



REVISED AGENDA
(ADDED CONTINUED ITEMS FROM MARCH 14, 2023)
BERKELEY CITY COUNCIL MEETING
Tuesday, March 21, 2023
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. 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/1604192052>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 419 2052**. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

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

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

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

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.*

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 – Continued Business

A. Amendments to COVID-19 Emergency Response Ordinance, BMC Chapter 13.110 *(Continued from March 14, 2023)*

From: Mayor Arreguin (Author), Councilmember Hahn (Author)

Recommendation: Adopt second reading of Ordinance No. 7,855-N.S. amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to suspend the application of the ordinance to commercial property, permit lawful owner move-in evictions, and establish a Transition Period during which time specified evictions would be prohibited.

First Reading Vote: All Ayes.

Financial Implications: None

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

B. Amendments to Berkeley Election Reform Act Cost of Living Adjustment Provisions *(Continued from March 14, 2023)*

From: Fair Campaign Practices Commission

Recommendation: Adopt second reading of Ordinance No. 7,857-N.S. amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) clarify that cost of living adjustments for the \$250 campaign contribution limit to be performed in every odd-numbered year shall be rounded to the nearest ten dollars (\$10), and (2) providing that all cost of living adjustments required by BERA be performed by March instead of January of each odd-numbered year to coincide with the availability of necessary data.

First Reading Vote: All Ayes.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Consent Calendar

- 1. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023.
Financial Implications: To be determined.
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 2. Designate the Line of Succession for the Director of Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an emergency, and rescinding Resolution No. 70,406-N.S.
Financial Implications: None
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
- 3. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to expand a NFPA 1582/1583 compliant employee Wellness, Fitness and Human Performance Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) for up to \$840,000 with a 10% or \$84,000 in matching city funds to expand a National Fire Protection Association (NFPA) 1582/1583 compliant employee Wellness, Fitness and Human Performance Program.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 4. Contract No. 32200156 Amendment: Options Recovery Services for Community Crisis Response Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200156 with Options Recovery Services (Options) to add \$561,917.11 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$1,201,917.11.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 5. Contract No. 32200147 Amendment: Women’s Daytime Drop-In Center for Community Crisis Response Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200147 with Women’s Daytime Drop-In Center (WDDC) to add \$75,600 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$195,600.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Contract No. 32300025 Amendment: Non-Profit Intelligence Partners for Flexible Funding program services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300025 with Non-Profit Intelligence Partners (NPI) to provide Flexible Funding program services through June 30, 2024 in an amount not to exceed \$350,000. This will extend the existing contract by one year and add \$300,000 in funding.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Revenue Agreements: California Department of Public Health Childhood Lead Poisoning Prevention and CalFresh Grants**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, California Department of Public Health (CDPH), to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements:
1. CDPH: Childhood Lead Poisoning Prevention Program (CLPPP), in the projected total 3-year amount of \$383,455 for FY 2024, FY 2025, and FY 2026.
2. CDPH: CalFresh Healthy Living Program (CalFresh), in the projected amount of \$162,390 each year in FFY 2024, FFY 2025, FFY 2026, for a projected total 3-year amount of \$487,170.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

8. **Funding Recommendation and Joint Homekey Application for the University Inn at 1461 University**

From: City Manager

Recommendation: Adopt three resolutions approving the following actions in support of a Homekey program funding allocation by:

1. Reserving up to \$8,500,000 in General Funds received pursuant to Measure P for the University Inn permanent supportive housing project at 1461 University Avenue as proposed by a partnership between Memar Properties (Memar) and Housing Consortium of the East Bay (HCEB).
2. Reserving up to \$1,000,000 in General Funds received pursuant to Measure P for Memar and HCEB to operate the University Inn as an emergency shelter prior to permanent housing conversion.
3. Authorizing the City Manager or her designee to prepare and submit a joint application together with Memar and HCEB for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Inn permanent supportive housing project. And, further authorizing the City Manager or her designee to include the issuance date of the Notice of Funding Availability, once available, in the resolution.
4. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.
5. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report.

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

9. **Amending the Program Year 2021 (PY2021) Annual Action Plan to Accept HOME-American Rescue Plan Funds**

From: City Manager

Recommendation: Adopt a Resolution:

1. Amending the PY2021 Annual Action Plan to expend HUD's allocation of HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funds to the City of Berkeley, totaling \$2,735,696, upon HUD's acceptance of the City's Allocation Plan.
2. Allocating up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the qualifying populations. If the HOME-ARP award amount is modified, the same formulas will be applied for allocating funds.
3. Authorizing the City Manager or her designee to submit the approved PY2021 Annual Action Plan Substantial Amendment to HUD, and accept any resulting agreements, and amendments thereto with HUD.

Financial Implications: See report.

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

Consent Calendar

- 10. Salary Range Adjustments: Senior Behavioral Health Clinician, Mental Health Clinical Supervisor, Mental Health Program Supervisor, Assistant Manager of Mental Health Division, and Manager of Mental Health Division**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,997-N.S. Salary Resolution for Public Employees Union – Local 1 to increase the top step salary of the Senior Behavioral Health Clinician by 0.83%; Mental Health Clinical Supervisor by 4.18%; Mental Health Program Supervisor by 7.33%; Assistant Manager of Mental Health Division by 7.33%; and Manager of Mental Health Division by 1.20%, effective January 14, 2023.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 11. Salary Range Adjustments: Deputy City Manager and Employee Relations Manager Classifications**
From: City Manager
Recommendation: Adopt a Resolution to amend Resolution No. 69,998-N.S. Classification and Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees) to increase the top step salary of the Deputy City Manager classification from \$277,840.99 to \$291,733.04, and the Employee Relations Manager classification from \$175,026.38 to \$180,065.60 effective January 14, 2023.
This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 12. Contract: TEROCONS INC. for Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project; and
2. Accepting the bid of the lowest responsive and responsible bidder, TEROCONS INC.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with TEROCONS INC., for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project at 2851 West Bolivar Drive, Berkeley, CA 94710, in an amount not to exceed \$260,312.50 which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50.
Financial Implications: Parks Tax Fund - \$260,312.50
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

13. Grant Funding Application for SolarAPP+ integration

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit a grant application in the amount of \$80,000 to The California Energy Commission, to receive technical assistance to integrate the SolarAPP+ web software to the City of Berkeley Permit Service Center operations, and to accept grant funds and execute a resulting grant agreement.

Financial Implications: See report.

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

14. Contract No. 32100192 Amendment: California Constructores for Sidewalk Repairs FY 2020 Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100192 with California Constructores, increasing the contract amount by \$200,000 for a total not-to-exceed amount of \$2,375,900.

Financial Implications: See report.

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

15. Contract: JV Lucas Paving, Inc. for Street Rehabilitation FY 2023 Project

From: City Manager

Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 23-11558-C; and 2) accepting the bid of the lowest responsive and responsible bidder, JV Lucas Paving, Inc. and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$10,203,711.

Financial Implications: See report.

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

16. Purchase Order: Pape Machinery, Inc. for One John Deere 320P Backhoe Loader

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 John Deere 320P Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$215,000.

Financial Implications: See report

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

Consent Calendar

17. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Eight Ford Interceptor Hybrid Utility Vehicles

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$496,454.

Financial Implications: See report.

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

18. Referral Response: Grant Program for Retaining and Improving Creative Spaces

From: Civic Arts Commission

Recommendation: Referral to the FY 2024 Budget Process an annual allocation of \$300,000 for funding the Civic Arts program to administer an annual Capital Projects Grant Program for Berkeley-based nonprofit arts and cultural organizations in order to retain and sustain the vitality of Berkeley's arts sector through real estate and capital project support.

Financial Implications: See report

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Council Consent Items

19. Budget Referral: Post COVID-19 Rental Assistance/Anti-Displacement

From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)

Recommendation: Refer \$2,000,000 to the FY 2024/June Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants due to the COVID-19 eviction moratorium expiration and rent debt due to inflation and rental increases. The proposed funding source is FY 2023-2024 Measure P tax receipts.

Financial Implications: See report

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

Council Consent Items

20. **City Co-Sponsorship of Bioneers Conference and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a resolution memorializing City of Berkeley co-sponsorship of the non-profit Bioneers Conference, to be held April 6-8, 2023 and approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Chamber of Commerce to offset permit costs, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
21. **Budget Referral - Speed Feedback Signs for Arlington Avenue**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$40,000 for two Speed Feedback Signs on Arlington Avenue between The Circle and Mendocino Avenue, to encourage slower speeds on a stretch with numerous hidden and mid-block crosswalks.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
22. **Pedestrian Safety Upgrades for Arlington Avenue**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$35,000 for traffic control measures on Arlington Avenue from The Circle to Mendocino Avenue, to enhance pedestrian safety at hidden crosswalks and where paths cross mid-block, and refresh painted markings that narrow lanes and encourage reduced speeds.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 23. 2023 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's and Hahn's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 20th Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. This year's program will be held virtually on April 16th, 2023 from 2:00 – 3:00 PM. Register via Eventbrite to attend.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 24. Proclamation in Honor of City of Berkeley Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the City of Berkeley's 20th Annual Holocaust Remembrance Day. The program will take place virtually on Sunday, April 16th from 2:00 - 3:00 PM.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 25. Referral: On-Street Secure Bike Storage**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the City Manager to develop and return to Council with a plan to create on-street secure bike parking in multi-family residential and commercial districts across the City in parking spots previously reserved for car storage. Take associated actions, including:
1. Determining recommended locations for installation that take into consideration factors such as equity priority neighborhoods; transit connections; bicycle network connections; areas with high percentages of tenants; access to destinations such as schools, community centers, employment centers, and businesses; and public input.
2. Developing and issuing a Request for Proposal for an operator to install and maintain on-street bike lockers, including lockers that can accommodate bikes of varying shapes and sizes.
3. Pursuing available grant opportunities to fund initial costs and ongoing maintenance.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

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

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

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

Action Calendar – Public Hearings

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

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

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

26. Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Fifth Street

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the east side of the 1600 block of Fifth Street in Area P.

Financial Implications: See report.

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

Action Calendar – New Business

27. **Berkeley Transit-First Policy Implementation Plan**

From: City Manager

Recommendation: 1. Adopt a Resolution approving the Berkeley Transit-First Policy Implementation Plan and authorizing the City Manager to pursue implementation of the Plan as funding and staffing permit; and
2. Appoint two members and one alternate to serve on the Inter-Agency Liaison Committee (ILC) between the City of Berkeley and AC Transit to discuss transit-related matters on a quarterly schedule.

Financial Implications: See report

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

Council Action Items

28. **Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone**

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

Recommendation: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.

Financial Implications: See report

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

Information Reports

29. **Fiscal Year 2023 Mid-Year Budget Update**

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000; Henry Oyekanmi, Finance, (510) 981-7300

30. **LPO NOD: 1581 Le Roy Avenue/#LMSAP2022-0009**

From: City Manager

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

31. **LPO NOD: 1325 Arch Street/#LMSAP2022-0013**

From: City Manager

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

32. **LPO NOD: 1911 Fourth Street /#LMSAP2022-0014**

From: City Manager

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

33. **2022 Disaster and Fire Safety Commission Work Plan**

From: Disaster and Fire Safety Commission

Contact: Keith May, Commission Secretary, (510) 981-3473

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.*

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<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@cityofberkeley.info

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 16, 2023.



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](#).

Hopkins Corridor

1. Jim Offel
2. Dan Leaverton
3. Wilbur Ressler
4. Anna Muessig
5. Susan Brooks
6. Bob Flasher

BART Development

7. Jack Kurzweil
8. Dan Leaverton
9. Heath Maddox
10. Carol Gross
11. Phyllis Orrick
12. Mary Dorst
13. Kok Loong Lye
14. Kim Klein

Eviction Moratorium

15. Teri Gerritz
16. Rose Hughes

Crime

17. Seema Burke
18. Kimberly Damer
19. Taline T
20. Klara Budai

910 Indian Rock

21. Berkeley Architectural Heritage Association

Bird Safe Ordinance

- 22. Jan Ruchlis
- 23. Kelly Hammargren
- 24. Juliet Lamont
- 25. Sally Nelson

Civic Center Vision Plan

- 26. Wendy Alfsen
- 27. Lorraine and Jack Scanlin

Berkeley Asphalt Operations

- 28. Pear Michaels

Council Meetings – Hybrid and In-Person

- 29. generalmint@

Viewpoint of City Manager

- 30. Diana Bohn

Disabilities

- 31. Gregory Kalkanis

3rd Party Delivery System

- 32. Terri Nevins
- 33. Eric Wright

Golden Bear Housing Safety Assessment

- 34. Meryl Siegal

Harriet Tubman Apartment Issues

- 35. Darinxoso Oyamasela
- 36. Brandi Hutchinson
- 37. Cassandra Palanza

Homelessness/Encampments/Winter Shelter

- 38. Paul Eriksen
- 39. Moni Law
- 40. Paul Kealoha Blake
- 41. Carol Corradi
- 42. City Manager Dee Williams-Ridley

COVID/Masking

- 43. Moni Law
- 44. Ms. Omowale Fowles
- 45. Eric Friedman

46. Isabell Gaston

In Memory of Judy Heumann

47. Michai Freeman

48. Councilmember Bartlett

Turtle Island Monument

49. John Caner, Convener for Community for a Cultural Civic Center

50. George Petty

URL's Only

51. Vivian Warkentin (2)

Supplemental Communications and Reports

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

- **Supplemental Communications and Reports 1**
Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
Available by 5:00 p.m. two days following the meeting.

ORDINANCE NO. 7,855-N.S.

ORDINANCE AMENDING CHAPTER 13.110 OF THE BERKELEY MUNICIPAL CODE,
THE COVID-19 EMERGENCY RESPONSE ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 13.110 is hereby amended to read as follows:

**Chapter 13.110
COVID-19 EMERGENCY RESPONSE ORDINANCE**

Sections:

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13. 110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

13.110.010 Findings and Purposes

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the Local Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023, the council ratified an extension of the local emergency. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel. On March 31, 2020 this Shelter in Place Order was extended to May 3, 2020, and restricted activities further.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is desirable to ensure that Berkeley residents have at least the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency and during the transition period thereafter, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

While COVID-19 remains prevalent in the community, the City has made significant progress in addressing the impacts of COVID-19, including a reduction in the rates of hospitalization and death, as well as a citywide vaccination rate of at least ninety-four percent (94%).

Governor Gavin Newsom has also announced that the statewide COVID-19 State of Emergency will end on February 28, 2023. President Joe Biden has announced that the nationwide COVID-19 State of Emergency will end on May 11, 2023.

Based on the current conditions in the City of Berkeley related to COVID-19, and to stay consistent with state actions, the City Manager has recommended that the City Council terminate the local emergency.

The effect of this chapter suspending the statutory basis for eviction due to non-payment of rent remains in effect throughout the Covered Period, which concludes on the expiration of the local emergency. BMC Section 13.110.030.A allows the City Council to extend the duration of the Covered Period by resolution.

This ordinance makes further amendments to Chapter 13.110 to permit lawful owner-move in evictions pursuant to BMC Section 13.76.130.A.9 and to establish a Transition Period until August 31, 2023, during which time specified evictions would be allowed to take place.

13.110.020 Prohibited Conduct

A. During the Covered Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate, unless necessary to stop an imminent threat to the health and safety of other occupants. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period, except that a Landlord may serve a lawful notice pursuant to Section 13.76.130.A.9. after March 1, 2023, and such notice may form the basis of an unlawful detainer complaint beginning May 1, 2023

C. During the Transition Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate unless at least one of the following conditions is met:

1. Recovery of possession of real property is necessary to stop an imminent threat to the health and safety of other occupants; or

2. *Owner Move-in Eviction.* The Landlord seeks to recover possession of a residential unit for their own use and occupancy as their principal residence and the Landlord fully complies with all "Owner Move-in Eviction" requirements set forth in Berkeley Municipal Code section 13.76.130.A.9. However, a Landlord may not recover possession of any residential unit in this manner unless the Landlord owns only one residential property in the City of Berkeley. Notice for this exclusive reason may be served beginning March 1, 2023 and may be the basis for an unlawful detainer complaint beginning May 1, 2023.; or

3. The Landlord or Lender seeks to recover possession of real property following the tenant's default in payment of rent that came due after the expiration of the Covered Period and for which tenant did not provide to the Landlord or Lender documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. Any notice to terminate tenancy served pursuant to this

section must inform the tenant of their rights to submit documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. Notwithstanding any other notice requirements identified in Berkeley Municipal Code section 13.110.040.C, a tenant who asserts a Covered Reason for Delayed Payment during the Transition Period shall provide landlord all required documentation prior to the expiration of the notice to terminate tenancy.

D. For the duration of the Covered Period, if a residential tenant has a Covered Reason for Delayed Payment, the tenant may terminate a lease or rental agreement with 30 day notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic.

13.110.030 Definitions

A. "Covered Period" means the period of time beginning with March 17, 2020 and concluding at the end of April 30, 2023.

B. "Transition Period" means the period of time beginning with May 1, 2023 and ending on August 31, 2023.

C. "Covered Reason for Delayed Payment" means:

(1) The basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, or a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of rent) which reduces the ability of the remaining tenants to pay rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and

(2) The decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

D. "Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for rent that is delayed by a Covered Reason for Delayed Payment.

E. "Homeowner" means the owner or owners of a Residential Unit subject to a mortgage or similar loan secured by the residential unit. "Homeowner" is limited to owners who reside in the unit and includes the individuals residing in the unit with the homeowner.

F. "Landlord" includes owners, lessors, or sublessors of either residential rental property, and the agent, representative, or successor of any of the foregoing.

G. "Lender" means the mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more units, which person has the right to mortgage or similar payments from the owner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

H. "Resident" means a Tenant, Homeowner, or their household.

I. "Tenant" includes a tenant, subtenant, lessee, sublessee, lodger or any other person entitled by written or oral rental agreement to use or occupancy of residential property. "Tenant" includes a former trustor or homeowner who has lost title the real property in which they reside after a Trustee's sale.

13.110.040 Collection of Back Rent and Late Fees

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the Covered Period, or after the Transition Period if the tenant establishes a Covered Reason for Delayed Payment. . Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

B.

1. For rent accrued through January 31, 2021, Tenants shall have until March 31, 2022, or the date adopted by state law, as applicable, to pay rent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

2. For rent accrued beginning February 1, 2021, Tenants shall have until July 31, 2023, to pay rent that was delayed by a Covered Reason for Delayed Payment, or the period of time adopted by state law, as applicable, unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

3. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. A Tenant is not required to provide documentation to the Landlord in advance to qualify for the delayed repayment of rent. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or prior to the expiration of a lawfully drafted and served notice of termination of tenancy, whichever is sooner. A declaration sworn under penalty of perjury shall constitute documentation for the purpose of this requirement.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant explicitly authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement.

13.110.050 Application

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire during the Covered Period and Transition Period. It does not apply to commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. Except where expressly required by state law (such as Assembly Bill 3088 or any subsequent statewide COVID-19 relief legislation), a landlord may seek rent accrued during the Covered Period as set forth in Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) *et seq.* or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued during the Covered Period. In any action to evict based on alleged nonpayment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time during the Covered Period, or if the action otherwise demands any fees or amounts contrary to the provisions of this Chapter. A landlord shall not apply any rent payment towards rent that is delayed by a Covered Reason for Delayed Payment before applying it towards any other Rent owed without the explicit written permission of the Tenant.

C. A Landlord or Lender shall not retaliate against a Resident for exercising their rights under this Ordinance, including but not limited to shutting off any utilities reducing services or amenities, refusing to make or delaying repairs to which the Resident would otherwise be entitled, or taking actions which hurt the Resident's credit rating based on non-payment of rent during the Covered Period as allowed under this ordinance.

D. In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party.

13.110.060 Implementing Regulations

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring Landlords and Lenders to give a notice to Residents informing them of this Chapter and the right to seek the benefits of this Chapter.

13.110.070 Waiver.

A. By entering into a Delayed Rent Payment Agreement, Tenants do not waive any rights under this Chapter.

B. Any agreement by a Tenant to waive any rights under this ordinance shall be void and contrary to public policy.

13.110.080 Remedies

A. In the event of a violation of this Ordinance, any person or entity aggrieved by the violation may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate.

1. An award of actual damages may include an award for mental and/or emotional distress and/or suffering. The amount of actual damages awarded to a prevailing plaintiff shall be trebled by the Court outside of the presence, and without the knowledge of, the jury, if any, if a defendant acted in knowing violation of, or in reckless disregard for, the provisions of this Chapter.

2. A defendant shall be liable for additional civil penalties of up to five thousand dollars for each violation of this Chapter committed against a person who is disabled within the meaning of California Government Code section 12926, et seq., or aged sixty-five or over.

3. In addition to the above awards of damages in a civil action under this Chapter, a prevailing plaintiff shall be entitled to an award of reasonable attorney's fees. A prevailing defendant in a civil action under this Chapter shall only be entitled to an award of attorney's fees if it is determined by the Court the action was wholly without merit or frivolous.

4. In addition, this Chapter grants a complete defense to eviction in the event that an eviction notice or unlawful detainer action is commenced, filed, or served in violation of this Chapter.

B. The protections provided by this ordinance shall be available to all Residents, regardless of any agreement wherein a Resident waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

C. A. Violations of Section 13.110.020(C) - (Commercial rent restrictions).

1. Violations of Section 13.110.020(C) may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a commercial property landlord demands rent

in excess of the amount permitted pursuant to Section 13.110.020(C) is a separate violation. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. The City Attorney may refer those violators of Section 13.110.020(C) to the Alameda County District Attorney for redress as a violation of Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to Business and Professions Code section 17200, et seq.

D. Nonexclusive Remedies and Penalties. The remedies provided in this subdivision are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

13.110.090 Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

13.110.100 Liberal Construction

The provisions of this Chapter shall be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

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

At a regular meeting of the Council of the City of Berkeley held on March 14, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

ORDINANCE NO. 7,857-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code Section 2.12.415 is amended to read as follows:

2.12.415 Persons other than candidate – Maximum permitted amount.

No person other than a candidate shall make and no campaign treasurer shall solicit or accept any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate to exceed two hundred fifty dollars (\$250). The Commission shall adjust the dollar amount in this Section for cost of living changes pursuant to 2.12.075 in March of every odd-numbered year, or as soon thereafter as practicable. Such adjustments shall be rounded to the nearest ten dollars (\$10). For purposes of this section single election is a primary, general, special, runoff or recall election

Section 2. The Berkeley Municipal Code Section 2.12.545 is amended to read as follows:

2.12.545 Cost of living adjustments

The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.500.A.3, 2.12.505.B and 2.12.530B.3.b for cost of living changes pursuant to Section 2.12.075 in March of every odd-numbered year, or as soon thereafter as practicable, following Council implementation. Such adjustments shall be rounded to the nearest ten dollars (\$10) with respect to Sections 2.12.167, 2.12.500.A.3 and 2.12.530.B.3.b and one thousand dollars (\$1,000) with respect to Section 2.12.505.B.

At a regular meeting of the Council of the City of Berkeley held on March 14, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, March 21, 2023

6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. 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/1604192052>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 419 2052**. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

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

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

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

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.*

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. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023.

Financial Implications: To be determined.

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

2. Designate the Line of Succession for the Director of Emergency Services

From: City Manager

Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an emergency, and rescinding Resolution No. 70,406-N.S.

Financial Implications: None

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Consent Calendar

- 3. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to expand a NFPA 1582/1583 compliant employee Wellness, Fitness and Human Performance Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) for up to \$840,000 with a 10% or \$84,000 in matching city funds to expand a National Fire Protection Association (NFPA) 1582/1583 compliant employee Wellness, Fitness and Human Performance Program.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 4. Contract No. 32200156 Amendment: Options Recovery Services for Community Crisis Response Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200156 with Options Recovery Services (Options) to add \$561,917.11 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$1,201,917.11.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 5. Contract No. 32200147 Amendment: Women’s Daytime Drop-In Center for Community Crisis Response Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200147 with Women’s Daytime Drop-In Center (WDDC) to add \$75,600 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$195,600.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Contract No. 32300025 Amendment: Non-Profit Intelligence Partners for Flexible Funding program services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300025 with Non-Profit Intelligence Partners (NPI) to provide Flexible Funding program services through June 30, 2024 in an amount not to exceed \$350,000. This will extend the existing contract by one year and add \$300,000 in funding.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

7. **Revenue Agreements: California Department of Public Health Childhood Lead Poisoning Prevention and CalFresh Grants**

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, California Department of Public Health (CDPH), to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements:

1. CDPH: Childhood Lead Poisoning Prevention Program (CLPPP), in the projected total 3-year amount of \$383,455 for FY 2024, FY 2025, and FY 2026.
2. CDPH: CalFresh Healthy Living Program (CalFresh), in the projected amount of \$162,390 each year in FFY 2024, FFY 2025, FFY 2026, for a projected total 3-year amount of \$487,170.

Financial Implications: See report

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

8. **Funding Recommendation and Joint Homekey Application for the University Inn at 1461 University**

From: City Manager

Recommendation: Adopt three resolutions approving the following actions in support of a Homekey program funding allocation by:

1. Reserving up to \$8,500,000 in General Funds received pursuant to Measure P for the University Inn permanent supportive housing project at 1461 University Avenue as proposed by a partnership between Memar Properties (Memar) and Housing Consortium of the East Bay (HCEB).
2. Reserving up to \$1,000,000 in General Funds received pursuant to Measure P for Memar and HCEB to operate the University Inn as an emergency shelter prior to permanent housing conversion.
3. Authorizing the City Manager or her designee to prepare and submit a joint application together with Memar and HCEB for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Inn permanent supportive housing project. And, further authorizing the City Manager or her designee to include the issuance date of the Notice of Funding Availability, once available, in the resolution.
4. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.
5. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report.

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

Consent Calendar

9. Amending the Program Year 2021 (PY2021) Annual Action Plan to Accept HOME-American Rescue Plan Funds

From: City Manager

Recommendation: Adopt a Resolution:

1. Amending the PY2021 Annual Action Plan to expend HUD's allocation of HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funds to the City of Berkeley, totaling \$2,735,696, upon HUD's acceptance of the City's Allocation Plan.
2. Allocating up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the qualifying populations. If the HOME-ARP award amount is modified, the same formulas will be applied for allocating funds.
3. Authorizing the City Manager or her designee to submit the approved PY2021 Annual Action Plan Substantial Amendment to HUD, and accept any resulting agreements, and amendments thereto with HUD.

Financial Implications: See report.

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

10. Salary Range Adjustments: Senior Behavioral Health Clinician, Mental Health Clinical Supervisor, Mental Health Program Supervisor, Assistant Manager of Mental Health Division, and Manager of Mental Health Division

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,997-N.S.

Salary Resolution for Public Employees Union – Local 1 to increase the top step salary of the Senior Behavioral Health Clinician by 0.83%; Mental Health Clinical Supervisor by 4.18%; Mental Health Program Supervisor by 7.33%; Assistant Manager of Mental Health Division by 7.33%; and Manager of Mental Health Division by 1.20%, effective January 14, 2023.

Financial Implications: See report

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

11. Salary Range Adjustments: Deputy City Manager and Employee Relations Manager Classifications

From: City Manager

Recommendation: Adopt a Resolution to amend Resolution No. 69,998-N.S.

Classification and Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees) to increase the top step salary of the Deputy City Manager classification from \$277,840.99 to \$291,733.04, and the Employee Relations Manager classification from \$175,026.38 to \$180,065.60 effective January 14, 2023.

This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.

Financial Implications: See report

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

Consent Calendar

- 12. Contract: TEROCONS INC. for Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project; and
 2. Accepting the bid of the lowest responsive and responsible bidder, TEROCONS INC.; and
 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with TEROCONS INC., for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project at 2851 West Bolivar Drive, Berkeley, CA 94710, in an amount not to exceed \$260,312.50 which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50.
- Financial Implications:** Parks Tax Fund - \$260,312.50
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Grant Funding Application for SolarAPP+ integration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit a grant application in the amount of \$80,000 to The California Energy Commission, to receive technical assistance to integrate the SolarAPP+ web software to the City of Berkeley Permit Service Center operations, and to accept grant funds and execute a resulting grant agreement.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 14. Contract No. 32100192 Amendment: California Constructores for Sidewalk Repairs FY 2020 Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100192 with California Constructores, increasing the contract amount by \$200,000 for a total not-to-exceed amount of \$2,375,900.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 15. Contract: JV Lucas Paving, Inc. for Street Rehabilitation FY 2023 Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 23-11558-C; and 2) accepting the bid of the lowest responsive and responsible bidder, JV Lucas Paving, Inc. and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$10,203,711.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Purchase Order: Pape Machinery, Inc. for One John Deere 320P Backhoe Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 John Deere 320P Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$215,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Eight Ford Interceptor Hybrid Utility Vehicles**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$496,454.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 18. Referral Response: Grant Program for Retaining and Improving Creative Spaces**
From: Civic Arts Commission
Recommendation: Referral to the FY 2024 Budget Process an annual allocation of \$300,000 for funding the Civic Arts program to administer an annual Capital Projects Grant Program for Berkeley-based nonprofit arts and cultural organizations in order to retain and sustain the vitality of Berkeley's arts sector through real estate and capital project support.
Financial Implications: See report
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Council Consent Items

19. **Budget Referral: Post COVID-19 Rental Assistance/Anti-Displacement**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)

Recommendation: Refer \$2,000,000 to the FY 2024/June Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants due to the COVID-19 eviction moratorium expiration and rent debt due to inflation and rental increases. The proposed funding source is FY 2023-2024 Measure P tax receipts.

Financial Implications: See report

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

20. **City Co-Sponsorship of Bioneers Conference and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt a resolution memorializing City of Berkeley co-sponsorship of the non-profit Bioneers Conference, to be held April 6-8, 2023 and approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Chamber of Commerce to offset permit costs, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: See report

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

21. **Budget Referral - Speed Feedback Signs for Arlington Avenue**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$40,000 for two Speed Feedback Signs on Arlington Avenue between The Circle and Mendocino Avenue, to encourage slower speeds on a stretch with numerous hidden and mid-block crosswalks.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 22. Pedestrian Safety Upgrades for Arlington Avenue**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$35,000 for traffic control measures on Arlington Avenue from The Circle to Mendocino Avenue, to enhance pedestrian safety at hidden crosswalks and where paths cross mid-block, and refresh painted markings that narrow lanes and encourage reduced speeds.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 23. 2023 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's and Hahn's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 20th Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. This year's program will be held virtually on April 16th, 2023 from 2:00 – 3:00 PM. Register via Eventbrite to attend.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 24. Proclamation in Honor of City of Berkeley Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the City of Berkeley's 20th Annual Holocaust Remembrance Day. The program will take place virtually on Sunday, April 16th from 2:00 - 3:00 PM.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

- 25. Referral: On-Street Secure Bike Storage**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the City Manager to develop and return to Council with a plan to create on-street secure bike parking in multi-family residential and commercial districts across the City in parking spots previously reserved for car storage. Take associated actions, including:
1. Determining recommended locations for installation that take into consideration factors such as equity priority neighborhoods; transit connections; bicycle network connections; areas with high percentages of tenants; access to destinations such as schools, community centers, employment centers, and businesses; and public input.
 2. Developing and issuing a Request for Proposal for an operator to install and maintain on-street bike lockers, including lockers that can accommodate bikes of varying shapes and sizes.
 3. Pursuing available grant opportunities to fund initial costs and ongoing maintenance.
- Financial Implications:** See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar – Public Hearings

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

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

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

- 26. Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Fifth Street**
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the east side of the 1600 block of Fifth Street in Area P.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Action Calendar – New Business

27. Berkeley Transit-First Policy Implementation Plan

From: City Manager

Recommendation: 1. Adopt a Resolution approving the Berkeley Transit-First Policy Implementation Plan and authorizing the City Manager to pursue implementation of the Plan as funding and staffing permit; and
2. Appoint two members and one alternate to serve on the Inter-Agency Liaison Committee (ILC) between the City of Berkeley and AC Transit to discuss transit-related matters on a quarterly schedule.

Financial Implications: See report

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

Council Action Items

28. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone

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

Recommendation: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.

Financial Implications: See report

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

Information Reports

29. Fiscal Year 2023 Mid-Year Budget Update

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000; Henry Oyekanmi, Finance, (510) 981-7300

30. LPO NOD: 1581 Le Roy Avenue/#LMSAP2022-0009

From: City Manager

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

31. LPO NOD: 1325 Arch Street/#LMSAP2022-0013

From: City Manager

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

32. LPO NOD: 1911 Fourth Street /#LMSAP2022-0014

From: City Manager

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

33. 2022 Disaster and Fire Safety Commission Work Plan

From: Disaster and Fire Safety Commission

Contact: Keith May, Commission Secretary, (510) 981-3473

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@cityofberkeley.info

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 March 9, 2023.***

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](#).*

### **Hopkins Corridor**

1. Jim Offel
2. Dan Leaverton
3. Wilbur Ressler
4. Anna Muessig
5. Susan Brooks
6. Bob Flasher

### **BART Development**

7. Jack Kurzweil
8. Dan Leaverton
9. Heath Maddox
10. Carol Gross
11. Phyllis Orrick
12. Mary Dorst
13. Kok Loong Lye
14. Kim Klein

### **Eviction Moratorium**

15. Teri Gerritz
16. Rose Hughes

### **Crime**

17. Seema Burke

- 18. Kimberly Damer
- 19. Taline T
- 20. Klara Budai

**910 Indian Rock**

- 21. Berkeley Architectural Heritage Association

**Bird Safe Ordinance**

- 22. Jan Ruchlis
- 23. Kelly Hammargren
- 24. Juliet Lamont
- 25. Sally Nelson

**Civic Center Vision Plan**

- 26. Wendy Alfsen
- 27. Lorraine and Jack Scanlin

**Berkeley Asphalt Operations**

- 28. Pear Michaels

**Council Meetings – Hybrid and In-Person**

- 29. generalmint@

**Viewpoint of City Manager**

- 30. Diana Bohn

**Disabilities**

- 31. Gregory Kalkanis

**3<sup>rd</sup> Party Delivery System**

- 32. Terri Nevins
- 33. Eric Wright

**Golden Bear Housing Safety Assessment**

- 34. Meryl Siegal

**Harriet Tubman Apartment Issues**

- 35. Darinxoso Oyamasela
- 36. Brandi Hutchinson
- 37. Cassandra Palanza

**Homelessness/Encampments/Winter Shelter**

- 38. Paul Eriksen
- 39. Moni Law
- 40. Paul Kealoha Blake
- 41. Carol Corradi
- 42. City Manager Dee Williams-Ridley

### **COVID/Masking**

- 43. Moni Law
- 44. Ms. Omowale Fowles
- 45. Eric Friedman
- 46. Isabell Gaston

### **In Memory of Judy Heumann**

- 47. Michai Freeman
- 48. Councilmember Bartlett

### **Turtle Island Monument**

- 49. John Caner, Convener for Community for a Cultural Civic Center
- 50. George Petty

### **URL's Only**

- 51. Vivian Warkentin (2)

### **Supplemental Communications and Reports**

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

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



Office of the City Attorney

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Farimah Faiz Brown, City Attorney

Subject: Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)

RECOMMENDATION

Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. The Proclamation of Local Emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency.

Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least once every sixty (60) days. The Council last reviewed and ratified the Proclamation of Local Emergency on January 31, 2023. The Council therefore must review the continuing need for the local emergency by April 1, 2023. The Council's last regular scheduled meeting before April 1, 2023, is on March 21, 2023.

This item requests that the Council review the continued need for the local emergency and again ratify the Proclamation of Local Emergency issued on March 3, 2020, initially ratified by the Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023. If reviewed and ratified on March 21, 2023, the Council will need to again review and ratify the proclamation by May 20, 2023, in order to continue the local emergency.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

### BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,955 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley.

Since April 2021, the highly transmissible SARS-CoV-2 B.1.617.2 ("Delta") variant has been detected in the City of Berkeley and is contributing to substantial levels of community transmission.

The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020,

November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the Director of Emergency Services to continue to efficiently allocate resources due to the ongoing and imminent threat to public safety.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000  
Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Attachments:

1: Resolution

RESOLUTION NO. –N.S.

RESOLUTION REVIEWING AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (“COVID-19”), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council subsequently reviewed the need for continuing the local emergency and again ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 22,520 confirmed cases of COVID-19 and at least



74 deaths in the City of Berkeley, thereby warranting and necessitating the continuation of the local emergency; and

WHEREAS, the City Council will need to again review the need for continuing the local emergency and ratify the Proclamation of Local Emergency by May 20, 2023;

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, on July 16, 2021, in light of the apparent increased transmissibility of the Delta variant, the City of Berkeley recommended that all individuals including fully vaccinated persons wear masks in public indoor settings; and

WHEREAS, on July 26, 2021, the California State Health Officer issued an order requiring vaccination or routine testing of all employees working in high-risk health care and congregate settings, in light of the fact that current requirements of staff in health care settings, such as universal mask requirements for all staff are not proving sufficient to prevent transmission of the more transmissible Delta variant; and

WHEREAS, on July 27, 2021, the CDC updated its guidance for fully vaccinated persons to reflect new evidence regarding the Delta variant, noting that “[i]nfections in fully vaccinated people (breakthrough infections) happen in only a small proportion of people who are fully vaccinated, even with the Delta variant”; and

WHEREAS, on August 2, 2021, the Health Officer for the City of Berkeley issued an order requiring all individuals to wear masks in all indoor public settings; and

WHEREAS, on August 5, 2021, the California State Health Officer issued an order requiring that workers in healthcare settings be fully vaccinated by September 30, 2021; and

WHEREAS, on August 11, 2021, the City announced its intention to implement a vaccination policy for City employees to protect the health and safety of the City of Berkeley’s employees and community members from the imminent and substantial threat to public health and safety posed by the Delta variant; and

WHEREAS, on September 14, 2021, given the increased and unforeseen risk posed by the Delta variant, as compared to earlier variants of the COVID-19 virus previously present in the City of Berkeley, the City Council found that a Citywide vaccination policy protects public health and reduces the risk of substantial harm to City staff and community members that could result from workplace outbreaks caused by the Delta variant; and

WHEREAS, on September 14, 2021, given the urgency posed by the highly transmissible nature of the Delta variant, the City Council recognized the variant’s existence as creating

an emergency of grave character and as warranting immediate adoption of a Citywide vaccination policy.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023, has been reviewed and is hereby again ratified and confirmed.

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.



Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Subject: Designate the Line of Succession for the Director of Emergency Services

RECOMMENDATION

Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an emergency, and rescinding Resolution No. 70,406-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Municipal Code (BMC) requires that the City Manager, who is the Director of Emergency Services, designate the order of succession to that office in the event the Director is unavailable to attend meetings and otherwise perform their duties during an emergency. Additionally, the City Council must approve the order of succession. (BMC Section 2.88.040)

BACKGROUND

On June 14, 2022 the City Council adopted Resolution No. 70,406-N.S. designating the line of succession to the position of Director of Emergency Services in the event the Director is unavailable to perform his or her duties during an emergency. Since that time, changes in personnel necessitate that a new designation be approved as set forth in the attached Resolution.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

David Sprague, Interim Fire Chief, (510) 981-5501

Attachments:

1: Resolution

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

APPROVING THE DESIGNATED LINE OF SUCCESSION TO THE DIRECTOR OF EMERGENCY SERVICES POSITION AND RESCINDING RESOLUTION NO. 70,406-N.S.

WHEREAS, Berkeley Municipal Code Section 2.88.030 designates the City Manager as the Director of Emergency Services; and

WHEREAS, Dee Williams-Ridley, in her position as City Manager, serves as the Director of Emergency Services; and

WHEREAS, pursuant to Berkeley Municipal Code Section 2.88.040, it is necessary to establish a line of succession for the Director of Emergency Services in the event that the Director is unavailable to attend meetings or otherwise perform his or her duties during an emergency.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following order of succession to the position of Director of Emergency Services in the event the Director is unavailable to attend meetings or otherwise perform his or her duties during an emergency is hereby confirmed and approved:

1. LaTanya Bellow, Deputy City Manager
2. Anne Cardwell, Deputy City Manager
3. David Sprague, Interim Fire Chief
4. Jennifer Louis, Interim Chief of Police

BE IT FURTHER RESOLVED that Resolution No. 70,406-N.S. is hereby rescinded.



Office of the City Manager

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David Sprague, Interim Chief, Fire Department

Subject: Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to expand a NFPA 1582/1583 compliant employee Wellness, Fitness and Human Performance Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) for up to \$840,000 with a 10% or \$84,000 in matching city funds to expand a National Fire Protection Association (NFPA) 1582/1583 compliant employee Wellness, Fitness and Human Performance Program.

FISCAL IMPACTS OF RECOMMENDATION

There is a 10% matching funds requirement or \$84,000. The Fire Department (Department) has these funds in its baseline budget.

CURRENT SITUATION AND ITS EFFECTS

The Department has already committed \$800,000 annually to support NFPA 1582 compliant physicals, cancer screening, on-site human performance specialists focused on strength and injury prevention and rehabilitation, the purchase and maintenance of physical fitness equipment in firehouses, to facilitate attendance in-patient mental health treatment programs for first responders, to provide professional clinical support for the Peer Counseling Unit (PCU), and to provide 15 days of on-site health and wellness related education from national experts for members.

An award would allow the Department to hire two full time subject matter experts (SME) to be on site for the two-year grant performance period. One SME will focus on behavioral health and the other will focus on nutrition.

## Behavioral Health

According to the International Association of Fire Fighters “There is growing concern about behavioral health issues and the significant impact on wellness. The stresses faced by firefighters, paramedics and EMTs throughout the course of their careers – incidents involving children, violence, inherent dangers of firefighting and other potentially traumatic events – can have a cumulative impact on mental health and well-being.”

On average, the stress level (anxiety, depression and irritability) of Berkeley firefighters intensifies by 31% throughout the course of a day according to the data obtained from the Veterans Rand 12-Item Health Survey (VR-12) conducted by the BFD in 2022. This survey is the gold standard for assessing physical and mental health related standards. The VR-12 is widely used by major health systems, including centers for medicare/medicaid, (CMS) and the VA. The effects of high-stress levels emulate the effects of poor sleep and sleep debt. Members that encounter increased stress levels throughout the day are increasing their risk of impaired awareness, accuracy, and decision-making abilities, putting the member and their team at higher risk. Chronic stress without adequate recovery negatively affects department readiness, decreases performance, and makes a firefighter more susceptible to injury and illness. Exercises such as meditation, deep breathing, better sleep, and mindfulness practices can help reduce the risks of stress and keep the members safe at home and on the fireground.

The Behavioral Health Specialist (BHS) will focus holistically on the organization including through working with labor and management to continue to create a culture of support (suicide prevention) in a high-risk career, design and deliver education on the impact of sleep on mental wellness, creating a work environment that allows for restorative sleep habits, contributing to the development of a behavioral health module within the BFDs leadership development program, serve as the primary SME for cognitive performance education and consultations for members, participate in after action reviews and debriefings following high stress incidents, and perform behavioral health monitoring and modify program design to address emerging trends.

### Nutrition

According to the CDC, cardiovascular disease remains the leading cause of firefighter line-of-duty death accounting for about 45% of all on-duty firefighter deaths. In 2022 BFD conducted a readiness assessment of the members where body fat was measured. The results determined that 43% of the membership was overweight with 50% of those being obese. The readiness assessment compares the members body fat percentage to the classification of values for body mass index recommended by the World Health Organization. WHO classifications: healthy = < 24.9, overweight = 25.0 - 29.9, and obese > 30.0. In addition to the impact on physical performance, high body fat percentage is associated with obesity which has detrimental effects on musculoskeletal injury, physical performance, and chronic health conditions, such as hypertension and glucose metabolism deficiencies. It is widely accepted that the additional load to the skeletal system, as seen in obesity, produces altered body mechanics that unfavorably affect the function of joints. Obesity has been identified as a top risk factor for the initiation and progression of osteoarthritis in load-bearing joints, primarily the knee, but also the hip and ankle.

The Nutritional Health Specialist (NHS) will work holistically to evaluate institutional barriers to better nutrition and make recommendations to the labor and management team for ways to address them. The NHS will develop and deliver nutrition education, demonstrations, or events related to nutrition for performance. The NHS will work with individual members or teams to build awareness of nutrition science and the impact of proper fueling on physical and mental performance and job readiness. They will implement strategies for fueling for performance that focus on maintaining energy through proper hydration and the quality, quantity, and timing of meals. This will be accomplished through

1:1 sessions to achieve their individual goals for performance and weight management which will decrease the risk of injury and reduce modifiable risk factors for chronic diseases using nutrition. The NHS will also assess and analyze dietary practices, body composition, and energy balance (intake and expenditure) of the members in the context of athletic performance and health; council members on achieving and maintaining a level of body mass, body fat, and muscle mass that is consistent with good health and good performance; provide personalized meal and snack plans to promote achieving short- and long-term goals for athletic performance and good health; provide medical nutrition therapy, as needed, to help manage or treat medical conditions; address nutritional challenges to performance, such as food allergies, bone mineral disturbances, gastrointestinal disturbances, iron depletion, and iron-deficiency anemia; and evaluate nutritional supplements, including herbal supplements, for legality, safety, quality, and efficacy; monitor the use of appropriate supplementation.

### BACKGROUND

Working a career in public safety is extremely rewarding, but also has acute and cumulative impacts to employee's physical and mental health. Firefighters must be physically and mentally prepared in order to mount a competent response. Each member's readiness dictates to what degree of efficiency and professionalism their fire companies respond and mitigate risk. It is the obligation of the employer to mitigate these impacts through system level prevention, education, monitoring and post incident support. Through Department funded research performed in 2022, it has been discovered that the stress level (anxiety, depression and irritability) of Berkeley firefighters intensifies by 31% throughout the course of a day, 45% of members report experiencing depression with 15% getting worse in the past 12 months, six members have attended in-patient trauma retreats, 55% of members report trouble sleeping, 43% of the membership was overweight with 50% of those being obese and 84% stated they would utilize a nutrition and behavioral health specialist if they were on site. In 2022, following annual physicals, six members were referred to their personal physicians for follow up and two members are having heart surgery as a result.

The link between workplace experiences encountered during a career in emergency services and mental health problems is now well documented. In 2017 there were 103 documented firefighter suicides in the US and the Firefighter Behavioral Health Alliance (FBHA) estimates that only 40% of firefighter suicides are reported. Suicide is a result of mental illness, including depression and PTSD. PTSD and depression rates among firefighters have been found to be as much as five times higher than the rates within the civilian population, which causes these first responders to commit suicide at a considerably higher rate (firefighters: 18/100,000; general population 13/100,000).

A National Institute of Health study, "Worldwide prevalence of obesity among firefighters: a systematic review protocol", comments on the serious disease and mortality caused by obesity. "Obesity may interfere with job performance and increase the risk of injury during firefighting activity. Obesity also has many deleterious effects on health indices, including reduced arterial function, glucose intolerance, dyslipidemia, type 2 diabetes, hypertension, osteoarthritis, low-cardiorespiratory fitness, pathological remodeling of the heart, endocrine disorders and is associated with higher all-cause mortality."

### 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

There are scientifically proven impacts to the mental and physical health of public safety employees. This grant will help provide services to prevent or mitigate these impacts to our employees.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

David Sprague, Interim Fire Chief, 510-981-3473

Attachments:

1: Resolution



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

GRANT APPLICATION: FUNDING FROM CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) WILDFIRE PREVENTION GRANT TO IMPLEMENT AN INCENTIVE PROGRAM FOR RESIDENTS OF BERKELEY'S VERY HIGH FIRE HAZARD SEVERITY ZONE

WHEREAS, working a career in public safety is extremely rewarding, but also has acute and cumulative impacts to employee's physical and mental health. There are scientifically proven impacts to the mental and physical health of public safety employees, and

WHEREAS, according to a Veterans Rand Health Survey (VR-12) conducted by the BFD in 2022, on average, the stress level (anxiety, depression and irritability) of Berkeley firefighters intensifies by 31% throughout the course of a day, and

WHEREAS, Berkeley firefighters 45% of members report experiencing depression with 15% getting worse in the past 12 months, six members have attended in-patient trauma retreats, 55% of members report trouble sleeping, 43% of the membership was overweight with 50% of those being obese and 84% stated they would utilize a nutrition and behavioral health specialist if they were on site, and

WHEREAS, according to the CDC, cardiovascular disease remains the leading cause of firefighter line-of-duty death accounting for about 45% of all on-duty firefighter deaths. In 2022 BFD conducted a readiness assessment of the members where body fat was measured. The results determined that 43% of the membership was overweight with 50% of those being obese, and

WHEREAS, the Department an award would allow the Department to hire two full time subject matter experts (SME) to be on site for the two-year grant performance period. One SME will focus on behavioral health and the other will focus on nutrition.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) for up to \$840,000 with a 10% or \$84,000 in matching city funds to expand a National Fire Protection Association (NFPA) 1582/1583 compliant employee Wellness, Fitness and Human Performance Program.





Office of the City Manager

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Contract No. 32200156 Amendment: Options Recovery Services for  
Community Crisis Response Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32200156 with Options Recovery Services (Options) to add \$561,917.11 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$1,201,917.11.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will add \$561,917.11 in additional ARPA Local Fiscal Recovery grant funds resulting in a total not-to-exceed amount of \$1,201,917.11. Funding for the Options Recovery Services contract will be recommended for appropriation through the second amendment to the FY 2023 Appropriation Ordinance in the ARPA Local Fiscal Recovery grant (Fund 354).

CURRENT SITUATION AND ITS EFFECTS

Options community crisis response services were initiated to respond to needs identified through the Specialized Care Unit (SCU) planning process. This amendment will add additional American Rescue Plan Act funding to extend the Options Recovery Services program. Originally, this program was going to end on December 31, 2022, but the SUD outreach services continue to be effective and well-received by the community. Concurrently, the Specialized Care Unit (SCU) has moved out of the design phase, and into early implementation, however, the SCU is still hiring staff and finalizing logistics, making the extension and continuity of these bridge services crucial to serve this population in need.

Amending the Options contract is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity. The additional funds will allow the Options Recovery Services outreach team to extend their contract term to December 31, 2023 which will provide continued substance use disorder (SUD) outreach and resource linkages for individuals experiencing SUD issues in the Berkeley community. Options' contract began on January 1, 2022. This added funding and time will allow

Options to continue working with and leverage existing trust to provide necessary resources to community members with SUD.

### BACKGROUND

As part of the Re-Imagining Public Safety process, the City has been engaged in planning for a Specialized Care Unit (SCU) that will ultimately become a 24/7 mobile unit designed to respond to and support people who are experiencing a mental health or substance abuse crisis without direct involvement with the police. The SCU is starting its implementation phase, with the intention to roll out by Summer 2023 with the contracted provider, Bonita House.

While this process and foundational work is taking place, there are immediate needs to strengthen non-police relationships and supports on the ground for individuals on the verge of crisis. Therefore, on June 29, 2021, Berkeley City Council allocated up to \$1,200,000 in the FY 2022 budget from the American Rescue Plan in support of services (Community Crisis Response [CCR]), which will provide such supports until the SCU can be implemented. \$640,000 of this allocated American Rescue Plan Act funding was awarded to Options Recovery Services to provide SUD outreach services.

To date, Options Recovery Services has been providing these community crisis response services by hiring and implementing substance use disorder (SUD) outreach teams who have been providing outreach services to various homeless encampments and individuals in need across the City of Berkeley. During their outreach, the Options staff have been able to connect community members to various resources for housing navigation, sobering centers, and treatment.

### 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 additional funding identified will allow for additional services from a trusted outreach team to be provided to Berkeley community members experiencing SUD.

### ALTERNATIVE ACTIONS CONSIDERED

These services could be provided by alternate outreach teams, but this is not recommended given the trust with community that the Options team has been able to build throughout 2022 and into 2023.

### CONTACT PERSON

Katherine Hawn, Senior Management Analyst, HHCS, 510-847-8532

Attachments:

1. Resolution

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

CONTRACT NO. 32200156 AMENDMENT: OPTIONS RECOVERY SERVICES FOR  
COMMUNITY CRISIS RESPONSE SERVICES

WHEREAS, Contract #32200156 was awarded to Options Recovery Services to provide community crisis response services by providing outreach to community members with substance use disorder (SUD); and

WHEREAS, through Contract #32200156 Options Recovery Services has successfully staffed and implemented their program to provide outreach services and resource linkages to Berkeley community members experiencing SUD; and

WHEREAS, \$561,917.11 was allocated to support an extension of the contract and to allow this SUD outreach to continue; and

WHEREAS, Options Recovery Services is the most qualified provider to receive the additional funding to provide continued SUD outreach services to the Berkeley community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32200156 with Options Recovery Services to add \$561,917.11 and extend the term of the Community Crisis Response Services for SUD outreach to December 31, 2023 with a not to exceed amount of \$1,201,917.11. Funding is available in the FY2023 budget in the ARPA Local Fiscal Recovery grant (Fund 354).





Office of the City Manager

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Contract No. 32200147 Amendment: Women's Daytime Drop-In Center for Community Crisis Response Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32200147 with Women's Daytime Drop-In Center (WDDC) to add \$75,600 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$195,600.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will add \$75,600 with a total not-to-exceed amount of \$195,600. This amendment will add additional American Rescue Plan Act (ARPA) funding to extend the WDDC program. Funding for the WDDC contract will be recommended for appropriation through the second amendment to the FY 2023 Appropriation Ordinance in the ARPA Local Fiscal Recovery Grant (Fund 354).

CURRENT SITUATION AND ITS EFFECTS

WDDC community crisis response services were initiated to respond to needs identified through the Specialized Care Unit (SCU) planning process. Originally, this program was going to end on December 31, 2022, but the crisis counseling services continue to be effective and well-received by WDDC clients. Concurrently, the SCU has moved out of the design phase, and into early implementation, however, the SCU is still hiring staff and finalizing logistics, making the extension and continuity of these bridge services crucial to serve this population in need.

Amending the WDDC contract is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity. The additional funds will allow the WDDC mental health counselor to extend their contract term to December 31, 2023 which will provide continued crisis and post-crisis counseling support to WDDC clients experiencing a mental health crisis. WDDC's contract began on January 1, 2022 and the counselor started providing services in July 2022. This added service at WDDC provides mental health crisis support and facilitates group counseling programs for WDDC clients. This added funding and time will allow WDDC's mental health counselor to continue providing necessary services to clients.

**BACKGROUND**

As part of the Re-Imagining Public Safety process, the City has been engaged in planning for a Specialized Care Unit (SCU) that will ultimately become a 24/7 mobile unit designed to respond to and support people who are experiencing a mental health or substance abuse crisis without direct involvement with the police. The SCU is starting its implementation phase, with the intention to roll out by Summer 2023 with the contracted provider, Bonita House.

While this process and foundational work is taking place, there are immediate needs to strengthen non-police relationships and supports on the ground for individuals on the verge of crisis. Therefore, on June 29, 2021, Berkeley City Council allocated up to \$1,200,000 in the FY 2022 budget from the American Rescue Plan in support of services (Community Crisis Response [CCR]), which has been providing such supports until the SCU can be implemented. \$120,000 of the allocated American Rescue Plan Act funding was awarded to Women's Daytime Drop-In Center to hire and provide mental health counseling services to WDDC clients.

To date, WDDC continues to provide necessary mental health counseling services to clients, both individually and in groups. Throughout implementation, the counselor has been able to serve multiple clients and foster trust among clients in post-crisis counseling groups.

**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 additional funding identified will allow for mental health crisis counseling services to continue for WDDC clients.

**ALTERNATIVE ACTIONS CONSIDERED**

These services could be provided by a separate counseling program, but this is not recommended given the high demand for mental health crisis counselors and the trust that the current counselor has built with the WDDC clients.

**CONTACT PERSON**

Katherine Hawn, Senior Management Analyst, HHCS, 510-847-8532

Attachment:

1. Resolution



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

CONTRACT NO. 32200147 AMENDMENT: WOMEN'S DAYTIME DROP-IN CENTER  
FOR COMMUNITY CRISIS RESPONSE SERVICES

WHEREAS, Contract #32200147 was awarded to Women's Daytime Drop-In Center to provide community crisis response services by hiring and providing mental health crisis counseling services; and

WHEREAS, through Contract #32200147, Women's Daytime Drop-In Center has successfully staffed and provided individual and group counseling for Women's Daytime Drop-In Center clients experiencing a mental health crisis; and

WHEREAS, \$75,600 was allocated to support an extension of the contract and to extend the services of the mental health crisis counselor; and

WHEREAS, Women's Daytime Drop-In Center is the most qualified provider to receive the additional funding to provide continued mental health crisis counseling services to their clients.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32200147 with Women's Daytime Drop-In Center to add \$75,600 and extend the term of the Community Crisis Response Services for mental health counseling to December 31, 2023 with a not to exceed amount of \$195,600. Funding is available in the FY2023 budget in the ARPA Local Fiscal Recovery grant (Fund 354).





Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Contract No. 32300025 Amendment: Non-Profit Intelligence Partners for Flexible Funding program services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300025 with Non-Profit Intelligence Partners (NPI) to provide Flexible Funding program services through June 30, 2024 in an amount not to exceed \$350,000. This will extend the existing contract by one year and add \$300,000 in funding.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of \$300,000 will be provided from the Mental Health Services Act (MHSA) Community Services and Supports funding category, Fund 315. Funding is available in the Fiscal Year 2023 (FY 2023) budget.

CURRENT SITUATION AND ITS EFFECTS

The Department of Health, Housing, and Community Services' Mental Health Division (HHCS/MH) previously contracted with a community agency to provide fiscal services for the Flexible Funding program. When the community agency notified HHCS/MH that they wanted to discontinue this service because it diverged from their core services, HHCS/MH searched for a vendor that could provide this service and identified only NPI. Contract No. 32300025 with NPI was created as a pilot program to assess whether the arrangement should be expanded. Since NPI has performed well, HHCS/MH would like to extend and expand the contract so each of HHCS/MH's major programs serving different populations can benefit from the Flex Funding program.

BACKGROUND

California's MHSA has significantly changed the provision of mental health services by providing funding to pay for incidental personal needs of Mental Health Division consumers in order to engage them in services, stabilize their housing, and otherwise support health and wellness goals. For low income consumers in mental health services, small expenses can frequently form large barriers to health and wellness. Because evidence shows that relatively small payments can support measurable

improvements in mental health service outcomes, MHSA encourages mental health jurisdictions to make this service available.

The City has previously used other vendors to administer Flex Fund programs, but providing this service has proven to be too complex, too expensive to administer, or misaligned with the other services they provided. After exploring many alternatives, staff were able to identify Non-Profit Intelligence Partners, a local business with a refined focus, enough capacity to meet the City's demands, and a small enough size that they can focus on the fiscal needs of our mental health clients.

#### 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

Non-Profit Intelligence Partners is a uniquely qualified local provider of the fiscal agent services required for the Flex Funds program, and has performed well with all tasks required since the initiation of the contract.

#### ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to approve the attached Resolution and the City could issue a Request for Proposals to attempt to find a different service provider. This was rejected by staff as inquiries to fiscal agent providers clarified that NPI was the only provider qualified and able to provide these specific services.

#### CONTACT PERSON

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

Attachments:

1: Resolution

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

CONTRACT NO. 32300025 AMENDMENT: NON-PROFIT INTELLIGENCE  
PARTNERS FOR FLEXIBLE FUNDING PROGRAM SERVICES

WHEREAS, on September 14, 2021 by Resolution No. 70,012-N.S. City Council approved the Mental Health Services Act (MHSA) Fiscal Year 2021-2022 Annual Update, which included funding for Flexible Funding program services; and

WHEREAS, the services in this contract will enable the Mental Health Division to work with a local fiscal agent services provider, increasing the provision of Flexible Funding program services for our clients; and

WHEREAS, funds in the amount of \$300,000 are available in Fiscal Year 2023 in Fund 315 (Mental Health Services Act).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 32300025 with Non-Profit Intelligence Partners for Flexible Funding program services increasing the contract by \$300,000 for a total contract not to exceed amount of \$350,000 for the period beginning July 1, 2022 and ending June 30, 2024. A record signature copy of the contract and any amendments will be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Revenue Agreements: California Department of Public Health Childhood Lead Poisoning Prevention and CalFresh Grants

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, California Department of Public Health (CDPH), to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements:

1. **CDPH: Childhood Lead Poisoning Prevention Program (CLPPP)**, in the projected total 3-year amount of \$383,455 for FY 2024, FY 2025, and FY 2026.
2. **CDPH: CalFresh Healthy Living Program (CalFresh)**, in the projected amount of \$162,390 each year in FFY 2024, FFY 2025, FFY 2026, for a projected total 3-year amount of \$487,170.

FISCAL IMPACTS OF RECOMMENDATION

The City will receive funds in the estimated total combined amount of \$870,625 from the California Department of Public Health for the period FY 2024 through FY 2026 from the two funding sources listed below. Each contract has been entered into the citywide contract management system database:

1. CLPPP: Revenue Fund 312. This contract is anticipated to be a total of \$383,455 for FY 2024, FY 2025, and FY 2026.
2. CalFresh: Revenue Fund 312. This contract is anticipated to be for a total of \$487,170 in FFY 2024, FFY 2025, FFY 2026.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts that are determined, the grant

budgets will be adjusted as part of a future amendment to the FY 2023 Annual Appropriations Ordinance.

### CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. In addition to the funding referenced in this report, the City also has continuing multi-year public health grants with the State of California. The total additional anticipated revenue from these state grants is \$870,625 in FY 2024, FY2025, and FY2026.

Each grant serves a specific purpose in the Department's work towards improving the health of our community:

1. CLPPP: Provides services to eliminate childhood lead poisoning by caring for lead-poisoned children and identifying and eliminating sources of lead exposure. Services provided include nursing case management, environmental investigations for known State cases of children with lead poisoning, and outreach and education to health care providers, community groups, and families. CLPPP is not able to support preventative and general community lead assessments, enforcement, or remediation.
2. CalFresh: Provides services that integrate nutrition education and policy, systems, and environmental (PSE) change approaches to support community health goals that address obesity prevention and promote physical activity.

### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete activities to improve the health of the community. As a local health jurisdiction, the City is entitled to specific State funding to meet core public health objectives. HHCS' Public Health Division (HHCS/PHD) is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

These funds support vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. This grant supports the Department's mission and provides the City with funding to continue working to protect and improve the health of the community.



**ALTERNATIVE ACTIONS CONSIDERED**

The City could opt not to accept these funds. That action would result in a significant reduction in public health services to the community, and is therefore not recommended.

**CONTACT PERSON**

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

**Attachments:**

1. Resolution: CDPH - Childhood Lead Poisoning Prevention Program
2. Resolution: CDPH - CalFresh Healthy Living Program

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

GRANT AGREEMENT: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH  
FOR THE CHILDHOOD LEAD POISONING PREVENTION PROGRAM

WHEREAS, the City of Berkeley Health, Housing and Community Services Department, Public Health Division (HHCS/PHD), is committed to detecting, managing, and preventing childhood lead poisoning; and

WHEREAS, HHCS provides a broad range of needed public health program services to the community; and

WHEREAS, HHCS works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS seeks to eliminate health inequities; and

WHEREAS, the HHCS seeks to prevent lead poisoning and identify and aid lead-burdened children in Berkeley; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designees is hereby authorized to submit a grant agreement to the California Department of Public Health for funding for Fiscal Years 2024, 2025, and 2026 for the Childhood Lead Poisoning Prevention Program to detect, manage, and prevent childhood lead poisoning; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$383,455; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes (Revenue): 312; (Expenditure) 321. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH  
FOR THE CALFRESH HEALTHY LIVING PROGRAM

WHEREAS, the City of Berkeley Health, Housing and Community Services Department, Public Health Division, is committed to providing nutrition education and physical activity promotion to underserved communities; and

WHEREAS, the City of Berkeley Health, Housing and Community Services Department, Public Health Division (HHCS/PHD), provides a broad range of needed public health program services to the community; and

WHEREAS, the HHCS works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS seeks to eliminate health inequities; and

WHEREAS, the HHCS provides vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the California Department of Public Health for funding for Federal Fiscal Years 2024, 2025, and 2026 for the CalFresh Healthy Living Program: to provide nutrition education and physical activity promotion to underserved communities; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$487,170; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes (Revenue): 312; (Expenditure): 312. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Funding Recommendation and Joint Homekey Application for the University Inn at 1461 University

RECOMMENDATION

Adopt three resolutions approving the following actions in support of a Homekey program funding allocation by:

1. Reserving up to \$8,500,000 in General Funds received pursuant to Measure P for the University Inn permanent supportive housing project at 1461 University Avenue as proposed by a partnership between Memar Properties (Memar) and Housing Consortium of the East Bay (HCEB).
2. Reserving up to \$1,000,000 in General Funds received pursuant to Measure P for Memar and HCEB to operate the University Inn as an emergency shelter prior to permanent housing conversion.
3. Authorizing the City Manager or her designee to prepare and submit a joint application together with Memar and HCEB for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Inn permanent supportive housing project. And, further authorizing the City Manager or her designee to include the issuance date of the Notice of Funding Availability, once available, in the resolution.
4. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.
5. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

SUMMARY

In response to a Request for Proposals issued on November 29, 2022, Health, Housing, and Community Services (HHCS) received two proposals to convert interim housing to permanent supportive housing under the State of California Housing and Community

Development (HCD) Department's Homekey program: one from Memar Properties, Inc. (Memar) and Housing Consortium of the East Bay (HCEB) for the University Inn project and another from Berkeley Food & Housing Project (BFHP) for the Russell Street project. Based on careful review of the proposals, the projects' feasibility, applicant experience with the Homekey program, and an evaluation of development team capacity, staff recommends selection of the University Inn project.

Memar and HCEB requested \$8.5M in City funds to support the conversion of the University Inn, which is located at 1461 University Avenue and formerly known as the Rodeway Inn, into permanent supportive housing for people experiencing chronic homelessness. The development team requested an additional \$1M to continue operating the University Inn as interim housing prior to permanent housing conversion. In order to access HCD's Homekey program funds, the City will need to jointly apply with the development team and provide matching funds.

Homekey is a State program that provides government entities with funding to purchase and rehabilitate properties, including hotels, motels, and vacant apartment buildings, and convert them into interim or permanent housing. Homekey projects serve people experiencing homelessness or who are also at risk of becoming homeless.

In anticipation of HCD's Homekey NOFA release, City Council approved issuing a Request for Proposals (RFP) and authorized the consideration of requests of up to \$8.5M. The City issued an RFP on November 29, 2022 to select an eligible Homekey project and development team.

#### FISCAL IMPACTS OF RECOMMENDATION

The first attached resolution would reserve \$9,500,000 in City General Funds received pursuant to Measure P. The majority of these funds (\$8,500,000) would support the costs of converting the University Inn into permanent supportive housing and \$1,000,000 would be used to continue operating the property as emergency shelter for the period between the expiration of the current operator's contract and permanent housing conversion. Funding is subject to appropriation in the FY 2024 budget in the Measure P fund (Fund# 011).

If the joint application to the Homekey program is successful, the City will not receive the \$15,005,360 requested; rather, these funds will go directly to Memar and HCEB, or the entity they create, to finance this project. If HCD requires the City to be the recipient of Homekey funds, the City would need to pass the funds through to the project.

University Inn will need ongoing operating support after the proposed capitalized operating reserves are expended (expected in the eighth year of property operations). No reservation of operating funds is recommended at this time. Staff will work with the development team to identify sources of funds to support the long-term operations of this project.

### CURRENT SITUATION AND ITS EFFECTS

The City issued an RFP on November 29, 2022 to select an eligible Homekey project and development team. The RFP included \$8.5M in City funds, including General Funds received pursuant to Measure P. HHCS received two proposals to convert interim housing to permanent supportive housing: one from Memar Properties, Inc. and Housing Consortium of the East Bay for the University Inn project and another from Berkeley Food & Housing Project for the Russell Street project. Based on careful review of the proposals, the projects' feasibility, applicant experience with the Homekey program, and an evaluation of development team capacity, staff recommends selection of the University Inn project. Because this report was finalized prior to the release of the 2023 Homekey NOFA, staff will need to add the NOFA issuance date to the resolution, once available.

HCEB and Memar requested \$8.5M in City funds to support the conversion of the University Inn, which is formerly known as the Rodeway Inn and located at 1461 University Avenue, into permanent supportive housing for people experiencing chronic homelessness. Forty-two of the 43 rooms would be affordable to households earning up to 30% of the area median income (AMI), with the other unit set aside for the resident manager. HCEB would act as the service provider and property manager, and select tenants through the Countywide Coordinated Entry System (CES). The development team proposed prioritizing residents currently residing at the University Inn, which is currently leased by the City as an emergency shelter. Memar and HCEB have requested an additional \$1M to continue operating the University Inn as interim housing prior to permanent housing conversion.

The proposed project is eligible for an estimated \$15M in HCD Homekey funds, including three years of operating subsidy. The development team is pursuing funding from Alameda County Healthcare Services Agency for \$316,000 to \$461,000 per year in services (starting in year four). Full commitment for the services funding would need Board of Supervisors approval.

Because the proposed project would provide permanent supportive housing for 42 formerly homeless households, it would require significant and ongoing operating subsidies. A portion of the HCD Homekey funds and City funds would be used for capitalized operating reserves to support the project's first seven years of operations. The development team did not identify a source of funds for the operating subsidy beyond the seventh year of operations (2030). The project would need approximately \$660,000 in subsidies per year in year 8. While it is impossible to predict costs that far in the future, an assumed increase rate of 2.5% per year would escalate the subsidy needed annually to \$785,000 in year 15. The development team and the City will work together to identify potential sources of funding to support the project's long-term operations.

In order to meet the eligibility requirements of HCD's Homekey program, the City will need to jointly apply with the development team and provide matching funds. The City's General Funds received pursuant to Measure P constitute the required match. In order for the project to receive the Homekey funds, the City will be required to enter into the State's Standard Agreement for the project, but staff do not anticipate that the City will receive any funds directly. If HCD does require disbursements to the City, the City will pass the funds through to the project. The Standard Agreement will be 55 years for permanent housing. The City will also execute loan documents with the development team. Staff recommends that the City enter into a side agreement clarifying responsibilities between HCEB and Memar and the City for the joint application for Homekey funds. The City entered into similar side agreements with developers for other state funding programs. The second attached resolution will provide the City Manager with the authority to do so.

Berkeley Food & Housing Project (BFHP) requested \$8.43M to purchase and rehabilitate two adjacent parcels (located at 1741, 1743, and 1747 Russell Street), where it currently operates a 17-bed Board and Care (Russell Street Residence) and 4 units of interim housing (Russell Street Annex). BFHP proposes two development phases. In the first phase, BFHP proposes to rehabilitate and operate 25 interim housing beds for people with a disability or mental illness who are experiencing or at risk of homelessness. In the second phase, BFHP proposes to convert to 23 units of permanent supportive housing for unhoused persons and people at risk of homelessness, many of whom would be veterans.

BFHP has operated Russell Street Residence since 2002 in close partnership with the Mental Health division (HHCS/MH). Funds are critically needed to secure the site and prevent the loss of Board and Care beds. However, Staff analysis of the property condition, permanent housing development plan, and relocation plan deemed the proposal less competitive for Homekey funding than the University Inn proposal. Based on preliminary feedback from HCD, staff are concerned that HCD would not consider Board and Care units at Russell Street Residence as eligible interim housing, making it less likely to be selected as a Homekey project.

Reserving funds for affordable housing projects and jointly applying for Homekey funds are Strategic Plan Priority Projects, advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

#### BACKGROUND

Homekey is an HCD program that provides government entities with funding to purchase and rehabilitate properties, including hotels, motels, and vacant apartment buildings, and convert them into interim or permanent housing. Homekey projects serve people experiencing homelessness or who are also at risk of becoming homeless. The program typically provides funding of up to \$200,000 per unit (depending on unit type), and may increase the subsidy if there are local matching funds. HCD is expected to



issue a NOFA for the third round of Homekey funding in Spring 2023, and it has not yet been released as of the drafting of this report. In the last funding cycle, HCD accepted applications and made awards on a rolling basis. HHCS staff are therefore motivated to seek Council approval as soon as is feasible after the NOFA release, in order to submit an application to HCD Homekey and maximize the project's chances of getting funded.

In 2021, the City submitted a successful joint Homekey application with Bay Area Community Services (BACS) and Memar for the Golden Bear Inn, which is located at 1620 San Pablo Avenue and was formerly operated as a 44-room hotel. The project reached full occupancy in January 2023 and serves chronically homeless households, with services provided by BACS.

The University Inn, which is also referred to as the Rodeway Inn, was one of the initial Project Roomkey emergency shelters during the height of the COVID-19 pandemic. The City received an award to continue operating the property as an emergency shelter through the State of California's Encampment Resolution Funding (ERF) program. This funding is scheduled to expire in October 2023.

In anticipation of HCD's Homekey NOFA release, the City of Berkeley issued a Request for Proposals (RFP) to select an eligible Homekey project and development team. On September 13, 2022, City Council approved the issuance of the City's Homekey RFP, and authorized consideration of up to \$8.5M in funding for a Homekey project. The RFP included a maximum developer fee of \$1M, which is aligned with Homekey projects approved in other jurisdictions.

Due to the constrained timeline and the City's desire to submit an application to HCD as soon as is feasible, this specific Homekey project proposal was not reviewed by either the Homeless Services Panel of Experts (HSPE) or the Housing Advisory Commission (HAC). However, both commissions took action to support future Homekey projects more generally.

On February 1, 2022, the HSPE took the following action:

Action: M/S/C (Marasovic/Feller) to recommend that the City consider using up to \$17 million from Measure P monies for Project Homekey 3 applications with the City considering diverse funding streams so that both applicants can apply.

Vote: Ayes: Johnson, Jones, Marasovic, Feller, and Kealoha-Blake. Noes: Meany. Abstain: None. Absent: Bookstein.

On February 2, 2023, the HAC took the following action:

Action: M/S/C: (Mendonca/Lee-Egan) to recommend that Council approve up to \$17M in Measure P funding for both the Rodeway Inn and the Russell Street project, as well

as \$1M to operate the Rodeway Inn as interim housing prior to permanent housing conversion.

Vote: Ayes: Fain, Johnson, Lee-Egan, Mendonca, Potter, Sanidad. Noes: None.  
Abstain: None. Absent: Calavita (Excused), Rodriguez (Unexcused), Simon- Weisberg (Excused).

Upon completing a full evaluation of both proposals as well as an analysis finding that there is not enough Measure P funding available for both projects without reducing funding for other critical homeless services, staff is recommending that City Council select one new Homekey project.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability effects directly associated with the recommendations in this report. If the City's funding application is successful, the project will be acquired and rehabilitated, which is generally considered a more sustainable type of development.

#### RATIONALE FOR RECOMMENDATION

Creation of permanent supportive housing through a partnership with Memar and HCEB will support chronically unhoused individuals in the City, and will bring new permanent supportive housing units online on an expedited timeline. While both projects would preserve critical affordable housing units, HHCS staff deemed the University Inn proposal most competitive for HCD Homekey funds.

#### ALTERNATIVE ACTIONS CONSIDERED

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

#### CONTACT PERSON

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

#### Attachments:

- 1: Resolution - Approval of the Funding Reservation for the University Inn Homekey Project
- 2: Resolution - Joint Application for Homekey Funds for University Inn Homekey Project Located at 1461 University
- 3: Resolution – Authorizing Joint Application to and Participation in the Homekey Program for University Inn

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

APPROVAL OF THE FUNDING RESERVATION FOR THE UNIVERSITY INN  
HOMEKEY PROJECT

WHEREAS, the City of Berkeley (“City”) is interested in partnering with a qualified housing developer to create permanent supportive housing for residents who are experiencing homelessness or at risk of homelessness; and

WHEREAS, in July 2020, the State of California Housing and Community Development Department (“HCD”) created the State Homekey Program and issued its first Notice of Funding Availability (“NOFA”) to fund the conversion of existing residential buildings, such as hotels, motels, other residential buildings and non-residential structures, to permanent supportive housing for residents who are homeless or at risk of being homeless; and

WHEREAS, in anticipation of HCD issuing a third Homekey NOFA, Council approved consideration of up to \$8.5M for one future Homekey project on September 13, 2022 and authorized issuing a Request for Proposals (RFP) to solicit proposals for Homekey-eligible projects, which the City issued on November 29, 2022 and subsequently received two proposals; and

WHEREAS, Housing Consortium of the East Bay (HCEB) and Memar Properties, Inc. (Memar) requested \$8,500,000 in City funds to support the conversion of the University Inn to permanent supportive housing; and

WHEREAS, the City currently leases the University Inn as an emergency shelter, and the lease is set to expire on October 31, 2023; and

WHEREAS, HCEB and Memar requested an additional \$1,000,000 to continue to operate the emergency shelter from the lease expiration to the property’s conversion to permanent supportive housing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Council approves \$8,500,000 in funding reservations from General Funds received pursuant to Measure P Allocation for the University Inn Homekey project.

BE IT FURTHER RESOLVED that \$1,000,000 shall be reserved from General Funds pursuant to Measure P Allocation for the University Inn emergency shelter operations.

BE IT FURTHER RESOLVED that that funds shall be reserved for a period of no more than 12 months from the date of this Resolution, contingent on the development team obtaining all required land use approvals and securing commitments for project funding that the City Manager or her designee deems sufficient within the reservation period.

BE IT FURTHER RESOLVED that the making of each loan shall be contingent on and subject to such other appropriate terms and conditions as the City Manager or her

designee may establish, including the maximum developer fee of \$1,000,000 established in the RFP.

BE IT FURTHER RESOLVED the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.

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

JOINT APPLICATION FOR HOMEKEY FUNDS FOR THE UNIVERSITY INN  
HOMEKEY PROJECT LOCATED AT 1461 UNIVERSITY

WHEREAS, the City of Berkeley (City) is considering a request for acquisition, development, and operation subsidies funding from Housing Consortium of the East Bay (HCEB) and Memar Properties, Inc. (Memar) related to the development of the University Inn Homekey project, located at 1461 University; and

WHEREAS, the State of California Housing and Community Development Department (Department) is expected to release a Notice of Funding Availability for Homekey funds in Spring 2023; and

WHEREAS, the City issued a Request for Proposals (RFP) on November 29, 2022 to solicit proposals for Homekey-eligible projects, and subsequently received two proposals; and

WHEREAS, the City selected the proposal submitted by HCEB and Memar based on careful review of the proposals, the projects' feasibility, applicant experience with the Homekey program, and an evaluation of development team capacity; and

WHEREAS, the City may be required to accept a portion of the project's liability as a condition of the joint Homekey application, though the risk may be mitigated by a side agreement negotiated between the City and HCEB and Memar.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the submission of a joint application with HCEB and Memar or their affiliate for the Homekey application for University Inn Homekey project.

BE IT FURTHER RESOLVED that the City Manager shall work to mitigate risk to the City from serving as a joint applicant, including negotiating an agreement with HCEB and Memar regarding mutual responsibilities.

BE IT FURTHER RESOLVED that the City Manager, or her designee, is authorized to execute in the name of Applicant the Homekey Program Application Package and the Homekey Program Documents as required by the Department for participation in the Homekey program.

BE IT FURTHER RESOLVED that the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of the City Clerk.

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

RESOLUTION OF THE GOVERNING BODY OF CITY OF BERKELEY AUTHORIZING  
JOINT APPLICATION TO AND PARTICIPATION IN THE HOMEKEY PROGRAM FOR  
UNIVERSITY INN

WHEREAS, The Department of Housing and Community Development (“Department”) has issued a Notice of Funding Availability, dated \_\_\_\_\_, 2023 (“NOFA”), for the Homekey Program (“Homekey” or “Program”). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.); and

WHEREAS, City of Berkeley (“Co-Applicant”) desires to jointly apply for Homekey grant funds with Housing Consortium of the East Bay and Memar Properties (“Corporation”). Therefore, Co-Applicant is joining Corporation in the submittal of an application for Homekey funds (“Application”) to the Department for review and consideration; and

WHEREAS, The Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement (“Standard Agreement”), and all other legal requirements of the Homekey Program; and

WHEREAS, in anticipation of the Department issuing the NOFA, Council is authorizing an application for Homekey funds prior to the actual NOFA release.

NOW THEREFORE, BE IT RESOLVED that Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed \$18,000,000.

BE IT FURTHER RESOLVED that if the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed \$18,000,000, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the “Homekey Documents”).

BE IT FURTHER RESOLVED that Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

BE IT FURTHER RESOLVED that the City Manager or her designee is authorized to execute the Application and the Homekey Documents on behalf of Co-Applicant for participation in the Homekey Program.

BE IT FURTHER RESOLVED that the City Manager or her designee is authorized to include the issuance date of the NOFA, once available, in the resolution.







Office of the City Manager

CONSENT CALENDAR  
MARCH 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Amending the Program Year 2021 (PY2021) Annual Action Plan to Accept HOME-American Rescue Plan Funds

RECOMMENDATION

Adopt a Resolution:

1. Amending the PY2021 Annual Action Plan to expend HUD's allocation of HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funds to the City of Berkeley, totaling \$2,735,696, upon HUD's acceptance of the City's Allocation Plan.
2. Allocating up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the qualifying populations. If the HOME-ARP award amount is modified, the same formulas will be applied for allocating funds.
3. Authorizing the City Manager or her designee to submit the approved PY2021 Annual Action Plan Substantial Amendment to HUD, and accept any resulting agreements, and amendments thereto with HUD.

SUMMARY

On September 20, 2021, the City of Berkeley was awarded \$2,735,696 in HOME-ARP funds as part of HUD's HOME Investment Partnerships Program (HOME) allocation for PY 2021. The City executed the grant agreement to accept these funds through Council's resolution 70,141 N.S. on December 14, 2021.

However, prior to expending these HOME-ARP funds, HUD requires the City submit a HOME-ARP allocation plan in accordance with certain HUD-established requirements on or before March 31, 2023. The allocation plan must follow the substantial amendment process described in the City's Citizen Participation Plan related to HUD programs.

The substantial amendment process requires a public hearing, Housing Advisory Commission recommendation and City Council approval before the City can submit it to HUD for its acceptance.

FISCAL IMPACTS OF RECOMMENDATION

On September 20, 2021 (PY21), HUD awarded \$2,735,696 in HOME-ARP funds to the City of Berkeley, and the Council accepted them with Resolution #70,141-N.S.. The City executed the grant agreement for the funds in PY2021 and has until 2030 to spend these funds. Prior to HUD allowing the City to commit or expend the funds, the City must submit an Allocation Plan by March 31, 2023, and HUD must review and accept its Plan.

Accepting these one-time funds will add \$2,735,696 to the City's budget, and be available for expenditure until September 2030. Funding is subject to appropriation in the FY24 budget in the HOME Fund (Fund 310).

Staff recommends that the City allocate up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the HOME-ARP qualifying populations; defined as individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations;.

CURRENT SITUATION AND ITS EFFECTS

To expend its allocation of the HOME-ARP funds, the City must submit an allocation plan by March 31, 2023 as a substantial amendment to its PY2021 Annual Action Plan.

In order to approve the allocation plan, the City must hold at least one public hearing and follow its HUD Citizen Participation Plan. One of the requirements in the City's Citizen Participation Plan is to submit a substantial amendment, such as this allocation plan, to the Housing Advisory Commission (Commission) for its recommendation to the City Council.

The Housing Advisory Commission reviewed the plan at its regular meeting on March 2, 2023, where the Commission voted (Action: M/S/C (Simon-Weisberg/Fain) Vote: Ayes: Calavita, Fain, Johnson, Mendonca, Potter, Rodriguez, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Lee-Egan (Unexcused)) to recommend Council approve the allocation plan (PY2021 Annual Action Plan substantial amendment) to allow for a one-time allocation of \$2,735,696 of HOME-ARP funds to supportive services for the qualifying populations.

**Proposed Uses of HOME-ARP Funds**

The attached HOME-ARP Allocation Plan allocates up to 15% (\$410,354) of the funds for program delivery, up to 5% (\$136,785) for nonprofit capacity building, and the remainder 80% (\$2,188,557) to supportive services for the qualifying populations. The eligible types of supportive services are defined in HUD regulations.

HUD’s acceptance of the City’s Plan is not dependent on which supportive services the City will fund, nor which entity will deliver the services. At this time, the City continues to identify the best distribution of funds for these services. Council will have final authority on the distribution method once identified.

A summary of all proposed uses of revenues and expenditures is shown below:

| <b>REVENUES</b>       | <b>HOME-ARP</b>     |
|-----------------------|---------------------|
| <b>Total Revenues</b> | <b>\$ 2,735,696</b> |

| <b>PROPOSED EXPENDITURES</b> | <b>HOME-ARP</b>     |
|------------------------------|---------------------|
| Supportive Services          | \$ 2,188,557        |
| Non-Profit Capacity Building | \$ 136,785          |
| Administration               | \$ 410,354          |
| <b>Total Expenditures</b>    | <b>\$ 2,735,696</b> |

**BACKGROUND**

On March 11, 2021, President Biden signed the American Rescue Plan (ARP) into law. Congress appropriated \$5 billion of ARP funds for the HOME Investment Partnerships Program (HOME) to prevent and address homelessness and serve vulnerable populations. In September 2021, HUD allocated \$2,735,696 in HOME-ARP funds to the City of Berkeley. There was no deadline to submit an allocation plan and funds must be spent by September 2030.

On December 14, 2021 Council, through Resolution 70,141-N.S, allocated the funds to a proposed State of California Housing and Community Development (HCD) Homekey Program (Homekey) project. After the Council meeting, staff and the project sponsors determined that including HOME-ARP funds for the Homekey project may jeopardize the City’s application competitiveness for these funds. In the meantime, HUD issued

extensive further guidance on what would constitute and acceptable allocation plan. The additional guidance established a requirement for jurisdictions to submit a HOME-ARP allocation plan on or before March 31, 2023, or forfeit the funds, and clarified that additional public consultation was needed.

Consistent with this additional guidance, staff conducted a thorough public consultation process, including collecting survey responses, conducting individual meetings, and presenting at group meetings with City agencies and community partners serving the qualifying populations. The purpose of these consultations was to fulfill the allocation plan's requirements in order to to gather input on the unmet needs and the gaps in services for the qualifying populations.

After careful analysis of both the public participation and HOME-ARP guidelines, staff are recommending the use of funds for the delivery of supportive services. Supportive services are defined as those services that help people obtain housing or remain in their homes.

The City, in its further review of the best way to distribute the funds will be mindful of an additional requirement in the use of HOME-ARP funds. That requirement is that all of the HOME-ARP qualifying populations must have access to the services provided by the HOME-ARP funds, which includes individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable direct environmental sustainability impact associated with the adoption of this recommendation. Certain HOME-ARP activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures). Funds for such activities may not be obligated or expended until HUD has approved the release of funds in writing. A request for release of funds (RROF) must be accompanied by an environmental certification, and until the RROF is approved and notification is received, no HUD funds shall be committed.

#### RATIONALE FOR RECOMMENDATION

The HOME-ARP funds will support increasing the availability of supportive services. By committing this money to supportive services the City has the opportunity to further help the qualifying populations find or remain in the stable and safe housing they deserve. Additionally, community agency partners could benefit from receiving funds for capacity building to help better serve the qualifying populations.

ALTERNATIVE ACTIONS CONSIDERED

The City previously tried using the HOME-ARP funds for a Homekey project, but stopped that effort after determining that use of HOME-ARP funds would significantly reduce competitiveness for Homekey.

CONTACT PERSON

Joshua Oehler, Community Service Specialist III, HHCS, (510) 981-5408.

Attachments:

1: Resolution:

Exhibit A: PY2021 (FY22) HUD allocations to include HOME-ARP funds

2: City of Berkeley HOME-ARP Allocation Plan (serving as the PY21 Annual Action Plan Substantial Amendment)

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

AMENDMENT TO THE PY21 ANNUAL ACTION PLAN IN RESPONSE TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM – AMERICAN RESCUE PLAN (HOME-ARP) FUNDING

WHEREAS, on March 11, 2021 the American Rescue Plan (ARP), became Public Law 117-2, and it provides \$5 billion in ARP funds to be administered through the HOME Investment Partnerships Program (HOME) and that these funds must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations.; and

WHEREAS, the City of Berkeley is an entitlement jurisdiction which receives HOME Investment Partnership Program (HOME) funds from the US Department of Housing and Urban Development (HUD) and received an award of \$2,735,696 in HOME-ARP funds from HUD on September 20, 2021; and

WHEREAS, HUD requires the City of Berkeley develop a HOME-ARP allocation plan that meets the requirements established in section V. of CPD Notice CPD-21-10, and to submit the allocation plan as a Substantial Amendment to its Program Year 2021 Annual Action Plan by March 30, 2023; and

WHEREAS, the City of Berkeley has a Program Year 2021 Annual Action Plan, that articulates how the City plans to spend HUD HOME allocations; and

WHEREAS, under the ARP, HUD has issued flexibilities for HOME-ARP funds stating that they are not subject to the same consultation and citizen participation requirements that otherwise apply to the HOME funds, however, at minimum, grantees are required to hold at least one public hearing and solicit public comment for a minimum of 15 days; and

WHEREAS, the City's Citizen Participation Plan requires that the City conduct a public hearing when major changes constituting a Substantial Amendment to the spending plan are proposed; and

WHEREAS, the City conducted the public hearing during the Housing Advisory Commission's regular meeting on March 2, 2023; and

WHEREAS, HUD has issued waivers to 1) per-unit cost limits (42 U.S.C. 12742(e)), 2) 24-month commitment deadline (42 U.S.C. 12748(g)), 3) matching requirements (42 U.S.C. 12750) 4) Community Housing Development Organization (CHDO) Set-Aside Requirement 5) administrative and planning set-aside, increased to 15%, and 6) public comment requirement, now allows for revisions to the Citizen Participation Plan that include a shorter public comment period; and

WHEREAS, on December 14, 2021 Council adopted Resolution 70,141-N.S. allowing the City to expend HOME-ARP funds on a Homekey project; and

WHEREAS, the City established the following ERMA budget codes HOME-ARP: 530-2075-000-444-Various-; and revenues: 533-2028-000-000-431110- in that resolution; and

WHEREAS, since that time the City has determined that HOME-ARP funds are not compatible with the Homekey program, and has developed a new allocation plan for a different use of the HOME-ARP funds; and

WHEREAS, failure to accept the City's allocation plan by March 1, 2023, would result in loss of these funds for the City; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to:

1. Amend the PY2021 Annual Action Plan to expend up to 15% (\$410,354) of the HUD, HOME-ARP funds for administration and planning, up to 5% (\$136,785) for nonprofit capacity building, and the remainder (80%) (\$2,188,557) to supportive services that benefit all the qualifying populations, totaling \$2,735,696. If the HOME-ARP award amount is modified, the same formulas will be applied for allocating funds.
2. Submit the approved PY2021 Annual Action Plan Substantial Amendment to HUD, and accept any resulting agreements, and amendments thereto with HUD.

A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

Exhibit: A: PY2021 HUD allocations to include HOME-ARP funds

## Exhibit A: PY21 HUD HOME-ARP Allocations

| HOME Investment Partnership Program (HOME) Allocations                                                                                                                                                                  |                                      |                   |                   |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------|-------------------|----------------------|
| REVENUES                                                                                                                                                                                                                | HUD Adjusted Award FY21              | Awarded FY22      | Awarded FY23      | HOME-ARP Award       |
| HOME Award                                                                                                                                                                                                              | \$ 778,203                           | \$ 754,813        | \$ 839,741        | \$ 2,735,696         |
| Program Income (projected)                                                                                                                                                                                              | \$ 20,000                            | \$ 20,000         | \$ 20,000         | N/A                  |
| <b>SUBTOTAL HOME Funds Available</b>                                                                                                                                                                                    | <b>\$ 798,203</b>                    | <b>\$ 774,813</b> | <b>\$ 859,741</b> | <b>\$ 2,735,696</b>  |
| EXPENDITURES                                                                                                                                                                                                            | Amended and Adjusted Allocation FY21 | Allocations FY22  | Allocations FY23  | Proposed Allocation* |
| Administration (10%)                                                                                                                                                                                                    | \$ 199,551                           | \$ 77,481         | \$ 85,974         | \$ 410,354           |
| CHDO Operating Funds (5%)                                                                                                                                                                                               | \$ 70,000                            | \$ 30,000         | \$ 30,000         | \$ -                 |
| Nonprofit capacity (5%)                                                                                                                                                                                                 | N/A                                  | N/A               | N/A               | \$ 136,785           |
| Available for HTF Projects                                                                                                                                                                                              | \$ 528,652                           | \$ 667,332        | \$ 743,767        | N/A                  |
| Available for Supportive Services                                                                                                                                                                                       | N/A                                  | N/A               | N/A               | \$ 2,188,557         |
| <b>Total</b>                                                                                                                                                                                                            | <b>\$ 798,203</b>                    | <b>\$ 774,813</b> |                   | <b>\$ 2,735,696</b>  |
| * HOME-ARP allows for up to 15% Administration. The proposed budget allows for up to 5% for nonprofit capacity building. Should those not be utilized the remaining would go towards Supportive Services (\$2,188,557). |                                      |                   |                   |                      |



# CITY OF BERKELEY



## **DRAFT** HOME-ARP Allocation Plan for Housing and Community Development

**(serving as the PY21 Annual Action Plan  
Substantial Amendment)**

for funding under the  
U.S. Department of Housing and Urban Development,  
HOME Investment Partnerships Program – American  
Rescue Plan (HOME-ARP)

For questions about this document, please contact Joshua Oehler, Community Services Specialist III, Housing and Community Services at [joehler@cityofberkeley.info](mailto:joehler@cityofberkeley.info) or telephone at (510) 981-5408



In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Berkeley to offer documents in a manner that is readily accessible to everyone, including individuals with disabilities and those who may need translation services.

If you are a person with a disability and require information or materials in an appropriate alternative format or if you require any other accommodation, please contact the City of Berkeley Disability Compliance Program by:



- Telephone: (510) 981-6418
- TTY: (510) 981-6347
- Email: [ada@cityofberkeley.info](mailto:ada@cityofberkeley.info)
- Mail: Department of Public Works, Attn: Disability Services  
1947 Center Street, 4<sup>th</sup> Floor, Berkeley, California 94704



We want to communicate effectively with all residents. To request interpretation services please contact the Housing & Community Services Department at (510)981-5400 or [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info)

**City of Berkeley  
HOME-ARP Allocation Plan  
DRAFT**

**Participating Jurisdiction:** City of Berkeley  
**Consultation**

**Date:** March 31, 2023

*In accordance with Section V.A of the Notice (page 13), before developing its HOME-ARP allocation plan, at a minimum, a PJ must consult with:*

- *CoC(s) serving the jurisdiction's geographic area,*
- *homeless service providers,*
- *domestic violence service providers,*
- *veterans' groups,*
- *public housing agencies (PHAs),*
- *public agencies that address the needs of the qualifying populations, and*
- *public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities.*

***Describe the consultation process including methods used and dates of consultation:***

The City sent an online survey to agencies and service providers whose clientele include the HOME-ARP qualifying populations to identify unmet needs and gaps in housing or service delivery systems, and to determine the HOME-ARP eligible activities currently taking place within the City to identify potential areas of collaboration. The survey used a template that is Section 508 and WCAG2 compliant, for accessibility. It allowed for agencies and survey providers to upload data that would help the City better understand the needs and gaps in services of the qualifying populations and provided contact information for the City to provide additional feedback. The survey was emailed to 44 agencies and service providers on January 18, 2023 and the collection period ended on January 25, 2023. Fourteen responses were received from agencies serving all four qualifying populations, including 8 respondents serving Veterans.

The City gained a greater understanding of the unmet needs and gaps in services, with respect to the qualifying populations, by meeting with individuals from agencies and service providers. These meetings were about 30 minutes in length each and occurred between February 1st and February 17th.

Finally, the City presented on the HOME-ARP program, its requirements, and opportunities, during the February 17<sup>th</sup> monthly meeting facilitated by the City, that is open to all providers of services to people experiencing homelessness.

**List the organizations consulted:**

| <b>Agency/Org Consulted</b>                                       | <b>Type of Agency/Org</b>                                          | <b>Method of Consultation</b>                                | <b>Feedback</b>                                                                                                                              |
|-------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Everyone HOME</b>                                              | CoC Serving Berkeley QP1                                           | Meeting (2/9/23)                                             | There is a need for supportive services to help unhoused people meet their essential needs and for more peer-led programs                    |
| <b>Downtown Streets Team-agency not regularly involved in CoC</b> | Homeless Services Provider serving QP1                             | Meeting Request (1/27/23)                                    | No Response                                                                                                                                  |
| <b>Suitcase Clinic-agency not regularly involved in CoC</b>       | Homeless Services Provider serving QP1                             | Meeting Request (1/27/23)                                    | No Response                                                                                                                                  |
| <b>Dorothy Day House - agency not regularly involved in CoC</b>   | Homeless Services Provider serving QP1                             | Presentation to homeless services provider meeting (2/17/23) | No Response                                                                                                                                  |
| <b>UC Berkeley – Homeless Services</b>                            | Homeless Services Provider serving QP1 not involved in CoC         | Meeting (2/17/23)                                            | There is a need for flexible and low barrier short-term motel stays and liaison services between landlords and eligible program participants |
| <b>Bay Area Community Services</b>                                | Homeless Services Provider Serves QP1, QP2, QP3 and QP4            | Meeting (2/17/23) and Survey                                 | There is a need for specialists and resources to address hoarding to keep people housed                                                      |
| <b>Abode Services</b>                                             | Homeless Services Provider. Serves QP1, QP2, QP4, and Veterans     | Survey                                                       | Qualifying populations need more affordable housing, income stability, housing search, health/mental health resources                        |
| <b>Berkeley Food and Housing Project</b>                          | Homeless Services Provider. Serves QP1, QP2, QP3, QP4 and Veterans | Survey                                                       | Qualifying populations need supportive services to prevent, gain, and retain housing as well as housing opportunities.                       |
| <b>Satellite Affordable Housing Associates</b>                    | Homeless Services Provider. Serves QP1, QP2, QP3, QP4 and Veterans | Survey                                                       | Qualifying populations need quality, affordable homes and services                                                                           |

| Agency/Org Consulted                            | Type of Agency/Org                                                                       | Method of Consultation        | Feedback                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Family Violence Law Center*</b>              | Domestic Violence Service Provider serving QP3                                           | Survey                        | No Response                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Women's Daytime Drop-in Center</b>           | Domestic Violence Service Provider. Serves QP1, QP2, QP3, and QP4.                       | Meeting (2/1/23) and Survey   | Priority needs are domestic violence shelter, rental assistance for QP1 & QP3, shelter staffing, and mental health staffing.                                                                                                                                                                                                                                                                                                                            |
| <b>Berkeley Housing Authority</b>               | Public housing agency (PHA) serving QP1, QP2, QP3, QP4, and Veterans                     | Meeting (2/6/23) and Survey   | Mainstream voucher holders, particularly seniors and veterans, need supportive services                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Berkeley Police Department</b>               | Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4 | Meeting (11/10/21) and Survey | There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. It is not uncommon for a victim of domestic violence to have to wait two or three days for a bed at a safe shelter, once they have requested it. When victims of domestic violence are housed in a safe shelter, they can be without essential household and hygiene items, and little to no financial resources to acquire these items. |
| <b>Berkeley Fire Department</b>                 | Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4 | Survey                        | No Response                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>City of Berkeley Mental Health Division*</b> | Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3, and QP4 | Survey                        | No Response                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>City of Berkeley - Neighborhood</b>          | Public agency that addresses                                                             | Meeting (1/26/23)             | Support for the unsheltered that leverages State                                                                                                                                                                                                                                                                                                                                                                                                        |

| Agency/Org Consulted                                            | Type of Agency/Org                                                                                | Method of Consultation      | Feedback                                                                                                                                                                                                                       |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Services - Homeless Response Team*</b>                       | the needs of qualifying populations. QP1, QP2, and QP3                                            |                             | encampment resolution funds should be a priority                                                                                                                                                                               |
| <b>City of Berkeley – Aging Services Division*</b>              | Public agency that addresses the needs of qualifying populations. QP3 and QP4                     | Survey                      | Qualifying population needs are: food, housing, socialization, long-term case management. The gaps in services are: Housing navigation, caregiving assistance, resources for severe mental health illness and substance abuse. |
| <b>City of Berkeley Library Social Worker</b>                   | Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3 and QP4           | Survey                      | Qualifying populations need more shelter and housing resources followed by benefits and employment                                                                                                                             |
| <b>City of Berkeley – Public Health Division</b>                | Public agency that addresses the needs of qualifying populations. QP1, QP2, QP3 and QP4           | Survey                      | No Response                                                                                                                                                                                                                    |
| <b>Eviction Defense Center</b>                                  | Private organization that addresses civil rights and fair housing. Serves QP2, QP4, and Veterans. | Survey                      | Qualifying populations need rental assistance, financial assistance for housing stability related items, and assistance applying for affordable housing.                                                                       |
| <b>The Eden Council for Hope and Opportunity (ECHO Housing)</b> | Private organizations that address civil rights and fair housing. Serves QP2 and QP4.             | Meeting (2/1/23)            | There will be an explosion of need for rental assistance, legal services, and housing counseling when the eviction moratorium ends                                                                                             |
| <b>Center for Independent Living</b>                            | Private organization that addresses the needs of persons with disabilities. Serve QP1, QP2,       | Meeting (2/6/23) and Survey | Flexible funding for low-cost accessibility tools like commode chairs and threshold ramps are critical for ensuring people with                                                                                                |

| Agency/Org Consulted                                  | Type of Agency/Org                                                                                                                | Method of Consultation    | Feedback                                                                                                                                                               |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       | QP3, QP4, and Veterans                                                                                                            |                           | disabilities can access and remain in shelter and housing                                                                                                              |
| <b>Through the Looking Glass</b>                      | Private organization that addresses the needs of persons with disabilities and low-income families. Serves QP1, QP2, QP3, and QP4 | Survey                    | Families with disabilities often have difficulty finding and affording accessible housing.                                                                             |
| <b>Easy Does it</b>                                   | Private organization that addresses the needs of persons with disabilities and seniors. Serves QP2 and QP4.                       | Survey                    | Qualifying populations needs include transportation services, in-home care and assistance, assistive device repair, support to hire and maintain in-home care workers. |
| <b>Toolworks</b>                                      | Private organization that addresses the needs of persons with disabilities. Serves QP1, QP2 and QP4.                              | Survey                    | Qualifying populations need housing, rental subsidies, and employment assistance.                                                                                      |
| <b>Rebuilding Together East Bay North</b>             | Private organization that addresses the needs of low-income seniors, veterans, and adults with disabilities. Serves QP2 and QP4   | Survey                    | Service gaps include making residential bathrooms accessible for older adults and clean out services to prevent displacement                                           |
| <b>Berkeley City College Veterans Resource Center</b> | Public organization that addresses the needs of veterans.                                                                         | Meeting Request (1/31/23) | No Response                                                                                                                                                            |
| <b>Swords to Plowshares</b>                           | Public organization that addresses the needs of veterans.                                                                         | Meeting (2/15/23)         | There is a need for more programs that help veterans age in place and building social connections and community                                                        |

| Agency/Org Consulted                               | Type of Agency/Org                                                     | Method of Consultation | Feedback                                |
|----------------------------------------------------|------------------------------------------------------------------------|------------------------|-----------------------------------------|
| East Bay Housing Organization – Berkeley Committee | Private organizations that address the needs of QP1, QP2, QP3, and QP4 | Meeting (2/10/23)      | Attendees encouraged to fill out survey |

**Summarize feedback received and results of upfront consultation with these entities:**

The two largest needs identified through the survey for all qualifying populations were supportive services and affordable rental housing. Service gaps identified by survey respondents included mental health and recovery services, wraparound services, accessibility resources, case management, housing navigation, and nonprofit capacity building and operating support. These findings were echoed by consultation meetings, where agencies also emphasized that each qualifying population needs tailored services and programming to meet their unique circumstances.

**Public Participation**

*PJs must provide for and encourage citizen participation in the development of the HOME-ARP allocation plan. Before submission of the plan, PJs must provide residents with reasonable notice and an opportunity to comment on the proposed HOME-ARP allocation plan of **no less than 15 calendar days**. The PJ must follow its adopted requirements for “reasonable notice and an opportunity to comment” for plan amendments in its current citizen participation plan. In addition, PJs must hold **at least one public hearing** during the development of the HOME-ARP allocation plan and prior to submission.*

*For the purposes of HOME-ARP, PJs are required to make the following information available to the public:*

- *The amount of HOME-ARP the PJ will receive,*
- *The range of activities the PJ may undertake.*

**Describe the public participation process, including information about and the dates of the public comment period and public hearing(s) held during the development of the plan:**

- **Date of public notice:** February 24, 2023



- **Public comment period:** start date – March 3, 2023. end date – March 18, 2023.
- **Date of public hearing:** March 2, 2023.

**Describe the public participation process:**

A Public Hearing on the PY21 Draft Annual Action Plan Substantial Amendment #1 (HOME-ARP Allocation Plan) was held on March 2, 2023 before the City of Berkeley Housing Advisory Commission. The City published the public notice notifying the community of the public hearing and the opportunity to provide public comment on the draft plan after the public hearing.

The Housing Advisory Commission recommended the City Council approve the City's HOME-ARP Allocation Plan and, as required by the City's Citizen Participation Plan, the City Council reviewed and approved the Housing Advisory Commission's recommendation.

**Describe any efforts to broaden public participation:**

Several efforts were made to broaden public participation. The draft Amendment was posted on the City's website, and a copy was presented at the City Council's March 21, 2023 meeting. The City distributed the hard copy and electronic flyer mailings to interested parties, including Alameda County-wide Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings. The public notice was published in English, Spanish and Mandarin. The Notice also made clear how the public can request reasonable accommodations and meaningful access to the plan in accordance with fair housing and civil rights requirements and the City's citizen participation plan.

**A PJ must consider any comments or views of residents received in writing, or orally at a public hearing, when preparing the HOME-ARP allocation plan.**

**Summarize the comments and recommendations received through the public participation process:**

TBD.

**Summarize any comments or recommendations not accepted and state the reasons why:**

TBD.

**Needs Assessment and Gaps Analysis**

*PJs must evaluate the size and demographic composition of qualifying populations within its boundaries and assess the unmet needs of those populations. In addition, a PJ must identify any gaps within its current shelter and housing inventory as well as the*

service delivery system. A PJ should use current data, including point in time count, housing inventory count, or other data available through CoCs, and consultations with service providers to quantify the individuals and families in the qualifying populations and their need for additional housing, shelter, or services. The PJ may use the optional tables provided below and/or attach additional data tables to this template.

**Homeless Needs Inventory and Gap Analysis Table**

| Homeless                     |                   |            |             |            |           |                              |                      |      |               |              |            |             |            |
|------------------------------|-------------------|------------|-------------|------------|-----------|------------------------------|----------------------|------|---------------|--------------|------------|-------------|------------|
|                              | Current Inventory |            |             |            |           | Homeless Population          |                      |      |               | Gap Analysis |            |             |            |
|                              | Family            |            | Adults Only |            | Vets      | Family HH (at least 1 child) | Adult HH (w/o child) | Vets | Victims of DV | Family       |            | Adults Only |            |
|                              | # of Beds         | # of Units | # of Beds   | # of Units | # of Beds |                              |                      |      |               | # of Beds    | # of Units | # of Beds   | # of Units |
| Emergency Shelter            | 50                | 12         | 221         | 221        | 12        |                              |                      |      |               |              |            |             |            |
| Transitional Housing         | 42                | 10         | 54          | 54         | 42        |                              |                      |      |               |              |            |             |            |
| Permanent Supportive Housing | 98                | 25         | 341         | 341        | 0         |                              |                      |      |               |              |            |             |            |
| Other Permanent Housing      |                   |            |             |            |           | 28                           | 10                   | 27   | 0             |              |            |             |            |
| Sheltered Homeless           |                   |            |             |            |           | 51                           | 295                  | 21   | 87            |              |            |             |            |
| Unsheltered Homeless         |                   |            |             |            |           | 0                            | 813                  | 60   | 203           |              |            |             |            |
| <b>Current Gap</b>           |                   |            |             |            |           |                              |                      |      |               | +111         | +48        | -502        | -502       |

Data Sources: 1. Point in Time Count (PIT); 2. Continuum of Care Housing Inventory Count (HIC); 3. Consultation

### Housing Needs Inventory and Gap Analysis Table

| Non-Homeless                                                                        |                   |                 |                 |
|-------------------------------------------------------------------------------------|-------------------|-----------------|-----------------|
|                                                                                     | Current Inventory | Level of Need   | Gap Analysis    |
|                                                                                     | # of Units        | # of Households | # of Households |
| Total Rental Units                                                                  | 29,822            |                 |                 |
| Rental Units Affordable to HH at 30% AMI (At-Risk of Homelessness)                  | 1,455             |                 |                 |
| Rental Units Affordable to HH at 30% - 50% AMI (Other Populations)                  | 640               |                 |                 |
| Total                                                                               | 2,095             |                 |                 |
| 0%-30% AMI Renter HH w/ 1 or more severe housing problems (At-Risk of Homelessness) |                   | 6,275           |                 |
| 30%-50% AMI Renter HH w/ 1 or more severe housing problems (Other Populations)      |                   | 3,205           |                 |
| Total                                                                               |                   | 9,480           |                 |
| <b>Current Gaps</b>                                                                 |                   |                 | -7,385          |

**Data Sources:** 1. American Community Survey (ACS); 2. Comprehensive Housing Affordability Strategy (CHAS)

### ***Describe the size and demographic composition of qualifying populations within the PJ's boundaries:***

#### **Homeless:**

The most recent (2022) point in time (PIT) count found 1,057 people who were homeless in Berkeley, three quarters (803) of whom were unsheltered. The majority of unsheltered persons were sleeping either in a tent or on the street (67 percent) or in a vehicle (33 percent). About half (68%) of everyone in the count had been living in Alameda County (the County Berkeley is a part of) for ten years or more, and another 9% for five to nine years. 75% of the Alameda County PIT count respondents had been experiencing their current episode of homelessness for one year or more.

