



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, May 7, 2024
6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1602251843> 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: **160 225 1843** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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

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

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

Preliminary Matters

Roll Call:

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

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

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

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

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

Consent Calendar

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

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

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

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

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

Recess Items

1. **Contract: Health Officer Coverage**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Dr. Lisa Hernandez for Health Officer services during periods when the City Health Officer is out of the office for the period April 1, 2024 through April 1, 2026 in an amount not to exceed \$30,000.
Financial Implications: See report
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

2. **Purchase Order: SHI for KnowBe4 Products and Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during Spring Recess for the approval and authorization to execute a purchase order in the amount of \$135,189 with SHI for continued use of KnowBe4 cybersecurity content, products and tools.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

3. **Contract Amendments: As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist**
From: City Manager
Recommendation: Adopt four Resolutions ratifying the action taken by the City Manager during recess authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$500,000 each and extending the terms to May 28, 2026.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Recess Items

- 4. Contract: School Foodies for Summer Food Service Program**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess authorizing the City Manager to execute a one (1) year contract and any amendments with School Foodies to provide lunches and afternoon snacks to Berkeley youth for the City's Summer Food Service Program for a total amount not to exceed \$95,000, for the period of June 1, 2024 through May 31, 2025, with up to four (4) additional one-year extensions not to exceed \$95,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$475,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 5. Construction Contract: THE DUTRA GROUP for the Docks D & E Replacement Project at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Berkeley Marina Docks D & E Replacement Project (Bid Specification No. 24-11633-C); and 2. Accepting the bid of THE DUTRA GROUP as the lowest responsive and responsible bidder on the Project; 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 THE DUTRA GROUP, for the Berkeley Marina Docks D & E Replacement Project, in an amount not to exceed \$8,593,200, which includes a contract amount consisting of base bid of \$7,812,000 and a 10% contingency in the amount of \$781,200.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 6. Contract No. 32300187 Amendment: First Serve Productions for Additional Sport Court Repair and Resurfacing**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess, authorizing the City Manager to amend contract no. 32300187 with First Serve Productions for additional sport court repair and resurfacing at City parks by increasing the construction contract amount by \$198,000 for a not-to-exceed amount of \$374,669.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Recess Items

7. **Construction Contract: THE DUTRA GROUP for the Berkeley Marina Dredging Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Berkeley Marina Dredging Project (Bid Specification No. 24-11644-C); and 2. Accepting the bid of THE DUTRA GROUP as the lowest responsive and responsible bidder on the Project; 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 THE DUTRA GROUP, for the Berkeley Marina Dredging Project, in an amount not to exceed \$4,843,566, which includes a contract amount consisting of base bid of \$4,612,920 and a 5% contingency in the amount of \$230,646.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

8. **Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission's composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,902-N.S. to reform the Human Welfare and Community Action Commission (HWCAC).
First Reading Vote: Vote: Ayes – Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes - Kesarwani.
Financial Implications: See report
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400
9. **Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 7, 2024 (closed), March 12, 2024 (special, special, regular and closed), March 18, 2024 (closed), March 19, 2024 (regular) and March 26, 2024 (closed and regular)
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 10. Calling for a Consolidated General Municipal Election for November 5, 2024**
From: City Manager
Recommendation: Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Presidential General Election to be held in Berkeley on November 5, 2024; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Presidential General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 11. Ballot Measure Increasing the City's Appropriation Limit to Allow Expenditure of Tax Proceeds for Fiscal Years 2025 through 2028**
From: City Manager
Recommendation:
1. Adopt a Resolution placing the attached measure to increase the City's appropriation limit on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900, Henry Oyekanmi, Finance, (510) 981-7300
- 12. Designate Ballot Measure Argument Authors – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations**
From: City Manager
Recommendation: Designate, by motion, specific members of the City Council to file ballot measure arguments as provided for in Elections Code Section 9282, on the Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations on the ballot for the November 5, 2024 General Municipal Election.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 13. Contract No. 117569-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 117569-1 with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners and shelter animals for FY 2024, increasing the contract amount by \$25,000 for a new total contract amount not to exceed \$127,218.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

14. **Returning Funding from University of California, Berkeley for Rodeway Inn for Winter Shelter**
From: City Manager
Recommendation: Adopt a Resolution returning the unspent portion (totaling \$400,140.17) of a \$2,200,000 donation from the University of California, Berkeley, previously accepted by the Council on April 26, 2022 for the Rodeway Inn shelter.
Financial Implications: Approving this recommendation will result an expenditure of \$400,140.17 in funding from the One-Time Grant: No Capital Expenditures Fund (Fund 336).
Contact: Peter Radu, City Manager's Office, (510) 981-7000
15. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 7, 2024**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
16. **Contract: As-Needed Hazardous Fire Fuel Treatment with California Tree Solutions, Mountain Enterprises Inc., Small World Tree Co., and Bay Area Tree Specialists**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for As-Needed Hazardous Fire Fuel Treatment and removal from May 18, 2024, to May 17, 2028, for a total cumulative amount not to exceed \$4,000,000.
1. California Tree Solutions in the amount of \$1,000,000;
2. Mountain Enterprises Inc. in the amount of \$1,000,000;
3. Small World Tree Co. in the amount of \$1,000,000; and
4. Bay Area Tree Specialists in the amount of \$1,000,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

17. **Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to hire additional firefighters to meet NFPA 1710 standards and recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment**

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 \$7,703,926.83 with no matching city funds to hire nine additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

18. **Contract: Marin SB Advisor LLC for Chipper Day Program Management**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Marin SB Advisor LLC to provide program management for Berkeley Chipper Day from June 1, 2024 until May 31, 2027 in an amount not to exceed \$213,000 with an option to extend for an additional three (3) years for \$250,000, making initial term plus extension not to exceed \$463,000.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

19. **Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code**

From: City Manager

Recommendation:

1. Adopt the first reading of an Ordinance which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”);
2. Adopt a Resolution setting forth findings as to local conditions applicable to the revised portions of Section 19.48.020 that require more stringent building standards than those provided by the 2022 California Fire Code (“CFC”) with intervening code adoption cycle amendments, and amending Resolution number 70,611–N.S.;
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for June 4, 2024.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

- 20. Contract No. 32300108 Second Amendment: Street Level Advisors, LLC for Housing Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a second amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$100,000 for consulting services in a total amount not to exceed \$199,500, with a contract end date of June 30, 2025.
Financial Implications: See report
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400
- 21. Contract: The Labor Compliance Managers for Labor Compliance Consultant for the HARD HATS Ordinance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with The Labor Compliance Managers (TLCM) to develop a comprehensive program for enforcing the provisions of the HARD HATS Ordinance for the Department of Health, Housing, and Community Services (HHCS) from August 1, 2024 to July 31, 2027, in an amount not to exceed \$150,000.
Financial Implications: See report
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400
- 22. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$15,000 for a not-to-exceed total contract amount of \$250,000.
Financial Implications: See report
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

23. Contract No. 32200191 Amendment: Options Recovery Services for Substance Use Disorder Services Co-location

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32200191 with Options Recovery Services (Options) for Substance Use Disorder (SUD) services for a total contract limit of \$500,000 for the period beginning January 1, 2022 and ending June 30, 2025, to extend their current co-located SUD services at the Berkeley Mental Health Adult Services Clinic. This amendment will add \$250,000 in funding and two years to the existing contract term.

Financial Implications: See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

24. Contract: City Data Services for Streamlined Community Agency Contract Administration and Monitoring

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to enter into a contract with City Data Services (CDS) to provide continued online data management systems to the Health, Housing and Community Services Department (HHCS) from July 1, 2024 through June 30, 2028, and authorizing the City Manager or her designee to extend the contract and execute any amendments with CDS for ongoing maintenance of the community agency online applications and reporting systems for an annual service fee of \$41,520 for a total contract not to exceed amount of \$166,080.

Financial Implications: See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

25. Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services

From: City Manager

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

1. HIV/AIDS Surveillance in the projected amount of \$25,701 each year for Fiscal Years (FY) 2025 through 2029 for a total of \$128,505 from CDPH.
2. Sexually Transmitted Infection (STI) Prevention and Collaboration in the projected amount of \$13,625 each year for FY 2025 through 2026 for a total of \$27,250 from CDPH.
3. Tuberculosis (TB) Prevention and Control in the projected amount of \$35,197 for FY 2025 from CDPH.
4. Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2025 from Alameda County.

Financial Implications: See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

26. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$275,000 of funding from the State of California's Crisis Care Mobile Units (CCMU) grant for a total not-to-exceed contract amount of \$4,845,500.

Financial Implications: See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

27. 2023 Fee Assessment – State of California Self-Insurance Fund (Workers' Compensation Program)

From: City Manager

Recommendation: Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2022-2023 for administering the Workers' Compensation Program, in an amount not to exceed \$240,397.76.

Financial Implications: See report

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

Consent Calendar

- 28. Legislative Aide Class Specifications and Salary Range**
From: City Manager
Recommendation: Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide; (2) a resolution authorizing amendments to all pertinent City documents to effectuate the classification name change, approving job specifications and a new salary range for the renamed classification, and approving terms negotiated with SEIU Local 1021 - CSU & PTRLA regarding advancement along the new salary range for the renamed classification.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 29. Contract: Catalis Public Works and Citizen Engagement, LLC for New Community Relationship Management (CRM) System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Catalis Public Works and Citizen Engagement, LLC (Catalis) for software hosting, implementation, maintenance, and related services for a new Community Relationship Management system, for an amount not to exceed \$500,000 for the period commencing on June 1, 2024 through June 30, 2029.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 30. Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$200,000 for a new not to exceed amount of \$425,000 and extend the contract term from June 30, 2025 to June 30, 2027.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 31. Donation from the Friends of the Rose Garden/Berkeley Partners For Parks for the Berkeley Rose Garden**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the Friends of the Rose Garden/Berkeley Partners For Parks in the amount of up to \$10,000 to purchase roses and perform maintenance at the Berkeley Rose Garden.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

32. Contract No. 32200098 Amendment: ERA Construction, Inc. for O & K Docks Electrical Upgrades Project

From: City Manager

Recommendation: Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project, increasing the amount by \$129,000 for an amended total amount not to exceed \$1,467,000.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

33a. Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

From: Commission on Aging

Recommendation: Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan as outlined in the report, by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. Housing and Economic Security: Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

2. Transportation and Mobility: Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.

3. Health and Wellness: Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

4. Social Participation and Civic Engagement: Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

Financial Implications: See report

Contact: Darleen Bronson, Commission Secretary, (510) 981-5400

Consent Calendar

33b. Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

From: City Manager

Recommendation: Refer to the City Manager to review and prioritize the recommendations of the City of Berkeley's Age-Friendly Action Plan, in conjunction with the results of the Community Health Assessment that will be conducted by the Health, Housing, and Community Services Department in the 2024 calendar year. In addition, to consider the following referrals:

1. Refer to the Transportation Commission to collaborate with the Commission on Aging to assess the equitable accessibility of public transportation options for the older adult and disabled community in Berkeley
2. Refer to Housing Advisory Commission to collaborate with staff to assess the level of affordable, accessible housing options for older adults to age in the Berkeley community.
3. Refer the Commission on Aging's request for increased funding to the Budget and Finance Policy Committees for further deliberation.

Financial Implications: See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

34. Support the Fire Department to Fund a Program Manager II Position

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) supports the request by the Fire Department to fund a Program Manager II.

Financial Implications: See report

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

35. Use of Measure FF to Support Understory Mitigation

From: Disaster and Fire Safety Commission

Recommendation: That the Berkeley City Council pass a resolution to support the Fire Department in using Measure FF funds to conduct one-time eucalyptus understory clean-ups on select, participating private properties within the City.

Financial Implications: See report

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

Council Consent Items

36. Budget Referral: \$70,000 to the FY 2025-2026 Budget Process for Supply Bank School Supply Distribution

From: Mayor Arreguin (Author)

Recommendation: Refer to the FY 2025-2026 budget process \$70,000 for Supply Bank (\$35k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.

Financial Implications: See report

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

Council Consent Items

- 37. Budget Referral: Replenishing Business Damage Mitigation Fund**
From: Mayor Arreguin (Author)
Recommendation: Refer to the Fiscal Year (FY) 2025-2026 Budget Process \$50,000 to replenish the business damage mitigation fund providing one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 38. Budget Referral: Cesar Chavez Solar Calendar Maintenance**
From: Mayor Arreguin (Author)
Recommendation: Refer to the Fiscal Year (FY) 2025-2026 budget process to allocate \$10,000 to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, for the continued purpose of employing grounds keepers and providing the resources needed for the maintenance of the Cesar Chavez/Dolores Huerta Solar Calendar Site until May/June 2026.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 39. Budget Referral: SafeCity Connect Downtown Berkeley Pilot Program**
From: Councilmember Taplin (Author)
Recommendation: Refer to the budget process \$320,000 to fund a two-year public-private security camera program between SafeCity Connect (SafeCity) and the Downtown Berkeley Property-based Business Improvement District (PBID) for ten (10) locations. This public-private partnership will develop performance and compliance metrics pursuant to the City of Berkeley's Surveillance Ordinance, report on metrics regarding criminal activity clearance rates, deterrence and reduction of criminal activity, and develop privacy and transparency protocols to govern the management and implementation of its camera program.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 40. Waterside Workshops Emergency Recovery Grant**
From: Councilmember Taplin (Author)
Recommendation: Refer to the budget process \$82,000 to Waterside Workshops to support youth enrichment and climate resilience programs following revenue losses due to construction and street closures on Bolivar Drive.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 41. Relationship Nondiscrimination Ordinance**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt first reading of an Ordinance amending the Berkeley Municipal Code to include non-discrimination protections based on family and relationship structure.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 42. Budget Referral: Berkeley Junior Jackets Capacity-Building Grant**
From: Councilmember Taplin (Author)
Recommendation: Refer to the Fiscal Year 2025-2026 biennial budget process \$300,000 to provide Young Lives Matter Foundation, Inc. with funding for two years of operating costs for the Berkeley Junior Jackets Football and Cheer youth sports program, and to develop longer-term sustainability and growth plans for the organization.
Direct the City Manager to evaluate organizational capacity and strategic planning supported by this funding on a rolling basis consistent with Reimagining Public Safety and Gun Violence Prevention program implementation.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 43. Budget Referral: Vision Zero Rapid Response on Bicycle Boulevards**
From: Councilmember Taplin (Author), Councilmember Humbert (Co-Sponsor)
Recommendation:
1. Refer to the City Manager to incorporate the City of Oakland's Neighborhood Bike Route Implementation Guide for all Bicycle Boulevards designated in the City of Berkeley's Bicycle Plan, pursuant to the City's Vision Zero Action Plan, Complete Streets Policy, and other applicable policies and plans; and to prioritize proactive and retroactive implementation of standards on Bicycle Boulevards in response to recent traffic collisions, with consideration for quick-build interventions that can be removed, modified or made permanent to advance Vision Zero Action Plan goals.
2. Refer to the Fiscal Year 2025-2026 biennial budget process \$200,000 for a Pilot implementation of Neighborhood Bikeway standards and Complete Streets interventions on Heinz Avenue and the intersection with Seventh Street, and prioritizing implementation on Bicycle Boulevards on High Injury Streets and/or the Equity Priority Area, considering any and all possible interventions to eliminate the risk of severe and fatal collisions such as: centerline hardening, quick-build pedestrian safety zones, curb extensions, raised crosswalks, ADA accessibility improvements at AC Transit bus stops, and protected left-hand turns.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

44. **Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$1,500 from the discretionary council office budget of Councilmember Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on May 4, 2024, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Councilmember Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
45. **Budget Referral Healthy Black Families Community Engagement - Ashby BART Development and Equitable Black Berkeley**
From: Councilmember Bartlett (Author)
Recommendation: Refer \$60,000 each to the FY2024/25 and FY2025/26 budget process to support a Community Advisory Group to provide thought leadership around implementation of a Black Cultural Zone and Health Equity Zone. This Community Advisory Group will address the ongoing community engagement needs to ensure community input/influence in the development of the Ashby BART station, the reparative framework for the historically Black Community including the Black Equity Zone and Health Equity Zone.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
46. **Budget Referral to Fund Small Sites Program to Acquire, Rehabilitate, and Protect Existing Small Scale Housing**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer to the FY 2025-26 Budget Process: An allocation of \$8 Million per year (for a two-year total of \$16 Million) from existing affordable housing funds to the City of Berkeley Small Sites Program to support the acquisition and rehabilitation of small-scale residential buildings and their conversion to deed-restricted permanently affordable housing. \$200,000 in FY25 and \$150,000 in FY26 (total of \$350,000 over two years) "Capacity Building" grants to the Bay Area Community Land Trust to support expanded participation in the City's Small Sites Program.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 47. Budget Referral to Continue Market Match Program for Low-Income Berkeley Residents in the Event of Statewide Program Cuts**
From: Councilmember Hahn (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer to the FY2025-26 Budget Process up to \$360,000 (up to \$180,000 per year) to safeguard the Market Match program for two fiscal years, supporting over 10,000 low-income Berkeley residents in accessing fresh local produce from Berkeley Farmers' Markets.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 48. Co-Sponsorship and Budget Referral for the Solano Avenue Stroll**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation:
1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's September 2024 and September 2025 Solano Avenue Stroll events and to provide in-kind services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2024 and 2025 Solano Stroll events.
2. Refer \$10,000 per year to the FY 2025-2026 Budget Process (\$20,000 total) to support the September 2024 and 2025 Solano Stroll events.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

49. CARE Program for Berkeley Fire

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

Recommendation: Refer to the FY2025/2026 Budget Process funding for programs that offer care and support for our firefighters and emergency medical service workers (First Responders), the equipment they rely on, and the homes and workplaces we provide for them.

