

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, March 12, 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 – VACANT

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/1602817302>. 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: 160 281 7302** 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 Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

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

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

1. Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

From: City Manager

Recommendation: Adopt a second reading of Ordinance No. 7,898–N.S. amending Title 23 of the Berkeley Municipal Code to streamline and clarifying 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.

First Reading Vote: All Ayes.

Financial Implications: See report

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

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 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 - \$3,676,000

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

Consent Calendar

- 3. Grant Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART (NBB) BRIDGE Phase 1 Project.**
From: City Manager
Recommendation: Adopt a Resolution:

 1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with BRIDGE Housing Corporation and/or their affiliates relating to grant applications to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) BRIDGE Phase 1 affordable housing project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.
 2. Authorizing the City Manager to accept up to \$5.8 million in state AHSC funds and complete selected transportation improvements if awarded.

Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
- 4. Application for Prohousing Incentive Program Funds**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Prohousing Incentive Program, in an amount not to exceed \$1,250,000.
Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
- 5. Amendment to Contract No. 8392 with Innovative Claim Solutions (ICS) for Workers' Compensation Claims Administration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392 with Innovative Claims Solutions (ICS) for third-party administration of workers' compensation claims through June 30, 2025 for a total contract amount not to exceed \$9,202,243.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 6. Contract Amendment: WBCP, Inc. Recruitment Agency**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400083 with WBCP, Inc. for recruitment services to cover the period of October 2, 2023 through June 30, 2026, for a total cost not to exceed \$350,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

- 7. Salary Adjustments: Electrical Supervisor and Communications Supervisor**
From: City Manager
Recommendation: Adopt a Resolution adjusting the salary range for Electrical Supervisor and Communications Supervisor to consist of three steps ranging from \$62.8856 per hour to \$66.6047 per hour, effective March 12, 2024.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 8. Align Training and Certification Differentials for Deputy Police Chief and Police Chief with Differentials for Berkeley Police Association Members**
From: City Manager
Recommendation: Adopt a Resolution aligning the training and certification differentials for Deputy Police Chief and Police Chief – specifically, for Crisis Intervention Training, the KIND Policing Differential, and POST certificates – with those of Berkeley Police Association members; specify that for Deputy Police Chief and Police Chief the POST certificates must be at the Management level; provide retiree medical benefits that BPA members and the Police Chief receive to the Deputy Police Chief as well.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 9. Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Firehouse Subgrant application in the amount up to \$50,000; 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: Grant - \$50,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 10. Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing 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 Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing 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 retroactively on May 1, 2023.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

Consent Calendar

- 11. Filling Vacancies Among the Elected Representatives of the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointments of Catherine Huchting (District 3); and, Maria Sol (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 8, 2024 meeting, and that their terms expire November 28, 2024.
Financial Implications: See report
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

Council Consent Items

- 12. Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park**
From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer \$160,000 to the June FY 2024-25 budget process to renovate an existing bathroom at the James Kenney Community Center to make it ADA compliant and permanently accessible to members of the general public who visit the park.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 13. Vision 2050 Community Engagement Expansion**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot referenda for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028; and refer to the City Attorney for analysis of using the Community Engagement and Program Plan funds for community survey purposes.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 14. Creating SHARE BERKELEY - A Berkeley Public Library Share Hub for Access, Resilience, and Equity**
From: Councilmember Hahn (Author)
Recommendation: 1. Request that the Library Director work with Library Staff to develop a visionary plan to expand the Berkeley Public Library's Tool Lending Library into a comprehensive, full-service SHARE hub for the City of Berkeley, providing a one-stop center for community members to:
a. Borrow from an expanded portfolio of Library-based tools, supplies, equipment and other durable/reusable items;
b. Access comprehensive, up-to-date information and referrals about community-

Council Consent Items

based opportunities for borrowing, renting, or obtaining free tools, supplies, equipment, bikes/vehicles, locations, and similar resources; and

c. Receive need-based financial assistance to support access to community-based share/rental resources.

2. Consider categories of items that might be appropriate for an expanded Berkeley Public Library (BPL) in-house Lending Library, and which categories would be best accessed through other community share/rental resources such as REI, AAA, bike and party rental services, and other organizations serving Berkeley.

3. Consider expanding BPL’s in-house Lending Library beyond the current portfolio of carpentry, gardening, kitchen, and other traditional tools to potentially include categories such as toys and games; event furniture and supplies; sports and recreation-related equipment; irons, floor polishing machines, and other household tools; and other durable items typically used on a limited basis by members of the community.

4. Create a plan to establish, maintain, and administer a comprehensive, one-stop reference/resource service for all share/rental/free opportunities available to Berkeley residents, including but not limited to ensuring access to a searchable database of resources and offering assistance and advice to individuals seeking information on share/rental/free opportunities. Consider a partnership with existing platforms and applications such as the Buy Nothing Project to foster connections between neighbors and support the goals of the circular economy.

5. For items to be shared/rented through outside lending or rental services, explore possibilities for SHARE BERKELEY to offer and/or administer City-based or other vouchers/subsidies for low-income residents to access borrowed/rented items from non-Library vendors at reduced or no cost.

6. Consider and propose storage, maintenance, repair, customer service, and other operational and space needs for an expanded in-house Lending Library and to house and administer the Share Hub resource center.

7. Consider start-up and ongoing costs for the expanded in-house Lending Collection and to establish and administer the Share Hub resource center, including but not limited to costs for equipment, materials, software/technology, staffing, and facilities.

8. In the course of researching categories of items to potentially add to the Library’s in-house Lending Collections and in considering other elements of the Share Hub concept, conduct robust outreach to individuals and groups of diverse backgrounds, ages, and abilities to ensure services, offerings, and facilities equitably represent and serve all members of the community.

Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

- 15. **Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T’s proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T’s application to end traditional landline service in all areas until reliable broadband cellular coverage is available.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Information Reports

16. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report

From: City Manager

Contact: Anne Cardwell, City Manager's Office, (510) 981-7000

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

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

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

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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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 Thursday, February 29, 2024.***

Mark Numainville, City Clerk

**Communications**

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

**Communications – March 12, 2024**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

**Middle Housing**

1. Mike Dunham
2. Ross Bernet
3. Antoine Grondin
4. Nicolas McMullan
5. Gabe Mitnick
6. Andrew Meyer
7. Patrick Yoon
8. Michael Webster
9. Jacob Steinhardt
10. Hilary Near

**Hate Incidents**

- 11. Liberty Schubert
- 12. Itamar Landau
- 13. Councilmember Taplin

**Nova Concert Survivor**

- 14. Adam Naftalin-Kelman

**Crime**

- 15. Todd Andrew

**Woolsey-Fulton Bicycle Project**

- 16. Marc Hedlund
- 17. Jennifer Natali
- 18. David Hoffman (2)

**Pedestrian and Bicycle Safety**

- 19. Roger Hallsten
- 20. Riti Dhesi
- 21. Rachel Bradley (2)
- 22. Meredith Isaksen
- 23. Sierra Club Northern Alameda County

**Hazardous Road Conditions**

- 24. Ronald Nevels (2)
- 25. Jim Lutz (2)

**Automated License Plate Readers**

- 26. Diana Andreeva

**Council Meeting Decorum**

- 27. Andrea Cassidy

**Aquatic Park**

- 28. Cameron Bochman

**Berkeley Unified School District (BUSD)**

- 29. Dorothea Dorenz
- 30. BUSD Superintendent

**Bay Wheels Bike Share**

- 31. Alexander Merenkov

**Reproductive Letter**

- 32. Commission on the Status of Women

**Homelessness**

33. Jonny Ruel Holder

**Home Insurance**

34. Diane Wolf

**SB 330**

35. Virginia Warheit

**Demolition Ordinance**

36. Charlene Woodcock

37. Gary McDole

38. 20 similarly-worded form letters

**North Berkeley BART Housing Project**

39. Stefan Lasiewski

**City of Berkeley Referrals**

40. James McGrath

**Climate and Environment Commission**

41. Anna Kathawala

**Climate Goals and Autos**

42. Barbara Gilbert

**People's Park**

43. Sky Ocean

**Gaza & Israel**

44. Hillary Kilimnik (2)

45. Jocelyn Goldsmith-De Sena

46. Margaret Fouda

47. Michael Fullerton

48. 00.caveat-taxing@

49. Lian Mar

50. Karen Ung

51. Michelle Wong

52. Evelyn Zhai

53. Jon Jackson

**URL's Only**

54. Vivian Warkentin

55. Todd Jersey

## **Supplemental Communications and Reports**

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

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

ORDINANCE NO. #,###-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 category with “Live Entertainment, Unamplified” and “Live Entertainment, Amplified” are added, to read:

Table 23.202-1: Allowed Land Uses in Residential Districts

|                                                     | 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  | ZC*   | UP(PH)* | 23.310—Alcoholic Beverage Sales and Service                                                            |
| Food Service Establishment, Under 3000 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 Instruction                                   | NP                    | NP   | NP   | NP  | NP   | NP  | NP  | NP  | NP  | NP    | UP(PH)* | 23.202.150(C) R-BMU Residential BART Mixed Use District                                                |
| Health and Fitness Facility                         | NP                    | NP   | NP   | NP  | NP   | NP  | NP  | NP  | NP  | NP    | UP(PH)* | 23.202.150(C) R-BMU Residential BART Mixed Use District                                                |
| <b>Incidental Uses</b>                              |                       |      |      |     |      |     |     |     |     |       |         |                                                                                                        |
| 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 | NP | AUP | NP |  |
|-------------------------------|----|----|----|----|----|----|----|----|----|----|-----|----|--|

**Section 2.** That Berkeley Municipal Code 23.202.150(C)(2) is amended to read:

*2. Group Instruction and Health and Fitness Facility.* Group instruction and health and fitness facility uses are permitted at the Ashby BART station with a Zoning Certificate. Group instruction and health 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,” are removed; the lines named “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<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit Requirement<br>* 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)* | 23.310                   |
| Pet Store                                                                                                                                                                                                                        | AUP                  | AUP     | AUP     | AUP     | AUP     | AUP     | AUP | AUP     | AUP     | ZC      | AUP     |                          |
| Retail, General                                                                                                                                                                                                                  | ZC                   | ZC      | ZC*     | ZC*     | ZC*     | ZC*     | ZC* | ZC*     | ZC      | ZC      | ZC*     | 23.204.040(C)            |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit Requirement<br>* 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   |                          |                                                              |
|                                                                                                                                                                                                                                  |                      |         |        |        |        |         |         |        |        |          |        |                          | 23.204.040(D)                                                |
| Personal and Household Services, General                                                                                                                                                                                         | ZC                   | ZC      | ZC     | ZC     | ZC     | ZC      | ZC      | ZC     | ZC     | ZC       | ZC     | ZC                       |                                                              |
| Laundromats and Cleaners                                                                                                                                                                                                         | AUP                  | AUP     | UP(PH) | UP(PH) | UP(PH) | AUP     | AUP     | UP(PH) | UP(PH) | AUP      | AUP    | AUP                      |                                                              |
| Video Tape/Disk Rental                                                                                                                                                                                                           | ZC                   | ZC      | ZC     | AUP    | ZC     | --      | ZC      | ZC     | ZC     | ZC       | ZC     | NP                       |                                                              |
| Business Support Services                                                                                                                                                                                                        | ZC                   | ZC      | ZC     | ZC     | ZC     | ZC      | ZC*     | ZC     | ZC     | ZC       | ZC     | ZC                       | 23.204.110(B)(4)                                             |
| Bank and Financial Services, Retail                                                                                                                                                                                              | AUP                  | AUP     | UP(PH) | UP(PH) | UP(PH) | ZC      | AUP*    | UP(PH) | ZC*    | AUP      | ZC     | ZC                       | 23.204.110(B)(4)<br>; 23.204.130(B)(6)<br>; 23.204.130(D)(3) |
| Insurance Agents, Title Companies, Real Estate Agents, Travel Agents                                                                                                                                                             | ZC                   | ZC      | ZC*    | ZC*    | ZC*    | ZC      | ZC*     | ZC*    | ZC*    | ZC       | ZC     | ZC                       | 23.204.040(B);<br>23.204.110(B)(4)<br>; 23.204.130(D)(3)     |
| Medical Practitioners                                                                                                                                                                                                            | ZC                   | ZC [    | AUP    | NP     | UP(PH) | ZC      | AUP*    | UP(PH) | ZC*    | ZC       | ZC     | ZC                       | 23.204.040(B);<br>23.204.110(B)(4)<br>; 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) | UP(PH)                   | 23.302.070.F<br>23.204.110.(B)(4)                            |
| Office, Business and Professional                                                                                                                                                                                                | ZC                   | ZC      | AUP*   | AUP*   | ZC*    | ZC      | ZC*     | AUP*   | ZC*    | ZC       | ZC     | ZC                       | 23.204.040(B);<br>23.204.110(B)(4);<br>23.204.130(D)(3)      |
| Bar/Cocktail Lounge/Tavern/ Tap Room/Wine Tasting                                                                                                                                                                                | AUP*                 | AUP*    | AUP*   | AUP*   | AUP*   | AUP*    | AUP*    | AUP*   | AUP*   | AUP*     | AUP*   | AUP*                     | ; 23.310                                                     |
| Food Service Establishment, under 3,000 sq. ft.                                                                                                                                                                                  | ZC*                  | ZC*     | ZC*    | ZC*    | ZC*    | ZC*     | ZC*     | ZC*    | ZC*    | ZC*      | ZC*    | ZC*                      | 23.302.070(E)                                                |
| Food Service Establishment, 3,000 sq. ft. or larger                                                                                                                                                                              | AUP*                 | AUP*    | AUP*   | AUP*   | AUP*   | AUP*    | AUP*    | AUP*   | AUP*   | AUP*     | AUP*   | AUP*                     | 23.302.070(E)                                                |
| Group Instruction, Under 3,000 sq. ft.                                                                                                                                                                                           | ZC                   | ZC      | ZC     | ZC     | ZC     | ZC      | ZC      | ZC     | ZC     | ZC       | ZC     | ZC                       |                                                              |
| Group Instruction, 3,000 sq. ft. or larger                                                                                                                                                                                       | ZC                   | ZC      | AUP    | AUP    | ZC     | ZC      | ZC      | AUP    | ZC     | ZC       | ZC     | ZC                       |                                                              |
| Health and Fitness Facility, Under 7,500 sq. ft                                                                                                                                                                                  | ZC                   | 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     | ZC                       |                                                              |
| Alternative Fuel Station                                                                                                                                                                                                         | UP(PH)               | UP(PH)  | UP(PH) | NP     | UP(PH) | UP(PH)  | NP*     | UP(PH) | NP     | AUP*     | UP(PH) | UP(PH)                   | 23.204.110(B)(2)<br>23.204.140(B)(3)                         |
| Large Vehicle Sales and Rental                                                                                                                                                                                                   | AUP                  | NP      | NP     | NP     | NP     | NP      | NP      | NP     | NP     | AUP* [1] | NP     | 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     | NP                       | 23.204.100(B)(3)<br>; 23.204.140(B)(3)                       |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit Requirement<br>* 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 |                                                          |
| Vehicle Parts Store                                                                                                                                                                                                              | ZC                   | NP   | ZC   | ZC   | ZC   | ZC      | ZC   | ZC   | NP     | AUP* [1] | ZC   |                                                          |
| Vehicle Rentals                                                                                                                                                                                                                  | AUP                  | NP   | NP   | NP   | NP   | NP      | NP   | NP   | UP(PH) | AUP* [1] | NP   | 23.204.140(B)(3)                                         |
| Vehicle Repair and Service                                                                                                                                                                                                       | AUP                  | NP   | NP   | NP   | NP   | NP      | NP   | NP   | NP     | AUP* [1] | NP   |                                                          |
| Vehicle Sales, New                                                                                                                                                                                                               | AUP                  | NP   | NP   | NP   | NP   | UP(PH)* | NP   | NP   | UP(PH) | AUP* [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)(3)<br>23.204.140(B)(3)<br>23.204.140(D)(4) |
| Cannabis Testing                                                                                                                                                                                                                 | AUP                  | AUP  | NP   | NP   | NP   | NP      | NP   | NP   | AUP    | AUP [1]  | NP   |                                                          |
| Light Manufacturing                                                                                                                                                                                                              | --                   | --   | --   | --   | --   | --      | --   | --   | --     | AUP [1]  | --   |                                                          |
| Wholesale Trade                                                                                                                                                                                                                  | --                   | --   | --   | --   | --   | --      | --   | --   | --     | AUP [1]  | --   |                                                          |
| <b>Incidental Uses</b>                                                                                                                                                                                                           |                      |      |      |      |      |         |      |      |        |          |      |                                                          |
| Food and Beverage for Immediate Consumption                                                                                                                                                                                      | ZC                   | ZC   | ZC   | ZC   | ZC   | ZC      | ZC   | ZC   | ZC     | ZC       | ZC   |                                                          |
| 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  |                                                          |
| Retail Sale of Goods Manufactured On-Site                                                                                                                                                                                        | ZC                   | ZC   | ZC   | ZC   | ZC   | ZC      | ZC   | ZC   | ZC     | ZC       | ZC   |                                                          |
| Art/Craft Studio                                                                                                                                                                                                                 | ZC                   | ZC   | ZC   | ZC   | ZC   | ZC      | ZC   | ZC   | ZC     | ZC       | ZC   |                                                          |
| Public Market, Enclosed                                                                                                                                                                                                          | AUP                  | AUP  | AUP  | AUP  | AUP  | AUP     | AUP  | AUP  | AUP    | AUP [2]  | AUP  |                                                          |
| Notes<br>[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.<br>[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. 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 |

**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 |
|-----------------------|-----------------|
| 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.    | AUP             |

**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. Size Limitations.**

- a. Table 23.204-20 shows land uses subject to size limitations in the C-E district.

**TABLE 23.204-20: C-E LAND USE NUMBER AND SIZE LIMITATIONS**

| <b>USE</b>                                                           | <b>MAXIMUM SIZE</b> | <b>PERMIT REQUIRED</b> |
|----------------------------------------------------------------------|---------------------|------------------------|
| Art/Craft Shops, Gift/Novelty Shops, Jewelry/Watch Shops             | 1,500 sq. ft.       | ZC                     |
| Bookstores, Periodical Stands                                        | 2,000 sq. ft.       | ZC                     |
|                                                                      |                     |                        |
| Photocopy Stores, Printing, Fax, Magnetic Disk Reproduction Services | 1,000 sq. ft.       | ZC                     |

- 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:

1. **General.** See Table 23.204-1: Allowed Uses in the Commercial Districts

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).

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:

a. Encouraged to comply with standards in Paragraph b (Standards) below where feasible; and

b. 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.

viii. **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:

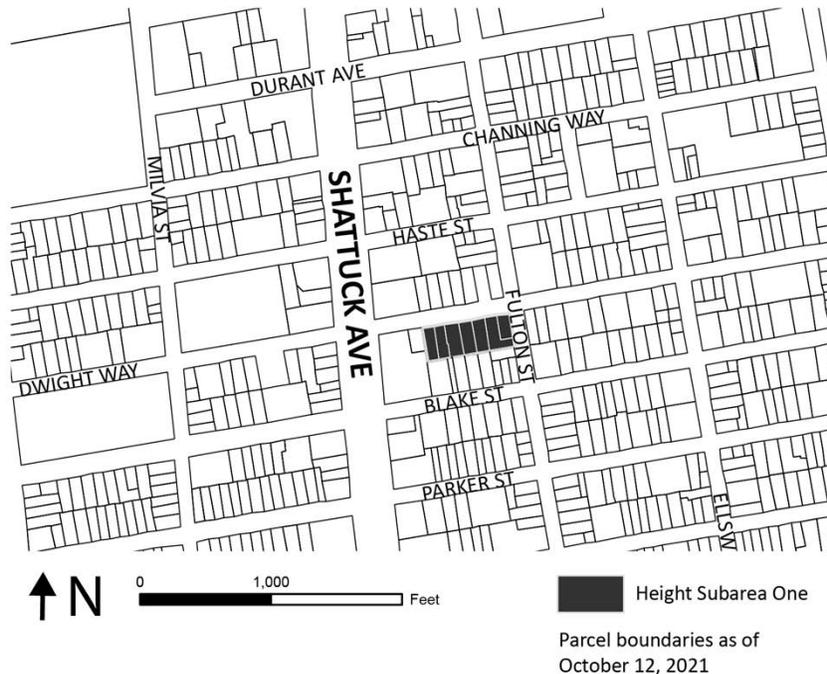
- i. Is necessary to facilitate incorporation of an existing structure;
- ii. Achieve greater consistency with the surrounding street pattern;
- iii. Buffers impacts to an adjacent residential district; or
- iv. Is needed to accommodate dealership operations.

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 One             | 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 Subarea One**



Section 8. That Berkeley Municipal Code 23.204.110(B) be amended to read:

**B. Allowed Land Uses.**

1. **General.** See Table 23.204-1: Allowed Uses in the Commercial Districts.
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.
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.

**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 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 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.** 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. Health and Fitness Facility

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 Uses; Personal and Household Service 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,” are removed; the lines named “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<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>-- = Permitted with an AUP, see 23.206.020(B)<br>NP = Not Permitted<br>[#] = Floor Area Permit Requirement<br>* Use-Specific Standards Apply | MANUFACTURING DISTRICTS |      |         |            | Use-Specific Standards<br>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 |                                                                                                         |
| 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 Instruction                                                                                                                                                                                                                 | ZC                      | ZC   | —       | ZC         |                                                                                                         |
| Health and Fitness Facility                                                                                                                                                                                                       | NP                      | NP   | --      | NP         |                                                                                                         |
| <b>Incidental Uses</b>                                                                                                                                                                                                            |                         |      |         |            |                                                                                                         |
| 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, 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.
  - 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
    - 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.
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 23.032-1: 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               | 6:00 a.m. – 2:00 a.m.          | AUP                             |
| C-N, C-E, C-SO, C-SA, C-W outside nodes, MU-R | 6:00 a.m. – 12:00 midnight     | AUP                             |
| C-T, C-DMU                                    | 24 hours per day 7 days a week | N/A                             |

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 affecting the well-being of the residents of the district.

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. 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.

**Table 23.302-2: Permit Requirements for Outdoor Uses**

| DISTRICT/USE CHARACTERISTICS [1]                                | PERMIT<br>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) |
| <p>Notes:</p> <p>[1] Size is measured as the lot area of the outdoor activity or storage</p> <p>[2] In the M and MM district permits are required only for activity or storage not ancillary to a permitted use.</p> |        |

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.
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. 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. Sidewalk cafe seating within the public right-of-way is subject to 23.302.060 (Sidewalk Cafe Seating).

**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.

**3. C-W District Requirements.**

- a. Food service drive-through is not permitted on properties fronting San Pablo Avenue.

**4. MU-LI and MU-R District – Findings.**

- a. To approve an AUP 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.

Section 17. That Berkeley Municipal Code 23.302.070(G) and (H) be amended to read:

**G. Parking Lot/Structure.**

1. **Permits Required.** Table 23.302-7 shows required permits for the exclusive or primary use of a lot for off-street parking spaces.

**TABLE 23.302-7: PERMIT REQUIREMENTS FOR PARKING LOTS/STRUCTURES**

| DISTRICT                        | PERMIT REQUIRED                                                                                                                                                                                                  |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Residential Districts</b>    |                                                                                                                                                                                                                  |
| 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.                                                                                                                                                                  |
| <b>Commercial Districts</b>     |                                                                                                                                                                                                                  |
| 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.                                                                                |
| <b>Manufacturing Districts</b>  |                                                                                                                                                                                                                  |
| 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:<br>[1] Parking lots and structures in the R-3 district are not permitted within the Southside Plan area |                                                                                                                                                                                        |

- 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 23.302-8 shows permits required for senior congregate housing.

**TABLE 23.302-8: 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 alcoholic beverage sales or service, excluding alcoholic beverage service incidental to a food service establishment (see 23.310.030 (Alcoholic Beverage Service When Incidental to a Food Service)).

**B. Permit Required.**

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).
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. 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:

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; and
2. At least one of the following:
  - 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.
  - c. The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol, or violations of public safety or nuisance statutes or regulations in Berkeley. In making this finding, the decision-making body may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.
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.

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)            |
| R-BMU                    | ZC                                                                                | UP (PH)           |
| All Commercial Districts | ZC                                                                                | AUP               |
| MU-LI, MU-R              | AUP                                                                               | AUP               |

**B. Incidental Beer and Wine Service Standards.** The following standards apply to beer and wine service incidental to a food service establishment.

**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. Hours of operation are subject to review and amendment by the review authority 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 the food service establishment's hours of operation, all customer accessible areas shall be 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. 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.
- 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.
- f. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

**4. Advertising.**

- a. Establishments shall comply with Municipal Code Chapter 20.67 (Alcohol Product Advertising)

**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 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 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. **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.
- 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.

3. **Density.** See 23.106.100 - Residential Density
4. **Density Bonus.** See 23.332.020 (Definitions).
5. **Department.** The Planning and Development Department of the City of Berkeley or its successor administrative unit.
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.
7. **Dormer.** A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. See also 23.304.110 (Dormers).
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.
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.
10. **Driveway.** A paved, vehicular accessway connecting an off-street parking space or parking lot with a public or private street.
11. **Drug Paraphernalia.** As defined in California Health and Safety Code Section 11364.5(d).
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.
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.
14. **Duplex.** A building or use of a lot designed for, or occupied exclusively by, two households.

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.

Section 24. That Berkeley Municipal Code 23.502.020(G)(6) be amended to read:

6. **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.

Section 25. That Berkeley Municipal Code 23.502.020(G)(9) be removed.

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.

3. **Hedge.** Any line or row of plants, trees or shrubs planted in a continuous line to form a dense thicket or barrier.

4. **Height of Building, Average.** See 23.106.090.A (Average Building Height).

5. **Height of Building, Maximum.** See 23.106.090.B (Maximum Building Height).

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.

7. **Hospital.** A facility for in-patient medical care licensed under California Administrative Code, Title 17, Section 237 or 238.
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.
9. **Hotel, Residential.** A type of group living accommodations which provides rooms for rent for residential purposes, including single residential occupancy (SRO) rooms.
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.
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.
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.

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.

At a regular meeting of the Council of the City of Berkeley held on February 27, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.





Office of the City Manager

02

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 2024

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$3,676,000**

| <u>PROJECT</u>                                   | <u>Fund</u>       | <u>Source</u>                             | <u>Amount</u>      |
|--------------------------------------------------|-------------------|-------------------------------------------|--------------------|
| Civic Center Park Upper Plaza Improvements       | 138<br>336<br>511 | Parks Tax<br>CalTrans Grant<br>Measure T1 | \$1,676,000        |
| Gun Violence Intervention and Prevention Program | 011               | General Fund                              | \$2,000,000        |
| <b>Total:</b>                                    |                   |                                           | <b>\$3,676,000</b> |

CURRENT SITUATION AND ITS EFFECTS

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

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on March 12, 2024

March 12, 2024

CONSENT CALENDAR

**BACKGROUND**

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

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**RATIONALE FOR RECOMMENDATION**

Need for the goods and/or services.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

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

**Attachments:**

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 2024
  - a. Civic Center Park Upper Plaza Improvements
  - b. Gun Violence Intervention and Prevention Program

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



| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED  | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ESTIMATED COST                                                  | BUDGET CODE TO BE CHARGED                                                                                                                                                                                                                               | DEPT. / DIVISION                                  | CONTACT NAME & PHONE                                                |
|--------------------|--------------------------------------------------|----------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------------|
| 24-11658-C         | Civic Center Park Upper Plaza Improvements       | March-24             | April-24                 | This project includes ADA improvements, restoration of the flagstone, and historic preservation.                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$1,676,000.00                                                  | Parks Tax- \$204,334<br>138-52-545-000-0000-000-461-663110<br>PRWPK21008<br><br>CalTrans Grant- \$591,666<br>336-52-545-000-0000-000-461-663110<br>PRWPK21008<br><br>Measure T1- Phase 2- \$880,000<br>511-52-545-000-0000-000-461-663110<br>PRWPK21008 | PRW/<br>Capital Projects                          | Christine Mohanna<br>x6432<br><br>Evelyn Chan<br>X6430              |
| <b>DEPT. TOTAL</b> |                                                  |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$ 1,676,000.00</b>                                          |                                                                                                                                                                                                                                                         |                                                   |                                                                     |
| <b>24-11659-C</b>  | Gun Violence Intervention and Prevention Program | 3/20/2024            | 4/12/2024                | The City of Berkeley is soliciting written proposals from qualified firms or individuals to work with the City of Berkeley to establish and implement a Gun Violence Intervention and Prevention Program. This comprehensive program aims to adopt a multi-pronged strategy, focusing on problem-solving at identified areas of increased shootings, custom notifications, street outreach, and social services integration. Specifically, the City seeks proposals for the design and execution of custom notifications and street outreach components. | <b>\$1,000,000.00 Per Fiscal Year,<br/>\$2,000,000.00 Total</b> | 011-21-201-000-0000-000-612-612990                                                                                                                                                                                                                      | City Manager's Office / Reimagining Public Safety | Carianna Arredondo<br>carredondo@berkeleyca.gov<br><br>510-295-7706 |
| <b>DEPT. TOTAL</b> |                                                  |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$ 2,000,000.00</b>                                          |                                                                                                                                                                                                                                                         |                                                   |                                                                     |
| <b>TOTAL</b>       |                                                  |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$ 3,676,000.00</b>                                          |                                                                                                                                                                                                                                                         |                                                   |                                                                     |





Office of the City Manager

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Amy Davidson, Deputy Director, Health, Housing, and Community Services

Subject: Grant Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART (NBB) BRIDGE Phase 1 Project.

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with BRIDGE Housing Corporation and/or their affiliates relating to a grant application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) BRIDGE Phase 1 affordable housing project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.
2. Authorizing the City Manager to accept up to \$5.8 million in state AHSC funds and complete selected transportation improvements if awarded.

SUMMARY

If the AHSC application is successful, the City will receive up to \$5.8 million for transportation projects related to the NBB BRIDGE Phase 1 project. The City scope and budget may decrease depending on the final combination of transportation projects proposed in the AHSC application. To maximize the application's competitiveness, consultants are evaluating various combinations of transportation projects. Therefore, the scope is still being refined as of the writing of this report in order to ensure meeting the application deadline.

FISCAL IMPACTS OF RECOMMENDATION

BRIDGE Housing Corporation (BRIDGE) will apply for AHSC program funds for housing development and transportation improvements for its NBB BRIDGE Phase 1 project. BRIDGE will apply for up to \$50 million to support housing development costs for the project and the costs for bikeway and pedestrian improvements on and adjacent to the site. The housing portion of the application does not require City participation, and

housing funds will be loaned directly to BRIDGE without passing through the City. The housing portion of the application cannot go forward without the transportation and infrastructure portion discussed in this report.

The application will also include funding requests for transportation projects, including projects that would be implemented by the City. If awarded, BRIDGE's AHSC application would bring up to \$5.8 million of competitive grant revenue to fund bicycle, pedestrian, and transit improvements that were previously identified in City plans. The resolution authorizes the City Manager to enter into an agreement that will allow the project sponsor to pass through the funds to the City if the application is successful.

If the AHSC grant application is successful, the City will need to complete the agreed upon projects within five years of the grant award. The resulting City agreement is expected to include generally customary provisions requiring the City to (i) complete the agreed improvements by the deadline, (ii) be responsible for any funding shortfalls, and (iii) not seek reimbursement for any grant amounts not otherwise spent on the projects.

#### CURRENT SITUATION AND ITS EFFECTS

BRIDGE is pursuing AHSC funding to support its affordable housing development (NBB BRIDGE Phase 1 project) at North Berkeley BART. In order to be eligible for up to \$35 million in housing development funds, the application must include transportation and infrastructure improvements consistent with a complex system of AHSC program priorities. The improvements will be implemented by BRIDGE, the City of Berkeley, and BART.

The project team has been meeting to strategize on the combination of transportation improvements that will help the application score most competitively. The improvements to be implemented by the City of Berkeley include construction of a Class II bicycle lane on Sixth Street (from Camelia Street to University Avenue) and bus stop improvements including five corner sidewalk extensions ("bulbouts") and three new transit shelters within the project area (within one mile of the North Berkeley BART site). The City's share of the AHSC grant funds for the bike lane and bus stop improvements will not exceed \$5.8 million.

The grant application will request up to \$15 million for various activities, including the City transportation projects. The AHSC grant will also fund BRIDGE's bike and pedestrian infrastructure improvements on and adjacent to the site, new train cars or another greenhouse-gas reducing transit component by BART, and anti-displacement activities. The City will have no direct role or responsibility in implementing the BRIDGE, BART, and anti-displacement activities.

#### BACKGROUND

Administered by the Strategic Growth Council and implemented by the Department of Housing and Community Development (HCD), the AHSC Program funds land-use, housing, transportation, and land preservation projects to support infill and compact

development that reduce greenhouse gas emissions. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund, an account established to receive Cap-and-Trade auction proceeds. The City and BRIDGE previously were successful in applying for and utilizing AHSC program funds for the Berkeley Way development project.

On December 13, 2022 and July 25, 2023 with Resolutions Number 70,643 and Number 70,991, the City Council approved predevelopment funding reservations totaling \$2,000,000 for the development of permanently affordable housing at the North Berkeley BART Station Area. This predevelopment funding is part of a commitment made by the City of Berkeley through Resolution Number 68,833 to provide up to \$26.5M for affordable housing development at the site. The NBB BRIDGE Phase 1 project is one of four affordable projects proposed for development at the North Berkeley BART station.

The intent is to leverage City funding with funding from the state's AHSC program, for which applications are due on March 19. The goal of the AHSC program is to reduce greenhouse gas emissions, and projects are required to incorporate certain transportation improvements. BRIDGE will complete some transportation improvements, including bicycle and pedestrian infrastructure, that are the collective responsibility of the North Berkeley BART development team. However, those improvements are not sufficient to meet the AHSC program's threshold requirements. BRIDGE requested that the City partner with them on the application and complete certain AHSC-funded transportation improvements to help meet the program requirements and ensure a competitive application.

BRIDGE is working with Community Development Resource Group, which has a proven track record of successful AHSC applications. The consultants have been evaluating the AHSC scoring criteria and transportation project options, and have advised on strategies that have the greatest chance of achieving the highest scores possible. The project team strategized on the most competitive combination of transportation projects to propose and determined that a portion of the AHSC grants will support City projects identified in this report.

The City will not be a joint applicant, but will need to enter into a side agreement with BRIDGE in order to receive state AHSC funding passed through the project to the City-sponsored transportation projects. The City will need to commit to completing those transportation projects within five years of the grant award. Completion of the transportation projects in a timely way will be necessary for the projects to receive the AHSC housing funds; the City's default would mean the loss of AHSC funds totaling up to \$50 million. For that reason, agreeing to participate in this program means the City will need to prioritize completion of those projects without which the City will expose itself to liability for those losses. The side agreement will address liability and

indemnification as well as the grant activities themselves. This was taken into consideration as the potential projects were identified.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The purpose of the AHSC program is to reduce greenhouse gas emissions in California. All of the projects identified for the funding will help accomplish that goal. Increasing cycling and walking would help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction targets of 80% below year 2000 levels by 2050. The Climate Action Plan states that, in order to meet these targets, "Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs."

### RATIONALE FOR RECOMMENDATION

The City transportation and infrastructure projects proposed for inclusion in this AHSC funding application were all previously identified in existing City plans, including the City's Bicycle Plan and Transit-First Policy Implementation Plan. This funding opportunity has the potential to provide up to a total of \$15 million for various activities, including the City's transportation-related infrastructure improvements in the project area. The AHSC funds would also support bicycle and pedestrian improvements carried out by BRIDGE and a BART-sponsored project (either new BART train cars or infrastructure improvements). If the grant application is successful, staff believes that the AHSC funds will be sufficient for the City to complete its required transportation and infrastructure improvements, based on current cost estimates. In the event the estimates are higher than budgeted, the City will be required to make up any shortfalls from other sources.

Accepting this AHSC grant also poses some risks. City staff believes that the City can reasonably bear these risks in light of (i) the understanding that all of the anticipated costs have already been identified or budgeted, (ii) the expectation that all CEQA and NEPA approvals will be received in timely manner, (iii) the City's general extensive experience with executing similar transportation and infrastructure projects, and specific understanding that all of the projects at issue can be completed within the required five-year period, and (iv) other than customary requirements for carrying out any public works project, staff is not aware of any other significant pre-conditions or risks for the City executing the projects. Specific design, construction, procurement and related contracts to deliver the City projects will be subject to customary City approvals at the appropriate times, including Council approval when otherwise required.

### ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to participate in the AHSC application, which would result in less competitive application for BRIDGE and may impact their ability to secure funding to support the affordable housing development. Without City's participation, the application would have difficulty achieving full points for active transportation

improvements. In addition, it would mean forgoing an opportunity to access up to \$5.8 million for previously identified transportation infrastructure projects.

CONTACT PERSON

Jenny Wyant, Senior Community Development Project Coordinator, HHCS, 510-981-5228

Eric Anderson, Principal Planner, Public Works, 510-981-7060

Attachment:

1: Resolution

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

CALIFORNIA AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES  
INFRASTRUCTURE GRANT APPLICATION AND AGREEMENT WITH PROPOSED  
NORTH BERKELEY BART (NBB) BRIDGE PHASE 1 PROJECT

WHEREAS, on April 27, 2021, with Resolution 69,883-N.S., the City Council reserved \$53 million, to be divided between the North Berkeley and Ashby BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, on December 13, 2022 and July 25, 2023, City Council adopted Resolutions No. 70,643-N.S. and No. 70,991-N.S., reserving funding for predevelopment activities at the North Berkeley BART site; and

WHEREAS, on January 19, 2024, the California Strategic Growth Council and the California Department of Housing and Community Development released the Notice of Funding Availability with approximately \$675 million in funds for the Affordable Housing and Sustainable Communities (AHSC) Program; and

WHEREAS, BRIDGE Housing Corporation and and/or its affiliate proposes to apply for AHSC funding prior to the due date of March 19, 2024 for approximately \$50 million to support affordable housing development (the "NBB BRIDGE Phase 1 Project"), as well as transportation and infrastructure improvements within one mile of the North Berkeley BART site (the "project area"); and

WHEREAS, if the application is successful, the City would receive up to approximately \$5.8 million to support the Sixth Street Bicycle Lane and bus stop improvements within the project area (the "City Transportation Projects"); and

WHEREAS, the City Transportation Projects support the traffic safety, climate, and equity policy goals and infrastructure recommendations of Berkeley City Council approved transportation plans, including the Bicycle Plan (2017), Pedestrian Plan (2020), Vision Zero Action Plan (2020), and Transit-First Policy Implementation Plan (2023); and

WHEREAS, the amount of funding for and scope of City Transportation Projects may be reduced depending on the final cost estimate for other projects that will also be paid for out of the AHSC grant; and

WHEREAS, the City will not be a joint applicant, but will need to enter into a side agreement with BRIDGE in order to receive state AHSC funding passed through the project to the City-sponsored transportation projects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to negotiate, enter into and cause the City to perform its obligations under an agreement (including amendments) with BRIDGE Housing



Corporation and its affiliates relating to a grant application to the California Affordable Housing and Sustainable Communities (AHSC) program for NBB BRIDGE Phase 1 project-related transportation and infrastructure improvements, for a total amount up to \$5.8 million for City projects, and to accept and perform the grants if awarded.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Amy Davidson, Deputy Director, Health, Housing, and Community Services

Subject: Application for Prohousing Incentive Program Funds

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Prohousing Incentive Program, in an amount not to exceed \$1,250,000.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is eligible to apply for up to \$1,250,000 through HCD's Prohousing Incentive Program (PIP). The final award amount will be decided as part of the competitive application. The funding would be used to support Housing and Community Services' (HCS) programs in support of lower income or unhoused residents, including the Housing Trust Fund program and/or eligible homeless services.

CURRENT SITUATION AND ITS EFFECTS

Jurisdictions must receive Prohousing Designations from HCD by March 30, 2024 to be eligible for PIP funds. HCS staff submitted an application for the Prohousing Designation Program in August 2023 and anticipates HCD approval by the PIP deadline. Applicants that have not received PIP funds in prior funding rounds will be given priority, which includes City of Berkeley.

PIP funds can be used to support a variety of planning or implementation activities related to housing and community development carried out by HCS within the Department of Health, Housing, and Community Services. HCS staff anticipate using the funds for one or both of the following eligible activities: 1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, or rental housing that is affordable to extremely low-, very low-, low-, and moderate-income households, including necessary operating subsidies; or 2) Assisting persons who are experiencing or at risk of homelessness, including providing rapid rehousing, rental assistance, navigation centers, emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing, and 3) grant administration activities (within the established limit of funds).

## BACKGROUND

On January 23, 2024, HCD released the Notice of Funding Availability (NOFA) Round 2 for approximately \$9.5 million under the Prohousing Incentive Program. The PIP complements the Prohousing Designation Program and is designed to encourage jurisdictions to obtain a Prohousing Designation and reward jurisdictions that pursue additional Prohousing Policies to earn a higher Prohousing Designation Score. The PIP is intended to increase participation in HCD's Prohousing Designation Program by pairing the designation with an impactful award grant to create and conserve affordable housing. Applications are due to HCD on March 15, 2024.

HCD will award PIP funds to eligible jurisdictions with Prohousing Designation, with additional bonus dollars available based on a jurisdiction's Prohousing Designation Program application score. Resolution No. 70,945-N.S. adopted by the Council on July 11, 2023 authorized the City of Berkeley's application and participation in the Prohousing Designation Program.

The City is required to use the resolution template provided by the state for this council item.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability and climate impacts directly associated with the recommendations in this report.

## RATIONALE FOR RECOMMENDATION

If approved, an application for PIP funds will make up to \$1,250,000 available for Berkeley to support City programs that serve lower income or unhoused populations.

## ALTERNATIVE ACTIONS CONSIDERED

The City could decline to participate in the Prohousing Incentive Program. Since that would not be consistent with the City's Strategic Plan to increase affordable housing opportunities, staff are recommending participation as described above.

## CONTACT PERSON

Asavari Devadiga, Community Development Project Coordinator, HHCS, (510) 981-5426

Attachment:  
1: Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY  
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, PROHOUSING INCENTIVE  
PROGRAM FUNDS

WHEREAS, pursuant to Health and Safety Code 50470 et. Seq, the California Department of Housing and Community Development (Department) is authorized to issue Guidelines as part of an incentive program (hereinafter referred to by the Department as the Prohousing Incentive Program or “PIP”); and

WHEREAS, the City Council of the City of Berkeley desires to submit a PIP grant application package (“Application”), on the forms provided by the Department, for approval of grant funding for eligible activities toward planning and implementation activities related to housing and community development as a result of meeting eligibility criteria including but not limited to Prohousing Designation; and

WHEREAS, the Department has issued Guidelines and Application on January 23, 2024 in the amount of \$9,483,402.17 for PIP;

NOW THEREFORE, the City Council of the City of Berkeley (“Applicant”) resolves as follows:

SECTION 1. The City Manager or their designee is hereby authorized to and directed to submit an Application to the Department in response to the NOFA, and to apply for the PIP grant funds in a total amount not to exceed \$1,250,000;

SECTION 2. In connection with the PIP grant, if the Application is approved by the Department, the City Manager or their designee of the City of Berkeley is authorized and directed to enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$1,250,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PIP grant, the Applicant’s obligations related thereto, and all amendments thereto; and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the Guidelines, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the Guidelines and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Aram Kouyoumdjian, Director of Human Resources  
Subject: Amendment to Contract No. 8392 with Innovative Claim Solutions (ICS) for Workers' Compensation Claims Administration

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392 with Innovative Claims Solutions (ICS) for third-party administration of workers' compensation claims through June 30, 2025 for a total contract amount not to exceed \$9,202,243.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment to Contract No. 8392 with Innovative Claim Solutions will add a total of \$1,191,813 to the original contract through the end of Fiscal Year 2025. Funding for the contract is available in the Workers' Compensation Self-Insurance Fund (budget code 676-00-000-000-0000-000-000 102127).

|                                                 |                     |
|-------------------------------------------------|---------------------|
| Original Contract Amount (7/1/2016 – 6/30/2023) | \$8,010,430         |
| Amount of Contract Amendment:                   | \$1,191,813         |
| FY 2023-2024 Program Year: \$587,100            |                     |
| FY 2024-2025 Program Year: \$604,713            |                     |
| <b>Total New Contract Amount</b>                | <b>\$ 9,202,243</b> |

CURRENT SITUATION AND ITS EFFECTS

ICS provides third-party claims administration services for the City's Workers' Compensation Program; in addition, it handles Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS).

Amendment to the City’s current contract with ICS is required in order to ensure that the Workers’ Compensation Program is sufficiently funded through June 30, 2025, that claims are timely processed, and that the operation of the program complies with all applicable workers’ compensation laws and regulations.

**BACKGROUND**

Third-party claim management services for a workers’ compensation program consist of responsibility for claims management including, but not limited to, approval of claims that arose out of the course and scope of employment, and procurement of services and payment of bills on behalf of injured employees. These expenses include, but are not limited to, medical; legal; temporary and permanent disability payments; and future medical needs of injured employees.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**RATIONALE FOR RECOMMENDATION**

Innovative Claim Solutions has provided quality claim management services throughout the terms of the contract, which requires amendment so that the City’s Workers’ Compensation Program is sufficiently funded through June 30, 2025.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.  
Cari McDonald, Associate Human Resources Analyst, (510) 981-6816.

Attachment:  
1: Resolution



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

AMENDMENT TO CONTRACT NO. 8392 WITH INNOVATIVE CLAIM SOLUTIONS

WHEREAS, the City of Berkeley is certified by the State of California Department of Industrial Relations under Labor Code Sections 3700 and 3705 to self-insure for providing statutorily required workers' compensation benefits to its employees; and

WHEREAS, on April 26, 2016, the Berkeley City Council adopted Resolution No. 67,436 that authorized the City Manager to amend the contract with ICS for third-party administrative services for the City's Workers' Compensation Program by extending the term through June 30, 2021; and

WHEREAS, on July 27, 2021, the Berkeley City Council adopted Resolution No. 69,977-N.S., for further amendment of the contract with ICS for the period July 1, 2021 through June 30, 2022; and

WHEREAS, on September 13, 2022, the Berkeley City Council adopted Resolution No. 70,507-N.S., for further amendment of the contract with ICS for the period July 1, 2022 through June 30, 2025; and

WHEREAS, amendment of the current contract is necessary in order to ensure that adequate funding is authorized for ICS to continue third-party administration of the City's Workers' Compensation Program and also to handle Medicare, Medicaid and SCHIP Extension Act (MMSEA) Section 111 mandatory reporting to the Centers for Medicare & Medicaid Services (CMS) on behalf of the City;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 8392 with Innovative Claim Solutions for third-party administration services for both the City's Workers' Compensation Program and MMSEA Reporting to the CMS, through June 30, 2025, and to increase the original contract amount by an additional \$1,191,813 for a total contract amount of \$9,202,243. All expenses are to be paid from the Workers' Compensation Self-Insurance Fund, budget code (676-00-000-000-0000-000-000-102127); and

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





Office of the City Manager

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Aram Kouyoumdjian, Director of Human Resources  
Subject: Contract Amendment: WBCP, Inc. Recruitment Agency

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400083 with WBCP, Inc. for recruitment services to cover the period of October 2, 2023 through June 30, 2026, for a total cost not to exceed \$350,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract will be provided by user departments from various budget codes.