While 8% of Berkeleyans identify as Black/African American, the PIT count found that 45% of all people who were sheltered homeless residents of Berkeley were Black/African American. Conversely, 58% of the total population of Berkeley identifies as white, but 36% of the people found to be experiencing sheltered homelessness in Berkeley were white. Similarly, 2% of the sheltered homeless population in the Berkeley identified as Asian, but 21% of all residents were Asian. People in the PIT count who identified as Latinx/Hispanic, Multi-Racial, American Indian or Alaskan Native and Native Hawaiian or Pacific Islander experienced sheltered homelessness at disproportionate rates compared to the Berkeley total population.

Two-thirds of all people who were counted as sheltered homeless in the 2022 PIT count identified as male, 31% female, 0.8% transgender and 0.4% no single gender. Fourteen percent of people in the 2019 PIT count identified as LGBTQ+.

The 2019 PIT count is the most recent data source for other demographic information about Berkeley's unhoused population. The majority of people in the 2019 PIT count (73%) were between the ages of 25 and 69 and 17% were 60 years of age or older. There was one unaccompanied youth counted as homeless and additional 81 people were young adults.

In 2019, only five percent of the homeless population were persons in families, while the remaining 95 percent were single individuals.

A little more than a third (35%) of people who were found to be homeless during the PIT count in 2019, were chronically homeless and nearly 6 in 10 were unsheltered. Forty-one percent of all people who were homeless reported a disabling condition.

Because "most homeless services experts agree that the HUD point in time count undercounts the number of people experiencing homelessness in a community," to get a more accurate and detailed understanding of the homeless population in Berkeley, the City produced a report in 2019, the 1,000 Person Plan to Address Homelessness, that used 42,500 individual records from the homeless management information system (HMIS), between the years 2006 and 2017.

Analysis of this data, found that "over the course of a year in Berkeley, nearly 2000 people experience homelessness of some duration. This number has been steadily growing at an average rate of 10% every 2 years and is highly disproportionate in its racial disparity: since 2006, 65% of homeless service users in Berkeley identify as Black or African American, compared to a general population of less than 10%."

### **At Risk of Homelessness:**

To account for all persons at-risk of becoming homeless is difficult because this population does not always present themselves to the homelessness response system and there is not an alternative systematic way to collect this data.

However, we can analyze the most recent (2014-2018) Comprehensive Housing Affordability Strategy (CHAS) data. This data contains elements of households that go some way to meeting the definition of "at risk of homelessness" found in 24 CFR 91.5. Specifically, the CHAS data breaks down occupied housing units by HUD Area Median Family Income (HAMFI)<sup>1</sup>, including 30% and below of HAMFI and by their housing

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<sup>1</sup> HAMFI – HUD Area Median Family Income. This is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not

problems. This analysis uses severe housing problems<sup>2</sup> as a proxy for the non-income criteria found in definition, thus coming close to the precise definition of “at risk of homelessness”.

The CHAS data shows that about 16% of all households in housing units, in Berkeley, meet this proxy definition of “at risk of homelessness”. Five percent of all households in owner occupied units and 24% of all households in renter occupied units are “at risk of homelessness”. This data also provides estimates of the racial and ethnic makeup for the heads of households in these units. Households headed by people who identify as Asian and Black or African American, are overrepresented in this category, as compared to the total share of all housing units (see table below).

| <b>Race of Head of Household</b>                     | <b>&lt;=30% HAMFI &amp; at least 1 Housing Problem</b> | <b>All Housing Units</b> |
|------------------------------------------------------|--------------------------------------------------------|--------------------------|
| White alone, non-Hispanic                            | 43%                                                    | 62%                      |
| Black or African-American alone, non-Hispanic        | 13%                                                    | 8%                       |
| Asian alone, non-Hispanic                            | 28%                                                    | 17%                      |
| American Indian or Alaska Native alone, non-Hispanic | 1%                                                     | 0.4%                     |
| Pacific Islander alone, non-Hispanic                 | 1%                                                     | 0.3%                     |
| Hispanic, any race                                   | 9%                                                     | 8%                       |

The Turner Center’s December 2021 report, “On the Edge of Homelessness”, found that Extremely Low Income (ELI) households in the Bay Area are “more likely to include a person over 65 than higher income households, but they also represent a disproportionate share of children in the region.” The report also found that over 75 percent of employed ELI individuals are working-age adults who are primarily engaged in low-wage work, and that “Black and Hispanic/Latinx individuals, women, and immigrants are disproportionately represented among the low-wage labor force in the Bay Area.”

A May 2022 report from the California Budget Center found that half of low-income renters, who were hit hardest by pandemic-related job loss and suffering as inflation drives up the costs of food, energy and other necessities, are struggling to afford housing costs. The report also found that Black and Latinx renters are experiencing higher rates of housing hardship, and that half of California renters experiencing housing hardship are families with children.

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necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made (For full documentation of these adjustments, consult the HUD Income Limit Briefing Materials).

<sup>2</sup> The four housing problems are: incomplete kitchen facilities; incomplete plumbing facilities more than 1 person per room; and cost burden greater than 30%.

### **Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking:**

In the absence of comprehensive data, this report has consulted with the Berkeley Police Department (BPD) for available domestic violence data. While incomplete, given that not every victim has an accompanying case to record their victimization, examining criminal case data provides a reasonable approximation of the size and demographic makeup of this qualifying population.

In 2019, the BPD recorded 260 cases of domestic violence. In 2020, the number of cases increased to 241 and as of October 31<sup>st</sup>, there were 199 cases in 2021. Approximately, three quarters of the victims, during each time period, were female and a quarter were male. A disproportionately large number of victims have been Black or African American, compared to the total Berkeley population (~50% of victims each year vs. 6% of total population), and a disproportionately low number of victims identified as white or Asian. Fifty-four percent of the total Berkeley population identified as white, while the percent of victims who identify as white were 25, 31 and 24%, respectively. Similarly, 22% of the Berkeley population is Asian, while 7, 4, and 3% of victims identified as Asian, respectively.

Using BPD data of sexual assault cases, we find that there were 74 victims of this crime in 2019, 62 in 2020 and 47, as of October 31<sup>st</sup>, in 2021. The sex of the victims was largely female. In 2019, 85% were female, in 2020 the percentage was 95 and as of the end of October 87% of victims were female. The racial and ethnic disproportionality for sexual assault victims is different than it is from domestic violence victims. Sexual victims who identified as Black or African American made up 14% of all victims in 2019, 23% in 2020 and 23% in the most recent data from 2021 (up to October 31, 2021). These proportions are still disproportionate compared to the total population (6%), but less so than domestic violence victims. The proportion of sexual assault victims who identify as white (51 in 2019, 51 in 2020 and 36 as of October 31, 2021) is largely the same as the total population 54%.

The 2019 PIT count offers us a view of the size of the homeless population that had experience domestic violence. Five percent of the respondents in the Berkeley count reported currently experiencing domestic violence or abuse, compared to 6% of respondents in Alameda County. Twenty-five percent of the 2019 PIT count respondents in Berkeley reported a history of experiencing physical, emotional or sexual abuse by a relative or by a person with whom they have lived.

### **Other Populations:**

#### **(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness**

The City of Berkeley currently funds a Housing Retention Program (HRP) that provides emergency rental assistance to qualifying individuals. This program has provided emergency rental assistance for 257 households during FY21, 223 of whom were formerly homeless.

Of those recipients of emergency rental assistance who were formerly homeless, 62% were households where the head of the household was Black or African American. This is in stark contrast to the 8% of all households in Berkeley headed by someone who identifies as Black or African American. Similarly, head of households who identify as Hispanic/Latinx make up 8% of the total households in Berkeley, but were 15% of all emergency rental assistance recipients.

Conversely, 16% of all recipient, head of households, who were formerly homeless identified as white, compared to 62% of all head of households in Berkeley, and 17% of all head of households in Berkeley identify as Asian, but only 4% of emergency rental assistance recipients identify as Asian.

The largest age demographic, when broken by ten-year age groups, for this cohort, were 60-69 year olds. A little over 1 in 5 of the recipient head of households were in this age group. Just under 1 in 5 recipient head of households were in the 30-39 and 40-49 age ranges, each.

Notably, 67% of all households receiving emergency assistance from the HRP, whose head of household was formerly homeless, had a child or adult with a disability in the household. Almost a quarter of the households were headed by single parent households.

The Rapid Rehousing programs within the City also have participants that meet the definition of this qualifying population. Participants of this program are formerly homeless individuals, notably it does not include families, who receive a temporary rental subsidy while they participate in supportive services that are meant to transition them to permanent housing. Data pulled from HMIS for the period of July 2020 to March 2021 from HMIS shows that there were 153 people served in this program, 41% of whom were female, 58% male and 1% trans women. Sixty-nine percent of participants identified as Black or African American and 25% white. The plurality of participants (31%) were 55-64 years of age. Twenty-five to 34-year-olds made up the next largest share of participants, by age group, at 21%, and a similar share (19%) was made up of 45 to 54-year-olds.

## **(2) At Greatest Risk of Housing Instability**

**(i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs)**

According to the most recent (2015-2019) CHAS data, there were an estimated 45,350 occupied housing units in Berkeley. Of these, an estimated 6,760 (15%) were comprised of a household with an annual income that was less than or equal to 30% of

the area median income, as determined by HAMFI, and were experiencing severe housing cost burden (i.e. paying more than 50% of monthly household income toward housing costs). Broken down by tenancy type, this amounted to 5% of owner-occupied units and 23% of all renter occupied units.

According to 2014-2018 CHAS data, the largest proportion (49%) of the owner-occupied units were households categorized as non-family elderly. Whereas, the largest share (69%) of renter occupied units meeting this definition of qualifying population, were households described as non-elderly and non-family.

Almost all of the units meeting this definition, 100% of owner and 95% of renter occupied unit had complete plumbing and kitchen facilities.

While there is no readily available data that estimates the racial and ethnic breakdown of this qualifying population, 2014-2018 CHAS data has been used to estimate the racial and ethnic breakdown for the population that meets the criteria of households that have a housing cost burden of 50% or greater. Using this proxy, we find that percentage of households headed by someone who identifies as Asian (26%), is disproportionately higher than it is for the total household population of Berkeley (17%). There is also an overrepresentation of housed Black or African American headed households, that fall under this categorization (11% of  $\geq 50\%$  housing cost burden vs. 8% of total housed households). Relatedly, white headed households are underrepresented in this category (49%), compared to the total population of occupied housing units (62%).

**(ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the seven conditions from paragraph (iii) of the “At risk of homelessness” definition established at 24 CFR 91.5.**

The most recent CHAS data can also be used to provide a limited understanding of individuals and families that meet the definition of this qualifying population. There are several ways in which an individual or family can meet the criteria for this qualifying population. One of these ways, households living in units with 1.5 or more people and a HAMFI less than or equal to 50%, is covered in the CHAS data. According to the 2014-2018 CHAS, an estimated 2% of all occupied housing units are made up of households that meet this criterion, all of which are renter occupied households. Of those households, 25% are families and 75% are non-family households.

In its 2020 Consolidated Plan the City of Berkeley defined the “At risk of homelessness” subpart, “(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan”; as the high cost burden of housing characteristic in Berkeley. Using the number of households with a housing cost burden of greater than



30% as a high cost burden, and a HAMFI of less than or equal to 50%, we can utilize CHAS data to further understand the size and demographics of this population.

In Berkeley, 30% of all households occupying a housing unit have an income that is 50% or less of HAMFI and pay 30% or more on their housing costs. Broken down by type of tenancy, 10% of owner occupied and 44% of renter occupied units carry this housing cost burden. Low-income renters have a greater housing cost burden.

We can further breakdown the households who meet this criterion by their type of household. According to the data using the 2014-2018 American Community Survey, the most recent version of CHAS, we find that 59% of households in this subcategory are defined as non-family and non-elderly. The next most prevalent household type is, elderly non-family making up 21% of the subpopulation, followed by small families<sup>3</sup> (15%) and elderly families<sup>4</sup> and large families<sup>5</sup> (2% each).

The closest approximation to a breakdown of households that meets the definition for this qualifying population, by race and ethnicity, is the breakdown by housing cost burden found in the current CHAS data tables (meeting subpart (G) of the “at risk” definition). For all households living in a housing unit with a housing cost burden greater than 30% (18,229 estimated) we find in this data series, that 54% are headed by someone who identifies as white, 11% as Black or African American, 20% as Asian, 1% as American Indian or Alaskan Native, 0.5% as Pacific Islander, 9% as Hispanic and 5% as multi-racial or a race not identified in the survey. These percentages largely mirror the share of occupied units throughout Berkeley by race and ethnicity (62% white, 8% Black or African American, 17% Asian, 0.4% American Indian or Alaskan Native, 0.3% Pacific Islander, 8% Hispanic and 4% multi-racial or a race not specified in the data).

**Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above:**

The 2019 PIT count found that 81 people (7%) who were homeless were Veterans. The large majority (74%) of Veterans counted were living in unsheltered conditions.

An annual report from an agency that serves Bay Area veterans found that 50% of veterans served are over the age of 55, 44% have a disabling conditions such as a traumatic brain injury, and 51% are unhoused. 54% of this agency’s clients are veterans of color and 40% are Black veterans.

***Describe the unmet housing and service needs of qualifying populations, including but not limited to:***

<sup>3</sup> Small family is defined as: 2 persons, neither person 62 years or over, or 3 or 4 persons

<sup>4</sup> Elderly family is defined as: 2 persons, with either or both age 62 or over

<sup>5</sup> Large family is defined as: 5 or more persons

- ***Sheltered and unsheltered homeless populations;***
- ***Those currently housed populations at risk of homelessness;***
- ***Other families requiring services or housing assistance or to prevent homelessness; and,***
- ***Those at greatest risk of housing instability or in unstable housing situations:***

### **Homeless, At Risk of Homelessness & Other Populations at Greatest Risk of Housing Instability:**

#### *Needs Identified by People with Lived Experience*

In August 2022, the Alameda County Continuum of Care, EveryOneHome, convened a work group to help develop the Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. The group has six members, all of whom have experienced or are currently experiencing homelessness. Some of the group members have experienced living outside and/or in a vehicle. They have held two meetings to identify recommended strategies to be pursued either through multiple funding sources and processes.

As part of their discussions and deliberations, the Work Group identified the following recommendations and ideas for how to better address unsheltered homelessness:

- Terms used to describe people experiencing homelessness, such as “unsheltered”, are intended to be respectful but in many ways, can actually be offensive, giving a technical definition to an experience that is traumatizing and tragic. Whatever terms we use, it is important to always strive to preserve the dignity and humanity of people we are talking about. HUD’s official definitions are also very restrictive and tend to exclude a lot of people that are unstably housed.
- Each person who experiences homelessness is unique and has their own story. Policies and programs should not treat people who are unhoused as a monolithic group.
- In general, programs and services need to be more individualized and oriented to the needs of individuals who are unhoused. In particular, we need improved “connectivity” throughout the system. The system is very difficult to navigate, and people need help getting from Point A to Point B. Speed and responsiveness are also important. People have to wait much too long for assistance. People need housing now—not many years from now.
- There needs to be more accountability and transparency about how public funds are spent. People who are staying in a program (e.g., a shelter) that receives public dollars should be able to see how the program is paid for, what the funding sources are, and how the money is spent.
- Program rules need to be more flexible to make it possible for people to succeed. Rules tend to be made and enforced by people who have never experienced homelessness. “Don’t tell me what is best for me if you have not walked in my shoes.”

- Fundamentally, homelessness is a problem caused by insufficient affordable housing and people not having sufficient income to afford housing.

The Work Group identified some key strategies that should be prioritized through federal funding.

a. Immediate Needs/Hygiene

- There is a need for showers, laundry, clothing, bathrooms, and other ways to help people meet basic hygiene needs while they are unsheltered. It is hard to find a job or a place to live when you are not able to be clean or have clean clothing. Basic hygiene provides dignity and is essential.
- Phones are also critical; it is hard to keep a hold of a phone when you are unsheltered, and people need phones to be able to access any help (services, shelter, housing).

b. Mental Health and Trauma

- Being unhoused is incredibly traumatizing and can cause or exacerbate mental health and/or substance use issues. Being unhoused can cause people to become mentally unwell due to the stress of being outside, fear for safety, and focus on basic survival. It is hard to do things as basic as keeping appointments.
- It is essential that staff from programs are understanding of trauma and how difficult it can be to transition back to housing. Staff sometimes underestimate the level of stress that people are experiencing, and the long-term effects of this trauma.
- Once people are placed into housing, there needs to be more focus on helping to meet mental health needs and supporting them to rebuild their lives. There is a need for reintegration services to help people relearn things to rebuild a life.
- Mental health and substance abuse services are insufficient.

c. Street Outreach

- Street outreach programs will be much more effective if outreach teams include peers who have experienced homelessness. Train and pay peers, including people currently living in encampments, to be outreach workers, navigators, ambassadors.
- Offer outreach at night when people are awake.
- All outreach workers should be subject matter experts and have up-to-date and accurate information on available resources.
- All outreach teams should enter data into the Homeless Management Information System (HMIS) in real-time, so information can be shared and used to help connect people to what they need right away.

d. Physical Service “Hubs”

- In addition to street outreach, there is a need for physical “hubs” for drop-in services where people can go to get information and to communicate with each other and with case managers. One key function of hubs would be a place people can go to find out the status of their housing applications and ensure they don’t miss out on opportunities due to not having a phone or not getting

messages in a timely way. The hubs would also be a place people could receive mail, access immediate needs like clothing, laundry or showers, and a place to safely store important documents so that they are not lost or stolen.

- Hubs should be a place where people can regularly meet Case Managers, as well as access other professionals, such as medical provider and attorneys.
- Hubs should be organized by quadrants (north, south, east, and west parts of the County) and there should be a bus to provide free access to hubs. Ideally, each City should be responsible for setting up a hub.

e. Encampments and Peer Navigators

- Identify people living in encampments who are interested in leadership roles and invite them to be part of a council that works with the cities on policies relating to encampments.
- Employ people living in encampments to do clean-up and other kinds of work through Public Works.
- Identify people living in encampments who can serve as ambassadors for outreach teams. People are more likely to share personal information and seek help from someone that they know and trust.
- There is a need for more peer navigators and peer counselors throughout the system. Peer navigators should be trained and compensated for their time. Policy change is needed so that stipends/wages do not jeopardize benefits such as housing or other benefits received.

f. Shelter and Housing

- It can be very challenging to move directly from streets to housing. Sometimes people need a place where they can transition (e.g., transitional housing), or a time in which they receive more intensive services during a time of transition into housing
- Provide services and supports to people who are newly housed. If their trauma and crisis is not addressed, people will return to homelessness. There is a need for landlord incentives to get landlords to rent units to people (e.g., direct payments, tax breaks).
- Stigma about homelessness needs to be addressed, to interrupt NIMBY-ism (“not in my backyard”) and discriminatory practices from landlords.

g. Use of Data

- There is always lots of data being collected but it seems like homelessness gets worse and worse. There needs to be action behind the data; use data to enact solutions in a timely fashion.
- We need more and better ways to understand how many people are unhoused and what their challenges are; not just Point in Time (PIT) count data. People who are interviewed in the PIT often do not self-report everything, such as

criminal justice involvement. For many people, having a criminal background is a bigger obstacle to securing housing than mental health issues.

- There is a need for tracking and communicating data on housing – how many units are needed, how many are becoming available, how many developers are there, etc. Is the amount of housing production sufficient to meet needs?
- Need transparent data about how funding is being used.
- Look to other communities for what is working well and increase collaboration.

#### *Needs Identified by Service Providers and Primary Data*

49% of 2022 Alameda County PIT count respondents reported that rent assistance could have prevented their homelessness. Employment assistance (37%), mental health services (27%), benefits/income (26%), and family counseling (23%) were also top responses. We can safely assume that to some degree this means that these services were lacking in either in quantity, quality or accessibility.

Relatedly, the top five primary causes of homelessness can be viewed as a barometer for the needs of people who were homeless and populations at risk of homelessness. The 2022 Alameda County PIT count respondents noted that, family or friends couldn't let me stay or argument with family/friend/roommate (27%), eviction/foreclosure/rent increase (25%), job loss (22%), other money issues including medical bills (13%), and substance use (13%), were the top reasons for homelessness.

Participants in the 2019 PIT count, people who were homeless, also identified how they think money should be spent to alleviate homelessness. This serves as another proxy for the needs expressed by people who are experiencing homelessness. In the responses, the top suggestion was to spend money on affordable rental housing (58%). A little under half (43%) of people felt that employment training/job opportunities was how money should be spent. The next most popular response (29%), was permanent help with rent/subsidies, followed by substance abuse/mental health services (28%), housing with supportive services (22%) and 24/7 basic sanitation (19%).

Examining the findings from the aforementioned, 1,000 Person Plan to Address Homelessness (the Plan) also helps to ascertain unmet housing and service needs for people who are homeless, which overlaps with people who may qualify as: at risk of homelessness. The Plan found, using the 42,500 individual records from HMIS, between the years 2006 and 2017, that:

- “The likelihood of returning back to homelessness in Berkeley after previously exiting the system for a permanent housing bed is increasing over time, irrespective of personal characteristics or the type of service accessed. Importantly, among those who previously exited the system to permanent housing in the past but eventually returned, the largest percentage of those exits had been to unsubsidized rental units. None of this is surprising given

the extreme increase in the East Bay's rental housing costs over the past several years, and the volatility that creates for poor and formerly homeless people struggling to make rent.”

- “A comprehensive regression analysis found that having any disability (physical, developmental, substance-related, etc.) is by far the single largest reason a person is unlikely to exit homelessness to housing and subsequently not return back to homelessness. Unfortunately, the percentage of homeless Berkeleyans self-reporting a disability of any kind has increased greatly, from 40% in 2006 to 68% by 2017--meaning the population is increasingly comprised of those least likely to permanently end their homelessness with the services available.”
- “Per Federal mandate, all entities receiving HUD funding for homeless services are required to create a Coordinated Entry System (CES) that prioritizes limited housing resources for those who are most vulnerable. However, Berkeley's Federal permanent supportive housing (PSH) budget, which supports housing for 260 homeless people, can place only about 25-30 new people every year. To help alleviate this lack of permanent housing subsidy, Berkeley experimented with prioritizing rapid rehousing for its highest-needs individuals at the Hub. We found that rapid rehousing can be used as a bridge to permanent housing subsidies, but, used alone, cannot prevent some of the highest needs people from returning to homelessness.”

The Plan concludes that “the system has not created sufficient permanently subsidized housing resources to appropriately service a Coordinated Entry System, and has instead relied on rapid rehousing to exit them from the system. Overreliance on rapid rehousing with high needs individuals in a tight housing market—all of which we found evidence for in these data--is a strategy that is tenuous in the long-run.”

A system model analysis in the Continuum of Care's 2021 report, “Centering Racial Equity in Homeless Response System Design” found that Alameda County has a sufficient inventory of emergency shelter and transitional housing, and that capacity and investment is most needed in interventions that prevent homelessness and help people experiencing homelessness secure and retain permanent housing. The report also identified the “acutely limited housing options available in Alameda County for extremely low-income people.” According to its Regional Housing Needs Allocation, the City of Berkeley will need to build 2,446 affordable housing units for extremely- and very-low income households between 2023 and 2031.

The consultation process identified the following unmet housing and service needs for people experiencing homelessness:

- Mental health resources
- Needs of shelter residents are becoming increasingly complex and there is a need for additional staffing and resources to address those needs
- Unhoused people with a disability are in need of accessibility equipment in order to obtain and retain permanent and transitional housing
- There is a need for more peers in the field who are well compensated and trained
- Recently housed people are in need of additional supportive services to obtain and retain their housing, including mental health resources, transportation, education and employment services

Priority unmet needs identified at the February 17<sup>th</sup> homeless services provider meeting included short term hotel stays, respite beds and supportive services for shelter guests with disabilities and medical conditions, housing retention services along with short and medium term rental assistance, liaison services between landlords and eligible program participants, and resources to address hoarding.

#### *Needs for People At Risk of Homelessness*

The largest needs identified through the City's January 2023 consultation survey for people at risk of homelessness (QP2) are also supportive services and affordable rental housing. Other identified needs include shelter and transitional housing, rental assistance, housing counseling, and accessibility services. The service gaps most often identified by organizations serving this population are mental health and recovery services and wraparound services such as employment training and caregiving support. Consultation meetings also identified a need for flexible funding to help with deposit and first month's rent to keep people housed and for shallow subsidies and long-term rental assistance that doesn't require a disability.

#### **Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**

According to the previously referenced Berkeley Homeless Count and Survey, a history of domestic violence and partner abuse can be a primary cause of homelessness. Victims of domestic violence have a great risk of becoming homeless and experiencing poverty. According to the Family and Youth Services Bureau (<https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016>), this is likely tied to a high need for services, including housing and financial support, and the lack of commensurate housing and financial resources available. The lack of affordable housing in the City likely makes it difficult for victims of domestic violence to leave their violent homes, so it is plausible that they are more likely to go unidentified, move to an overcrowded unit, or move into a homeless shelter than those not experiencing domestic violence.

After consulting with the Berkeley Police Department's Domestic Violence and Sexual Assault Unit, three things became apparent:

- There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. If victims of this crime are housed in the community into which they have been victimized, it is likely that they will be re-victimized. Because of the nature of the crime, the perpetrator is often able to coerce victims to leave the shelter and re-enter the abusive cycle. This becomes more likely when the shelter is nearby to where the victim lives and presumably, the perpetrator. Currently, there is not adequate housing that can place victims of this crime outside of the area, a safe distance away from their abuser, with sufficient supportive services, like counseling specialized to help victims of this crime.
- It is not uncommon for a victim of domestic violence to have to wait two or three days for a bed at a safe shelter, once they have requested it. This can lead to victims to stay with or return to their abuser while they wait for a bed to become available.
- When victims of domestic violence are housed in a safe shelter, they can be without essential household and hygiene items, and little to no financial resources to acquire these items. This may lead to the victim to return to the abuser for financial security.

The University of California, Berkeley Human Rights Center's 2018 report on supporting human trafficking survivors in the Bay Area identified a need for housing dedicated to victims of human trafficking, finding that "shelter is sorely needed across the Bay Area, and special attention should be paid to providing appropriate transitional and long-term housing, foster care placements, and shelter for queer and gender non-conforming survivors." The report also identified a particularly acute shortage of services for victims of labor trafficking, finding that "victims of sex trafficking generally have greater access to services than those of labor trafficking."

The largest need identified through the City's January 2023 consultation survey for this population (QP3) is more affordable rental housing. Other identified needs include shelter and transitional housing, supportive services, housing counseling, and homelessness prevention services. Service gaps identified by organizations serving this population include wraparound services, mental health services, and case management. Interviews with agencies serving this population emphasized that human trafficking is a very complex issue that requires thoughtful and nuanced interventions.

### **Other Populations:**

#### **(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness**

The City has had a rental assistance program for many years, but this program was prioritized during the COVID-19 pandemic and an additional \$3.7 million was added to provide rent relief and prevent evictions that may lead to homelessness. This program



currently has a waitlist and is unable to fully meet the need in the community. The unmet needs for the recipients can be enumerated using some of the data collected from the heads of household. Loss of employment was cited as the primary reason for recipients seeking assistance. More than half (57%) listed their loss of employment and subsequent inability to find alternative employment as the reason for needing emergency rental assistance to remain housed. Increases in expenses, including child care and health care costs, accounted for a little more than a third (37%) of the recipient's primary reason for needing assistance.

The largest need for this population identified through the City's January 2023 consultation survey for is more affordable rental housing. Other identified needs include shelter and transitional housing, supportive services, housing counseling, and accessibility services. Service gaps identified by organizations serving this population include wraparound services, mental health services, and accessibility resources, and case management.

One homelessness prevention provider noted that a primary cause of housing instability and loss of housing was unemployment or underemployment during the pandemic, which many households have still not recovered from. Another provider shared that the major barriers for unstably housed and unhoused families are jurisdictional limitations, assessment barriers, programmatic limitations, and system navigation, and noted that the issues families need to resolve in order to secure stable housing are complex and require a great deal of trust and staff time to resolve.

**Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above**

The 2022 Alameda County PIT count helps us better understand the needs and extrapolate the unmet needs for the population of veterans that are homeless. In this report, the top five primary causes the veterans list for being homeless are: Eviction/Foreclosure/Rent Increase, Loss of Job, Family or friends couldn't let me stay or argument with family/friend/roommate, Divorce/Separation/Break-up, and Other Money.

The largest needs for veterans identified through the City's January 2023 consultation survey are supportive services and affordable rental housing. Other identified needs include rental assistance and housing counseling. Service gaps identified by six organizations serving this population include wraparound services, mental health and recovery services, housing navigation, and accessibility resources.

The Berkeley Housing Authority noted that there is a particular need for supportive services for veterans using mainstream vouchers, such as mental health resources,

support with transportation, and securing housing. They also noted that there is a far greater need for VASH vouchers than the current amount available.

Providers that serve veterans identified a need for culturally responsive services that understand veterans' specific barriers and expectations when accessing support. Veterans tends to be older, more isolated, and have more complex health issues than civilians, and there is a need for programs that create community and social connection for veterans in addition to housing and wraparound services. The Bay Area's veteran population is rapidly aging and there is a need for more resources that help veterans age in place.

***Identify and consider the current resources available to assist qualifying populations, including congregate and non-congregate shelter units, supportive services, TBRA, and affordable and permanent supportive rental housing:***

**Homeless:**

The City funds multiple agencies to provide 298 year around shelter beds, 30 seasonal shelter beds and 27 transitional housing beds. As part of the City's COVID-19 response, the census at these programs has been reduced by approximately 50% so staff and participants can maintain 6' social distancing. Additionally, funds have been provided to expand shelter operations to 24/7 and to provide three meals per day so participants don't have to leave during the day.

To offset the census reduction, while providing a safe space, the City implemented a non-congregate shelter program to house 18 households who meet the CDC's criteria for at-risk populations, 65+ or having an underlying medical condition requiring extra precautions against COVID-19. These shelter enhancements are expected to be in place until the City's Shelter In Place (SIP) order is lifted. Rapid re-housing resources are being offered to help people move into permanent housing.

Additionally, the City expanded the Berkeley Emergency Storm Shelter operations from an inclement weather shelter to supporting a 24/7 winter shelter operation through mid-April.

Additionally, while the Emergency Solutions Grant (ESG) regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", Berkeley uses its ESG funds for rapidly rehousing people who are literally homeless.

Berkeley funds prevention assistance for people who meet "immediate risk" criteria defined as:

"An individual or family who will imminently lose their primary nighttime residence, provided that:

- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;

- No subsequent residence has been identified; and,
- The individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.”

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan.

During the coronavirus pandemic, the City expanded the housing retention program to assist households unable to pay rent due to a COVID-19 related loss of income. Households must provide a dated Notice of Eviction from landlord stating amount owed for back rent OR a letter of verification from landlord stating the amount owed for back rent, since there is currently an eviction moratorium.

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that can't support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

The following is a list of services targeted to people who are homeless in Berkeley:

Homelessness Prevention Services:

- Counseling/Advocacy
- Rental Assistance

Street Outreach Services:

- Law Enforcement
- Mobile Clinics
- Other Street Outreach Services

Supportive Services:

- Alcohol & Drug Abuse
- Employment and Employment Training
- Life Skills
- Mental Health Counseling
- Transportation

**At Risk of Homelessness & Other Populations at Greatest Risk of Housing Instability**

The City of Berkeley established the Housing Trust Fund (HTF) program in 1990, and since then the HTF program has funded the renovation or construction of approximately 1,414 units of affordable housing. The City's HTF portfolio includes units affordable to

households at a variety of income levels, including units for formerly homeless households, people with disabilities, Extremely Low-Income households, veterans, and survivors of domestic violence. City funding is currently supporting projects that will create more than 564 new affordable housing units. 58 units in the City's pipeline received No Place Like Home funding from the State of California, which supports units for formerly homeless households with mental illnesses. The projects include supportive services and case management.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan, which was recently completed. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then, the City has been working closely with the project team on a three-part project including a community kitchen and wrap-around services space, 32 emergency shelter beds, 12 transitional housing beds for Veterans, 53 units of permanent supportive housing (53 units at 30% AMI), and 89 affordable apartments for low and very-low income families.

The City also offer flex funds. These funds are available for one-time costs like back payment of rent, security deposits, etc. They must generally must be used to obtaining or maintaining housing. Providers have emphasized in consultation meetings the importance of flex funds for this population.

**Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**

The following is a list of resources available to victims in Berkeley and the surrounding area:

Bay Area Women Against Rape (BAWAR) is Alameda County's community rape crisis center offering advocacy and counseling to folks in Alameda County who have experienced sexual violence. BAWAR has a 24/7 crisis line in both English and Spanish.

Family Violence Law Center (FVLC) provides survivor-centered legal advocacy and assistance for individuals who have experienced intimate partner violence or sexual assault. They have a 24/7 crisis line for people living in Alameda County.

Alameda County Family Justice Center provides access to 80 community agencies and programs that provide healing, support and resources to people impacted by domestic violence, sexual assault and exploitation, child abuse, elder and dependent adult abuse, and stalking.

- Domestic violence counseling

- Sexual assault counseling
- Restraining orders
- Case management
- Trauma recovery services
- Safety planning
- Children's counseling
- Parenting support
- Shelter/housing assistance
- Medi-CAL and CalFRESH application assistance
- Victims Compensation Program application assistance
- Safe at Home application assistance
- Self-sufficiency program: financial literacy, professional development, resume writing and interviewing skills.
- Criminal justice information and assistance
- Childcare while parent or guardian is receiving services onsite (KidZone)
- GED
- ESOL (ESL) ALCO
- Public Health Immunization Clinic
- Legal Advice Clinic
- Immigration Clinic

A Safe Place is an Oakland based domestic violence agency that provides an emergency domestic violence shelter for women with children, 24/7 crisis line, mental health services, and community outreach programs.

Deaf Hope is a center providing culturally specific services to deaf survivors of interpersonal violence and their children.

Narika is an agency providing multicultural services for people who have experienced intimate partner violence. Narika offers support groups, seed programs and a helpline particularly for immigrants from South Asian communities.

Ruby's Place is a free, multi-population program serving women, men, transgender people and accompanied minors who have experienced domestic violence, human trafficking or both. Shelter and 24/7 crisis line offered.

Shalom Bayit strives for social change and offers confidential peer counseling, support, information, referrals, and advocacy for women identified folk in the Jewish community. Healing support groups are offered in the East Bay, SF, Marin, and the Peninsula.

### **Other Populations**

### **(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness**

The City of Berkeley currently funds a Housing Retention Program that provides emergency rental assistance to qualifying individuals. This program has provided emergency rental assistance for 257 households during FY21.

The County of Alameda also operates an Emergency Rental Assistance Program. It has received more than 777 applications for emergency rental assistance, and distributed \$11,645,004 in emergency assistance to Berkeley renters. This program cap also has a cap that affects the amount of assistance they can provide.

As mentioned earlier, there are also several Rapid Rehousing programs that serve formerly homeless individuals that operate within the City.

### **Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above**

The Roads Home Veteran Services program of Berkeley Food & Housing Project provides the following services:

- Housing location help
- Temporary financial assistance, and
- Wraparound case management for people who are experiencing or at risk of homelessness
- Outreach to people who are unsheltered
- Permanent Supportive Housing – Six-bedroom house for local Veterans
- Temporary housing (6-24 months) and intensive life skills training to 18 homeless male veterans in Berkeley.
- Health care specific case management to Veterans and their families, including help with:
  - Accessing eligible benefits,
  - Getting to appointments,
  - Filling prescriptions,
  - Establishing home aid, and
  - Referrals to other services.
- Employment Services
- Shallow subsidy that provides two years of rental assistance that will not decrease if the household increases their income.
- Assist Veterans in preparing and submitting applications for Housing & Urban Development/Veterans Affairs Supportive Housing (HUD-VASH) vouchers
- Works with local public housing authorities to understand their eligibility criteria, in helping with HUD-VASH

Additionally, Operation Dignity operates a duplex in Berkeley that provides transitional housing for seven male veterans at a time.

***Identify any gaps within the current shelter and housing inventory as well as the service delivery system:***

**Homeless Shelter, Housing Inventory and Service Gaps**

The 2019 City Council report, *1000 Person Plan to Address Homelessness*, states that “Berkeley has roughly 260 permanent supportive housing (PSH) vouchers for homeless people. In any given year, only about 10% of these vouchers turn over for new placements, meaning that only 25-30 homeless individuals can be permanently housed, with ongoing deep rental subsidy, in any given year.”

Meanwhile, according to the 2019 PIT count, 35% of Berkeley’s homeless population is chronically homeless—387 individuals on any given night. “To alleviate this supply/demand mismatch, the City implemented a policy of prioritizing high-needs people not just for PSH, but also for rapid rehousing (RRH), beginning in 2016. As a result, the percentage of RRH clients entering with disability had approached that of PSH by 2017.

Given what we now know about the statistical effect of disability on housing success, this has had the predictable effect of reducing the percentage of clients who are able to ultimately keep their housing after the subsidy and intervention ends, from a pre-CES average of 81% to a post-CES average of 57%. Compare this to PSH homeless return rates, which were less than 9% in 2017.”

It is becoming more common for City-funded affordable housing projects to restrict a portion of their total units to formerly homeless households. This responds to the significant need for homeless housing opportunities in Berkeley, but the challenge is identifying and securing funding to support rental subsidies and the long-term operation of the projects. Some of the City’s local funds are restricted to capital costs, and state funding programs often do not include operating subsidies. The City has some local funds that can be used for this purpose, but not enough to meet the demand.

The consultation process identified the following gaps in the homeless services delivery system:

- Mental health resources and staffing
- Adequate shelter staffing to respond to guests’ complex needs
- Dearth of non-congregate emergency shelter for families, which requires special employee screening and separation from other populations
- Low-barrier shelters and service hubs in multiple areas throughout the City
- Accessibility resources such as wheelchair ramps and low-cost accessibility equipment (e.g. bathroom commode chair or threshold ramps) to help unhoused people with disabilities access shelter, housing, and services

- Incentives for landlord participation in rehousing programs

**Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking Shelter, Housing Inventory and Shelter Gaps:**

Determining the gaps in service and delivery system for this population specifically is difficult given the level of data available. However, given that there is generally a lack of affordable housing in the City, additional affordable housing options would likely also benefit the population.

After consulting with the Berkeley Police Department's Domestic Violence and Sexual Assault Unit, three things became apparent:

- There is inadequate housing in the area that can effectively shelter victims of human trafficking in Berkeley. If victims of this crime are housed in the community into which they have been victimized, it is likely that they will be re-victimized. Because of the nature of the crime, the perpetrator is often able to coerce victims to leave the shelter and re-enter the abusive cycle. This becomes more likely when the shelter is nearby to where the victim lives and presumably, the perpetrator. Currently, there is not adequate housing that can place victims of this crime outside of the area, a safe distance away from their abuser, with sufficient supportive services, like counseling specialized to help victims of this crime.

This largest gap identified in the consultation process is the lack of an emergency shelter for people fleeing intimate partner, domestic, or gender-based violence in Berkeley.

**Other Populations**

**(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness**

According to data provided by the City's subrecipient distributing emergency rental assistance, 57% of all recipients who were formerly homeless, needed this assistance because they could not find employment, largely due to the economic effects of COVID-19. Forty-eight percent of formerly homeless recipients stated that their disability was a contributing factor to their need for assistance, 37% said increased costs, including child care and health care costs, contributed to their need and 20% were elderly.

This data suggests there is either a gap in services to people in this qualifying population or an unmet need, that, if properly filled and met, could alleviate their need for emergency rental assistance.

**Veterans and Families that include a Veteran Family Member – that meet the criteria for one of the qualifying populations described above**



Determining the gaps in service and delivery system for this population specifically is difficult given the level of data available. However, given the data presented in the PIT, ongoing supportive services may be beneficial.

***Identify the characteristics of housing associated with instability and an increased risk of homelessness if the PJ will include such conditions in its definition of “other populations” as established in the HOME-ARP Notice:***

In the City of Berkeley, the high cost burden is a housing characteristic strongly linked with instability and an increased risk of homelessness. According to the 2019 Out of Reach report, the hourly wage needed to afford a two-bedroom at FMR (\$2,790) in downtown Berkeley is \$53.65. According to the report, the same downtown zip code (94704) also has a poverty rate of 51.4 percent with a median household income of \$26,758 and an unemployment rate of just over nine percent (9.1%). The urbanized downtown area of Berkeley sits in stark contrast with the more suburban neighboring zip code (94705), which has an unemployment rate of just over five percent (5.3%), a 10.1 percent poverty rate, an \$116,250 median household income and where the hourly wage needed to afford a two-bedroom at FMR (\$2,370) is \$45.58. Proximity to social services and regional job centers via public transit makes Berkeley’s urban downtown appealing, but its higher housing prices make it difficult for low income, transit dependent residents (without cars) to retain housing.

While the lower income households within the downtown core of Berkeley is of particular note, the numbers also reflect the impact of the University of California at Berkeley’s (UC Berkeley) student population many of whom have little or no income. Students compete with nonstudent residents for housing, creating elevated pricing conditions for existing low-income households, especially in those geographic areas surrounding the UC Berkeley campus.

Service gaps for this population identified in the consultation process include:

- Dedicated funding for veteran services
- Resources to help unhoused seniors and veterans age in place
- Services and programs that build social connection and community for veterans, seniors, and people experiencing homelessness

***Identify priority needs for qualifying populations:***

**Homeless, At Risk of Homelessness, Other Families Requiring Services or Housing Assistance to Prevent Homelessness & Other Populations at Greatest Risk of Housing Instability:**

Housing instability and homelessness continue to be a pressing issue for Berkeley community members, many of whom are still grappling with the economic, social, and emotional impacts of the pandemic along with a regional housing shortage. All

populations have a number of critical needs that outstrip the amount of HOME-ARP funding available. Overall, there is a need for more affordable housing, supportive services and non-congregate shelter.

Priority supportive services needs for all qualifying populations include mental health and recovery, peer support, essential hygiene services, accessibility resources, case management, and housing navigation.

The consultation process also identified a need for nonprofit capacity building, particularly to respond to the increasingly complex needs faced by qualifying populations and to adjust operations to comply with HOME-ARP requirements.

**Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**

The inability of a victim of domestic violence, dating violence, sexual assault, stalking or human trafficking to find immediate safe shelter, upon request, and quality affordable housing are top needs for this qualifying population.

***Explain how the level of need and gaps in its shelter and housing inventory and service delivery systems based on the data presented in the plan were determined:***

The data represented here is a compilation of the most recent CHAS data, the 2019 and 2022 PIT counts, the 1000 Person Plan to Address Homelessness and the PY2020-2025 Consolidated Plan. Some 2022 PIT count responses are not currently available at the local level, so a combination of 2019 and 2022 data was used to provide a more complete understanding of homelessness in Berkeley. All of the Plans had various methodologies and went through extensive public consultation process including multiple public hearings. We also used our consultation with various stakeholders to identify the needs and gaps in shelter, housing inventory and services.

**Proposed HOME-ARP Activities**

***Describe the method for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors and whether the PJ will administer eligible activities directly:***

The City will select subrecipients to administer the activities directly. It will do so by issuing a Request for Proposals (RFP) to provide supportive services to all of the qualifying populations in the city of Berkeley.

***If any portion of the PJ's HOME-ARP administrative funds were provided to a subrecipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the subrecipient or contractor is responsible for the administration***

**of the PJ's entire HOME-ARP grant, identify the subrecipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:**

Not applicable.

*PJs must indicate the amount of HOME-ARP funding that is planned for each eligible HOME-ARP activity type and demonstrate that any planned funding for nonprofit organization operating assistance, nonprofit capacity building, and administrative costs is within HOME-ARP limits. The following table may be used to meet this requirement.*

**Use of HOME-ARP Funding:**

|                                                        | <b>Proposed Funding Amount</b> | <b>Percent of the Grant</b> | <b>Statutory Limit</b> |
|--------------------------------------------------------|--------------------------------|-----------------------------|------------------------|
| Supportive Services                                    | \$ 2,188,557                   |                             |                        |
| Acquisition and Development of Non-Congregate Shelters | \$ 0                           |                             |                        |
| Tenant Based Rental Assistance (TBRA)                  | \$ 0                           |                             |                        |
| Development of Affordable Rental Housing               | \$                             |                             |                        |
| Non-Profit Operating                                   | \$ 0                           | 0 %                         | 5%                     |
| Non-Profit Capacity Building                           | \$ 136,785                     | 5 %                         | 5%                     |
| Administration and Planning                            | \$ 410,354.40                  | 15 %                        | 15%                    |
| <b>Total HOME ARP Allocation</b>                       | <b>\$ 2,735,696</b>            |                             |                        |

**Describe how the PJ will distribute HOME-ARP funds in accordance with its priority needs identified in its needs assessment and gap analysis:**

Given the significant need for multiple forms of supportive services to help community members access and retain housing, the City will distribute HOME-ARP funds to supportive services providers to offer McKinney-Vento Supportive Services, Homelessness Prevention Services, and/or Housing Counseling to help more people in the qualifying populations find and/or maintain housing. The one-time nature of the HOME-ARP funds as well as the availability of other resources to address the needs of new non-congregate shelter beds and affordable rental housing, mean the best use of the funds to address the needs and gaps in Berkeley are providing supportive services to all the qualifying populations.

**Describe how the characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:**

The City's seminal 2019 report to Council, 1,000 Person Plan to Address Homelessness, clearly identified the lack of supportive services as a reason for the number of people returning to homelessness in Berkeley after previously exiting the system for a permanent housing bed, and that this need has increased over time. Specifically, the report found that people with the highest needs in the homeless

population needed more support than what rapid rehousing programs provide to prevent a return to homeless.

Furthermore, the 1,000 Person Plan to Address Homelessness, found that “Berkeley has roughly 260 permanent supportive housing (PSH) vouchers for homeless people. In any given year, only about 10% of these vouchers turn over for new placements, meaning that only 25-30 homeless individuals can be permanently housed, with ongoing deep rental subsidy, in any given year.” This lack of significant turnover of vouchers suggests people receiving them are not getting the supportive services they need to release their voucher, solidifying the case that supportive services are lacking in Berkeley.

The most recent data on factors contributing to homelessness underpin the findings from the 2019 report. For instance, the leading causes of homelessness in the 2022 Alameda County PIT count were, in order of prevalence, rent assistance, employment assistance, mental health services, benefits/income, and family counseling, all of which can be addressed with supportive services. Many of the priorities identified by people with lived experience, such as mental health resources, service hubs, and peer support, can be addressed through supportive services.

The consultation process further supported the 2019 findings, as every service provider of the qualifying populations mentioned supportive services as a need.



Office of the City Manager

CONSENT CALENDAR

March 21, 2023

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 Range Adjustments: Senior Behavioral Health Clinician, Mental Health Clinical Supervisor, Mental Health Program Supervisor, Assistant Manager of Mental Health Division, and Manager of Mental Health Division

RECOMMENDATION

Adopt a Resolution amending Resolution No. 69,997-N.S. Salary Resolution for Public Employees Union – Local 1 to increase the top step salary of the Senior Behavioral Health Clinician by 0.83%; Mental Health Clinical Supervisor by 4.18%; Mental Health Program Supervisor by 7.33%; Assistant Manager of Mental Health Division by 7.33%; and Manager of Mental Health Division by 1.20%, effective January 14, 2023.

FISCAL IMPACTS OF RECOMMENDATION

The current total budgeted compensation for these classifications is \$4,306,298.87 and the total budgeted compensation to implement the salary increase requested is \$4,487,572.99, a total variance of \$181,274.12. For FY 2023, the variance can be absorbed through salary savings due to vacancies within the classifications.

CURRENT SITUATION AND ITS EFFECTS

In the Mental Health Division, salary compaction exists between supervisory and subordinate classifications – in particular, the salary differences between Senior Behavioral Health Clinician (SrBHC), Mental Health Clinical Supervisor (MHCS), and Mental Health Program Supervisor (MHPS), as shown in Table A below.

Salary Range Adjustments: Senior Behavioral Health Clinician, Mental Health Clinical Supervisor, Mental Health Program Supervisor, Assistant Manager of Mental Health Division, and Manager of Mental Health Division

| <b>Table A: City of Berkeley Mental Health Supervisory Job Classifications</b> |                         |                                                 |
|--------------------------------------------------------------------------------|-------------------------|-------------------------------------------------|
| <b>Job Title</b>                                                               | <b>Current top step</b> | <b>Current % higher than the classification</b> |
| Behavioral Health Clinician II                                                 | \$111,178.50            | n/a                                             |
| Senior Behavioral Health Clinician (SrBHC)                                     | \$121,282.51            | 9.09%                                           |
| Mental Health Clinical Supervisor (MHCS)                                       | \$129,121.82            | 6.46%                                           |
| Mental Health Program Supervisor (MHPS)                                        | \$137,870.51            | 6.78%                                           |
| Assistant Manager of MH Division                                               | \$151,662.58            | 10.00%                                          |
| Manager of Mental Health Division                                              | \$176,925.01            | 16.66%                                          |

The identified compaction has been referenced as a cause of recruitment and retention problems within the higher classifications, as employees have been reluctant to apply for (or remain in) the positions given a disproportionate increase in responsibilities compared to a relatively modest increase in compensation between them and their subordinates.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

City staff conducted an internal audit and determined that the salary top step between supervisory classifications and their subordinate classifications are typically ten percent (10%) or greater, which is appropriate in light of both internal pay dynamics and outside market considerations.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Aram Kouyoumdjian, Human Resources Director, Human Resources Department, 510-981-6807.

Attachments:  
1: Resolution

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

APPROVE SALARY ADJUSTMENT: SENIOR BEHAVIORAL HEALTH CLINICIAN, MENTAL HEALTH CLINICAL SUPERVISOR, MENTAL HEALTH PROGRAM SUPERVISOR, ASSISTANT MANAGER OF MENTAL HEALTH DIVISION, AND MANAGER OF MENTAL HEALTH DIVISION CLASSIFICATIONS

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

WHEREAS, Public Employees Union – Local 1 and the Human Resources Department identified salary compaction between the top pay steps of certain mental health classifications, including Senior Behavioral Health Clinician, Mental Health Clinical Supervisor, and Mental Health Program Supervisor, for which the salary variance was less than 10%; and

WHEREAS, the Human Resources Department completed an internal salary audit between other supervisory classifications and their subordinates, and ascertained a typical variance of at least ten percent (10%); and

WHEREAS, it is necessary for the City Council to adopt an amendment to Public Employees Union – Local 1 salary resolution, No. 69,997-N.S., to provide the salary adjustments reflected in Exhibit A to establish a ten percent (10%) variance between the supervisory classifications and their subordinate classifications, and hence alleviate the salary compaction;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,997-N.S., Salary Resolution for Public Employees Union – Local 1 is amended to include the salary adjustments in Exhibit A, attached hereto and made part hereof, effective January 14, 2023.

**EXHIBIT A**

Attachment: Exhibit A

The following classifications' top step shall be increased by the corresponding percent:

| <b>Classification</b>                       | <b>New Top Step</b> | <b>% Increase</b> | <b>New Variance</b> |
|---------------------------------------------|---------------------|-------------------|---------------------|
| Senior Behavioral Health Clinician          | \$122,296.35        | 0.83              | 10%                 |
| Mental Health Clinical Supervisor           | \$134,525.99        | 4.18              | 10%                 |
| Mental Health Program Supervisor            | \$147,978.58        | 7.33              | 10%                 |
| Assistant Manager of Mental Health Division | \$162,776.44        | 7.33              | 10%                 |
| Manager of Mental Health Division           | \$179,054.09        | 1.20              | 10%                 |





Office of the City Manager

CONSENT CALENDAR

March 21, 2023

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 Range Adjustments: Deputy City Manager and Employee Relations Manager Classifications

RECOMMENDATION

Adopt a Resolution to amend Resolution No. 69,998-N.S. Classification and Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees) to increase the top step salary of the Deputy City Manager classification from \$277,840.99 to \$291,733.04, and the Employee Relations Manager classification from \$175,026.38 to \$180,065.60 effective January 14, 2023.

This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.

FISCAL IMPACTS OF RECOMMENDATION

The increase to the top step salary of the Deputy City Manager classification would be 5%, which would provide a 10% variance between the Deputy City Manager classification and department director classifications. The current total budgeted compensation for the Deputy City Manager classification is \$976,778 and the total budgeted compensation to implement the salary increase requested is \$1,025,617, a total variance of \$48,839.

The increase to the top step salary of the Employee Relations Manager classification would be approximately 2.879%. The current total budgeted compensation for the Employee Relations Manager classification is \$307,661 and the total budgeted compensation to implement the salary increase requested is \$316,519, a total variance of \$8,858.

Notably, the incumbents in the Deputy City Manager classification and Employee Relations Manager classification are currently not at the top of the salary range of their respective classifications, so this increase will not have impact on the current budget.

CURRENT SITUATION AND ITS EFFECTS

As part of the operational structure of the City, department directors report directly to a Deputy City Manager. In November 2021, after City staff conducted a compensation

Salary Range Adjustments: Deputy City Manager and Employee Relations Manager Classifications

survey in comparable jurisdictions throughout the Bay Area, department director salaries were increased, which caused a salary compaction between the Deputy City Managers and the department directors, given that the current top step salary for some department directors is \$265,116.80 and the Deputy City Manager is currently \$277,840.99, which is a variance of less than 5%.

The salary of the Employee Relations Manager classification is currently at \$175,026.38 which is below the salary of the Human Resources Manager which is \$180,065.60. These classifications were developed and meant to be parallel within the organizational structure and should be compensated similarly for internal equity and alignment.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

Increasing the top step of the Deputy City Manager classification resolves a salary compaction that resulted from increases to department director salaries in November 2021. Increasing the top step of the Employee Relations Manager classification ensures parity between it and a parallel classification, Human Resources Manager.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Aram Kouyoumdjian, Human Resources Director, Human Resources Department, 510-981-6807.

Attachments:

1: Resolution

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

APPROVE SALARY ADJUSTMENT: DEPUTY CITY MANAGER AND EMPLOYEE  
RELATIONS MANAGER

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

WHEREAS, the Human Resources Department found that salary compaction existed between the Deputy City Manager classification and the department director classification, given that the current top step salary for some department directors is \$265,116.80 and for Deputy City Manager is currently \$277,840.99, which is a variance of less than 5% when comparing top step to top step salaries for each classification; and

WHEREAS, the Human Resources Department identified a salary discrepancy between the Employee Relations Manager classification, which currently has a top step of \$175,026.38, and the salary of the Human Resources Manager, which currently has a top step of \$180,065.60, even though the classifications were developed and meant to be parallel within the organizational structure and should have parity in compensation levels; and

WHEREAS, it is necessary for the City Council to adopt an amendment to Classification and Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees), No. 69,998-N.S., to provide the salary adjustments reflected in Exhibit A to establish a 10% variance between the Deputy City Manager classification and department director classifications to alleviate salary compaction; and

WHEREAS, it is necessary for the City Council to adopt an amendment to Classification and Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees), No. 69,998-N.S., to provide the salary adjustments reflected in Exhibit A to the Employee Relations Manager classification for internal parity;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,998-N.S., Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees), is amended to include the salary adjustments in Exhibit A, attached hereto and made part hereof, effective January 14, 2023.

Attachment: Exhibit A

## EXHIBIT A

The following classifications' top step shall be increased by the corresponding percent:

| <b>Classification</b>      | <b>% Increase</b> | <b>Current Top Step</b> | <b>New Top Step</b> |
|----------------------------|-------------------|-------------------------|---------------------|
| Deputy City Manager        | 5.000%            | \$277,840.99            | \$291,733.04        |
| Employee Relations Manager | 2.879%            | \$175,026.38            | \$180,065.60        |



Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract: TEROCONS INC. for Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project; and
2. Accepting the bid of the lowest responsive and responsible bidder, TEROCONS INC.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with TEROCONS INC., for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project at 2851 West Bolivar Drive, Berkeley, CA 94710, in an amount not to exceed \$260,312.50 which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50.

FINANCIAL IMPLICATIONS

The total budget needed for construction is \$260,312.50. Funding in the amount of \$260,312.50 for this construction is available in the FY2023 budget in the Parks Tax Fund (Fund 138).

**Construction**

|                                  |              |
|----------------------------------|--------------|
| TEROCONS INC. (lowest bid) ..... | \$208,250.00 |
| 25% Contingency                  | \$52,062.50  |
| <hr/>                            |              |
| Total Construction Cost          | \$260,312.50 |

CURRENT SITUATION AND ITS EFFECTS

The existing parking lot for the Aquatic Park Paddling and Rowing Club, at 2851 West Bolivar Drive, Berkeley, CA 94710, needs replacement. The project includes demolition of the existing paved surface and site work, re-grading and installing cement surface to create ADA accessible walking surfaces and ADA accessible van-parking space in addition to porous flexible paver parking spots.

**BACKGROUND**

The project was advertised for bids on Monday, January 9, 2023, and bids were opened on Thursday, February 2, 2023. The City received 12 bids, from a low base bid of \$208,250.00 to a high base bid of \$444,305.00. Nine bids were below the amount budgeted for this project, while three bids were above the amount budgeted for this project. Upon bid opening, TEROCONS INC. was the apparent low bidder, and GRADETECH INC. was the apparent second lowest bidder.

On February 6, 2023 12:00PM the City received a bid protest from GRADETECH INC. The City forwarded the bid protest to TEROCONS INC. on February 6, 2023 4:38PM for review and response. After review of the bid protest, response to the bid protest, and TEROCONS INC.'s listed experience and financial qualifications, the City found TEROCONS INC. to be the lowest responsive, responsible bidder. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will need to submit a certification of Compliance for the Equal Benefits Ordinance. The contract will not be subject to the Community Workforce Agreement.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

This project is categorically exempt from CEQA under Class 1 – Existing Facility and Class 2 – Replacement or Reconstruction. The project is a renovation of an existing parking lot and will not negatively affect natural habitat.

**RATIONALE FOR RECOMMENDATION**

The parking lot replacement and site improvements are needed as part of the City's ongoing program to repair, renovate and improve accessibility at non-compliant or aging Parks facilities. The City does not have in-house labor or equipment resources to complete this renovation project.

**ALTERNATIVE ACTIONS CONSIDERED**

None

**CONTACT PERSON**

Scott Ferris, Director, Parks Recreation & Waterfront, 510-981-6700

Nelson Lam, Supervising Civil Engineer, Parks Recreation & Waterfront, 510-981-6395

Attachments:

1: Resolution

2: Bid Results

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

CONTRACT: TEROCONS INC. FOR THE AQUATIC PARK PADDLING AND ROWING CLUB PARKING LOT IMPROVEMENTS PROJECT

WHEREAS, the parking lot at the Aquatic Park Paddling and Rowing Club is in need of renovation; and

WHEREAS, the City has neither the in-house labor nor the equipment necessary to undertake this project; and

WHEREAS, invitation for bids was duly advertised on January 9, 2023, bids were opened on February 2, 2023, and the City received 12 bids; and

WHEREAS, TEROCONS INC. was determined to be the lowest responsive and responsible bidder, and references for TEROCONS INC. were provided and checked out satisfactorily; and

WHEREAS, funding in the amount of \$260,312.50 for this construction is available in the FY2023 budget in the Parks Tax Fund (Fund 138).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 22-11541-C for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project are approved; and

BE IT FURTHER RESOLVED that the construction contract is awarded to TEROCONS INC. as the lowest responsive and responsible bidder for a total contract amount of \$208,250.00, which includes the base bid only; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with TEROCONS INC. for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project in an amount not to exceed \$260,312.50, which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.



**City of Berkeley  
Abstract of Bid Worksheet**

Finance Department  
General Services Division

**Bid Date:** 2/2/2023  
**Spec. #** 22-11514-C

**FOR:** [Aquatic Park Paddling & Rowing Club Improvements Project](#)

required w/ bid

|    | Bidders                                   | Base Bid      | Addenda (1) | Exp/Fin | NF | OS | Hardwood | Tax ID | Bid Bond | EBO | SC |
|----|-------------------------------------------|---------------|-------------|---------|----|----|----------|--------|----------|-----|----|
| 1  | Angotti & Reilly, Inc.                    | \$ 430,027.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 2  | Buhler Commercial                         | \$ 444,305.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 3  | Central Pacific Engineering               | \$ 325,750.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 4  | Era Construction, Inc.                    | \$ 342,584.49 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 5  | GradeTech, Inc.                           | \$ 221,625.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 6  | JJ Construction and Design, Inc.          | \$ 300,500.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 7  | KM 106 Construction, Inc.                 | \$ 293,449.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 8  | Sandstone Environmental Engineering, Inc. | \$ 241,619.65 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 9  | Stellar BG                                | \$ 257,242.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 10 | Terocons, Inc.                            | \$ 208,250.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 11 | Tri Valley Excavating Co., Inc.           | \$ 263,545.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |
| 12 | Villalobos & Associates, Inc.             | \$ 303,800.00 | X           | X       | X  | X  | X        | X      | X        | X   | X  |

Bid Recorder: Josh Roben

Josh Roben (Feb 2, 2023 16:25 PST)

Date Feb 2, 2023

Bid Opener: Josh Roben

Josh Roben (Feb 2, 2023 16:25 PST)

Date Feb 2, 2023

Project Manager: Robert Chan

Robert Chan (Feb 2, 2023 16:21 PST)

Date Feb 2, 2023





Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: Grant Funding Application for SolarAPP+ integration

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to submit a grant application in the amount of \$80,000 to The California Energy Commission, to receive technical assistance to integrate the SolarAPP+ web software to the City of Berkeley Permit Service Center operations, and to accept grant funds and execute a resulting grant agreement.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley would be reimbursed for up to \$80,000 in eligible expenses including staffing costs, software integration consultants, internal training, public outreach, required hardware, and maintenance. Funds would be deposited to account 336-53-585-632-0000-000-000-432110- and expended for consultant services from account 336-53-585-632-0000-000-441-612990-.

CURRENT SITUATION AND ITS EFFECTS

Integration of SolarAPP+ or a similar software tool to enable quick permitting of small rooftop solar projects is a mandatory requirement of California Senate Bill 379. It also advances the City's Strategic Plan Priorities to:

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

The California Energy Commission is providing financial assistance to jurisdictions for SolarAPP+ integration. At the time of writing, this grant program has already made a Notice of Proposed Award (NOPA) for 72 CA jurisdictions.

Financial assistance from this grant will allow Berkeley to work with vetted information technology (IT) integration partners to assist internal IT staff. This will expedite the SolarAPP+ software integration, and supplement both internal and public training.

SolarAPP+ is an automated platform which verifies compliance with all applicable building, electrical, and other City codes, based on the information a permit applicant submits, and issues permits in real time for small residential solar PV systems.

**BACKGROUND**

A \$19 million funding pool became available to CA municipal governments in amounts up to \$100,000, based on population and on a first come, first served basis, with an application deadline of May 1, 2023. Based on its population, Berkeley's award eligibility is \$80,000. The City of Berkeley is obliged by the SB-379 legislative mandate to implement the Solar APP+ or equivalent service delivery by September 30, 2023. These grant funds would help defray associated implementation expenses for the City, thereby reducing internal compliance costs.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

Increased ease of obtaining rooftop solar PV building permits will accelerate PV adoption and the transition to reduced emissions electricity. Live permitting will improve the City's service delivery to private individuals, businesses, and institutions within the Berkeley community while maintaining the safety standards of currently adopted building codes.

**RATIONALE FOR RECOMMENDATION**

The State funding awards would help defray software integration costs, which Berkeley will incur regardless of this grant application, in order to comply with SB-379.

**ALTERNATIVE ACTIONS CONSIDERED**

There are no known alternative state or federal funding sources to defray SolarApp+ integration costs for the City of Berkeley.

**CONTACT PERSON**

Kurt Hurley, Planning & Development Department, Green Building Program Manager,  
510-981-7501

Attachments:  
1: Resolution

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

RESOLUTION AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO SUBMIT A GRANT APPLICATION IN THE AMOUNT OF \$80,000 TO THE CALIFORNIA ENERGY COMMISSION, TO RECEIVE TECHNICAL ASSISTANCE TO INTEGRATE THE SOLARAPP+ WEB SOFTWARE TO THE CITY OF BERKELEY PERMIT SERVICE CENTER OPERATIONS, AND TO ACCEPT GRANT FUNDS AND EXECUTE A RESULTING GRANT AGREEMENT

WHEREAS, California is accelerating the installation and interconnection of roof top solar PV and increasing the distributed generation of clean electricity; and

WHEREAS, California may require up to 6 gigawatts of new renewable and storage resources annually to achieve it renewable energy goals; and

WHEREAS, the 2021 Senate Bill 100 Joint Agency Report suggests rooftop PV installations must increase dramatically to achieve 100% Clean Electricity; and

WHEREAS, Senate Bill SB 379 mandates that jurisdictions implement live solar permitting by September 30, 2023; and

WHEREAS, the required online, automated platform will verify code compliance and issue permits in real time for small residential solar PV systems up to 38.4 kW AC nameplate rating, optionally linked to an energy storage system up to 38.4 kW AC nameplate rating; and

WHEREAS, the platform will verify compliance to all applicable building, electrical, and other City codes employing applicant inputs during the permit application session; and

WHEREAS, The California Energy Commission has made available nineteen million dollars to local jurisdictions to defray implementation costs of real-time solar PV permitting; and

WHEREAS, The City of Berkeley is eligible for up to eighty thousand dollars of project cost reimbursement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized apply for said California Energy Commission GFO-21-402 grant funds in the eligible amount of \$80,000, to accept the grant if awarded, and to execute any resulting grant agreement. A record signature copy of said agreements and any amendments to be on file the office of the City Clerk.

BE IT FURTHER RESOLVED that any funds awarded shall be used for staff costs for software integration and maintenance, professional services costs for software

integration and maintenance, costs related to internal software training, costs related to public software training, and any ongoing maintenance costs.



Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract No. 32100192 Amendment: California Constructores for Sidewalk Repairs FY 2020 Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32100192 with California Constructores, increasing the contract amount by \$200,000 for a total not-to-exceed amount of \$2,375,900.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is currently available in the FY 23 Measure BB Sales Tax budget (Fund 134). No other funding is required, and no other projects will be delayed due to this expenditure.

**Construction Contract**

|                                               |                    |
|-----------------------------------------------|--------------------|
| Current Authorized Contract Amount .....      | \$2,175,900        |
| This Amendment Amount.....                    | \$200,000          |
| <b>Total Construction Contract Cost .....</b> | <b>\$2,375,900</b> |

**Funding Sources**

|                                      |                  |
|--------------------------------------|------------------|
| Measure BB Sales Tax (Fund 134)..... | \$200,000        |
| <b>Total Amendment Amount .....</b>  | <b>\$200,000</b> |

CURRENT SITUATION AND ITS EFFECTS

The contract with California Constructores for the Sidewalk Repairs FY 2020 Project was executed on June 29, 2021, for a total not exceeding \$2,000,000 (Resolution No. 69,821-N.S.).

On September 28, 2021, Council authorized the City Manager to amend Contract No. 32100192 with California Constructores, increasing the contract amount by \$175,900 for a total not-to-exceed amount of \$2,175,900, in order to compensate the Contractor for completing safety-related pedestrian improvements at California Street and Dwight Way intersection (Resolution No. 70,031-N.S.). The amount of this amendment was designated for a specific purpose and was not intended to be used as a contingency for the original scope of the contract.

While the initial authorized contract amount included an 18% contingency, as construction progressed, the contingency was found to be insufficient.

The contingency was primarily depleted by the following factors:

1. Addition of Path repair work. Scope was added in order to include repairs to several Berkeley Paths that were identified as high priority by City staff in conjunction with Berkeley Path Wanderers Association. The funding identified for this work will come from the 2021 T1 Path Repair Project.
2. Addition of drainage work at Prince/Dana. Scope was added in order to address known drainage issues near the intersection of Prince St and Dana St. The work consisted of curb reconstruction and asphalt paving in order to appropriately grade the street to improve surface flow and prevent standing water.
3. Unanticipated changes to work due to unforeseen conditions. During the course of the work, various unforeseen conditions across hundreds of sidewalk repair locations accounted for several items of extra work including but not limited to, repairs to shallow water laterals damaged during construction, replacement of unsalvageable utility boxes, and removal of unanticipated tree roots.

The Sidewalk Repairs FY 2020 Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### BACKGROUND

In October 2011, the City established a sidewalk repair and replacement program to improve the quality of Berkeley's sidewalks. There are approximately 375 total miles of concrete sidewalks within the city limits. The City currently shares sidewalk replacement costs with property owners on a 50-50 basis, irrespective of the cause of the deterioration. Concrete sidewalk replacement, however, had only been completed on a "funds-available" basis, which resulted in a ten-year backlog of customers awaiting replacement. In recent years, with the increase in available funding from the Capital Improvement Fund and the addition of Measure T1 funding, the projected waiting period for addresses added to the waitlist at present has been reduced from 8-10 years to 3-5 years.

Additionally, the Department of Public Works has reduced the number of sidewalks requiring permanent replacement by deploying alternative means of repair, such as concrete shaving. While the shaving process has been highly successful and cost-effective, uplifts over 2 inches require removal and replacement. Shaving often does not address the underlying issue for the uplift, such as shallow tree roots, and sidewalk removal and replacement remain the most effective solution.

The Sidewalk Repairs FY 2020 Project addressed over 625 locations identified as requiring removal and replacement from the 50-50 sidewalk repair program backlog.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

This increase to the contract is necessary to address unforeseen conditions, perform supplemental work to enhance the Project, and complete current change orders. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the Project.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Ron Nevels, Interim Manager of Engineering, Public Works (510) 981-6439  
Srinivas Muktevi, Supervising Civil Engineer, Public Works (510) 981-6402  
Farid Javandel, Deputy Director of Public Works, Transportation and Engineering (510) 981-7061

Attachments:

1: Resolution

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

CONTRACT NO. 32100192 AMENDMENT: CALIFORNIA CONSTRUCTORES FOR  
SIDEWALK REPAIRS FY 2020 PROJECT

WHEREAS, Council authorized the City Manager to enter into a contract with California Constructores for construction of the Sidewalk Repairs FY 2020 Project in the amount of \$2,000,000 on April 27, 2021 (Resolution No. 69,821-N.S.); and

WHEREAS, Council authorized the City Manager to amend Contract No. 32100192 with California Constructores, increasing the contract amount by \$175,900 for a total not-to-exceed amount of \$2,175,900, in order to compensate the Contractor for completing safety-related pedestrian improvements at California Street and Dwight Way intersection (Resolution No. 70,031-N.S.); and

WHEREAS, the scope for safety-related repairs to several paths was added to the Project; and

WHEREAS, unanticipated conditions were encountered during construction, resulting in additional work to complete the Project; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake the Sidewalk Repairs FY 2020 Project; and

WHEREAS, an increase of \$200,000 to the not-to-exceed contract amount is necessary to complete change orders and supplement project elements; and

WHEREAS, funding is available in the current year's budget in the Measure BB Sales Tax (Fund 134).

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. 32100192 with California Constructores for the Sidewalk Repairs FY 2020 Project, increasing the contract amount by \$200,000 for a total amended amount not to exceed \$2,375,900. A record signature copy of any amendments is to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract: JV Lucas Paving, Inc. for Street Rehabilitation FY 2023 Project

RECOMMENDATION

Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 23-11558-C; and 2) accepting the bid of the lowest responsive and responsible bidder, JV Lucas Paving, Inc. and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$10,203,711.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the FY 23 Street Capital Improvement Program budget, Transportation Capital Improvement Program budget and an allocation by the City Council from the General Fund. Funding in the amount of \$55,592 is subject to appropriation in the FY 24 Street Capital Improvement Program budget. No other funding is required, and no other projects will be delayed due to this expenditure.

|                                  |                     |
|----------------------------------|---------------------|
| Low bid by JV Lucas Paving, Inc. | \$9,276,100.38      |
| 10% Contingency                  | \$927,610           |
| <b>Total construction cost</b>   | <b>\$10,203,711</b> |

FY 2023 Street Capital Improvement Program Funds

|                                                                |                     |
|----------------------------------------------------------------|---------------------|
| State Transportation Tax (127)                                 | \$444,303           |
| Road Maintenance & Rehabilitation Account/SB1 (127)            | \$1,700,000         |
| Measure F Vehicle Registration Fee (133)                       | \$155,000           |
| Measure BB Local Streets and Roads (134)                       | \$2,980,000         |
| Capital Improvement Fund (501) <i>FY 23 Streets Baseline</i>   | \$1,545,336         |
| Capital Improvement Fund (501) <i>FY 23 New PCI Allocation</i> | \$3,250,000         |
|                                                                | <u>\$10,074,639</u> |

FY 2024 Street Capital Improvement Program Funds

|                                                              |                 |
|--------------------------------------------------------------|-----------------|
| Capital Improvement Fund (501) <i>FY 24 Streets Baseline</i> | <u>\$55,592</u> |
|                                                              | \$10,130,231    |

FY 2023 Transportation Capital Improvement Program Funds  
General Fund (011).....\$73,480

**Total construction cost** **\$10,203,711**

CURRENT SITUATION AND ITS EFFECTS

The Street Rehabilitation FY 2023 Project (Specification No. 23-11558-C) was released for bids on January 11, 2023, and bids were opened on January 31, 2023. Seven non-local bids were received, from a low of \$9,276,100.38 to a high of \$12,708,071.65 (see Attachment 3, Abstract of Bids). The engineer’s estimate for the project was \$10.2 million.

On February 1, 2023, the City received a bid protest from the second-lowest bidder, Bay Cities Paving & Grading, Inc. The general basis for the protest was that the JV Lucas Paving, Inc. bid was non-responsive because the bid did not comply with the following requirements in the Specifications: 1) Failure to sign the bid’s signature page, the Project’s General Provisions defines a proposal as: “The written offer of the bidder for the work when made out and submitted on the prescribed form, properly signed and guaranteed.”, 2) Failure to list TMI’s subcontract amount, Section 201.4, proposal form, of the bid’s General Provisions provides: “All proposals shall give the prices proposed, and shall be signed by the Bidder, who must give his address. The Bidder shall fill out all blanks in the proposal form as therein required.”, and 3) The City retains the right to reject JVL’s bid due to its irregularities, Section 201.5, Rejection of Proposals Containing Alterations or Irregularities, “Proposals may be rejected if they show any alterations of form, additions not called for, conditional bids, incomplete bids, or irregularities of any kind.”

A copy of the bid protest was sent to JV Lucas Paving, Inc. to provide them an opportunity to respond to the protest issues. City staff and the City Attorney’s office carefully reviewed and investigated the bids, protest, and response. Subsequently, City staff concluded that the basis of the protest was not material and would not significantly impact the bid. JV Lucas Paving, Inc.’s bid should be deemed responsive.

JV Lucas Paving, Inc. is the lowest responsive and responsible bidder. References for JV Lucas Paving, Inc. were provided and checked out satisfactorily. Staff recommends that a contract for this project be awarded to JV Lucas Paving, Inc.

The Street Rehabilitation FY 2023 Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Streets throughout Berkeley are scheduled for rehabilitation as part of the City’s *Five-Year Street Rehabilitation Plan*. Berkeley maintains a rolling *5-Year Street Rehabilitation Plan* for resurfacing and repaving City streets. The plan is generated with the aid of a Pavement Management System developed by the Metropolitan Transportation Commission. The

plan was most recently updated for Fiscal Years 2023 through 2025 by Resolution 70,204-N.S. adopted by Council on January 25, 2022. The *Street Rehabilitation and Repair Policy* created by Resolution 55,384-N.S. and most recently updated by 70,204-N.S. to include equity, contains the basic criteria for developing the plan and includes the following:

- To the extent financially practical, implementation of the paving plan shall advance City plans, e.g., Complete Streets Policy, Vision Zero Policy and Action Plan, Pedestrian Plan, and Bicycle Plan.
- Rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible.
- Strive to maintain all roads within the primary transportation network (arterials, collectors, bus routes, existing and proposed low-stress bikeway network, and equity zone) at a target PCI (Pavement Condition Index) of 70.
- The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, political influence, or demographic characteristics of the residents of each area. The newly established Equity Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City.
- Coordination with sewer, water, electrical, telecom, undergrounding, and other activities.

This contract is for the construction of approximately 5.9 miles of City streets and consists of rehabilitation and surface seal of selected streets as shown in Attachment 2: Location Map & List of Streets. This includes the advancement in a schedule of all but one of the streets planned for FY 2024 and Derby Street between Sacramento Street and Telegraph Avenue from FY 2025. Grizzly Peak Boulevard was originally advanced as well, but could not be as EBMUD has water line replacements in this segment. For that reason, this segment remains scheduled for FY 2024. The contract also includes the installation of six-speed tables and a traffic diverter on Tenth Street between University Avenue and Bancroft Way in response to a City Council referral for George Florence Park Traffic Calming.

In addition to street pavement, the project incorporates many other improvements to selected streets in compliance with the Berkeley Complete Streets Policy (Resolution No. 65,978-N.S.), the Americans with Disabilities Act, and stormwater best management practices. Among the Complete Streets improvements included are Bicycle Plan and Pedestrian Master Plan recommendations to install a transit lane on Durant and to paint high visibility crosswalks at multiple locations. Additional infrastructure repairs including curb ramps, curbs, drainage inlets and pipes, gutters, and speed tables are also included in this project. Taken together, all of the non-repaving related costs represent approximately 30% of the construction costs.

The project plans and specifications have gone through planning, coordination with outside utility companies, preliminary cost estimates, field investigations, surveys, and extensive design prior to being released for bid.

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

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

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project includes rubberized hot mix asphalt treatments which will divert waste tires from local landfills.

#### RATIONALE FOR RECOMMENDATION

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

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this pavement rehabilitation project. The City could choose not to proceed with this project. However, City streets would then continue to deteriorate, drainage improvements would not be made and complete street bicycle and pedestrian elements would not be installed, affecting use by the community and others.

#### CONTACT PERSON

Ron Nevels, Interim Manager of Engineering, Public Works (510) 981-6439  
Farid Javandel, Deputy Director of Public Works, Transportation and Engineering (510) 981-7061

#### Attachments:

- 1: Resolution
- 2: Location Map & List of Streets for Project
- 3: Abstract of Bids

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

CONTRACT: JV LUCAS PAVING, INC. FOR STREET REHABILITATION FY 2023  
PROJECT

WHEREAS, the Street Rehabilitation FY 2023 Project is part of the City's ongoing Street Capital Improvement Program to rehabilitate deteriorated streets located throughout the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this Street Rehabilitation FY 2023 Project; and

WHEREAS, an invitation for bids was duly advertised, bids were opened on January 31, 2023; and

WHEREAS, upon receipt of a bid protest, review of the submitted bids, and careful consideration, the basis of the protest was found to be not material and would not significantly impact the bid; and

WHEREAS, JV Lucas Paving, Inc. was determined to be the lowest responsive and responsible bidder; and

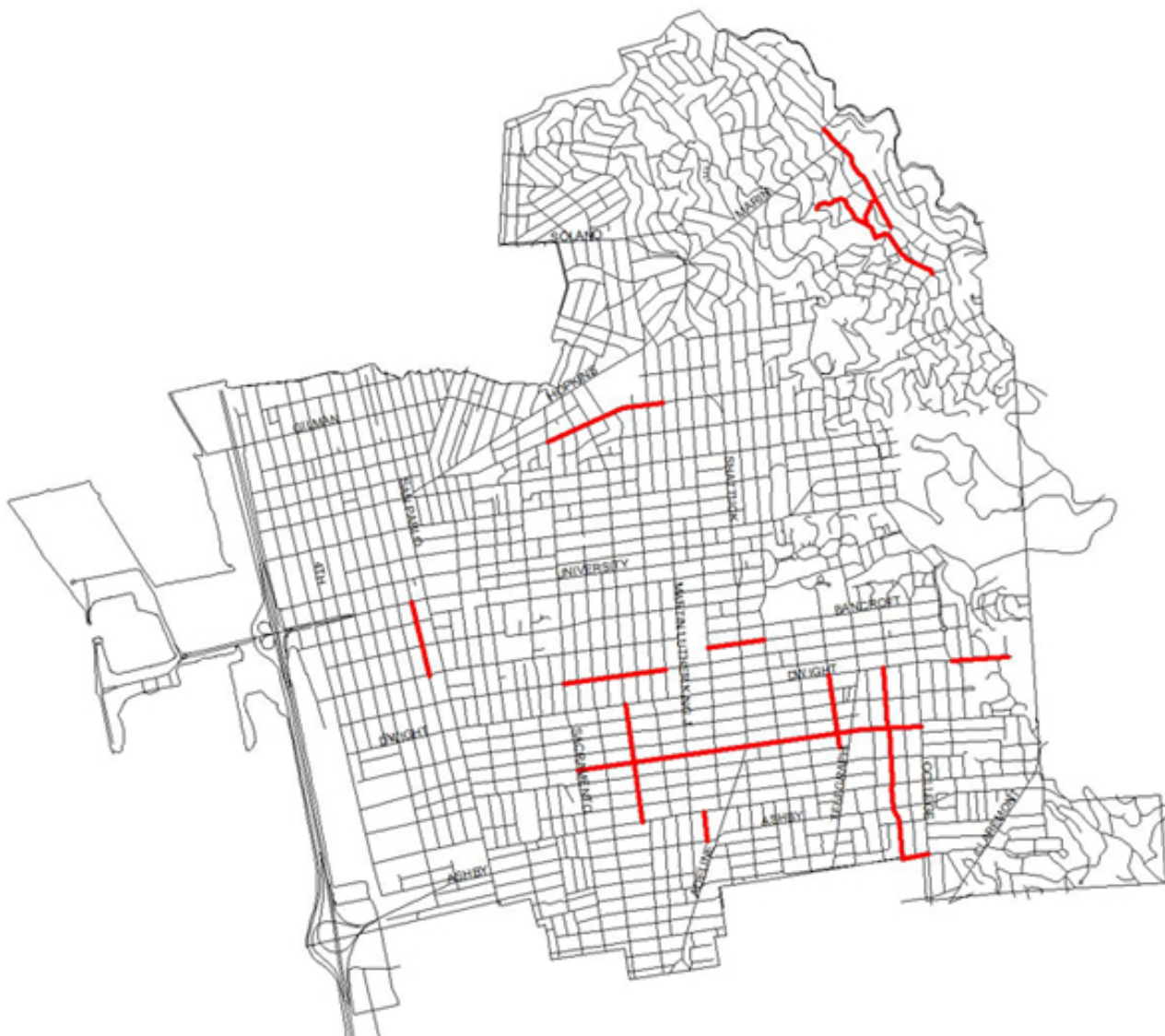
WHEREAS, funding is available in the FY 2023 and FY 2024 budgets in the Street Capital Improvement Program State Transportation Tax (Fund 127), Measure F Vehicle Registration Fee (Fund 133), Measure BB Sales Tax (Fund 134), Capital Improvement Fund (Fund 501), and General Fund (011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 23-11558-C for the Street Rehabilitation FY 2023 Project are approved.

BE IT FURTHER RESOLVED that the construction contract is awarded to JV Lucas Paving, Inc. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders, until completion of the project in accordance with the approved plans and specifications with JV Lucas Paving, Inc. for the Street Rehabilitation FY 2023 Project, in an amount not to exceed \$10,203,711, which includes a 10% contingency for unforeseen circumstances. A record signature copy of the said agreement and any amendments are to be on file in the Office of the City Clerk.

Street Rehabilitation FY 2023



| Street                    | From       | To                     |
|---------------------------|------------|------------------------|
| Channing                  | Sacramento | McKinley               |
| Creston                   | Sunset     | Grizzly Peak (S)       |
| Dana                      | Dwight     | Ward                   |
| Derby                     | Sacramento | College                |
| Durant                    | Milvia     | Fulton                 |
| Dwight                    | Piedmont   | End                    |
| Hillegass                 | Dwight     | Woolsey                |
| Latham                    | Miller     | Grizzly Peak           |
| McGee                     | Dwight     | Russell                |
| Miller                    | Poppy      | Shasta                 |
| Otis                      | Russell    | Ashby                  |
| Rose                      | Sacramento | Martin Luther King Jr. |
| Woolsey                   | Hillegass  | College                |
| Speed tables/diverter on: |            |                        |
| Tenth                     | University | Bancroft               |



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

Spec. No. 23-11558-C

Bid Date: 1/31/2023

FOR: [Street Rehabilitation FY 2023](#)

required w/ bid

|    | Bidders                       | Base Bid A       | Base Bid B      | Total Base A+B   | Bid Bond | Experience -<br>Fin. Qual. | Taxpayer ID | Nuclear Free | Opp.States | Sanctuary<br>City | EBO |
|----|-------------------------------|------------------|-----------------|------------------|----------|----------------------------|-------------|--------------|------------|-------------------|-----|
| 1  | Bay Cities Paving and Grading | \$ 7,810,271.24  | \$ 1,749,728.76 | \$ 9,560,000.00  | x        | x                          | x           | x            | x          | x                 | x   |
| 2  | Gallagher and Berk            | \$ 8,018,331.00  | \$ 1,766,085.00 | \$ 9,784,416.00  | x        | x                          | x           | x            | x          | x                 | x   |
| 3  | Ghilotti Brothers Inc         | \$ 10,026,267.35 | \$ 2,681,804.30 | \$ 12,708,071.65 | x        | x                          | x           | x            | x          | x                 | x   |
| 4  | Ghilotti Construction Company | \$ 8,794,091.94  | \$ 2,054,716.08 | \$ 10,848,808.02 | x        | x                          | x           | x            | x          | x                 | x   |
| 5  | Lucas Paving                  | \$ 7,765,783.38  | \$ 1,510,317.00 | \$ 9,276,100.38  | x        | x                          | x           | x            | x          | x                 | x   |
| 6  | MCK Inc.                      | \$ 8,268,207.65  | \$ 2,072,123.00 | \$ 10,340,330.65 | x        | x                          | x           | x            | x          | x                 | x   |
| 7  | Teichert Construction         | \$ 9,058,199.94  | \$ 1,698,436.06 | \$ 10,756,636.00 | x        | x                          | x           | x            | x          | x                 | x   |
| 8  |                               |                  |                 |                  |          |                            |             |              |            |                   |     |
| 9  |                               |                  |                 |                  |          |                            |             |              |            |                   |     |
| 10 |                               |                  |                 |                  |          |                            |             |              |            |                   |     |

Bid Recorder: Roopreet Soorma  
 Bid Opener: Josh Roben  
 Project Manager: Wendy Wong

Roopreet Soorma  
 Roopreet Soorma (Feb 1, 2023 12:29 PST)  
Josh Roben  
 Josh Roben (Feb 1, 2023 15:51 PST)  
Wendy Wong

Date Feb 1, 2023  
 Date Feb 1, 2023  
 Date Feb 1, 2023












# 23-11558-C Bid Abstract

Final Audit Report

2023-02-01

|                 |                                              |
|-----------------|----------------------------------------------|
| Created:        | 2023-01-31                                   |
| By:             | Josh Roben (JRoben@cityofberkeley.info)      |
| Status:         | Signed                                       |
| Transaction ID: | CBJCHBCAABAACcJauAQQBhiE3QzfVlasEuF6LRpGYNO7 |

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Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Purchase Order: Pape Machinery, Inc. for One John Deere 320P Backhoe Loader

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 John Deere 320P Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$215,000.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of one (1) 2023 John Deere 320P Backhoe Loader will not exceed \$215,000 and includes California tire fees, warranty, and sales tax. Funding for the purchase is available in the FY 2023 budget for Equipment Replacement Fund (Account Code: 671-54-626-723-0000-000-473-664120).

CURRENT SITUATION AND ITS EFFECTS

This purchase will replace unit # 2318, a 2008 John Deere Backhoe Loader that has exceeded its useful life expectancy. The Public Works Department Operations Division requires a replacement vehicle to perform a variety of tasks including street repairs and construction, asphalt and paving work, sidewalk repairs, encampment debris clean up, fire damage clean up, illegal dumping removal, and sewer repair projects.

The purchase supports the City's Strategic Plan Goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities

BACKGROUND

Throughout the year, each City Department pays its proportionate share into the Equipment Replacement Fund, and those funds are utilized to replace equipment at the end of its useful life. If a vehicle purchase request exceeds \$25,000, the Department of Finance, General Services Division solicits bids or piggybacks off competitively bid contracts to ensure City Departments receive the best pricing.

City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive process.

The City of Berkeley has been a no-cost member and participant of Sourcewell (formerly National Joint Powers Alliance) (NJPA), a municipal contracting agency operating under the legislative authority of Minnesota Statute 123A.21. The original statute was revised in 1995 to allow government clients to better meet their specific needs through participation in a service cooperative, rather than paying higher costs associated with individual procurement. Sourcewell allows participating municipal agencies to leverage the benefits of cooperative purchasing and reduces procurement costs. Sourcewell serves all educational, government, and non-profit agencies nationwide, and offers cooperative contracted products, equipment, and service opportunities to government entities throughout the U.S.

All Sourcewell contracts have been competitively solicited nationwide. On January 31, 2019, Sourcewell released Request for Proposal No. 032119 for Heavy Construction Equipment with Related Accessories, Attachments, and Supplies. The solicitation was released for approximately fifty-one days and sixteen proposals were submitted and received. Upon review, the Sourcewell proposal evaluation committee selected John Deere Construction Retail Sales, a division of John Deere Shared Services, Inc. as the best most responsive proposer to meet the specifications thusly awarding Contract No. 032119-JDC.

For all contracts, Sourcewell charges an administrative fee based on the percentage of the sale, and that fee is paid by the Contractor directly to Sourcewell. For this purchase, the fee will be paid by John Deere Company and will not be passed on to the City of Berkeley.

The John Deere Construction & Forestry Company (JDCFC) dealer in the state of California, including the City of Berkeley, is Pape Machinery, Inc. Pape Machinery Inc. is authorized to sell, lease, rent, sell the subsequent genuine OEM parts and is qualified and trained to provide service and warranty repairs on JDCFC products as specified in their JDCFC agreement.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The John Deere Backhoe is an off-road asset equipped with the highest-rated compliance engine assembly available. Engine application will include a Tier 4 Final assembly, which meets the strictest EPA Emissions requirement of off-highway diesel engines. It will be powered by 100% renewable diesel that meets 2018 EPA And California Air Resources Board (CARB) requirements. The combined applications will reduce greenhouse gas emissions by as much as 50-80% from the existing equipment.

Fleet Maintenance staff, in compliance with the 2020 Municipal Fleet Electrification Assessment, researched to ascertain whether a cost-effective electric heavy-duty construction equipment in this classification is available. Staff research revealed no fully electric version is available at this time.

RATIONALE FOR RECOMMENDATION

Equipment must be replaced on a reasonable schedule to ensure the Public Works Equipment operators can efficiently and effectively carry out their duties.

ALTERNATIVE ACTIONS CONSIDERED

None. Keeping equipment longer than its useful life results in higher maintenance costs, more pollution, and excessive downtime to maintain the asset in a safe and serviceable condition.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, Operations (510) 981-6369  
Joy Brown, Operations Manager, Department of Public Works (510) 981-6629  
Greg Ellington, Superintendent, Department of Public Works (510) 981-6490

Attachments:

1: Resolution

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

PURCHASE ORDER: PAPE MACHINERY, INC. FOR ONE 2023 JOHN DEERE 320P  
BACKHOE LOADER

WHEREAS, one (1) new 2023 John Deere 320P Backhoe Loader is needed by the Public Works Street Maintenance Division to perform a variety of tasks including street repairs and construction, asphalt and paving work, sidewalk repairs, encampment debris clean-up, fire damage clean-up, illegal dumping removal, and sewer repair projects; and

WHEREAS, equipment unit number 2318 being replaced has reached the end of its useful life; and

WHEREAS, equipment must be replaced on a reasonable schedule that allows equipment operators to efficiently and effectively carry out their duties; and

WHEREAS, City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive bid process; and

WHEREAS, Sourcewell awarded Contract No. 032119-JDC to John Deere Construction Retail Sales as the most responsible and responsive proposer; and

WHEREAS, Sourcewell Contract No. 032119-JDC satisfies the procurement requirement of the City of Berkeley; and

WHEREAS, funds in the amount of \$215,000 are available in the FY 2023 Equipment Replacement Fund 671 (671-54-626-723-000-000-473-664120).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order satisfying requirements of City Charter Article XI Section 67.2 allowing the city to participate in Sourcewell (formerly NJPA) bid procedures to purchase one 2023 John Deere 320P Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$215,000.



Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Eight Ford Interceptor Hybrid Utility Vehicles

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$496,454.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of eight Ford Interceptor Utility Hybrid vehicles will not exceed \$496,454 and includes CA tire fees and sales tax. Funding for the purchase of these vehicles is available in the FY 2023 budget for Equipment Replacement Fund (Account Code 671-54-626-723-0000-000-473-664120).

CURRENT SITUATION AND ITS EFFECTS

This purchase will replace 8 gas-powered existing vehicles that have reached the end of their planned useful life of 5 years with hybrid vehicles. They are needed by the City's Police Department's Patrol Division to provide public safety services in Berkeley. Vehicles are equipped with advanced safety features including 75 mph impact protections; side protection and cabin enhancements architecture; and structural reinforcements to protect officers while working. Vehicles being replaced include the following:

| Veh. # | Year |  | Veh. # | Year |
|--------|------|--|--------|------|
| 1814   | 2016 |  | 1818   | 2016 |
| 1815   | 2016 |  | 1819   | 2016 |
| 1816   | 2016 |  | 1820   | 2016 |
| 1817   | 2016 |  | 1825   | 2016 |

Replaced vehicles will be turned into Equipment Maintenance for auction unless otherwise authorized by the City Manager.

Purchase Order: Nicholas K Corp dba the  
Ford Store San Leandro for Eight Ford Interceptor  
Hybrid Utility Vehicles

CONSENT CALENDAR  
March 21, 2023

Failure to replace vehicles at the end of their planned useful life leads to higher operational expenses, decreased safety, increased pollution, decreased public safety service levels, and higher greenhouse gas emissions.

This purchase supports the City's Strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

### BACKGROUND

Throughout the year, each City Department pays its proportionate share into the Equipment Replacement Fund, which uses those funds to replace equipment at the end of its useful life. If a vehicle purchase request exceeds \$25,000, the Department of Finance General Services Division solicits bids or "piggybacks" off competitively bid contracts to ensure City Departments receive the best pricing.

City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process. On June 16, 2021, the County of Alameda General Services Agency released Request for Quotation (RFQ) No. 901979 for Vehicle Purchase. RFQ No. 901979 language required that the award goes to the qualified bidder with the lowest markup over the triple-net dealer invoice price. Triple-net price is the dealer's actual cost of the vehicles after all discounts, rebates, and deductions are applied. On July 27, 2021, one bid was received and opened and upon review by the evaluation committee, Nicholas K Corp dba the Ford Store San Leandro was determined to be a responsive responsible bidder and was awarded County of Alameda Purchase Order Contract (Master Contract No. 901979). The County of Alameda's bid procedures satisfies the procurement requirements of the City of Berkeley. The term of the Agreement between the County of Alameda and The Ford Store San Leandro is October 1, 2021 through September 30, 2024.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The new vehicles will be powered by a 3.3l V6 direct-injection Hybrid Drive System offered by the Ford Motor Company in a Police Interceptor SUV Model. The Hybrid design will significantly reduce idle time, reduce fuel consumption, decrease carbon footprint and tailpipe emissions, and reduce maintenance costs.

In June 2020, the City Council received the Municipal Fleet Electrification Assessment. The assessment proposed to install 51 charging Stations with 100 chargers and upgrade all 129 vehicles in the light-duty fleet to EVs by the year 2030. Public Works (PW) has made significant progress toward the electrification of the City's municipal fleet by installing 31 charging stations with 61 chargers and transitioning the City's existing light-duty fleet. In 2020, there were 46 hybrids and 15 plug-in hybrid vehicles. Since then, PW has ordered and/or purchased 48 EVs (sedans and pickups), 26 hybrid SUVs for the Police Department, and 23 renewable diesel vehicles to replace gasoline vehicles. These improvements are moving the City's fleet

Purchase Order: Nicholas K Corp dba the  
Ford Store San Leandro for Eight Ford Interceptor  
Hybrid Utility Vehicles

CONSENT CALENDAR  
March 21, 2023

towards a fossil-free goal and have reduced its consumption of traditional gasoline by 37% from its 2001 peak.

Public Works is on track to complete the conversion of the light-duty fleet to EVs by 2028, two years ahead of the assessment's schedule. Additionally, funding was allocated to the Public Works Capital Improvement Fund to construct charging infrastructure for the Corporation Yard. This project is currently in the design phase with anticipated construction beginning in the Fall of 2023.

RATIONALE FOR RECOMMENDATION

All City vehicles are due for replacement at the end of their recognized economic lifecycles. City departments that utilize fleet vehicles pay into the equipment replacement fund, which fully funds vehicle replacement as they reach the end of their lifecycle.

ALTERNATIVE ACTIONS CONSIDERED

None. The vehicles have reached the end of their lifecycle, and are funded for replacement.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, Operations (510) 981-6369  
Joy Brown, Operations Manager, Department of Public Works (510) 981-6629  
Greg Ellington, Superintendent, Department of Public Works (510) 981-6490

Attachment:  
1: Resolution

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

PURCHASE ORDER: NICHOLAS K CORP DBA THE FORD STORE SAN LEANDRO  
FOR EIGHT FORD INTERCEPTOR HYBRID UTILITY VEHICLES

WHEREAS, eight (8) new Ford Interceptor Hybrid Utility vehicles are needed by the City of Berkeley Police Department, Patrol Division to provide public safety services in Berkeley; and

WHEREAS, equipment units 1814, 1815, 1816, 1817, 1818, 1819, 1820 and 1825 have reached the end of their lifecycle; and

WHEREAS, equipment must be replaced on a reasonable schedule that allows Police Officers to efficiently and effectively carry out their duties; and

WHEREAS, City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive bid process; and

WHEREAS, the County of Alameda General Services Agency bid procedures satisfy the procurement requirements of the City of Berkeley; and

WHEREAS, funding in the amount of \$496,454 is available in the FY 2023 Equipment Replacement Fund 671 (671-54-626-723-0000-000-473-664120).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order for eight Ford Interceptor Hybrid Utility vehicles with Nicholas K Corp dba the Ford Store of San Leandro in an amount not to exceed \$496,454.





Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Lovvorn, Secretary to the Civic Arts Commission  
 Subject: Referral Response: Grant Program for Retaining and Improving Creative Spaces

RECOMMENDATION

Referral to the FY 2024 Budget Process an annual allocation of \$300,000 for funding the Civic Arts program to administer an annual Capital Projects Grant Program for Berkeley-based nonprofit arts and cultural organizations in order to retain and sustain the vitality of Berkeley's arts sector through real estate and capital project support.

FISCAL IMPACTS OF RECOMMENDATION

Annual allocation of \$300,000 from General Fund revenues beginning in FY 2024; it is anticipated that establishment of an annual allocation for an ongoing transparent grants process will regularize the fiscal impacts to the City. There is a demonstrated need for an annual allocation of \$300,000 for this program, which is described in the "Rationale for Recommendation" section. This grant program is a proposed alternate approach to the practice of making one-time funding allocations to specific arts organizations for capital projects and purchases during the annual budget process. The administration of a Capital Projects grant program requires the annual commitment of staff time. To minimize the impact, staff would incorporate development and review processes for this grant program into the current workflow of the Civic Arts grants cycle.<sup>1</sup>

CURRENT SITUATION AND ITS EFFECTS

This report responds to a referral to the Civic Arts Commission "to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists" (Attachment 1). The referral originally appeared on the agenda of the October 29, 2019 Council meeting and was sponsored by Councilmembers Rashi Kesarwani and Lori Droste.

Providing state-of-the-art, well-maintained infrastructure, amenities, and facilities is a priority in the City's Strategic Plan. Due to high costs, many of Berkeley's arts and

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<sup>1</sup> Overview of the Civic Arts grant cycle: <https://berkeleyca.gov/community-recreation/civic-arts/civic-arts-grants>, 2023.

cultural organizations—most of which are non-profit—struggle to attain appropriate spaces for their programs and services, or to maintain the spaces they currently manage.

The first two goals of The City of Berkeley's *Arts and Culture Plan (2018)* support the development of a Capital Projects grant program for arts organizations in order to help sustain Berkeley's arts sector.

- Goal 1: Increase Access to Affordable Housing and Affordable Spaces for Artists and Arts Organizations*
- Goal 2: Increase Investment in a Vibrant Arts Community<sup>2</sup>*

Currently, there is no formal process for awarding capital improvement funds to arts and cultural organizations. Historically, specific arts organizations in need of capital funding have made requests directly to Council and subsequently some have been awarded one-time funding allocations through the City's annual budget process.

The recommendation of this report is to fund a formal Capital Projects grant program managed by Civic Arts staff with awards to individual organizations be approved by the Civic Arts Commission. This grant program would be administered through a competitive process, and allow Berkeley-based non-profit arts organizations to access funds for documented capital improvement needs, including but not limited to; accessibility upgrades, updated ventilation and filtration systems, elevators, roof improvements, electrical systems, and other capital projects or facility upgrades.

In response to the 2019 Council referral, the Capital Projects grant guidelines (Attachment 2) were developed over several meetings between Civic Arts staff and the Civic Arts Commission Grants Subcommittee, and finally through discussion and approval with the full Civic Arts Commission. The guidelines for this grant program use the same rigorous, transparent review process as the other Civic Arts grant categories and are aligned with national and regional best practices in civic art administration. At the December 7, 2022 Civic Arts Commission meeting, the Commission unanimously approved the Capital Projects Grant Guidelines (Attachment 2). Action: *M/S/C (Bullwinkel/Woo) to approve the FY24 Capital Projects Grant Guidelines with minor edit to correct typo and remove from eligibility that organization be incorporated prior to 2023.* Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

## BACKGROUND

In the past, individual Berkeley-based arts and cultural organizations have received direct capital funding through budget referrals. Since FY2016, the following funds have

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<sup>2</sup> [The City of Berkeley's Arts and Culture Plan \(2018 – 2027 Update\)](#), adopted July 24, 2019.

been awarded to arts and cultural organizations for capital improvements or capital purchases as a result of Council budget referrals:

|                                         |                  |
|-----------------------------------------|------------------|
| FY 2016: The UC Theatre                 | \$150,000        |
| FY 2016: Kala Art Institute             | \$100,000        |
| FY 2018: Capoeira Arts Foundation       | \$150,000        |
| FY 2023: Luna Kids Dance                | \$150,000        |
| <u>FY 2023: La Pena Cultural Center</u> | <u>\$150,000</u> |
| 8-year funding total (FY):              | \$700,000        |

This has been an effective way for arts organizations to get much-needed funding for their facilities, however, this process is less accessible to smaller and newer Berkeley organizations or to those art and cultural organizations unfamiliar with the City's budgeting processes. Alternatively, by providing capital project funds through an objective grant process, it ensures that resources are more broadly accessible. This would enable more arts and cultural organizations to access crucial funding for capital improvements and ultimately help Berkeley retain a vibrant and diverse arts community.

In January of 2023, Civic Arts conducted a public *Arts Space Needs Assessment Survey* (Attachment 3) to gather data about the community's space needs for arts programming. The survey received 74 responses and provided crucial data about the capital funding needs of Berkeley's arts organizations. The survey response findings are summarized in Attachment 4; and demonstrate a high need for capital project funding for Berkeley's arts and cultural organizations.

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 Civic Arts Commission requests \$300,000 annually beginning in FY 2024 to fund a Capital Projects grant program that would be accessible to non-profit arts and cultural organizations located in Berkeley. The rationale for this recommendation is as follows:

*Demonstrated need:* The January 2023 *Arts Space Needs Assessment* findings demonstrate the breadth of the need for capital funding throughout Berkeley's arts sector and further underscore the necessity for the City to have an accessible and objective grant process to broadly award funds. Survey data shows that capital projects and purchases are costly. While the City cannot address the entire need of the arts community, an annual allocation of \$300,000 for this grant program would provide enough funding for two grant awards at a maximum award amount of \$150,000 each.

*Precedent of awarding capital funding to arts organizations:* In FY 2023, this amount has already been allocated to two (2) arts organizations for capital projects through

direct Council budget referrals. Over the last 8 years, the City has allocated a total of \$700,000 to arts organizations through the budget referral process.

*Open and transparent grant process:* The Civic Arts program currently has a robust grant program; which is administered in keeping with national, state and regional best practices in grant making. Similarly, the program will be able to provide an efficient implementation of a local capital grants program for Berkeley's arts organizations.

#### ALTERNATIVE ACTIONS CONSIDERED

The *Arts Space Needs Assessment* conducted in January 2023 demonstrates that many Berkeley-based arts and cultural organizations need to make repairs to their current facilities or need to purchase equipment to provide community programs. An alternative to funding a Capital Projects grant program would be to increase the City's annual allocation for Civic Arts Grants, which could be used to increase the general operating support for all grant-funded arts and cultural organizations. In this way, grantees could opt to utilize the increased grant funding for any needed repairs and equipment, albeit at a smaller scale than the proposed Capital Projects grant program.

#### CONTACT PERSON

Jennifer Lovvorn, Secretary to the Civic Arts Commission, (510) 981-7533  
Hilary Amnah, Civic Arts, Office of Economic Development, (510) 981-7539

#### Attachments:

- 1: Referral to the Civic Arts Commission: Develop a Grant Program Available for Arts and Cultural Organizations to Support Retaining and Improving Creative Spaces for Artists (October 29, 2019)
- 2: Civic Arts Capital Projects Grant Guidelines
3. Arts Space Needs Assessment Survey Questionnaire
- 4: Arts Space Needs Assessment Findings



Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
October 29, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Rashi Kesarwani and Lori Droste  
Subject: Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists

RECOMMENDATION

Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.

FINANCIAL IMPLICATIONS

Staff time to develop a grant program.

CURRENT SITUATION AND ITS EFFECTS

A stated priority within the City's current strategic plan is providing state-of-the-art amenities such as those our arts and cultural institutions make available. More than 150 Berkeley arts and cultural institutions enrich our community and provide a significant economic engine that generates millions of dollars and employs thousands of workers. However, rising real estate costs and lack of affordable housing, office, and studio space of any kind pose a significant challenge to the ability of these institutions to remain in Berkeley.<sup>1</sup>

This referral to the Civic Arts Commission asks that they prioritize within their current work plan the development of a competitive grant program framework through which any arts and cultural institution would be able to apply for City funds to assist in staying in Berkeley, such as through capital improvements, the acquisition of a permanent location, or temporary rental assistance.

