE FEET
SHT	SHEET
SHTHG	SHEATHING
SHM	SELF HEALING MEMBRANE
SHV	SHELVING
SI or IN²	SQUARE INCHES
SIM	SIMILAR
SKYLT	SKYLIGHT
SLNT	SEALANT
SP	STANDPIPE
SPEC	SPECIFICATION
SQ	SQUARE
SS	STAINLESS STEEL
SED #___	SEE ELECTRICAL DRAWING
SMD #___	SEE MECHANICAL DRAWING
SSD #___	SEE STRUCTURAL DRAWING
STD	STANDARD
STL	STEEL
STN	STAIN
STRUC	STRUCTURAL
SUSP	SUSPENDED
SYMM	SYMMETRICAL
T	TEMPERED
T	TREAD
TA	TOILET ACCESSORY
TBD	TO BE DETERMINED
TD	TRENCH DRAIN
TEL	TELEPHONE
TEMP	TEMPERED
T&G	TOUNGUE AND GROOVE
THK	THICK
THRU	THROUGH
TC	TOP OF CURB
TO	TOP OF
TOC	TOP OF CONCRETE
TOP	TOP OF PARAPET
TOPO	TOPOGRAPHIC
TOS	TOP OF STEEL
TP	TOP OF PAVEMENT
TS	TOP OF STAIR
TV	TELEVISION
TW	TOP OF WALL
TYP	TYPICAL
UBC	UNIFORM BUILDING CODE
UC	UNDER CUT
UFC	UNIFROM FIRE CODE
UL	UNDERWRITER'S LABORATOR
UNF	UNFINISHED
UNO or UON	UNLESS NOTED OTHERWISE
VERT	VERTICAL
VG	VERTICAL GRAIN
VIF	VERIFY IN FIELD
VWC	VINYL WALL COVERING
W	WEST or WIDTH or WASHER
W/	WITH
WC	WATER CLOSET
WD	WOOD
WDW	WINDOW
WH	WEEP HOLE or WATER HEATER
W/I	WITHIN

SHEET LIST

SHEET #	SHEET NAME	ENTITLEMENTS 09/26/2023
GENERAL		
G000	PROJECT INFORMATION	•
G001	DRAWING INDEX, SYMBOLS & ABBREVIATIONS	•
G002.A	DENSITY BONUS CALCS - BASE	•
G002.B	DENSITY BONUS CALCS - PROPOSED	•
G003	LOT COVERAGE, USABLE OPEN SPACE CALCS	•
G004	EXISTING SITE PHOTOS	•
G005	THEATER FACADE PRESERVATION	•
G006	THEATER FACADE LIGHTING PROPOSAL	•
G007	STREET STRIP ELEVATION	•
G008	SHADOW STUDIES - DEC 22	•
G009	SHADOW STUDIES - JUNE 21	•
G010	SHADOW STUDIES - SEPT 22	•
G011	GREENPOINT RATED CHECKLIST	•
G012	TERRACE VIEWS AND PERSPECTIVES	•
G013	PERSPECTIVE CONTEXT RENDERINGS	•
G014	NIGHT RENDERING	•
CIVIL		
C000	NOTES, LEGEND, & ABBREVIATIONS	•
C001	TOPOGRAPHIC SURVEY	•
C100	DEMOLITION PLAN	•
C200	SITE AND GRADING PLAN	•
C300	UTILITY PLAN	•
C400	STORMWATER MANAGEMENT PLAN	•
C500	CONSTRUCTION DETAILS	•
C501	CONSTRUCTION DETAILS	•
C502	CONSTRUCTION DETAILS	•
C503	CONSTRUCTION DETAILS	•
C600	WATER POLLUTION CONTROL DRAWINGS	•
C601	WATER POLLUTION CONTROL DETAILS	•
LANDSCAPE		
L100	CALGREEN / BAY FRIENDLY CHECKLIST	•
L101	GROUND FLOOR MATERIALS PLAN	•
L102	14TH FLOOR MATERIALS PLAN	•
L103	15TH FLOOR MATERIALS PLAN	•
L200	PLANTING SCHEDULE	•
L201	GROUND FLOOR PLANTING PLAN	•
L202	14TH FLOOR PLANTING PLAN	•
L203	15TH FLOOR PLANTING PLAN	•
L300	IRRIGATION SCHEDULE AND CALCULATIONS	•
L301	GROUND FLOOR IRRIGATION PLAN	•
L302	14TH FLOOR IRRIGATION PLAN	•
L303	15TH FLOOR IRRIGATION PLAN	•

SHEET LIST

SHEET #	SHEET NAME	ENTITLEMENTS 09/26/2023
L304	IRRIGATION DETAILS	•
ARCHITECTURAL		
A100	SITE PLAN	•
A101	BASEMENT 2 FLOOR PLAN	•
A102	BASEMENT 1 FLOOR PLAN	•
A103	GROUND FLOOR PLAN	•
A104	LEVEL 2 FLOOR PLAN	•
A105	LEVEL 3 FLOOR PLAN	•
A106	LEVEL 4 FLOOR PLAN	•
A107	LEVEL 5,7,9,11,13 FLOOR PLAN	•
A108	LEVEL 6,8,10,12,14 FLOOR PLAN	•
A109	LEVEL 15 FLOOR PLAN	•
A110	LEVEL 16 FLOOR PLAN	•
A111	LEVEL 17 FLOOR PLAN	•
A112	LEVEL 18 FLOOR PLAN	•
A113	ROOF FLOOR PLAN	•
A201	SOUTH EXTERIOR ELEVATION	•
A202	EAST EXTERIOR ELEVATION	•
A203	WEST EXTERIOR ELEVATION	•
A204	NORTH EXTERIOR ELEVATION	•
A205	EXTERIOR ELEVATION MATERIALS	•
A211	SOUTH FACADE LIGHTING & SIGNAGE	•
A212	EAST FACADE LIGHTING & SIGNAGE	•
A213	WEST FACADE LIGHTING & SIGNAGE	•
A214	NORTH FACADE LIGHTING SIGNAGE	•
A215	SOUTH FACADE SIGNAGE	•
A310	BUILDING SECTIONS	•

VIEW NO. ON SHEET — 1 / A100 — SHEET NO. — VIEW REFERENCE

1 / A101 — SECTION REFERENCE

1 / A100 — DETAIL SECTION REFERENCE

1 / A000 — ELEVATION REFERENCE

1 Ref / Ref / A101 / Ref / 1 Ref — INTERIOR ELEVATION REFERENCE

1 / A100 — ENLARGED PLAN / DETAIL REFERENCE

PROJECT NORTH / TRUE NORTH — NORTH ARROW

REVISION CLOUD

? — KEY NOTE: SEE LEGEND ON DRAWINGS FOR EXPLANATION OF EACH NOTE

1i — WALL, FLR/CLG, AND ROOF TYPE

###A — DOOR SYMBOL

BB — WINDOW SYMBOL

1i — PLUMBING FIXTURE / APPLIANCE SYMBOL

— FINISH REFERENCE

10' - 0" — DIMENSION TO FACE OF STUD, UNO

10' - 0" — DIMENSON TO CENTERLINE

10' - 0" — DIMENSON TO FACE OF FINISH

ALIGN — ALIGN FACE OF FINISH

DATUM REFERENCE: ELEVATION, WORK, OR CONTROL

ELEVATION CHANGE: CEILING OR FLOOR LEVEL

+ 0' - 0" — SPOT ELEVATION

GRAPHIC SYMBOLS

ktgy
Architecture | Branding | Interiors | Planning
1814 Franklin St
Suite 400
Oakland, CA 94612
ktgy.com
510.272.2910

ktgy Project Number	GDC01
Contact	Elwin Wong
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Principal	Jessica Musick
Designer	

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Developer
GILBANE DEVELOPMENT COMPANY
649 Mission Street
5th Floor
San Francisco, CA 94105

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
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DRAWING INDEX, SYMBOLS & ABBREVIATIONS

G001

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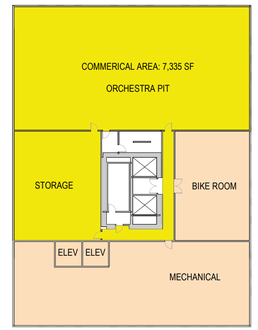
DENSITY BONUS TABLE

Base Project	Base # Units	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Total Units
sq. ft. - see calculation below	base project/avg. unit size	Base Units/Max. Residential Density...	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	base unit + DB Units (rounded up)
91,100	140.82	141.00	15%	21.15	22.00	50.00%	70.50	71	212

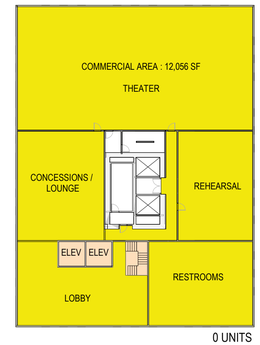
Base Project Square Footage	Floor
0	basement 2
0	basement 1
11,664	first
11,348	second
11,348	third
11,348	fourth
11,348	fifth
11,348	sixth
11,348	seventh
11,348	eighth

LEGEND:

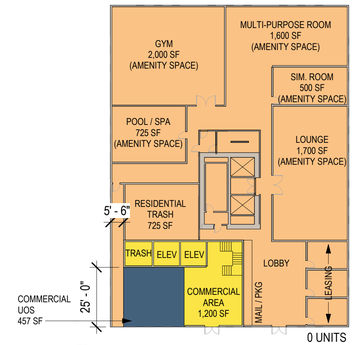
- COMMERCIAL AREA
- RESIDENTIAL AREA (BASE)
- NON-QUALIFYING RESIDENTIAL AREA (BASE)
- COMMERCIAL USABLE OPEN SPACE



B2 G002.A BASEMENT
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



B1 G002.A BASEMENT
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



1 G002.A 1ST FLOOR
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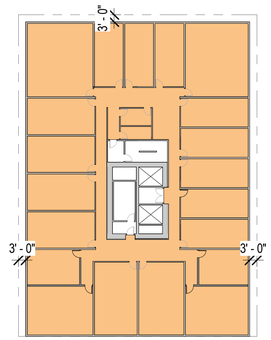

2 G002.A 2ND FLOOR
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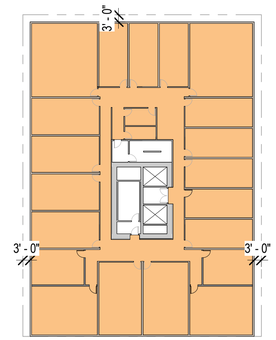
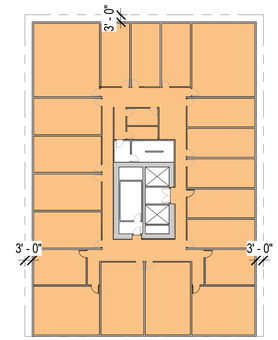


3 G002.A 3RD FLOOR
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



4 G002.A 4TH FLOOR
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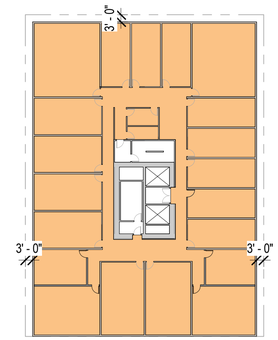
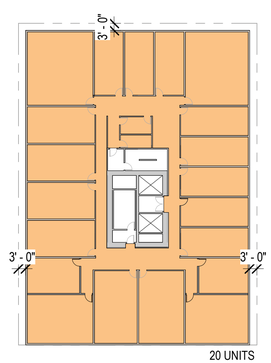
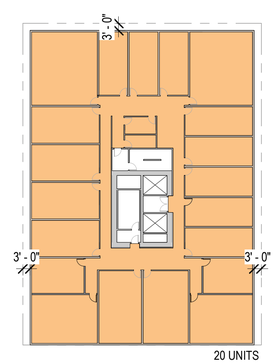


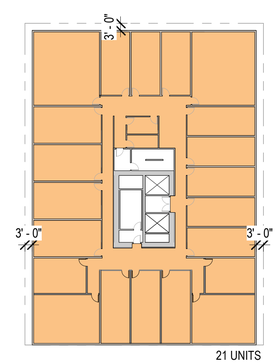
5 G002.A 5TH FLOOR
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



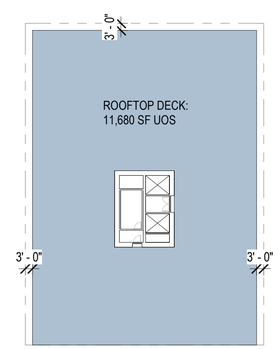
6 G002.A 6TH FLOOR
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



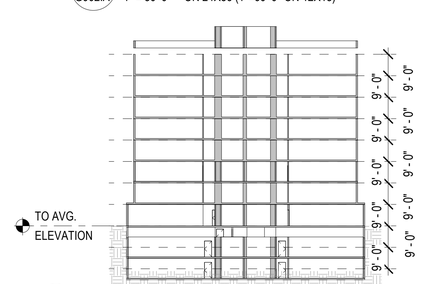
7 G002.A ROOF TOP
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



8 G002.A 8TH FLOOR
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



9 G002.A ROOFTOP DECK
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



10 G002.A Density Bonus Base
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DENSITY BONUS CALCS - BASE

G002.A

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11,348	seventh
11,348	eighth

PROJECT DENSITY CALCULATIONS

Area Schedule (Project Density Calc) Sorted by Level Residential Only

Level	Name	Area
BASEMENT LEVEL B1	RESIDENTIAL AREA CONFORMING	1963.51 SF
LEVEL 1	RESIDENTIAL AREA CONFORMING	2396.26 SF
LEVEL 2	RESIDENTIAL AREA CONFORMING	3181.84 SF
LEVEL 3	RESIDENTIAL AREA CONFORMING	4626.56 SF
LEVEL 4	RESIDENTIAL AREA CONFORMING	9712.46 SF
LEVEL 5	RESIDENTIAL AREA CONFORMING	9257.85 SF
LEVEL 6	RESIDENTIAL AREA CONFORMING	9255.79 SF
LEVEL 7	RESIDENTIAL AREA CONFORMING	9257.85 SF
LEVEL 8	RESIDENTIAL AREA CONFORMING	9255.79 SF
LEVEL 9	DB RESIDENTIAL	9257.85 SF
LEVEL 10	DB RESIDENTIAL	9255.79 SF
LEVEL 11	DB RESIDENTIAL	9257.85 SF
LEVEL 12	DB RESIDENTIAL	9255.79 SF
LEVEL 13	DB RESIDENTIAL	9257.85 SF
LEVEL 14	DB RESIDENTIAL	9255.79 SF
LEVEL 15	DB RESIDENTIAL	9257.85 SF
LEVEL 16	DB RESIDENTIAL	5362.07 SF
LEVEL 17	DB RESIDENTIAL	3814.69 SF
LEVEL 18	DB RESIDENTIAL	3478.58 SF
TOTAL RESIDENTIAL AREA:		136362.06 SF

Area Schedule (Project Density Calc) Sorted by Level Commercial Only

Level	Name	Area
BASEMENT LEVEL B1		
BASEMENT LEVEL B1	COMMERCIAL AREA	8940.29 SF
LEVEL 1		
LEVEL 1	COMMERCIAL AREA	8285.82 SF
LEVEL 2		
LEVEL 2	COMMERCIAL AREA	7246.86 SF
TOTAL COMMERCIAL AREA:		24472.97 SF

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DENSITY BONUS CALCS - PROPOSED

G002.B

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PROJECT DENSITY CALCULATIONS

Area Schedule (Project Density Calc) Sorted by Level Commercial Usable Open Space Only		
Level	Name	Area
LEVEL 1	COMMERCIAL UOS	712.32 SF
		712.32 SF

NON-RESIDENTIAL USES
24,877 SF / 50 = 497 SF UOS
PROPOSED COMMERCIAL UOS = 712 SF UOS

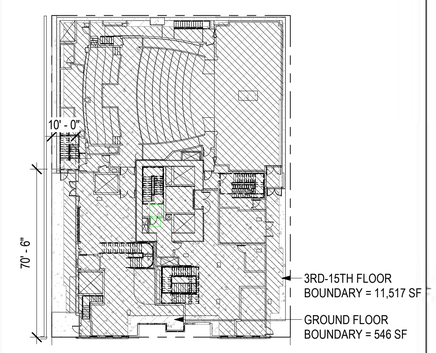
Area Schedule (Project Density Calc) Sorted by Level Usable Open Space Only		
Level	Name	Area
LEVEL 2	DB RESIDENTIAL UOS	529.51 SF
LEVEL 4	DB PRIVATE UOS	731.15 SF
LEVEL 6	DB PRIVATE UOS	243.67 SF
LEVEL 8	DB PRIVATE UOS	243.67 SF
LEVEL 10	DB PRIVATE UOS	243.67 SF
LEVEL 12	DB PRIVATE UOS	243.67 SF
LEVEL 14	DB PRIVATE UOS	243.67 SF
LEVEL 16	DB PRIVATE UOS	47.50 SF
LEVEL 16	DB RESIDENTIAL UOS	4158.77 SF
LEVEL 17	DB RESIDENTIAL UOS	3908.52 SF
LEVEL 18	DB PRIVATE UOS	47.60 SF
LEVEL 18	DB RESIDENTIAL UOS	2892.04 SF
RESIDENTIAL UOS TOTAL		13533.47 SF

RESIDENTIAL
211 UNITS x 80 SF = 16,880 SF
PROPOSED COMMON = 11,488 SF
PROPOSED PRIVATE = 2,045 SF
RESIDENTIAL TOTAL = 13,533 SF

LANDSCAPED UOS (RESIDENTIAL)
40% OF COMMON UOS
REQUIRED: 40% OF 11,488 (COMMON) = 4,595
PROPOSED: 7% OF 11,488 (COMMON) = 890

LOT COVERAGE CALCUALTIONS

MAX. BLDG. BOUNDRY AREA	
11,517 SF + 546 SF	=12,063 SF
LOT SIZE	= 13,500 SF
LOT COVERAGE =12,063/13,500	**= 89%**



1 GROUND FLOOR
G003 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)

COMMERCIAL UOS
DB PRIVATE UOS
DB RESIDENTIAL UOS

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LOT COVERAGE, USABLE OPEN SPACE CALCS

G003

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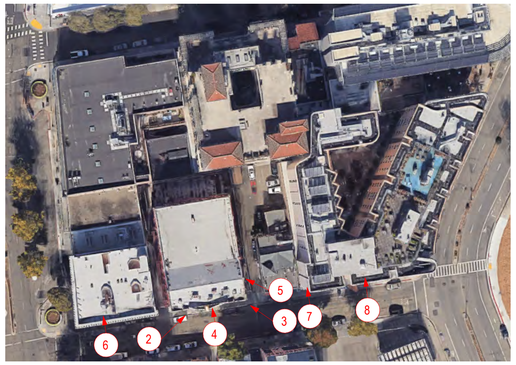
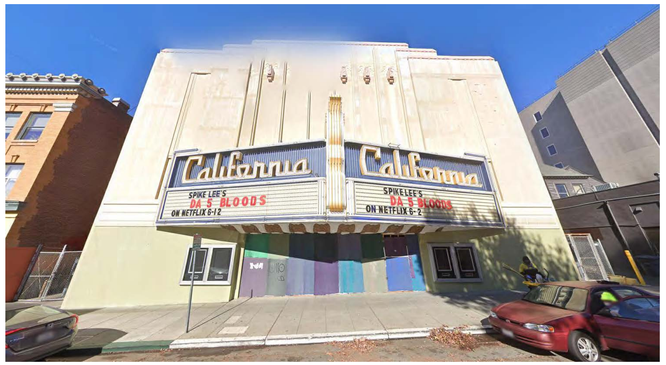


1 2115 KITTREDGE STREET SITE CONTEXT PHOTO KEY
1" = 1'-0"

2 STREET VIEW LOOKING NORTH

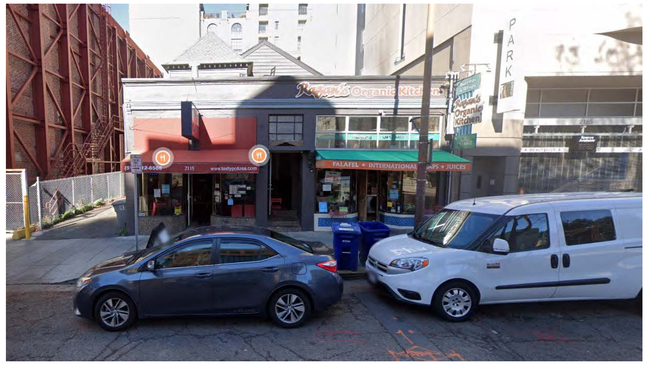
3 STREET VIEW LOOKING WEST



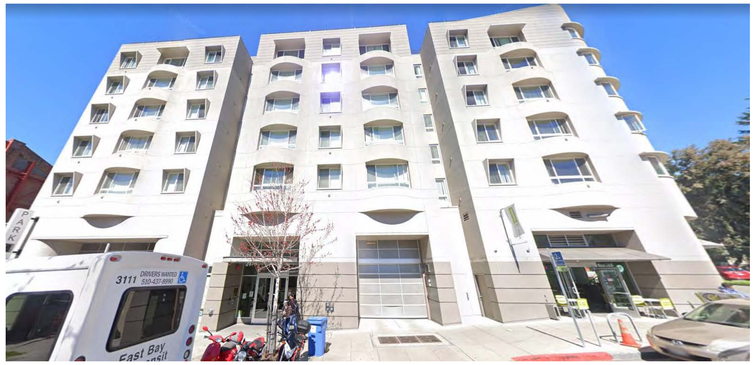
4 STREET VIEW LOOKING NORTHWEST

5 EAST SIDEYARD LOOKING WEST

6 2231 SHATTUCK



7 2115 & 2119 KITTREDGE



8 2165 & 2177 KITTREDGE

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EXISTING SITE PHOTOS

G004

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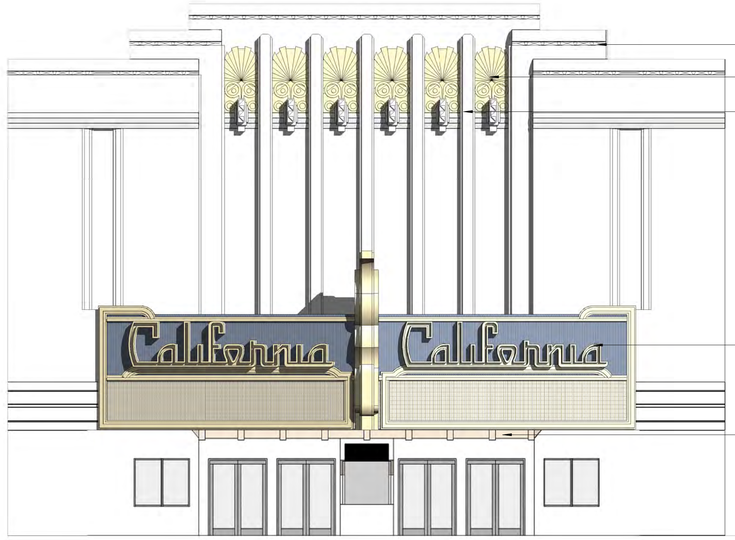
EXISTING THEATER FACADE

HISTORICAL THEATER FACADE



PRESERVE AND RESTORE EXISTING DECORATIVE CORNICE ELEMENTS

PRESERVE AND RESTORE EXISTING DECORATIVE COINS

PRESERVE AND RESTORE EXISTING DECORATIVE PILASTERS

PRESERVE AND RESTORE EXISTING THEATER MARQUEE

REPLACE & RECREATE EXISTING THEATER MARQUEE SOFFIT (REMOVAL REQUIRED FOR CONSTRUCTION)

2 G005 EXISTING THEATER FACADE MODIFICATIONS
1/8" = 1'-0"

ALTERNATIVE RAIL OPTION AT MARQUEE BALCONY

PROPOSED SAWCUT AND WINDOW INFILL AT EXISTING FACADE

PROPOSED SAWCUT AND OPENING AT EXISTING FACADE FOR 2ND FLOOR MARQUEE BALCONY ACCESS

PROPOSED SAWCUT AND WINDOW INFILL AT EXISTING FACADE RECESS

PROPOSED GLASS RAILING WITH BACKLIT EDGE AT MARQUEE BALCONY

PROPOSED MATTE FINISH PROJECTING SIGN. FACE OF SIGN TO BE MAXIMUM 12 S.F.

REPLACE & RECREATE STOREFRONT AT RESIDENTIAL LOBBY, THEATER ENTRANCE AND THEATER TICKET BOOTH

RESTORE EXISTING POSTER DISPLAY WITH NEW WINDOW INFILL

1 G005 PROPOSED THEATER FACADE MODIFICATIONS
1/8" = 1'-0"

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THEATER FACADE PRESERVATION

G005

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EXISTING THEATER FACADE

HISTORICAL THEATER FACADE

NEW LED WASH LIGHTING AT TOP OF EXISTING FACADE

NEW LED WASH LIGHTING ABOVE EXISTING RECESSED PANEL

RESTORE EXISTING MARQUEE NEON WITH ORIGINAL NEON LIGHTING

PROPOSED GLASS RAILING WITH BACKLIT EDGE AT MARQUEE BALCONY

NEW LED BLADE SIGN LIGHTING

RETAIN EXISTING MARQUEE LETTERING WITH ORIGINAL NEON LIGHTING

NEW LED STRIP LIGHTING AT EXISTING HORIZONTAL BAND

1 G006 PROPOSED THEATER FACADE MODIFICATIONS
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THEATER FACADE
LIGHTING PROPOSAL

G006

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2 G007 (N) STREET STRIP ELEVATIONS
3/4" = 1'-0"

1 G007 (E) STREET STRIP ELEVATIONS
NOT TO SCALE

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ktgy Project Number	GDC01
Contact	Elwin Wong
Email	ewong@ktgy.com
Principal	Jessica Musick
Designer	

Gilbane

Developer
GILBANE
DEVELOPMENT
COMPANY
649 Mission Street
5th Floor
San Francisco, CA
94105

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL

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STREET STRIP ELEVATION

G007

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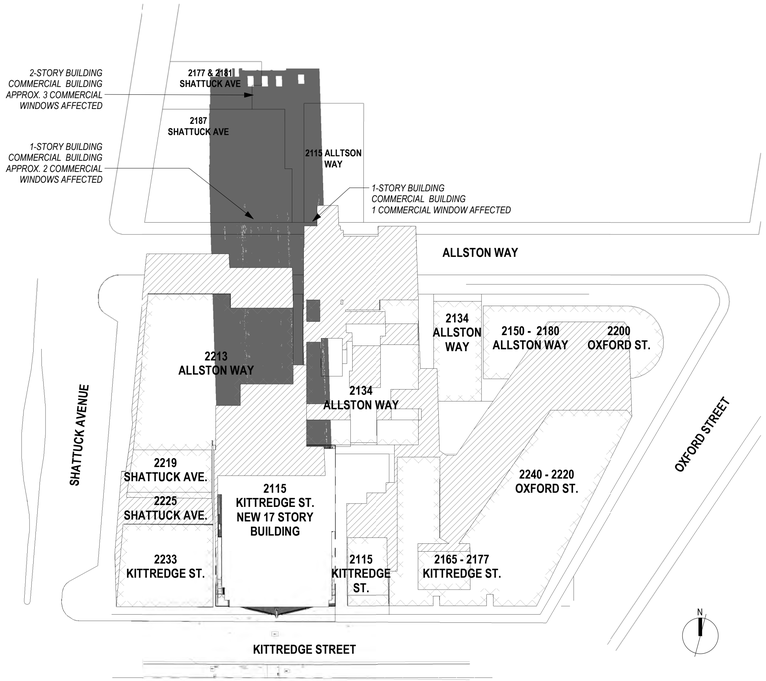
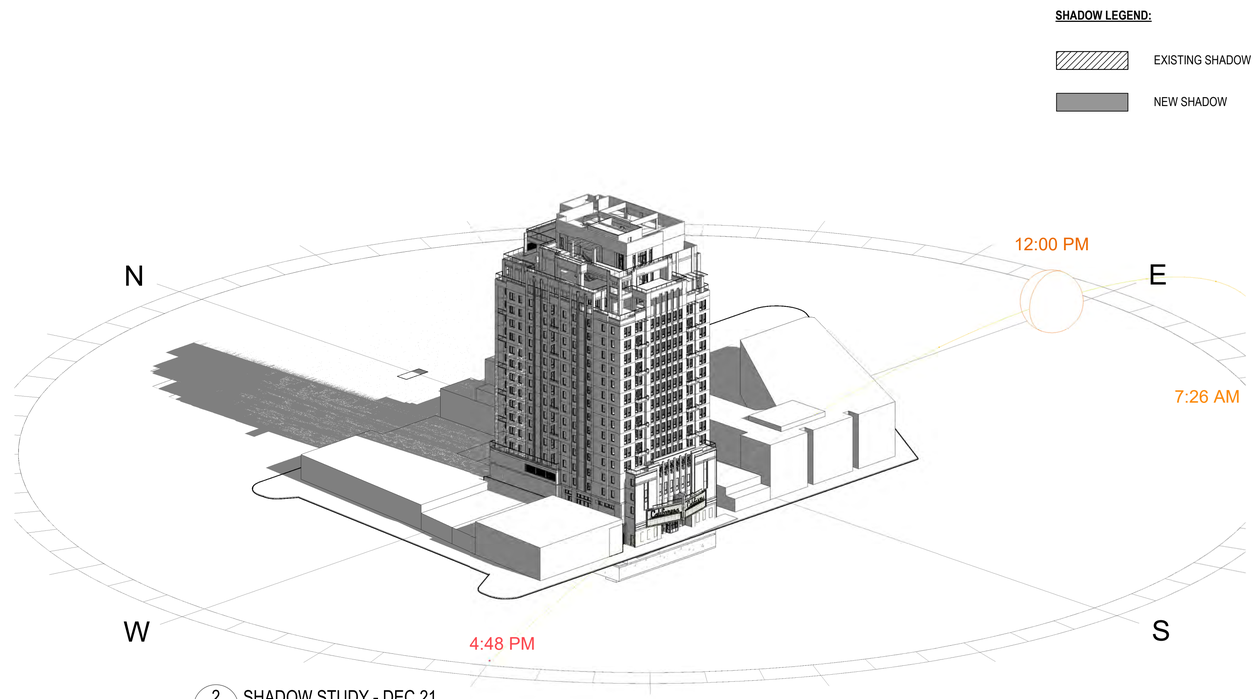
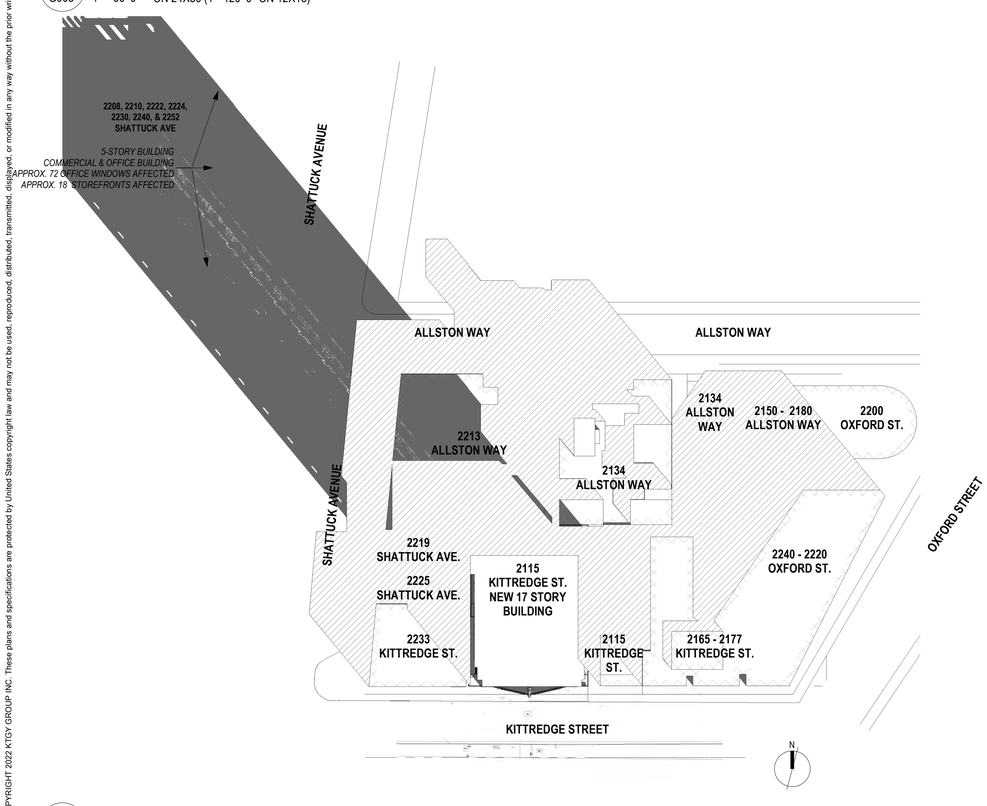


1 G008 12/21 PROPOSED NOON

1" = 60'-0" ON 24X36 (1"=120'-0" ON 12X18)



2 G008 SHADOW STUDY - DEC 21



3 G008 12/21 PROPOSED 9 21 AM

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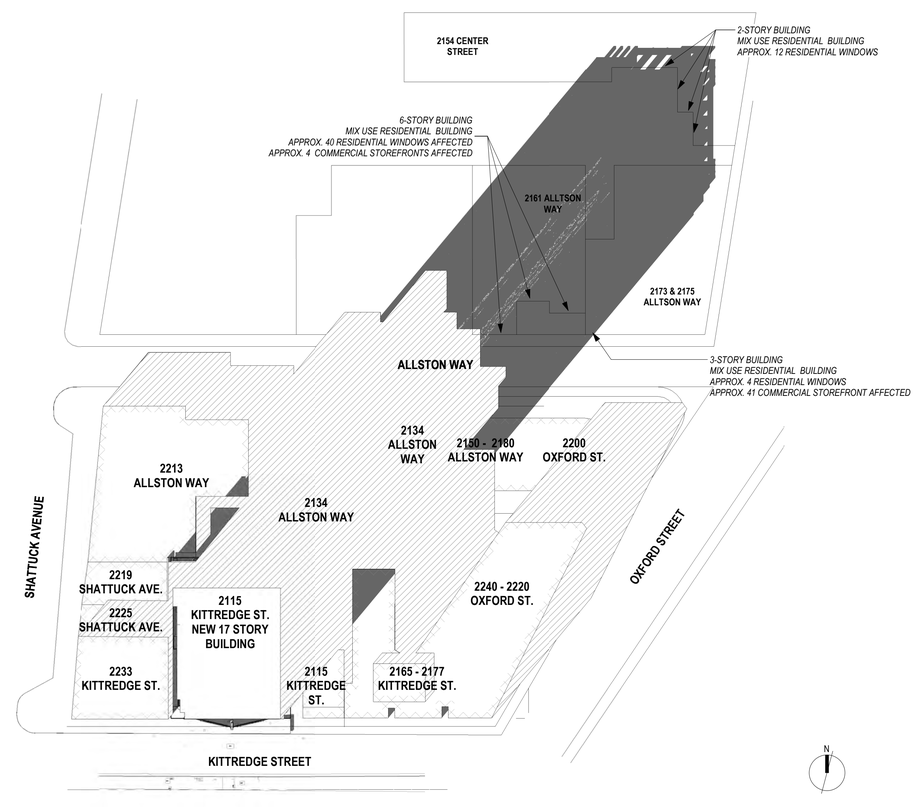

4 G008 12/21 PROPOSED 2 54 PM

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December 2023

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SHADOW STUDIES - DEC 22

G008

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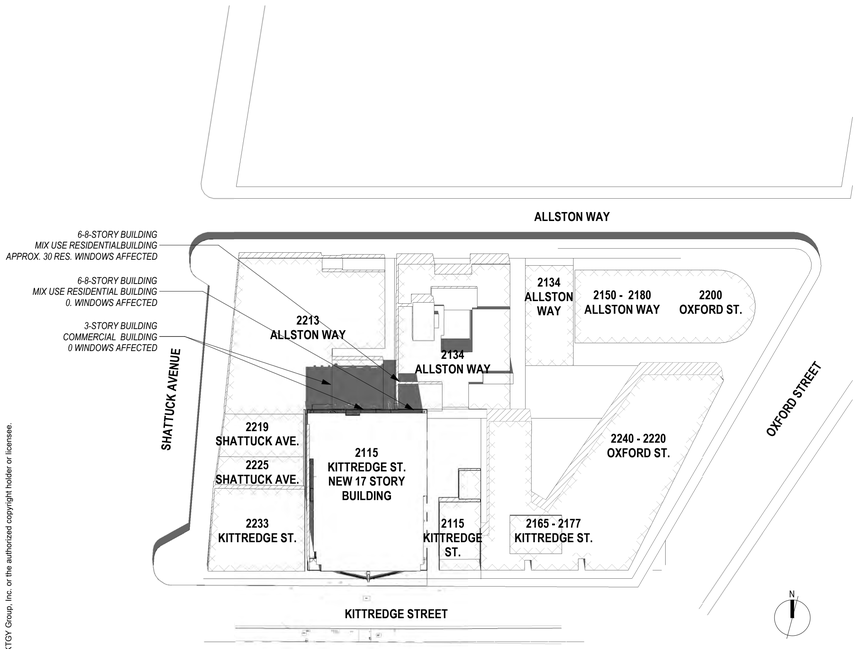

1 G009 06/21 PROPOSED NOON
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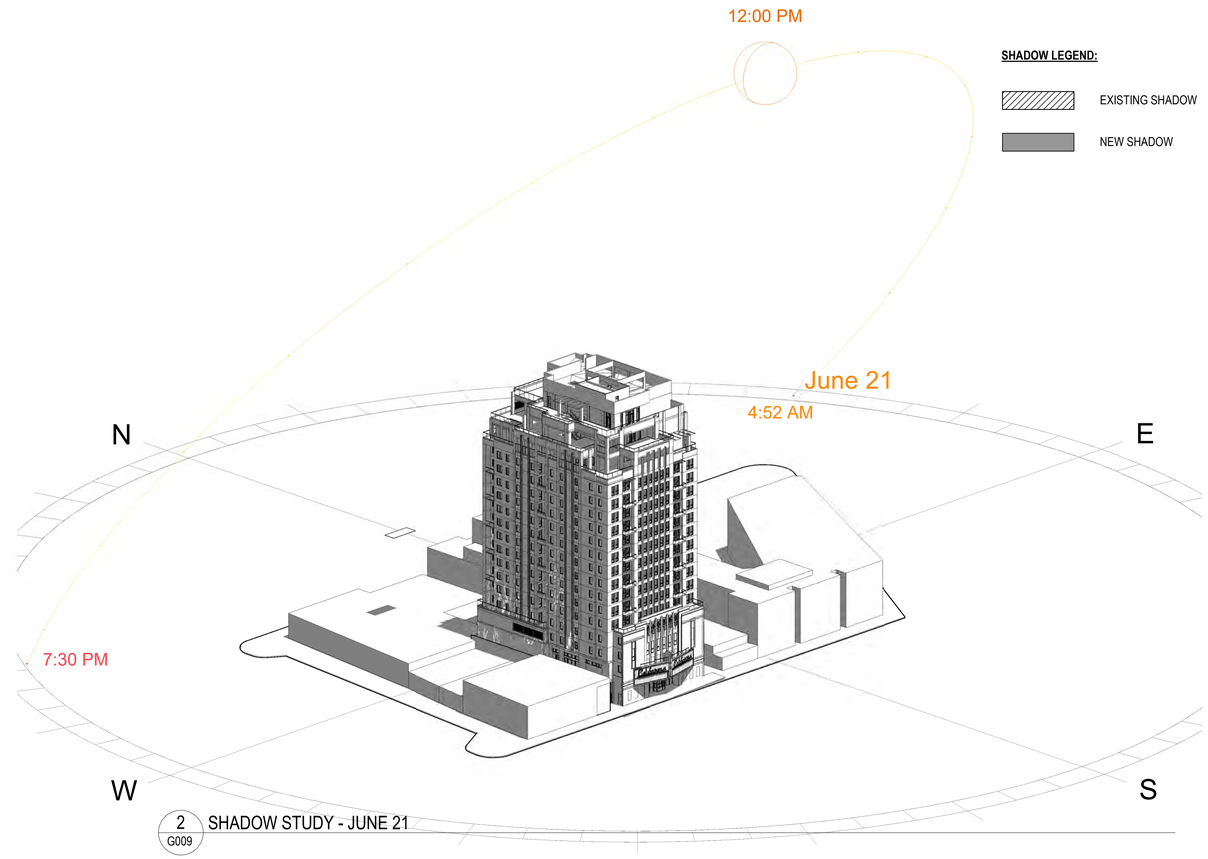
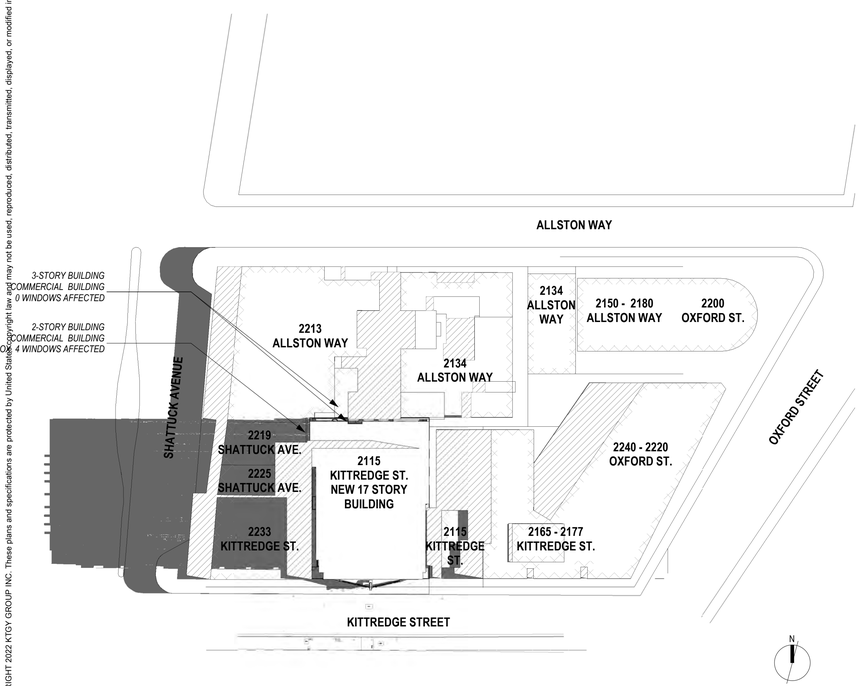


2 G009 SHADOW STUDY - JUNE 21

SHADOW LEGEND:

EXISTING SHADOW

NEW SHADOW



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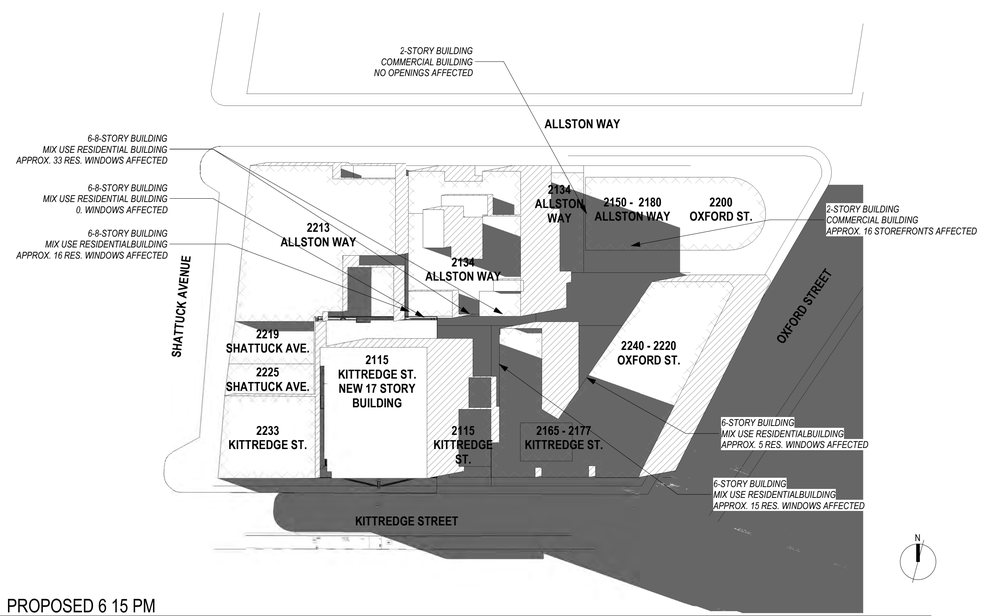

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SHADOW STUDIES - JUNE 21

G009

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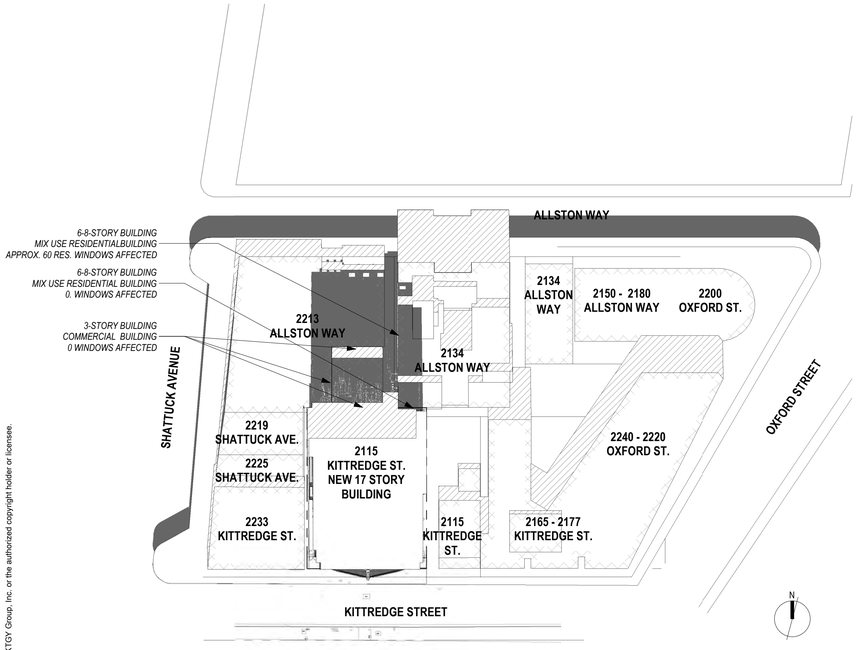

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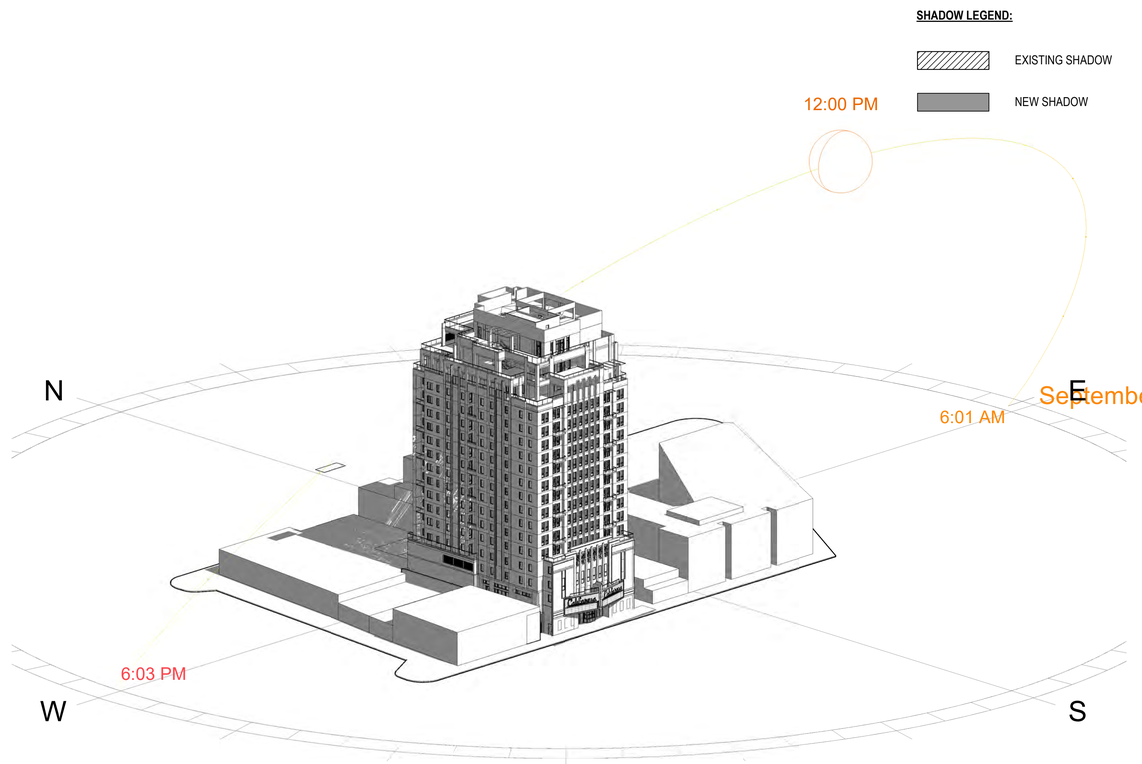
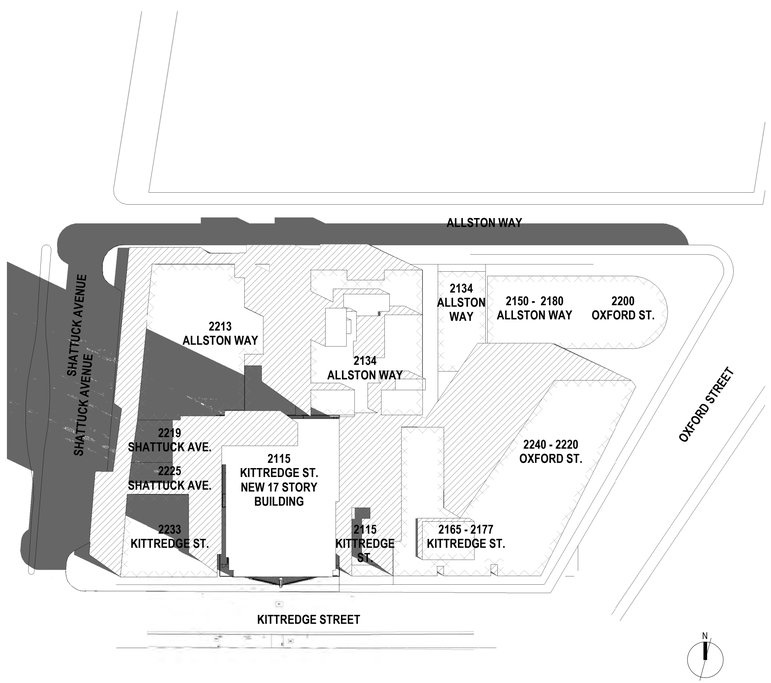


2 G010 SHADOW STUDY - SEPT 22



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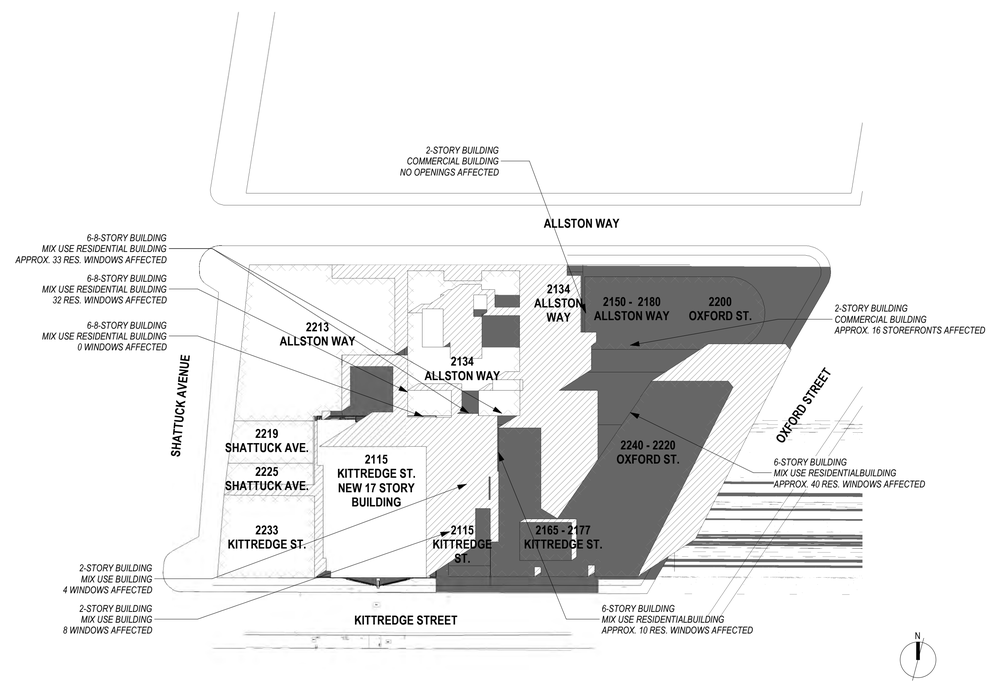

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SHADOW STUDIES - SEPT 22

G010

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NEW HOME RATING SYSTEM, VERSION 8.0

MULTIFAMILY CHECKLIST

Points Targeted: 157
Certification Level Targeted: Platinum
Compliance Pathway Targeted: All Electric High-Rise

The GreenPoint Rated checklist tracks green features incorporated into the home. GreenPoint Rated is administered by Build It Green, a non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Community (2) Energy (25), Indoor Air Quality/Health (6), Resources (6), and Water (6); and meet the prerequisites CALGreen Mandatory, E5.2 , H6.1, J5.1, O1, O7.