1. For a two-year Pilot Project to Screen for Cancer: \$40,000 annually for two years to fund on-going age and risk-based full body cancer scans for First Responders that are subjected to carcinogens during the normal course of their work.

2. To add an FTE to the Fire Department for an In-House Fire Mechanic to service Fire Apparatus on-site and better meet the complex, unique, and time-sensitive needs of the Fire Department, and to save firefighters and the City time and money on outsourced maintenance service: \$203,107 for one FTE, ongoing and inclusive of benefits, for a Lead Fire Mechanic. \$350,000 in one-time funds to purchase the necessary tools and equipment.

3. For a Fire Reserve Program, offering internships with training to motivated High School graduates and/or college students who may enter the Fire Service after completion of the program, and to support recruitment: \$120,000 per year, ongoing, to cover salaries for 6 interns, training, supervision, and equipment.

4. For one-time “FFE” (Furniture, Fixtures, and Equipment) upgrades to all Fire Stations, including but not limited to new appliances, enhancements to prevent cancer (decontamination dryers, carcinogen-reducing soaps/detergents, etc.), lighting, furniture, and other amenities to improve living, health, and working conditions: \$140,000 to provide \$20,000 for each of the City’s seven Fire Stations in one fiscal year. Alternatively, \$70,000 in FY 2025 and in FY 2026, providing \$10,000 per year for each Fire Station over two years, for a two-year total of \$140,000.

Financial Implications: See report

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

50. Resolution in Support of the Campaign for a Safe and Healthy California

From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)

Recommendation: Send a resolution to Governor Gavin Newsom and the Campaign for a Safe and Healthy California, endorsing the campaign to “Keep the Law” and uphold Senate Bill 1137, which prohibits new oil and gas wells within 3,200 feet of homes, schools, nursing homes, and hospitals, and requires companies to adopt health, safety, and environmental standards.

Financial Implications: See report

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

Council Consent Items

- 51. Budget Referral for Development of Voluntary Design Guidelines**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the City Manager to develop and return to the City Council for review and adoption a set of Voluntary Design Guidelines for the City of Berkeley. Refer \$200,000 to the FY2025/2026 budget process to engage a consultant to assist with this process.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 52. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2025/2026 budget process a request for \$7,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 53. Budget Referral: Crossing Guard for Cragmont School**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2025/2026 Budget Process an annual allocation of \$22,000 to fund a Crossing Guard for Cragmont Elementary School at the intersection of Regal Rd. and Spruce Street.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 54. Budget Referral: Equipment for Hybrid Commission Meetings**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$110,000 for infrastructure costs to conduct hybrid city commission meetings.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 55. Budget Referral: \$70,000 to Evaluate Pedestrian Safety and Implement Solutions on Euclid Avenue between Eunice Street and Bay View Place**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-sponsor), Councilmember Hahn (Co-sponsor)
Recommendation: Refer to the Fiscal Year 2025-2026 Budget Process an allocation of \$70,000 to Evaluate Pedestrian Safety and Implement solutions on the short stretch of Euclid Ave between Eunice Ave and Bay View Place, including the crossings at Eunice and between Codornices Park and the Jane Hammond Field and the Berkeley Rose Garden and west side of Euclid.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

- 56. Budget Referral: Civic Center Plan Phase III – Advancing Pre-Design & Construction Activities for Berkeley’s Maudelle Shirek and Veterans Buildings From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)**
Recommendation: Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$300,000 for the Civic Center Plan Phase III.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

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

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

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

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – New Business

57. Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Code

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2022 California Building Standards Code Supplements, and rescinding Resolution No. 70,585-N.S.

Financial Implications: See report

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

Council Action Items

58. Council Referral - Proposed Changes to Public Comment *(Reviewed by Agenda & Rules Committee)*

From: Agenda & Rules Committee

Recommendation: Refer to the City Manager to review and implement recommendations by the Open Government Commission to improve public access, transparency, meeting procedures and public comment at City Council and commission meetings.

Direct the City Manager to return back to Council with amendments to the City Council Rules of Procedure and Order to implement these recommendations.

Policy Committee Recommendation: Send to the City Council with a Qualified Positive Recommendation on the Open Government Commission's proposal "Proposed Changes to Public Comment" with the amendments/comments outlined in the report.

Financial Implications: None

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

Information Reports

59. Environment and Climate Commission 2024 Work Plan

From: Environment and Climate Commission

Contact: Sarah Moore, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

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

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 26, 2024.*



Mark Numainville, City Clerk

## Communications

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

### **Item #35: Use of Measure FF to Support Understory Mitigation**

1. Berkeley Fire Safe Council

### **Item #50: Resolution in Support of the Campaign for a Safe and Healthy California**

2. Jean Tepperman

### **Item #41: Relationship Nondiscrimination Ordinance**

3. Nikhil Vashee

### **Parking Space Rent**

4. Kevin Kunze

### **Street Paving**

5. Dan Auten
6. Thomas8429854@
7. Julia Torrano

### **Holocaust**

8. Dorothea Dorenz (2)
9. Councilmember Wengraf
10. Denah Bookstein
11. Mollie Mindel
12. William and Stefanie Guynn
13. JM Lerman

### **Climate Resilience**

14. Kosmont Companies

**Zero Waste**

15. Chrise de Tournay (2)

**2136 San Pablo as a Public Park or Open Space**

16. Parks, Recreation and Waterfront Commission

**Communities for Democracy**

17. Jason Rissman

**Traffic Calming**

18. Valerie Blair McDermott

19. Tina de Benedictis

**Police Accountability Board (PAB) Commendations**

20. Director of PAB

**Demolition and Dwelling Unit Controls**

21. Lynn Fraley

22. Sabin Ray

**Tax Dollars**

23. Walter Wood

**Pedestrian Safety**

24. Anne Whyte

**Measure Y1**

25. Berkeley's Youth Commission

**Cal Campus Safety**

26. ABC7 News

**Willard Park**

27. Theresa Fleury

28. Lynn Bradley

**Pro-Housing Designation**

29. David Kellogg

**Share Berkeley**

30. Steven Berger

31. Councilmember Hahn

**Gilman Business District**

32. Jerry Coe, on behalf of Coe Studios

**Oxford Elementary School**

- 33. Aimee Baldwin
- 34. Robbi Montoya

**City Budget**

- 35. Erin Liao

**Business License Tax**

- 36. Cynthia Kellogg

**Bus Only Lanes**

- 37. Ryan Lau, on behalf Alameda-Contra Costa Transit District

**Bike Lanes**

- 38. Liban Mohamed-Schwoebel

**People's Park**

- 39. Phoebe Thomas Sorgen
- 40. Owen Martin Zuidema
- 41. Russell Bates

**Cellular Coverage**

- 42. Eric Friedman

**Old Berkeley History**

- 43. Commonwealth Club (2)

**Art Grants**

- 44. Commotion West Berkeley

**Hot Tub – ZAB Appeal: ZP#2023-0081**

- 45. Richard Spohn

**Public Safety**

- 46. Karina Racz

**Living Jazz's 40<sup>th</sup> Anniversary**

- 47. Lyz Luke

**Aquatic Park Bathroom**

- 48. Rocky Leplin

**Heckling**

- 49. Joanne Donsky
- 50. Itamar Landau



**Chris Kindness Award**

51. Alan Ross, on behalf of the Haas School of Business

**Berkeley Public Schools**

52. John Parman

**Durant Food Court**

53. Alex Merenkow

**Bullies**

54. Kathryn Levine

55. Advocate Four (2)

**Veo Scooters**

56. Sean

57. Monica DiLullo, on behalf of Veo

58. Steph Lauren, on behalf of Veo

**Ceding Time**

59. Phoebe Thomas Sorgen

**Chess Club**

60. Jesse Sheehan (2)

**BART Housing**

61. David Lerman

**Casa Zimbabwe**

62. Loren Martha Thatcher

**Southside Complete Streets**

63. Tom

64. Lin C.

**Dwight Triangle**

65. Enrique Marisol

**Biolab Watch**

66. Tina Stevens

**Homelessness**

67. Justin Lee

68. Julie Nachtwey

**Berkeley Art Center Invitation**

69. Berkeley Art Center

### **Aurora Theater Company**

70. Josh Costello, on behalf of the Aurora Theater Company

71. Vincent Casalanina

### **Peace and Justice Commission**

72. Caralee

73. Lisa Jervis

74. Amber

75. Eric Lee

76. Rocky Chau

77. Daniel Weisfield

78. Jo-Ellen Pozner Zeitlin

79. Jennifer Coffey

80. Flipside (2)

81. Ilene Lee

82. Denise Resnikoff

83. Sarah Lefton

84. Linda Wulf

85. Stanley Wulf

86. Shoshana Katz

87. Jeremy Smith

88. Susane DeWitt

89. Barbara Schick

90. Deena Aranoff

91. Kathia Gonzalez Castro

92. Jewish Coalition of Berkeley (2)

93. Zeev Neumeier

94. 16 similarly-worded form letters (Request)

95. 109 similarly-worded form letters (Disrespectful)

### **Hindu Civilization**

96. Rudransh Narayan Tripathi (2)

### **Pedestrian Activated Signal**

97. Eric Friedman

### **Activism**

98. Judy Massarano

### **City Council**

99. Aaron Katler

100. Sari Hale-Alper

101. Susanne DeWitt

**Rebuttal**

102. Tony Benado

**A Safe Place**

103. Carolyn Russell

**Radio Antenna Permit**

104. Mathison Ott

**Hero Pay**

105. AFSCME Local One, SEIU 1021 and CSU/PTRLA

**Work Permits Immigrants**

106. Yahel Flores

**iFlip Gymnastics**

107. Leesa Berahovich

**Campaign Spending**

108. Irene Rice

**District 7**

109. Shirley Kirsten

110. Fran Haselsteiner

111. John Parman

112. sheehanceo@

113. Russell Bates

**Parking Enforcement**

114. Jesse McCaffrey

**Tree Pruning**

115. J. Hawkridge

**Electrification Fair**

116. Mark Gilligan

**Middle East Conflict**

117. Christina Harb

118. Alexander McDonald

119. Sky

120. Ciara KB

121. Ory Sandel

122. Jon Jackson

123. Susanne DeWitt

124. Sheela Jivan (5)

125. Ilene Lee

126. Rachel Gita Schiff
127. Summer Brenner
128. Hillary Kilmnik
129. Phoebe Thomas
130. Zipporah Collins
131. Benjamin Burch
132. Madeeha Khan
133. Medina Marwa Danish
134. Rohan Sabnis
135. Sana Khan
136. Susanne DeWitt
137. Jewish Coalition of Berkeley
138. Paul Sas
139. Marvin Engel
140. Rick Kleine
141. Barry Fike
142. Jessica Pearlman
143. Andrea Cassidy
144. Absinthia Vermut
145. Leah Rothman
146. Ralph
147. Mike Sabes
148. Candace Hyde-Wang
149. Paul Revere
150. Patricia McCarthy
151. Jocelyn
152. Jordan Perry
153. Arissa De La Cerda
154. Joanne Donsky
155. Sheela Jivan
156. Yossi Fendel
157. Barbara Gilbert
158. Sabine Herrmann
159. Anne Alcott
160. Mara Weiss
161. Roshanak Gonzalez
162. Dorothea Dorenz (2)
163. Tina
164. Anysa Gray
165. Blue Ryon
166. Fatima Rahmani Ahmad
167. Aaron Katler
168. Majeed ThaiKa
169. Joanne Donsky
170. Gina Speckman
171. Sari Hale-Alper

- 172. Thomas Costa
- 173. Ashwaq Asfour
- 174. Aaron Katler
- 175. Melissa Tomlinson
- 176. Sandra Smith
- 177. Russell Bates (26)
- 178. 25 similarly-worded from letters (My name is)

#### **URL's Only**

- 179. Linda Franklin
- 180. Russell Bates

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

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

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





Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and Community Services  
Subject: Contract: Health Officer Coverage

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Dr. Lisa Hernandez for Health Officer services during periods when the City Health Officer is out of the office for the period April 1, 2024 through April 1, 2026 in an amount not to exceed \$30,000.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The City will have a gap in Health Officer coverage when the Health Officer is out of the office and unavailable.

**FISCAL IMPACTS OF RECOMMENDATION**

Costs for Health Officer coverage will be paid for by the Future of Public Health grant (Fund 302). Payment will be \$50 per hour/\$1,200 per day. Total costs are not to exceed \$30,000.

**CURRENT SITUATION AND ITS EFFECTS**

The City of Berkeley receives funding from the California Department of Public Health through the Future of Public Health grant. The funding requires each local health jurisdiction to have Health Officer on-call coverage at all times. The City of Berkeley currently has no plan for coverage when the City Health Officer is out of the office.

**BACKGROUND**

Most public health jurisdictions have on-call Health Officer coverage to address urgent communicable disease and other public health issues. Additionally, this coverage is required by the Future of Public Health grant. Dr. Hernandez served as Health Officer for the City of Berkeley for five years, until July 2023. The City Council is asked to approve Health Officer coverage, as Council also approves appointment of an Interim or Permanent Health Officer.

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

Health Officer coverage is required by the Future of Public Health grant, and may be needed if urgent public health issues arise.

ALTERNATIVE ACTIONS CONSIDERED

The City could continue to have periodic gaps in Health Officer coverage when the Health Officer is unavailable.

CONTACT PERSON

Anju Goel, MD, MPH, Interim Health Officer, HHCS, 510-981-5292

Attachments:

1: Resolution



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

CONTRACT: DR. LISA HERNANDEZ FOR HEALTH OFFICER SERVICES DURING PERIODS WHEN THE CITY HEALTH OFFICER IS OUT OF OFFICE

WHEREAS, most public health jurisdictions have on-call Health Officer coverage to address urgent communicable disease and other public health issues; and

WHEREAS, the City of Berkeley receives funding from the California Department of Public Health through the Future of Public Health grant, which requires each local health jurisdiction to have Health Officer coverage at all times; and

WHEREAS, Dr. Hernandez served as the Health Officer for the City of Berkeley for five years, and is willing to provide coverage for the City of Berkeley again; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Dr. Lisa Hernandez from April 1, 2024 to April 1, 2026 in an amount not to exceed \$30,000.00





Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
 May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kevin Fong, Director, Information Technology  
 Subject: Purchase Order: SHI for KnowBe4 Products and Services

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during Spring Recess for the approval and authorization to execute a purchase order in the amount of \$135,189 with SHI for continued use of KnowBe4 cybersecurity content, products and tools.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The City's Cybersecurity program relies on security awareness training content provided by KnowBe4 and the current 3-year term has reached conclusion. Failure to renew will result in a break in service of the City's Cybersecurity program.

**FISCAL IMPACTS OF RECOMMENDATION**

This product is funded through the IT Cost Allocation (680) fund in the amount of \$135,189.

**CURRENT SITUATION AND ITS EFFECTS**

The current 3-year term for KnowBe4 has reached conclusion, and we would like to continue using their services for the next three (3) years through 2/27/2027. The vendor we have used, Axidome, is no longer in business and we were able to identify an alternative existing reseller partner, SHI.

**BACKGROUND**

The City's Cybersecurity program relies on security awareness training that is vital for educating employees about cybersecurity threats, empowering them to recognize and respond effectively to such risks, ensuring compliance with security best practices, and defending against theft, sabotage, and other insider threats.

KnowBe4 is the service provider the City has been using for at least the previous three (3) years and is integral to the City's ongoing Cybersecurity and Awareness program.

The current 3-year term has reached conclusion, and we would like to continue using their services for the next 3 years through 2/27/2027.

The Cybersecurity program is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and create a resilient, safe, connected, and prepared city.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

KnowBe4 is a content and tool provider providing services and tools that are solely delivered electronically, thereby eliminating any associated greenhouse gas emissions related to travel.