According to The City of Berkeley Arts and Culture Plan, 2018-2027 Update, the first of the five strategic goals towards actualizing our City's vision for the arts is to "support the long-term sustainability of the arts and culture sector by expanding the availability of affordable housing and spaces for both artists and arts organizations."<sup>2</sup> In an effort to ensure equitable distribution of City funds for these purposes, this referral requests the

<sup>1</sup> See April 25, 2019 [Berkeleyside](#) article: "Why new office space in Berkeley is so hard to find."

<sup>2</sup> City of Berkeley Arts and Culture Plan, 2018-2027 Update, page iii

creation of a competitive grant application and fair selection process that would be available to any Berkeley art and cultural institution.

In providing a framework for a grant application and selection process for arts and cultural organizations, the Civic Arts Commission may consider the following:

- Recommending an annual award amount (or range) available to each institution;
- Recommending funding stream(s) to fund the grant from existing or new sources and a total amount to make available;
- Establishing a fair and transparent process for reviewing grant applications, including determining the reviewing body (i.e., Office of Economic Development staff or Civic Arts Commission);
- How the funds are to be used.

### BACKGROUND

On January 26, 2016, the Berkeley City Council approved capital improvement grants totaling \$250,000 to the U.C. Theatre (\$150,000) and Kala Art Institute (\$100,000) to assist with critically needed facilities upgrades. Without these funds, these anchor art institutions were at risk of becoming non-operational. On the October 15, 2019 City Council agenda, the City Council considered a grant totaling \$150,000 to the Capoeira Arts Foundation (CAF) to assist this globally recognized arts and cultural institution in purchasing their current building on San Pablo Avenue in Berkeley. Without this financial support to assist in purchasing the building, Capoeira would likely be forced to leave Berkeley due to a prohibitive rent increase once their lease expires at the end of this year.

Many arts institutions struggle to remain in Berkeley due to the high cost of living and housing. Given that the City has already supported U.C. Theatre and Kala Art Institute, and Capoeira Arts Foundation is seeking assistance, it is apparent that an open and transparent process that enables any Berkeley-based arts and cultural organization to apply for funding would be an equitable approach to handling this challenge. Smaller and less established arts institutions often do not have the capacity to raise the necessary funds for capital improvements, site acquisition, or temporary rental assistance.

### ENVIRONMENTAL SUSTAINABILITY

To the extent that arts and cultural organizations can acquire their buildings and develop on-site housing, this item could reduce vehicle miles traveled.

### CONTACT PERSON

Councilmember Rashi Kesarwani, Council District 1  
510-981-7110



# FY25 Capital Projects

## City of Berkeley | Civic Arts Grant Guidelines

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*APPLICATION DEADLINE: XX XX, 20XX, 11:59 PM*

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### Important Dates (Subject to change)

|                                                       |  |
|-------------------------------------------------------|--|
| Applications Open                                     |  |
| Application Deadline                                  |  |
| Grant Review Panel Meeting                            |  |
| Grants Subcommittee Meeting – Funding Recommendations |  |
| Civic Arts Commission Meeting – Grant Awards Approval |  |
| City Council Adopts Fiscal Year Budget                |  |
| Grant Activity Period                                 |  |
| Final Report Due                                      |  |

## 1. OVERVIEW

### 1.1 Purpose – Why these grants are offered.

The purpose of the Capital Projects grant program is to support the long-term sustainability of the arts and culture sector by retaining and improving arts organizations' spaces in the City of Berkeley. Capital projects and asset acquisitions funded in this program are intended to help arts organizations stay in Berkeley.

Applicants may only propose funding for a single project or asset acquisition; multiple projects proposed in a single grant application will not be considered. Arts organizations may only submit one (1) application in this grant category per grant cycle.

As smaller and less established arts organizations often do not have the capacity to raise the necessary funds for essential equipment, capital improvements, or site acquisition, **organizations with total cash revenues of under \$1,000,000 will be prioritized.**

Additionally, **capital projects that increase the accessibility of an organization to people with physical disabilities will also be prioritized.** Examples of these projects include but are not limited to, installation of accessible signage, construction of wheelchair-accessible doors and ramps, and purchasing assistive listening systems.

Please note: Completing a capital project usually impacts an organization's operating budget by either increasing or decreasing, depending on the type of project. A capital project usually requires a large investment of funds and staff resources from project conception to project closeout.

## 1.2 Land Acknowledgment

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun), the ancestral and unceded land of the Chochenyo-speaking Ohlone 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. 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.

## 1.3 Cultural Equity Statement

The City of Berkeley Civic Arts program commits to equity within the arts and culture sector by consistently evaluating its programs and practices. The City recognizes the multiple benefits the arts provide, regardless of race, color, religion, age, disability, national origin, sex, sexual orientation and gender identity/expression.

Beyond ensuring access to the arts, the City of Berkeley commits to supporting artists and arts organizations that represent diverse cultures, life experiences, and socio-economic backgrounds. The City supports the empowerment of perspectives and identities that have been historically and systemically underrepresented.

## 1.4 Capital Project Definition

A capital project is a project that helps maintain, improve, or adds to the organization's infrastructure. It results in an acquisition of a new asset or new construction, improvements, expansion, renovation, rehabilitation, repairs, or replacement of an existing facility and other infrastructure assets in the City of Berkeley. Capital projects are expected to result in a long-term useful life and long-term benefit.

## 1.5 Eligibility – Who can apply?

Applicants must meet all of the following eligibility requirements:

- Applicant's official business address is located in the City of Berkeley
- Applicant is a non-profit 501(c)(3) organization
- Applicant is an arts organization
  - An arts organization is defined as an entity with a primary purpose of providing arts, creative, or cultural programming/services. The organization's purpose is assessed and verified by staff using the organization's website, mission, core activities, and IRS National Taxonomy of Exempt Entities (NTEE) codes.

## 1.6 Eligibility – Who can't apply?

- City of Berkeley government departments or units
- Colleges or universities
- Fiscally sponsored organizations
- For-profit businesses or sole proprietorships
- Individual artists
- Public or private school districts
- *In the pilot year*, recipients of previous City Council or Mayoral capital project funding



### 1.7 Who is encouraged to apply?

Although not considered in review process, organizations representing systemically marginalized identities, including but not limited to: Arab, MENASA (Middle Eastern, North African, South Asian); Asian; Black, African American; California Native American, Indigenous, Tribal; Disabled; Elders, Seniors; Latinx, Chicanx; LGBTQIA2S+; Low Income; Neuro-Divergent; Pacific Islander; People of Color; Trans and/or Non-Binary People; Immigrants (Documented and/or Undocumented), Refugees, Asylum Seekers, Migrants; Unhoused; Unsheltered; Veterans; or Youth 18 years of age or older are strongly encouraged to apply.

### 1.8 Grant Amount

All applicants may request between **\$2,000** and **\$150,000** for capital project expenses or asset acquisition.

Final award amounts are contingent upon City Council's adoption of the Fiscal Year 2024 budget. Final award amounts are subject to change based on the adopted budget allocation for Capital Grants in Fiscal Year 2024.

### 1.9 Funding Use – Grant money can be used for these things.

A project budget is required for this application. Examples of eligible expenses for this funding include, but are not limited to:

- Assistive technology
- Contractor and permit fees
- Construction and repairs
- Down-payment for real estate purchase
- Equipment
- Established capital campaigns where Civic Arts funding would be the final amount needed
- Lighting
- Heating, ventilation, and air conditioning (HVAC)
- Project planning, assessment consultancies, or feasibility studies
- Project management salaries

### 1.10 Funding Use Restrictions – Grant money can't be used for these things.

Grant funds may not be used for:

- Administrative or other organizational costs unrelated to the capital project
- Locations on public or private school grounds
- Locations on college or university campuses
- Locations outside the City of Berkeley
- Multiple projects proposed within the same grant application
- Fundraising
- Regular programming
- Political advocacy or lobbying
- Spaces not available or accessible to the general public
- Start-up costs for creating new organizations or businesses
- Trusts, endowments, or cash reserves

### 1.11 Project Requirements

- Documentation of the project process and completion
- Project must be completed within the Grant Activity Period
- Project must be completed within the City of Berkeley
- Project must meet [Americans with Disabilities Act \(ADA\) standards](#)
- *For construction projects only:* Proof of building ownership or long-term lease

### 1.12 Fiscal Sponsors

The use of Fiscal Sponsors is not permitted for this grant program.

## 2. APPLICATION PROCESS

### 2.1 Grant Application Materials

All application materials must be submitted electronically before the deadline. The Capital Projects grant application consists of the following components:

- Proof of Berkeley business address
- Proof of non-profit status for applicant
- 990 or 990-EZ Income tax forms from FY21 and FY22
- Narrative questions
- Key personnel biographies/qualifications
- Board of directors, including city of residence
- Project budget and budget notes
- Support materials

### 2.2 Grants Management System

All application materials must be submitted electronically using the Office of Economic Development's grants management system, [Submittable](#). Technical assistance creating a Submittable account is available through [Submittable's Customer Support](#).

Please note: Paper or physical applications are not accepted at this time.

### 2.3 Technical Assistance

Technical assistance for grant program-specific inquiries is available from Civic Arts staff by email or by phone appointment. This technical assistance can help provide guidance around eligibility, application requirements, or review criteria.

Resources available at any time on the Civic Arts website are a FAQs (frequently asked questions) page and a recording of the Grant Program Webinar workshop.

Staff contact: Hilary Amnah, Grants Program Lead  
[hamnah@cityofberkeley.info](mailto:hamnah@cityofberkeley.info)  
[Schedule a phone or virtual appointment](#)

### 2.4 Accommodations for Disabilities

Individuals with disabilities who need reasonable accommodations to participate should make their requests to the Civic Arts staff at [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info). Staff will work with the Disability Compliance Program to review and fulfill the request. Disability-related accommodation requests must be made at least 72 hours in advance of deadlines or meetings.

### 2.5 Translation Services

The grant guidelines are available to be translated into another language upon request. Requests can be emailed to Civic Arts staff at [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info). If the application is submitted in a language other than English, a third-party translation service will be used to translate application answers into English for Grant Review Panelists.

### 3. EVALUATION AND SCORING

#### 3.1 Review Criteria

Applications will be evaluated in a Grant Review Panel meeting according to the following criteria:

##### Capital Need (25%)

- Applicant demonstrates a need for a capital improvement, site acquisition, or equipment/asset purchase
- Applicant organization has total revenue of under \$1,000,000
- Project goals are clearly defined

##### Planning and Implementation (30%)

- Project timeline is clear, feasible, and includes identified milestones
- Project budget is clear and reasonable given the scope
- Key personnel demonstrate qualifications or experience with managing capital projects relative to the scope
- Plans for documenting the project's implementation and completion are feasible
- *For construction projects only:* Identified architect, contractor, consultant, or project manager demonstrate qualifications appropriate to the project goals

##### Accessible Community Impact (20%)

- Community benefit is clearly demonstrated
- Extent to which project enhances meaningful engagement for people with physical disabilities
- Extent to which the completed project meets ADA requirements and is accessible to people with physical disabilities

##### Cultural Equity (25%)

- Extent to which the organization employs diverse personnel and is governed by a diverse board of directors
- Extent to which the organization's programming and services are rooted in institutionally underserved communities and geographically underserved areas of the city
- Extent to which the organization meaningfully engages economically-disadvantaged individuals
- Applicant shows organizational growth through changes made directly related to cultural equity in the past two years

#### 3.2 Scoring Scale

Grant Review Panelists use the following scale in assessing how well the applicant meets the review criteria. Numerical values are then translated to the appropriate weight for each criterion.

|   |                       |                                                                      |
|---|-----------------------|----------------------------------------------------------------------|
| 5 | <b>Exceptional</b>    | meets review criteria to the highest degree                          |
| 4 | <b>Strong</b>         | strongly meets review criteria                                       |
| 3 | <b>Good</b>           | satisfactorily or successfully meets review criteria; average        |
| 2 | <b>Fair</b>           | moderately meets some of the review criteria; needs some improvement |
| 1 | <b>Underdeveloped</b> | minimally meets the review criteria; greatly needs improvement       |
| 0 | <b>Weak</b>           | does not meet any elements of the review criteria                    |

## 4. REVIEW PROCESS

### 4.1 Eligibility Screening

Civic Arts staff will review each application submitted before the deadline for eligibility and completeness. Eligible applications will be evaluated by a Grant Review Panel for scoring in accordance with the review criteria.

### 4.2 Grant Review Panel

The Grant Review Panel is comprised of individuals located in the greater Bay Area with diverse backgrounds in the cultural sector. Individuals apply to be included in the panelist pool through an open call. The Civic Arts Commission approves the pool of panelists that can be selected to serve on a panel.

Any Review Panelist who has a conflict of interest with an application(s) must recuse themselves from reviewing that application(s). A 'conflict of interest' is defined as a situation in which a Review Panelist has a competing professional, financial, or personal interests that might could impair their ability to perform their evaluation responsibilities objectively.

The Grant Review Panel meeting is public and facilitated through a Zoom Video Webinar. All applicants receive information regarding the panel meeting's date, time, and order in which applications will be reviewed. Applicants are encouraged to attend the panel meeting.

Applicants are permitted three (3) minutes at the end of the panel's review of their application to clarify any aspects of the application that may have been misunderstood by the panelists. The three minutes to address the panelists may not be used to give additional information not included in the application.

Panel comments made by panelists in support of their scores are available to applicants upon request once they receive the official notice of their application's award or decline from Civic Arts.

### 4.3 Civic Arts Commission Approval

After the Grant Review Panel has scored all applications, the Civic Arts Commission's Grants Subcommittee meets to develop funding recommendations in alignment with the ranking of scores within and to align proposed grant awards with available funds and for consistency with granting policies and guidelines, before forwarding the recommendations to the full Civic Arts Commission.

The award amounts as recommended by the Grants Subcommittee are made public at least five (5) business days prior to the Civic Arts Commission approval. The Civic Arts Commission reviews the funding recommendations for approval and votes on final approval.

### 4.4 Appeal Process

Applicants who have evidence of misconduct or technical error in the panel review process may appeal the Grant Subcommittee's proposed funding scenario by completing an official appeal form. Appeal forms must be received at least 48 hours in advance of the Civic Arts Commission meeting where final funding decisions are made. Applicants can email appeal forms to [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info).

Please note: Dissatisfaction with a final score or award amount is not grounds for appeal.

## 5. GRANTEE REQUIREMENTS AND POLICIES

### 5.1 Invoicing

Grantees must complete a Demographic Survey to receive their grant award invoice from Civic Arts. Staff will provide an invoice for 100% of the grant amount following City Council's approval of the Fiscal Year's budget.

### 5.2 Final Report

All grantees must submit a completed Final Report form within 30 days after the end of the Grant Activity Period. Final Reports are usually due by July 30 unless otherwise noted. The Final Report should demonstrate how the grant-funded project was developed and implemented. The Final Report also includes evaluation questions for self-reflection and for Civic Arts staff to make improvements to the program. Grantees who do not submit a Final Report are ineligible from applying for any future Civic Arts grants.

### 5.3 Grant Activity Period Extension Requests

Grantees who experience circumstances that prevent them from spending grant funds before the end of the Grant Activity Period may request a Grant Activity Period Extension. A Grant Activity Period Extension may be requested for up to one (1) year beyond the original end-date. Requests must be received before the end of the Grant Activity Period and approved by Civic Arts staff.

### 5.4 Business License

Awarded applicant organizations must have a current [City of Berkeley Business License](#).

### 5.5 Acknowledging City Support

It is important that the Berkeley community know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in Berkeley. Grant recipients should acknowledge the City's financial support by using the phrase "Supported in part by a Civic Arts Grant from the City of Berkeley" or including the "City of Berkeley" in lists of supporters. Grantees must display the [City's logo](#) in all promotional materials and media.

### 5.6 City Permits and Permissions

Receiving a grant does not imply that the Civic Arts program or any other City department will produce, exhibit, or promote artwork(s) created with grant funds. It is the responsibility of the grantee to secure a venue and appropriate insurance for public presentations.

The grantee is solely responsible for securing the necessary City permits or approvals for elements such as publicly installed art, street closures, sound amplification in public space, or murals if included as part of the grant proposal. Planning for this should be reflected in the application narrative. Any grant-funded art installed in the public realm or on property owned by the City of Berkeley must be reviewed and approved by the Civic Arts Commission and its Public Art Subcommittee. The review process must be complete before the project is implemented. This review process applies to murals, public sculpture, and similar projects. This review process should be reflected in the project narrative.

### 5.7 Incomplete Projects

Failure to complete the grant-funded project will result in a forfeiture of grant funds. Grantees with incomplete projects must return their award funds to the City of Berkeley.

# Berkeley Arts Space Needs Assessment

Increasing access to affordable art spaces is a top priority for the City of Berkeley's Arts and Culture Plan.

The purpose of this survey is to gather data for the development of two space-related solutions:

1. Civic Arts is developing a Capital Projects Grant to help arts organizations stay in Berkeley. This grant will support efforts to retain and improve buildings, facilities, and organizational spaces for arts organizations located in the City of Berkeley. For this program, a capital project is defined as a project that helps maintain, improve, or adds to the organization's infrastructure.
2. The City of Berkeley is developing plans to revitalize the Civic Center to become the prime space for civic life, culture, and the arts. This includes transforming the Veterans Memorial Building into a Community Arts Center and creating enhanced spaces in the Civic Center Park for performances and events.

Data from this survey will help us better understand the space needs of Berkeley's arts community, especially organizations and artists who rent spaces for their performances, exhibitions, classes, and events.

Thank you for completing this survey. Your participation will help the City of Berkeley better serve its arts community.

If you don't already receive the Civic Arts newsletter, [sign up here](#) to stay informed about our grant opportunities and program updates.

**\* Required**

1. Organization Name \*

---

2. Organization Contact Name \*

---

3. Organization Address \*

---

4. What is your organization's artistic focus? (You may select more than one.) \*

*Check all that apply.*

- Theater
- Music
- Dance
- Visual Arts
- Literary Arts
- Media Arts
- Arts Education
- Other: \_\_\_\_\_



5. Choose a description of the space where your organization operates. (Select one.) \*

*Mark only one oval.*

- Short-term lease of building, facility, or space
- Long-term lease of building, facility, or space
- Own building, facility, or space
- Share building, facility, or space with another organization
- Lease administrative office and occasionally rent other spaces for events, rehearsals, and other programming
- Home office for administration and space rentals for occasional events, rehearsals and other programming
- Currently not operating out of a physical space
- Other: \_\_\_\_\_

6. How long has your organization operated in its current building, facility, or space? \*

*Mark only one oval.*

- Less than a year
- 1 – 2 years
- 3 – 5 years
- 5 – 10 years
- More than 10 years
- N/A
- Other: \_\_\_\_\_

7. How much does your organization pay in rent/mortgage each month? \*
- 

8. If your organization **owns or leases** a building, facility, or space where it conducts all of its operations and programming, please indicate what features it has. \*

*Check all that apply.*

- Auditorium
- Thrust Stage
- Theater in the Round
- Black Box Theater
- Concert Hall
- Chamber Music Stage / Space
- Gallery / Exhibition Space
- Museum
- Dance Studio
- Outdoor Amphitheatre
- Park / Plaza / Flexible Outdoor Space
- Production / Recording Studio
- Screening Room
- Studio (Visual Arts)
- Classroom
- Administrative Space
- N/A
- Other: \_\_\_\_\_

9. Do you have any **subtenants or rent spaces out to others?** \*

Mark only one oval.

- Yes
- No
- N/A
- Other: \_\_\_\_\_

10. Please select the types of spaces your organization manages and **rents out to others.** \*

Check all that apply.

- Auditorium
- Thrust Stage
- Theater in the Round
- Black Box Theater
- Concert Hall
- Chamber Music Stage / Space
- Gallery / Exhibition Space
- Museum
- Dance Studio
- Outdoor Amphitheatre
- Park / Plaza / Flexible Outdoor Space
- Production / Recording Studio
- Screening Room
- Studio (Visual Arts)
- Classroom
- Administrative Space
- N/A
- Other: \_\_\_\_\_

11. If your organization **rents space out to others**, what's the size and capacity (number of people) of the space?
- 

12. Does your organization rent spaces for your programming or operations **from other organizations**? (For example, a concert hall, theater, exhibition space, etc.) \*

*Mark only one oval.*

Yes

No

Unsure

13. Please select the types of spaces your organization **rents from other organizations** for regular or special programming. \*

*Check all that apply.*

- Auditorium
- Thrust Stage
- Theater in the Round
- Black Box Theater
- Concert Hall
- Chamber Music Stage / Space
- Gallery / Exhibition Space
- Museum
- Dance Studio
- Outdoor Amphitheatre
- Park / Plaza / Flexible Outdoor Space
- Production / Recording Studio
- Screening Room
- Studio (Visual Arts)
- Classroom
- Administrative Space
- N/A
- Other: \_\_\_\_\_

14. If your organization **rents space from others**, what is the size and capacity (number of people) of the space?

\_\_\_\_\_

15. If you rent spaces, what is the primary factor driving the selection of a space?

*Mark only one oval.*

- Price
- Availability
- Size
- Equipment
- Special configuration of the space
- Other: \_\_\_\_\_

16. What **types of spaces would be useful** to your organization in a City-owned arts center, such as a renovated Veterans Memorial Building in Civic Center? (Please select up to three.) \*

*Check all that apply.*

- Auditorium
- Black Box Theater
- Small Concert Hall
- Chamber Music Stage / Space
- Gallery / Exhibition Space
- Dance Studio
- Production / Recording Studio
- Screening Room
- Studio (Visual Arts)
- Classroom or Workshop Space
- Maker Space
- Rehearsal Space
- Administrative Space
- N/A
- Other: \_\_\_\_\_

- 17. If your organization would rent space in a City-owned arts center, for the types of spaces that you selected in the previous question, please describe what size and capacity of that space is needed.

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- 18. How interested are you having your organization's programming in the Veterans Memorial Building? \*

Mark only one oval.

Not interested

1

---

2

---

3

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4

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5

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Very interested

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19. How interested are you in having your organization's programming in the Downtown Berkeley? \*

Mark only one oval.

Not interested

1

2

3

4

5

Very interested



20. How interested are you in outdoor venues in Civic Center Park? \*

Mark only one oval.

Not interested

1

2

3

4

5

Very interested

21. Where do you hold most of your organization's events annually (performances, exhibits, workshops, etc.)? Please choose the top one or two locations. \*

Check all that apply.

Berkeley

Oakland

Emeryville

Albany

El Cerrito

San Francisco

Other: \_\_\_\_\_

22. What are the two biggest challenges of sustaining your organization's space? \*

*Check all that apply.*

- Long-term affordable lease terms
- Legally mandated upgrades (ADA upgrades, fire-safety repairs)
- Deferred maintenance costs
- Demand for more space
- Other: \_\_\_\_\_

23. Which two of the below programs would be of most interest to your organization? \*

*Check all that apply.*

- Technical assistance with real estate acquisition or leasing
- Grant program for repairs and maintenance
- No-interest / Low-interest loan program to purchase real estate
- No-interest / Low-interest loan program for a renovation project
- Planning for a move
- Planning to build out a space
- Equipment purchase
- ADA upgrades
- Other: \_\_\_\_\_

24. Are you interested in space-sharing for any part of your organization's operations or programming? \*

*Mark only one oval.*

- Yes
- No
- Maybe

25. Is your organization considering purchasing space in the future? \*

*Mark only one oval.*

- Yes
- No
- Unsure
- My organization already owns its space

26. Is your organization in need of any renovations or large equipment purchases for its operations? If yes, please describe and include a cost estimate. \*

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27. Is your organization in need of any renovations related to ADA compliance? If yes, please describe and include a cost estimate. \*

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28. Is your organization contemplating a capital campaign for any other reason not described above? If so, please describe the purpose of the campaign and the fundraising goal amount.

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29. Do you have any other feedback related to art spaces that you think would be of interest to us as we analyze this data?

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Office of Economic Development  
Civic Arts

## Summary of Arts Space Needs Assessment Findings

February 15, 2023

### Background:

In January of 2023, Civic Arts conducted a public Arts Space Needs Assessment Survey to gather data about the community's space needs for arts programming. The purpose of this survey was to gather data for the development of two space-related solutions:

1. Capital Projects Grant to help arts organizations stay in Berkeley by supporting efforts to retain and improve buildings, facilities, and organizational spaces for arts organizations located in the City of Berkeley. For this program, a capital project is defined as a project that helps maintain, improve, or adds to the organization's infrastructure.
2. Further developing plans to revitalize the Civic Center to become the prime space for civic life, culture, and the arts. Questions in the survey were specific to transforming the Veterans Memorial Building into a Community Arts Center and creating enhanced spaces in the Civic Center Park for performances and events.

### Outreach:

The survey was open from January 12 – February 2, 2023. Civic Arts promoted the survey through various channels:

- Publicized through the Civic Arts newsletter (1,808 subscribers)
- Announced to Civic Arts grantees through our grants management system
- Publicized through the Berkeley Cultural Trust email list
- Promoted to Civic Arts Commissioners to share with their networks
- Direct email sent to Civic Arts grantees prior to survey closing
- Reminder announced through the Civic Arts newsletter prior to survey closing
- Promotion via social media

The survey received 79 responses and provided crucial data about the capital funding needs of Berkeley's arts organizations.

### Key Findings:

An analysis of survey responses demonstrates a high need for capital project funding for Berkeley's arts and cultural organizations.

#### 1. Financial Need

Survey responses demonstrate that Berkeley-based arts organizations would like to make capital investments in a facility for the following reasons:

30% want to purchase or may want to purchase a facility  
45% want to make renovations to their facility  
30% want to make capital investments in equipment for their facility  
27% want to make capital investments related to ADA compliance and accessibility

## 2. Average Cost of Capital Needs

Survey results demonstrate a sustained need for a high level of capital funding among Berkeley's arts organizations:

- Of the 45% of survey respondents who said their organization needed renovations or large equipment purchases, 17 provided cost estimates. These cost estimates, ranging from \$3,600 to \$5 million, averaged \$495,535.
- Of the 23% of respondents who said their organization needed renovations related to ADA compliance, 13 provided cost estimates. These ADA estimates, ranging from \$2,000 to \$1 million, averaged \$150,000.

## 3. Biggest Challenges Related to Sustaining an Arts Facility

Many Berkeley-based arts organizations face challenges related to attaining or maintaining space:

35% have a need for more space  
25% are burdened with deferred maintenance costs  
23% need to make legally mandated upgrades



Office of the Mayor

CONSENT CALENDAR  
March 21, 2023

To: Members of the City Council

From: Mayor Arreguín (Author); Councilmember Hahn (Co-Sponsor);  
Councilmember Harrison (Co-Sponsor); Councilmember Robinson (Co-Sponsor)

Subject: Budget Referral: Post COVID-19 Rental Assistance/Anti-Displacement

RECOMMENDATION

Refer \$2,000,000 to the FY 2024/June Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants due to the COVID-19 eviction moratorium expiration and rent debt due to inflation and rental increases. The proposed funding source is FY 2023-2024 Measure P tax receipts.

BACKGROUND

The Housing Retention Program is an essential tool in preventing tenant displacement and preserving Berkeley's racial, economic and cultural diversity. In 1993, the City of Berkeley began the Homeless Prevention Grants Program, which in 2008 became the Housing Retention Program (HRP).

The program was reconstituted and bolstered in 2017 with an increased allocation of \$250,000 annually which was continued in all budgets since FY 2019. The City Council's annual allocation of General Fund revenues was made possible due to the passage of Measure U1 in 2016 which increased the business license tax for large rental properties, generating between \$4-7 Million annually.

At the onset of the COVID-19 pandemic and resulting shelter in place order, the City Council launched the Berkeley Relief Fund and allocated \$3 Million to initially capitalize the fund, to be split three ways between rental assistance, grants for arts non-profits and grants to small businesses. Tenant rent assistance was funded \$1,000,000 to expand the Housing Retention Program during this emergency with an additional \$900,000 added as private donations came in through the East Bay Community Foundation. Approved households were eligible to receive up to \$5,000 as a one-time grant, and an additional one-time grant of up to \$10,000 during the specified COVID-19 emergency. Additional funding was provided through a CBDG CARES grant from the Federal Government. A separate budget referral to continue funding of the COVID

Emergency Rental Assistance Program with funds available through the American Rescue Plan Act (ARPA) was approved at the April 26, 2022 City Council meeting. Additional funding of \$1,800,000 (\$900,000 annually) was added to the programs in the FY2023 - 2024 budget cycle.

Funding for this program is needed as many low-income households remain in massive debt that has accrued over the course of the pandemic. As the Statewide, County and Berkeley's eviction moratorium wind down, people cannot be evicted for lack of payment of rent during the local state of emergency, but property owners can seek back payment of rent through the courts. Additionally, increased inflation and cost of living, which disproportionately impacts low-income households, could put some people in a position of falling behind on rent in the coming months.

The purpose of this additional \$2,000,000 allocation for rental assistance is to supplement the Housing Retention Program to support more eligible households who have outstanding rent debt due to the pandemic, rising inflation and rent increases to continue the Housing Retention Program after the expiration of the eviction moratorium.

FINANCIAL IMPLICATIONS

Total allocation of \$2,000,000 from Measure P tax receipts. Since 2017, the City has funded these three programs out of Measure U1 tax receipts, and it is recommended that the Council continue this funding for the next fiscal year from Measure P.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100





Office of the Mayor

CONSENT ITEM  
March 21, 2023

TO: Honorable Members of the City Council

FROM: Mayor Arreguín (Author); Councilmember Hahn (Co-Sponsor);  
Councilmember Wengraf (Co-Sponsor)

SUBJECT: City Co-Sponsorship of Bioneers Conference and Relinquishment of  
Council Office Budget Funds to General Fund and Grant of Such Fund

### RECOMMENDATION

Adopt a resolution memorializing City of Berkeley co-sponsorship of the non-profit Bioneers Conference, to be held April 6-8, 2023 and approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguín, to the Berkeley Chamber of Commerce to offset permit costs, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguín and any other Councilmembers who would like to contribute.

### BACKGROUND

Now in its 34th year, the Bioneers Conference, viewed by many as the leading independent environmental and social-justice themed annual gathering in the U.S., will be held in Berkeley, California, on April 6-8, 2023. Featuring hundreds of inspiring and visionary leaders, Bioneers 2023 will bring thousands of engaged and civically active attendees to Zellerbach Hall on the UC Berkeley Campus and to venues across downtown Berkeley for three days of riveting talks, movement building, and connections.

The theme for 2023 is "Transformation, Regeneration, Celebration," and keynote speakers include legendary muralist Judy Baca; writer Rebecca Solnit; Chair of the Congressional Progressive Caucus Rep. Pramila Jayapal; activist and cultural leader Casey Camp-Horinek (*Ponca*); activist chef, writer and educator Bryant Terry; journalist Laura Flanders; and clean energy entrepreneur Danny Kennedy, with many more to be announced.

According to Bioneers CEO & Co-Founder Kenny Ausubel, "The big wheels of massive change are turning. Climate disruption bears down daily, and there's a widely felt morning-after awakening that it's going to crash the economy and bring civilization to its

City Co-Sponsorship of Bioneers Conference Relinquishing Council Office Budget  
Consent Calendar  
March 21, 2023

knees. Although the shift to renewables is now an accelerating inevitability, it's going to take relentless political action. Meanwhile, movements of the past decade for liberation, justice and multicultural democracy are swelling to challenge right-wing populist and neo-fascist forces underwritten by cynical plutocratic elites. Especially in these darkest of times, we come together to celebrate. We invite you to join forces with the Bioneers community of leadership in this time when we're all called upon to be leaders.”

For the past three decades, Indigenous knowledge, participants, and partners have fundamentally shaped and guided Bioneers. The annual Indigenous Forum is a Native-led sovereign conference-within-a-conference — a unique cross-cultural and invitational platform. Regularly attracting representatives from dozens of tribal nations, it remains the only gathering of its kind, bringing together Indigenous activists, scientists, elders, youth, culture-bearers, and scholars to share their knowledge and frontline solutions in dialogue with a dynamic, multicultural audience.

Organizers also invest in the potential of youth and educators, with a bustling youth scholarship program bringing upwards of 500 youth and mentors to experience the Bioneers Conference annually.

Described by Bill McKibben as “a crucial organizing principle,” the Bioneers Conference has long served as an annual focal point for the progressive community. The gathering strives to feature well known figures as well as emergent leaders who are engaged in exemplary work in their communities. And it's not just the speakers who make a difference. Bioneers attendees are sophisticated and active leaders in their own right, leveraging inspiration and connections built at the event to return to their communities and fields with new energy and momentum for change.

With the move to the East Bay, Bioneers is excited to be located in such a thriving, progressive, and accessible new home. The entire event will be within easy walking distance of the Downtown Berkeley BART Station. For those interested in learning more about cutting-edge work taking place in the region, Bioneers is offering two pre-conference tours on April 5, the first focused on urban farming and food production and the second exploring the vibrant cultural history and ever-developing landscape of the Berkeley and the East Bay as a hub of social justice activism.

Featuring engaged arts, musical performances, and ample opportunities for connection, Bioneers 2023 will bring hope, inspiration, and movement building to the East Bay.

Bioneers is an innovative nonprofit organization that highlights breakthrough solutions for restoring people and the planet. Founded in 1990 in Santa Fe, New Mexico, we act as a

City Co-Sponsorship of Bioneers Conference Relinquishing Council Office Budget  
Consent Calendar  
March 21, 2023

fertile hub of social and scientific innovators with practical and visionary solutions for the world's most pressing environmental and social challenges. Bioneers is inspiring and realizing a shift to live on Earth in ways that honor the web of life, each other and future generations.

FINANCIAL IMPLICATIONS

No General Fund impact; \$250 is available from Mayor Arreguin's Office Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE  
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO  
PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE AND  
CITY CO-SPONSORSHIP OF THE BIONEERS CONFERENCE  
APRIL 6-8, 2023

WHEREAS, Mayor Jesse Arreguin has surplus funds in his office expenditure account;  
and

WHEREAS, a California non-profit tax-exempt corporation, the Berkeley Chamber of  
Commerce, seeks funds in the amount of \$250, to provide the following public services  
for the Bioneers Conference from April 6 - 8, 2023, that will offset the cost of city related  
permit fees (street closure, amplified sound, parking meter, food trucks etc.); and

WHEREAS, the provision of such services would fulfill the following municipal public  
purpose of bringing together communities across the City and the Bay Area region, by  
hosting the Bioneers Conference; and

WHEREAS, the Bioneers Conference will feature hundreds of inspiring and visionary  
leaders, and will bring thousands of engaged and civically active attendees to  
Zellerbach Hall on the UC Berkeley Campus and to venues across downtown Berkeley  
for three days of riveting talks, movement building, and connections; and

WHEREAS, Bioneers acts as a fertile hub of social and scientific innovators with  
practical and visionary solutions for the world's most pressing environmental and social  
challenges; and

WHEREAS, now in its 34th year, the Bioneers Conference, viewed by many as the  
leading independent environmental and social-justice themed annual gathering in the  
U.S., will be held in Berkeley, California, on April 6-8, 2023; and

WHEREAS, the theme for 2023 is "Transformation, Regeneration, Celebration," and  
keynote speakers include legendary muralist Judy Baca; writer Rebecca Solnit; Chair of  
the Congressional Progressive Caucus Rep. Pramila Jayapal; activist and cultural  
leader Casey Camp-Horinek (*Ponca*); activist chef, writer and educator Bryant Terry;  
journalist Laura Flanders; and clean energy entrepreneur Danny Kennedy, with many  
more to be announced; and

WHEREAS, the annual Indigenous Forum is a Native-led sovereign conference-within-a-conference — a unique cross-cultural and invitational platform. Regularly attracting representatives from dozens of tribal nations, it remains the only gathering of its kind, bringing together Indigenous activists, scientists, elders, youth, culture-bearers, and scholars to share their knowledge and frontline solutions in dialogue with a dynamic, multicultural audience; and

WHEREAS, organizers also invest in the potential of youth and educators, with a bustling youth scholarship program bringing upwards of 500 youth and mentors to experience the Bioneers Conference annually; and

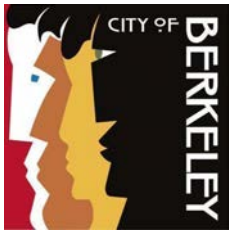
WHEREAS, with the move to the East Bay, Bioneers is excited to be located in such a thriving, progressive, and accessible new home, and the entire event will be within easy walking distance of the Downtown Berkeley BART Station; and

WHEREAS, featuring engaged arts, musical performances, and ample opportunities for connection, Bioneers 2023 will bring hope, inspiration, and movement building to the East Bay.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors the Bioneers Conference and that it has permission to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor solely for the purpose of the City indicating its policy endorsement of the event.

BE IT FURTHER RESOLVED NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$250 per office shall be granted to Berkeley Chamber of Commerce for the purpose of offsetting the cost of city related permit fees (street closure, amplified sound, parking meter, food trucks etc.).





**CONSENT CALENDAR**

March 21, 2023

Councilmember Sophie Hahn  
City of Berkeley, District 5

**TO:** Honorable Members of the City Council  
**FROM:** Councilmember Hahn (Author); Councilmember Taplin (Co-Sponsor);  
Councilmember Wengraf (Co-Sponsor)  
**SUBJECT:** Budget Referral - Speed Feedback Signs for Arlington Avenue

**RECOMMENDATION**

In support of the City’s Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$40,000 for two Speed Feedback Signs on Arlington Avenue between The Circle and Mendocino Avenue, to encourage slower speeds on a stretch with numerous hidden and mid-block crosswalks.

**FINANCIAL IMPLICATIONS**

The estimate provided by Transportation Department Staff for purchase and installation of two Speed Feedback Signs is approximately \$40,000.

**CURRENT SITUATION AND ITS EFFECTS**

Arlington Avenue is identified in Berkeley’s Vision Zero Action Plan as a High-Injury Street. Current conditions on Arlington Avenue between The Circle and Mendocino Avenue create unsafe conditions for pedestrians that will be improved by the implementation of a variety of traffic calming treatments recommended by the City’s Transportation Division, including the installation of two Speed Feedback Signs. The street is a major thoroughfare and is unusually configured, with single-lane upper and lower tiers divided by a steep median that includes concrete curbs and walls of varying heights, with trees and vegetation that can block sight-lines. Paths from the City’s [paths network](#) cross this segment of Arlington mid-block, and the street curves, rises, and dips along contours of the hill, creating additional visibility challenges at crosswalks.

Transportation Division staff have completed a traffic calming study and prescribed a suite of improvements to support safe crossings for pedestrians, including Speed Feedback Signs. To install two Speed Feedback Signs and support the City’s Pedestrian and Vision Zero plans, staff has provided an estimated cost of approximately \$40,000.

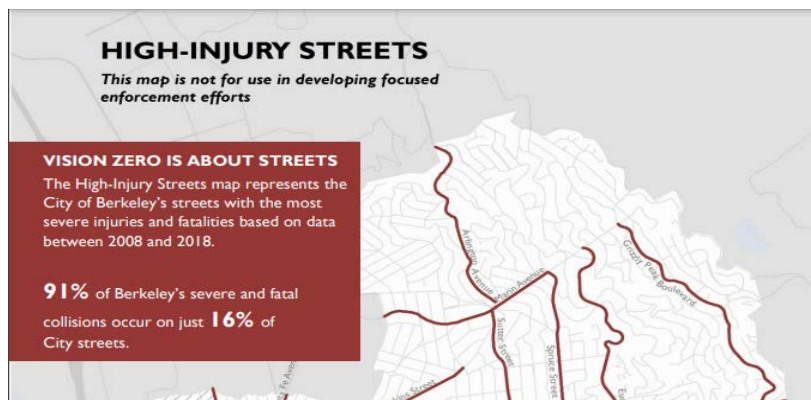
## BACKGROUND

The Arlington is a main thoroughfare originating from The Circle in North Berkeley and stretching for six miles through Kensington, El Cerrito, and Richmond. The segment of Arlington Avenue between The Circle and Mendocino Avenue carries a high volume of traffic, both local and regional. It bisects an area with many families and young children as well as older residents. Over several decades, [Berkeley's network of paths](#) has been significantly improved, and more and more residents, as well as many visitors to Berkeley, use the paths to get to and from work and transit, or for recreation.

Over the years, the Public Works Department and District 5 office have received reports of dangerous conditions from community members living on and around The Arlington. A lack of visibility at pedestrian crossings paired with vehicles regularly driving faster than the speed limit has created an unsafe environment. A formal request for a traffic calming study was submitted in April of 2022.

The Transportation Division recently completed the study and concluded that the average speed of vehicles traveling both north and southbound on this stretch exceed the minimum criteria set by the traffic calming program, indicating that traffic calming is warranted in the area. Transportation Division staff have recommended a variety of immediate safety upgrades including improved signage, repainted crosswalks and other road markings, and reflectors. In addition, staff have recommended installation of two Electronic Speed Feedback signs, which will take longer to achieve due to lack of funds and an existing queue. A companion budget referral is being submitted to obtain funds for the safety upgrades that can be more quickly implemented than feedback signs.

Berkeley's [Vision Zero Action Plan](#) designates Arlington Avenue as a "High-Injury Street," based on data about severe injuries and fatalities.





The Vision Zero Plan includes important goals that are supported by the improvements to Arlington Avenue recommended by Transportation staff including:

- Safety is our highest priority. Human life is more important than speed, convenience, or property. We will evaluate trade-offs and make both proactive and reactive engineering decisions about street design based on this value.
- Traffic deaths and severe injuries are preventable and unacceptable. Using holistic, data-driven, systems-level approach to street design, we will treat fatal and severe collisions as preventable and unacceptable incidents that can and must be addressed.
- People make mistakes. We will design our streets so that mistakes do not result in death or severe injury.
- Slower streets are safer streets. We will design, construct, and operate our streets for slower speeds with the goal of eliminating all fatal and severe collisions, and protecting our most vulnerable street users.
- We will create safer transportation options for people who walk, bike, and take transit. Creating safer and more comfortable transportation options for people to walk, bike, and take transit can make these modes more attractive and reduce the number of car trips in Berkeley. Fewer car trips can mean fewer severe and fatal collisions.

[Berkeley's Pedestrian Plan](#) envisions Berkeley as a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages and abilities. The Plan's goals provide direction for achieving the vision. These goals are:

- Increase safety and comfort for people walking
- Increase equity and transportation choices for all
- Improve public health and environmental sustainability

The pedestrian safety improvements recommended by the Transportation Division support the vision and goals of these City plans.

#### OUTCOMES AND EVALUATIONS

Installation of Speed Feedback Signs will support reductions in the speed of traffic, increasing pedestrian and overall safety on Arlington Avenue.

ENVIRONMENTAL SUSTAINABILITY

Pedestrian safety is paramount to encouraging community members to walk to their destinations, which reduces GHG emissions and supports health.

CONTACT PERSON

Sophie Hahn - Council District 5 - 510-981-7150

ATTACHMENTS:

1. Berkeley Traffic Calming Study Arlington



Transportation Division

September 29, 2022

Subject: Neighborhood Request for Physical Traffic Calming Measures

Dear Arlington Avenue Residents,

This correspondence has been prepared in response to the neighborhood request for a traffic calming study and evaluation for physical traffic calming measures on Arlington Avenue between The Circle and Mendocino Avenue in accordance with City Council Resolution No. 64-732-N.S.

**Traffic Calming Criteria:**

We considered the following criteria to determine the feasibility of installation of traffic calming devices:

| <b>Minimum Criteria to Qualify for Traffic Calming</b>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SHALL meet the following two conditions:</b>                                                                                                 | <b>AND at least <u>one</u> of these conditions:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1) Any residential street area; AND</p> <p>2) 50% + 1 of households within the petition area defined by City staff support the proposal.</p> | <ul style="list-style-type: none"> <li>- Where the 85<sup>th</sup> percentile speed profile is greater than 5 mph over the speed limit; OR</li> <li>- Proximity to school or park (within two blocks), or senior center (within one block) combined with 85<sup>th</sup> percentile speed profile greater than 3 mph over the speed limit; OR</li> <li>- Mitigate a documented collision pattern (bike, pedestrian, motor vehicle); OR</li> <li>- Where there is a documented problem of a significant or inappropriate number of “through” motor vehicles on the street or in the neighborhood, per ITE volume guidelines for neighborhood streets (2500 vpd average)</li> </ul> |

**Reported Concerns:**

The residents of Arlington Avenue between The Circle and Mendocino Avenue have the following concerns:

- Speeding
- Pedestrian Safety
- Bicycle Safety

**Existing Conditions:**

- According to the City of Berkeley General Plan, Arlington Avenue within the study area is classified:
  - A north-south collector roadway,
  - A secondary transit route.
- Curbside parking is available on both sides of the street (starting from the first crosswalk which is located 140' north of The Circle);
- There are four ladder crosswalks between Mendocino Avenue and The Circle;
- There is a landscaped middle island along Arlington Avenue between Mendocino Avenue and The Circle;
- Indian Rock Park is 300' away from Arlington Avenue;
- Arlington Avenue contains white traffic edge lines in both directions (NB/SB) that outline and separate the travel lane from the shoulder. The traffic edge lines narrows the travel lane, which is used as a traffic calming measure on this stretch;
- Arlington Avenue contains yellow traffic edge lines in both directions (NB/SB) that outline and separate the existing landscaped middle island from the travel lane;
- There are three W11-2 (crosswalk signs) on Arlington Avenue (NB) within the study area. There are two W11-2 (crosswalk signs) on Arlington Avenue (SB) within the study area;
- There are four AC Transit bus stops within the study area:
  - Two bus stops (NB/SB) located at the intersection of Arlington Avenue and Indian Rock Path.
  - Two bus stops (NB/SB) located at the intersection of Arlington Avenue and Mendocino Avenue.
- To the south of the study area, Arlington Avenue (NB/SB) intersects with The Circle. The following traffic control devices have been installed at the intersection:
  - STOP sign and STOP pavement (right side of the median) on Arlington Avenue (SB) and The Circle;
  - YIELD sign and YIELD pavement (left side of the median) on Arlington Avenue (SB) and The Circle;
  - Triple - 4 crosswalks at the intersection of Arlington Avenue and The Circle;
  - 50' red curb on Arlington Avenue (NB) before Indian Rock Avenue;

- There is a southbound travel lane on Arlington Avenue (right side of the median) for vehicles exiting Indian Rock Avenue (SB);
- Two 50' double yellow centerlines are provided along Arlington Avenue (NB) before Indian Rock Avenue (north of The Circle).
- To the north of the study area, Arlington Avenue forms a three-way intersection with Mendocino Avenue. The following traffic control devices have been installed at the intersection:
  - Ladder crosswalk on Arlington Avenue (left and right side of the median) at the intersection of Mendocino Avenue;
  - Standard crosswalk on Mendocino Avenue at the intersection of Arlington Avenue;
  - W11-2 crosswalk sign at the median (on Arlington Avenue);
  - Red curb markings for pedestrian visibility on Arlington Avenue (south/north of Mendocino Avenue);
  - Landscaped middle island along Arlington Avenue (north/south of Mendocino Avenue);
  - A 30' buffer area across from the red curb marking (south of Mendocino Avenue).
- The speed limit is 25 mph within the study area.

**Data Collection Summary:**

- Vehicular volume and speed data were collected for a duration of one week from Monday, April 11, 2022 through Sunday, April 17, 2022. Following is a summary of vehicular volume and speed data:

| Location                                                 | Direction | Average Daily Traffic (vehicles) | 85 <sup>th</sup> ile Speed* (mph) |
|----------------------------------------------------------|-----------|----------------------------------|-----------------------------------|
| Arlington Avenue between The Circle and Mendocino Avenue | North     | 4300                             | 33                                |
|                                                          | South     | 4558                             | 29                                |

\*The 85<sup>th</sup> percentile is the speed that 85% of the traffic is traveling at or below. It is a very common tool for monitoring and comparing traffic operations, and for setting speed limits.

- The midblock and intersection reported collision records over the 5-year period (collision data available from July 1, 2016 to June 30, 2021) show that seven (7) collisions were recorded in the study area. Following is the summary of reported collisions:

| Location                                           | Total # of Collisions | Vehicle Involved with                                       | Primary Collision Factor                                           |
|----------------------------------------------------|-----------------------|-------------------------------------------------------------|--------------------------------------------------------------------|
| Arlington Ave/The Circle                           | 1                     | Other motor vehicle                                         | Improper Passing                                                   |
| Arlington Ave/Mendocino Ave                        | 3                     | Fixed Object<br>Fixed Object<br>Other motor vehicle         | Unsafe Speed<br>Driving Under Influence<br>Unsafe Starting/Backing |
| Arlington Ave Between Mendocino Ave and The Circle | 3                     | Parked motor vehicle<br>Other motor vehicle<br>Fixed Object | Driving Under Influence<br>Unsafe Speed<br>Wrong Side of Road      |

### **Summary of Evaluations:**

- Speeding – The speed limit within the study area is 25 mph. The 85<sup>th</sup> percentile speed data collected in the field (31 mph) exceeds the minimum criteria set by the traffic calming program, indicating that traffic calming is warranted in the study area.
- Pedestrian and bicyclist safety – The reported collision records over the 5-year period shows zero (0) collision involving a pedestrian. The reported collision records over the 5-year period shows zero (0) collision involving a bicycle. The collision criterion is not met for the study area.

### **Conclusion:**

Arlington Avenue between The Circle and Mendocino Avenue qualifies for physical traffic calming measures based on the speed criteria established in City Council Resolution No. 64-732-N.S. Staff has determined the following traffic calming option to consider:

- Install radar speed feedback signs in each direction on Arlington Avenue.

The next step is to hold a virtual neighborhood meeting to present the results of this study and select the most suitable option for the neighborhood. You will be hearing from me within the next few months with proposed dates/times for the meeting. Please take into consideration that I'm currently working on a large queue of traffic calming virtual neighborhood meetings before I get to the one on Arlington Avenue. Once a time is agreed upon, all affected residents will be invited by mail. The traffic calming option that is selected during the meeting will then be included in the Traffic Calming Capital Improvement Projects list during the annual budget process.

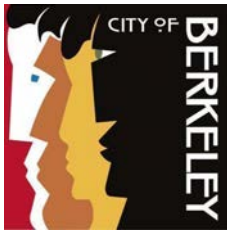
We appreciate your time and interest in this matter.

Sincerely,

J. Guillermo Jaramillo  
Assistant Transportation Engineer  
City of Berkeley, Transportation Division  
1947 Center Street, 4<sup>th</sup> Floor  
Berkeley, CA 94704







Councilmember Sophie Hahn  
City of Berkeley, District 5

## CONSENT CALENDAR

March 21, 2023

**TO:** Honorable Members of the City Council  
**FROM:** Councilmember Hahn (Author); Councilmember Taplin (Co-Sponsor);  
 Councilmember Wengraf (Co-Sponsor)  
**SUBJECT:** Pedestrian Safety Upgrades for Arlington Avenue

### RECOMMENDATION

In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$35,000 for traffic control measures on Arlington Avenue from The Circle to Mendocino Avenue, to enhance pedestrian safety at hidden crosswalks and where paths cross mid-block, and refresh painted markings that narrow lanes and encourage reduced speeds.

### FINANCIAL IMPLICATIONS

Cost Estimate is for \$31,000 (See Attachment B); Amount requested is \$35,000 to account for potential adjustments to the program in the field.

### CURRENT SITUATION AND ITS EFFECTS

Arlington Avenue is identified in Berkeley's Vision Zero Action Plan as a High-Injury Street. Current conditions on Arlington Avenue between The Circle and Mendocino Avenue create unsafe conditions for pedestrians that will be improved by the implementation of a variety of traffic calming treatments recommended by the City's Transportation Division. The street is a major thoroughfare and is unusually configured, with single-lane upper and lower tiers divided by a steep median that includes concrete curbs and walls of varying heights, with trees and vegetation that can block sight-lines. Paths from the City's [paths network](#) cross this segment of Arlington mid-block, and the street curves, rises, and dips along contours of the hill, creating additional visibility challenges at crosswalks.

Transportation Division staff have completed a traffic calming study (Attachment A) and prescribed a suite of improvements to support safe crossings for pedestrians (Attachment B and C). To complete these important safety upgrades and support the City's Pedestrian and Vision Zero plans, staff has requested an allocation of \$35,000.

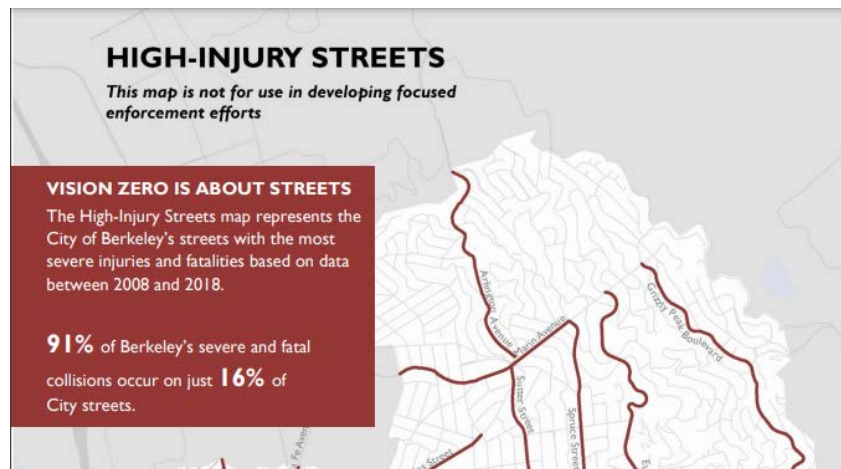
## BACKGROUND

The Arlington is a main thoroughfare originating from The Circle in North Berkeley and stretching for six miles through Kensington, El Cerrito, and Richmond. The segment of Arlington Avenue between The Circle and Mendocino Avenue carries a high volume of traffic, both local and regional. It bisects an area with many families and young children as well as older residents. Over several decades, [Berkeley's network of paths](#) has been significantly improved, and more and more residents, as well as many visitors to Berkeley, use the paths to get to and from work and transit, or for recreation.

Over the years, the Public Works Department and District 5 office have received reports of dangerous conditions from community members living on and around The Arlington. A lack of visibility at pedestrian crossings paired with vehicles regularly driving faster than the speed limit has created an unsafe environment. A formal request for a traffic calming study was submitted by community members in April of 2022.

The Transportation Division recently completed the study and concluded that the average speed of vehicles traveling both north and southbound on this stretch exceed the minimum criteria set by the traffic calming program, indicating that traffic calming is warranted in the area (see Attachment A). Transportation Division staff have recommended a variety of immediate safety upgrades including improved signage, repainted crosswalks and other road markings, and reflectors (see Attachment B and C). Electronic speed feedback signs are being considered for installation, but would take longer to implement than the immediate safety upgrades recommended by Transportation staff. A companion budget referral is being submitted to obtain funds for the speed feedback signs.

Berkeley's [Vision Zero Action Plan](#) designates Arlington Avenue as a "High-Injury Street," based on data about severe injuries and fatalities.



The Vision Zero Plan includes important goals that are supported by the improvements to Arlington Avenue recommended by Transportation staff including:

- Safety is our highest priority. Human life is more important than speed, convenience, or property. We will evaluate trade-offs and make both proactive and reactive engineering decisions about street design based on this value.
- Traffic deaths and severe injuries are preventable and unacceptable. Using holistic, data-driven, systems-level approach to street design, we will treat fatal and severe collisions as preventable and unacceptable incidents that can and must be addressed.
- People make mistakes. We will design our streets so that mistakes do not result in death or severe injury.
- Slower streets are safer streets. We will design, construct, and operate our streets for slower speeds with the goal of eliminating all fatal and severe collisions, and protecting our most vulnerable street users.
- We will create safer transportation options for people who walk, bike, and take transit. Creating safer and more comfortable transportation options for people to walk, bike, and take transit can make these modes more attractive and reduce the number of car trips in Berkeley. Fewer car trips can mean fewer severe and fatal collisions.

[Berkeley's Pedestrian Plan](#) envisions Berkeley as a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages and abilities. The Plan's goals provide direction for achieving the vision. These goals are:

- Increase safety and comfort for people walking
- Increase equity and transportation choices for all
- Improve public health and environmental sustainability

The pedestrian safety improvements recommended by the Transportation Division support the vision and goals of these City plans.

### OUTCOMES AND EVALUATIONS

Implementation of prescribed traffic calming measures will reduce the speed of traffic, enhance the visibility of crosswalks, and increase overall pedestrian safety on the Arlington.

ENVIRONMENTAL SUSTAINABILITY

Pedestrian safety is paramount to encouraging community members to walk to their destinations, which reduces GHG emissions and supports health.

CONTACT PERSON

Sophie Hahn - Council District 5 - 510-981-7150

ATTACHMENTS:

- A - Berkeley Traffic Calming Study Arlington
- B - Traffic Calming Estimate Arlington
- C - Arlington Signage and Striping Improvements



Transportation Division

September 29, 2022

Subject: Neighborhood Request for Physical Traffic Calming Measures

Dear Arlington Avenue Residents,

This correspondence has been prepared in response to the neighborhood request for a traffic calming study and evaluation for physical traffic calming measures on Arlington Avenue between The Circle and Mendocino Avenue in accordance with City Council Resolution No. 64-732-N.S.

**Traffic Calming Criteria:**

We considered the following criteria to determine the feasibility of installation of traffic calming devices:

| <b>Minimum Criteria to Qualify for Traffic Calming</b>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SHALL meet the following two conditions:</b>                                                                                                 | <b>AND at least <u>one</u> of these conditions:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1) Any residential street area; AND</p> <p>2) 50% + 1 of households within the petition area defined by City staff support the proposal.</p> | <ul style="list-style-type: none"> <li>- Where the 85<sup>th</sup> percentile speed profile is greater than 5 mph over the speed limit; OR</li> <li>- Proximity to school or park (within two blocks), or senior center (within one block) combined with 85<sup>th</sup> percentile speed profile greater than 3 mph over the speed limit; OR</li> <li>- Mitigate a documented collision pattern (bike, pedestrian, motor vehicle); OR</li> <li>- Where there is a documented problem of a significant or inappropriate number of “through” motor vehicles on the street or in the neighborhood, per ITE volume guidelines for neighborhood streets (2500 vpd average)</li> </ul> |

**Reported Concerns:**

The residents of Arlington Avenue between The Circle and Mendocino Avenue have the following concerns:

- Speeding
- Pedestrian Safety
- Bicycle Safety

**Existing Conditions:**

- According to the City of Berkeley General Plan, Arlington Avenue within the study area is classified:
  - A north-south collector roadway,
  - A secondary transit route.
- Curbside parking is available on both sides of the street (starting from the first crosswalk which is located 140' north of The Circle);
- There are four ladder crosswalks between Mendocino Avenue and The Circle;
- There is a landscaped middle island along Arlington Avenue between Mendocino Avenue and The Circle;
- Indian Rock Park is 300' away from Arlington Avenue;
- Arlington Avenue contains white traffic edge lines in both directions (NB/SB) that outline and separate the travel lane from the shoulder. The traffic edge lines narrows the travel lane, which is used as a traffic calming measure on this stretch;
- Arlington Avenue contains yellow traffic edge lines in both directions (NB/SB) that outline and separate the existing landscaped middle island from the travel lane;
- There are three W11-2 (crosswalk signs) on Arlington Avenue (NB) within the study area. There are two W11-2 (crosswalk signs) on Arlington Avenue (SB) within the study area;
- There are four AC Transit bus stops within the study area:
  - Two bus stops (NB/SB) located at the intersection of Arlington Avenue and Indian Rock Path.
  - Two bus stops (NB/SB) located at the intersection of Arlington Avenue and Mendocino Avenue.
- To the south of the study area, Arlington Avenue (NB/SB) intersects with The Circle. The following traffic control devices have been installed at the intersection:
  - STOP sign and STOP pavement (right side of the median) on Arlington Avenue (SB) and The Circle;
  - YIELD sign and YIELD pavement (left side of the median) on Arlington Avenue (SB) and The Circle;
  - Triple - 4 crosswalks at the intersection of Arlington Avenue and The Circle;
  - 50' red curb on Arlington Avenue (NB) before Indian Rock Avenue;

- There is a southbound travel lane on Arlington Avenue (right side of the median) for vehicles exiting Indian Rock Avenue (SB);
- Two 50' double yellow centerlines are provided along Arlington Avenue (NB) before Indian Rock Avenue (north of The Circle).
- To the north of the study area, Arlington Avenue forms a three-way intersection with Mendocino Avenue. The following traffic control devices have been installed at the intersection:
  - Ladder crosswalk on Arlington Avenue (left and right side of the median) at the intersection of Mendocino Avenue;
  - Standard crosswalk on Mendocino Avenue at the intersection of Arlington Avenue;
  - W11-2 crosswalk sign at the median (on Arlington Avenue);
  - Red curb markings for pedestrian visibility on Arlington Avenue (south/north of Mendocino Avenue);
  - Landscaped middle island along Arlington Avenue (north/south of Mendocino Avenue);
  - A 30' buffer area across from the red curb marking (south of Mendocino Avenue).
- The speed limit is 25 mph within the study area.

**Data Collection Summary:**

- Vehicular volume and speed data were collected for a duration of one week from Monday, April 11, 2022 through Sunday, April 17, 2022. Following is a summary of vehicular volume and speed data:

| Location                                                 | Direction | Average Daily Traffic (vehicles) | 85 <sup>th</sup> ile Speed* (mph) |
|----------------------------------------------------------|-----------|----------------------------------|-----------------------------------|
| Arlington Avenue between The Circle and Mendocino Avenue | North     | 4300                             | 33                                |
|                                                          | South     | 4558                             | 29                                |

\*The 85<sup>th</sup> percentile is the speed that 85% of the traffic is traveling at or below. It is a very common tool for monitoring and comparing traffic operations, and for setting speed limits.

- The midblock and intersection reported collision records over the 5-year period (collision data available from July 1, 2016 to June 30, 2021) show that seven (7) collisions were recorded in the study area. Following is the summary of reported collisions:

| Location                                           | Total # of Collisions | Vehicle Involved with                                       | Primary Collision Factor                                           |
|----------------------------------------------------|-----------------------|-------------------------------------------------------------|--------------------------------------------------------------------|
| Arlington Ave/The Circle                           | 1                     | Other motor vehicle                                         | Improper Passing                                                   |
| Arlington Ave/Mendocino Ave                        | 3                     | Fixed Object<br>Fixed Object<br>Other motor vehicle         | Unsafe Speed<br>Driving Under Influence<br>Unsafe Starting/Backing |
| Arlington Ave Between Mendocino Ave and The Circle | 3                     | Parked motor vehicle<br>Other motor vehicle<br>Fixed Object | Driving Under Influence<br>Unsafe Speed<br>Wrong Side of Road      |

### **Summary of Evaluations:**

- Speeding – The speed limit within the study area is 25 mph. The 85<sup>th</sup> percentile speed data collected in the field (31 mph) exceeds the minimum criteria set by the traffic calming program, indicating that traffic calming is warranted in the study area.
- Pedestrian and bicyclist safety – The reported collision records over the 5-year period shows zero (0) collision involving a pedestrian. The reported collision records over the 5-year period shows zero (0) collision involving a bicycle. The collision criterion is not met for the study area.

### **Conclusion:**

Arlington Avenue between The Circle and Mendocino Avenue qualifies for physical traffic calming measures based on the speed criteria established in City Council Resolution No. 64-732-N.S. Staff has determined the following traffic calming option to consider:

- Install radar speed feedback signs in each direction on Arlington Avenue.



The next step is to hold a virtual neighborhood meeting to present the results of this study and select the most suitable option for the neighborhood. You will be hearing from me within the next few months with proposed dates/times for the meeting. Please take into consideration that I'm currently working on a large queue of traffic calming virtual neighborhood meetings before I get to the one on Arlington Avenue. Once a time is agreed upon, all affected residents will be invited by mail. The traffic calming option that is selected during the meeting will then be included in the Traffic Calming Capital Improvement Projects list during the annual budget process.

We appreciate your time and interest in this matter.

Sincerely,

J. Guillermo Jaramillo  
Assistant Transportation Engineer  
City of Berkeley, Transportation Division  
1947 Center Street, 4<sup>th</sup> Floor  
Berkeley, CA 94704

Fremont Office  
 43650 Osgood Road  
 Fremont, CA. 94539  
 Phone: (510) 656-2840  
 Fax: (510) 656-2397



CL No. 374600  
 DIR No. 1000000306  
 A General Engineering  
 C-13 Fence, Wire, Wood  
 C-32 Highway Improvement  
 Union Contractor / No Minority Status  
 Bond Rate 1.2%

|                                                                    |                                          |
|--------------------------------------------------------------------|------------------------------------------|
| <b>To:</b> City Of Berkeley                                        | <b>Contact:</b> Juan Guillermo Jaramillo |
| <b>Address:</b> 2180 Milvia St # 3<br>Berkeley, CA 94704 ALAMEDA   | <b>Phone:</b> (510) 981-6300             |
|                                                                    | <b>Fax:</b>                              |
| <b>Project Name:</b> ROADWAY THERMOPLASTIC MARKINGS 2022-2024 EW-4 | <b>Bid Number:</b> 56885-4               |
| <b>Project Location:</b> Alameda Co, Berkeley                      | <b>Bid Date:</b> 1/30/2023               |

| Item # | Item Description                                                | Estimated Quantity | Unit | Unit Price | Total Price |
|--------|-----------------------------------------------------------------|--------------------|------|------------|-------------|
| 01     | No Passing Zone (Detail 22)                                     | 120.00             | LF   | \$2.13     | \$255.60    |
| 02     | Left Edge Line (Detail 25A)                                     | 2,360.00           | LF   | \$0.97     | \$2,289.20  |
| 03     | Right Edge Line (Detail 27B)                                    | 2,400.00           | LF   | \$0.86     | \$2,064.00  |
| 04     | Yield Line (24" X 36")                                          | 90.00              | LF   | \$10.97    | \$987.30    |
| 05     | Reflective Pavement Markers                                     | 246.00             | EACH | \$5.87     | \$1,444.02  |
| 06     | Curb Painting (White/Blue/Green/Gray/Red)                       | 400.00             | LF   | \$2.55     | \$1,020.00  |
| 07     | Crosswalk Ladder (Basic 12" Stripes)                            | 1,120.00           | LF   | \$5.49     | \$6,148.80  |
| 08     | Crosswalk Triple Four                                           | 182.00             | LF   | \$12.77    | \$2,324.14  |
| 09     | Stripe 8" Hashing (White/Yellow)                                | 165.00             | LF   | \$3.66     | \$603.90    |
| 10     | Type I 10`                                                      | 2.00               | EACH | \$76.58    | \$153.16    |
| 11     | Type VII                                                        | 1.00               | EACH | \$144.73   | \$144.73    |
| 12     | STOP/ONLY                                                       | 1.00               | EACH | \$178.68   | \$178.68    |
| 13     | Furnish And Install Signs W/Core (Typically 24"x30" Or 30"x30") | 6.00               | EACH | \$440.32   | \$2,641.92  |
| 14     | Furnish & Install W11-1 And W16- 1p Signs W/Core                | 17.00              | EACH | \$529.66   | \$9,004.22  |
| 15     | Posting Of No Parking Signs                                     | 4.00               | HR   | \$197.82   | \$791.28    |
| 16     | Posting Door Notices                                            | 4.00               | HR   | \$223.35   | \$893.40    |

**Total Bid Price: \$30,944.35**

**Notes:**

- NO RETENTION TO BE TAKEN ON CONTRACTS LESS THAN \$5,000.00
- **1 Move- In(s) included. Additional Move- Ins \$3,500.00**
- Chrisp Company reserves the right to withdraw proposal if written acceptance is not received within 30 days of bid date
- Clean, clear and unobstructed access required for Chrisp Co. work
- Final PAY QTYS presented by owner MUST be agreed by Chrisp Co.
- After receiving contract 10 working days written notice required prior to scheduling of work
- EXCLUDE: Special Insurance Requirements, (i.e. Railroad Insurance, \_\_\_\_\_)
- This quotation excludes Primary Liability Insurance greater than \$2,000,000.
- This quotation excludes all work associated with the project SWPP and WPCP.
- ALL Bid items shall NOT be adjusted or removed without written / or verbal permission.
- Retainage percentage on monthly progress payments to be no greater than the percentage retained by the Owner on its payment to the Contractor. If Owner reduces the retainage percentages on payments to the Contractor, the Contractor shall likewise reduce the retainage percentage on payment to Chrisp Company. Full retention to be released no later than thirty, (30) Days after completion of Chrisp Companies work. Excessive or delinquent retainage will be subject to the highest interest rate allowed by law.
- Chrisp Company shall be reimbursed the full amount for bonds upon submission to General Contractor. Retention shall not be held from bond reimbursement.
- THIS QUOTATION IS BASED ON A STANDARD MONDAY THROUGH FRIDAY WORK WEEK. ADDITIONAL COSTS WILL OCCUR FOR WORK PERFORMED ON WEEKENDS
- CHRISP COMPANY WILL USE EXISTING EMPLOYEE POOL TO PERFORM ALL WORK ON THIS PROJECT. IF THERE ARE ANY HIRING GOALS FOR THIS PROJECT THIS WILL BE EXCLUDED
- EXCLUDE: ALL Safety Training, Badging, Drug Testing and Orientation (To be paid at time and material Cal-Trans
- EXCLUDE: REMOVAL OF USA MARKINGS

Fremont Office  
 43650 Osgood Road  
 Fremont, CA. 94539  
 Phone: (510) 656-2840  
 Fax: (510) 656-2397



CL No. 374600  
 DIR No. 100000306  
 A General Engineering  
 C-13 Fence, Wire, Wood  
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 Union Contractor / No Minority Status  
 Bond Rate 1.2%

|                                                                    |                                          |
|--------------------------------------------------------------------|------------------------------------------|
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|                                                                                                                                                                                                                                          |                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>ACCEPTED:</b><br/>                 The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p> | <p><b>CONFIRMED:</b><br/> <b>Chrisp Company</b></p> <p><b>Authorized Signature:</b> _____</p> <p><b>Estimator:</b> Carlos Recinos<br/>                 510-754-7846 crecinos@chrispco.com</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



13

12

16

10

ARLINGTON

18

THE CIRCLE

MENDOCINO

11

14

9

15

6

17

5

7

19

3

4

2

8

1

Arlington Ave

San Mateo Rd

Indian Rock Path

Arlington Ave

Arlington Ave

Solano Ave

Los Angeles Ave

Marin Ave

Shaftuck Ave

Indian Rock Park  
Rock climbing areas & panoramic views

Christina Michas  
Landscape Design

The Fountain at The Circle

N

- REFRESH ENTIRE CROSSWALK.
- REFRESH MIDDLE YELLOW ISLAND.
- REFRESH WHITE NOSE.

THE CIRCLE

ARLINGTON

LOCATION: THE CIRCLE AND ARLINGTON

N



- REFRESH DOUBLE YELLOW LINES.
- REFRESH WHITE EDGE LINE.
- REFRESH WHITE ARROWS (3).

**INDIAN ROCK**



**ARLINGTON**

**LOCATION: ARLINGTON AND INDIAN ROCK**

**2**



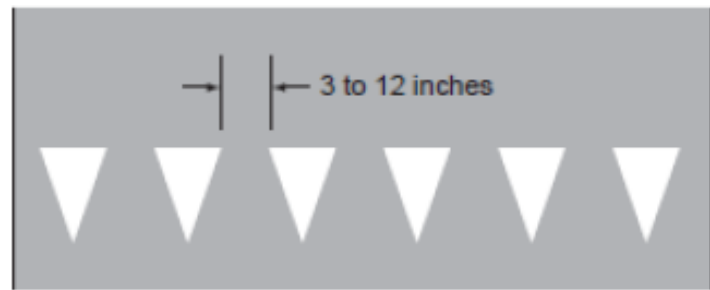
- **REFRESH CROSSWALK.**
- **INSTALL W11-2 AT CROSSWALK**
- **INSTALL R1-5 (AS SHOWN).**
- **INSTALL YIELD LINES (AS SHOWN)**
- **INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).**



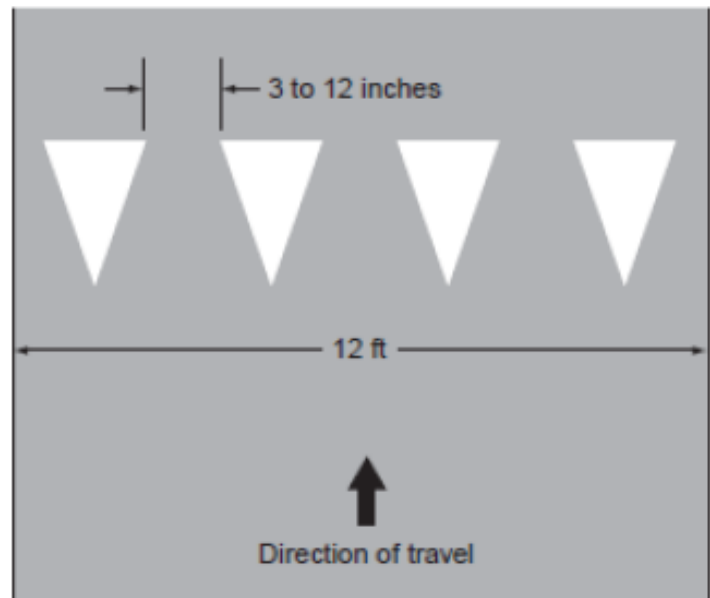
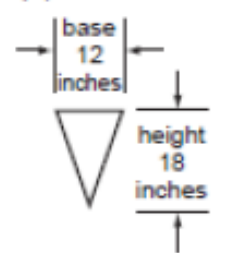
**LOCATION: ARLINGTON AND INDIAN ROCK**



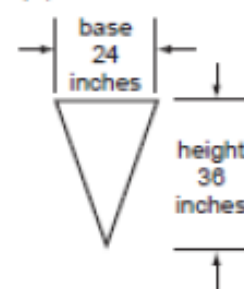
Figure 3B-16. Recommended Yield Line Layouts



(a) Minimum Dimensions



(b) Maximum Dimensions



Notes:  
Triangle height is equal to 1.5 times the base dimension.

Yield lines may be smaller than suggested when installed on much narrower, slow-speed facilities such as shared-use paths.

Figure 3B-17. Examples of Yield Lines at Unsignalized Midblock Crosswalks



~~Note: If Stop Here for Pedestrians signs are used instead of Yield Here to Pedestrians signs, stop lines shall be used instead of yield lines.~~



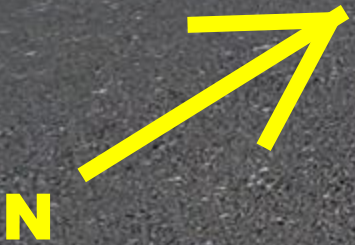
Legend  
→ Direction of travel



- REFRESH CROSSWALK.
- INSTALL W11-2 AT THE EDGE OF CROSSWALK (AS SHOWN).
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).



ARLINGTON



INDIAN ROCK

LOCATION: ARLINGTON AND INDIAN ROCK

- REFRESH CROSSWALK.
- REFRESH STOP BAR AND STOP LEGEND.

INDIAN ROCK

ARLINGTON



LOCATION: ARLINGTON AND INDIAN ROCK

- REFRESH CROSSWALK.
- INSTALL W11-2 AT CROSSWALK
- INSTALL R1-5 (AS SHOWN).
- INSTALL YIELD LINES (AS SHOWN).
- INSTALL 20' OF RED CURB.
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).



ARLINGTON

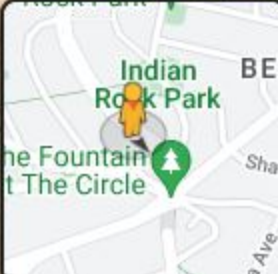
LOCATION: ARLINGTON (260' FROM INDIAN ROCK)



- REFRESH CROSSWALK.
- INSTALL W11-2 AT CROSSWALK
- INSTALL R1-5 (AS SHOWN).
- INSTALL YIELD LINES (AS SHOWN).
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).



**LOCATION: ARLINGTON (280' FROM INDIAN ROCK)**



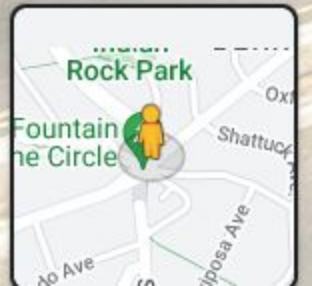
**- INSTALL W11-2 AND W16-9P  
- REFRESH RED CURB**

**INDIAN ROCK**



**LOCATION: ARLINGTON AND INDIAN ROCK**

**ARLINGTON**

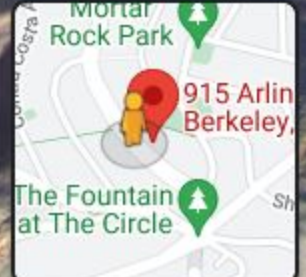


- REFRESH CROSSWALK / RED CURB.
- INSTALL W11-2 AT CROSSWALK.
- INSTALL R1-5 (AS SHOWN).
- INSTALL YIELD LINES (AS SHOWN).
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).



ARLINGTON

LOCATION: 899 ARLINGTON

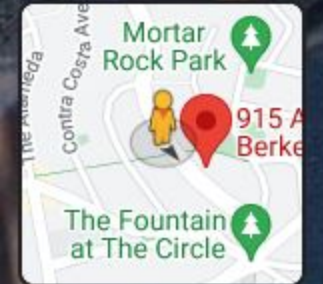


- REFRESH CROSSWALK / RED CURB.
- INSTALL W11-2 AT CROSSWALK.
- INSTALL R1-5 (AS SHOWN).
- INSTALL YIELD LINES (AS SHOWN).
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).



ARLINGTON

LOCATION: 900 ARLINGTON

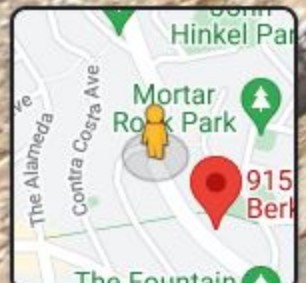


- REFRESH CROSSWALK / RED CURB.
- INSTALL W11-2 AT CROSSWALK.
- INSTALL R1-5 (AS SHOWN).
- INSTALL YIELD LINES (AS SHOWN).
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).

**LOCATION: 863 ARLINGTON**



**ARLINGTON**

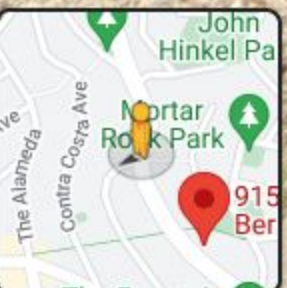




- REFRESH CROSSWALK / RED CURB.
- INSTALL W11-2 AT CROSSWALK.
- INSTALL R1-5 (AS SHOWN).
- INSTALL YIELD LINES (AS SHOWN).
- INSTALL REFLECTIVE PAVEMENT MARKERS OUTSIDE OF THE CROSSWALK (2 MARKERS AT THE EDGE OF EACH BAR).



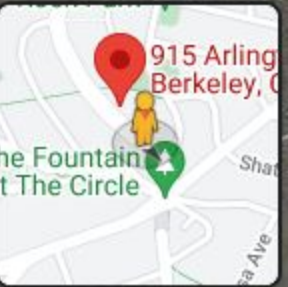
**LOCATION: 852 ARLINGTON**



- REFRESH WHITE EDGE LINE ALONG ARLINGTON AVE BETWEEN THE CIRCLE AND MENDOCINO AVE (SB/NB).
- REFRESH YELLOW EDGE LINE ALONG ARLINGTON AVE BETWEEN THE CIRCLE AND MENDOCINO AVE (SB/NB).
- REFRESH ALL BUFFER AREAS ALONG ARLINGTON AVE BETWEEN THE CIRCLE AND MENDOCINO AVE (SB/NB).
- REFRESH ALL RED CURBS ON ARLINGTON BETWEEN THE CIRCLE AND MENDOCINO AVE (SB/NB)



**LOCATION: ARLINGTON (BETWEEN THE CIRCLE AND MENDOCINO)**



**- INSTALL W11-2 AND W16-9P**

**MENDOCINO**



**AHEAD**

**LOCATION: ARLINGTON AND MENDOCINO**

**ARLINGTON**

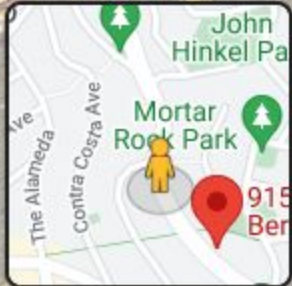


**- INSTALL W11-2 AND W16-9P**



**ARLINGTON**

**LOCATION: 875 ARLINGTON**

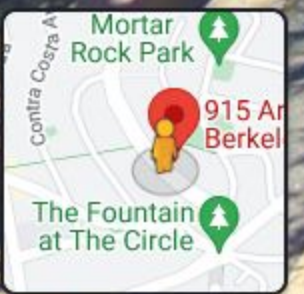


**- INSTALL W11-2 AND W16-9P**



**ARLINGTON**

**LOCATION: 915 ARLINGTON**



886 Arlington Ave  
Berkeley, California  
Google  
Street View - Jun 2022

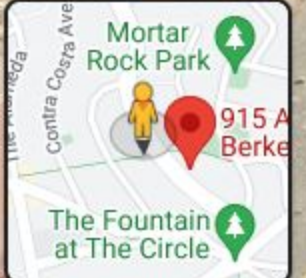
**- INSTALL W11-2 AND W16-9P**

**ARLINGTON**

**LOCATION: 886 ARLINGTON**



**AHEAD**



**16**

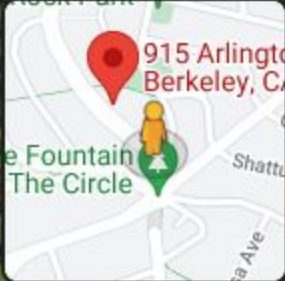
**- INSTALL W11-2 AND W16-9P**



**AHEAD**

**ARLINGTON**

**LOCATION: 973 ARLINGTON**



**- INSTALL W11-2 AND W16-9P**



**AHEAD**

**ARLINGTON**

**LOCATION: 928 ARLINGTON**





**- INSTALL W11-2 AND W16-9P**



**ARLINGTON**

**LOCATION: 962 ARLINGTON**



**REFLECTIVE PAVEMENT MARKERS TO BE INSTALLED AT EACH BAR  
OUTSIDE OF THE CROSSWALK. 2 MARKERS PER BAR. (AS SHOWN).  
TO BE APPLIED TO ALL CROSSWALKS ALONG ARLINGTON BETWEEN  
THE CIRCLE AND MENDOCINO AVE**



**REFLECTIVE PAVEMENT MARKER**



852 Arlington Ave  
Berkeley, California  
Google  
Street View - Jun 2022

Mortar Rock Park  
915 Arlington  
Berkeley, CA  
The Fountain  
The Circle  
Shattuck

Google

222



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf and Councilmember Hahn (co-authors)

Subject: 2023 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's and Hahn's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 20<sup>th</sup> Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. This year's program will be held virtually on April 16th, 2023 from 2:00 – 3:00 PM. Register via Eventbrite to attend.

FINANCIAL IMPLICATIONS

No General Fund impact: up to \$500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

BACKGROUND

The City of Berkeley's Annual Holocaust Remembrance Day program has been supported by the City Council since its inception in 2002. The program has occurred annually, except in the year 2020 when the pandemic hit without enough time to pivot to a virtual program. Berkeley's Holocaust Remembrance Day has become a treasured event for Holocaust survivors, family members and the Bay Area community as the only secular, city-sponsored program in the region. The community program invites attendees to honor those who perished in the Holocaust and those who survived. With rising hate incidents and hate crimes in our region and nation-wide, it is critical that we hear the stories of survivors of the Holocaust and re-affirm our resolve to never forget.

ENVIRONMENTAL SUSTAINABILITY

No impact

CONTACT PERSON

Councilmember Wengraf  
Attachment: 1. Resolution

Council District 6

510-981-7160

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Wengraf and Councilmember Hahn have surplus funds in their office expenditure accounts and will contribute \$500 each, and invite the Mayor and other Councilmembers to join them in contributing; and

WHEREAS, a California nonprofit tax-exempt corporation, The Jewish Community Center of the East Bay, serves as the fiscal sponsor of the Holocaust Remembrance Day program and will receive funds in an amount up to \$500 per contributing Councilmember's discretionary account; and

WHEREAS, the provision of such services would fulfill the municipal public purpose of providing a community program supporting Holocaust survivors, community recognition and education about the Holocaust and unity among Berkeley residents. The grants will provide funds to produce the virtual event.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget, up to \$500 per office, shall be granted to the Jewish Community Center of the East Bay to fund the City of Berkeley's virtual 20<sup>th</sup> Annual Holocaust Remembrance Day program on April 16, 2023.



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmembers Susan Wengraf & Sophie Hahn (co-authors), Mayor Arreguín (co-sponsor), Councilmember Bartlett (co-sponsor)

Subject: Proclamation in Honor of City of Berkeley Holocaust Remembrance Day

RECOMMENDATION

Adopt the Holocaust Remembrance Day Proclamation for the City of Berkeley's 20<sup>th</sup> Annual Holocaust Remembrance Day. The program will take place virtually on Sunday, April 16<sup>th</sup> from 2:00 - 3:00 PM.

FINANCIAL IMPLICATIONS

An allocation of \$6,000 dollars has been approved in the 2023 budget for this event.

BACKGROUND

For the past twenty years, The City of Berkeley has sponsored the Holocaust Remembrance Day program honoring survivors and remembering those who were murdered, those who resisted and those who rescued victims of the Holocaust.

More than 11 million people were targeted for extermination by the Nazis, including 6 million Jews, Roma, Poles, people with physical disabilities, homosexuals, communists, socialists and dissenting clergy.

The 2023 Berkeley Holocaust Remembrance Day theme is "*Remembrance and Resilience*". This year the community will honor Miriam Finder Tasini, retired UCLA professor and practitioner of psychiatry and psychoanalysis and author of *Where Are We Going*, who will speak about her experiences as a young child fleeing from the Nazis. The program will also feature Hannah Weisman, Executive Director of The Magnes Collection of Jewish Art and Life, and musical performances by Aryeh Nussbaum Cohen, operatic countertenor, a unique candle lighting ceremony by survivors and family members, and a performance by young members of the Jewish Community Center of the East Bay.

Holocaust Remembrance Day reminds us of the extreme dangers of letting hate go unchecked. The program is meant to remind us of the horror of the systematic

annihilation of millions of innocent people and at the same time serves to strengthen and renew our belief in the courage and resilience of the survivors and rescuers.

ENVIRONMENTAL SUSTAINABILITY

No direct impact.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Proclamation

## BERKELEY'S 20<sup>TH</sup> ANNUAL HOLOCAUST REMEMBRANCE DAY

**Whereas**, the Holocaust was the state-sponsored, systematic genocide of more than six million European Jews by Nazi Germany and its collaborators between 1933 and 1945; and

**Whereas**, the Holocaust was a crime of shocking inhumanity, targeting for persecution and death, Jews and also Roma and Sinti people, those with mental illness and physical disabilities, homosexuals, Slavs, Poles, and members of anti-Nazi networks from throughout Europe; and

**Whereas**, this year's guiding Holocaust Remembrance theme of "*Remembrance and Resilience*" emphasizes the need to remember and acknowledge the atrocities of the past to heal and thrive in the present; and

**Whereas**, false information on the Holocaust continues to deny and trivialize the truth of what took place during the Nazi regime and, for the benefit of past, present and future generations, we must never forget the appalling crimes of the Holocaust; and

**Whereas**, the purpose of Berkeley's Holocaust Remembrance Day is to join together as a community to remember the Holocaust, honoring survivors who chose to rebuild their lives in Berkeley and the Bay Area, and to reflect on the need to respect all people.

**NOW THEREFORE, BE IT RESOLVED** that I, Jesse Arreguín, Mayor of the City of Berkeley, do hereby proclaim April 16, 2023 as

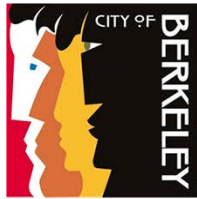
### **Holocaust Remembrance Day**

In the City of Berkeley, in memory of those who perished and in honor of the survivors as well as the rescuers and liberators.

**BE IT FURTHER PROCLAIMED** that the City of Berkeley is committed to never forgetting the events of the Holocaust and to working actively to combat antisemitism, racism, bigotry, and hatred in all forms, and to the promotion of human rights and dignity for all.







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Robinson (Author); Councilmember Hahn (Co-Sponsor); Councilmember Harrison (Co-Sponsor); Councilmember Taplin (Co-sponsor);

Subject: Referral: On-Street Secure Bike Storage

RECOMMENDATION

Refer to the City Manager to develop and return to Council with a plan to create on-street secure bike parking in multi-family residential and commercial districts across the City in parking spots previously reserved for car storage. Take associated actions, including:

1. Determining recommended locations for installation that take into consideration factors such as equity priority neighborhoods; transit connections; bicycle network connections; areas with high percentages of tenants; access to destinations such as schools, community centers, employment centers, and businesses; and public input.
2. Developing and issuing a Request for Proposal for an operator to install and maintain on-street bike lockers, including lockers that can accommodate bikes of varying shapes and sizes.
3. Pursuing available grant opportunities to fund initial costs and ongoing maintenance.

CURRENT SITUATION

The City of Berkeley does not currently maintain or contract with an operator to maintain secure bike parking facilities. Bike parking in Berkeley is provided through a number of mechanisms:

- Short-term and long-term bicycle parking requirements for new construction and building expansions, both non-residential and residential.<sup>1</sup>
- City-installed bike racks (placed on sidewalks) and corrals (placed in on-street parking spots), which can be requested by residents, workers, and businesses.<sup>2</sup>
- Secure parking facilities at Downtown Berkeley, Ashby, and North Berkeley BART, the Berkeley Marina, and the Berkeley Caltrain station, operated by BikeLink.<sup>3</sup>

<sup>1</sup> <https://berkeley.municipal.codes/BMC/23.322.090>

<sup>2</sup> <https://berkeleyca.gov/city-services/getting-around/walking-and-biking/bike-parking>

<sup>3</sup> <https://www.bikelink.org/maps>

- Secure bike cages on the UC Berkeley campus for use by UC affiliates, operated by UC Berkeley Parking & Transportation.<sup>4</sup>
- Other non-City-owned bike racks, including in BART stations, on the UC Berkeley campus, and on private property.

Policy D-2 of the City's Bicycle Plan states that the City should "continue to expand citywide bike parking supply including short-term and long-term facilities for both commercial and residential land uses." This includes regularly reviewing and updating parking specifications and requirements that provide "long-term parking for maximum security and weather-protection, per City specifications for high-capacity bicycle racks, bicycle cages, bicycle rooms, and other secure enclosures."<sup>5</sup> BART's draft Berkeley-El Cerrito Access Plan recommends expanding bike parking at BART stations and increasing secure bike parking options to accommodate larger bikes, such as tandem and cargo bikes.<sup>6</sup>

### BACKGROUND

Secure bike parking refers to parking facilities that shield bicycles from theft, damage, and inclement weather. Ideal for longer-term parking needs, secure end-of-trip facilities complement other aspects of the bicycle ecosystem such as the low-stress bicycle network; bike education programs; maintenance and repair shops; and short-term parking. Oonee (Figure 1) and BikeLink (Figure 2) lockers are examples of secure bike parking solutions that have been implemented in cities across the country, including in the Bay Area. These lockers are efficient uses of the public right of way, turning a parking space for one car into parking for as many as six bicycles.

Figure 1: Oonee Mini Pod<sup>7</sup>

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<sup>4</sup> <https://pt.berkeley.edu/SecureBikeCages>

<sup>5</sup> [https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017\\_Ch2\\_GoalsPoliciespdf.pdf](https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017_Ch2_GoalsPoliciespdf.pdf)

<sup>6</sup> [https://www.bart.gov/sites/default/files/docs/221213\\_BECCAP\\_Public\\_Review\\_Draft\\_clean.pdf](https://www.bart.gov/sites/default/files/docs/221213_BECCAP_Public_Review_Draft_clean.pdf)

<sup>7</sup> <https://www.oonee.us/mini>

Figure 2: BikeLink Locker<sup>8</sup>

In the Bay Area, most secure bike parking facilities are operated through BikeLink, a bicycle parking system deployed by Berkeley-based company eLock Technologies. Rates for locker use typically vary from \$0.03-\$0.05 per hour, and with the help of external grants, cities such as Oakland, Fremont, San Jose, and Santa Clara have been able to offer the first several hours of locker use for free. The system is accessed with a secure BikeLink card or app. Additionally, riders can connect their Clipper card to their BikeLink account, allowing them to pay using Clipper at specified locations.

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<sup>8</sup> <https://www.sjpl.org/bike-lockers>

Studies show that secure bike parking is important for increasing bicycle mode share.<sup>9</sup> One study found that the presence of secure parking results in the same effect on the attractiveness of a trip as a decrease of 26.5 minutes spent cycling in mixed traffic. Bicyclists broadly prefer higher-security parking options that deter theft. This is especially true for younger bicyclists, for whom a bicycle represents a higher proportion of their income, and for women.

Bicyclists park their bikes for the longest period of time at home; however, there has been less of a focus on residential bike parking than on bike parking near transit or work.<sup>10</sup> Residents of single-family homes have more options for bike parking than residents of multi-floor, multi-family buildings. While the City requires new construction to include bike parking, older multi-family buildings do not always provide bike parking for their tenants. A tenant in these buildings must either park their bike at a nearby City-owned bike rack (not always available), affix it to a pole or staircase (prohibited behavior that can create access issues), or carry it up multiple flights of stairs to store indoors (requires that they be able-bodied and have a large enough apartment). This additional burden and potential for theft may act as a deterrent to purchasing a bike for many tenants. On-street bike lockers in multi-family residential neighborhoods would give tenants more options for safely parking their bikes.

The rise in popularity of electric bikes creates an additional need for secure bike parking. E-bikes weigh between 40 and 80 pounds in part due to the additional weight of the battery, which is much heavier than traditional bikes. This makes it more difficult for a resident of a multi-floor building to carry it up stairs. E-bikes are also more expensive than traditional bikes, increasing the importance of parking facilities that reduce theft. The availability of secure bike storage in residential areas, along with bike theft, were concerns that community members raised to Waterside Workshops as they were conducting outreach for the Berkeley E-Bike Equity Project funded through the Berkeley Climate Equity Fund.

Lastly, e-bikes come in varying shapes and sizes that allow them to act as car replacements. Cargo bikes that are longer and have more luggage baskets and/or seats make it possible to transport families, groceries, and other heavy loads. E-tricycles provide a more stable and comfortable alternative to a two-wheel e-bike that can be appealing to seniors. Adaptive bikes and trikes such as handcycles, recumbents, and wheelchair carrier bikes make bicycling possible for people with a range of physical disabilities. Secure bike parking that accommodates these non-traditional bikes will make bicycle-based transportation and recreation accessible and practical for a broader range of Berkeley residents.

## FINANCIAL IMPLICATIONS

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<sup>9</sup> <https://eprints.whiterose.ac.uk/143013/1/Bicycle%20parking%20paper%20revision3%20final.pdf>

<sup>10</sup> <https://eprints.whiterose.ac.uk/143013/1/Bicycle%20parking%20paper%20revision3%20final.pdf>

Initially, staff time. This item refers to staff the development of a secure bike storage plan. Through the development of that plan, staff are encouraged to develop costing estimates and make funding recommendations to council for the implementation of the plan.

ENVIRONMENTAL SUSTAINABILITY

Secure bike storage is an important strategy to increase residents' mode share by bicycle. Replacing car trips is essential to local greenhouse gas reductions.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Angie Chen, Legislative Assistant  
Chloe Park, Intern





Office of the City Manager

PUBLIC HEARING  
March 21, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Fifth Street

RECOMMENDATION

Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the east side of the 1600 block of Fifth Street in Area P.

FISCAL IMPACTS OF RECOMMENDATION

Funding of \$1,899.08 for RPP street signage installation is currently available in the FY 2023 budget in the General Fund (011-54-622-664-0000-000-431-513110- and 011-54-622-664-0000-000-431-642990-).

CURRENT SITUATION AND ITS EFFECTS

Residents on the 1600 block of Fifth Street, which is in an RPP eligible area, have submitted a petition to join the RPP Program. The area that would join the Program is shown in Attachment 3:

1. In Area P: The east side of the 1600 block of Fifth Street between Cedar Street and Virginia Street.

In accordance with Berkeley Municipal Code (BMC) Section 14.72.050(A)(1), staff verified that residents submitted signatures on a qualifying petition representing a numerical majority of residentially zoned parcels wishing to “opt-in” to the RPP Program for the street section listed in the attached Resolution. Staff verified that at least 75% of the curb parking spaces were occupied during mid-morning and mid-afternoon observation periods at the location.

The addition of the east side of one block in Area P should have a minimal impact on enforcement capabilities, as RPP restrictions are already in place nearby. Each new addition to the RPP Program, however, tends to result in slightly diminished

enforcement for all other existing permit areas, due to parking enforcement officers having slightly larger areas to patrol.

### BACKGROUND

The RPP Program was instituted in 1980 (1) to protect Berkeley residential neighborhoods from an influx of non-resident vehicles and related traffic; (2) to assure continued quality of life for residents; and (3) to provide neighborhood parking for residents. The Program limits parking for vehicles not displaying an RPP permit in most RPP areas to two hours, and reserves available daytime parking for residents, between 8:00 a.m. and 7:00 p.m. Monday through Friday, and on some blocks Saturday.

The RPP Program currently allows residents within RPP program boundaries to petition the City to “opt-in” or “opt-out” of the Program. The process to install RPP controls requires submittal of a petition signed by residents (including tenants of rental properties) of at least 51% of dwellings sited along the affected block, and a parking survey of those blocks that shows at least 75% of available on-street parking spaces are occupied during the mid-morning and mid-afternoon time periods.

The RPP Program is a Strategic Plan Priority Project, advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Expansion of the RPP Program to include additional blocks may have a minor beneficial environmental effect. Incremental expansion of the RPP Program may make alternative transportation options more attractive. A modal shift by commuters to walking, bicycling, public transportation, or carpooling may also lead to a decrease in greenhouse gasses.

### RATIONALE FOR RECOMMENDATION

Because the required number of households on the subject blocks have signed a petition, and as parking surveys show more than 75% occupancy of curbside parking, these blocks meet the requirements set forth by the BMC for inclusion into the RPP Program.

### ALTERNATIVE ACTIONS CONSIDERED

Council may allow unrestricted parking to remain on these streets. However, Council has previously approved the “opting in” of blocks where the requisite number of households signed a petition requesting RPP control, and where the parking utilization exceeds 75%.

### CONTACT PERSON

Farid Javandel, Deputy Director of Public Works, Transportation and Engineering, (510) 981-7010

Samuel Agate, Assistant Planner, Public Works (510) 981-6433



Implement Residential Preferential Parking (RPP) Program on the  
1600 Block of Lincoln Street

PUBLIC HEARING  
March 21, 2023

Attachments:

1. Resolution
2. Public Hearing Notice
3. Map of Street Section Opting Into Program

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

IMPLEMENT RESIDENTIAL PREFERENTIAL PARKING (RPP) PROGRAM ON 1600  
BLOCK OF FIFTH STREET

WHEREAS, Berkeley Municipal Code Section 14.72.050.A.1, Designation of a Residential Preferential Parking (RPP) Area, allows residents to petition the City to "opt-in" or "opt-out" of the program and requires submittal of a petition containing signatures of residents of at least 51% of residentially zoned parcels on the affected block; and

WHEREAS, residents of at least 51% of the dwellings on the following blocks have petitioned to "opt-in" to Residential Preferential Parking:

1. East side of the 1600 block of Fifth Street between Cedar Street and Virginia Street;

WHEREAS, staff has conducted field observations and determined at least 75% of available on-street parking spaces are occupied during the mid-morning and mid-afternoon time periods; and

WHEREAS, the designation of these blocks as a residential permit parking area will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area designated; and

WHEREAS, the \$1,899.08 implementation cost is currently available in the FY 2023 budget in the General Fund 011 for Transportation Traffic Maintenance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following subsection of Section 25 of Resolution No. 56,508-N.S. are hereby added to read as follows:

Section 25P FIFTH STREET, east side between Cedar Street and Virginia Street

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**EXTEND RESIDENTIAL PREFERENTIAL PARKING PROGRAM TO  
1600 BLOCK OF FIFTH STREET**

The Department of Public Works is proposing to conduct a public hearing and, if recommendations are approved, adopt a Resolution amending Section 25P of Resolution No. 56,508-N.S. by adding a subsection to extend residential preferential parking on both sides of the 1600 block of Fifth Street between Cedar Street and Virginia Street.

The Residential Preferential Parking (RPP) Program allows for residents to petition the City to "opt-in" or "opt-out" of the Program. Complying with program requirements, residents of the block under consideration for opting into the RPP Program have submitted the qualifying signatures on a petition and also have at least 75% of the curb spaces occupied during the morning and mid-afternoon observation periods. Adding a block within the existing residential study area boundaries through evaluations by an EIR study certified on September 27, 1988, and in accordance with California Environment Quality Act (CEQA) guidelines, are categorically exempt as defined by Section 15.162(c).

The hearing will be held on, March 21, 2023 at 6:00 p.m. The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley, CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at [www.berkeleyca.gov](http://www.berkeleyca.gov) as of **March 9, 2023**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Samuel Agate, Assistant Planner at (510) 981-6433.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

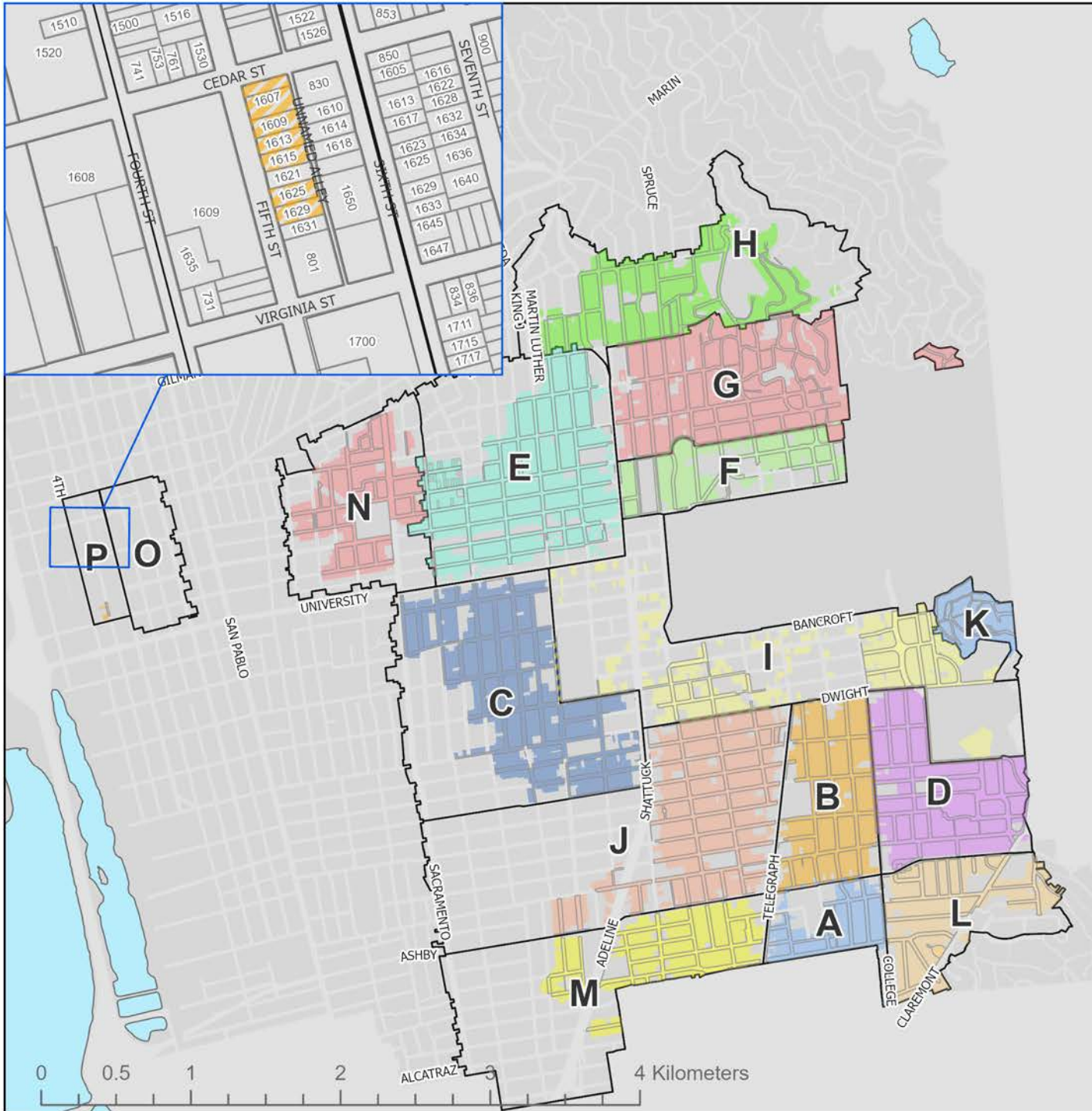
Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication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

include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Posted by:** March 11, 2023 - Pursuant to Berkeley Municipal Code Chapter 14.72

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 9, 2023.

Mark Numainville, City Clerk



ATTACHMENT 3

 PARCELS OPTING INTO AREA P

CURRENTLY ELIGIBLE PARCELS

-  A
-  B
-  C
-  D
-  E
-  F
-  G
-  H
-  I
-  J
-  K
-  L
-  M
-  N
-  P

This map is for reference purposes only.

Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors.
September 17, 2021



CITY OF BERKELEY
Transportation Division
1947 Center Street
Berkeley CA 94704



Office of the City Manager

ACTION CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Berkeley Transit-First Policy Implementation Plan

RECOMMENDATION

- 1) Adopt a Resolution approving the Berkeley Transit-First Policy Implementation Plan and authorizing the City Manager to pursue implementation of the Plan as funding and staffing permit; and
- 2) Appoint two members and one alternate to serve on the Inter-Agency Liaison Committee (ILC) between the City of Berkeley and AC Transit to discuss transit-related matters on a quarterly schedule.

FISCAL IMPACTS OF RECOMMENDATION

The Transit-First Policy Implementation Plan provides policies and design guidance related to public transit in Berkeley. One of its recommended policies is to construct concrete bus pads when bus stops are relocated or new bus stops are installed. This policy is estimated to have a fiscal impact of \$100,000 per year. Funding in the amount of \$200,000 has been included in the FY 2023 – FY 2024 Capital Improvement Program and budgeted in Project PWSUST2201 for adding concrete bus pads at existing bus stops either in place or when moved, such as to the far side of an intersection. Additional funding would need to be identified for concrete bus pads at new bus stops. However, bus stops in Berkeley are well established, and adding new ones to the total number is therefore uncommon. Other policies in the proposed plan do not directly result in the construction or purchase of equipment and so do not have a fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley General Plan has a Transit-First Policy (Berkeley General Plan Policy T-4), which gives “priority to alternative transportation and transit over single-occupant vehicles on transit routes identified on the [General Plan] Transit Network map.” The identified primary and secondary transit routes are shown in Attachment 1. The proposed Berkeley Transit-First Policy Implementation Plan is intended to create a set of policies and design guidelines that provide procedures for the implementation of the Transit-First Policy and for future planning for the City’s existing transit primary routes.

To work toward implementing the City's Transit-First Policy, the proposed objectives of the Plan are to:

- Improve transit efficiency, reliability, and accessibility
- Increase transit ridership
- Prioritize transit corridors for future planning

The Transit-First Policy Implementation Plan has been developed as a stand-alone document to be incorporated into a future update of the Berkeley Strategic Transportation (BeST) Plan.

The Plan includes sections covering the following topics:

- Existing transit policies and best practices
- Recommended City transit policies and design guidelines
- Transit corridor study prioritization

The Plan's policy recommendations and proposed prioritization of future transit corridor studies are summarized in Attachment 2.