Directions for Use: Column A is a dropdown menu with the options of "Yes", "No", or "TBD" or a range of percentages to allocate points. Select the appropriate dropdown and the appropriate points will appear in the blue "points achieved" column.

The criteria for the green building practices listed below are described in the GreenPoint Rated New Home Rating Manual.
For more information please visit **www.builditgreen.org/greenpointrated**
Build It Green is not a code enforcement agency.

A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.

New Home Multifamily Version 8

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
			Possible Points					
CALGreen								
Yes	**CALGreen Res (REQUIRED)**	4		1	1	1	1	
A. SITE								
No	**A1. Construction Footprint** (Site Preservation Plan Beyond Local Ordinance OR 40% of Site Undeveloped and Undisturbed)	0				1		
	A2. Job Site Construction Waste Diversion							
Yes	A2.1 70% C&D Waste Diversion **(Including** Alternative Daily Cover)	2				2		
Yes	A2.2 Recycling Rates from Third-Party Verified Mixed-Use Waste Facility	1				1		
No	**A3. Recycled Content Base Material** (Minimum 25% Post-Consumer Content)	0				1		
No	**A4. Heat Island Effect Reduction (Non-Roof)**	0		1				
No	**A5. Construction Environmental Quality Management Plan Including Flush-Out**	0			1			
	A6. Stormwater Control: Prescriptive Path							
No	A6.1 Permeable Paving Material	0					1	
Yes	A6.2 Filtration and/or Bio-Retention Features	1					1	
Yes	A6.3 Non-Leaching Roofing Materials	1					1	
No	A6.4 Smart Stormwater Street Design	0	1					
No	**A7. Stormwater Control: Performance Path** (Capture and Treat 85% of Annual Runoff Onsite)	0					3	
B. FOUNDATION								
Yes	**B1. Fly Ash and/or Slag in Concrete** (Minimum of 30%)	1				1		
Yes	**B2. Radon-Resistant Construction**	2			2			
Yes	**B3. Foundation Drainage System**	2				2		
No	**B4. Moisture Controlled Crawlspace**	0			1			
	B5. Structural Pest Controls							
No	B5.1 Termite Shields and Separated Exterior Wood-to-Concrete Connections	0				1		
No	B5.2 Plant Trunks, Bases, or Stems at Least 36 Inches from the Foundation	0				1		
C. LANDSCAPE								
6.70%	Enter the landscape area percentage. Points capped at 3 for less than 15%.							
No	**C1. Plants Grouped by Water Needs (Hydrozoning)**	0					1	
No	**C2. Three Inches of Mulch in Planting Beds**	0					1	
	C3. Resource Efficient Landscapes							
Yes	C3.1 No Invasive Species Listed by Cal-IPC	1				1		
Yes	C3.2 Plants Chosen and Located to Grow to Natural Size (Limited Maintenance)	1				1		
Yes	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other Appropriate Species	1					3	
	C4. Minimal Turf in Landscape							
Yes	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide	0					2	
No	C4.2 Turf on a Small Percentage of Landscaped Area	0					2	
No	**C5. Trees to Moderate Building Temperature** (at least 50% of West Facing Glazing and Walls Shaded)	0		1	1		1	
Yes	**C6. High-Efficiency Irrigation System**	0					2	
No	**C7. One Inch of Compost in the Top Six to Twelve Inches of Soil** (with Soil Testing)	0					2	
No	**C8. Rainwater Harvesting System**	0					3	

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
No	**C9. Recycled Wastewater Irrigation System**	0					1	
Yes	**C10. Submeter or Dedicated Meter for Landscape Irrigation**	0					2	
TBD	**C11. Landscape Meets Water Budget**						1	
	C12. Environmentally Preferable Materials for Site							
No	C12.1 Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing	0				1		
No	C12.2 Play Structures and Surfaces Have an Average Recycled Content ≥ 20%	0				1		
TBD	**C13. Reduced Light Pollution** (Exterior lighting fixtures shielded and directed downward)		1					
No	**C14. Large Stature Tree(s)**	0	1					
No	**C15. Third Party Landscape Program Certification**	0					1	
No	**C16. Maintenance Contract with Certified Professional** (Bay-Friendly Qualified Professional or Equiv.)	0					1	
No	**C17. Community Garden**	0	2					
D. STRUCTURAL FRAME AND BUILDING ENVELOPE								
	D1. Optimal Value Engineering							
No	D1.1 Joists, Rafters, and Studs at 24 Inches on Center	0		1		2		
No	D1.2 Non-Load Bearing Door and Window Headers Sized for Load	0				1		
No	D1.3 Advanced Framing Measures	0				2		
No	**D2. Construction Material Efficiencies** (Pre-assembled wall and roof framing for at least 80% of project)	0				1		
	D3. Engineered Lumber							
No	D3.1 Engineered Beams and Headers	0				1		
No	D3.2 Wood I-Joists or Web Trusses for Floors	0				1		
No	D3.3 Engineered Lumber for Roof Rafters	0				1		
No	D3.4 Engineered or Finger-Jointed Studs for Vertical Applications	0				1		
No	D3.5 OSB for Subfloor	0				0.5		
No	D3.6 OSB for Wall and Roof Sheathing	0				0.5		
No	**D4. Insulated Headers**	0		1				
	D5. FSC-Certified Wood							
No	D5.1 Dimensional Lumber, Studs, and Timber	0				6		
No	D5.2 Panel Products	0				3		
	D6. Solid Wall Systems							
Yes	D6.1 At Least 90% of Floors	1				1		
Yes	D6.2 At Least 90% of Exterior Walls	2		1		1		
Yes	D6.3 At Least 90% of Roofs	2		1		1		
No	**D7. Energy Heels on Roof Trusses**	0		1				
No	**D8. Overhangs and Gutters**	0		1		1		
	D9. Reduced Pollution Entering the Home from the Garage							
Yes	D9.1 Detached Garage	2			2			No Garage Provided
No	D9.2 Mitigation Strategies for Attached Garage	0			1			
	D10. Structural Pest and Rot Controls							
Yes	D10.1 All Wood Located At Least 12 Inches Above the Soil	1				1		
No	D10.2 Wood Framing Treating With Borates or Factory-Impregnated, or Wall Materials Other Than Wood	0				1		
No	**D11. Moisture-Resistant Materials in Wet Areas (such as Kitchen, Bathrooms, Utility Rooms, and Basements)**	0			1	1		
E. EXTERIOR								
Yes	**E1. Environmentally Preferable Decking**	1				1		
No	**E2. Flashing Installation Third-Party Verified**	0				2		
Yes	**E3. Rain Screen Wall System**	2				2		
Yes	**E4. Durable and Non-Combustible Cladding Materials**	1				1		
	E5. Durable Roofing Materials							
Yes	E5.1 Durable and Fire Resistant Roofing Materials or Assembly	1				1		
Yes	E5.2 Roofing Warranty for Shingle Roofing	Y	R	R	R	R	R	
No	**E6. Vegetated Roof**	0	2	2				

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	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
F. INSULATION								
	F1. Insulation with 30% Post-Consumer or 60% Post-Industrial Recycled Content							
Yes	F1.1 Walls and Floors	0.5				0.5		
Yes	F1.2 Ceilings	0.5				0.5		
	F2. Insulation that Meets the CDPH Standard Method—Residential for Low Emissions							
Yes	F2.1 Walls and Floors	0.5			0.5			
Yes	F2.2 Ceilings	0.5			0.5			
	F3. Low GWP Insulation That Does Not Contain Fire Retardants							
Yes	F3.1 Cavity Walls and Floors	1			1			
Yes	F3.2 Ceilings	1			1			
Yes	F3.3 Interior and Exterior Insulation	1			1			
G. PLUMBING								
	G1. Efficient Distribution of Domestic Hot Water							
Yes	G1.1 Insulated Hot Water Pipes	1		1				
Yes	G1.2 WaterSense Volume Limit for Hot Water Distribution	1					1	increase insulation on pipe
No	G1.3 Increased Efficiency in Hot Water Distribution	0					2	
	G2. Install Water-Efficient Fixtures							
Yes	G2.1 WaterSense Showerheads 1.8 gpm with Matching Compensation Valve	2					2	
Yes	G2.2 WaterSense Bathroom Faucets with ≤ 1.0 gpm	1					1	
≤1.1 gpf	G2.3 WaterSense Toilets with a Maximum Performance (MaP) Threshold of No Less Than 500 Grams 1.28 gpf OR 1.1 gpf	2					2	
TBD	G2.4 Urinals with Flush Rate of ≤ 0.1 gpf						1	possible
No	**G3. Pre-Plumbing for Graywater System**	0					1	
No	**G4. Operational Graywater System**	0					3	
TBD	**G5. Thermostatic Shower Valve or Auto-Diversion Tub Spout**						1	confirm costs w/ rep
Yes	**G6. Submeter Water for Tenants**	2					2	
H. HEATING, VENTILATION, AND AIR CONDITIONING								
	H1. Sealed Combustion Units							
Yes	H1.1 Sealed Combustion Furnace	1			1			all electric - no combustion
Yes	H1.2 Sealed Combustion Water Heater	2			2			heat pump
No	**H2. High Performing Zoned Hydronic Radiant Heating System**	0		1	1			
	H3. Effective Ductwork							
Yes	H3.1 Duct Mastic on Duct Joints and Seams	1		1				testing @ each unit (sealed windows & doors)
TBD	H3.2 Pressure Balance the Ductwork System			1				
TBD	**H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified**				1			centralized fan @ roof
	H5. Advanced Practices for Cooling							
No	H5.1 ENERGY STAR® Ceiling Fans in Living Areas and Bedrooms	0		1				
No	H5.2 Operable Windows and Skylights Located to Induce Cross Ventilation in At Least One Room in 80% of Units	0		1				
	H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality							
Yes	H6.1 Meet ASHRAE Standard 62.2-2016 Ventilation Residential Standards	Y	R	R	R	R	R	
No	H6.2 Advanced Ventilation Standards	0			2			
No	H6.3 Outdoor Air is Filtered and Tempered	0			1			
	H7. Effective Range Design and Installation							
No	H7.1 Effective Range Hood Ducting and Design	0			1			
No	H7.2 Automatic Range Hood Control	0			1			
Yes	**H8. High Efficiency HVAC Filter (MERV 16+)**	1			1			min. merv 13
No	**H9. Advanced Refrigerants** (low global warming potential refrigerants)	0			1			
I. RENEWABLE ENERGY								
10.00%	**I1. Onsite Renewable Generation (Solar PV, Solar Thermal, and Wind)**	2		25				
	I2. Low Carbon Homes							
No	I2.1 Near Zero Energy Home (offset at least 80% of annual site energy use)	0		2				

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	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
No	I2.2 Low Carbon Home (meet the CO2e/sq ft threshold)	0		4				
No	**I3. Energy Storage**	0		1				
No	**I4. Solar Hot Water Systems to Preheat Domestic Hot Water**	0		4				
≥60% of common area	**I5. Photovoltaic System for Multifamily Projects**	0		8				
J. BUILDING PERFORMANCE AND TESTING								
Yes	**J1. Third-Party Verification of Quality of Insulation Installation**	1			1			
Yes	**J2. Supply and Return Air Flow Testing**	2		1	1			
Yes	**J3. Mechanical Ventilation Testing**	1			1			
Yes	**J4. All Electric or Combustion Appliance Safety Testing**	1			1			
All Electric High-Rise	**J5. Building Energy Performance**							**Option 1: Mixed Fuel** - High-Rise: Compliance margin is 10% over T24 or higher. Low Rise: Minimum Delta EDR ranges from 6-10 based on climate zone. Both high-rise and low-rise require pre-wiring requirements: Dryer - conductor rated for 40 amp, Range - conductor rated for 50 amp. PV and storage credit allowed. **Option 2: All Electric Compliance** - Meet Efficiency EDR based on climate zone (0-5). PV and Storage credit allowed. High-Rise: meet T24. **Option 3: Annual Energy Use** - Minimum 20% compliance based on annual energy use. PV credit not
3								Climate Zone Input
8	J5.1 Home Meets or Exceeds Energy Compliance Pathway	41		25+				
0.00%	J5.2 Non-Residential Spaces Outperform Title 24			15				
Yes	**J6. Title 24 Prepared and Signed by a CABEC Certified Energy Analyst**	1		1				
TBD	**J7. Participation in Utility Program with Third-Party Plan Review**			1				savings by design
No	**J8. ENERGY STAR® for Homes**	0		1				
No	**J9. EPA Indoor airPlus Certification**				2			
No	**J10. Blower Door Testing**	0			3			
No	**J11. Compartmentalization of Units** (Minimize uncontrolled pathways for indoor air pollutants between units)	0		1	1			
K. FINISHES								
	K1. Entryways Designed to Reduce Tracked-In Contaminants							
No	K1.1 Entryways to Individual Units (Delineate hard surface at entrances and permanent assembly for shoe storage)	0			1			
No	K1.2 Entryways to Buildings (Delineate hard surface at entrances and built-in, permanent walk-off mat or grill)	0			1			
Yes	**K2. Zero-VOC Interior Wall and Ceiling Paints**	2			2			
Yes	**K3. Low-VOC Caulks and Adhesives**	1			1			
	K4. Environmentally Preferable Materials for Interior Finish							
TBD	K4.1 Cabinets					2		
TBD	K4.2 Interior Trim					2		
TBD	K4.3 Shelving					2		
TBD	K4.4 Doors					2		
Yes	K4.5 Countertops	1				1		
	K5. Formaldehyde Emissions in Interior Finish Exceed CARB							
No	K5.1 Doors	0			1			
No	K5.2 Cabinets and Countertops	0			2			
No	K5.3 Interior Trim and Shelving	0			2			
No	**K6. Products That Comply With the Health Product Declaration Open Standard**	0			2			
No	**K7. Indoor Air Formaldehyde Level Less Than 27 Parts Per Billion**	0			2			
No	**K8. Comprehensive Inclusion of Low Emitting Finishes**				1			
Yes	**K9. Durable Cabinets** (Plywood for casework and doors, ball bearing drawer slides, dowelled joints, two directional metal hinges)	2				2		
No	**K10. At Least 25% of Interior Furniture Has Environmentally Preferable Attributes**	0				1		
L. FLOORING								
≥75%	**L1. Environmentally Preferable Flooring**	3				3		

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	**L2. Low-Emitting Flooring Meets CDPH 2010 Standard Method—Residential**				3			
Yes	**L3. Durable Flooring** (All flooring is hard surface)	1				1		
No	**L4. Thermal Mass Flooring**	0		1				
M. APPLIANCES AND LIGHTING								
Yes	**M1. ENERGY STAR® Dishwasher**	1					1	
	M2. Efficient Clothes Washing and Drying							
TBD	M2.1 CEE-Rated Clothes Washer			1			2	
Yes	M2.2 ENERGY STAR® Dryer	1		1				
No	M2.3 Solar Dryer/ Laundry Lines	0		0.5				
<20 cubic feet	**M3. Size-Efficient ENERGY STAR® Refrigerator**	2		2				
	M4. Permanent Centers for Waste Reduction Strategies							
No	M4.1 Built-In Recycling Center	0				1		
No	M4.2 Built-In Composting Center	0				1		
	M5. Lighting Efficiency							
Yes	M5.1 High-Efficacy Lighting	2		2				
Yes	M5.2 Lighting System Designed to IESNA Footcandle Standards or Designed by Lighting Consultant	2		2				
No	**M6. Electric Vehicle Charging Stations and Infrastructure**	0		2				
No	**M7. Central Laundry**	0					1	
Yes	**M8. Gearless Elevator**	1		1				
N. COMMUNITY								
	N1. Smart Development							
Yes	N1.1 Infill Site	2	1			1		
No	N1.2 Designated Brownfield Site	0	1			1		
>35	N1.3 Conserve Resources by Increasing Density	4		2		2		
No	N1.4 Cluster Homes for Land Preservation	0	1			1		
	N1.5 Home Size Efficiency	6				9		
875	Enter the area of the home, in square feet							
2	Enter the number of bedrooms							
	N2. Home(s)/Development Located Near Major Transit Stop							
Yes	N2.1 Within 1 Mile of a Major Transit Stop	1	1					
Yes	N2.2 Within 1/2 mile of a Major Transit Stop	0	2					
	N3. Pedestrian and Bicycle Access							
	N3.1 Pedestrian Access to Services Within 1/2 Mile of Community Services	0	2					
0	Enter the number of Tier 1 services							
0	Enter the number of Tier 2 services							
Yes	N3.2 Connection to Pedestrian Pathways	1	1					
No	N3.3 Traffic Calming Strategies	0	2					
No	N3.4 Sidewalks Buffered from Roadways and 5-8 Feet Wide	0	1					
Yes	N3.5 Bicycle Storage for Residents	1	1					
Yes	N3.6 Bicycle Storage for Non-Residents	1	1					
TBD	N3.7 Reduced Parking Capacity		2					No parking required
	N4. Outdoor Gathering Places							
Yes	N4.1 Public or Semi-Public Outdoor Gathering Places for Residents	1	1					
Yes	N4.2 Public Outdoor Gathering Places with Direct Access to Tier 1 Community Services	1	1					
	N5. Social Interaction							
No	N5.1 Residence Entries with Views to Callers	0	1					
No	N5.2 Entrances Visible from Street and/or Other Front Doors	0	1					
No	N5.3 Porches Oriented to Street and Public Space	0	1					
	N6. Passive Solar Design							
No	N6.1 Heating Load	0		2				

Project Name: GDC01
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	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
No	N6.2 Cooling Load	0		2				
	N7. Adaptable Building							
No	N7.1 Universal Design Principles in Units	0	1		1			
No	N7.2 Full-Function Independent Rental Unit	0	1					
	N8. Resiliency							
TBD	N8.1 Climate Impact Assessment (Cal-Adapt, Fortified Standard, HAZUS, FEMA P58, or Seismic Evaluation)		1		1	1		
TBD	N8.2 Strategies to Address Assessment Findings		1		1	1		
	N9. Social Equity							
TBD	N9.1 Diverse Workforce (Supplier Diversity or Local Hire)		1			1		
No	N9.2 Community Location (Disadvantaged Community)	0	1		1			
	N10. Affordability							
No	N10.1 Dedicated Units for Households Making 80% of AMI or Less	0	2					
Yes	N10.2. Units with Multiple Bedrooms for Households Making 80% of AMI or Less	2	1					
No	N10.3 At Least 20% of Units at 120% AMI or Less are For Sale	0	1					
	N11. Mixed-Use Development							
No	N11.1 Live/Work Units Include a Dedicated Commercial Entrance	0	1					
Yes	N11.2 At Least 2% of Development Floor Space Supports Mixed Use	1	1					
TBD	N11.3 Half of the Non-Residential Floor Space is Dedicated to Community Services		1					
O. OTHER								
Yes	**O1. GreenPoint Rated Checklist in Blueprints**	Y	R	R	R	R	R	
Yes	**O2. Pre-Construction Kickoff Meeting with Rater and Subcontractors**	2		0.5		1	0.5	
No	**O3. Orientation and Training to Occupants—Conduct Educational Walkthroughs**	0		0.5	0.5	0.5	0.5	
No	**O4. Builder's or Developer's Management Staff are Certified Green Building Professionals**	0		0.5	0.5	0.5	0.5	
	O5. Home System Monitors							
No	O5.1 Energy Home System Monitors	0		2				
No	O5.2. Water Home System Monitors	0					1	
	O6. Green Building Education							
Yes	O6.1 Marketing Green Building	2	2					
Yes	O6.2 Green Building Signage	1		0.5			0.5	
Yes	**O7. Green Appraisal Addendum**	Y	R	R	R	R	R	
No	**O8. Detailed Durability Plan and Third-Party Verification of Plan Implementation**	0				1		
No	**O9. Residents Are Offered Free or Discounted Transit Passes**	0	2					
No	**O10. Vandalism Deterrence Practices and Vandalism Management Plan**	0				1		
Yes	**O11. Smokefree Housing**	2			2			
No	**O12. Integrated Pest Management Plan**	0				1		
P. DESIGN CONSIDERATIONS								
	P1. Acoustics: Noise and Vibration Control		1		1			
	Enter the number of Tier 1 practices							
	Enter the number of Tier 2 practices							
	P2. Mixed-Use Design Strategies							
Yes	P2.1 Tenant Improvement Requirements for Build-Outs	2			1		1	
Yes	P2.2 Commercial Loading Area Separated for Residential Area	1			1			
Yes	P2.3 Separate Mechanical and Plumbing Systems	1			1			
	P3. Commissioning							
Yes	P3.1 Design Phase	2		1	1			
Yes	P3.2 Construction Phase	3		2	1			
Yes	P3.3 Post-Construction Phase	3		2	1			
TBD	**P4. Building Enclosure Testing**			1	1	1		
	Summary							

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
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	Points Achieved	Community	Energy	IAQ/Health	Resources	Water
Total Available Points in Specific Categories	370	46	110	69	91	54
Minimum Points Required in Specific Categories	50	2	25	6	6	6
Total Points Achieved	157.0	11.0	66.0	29.0	36.0	15.0

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2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL

Client is responsible for notifying architect in writing for any discovered errors or omissions in the plans and specifications during construction of the project. Failure for Client to notify Architect of any known errors or omissions in the plans or specifications, and proceeding with constructing the portion of work shown in the plans or specifications containing known errors or omissions shall be a waiver by Client for any liability of Architect for such known errors or omissions. Client releases Architect for any liability for such portions of work, and Architect shall not be liable for any delay damages, change orders, repair costs, removal or demolition costs, or replacement of any such portions of work.

NOT FOR CONSTRUCTION

GREENPOINT RATED CHECKLIST

G011

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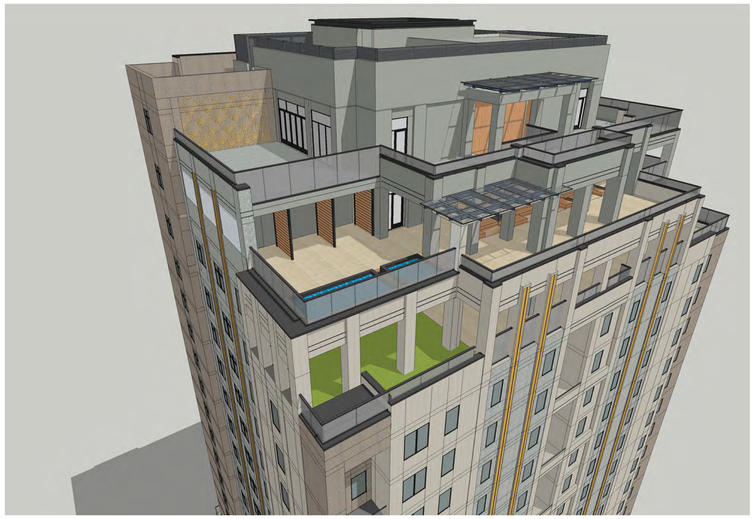
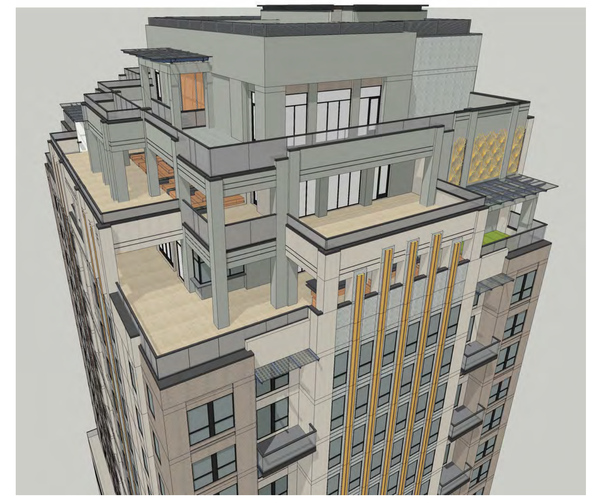


5 G012 NW TERRACE PERSPECTIVE
NOT TO SCALE

4 G012 SE TERRACE PERSPECTIVE
NOT TO SCALE



3 G012 SW TERRACE PERSPECTIVE
NOT TO SCALE

2 G012 SOUTH TERRACE ELEVATION
NOT TO SCALE

1 G012 WEST TERRACE ELEVATION
NOT TO SCALE

NOTE: THE DESIGN INTENT OF THE TERRACE PERSPECTIVES AND ELEVATIONS IS TO SEE THE TERRACE MASSING AND STEPPING BACK OF THE FACADE AS ONE MOVES UP THE BUILDING. FOR EXTERIOR COLOR AND MATERIALS, PLEASE REFER TO SHEETS G013 AND A205.

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TERRACE VIEWS AND PERSPECTIVES

G012

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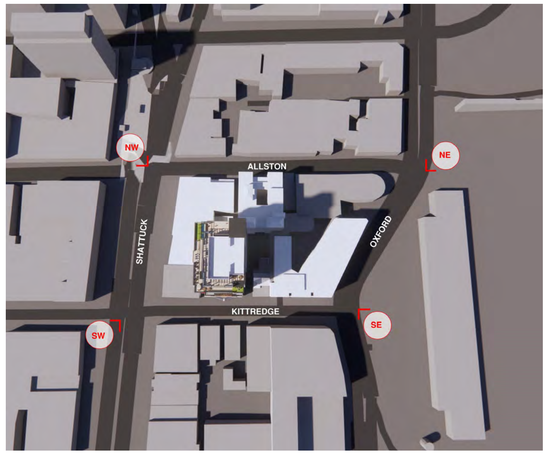
6 G013 NW CONTEXT VIEW
NOT TO SCALE

5 G013 SE CONTEXT VIEW
NOT TO SCALE

4 G013 PEDESTRIAN LEVEL PERSPECTIVE
NOT TO SCALE

3 G013 SW CONTEXT VIEW
NOT TO SCALE

2 G013 NE CONTEXT VIEW
NOT TO SCALE



1 G013 CONTEXT VIEW MAP
NOT TO SCALE

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PERSPECTIVE CONTEXT RENDERINGS

G013

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NOT FOR CONSTRUCTION

NIGHT RENDERING

G014

2115 KITTREDGE STREET

BERKELEY, CA 94704

LEGEND

	EXISTING	PROPOSED
SAWCUT AND CONFORM LINE		
RETAINING WALL		
A.C. PAVEMENT		
CONC. VALLEY GUTTER		
CONC. SIDEWALK OR PAD		
6" CURB & GUTTER		
EDGE OF A.C. PAVEMENT	EP	
6" VERTICAL CURB		
CENTER LINE		
SANITARY SEWER MAIN	8" SS	8" SS
STORM DRAIN MAIN	12" SD	15" SD
PERFORATED PIPE		6" SD
WATER MAIN	6" W	6" W
FIRE WATER MAIN	6" FW	4" FW
DOMESTIC WATER MAIN	6" DW	4" DW
CHILLED WATER MAIN	6" CHW	4" CHW
IRRIGATION LINE	2" IRR	4" IRR
HOT WATER SUPPLY & RETURN	HWS—HWR	HWS HWR
STEAM LINE	ST	ST
TRENCH DRAIN		
CONDENSATE RETURN	CR	CR
FLOW LINE		
CHAIN LINK FENCE	x x	x x
GAS MAIN	G	2" G
ELECTRIC AND SIGNAL DUCT BANK	E	E
OVERHEAD ELECTRIC LINE	OHE	OHE
UNDERGROUND ELECTRIC LINE	UGE	UGE
STREET LIGHT CONDUIT	SL	SL
CONTOUR ELEVATION LINE	85	90 89
SPOT ELEVATION	x 95.94 / 95.94 G	FG 95.94
DIRECTION OF SLOPE		2:1 1%
GAS METER	G	GM
GAS VALVE	GV	GV
WATER METER	W	WM
WATER VALVE	WV	WV
FIRE HYDRANT		
BACK FLOW PREVENTOR		
POST INDICATOR VALVE	PIV	PIV
FIRE DEPARTMENT CONNECTION		
WATER LINE TEE		
CAP AND PLUG END		
AIR RELEASE VALVE		ARV
SIGN		
ACCESSIBLE RAMP		
CONCRETE THRUST BLOCK		
REDUCER		
SANITARY SEWER MANHOLE		
SANITARY SEWER CLEANOUT	SSCO	SSCO
STORM DRAIN MANHOLE		
STORM DRAIN AREA DRAIN		
STORM DRAIN CATCH BASIN	CB	
STORM DRAIN CURB INLET		
STORM DRAIN CLEANOUT	SDCO	SDCO
ELECTROLIER		
JOINT POLE	JP	JP
OVERLAND RELEASE		⇒
CONSTRUCTION DETAIL REFERENCE		15 / C5.2 — DETAIL REFERENCE / SHEET REFERENCE

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

811 Know what's below. Call before you dig.

UNAUTHORIZED CHANGES AND USES

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THE PLANS.

ABBREVIATIONS

AB	–	AGGREGATE BASE
AC	–	ASPHALT CONCRETE
AD	–	AREA DRAIN
ADA	–	AMERICANS WITH DISABILITIES ACT
ASB	–	AGGREGATE SUBBASE
BC	–	BEGINNING OF CURVE
BFP	–	BACK FLOW PREVENTOR
BLDC	–	BUILDING CORNER
BLDG	–	BUILDING
BOD	–	BOTTOM OF DOCK
BOL	–	BOLLARD
BOS	–	BOTTOM OF STEP
BOW	–	FG @ BOTTOM OF WALL
BVC	–	BEGIN VERTICAL CURVE
BW	–	BACK OF WALK
C	–	CONCRETE OR CIVIL
C&G	–	CURB AND GUTTER
CB	–	CATCH BASIN
CI	–	COMBINATION INLET
CIP	–	CAST IRON PIPE
CL	–	CENTER LINE OR CLASS
CMP	–	CORRUGATED METAL PIPE
CO	–	CLEANOUT
COI	–	CURB OPENING INLET
CONC	–	CONCRETE
CONST	–	CONSTRUCTION OR CONSTRUCT
CY	–	CUBIC YARD
DCDA	–	DOUBLE CHECK DETECTOR ASSEMBLY
DI	–	DROP INLET
DIP	–	DUCTILE IRON PIPE
DOM	–	DOMESTIC
DW	–	DOMESTIC WATER
DWG	–	DRAWING
E	–	EAST
EC	–	END OF CURVE
EP	–	EDGE OF PAVEMENT
ER	–	END OF RETURN
EVC	–	END VERTICAL CURVE
ELEV	–	ELEVATION
EX., EXIST.	–	EXISTING
FC	–	FACE OF CURB
FDC	–	FIRE DEPARTMENT CONNECTION
FF	–	FINISHED FLOOR
FG	–	FINISHED GRADE
FH	–	FIRE HYDRANT
FL	–	FLOW LINE
FOUND	–	FOUNDATION
FS	–	FINISHED SURFACE
FT	–	FOOT
FW	–	FIRE WATER
G	–	GROUND ELEVATION
GB	–	GRADE BREAK
GV	–	GATE VALVE
HCR	–	ACCESSIBLE RAMP
HP	–	HIGH POINT
INV	–	INVERT ELEVATION
JP	–	JOINT POLE
JT	–	JOINT TRENCH
LIP	–	LIP OF GUTTER
LP	–	LOW POINT
LSA	–	LANDSCAPE ARCHITECT
MAX	–	MAXIMUM
MEP	–	MECHANICAL/ELECTRICAL/PLUMBING
MH	–	MANHOLE
MIN	–	MINIMUM
MPVC	–	MIDPOINT OF VERTICAL CURVE
MON	–	MONUMENT
N	–	NORTH
N.I.C.	–	NOT IN CONTRACT
NO	–	NUMBER
NTS	–	NOT TO SCALE
P	–	PAVEMENT ELEVATION
PCC	–	PORTLAND CEMENT CONCRETE / POINT OF CONTINUOUS CURVATURE
PIV	–	POST INDICATOR VALVE
PL	–	PROPERTY LINE
PMH	–	POWER MANHOLE
POC	–	POINT ON CURVE
PP	–	POWER POLE
PRC	–	POINT OF REVERSE CURVATURE
PVC	–	POLYVINYL CHLORIDE PIPE
R	–	RADIUS
RC	–	RELATIVE COMPACTION
RCP	–	REINFORCED CONCRETE PIPE
RPPA	–	REDUCED PRESSURE PRINCIPLE ASSEMBLY
R/W	–	RIGHT OF WAY
S	–	SLOPE OR SOUTH
S.A.D.	–	SEE ARCHITECTURAL DRAWINGS
SB	–	SEDIMENT BASIN
SD	–	STORM DRAIN
S.E.D.	–	SEE ELECTRICAL DRAWINGS
SF	–	SILT FENCE
SG	–	SUBGRADE
S.L.D.	–	SEE LANDSCAPE DRAWINGS
S.M.D.	–	SEE MECHANICAL DRAWINGS
SMH	–	SIGNAL MANHOLE
S.P.D.	–	SEE PLUMBING DRAWINGS
SS	–	SANITARY SEWER
STA	–	STATION
STD	–	STANDARD
S/W	–	SIDEWALK
TC	–	TOP OF CURB
TD	–	TRENCH DRAIN
TOD	–	TOP OF DOCK
TOE	–	TOE OF SLOPE
TOS	–	TOP OF STAIR
TOW	–	FG @ TOP OF WALL
TS	–	TOP OF SLAB
TYP	–	TYPICAL
UON	–	UNLESS OTHERWISE NOTED
U/G	–	UNDERGROUND
VC	–	VERTICAL CURVE
WM	–	WATER METER
WV	–	WATER VALVE
W	–	WEST
WWF	–	WELDED WIRE FABRIC
W/	–	WITH

CONSTRUCTION NOTES

1. ALL OFF-SITE CONSTRUCTION MATERIAL AND METHODS SHALL COMPLY WITH THE LATEST EDITION OF THE CITY OF BERKELEY STANDARD PLANS & SPECIFICATIONS.
2. CONTRACTOR SHALL LEAVE AN EMERGENCY PHONE NUMBER WITH THE CITY OF BERKELEY POLICE AND FIRE DEPARTMENTS.
3. CONTRACTOR SHALL POST ON THE SITE, EMERGENCY TELEPHONE NUMBERS FOR PUBLIC WORKS, AMBULANCE, POLICE, AND FIRE DEPARTMENTS.
4. CONTRACTOR SHALL NOTIFY ALL PUBLIC OR PRIVATE UTILITY OWNERS 48 HOURS PRIOR TO COMMENCEMENT OF WORK ADJACENT TO THE UTILITY UNLESS AN EXCAVATION PERMIT SPECIFIES OTHERWISE.
5. THE CONTRACTOR SHALL HIRE A STREET CLEANING CONTRACTOR TO CLEAN UP DIRT AND DEBRIS FROM CITY STREETS THAT ARE ATTRIBUTABLE TO THE DEVELOPMENT'S CONSTRUCTION ACTIVITIES.
6. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
7. ALL GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOILS ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTORS EXPENSE.
8. ALL MATERIALS, REQUIRED FOR THE COMPLETE EXECUTION OF THE PROJECT, SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR UNLESS OTHERWISE NOTED.
9. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY DURING THE CONSTRUCTION PERIOD.
10. THE CONTRACTOR SHALL BE RESPONSIBLE TO REPAIR OR REPLACE ANY EXISTING IMPROVEMENTS OF UNDERGROUND FACILITIES DAMAGED DURING THE CONSTRUCTION PERIOD.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL ENCROACHMENT, EXCAVATION, CONCRETE, ELECTRICAL, PLUMBING, ETC. PERMITS NECESSARY PRIOR TO BEGINNING CONSTRUCTION FOR ANY WORK.
12. THE CONTRACTOR SHALL HAVE A SUPERINTENDENT OR REPRESENTATIVE ON SITE AT ALL TIMES DURING CONSTRUCTION.
13. STORAGE OF CONSTRUCTION MATERIAL AND EQUIPMENT ON CITY STREETS WILL NOT BE PERMITTED.
14. CONSTRUCTION EQUIPMENT SHALL BE PROPERLY MUFFLED. UNNECESSARY IDLING OF GRADING CONSTRUCTION EQUIPMENT IS PROHIBITED.
15. CONSTRUCTION EQUIPMENT, TOOLS, ETC. SHALL NOT BE CLEANED OR RINSED INTO A STREET, GUTTER OR STORM DRAIN.
16. A CONTAINED AND COVERED AREA ON-SITE SHALL BE USED FOR STORAGE OF CEMENT BAGS, PAINTS, FLAMMABLE, OILS, FERTILIZERS, PESTICIDES, OR ANY OTHER MATERIALS THAT HAVE POTENTIAL FOR BEING DISCHARGED TO THE STORM DRAIN SYSTEM BY WIND OR IN THE EVENT OF A MATERIAL SPILL.
17. ALL CONSTRUCTION DEBRIS SHALL BE GATHERED ON A REGULAR BASIS AND PLACED IN A DUMPSTER WHICH IS EMPTIED OR REMOVED WEEKLY. WHEN FEASIBLE, TARPS SHALL BE USED ON THE GROUND TO COLLECT FALLEN DEBRIS OR SPLATTERS THAT COULD CONTRIBUTE TO STORMWATER POLLUTION.
18. ANY TEMPORARY ON-SITE CONSTRUCTION PILES SHALL BE SECURELY COVERED WITH A TARP OR OTHER DEVICE TO CONTAIN DEBRIS.
19. CONCRETE TRUCKS AND CONCRETE FINISHING OPERATIONS SHALL NOT DISCHARGE WASH WATER INTO THE STREET GUTTERS OR DRAINS.

DISCREPANCIES

IF THERE ARE ANY DISCREPANCIES BETWEEN DIMENSIONS IN DRAWINGS AND EXISTING CONDITIONS WHICH WILL AFFECT THE WORK, THE CONTRACTOR SHALL BRING SUCH DISCREPANCIES TO THE ATTENTION OF THE ENGINEER FOR ADJUSTMENT BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER FITTING OF ALL WORK AND FOR THE COORDINATION OF ALL TRADES, SUBCONTRACTORS, AND PERSONS ENGAGED UPON THIS CONTRACT.

UTILITY/POTHOLE NOTE

THE TYPES, LOCATIONS, SIZES AND /OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND FACILITIES AND UTILITIES BY POTHOLING PRIOR TO COMMENCING CONSTRUCTION.

DIMENSIONS

ALL DIMENSIONS ON THE PLANS ARE IN FEET OR DECIMALS THEREOF UNLESS SPECIFICALLY CALLED OUT AS FEET AND INCHES.

ENCROACHMENT NOTE:

A SEPARATE ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY. IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN THIS ENCROACHMENT PERMIT AND FOLLOW ALL CONSTRUCTION RELATED REQUIREMENTS OF SUCH PERMIT.

RECORD DRAWING NOTE

THE CONTRACTOR SHALL KEEP UP-TO-DATE AND ACCURATE A COMPLETE RECORD SET OF PRINTS OF THE CONTRACT DRAWINGS SHOWING EVERY CHANGE FROM THE ORIGINAL DRAWINGS MADE DURING THE COURSE OF CONSTRUCTION INCLUDING EXACT FINAL LOCATION, ELEVATION, SIZES, MATERIALS, AND DESCRIPTION OF ALL WORK. RECORDS SHALL BE "REDLINED" ON A SET OF CONSTRUCTION PLAN DRAWINGS. A COMPLETE SET OF CORRECTED AND COMPLETED RECORD DRAWING PRINTS SHALL BE SUBMITTED TO THE CITY ENGINEER AND DEVELOPER'S CIVIL ENGINEER PRIOR TO FINAL ACCEPTANCE FOR REVIEW AND APPROVAL BY THE CITY ENGINEER.

HAZARDOUS MATERIALS NOTE

THERE MAY BE ASBESTOS CONTAINING PIPE AND PIPE INSTALLATION OR OTHER HAZARDOUS MATERIALS WITHIN THE PROJECT AREA. THE CONTRACTOR WILL PROTECT ALL HAZARDOUS CONTAINING ITEMS DURING THE EXECUTION OF THIS CONTRACT. ADDITIONALLY THE CONTRACTOR WILL COMPLY WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS REGARDING CONSTRUCTION ACTIVITIES NEAR HAZARDOUS MATERIALS.

CONSTRUCTION FENCE

1. CONTRACTOR SHALL PROVIDE A CONSTRUCTION FENCE AROUND THE ENTIRE AREA OF DEMOLITION AND CONSTRUCTION, INCLUDING ALL STAGING, STORAGE, CONSTRUCTION OFFICE AND LAYDOWN AREAS.
2. CONSTRUCTION FENCE SHALL BE A MINIMUM OF A 6' HIGH GALVANIZED CHAIN LINK WITH GREEN WINDSCREEN FABRIC ON THE OUTSIDE OF THE FENCE.
3. CONSTRUCTION FENCE ADDRESSED IN THESE NOTES IS ONLY FOR VISUAL CONFORMANCE OF THIS CONSTRUCTION SITE TO THE CITY OF BERKELEY STANDARDS. CONTRACTOR MAY BE REQUIRED TO PROVIDE ADDITIONAL FENCING, BARRICADES OR OTHER SAFETY DEVICES TO KEEP THE SITE SECURE AND SAFE.

FIRE DESIGN NOTE:

THE CONTRACTOR SHALL DESIGN, PREPARE SHOP DRAWINGS FOR, OBTAIN ALL REQUIRED APPROVALS, AND CONSTRUCT THE FIRE SYSTEM FOR THE PROPOSED PROJECT. CONTRACTOR SHALL HAVE SHOP DRAWINGS STAMPED BY A FIRE PROTECTION ENGINEER AS REQUIRED BY THE LOCAL AUTHORITY.

APPLICABLE FIRE CODE NOTES

APPLICABLE CODES AS OF JANUARY 1, 2023:

2022 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE (PART 1, TITLE 24, CCR)

2022 CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2 (PART 2, TITLE 24, CCR)
(2021 EDITION INTERNATIONAL BUILDING CODE)

2022 CALIFORNIA ELECTRICAL CODE (PART 3, TITLE 24, CCR)
(2020 EDITION NATIONAL ELECTRICAL CODE)

2022 CALIFORNIA MECHANICAL CODE (PART 4, TITLE 24, CCR)
(2021 EDITION UNIFORM MECHANICAL CODE)

2022 CALIFORNIA PLUMBING CODE (PART 5, TITLE 24, CCR)
(2021 EDITION UNIFORM PLUMBING CODE)

2022 CALIFORNIA ENERGY CODE (PART 6, TITLE 24, CCR)

2022 CALIFORNIA ELEVATOR SAFETY ORDERS (CHAPTER 4, TITLE 8, CCR)

2022 CALIFORNIA FIRE CODE (PART 9, TITLE 24, CCR)
(2021 EDITION INTERNATIONAL FIRE CODE)

2022 CALIFORNIA REFERENCED STANDARDS CODE (PART 12, TITLE 24, CCR)

TITLE 19 C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS

PARTIAL LIST OF APPLICABLE REFERENCE STANDARDS AS LISTED AND AMENDED PER 2022 CALIFORNIA FIRE CODE, CHAPTER 80:

NFPA 13 – AUTOMATIC SPRINKLER SYSTEMS – 2016 EDITION
NFPA 14 – STANDPIPE SYSTEMS – 2016 EDITION
NFPA 24 – PRIVATE FIRE MAINS – 2016 EDITION
NFPA 72 – NATIONAL FIRE ALARM CODE – 2016 EDITION
NFPA 20 – STATIONARY PUMPS FOR FIRE PROTECTION – 2016 EDITION
NFPA 99 – HEALTH CARE FACILITIES – 2018 EDITION

UNDERGROUND FIRE SERVICE TO FIRE HYDRANTS REQUIREMENTS:

NFPA 24, SEC. 10.1.1.3: UNLESS THE REQUIREMENTS OF 10.1.1.3 ARE MET, ALL FERROUS METAL PIPE SHALL BE LINED IN ACCORDANCE WITH THE APPLICABLE STANDARDS IN TABLE 10.1.1.1

NFPA 24, SEC. 10.4: THE DEPTH OF COVER OVER WATER PIPES SHALL NOT BE LESS THAN 2-1/2 FEET TO PREVENT MECHANICAL DAMAGE. PIPE UNDER DRIVEWAYS SHALL BE BURIED AT A MINIMUM DEPTH OF 3 FEET. PIPE UNDER RAILROAD TRACKS SHALL BE BURIED AT A MINIMUM DEPTH OF 4 FEET.

NFPA 24, SEC. 10.4.1.1: ALL BOLTED JOINT ACCESSORIES SHALL BE CLEANED AND THOROUGHLY COATED WITH ASPHALT OR OTHER CORROSION-RETARDING MATERIAL AFTER INSTALLATION.

NFPA 24, SEC. 10.4.3: PIPE SHALL NOT BE RUN UNDER BUILDINGS EXCEPT WHERE PERMITTED IN 10.4.3.1 AND 10.4.3.2

NFPA 24, SEC. 10.6.1: THRUST BLOCKS SHALL BE PERMITTED WHERE SOIL IS STABLE AND CAPABLE OF RESISTING THE ANTICIPATED THRUST FORCES. THRUST BLOCKS SHALL BE OF A CONCRETE MIX NOT LEANER THAN ONE PART CEMENT, TWO AND ONE HALF PARTS SAND, AND FIVE PARTS STONE. THRUST BLOCKS SHALL BE PLACED BETWEEN UNDISTURBED EARTH AND THE FITTING TO BE RESTRAINED, AND SHALL BE CAPABLE OF RESISTING THE CALCULATED THRUST FORCES. WHEREVER POSSIBLE, THRUST BLOCKS SHALL BE PLACED SO THAT THE JOINTS ARE ACCESSIBLE FOR REPAIR.

NFPA 24, SEC. 10.6.2.5: CORROSION RESISTANCE. AFTER INSTALLATION, RODS, NUTS, BOLTS, WASHERS, CLAMPS, AND OTHER RESTRAINING DEVICES SHALL BE CLEANED AND THOROUGHLY COATED WITH BITUMINOUS OR OTHER ACCEPTABLE CORROSION-RETARDING MATERIAL.

NFPA 24, SEC. 10.10.2.1.1: UNDERGROUND PIPING, FROM THE WATER SUPPLY TO THE SYSTEM RISER, AND LEAD-IN CONNECTIONS TO THE SYSTEM RISER SHALL BE COMPLETELY FLUSHED BEFORE THE CONNECTION IS MADE TO THE DOWNSTREAM FIRE PROTECTION SYSTEM PIPING. THE FLUSHING OPERATION SHALL BE CONTINUED FOR A SUFFICIENT TIME TO ENSURE THOROUGH CLEANING. THE MINIMUM RATE OF FLOW SHALL BE NOT LESS THAN THAT SPECIFIED IN SECTION 10.10.2.1.3.

NFPA 24, SEC. 10.10.2.2.1: ALL PIPING AND ATTACHED APPURTENANCES SUBJECT TO SYSTEM WORKING PRESSURE SHALL BE HYDROSTATICALLY TESTED AT 200 PSI OR 50 PSI IN EXCESS OF THE SYSTEM WORKING PRESSURE, WHICHEVER IS GREATER, AND SHALL MAINTAIN THAT PRESSURE AT ±5 PSI FOR 2 HOURS.

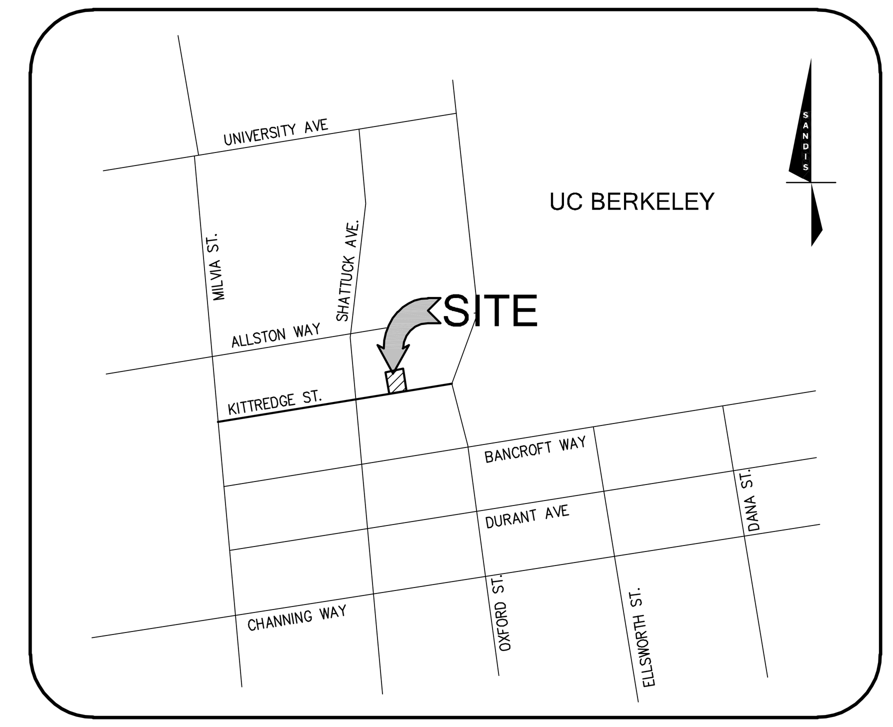
NFPA 24, SEC 10.10.1: THE INSTALLING CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING: (1) NOTIFYING THE AUTHORITY HAVING JURISDICTION AND THE OWNER'S REPRESENTATIVE OF THE TIME AND DATE TESTING IS TO BE PERFORMED; (2) PERFORMING ALL REQUIRED ACCEPTANCE TESTS; (3) COMPLETING AND SIGNING THE CONTRACTOR'S MATERIAL AND TEST CERTIFICATE(S) SHOWN IN FIGURE 10.10.1.

UNDERGROUND WORK CAUTION

CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT FOR LOCATION OF UNDERGROUND UTILITIES AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION. FOR NORTHERN CALIFORNIA DIAL 811 OR (800) 227-2600. FOR OTHER AREAS CALL (800) 642-2444. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO BEGINNING ANY WORK ON THIS SITE.