RATIONALE FOR RECOMMENDATION

KnowBe4 is the service provider the City has been using for at least the previous three (3) years and is integral to the City's ongoing Cybersecurity and Awareness program. The current 3-year term has reached conclusion, and to avoid a break in service to the City's Cybersecurity and Awareness program, we would like to continue using their services for the next 3 years through 2/27/2027.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered not using KnowBe4 products but by not utilizing them, we would need to produce our own training content which would be both time and cost prohibitive. While there may be alternative products on the market, KnowBe4 is well integrated with our existing infrastructure and implementing another vendor product would cause a break in our Cybersecurity and Awareness program, increasing the risk of a potential security breach of the City.

CONTACT PERSON

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

Attachments:

1. Resolution

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

PURCHASE ORDER: PROCUREMENT OF KNOWBE4 PRODUCTS AND SERVICES THROUGH SHI

WHEREAS, the City's Cybersecurity and Awareness program relies on security awareness training that is vital for educating employees about cybersecurity threats, empowering them to recognize and respond effectively to such risks, ensuring compliance with security best practices, and defending against theft, sabotage, and other insider threats; and

WHEREAS, the City's Cybersecurity and Awareness program relies on security awareness training content provided by a service provider; and

WHEREAS, KnowBe4 is the service provider the City has been using for at least the previous three (3) years and is integral to the City's ongoing Cybersecurity and Awareness program; and

WHEREAS, the current 3-year term for KnowBe4 has reached conclusion, and we would like to continue using their services for the next three (3) years through 2/27/2027; and

WHEREAS, the vendor we have used, Axidome, is no longer in business but we are able to identify an alternative existing reseller partner, SHI; and

WHEREAS, failure to renew will result in a break in service of the City's Cybersecurity and Awareness program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to approve and authorize the execution of a purchase order with SHI in the amount of \$135,189 for continued use of KnowBe4 cybersecurity content, products and tools.





Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Contract Amendments: As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist

**RECOMMENDATION**

Adopt four Resolutions ratifying the action taken by the City Manager during recess authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$500,000 each and extending the terms to May 28, 2026.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The City’s ability to handle tree-related emergencies will be reduced until these as-needed tree service contracts can be renewed.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding for this contract amendment of \$500,000 each for a total of \$2,000,000 is available in the Fiscal Year (FY) 2025 and (FY) 2026 budget in the Parks Tax Fund (138-52-542-566-0000-000-461-612990) and the Fire Fuel Abatement Fund (011-52-542-566-1001-000-461-612990). The addition of \$500,000 to each of the four contracts will increase the not-to-exceed total contract amount for each contract as follows: Bay Area Tree Specialists (NTE \$1,550,000); Hamilton (NTE \$1,250,000); Professional Tree (NTE \$950,000); and West Coast Arborist (NTE \$1,450,000).

**CURRENT SITUATION AND ITS EFFECTS**

The City currently has contracts with four tree service providers (Bay Area Tree Specialists, Hamilton Tree, Professional Tree, and West Coast Arborists) to perform various as-needed tree services, primarily consisting of tree and stump removals, tree pruning, and emergency response to storm damage throughout the city on the public right of way, street medians, pathways, and in public parks. To date, staff has identified trees that need to be removed and pruned to reduce fire fuel and improve public safety.

Contract Amendments for As-needed Tree Services w/ Bay Area Tree, Hamilton, Professional, and West Coast Arborist

**RECESS ITEM**  
CONSENT CALENDAR  
May 7, 2024

All four contract expire on May 28, 2024 and therefore need to be extended in order to complete this anticipated work.

**BACKGROUND**

In April 2019, the City issued a Request for Proposal (RFP) for tree services work on an as-needed basis. The City determined that four tree service contractors the criteria described in the RFP and issued contracts to the following: Bay Area Tree Specialists, Hamilton Tree, Professional Tree Care, and West Coast Arborists.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The maintenance of the urban forest and the prevention of destructive urban fires are essential in meeting the City’s Climate Action Goals over the long term.

**RATIONALE FOR RECOMMENDATION**

Staff has identified trees to be removed and pruned at various parks, on City paths, and along the public right of way which will reduce the fire fuel load and improve public safety. The City does not have the in-house labor or equipment resources to complete these jobs in an efficient manner.

**Alternative Actions Considered**

None

**CONTACT PERSON**

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

**Attachments:**

1: Four Resolutions



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

CONTRACT NO. 31900202 AMENDMENT: BAY AREA TREE SPECIALISTS FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that Bay Area Tree Specialists met the criteria described in the RFQ and executed contract no. 31900202; and

WHEREAS, on April 14, 2020, the not-to-exceed amount of the contract increased from \$300,000 to \$500,000 by Resolution No. 68,972-N.S.; and

WHEREAS, on September 14, 2021, the not-to-exceed amount of the contract increased from \$500,000 to \$800,000 by Resolution No. 70,024-N.S. and extend the term to May 28, 2023; and

WHEREAS, on March 10, 2023, the City Manager extended the term to May 28, 2024; and

WHEREAS, on June 6, 2023, the not-to-exceed amount of the contract increased from \$800,000 to \$1,050,000 by Resolution No. 70,874-N.S.; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$500,000 is available in the Fiscal Year (FY) 2025 and (FY) 2026 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to execute an amendment to Contract No. 31900193 with Bay Area Tree Specialists for as-needed tree services, increasing the amount by \$500,000 for a not-to-exceed total contract amount \$1,550,000 and extend the term to end on May 28, 2026. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.

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

CONTRACT NO. 31900193 AMENDMENT: HAMILTON TREE FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that Hamilton Tree met the criteria described in the RFQ and executed contract no. 31900193; and

WHEREAS, on July 12, 2022, the not-to-exceed amount of the contract increased from \$200,000 to \$500,000 by Resolution No. 70,448-N.S.; and

WHEREAS, on March 10, 2023, the City Manager extended the term to May 28, 2024; and

WHEREAS, on June 6, 2023, the not-to-exceed amount of the contract increased from \$500,000 to \$750,000 by Resolution No. 70,875-N.S.; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$500,000 is available in the Fiscal Year (FY) 2024 and (FY) 2025 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to execute an amendment to Contract No. 31900193 with Hamilton Tree for as-needed tree services, increasing the amount by \$500,000 for a not-to-exceed total contract amount \$1,250,000 and extend the term to end on May 28, 2026. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.

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

CONTRACT NO. 31900212 AMENDMENT: PROFESSIONAL TREE FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that Professional Tree met the criteria described in the RFQ and executed contract no. 31900212; and

WHEREAS, on March 10, 2023, the City Manager extended the term to May 28, 2024; and

WHEREAS, on June 6, 2023, the not-to-exceed amount of the contract increased from \$200,000 to \$450,000 by Resolution No. 70,876-N.S.; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$500,000 is available in the Fiscal Year (FY) 2025 and (FY) 2026 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to execute an amendment to Contract No. 31900212 with Professional Tree for as-needed tree services, increasing the amount by \$500,000 for a not-to-exceed total contract amount \$950,000 and extend the term to end on May 28, 2026. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.

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

CONTRACT NO. 31900218 AMENDMENT: WEST COAST ARBORISTS, INC FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that West Coast Arborists met the criteria described in the RFQ and executed contract no. 31900218; and

WHEREAS, on September 14, 2021, the not-to-exceed amount of the contract increased from \$200,000 to \$500,000 by Resolution No. 70,025-N.S and extend the term to end on May 28, 2023; and

WHEREAS, on July 12, 2022, the not-to-exceed amount of the contract increased from \$500,000 to \$700,000 by Resolution No. 70,449-N.S.; and

WHEREAS, on March 10, 2023, the City Manager extended the term to May 28, 2024; and

WHEREAS, on June 6, 2023, the not-to-exceed amount of the contract increased from \$700,000 to \$950,000 by Resolution No. 70,877-N.S.; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$500,000 is available in the Fiscal Year (FY) 2024 and (FY) 2025 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to execute an amendment to Contract No. 31900218 with West Coast Arborist for as-needed tree services, increasing the amount by \$500,000 for a not-to-exceed total contract amount \$1,450,000 and extend the term to end on May 28, 2026. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.



Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract: School Foodies for Summer Food Service Program

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during recess authorizing the City Manager to execute a one (1) year contract and any amendments with School Foodies to provide lunches and afternoon snacks to Berkeley youth for the City's Summer Food Service Program for a total amount not to exceed \$95,000, for the period of June 1, 2024 through May 31, 2025, with up to four (4) additional one-year extensions not to exceed \$95,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$475,000.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The City must submit the annual Summer Food Service Program application for reimbursement to the State of California no later than May 10, 2024. Awarding a contract for this essential program as soon as possible in March 2024 will allow enough time for the City to execute a new contract with School Foodies in time to meet the State application deadline.

**FISCAL IMPACTS OF RECOMMENDATION**

Funds for the Summer Food Service Program (SFSP) are provided via a grant from the California Department of Education (CDE). The City will purchase food from School Foodies, using budgeted funds from Youth Lunch Fund (account code 319-52-543-570-1004-000-461-644110-). The City will then request reimbursement from the CDE, and deposit revenues into Youth Lunch revenue code 319-52-543-570-1004-000-000-431810-. The amount of actual expenditures will vary from year to year depending on number of youth enrolled in the summer lunch program. First year funding is available in the FY24 budget; and future years will be budgeted at the same level.

**CURRENT SITUATION AND ITS EFFECTS**

The City's annual Summer Food Service Program begins on June 10, 2024 and will provide approximately 400 free lunches and snacks per day to low-income youth for a nine-week period. A contract to provide these services must be in place in order for the City to submit

Contract: School Foodies for Summer Food Service Program

**RECESS ITEM**  
CONSENT CALENDAR  
May 7, 2024

its annual application for reimbursement to the California Department of Education Nutrition Services Division Summer Food Service Program, which is due no later than May 10th. The City released a Request for Proposal (RFP) (Specification No. 24-11637-C) on January 25, 2024 and one (1) proposal was submitted on February 29, 2024. Staff determined that the proposal from Upton Inc. DBA School Foodies fully met the criteria contained in the RFP, and the meal rates charged by School Foodies are in compliance with the California Department of Education 2024 Reimbursement Rate. Staff recommends that Council authorize a contract with School Foodies to provide these services.

### BACKGROUND

For the past 45 years, the City of Berkeley has sponsored the Summer Food Service Program, administered for the past 20 years by the California Department of Education Nutrition Services Division. The Parks Recreation & Waterfront Department expects to contract in FY 2024 – FY 2025 for approximately 400 lunches and snacks per day during a 10-week summer program. The CDE reimburses the City for the cost of administering the program and preparing and delivering lunches and snacks through a Permanent Agreement with the City of Berkeley authorized by City Council on April 22, 2008 (Resolution No. 64,027-N.S.).

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

School Foodies, Inc. is a local food services provider in Hayward, CA that complies with the City's Food Nutrition policy (Resolution No. 61,272-N.S., September 25, 2001) that strives to achieve the following goals: ensure that the food served in City programs shall, within the fiscal resources available; be nutritious, fresh, and reflective of Berkeley's cultural diversity; be from regionally grown or processed sources to the maximum extent possible; be organic (as defined by the United States Department of Agriculture (USDA) National Organic Program regulations) to the maximum extent possible; and not come from sources that utilize excessive antibiotics, bovine growth hormones, irradiation, or transgenic modification of organisms until such time as the practice is proven to enhance the local food system<sup>1</sup>

### RATIONALE FOR RECOMMENDATION

The City of Berkeley Parks Recreation and Waterfront Department does not have facilities to prepare snacks and meals that would comply with the United States Department of Agriculture guidelines. School Foodies received the highest score based on the selection criteria per the RFP, they received excellent references, their food was packaged correctly, and their cost was reasonable. School Foodies will provide prepared lunch and snacks that follow the CDE nutritional requirements, and therefore staff recommend approval of a contract for the Summer Food Service Program.

### Alternative Actions Considered

None

### CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700  
Stephanie Chu, Recreation & Youth Services Manager, 981-6707

Contract: School Foodies for Summer Food Service Program

**RECESS ITEM**  
CONSENT CALENDAR  
May 7, 2024

Ginsi Bryant, Recreation Program Supervisor, 981-6678  
Justin Pitcher, Recreation Program Supervisor, 981-5123

Attachments:  
1: Resolution

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

CONTRACT: SCHOOL FOODIES FOR SUMMER FOOD SERVICE PROGRAM

WHEREAS, the City of Berkeley has sponsored the Summer Food Service Program for the past forty-five years; and

WHEREAS, the State of California Department of Education Nutrition Services Division Summer Food Service Program reimburses the City for the cost of preparing and delivering lunches and snacks for the summer lunch program through a Permanent Agreement with the City of Berkeley authorized by City Council on April 22, 2008 (Resolution No. 64,027-N.S.); and

WHEREAS, a contract with a vendor to provide these services must be in place in order for the City to submit its annual application for reimbursement to the California Department of Education Nutrition Services Division Summer Food Service Program in the Spring and; and

WHEREAS, a Request for Proposal (Specification No. 24-11637-C) was released on January 25, 2024 and one (1) proposal was submitted on February 29, 2024; and

WHEREAS, the proposal from School Foodies was determined to best meet the criteria contained in the RFP; and

WHEREAS, the meal rates submitted by School Foodies are in compliance with the California Department of Education 2024 Reimbursement Rate; and

WHEREAS, FY24 funds are available in the Youth Lunch Fund (fund 319), and future years will be budgeted at the same level.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager during recess to execute a one-year contract and any amendments with Upton Inc. DBA School Foodies to provide lunches and afternoon snacks to Berkeley youth for the City's Summer Food Service Program for a total amount not to exceed \$90,000, for the period of June 1, 2024 through May 31, 2025, with options to execute up to four (4) additional one-year extensions not to exceed \$95,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$475,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

**RECESS ITEM**  
CONSENT CALENDAR  
 May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Department of Parks, Recreation, and Waterfront  
 Subject: Construction Contract: THE DUTRA GROUP for the Docks D & E  
 Replacement Project at the Berkeley Marina

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during recess:

1. Approving the plans and specifications for the Berkeley Marina Docks D & E Replacement Project (Bid Specification No. 24-11633-C); and
2. Accepting the bid of THE DUTRA GROUP as the lowest responsive and responsible bidder on the Project; 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 THE DUTRA GROUP, for the Berkeley Marina Docks D & E Replacement Project, in an amount not to exceed \$8,593,200, which includes a contract amount consisting of base bid of \$7,812,000 and a 10% contingency in the amount of \$781,200.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The Docks D & E Replacement Project is partially funded by FY2022 State Budget Allocation and administered by State Coastal Conservancy (SCC) which requires that the construction be completed by November, 2025. The project has a very long lead time for the procurement of specialized material and equipment for the Docks D & E Replacement Project. Awarding this construction contract as soon as possible will significantly increase the City's ability to complete the work by the funding deadline of November 2025.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding is available in FY 2024 CIP Fund (Fund 501) and FY 2024 CIP-Internal Loan. Funding will be recommended for appropriation in FY 2024 through the second amendment to the appropriations ordinance in the State Coastal Conservancy Grant (Fund 606).

Construction contract: The Dutra Group for Berkeley Marina Docks D & E Replacement Project

RECESS ITEM  
CONSENT CALENDAR  
May 7, 2024

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

|                                                 |             |
|-------------------------------------------------|-------------|
| THE DUTRA GROUP CONSTRUCTION (lowest bid) ..... | \$7,812,000 |
| 10% Contingency                                 | \$781,200   |
| <hr/>                                           | <hr/>       |
| Total construction cost                         | \$8,593,200 |

|                                              |             |
|----------------------------------------------|-------------|
| FY2024 State Coastal Conservancy Grant ..... | \$4,305,346 |
| FY2024 CIP-General Fund.....                 | \$36,454    |
| FY2024 CIP Internal Loan.....                | \$4,251,400 |
| <hr/>                                        | <hr/>       |
| Total construction cost                      | \$8,593,200 |

CURRENT SITUATION AND ITS EFFECTS

Berkeley Marina Docks D & E Replacement Project is a Strategic Plan Priority Project, advancing our goal of providing provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

The Berkeley Marina Docks D & E Replacement Project was duly advertised for competitive bids on January 31, 2024, and bids were opened on March 14, 2024. Four (4) bids were received ranging from a low base bid of \$7,812,000 to a high base bid of \$8,765,000, as detailed in Attachment 2: Bid Abstract. The Dutra Group of San Rafael, CA was the lowest responsive and responsible bidder with a base bid of \$7,812,000. References for The Dutra Group proved satisfactory. Therefore, Staff recommends the contract be awarded to The Dutra Group.

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. Contractor will submit 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 successful bidder and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement. Construction is expected to begin in August, 2024 and be completed by November, 2025.