CURRENT SITUATION AND ITS EFFECTS

Although the City has consistently notched net gains in hiring (over attrition) throughout the past year, the Human Resources Department has limited bandwidth for executive recruitment when vacancies occur in the City Manager’s Office or at the level of department directors and deputy directors. In such instances, and in cases where niche recruitment efforts are necessary to ensure viable applicant pools for hard-to-fill classifications, an outside agency can be a specialized recruitment resource for HR.

BACKGROUND

WBCP, Inc. has provided much-needed services to the City with regard to executive recruitment. Thanks to its efforts, the City was recently able to fill both of its Deputy Director of Public Works vacancies. WBCP, Inc. has also conducted outreach campaigns for the City, targeting hard-to-fill classifications (e.g., in the field of engineering).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Specialized and time-incentive recruitments for executive or hard-to-fill classifications require services by external firms, and WBCP, Inc.'s record of success in finding high-caliber candidates for the City – and particularly for the Public Works Department – warrants extension of the City's contract with the firm with an amended contract amount not to exceed \$350,000.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

Attachments:

1: Resolution

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

CONTRACT AMENDMENT: WBCP, INC. RECRUITMENT AGENCY

WHEREAS, the Human Resources Department conducts recruitments and maintains employment lists of qualified individuals for career and temporary positions; and

WHEREAS, the City may require specialized services to recruit for executive and hard-to-fill classifications; and

WHEREAS, the Human Resources Department has limited bandwidth for such time-intensive recruitments; and

WHEREAS, the WBCP, Inc. recruitment agency has conducted successful recruitments for the City, most recently for both Deputy Director of Public Works vacancies;

WHEREAS, expenditures for these services will be paid from a variety of funding sources in the budgets of individual operating departments when executive or niche recruitment services are required;

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. 32400083 with WBCP, Inc. for an amount not to exceed \$350,000 for the period covering October 2, 2023 through June 30, 2026; and

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





Office of the City Manager

CONSENT CALENDAR

March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Salary Adjustments: Electrical Supervisor and Communications Supervisor

RECOMMENDATION

Adopt a Resolution adjusting the salary range for Electrical Supervisor and Communications Supervisor to consist of three steps ranging from \$62.8856 per hour to \$66.6047 per hour, effective March 12, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The recommended 3% salary increase results in an increase of approximately \$4,035.00 annually at the top step per classification.

CURRENT SITUATION AND ITS EFFECTS

The Electrical Supervisor and Communications Supervisor job class specifications were established on May 9, 2023 as unrepresented classes with five salary steps. They are currently represented by International Brotherhood of Electrical Workers (IBEW), and after a meet-and-confer process with the union, and subsequent compensation studies, the recommendation is to increase the salary ranges by 3%, and reduce the number of steps within the range to three steps to align with other classifications represented by IBEW, Local 1245. The positions are currently vacant.

|               | <b>Current</b> | <b>Proposed</b> |
|---------------|----------------|-----------------|
| <b>Step 3</b> | 61.0540        | 62.8856         |
| <b>Step 4</b> | 62.8594        | 64.7452         |
| <b>Step 5</b> | 64.6648        | 66.6047         |

**BACKGROUND**

Both the Electrical Supervisor and Communications Supervisor classifications were established on May 9, 2023 as front-line supervisors in the Facilities Division of Public Works, supporting the installation, maintenance, and repair of the City’s electrical and communications assets, including, but not limited to, traffic signals, controllers, battery backup systems, street lights, building electrical, generators, Marina electrical, radios, sewer lift stations, and ethernet.

Subsequent to their establishment, both classifications came to be represented by IBEW, Local 1245, and prompted both a meet-and-confer process over compensation, along with additional classification studies leading to the recommended salary adjustments.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**RATIONALE FOR RECOMMENDATION**

The salary ranges and steps for these job classifications are being revised as a result of further compensation studies and a meet-and-confer process.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

**Attachments:**

- 1: Resolution



**SALARY ADJUSTMENTS: ELECTRICAL SUPERVISOR AND COMMUNICATIONS SUPERVISOR**

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the classifications of Electrical Supervisor and Communications Supervisor were established on May 9, 2023;

WHEREAS, a meet-and-confer process with IBEW, Local 1245, and subsequent classification studies supported a reduction in the number of salary steps (for consistency with IBEW classifications) and a 3% increase in the hourly rate for both classifications;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that effective March 12, 2024, the classifications of Electrical Supervisor and Communications Supervisor have three salary steps at the following hourly rates:

|               |         |
|---------------|---------|
| <b>Step 3</b> | 62.8856 |
| <b>Step 4</b> | 64.7452 |
| <b>Step 5</b> | 66.6047 |





Office of the City Manager

CONSENT CALENDAR

March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Align Training and Certification Differentials for Deputy Police Chief and Police Chief with Differentials for Berkeley Police Association Members

RECOMMENDATION

Adopt a Resolution aligning the training and certification differentials for Deputy Police Chief and Police Chief – specifically, for Crisis Intervention Training, the KIND Policing Differential, and POST certificates – with those of Berkeley Police Association members; specify that for Deputy Police Chief and Police Chief the POST certificates must be at the Management level; provide retiree medical benefits that BPA members and the Police Chief receive to the Deputy Police Chief as well.

This Resolution follows Council consideration of this item in Closed Session on February 20, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts will differ depending on salary, as the differentials are percentage-based.

CURRENT SITUATION AND ITS EFFECTS

Pay differentials for which members of the Berkeley Police Association (BPA) qualify – specifically, for Crisis Intervention Training, for the KIND (Constitutional, Humane, Impartial, Neighborhood-Oriented, and DEI-Centered) Policing Differential, and for various POST certificates – are leading to compaction issues between the recently-established Deputy Police Chief classification and that of Captain.

Without alignment with BPA pay differentials, internal recruitment for Deputy Police Chief will be highly challenging, as members of the department will be disincentivized from seeking promotion given the compaction in pay. The alignment needs to apply to the Police Chief as well to prevent next-level compaction with the Deputy classification.

Section 13.13 of the Unrepresented Employee Manual also needs to be modified to specify that retiree medical benefits that BPA members and the Police Chief currently receive will be provided to the Deputy Police Chief as well.

### BACKGROUND

The classification of Deputy Police Chief was created in 2023 with a salary range set at \$260,000 at its top point, allowing sufficient departure from the top step for Captain (\$223,266).

Nevertheless, compaction is being created because the Deputy Police Chief classification is Unrepresented, whereas Captains are BPA members who qualify for differentials for such ongoing specialized education as Crisis Intervention Training (CIT) and KIND (Constitutional, Humane, Impartial, Neighborhood-Oriented, and DEI-Centered) policing, as well as for Intermediate and Advanced certificates from the Commission on Police Officer Standards and Training (POST).

The recommendation to align training and certification differentials for Deputy Police Chief and Police Chief with those of BPA members aims to address the salary compaction issue, while also broadening the Crisis Intervention and KIND policing trainings to apply to the leaders of the Berkeley Police Department, regardless of their Unrepresented status. POST differentials for the Deputy Police Chief and Police Chief will apply if their certification is at the Management level, which is an even higher requirement than the Advanced level.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

Aligning the training and certification differentials for Deputy Police Chief and Police Chief with those of Berkeley Police Association members will resolve salary compaction issues along the promotional ladder from Captain to Deputy Police Chief to Police Chief.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

Attachments:

1: Resolution

**ALIGN TRAINING AND CERTIFICATION DIFFERENTIALS FOR DEPUTY POLICE CHIEF AND POLICE CHIEF WITH DIFFERENTIALS FOR BERKELEY POLICE ASSOCIATION MEMBERS**

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the classification of Deputy Police Chief was established in 2023 with a salary range set at \$260,000 at its top point; and

WHEREAS, pay differentials for which members of the Berkeley Police Association qualify – specifically, for Crisis Intervention Training, for the KIND (Constitutional, Humane, Impartial, Neighborhood-Oriented, and DEI-Centered) Policing Differential, and for various POST certificates – are leading to salary compaction issues between the recently-established Deputy Police Chief classification and that of Captain; and

WHEREAS, without alignment with BPA pay differentials, internal recruitment for Deputy Police Chief will be highly challenging, as members of the department will be disincentivized from seeking promotion given the compaction in pay; and

WHEREAS, the alignment needs to apply to the Police Chief as well to prevent next-level compaction with the Deputy classification; and

WHEREAS, section 13.13 of the Unrepresented Employee Manual needs to be modified to specify that retiree medical benefits BPA members and the Police Chief currently receive will be provided to the Deputy Police Chief as well;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Unrepresented Employee Manual be modified to align Deputy Police Chief and Police Chief earnings with BPA differentials for Crisis Intervention Training (2%), the KIND Policing Differential (3% currently, 4% as of July 1, 2024), and for various POST certificates (up to 7%); and

BE IT FURTHER RESOLVED that POST certificates for the Deputy Police Chief and the Police Chief must be at the Management level to qualify for the differential; and

BE IT FINALLY RESOLVED that Section 13.13 of the Unrepresented Employee Manual be modified to specify that retiree medical benefits provided to BPA members and to the Police Chief apply to the Deputy Police Chief as well.





Office of the City Manager

CONSENT CALENDAR  
March 12, 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: Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit a Firehouse Subs grant application in the amount up to \$50,000; 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.

FISCAL IMPACTS OF RECOMMENDATION

The grant request is for up to \$50,000 to procure a Polaris ATV all-terrain vehicle ("ATV") for emergency response activities at Berkeley Echo Lake Camp. This grant does not require a local match and all costs of the equipment purchase will be covered by the grant. The grantor will determine if the grant will be paid either directly to the vendor or be deposited into the City's One-Time Grants Fund (Fund 336).

CURRENT SITUATION AND ITS EFFECTS

The Firehouse Subs Public Safety Foundation<sup>1</sup> was founded in 2005 in the aftermath of Hurricane Katrina as a philanthropic arm of Firehouse Subs, a restaurant chain that operates throughout the U.S. Their mission is to impact the lifesaving capabilities, and the lives of local heroes and their communities by providing lifesaving equipment and prevention education tools to first responders, non-profits and public safety organizations. Eligible applicant are comprised of the following: fire Departments, law enforcement, EMS, municipal & state organizations, public safety organizations, as well as non-profits and schools. The foundation conducts a quarterly application process to provide disaster funds in the following areas: Lifesaving Equipment, Prevention Education, Scholarships & Continued Education, Disaster Relief, and Support for Members of the Military. Each quarter they can receive up to 600 applications for grants up to \$50,000 each. In 2023, several agencies in California as well as across the country received these grants. The City's Fire and Parks, Recreation, and Waterfront (PRW) departments have identified a need for an all-terrain vehicle (ATV) at the Berkeley Echo Lake Family Camp to enhance the City's disaster response capabilities

<sup>1</sup> <https://grants.firehousesubs.com/>

in the form of expanded hazardous vegetation and tree removals and emergency response to rescue injured campers in inaccessible areas. The City will submit a grant proposal of up to \$50,000 to purchase an ATV for Berkeley Echo Lake Camp.

### BACKGROUND

In the Fall of 2021, Berkeley Echo Lake Camp was threatened by the Caldor Fire. Ultimately, the Camp was saved from destruction by a collaboration between the Fire and the Parks, Recreation, & Waterfront departments. Since the fire, the two departments have collaborated on preparations for future incidents impacting Berkeley Camps, as well as prevention efforts to protect the Camps in event of another wild fire. Berkeley Tuolumne Camp has its own ATV that has greatly enhanced the City's ability to remove hazardous vegetation in the form of heavy tree limbs and heavy brush, as well as to respond to injury emergencies. City staff from Fire and PRW have determined that a similar ATV at Berkeley Echo Lake Camp is needed for similar disaster preparedness and response purposes.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Through the addition of this critical piece of emergency response equipment, this project will help the City advance the following Strategic Plan Goal: 3. Create a resilient, safe, connected, and prepared city. Sub Section 3.23, Fire Prevention. By planning for and working to prevent wildfire, the City will be working to reduce greenhouse gas emissions related to large scale forest fires and will be better positioned to safeguard City assets in the event of a fire occurring.

### RATIONALE FOR RECOMMENDATION

This grant will provide funding to procure an all-terrain vehicle (ATV) that can be used by Berkeley Fire Department and PRW staff to better maintain and defend Berkeley Echo Lake Camp against wildfires. The vehicle can also be used to rescue injured campers from areas of the Camp that are not accessible to existing City vehicles.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSONS

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Stephanie Chu, Recreation & Youth Services Manager, 981-6700  
Justin Pitcher, Recreation Camps Manager, 981-6700

Attachments:

1: Resolution



RESOLUTION NO. ##-###

AUTHORIZING A GRANT APPLICATION FOR UP TO \$50,000 TO THE FIREHOUSE SUBS FOUNDATION FOR AN ALL-TERRAIN VEHICLE AT BERKELEY ECHO LAKE CAMP

WHEREAS, the Firehouse Subs Public Safety Foundation was founded in 2005 in the aftermath of Hurricane Katrina as a philanthropic arm of Firehouse Subs, a restaurant chain that operates throughout the U.S.; and

WHEREAS, their mission is to impact the lifesaving capabilities, and the lives of local heroes and their communities by providing lifesaving equipment and prevention education tools to first responders, non-profits and public safety organizations; and

WHEREAS, eligible applicant are comprised of the following: fire Departments, law enforcement, EMS, municipal & state organizations, public safety organizations, as well as non-profits and schools; and

WHEREAS, the foundation conducts a quarterly application process to provide disaster funds in the following areas: Lifesaving Equipment, Prevention Education, Scholarships & Continued Education, Disaster Relief, and Support for Members of the Military. Each quarter they can receive up to 600 applications for grants up to \$50,000 each; and

WHEREAS, the City's Fire and Parks, Recreation, and Waterfront departments have identified a need for an all-terrain vehicle (ATV) at the Berkeley Echo Lake Family Camp to enhance the City's disaster response capabilities in the form of expanded hazardous vegetation and tree removals and emergency response to rescue injured campers in inaccessible areas.

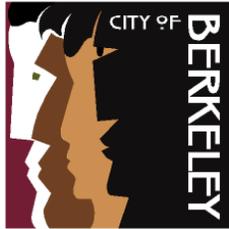
NOW, THEREFORE, BE IT RESOLVED that the **City of Berkeley**:

1. Approved the filing of an application for "**Firehouse Subs Grant**" in an amount up to \$50,000; and
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and
3. Authorizes the City Manager or a designee (F. Scott Ferris), to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

BE IT FURTHER RESOLVED, that the City of Berkeley authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

BE IT FURTHER RESOLVED, that a record signature copy of said agreements and any amendments to be on file in the City of Berkeley's Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
March 12, 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: Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing Avenue in the Telegraph-Channing Mall and Garage

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing 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 retroactively on May 1, 2023.

FISCAL IMPACTS OF RECOMMENDATION

The lease agreement anticipates total revenue of \$139,860 for the initial five (5) year term for the premises consisting of 1400 square feet of retail space and use of building common areas including the tenant only restrooms and trash and recycling room in Telegraph-Channing Mall and Garage located at 2431 Channing Way, Berkeley, California, 94704. The initial monthly price per square foot is \$2.26 with an annual adjustment of 3% beginning the third year of the lease.

The City agrees to abate the rent for the eighteen months following the retroactive lease commencement date. This abatement totals \$56,952 in savings for the proposed tenant in support of completing permanent improvements to the leased space. The tenant will be responsible for payment of all PG&E charges associated with the meter serving 2440 Durant from the commencement date of the lease. Revenue will be deposited into the Off-Street Parking Fund Revenue Account.

CURRENT SITUATION AND ITS EFFECTS

2425 Channing Way, Suite A ("2425a") is one of fifteen storefronts located on the ground floor of Telegraph-Channing Mall and Garage ("TCM"). It has been without a long-term tenant since the December 2019 permanent closure of University Copy, a printing and photocopying store. Four months after its closing was the start of the COVID-19 Shelter in Place Order. Only one business in TCM, The Postal Annex, met the criteria to stay open during this time.

2425a did have two short-term tenants during COVID. Berkeley Public Library rented the space to use for storage of library furniture. Chairs, tables and other furniture had to be removed from libraries to ensure social distancing protocols were followed. The plan was to store the furniture at TCM just as they had during library renovations projects. 2425a was also made available for storage to Friends of the Berkeley Public Library. The number of books donated to the nonprofit increased exponentially during COVID and exceeded capacity of space available at its storefronts. The Library paid market rate for the space.

Neighborhood Services in the City Manager's Office also rented 2425a to use for the City's clothing distribution program. Dorothy Day House, the operator for the City's two shelters located in the Veterans' Building (1931 Center Street) and Horizons Transitional Village (742 Grayson Street) was also operating the City's clothing distribution program. The end of the Horizons' lease combined with limited space at the Veterans' Building meant the City had to find a new place to store and distribute clothing particularly with winter 2022 approaching. The CMO signed an agreement for 2425a modeled after the one created for the Library. The term was limited to six month and the rent was market rate. It also named Dorothy Day House as the program operator and limited access and use of the space to clothing sorting and distribution – the store could not be open to the public or operate as a retail business.

A few months prior to the termination of the agreement, Robbi Montoya, Executive Director of Dorothy Day House shared a new concept she developed inspired by operating the City's clothing distribution program at 2425a. This new program seeks to independently operate a clothing distribution program that both facilitates the use of vouchers and direct retail sale of donated items to the general public. By operating both programs at 2425a, Dorothy Day House believes it will be able to generate sales income sufficient to sustain the business as well as provide workforce development opportunities in the form of apprenticeships to people living in their shelter or currently unsheltered interested in getting work experience and training. Ms. Montoya has identified two people to act as founding staff at this location and believes the model will be successful and allow for program expansion in Berkeley and throughout Alameda County.

### BACKGROUND

Finding tenants for the Mall and setting an appropriate market rate price for the storefronts is challenging due to the building's age, limited improvements since construction, and the limited access most spaces have to street frontages on Durant Avenue and Channing Way. By comparing the previous tenant's base rent rate escalated by CPI increases (capped at 3% per year) over the last ten years to Cushman and Wakefield Market Beat Q4 2022 report on asking rents for Shopping Centers in this region it was determined that \$2.26 per square foot per month was a fair rent rate to for the space. That rate represents roughly a 20% discount from market rate and includes

additional per square foot charge to cover common water service and Zero Waste services shared by all building tenants.

#### Building History and Condition

The building was built in 1960 with the last major improvement completed in 1997. Pedestrian access to the garage is via elevators located at the center of the building. Public passage ways from Durant Avenue and Channing Way lead to the building's center and are open during the garage's hours of operation (7 AM to midnight most days, 1 AM on Fridays and Saturdays). The passage ways are lined with storefronts with the option to stay open the same hours as the garage. Only two storefronts on Durant and three on Channing have direct access from the sidewalk and therefore can be open beyond the garage's hours of operation. These five stores also have access to and use of porticos available for a range of uses if approved by the City (flower and plant sales, seating, etc.). Consequently, the five stores garner a high rent per square foot than most spaces near the building's center. The building has no air conditioning and no heating system. Tenants may add and maintain heaters to their space at their own expense. The building was not constructed with exhaust and ventilation paths necessary for full-service restaurant stoves and hoods – the most requested space attribute from potential tenants.

Seismic upgrades completed in 1997 changed the building's appearance by adding the now iconic red-orange steel girder supports on both the Durant and Channing facades of the building. Replacement of the elevators and renovation of the public restrooms are planned for FY2024-26. Staff anticipates some additional minor improvements including painting, new tenant signs and directories, and accessibility improvements but no major renovations that could attract a broader range of tenants and garner higher rent rates are anticipated. This combination of attributes and deficits prevents the City from charging true market rates enjoyed by other owners in the business district but does provide the opportunity for continued small business operation and development – one tenant opened in 1977 and several others started in the 1980s. Future leases anticipated to come before City Council in 2024 for spaces fronting on Channing will be discounted roughly 20% below market rate while those without street frontage, like this lease, will be discounted roughly 25% below market rate as calculated by the City to adjust for the building's attributes and deficits.

#### Dorothy's Closet

Dorothy's Closet will operate a business with positive benefits for other Mall tenants, customers, pedestrians and citizens in Berkeley. Dorothy's Closet intended location in the building is beneficial to the City because 2425a is a storefront with direct access to the public street on one side and access to the building's interior hallway on the other. A business open at this location creates an increased sense of safety for garage and mall customers and pedestrians.

The majority of businesses in the Mall are highly dependent on UC Berkeley students and find it challenging to meet financial goals during school breaks and holidays. Dorothy's Closet anticipates drawing a significant percentage of its customers from the larger Berkeley-East Bay Area and beyond. Other Mall tenants may benefit from exposure to this new customer base likely to visit regularly to explore new merchandise and/or make donations.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no significant environmental sustainability impacts related to this action. This program does divert clothing, shoes, blankets, camping gear and other donated items from the waste stream.

#### RATIONALE FOR RECOMMENDATION

Dorothy Day House is a long-time City partner working to achieve the goal of providing food and shelter for all that need and want it. Dorothy's Closet is a well thought out expansion of its existing programs to include workforce development while generating funds to make the clothing distribution program self-sustaining. Additionally, Dorothy Day House was found to be a financially qualified and responsive potential tenant for the space.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered three other applicants seeking tenancy at 2425a. One submitted no application. One submitted an incomplete application. The third applied for tenancy in another retail space in TCM scheduled to go to Council for approval January 30, 2024. Dorothy Day House has continued to operate a clothing distribution program with no retail component since May 1, 2023 after the previous agreement expired.

#### CONTACT PERSON

Dionne Early, Community Development Project Coordinator, Public Works, (510) 981-6453

#### Attachments:

1: Ordinance

Exhibit A: Lease Agreement

ORDINANCE NO. -N.S.

LEASE AGREEMENT: DOROTHY DAY HOUSE D.B.A DOROTHY'S CLOSET AT  
TELEGRAPH-CHANNING MALL AND GARAGE, 2425A CHANNING WAY

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

Section 1. FINDINGS:

The City owns the Telegraph-Channing Mall and Garage, and Dorothy Day House, a 501c3 nonprofit organization, doing business as Dorothy's Closet seeks to lease 2425a Channing Way at the premises for purpose of operating a community clothing distribution program and thrift store.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE AT 2425a Channing Way, Berkeley CA:

The City Manager is hereby authorized to enter into a five-year lease agreement with the option for a five-year extension with Dorothy Day House d.b.a Dorothy's Closet for real property located at 2425a Channing Way, a ground floor retail space in the City of Berkeley Telegraph-Channing Mall and Garage. Such lease shall be on substantially the terms set forth in Exhibit A.

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

Exhibits

A: Lease Agreement

**CITY OF BERKELEY  
TELEGRAPH-CHANNING MALL LEASE**

This lease is made on \_\_\_\_\_, 2024, between the CITY OF BERKELEY ("Landlord"), a Charter City organized and existing under the laws of the State of California and Dorothy Day House, a 501c3 doing business as Dorothy's Closet ("Tenant"), who agree as follows:

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

A. Landlord is the owner of the real property at 2425a Channing Way, Berkeley, California, ("Premises") located inside Telegraph-Channing Mall and Garage at 2431 Channing Way as further described in Exhibit A, attached to and made a part of this Lease.

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

C. Tenant wishes to lease the Premises for the purpose of operating a community clothing program and thrift store.

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

**1. DESCRIPTION OF PREMISES**

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

**2. TERM**

The term of this lease shall retroactively commence on May 1, 2023 and become on the effective date of the Ordinance which authorizes this lease unless the Ordinance provides otherwise and shall be for a period of five (5) years plus the partial month, if any, immediately preceding the first full calendar month of this lease. Tenant shall have an option to extend the term of this Lease for an additional period of five (5) years, pursuant to Section 35 of this Lease. The effective date of the Ordinance shall be no less than thirty (30) days after the second reading of the Ordinance and its approval by City Council. The Term is further described in Exhibit B, attached to and made a part of this Lease.

**3. RENT**

Tenant shall pay to Landlord as monthly rent, without deduction, setoff, prior notice, or demand, the sum of \$3,164.00 per month in advance on the first day of each month,



commencing eighteen (18) months after the retroactive commencement date of the lease or November 1, 2024 and continuing during the Term. Rent shall include basic water, garbage, and recycling service costs. Monthly rent for the first month shall be due and paid on the date City Council approves the Lease and authorizes the City Manager to execute the agreement. Monthly rent for any partial month shall be prorated at the rate of 1/30th of the monthly rent per day. All rent shall be paid to Landlord at the address to which notices to Landlord are given.

**4. PERIODIC RENT INCREASES**

a. The monthly rent shall be increased at the commencement of the third year of the Term (May 1, 2025) and each year thereafter ("the adjustment date"). The adjusted monthly rent will be calculated by adding three percent (3%). Monthly rent increases based on the annual 3% adjustment have been calculated and are further described in Exhibit C, attached to and made a part of this Lease.

**5. SECURITY DEPOSIT**

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

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

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

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

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

**6. LATE CHARGES**

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

**7. USE OF PREMISES; OPERATION**

a. Tenant will use the Premises for the purpose of operating a community clothing program and thrift store and agrees to continuously and uninterruptedly occupy and use the entire leased Premises for said purpose and to maintain adequate personnel for the efficient service of clients or customers. Tenant shall not use nor permit the use of the whole or any part of the Premises for any other purpose without the Landlord's prior written consent.

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

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

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

deemed a waiver by Landlord of any other use restriction imposed on the Tenant for the use of the demised Premises.

**8. TAXES AND ASSESSMENTS**

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

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

**9. UTILITIES**

Tenant agrees to pay any and all PG&E charges for electricity, gas, heat, and cooling represented on their dedicated meter. Tenant also agrees to pay telephone, sewer use, water, refuse collection and other utilities used in the Premises for their exclusive use. For utilities paid directly to the Landlord on a per square foot basis, Landlord may adjust that rate to reflect the actual costs during the preceding year if Tenant usage for water, trash, or recycling or require the Tenant to pay directly for trash and recycling services if their use is determined to be excessive by the Director of Public Works.

**10. MAINTENANCE AND REPAIR**

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

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

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

**11. IMPROVEMENTS**

a. Tenant shall not erect additions or structures nor make nor cause to be made any alterations, improvements, additions, or fixtures that affect the exterior or interior of the

Premises, nor shall Tenant mark, paint, drill or in any way deface any floors, walls, ceilings, or partitions of the Premises without 1) first providing thirty (30) days' written notice to Landlord and 2) obtaining City of Berkeley Building Permits as required by the Berkeley Municipal Code as it exists at the time of such improvements. Failure to notify the Landlord or failure to obtain Building Permits or meet other regulatory requirements shall constitute a default by Tenant.

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

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

## **12. INDEMNIFICATION**

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

## **13. INSURANCE**

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

b. If the insurance referred to above is written on a Claims Made Form, then

following termination of this lease, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this lease.

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

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

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

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

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

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

c. Tenant shall report all existing hazardous materials handled at the site and any hazardous wastes generated at the site to the Toxics Management Division (TMD) on an annual basis and abide by all requirements of the TMD and other state and local environmental

agencies. Upon release of hazardous materials or hazardous waste at the property or adjacent to the property, Tenant shall immediately notify the City of Berkeley Toxics Management Division. If the release is significant, the Tenant must report it to the 911 and the Office of Emergency Services.

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

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

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

**16. REQUIRED ACCESSIBILITY DISCLOSURE**

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

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

prior written consent.

**17. CITY NON-DISCRIMINATION ORDINANCE**

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

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

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

**18. NUCLEAR FREE BERKELEY**

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

**19. OPPRESSIVE STATES CONTRACTING PROHIBITION**

a. In accordance with Resolution Nos. 59,853-N.S., 60,382-N.S., and 70,606-N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to or to purchase, sell, lease or distribute commodities in the conduct of business with, the following entities:

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

b. For purposes of this lease, the Tibet Autonomous Region and the provinces of Aho, Kham, U-Tsang and Burma (Myanmar) shall be deemed oppressive states.

c. Tenant's failure to comply with this section shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 26. In the event that the City terminates this lease due to a default under this provision, City may deem Tenant a non-responsible bidder for five (5) years from the date this lease is terminated.

**20. BERKELEY LIVING WAGE ORDINANCE**

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

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

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

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

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

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



**21. BERKELEY EQUAL BENEFITS ORDINANCE**

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

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

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

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

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

**22. SANCTUARY CITY CONTRACTING ORDINANCE**

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

- a. "Data Broker" means either of the following: (1) The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies; (2) the aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include: (1) The City's computer-network

health and performance tools; (2) Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

**23. CONFLICT OF INTEREST PROHIBITED**

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

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

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

**24. PESTICIDES**

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

**25. SIGNS**

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

**26. DAMAGE OR DESTRUCTION**

If the Premises are totally or partially destroyed from any cause, rendering the Premises totally or partially inaccessible or unusable, Landlord may elect to terminate this lease

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

**27. EMINENT DOMAIN**

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

**28. DEFAULT BY TENANT**

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

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

b. Notices given under this paragraph shall specify the alleged default and the applicable lease provisions, and shall demand that Tenant perform the provisions of this lease or

pay the rent that is in arrears, as the case may be, within the applicable period of time, or quit the Premises. No such notice shall be deemed a forfeiture or a termination of this lease unless Landlord so elects in the notice. The purpose of the notice requirements set forth in this section is to extend the notice requirements of the unlawful detainer statutes of California.

## **29. LANDLORD'S REMEDIES**

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

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

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

b. Termination of Tenant's Right to Possession. Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving notice to Tenant shall terminate this lease. Acts of maintenance, efforts to relet the Premises, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant:

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

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

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

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

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

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

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

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

Tenant shall not voluntarily assign or encumber its interest in this lease or in the Premises, or sublease all or any part of the Premises, or allow any other person or entity (except Tenant's authorized representative) to occupy or use all or any part of the Premises, without first obtaining Landlord's consent. Any assignments, encumbrance, or sublease without Landlord's consent shall be voidable and, at Landlord's election, shall constitute a default. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of

this paragraph.

**31. ENTRY**

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

**32. NOTICES**

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

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

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

To the Tenant: Mailings should always be sent to both of the following addresses:

Dorothy Day House  
PO Box 12701  
Berkeley, CA 94712

Dorothy's Closet  
2425a Channing Way  
Berkeley, CA 94704

Additionally, please email correspondence to  
[r.montoya@dorothydayhouse.org](mailto:r.montoya@dorothydayhouse.org)

**33. WAIVER**

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

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

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

**34. EXCUSABLE DELAYS**

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

**35. OPTION TO RENEW**

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

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

of the Premises. Except, however, that the initial monthly rent and yearly rent increases for the option period shall not be less than that provided during the initial lease term.

**36. HOLDING OVER**

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

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

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

**38. TERMS BINDING ON SUCCESSORS**

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

**39. TIME OF ESSENCE**

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

**40. COVENANTS AND CONDITIONS**

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

**41. GOVERNING LAW**

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

**42. ENTIRE AGREEMENT, AMENDMENTS**

This lease and all exhibits attached and any documents expressly incorporated by



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

**43. CONSENT OF PARTIES**

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

**44. BUSINESS LICENSE**

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

///  
///

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

LANDLORD  
CITY OF BERKELEY

By: \_\_\_\_\_  
City Manager

Registered on behalf  
of the City Auditor by: \_\_\_\_\_  
Finance Department

Attest by: \_\_\_\_\_  
City Clerk

TENANT

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

Printed Name: \_\_\_\_\_  
Robbi Montoya

Executive Director, Dorothy

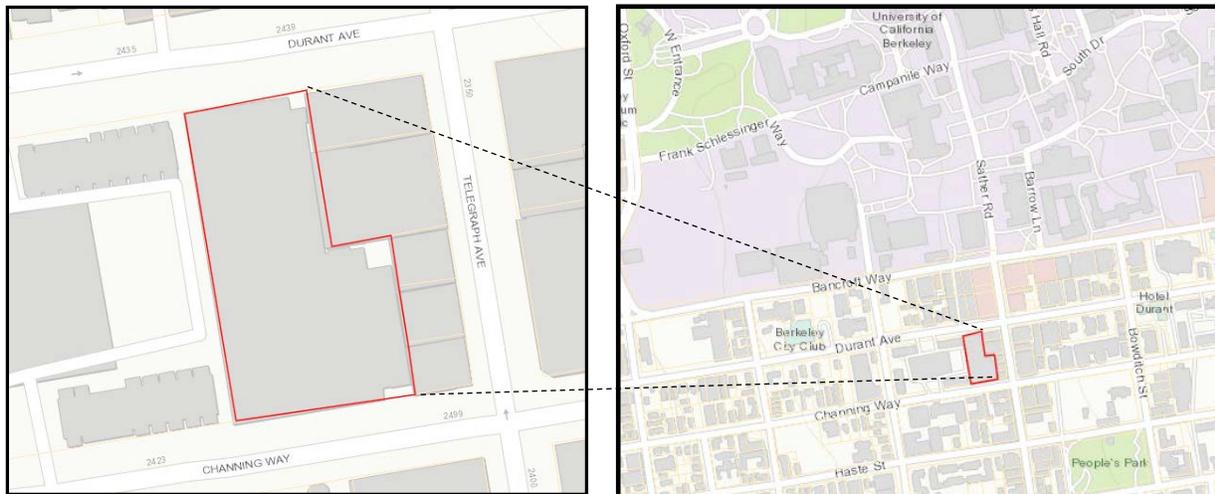
Title: \_\_\_\_\_  
Day House

Berkeley Business

License No.: \_\_\_\_\_  
BLA-2023-000275

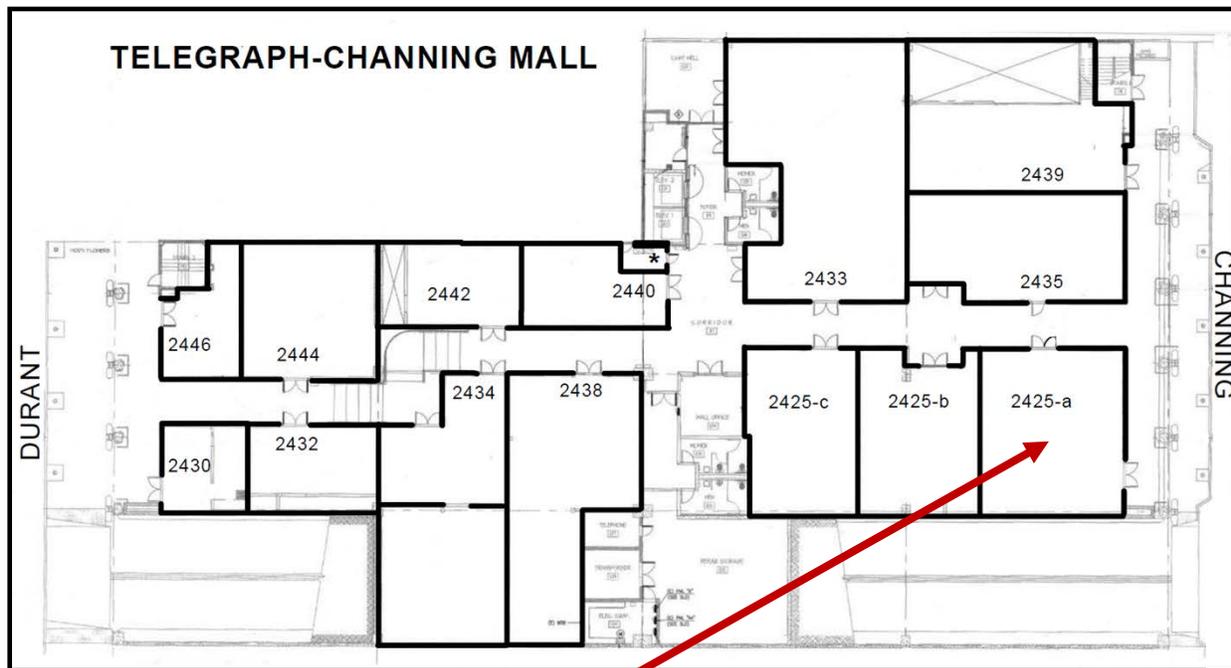
**Exhibit A**

**PREMISES**



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

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



**Dorothy's Closet**  
2425a Channing Way

**Exhibit B**

**AGREEMENT SPECIFYING TERM OF LEASE**

Attached to and made part of the Lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between the CITY OF BERKELEY, a municipal corporation, as Landlord, and DOROTHY DAY HOUSE, A 501C3 ORGANIZATION D.B.A., DOROTHY’S CLOSET, a community clothing program and thrift store as Tenant ("**Tenant**").

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

- a. Lease Retroactive Commencement Date is May 1, 2023.
- b. Lease Commencement Approval Date is \_\_\_\_\_, 2024 (date document is approved by City Council and fully executed by the City Manager)
- c. Rent Commencement Date is November 1, 2024.
- d. Expiration Date of the initial term of the Lease is April 30, 2028 subject to extension as provided in the Lease.

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

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

**ATTEST/WITNESS:**

**LANDLORD:**

CITY OF BERKELEY, a municipal corporation

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

Its: City Manager

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

Its: City Attorney

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

Its: City Auditor

**ATTEST/WITNESS:**

**TENANT:**

DOROTHY DAY HOUSE D.B.A., DOROTHY’S CLOSET  
a 501c3 nonprofit organization

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

Robbi Montoya, Executive Director

**Exhibit C**

**PAYMENTS**

| <b>RENT PAYMENT SCHEDULE: Dorothy Day House 2425A Channing @TCM</b> |             |          |              |              |              |                                          |
|---------------------------------------------------------------------|-------------|----------|--------------|--------------|--------------|------------------------------------------|
|                                                                     | <b>YEAR</b> | <b>1</b> | <b>2</b>     | <b>3</b>     | <b>4</b>     | <b>5</b>                                 |
| <b>MAY</b>                                                          | <b>1</b>    | \$ -     | \$ -         | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>JUNE</b>                                                         | <b>2</b>    | \$ -     | \$ -         | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>JULY</b>                                                         | <b>3</b>    | \$ -     | \$ -         | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>AUGUST</b>                                                       | <b>4</b>    | \$ -     | \$ -         | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>SEPTEMBER</b>                                                    | <b>5</b>    | \$ -     | \$ -         | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>OCTOBER</b>                                                      | <b>6</b>    | \$ -     | \$ -         | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>NOVEMBER</b>                                                     | <b>7</b>    | \$ -     | \$ 3,164.00  | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>DECEMBER</b>                                                     | <b>8</b>    | \$ -     | \$ 3,164.00  | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>JANUARY</b>                                                      | <b>9</b>    | \$ -     | \$ 3,164.00  | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>FEBRUARY</b>                                                     | <b>10</b>   | \$ -     | \$ 3,164.00  | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>MARCH</b>                                                        | <b>11</b>   | \$ -     | \$ 3,164.00  | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>APRIL</b>                                                        | <b>12</b>   | \$ -     | \$ 3,164.00  | \$ 3,258.92  | \$ 3,356.69  | \$ 3,457.39                              |
| <b>ANNUAL TOTAL:</b>                                                |             | \$ -     | \$ 18,984.00 | \$ 39,107.04 | \$ 40,280.25 | \$ 41,488.66                             |
|                                                                     |             |          |              |              |              | <b>INITIAL TERM TOTAL: \$ 139,859.95</b> |

|                                       |                  |
|---------------------------------------|------------------|
| <b>PREMISES AREA (SQFT):</b>          | 1400             |
| <b>MONTHLY RATE PER SQFT:</b>         | \$ 2.26          |
| <b>INITIAL MONTHLY RENT:</b>          | \$ 3,164.00      |
| <b>ANNUAL INCREASE:</b>               | 3.00%            |
| <b>LEASE START DATE:</b>              | May 1, 2023      |
| <b>INITIAL TERM:</b>                  | 60 MONTHS        |
| <b>INITIAL TERM TERMINATION DATE:</b> | April 30, 2028   |
| <b>NOTIFY LANDLORD FOR OPTION BY:</b> | November 1, 2027 |
| <b>OPTION START DATE:</b>             | May 1, 2028      |
| <b>OPTION TERM:</b>                   | 60 MONTHS        |
| <b>OPTION TERMINATION DATE:</b>       | April 30, 2033   |

**Exhibit D**

**RULES, RESTRICTIONS AND PROHIBITED USES**

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

**RULES AND REGULATIONS FOR TELEGRAPH-CHANNING MALL**

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

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

operation posted must match those shown in their Lease and/or approved by the Landlord. Tenant shall notify the Landlord in writing stating the reason (vacation, holiday or other observances, etc.) and the start and end date of any and all closures or deviations from the posted hours of operation exceeding two (2) calendar days.

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







Office of the City Manager

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Chair Behm-Steinberg, Human Welfare and Community Action Commission  
 Subject: Filling Vacancies Among the Elected Representatives of the Poor

RECOMMENDATION

Adopt a Resolution confirming the appointments of Catherine Huchting (District 3); and, Maria Sol (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 8, 2024 meeting, and that their terms expire November 28, 2024.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Failure to maintain full membership on the HWCAC, which also acts as the Board of the Berkeley Community Action Agency (CAA), could result in a loss of Community Services Block Grant (CSBG) funding. Vacancies on the Berkeley CAA Board were noted as a “finding” during the most recent desk review of this program conducted by the State Department of Community Services and Development.

BACKGROUND

The HWCAC is structured to include fifteen members, nine of whom are appointed by Berkeley City Council members and six of whom are elected representatives of the poor. Berkeley Municipal Code Section 3.78.080 stipulates that elections of representatives of the poor are held biennially in the month of November in even numbered years. The next election will take place in November 2024. Subsection C of the code states, “...the remaining representatives of the poor...shall select a person to fill the vacancy until the next election...” and that the, “...name of the selected representatives shall be submitted to the City Council for confirmation.” BMC 3.78.030 (b) also states in part, that the remaining elected commission members shall recommend to the Council that the newly elected person fill out the term of the appointment. Maintaining full membership of the HWCAC has been an ongoing challenge, and the commission currently has two members.

At the time of the January 8, 2024 meeting where representatives of the poor were on the agenda, there were no elected representatives of the poor on the Commission. Therefore, the two existing commissioners voted:

- M/S/C: Behm-Steinberg, Lippman. Ayes – Behm-Steinberg, Lippman; Noes – None; Abstain – None; Absent: None) to select Catherine Huchting to fill one of the current vacancies.
- M/S/C: Behm-Steinberg, Lippman. Ayes – Behm-Steinberg, Lippman; Noes – None; Abstain – None; Absent: None) to select Maria Sol to fill one of the current vacancies.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no known environmental impacts associated with the recommendation of this report.

RATIONALE FOR RECOMMENDATION

Failure to maintain full membership on the HWCAC is in violation of the City’s CSBG revenue contract and may jeopardize future funding.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mary-Claire Katz, Commission Secretary, HHCS, (510) 981-5414

Attachments:

1: Resolution

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

FILLING VACANCIES AMONG THE ELECTED REPRESENTATIVES  
OF THE POOR ON THE HWCAC

WHEREAS, Berkeley Municipal Code Section 3.78.080 stipulates that election of representatives of the poor are held biennially in the month of November in even numbered years, and the next election will take place in November 2024; and

WHEREAS, Subsection C states "...the remaining representatives of the poor...shall select a person to fill the vacancy until the next election..." and that the "...name of the selected representatives shall be submitted to the City Council for confirmation"; and

WHEREAS, at the January 8, 2024 HWCAC special meeting, the Commission elected Catherine Huchting (District 3) to fill one vacancy with her term ending November 28, 2024; and

WHEREAS, at the January 8, 2024 HWCAC special meeting, the Commission elected Maria Sol (District 1) to fill one vacancy with her term ending November 28, 2024.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Catherine Huchting (District 3) and Maria Sol (District 1) are confirmed as elected representatives of the poor serving on the Human Welfare and Community Action Commission until November 28, 2024.





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR  
March 12, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Humbert (Co-Sponsor),

SUBJECT: Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park

**RECOMMENDATION**

Refer \$160,000 to the June FY 2024-25 budget process to renovate an existing bathroom at the James Kenney Community Center to make it ADA compliant and permanently accessible to members of the general public who visit the park.

**CURRENT SITUATION AND ITS EFFECTS**

***The Portable Toilet Available to Park Users Is Poorly Maintained and Recently Burned Down.*** The portable toilet attracted hazardous waste, including used syringes, soiled materials and human waste in and around the facility. Additionally, despite the city's contract with the portable toilet company for daily cleaning,<sup>1</sup> the company has a record of missing service days and poor maintenance. According to the Director of the Parks and Recreation Department Scott Ferris, there have been at least five fires associated with the portable toilet at this location in the last 12 years; the last incident occurred on January 30, 2024 when it was burned to the ground.

***James Kenney Park is a High-Use Park Without a Permanent ADA-Accessible Bathroom.*** Newly renovated in 2020, James Kenney Park is the sole recreational area in northwest Berkeley offering picnic areas; both 2-5 and 5-12 year old play areas; sports fields; tennis, pickleball and basketball courts, and a community center.

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<sup>1</sup> The City contracts with United Site Services to maintain its many portable toilets in the parks. The City entered this contract in Spring 2014.

The community center has available bathrooms inside the building, accessible when the building is open from 12 to 8 p.m. Mondays through Fridays. Another bathroom exists with an exterior entrance behind a locked gate that is not publicly available. Despite the park's popularity, it has no publicly available restroom that remains open during the park's open hours, 6 a.m. to 10 p.m. daily. A new permanent restroom facility has recently been installed at Strawberry Creek Park and soon other parks such as Cesar Chavez Park, Harrison Skate Park, Ohlone Park and Tom Bates Sports Field will see new or renovated restrooms thanks to our Measure T1 infrastructure bond. Unfortunately, there were insufficient funds to allow for the installation of a permanent publicly available restroom at James Kenney Park via Measure T1.

For families with children visiting the park during Recreation Center off-hours, the only available sanitation facility is a portable toilet. The current portable toilet is located at the southeast corner of the park alongside the sports field. The City's Customer Service Team, the Parks Department and the District 1 Council office have all received numerous complaints about its poor condition.

***Making Necessary Upgrades to the Existing Permanent Restroom at the James Kenney Recreation Center is Cost Effective.*** Installation of a new permanent ADA compliant bathroom costs roughly \$450,000.<sup>2</sup> If, however, the exterior fence to the community center courtyard were modified to allow complete access to the already existing restroom with an exterior entrance, the cost of providing a permanent, publicly accessible restroom at James Kenney Park would decrease dramatically. Immediately north of the playgrounds and the pollinator garden lies the James Kenney Community Center which also sits adjacent to the Bay Area Hispano Institute for Advancement, Inc. (BAHIA) School Age Program. Together, the buildings surround an open courtyard (see aerial view below). There is a single permanent bathroom accessible from that courtyard though it is situated behind a locked gate. This facility would need repairs to make it fully ADA compliant: the walkway between the curb on Eighth Street down to the gate would need to be made ADA compliant, the current wheelchair ramp needs to be updated, grab bars would need to be installed, and the sink would need reconfiguration to facilitate ease of access for all users. The estimated cost for these modifications and improvements (\$160,000) is dramatically less than purchasing and installing a brand new restroom facility and would increase the likelihood that park users would have a decent restroom much sooner. Neighbors have been requesting such a facility and improvements to the park for several years.

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<sup>2</sup> This is the price quoted for the permanent restroom recently installed at Strawberry Creek Park.