DUST CONTROL NOTES

1. WATER TRUCKS SHALL BE PRESENT AND IN USE AT THE CONSTRUCTION SITE. ALL PORTIONS OF THE SITE SUBJECT TO BLOWING DUST SHALL BE WATERED AS OFTEN AS DEEMED NECESSARY BY THE CLIENT/INSPECTOR IN ORDER TO INSURE PROPER CONTROL OF BLOWING DUST FOR THE DURATION OF THE PROJECT.
2. ALL PUBLIC STREETS AND MEDIANS SOILED OR LITTERED DUE TO THIS CONSTRUCTION ACTIVITY SHALL BE CLEANED AND SWEPT ON A DAILY BASIS DURING THE WORK WEEK, OR AS OFTEN AS DEEMED NECESSARY BY THE CLIENT/INSPECTOR, OR TO THE SATISFACTION OF THE CITY'S DEPARTMENT OF PUBLIC WORKS.
3. ALL TRUCKS HAULING SOIL, SAND, AND OTHER LOOSE MATERIALS SHALL BE COVERED WITH TARPAULINS OR OTHER EFFECTIVE COVERS.
4. WHEEL WASHERS SHALL BE INSTALLED AND USED TO CLEAN ALL TRUCKS AND EQUIPMENT LEAVING THE CONSTRUCTION SITE. IF WHEEL WASHERS CANNOT BE INSTALLED, TIRES OR TRACKS OF ALL TRUCKS AND EQUIPMENT SHALL BE WASHED OFF BEFORE LEAVING THE CONSTRUCTION SITE.
5. THE CONTRACTOR SHALL DEMONSTRATE DUST SUPPRESSION MEASURES, SUCH AS REGULAR WATERING, WHICH SHALL BE IMPLEMENTED TO REDUCE EMISSIONS DURING CONSTRUCTION AND GRADING IN A MANNER MEETING THE APPROVAL OF THE CONSTRUCTION MANAGER. THIS SHALL ASSIST IN REDUCING SHORT-TERM IMPACTS FROM PARTICLES WHICH COULD RESULT IN NUISANCES THAT ARE PROHIBITED BY RULE 403 (FUGITIVE DUST).
6. GRADING OR ANY OTHER OPERATIONS THAT CREATES DUST SHALL BE STOPPED IMMEDIATELY IF DUST AFFECTS ADJACENT PROPERTIES. THE CONTRACTOR SHALL PROVIDE SUFFICIENT DUST CONTROL FOR THE ENTIRE PROJECT SITE IN ACCORDANCE WITH THE PROJECT SWPPP (IF ONE EXISTS) OR AS APPLICABLE PER LOCAL REGULATIONS AT ALL TIMES. THE SITE SHALL BE SPRINKLERED AS NECESSARY TO PREVENT DUST NUISANCE. IN THE EVENT THAT THE CONTRACTOR NEGLECTS TO USE ADEQUATE MEASURES TO CONTROL DUST, THE CLIENT RESERVES THE RIGHT TO TAKE WHATEVER MEASURES ARE NECESSARY TO CONTROL DUST AND CHARGE THE COST TO THE CONTRACTOR.
7. THE CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL MEASURES AND FOR OBTAINING ALL REQUIRED PERMITS AND APPROVALS. ALL GRADING OPERATIONS SHALL BE SUSPENDED DURING SECOND (OR WORSE) STAGE SMOG ALERTS.



VICINITY MAP
N.T.S.

PROJECT DESCRIPTION

THE PROJECT ENTAILS AN EIGHTEEN LEVEL (AND TWO BASEMENT LEVELS) APARTMENT TOWER WITH A THEATER INCLUDED IN THE LOWER LEVELS. THE CIVIL SCOPE OF WORK INCLUDES: SITE DEMOLITION, SANITARY SEWER BUILDING LATERAL, STORMWATER MEDIA FILTER AND PUMP, AREA DRAINS AND TRENCH DRAIN, FIRE AND DOMESTIC WATER SERVICE LATERALS, CURB AND GUTTER, AND SIDEWALK.

CIVIL SHEET INDEX

C000	NOTES, LEGEND, & ABBREVIATIONS
C001	TOPOGRAPHIC SURVEY
C100	DEMOLITION PLAN
C200	SITE AND GRADING PLAN
C300	UTILITY PLAN
C400	STORMWATER MANAGEMENT PLAN
C500	CONSTRUCTION DETAILS
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C502	CONSTRUCTION DETAILS
C503	CONSTRUCTION DETAILS

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NOTES, LEGEND, & ABBREVIATIONS

C000

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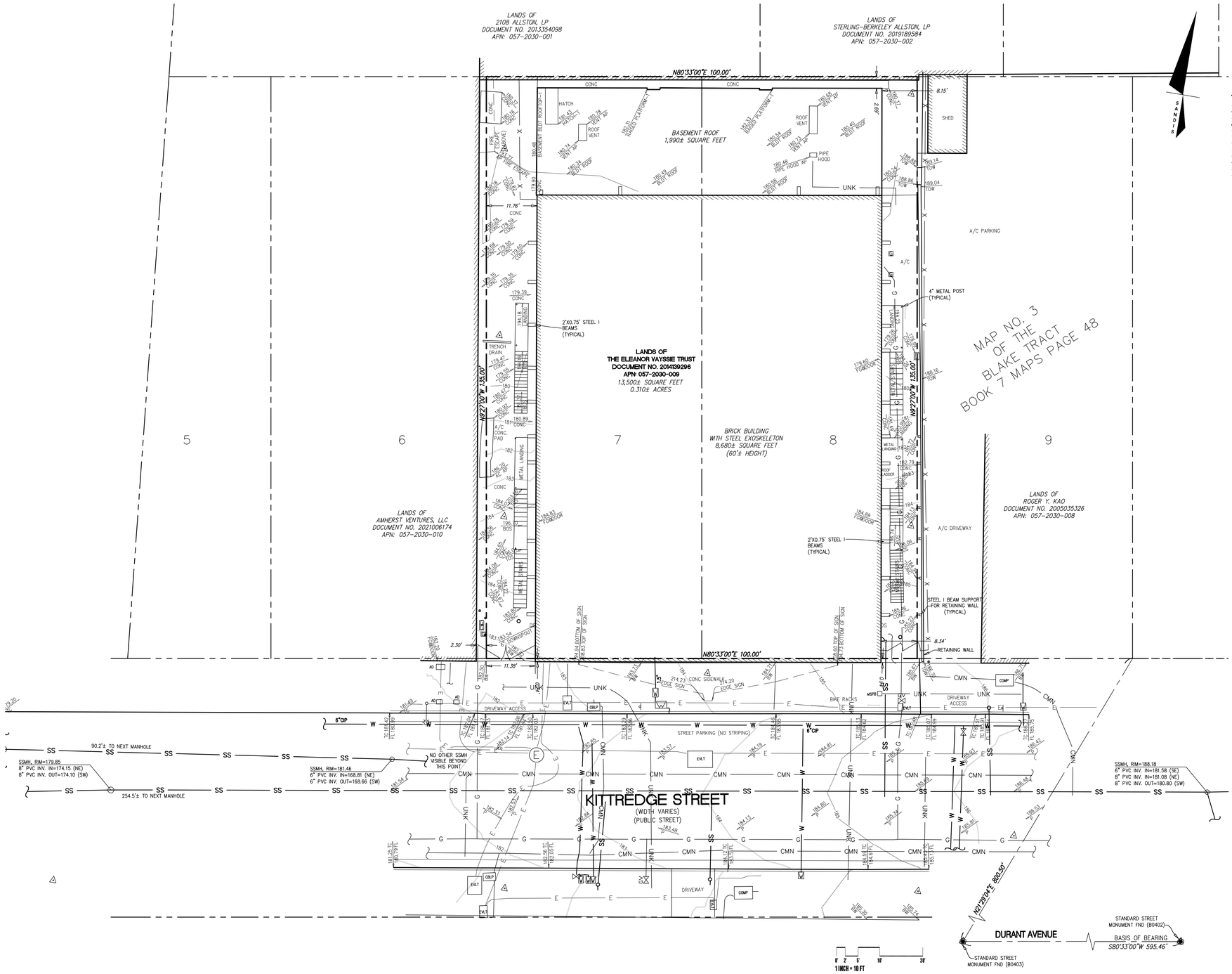

LEGEND

- BUILDING LINE
- BUILDING OVERHANG
- CURB LINE
- FENCE LINE
- PROPERTY LINE
- CONTOUR LINES
- COMMUNICATION LINE
- ELECTRIC LINE
- GAS LINE
- SANITARY SEWER LINE
- UNKNOWN LINE
- WATER LINE

SYMBOLS & ABBREVIATIONS

- AD — AREA DRAIN
- BOL — BOLLARD
- BOS — BOTTOM OF STAIRS
- BW — BACK OF WALK
- CBPB — CABLE PULL BOX
- CMP — COMMUNICATION PULL BOX
- CONC — CONCRETE
- DS — DOWN SPOUT
- ELECTRIC MANHOLE
- EVLT — ELECTRIC VAULT
- FL — FLOW LINE
- GM — GAS METER
- GV — GAS VALVE
- MSPB — MISCELLANEOUS PULL BOX
- SIGNS
- SSCO — SANITARY CLEANOUT
- SANITARY MANHOLE
- STREET LIGHT SINGLE ARM
- TC — TOP OF CURB
- TOS — TOP OF STAIRS
- WATER METER
- WATER VALVE

SURVEY NOTES

1. EXISTING TOPOGRAPHIC SURVEY INFORMATION SHOWN HEREON IS BASED UPON TOPOGRAPHIC SURVEYS COMPLETED BY SANDIS, UNDER THE DIRECTION OF LAURA CABRAL, PLS 7756.
2. UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE OBSERVATIONS. NO WARRANTIES ARE EXPRESSED OR IMPLIED CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OR ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL, OR PUBLIC OWNED.
3. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION AND REPORT BACK TO CIVIL ENGINEER ANY DISCREPANCIES WITH PLAN PRIOR TO COMMENCEMENT OF WORK.
4. TREE LOCATIONS SHOWN HEREON ARE SHOWN SYMBOLICALLY WITH SYMBOL SIZES BASED UPON TRUNK DIAMETER AT CHEST HEIGHT, AT THE LOCATION WHERE THE TREE ENTERS THE GROUND SURFACE. LOCATIONS AND SIZES OF TREE TRUNKS CAN ONLY BE CONSIDERED APPROXIMATE UNLESS OTHERWISE STATED ON THE MAP.
5. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
6. DATES OF FIELD SURVEY: 04/13/2022, 04/15/2022, AND 04/22/2022.

BASIS OF BEARINGS

THE BEARING OF NORTH 80°33'00" EAST ALONG THE MONUMENT LINE OF DURANT AVENUE AS SHOWN UPON THAT CERTAIN MAP ENTITLED PARCEL MAP 9108 RECORDED IN BOOK 296, MAPS, PAGES 60-65, ALAMEDA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS SURVEY.

BENCHMARK

THE ELEVATION REFERENCE FOR THIS SURVEY IS A CITY OF BERKELEY BENCHMARK B3560, DESCRIBED AS 1¾" BRASS DISK IN CONCRETE AT THE NORTH NOSE OF THE MEDIAN ISLAND ON SHATTUCK AVENUE AT THE SOUTH SIDE OF KITTREDGE STREET

ELEV=178.28 FEET (CITY OF BERKELEY DATUM)

UNDERGROUND UTILITY NOTE

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THIS SURVEY.

BOUNDARY NOTE

THE PARCEL LINES SHOWN HEREON ARE THE RESULT OF A BOUNDARY SURVEY MADE IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.

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TOPOGRAPHIC SURVEY

C001

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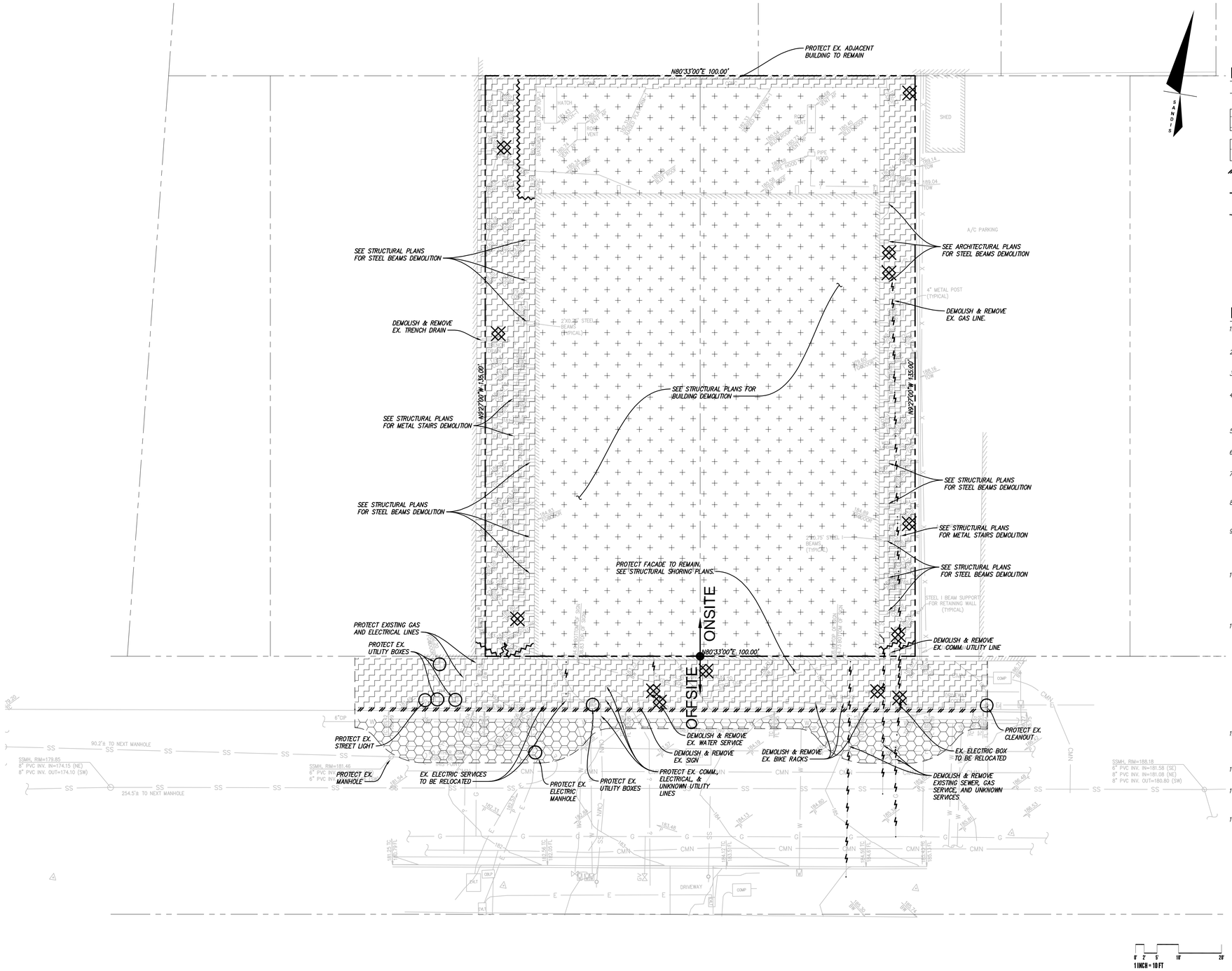

LEGEND

- SAWCUT LINE. CONTRACTOR SHALL SAWCUT WITH A NEAT, CLEAN EDGE. SAWCUT CONCRETE AT NEAREST JOINT TO SAWCUT LINE SHOWN ON PLAN.
- DEMOLISH AND REMOVE CONCRETE INCLUDING ANY ASSOCIATED BASE ROCK AND REBAR. STABILIZE THE EXISTING SUBGRADE, DEMOLISHED MATERIAL MAY BE USED AS BASE ROCK IF APPROVED BY THE GEOTECHNICAL ENGINEER.
- DEMOLISH AND REMOVE EXISTING BUILDING, SEE ARCHITECTURAL PLANS FOR EXTENT OF BUILDING DEMOLITION. STABILIZE THE EXISTING SUBGRADE.
- DEMOLISH AND REMOVE EXISTING CURB AND GUTTER, INCLUDING ANY ASSOCIATED REBAR OR BASE ROCK. SAWCUT WITH NEAT, CLEAN EDGE.
- REMOVE EXISTING WALL OR FENCE INCLUDING ASSOCIATED FOOTINGS. RETURN FENCE TO OWNER.
- DEMOLISH AND REMOVE EX. UTILITY LINE. BACKFILL EMPTY TRENCH WITH APPROVED FILL PER GEOTECHNICAL REPORT.
- DEMOLISH AND REMOVE EX. UTILITY STRUCTURE
- CAP EXISTING UTILITY WHERE SHOWN PER UTILITY OWNERS SPECIFICATIONS AND REQUIREMENTS. IF PRESSURIZED UTILITY CONTRACTOR SHALL HAVE COMPETENT PROFESSIONAL DESIGN PIPE RESTRAINTS.
- PROTECT EXISTING UTILITY TO REMAIN

DEMOLITION NOTES

1. CONTRACTOR IS TO COMPLY WITH ALL GENERAL AND STATE REQUIREMENTS INVOLVING THE REMOVAL AND DISPOSAL OF HAZARDOUS MATERIAL(S).
2. CONTRACTOR'S BID IS TO INCLUDE ALL VISIBLE SURFACE AND ALL SUBSURFACE FEATURES IDENTIFIED TO BE REMOVED OR ABANDONED IN THESE DOCUMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A SITE INSPECTION TO FULLY ACKNOWLEDGE THE EXTENT OF THE DEMOLITION WORK.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS NECESSARY FOR ENCROACHMENT, GRADING, DEMOLITION, AND DISPOSAL OF SAID MATERIALS AS REQUIRED BY PRIVATE, LOCAL AND STATE JURISDICTIONS. THE CONTRACTOR SHALL PAY ALL FEES ASSOCIATED WITH THE DEMOLITION WORK.
5. BACKFILL ALL DEPRESSIONS AND TRENCHES FROM DEMOLITION TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER.
6. REMOVAL OF LANDSCAPING SHALL INCLUDE ROOTS AND ORGANIC MATERIALS TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER.
7. PRIOR TO BEGINNING DEMOLITION WORK ACTIVITIES, CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES OUTLINED IN THE EROSION CONTROL PLAN & DETAILS AND THE PROJECT SWPPP IF APPLICABLE.
8. THE CONTRACTOR SHALL MAINTAIN ALL SAFETY DEVICES, AND SHALL BE RESPONSIBLE FOR CONFORMANCE TO ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS LAWS AND REGULATIONS.
9. THE CONTRACTOR SHALL PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS FACILITIES AND STRUCTURES WHICH ARE TO REMAIN. ANY ITEMS DAMAGED BY THE CONTRACTOR OR THEIR AGENTS OR ANY ITEMS REMOVED FOR HIS USE SHALL BE REPLACED IN EQUAL OR BETTER CONDITION AS APPROVED BY THE ARCHITECT OR OWNER'S REPRESENTATIVE.
10. COORDINATE WITH ELECTRICAL, MECHANICAL, LANDSCAPING AND ARCHITECTURAL DRAWINGS FOR UTILITY SHUT-DOWN/DISCONNECT LOCATIONS. CONTRACTOR IS TO SHUT OFF ALL UTILITIES AS NECESSARY PRIOR TO DEMOLITION. CONTRACTOR IS TO COORDINATE SERVICE INTERRUPTIONS WITH THE UTILITY OWNER AND ANY AFFECTED PROPERTIES OR BUILDINGS. SEE ARCHITECTURAL PLANS FOR ADDITIONAL DEMOLITION SCOPE OF WORK.
11. THIS PLAN IS NOT INTENDED TO BE A COMPLETE CATALOGUE OF ALL EXISTING STRUCTURES AND UTILITIES. THIS PLAN INTENDS TO DISCLOSE GENERAL INFORMATION KNOWN BY THE ENGINEER AND TO SHOW THE LIMITS OF THE AREA WHERE WORK WILL BE PERFORMED. THIS PLAN SHOWS THE EXISTING FEATURES TAKEN FROM A FIELD SURVEY, FIELD INVESTIGATIONS AND AVAILABLE INFORMATION. THIS PLAN MAY OR MAY NOT ACCURATELY REFLECT THE TYPE OR EXTENT OF THE ITEMS TO BE ENCOUNTERED AS THEY ACTUALLY EXIST. WHERE EXISTING FEATURES ARE NOT SHOWN, IT IS NOT IMPLIED THAT THEY ARE NOT TO BE DEMOLISHED OR RELOCATED. THE CONTRACTOR SHALL PERFORM A THOROUGH FIELD INVESTIGATION AND REVIEW OF THE SITE WITHIN THE LIMIT OF WORK SHOWN IN THIS PLAN SET TO DETERMINE THE TYPE, QUANTITY AND EXTENT OF ANY AND ALL ITEMS. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING THE EXTENT OF EXISTING STRUCTURES AND UTILITIES AND QUANTITY OF WORK INVOLVED IN REMOVING THESE ITEMS FROM THE SITE.
12. CONTRACTOR TO DEMOLISH AND REMOVE ALL IRRIGATION IN LANDSCAPE AREAS WITHIN THE LIMIT OF WORK. IF ANY IRRIGATION LINES OR MAINS ARE IN THE LIMIT OF WORK OR ARE DAMAGED THAT SERVE LANDSCAPE TO REMAIN, CONTRACTOR TO RECONNECT OR RELOCATE AT NO ADDITIONAL COST TO OWNER.
13. PROTECT ALL EXISTING UTILITIES IN PLACE UNLESS OTHERWISE NOTED. REPLACE ANY DAMAGED UTILITY TO REMAIN TO KEEP OPERABLE DURING CONSTRUCTION.
14. ALL UTILITY SHUT DOWNS ARE TO BE AVOIDED. IF SHUT DOWNS ARE NECESSARY, CONTRACTOR TO COORDINATE SHUT DOWN WITH UTILITY OWNER WITH 48 HOUR MINIMUM NOTICE.
15. ALL EXISTING STORM DRAIN, SANITARY SEWER, AND WATER MAINS THAT SERVE EXISTING BUILDINGS MUST REMAIN OPERABLE DURING CONSTRUCTION. CONTRACTOR TO SET UP TEMPORARY SERVICE OR PUMP AS NECESSARY TO ENSURE UNINTERRUPTED SERVICE.

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Designer	Nicholas Chandler

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BERKELEY, CA 94704

No.	DATE	DESCRIPTION
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DEMOLITION PLAN

C100

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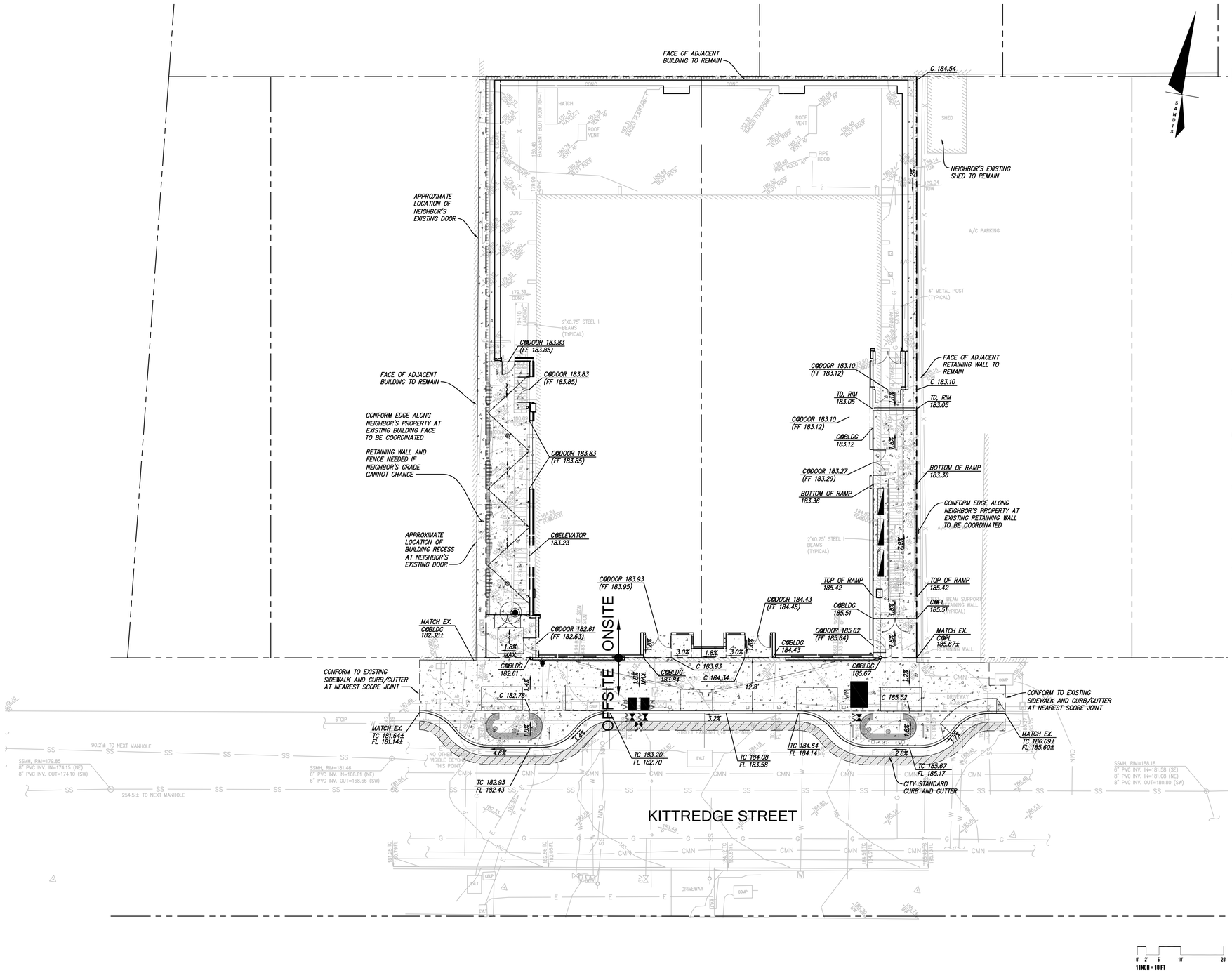

LEGEND

- PROPERTY LINE
- SAWCUT LINE
- GRADE BREAK
- HARDSCAPE, SLD FOR FINISH DETAILS
- LANDSCAPING

SITE AND GRADING NOTES

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND WITH THE AMERICANS WITH DISABILITIES ACT.
2. PATH OF TRAVEL TO BUILDING SHALL NOT EXCEED A SLOPE OF 1:20 (5%) UNLESS RAILINGS ARE SHOWN, IN WHICH CASE THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
3. A 2% MAXIMUM SLOPE LANDING SHALL BE PROVIDED AT PRIMARY ENTRANCES TO THE BUILDING. THE LANDINGS SHALL HAVE A MINIMUM WIDTH OF 60" AND A MINIMUM DEPTH OF 60" WHEN THE DOOR OPENS INTO THE BUILDING, AND 42" PLUS THE WIDTH OF THE DOOR WHEN THE DOORS OPEN ONTO THE LANDING.
4. MAXIMUM CROSS SLOPE ALONG SIDEWALK OR PATHWAY SHALL BE 2% MAXIMUM.
5. THE SIDEWALK SHALL HAVE A 4' MINIMUM CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

GENERAL NOTES

1. CONTRACTOR SHALL VISIT THE SITE PRIOR TO BIDDING ON THIS WORK AND CONSIDER THE EXISTING CONDITIONS AND SITE CONSTRAINTS IN THE BID. CONTRACTOR SHALL BE IN THE POSSESSION OF AND FAMILIAR WITH ALL APPLICABLE GOVERNING AGENCIES STANDARD DETAILS AND SPECIFICATIONS PRIOR TO SUBMITTING OF A BID.
2. ALL WORK ON-SITE AND IN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO ALL APPLICABLE GOVERNING AGENCIES STANDARD DETAILS & SPECIFICATIONS.
3. PRIOR TO BEGINNING WORK, AND AFTER INITIAL HORIZONTAL CONTROL STAKING, CONTRACTOR SHALL FIELD CHECK ALL ELEVATIONS MARKED WITH (E) AND REPORT ANY DISCREPANCIES GREATER THAN 0.05' TO THE ENGINEER.
4. DAMAGE TO ANY EXISTING SITE IMPROVEMENTS, UTILITIES AND/OR SERVICES TO REMAIN SHALL BE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL REPAIR AND/OR REPLACE IN KIND.
5. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT INCLUDING SAFETY OF ALL PERSONS AND PROPERTY THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND INDEMNIFY AND HOLD THE CLIENT, THE CONSULTING ENGINEER AND THE CITY HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE CLIENT OR THE CONSULTING ENGINEER.

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SITE AND GRADING PLAN

C200

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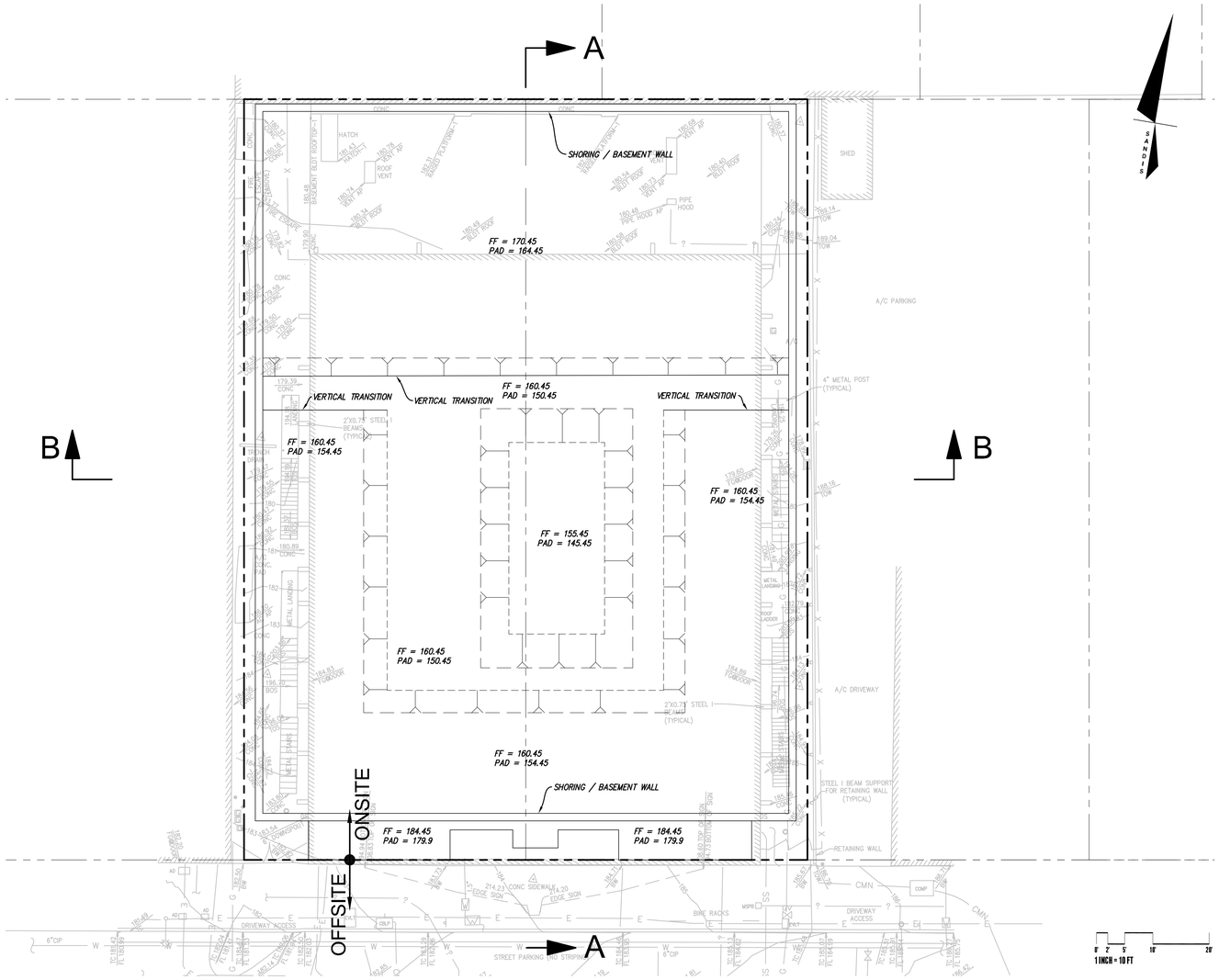
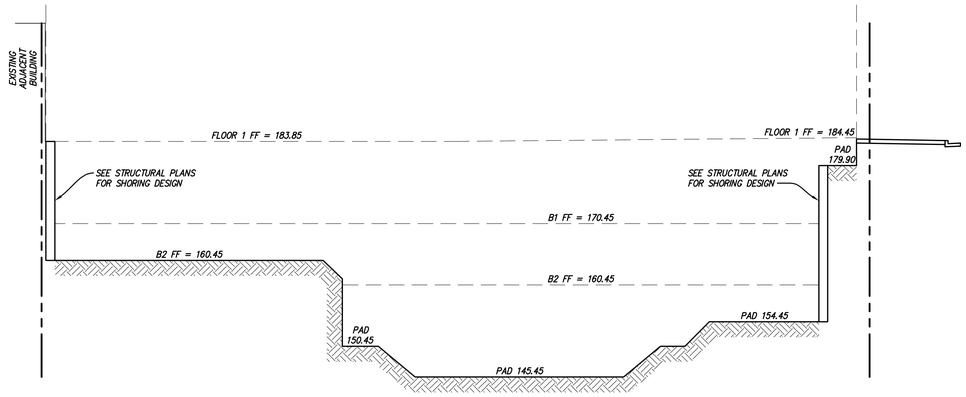


LEGEND

- DIRECTION OF STEEP SLOPE
- FLOW LINE
- TOP OF SLOPE
- TOE OF SLOPE
- 194 / 195 — CONTOURS

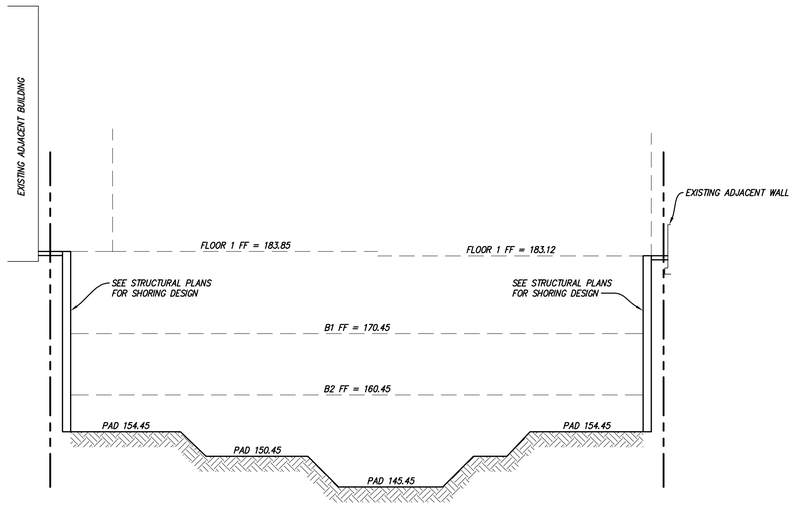
COORDINATION NOTES

1. WORK WITH STRUCTURAL ENGINEER ON SHORING DESIGN AND LOCATION TO FINALIZE ROUGH GRADING PLAN.
2. WORK WITH ARCHITECT AND STRUCTURAL ENGINEER TO FINALIZE PAD ELEVATIONS.



SECTION A–A

1"=10'



SECTION B–B

1"=10'

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ROUGH GRADNG PLAN

C201

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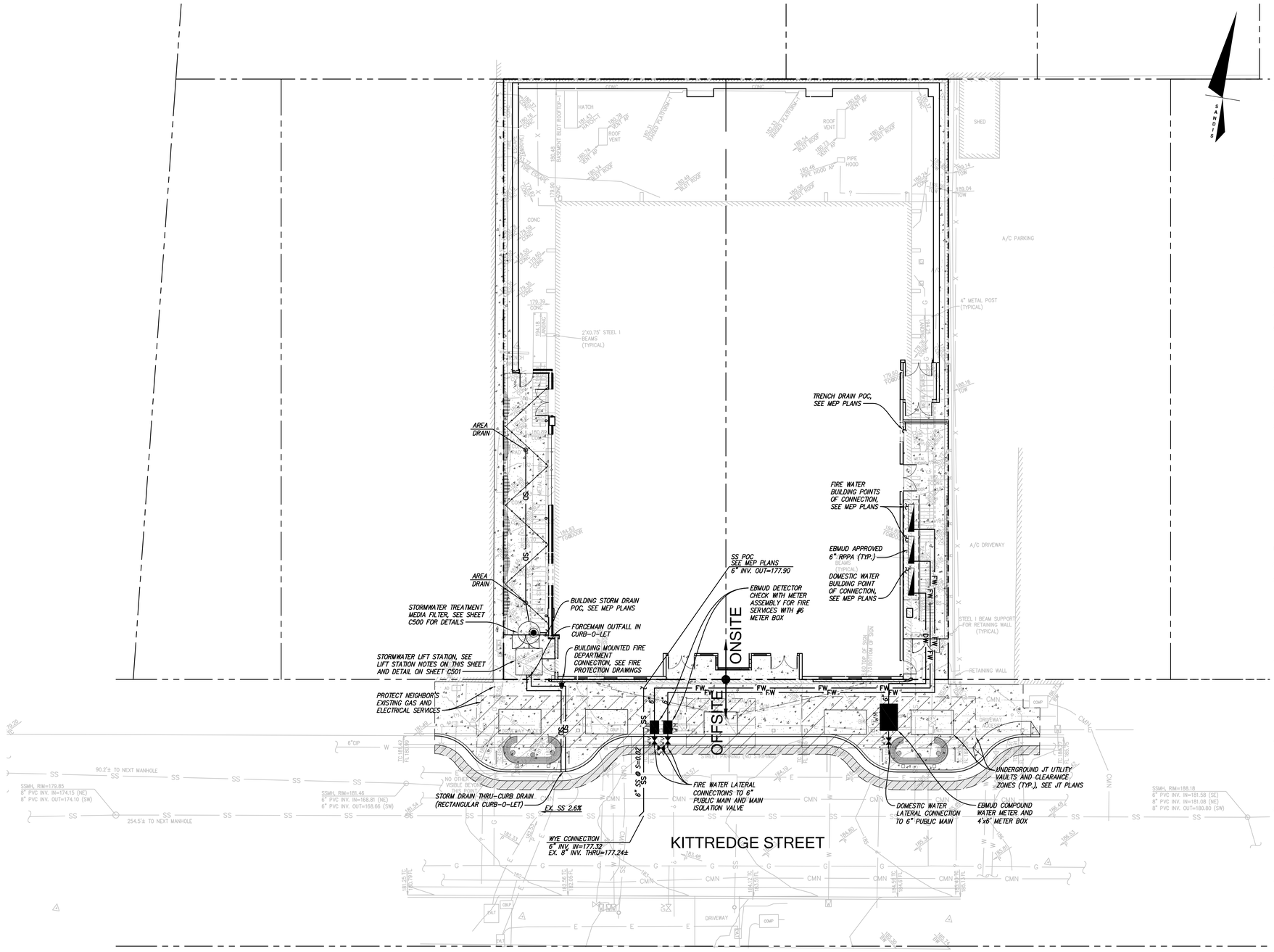

LEGEND

PROPERTY LINE
SAWCUT LINE

UTILITY NOTES

1. ALL AREA DRAINS AND CATCH BASINS GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
2. ALL UTILITY TRENCHES SHALL BE BACK FILLED PER THE SPECIFICATIONS WITH APPROPRIATE TESTS BY THE GEOTECHNICAL ENGINEER TO VERIFY COMPACTION VALUES.
3. POTHOLING IS STRONGLY RECOMMENDED FOR NEW GRAVITY FLOW SYSTEMS TO VERIFY THE DEPTH OF ALL EXISTING CROSSING UTILITIES. POTHOLING CAN ALSO VERIFY THE SIZE AND MATERIAL OF ANY OTHER UTILITIES THE PROJECT IS CONNECTING ONTO.
4. ALL SEWER WORK SHALL BE IN CONFORMANCE WITH THE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT STANDARDS.
5. ALL SEWER LATERALS SHALL HAVE A TWO WAY CLEANOUT AT FACE OF BUILDING.
6. ALL WATER SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE EBMUD STANDARDS.
7. ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER.
8. THRUST RESTRAINTS SHALL BE DESIGNED AND INSTALLED AT ALL TEES, CROSSES, BENDS (HORIZONTAL AND VERTICAL), AND AT SIZE CHANGES.

LIFT STATION NOTES

STORMWATER TREATMENT MEDIA FILTER AND PUMP. THE STORMWATER TREATMENT DESIGN STRATEGY ENTAILS:

1. ALL ROOF AND PAVEMENT RUNOFF IS CAPTURED VIA AREA/ROOF DRAINS AND PIPED TO MEDIA FILTER VAULT.
2. STORMWATER IS TREATED THROUGH THE MEDIA FILTERS DURING A WATER QUALITY RAIN EVENT (IE. 0.2 IN/HR RAINFALL INTENSITY). THE WATER SUBSEQUENTLY HEADS TOWARDS THE OUTLET.
   2.1. LARGER STORM EVENTS WILL BYPASS THE MEDIA FILTERS AND HEAD DIRECTLY TO THE OUTLET.
3. STORMWATER LEAVES THE VAULT THROUGH THE OUTLET AND INTO A LIFT STATION SIZED FOR A 100 YEAR STORM EVENT WITH N+1 PUMP REDUNDANCY.
4. THE LIFT STATION FINALLY DISCHARGES INTO A THROUGH-CURB DRAIN WHICH THEN OUTFALLS INTO THE STREET GUTTER PAN.

GENERAL NOTES

1. ALL TRENCHES SHALL BE BACK FILLED PER DETAIL **X**, SHEET **XXX**.
2. CATHODIC PROTECTION SHALL BE REQUIRED ON ALL METALLIC FITTINGS AND ASSEMBLIES THAT ARE IN CONTACT WITH THE SOIL, UNLESS SPECIFICALLY DEEMED UNNECESSARY BY THE GEOTECHNICAL REPORT. CONTRACTOR IS RESPONSIBLE TO FULLY ENGINEER AND INSTALL THIS SYSTEM AND COORDINATE ANODE AND TEST STATION LOCATIONS WITH THE UTILITY OWNER.
3. COMPLETE SYSTEMS: ALL UTILITY SYSTEMS ARE DELINEATED IN A SCHEMATIC MANNER ON THESE PLANS. CONTRACTOR IS TO PROVIDE ALL FITTINGS, ACCESSORIES AND WORK NECESSARY TO COMPLETE THE UTILITY SYSTEM SO THAT IT IS FULLY FUNCTIONING FOR THE PURPOSE INTENDED.
4. UNDERGROUND UTILITIES OR STRUCTURES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS AND EXTENT BASED UPON RECORD INFORMATION. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CLIENT, BY ACCEPTING THESE PLANS OR PROCEEDING WITH IMPROVEMENTS PURSUANT THERETO, AGREES TO ASSUME LIABILITY AND TO HOLD UNDERSIGNED HARMLESS FOR ANY DAMAGES RESULTING FROM THE EXISTENCE OF UNDERGROUND UTILITIES OR STRUCTURES NOT REPORTED TO THE UNDERSIGNED; NOT INDICATED ON THE PUBLIC RECORDS EXAMINED, LOCATED AT VARIANCE WITH THOSE REPORTED OR SHOWN ON RECORDS EXAMINED.
5. CONTRACTOR SHALL VERIFY ALL EXISTING INVERT ELEVATIONS FOR STORM DRAIN AND SANITARY SEWER CONSTRUCTION PRIOR TO COMMENCEMENT OF ANY WORK. ALL WORK FOR STORM AND SANITARY SEWER INSTALLATION SHALL BEGIN AT THE DOWNSTREAM CONNECTION POINT. THIS WILL ALLOW FOR ANY NECESSARY ADJUSTMENTS TO BE MADE PRIOR TO THE INSTALLATION OF THE ENTIRE LINE. IF THE CONTRACTOR FAILS TO BEGIN AT THE DOWNSTREAM CONNECTION POINT AND WORK UP-STREAM, AND SHALL PROCEED AT HIS OWN RISK AND BE RESPONSIBLE FOR ANY ADJUSTMENTS NECESSARY.
6. EXISTING UTILITY CROSSINGS OF NEW PIPELINE ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. GAS, WATER AND SEWER SERVICE LATERALS ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE TYPE, SIZE, LOCATION AND DEPTH OF ALL THE UTILITY CROSSING (BOTH MAINS AND LATERALS) ARE CORRECT AS SHOWN. NO GUARANTEE IS MADE THAT ALL EXISTING UTILITIES (BOTH MAINS AND LATERALS) ARE SHOWN. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN EXCAVATING AND SHALL PROTECT ALL EXISTING UTILITIES (BOTH MAINS AND LATERALS) FROM DAMAGE DUE TO HIS OPERATION.
7. VERTICAL SEPARATION REQUIREMENTS (UNLESS SPECIFICALLY SHOWN OTHERWISE ON PLANS):

   A MINIMUM OF SIX (6) INCHES VERTICAL CLEARANCE, MEASURED FROM OUTSIDE EDGE OF PIPE, SHALL BE PROVIDED BETWEEN CROSSING UTILITY PIPES, EXCEPT THAT THE MINIMUM VERTICAL CLEARANCE BETWEEN WATER AND SANITARY SEWER PIPELINES SHALL BE 12 INCHES AND ALL NEW WATER PIPES SHALL BE TYPICALLY INSTALLED TO CROSS ABOVE/OVER EXISTING SANITARY SEWER PIPELINES.

   WHERE NEW WATER PIPELINES ARE REQUIRED TO CROSS UNDER EXISTING AND/OR NEW SANITARY SEWER PIPELINES, THE MINIMUM VERTICAL SEPARATION SHALL BE 12 INCHES. WATER LINE PIPE ENDS SHALL BE INSTALLED NO CLOSER THAN 10' MINIMUM HORIZONTAL DISTANCE FROM CENTERLINE OF UTILITY CROSSINGS, WHERE FEASIBLE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING APPROPRIATE UTILITIES AND REQUESTING VERIFICATION OF SERVICE POINTS, FIELD VERIFICATION OF LOCATION, SIZE, DEPTH, ETC. FOR ALL THEIR FACILITIES AND TO COORDINATE WORK SCHEDULES.
9. ANY EXISTING UNDERGROUND UTILITY LINES TO BE ABANDONED, SHALL BE REMOVED FROM WITHIN THE PROPOSED BUILDING ENVELOPE AND THEIR ENDS CAPPED OUTSIDE OF THE BUILDING ENVELOPE.
10. ANY PIPING TO BE ABANDONED IN PLACE SHALL BE FILLED WITH GROUT AND CAPPED.

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UTILITY PLAN

C300

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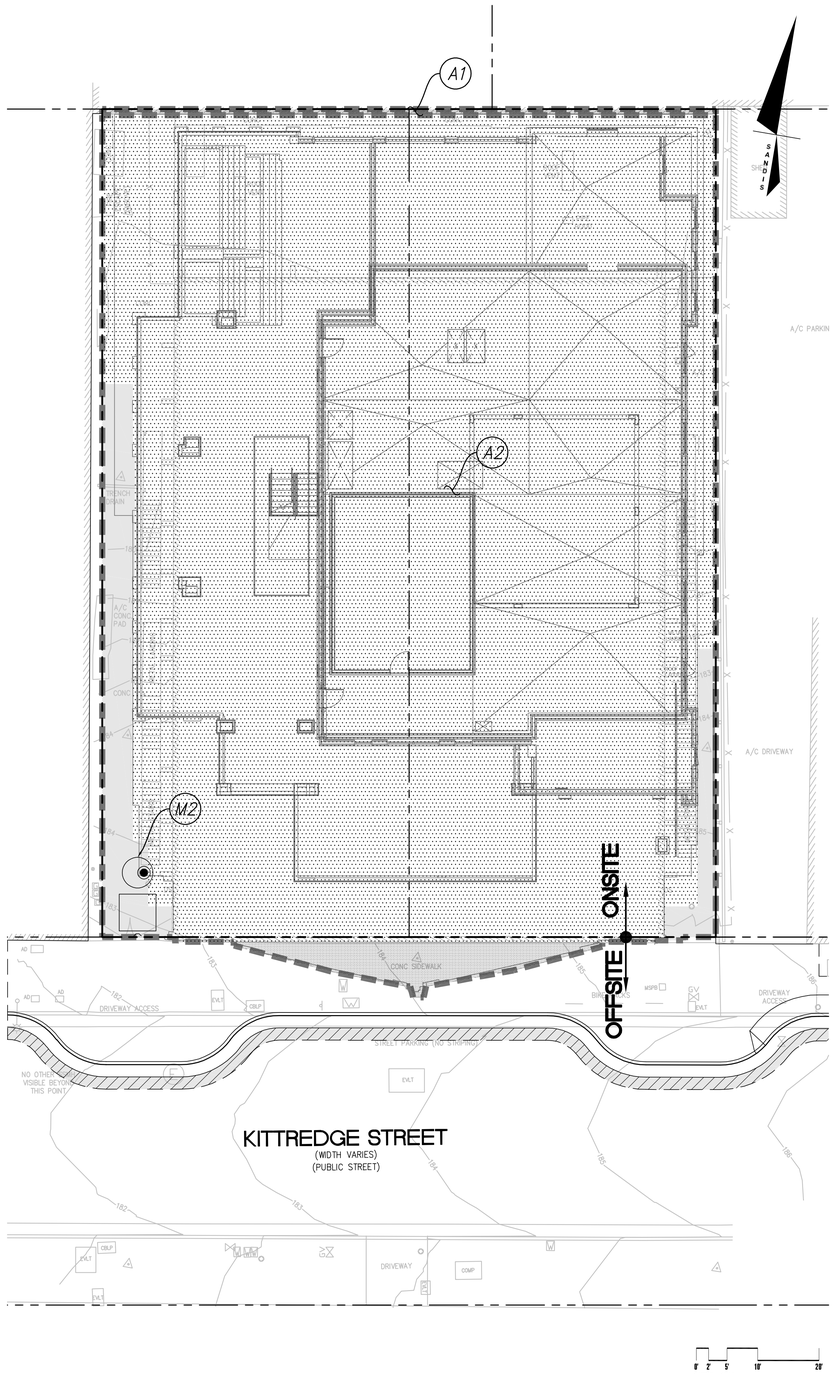

LEGEND

- PROPOSED HARDSCAPE
- PROPOSED ROOF
- EXISTING ROOF
- DRAINAGE AREA BOUNDARY

STORMWATER MANAGEMENT NOTES:

THE PROPOSED PROJECT WILL INCLUDE MORE THAN 10,000 SQUARE FEET OF IMPERVIOUS SURFACE ADDITION AND REPLACEMENT. GIVEN THAT THE PROJECT SURPASSES THIS THRSHOLD, THE PROJECT IS CONSIDERED A REGULATED PROJECT PER THE REQUIREMENTS OF PROVISION C.3 OF THE MUNICIPAL REGIONAL STORMWATER PERMIT (ORDER NO. R2-2022-0018 AND R2-2015-0049). THIS PLAN PRESENTS THE METHODS AND CALCULATIONS FOR COMPLYING WITH THESE REQUIREMENTS, IN ACCORDANCE WITH THE CITY OF BERKELEY AND ALAMEDA COUNTY STORMWATER PROGRAMS. MOROVER, GIVEN THAT THIS PROJECT IS REPLACING MORE THAN 50% OF THE EXISTING IMPERVIOUS AREA, THE PROJECT MUST TREAT THE ENTIRE SITE.

THIS PROJECT IS CONSIDERED A SPECIAL PROJECT CATEGORY "A" PER THE CHARACTERISTICS LISTED IN ALAMEDA COUNTY'S SPECIAL PROJECTS WORKSHEET.

A. PROJECT IS IN A DOWNTOWN CORE AREA.
B. PROJECT CREATES/REPLACES < ½ ACRE IMPERVIOUS SURFACE.
C. PROJECT INCLUDES NO SURFACE AREA PARKING.
D. PROJECT HAS AT LEAST 85% COVERAGE BY PERMANENT STRUCTURES.

A NARRATIVE IS INCLUDED AS PART OF THE PLANNING SUBMITTAL WHICH DESCRIBES HOW LID TREATMENT IS NOT FEASIBLE ONSITE, AND WHY THE PROJECT MUST USE A MEDIA FILTER TO REGULATE THE QUALITY OF STORMWATER LEAVING THE SITE. THIS TREATMENT DEVICE IS DESCRIBED BELOW:

A. MEDIA FILTER – RUNOFF FROM THE CONTRIBUTING IMPERVIOUS SURFACE FLOWS THROUGH A MEDIA FILTER SIZED TO TREAT THE RUNOFF BASED ON A 0.2 IN/HR INTENSITY (TREATMENT STORM EVENT). THIS IS A NON-LID TREATMENT MEASURE WHICH REMOVES POLLUTANTS FROM RUNOFF THROUGH SCREENING AND FILTER CARTRIDGES MADE UP OF MANUFACTURED MEDIA. THIS TREATMENT DEVICE IS ONLY ALLOWED FOR "SPECIAL PROJECTS". THIS PROJECT QUALIFIES AS A CATEGORY A SPECIAL PROJECT.