BACKGROUND

The Berkeley Marina is one of the largest marinas in the East Bay. It is a highly valued community resource offering recreational opportunities and open space amenities for both local residents and visitors throughout the Bay Area. It contains a range of facilities: a hotel, restaurants, marina-related offices, 1,000 boat slips, the Berkeley Pier, and the trails and open space at Cesar Chavez Park and McLaughlin Eastshore State Park.

Construction contract: The Dutra Group for Berkeley Marina Docks D & E Replacement Project

**RECESS ITEM**  
CONSENT CALENDAR  
May 7, 2024

The floating dock system at Docks D and E was constructed in the early 1970s and is well past the original expected useful life of 15 years. About 40 to 50 percent of the slips have degraded to the point of being unusable. Despite on-going maintenance efforts, the docks continue to present safety hazards due to broken and rotted deck planking, many areas on the docks have torqued due to water intrusion into the dock floats, most of the old-chemical treated timber piles are rotted or collapsed at the water line, and the electrical service is largely the original construction that has failed a number of times. Age-related deterioration was exacerbated by a 2009 storm event that caused significant damage to the end slips. In addition to structural problems, the original design of both docks does not meet current ADA accessibility standards, and does not support the current trend for longer recreational vessels.

This project will replace the entire floating dock system with an improved system that consists of: ADA slips and gangway, longer lasting concrete docks, chemically-inert concrete piles, code compliant utilities such as electrical, potable water and fire suppression systems, along with landside improvements as such a new security gate structure and shoreline slope protection.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, US Army Corps of Engineers Permit, and San Francisco Bay Regional Water Quality Control Board Permit.

#### RATIONALE FOR RECOMMENDATION

This project is part of the City's ongoing effort to update and maintain the deteriorated infrastructure at the Berkeley Marina. The project will help the City advance Strategic Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

- 1: Resolution
- 2: Bid Abstract Summary

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

CONSTRUCTION CONTRACT: THE DUTRA GROUP FOR THE BERKELEY MARINA  
DOCKS D & E REPLACEMENT PROJECT

WHEREAS, the existing floating dock system at Docks D & E at the Berkeley Marina was originally constructed in the 1960s and has well past the original expected useful life of 15 years, it is in need of replacement; and

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

WHEREAS, an invitation for bids was duly advertised on January 31, 2024, bids were opened on March 14, 2024, and the City received four (4) bids; and

WHEREAS, the bid from THE DUTRA GROUP was the lowest responsive, responsible bid of \$7,812,000, and references for THE DUTRA GROUP were provided and checked out satisfactorily; and

WHEREAS, funding is available in FY 2024 CIP Fund (Fund 501) and FY 2024 CIP-Internal Loan. Funding will be recommended for appropriation in FY 2024 through the second amendment to the appropriations ordinance in the State Coastal Conservancy Grant (Fund 606).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to approve the Plans and Specification No. 24-11633-C for the Berkeley Marina Docks D & E Replacement Project; and 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 THE DUTRA GROUP for the Berkeley Marina Docks D & E Replacement Project in an amount not to exceed \$8,593,200, which includes a contract amount consisting of base bid plus allowance of \$7,812,000 and a 10% contingency in the amount of \$781,200 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:** 3.14.2024  
**Spec. #** 24-11633-C

**FOR:** [D&E Dock Replacement Project](#)

required w/ bid

|    | Bidders                            | Base Bid       | Addenda (2) | Bid Bond | Reg / Exp | Subcontractors | Non-Collusion | CERTS |
|----|------------------------------------|----------------|-------------|----------|-----------|----------------|---------------|-------|
| 1  | The Dutra Group                    | \$7,812,000.00 | X           | X        | X         | X              | X             | X     |
| 2  | Manson Construction Co.            | \$8,765,000.00 | X           | X        | X         | X              | X             | X     |
| 3  | Power Engineering Construction Co. | \$8,360,100.00 | X           | X        | X         | X              | X             | X     |
| 4  | Vortex Marine Construction, Inc.   | \$8,180,000.00 | X           | X        | X         | X              | X             | X     |
| 5  |                                    |                |             |          |           |                |               |       |
| 6  |                                    |                |             |          |           |                |               |       |
| 7  |                                    |                |             |          |           |                |               |       |
| 8  |                                    |                |             |          |           |                |               |       |
| 9  |                                    |                |             |          |           |                |               |       |
| 10 |                                    |                |             |          |           |                |               |       |

**Attachment 2 - Bid Abstract**

|                  |                |                                                                                                                                                 |      |                     |
|------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------|---------------------|
| Bid Recorder:    | Josh Roben     | <br><small>Josh Roben (Mar 14, 2024 15:07 PDT)</small>     | Date | <u>Mar 14, 2024</u> |
| Bid Opener:      | Darryl Sweet   | <br><small>Darryl Sweet</small>                            | Date | <u>Mar 14, 2024</u> |
| Project Manager: | Jesús Espinoza | <br><small>Jesús Espinoza (Mar 14, 2024 14:36 PDT)</small> | Date | <u>Mar 14, 2024</u> |

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903  
finance@cityofberkeley.info





Office of the City Manager

**RECESS ITEM**  
CONSENT CALENDAR  
 May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Contract No. 32300187 Amending: First Serve Productions for Additional Sport Court Repair and Resurfacing

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during recess, authorizing the City Manager to amend Contract No. 32300187 with First Serve Productions for additional sport court repair and resurfacing at City parks by increasing the construction contract amount by \$198,000 for a not-to-exceed amount of \$374,669.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

While funding for this contract amendment is currently available in the FY2024 Parks Tax budget, there is insufficient time to complete the work in this fiscal year if the contract amendment authorizing additional expenditure is not approved in a timely manner.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding for the construction contract amendment in the amount of \$198,000 is available in FY 2024 Parks Tax budget code 138-52-545-000-0000-000-461-624110.

**CURRENT SITUATION AND ITS EFFECTS**

The City has a current construction contract with First Serve Productions for sport court asphalt repairs and resurfacing at City parks to improve public safety in the amount of \$176,669 (Contract No. 32300187). Staff has identified additional sport court resurfacing work at City parks that will improve public safety. First Serve Productions has agreed to keep the same unit prices for this work. These prices were the lowest obtained through a competitive construction bid process. Amending the contract provides the City with a cost-effective way to perform this additional work at City parks in a timely manner.

Contract Amendment – First Serve Productions -  
Additional Sport Court Repairs and Resurfacing

**RECESS ITEM**  
CONSENT CALENDAR  
May 7, 2024

**BACKGROUND**

In March 2023, the City issued an Invitation For Bid (IFB) for construction work for sports courts repairs and resurfacing for PRW (Spec. No. 23-11589). Among the bids received, the City identified First Serve Productions as the lowest responsive and responsible bidder and executed a construction contract on June 1, 2023.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE**

The construction work under this contract amendment involves the repair and resurfacing of existing sports courts and pathways and will not have a negative impact on the environment or on climate change.

**RATIONALE FOR RECOMMENDATION**

First Serve Productions is currently under contract to perform sports court resurfacing to improve public safety, and the City does not have the in-house labor or equipment resources to perform this additional work at City parks.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Scott Ferris, Director, Parks, Recreation & Waterfront Department, 510-981-6700  
Bruce Pratt, Parks Superintendent, 510-981-6700

**ATTACHMENTS**

1. Resolution



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

CONTRACT NO. 32300187 AMENDMENT: FIRST SERVE PRODUCTIONS FOR  
ADDITIONAL ASPHALT REPAIRS AND RESURFACING AT CITY PARKS

WHEREAS, in March 2023, the City issued an Invitation For Bid (IFB) for construction work for sports courts repairs and resurfacing for PRW (Spec. No. 23-11589). Among the bids received, the City identified First Serve Productions as the lowest responsive and responsible bidder and executed a construction contract on June 1, 2023;

WHEREAS, staff has identified additional court resurfacing and repair work at City parks to improve public safety. First Serve Productions has agreed to keep the same unit prices for this work. These prices were the lowest obtained through a competitive bid process; and

WHEREAS, funding for the construction contract amendment in the amount of \$198,000 is available in FY 2024 Parks Tax budget code 138-52-545-000-0000-000-461-624110.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to execute an amendment to Contract No. 32300187 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$198,000 for a not-to-exceed amount of \$374,669.





Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Department of Parks, Recreation, and Waterfront  
Subject: Construction Contract: THE DUTRA GROUP for the Berkeley Marina Dredging Project

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during recess:

1. Approving the plans and specifications for the Berkeley Marina Dredging Project (Bid Specification No. 24-11644-C); and
2. Accepting the bid of THE DUTRA GROUP as the lowest responsive and responsible bidder on the Project; 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 THE DUTRA GROUP, for the Berkeley Marina Dredging Project, in an amount not to exceed \$4,843,566, which includes a contract amount consisting of base bid of \$4,612,920 and a 5% contingency in the amount of \$230,646.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The Berkeley Marina Dredging Project is funded by an FY2022 State Budget Allocation and administered by State Coastal Conservancy (SCC) which requires that the construction be completed by November, 2025. The current project schedule involves work in the waters of the San Francisco Bay, which has a very tight work window each year as per regulatory agency requirements (August through November). Awarding this construction contract as soon as possible will significantly increase the City's ability to complete the work by the funding deadline of November 2025.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding is available from the FY 2024 CIP-Internal Loan. Funding will be recommended for appropriation in FY 2024 through the second amendment to the appropriations ordinance in the State Coastal Conservancy Grant (Fund 606). No other funding is required, and no other projects will be delayed due to this expenditure.

|                                                 |             |
|-------------------------------------------------|-------------|
| THE DUTRA GROUP CONSTRUCTION (lowest bid) ..... | \$4,612,920 |
| 5% Contingency                                  | \$230,646   |
| <hr/>                                           | <hr/>       |
| Total construction cost                         | \$4,843,566 |
| <br>                                            |             |
| FY2024 CIP Internal Loan .....                  | \$380,646   |
| FY2024 State Coastal Conservancy Grant.....     | \$4,462,920 |
| <hr/>                                           | <hr/>       |
| Total construction cost                         | \$4,843,566 |

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Marina Dredging Project (Project) is a Strategic Plan Priority Project, advancing our goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

The City conducted a competitive Invitation For Bid (IFB) process in January, 2024, and bid the opening was on March 7, 2024. One (1) bid was received from The Dutra Group of San Rafael, CA with a base bid of \$ 4,612,920 (see Attachment 2: Bid Abstract). The City has determined that The Dutra Group meets the California public construction code definition of lowest responsible and responsible bidder. References for The Dutra Group proved satisfactory. Staff therefore recommends the contract be awarded to The Dutra Group.

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. Contractor will submit 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 successful bidder and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement. Construction is expected to begin in August, 2024 and be completed by December, 2024.

BACKGROUND

The Berkeley Marina is one of the largest marinas in the East Bay. It is a highly valued community resource offering recreational opportunities and open space amenities for both local residents and visitors throughout the Bay Area. It contains a range of facilities: a hotel, restaurants, marina-related offices, 1,000 boat slips, the Berkeley Pier, and the trails and open space at Cesar Chavez Park and the state’s McLaughlin Eastshore State Park.

Due to the accumulation of sediment over time, the north and central entrances at the Marina Harbor Basin have become too shallow for most vessels to access. The south entrance has become the only ingress and egress to support the City’s over 1,000 boat slips at Harbor Basin. With the last maintenance dredging at the south entrance

approximately 35 years ago, the south entrance is now becoming a navigational challenge during low tides for larger boats.

The Marina Dredging Project will safe and unimpeded access to all vessels at the Berkeley Marina by restoring and enhancing the depths of the Marina ingress and egress routes. The Project will perform maintenance dredging at the entrances at the existing two breakwaters, at the main fairway, and at Docks C, D, E, H, I, & O. These areas will be dredged to design depths ranging between -8.0 ft to -10.0 ft at Mean Low Low Water (MLLW). Over 62% of the dredged material will be placed at beneficial reuse sites for wetland restoration projects in the SF Bay Delta Estuary region. The remaining dredged material is to be disposed at the state and federally-authorized Alcatraz site, or San Francisco Deep Ocean site west of the Farallon Islands to comply with requirements set by the regulatory agencies.

The original yacht harbor was created in 1937 as a federal Works Progress Administration (WPA) project. The current main harbor in its current form dates to the late 1960's when the City enhanced the yacht harbor with additional dredging, filled in the upland areas around the harbor borders, and leased out the newly-fill upland parcels to commercial entities (restaurants, hotel, boat repair yard, etc.) to help repay the construction loans from the California Department of Boating and Waterways.

Over the past 35 years, three episodes of maintenance dredging were performed:

- 1) Emergency dredging was performed in the south entrance area after the 1989 Loma Prieta Earthquake to allow for emergency FEMA ferry service.
- 2) In 2009, maintenance dredging was performed during the replacement of Docks F and G and Docks H and I.
- 3) In 2010, maintenance dredging occurred during the Dock B & C replacement project.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, US Army Corps of Engineers Permit including consultation with NOAA's Nation Marine Fisheries Service, and San Francisco Bay Regional Water Quality Control Board Permit.

#### RATIONALE FOR RECOMMENDATION

This project is part of the City's ongoing effort to update and maintain the deteriorated infrastructure at the Berkeley Marina. The project will help the City advance Strategic Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Construction Contract - The Dutra Group for Berkeley Marina Dredging

**RECESS ITEM**  
CONSENT CALENDAR  
May 7, 2024

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700

Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

1: Resolution

2: Bid Abstract Summary

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

CONSTRUCTION CONTRACT: THE DUTRA GROUP FOR THE BERKELEY MARINA  
DREDGING PROJECT

WHEREAS, boating access at the Berkeley Marina Harbor Basin has been impeded due to sediment accumulation on the sea floor at the entry points, fairways and under the docks over time. Maintenance dredging is required to restore the original design depths needed to provide safe and unimpeded access.

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

WHEREAS, the City conducted a competitive Invitation For Bid (IFB) process in January, 2024, and bid the opening was on March 7, 2024. One (1) bid was received from The Dutra Group of San Rafael, CA with a base bid of \$ 4,612,920 per the Bid Abstract). The City has determined that The Dutra Group meets the California public construction code definition of lowest responsible and responsible bidder. References for The Dutra Group proved satisfactory; and

WHEREAS, funding is available from the FY 2024 CIP-Internal Loan. Funding will be recommended for appropriation in FY 2024 through the second amendment to the appropriations ordinance in the State Coastal Conservancy Grant (Fund 606).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to: approve the Plans and Specification No. 24-11644-C for the Berkeley Marina Dredging Project; execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with THE DUTRA GROUP for the Berkeley Marina Docks D & E Replacement Project in an amount not to exceed \$4,843,566, which includes a contract amount consisting of base bid of \$4,612,920 and a 5% contingency in the amount of \$380,646 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: 3.7.2024  
Spec. # 24-11644-C

FOR: [Marina Dredging Project](#)

|                      |                | required w/ bid |              |          |           |                |               |       |  |
|----------------------|----------------|-----------------|--------------|----------|-----------|----------------|---------------|-------|--|
| Bidders              | Base Bid       | Additive Bid    | Addendum (1) | Bid Bond | Reg / Exp | Subcontractors | Non-Collusion | Certs |  |
| 1<br>The Dutra Group | \$4,612,920.00 | \$4,020,940.00  | x            | x        | x         | x              | x             | x     |  |

|                  |                 |                                                                        |      |             |
|------------------|-----------------|------------------------------------------------------------------------|------|-------------|
| Bid Recorder:    | Darryl Sweet    | <i>Darryl Sweet</i>                                                    | Date | Mar 7, 2024 |
| Bid Opener:      | Josh Roben      | <i>Josh Roben</i><br><small>Josh Roben (Mar 7, 2024 15:00 PST)</small> | Date | Mar 7, 2024 |
| Project Manager: | Taylor Lancelot | <i>Taylor Lancelot</i>                                                 | Date | Mar 7, 2024 |

Attachment 2 - Bid Abstract



ORDINANCE NO. 7,902-N.S.

REPEALING AND REENACTING CHAPTER 3.78 OF THE BERKELEY MUNICIPAL CODE ESTABLISHING THE HUMAN WELFARE AND COMMUNITY ACTION COMMISSION

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

Section 1. That Chapter 3.78 of the Berkeley Municipal Code is repealed and reenacted to read as follows:

**Chapter 3.78**

**HUMAN WELFARE AND COMMUNITY ACTION COMMISSION**

**Sections:**

- 3.78.010 Creation of the Human Welfare and Community Action Commission**
- 3.78.020 Membership**
- 3.78.030 Term of office**
- 3.78.040 Vacancy and removal**
- 3.78.050 Temporary vacancies**
- 3.78.060 Officers, meetings and procedures**
- 3.78.070 Social welfare defined**
- 3.78.080 Functions of the commission**
- 3.78.090 Elections for low-income representatives**
- 3.78.100 Bylaws of the Human Welfare and Community Action Commission**

**Section 3.78.010 Creation of the Human Welfare and Community Action Commission.**  
The Human Welfare and Community Action Commission is hereby created.