Aerial view of James Kenney Community Center and BAHIA. Exterior access to permanent bathroom inside the yellow box.



### FISCAL IMPACT

The Parks Department has provided a cost estimate of \$160,000 that covers: making the concrete pathway from the curb to the gate ADA compliant, modifying the perimeter gate, and updating the current restroom to make it fully ADA compliant.

### ENVIRONMENTAL IMPACTS

Eventual elimination of a portable toilet that attracts waste, illegal dumping, used syringes and debris would help maintain this open space environment for all users.

### CONTACT

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • Fax: (510) 981-7111  
E-Mail: rkesarwani@cityofberkeley.info





CONSENT CALENDAR

March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Hahn (co-sponsor)

Subject: Vision 2050 Community Engagement Expansion

RECOMMENDATION

Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot referenda for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028; and refer to the City Attorney for analysis of using the Community Engagement and Program Plan funds for community survey purposes.

CURRENT SITUATION AND ITS EFFECTS

In response to escalating effects of climate change and unfunded liabilities, the City of Berkeley must identify sustainable revenue sources to invest in infrastructure rehabilitation and maintenance. Adopted in 2022, the City of Berkeley's FY 2023-2027 Capital Improvement Program Budget estimated a total of \$1.65 billion in unfunded capital needs.<sup>1</sup>

In 2023, the Berkeley City Council adopted a Fiscal Year 2024 Update to the City's Biennial Budget, which included \$100,000 for the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan.<sup>2</sup> According to a January 16, 2024 article in *Berkeleyside*, community members are already pursuing signature gathering efforts for two parcel tax initiatives to fund street paving.<sup>3</sup> In the event that either effort succeeds, broadening the scope of possible revenue sources considered in the Community Engagement and Program Plan can help address other major capital needs to advance Vision 2050 priorities.

In November 2022, Berkeley voters approved Measure L by only 59.4%, short of the two-thirds supermajority required to approve the \$650 million bond measure. Measure L would have funded the following categories of capital projects:

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<sup>1</sup> City of Berkeley FY23-27 Capital Improvement Program:

[https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program_0.pdf)

<sup>2</sup> City of Berkeley FY 2024 Mid-Biennial Adopted Budget Update:

<https://berkeleyca.gov/sites/default/files/documents/FY-2024-Mid-Biennial-Adopted-Budget-Book.pdf>

<sup>3</sup> Savidge, N. (Jan. 16, 2024). Dueling taxes to fund street paving could be on Berkeley ballot in November. *Berkeleyside*. Retrieved Feb. 15, 2024 from

<https://www.berkeleyside.org/2024/01/16/berkeley-2024-election-street-paving-parcel-tax>

- \$300 million for street safety improvements, including pedestrian crossings, bicycle facilities, and street paving;
- \$200 million for affordable housing;
- \$150 million for public parks, facilities, pools, utility undergrounding along fire evacuation routes, and climate resiliency.

Without the funding for parks and facilities from Measure L, there remains insufficient revenue to fund deferred maintenance and planned capital projects. Due in part to cost overruns from approved Measure T1 (2016) projects, many critical capital projects remain un- or under-funded. Projects include renovation of the Frances Albrier Community Center, which is in dire need of seismic safety upgrades and *has already undergone initial planning and stakeholder outreach*.<sup>4</sup>

As rising construction costs have already forced costly delays in planned projects, further deferring these projects would thus incur significant opportunity costs for taxpayers.

The Measure P Real Property Transfer Tax Program Fund may face similar funding shortfalls in funding capital projects due to declining revenues and operating costs for services (see Attachments 3 and 4). Nevertheless, Measure P contributions have been leveraged to fund vital projects for rehousing Berkeley’s homeless population, including Project Homekey hotel conversions. In Alameda County’s 2022 Point in Time Count, Berkeley saw slight reductions in its sheltered and unsheltered homeless populations while the County’s populations grew.<sup>5</sup> It is doubtful that this marginal progress would have been possible without the support of Measure P funds.



<sup>4</sup> Frances Albrier Community Center Replacement Project: [https://berkeleyca.gov/sites/default/files/documents/CapitalProject\\_FACC-Executive%20Summary%20with%20Attachments.pdf](https://berkeleyca.gov/sites/default/files/documents/CapitalProject_FACC-Executive%20Summary%20with%20Attachments.pdf)

<sup>5</sup> Berkeley 2022 Point in Time Count: <https://everyonehome.org/wp-content/uploads/2022/05/Berkeley-PIT-2022-Infographic-Report.pdf>

2022 Point in Time Count

Vision 2050 Community Engagement is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

To establish a long-range plan for sustainable infrastructure, 84.6% of Berkeley voters supported Vision 2050 with the passage of Measure R in the November 2018 election. The Measure asked: *Shall the measure, advising the Mayor to engage citizens and experts in the development of Vision 2050, a 30-year plan to identify and guide implementation of climate-smart, technologically-advanced, integrated and efficient infrastructure to support a safe, vibrant and resilient future for Berkeley, be adopted?*

The Vision 2050 Framework (see Attachment 1) lays out 5 strategies for a sustainable, “cradle-to-grave” planning process to rehabilitate and maintain Berkeley’s infrastructure. Additionally, three core principles have guided planning for the Draft Vision 2050 Program Plan:

1. **Support vibrant and safe communities.** *Infrastructure shall take equity into account and improve quality of life of all Berkeley residents, including having green open spaces, safe modes of mobility, and being prepared for fires and earthquakes.*
2. **Have efficient, inspired and well maintained infrastructure.** *Infrastructure shall be long lasting, use advanced technologies, and be maintained to provide efficient service.*
3. **Facilitate a green Berkeley and contribute to saving our planet.** *Infrastructure shall accelerate the transition to carbon neutrality and include electrification, develop natural streetscapes using green infrastructure, and prioritize human-powered and public transportation.*

Four major outcomes have been identified as goals in the Draft Program Plan for Vision 2050:

1. *Streets are safer, more sustainable, improved to a good condition, and maintained.*
2. *Infrastructure is resilient, protects the environment, and is adapted to climate change impacts.*
3. *Open space, parks, and recreation improve our quality of life.*
4. *Public facilities are safe and provide community placemaking.*

In November 2018, 72% of Berkeley voters also approved Measure P, “increasing the real property transfer tax for ten years from 1.5% to 2.5% for property sales and transfers over \$1,500,000, adjusted annually to capture the top approximately 33% of transfers” to fund homeless services and “rehousing.” Measure P has supplemented homeless services, rental assistance, street outreach, safe RV parking, sanitation, transitional shelter and permanent supportive housing. In the FY 2024 Mid-Biennial

Budget Update that the City Council adopted in 2023, Measure P projected revenues “have been adjusted downward from \$14.1 million to \$10.2 million... which reflects a decrease of \$3.9 million from the original estimate of \$14.1 million. However, FY 24 revised expenditures are budgeted at \$21.1 million and include costs like the Russell Street residence acquisition (\$4.5 million) and post COVID-19 rental assistance (\$1.0 million).”

#### RATIONALE FOR RECOMMENDATION

Members of the community have stated to Council that the broad scope of Measure L (2022) limited consensus-building efforts among voters with varying priorities. In various public fora and written communications, Berkeley residents expressed apprehension toward the multitude of seemingly disparate capital projects under the Measure’s scope, adding confusion to the “sticker shock” of the bond measure’s dollar amount amid high consumer price inflation. Consequently, while the community is already robustly engaged in at least two signature-gathering initiatives for parcel tax measures to fund street repair in the 2024 General Election, significant funding gaps remain for projects in parks, facilities, and affordable housing.

Using funds allocated for community engagement on this topic to explore additional discrete revenue sources would be a worthwhile investment in building community consensus.

The Parks Tax was last increased in 2014 when 75% of Berkeley voters approved Measure F. Berkeley’s Parks Tax Fund has supported Parks operations and supplemented General Fund and Marina Fund contributions, T1 funding, and external grant funding for critical capital needs across Berkeley, including significant health and safety needs at the Waterfront and Aquatic Park (see Attachment 2), but costs and unfunded needs have continued to outpace revenues (see Attachment 4). Similarly, in spite of revenue cyclicity, Measure P has been instrumental in leveraging external funding, including state funds from Project Homekey, to rehouse Berkeley’s homeless population.

The Measure P Real Property Transfer Tax increase is set to expire at the end of the 2028 calendar year. As of Fiscal Year 2024, the Measure P Program Fund is facing a structural deficit as costs outpace declining revenues. In order to maintain broad community consensus on this revenue source for possible renewal after the ten-year period for the special tax elapses, articulating a common vision for expenditures from special tax funds will likely remain essential for avoiding structural conflicts between operating budgets, including personnel costs, and capital budgets for key projects.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No impacts associated with expanding scope of Vision 2050 public outreach in the FY 2024 Budget.

**FISCAL IMPACTS OF RECOMMENDATION**

\$100,000 is allocated in the FY 2024 Budget. In consultation with the City Manager, no additional costs have been identified.

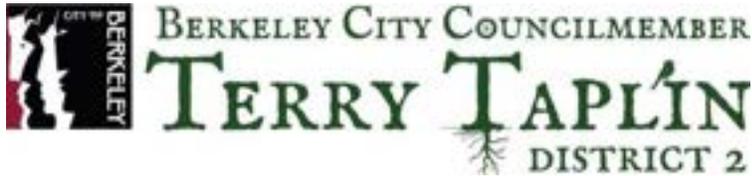
**CONTACT PERSON**

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

**Attachments:**

- 1: Budget Referral: Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan (March 14, 2023)
- 2: Update on Parks, Recreation and Waterfront Department Maintenance and Capital Projects (October 18, 2022)
- 3: Measure P Program Forecast (Budget & Finance Policy Committee, May 2023)
- 4: Projected Fund Balances (Budget & Finance Policy Committee, June 2023)





CONSENT CALENDAR  
March 14, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Kate Harrison (Co-Sponsor),  
Councilmember Rigel Robinson (Co-Sponsor)

Subject: Budget Referral: Vision 2050 Complete Streets Parcel Tax Community  
Engagement and Program Plan

### RECOMMENDATION

Refer \$400,000 to the June 2023 mid-year budget update to conduct community engagement, public information campaign, and program plan development for potential 2024 complete streets and climate-resilient infrastructure revenue measures.

### FINANCIAL IMPLICATIONS

\$400,000 in General Fund impacts with an estimated \$100,000 in cost to conduct community outreach, and an additional \$300,000 to develop a final 2050 Program Plan.

### CURRENT SITUATION AND ITS EFFECTS

Investing Berkeley's deferred maintenance needs with Complete Streets funding and long-range asset management planning is a Strategic Plan Priority Project, advancing our goals to: provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; create a resilient, safe, connected, and prepared city; champion and demonstrate social and racial equity; and be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

In 2017, the City of Berkeley had the 15th worst pavement condition index (PCI) out of 101 jurisdictions in the Bay Area region. While baseline funding has marginally improved since then, deferred maintenance for infrastructure continues to outpace available resources, and costs continue to grow. In November 2020, the Berkeley City Auditor reported: "Berkeley streets have an asset replacement value of approximately \$777.6 million, and deferred maintenance needs of streets exceeded \$251 million in 2019... In addition to the continued deterioration of pavement condition, the current level of funding would also increase deferred maintenance costs to an estimated \$328 million by 2023. In 2018, a City contractor estimated the City would need \$17.3 million annually to maintain the current PCI or \$27.3 million annually to increase PCI by five points in five years."<sup>1</sup>

<sup>1</sup> Wong, J., et al (2020). Rocky Road: Berkeley Streets at Risk and Significantly Underfunded. *Berkeley City Auditor*. Retrieved from <https://berkeleyca.gov/sites/default/files/2022-01/Rocky-Road-Berkeley-Streets-at-Risk-and-Significantly-Underfunded.pdf>

In July 2022, the City Council voted to increase the annual street paving budget from \$7.3 million to \$15.3 million. Under 2020 estimates, the funding gap for improving PCI by 5 points citywide in 5 years is still \$12 million annually. However, street paving costs can increase five-to-tenfold when conditions necessitate “full rehabilitation” beyond regular maintenance. Thus, paving costs will continue to increase sharply the longer they are deferred.

In November 2022, Berkeley voters approved Measure L by only 59.4%, short of the two-thirds supermajority required to approve the \$650 million bond measure. Measure L would have funded the following categories of capital projects:

- \$300 million for street safety improvements, including pedestrian crossings, bicycle facilities, and street paving;
- \$200 million for affordable housing;
- \$150 million for public parks, facilities, pools, utility undergrounding along fire evacuation routes, and climate resiliency.

In a January 2022 Work Session, the City Manager presented several revenue measure options to fund deferred infrastructure needs, including: “A parcel tax of \$12M annually (or \$250M if bonded against) to address street repair and traffic safety.” In an online survey of 1,024 Berkeley residents concluding on January 12, 2022, a plurality of 28.5% of respondents ranked “Street Repair” as their top priority.

As deferred maintenance costs continue to increase, it is more urgent than ever to foster broad-based community trust in designing future revenue measures for infrastructure. Developing and finalizing a Program Plan will be essential for identifying and prioritizing projects while maintaining the flexibility to respond to changing conditions.

## BACKGROUND

The City of Berkeley began developing the Vision 2050 Framework in 2018 to ensure that a 30-year long-term investment plan for sustainability and resilience in City infrastructure would reflect the community’s collective vision across the lifespan of our public assets. Berkeley voters supported Vision 2050 with the passage of Measure R in the November 2018 election, which asked: *Shall the measure, advising the Mayor to engage citizens and experts in the development of Vision 2050, a 30-year plan to identify and guide implementation of climate-smart, technologically-advanced, integrated and efficient infrastructure to support a safe, vibrant and resilient future for Berkeley, be adopted?*

The Vision 2050 Framework lays out 5 strategies for a sustainable, “cradle-to-grave” planning process to maintain Berkeley’s infrastructure. Additionally, three core principles have guided planning for the Draft Vision 2050 Program Plan:



1. **Support vibrant and safe communities.** Infrastructure shall take equity into account and improve quality of life of all Berkeley residents, including having green open spaces, safe modes of mobility, and being prepared for fires and earthquakes.
2. **Have efficient, inspired and well maintained infrastructure.** Infrastructure shall be long lasting, use advanced technologies, and be maintained to provide efficient service.
3. **Facilitate a green Berkeley and contribute to saving our planet.** Infrastructure shall accelerate the transition to carbon neutrality and include electrification, develop natural streetscapes using green infrastructure, and prioritize human-powered and public transportation.

In 2022, Berkeley's total estimated infrastructure funding needs—including capital costs and ongoing maintenance costs for streets—totaled \$1.8 billion.

Four major outcomes have been identified as goals in the Draft Program Plan for Vision 2050:

1. Streets are safer, more sustainable, improved to a good condition, and maintained.
2. Infrastructure is resilient, protects the environment, and is adapted to climate change impacts.
3. Open space, parks, and recreation improve our quality of life.
4. Public facilities are safe and provide community placemaking.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

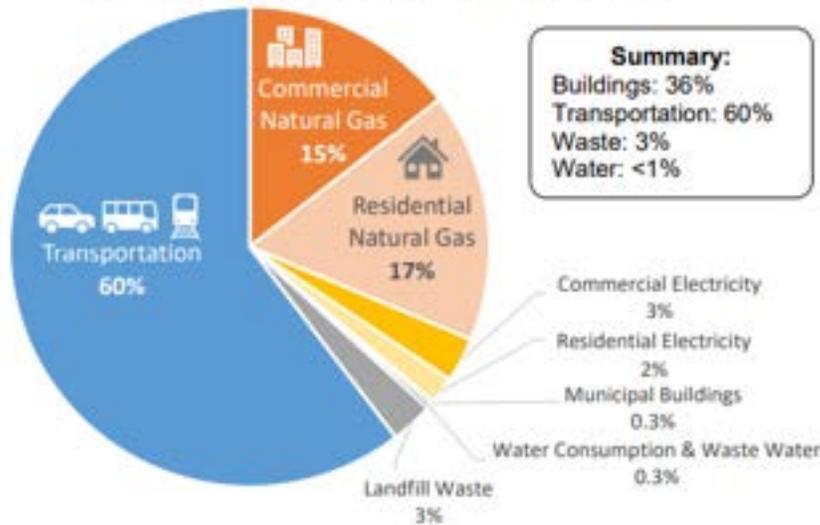
Aligning paving schedules with Complete Streets safety upgrades and design standards identified in the Berkeley Bicycle Plan, Pedestrian Plan, and Vision Zero Action Plan, would reduce planning and construction costs while maintaining consistency with Berkeley's transportation and climate policy goals. At the statewide level, the California Air Resources Board reported in 2018 that even the most optimistic assumptions about Electric Vehicle adoption would still require a 25% reduction in Vehicle Miles Traveled per capita to meet California's emission reduction goals.

Locally, Berkeley's 2019 greenhouse gas inventories identify 60% of the City's carbon footprint coming from the transportation sector. (The decrease in 2020 has been largely attributed to the COVID-19 pandemic.)<sup>2</sup> Meeting our ambitious decarbonization goals will require significant investments in well-paved streets that are safe for all transportation modes, especially increasing safety for pedestrians and cyclists of all body types and abilities.

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<sup>2</sup> <https://berkeleyca.gov/sites/default/files/documents/2021-11-30%20Item%2032%20Berkeley%E2%80%99s%202019%20Community-Wide%20Greenhouse%20Gas%20Emissions%20Inventory.pdf>

### 2019 Greenhouse Gas Inventory



While Berkeley has a strong tradition promoting bicycles and other mobility devices, surveys have consistently shown that transport mode choices are strongly affected at the margins by perceptions and experiences of safety.<sup>3</sup>

### THE SAFER PEOPLE FEEL, THE MORE THEY CYCLE



Source: Ipsos | Cycling Across the World | May 2022 | Global Version | Public  
 The "Global Country Average" reflects the average result for all the countries and regions where the survey was conducted. It has not been adjusted for the population size of each country or region and is not intended to suggest a total result. The countries in Brazil, China, China (mainland), Colombia, India, Malaysia, Mexico, Peru, Saudi Arabia, South Africa and Turkey are more urban, more educated, and/or more affluent than the general population.

© Ipsos | Cycling Across the World | May 2022 | Global Version | Public



[Cycling%20Across%20the%20World-2022%20Report.pdf](#)

Smoother pavement, wider sidewalks, and physical separation from motor vehicles both significantly reduce the risk of dangerous collisions. The Berkeley City Council has consistently supported incorporating Complete Streets safety designs into road maintenance projects to increase safety and reduce automobile dependence, while also reducing traffic congestion for motorists and reducing stress on street pavement.

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Attachments:

- 1: Draft Vision 2050 Program Plan
- 2: January 20, 2022 Work Session: Vision 2050 Update



# VISION 2050 PROGRAM PLAN

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# 01

## THE INFRASTRUCTURE PROGRAM PLAN: OVERVIEW

This section provides an overview of the Vision 2050 Initiative and describes the Program Plan.



## 1.1 The Vision 2050 Initiative

The Vision 2050 initiative was introduced by Mayor Arreguin at his 2017 State of the City address. He described a complex network of pipes, streets, utility wires, bikeways, and transportation systems that are old and have suffered from historic disinvestment, neglect, and poor maintenance. As our infrastructure ages, we need a plan to make sure our systems are resilient to handle a growing population and climate change, including sea-level rise, more flooding, and wildfires. As technological innovations emerge and the condition of our infrastructure declines, we have an enormous and exciting opportunity to reimagine our streets and public spaces. This initiative is about building a future for Berkeley that provides essential services for future generations.

In November 2018, Berkeley voters approved Measure R. The Measure asked: "Shall the measure, advising the Mayor to engage citizens and experts in the development of Vision 2050, a 30-year plan to identify and guide implementation of climate-smart, technologically-advanced, integrated and efficient infrastructure to support a safe, vibrant and resilient future for Berkeley, be adopted?" The response was a resounding yes.

A 40-member residents' task force was formed and the team analyzed quality of life, environmental and technology trends, and funding issues. To help keep focus on the future, the team imagined being on a street corner in Berkeley in the year 2050. What will Berkeley be like then? Figure 1 shows a street corner view from 2050.

The task force worked diligently for 18 months and developed the principles, strategies and

recommended actions shown on Figure 2.

Community engagement was at the center of Vision 2050. Outreach began early in 2018 with four information nights across Berkeley. Outreach continued in an effort to reach people where they already congregate, including neighborhood and faith-based groups and community organizations. From September 2018 to July 2019, the Mayor's Office presented at thirteen community organization meetings in conversations that ranged from a handful to one hundred people. Community feedback was used to develop the principles, strategies, and recommended actions.



▲ **Figure 1:** Street Corner View from Vision 2050 report



## VISION 2050

The Vision 2050 Framework focused on better coordination, integrated project delivery, utilizing new financing mechanisms, and broad principles and strategies for our infrastructure needs. The Framework was approved by Berkeley's City Council in September 2020. The City Manager then turned to implement the recommendations and assigned the Public Works Department to lead the effort. A timeline for the Vision 2050 initiative is shown below.

- 2017**  
Mayor Arreguin announces Vision 2050 Initiative
- November 2018**  
Measure R approved by voters
- 2018-2019**  
Residents task force conducted analysis
- September 2020**  
City Council approves Vision 2050 Framework
- Current**  
Implementation led by City Manager

▲ **Figure 3:** Timeline for Vision 2050 Initiative



## PRINCIPLES, STRATEGIES AND RECOMMENDED ACTIONS

### 1 STRATEGY ONE Use Integrated and Balanced Planning

- > Use multi-criteria decision-making
- > Use adaptive planning
- > Prepare and implement a Dig Once policy

### 2 STRATEGY TWO Manage Infrastructure from Cradle to Grave

- > Institute structured master planning
- > Develop an Asset Management Program

### 3 STRATEGY THREE Adopt Sustainable and Safe Technologies

- > Accelerate the transition to clean energy and electrification
- > Implement Complete Streets to provide sustainable and healthy transportation
- > Develop natural streetscapes that provide ecosystem services
- > Use sensors, data, and advanced technologies
- > Prepare a wildfire mitigation and safety plan

### 4 STRATEGY FOUR Invest in Our Future

- > Take advantage of a strong financial position to address infrastructure needs and commit to reducing large unfunded infrastructure liability by doubling capital expenditures

### 5 STRATEGY FIVE Prepare the City's Organization to Implement a Major Capital Program

- > Develop an organization that is integrated and has capacity to deliver
- > Prepare a program approach with management tools
- > Provide independent oversight and reporting

▲ **Figure 2:** Vision 2050 Principles, Strategies, and Recommended Actions  
Page 129

## 1.2 What is an Infrastructure Program Plan?

This Infrastructure Program Plan (Plan) is the City of Berkeley's roadmap to rebuild our public infrastructure over the next 30 years. This Plan supports the Vision 2050 principles and provides information on outcome objectives, program elements, community input, the funding plan, program implementation, and program oversight and reporting. The Plan serves as a roadmap to guide the many infrastructure decisions that will be required throughout the next three decades. The Plan is flexible and adaptable, so the City can anticipate and address new challenges that we will face in the future. Why prepare a Plan now?

Improving the City's infrastructure requires new funding and a revenue measure or measures, which voters may consider on the November 2022 ballot. This Plan is prepared to provide the public with an understanding of the "big picture" for Vision 2050 in advance of voting for new funding. This approach is an advancement from prior measures. The Plan describes the work at the asset category level—streets, stormwater, parks, waterfront, etc. It is not a project-by-project prioritization. That will happen if voters approve funding, after which a project and program team will be formed and an oversight committee designated.

## 1.3 Core Values and Principles Guide our Planning

Berkeley's streets, storm drains, sewers, and water lines date back to the early decades of the 20th century. Critical systems are simply wearing out. Recent budgets have been insufficient to address these infrastructure needs, let alone modernize our systems or improve their resilience. As defined in the City's resilience strategy, resilience is the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and grow no matter what kinds of chronic stresses and acute shocks they experience.

The growing backlog of aging infrastructure leaves the community vulnerable to unplanned failure and service interruptions. For residents, workers, and businesses, this can translate to unsafe conditions, increased cost, and impediments to quality of life. Examples of infrastructure needs are shown in Figure 4.

As we begin to grapple with Berkeley's unfunded infrastructure needs, new challenges are emerging. The local impacts of the global climate crisis pose a major threat to our aging infrastructure. Extreme storm events, wildfires, heat waves, drought, groundwater, and sea level rise will challenge streets, pipes, and open spaces that were designed for a more benign environment. These vulnerabilities are layered upon other acute risks such as a major earthquake, and chronic challenges such as inequity. If our city is to survive and thrive, we must increase our resilience to these challenges.

### PRINCIPLE ONE

SUPPORT VIBRANT AND SAFE COMMUNITIES

Infrastructure shall take equity into account and improve the quality of life of all Berkeley residents, including having green open spaces, safe modes of mobility, and being prepared for fires and earthquakes.

### PRINCIPLE TWO

HAVE EFFICIENT, INSPIRED AND WELL MAINTAINED INFRASTRUCTURE

Infrastructure shall be long lasting, use advanced technologies, and be maintained to provide efficient service.

### PRINCIPLE THREE

FACILITATE A GREEN BERKELEY AND CONTRIBUTE TO SAVING OUR PLANET

Infrastructure shall accelerate the transition to carbon neutrality and include electrification, develop natural streetscapes using green infrastructure, and prioritize human-powered and public transportation.

▲ **Figure 2:** Vision 2050 Principles

As we rebuild our infrastructure and, at the same time, reimagine a landscape for a changing future, our infrastructure decisions must remain flexible, yet grounded in a set of clear values. For this reason, the Vision 2050 Framework identified four core values as shown in Figure 5. These values will guide implementation of Vision 2050.



**Street Pavement Damage**



**Sidewalk Repair**



**Deteriorated Marina Dock**

▲ **Figure 4:** Example Infrastructure Needs

## CORE VALUES FOR INFRASTRUCTURE DEVELOPMENT



### EQUITY

The benefits of improved infrastructure must be distributed equitably throughout the entire community. Equity should mean that disadvantaged citizens with more pressing needs experience benefits sooner than others and receive benefits particularly tailored to their unique needs.



### STRONG LOCAL ECONOMY

A strong local economy provides resources to Berkeley citizens and creates an opportunity to build local skills and employment opportunities that support the city's diverse community.



### PUBLIC HEALTH AND SAFETY

This core value considers safe and convenient access to greenspaces, public services, clean air, and social support networks, all of which can have a big impact on people's emotional and physical health.



### RESILIENCY AND SUSTAINABILITY

Resilience requires systems and structures that are able to recover quickly from temporary and, sometimes, catastrophic events. Sustainability refers to the ability to minimize our impacts on the environment while still providing core services.

▲ **Figure 5:** Vision 2050 Core Values



# 02

## INFRASTRUCTURE NEEDS AND COMMUNITY PRIORITIES

This section provides an update on the City's infrastructure funding needs and the community's infrastructure priorities.



## 2.1 Infrastructure Needs

The City has an extensive portfolio of capital assets and infrastructure, including 216 miles of streets, more than 300 miles of sidewalks, 255 miles of sewers, 78 miles of underground storm drains, 95 public buildings, 52 parks, 2 pools, and 3 camps. In addition, the City operates and maintains the Berkeley Waterfront and its related facilities, including the pier, docks, pilings, channel, streets, pathways, parking lots, buildings, trails, Adventure Playground, and 1,000 berth marina.

A City budget is prepared every two years and it includes a Capital Improvement Program (CIP). The City's ability to fund its CIP is limited by the total available resources that are competing with other community priorities. CIP funding resources include the General Fund, a number of special revenue funds, grants, and loans. The CIP attempts to identify all known CIP projects, categorizing them as baseline (annual, recurring program), one-time (special allocations, grants, loans), and unfunded (funding source has yet to be identified).

The FY2022 CIP identified an infrastructure capital funding need of more than \$1 billion in Berkeley. However, these infrastructure needs are constantly changing due to increased construction costs and new planning studies that result in updated cost estimates. Past estimates also focused primarily on "fix it first" type repairs rather than the transformational infrastructure sought by the Vision 2050 Framework.

For this reason, Table 1 provides an updated list of infrastructure needs. This list includes updates from prior estimates and advances Vision 2050 in several significant ways. It adds asset categories

that are more than simply fixing or repairing an asset and are about the ultimate use and safety of the asset. For example, instead of solely identifying the deferred maintenance in our pavement, the list includes the cost of fully implementing our adopted Bicycle and Pedestrian Plans, which would keep our streets safe for all users, especially bicyclists and pedestrians. Instead of focusing solely on traditional infrastructure, it includes trees as an important infrastructure category and begins to address the climate crises by building in the cost of undergrounding the City's evacuation routes.

Some of these categories have existing, dedicated funding for which an increase is necessary to cover these needs. Others categories may require multiple revenue sources, such as the General Fund, grants, State and Federal funding, developer contributions, user rates, and new revenue sources. An estimate of potential revenue from these funding sources is provided in Section 4.

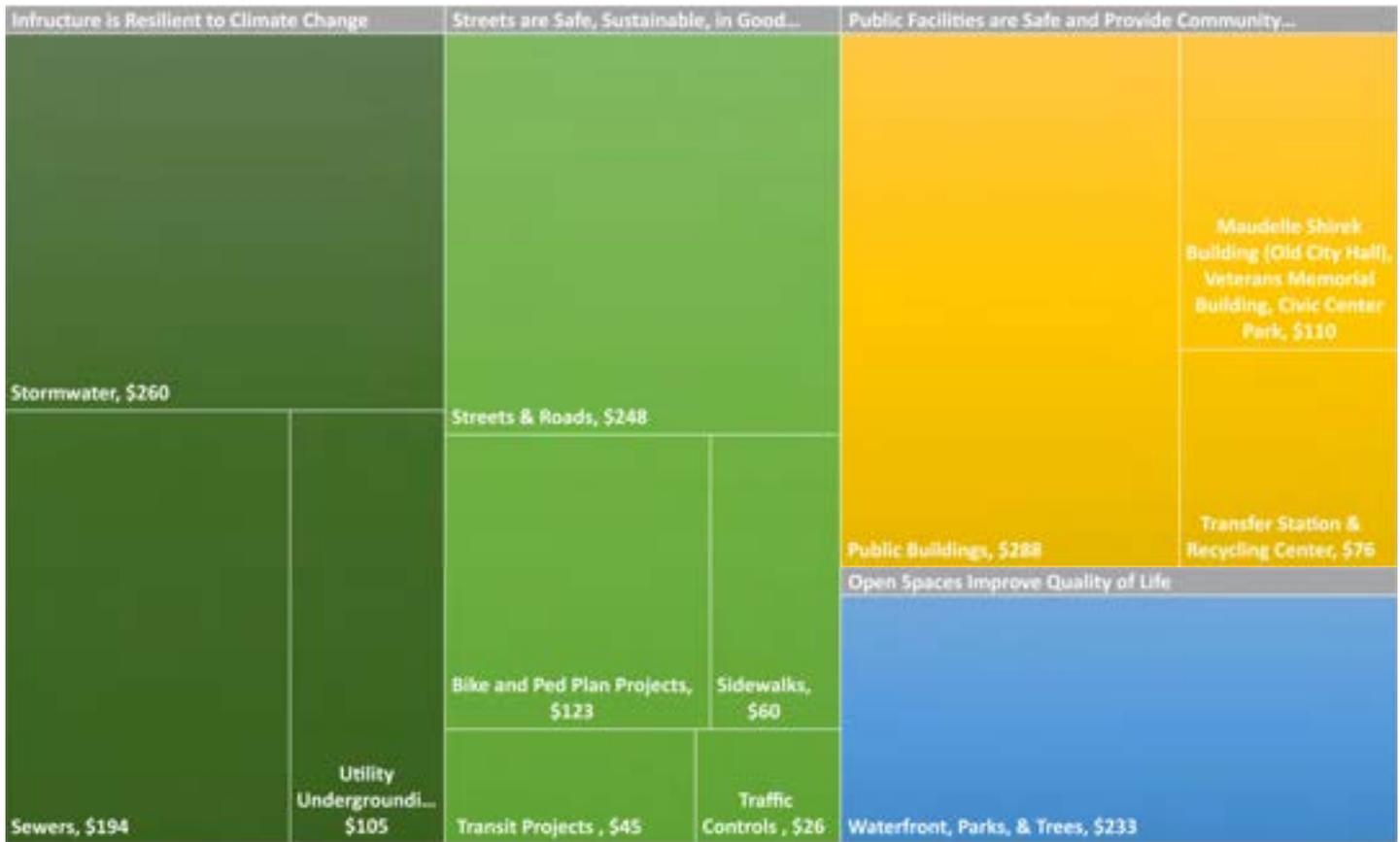
Figure 6 summarizes these same needs, grouped by asset category within each of the four Vision 2050 Program outcomes discussed in Section 3. If these needs are addressed, then Vision 2050's goal of resilient and sustainable infrastructure will be reached.

**TABLE 1**  
**INFRASTRUCTURE FUNDING NEEDS**  
 (These are updated on an ongoing basis)

| Asset Category                                                                             | Infrastructure Funding Needs, in 2022 dollars |
|--------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>More immediate needs</b>                                                                |                                               |
| Parks, camps, and pools                                                                    | \$116,000,000                                 |
| Watefront                                                                                  | \$131,000,000                                 |
| Public buildings                                                                           | \$288,000,000                                 |
| Sidewalks                                                                                  | \$60,000,000                                  |
| Streets                                                                                    | \$248,000,000                                 |
| Sewers                                                                                     | \$194,000,000                                 |
| Stormwater                                                                                 | \$259,500,000                                 |
| Traffic Controls, Streetlights, and Parking                                                | \$26,000,000                                  |
| <b>Longer-term needs</b>                                                                   |                                               |
| Bike and Pedestrian plan projects                                                          | \$122,500,000                                 |
| Maudelle Shirek Building (Old City Hall),<br>Veterans Memorial Building, Civic Center Park | \$110,000,000                                 |
| Transfer station and recycling center                                                      | \$76,000,000                                  |
| Transit projects                                                                           | \$45,000,000                                  |
| Trees                                                                                      | \$21,000,000                                  |
| Utility Undergrounding                                                                     | \$105,000,000                                 |
| <b>Total Average</b>                                                                       | <b>\$1,802,000,000</b>                        |

Table 1's cost estimates are largely work that would be capital funded. In some cases, such as with streets and roads, the estimate includes recurring annual costs to keep the asset performing at the

expected level and without deterioration. The requirement to fund the annual maintenance of assets is addressed in the Asset Management Program discussed in Section 6.



▲ **Figure 6:** Infrastructure Funding Needs by Vision 2050 Outcome Objective

## 2.2 Community Input and Priorities

To better understand the community’s infrastructure priorities, the following was completed in winter 2021 through spring 2022:

- › Two statistically-reliable surveys of a representative sample of 500 Berkeley voters
- › Meetings with over 25 commissions and local community organizations
- › An online public survey that received over 1,000 responses
- › An informational mailer to all Berkeley residents
- › Development of a Vision 2050 website [BerkeleyVision2050.org](https://BerkeleyVision2050.org)
- › Four virtual large area public meetings

All of these efforts have been instrumental in sharing information and gaining input in the development of this Program Plan.

A survey in October 2021 of a random, representative sample of 500 Berkeley voters elicited respondents’ infrastructure priorities and found that voters’ top priorities included:

- › Increasing affordable housing for low-income and homeless residents (79% rated as “important”)
- › Upgrading storm drains, green infrastructure, and watersheds to keep pollution from the Bay (79% important)
- › Developing climate change resiliency, including protecting against sea level rise, wildfires and drought (78% important)
- › Undergrounding utilities to reduce the risk of wildfire (73% important)
- › Repairing deteriorating streets (73% important)



An online survey was also conducted and a total of 1,024 responses were received. For the most part, the results from the online survey aligned with the scientific survey. More so than the scientific survey, street repair stood out as a clear top priority followed by affordable housing. The top five ranked priorities are listed below, with percentages indicating the number of respondents who ranked the particular item as top priority:

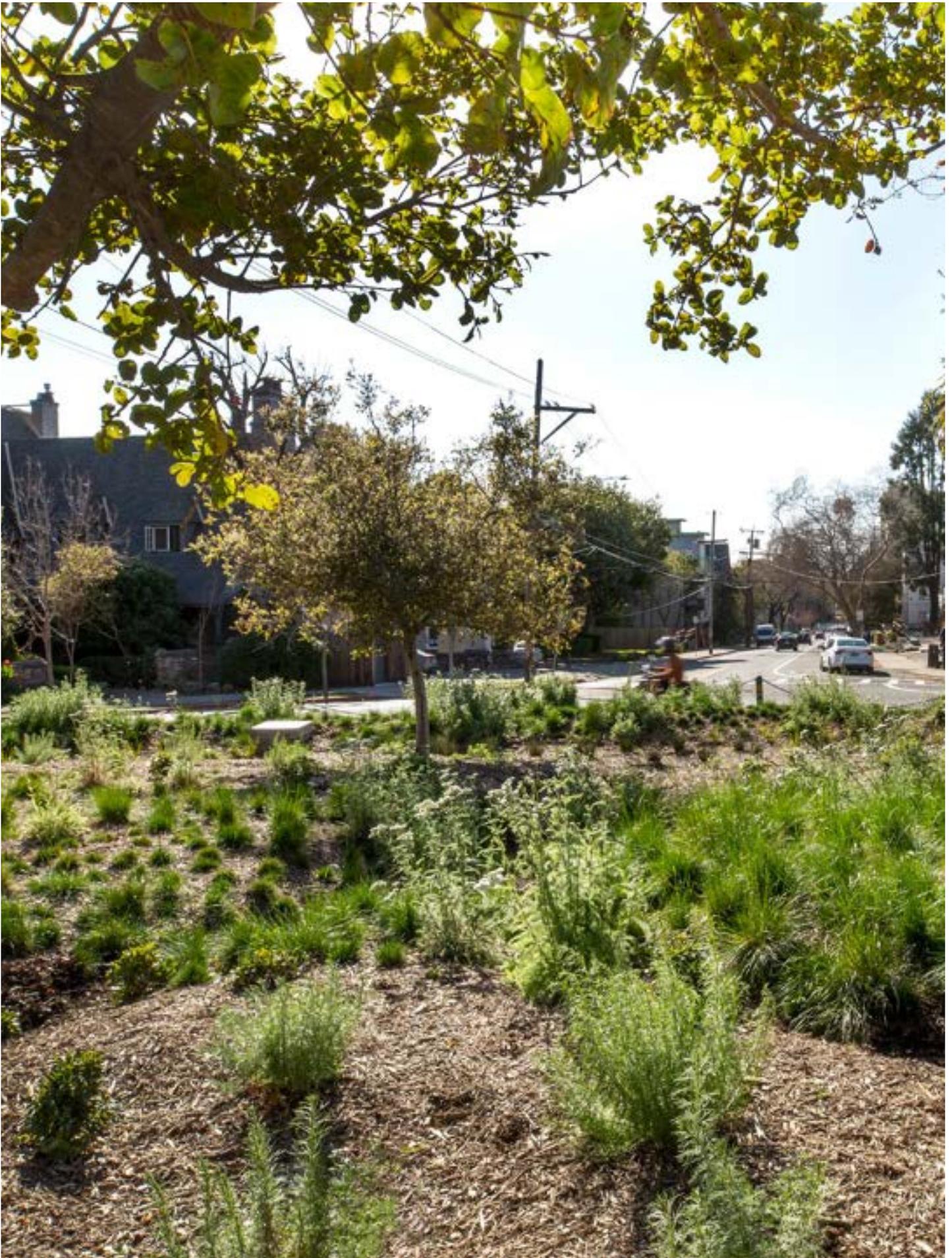
- › 28.5% - Street repair
- › 19.2% - Affordable housing
- › 8.3% - Bike lanes/safety
- › 7.5% - Climate change resiliency
- › 6.8% - Pedestrian safety

Input on this Program Plan was gained from four large area public meetings held on March 30, April 6, April 13, and April 20 and the following Commissions: Environment and Climate, Disaster and Fire Safety, Disabilities, Parks and Waterfront, Public Works, and Transportation. Berkeley residents brought their questions, input, and comments, a summary of which can be found at [BerkeleyVision2050.org](http://BerkeleyVision2050.org).

This program plan reflects input gathered from these meetings and City Council meetings on May 31 and June 21, 2022:

- › More detail on possible climate and street investments
- › Adding regular five-year updates
- › Address overall vision
- › Incorporate trees as public infrastructure assets
- › Include indicator on tree canopy and diversity
- › Address sidewalks
- › Address equity and reference existing equity-based plans
- › Include transit
- › Explain why affordable housing is being considered for the revenue measure(s)
- › Include developers' fees as source of revenue
- › Address General Fund commitments to maintaining public infrastructure
- › Include public art
- › Revise indicators on EVs, sidewalks, and micromobility
- › Revise Program Delivery section to address paving, traffic safety, and a multi-benefit approach
- › Include more on climate change, e.g., resilience and electrification in buildings
- › Include reference to the San Pablo Park pool
- › Include coordination of programs/projects for multiple benefits





03

# INTRODUCING THE 30-YEAR PROGRAM PLAN



The City's infrastructure systems are very complex, are in daily use, and can't be improved all at once. This Plan proposes making the improvements over a 30-year planning period in order to achieve a sustainable and resilient infrastructure. This is a reasonable time frame given the need to balance the work priority, the funding required, tax impacts, and the ability to deliver the projects. This also allows time for incorporating new technologies as they develop.

This 30-year Program Plan provides the following information:

- › The major outcomes from implementing the Plan
- › Implementing the Plan over 30 years in phases
- › Possible results from the first phase

### 3.1 Outcomes of the Program Plan

This Plan includes visible outcomes. Four major outcomes have been identified that incorporate and advance Vision 2050 principles and core values, and

incorporate community input received to date. The outcomes are shown in Figure 7 and the related infrastructure components are described below.



▲ **Figure 7:** Outcomes of the Program Plan

# Outcome 1 - Have Safe and Good Quality Streets

## Streets are Safer, More Sustainable, Improved to a Good Condition, and Maintained

Having streets and streetscapes that are safer, greener, vibrant and enjoyable, use sustainable technologies, and are in “good” or better condition is a top priority from the community input, has been a subject of City audits, and is a priority of the Council. The asset categories to achieve this outcome are described below.

### Asset Category 1 - Street Surface

The poor condition of Berkeley’s streets has been documented by the City Auditor’s report *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, by residents’ complaints, and by an overall low Pavement Condition Index (PCI). On a scale of 0 to 100, streets in a “good” condition have a PCI between 70 - 79. Berkeley’s streets are “at risk” with an overall average PCI of 57 and, without more funding, will continue to deteriorate. From a community survey conducted in the fall of 2021, improving the condition of Berkeley’s streets is one of the community’s highest infrastructure priorities. The target is to improve Berkeley’s streets to a PCI of more than 70.

Berkeley’s streets in 2050 will look much different than today. Personal automobiles will be rarer, and public transit, ride sharing services, bicycling, and walking more common. Streets will better serve all users, and include visible engineering improvements that make bicycling and walking safer. These streets will make transit easier, safer, faster, and more reliable to access and use. Work in our streets will also require a coordinated approach to the infrastructure above, both at and below the street surface. This will require planning that is integrated and uses concepts such as “Dig Once”.

We also will use other street surface technologies that are long lasting, help absorb stormwater and reduce pollution, reduce surface temperatures and the “urban heat island” effect, and reduce our dependence on asphalt paving, the production of which generates greenhouse gas emissions.

The expected outcome is for Berkeley’s street surface to be in an overall “good” condition, to move toward using sustainable technologies, and to have Vision Zero and Dig Once policies fully implemented.

#### Reimagine Streets:

- › Implement Multi modal Streets with Protected Sidewalks and Bike Lanes
- › Introduce Pervious and/or Cool Pavement
- › Reclaim Street Parking for Trees and Vegetation
- › Promote transit use



▲ **Figure 8:** Vision 2050 Streets

### Asset Category 2 - Sidewalks

Most Berkeley residents use a sidewalk daily, and many of us much more. Sidewalks in 2050 will be an even more important part of the transportation network. They will accommodate and promote the City’s trees and healthy urban forest, serve users



of all levels of ability and accessibility, and use materials that help filter stormwater and reduce surface temperatures. At present, the City faces a backlog of thousands of sidewalk repairs that have been requested by residents. While Measure T1 has significantly reduced that backlog, the backlog is about to grow again as City staff complete the first proactive assessment of the City’s sidewalks to identify repair locations. This proactive assessment is being conducted as part of the City’s update to its Americans with Disabilities (ADA) Transition Plan. The City addresses sidewalk repairs with short-term grinding and filling of problem areas and long-term replacement of damaged sidewalks. Where conflicts with the urban forest exist, tools like meandering sidewalks are used to reduce or resolve those conflicts and make tree removal a last resort.

The expected outcome is for the backlog of Berkeley’s sidewalk repairs to be completed and to have adequate resources to address future repair needs.

### Asset Category 3 - Bicycle and Pedestrian Plans

Eighty percent of the collisions that result in deaths or severe injuries on our streets involve someone riding a bike or walking. Making our streets safer means prioritizing bicycle and pedestrian safety. This is especially important to help more residents and workers choose these fossil fuel-free active transportation modes, and is why Berkeley’s vision for the future of its transportation network is to be

multi-modal, fossil-fuel free, and equitably accessed. The City has adopted the 2017 Bicycle Plan and the 2020 Pedestrian Plan, and has identified projects to help to bring the City closer to these safe and accessible multi-modal goals.

The City is transforming the City’s bicycle network into a low-stress experience with a goal of reducing motor vehicle conflicts and connecting cyclists with the most utilized portions of the City. At the end of the program, over 50 miles of city streets will comprise bikeways, with 15.8 miles of these streets being full bicycle boulevards that criss-cross the City.

Walking is also a core mode of transportation in Berkeley. Improving walkability makes Berkeley safer, more inclusive, and more connected. As the most accessible and affordable form of transportation, walking lies at the core of an equitable mobility network and a healthy community. In addition to enhancing Berkeley’s quality of life, improving walking will help the City to achieve its Vision Zero Policy goal of zero traffic deaths and severe injuries.

The Berkeley Pedestrian Plan includes an infrastructure inventory and an assessment of pedestrian demand and safety. The plan identifies ten priority street segments requiring projects to improve pedestrian safety and walkability. Projects provide improved street design, upgraded pedestrian crossings, installed speed management and traffic calming, and improved sidewalk maintenance and accessibility.

The expected outcome is for Berkeley’s Bicycle and Pedestrian plans to be fully implemented.



## Asset Category 4 - Traffic Controls, Streetlights, and Parking

In support of creating safe, accessible, and easy to use streets, the City of Berkeley is planning upgrades to existing traffic signals, including detection at 67 locations, ADA accessibility, pedestrian push buttons at 103 locations, and battery back-ups at 124

locations. Public Works maintains 8,011 streetlights and is planning replacements and upgrades of 2,100 parking meters and 240 pay stations.

The expected outcome is for these traffic controls, streetlights, and parking needs to be addressed.

## Outcome 2 - Protect the Environment

### Infrastructure is Resilient, Protects the Environment, and is Adapted to Climate Change Impacts

Global warming is a significant threat to communities globally and to the City of Berkeley. Berkeley's 2009 Climate Action Plan, 2016 Resilience Strategy, and 2019 Local Hazard Mitigation Plan establish city-wide actions to reduce greenhouse gas emissions and adapt to climate change impacts. The message is clear that the City's infrastructure must be resilient to prepare the City for these risks. Key goals of the City's climate action plans are to use energy more efficiently, transition to renewable energy as a power source for both buildings and transportation, improve access to sustainable transportation modes, recycle our waste, and build local food systems. The asset categories to achieve this outcome are described below.