C.3 STORMWATER TREATMENT MEASURES

AREA ID	PROPOSED IMPERVIOUS AREA (SF)	EXISTING IMPERVIOUS AREA (SF)	TOTAL AREA (SF)	BMP ID	BMP TYPE
A1	0	75	75	–	IN-LIEU CREDIT[1]
A2	13,461	270[2]	13,731	M2	MEDIA FILTER[3]

TABLE FOOTNOTES:

1. EXISTING UNTREATED IMPERVIOUS SURFACE INCLUDES NEIGHBORING BUILDING ROOF WITHIN PROJECT PROPERTY. EXISTING IMPERVIOUS AREA WITHIN DRAINAGE AREA A2 WILL BE TREATED IN LIEU OF THIS AREA.
2. THIS AREA REPRESENTS THE EXISTING FOOTPRINT OF THE EXISTING MARQUEE SIGN TO REMAIN. 75 SF OF THE OVERALL 270 SF TREATED AREA WILL BE USED AS IN-LIEU CREDIT FOR DRAINAGE AREA A1.
3. SEE EXAMPLE MEDIA FILTER PRODUCT, THIS SHEET. SIZED USING RATIONAL METHOD (Q=CIA):

$C=0.85$ (ROOF/HARDSCAPE)
$I_{TREAT}=0.2$ IN/HR (TREATMENT RAINFALL INTENSITY)
$I_{10YR}=2.05$ IN/HR (10 YEAR/10 MIN RAINFALL INTENSITY PER NOAA)
$A=0.32$ ACRES
$Q_{TREAT}=0.05$ CFS
$Q_{10YR}=0.56$ CFS

FEMA FLOOD ZONE DESIGNATION

THE PROPOSED PROJECT SITE RESIDES IN FEMA'S FLOOD INSURANCE RATE MAP (FIRM) 06001C0057G, EFFECTIVE AUGUST 3, 2009. THE ENTIRE PROJECT AREA IS LOCATED IN ZONE X, 'OTHER AREAS' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

HYDROMODIFICATION NOTE:

THE PROJECT IS EXEMPT FROM HYDROMODIFICATION REQUIREMENTS PER THE ALAMEDA COUNTY C.3 TECHNICAL GUIDANCE DOCUMENT. THE PROJECT IS EXEMPT FROM HYDROMODIFICATION DUE TO IMPERVIOUS AREA ADDED OR REPLACED BEING LESS THAN 1 ACRE.

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STORMWATER MANAGEMENT PLAN

C400

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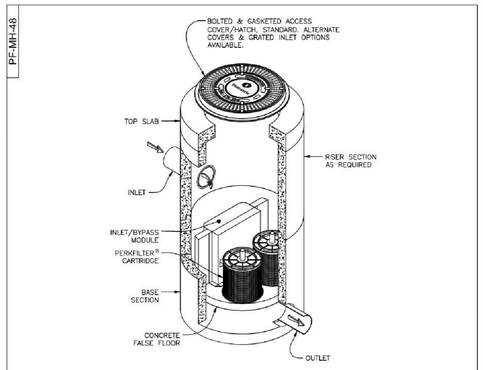

Notes:

1. Precast concrete structure shall be manufactured in accordance with ASTM Designation C478.
2. Filter system shall be supplied with traffic rated (H20) bolted & gasketed Ø36" circular access covers with risers as required. Field poured concrete collar required, by others.
3. Inlet & outlet pipe(s) are to be Ø18" maximum. Inlet pipes must enter the structure in the inlet chamber.
4. Inlet chamber shall be supplied with drain-down device designed to remove standing water between storm events.
5. Minimum separation between invert in & invert out is outlet pipe diameter plus 4.00".
6. For depths less than specified minimums contact Oldcastle Infrastructure for engineering assistance.

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks

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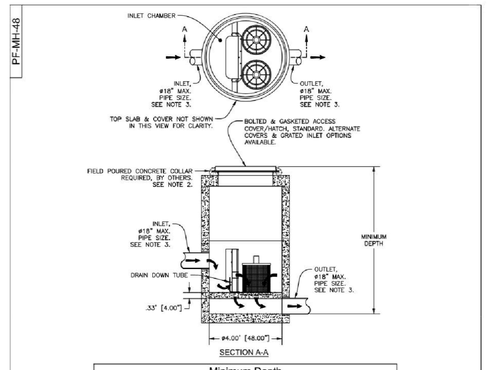
Drawing No.	Rev.	Issue	Date	
PF-MH-48	A	ECO-0168 ARS 1/22/2020	PPS 1/23/20	SHEET 1 OF 2



SECTION A-A

Minimum Depth

PIPE SIZE	Ø6"	Ø8"	Ø10"	Ø12"	Ø15"	Ø18"
CARTRIDGE TYPE	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET
12"	3.67' [44.00"]	3.92' [47.00"]	4.17' [50.00"]	4.42' [53.00"]	4.67' [56.00"]	4.92' [59.00"]
18"	4.42' [53.00"]	4.67' [56.00"]	4.92' [59.00"]	5.17' [62.00"]	5.42' [65.00"]	5.67' [68.00"]
12" + 12"	5.17' [62.00"]	5.42' [65.00"]	5.67' [68.00"]	5.92' [71.00"]	6.17' [74.00"]	6.42' [77.00"]
12" + 18"	5.67' [68.00"]	5.92' [71.00"]	6.17' [74.00"]	6.42' [77.00"]	6.67' [80.00"]	6.92' [83.00"]

Ø48" PERKFILTER MANHOLE
TREATMENT FLOW RATES, TOTAL FLOW CAPACITIES & MAXIMUM HEAD LOSS

CARTRIDGE STACK QUANTITY	CARTRIDGE STACK CONFIGURATION					
	12"		18"		12" & 12"		12" & 18"	
	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)
1	12 / 0.03	2.47	18 / 0.04	3.05	24 / 0.05	3.45	30 / 0.07	3.62
2	24 / 0.05	2.47	36 / 0.08	3.05	48 / 0.11	3.45	60 / 0.13	3.62
MAXIMUM HEAD LOSS	1.7 FEET		2.3 FEET		2.9 FEET		3.5 FEET	

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks

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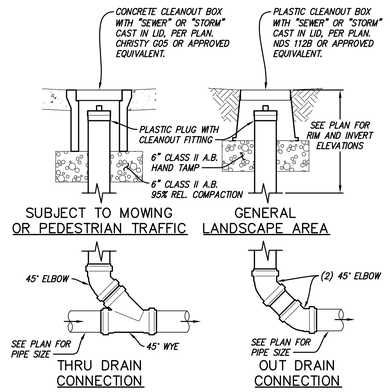
Drawing No.	Rev.	Issue	Date	
PF-MH-48	A	ECO-0168 ARS 1/22/2020	PPS 1/23/20	SHEET 2 OF 2

MEDIA FILTER
N.T.S.
1

PIPE SIZE	NDS MODEL NUMBER*		
	PEDESTRIAN		VEHICULAR
	ROUND GRATE (BLACK PLASTIC)	SQUARE GRATE	ROUND GRATE (DUCTILE IRON)
4"	11	4 (BLACK PLASTIC)	N/A
6"	40	970 (BLACK PLASTIC)	D6
8"	10	12DH-WO** (CAST IRON)	D8

*OR APPROVED EQUIVALENT

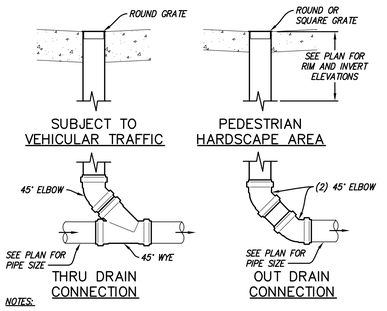
**12" TO 8" REDUCER REQUIRED TO CONNECT TO 8" RISER PIPE



NOTES:

1. RISER DIAMETER SHALL MATCH THRU/OUT PIPE SIZE.

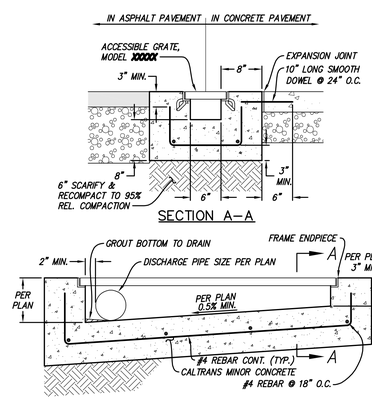
GRAVITY CLEANOUT
1"=1'
2



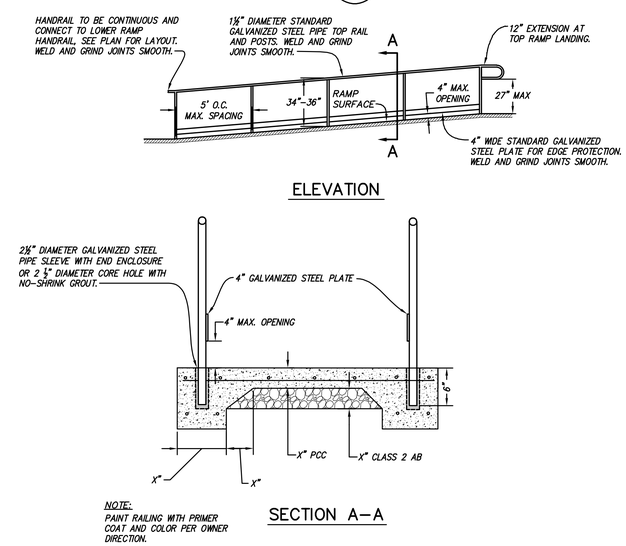
NOTES:

1. RISER DIAMETER SHALL MATCH STORM DRAIN AREA DRAIN SIZE.
2. THRU/OUT PIPE SIZE SHALL BE EQUAL OR GREATER THAN RISER DIAMETER.

HARDSCAPE AREA DRAIN
1"=1'
3



CAST-IN-PLACE TRENCH DRAIN
1"=1'
4



NOTE:
PAINT RAILING WITH PRIMER COAT AND COLOR PER OWNER DIRECTION.

ACCESSIBLE RAMP AND HANDRAIL
N.T.S.
5

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Principal Michael Kuykendall
Designer Nicholas Chandler

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2115 KITTREDGE ST.
BERKELEY, CA 94704

No.	DATE	DESCRIPTION
	8/28/2023	100% DD Set

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CONSTRUCTION DETAILS

C500

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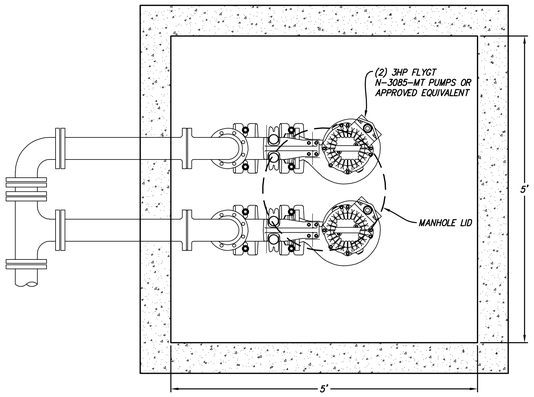
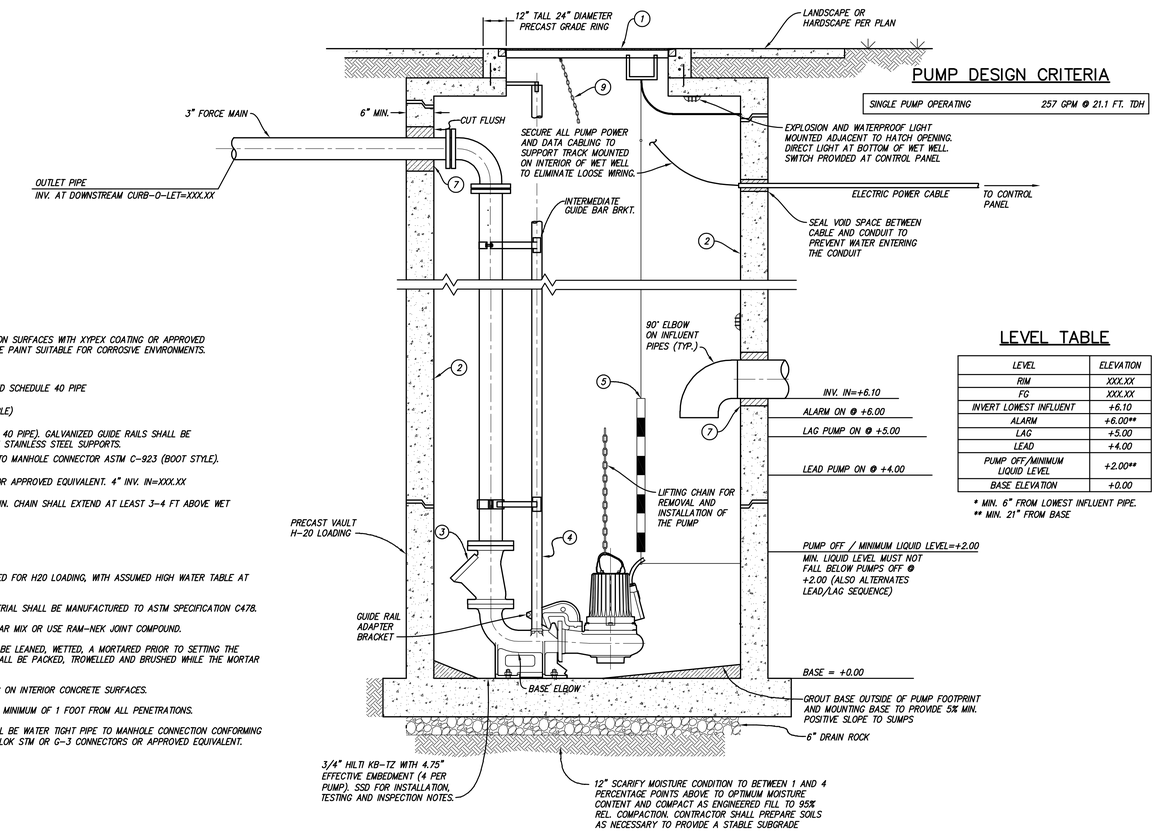


PLAN VIEW
N.T.S.



SECTION A–A
N.T.S.

PUMP DESIGN CRITERIA

SINGLE PUMP OPERATING	257 GPM @ 21.1 FT. TDH

LEVEL TABLE

LEVEL	ELEVATION
RIM	XXX.XX
FG	XXX.XX
INVERT LOWEST INFLUENT	+6.10
ALARM	+6.00**
LAG	+5.00
LEAD	+4.00
PUMP OFF/MINIMUM LIQUID LEVEL	+2.00**
BASE ELEVATION	+0.00

* MIN. 6" FROM LOWEST INFLUENT PIPE.
** MIN. 21" FROM BASE

NOTES:

1. H-20 RATED MANHOLE LID..
2. COAT INTERIOR OF LIFT STATION SURFACES WITH XYPEX COATING OR APPROVED EQUIVALENT. PAINT WITH WHITE PAINT SUITABLE FOR CORROSIVE ENVIRONMENTS.
3. BALL CHECK VALVE.
4. (4) 2" GUIDE BAR, GALVANIZED SCHEDULE 40 PIPE
5. LEVEL PROBE (SEE LEVEL TABLE)
6. (4) 2" GUIDE BAR (SCHEDULE 40 PIPE). GALVANIZED GUIDE RAILS SHALL BE SUPPORTED EVERY 5-FT WITH STAINLESS STEEL SUPPORTS.
7. WATER TIGHT RESILIENT PIPE TO MANHOLE CONNECTOR ASTM C-923 (BOOT STYLE).
8. JOSAM 67724 SWING CHECK OR APPROVED EQUIVALENT. 4" INV. IN=XXX.XX
9. STAINLESS STEEL LIFTING CHAIN. CHAIN SHALL EXTEND AT LEAST 3-4 FT ABOVE WET WELL.

NOTES:

A. PUMP STATION TO BE DESIGNED FOR H20 LOADING, WITH ASSUMED HIGH WATER TABLE AT ELEVATION AT XXX.XX

B. PRECAST PUMP STATION MATERIAL SHALL BE MANUFACTURED TO ASTM SPECIFICATION C478.

C. GROUT JOINTS WITH 1:3 MORTAR MIX OR USE RAM-NEK JOINT COMPOUND.

D. ALL CONCRETE JOINTS SHALL BE LEANED, WETTED, A MORTARED PRIOR TO SETTING THE NEXT SECTION THE JOINTS SHALL BE PACKED, TROWELLED AND BRUSHED WHILE THE MORTAR IS PLASTIC.

E. XYPEX CONCENTRATE COATING ON INTERIOR CONCRETE SURFACES.

F. JOINT LOCATIONS SHALL BE A MINIMUM OF 1 FOOT FROM ALL PENETRATIONS.

G. ALL PIPE PENETRATIONS SHALL BE WATER TIGHT PIPE TO MANHOLE CONNECTION CONFORMING TO ASTM C-923. A-LOK'S Z-LOK STM OR G-3 CONNECTORS OR APPROVED EQUIVALENT.

LIFT STATION 1
N.T.S.

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Principal	Michael Kuykendall
Designer	Nicholas Chandler

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No.	DATE	DESCRIPTION
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CONSTRUCTION DETAILS

C501

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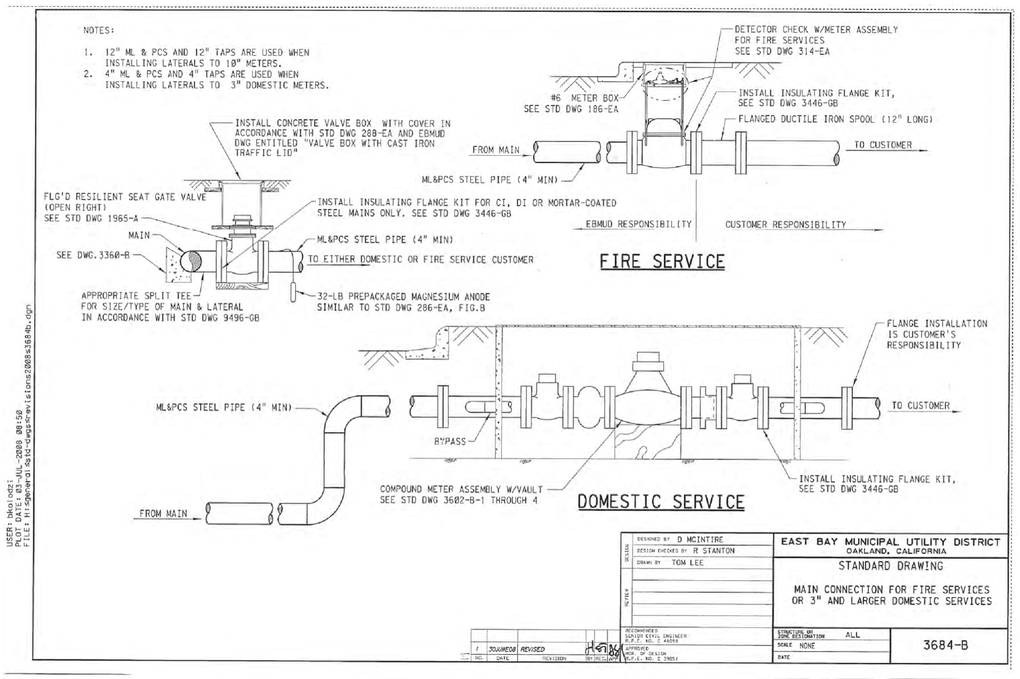

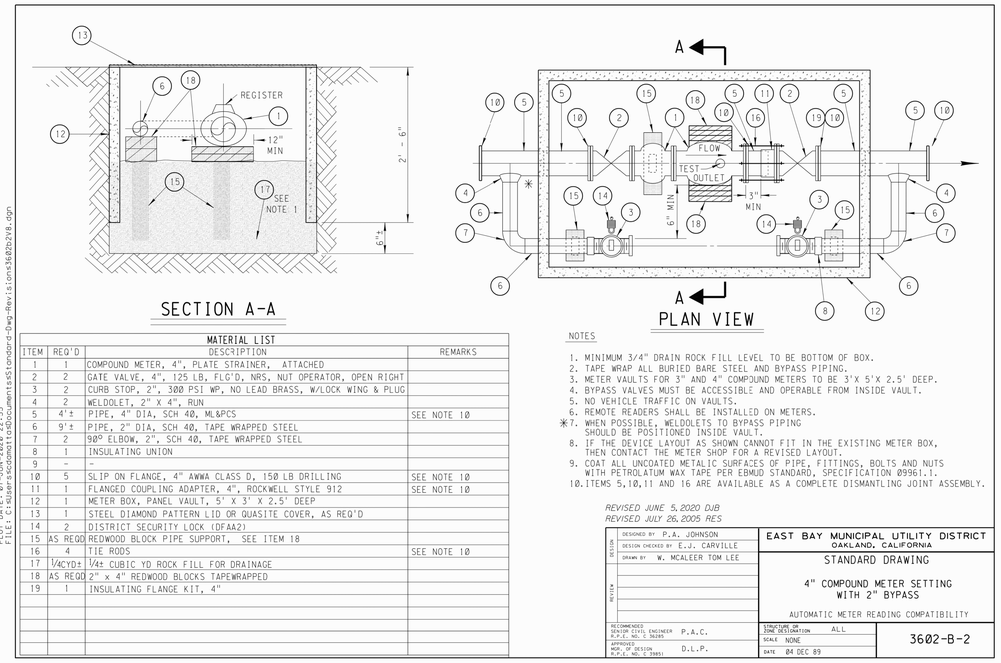

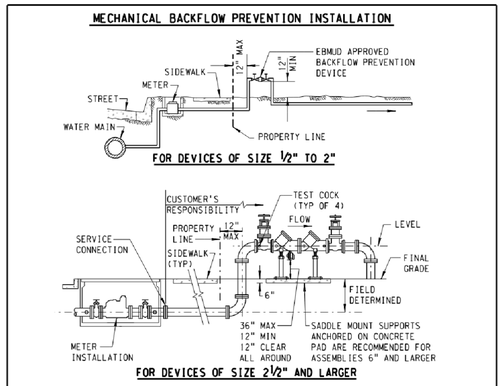

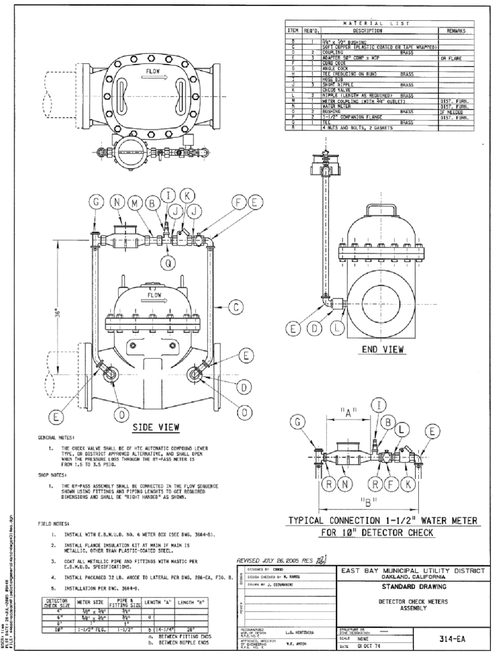

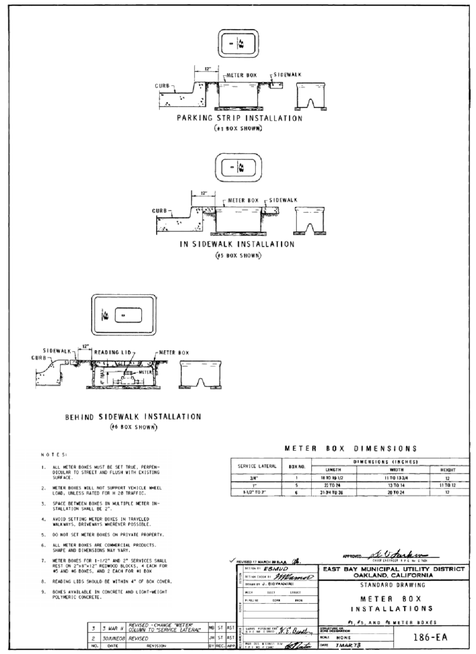

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CONSTRUCTION DETAILS

C502

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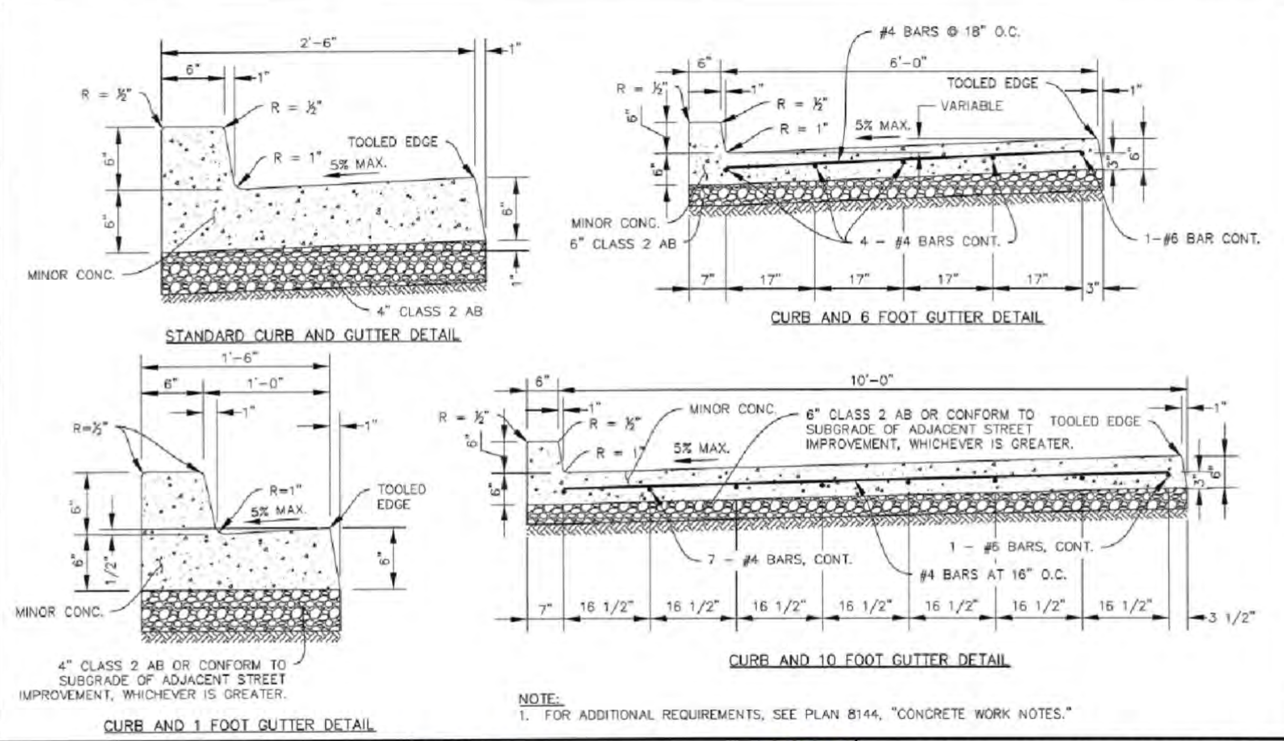
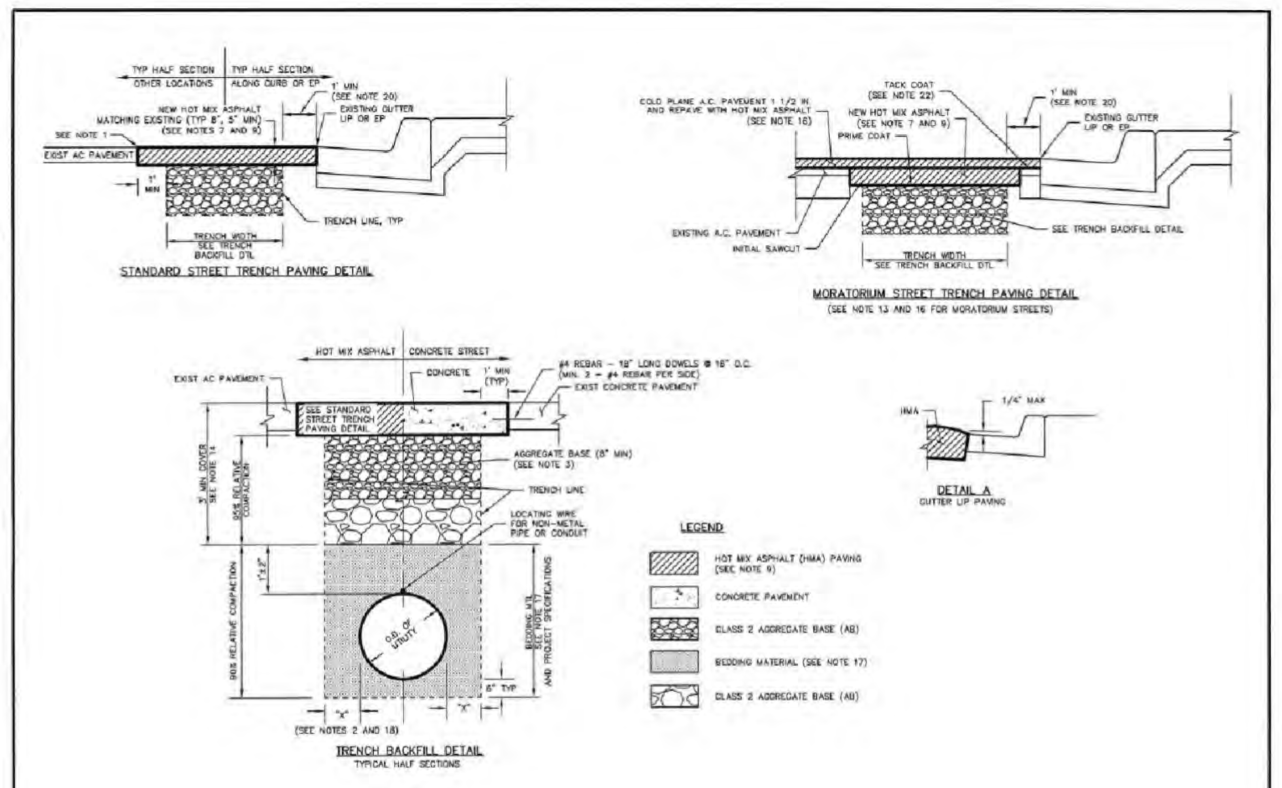


NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL
CURB AND GUTTER

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

SUBMITTED: SUPERVISING CIVIL ENGINEER	DATE: 2/27/17 R.C.E. 64582			
APPROVED: MANAGER OF ENGINEERING	DATE: 2/28/17 R.C.E. 66014	DESIGN: HEI DRAWN: HEI CHECK: MS	DATE: 01/26/17 SCALE: N.T.S. BOOK:	PLAN: 8145 FILE: 20B-157 SHEET: 1 OF 1



STANDARD DETAIL
TRENCH EXCAVATION AND SURFACE RESTORATION

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

SUBMITTED: SUPERVISING CIVIL ENGINEER	DATE: 7/6/16 R.C.E. 64582			
APPROVED: MANAGER OF ENGINEERING	DATE: 7/6/16 R.C.E. 66014	DESIGN: HEI DRAWN: HEI CHECK:	DATE: 06/2016 SCALE: BOOK:	PLAN: 8136 FILE: 20-B-155 SHEET: 1 OF 2

NOTES:

1. TRENCH EXCAVATION IN THE PUBLIC RIGHT OF WAY SHALL CONFORM TO THE CITY OF BERKELEY GENERAL REGULATIONS FOR TRENCH EXCAVATION AND SURFACE RESTORATION IN THE PUBLIC RIGHT OF WAY. CUT THROUGH THE FULL DEPTH OF EXISTING SURFACING TO A NEAT STRAIGHT LINE AT LEAST 1.0 FOOT OUTSIDE THE TRENCH LINE. RECUT PAVEMENT EDGES DAMAGED DURING CONSTRUCTION TO NEAT LINES PRIOR TO PAVING. APPLY PAINT BINDER (TACK COAT) TO ALL VERTICAL SURFACES IN ACCORDANCE WITH THE LATEST EDITION OF CALTRANS STANDARD SPECIFICATIONS.
2. MINIMUM WIDTH OF TRENCH SHALL BE IN ACCORDANCE WITH THE DIMENSION SHOWN ON THE TRENCH BACKFILL DETAIL. DIMENSIONS "X" IS SHOWN BELOW FOR THE UTILITY "O.D."

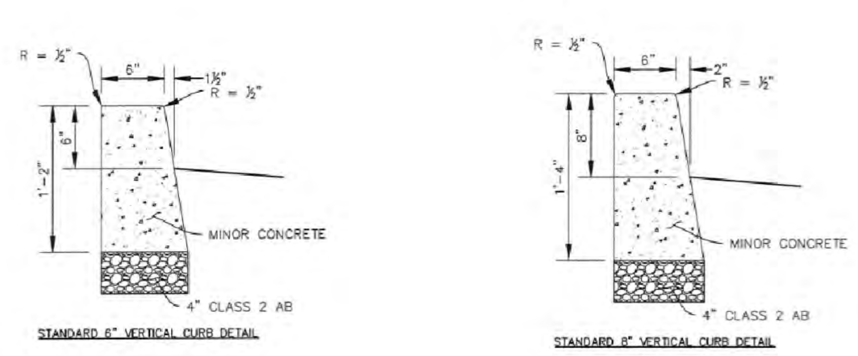
UTILITY O.D.	"X" MIN
UNDER 1.0'	0.5'
1.0' TO 4.5'	1.0'
OVER 4.5'	2.0'

3. CLASS 2 AGGREGATE BASE (AB) SHALL BE INSTALLED IMMEDIATELY BELOW THE PAVEMENT SECTION TO BE REPLACED. THE AB QUALITY, GRADATION AND THE METHOD OF INSTALLATION SHALL BE IN CONFORMANCE WITH SECTION 26 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATION. THE DEPTH OF THE AB SHALL BE IN ACCORDANCE WITH THE TRENCH BACKFILL DETAIL. 95% RELATIVE COMPACTION IS REQUIRED.
4. RELATIVE COMPACTION SHALL BE DETERMINED BY CALIFORNIA TEST NUMBER 231 (NUCLEAR GAUGE) OR APPROVED EQUAL. PERMITTEE SHALL ARRANGE AND PAY FOR THE TEST FOR RELATIVE COMPACTION WHEN ORDERED BY THE ENGINEER. THE TEST SHALL BE PERFORMED BY A QUALIFIED MATERIAL TESTING LABORATORY AND TEST RESULTS BE SUBMITTED TO ENGINEERING FORTY-EIGHT (48) HOURS IN ADVANCE OF PERMANENT PAVING OPERATION.
5. PERMITTEE SHALL PLACE TEMPORARY BITUMINOUS RESURFACING TWO (2) INCHES IN THICKNESS OVER THE COMPACTED BACKFILL AREAS. GREATER THICKNESS MAY BE REQUIRED FOR MAJOR INTERSECTIONS AND OTHER CRITICAL AREAS BY THE ENGINEER AS NECESSARY. STEEL PLATES MAY BE USED AS AN ALTERNATIVE IF APPROVED BY ENGINEER.
6. TEMPORARY BITUMINOUS RESURFACING (CUT-BACK) SHALL BE MECHANICALLY COMPACTED IN PLACE TO A UNIFORM, EVEN SURFACE AND SHALL BE TRUE TO STREET GRADE AND CROSS SECTION. THE PERMITTEE SHALL REGULARLY INSPECT AND MAINTAIN THE TEMPORARY BITUMINOUS RESURFACING UNTIL THE EXCAVATION IS PERMANENTLY PAVED. THE SURFACING SHALL NOT VARY TO MORE THEN 1/2" FROM THE EDGE OF A 10 FOOT STRAIGHT EDGE. UPON NOTIFICATION, THE PERMITTEE SHALL CORRECT THE SURFACE DEFICIENCY WITHIN 48 HOURS. LOOSE ROCKS AND OTHER DEBRIS GENERATED FROM TEMPORARY RESURFACING OPERATIONS SHALL BE IMMEDIATELY REMOVED FROM THE WORKSITE.
7. TEMPORARY BITUMINOUS RESURFACING SHALL BE REMOVED BEFORE PLACEMENT OF FINAL PAVING. FINAL PAVING SHALL BE MINIMUM FIVE (5) INCHES THICK OR SAME AS THE EXISTING PAVEMENT, WHICHEVER IS GREATER. THE PAVEMENT SHALL BE PLACED ON UNDISTURBED PREVIOUSLY COMPACTED BACKFILL AREAS.
8. PAVEMENT OUTSIDE OF THE FINAL CUT LINE DAMAGED BY THE PERMITTEE'S OPERATIONS SHALL BE REMOVED BY SAW-CUTTING IN LINES PERPENDICULAR OR PARALLEL TO THE ORIGINAL TRENCH LINES. NO DIAGONAL CUTS WILL BE PERMITTED.
9. HOT MIX ASPHALT (HMA) SHALL BE TYPE A IN CONFORMANCE WITH SECTION 39 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS, UNLESS OTHER WISE SPECIFIED IN THE ENCROACHMENT PERMIT CONDITIONS OR AS DIRECTED BY THE PUBLIC WORKS DEPARTMENT. HMA SHALL BE COMPACTED TO 95% RELATIVE COMPACTION.
10. THE TOP 1 1/2" OF HMA SHALL HAVE A MAXIMUM AGGREGATE SIZE OF 1/2" UNLESS OTHERWISE SPECIFIED. THE HMA BENEATH THE TOP LAYER SHALL HAVE A MAXIMUM AGGREGATE SIZE OF 3/4".
11. UPON COMPLETION OF PAVING OPERATIONS THE PERMITTEE SHALL IMMEDIATELY REPLACE ALL PAVEMENT MARKING AND TRAFFIC STRIPING DAMAGED OR REMOVED BY HIS OPERATIONS. PAVEMENT MARKINGS AND TRAFFIC STRIPINGS SHALL BE REPLACED IN KIND OR WITH SUBSTITUTE MATERIAL APPROVED BY THE ENGINEER.
12. WHEN ANY PORTION OF THE CURB AT A LEGAL PEDESTRIAN CROSSWALK OR ANY PORTION OF THE SIDEWALK IN IMMEDIATE CONTACT WITH SUCH CURB IS REMOVED BY THE PERMITTEE OPERATIONS, THE PERMITTEE SHALL CONSTRUCT, AS PART OF HIS REPLACEMENT OPERATIONS, A CURB RAMP AS SHOWN IN CITY OF BERKELEY STANDARD DETAIL NO. 6780.
13. EXCAVATION ON STREETS RECONSTRUCTED OR RESURFACED WITHIN THE LAST 5 YEARS WILL NOT BE PERMITTED EXCEPT FOR CONDITIONS ENUMERATED IN THE CITY OF BERKELEY GENERAL REGULATIONS AND FOR TRENCH EXCAVATION AND SURFACE RESTORATION IN THE PUBLIC RIGHT OF WAY.
14. MINIMUM COVER OVER UTILITIES IS GOVERNED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION. UTILITY OWNERS SHALL CONSIDER PLACING THEIR UTILITY LINE AT A GREATER DEPTH TO AVOID FUTURE RELOCATION DUE TO STREET/ROAD RECONSTRUCTION. THE INCREASED DEPTH SHOULD INCLUDE SUFFICIENT CLEARANCE BETWEEN THE UTILITY AND PAVEMENT STRUCTURAL SECTION UPGRADE TO PREVENT DAMAGE BY CONSTRUCTION EQUIPMENT. THE PUBLIC WORKS DEPARTMENT RECOMMENDS A MINIMUM OF 36 INCHES OF COVER BELOW THE PAVEMENT SURFACE IN ROADWAYS AND 24 INCHES BELOW FINISH GRADE IN SIDEWALKS AND OTHER PUBLIC RIGHT OF WAY.
15. RESTORATION OF THE TRENCH EXCAVATION ON CALTRANS RIGHT OF WAY (SAN PABLO AVE., ASHBY AVE., AND TUNNEL RD.) SHALL BE IN ACCORDANCE WITH CALTRANS ENCROACHMENT PERMIT.
16. RESTORE PAVEMENT AS FOLLOWS: FOR TRENCHES PARALLEL WITH THE CENTERLINE OF THE STREET, COLD PLANE AND REPAVE THE LANE IN WHICH THE TRENCH LIES. FOR TRANSVERSE TRENCHES, COLD PLANE AND REPAVE 1/2 LANE WIDTH ON EACH SIDE OF THE TRENCH. FOR BELL HOLES, COLD GRIND AND PAVE 1 LANE WIDTH ON EACH SIDE OF THE EXCAVATION. PRIOR TO COLD PLANING, THE TRENCH SHALL BE PAVED IN 3 INCH MAXIMUM LIFTS TO THE ORIGINAL SURFACE GRADES OR TO WITHIN 1 1/2 INCHES OF THE EXISTING SURFACE. IF THE CONTRACTOR ELECTS TO PAVE WITHIN 1 1/2 INCHES OF THE EXISTING SURFACE, THE REMAINING 1 1/2 INCHES MUST BE PAVED WITH CUT BACK ASPHALT UNTIL THE SURFACE IS PLANED. FINAL PAVING SHALL COMMENCE WITHIN 3 DAYS AFTER COLD GRINDING. ALL LOOSE MATERIAL SHALL BE REMOVED FROM THE AREA TO BE REPAVED PRIOR TO REPAVING.
17. BEDDING MATERIAL SHALL BE CLASS 2 AB OR CRUSHED ROCK PER 2015 GREENBOOK, TABLE 200-1.2.1(A), 3/4" SIEVE SIZE. ALTERNATIVE MATERIALS SHALL BE APPROVED BY THE PUBLIC WORKS DEPARTMENT. IN NO CASE SHALL "PEA" GRAVEL BE ALLOWED. A MAXIMUM OF 6 INCHES OF SAND MAY BE USED AS A BEDDING MATERIAL FOR COMMUNICATION, GAS AND ELECTRIC CONDUITS ONLY.
18. FOR GAS, ELECTRIC AND COMMUNICATION CONDUITS WITH AN OUTSIDE DIAMETER EQUAL TO OR LESS THAN 4 INCHES, THE TRENCH WIDTH MAY BE REDUCED TO NO LESS THAN 12 INCHES.
19. UNSUITABLE NATIVE MATERIAL SHALL BE EXCAVATED BELOW THE LIMIT OF EXCAVATION AND REPLACED WITH SUITABLE BACKFILL MATERIAL WHEN DIRECTED BY THE PUBLIC WORKS DEPARTMENT.
20. WHERE THE TRENCH PARALLELS CURB AND THE NEAREST TRENCH LINE IS LESS THAN 3 FEET FROM THE GUTTER LIP, ALL EXISTING HMA SHALL BE REPLACED TO THE GUTTER LIP.
21. SLURRY CEMENT BACKFILL SHALL COMPLY WITH SECTION 19-3.02E OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS.
22. APPLY PAINT BINDER (TACK COAT) TO ALL EXISTING AC AND CONCRETE SURFACES IN ACCORDANCE WITH THE LATEST EDITION OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS.

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

STANDARD DETAIL
TRENCH EXCAVATION AND SURFACE RESTORATION

SUBMITTED: SUPERVISING CIVIL ENGINEER	DATE: 7/6/16 R.C.E. 64582			
APPROVED: MANAGER OF ENGINEERING	DATE: 7/6/16 R.C.E. 66014	DESIGN: HEI DRAWN: HEI CHECK:	DATE: 06/2016 SCALE: BOOK:	PLAN: 8136 FILE: 20-B-155 SHEET: 2 OF 2

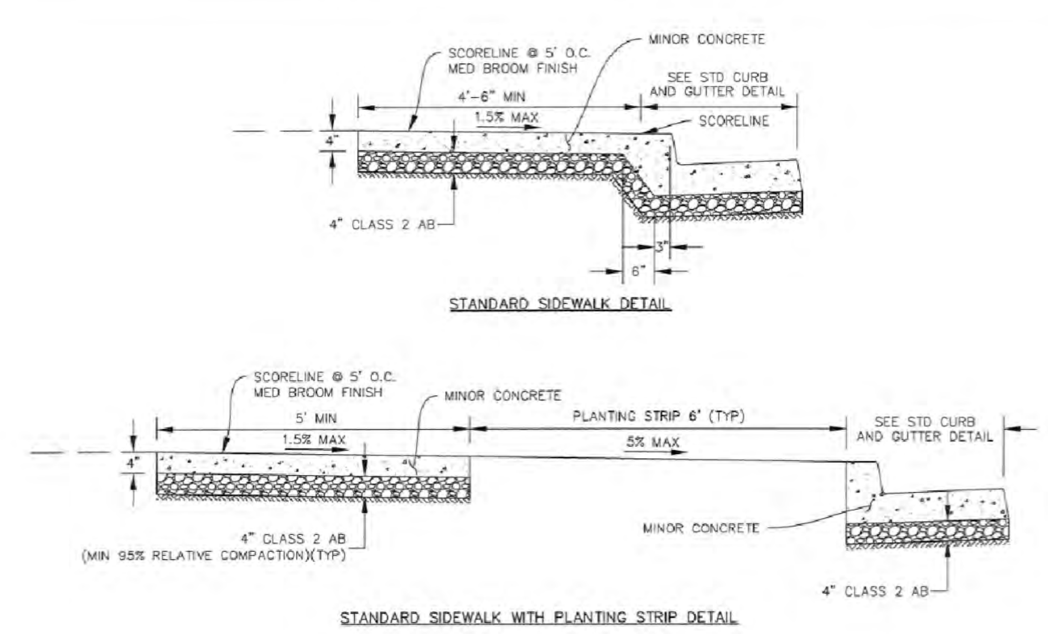


NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL
VERTICAL CONCRETE CURB

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

SUBMITTED: SUPERVISING CIVIL ENGINEER	DATE: 2/27/17 R.C.E. 64582			
APPROVED: MANAGER OF ENGINEERING	DATE: 2/28/17 R.C.E. 66014	DESIGN: HEI DRAWN: HEI CHECK: MS	DATE: 01/26/17 SCALE: N.T.S. BOOK:	PLAN: 8146 FILE: 20B-158 SHEET: 1 OF 1



NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL
SIDEWALK

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

SUBMITTED: SUPERVISING CIVIL ENGINEER	DATE: 2/27/17 R.C.E. 64582			
APPROVED: MANAGER OF ENGINEERING	DATE: 2/28/17 R.C.E. 66014	DESIGN: HEI DRAWN: HEI CHECK: MS	DATE: 01/26/17 SCALE: N.T.S. BOOK:	PLAN: 8153 FILE: 20B-165 SHEET: 1 OF 1

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Sandis Project Number 622032
Contact Michael Kuykendall
Email mkuykendall@sandis.net
Principal Michael Kuykendall
Designer Nicholas Chandler

Developer
Gilbane Development Company
649 Mission Street
5th Floor
San Francisco, CA
94105 gilbaneco.com

2115 KITTREDGE ST.
BERKELEY, CA 94704

No.	DATE	DESCRIPTION
	8/28/2023	100% DD Set

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CONSTRUCTION DETAILS

C503

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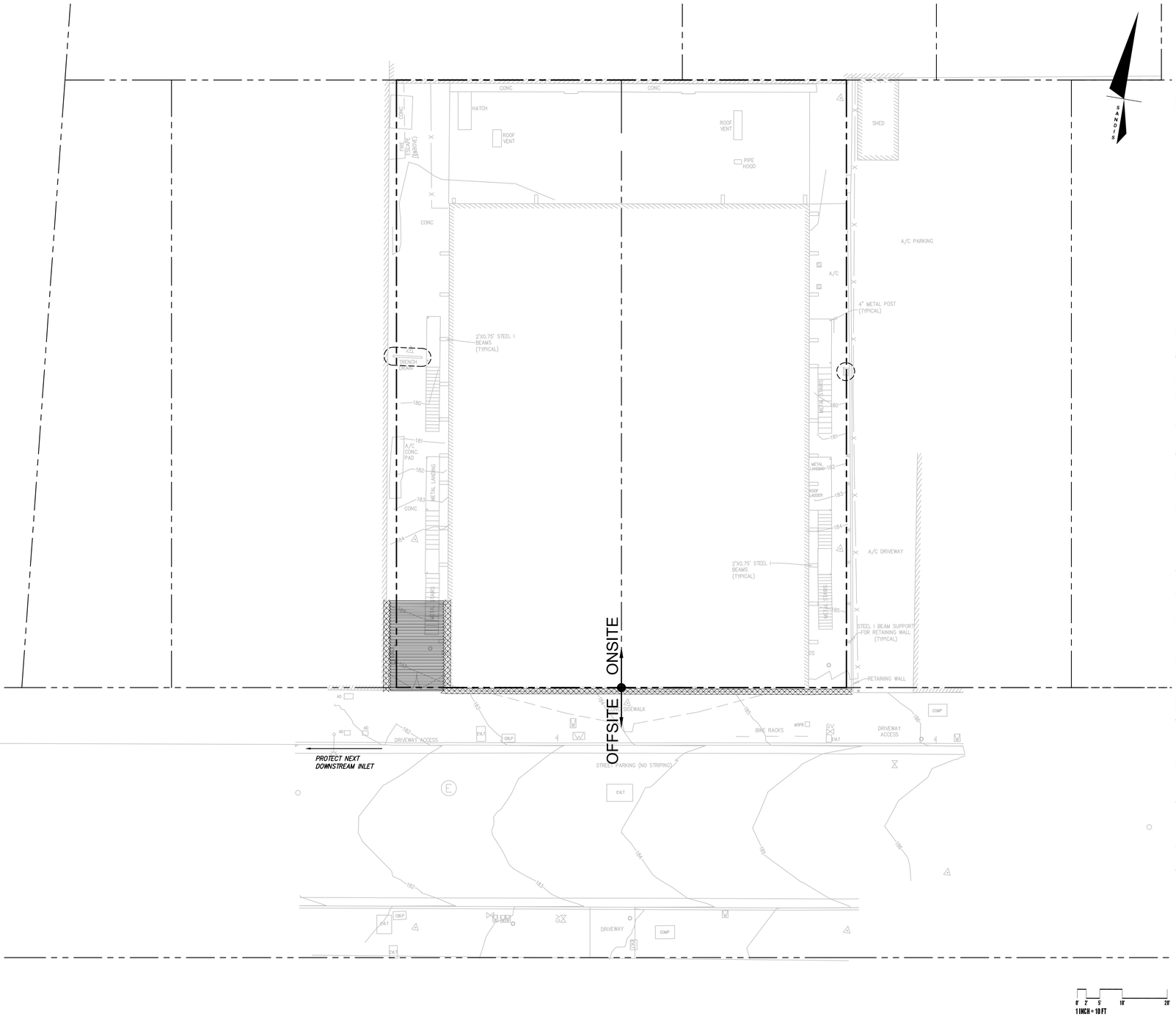

LEGEND

STABILIZED EXIT (4)

FIBER ROLL (3)

INLET PROTECTION (1) (2)

WATER POLLUTION CONTROL NOTES:

A. THIS PLAN IS FOR STORMWATER POLLUTION CONTROL DURING CONSTRUCTION IF NO SWPPP IS REQUIRED. IF A SWPPP FOR THE PROJECT HAS BEEN ISSUED THE PROJECT SWPPP OVERRIDES ANYTHING SHOWN ON THIS PLAN.