**Section 3.78.020 Membership**

A. The commission shall consist of nine members. This commission is not subject to BMC Sections 2.04.030–2.04.130, the Fair Representation Ordinance, due to the Community Action Agency membership regulations in state and federal law.

B. Three of the members shall be appointed by the Berkeley City Council by majority vote.

C. Three of the members shall be low-income representatives, subject to the eligibility requirements of this paragraph, and elected to the commission using one of the methods in Section 3.78.090:

i. An individual who is at or below the federal poverty line, and who resides within the City of Berkeley; or

ii. An individual from a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population in the City of Berkeley, whose membership duly select a representative chosen in accordance with a democratic selection procedure.

D. Three of the members shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751 (and its

successors), the language of which is incorporated herein by reference. These members should be identified and nominated for Council approval by the existing commissioners.

E. For the purpose of members appointed pursuant to paragraph C and D, the community service block grant (CSBG) target area is within the boundary of the City of Berkeley.

**Section 3.78.030 Term of office.**

The term of office of each elected member, other than specifically provided herein, shall be four years from the date of the elections; no person shall serve for more than two full elected terms, or eight years.

The term of office of each appointed member shall be as provided in B.M.C. Section 3.02.040.

**Section 3.78.040 Vacancy and removal of elected members**

Elected members of the commission are subject to the same membership and attendance requirements as appointed members except as otherwise provided in this chapter.

A. A vacancy shall exist when an elected board member moves and establishes residence outside of their election district or otherwise no longer meets the eligibility requirements of Section 3.78.020.C.

B. Vacancies in any elected commission position shall be filled by a new election pursuant to Section 3.78.090.

**Section 3.78.050 Temporary vacancies**

An elected member of the commission may take a temporary leave of absence of up to three months in duration by notifying the City Clerk and the commission secretary in writing in advance of the absence, during which time a temporary vacancy shall exist. During the period of such temporary vacancy in an elected position, a temporary appointment shall be made by the remaining low-income representatives subject to the eligibility requirements of Section 3.78.020.C.

**Section 3.78.060 Officers, meetings and procedures**

A. The commission shall elect one of its members chairperson and one of its members vice-chairperson.

B. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

C. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

D. All subcommittees of this commission should fairly reflect the composition of the commission.

**Section 3.78.070 Social welfare defined**

"Social Welfare" as used in this chapter, means that endeavor which is concerned with community-wide and group interests rather than with needs of individual residents and embraces such areas, among others, special needs of the family, children, youth and the aged, and the way in which people live and work together.

**Section 3.78.080 Functions of the commission**

The functions of the commission shall be as follows:

A. The commission shall function as the Board of the Community Action Agency as set forth in California Government Code Sections 12750 - 12763 and its successors, the terms of which are incorporated herein by reference;

B. Review and accept the Community Action Plan and the accompanying Community Needs Assessment as outlined in the Community Service Block Grant Organizational Standards and create a citizen awareness of these needs;

C. Fulfill all duties and meet all requirements as detailed in the annual Community Service Block Grant Organizational Standards report;

D. Identify social welfare needs of the Berkeley community and create awareness of these needs among residents;

E. Identify social welfare standards made available by other social welfare agencies and provide the public information with reference to such services;

F. Encourage the development of programs designed to improve the social welfare of the Berkeley community;

G. Render advice and assistance to other City boards and commissions, to City departments and to private agencies on matters of social welfare;

H. Advise the City Council on all matters affecting the social welfare of the community and its citizens;

I. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City;

J. In prescribing the above duties and functions of the commission, it is not the intent of the Council to duplicate or overlap the functions, duties or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render assistance and advice to such board, commission or department as may be requested.

**Section 3.78.090 Elections for low-income representatives**

Low-income representatives shall be chosen in accordance with democratic selection procedures adequate to assure that they represent the low-income persons in the geographic service area of the City of Berkeley. Among the selection procedures which may be employed, as determined by the commission secretary, either separately or in combination, are the following: (a) nominations and elections, whether within the neighborhoods, community, or service area as a whole; (b) selection at a meeting or conference of low-income persons such that the date, time, and place of such a meeting or conference have been adequately publicized; (c) selection of a small area basis (such as a neighborhood) of representatives who in turn select members for the commission; (d) the commission may recognize a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population, whose membership may select one or more representatives to the commission. Persons at or

below the federal poverty line shall be permitted to vote in the selection processes. The commission may request a waiver for the federal poverty line eligibility in order to establish residency or other relevant criteria as a basis for eligibility, which will be provided to and reviewed by the commission secretary for CSBG compliance

**Section 3.78.100 Bylaws of the Human Welfare and Community Action Commission is hereby created.**

The commission shall prepare and maintain bylaws for the community action agency. These bylaws and amendments thereto shall be consistent with City, state and federal policies governing community action agencies.

Section 2. Posting

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

At a regular meeting of the Council of the City of Berkeley held on March 26, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: Kesarwani.

Absent: None.



Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

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

RECOMMENDATION

Approve the minutes for the Council meetings of March 7, 2024 (closed), March 12, 2024 (special, special, regular and closed), March 18, 2024 (closed), March 19, 2024 (regular) and March 26, 2024 (closed and regular)

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. March 7, 2024 – Special Closed Council Meeting
2. March 12, 2024 – Special Council Meeting
3. March 12, 2024 – Special Council Meeting
4. March 12, 2024 – Regular Council Meeting
5. March 12, 2024 – Special Closed Council Meeting
6. March 18, 2024 – Special Closed Council Meeting
7. March 19, 2024 – Regular Council Meeting
8. March 26, 2024 – Special Closed Council Meeting
9. March 26, 2024 – Regular Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**THURSDAY, MARCH 7, 2024**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*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/1607929123>. 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: **160 792 9123**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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

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

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

## Preliminary Matters

**Roll Call:** 3:08 p.m.

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

**Absent:** Kesarwani

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

## CLOSED SESSION:

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

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

- a. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

**Action:** M/S/C (Hahn/Taplin) to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million..

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

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

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

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

**Action:** No reportable action taken.

## **OPEN SESSION:**

On February 5, 2024 and March 7, 2024 the City Council met in closed session to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million. On March 8, 2024 the case settled in mediation and the City Attorney executed a Memorandum of Settlement memorializing the terms of the settlement. On March 12, 2024, the parties agreed to a further Settlement and Release that supersedes the March 8, 2024 Settlement and sets forth the agreement in greater detail.

## **Adjournment**

Adjourned at 5:40 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 7, 2024.

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Mark Numainville, City Clerk



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

**Tuesday, March 12, 2024  
3:30 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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## Preliminary Matters

**Roll Call:** 3:38 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Bartlett present at 3:39 p.m.

Councilmember Kesarwani present at 4:03 p.m.

**Report from Closed Session:** On February 5, 2024 and March 7, 2024 the City Council met in closed session to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million. On March 8, 2024 the case settled in mediation and the City Attorney executed a Memorandum of Settlement memorializing the terms of the settlement. On March 12, 2024, the parties agreed to a further Settlement and Release that supersedes the March 8, 2024 Settlement and sets forth the agreement in greater detail.

## Consent Calendar

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

### 1. Acquisition of Real Property Located at 1900 Fourth Street

**From:** City Manager

**Recommendation:** Adopt first reading of an Ordinance authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.

**Financial Implications:** See report

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

**Action:** M/S/C (Hahn/Arreguin) to adopt first reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people. Second reading scheduled for March 19, 2024.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 4:24 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 12, 2024.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

### Item #1: Acquisition of Real Property Located at 1900 Fourth Street

1. Lucy Gill, on behalf of University of California at Berkeley
2. David Kellogg
3. Lucas Woodward
4. Richard Schwartz

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

**Tuesday, March 12, 2024  
4:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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## Preliminary Matters

**Roll Call:** 4:36 p.m.

**Present:** Kesarwani, Hahn, Wengraf, Humbert, Arreguin

**Absent:** Taplin, Bartlett

Councilmember Taplin present at 4:40 p.m.

Councilmember Bartlett present at 4:43 p.m.

## Worksession

### 1. 2023 Berkeley Police Department Annual Report

**From:** City Manager

Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** 6 speakers. Presentation made and discussion held.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:26 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 12, 2024.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: 2023 Berkeley Police Department Annual Report**

1. Charles Clarke

## Supplemental Communications and Reports 3

**Item #1: 2023 Berkeley Police Department Annual Report**

2. Presentation, submitted by the Berkeley Police Department

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 12, 2024**  
**6:00 PM**

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TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

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## Preliminary Matters

**Roll Call:** 6:27 p.m.

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

**Absent:** None

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

### Ceremonial Matters:

1. Recognition of the American Red Cross' 143rd Anniversary

### City Manager Comments:

The City Manager provided an update on the progress of the Homeless Response Team.

### City Auditor Comments:

The City Auditor provided an update on the employee retention audit.

**Public Comment by Employee Unions:** 1 speaker

**Public Comment on Non-Agenda Matters:** 17 speakers.

**Action:** M/S/C (Arreguin/Bartlett) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Revised Resolution for a Joint Homekey Application for University Homes.

**Vote:** All Ayes.

## Consent Calendar

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute period for public comment with one-minute per speaker.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 13 speakers.

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

**Vote:** All Ayes.

### **Urgent Item: Revised Resolution for a Joint Homekey Application for University Homes**

**From:** City Manager

**Recommendation:** Adopt a revised Resolution approving the following actions in support of the University Homes Homekey project by: 1. Authorizing the City Manager or her designee to prepare and submit a joint application together with Housing Consortium of the East Bay (HCEB) and Memar Properties, Inc. (Memar) for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Homes permanent supportive housing project. 2. 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.

**Financial Implications:** See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 71,228–N.S.

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

**From:** City Manager

**Recommendation:** Adopt a second reading of Ordinance No. 7,898–N.S. amending Title 23 of the Berkeley Municipal Code to streamline and clarifying the permitting process for small businesses in commercial districts ("C-Prefixed"), select manufacturing ("M-Prefixed") districts, and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,898–N.S.

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

**From:** City Manager

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

**Financial Implications:** Various Funds - \$3,676,000

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

**Action:** Approved recommendation.



## Consent Calendar

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

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

**Financial Implications:** See report  
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,229–N.S.
  
- 4. Application for Prohousing Incentive Program Funds**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Prohousing Incentive Program, in an amount not to exceed \$1,250,000.  
**Financial Implications:** See report  
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,230–N.S.
  
- 5. Amendment to Contract No. 8392 with Innovative Claim Solutions (ICS) for Workers' Compensation Claims Administration**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392 with Innovative Claims Solutions (ICS) for third-party administration of workers' compensation claims through June 30, 2025 for a total contract amount not to exceed \$9,202,243.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,231–N.S.

## Consent Calendar

- 6. Contract Amendment: WBCP, Inc. Recruitment Agency**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400083 with WBCP, Inc. for recruitment services to cover the period of October 2, 2023 through June 30, 2026, for a total cost not to exceed \$350,000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,232–N.S.
- 7. Salary Adjustments: Electrical Supervisor and Communications Supervisor**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adjusting the salary range for Electrical Supervisor and Communications Supervisor to consist of three steps ranging from \$62.8856 per hour to \$66.6047 per hour, effective March 12, 2024.  
**Financial Implications:** See report.  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,233–N.S.
- 8. Align Training and Certification Differentials for Deputy Police Chief and Police Chief with Differentials for Berkeley Police Association Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution aligning the training and certification differentials for Deputy Police Chief and Police Chief – specifically, for Crisis Intervention Training, the KIND Policing Differential, and POST certificates – with those of Berkeley Police Association members; specify that for Deputy Police Chief and Police Chief the POST certificates must be at the Management level; provide retiree medical benefits that BPA members and the Police Chief receive to the Deputy Police Chief as well.  
**Financial Implications:** See report.  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,234–N.S.
- 9. Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a Firehouse Subgrant application in the amount up to \$50,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** Grant - \$50,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,235–N.S.

## Consent Calendar

10. **Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing Avenue in the Telegraph-Channing Mall and Garage**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin retroactively on May 1, 2023.  
**Financial Implications:** See report  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** Adopt first reading of Ordinance No. 7,900–N.S. Second reading scheduled for March 26, 2024.
11. **Filling Vacancies Among the Elected Representatives of the Poor**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution confirming the appointments of Catherine Huchting (District 3); and, Maria Sol (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 8, 2024 meeting, and that their terms expire November 28, 2024.  
**Financial Implications:** See report  
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 71,236–N.S. amended to make the appointments effective on the adoption of the HWCAC reorganization ordinance scheduled for March 26, 2024.

## Council Consent Items

12. **Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park**  
**From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Refer \$160,000 to the June FY 2024-25 budget process to renovate an existing bathroom at the James Kenney Community Center to make it ADA compliant and permanently accessible to members of the general public who visit the park.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation.

## Council Consent Items

### 13. Vision 2050 Community Engagement Expansion

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

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

**Financial Implications:** See report

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

**Action:** Approved the recommendation as written below and amended to include other clarifying edits in the report.

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

*In the Recommendation section: changes the word "referenda" to "measures" to accurately state the type of ballot mechanism to be used.*

*Current Situation and its Effects, 2<sup>nd</sup> paragraph: delete the last sentence.*

*Rationale for Recommendation, 2<sup>nd</sup> paragraph amended as follows:*

*Using funds allocated for community engagement in order to gauge public opinion on this topic ~~and~~ explore additional discrete revenue sources would be a worthwhile investment ~~in building community consensus~~.*

*Rationale for Recommendation, 4<sup>th</sup> paragraph amended as follows:*

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

## Council Consent Items

### 14. **Creating SHARE BERKELEY - A Berkeley Public Library Share Hub for Access, Resilience, and Equity**

**From: Councilmember Hahn (Author)**

**Recommendation:** 1. Request that the Library Director work with Library Staff to develop a visionary plan to expand the Berkeley Public Library's Tool Lending Library into a comprehensive, full-service SHARE hub for the City of Berkeley, providing a one-stop center for community members to:

- a. Borrow from an expanded portfolio of Library-based tools, supplies, equipment and other durable/reusable items;
- b. Access comprehensive, up-to-date information and referrals about community-based opportunities for borrowing, renting, or obtaining free tools, supplies, equipment, bikes/vehicles, locations, and similar resources; and
- c. Receive need-based financial assistance to support access to community-based share/rental resources.

2. Consider categories of items that might be appropriate for an expanded Berkeley Public Library (BPL) in-house Lending Library, and which categories would be best accessed through other community share/rental resources such as REI, AAA, bike and party rental services, and other organizations serving Berkeley. 3. Consider expanding BPL's in-house Lending Library beyond the current portfolio of carpentry, gardening, kitchen, and other traditional tools to potentially include categories such as toys and games; event furniture and supplies; sports and recreation-related equipment; irons, floor polishing machines, and other household tools; and other durable items typically used on a limited basis by members of the community. 4. Create a plan to establish, maintain, and administer a comprehensive, one-stop reference/resource service for all share/rental/free opportunities available to Berkeley residents, including but not limited to ensuring access to a searchable database of resources and offering assistance and advice to individuals seeking information on share/rental/free opportunities. Consider a partnership with existing platforms and applications such as the Buy Nothing Project to foster connections between neighbors and support the goals of the circular economy. 5. For items to be shared/rented through outside lending or rental services, explore possibilities for SHARE BERKELEY to offer and/or administer City-based or other vouchers/subsidies for low-income residents to access borrowed/rented items from non-Library vendors at reduced or no cost. 6. Consider and propose storage, maintenance, repair, customer service, and other operational and space needs for an expanded in-house Lending Library and to house and administer the Share Hub resource center. 7. Consider start-up and ongoing costs for the expanded in-house Lending Collection and to establish and administer the Share Hub resource center, including but not limited to costs for equipment, materials, software/technology, staffing, and facilities. 8. In the course of researching categories of items to potentially add to the Library's in-house Lending Collections and in considering other elements of the Share Hub concept, conduct robust outreach to individuals and groups of diverse backgrounds, ages, and abilities to ensure services, offerings, and facilities equitably represent and serve all members of the community.

**Financial Implications:** See report

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

**Action:** Approved recommendation amended to state that all of the proposed

## Council Consent Items

recommendations constitute requests for consideration and are not direction or referrals to the Library or the Library Director.

15. **Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T’s proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T’s application to end traditional landline service in all areas until reliable broadband cellular coverage is available.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 71,237–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Wengraf to add Councilmember Humbert as a co-sponsor and amend the fourth Whereas clause in the resolution to read:

*WHEREAS, If the CPUC grants AT&T relief from being the “Carrier of Last Resort” (COLR) and therefore AT&T stops providing copper-based landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable and internet is also not completely reliable, will be deprived of a dependable means of communication; and*

## Information Reports

16. **Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report**  
**From: City Manager**  
Contact: Anne Cardwell, City Manager's Office, (510) 981-7000  
**Action:** Received and filed.