Resuming Inter-Agency Liaison Committee (ILC) Meetings

The City established an Inter-Agency Liaison Committee (ILC) with AC Transit in 2010, but meetings have not occurred for some time (Attachment 3). The purpose of the ILC is to provide a collaborative format for the City of Berkeley and AC Transit to improve transit service within the City. Collaborative discussion items include, but are not limited to:

- Coordination of new residential and commercial development projects with transit services
- Roadway and right-of-way changes and projects
- Service planning, including routes, schedules, and bus stops
- Service partnerships
- Transit corridor projects such as dedicated transit lanes
- Area service plan proposals
- Connections between multiple transit modes

ILCs are Brown Act committees established by the AC Transit Board of Directors and a local jurisdiction such as the City. The ILC is comprised of two AC Transit Board Members and two partner agency City Council Members plus one City Council Member who serves as an alternate member of the ILC. Decisions of the ILCs are non-binding on the District or partner agency, and the ILC does not have the authority to enter into agreements, contracts, or other binding decisions on behalf of either organization.

Because an ILC has already been established, the City Council needs only to appoint new members to the ILC for meetings to resume.

BACKGROUND

Development of the Transit-First Policy Implementation Plan involved outreach to a technical advisory committee (TAC) and the Transportation and Infrastructure Commission. The TAC includes Public Works staff and transit operators. The first TAC meeting was held in July 2019 and the second TAC meeting was held in September 2019. The former Transportation Commission held Transit Subcommittee meetings in October 2019 and March 2020 and provided feedback on the scope of work and transit design guidelines. The work on the Plan was largely put on hold during the COVID-19 pandemic due to the suspension of commission subcommittee meetings and the uncertainties regarding future transit services and ridership. However, City staff received feedback from AC Transit staff on draft Plan sections during 2021.

Development of the Transit-First Policy Implementation Plan resumed in mid-2022. Staff presented the Plan's preliminary recommendations as a discussion item at the Transportation and Infrastructure Commission (TIC) meeting on October 20, 2022. The third TAC meeting was held on November 3, 2022, where staff also solicited feedback on the preliminary recommendations. Staff presented the Draft Plan to the TIC on November 17, 2022, where it was motioned and seconded (Parolek/Leung) that, "The Transportation and Infrastructure Commission (TIC) recommends that Council adopt the Transit-First Policy Implementation Plan with the changes presented by staff at the 11/17/22 TIC meeting and those recommended to staff by the TIC at the same meeting." (Ayes: Fixler, Ghosh, Greenberg, Leung, Lutzker, Parolek, Yep. Noes: Walton. Motion carried.) The referenced changes presented by staff and recommended to staff by the TIC have been incorporated into the Plan.

With respect to the ILC, currently Public Works staff hold a monthly transit coordination meeting that includes staff from AC Transit. However, there is no standing meeting between Councilmembers and AC Transit Board Directors.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Berkeley Transit-First Policy Implementation Plan supports the Berkeley Climate Action Plan, which has a target of reducing transportation emissions 80% below year 2000 levels by 2050. Specifically, the Climate Action Plan states transportation modes, such as public transit, walking, and cycling, must become the primary means of fulfilling the City's mobility needs in order to meet this target.

RATIONALE FOR RECOMMENDATION

Approving the Plan will help Berkeley to implement its existing Transit-First Policy. Furthermore, approval and implementation of the Plan would help Berkeley meet the target of its Climate Action Plan by supporting the use of public transit as an alternative to single-occupant vehicles, resulting in lower carbon emissions per capita. Resuming an Inter-Agency Liaison Committee with AC Transit would provide a standing meeting for elected officials to discuss transit issues and coordinate implementation of the Plan.

ALTERNATIVE ACTIONS CONSIDERED

Council may opt to not approve the Plan or appoint members to serve on the Inter-Agency Liaison Committee which could result in fewer actions being pursued to implement the City's existing Transit-First Policy.

CONTACT PERSON

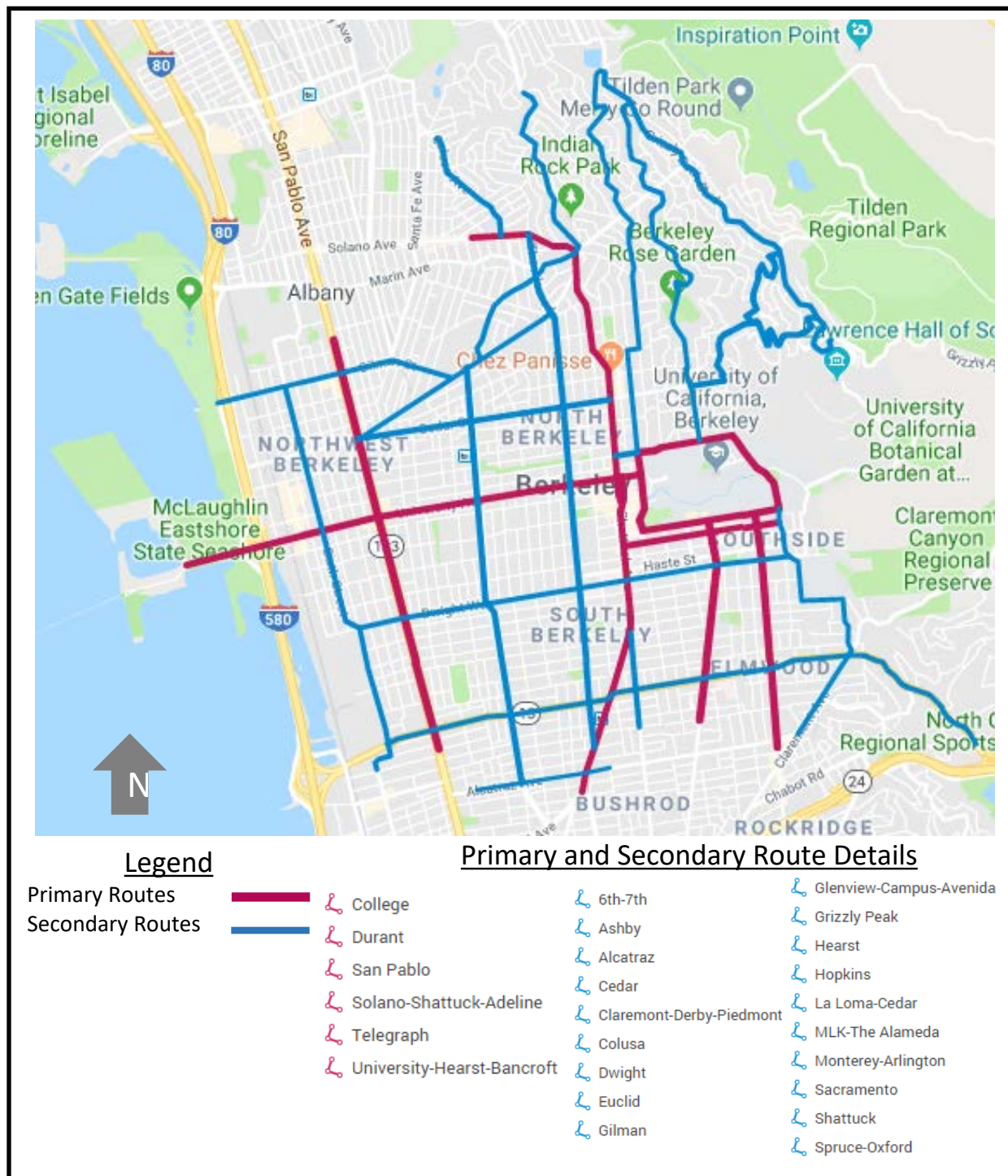
Farid Javandel, Deputy Director of Public Works, Transportation and Engineering, 981-7061

Gordon Hansen, Senior Planner, Public Works, 981-7064

Attachments:

- 1: Map of Berkeley Primary and Secondary Transit Routes
- 2: Summary of Proposed Policies from Transit-First Policy Implementation Plan
- 3: Formation of Inter-Agency Liaison Committee with Alameda Contra-Costa Transit District ('AC Transit')", February 23, 2010
- 4: AC Transit Interagency Liaison Committee Parameters
- 5: Resolution
Exhibit A: Berkeley Transit-First Policy Implementation Plan

Map of Primary and Secondary Transit Routes Identified in City of Berkeley General Plan – Transportation Element



Summary of Proposed Policies from Transit-First Policy Implementation Plan

Policy 1.1 Bus stops on far-side of intersections

It is preferred for all bus-stops to be placed on the far-side of the intersection, when feasible. This is the preferred location for new and relocated stops.

Policy 1.2 Bus bulbs and boarding islands

It is preferred that bus stops be located on bus bulbs or boarding islands when feasible, including the implementation of multi-use bus bulbs or bus parklets where desired by businesses or other uses adjacent to the bus stop.

Policy 1.3 Bus pads

Provide bus pads at bus stops served with 40-foot or greater sized buses.

Policy 1.4 Bus stop fixtures

Implement and maintain a standard for fixtures at bus stops based on ridership, nearby destinations (i.e., services and housing for seniors and people with disabilities), and frequency of service by working with AC Transit and shuttle operators.

Policy 2.1 Signal timing and transit signal priority (TSP)

Implement signal timing improvements and/or transit signal priority along major transit corridors.

Policy 2.2 Prioritize the use of public right-of-way for transit improvements over parking

When finding space in the street for transit improvements, such as moving bus stops, adding bus bulbs, or adding a bus lane or transit queue jump lanes, there is the potential for on-street parking spaces to be removed. Giving priority to transit improvements over parking reflects Berkeley's Transit-First Policy.

Policy 3.1 Temporary Transit Impact Notification

Give notice to transit riders about temporary relocations or changes in service at transit stops and along transit routes.

Policy 3.2 First-/last-mile shared mobility

At transit hubs, such as BART stations or major bus line stops, provide parking for micro mobility that is safely out of the way from the transit facilities and active sidewalk space.

Policy 3.3 Advocate for creation and adoption of a more equitable and transparent service cancellation policy that also preserves service on lines serving Berkeley middle and high schools

Advocate for creation and adoption of a more equitable and transparent AC Transit service cancellation policy.

Policy 3.4 Support AC Transit in Various Payment Options

To increase transit efficiency by reducing dwell times at bus stops, support the development of all-door boarding and off-board payment options.

Policy 3.5 Create a City-AC Transit Interagency Liaison Committee (ILC)
 Work with AC Transit and City Council to form and regularly convene a Berkeley-AC Transit ILC to collaborate on joint service planning and transit corridor projects.

Policy 3.6 Support Attraction and Retention of Bus Drivers
 Recognize that transit agencies are facing driver shortages due to a challenging work environment and a high number of retirement eligible workforce. Advocate for regional operational funding sufficient to attract and retain drivers.

Policy 3.7 Improve Facilities for Bus Layovers
 Evaluate identify, and implement bus driver layover improvements, including bus driver and restroom needs, ADA and universal accessibility improvements, curb lengths, and other right-of-way improvements under City purview.

Policy 3.8 Work with AC Transit to improve reliability and service on lines that take students to Berkeley middle and high schools
 Many students use, or could use, AC Transit service to access Berkeley middle schools and Berkeley High School, particularly those students living in Equity Priority Communities.

Transit Corridor Study Prioritization

Corridor	Completion by City of Berkeley
San Pablo Avenue	**
Telegraph Avenue	2024
Adeline Street*	2025
Shattuck Avenue	2027
University Avenue	2029

* Adjacent to Ashby BART station: 2023; south of Ashby BART station: 2024; north of Ashby Ave: 2025

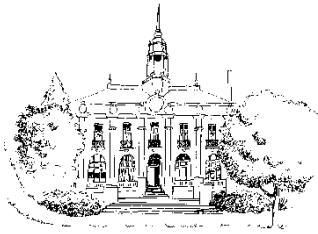
** Led by Alameda County Transportation Commission

Kriss Worthington

Councilmember, City of Berkeley, District 7

2180 Milvia Street, 5th Floor, Berkeley, CA 94704

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ACTION CALENDAR

February 23, 2010

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Councilmember Jesse Arreguin

Councilmember Laurie Capitelli

Subject: Formation of Inter-Agency Liaison Committee with Alameda Contra-Costa Transit District ("AC Transit")

RECOMMENDATION

Create a special committee of no more than four (4) council members. The co-sponsors invite the Mayor to join or designate another council member to participate and request the city manager to appoint various city staff members to meet with AC Transit officials on a quarterly basis.

BACKGROUND

AC Transit has Inter-agency Liaison Committees with cities in its operating area. These committees meet once a quarter (or three times a year) and consist of at least two AC Transit Board Members, AC Transit service planning staff, a couple of council members as well as various city staff members that are responsible for transit issues. The Committee's purpose is to serve as a vehicle for city officials to express their concerns about AC Transit service and allow AC Transit to adjust its service in a manner that comports with such concerns. It also gives AC Transit a chance to work with city officials on issues that affect the city.

Currently, the city of Berkeley and Oakland are the only two cities that have yet to participate in committee meetings with AC Transit. Alameda and Emeryville have separate committees. Fremont and Newark participate in a joint committee. Hayward and San Leandro are the South County Committee. The Contra Costa cities participate with West Contra Costa Transportation Advisory Committee.

FINANCIAL IMPLICATIONS

None.

CONTACT PERSON

Councilmember Kriss Worthington

510-981-7170

FINAL AC Transit Inter-agency Liaison Committee Parameters

September 9, 2020

The AC Transit Inter-agency Liaison Committees (ILC) are Brown Act Committees established by the AC Transit Board of Directors and partner local jurisdictions or agencies. The ILC comprises AC Transit Board Members and partner agency board members, city council members, or county supervisors.

The decisions of the ILCs are non-binding on the District or partner agency. The ILCs do not have the authority to enter into agreements, contracts or other binding decisions on behalf of either organization. Finally, The ILCs are intended to provide a cooperative framework to provide input and exchange information and are not advisory in nature.

Purpose – To improve service planning coordination between AC Transit and local jurisdictions or agencies. Issues to coordinate on include:

- New residential and commercial developments
- Roadway and right-of-way changes and projects
- Service planning including: routes, schedules and bus stops
- Service partnerships such as Line 19 in Alameda
- Transit corridor projects such as Rapid Bus and Bus Rapid Transit
- Area Service Plan Proposals such as AC Go or Transbay Tomorrow
- Connections between multiple transit modes

Governance Structure – ILCs are established by the AC Transit Board of Directors as Brown Act Committees that are advisory in nature and do not have decision-making authority.

- **ILC Members** – A maximum of three AC Transit Board Members can participate on an individual ILC. It is recommended that no more than three members from the partner agency should participate. AC Transit members are appointed by the AC Transit Board President and should include an alternate member.
 - **Joint Meetings** – Given the regional nature of AC Transit’s service, in certain areas of the District, it may be appropriate for two ILCs to hold a one-time or regularly occurring joint meeting, such as San Leandro and Hayward where many bus routes traverse both cities.
- **Agenda Planning** – Meeting agenda items are requested by the ILC at the prior meeting. A draft agenda is then developed by staff for final approval by the General Manager and the AC Transit ILC Chairperson. The partner agency will establish its own process for approval.
- **Staff Requirement and Tasks**
 - Handle administrative roles for the meeting
 - Take meeting notes

- Hold ILC staff meeting a month prior to the ILC meeting to strategize on gathering information on agenda items
- Jointly develop staff briefings for agenda items with partner agency
- Draft agenda is reviewed by the partner agency staff representative
- Publication of the agenda by the District Secretary's Office
- Posting and all other noticing requirements handled by the Planning Department.

Meetings

- **Frequency** – Meetings for all ILCs shall occur no more than four times per year and no less than twice per year. Additional meetings may be scheduled for urgent or emergency items. In addition, staff from the respective agencies will meet on a regular basis in between ILC meetings for further coordination.
- **Duration** – Meetings shall not exceed 90 minutes in length.
- **Location** – Meeting locations shall alternate between AC Transit's General Office (G.O.) and the partner agency's office. The ILC could also elect an offsite meeting location that is accessible to the public, preferably by transit. For partner agencies that are more than 30 minutes away from the G.O. in travel time, the ILC should consider holding the meeting at the partner agency's office permanently to encourage public participation from the local area.
- **Staff Participants**
 - The General Manager and his or her counterpart at the partner agency are encouraged to attend all ILC meetings
 - Meeting administrative duties will be the responsibility of the Service Development and Planning Department
 - Other departments should participate on an as-needed basis depending on the content of the agenda
- **Notifications**
 - In compliance with the Brown Act, the District shall release the meeting agenda and staff briefings at least 72 hours in advance for regular meetings and 24 hours in advance for special meetings. An exception to this would be if the partner agency has more stringent posting requirements resulting in a longer notification time.
 - In conjunction with release of the meeting agenda, the District will post the agenda in the AC Transit lobby and at the meeting location if different from the G.O.

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

CITY OF BERKELEY TRANSIT-FIRST POLICY IMPLEMENTATION PLAN

WHEREAS, the Berkeley General Plan Transportation Element includes a Transit-First Policy (Berkeley General Plan Policy T-4), which gives “priority to alternative transportation and transit over single-occupant vehicles on transit routes identified on the [General Plan] Transit Network map”; and

WHEREAS, promoting the use of public and mass transit as a form of transportation will help the City meet the Berkeley Climate Action Plan greenhouse gas reduction targets; and

WHEREAS, the Berkeley Transit-First Policy Implementation Plan includes policies, design guidelines, and recommendations for future transit corridor studies to promote the use of transit in Berkeley as an alternative to the use of single-occupant vehicles; and

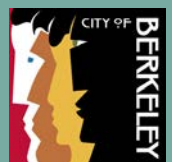
WHEREAS, the City of Berkeley Department of Public Works has received and responded to comments from the Berkeley Transportation and Infrastructure Commission and has revised the Transit-First Policy Implementation Plan accordingly.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the Berkeley Transit-First Policy Implementation Plan (Exhibit A) and authorizes the City Manager to pursue implementation of the Plan as funding and staffing permit.



BERKELEY TRANSIT-FIRST POLICY IMPLEMENTATION PLAN

DECEMBER 2022 - REVISED DRAFT



ACKNOWLEDGEMENTS

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01

EXISTING POLICIES AND BEST PRACTICES

EXISTING POLICIES AND BEST PRACTICES

Plan Purpose

Create a set of policies and design guidelines that provide procedures for implementation of the City's Transit-First Policy and development of the City's existing transit priority corridors.

To work toward the City's goals related to transit and to achieve the City's Transit-First Policy of prioritizing transit over single-occupant vehicles, the objectives of this Plan are to:

- Improve transit efficiency, reliability, and accessibility,
- Increase transit ridership, and
- Prioritize transit corridors for implementation.

Plan Background

The City of Berkeley Transit-First Policy dates back to 1996 with a resolution to improve public transit and encourage greater use of transit. The General Plan states goals to reduce traffic and also encourage transit, as well as goals of sustainability and maintenance of infrastructure. The Transportation Element further details policies and actions to improve transportation and infrastructure. Most important is Policy T-4, the Transit-First Policy, which prioritizes transit and alternative transportation over single-occupant vehicles. All of these policies are compiled below.



Figure 1.1. AC Transit Bus on Shattuck Ave.
(Source: Paul Sullivan)

Resolution No. 58,731-N S. Declaring that the Use of Public Transit Be Encouraged (1996)

The City Council directs the Public Works Department and the Transportation Commission to consider and incorporate in the Plan, as appropriate, various methods of expediting transit services and encouraging greater transit use, including but not limited to the following:

1. Creation of exclusive bus lanes
2. Restriction of automobile turning movements that conflict with transit vehicles
3. Synchronization of traffic signals to the speed of transit vehicles rather than automobiles
4. Use of signal preemption devices for transit vehicles
5. Extension of bus stop curbs out to the traveled transit lane
6. Enforcement of regulations against double parking and parking in bus stops
7. Optimization of bus stop locations, considering factors such as bus operations and passenger safety
8. Posting and maintenance of transit schedule information at bus stops
9. Bus stop improvements such as benches and shelters

City of Berkeley General Plan: A Guide for Public Decision-Making (2003)

The following are the goals from the General Plan that are applicable to the Transit-First Policy Implementation Plan.

Goal #1: Preserve Berkeley's unique character and quality of life

Reduce Traffic and Encourage Transit: The increase in automobile traffic volume on city streets, its spillover onto local residential streets, and the increased congestion on a number of major streets have eroded the livability of some parts of the city and pose a continuing threat to Berkeley's quality of life. Berkeley has too many accidents involving pedestrians and

bicyclists. There are major gaps in and problems with the transit service available to Berkeley residents. The General Plan contains policies to improve and to encourage use of alternative modes of transportation, including working with transit agencies to establish a citywide or regional “Eco-Pass” program that would provide free transit passes. There are also policies to calm traffic and improve pedestrian and bicycle safety.

Goal #3: Protect local and regional environmental quality

Improve Air Quality and Conserve Resources: Air quality in the Bay Area is threatened by increased emissions from motor vehicle use and other sources. The City Council recently approved the Resource Conservation and Global Warming Abatement Plan (1998). Many policies from that plan are incorporated into the General Plan. The Plan’s Transportation Element contains policies to reduce automobile use and the Land Use Element encourages housing development along transit corridors to reduce the need for automobiles.

Goal #5: Create a Sustainable Berkeley

Protect the Environment: The Plan is committed to protecting the environment through appropriate environmental management actions and programs as described above in Goal #3, but also through actions and programs such as improvement of the regional and local public transportation system and development of multi-family, affordable housing on transit corridors and near job centers such as the Downtown and the University of California.

Promote Social Equity: The Plan is committed to ensuring that all members of the community benefit from Berkeley’s natural setting, high quality of life, economic opportunities, and unique neighborhoods. The Plan’s housing, transportation, economic development, and citizen participation objectives and policies are designed to ensure that all economic groups benefit from equal opportunities, services, and participation in government.

Goal #7: Maintain Berkeley’s infrastructure, including streets, sidewalks, buildings, and facilities; storm drains and sanitary sewers; and open space, parks, pathways, and recreation facilities.

City of Berkeley General Plan – Transportation Element (2001)

The following are policies and actions from the Transportation Element of the General Plan that are applicable to the Transit-First Implementation Plan.

Policy T-1 Regional Transit Policy

Advocate for regional coordinated transit services and regional transportation policy to reduce automobile use and increased funding for public and alternative transportation improvements.

Actions:

- A. Vigorously pursue regional, statewide, and national policies that encourage greater transit use by providing funding to improve transit services, to subsidize lower fares and free (or nominal-cost), seamless transfers among transit systems, and to provide AC Transit with an increased, more stable operating budget.

Policy T-2 Public Transportation Improvements

Encourage regional and local efforts to maintain and enhance public transportation services and seek additional regional funding for public and alternative transportation improvements. (Also see Economic Development and Employment Policy ED-6.)

Actions:

- A. Work with AC Transit to:
 1. Expand service and reduce waiting time and transfer times for people who have to use more than one bus to get to their destination.
 2. Increase east-west cross-town service.
 3. Add transit-only or transit/HOV-only lanes where appropriate on any streets or portions of streets that are part of the city’s transit network.
 4. Implement improvements to make transit more convenient, dependable, and attractive, such as benches at bus stops, transit shelters, transit centers, information kiosks, and signs.
 5. Upgrade the City’s traffic signal system to provide transit-priority operation.
 6. Continue to replace older diesel buses with quieter, less polluting vehicles.
 7. Establish an AC Transit/BART/UC/LBNL/City/BUSD transit coordinating council to improve transit service in the Southside and Downtown areas.
 8. Promote and market public transportation by:

- Improving access to information about public transportation alternatives and schedules.
 - Pursuing joint marketing campaigns with transit agencies and event sponsors promoting alternative ways to get to city districts and events.
- D. Improve shuttle and transit services by:
1. Increasing shuttle and transit services from Rockridge and the Rockridge BART station to Downtown BART and the campus.
 2. Increasing shuttle services between neighborhood commercial areas and between BART stations and employment centers, such as West Berkeley.
 3. Promoting express shuttle services to complement local transit service and ensure that Berkeley residents and commuters have information about shuttle services readily available.
 4. Testing the feasibility of a low-cost shuttle or “jitney” service for Berkeley residents.
 5. Encouraging transportation providers to coordinate and consolidate the installation of new jointly used shelters.
 6. Encouraging expansion of transit, rail service, and inter-modal connections in West Berkeley.
 7. Developing a mass transit validation program in Berkeley commercial districts similar to a parking validation program.
4. Contact all employers with 50 or more employees to encourage their participation in Eco-Pass.
 5. Work with the participating transit agencies to offer a neighborhood Eco-Pass, which would allow neighborhoods to participate in the program, similar to the Boulder, Colorado, Neighborhood Pass.
 6. Consider creation of a Citywide Transit Pass for Berkeley residents financed by a tax that would allow pass holders free unlimited rides on AC Transit and/or BART.
 7. As an interim measure, contact and encourage area employers to participate in the existing Commuter Check program. Maintain or increase existing transit subsidies for City employees and encourage other employers to maintain and increase existing transit subsidies.

Policy T-3 Eco-Pass City Program

Increase transit use and reduce automobile traffic and congestion in Berkeley by creating an Eco-Pass program.

Actions:

- A. Work with AC Transit, BART, neighboring jurisdictions, major employers, and neighboring transit districts to establish an “Eco-Pass” program for Berkeley employers that would allow pass holders free unlimited rides on AC Transit and/or BART. Once the program is established:
 1. Provide Eco-Passes for all City employees.
 2. Establish participation in the Eco-Pass program as a condition of approval for all new businesses with over 50 employees.
 3. Encourage existing area employers, particularly major employers such as UC Berkeley, Berkeley Unified School District, Lawrence Berkeley National Laboratory, and Alta Bates Medical Center, to join the program.

Policy T-4 Transit-First Policy

Give priority to alternative transportation and transit over single-occupant vehicles on Transit Routes identified on the Transit Network map.

Actions:

- A. In residential areas, restrict fixed-route transit services to Primary and Secondary Transit Routes shown on the Transit Network map.

Policy T-5 Light Rail/Bus Rapid Transit

Support regional efforts to develop light rail or bus rapid transit service connecting East Bay cities.

Actions:

- A. Locate light rail or bus rapid transit systems on the primary transit corridors identified on the Transit Network map.
- B. Consider bus rapid transit, with bus priority signals and bus priority lanes on transit corridors, as an interim and low-cost alternative to a new light rail system.
- C. Aggressively pursue regional funding sources with AC Transit and neighboring cities for a light rail or bus rapid transit system.
- D. Continue to work with AC Transit and regional transportation agencies to evaluate potential major public investment strategies and alternatives to improve transit services for Berkeley citizens, including light rail and bus rapid transit.
- E. Work with local merchants to build support for a light rail system and bus rapid transit and minimize potential impacts to businesses from construction

and loss of parking.

- F. Investigate a low-cost open trolley service along major pedestrian and shopping corridors such as University, Shattuck, and Telegraph as an interim or permanent solution similar to the Santa Barbara waterfront trolley system.
- G. Support AC Transit's Major Investment Study with its recommendations to achieve long-term rail on Telegraph Avenue. Advocate for extension of the recommendations to the foot of University Avenue and connection with service enhancements on San Pablo Avenue.

Policy T-6 Transportation Services Fee

Ensure that new development does not impact existing transportation services and facilities. (Also see Land Use Policy LU-28.)

Actions:

- A. Prepare a nexus study (pursuant to Government Code Section 66000 et seq.) to enable imposition and collection of a Transportation Impact Fee for new development projects.

Policy T-7 Special Transit Programs

Continue to maintain and improve access and mobility for the disabled, seniors, and youth with programs such as paratransit, the taxi voucher program, and senior vans.

Actions:

- A. Work with paratransit service providers to better meet the needs of the disabled community, including: accommodating scooters and all types of wheelchairs, improving response time, expanding hours of service, and requiring drivers to take sensitivity training to better assist disabled riders.
- B. Work cooperatively in the development of a comprehensive County program.

Policy T-25 Street Maintenance

Maintain streets, sidewalks, and other public infrastructure to reduce the long-term replacement costs.

Actions:

- B. Coordinate pedestrian and transit public improvements with street repairs and repaving.

Policy T-29 Infrastructure Improvements

Facilitate mobility and the flow of traffic on major and

collector streets (shown on the Vehicular Circulation Network map at the end of the Element), reduce the air quality impacts of congestion, improve pedestrian and bicycle access, and speed public transportation throughout the city by making improvements to the existing physical infrastructure.

Actions:

- B. Designate or add transit-priority lanes or transit-only lanes.
- G. Complete the San Pablo Avenue Corridor Plan improvements designed in cooperation with the surrounding cities.
- H. Time traffic signals on major transit corridors to give priority to and speed movement of transit vehicles.

Policy T-30 Traffic Signals

Continue to pursue better signal devices and systems to facilitate movement on Berkeley's limited road network. Consider:

- 2. Bus-activated signals.
- 5. Timed traffic signals to give priority to and speed movement of transit and emergency vehicles.

Policy T-53 Intersections with Severe or High Collision Rates

Reduce pedestrian and bicycle collisions, injuries, and fatalities.

Actions:

- A. Undertake a review of intersections or street locations with a high number of collisions and/or a high percentage of fatal or permanently disabling collisions and develop programs with appropriate mix of education, enforcement, and engineering changes to improve the safety of these intersections and locations. Consider:
 - 2. Moving bus stops to the far side of the intersection so that buses do not block visibility at the intersection when stopping to pick up passengers.

Policy T-55 Street Networks: Increasing Access and Mobility

To ensure the effective and convenient movement of people and goods, ensure a successful integration of land use patterns and transportation systems, and encourage transitions to more environmentally sensitive modes of transportation, the Berkeley

General Plan includes four network maps: the Vehicular Circulation Network map, the Transit Network map, the Bicycle Circulation Network map, and the Emergency Access and Evacuation Network map. The network maps identify the city's transportation infrastructure and establish priorities and standards for its use and improvement. These priorities and standards shall be used in conjunction with General Plan policies to determine priorities for use and determine network modifications to facilitate certain modes of travel. In all cases, the City shall recognize that the transportation network is a shared network that requires shared use and that to effectively achieve the transportation, land use, community safety, and economic development objectives of the General Plan will require careful consideration and balancing of competing objectives and needs. The network maps are intended to facilitate these future decisions.

The Transit Network map shown below identifies the network of streets that are necessary for efficient and effective transit services throughout the city. These streets are the highest priority for transit improvements, such as bus shelters and planned improvements that may serve light rail or ferry services. The network map does not depict every street that may be used by transit services and it is not meant to limit transit and shuttle services from streets not shown on the map.

Primary Routes shown on the map are the highest priority routes necessary to serve existing needs and inter-city connections.

Secondary Routes are routes that are necessary to provide convenient access to other areas of the city and supplement the Primary Routes.

Planned Routes identify the highest priority additions to the transit circulation network.

Variations to the network may occur during final planning, design, funding, and implementation of the specific transit improvements without a General Plan amendment. The Transit Map is also reflected in the Berkeley Bicycle Plan, see Figure 1.3, in identifying the streets that are both recommended for complete streets studies for low stress bikeway and those that are also Primary Transit Routes.

Metropolitan Transportation Commission & Association of Bay Area Governments Plan Bay Area 2050 (2021)

Maintain and Optimize the Existing System

- T6. **Restore, operate and maintain the existing system:** Commit to operate and maintain the Bay Area's roads and transit infrastructure while reversing pandemic related cuts to total transit service hours.
- T7. **Support community-led transportation enhancements in Equity Priority Communities:** Provide direct funding to historically marginalized communities for locally identified transportation needs.

Build a Next-Generation Transit Network

- T8. **Enhance local transit frequency, capacity and reliability:** Improve the quality and availability of local bus and light rail service, with new bus rapid transit lines, South Bay light rail extensions, and frequency increases focused in lower-income communities.
- T9. **Expand and modernize the regional rail network:** Better connect communities while increasing frequencies by advancing the Link21 new transbay rail crossing, BART to Silicon Valley Phase 2, Valley Link, Caltrain Downtown Rail Extension and Caltrain/High-Speed Rail grade separations, among other projects.
- T10. **Build an integrated regional express lanes and express bus network:** Complete the buildout of the regional express lanes network to provide uncongested freeway lanes for new and improved express bus services, carpools and toll-paying solo drivers.

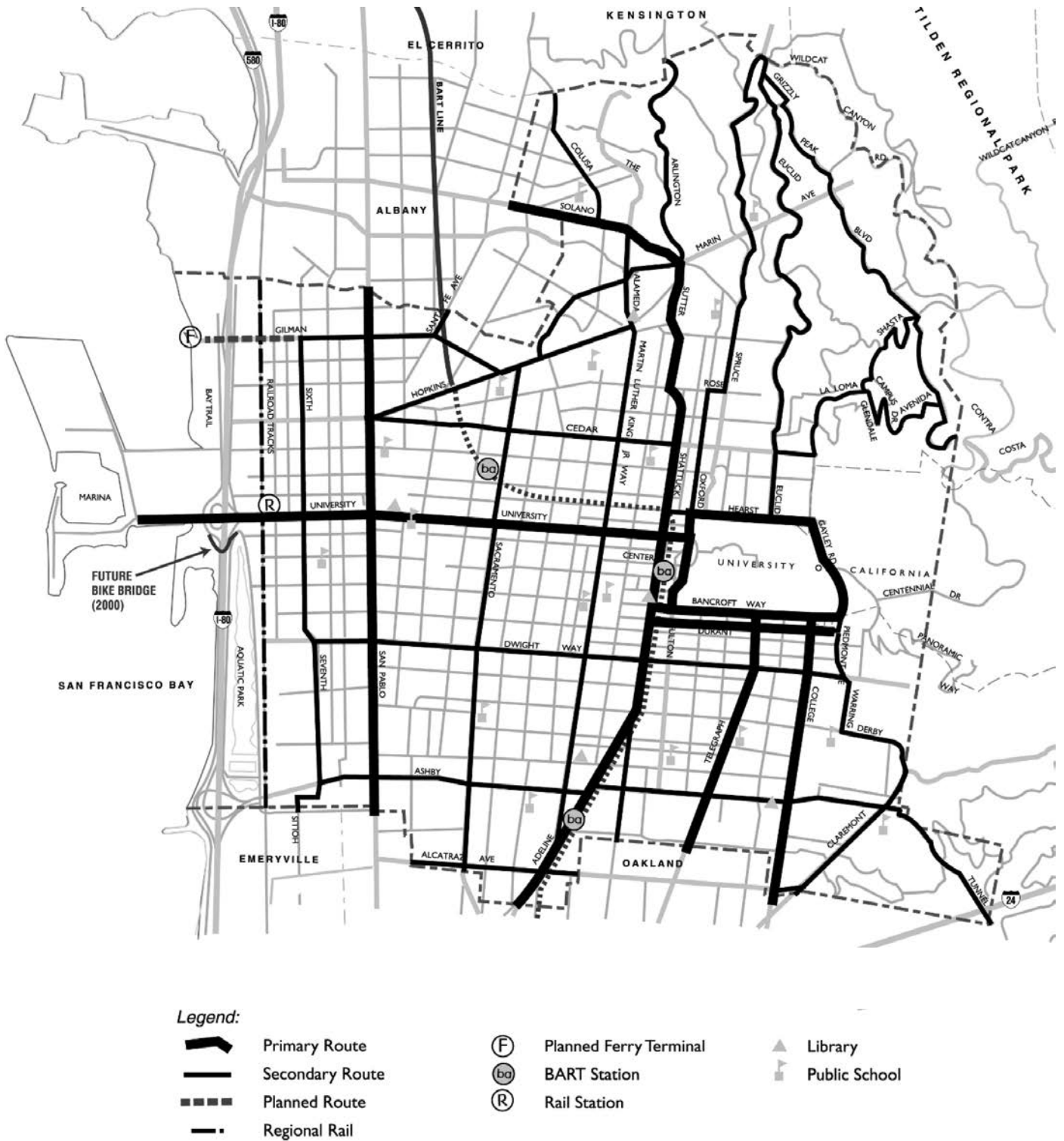
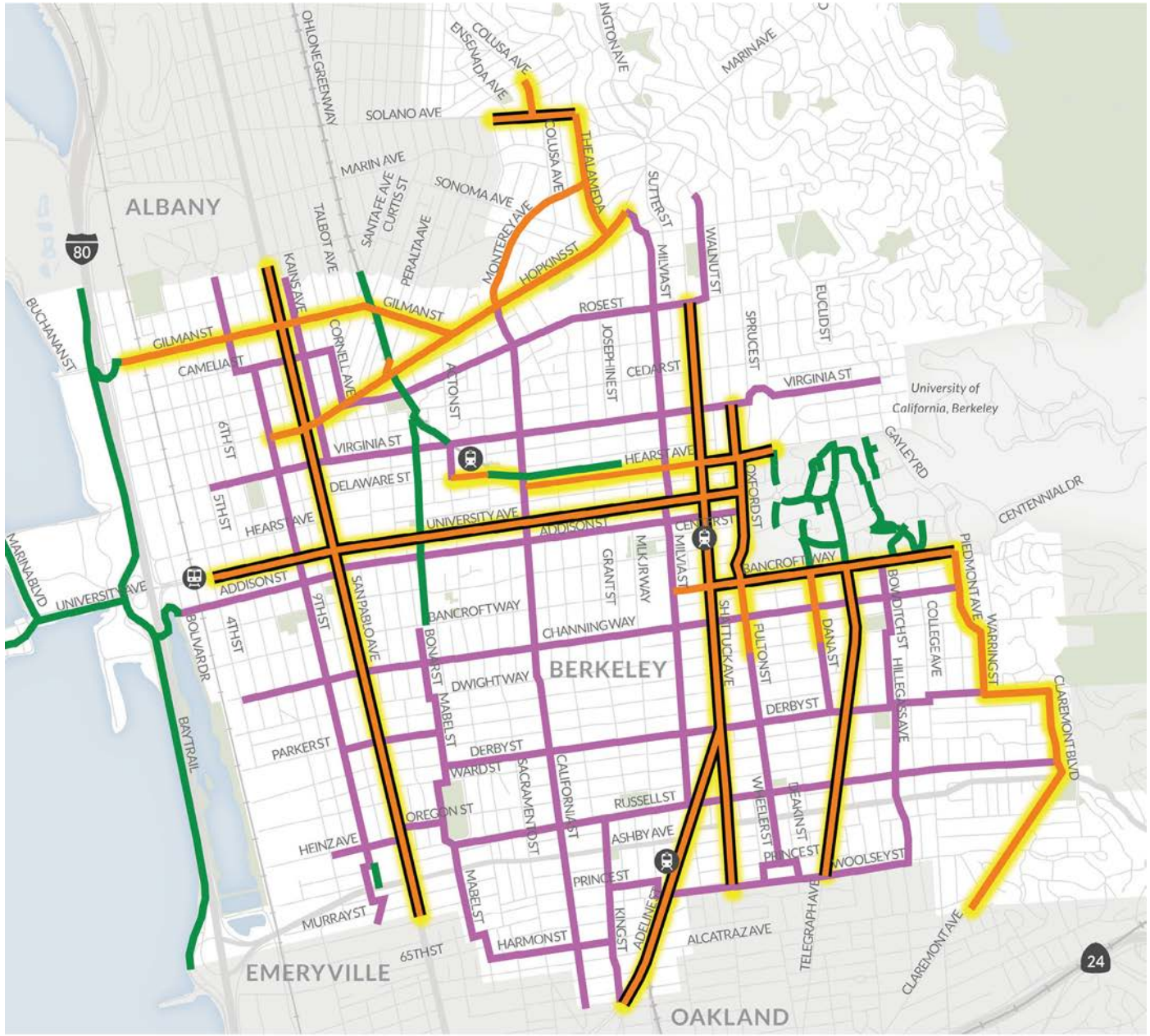


Figure 1.2. General Plan Transit Map. (Source: Berkeley General Plan, 2003)



- PAVED PATH
- BICYCLE BOULEVARD NETWORK
- CYCLETRACK [4]
- COMPLETE STREET CORRIDOR STUDIES - LOW STRESS BIKEWAY RECOMMENDATION
- STUDY CYCLETRACK [4]*
- PRIMARY TRANSIT ROUTE - STUDY CYCLETRACK [4]*

Figure 1.3. Low-Stress Bikeway Network Vision. (Source: Berkeley Bicycle Plan, 2007)



02

EXISTING CONDITIONS

EXISTING CONDITIONS

Ridership and Reliability

This section focuses on ridership and on-time performance (OTP, also called reliability). The City of Berkeley encourages greater use of transit, and thus would like to see increasing levels of transit ridership. Service availability and quality are factors that affect ridership, and the City is in support of transit improvements to increase this availability and quality, as highlighted in the Plan Background section.

Reliability is especially important because it has a direct effect on whether people use a service. If a bus cannot be counted on to be on-time, it can cause inconveniences and potentially more serious consequences such as missing medical appointments

or being late to work. A lack of reliability can lead to people deciding to take other forms of transportation.

AC Transit's [Short-Range Transit Plan \(Fiscal Years 2014/5-2023/24\)](#) describes the three performance measures whereby the agency evaluates its service:

1. Effectiveness
 - Ridership (passengers per revenue hour)
2. Service availability and quality
 - Distance to bus stops
 - Span of service
 - Frequency
 - On-time performance (reliability)
 - Percentage of revenue service operated
3. Efficiency
 - Cost per revenue hour
 - Cost per passenger mile

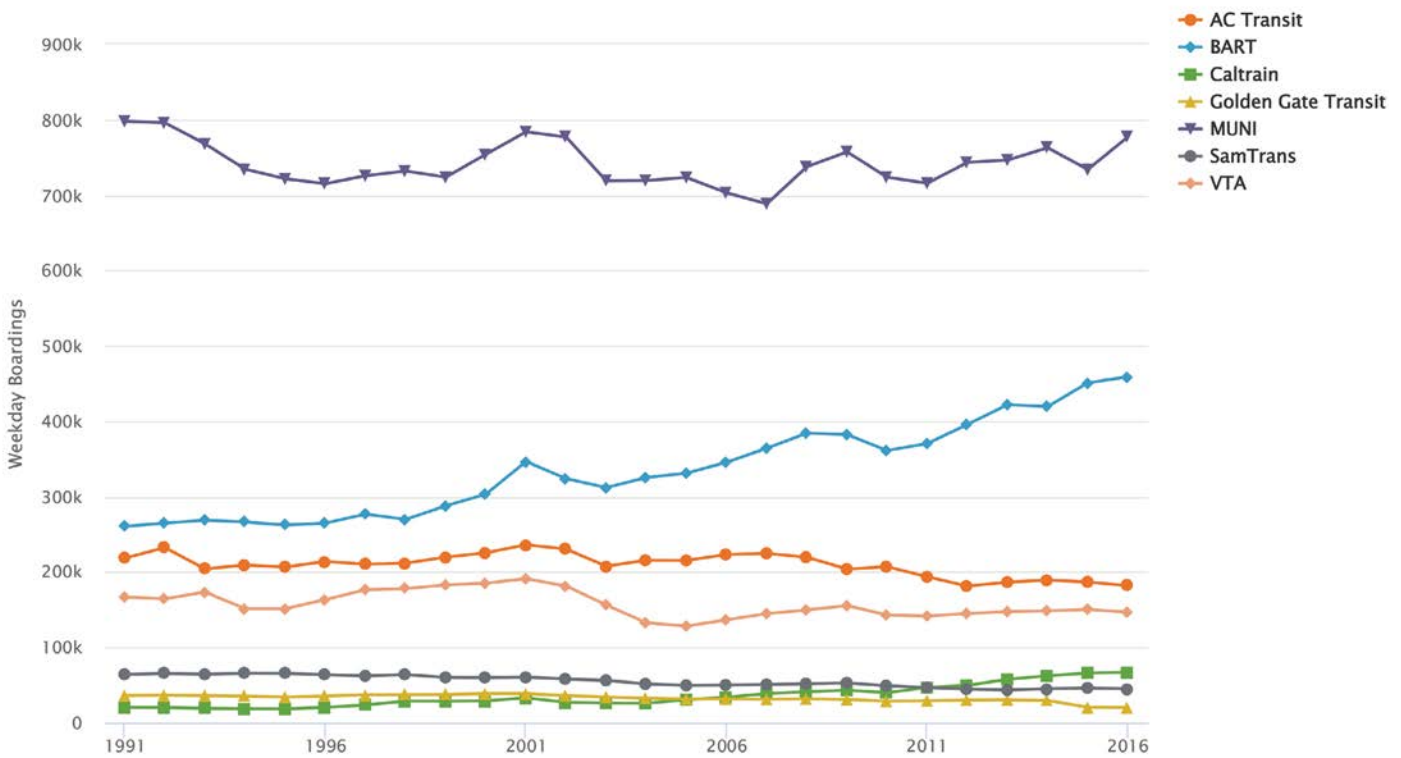


Figure 2.1. AC Transit - Historic Trend for Transit Ridership by Operator. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

Ridership

AC Transit

Regionally, transit ridership was declining even before the COVID-19 pandemic, as part of a national trend. Looking closer at the AC Transit historic trends, AC Transit ridership has trended downward over the last few decades. Moreover, AC Transit’s share of trips (mode share) has been significantly decreasing relative to population growth.

Before the COVID-19 pandemic, AC Transit had a daily weekday ridership of 175,000 riders, including approximately 14,500 Transbay commuters, and an annual ridership of 53,041,000 for fiscal year 2018-2019. During this time, AC Transit ran 158 bus lines across its 364-square-mile service area in Alameda and Contra Costa counties and unincorporated areas. In the years leading up to the COVID-19 pandemic, AC Transit systemwide ridership was fairly flat. Ridership on AC Transit routes running through Berkeley was generally flat pre-COVID. Of the last four years with available data by calendar year quarter, ridership was at its highest in the third quarter of 2016 with 315,809. This can be attributed to AC Transit’s implementation of their Service Expansion Plan in 2016. Since then, the lowest that ridership has dipped was in the fourth quarter of 2017 with 284,256. Ridership was steadily increasing for a time, with a peak in the third quarter of 2018 with 300,685, then dropped again before rebounding to 296,703 in the second quarter of 2019.

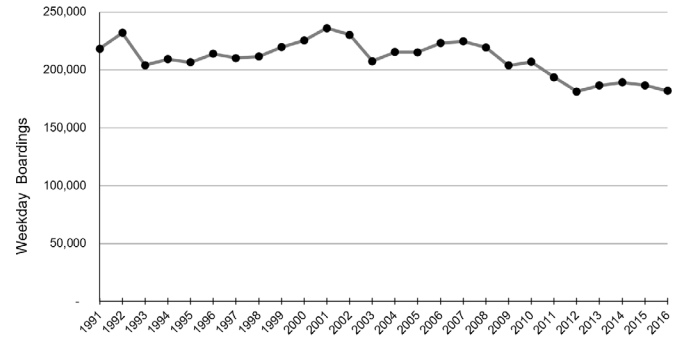


Figure 2.3. AC Transit - Historic Trend for Daily Ridership. Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016)

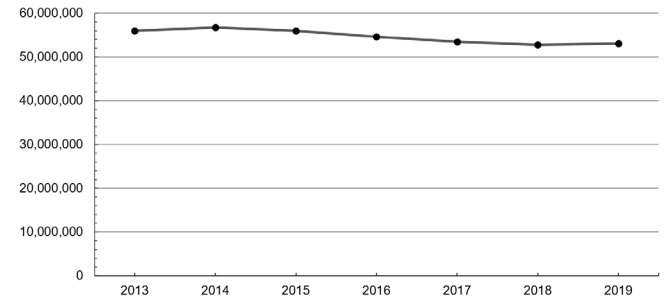


Figure 2.4. AC Transit - Systemwide Annual Ridership (2013-2019). Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016)



Figure 2.2. AC Transit Hydrogen Fuel Cell Bus, Shattuck Ave at Center Street. (Source: SoCal Metro)

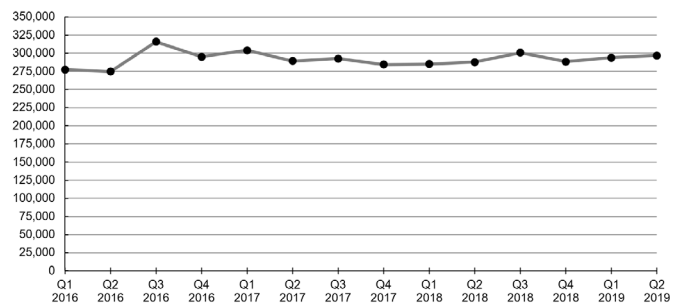


Figure 2.5. AC Transit of Routes through Berkeley by CY Quarter through Fiscal Years 2016-2019. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

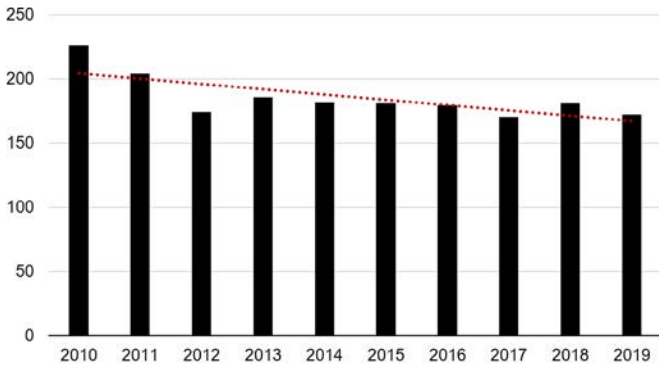


Figure 2.6. Berkeley EasyPass - Monthly Average Unique Users. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

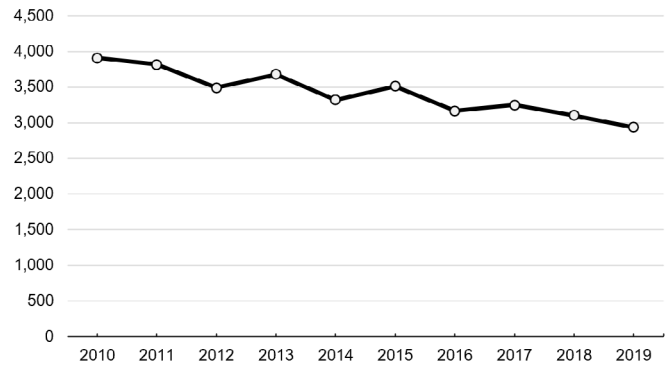


Figure 2.7. Berkeley EasyPass - Monthly Average Boardings. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

EasyPass

EasyPass is a program offered by AC Transit for employers, residential developments, and colleges to buy AC Transit passes in bulk. This translates into low per-participant costs and provides unlimited rides on AC Transit. EasyPass, as a transportation demand management tool, is an incentive for users to take public transit by providing simple access.

The City of Berkeley is an EasyPass participant and offers employees the option of signing up for an EasyPass. From 2010 to 2019, the average monthly total number of unique EasyPass users was 186, with a general downward trend. Correspondingly, the number of monthly average boardings by EasyPass users has been decreasing. In 2010, the monthly average boardings was 3,908, and in 2019 it was 2,937.

Bear Transit

[Bear Transit](#) is part of the UC Berkeley Parking and Transportation Department and provides shuttles on four daytime routes (six daytime routes pre-COVID) to connect people to and around the UC Berkeley campus. Bear Transit also provides two Night Safety routes running from 7:30pm to as late as 3am on weekdays and 3:45am on weekends. The Perimeter Line is the most popular route, with an average quarterly ridership pre-COVID of 34,734 in fiscal year 2018-19. Ridership on most lines generally drops during the second (October-December) and fourth (March-June) quarters, coinciding with winter and summer break. Ridership on the Night Safety North and South lines saw an increase from first quarter

to the second quarter, with the likely reason being decreasing daylight hours from daylight savings time and the season change.

Lawrence Berkeley National Laboratory

[Lawrence Berkeley National Laboratory](#) (LBNL) runs six shuttle routes to provide their employees with easy commutes to the Lab from Downtown Berkeley, West Berkeley, Albany, Emeryville, and the North Berkeley, Rockridge, and MacArthur BART stations.

The Blue Route is by far the most used route, with an average monthly ridership pre-COVID of 36,446 passengers from January 2018 to June 2019. It runs from Downtown Berkeley to the Lab via Hearst Avenue. Ridership for all routes dips in September and December, which likely are times when employees take summer and winter vacations, respectively.



Figure 2.8. Lawrence Berkeley National Laboratory Shuttle. (Source: Julie Chao/Berkeley Lab Public Affairs)

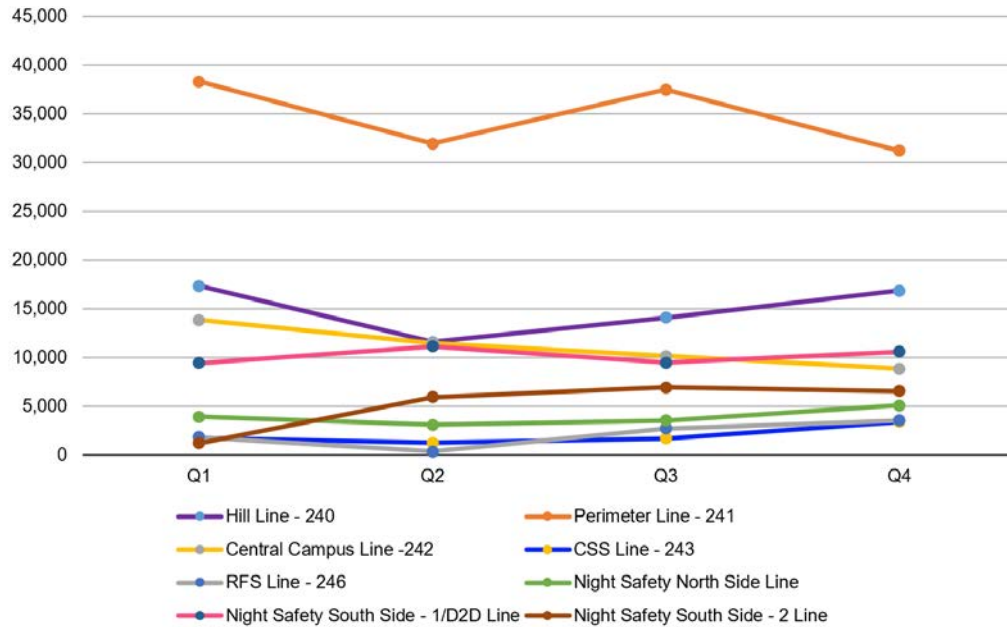


Figure 2.9. Bear Transit Ridership by Route Fiscal Year 2019. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

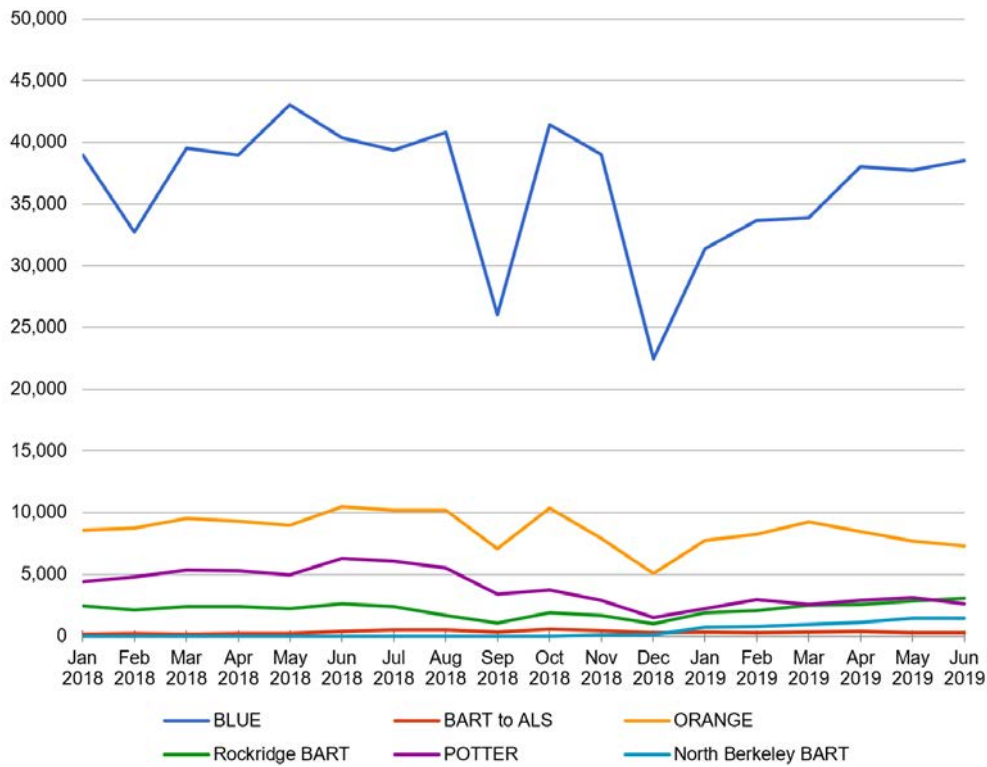


Figure 2.10. Lawrence Berkeley National Laboratory Shuttle Ridership by Route From Fiscal Year 2018 to 2019. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

Reliability

Reliability, or on-time-performance (OTP), is a measure of how many trips are completed on time. AC Transit’s target OTP is 72 percent, meaning that at least 72 percent of the trips on a line should arrive on time. “On-time” is defined by AC Transit as between one minute early and five minutes late. Compared to many other transit agencies, even with slightly different definitions of “on-time”, this is a low target. The industry standard target OTP goal is 75 to 85 percent.

AC Transit’s average OTP from 2013 through Fiscal Year 2019 (through the second quarter of calendar year 2019) was 69.3 percent. Starting from the first quarter of 2019, OTP met the 72 percent goal. However, AC Transit’s on-time performance goal is set low compared to other Alameda County bus transit agencies. For example, Livermore Amador Valley Transit Authority (LAVTA) has an on-time performance goal of 85% and Union City Transit has an on-time performance goal of 90%. These agencies achieved 84% and 91% on-time performance, respectively, in Fiscal Year 2019 (pre-COVID). That said, LAVTA and Union City Transit carried fewer than 1.7 million and 265,000 passenger trips, respectively, compared with AC Transit handling nearly 47 million passenger trips the same year.ⁱ

AC Transit’s OTP goal is lower than that of some other Bay Area transit agencies, but the gap between the goal and actual performance is small. By comparison, the gap between the San Francisco Municipal Transportation Agency (Muni) OTP goal of 85% and actual bus performance, at 56% for Fiscal Year 2019, is much larger. Meanwhile Muni buses carried more than 560,000 passenger trips just on an average weekday in Fiscal Year 2019, for a weekday total for the year of 146 million rides.ⁱ

These results suggest that agencies operating in more suburban, less congested conditions, and carrying relatively few passengers, such as LAVTA and Union City Transit, can more easily achieve high rates of on-time performance than agencies operating bus service in more urban, congested environments with high passenger loads. However, these results also suggest the potential for AC Transit to significantly improve on-time performance with greater street capacity through dedicated transit lanes and with measures to increase boarding efficiency.

ⁱ Connecting Communities: 2018-19 Annual Report, San Francisco Municipal Transportation Agency

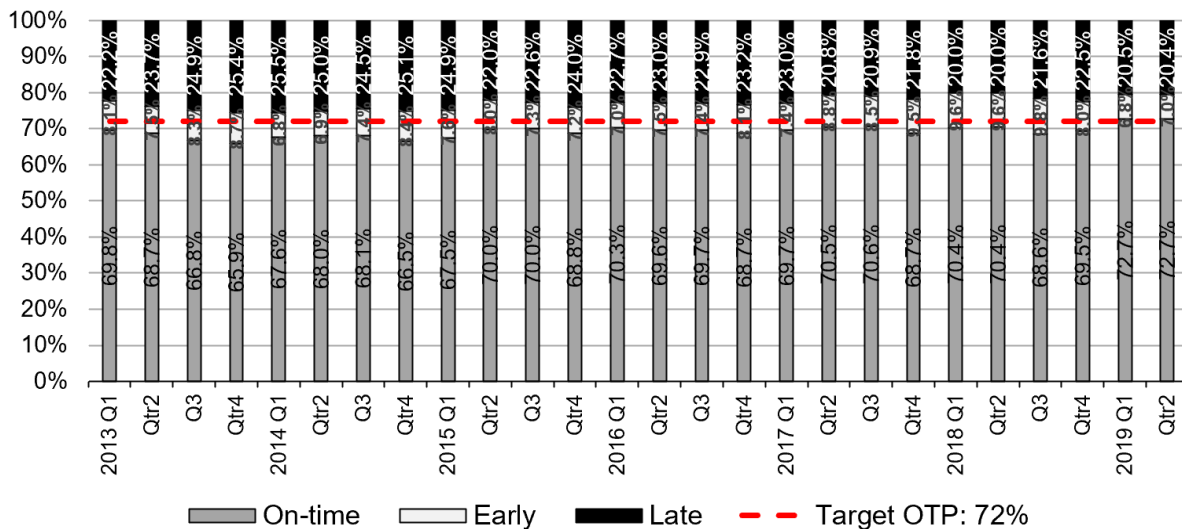


Figure 2.11. AC Transit - On-Time Performance of Routes through Berkeley by Quarter from Fiscal Year 2013 to 2019. (Source: Vital Signs by Metropolitan Transportation Commission using Federal Transit Administration: National Transit Database information (2016))

Policy

AC Transit Policy 471: Cancellation of Scheduled Service Policy was adopted in 1990 and last amended in 2017. It states:

“In the event of unavoidable cancellations, AC Transit will take priority actions to serve the public with the least impact/inconvenience.”

The order of service coverage is:

1. Supplemental (School) Service
2. Transbay Service
3. Local Service

Policy 471 prioritizes maintaining school service and Transbay service over local service, in the event of unavoidable cancellations. This means that Local service is the first to receive cancellations under the policy, which was a factor in frequent, high-ridership lines experiencing a higher percentage of missed trips pre-COVID-19.

However, in March 2020 in light of the COVID-19 pandemic, AC Transit suspended Policy 471. The order of service prioritization has been reversed:

- Local Service: High-ridership lines are prioritized, as an essential service and to

- provide room for physical distancing
- Transbay Service: Low operation, due to the shift to work-from-home
- Supplemental (School) Service: Not in operation, due to school closures

Post-COVID, Policy 471 should be revisited by AC Transit in order to undo its bias toward Transbay riders, who are more affluent on average than local ridersⁱⁱ and therefore tend to have more choices available to them for alternative forms of transportation to use. Another consideration is that Transbay customers comprise a much smaller number of riders than those who make up the local ridership. Policy 471, in its currently written form, therefore would cause the impact of missed trips to continue not only to be felt by more people, but by those who are more vulnerable.

Missed Trips

“Missed trips” is a measure of one important factor affecting reliability. It is the portion of scheduled runs

ii AC Transit 2017-18 On Board Passenger Survey, <http://www.actransit.org/wp-content/uploads/2017-18-On-Board-Passenger-Survey.pdf>

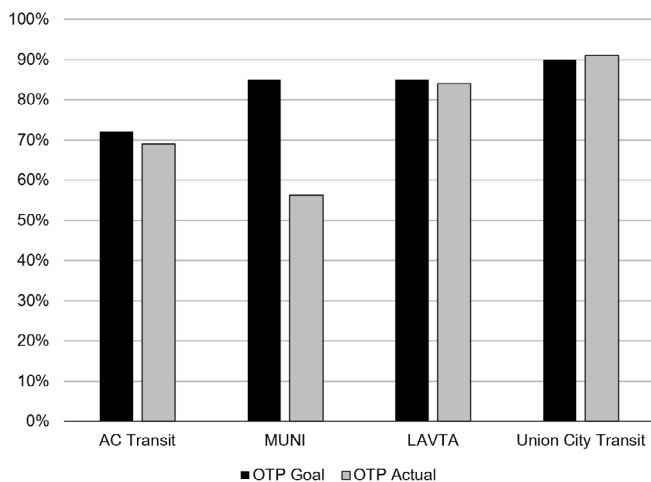


Figure 2.12. Comparison of Transit Agencies' On-time Performance Fiscal Year 2019. (Source: Alameda County Transportation Commission FY 2019 Measure B, Measure BB, and Vehicle Registration Fee Program Compliance Summary Reports; SFMTA Muni On-Time Performance)

	Completed Trips	Missed Trips	Percentage Completed	Percentage Missed
Local Routes through Berkeley	488,374	40,867	91.73%	7.68%
Transbay Routes through Berkeley	38,957	1,564	95.91%	3.85%

Figure 2.13. Analysis of Missed Trips across all lines on Local and Transbay Routes through Berkeley. (Source: AC Transit, March 2019 – February 2020)

that are not completed. For example, in the 12-month period from March 2019 to February 2020, AC Transit's Line 51B had a total number of 69,295 planned trips. Of those, 62,593 trips were completed and 6,446 trips were not completed or missed, equivalent to 9.3 percent of trips missed. The month with the most missed trips for Line 51B was March 2019, with 1,015 missed trips, equivalent to 17.6 percent of trips missed, while Line 51B's average monthly missed trips is 537.

There are fourteen AC Transit Local routes that run through Berkeley: Lines 6, 12, 18, 36, 51B, 52, 65, 67, 72, 72M, 72R, 29, 80, and 88. Additionally, four Transbay routes run through Berkeley: Lines F, FS, G, and J. From March 2019 to February 2020, the total number of Local route trips planned to run through

Berkeley was 512,284. Of those, almost 8 percent were missed trips. At the same time, the total number of Transbay route trips planned to run through Berkeley was 40,617, and nearly 4 percent of those were missed trips. The discrepancy of Local routes having double the proportion of missed trips of Transbay routes leads to the question of whether AC Transit prioritizes Transbay routes over Local routes, which is discussed in the next section.

More generally, looking at each route, the percentage of missed trips tends to be higher on more frequent, high ridership routes. There are many possible reasons for missed trips, such as a transit operator shortage, delay, collision, or mechanical issues. Addressing these issues is needed in to increase reliability.

Line	Completed Trips	Missed Trips	Percentage Completed	Percentage Missed
52 - UC Village - Cedar - UC Campus	34,676	3,979	89.52%	10.27%
51B - University - College - Rockridge	62,593	6,446	90.33%	9.30%
6 - Berkeley - Telegraph - Oakland	56,998	5,690	89.99%	8.98%
79 - Colusa - The Alameda - Claremont	22,615	1,981	91.81%	8.04%
72R - San Pablo Rapid	39,367	3,485	90.74%	8.03%
18 - Solano - Shattuck - MLK Jr.	41,763	3,657	91.08%	7.98%
72 - Hilltop - CCC - San Pablo	25,305	2,100	91.34%	7.58%
80 - Pierce - 6th St. - Ashby	33,176	2,636	92.59%	7.36%
72M - Macdonald - San Pablo	24,756	1,987	91.62%	7.35%
88 - Sacramento - Market	36,871	2,675	92.83%	6.74%
12 - MLK Jr. - Temescal - Grand	29,403	1,919	92.91%	6.06%
7 - Arlington - 1000 Oaks - Shattuck	19,044	1,073	94.61%	5.33%
36 - Dwight - Shellmound - Adeline	25,803	1,407	94.70%	5.16%
67 - Tilden Park - Spruce - Oxford	18,484	967	94.97%	4.97%
65 - Grizzly Peak - Euclid	17,520	865	95.13%	4.70%
G - Colusa - Solano Transbay	3,130	155	95.11%	4.71%
F - Adeline - Market Transbay	27,385	1,136	95.81%	3.97%
J - Sacramento - Christie Transbay	5,122	181	96.35%	3.40%
FS - Shattuck - University Transbay	3,320	92	96.91%	2.69%

Figure 2.14. Analysis of Missed Trips across Individual Local and Transbay routes through Berkeley. (Source: AC Transit, March 2019 – February 2020)

However, the majority of missed trips occurred pre-COVID because of “no workforce”. There was a bus driver shortage region-wide, affecting other Bay Area transit agencies as well. It is difficult to recruit and retain drivers due to the high cost of living in the Bay Area, perceived working conditions, and competition with private shuttle companies.

Outside of the region-wide bus driver shortage, a cause of missed trips that cities can help prevent is “delay”. Strategies to improve traffic flow for buses through congested areas can minimize delay. These will be discussed in the following chapter on best practices and recommendations for Transit Policies and Design Guidelines.



03

DESIGN GUIDELINES AND POLICIES

DESIGN GUIDELINES AND POLICIES

The policies and design guidelines in this chapter were developed based on the findings from Chapter 1: Existing Policies and Best Practices, Chapter 2: Existing Conditions, and input from the Technical Advisory Committee (TAC) and the Transportation and Infrastructure Commission. Topics have been identified, and policies and standard design guidance are provided to address these topics and support the use of transit in Berkeley. As appropriate, each topic includes examples, conceptual plans or diagrams, and matrices of recommended elements based on criteria, as applicable.

Design Guidelines

1. Stops and Stations

Bus Bulbs

Bus bulbs are desirable because they create more space to allow for sidewalk activity and bus stop amenities to not conflict with one another. Also, when a bus stops at a bus bulb, it stops in the traffic lane. This reduces the amount of time that the bus is at the stop because the bus does not need to turn into the

stop or wait for a gap in traffic to reenter traffic, as it would at a bus stop with a pull-out.

A bus bulb should be used when a street does not have a bicycle facility and it is feasible for a bus to be in the traffic lane at a bus stop. Generally, the street should have multiple lanes so that drivers can pass around a stopped bus. The average travel speed should be less than 35 mph.

The distance a bus bulb can extend from the existing curb depends upon the existing cross section of the street. Generally, a bus bulb can be as wide as the existing parking lane on the street. If travel lanes can be narrowed, the additional space can be added into the width of the bus bulb.

Boarding Islands

A bus boarding island should be used when a street has a bicycle facility and where it is feasible for a bus to be in the traffic lane at a bus stop. This separates people cycling from stopped buses which is safer than having a cyclist pass around a stopped bus.



Figure 3.1. Bus Bulb at University Ave and Grant Street. (Source: Google)



Figure 3.2. Bus Boarding Island on Dexter Ave, Seattle, Washington. (Source: NACTO)

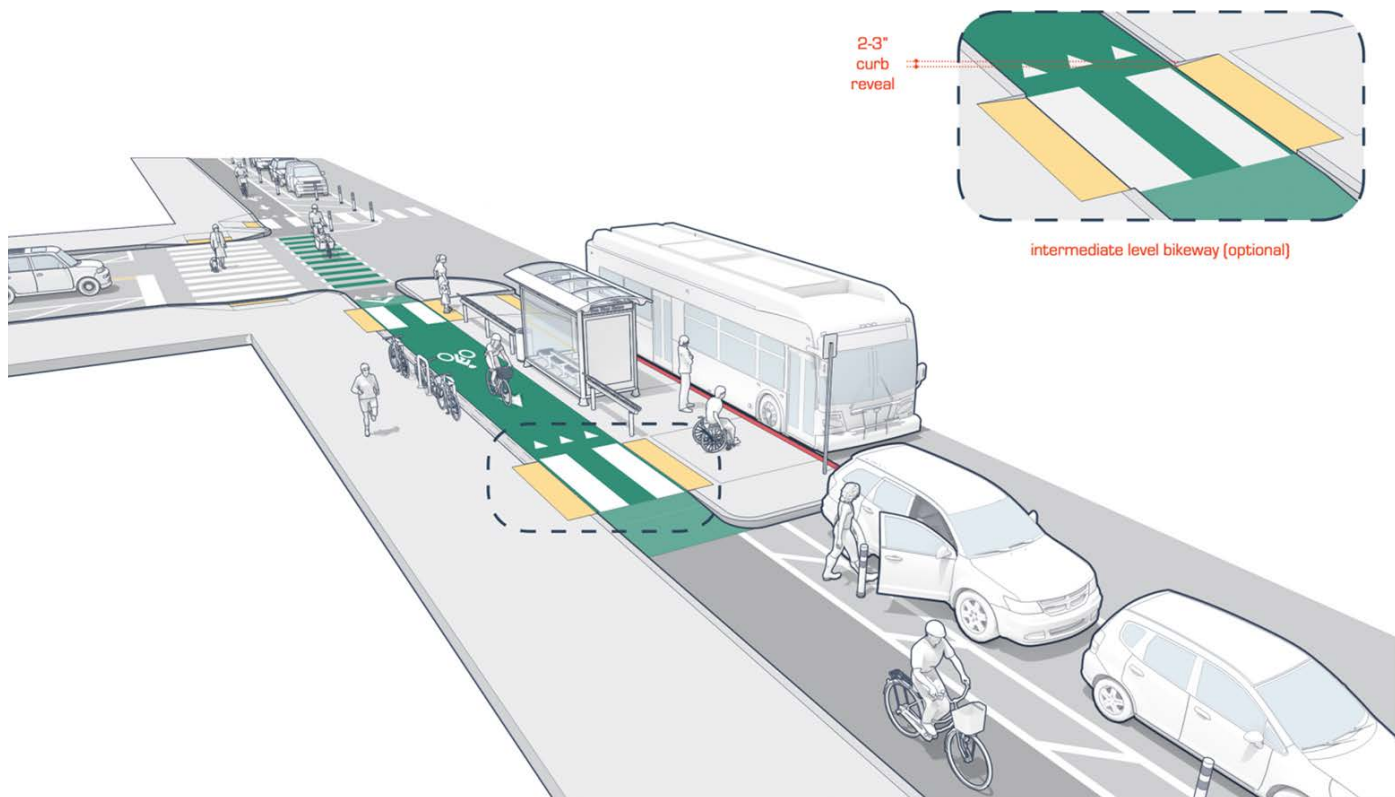


Figure 3.3. Boarding Island with Protected Bikeway Perspective. (Source: AC Transit Multimodal Corridor Guidelines (2018))

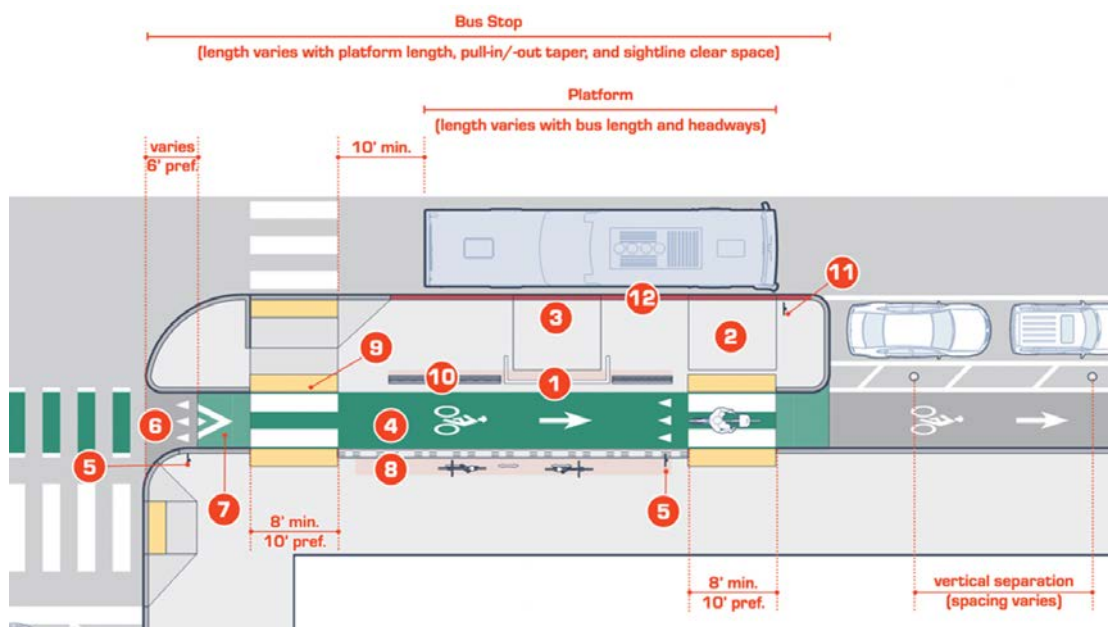


Figure 3.4. Boarding Island with Protected Bikeway Plan. (Source: AC Transit Multimodal Corridor Guidelines (2018))



Figure 3.5. Bus Pad in Seattle, Washington.
(Source: NACTO, B. Bryant)

Several transit design guidelines were reviewed in developing the Transit-First Plan, including AC Transit's [Multimodal Corridor Guidelines](#) document. Given that this document is focused on the issue of designing bus stops on streets with bicycle facilities, is the most recent of the guides reviewed, and was prepared by the local transit agency, the recommendation here is that Berkeley use the [Multimodal Corridor Guidelines](#) for the design of bus boarding islands in Berkeley.

Bus Pads

Bus pads are concrete slabs that are installed in the street at bus stops. They prevent roadway damage that would otherwise occur from the the weight of buses and the torque and friction of bus tires on asphalt.

Typically, a bus pad includes a minimum 10-inch thick concrete slab with rebar over a minimum 12 inch deep aggregate base. The design depends on soil and other site specific issues.

Bus Stop Fixtures

Current AC Transit policy ([Board Policy 550](#)) defines Rapid Service and BRT as the only service types that should have stops with bus stop fixtures. Other levels of service have fixtures when provided by advertising or when provided by the city. Berkeley should provide input as AC Transit develops their [Bus Stop Furniture Guidelines](#). These will provide a useful basis for the development of Berkeley's guidelines for bus stop fixtures, including definition of what improvements AC Transit may provide and the role of Berkeley in providing and maintaining bus stop fixtures in the City.

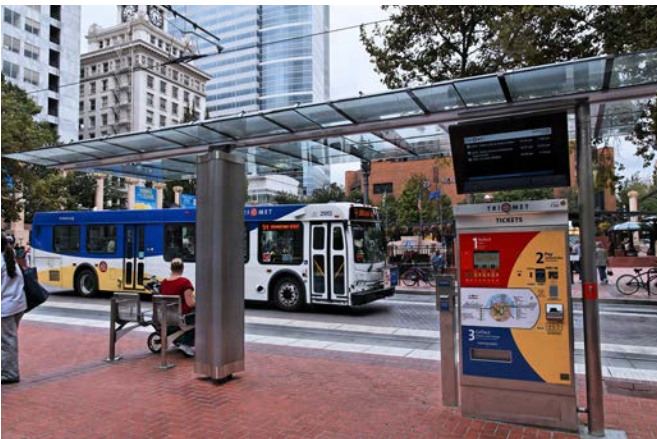


Figure 3.6. Bus Stop Amenities at High frequency Portland, Oregon. (Source: TriMet)

Bicycle parking is an element to include to provide flexible access to transit and provide for cycling as a first-/last-mile connection; see related First-/Last-Mile Shared Mobility section below. Standards should be developed for routes that are likely to have riders who cycle to the bus service, such as routes that are used more heavily by commuters.

Street trees and other landscaping at bus stops improve comfort for riders by providing shade. Green stormwater infrastructure can also enhance the sustainability of bus bulbs and help to address street drainage issues that can occur when curb extensions are constructed, see Figure 3.8.



Figure 3.7. Bus Stop Amenities at University Ave Stop.
(Source: Paul Sullivan)

2. Laneways and Intersection Treatments

This section describes several treatments for lanes and intersections that give priority to buses. These improvements are typically made in higher ridership corridors and will include other improvements, such as Transit-Signal Priority (TSP), more fixtures at the stops including off-board fare collection, shelters, and possibly platforms with a height to allow level boarding onto the bus.

Dedicated Transit Lane

Dedicating a lane for bus transit use can address many sources of delay by removing conflict with other vehicles and separating buses from congestion along a street. The lane can either be in the center, along the curb, or floating between other lanes. Bus Rapid Transit (BRT) typically provides dedicated transit lanes with raised bus stations like AC Transit’s Tempo service. Dedicated transit lanes can also be used in areas with high-frequency and multiple lines of service, like on Bancroft Avenue from Telegraph Avenue to Oxford Street. AC Transit Rapid lines, which have limited stops to reduce travel time but no dedicated lane, are good candidates to consider the implementation of dedicated transit lanes as an interim step towards the higher level of investment needed for full BRT service. Dedicated transit lanes for Rapid service can be next to on-street parking, although this reduces the travel time benefits to some extent.



Figure 3.8. Green Infrastructure at Bus Bulb in Portland, Oregon. (Source: Dianne Yee)

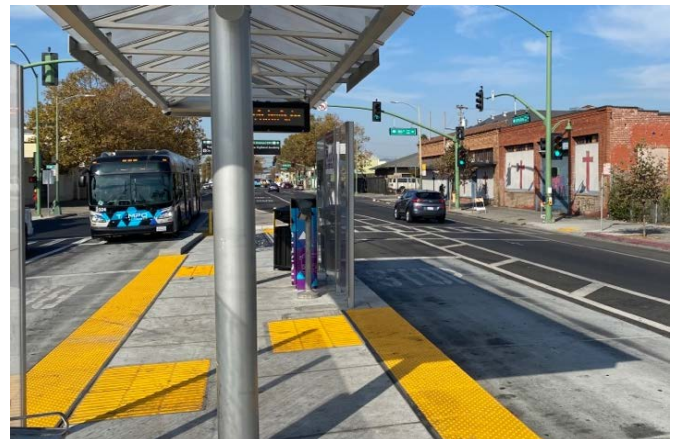


Figure 3.9. Tempo BRT Station on International Blvd. in Oakland. (Source: CD+A)

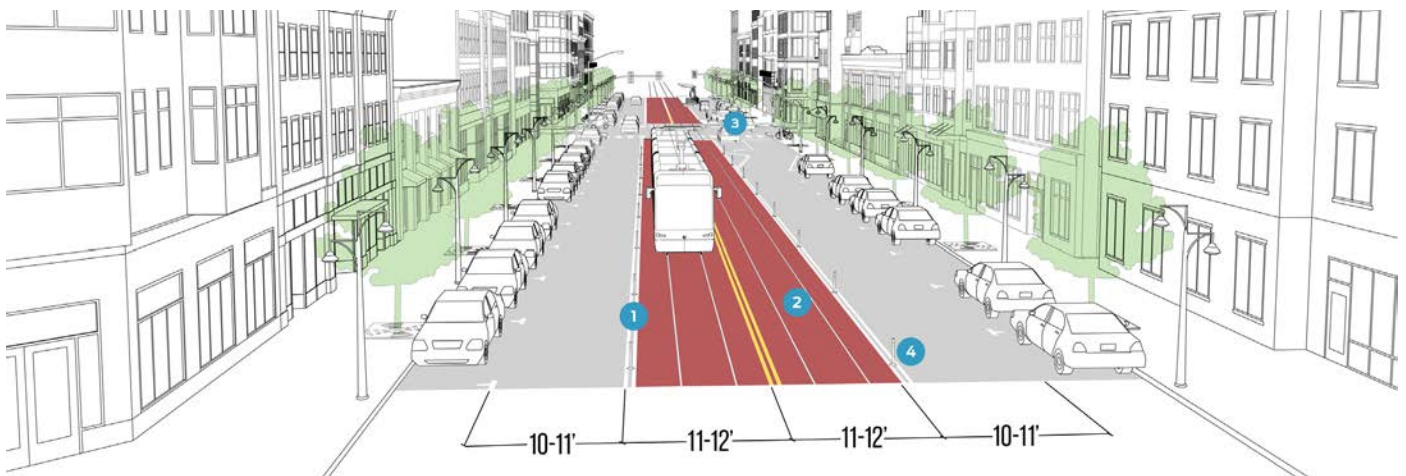


Figure 3.10. Dedicated Transit Lane Diagram. (Source: NACTO)



Figure 3.11. BAT Lane on Geary Street. (Source: SFMTA)



Figure 3.12. BAT Lane on Geary Street. (Source: SFMTA)

Business Access & Transit (BAT) Lane

BAT Lanes can be used on high-volume, highly congested corridor segments where there is no room for boarding islands or bulbs and no curbside parking. Right-turning vehicles can use the transit lane to make right turns at intersections and driveways. San Francisco has BAT lanes on Geary St. in downtown, see Figure 3.10. Enforcement is needed to ensure that delivery, rideshare, and private vehicles do not block the lane for loading.

Peak-time Transit Lane

This lane treatment can be appropriate where either bus and/or traffic have high peak-period volumes and priority is given to transit vehicles. These are dedicated or BAT lanes that operate during the peak-period by dedicating a lane, typically the curb lane, to transit use. Typically, this flexible lane is used for parking and loading off-peak, but in some cases, it may be a vehicle travel lane.

Shared Bus/ Bike Lane

This type of transit lane should only be used on streets where the width of the street is very constrained, and where no bicycle facilities exist or are planned. Also, bus speeds should be slow and have a moderate frequency. Ideally dedicated and separated bus and bicycle facilities are preferred. The design also needs to consider the potential for buses to safely pass bicycles and for cyclists to safely pass buses when they are stopped.

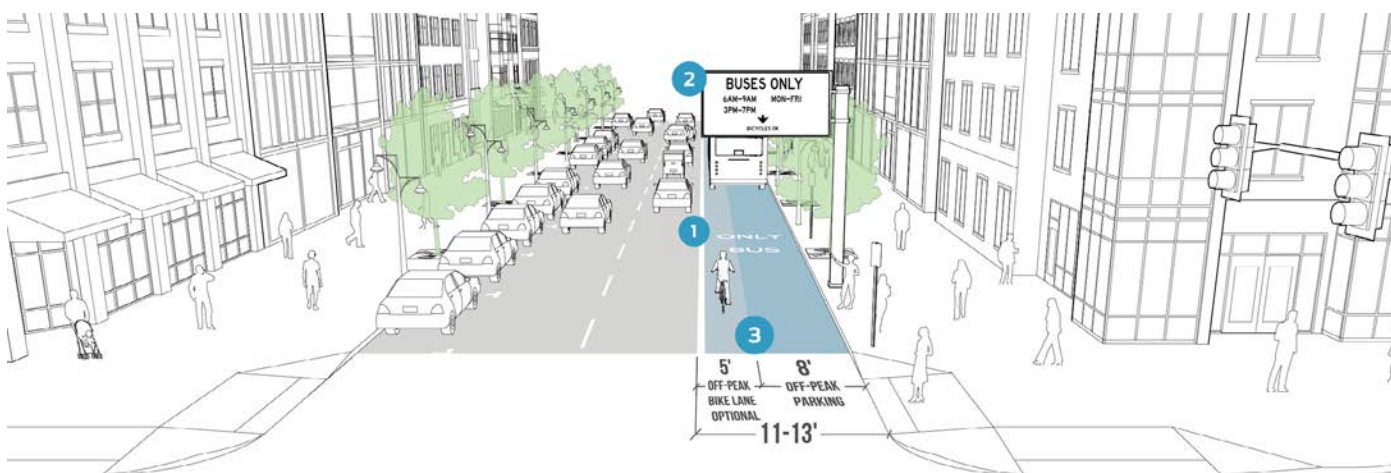


Figure 3.13. Peak-time Transit Lane. (Source: NACTO)

Intersection Queue Jump Lane

This intersection treatment is appropriate on streets that do not have dedicated transit lanes, at approaches to signalized intersections where buses encounter long delays due to traffic congestion, and there is a relatively low volume of right turns. They can also be used at entry points to street segments with dedicated lanes. A queue jump lane allows buses to bypass queues of general traffic in a separate lane up to the intersection where buses get a green light before other traffic to pass through the intersection. They can be used at intersections without bus stops or with near-side or far-side stops.

Transit-only Aperture

This intersection treatment is designed to allow buses to be the only vehicles allowed to make a turning movement or through movement which diverts general traffic away from the transit route. This prioritizes transit in congested locations. The benefit to buses can be enhanced by giving a green light for buses separate from other traffic movements.

Figure 3.17 summarizes and compares the recommendations from transit design guidelines listed below, in the last column, indicates which ones are recommended as City transit design practices:

- National Association of City Transportation Officials (NACTO) – *Transit Street Design Guide (2016)*
- Transit Research Board (TRB) – Transit Cooperative Research Program (TCRP) *Report 165: Transit Capacity and Quality of Service Manual, Third Edition (2013)*
- Alameda County Transportation Commission (Ala CTC) – *Central County Complete Streets Design Guidelines (2016)*
- AC Transit – *Designing With Transit (2004)* and *Multimodal Corridor Design Guidelines (2018)*
- Portland Bureau of Transportation's (PBOT) – *Enhanced Transit Corridors Plan: Capital/Operational Toolbox (2017)*



Figure 3.14. Shared Bus/ Bike Lane, Portland, Oregon.
(Source: bikeportland)

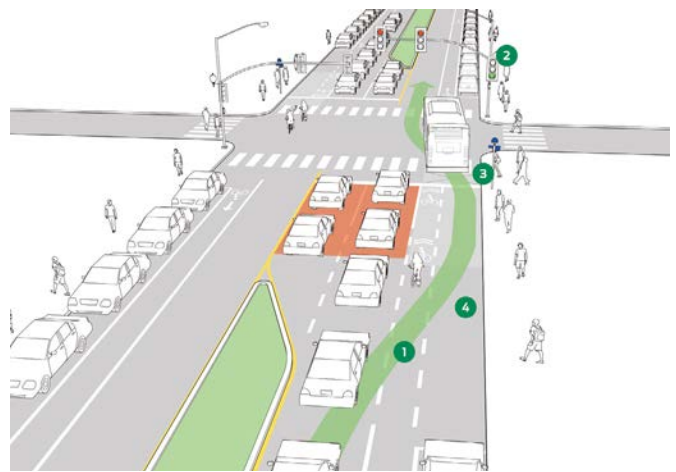


Figure 3.15. Intersection Queue Jump. (Source: NACTO)



Figure 3.16. Transit-only Aperture in Portland, Oregon.
(Source: PBOT)

		Agency					
		Treatment	NACTO	TRB	Alameda CTC	AC Transit	PBOT
Stops	Far-side bus stop placement						
	Bus pull-out						
	Bus bulb (curb extension)						
	Bus boarding island with bikeway						
	Shared cycle track bus stop*						
	Bus pad						
	Bus stop fixtures						
	Real-time arrival info						
	Off-board fare payment						
Lanes	Dedicated transit lane						
	Business access & transit lane						
	Peak-time transit lane						
	Shared bus/bike lane						
Intersections	Intersection queue jump						
	Transit-only aperture						
	Transit signal priority & progression						

Recommended Treatment

Recommended in certain Contexts

Not Recommended

* This is not recommended because passengers would disembark from buses and step directly onto the bikeway.

Figure 3.17. Summary of Transit Improvement Recommendations and Proposed Berkeley Recommendations

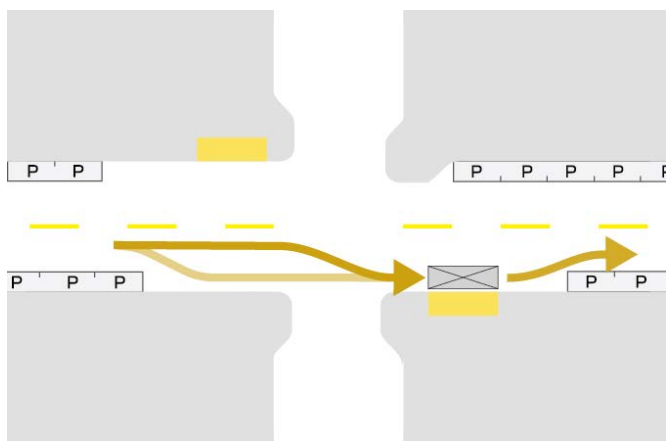


Figure 3.18. Far-side Bus Stop Diagram. (Source: NACTO)

Policies

1. Stops and Stations

Policy 1.1 Bus stops on far-side of intersections

It is preferred for all bus-stops to be placed on the far-side of the intersection, when feasible. This is the preferred location for new and relocated stops.

Purpose: Far-side bus stops allow a bus to clear the intersection before stopping and this improves bus speed and reliability, particularly when combined with Transit Signal Priority (TSP) technologies and queue jump lanes.

Actions:

1. When implementing street modification projects affecting or adjacent to bus stops, include relocation of near-side stops to far-side locations.
2. Define requirements for developers to implement this policy if their project fronts a potential far-side bus stop location.

Policy 1.2 Bus bulbs and boarding islands

It is preferred that bus stops be located on bus bulbs or boarding islands when feasible, including the implementation of multi-use bus bulbs or bus parklets where desired by businesses or other uses adjacent to the bus stop.

Purpose: Bus bulbs and boarding islands improve the speed and reliability of bus service because buses do not need to wait to re-enter a traffic lane. Also, bus bulbs provide more space for pedestrians or sidewalk seating on sidewalks.

Actions:

1. Replace pullouts at bus stops with bus bulbs on multi-lane streets (with more than one traffic lane each direction) when reconstructing or modifying the street or sidewalk at or adjacent to a bus stop. This would be in the form of a boarding island where protected bicycle lanes are installed.
2. Work to update the existing City parklet program to allow and encourage the provision of bus parklets that follow the guidance in AC Transit's [Bus Parklet Design Manual \(2018\)](#).
3. Define requirements for developers to implement this policy if their project fronts a potential bus bulb or boarding island location.

Policy 1.3 Bus pads

Provide bus pads at bus stops served with 40-foot or greater sized buses

Purpose: The combination of the heavy weight of buses along with their braking or acceleration as they enter or leave bus stops can result in the degradation of the roadway pavement and increase the frequency of needing roadway patching or repaving. Construction of concrete bus pads will mitigate these issues.

Actions:

1. Construct bus pads when stops are moved, or new stops are developed.
2. Coordinate with the City pavement program to install bus pads as part of repaving projects.



Figure 3.19. Bus Boarding Island. (Source: Green Lane Project)

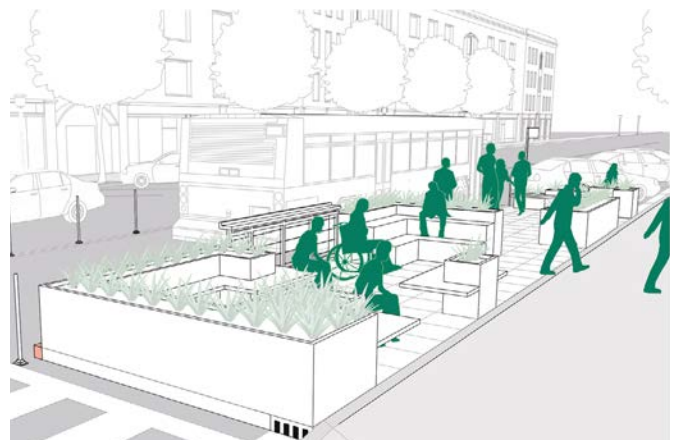


Figure 3.20. Bus Parklet Illustration. (Source: Bus Parklet Design Manual)



Figure 3.21. Bus Pad on University Ave at Martin Luther King Jr. Way. (Source: Paul Sullivan)

3. Define requirements for developers to implement this policy if their project fronts a bus stop.

Policy 1.4 Bus stop fixtures

Implement and maintain a standard for fixtures at bus stops based on ridership, nearby destinations (i.e., services and housing for seniors and people with disabilities), and frequency of service by working with AC Transit and shuttle operators.

Purpose: Bus stop fixtures provide riders with comfort, safety, and information that support their use of transit. Fixtures can include shelters, benches, off-board fare payment machines, maps, signage, real-time display, lighting, trash/recycling cans, and emergency call systems. While these fixtures are important, revenue from advertising at bus stop shelters has diminished to the point that it no longer covers the cost of shelter cleaning and maintenance, causing advertising companies to request that public agencies supplement the advertising revenue with payments for shelter cleaning and maintenance.

Actions:

1. Develop a standard for providing certain fixtures to be present at certain types of bus stops based on criteria for bus stop usage, frequency of service, and corridor priority.
2. Identify funding to cover the cost of bus shelter maintenance if advertising contracts are no longer able to do so.
3. Define requirements for developers to implement this standard if their project fronts a bus stop that does not meet the fixtures standard.

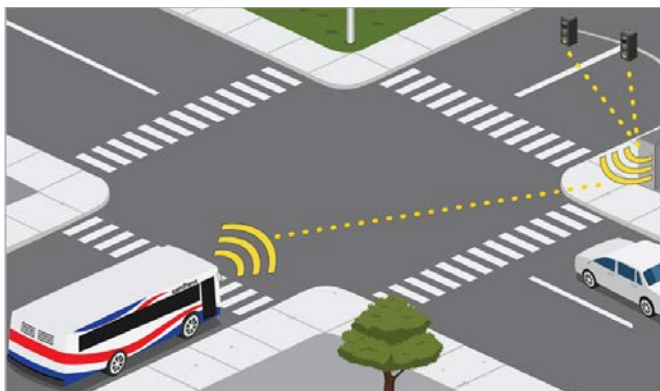


Figure 3.22. Transit Signal Priority Diagram.
(Source: SamTrans)

2. Lane and Intersection Treatments

Policy 2.1 Signal timing and transit signal priority (TSP)

Implement signal timing improvements and/or transit signal priority along major transit corridors.

Purpose: Signal timing and TSP can improve the speed and reliability of service along a bus route.

Actions:

1. Provide TSP along the corridors and routes identified in the AC Transit Major Corridors Study (2016) and along Major Transit Routes identified in the City's General Plan Transportation Element, if not already implemented. Include TSP in plans for these corridors and in new traffic signals and traffic signal modifications along these routes.
2. Develop a citywide implementation and funding plan for upgrading TSP along corridors, identifying where TSP already exists and any potential limitations to future upgrades.

Policy 2.2 Prioritize the use of public right-of-way for transit improvements over parking

When finding space in the street for transit improvements, such as moving bus stops, adding bus bulbs, or adding a bus lane or transit queue jump lanes, there is the potential for on-street parking spaces to be removed. Giving priority to transit improvements over parking reflects Berkeley's Transit-First Policy.

Purpose: Transit projects that improve transit reliability and efficiency for all the riders on a route may reduce the number of on-street parking spaces. A policy that supports this transit benefit as a priority over parking will help facilitate construction of needed transit improvements.

Actions:

1. In the planning and design for transit improvements, work to minimize impacts to parking and loading, including implementing curb management strategies such as time limiting or metering nearby on-street parking and loading spaces where feasible.
2. Communicate Berkeley's commitment to the Transit-First Policy and the prioritization of transit improvements over parking during community engagement as projects are planned, designed, and constructed.

3. Operations and other Policies

Policy 3.1 Temporary Transit Impact Notification

Give notice to transit riders about temporary relocations or changes in service at transit stops and along transit routes.

Purpose: Giving adequate notice of temporary transit service changes to riders which gives them time to adjust when they take trips or find alternative modes for their trips.

Actions:

1. When a bus stop is to be temporarily closed due to construction or a special event, identify a new location for the bus stop whenever feasible. The temporary bus stop must be ADA accessible and at curb height and must provide at least 8 feet of level boarding space measured perpendicular to the curb edge.
2. Develop guidance on traffic handling plans and temporary relocation of bus stops due to construction and special events.
3. Provide notice of construction or other impacts to AC Transit prior to their standard two weeks request for notification so that there is additional time to inform riders.

Policy 3.2 First-/last-mile shared mobility

At transit hubs, such as BART stations or major bus line stops, provide parking for micro mobility that is safely out of the way from the transit facilities and active sidewalk space.



Figure 3.23. Shared Mobility Parking at Bus Hub.
(Source: MTC-Nelson\ Nygaard)

Purpose: Shared mobility devices are an important way to provide first-/last-mile connections for transit riders to complete their trip. But micro mobility devices are often not parked out of the way of transit stops or pedestrian paths of travel at transit hubs and stops.

Actions:

1. Develop guidance or adopt existing guidance from other agencies for bikeshare and scooter-share parking zones near transit stops.
2. Work with shared mobility providers to implement the guidance.

Discussion – Shared Micromobility Connections

Shared micromobility refers to shared-use fleets of small, fully, or partially human-powered vehicles such as bikes, electric bikes (e-bikes), and electric scooters (e-scooters). These devices are generally rented through a mobile app or kiosk, are picked up and dropped off in the public right-of-way and are meant for short point-to-point trips.

Bikeshare (shared bicycles and e-bikes)

Bay Area Bike Share launched in 2013 and is now operating as Bay Wheels by Lyft. There are currently over 2,600 bicycles at stations throughout the Bay Area, including in Berkeley.

Bikeshare users have different reasons for riding than scootershare users. In survey data from several cities, people who use station-based bikeshare are more likely than people using scootershare to report that they ride to get to/from work and to say that they use bikeshare to connect to transit. (1) In 2018, over half

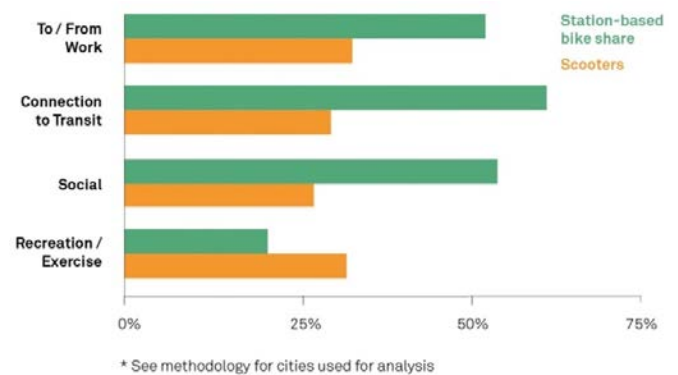


Figure 3.24. Why People Ride. (Source: NACTO)

of bikeshare users in Oakland linked their transit card to the bikeshare system, making unlocking bikes a quick tap and making payment more seamless across systems.

Based on bikeshare serving as a first- and last-mile mobility connector to transit, the following guidelines and policies are recommended to promote this relationship between the modes:

Work with bikeshare providers to promote bikeshare-transit connections.

1. Locate bikeshare stations adjacent to transit stops on major corridors.
2. Expand targeted outreach to bikeshare users about transit connections, and targeted outreach to transit users about bikeshare.
3. Increase outreach to low-income communities about transit and bikeshare connections and low-income bikeshare membership.

Explore feasibility of free transfers between bikeshare and bus.

1. Work with regional agencies to incorporate bikeshare transfers into Clipper.
 - In Pittsburgh, HealthyRide members receive a free 15-minute transfer between bikeshare and the bus. This has increased bikeshare ridership even without an expansion of the bikeshare system.
 - Bay Wheels can be accessed by Clipper Card. Integrating bikeshare fares and free transfers into the Clipper system can encourage more bikeshare and transit trips, improving mobility and increasing equity.

Scootershare (scooters, e-scooters, e-scootershare, powered scooters)

Scooters emerged in 2017 as a new shared mobility service in the United States. Companies began operations in some cities without government permits of consent. Several cities responded with cease-and-desist orders and fines. Some cities developed pilot programs for scootershare to study ridership behavior and capabilities of scootershare companies to help achieve cities' transportation goals.

Pilot program evaluations have found multiple effects of scooters, but the net effect on transit is inconclusive. Scootershare users reported using scooters to replace walking trips, as well as personal car trips, ride-hailing trips, and transit trips. They also use scooters to connect to transit.

Locally, SFMTA found in a survey of scootershare users, that 34% of respondents used scootershare services to get to or from public transportation, and nearly 28% of respondents would not have taken transit if a scooter was not available but used the service to connect to transit. This indicates that scooters generally complement transit by serving as a valuable last mile connection. However, "transit" was not distinguished between buses and subway or light-rail.

In September 2021, the City of Berkeley adopted a Shared Electric Micromobility Permit Program that allowed permits to be issued to up to three companies to provide free-floating shared electric mobility devices to the public. Permits were issued in spring 2022. More than half of the devices provided are ridden by standing on them. Two of the three companies also provide seated electric scooters, while the third company provides mainly standing scooters and some e-bikes.

The following guidelines and policies are recommended for scootershare to better support transit:

1. Scootershare operators should use geofencing to prohibit scooters from being parked in bus stop areas and from being locked to bus stop poles.
 - The requirement of lock-to mechanism on scooters addresses the major issues of sidewalk clearance and pedestrian safety. However, scooters should not be parked within bus stop areas where they may obstruct passengers boarding and alighting.
2. Scootershare program guidelines should include a guiding principle for supporting transit.
 - For example, one of SFMTA's Emerging Mobility Guiding Principles is, "Powered scooter share must support, rather than compete with, public transit services, and must account for the operational needs of public transit and encourage use of high- occupancy modes."
3. Locate scootershare parking in the curbside parking lane or street space such as on bulb-outs.
 - Scootershare parking can be located on a minor street around the corner from a bus stop. This can achieve the safety benefits of daylighting the corner for pedestrians while providing a visible connection from transit and scootershare services.
 - Prioritize scootershare parking areas at major transit corridors.

Policy 3.3 Advocate for creation and adoption of a more equitable and transparent service cancellation policy that also preserves service on lines serving Berkeley middle and high schools

Advocate for creation and adoption of a more equitable and transparent AC Transit service cancellation policy.

Purpose: Many residents of Berkeley's historically underserved communities are dependent on AC Transit bus service for most of their transportation needs. AC Transit's current policies and data indicate that avoiding service cancellations for routes serving these populations should be a higher priority.

Actions:

1. Coordinate with AC Transit staff and the AC Transit Board of Directors to develop and approve a new equity- and ridership- based service cancellation policy.
2. Continue to collect and review data from AC Transit regarding service cancellations in Berkeley.

Policy 3.4 Support AC Transit in Various Payment Options

To increase transit efficiency by reducing dwell times at bus stops, support the development of all-door boarding and off-board payment options.

Purpose: The amount of time that passengers are loading and alighting the bus has a significant effect on the speed and reliability of service along a route. All-door boarding is one way to reduce this time. Efficiency can be increased further by providing for fare collection at the stop prior to passengers boarding the bus. The Tempo BRT service provides ticket vending machines on the platform; fare inspectors ride on the buses and will ask riders for proof of payment. This type of fare collection could be expanded to other routes that repeatedly experience delays from passenger loading.

Actions:

1. Coordinate with AC Transit to monitor conditions on high-ridership routes in the City and explore expansion of all-door boarding and a off-board payment options

Policy 3.5 Create a City-AC Transit Interagency Liaison Committee (ILC)

Work with AC Transit and City Council to form and regularly convene a Berkeley-AC Transit ILC to collaborate on joint service planning and transit corridor projects.

Purpose: Improving coordination between the City of Berkeley and AC Transit will help achieve desired transit service and infrastructure improvements for people who live and work in Berkeley, and visitors to the City.

Actions:

1. Work with City Council and AC Transit to appoint two City Councilmembers and two AC Transit Board Directors to the Berkeley-AC Transit ILC.
2. Coordinate with AC Transit staff to schedule and manage the Berkeley-AC Transit ILC.

Policy 3.6 Support Attraction and Retention of Bus Drivers

Recognize that transit agencies are facing driver shortages due to a challenging work environment and a high number of retirement eligible workforce. Advocate for regional operational funding sufficient to attract and retain drivers.

Purpose: Transit providers serving Berkeley have been experiencing difficulties attracting and retaining bus drivers.

Actions:

1. Coordinate with AC Transit, other service providers, and other local agencies to advocate at the regional level for funding to provide adequate pay, benefits, and a supportive work environment for transit drivers.

Policy 3.7 Improve Facilities for Bus Layovers

Evaluate identify, and implement bus driver layover improvements, including bus driver and restroom needs, ADA and universal accessibility improvements, curb lengths, and other right-of-way improvements under City purview.

Purpose: Bus service is adversely affected by inadequacies in bus layover facilities which can delay buses. These inadequacies, particularly lack of access to restrooms, negatively affect drivers' work environment.

Actions:

1. Coordinate with AC Transit to evaluate bus layover facilities in Berkeley and plan for improvements as needed.
2. Coordinate negotiations and agreements between AC Transit and business and building owners regarding access for AC Transit drivers to restroom facilities at layover locations.
3. Make necessary changes to layover locations to provide adequate space and safety for operations.
4. Develop a list of alternative restroom facilities for use by bus drivers at layovers and share this with transit operators.

Policy 3.8 Work with AC Transit to improve reliability and service on lines that take students to Berkeley middle and high schools

Many students use, or could use, AC Transit service to access Berkeley middle schools and Berkeley High School, particularly those students living in Equity Priority Communities.

Purpose: Many AC Transit routes provide service within close walking distance of middle schools and the high school in Berkeley. Recently adopted changes to the Berkeley Unified School District (BUSD) middle school assignment policy will increase the distance between some students' homes and their schools. Berkeley High School, as the single high school, is outside of walking distance for many students. BUSD does not provide bus service for the general population of middle and high school students. Improving reliability and service on lines serving these schools will make transit a more viable option. This policy is supported by Alameda CTC's Student Transit Pass Program that provides free AC Transit service for eligible middle and high school students attending Berkeley middle and high schools.

Actions:

1. Work with AC Transit to identify steps and funding to make improvements for routes that serve middle and high schools.
2. Identify pedestrian access and safety treatments as well as funding to make improvements connecting nearby bus stops to the schools.



04

TRANSIT CORRIDOR STUDY PRIORITIZATION

TRANSIT CORRIDOR STUDY PRIORITIZATION

This chapter identifies and prioritizes corridors for future study of their transit infrastructure needs. The proposed prioritization considers AC Transit plans, funding already acquired by the City for transit corridor studies, and anticipated transit demand or being late to work. A lack of reliability can lead to people deciding to take other forms of transportation.