B. TEMPORARY CONSTRUCTION ENTRANCE/EXIT LOCATION SHOWN IS APPROXIMATE. CONTRACTOR TO PROVIDE LOCATION WHERE APPROPRIATE.

C. THIS PLAN REPRESENTS POSSIBLE WATER POLLUTION CONTROL MEASURES INCLUDING EROSION CONTROL AND SEDIMENT CONTROL.

D. EXISTING SURFACES SHALL BE UNDISTURBED TO THE EXTENT PRACTICAL.

E. GROUND WATER SHALL NOT BE DISCHARGED WITH STORM WATER. GROUND WATER DEWATERING OPERATIONS SHALL BE COORDINATED AS NEEDED WITH OWNER.

F. CONTRACTOR SHALL PROVIDE EFFECTIVE SOIL COVER FOR AREAS OF CONSTRUCTION ACTIVITY THAT HAVE BEEN DISTURBED AND ARE NOT SCHEDULED TO BE ACTIVE FOR AT LEAST 14 DAYS.

G. ALL EROSION CONTROL AND SEDIMENT CONTROLS TO BE OBTAINED INSTALLED AND MAINTAINED AS REQUIRED IN PROJECT SWPPP.

H. CONTRACTOR TO INSTALL RUN-ON AND RUN-OFF CONTROL MEASURES ACCORDING TO PLANS OR AS NECESSARY TO ENSURE SEDIMENT IS NOT TRANSPORTED FROM SITE.

I. CONTRACTOR TO PROVIDE BACK-UP EROSION PREVENTION MEASURES (SOIL STABILIZATION) WITH SEDIMENT CONTROL MEASURES SUCH AS STRAW WATTLES, SILT FENCE, GRAVEL INLET FILTERS, AND/OR SEDIMENT TRAPS OR BASINS. ENSURE CONTROL MEASURES ARE ADEQUATE, IN PLACE, AND IN OPERABLE CONDITIONS. SEDIMENT CONTROLS, INCLUDING INLET PROTECTION, ARE NECESSARY BUT SHOULD BE A SECONDARY DEFENSE BEHIND GOOD EROSION CONTROL MEASURES.

J. STOCKPILE LOCATION(S) TO BE DETERMINED BY THE CONTRACTOR. COORDINATE WITH SITE QSP.

K. ALL CONCRETE TRUCKS TO USE CHUTE WASH BUCKETS FOR CONCRETE RINSE, ALL CONCRETE PUMPS TO CAPTURE CONCRETE RINSE IN SECONDARY CONTAINMENT AND PROPERLY DISPOSE.

L. STREET SWEEPING SHALL BE CHECKED DAILY TO ENSURE DEPOSITED SEDIMENT AND DEBRIS DOES NOT ENTER THE STORM DRAIN SYSTEM. USE REGENERATIVE VACUUM STREET CLEANER TO MITIGATE AIR AND WATER POLLUTION.

M. RUNOFF THAT HAS CONTACTED AMENDED SOIL AREAS SHALL NOT BE ALLOWED TO LEAVE THE SITE OR ENTER THE STORM DRAIN SYSTEM.

PROJECT SITE MAINTENANCE

1. REMOVE ALL DIRT, GRAVEL, RUBBISH, REFUSE, AND GREEN WASTE FROM STREET PAVEMENT AND STORM DRAINS ADJOINING THE SITE. LIMIT CONSTRUCTION ACCESS ROUTES ONTO THE SITE AND PLACE GRAVEL PADS AT THESE LOCATIONS. DO NOT DRIVE VEHICLES AND EQUIPMENT OFF THE PAVED OR GRAVELED AREAS DURING WET WEATHER.
2. SWEEP OR VACUUM THE STREET PAVEMENT AND SIDEWALKS ADJOINING THE PROJECT SITE AND THE ON-SITE PAVED AREAS ON A DAILY BASIS. SCRAPE CAKED-ON MUD AND DIRT FROM THESE AREAS BEFORE SWEEPING. CORNERS AND HARD TO REACH AREAS SHALL BE SWEPT MANUALLY.
3. CREATE A CONTAINED AND COVERED AREA ON THE SITE FOR THE STORAGE OF BAGS, CEMENT, PAINTS, OILS, FERTILIZERS, PESTICIDES, OR OTHER MATERIALS USED ON THE SITE THAT HAVE THE POTENTIAL OF BEING DISCHARGED INTO THE STORM DRAIN SYSTEM THROUGH EITHER BEING WIND-BLOWN OR IN THE EVENT OF A MATERIAL SPILL.
4. NEVER CLEAN MACHINERY, EQUIPMENT OR TOOLS INTO A STREET, GUTTER OR STORM DRAIN.
5. ENSURE THAT CEMENT TRUCKS, PAINTERS, OR STUCCO/PLASTER FINISHING CONTRACTORS DO NOT DISCHARGE WASH WATER FROM EQUIPMENT, TOOLS OR RINSE CONTAINERS INTO GUTTERS OR DRAINS.

0' 2' 5' 10' 20'
1 INCH = 10 FT

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Sandis Project Number	622032
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Email	mkuykendall@sandis.net
Principal	Michael Kuykendall
Designer	Nicholas Chandler

Gilbane

Developer
Gilbane Development Company
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5th Floor
San Francisco, CA
94105 gilbaneco.com

2115 KITTREDGE ST.

BERKELEY, CA 94704

No.	DATE	DESCRIPTION
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WATER POLLUTION CONTROL DRAWING

C600

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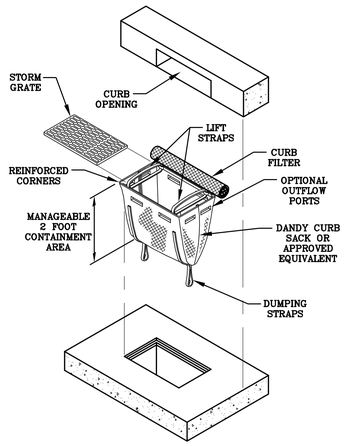


NOTES:

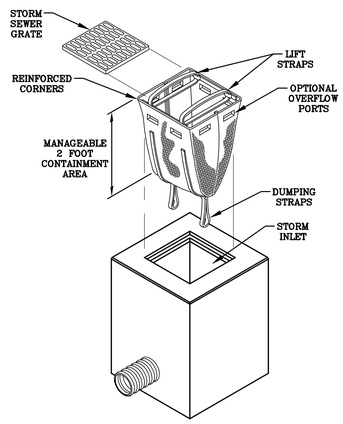
1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS, WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
2. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

DETAIL 1

CURB INLET SEDIMENT SACK

© DANDY CURB SACK

DANDY SACK™



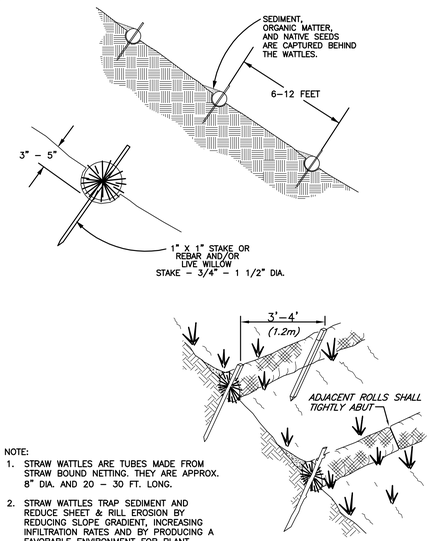
NOTES:

1. DROP INLET SEDIMENT BARRIERS ARE TO BE USED FOR SMALL, NEARLY LEVEL DRAINAGE AREAS. (LESS THAN 5%)
2. EXCAVATE A BASIN OF SUFFICIENT SIZE ADJACENT TO THE DROP INLET.
3. THE TOP OF THE STRUCTURE (PONDING HEIGHT) MUST BE WELL BELOW THE GROUND ELEVATION DOWNSLOPE TO PREVENT RUNOFF FROM BY– PASSING THE INLET. A TEMPORARY DIKE MAY BE NECESSARY ON THE DOWNSLOPE SIDE OF THE STRUCTURE.

DETAIL 2

DROP INLET SEDIMENT BARRIER

© DANDY CURB SACK



NOTE:

1. STRAW WATTLES ARE TUBES MADE FROM STRAW BOUND NETTING. THEY ARE APPROX. 8" DIA. AND 20 – 30 FT. LONG.
2. STRAW WATTLES TRAP SEDIMENT AND REDUCE SHEET & RILL EROSION BY REDUCING SLOPE GRADIENT, INCREASING INFILTRATION RATES AND BY PRODUCING A FAVORABLE ENVIRONMENT FOR PLANT ESTABLISHMENT.
3. STRAW WATTLE INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE WATTLE IN A TRENCH, 3" – 5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND WATTLE.

DETAIL 3

STRAW WATTLES

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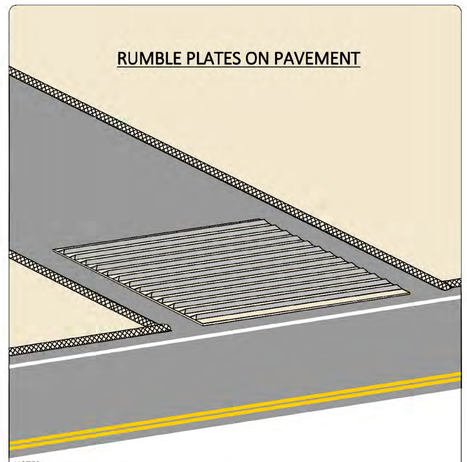
RUMBLE PLATES ON PAVEMENT



NOTES:

1. USE CORRUGATED STEEL PLATES ON PAVEMENT TO PROVIDE A STABILIZED ENTRANCE AND EXIT FOR VEHICLES.
2. CLEAN PLATES REGULARLY TO MAINTAIN EFFECTIVENESS.
3. MAINTAIN DUST CONTROL AND IMPLEMENT STREET SWEEPING AND VACUUMING AS NEEDED.

DETAIL 4

RUMBLE PLATES ON PAVEMENT

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Sandis Project Number	622032
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WATER POLLUTION CONTROL DETAILS

C601

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Bay-Friendly Basics Landscape Checklist

This Bay-Friendly Basics Checklist is for all new construction and renovation of landscapes that are 2,500 square feet of irrigated area or greater and require a permit. The Bay-Friendly Basics represents the 9 required practices from the Bay-Friendly Landscape Scorecard. It is considered a minimum set of practices to improve the environmental performance of the landscape. Projects are recommended to to meet all applicable measures on the checklist. For measures that are not applicable or are not in the project's scope of work, check "N/A" and make a note of why the measure does not apply to the project (attach additional sheets if necessary). For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: www.BayFriendly.org

Project: 2115 Kittredge Street

Address: Berkeley, CA **Date:** 9/23/22

Earthwork & Soil Health

Yes	No	N/A	Measure & Requirement	Documentation	Notes
✓			**1. Mulch** **Requirement** All soil on site is protected with a minimum of 3 inches of mulch after construction. **Recomendation** Use recycled or greenwaste mulch instead of landscape fabric. Trees identified for removal are chipped and used on site as mulch, on-site storage space permitting. **Reference** *Bay-Friendly Landscape Guidelines,* Practice 4.1; *Bay-Friendly Guide to Mulch*, available at www.BayFriendly.org. Provides sources of recycled mulch and proper application of mulch and information on sheet mulching.	• Submit square footage of planting areas as well as cubic yards required to cover planting areas to a minimum three-inch (3") depth. • Submit a delivery ticket or receipt of purchased mulch and/or, • Submit receipts for sheet mulching materials and/or, • (Optional) Submit photos of trees being chipped for mulch (if applicable).	See L2.00 for SF of planting areas and CY of mulch. Remaining information to be submitted during construction.
✓			**2. Amend the Soil with Compost Before Planting** **Requirement** Compost is specified as the soil amendment, at the rates indicated by a soil analysis to bring the soil organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost. If the imported or site soil meets the organic content of 3.5% or more, then the requirement is waived. **Recommendation** Purchase compost from a producer who participates in the U.S. Composting Council's Standard Testing Assurance(STA) program to ensure quality. **Reference** *Bay-Friendly Landscape Guidelines,* Practice 4.1; Model Bay-Friendly Soil specifications, at www.BayFriendly.org; U.S. Composting Council Standard Testing Assurance program explanation and list of participating producers can be found at: www.compostingcouncil.org	• Submit the site soil or imported topsoil analysis. No soils analysis is required if 1" of compost is used. • Submit+H35 compost details from construction documents. • Submit the receipt or delivery ticket for the compost, indicating the amount of the compost delivered/purchased. *If a waiver is requested based on soil organic matter content or the needs of plant palette,* • Submit a completed plant palette with species that need little/no soil organic matter identified, and include the source of information on their soil needs OR • Submit a soils report that indicates the soil has an organic matter content of 3.5% or greater.	Soil analysis to be submitted with building permit application.

Bay-Friendly Basics Landscape Checklist

Yes	No	N/A	Measure & Requirement	Documentation	Notes
			Materials		
✓			**3. Reduce and Recycle Landscape Construction Waste** **Requirement** Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling. **Reference:** StopWaste.Org, *Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials* and sample Waste Management Plan for recycling C&D materials at www.BuildGreenNow.Org.	• State the percent diversion goal in the design documents. • List specific goals and recycling and reuse requirements in plans and specifications. • Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan. • Prior to construction, complete a construction waste management plan. The City should provide a smaple template, or one can be downloaded at www.BuildGreenNow.org. • After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%).	Percent diversion to be included in project specifications.
			Planting		
✓			**4. Choose & Locate Plants to Grow to Natural Size** **Requirement** Species will be selected and plants spaced to allow them to grow to their natural size and shape . Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into thier planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements. **Reference** *Bay-Friendly Landscape Guidelines* , Practices 2.1, Bay-Friendly Plant lists are available at www.BayFriendly.org; Bronsetin,Carol, David Fross and Bart O'Brien, *California Native Plants for the Garden;* East Bay Municipal Utility District, *Plants and Landscapes for Summer Dry Climates; Sunset,Western Garden Book.*	• Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread. • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.	Signed statement to be provided upon completion of construction.

Bay-Friendly Basics Landscape Checklist

Yes	No	N/A	Measure & Requirement	Documentation	Notes
✓			**5. Do Not Plant Invasive Plant Species** **Requirement** None of the plant species listed by CAL-IPC's Don't Plant a Pest as invasive in the San-Francisco, Bay Area are included in the planting plan. **Definition** An invasive speices is defined as a species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likeley to cause economic or environmental harm or harm to human health. Federal Executive Order 1311. **Reference** Bay-Friendly Landscape Guielines, Practice 2.1d; Don't Plant A Pestbrochures for trees and plants available at www.cal-ipc.org; www.cal-ipc.org/ip/inventory/weedlist.php.	• Compare the complete list of plants in the plant palette to the Cal-IPC list of plants that are invasive to the San Francisco Bay-Area. • Submit the complete plant palette. • Submit a statement signed by the Landscape Architect, Designer or Contractor confirming that no invasive species were substituted for specified species.	Signed statement to be provided upon completion of construction.
✓			**6. Grow drought tolerant CA native, Mediterranean or climate adapted plants** **Requirement** A minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established. Species should be adapted to the climate in which they will be planted, as referenced by a published plant reference. If plants are given a range of water needs from "occasional to moderate" for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately. **Recommendation** California native or Mediterranean species are strongly recommended. **Reference** *Bay-Friendly Landscape Guidelines* Practice 4.2; www.owue.water.ca.gov/docs/wucols00.pdf.	• Submit a plant legend that identifies species, number of plants, irrigation requirements (and reference source of the water requirement), total number of drought tolerant plants and total number of non-turf plants. (download a Bay-Friendly plant legend template to facilitate this process at www.BayFriendly.org). • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.	Bay Friendly plant legend is included in drawing set. Signed statement to be provided upon completion of construction.

Bay-Friendly Basics Landscape Checklist

Yes	No	N/A	Measure & Requirement	Documentation	Notes
		✓	**7. Minimize the lawn** **Requirement** A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted. **Reference** *Bay-Friendly Landscape Guidelines,* Practice 4.3; Bay-Friendly Lawn Alternatives plant list at www.BayFriendly.org; Brooklyn Botanic Garden Publications, *Easy Lawns. Low Maintenance Native Grasses for Gardeners Everywhere.*	• Submit calculations of square feet of turf, excluding sports and multiple use fields, and square feet of total irrigated area. • Submit planing plans with sports and multiple use fields identified. Include a statement about the purpose of multiple use fields. • Submit as statement signed by the Landscape Architect, Designer or Contractor that installed turf meets the requirements for this credit.	No turf included in project.
			Irrigation		
✓			**8. Specify Weather-Based Irrigation Controllers (automatic, self-adjusting)** that Includes a Moisture &/or Rain Sensor Shutoff **Requirement** Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems. **Reference** *Bay-Friendly Landscape Guidelines* , Practice 4.6; EBMUD website has a list of recommended self adjusting controllers at www.ebmud.com.	• Submit the make and model and product sheet of the irrigation controller. • Provide a statement signed by the Landscape Architect, Designer or Contractor that the installed controller is a self-adjusting model and includes shut off capacity.	See sheet L3.04 Signed statement to be provided upon completion of construction.
✓			**9. Sprinkler & Spray Heads are Not Specified for Areas Less Than 8 Feet Wide** **Requirement** Sprinkler and spray heads are not specified in areas less than or equal to 8 feet wide to prevent overspray and runoff. Acceptable alternatives include drip, subsurface drip, bubblers or no irrigation. Bubblers shall not exceed 1.5 gallons per minute per bubbler.	• Submit statement signed by the Landscape Architect, Designer or Contractor verifying that irrigation as installed does not have sprinkler or spray heads in planted areas less than 8 feet wide.	See sheet L3.04 Signed statement to be provided upon completion of construction.

Bay-Friendly Basics: Bay-Friendly Basics represents the 9 required practices in the Bay-Friendly Landscape Scorecard. Landscapes that achieve the Bay-Friendly Basics will achieve significant environmental benefits for the project and community as well as taking the first step toward becoming a Bay-Friendly Rated Landscape. If a project is interested in seeking to qualify as a Bay-Friendly Rated Landscape, it must also earn a minimum of 60 points on the Bay-Friendly Landscape Scorecard and be evaluated by a qualified Bay-Friendly Rater. Please visit www.BayFriendlyCoalition.org to learn more about taking this next step in sustainability. The Bay-Friendly Basics is not a substitute for exercising sound judgment in particular circumstances. Rather, the Bay-Friendly Basics is designed to help local governments raise the minimum environmental requirements for landscape projects that require a permit.

This checklist works well with the Small Commercial Green Building Checklist available at www.stopwaste.org/smallcommercial.

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GWO

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BERKELEY, CA

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ENTITLEMENTS PHASE

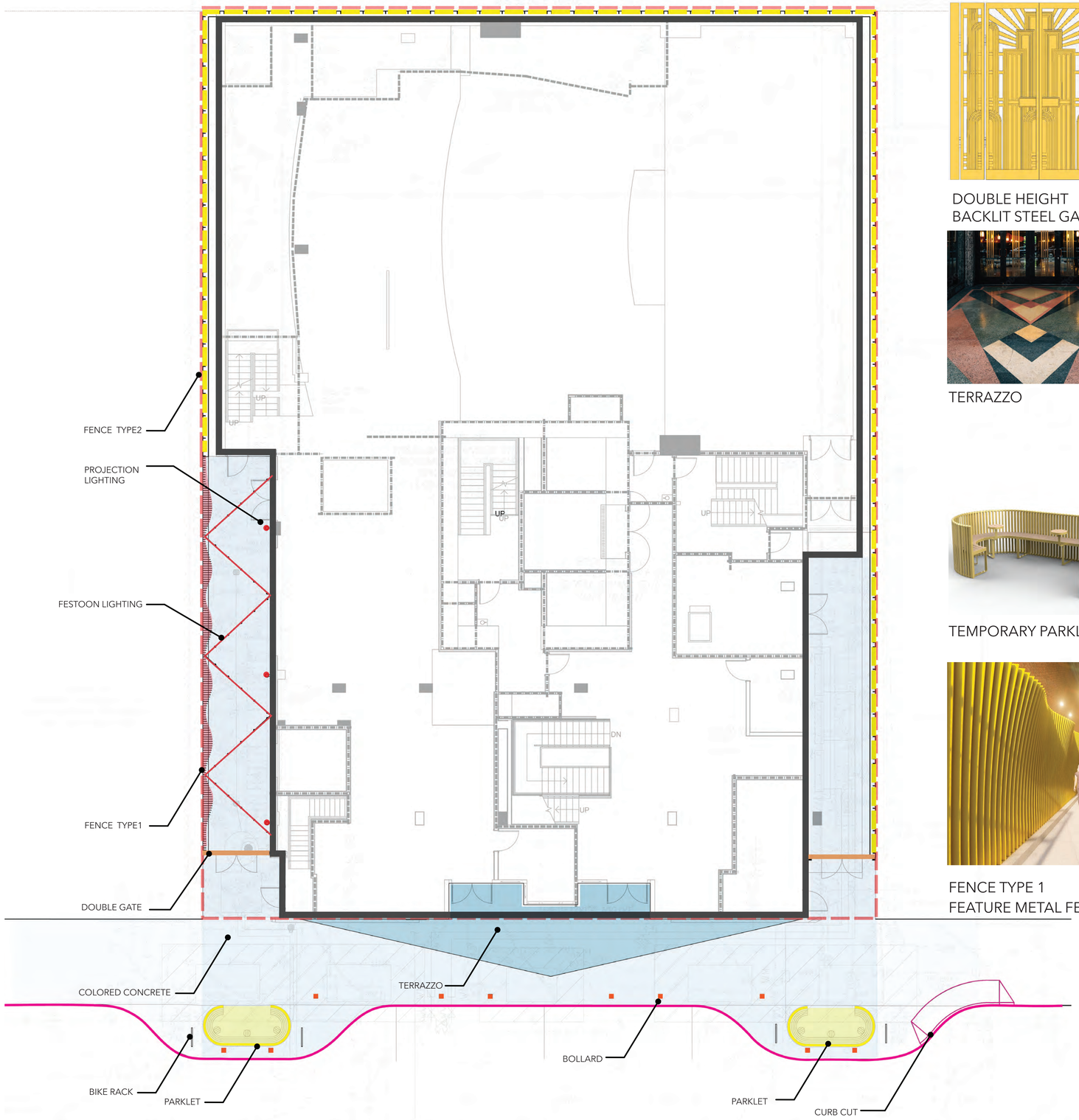
△	PROJECT ISSUE RECORD:

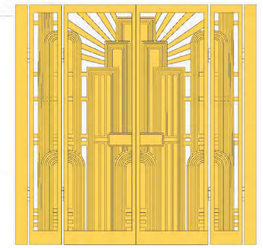
PROJECT #: GDC01

ISSUE DATE: 09/25/23

CAL GREEN CHECKLIST

L100



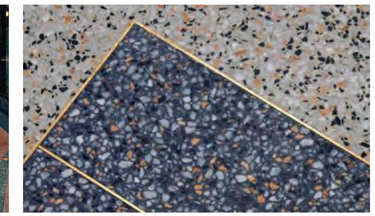


DOUBLE HEIGHT
BACKLIT STEEL GATE

FESTOON LIGHTING

PROJECTION LIGHTING

TERRAZZO



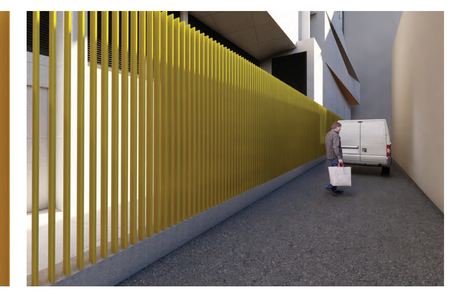
TERRAZZO BRASS JOINT

COLORED CONCRETE WITH
DECORATIVE SCORING AND
SILICA CARBIDE

TEMPORARY PARKLET WITH WOOD SEATING

ART DECO BOLLARD

FENCE TYPE 1
FEATURE METAL FENCE " THE CURTAIN"



FENCE TYPE 2
STANDARD METAL FENCE

NOTES:

MAX. 1.5% CROSS SLOPE AT ALL PAVED AREAS.

OPEN SPACE: 2 953 SQUARE FEET

N

SCALE 1/8"=1'-0"

0 4 8 12

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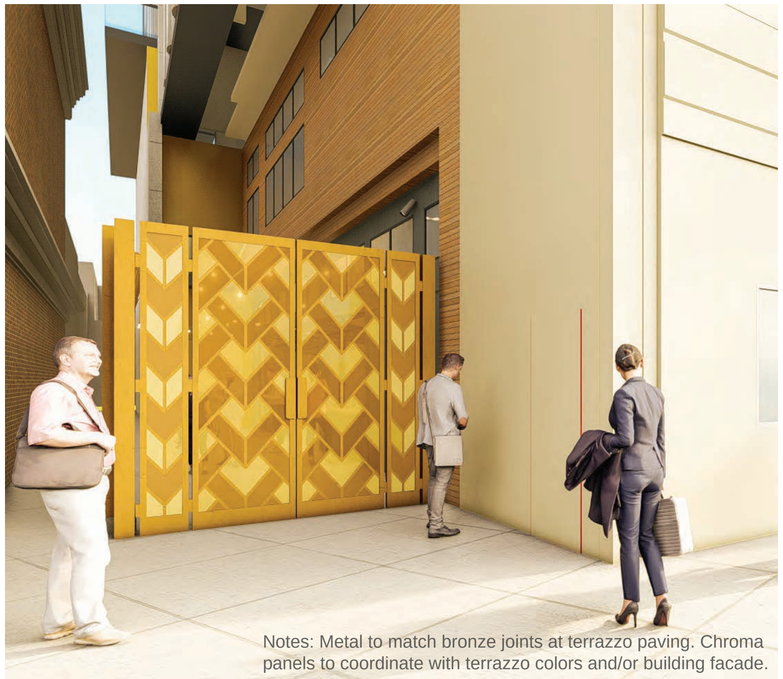
GROUND FLOOR PLANS

L101



GATE ALTERNATIVE DESIGN
METAL FRAME + COLOR PRINT CHROMA

GATE ALTERNATIVE DESIGN
METAL FRAME +LASER CUT METAL SHEET

PARKLET ALTERNATIVE DESIGN
METAL TUBE FRAME + METAL DECORATIVE PANEL

PARKLET ALTERNATIVE DESIGN
METAL FRAME + WOOD

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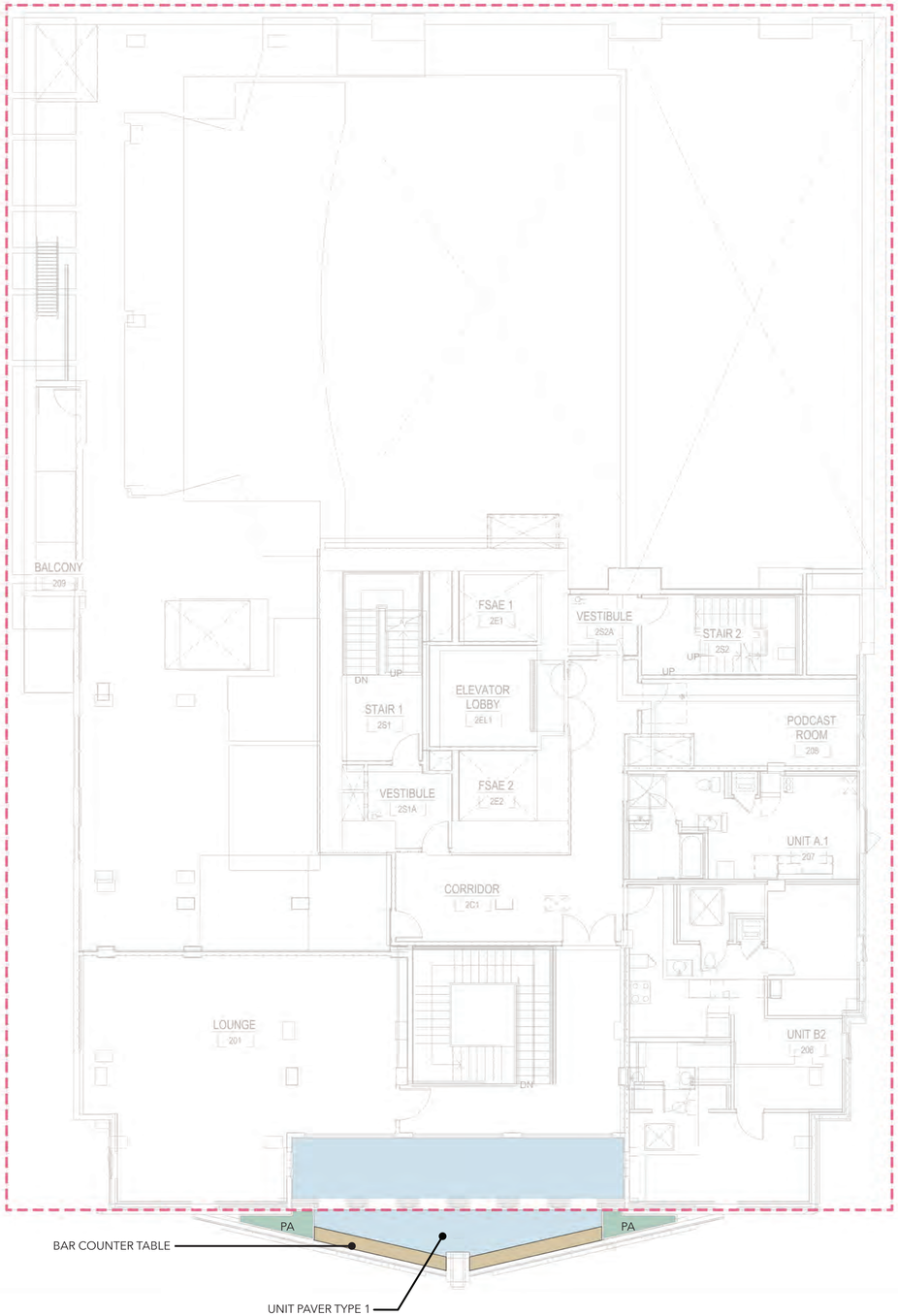
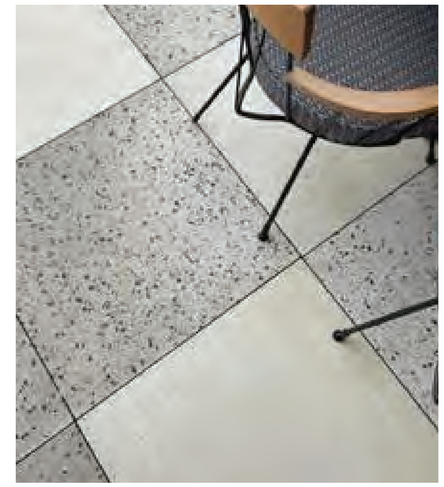
FEATURE ALTERNATIVE DESIGN OPTIONS

L101.1



TERRAZZO BAR TABLE



UNIT PAVER

OPEN SPACE: 360 SQUARE FEET
PLANTING AREA: 28 SQUARE FEET

N

SCALE 1/8"=1'-0"

0 4 8 12

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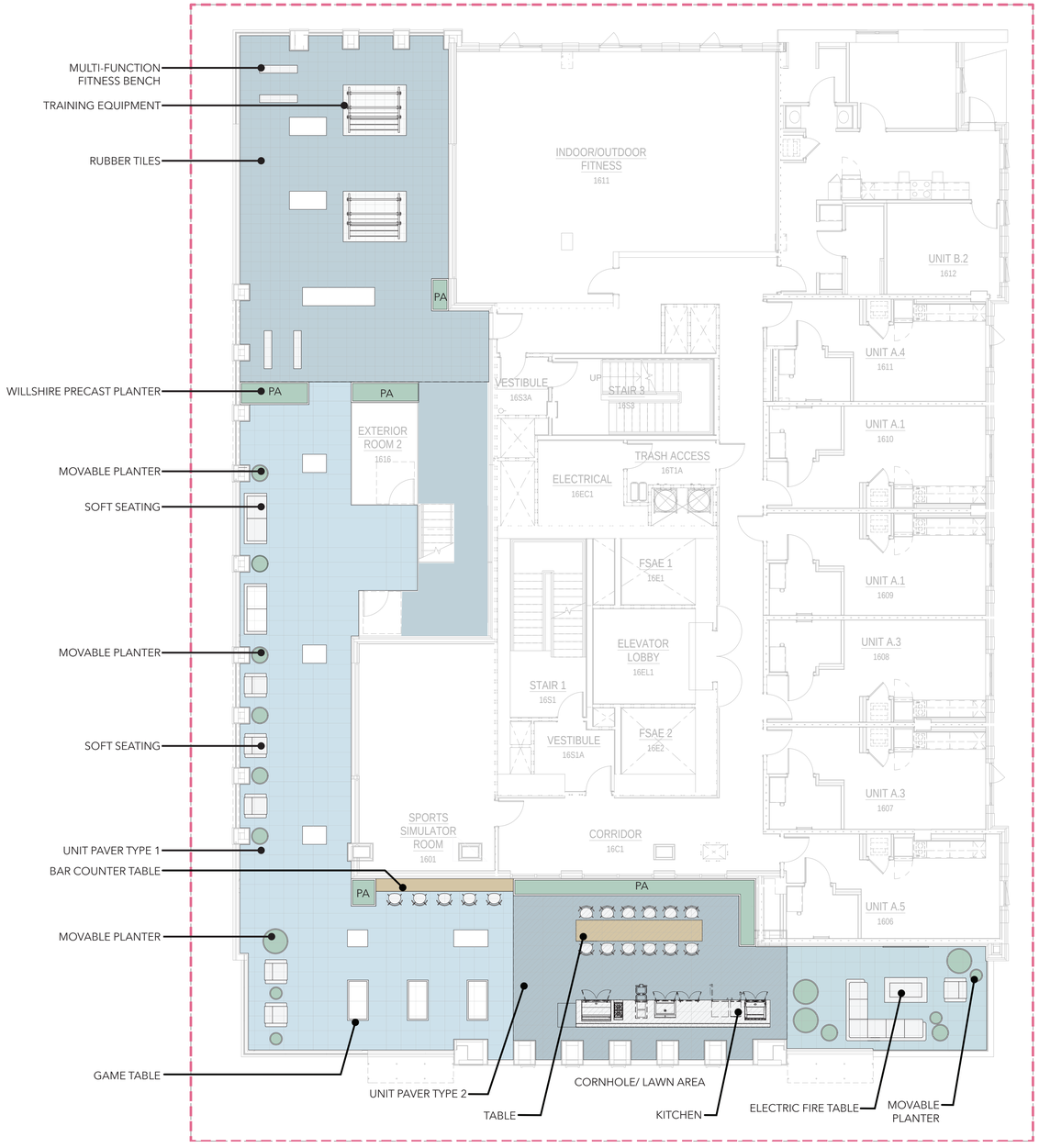
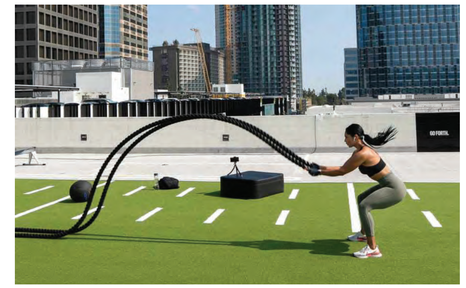
2ND FLOOR PLANS

L102



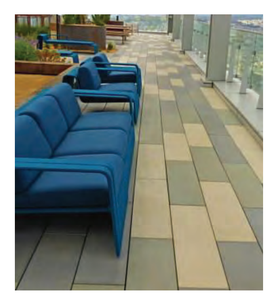
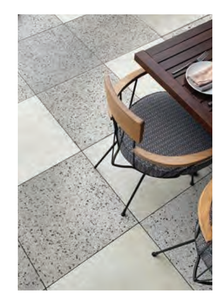

HIIT

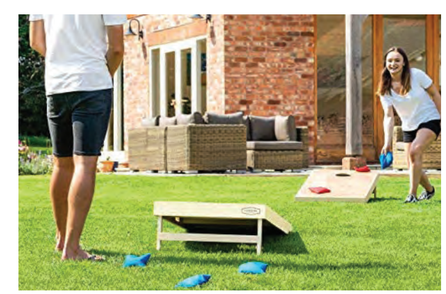
CROSSFIT

FOOS BALL

FIRE PIT

KITCHEN ISLAND



UNIT PAVER


CORNHOLE

OPEN SPACE: 3 238 SQUARE FEET
PLANTING AREA: 173 SQUARE FEET

N

SCALE 1/8"=1'-0"

0 4 8 12

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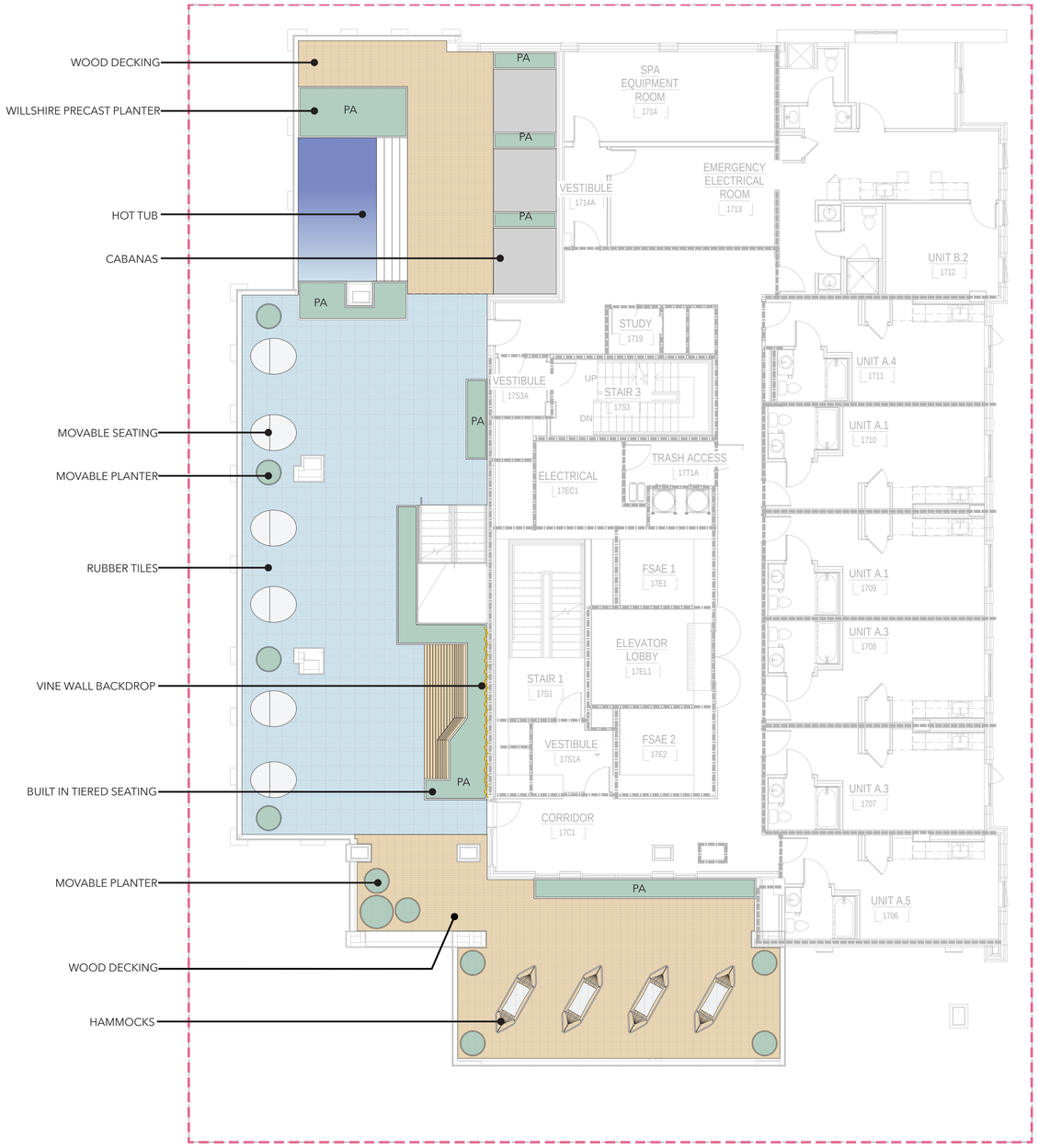
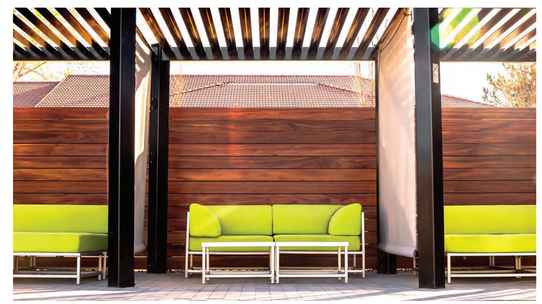
16 TH FLOOR PLANS

L103

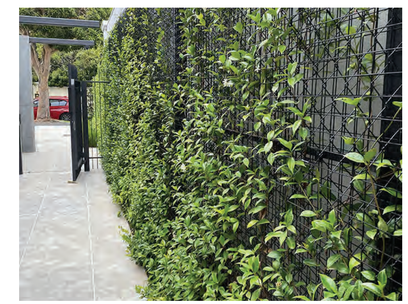


OPEN SPACE: 2 700 SQUARE FEET
PLANTING AREA: 411 SQUARE FEET

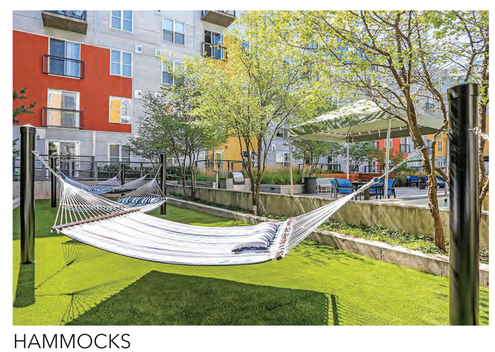
POOL WITH VIEW



SHADED LOUNGE AREAS



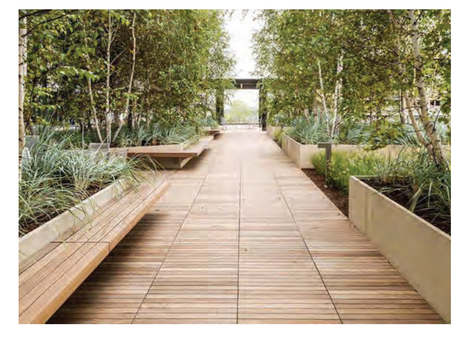
VINE WALL



HAMMOCKS

MOVEABLE SEATING

BUILT IN TIERED SEATING



WOOD DECK ON PEDESTAL

N

SCALE 1/8"=1'-0"

0 4 8 12

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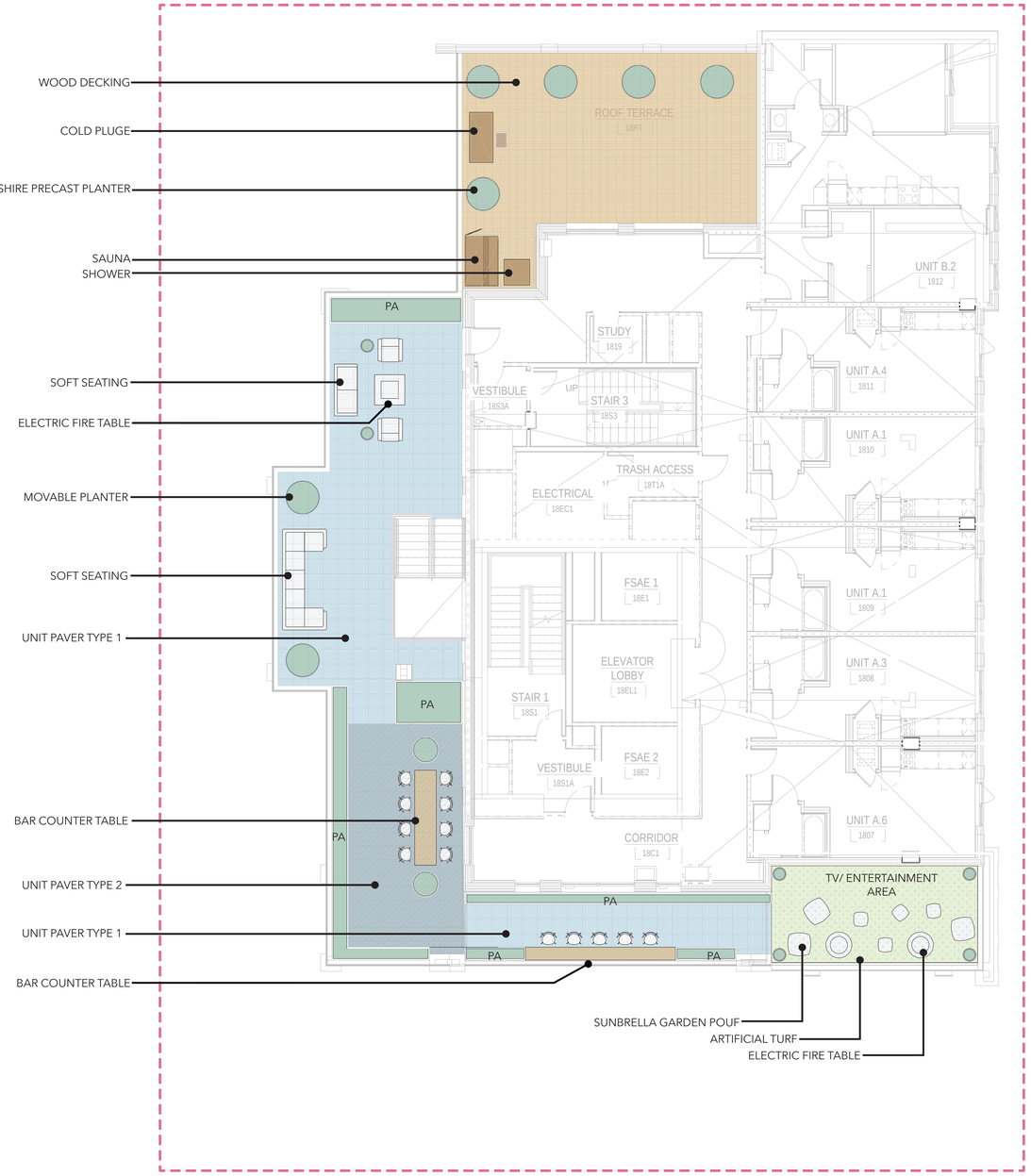
17 TH FLOOR PLANS

L104

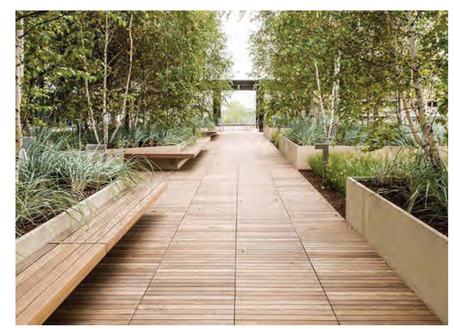


OPEN SPACE: 2 213 SQUARE FEET
PLANTING AREA: 278 SQUARE FEET

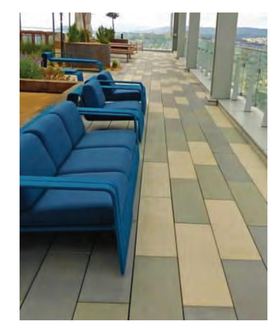
TV/ ENTERTAINMENT AREA

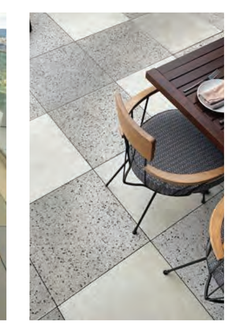
MOVEABLE SEATING

FIRE PIT



WOOD DECK ON PEDESTAL





UNIT PAVER

OUTDOOR SHOWER

SAUNA

COLD PLUGE

N

SCALE 1/8"=1'-0"

0 4 8 12

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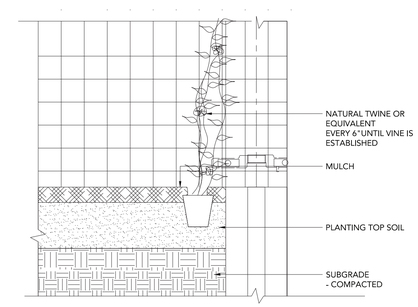
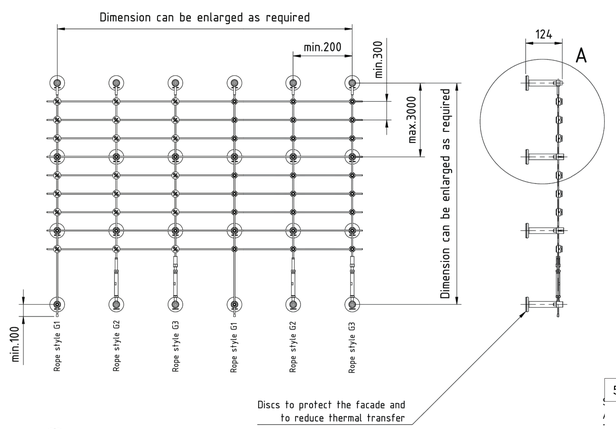
18 TH FLOOR PLANS

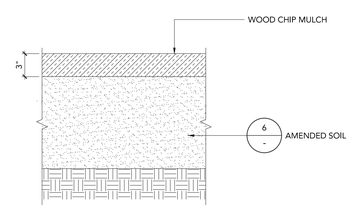
L105

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE		QTY	WATER USE	NATIVE	WILDLIFE	SEASON OF BLOOM
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	SEE PLANS	12	MEDIUM	YES	ATTRACTS BIRDS, BUTTERFLIES, MOTHS	MID-SPRING
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	SEE PLANS	12	LOW	YES	ATTRACTS BIRDS, BUTTERFLIES	SPRING
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WATER USE	NATIVE	WILDLIFE	SEASON OF BLOOM
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	1'-0" O.C.	152 SF	LOW	YES	ATTRACTS BUTTERFLIES, MOTHS	SUMMER
	ART PCN	ARTEMISIA PYCNOCEPHALA	BEACH SAGEWORT	5 GAL.	3'-0" O.C.	32 SF	VERY LOW	YES	ATTRACTS BIRDS, BUTTERFLIES, MOTHS, BEES	SPRING, SUMMER
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS `YANKEE POINT`	YANKEE POINT CARMEL CREEPER	5 GAL.	10'-0" O.C.	116 SF	LOW	YES	ATTRACTS BIRDS, BUTTERFLIES, MOTHS, BEES	SPRING
	ESC CAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1 GAL.	18" O.C.	72 SF	VERY LOW - LOW	YES	ATTRACTS BIRDS, BUTTERFLIES, BEES	SPRING, WINTER, SUMMER, FALL
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	2'-0" O.C.	123 SF	VERY LOW	YES	ATTRACTS BUTTERFLIES	SPRING, WINTER
	HOR CAL	HORDEUM BRACHYANTHERUM CALIFORNICUM	CALIFORNIA MEADOW BARLEY	1 GAL.	2'-0" O.C.	110 SF	MEDIUM	YES	ATTRACTS BUTTERFLIES	SPRING
	SAL SPA	SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GAL.	3'-0" O.C.	43 SF	VERY LOW	YES	ATTRACTS HUMMINGBIRDS, BEES, BUTTERFLIES	WINTER, SPRING, SUMMER
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	1 GAL.	18" O.C.	153 SF	VERY LOW - LOW	YES	ATTRACTS BUTTERFLIES, BIRDS	SPRING
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WATER USE	NATIVE	WILDLIFE	SEASON OF BLOOM
	LON HO5	LONICERA HISPIDULA	CALIFORNIA HONEYSUCKLE	5 GAL.	2'-0" O.C.	78 SF	VERY LOW - LOW	YES	ATTRACTS HUMMINGBIRDS, BIRDS	SPRING, SUMMER

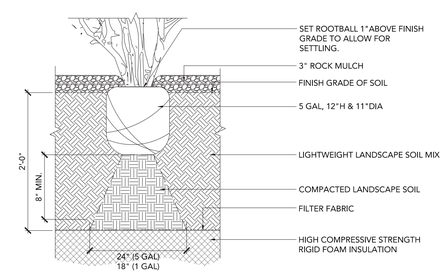


3 VINE PLANTING @ WALL — SCALE: 2"=1' TYPICAL SECTION 0 6" 12" 18"

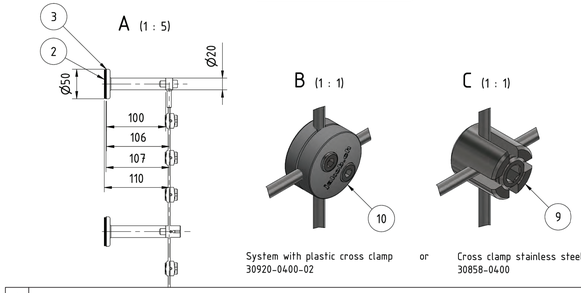




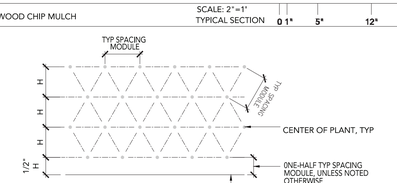
5 WOOD CHIP MULCH — SCALE: 2"=1' TYPICAL SECTION 0 1" 5" 12"



2 SHRUB PLANTING — SCALE: 1 1/2"=1' TYPICAL SECTION 0 1" 1' 2'



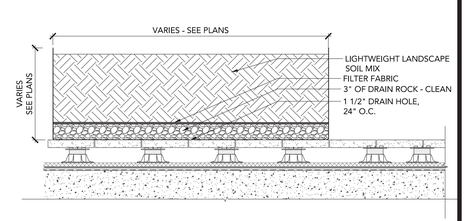
6 JAKOB VINE SISTEM — SCALE: NTS



TRIANGULAR SPACING MODULE	DISTANCE BETWEEN ROWS = H	TOTAL AREA PER PLANT
6"	5"	0.21 SF
8"	7"	0.38 SF
9"	8"	0.50 SF
10"	8 1/2"	0.59 SF
12" (1'-0")	10 1/2"	0.88 SF
15"	13"	1.35 SF
18"	15 1/2"	1.95 SF
21"	18"	2.63 SF
24" (2'-0")	21"	3.50 SF
30"	26"	5.41 SF
36" (3'-0")	31"	7.73 SF
48" (4'-0")	42"	14.00 SF

NOTE:
REFER TO PLANTING SCHEDULE FOR PLANT SPACING.