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and adjourn the meeting.  
**Vote:** All Ayes.

Adjourned at 8:02 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 12, 2024.

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Mark Numainville, City Clerk

## **Communications**

### **Middle Housing**

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

### **Hate Incidents**

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

### **Nova Concert Survivor**

14. Adam Naftalin-Kelman

### **Crime**

15. Todd Andrew

### **Woolsey-Fulton Bicycle Project**

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

### **Pedestrian and Bicycle Safety**

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

### **Hazardous Road Conditions**

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

### **Automated License Plate Readers**

26. Diana Andreeva

**Council Meeting Decorum**

27. Andrea Cassidy

**Aquatic Park**

28. Cameron Bochman

**Berkeley Unified School District (BUSD)**

29. Dorothea Dorenz

30. BUSD Superintendent

**Bay Wheels Bike Share**

31. Alexander Merenkov

**Reproductive Letter**

32. Commission on the Status of Women

**Homelessness**

33. Jonny Ruel Holder

**Home Insurance**

34. Diane Wolf

**SB 330**

35. Virginia Warheit

**Demolition Ordinance**

36. Charlene Woodcock

37. Gary McDole

38. 20 similarly-worded form letters

**North Berkeley BART Housing Project**

39. Stefan Lasiewski

**City of Berkeley Referrals**

40. James McGrath

**Climate and Environment Commission**

41. Anna Kathawala

**Climate Goals and Autos**

42. Barbara Gilbert

**People's Park**

43. Sky Ocean



**Gaza & Israel**

- 44. Hillary Kilimnik (2)
- 45. Jocelyn Goldsmith-De Sena
- 46. Margaret Fouda
- 47. Michael Fullerton
- 48. 00.caveat-taxing@
- 49. Lian Mar
- 50. Karen Ung
- 51. Michelle Wong
- 52. Evelyn Zhai
- 53. Jon Jackson

**URL's Only**

- 54. Vivian Warkentin
- 55. Todd Jersey

**Supplemental Communications and Reports 1**

**Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**

- 56. Ann Bedenk and Russell Babcock
- 57. Zohra Kalinkowitz
- 58. Carol Curtis

**Supplemental Communications and Reports 2**

**Item #1: Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23**

- 59. Police Accountability Board

**Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**

- 60. Revised material, submitted by Councilmember Wengraf

**Urgency Item: Revised Resolution for a Joint Homekey Application for University Homes**

- 61. Urgency item, submitted by Health, Housing and Community Services

**Supplemental Communications and Reports 3**

**Item #4: Application for Prohousing Incentive Program Funds**

- 62. David Kellogg

**Item #14: Creating SHARE BERKELEY – A Berkeley Public Library Share Hub for Access, Resilience, and Equity**

- 63. Gail Tennant
- 64. Martha Staskawicz
- 65. Colleen Busch
- 66. Radha Seshagiri
- 67. David Sochowitzky

- 68. Sandra Niemann
- 69. Susan Halpern
- 70. Carol Hirth
- 71. Peggy Harris
- 72. Antonia Frankhujzen
- 73. Betsy Bigelow-Teller
- 74. Brian Harris
- 75. Janis Pearson
- 76. Marilyn Sagna
- 77. Maureen Wesolowski
- 78. Patricia St. John
- 79. Steve Taylor
- 80. Steve Meyers
- 81. Esther Brass
- 82. Christina Birch
- 83. Carol Curtis
- 84. Georgia Maslowski
- 85. Nicole Laddish
- 86. Kristina Sepetys
- 87. Helga Recke
- 88. Peter Metcalf
- 89. Karen Weil

**Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**

- 90. Anne and Senta Pugh
- 91. Mary Behm-Steinberg
- 92. Stephanie Thomas
- 93. Phoebe Anne Thomas Sorgren
- 94. cricketchatter@

**Miscellaneous Communications**

- 95. Ronald Regan & Eid and American Middle Class – Mr. Eid
- 96. Council Chambers Decorum – Susanne DeWitt

## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**TUESDAY, MARCH 12, 2024**

**8:00 P.M.**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*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/1602592619>. 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: **160 259 2619**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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

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

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

## Preliminary Matters

**Roll Call:** 8:25 p.m.

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

**Absent:** None

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

## CLOSED SESSION:

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

### 1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Public Works

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:39 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 12, 2024.

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Mark Numainville, City Clerk

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, MARCH 18, 2024**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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## Preliminary Matters

**Roll Call:** 3:06 p.m.

**Present:** Kesarwani, Taplin, Hahn, Wengraf, Humbert

**Absent:** Bartlett, Arreguin

Councilmember Bartlett present at 3:11 p.m.

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

## CLOSED SESSION:

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

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

a. *Workers’ Compensation Matter ADJ Number: ADJ15654682*

**Action:** M/S/C (Hahn/Humbert) to authorize the City Manager to settle by Stipulations with Request for Award, as to the workers’ compensation matter ADJ Number: ADJ15654682.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert; Noes – None; Abstain – None; Absent – Arreguin.

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

a. *GTE Mobilnet of California Limited Partnership v. City of Berkeley; United States District Court, Northern District of California; Case No. 4:20-cv-05460-DMR*

**Action:** Removed from the agenda. No discussion or action.

b. *Jay v. City of Berkeley; Alameda County Superior Court Case No. 22CV018197*

**Action:** (Wengraf/Hahn) to authorize a settlement in the matter of Jay v. City of Berkeley et al., Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert; Noes – None; Abstain – None; Absent – Arreguin.

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property Address: Live Oak Theater, 1301 Shattuck Ave, Berkeley, CA 94709  
Agency Negotiators: LaTanya Bellow, City Manager’s Office; Scott Ferris, Director of Parks, Recreation & Waterfront  
Negotiating Parties: City of Berkeley and Youth Musical Theater Company (YMTC)  
Property Owner: City of Berkeley  
Under Negotiation: Price and Terms

**Action:** No reportable action taken.

**4. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

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

**Action:** No reportable action taken.

**OPEN SESSION:**

The City Council met in closed session on March 18, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

The Council convened in closed session on March 18, 2024 and approved a settlement in the matter of *Jay v. City of Berkeley et al.*, Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

**Adjournment**

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

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

Adjourned at 4:24 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 18, 2024

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 19, 2024**  
**6:00 PM**

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

TELECONFERENCE LOCATION - ROSARITO BEACH HOTEL, BLVD. BENITO JUÁREZ 31, ZONA CENTRO, 22700 PLAYAS DE ROSARITO, B.C., MEXICO

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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*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](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

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

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## Preliminary Matters

### Report from Closed Session:

The Council convened in closed session on March 18, 2024 and approved a settlement in the matter of *Jay v. City of Berkeley et al.*, Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

The City Council met in closed session on March 18, 2024 and provided direction to outside counsel and approved a settlement by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

**Roll Call:** 6:07 p.m.

**Present:** Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin

**Absent:** Bartlett

Councilmember Bartlett at 6:13 p.m.

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

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

1. Adjourned in Memory of Heather Reimer, Berkeley Resident
2. Recognition of the Rematriation of the Shellmound by Corrina Gould
3. Recognition of Mt. Zion Missionary Baptist Church's 78<sup>th</sup> Anniversary
4. Recognition of Elsa Tranter, Berkeley Activist and Environmentalist
5. Presentation: AC Transit Update on the Durant Quick Build Project

**City Manager Comments:** None

**City Auditor Comments:**

The City Auditor provided updates on the Audit Status Reports in Item 10 and Item 13 under the Information Reports.

**Public Comment on Non-Agenda Matters:** 20 speakers.

Recess 7:17 p.m. – 7:31 p.m.

**Consent Calendar**

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and allow for a 30-minute public comment period on the Consent Calendar with one-minute per speaker.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 12 speakers.

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

**Vote:** All Ayes.

**A. Acquisition of Real Property Located at 1900 Fourth Street** *(Continued from March 12, 2024)*

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,899–N.S.

**Consent Calendar**

**1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 19, 2024**

**From:** City Manager

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

**Financial Implications:** General Fund - \$120,000

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

**Action:** Approved recommendation.

## Consent Calendar

- 2. Contract No. 32200150 Amendment: Range Maintenance Services LLC for Indoor Range Cleaning**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32200150 with Range Maintenance Services LLC to perform indoor range cleaning services from \$45,000 to an amount not to exceed \$150,000 extending from January 8, 2024 to December 1, 2028.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,238–N.S.
- 3. Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Management System, Parking Meter Maintenance, and Conversion to Pay-by-Plate Pay Stations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to: -Extend the contract from June 30, 2024 through June 30, 2026 for IPS Group, Inc. to continue servicing parking meters and providing replacement parts; - Provide 225 new multi-space pay-by-plate stations to replace the existing multi-space pay-and-display stations in the City; and - Increase the contract amount by \$3,865,300 for a total contract amount of \$12,790,172.  
**Financial Implications:** See report  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,239–N.S.
- 4. Contract No. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 115731-1 (Contract No. 10661B in FUND\$) with SKIDATA, Inc. (formerly Sentry Control Systems) to provide critical maintenance services and warranties for parking access and revenue control system equipment nearing the end of its useful life in the City's three parking garages -- Center Street, Oxford and Telegraph Channing -- extending the term by two years to June 30, 2026 and increasing the contract amount by \$919,815 for a total not-to-exceed of \$2,915,355.  
**Financial Implications:** See report.  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,240–N.S.

## Consent Calendar

- 5. Grant Application: GFO-23-606 - Charging Infrastructure for Government Fleets**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: Authorizing the City Manager or their designee to submit a Grant application in response to the California Energy Commission's solicitation GFO 23-606 Charging Infrastructure for Government Fleets Grant Program for City electric vehicle (EV) charging infrastructure projects; Authorizing the City Manager to sign a Letter of Commitment for the local matching funds; and Referring the required local match, 30% of the total project cost, to the FY 2025-2026 Budget process for consideration of the City's General Fund (Fund 011).  
**Financial Implications:** See report  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,241–N.S.
- 6. \*\*\*Item Removed by the City Manager\*\*\* Purchase Order Extension Authorizations for Critical Vendors of Equipment Maintenance Parts and Services for Multiple Departments**  
**From: City Manager**  
Contact: Andrew Murray, Public Works, (510) 981-6300
- 7. Purchase Order: Owen Equipment Sales for One Combination Storm Sewer Cleaner**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract #101221-VTR and authorizing the City Manager to execute a purchase order for one (1) Combination Storm Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$665,000.  
**Financial Implications:** See report  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,242–N.S.
- 8. East Bay Hills Wildfire Prevention Coordinating Group Representative Selection**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution to appoint Vice Mayor Susan Wengraf as the City of Berkeley's Representative Member to the East Bay Hills Wildfire Prevention Coordinating Group, and Councilmember Mark Humbert as the Alternate.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 71,243–N.S.

## Action Calendar – New Business

9. **Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.  
**Financial Implications:** See report.  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** 24 speakers. M/S/C (Hahn/Humbert) to adopt Resolution No. 71,244–N.S. approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.  
**Vote:** Ayes – Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

## Information Reports

10. **Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight**  
**From: City Manager**  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Received and filed.
11. **LPO NOD: 2144 Shattuck Avenue/#LMSAP2023-0007**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
12. **LPO NOD: 2274 Shattuck Avenue, #LMIN2023-0003**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
13. **Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded**  
**From: City Manager**  
Contact: Andrew Murray, Public Works, (510) 981-6300  
**Action:** Received and filed.

## Adjournment

**Action:** M/S/C (Wengraf/Hahn) to suspend the rules and adjourn the meeting.

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

Adjourned at 9:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 19, 2024.

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Mark Numainville, City Clerk

## Communications

### Traffic Safety

1. Jeannette MacMillan
2. Ana Vasudeo
3. Arun Dixit
4. Cara Pine

### Train Noise

5. David Lerman (2)
6. Lino Ancheta, on behalf of City of Berkeley's Environmental Health

### Berkeley Landfill at Cesar Chavez Park

7. Claudia Kawczynska

### Support for Adding Prohibiting Discrimination of the Basis of Family or Relationship Structure to BMC Code 13.22

8. The Woodhull Freedom Foundation

### Bike Plans

9. Walk Bike Berkeley

### Restoring Old City Hall and Veterans Buildings

10. Berkeley Architectural Heritage Association

### Berkeley Measure H

11. Barbara Gilbert

### Alta Bates Hospital

12. Dorothea Dorenz
13. Lisa Chow

**Surveillance Cameras**

14. Police Accountability Board

**North Berkeley BART Bonds**

15. David Lerman

**SB 330 and Downtown Theaters**

16. Virginia Warheit

**People's Park**

17. Moni Law (2)

**Affordable and Middle Housing**

18. Kaden Nguyen

19. Owen Thompson-Lastad

**Hate Crimes**

20. Atalea Jacob (2)

**Fire Alarm Issue at 2510 Bancroft Street**

21. Marlo De La Mora

**URL's Only**

22. Vivian Warkentin

**Gaza and Israel**

23. Christina Harb

24. Kaizen8forever@

25. James Mcfadden

26. Hannah Schlacter

27. Autumn Goldstein

28. Barbara Erickson

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

**Ceremonial Matters**

29. Presentation, AC Transit Update on the Durant Quick Build Project

**Item #A: Acquisition of Real Property Located at 1900 Fourth Street**

30. Alex Sharenko

31. Jessica Abbe

**Item #9: Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**

- 32. Janice Schroeder (2)
- 33. Clifford Fred
- 34. Greenfire Law PC
- 35. Connie Anderson
- 36. Carol Hirth
- 37. Wanda Warkentin

**Supplemental Communications and Reports 3**

**Item #A: Acquisition of Real Property Located at 1900 Fourth Street**

- 38. Diana Bohn
- 39. Elana Auerbach
- 40. Lucy Gill, on behalf of the University of California at Berkeley
- 41. Rev. Niels Teunis
- 42. KGO-TV
- 43. Mayor's Office
- 44. Berkeley Community Safety Coalition, Latinxs Unidos de Berkeley, Office of the External Affairs Vice President of CAL, Indigenous People's Day and The Network of Spiritual Progressives

**Item #9: Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**

- 45. Glen Kohler
- 46. Dawn DelMonte
- 47. Jane Stillwater
- 48. Cat Zavis
- 49. Elana Auerbach
- 50. Meaveen O'Connor
- 51. Kelly Hammargren
- 52. Sara Sunstein
- 53. Phoebe Thomas Sorgen
- 54. Jason Winnett
- 55. Jose Franklin Arau
- 56. Gar Smith
- 57. Cynthia Rahav
- 58. Wade Skeels
- 59. Sofia Pavlova
- 60. Cate Leger
- 61. Maxina Ventura
- 62. Thomas Luce
- 63. Anne Herrick

**Item #12: LPO NOD: 2274 Shattuck Avenue, #LMIN2023-003**

- 64. John Haracz



**Miscellaneous Communications**

65. Daily Planet 2010, submitted by Mr. Eid

66. Restrooms in Right-of-Way – Channing & Telegraph Avenue, submitted by Greg Dabel

**MINUTES  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**TUESDAY, MARCH 26, 2024**

**4:00 P.M.**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*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/1613042201>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 304 2201**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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

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

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

## Preliminary Matters

**Roll Call:** 4:30 p.m.

**Present:** Taplin, Bartlett, Hahn, Wengraf, Arreguin

**Absent:** Kesarwani, Humbert

Councilmember Kesarwani present at 5:28 p.m.

Councilmember Humbert present at 5:29 p.m.

Councilmember Humbert participated in the meeting remotely pursuant to the Brown Act, as amended by AB 2449.

**Public Comment - Limited to items on this agenda only – 3 speakers**

## CLOSED SESSION:

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

**1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(A) AND 54956.9(D)(1):**

- a. *Fisher et al. v. City of Berkeley*, United States District Court, Northern District of California; Case No. 3:23-cv-04280-TSH

**Action:** No reportable action taken.

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

- a. Significant exposure to litigation pursuant to Section 54956.9(d)(2) arising from paint installation at the intersection of Allston Way and Martin Luther King, Jr. Way: one potential case.