Figure 4.1. AC Transit Tempo BRT in Oakland. (Source: CD+A)

AC Transit Major Corridors Study (2016) identifies the following streets in Berkeley for future significant transit improvements: San Pablo Avenue, Adeline Street, Telegraph Avenue, Shattuck Avenue, University Avenue, and College Avenue. The figure below shows the long-term investment strategies recommended by AC Transit for these corridors.

The year by which this plan recommends that transit corridor studies be completed is shown in the last column of the table for comparison. The corridor studies would evaluate a range of transit infrastructure improvements, including transit-only lanes and full Bus Rapid Transit.

San Pablo Avenue

The San Pablo Avenue within the City of Berkeley extends from Harrison Street in the north to Haskell Street in the south. San Pablo Avenue is under the jurisdiction of the State Department of Transportation (Caltrans) as it is designated as State Route 123.

Corridor	AC Transit – Long-Term Improvements (by 2040)	City of Berkeley - Transit Corridor Study Completion Date
San Pablo Avenue	Bus Rapid Transit	**
Telegraph Avenue	Bus Rapid Transit	2024
Adeline Street*	TBD	2025
Shattuck Avenue	Rapid Bus – Overlay Local	2027
University Avenue	Bus Rapid Transit	2029
College Avenue	Rapid Bus – Replace Local	–

* Adjacent to Ashby BART station: 2023; south of Ashby BART station: 2024; north of Ashby Ave: 2025

** Led by Alameda County Transportation Commission

Figure 4.2. Major Corridors Long-Term Investment Strategies. (Sources: AC Transit and City of Berkeley)

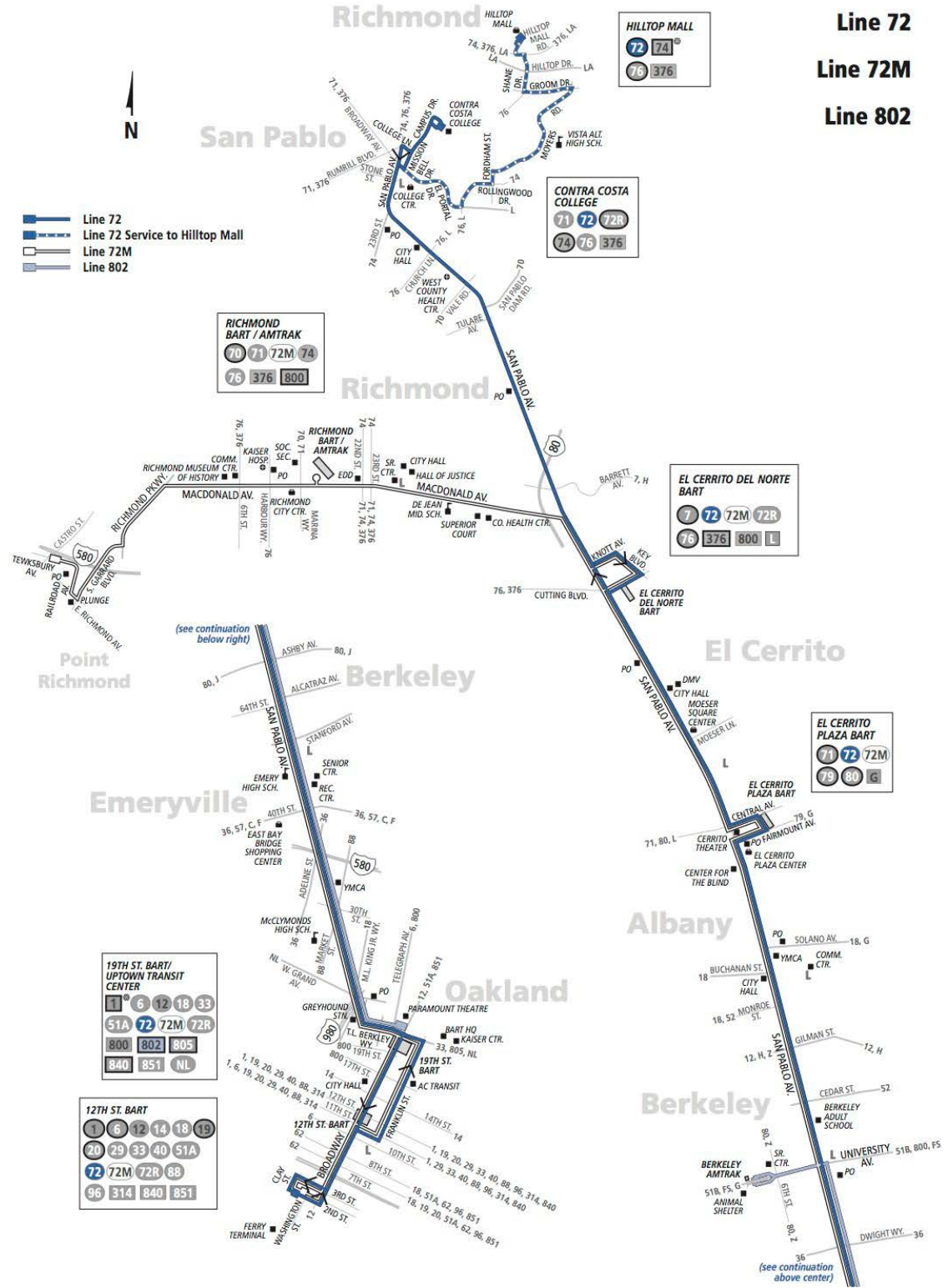


Figure 4.3. AC Transit Lines 72, 72M, and 72R run from Richmond to Oakland via Berkeley on San Pablo Avenue. (Source: AC Transit)



Figure 4.4. One of the proposed concepts from the San Pablo Corridor Project. (Source: Alameda CTC)

Plans and Projects

The Alameda County Transportation Commission (Alameda CTC) is currently working on the [San Pablo Corridor Project](#). The project will develop a long-term vision for the full corridor and identify short-term projects to improve the safety and experience of all users. The corridor is 12 miles long, spanning two counties and seven cities. Alameda CTC is also working with Caltrans and AC Transit.

Alameda CTC has presented three conceptual designs for the corridor:

- Concept A: Median bus lanes and curbside bike lanes with some parking/loading
- Concept B: Median bus lanes and parking/loading with bike lanes on a parallel route
- Concept C: Curbside bike lanes with bus boarding islands and parking/loading

Alameda CTC is moving forward with curbside bus lanes on San Pablo Avenue from Downtown Oakland to South Berkeley at Burnett Street, one block north of Ashby Avenue. Protected bike lanes would continue to Russell Street.

Support

The City of Berkeley – [2015-2023 Housing Element](#) calculated that San Pablo Avenue could accommodate 1,047 units, or about 20 percent of the citywide total. The Office of Economic Development conducted a study in December 2016 and held a City Council work session to identify existing conditions and consider pursuing grant funding for a comprehensive land use planning effort. Since that time, the City has acquired funding to develop a [San Pablo Avenue Specific Plan](#). This growth in housing along the corridor will generate demand for higher capacity transit services along San Pablo Avenue in an environmentally efficient way.

Recommended Actions

1. Work with Alameda CTC, Caltrans, and neighboring cities to develop a long-term vision and plan for the corridor in Berkeley that meets the transit needs of planned land uses along San Pablo Avenue.
2. Coordinate with Alameda CTC, Caltrans, and neighboring cities on the design development to implement this vision.

Telegraph Avenue

The Telegraph Avenue corridor spans from Bancroft Way in the north at the UC Berkeley campus to Woolsey Street in the south at the Oakland border.

Plans and Projects

The City of Berkeley *Southside Plan (2011)* includes Telegraph Avenue from Parker Street to Bancroft Way in its study area. The goals in the Transportation Element of the Southside Plan are to increase the share of usage of non-automotive modes of transportation and to improve pedestrian and bicycle safety. The *Southside Plan* supports improving transit in the Southside area as a way to work toward those goals. Objective T-A states: "Jointly advocate for improved mass transit and non-auto travel to the Southside."

Policy T-A1

The City and University should jointly advocate to AC Transit and BART regarding the need for continued and ongoing improvement of transit service to the Southside.

Policy T-A2

Form a collaborative partnership between the City, the University, Oakland and other jurisdictions, and the regional transit agencies to study and improve transit options and simplify transit connections throughout the Bay Area.

Policy T-A3

Work with AC Transit to implement the proposed Bus Rapid Transit (BRT) project as embodied in the Locally Preferred Alternative (LPA) measures passed by Council. Advocate to AC Transit and the regional transportation bodies for light rail as a longer-term way to provide cleaner, more efficient transit service for the Southside. Ensure that College Avenue, Telegraph Avenue, Bancroft Way, and Durant Avenue are evaluated as future light rail corridors.

The *Southside Plan* continues with Objective T-B: "Increase the usability and enhance the amenity of public transit to, from, and within the Southside."

Policy T-B1

- A. Improve bus stops throughout the area.
- B. When feasible, add covered platforms, shelters,

Line 6

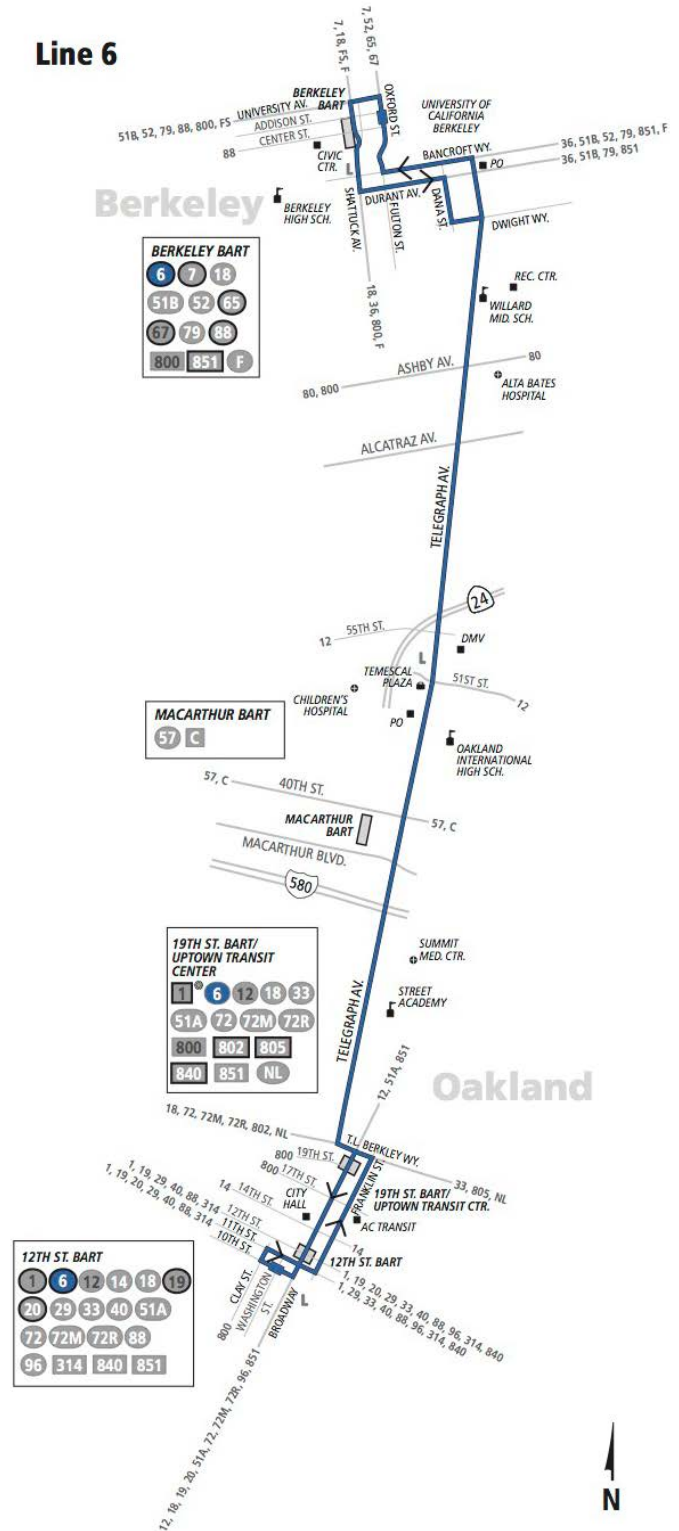


Figure 4.5. AC Transit Line 6 runs from Downtown Berkeley to Downtown Oakland via Telegraph Avenue. (Source: AC Transit)

“bulb-outs,” and appropriate street furniture at heavily used bus stops.

- C. Add clear signage, route maps and schedules, and adequate lighting at all Southside bus stops.
- D. Improve the Telegraph/Bancroft area, particularly Bancroft west of Telegraph, as a major “station” and destination point for transit, including appropriate loading, unloading, and waiting facilities for commuters using campus shuttles, conventional buses, and anticipated bus rapid transit or light rail.

Policy T-B2

Devise ways to decrease mass transit travel times through the Southside.

- A. Establish a planning criterion that major bus routes and shuttles should run at least every ten minutes

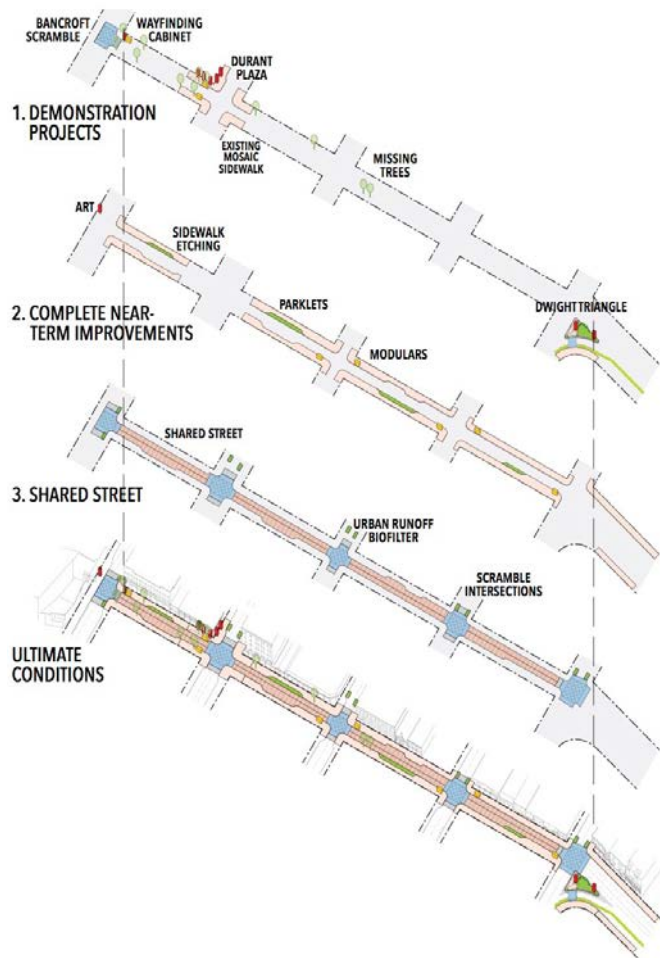


Figure 4.6. Diagram of proposed phasing strategy for, Telegraph Public Realm Plan. (Source: Taecker Planning and Design)

from 7 a.m. to 10 p.m.

- B. On Telegraph Avenue, and on other Southside streets with transit service, vigorously enforce traffic laws prohibiting double parking and ensure that trucks and other vehicles making deliveries to local businesses use designated loading zones. Expand loading zones as needed to ensure that deliveries can be made efficiently without double-parking (see Policy T-F5).
- C. Continue to consult with AC Transit about timing and type of traffic signals on transit routes through the Southside. Maintain changes in the timing and type of signals to facilitate movement of buses while also improving safety for pedestrians.

The *Telegraph Public Realm Plan* (TPRP) was approved by the City Council in 2016. The plan established a vision and provides guidance for a shared street on the four northernmost blocks of Telegraph Avenue — from Dwight Way to Bancroft Way. The planning process included extensive input from community members such as vendors, merchants, property owners, and representatives from UC Berkeley and AC Transit. The plan calls for converting Telegraph Avenue north of Dwight into a shared street, which refers to a street that functions as shared public space, with nonmotorized activities as the core element. The plan also notes that it will need to be updated to include the future possibility of dedicated bus lanes.

In 2018, the City of Berkeley implemented a bus-only lane on the north side of Bancroft Way from Telegraph Avenue to Fulton Street, and a 2-way protected bikeway on the south side of Bancroft Way. The bus stop on Bancroft Way west of Telegraph was improved as well, in a partnership with UC Berkeley.

In the same year, the City of Berkeley implemented the Telegraph Avenue Loading Zone and Customer Parking Pilot Project. The pilot project addressed the issues of a perceived lack of visitor parking and the impacts of double parking, such as transit delay. It converted parking spaces that were previously loading zones into metered loading zones in the morning and general parking for the remainder of the day. It also consolidated two closely spaced bus stops on Telegraph Avenue into one stop at Haste Street. The pilot was adopted as a permanent program. This improvement to Telegraph Avenue, together with the Bancroft bus-only lane and two-way bikeway, worked toward implementation of the Southside Plan’s policies and objectives.

AC Transit is currently working on their **Telegraph Rapid Corridor Project** (part of Transit Performance Initiative – Round 3 [TPI3]), which includes the Berkeley portion of Telegraph Avenue as well as the Oakland portion, and Grand and West Grand Avenue in Oakland. The aim of the Rapid Corridor project is to increase the speed and reliability of transit service on this corridor. To achieve this objective, the project proposes to remove or relocate bus stops, install TSP hardware and software at signalized intersections, and implement a bus queue jump in the northbound direction at 52nd St. in Oakland. The Telegraph Rapid Corridor project will be constructed in 2023.

The City of Berkeley is currently working on a project called the **Southside Complete Streets** project. The goals of the project are to ensure safety for all street users, improve transit reliability and travel times, and support the economic and cultural vitality of the Southside neighborhood. The street segments that are the subject of the Southside Complete Streets project are: Bancroft Way from Piedmont Avenue to Milvia Street and Telegraph Avenue, Dana Street, and Fulton Street each from Dwight Way to Bancroft Way. The project evaluated a potential transit-only lane on Telegraph Avenue from Dwight to Bancroft Way, which is a one-way northbound segment of Telegraph. The project design concept was adopted by the Berkeley

City Council in February 2022. It includes widening the existing Bancroft transit lane between Dana Street and Fulton Street, extending the Bancroft transit lane such that it would run continuously on Bancroft from College Avenue to Shattuck Avenue, and adding a bus lane on Telegraph Avenue between Dwight and Bancroft as part of a “shared street” that significantly calm traffic for a plaza-like experience while reserving dedicated space for transit. The detailed design and construction of the Bancroft, Dana, and Fulton components of the project are fully funded. The Telegraph shared street/transit lane concept would require the acquisition of additional funding for detailed design and construction.

It is worth noting that AC Transit has separately acquired funding for a quick-build red transit lane on Durant Avenue between Ellsworth Street and College Avenue, and that the City plans to fund the extension of the red transit lane so that it starts west of Ellsworth at Shattuck, providing the Durant piece in the Bancroft/Durant one-way street couplet used by AC Transit Lines 51B and 6.

In mid 2022, the City of Berkeley started working on the **Telegraph Avenue Multimodal Corridor Project**. The project area spans Telegraph Avenue from Dwight Way to Woolsey Street (Oakland border). The

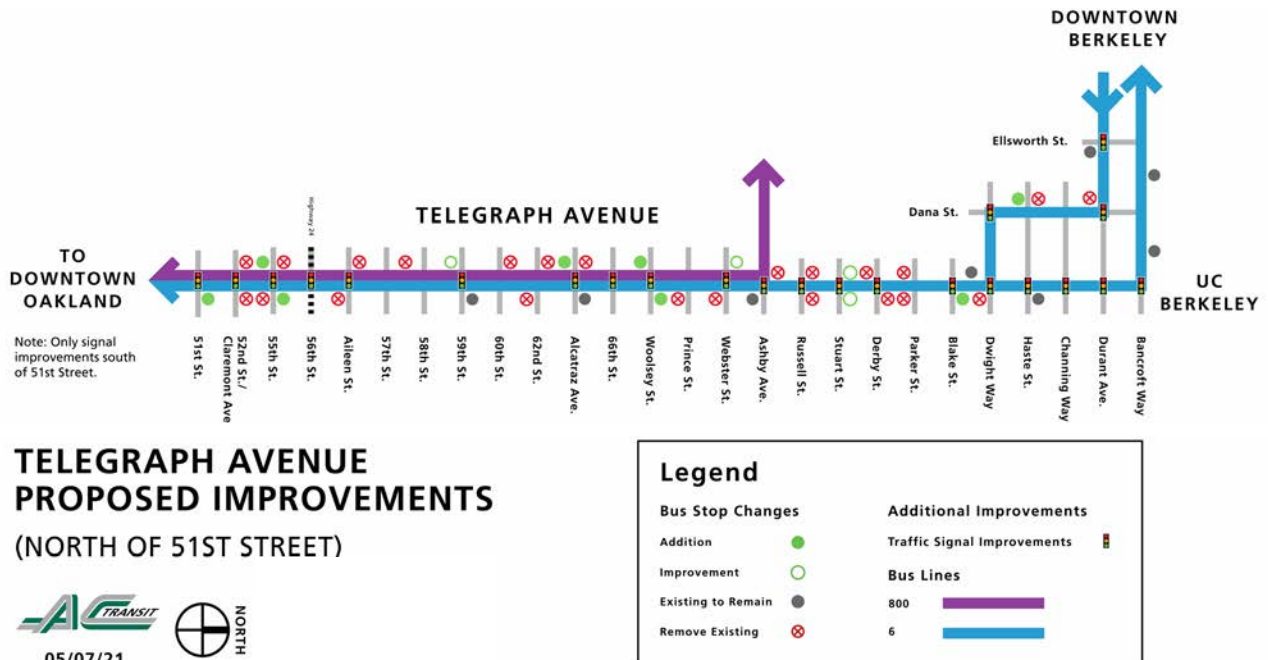


Figure 4.7. Proposed bus stop changes, AC Transit Telegraph Rapid Corridor project. (Source: AC Transit)

project will develop conceptual designs and conduct preliminary engineering for protected bike lanes, transit lanes, and pedestrian safety improvements. The project goals are to improve transit reliability and to improve traffic safety overall.

Support

City Council has recently expressed support for BRT on Telegraph Avenue, as well as the above-described shared street with transit lane design for the northernmost four blocks of Telegraph Avenue.

This is a significant change from 2010, when City Council rejected implementation of BRT on Telegraph Avenue, citing stakeholder concerns about impacts on traffic, parking and loading. Instead, Council approved a proposal without bus-only lanes, focusing on improvements to bus stops, signage, transit signal priority, and proof-of-payment systems.

A decade after this action, City Council passed a new referral approving a letter drafted in support of reviving BRT on Telegraph Avenue

Letter in Support of Reviving Berkeley Bus Rapid Transit

Send a letter to AC Transit, the Alameda County Transportation Commission, Assemblymember Buffy Wicks, and State Senator Nancy Skinner in support of expanding Bus Rapid Transit into Berkeley on Telegraph Avenue at the first possible opportunity. (City Council Meeting – March 10, 2020: Item #20, see Appendix A for details).

Recommended Actions

A corridor plan is needed to analyze the varying conditions along the entire corridor. It will need to integrate a design for a shared transitway from Dwight Way to Bancroft Way.

1. Seek and acquire funding to implement the shared street with transit lane concept approved by City Council for Telegraph between Dwight and Bancroft.
2. Analyze any changes in transit reliability and speeds after implementation of the AC Transit [Telegraph Rapid Corridor](#) project.
3. Complete the [Telegraph Avenue Multimodal Corridor Project](#) by the end of 2024.

Adeline Street

The Adeline Street corridor begins at its intersection with Shattuck Avenue in the north and extends to the Oakland border in the south, including its intersections with Stanford Avenue and Martin Luther King Jr. Way.

Plans and Projects

The City of Berkeley [Adeline Corridor Specific Plan](#) was adopted by the Berkeley City Council in December 2020. The planning process included extensive community outreach to develop a long-range plan for the area along south Shattuck Avenue between Dwight Way and Adeline Street, and Adeline Street from Shattuck Avenue to the Oakland border.

The five priorities that were identified for the future of the Adeline Corridor are: land use and community character, housing affordability, economic opportunity, transportation, and public space. Although the [Adeline Corridor Specific Plan](#) does not detail a concept plan for BRT or bus-only lanes, there is strong support among some community groups for reducing vehicle speeds and volumes to improve safety on the corridor.

The City of Berkeley Measure T1 Bond included a pavement rehabilitation project on Adeline Street from Derby Street to Ashby Avenue. The project also included installation of protected bike lanes, bus boarding islands, and high-visibility crosswalks. The project completed construction in 2019.

The City and BART have been coordinating on a study of the feasibility of a lane reduction on Adeline Street between Ashby Avenue and Martin Luther King (MLK) Jr Way as a means of providing room for a public plaza with a protected bikeway adjacent to the Ashby BART station, see [Redesigning Adeline Street at Ashby BART](#). This plaza could provide a future location for the Berkeley Flea Market after the western parking lot at the Ashby BART station is developed into housing. The study responds in part to a Referral adopted by City Council in February 2020 calling for the analysis of a redesign of Adeline Street between Ward Street and MLK to prioritize a two-lane option for Adeline in order to increase safety while meeting the needs of public transit. The potential for converting an existing mixed-traffic lane in each direction of Adeline to a transit-only lane was included in this study. The traffic operations analysis, however, found that additional delay caused by the lane reduction could be significantly reduced

Line F

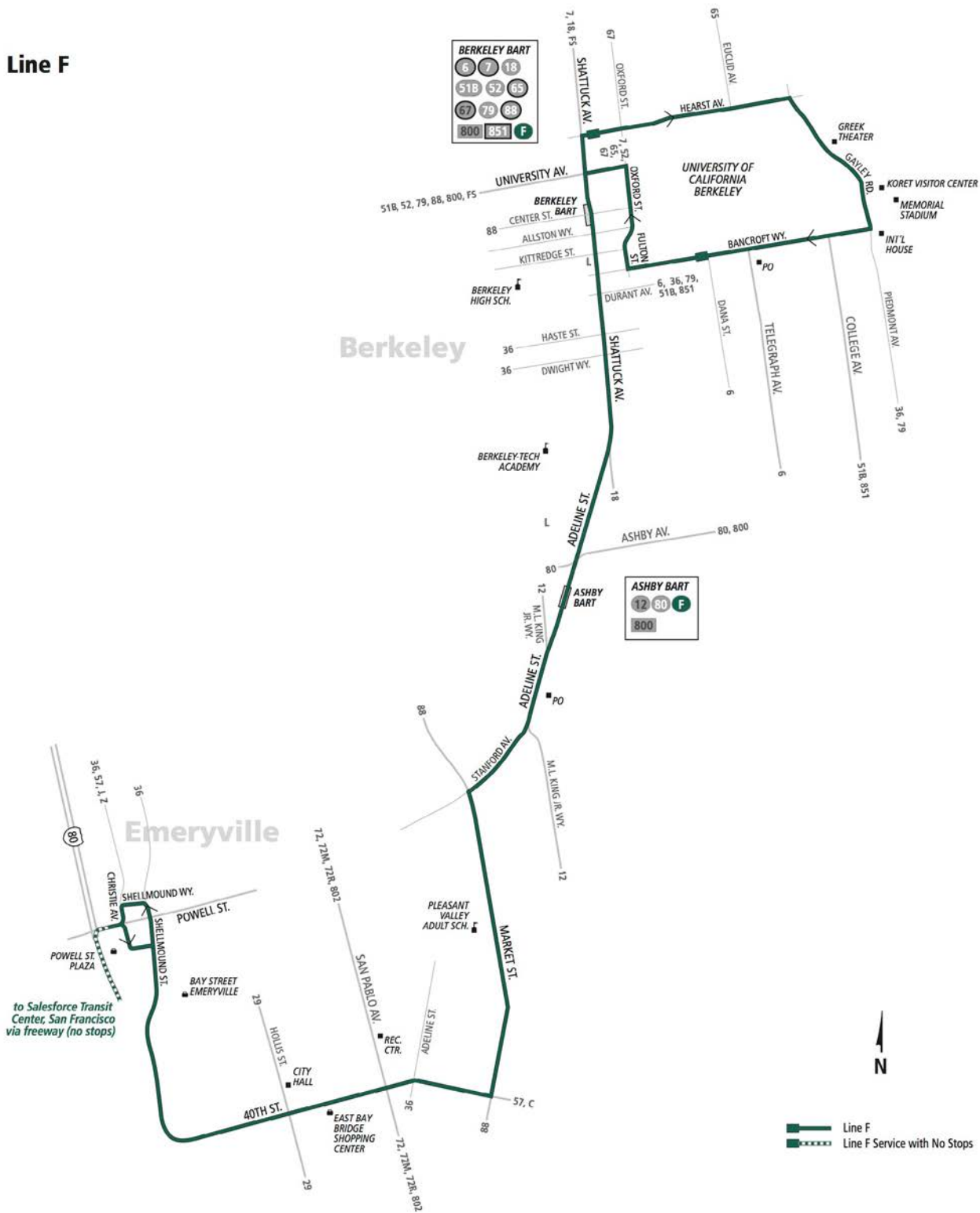


Figure 4.8. AC Transit Transbay Line F runs from Downtown Berkeley to San Francisco via Adeline Street and Emeryville. (Source: AC Transit)

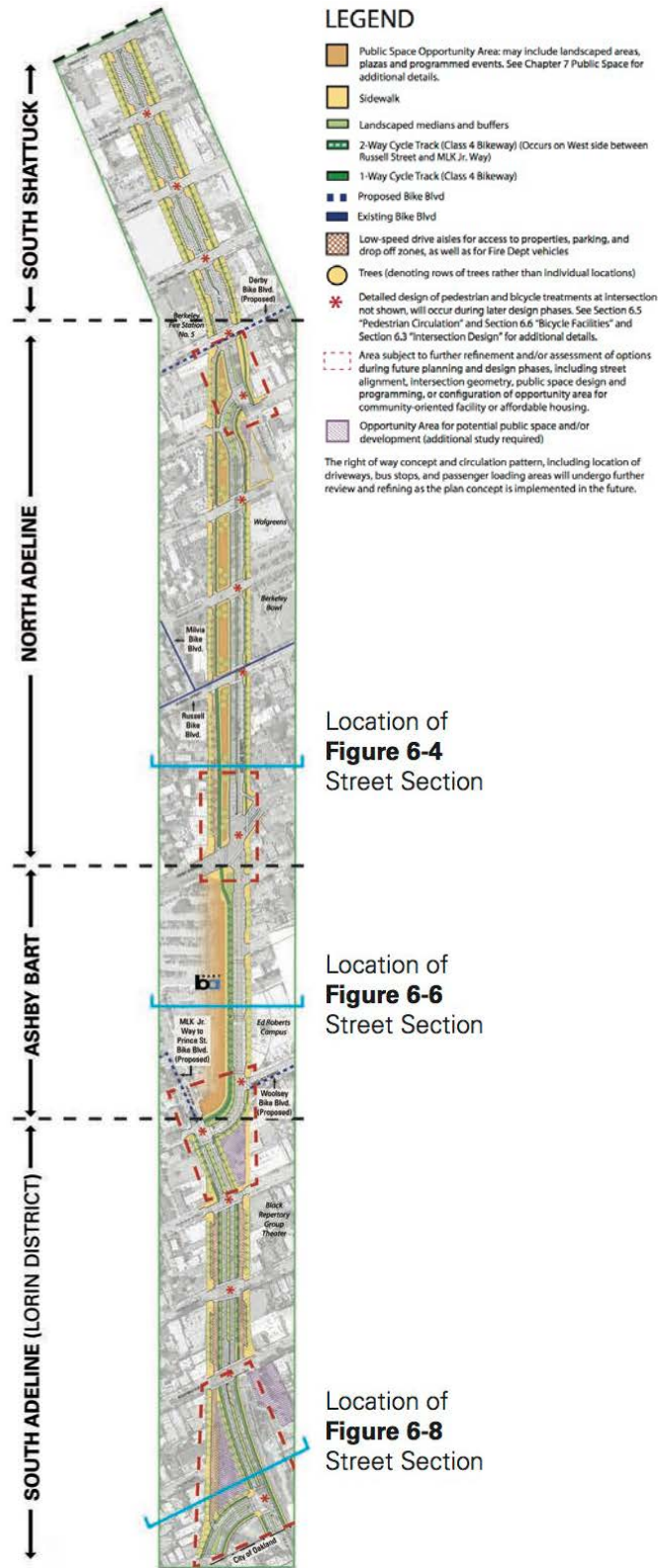


Figure 4.9. Transportation Concept, Adeline Corridor Specific Plan.

LEGEND

- Public Space Opportunity Area: may include landscaped areas, plazas and programmed events. See Chapter 7 Public Space for additional details.
- Sidewalk
- Landscaped medians and buffers
- 2-Way Cycle Track (Class 4 Bikeway) (Occurs on West side between Russell Street and MLK Jr. Way)
- 1-Way Cycle Track (Class 4 Bikeway)
- Proposed Bike Blvd
- Existing Bike Blvd
- Low-speed drive aisles for access to properties, parking, and drop off zones, as well as for Fire Dept vehicles
- Trees (denoting rows of trees rather than individual locations)
- Detailed design of pedestrian and bicycle treatments at intersection not shown, will occur during later design phases. See Section 6.5 "Pedestrian Circulation" and Section 6.6 "Bicycle Facilities" and Section 6.3 "Intersection Design" for additional details.
- Area subject to further refinement and/or assessment of options during future planning and design phases, including street alignment, intersection geometry, public space design and programming, or configuration of opportunity area for community-oriented facility or affordable housing.
- Opportunity Area for potential public space and/or development (additional study required)

The right of way concept and circulation pattern, including location of driveways, bus stops, and passenger loading areas will undergo further review and refining as the plan concept is implemented in the future.

Location of
Figure 6-4
Street Section

Location of
Figure 6-6
Street Section

Location of
Figure 6-8
Street Section

by optimizing the traffic signal timing at the Adeline/Ashby and Adeline/MLK intersections. The inclusion of a queue jump lane for buses southbound approaching the Adeline/Ashby intersection would further reduce any transit delay. The results of the public engagement were that the option without a transit lane received much greater public support. Staff therefore has recommended that City Council adopt the option without a dedicated transit lane, but with the above described queue jump lane.

In late 2022, the City of Berkeley will start on a new project for "South Adeline" — from MLK Jr Way to the Oakland border. This *Adeline Street Transportation Improvements* project will develop preliminary engineering plans for multimodal improvements, including protected bikeways, potential bus-only lanes and other transit improvements, and pedestrian safety improvements. This project implements the *Adeline Corridor Specific Plan* by moving the plan's design concepts into the preliminary engineering phase.

Recommended Actions

The Adeline corridor is a relatively low priority for BRT or transit-only lanes for AC Transit based on ridership levels. However, the Transbay Line F connects Berkeley with Emeryville, which BART does not serve, and San Francisco.

Despite lower ridership in comparison to other major corridors in Berkeley, Adeline Street may be more feasible to implement a transit-only lane sooner than on some other major corridors for a few reasons. Large right-of-way widths allow greater flexibility in reconfiguring lanes. Additionally, Adeline Street is not a State Route and does not require close coordination with or approval from the State Department of Transportation. Feedback gathered during the development of the *Adeline Corridor Specific Plan* shows that area residents are eager for implementation of transportation improvements.

Future changes in ridership may demand a full upgrade to BRT, but current conditions show that implementing transit-only lanes on Adeline Street is feasible and can improve transit operations.

1. Complete Adeline corridor transportation design concept by the end of 2025.
 Adjacent to Ashby BART station: by 2023
 South of Ashby BART station: by 2024
 North of Ashby Avenue: by 2025

Shattuck Avenue

The Shattuck Avenue corridor spans from Shattuck Place in the north to Adeline Street in the south, encompassing the north Shattuck, Downtown, and south Shattuck areas.

Plans and Projects

AC Transit’s *Major Corridors Study* recommends Rapid Bus investments to the Shattuck Avenue / Martin Luther King Jr. Way corridor, given the corridor’s physical dimensions and projected ridership. Dedicated transit lanes on certain segments, to be determined, could further increase travel speed and ridership.

AC Transit’s *Service Expansion Plan (SEP) – AC Go* implemented immediate-term improvements to the Shattuck Avenue / Martin Luther King Jr. Way corridor in Spring 2017. Originally a single route, Line 18 was split into three different routes to improve reliability, as it was one of the longest routes in AC Transit’s District. Portions of the route were moved from Shattuck Avenue to Martin Luther King Jr. Way, and segments from Downtown Oakland to Montclair shifted to another route.

- A Transit Priority Zone is an area concentrated with intensive transit improvements. It includes design elements to minimize delay, such as single or double transit lanes, off-board payment area, boarding islands, parking and turn restrictions, pedestrian enhancements, as well as bus stop optimization, sidewalk extensions, TSP, and other elements.
- The City of Berkeley *Adeline Corridor Specific Plan* includes the southern portion of Shattuck Avenue, between Dwight Way and Adeline Street, in its project area.

The City of Berkeley *Shattuck Reconfiguration and Pedestrian Safety Project* completed construction in 2021. The project reconfigured three blocks of Shattuck Avenue from Allston Way to the University Avenue intersection, see Figure 4.11. It converted the west (southbound) leg of Shattuck Avenue into a four-lane, two-way street, eliminating the current circuitous movement for northbound traffic at the Shattuck/ University intersection. The project included bus stop consolidation on northbound Shattuck Avenue, and other pedestrian safety improvements. The earlier improvements to bus stops on the south side of Shattuck Avenue at the downtown plaza complement

Line 18

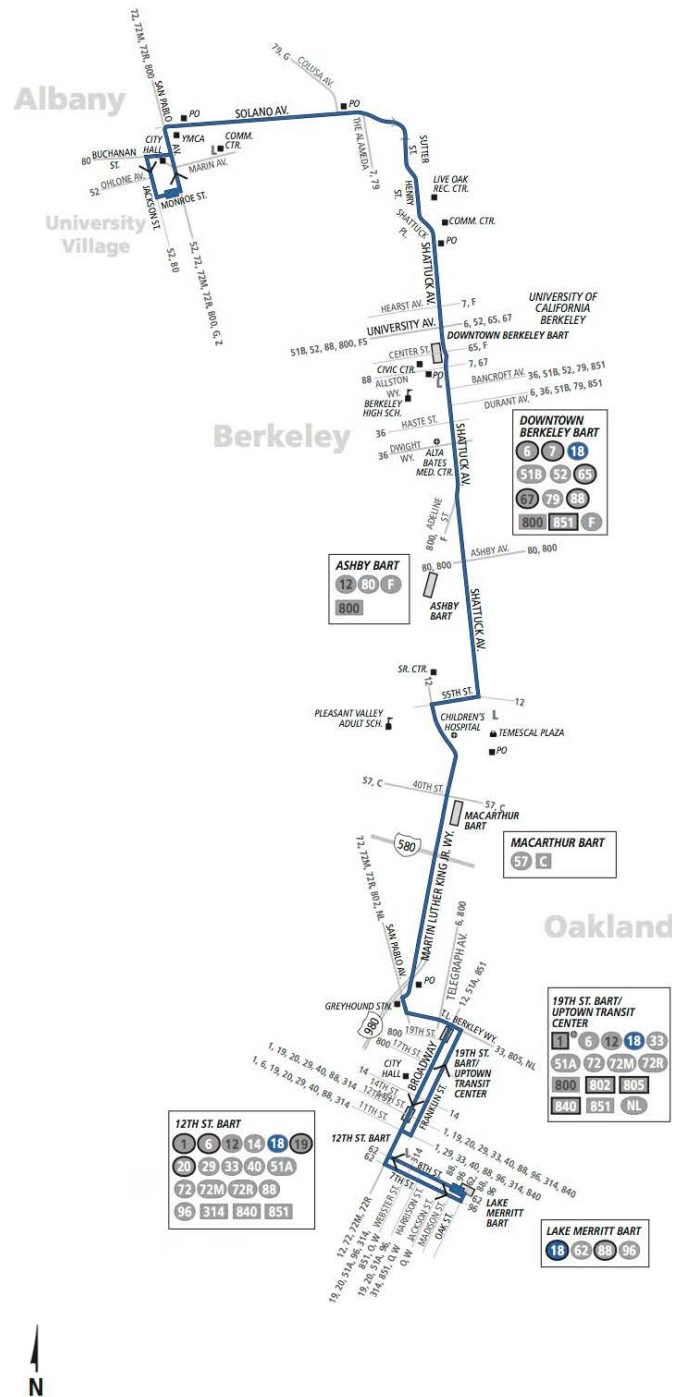


Figure 4.10. AC Transit Line 18 runs from University Village in Albany to Lake Merritt BART station in Oakland via Berkeley, including on the entire length of Shattuck Avenue within Berkeley. (Source: AC Transit)

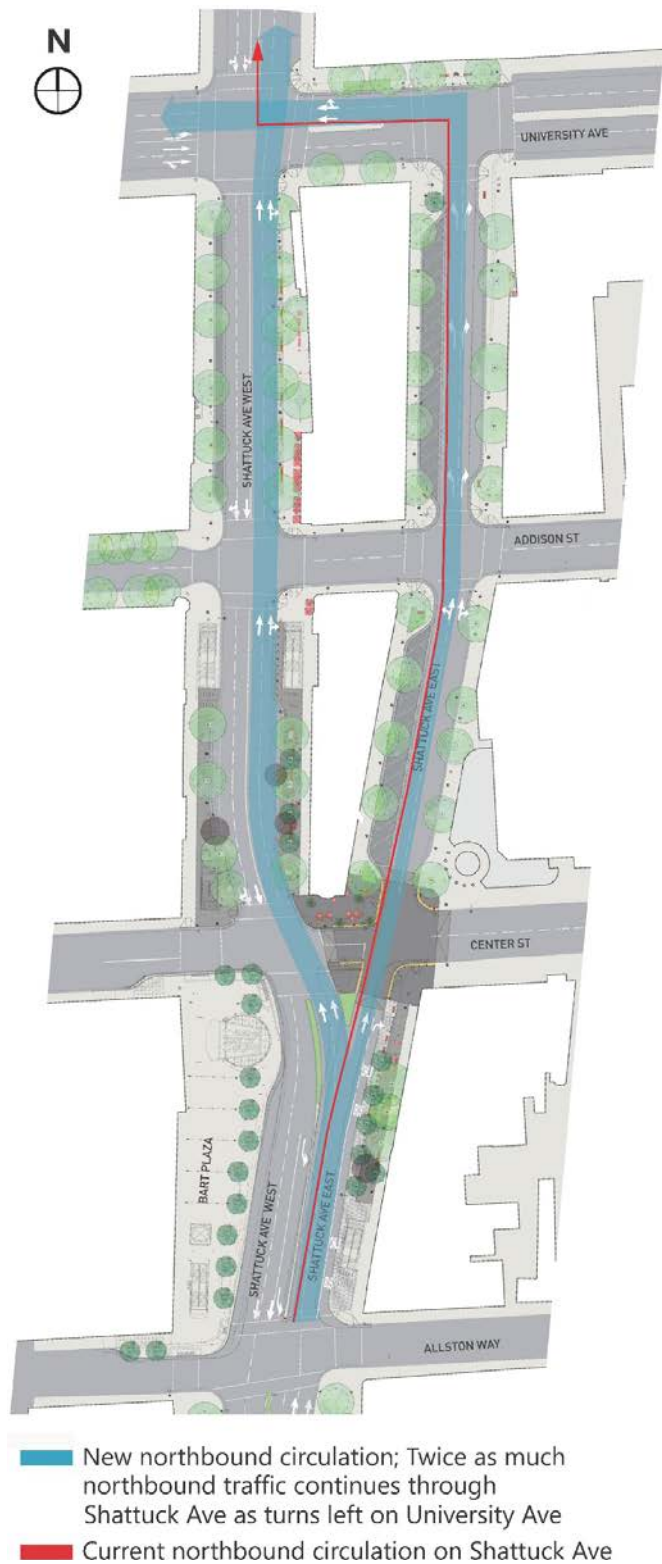


Figure 4.11. The Shattuck Reconfiguration and Pedestrian Safety Project.

the *Shattuck Reconfiguration* improvements, see Figure 4.12.

The City of Berkeley *South Shattuck Strategic Plan* (1998) identified its goal in transportation to make improvements “which complement economic development and urban design goals, encourage the use of alternatives to the automobile, and preserve the quality of life in residential neighborhoods.”

Transportation Policy #4

Support alternatives to the automobile (transit, shuttles, bicycling, and walking) by developing and implementing policies which encourage non-automobile travel, including a plan for targeted street improvements.

Recommended Actions

AC Transit identified Shattuck Avenue / Martin Luther King Jr. Way as a major corridor, as it was originally a single line. With implementation of short-term improvements through *AC Go*, Line 18 now runs largely on Shattuck Avenue in Berkeley and largely on Martin Luther King Jr. Way in Oakland. As such, the focus for the City of Berkeley is on Shattuck Avenue.

1. Incorporate Transit Priority Zone elements to the Downtown portion of Shattuck Avenue.
2. Incorporate transportation recommendations for south Shattuck Avenue between Dwight Way and Adeline Street from the *Adeline Corridor Specific Plan*.
3. Complete Shattuck Avenue transit corridor plan by the end of 2027.



Figure 4.12. Bus stop improvements at downtown plaza. (Source: AC Transit)

University Avenue

The University Avenue corridor spans from Oxford Street in the east at the UC Berkeley campus to Marina Boulevard in the west at the Berkeley Marina.

Plans and Projects

The City of Berkeley *University Avenue Strategic Plan (1996)* identified the opportunity for University Avenue to be a multimodal corridor, see Figure 4.14.

Policy 18

Improve transit service within the University Avenue study area and tie to existing and future regional transit facilities.

The plan demonstrated community support for frequent transit for the corridor, such as light-rail or a special electric shuttle linking West Berkeley

and Downtown. The plan identified the importance of making regional transit connections. The City's Redevelopment Agency considered creating a multimodal transit hub at the foot of University Avenue (on the site of Spencer's parking lot).

AC Transit's *Major Corridors Study* identified University Avenue as part of the Broadway/College Avenue/University Avenue Corridor. The study recommended implementing Rapid Bus improvements to serve the high ridership on this corridor. It also recommended that the University Avenue segment be linked with the Telegraph Avenue corridor. Linking University Avenue with the Telegraph Avenue corridor by way of Shattuck Avenue would combine the two corridors into a BRT line.

Recommended Actions

1. Complete University Avenue transit corridor plan by end of 2029.

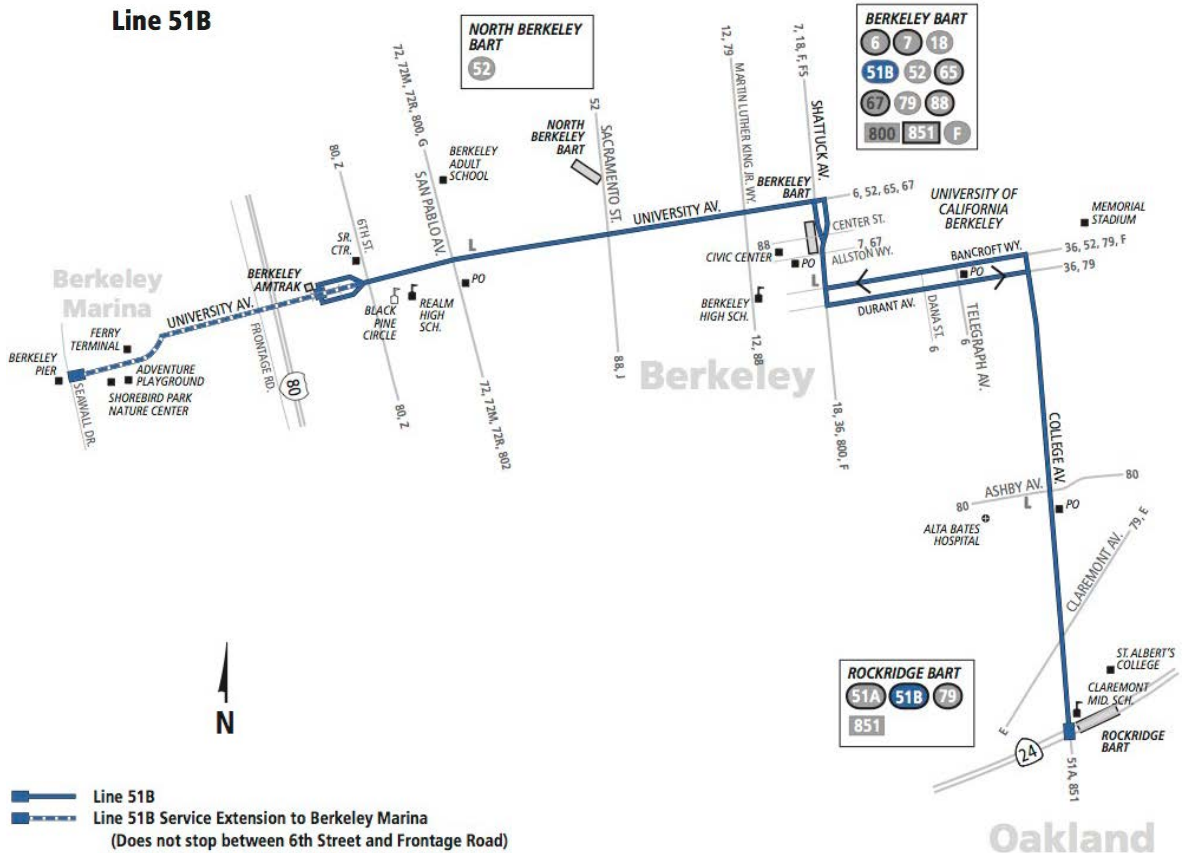


Figure 4.13. AC Transit Line 51B runs on University Avenue, connecting to Rockridge BART via Shattuck Avenue, Durant Avenue and Bancroft Way, and College Avenue. (Source: AC Transit)

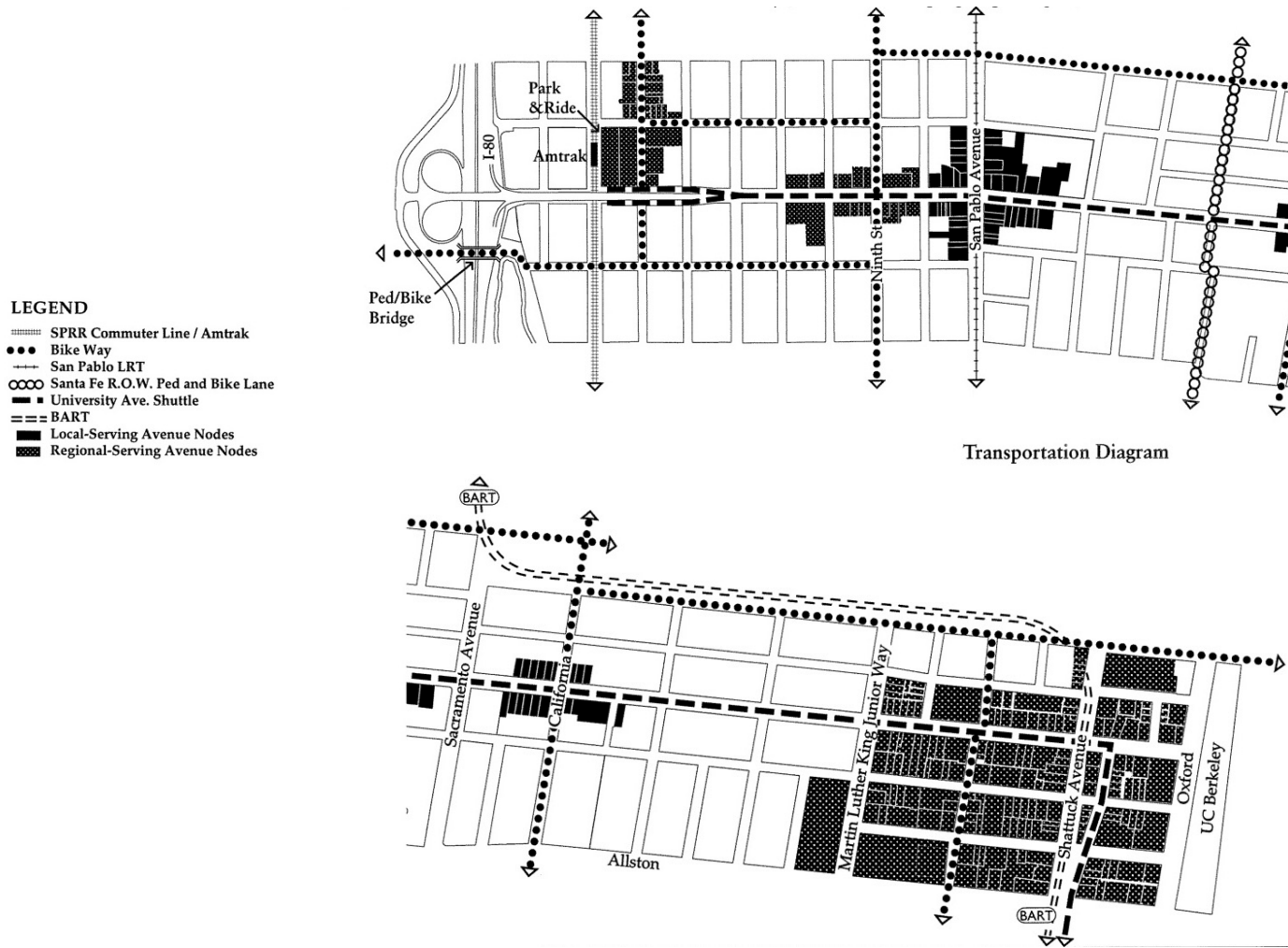


Figure 4.14. Transportation Diagram, University Avenue Strategic Plan (1996).



05

APPENDIX



Rigel Robinson
Councilmember District 7

REVISED AGENDA MATERIAL

Meeting Date: March 10

Item Number: 20

Item Description: Letter in Support of Reviving Berkeley Bus Rapid Transit

Submitted by: Councilmember Rigel Robinson

Addition of Councilmember Harrison and Mayor Arreguín as co-sponsors. Addition of AC Transit ridership data along the Telegraph corridor.



CONSENT CALENDAR
 March 10, 2020

To: Honorable Mayor and Members of the City Council
 From: Councilmember [Rigel Robinson](#), [Councilmember Harrison](#), and [Mayor Arreguín](#)
 Subject: Letter in Support of Reviving Berkeley Bus Rapid Transit

RECOMMENDATION

Send a letter to AC Transit, the Alameda County Transportation Commission, Assemblymember Buffy Wicks, and State Senator Nancy Skinner in support of expanding Bus Rapid Transit into Berkeley on Telegraph Avenue at the first possible opportunity.

POLICY COMMITTEE RECOMMENDATION

On February 18, 2020, the Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to send the item, as revised, to the City Council with a Positive Recommendation.

BACKGROUND

Bus Rapid Transit, or BRT, is a growing tool in urban planning that centers the concept of transit right-of-way. Dedicated bus lanes can increase bus speeds by 6 to 12 percent,¹ reducing delays by ensuring that buses do not have to slow or stop for other vehicles (which accounts for 57 percent of delays), or wait to merge back into traffic after making a stop (24 percent of delays).²

Traffic congestion disproportionately affects public transit operations because of the multiplier effect — late buses have to pick up more passengers at every stop, causing them to fall even more behind schedule. This effect also means that more buses need to be deployed to maintain scheduled frequencies, costing taxpayers money.³

BRT makes it possible for transit agencies to run reliable bus service independent of how many cars are on the road. However, it is also intended to benefit non-transit users. Buses and cars sharing lanes poses a danger to drivers, who are put at risk by buses that suddenly merge into traffic or slow to make a stop. Once dedicated bus lanes are implemented, emergency vehicles can use them to bypass private automobile traffic, improving response times. Furthermore, the traffic calming, sidewalk widening, and general public realm improvements that are encompassed in a comprehensive BRT

¹ BRT for Berkeley: A Proposal for Consideration, pg. 1-2

² BRT for Berkeley: A Proposal for Consideration, pg. 1-12

³ BRT for Berkeley: A Proposal for Consideration, pg. 1-2

project are community benefits that enhance the streetscape for pedestrians, bicyclists, and local businesses alike.⁴

The AC Transit East Bay Bus Rapid Transit project was originally proposed to be implemented as a three-city project, connecting the Cities of Berkeley, Oakland, and San Leandro. The proposal would have provided bus service connecting the Downtown Berkeley and Bay Fair BART stations that was 18 percent faster, more frequent, and more reliable than current service. By 2015, BRT was expected to attract 6,820 new riders to transit per weekday over the no-build alternative, reducing vehicle miles traveled (VMT) by 6.2 million per year.⁵

As part of an AC Transit Major Investment Study (MIS) process, the Berkeley City Council adopted implementation of BRT as an official City policy in a 2001 unanimous vote. The policy, Resolution 61,170-N.S., states that Berkeley has a “Transit First Policy that supports the creation of exclusive transit lanes,” and specifically calls out supporting “bus rapid transit as the preferred transit mode” on Telegraph Avenue. This aligns with the findings of the MIS, which found BRT to be more cost-effective and beneficial than any less robust improvements. The study also found Telegraph Avenue to be a better route for BRT than College Avenue or Shattuck Avenue.⁶

However, in a 2010 reversal, the Council ~~rejected~~ voted against Telegraph BRT ~~in~~ by a 4-2-2 vote, citing stakeholder concerns about impacts on traffic, parking, and loading.⁷ Instead, Council voted 8-0 for a “reduced impact” proposal without bus-only lanes, focusing on improving bus loading areas and signage and implementing priority signalization and a proof-of-payment system.⁸ Because this proposal was not studied in AC Transit’s BRT Draft Environmental Impact Report, it could not be legally incorporated into the Bus Rapid Transit plan. As a result, BRT is currently only being implemented in the Cities of Oakland and San Leandro.

Since 2010, Berkeley’s political environment and the needs of its residents have changed. Public transit demand, population, and employment in the East Bay are all growing — by 2040 in AC Transit’s service area, population is projected to grow by 30 percent and employment by 40 percent. By 2025 along the Telegraph corridor, population is expected to grow by 16 percent and employment by 23 percent.⁹ In the next three years, UC Berkeley’s student enrollment will reach 44,735, a 33.7 percent increase over original projections.¹⁰

⁴ BRT for Berkeley: A Proposal for Consideration, pg. 1-3

⁵ BRT for Berkeley: A Proposal for Consideration, pg. 1-19

⁶ BRT for Berkeley: A Proposal for Consideration, pg. 1-13

⁷ <https://www.eastbaytimes.com/2010/05/06/berkeley-opposes-bus-only-lanes-for-transit-project/>

⁸ https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2010/05May/2010-05-18_Item_02_Minutes_for_Approval.pdf

⁹ <http://www.actransit.org/wp-content/uploads/Draft-Final-MCS-Report.pdf>

¹⁰ <https://www.berkeleyinsider.com/2019/02/21/uc-berkeley-student-enrollment-projected-to-reach-44735-in-next-3-years>

Letter in Support of Reviving Berkeley Bus Rapid Transit

CONSENT CALENDAR March 10, 2020

Coupled with a burgeoning housing crisis that is pushing residents to live farther from their jobs, these numbers pose significant traffic and congestion challenges. Berkeley residents are commuting to Oakland and San Leandro, and vice versa. UC Berkeley students are living farther from campus or commuting from home. AC Transit's Draft EIR found that the number of Berkeley intersections that are severely congested during rush hour will increase from one to five by 2025 without BRT.¹¹

A dedicated bus lane on Telegraph connecting Berkeley and Oakland would build much-needed public transit infrastructure into a densifying neighborhood that increasingly relies on multimodal transportation. During weekday peak times between the Oxford & Addison and Telegraph & Alcatraz stops, the 6 bus carries approximately 190 riders per hour in each direction, for a total of 380 per hour. The maximum number of riders observed on a bus at any one time was 38 – a typical 40-foot bus has 36 seats, but can accommodate up to 50-60 people. While there is clear demand for public transit in the Telegraph corridor, there is still capacity for improved bus service to attract new riders.

A BRT system would better serve existing riders: increase bus capacity, frequency, and reliability; and bring in new riders with improved service. BRT was projected to attract a total of 39,200 additional riders by 2035.¹² A significant fraction of these riders would be replacing their car trips with efficient, reliable public transit — when San Pablo Avenue adopted rapid bus routes, 19 percent of their riders were former drivers.¹³ Providing an attractive public transit alternative to driving is crucial for reducing vehicle miles traveled, encouraging people to get out of their cars, and ensuring that roads are less congested for Berkeley residents who absolutely need to drive.

In October, the City of Berkeley released a draft of the Berkeley Electric Mobility Roadmap.¹⁴ The draft roadmap proposes that “The City will support opportunities to explore and advance bus rapid transit routes, using electric buses, which can provide mobility and health benefits particularly for low-income communities of color.”

In October, the Council unanimously passed a referral to move forward with the Telegraph Public Realm Plan shared streets proposal, which will reconfigure the first four blocks of Telegraph Avenue to prioritize pedestrians, bicyclists, and buses over automobile thru traffic.¹⁵ Over the next few years, the City will be identifying and applying for regional funding sources, going through multiple stages of design and planning, and engaging in community outreach and public input. This presents a unique opportunity for Telegraph Avenue to be reintegrated into the Bus Rapid Transit plan.

¹¹ BRT for Berkeley: A Proposal for Consideration, pg. 1-12

¹² BRT for Berkeley: A Proposal for Consideration, fig. 1-7

¹³ BRT for Berkeley: A Proposal for Consideration, pg. 1-20

¹⁴ <https://www.cityofberkeley.info/EVCharging/>

¹⁵ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-29_Item_30_Referral_Telegraph_Shared_Streets_-_Rev.aspx

Letter in Support of Reviving Berkeley Bus Rapid Transit

CONSENT CALENDAR March 10, 2020

Staff should send the attached letter of support to AC Transit, the Alameda County Transportation Commission, Assemblymember Buffy Wicks, and State Senator Nancy Skinner.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

The City of Berkeley’s Climate Action Plan supports BRT as a key strategy to reducing carbon emissions, stating that the City should “continue timely assessment and development of proposed East Bay Bus Rapid Transit (BRT) system.” The Plan stresses the importance of BRT “given the expected significant increase in the Bay Area’s population (and associated traffic congestion) in that same time period.”¹⁶ Implementation of Bus Rapid Transit will reduce vehicle miles traveled (VMT) by 6.2 million per year.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Letter

2: BRT for Berkeley: A Proposal for Consideration

[https://www.cityofberkeley.info/uploadedFiles/Planning_\(new_site_map_walk-through\)/Level 3 - General/LPA REPORT FINAL 090809 FULL REPORT.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_(new_site_map_walk-through)/Level_3_-_General/LPA_REPORT_FINAL_090809_FULL_REPORT.pdf)

¹⁶ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Climate%20Action%20Plan.pdf



Kate Harrison
Councilmember, District 4

CONSENT CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Mayor Arreguín (Co-sponsor), Councilmember Taplin (Co-sponsor) and Councilmember Bartlett (Co-sponsor)

Subject: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone

RECOMMENDATION:

Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

The City of Berkeley owns a number of recreational, hospitality and food services properties in the Berkeley Marina and Waterfront. In maintaining these properties, the City has multiple interests, including providing superior facilities for residents and visitors, generating steady income from rents and fees supporting operations, supporting a harmonious labor and business environment, and supporting the Marina Fund.

The City is in the process of finalizing an exclusive negotiation agreement for former HS Lordships Restaurant property located at 199 Seawall Dr, Berkeley, CA 94710. It is in the public interest to avoid high profile and disruptive labor disputes that may arise between tenants, businesses, workers, and labor groups associated with this property and other properties in the Marina Zone.

In recent years, throughout the state of California and elsewhere in the United States, there has been an increase in labor disputes in the hospitality industry. In 2018 workers at HS Lordships restaurant walked out in the middle of brunch in protest of the severance offered by HS Lordships owners. Last year, workers at the DoubleTree Hotel joined nationwide protests to draw attention to the fact that they have been working without a contract since 2018 and their desire for better pay and healthcare benefits.

Through adopting a Labor Peace Agreement requirement for businesses operating in the Marina, Berkeley can protect its proprietary interest by preventing service and revenue disruptions while simultaneously facilitating a policy that has contributed to mutually beneficial relations between management and labor in other jurisdictions.

BACKGROUND

Berkeley is a world-class tourist destination, welcoming more than a million visitors annually. The Marina, often recognized as the crown jewel of Berkeley, offers multiple parks, recreation facilities, and restaurants and hotel accommodations. The City Berkeley holds in trust pursuant to the Public Trust Tidelands grant from the State of California property along and near the City's waterfront known as the Berkeley Marina Zone, a major tourist hub and destination. The City leases its real property along and near the Marina Zone facilities to Hospitality Operation companies, and in so doing faces the same risks and liabilities as private businesses participating in management of similar facilities. As a result, the City has an ongoing proprietary interest in the management and use of that Marina real property and harbor facilities and must make prudent business decisions, as would any private business, to ensure efficient and cost-effective management of its business concerns, and to maximize public benefit and minimize risk.

The City's Marina Fund operates as an enterprise fund and therefore funds its activities outside of the general fund through fees, grants, and rents. The City has a strong interest in ensuring that operations and amenities continue to run smoothly to the benefit of residents and visitors alike.

This ordinance is intended to maximize the returns and minimize the risk to the City's proprietary interest resulting from possible conflict between employers leasing, and operating hospitality operations on City property, and labor organizations, arising out of union organizing campaigns, labor negotiations, and disruption that may be caused by such conflict. Experience of public entities and private employers demonstrates that union organizing drives and union efforts to secure representation rights and an initial collective bargaining agreement can deteriorate into protracted and acrimonious conflict. Such conflict threatens the City's proprietary interest when private employers enter into leases to use City property, and labor conflict could jeopardize base rent payments or rent payments calculated on a percentage of sales. That threat is most acute during the period when a labor organization (1) seeks to gain recognition as the collective bargaining representative for employees and (2) if recognized, seeks a first contract with the employer.

The sole purpose of this ordinance is to protect the City's proprietary interest in the hospitality operation leases. This ordinance does not favor any particular procedure for determining employee preference, or lack of preference, regarding labor organization representation, or the outcome of any such procedure; skew such procedures to favor or hinder any party; interfere with the negotiation, terms, or scope of a first contract, if applicable; or express or implement any generally applicable policy regarding private sector labor/management relations, or regulate those relations in any way.

Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone

Other jurisdictions, including the Oakland Airport, BART, Port of San Francisco, the San Francisco International Airport (SFO), and Asilomar State Beach have all implemented Labor Peace Agreement policies at their respective properties requiring businesses to execute a Labor Peace Agreements to prevent disruptive management and labor disputes.¹

Hotel Labor Peace in California State Parks and other Public Properties

Asilomar Conference Center- A 313-room hotel and conference center that is part of Asilomar State Beach. Workers there are members of UNITE HERE Local 483 and are covered by a collective bargaining agreement that guarantees labor peace. The [RFP in 2008](#) for a new concessionaire to operate the facility included a requirement to retain these workers, ensuring continued labor peace.



SFO Grand Hyatt- SFO has a labor peace policy that applies to food service as well as hotels under airport leases. The Grand Hyatt at SFO was developed in 2019 under this policy and had a labor peace agreement. Workers are members of UNITE HERE Local 2 and covered by a collective bargaining agreement.



Bay Area Rapid Transit- BART has a [labor peace policy](#), passed in 2021, which states that “The District shall not execute any lease, Lease Disposition and Development Agreement (LDDA), or other contract or agreement providing for the development of a Hotel Development Project in which the District has a proprietary interest, unless and until the project applicant, developer, or owner, and any operator or manager of the hotel that has been selected, has signed a Labor Peace Agreement covering any Hospitality Operations at the project.”



As illustrated by SFO Airport Commission regulations, labor peace agreements may include “card check” provisions whereby the employer agrees to a neutral procedure for determining whether employees wish to be represented by a labor organization for collective bargaining.² Under card check, a neutral third party verifies employee union cards in lieu of holding a formal election. In addition, agreements may include provisions

¹ [Labor Peace Agreement Policy - Port of Oakland](#); [Labor Peace Agreement Policy for Transit Oriented Development Hotel Operations](#) – BART; [Labor Peace Policy - Port of San Francisco](#); [Labor Peace/Card Check Rule](#) – SFO.

² Appendix C, Labor Peace/Card Check Rule, SFO Airport Commission, <https://www.flysfo.com/sites/default/files/media/sfo/about-sfo/2014%20R&R%20Appx%20C%20-%20Labor%20Peace-Card%20Check%20Program.pdf>.

Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone

requiring the Employer to be neutral during the organizing campaign and/or to provide access to worksites by employers.³

The proposed ordinance specifies that the City will not execute hospitality operations leases or make substantial amendments providing for the use, development, or operation of a hospitality operation within the Marina Zone in which the City has a proprietary interest, unless and until the project applicant, developer, or owner, and any operator or manager of the hospitality operation has provided evidence that it has entered into a Labor Peace Agreement. This requirement also applies to any future subcontractor, tenant, sub-lessee, or manager that operates the Hospitality Operation. The ordinance ensures that these requirements are express components of any request for proposal, request for qualifications, or other similar solicitation for a hospitality operation projects in the Marina Zone.

FISCAL IMPACTS OF RECOMMENDATION

City Attorney staff time will be necessary to implement the respective requirements in leases, requests for proposals, and other documents.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

Attachments:

1. Draft Ordinance Adding BMC 2.102

³ *Labor Peace Agreements - U.S. Chamber.*

https://www.uschamber.com/assets/archived/images/documents/files/labor_peace_agreements_2013_09_12.pdf.

ORDINANCE NO. –N.S.

ADDING CHAPTER 2.102 TO THE BERKELEY MUNICIPAL CODE
TO ESTABLISH A LABOR PEACE POLICY MINIMIZING LABOR/MANAGEMENT
CONFLICT IN BERKELEY MARINA ZONE

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

Section 1. That Chapter 2.102 of the Berkeley Municipal Code is added to read as follows:

Chapter 2.102

**LABOR PEACE POLICY - MINIMIZING LABOR-MANAGEMENT CONFLICT IN
BERKELEY MARINA ZONE**

Sections:

2.102.010 Findings and Purpose.

2.102.020 Definitions.

2.102.030 City of Berkeley—Labor Peace Policy

**2.102.040 Procedures to Minimize Disruption Caused by Labor/Management
Conflict.**

2.102.050 Applicability and Exemptions.

2.102.060 Prospective Effect.

2.102.070 Preemption.

2.102.080 Severability.

2.102.010 Findings and Purpose.

The Council of the City of Berkeley finds and declares as follows:

- A. Berkeley is a world-class tourist destination, welcoming more than a million visitors annually. The City of Berkeley holds in trust pursuant to the Public Trust Tidelands grant from the State of California property along and near the City's waterfront known as the Berkeley Marina Zone, a major tourist hub and destination. The City leases its real property along and near the Marina Zone facilities to Hospitality Operation companies, and in so doing faces the same risks and liabilities as private businesses participating in management of similar facilities. As a result, the City has an ongoing Proprietary Interest in the management and use of that Marina real property and harbor facilities and must make prudent business decisions, as would any private business, to ensure efficient and cost-effective management of its business concerns, and to maximize benefit and minimize risk.
- B. This Chapter is intended to maximize the returns and minimize the risk to the City's Proprietary Interest resulting from possible conflict between Employers leasing, and operating Hospitality Operations on City property, and Labor Organizations, arising out of union organizing campaigns, labor negotiations, and disruption that may be caused by such conflict. Experience of public entities and private employers demonstrates that union organizing drives and union efforts to secure representation rights and an initial collective bargaining agreement can deteriorate into protracted and acrimonious conflict. Such conflict threatens the City's Proprietary Interest when private employers enter into leases to use City property, and labor conflict could jeopardize base rent payments or rent payments calculated on a percentage of sales. That threat is most acute during the period when a Labor Organization (1) seeks to gain recognition as the collective bargaining representative for Employees and (2) if recognized, seeks a First Contract with the Employer.
- C. The sole purpose of this Chapter is to protect the City's Proprietary Interest in the Hospitality Operation Leases. This Chapter does not favor any particular procedure for determining employee preference, or lack of preference, regarding Labor Organization representation, or the outcome of any such procedure; skew such procedures to favor or hinder any party; interfere with the negotiation, terms, or scope of a First Contract, if applicable; or express or implement any generally applicable policy regarding private sector labor/management relations, or regulate those relations in any way.

2.102.020 Definitions.

"Demand for Recognition Period" means the period during which the Labor Organization seeks recognition as the collective bargaining representative of the Employees.

"Economic Action" means concerted action initiated or conducted by a Labor Organization, or Employees acting in concert with a Labor Organization, at the Employees' worksite, to bring economic pressure to bear on an Employer, as part of a campaign to organize Employees or prospective Employees of that Employer, or in attempting to secure a First Contract, if applicable. "Economic Action" includes such activities as striking, picketing, or boycotting. "Economic Action" does not include a lawsuit to enforce this Chapter.

"Employee" means anyone performing work for an Employer for compensation relating to Hospitality Operations on a full-time, part-time, seasonal, or temporary basis,

including those made available to work for the Employer through a temporary service, staffing agency, or similar agency.

“Employer” means any person or entity, including a subcontractor, with Employees engaged in Hospitality Operations.

“Hospitality Operations Lease” means a lease, sublease, license, sublicense, or other means of granting the right to a Hospitality Operation to use Marina Zone property, in which the City receives rent, a flat fee, or a charge. An “Hospitality Operations Lease” must be for a term of at least 12 months.

“Hospitality Operation” shall mean any hotel or motel operation, conference center, restaurant, bar, or other food and beverage service operation meeting the criteria specified in Section 2.102.050.

“Hospitality Operations” means any work done by Employees at or relating to a Hospitality Operation under a Hospitality Operation Lease.

“First Contract” means the first enforceable contract entered into between an Employer and a Labor Organization setting one or more terms or conditions of employment.

“First Contract Period” means, if a Labor Organization is recognized as the collective bargaining representative of Employees, the period between such recognition and execution of a First Contract.

“Labor Organization” means any organization of any kind, or any agency or employee representation committee, in which Employees participate and which exists for the purpose, in whole or part, of dealing with Employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

“Labor Peace Agreement” shall mean a binding and enforceable agreement with any Employer and a Labor Organization that represents or seeks to represent Hospitality Operations workers, as described more fully in Section 2.102.040.

“Marina Zone” shall mean all land held in trust by the City of Berkeley pursuant to the Public Trust Tidelands grant from the State of California to the City of Berkeley, Stats. 1962, Ch. 55; specifically, Aquatic Park and all land, including submerged land, which is west of Marina Boulevard as it is presently constructed and as if it were extended, in both northerly and southerly directions, to the Berkeley city limits and all land north of Spinnaker Way as it is presently constructed and as if it were extended to the shoreline, to the east, and to the Berkeley city limits, to the west.

“Proprietary Interest” means any nonregulatory arrangement or circumstance in which the City has a financial or other nonregulatory interest including any of the following:

- (1) through a lease of real property that is owned by the City and used for the Hospitality Operation, the City receives ongoing revenue, excluding government fees, tax revenue, or assessment revenue, or similar fees and revenues, except for tax revenue under the circumstances specified in paragraphs (2) and (3) of this subsection;
- (2) the City receives ongoing revenue from the Hospitality Operation to repay loans provided by the City to assist in the development or operation of the project;
- (3) the City receives ongoing revenue from the Hospitality Operation to pay debt service on bonds provided by the City to assist in the development of the project;
- (4) the City has assets at risk because it has agreed to underwrite or guarantee the development of the hospitality operation or loans related to the hospitality operation; or
- (5) the City has an ongoing economic and non-regulatory interest at risk in the financial success of a Hospitality Operation which is likely to be adversely affected by labor-management conflict, except that no interest shall be considered economic and non-

regulatory if it arises from the exercise of regulatory or police powers such as taxation (except as set forth in paragraphs (2) and (3) of this subsection), zoning, or the issuance of permits or licenses.

“Parties” means an Employer and Labor Organization that has requested to be, or has been, recognized as the collective bargaining representative of Employees.

“Pre-existing Lease” means any Hospitality Operation Lease entered into before the effective date of this Chapter.

“Subcontract” means any agreement between the authorized tenant, licensee, or other user under a Hospitality Operation Lease and another person or entity that contemplates or permits that other person or entity to operate or manage all or a portion of the Hospitality Operations.

“Subcontractor” means the person or entity that operates or manages all or a portion of Hospitality Operations under a Subcontract.

“Substantial Amendment” means an amendment to, or the City’s discretionary renewal or extension of:

(1) A lease of Marina Zone property entered into before the effective date of this Chapter that did not include Hospitality Operations but is expanded to include Hospitality Operations; or

(2) A Pre-existing Lease that provides for, or permits, any of the following:

(i) A new term that extends the duration of the lease beyond that provided in the Pre-existing Lease;

(ii) The right to construct improvements to support or serve Hospitality Operations, if not previously allowed under the Pre-existing Lease;

(iii) Rent credits or potential rent credits to a Marina Zone Hospitality Operation tenant that may be applied against 25% or more of the fixed rent under the Pre-existing Lease during the period in which the rent credits may be used; or

(iv) Rent credits or potential rent credits to a Marina Zone Hospitality Operation tenant that may be applied against 50% or more of the remaining percentage or participation rent (not including any portion of the rent), if any, under the Pre-existing Lease during the period in which the rent credits may be used.

2.102.030 City of Berkeley—Labor Peace Policy

A. The City shall not execute Hospitality Operations Lease or Substantial Amendment providing for the use, development, or operation of a Hospitality Operation within the Marina Zone in which the City has a proprietary interest, unless and until the project applicant, developer, or owner, and any operator or manager of the Hospitality Operation has provided evidence that it has entered into a Labor Peace Agreement covering the Hospitality Operations as specified pursuant to Section 2.102.040.

B. Each such Hospitality Operations Lease or other contract or agreement shall further require that any future Subcontractor, tenant, sub-lessee, or manager that operates the Hospitality Operation shall be required to enter into a Labor Peace Agreement as specified under Section 2.102.040.

C. The City shall make these requirements express components of any request for proposal, request for qualifications, or other similar solicitation for a Hospitality Operation projects.

2.102.040 Procedures to Minimize Disruption Caused by Labor/Management Conflict.

A. An Employer who receives a written request by a Labor Organization to enter into a Labor Peace Agreement shall:

- (1) Inform the City Manager, within five business days of receiving the request, that a Labor Organization seeking to represent its Employees has requested the Employer to enter into a Labor Peace Agreement required by this Chapter;
- (2) Enter into a Labor Peace Agreement, with the Labor Organization as to the Employees it seeks to represent, containing the following provisions:
 - (i) The Labor Organization, on behalf of itself and its members, in exchange for good and valuable consideration agrees not to engage in Economic Action against the Employer during the Demand for Recognition Period, and should the Labor Organization be recognized, the First Contract Period;
- (3) Upon the City Manager's request, promptly provide to the City Manager a report attesting to the status of the Employer's compliance with the requirements of this Section 2.102.040, including a statement by any Labor Organization that has requested that the Employer enter into a Labor Peace Agreement certifying the accuracy of the Employer's report; and
- (4) Include as a material term in any Subcontract a provision requiring the Subcontractor(s) to comply with this Chapter. This provision shall be a material and mandatory term of such Subcontract, and shall state: "Berkeley Municipal Code Chapter 2, commencing at Section 2.102.040, which applies to [Subcontractor], incorporated herein by reference. To the extent [Subcontractor] employs Employees in Hospitality Operations within the scope of Berkeley Municipal Code 2.102.040, [Subcontractor] hereby agrees as a material condition of this subcontract to enter into and abide by a Labor Peace Agreement with a Labor Organization or Organizations that represents, or seeks to represent, [Subcontractor's] Employees, if and as required by Chapter 2, and to otherwise fully comply with the requirements of that Chapter."

B. In the event that an Employer is unable to agree to terms of a Labor Peace Agreement with a Labor Organization within thirty (30) days of a written request by a labor Organization for a Labor Peace Agreement, the Employer may file a request with the Berkeley City Council to be excused from such obligations with respect to that Labor Organization. A public hearing shall be held by the City Council on the Employer's request for hearing. Notice of the public hearing shall be sent at least ten days before the public hearing date to the requesting Employer and the subject Labor Organization. The hearing shall be conducted in the same manner as public hearings for land use, zoning, landmarks, and public nuisance matters. The Council may approve a request by the Employer to be relieved of and excused from its obligations under this Section 2.102.040(A) with respect to the subject Labor Organization if the Council finds, after holding the noticed hearing, that forcing the Employer to adhere to the requirements of this Section 2.102.040(A) would be detrimental to the City's Proprietary Interests because: a. the Employer has attempted in good faith to reach a Labor Peace Agreement with the subject Labor Organization, and b. the Labor Organization has (i) refused to negotiate in good faith to reach a Labor Peace Agreement or (ii) placed condition(s) on Labor Peace Agreement that are arbitrary and capricious, in light of practices at other, similar venues that are subject to governmental labor peace requirements.

C. The City Manager shall include in every Hospitality Operation Lease a provision requiring the tenant, and any Employers operating under the Hospitality Operation Lease, to comply with the requirements of this Chapter and all other applicable laws.

2.102.050 Applicability and Exemptions.

A. This Chapter shall not apply to any Employer that does not employ employees in a Hospitality Operation. The City Manager shall determine the applicability of an exemption under this subsection A. on a case-by-case basis. Any Employer claiming an exemption must submit a written request, including the evidentiary basis for the exemption, to the City Manager within five business days of receiving a request to enter into a Labor Peace Agreement. The Employer shall have the burden of proving that an exemption is applicable.

B. This Chapter shall not apply to an Employer if:

(1) The City has no Proprietary Interest in the Hospitality Operation Lease under which the Employer operates a Hospitality Operation, or a Hospitality Operation Lease in which the City's cumulative investment, or the present value of its expected revenues, is less than \$100,000;

(2) The Employer operates under a Pre-existing Lease. This exemption applies to an Employer for the duration of such Pre-existing Lease unless the Pre-Existing Lease is subject to a Substantial Amendment after the effective date of this Ordinance;

(3) The Employer is a signatory to valid and binding collective bargaining agreement(s) covering all of its Employees at the Marina Zone property;

(4) The Employer is a governmental agency, and the law would prohibit application of this Chapter;

C. Nothing in this Ordinance shall require or compel an employee to be a member of any labor organization, nor shall it require the developer, operator or any tenant, subcontractor, or sub-tenant of a Hospitality Operation to recognize a labor organization as the bargaining representative for its employees or to enter into a collective bargaining agreement with any labor organization.

2.102.060 Prospective Effect.

This Chapter is intended to have prospective effect only. This Chapter shall be interpreted to avoid violating any laws that prevent the City from impairing obligations under any Pre-existing Lease.

2.102.070 Preemption.

Nothing in this Chapter shall be interpreted or applied so as to create any right, power, or duty in conflict with any Federal or State law.

2.102.080 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

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



Office of the City Manager

INFORMATION CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager
Henry Oyekanmi, Finance Director

Subject: Fiscal Year 2023 Mid-Year Budget Update

INTRODUCTION

This report presents the Fiscal Year 2023 (“FY 2023”) Mid-Year Budget Update including actual General Fund and Special Fund expenditures incurred from July 1, 2022 to December 31, 2022. It also provides an estimate of anticipated General Fund revenues and expenditures as of June 30, 2023 and projected expenditures for All Funds by department for FY 2023.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is currently in FY 2023 (July 1, 2022 to June 30, 2023). On June 28, 2022, the City Council adopted the FY 2023 budget, which included the use of FY 2022 excess property transfer tax to balance the General Fund. This strategy helped (1) address operational shortfalls, (2) allocate \$1.50 million to reserves and (3) augment the biennial capital budget.

As depicted in Table 1, FY 2023 Mid-Year General Budget at a Glance, as of December 31, 2022, General Fund revenues are expected to meet initial estimates, while General Fund expenses are at 42.23% halfway through the fiscal year compared to the expected 50%. It is projected to be under budget by approximately \$22.47 million.

Table 1: FY 2023 Mid-Year General Budget at a Glance

<i>\$'s in Millions</i>	FY 2023 Adopted Budget	FY 2023 Adjusted Budget	FY 2023 Mid-Year Actuals	Percentage of Revenue Received/ Expensed and Encumbered
Revenues	\$258.65	\$258.65	\$127.53	49.31%
Expenditures	(\$280.67)	(\$298.82)	(\$126.27)	42.23%
Carryover and Excess Equity	\$27.38	\$40.17		
Balance	\$5.36	\$0.0		

FY 2023 Mid-Year Summary

General Fund Revenues

The mid-year review focuses primarily on the major revenue fluctuations and changes that have occurred that might result in significant changes in future projections. Typically, staff waits until the mid-year report to identify General Fund revenue projections that should be revised. *At the halfway point of FY 2023, there are several revenue sources that warrant an increase in the FY 2023 projections: Secured Property Taxes, Sales Taxes, Utility Users Tax, Transient Occupancy Taxes (TOT), Vehicle in Lieu Taxes, Ambulance Fees, Interest Income and Other Revenue.*

During the first half of FY 2023, General Fund revenue and transfers decreased slightly by \$707,034 or .55%, from \$128,238,986 in the first half of FY 2022, to \$127,531,952 in the first half of FY 2023, due primarily to a decline of \$5,124,961 in Property Transfer Taxes and a decline of \$7,220,037 in Transfers. These declines were cushioned by the continued strong performances in property-related revenues and a turnaround in business-related revenues like Sales Taxes, TOT and Interest Income.

Table 2, **General Fund Revenue and Transfer In FY 2023 Mid-Year vs FY 2022 Mid-Year Comparison**, on the next page, shows FY 2023 General Fund Revenues through the first six months of the current fiscal year and compares the year-to-date revenues received to the first six months of FY 2023. A detailed analysis of the comparison between the fiscal years for the major revenue sources follows.

Table 2, General Fund Revenue and Transfer In FY 2023 Mid-Year vs FY 2022 Mid-Year Comparison

Revenue Categories	FY 2023				FY 2022				Comparison FY23 vs FY22		Revised FY 2023 Projections
	Adopted (a)	Actual (b)	Variance c=(b)-(a)	% Received (d)=(b)/(a)	Adopted (e)	Actual (f)	Variance g=(f)-(e)	% Received (h)=(f)/(g)	Amount (i)=(b)-(f)	% (j)=(i)/(f)	
Secured Property	\$75,664,920	\$40,237,811	(\$35,427,109)	53.18%	\$71,382,000	\$36,257,954	(\$35,124,046)	50.79%	3,979,857	10.98%	\$79,091,256
Redemptions -Regular	831,441	461,026	(370,415)	55.45%	831,441	415,104	-416,337	49.93%	45,922	11.06%	831,441
Supplemental Taxes	2,000,000	1,229,929	(770,071)	61.50%	2,000,000	608,905	-1,391,095	30.45%	621,024	101.99%	2,300,000
Unsecured Property Taxes	3,516,000	3,151,771	(364,229)	89.64%	2,625,000	3,048,386	423,386	116.13%	103,385	3.39%	3,516,000
Property Transfer Tax	34,462,172	16,676,308	(17,785,864)	48.39%	21,000,000	21,801,269	801,269	103.82%	(5,124,961)	-23.51%	34,462,172
Property Transfer Tax-Measure P (New December 21, 2018)	14,073,750	8,363,823	(5,709,927)	59.43%	8,500,000	8,626,946	126,946	101.49%	(263,123)	-3.05%	14,073,750
Sales Taxes	19,016,546	9,687,895	(9,328,651)	50.94%	18,287,215	9,533,614	-8,753,601	52.13%	154,281	1.62%	19,634,807
Soda Taxes	990,210	642,874	(347,336)	64.92%	990,210	519,699	-470,511	52.48%	123,175	23.70%	1,025,800
Utility Users Taxes	13,800,000	7,638,612	(6,161,388)	55.35%	13,000,000	6,534,425	-6,465,575	50.26%	1,104,187	16.90%	15,000,000
Transient Occupancy Taxes	5,000,000	3,943,517	(1,056,483)	78.87%	2,173,000	2,471,311	298,311	113.73%	1,472,206	59.57%	7,500,000
Short-term Rentals	1,000,000	712,661	(287,339)	71.27%	630,000	586,569	-43,431	630,000	126,092	21.50%	1,400,000
Business License Tax	19,000,000	1,010,143	(17,989,857)	5.32%	18,498,146	1,393,760	-17,104,386	7.53%	(383,617)	-27.52%	19,000,000
Recreational Cannabis	1,400,000	237,669	(1,162,331)	16.98%	1,643,739	600,770	-1,042,969	36.55%	(363,101)	-60.44%	1,400,000
U1 Revenues	4,900,000	113,893	(4,786,107)	2.32%	5,120,350	153,243	-4,967,107	2.99%	(39,350)	-25.68%	4,900,000
Other Taxes	1,800,000	1,500,099	(299,901)	83.34%	1,761,714	1,052,445	-709,269	59.74%	447,654	42.53%	2,500,000
Vehicle In-Lieu Taxes	15,926,168	8,329,833	(7,596,335)	52.30%	14,959,837	7,503,002	-7,456,835	50.15%	826,831	11.02%	16,626,651
Parking Fines-Regular Collections	4,326,450	3,104,161	(1,222,289)	71.75%	3,726,450	2,451,293	-1,275,157	65.78%	652,868	26.63%	4,800,000
Parking Fines-Booting Collections			0				0	0.00%	-	0.00%	
Moving Violations	132,600	71,415	(61,185)	53.86%	132,600	83,533	-49,067	63.00%	(12,118)	-14.51%	132,600
Ambulance Fees	3,880,779	2,479,368	(1,401,411)	63.89%	3,154,002	1,715,639	-1,438,363	54.40%	763,729	44.52%	5,330,779
Interest Income	6,000,000	4,038,930	(1,961,070)	67.32%	4,462,320	3,107,784	-1,354,536	69.65%	931,146	29.96%	7,000,000
Franchise Fees	1,613,283	335,043	(1,278,240)	20.77%	1,613,283	350,085	-1,263,198	21.70%	(15,042)	-4.30%	1,720,056
Other Revenue	6,729,977	3,902,132	(2,827,845)	57.98%	6,729,977	3,275,786	-3,454,191	48.67%	626,346	19.12%	7,529,977
IDC Reimbursement	5,490,000	3,205,614	(2,284,386)	58.39%	5,490,000	2,470,002	-3,019,998	44.99%	735,612	29.78%	5,990,000
Transfers	17,096,148	6,457,425	(10,638,723)	37.77%	27,354,923	13,677,462	-13,677,461	50.00%	(7,220,037)	-52.79%	17,096,148
			-				0		-		
Total Revenue:	\$258,650,444	\$127,531,952	-\$131,118,492	49.31%	\$236,066,207	\$128,238,986	-\$107,827,221	54.32%	(\$707,034)	-0.55%	\$272,861,437

Notes: (1) This statement is presented on a budgetary basis (i.e., cash).
(2) Current vendor no longer breaks out Regular and Booting Parking Fines Collections

Secured Property Tax (+\$3,979,857 more than FY 2022 Actual)

During the first half of FY 2023, Secured Property Tax revenues totaled \$40,237,811, which was \$3,979,857 or 11.0% more than the \$36,257,954 received for the same period in FY 2022. This result was consistent with the County’s Certification of Assessed Valuation (received from the County in August 2022), which reflects growth of 10.8%. However, the FY 2023 Adopted Budget assumes a 9.00% increase for FY 2023 (based on the last preliminary estimate of FY 2023 growth received from the County prior to July 1, 2022). As a result, staff will be increasing the FY 2023 Secured Property Tax projection from \$75,664,920 to \$79,091,256.

Unsecured Property Tax (+\$103,385 more than FY 2022 Actual)

During the first half of FY 2023, Unsecured Property Tax revenues totaled \$3,151,771, which was \$103,385 or 3.39% more than the amount of \$3,048,386 received in the same period in FY 2022. This amount is lower than the County’s Certification of Assessed Valuation growth reflected of 16.9% for FY 2023.

Property Transfer Tax (-\$5,124,961 less than FY 2022 Actual)

During the first half of FY 2023, Property Transfer Tax totaled \$16,676,308 which was \$5,124,961 or 23.5% less than the \$21,801,269 received for the first half of FY 2022. However, \$2,117,407 of that decrease resulted from the late payment (in FY 2022) by the County of the May 2021 Property Transfer Taxes, which should have been received in FY 2021.

The primary reason for the remaining \$3,007,554 decrease in Property Transfer Tax was that the dollar value of property sales decreased by 9.7%, from \$1.312 billion in the first half of FY 2022 to \$1.185 billion during the first half of FY 2023, as illustrated in Table 3 below.

Table 3: FY 2023 and FY 2022 Six Month Comparison of Property Sales

Property Sales (In Million \$)	July	Aug	Sept	Oct	Nov	Dec	Total Property Sales \$
FY 2022	\$172.1	\$197.5	\$309.1	\$192.9	\$243.5	\$197.1	\$1,312.2
FY 2023	188.9	320.0	134.6	143.9	254.9	142.4	1,184.7
Change	16.8	122.5	-174.5	-49.0	11.4	-54.7	-127.5
Percent Change	9.7%	62.0%	56.5%	-25.4%	4.7%	-27.8%	-9.7%

The total Property Transfer Taxes declined in the first half of FY 2023 despite having nine property sales of \$10 million or more, with total sales of \$400,979,500 compared to 12 property sales of \$10 million or more, with total sales of \$239,338,500 in the FY 2022 first half; and, (2) The number of property sales transactions decreased by 82 or 13.4% during the first half of FY 2023, as illustrated in the Table 4 below.

Table 4: FY 2023 and FY 2022 Six Month Comparison of Property Transfer Transactions

Property Transfer Transactions	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2022	114	91	72	103	119	115	614
FY 2023	113	101	108	79	74	57	532
Change	-1	10	36	-24	-45	-58	-82
Percent Change	-0.88%	11.0%	50.0%	-23.3%	-37.8%	-50.4%	-13.4%

Staff will closely monitor this volatile revenue, especially in light of the fact that the Federal Reserve Board intends to slow down the US economy by raising interest rates and selling Agency and Mortgage-backed securities from its Balance Sheet, in order to reduce inflation.

Measure P-Property Transfer Tax (-\$263,123 less than FY 2022 Actual)

Measure P taxes (a tax which took effect on December 21, 2018) totaling \$8,363,823 was collected during the first half of FY 2023, which was \$263,123 or 3.1% less than the \$8,626,946 collected during the first half of FY 2022; This increase resulted primarily as a result of the following: (1) A decrease of 3.0% in the dollar value of property sales amount in FY 2023 versus those for the same period in FY 2022 as reflected in Table 5; (2) The number of property sales transactions decreased by 62 or 22.4% during the first half of FY 2023, as illustrated in the Table 6 below; and (3) The decline was cushioned in the first half of FY 2023 by larger sales values on property sales of \$10 million or more (\$400,979,500 versus \$239,338,500 in the first half of FY 2022).

Table 5: FY 2023 and FY 2022 Six Month Comparison-Property Sales of \$1.5 Million+

Property Sales \$1.5 million+	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2022	\$117.7	\$126.8	\$147.9	\$145.5	\$190.1	\$134.1	\$862.1
FY 2023	114.4	271.1	84.1	63.3	203.7	99.8	836.4
Change	-3.3	144.3	-63.8	82.2	-13.6	-34.3	-25.7
Percent Change	-2.8%	113.8%	-43.1%	-56.5%	-7.2%	-25.6%	-3.0%

Table 6: FY 2023 and FY 2022 Six Month Comparison of Measure P Transactions

Measure P Transactions	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2022	50	45	26	47	58	51	277
FY 2023	52	41	48	31	24	19	215
Change	2	-4	22	-16	-34	-32	-62
Percent Change	.4.0%	-8.9%	84.6%	-34.0%	-58.6%	-62.7%	-22.4%

Sales Tax (+\$154,281 more than FY 2022 Actual)

For the first half of FY 2023, Sales Tax revenue totaled \$9,687,895, which was \$154,281 or 1.62% more than the \$9,533,614 received for the first half of FY 2022. The increase was slightly above the .50% increase reflected in the Adopted Budget. However, the City's sales tax consultant projects increase in the following categories over the FY 2022 actuals: General Retail (+\$237,193); Transportation (+\$236,709); Business-to-business (+\$149,551); and County Pool (+\$227,039). As a result, staff is increasing the FY 2023 projection from \$19,016,546 to \$19,634,807.

Utility Users Taxes (+\$1,104,187 more than FY 2022 Actual)

Utility Users Tax revenue for the first half of FY 2023 totaled \$7,638,612, which was \$1,104,187 or 16.9% more than the \$6,534,425 received for the same period in FY 2022. This increase of \$1,104,187 is shown in Table 7 below. As a result, staff is raising the FY 2023 projection from \$13,800,000 to \$15,000,000.

Table 7: FY 2023 and FY 2022 Six Month Comparison of UUT Revenues

Utility	FY2022	FY 2021	\$ Change	% Change
Telephone	\$545,243	\$584,359	-\$39,116	\$-6.69%
Cable	503,785	515,651	- 11,866	-2.30%
Cellular	898,459	848,280	50,179	5.92%
Electric	4,346,334	3,551,297	795,037	22.39%
Gas	1,344,791	1,034,838	309,953	31.99%
Total	\$7,638,612	\$6,534,425	\$1,104,187	16.90%

Transient Occupancy Tax (+\$1,472,206 more than FY 2022 Actual)

Transient Occupancy Tax (TOT) revenue for the first half of FY 2023 totaled \$3,943,517 (after including TOT rebates owed), which was \$1,472,206 or 59.6% more than the \$2,471,311 received for the first half of FY 2022. The FY 2023 increase was primarily attributable to a gross increase of 104.9% at the six largest hotels in Berkeley during the first half of the fiscal year. However, the gross increase was offset by a total of \$997,992 in TOT rebates: \$155,774 in FY 2022 TOT rebates paid during the first half of FY 2023 and \$273,900 of FY 2022 TOT rebates still due; and \$568,318 in FY 2023 TOT rebates due, but unpaid, as of December 31, 2022. After accounting for the TOT rebates, the net increase for the first half of FY 2023 was 52.9%. As a result, staff will be increasing the TOT revenue projection from \$5,000,000 to \$7,500,000.

Short-Term Rentals (+\$126,092 more than FY 2022 Actual)

Short-Term Rentals revenue for the first half of FY 2023 totaled \$712,661, which was \$126,092 or 21.5% more than the \$586,569 received for the first quarter of FY 2022. As a result, staff are increasing the projection by \$400,000 to \$1.4 million.

Business License Taxes (-\$383,617 more than FY 2022 Actual)

Business license Taxes (BLT) revenue for the second quarter of FY 2023 totaled \$1,010,143, which was \$383,617 or 27.5% less than the \$1,393,760 received for the first half of FY 2022. BLT are not due until the end of February, so it is too early to determine the FY 2023 trends.

Recreational Cannabis (-\$363,101 less than FY 2022 Actual)

Recreational Cannabis revenue for the second quarter of FY 2023 totaled \$237,669, which was \$363,101 or 60.4% less than the \$600,770 received in the first quarter of FY 2022. Taxes are not due yet, so it is too soon to determine the FY 2023 trends. However, the decrease so far was primarily attributable to a decline in the number of license renewals from 12 in the first half of FY 2022 to 8 in FY 2023. In addition, two large businesses that accounted for 30% of FY 2022 total cannabis revenue have not yet renewed their licenses.

U1 Revenues - \$39,350 less than FY 2022 Actual)

U1 revenues for the first half of FY 2023 totaled \$113,893, which was \$39,350 or 25.7% less than the \$153,243 received in the second quarter of FY 2022. U1 revenues are not due yet, so it is too soon to determine the FY 2023 U1 revenues trends.

Vehicle In Lieu Taxes (+\$826,831 more than FY 2022 Actual)

Vehicle in Lieu Taxes (VLF) for the first half of FY 2023 totaled \$8,329,833, which was \$826,831 or 11.02% more than the \$7,503,002 received for the first half of FY 2022. This result was consistent with the County's Certification of Assessed Valuation (received from the County in August 2022), which reflects growth of 10.8%. Changes in VLF revenues are based on the growth in assessed values. However, the Adopted Budget reflects growth of 8.0%. As a result, staff will be increasing the projection from \$15,926,168 to \$16,626,651.

Parking Fines (+\$652,858 more than FY 2022 Actual)

Parking Fines revenue for the first half of FY 2023 totaled \$3,104,161, which was \$652,858 or 26.6% more than the \$2,451,293 received for the first half of FY 2022. The primary reason for the increase was a significant increase in ticket writing, resulting from the lifting of COVID-19 restrictions. As a result, staff are increasing the projection from \$4,326,450 to \$4,800,000.

During the first half of the fiscal year, ticket writing increased by 11,267 or 18.4 from 61,157 in the first half of FY 2022 to 72,424 in the first half of FY 2023, as follows in Table 8:

Table 8: FY 2023 and FY 2023 Six Month Comparison of Parking Tickets Written

Tickets	July	August	Sept.	Oct	Nov	Dec	Total
FY 2022	9,548	7,212	11,784	11,392	10,756	10,465	61,157
FY 2023	11,195	11,757	13,333	12,716	12,667	10,756	72,424
Difference	1,647	4,545	1,549	1,324	1,911	291	11,267
Percent Difference	17.2%	63.0%	13.1%	11.6%	17.8%	2.8%	18.4%

Ambulance Fees (+\$763,729 more than FY 2022 Actual)

Ambulance Fees revenue for the first half of FY 2023 totaled \$2,479,368, which was \$763,729 or 44.5% more than the \$1,715,639 received for the same period during FY 2022. This increase was primarily due to an increase in the number of transports, which increased by 374 or 14.6%, from 2,563 in the first half of FY 2022 to 2,937 in the first half of FY 2023.

In addition, the Fire Department was notified of the reinstatement of the Ground Emergency Medical Transportation (GEMT) cost report program, which will enable the department to receive reimbursement payments for FY 2019 through FY 2022 totaling approximately \$2.9 million. As a result, staff is increasing the Ambulance Fee revenue projection from \$3,880,779 to \$5,330,779 in FY 2023 and FY 2024.

Interest Income (+\$931,146 more than FY 2022 Actual)

For the first half of FY 2023, interest income totaled \$4,038,930, which was \$931,146 or 30.0% more than the total of \$3,107,784 received for the same period in FY 2022. This increase was primarily attributable to a slight increase in the proportion of the portfolio that was invested in long-term (i.e., one year or more) securities than in short-term securities (i.e., less than one year), and an increase in average interest rates earned after the Federal Reserve reversed course and started raising interest rates on March 17, 2022.

Primarily as a result of the Fed's actions beginning March 17, 2022, the net interest rate earned by the City increased from a range of .91%-1.078% during the first half of FY 2022, to a range of 1.837%-2.616% during the first half of FY 2023 as shown in Table 9. As a result, staff will be increasing the FY 2023 Interest Income projection from \$6,000,000 to \$7,000,000.

Table 9: FY 2022 and FY 2021 6 Month Comparison of Monthly Net Interest Rate Earned

FY	July	August	Sept	Oct	Nov	Dec
2022	.912%	1.028%	1.057%	1.078%	1.018%	.961%
2023	1.837%	2.025%	1.972%	2.258%	2.390%	2.616%

Franchise Fees (-\$15,402 less than FY 2022 Actual)

Franchise Fees for the first half of FY 2023 totaled \$335,043, which was \$15,402 or 4.3% less than the \$350,085 received for the same period in FY 2022.

Indirect Cost Reimbursements (+\$735,612 more than FY 2022 Actual)

Indirect Cost Reimbursements (IDC) for the FY 2023 first half totaled \$3,205,614, which was \$735,612 or 29.8% more than the \$2,470,002 received in the first half of FY 2022. This increase was primarily accounted for by an increase in the indirect cost rates calculated for FY 2023 (a range of 21-25%) compared to the rates calculated in FY 2022 (a range of 17%-18%). As a result, staff will be increasing the projection from \$5,490,000 to \$5,990,000.

Transfers (-\$7,220,037 less than FY 2022 Actual)

Transfers from other funds for the first half of FY 2023 totaled \$6,457,425 which was \$7,220,037 or 52.8% less than the \$13,677,642 received for the same period in FY 2022. This was primarily attributable to the Transfer of \$11,484,678 from the American Rescue Plan Fund in the first half of FY 2022 to recover from the impact of the COVID-19 pandemic, compared to the Transfer of \$6,135,806 from the American Rescue Plan Fund in the first half of FY 2023.

Other Revenues (+\$626,346 more than FY 2022 Actual)

Other Revenues primarily consists of licenses and permits; grants; preferential parking fees; general government charges for services; public safety charges for services; health charges for services; culture and recreation charges for services; rents and royalties; and other miscellaneous revenues that are not considered major.

Other Revenues for the first half of FY 2023 totaled \$3,902,132 which was \$626,346 or 19.1% more than the \$3,275,786 received for the first half of FY 2022. This increase resulted primarily from (1) the receipt of a premium of \$415,785 on the issuance of the Tax and Revenue Anticipation Notes in the first half of FY 2022 versus a premium of \$687,680 in the first half of FY 2023. The premium paid to the City was not actually revenue; it was a liability that was paid by the purchaser of the City's Notes when the coupon interest rate was higher than the market rate when the Notes were issued. It was used to offset the interest expense paid by the City on the Notes; and (2) An increase of \$158,070 in Transportation Network Company User Tax (i.e., a tax on ride sharing companies enacted during the height of the COVID-19 pandemic) from \$248,143 in the first half of FY 2022 to \$406,213 in the first half of FY 2023. Staff will be increasing the FY 2023 Other Revenue projection from \$6,729,977 to \$7,529,977 consistent with the trends we are seeing in this revenue category.

General Fund Revenue Projections (FY 2023 to FY 2027)

The following table shows projected General Fund revenues for FY 2023 and the current projections for FY 2024 through FY 2027.

Table 10: Projected General Fund Revenue FY 2023 through FY 2027

	FY 2023 Adopted	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Undesignated Revenues						
Secured Property Taxes	75,664,920	79,091,256	81,859,450	84,724,531	87,689,889	90,759,035
Supplemental Taxes	2,000,000	2,300,000	2,300,000	2,300,000	2,300,000	2,300,000
Unsecured Property Taxes	3,516,000	3,516,000	3,516,000	3,516,000	3,516,000	3,516,000
Property Transfer Taxes	18,000,000	18,000,000	16,000,000	16,000,000	16,000,000	16,000,000
Property Transfer Tax - Measure P	14,073,750	14,073,750	14,073,750	14,073,750	14,073,750	14,073,750
Sales Taxes	19,016,546	19,634,807	19,391,714	20,231,914	21,146,495	22,043,410
Soda Tax	990,210	1,025,800	1,025,800	1,025,800	1,025,800	512,900
Utility Users Taxes	13,800,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Transient Occupancy Taxes	5,000,000	7,500,000	7,725,000	7,956,750	8,195,453	8,441,316
Short-term Rentals	1,000,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Business License Taxes	19,000,000	19,000,000	19,000,000	19,380,000	19,767,600	19,767,600
Recreational Cannabis	1,400,000	1,400,000	1,400,000	1,428,000	1,456,560	1,456,560
Measure U1	4,900,000	4,900,000	4,900,000	4,998,000	5,097,960	5,097,960
Other Taxes	2,631,441	3,331,441	3,331,441	3,331,441	3,331,441	3,331,441

Continuation	FY 2023 Adopted	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Vehicle in Lieu	15,926,168	16,626,651	17,208,584	17,810,884	18,434,265	19,079,464
Parking Fines - Regular Collections	4,326,450	4,800,000	4,800,000	4,800,000	4,800,000	4,800,000
Moving Violations	132,600	132,600	132,600	135,252	137,957	137,957
Ambulance Fees	3,880,779	5,330,779	5,350,779	3,880,779	3,880,779	3,880,779
Interest Income	6,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Franchise Fees	1,613,283	1,720,056	1,720,056	1,720,056	1,720,056	1,720,056
Other Revenues	6,729,977	7,529,977	7,529,977	7,529,977	7,529,977	7,529,977
Indirect cost reimbursements	5,490,000	5,990,000	5,990,000	5,990,000	5,990,000	5,990,000
Transfers	17,096,148	17,096,148	21,023,924	4,472,621	4,562,074	4,562,074
Total Undesignated Revenues	242,188,272	256,399,265	261,679,074	248,705,755	254,056,056	258,400,279
Prop. Transfer Taxes for capital improvements	16,462,172	16,462,172	12,962,172	13,541,415	13,541,415	14,132,244
Total Designated Revenues	16,462,172	16,462,172	12,962,172	13,541,415	13,541,415	14,132,244
TOTAL REVENUES AND TRANSFERS	258,650,444	272,861,437	274,641,246	262,247,170	267,597,471	272,532,523

**Property Transfer Tax Revenues are set at a baseline amount of \$18 million, changing to \$16 million starting in FY 2025. The Council Fiscal Policies require any excess property transfer tax revenues over the baseline to be allocated to capital improvements and/or reserves. Council may waive this policy as needed to balance the budget or prioritize these funds for other critical needs.*

Property Taxes

Given the continued high collection rate, and the resilience of property values in the City, as well as a large volume of recent property sales (which bring assessed values to market value), annual growth is projected at approximately 5.5% over the next several years. The persistence of strong growth of property valuations in recent years, as well as the spike in current year sales (which bring properties assessed valuations to market value), have caused staff to increase the projected growth rate from the 3.5% that we have used in prior long-term projections.