### Asset Category 1 - Stormwater and Watershed Management

The 2012 Watershed Management Plan (WMP) identified projects to improve storm drains, restore creeks, attenuate peak flows and to reduce pollutants entering San Francisco Bay. That project modelled the Potter and Codornices watersheds. The City is in the process of updating the WMP. The updated plan will consider flooding and drought caused by extreme storm events, sea level, and groundwater rise, implementation of the Green Infrastructure Plan, and modelling of all the watersheds. Infrastructure improvements will include storm drains, flow attenuation basins, permeable surfaces, bio-swales, and improvements at Aquatic Park.

The expected outcome is to have a stormwater system that addresses future climate impacts, reduces impervious surfaces, minimizes flooding, meets the City's stormwater discharge permit into San Francisco Bay, prevents pollution from reaching the San Francisco Bay, and revitalizes the urban watershed.

### Asset Category 2 - Sewers

The City's wastewater collection system includes approximately 254 miles of City-owned sanitary



sewers, 7,200 manholes and other sewer structures, seven pump stations, and approximately 31,600 service laterals. The City is responsible for maintenance and repair of the lower portion of the service laterals (located within the public right-of-way) from the property line cleanout to the connection to the City's sewer main. Wastewater generated in the City's collection system is conveyed to the East Bay Municipal Utility District (EBMUD) wastewater interceptor system and is treated at EBMUD's Main Wastewater Treatment Plant.

During the 1980s, EBMUD and the seven Satellite agencies conducted studies to address the problem of overflows and bypasses of untreated wastewater that occurred during large wet weather events due to excessive infiltration and inflow (I/I) into the collection systems. These studies resulted in a long-term program of construction of collection system relief sewers and sewer rehabilitation. The City has rehabilitated or replaced over 200 miles of its gravity sewers and associated lower laterals over the past 30 years. Since 2006, the City has also implemented a private sewer lateral (PSL) certification program requiring the inspection and/or repair or replacement of private (upper) sewer laterals at the time of property transfer or major building remodel.

The seven Satellites and EBMUD are in a Consent Decree with the U.S EPA, the State Water Resources Control Board, and the Regional Water Quality Control Board, which establishes requirements for achieving the elimination of untreated wastewater overflows and bypasses over the next 20 to 25 years.

The expected outcome is to comply with the City's requirements in the Consent Decree and seal the sewer system from storm water intrusion, thereby reducing the risk of untreated sewage reaching the Bay during wet weather. This will become even more important as storms intensify due to the climate crisis.

### Asset Category 3 - Undergrounding Overhead Utility Wires

The City of Berkeley's stated goal, as outlined in the General Plan, Disaster Preparedness and Safety Element, is to ensure the City's disaster related efforts are directed toward preparation, mitigation, response and recovery from disaster shocks. The Berkeley Local Hazard Mitigation Plan states that our two greatest disaster challenges are a Hayward Fault rupture and Wildland Urban Interface (WUI) fire. The climate crisis will result in periods of drought followed by very wet winters, producing heavy vegetation, dry summers, and hot easterly winds in the late summer. These conditions are known to create significant fires such as the 1991 Oakland Hills Tunnel Fire and fires in many parts of California in the past five years.

Methods to reduce the threat of overhead wires creating WUI fires include aggressive vegetation management and other fire hardening techniques. Overhead power lines, more so than undergrounded wires, can exacerbate unsafe conditions either by contributing to the disaster itself or hampering public safety efforts and evacuations. Earthquakes and landslides can knock over utility poles creating a special hazard. In an earthquake,





poles have a tendency to sway in opposite directions causing wires to snap and throw sparks. Some of California’s biggest fires have started because of live wires in contact with combustible fuel.

The Public Works Commission led a three-phase study to underground overhead utility wires in Berkeley. The Phase 3 report recommended undergrounding along evacuation routes to support public safety through ingress of first responders and egress of community members in the event of a major disaster.

The expected outcome is to implement the Phase 3 study recommendations to underground overhead utility wires along Berkeley’s evacuation routes and to support neighborhoods in fire zones that choose to underground.

### Asset Category 4 - Electrification of Buildings Neighborhoods and Transportation

A major goal of Vision 2050 is to decrease the City’s overall climate impact. This effort requires both the reduction of City-wide energy use and transition away from fossil fuels to renewable energy. The Existing Buildings Electrification Strategy in 2021 transitions existing buildings in Berkeley from natural gas appliances to all-electric alternatives in a way that benefits all residents, especially members of historically marginalized communities. As identified in the City’s Resilience Strategy and Climate Action Plan, Berkeley seeks an energy system that, by 2045, is carbon neutral and delivers carbon-free electricity across a highly distributed system. Multifaceted changes to existing infrastructure and its uses are required to achieve carbon neutrality. Improvements to the existing energy grid may include, among other items:

- › Increasing electricity distribution capacity to accommodate neighborhood electrification and mobility charging, in coordination with streets and other infrastructure improvements
- › Improving or expanding access to transformers, vaults, and switchgears
- › Seeking opportunities to decommission gas pipes in areas where buildings or neighborhoods are transitioning to all-electric
- › Supporting solar energy and storage for critical facilities that prioritizes renewable backup power over diesel generators, including mobile batteries and electric vehicle-to-building connections
- › Increasing electric vehicle infrastructure for municipal fleet and distributed mobility charging for residents

The expected outcome is to achieve the City’s goal of becoming a fossil fuel-free city as soon as possible.

### Asset Category 5 - Urban Forest

The City’s municipal forest includes approximately 42,000 street, park, and median trees. These are often referred to as “city trees” or “public trees.”

#### CLIMATE EQUITY FUND PILOT PROGRAMS

In 2021, the Berkeley City Council allocated \$600,000 for Climate Equity Fund Pilot Programs that provide decarbonization and resilience programs for low income community members to retrofit homes, increase access to electric bikes or other forms of electric micro mobility, and gain access to resilience measures and other electrification measures.

They are maintained by the Parks, Recreation, and Waterfront’s Urban Forestry Unit, which performs pruning, removing, and planting trees. These trees are hard at work. They remove pollutants and carbon dioxide from the air, help cool the City during the summer, absorb stormwater during storms, and help the City stay green and support a high quality of life. However, there are approximately 10,000 vacant tree locations and many of these locations are in areas with higher proportions of low-income residents of color. The expected outcome is to increase our City’s tree canopy by planting thousands more trees for the purpose of enhancing our urban forest, sequestering carbon, addressing equity, mitigating urban heat island impacts, and improving quality of life.

### Asset Category 6 - Specific Resilience Infrastructure Assets

While limiting City-wide climate impact is necessary, the effects of global warming are already testing traditional infrastructure and will continue to push our resources to their limits. Worsening drought conditions, increased risk of extreme weather events such as flooding and sea level rise create major challenges for our water supplies, watershed management, and resilience of our underground infrastructure systems. These events also have implications on the safety, health, and well-being of the community. The City has identified several new technologies and infrastructure to build while working towards climate adaptation and resilience. Some of the new infrastructure and adaptation strategies include:

- › Develop rainwater catchments, expanding the use of gray water and expanding the distribution and use of EDMUD recycled water (purple pipe) for landscaping irrigation.
- › Use natural green infrastructure solutions including infiltration basins, wetlands, bioswales, permeable paving, etc. to mitigate

flooding from the combined effects of groundwater, sea level rise, and extreme rain events.

- › Increase the urban forestry canopy and use cool paving technologies to protect against extreme heat.
- › Upgrade Community Resilience Centers and Resilience Hubs to ensure respite and evacuation capacity.
- › Identify and manage urban - wildland forest canopy to mitigate wildfire risks.
- › Install technologies such as air filtration to mitigate wildfire smoke impacts.
- › Use “cool” paving and reduce dark asphalt street surfaces to combat urban heat island effects.
- › Improve seismic safety systems in City facilities to reduce impacts from future earthquakes.



## Outcome 3 - Promote Quality of Life

### Open Space, Parks, and Recreation Improve Our Quality of Life

A key outcome of the Vision 2050 initiative is to improve our overall quality of life through the promotion of open spaces, parks, and recreational opportunities. The asset categories to achieve this outcome are described below.

#### Asset Category 1 - Parks

The City has 52 parks that contain 15 athletic fields, 49 sports courts (basketball and tennis), and 63 play areas. Many parks need significant improvements to pathways, lighting, irrigation systems, play structures, and athletic fields. The expected outcome is to implement these improvements.



#### Asset Category 2 - Pools

The City has two swimming pools, one by King Middle School and the other at West Campus. The pools require improvements to the locker rooms and office areas, and improvements to piping, decking, tiling, and roofs. While the King pool has a 30-year lease, the West Campus site has a five-year lease with the possibility that a new pool will be built at San Pablo Park that serves south and west Berkeley residents.

#### Asset Category 3 - Park Buildings and Restrooms

The City has four community centers, 2 clubhouses, 29 restrooms, and outbuildings. Many of the

required improvements have been made with funding from Measure T1. Future improvements include seismic/deferred maintenance at some park buildings, renovation of existing restrooms, and construction of new restrooms. The expected outcome is to implement the required improvements, including electrification, elimination of natural gas connections, and the addition of solar and battery storage, where feasible.

#### Asset Category 4 - Camps

The City of Berkeley's non-resident camps include Cazadero Camp located off the Russian River, Echo Lake Camp located just above South Lake Tahoe, and Berkeley Tuolumne Camp located just east of Yosemite Park. These camps include hundreds of facilities, amphitheaters, bridges, pathways, water systems, and swimming pools.

There are two significant camp projects in progress. The rebuilding of Berkeley Tuolumne Camp is nearly completed and is scheduled to reopen in the summer of 2022. At Cazadero Camp, the Jensen Dorm, which was destroyed by a landslide in 2016, has been reconstructed. These projects are primarily funded by insurance.

The expected outcome is to complete the construction at the camps and to have them back in operation.

#### Asset Category 5 - Waterfront

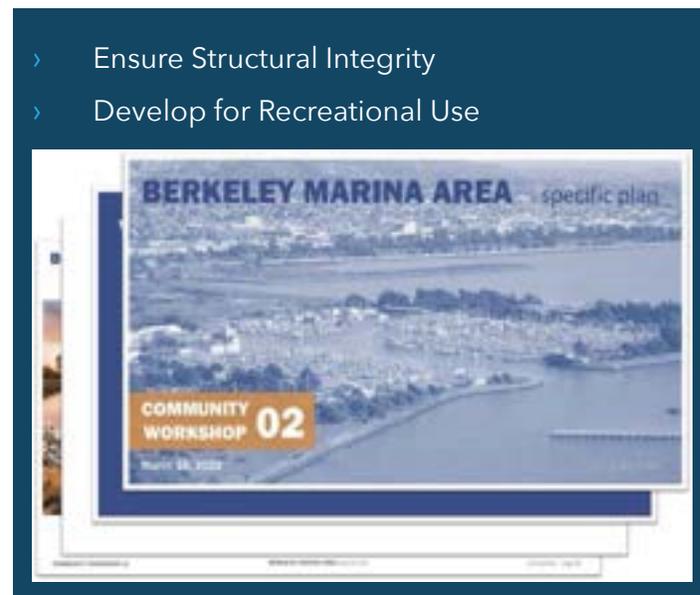
The Waterfront is the largest public marina in the Bay Area located on 125 acres of land and 50 acres of water, and includes approximately 1,040 berths, public access docks, pilings, channels, streets, pathways, parking lots, buildings, restrooms, buildings, and small boat launch ramps.

There are many funding needs at the Waterfront, where many of the facilities have reached the end of their useful life and are starting to fail. As documented in multiple reports, there is a diminishing ability to pay for the pressing capital needs in the Waterfront. The Marina Fund is the City's mechanism for managing all Waterfront revenues and expenditures. Revenues steeply declined in the last two years as a result of safety and security concerns and failing infrastructure. The combination of falling revenue and increasing expenditure needs have strained the relatively small Marina Fund to a breaking point.

The City has begun a long-term planning effort - the Berkeley Marina Area Specific Plan (Figure 9)- to establish the community's vision for the Waterfront and to plan for making the Marina Fund viable and stable. There is still a need to address urgent infrastructure repairs to finger docks, pilings, electrical systems, and restrooms.

If these investments are not made, facilities and infrastructure will either require more costly emergency funding or be closed as in the case of the Berkeley Pier.

The expected outcome is to make the urgent repairs, complete the Berkeley Marina Area Specific Plans, and to return the Marina Fund to solvency.



▲ Figure 9: Marina Community Vision

## Outcome 4 - Have Safe Public Facilities

### Public Facilities are Safe, Resilient, and Provide Community Placemaking

The City is responsible for maintenance of 95 facilities, not including Library facilities and facilities leased to other entities. These facilities include 39 facilities in the Parks, Recreation, and Waterfront inventory and 56 facilities in the Public Works inventory. These facilities house City staff and are places where residents receive public services. These facilities need to be safe, healthy, and resilient, and provide community placemaking, where the connection between people and these places is strengthened. The asset categories to achieve this outcome are described below.

#### Asset Category 1 - Public Buildings

In 2013, staff retained a consultant to perform

assessments and provide updated condition reports and cost estimates for the City's facility inventory. The recommended improvements are extensive. All projects included in these assessments are considered either major maintenance or capital projects. Despite support from a variety of City funds, the cost for routine maintenance, major maintenance, and capital improvements far exceeds currently existing sources of funds.

The expected outcome is that condition assessments of the City's public buildings will be conducted regularly, and necessary improvements identified and completed. These improvements include electrification, elimination of natural gas

connections, and addition of solar and battery storage, where feasible.

### Asset Category 2 - Civic Center

The Civic Center comprises portions of the area surrounding Martin Luther King Jr. Civic Center Park including the Maudelle Shirek Building "Old City Hall" (1909) and the Veterans Memorial Building (1928). Presently, the historic buildings have decades of accumulated deferred maintenance and are seismically unsound. As part of the city's Measure T1 program, the Veterans Memorial Building and Old City Hall were slated for structural analysis and visioning of possible conceptual design alternatives, in concert with Civic Center Park. A consultant was retained to conduct a community outreach strategy, perform an assessment of the existing infrastructures, identify programs and functions for the two buildings, develop concepts for improvements for the Park. The consultant completed this work and presented a suite of financing and revenue generation strategies for the facility. City Council approved the following vision:

#### CIVIC CENTER VISION

The Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space.

The expected outcome is to design and construct a Civic Center consistent with this vision and to provide placemaking.

### Asset Category 3 - Transfer Station and Recycling Center

The city's current solid waste transfer station was opened in 1983. In the late 1980s, Berkeley's recycling operations relocated to the site to be operated by the Community Conservation Center. In the 1990s, the residential recyclable collection operator, the Ecology Center, was allocated an area at the site for its operations yard and office building. These facilities are not integrated and operations are not coordinated in a way that provides customers ease of use, access, or efficient drop-off of materials. These facilities do not meet current seismic requirements, have not been upgraded or improved since constructed, exceed their serviceable life, and cannot help meet the city's Zero Waste Goal. The city retained a consultant to conduct a feasibility study to build a new solid waste transfer and recycling facility. Through active collaboration and community participation between November 2018 to May 2019, the city has developed a consensus around two conceptual facility designs.

The expected outcome is that the CEQA analysis and design of the approved project will be completed and a replacement facility constructed that helps the city achieve its Zero Waste goal.



**Award Winning Remodel of the Mental Health Building**

## 3.2 Work Prioritization and Phasing

The Vision 2050 program is planned to be implemented over 30 years in approximately three, 10-year phases. Due to the work’s complexity and volume, an understandable prioritization process is needed to sequence the work. The Program Plan uses a scoring system based on these components and weighting:

- › Envision criteria, 60% weighting
- › Community input criteria, 40% weighting

The Vision 2050 report recommended the use of multi-criteria decision-making and suggested using the Envision criteria as prioritization tool. Envision is a program that is organized by the Institute for Sustainable Infrastructure and provides an objective framework of criteria designed to help identify ways in which sustainable approaches can be used to plan, design, construct, and operate individual infrastructure projects.

The Envision framework includes 64 sustainability and resilience indicators organized around five categories: quality of life, leadership, resource allocation, natural world, and climate and resilience. Envision is now widely applied to civil infrastructure projects akin to LEED certification. This criteria is given a weighting of 60%.

The other criteria comprises community input from the surveys, online feedback and community meetings. What the community wants for Berkeley is important and this criteria is given a weighting of 40%. The resulting criteria and score sheet is shown on Table 2.

**TABLE 2:  
PRIORITIZATION SCORE CARD**

| Envision Criteria (Weight 60%)                                                                                      |                                            |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>Quality of Life</b>           |                                            |
|                                                                                                                     | Public Health and Safety                   |
|                                                                                                                     | Equity                                     |
|                                                                                                                     | Public Space                               |
| <b>Leadership</b>                 |                                            |
|                                                                                                                     | Integrated Planning                        |
|                                                                                                                     | Lifecycle Maintenance                      |
|                                                                                                                     | Local Economy                              |
| <b>Resource Allocation</b>       |                                            |
|                                                                                                                     | Sustainable and Durable Materials          |
|                                                                                                                     | Reduces Energy Use                         |
|                                                                                                                     | Preserves Water Resources                  |
|                                                                                                                     | Ready to Implement                         |
| <b>Natural World</b>           |                                            |
|                                                                                                                     | Green Infrastructure                       |
|                                                                                                                     | Open Space and Habitats                    |
| <b>Climate and Resilience</b>  |                                            |
|                                                                                                                     | Reduces Greenhouse Gas Emissions           |
|                                                                                                                     | Extreme Climate Impacts                    |
|                                                                                                                     | Resilience Strategy                        |
|                                                                                                                     | <b>Total Envision Points</b>               |
| <b>Community Input Criteria (Weight 40%)</b>                                                                        |                                            |
|                                                                                                                     | Complies with Community Survey Input       |
|                                                                                                                     | Complies with Commissions and Public Input |
|                                                                                                                     | <b>Total Community Input Points</b>        |



Each asset category was rated using the score sheet, and initial scoring was completed by managers in the Public Works and Parks, Recreation and Waterfront departments. A summary of the scoring results is shown on Table 3. This rating is intended as a general guideline for resource allocation. It does not dictate when the works gets done as there may be other project requirements.

For planning purposes, the work can be placed in three priority groups as shown in Table 3. This can serve as a start for the planning of a 30-year program. More details of the 3-phase program will be developed by the program team, should voters approve new funding for the program. Ultimately, the City Council will select the projects to fund and their timing.

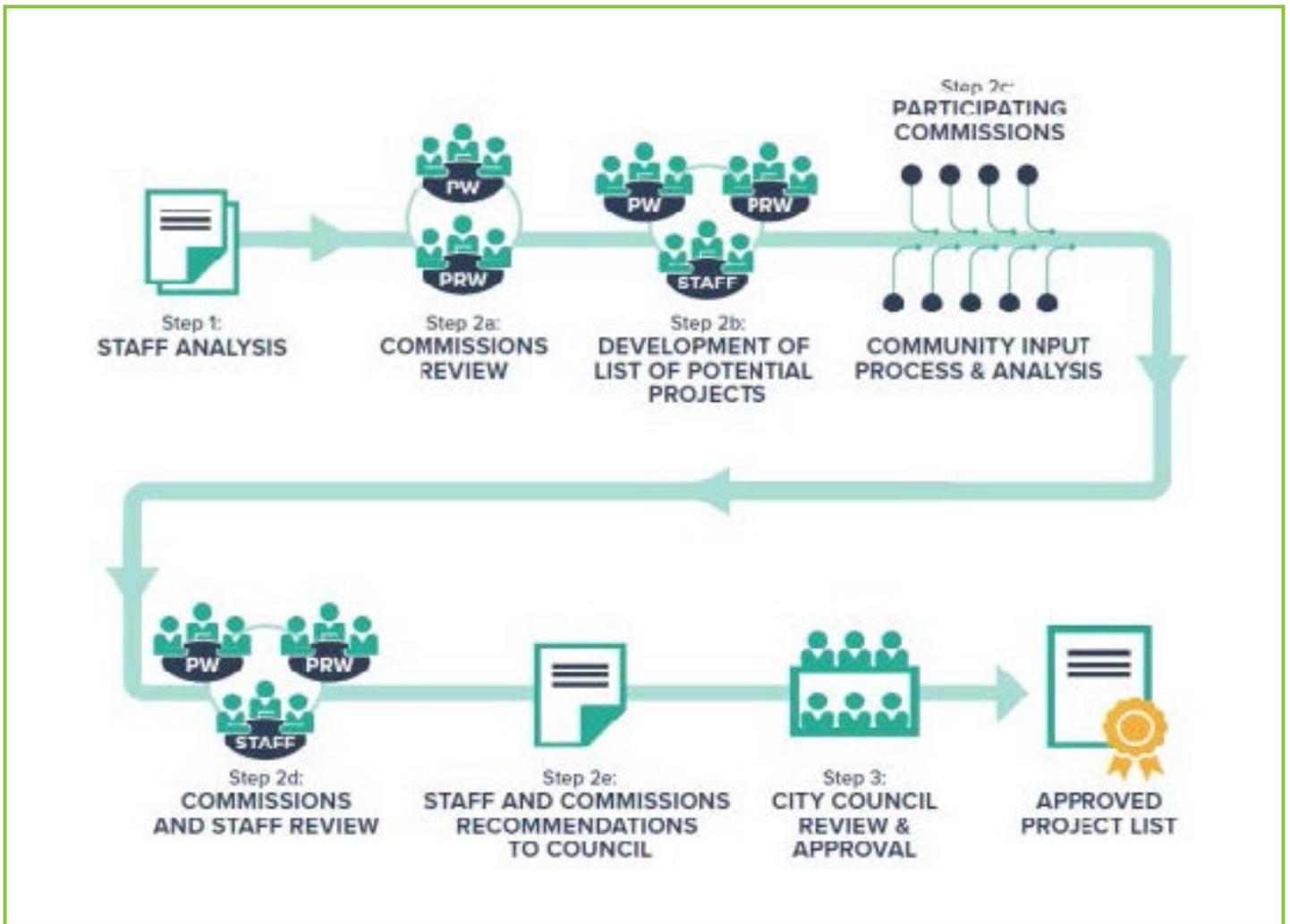
**TABLE 3**  
**SUMMARY OF PRIORITY SCORING**

| Priority | Asset Category by Score                     |
|----------|---------------------------------------------|
| <b>1</b> | Streets                                     |
|          | Bicycle and Pedestrian Plan projects        |
|          | Sidewalks                                   |
| <b>2</b> | Undergrounding                              |
|          | Stormwater                                  |
|          | Parks                                       |
|          | Trees                                       |
|          | Waterfront                                  |
| <b>3</b> | Traffic Controls, Streetlights, and Parking |
|          | Transit projects                            |
|          | Civic center                                |
|          | City buildings                              |
|          | Transfer station                            |
|          | Sewer                                       |

The Program Plan’s goal is to ensure all of these asset categories become Priority 1 well before 2050. Asset categories in Priorities 1 and 2 are most aligned to resilience and sustainability measures in the criteria and are closest to being able to move into construction. Many of the asset categories in Priorities 2 and 3 require more public process, planning, and/or engineering, some of which may be supported by a revenue measure or measures.

Some of these asset categories, such as sewer, have sufficient, dedicated funding sources that make them unnecessary to prioritize for new revenue funding.

When sufficient funding mechanisms and the project team are in place, the work of selecting projects will begin. The process will be carried out separately for each 10-year program phase. The project selection process is shown on Figure 10. This process is being used successfully on the second phase of the Measure T1 program. Projects that are identified as high priority for implementation within each 10-year phase will move forward to final acceptance after staff analysis, community and Commission input, and City Council review and approval. The prioritization of the projects will use the scorecard shown on Table 2, or as updated at the time.



▲ **Figure 10:** Project Approval Process



# 04

## THE PLAN'S FUNDING, RESULTS, AND TAX IMPACT

This section describes a high-level funding approach to achieving resilient and sustainable infrastructure by 2050, the various sources of funds available for this work, results that could be delivered, and a review of the tax impacts on residents for implementing a Vision 2050 program.

MARTIN LUTHER KING JR  
CIVIC CENTER

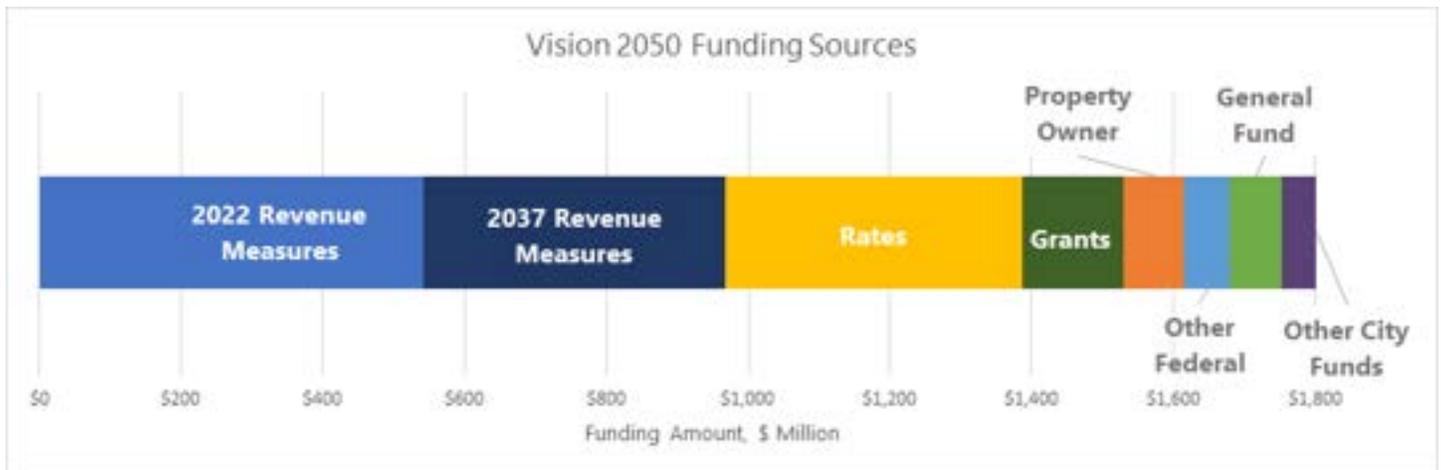
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Wilva Street

# 4.1 Funding Sources

Achieving a resilient and sustainable infrastructure by 2050 will require new revenue from a variety of sources, including new voter-approved measures. Adjustment to user fees and rates that are dedicated to certain services will be another important source of infrastructure funding. For example, Berkeley’s sewer system is operated and maintained through user fees charged to customers. Through financial analysis, staff have determined that the \$194 million needed in the city’s sewer systems can be addressed in the next decade or so with cost-of-living adjustments to existing rates. Other services have dedicated funding sources (or rates), but that funding falls short. This is true of the city’s

stormwater fee and a special parcel tax for parks and trees. Other sources of funds include grants (federal, state, and other), developer fees, city funds (including the General Fund), and property owner fees, e.g., 50/50 sidewalk repairs.

Figure 11 shows the anticipated funding sources that will be available to complete each of the four Program outcomes and deliver sustainable and resilient infrastructure by 2050. This is a high-level projection with many assumptions yet to be proven, but is offered to show a funding path to the Vision 2050 destination and its dependence on a variety of revenue sources.



▲ **Figure 11:** Vision 2050 Funding Sources



## 4.2 Funding Alternatives

For the November 2022 ballot, two types of infrastructure revenue measures are being considered: a General Obligation Bond (or Infrastructure Bond) and Parcel Tax.

**General Obligation Bonds** (GO Bonds) are paid by an ad valorem property tax based on taxable property assessed value and can only be used to fund capital improvements (no maintenance, operations or services). GO Bonds are considered the most secure type of municipal debt and carry the lowest interest rates given the taxing power for repayment of the debt service. GO Bonds can also be structured to match the life expectancy of the infrastructure improvements and be issued in independent series as required based on project costs and timing. This phasing can allow for a better alignment of infrastructure utilization and repayment of the debt. Also, bond measures are generally considered progressive forms of taxation since they are based on the assessed value of properties.

The city has historically managed its GO Bond program for each authorization (Measures G, S, I, FF, M, T1 and O) through the issuance of individual bond series calculated to meet the capital funding requirements of the projects. Bonds were issued in amounts that minimized the impact on the tax rate required to make debt service payments. Since 1992, the city has maintained annual tax rates below original projections represented to voters for each of the GO Bond authorizations.

A **Parcel Tax** is a property tax that generates annual special revenues for capital, operations, maintenance and services. State law provides for

a number of different tax formulas for levies to all properties (residential and commercial) including per parcel, building square footage or land use. A parcel tax cannot be based on property value. A parcel tax based on building square feet is generally considered a progressive form of taxation since larger properties pay more than smaller properties, exemptions for seniors and low-income property owners are allowed.

Given the scale of the infrastructure need, the Program Plan assumes two 2022 Revenue Measures. First, a parcel tax of \$0.30 per building square foot for 14 years, raising approximately \$25 million annually, that is dedicated to streets, sidewalks, and traffic safety as described under Outcome Number 1. Second, an infrastructure bond of \$300 million with \$150 million to address affordable housing for low-income persons and the unhoused and \$150 million to improve resilience to climate change, wildfire prevention and protection, and to improve other select public infrastructure, as described in Outcome Numbers 2, 3, and 4.

These measures fund the community's top priorities voiced in the public outreach: affordable housing, street repair, and resilience to climate change. Multiple measures provide more flexible sources of funding that could address maintenance needs in addition to capital improvements. Street repair, sidewalk repair, and traffic safety are also top needs identified by online survey respondents, and is supported by the city's prioritization using the Vision 2050/Envision scorecard. These measures would significantly reduce the city's risk related to infrastructure unfunded liabilities, and improve the City's streets for all users.

**TABLE 4  
FUNDING MECHANISMS**

| Type                     | GO Bond                                                                      | Parcel Tax                                                                    |
|--------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>TAX BASIS</b>         | Assessed Value (AV)                                                          | Building square footage                                                       |
| <b>USE OF FUNDS</b>      | Capital only                                                                 | Capital + Maintenance                                                         |
| <b>TAX PROGRESSIVITY</b> | Progressive                                                                  | Progressive                                                                   |
| <b>EXEMPTIONS</b>        | None                                                                         | Low income/senior                                                             |
| <b>PROS</b>              | Relative tax burden decreases as total AV increases                          | Fixed payments with cost of living adjustments, funds capital and maintenance |
| <b>CONS</b>              | Cannot pay for maintenance or operations<br>Does not adjust for future costs | Increases tax burden if building square footage increases                     |

**Why is affordable housing included in these possible revenue measures?**

The Vision 2050 Framework focused on infrastructure, not affordable housing. However, on April 27, 2021, City Council approved exploring revenue measures that addressed both infrastructure and affordable housing, given both were top priorities for residents. Housing and infrastructure are connected. Ensuring affordable housing in a city such as Berkeley reduces greenhouse gas emissions because it affords lower and middle-income residents an opportunity to live closer to where they work, which means less emissions getting to work. At the same time, ensuring affordable housing is an important tool for ensuring a diverse and equitable city, which is an important priority of our community and City Council.

## Results

Per Section 4.1, these results assume:

- › The City continues its track record of successfully leveraging state, federal, and regional grants.
- › City Council allocates a total of \$15 million to annual paving from non-revenue measure sources in order to ensure proper ongoing maintenance of the City's streets, as accomplished for FY 2024.
- › Parcel tax revenue of \$25M annually is distributed roughly two-thirds to paving condition and one-third to traffic safety and sidewalks.
- › GO bond revenue is distributed roughly 60% to climate change, resiliency, and wildfire protection projects; and 40% to public realm and other infrastructure projects.

These investments would:

- › Improve streets to good paving condition and repave 97% of street mileage across the City.
- › Implement 100% of adopted traffic safety plans (bike/ped) and achieve Berkeley's vision of a low-stress bike network
- › Begin to underground the City's evacuation routes to enable emergency responders' ingress and evacuating residents' egress in the event of a wildfire, earthquake, or other disaster
- › Complete selected sea level rise projects at the Waterfront
- › Replace and improve Aquatic Park, storm drain, and green infrastructure citywide to prevent pollution from reaching the Bay and improve the City's resiliency from climate-infused storms
- › Assist in advancing the city's park and public realm projects, e.g., Waterfront, Civic Center Renovation, and San Pablo Park pool



## 4.3 Review of Tax Implications

Property tax rates for Berkeley property owners are comparable to neighboring cities. After accounting for ad valorem taxes, city voter-approved taxes and assessments, school district taxes, and other fixed charges, FY 2021 tax rates in Berkeley (1.58%) were on par with Oakland (1.54%) and lower than in Albany (1.89%).

The city’s prior bond issuances include Measure FF (neighborhood libraries), Measures G, S, and I (public safety, main library/seismic retrofit, animal shelter), Measure O (affordable housing), Measure M (streets and watershed), and Measure T1 (infrastructure and public facilities). Debt service from prior bond measures constitutes only 3.2% of the average property owner’s tax bill.

The city has a current debt service of \$52.90 per \$100,000, which is low compared to nearby cities and their school districts, as shown in the table below. Even after implementation of a \$300M GO bond, the city’s debt service will continue to be lower than nearby cities and school districts.

**TABLE 6  
DEBT SERVICE COMPARISON**

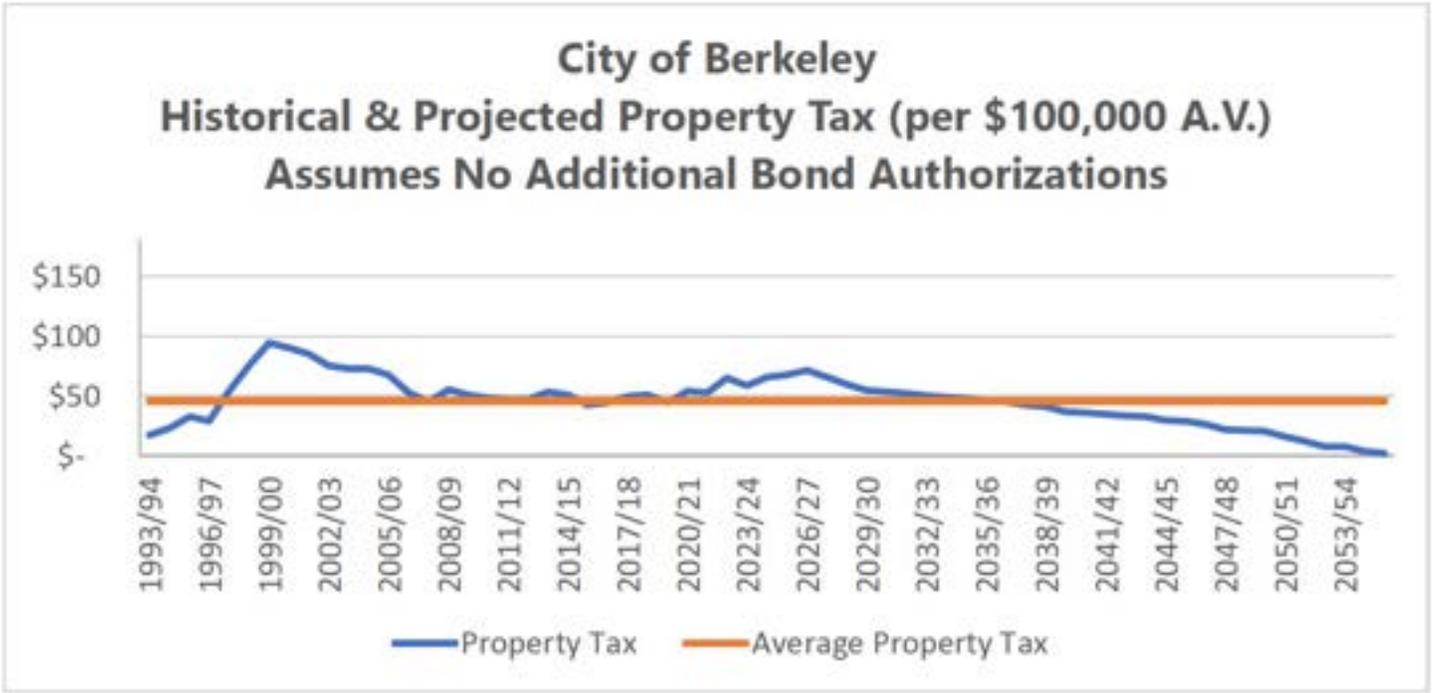
| City or District                  | Debt Service per \$100,000 of Assessed Value |
|-----------------------------------|----------------------------------------------|
| City of Oakland                   | \$201.10                                     |
| Albany School District            | \$195.00                                     |
| Berkeley School District          | \$145.10                                     |
| City of Albany                    | \$130.30                                     |
| Oakland School District           | \$120.20                                     |
| City of Berkeley plus \$300M bond | \$79.75 (average)                            |
| City of Berkeley (current)        | \$52.90 (average)                            |

**TABLE 5  
EXISTING DEBT SERVICE AND TAX IMPACT**

| 2021/22 Tax Rates                                           | Total GO Bond Tax Burden |
|-------------------------------------------------------------|--------------------------|
| Per \$100,000                                               | \$52.90                  |
| Average Tax (based on assessed property value of \$647,972) | \$342.78                 |

The city has historically maintained low GO Bond tax rates as shown in Figure 12. This represents the previously approved bond measures including the remaining bonds for Measures T1 and O to be issued over the next four years.

If voters approved a \$300 million GO bond, the average tax required for the new bond authorization will be \$27 per \$100,000 of assessed value. Assuming the existing GO bond authorization capacity are issued as scheduled, the cumulative debt service on all GO Bonds will increase through 2036, and then begin to decrease as prior bonds are paid off.



▲ **Figure 12:** Historical & Projected Property Tax

Assuming average developed property size of 1,900 square feet, a parcel tax of 30 cents per square foot would add \$570 annually to the average property owner’s tax bill, which is comparable to the annual cost of refuse service based on a 32-gallon cart.

Below is a summary of the tax impacts on an average property, assumed to be an average valued house at \$647,972 (assessed value) with 1,900 sq ft.

| <b>TABLE 7</b>                            |                                                     |
|-------------------------------------------|-----------------------------------------------------|
| <b>SUMMARY OF TAX IMPACTS</b>             |                                                     |
|                                           | <b>\$300M<br/>GO Bond + Parcel Tax</b>              |
| Tax Rate (\$100,000 A.V.)                 | Avg Bond = \$27<br>Parcel = 30 cents per sq. ft.    |
| Tax (Avg Home: \$647,972;<br>1,900 sq ft) | Avg Bond = \$166<br>Parcel = \$570<br>Total = \$736 |

## 4.4 Other Benefits of Infrastructure Spending

Infrastructure spending has other benefits. It creates jobs. The U.S. Department of Transportation has found that for every \$1 billion in infrastructure investment, 13,000 jobs are created. In a place like Berkeley, which follows both state law on public works expenditures and local law via a Community Workforce Agreement, this means jobs that pay prevailing wages and benefits.

Infrastructure spending also can add art to our public spaces. If 1 percent of a revenue measure is dedicated to local public art, as was the case with Measure T1, or City Council commits an annual General Fund allotment of a similar amount, then Berkeley's public spaces will get more public art. Public art plays an integral role in improving our community's wellbeing by creating inspired spaces that reflect the unique character of our city. Public art breathes life into the built environment, engages the community with creative art experiences, and fosters a sense of belonging.



Art Installation at Civic Center Garage



Statue of William Byron Rumford



Art Installation at Shattuck & Center

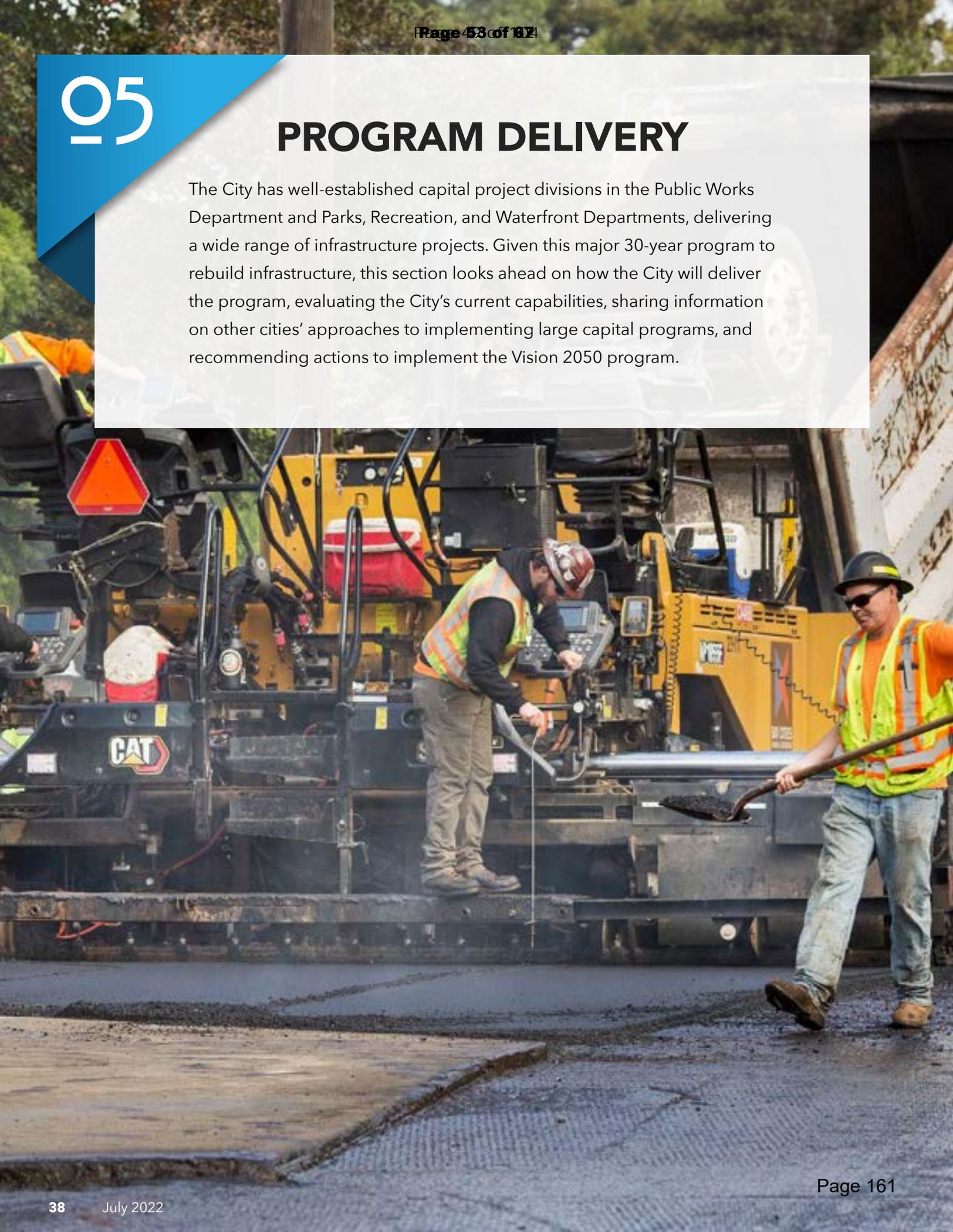




# 05

## PROGRAM DELIVERY

The City has well-established capital project divisions in the Public Works Department and Parks, Recreation, and Waterfront Departments, delivering a wide range of infrastructure projects. Given this major 30-year program to rebuild infrastructure, this section looks ahead on how the City will deliver the program, evaluating the City's current capabilities, sharing information on other cities' approaches to implementing large capital programs, and recommending actions to implement the Vision 2050 program.



## 5.1 Current Organization and Measure T1 Implementation

Capital projects are delivered by the Engineering and Transportation Divisions in the Public Works Department, and Capital Projects Division of the Parks, Recreation and Waterfront Department. Most of this work is based on regular, annual contributions from special funds, including ratepayer funds (sewer, stormwater, and streetlight) and a parks-focused parcel tax.

As shown in the table below, capital investments have more than doubled in the last decade.

| Year | Capital Program |
|------|-----------------|
| 2010 | \$41.6 million  |
| 2020 | \$114.5 million |

This growth has largely been driven by Measure T1 and the large project to rebuild Tuolumne Camp. In November of 2016, Berkeley voters passed Measure T1, authorizing the city to sell \$100 million of General Obligation Bonds to repair, renovate, replace, or reconstruct portions of the city's aging infrastructure.

The City of Berkeley has managed all T1 projects internally with a team that includes administrative, financial, and project management staff from the Public Works and Parks, Recreation, and Waterfront Departments. Five full-time equivalent positions were allocated across 11 staff within PW and PRW. One of the five FTEs is a T1 Associate Management Analyst. While projects are managed by city staff, the planning, design, and construction management of projects are largely completed by consultants.

As a part of preparing this Program Plan, interviews were conducted with the T1 Management Team and project managers to learn what has worked well and how things can be done better in the future.

### Positive outcomes of T1 implementation:

- › The City has completed nearly all of the 39 projects in Phase 1. Phase 2 projects are approved and are on track to be completed by 2026
- › Interdepartmental collaboration has been very effective with regular meetings and open communications
- › Community messaging has been regular and recurring, with ongoing updates to the website and email distribution lists, periodic reporting to Council, and a January 2022 informational brochure mailed to residents
- › The program team has been able to staff up and retain staff during the program
- › Staff costs have been kept to a minimum, i.e., less than 12% of project costs
- › Meetings are held at the conclusion of each project to discuss challenges, successes, and lessons learned
- › The project teams have largely been able to keep up with the project schedules

**Ideas for future improvements:**

- › Reduce the time it takes to hire staff
- › Increase IT and legal support to match the program size
- › Add consultants to help with certain tasks in project management
- › Improve tools to aid in project management

- › Streamline contracting policies, including bid protest procedures and purchasing policies

It is important to note there will be overlap with the T1 team completing the Phase 2 projects and the Vision 2050 team ramping up. The future organization will need to account for this to ensure the success of both programs.

## 5.2 Research on Other Programs

The City and its consultants conducted interviews with three cities implementing large capital programs. Interview topics included organization, tools, implementation, and accountability.