**Action:** No reportable action taken.

**3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

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

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:48 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 26, 2024.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

### Item #2a: Conference with Legal Counsel – Anticipated Litigation Pursuant To Government Code Section 54956.9(d)(2)

1. Leah Amzel
2. Barbara McVeigh
3. Leah Greenblat
4. Dianna Dar
5. Shrlee Lichtman
6. Miriam Ferris
7. Dorothea Dorenz
8. Ilana Pearlman (2)
9. Udi Shamay
10. Rachel Schiff
11. Leah Greenblat
12. Hillary Kilimnik
13. Andrew Murray, Interim Public Works Director (6)
14. Terry Fletcher
15. Jon Jackson
16. Glen Hauer
17. Pathma Venasithamby
18. Beverly Crawford

19. Susan Harman
20. David Spero
21. Marge Sussman
22. Helen Finkelstein
23. Kathryn Orsini
24. Sheila Jordan
25. Mary Ann Meany
26. Cielo Rios
27. Tom Luce
28. Seth Morrison
29. Vanessa Marrero
30. Jim Haber
31. Jerome Geffner
32. Marla Kamiya
33. Daphne Muse
34. The Wellstone Democratic Renewal Club
35. Kitty Kelly Epstein
36. Jack Kurzweil
37. Laurie Earp
38. MJ Baumann
39. Carol Sanders
40. Talia Glass
41. Gen Katz
42. Nicholas Glass
43. Tobey Wiebe
44. Laurie Earp
45. Katherine Falk
46. Lea Zalinskis
47. Martha Larsen
48. Candice Schott
49. Larry Hendel

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 26, 2024**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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 DISTRICT 2 – TERRY TAPLIN  
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## Preliminary Matters

**Roll Call:** 7:06 p.m.

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

**Absent:** None

Councilmember Humbert participated in the meeting remotely pursuant to the Brown Act, as amended by AB 2449.

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

**Ceremonial Matters:** None

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 20 speakers.

Recess 7:42 p.m. – 7:51 p.m.

## Consent Calendar

**Action:** M/S/C (Arreguin/Wengraf) to accept three urgency items to the Consent Calendar pursuant to Government Code Section 54954.2(b)(2).

- 1) From Councilmember Hahn entitled Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds.
- 2) From Councilmember Wengraf entitled Support of AB 2346 (Lee).
- 3) From Mayor Arreguin entitled Berkeley City College's 50th Anniversary Gala: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds

**Vote:** All Ayes.

The Mayor issued a warning regarding the City Council Rules of Procedure and the need for the attendees to cease disruptive actions like yelling and chanting and adhere to the adopted rules of decorum to allow for the orderly conduct of business.

Recess 8:22 p.m. – 8:36 p.m.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 17 speakers.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute public comment period on the Consent Calendar with one-minute per speaker.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**Urgent Item: Berkeley City College's 50th Anniversary Gala: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds  
From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500.00 per council member, including \$500.00 from Mayor Arreguín, to Berkeley City College with funds relinquished to the City's general fund for this purpose from the discretionary council office budget of Mayor Arreguín and any other council members who would like to contribute.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 71,245–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$300; Councilmember Humbert - \$100; Councilmember Taplin - \$300.

**Urgent Item: Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

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

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Hahn and \$500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2024, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmembers Hahn and Taplin, and from any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmembers' Discretionary Funds - \$500

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

**Action:** Adopted Resolution No. 71,246–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$100; Councilmember Humbert - \$100; Councilmember Wengraf - \$250.



## Consent Calendar

**Urgent Item: Support of AB 2346 (Lee)**

**From: Councilmember Wengraf (Author)**

**Recommendation:** Send a letter to the California Legislature through their online portal, in support of AB 2346 (Lee), with copies to Priscilla@syaslpntrns.com and Andrew.White@asm.ca.gov.

**Financial Implications:** None

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

**Action:** Approved recommendation.

**1. Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing Avenue in the Telegraph-Channing Mall and Garage**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,900-N.S. authorizing the City Manager to execute a lease agreement with Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin retroactively on May 1, 2023.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Andrew Murray, Public Works, (510) 981-6300

**Action:** Adopted second reading of Ordinance No. 7,900–N.S.

**2. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 5, 2024 (closed), February 13, 2024 (regular), February 20 (closed), February 27, 2024 (special and regular) and February 29, 2024 (special).

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

## Consent Calendar

- 3. Contract No. 32200202 Amendment: Extending the Lease for the Real Property at 1461 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt an Urgency Ordinance authorizing the City Manager to execute an amendment to Contract No. 32200202 with Shree Jalasai Lodging, LP for the real property located at 1461 University Avenue, Berkeley, for the purposes of extending the interim noncongregate shelter program at this location to accommodate a longer-than-anticipated Homekey sales process. The proposed contract amendment will extend the term on a month-to-month basis for no longer than 6 months and increase the total cost by up to \$975,756, with actual costs pro-rated based on the length of the lease, for a new contract not-to-exceed amount of \$4,872,158.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Urgency Ordinance No. 7,901–N.S.
- 4. Contract: Housing Consortium of the East Bay (HCEB) to operate shelter at the Rodeway Inn**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Housing Consortium of the East Bay (HCEB) to operate an interim housing program at the Rodeway Inn (1461 University Ave.) through September 30, 2024.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 71,247–N.S.
- 5. Contract No. 31900162 Amendment: Pride Industries Contract for Janitorial Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the City's contract with Pride Industries (Contract No. 31900162) through June 30, 2025, and to approve additional appropriations related for performance of this contract.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 71,248–N.S.
- 6. Contract No. 32000060 Amendment: Toshiba for Multi-function Devices**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the City's contract with Toshiba (contract #32000060) through September 15, 2025, and to approve additional appropriations related for performance of this contract.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 71,249–N.S.

## Consent Calendar

- 7. Contract No. 32400009 Amendment: Stella Courier for Satellite Mail Services/Mail Room Coverage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving an additional \$50,000 to Contract 32400009 with Stella Courier, and authorizing the City Manager to amend the contract accordingly.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 71,250–N.S.
- 8. Contract: Marina Landscape for Wildfire Safe Model Garden Construction at Firehouse #4**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Marina Landscape in an amount not-to-exceed \$275,000 over a two-year period, to provide landscaping, irrigation installation, grading, and the removal of previous vegetation around Berkeley Firehouse #4.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,251–N.S.
- 9. Contract No. 32400033 Amendment: Strategic Economics for Affordable Housing Requirements Economic Feasibility Analysis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract no. 32400033 with Strategic Economics, increasing the contract amount by \$50,000 for contract services in a total amount not to exceed \$200,000, with a contract end date of January 15, 2025.  
**Financial Implications:** See report.  
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,252–N.S.
- 10. Contract No. 31900225 Amendment: LifeLong Medical Care to fund No Place Like Home (NPLH) supportive services at Maudelle Miller Shirek**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900225 with LifeLong Medical Care (LLMC) to add \$15,300 to provide No Place Like Home (NPLH) tenancy sustaining services at Maudelle Miller Shirek for a total contract amount not to exceed \$2,873,947.  
**Financial Implications:** See report  
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,253–N.S.

## Consent Calendar

- 11. Contract Amendment: The Labor Compliance Managers for Labor Standards Enforcement Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to the Contract with The Labor Compliance Managers increasing the contract by \$50,000 for consulting services for a total amount not to exceed \$100,000.  
**Financial Implications:** See report  
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,254–N.S.
- 12. Contract for Health Officer Coverage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Dr. Gail Newel for Health Officer services during periods when the City Health Officer is out of the office for the period May 1, 2024 through May 1, 2025 in an amount not to exceed \$30,000.  
**Financial Implications:** See report  
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,255–N.S.
- 13. Appointment of Director of Public Works**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of Terrance Davis as the Director of Public Works to be effective April 15, 2024 at an annual salary of \$260,000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,256–N.S.
- 14. Memorandum of Understanding: Berkeley Chief Fire Officers Association**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution 1) approving a successor Memorandum of Understanding (MOU) with the Berkeley Chief Fire Officers Association (BCFOA) for a three-year term from July 1, 2023 through June 30, 2026 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and 2) approving a new Classification and Salary table for BCFOA classifications (Representation Unit A) that implements the salary adjustments reflected in the new MOU and supersedes prior salary resolutions.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,257–N.S. including supplemental material in Supplemental Communications Packet from the City Manager.

## Consent Calendar

**15. Contract No. 32400015 Amendment: California Consulting for on-call grant writing services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400015 with California Consulting, Inc. for on-call grant writing services to increase the contract amount by \$303,000 for a new not-to-exceed amount of \$350,000 and extend the contract term to June 30, 2026.

**Financial Implications:** Various Funds - \$350,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 71,258–N.S.

**16. Fiscal Year 2025 Street Lighting Assessments – Initiating Proceedings**

**From: City Manager**

**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer's Reports.

**Financial Implications:** See report.

Contact: Andrew Murray, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 71,259–N.S. (District No. 1982-1), and Resolution No. 71,260–N.S. (District No. 2018).

**17. Purchase Order Extension Authorizations for Critical Vendors of Equipment Maintenance Parts and Services for Multiple Departments**

**From: City Manager**

**Recommendation:** Adopt fourteen Resolutions authorizing the City Manager to execute extensions of existing multi-year purchase orders for Equipment Maintenance Parts and Services as described below through June 30, 2025:

1. Purchase Order with Golden State Emergency Vehicle for Fire vehicle repairs increased by \$500,000 to a new total Purchase Order amount not to exceed \$800,437.50.

2. Purchase Order with Pape Machinery, Inc. for heavy equipment parts and repairs increased by \$375,000 to a new total Purchase Order amount not to exceed \$666,697.50.

3. Purchase Order with City Auto Supply for ongoing vehicle parts increased by \$250,000 to a new total Purchase Order amount not to exceed \$432,447.50.

4. Purchase Order with Fleetwash, Inc. for vehicle washing increased by \$200,000 to a total Purchase Order amount not to exceed \$372,615.

5. Purchase Order with Coast Counties Truck & Equipment Co. for heavy equipment parts increased by \$225,000 to a new total Purchase Order amount not to exceed \$351,730.

6. Purchase Order with Arata Equipment Company for Zero Waste vehicle parts and repairs increased by \$210,000 to a new total Purchase Order amount not to exceed \$320,180.

7. Purchase Order with TEC of California, Inc. for vehicle parts and accessories

## Consent Calendar

increased by \$200,000 to a new total Purchase Order amount not to exceed \$305,000.

8. Purchase Order with Future Ford of Concord for auto/truck parts and service increased by \$205,000 to a new total Purchase Order amount not to exceed \$300,000.

9. Purchase Order with Acme Rigging & Supply Company, Inc. for wheel loader and heavy equipment parts increased by \$200,000 to a new total Purchase Order amount not to exceed \$285,995.

10. Purchase Order with Western Truck Center in an amount not to exceed \$260,000.

11. Purchase Order with Southern Counties Lubricants LLC for vehicle lubricants increased by \$175,000 to a new total Purchase Order amount not to exceed \$238,500.

12. Purchase Order with McNeilus Truck and Manufacturing Company for Zero Waste truck parts increased by \$150,000 to a new total Purchase Order amount not to exceed \$200,000.

13. Purchase Order with California Covers for upholstery services increased by \$60,000 to a new total Purchase Order amount not to exceed \$110,881.01.

14. Purchase Order with Berry Brothers for towing services increased by \$15,000 to a new total Purchase Order amount not to exceed \$50,000.

**Financial Implications:** See report

Contact: Andrew Murray, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 71,261–N.S. (Golden State Emergency), Resolution No. 71,262–N.S. (Pape Machinery, Inc.), Resolution No. 71,263–N.S. (City Auto Supply), Resolution No. 71,264–N.S. (Fleetwash, Inc.), Resolution No. 71,265–N.S. (Coast Counties Truck), Resolution No. 71,266–N.S. (Arata Equipment Company), Resolution No. 71,267–N.S. (TEC of California), Resolution No. 71,268–N.S. (Future Ford of Concord), Resolution No. 71,269–N.S. (Acme Rigging & Supply), Resolution No. 71,270–N.S. (Western Truck Center), Resolution No. 71,271–N.S. (Southern Counties Lubricants), Resolution No. 71,272–N.S. (McNeilus Truck), Resolution No. 71,273–N.S. (California Covers), and Resolution No. 71,274–N.S. (Berry Brothers).

### 18. Filling Vacancies Among the Elected Representatives of the Poor

**From: Human Welfare and Community Action Commission**

**Recommendation:** Adopt a Resolution confirming the appointment of Cheryl Atkinson (District 1) as an elected representative of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC February 7, 2024 meeting, and that their term expires November 28, 2024.

**Financial Implications:** See report

Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

**Action:** Adopted Resolution No. 71,275–N.S.

## Consent Calendar

19. **Response to Council Referral: Long Term Care Facility Oversight**  
**From: Community Health Commission**  
**Recommendation:** Refer to the City Manager and the budget process the (1) establishment of an enhanced Ombudsperson program for oversight of Skilled Nursing Facilities and Residential Care Facilities for the Elderly, and (2) early implementation of the Centers for Medicare & Medicaid Services (CMS) proposal for minimum nursing staffing levels ahead of the three-year period proposed by CMS.  
**Financial Implications:** See report  
Contact: Kellie Knox, Commission Secretary, (510) 981-5301  
**Action:** Approved recommendation.

## Council Consent Items

20. **Budget Referral: Funding to Protect Pedestrian Safety on Upper Marin Avenue**  
**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Refer to the Budget Process up to \$200,000 for study and implementation of traffic control measures on upper Marin Avenue to address urgent safety needs for pedestrians.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Approved recommendation including supplemental material in Supplemental Communications Packet #2 from Councilmember Hahn.
21. **Proclamation in Honor of City of Berkeley Holocaust Remembrance Day**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt the Holocaust Remembrance Day Proclamation for the City of Berkeley's 21st Annual Holocaust Remembrance Day. The program will take place virtually on Sunday, May 5th, 2024.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted proclamation.

## Council Consent Items

22. **2024 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Vice Mayor Wengraf, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Vice Mayor Wengraf's discretionary Council Office Budget and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to its 21st Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. This year's program will be held virtually on May 5th, 2024. Register via Eventbrite to attend.  
**Financial Implications:** See report  
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 71,276–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Humbert - \$500; Councilmember Bartlett - \$250; Councilmember Kesarwani - \$100; Councilmember Taplin - \$500; Councilmember Hahn - \$500.

## Action Calendar – Public Hearings

23. **Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance regarding amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Control Ordinance.  
**Financial Implications:** See report  
 Contact: Jordan Klein, Planning and Development, (510) 981-7400  
  
**Action:** M/S/C (Arreguin/Taplin) to refer the item to the Agenda & Rules Committee for scheduling.  
**Vote:** All Ayes.



## Action Calendar – New Business

- 24a. Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Human Welfare, Peace and Justice Commission**

**From: City Manager**

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

1. Repeal Chapter 3.68, Peace and Justice Commission; and,
2. Repeal Chapter 3.78, Human Welfare and Community Action Commission; and,
3. Establish the Human Welfare, Peace and Justice Commission with Chapter 3.70

**Financial Implications:** See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

- 24b. Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission’s composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance to reform the Human Welfare and Community Action Commission (HWCAC)

**Financial Implications:** See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

**Action:** 9 speakers. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,902–N.S. in Item 24b and further, the Council rejects the proposed merger of the Peace and Justice Commission and the Human Welfare and Community Action Commission, and directs the City Manager to cease all work related to such a potential merger. Second reading scheduled for May 7, 2024.

**Vote:** Ayes – Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes - Kesarwani.

## Information Reports

- 25. Fiscal Year 2024 Mid-Year Budget Update**

**From: City Manager**

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

**Action:** Received and filed.

- 26. Two consecutive meetings canceled for lack of quorum**

**From: Homeless Services Panel of Experts**

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

**Action:** Received and filed.

## Adjournment

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 10:30 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 26, 2024.