Sales Taxes

The immense effects of COVID-19 on sales tax revenue in FY 2021 were largely reversed in FY 2022, with revenue levels almost back to FY 2019 levels, and staff now project growth to level off to approximately 4% in FY 2024. There is still some potential risk that an overall slowdown in underlying economic recovery will be reflected in reduced growth in consumer spending and sales tax collections.

Business License Taxes

We are projecting a 5% growth in Business License Tax revenue from heavily impacted FY 2021 levels, as economic activity recovers from the recession caused by the pandemic. Long-term projections will be adjusted as the post-pandemic economic environment becomes clearer. 2023 business license returns (for 2022 gross receipts) are just now being received. Information on how revenues are trending will be available in a month or two once they are processed.

Transient Occupancy Tax (“TOT”)

With recovery of business at the City’s hotels expected to lag behind general economic recovery, and relying on industry guidance regarding predicted occupancy levels, we are currently projecting only 3% annual growth from current revenue levels. Even after taking into consideration the new downtown hotel, we will continue to monitor the major hotels’ projections of future occupancies and will adjust long-term projections as necessary.

Utility Users Tax

We expect UUT revenue to rise marginally from FY 2022 through FY 2024, after increasing slightly in the current year due to rate increases approved by the Public Utilities Commission. Revenues are expected to remain flat after FY 2024 and beyond after all the rate increases have been actualized.

Transfer Tax

Given the continued strength in property values and in sales activity, we expect Transfer Tax revenues to remain basically flat from FY 2024 – FY 2027. The spike in revenue being seen in FY 2022, and to a lesser extent in FY 2023, is likely due to sales triggered by looming interest rate increases that have been signaled by the Federal Reserve, as well as some pent-up demand from mildly depressed sales during the pandemic. Over the 5 years prior to the pandemic, transfer tax revenues grew 6% per year on average, but interest rate increases will probably negatively impact sales prices and volumes somewhat in the next few years. We also expect revenues from Measure P supplemental tax on high value property transfers to remain basically flat.

Revenue Conclusion

Projecting revenues many years into the future is inherently difficult to do with accuracy, as shifts in the macroeconomic climate can cause asset valuations and economic output to fluctuate in ways not able to be anticipated at the time projections are made. Staff use the best assumptions available, based on historic trends, observation of leading economic indicators, and known changes in the regulatory environment. The current environment, however, presents heightened uncertainty due to several macroeconomic factors that could impact future City revenues.

First, while the health emergency related to the COVID-19 pandemic is finally receding, and while many of the restrictions that had constrained economic activity have been or soon will be lifted, there is a possibility that the local economy has been reshaped in ways that will not return to a pre-pandemic “normal.”

The increase in telecommuting that occurred in the past couple of years may not fully recede. This could have effects on spending activities of residents and employees of City businesses and institutions, as well as the desirability of certain locations for home purchases. These trends will have to be studied and analyzed and adjustments made as more data comes in.

Second, after being kept at manageable levels for many years, there are signs that inflationary pressure is driving prices higher. It is now clear that the effect of disrupted supply chains caused by COVID-19 is not temporary as many analysts believe, but will have a long-lasting effect on the economy. The Federal Reserve Board has indicated and the markets are adjusting to the fact that interest rates are rising as the Fed’s continues to tighten monetary policy to combat inflation. This has already had immediate effects on economic activities in all sectors of the economy.

Third, continued war in Europe between Ukraine and Russia has continued to have dramatic effects on the energy global markets, especially if Russian oil and natural gas continues to be supplied at a lower quantity which spikes energy prices for the rest of Europe. This continues to drive fuel and transportation prices higher, with downstream effects on the prices of most goods.

Any one or a combination of these factors could necessitate further revision of the projections presented here. Staff will continue to monitor the revenues we actually receive and changes in the economic environment, so that we may update or revise our projections if changes in our forecasts are warranted.

General Fund Expenditures

On June 28, 2022, Council adopted the FY 2023 and FY 2024 Biennial Budget, which authorized General Fund expenditures in FY 2023 of \$280.67 million. Subsequently, on December 13, 2022, the City Council approved General Fund recommended rollovers, carryovers, and adjustments totaling \$22.60 million in the Amendment to the FY 2023 Annual Appropriations Ordinance (AAO) as shown in the table below:

Table 11: FY 2023 General Fund Revised Budget

FY 2023 Adopted Budget	Encumbered Recommended	Unencumbered Recommended	Other Adjustments	FY 2023 Revised Budget
\$280,671,294	\$12,162,503	\$6,351,969	\$4,090,297	\$303,276,062

The encumbered rollovers of \$12.16 million reflect contractual obligations entered in FY 2022, which had not been paid as of June 30, 2022. Unencumbered carryovers of \$6.35 million are approved by Council for specific purposes that had not been completed by the end of FY 2022. Funding for these commitments is brought forward into the current fiscal year to provide for payment of these obligations. Adjustments are new allocations for projects and Council priorities as detailed in the AAO. Included in the other adjustments of \$4.09 million are Council authorized allocations approved through the adoption of the Amendment to the AAO on January 17, 2023 (second reading).

General Fund expenditures incurred by department as of December 31, 2022 are shown in the chart below along with projections regarding the expenditures likely to be incurred through June 30, 2023. The projected savings/ deficit column in the chart below is an estimate of whether the department will be under or over the adopted budget and their respective appropriation limit based upon the first six months of the year.

Table 12: FY 2023 Mid-Year General Fund Expenditures (as of December 21, 2022)

DEPARTMENT	FY 2023 ADOPTED BUDGET	FY 2023 REVISED BUDGET*	YEAR TO DATE EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PERSONNEL PERCENTAGE USED	NON-PERSONNEL PERCENTAGE USED	TOTAL PERCENTAGE USED	FY 2023 PROJECTED EXPENDITURES	FY 2023 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,785,155	4,875,736	1,786,543	69,853	3,019,340	36.9%	47.1%	38.1%	4,875,736	-
CITY AUDITOR	3,006,058	3,007,837	1,208,279	7,380	1,792,178	39.6%	47.6%	40.4%	2,345,535	662,302
RENT STABILIZATION BOARD	550,000	550,000	229,168	320,832	0	0.0%	100.0%	100.0%	550,000	-
POLICE	1,120,676	1,250,444	330,343	52,342	867,759	26.8%	38.0%	30.6%	880,928	369,516
ACCOUNTABILITY										
CITY MANAGER'S OFFICE	11,628,466	13,509,108	6,526,833	726,499	6,255,776	47.5%	64.4%	53.7%	13,332,528	176,580
CITY ATTORNEY	4,010,250	5,299,550	1,909,130	519,812	2,870,608	32.0%	76.1%	45.8%	4,396,163	903,387
CITY CLERK	2,590,414	2,801,741	1,144,295	252,008	1,405,438	42.8%	59.5%	49.8%	2,580,728	221,013
FINANCE	8,022,118	9,327,512	3,265,107	1,274,558	4,787,846	38.6%	75.8%	48.7%	8,553,323	774,189
HUMAN RESOURCES	2,980,172	3,185,697	1,107,790	216,399	1,861,509	27.4%	70.4%	41.6%	2,495,843	689,854
INFORMATION TECHNOLOGY	1,526,760	2,050,474	323,354	621,440	1,105,681	0.0%	46.1%	46.1%	2,051,774	(1,300)
HEALTH, HSG & COMMUNITY SVC	24,795,803	41,173,297	11,849,690	7,195,489	22,128,117	36.8%	51.0%	46.3%	34,809,893	6,363,404
PARKS, RECREATION & WATERFRONT	8,879,746	10,728,180	4,780,445	960,326	4,987,409	46.1%	62.1%	53.5%	10,650,850	77,330
PLANNING & DEVELOPMENT	3,062,324	4,854,446	1,364,429	198,916	3,291,102	41.9%	21.6%	32.2%	3,676,530	1,177,916
PUBLIC WORKS	5,783,759	12,359,119	4,249,727	880,929	7,228,463	54.6%	35.7%	41.5%	7,280,378	5,078,741
POLICE	79,269,594	79,780,795	39,659,285	709,318	39,412,192	48.8%	66.4%	50.6%	80,316,009	(535,214)
FIRE & EMERGENCY SERVICES	41,626,945	45,903,819	21,028,451	3,367,229	21,508,139	51.1%	58.7%	53.1%	48,623,742	(2,719,923)
NON DEPARTMENTAL	77,033,054	57,440,207	25,498,036	138,832	31,803,340	-14.4%	43.0%	44.6%	48,204,728	9,235,479
GRAND TOTAL	280,671,294	298,097,963	126,260,904	17,512,161	154,324,898	47.00%	49.6%	48.2%	275,624,689	22,473,273

*FY 2023 Revised does not reflect as of December 31, 2022 all Council approved allocations included in the FY 2023 AAO #1.

With 50 percent of the fiscal year elapsed, most departments are tracking under 50 percent spent in personnel due to vacant positions. Some departments that are over 50 percent in non-personnel expenditures is related to encumbrances, meaning that departments have set aside funds to meet contractual obligations entered into in FY 2023, for services that may not be completed rendered by June 30, 2023.

The General Fund is currently projected to finish FY 2023 with a balance of \$22.47 million (Revised Budget minus Projected Expenses). However, there is some fluidity in the projection as currently most of the savings are based upon vacant positions and/or project-related timing delays. Projected expenditures will fluctuate as departments either (1) fill vacant positions throughout the course of the fiscal year; (2) increase overtime spending to provide services despite vacancies and/or (3) spend more on consultants and other professional services (“non-personnel costs”) to mitigate vacant staff positions.

Explanations for significant projected savings and overages are as follows:

- Health, Housing & Community Services (\$6,363,404): Projected savings due to vacancies and about \$3.34 million of the projected unspent is in Measure P program.
- Planning (\$1,177,916): Projected balance is primarily comprised of \$340,800 in salary savings due to vacancies and \$750,000 of the \$1.50 million in unencumbered funding for the Just Transition project will be carried over to FY 2024 (project started in FY 2023).
- Public Works (\$5,078,741): Projected savings is tied to mostly Facilities and Transportation projects that are expected to not be completed by FY 2023. The General Fund project budget will not be fully spent by the end of FY 2023 and will be carried over to FY 2024.
- Police (-\$535,214): The projected overage in the Police Department is due to several factors, primarily the use of overtime (OT) to address staffing shortages. The Police overtime is projected to be at \$8.3 million with an adopted OT budget of \$6.1 million. Salary and Retirement contributions from vacant positions is estimated to result in a savings of approximately \$2.0 million and could cover most of the increase in OT cost above budget thus resulting in only a \$535,214 projected deficit. The mid-year projection does not include the \$500,000 Police overtime reserve approved as part of the FY 2023 Budget. It also does not consist of potential cost overruns related to Police fleet replacement fund contributions and fuel and maintenance costs.
- Fire (-\$2,719,923): Fire is projected to finish FY 2023 over budget by \$2.72 million. The department has incurred COVID-19 impacts on staffing levels and has experienced challenges in recruiting and retaining qualified firefighter/paramedics, as well incurring increases in overtime cost.
- Non-Departmental (\$9,235,479): The balance is from projecting that not all of the funding for the Tier 1 approved items will be spent by June 30, 2023. Specifically, new positions that were approved as Tier 1 are mostly still vacant.
- In addition, the City Auditor, the Office of the Director of Police Accountability, the City Attorney, the City Clerk, the City Manager’s Office, the Finance Department, Human Resources, and Parks, Recreation & Waterfront are expected to finish the year under budget, largely due to savings attributed to vacant positions. The projected surplus for these departments combined is \$3,874,170.

Projected General Fund Budget Summary

Based on the General Fund revenue and expenditure projections that have been provided above, the following chart provides a combined overview of the General Fund (includes FY 2022 Actual for reference). The FY 2023 mid-year projects an annual shortfall of \$2.76 million.

It is important to emphasize that the revenue and expenditure projections provided are the best estimates staff has at this time for how the General Fund is projected to close in FY 2023. Between now and the end of the fiscal year, a number of assumptions could change that will impact projections, including, but not limited to, changes in economic conditions, filling vacancies, and increased operational and capital project costs.

Fund balance is the accumulation of savings that occurred over many fiscal years when the net of expenditures and revenue were positive. The purpose of maintaining an adequate fund balance is to mitigate unplanned changes in economic conditions and to help negate risks to revenue shortfalls and/or unanticipated expenditures.

The FY 2022 Ending Balance, upon the conclusion of the year-end process, was \$71.14 million, which became the starting balance for FY 2023. In FY 2022, revenues of \$286.6 were greater than expenditures of \$249.3 million, resulting in an increase of \$37.3 million in fund balance. The growth in fund balance was attributed to a combination of increased revenue, particularly in property transfer tax, and expenditure savings from vacancies and delayed implementation of projects and programs. While the FY 2022 Ending Balance reflected temporary “savings” from planned expenses that did not occur before June 30, 2022, some of the costs were carried forward into FY 2023 and will be reflected in the projected FY 2023 Ending Balance.

The FY 2023 Adopted Budget anticipated the use of \$22.02 million in fund balance in order to absorb increased expenditures that exceeded revenue projections. This was based, on part, upon assumptions that revenues tied to the local economy had not fully returned to pre-pandemic levels and that the use of one-time federal funds from the American Rescue Plan Act would be exhausted. However, the FY 2023 mid-year projection estimates an annual shortfall of \$2.76 million. While there is still an expected deficit whereby expenditures exceed revenues, it is currently less than originally anticipated due to a combination of increased revenue as well as underspending related to one-time savings from vacancies and project-related timing delays.

As a result, the FY 2023 Projected Ending Balance of \$71.38 million shows projected ending available cash based on beginning balance, projected revenue, and projected expenditures. This projected balance **does not include** committed and assigned amounts in FY 2023 that are predicted to not be spent in the fiscal year, such as uncompleted projects, and carried forward into FY 2024. Therefore, the actual fund balance will be different than the ending balance shown in the chart below. The actual FY 2023 Fund Balance will be known after the Year-End close, and once contract encumbrances (committed amounts) and the carryover requests (assigned amounts) during the amendment to the annual appropriation process (AAO#1) have been reconciled and carried over into FY 2024 as applicable.

Table 13: FY 2023 Projected General Fund Balance

	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2023 Projected
Beginning Balance	36,838,797	74,141,617	74,141,617	74,141,617
Revenues				
Property Taxes and Vehicle In-Lieu	88,741,015	97,107,088	97,107,088	101,533,907
Real Estate Transfer Taxes	49,419,314	34,462,172	34,462,172	34,462,172
Property Transfer Tax - Measure P	14,073,750	14,073,750	14,073,750	14,073,750
Sales Taxes	19,954,078	20,006,756	20,006,756	20,660,607
Utility Users Taxes and Franchise Fees	16,470,121	15,413,283	15,413,283	16,720,056
Hotel and STR Taxes	5,727,046	4,900,000	4,900,000	8,900,000
Business License Taxes	26,569,061	25,300,000	25,300,000	25,300,000
Fines and Fees	8,754,104	8,339,829	8,339,829	10,130,779
Interest and Other Revenue	27,464,596	16,461,418	16,461,418	17,994,018
Transfers from Other Funds	29,445,572	22,586,148	22,586,148	23,086,148
Revenues Total	286,618,657	258,650,444	258,650,444	272,861,437
Expenditures				
Personnel				
Personnel - Misc.	65,468,180	81,462,699	81,921,979	68,436,056
Salary & Wages	45,063,008	56,291,855	56,634,602	43,148,679
PERS - Misc	10,872,027	14,179,883	14,122,762	14,122,762
Fringe Benefits - Misc.	9,533,145	10,990,961	11,164,615	11,164,615
Personnel - Fire	33,965,013	30,162,577	30,254,954	32,054,954
Salary & Wages	17,879,289	15,794,564	15,995,637	17,795,637
PERS - Fire	9,354,144	7,921,611	7,921,611	7,921,611
Fringe Benefits - Fire	6,731,580	6,446,402	6,337,706	6,337,706
Personnel - Police	53,987,841	58,392,795	58,450,715	58,985,929
Salary & Wages	24,400,509	26,005,246	26,063,166	26,598,380
PERS - Police	17,090,869	19,175,192	19,175,192	19,175,192
Fringe Benefits - Police	12,496,463	13,212,357	13,212,357	13,212,357
Salary Savings	0	-9,553,792	-9,553,792	0
Tier 1 Funding Personnel Recurring	0	5,169,339	5,169,339	1,671,558
Tier 1 Funding Personnel Temporary	0	2,106,838	2,106,838	681,268
Personnel Total	153,421,034	167,740,455	168,350,033	161,829,765
Non-Personnel				
Tier 1 Funding Non-Personnel	0	25,289,911	25,289,911	18,967,433
Tier 1 Funding CIP	0	1,511,000	1,511,000	906,600
Non-Personnel	55,117,836	42,570,645	58,135,491	48,385,011
Transfer Out	35,822,474	24,558,378	26,534,975	26,534,975
CIP (GF Transfer Out to CIP Fund, Includes Tier 1)	4,954,493	19,000,905	19,000,905	19,000,905
Non-Personnel Total	95,894,803	112,930,839	130,472,282	113,794,924
Expenditures Total	249,315,837	280,671,294	298,822,315	275,624,689
Annual Surplus/Shortfall	37,302,820	(22,020,850)	(40,171,871)	(2,763,252)
One-Time Use of Fund Balance (Excess Property Transfer Tax)		22,020,850	40,171,871	2,763,252
Ending Balance	74,141,617	52,120,767	33,969,746	71,378,365

All Funds Expenditures

The General Funds comprises 32.16 percent of the total adjusted budget. The rest of the budget consists of various Special Funds. Special Funds are collected for a specific purpose; therefore, the projected balances are not considered to be discretionary and available to be re-allocated toward other programs, projects, and services. Included in the FY 2023 Mid-Year All Funds Expenditures by Department chart below are both the General Fund expenditures to date and the Special Funds expenditures to date. On an All Funds basis, the City is tracking under budget as of December 31, 2022, as can be seen in the following chart:

Table 14: FY 2023 Mid-Year All Funds Expenditures (as of December 21, 2022)

DEPARTMENT	FY 2023 ADOPTED BUDGET	FY 2023 REVISED BUDGET*	YEAR TO DATE EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	TOTAL PERCENTAGE USED	FY 2023 PROJECTED EXPENDITURES	FY 2023 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,785,155	4,883,236	1,790,943	69,853	3,022,440	38.1%	4,883,236	-
CITY AUDITOR	3,101,376	3,103,155	1,239,080	7,380	1,856,695	40.2%	2,405,135	698,020
RENT STABILIZATION BOARD	7,247,755	7,858,094	3,205,523	1,461,593	3,190,977	59.4%	7,858,094	-
POLICE ACCOUNTABILITY	1,422,432	1,250,444	330,343	52,342	867,759	30.6%	880,928	369,516
CITY MANAGER'S OFFICE	19,287,587	20,741,366	9,360,014	2,966,976	8,414,376	59.4%	20,541,213	200,153
BERKELEY PUBLIC LIBRARY	24,918,604	25,488,070	9,338,322	2,523,408	13,626,340	46.5%	22,171,058	3,317,012
CITY ATTORNEY	8,562,688	9,758,110	4,424,881	881,607	4,451,623	54.4%	9,636,828	121,282
CITY CLERK	3,501,282	3,312,609	1,177,536	252,008	1,883,065	43.2%	3,012,450	300,159
FINANCE	11,444,157	11,824,704	4,188,249	1,375,401	6,261,054	47.1%	10,898,157	926,547
HUMAN RESOURCES	5,009,883	5,171,822	1,785,539	242,194	3,144,089	39.2%	4,067,292	1,104,530
INFORMATION TECHNOLOGY	22,287,156	27,532,294	7,691,233	4,053,890	15,787,171	42.7%	25,632,718	1,899,576
HEALTH, HSG & COMMUNITY SVC	95,182,974	160,876,413	47,969,154	40,494,723	72,412,536	55.0%	124,636,287	36,240,126
PARKS, RECREATION & WF	53,378,913	75,494,789	24,086,634	10,177,628	41,230,528	45.4%	62,873,376	12,621,413
PLANNING & DEVELOPMENT	29,022,035	30,802,863	11,859,892	2,565,724	16,377,247	46.8%	28,373,360	2,429,503
PUBLIC WORKS	203,608,562	265,236,595	69,256,749	43,076,741	152,903,105	42.4%	199,220,520	66,016,075
POLICE	87,444,720	86,363,420	41,934,698	857,812	43,570,911	49.5%	86,225,091	138,329
FIRE & EMERGENCY SERVICES	63,377,259	72,826,660	30,844,694	9,116,279	32,865,688	54.9%	74,706,313	(1,879,653)
NON DEPARTMENTAL	110,594,086	116,672,894	62,946,383	329,646	53,396,864	54.2%	107,437,415	9,235,479
GRAND TOTAL	754,176,623	929,197,538	333,429,869	120,505,203	475,262,468	48.9%	795,459,472	133,738,066

*FY 2023 Revised does not reflect as of December 31, 2022 all Council approved allocations included in the FY 2023 AAO #1.

On All Funds basis, the City is projected to finish FY 2023 with a balance of \$133.74 million. Health, Housing, & Community Services, Parks, Recreation & Waterfront, Public Works and Non-Departmental are anticipated to finish FY 2023 with significant balances that are tied to salary savings due to vacancies and projects and grants that are not expected to be finished by the end of the fiscal year. These departments also appropriated new grant funding that support programs and services, as well as special funds for capital improvement projects. Most unspent balance will be requested as a carryover in the FY 2024 budget. The Fire Department is expected to end FY 2023 with a deficit due to staffing shortage related COVID-19 backfill and high vacancy rate causing an increase in overtime expenses.

Next Steps:

Staff is continuously monitoring the FY 2023 General Fund budget to make sure the City stays within budget and is also reviewing and analyzing data to make sure that the City remains agile should additional operating and capital needs arise in the fiscal year.

Staff has developed a new 5 Year Forecast that combines both the revenue and expenditure projections that will summarize the General Fund budget status to better assist management and City Council for the upcoming FY 2024 Mid-Biennial Budget Update and the following FY 2025 & FY 2026 Biennial Budget. Staff is currently in the process of preparing the FY 2024 Mid-Biennial Budget Update.

Final FY 2023 year-end General Fund revenues and expenditures information will be included in the “FY 2023 Year-End Report and FY 2024 First Quarter Update” that will be presented to Council in December 2023.

The City’s annual Mid-Year Budget Update is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City’s environmental sustainability goals and requirements.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager’s Office, 981-7000
Henry Oyekanmi, Finance Director, Department of Finance, 981-7300
Maricar Dupaya, Senior Management Analyst, City Manager’s Office, 981-7000

Attachments:

1. Table 2, General Fund Revenue and Transfer In FY 2023 Mid-Year vs FY 2022 Mid-Year Comparison
2. Table 10, Projected General Fund Revenue FY 2023 through FY 2027
3. Table 12: FY 2023 Mid-Year General Fund Expenditures (as of December 31, 2022)
4. Table 13: FY 2023 Projected General Fund Balance
5. Table 14: FY 2023 Mid-Year All Funds Expenditures (as of December 31, 2022)

Revenue Categories	FY 2023				FY 2022				Comparison FY23 vs FY22		Revised FY 2023
	Adopted	Actual	Variance	% Received	Adopted	Actual	Variance	% Received	Amount	%	Projections
	(a)	(b)	c=(b) - (a)	(d) = (b)/(a)	(e)	(f)	g=(f) - (e)	(h) = (f)/(g)	(i) = (b) - (f)	(j) = (i)/(f)	Projections
Secured Property	\$75,664,920	\$40,237,811	(\$35,427,109)	53.18%	\$71,382,000	\$36,257,954	(\$35,124,046)	50.79%	3,979,857	10.98%	\$79,091,256
Redemptions -Regular	831,441	461,026	(370,415)	55.45%	831,441	415,104	-416,337	49.93%	45,922	11.06%	831,441
Supplemental Taxes	2,000,000	1,229,929	(770,071)	61.50%	2,000,000	608,905	-1,391,095	30.45%	621,024	101.99%	2,300,000
Unsecured Property Taxes	3,516,000	3,151,771	(364,229)	89.64%	2,625,000	3,048,386	423,386	116.13%	103,385	3.39%	3,516,000
Property Transfer Tax	34,462,172	16,676,308	(17,785,864)	48.39%	21,000,000	21,801,269	801,269	103.82%	(5,124,961)	-23.51%	34,462,172
Property Transfer Tax-Measure P (New December 21, 2018)	14,073,750	8,363,823	(5,709,927)	59.43%	8,500,000	8,626,946	126,946	101.49%	(263,123)	-3.05%	14,073,750
Sales Taxes	19,016,546	9,687,895	(9,328,651)	50.94%	18,287,215	9,533,614	-8,753,601	52.13%	154,281	1.62%	19,634,807
Soda Taxes	990,210	642,874	(347,336)	64.92%	990,210	519,699	-470,511	52.48%	123,175	23.70%	1,025,800
Utility Users Taxes	13,800,000	7,638,612	(6,161,388)	55.35%	13,000,000	6,534,425	-6,465,575	50.26%	1,104,187	16.90%	15,000,000
Transient Occupancy Taxes	5,000,000	3,943,517	(1,056,483)	78.87%	2,173,000	2,471,311	298,311	113.73%	1,472,206	59.57%	7,500,000
Short-term Rentals	1,000,000	712,661	(287,339)	71.27%	630,000	586,569	-43,431	630,000	126,092	21.50%	1,400,000
Business License Tax	19,000,000	1,010,143	(17,989,857)	5.32%	18,498,146	1,393,760	-17,104,386	7.53%	(383,617)	-27.52%	19,000,000
Recreational Cannabis	1,400,000	237,669	(1,162,331)	16.98%	1,643,739	600,770	-1,042,969	36.55%	(363,101)	-60.44%	1,400,000
U1 Revenues	4,900,000	113,893	(4,786,107)	2.32%	5,120,350	153,243	-4,967,107	2.99%	(39,350)	-25.68%	4,900,000
Other Taxes	1,800,000	1,500,099	(299,901)	83.34%	1,761,714	1,052,445	-709,269	59.74%	447,654	42.53%	2,500,000
Vehicle In-Lieu Taxes	15,926,168	8,329,833	(7,596,335)	52.30%	14,959,837	7,503,002	-7,456,835	50.15%	826,831	11.02%	16,626,651
Parking Fines-Regular Collections	4,326,450	3,104,161	(1,222,289)	71.75%	3,726,450	2,451,293	-1,275,157	65.78%	652,868	26.63%	4,800,000
Parking Fines-Booting Collections			0				0	0.00%	-	0.00%	
Moving Violations	132,600	71,415	(61,185)	53.86%	132,600	83,533	-49,067	63.00%	(12,118)	-14.51%	132,600
Ambulance Fees	3,880,779	2,479,368	(1,401,411)	63.89%	3,154,002	1,715,639	-1,438,363	54.40%	763,729	44.52%	5,330,779
Interest Income	6,000,000	4,038,930	(1,961,070)	67.32%	4,462,320	3,107,784	-1,354,536	69.65%	931,146	29.96%	7,000,000
Franchise Fees	1,613,283	335,043	(1,278,240)	20.77%	1,613,283	350,085	-1,263,198	21.70%	(15,042)	-4.30%	1,720,056
Other Revenue	6,729,977	3,902,132	(2,827,845)	57.98%	6,729,977	3,275,786	-3,454,191	48.67%	626,346	19.12%	7,529,977
IDC Reimbursement	5,490,000	3,205,614	(2,284,386)	58.39%	5,490,000	2,470,002	-3,019,998	44.99%	735,612	29.78%	5,990,000
Transfers	17,096,148	6,457,425	(10,638,723)	37.77%	27,354,923	13,677,462	-13,677,461	50.00%	(7,220,037)	-52.79%	17,096,148
			-				0		-		
Total Revenue:	\$258,650,444	\$127,531,952	-\$131,118,492	49.31%	\$236,066,207	\$128,238,986	-\$107,827,221	54.32%	(\$707,034)	-0.55%	\$273,861,447

FY 2023 Mid-Year Report Table 10: Projected General Fund Revenue FY 2023 through FY 2027 Attachment 2

	FY 2023 Adopted	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Undesignated Revenues						
Secured Property Taxes	75,664,920	79,091,256	81,859,450	84,724,531	87,689,889	90,759,035
Supplemental Taxes	2,000,000	2,300,000	2,300,000	2,300,000	2,300,000	2,300,000
Unsecured Property Taxes	3,516,000	3,516,000	3,516,000	3,516,000	3,516,000	3,516,000
Property Transfer Taxes	18,000,000	18,000,000	16,000,000	16,000,000	16,000,000	16,000,000
Property Transfer Tax - Measure P	14,073,750	14,073,750	14,073,750	14,073,750	14,073,750	14,073,750
Sales Taxes	19,016,546	19,634,807	19,391,714	20,231,914	21,146,495	22,043,410
Soda Tax	990,210	1,025,800	1,025,800	1,025,800	1,025,800	512,900
Utility Users Taxes	13,800,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Transient Occupancy Taxes (TOT)	5,000,000	7,500,000	7,725,000	7,956,750	8,195,453	8,441,316
Short-term Rentals	1,000,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Business License Taxes	19,000,000	19,000,000	19,000,000	19,380,000	19,767,600	19,767,600
Recreational Cannabis	1,400,000	1,400,000	1,400,000	1,428,000	1,456,560	1,456,560
Measure U1	4,900,000	4,900,000	4,900,000	4,998,000	5,097,960	5,097,960
Other Taxes	2,631,441	3,331,441	3,331,441	3,331,441	3,331,441	3,331,441
Vehicle in Lieu Taxes	15,926,168	16,626,651	17,208,584	17,810,884	18,434,265	19,079,464
Parking Fines - Regular Collections	4,326,450	4,800,000	4,800,000	4,800,000	4,800,000	4,800,000
Moving Violations	132,600	132,600	132,600	135,252	137,957	137,957
Ambulance Fees	3,880,779	5,330,779	5,350,779	3,880,779	3,880,779	3,880,779
Interest Income	6,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Franchise Fees	1,613,283	1,720,056	1,720,056	1,720,056	1,720,056	1,720,056
Other Revenues	6,729,977	7,529,977	7,529,977	7,529,977	7,529,977	7,529,977
Indirect cost reimbursements	5,490,000	5,990,000	5,990,000	5,990,000	5,990,000	5,990,000
Transfers	17,096,148	17,096,148	21,023,924	4,472,621	4,562,074	4,562,074
Total Undesignated Revenues	242,188,272	256,399,265	261,679,074	248,705,755	254,056,056	258,400,279
Designated Revenues						
Prop. Transfer Taxes for capital improvements	16,462,172	16,462,172	12,962,172	13,541,415	13,541,415	14,132,244
Total Designated Revenues	16,462,172	16,462,172	12,962,172	13,541,415	13,541,415	14,132,244
TOTAL REVENUES AND TRANSFERS	258,650,444	272,861,437	274,641,246	262,247,170	267,597,471	272,532,523

FY 2023 MID-YEAR GENERAL FUND EXPENDITURES (AS OF DECEMBER 31, 2022)										Attachment 3
DEPARTMENT	FY 2023 ADOPTED BUDGET	FY 2023 REVISED BUDGET*	YEAR TO DATE EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PERSONNEL PERCENTAGE USED	NON-PERSONNEL PERCENTAGE USED	TOTAL PERCENTAGE USED	FY 2023 PROJECTED EXPENDITURES	FY 2023 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,785,155	4,875,736	1,786,543	69,853	3,019,340	36.9%	47.1%	38.1%	4,875,736	-
CITY AUDITOR	3,006,058	3,007,837	1,208,279	7,380	1,792,178	39.6%	47.6%	40.4%	2,345,535	662,302
RENT STABILIZATION BOARD	550,000	550,000	229,168	320,832	0	0.0%	100.0%	100.0%	550,000	-
POLICE ACCOUNTABILITY	1,120,676	1,250,444	330,343	52,342	867,759	26.8%	38.0%	30.6%	880,928	369,516
CITY MANAGER'S OFFICE	11,628,466	13,509,108	6,526,833	726,499	6,255,776	47.5%	64.4%	53.7%	13,332,528	176,580
CITY ATTORNEY	4,010,250	5,299,550	1,909,130	519,812	2,870,608	32.0%	76.1%	45.8%	4,396,163	903,387
CITY CLERK	2,590,414	2,801,741	1,144,295	252,008	1,405,438	42.8%	59.5%	49.8%	2,580,728	221,013
FINANCE	8,022,118	9,327,512	3,265,107	1,274,558	4,787,846	38.6%	75.8%	48.7%	8,553,323	774,189
HUMAN RESOURCES	2,980,172	3,185,697	1,107,790	216,399	1,861,509	27.4%	70.4%	41.6%	2,495,843	689,854
INFORMATION TECHNOLOGY	1,526,760	2,050,474	323,354	621,440	1,105,681	0.0%	46.1%	46.1%	2,051,774	(1,300)
HEALTH, HSG & COMMUNITY SVC	24,795,803	41,173,297	11,849,690	7,195,489	22,128,117	36.8%	51.0%	46.3%	34,809,893	6,363,404
PARKS, RECREATION & WATERFRONT	8,879,746	10,728,180	4,780,445	960,326	4,987,409	46.1%	62.1%	53.5%	10,650,850	77,330
PLANNING & DEVELOPMENT	3,062,324	4,854,446	1,364,429	198,916	3,291,102	41.9%	21.6%	32.2%	3,676,530	1,177,916
PUBLIC WORKS	5,783,759	12,359,119	4,249,727	880,929	7,228,463	54.6%	35.7%	41.5%	7,280,378	5,078,741
POLICE	79,269,594	79,780,795	39,659,285	709,318	39,412,192	48.8%	66.4%	50.6%	80,316,009	(535,214)
FIRE & EMERGENCY SERVICES	41,626,945	45,903,819	21,028,451	3,367,229	21,508,139	51.1%	58.7%	53.1%	48,623,742	(2,719,923)
NON DEPARTMENTAL	77,033,054	57,440,207	25,498,036	138,832	31,803,340	-14.4%	43.0%	44.6%	48,204,728	9,235,479
GRAND TOTAL	280,671,294	298,097,963	126,260,904	17,512,161	154,324,898	47.00%	49.6%	48.2%	275,624,689	22,473,273

Table 13: FY 2023 Projected General Fund Balance

Attachment 4

	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2023 Projected
Beginning Balance	36,838,797	74,141,617	74,141,617	74,141,617
Revenues				
Property Taxes and Vehicle In-Lieu	88,741,015	97,107,088	97,107,088	101,533,907
Real Estate Transfer Taxes	49,419,314	34,462,172	34,462,172	34,462,172
Property Transfer Tax - Measure P	14,073,750	14,073,750	14,073,750	14,073,750
Sales Taxes	19,954,078	20,006,756	20,006,756	20,660,607
Utility Users Taxes and Franchise Fees	16,470,121	15,413,283	15,413,283	16,720,056
Hotel and STR Taxes	5,727,046	4,900,000	4,900,000	8,900,000
Business License Taxes	26,569,061	25,300,000	25,300,000	25,300,000
Fines and Fees	8,754,104	8,339,829	8,339,829	10,130,779
Interest and Other Revenue	27,464,596	16,461,418	16,461,418	17,994,018
Transfers from Other Funds	29,445,572	22,586,148	22,586,148	23,086,148
Revenues Total	286,618,657	258,650,444	258,650,444	272,861,437
Expenditures				
Personnel				
Personnel - Misc.	65,468,180	81,462,699	81,921,979	68,436,056
Salary & Wages	45,063,008	56,291,855	56,634,602	43,148,679
PERS - Misc	10,872,027	14,179,883	14,122,762	14,122,762
Fringe Benefits - Misc.	9,533,145	10,990,961	11,164,615	11,164,615
Personnel - Fire	33,965,013	30,162,577	30,254,954	32,054,954
Salary & Wages	17,879,289	15,794,564	15,995,637	17,795,637
PERS - Fire	9,354,144	7,921,611	7,921,611	7,921,611
Fringe Benefits - Fire	6,731,580	6,446,402	6,337,706	6,337,706
Personnel - Police	53,987,841	58,392,795	58,450,715	58,985,929
Salary & Wages	24,400,509	26,005,246	26,063,166	26,598,380
PERS - Police	17,090,869	19,175,192	19,175,192	19,175,192
Fringe Benefits - Police	12,496,463	13,212,357	13,212,357	13,212,357
Salary Savings	0	-9,553,792	-9,553,792	0
Tier 1 Funding Personnel Recurring	0	5,169,339	5,169,339	1,671,558
Tier 1 Funding Personnel Temporary	0	2,106,838	2,106,838	681,268
Personnel Total	153,421,034	167,740,455	168,350,033	161,829,765
Non-Personnel				
Tier 1 Funding Non-Personnel	0	25,289,911	25,289,911	18,967,433
Tier 1 Funding CIP	0	1,511,000	1,511,000	906,600
Non-Personnel	55,117,836	42,570,645	58,135,491	48,385,011
Transfer Out	35,822,474	24,558,378	26,534,975	26,534,975
CIP (GF Transfer Out to CIP Fund, Includes Tier 1	4,954,493	19,000,905	19,000,905	19,000,905
Non-Personnel Total	95,894,803	112,930,839	130,472,282	113,794,924
Expenditures Total	249,315,837	280,671,294	298,822,315	275,624,689
Annual Surplus/Shortfall	37,302,820	(22,020,850)	(40,171,871)	(2,763,252)
One-Time Use of Fund Balance (Excess Property Transfer Tax)		22,020,850	40,171,871	2,763,252
Ending Balance	74,141,617	52,120,767	33,969,746	71,378,365

FY 2023 MID-YEAR ALL FUNDS EXPENDITURES (AS OF DECEMBER 31, 2022)

Attachment 5

DEPARTMENT	FY 2023 ADOPTED BUDGET	FY 2023 REVISED BUDGET*	YEAR TO DATE EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	TOTAL PERCENTAGE USED	FY 2023 PROJECTED EXPENDITURES	FY 2023 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,785,155	4,883,236	1,790,943	69,853	3,022,440	38.1%	4,883,236	-
CITY AUDITOR	3,101,376	3,103,155	1,239,080	7,380	1,856,695	40.2%	2,405,135	698,020
RENT STABILIZATION BOARD	7,247,755	7,858,094	3,205,523	1,461,593	3,190,977	59.4%	7,858,094	-
POLICE ACCOUNTABILITY	1,422,432	1,250,444	330,343	52,342	867,759	30.6%	880,928	369,516
CITY MANAGER'S OFFICE	19,287,587	20,741,366	9,360,014	2,966,976	8,414,376	59.4%	20,541,213	200,153
BERKELEY PUBLIC LIBRARY	24,918,604	25,488,070	9,338,322	2,523,408	13,626,340	46.5%	22,171,058	3,317,012
CITY ATTORNEY	8,562,688	9,758,110	4,424,881	881,607	4,451,623	54.4%	9,636,828	121,282
CITY CLERK	3,501,282	3,312,609	1,177,536	252,008	1,883,065	43.2%	3,012,450	300,159
FINANCE	11,444,157	11,824,704	4,188,249	1,375,401	6,261,054	47.1%	10,898,157	926,547
HUMAN RESOURCES	5,009,883	5,171,822	1,785,539	242,194	3,144,089	39.2%	4,067,292	1,104,530
INFORMATION TECHNOLOGY	22,287,156	27,532,294	7,691,233	4,053,890	15,787,171	42.7%	25,632,718	1,899,576
HEALTH, HSG & COMMUNITY SVC	95,182,974	160,876,413	47,969,154	40,494,723	72,412,536	55.0%	124,636,287	36,240,126
PARKS, RECREATION & WF	53,378,913	75,494,789	24,086,634	10,177,628	41,230,528	45.4%	62,873,376	12,621,413
PLANNING & DEVELOPMENT	29,022,035	30,802,863	11,859,892	2,565,724	16,377,247	46.8%	28,373,360	2,429,503
PUBLIC WORKS	203,608,562	265,236,595	69,256,749	43,076,741	152,903,105	42.4%	199,220,520	66,016,075
POLICE	87,444,720	86,363,420	41,934,698	857,812	43,570,911	49.5%	86,225,091	138,329
FIRE & EMERGENCY SERVICES	63,377,259	72,826,660	30,844,694	9,116,279	32,865,688	54.9%	74,706,313	(1,879,653)
NON DEPARTMENTAL	110,594,086	116,672,894	62,946,383	329,646	53,396,864	54.2%	107,437,415	9,235,479
GRAND TOTAL	754,176,623	929,197,538	333,429,869	120,505,203	475,262,468	48.9%	795,459,472	133,738,066

*FY 2023 Revised does not reflect as of December 31, 2022 all Council approved allocations included in the FY 2023 AAO #1.



Office of the City Manager

INFORMATION CALENDAR
March 21, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: LPO NOD: 1581 Le Roy Avenue/#LMSAP2022-0009

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on March 7, 2023.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by March 21, 2023. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Principal Planner, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2022-0009 for 1581 Le Roy Avenue



L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

N o t i c e o f D e c i s i o n

DATE OF BOARD DECISION: November 3, 2022
DATE NOTICE MAILED: March 6, 2023
APPEAL PERIOD EXPIRATION: March 21, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): March 22, 2023¹

1581 Le Roy Avenue

#LMSAP2022-0009 to make alterations within the rear and side yard areas of a City Landmark property, in accordance with BMC Section 3.24.200.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structural Alteration Permit**

APPLICANT: Jerri Holan, Historic Architect, AIA, Jerri Holan & Associates

ZONING DISTRICT: Single Family Residence, Hillside Overlay (R-1H)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under the California Environmental Quality Act Guidelines, Section 15331 (Historical Resource Restoration and Rehabilitation).

¹ Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2022-0009
1581 Le Roy
March 6, 2023
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The application materials for this project is available online at:
<http://www.cityofberkeley.info/zoningapplications>

FINDINGS FOR FINAL ACTION AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-2-0

YES: ADAMS, CRANDALL, ENCHILL, LEUSCHNER, MONTGOMERY, SCHWARTZ, TWU

NO: none

ABSTAIN: FINACOM, LINVILL

ABSENT: none

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
 - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2022-0009
1581 Le Roy
March 6, 2023
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- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

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C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7413 or FCrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning Counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings for Final Action
2. Project Plans, received **SEPTEMBER 7, 2022**



ATTEST: _____
Fatema Crane, Secretary
Landmarks Preservation Commission

cc: City Clerk
Applicant:
Jerri Holan, Historic Architect, AIA

LANDMARKS PRESERVATION COMMISSION
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1581 Le Roy
March 6, 2023
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Jerri Holan & Associate, 1323 Solano Avenue, #204, Albany, CA 94706
Property Owner:
Samuli Seppälä , 1581 Le Roy Avenue, Berkeley, CA 94704

Attachment 1, part 2

Findings and Conditions

1581 Le Roy Avenue – Hillside School

Structural Alteration Permit #LMSAP2022-0009

Structural Alteration Permit to complete landscape improvements in the yard areas of a City Landmark property, including construction of new retaining walls, terraces, decks, on-grade stairs and paths, a cantilevered bridge, a fence and gate.

FINDINGS REQUIRED UNDER CEQA

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR’S STANDARDS

Regarding the Secretary of the Interior’s Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The historic elementary school use of the building and property was changed to residential use in 2020, and no further changes are proposed with this project.
2. This project does not propose the removal of the distinctive materials of the Hillside School Building. The proposed completion of the previously-approved guardrail/parapet wall and wall cap installation would not require removal or changes to the exterior stucco building material or design and configuration of the wall. All other proposed work related to the improvements in the yard area would not affect the building’s exterior and, therefore, would retain and preserve the historic building.
3. The proposed landscape improvements are designed in a contemporary style with materials and features that are compatible but unlike the Tudor Revival features of the Hillside School Buildings. For this reason, these improvements would not be conjectural or create a sense of false historical development.

4. The Hillside School site does not feature changes that have acquired historical significance in their own right, therefore SOI Standard #4 is not applicable to the project.
5. Distinctive, character-defining features of this Ratcliff Tudor Revival design include the building's steeply-pitched roof, decorative half-timbering, and pattern of openings and style of doors and windows. Such architectural features would not be affected by this proposal for landscape improvements.
6. As conditioned under COA #12, deteriorated historic features will be repaired rather than replaced. If the severity of deterioration requires replacement, then any new features must match the original in design, color, texture and material (where possible).
7. It is unlikely that chemical or physical treatments would be required for the proposed scope of work. However, if any such treatments are employed, then they shall be undertaken by the gentlest means possible as conditioned herein; COA #14.
8. Given the limited depth of proposed excavation, it is unlikely that surface materials or resources would be affected by this project, located on a site that is not known to be a source for such resources. However, if unexpected discoveries occur, then COA #6-9 shall require appropriate action to preserve and protect discoveries.
9. The proposed pathways, fences and gates, decks, terraces and retain walls would be made of contemporary materials and designed in a simple and functional manner that would be differentiated from the Tudor Revival Ratcliff design. The proposed materials, such as wood, concrete and steel, are similar to the historic building materials in their quality, tone and texture. Therefore, the proposal is found to be generally compatible and, yet, sufficiently differentiated and consistent with this Standard.
10. Because the proposed landscape improvements would not affect the historic main building, their removal in the future could be undertaken without adverse effect on the historic design of the Hillside School Building.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve the characteristics and features specified in the designation for this property. Specifically:
 - a) The proposed scope of landscape improvements in the open yard areas of the Hillside School property would have little or no effect on the historic main building or its Tudor Revival architectural design and special character.
 - b) Owing to their proposed design that features high-quality materials in tones and textures that would be subtle within the open space context, these new landscape improvements are not found to be detrimental to the Hillside School Building or property overall, or to its relationship with the La Loma Park District.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Zoning Adjustments Board or Zoning Officer, Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23.404.060.C)

- A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

6. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
7. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
8. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not

feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

9. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

10. The proposed project is approved as shown on the drawings dated “received **September 7, 2022**” subject to the following conditions.
11. No changes can be made to these approved plans without prior approval.
12. This Structural Alteration Permit is contingent upon Administrative Use Permit approval for the project.
13. **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
14. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
15. **COLORS** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
16. **DETAILS** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit window, door, base, and trim details for review and approval by the Landmarks plan checker.

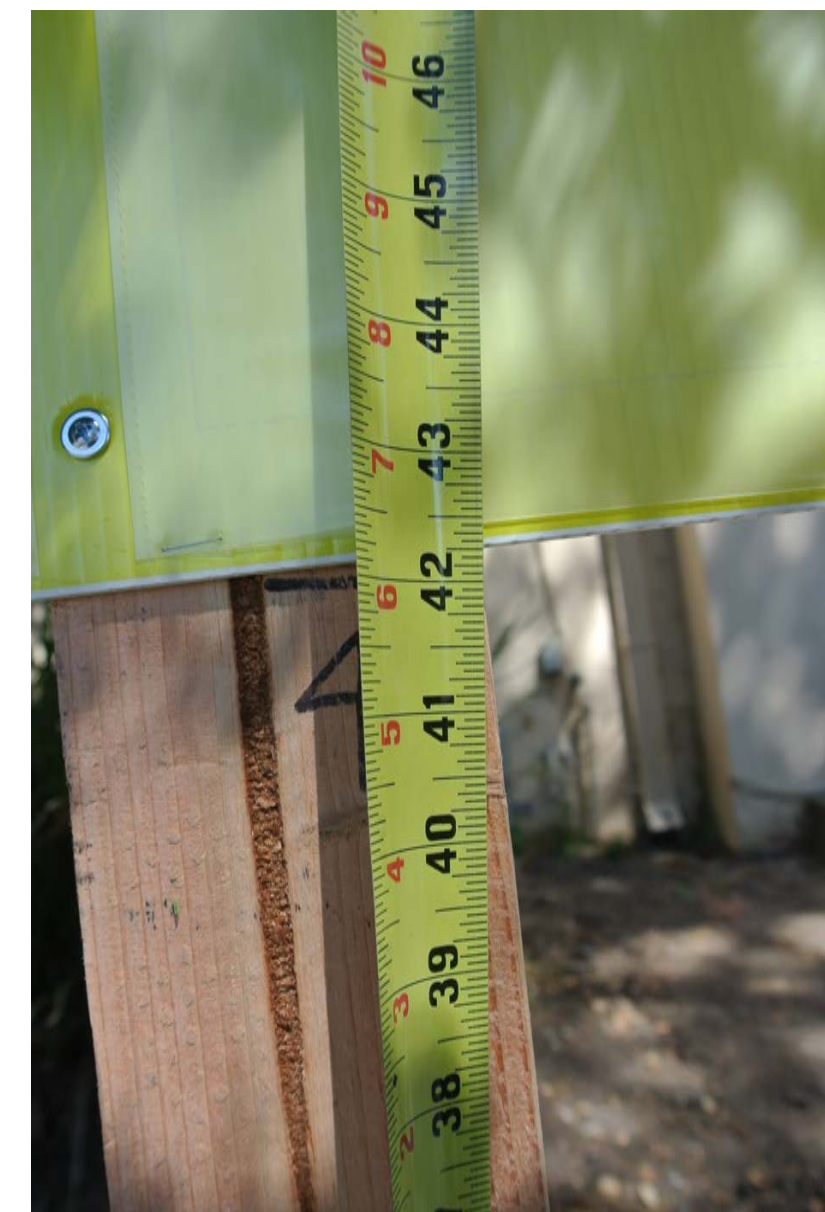
17. **LIGHTING** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
18. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
19. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
20. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
21. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.



LE ROY AVENUE SIGN



BUENA VISTA WAYSIGN



LA LOMA AVENUE SIGN



TRANSMITTAL MEMO

To: Neighbors of Hillside School
 Date: September 1, 2022
 From: Samuli Seppälä, Owner, Hillside School, 1581 Le Roy Avenue

As part of my renovations at Hillside School, I need to conduct site improvements to make the property safer and more functional as a residence. The improvements should be my last and final Phase 2 of the School rehabilitation project. They include the repair and restoration of the North Terrace with the addition of a wheelchair ramp; replacing the existing stairs at La Loma and adding an art terrace and bridge; replacing the existing driveway and adding a turn around space behind the old Kindergarten building; and adding solar panels on the rear roof which won't be visible to the public.

Please look over the enclosed plans which illustrate the scope of work and share with me any concerns or issues you may have with my proposal. On Sheet T-2, you will find a Signature Table for your comments. Next to your address, print and sign your name and list any comments or objections there. Take as much space as you need and add additional sheets if you need. Even if you have no comments, I would appreciate your signature on the Table per City requirements. All of your comments will be reviewed by me and transmitted to City staff.

If you have any questions, please contact the Architect, Jerri Holan, at her office below. We'll try and respond as soon as we can.

Finally, if you could return the signed Sheet T-2 to the School or the Architect's office by September 30, we would appreciate it.

Thank you for your time.

Samuli Seppälä
 1581 Le Roy Avenue
 Berkeley, CA 94708

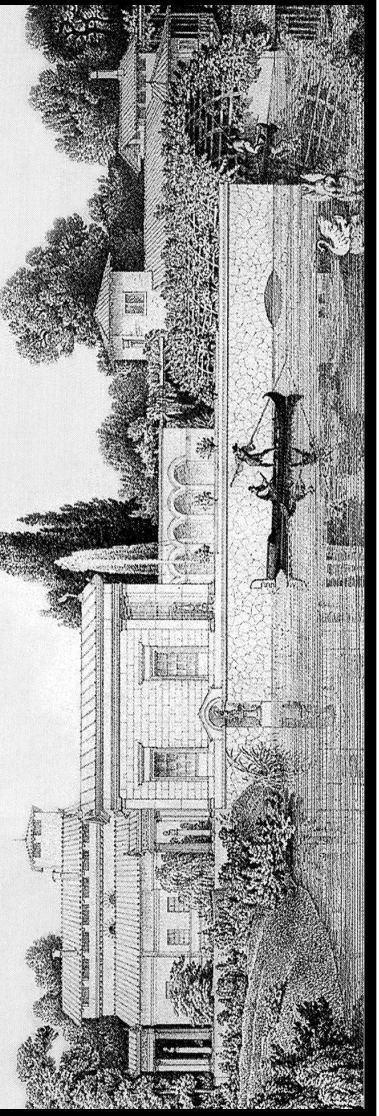
Enclosures

Page 1 of 1
 Tel: 510.528.1079 1323 Solano Avenue, Suite 204, Albany, California 94706 Fax: 510.528.1079
 Website: www.holanarchitects.com Email: info@holanarchitects.com

I have reviewed the plans for Phase 2 at Hillside School (1581 Le Roy Avenue) for site work that includes a replacement driveway, new eastern stairs and a bridge, and the repair and restoration of the North Terrace.

NEIGHBORHOOD SIGNATURES

Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)	Have No Comment
		2530 Buena Vista					
		2535 Buena Vista					
		2545 Buena Vista					
		2555 Buena Vista					
		2564 Buena Vista					
		2565 Buena Vista					
		2573 Buena Vista					
		1520 Le Roy					
		1526 Le Roy					
		1536 Le Roy					
		1540 Le Roy					
		1542 Le Roy					
		1544 Le Roy					
		1546 Le Roy					
		1550 Le Roy					
		1554 Le Roy					
		1562 Le Roy					
		1570 Le Roy					
		1578 Le Roy					
		1580 Le Roy					
		1584 Le Roy					
		1586 Le Roy					
		1590 Le Roy					
		1595 Le Roy					
		1512 La Loma					
		1514 La Loma					
		1515 La Loma					
		1521 La Loma					
		1525 La Loma					
		1528 La Loma					
		1530 La Loma					
		1542 La Loma					
		1544 La Loma					
		1546 La Loma					
		1550 La Vereda					
		1555 La Vereda					
		2639 Cedar					
		2641 Cedar					
		1521 Hill Court					



JERRI HOLAN & ASSOCIATES
 ARCHITECT * ENGINEERS * PLANNERS
 1323 Solano Avenue, Suite 204, Albany, CA 94706
 www.holanarchitects.com 510.528.1079

Phase 2
 Site Repairs & Improvements for
 Hillside School
 aka
SEPPÄLÄ RESIDENCE
 1581 Le Roy Avenue
 Berkeley, CA

Revisions:
 Issue Date:
 9/1/22 - Distributed Plans to Neighbors
 9/7/22 - Submitted to City for Use & Structural Alteration Permit.

NEIGHBORHOOD OUTREACH

SHEET
T-2
 of 4



GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2023 California Building Code (CBC), the 2023 California Residential Code (CRC), the 2023 California Historical Building Code (CHBC), the 2023 California Existing Building Code, and The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

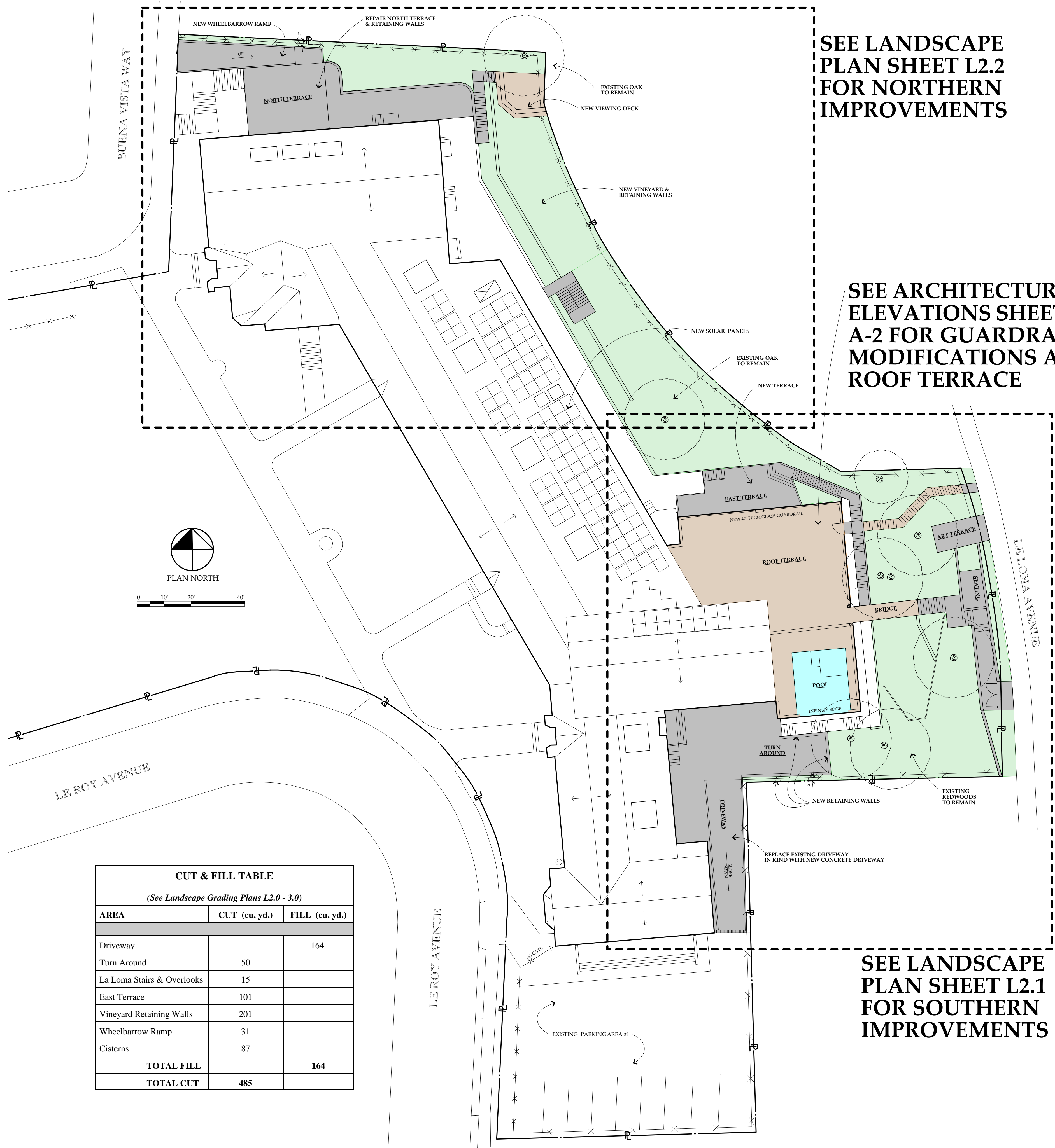
As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2019 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

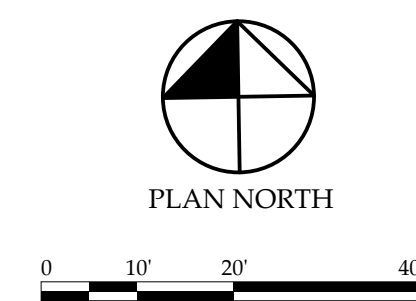
SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.



SEE LANDSCAPE PLAN SHEET L2.2 FOR NORTHERN IMPROVEMENTS

SEE ARCHITECTURAL ELEVATIONS SHEET A-2 FOR GUARDRAIL MODIFICATIONS AT ROOF TERRACE

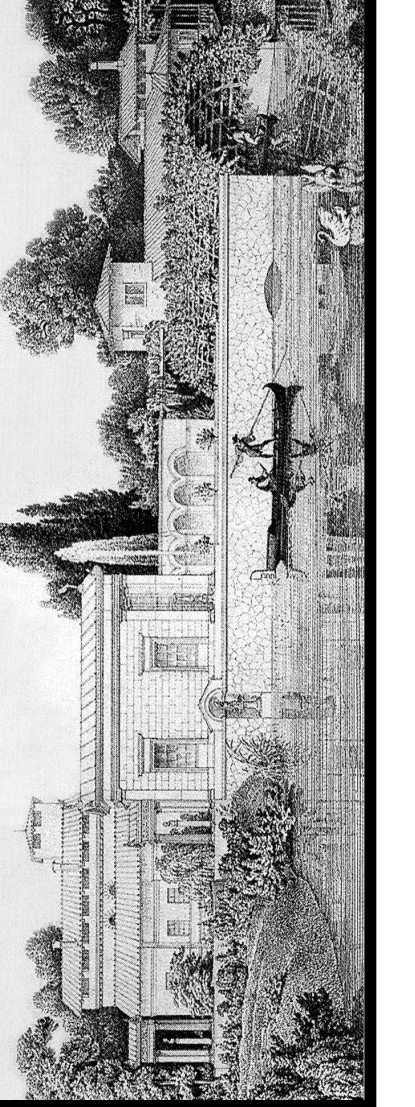
SEE LANDSCAPE PLAN SHEET L2.1 FOR SOUTHERN IMPROVEMENTS



CUT & FILL TABLE		
(See Landscape Grading Plans L2.0 - 3.0)		
AREA	CUT (cu. yd.)	FILL (cu. yd.)
Driveway		164
Turn Around	50	
La Loma Stairs & Overlooks	15	
East Terrace	101	
Vineyard Retaining Walls	201	
Wheelbarrow Ramp	31	
Cisterns	87	
TOTAL FILL		164
TOTAL CUT	485	

4 SITE & ROOF PLAN
A-1

SCALE: 1" = 20'



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www.holanarchitects.com 510.528.1079

Phase 2
Site Repairs & Improvements for
Hillside School
aka
SEPPÄLÄ RESIDENCE
1581 Le Roy Avenue
Berkeley, CA

Revisions:
Issue Date:
6/12/23 - Disbanded Plans to Neighbors
6/7/22 - Submitted to City for Use & Structural Alteration Permits

SITE & ROOF PLAN
SHEET

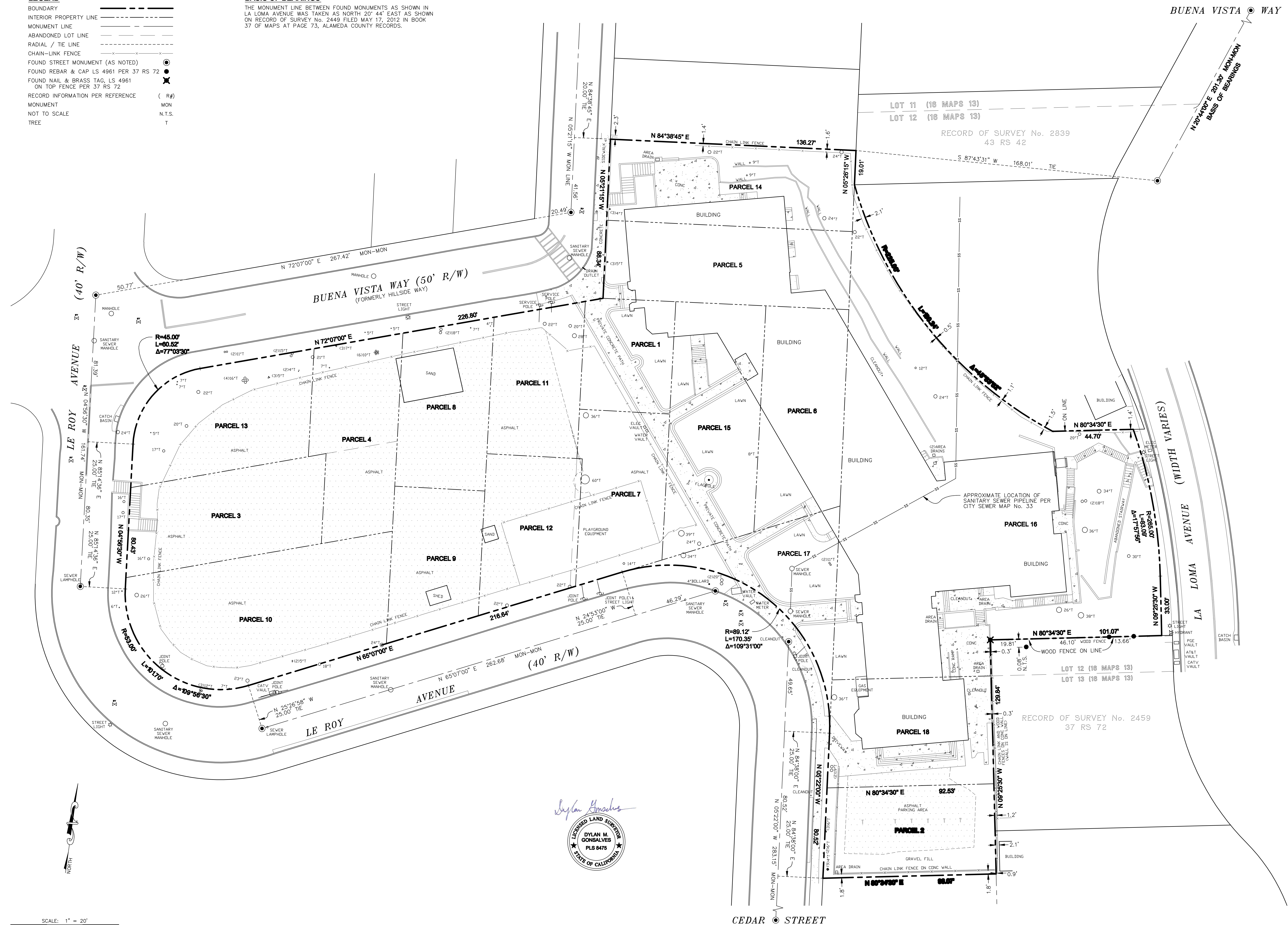
A-1
of 4

LEGEND

- BOUNDARY
- INTERIOR PROPERTY LINE
- MONUMENT LINE
- ABANDONED LOT LINE
- RADIAL / TIE LINE
- CHAIN-LINK FENCE
- FOUND STREET MONUMENT (AS NOTED)
- FOUND REBAR & CAP LS 4961 PER 37 RS 72
- FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72
- RECORD INFORMATION PER REFERENCE
- MONUMENT
- NOT TO SCALE
- TREE

BASIS OF BEARINGS

THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 20° 44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



BUENA VISTA WAY

N 20°40' E 201.80' MONUMENT BASIS OF BEARINGS

LOT 11 (16 MAPS 13)
LOT 12 (16 MAPS 13)

RECORD OF SURVEY No. 2839
43 RS 42

S 87°43'31" W 168.01' TIE

BUENA VISTA WAY (50' R/W)
(FORMERLY HILLSIDE WAY)

LE ROY AVENUE (40' R/W)

LA LOMA AVENUE (WIDTH VARIES)

CEDAR STREET

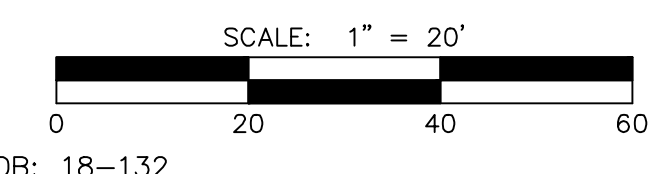
DMG ENGINEERING, Inc.
 30 OAKVUE COURT
 PLEASANT HILL, CA 94523
 PHONE: (925) 787-0463
 FAX: (925) 287-8503

DMG ENGINEERING, Inc.
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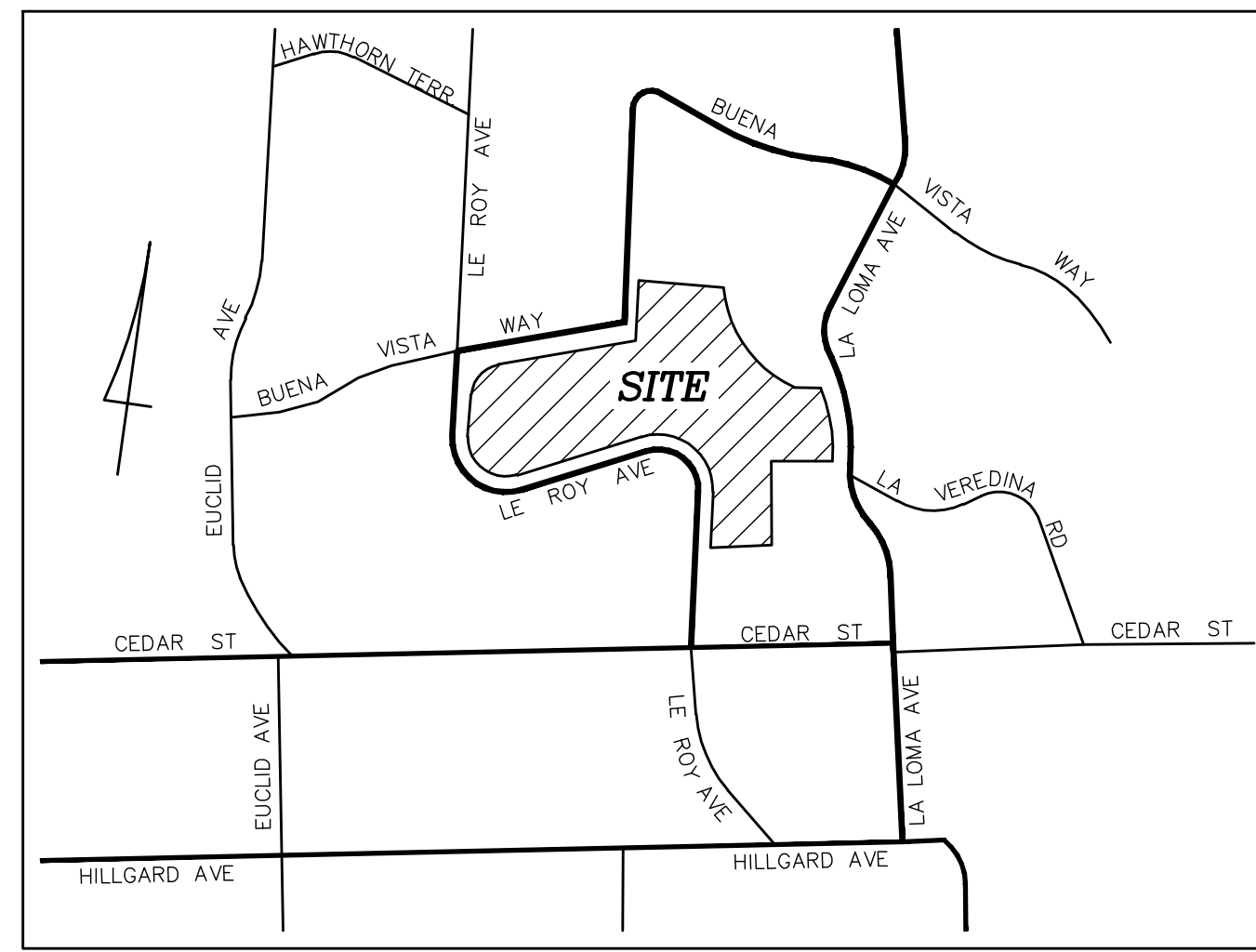
REVISIONS	
NO.	DATE

TOPOGRAPHIC & BOUNDARY SURVEY
 ALAMEDA COUNTY A.P.N. 58-2245-9-3
 1581 LE ROY AVENUE
 CITY OF BERKELEY - CALIFORNIA
 SCALE: 1 INCH = 20 FEET
 OCTOBER 2018

SHEET 2
 OF 2 SHEETS
 ORIG.DWG: 8-7-2019
 REV.DWG:
 JOB: 18-132



JOB: 18-132

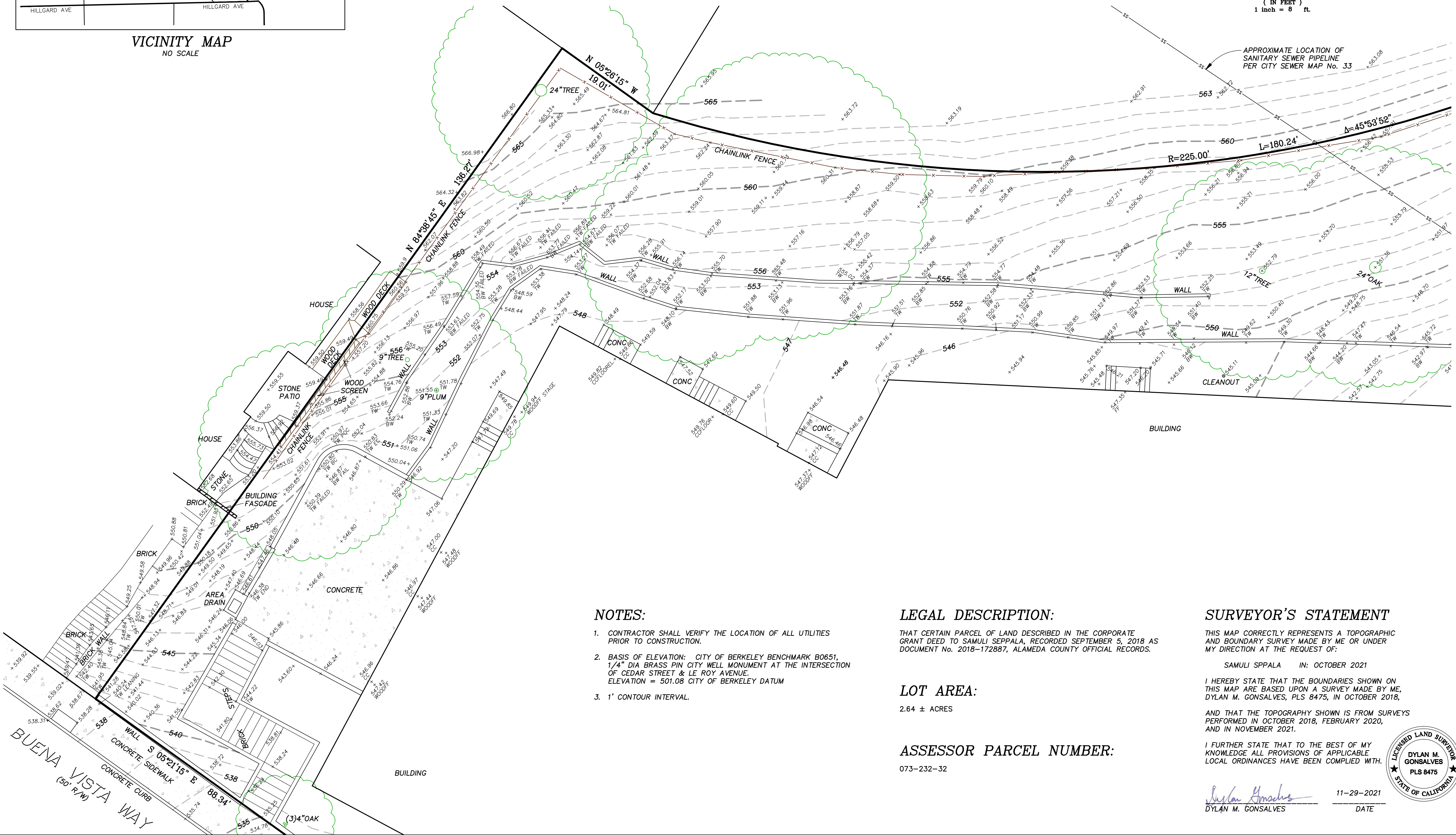
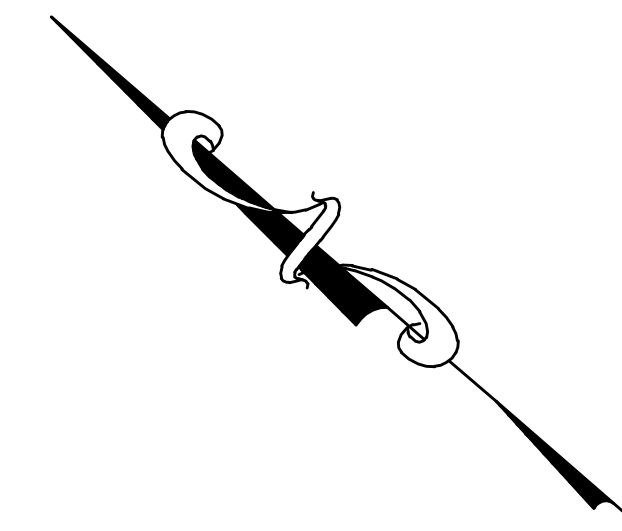
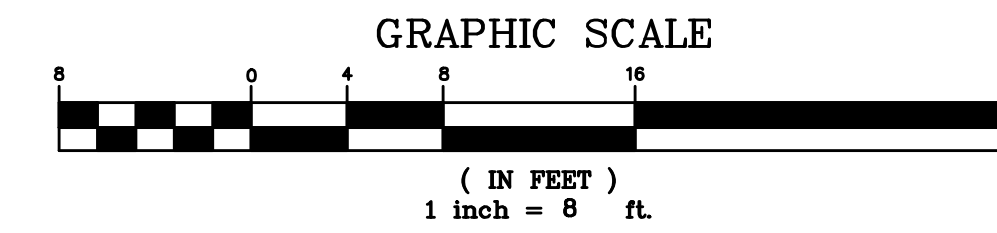


VICINITY MAP
NO SCALE

PARTIAL TOPOGRAPHIC SURVEY

1581 LE ROY AVENUE
CITY OF BERKELEY

ALAMEDA COUNTY - CALIFORNIA
SCALE: 1 INCH = 8 FEET NOVEMBER 2021



CONTINUES ON SHEET 2

NOTES:

- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- BASIS OF ELEVATION: CITY OF BERKELEY BENCHMARK B0651, 1/4" DIA BRASS PIN CITY WELL MONUMENT AT THE INTERSECTION OF CEDAR STREET & LE ROY AVENUE. ELEVATION = 501.08 CITY OF BERKELEY DATUM
- 1' CONTOUR INTERVAL.

LEGAL DESCRIPTION:

THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE CORPORATE GRANT DEED TO SAMULI SEPPALA, RECORDED SEPTEMBER 5, 2018 AS DOCUMENT No. 2018-172887, ALAMEDA COUNTY OFFICIAL RECORDS.

LOT AREA:

2.64 ± ACRES

ASSESSOR PARCEL NUMBER:

073-232-32

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

SAMULI SEPPALA IN: OCTOBER 2021

I HEREBY STATE THAT THE BOUNDARIES SHOWN ON THIS MAP ARE BASED UPON A SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475, IN OCTOBER 2018,

AND THAT THE TOPOGRAPHY SHOWN IS FROM SURVEYS PERFORMED IN OCTOBER 2018, FEBRUARY 2020, AND IN NOVEMBER 2021.

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Dylan M. Gonsalves
DYLAN M. GONSALVES
11-29-2021
DATE

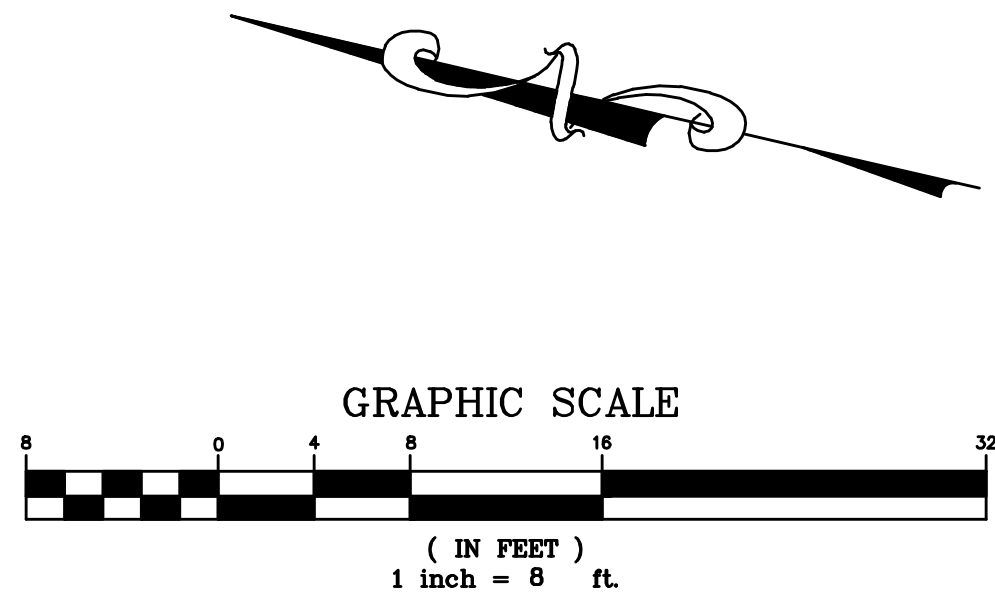


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No.	DATE	REVISIONS DESCRIPTION	BY

PARTIAL TOPOGRAPHIC SURVEY
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1 INCH = 8 FEET
DECEMBER 2021

SHEET 1
OF 2 SHEET(S)
ORIG.DWG: 12-1-2021
REV.DWG: _____
JOB: 18-132



GRAPHIC SCALE

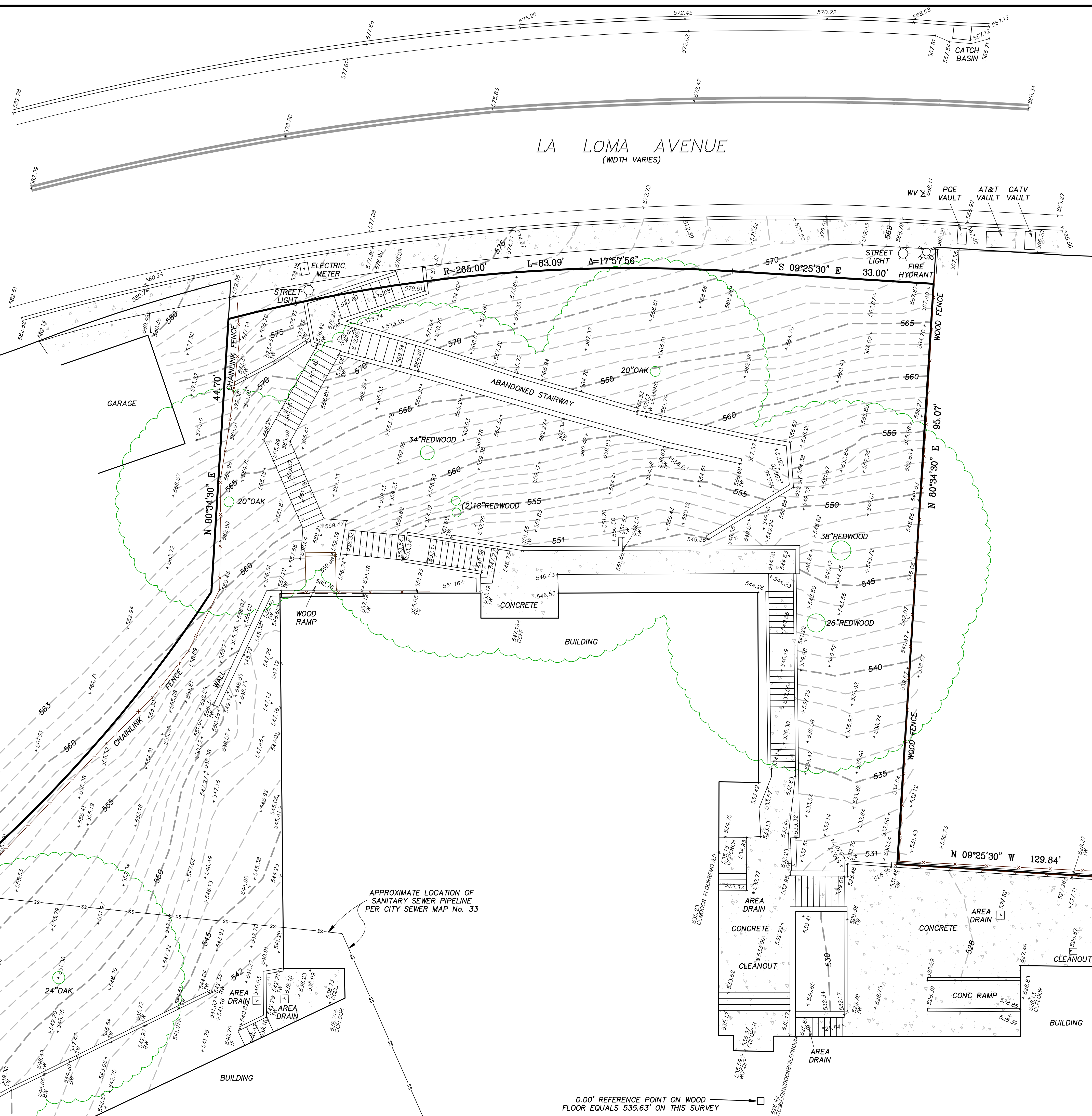
(IN FEET)
1 inch = 8 ft.

CONTINUES ON SHEET 1

APPROXIMATE LOCATION OF
SANITARY SEWER PIPELINE
PER CITY SEWER MAP No. 33

APPROXIMATE LOCATION OF
SANITARY SEWER PIPELINE
PER CITY SEWER MAP No. 33

0.00' REFERENCE POINT ON WOOD
FLOOR EQUALS 535.63' ON THIS SURVEY



DMG ENGINEERING, INC.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 787-0463
FAX: (925) 287-8503

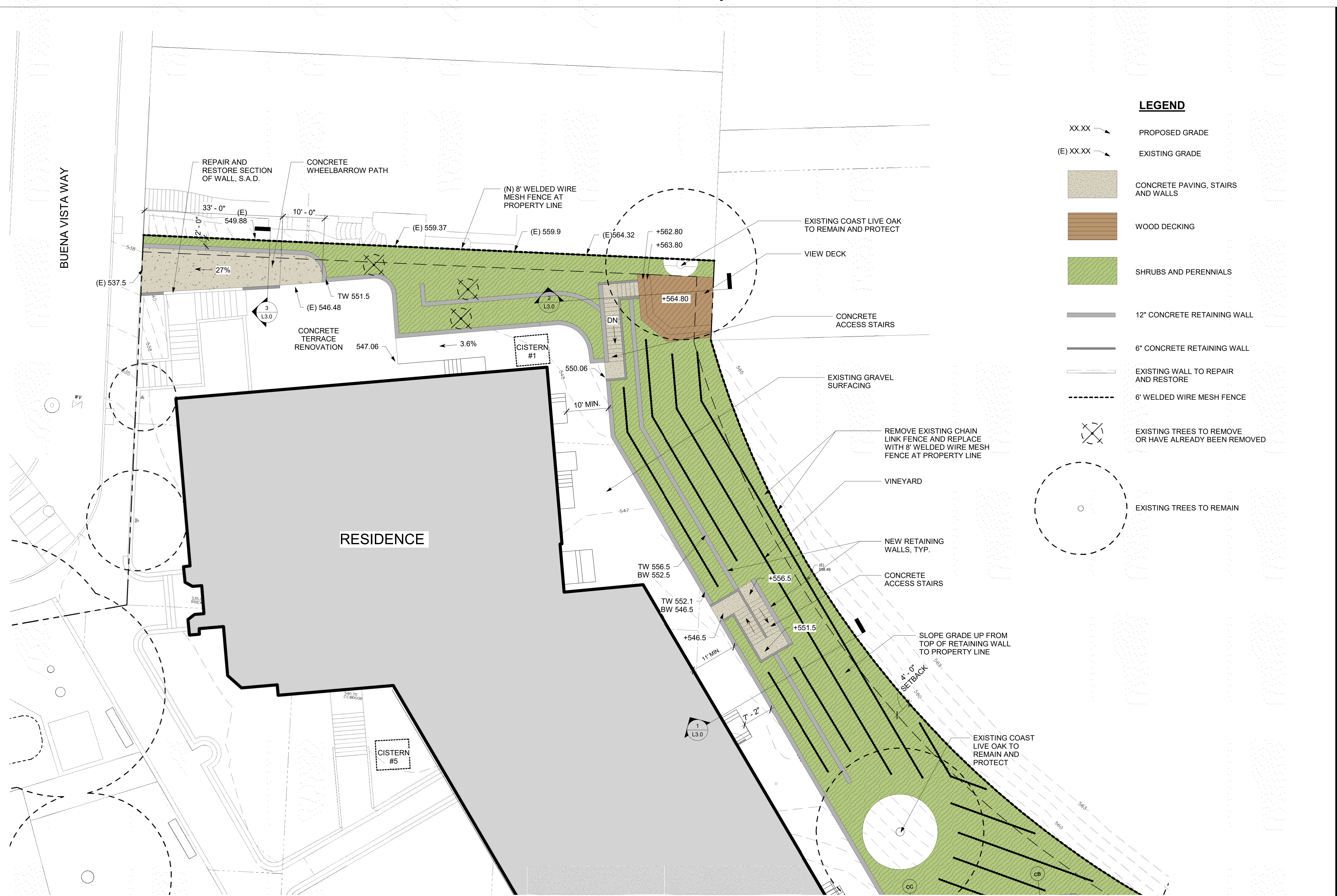
DMG ENGINEERING, INC.
RESTRICTED ENGINEERING DRAWINGS
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No.	DATE	REVISIONS DESCRIPTION	BY

**PARTIAL
TOPOGRAPHIC SURVEY**
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1 INCH = 8 FEET
DECEMBER 2021

SHEET 2
OF 2 SHEET(S)
ORIG.DWG: 11-29-2021
REV.DWG: _____
JOB: 18-132

STAMP



LEGEND

- XX.XX → PROPOSED GRADE
- (E) XX.XX → EXISTING GRADE
- [Concrete texture symbol] CONCRETE PAVING, STAIRS AND WALLS
- [Wood texture symbol] WOOD DECKING
- [Green texture symbol] SHRUBS AND PERENNIALS
- [Thick grey line symbol] 12" CONCRETE RETAINING WALL
- [Thin grey line symbol] 6" CONCRETE RETAINING WALL
- [Dashed line symbol] EXISTING WALL TO REPAIR AND RESTORE
- [Dotted line symbol] 6" WELDED WIRE MESH FENCE
- [Crossed-out tree symbol] EXISTING TREES TO REMOVE OR HAVE ALREADY BEEN REMOVED
- [Dashed circle symbol] EXISTING TREES TO REMAIN

HILLSIDE SCHOOL
 1581 LE ROY AVE.
 BERKELEY, CA 94708

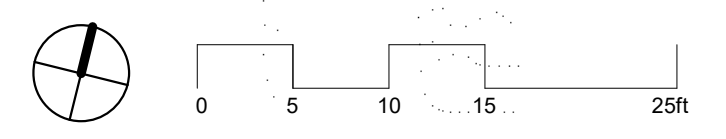
DRAWING STATUS	DATE
PLANNING SUBMITTAL	9/7/22
PHASE 2	

No.	Date	Description

MASTER PLAN AND PRELIMINARY GRADING REAR YARD ENLARGEMENT 2

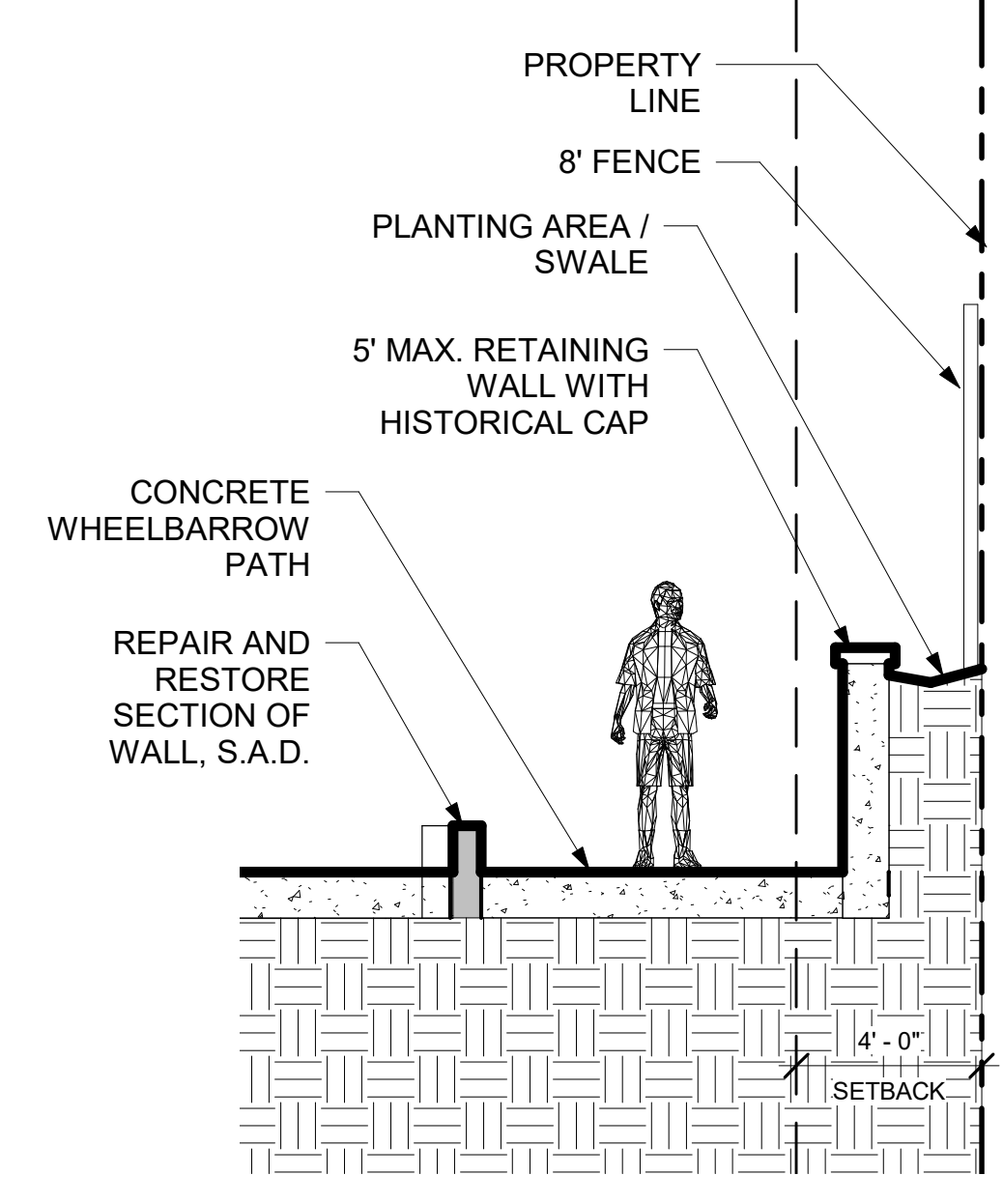
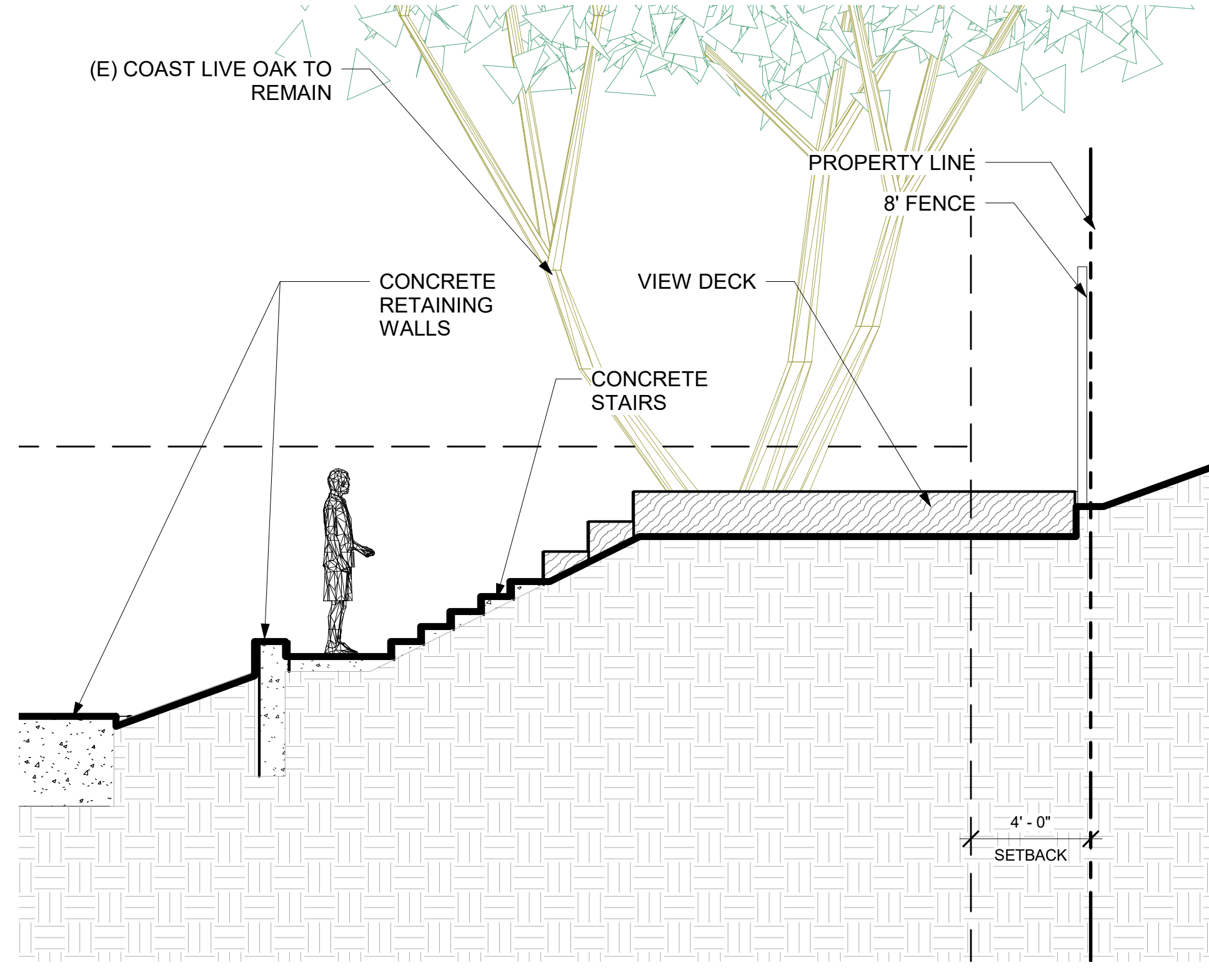
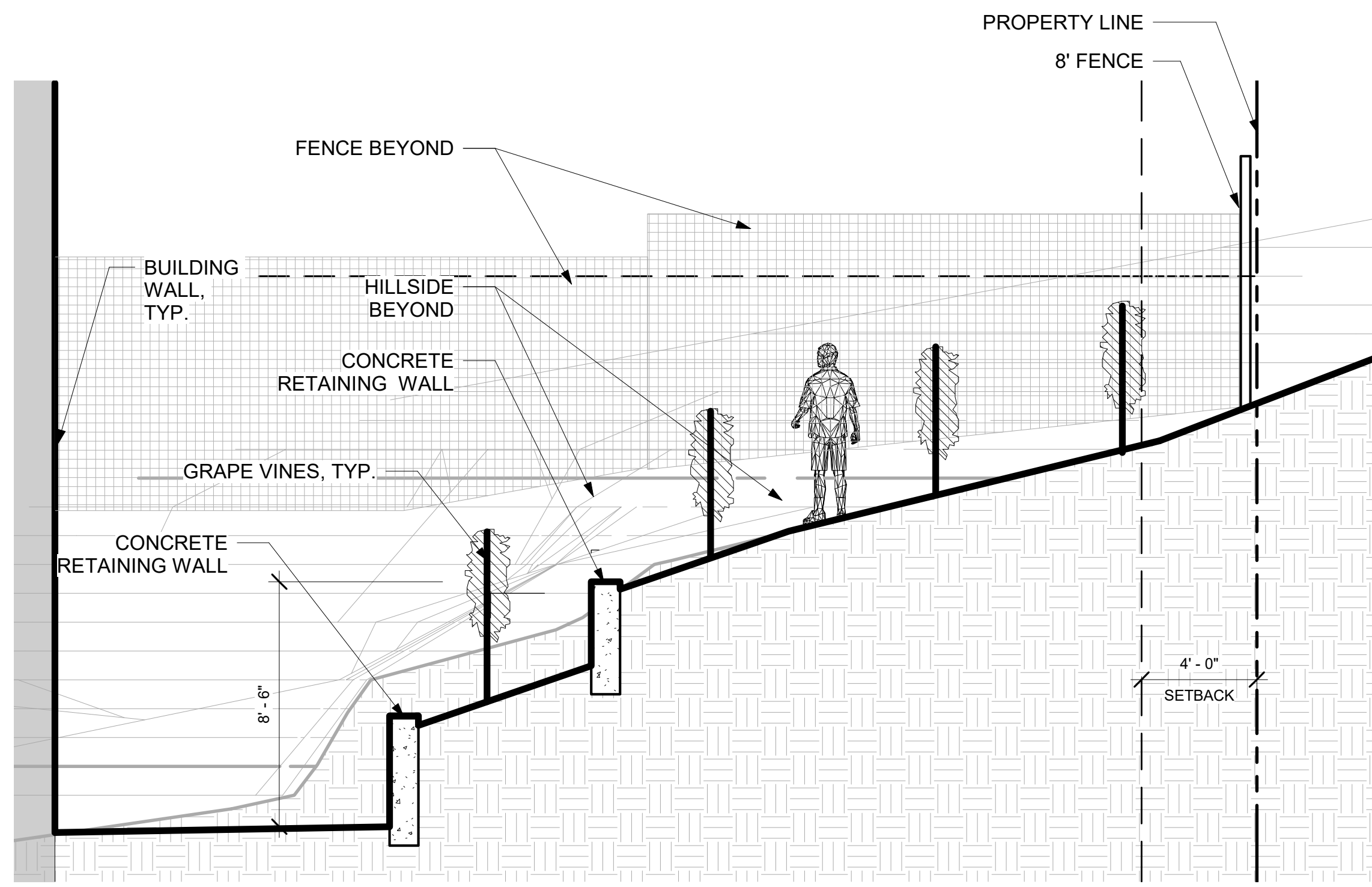
DATE	9/7/2022
SCALE	1" = 10'-0"
DRAWN	KT
CHECKED	CG

L2.2
 OF SHEETS



B:\1581 Hillside School\15110 Hillside School Landscape\CENTRAL_101 Landscape.rvt
 9/7/2022 10:58:00 AM

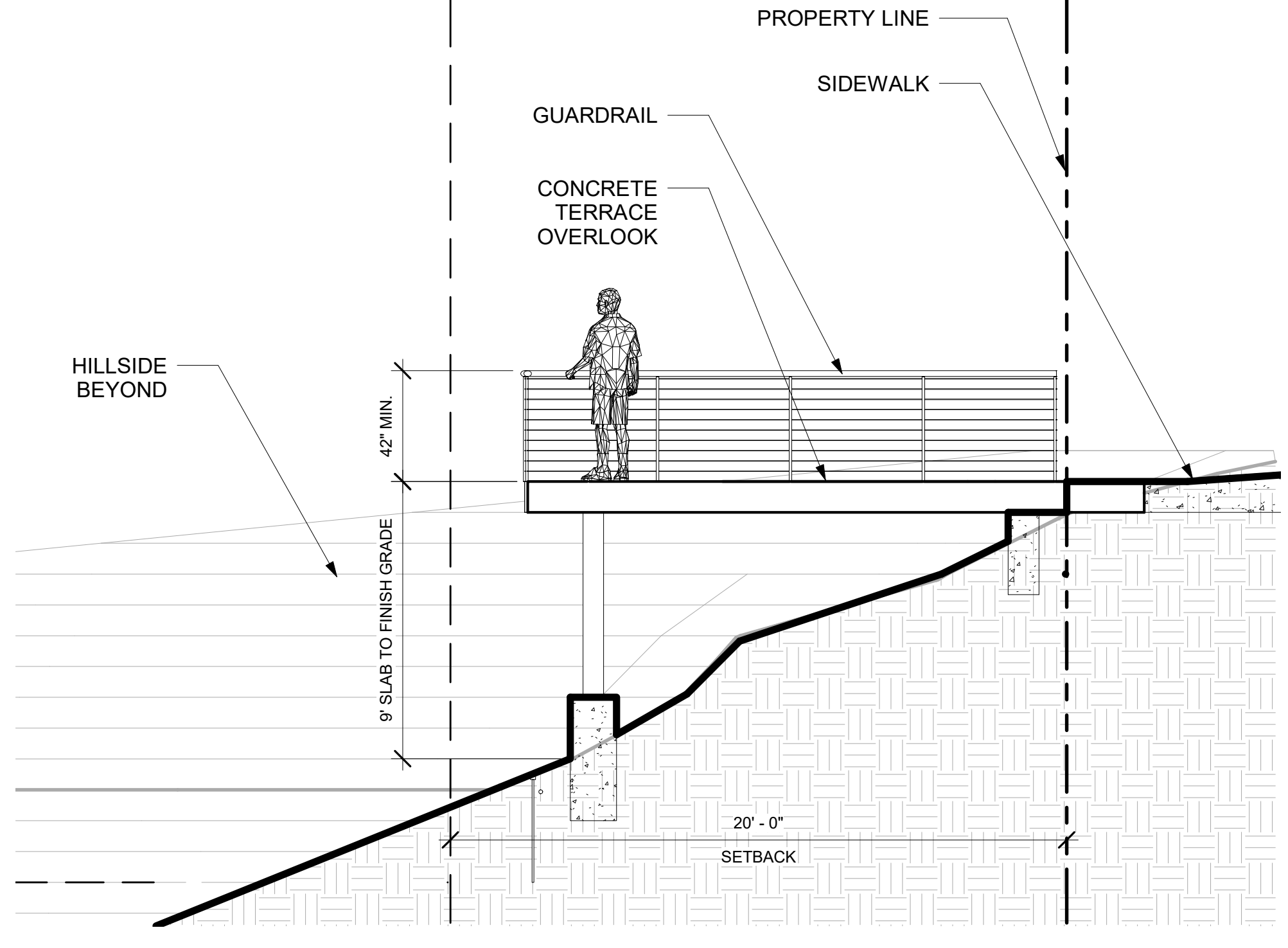
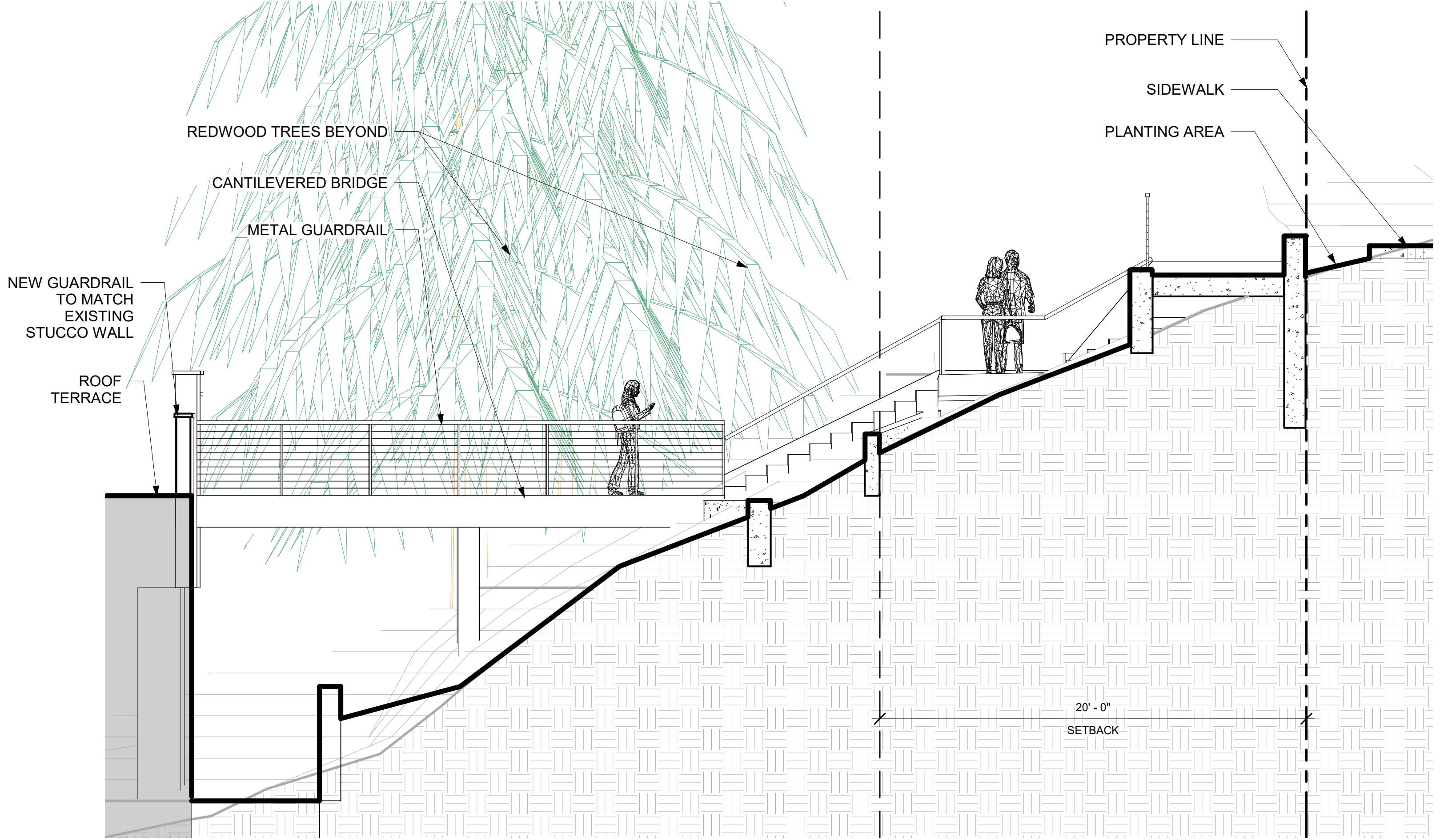
STAMP



1 SECTION 1 - VINEYARD
 1/4" = 1'-0"

2 SECTION 2 - VIEW DECK AND STAIRS
 1/4" = 1'-0"

3 SECTION 3 - CONCRETE WHEELBARROW PATH
 1/4" = 1'-0"



4 SECTION 4 - REAR YARD ENTRY
 1/4" = 1'-0"

5 SECTION 5 - CONCRETE TERRACE OVERLOOK
 1/4" = 1'-0"

HILLSIDE SCHOOL
 1581 LE ROY AVE.
 BERKELEY, CA 94708

DRAWING STATUS	DATE
PLANNING SUBMITTAL	9/7/22
PHASE 2	

No.	Date	Description

SHEET TITLE
LANDSCAPE SECTIONS

DATE	9/7/2022
SCALE	1/4" = 1'-0"
DRAWN	KT
CHECKED	CG

L3.0

OF SHEETS



1 VIEW 1 - REAR YARD ENTRY OVERALL



3 VIEW 2 - ENTRY STAIRS

STAMP

HILLSIDE SCHOOL
1581 LE ROY AVE.
BERKELEY, CA 94708

DRAWING STATUS	DATE
PLANNING SUBMITTAL	9/7/22
PHASE 2	

No.	Date	Description

SHEET TITLE
3D VIEWS

DATE 9/7/2022

SCALE

DRAWN	CHECKED
KT	CG

L3.1

OF SHEETS



Office of the City Manager

INFORMATION CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: LPO NOD: 1325 Arch Street/#LMSAP2022-0013

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on March 7, 2023.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by March 21, 2023. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Principal Planner, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2022-0013/1325 Arch Street



L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

Notice of Decision

DATE OF BOARD DECISION: January 5, 2023
DATE NOTICE MAILED: March 6, 2023
APPEAL PERIOD EXPIRATION: March 21, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): March 22, 2023¹

1325 Arch – The Schneider/Kroeber House

#LMSAP2022-0013 to demolish a detached garage in the front yard of a City Landmark property, to construct a new garage with a roof deck; to complete landscape improvements that include new retaining walls, a trellis and gates, and to install a hot tub in the rear yard.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structural Alteration Permit**

APPLICANT: Kristen Sidell, Sidell Pakravan Architects

ZONING DISTRICT: Single Family Residential, Hillside Overlay (R-1/H)

¹ Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
Permit #LMSAP2022-0013
1325 Arch Street
March 6, 2023
Page 2 of 5

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under the California Environmental Quality Act Guidelines, Section 15331 (historical Resource Restoration and Rehabilitation).