Successes, challenges, and lessons learned were discussed with each group, too. Table 8 summarizes the cities and their programs.

| TABLE 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------|
| CITIES INTERVIEWED AND THEIR CAPITAL PROGRAMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |                                                         |
| City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Program Description | Budget and Staff                                        |
| <p><b>City of Oakland</b></p> <ul style="list-style-type: none"> <li>› Measure KK’s funding allocations are a) \$350 million for streets and roads, b) \$150 million for facilities and c) \$100 million for anti-displacement and affordable housing</li> <li>› CIP projects are delivered through Public Works (PW) and Transportation (OakDOT). PW delivers non-transportation projects, such as sewer, drainage, and parks. OakDOT delivers transportation projects through two divisions: a) Great Streets (large projects) and b) Safe Streets (street repairs)</li> <li>› Program management is primarily done with City staff with some consultant support. There are about 20 dedicated staff members for program management</li> <li>› Staffing vacancies have been as high as 25%</li> </ul> |                     | <p>\$87M / 20 employees =<br/>~\$4.4M per employee.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <p><b>City of Oakland (cont.)</b></p> <ul style="list-style-type: none"> <li>› Oakland’s PCI was 53 in 2019 and increased to 58 in 2021. They are using \$100 M of Measure KK funds over 3 years to improve 350 miles of street surface</li> <li>› Measure KK has a 9 member Public Oversight Committee. The members were appointed by the Mayor and report to the City Council</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                            |
| <p><b>City of Sunnyvale</b></p> <ul style="list-style-type: none"> <li>› The Public Works Engineering Division delivers all capital projects through four groups: a) special projects, b) project design, c) construction management, and d) land development</li> <li>› The special projects group manages very large capital projects, e.g., \$1 billion wastewater treatment plant re-build. Consultants handle the day-to-day project management but do not have monetary authority</li> <li>› There are 8 staff in the project design group, who manage the smaller on-going capital projects</li> <li>› The City uses e-Builder software</li> <li>› Staffing vacancies are a problem</li> <li>› City Council’s target PCI is 80. Their current PCI is about 76</li> </ul>                                                                                                                                          | <p>\$176.5M / 30 employees<br/>= ~\$5.9M per employee.</p> |
| <p><b>City of San Diego</b></p> <ul style="list-style-type: none"> <li>› The City delivers capital projects through two departments: a) Capital Projects and b) Strategic Capital Projects. Capital Projects perform projects that are \$5 to 20 million in size, the work is long-term and they have about 700 staff. The Strategic Capital department works on projects over \$100 million in size, the work requires special expertise, there are about 50 staff and there is a high reliance on consultants</li> <li>› The current 5-year CIP has a funding need of \$8.4 billion</li> <li>› The City uses OCI (overall condition index) instead of PCI. The City’s target for OCI is 70</li> <li>› Staff vacancies range from 15 - 20%</li> <li>› A State of CIP Report is provided to City Council twice per year</li> <li>› San Diego is a participant in a California multi-agency benchmarking group</li> </ul> | <p>\$830M / 750 employees<br/>= ~\$1.1M per employee</p>   |

While Berkeley uses City staff for project management and consultants for planning, design, and construction management, by comparison, the larger programs are managed by a combination of City staff and consultants. Berkeley's 5 full time equivalent employees are handling \$45 million projects at present, a higher ratio than these other cities. City staff make all financial decisions, manage City processes, and complete repeatable tasks. Consultants assist City staff with a wide variety of tasks involving project planning, design, construction management, and execution, and provide necessary specialized expertise and knowledge. Some program teams include a

dedicated group who administer grant funding. Challenges experienced during large program implementation include difficulty in recruiting and retaining a talented workforce, having sufficient administrative and support services, and having effective and efficient hiring and on-boarding processes, including a continuous recruitment process.

These issues could be addressed in part by including dedicated financial and recruiting staff that are funded through the revenue measure, and developing program-specific hiring policies and procedures.

## 5.3 Recommendations for Vision 2050 Implementation

The recommendations presented in the section below build off the successes and lessons learned from implementation of Measure T1 and the City's regular capital program, and from the three cities we interviewed and researched. These recommendations will help in delivering a more significant investment in the city's infrastructure:

- › **Responsible organization** - A Vision 2050 program management team should be formed and report to the Public Works Director for the first phase of improvements, given this phase's focus is likely within the right of way, which is Public Works' responsibility. This team would be multi-discipline, meaning the team would be responsible for implementing all aspects of the Vision 2050 program, including projects outside of the normal purview of Public Works. In future phases, as determined by future Vision 2050 priorities, this program management team could report either to Directors of Public Works or Parks, Recreation, and Waterfront, a Deputy City Manager, or the City Manager.

- › **Multiple Benefits** - The Vision 2050 Framework recommended infrastructure improvements that have multiple benefits. Given this Plan's initial focus on streets and traffic safety, the program management team will ensure projects are delivered that, to the extent feasible, combine paving, traffic safety, and green infrastructure improvements. Recent annual paving projects demonstrated progress in this regard, as they have included paving, green infrastructure, and various traffic safety features such as traffic circles, traffic diverters, and pedestrian islands. Given this plan prioritizes the co-benefits of street paving and traffic safety, staff have modeled how to meet both goals simultaneously. By dedicating two-thirds of streets-focused investments to paving and one-third to traffic safety, this Plan's goals can be met in ten years or so.

- › **Program management team and staffing** - The City should initiate a recruitment for a new full-time position, Vision 2050

Program Manager. The manager should have an administrative support person and project managers (the number to be determined prior to implementation). The City team would ideally include dedicated staff in lieu of 3-year limited term positions, given the duration of the work. In addition, the city team should include both an in-house construction inspector and a project coordinator to assist with time-intensive tasks such as compiling budget data, preparing public outreach materials, and coordinating meetings. Outreach support should be included on this team as well. The Program Manager should also have a mix of staff and consultant support in a blended team. Consultant support may include: a) preparation of a project management manual, b) project cost tracking, c) performance indicator tracking, and d) management of special projects.

- › **Engineering functions** - As discussed above, the engineering and capital delivery divisions in the Public Works and Parks, Recreation and Waterfront Departments will continue to deliver ongoing projects. These include aspects of street paving, sidewalk repairs, sewer rehabilitation, and park and playground improvements.

- › **Special projects** - Projects that are not normally handled by the City's engineering

divisions should be managed by the program management team or assigned to a consultant. Examples of these projects may include utility undergrounding, seismic improvement to public buildings, public realm projects, etc

- › **Supporting departments** - Advanced planning needs to be held with the City's procurement, legal, human resources and information technology departments. Challenges experienced during large program implementation include difficulty in recruiting and retaining a talented workforce and having effective on-boarding processes. In addition, the City's procurement procedures need updating and improvement. The ideal Vision 2050 organization may include dedicated recruitment and financial staff, as well as new policies that are developed specifically for the program. For example, the City of Oakland cut 500 staff hours and months from project timelines by reducing the number of project and procurement approvals.

- › **Tools, software and procedures** - An evaluation of current and new tools will be made for delivering the program. This will include: a) procurement tools for goods and services, b) project scheduling and tracking software, c) document management, and d) reporting.



# 06

## SUPPORTING STRATEGIES

This section describes the performance monitoring, oversight and reporting and on-going maintenance that will be a part of implementing a successful Vision 2050 program.



## 6.1 Performance Indicators

A large complex program like Vision 2050 can benefit from identifying Key Performance Indicators (KPIs) to track progress. An initial list of KPIs is shown on Table 9 and are organized around the four Vision 2050 outcome objectives. The indicators go beyond the traditional tracking of cost and schedule progress and incorporate indicators that reflect sustainability and resilience goals.

It will be important to update these KPIs at the beginning of each phase of this thirty-year program, and more frequently in some areas, in order to incorporate changing conditions, new technologies, and new priorities.

TABLE 9

### VISION 2050 KEY PROGRAM PERFORMANCE INDICATORS

| 1. Streets are Safer, More Sustainable, Improved to a Good Condition, and Maintained               |                                                                              |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Paving condition                                                                                   | % of sidewalks in safe condition                                             |
| Three year average of severe injuries/fatalities                                                   | % of Bicycle, Pedestrian, and ADA Transition Plans implemented               |
| % of 2020 pavement surface converted to pervious surface                                           | Public satisfaction with right of way                                        |
| % of commute trips by solo occupant vehicle                                                        | % of trips by walking, micro mobility or transit                             |
| 2. Infrastructure is Resilient, Protects the Environment, and is Adapted to Climate Change Impacts |                                                                              |
| Citywide GHG reductions                                                                            | % of public buildings fossil-fuel free                                       |
| Citywide natural gas consumption                                                                   | % of automobiles that are EV citywide                                        |
| % of Stormwater and GI plans implemented                                                           | % of sea level rise, undergrounding, and evacuation route projects completed |
| % of target acres treated by Green Infrastructure                                                  | % of 2022 vacant street tree sites planted                                   |
| % of public buildings seismically retrofitted                                                      |                                                                              |
| 3. Open Space, Parks, and Recreation Improve our Quality of Life                                   |                                                                              |
| % of Backlog Addressed Annually                                                                    | Diversity of the Urban Forest                                                |
| # of Street Trees/Tree Canopy Ratio                                                                | Public satisfaction at Parks and open spaces                                 |
| 4. Public Facilities are Safe and Provide Community Placemaking                                    |                                                                              |
| % of public realm/placemaking opportunities implemented                                            | % of Backlog Addressed                                                       |
| % of ADA Transition Plan implemented in buildings                                                  | Public satisfaction in public spaces                                         |
| % of public buildings with battery storage                                                         |                                                                              |



## 6.2 Equity

Incorporating equity into infrastructure is a core value of the Vision 2050 Framework, and is something Berkeley residents want. Three-fourths of voters said an infrastructure measure should incorporate equity.

Poorly maintained infrastructure is inherently inequitable, as it is more detrimental to Berkeley's most vulnerable residents. Those with mobility impairments can find potholes, deficient sidewalks, failing hand rails, or out-of-service elevators as insurmountable challenges. Those on bikes or walking, instead of in vehicles, are more at risk of death or serious injury on streets with potholes, failing pavement markings, and lacking traffic safety controls. As reported by the city auditor, low-income residents who depend on their automobile to get to work face greater risk from the estimated annual \$1,049 repair bill attributable to poorly maintained streets. The state of our parks, recreation and senior

centers has a serious impact on the programs and services delivered to children of color and lower income seniors.

In implementing equity into Vision 2050, Berkeley will build on recent progress. The City's transportation plans prioritize projects in historically underinvested neighborhoods in Berkeley, including improvements like bus bulbouts and dedicated bus lanes which help lower income residents more likely to use transit. Many capital projects approved in Measure T1 implementation advanced equity. These projects include the African American Holistic Resource Center, South Berkeley Senior Center, the Martin Luther King Jr. Youth Services Center, and public restrooms citywide approved as part of Measure T1, Phase 2. In addition, Phase 1 projects such as paving and park improvements at San Pablo Park and 10 play structures in West Berkeley also advance equity.

## 6.3 Reporting and Oversight

A Vision 2050 program team will prepare a Program Management Manual. The manual will include the performance indicators and a format for reporting progress. Typically, performance monitoring reports are prepared on a semi-annual basis. The reports will be provided to Council and will be available to the public via the Vision 2050 website.

To ensure accountability, independent oversight for the revenue measures will be provided by two of the City's Commissions: Transportation and Infrastructure, and Parks, Recreation, and Waterfont. These Commissions will review expenditures

for conformance with the measure's purposes, propose how future revenue measures proceeds are spent, and monitor progress toward Vision 2050's outcomes and performance indicators.

## 6.4 Lifecycle Maintenance

Asset Management is an important concept in which the city's infrastructure systems are managed throughout the life cycle from 'cradle to grave.' Taking an asset management approach was a key part of the City Council adopted Vision 2050 recommendations.

A Strategic Asset Management Plan (SAMP) was recently submitted to City Council and the Council adopted an Asset Management Policy. The SAMP develops policy guidance, reviews the city's current maintenance practices, and prepares a roadmap of key initiatives for implementing a full Asset Management Program (AMP) in Berkeley's Public Works and Parks, Recreation & Waterfront Departments. Critical systems that we depend on every day are simply wearing out. Recent budgets were inadequate for infrastructure capital and maintenance needs, let alone modernizing them. An AMP is needed to manage our infrastructure assets throughout their useful life.

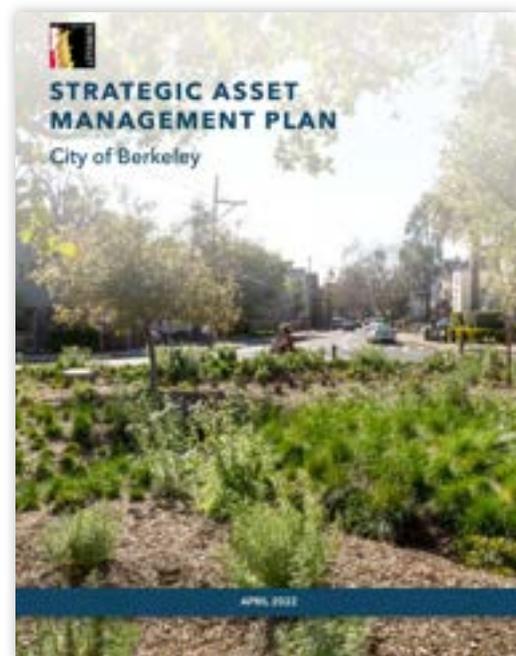
The city retained a consultant to assess the city's current asset management practices against a global standard benchmark on Asset Management in six areas: asset strategy and planning, asset management decision-making, lifecycle delivery, asset information, organization and people, and risk assessment. Based on the benchmark, Berkeley's average assessment was in the 'developing' level of asset management implementation and comparable to many U.S. cities, but not nearly good enough. The consultant worked with city staff to develop a 'Roadmap' of key initiatives in the next two

years to implement an effective AMP.

The components include:

- › Prepare an Asset Management policy for City Council's adoption
- › Form an Asset Management team, consisting of a team leader and two program staff
- › Form an AM Steering Committee to guide the program implementation
- › Provide consultant support
- › Prepare the strategies, procedures and analyses to implement an AMP

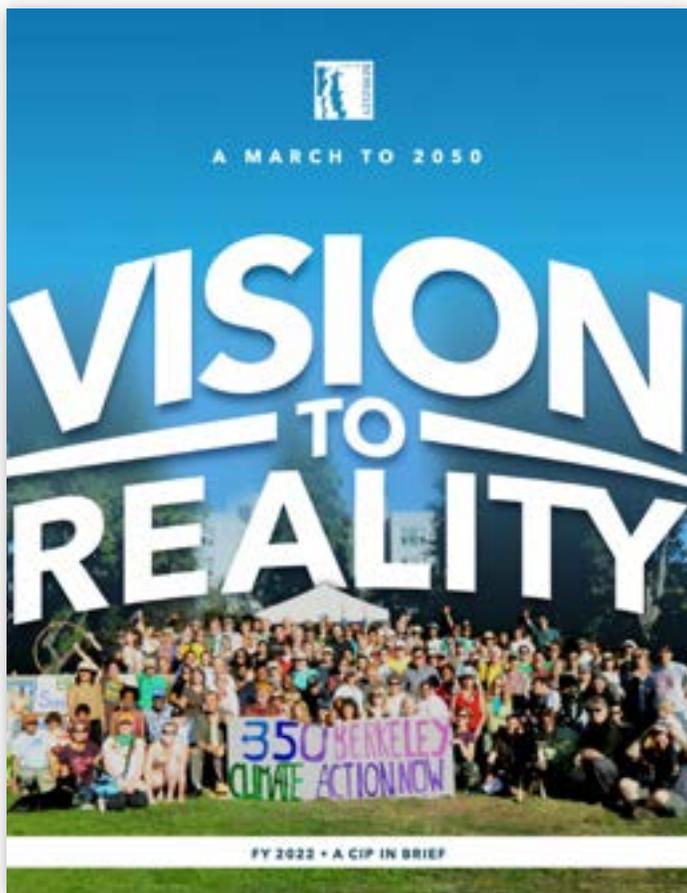
The SAMP conducted an asset-by-asset review of annual infrastructure maintenance funding and found that some asset categories such as streets and city buildings had insufficient maintenance funding by a wide margin, while other assets like sewer and streetlights had adequate maintenance funding. Assets such as stormwater have sufficient maintenance funding now. However, climate change and green infrastructure might make current funding commitments insufficient in future years.



## 6.5 General Fund Support for Infrastructure Maintenance

The level of General Fund contribution for public infrastructure in the last 12 years has remained flat in nominal terms. Given escalating annual costs, this led to a decline in General Fund support for infrastructure. A common theme from community engagement has been to grow General Fund support for infrastructure and, at the very least, that revenue from any new measures not replace existing General Fund commitments to infrastructure.

In recognition of the need for more infrastructure funding, the City Council has revamped its capital budget and allocated an additional \$14M+ for street maintenance, \$5M+ for the Waterfront and Parks, and \$4M+ for other infrastructure. If these investments become a new “floor” for the City’s infrastructure, the City will be on track to achieve a resilient and sustainable infrastructure by 2050.



The FY 2022 CIP in Brief was the beginning of melding Vision 2050 into the City’s capital budget

# 07

# APPENDICES

## A. Acknowledgements

### City of Berkeley

Paul Buddenhagen, Deputy City Manager

Liam Garland, Director, Public Works

Scott Ferris, Director, Parks, Recreation and Waterfront

Ray Yep, Vision 2050 Implementation Team Member (volunteer)

Margo Schueler, Vision 2050 Implementation Team Member (volunteer)

Gordon Wozniak, Vision 2050 Implementation Team Member (volunteer)

Andrew Brozyna, Deputy Director, Public Works

Christina Erickson, Deputy Director, Parks, Recreation and Waterfront

Farid Javandel, Deputy Director, Public Works

Joe Enke, Manager of Engineering, Public Works

Input from the Leadership Teams in the Public Works and Parks, Recreation and Waterfront Departments

### Consultant Team

V.W. Housen and Associates: Vivian Housen, Project Manager

Morgan DeAngelis, Project Engineer

Woodward & Curran: Dave Richardson, Principal

Daniel Windsor

Josh Uecker

Stephanie Hubli

## B. GLOSSARY OF TERMS AND ABBREVIATIONS

| Terminology                    | Definition                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ADA</b>                     | Americans with Disabilities Act                                                                                                                                                                                                                                                                                                                                            |
| <b>AMP</b>                     | Asset Management Program                                                                                                                                                                                                                                                                                                                                                   |
| <b>Asset categories</b>        | A logical grouping of similar assets or equipment types used to categorize, organize, and manage the asset portfolio.                                                                                                                                                                                                                                                      |
| <b>Asset management</b>        | Data driven planning that improves operational, maintenance and capital forecasting of potential needs, and optimization of investments to realize the greatest value from assets while operating over their lifecycle.                                                                                                                                                    |
| <b>CEQA</b>                    | California Environmental Quality Act                                                                                                                                                                                                                                                                                                                                       |
| <b>CIP</b>                     | Capital Improvement Program                                                                                                                                                                                                                                                                                                                                                |
| <b>City</b>                    | City of Berkeley                                                                                                                                                                                                                                                                                                                                                           |
| <b>Council</b>                 | City Council of Berkeley                                                                                                                                                                                                                                                                                                                                                   |
| <b>EBMUD</b>                   | East Bay Municipal Utility District                                                                                                                                                                                                                                                                                                                                        |
| <b>Envision</b>                | Developed by the Institute for Sustainable Infrastructure and Harvard University, Envision provides industry-wide sustainability metrics for all types and sizes of infrastructure to help users assess and measure the extent to which their project contributes to conditions of sustainability across the full range of social, economic, and environmental indicators. |
| <b>KPI</b>                     | Key Performance Indicator                                                                                                                                                                                                                                                                                                                                                  |
| <b>General obligation bond</b> | A General Obligation bond is a common type of municipal bond that is secured by a government's pledge to use legally-available resources, including tax revenues, to repay bondholders.                                                                                                                                                                                    |
| <b>Parcel tax</b>              | The parcel tax is a tax on parcels of real property collected as part of a property tax bill. Unlike the property tax, the parcel tax cannot be based on property value. To impose a parcel tax, governments must win support from two-thirds of voters.                                                                                                                   |
| <b>PCI</b>                     | Pavement Condition Index, which is a scale of 0 to 100 (with 100 being the best) that indicates the condition of an asphalt street surface.                                                                                                                                                                                                                                |
| <b>Program plan</b>            | A structured approach to organizing a long term complex array of subcomponents. The plan typically describes the project components, schedule, outcomes, funding, and reporting.                                                                                                                                                                                           |
| <b>SAMP</b>                    | Strategic Asset Management Plan. This is a high level plan that reviews an organization's policies, assesses its maturity on maintenance, and develops a roadmap to implement a lifecycle maintenance management program.                                                                                                                                                  |
| <b>U.S. EPA</b>                | United States Environmental Protection Agency                                                                                                                                                                                                                                                                                                                              |
| <b>Vision 2050</b>             | An initiative of Berkeley's Mayor Jesse Arreguin to take a long term approach to improving Berkeley's aging infrastructure. The approach incorporates sustainability and resiliency and anticipating a future world with climate impacts.                                                                                                                                  |
| <b>WMP</b>                     | Watershed Management Plan                                                                                                                                                                                                                                                                                                                                                  |

## C. Reference Documents

1. Information on Vision 2050 can be found on its website: [BerkeleyVision2050.org](http://BerkeleyVision2050.org).
2. Reference documents referenced in this program plan can be found on the City of Berkeley website ([BerkeleyCA.gov](http://BerkeleyCA.gov)) using the search feature
3. Information on Berkeley's Measure T1 program can be found on its website: [BerkeleyCA.gov/your-government/our-work/ballot-measures/measure-t1](http://BerkeleyCA.gov/your-government/our-work/ballot-measures/measure-t1).
4. Information on the Envision process can be found on the Institute for Sustainable Infrastructure's website: [SustainableInfrastructure.org](http://SustainableInfrastructure.org).

MEET YOUR COUNCILMEMBERS



**MAYOR**  
**JESSE ARREGUIN**

*Term Expires 11/30/2024*



**DISTRICT 1**  
**RASHI KESARWANI**

*Term Expires 11/30/2022*



**DISTRICT 2**  
**TERRY TAPLIN**

*Term Expires 11/30/2024*



**DISTRICT 3**  
**BEN BARTLETT**

*Term Expires 11/30/2024*



**DISTRICT 4**  
**KATE HARRISON**

*Term Expires 11/30/2022*



**DISTRICT 5**  
**SOPHIE HAHN**

*Term Expires 11/30/2024*



**DISTRICT 6**  
**SUSAN WENGRAF**

*Term Expires 11/30/2024*



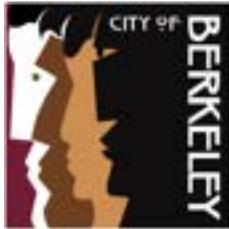
**DISTRICT 7**  
**RIGEL ROBINSON**

*Term Expires 11/30/2022*



**DISTRICT 8**  
**LORI DROSTE**

*Term Expires 11/30/2022*



Office of the City Manager

01

WORKSESSION  
January 20, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Paul Buddenhagen, Deputy City Manager  
 Subject: Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)

SUMMARY

This report provides an update on Vision 2050 and its recommended exploration of an infrastructure-focused revenue measure or measures for the November 2022 ballot. It includes results of recent stakeholder and community engagement, comparisons of revenue measure options, and an update on the City's bonding capacity; and seeks City Council's direction on revenue measure options for the November 2022 ballot.

City Council adopted the principles, strategies, and actions laid out in the Vision 2050 Framework in September 2020, after a resident-led, volunteer effort to develop a long-term plan centered on resiliency and sustainability. Strategy Four of the Vision 2050 Framework identified inadequate funding of the City's infrastructure and recommended action to address this need through new revenue. The City Manager formed a Vision 2050 implementation team and, as a result of this team's work, City Council approved a project in FY 2022 to explore a significant revenue measure or measures focused on infrastructure, including affordable housing. In Fall and Winter 2020, staff hired a consulting team, conducted a scientific survey (topline results in Attachment 1), opened and closed an online community survey, held more than 20 stakeholder meetings, performed financial analysis on the measure alternatives, and made progress on the study of the City's bond capacity.

Staff seeks City Council's direction on several questions that will drive the next actions on the project:

1. Is the November 2022 election the right time to include an infrastructure-focused revenue measure or measures?
2. If yes, should it be *one* infrastructure-focused measure or *multiple* measures? And what should be the approximate dollar amount of the measure(s)?



3. What should the top infrastructure spending priorities be for the measure(s)? And should affordable housing and traditional infrastructure both be addressed in such measure(s)?

In addition, staff seeks to learn what City Council would like to see incorporated in the upcoming *Vision 2050 Program Plan* for which public input will be solicited in March and April.

With direction from City Council, staff will proceed to draft a *Vision 2050 Program Plan*, engage Commissions and the public on the draft *Program Plan*, conduct a follow-up scientific survey of voters in April, and return to City Council in May with a proposed *Program Plan* and language for revenue measure(s) for City Council to consider placing on the November 2022 ballot.

### CURRENT SITUATION AND ITS EFFECTS

Most of Berkeley's streets, sidewalks, sewers, parks, playgrounds and public buildings were built over 75 years ago and need repair. However, local revenues have not kept pace with the need for investments to maintain and/or update aging infrastructure or promote sustainability and housing affordability. This underinvestment has led to an estimated \$1.2 billion in deferred maintenance as shared with the City Council during the development of the FY 2022 budget.<sup>1</sup> (An updated estimate will be reported to City Council as part of the *Program Plan* in May 2022.)

Studies show that \$1 spent in early maintenance of infrastructure, such as streets, can save \$7 in later, more expensive repairs. This explains why delays in addressing deferred maintenance in the City's streets will quadruple the cost of addressing these needs by 2050.

The \$1.2 billion in citywide infrastructure needs is an undercount, as this estimate does not include significant affordable housing need, nor does it include many needs related to new or improved infrastructure, such as utility undergrounding, bicycle and pedestrian improvements recommended in adopted City plans, some improvements that make the City's infrastructure more sustainable and resilient, or costs to transform the City's public spaces and commons.

Nevertheless, this size and scale of these infrastructure needs is very important, as they show the challenge ahead. This challenge exists despite proactive steps taken to address these needs in the last decade. Local voters approved the first phase of upgrades to local infrastructure through the passage of Measure M (\$30M) in 2012, the Parks Tax increase in 2014, Measure T1 in 2016 (\$100M), and Measure O in 2018

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<sup>1</sup> Attachment 2 provides the infrastructure needs reported to City Council at the March 16, 2021 session on *Unfunded Liability Obligations and Unfunded Infrastructure Needs*. In response to questions raised in stakeholder meetings, staff have added a second page to explain how these infrastructure needs were derived.

(\$135M). Together, these measures have provided additional resources to address affordable housing and the repair and improvement of Berkeley's aging infrastructure, including sidewalks, storm drains, parks, streets, senior and recreation centers, watershed and other City facilities.

While marking important progress, these measures have not been large enough to address this size of the infrastructure and affordable housing need. A measure or measures on the November 2022 ballot would secure a dedicated funding source to support local infrastructure and affordable housing, and accelerate the City's path toward sustainability and resilience as envisioned in the Vision 2050 Framework.

*Scientific Survey of Berkeley Voters.* A random, representative sample of 500 Berkeley voters were surveyed regarding their infrastructure priorities in October 2021 via telephone and text-to-online technology using professional interviewers. The survey had a margin of error of +/- 4.4%, and top line survey results are found in Attachment 1. It elicited respondents' infrastructure priorities, and support or opposition to an infrastructure-focused general obligation (or "infrastructure") bond, parcel tax, or sales tax increase.

The survey found that voters' top priorities included:

- Increasing affordable housing for low-income and homeless residents (79% rated as "important"),
- Upgrading storm drains, green infrastructure, and watersheds to keep pollution from the Bay (79% important);
- Developing climate change resiliency, including protecting against sea level rise, wildfires and drought (78% important),
- Undergrounding utilities to reduce the risk of wildfire (73% important), and
- Repairing deteriorating streets (73% important).

This survey found broad support for an infrastructure-focused revenue measure, but support fell short of the two-thirds necessary to pass a revenue measure dedicated to infrastructure, whether an infrastructure bond, parcel tax, or sales tax. Voters' support and opposition did not differ much between the larger-sized measures and the smaller-sized measures. The "No" vote (between 27-32%) common to these measures is higher than previous pre-placement surveys, and the undecided vote is smaller than previous surveys.

The survey also found that three-fourths of this representative group of voters believe an infrastructure measure should address equity, and a majority support a definition of equity where infrastructure benefits are provided first (or more) to lower-income neighborhoods and communities of color that have been historically underfunded.

*Revenue Measure Options.* The survey tested three revenue measure options:

- General Obligation (or Infrastructure) Bond:** debt issued to fund capital improvements that is repaid over the bond duration by property tax revenues. Funds from a bond measure may only be used for capital investments and cannot be used for maintenance, operations, or services. Bond measures are generally considered among the most progressive forms of taxation since they are based on the assessed value of properties.
- Parcel Tax:** a form of property tax typically based on the square footage of one parcel. Funds from a parcel tax measure are flexible and can be used for both capital, operations, maintenance, and services. The tax is based on the improved square footage of properties. It is generally considered a progressive form of taxation since larger properties pay more than smaller properties, and exemptions for seniors and low-income property owners are allowed.

| OPTIONS FOR FUNDING MECHANISMS  |                                             |                       |                                                                             |                                     |                                  |
|---------------------------------|---------------------------------------------|-----------------------|-----------------------------------------------------------------------------|-------------------------------------|----------------------------------|
| TYPE                            | Bond <sup>2</sup>                           |                       | Parcel Tax <sup>3</sup>                                                     |                                     | Sales Tax <sup>4</sup>           |
| AMOUNT                          | \$27 per \$100,000 AV                       | \$54 per \$100,000 AV | \$0.15 per square foot                                                      | \$0.30 per square foot              | \$0.05 per \$1.00                |
| ESTIMATED TOTAL FUNDING         | \$250 million                               | \$500 million         | \$12M/yr or \$250 million if bonded                                         | \$25M/yr or \$500 million if bonded | \$9M/yr, \$110 million if bonded |
| AVG. ANNUAL PROPERTY OWNER COST | \$200                                       | \$400                 | \$300                                                                       | \$600                               | Varies                           |
| TAX BASIS                       | Assessed Value (AV)                         |                       | Building square footage                                                     |                                     | Taxable purchases                |
| USE OF FUNDS                    | Capital only                                |                       | Capital + Maintenance                                                       |                                     | Capital + Maintenance            |
| TAX PROGRESSIVITY               | Progressive                                 |                       | Progressive                                                                 |                                     | Least Progressive                |
| EXEMPTIONS                      | None                                        |                       | Low income/senior                                                           |                                     | Essential purchases              |
| PROS                            | Relative tax burden lessens as AV increases |                       | Fixed payments, funds both operations/maintenance and capital               |                                     | Visitors pay share               |
| CONS                            | Cannot pay for maintenance or operations    |                       | Relative tax burden stays flat if citywide square footage does not increase |                                     | Impact on low-income residents   |

<sup>2</sup> These calculations assume four equal issuances over the first eight years and an interest rate of 4%. The average assessed value is for a single-family home of \$647,972.

<sup>3</sup> These calculations assume 83,073,012 taxable square feet and an average single-family home of ~2,000 square feet.

<sup>4</sup> These calculations assume \$6.5 million of the additional \$9 million in revenue would be available for bonding.

- **Sales Tax:** this is a consumption tax on the sale of goods and services for which the City has State permission to raise one half-cent per dollar more. Funds from a sales tax measure are flexible and can be used for capital, maintenance, operations, and services. Sales taxes are generally considered a less progressive form of taxation since low-income residents spend a larger portion of their incomes on taxable purchases than higher income populations. However, essential purchases like groceries and prescription medicine are exempt from sales tax and the cost is paid by anyone who shops locally, not just residents.

*Stakeholder and Community Engagement.* Staff held meetings with 20+ community organizations and the following Commissions: Community Environmental Advisory, Disability, Disaster and Fire, Energy, Parks and Waterfront, Public Works, and Transportation. These meetings were an opportunity to share more about the City's infrastructure needs, solicit input on possible revenue measures, answer questions, and highlight an online community survey that was opened in October 2021 and closed on January 12, 2022.

From the 20+ meetings with various stakeholders, the following issues and themes emerged:

- Request for more explanation of the \$1.2B in infrastructure need
- General belief that November 2022 was the right time for an infrastructure-focused measure
- Importance of trees, biodiversity, and green space in investment priorities
- Desire to see an integrated approach to infrastructure investments
- Some concern that a "fix-it-first" approach to infrastructure did not align well with ambition of Vision 2050 or the City's climate and resilience strategy
- Sales tax was not preferred given the impact on low-income residents
- Some concern over voters' (mis)trust of the City's financial management
- Varying opinions on whether affordable housing and traditional infrastructure should be included in one measure, split between two, or dealt with in different elections
- Support for equity in any measure
- Some concerns about the tax burden of an infrastructure bond versus parcel tax on new(er) property owners versus long-time owners
- Request for better understanding of results from affordable housing investments
- Request that federal, state, and regional grant funding be leveraged
- Some interest in a parcel tax given its ability to fund both capital improvements and ongoing maintenance
- Concern that ongoing maintenance be adequately funded to ensure whatever is constructed is properly maintained

For the online survey, a total of 1,024 responses were received. For the most part, the results from the online survey aligned with the scientific survey. However, the online survey afforded additional insight. For example, respondents were asked to rank their top three priorities for a potential measure from a list of infrastructure priorities. More so than the scientific survey, street repair stood out as a clear top priority followed by affordable housing. The top five ranked priorities are listed below, with percentages indicating the number of respondents who ranked the particular item as top priority:

1. 28.5% – Street Repair
2. 19.2% – Affordable Housing
3. 8.3% – Bike Lanes/Safety
4. 7.5% – Climate Change Resiliency
5. 6.8% – Pedestrian Safety

When respondents were asked to rank the urgency of various infrastructure priorities, repairing deteriorating streets stood out as a top priority, with housing and other infrastructure priorities considered urgent but less so. Respondents ranked the priorities on a five-point scale, with one the most urgent and five the least urgent, and the numbers in parentheses refer to the average rating of each item:

1. Repairing deteriorating streets (1.96)
2. Improving traffic safety (2.25)
3. Upgrading storm drains, green infrastructure, and our watersheds to keep pollution from the Bay (2.35)
4. Repairing sidewalks to improve pedestrian safety and ADA accessibility (2.37)
5. Undergrounding utilities to help reduce the risk of wildfire (2.40)
6. Climate change resiliency including protecting against sea level rise, wildfires, and drought (2.42)
7. Planting and caring for trees (2.52)
8. Increasing affordable housing for low-income and homeless residents (2.57)
9. Expanding bike lanes and improving bike safety (2.62)
10. Upgrading traffic signals, pavement markings, and street signs (2.66)

*Bond Capacity Study.* The Finance Department has engaged the Government Finance Officers Association to initiate a study of the City's bond capacity. Initial findings from that study will be shared during the staff presentation at the January 20<sup>th</sup> Work Session.

*Vision 2050 Program Plan.* After gaining City Council's direction, staff will develop a *Program Plan* and return to City Council for approval of this plan, along with proposed measure(s) for November 2022. The *Program Plan* will lay out a long-term program to address Berkeley's infrastructure needs through 2050, address this and future revenue measures, describe the impacts of infrastructure investments, identify an organizational approach to delivering on funded projects, and recommend a process for developing and approving projects funded by this and future revenue measures. While this plan will

not be binding and will be flexible enough to adapt as infrastructure needs evolve, it will provide a blueprint for future action. Other issues the *Program Plan* may address include:

- Ensuring capital improvements are properly maintained, and where maintenance is not properly funded for a particular infrastructure asset, recommend actions to address the shortfall.
- Reconciling immediate repair needs in the City's infrastructure, especially the City's street condition, with the re-envisioning of the public commons/space suggested in Vision 2050.
- Explaining how these investments will promote sustainability, and address climate change and resilience.
- Exploring an approach where property owners' tax burden stays level between 2023 and 2050, while still addressing significant infrastructure need.

#### *November 2022 Election and Measure Options*

The November 2022 election may include state, county, school, special district or additional City measures. Staff believe the ballot will not include a Berkeley Unified School District measure. Staff will request City Council's placement of an Article 34 measure, which is required by the California Constitution in order to develop affordable housing projects with state or local public financing. Such an approval has occurred in at least four previous elections and has had strong support. More information about state, regional, and Alameda County measures will be available in the spring or summer. Needless to say, there is a lot of uncertainty leading up to the November 2022 election given ongoing challenges with inflation, employment, and the global pandemic.

With that context and the findings from community and stakeholder engagement to date, staff seek direction among four possible revenue measure options.

Option #1, \$500M Infrastructure Bond. Such as measure could have the following investment priorities:

- \$200 Million - Street repair and traffic safety
- \$150 Million - Affordable housing for low-income and homeless residents
- \$75 Million - Climate change, sea level rise, wildfire prevention and protection
- \$75 Million - Other public infrastructure improvements<sup>5</sup>

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<sup>5</sup> *Other Public Infrastructure Improvements* could include one-time projects, e.g., Old City Hall, Veterans Memorial Building, Waterfront and Marina, etc.

This option funds voters' top priorities—affordable housing, street repair, and climate change—and invests most in street repair, as it is the top and most urgent need identified by online survey respondents. This option overall is large enough to address a significant portion of the City's infrastructure needs. Investments in affordable housing at this range would generate up to 660 new affordable units, pave more than 120 street miles, and improve traffic safety. If City Council direct staff to pursue a measure of this size and type, the *Program Plan* will provide more detail on how these funds may be spent and results attained.

Option #2, Multiple Measures. These measures could include:

- A parcel tax of \$12M annually (or \$250M if bonded against) to address street repair and traffic safety.
- An infrastructure bond of \$150M to address affordable housing for low-income persons and the unhoused.
- An infrastructure bond of \$100M to address climate change, wildfire prevention and protection, and other public infrastructure.

This option also funds voters' top priorities and provides more flexible sources of funding that could address maintenance needs. Results from these investments are likely to track the results from Option #1. However, each of these measures would have to separately meet the two-thirds threshold for approval, which is likely to be more difficult than one measure meeting the two-thirds threshold.

Options #3, Variants of the above options. City Council could direct staff to develop Options #1 or #2 but with different funding mechanisms, e.g. Option #1 but with a similarly-sized parcel tax in lieu of infrastructure bond, at different funding levels (lower or higher amounts), or with different investment priorities, e.g., more or less for affordable housing, street repair, etc.

Option #4, None of the above. City Council could choose to delay this discussion until a future election; ask for other measure options, such as the sales tax, to be developed further; or direct staff to consider an option not yet considered.

## BACKGROUND

Vision 2050 is a City Council-supported, resident-engaged initiative to address Berkeley's \$1.2+ billion in infrastructure needs. With voter approval of Measure R, Vision 2050 was defined as engaging residents and experts in developing a 30-year plan to identify and guide implementation of climate-smart, technologically-advanced, equitable and efficient infrastructure to support a safe, vibrant and resilient future for Berkeley.

On April 27, 2021, City Council approved a referral to the City Manager to “explore various options for a future city bond measure in November 2022 to support the growing

need for infrastructure investment, including street repaving, Complete Streets infrastructure that promotes bike and pedestrian safety, restoration of public buildings and facilities, and affordable housing citywide.” The adopted FY 2022 budget included a \$400,000 project to execute on this project after which the City Manager convened a working team of residents and City staff to assist with Vision 2050 implementation.

The table below summarizes activities both completed and anticipated for the potential revenue measure(s).

| Month     | Activities                                                                                                                                                                                                                                               |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sep. 2021 | <ul style="list-style-type: none"> <li>• Begin various analyses and start drafting outreach materials.</li> <li>• Establish contracts with TBWBH Props and Measures and V.W. Housen &amp; Associates for Vision 2050 Implementation Services.</li> </ul> |
| Oct. 2021 | <ul style="list-style-type: none"> <li>• Conduct community survey #1.</li> <li>• Begin virtual stakeholder meetings.</li> </ul>                                                                                                                          |
| Nov. 2021 | <ul style="list-style-type: none"> <li>• Continue virtual stakeholder meetings.</li> </ul>                                                                                                                                                               |
| Dec. 2021 | <ul style="list-style-type: none"> <li>• Continue virtual stakeholder meetings.</li> </ul>                                                                                                                                                               |
| Jan. 2022 | <ul style="list-style-type: none"> <li>• Hold January 20 work session to gain City Council direction.</li> </ul>                                                                                                                                         |
| Feb. 2022 | <ul style="list-style-type: none"> <li>• Informational mailer to residents with invitation for input at March and April public meetings.</li> </ul>                                                                                                      |
| Mar. 2022 | <ul style="list-style-type: none"> <li>• Present draft <i>Program Plan</i> to Commissions and large area public meetings for feedback.</li> </ul>                                                                                                        |
| Apr. 2022 | <ul style="list-style-type: none"> <li>• Continue <i>Program Plan</i> meetings.</li> </ul>                                                                                                                                                               |
| May 2022  | <ul style="list-style-type: none"> <li>• Conduct community survey #2.</li> <li>• Present survey results and seek City Council’s approval on Vision 2050 funding measure(s) and <i>Program Plan</i>.</li> </ul>                                           |
| Aug. 2022 | <ul style="list-style-type: none"> <li>• Last date to submit measure(s) to County Registrar of Voters.</li> </ul>                                                                                                                                        |
| Nov. 2022 | <ul style="list-style-type: none"> <li>• Election</li> </ul>                                                                                                                                                                                             |

After the January 20 work session, the interdepartmental team will incorporate City Council’s direction. In March and April, the team will present a draft *Program Plan* to Commissions and obtain public feedback through five large area virtual meetings that combine two City Council districts per meeting, similar to the public meetings held during the T1, Phase 2 process. Then staff will return to City Council on May 31 with the results of this public engagement, a draft *Program Plan*, and proposed revenue measure(s) that have been reviewed by the City Manager, City Attorney, and City Clerk.

Progress on overall implementation of Vision 2050 has continued. This includes completion of short-term items, such as convening a Vision 2050 team, preparing an implementation plan, participating in Council workshops, and submitting a Vision 2050 budget. There are also a number of other items underway, including development of a



Strategic Asset Management Plan. This work is described in more detail in the [November 16, 2021, Council report](#).<sup>6</sup>

As indicated in this [16-page information guide](#), progress on implementation of T1 continues. During Phase 1 (2017-2022), \$40M was spent on 39 different projects, leveraging an additional \$23M from grants and special funds to deliver \$63M in infrastructure improvements. T1, Phase 1 projects resulted in seismically safe, solar-equipped, and accessible community buildings, repaving some of the City's most neglected streets, new green infrastructure, replaced play structures, increased resilience through improvements that reduce water consumption, a renovated Rose Garden, and an Aquatic Park with much improved water quality. This phase's planning projects included the San Pablo Park Community Center and new pool, the Willard Clubhouse, citywide restrooms, and the community space/restroom at the Tom Bates Sports Complex. Phase 2 (2021-2026) is currently underway and includes an additional \$60M on various projects, including South Berkeley buildings, citywide restrooms, paving, and sidewalk repairs. The John Hinkel Park project, which includes repairs to the creek, lower picnic area, play area and amphitheater, is the first T1, Phase 2 project to be under construction and will be complete in late Spring of 2022.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Implementing Vision 2050 would result in more resilient public infrastructure that creates fewer greenhouse gases, and reduces conflict between our built and natural environment. More affordable housing in Berkeley would reduce greenhouse gas emissions caused by employees finding lower cost housing farther away from employment centers and requiring longer commutes.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

If a potential revenue measure or measures are placed on the ballot and subsequently approved by voters, the City would receive additional funds from increased tax revenues. One goal for any potential revenue measure or measures is to ensure any resulting increased tax burden is held steady over the long term.