4 PLANT SPACING DIAGRAM — SCALE: NTS TYPICAL SECTION



1 TOURNESOL STEEL PLANTER — SCALE: 1"=1'-0" TYPICAL SECTION 0 1' 2' 3'

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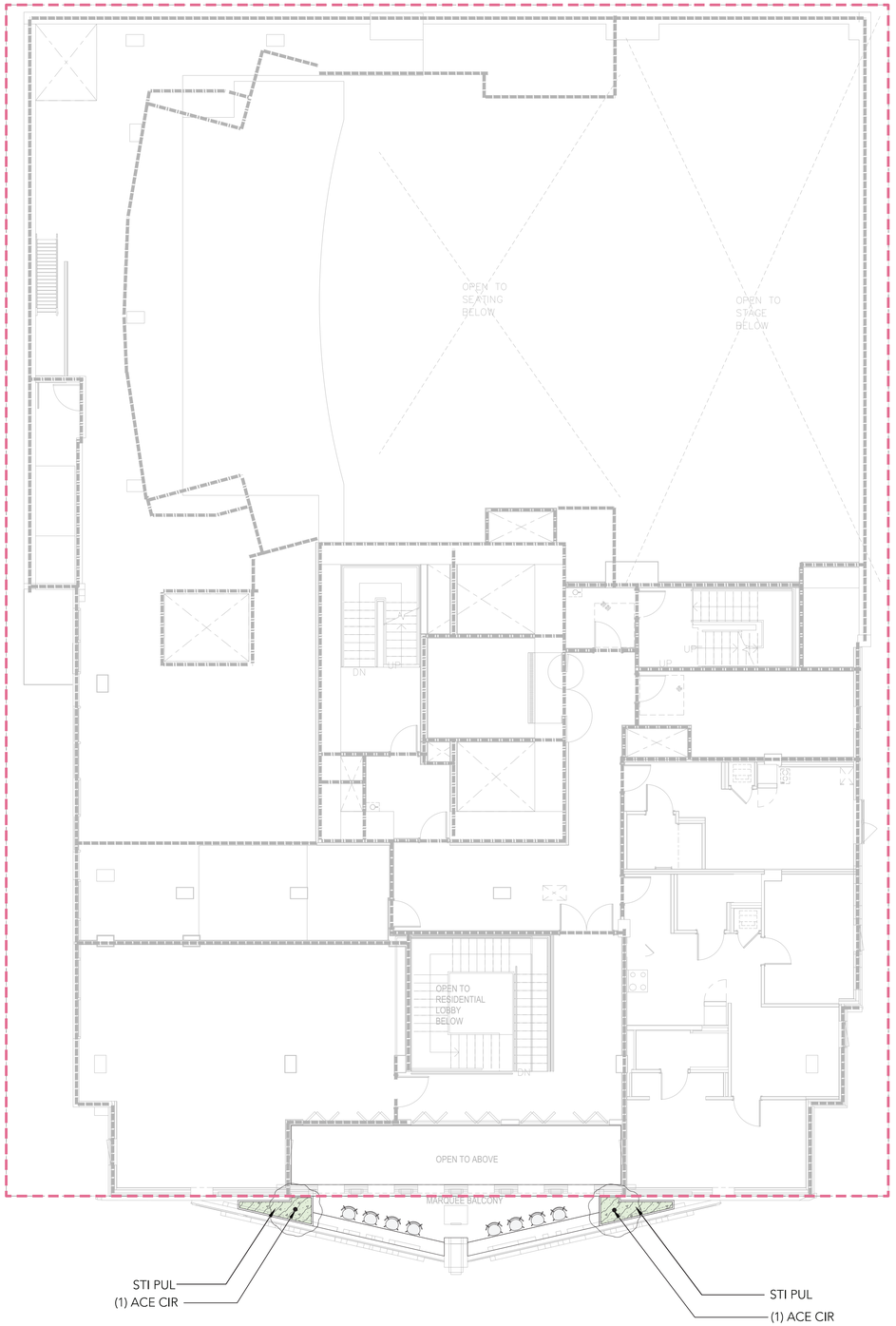
PLANTING SCHEDULE

L200



ACER CIRCINATUM

STIPA PULCHRA

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	2
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	5 GAL.	28 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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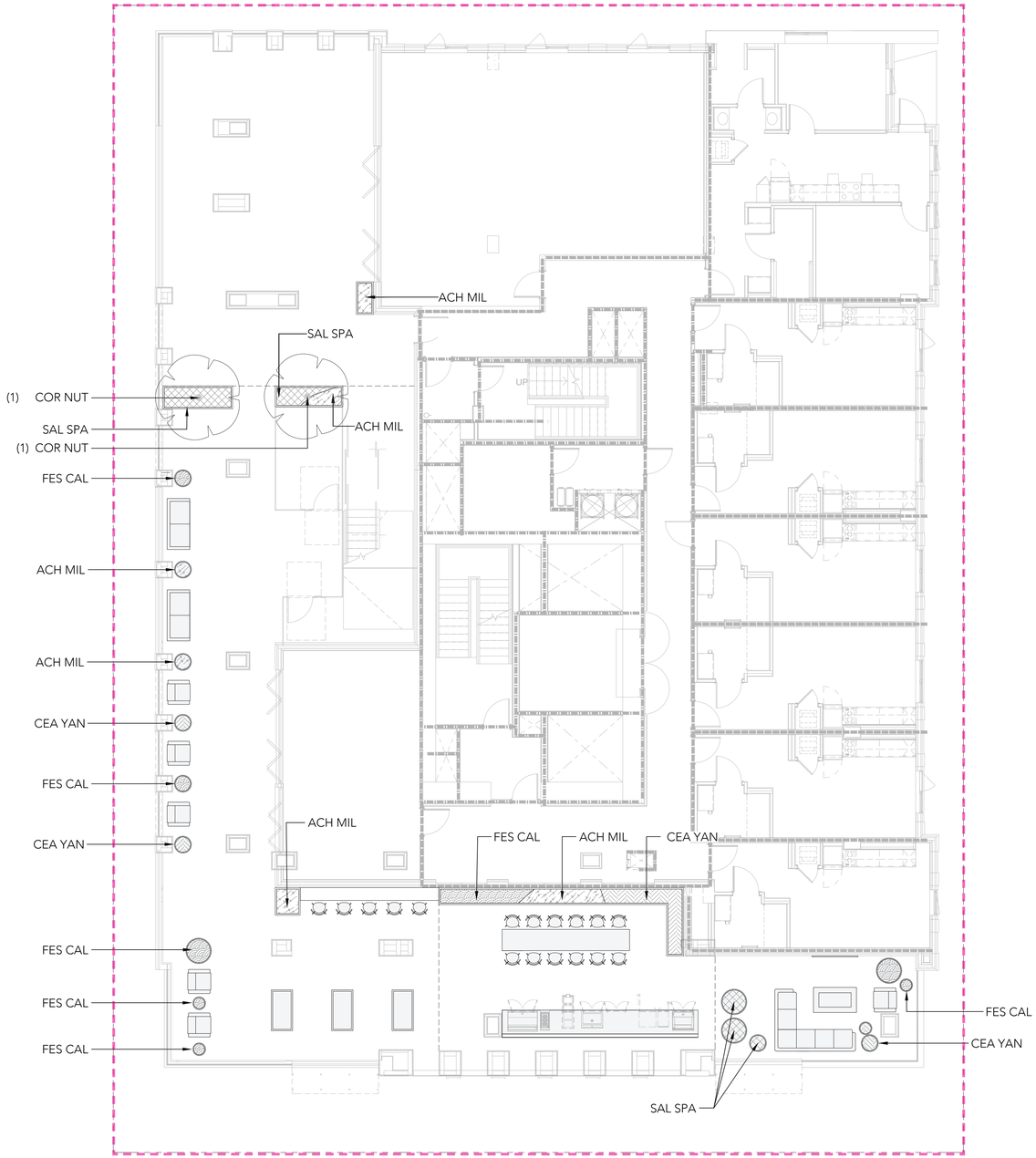
2ND FLOOR PLANTING PLAN

L202



CORNUS NUTTALLII

ACHILLEA MILLEFOLIUM

CEANOTHUS GRISEUS 'YANKEE POINT'

FESTUCA CALIFORNICA

SALVIA SPATHACEA

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	2
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	48 SF
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	44 SF
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	38 SF
	SAL SPA	SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GAL.	43 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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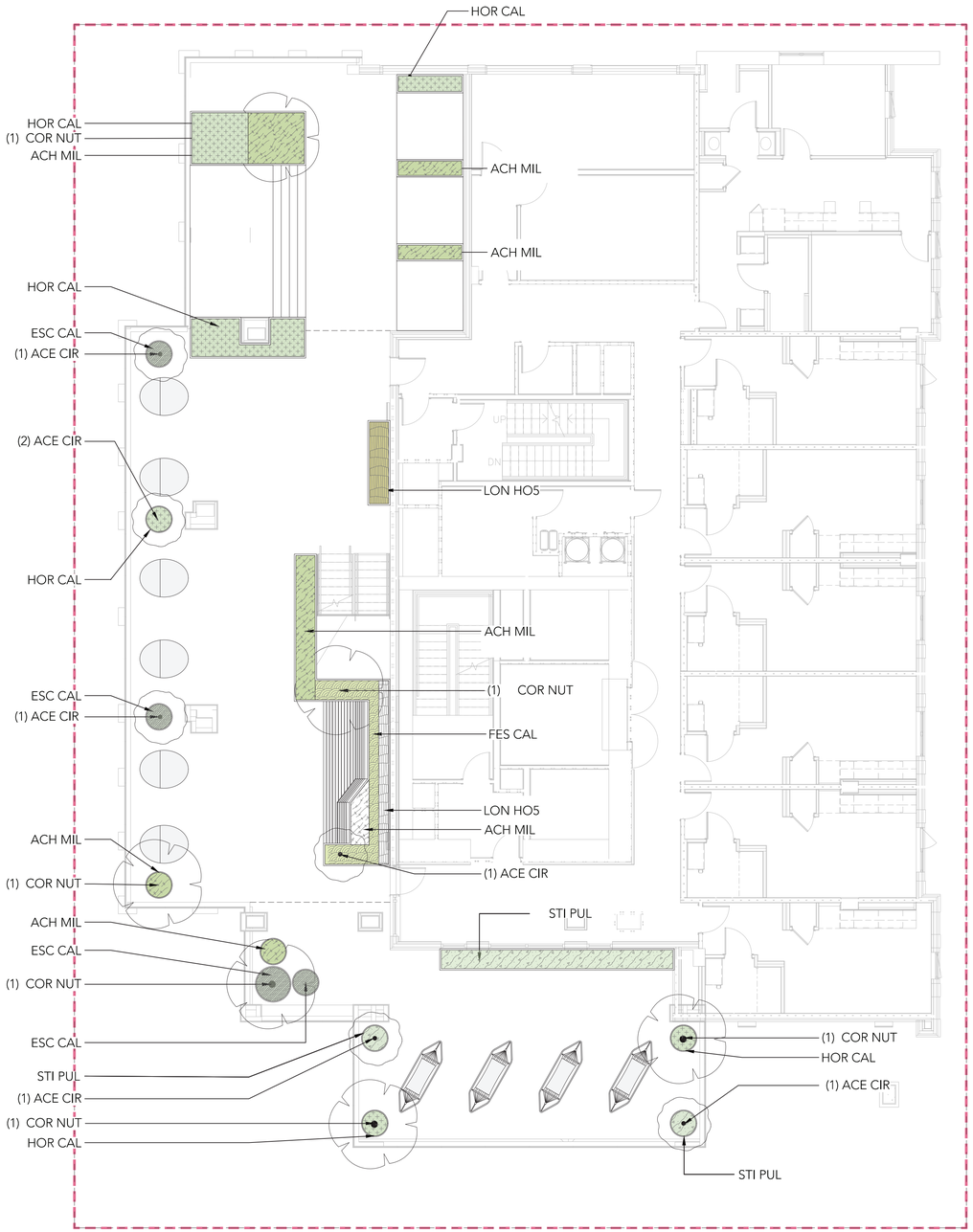
16TH FLOOR PLANTING PLAN

L203



LONICERA HISPIDULA

ESCHSCHOLZIA CALIFORNICA

ACER CIRCINATUM

ARTEMISA PYCNOCEPHALA

FESTUCA CALIFORNICA

CORNUS NUTTALLII

CEANOTHUS GRISEUS 'YANKEE POINT'

STIPA PULCHRA

ACHILLEA MILLEFOLIUM

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	4
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	4
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	4 SF
	ART PCN	ARTEMISIA PYCNOCEPHALA	BEACH SAGEWORT	5 GAL.	32 SF
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	72 SF
	ESC CAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1 GAL.	42 SF
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	40 SF
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	1 GAL.	59 SF
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	LON HOS	LONICERA HISPIDULA	CALIFORNIA HONEYSUCKLE	5 GAL.	35 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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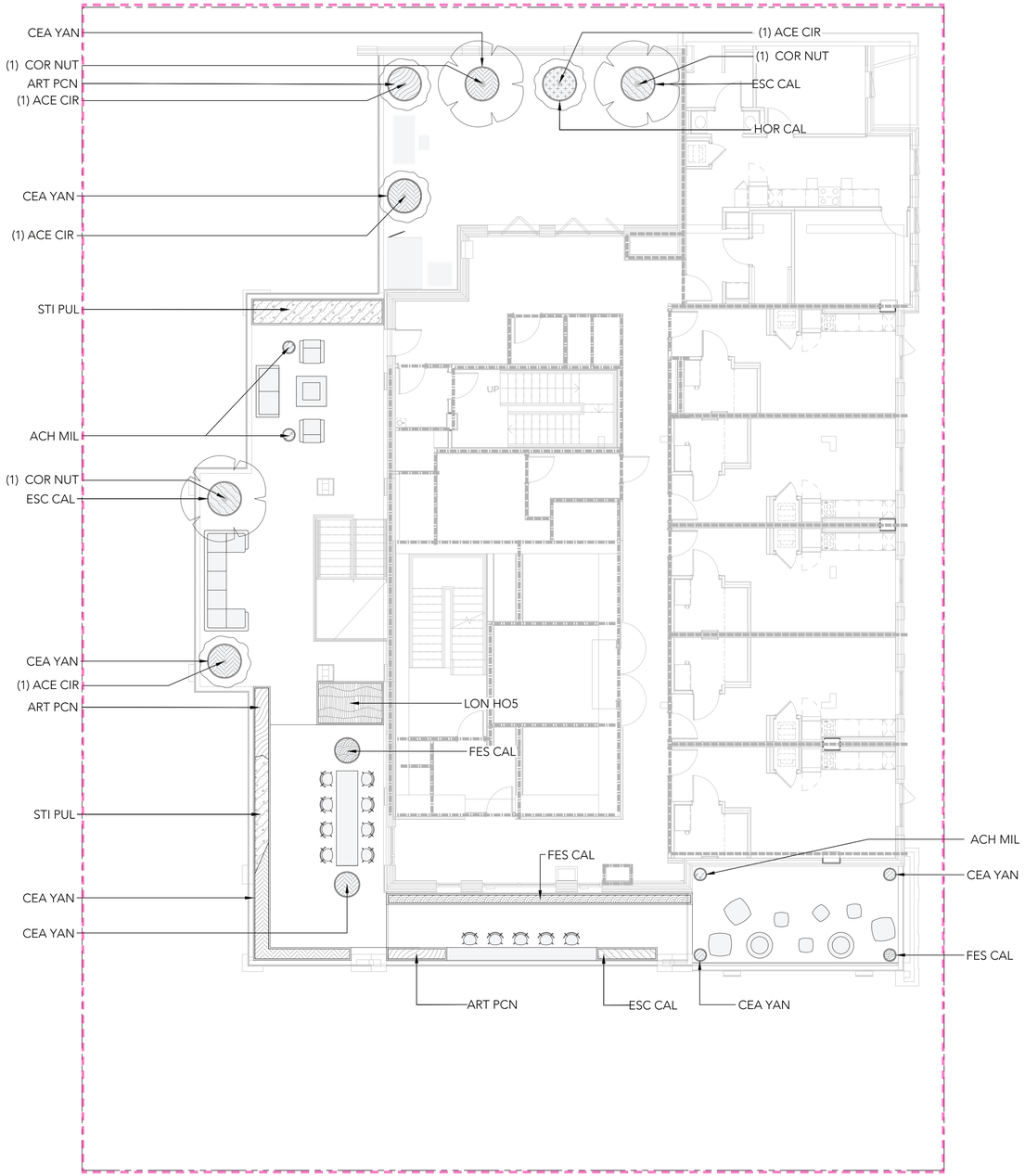
17 TH FLOOR PLANTING PLAN

L204



LONICERA HISPIDULA

ESCHSCHOLZIA CALIFORNICA

ACER CIRCINATUM

ARTEMISA PYCNOCEPHALA

FESTUCA CALIFORNICA

CORNUS NUTTALLII

CEANOTHUS GRISEUS 'YANKEE POINT'

STIPA PULCHRA

ACHILLEA MILLEFOLIUM

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	4
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	4
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	4 SF
	ART PCN	ARTEMISIA PYCNOCEPHALA	BEACH SAGEWORT	5 GAL.	32 SF
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	72 SF
	ESC CAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1 GAL.	42 SF
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	40 SF
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	1 GAL.	59 SF
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	LON HOS	LONICERA HISPIDULA	CALIFORNIA HONEYSUCKLE	5 GAL.	35 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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PROJECT #: GDC01

ISSUE DATE: 09/25/23

18 TH FLOOR PLANTING PLAN

L205

IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
DRIP CONTROL ASSEMBLY	–TORO–DZK–700–MF	
DRIP FLUSH VALVE	–SEE DETAIL	
TREE BUBBLER	–RAINBIRD–1401	
IRRIGATION SUPPLYLINE	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
IRRIGATION LATERAL LINE	–1120/CLASS 200 PVC PIPE	–18" COVER
SUBSURFACE DRIPLINE	–NETAFIM–TLCV–6–12	–3" COVER
ELECTRICAL CONDUIT	–1120/SCHEDULE 40 ELECTRICAL CONDUIT	–24" COVER
SLEEVING	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
PIPING UNDER PAVERS/DECKING	–COPPER TYPE L SEAMLESS TUBING	
STUBOUT	–BY MECHANICAL SECTION OF CONTRACT	
PIPING THROUGH STRUCTURE	–BY PLUMBING SECTION OF CONTRACT	
CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	
sta / gpm / size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

WELO
Water Budget and Water Use Calculator

INSTRUCTIONS:

1. Enable macros.
2. Enter values in blue cells. Gray cells will automatically fill.
3. For Eto, refer to Appendix A of the ordinance, available here: https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency
4. Print this sheet and submit with Landscape Document Package for the Comprehensive Performance Compliance Pathway.

Date:	2023.09.08
Project Name:	KITTREDGE - BERKELEY
Project Contact:	Sara Peschel
Project Contact Email:	sara@groundworksoffice.com

Maximum Applied Water Allowance (MAWA)	**Project Type**	**ETo**	**ETAF**	**Special Landscape Area (SLA)**	**Total Landscape Area including SLA**	**MAWA (gal/yr)**	
	Non-residential	39.6	0.45	241	1,131	**15,750**	MAWA =(ETo) * (0.62) *[(ETAF*LA) + ((1-ETAF) * SLA)].

Estimated Total Water Use (ETWU)	**ETo**	**(SF * PF) / IE**	**SLA**	**ETWU (gal/yr)**	
	39.6	227	241	**11,482**	ETWU =(ETo) * (0.62) *[(PF*SF/IE) + SLA]

Difference between MAWA and ETWU **4,268** **Project meets water budget.**

ETWU Calculation (Regular landscape areas)	**Zone #**	**Description**	**Select Irrigation**	**Square Feet (SF)**	**Plant Factor (PF)**	**Irrigation Efficiency (IE)**	**(SF * PF) / IE**
	1	Second Lvl	Drip	28	0.30	0.81	10
	2	16th Lvl	Drip	173	0.30	0.81	64
	3	17th Lvl	Drip	411	0.30	0.81	-
	4	18th Lvl	Drip	278	0.30	0.81	152
							-
							-
	Landscape area (not including SLA)			**890**			**227**

ETWU Calculation Special Landscape Areas (SLA)	**Description**	**Square Feet (SF)**	**Plant Factor / Irrigation Efficiency (PF/IE)**	**(SF * PF) / IE**
	Edible planting area		1.0	-
	Multi-use and sports field turf area		1.0	-
	Area irrigated with recycled water		1.0	-
	Pool	241	1.0	241
	Total SLA	**241**		**0**

Total Landscape Area (including SLA) from ETWU Calculation	**1,131**

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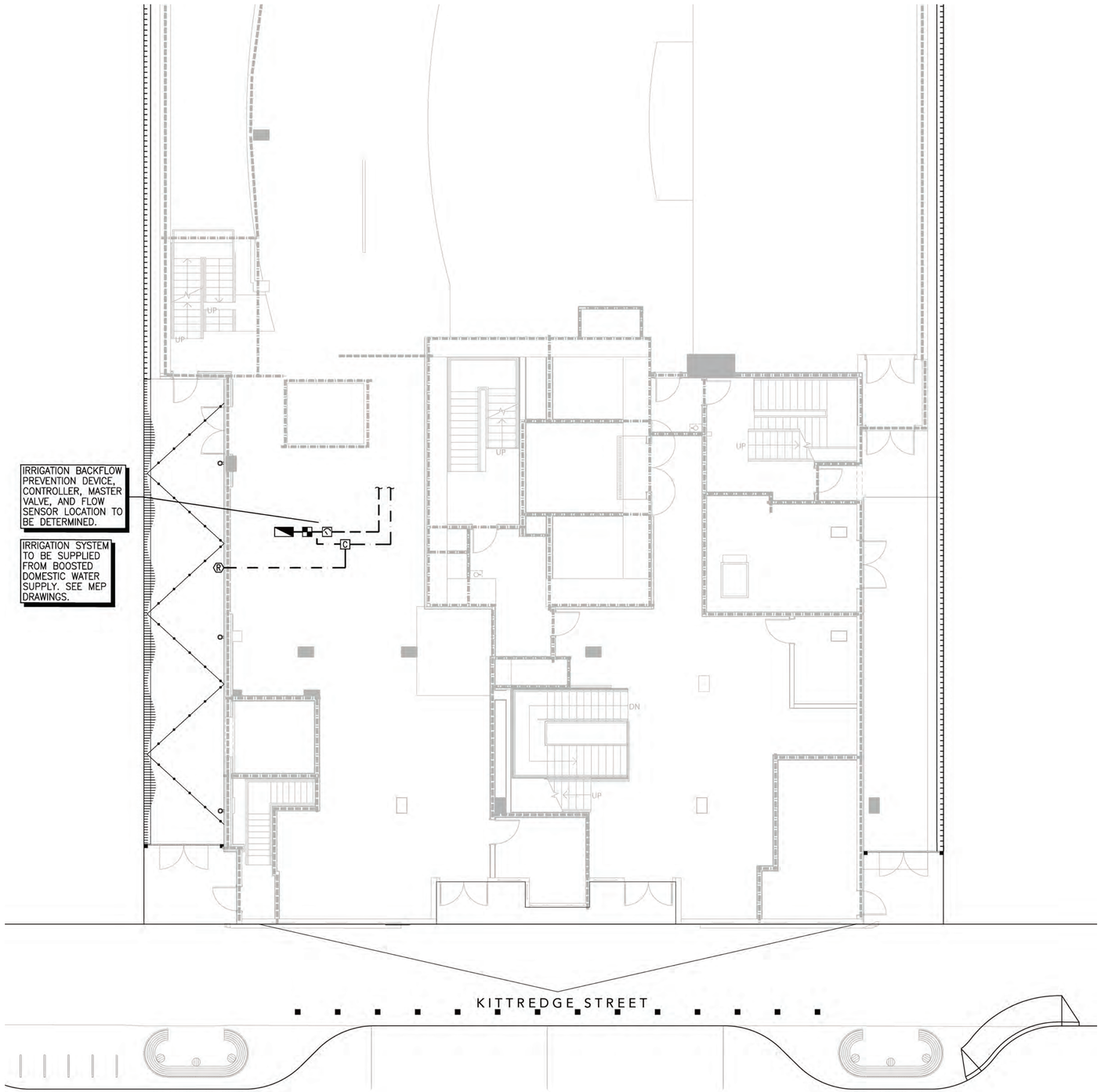
IRRIGATION SCHEDULE AND CALCULATIONS

L300



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
DRIP CONTROL ASSEMBLY	–TORO–DZK–700–MF	
DRIP FLUSH VALVE	–SEE DETAIL	
TREE BUBBLER	–RAINBIRD–1401	
IRRIGATION SUPPLYLINE	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
IRRIGATION LATERAL LINE	–1120/CLASS 200 PVC PIPE	–18" COVER
SUBSURFACE DRIPLINE	–NETAFIM–TLCV–6–12	–3" COVER
ELECTRICAL CONDUIT	–1120/SCHEDULE 40 ELECTRICAL CONDUIT	–24" COVER
SLEEVING	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
PIPING UNDER PAVERS/DECKING	–COPPER TYPE L SEAMLESS TUBING	
STUBOUT	–BY MECHANICAL SECTION OF CONTRACT	
PIPING THROUGH STRUCTURE	–BY PLUMBING SECTION OF CONTRACT	
CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	
sta / gpm / size — CONTROLLER STATION NUMBER / GALLONS PER MINUTE THROUGH VALVE / CONTROL VALVE SIZE		

N

SCALE 1/8"=1'-0"

0 4 8 12

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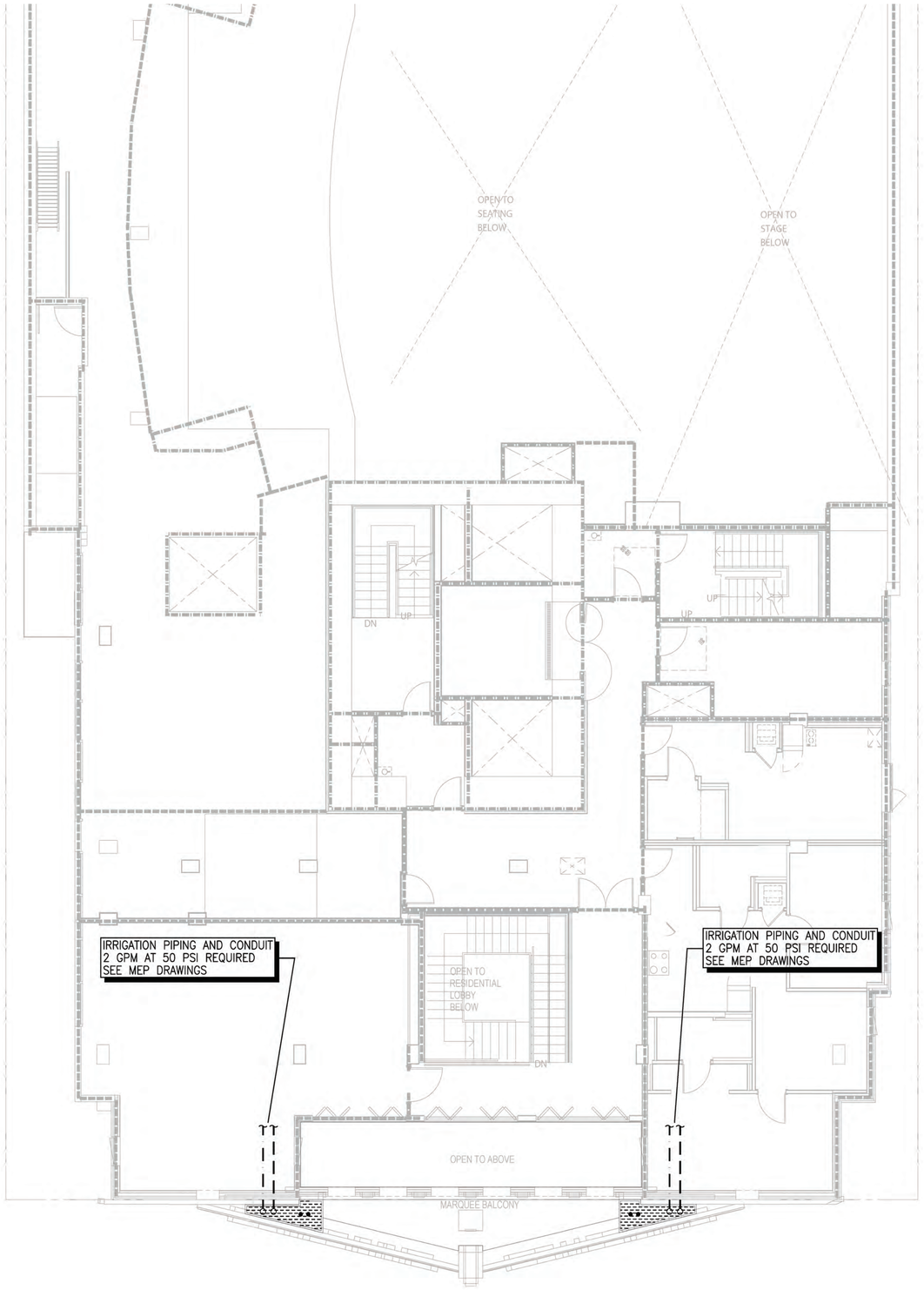
GROUND FLOOR IRRIGATION PLANS

L301



IRRIGATION SYSTEM LEGEND

	BACKFLOW PREVENTION DEVICE	-FEBCO-825Y-1" -SEE CIVIL DRAWINGS	
C	CONTROLLER ASSEMBLY	-BASELINE SYSTEMS-BL-1000-X	
R	RAIN SENSOR	-TBD	
S	MOISTURE SENSOR	-BASELINE	
	MASTER CONTROL VALVE	-SUPERIOR-3100-1"	
	FLOW SENSOR	-BASELINE	
	REMOTE CONTROL VALVE	-IRRITROL-700 SERIES	
	QUICK COUPLING VALVE	-RAINBIRD-33DRC	
	GATE VALVE	-NIBCO-T113-IRR-LINE SIZE	
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	CONDUIT THROUGH STRUCTURE	-BY ELECTRICAL SECTION OF CONTRACT	
sta / gpm / size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE		

N

SCALE 1/8"=1'-0"

0 4 8 12

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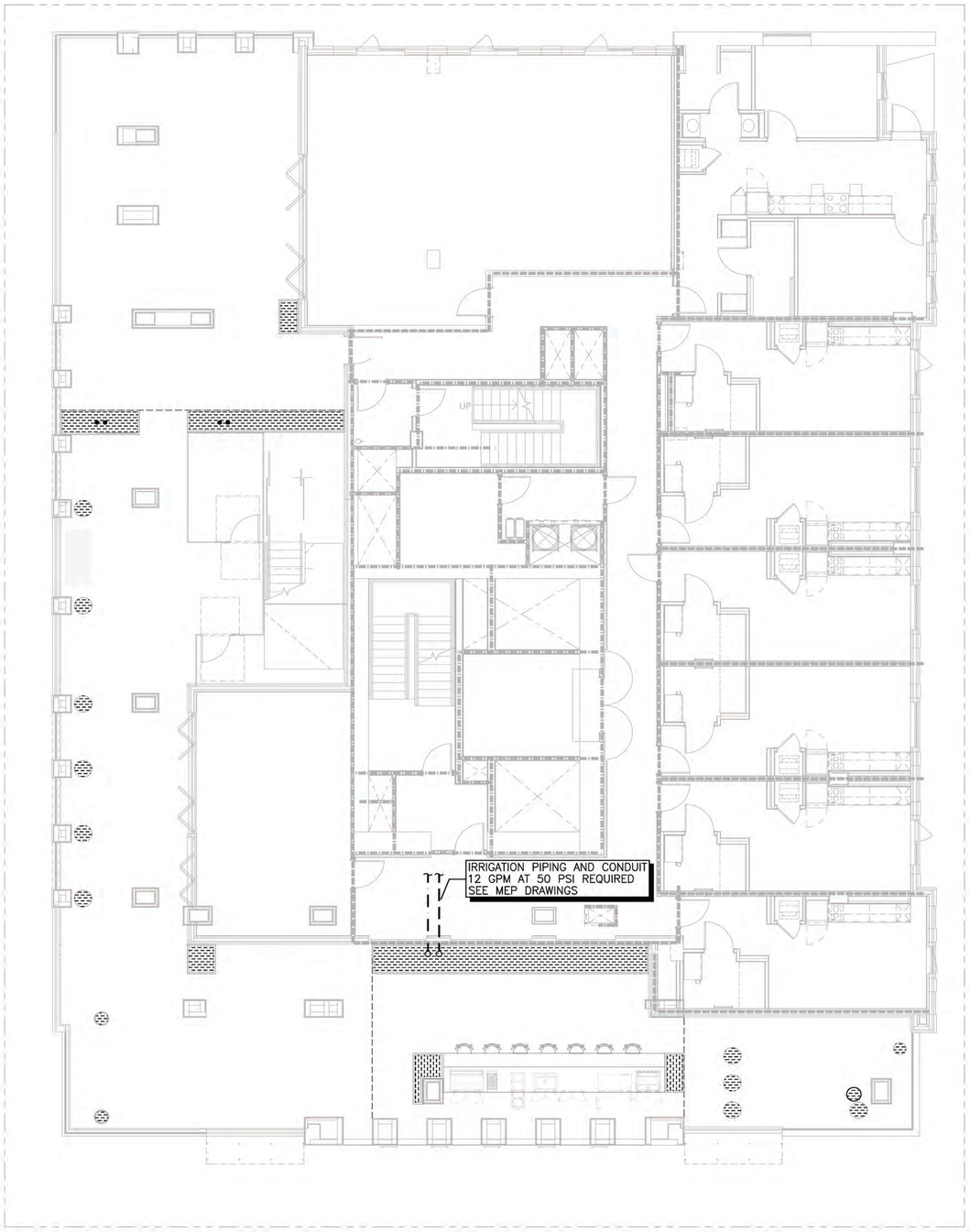
SECOND FLOOR IRRIGATION PLANS

L302



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	-FEBCO-825Y-1" -SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	-BASELINE SYSTEMS-BL-1000-X	
RAIN SENSOR	-TBD	
MOISTURE SENSOR	-BASELINE	
MASTER CONTROL VALVE	-SUPERIOR-3100-1"	
FLOW SENSOR	-BASELINE	
REMOTE CONTROL VALVE	-IRRITROL-700 SERIES	
QUICK COUPLING VALVE	-RAINBIRD-33DRC	
GATE VALVE	-NIBCO-T113-IRR-LINE SIZE	
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CONDUIT THROUGH STRUCTURE	-BY ELECTRICAL SECTION OF CONTRACT	
sta / gpm / size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

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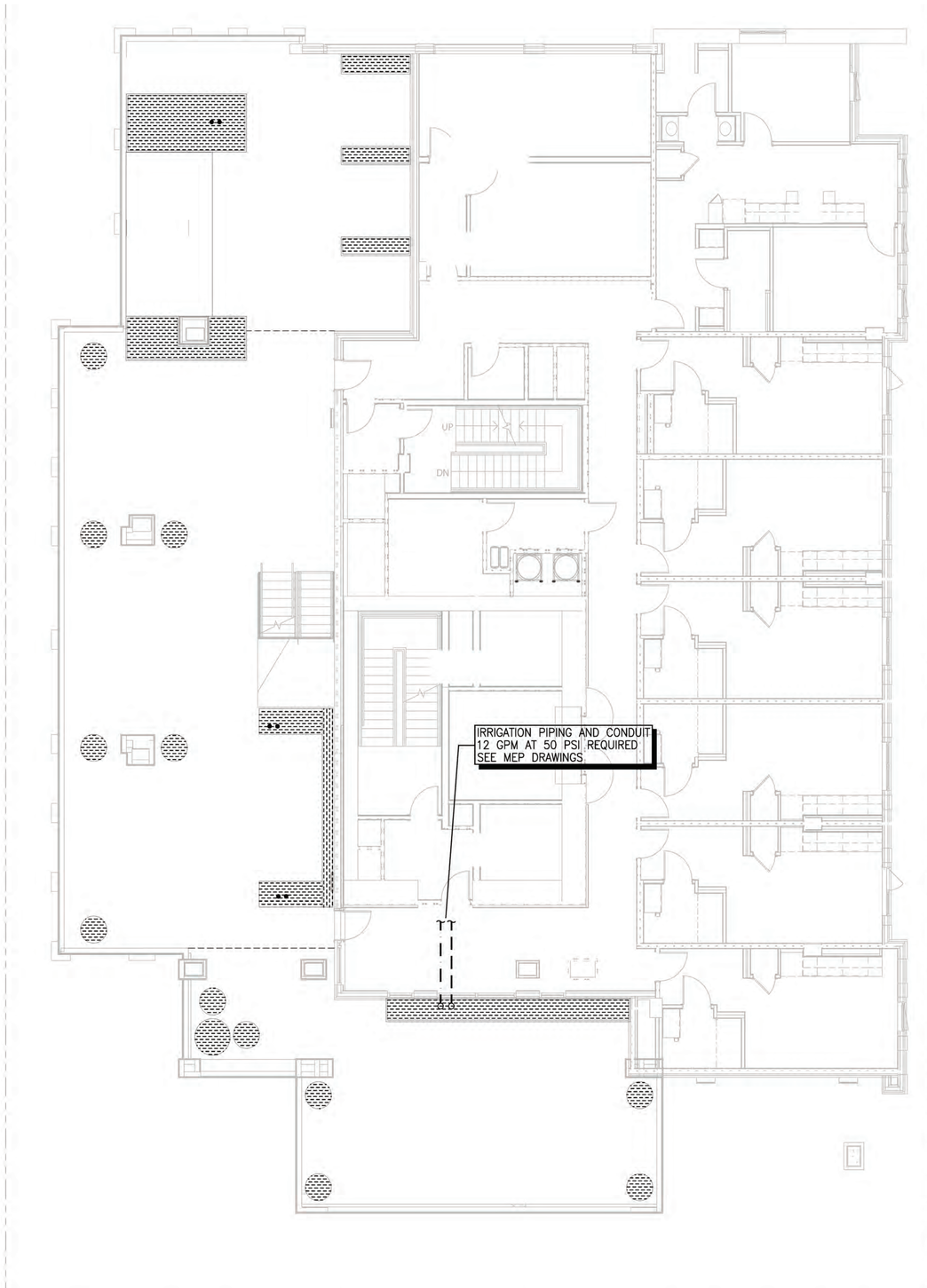
16 TH FLOOR IRRIGATION PLANS

L303



IRRIGATION SYSTEM LEGEND

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RAIN SENSOR	-TBD	
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CONDUIT THROUGH STRUCTURE	-BY ELECTRICAL SECTION OF CONTRACT	
sta / gpm / size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

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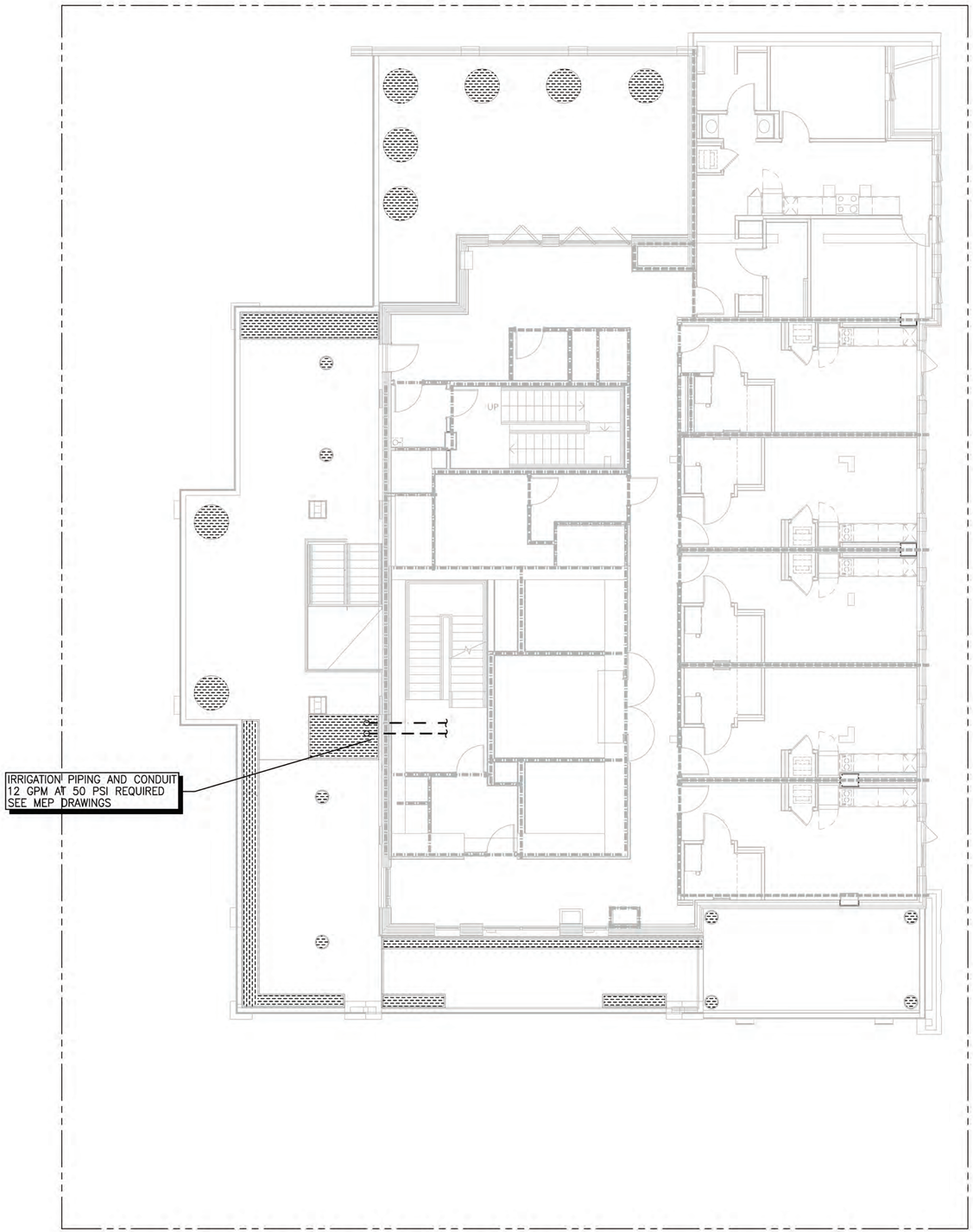
17 TH FLOOR IRRIGATION PLANS

L304



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	-FEBCO-825Y-1" -SEE CIVIL DRAWINGS	
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FLOW SENSOR	-BASELINE	
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GATE VALVE	-NIBCO-T113-IRR-LINE SIZE	
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sta / gpm / size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

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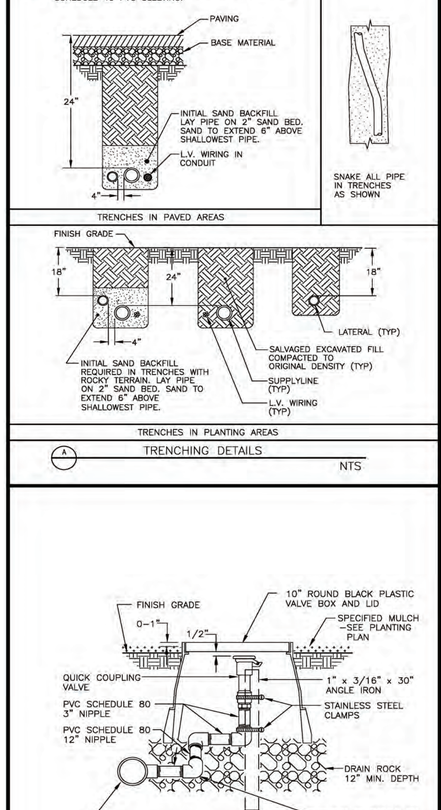
18 TH FLOOR IRRIGATION PLANS

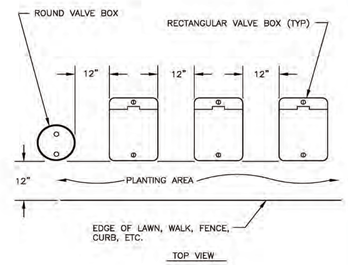
L305

NOTE: ALL PIPING UNDER PAVEMENT SHALL BE INSTALLED IN SCHEDULE 40 PVC SLEEVING.



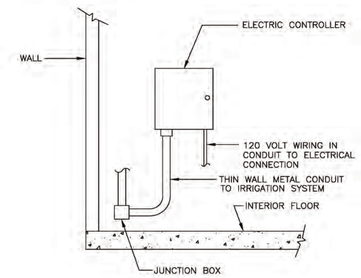
A TRENCHING DETAILS
NTS

NOTES:
1. CENTER BOXES OVER VALVES.
2. SET BOXES IN GROUND COVER/SHRUB AREA WHERE POSSIBLE.
3. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE.
4. AVOID HEAVILY COMPACTING SOIL AROUND BOXES TO PREVENT DAMAGING VALVE BOXES.

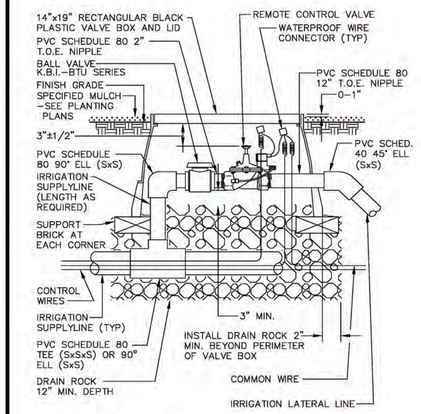


B VALVE BOX INSTALLATION DETAIL
NTS

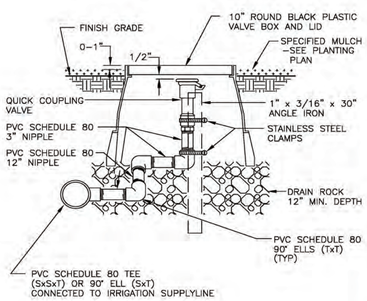
NOTE: ALL CONDUIT SHALL BE RIGID METAL–SIZE AS REQUIRED



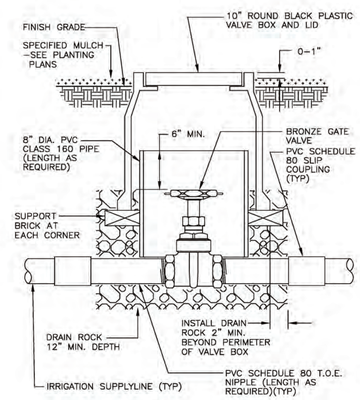
B WALL MOUNT CONTROLLER INSTALLATION DETAIL
NTS



C REMOTE CONTROL VALVE INSTALLATION DETAIL
NTS

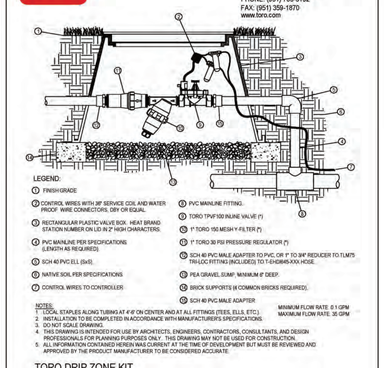


D QUICK COUPLING VALVE RISER ASSEMBLY DETAIL
NTS



E GATE VALVE INSTALLATION DETAIL
NTS

TORO COMPANY - IRRIGATION DIVISION
5825 JASMINE ST.
RIVERSIDE, CA 92504
TOLL FREE: 1-877-345-8676
PHONE: (951) 785-3152
FAX: (951) 359-1870
www.toro.com



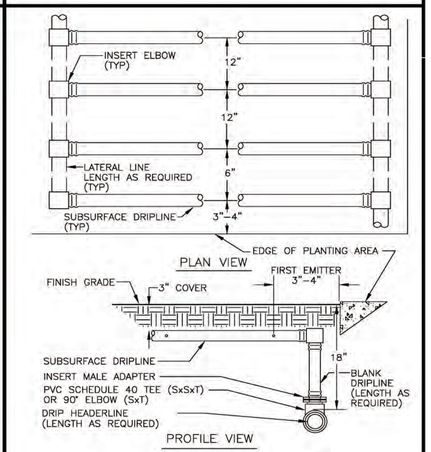
LEGEND:
1. FINISH GRADE
2. CONTROL WIRES WITH 36" SERVICE COIL AND WATER PROOF WIRE CONNECTORS, DBY OR EQUAL.
3. RECTANGULAR PLASTIC VALVE BOX. HEAT BRAND STATION NUMBER ON LID IN 2" HIGH CHARACTERS.
4. PVC MAINLINE PER SPECIFICATIONS (LENGTH AS REQUIRED)
5. SCH 40 PVC ELL (SxS).
6. NATIVE SOIL PER SPECIFICATIONS
7. CONTROL WIRES TO CONTROLLER.
8. PVC MAINLINE FITTING.
9. TORO TPVF100 INLINE VALVE (1")
10. 1" TORO 150 MESH Y-FILTER (1")
11. 1" TORO 30 PSI PRESSURE REGULATOR (1")
12. SCH 40 PVC MALE ADAPTER TO PVC OR 1" TO 3/4" REDUCER TO TLM75 TRI-LOC FITTING (INCLUDED) TO T-EHDBM5-XXX HOSE.
13. PEA GRAVEL, SUMP. MINIMUM 8" DEEP.
14. BRICK SUPPORTS (8 COMMON BRICKS REQUIRED).
15. SCH 40 PVC MALE ADAPTER

NOTES:
1. TOOAL STAPLES ALONG TUBING AT 4'-6" ON CENTER AND AT ALL FITTINGS (TEES, ELLS, ETC.).
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. DO NOT SCALE DRAWING.
4. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS, AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
5. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.