The application materials for this project are available online at: <https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

FINDINGS FOR FINAL ACTION AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 8-0-0-1

YES: ADAMS, CRANDALL, ENCHILL, FINACOM, LINVILL, MONTGOMERY, SCHWARTZ, TWU

NO:

ABSTAIN:

ABSENT: LEUSCHNER

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
 - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
Permit #LMSAP2022-0013
1325 Arch Street
March 6, 2023
Page 3 of 5

- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$2500.
- 3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

- 1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
- 2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
- 3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
- 4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
- 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
Permit #LMSAP2022-0013
1325 Arch Street
March 6, 2023
Page 4 of 5

forth above.

- C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Fatema Crane at (510) 981-7413 or fcrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning Counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings for Final Action
2. Project Plans, received **DECEMBER 21, 2022**



ATTEST:

Fatema Crane, Secretary
Landmarks Preservation Commission

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
Permit #LMSAP2022-0013
1325 Arch Street
March 6, 2023
Page 5 of 5

cc: City Clerk
Applicant: Kristen Sidell, Sidell Pakravan Architects, 2445 Sixth Street, Berkeley, CA 94710
Property Owner: Golden Bear, LLC #166, 1400 Shattuck Ave. #12, Berkeley, CA 94709

DRAFT Findings and Conditions

1325 Arch Street – The Schneider/Kroeber House

Structural Alteration Permit #LMSAP2022-0013

To demolish a detached garage in the front yard of a City Landmark property, and to construct a new garage with a roof deck; to complete landscape improvements that include new retaining walls, a trellis and gates; and to install a hot tub in the rear yard.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The subject property features a single-family residence designed by Bernard Maybeck. The use of the property would continue, unchanged, with this project.
2. The project will retain the historic character of the property and will avoid extensive removal of distinctive materials and the alteration of features that characterize the property.
3. This property will continue to be recognized as a physical record of its time, place, and use as a result of the approved project. None of the proposed alterations are found to create a false sense of historical development. The new garage structure will not mimic the Maybeck design of the main building; its contemporary style will not result in a false sense of historical development.

4. No changes to this property that have acquired historic significance in their own right, such as the 1933 addition to the main building, would be impacted by this project.
5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize this property, such as the unfinished exterior wood features of the main building and rhyolite stone retaining walls, will be retained and preserved with this project.
6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.
7. Chemical or physical treatments are not anticipated; however, if they are appropriate, they will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. The project site is not known to have the potential to yield subsurface resources; the scope of proposed excavation is limited and not likely to disturb such resources if they exist. Nevertheless, as conditioned herein, actions to preserve and protect unexpected discoveries during project construction are required
9. The proposed new work is designed with complimentary, high-quality materials in simplified, contemporary style employing colors and finishes that harmonize with the historic design elements of the building. Owing to these aspects, new work will be sufficiently differentiated from the historic design.
10. If the proposed garage and landscape improvements were removed in the future, they would not permanently impair the integrity or essential form of the main building.

LANDMARK PRESERVATION ORDINANCE FINDINGS

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property, because:
 - A. The proposed project will not adversely affect the architectural design of the City LM Schneider/Kroeber House because the historic building is excluded from the project scope. The general placement and spatial arrangements of the property will be retained where the new construction will be located in the same general footprint and building envelope as the existing structures. The removal of historic materials, such as the rhyolite stone retaining walls, will be minimized to the greatest extent possible.
 - B. The special character and historic value of this City Landmark property lay in its direct associations with the renowned architect Bernard Maybeck, the anthropologist Albert Kroeber and his wife, author Theodora Kroeber, and their daughter, the acclaimed writer Ursula Le Guin; the proposed work would not impair these associations.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to installation, the applicant shall obtain Use Permit approval in accordance with BMC Section 23C.17 (Wireless Telecommunication). Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits

- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has:
 - (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn,

set aside, stay or otherwise rescind any or all approvals granted in connection with the project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

6. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
7. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
 - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

8. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
9. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

10. **CITY PERMITS.** This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite Use Permit and Public Work Permits for the project scope.
11. **PLANS COMPLIANCE.** Construction and building permit plans shall substantially conform to the SAP project plans dated/received December 21, 2022
12. **REPAIR AND REPLACEMENT OF CHARACTER-DEFINING FEATURES.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
13. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
14. Rhyolite rocks shall be salvaged from demolished portions of the historic retaining wall and used or incorporated in proposed new retaining walls on site, to the extent possible.

15. **COLORS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
16. **DETAILS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit window, door, base, and trim details for review and approval by the Landmarks plan checker.
17. **ROOF EQUIPMENT.** Any roof equipment shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.
18. **LIGHTING.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
19. **LANDSCAPE PLANS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit a Landscape plan including the number, location, and species of all proposed plantings, and which existing plantings shall be removed. The applicant shall provide irrigation for all landscaped areas or provide drought tolerant plant palette. This shall be called out on Landscape building permit drawings.
20. **LANDSCAPE IRRIGATION.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.
21. **CURB CUTS** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.
22. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
23. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
24. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
25. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any

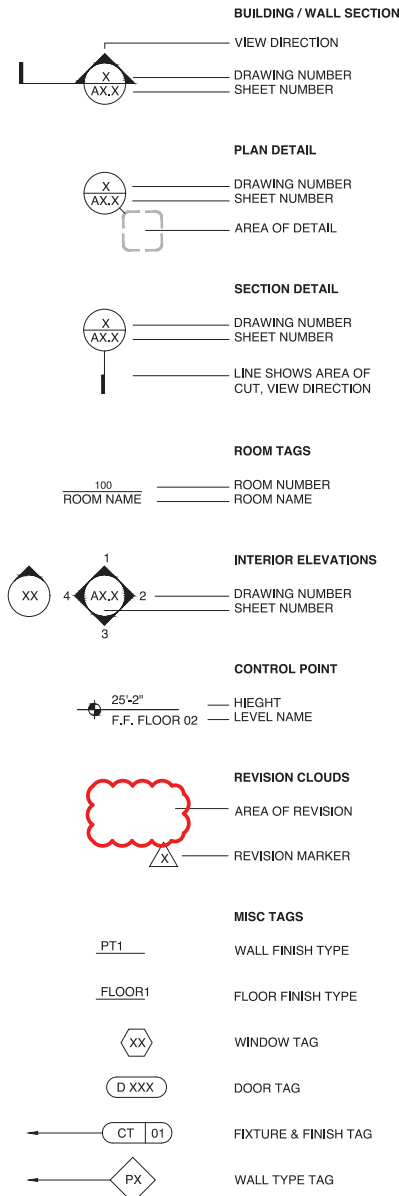
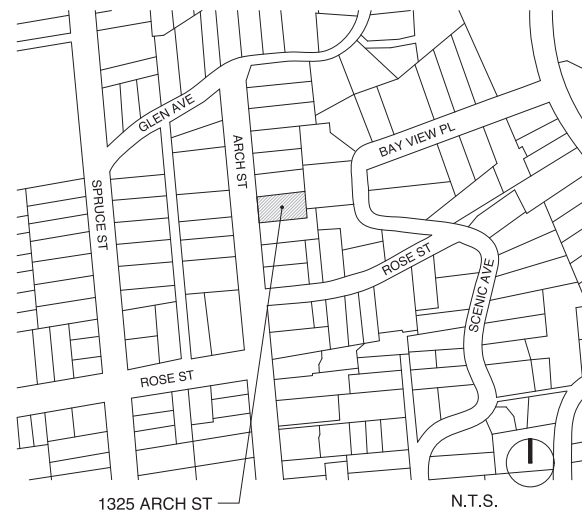
legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.



ABBREVIATIONS

ADJ.	ADJUSTABLE	MFG.	MANUFACTURING
A.F.F.	ABOVE FINISHED FLOOR	MFR.	MANUFACTURER
ALT.	ALTERNATE	MIN.	MINIMUM
APPROX.	APPROXIMATE	MISC.	MISCELLANEOUS
ARCH.	ARCHITECTURAL	MTD.	MOUNTED
		MTL.	METAL
BLDG.	BUILDING	(N)	NEW
BLDG. STD.	BUILDING STANDARD	N.L.C.	NOT IN CONTRACT
B.O.	BOTTOM OF	N.T.S.	NOT TO SCALE
BTM.	BOTTOM		
BTWN.	BETWEEN		
CLG.	CEILING	O.A.	OVERALL
CLG. HT.	CEILING HEIGHT	O.C.	ON CENTER
CLR.	CLEAR	OPNG.	OPENING
COL.	COLUMN	OPP.	OPPOSITE
CONC.	CONCRETE	PART.	PARTITION
CONST.	CONSTRUCTION	PLYWD.	PLYWOOD
CONT.	CONTINUOUS	POL.	POLISHED
		P.P.	POWER POLE
		PTD.	PAINTED
DET.	DETAIL	R.	RADIUS
DIA.	DIAMETER	RD.	ROUND
DIAG.	DIAGONAL	RECT.	RECTANGULAR
DIM.	DIMENSION	REF.	REFERENCE
DWG.	DRAWING	REINF.	REINFORCED
(E)	EXISTING	RELOC.	RELOCATE OR RELOCATED
EA.	EACH	REQ.	REQUIRED
ELEV.	ELEVATION	REVISION	REVISION
ELEC.	ELECTRICAL	R.O.	ROUGH OPENING
ENGR.	ENGINEER	SECT.	SECTION
EQ.	EQUAL	SIM.	SIMILAR
EXT.	EXTERIOR	SPECS.	SPECIFICATIONS
FIN.	FINISH	S.S.	STAINLESS STEEL
FLR.	FLOOR	S.S.D.	SEE STRUCTURAL DRAWINGS
F.O.	FIELD OPENING	STD.	STANDARD
F.V.	FIELD VERIFY	STL.	STEEL
		STRUCT.	STRUCTURAL
GA.	GAUGE	SUSP.	SUSPENDED
H.B.	HOSE BIBB	T.&G.	TONGUE & GROOVE
HDW.	HARDWARE	T.O.	TOP OF
HP.	HIGH POINT	TYP.	TYPICAL
HORIZ.	HORIZONTAL		
HR.	HOSE		
HT.	HEIGHT	U.N.O.	UNLESS NOTED OTHERWISE
INSUL.	INSULATION	VERT.	VERTICAL
INT.	INTERIOR	V.L.F.	VERIFY IN FIELD
J.B.	JUNCTION BOX	WD.	WOOD
		W.P.	WATERPROOF
MATL.	MATERIAL		
MAX.	MAXIMUM		
MECH.	MECHANICAL		

VICINITY MAP



PROJECT DIRECTORY

OWNER Golden Bear LLC 1325 Arch St Berkeley, CA 94708	CONTRACTOR Jetton Construction Contact: Kevin Wuertz kevin@jettonconstruction.com
ARCHITECT Kristen Sidell Sidell Pakravan Architects 2445 Sixth Street Berkeley, CA 94710 510 984 0904 info@sidellpakravan.com	STRUCTURAL ENGINEER Erik Garcia Garcia Structural Design erik@garciastructural.com
	LANDSCAPE ARCHITECT Jessica James Arterra Landscape Architects jessicaj@arterrasf.com

PROJECT DATA

BUILDING ADDRESS	1325 ARCH ST BERKELEY, CA 94708
PROJECT DESCRIPTION	DEMOLISH (E) GARAGE & ROOF DECK IN POOR REPAIR. REMOVE CITY TREE. REMOVE 3704 CUBIC FT OF SOIL. BUILD (N) GARAGE & ROOF DECK. REPLACE (E) UNEVEN STEPS. REPLACE ENTRY GATE AND TRELLIS. (N) HOT TUB, (N) LANDSCAPING.
PARCEL NUMBER	060 246502700
ZONING	R-1H
SETBACKS	FRONT: 20'-0" REAR: 20'-0" SIDES: 4'-0"
LOT AREA	6600 SF
BLDG FOOTPRINT	(E) PRIMARY: 1826 SF
GARAGE FOOTPRINT	(E) GARAGE: 185 SF (N) GARAGE: 555 SF (GARAGE INCREASE BY 370 SF)
FLOOR AREA	(E) ATTIC (NOT DRAWN) 395 SF (E) SECOND LEVEL 1579 SF (E) FIRST LEVEL 1463 SF (E) BASEMENT LEVEL 1566 SF (E) TOTAL 5003 SF (NO CHANGE)
LOT COVERAGE	MAX ALLOWABLE: 40% EXISTING: 30.7% PROPOSED: 36.5% (INCREASE BY 5.8%)
MAX HEIGHT FOR ACCESSORY STRUCTURE	MAX ALLOWABLE: 10'-0" (WITHIN 4' OF PROP. LINE) EXISTING: 12'-0" (WITHIN 4' OF PROP. LINE) PROPOSED: 10'-0" (WITHIN 4' OF PROP. LINE)
OCCUPANCY	SINGLE FAMILY RESIDENTIAL
CONSTRUCTION TYPE	V-B, UNSPRINKLERED
FIRE ZONE	2, VERY HIGH
LANDMARK STATUS	BERKELEY LANDMARK #341
HISTORIC PROPERTY NAME	SCHNEIDER-KROEBER HOUSE

DRAWING INDEX

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A0.03	SURVEY
A0.04	LOT COVERAGE DIAGRAM
A1.00	EXISTING SITE PLAN
A1.01	PROPOSED SITE PLAN
A1.02	EXISTING GARAGE PLANS
A1.03	PROPOSED GARAGE PLAN
A1.04	PROPOSED GARAGE ROOF PLAN
A1.05	PROPOSED GARAGE RCP
A2.00	EXISTING ELEVATIONS
A2.01	PROPOSED ELEVATIONS
A3.00	SECTIONS
A5.00	EXISTING MATERIALS PHOTOS
A5.01	PROPOSED MATERIAL

LANDSCAPE

L0.0	LANDSCAPE PLAN-PROPERTY
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L0.2	PLANTING PLAN - PROPERTY
L0.3	PLANTING PLAN - ROW & PLANT LIST
L0.4	IRRIGATION PLAN - PROPERTY
L0.5	IRRIGATION PLAN - ROW & IRRIGATION NOTES
L0.7	CONCEPTUAL GRADING PLAN
L0.8	SECTION ELEVATION
L0.11	PLANTING DETAILS
L0.12	PLANTING DETAILS
L0.13	PLANTING DETAILS
L0.14	PLANTING DETAILS

sidellpakravan.com
info@sidellpakravan.com

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DATE	ISSUE
08.09.2021	LPC
10.29.2021	LPC REVISION
05.03.2022	LPC 02
07.29.2022	LPC 03 GARAGE

LAND USE PLANNING RECEIVED DECEMBER 21, 2022

ARCH ST

1325 ARCH STREET
BERKELEY, CA, 94708

SHEET TITLE
COVER SHEET AND PROJECT INFORMATION

A0.01
Page 396
SHEET NO.

GARAGE

MAIN HOUSE



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1325 Arch St, Berkeley, CA 94708 Date: 09/28/2022

Applicant's Name: Sidell Pakravan Architects

Zoning District: R1-H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/ Required ¹
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	1	1
Number of Parking Spaces (#)	1	1	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	n/a	n/a	n/a
Yards and Height			
Front Yard Setback (Feet)	0'	0'*	50% of lot depth
Side Yard Setbacks: (facing property)			
Left: (Feet)	0'	4'-7"	4'-0" within 75' of front lot line
Right: (Feet)	49'-7"	33'-10"	4'-0" within 75' of front lot line
Rear Yard Setback (Feet)	92'-0"	84'-6"	n/a
Building Height* (# Stories)	1	1	1
Average* (Feet)	4'-10"	5'-0"	12'-0" for Accessory at Hillside
Maximum* (Feet)	9'-8"	14'-0"	10'-0" less than 4' from the lot line
Areas			
Lot Area (Square-Feet)	6600 sf	6600 sf	n/a
Gross Floor Area* (Square-Feet)			
Total Area Covered by All Floors	185 sf	555 sf	n/a
Building Footprint* (Square-Feet)	Refer to Main House Tabulation Form	Refer to Main House Tabulation Form	Refer to Main House Tabulation Form
Total of All Structures			
Lot Coverage* Residential districts only (Building Footprint/Lot Area) (%)	Refer to Main House Tabulation Form	Refer to Main House Tabulation Form	Refer to Main House Tabulation Form
Useable Open Space* (Square-Feet)	Refer to Main House Tabulation Form	Refer to Main House Tabulation Form	Refer to Main House Tabulation Form
Floor Area Ratio* Non-Residential districts only (Except ES-R)			

*See Glossary – [BMC Chapter 23.502](#).

Revised: 12/21

¹ See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters [23.202](#) and [23.204](#)
g:\landuse\forms & instructions\land use planning forms\word files\forms_zoning project application\december 2021- bzo related\zoning project application_tabulation form.docx



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

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	Existing	Proposed	Permitted/ Required ¹
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	1	1
Number of Parking Spaces (#)	1	1	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	5	5	n/a
Yards and Height			
Front Yard Setback (Feet)	32'-9"	32'-9"	20'-0"
Side Yard Setbacks: (facing property)			
Left: (Feet)	4'-0"	4'-0"	4'-0"
Right: (Feet)	18'-0"	18'-0"	4'-0"
Rear Yard Setback (Feet)	10'-11"	10'-11"	20'-0"
Building Height* (# Stories)	3	3	3
Average* (Feet)	27'-0"	27'-0"	28'-0"
Maximum* (Feet)	34'-0"	34'-0"	28'-0", 35'-0" w/ AUP
Areas			
Lot Area (Square-Feet)	6600 sf	6600	n/a
Gross Floor Area* (Square-Feet)			
Total Area Covered by All Floors	5003 sf	5003	n/a
Building Footprint* (Square-Feet)	2025 sf	2418 sf	2640 sf
Total of All Structures			
Lot Coverage* Residential districts only (Building Footprint/Lot Area) (%)	30.7%	36.5%	40%
Useable Open Space* (Square-Feet)	3740 sf	-	400 sf min.
Floor Area Ratio* Non-Residential districts only (Except ES-R)			

*See Glossary – [BMC Chapter 23.502](#).

Revised: 12/21

¹ See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters [23.202](#) and [23.204](#)
g:\landuse\forms & instructions\land use planning forms\word files\forms_zoning project application\december 2021- bzo related\zoning project application_tabulation form.docx

DATE	ISSUE
08.09.2021	LPC
10.29.2021	LPC REVISION
05.03.2022	LPC 02
07.29.2022	LPC 03 GARAGE

PROJECT NO. 21020 DRAWN PJ, CYJ CHECKED KMS

ARCH ST

1325 ARCH STREET
BERKELEY, CA, 94708

SHEET TITLE
TABULATION SHEET

* AT GRADE/SIDEWALK LEVEL, THE PROPOSED GARAGE ABUTS THE FRONT PROPERTY LINE. AT THE ROOF LEVEL, THE PLANTER STEPS BACK FROM THE PROPERTY LINE 4'-0".

NOTES
 ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
 BUILDING FOOTPRINTS ARE SHOWN TO FINISHED MATERIAL (STUCCO/SIDING) AT GROUND LEVEL.
 FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR).
 THE AREA OF THE SURVEYED LOT IS 6,600± SQUARE FEET / 0.15± ACRES

UTILITY NOTE
 ALL UNDERGROUND PIPE TYPES, SIZES AND LOCATION SHOWN ON THIS SURVEY ARE BASED ON VISUAL OBSERVATION. ANY USE OF THIS INFORMATION SHOULD BE VERIFIED, BEFORE ITS USE, WITH THE CONTROLLING MUNICIPALITY OR UTILITY PROVIDER. THIS SURVEY MAKES NO GUARANTEE OF THE INSTALLED ACTUAL LOCATION, DEPTHS OR SIZE.

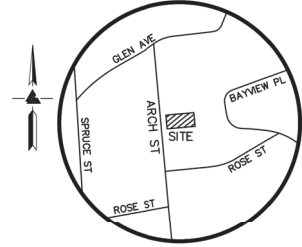
BENCHMARK
 CITY OF BERKELEY BENCHMARK BENCHMARK B0726
 1/2"Ø IRON PIN CITY WELL MONUMENT IN THE STREET AT 1323 ARCH ST. CUT SQUARE ON THE TOP BACK OF THE NORTH CURB AT THE EAST CURB RETURN AT THE NORTHEAST CORNER OF THE ARCH ST/ROSE ST (TO THE EAST) INTERSECTION. CUT SQUARE ON TOP OF THE EAST CURB AT THE NORTH SIDE OF THE DRIVEWAY TO 1303 ARCH ST. ELEVATION = 388.53' (CITY OF BERKELEY DATUM)

TREE NOTE
 TREE SIZE, TYPE AND DRIFLINES ARE BASED ON A VISUAL OBSERVATION. FINAL DETERMINATION SHOULD BE MADE BY THE PROJECT ARBORIST.

EASEMENT NOTE
 EASEMENTS SHOWN PER HOMEOWNER'S POLICY OF TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, POLICY NO. FWAC-5842000882, DATED SEPTEMBER 14, 2020

FEMA FLOOD NOTE
 PROPERTY COMPLETELY OUT OF SPECIAL FLOOD HAZARD AREA (SFHA)
 FLOOD INSURANCE RATE MAP No.: 06001C0019G
 EFFECTIVE DATE: AUGUST 3, 2009

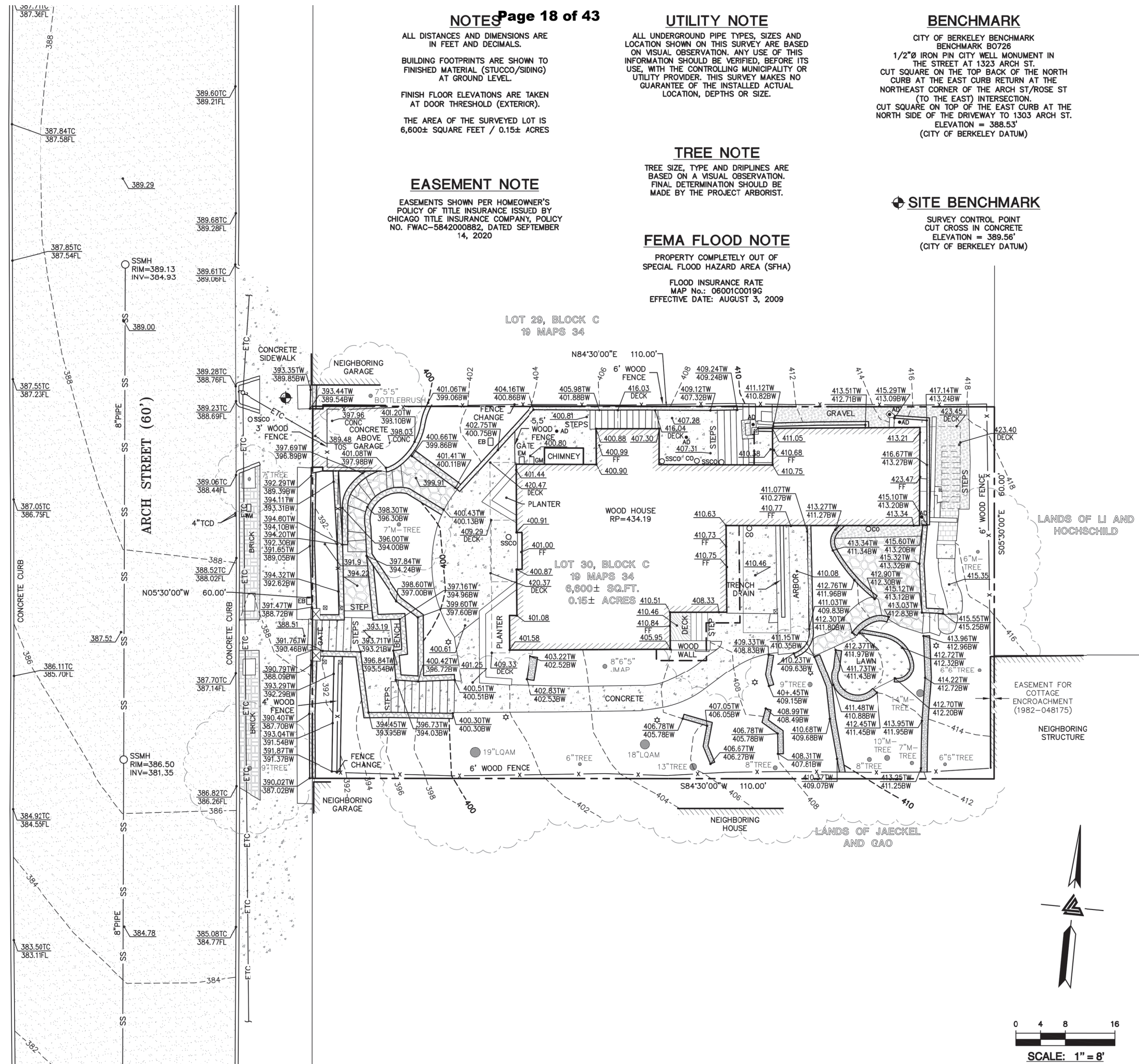
SITE BENCHMARK
 SURVEY CONTROL POINT CUT CROSS IN CONCRETE ELEVATION = 389.56' (CITY OF BERKELEY DATUM)



VICINITY MAP
NO SCALE

LEGEND AND NOTES

- BOUNDARY LINE
- - - BUILDING OVERHANG LINE
- ETC ELECTRICAL/TELEPHONE/CABLE TV OVERHEAD LINE
- x FENCE LINE
- RETAINING WALL (CONCRETE)
- RETAINING WALL (ROCK)
- RETAINING WALL (STONE)
- SS SANITARY SEWER LINE
- *AD AREA DRAIN
- ⊕ BENCHMARK
- BW BOTTOM RETAINING WALL
- CO CLEAN-OUT BOX
- EB ELECTRICAL BOX
- EM ELECTRICAL METER
- FF FINISH FLOOR
- FL FLOW LINE
- GM GAS METER
- INV INVERT
- JMAP JAPANESE MAPLE
- ⊕ JOINT POLE
- LQAM LIQUID AMBER
- M- MULTI-TRUNK TREE
- ⊕ PILLAR/POST
- RP ROOF PEAK
- SSCO SANITARY SEWER CLEAN-OUT
- SSMH SANITARY SEWER MAINTENANCE HOLE
- ☆ STREET LIGHT
- TCD THRU-CURB DRAIN
- TC TOP OF CURB
- TW TOP OF RETAINING WALL
- TOS TOP OF SLAB
- WM WATER METER
- xxx.xx SPOTGRADE
- ASPHALT
- BRICK
- CONCRETE
- GRAVEL
- LAWN
- STONE
- WOOD



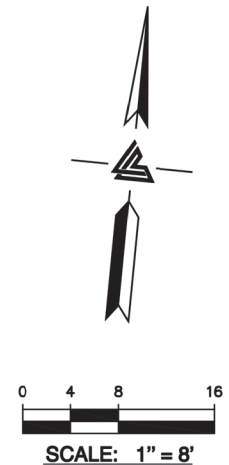
DATE	ISSUE
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10.29.2021	LPC REVISION
05.03.2022	LPC 02
07.29.2022	LPC 03 GARAGE

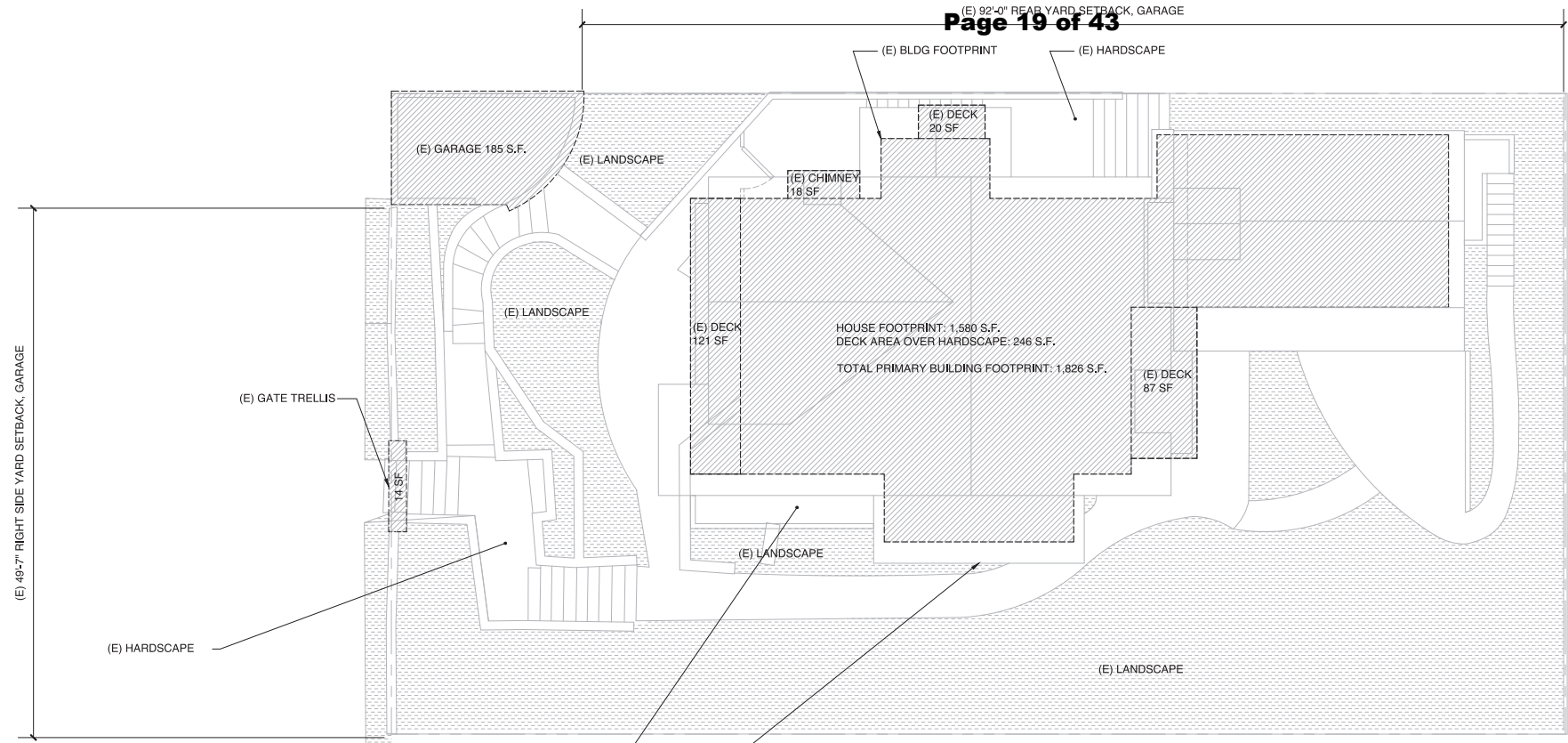
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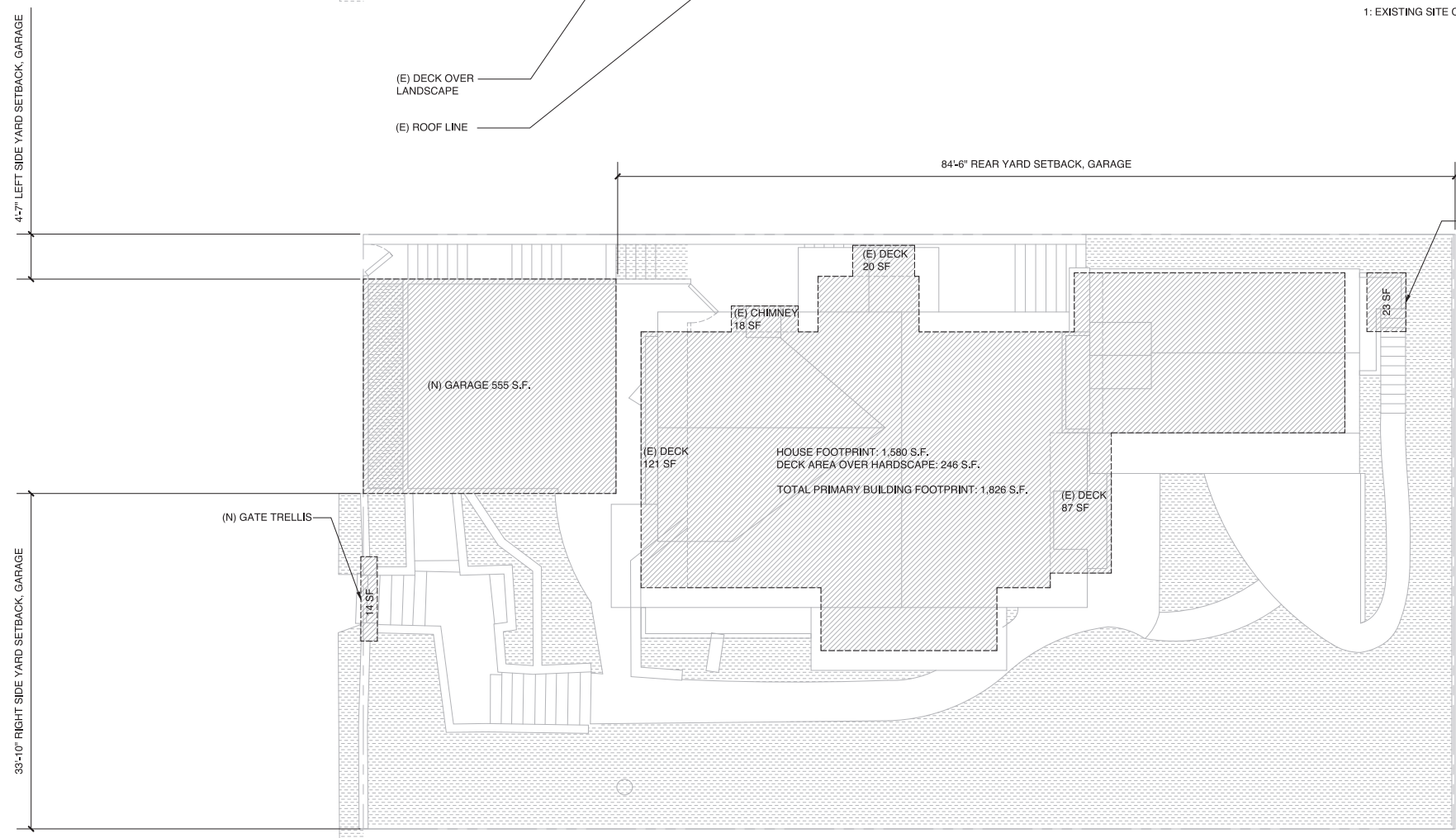
1325 ARCH STREET
BERKELEY, CA, 94708

SHEET TITLE
SURVEY





HOUSE FOOTPRINT:	1,580 S.F.
DECK AREA OVER HARDSCAPE:	246 S.F.
TOTAL PRIMARY BUILDING FOOTPRINT:	1,826 S.F.
(E) GARAGE FOOTPRINT:	185 S.F.
(E) GATE TRELLIS:	14 S.F.
TOTAL LOT COVERAGE AREA:	2,025 S.F.
EXISTING LOT COVERAGE:	30.7%



HOUSE FOOTPRINT:	1,580 S.F.
DECK AREA OVER HARDSCAPE:	246 S.F.
TOTAL PRIMARY BUILDING FOOTPRINT:	1,826 S.F.
(N) GARAGE FOOTPRINT:	555 S.F.
(N) GATE TRELLIS:	14 S.F.
(N) SPA EQUIPMENT ENCLOSURE:	23 S.F.
TOTAL LOT COVERAGE AREA:	2,418 S.F.
PROPOSED LOT COVERAGE:	36.5%



LEGEND

SYMBOL	TYPE
	LOT COVERAGE AREA

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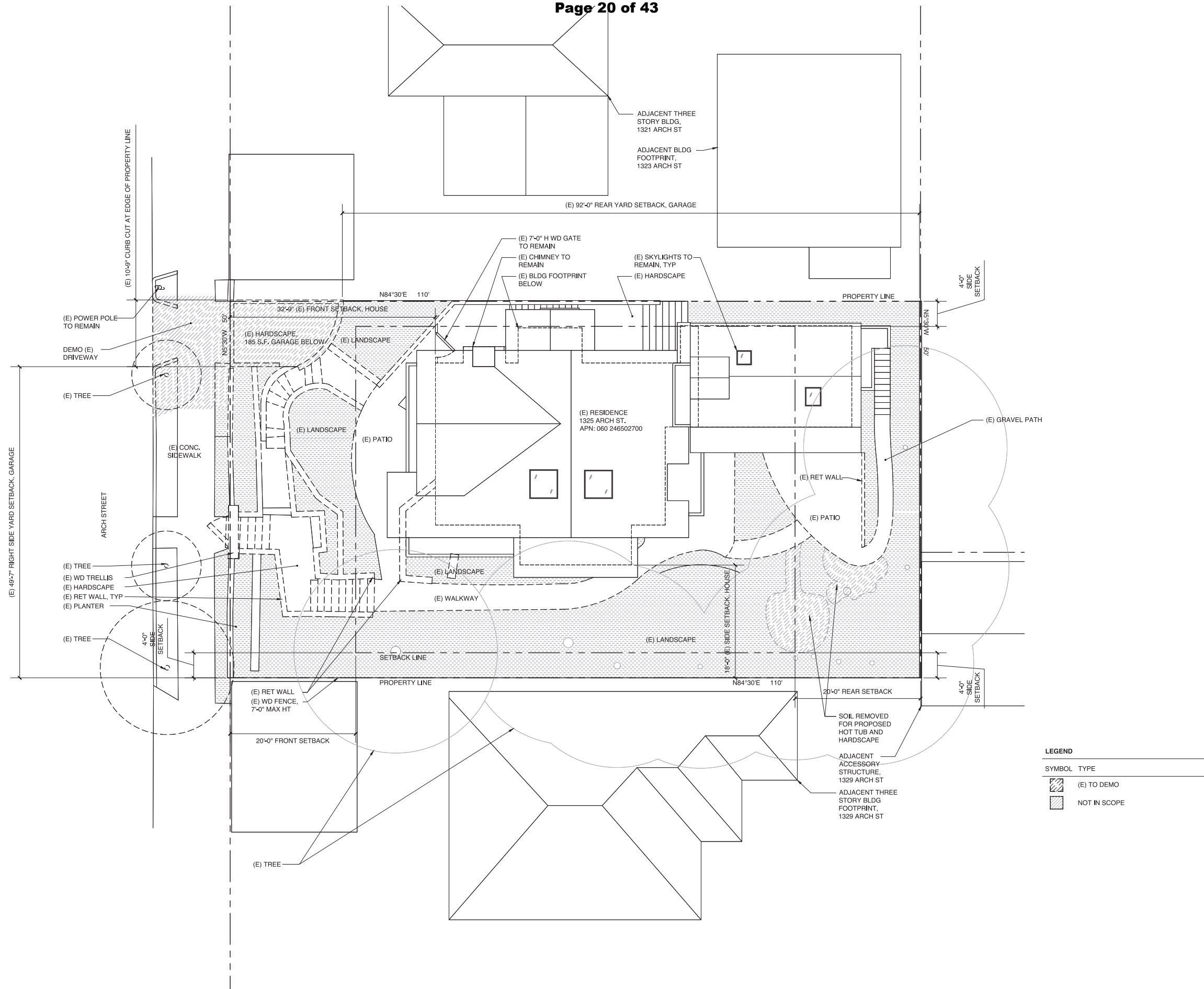
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PROJECT NO. 21020	DRAWN P.J. CYJ	CHECKED KMS
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ARCH ST

1325 ARCH STREET
 BERKELEY, CA, 94708

SHEET TITLE
LOT COVERAGE DIAGRAM



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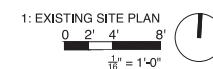
ARCH ST

1325 ARCH STREET
BERKELEY, CA, 94708

SHEET TITLE
EXISTING SITE AND
LANDSCAPE PLAN

LEGEND

SYMBOL	TYPE
	(E) TO DEMO
	NOT IN SCOPE



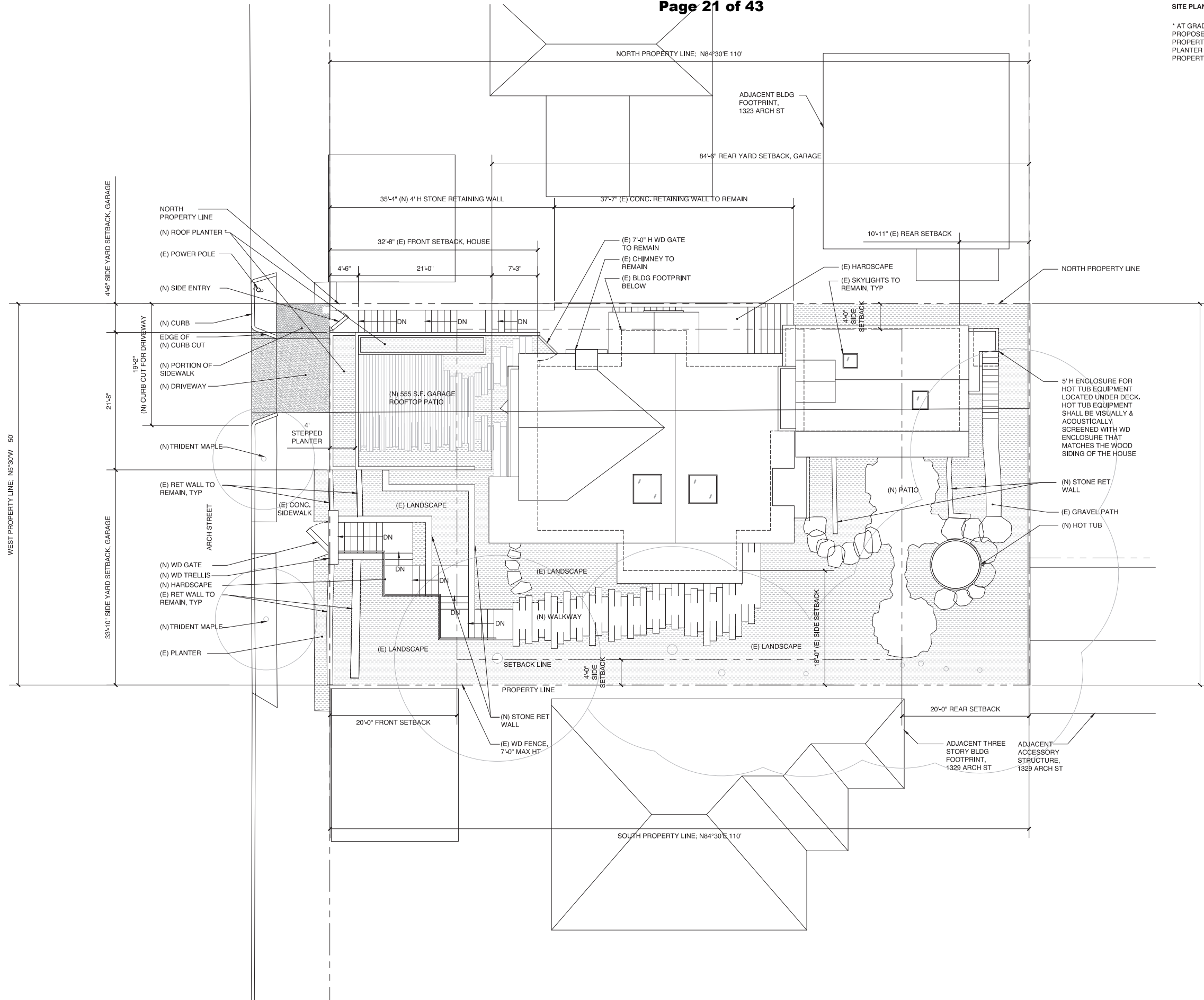
SITE PLAN NOTES

* AT GRADE/SIDEWALK LEVEL, THE PROPOSED GARAGE ABUTS THE FRONT PROPERTY LINE. AT THE ROOF LEVEL, THE PLANTER STEPS BACK FROM THE PROPERTY LINE 4'-0".

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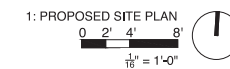
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ARCH ST

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BERKELEY, CA, 94708

SHEET TITLE
PROPOSED SITE AND
LANDSCAPE PLAN



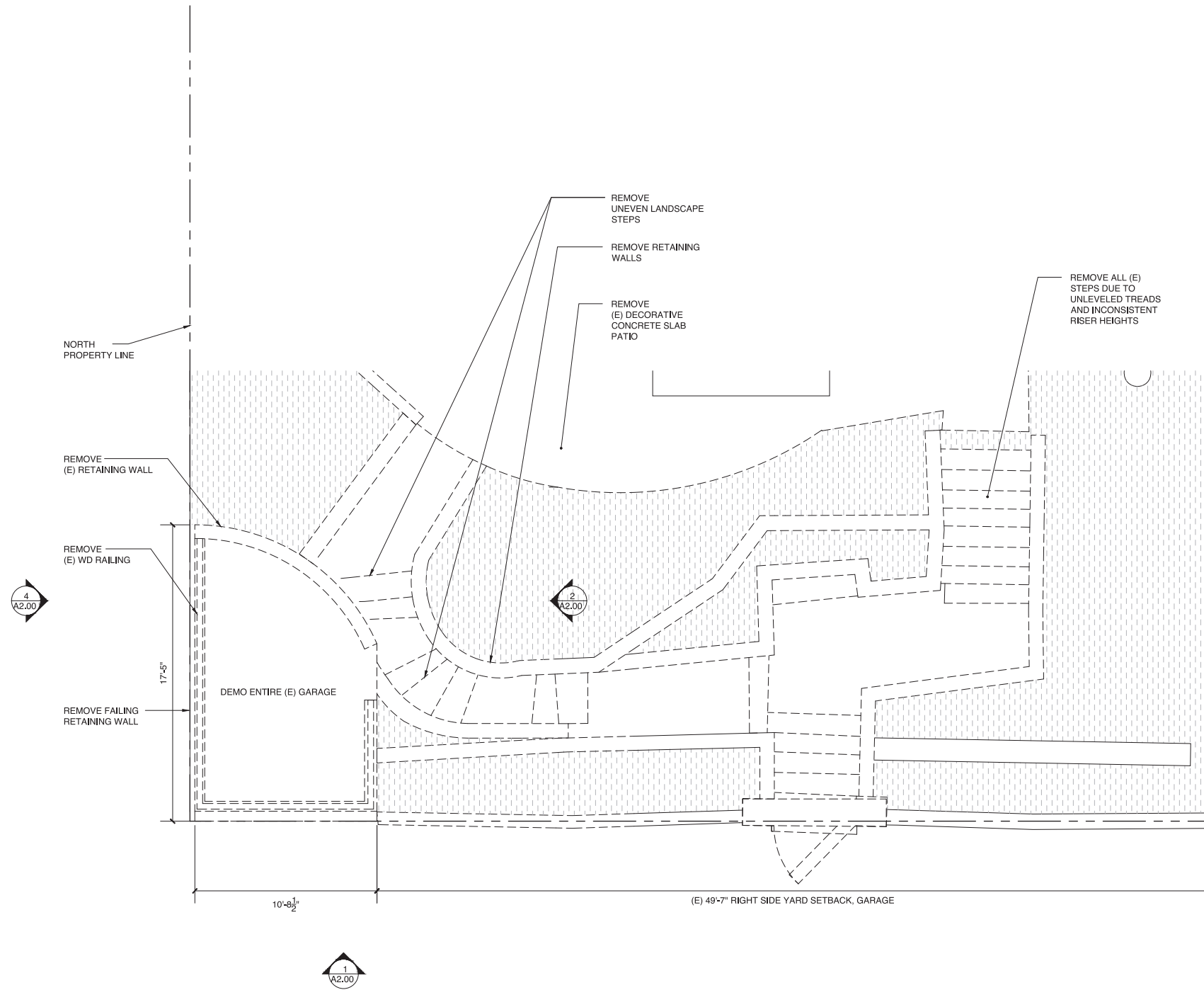
A1.01
Page 395
SHEET NO.

NOTES:
 1. DEMOLISH ENTIRETY OF EXISTING GARAGE INCLUDING WALLS, ROOF, AND SLAB.

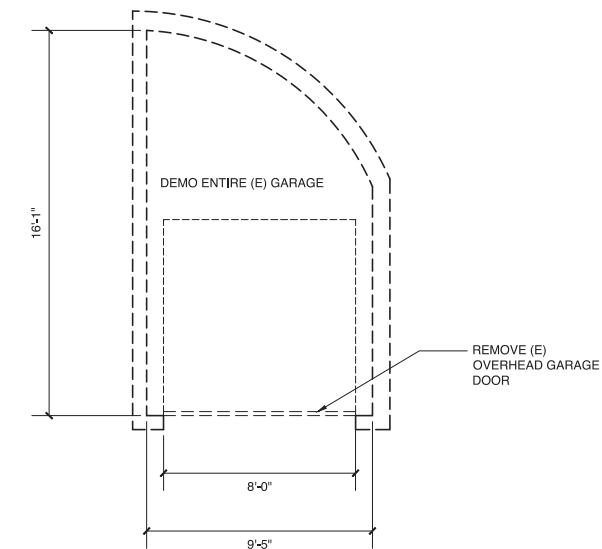
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1: (E) DEMO GARAGE ROOF PLAN
 0 1' 2' 4'
 1/8" = 1'-0"



2: (E) DEMO GARAGE FLOOR PLAN
 0 1' 2' 4'
 1/8" = 1'-0"

LEGEND

SYMBOL	TYPE
[Dashed Line]	(E) TO DEMO
[Solid Line]	(E) WALLS

DATE	ISSUE
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SHEET TITLE
EXISTING GARAGE PLANS

A1.02
 Page 396
 SHEET NO.

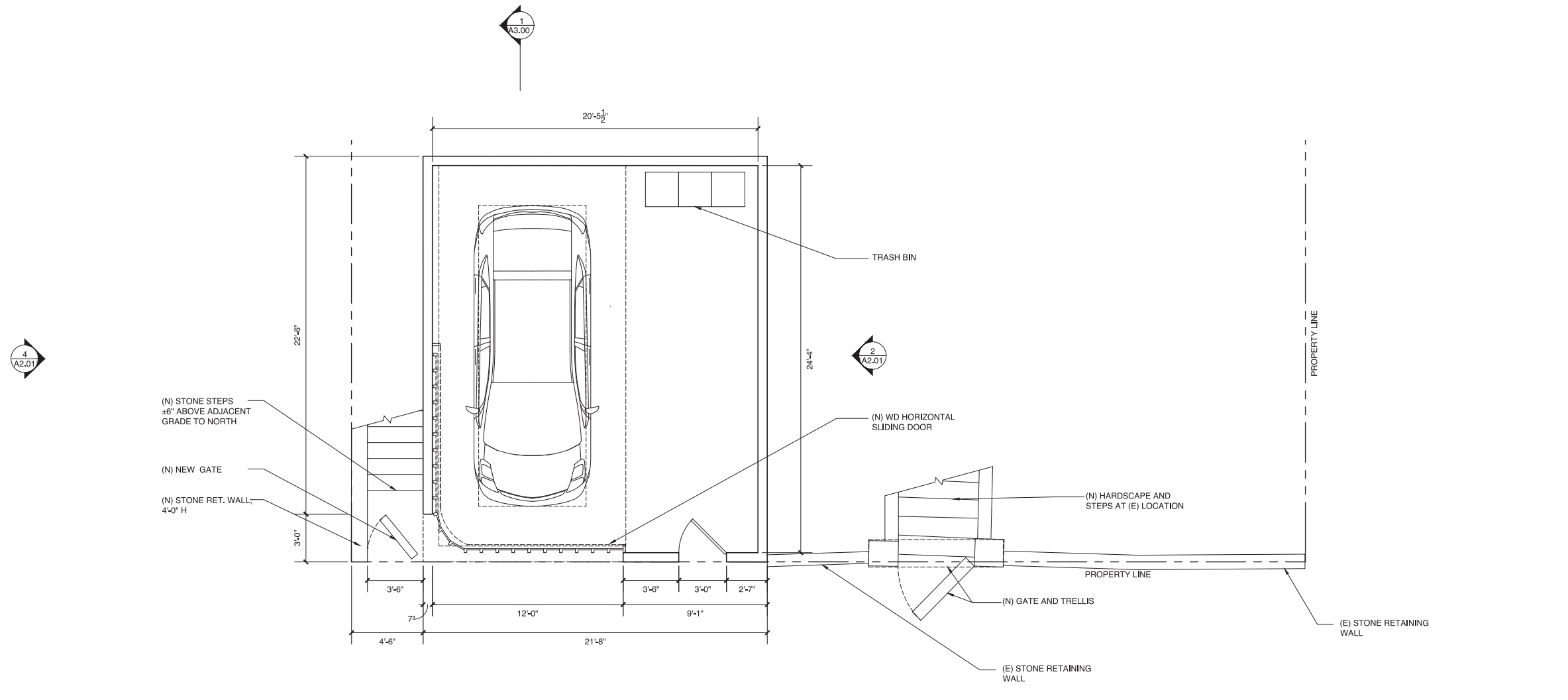
NOTES:

AT GRADE/SIDEWALK LEVEL, THE PROPOSED GARAGE ABUTS THE FRONT PROPERTY LINE. AT THE ROOF LEVEL, THE PLANTER STEPS BACK FROM THE PROPERTY LINE 4'-0".

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SHEET TITLE
PROPOSED GARAGE PLANS



LEGEND

SYMBOL	TYPE
[Symbol]	(N) WALLS

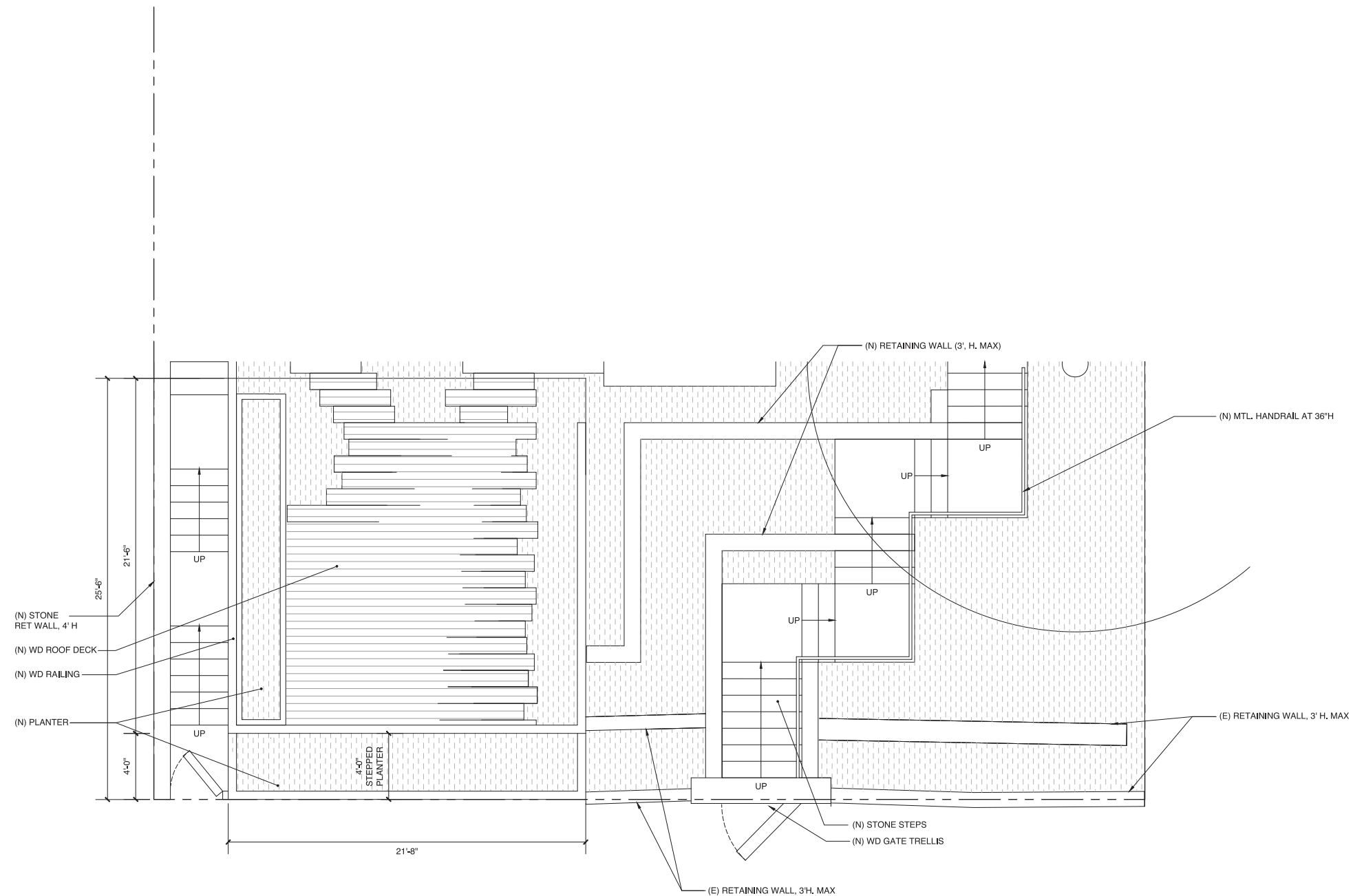
NOTES:

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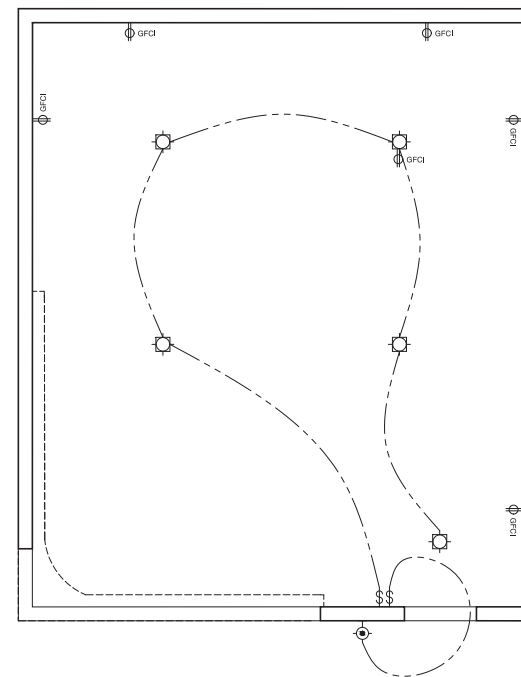
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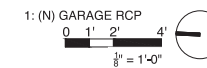
1325 ARCH STREET
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SHEET TITLE
PROPOSED GARAGE PLANS





ALL EXTERIOR LIGHTING
WILL BE SHIELDED TO
MINIMIZE GLARE AND LIGHT
POLLUTION.



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SHEET TITLE
**PROPOSED GARAGE
RCP**

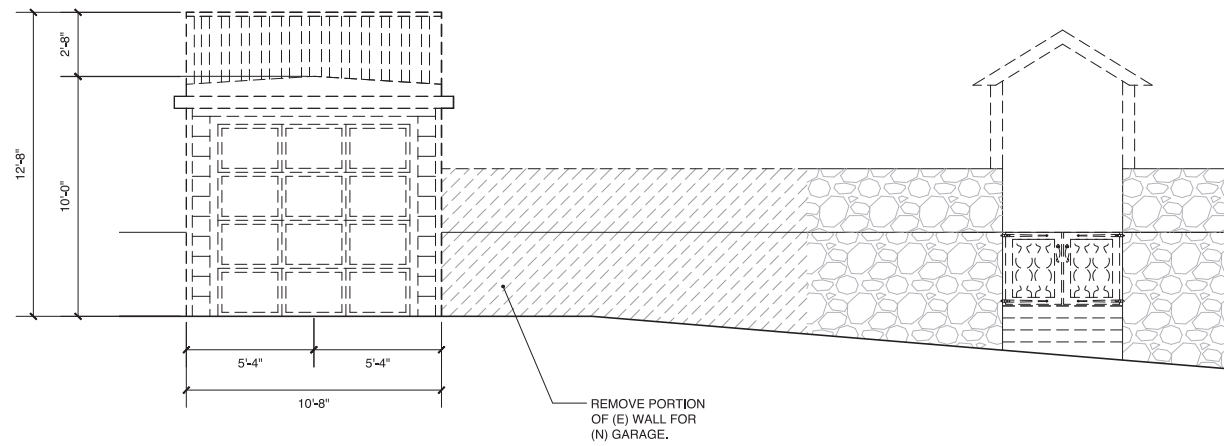
A1.05
Page 369
SHEET NO.

NOTES
DEMOLISH EXISTING GARAGE IN ITS ENTIRETY.

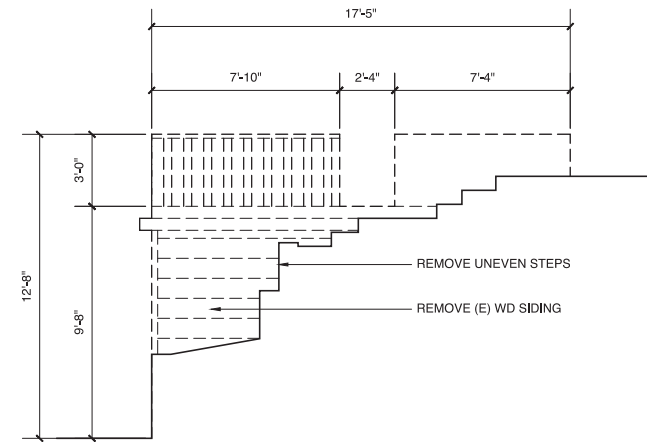
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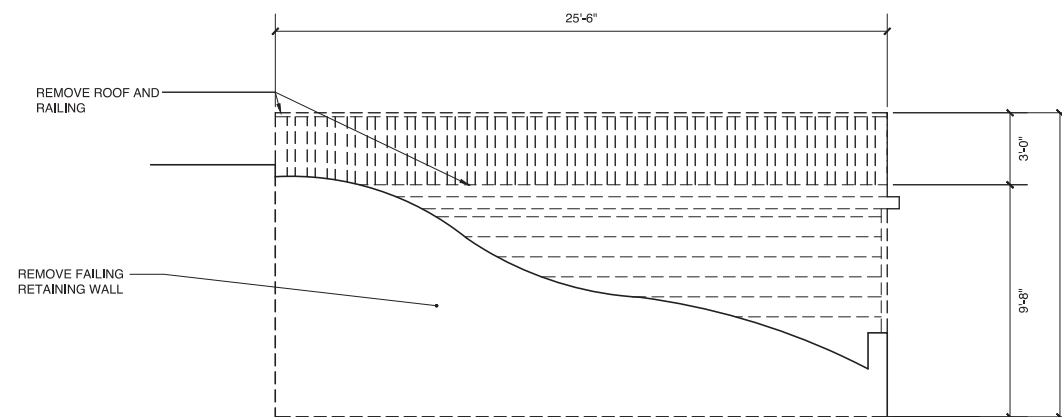
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1: (E) WEST ELEVATION GARAGE
0 1' 2' 4'
1/8" = 1'-0"



2: (E) SOUTH ELEVATION GARAGE
0 1' 2' 4'
1/8" = 1'-0"



4: (E) NORTH ELEVATION GARAGE
0 1' 2' 4'
1/8" = 1'-0"

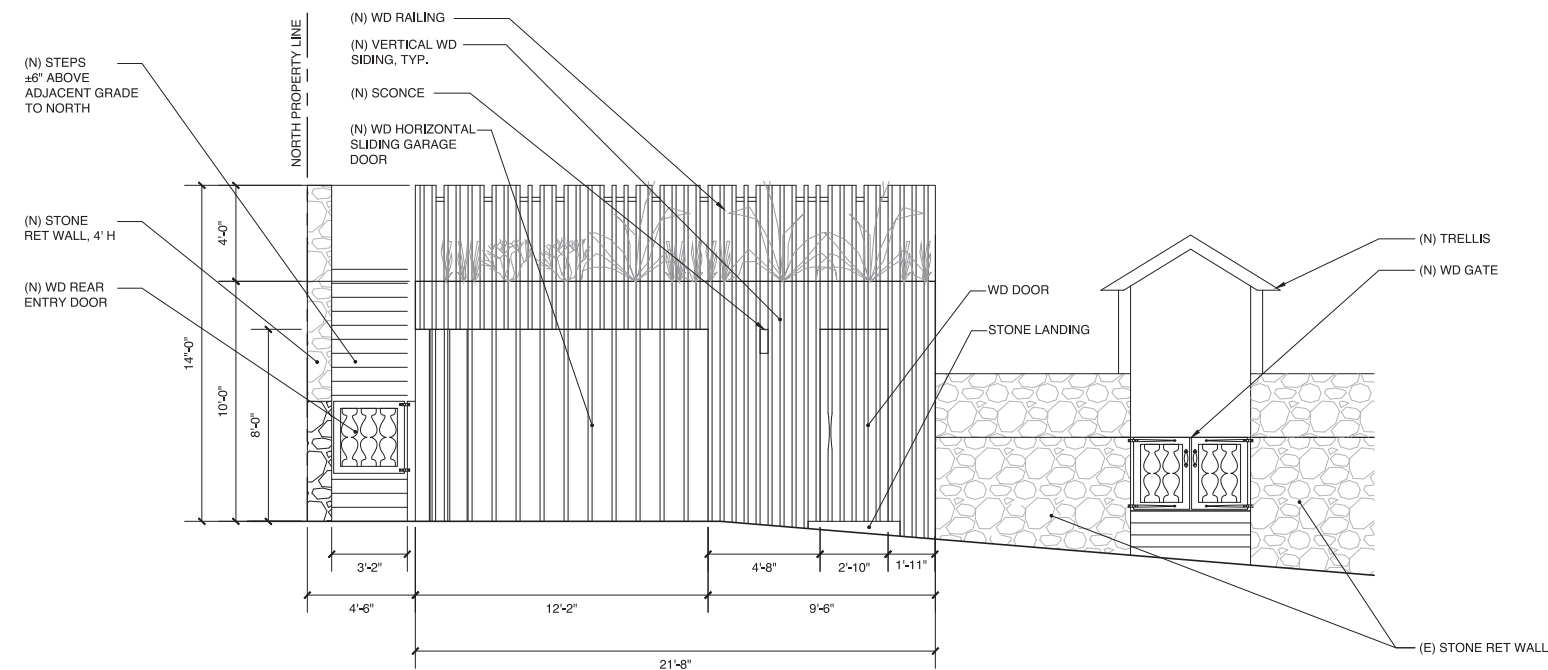
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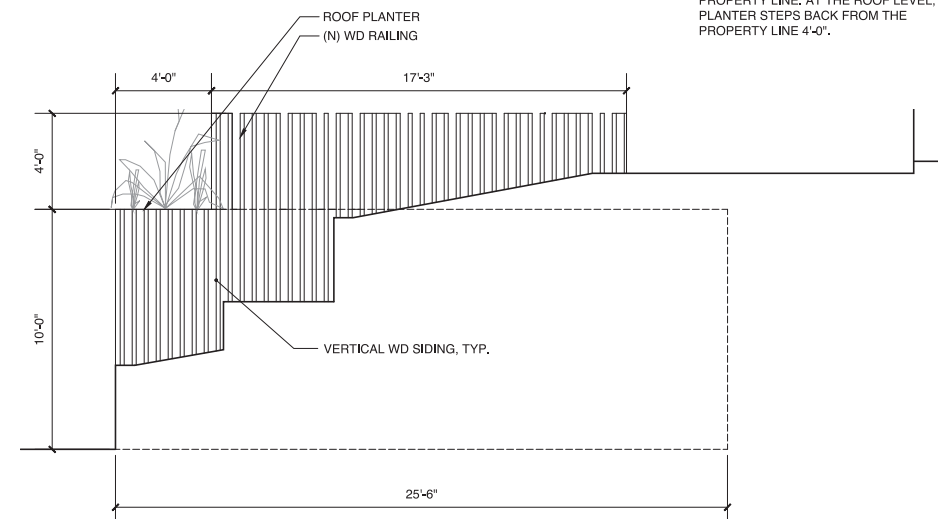
ARCH ST

1325 ARCH STREET
BERKELEY, CA, 94708

SHEET TITLE
**(E)/ DEMO
ELEVATIONS**

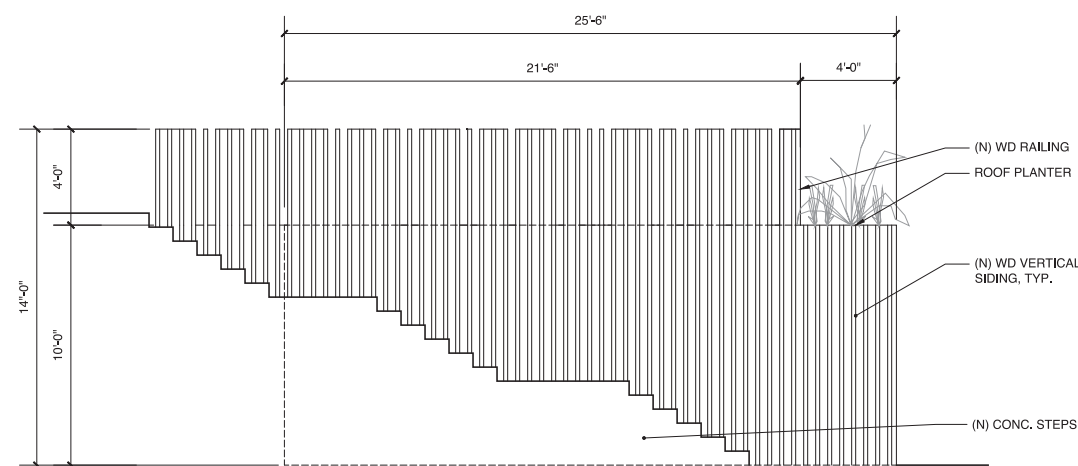


1: (N) WEST ELEVATION GARAGE
 0 1' 2' 4'
 $\frac{3}{8}'' = 1'-0''$



2: (N) SOUTH ELEVATION GARAGE
 0 1' 2' 4'
 $\frac{3}{8}'' = 1'-0''$

NOTES:
 AT GRADE/SIDEWALK LEVEL, THE PROPOSED GARAGE ABUTS THE FRONT PROPERTY LINE. AT THE ROOF LEVEL, THE PLANTER STEPS BACK FROM THE PROPERTY LINE 4'-0\"/>



4: (N) NORTH ELEVATION GARAGE
 0 1' 2' 4'
 $\frac{3}{8}'' = 1'-0''$

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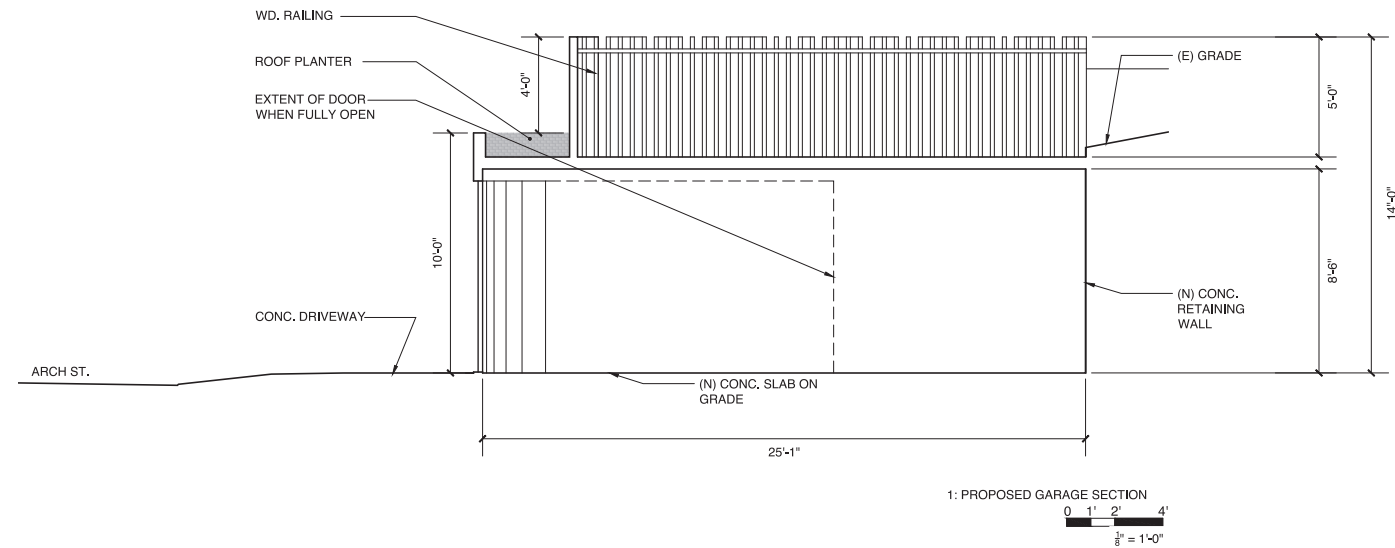
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SHEET TITLE
PROPOSED ELEVATIONS

NOTES:

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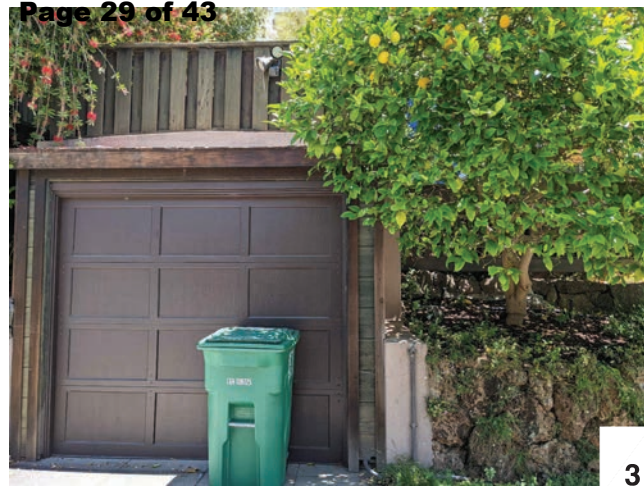
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SHEET TITLE
(N) SECTIONS

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1325 ARCH EXISTING

1. FRONT ELEVATION
2. GARAGE FRONT (NOT MAYBECK STRUCTURE)
3. GARAGE FRONT (NOT MAYBECK STRUCTURE)
4. MAIN HOUSE
5. FRONT YARD RETAINING WALL AND BENCH
6. FRONT YARD STEPS NEXT TO GARAGE DECK
7. FRONT YARD RETAINING WALL
8. FRONT YARD CONCRETE PATIO AND GARAGE DECK
9. GARAGE DECK
10. WALKWAY FROM MAIN HOUSE TO FRONT YARD
11. MAIN HOUSE
12. MAIN HOUSE SIDING
13. BACKYARD PATIO AND RETAINING WALL
14. BACKYARD WOOD STEPS TO UPPER LEVEL

OTHER HOUSES DESIGNED BY BERNARD MAYBECK

15. GUY HYDE CHICK HOUSE EXTERIOR
16. MAYBECK STUDIO EXTERIOR
17. MAYBECK HOUSE



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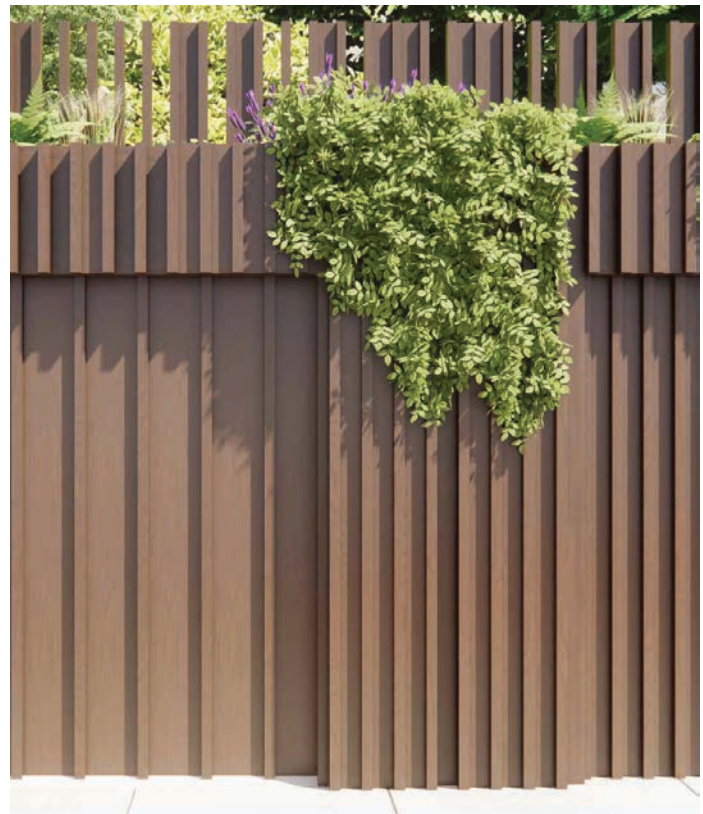
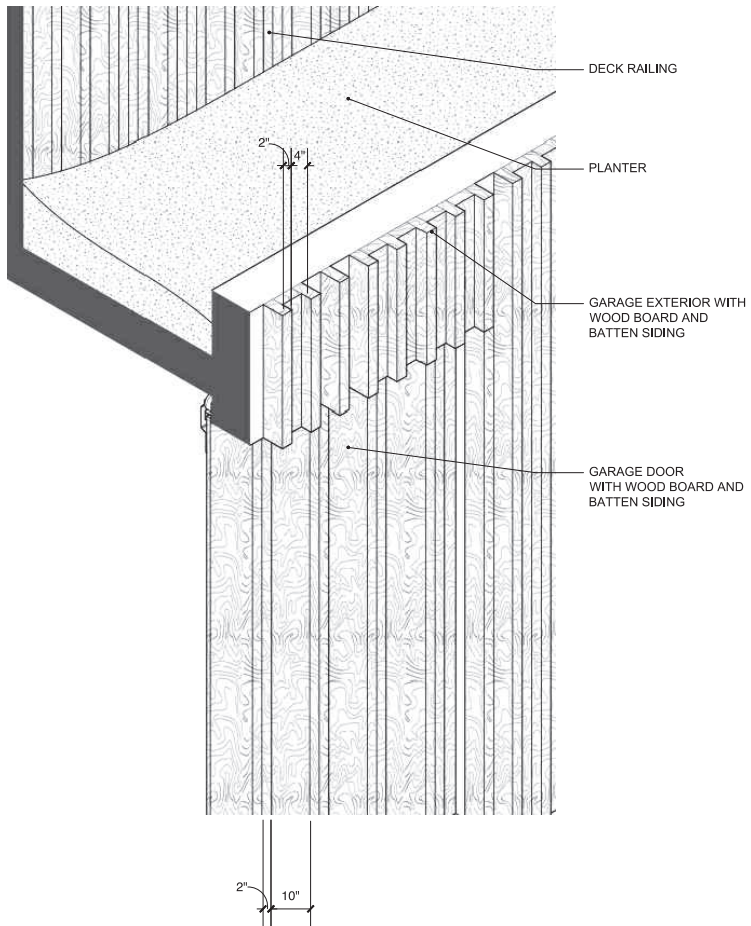
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BERKELEY, CA, 94708

SHEET TITLE
EXISTING MATERIALS PHOTOS

A5.00
Page 403
SHEET NO.

GARAGE EXTERIOR MATERIAL



PROPOSED GARAGE FROM THE STREET

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SHEET TITLE
PROPOSED MATERIAL



GARAGE WOOD SIDING TO MATCH COLOR AND SPECIES OF WOOD OF THE MAIN HOUSE



SHAPE AND STYLE OF GARAGE LIGHTING TO COMPLEMENT GARAGE WOOD SIDING

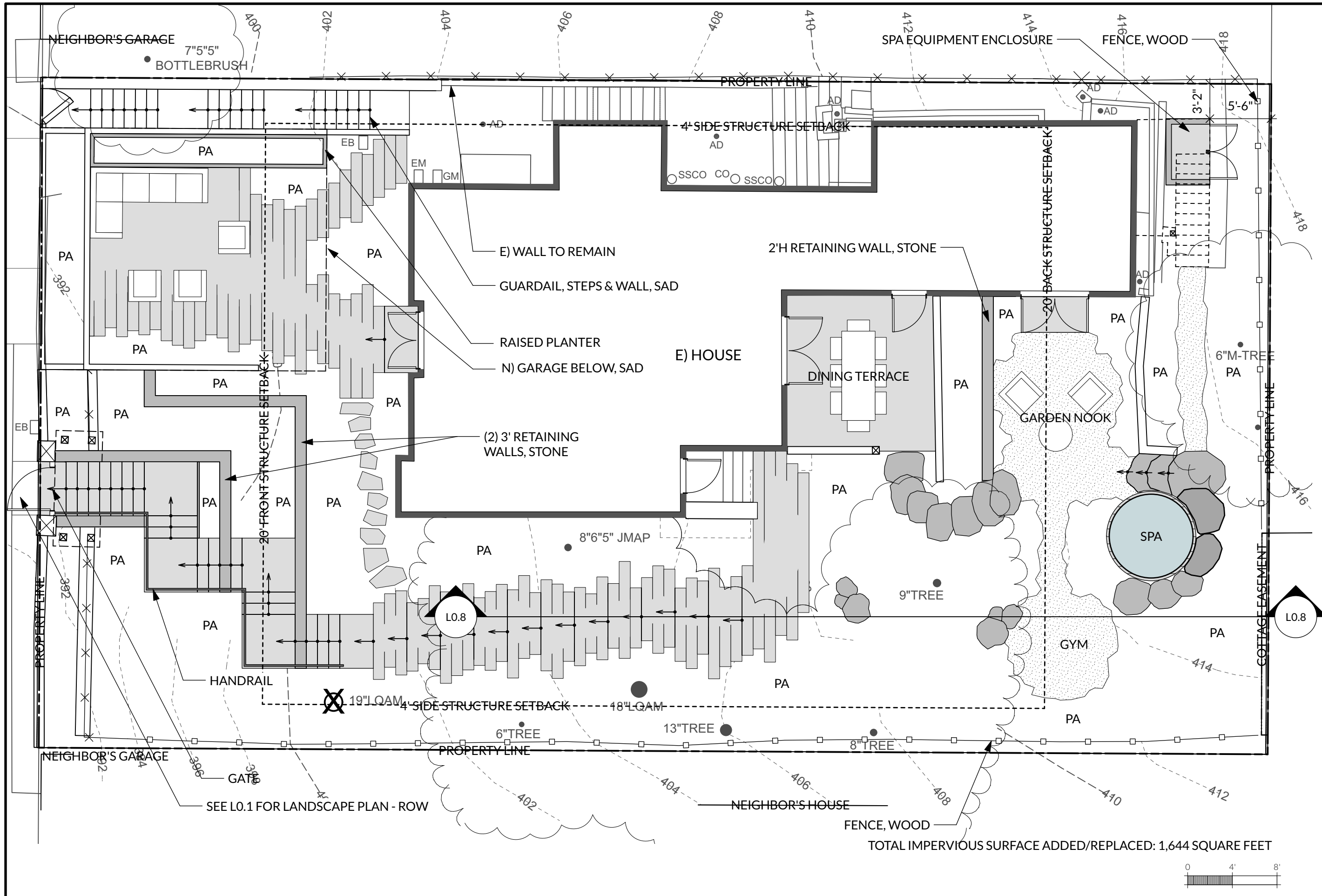


PROPOSED RETAINING WALLS TO BE BUILT WITH MCGREGOR LAKE STONE

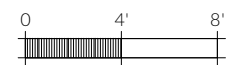


HOT TUB EQUIPMENT ENCLOSURE TO MATCH THE WOOD BOARD AND BATTEN SIDING OF THE MAIN HOUSE

A5.01
Page 404
SHEET NO.



TOTAL IMPERVIOUS SURFACE ADDED/REPLACED: 1,644 SQUARE FEET



ARTERRA
 LANDSCAPE ARCHITECTS
 88 MISSOURI SAN FRANCISCO 94107
 T: 415.861.3100 W: artterra.com



ARCH STREET RESIDENCE
 1325 ARCH STREET
 BERKELEY, CALIFORNIA
 APN: 060-2465-027-00

DATE:	ISSUE:
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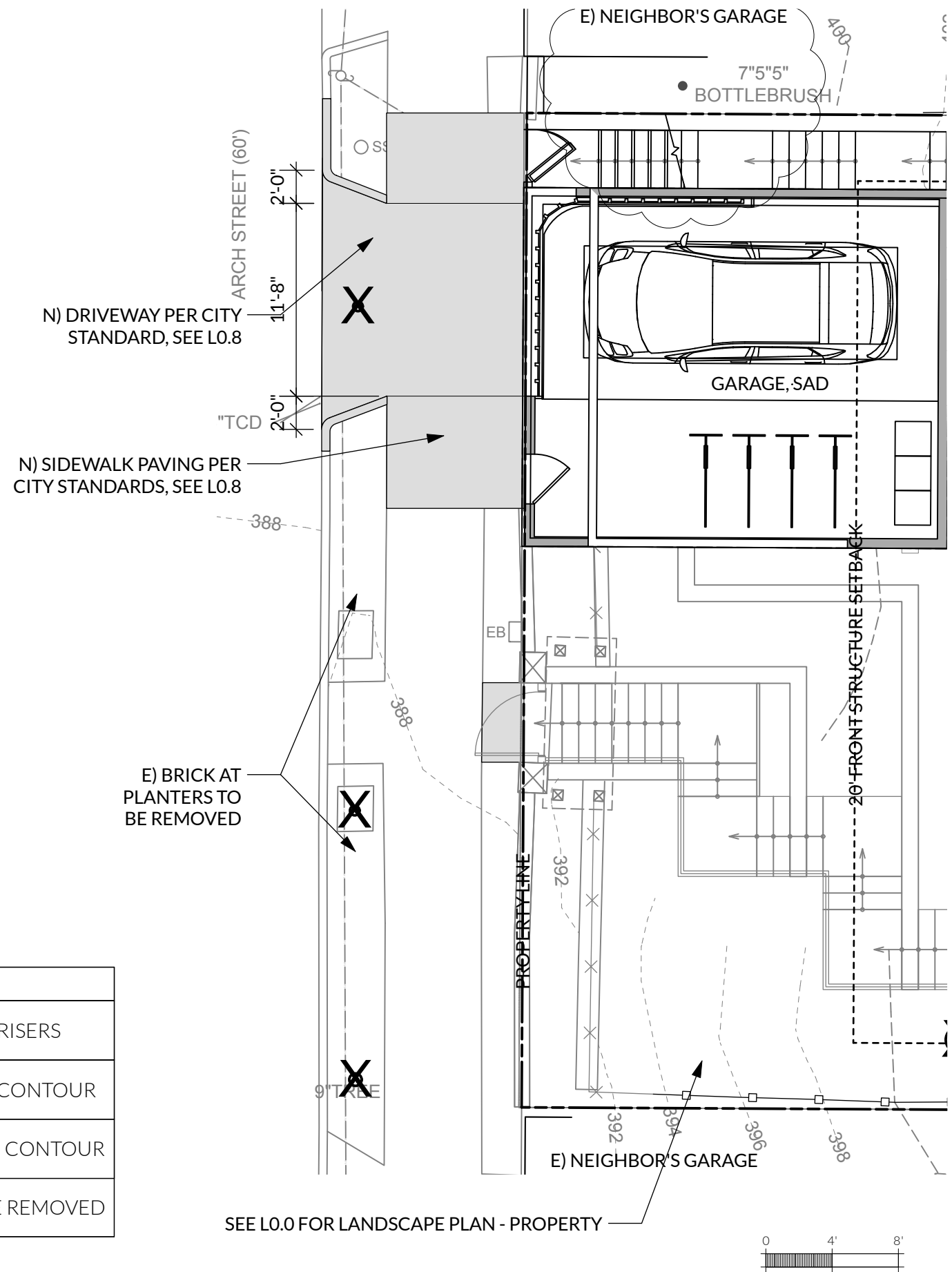
SCALE: 1/8" = 1'0"



LANDSCAPE PLAN - PROPERTY

L0.0

SYMBOL LEGEND	
DN —●●●→	STAIR RISERS
	EXISTING CONTOUR
	PROPOSED CONTOUR
X	TREE TO BE REMOVED



SEE L0.0 FOR LANDSCAPE PLAN - PROPERTY

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 APN: 060-2465-027-00

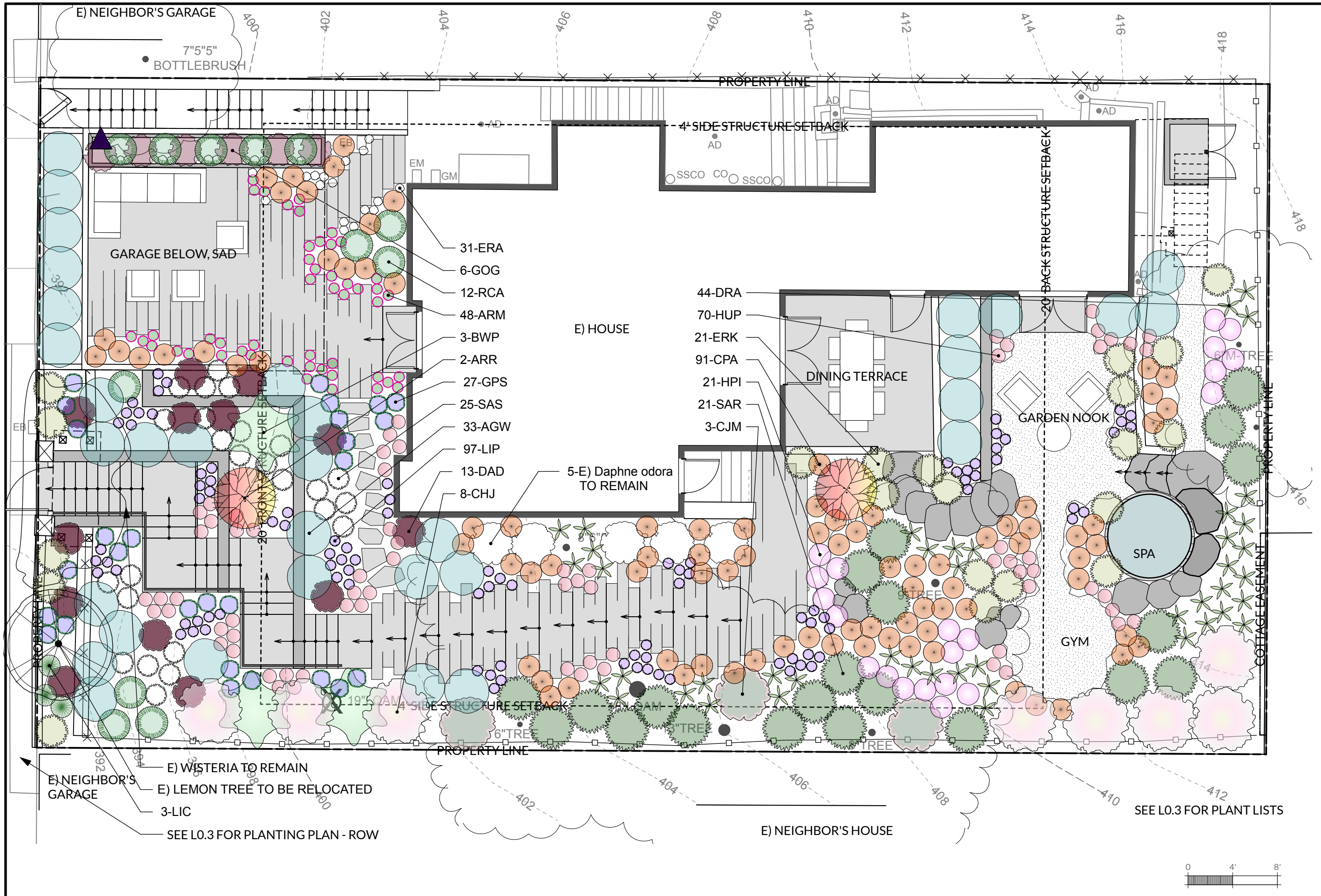
DATE:	ISSUE:
09.30.2022	AUP SET
09.30.2022	LPC 03 SET

SCALE: 1/8" = 1'0"



PLANTING PLAN - ROW

L0.1



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ARCH STREET RESIDENCE

1325 ARCH STREET
 BERKELEY, CALIFORNIA
 APN: 060-2465-027-00

DATE:	ISSUE:
09.30.2022	AUP SET
09.30.2022	LPC 03 SET

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PLANTING PLAN - PROPERTY

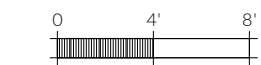
L0.2

Plant List - Property							
Qty	ID	Botanical Name	Common Name	Mature Height	Mature Width	Scheduled Size	Features
Trees							
2	ARR	Acer palmatum 'Dissectum Atropurpureum'	Red Ribbonleaf Japanese Maple	6 - 8 ft	6 - 8 ft	24" Box	Specimen, Unusual Foliage, Dwarf
Shrubs							
33	AGW	Abelia x grandiflora 'Prostrata'	Prostrate White Abelia	1 - 2 ft	4 - 5 ft	5 Gal	Evergreen, Fall Color, Fragrant
3	BWP	Buddleja davidii 'White Profusion'	White Profusion Butterfly Bush	6 - 8 ft	5 - 7 ft	5 GAL	Fragrant; Wildlife
3	CJM	Camellia japonica 'Magnoliaeflora'	Magnoliaeflora Camellia	6 - 8 ft	6 - 8 ft	15 Gal	Evergreen; Showy; Winter Flowering
8	CHJ	Camellia sasanqua 'Hana Jiman'	Hana Jiman Camellia	8 - 12 ft	8 - 12 ft	15 Gal	Evergreen; Specimen; Showy; Fall Flowering
21	SAR	Sarcococca ruscifolia	Fragrant Sweet Box	3 - 5 ft	3 - 4 ft	5 Gal	Evergreen; Fragrant; Drought Tolerant
Perennials							
48	ARM	Armeria maritima	Sea Pink, Thrift Seapink	<= 12 in	<= 12 in	1 Gal	Flowers
13	DAD	Dahlia 'Dreamer'	Dreamer Dahlia	3 ft	2 ft	1 Gal	Showy;
44	DRA	Dryopteris arguta	California Wood Fern	18 - 24 in	18 - 24 in	1 Gal	Evergreen; Low Maintenance; Shade Garden; Unusual Foliage;
21	ERK	Erigeron karvinskianus	Santa Barbara Daisy	1 - 2 ft	2 - 3 ft	1 Gal	Low Maintenance; Drought Tolerant
31	ERA	Erodium reichardii 'Album'	White Heron's Bill	<= 12 in	<= 12 in	1 Gal	Unusual Foliage; Drought Tolerant
27	GPS	Geranium phaeum 'Samobor'	Samobor Cranesbill	1 - 3 ft	1 - 3 ft	1 Gal	Showy; Low Maintenance;
6	GOG	Gomphrena globosa 'Fireworks'	Fireworks Globe Amaranth	1 - 2 ft	3 ft	1 Gal	Showy; Drought Tolerant
21	HPI	Helleborus 'Peppermint Ice'	Peppermint Ice Hellebore	2 ft	2 ft	1 Gal	Evergreen; Showy; Unusual Foliage; Shade Garden; Winter Flowering
70	HUP	Heuchera 'Paris'	Paris Coral Bells	12 - 18 in	12 - 18 in	1 Gal	Evergreen; Showy; Low Maintenance; Wildlife; Drought Tolerant
3	LIC	Libertia chilensis	Satin Flower	2 - 3 ft	2 - 3 ft	1 Gal	Evergreen; Drought Tolerant; Low Maintenance
97	LIP	Linaria purpurea	Toadflax	3 ft.	1 ft	1 Gal	Showy; Drought Tolerant
12	RCA	Rhodocoma capensis	Cape Restio	4 - 6 ft	2 - 4	5 Gal	Evergreen; Unusual Foliage; Drought Tolerant
25	SAS	Scabiosa atropurpurea 'Snowmaiden'	Snowmaiden	3 ft	2 ft	1 Gal	Showy; Wildlife
Ornamental Grasses							
91	CPA	Carex pansa	California Meadow Sedge	1 - 2 ft	1 - 2 ft	1 Gal	Low Maintenance

Plant List - ROW							
Qty	ID	Botanical Name	Common Name	Mature Height	Mature Width	Scheduled Size	Features
Trees							
2	ACB	Acer buergerianum	Trident Maple	15 - 35 ft	12 - 20 ft	24" Box	Fall Color, Specimen; Low Root Damage Potential
Perennials							
11	ERK	Erigeron karvinskianus	Santa Barbara Daisy	1 - 2 ft	2 - 3 ft	1 Gal	Low Maintenance; Drought Tolerant
13	GPS	Geranium phaeum 'Samobor'	Samobor Cranesbill	1 - 3 ft	1 - 3 ft	1 Gal	Showy; Low Maintenance;
35	LIC	Libertia chilensis	Satin Flower	2 - 3 ft	2 - 3 ft	1 Gal	Evergreen; Drought Tolerant; Low Maintenance



SEE L0.2 FOR PLANTING PLAN - PROPERTY



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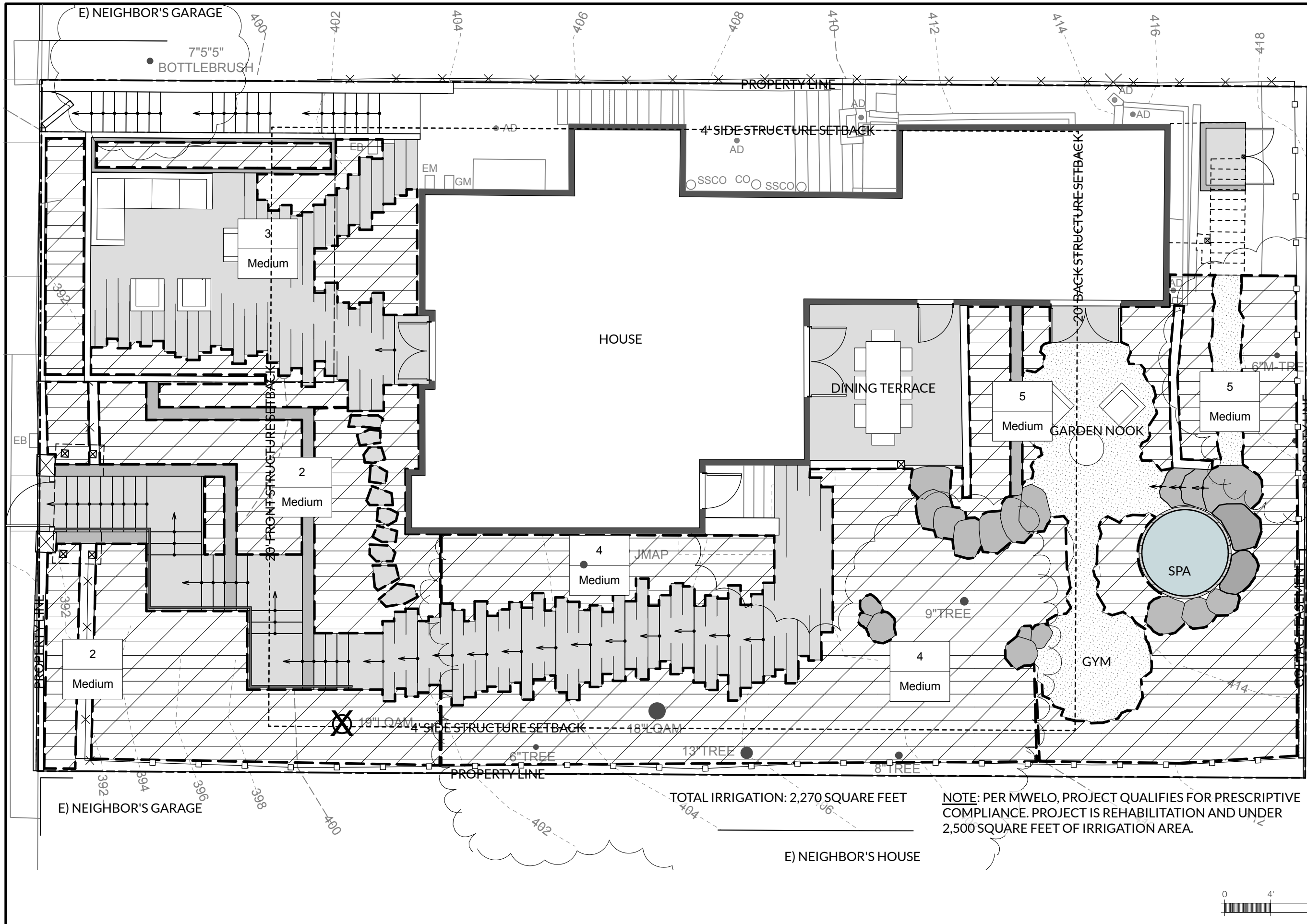
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PLANTING PLAN -
 ROW
 & PLANT LIST

L0.3



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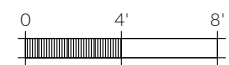
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IRRIGATION PLAN - PROPERTY

L0.4



SECTION 1: POINT OF CONNECTION COMPONENTS

ORDER OF COMPONENTS:

1. MANUAL SHUT-OFF VALVE (GATE VALVE OR BALL VALVE)
2. REDUCED PRESSURE BACKFLOW PREVENTER
3. IRRIGATION-ONLY WATER METER OR FLOW METER
4. FLOW SENSOR

SECTION 3: PIPE SIZING

1. FOR SPRINKLER ZONES WITH A FLOW BETWEEN 0GPM AND 8 GPM, ¾" SCHEDULE 40 PVC MINIMUM PIPE SIZE.
2. FOR SPRINKLER ZONES WITH A FLOW BETWEEN 8 GPM AND 12 GPM, 1" SCHEDULE 40 PVC MINIMUM PIPE SIZE.
3. FOR ALL ZONES LARGER THAN 12 GPM, CONSULT WITH LA.

SECTION 2: COMPONENT SCHEDULE

BACKFLOW PREVENTER

FEBCO #825Y-1" or approved equal

CONTROL VALVES

TORO Remote Control Valve, TPV Series

MAIN LINES

1120 SCH.40 PVC Solvent weld pipe with SCH 40 PVC solvent

WELD FITTINGS

18" Cover, min.

LATERAL LINES

1120-200 PSI PVC solvent weld pipe with SCH 40 PVC solvent

WELD FITTINGS

12" cover, min.

SLEEVES

1120- CLASS 200 PVC plastic pipe. 24" cover, min.

CONTROLLER

HUNTER ACC2 with SOLAR SYNC. Mount in accessible are for landscape maintenance crew.

WEATHER SENSOR SENSOR

HUNTER SOLAR SYNC mounted on SW side of property

SPRAY HEADS

HUNTER PRO SPRAY or RAINBIRD SAM PRS. Min 6" pop up in turf, 12" pop up in shrub areas.