#### CONTACT PERSON

Paul Buddenhagen, Deputy City Manager, (510) 981-7000  
Liam Garland, Director, Public Works, (510) 981- 6300

#### Attachments:

- 1: Topline of October 2021 Scientific Survey Results
- 2: Prior Estimate of Infrastructure Need and Methodology

<sup>6</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-16\\_Item\\_08\\_Vision\\_2050.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-16_Item_08_Vision_2050.aspx)

**City of Berkeley Community Survey  
Live Phone and Text-to-Online  
October 12 – 17, 2021  
FINAL WEIGHTED TOPLINES**

**N=500 Likely Nov 2022 General Election Voters  
Splits: A/B, C/D, E/F**

|                              | TOTAL<br>N= 500 | MEN<br>221 | WOMEN<br>262 |
|------------------------------|-----------------|------------|--------------|
| <b>Region</b>                |                 |            |              |
| Council District 5/6/8 ..... | 42              | 46         | 41           |
| Council District 3/4/7 ..... | 29              | 27         | 27           |
| Council District 1/2 .....   | 29              | 26         | 32           |
| <b>Party Registration</b>    |                 |            |              |
| Democrat .....               | 80              | 77         | 84           |
| Republican .....             | 2               | 3          | 1            |
| No Party Preference .....    | 16              | 19         | 12           |
| Others .....                 | 2               | 1          | 2            |

**Q1.** Before we begin, I need to know if I have reached you on a cell phone, and if so, are you in a place where you can talk safely?

|                                                           |    |    |    |
|-----------------------------------------------------------|----|----|----|
| Yes, cell and can talk safely .....                       | 34 | 40 | 31 |
| Yes, cell and cannot talk safely <b>[CALL BACK]</b> ..... | 0  | 0  | 0  |
| No, not on cell, but own one .....                        | 10 | 10 | 10 |
| No, not on cell, and do not own one .....                 | 2  | 2  | 2  |
| (Don't know/refused) <b>[TERMINATE]</b> .....             | 0  | 0  | 0  |
| Text to online .....                                      | 54 | 48 | 57 |

**Q2.** Could you please tell me your gender? **[DO NOT READ OPTIONS]**

|                        |                    |     |     |
|------------------------|--------------------|-----|-----|
| Male .....             | 44                 | 100 | 0   |
| Female .....           | 52                 | 0   | 100 |
| Non-binary/other ..... | 4                  | 0   | 0   |
| (Refused) .....        | <b>[TERMINATE]</b> |     |     |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**Q3.** Although it is some time from now, what are the chances of you voting in the November 2022 general election for Governor, Congress, and other offices? Are you almost certain to vote, will you probably vote, are the chances about 50-50, are you probably not going to vote, or are you definitely not going to vote?

|                                 |    |    |    |
|---------------------------------|----|----|----|
| Almost certain to vote.....     | 95 | 94 | 95 |
| Probably will vote .....        | 5  | 6  | 5  |
| 50-50 [TERMINATE].....          | 0  | 0  | 0  |
| Probably not [TERMINATE] .....  | 0  | 0  | 0  |
| Definitely not [TERMINATE]..... | 0  | 0  | 0  |
| Don't know [TERMINATE].....     | 0  | 0  | 0  |

**Q4. [T]** Generally speaking, do you think that things in the city of Berkeley are going in the right direction, or do you feel things are off on the wrong track?

|                      |    |    |    |
|----------------------|----|----|----|
| Right direction..... | 48 | 48 | 49 |
| Wrong track .....    | 32 | 31 | 31 |
| (Don't know).....    | 21 | 21 | 20 |

**Q5. [T\*]** How would you rate the job the city of Berkeley is doing in providing services to its residents — excellent, good, fair, or poor?

|                       |    |    |    |
|-----------------------|----|----|----|
| Excellent .....       | 6  | 7  | 5  |
| Good.....             | 45 | 45 | 48 |
| Fair .....            | 30 | 31 | 29 |
| Poor.....             | 15 | 15 | 14 |
| (Don't know).....     | 4  | 2  | 5  |
| Excellent /good ..... | 51 | 52 | 52 |
| Just fair /poor ..... | 45 | 46 | 43 |

**Q6. [T]** How much of an impact has the coronavirus pandemic had on you and your household – thinking about all of the effects, including financial concerns and physical and mental health, would you say the impact on your household has been very serious, fairly serious, moderate, minor, or no impact at all?

|                                 |    |    |    |
|---------------------------------|----|----|----|
| Very serious.....               | 15 | 15 | 13 |
| Fairly serious .....            | 23 | 22 | 23 |
| Moderate.....                   | 40 | 41 | 40 |
| Minor.....                      | 18 | 18 | 19 |
| No impact.....                  | 4  | 4  | 4  |
| (Don't know).....               | 0  | 0  | 0  |
| Very /fairly serious .....      | 38 | 37 | 37 |
| Moderate /minor /no impact..... | 62 | 62 | 63 |

TOTAL  
N= 500      MEN 221      WOMEN 262

**Q7.** The next set of questions is about infrastructure needs in Berkeley. I am going to read you some areas that have been identified as types of infrastructure needing repair, investment, or improvement in the City of Berkeley. For each one, please tell me how important that is to you as a resident of Berkeley – extremely important, very important, somewhat important, not too important or not important at all: **[RANDOMIZE]**

**Sorted by Extremely Important**

|                                                                                                                  |    |    |    |
|------------------------------------------------------------------------------------------------------------------|----|----|----|
| B7l.Increasing affordable housing for low-income and homeless residents .....                                    | 54 | 47 | 55 |
| 7p.Developing climate change resiliency including protecting against sea level rise, wildfires, and drought..... | 48 | 39 | 54 |
| A7k.Increasing affordable housing for low-income residents .....                                                 | 42 | 31 | 47 |
| 7c.Undergrounding utilities to help reduce the risk of wildfire.....                                             | 40 | 31 | 45 |
| 7a.Repairing deteriorating streets .....                                                                         | 35 | 33 | 36 |
| B7e.Repairing sidewalks to improve access for those with disabilities.....                                       | 34 | 19 | 45 |
| 7y.Providing free transit passes for low-income residents .....                                                  | 34 | 25 | 37 |
| A7u.Upgrading storm drains, green infrastructure, and our watersheds to keep pollution from the Bay.....         | 31 | 20 | 40 |
| 7j.Planting and caring for trees.....                                                                            | 30 | 19 | 38 |
| 7t.Increasing availability of solar energy, solar batteries, and electric vehicles and equipment ....            | 28 | 23 | 31 |
| A7d.Repairing sidewalks to improve pedestrian safety .....                                                       | 27 | 20 | 34 |
| A7f.Improving traffic safety.....                                                                                | 27 | 22 | 32 |
| B7g.Improving traffic safety and flow.....                                                                       | 26 | 14 | 37 |
| B7v.Upgrading storm drains to reduce flooding and protect against sea level rise .....                           | 25 | 13 | 33 |
| 7i.Expanding bike lanes and improving bike safety ...                                                            | 25 | 21 | 27 |
| 7cc.Making public buildings, streets, and sidewalks more accessible to people with disabilities .....            | 25 | 18 | 27 |
| B7aa.Upgrading City buildings to be energy efficient, seismically safe, and COVID-safe .....                     | 23 | 14 | 30 |
| 7o.Decommissioning natural gas lines to reduce greenhouse gas emissions.....                                     | 21 | 14 | 25 |
| 7ee.Upgrading traffic signals, pavement markings, and street signs.....                                          | 18 | 19 | 17 |
| 7h.Improving streetlighting .....                                                                                | 17 | 12 | 22 |
| 7x.Providing more publicly available electric vehicle charging .....                                             | 16 | 13 | 19 |
| 7r.Repairing Berkeley Pier, including recreational and ferry upgrades.....                                       | 16 | 15 | 17 |
| 7s.Improving the Berkeley waterfront, including                                                                  |    |    |    |

|                                                                                                                                                                                                   | TOTAL<br>N= 500 | MEN<br>221 | WOMEN<br>262 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------|--------------|
| docks, pilings, streets, parking lots, pathways,<br>and marina dredging .....                                                                                                                     | 15              | 9          | 19           |
| 7w.Making improvements to recreational facilities.....                                                                                                                                            | 13              | 8          | 17           |
| B7n.Renovating Berkeley's Civic Center Buildings<br>and Park to include music and theatre<br>performance spaces, a children's play area, café<br>kiosk and seating, and enhancing green space ... | 12              | 7          | 14           |
| 7q.Replacing the community center and building a<br>public pool in San Pablo Park.....                                                                                                            | 12              | 7          | 15           |
| 7b.Expanding lanes, parking, and charging for e-<br>bikes (electronic bikes), e-scooters, and app-<br>based car, bike, and scooter-shares.....                                                    | 11              | 9          | 14           |
| A7m.Improving seismic safety of historic buildings in<br>Civic Center, including Old City Hall and the<br>Veterans Building .....                                                                 | 11              | 7          | 14           |
| 7bb.Upgrading playgrounds .....                                                                                                                                                                   | 11              | 7          | 14           |
| 7dd.Upgrading senior centers .....                                                                                                                                                                | 11              | 6          | 14           |
| A7z.Upgrading City buildings .....                                                                                                                                                                | 4               | 6          | 3            |

a. Repairing deteriorating streets

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 35 | 33 | 36 |
| Very important.....       | 38 | 36 | 40 |
| Somewhat important .....  | 24 | 26 | 21 |
| Not too important .....   | 3  | 4  | 1  |
| Not important at all..... | 0  | 0  | 1  |
| (Don't know).....         | 1  | 0  | 1  |
| Important.....            | 73 | 69 | 76 |
| Not important .....       | 27 | 31 | 23 |

b. Expanding lanes, parking, and charging for e-bikes (electronic bikes), e-scooters, and app-based car, bike, and scooter-shares

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 11 | 9  | 14 |
| Very important.....       | 21 | 27 | 18 |
| Somewhat important .....  | 32 | 27 | 37 |
| Not too important .....   | 20 | 22 | 16 |
| Not important at all..... | 12 | 12 | 13 |
| (Don't know).....         | 3  | 3  | 3  |
| Important.....            | 33 | 36 | 32 |
| Not important .....       | 64 | 61 | 65 |

|  |        |     |       |
|--|--------|-----|-------|
|  | TOTAL  | MEN | WOMEN |
|  | N= 500 | 221 | 262   |

c. Undergrounding utilities to help reduce the risk of wildfire

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 40     | 31     | 45     |
| Very important.....       | 33     | 37     | 30     |
| Somewhat important.....   | 16     | 17     | 16     |
| Not too important .....   | 7      | 10     | 4      |
| Not important at all..... | 3      | 2      | 4      |
| (Don't know).....         | 2      | 3      | 1      |
| <br>Important.....        | <br>73 | <br>68 | <br>75 |
| Not important .....       | 26     | 29     | 24     |

d. **SSA:** Repairing sidewalks to improve pedestrian safety

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 27     | 20     | 34     |
| Very important.....       | 39     | 41     | 37     |
| Somewhat important.....   | 23     | 22     | 23     |
| Not too important .....   | 9      | 14     | 5      |
| Not important at all..... | 2      | 3      | 1      |
| (Don't know).....         | 0      | 0      | 0      |
| <br>Important.....        | <br>66 | <br>61 | <br>71 |
| Not important .....       | 34     | 39     | 29     |

e. **SSB:** Repairing sidewalks to improve access for those with disabilities

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 34     | 19     | 45     |
| Very important.....       | 33     | 40     | 27     |
| Somewhat important.....   | 24     | 28     | 22     |
| Not too important .....   | 5      | 7      | 4      |
| Not important at all..... | 3      | 6      | 1      |
| (Don't know).....         | 0      | 0      | 0      |
| <br>Important.....        | <br>67 | <br>59 | <br>72 |
| Not important .....       | 33     | 41     | 28     |

f. **SSA:** Improving traffic safety

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 27     | 22     | 32     |
| Very important.....       | 37     | 36     | 38     |
| Somewhat important.....   | 27     | 31     | 23     |
| Not too important .....   | 5      | 6      | 5      |
| Not important at all..... | 2      | 2      | 2      |
| (Don't know).....         | 2      | 4      | 1      |
| <br>Important.....        | <br>64 | <br>57 | <br>70 |
| Not important .....       | 34     | 39     | 30     |

|                                                          | TOTAL<br>N= 500 | MEN<br>221 | WOMEN<br>262 |
|----------------------------------------------------------|-----------------|------------|--------------|
| <b>g. SSB: Improving traffic safety and flow</b>         |                 |            |              |
| Extremely important .....                                | 26              | 14         | 37           |
| Very important.....                                      | 37              | 41         | 32           |
| Somewhat important .....                                 | 23              | 28         | 17           |
| Not too important .....                                  | 10              | 12         | 9            |
| Not important at all.....                                | 2               | 4          | 1            |
| (Don't know).....                                        | 2               | 1          | 3            |
| Important.....                                           | 63              | 55         | 69           |
| Not important .....                                      | 35              | 44         | 27           |
| <b>h. Improving streetlighting</b>                       |                 |            |              |
| Extremely important .....                                | 17              | 12         | 22           |
| Very important.....                                      | 29              | 27         | 32           |
| Somewhat important .....                                 | 34              | 41         | 28           |
| Not too important .....                                  | 16              | 18         | 14           |
| Not important at all.....                                | 3               | 2          | 4            |
| (Don't know).....                                        | 1               | 0          | 1            |
| Important.....                                           | 46              | 39         | 54           |
| Not important .....                                      | 53              | 60         | 45           |
| <b>i. Expanding bike lanes and improving bike safety</b> |                 |            |              |
| Extremely important .....                                | 25              | 21         | 27           |
| Very important.....                                      | 26              | 25         | 29           |
| Somewhat important .....                                 | 30              | 31         | 28           |
| Not too important .....                                  | 12              | 16         | 8            |
| Not important at all.....                                | 6               | 6          | 7            |
| (Don't know).....                                        | 1               | 0          | 2            |
| Important.....                                           | 51              | 46         | 56           |
| Not important .....                                      | 48              | 54         | 42           |
| <b>j. Planting and caring for trees</b>                  |                 |            |              |
| Extremely important .....                                | 30              | 19         | 38           |
| Very important.....                                      | 33              | 36         | 31           |
| Somewhat important .....                                 | 29              | 32         | 26           |
| Not too important .....                                  | 7               | 10         | 4            |
| Not important at all.....                                | 2               | 3          | 1            |
| (Don't know).....                                        | 0               | 0          | 0            |
| Important.....                                           | 62              | 55         | 68           |
| Not important .....                                      | 37              | 45         | 31           |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

k. **SSA:** Increasing affordable housing for low-income residents

|                            |           |           |           |
|----------------------------|-----------|-----------|-----------|
| Extremely important .....  | 42        | 31        | 47        |
| Very important.....        | 34        | 45        | 26        |
| Somewhat important .....   | 14        | 11        | 16        |
| Not too important .....    | 4         | 3         | 4         |
| Not important at all.....  | 6         | 8         | 4         |
| (Don't know).....          | 1         | 1         | 2         |
| <b>Important.....</b>      | <b>75</b> | <b>76</b> | <b>73</b> |
| <b>Not important .....</b> | <b>23</b> | <b>23</b> | <b>25</b> |

l. **SSB:** Increasing affordable housing for low-income and homeless residents

|                            |           |           |           |
|----------------------------|-----------|-----------|-----------|
| Extremely important .....  | 54        | 47        | 55        |
| Very important.....        | 26        | 24        | 30        |
| Somewhat important .....   | 10        | 12        | 9         |
| Not too important .....    | 6         | 10        | 4         |
| Not important at all.....  | 3         | 5         | 2         |
| (Don't know).....          | 1         | 2         | 0         |
| <b>Important.....</b>      | <b>79</b> | <b>71</b> | <b>85</b> |
| <b>Not important .....</b> | <b>19</b> | <b>27</b> | <b>14</b> |

m. **SSA:** Improving seismic safety of historic buildings in Civic Center, including Old City Hall and the Veterans Building

|                            |           |           |           |
|----------------------------|-----------|-----------|-----------|
| Extremely important .....  | 11        | 7         | 14        |
| Very important.....        | 31        | 32        | 32        |
| Somewhat important .....   | 43        | 44        | 39        |
| Not too important .....    | 10        | 9         | 10        |
| Not important at all.....  | 4         | 5         | 3         |
| (Don't know).....          | 2         | 3         | 1         |
| <b>Important.....</b>      | <b>42</b> | <b>39</b> | <b>46</b> |
| <b>Not important .....</b> | <b>56</b> | <b>58</b> | <b>53</b> |



|    |       |     |       |
|----|-------|-----|-------|
|    | TOTAL | MEN | WOMEN |
| N= | 500   | 221 | 262   |

n. **SSB:** Renovating Berkeley’s Civic Center Buildings and Park to include music and theatre performance spaces, a children’s play area, café kiosk and seating, and enhancing green space

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 12 | 7  | 14 |
| Very important.....       | 24 | 19 | 30 |
| Somewhat important.....   | 34 | 44 | 28 |
| Not too important .....   | 20 | 21 | 19 |
| Not important at all..... | 7  | 7  | 8  |
| (Don't know).....         | 2  | 2  | 2  |
| Important.....            | 36 | 26 | 44 |
| Not important .....       | 61 | 71 | 55 |

o. Decommissioning natural gas lines to reduce greenhouse gas emissions

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 21 | 14 | 25 |
| Very important.....       | 26 | 22 | 29 |
| Somewhat important.....   | 25 | 27 | 24 |
| Not too important .....   | 13 | 18 | 10 |
| Not important at all..... | 10 | 13 | 7  |
| (Don't know).....         | 5  | 6  | 4  |
| Important.....            | 47 | 36 | 54 |
| Not important .....       | 48 | 58 | 41 |

p. Developing climate change resiliency including protecting against sea level rise, wildfires, and drought

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 48 | 39 | 54 |
| Very important.....       | 30 | 31 | 30 |
| Somewhat important.....   | 16 | 22 | 12 |
| Not too important .....   | 3  | 4  | 2  |
| Not important at all..... | 2  | 3  | 2  |
| (Don't know).....         | 0  | 0  | 0  |
| Important.....            | 78 | 70 | 84 |
| Not important .....       | 21 | 30 | 16 |

TOTAL  
N= 500      MEN 221      WOMEN 262

q. Replacing the community center and building a public pool in San Pablo Park

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 12 | 7  | 15 |
| Very important.....       | 18 | 14 | 21 |
| Somewhat important.....   | 28 | 27 | 29 |
| Not too important .....   | 22 | 28 | 17 |
| Not important at all..... | 12 | 15 | 9  |
| (Don't know).....         | 9  | 9  | 9  |
| Important.....            | 30 | 22 | 36 |
| Not important .....       | 62 | 70 | 55 |

r. Repairing Berkeley Pier, including recreational and ferry upgrades

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 16 | 15 | 17 |
| Very important.....       | 26 | 23 | 30 |
| Somewhat important.....   | 31 | 31 | 31 |
| Not too important .....   | 19 | 19 | 16 |
| Not important at all..... | 6  | 8  | 4  |
| (Don't know).....         | 3  | 3  | 3  |
| Important.....            | 42 | 39 | 46 |
| Not important .....       | 56 | 58 | 51 |

s. Improving the Berkeley waterfront, including docks, pilings, streets, parking lots, pathways, and marina dredging

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 15 | 9  | 19 |
| Very important.....       | 28 | 30 | 29 |
| Somewhat important.....   | 38 | 43 | 33 |
| Not too important .....   | 15 | 14 | 14 |
| Not important at all..... | 2  | 2  | 2  |
| (Don't know).....         | 2  | 2  | 3  |
| Important.....            | 43 | 40 | 48 |
| Not important .....       | 55 | 58 | 49 |

t. Increasing availability of solar energy, solar batteries, and electric vehicles and equipment

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 28 | 23 | 31 |
| Very important.....       | 32 | 32 | 33 |
| Somewhat important.....   | 28 | 26 | 29 |
| Not too important .....   | 8  | 13 | 4  |
| Not important at all..... | 4  | 5  | 3  |
| (Don't know).....         | 0  | 1  | 0  |
| Important.....            | 60 | 55 | 64 |
| Not important .....       | 40 | 44 | 36 |

|    |       |     |       |
|----|-------|-----|-------|
|    | TOTAL | MEN | WOMEN |
| N= | 500   | 221 | 262   |

u. **SSA:** Upgrading storm drains, green infrastructure, and our watersheds to keep pollution from the Bay

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 31     | 20     | 40     |
| Very important.....       | 47     | 53     | 43     |
| Somewhat important .....  | 16     | 21     | 11     |
| Not too important .....   | 4      | 3      | 5      |
| Not important at all..... | 1      | 0      | 1      |
| (Don't know).....         | 1      | 3      | 0      |
| <br>Important.....        | <br>79 | <br>73 | <br>83 |
| Not important .....       | 20     | 25     | 17     |

v. **SSB:** Upgrading storm drains to reduce flooding and protect against sea level rise

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 25     | 13     | 33     |
| Very important.....       | 37     | 32     | 40     |
| Somewhat important .....  | 22     | 30     | 17     |
| Not too important .....   | 10     | 17     | 5      |
| Not important at all..... | 2      | 4      | 1      |
| (Don't know).....         | 4      | 4      | 4      |
| <br>Important.....        | <br>62 | <br>45 | <br>73 |
| Not important .....       | 34     | 51     | 23     |

w. Making improvements to recreational facilities

|                           |        |        |        |
|---------------------------|--------|--------|--------|
| Extremely important ..... | 13     | 8      | 17     |
| Very important.....       | 28     | 27     | 29     |
| Somewhat important .....  | 39     | 45     | 35     |
| Not too important .....   | 13     | 11     | 14     |
| Not important at all..... | 3      | 5      | 2      |
| (Don't know).....         | 3      | 4      | 3      |
| <br>Important.....        | <br>41 | <br>35 | <br>46 |
| Not important .....       | 56     | 61     | 51     |

|                                                                                                   | TOTAL<br>N= 500 | MEN<br>221 | WOMEN<br>262 |
|---------------------------------------------------------------------------------------------------|-----------------|------------|--------------|
| <b>x. Providing more publicly available electric vehicle charging</b>                             |                 |            |              |
| Extremely important .....                                                                         | 16              | 13         | 19           |
| Very important.....                                                                               | 25              | 25         | 25           |
| Somewhat important.....                                                                           | 32              | 29         | 35           |
| Not too important .....                                                                           | 19              | 22         | 14           |
| Not important at all.....                                                                         | 7               | 9          | 6            |
| (Don't know).....                                                                                 | 1               | 1          | 1            |
| Important.....                                                                                    | 41              | 39         | 44           |
| Not important .....                                                                               | 58              | 60         | 55           |
| <b>y. Providing free transit passes for low-income residents</b>                                  |                 |            |              |
| Extremely important .....                                                                         | 34              | 25         | 37           |
| Very important.....                                                                               | 33              | 35         | 33           |
| Somewhat important.....                                                                           | 24              | 26         | 23           |
| Not too important .....                                                                           | 5               | 6          | 3            |
| Not important at all.....                                                                         | 5               | 7          | 3            |
| (Don't know).....                                                                                 | 0               | 1          | 0            |
| Important.....                                                                                    | 67              | 60         | 70           |
| Not important .....                                                                               | 33              | 39         | 30           |
| <b>z. SSA: Upgrading City buildings</b>                                                           |                 |            |              |
| Extremely important .....                                                                         | 4               | 6          | 3            |
| Very important.....                                                                               | 18              | 11         | 25           |
| Somewhat important.....                                                                           | 40              | 41         | 39           |
| Not too important .....                                                                           | 23              | 24         | 21           |
| Not important at all.....                                                                         | 5               | 6          | 5            |
| (Don't know).....                                                                                 | 9               | 12         | 7            |
| Important.....                                                                                    | 23              | 17         | 28           |
| Not important .....                                                                               | 68              | 71         | 65           |
| <b>aa. SSB: Upgrading City buildings to be energy efficient, seismically safe, and COVID-safe</b> |                 |            |              |
| Extremely important .....                                                                         | 23              | 14         | 30           |
| Very important.....                                                                               | 35              | 34         | 34           |
| Somewhat important.....                                                                           | 30              | 39         | 24           |
| Not too important .....                                                                           | 8               | 10         | 6            |
| Not important at all.....                                                                         | 4               | 3          | 4            |
| (Don't know).....                                                                                 | 1               | 0          | 2            |
| Important.....                                                                                    | 58              | 48         | 64           |
| Not important .....                                                                               | 41              | 52         | 35           |

|    |       |     |       |
|----|-------|-----|-------|
|    | TOTAL | MEN | WOMEN |
| N= | 500   | 221 | 262   |

bb. Upgrading playgrounds

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 11 | 7  | 14 |
| Very important.....       | 29 | 27 | 33 |
| Somewhat important .....  | 36 | 38 | 35 |
| Not too important .....   | 17 | 21 | 12 |
| Not important at all..... | 4  | 5  | 4  |
| (Don't know).....         | 2  | 3  | 2  |
| Important.....            | 40 | 34 | 47 |
| Not important .....       | 57 | 63 | 51 |

cc. Making public buildings, streets, and sidewalks more accessible to people with disabilities

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 25 | 18 | 27 |
| Very important.....       | 36 | 38 | 36 |
| Somewhat important .....  | 28 | 28 | 29 |
| Not too important .....   | 8  | 11 | 5  |
| Not important at all..... | 3  | 5  | 2  |
| (Don't know).....         | 1  | 1  | 1  |
| Important.....            | 60 | 55 | 63 |
| Not important .....       | 39 | 43 | 37 |

dd. Upgrading senior centers

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 11 | 6  | 14 |
| Very important.....       | 30 | 28 | 33 |
| Somewhat important .....  | 37 | 37 | 36 |
| Not too important .....   | 14 | 14 | 13 |
| Not important at all..... | 3  | 5  | 1  |
| (Don't know).....         | 6  | 9  | 3  |
| Important.....            | 40 | 34 | 47 |
| Not important .....       | 54 | 57 | 50 |

ee. Upgrading traffic signals, pavement markings, and street signs

|                           |    |    |    |
|---------------------------|----|----|----|
| Extremely important ..... | 18 | 19 | 17 |
| Very important.....       | 30 | 29 | 32 |
| Somewhat important .....  | 33 | 31 | 34 |
| Not too important .....   | 15 | 17 | 13 |
| Not important at all..... | 4  | 4  | 4  |
| (Don't know).....         | 1  | 1  | 0  |
| Important.....            | 47 | 48 | 49 |
| Not important .....       | 52 | 51 | 51 |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**Now, I'm going to read several versions of a ballot measure that may appear on the ballot in Berkeley next year. I am going to ask about different ways of funding the measure and different dollar amounts for each.**

**[RANDOMIZE Q8/9, 10/11, 12]**

**The [first/next] version of the ballot measure I'm going to ask you about is a bond measure.**

**Q8. SSC [BOND MEASURE 27 CENTS] To:**

- improve aging infrastructure and facilities, including streets, sidewalks, bike lanes, parks, restrooms, senior and recreation centers, and
- provide affordable housing to prevent displacement of vulnerable populations, including low to middle-income households, veterans, artists, seniors, and people with disabilities and provide supportive housing for people experiencing homelessness;

Shall the City of Berkeley enact a measure issuing bonds of 250 million dollars, at rates of 27 cents per 100 dollars of assessed property value, on average, generating approximately 25 million dollars annually while bonds are outstanding and requiring independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 28 | 26 | 29 |
| Yes - not so strongly ..... | 13 | 10 | 16 |
| Lean yes .....              | 14 | 11 | 15 |
| Yes .....                   | 55 | 48 | 60 |
| Undecided/DK.....           | 16 | 19 | 14 |
| No .....                    | 29 | 33 | 26 |
| Lean no.....                | 9  | 10 | 9  |
| No - not so strongly.....   | 4  | 4  | 3  |
| No - strongly .....         | 16 | 19 | 14 |
| (Refused).....              | 0  | 0  | 0  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**The [first/next] version of the ballot measure I'm going to ask you about is a bond measure.**

**Q9. SSD [BOND MEASURE 54 CENTS] To:**

- improve aging infrastructure and facilities, including streets, sidewalks, bike lanes, parks, restrooms, senior and recreation centers, and
- provide affordable housing to prevent displacement of vulnerable populations, including low to middle-income households, veterans, artists, seniors, and people with disabilities and provide supportive housing for people experiencing homelessness;

Shall the City of Berkeley enact a measure issuing bonds of 500 million dollars, at rates of 54 cents per 100 dollars of assessed property value, on average, generating approximately 50 million dollars annually while bonds are outstanding and requiring independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 35 | 35 | 36 |
| Yes - not so strongly ..... | 11 | 16 | 8  |
| Lean yes .....              | 12 | 6  | 16 |
| Yes .....                   | 58 | 57 | 59 |
| Undecided/DK.....           | 12 | 7  | 18 |
| No .....                    | 29 | 37 | 23 |
| Lean no.....                | 10 | 9  | 11 |
| No - not so strongly.....   | 8  | 7  | 7  |
| No - strongly .....         | 12 | 20 | 5  |
| (Refused).....              | 0  | 0  | 0  |

**Q8/9. Combined Bond Measure**

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 32 | 31 | 32 |
| Yes - not so strongly ..... | 12 | 13 | 12 |
| Lean yes .....              | 13 | 8  | 15 |
| Yes .....                   | 57 | 52 | 59 |
| Undecided/DK.....           | 14 | 13 | 16 |
| No .....                    | 29 | 35 | 25 |
| Lean no.....                | 10 | 10 | 10 |
| No - not so strongly.....   | 6  | 6  | 5  |
| No - strongly .....         | 14 | 20 | 10 |
| (Refused).....              | 0  | 0  | 0  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**The [first/next] version of the ballot measure I'm going to ask you about is a parcel tax.**

**Q10. SSE [PARCEL TAX 15 CENTS ] To:**

- improve aging infrastructure and facilities, including streets, sidewalks, bike lanes, parks, restrooms, senior and recreation centers, and
- provide affordable housing to prevent displacement of vulnerable populations, including low to middle-income households, veterans, artists, seniors, and people with disabilities and provide supportive housing for people experiencing homelessness;

Shall the City of Berkeley enact a measure levying 15 cents per building square foot, generating approximately 13 million dollars annually until ended by voters, with low-income exemptions, independent oversight and all funds staying local?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 37 | 35 | 37 |
| Yes - not so strongly ..... | 14 | 20 | 8  |
| Lean yes .....              | 9  | 4  | 14 |
| Yes .....                   | 60 | 60 | 58 |
| Undecided/DK.....           | 13 | 8  | 17 |
| No .....                    | 27 | 32 | 25 |
| Lean no.....                | 8  | 5  | 11 |
| No - not so strongly.....   | 4  | 5  | 3  |
| No - strongly .....         | 15 | 22 | 11 |
| (Refused).....              | 0  | 0  | 0  |



|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**The [first/next] version of the ballot measure I'm going to ask you about is a parcel tax.**

**Q11. SSF [PARCEL TAX 30 CENTS] To:**

- improve aging infrastructure and facilities, including streets, sidewalks, bike lanes, parks, restrooms, senior and recreation centers; and
- provide affordable housing to prevent displacement of vulnerable populations, including low to middle-income households, veterans, artists, seniors, and people with disabilities and provide supportive housing for people experiencing homelessness;

Shall the City of Berkeley enact a measure levying 30 cents per building square foot, generating approximately 26 million dollars annually until ended by voters, with low-income exemptions, independent oversight and all funds staying local?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 35 | 34 | 37 |
| Yes - not so strongly ..... | 14 | 12 | 13 |
| Lean yes .....              | 11 | 7  | 15 |
| Yes .....                   | 61 | 53 | 65 |
| Undecided/DK.....           | 12 | 13 | 12 |
| No .....                    | 27 | 33 | 22 |
| Lean no.....                | 6  | 7  | 6  |
| No - not so strongly.....   | 3  | 3  | 3  |
| No - strongly .....         | 18 | 24 | 13 |
| (Refused).....              | 0  | 0  | 0  |

**Q10/11. Combined Parcel Tax**

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 36 | 35 | 37 |
| Yes - not so strongly ..... | 14 | 16 | 11 |
| Lean yes .....              | 10 | 6  | 14 |
| Yes .....                   | 60 | 57 | 62 |
| Undecided/DK.....           | 13 | 11 | 15 |
| No .....                    | 27 | 33 | 23 |
| Lean no.....                | 7  | 6  | 8  |
| No - not so strongly.....   | 3  | 4  | 3  |
| No - strongly .....         | 17 | 23 | 12 |
| (Refused).....              | 0  | 0  | 0  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**The [first/next] version of the ballot measure I'm going to ask you about is a sales tax.**

**Q12. [SALES TAX HALF CENT] To:**

- Improve aging infrastructure/ facilities, including streets, sidewalks, bike lanes, parks, restrooms, senior/recreation centers; and
- Provide affordable housing to prevent displacement of vulnerable populations, including low to middle-income households, veterans, artists, seniors, people with disabilities and provide supportive housing for people experiencing homelessness;

Shall the City of Berkeley enact a measure increasing the local sales tax by one half cent, generating approximately 9 million dollars annually from residents and visitors until ended by voters, with exemptions for essential purchases like groceries/prescription medicine and requiring independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 34 | 34 | 35 |
| Yes - not so strongly ..... | 17 | 20 | 16 |
| Lean yes .....              | 8  | 7  | 8  |
| Yes .....                   | 59 | 60 | 59 |
| Undecided/DK.....           | 9  | 6  | 12 |
| No .....                    | 32 | 34 | 29 |
| Lean no.....                | 8  | 7  | 9  |
| No - not so strongly.....   | 6  | 8  | 4  |
| No - strongly .....         | 18 | 20 | 16 |
| (Refused).....              | 0  | 0  | 0  |

|    |       |     |       |
|----|-------|-----|-------|
|    | TOTAL | MEN | WOMEN |
| N= | 500   | 221 | 262   |

**Q13.** In this survey I asked about three different ways to fund this measure: **[RANDOMIZE]**

- \_a sales tax increase
- \_a bond measure
- and
- \_a parcel tax.

Note that the measures generate different amounts of revenue to invest in the city’s infrastructure and housing needs. **[RANDOMIZE STATEMENTS]**

The *sales tax* would generate 9 million dollars annually for these investments.

The *bond measure* would generate **[SSC: 25 million dollars / SSD: 50 million dollars]** annually for these investments.

The *parcel tax* would generate **[SSE: 13 million dollars / SSF: 26 million dollars]** annually for these investments.

Which of these, if any, do you think is the most appropriate way to increase city funding for the infrastructure and affordable housing needs outlined in the ballot measure? You may choose as many as you like. **[ACCEPT MULTIPLE RESPONSES]**

|                         |    |    |    |
|-------------------------|----|----|----|
| Bond measure.....       | 46 | 41 | 49 |
| Parcel tax.....         | 32 | 34 | 29 |
| Sales tax increase..... | 28 | 29 | 25 |
| (None).....             | 10 | 13 | 8  |
| (Don't know).....       | 14 | 9  | 18 |
| (Refused).....          | 0  | 0  | 0  |

**Q14.** The measures I’ve read to you include different funding priorities for the City of Berkeley. If you had to choose, which one or two of these are the highest priorities for you personally? **[RANDOMIZE]**  
**[ACCEPT UP TO TWO]**

|                                                                                      |    |    |    |
|--------------------------------------------------------------------------------------|----|----|----|
| Providing affordable housing for low-income people .                                 | 53 | 49 | 55 |
| Providing supportive housing for people experiencing homelessness .....              | 50 | 45 | 52 |
| Improving streets .....                                                              | 28 | 32 | 26 |
| Improving traffic safety and expanding services for pedestrians and bicyclists ..... | 22 | 25 | 20 |
| Improving parks and related facilities .....                                         | 11 | 12 | 10 |
| Improving senior and recreation centers .....                                        | 5  | 2  | 8  |
| (None).....                                                                          | 3  | 4  | 3  |
| (Don't know).....                                                                    | 2  | 1  | 3  |
| (Refused).....                                                                       | 0  | 0  | 0  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**Q15.** Now thinking just about providing affordable housing in Berkeley, which of the following would be the highest priority for you personally? **[RANDOMIZE]**

|                                                                                                           |    |    |    |
|-----------------------------------------------------------------------------------------------------------|----|----|----|
| Acquiring and building affordable housing units .....                                                     | 33 | 32 | 33 |
| Providing supportive housing for people experiencing homelessness .....                                   | 29 | 29 | 29 |
| Providing housing vouchers so low-income residents have better opportunities for affordable housing ..... | 15 | 15 | 16 |
| Preserving existing affordable housing units .....                                                        | 10 | 10 | 10 |
| (None).....                                                                                               | 7  | 9  | 6  |
| (Don't know).....                                                                                         | 6  | 5  | 6  |
| (Refused).....                                                                                            | 0  | 0  | 0  |

**Q16.** How important is it to you personally that a proposed infrastructure measure include an aspect of equity, whatever that means for you? Would you say it is very important, somewhat important, not to important, or not at all important?

|                           |    |    |    |
|---------------------------|----|----|----|
| Very important .....      | 48 | 38 | 54 |
| Somewhat important .....  | 28 | 32 | 27 |
| Not too important .....   | 6  | 7  | 5  |
| Not at all important..... | 7  | 13 | 3  |
| (Don't know).....         | 10 | 9  | 11 |
| (Refused).....            | 1  | 1  | 1  |
| Important.....            | 76 | 69 | 80 |
| Not important .....       | 13 | 20 | 8  |

**Q17. SSA:** Now I am going to read some ways that people have defined equity in Berkeley. Please tell me which definition is most in line with what equity means to you. **[RANDOMIZE]**

|                                                                                                                                               |    |    |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| Distributing more infrastructure benefits to lower-income neighborhoods and communities of color that have been historically underfunded..... | 55 | 51 | 56 |
| Distributing more infrastructure benefits to the most vulnerable, like children, people with disabilities, and older Berkeleyans. ....        | 18 | 21 | 17 |
| Distributing infrastructure benefits equally between Berkeley's eight City Council districts.....                                             | 9  | 13 | 6  |
| Distributing infrastructure benefits to areas of Berkeley where there are fewer parks, open spaces, and trees.....                            | 9  | 8  | 9  |
| (Don't know).....                                                                                                                             | 9  | 7  | 10 |
| (Refused).....                                                                                                                                | 1  | 0  | 1  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**Q18. SSB:** Now I am going to read some ways that people have defined equity in Berkeley. Please tell me which definition is most in line with what equity means to you. **[RANDOMIZE]**

|                                                                                                                                                |    |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| Distributing infrastructure benefits first to lower-income neighborhoods and communities of color that have historically been underfunded..... | 52 | 50 | 51 |
| Distributing infrastructure benefits first to the most vulnerable, like children, people with disabilities, and older Berkeleyans .....        | 15 | 18 | 14 |
| Distributing infrastructure benefits equally between Berkeley's eight City Council districts.....                                              | 13 | 15 | 12 |
| Distributing infrastructure benefits to areas of Berkeley where there are fewer parks, open spaces, and trees.....                             | 8  | 6  | 9  |
| (Don't know).....                                                                                                                              | 10 | 7  | 14 |
| (Refused).....                                                                                                                                 | 2  | 3  | 0  |

**Q17/18. Combined Equity Definition**

|                                                                                                                                                  |    |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| Distributing infrastructure benefits (first) to lower-income neighborhoods and communities of color that have historically been underfunded..... | 54 | 50 | 54 |
| Distributing infrastructure benefits first to the most vulnerable, like children, people with disabilities, and older Berkeleyans .....          | 17 | 19 | 15 |
| Distributing infrastructure benefits equally between Berkeley's eight City Council districts.....                                                | 11 | 14 | 9  |
| Distributing infrastructure benefits to areas of Berkeley where there are fewer parks, open spaces, and trees.....                               | 8  | 7  | 9  |
| (Don't know).....                                                                                                                                | 10 | 7  | 12 |
| (Refused).....                                                                                                                                   | 1  | 2  | 1  |

**Q19.** People in Berkeley have differing opinions about the amount of taxes we pay to fund city services. Some say the amount of taxes we currently pay is appropriate for the services the city provides, while some **[ROTATE]**

\_think taxes are too high  
and others

\_would be willing to pay more in taxes in order to fund more services.

What about you?

|                                             |    |    |    |
|---------------------------------------------|----|----|----|
| Taxes are too high .....                    | 33 | 31 | 34 |
| Would be willing to pay more in taxes ..... | 33 | 35 | 31 |
| Current amount is appropriate.....          | 25 | 25 | 25 |
| (Don't know).....                           | 9  | 8  | 10 |
| (Refused).....                              | 1  | 1  | 1  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

***Finally, I would like to ask you a few questions for statistical purposes only.***

**Q20.** In terms of local politics, do you consider yourself progressive, liberal, moderate, or conservative?

|                   |    |    |    |
|-------------------|----|----|----|
| Progressive.....  | 43 | 40 | 43 |
| Liberal.....      | 29 | 26 | 34 |
| Moderate.....     | 19 | 24 | 16 |
| Conservative..... | 3  | 4  | 3  |
| (Don't know)..... | 3  | 4  | 2  |
| (Refused).....    | 2  | 2  | 2  |

**Q21.** What is the last year of schooling that you have completed?

|                                                   |    |    |    |
|---------------------------------------------------|----|----|----|
| 1 - 11th Grade.....                               | 0  | 0  | 0  |
| High School Graduate.....                         | 2  | 3  | 3  |
| Vocational or technical school.....               | 2  | 2  | 2  |
| Some college but no degree.....                   | 13 | 14 | 10 |
| Associate degree.....                             | 7  | 4  | 9  |
| 4-year college graduate or bachelor's degree..... | 34 | 37 | 31 |
| Graduate School or advanced degree.....           | 40 | 36 | 44 |
| (Refused).....                                    | 3  | 4  | 2  |
| Non-college.....                                  | 24 | 23 | 23 |
| College grad.....                                 | 74 | 74 | 75 |

**Q22.** Do you have any children 18 years of age or younger living at home with you?

|                           |    |    |    |
|---------------------------|----|----|----|
| Yes.....                  | 21 | 22 | 22 |
| No.....                   | 76 | 75 | 76 |
| (Don't know/refused)..... | 3  | 3  | 3  |

**Q23. [IF Q22=YES]** Are any of your children currently enrolled in Berkeley public schools?

|                           |        |    |    |
|---------------------------|--------|----|----|
|                           | N= 106 | 49 | 57 |
| Yes.....                  | 67     | 63 | 70 |
| No.....                   | 32     | 37 | 28 |
| (Don't know/refused)..... | 1      | 0  | 2  |

**Q24.** Do you own your own home or do you rent?

|                           |    |    |    |
|---------------------------|----|----|----|
| Own.....                  | 50 | 51 | 53 |
| Rent.....                 | 45 | 43 | 44 |
| (Other).....              | 2  | 3  | 1  |
| (Don't know/refused)..... | 2  | 3  | 2  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 221 | 262   |

**Q25. How long have you lived in Berkeley? [DO NOT READ, RECORD WITHIN RANGE]**

|                                    |    |    |    |
|------------------------------------|----|----|----|
| Less than two years .....          | 6  | 7  | 3  |
| Two to less than five years.....   | 13 | 13 | 12 |
| Five to less than ten years .....  | 18 | 20 | 15 |
| Ten to less than twenty years..... | 19 | 18 | 20 |
| Twenty years or more .....         | 33 | 29 | 38 |
| All your life .....                | 8  | 8  | 9  |
| (Don't know/refused).....          | 4  | 5  | 3  |

**Q26. [T]** Just to make sure we have a representative sample, could you please tell me whether you are from a Latino, Hispanic, or Spanish-speaking background?

**Q27. [ASK ALL] [T]** And please tell me which one, or more than one, of these racial or ethnic groups you identify with.

**[RANDOMIZE/READ CHOICES]**

**[ACCEPT MULTIPLE RESPONSES]**

**[IF "OTHER" OR "BIRACIAL" OR "MULTI-RACIAL":]** Well which two or three of these do you identify with the most?

|                                         |    |    |    |
|-----------------------------------------|----|----|----|
| White or Caucasian.....                 | 58 | 60 | 60 |
| Black or African American .....         | 10 | 9  | 11 |
| Latino/Latina or Hispanic.....          | 9  | 9  | 9  |
| Asian American or Pacific Islander..... | 12 | 9  | 13 |
| Native or Indigenous American .....     | 4  | 2  | 5  |
| Middle Eastern .....                    | 2  | 1  | 1  |
| (Other) .....                           | 3  | 4  | 2  |
| (Don't know/Refused).....               | 7  | 9  | 5  |

|                              | TOTAL<br>N= 500 | MEN<br>221 | WOMEN<br>262 |
|------------------------------|-----------------|------------|--------------|
| <b>Age</b>                   |                 |            |              |
| 18 - 24 .....                | 11              | 14         | 6            |
| 25 - 29 .....                | 9               | 9          | 8            |
| 30 - 34 .....                | 8               | 9          | 6            |
| 35 - 39 .....                | 9               | 9          | 10           |
| 40 - 44 .....                | 6               | 6          | 7            |
| 45 - 49 .....                | 9               | 9          | 9            |
| 50 - 54 .....                | 8               | 6          | 9            |
| 55 - 59 .....                | 5               | 8          | 4            |
| 60 - 64 .....                | 8               | 6          | 11           |
| 65 - 69 .....                | 6               | 5          | 8            |
| 70 - 74 .....                | 8               | 7          | 10           |
| 75 & older .....             | 12              | 12         | 14           |
| (don't know) .....           | 0               | 0          | 0            |
| <br>                         |                 |            |              |
| Under 30 .....               | 20              | 23         | 14           |
| 30 - 39 .....                | 17              | 19         | 16           |
| 40 - 49 .....                | 15              | 15         | 16           |
| 50 - 64 .....                | 21              | 20         | 24           |
| 65 & older .....             | 27              | 24         | 31           |
| <br>                         |                 |            |              |
| <b>City Council District</b> |                 |            |              |
| CCD 1 .....                  | 13              | 15         | 12           |
| CCD 2 .....                  | 16              | 11         | 19           |
| CCD 3 .....                  | 15              | 13         | 16           |
| CCD 4 .....                  | 8               | 9          | 7            |
| CCD 5 .....                  | 17              | 15         | 19           |
| CCD 6 .....                  | 13              | 17         | 11           |
| CCD 7 .....                  | 5               | 5          | 4            |
| CCD 8 .....                  | 12              | 14         | 11           |



**Infrastructure Need as Compiled Prior to FY 2022 Budget Adoption**

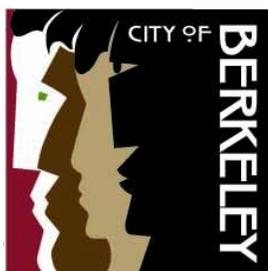
|                                                            | FY 2022<br>Year 1        | FY 2023<br>Year 2        | FY 2024<br>Year 3        | FY 2025<br>Year 4        | FY 2026<br>Year 5        | Total<br>Year 1- 5       |
|------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>Parks, Park Buildings, Pools, Waterfront, and Camps</b> |                          |                          |                          |                          |                          |                          |
| Available Funding <sup>(1)</sup>                           | \$1,400,000              | \$1,400,000              | \$1,400,000              | \$1,400,000              | \$1,400,000              | \$7,000,000              |
| Expenditures                                               | \$1,400,000              | \$1,400,000              | \$1,400,000              | \$1,400,000              | \$1,400,000              | \$7,000,000              |
| Capital & Maint. Need <sup>(2)</sup> \$217,039,000         |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$219,951,780)</b>   | <b>(\$222,922,816)</b>   | <b>(\$225,953,272)</b>   | <b>(\$229,044,337)</b>   | <b>(\$232,197,224)</b>   | <b>(\$232,197,224)</b>   |
| <b>Public Buildings</b>                                    |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$800,000                | \$800,000                | \$800,000                | \$800,000                | \$800,000                | \$4,000,000              |
| Expenditures                                               | \$800,000                | \$800,000                | \$800,000                | \$800,000                | \$800,000                | \$4,000,000              |
| Capital & Maint. Need \$282,300,000                        |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$287,130,000)</b>   | <b>(\$292,056,600)</b>   | <b>(\$297,081,732)</b>   | <b>(\$302,207,367)</b>   | <b>(\$307,435,514)</b>   | <b>(\$307,435,514)</b>   |
| <b>Sidewalks</b>                                           |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$700,000                | \$700,000                | \$700,000                | \$700,000                | \$700,000                | \$3,500,000              |
| Expenditures                                               | \$700,000                | \$700,000                | \$700,000                | \$700,000                | \$700,000                | \$3,500,000              |
| Capital & Maint. Need \$11,120,000                         |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$10,628,400)</b>    | <b>(\$10,126,968)</b>    | <b>(\$9,615,507)</b>     | <b>(\$9,093,818)</b>     | <b>(\$8,561,694)</b>     | <b>(\$8,561,694)</b>     |
| <b>Streets &amp; Roads</b>                                 |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$6,820,000              | \$6,820,000              | \$6,820,000              | \$6,820,000              | \$6,820,000              | \$34,100,000             |
| Expenditures                                               | \$6,820,000              | \$6,820,000              | \$6,820,000              | \$6,820,000              | \$6,820,000              | \$34,100,000             |
| Capital & Maint. Need \$250,000,000                        |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$248,043,600)</b>   | <b>(\$246,048,072)</b>   | <b>(\$244,012,633)</b>   | <b>(\$241,936,486)</b>   | <b>(\$239,818,816)</b>   | <b>(\$239,818,816)</b>   |
| <b>Sewers</b>                                              |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$21,974,583             | \$16,456,882             | \$20,188,912             | \$24,206,893             | \$24,700,000             | \$107,527,270            |
| Expenditures                                               | \$21,974,583             | \$16,456,882             | \$20,188,912             | \$24,206,893             | \$24,700,000             | \$107,527,270            |
| Capital & Maint. Need \$193,800,000                        |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$175,261,925)</b>   | <b>(\$161,981,144)</b>   | <b>(\$144,628,077)</b>   | <b>(\$122,829,608)</b>   | <b>(\$100,092,200)</b>   | <b>(\$100,092,200)</b>   |
| <b>Storm Water</b>                                         |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$1,300,000              | \$1,300,000              | \$1,300,000              | \$1,300,000              | \$1,300,000              | \$6,500,000              |
| Expenditures                                               | \$1,300,000              | \$1,300,000              | \$1,300,000              | \$1,300,000              | \$1,300,000              | \$6,500,000              |
| Capital & Maint. Need \$245,820,000                        |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$249,410,400)</b>   | <b>(\$253,072,608)</b>   | <b>(\$256,808,060)</b>   | <b>(\$260,618,221)</b>   | <b>(\$264,504,586)</b>   | <b>(\$264,504,586)</b>   |
| <b>Traffic Signals &amp; Parking Infrastructure</b>        |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$400,000                | \$400,000                | \$400,000                | \$400,000                | \$400,000                | \$2,000,000              |
| Expenditures                                               | \$400,000                | \$400,000                | \$400,000                | \$400,000                | \$400,000                | \$2,000,000              |
| Capital & Maint. Need \$14,838,800                         |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$14,727,576)</b>    | <b>(\$14,614,128)</b>    | <b>(\$14,498,410)</b>    | <b>(\$14,380,378)</b>    | <b>(\$14,259,986)</b>    | <b>(\$14,259,986)</b>    |
| <b>TOTAL</b>                                               |                          |                          |                          |                          |                          |                          |
| Available Funding                                          | \$33,394,583             | \$27,876,882             | \$31,608,912             | \$35,626,893             | \$36,120,000             | \$164,627,270            |
| Expenditures                                               | \$33,394,583             | \$27,876,882             | \$31,608,912             | \$35,626,893             | \$36,120,000             | \$164,627,270            |
| T1 Funding: \$100M Infrastructure Bond <sup>(3)</sup>      | \$10,650,000             | \$10,650,000             | \$10,650,000             | \$10,650,000             | \$10,650,000             | \$53,250,000             |
| Capital & Maint. Need \$1,214,917,800                      |                          |                          |                          |                          |                          |                          |
| <b>Unfunded Liability</b>                                  | <b>(\$1,194,290,681)</b> | <b>(\$1,179,649,613)</b> | <b>(\$1,160,983,693)</b> | <b>(\$1,137,926,474)</b> | <b>(\$1,113,915,004)</b> | <b>(\$1,113,915,004)</b> |

<sup>(1)</sup> Unless otherwise noted, available funding includes recurring sources of capital and major maintenance funding.