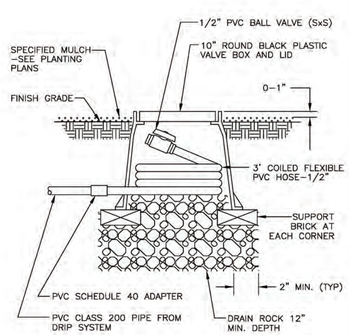
MINIMUM FLOW RATE: 0.1 GPM
MAXIMUM FLOW RATE: 35 GPM

TORO DRIP ZONE KIT
DZK-700

REVISION DATE NOV. 2016

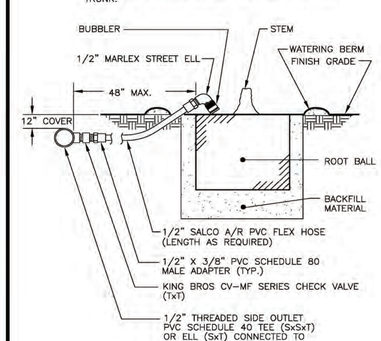


G SUBSURFACE DRIP INSTALLATION DETAIL
NTS



H FLUSH VALVE INSTALLATION DETAIL
NTS

NOTE: INSTALL BUBBLER ABOVE ROOT BALL. INSTALL BUBBLER ON UPHILL SIDE OF PLANT WHERE APPLICABLE. ALLOW 6" MINIMUM DISTANCE BETWEEN BUBBLER AND TREE TRUNK.



I BUBBLER INSTALLATION DETAIL FOR TREES
NTS

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IRRIGATION DETAILS

L306

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N

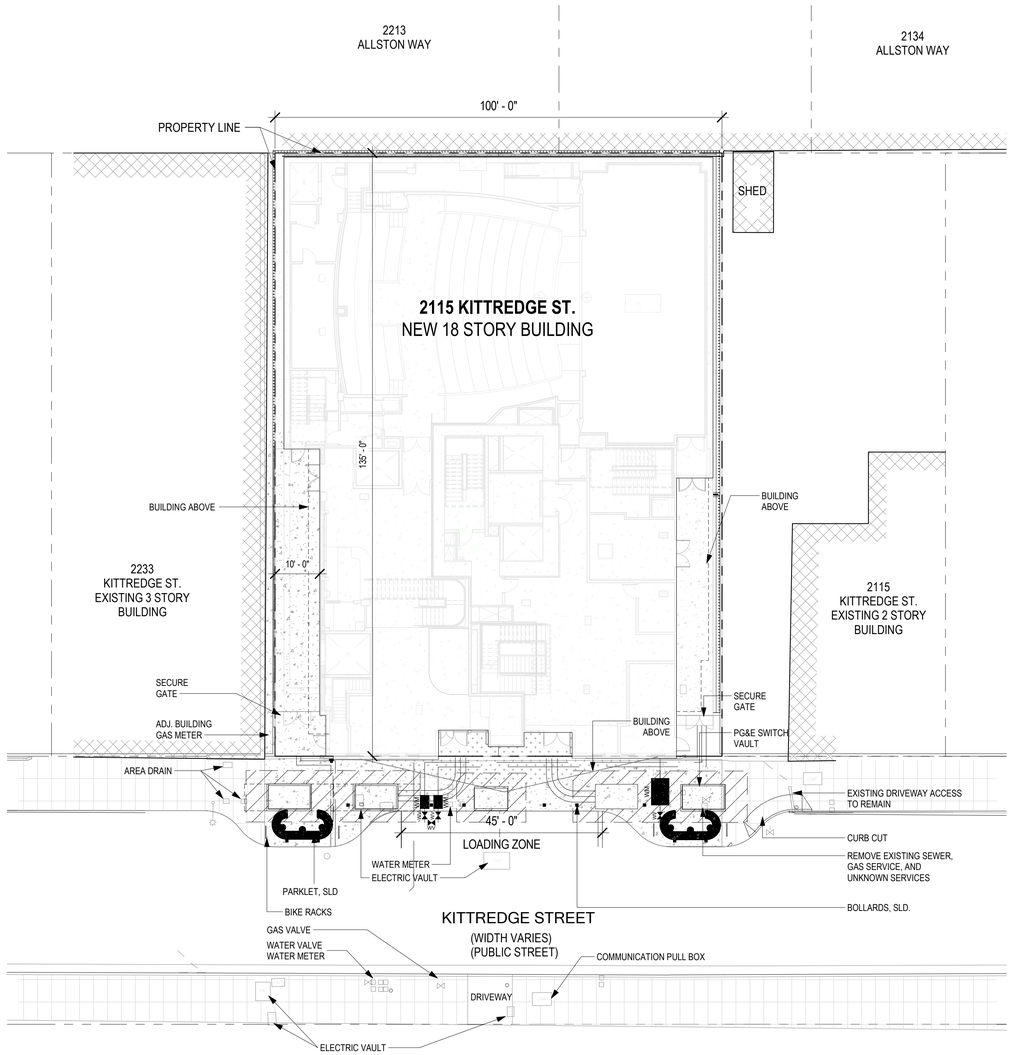
0 4' 8' 16'

GENERAL SITE PLAN NOTES

1. SEE CIVIL DRAWINGS FOR SITE AND FINISH SLAB ELEVATIONS.
2. PROVIDE SITE PREPARATION GRADING, FILL, AND COMPACTION PER GEOTECHNICAL REPORT AND STRUCTURAL DRAWINGS.

SITE PLAN LEGEND:

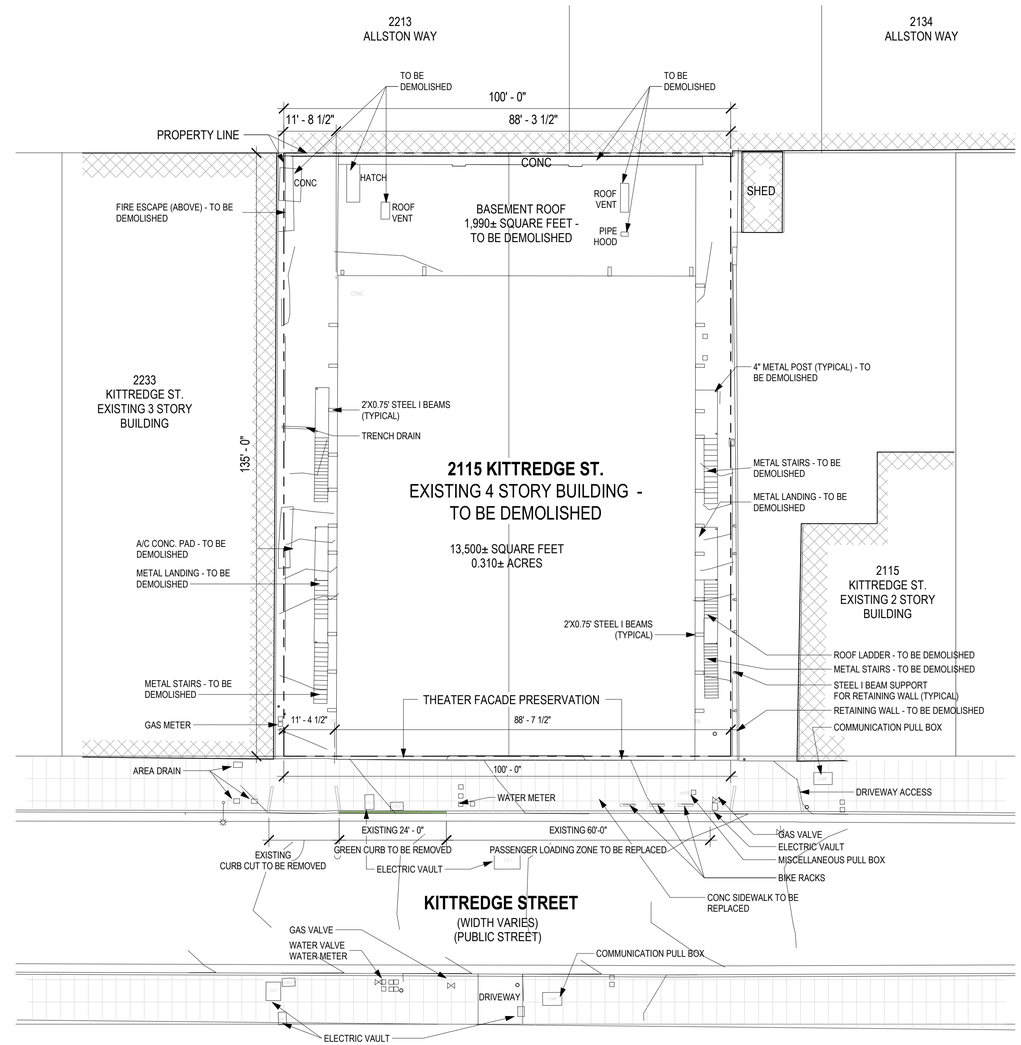
- TERAZZO FLOORING, SLD
- COLORED CONCRETE W/ DECORATIVE SCORING, SLD
- EXISTING CONCRETE SIDEWALK



2 A100 PROPOSED SITE PLAN

1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)

NOTE: THE DESIGN INTENT OF THE PROPOSED STREETSCAPE PLAN IS TO HAVE TWO BULB-OUTS, APPROXIMATELY SYMMETRICAL IN SIZE, THAT FRAM THE HISTORIC THEATER FACADE AND PROVIDE SIDEWALK AMENITIES. PLEASE SEE PLAN SET SHEET L101 FOR MORE DETAILS.



1 A100 EXISTING SITE PLAN

1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)

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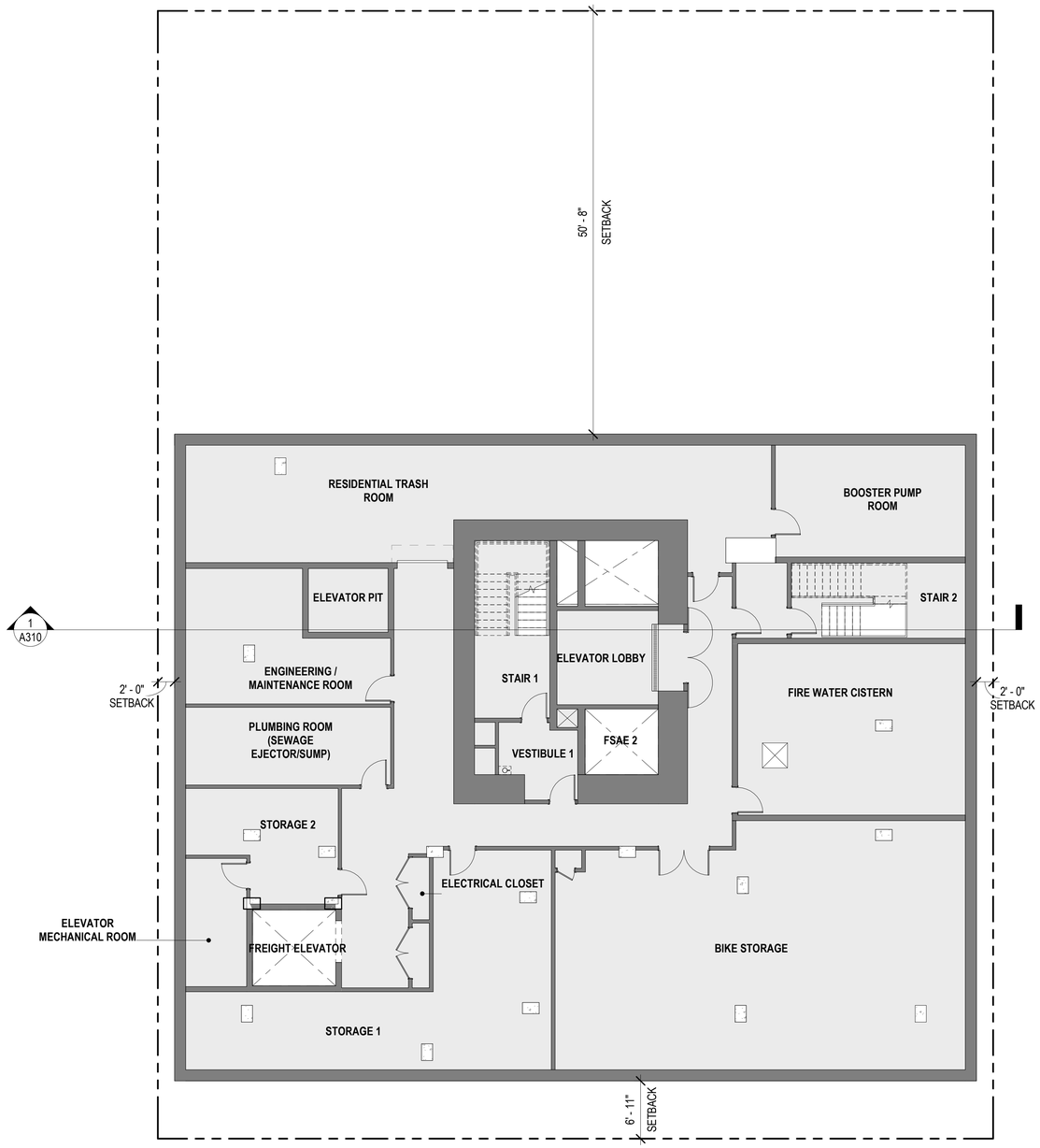
NOT FOR CONSTRUCTION

SITE PLAN

A100



FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A101 B2_BASEMENT FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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BASEMENT 2 FLOOR PLAN

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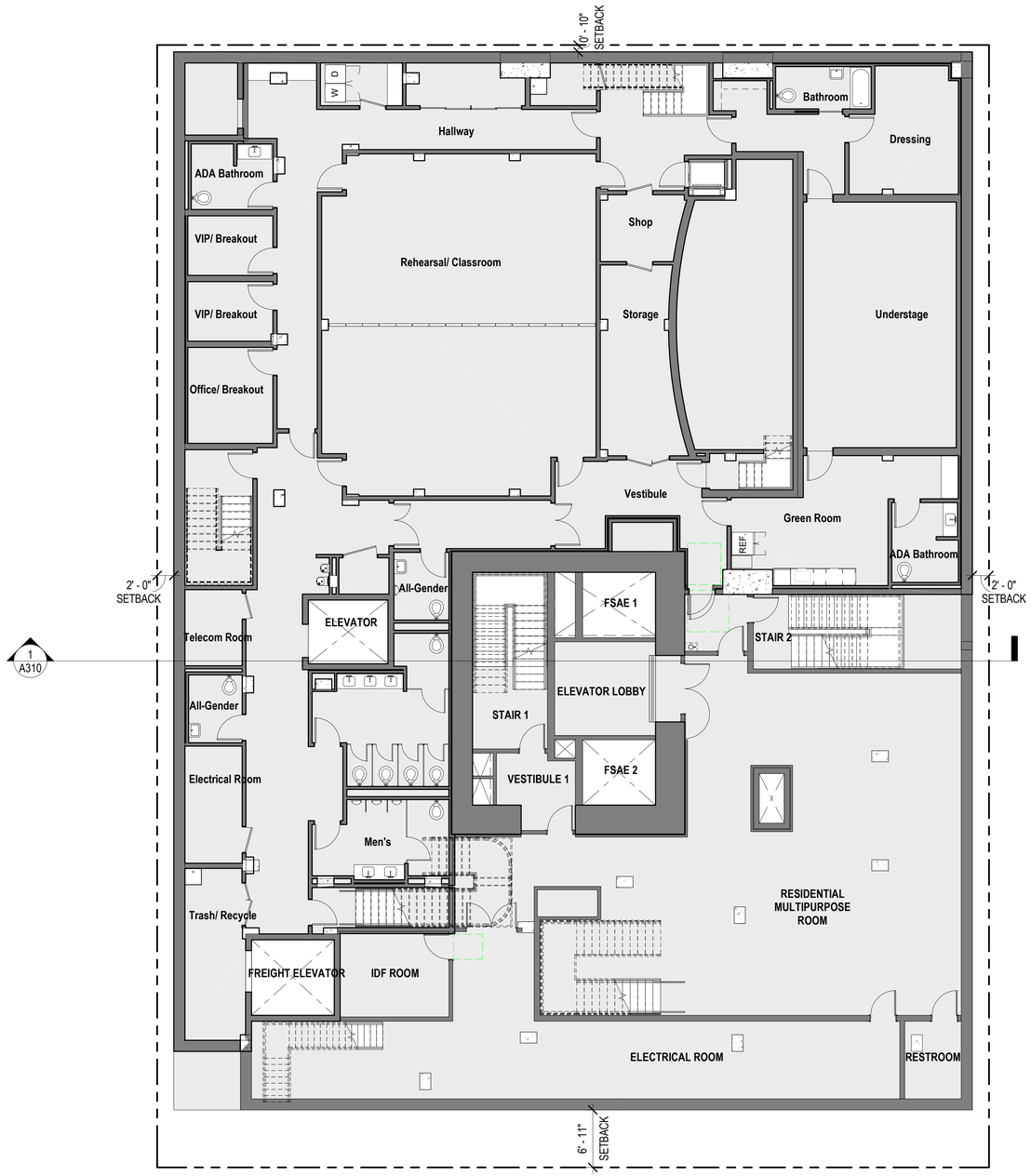

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A102 B1_BASEMENT FLOOR
1/8" = 1'-0"

N

0 4' 8' 16'

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BASEMENT 1 FLOOR PLAN

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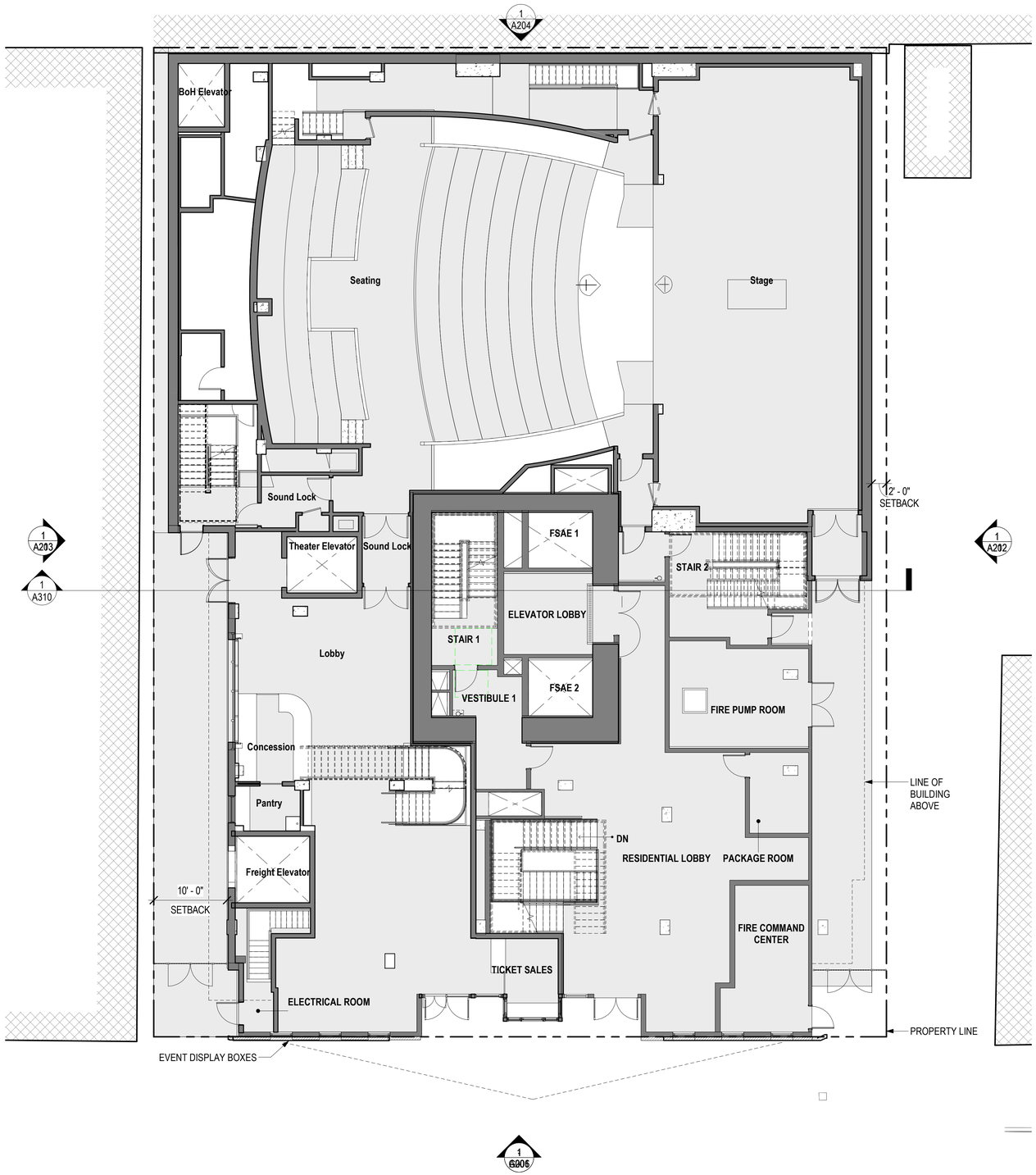

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A103 00_GROUND FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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GROUND FLOOR PLAN

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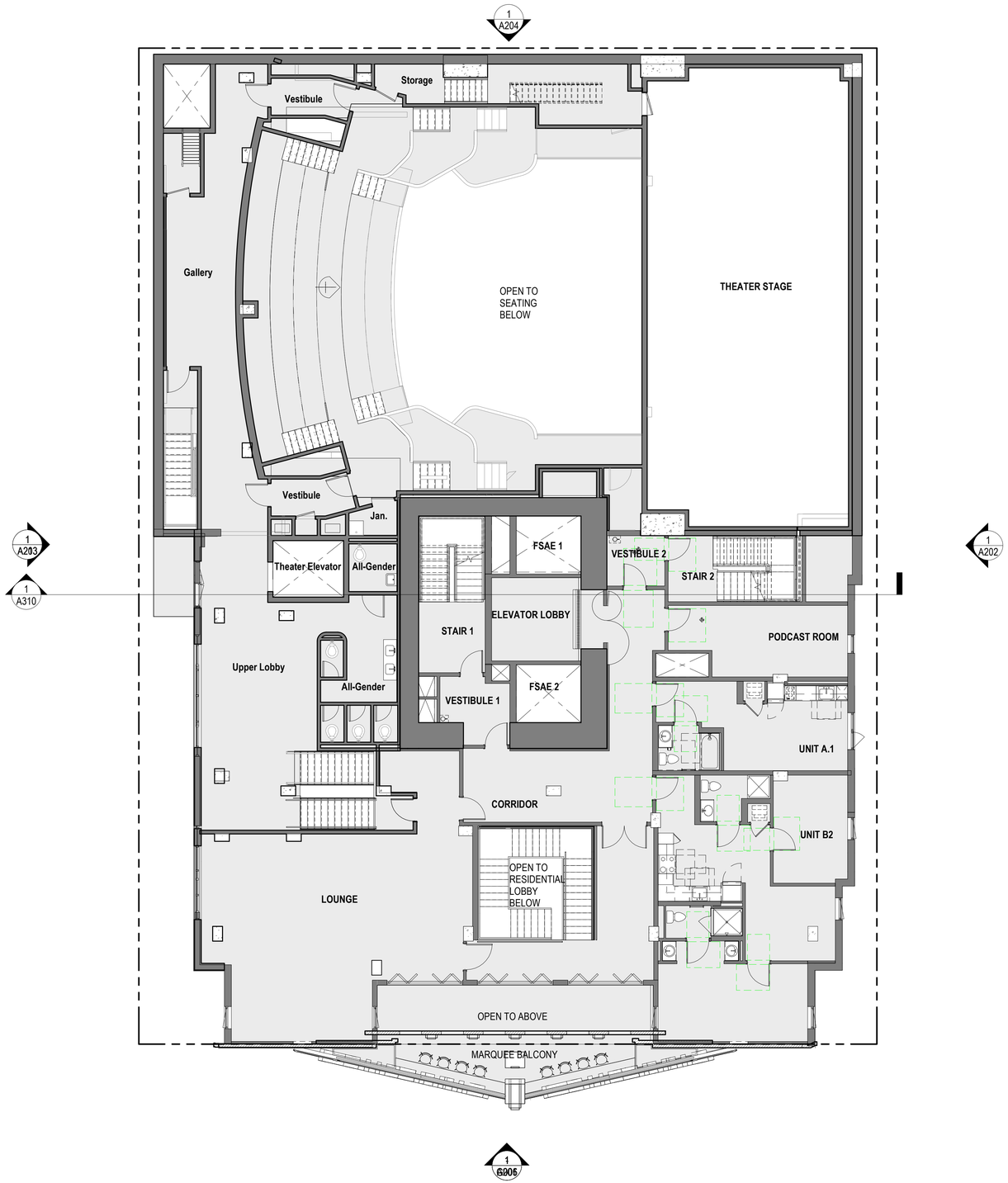

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A104 02_2ND FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 2 FLOOR PLAN

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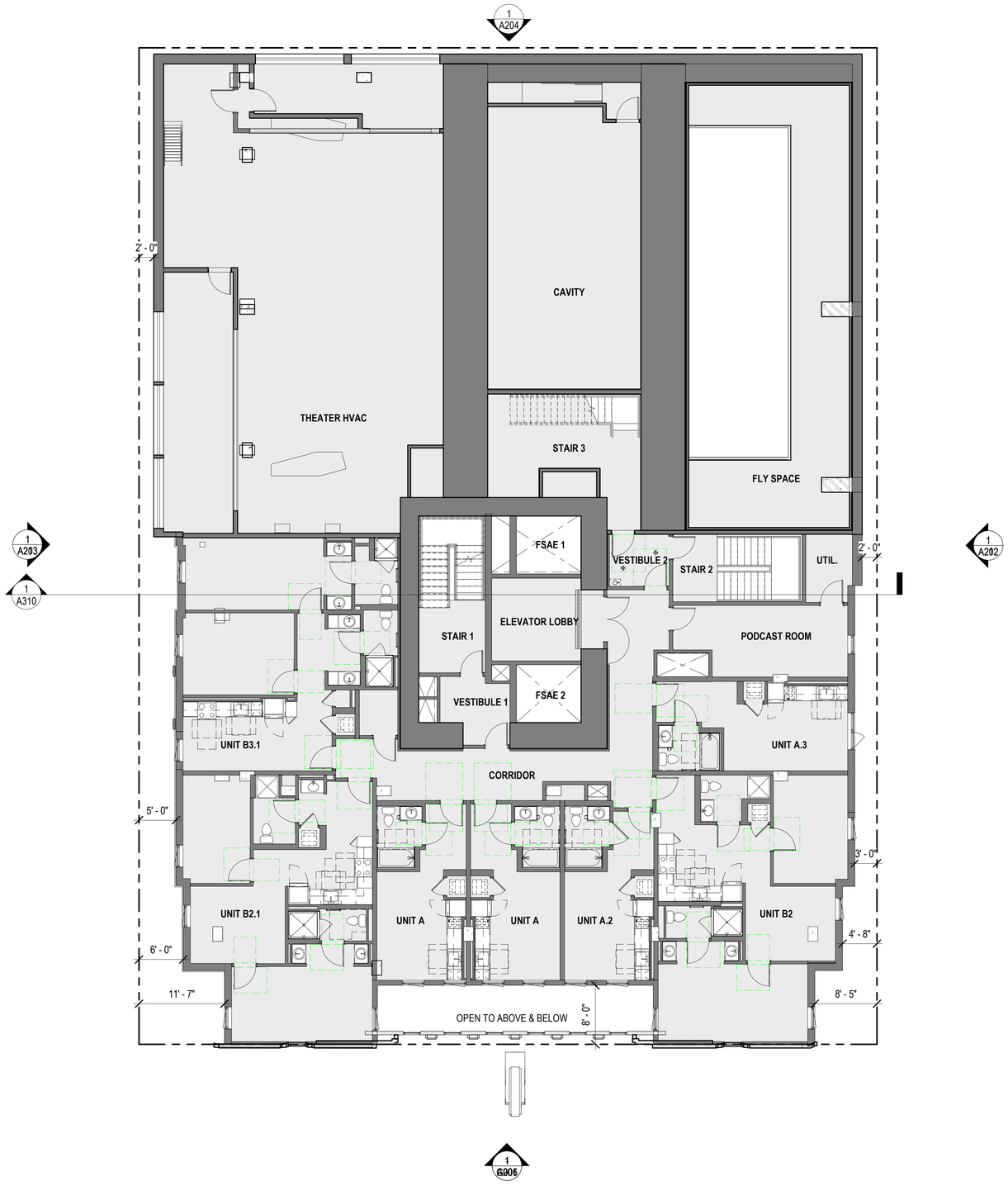

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A105 03_3RD FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 3 FLOOR PLAN

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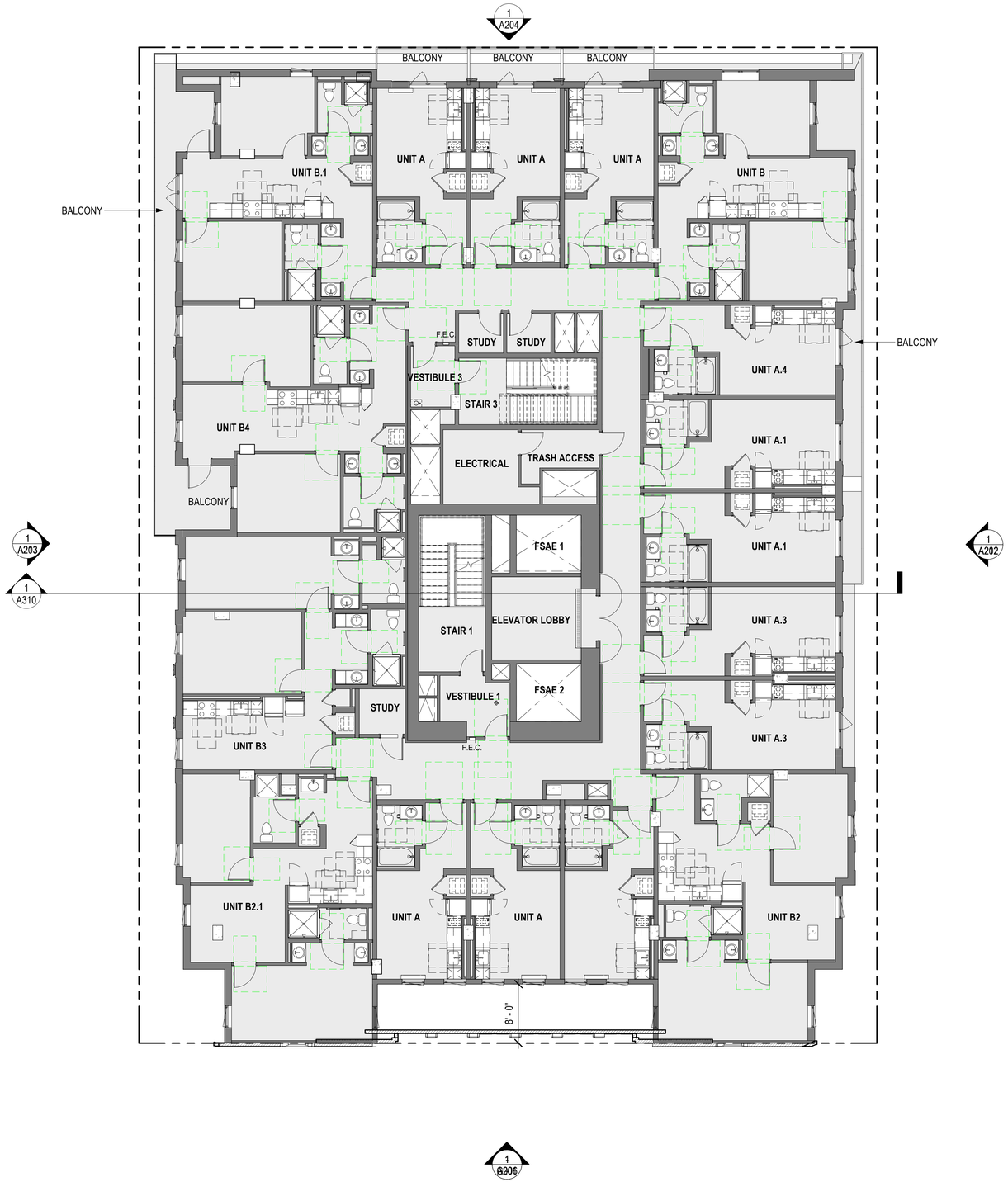

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A106 LEVEL 4 FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 4 FLOOR PLAN

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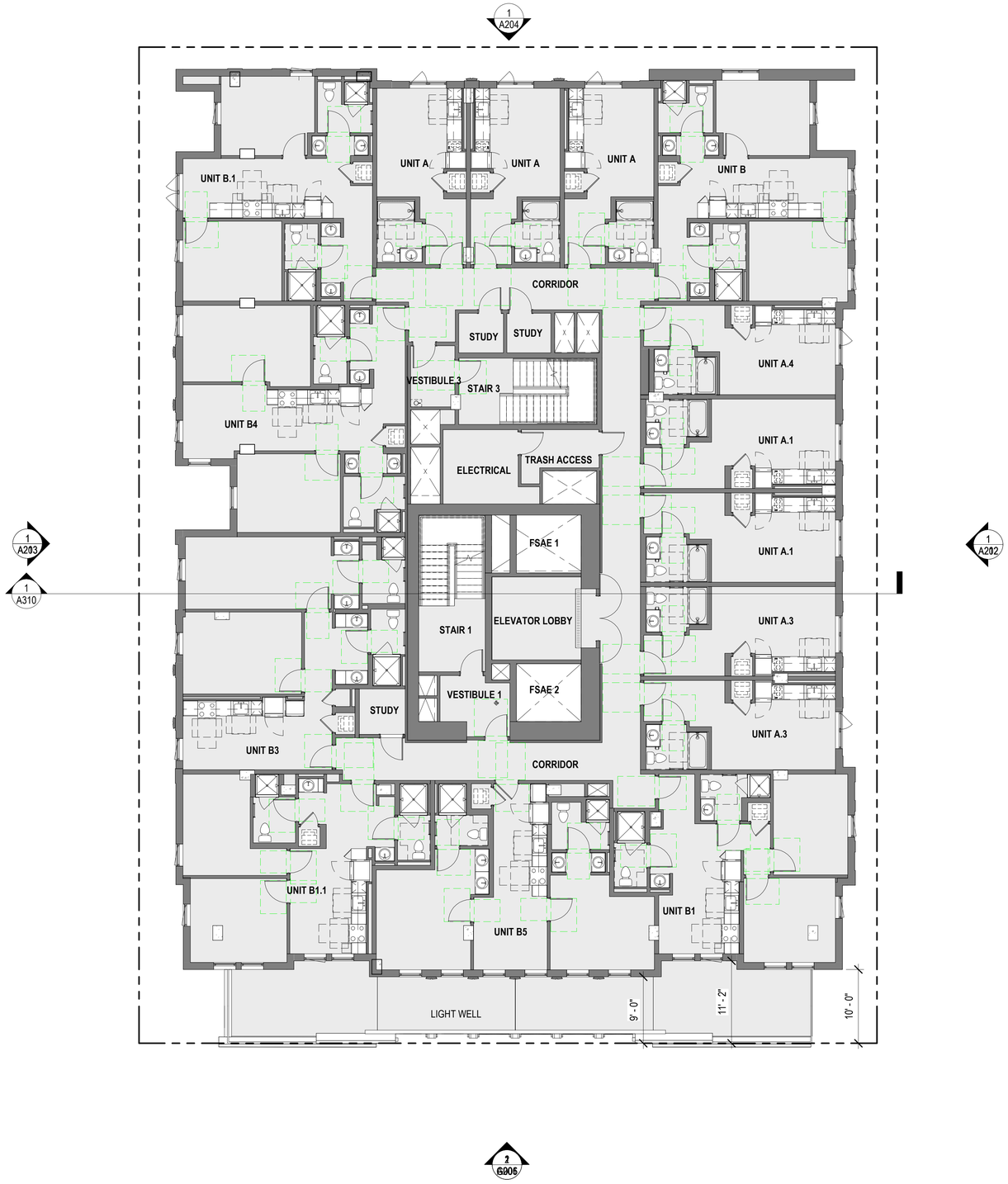

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A107 LEVEL 5, 7, 9, 11, 13 FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 5,7,9,11,13 FLOOR PLAN

A107

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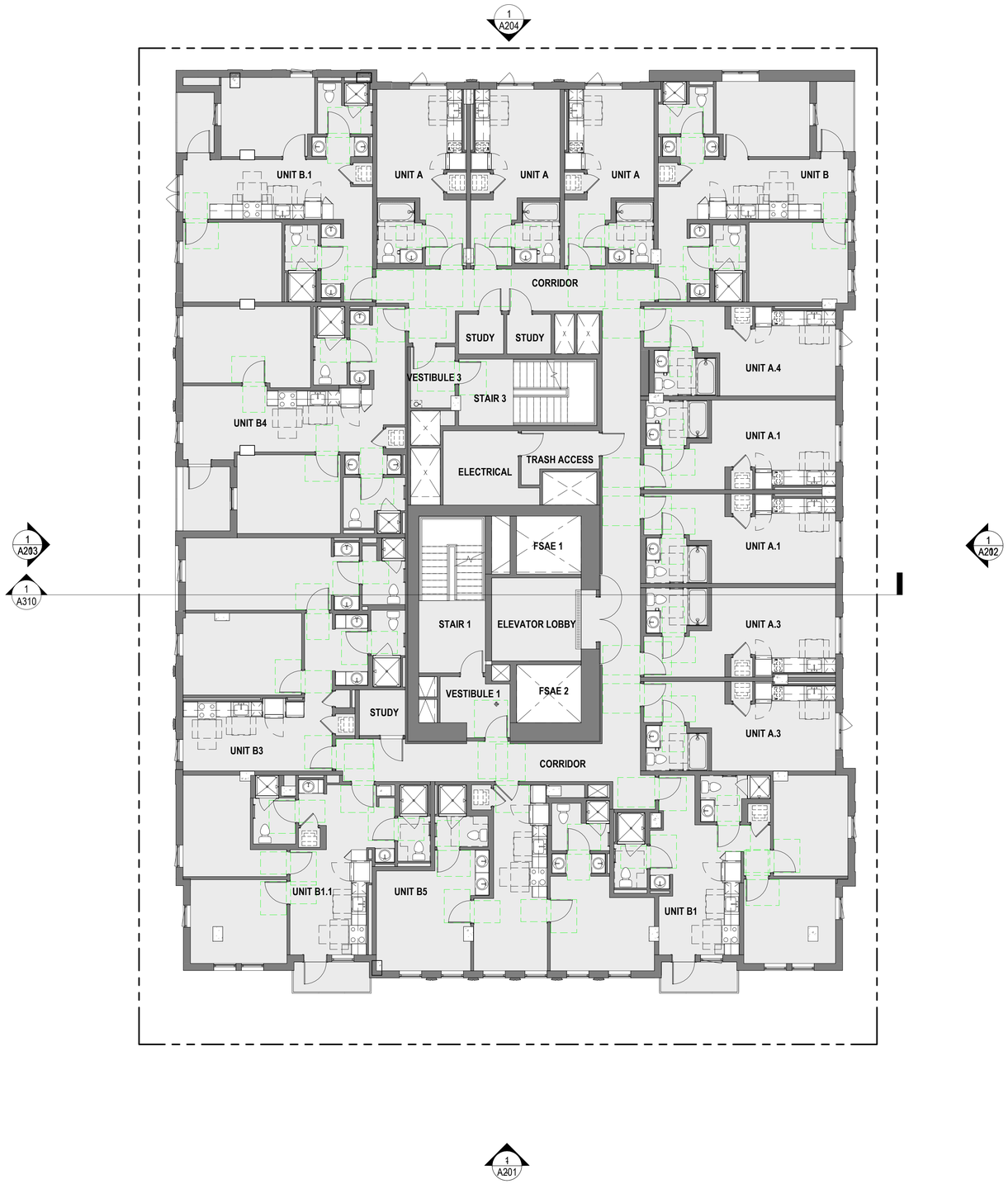

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A108 LEVEL 6, 8, 10, 12, 14 FLOOR PLAN

1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 6,8,10,12,14 FLOOR PLAN

A108

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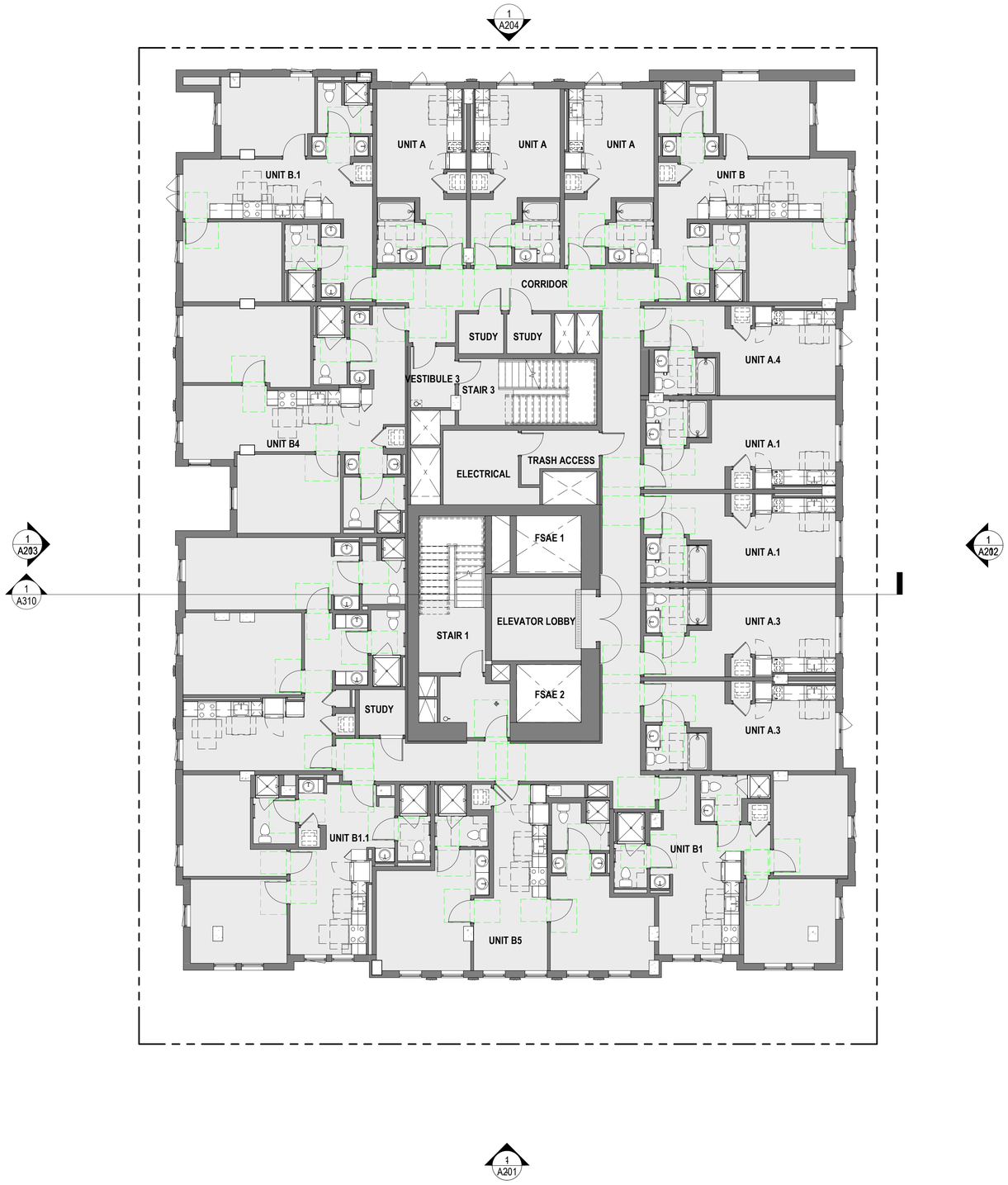

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A109 15_15TH FLOOR PLAN

1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 15 FLOOR PLAN

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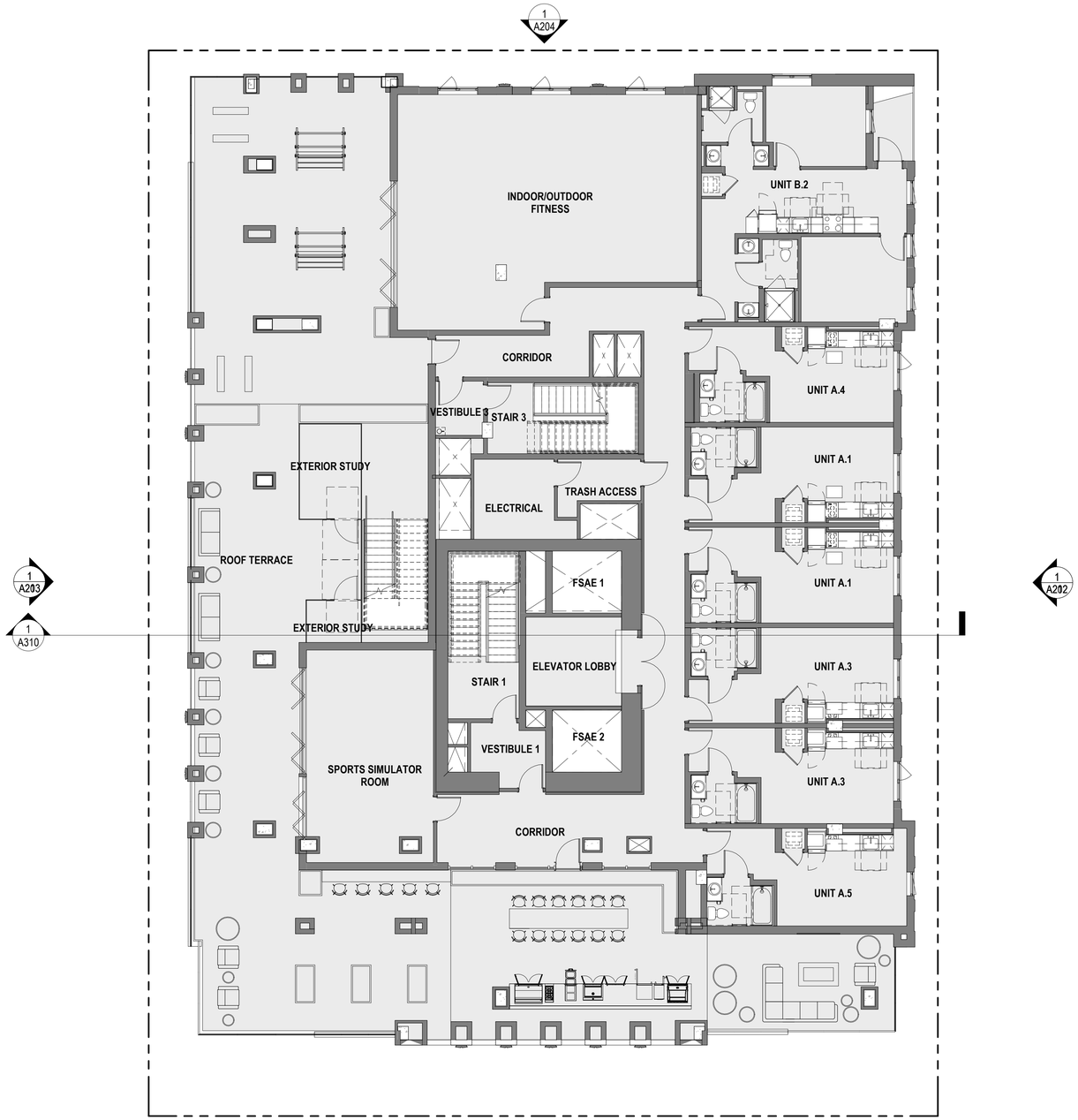

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A110 16_16TH FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 16 FLOOR PLAN

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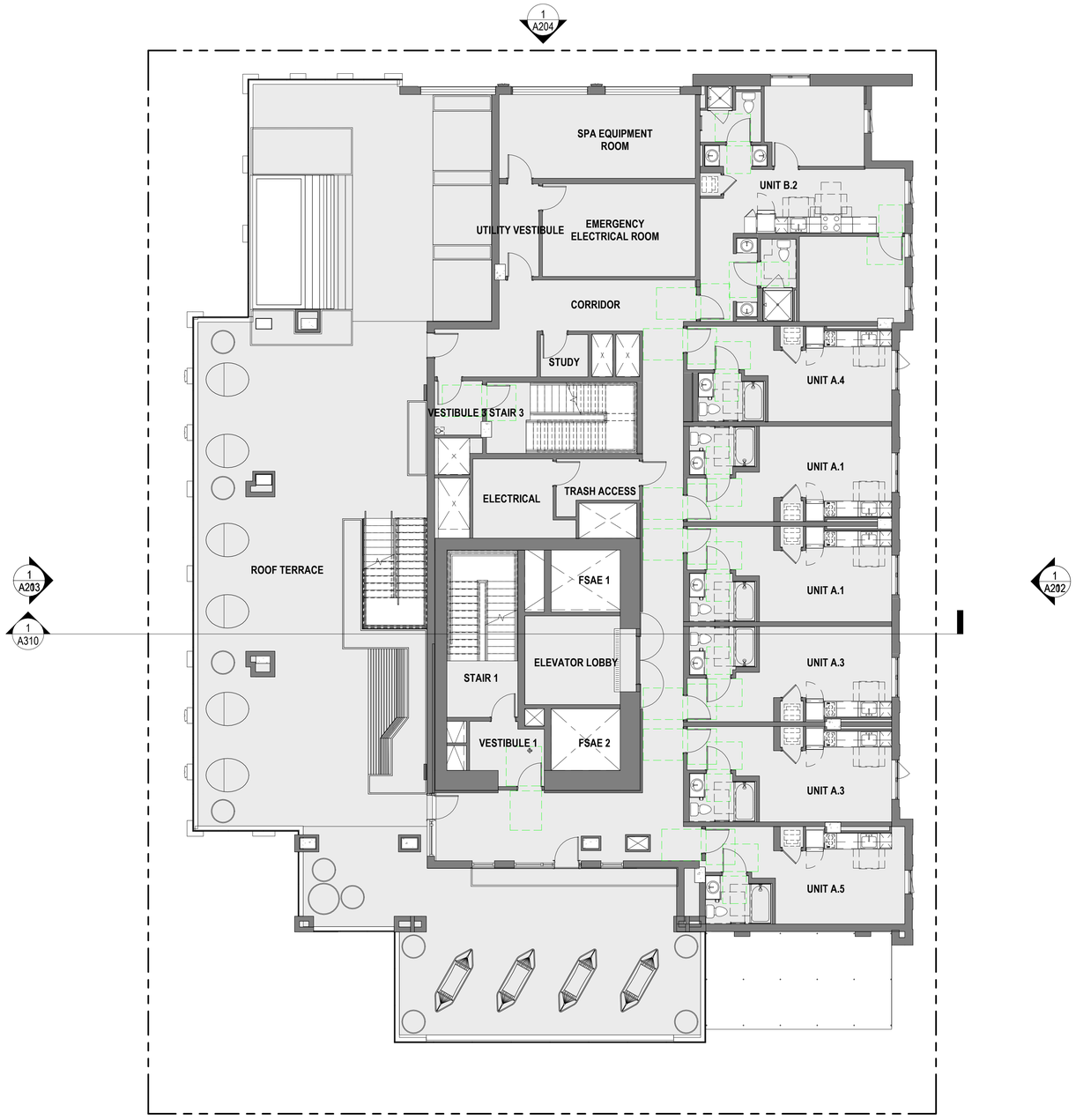