VALVE BOXES

CARSON, black plastic

HOSE BIB

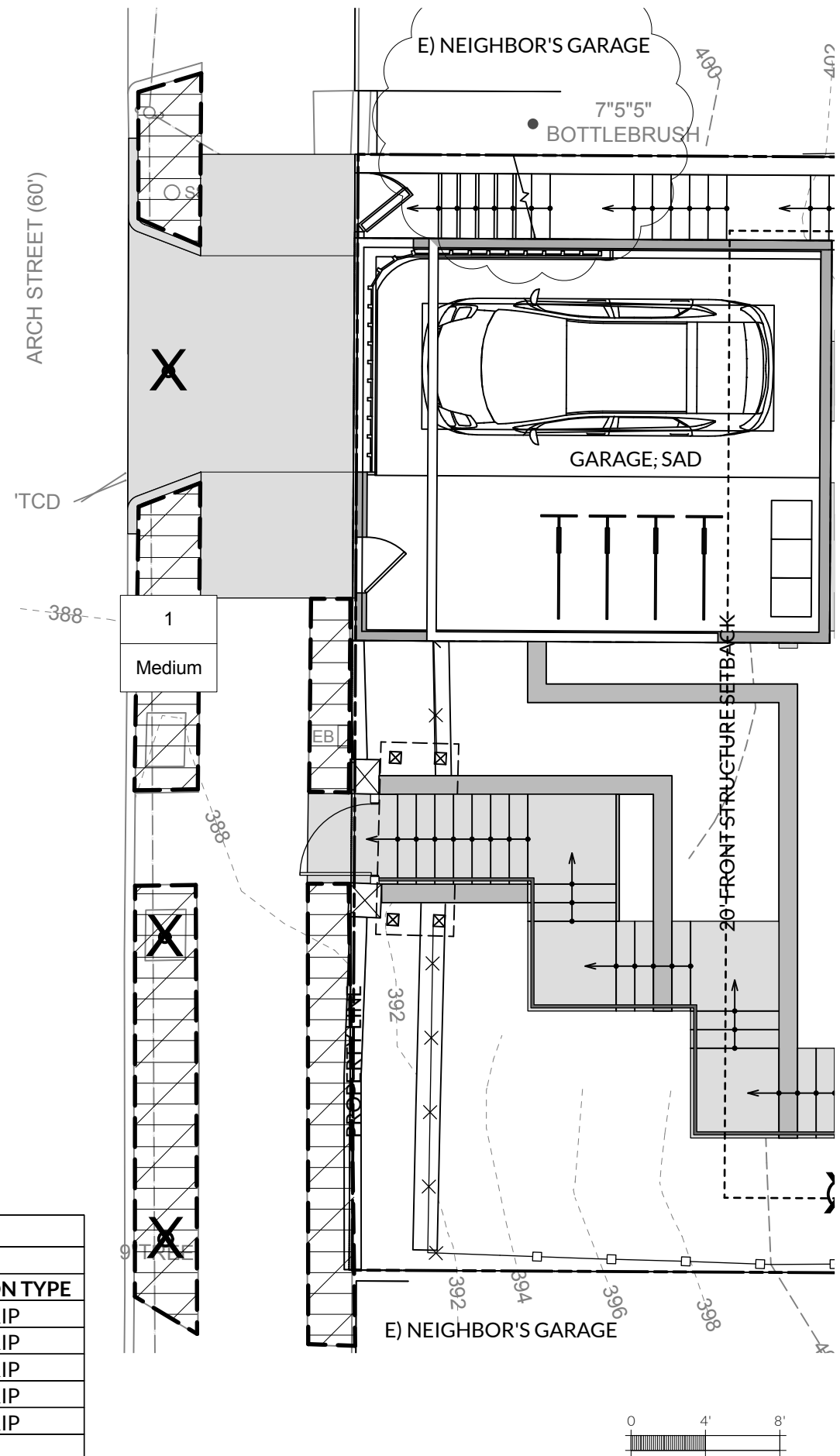
CHAMPION or BUCKNER with vacuum breaker

GATE VALVE

NIBCO, (line size)

IRRIGATION ZONE LEGEND

HYDROZONE	PLANT TYPE	SUN EXPOSURE	WATER NEEDS	IRRIGATION TYPE
ZONE 1	MIXED PERENNIAL, TREES	SUN	MED	IN LINE DRIP
ZONE 2	MIXED PERENNIAL	SUN	MED	IN LINE DRIP
ZONE 3	MIXED PERENNIAL	SUN	MED	IN LINE DRIP
ZONE 4	MIXED PERENNIAL, TREES	SHADE	MED	IN LINE DRIP
ZONE 5	MIXED PERENNIAL, TREES	PART SUN	MED	IN LINE DRIP



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IRRIGATION PLAN -
 ROW
 & IRRIGATION NOTES

L0.5

SECTION 3: DRIP SYSTEM SCHEDULE - EMITTERLINE TUBING

IN-LINE EMITTER TUBING
NETAFIM TECHLINE CV

IN-LINE FILTER
TORO DRIP ZONE KIT WITH REMOTE CONTROL VALVE, WYE FILTER WITH 150 MESH SCREEN AND 30 PSI PRESSURE REGULATOR/ KBI PVC BALL VALVE OR SIMILAR. IF SITE STATIC PRESSURE IS LESS THAN 30 PSI, DO NOT INSTALL A PRESSURE REGULATOR ON DRIP ZONES.

NETAFIM GRID SPECIFICATIONS
EMITTER FLOW, EMITTER SPACING AND GRID ROW SPACING BASED ON SOIL TYPE OF SITE:

Soil Type	Emitter Flow	Emitter Spacing	Row Spacing	Application Rate
Coarse Sand	0.9 gph	12"	16"	1.11 in/hr
Sand	0.6 gph	12"	16"	0.73 in/hr
Sandy Loam	0.6 gph	12"	16"	0.73 in/hr
Loam	0.4 gph	18"	18"	0.30 in/hr
Clay Loam	0.4 gph	18"	18"	0.30 in/hr
Clay	0.4 gph	18"	18"	0.30 in/hr
Clay	0.26 gph	18"	18"	0.19 in/hr

SECTION 6: DRIP SYSTEM SCHEDULE - POINT SOURCE EMITTERS

THE RECOMMENDED DRIP METHOD IS EMITTER LINE TUBING GRIDS, AS SHOWN ABOVE. WHEN USING INDIVIDUAL EMITTERS, USE THE FOLLOWING SCHEDULE:

Container size	# of .5 gph Emitters	Total Flow	Configuration
4"	1 Emitter	.5 gph	On root ball
1 gallon	2 Emitters	1 gph	Opposite sides of root ball
2 gallon	2 Emitters	1 gph	Evenly around root ball
5 gallon	4 Emitters	2 gph	Evenly around root ball
15 gallon	5 Emitters	2.5 gph	Evenly around root ball
24" Box	10 Emitters	5 gph	Concentric rings
36" Box	18 Emitters	9 gph	Concentric rings
48" Box	27 Emitters	13.5 gph	Concentric rings

SECTION 4: DRIP SYSTEM NOTES

- LOCATE IN-LINE FILTER, PRESSURE REGULATOR AND VALVE IN VALVE BOXES.
- FOR DRIP ZONES WITH A FLOW OF LESS THAN 4 GPM, ½" POLYETHYLENE TUBING MAY BE LEAD ALL THE WAY FROM THE VALVE TO THE DRIP ZONE.
- FOR DRIP ZONES WITH A FLOW BETWEEN 4 GPM AND 8 GPM, ¾" SCHEDULE 40 PVC SHALL RUN FROM THE VALVE TO THE BEGINNING OF THE ZONE.
- FOR DRIP ZONES WITH A FLOW BETWEEN 8 GPM AND 12 GPM, 1" SCHEDULE 40 PVC SHALL BE RUN FROM THE VALVE TO THE BEGINNING OF THE ZONE.
- LOCATE EMITTER DISCHARGE WITHIN THE WATERING BASIN OF EACH PLANT. SEE PLANTING PLAN FOR EXACT LOCATION AND SIZE OF PLANTS TO DETERMINE LOCATION OF EMITTERS. SECURE ABOVE GRADE EMITTER LINES TO FINISH GRADE WITH PLASTIC OR METAL STAPLES.
- INSTALL ONE MANUAL FLUSH VALVE FOR EACH DRIP SUB-ZONE ON THE EXHAUST HEADER AT THE HYDRAULIC OPPOSITE END FROM THE SUPPLY HEADER.
- INSTALL ONE DRIP ZONE FLOW INDICATOR WITHIN 3 FEET OF THE FLUSH VALVE FOR EACH ZONE.
- IF ¼" INCH TUBING IS USED, INSTALL E.O.V.C. BUG CAPS AND TUBING STAKES AT THE DISCHARGE ENDS BY 'SALCO'. ¼" TUBING LENGTHS TO BE NO GREATER THAN SIX FEET.
- IN-LINE EMITTER TUBING SHALL BE INSTALLED AS A CLOSED LOOP GRID SYSTEM. ALL DRIP GRIDS SHALL BE SITUATED ON THE CONTOUR OF SLOPES AND NOT PERPENDICULAR TO THE SLOPE. INSTALL TUBING ON TOP OF FINISH GRADE AND UNDER MULCH. ENSURE THAT EACH PLANT HAS AN EMITTER ON ITS ROOT BALL TO ESTABLISH IT.
- POINT SOURCE DRIP (BUTTON EMITTERS, FLAG EMITTERS, SHRUBBLERS, AND VARI-SPRAYS) SHALL BE AVOIDED, IF POSSIBLE. INSTALL AN INLINE GRID IN ALL PLANTED AREAS.

SECTION 8: PRESSURE AND FLOW RECORDING

- CONTRACTOR SHALL MAINTAIN A SET OF 'AS-BUILT' DRAWINGS THROUGHOUT THE CONSTRUCTION AND PREPARE AND DELIVER A LEGIBLE COPY OF THE PLAN TO THE LA/OWNER UPON COMPLETION OF THE WORK AND BEFORE FINAL PAYMENT. THE IRRIGATION PLAN SHALL INDICATE LOCATIONS OF ALL UNDERGROUND PIPES, LOCATION OF SLEEVES, LOCATION OF VALVES AND ANY OTHER INFORMATION NECESSARY FOR LONG-TERM MAINTENANCE OF THE SYSTEM. ONE LAMINATED PLAN COPY AND ONE LAMINATED VALVE ZONE SCHEDULE MUST BE PLACED AT THE IRRIGATION CONTROLLER.
- CONTRACTOR SHALL INCLUDE BASE FLOW READING IN GALLONS PER MINUTE FOR EACH VALVE ZONE ON THE AS-BUILT IRRIGATION DRAWING.
- CONTRACTOR SHALL NOTE THE STATIC PRESSURE ON THE AS-BUILT IRRIGATION DRAWING.
- CONTRACTOR TO PROVIDE ONE IRRIGATION BINDER TO THE LA/OWNERS, AT FINAL WALK THROUGH. BINDER TO INCLUDE AS-BUILT IRRIGATION DRAWING, VALVE MAP, MANUFACTURER'S OPERATING INSTRUCTIONS AND WARRANTY AND REPAIR INFORMATION.
- CONTRACTOR TO PROVIDE AN IRRIGATION AUDIT REPORT (ALL PROJECTS UNDER 2500SF CAN BE CONDUCTED BY THE INSTALLING CONTRACTOR. FOR ALL PROJECTS OVER 2500 SF, A QUALIFIED CLIA IRRIGATION AUDITOR MUST BE HIRED.)

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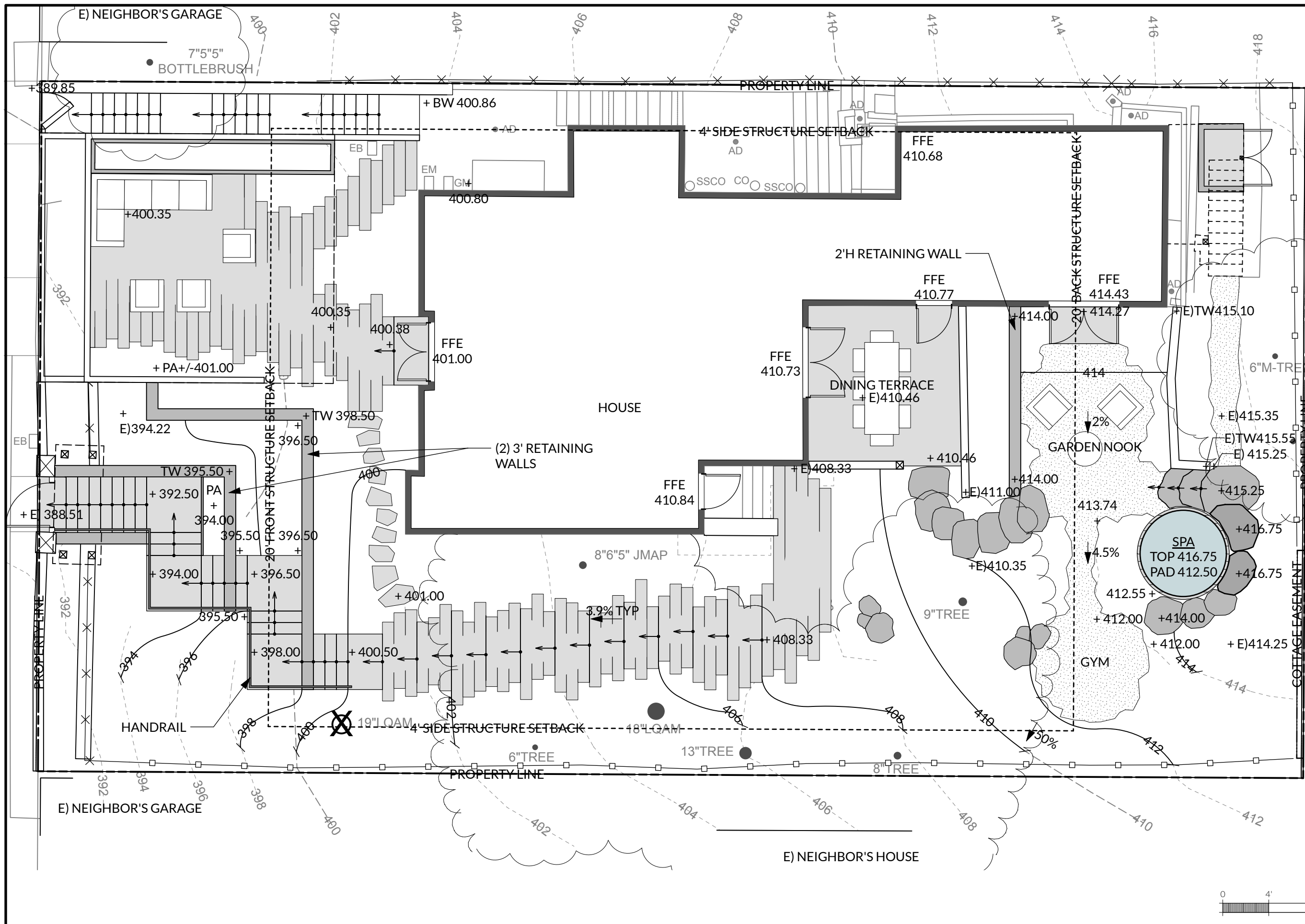
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SCALE:

IRRIGATION NOTES

L0.6



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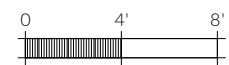
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CONCEPTUAL
 GRADING PLAN

L0.7





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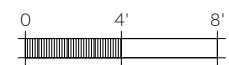
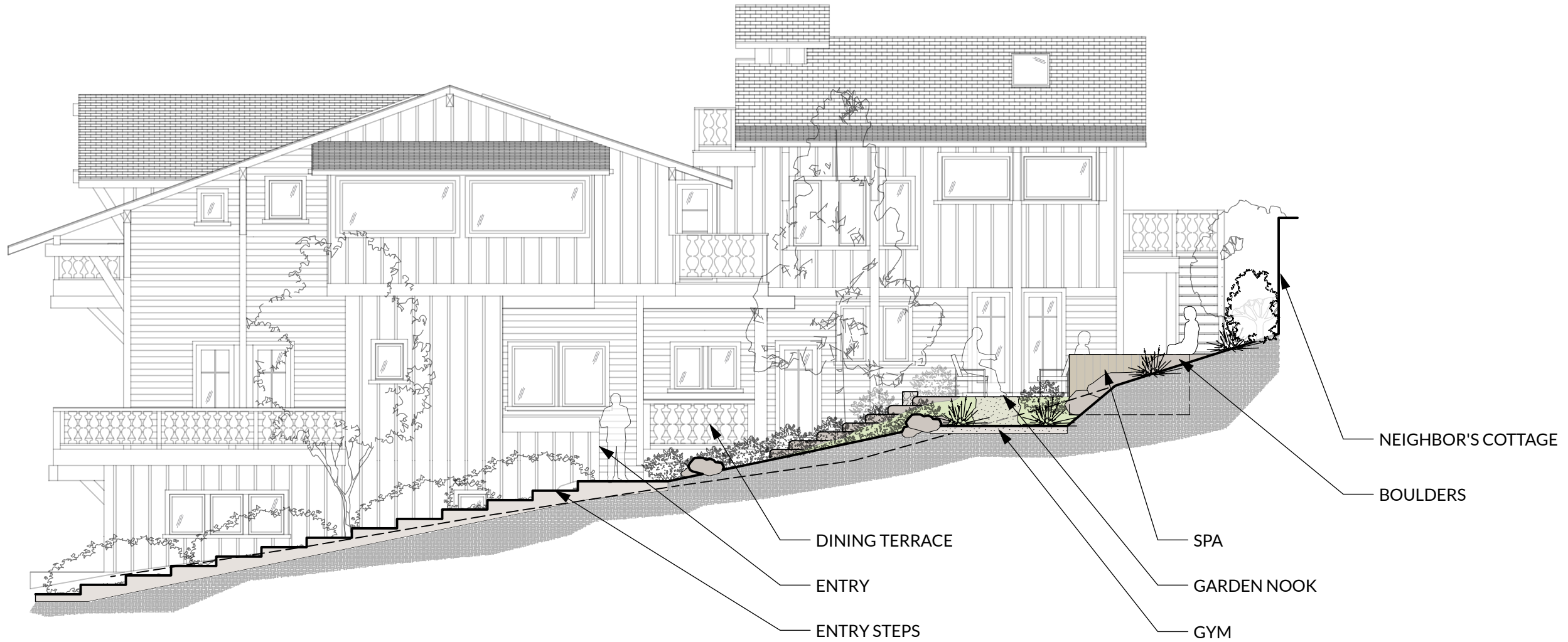
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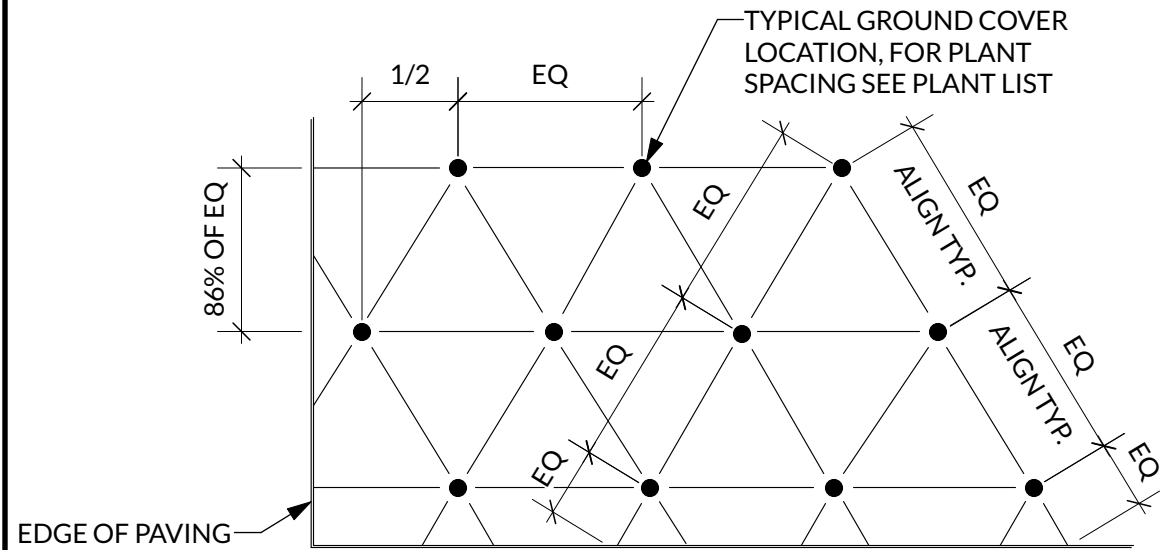
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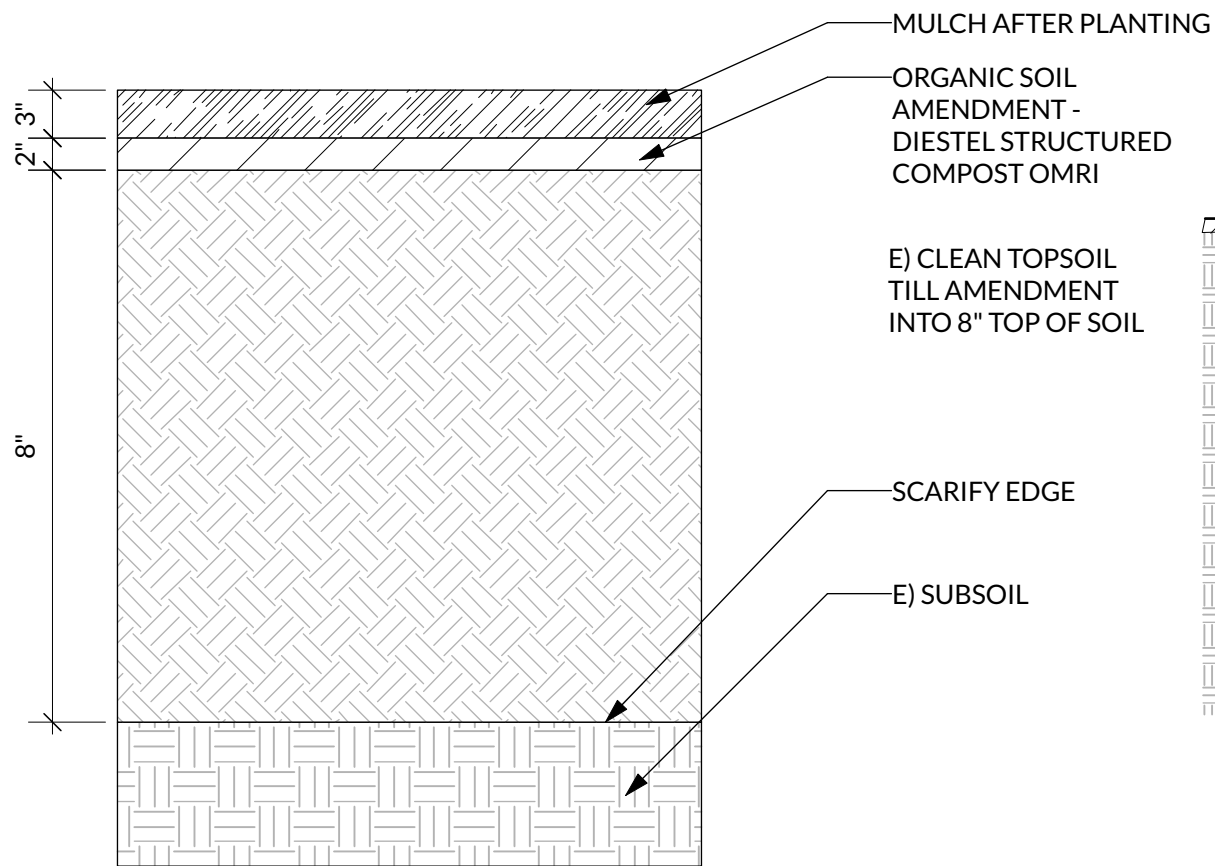
SECTION-ELEVATION

L0.8

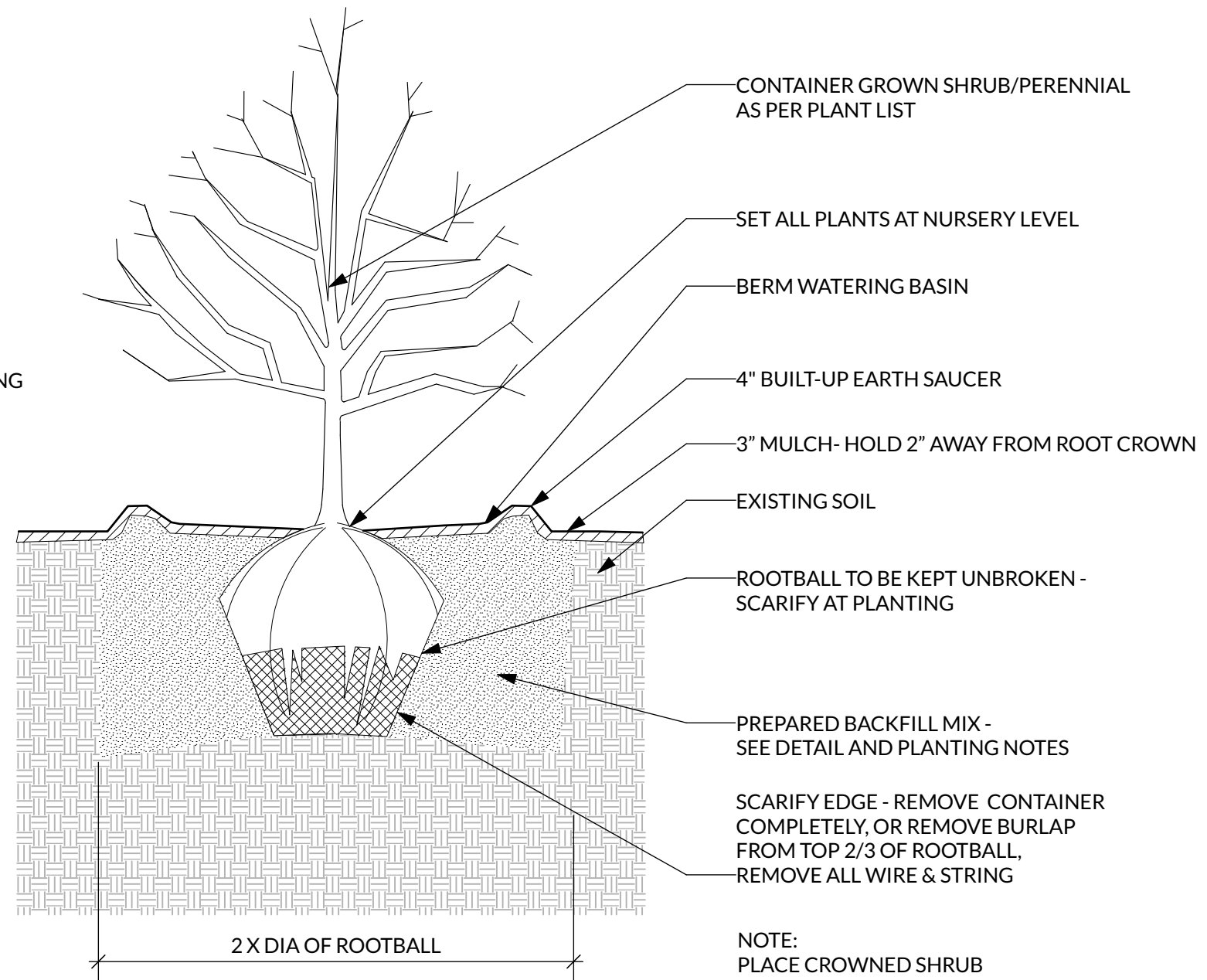




3 TYPICAL GROUND COVER SPACING
L0.11 Scale: 1" = 1'-0"



2 TYP SOIL DETAIL
L0.11 Scale: 1" = 1'-0"



1 SHRUB PLANTING DETAIL
L0.11 NTS

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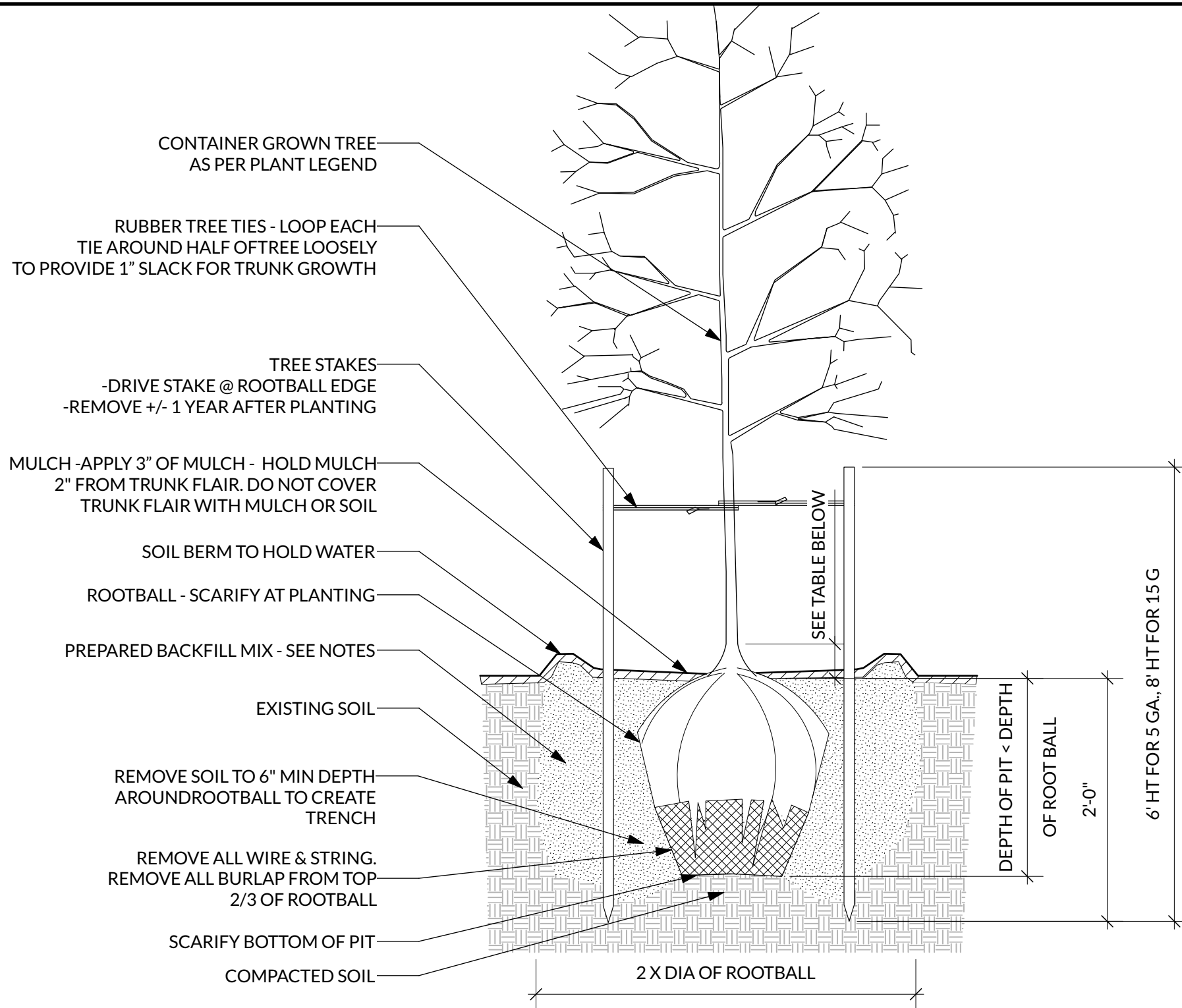
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SCALE: AS NOTED

PLANTING DETAILS

L0.11



- CONTAINER GROWN TREE AS PER PLANT LEGEND
- RUBBER TREE TIES - LOOP EACH TIE AROUND HALF OF TREE LOOSELY TO PROVIDE 1" SLACK FOR TRUNK GROWTH
- TREE STAKES - DRIVE STAKE @ ROOTBALL EDGE - REMOVE +/- 1 YEAR AFTER PLANTING
- MULCH - APPLY 3" OF MULCH - HOLD MULCH 2" FROM TRUNK FLAIR. DO NOT COVER TRUNK FLAIR WITH MULCH OR SOIL
- SOIL BERM TO HOLD WATER
- ROOTBALL - SCARIFY AT PLANTING
- PREPARED BACKFILL MIX - SEE NOTES
- EXISTING SOIL
- REMOVE SOIL TO 6" MIN DEPTH AROUND ROOTBALL TO CREATE TRENCH
- REMOVE ALL WIRE & STRING. REMOVE ALL BURLAP FROM TOP 2/3 OF ROOTBALL
- SCARIFY BOTTOM OF PIT
- COMPACTED SOIL

NOTE:
SHAPE SOIL SURFACE TO PROVIDE 3' DIAMETER WATERING RING.

TABLE:

SIZE OF TREE	DISTANCE BOTTOM OF TRUNK FLAIR SITS ABOVE FINISH GRADE
15 GAL	6" HIGH MIN.
24" BOX	9" HIGH MIN.
36"-60" BOX	1'-0" HIGH MIN.

-CONFIRM FINAL HEIGHT WITH L.A.

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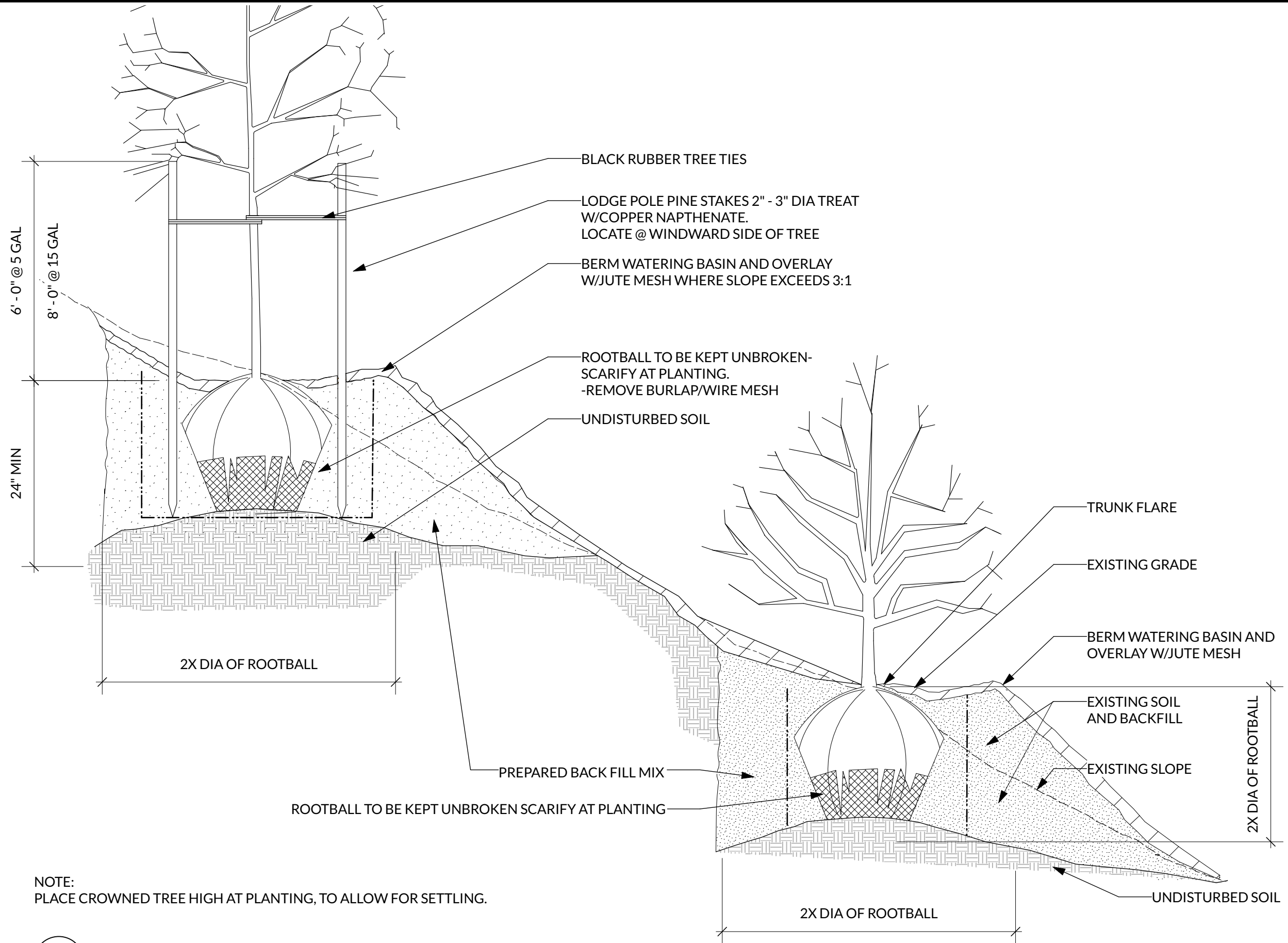
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PLANTING DETAILS

L0.12

1 TREE PLANTING DETAIL
L0.12 NTS



NOTE:
PLACE CROWNED TREE HIGH AT PLANTING, TO ALLOW FOR SETTLING.

1 SLOPE PLANTING DETAIL
LO.13 NTS

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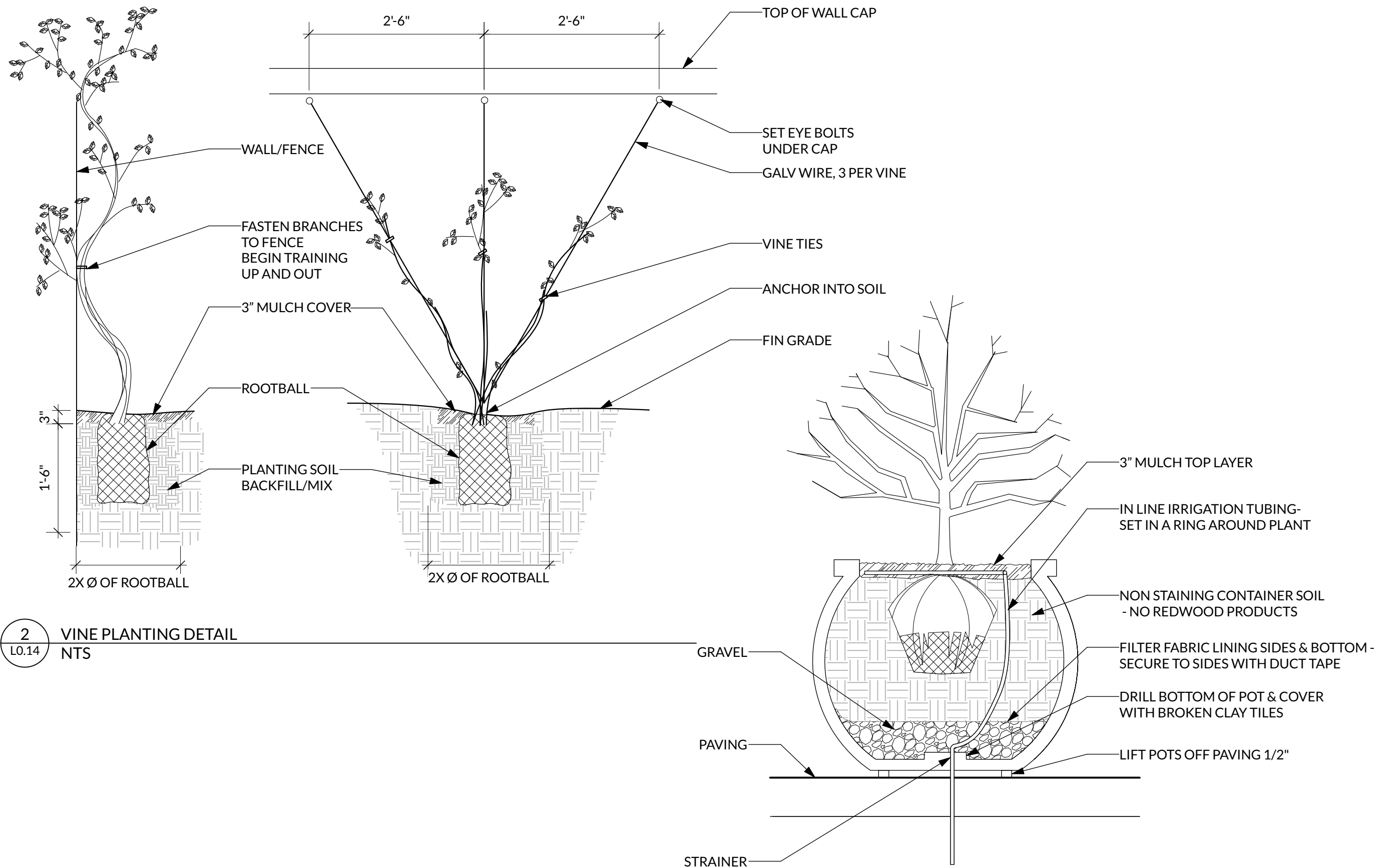
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PLANTING DETAILS

L0.13



2 VINE PLANTING DETAIL
L0.14 NTS

1 PLANTING POT DETAIL
L0.14 NTS

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PLANTING DETAILS

L0.14



Office of the City Manager

INFORMATION CALENDAR
March 21, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: LPO NOD: 1911 Fourth Street /#LMSAP2022-0014

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on March 7, 2023.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. In order for Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by March 21, 2023. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Principal Planner, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2022-0014/1911 Fourth Street



L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

Notice of Decision

DATE OF BOARD DECISION: February 2, 2023
DATE NOTICE MAILED: March 6, 2023
APPEAL PERIOD EXPIRATION: March 21, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal): March 22, 2023¹

1911 Fourth Street – Spenger’s Fish Grotto

Structural Alteration Permit #LMSAP2022-0014 to install two temporary structures immediately adjacent to a tenant space within a City Landmark property.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structural Alteration Permit**

APPLICANT: Olin Cohan, Masaya Trading Company

ZONING DISTRICT: Commercial West Berkeley (C-W)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15331 of the CEQA Guidelines (Historical Resource Restoration and Rehabilitation).

The Application materials for this project are available online at:

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects>

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

¹ Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may “certify” any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2022-0014
1911 Fourth Street
March 6, 2023
Page 2 of 5

COMMISSION VOTE: 8-0-0-1

YES: ADAMS, ENCHILL, FINACOM, LEUSCHNER, LINVILL, MONTGOMERY,
SCHWARTZ, TWU

NO: [NONE]

ABSTAIN: [NONE]

ABSENT: CRANDALL

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code)

An appeal may be taken to the City Council by the City Council on its own motion, by motion of the Planning Commission, by motion of the Civic Art Commission, by the verified application of the owners of the property or their authorized agents, or by the verified application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of this chapter.

Such appeal shall be taken by filing a written notice of appeal with the City Clerk within fifteen days after the mailing of the notice of the decision of the commission. The notice of appeal shall clearly and concisely set forth the grounds upon which the appeal is based. If the appeal is taken by an owner of the property affected, or an authorized agent, the notice of appeal shall be filed in duplicate and the City Clerk shall immediately forward one copy to the secretary of the commission. If the appeal is taken by someone other than an owner of affected property or an authorized agent, the notice of appeal shall be filed in triplicate and the City Clerk shall immediately forward one copy to the owner or authorized agent of the affected property and one copy to the secretary of the commission. Within ten days after the filing of a notice of appeal, the secretary of the commission shall transmit to the City Council a copy of the application, a copy of the notice of appeal and a written statement setting forth the reasons for the commission's decision, and shall make available to the council, at the time the matter is considered by the council, all other papers constituting the record upon which the action appealed from was taken.

The City Clerk is located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's facsimile number is (510) 981-6901. The City Clerk's telephone number is (510) 981-6900.

An appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

The required fee is as follows (checks and money orders must be payable to "City of Berkeley"):

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2022-0014
1911 Fourth Street
March 6, 2023
Page 3 of 5

- a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$2,500.

STRUCTURAL ALTERATION PERMIT ISSUANCE:

If no appeal is received, the Structural Alteration Permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time. Information about the Building Permit process can be found at the following link:
<http://www.ci.berkeley.ca.us/permitservicecenter/>.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in a public hearing and/or written correspondence during the proceedings related to this permit.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the

LANDMARKS PRESERVATION COMMISSION
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1911 Fourth Street
March 6, 2023
Page 4 of 5

following information:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Desiree Dougherty, at (510) 981-7431 or ddougherty@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, during regular business hours.

ATTACHMENTS:

- 1. Findings and Conditions
- 2. Project Plans, dated **DECEMBER 23, 2022**

ATTEST:



Fatema Crane, Principal Planner
Secretary to the Landmarks Preservation Commission

cc: City Clerk

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
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1911 Fourth Street
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Page 5 of 5

Applicant: Olin Cohan, Masaya Trading Company, 3820 Charlotte Avenue,
Nashville TN 37209
Property Owner: Jamestown Urban Management, 1700 Montgomery Street, Suite
215, San Francisco, CA 94111

Attachment 1, part 2

Findings and Conditions

1911 Fourth Street – Spenger’s Fish Grotto

Structural Alteration Permit #LMSAP2022-0014 to install two temporary structures immediately adjacent to a tenant space within a City Landmark property.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The proposed project does not require a change of use. The property will retain its historic commercial use.
2. The project avoids removal of distinctive materials and any alteration of features that characterize the property. The project scope is limited to the construction of two temporary accessory structures in the outdoor patio located directly adjacent to the subject tenant space. No demolition or alteration to the building façade is proposed.
3. The project proposed two modern designed structures, a pergola and a display shed. Because these structures are contemporary and temporary, they will not result in a false sense of historical development.
4. The subject property does not feature changes that have acquired significance in their own right.
5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize the Spenger’s Grotto will be preserved as the scope will not touch the historic structure.

6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.
7. The applicant does not propose chemical or physical treatments. However, standard conditions of Structural Alteration Permit approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.
8. The project does not have the potential to affect any archaeological resources because the applicant proposes no excavation.
9. The proposed new work is designed with complimentary, high-quality materials in simplified, contemporary style employing colors and finishes that harmonize with the design elements of the existing non-historic building. Owing to these aspects, new work will be sufficiently differentiated from the historic design.
10. If the proposed improvements were removed in the future, they would not permanently impair the integrity or essential form of the subject building.

FINDINGS FOR APPROVAL

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
 - a. The proposed area of scope is limited to the outdoor space located on the andmarked parcel, but not a part of the landmarked structure. No changes are proposed on the landmarked building.
 - b. The proposed project would provide temporary display opportunities for the subject tenant space and would be removed once the lease of the space has come to term. There are no aspects of this proposal that would be detrimental to the character of the landmarked commercial building.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

- 6. The proposed façade upgrades are approved as shown on the drawings dated “received December 23, 2022” subject to the following conditions.
- 7. No changes can be made to these approved plans without prior approval.
- 8. **CITY PERMITS.** This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite Use Permit and Public Work Permit for the project scope.
- 9. **PLANS COMPLIANCE.** Construction and building permit plans shall substantially conform to the Structural Alteration Permit (SAP) project plans dated/received **December 23, 2022.**

10. **REMOVAL OF TEMPORARY STRUCTURES.** Applicant shall be responsible for disassembly and removal of the pergola and shed at the termination of their lease and for any necessary repairs to the patio surface.
11. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
12. **COLORS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
13. **CLEAR GLASS.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, or includes signage, shall be indicated on all drawings, and shall be reviewed for approval by Landmarks staff.
14. **DETAILS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit pergola and display shed details for review and approval by the Landmarks plan checker.
15. **LIGHTING.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
16. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
17. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
18. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
19. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation,

payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

20. **Repair and replacement of character-defining features.** Repair and replacement of character-defining features. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
21. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.

MASAYA TENANT IMPROVEMENT PATIO PLAN AUP/SAP SUBMITTAL

1911 FOURTH STREET, SUITE 104
BERKELEY, CA 94710



PATIO AREA NOTES:

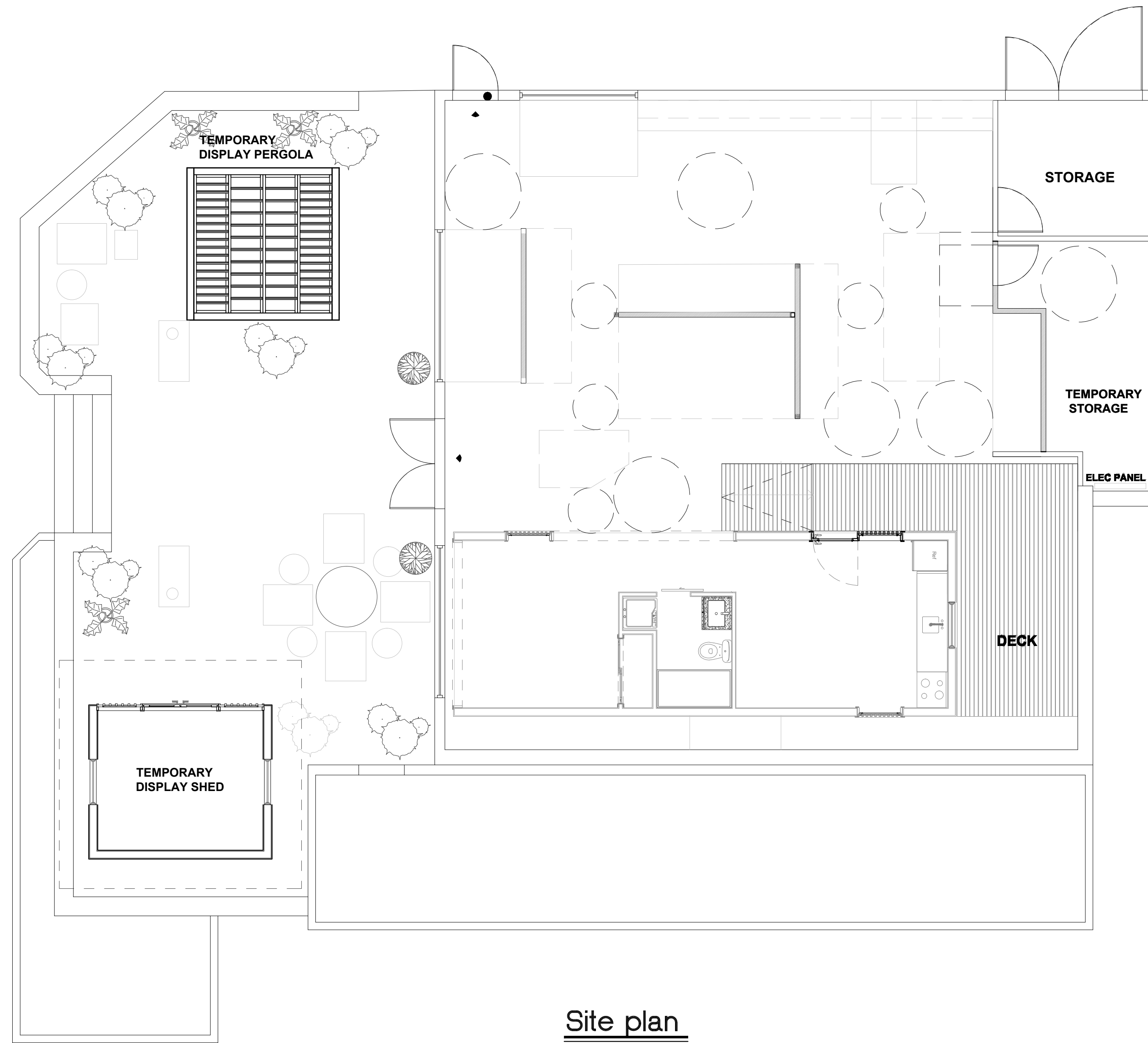
Current bocci ball court and picnic table to be removed.

Temporary sustainably grown teak display shed and pergola will be placed in existing patio area with NO structural or landscape modifications.

Loose furniture collections to be presented and available for public use, to be secured after hours with security wire and locking system.

Cornhole game to be provided for public use and offered for sale. To be stored inside after hours.

Planters to be included throughout patio area to match planters or similar across the shopping mall. Large, weighted planters to be specified for security purposes, smaller planters to be store inside after hours.



Site plan
3/16" = 1'-0"

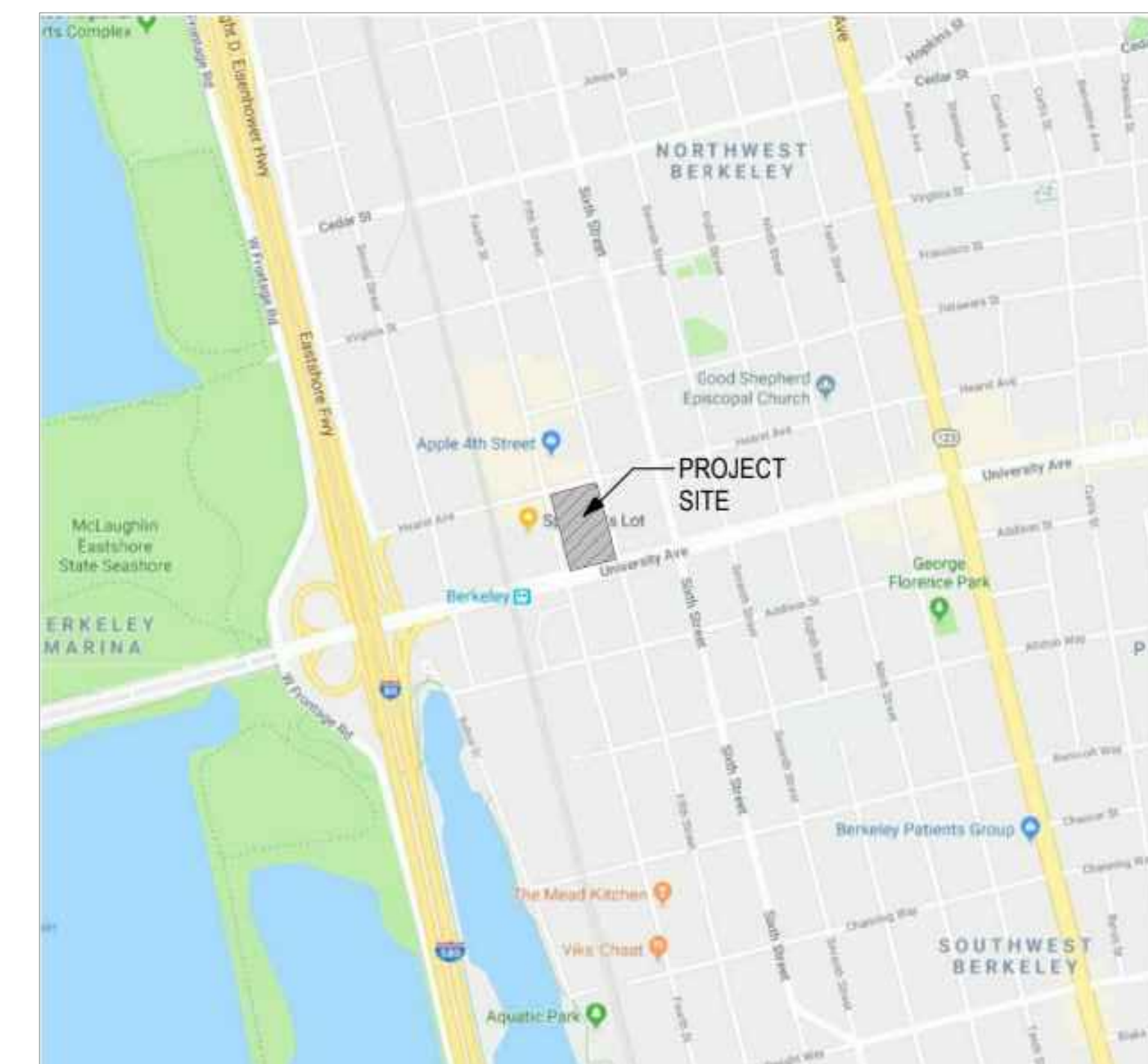
SHEET INDEX:

ARCHITECTURAL

Sheet #:	Contents
AUP 1.0	Vicinity & Site plan
AUP 2.0	Landscape plan
AUP 3.0	Elevation display shed
AUP 4.0	Elevation display pergola



VICINITY MAP



LOCATION MAP

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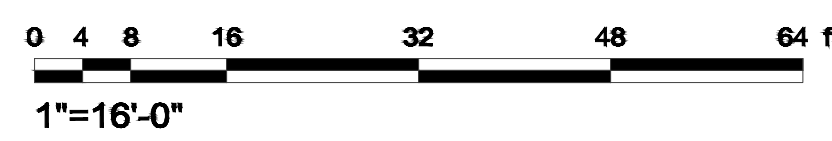
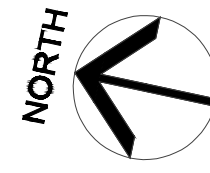
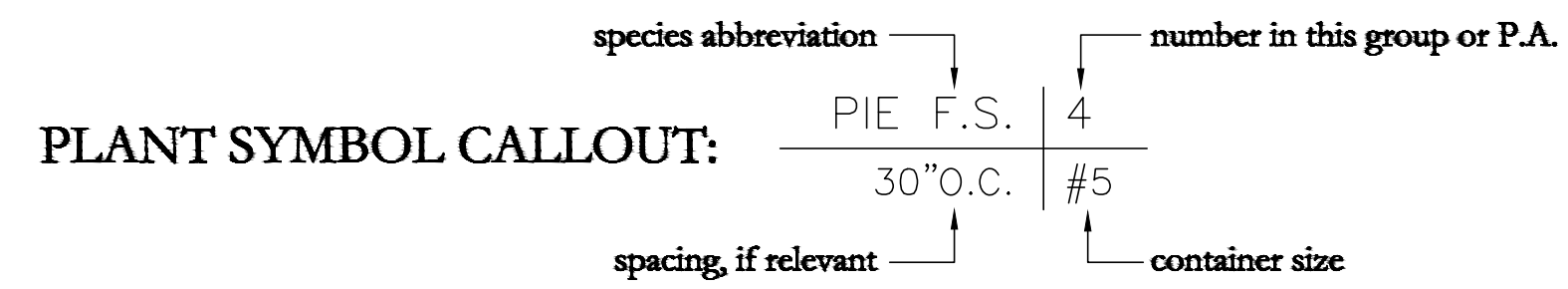
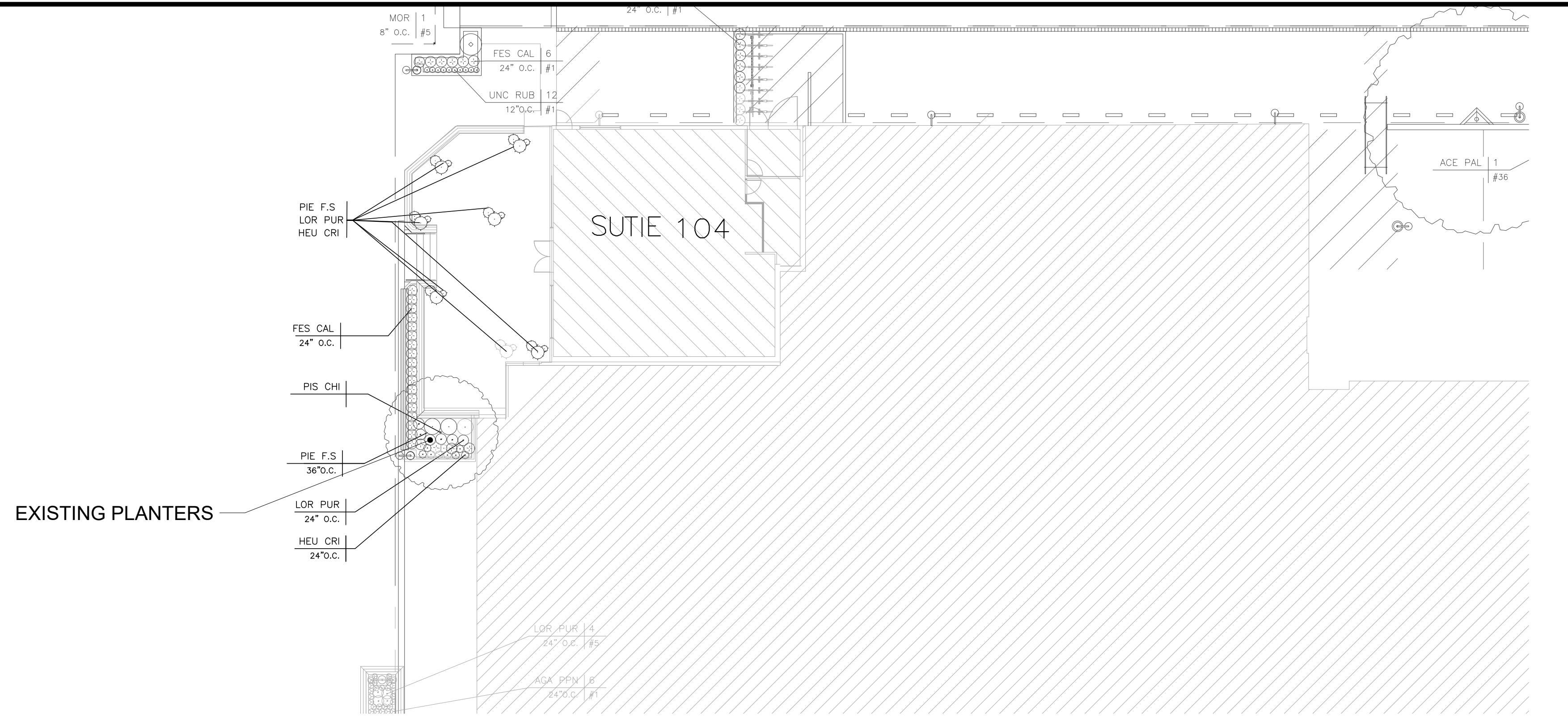
1911 4th St, Suite 104 TI
AUP/SAP Submittal
Vicinity & Site plan

SUBMITTED
12/23/2022

DATE: 12/23/2022

SHEET NO.:

AUP1.0



Landscape Plan
3/16" = 1'-0"

SYMBOL	SCIENTIFIC NAME	COMMON NAME	FORM	MAX HT	MAX SP	SUN	PS	SD	WATER	36" #15	#5	#1	NOTES
TREES													
PIS CHI	PISTACIA CHINENSIS	CHINESE PISTACHE	TREE	30-60	30-60					1			
SHRUB													
PIE F.S.	PIERIS JAPONICA 'FLAMING SILVER'	LILY-OF-THE-VALLEY SHRUB	SHRUB	4	4		X		Med	27			3' O.C.
LOR PUR	LOROPETALUM CHINESE 'PURPLE PIXE'		SHRUB	1	4-5	X	X		Med	19			
PERENNIALS													
HEU CRI	HEUCHERA HYBRID 'CRIMSON CURLS'	CORAL BELL 'CRIMSON CURLS'	PERENNIAL	1.5		X	X		Low			40	
GRASSES AND SEDGES													
FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	GRASS/RUSH/SEDGE	2-3	1-2	X	X		Low			274	

SHRUB



PIERIS JAPONICA 'FLAMING SILVER'
LILY-OF-THE-VALLEY SHRUB



LOROPETALUM CHINENSE 'PURPLE PIXE'

PERENNIALS



HEUCHERA HYBRID 'CRIMSON CURLS'
CORAL BELL 'CRIMSON CULS'

GRASSES AND SEDGES



FESTUCA CALIFORNICA
CALIFORNIA FESCUE

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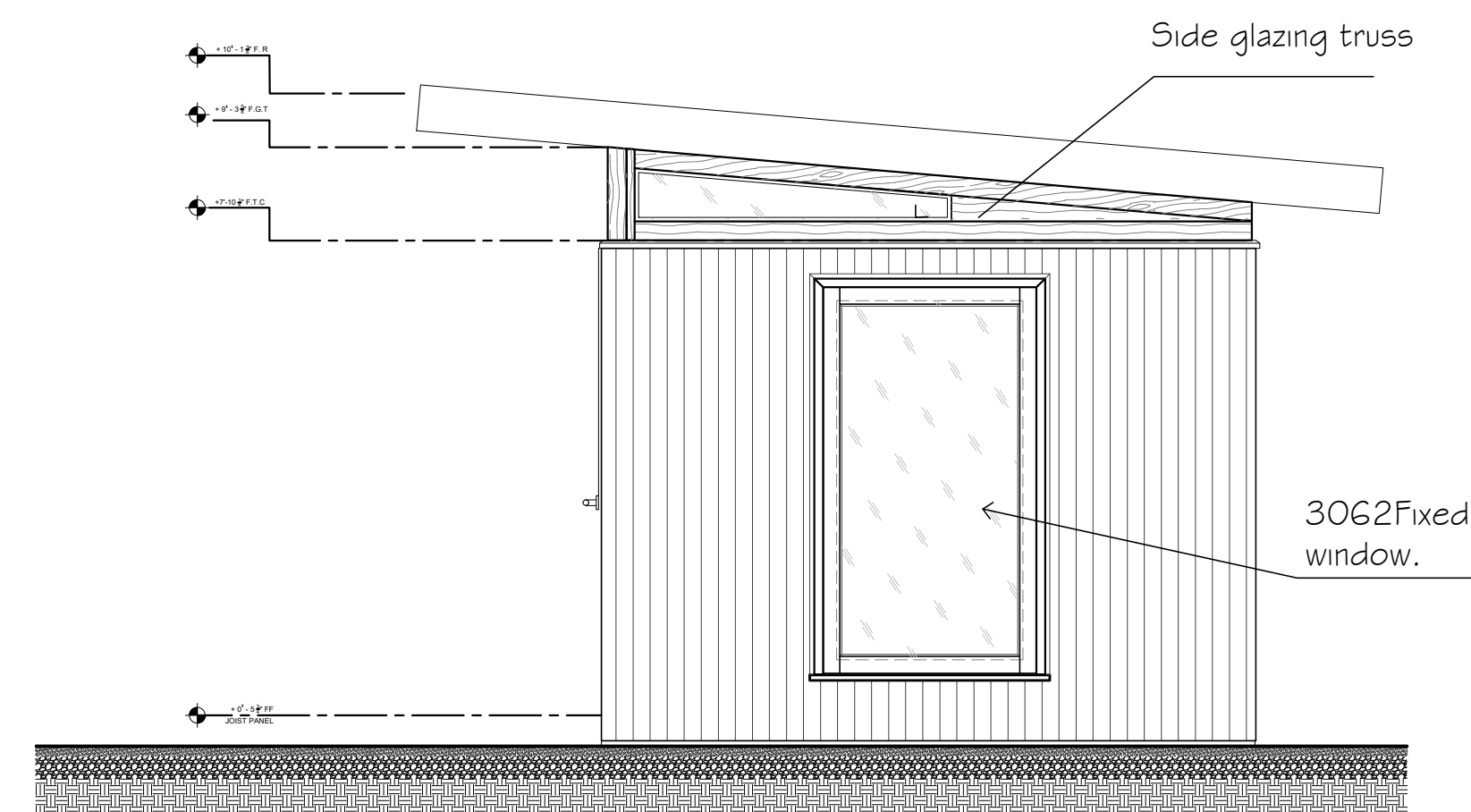
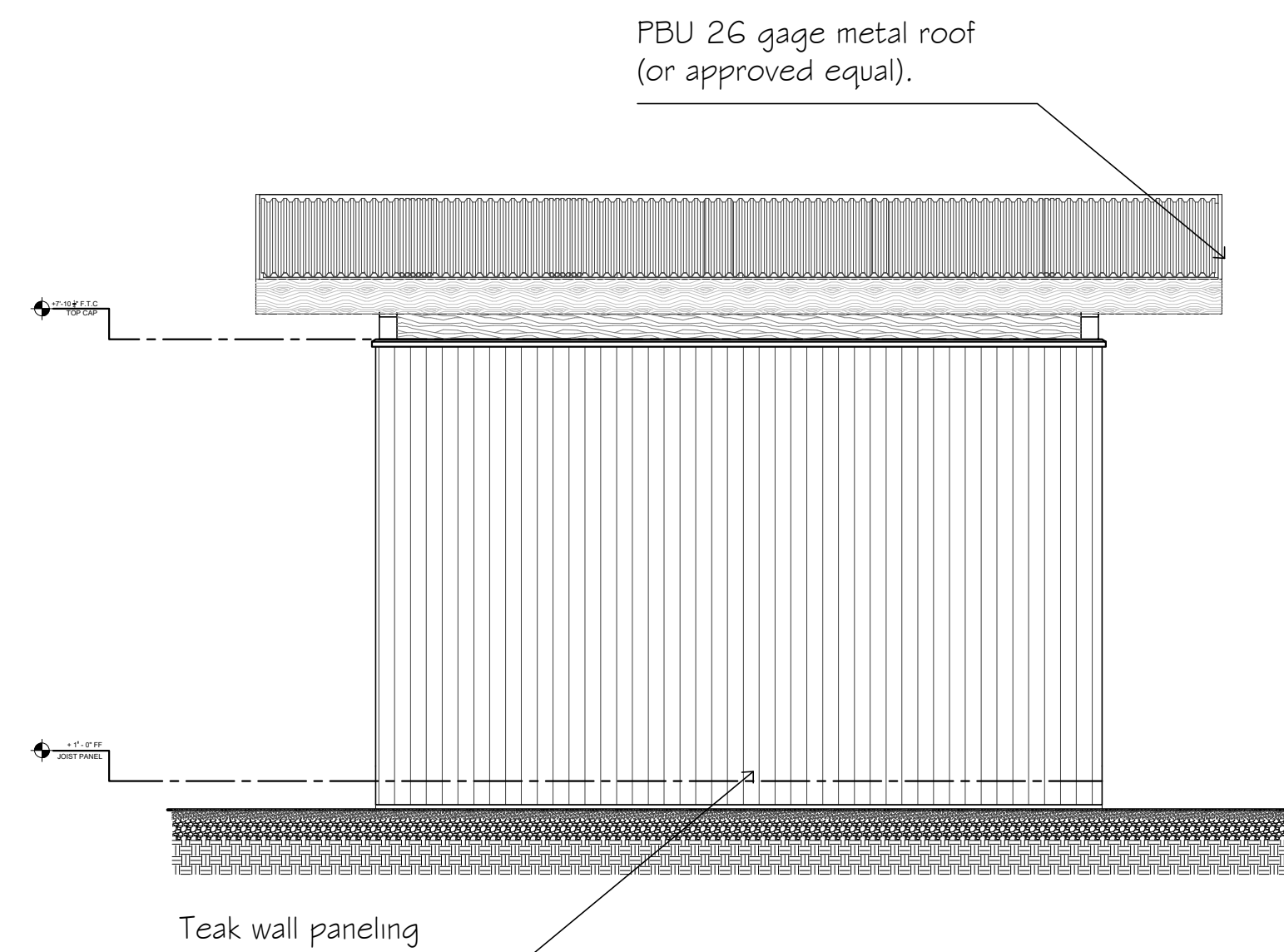
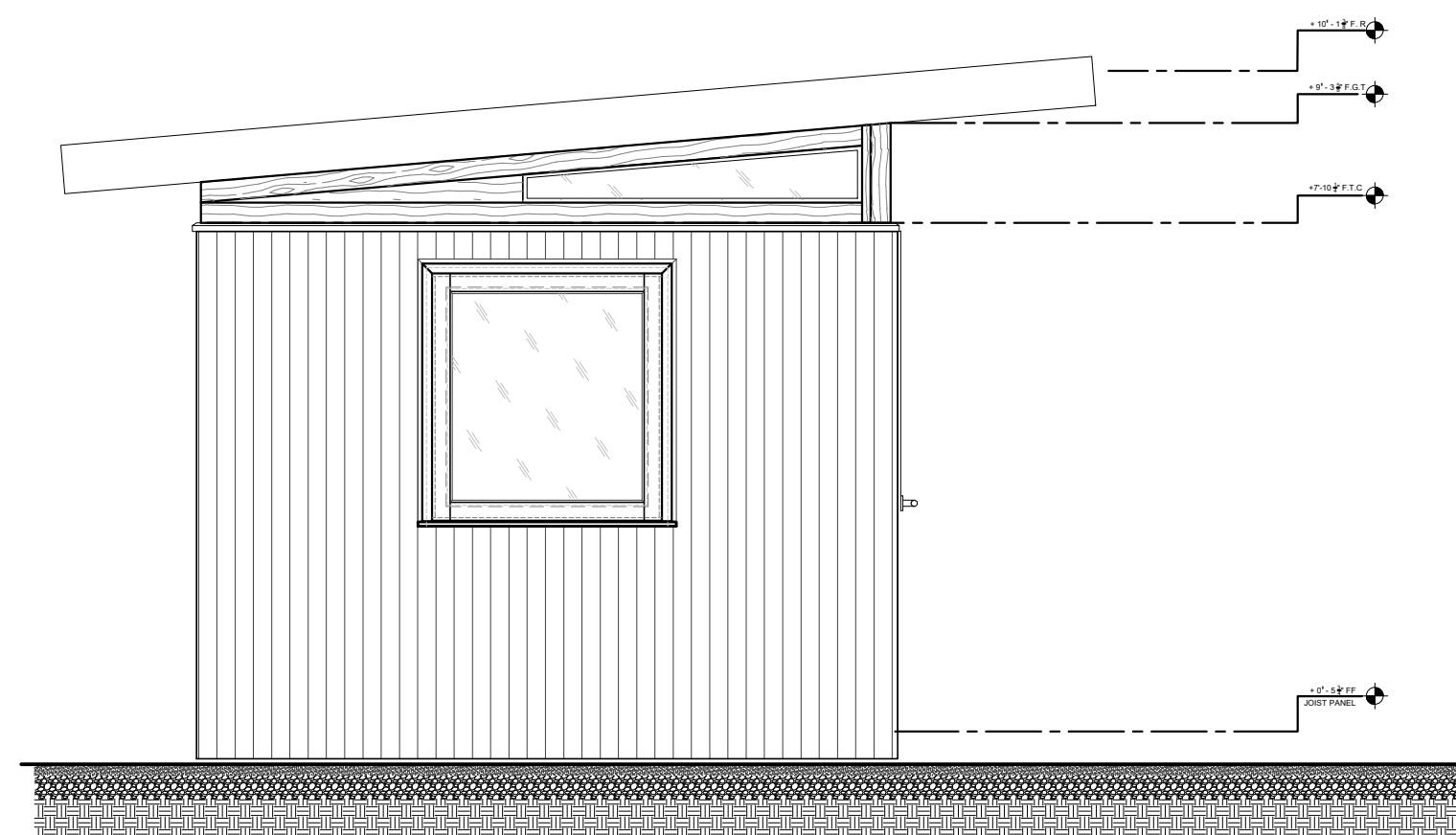
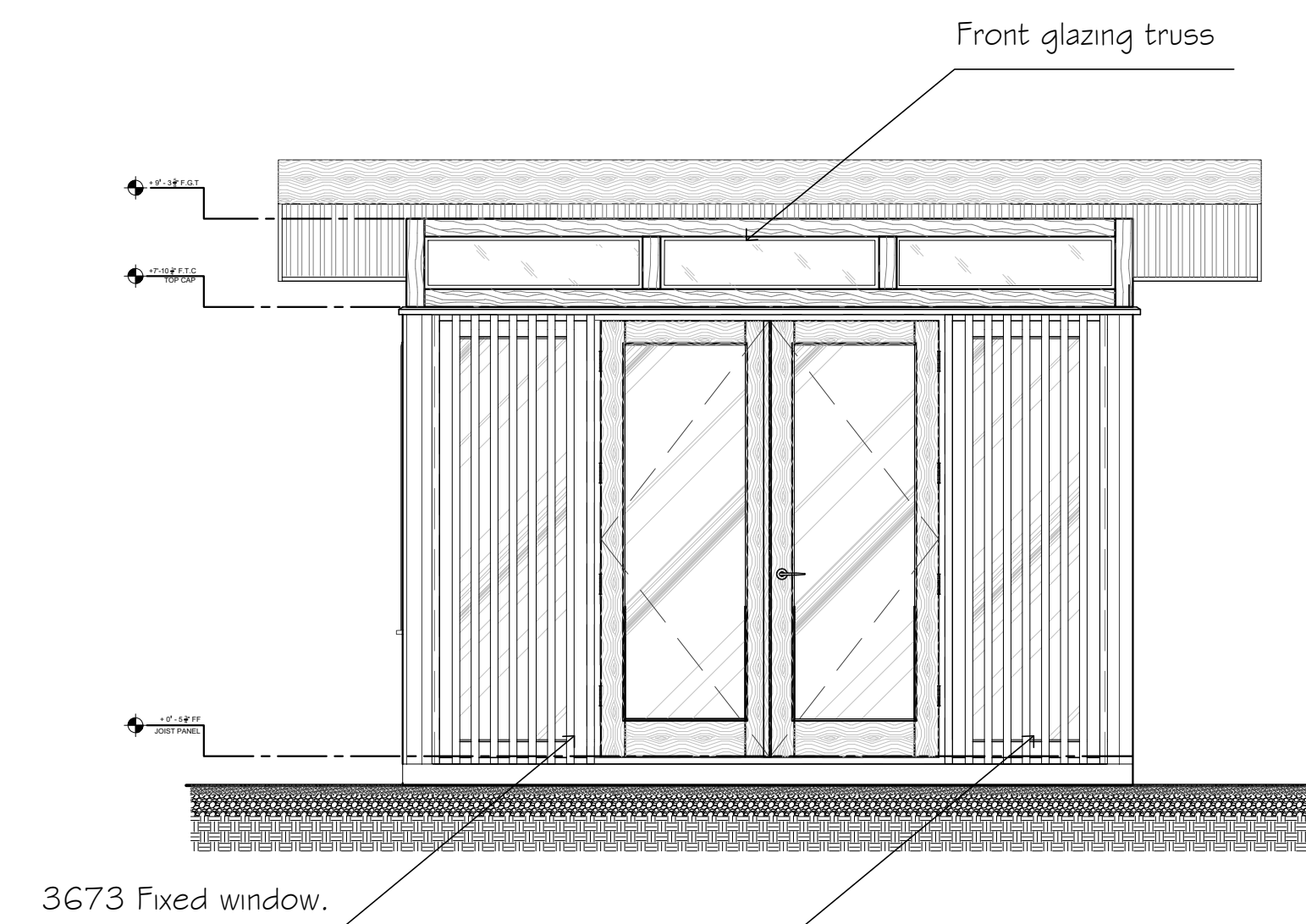
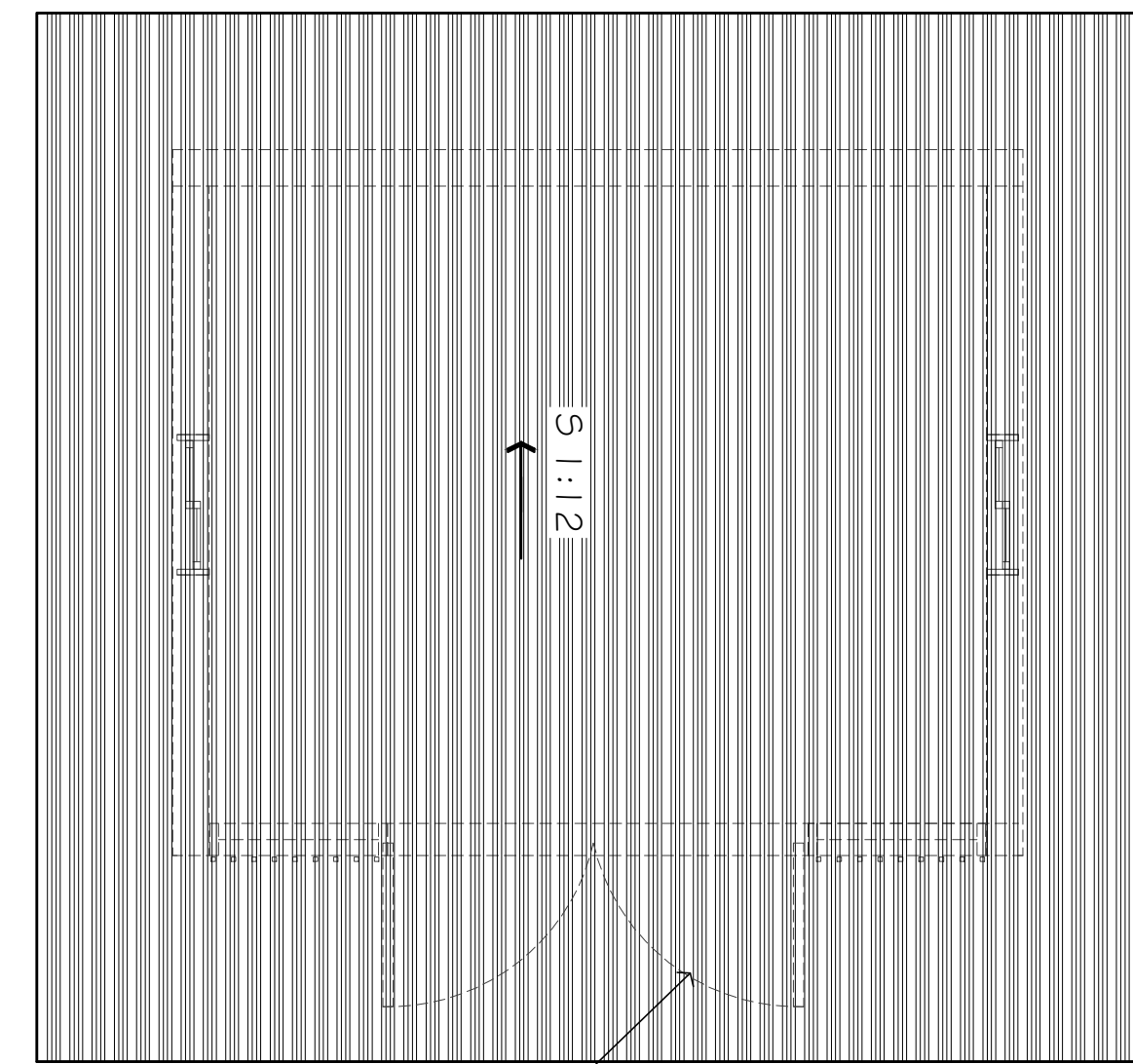
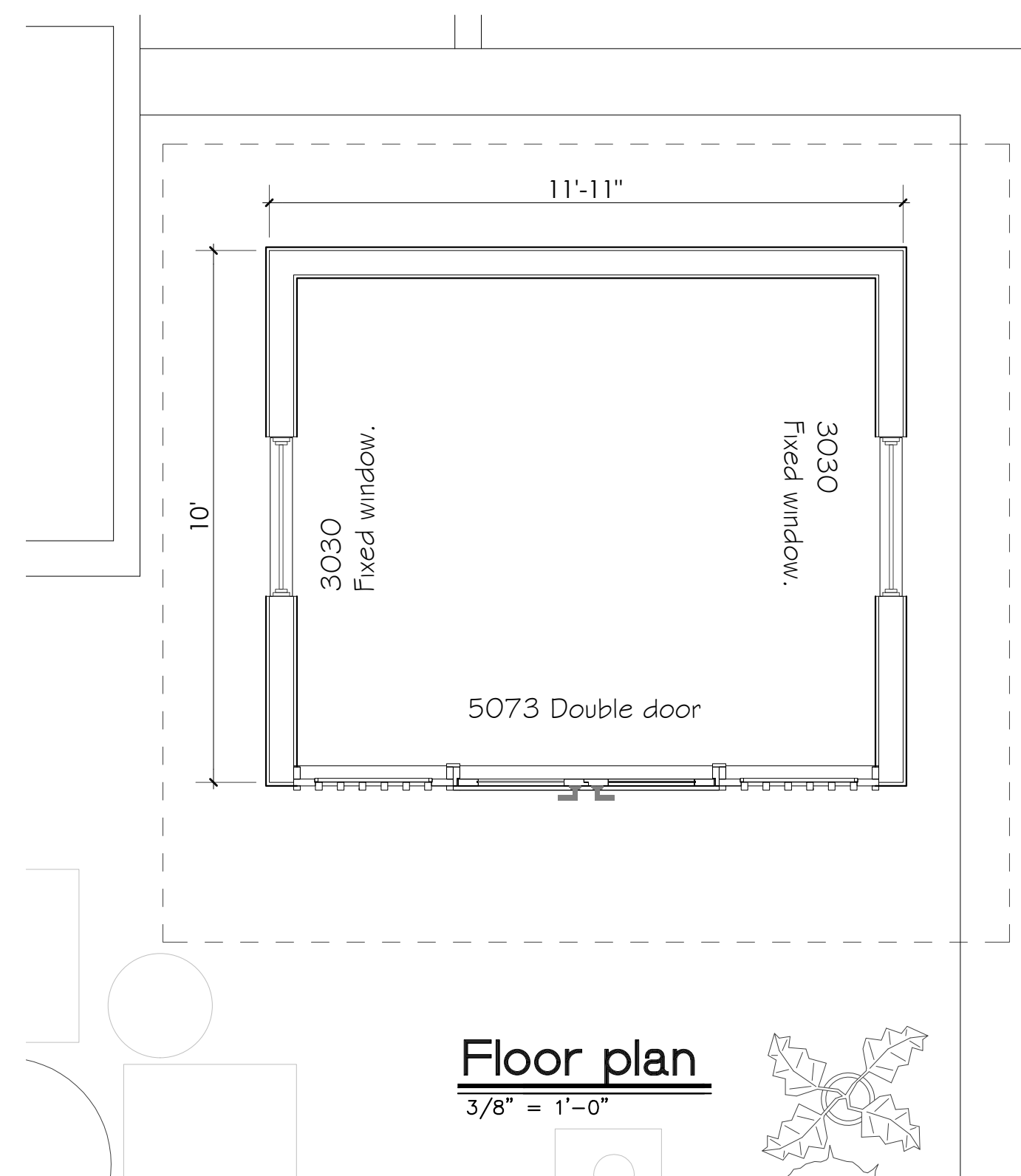
1911 4th St. Suite 104 TI
AUP/SUP Submittal
Landscape plan

SUBMITTED
12/23/2022

DATE: 12/23/2022

SHEET NO.:

AUP 2.0



masaya * homes

3360 SANSONE CT
SANTA ROSA, CA 95403

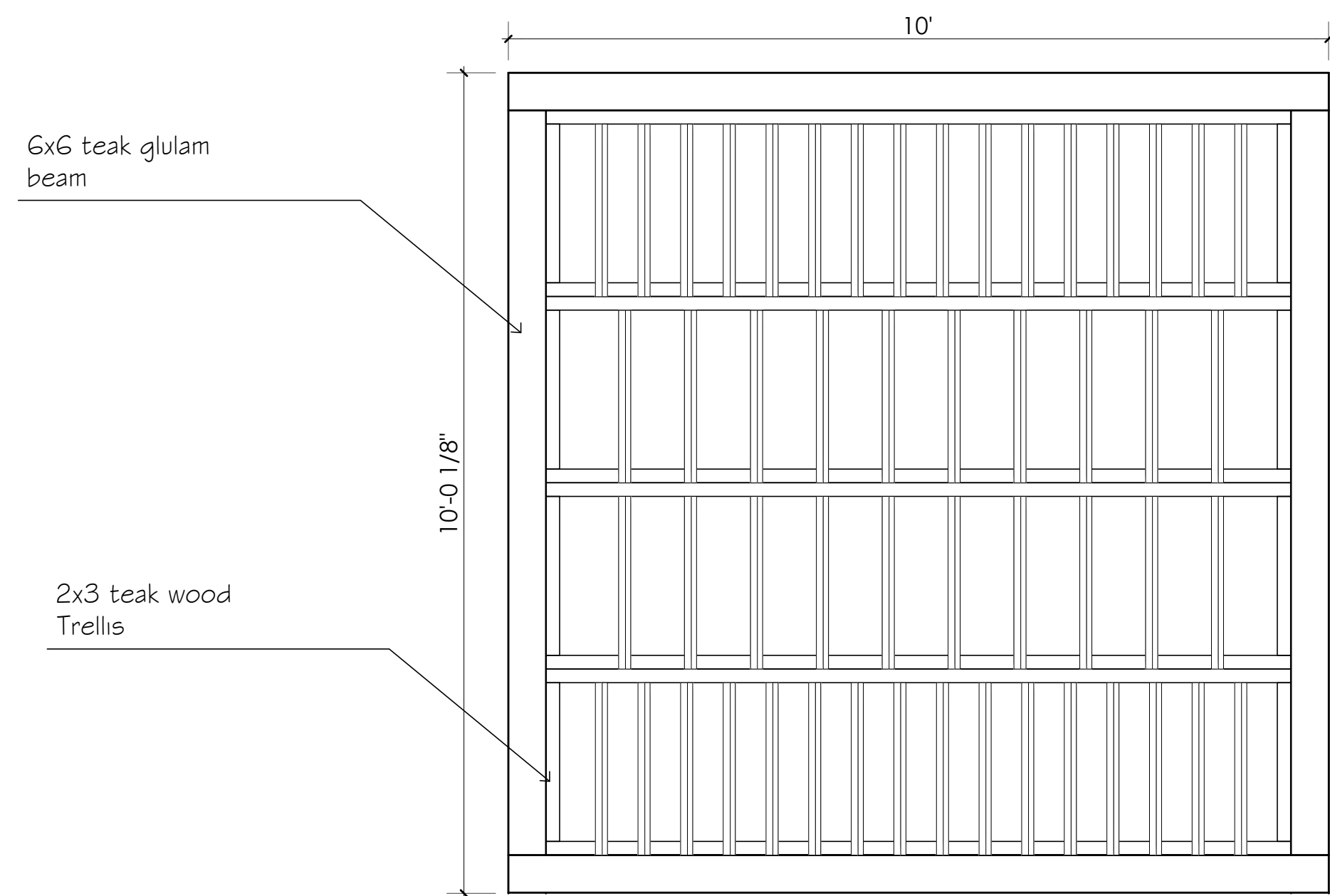
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1911 4th St. Suite 104 TI
AUP/SUP Submittal
Elevation display shed

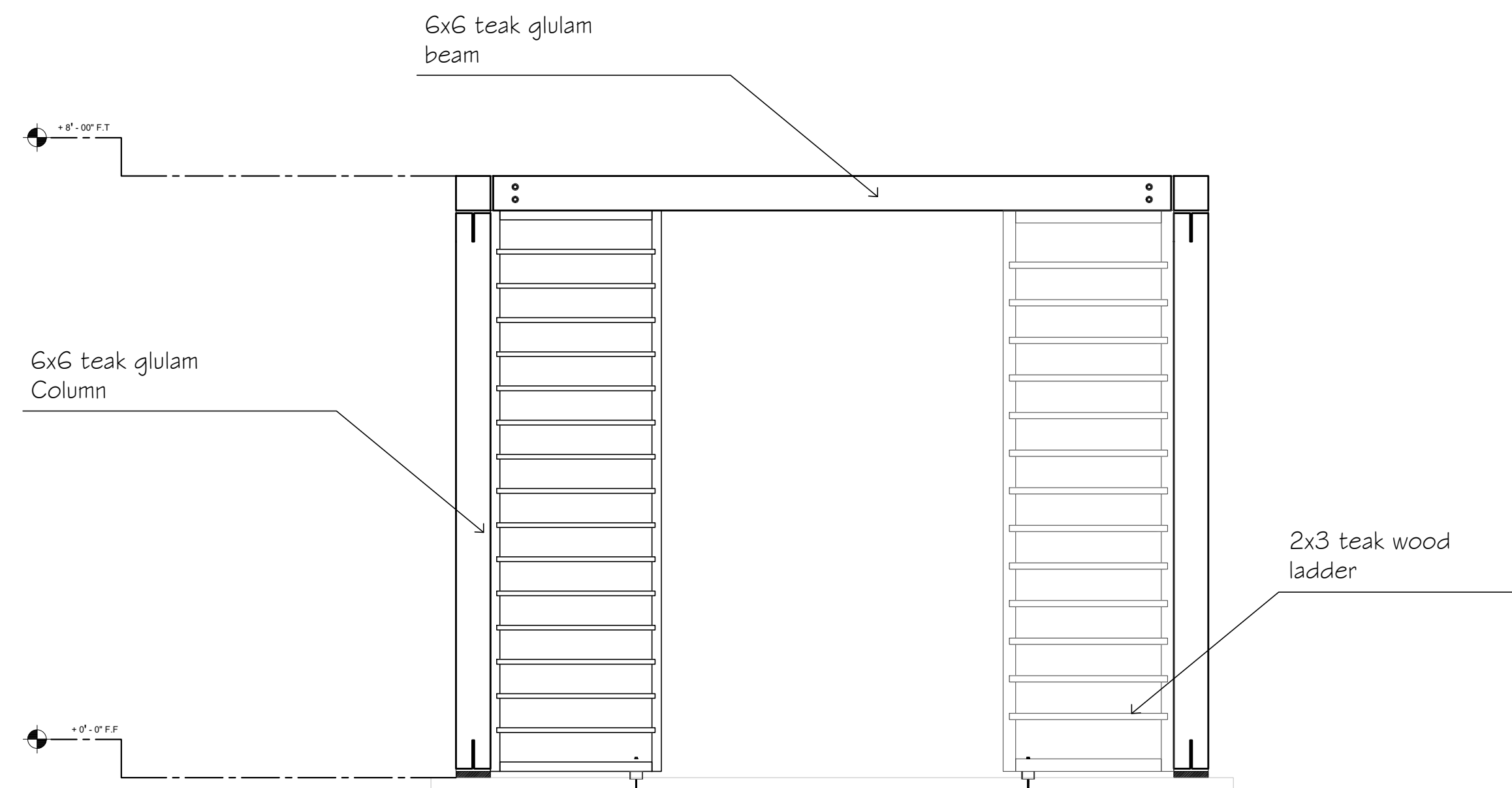
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12/23/2022

DATE: 12/23/2022
SHEET NO.:

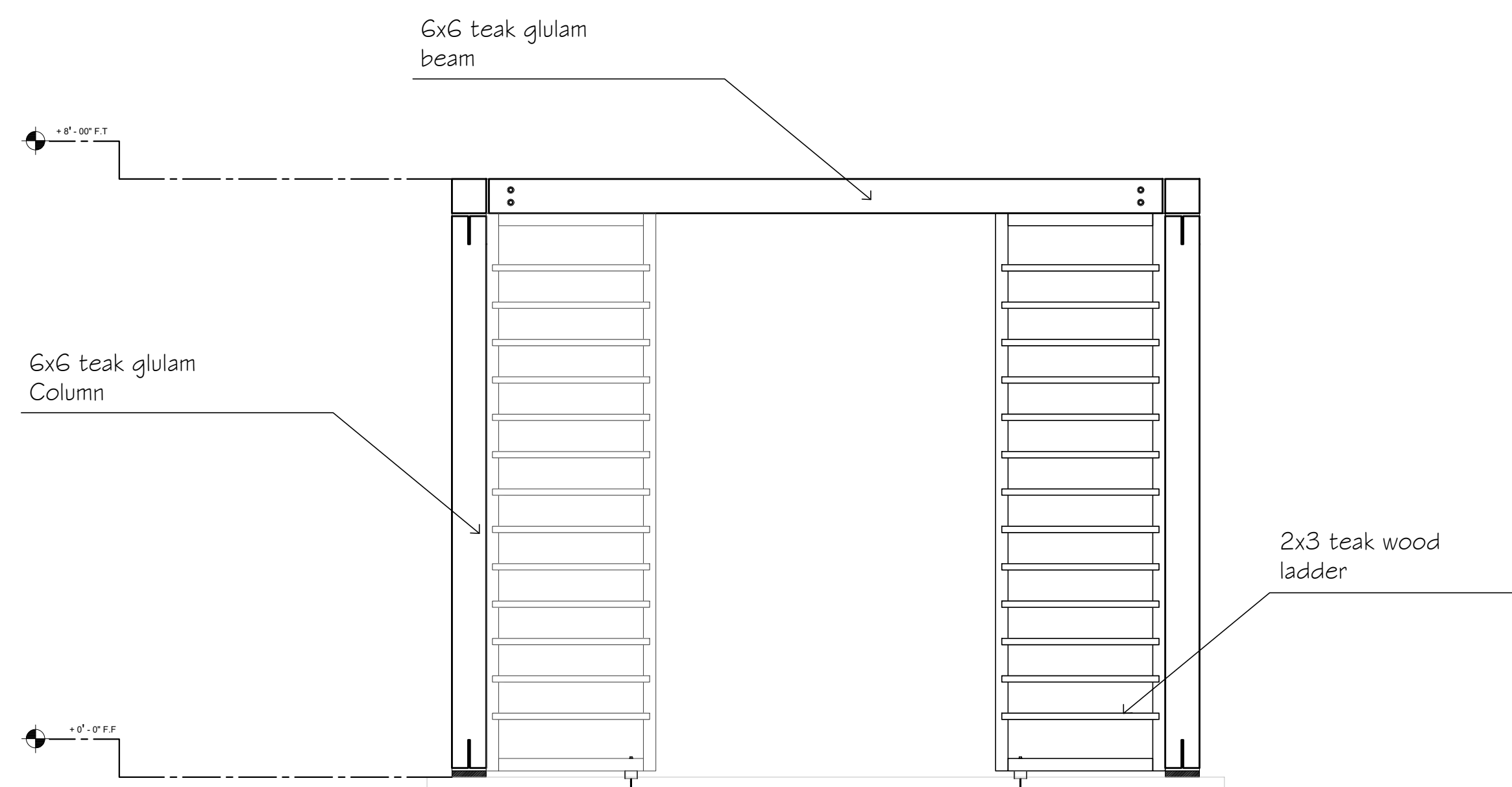
AUP 3.0



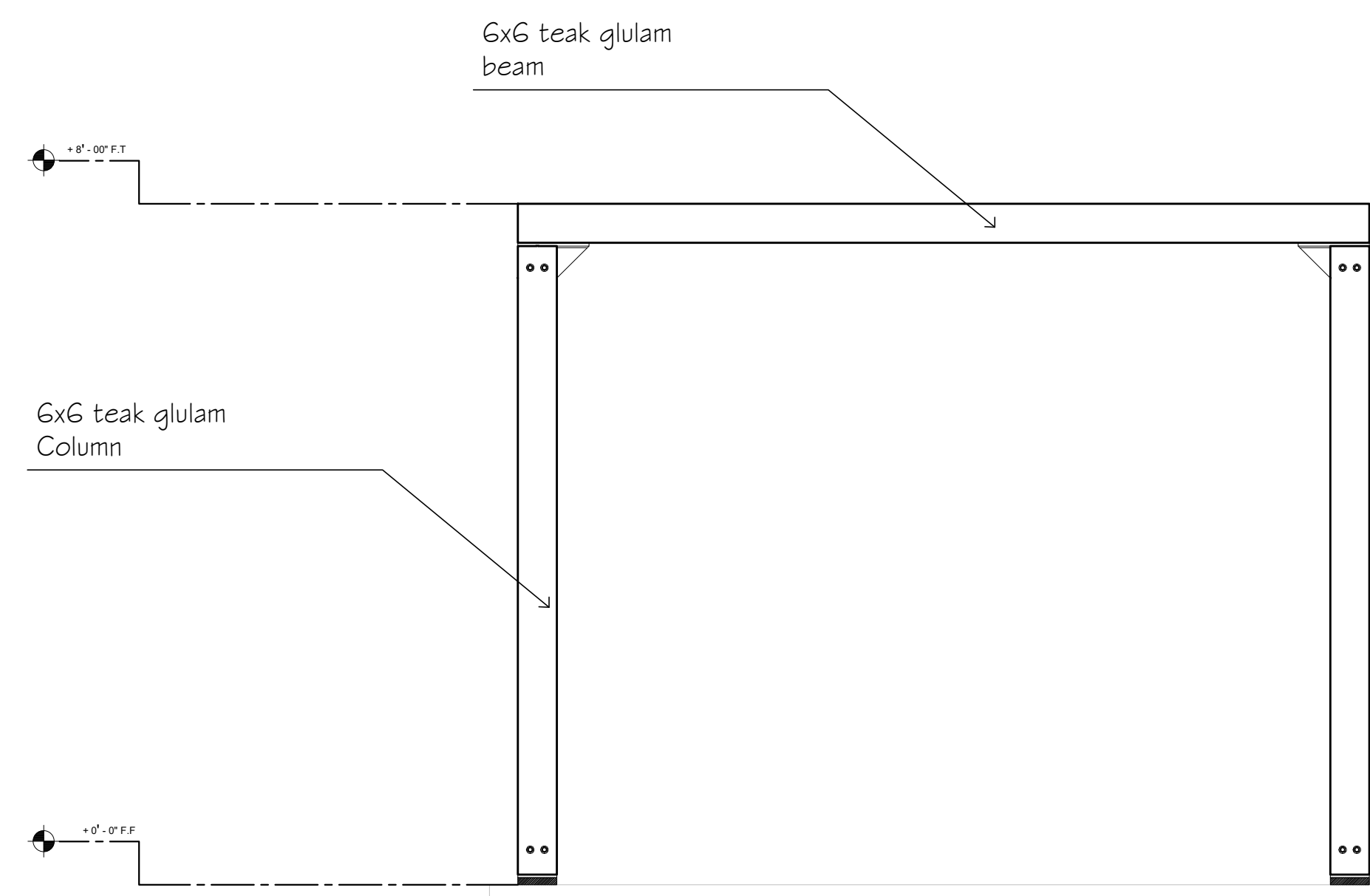
Floor plan
3/8" = 1'-0"



East elevation
3/8" = 1'-0"



West elevation
3/8" = 1'-0"



North Elevation
3/8" = 1'-0"

masaya * homes

3360 SANSONE CT
SANTA ROSA, CA 95403

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1911 4th St, Suite 104 TI
AUP/SUP Submittal
Elevation display pergola

SUBMITTED
12/23/2022

DATE: 12/23/2022
SHEET NO.:

AUP 4.0



Disaster and Fire Safety Commission

INFORMATION CALENDAR

March 21, 2023

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Jose Luis Bedolla, Chairperson, Disaster and Fire Safety Commission

Subject: 2022 Disaster and Fire Safety Commission Work Plan

INTRODUCTION

As directed by the City Council, the Disaster and Fire Safety Commission (DFSC) hereby submits its workplan for 2022.

CURRENT SITUATION AND ITS EFFECTS

On September 28, 2022, the Disaster and Fire Safety Commission passed a motion to submit the attached annual commission work plan with final revisions on “cohorts” by Commissioner Bedolla. Motion: N. Rader; Second: W. Bradstreet; Vote: 7 Ayes: Bedolla, Rader, Dean, Bradstreet, Simmons, Degenkolb, Stein; 0 Noes; 1 Absent: Cutler; Abstain:

BACKGROUND

On July 19, 2016, the City Council approved a consent item that directs Berkeley Commissions, with the exception of the Board of Library Trustees, the Zoning Adjustments Board, and the Design Review Committee, to submit a workplan to the City Council at the beginning of each fiscal year.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

POSSIBLE FUTURE ACTION

Not applicable.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Not applicable.

CONTACT PERSON

Keith May, Assistant Fire Chief, Berkeley Fire Department, 510-981-5508

Attachments:

1: 2022 Disaster and Fire Safety Commission Work Plan

Berkeley Disaster and Fire Safety Commission WORK PLAN – FY 2022-2023

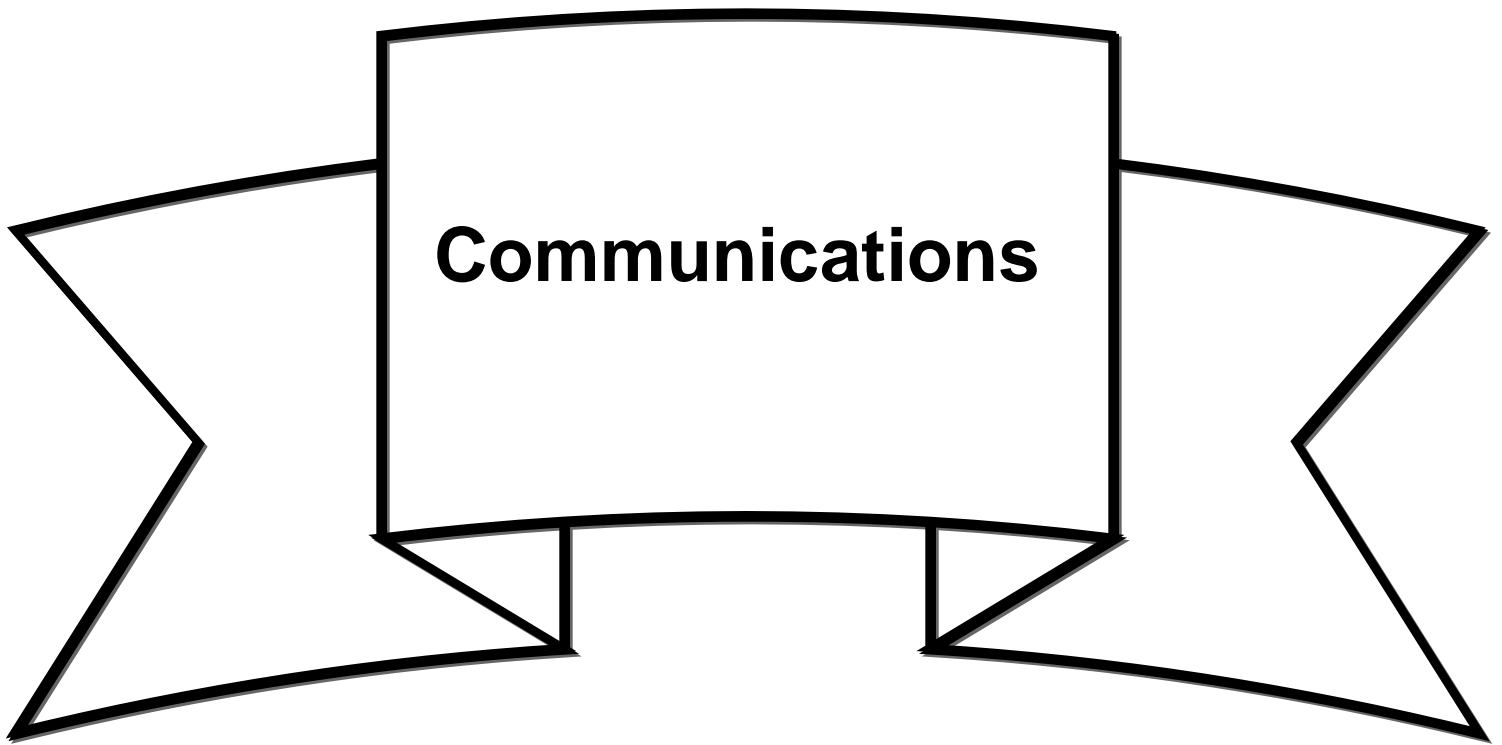
Mission Statement

The Disaster and Fire Safety Commission serves as the public oversight body for Berkeley's Measure GG and Measure FF funds, charged with reviewing the budget on a regular basis to ensure that the funds are spent in accordance with the intent of the voter approved measures, recommending the appropriate annual increase to the tax rate, and recommending new programs and policy positions requiring Measure GG and Measure FF funding. The ultimate goal of the Commission is to increase community safety, resilience, and education for community disaster preparedness. The Commission also reviews and makes recommendations on items referred by the City Council or other Commissions.

Summary of FY 2022-2023 Work Plan Activities

GOAL	Activities	Expected Outcomes	Commissioners
1. Plan & Budget Oversight	a) Review BFD materials on a quarterly basis b) Meet monthly as Finance ad hoc working group with FD to review monthly materials c) Track financial issues related to FF & GG with the City Council	a) Budget development plan b) Provide input of quarterly budget c) Provide annual budget recommendation City Council on FF & GG d) Provide recommendation to City Council on annual GG increases e) Provide City Council recommendation for midyear program corrections (ad hoc)	Rotating group of commissioners (based on availability) on a quarterly basis hosted by Chair / Chief
2. Home hardening	a) Lead review of monthly inspection report b) Review sessions with Fire Marshal c) Listening sessions with Building Department	a) Provide recommendation to City Council on annual inspection program targets b) Provide recommendation to City Council on building code modifications for Fire Safety (ad hoc)	<ul style="list-style-type: none"> • P. Degenkolb • W. Bradstreet • S. Dean
3. Wildland-urban interface (WUI)	a) Participate in and promote CWPP process b) Provide input to CWPP consultant c) Review vegetation management program	a) Provide monthly report and input to CWPP working group team & report to commission b) Provide recommendation to City Council on CWPP report or additions/edits to report c) Provide recommendation to City Council on vegetation management program	<ul style="list-style-type: none"> • N. Rader • JL. Bedolla • T. Simmons

<u>GOAL</u>	<u>Activities</u>	<u>Expected Outcomes</u>	<u>Commissioners</u>
4. Safe passages	a) Review previous safe passages program and its component parts (parking restrictions, red curb, notification alerts, evacuation planning) b) Meet with community members for intake c) Absorb CWPP report	a) Restart of Safe Passages Program b) Formation of team/committee to develop plan c) Provide recommendation to City Council on draft revised Safe Passages program	<ul style="list-style-type: none"> • JL. Bedolla • K. Cutler • A Stein
5. Community Outreach	a) Work with FD on educating the public on disaster and fire safety programs b) Coordinate / alert commission of potential outlets for information c) Follow / facilitate / support meetings with community groups d) Follow to conclusion external emergency speaker system e) Track Commission recommendations / status	a) Provide recommendation to City Council on mid-program changes to current communications plan b) Provide City Council recommendation into annual communications plan	<ul style="list-style-type: none"> • S. Dean • A. Stein • T. Simmons



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City Clerk Department

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Records Online

<https://records.cityofberkeley.info/>

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