<sup>(2)</sup> Capital & Maint. Needs are current estimates of unfunded needs. Needs are estimated to increase at a rate of 2% per year.

<sup>(3)</sup> The remaining \$53.25M of the bond allocated to project budgets is estimated to be equally distributed over 5 years, (\$10.65 million/year).

| <b>Methodology for Infrastructure Need By Asset Category</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Parks, Park Buildings, Pools, Waterfront, and Camps</b></p> <p>These costs include all infrastructure associated with the City's 52 parks such as irrigation, paths, recreation centers, restrooms, sports fields, and play structures; the waterfront including streets, buildings, paths, docks, parking lots and the pier; resident camps including structures, pools, bridges, pathways and water systems; and pools including locker room buildings, decking, mechanical systems and pool shells.</p>                                                                                                                                                                            |
| <p><b>Public Buildings</b></p> <p>This includes 50 Public Works-maintained buildings, including Public Safety Building, Fire Stations, 1947 Center, HHCS buildings, Animal Shelter, Corp Yard, and off-street parking garages. These are not included: Transfer Station, Old City Hall, Veterans Building, Libraries, all PRW buildings, and EV charging stations. Estimates are derived both from staff and from completed facility condition assessments.</p>                                                                                                                                                                                                                             |
| <p><b>Sidewalks</b></p> <p>This includes the City's backlog of resident-requested sidewalk repairs at approximately 3600 properties. The ADA Transition Plan is underway and includes a proactive condition assessment of sidewalks. This assessment will likely result in approximately \$50M in additional unfunded need not included in this calculation.</p>                                                                                                                                                                                                                                                                                                                            |
| <p><b>Streets and Roads</b></p> <p>This represents the one-time cost to raise the City's pavement condition to excellent, as shown by the Metropolitan Transportation Commission's Street Saver Program. The Street Saver Program includes the City's entire street inventory and each street segment's condition, both of which are audited for accuracy biannually and reported through the City's Pavement Management Plan. Curb ramps are included in this estimate, but improvements from a variety of other plans/policies are not included: Bicycle, Complete Streets, Green Infrastructure, Pedestrian, Watershed Management, Strategic Transportation (BeST), and Vision Zero.</p> |
| <p><b>Sewers</b></p> <p>This represents the one-time cost to rehabilitate 61 miles of the City's sewer pipes, which would complete the City's goal of rehabilitating all of the City's sewer pipes per the City's adopted plans. The amount declines over time as a result of the ongoing sewer program and its annually charged sewer fee. The sewer fee is adjusted after a Proposition 218 compliant process every five years, and if more revenue is needed for this asset category, the fee will adjust accordingly.</p>                                                                                                                                                               |
| <p><b>Storm Water</b></p> <p>This represents the \$204M of need as extrapolated from the cost estimates for the Potter/Codornices Creek watersheds identified in the Watershed Management Plan (2012). Staff projected an additional need of \$37M for unfunded capital and maintenance needs in the City's inlets, pipes, cross drains, etc. Staff are initiating the process to adopt a comprehensive stormwater plan to update these needs.</p>                                                                                                                                                                                                                                          |
| <p><b>Traffic Signals and Parking Infrastructure</b></p> <p>Replacements of 2100 parking meters and 240 pay stations at or nearing the end of their useful life, and upgrades to existing traffic signals, including detection at 67 locations, ADA accessibility/pedestrian push buttons at 103 locations, and battery back-ups at 124 locations. New traffic signals, pedestrian hybrid beacons, and rectangular rapid flashing beacons are not included.</p>                                                                                                                                                                                                                             |



October 18, 2022

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Subject: Update on Parks, Recreation and Waterfront Department Maintenance and Capital Projects

Below is a list of the currently funded or recently completed maintenance and capital improvement projects in the Parks, Recreation, and Waterfront Department.

### **Maintenance Projects**

#### Recently Completed (FY, Funding Source)

- 63<sup>rd</sup> Street Park- Play equipment painting, new amenities, pollinator garden (FY22-23, PT)
- Codomices Park - Added new reservable picnic area - Donation (FY22-23, PT)
- Echo Lake Camp – 3 new emergency generators installed (FY23, CF)
- Echo Lake Camp – Complete rebuild of cabin 25 (FY23, CF)
- Echo Lake Camp – Camp manager cabin floor replacement (FY22, CF)
- Greg Brown Park- New trees and amenities (FY22-23, PT)
- Haskell - Mabel Park- Paint play equipment, new amenities (FY22-23, PT)
- John Hinkle Park Pathways – Replace support wall above playground (FY23, PT)
- King Park - Tree planting, new circle bench, irrigation establishment (FY22, PT)
- King Pool – Bleacher replacement (FY22, PT)
- King Pool - Artificial turf installation (FY23, PT)
- Prince Street Park - Paint play equipment, new amenities (FY22, PT)
- Remillard Park - Replace fence, rebuilt retaining wall, new play equipment (FY22-23, PT)
- San Pablo Park – Tree planting, 2 pollinator gardens (FY22, PT)
- Strawberry Creek Park - New fencing, trees, and tables- Donation (FY22-23, PT)
- Terrace View Park- Basketball court surfacing (FY23, PT)
- Waterfront / DE Dock Restroom – Security gate (FY22-23, WF)
- Waterfront / University Avenue – Median planting (FY22-23, WF)
- Waterfront / DE Dock- Decking safety improvements (FY22, WF)
- Waterfront / Docks- Metal plate installation (FY22-23, WF)
- Waterfront / Cesar Chavez Park – Owl fence repairs (FY23, WF)
- West Campus Pool – New deck lighting, bleacher replacement (FY22-23, PT)

Playground Surfacing Replacement: Dreamland, Codornices, 63 Avenue, Strawberry Creek, Prince Street (FY23, PT)

#### In Process

Aquatic Park - New fencing south of YMTC (FY23, PT)  
Aquatic Park - Irrigation establishment and tree planting on the west side (FY23-24, PT)  
Berkeley Way Mini Park - Picnic area, play equipment upgrades, (FY23-24, PT)  
Cedar Rose Park – Turf renovation (FY23, PT)  
Echo Lake Camp- Hazardous tree removal (FY22-23, PT)  
Grove Park – Turf renovation (FY23, PT)  
James Kenney Park – Turf renovation (FY23, PT)  
John Hinkle Park- Tree planting (FY23, PT)  
Monkey Island - Turf renovation, tree planting (FY23, PT)  
San Pablo Park – Turf renovation (FY23, PT)  
Solano – Peralta Park – Addition of play equipment and other furniture (FY22-23, GF)  
Tuolumne Camp - Emergency generators (FY23, CF)  
Waterfront / FG Dock- Gate replacement (FY22-23, MF)  
Waterfront /Shorebird Park: Replacement of asphalt pathway to picnic areas FY23, MF)  
Willard Park – Turf renovation (FY23, PT)

Note: All maintenance projects are funded by either General Fund (GF), Parks Tax (PT), and/or Marina Fund (MF).

### **Capital Improvement Projects**

#### Projects in Closing

Cazadero Camp Dormitory Rebuild (Insurance)  
John Hinkle Amphitheater, Picnic, and 2-12 Play Structure (T1, PT)  
King Pool Tile and Plaster (T1, GF)  
Tuolumne Camp Construction (Insurance, FEMA, GF, Donations)  
Waterfront: Marina Streets Replacement-University, Marina, Spinnaker (T1, BB, B, MF)  
West Campus Tile and Plaster (GF)  
King Park 2-5 and 5-12 Play Structures (Insurance, PT)

#### Projects in Construction (Funding Source)

Aquatic Park Tide Tube – Sediment Removal (T1)  
Skate Park Fence Replacement (PT)  
Waterfront: Marina Finger Docks- Phase 4 (MF)  
Waterfront: Marina O and K Electrical Replacement (GF, MF)  
West Campus Pool Filters (4) Replacement (GF)

#### Projects Bidding soon/Construction in late FY23

Aquatic Park Dock Access/Parking Lot (PT)  
Echo Lake Camp ADA- Phase 1 (GF)  
Grove Park 2-5 and 5-12 Playgrounds (T1, PT)  
Grove Park Sports Field (T1, PT)  
Ohlone 2-5, 5-12 Playgrounds, Mural Garden (T1, PT, Grant)  
Tuolumne Camp EV Charging Stations (GF)  
Waterfront: Marina Pilling Replacements (T1, GF, MF)

Projects in Design/Planning (Anticipated Construction/Funding Source)

African American Holistic Resource Center (FY25/ T1, GF, Grant)  
Aquatic Park Improvements- 600 Addison (Phase 1 FY23, Phase 2 FY24-25/ MOU, PT)  
Cedar Rose 2-5, 5-12 Play Structures (FY24/ GF, PT)  
Civic Center Upper Plaza -Turtle Island Project Improvements (FY24/T1, Grant, PT)  
Harrison Park Restroom Renovation (FY24/T1)  
MLK Jr. Youth Services Center/YAP Renovation (FY25/T1, Grants, PT)  
Ohlone Park Lighting (FY25/T1)  
Ohlone Park Restroom (FY25/T1)  
Santa Fe ROW: Covert 4 blocks to New Park (FY25/Grant)  
Tom Bates Restroom and Community Space (FY24-25/T1, PT)  
Waterfront: Cesar Chavez Park Restroom (FY25/T1)  
Waterfront: DE Dock Replacement (FY25/T1, MF)  
Waterfront: K Dock Restroom Renovation (FY25/T1)  
Willard Clubhouse and Restroom (FY24-25/T1, PT)

Design/Planning Only Projects -Construction Not Funded

Aquatic Park Dreamland-2-12 Play Structure (GF)  
Codornices Park 2-5 and 5-12 Play Structures (GF)  
Glendale – La Loma Park 2-5 and 5-12 Play Structures (GF, PT)  
James Kenney Park Skate Area (PT)  
John Hinkle Park Hut- Conceptual Design Only (PT)  
Shorebird Park 2-12 Play Structure (GF)  
South Cove West Parking Lot (MF)  
Tom Bates Sports Complex - Small Soccer/ Pickleball Courts (PT)  
Waterfront: Bike Park - Conceptual Design (PT)  
Waterfront- Dredging Main Channel (GF)  
Waterfront- Dredging South Cove (GF)  
Waterfront: Waterfront Specific Plan-BMASP (GF)

For further information on any of these projects, please email Scott Ferris at [sferris@cityofberkeley.info](mailto:sferris@cityofberkeley.info)

cc: Paul Buddenhagen, Deputy City Manager  
LaTanya Bellow, Deputy City Manager  
Scott Ferris, Director, Parks, Recreation & Waterfront Department  
Liam Garland, Public Works Director  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

| Fund *                                  | FY 2023 Beginning Fund Balance | FY 2023 Projected Revenues | FY 2023 Projected Expenditures | FY 2023 Projected Fund Balance Usage | FY 2024 Proposed Update Beginning Fund Balance** | FY 2024 Proposed Update Revenues | FY 2024 Proposed Update Expenditures | FY 2024 Projected Fund Balance Usage | FY 2025 Projected Beginning Fund Balance** | FY 2025 Projected Revenues | FY 2025 Projected Expenditures | FY 2025 Projected Ending Fund Balance** | FY 2025 Projected Fund Balance Usage | Projected Fund Balance Increase/(Decrease) from FY 2023 to FY 2025 |
|-----------------------------------------|--------------------------------|----------------------------|--------------------------------|--------------------------------------|--------------------------------------------------|----------------------------------|--------------------------------------|--------------------------------------|--------------------------------------------|----------------------------|--------------------------------|-----------------------------------------|--------------------------------------|--------------------------------------------------------------------|
| General Fund                            | \$74,141,617                   | \$265,958,729              | \$274,796,462                  | \$8,837,733                          | \$65,303,884                                     | \$266,418,342                    | \$270,428,381                        | \$4,010,039                          | \$61,293,845                               | \$272,154,570              | \$278,285,253                  | \$55,163,162                            | \$6,130,683                          | (\$18,978,455)                                                     |
| Paramedic Tax                           | (\$2,726,813)                  | \$6,964,296                | \$4,465,370                    | (\$2,498,926)                        | (\$227,887)                                      | \$4,500,543                      | \$4,981,166                          | \$480,623                            | (\$708,510)                                | \$4,575,395                | \$4,632,492                    | (\$765,607)                             | \$57,097                             | \$1,961,206                                                        |
| Playground Camp Fund                    | \$4,024,465                    | \$6,152,122                | \$9,452,848                    | \$3,300,726                          | \$723,739                                        | \$3,109,285                      | \$2,735,587                          | (\$373,698)                          | \$1,097,437                                | \$3,191,627                | \$4,174,070                    | \$114,994                               | \$982,443                            | (\$3,909,471)                                                      |
| State Transportation Tax                | \$4,960,178                    | \$6,357,333                | \$5,196,926                    | (\$1,160,407)                        | \$6,120,585                                      | \$6,696,569                      | \$5,868,962                          | (\$827,607)                          | \$6,948,192                                | \$6,897,466                | \$6,103,720                    | \$7,741,938                             | (\$793,746)                          | \$2,781,760                                                        |
| CDBG Fund***                            | \$2,830,921                    | \$3,415,992                | \$4,757,857                    | \$1,341,865                          | \$1,489,056                                      | \$4,437,743                      | \$4,792,214                          | \$354,471                            | \$1,134,585                                | \$3,500,000                | \$3,250,000                    | \$1,384,585                             | (\$250,000)                          | (\$1,446,336)                                                      |
| Rental Housing Safety                   | \$2,912,194                    | \$2,261,986                | \$1,971,540                    | (\$290,446)                          | \$3,202,640                                      | \$1,783,780                      | \$2,356,542                          | \$572,762                            | \$2,629,878                                | \$2,525,769                | \$2,231,549                    | \$2,924,098                             | (\$294,220)                          | \$11,904                                                           |
| Parks Tax Fund                          | \$4,864,504                    | \$17,429,959               | \$18,227,452                   | \$797,493                            | \$4,067,011                                      | \$17,813,646                     | \$15,963,245                         | (\$1,850,401)                        | \$5,917,412                                | \$18,249,854               | \$19,381,764                   | \$4,785,502                             | \$1,131,910                          | (\$79,002)                                                         |
| Measure GG                              | \$3,003,860                    | \$5,763,263                | \$6,331,426                    | \$568,163                            | \$2,435,697                                      | \$5,677,795                      | \$5,704,447                          | \$26,652                             | \$2,409,045                                | \$5,758,104                | \$5,333,032                    | \$2,834,117                             | (\$425,072)                          | (\$169,743)                                                        |
| Street Light Assessment District Fund   | \$2,381,943                    | \$2,085,711                | \$2,086,963                    | \$1,252                              | \$2,380,691                                      | \$2,240,939                      | \$3,217,317                          | \$976,378                            | \$1,404,313                                | \$2,212,283                | \$1,933,941                    | \$1,682,655                             | (\$278,342)                          | (\$699,288)                                                        |
| Mental Health State Aid Realignment**** | \$5,925,383                    | \$3,256,911                | \$2,720,714                    | (\$536,197)                          | \$6,461,580                                      | \$3,320,985                      | \$4,031,749                          | \$710,764                            | \$5,750,816                                | \$3,346,048                | \$4,152,702                    | \$4,944,163                             | \$806,653                            | (\$981,220)                                                        |
| Measure FF                              | \$8,711,844                    | \$9,354,876                | \$7,724,018                    | (\$1,630,858)                        | \$10,342,702                                     | \$9,770,233                      | \$8,525,459                          | (\$1,244,774)                        | \$11,587,476                               | \$9,965,638                | \$7,526,723                    | \$14,026,391                            | (\$2,438,915)                        | \$5,314,547                                                        |
| Capital Improvement Fund                | \$8,165,916                    | \$19,002,999               | \$16,490,466                   | (\$2,512,533)                        | \$10,678,449                                     | \$18,370,905                     | \$22,333,379                         | \$3,962,474                          | \$6,715,975                                | \$22,968,380               | \$25,281,362                   | \$4,402,993                             | \$2,312,982                          | (\$3,762,923)                                                      |
| Measure T1                              | \$37,098,843                   | \$1,000,000                | \$13,389,509                   | \$12,389,509                         | \$24,709,334                                     | \$20,500,000                     | \$18,091,805                         | (\$2,408,195)                        | \$27,117,529                               | \$500,000                  | \$16,441,006                   | \$11,176,523                            | \$15,941,006                         | (\$25,922,320)                                                     |
| Zero Waste Fund                         | \$26,025,170                   | \$49,094,680               | \$48,476,709                   | (\$617,971)                          | \$26,643,141                                     | \$46,767,263                     | \$59,489,630                         | \$12,722,367                         | \$13,920,774                               | \$48,990,397               | \$57,405,039                   | \$5,506,132                             | \$8,414,642                          | (\$20,519,038)                                                     |
| Marina Fund                             | \$4,520,155                    | \$7,580,451                | \$11,388,992                   | \$3,808,541                          | \$711,614                                        | \$6,500,211                      | \$8,027,559                          | \$1,527,348                          | (\$815,734)                                | \$6,762,091                | \$8,567,303                    | (\$2,620,946)                           | \$1,805,212                          | (\$7,141,101)                                                      |
| Sanitary Sewer Fund                     | \$34,662,327                   | \$24,680,449               | \$34,377,591                   | \$9,697,142                          | \$24,965,185                                     | \$24,986,977                     | \$32,561,256                         | \$7,574,279                          | \$17,390,906                               | \$24,537,469               | \$39,142,949                   | \$2,785,426                             | \$14,605,480                         | (\$31,876,901)                                                     |
| Clean Storm Water Fund                  | \$9,426,996                    | \$4,419,311                | \$3,948,793                    | (\$470,518)                          | \$9,897,514                                      | \$4,551,890                      | \$6,111,869                          | \$1,559,979                          | \$8,337,535                                | \$4,688,447                | \$5,416,638                    | \$7,609,344                             | \$728,191                            | (\$1,817,652)                                                      |
| Permit Service Center Fund *****        | \$30,256,341                   | \$28,839,080               | \$18,751,674                   | (\$10,087,406)                       | \$40,343,747                                     | \$19,709,270                     | \$25,508,236                         | \$5,798,966                          | \$34,544,781                               | \$27,534,112               | \$25,733,871                   | \$36,345,022                            | (\$1,800,241)                        | \$6,088,681                                                        |
| Off Street Parking Fund                 | (\$1,064,784)                  | \$5,271,269                | \$5,928,298                    | \$657,029                            | (\$1,721,813)                                    | \$5,091,895                      | \$6,940,921                          | \$1,849,026                          | (\$3,570,839)                              | \$5,295,571                | \$7,218,558                    | (\$5,493,826)                           | \$1,922,987                          | (\$4,429,042)                                                      |
| Parking Meter Fund                      | \$3,776,013                    | \$11,482,942               | \$8,893,175                    | (\$2,589,767)                        | \$6,365,780                                      | \$9,712,789                      | \$10,122,167                         | \$409,378                            | \$5,956,402                                | \$10,149,865               | \$10,425,832                   | \$5,680,434                             | \$275,968                            | \$1,904,421                                                        |
| Building Purchase & Management Fund     | (\$308,774)                    | \$2,560,687                | \$2,895,832                    | \$335,145                            | (\$643,919)                                      | \$2,968,817                      | \$3,697,419                          | \$728,602                            | (\$1,372,521)                              | \$2,968,817                | \$3,296,626                    | (\$1,700,330)                           | \$327,809                            | (\$1,391,556)                                                      |
| Equipment Replacement Fund              | \$13,488,842                   | \$10,168,696               | \$4,304,549                    | (\$5,864,147)                        | \$19,352,989                                     | \$4,754,926                      | \$6,300,512                          | \$1,545,586                          | \$17,807,403                               | \$11,007,077               | \$4,450,749                    | \$24,363,731                            | (\$6,556,328)                        | \$10,874,889                                                       |
| Equipment Maintenance Fund              | (\$318,301)                    | \$9,305,089                | \$8,736,487                    | (\$568,602)                          | \$250,301                                        | \$6,461,013                      | \$9,296,717                          | \$2,835,704                          | (\$2,585,403)                              | \$8,859,057                | \$9,314,661                    | (\$3,041,007)                           | \$455,604                            | (\$2,722,706)                                                      |
| Building Maintenance Fund               | \$3,348,106                    | \$3,958,343                | \$3,997,288                    | \$38,945                             | \$3,309,161                                      | \$3,821,039                      | \$4,627,672                          | \$806,633                            | \$2,502,528                                | \$3,935,670                | \$4,812,779                    | \$1,625,419                             | \$877,109                            | (\$1,722,687)                                                      |
| IT Cost Allocation Fund                 | \$7,505,592                    | \$14,806,185               | \$15,500,000                   | \$693,815                            | \$6,811,777                                      | \$14,806,185                     | \$17,311,329                         | \$2,505,144                          | \$4,306,633                                | \$22,450,586               | \$22,000,586                   | \$4,756,633                             | (\$450,000)                          | (\$2,748,959)                                                      |
| <b>Total</b>                            | <b>\$287,612,538</b>           | <b>\$521,171,359</b>       | <b>\$534,810,940</b>           | <b>\$13,639,581</b>                  | <b>\$273,972,957</b>                             | <b>\$514,773,040</b>             | <b>\$559,025,540</b>                 | <b>\$44,252,499</b>                  | <b>\$229,720,458</b>                       | <b>\$533,024,293</b>       | <b>\$576,513,205</b>           | <b>\$186,231,546</b>                    | <b>\$43,488,912</b>                  | <b>(\$101,380,992)</b>                                             |

\*The City has over 200 funds, therefore, this is not an exhaustive list. This spreadsheet includes some of the City's major funding sources.

\*\*Fund balance amount does not account for any encumbered and projected carryover amounts from the previous fiscal year. Therefore, actual expenditures might be more than proposed/projected expenditures and might result in a lower fund balance.

\*\*\* As a grant, CDBG is not accurate to track with a fund balance. Any revenue received is then used as reimbursement for expenditures and does not gather in a fund balance to be used later

\*\*\*\* Expenditures and Revenue for MH Realignment are unknown given the new CalAIM changes that go into effect 7/1/23. HHCS will be working with a consultant over the next year to assess/project the impact.

\*\*\*\*\* The PSC Fund balance is high right now due to the number of large projects recently begun. We receive revenue up front on these large projects, but we will have expenditures against these amounts until the projects are complete, which can take several years.

**TRANSFER TAX -- MEASURE P PROGRAM LONG-TERM FORECAST-----DRAFT**

|                                                                                                                                                                             | Category of Spending                    | FY 2019 Actuals | FY 2020 Actual | FY 2021 Actual | FY 2022 Actual | FY 2023 Adopted | FY 2023 Projected | FY 2024 Adopted |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------|----------------|----------------|----------------|-----------------|-------------------|-----------------|
| <b>Revenues</b>                                                                                                                                                             |                                         |                 |                |                |                |                 |                   |                 |
| Beginning Fund Balance                                                                                                                                                      |                                         |                 | \$ 2,932,313   | \$ 9,859,779   | \$ 17,032,464  | \$ 22,783,216   | \$ 22,783,216     | \$ 12,236,186   |
| Measure P Revenues*                                                                                                                                                         |                                         | \$ 2,932,313    | \$ 9,512,603   | \$ 10,919,576  | \$ 20,591,313  | \$ 14,073,750   | \$ 14,073,750     | \$ 14,073,750   |
| <b>Total Revenues and Balance of Funds</b>                                                                                                                                  |                                         | \$ 2,932,313    | \$ 12,444,916  | \$ 20,779,355  | \$ 37,623,777  | \$ 36,856,966   | \$ 36,856,966     | \$ 26,309,936   |
| <b>LESS: Total Expenses</b>                                                                                                                                                 |                                         |                 |                |                |                |                 |                   |                 |
| <u>Personnel Costs</u>                                                                                                                                                      |                                         | \$ -            | \$ 118,521     | \$ 155,753     | \$ 309,483     | \$ 695,730      | \$ 592,010        | \$ 722,413      |
| CMO: Homeless Services Coordinator                                                                                                                                          | Staffing/Infrastructure                 |                 |                |                |                | \$ 196,348      | \$ 196,348        | \$ 202,899      |
| Finance: Accountant II                                                                                                                                                      | Staffing/Infrastructure                 |                 |                | \$ 70,784      | \$ 200,380     | \$ 178,858      | \$ 178,858        | \$ 193,441      |
| Finance: Contract Staffing                                                                                                                                                  | Staffing/Infrastructure                 |                 | \$ 38,266      |                | \$ -           |                 |                   |                 |
| HHCS: Community Services Specialist II                                                                                                                                      | Staffing/Infrastructure                 |                 | \$ 80,255      | \$ 84,969      | \$ 109,103     |                 |                   |                 |
| HHCS: 50% Senior Management Analyst                                                                                                                                         | Staffing/Infrastructure                 |                 |                |                |                | \$ 113,085      | \$ 113,085        | \$ 116,560      |
| HHCS: 2 Year Limited Term Community Services Specialist II                                                                                                                  | Staffing/Infrastructure                 |                 |                |                |                | \$ 207,439      | \$ 103,719        | \$ 209,513      |
| <u>Non-Personnel Costs/ Program Expenses</u>                                                                                                                                |                                         | \$ -            | \$ 2,466,616   | \$ 3,591,138   | \$ 14,531,078  | \$ 15,675,916   | \$ 24,028,770     | \$ 16,362,830   |
| Fire: 5150 Response & Transport                                                                                                                                             | Immediate Street Conditions and Hygiene | \$ -            | \$ 846,616     | \$ 1,601,639   | \$ 1,003,931   | \$ 1,321,605    | \$ 1,321,605      | \$ 1,556,857    |
| Dorothy Day House Shelter                                                                                                                                                   | Emergency Shelter                       | \$ -            |                | \$ 300,000     | \$ 566,000     | \$ 566,000      | \$ 566,000        | \$ 566,000      |
| Dorothy Day House Drop In                                                                                                                                                   | Immediate Street Conditions and Hygiene | \$ -            |                | \$ 21,340      | \$ 182,000     | \$ 182,000      | \$ 182,000        | \$ 182,000      |
| Pathways STAIR Center                                                                                                                                                       | Emergency Shelter                       | \$ -            |                | \$ 1,200,000   | \$ 1,499,525   | \$ 2,499,525    | \$ 2,499,525      | \$ 2,499,525    |
| No Place Like Home - Scattered Unit Supportive Services                                                                                                                     | Permanent Housing                       | \$ -            |                |                |                | \$ 128,750      | \$ -              | \$ 105,000      |
| Hope Center - Mental Health Services                                                                                                                                        | Permanent Housing                       |                 |                |                |                | \$ 71,250       | \$ 71,250         | \$ 95,000       |
| Coordinated Entry System (BACs HRC)                                                                                                                                         | Immediate Street Conditions and Hygiene |                 |                |                | \$ 1,000,000   | \$ 1,000,000    | \$ 150,000        | \$ 1,000,000    |
| Permanent Housing Subsidies / Shallow Subsidies                                                                                                                             | Permanent Housing                       |                 |                |                | \$ 650,000     | \$ 1,600,000    | \$ -              | \$ 1,600,000    |
| Berkeley Food and Housing Project - Men's Housing Program                                                                                                                   | Emergency Shelter                       |                 |                |                |                |                 |                   |                 |
| COVID-19 Emergency Housing Assistance - Housing Retention Program (EDC)                                                                                                     | Homelessness Prevention                 |                 |                |                |                | \$ 1,000,000    | \$ 1,300,000      |                 |
| Anti-Displacement Programs (Legal Assistance, Housing Retention Program, Flexible Housing Funds) (100k to BACS HRC; 275K to EDC and remaining to EBCLC) - transferred to U1 | Homelessness Prevention                 |                 |                |                |                | \$ 900,000      | \$ 900,000        | \$ 900,000      |
| BDIC Locker Program                                                                                                                                                         | Immediate Street Conditions and Hygiene |                 |                | \$ 25,000      | \$ 47,944      | \$ 50,000       | \$ 50,000         | \$ 50,000       |
| LifeLong Medical - Street Medicine                                                                                                                                          | Immediate Street Conditions and Hygiene |                 |                |                |                | \$ 525,000      | \$ 525,000        | \$ 525,000      |
| YSA Tiny Home                                                                                                                                                               | Emergency Shelter                       |                 |                | \$ 117,000     | \$ 56,074      | \$ 78,000       | \$ 78,000         | \$ 78,000       |
| DBA- Homeless Outreach Worker                                                                                                                                               | Immediate Street Conditions and Hygiene |                 | \$ 20,000      | \$ 40,000      | \$ 20,000      | \$ 40,000       | \$ 40,000         | \$ 40,000       |
| Downtown Streets Team                                                                                                                                                       | Immediate Street Conditions and Hygiene |                 |                | \$ 111,243     | \$ 299,643     | \$ 225,000      | \$ 225,000        | \$ 225,000      |
| Shelter at 742 Grayson Street                                                                                                                                               | Emergency Shelter                       |                 |                | \$ 86,633      | \$ 1,154,681   | \$ 1,011,900    | \$ 1,011,900      |                 |
| Shelter at 1720 San Pablo Ave Lease                                                                                                                                         | Emergency Shelter                       |                 |                |                |                |                 | \$ 883,200        | \$ 908,796      |
| Shelter at 1720 San Pablo Ave Supportive Services                                                                                                                           | Emergency Shelter                       |                 |                |                |                |                 | \$ 612,559        | \$ 950,000      |
| Safe RV Parking Program                                                                                                                                                     | Emergency Shelter                       |                 |                |                | \$ 287,359     |                 |                   |                 |
| Project Homekey- Golden Bear Inn                                                                                                                                            | Permanent Housing                       | \$ -            |                |                | \$ 7,325,341   |                 |                   |                 |
| Project Homekey Reservation (round 3)                                                                                                                                       | Permanent Housing                       |                 |                |                |                |                 | \$ 8,500,000      |                 |
| 1367 University Avenue Step Up Housing Project*                                                                                                                             | Permanent Housing                       | \$ -            |                |                |                |                 |                   | \$ 539,330      |
| Russell Street Residence Acquisition                                                                                                                                        | Permanent Housing                       |                 |                |                |                |                 |                   |                 |
| HHCS: Square One Hotel Vouchers                                                                                                                                             | Emergency Shelter                       | \$ -            |                |                |                |                 |                   |                 |
| Training and Evaluation                                                                                                                                                     | Staffing/Infrastructure                 | \$ -            |                |                |                | \$ 133,334      | \$ -              | \$ 133,334      |
| Homeless Response Team                                                                                                                                                      | Immediate Street Conditions and Hygiene | \$ -            |                | 88,283         | 415,999        | \$ 918,149      | \$ 918,149        | \$ 920,085      |
| Berkeley Relief Fund                                                                                                                                                        | Homelessness Prevention                 | \$ -            | \$ 1,600,000   |                |                |                 |                   |                 |
| Portable Toilets                                                                                                                                                            | Immediate Street Conditions and Hygiene |                 |                |                |                | \$ 96,000       | \$ 96,000         | \$ 96,000       |
| Berkeley Emergency Storm Shelter (Winter Shelter)                                                                                                                           | Emergency Shelter                       |                 |                |                | \$ 22,582      | \$ 186,500      | \$ 216,201        | \$ 350,000      |
| Old City Hall Sprinkler system                                                                                                                                              | Emergency Shelter                       |                 |                |                |                |                 |                   |                 |

|                                                                                                                                                                                                         |                                         |              |              |               |               |                |                 |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------|--------------|---------------|---------------|----------------|-----------------|----------------|
| Incllement Weather Shelter                                                                                                                                                                              | Emergency Shelter                       |              |              |               |               |                | \$ 412,185      |                |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Permanent Housing                       |              |              |               |               | \$ 578,164     | \$ 578,164      | \$ 578,164     |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Immediate Street Conditions and Hygiene |              |              |               |               | \$ 976,207     | \$ 976,207      | \$ 976,207     |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Emergency Shelter                       |              |              |               |               | \$ 882,480     | \$ 882,480      | \$ 882,480     |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Staffing/Infrastructure                 |              |              |               |               | \$ 23,837      | \$ 23,837       | \$ 23,837      |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Homelessness Prevention                 |              |              |               |               | \$ 262,215     | \$ 262,215      | \$ 262,215     |
| Reimagining Public Safety-Expand Downtown Streets Teams as placement for low-level violations                                                                                                           | Immediate Street Conditions and Hygiene |              |              |               |               | \$ 50,000      | \$ 50,000       | \$ 50,000      |
| Equitable Clean Streets                                                                                                                                                                                 | Immediate Street Conditions and Hygiene |              |              |               |               |                | \$ 327,293      |                |
| Expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly                         | Immediate Street Conditions and Hygiene |              |              |               |               | \$ 50,000      | \$ 50,000       | \$ 50,000      |
| Reimagining Public Safety: Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response and capacity assessment of crisis response and crisis-related services | Staffing/Infrastructure                 |              |              |               |               | \$ 100,000     | \$ 100,000      |                |
| Reimagining Public Safety: Funding to organizations for Respite from Gender/Domestic Violence                                                                                                           | Emergency Shelter                       |              |              |               |               | \$ 220,000     | \$ 220,000      | \$ 220,000     |
| 1654 5th Street Operations                                                                                                                                                                              | Emergency Shelter                       |              |              |               |               |                |                 |                |
| 701 Harrison Transition - Site Security                                                                                                                                                                 | Emergency Shelter                       |              |              |               |               |                |                 |                |
| Public facilities improvement                                                                                                                                                                           | Staffing/Infrastructure                 |              |              |               |               |                |                 |                |
| Encampment Resolution Fund 2 grant match                                                                                                                                                                | Emergency Shelter                       |              |              |               |               |                |                 |                |
| Fiscal Year Surplus (Shortfall)                                                                                                                                                                         |                                         | \$ 2,932,313 | \$ 6,927,466 | \$ 7,172,686  | \$ 5,750,752  | \$ (2,297,896) | \$ (10,547,030) | \$ (3,011,493) |
| Ending Fund Balance                                                                                                                                                                                     |                                         | \$ 2,932,313 | \$ 9,859,779 | \$ 17,032,464 | \$ 22,783,216 | \$ 20,485,320  | \$ 12,236,186   | \$ 9,224,693   |





Sophie Hahn  
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To: Honorable Mayor and Members of the City Council  
 From: Councilmember Sophie Hahn  
 Subject: Creating **SHARE** BERKELEY - A Berkeley Public Library **Share Hub** for **Access**, **Resilience**, and **Equity**

### RECOMMENDATION

1. Request that the Library Director work with Library Staff to develop a visionary plan to expand the Berkeley Public Library's Tool Lending Library into a comprehensive, full-service **SHARE** hub for the City of Berkeley, providing a one-stop center for community members to:
  - a. Borrow from an expanded portfolio of Library-based tools, supplies, equipment and other durable/reusable items;
  - b. Access comprehensive, up-to-date information and referrals about community-based opportunities for borrowing, renting, or obtaining free tools, supplies, equipment, bikes/vehicles, locations, and similar resources; and
  - c. Receive need-based financial assistance to support access to community-based share/rental resources.
2. Consider categories of items that might be appropriate for an expanded Berkeley Public Library (BPL) in-house Lending Library, and which categories would be best accessed through other community share/rental resources such as REI, AAA, bike and party rental services, and other organizations serving Berkeley.
3. Consider expanding BPL's in-house Lending Library beyond the [current portfolio](#) of carpentry, gardening, kitchen, and other traditional tools to potentially include categories such as toys and games; event furniture and supplies; sports and recreation-related equipment; irons, floor polishing machines, and other household tools; and other durable items typically used on a limited basis by members of the community.
4. Create a plan to establish, maintain, and administer a comprehensive, one-stop reference/resource service for all share/rental/free opportunities available to Berkeley residents, including but not limited to ensuring access to a searchable database of resources and offering assistance and advice to individuals seeking information on share/rental/free opportunities. Consider a partnership with existing platforms and applications such as the Buy Nothing Project to foster connections between neighbors and support the goals of the circular economy.

5. For items to be shared/rented through outside lending or rental services, explore possibilities for SHARE BERKELEY to offer and/or administer City-based or other vouchers/subsidies for low-income residents to access borrowed/rented items from non-Library vendors at reduced or no cost.
6. Consider and propose storage, maintenance, repair, customer service, and other operational and space needs for an expanded in-house Lending Library and to house and administer the Share Hub resource center.
7. Consider start-up and ongoing costs for the expanded in-house Lending Collection and to establish and administer the Share Hub resource center, including but not limited to costs for equipment, materials, software/technology, staffing, and facilities.
8. In the course of researching categories of items to potentially add to the Library's in-house Lending Collections and in considering other elements of the Share Hub concept, conduct robust outreach to individuals and groups of diverse backgrounds, ages, and abilities to ensure services, offerings, and facilities equitably represent and serve all members of the community.

### SUMMARY STATEMENT

Berkeley is committed to a carbon neutral, zero waste future. To meet its sustainability goals, the City must reduce its impact on the environment by scaling back overconsumption. Given that an average drill is used for just 13 minutes over its lifetime, the amount of plastic and material waste resulting from individual ownership is extremely impactful.<sup>1</sup>

BPL's Tool Lending Library (TLL) has long facilitated the reuse of construction and landscaping tools, cutting back on the need for residents to own items they may only use occasionally and producing meaningful environmental benefits.

From 2018 to 2019, BPL conducted a community survey which found that Berkeley residents were interested in having the TLL expand its hours and offerings to include kitchen appliances and utensils. In response, the Library has added a variety of culinary tools to its lending collection, including food dehydrators, Instant Pots, and ice cream makers.<sup>2</sup>

Providing access to borrow, obtain for free, and/or rent a significantly expanded array of "limited use" personal and household tools, equipment, and materials and other similar resources, either directly through the Berkeley Public Library or through other community organizations,

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<sup>1</sup> Ellen MacArthur Foundation, How tool sharing could become a public utility, December 1, 2021, <https://www.ellenmacarthurfoundation.org/circular-examples/how-tool-sharing-could-become-a-public-utility>.

<sup>2</sup> Warren, Elliot. Executive Summary of Berkeley Public Library's 2019 Community Survey, May 6, 2019. [https://www.berkeleypubliclibrary.org/sites/default/files/files/inline/bpl\\_2019\\_communitysurvey\\_executive\\_summary.pdf](https://www.berkeleypubliclibrary.org/sites/default/files/files/inline/bpl_2019_communitysurvey_executive_summary.pdf).

businesses, and services, would shape the Library into an even more environmentally impactful and equitable resource for the community.

Expanding the TLL's offerings, and turning the Berkeley Public Library into a one-stop "Share Hub" for the community, will reduce waste and support a necessary transition to a "share" and "circular" economy that de-emphasizes individual consumption and facilitates sharing, reusing, and regeneration. Expanded offerings can also save Berkeley households hundreds and possibly thousands of dollars each year, since nearly one in every four dollars a household spends goes toward resources that could be shared.<sup>3</sup>

Public Libraries are home to the original "share economy" and have sophisticated systems, developed over thousands of years, to obtain, store, maintain, manage, lend, and retrieve items of importance to the community - books and other media - that are often only used once by each individual. They are the perfect locus to house, administer, and facilitate publicly supported sharing of a much wider range of limited-use tools, equipment, materials and other items and resources.

With their existing infrastructure to support resource sharing and other needs and the public gathering spaces they provide, public libraries are already key resilience centers for the community. As staff gather feedback from community members around the kinds of resources they would like to be able to access they will learn more about additional ways to address and support community needs.

Businesses spawned by the internet's ability to match owners with borrowers have proliferated in the past twenty years, and seek to extract profit from renting goods and/or brokering transactions. Expanding the Berkeley Public Library's mandate as a Share Hub usurps efforts to privatize and monetize sharing and reinforces the critically important role of public entities in reducing waste generated by unnecessary consumption and increasing equitable access to tools, equipment, and materials that enhance community members' lives.

For all of these reasons, this item requests that the Berkeley Public Library study the opportunities, needs, costs, and benefits associated with significant expansion of the Library's sharing mandate, and return to the Board of Library Trustees - and share with the City Council and public - a proposal for the creation and funding of a comprehensive, equitable, and impactful Share Hub for Berkeley.

## BACKGROUND

The Berkeley Tool Lending Library, housed in the Tarea Hall Pittman South Branch of the Berkeley Public Library, was established in 1979 with a federal Community Development Block Grant. One of the first such libraries in the nation, the Tool Lending Library has grown to

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<sup>3</sup> Harris Steve, Mata Erika, Plepys Andrius, Katzeff Cecilia, "Sharing is daring, but is it sustainable? An assessment of sharing cars, electric tools and offices in Sweden," Resources, Conversation, and Recycling Volume 170 (July 2021), <https://www.sciencedirect.com/science/article/pii/S0921344921001920>.

become a beloved institution, offering Berkeley residents, age 18 and over, a selection of more than 3,500 gardening, home repair, and construction-grade tools for loan, offering frequent workshops on such topics as gardening, home maintenance, and DIY projects.

Similar innovations in library lending have proliferated across the United States.<sup>4</sup> Boston's Public Library system utilized COVID emergency funds to provide long-term access to Chromebooks and internet routers to empower residents.<sup>5</sup> Niagara Falls founded its own tool lending library in partnership with Habitat for Humanity.<sup>6</sup> Leadville, Colorado has framed its tool lending library as a way to keep the institution relevant and responsive to community needs.<sup>7</sup> Oakland and other libraries lend children's toys.<sup>8</sup> The Athens-Clarke County library in Georgia lends prom dresses.<sup>9</sup>

Public libraries represent a critical hub for sharing books, knowledge, and other items essential to community members. The "sharing economy" is not a new concept, and pooling resources on behalf of all citizens allows for items' temporary and sustainable use. Libraries have well-developed systems for purchasing, cataloging, repairing and storing the items they lend as well as encouraging their timely return.

Libraries are also in the business of providing reference materials to individuals seeking a wide variety of information. In addition to expanding the Library's own collection, the Share Hub is envisioned to also refer residents to useful information and resources for repairing their own tools and materials, and improving the sustainability of their projects.

The Berkeley Public Library currently takes responsibility for the repair and storage of books, audiovisual materials, and various culinary, gardening, construction, and landscaping tools held at the Tool Lending Library, as well as the new categories of materials such as air quality monitors and bike repair kits, recently added to the collection. Globally, libraries have also taken responsibility for items such as hobby supplies, sewing supplies, telescopes, bikes, scientific equipment, karaoke machines, exercise equipment, and hammocks.<sup>10</sup>

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<sup>4</sup> Free, Cathay. "Tools Are Costly and Take up Space. Tool Libraries Are Popping up so People Can Share." The Washington Post, January 5, 2022.

<https://www.washingtonpost.com/lifestyle/2022/01/05/tool-library-gift-economy/>.

<sup>5</sup> Boston Public Library. Long-Term Device Lending Program, <https://www.bpl.org/long-term-lending/>.

<sup>6</sup> Office of Mayor Robert Restaino, Niagara Falls Library to launch community tool lending library, October 21, 2022, <https://www.wnypapers.com/news/article/current/2022/10/21/152738/niagara-falls-library-to-launch-community-tool-lending-library>.

<sup>7</sup> Tasse, Elaine, "Libraries add museums, tool rentals and job centers to help meet community needs and stay relevant," CPR News, October 19, 2022, <https://www.cpr.org/2022/10/19/libraries-add-museums-tool-rentals-and-job-centers-to-help-meet-community-needs-and-stay-relevant/>

<sup>8</sup> Oakland Public Library, Toy Lending, <https://oaklandlibrary.org/toy-lending/>.

<sup>9</sup> Shearer, Andrew, "Why this year's resource for prom fashion might be the Athens-Clarke County Library," Athens Banner-Herald, February 1, 2022, <https://www.onlineathens.com/story/news/2022/02/01/acc-libraries-bling-your-prom-event-could-2022-fashion-source/9287902002/>.

<sup>10</sup> Shaw, Amy and Rosansky, Jaclyn. 50 Things You Can Borrow from Libraries Besides Books. ProQuest, September 9, 2015, <https://about.proquest.com/en/blog/blog-listing/>.

As the “mother of all” sharing resources, libraries have the scale to reshape consumer habits through public initiatives that build on their legacy as free, universal resources for community members. Berkeley’s residents would be well-served by a library that provides a wide variety of items either directly, or by referring patrons to other community resources, at no or low cost, eliminating the need for items to be *owned* but *seldom used* by thousands of individual households - with great environmental and economic consequences.<sup>11</sup>

Berkeley is a global leader in community responsibility and sustainability. Rather than allowing the “sharing economy” to be dominated by for-profit models, Berkeley should establish an innovative and comprehensive SHARE program that serves residents and provides a replicable model for other communities to follow. An expanded library will save residents money and enable a higher standard of living, reduce waste, and contribute to a necessary shift away from individualized and excessive consumption toward a society uplifted by the sharing of a wider array of communal resources.

Berkeley Public Library respects labor standards, allows community members to gain access to shared resources without proof of address or a government-issued ID, and has eliminated fines to equitably increase access. Berkeley’s library is therefore the perfect medium for expanding the sharing economy in ways that are efficient, equitable, and accessible.

### **The SHARE Berkeley Program Concept**

BPL as a Citywide one-stop Share Hub is envisioned to potentially include all of the following elements:

1. A traditional Lending Library, as currently configured, with an expanded portfolio of items to be lent directly by the BPL.
2. A clearinghouse for information about lending, rental, “free” and similar services in the community, to facilitate community access to borrowing/sharing/rental/free opportunities for a wide variety of goods, locations and services not lent directly by BPL.
3. Administration of a program to help low income-community members access community-based rental and sharing opportunities that charge for services, to ensure people at all income levels can access these opportunities and enjoy the many benefits of “not owning” - but having access to - things that are only periodically needed to support their lives and families.

BPL is requested to explore these and other ideas and propose a comprehensive plan for starting-up, funding, and long term operations for **SHARE BERKELEY** to the Board of Library Trustees. The plan should be as expansive and impactful as possible, offering a vision for a groundbreaking, first-in-kind, comprehensive program combining an in-house collection with referrals, resources and subsidies to equitably access items beyond BPL’s collection. While the full program may need to be phased-in, the goal is to produce a broad, comprehensive, visionary plan as a starting point for conversation, funding, and implementation. Success for this

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<sup>11</sup> Noria Corporation, “U.S. power/hand tool consumption to hit \$14.3B by 2011,” Reliable Planet, [https://www.reliableplant.com/Read/4854/us-powerh-tool-consumption-to-hit-\\$143b-by-2011](https://www.reliableplant.com/Read/4854/us-powerh-tool-consumption-to-hit-$143b-by-2011).

item is the successful delivery of the visionary plan, for consideration by the Board of Library Trustees.