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A111 17_17TH FLOOR PLAN

1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 17 FLOOR PLAN

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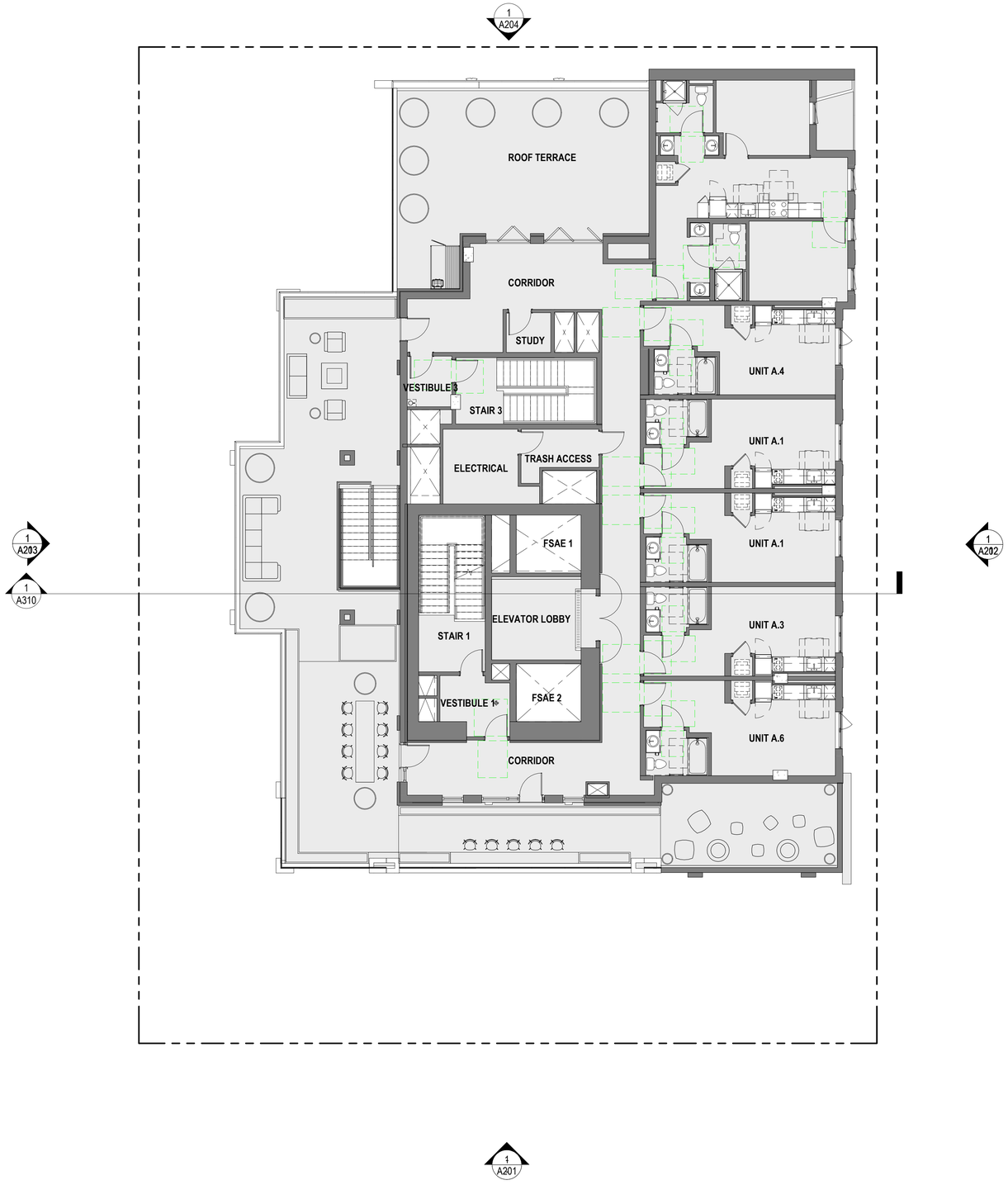

FLOOR PLAN LEGEND:

NEW CONSTRUCTION

EXISTING CONSTRUCTION

1 A112 18_18TH FLOOR PLAN
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N

0 4' 8' 16'

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LEVEL 18 FLOOR PLAN

A112

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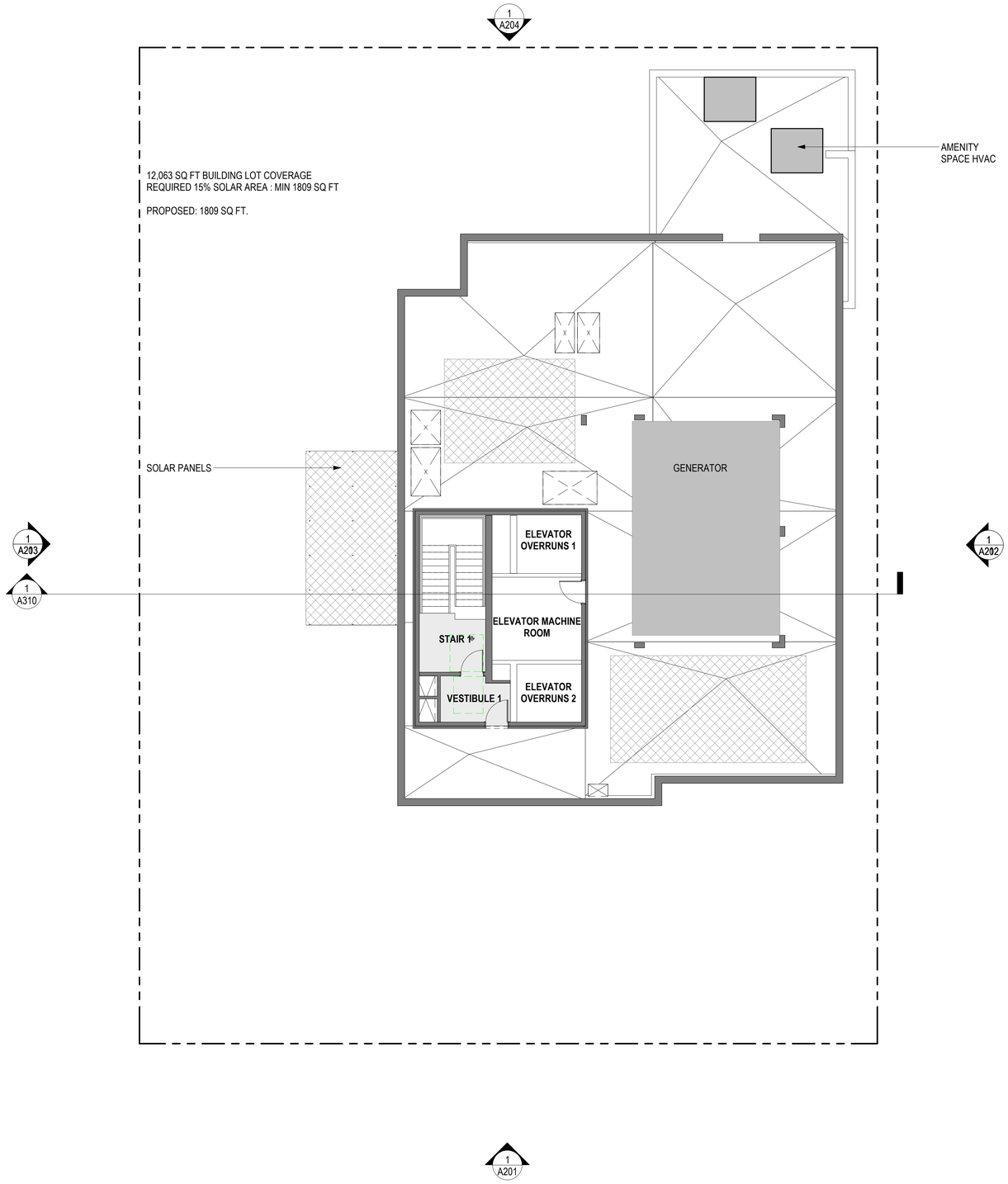

ROOF PLAN LEGEND:

- NEW CONSTRUCTION
- EXISTING CONSTRUCTION
- SOLAR PANEL INSTALL AREA
- MECHANICAL AREA

ROOFTOP ELEMENTS CALCULATION

GROUND FLOOR: FLOOR PLATE AREA = 12,104 SF
2ND FLOOR: FLOOR PLATE AREA = 12,405 SF
3RD FLOOR: FLOOR PLATE AREA = 11,577 SF
4TH FLOOR: FLOOR PLATE AREA = 10,587 SF
5TH FLOOR: FLOOR PLATE AREA = 10,127 SF
FLOORS 6-15: FLOOR PLATE AREA = 10,091 SF PER FLOOR
16TH FLOOR: FLOOR PLATE AREA = 6,095 SF
17TH FLOOR: FLOOR PLATE AREA = 5,122 SF
18TH FLOOR: FLOOR PLATE AREA = 4,158 SF

TOTAL FLOOR PLATE AREA = 177,878 SF

177,878 SF / 18 TOTAL FLOORS = 9,882 SF AVERAGE FLOOR PLATE AREA

9,882 SF X 15% = 1,483 SF PERMITTED AREA OF ROOFTOP ELEMENTS

TOTAL ROOFTOP ELEMENTS AREA: 1,431 SF (14.5% of AVERAGE FLOOR AREA)

NOTE: ROOFTOP ELEMENTS AREA COMPLIANT WITH BMC 23.304.050 REQUIREMENT TO NOT EXCEED 15% OF AVERAGE FLOOR AREA OF ALL OF THE BUILDING'S STORIES. NO WAIVER REQUESTED.

1 A113 T.O. ROOF.
1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

N
0 4' 8' 16'

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2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

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ROOF FLOOR PLAN

A113

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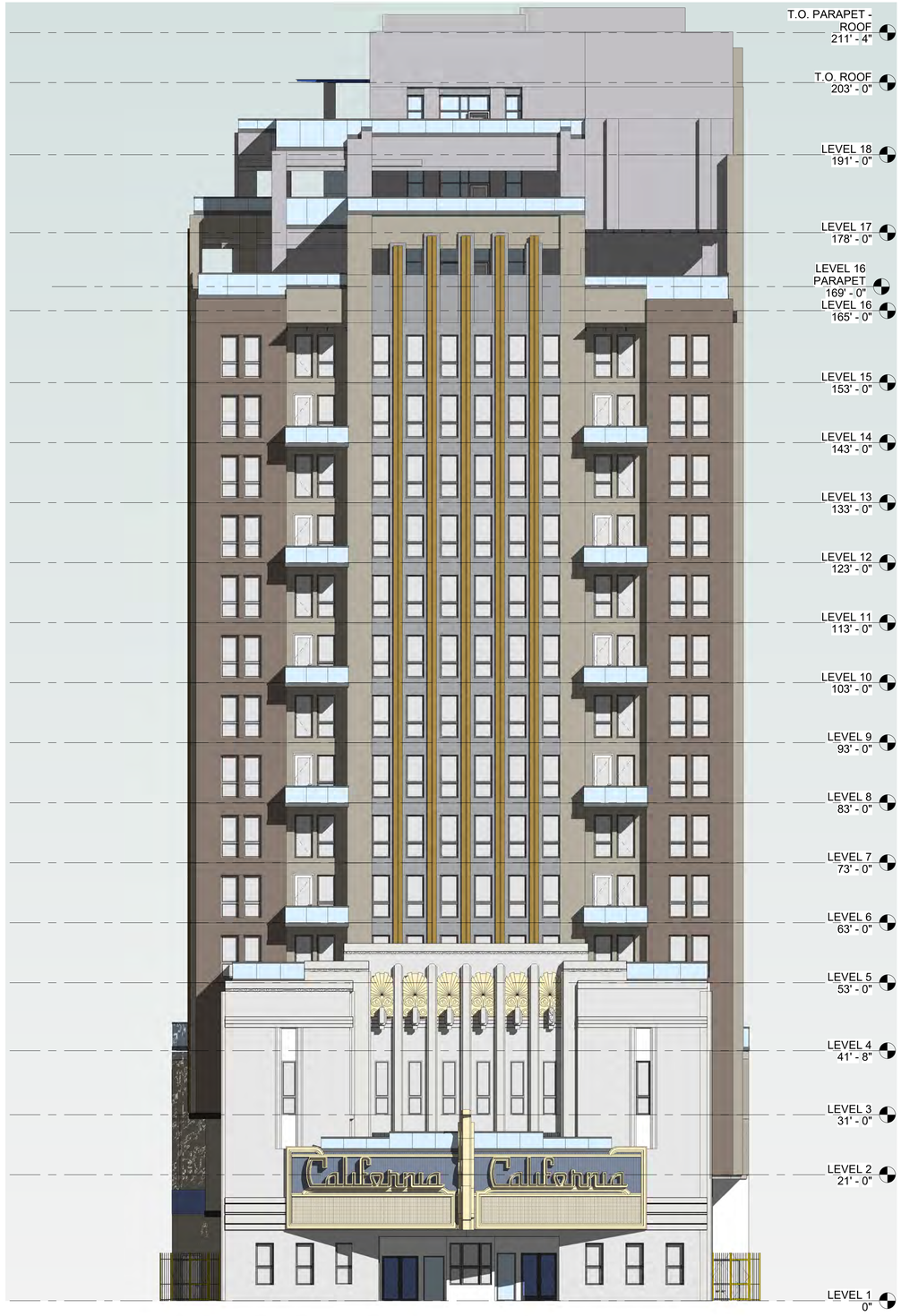
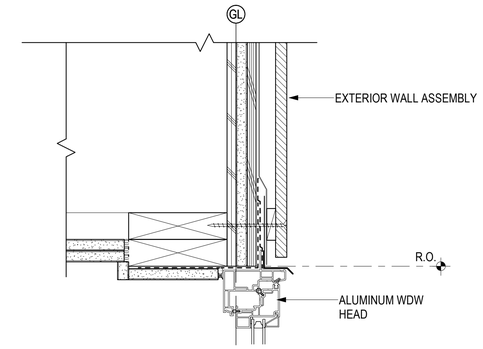


1 A201 SOUTH ELEVATION
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



2 A201 TYPICAL ALUMINUM WDW HEADER
3" = 1'-0"

01	**MTL-01** DARK BROWN CONCRETE CLARK PACIFIC 05-13 LIGHT	
02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM	
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT	
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY	
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE	
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W	
07	**MTL-07** STONE LOOK / FIBER CEMENT PANEL CLARK PACIFIC	
08	**MTL-08** LIGHT BEIGE STUCCO SHERWIN WILLIAMS SW 6147 PANDA WHITE	
09	**MTL-09** LIGHT ALUMINUM WINDOW FRAME MARVIN COCONUT CREAM	
10	**MTL-10** GOLDEN ACCENTS PRISMATIC POWDERS SATIN POLY GOLD	

EXTERIOR ELEVATION MATERIALS

NOTE: THE PROJECT WILL ENDEAVOR TO USE A RANGE OF BIRD SAFE STRATEGIES WHICH COULD INCLUDE GLAZING OPTIONS, BUILDING FENESTRATION AND LIGHTING STRATEGIES TO ULTIMATELY REDUCE BIRD COLLISIONS.

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SOUTH EXTERIOR ELEVATION

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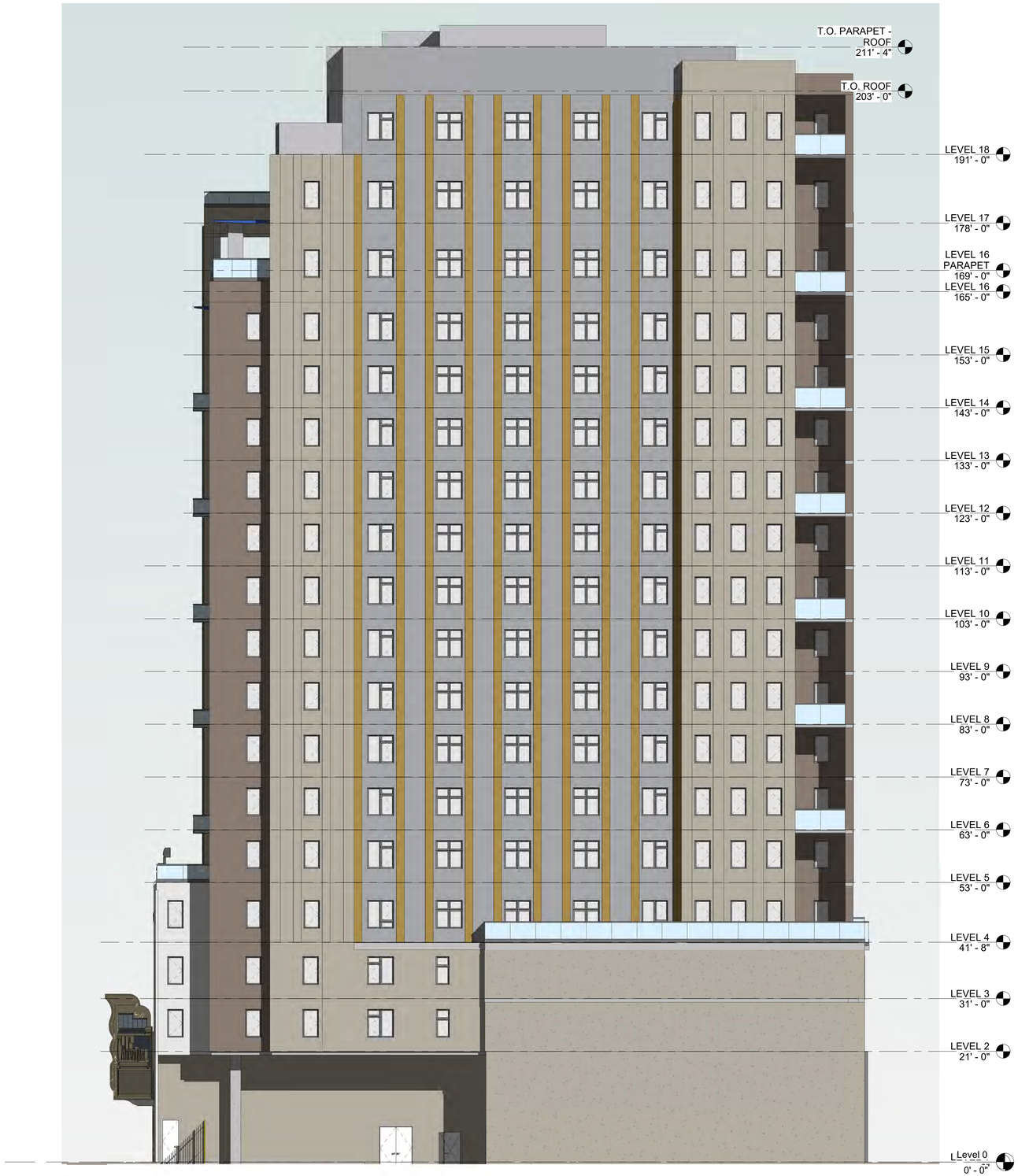

1 A202 EAST ELEVATION
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

01	**MTL-01** DARK BROWN CONCRETE CLARK PACIFIC 05-13 LIGHT
02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W
07	**MTL-07** STONE LOOK / FIBER CEMENT PANEL CLARK PACIFIC
08	**MTL-08** LIGHT BEIGE STUCCO SHERWIN WILLIAMS SW 6147 PANDA WHITE
09	**MTL-09** LIGHT ALUMINUM WINDOW FRAME MARVIN COCONUT CREAM
10	**MTL-10** GOLDEN ACCENTS PRISMATIC POWDERS SATIN POLY GOLD

EXTERIOR ELEVATION MATERIALS

NOTE: THE PROJECT WILL ENDEAVOR TO USE A RANGE OF BIRD SAFE STRATEGIES WHICH COULD INCLUDE GLAZING OPTIONS, BUILDING FENESTRATION AND LIGHTING STRATEGIES TO ULTIMATELY REDUCE BIRD COLLISIONS.

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Designer

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EAST EXTERIOR ELEVATION

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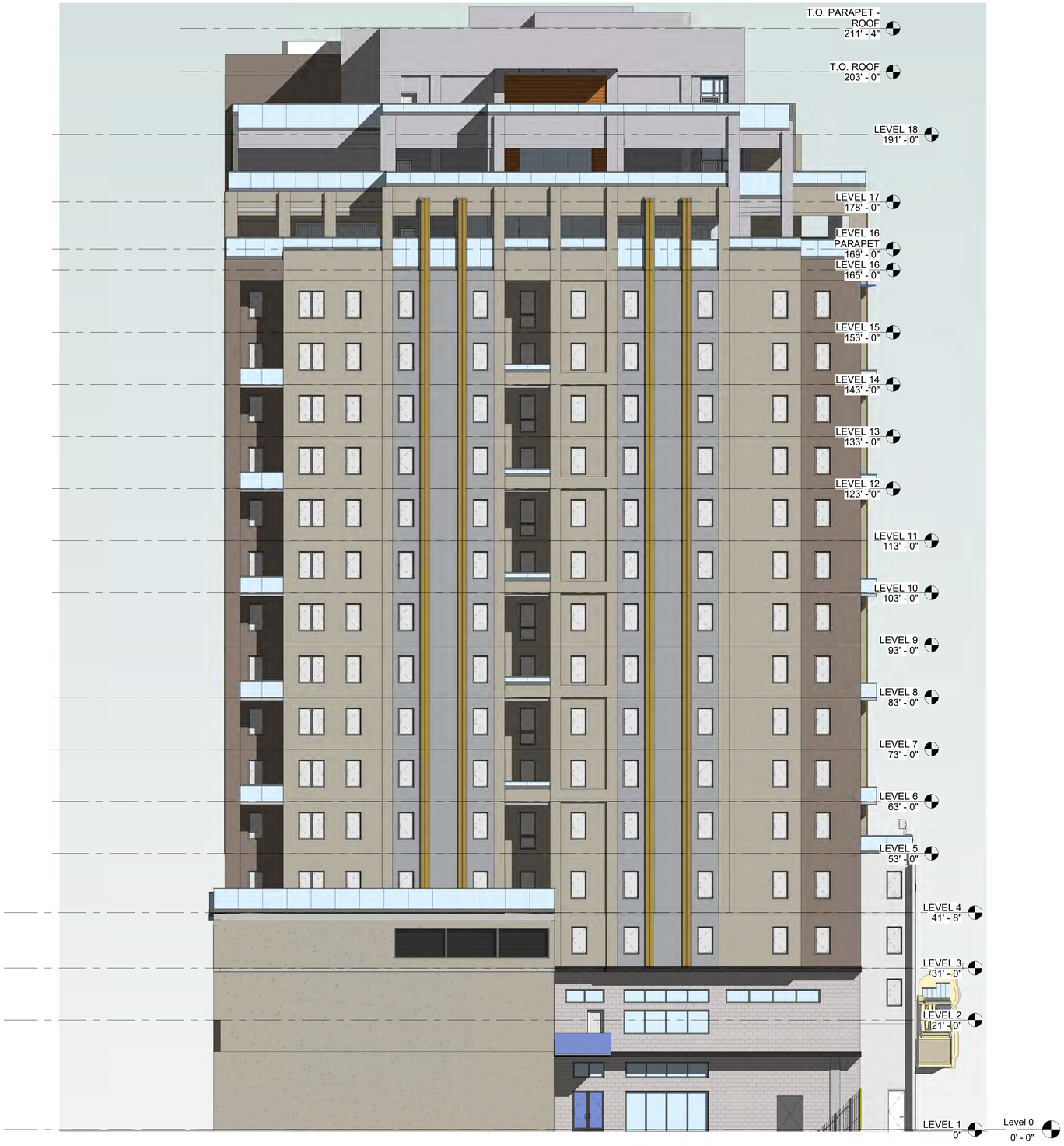

1 A203 WEST ELEVATION
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

01	**MTL-01** DARK BROWN CONCRETE CLARK PACIFIC 05-13 LIGHT	
02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM	
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT	
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY	
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE	
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W	
07	**MTL-07** STONE LOOK / FIBER CEMENT PANEL CLARK PACIFIC	
08	**MTL-08** LIGHT BEIGE STUCCO SHERWIN WILLIAMS SW 6147 PANDA WHITE	
09	**MTL-09** LIGHT ALUMINUM WINDOW FRAME MARVIN COCONUT CREAM	
10	**MTL-10** GOLDEN ACCENTS PRISMATIC POWDERS SATIN POLY GOLD	

EXTERIOR ELEVATION MATERIALS

NOTE: THE PROJECT WILL ENDEAVOR TO USE A RANGE OF BIRD SAFE STRATEGIES WHICH COULD INCLUDE GLAZING OPTIONS, BUILDING FENESTRATION AND LIGHTING STRATEGIES TO ULTIMATELY REDUCE BIRD COLLISIONS.

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Designer	

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WEST EXTERIOR ELEVATION

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1 A204 NORTH ELEVATION
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

01	**MTL-01** DARK BROWN CONCRETE CLARK PACIFIC 05-13 LIGHT	
02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM	
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT	
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY	
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE	
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W	
07	**MTL-07** STONE LOOK / FIBER CEMENT PANEL CLARK PACIFIC	
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10	**MTL-10** GOLDEN ACCENTS PRISMATIC POWDERS SATIN POLY GOLD	

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NORTH EXTERIOR ELEVATION

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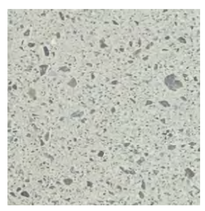
MTL-01
DARK BROWN CONCRETE
CLARK PACIFIC
05-13 LIGHT

MTL-02
LIGHT BROWN CONCRETE
CLARK PACIFIC
05-01 MEDIUM

MTL-03
LIGHT CONCRETE
CLARK PACIFIC
06-01 LIGHT



MTL-04
TERRACE ACCENT
SHERWIN WILLIAMS
SW 7644 GATEWAY GRAY

MTL-05
DARK WINDOW FRAME
ARCADIA
AB-STD DARK BRONZE

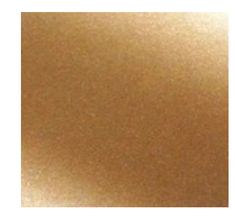
MTL-06
HPL WOOD PANEL
PARKLEX PRODEMA
RUSTIK / NATURCLAD-W

MTL-07
STONE LOOK /
FIBER CEMENT PANEL

MTL-08
LIGHT BEIGE STUCCO
SHERWIN WILLIAMS
SW 6147 PANDA WHITE

MTL-09
LIGHT WINDOW FRAME
MARVIN
COCONUT CREAM

MTL-10
GOLDEN ACCENTS
PRISMATIC POWDERS
SATIN POLY GOLD



EXTERIOR ELEVATION MATERIALS ENLARGED
NOT TO SCALE

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EXTERIOR ELEVATION
MATERIALS

A205

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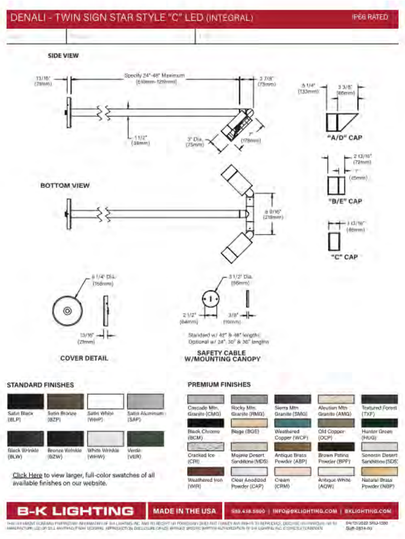
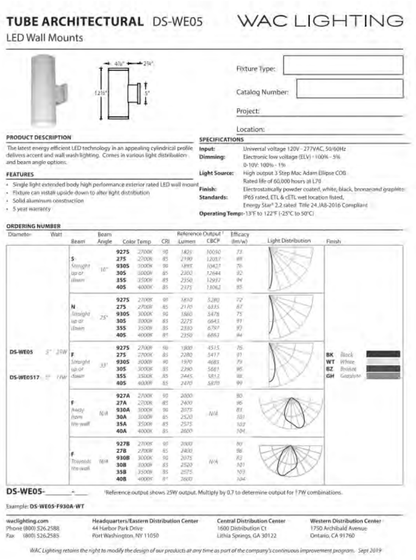
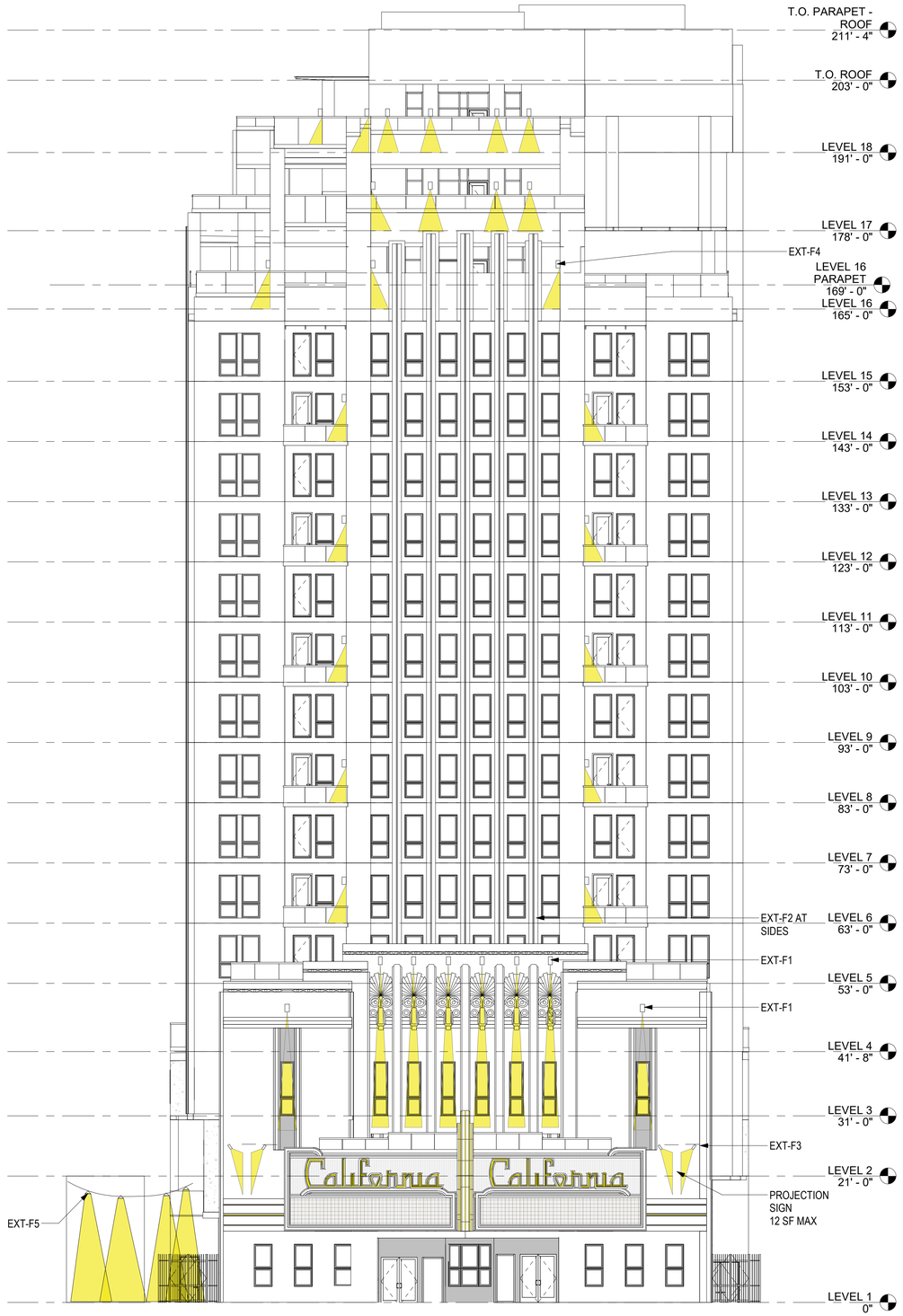
EXT-F3
LED BLADE SIGN
BK - DENALI TWIN STAR



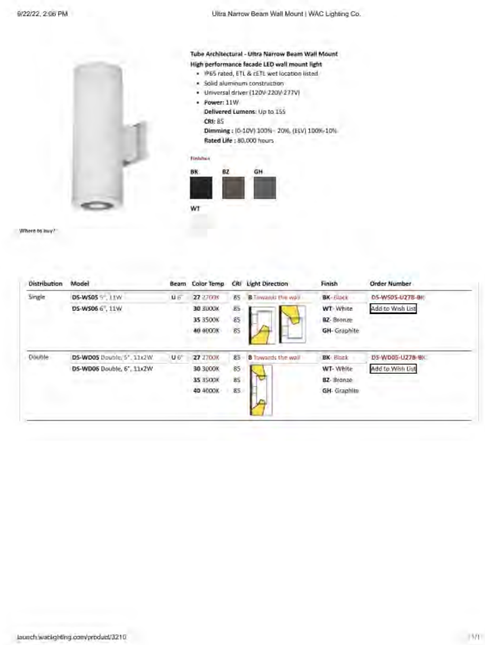
EXT-F4
ROOF DECK (TRELLIS POST & WALL MOUNT)
WAC - TUBE 5"



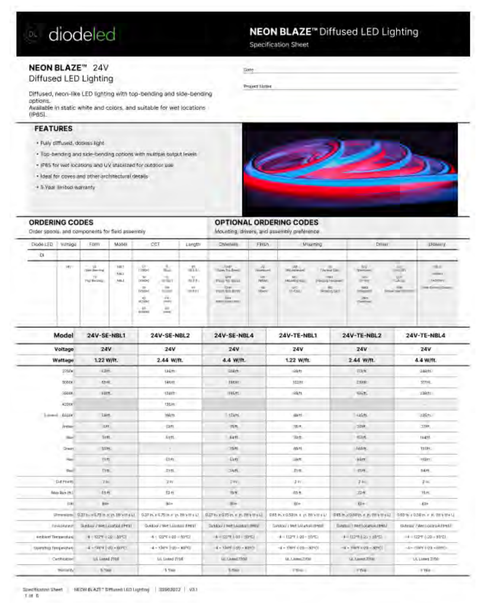


1 A211 FACADE LIGHTING & SIGNAGE
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

EXT-F1
NARROW BEAM WALL WASH
WAC DS-WSOF-U27B-WT



EXT-F2
FLUSH LED LIGHT STRIPS
DIODE LED



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SOUTH FACADE
LIGHTING & SIGNAGE

A211

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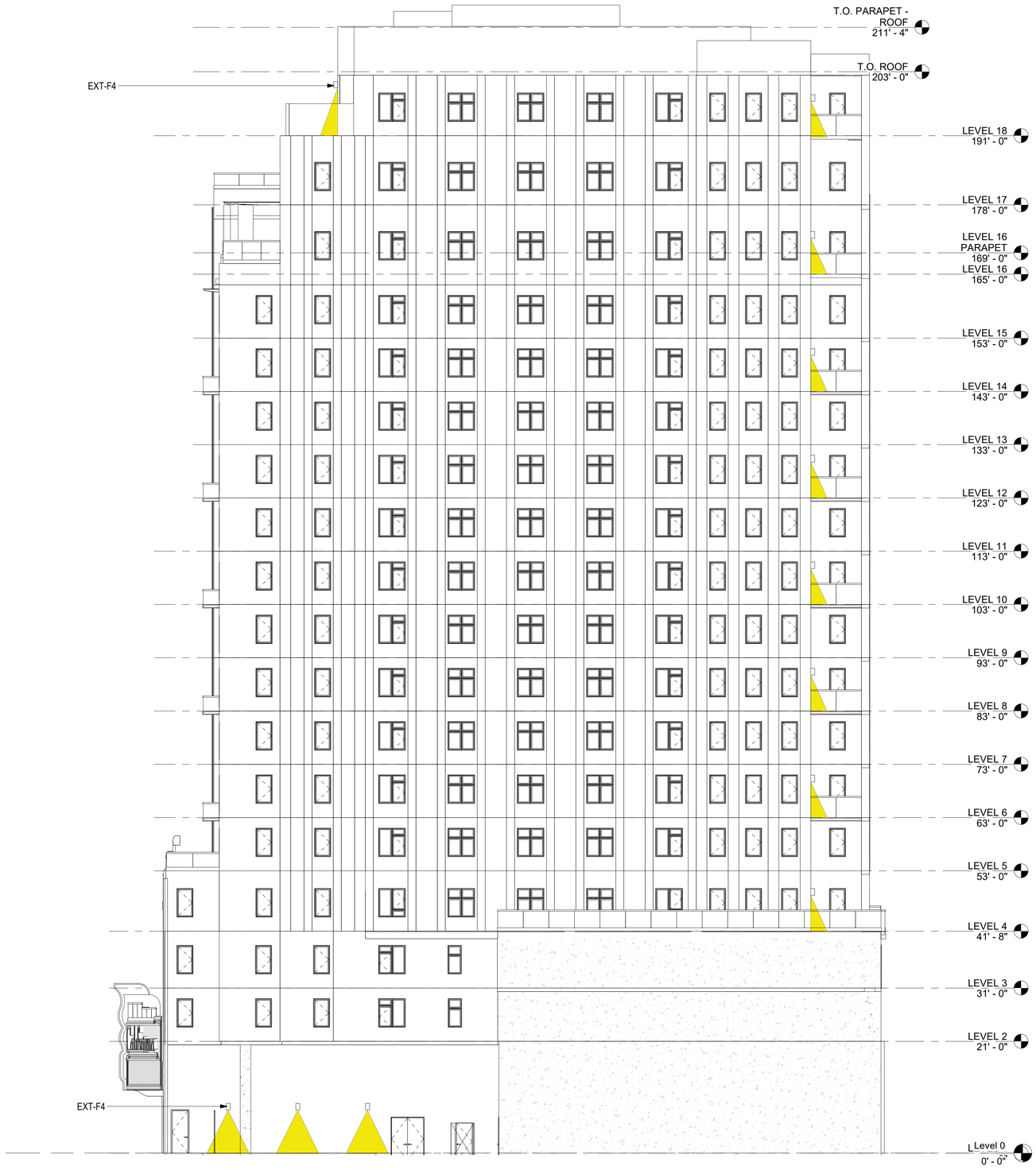

1 A212 EAST FACADE LIGHTING & SIGNAGE
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EAST FACADE LIGHTING & SIGNAGE

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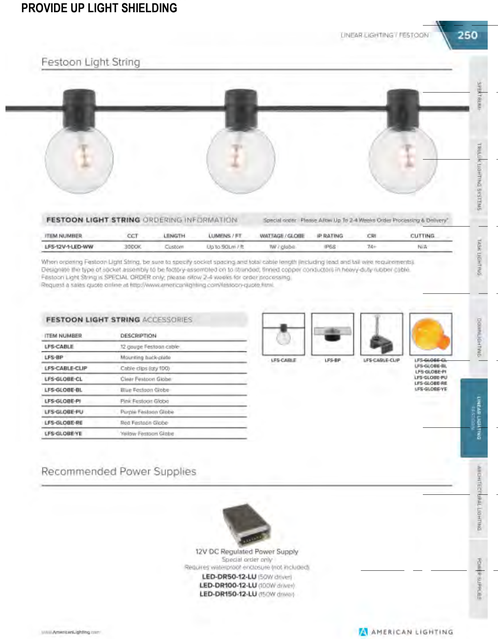
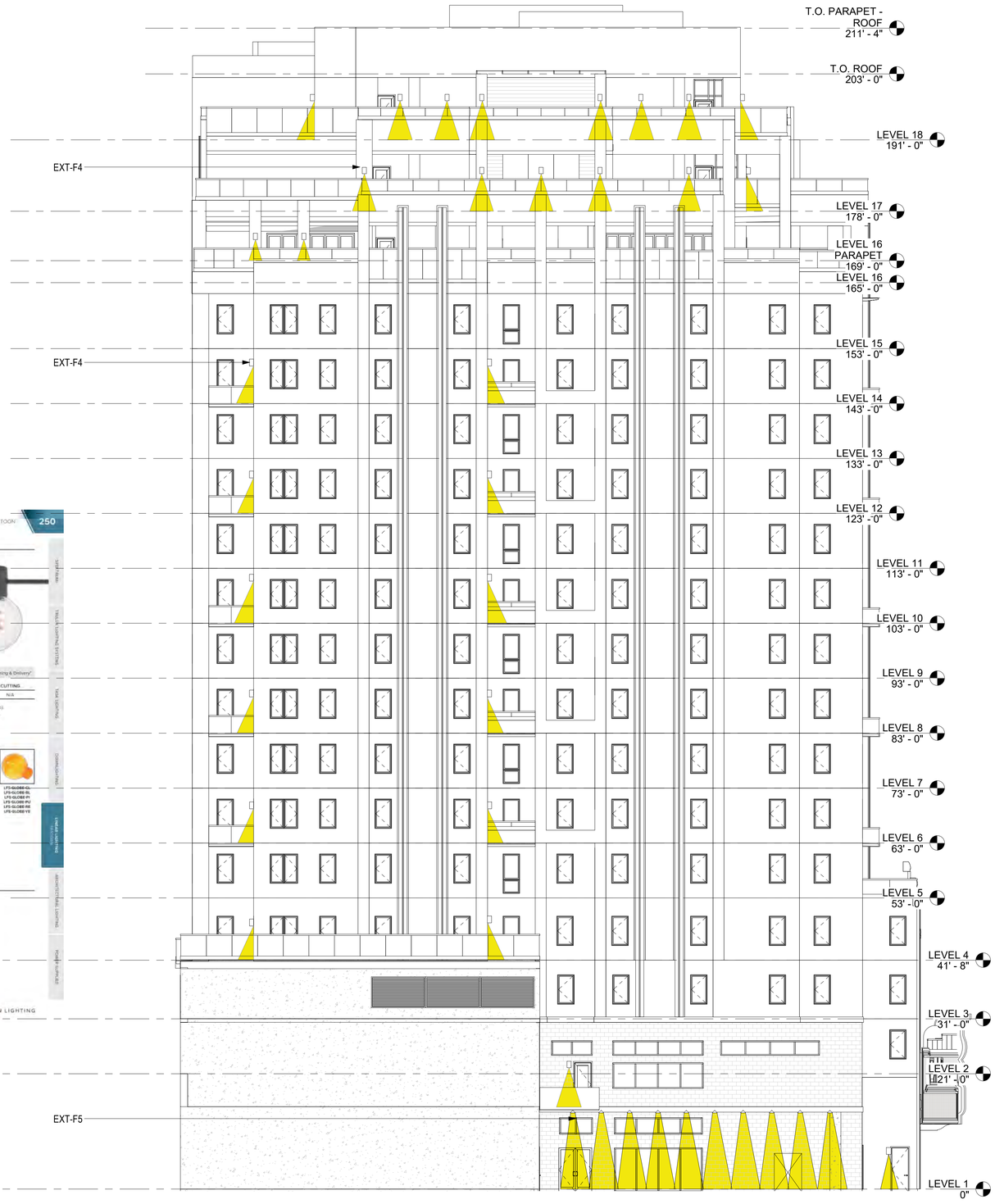
EXT-F5
LED FESTOON / STRING LIGHTING @ COURTYARD
AMERICAL LIGHTING - FESTOON
PROVIDE UP LIGHT SHIELDING





1 A213 WEST FACADE LIGHTING & SIGNAGE
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

ktgy
Architecture | Branding | Interiors | Planning
1814 Franklin St
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ktgy.com
510.272.2910

ktgy Project Number	GDC01
Contact	Elwin Wong
Email	ewong@ktgy.com
Principal	Jessica Musick
Designer	

Gilbane

Developer
GILBANE DEVELOPMENT COMPANY
649 Mission Street
5th Floor
San Francisco, CA 94105

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL

Client is responsible for notifying architect in writing for any discovered errors or omissions in the plans and specifications during construction of the project. Failure for Client to notify Architect of any known errors or omissions in the plans or specifications, and proceeding with constructing the portion of work shown in the plans or specifications containing known errors or omissions shall be a waiver by Client for any liability of Architect for such known errors or omissions. Client releases Architect for any liability for such portions of work, and Architect shall not be liable for any delay damages, change orders, repair costs, removal or demolition costs, or replacement of any such portions of work.

NOT FOR CONSTRUCTION

WEST FACADE LIGHTING & SIGNAGE

A213

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1 A214 NORTH FACADE LIGHTING & SIGNAGE
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

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NORTH FACADE
LIGHTING SIGNAGE

A214

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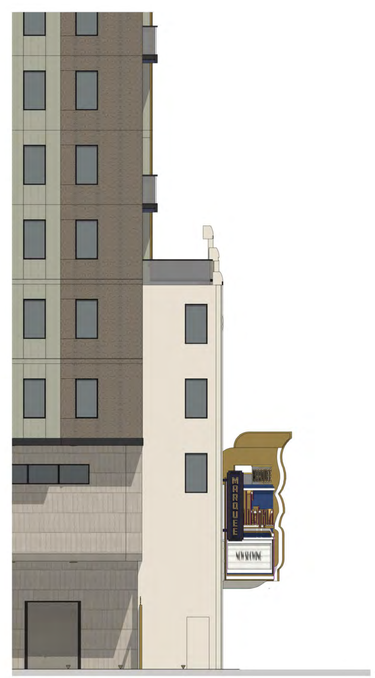
1 Partial Illustrated View
Scale: NTS

2 Illustrated View
Scale: NTS



1 Side View
Scale: 1" = 10' (1:120)
@tabloid

2 Front View
Scale: 1" = 10' (1:120)
@tabloid

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SOUTH FACADE SIGNAGE

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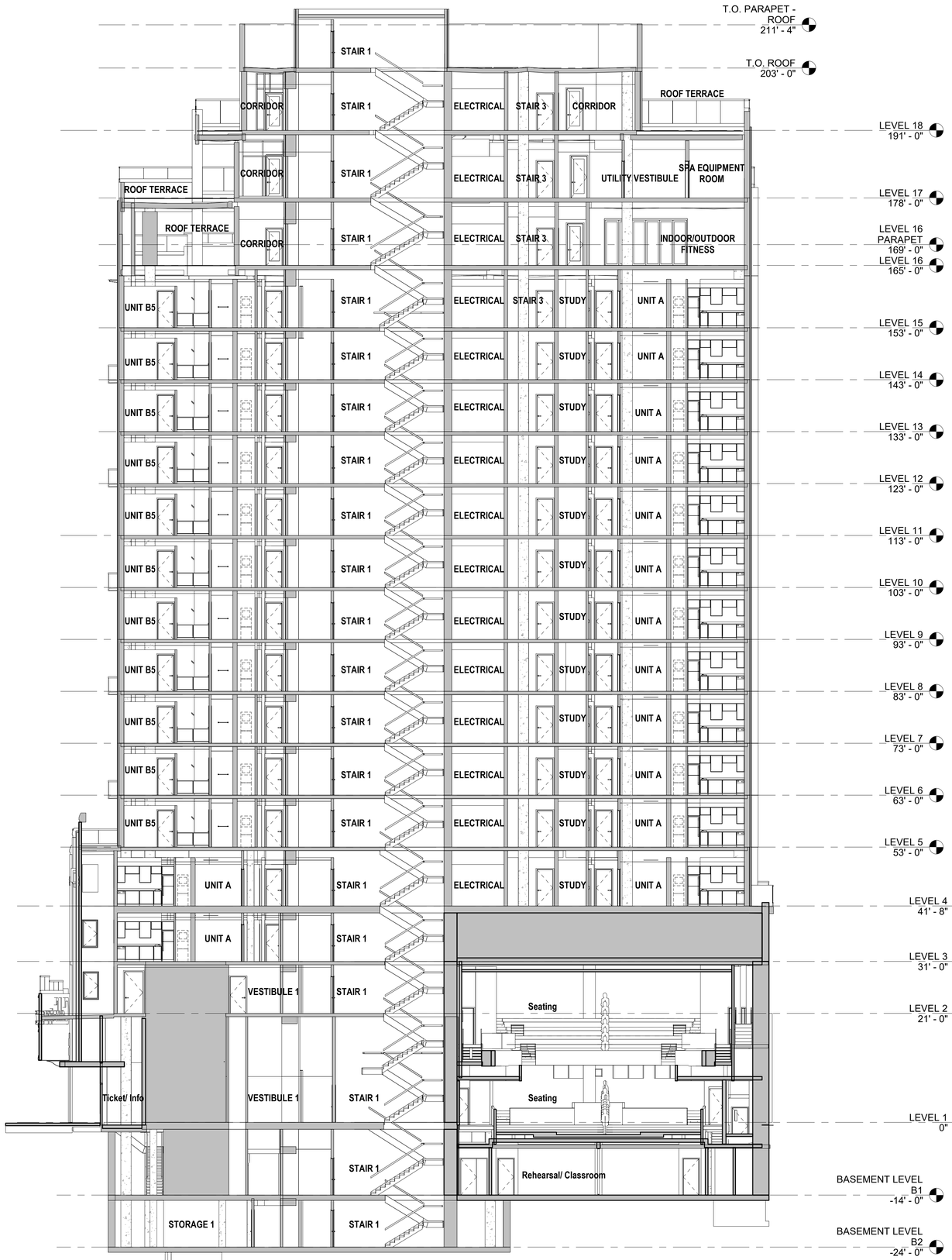
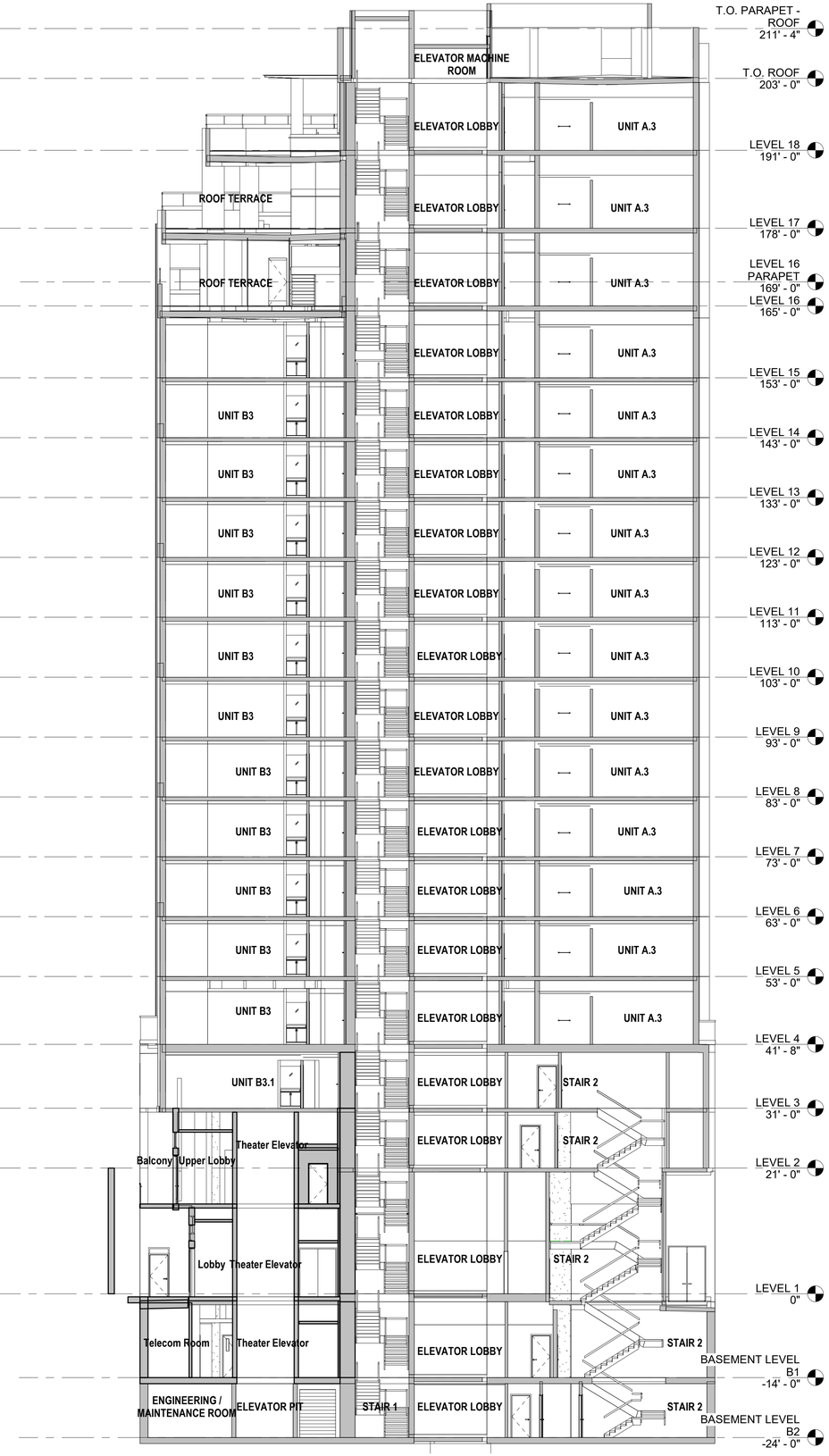


2 A310 N-S SECTION
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



1 A310 E-W SECTION
3/32" = 1'-0"

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BUILDING SECTIONS

A310

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Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

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