City of Berkeley staff with relevant expertise should be made available by the City Manager for consultation with BPL in developing the proposal. The City Council would be interested in a presentation of the **SHARE BERKELEY** plan as well, for information purposes and to explore whether the City might partner with BPL in making **SHARE BERKELEY** available to the people of Berkeley.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES & LAWS

##### **Berkeley Tool Lending Library:**

Berkeley Public Library has operated a successful Tool Lending Library since 1979. In the early days, the TLL operated out of a trailer and lent out tools at a low cost – until the 1988 property-based library tax came into effect.

Currently, loan periods for tools are two, three, or seven days depending on demand, and borrowers agree to pay for the loss or damage of items. Renewals on borrowing can be made in person, and borrowers can place reserve requests on items that are currently unavailable.<sup>12</sup> The TLL is open 40 hours each week, with hours Tuesday through Saturday.<sup>13</sup>

##### BPL's offerings include:

- **Carpentry and Woodworking:** Awl, Butt Hinge Marker, Cabinet Scraper, Chalk Line, Draw Knife, Flat Bar, Hammers, Level, Mallet, Miter Box, Nail Puller, Nail Set, Planes, Plumb Bob, Prybars, Rasp, Router, Saws (Dovetail, Hand, Crosscut, Coping, Horses), Scribing Tools, Shavehook, Speed Square, Spokeshave, Squares, Stud Sensor, Surform Plane, T-Bevel, Tack Claw, Tack Hammer, Tape Measure, Utility Knife, Wood Chisels.
- **Clamps:** Pipe Clamps, Spring Clamps, C-Clamps, Handscrews, Bar Clamps, Handscrews, Bar Clamps, Vise Grip Clamps, Corner Clamps, Clamp Tool Guide.
- **Concrete and Masonry:** Brick Jointing Tools, Bull Float (Magnesium, Wood), Bull Float Handles, Cement Finishing Tools (Darby, Trowels, Edgers, Groovers), Cement Mixer, Cement Mixing Box, Chisels (brick, cold, bull point), Concrete Vibrator, Demolition Hammer, Float (Magnesium, Wood, Rubber), Grinder, Grout Float, House Jacks, Mortar Hoe, Mortar Mixing Box, Rebar Cutter/Bender, "Berkeley" Benders, Rotary Hammer Drills, SDS, Spline Drive, Rotary Hammer Bits.
- **Cooking:** mini muffin and cupcake pan 24 cup, muffin and cupcake pan 12 cup, elephant cake pan, my little pony cake pan, dinosaur cake pan, 3-d pony cake pan

<sup>12</sup> Berkeley Public Library, Borrowing Tools, <https://www.berkeleypubliclibrary.org/locations/tool-lending-library/borrowing-tools>

<sup>13</sup> Berkeley Public Library, Tool Lending Library - A Brief History, <https://www.berkeleypubliclibrary.org/locations/tool-lending-library/tool-lending-library-brief-history>.

Internal

10.5x12x2, Disney Frozen Elsa cake pan, dough press kit, tortilla press, apple peeler and corer, immersion blender, roasting pan with rack 16" x 13", donut baking pan 20 capacity, bundt pan 10 cup gold, bundt pan with handles 12 cup, bundt pan -brilliance 10-15 cup, bundt pan - heritage, springform pan 10 cup, canning kit and supplies, water bath canner, griddle, portable induction cooktop, induction cooktop with frypan and sauce pan, knife sharpener whetstone, pasta machine, electric grain mill, air fryer ninja, belgian waffle maker, mini-prep food processor, food processor 14 cup, ice cream maker 1.6 quart, food dehydrator, sous vide, cookie cutters (Valentines 25 pieces, Christmas 18 pieces, Hanukkah 3 pieces, Thanksgiving 7 pieces, animal cookie cutters 50 pieces, alphabet cookie cutters 101 pieces), electric fryer, Instant pot 9 in 1 8 quart, Cold Brew Coffee Maker, Vitamix blender, Hot air popcorn maker, Soft serve ice cream maker.

- **Electrical:** Bx Cable Cutter, Circuit Tester, Conduit Bender, Extension Cords, Fish Tape, Knock-Out Punch Set, Soldering Irons, Wire Stripper.
- **Floor and Wall:** Caulking Gun, Carpet Cutter, Carpet Edge Trimmer, Carpet Knee Kicker, Carpet, Power Stretcher, Carpet Seam Iron, Carpet Seam Roller, Carpet Stair Tool, Drywall (Mudknives, Corner Knife, Hand Sander, Pole Sander, Mud Pan, Screwgun, T-Square, Floor & Roof Scraper, Heat Gun, Paint Scraper, Plaster Darby, Plaster Hawk, Plasterer's Rod, Tile Cutter (Ceramic & Vinyl), Tile Nipper.
- **Gardening and Digging:** Bow Saw, Broad Fork, Cultivator, Digging Bar, Fence Post Driver, Garden Trowel, Grass Hook, Hedge Shear (Manual), Hedge Trimmer (Electric), Planter's Hoe, Lawn Mower, Leaf Blower, Lopping Shear, Picks (Railroad, Mattock, Hand), Pitchfork, Pole Pruner, Pole Pruner Ext Handle, Pole Saw, Post Hole Digger, Pruning Saw, Pruning Shear, Rake (leaf, bow, grading), Shovel, Soil Tamper, Spade, Garden, Spading Fork, Slate Bar, Street Broom, String Trimmer (WeedEater), Swing Sickle, Telegraph Bar, Trowels, Cultivators.
- **Ladders:** Extension, 16', 24', 28', Ladder Jacks, Orchard Ladder (8'), Step, 2', 4', 6', 8', 10', Roof Jacks.
- **Material Handling:** Piano dolly, Hand Trucks (Refrigerator, Delivery), Contractor's Wheelbarrow.
- **Mechanical Tools:** Bolt Cutter (Mini, 24"), Cable Cutters, Channellocks, Crimpers, Cutters (side & end), Impact Screwdriver, Grinder, Grommet Kit, Files, Sledge Hammer (3,4,8,10 lb), Hacksaw, Hex / Torx Key Set, Nut Drivers, Punches, Pliers, Pop Riveter, Saw (Abrasive Cut-Off), Screwdrivers, Tin Snips, Staple Gun, Swaging Tool, Vise Grips, Wrenches (Allen, Crescent, Metric, Standard).
- **Plumbing and Drain Cleaning:** Basin Wrench, Closet (toilet) Auger, Drain Snakes (Hand, Electric), Faucet Handle Puller, Faucet Seat Wrench, Garbage disp. Wrench, Gas Pressure Tester, Pipe Cutter (Cast Iron, Various), Pipe Reamer, Pipe Vise, Pipe

Internal

Wrenches, Pipe Threader (Die, Threader Handle), Tube Bender, Tubing Cutter, Shower Valve Sockets, Submersible Pump Test Plug, Water Meter Key, Water Pressure Tester.

- **Power Tools - Drills and Bits:** Cordless drill, Drill Motor, VSR, 1/2", Drill, Right Angle, 1/2" Drill Bit (Ship Auger, Bellhanger, Self-Feed, Extension), Hole Saw, (Various sizes, Mandrel), Impact driver.
- **Power Tools - Sanders and Grinders:** Angle Grinder, ( 4-1/2", 7", 9"), Belt Sander (3x21, 4x24), Disc Sander, 7", Random Orbit Sander (5" & 6"), Vibrating, 1/4, 1/2 Sheet.
- **Power Tools - Saws:** Circular (Skilsaw), Power Miter (Chop), Reciprocating (Sawzall), Saber (Jigsaw), Table (8").
- **Recent Additions:** Air Quality Monitors, Bike Repair Kit, iFixit Smartphone and Tablet Repair Kit.

### **Tool Lending Libraries Nationwide:**

Berkeley was one of the first, but there are now similar Lending Libraries throughout the United States. Some lending libraries have innovated by including a wider array of items than Berkeley's Lending Library. The following is a sampling of programs/items other Lending Libraries include. These and other examples are suggestive of the kinds of programs/items Berkeley may wish to explore adding to its collection. BPL is encouraged to be creative and consider going beyond these existing models as well!

- The Chicago Public Library lends backpacking backpacks, sleeping bags and pads, air mattresses, tents, and even fishing poles.
- The Napa County Public Library lends popular board games, jigsaw puzzles, blood pressure monitors, E-readers, and musical instruments.
- [The Sacramento Public Library](#) lends Prom Dresses and attire.
- [The San Francisco Public Library](#) lends children's toys.
- Maine's [Millinocket Memorial Library](#) rents mountain bikes, canoes, kayaks, paddleboards, cross-country skis, snowshoes, and fat-tire bikes
- The Altadena Public Library lends out telescopes, virtual reality headsets, sewing machines, and tarot card decks.
- The Bolivar County Library in Mississippi offers Santa suits.
- The Sherwood Public Library in Oregon has DSLR cameras, LEGO sets, hula hoops, therapy lights, and knitting needles.
- New York Public Library's Riverside Branch lends neck and bow ties, briefcases, and handbags.
- The Washington County Library offers metal detectors, backyard movie kits, playstation consoles, and turntables.

Many other examples can be identified and explored during the research phase of the referred study.



### **Overview of Rental/Share Economy Services available to Berkeley Residents:**

The following is a sampling of rental/share services currently available in the community. These are the kinds of services the Share Hub would be able to refer community members to, and for which the Library could administer subsidies for low income community members.

- REI – Rents backcountry snow gear, bear canisters, camping and hiking gear, snow shoes, climbing gear, cross country ski gear, cycling gear, downhill ski gear, and paddling gear.<sup>14</sup>
- Sports Basement – Rents skis, snowboards, snow packages, snow apparel, pickleball gear, tennis gear, bikes, backpacking, car camping and picnic equipment, stand up paddle boards, kayaks, surf and body boards.<sup>15</sup>
- Avis, Hertz, Enterprise, Zipcar, [Gig Share](#), and Turo – rent vehicles and moving vans.
- California Ski Company - rents skis and boots.
- Paper Plus Party (may be closing soon) – rents tables, chairs, snow cone machines, nacho cheese dispensers, popcorn poppers, and cotton candy carts.
- Swimply – Lists swimming pools for hourly rentals.
- Freecycle.org, Craig’s List and Facebook Marketplace – Free and low-cost items listed by owners for sale or reuse.

Many more rental and sharing resources exist for the Share Hub to identify and refer to patrons.

Another exciting opportunity that has come to light in consulting with outside organizations would be to increase local access to the Bay Area Seed Interchange Library (BASIL), which ensures the preservation of genetic diversity in our planet’s seed stock and would provide local gardeners and farmers access to a diverse collection of seeds, with the agreement they attempt to grow them and return some of the next generation at the end of the season.

Other partnership opportunities will no doubt be discovered through the outreach and exploration of creating the **SHARE BERKELEY** plan.

### **Voucher programs for rentals:**

Currently, the [Berkeley Rides for Seniors & the Disabled Program](#) provides up to \$720 of free scrip (temporary paper money) to pay for demand-response taxi transportation for older and disabled Berkeley residents. Similar voucher or subsidy programs for low income community members could support rental of items from outside vendors such as those listed above, significantly increasing access to items and resources that might otherwise be out of reach. For items that the BPL’s expanded TLL does not choose to furnish from its own collection, the referred study should consider parameters and potential funding sources beyond the Library Tax Fund for a program to subsidize rentals by lower income community members.

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<sup>14</sup> REI, Rental Pricing, <https://www.rei.com/stores/rentals/pricing>.

<sup>15</sup> Sports Basement, Rentals, <https://shop.sportsbasement.com/collections/rentals>.

ACTIONS/ALTERNATIVES CONSIDERED

The Berkeley Public Library could continue to operate the Tool Lending Library without exploring the expansion of its collection and role in Berkeley's share economy. Berkeley residents would still benefit from this, but the Library and City would miss out on an opportunity to explore options to support and lead on achievement of the city's GHG emission and zero waste goals, and the people of Berkeley would not have the benefit of a possible one-stop resource for sharing, renting, and free-cycling.

RATIONALE FOR RECOMMENDATION

Berkeley is an innovative City with a history of leadership on programs and policies that benefit the local community and serve as models for other jurisdictions to adopt. Expanding Berkeley's Tool Lending Library and providing a hub for information, resources, and subsidies to rent and share items offered by other organizations/businesses serves a number of important goals for our community.

Creating a comprehensive Share Hub at the Berkeley Public Library supports the achievement of Berkeley's Zero Waste goals by reducing the need for individual households to purchase rarely-used items – many of which are manufactured in distant locations, with raw and finished materials transported across the globe. In addition to the environmental impacts of creating and transporting these items, they are often transported and sold in impactful packaging.

A good [overview of the impacts of our society's addiction to "stuff"](#) is provided by The Story of Stuff, a Berkeley-based not for profit focused on reducing consumption and increasing sharing. The crux of the matter is that we produce and consume too much stuff – a lot of it toxic and most of it slow to decompose – and we don't share it very well. However, with a broadly expanded mandate and resources, the Berkeley Public Library can help advance the share economy and be a part of the movement to shift attitudes on consumption.

Additionally, while certain outlets such as REI and Sports Basement, both local businesses, rent out camping and recreational equipment, cost remains a barrier for low-income families. This is where the inclusion of sporting goods and other hobby equipment in the TLL could help bridge the gap. The same outcome could be achieved if the BPL decides providing vouchers is a better path forward.

CONSULTATION/OUTREACH OVERVIEW & RESULTS

Councilmember Hahn has had conversations with library staff on the subject of expanding the Tool Lending Library and was met with a positive response. The office has consulted with outside experts including the Ecology Center in Berkeley. Because this is a referral to do in depth consultation and research, broader consultation with the community is envisioned as an important outcome of the referral.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

Berkeley Public Library staff has expressed interest in taking on this project and carrying it out from the initial planning stages through its eventual implementation. Library staff would be

responsible for exploring options for expansion including smaller-scale pilot approaches, consulting members of the community about their needs, and evaluating the cost of procuring additional equipment. BPL will work at their own pace but are requested to report to the Board of Library Trustees within two years, to share conclusions, and are invited to share their proposals with the City Council as well.

### FISCAL IMPACTS

The creation of **SHARE BERKELEY** is expected to require BPL to hire new staff and obtain new equipment, software, and facilities. BPL may also seek to involve the Berkeley Public Library Foundation and Friends of the Berkeley Public Library to provide an avenue for philanthropic contributions to **SHARE BERKELEY** - at its inception, and/or on an ongoing basis. On its website, the Chicago Public Library asks for donations to purchase specific items such as generators, folding chairs, utility carts, and canopies, among other things. Berkeley's generous community may take a strong interest in further supporting the establishment and operations of **SHARE BERKELEY**, given the strong correlation with the mission of the Berkeley Public Library, the environmental and social benefits to the community, and the fact that BPL already is formally designated as one of Berkeley's "Resilience Centers."

Further, Alameda County recently launched two new lending libraries, one with funding from the California State Library. Similarly, the Los Angeles County TLL is supported by the U.S. Institute of Museum and Library Services. BPL should look at the potential to apply for Library-oriented and environmental/zero-waste-oriented grants, and all other potential funding opportunities.

### ENVIRONMENTAL SUSTAINABILITY

Lending libraries encourage community members to borrow rather than buy, reducing the wasteful purchase of items rarely used and their environmental impact. Any efforts to reduce the production and purchase of plastic, metal - and any - materials will have a positive overall impact on our planet. According to the United Nations, resource extraction has more than tripled since 1970 and accounts for half of the world's carbon emissions and 80% of biodiversity loss.<sup>16</sup> Furthermore, the expansion of TLL signals the City's commitment to the share economy and will help facilitate a cultural shift in views on consumption.

Additionally, expanding the availability of garden equipment can promote community greening and locally-procured urban agriculture. Many items that might otherwise end up in a landfill can be diverted to the Lending Library for future use.<sup>17</sup> Insofar as this diversion happens and there is strong participation in borrowing, this initiative will help achieve the city's zero-waste and climate action goals.

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<sup>16</sup> Watts, Jonathan, "Resource extraction responsible for half the world's carbon emissions," The Guardian, March 12, 2019, <https://www.theguardian.com/environment/2019/mar/12/resource-extraction-carbon-emissions-biodiversity-loss>.

<sup>17</sup> Tabor, Neil, "Evaluating the Success of Tool-Lending Libraries and their Contributions to Community Sustainability," University of Nebraska-Lincoln Environmental Studies Program, August 2013, p. 20. <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1125&context=envstudtheses>.

## OUTCOMES & EVALUATION

As stated previously, the expected outcome of this recommendation is that BPL will create an innovative plan for **SHARE BERKELEY**. The plan should be as expansive and impactful as possible, offering a vision for a groundbreaking, first-in-kind, comprehensive program combining an in-house collection with referrals, resources and subsidies to equitably access items beyond BPL's collection. While the full program may need to be phased-in, the goal is to produce a broad, comprehensive, visionary plan as a starting point for conversation, funding, and implementation. Success for this item is the successful delivery of the visionary plan, for consideration by the Board of Library Trustees.

The intent of this item is to fully explore options for an expanded TLL and Share Hub at the Berkeley Public Library. One outcome of the study might be that the TLL/BPL is not the best space for the full spectrum of desired services, and other options are recommended. These might include partnerships with outside organizations such as Berkeley's Ecology Center, or centering some or all expanded services elsewhere within the City organization, such as in the office of Energy and Sustainable Development. It is hoped that the process of studying and exploring the benefits and opportunities for a comprehensive, public Share Hub for Berkeley will lead to recommendations for viable paths forward within the TLL/BPL, and/or suggestions for other means to achieve these important goals for the community.

The **SHARE BERKELEY** plan to be developed by BPL should include metrics to measure the success of the new initiative. For example, success could be evaluated on the basis of how many new items are lent relative to the expense of the expanded program. Qualitative impact measures can be explored that evaluate how the availability of expanded resources and the overall program positively address community needs and interests. Estimates of reductions in GHG emissions and plastic consumption, for example, and consumption of other toxic and impactful materials can also be estimated and folded into the City's metrics tracking progress on Climate and Zero Waste goals. High community participation in the expanded collections and resources will help guide the collection of new items. And the library could make use of volunteer focus groups, intercept interviews, or surveys to assess what items community members would be most interested in borrowing. Community feedback shared in the planning process will also inform expansion of the current collection. All of this is to be determined by BPL staff in developing and presenting the proposed program.

## CONTACT

Sophie Hahn, District 5, (510) 981-7150

*Special thanks to Aleks Wolan, Legislative Director District 5*



Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
March 12, 2024

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Wengraf (Author), Councilmember Hahn (Co-Sponsor)  
Subject: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

RECOMMENDATION

Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T’s proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T’s application to end traditional landline service in all areas until reliable broadband cellular coverage is available.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

California residents deserve reliable telecommunication service. The California Public Utility Commission (CPUC) must ensure that traditional landline phone service remains in place until broadband can replace it as a reliable means of communication. Many geographic areas of Berkeley do not have dependable cellular service. Removal of traditional landlines before reliable alternatives are in place, contradicts Berkeley’s strategic goals of creating a resilient, safe, connected and prepared city. Landline telephone service is a lifeline for those in Berkeley who do not have reliable cell service.

AT&T submitted two applications to the California Public Utility Commission (CPUC) on March 3, 2023. One for targeted relief from its carrier of last resort obligation and certain associated tariff obligations ([A23-03-003](#)). The other, to relinquish its eligible telecommunications carrier designation ([A23-03-002](#)).

If the CPUC grants AT&T relief from being the “Carrier of Last Resort” (COLR), i.e. the only carrier legally mandated to provide service to anyone in their service territory who wants it, and therefore stops providing landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable will be deprived of a dependable means of communication. Reliable telephone service is essential for day-to-day life and critical for medical emergencies, public safety and natural disasters. Landlines are overwhelmingly the most reliable method of communication.

In the Berkeley Hills and other high fire risk areas throughout the state, where PG&E regularly conducts Public Safety Power Shutoffs (PSPS), traditional landlines, or Plain Old Telephone Service (POTS), are the only form of reliable communication – unless cell tower back-up generators last throughout the PSPS or disaster, and households with reliable cell service have invested in batteries or generators to keep their phones and modems operating.

Berkeley Fire Chief Dave Sprague stated that, *"The loss of POTS in the region before reliable alternatives are in place creates an unacceptable degradation of public safety for California's residents following a seismic event, wildfire, or other natural disaster."*

Further, if AT&T is allowed to relinquish its Eligible Telecommunications Carrier (ETC) designation, it would no longer be mandated to provide Lifeline service which ensures residents with low incomes, frequently elders and those with disabilities, can have access to telephone service.

### BACKGROUND

California's telecommunications policy is founded on an ongoing commitment to universal service by assuring the continued affordability and widespread availability of high-quality telecommunications services.

The California Public Utilities Commission (CPUC) has deemed Carrier of Last Resort (COLR) obligations an important component of universal access to communications services because these obligations ensure that customers who want service, receive it.

As a COLR, AT&T has an obligation to serve all customers in its service area who request service. If the CPUC approves AT&T's application for relief of its COLR obligations, California would have no Carrier of Last Resort and residents would lose their Plain Old Telephone Service (POTS).

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Elimination of Plain Old Telephone Service (POTS) could prevent safe evacuation in a natural disaster and interfere with Emergency Response. As extreme weather events increase due to climate change, access to reliable communication is critical to life and safety.

### CONTACT PERSON

Vice Mayor & Councilmember Susan Wengraf, Council District 6 510-981-7160

Attachments:

- 1: Resolution
- 2: Letter to CPUC

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

OPPOSITION TO AT&T COLR AND ETC APPLICATIONS

WHEREAS, California's telecommunications policy is founded on an ongoing commitment to universal service by assuring the continued affordability and widespread availability of high-quality telecommunications services; and

WHEREAS, The California Public Utilities Commission (CPUC) has deemed Carrier of Last Resort (COLR) obligations an important component of universal access to communications services because these obligations ensure that customers who want service, receive it; and

WHEREAS, AT&T submitted two applications to the CPUC on March 3, 2023. One for targeted relief from its carrier of last resort obligation and certain associated tariff obligations ([A23-03-003](#)); the other, to relinquish its eligible telecommunications carrier designation ([A23-03-002](#)); and

WHEREAS, If the CPUC grants AT&T relief from being the "Carrier of Last Resort" (COLR) and therefore AT&T stops providing landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable will be deprived of a dependable means of communication; and

WHEREAS, If the CPUC allows AT&T to relinquish its Eligible Telecommunications Carrier (ETC) designation, AT&T would no longer be mandated to provide Lifeline service which ensures residents with low incomes, frequently elders and those with disabilities, can have access to telephone service; and

WHEREAS, Reliable telephone service is essential for day-to-day life and critical for medical emergencies, public safety and natural disasters; and

WHEREAS, Berkeley Fire Chief Dave Sprague stated that "*The loss of POTS in the region before reliable alternatives are in place creates an unacceptable degradation of public safety for California's residents following a seismic event, wildfire, or other natural disaster.*"

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it strongly opposes AT&T's applications A23-03-003 and A23-03-002.

BE IT FURTHER RESOLVED that the Berkeley City Council strongly urges the CPUC to reject AT&T's A23-03-003 and A23-03-002 applications.

Exhibits

A: Letter to the CPUC



February 12, 2024

California Public Utilities Commission  
505 Van Ness Ave  
San Francisco, California 94102

RE: Opposition to AT&T's Applications A23-03-003 and A23-03-002

Dear CPUC President and Commissioners,

The City of Berkeley respectfully requests that you reject AT&T's applications for targeted relief from its Carrier of Last Resort (COLR) obligation, and to relinquish its eligible telecommunications carrier (ETC) designation.

All residents deserve reliable telecommunication service. The CPUC must ensure that Plain Old Telephone Service (POTS) remains in place until broadband has achieved that standard.

If AT&T is allowed to stop being the COLR and transfer its landline service to broadband or VOIP, large numbers of Berkeley residents where cellular service is non-existent or intermittent at best, will be deprived of a reliable means of communication.

Berkeley cannot maintain a resilient, safe, connected and prepared city without reliable landline service.

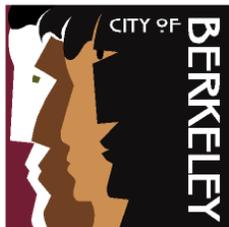
Berkeley Fire Chief Dave Sprague stated that, "*The loss of POTS in the region before reliable alternatives are in place creates an unacceptable degradation of public safety for California's residents following a seismic event, wildfire, or other natural disaster.*"

Further, if AT&T is allowed to relinquish its Eligible Telecommunications Carrier (ETC) designation, Berkeley's residents with low incomes could lose Lifeline Program access to telephone service, including elders and those with disabilities. As you know, reliable telephone service is essential for day-to-day life and critical for medical emergencies, public safety and natural disasters.

For some of Berkeley's residents, who are underserved by cellular phone service, there is no substitute for landline telephone service. We strongly urge you to take into consideration the needs of those with no cellular service, those who could lose low cost telephone services, and those living in areas of high risk to wildfire and other natural disasters, as you make your decision.

Respectfully,  
Berkeley City Council  
Cc: Kate Turner, Cal Advocates; Regina Costa, TURN





Office of the City Manager

INFORMATION CALENDAR

March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Anne Cardwell, Deputy City Manager

Subject: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report

INTRODUCTION

On July 11, 2023, the City Auditor submitted a *Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring* audit report to the City Council with recommendations that the City establish retention goals, conduct an analysis of staff needed for city services and consider staff capacity around new legislation. It was also recommended that the City take steps to address employee satisfaction and improve the recruiting and hiring process. Further, the audit recommended that the City expand the telework policy to align with best practices and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

The purpose of this information item is to update City Council on the status of implementation of the audit report's recommendations. This is the first status report regarding this audit. It is also an opportunity to provide an update on the Employer of Choice Initiative (EOCI), since many of the recommendations from the audit overlap with the objectives of the EOCI.

CURRENT SITUATION AND ITS EFFECTS

The audit included 25 recommendations. As of the writing of this report, three (3) of those recommendations have been implemented, four (4) have been partially implemented, fourteen (14) have been started, and four (4) have not yet been initiated.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress. The next status report to Council is expected to be presented on July 30, 2024.

BACKGROUND

The findings of the audit are helping to inform the City's current EOCl efforts. As already noted, the EOCl Roadmap has many critical destinations along the way to becoming an Employer of Choice. Specifically, of the 25 audit findings, 14 are not only clearly aligned with Employer of Choice, but are already underway. Seven (7) are aligned, and part of

the roadmap, but are not yet initiated. Recommendations that are already underway and/or clearly aligned with the 49 EOCI Roadmap recommendations will take priority in terms of resources and timing. Many of these efforts take notable time and resources, as articulated in staff's response to audit recommendations.

As the City moves forward with this initiative, our focus remains on enhancing employee satisfaction, retaining valuable staff members, and refining our hiring processes. It is clear that a dedicated and motivated workforce is crucial to the successful functioning of the organization and the delivery of quality services to the Berkeley community.

There is a strong commitment to ensuring that the organization becomes an employer of choice, providing an environment that fosters growth, recognition, and professional development for employees. By creating a workplace that promotes job satisfaction and overall well-being, the organization can overcome the challenges of the staffing crisis.

Staff will continue to keep the City Council informed of progress, sharing updates on the implementation of initiatives, and improvements made in staffing strategies.

Finally, key to continued success along the way will be maintaining the Employer of Choice Initiative as the organization's top priority in the upcoming budget process.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### ALTERNATIVE ACTIONS CONSIDERED

None at this time

#### CONTACT PERSON

Anne Cardwell, Deputy City Manager, City Manager's Office, (510) 981-7014

#### Attachments:

1. Audit Findings, Recommendations, and Status Updates
2. Update on Employer of Choice Initiative (EOCI)

| Audit Title: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring |                |                                                                                                                                                                                                                                                                                 |              |                                        |                                                                                                                                                                                                                                                                         |                          |
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| Finding                                                                                                  | Recommendation |                                                                                                                                                                                                                                                                                 | Department   | Expected or Actual Implementation Date | Status of Audit Recommendations, Corrective Plan, and Progress Summary                                                                                                                                                                                                  | Status at Audit Issuance |
| Staff shortages constrained city services.                                                               | 1.1            | Establish citywide retention goals and report to City Council on progress towards those goals biennially.                                                                                                                                                                       | City Manager | 1 year from audit response.            | <u>Started:</u><br>Human Resources has developed a preliminary set of metrics (e.g., measuring the rate of hiring over attrition) and will develop further ones as the City makes reporting improvements to ERMA, Berkeley's personnel and financial management system. | Not Started              |
| Staff shortages constrained city services.                                                               | 1.2            | Conduct a staffing analysis based on critical needs to identify the number and type of full-time equivalent positions needed for successful city operations and services. The City may consider conducting this analysis one department at a time based on available resources. | City Manager | 2+ years from audit response.          | <u>Not Started</u>                                                                                                                                                                                                                                                      | Not Started              |

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| Some current city employees reported dissatisfaction and many have contemplated leaving. | 2.1 | Review the highest priority city job descriptions to ensure they accurately reflect job duties.                                     | City Manager      | 2 years from audit response. | <u>Started:</u><br>Human Resources has started updating job descriptions.                                                                                                                                                                                                                     | Started     |
| Some current city employees reported dissatisfaction and many have contemplated leaving. | 2.2 | Consider staff capacity when introducing new legislation, and limit or prioritize new legislation during periods of short staffing. | Mayor and Council | 1 year from audit response.  | <u>Started:</u><br>Councilmembers have discussed methods to streamline the legislative process and consider budget and staffing impacts when implementing new legislation. The Agenda and Rules Committee is considering proposals as of January 2024.                                        | Started     |
| Some current city employees reported dissatisfaction and many have contemplated leaving. | 2.3 | Report on the status of approved projects to City Council, including information about delays caused by staff vacancies.            | City Manager      | 1 year from audit response.  | <u>Started:</u><br>Staff continue to articulate in reports and communication to City Council regarding the status of approved projects and impacts of staff vacancies. Additional opportunities for enhanced communication in this area will be explored within a year of the audit response. | Started     |
| Some current city employees reported dissatisfaction and many have contemplated leaving. | 2.4 | Improve pathways for promotion in the City through a citywide succession plan, which may include cross-training for positions.      | City Manager      | 2 years from audit response. | <u>Started:</u><br>Human Resources is currently redesigning the City's training curriculum in order to align training with career paths.                                                                                                                                                      | Not Started |

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| Some current city employees reported dissatisfaction and many have contemplated leaving. | 2.5 | Direct departments to ensure that all employees receive an annual performance evaluation.                                                                                                                                                                                                                                                                                                                                                                              | City Manager    | 18 months from audit response. | <u>Started:</u><br>Human Resources has redesigned “The Role of the Supervisor” training module to emphasize ongoing feedback for performance management.                                                                                | Not Started |
| Some current city employees reported dissatisfaction and many have contemplated leaving. | 2.6 | Implement a comprehensive training program that ensures staff at all levels receive the training they need to fulfill their job duties and develop their job skills as needed. Consider increasing the training budget and redesigning the training curriculum to best address the needs of a post-pandemic workforce, improving training for supervisors and managers, ensuring that experts conduct trainings, and allowing employees to request specific trainings. | Human Resources | 18 months from audit response. | <u>Started:</u><br>Human Resources is on track with re-imagining the workforce training curriculum along front-line, supervisory and management tracks, and expects the project to be completed within 18 months of the audit response. | Started     |

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| <p>Some current city employees reported dissatisfaction and many have contemplated leaving.</p> | <p>2.7</p> | <p>Ensure that all city employees complete mandatory trainings in accordance with the state law. Report data on mandated trainings to Council annually.</p>        | <p>Human Resources</p> | <p>1 year from audit response.</p>    | <p><u>Partly Implemented:</u><br/>Human Resources has successfully brought the City back to near compliance with all mandatory trainings, with several departments achieving 100% compliance and all departments exceeding 90% compliance.</p>                                                                                                                                                                                                                         | <p>Started</p> |
| <p>Some current city employees reported dissatisfaction and many have contemplated leaving.</p> | <p>2.8</p> | <p>Update City Council on the recruitment status of hard-to-fill positions during the biennial budget process, as well as steps taken to fill these positions.</p> | <p>City Manager</p>    | <p>18 months from audit response.</p> | <p><u>Started:</u><br/>Human Resources continues to meet regularly with departments to prioritize hiring needs and address the challenges of hard-to-fill positions through interventions that range from enhanced recruitment strategies (e.g., direct outreach through LinkedIn) to modifications of job classifications. Departments will be able to update Council on the status of these positions during the upcoming budget process for fiscal years 25-26.</p> | <p>Started</p> |

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| <p>Some current city employees reported dissatisfaction and many have contemplated leaving.</p> | <p>2.9</p> | <p>Identify positions that are hard-to-recruit and retain and consider reassessing pay for those positions.</p> | <p>City Manager</p> | <p>18 months from audit response.</p> | <p><u>Partly Implemented:</u><br/>The City has adjusted salaries for several classifications in order to maintain market competitiveness (e.g., Senior Building Maintenance and Senior Public Works Supervisor), to avoid compaction issues (e.g., several classifications in the behavioral health career ladder), and to ensure internal equity (e.g., Traffic Maintenance Supervisor and Parking Meter Maintenance and Collection Supervisor).</p> | <p>Started</p> |
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| <p>Some current city employees reported dissatisfaction and many have contemplated leaving.</p> | <p>2.10</p> | <p>Assess employees' needs regarding communication from the City Manager's Office and design a communication strategy that addresses those needs.</p> | <p>City Manager</p> | <p>1 year from audit response.</p> | <p><u>Partly Implemented:</u><br/>The Special Projects Division produces a newsletter at the completion of each 90-day sprint period. The newsletter is distributed widely via email and is stored in a folder all staff can access. Additionally, the Special Projects Division is creating a SharePoint Site to include information about the Employer Of Choice Initiative and other Citywide information that staff can access whenever it is convenient. The CMO is also initiating a series of internal 'open-houses' across departments to encourage collaboration, communication, and engagement across departments. This is all part of the calendar year 2024 workplan.</p> | <p>Started</p> |
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| Instability in Human Resources delayed hiring and impacted internal services. | 3.1 | Assess the level of staff and resources needed to meet the City's recruitment and hiring needs. Prioritize filling these positions when vacancies in this area fall below a level that would jeopardize the City's ability to hire quickly. | City Manager | 3/12/2024 | <u>Implemented:</u><br>This recommendation has been fully implemented with the hiring of three additional employees: one Associate HR Analyst dedicated to recruitment; one Associate HR Analyst assigned to exams; and one Assistant HR Analyst supporting Benefits. HR's recruitment team additionally has standing meetings with departments during which they identify and prioritize hiring needs. | Started |
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| <p>Instability in Human Resources delayed hiring and impacted internal services.</p> | <p>3.2</p> | <p>Assess the approval process for hiring new employees and identify opportunities to reduce inefficiencies.</p>   | <p>City Manager</p>    | <p>3/12/2024</p>                   | <p><u>Implemented:</u><br/>This recommendation has been fully implemented with the development of exam plans at the outset of every hiring process. Human Resources (HR) has also changed the order by which hiring approvals are processed in NeoGov, the City's hiring platform. HR has implemented additional steps to reduce inefficiencies including e-offers and e-reference checks through the NeoGov hiring system. HR has also obtained LiveScan certifications for some staff members and will be moving the fingerprinting process in-house as soon as they receive final approval.</p> | <p>Started</p> |
| <p>Instability in Human Resources delayed hiring and impacted internal services.</p> | <p>3.3</p> | <p>Develop and execute a plan to modernize recruitment and hiring using social media and community engagement.</p> | <p>Human Resources</p> | <p>1 year from audit response.</p> | <p><u>Partly Implemented:</u><br/>Utilizing funds allocated by City Council to support the Employer of Choice initiative, Human Resources has engaged a marketing agency, Sensis, and is developing a digital platform dedicated to hiring, along with a full-scale social media campaign. The new recruitment website can be found at <a href="https://www.berkeley.careers">https://www.berkeley.careers</a>.</p>                                                                                                                                                                                | <p>Started</p> |

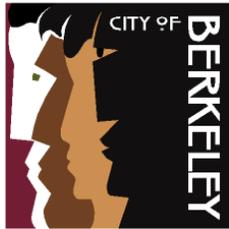
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| Instability in Human Resources delayed hiring and impacted internal services. | 3.4 | Communicate standard procedures and trainings for NEOGOV and the City's hiring process to all department heads and hiring managers.                     | Human Resources | Ongoing                       | <u>Started:</u><br>Human Resources maintains a standing series of meetings with City departments to assist with NEOGOV usage and hiring procedures.                                                      | Started     |
| Instability in Human Resources delayed hiring and impacted internal services. | 3.5 | Improve the employee onboarding process so employees have the tools and information they need to do their jobs.                                         | Human Resources | 3/12/2024                     | <u>Implemented:</u><br>The corrective action has been fully implemented with the automation of Onboarding through NEOGOV and the launch of the new, in-person "Welcome to Berkeley" orientation program. | Started     |
| Telework can benefit the City but the current policy is limited.              | 4.1 | Identify ways of reducing unused space in city buildings to save on overhead costs. This initiative may require additional resources beyond city staff. | City Manager    | 2+ years from audit response. | <u>Started:</u><br>The City is taking initial steps in exploring more efficient use of space on a department-by-department basis.                                                                        | Not Started |

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| <p>Telework can benefit the City but the current policy is limited.</p> | <p>4.2</p> | <p>Expand the citywide telework policy to include elements that align with best practices. This can include eligibility, employee accountability, equipment requests, telework training, and justifications for denying employee requests to telework.</p> | <p>City Manager</p>    | <p>Ongoing</p> | <p><u>Started:</u><br/>The consulting firm Municipal Resource Group (MRG) prepared a Hybrid Workplace Best Practice Guide as a supplement to the Employer of Choice roadmap. The City received a draft of the Best Practice Guide and is currently reviewing the report.</p> | <p>Started</p> |
| <p>The City lacked reliable data to address staff shortages.</p>        | <p>5.1</p> | <p>Clean up personnel data in ERMA to ensure all employee data is accurate.</p>                                                                                                                                                                            | <p>Human Resources</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>Human Resources is collaborating with a consultant for next-level review of data in ERMA, Berkeley's personnel and financial management system, to be followed with an initiative to ensure consistency along the system's nomenclature.</p>          | <p>Started</p> |

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| The City lacked reliable data to address staff shortages. | 5.2 | Develop standardized procedures for entering and managing personnel data in ERMA.                                                                                                                                                                                                              | Human Resources | Ongoing                      | <u>Started:</u><br>Human Resources is collaborating with a consultant for next-level review of data in ERMA, Berkeley's personnel and budget management system, to be followed with an initiative to ensure consistency along the system's nomenclature | Started     |
| The City lacked reliable data to address staff shortages. | 5.3 | Produce reports that can be used to inform retention and hiring efforts, which may include data on vacancies, recruitments, turnover, or other useful data. Human Resources should also report to City Council on staff vacancies by department and how long those positions have been vacant. | Human Resources | Ongoing                      | <u>Started:</u><br>The City Manager's Office, in collaboration with Human Resources, is contracting with Tyler Technologies for follow-up assessments of ERMA functionality in order to identify and implement system improvements.                     | Started     |
| The City lacked reliable data to address staff shortages. | 5.4 | Consistently conduct exit surveys or interviews and share results with departments.                                                                                                                                                                                                            | Human Resources | 2 years from audit response. | <u>Not Started</u>                                                                                                                                                                                                                                      | Not Started |

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| <p>The City lacked reliable data to address staff shortages.</p> | <p>5.5</p> | <p>Determine the appropriate city department or other body to regularly collect data on employee satisfaction. Data collection should include employees' perceptions about diversity, equity, inclusion, and accessibility in the workplace. The department should consider publishing the data and comparing it to previous years to help inform retention efforts.</p> | <p>Mayor and Council</p> | <p>2 years from audit response.</p> | <p><u>Not Started:</u><br/>City Council has not yet provided input on the appropriate department or entity to conduct satisfaction surveys.</p> | <p>Not Started</p> |
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| The City lacked reliable data to address staff shortages. | 5.6 | Resume data collection and production of Year End Workforce Reports on demographic workforce trends at least annually. Consider expanding Human Resources' performance measure reported in the budget book to capture diversity at all levels of city employment. | City Manager | 2 years from audit response. | <u>Not Started</u> | Not Started |
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Office of the City Manager

## **Attachment 2: Update on Employer of Choice Initiative (EOCI)**

On February 28, 2023, the City Manager and representatives from the Municipal Resource Group (MRG) presented to the City Council a proposed roadmap designed to help the City become an Employer of Choice. The goal of the project was to assess the organization's needs and craft an actionable plan titled the "Employer of Choice Roadmap" to retain and attract employees. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas that strongly align with the report from the City Auditor focused on Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report.

The Special Projects Team in the City Manager's Office was charged with leading the Employer of Choice Initiative (EOCI) to lead and track efforts made to address the action items identified in the Roadmap.

The City has completed several actions defined in the EOCl Roadmap that also support and align with the goals of the City Auditor's report. Here are some highlights from the past year of work:

1. Two 90-day strike team initiatives, which completed the following list of highlighted activities:
  - a. Strike Team 1 – April to June 2023
    - i. Invest in Human Resources – this effort included an increased focus on filling vacancies, increasing HR staff and developing a digital marketing campaign.
    - ii. Improve Communication – The office of Communications met with all departments to better determine each of their communication needs. The Communications team also created tools to assist staff in day-to-day communications, including the addition of a photo library, as well as developing a concerted presence for the City on LinkedIn.
    - iii. Developed processes to elevate internal and administrative systems - The Special Projects Division engaged with Departments to gather information on process pain points and began work to mitigate those issues and collect departmental data related to EOCl activities.
  - b. Strike Team 2 – September to November 2023
    - i. Invest in Cross Department Relationship Building through developing a model and schedule for Departmental open houses which kicks off with the CMO Open House in February 2024.



- ii. Implement Business Process Improvements, Finance - Changes to Purchasing and Expenditure Contract threshold requirements. The City has raised its formal competition limit from \$25,000, an amount unchanged for many years and inconsistent with best practices. Additionally, the City has raised its threshold amount for requiring a Blue Back Contract from \$5,000 to \$25,000. For low-risk services below \$25,000, a Purchase Order can be used to govern the engagement. Competition is still required. Engagements cannot be split to avoid the \$25,000 limit. The change was accompanied by clear instructions, training and guidelines to ensure continued rigor for competition.
- iii. Implement Business Process Improvements, Information Technology - IT staff trained City employees and deployed the use of TEAMS and TEAMS Channels for use city wide.
- iv. Implement Business Process Improvements, Other - Update Internal Administrative Regulation site to be more user friendly, searchable and include more information regarding what an Administrative Regulation is and when you should use them.

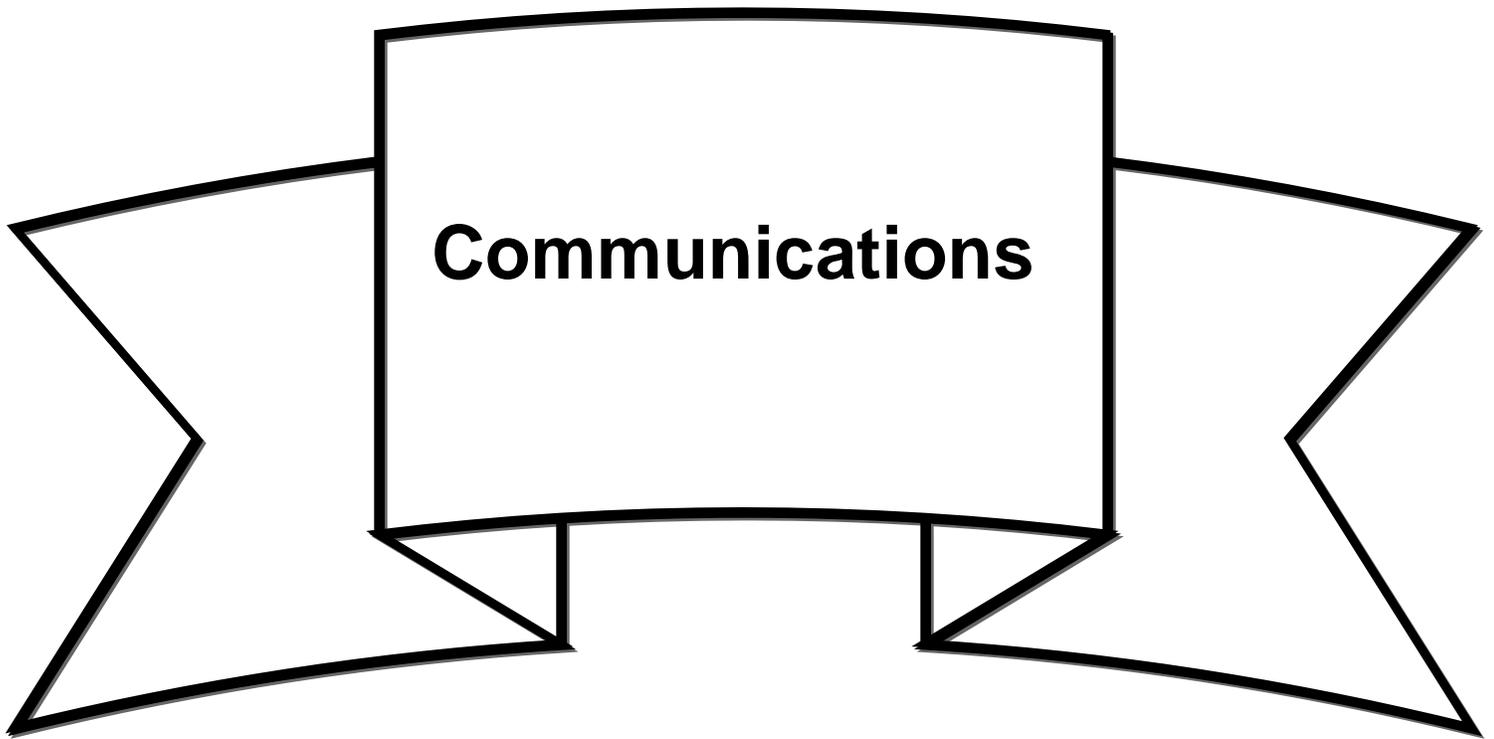
In addition to the strike teams, “Team Unity” was formed to redesign the City’s years of service awards process, the annual staff appreciation event and the City’s gifting and recognition program. The team consists of representatives from each Union, each unrepresented department and four at-large positions.

The role of Team Unity is to bring forward ideas for Citywide improvements in the defined squad. The Team Unity will review proposals from each squad and determine which projects move forward considering cost, value, impact, environmental considerations, adherence to city policy, and any other criteria the Team Unity puts forth. While the squad members will be the main group responsible for implementing the new structure or program, it is expected that all Team Unity members be present at events, promote the work of the Team Unity and provide additional support when needed. In year one, Team Unity members are active in the design, development, and deployment of the following programs:

1. Years of Service Events-Uplift Squad
2. Citywide Events-Party Squad
3. Gifting and Recognition Program-Appreciation Squad

Finally, the Special Projects Division worked closely with Human Resources to incorporate a mentoring model into the Skilled Worker Academy. As part of this effort, participants are connected with members of the Senior Executive Team for coaching and mentoring. Additionally, each participant has the opportunity to meet directly with the City Manager.

The Special Projects Division workplan for 2024 includes continuing the work to define business processes, create relevant informational materials and training for staff, and a comprehensive EOCl report, which will highlight the tremendous work completed in Departments across all lanes of the Roadmap.



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