---

Mark Numainville, City Clerk

## Communications

### **Item #20: Budget Referral: Funding to Protect Pedestrian Safety on Upper Marin Avenue**

1. Shodie Lyon

### **Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**

2. John Selawsky

### **Item #24a: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Human Welfare, Peace and Justice Commission**

3. Janice Schroeder
4. Human Welfare Community Action Commission (HWCAC)

### **Greenhouse Gas Emissions Plan**

5. Derek Young

### **Traffic Safety**

6. Tucker Pinochi, on behalf of Ecole Bilingue de Berkeley

### **Berkeley Unified School District Parking Lot**

7. Amy

### **Bike Lanes**

8. Alex Merenkov
9. Nadia Rojas

### **Scooters Parked Illegally**

10. Sean McMahon (2)
11. Monica DiLullo, on behalf of Veo

### **Smokefree Multiunit Housing**

12. Carol Denney (2)

### **Restrooms at Channing Way & Telegraph Avenue**

13. Greg Dabel (2)

**People's Park**

14. Holly Scheider

**2021 Mason Tillman Report**

15. Elana Auerbach

**Gaza and Israel**

16. Torie White

17. Karrie Keyes

18. Hannah Beth Schlacter

19. Gordon Gilmore

**Supplemental Communications and Reports 1**

**Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**

20. Revised material, submitted by Planning and Development

21. Revised material, submitted by Councilmember Kesarwani

**Supplemental Communications and Reports 2**

**Item #14: Memorandum of Understanding: Berkeley Chief Fire Officers Association**

22. Supplemental material, submitted by Human Resources

**Item #20: Budget Referral: Funding to Protect Pedestrian Safety on Upper Marin Avenue**

23. Supplemental material, submitted by Councilmember Hahn

24. Walk Bike Berkeley

**Action Calendar – Public Hearing**

**Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**

25. Revised material, submitted by Councilmembers Kesarwani, Humbert and Taplin

26. Stan Momtchev

27. Joann Sullivan

28. Kevin Casey

29. Mike Dunham

30. Andrea Gordon

31. Brenda Richardson

32. Sandra Emerson

33. Chris Lee-Egan

34. Valerie Knepper

35. Alden Mudge

36. AJ Cho

37. Christopher Batson

38. Ranjit Bharvirkar

39. Tawny Reynolds

40. Lynne Tilsen
41. Connie Clausen
42. Jonas Osmond
43. Kyung Son
44. Kellen Gauthier
45. Cece Rosaia
46. Susie Wyshak
47. April Jones
48. Bobbie Giaratana
49. Eric Johnson
50. Lee Bishop
51. Cathryn Heilig
52. Todd Andrew
53. Tess Fruge
54. David Mendelsohn
55. Pablo Diaz-Gutierrez
56. Milo Trauss
57. Bryce Nesbitt
58. Theo Gordon
59. Grayson Peters

**Item #24b: Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission’s composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes**

60. Supplemental material, submitted by Mayor Arreguin and Councilmember Hahn

**Urgent Item: Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

61. Urgent item, submitted by Councilmember Hahn

**Urgent Item: Letter of Support for AB 2346**

62. Urgent item, submitted by Councilmember Wengraf

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

**Item #21: Proclamation in Honor of City of Berkeley Holocaust Remembrance Day**

63. Barbara Schick
64. Esther Brass
65. Robin Mencher
66. Melissa Chapman
67. Tucker Pinochi
68. Susanne Kalter DeWitt
69. Yael Galinson
70. Christina Harb
71. Hillary Kilimnik
72. Brett Mendel
73. Susanne DeWitt

- 74. Ilana Pearlman
- 75. Brett Mendel

**Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**

- 76. beccafreed@
- 77. Jay Sondhi
- 78. Janice Schroeder
- 79. Cindy O'Neil
- 80. M.E. Lawrence
- 81. Dianne Ayres
- 82. Kim Markison
- 83. Gregory Kalkanis
- 84. Lindsey Newbold
- 85. Andrew Fox
- 86. Margaret Wellons
- 87. Janice Murota
- 88. Eugene Turitz
- 89. Anne McClintock
- 90. Judy MacLean
- 91. Sarah Bell
- 92. Gary McDole
- 93. Michael Katz
- 94. Zipporah Collins
- 95. Max Ventura
- 96. Janis Ching
- 97. Sierra Club Northern Alameda County Group
- 98. Nico Calavita
- 99. Sandra Smith
- 100. Alicia Moore
- 101. Joel Myerson
- 102. Martha Hill
- 103. Geoff Lomax
- 104. Sarah Bell, on behalf of East Bay YIMBY
- 105. Ednah Friedman
- 106. Susan Black
- 107. Sophia DeWitt, on behalf of East Bay Housing Organizations
- 108. Naomi Janowitz
- 109. Bryce Nesbitt
- 110. Matthew Lewis
- 111. Negeen Mosaed
- 112. Abderazak Medhkour
- 113. Vanessa Marrero
- 114. Karin Werheim
- 115. Lisa Camasi
- 116. Berkeley Tenant Union
- 117. Zoe Spiropoulou

- 118. Gregory Lemieux
- 119. 23 similarly-worded form letters

**Item #24b: Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission's composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes**

- 120. Presentation, submitted by Health, Housing and Community Services

**Urgent Item: Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

- 121. Urgent item, submitted by Councilmember Hahn and Taplin

**Urgent Item: Berkeley City College's 50<sup>th</sup> Anniversary Gala: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

- 122. Urgent item, submitted by Mayor Arreguin

**Miscellaneous Communications**

- 123. Eid Abdallah



Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Calling for a Consolidated General Municipal Election for November 5, 2024

RECOMMENDATION

Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Presidential General Election to be held in Berkeley on November 5, 2024; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Presidential General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal impacts related to the recommended action. Election services have seen a steep increase since 2018, with the City's first million-dollar election in 2020. In general, the number of measures placed on the ballot, and the length of the measures, are the primary driving factors in the fluctuation of election costs.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is required under the City's Charter to conduct its general municipal elections in November of each even-numbered year. Adopting this resolution is the first official step toward holding the election.

The resolution in Attachment 1: a) calls for a General Municipal Election and requests the Alameda County Board of Supervisors accept consolidation of the City's General Municipal Election with the Presidential General Election on November 5, 2024; b) provides authority for the City Clerk to enter into contracts necessary for election supplies and services for the general election; c) provides authority for the City Clerk to hire temporary staff as needed to assist with the conduct of this election; d) adopts certain administrative policies for the filing of candidate statements; and e) authorizes the filing of rebuttal arguments for City ballot measures pursuant to Elections Code Section 9285.

BACKGROUND

Since 2010, voters have selected candidates for Mayor, Auditor, and City Council using Ranked-Choice Voting (RCV). In 2024 voters will continue to use RCV, thus eliminating the need for runoff elections. The use of RCV does not affect any of the actions stated in the resolution calling the election.

The City Charter, State Elections, and Government Codes require adoption of a resolution requesting consolidation, and authorizing procedural, contractual and organizational actions in connection with the General Municipal Election to be held on November 5, 2024.

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

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

Attachments:

1: Resolution Calling the November 5, 2024 General Municipal Election



RESOLUTION NO. – N.S.

CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH  
THE PRESIDENTIAL GENERAL ELECTION ON NOVEMBER 5, 2024

WHEREAS, a General Municipal Election is to be held on Tuesday, November 5, 2024, in and for the City of Berkeley; and

WHEREAS, certain actions are required in connection with said election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the General Municipal Election to be held in the City of Berkeley on November 5, 2024, is hereby called.

BE IT FURTHER RESOLVED as follows:

1. In accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley General Municipal Election with the Presidential General Election to be held November 5, 2024 and to permit the county elections official to render services specified.
2. The Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk. These services include all necessary services related to signature checking for nomination petitions and signatures-in-lieu of filing fee, official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, vote centers, drop boxes, vote center workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the general election.
3. The City hereby requests that the Registrar of Voters conduct the election for City Council and Mayor using ranked choice voting in accordance with the executed Memorandum of Understanding between the City and the Registrar as well as Berkeley Municipal Code Section 2.14.010 et seq.
4. The Board of Supervisors of Alameda County is requested to include on the ballots and sample ballots, all qualified measures submitted by the City Council to be ratified by the qualified electors of the City of Berkeley.
5. That the City of Berkeley acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.
6. The City Clerk is hereby directed to cause the posting, publication, and printing of all notices or other election materials pursuant to the requirements of the Charter

of the City of Berkeley and the Elections and Government Codes of the State of California.

7. The City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.
8. The offices to be voted upon at the General Municipal Election shall be:
  - a) One council member seat, District 2, term ending November 30, 2028
  - b) One council member seat, District 3, term ending November 30, 2028
  - c) One council member seat, District 5, term ending November 30, 2028
  - d) One council member seat, District 6, term ending November 30, 2028
  - e) One seat for mayor, term ending November 30, 2028
  - f) Two school board director seats, terms ending November 30, 2028
  - g) Four rent stabilization board commissioner seats, terms ending November 30, 2028;
9. The offices of mayor and council member require a 50%+1 majority in the ranked choice voting system to be elected. The offices of school board director and rent stabilization board commissioner require a plurality of the votes cast.
10. The City Council of the City of Berkeley approves and endorses the use of five (5) voting choices for candidates on the Ranked-Choice Voting ballot.
11. Candidates may file a statement of qualification pursuant to the regulations in the Elections Code, the City Charter, the Municipal Code, and the policies set forth below:
  - a. Candidate statements must be filed no later than the last day to file nomination papers.
  - b. Candidate statements must be filed at the same time as completed nomination papers are filed.
  - c. Statements may not be changed once they are submitted. Statements may be withdrawn until 5:00 p.m. on the next business day after the close of the nomination period.
  - d. Statements are confidential until the close of the nomination period. The statements are subject to public review and contest.
  - e. There shall be no fee charged by the City for the submission of a candidate statement of qualifications.
  - f. Statements must be typed or printed from a computer. If prepared on a computer, submission in electronic format, in addition to the required hard copy, is required.
  - g. Statements shall be submitted in plain text formatting, single paragraph, without any formatting such as underline, bold, italics, or all caps.

- h. Candidate statements must be in the format provided by the City Clerk when filed.
  - i. Statements are limited to 200 words. The word counting guidelines in Elections Code Section 9 shall govern the counting of words.
  - j. The candidate statement will be translated into Spanish, Chinese, Vietnamese, and Tagalog pursuant to the requirements of the Federal Voting Rights Act.
  - k. Signed and completed consent forms are required for each Berkeley resident referenced as an endorser (no less than 5, no more than 20) and for any person and any organization mentioned in the text of the statement as an endorser or supporter.
  - l. For any discrepancy between the information listed on the hard copy of a candidate statement or candidate statement form and the consent form, the signed consent form will take precedence.
  - m. The name and title of an endorser will be printed exactly as it is written on the consent form.
  - n. The total word count for all title(s) of a single endorser shall not exceed 20 words. In the case that there are more than 20 words, the title will be truncated at the 20<sup>th</sup> word. Words will be counted in accordance with Elections Code Section 9.
  - o. Any mention of partisan activity or membership is prohibited in the 200-word statement.
  - p. Any mention of any opponent or other candidate for the same office is prohibited.
  - q. Candidates may submit a photograph of themselves to be printed with their statement. Hard copy and electronic photo must be submitted at the same time the candidate statement is filed in order to be included in the voter pamphlet.
12. The City of Berkeley agrees to reimburse the County of Alameda in full for the cost of election services performed.
13. Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk  
Henry Oyekanmi, Director, Finance Department

Subject: Ballot Measure Increasing the City's Appropriation Limit to Allow Expenditure of Tax Proceeds for Fiscal Years 2025 through 2028

RECOMMENDATION

1. Adopt a Resolution placing the attached measure to increase the City's appropriation limit on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

FISCAL IMPACTS OF RECOMMENDATION

The City will be authorized to appropriate and expend proceeds of taxes and income from investments of those taxes for four additional years, from FY 2025 through FY 2028. This measure would not increase taxes or impose a new tax. It would authorize the City to continue to spend the proceeds of already-approved taxes for FY 2025 through 2028.

No direct fiscal impacts related to the recommended action. Election services have seen a steep increase since 2018, with the City's first million-dollar election in 2020. In addition, the number of measures placed on the ballot, and the length of the measures, are the primary driving factors in the fluctuation of election costs.

CURRENT SITUATION AND ITS EFFECTS

The City has adopted various taxes over the years, including special taxes to fund park maintenance, City library services, emergency medical services (EMS), emergency services for severely physically disabled persons, fire protection and emergency response and preparedness, street lighting and storm drainage infrastructure and most recently fire, emergency services and wildfire prevention and tax on transportation network company trips. It has also adopted various general taxes, such as the business license tax, the utility users tax, the sugar sweetened beverage products tax, parking and transient occupancy taxes, the real property transfer tax, and the vacancy tax on residential properties.

In November 2020, voters approved the existing authorization to spend the proceeds of these taxes, expiring on June 30, 2024. Voter authorization to raise the spending limit must be renewed every four years. Accordingly, pursuant to Article XIII B of the California Constitution, in November 2024, the voters need to authorize the City to spend the proceeds of these taxes from fiscal year 2025 through fiscal year 2028.

Additionally, according to California Elections Code 9282 (b), measures placed on the ballot by the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.

### BACKGROUND

Article XIII B of the California Constitution, the "Gann Appropriations Limit", limits the total annual appropriations of each local government to the prior year's appropriation, adjusted for changes in population and the cost of living. Section 4 of Article XIII B authorizes voters to increase this appropriations limit for a maximum period of four years at a time. Unless the voters do so, half of any amount collected in excess of the appropriation limit must be refunded to the taxpayers within the next two years.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

If voters do not authorize the City to spend the proceeds of these taxes, then the amounts that may be spent on maintaining acceptable levels of park maintenance, library services, emergency medical services, emergency services for severely physically disabled persons and fire protection and emergency response and preparedness, as well as general governmental services and infrastructure would be reduced.

### ALTERNATIVE ACTIONS CONSIDERED

Not authorizing the expenditure of the funds would be fiscally imprudent.

### CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900  
Henry Oyekanmi, Finance Director, (510) 981-7300

### Attachments:

- 1: Resolution  
    Exhibit A: Text of Measure

RESOLUTION NO. ##,### –N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE TO INCREASE THE APPROPRIATION LIMIT UNDER ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION TO ALLOW FOR EXPENDITURE OF PROCEEDS OF TAXES AND INCOME FROM THE INVESTMENT OF THOSE TAXES FOR FISCAL YEARS 2025 THROUGH 2028

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 5, 2024 General Municipal Election, a measure to increase the appropriation limit under Article XIII B of the California Constitution to allow for expenditure of taxes previously approved by the City, for FY 2025 through FY 2028; and

WHEREAS, the Council has requested that the Alameda County Board of Supervisors consolidate the General Municipal Election with the Presidential General Election; and

WHEREAS, the Council desires to submit all measures to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that full text of the measure and the City Attorney's analysis shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED that the Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk.

BE IT FURTHER RESOLVED that the City of Berkeley agrees to reimburse the County of Alameda in full for the cost of election services performed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the

statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.

BE IT FURTHER RESOLVED that said proposed measure shall appear and be printed upon the ballots to be used at said election as follows:

| <b>CITY OF BERKELEY BALLOT MEASURE</b>                                                                                                                                                                                                     |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Shall the City's appropriation limit under Article XIII B of the California Constitution be increased to allow expenditure of the proceeds of City taxes and income from the investment of those taxes for fiscal years 2025 through 2028? | YES |
| <u>Financial Implications:</u><br>This measure would not increase taxes or impose a new tax. It would authorize the City to continue to spend the proceeds of already-approved taxes for FY 2025 through 2028.                             | NO  |

BE IT FURTHER RESOLVED that the text of the measure be as shown on Exhibit A and attached hereto and made a part hereof.

Exhibits

A: Text of Measure



**TEXT OF MEASURE**

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

APPROVING INCREASE IN APPROPRIATION LIMIT FOR FISCAL YEARS 2025 THROUGH 2028

WHEREAS, Article XIIB of the California Constitution requires that the voters approve increases in the City's appropriations limit on a four year cycle; and

WHEREAS, such increases allow the City to expend funds it has already collected from previously approved ballot measures for various purposes including public safety, parks and recreation, health services, and infrastructure; and

WHEREAS, such expenditures are necessary for the continued health and well-being of City residents.

NOW THEREFORE BE IT RESOLVED by the People of the City of Berkeley that the City's appropriation limit under Article XIIB of the California Constitution is increased to allow the expenditure of the proceeds of City taxes and income from the investment of those taxes for fiscal years 2025 through 2028.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Designate Ballot Measure Argument Authors – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations

RECOMMENDATION

Designate, by motion, specific members of the City Council to file ballot measure arguments as provided for in Elections Code Section 9282, on the Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations on the ballot for the November 5, 2024 General Municipal Election.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal impacts related to the recommended action.

CURRENT SITUATION AND ITS EFFECTS

At the November 7, 2023 meeting, the City Council adopted Resolution No. 71,095-N.S. placing the Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations on the ballot for the November 5, 2024 General Municipal Election. With respect to who can author arguments for measures placed on the ballot by petition, Elections Code Section 9282 provides the City Council may authorize the Council as a whole, or members of the Council, to submit an argument against the initiative ordinance. The Council did not authorize members of the legislative body to file ballot measure arguments at the time the measure was placed on the ballot, and may take this action at this time.

BACKGROUND

An initiative petition titled “Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations in the City of Berkeley” was filed with the City Clerk on September 5, 2023. The Alameda County Registrar of Voters verified the signatures on the petition in accordance with State Elections Code §9215, and certified the petition as being sufficient on September 25, 2023.

Pursuant to City Charter Article XIII §92, at the November 7, 2023 meeting, the City Council adopted Resolution No. 71,095-N.S. placing the Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations on the ballot for the November 5, 2024 General Municipal Election. Elections Code Section 9282 provides the City Council may authorize

the Council as a whole, or members of the Council, to submit an argument against the initiative ordinance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The City Council may authorize the Council as a whole, or members of the Council, to submit an argument against an initiative ordinance, pursuant to Elections Code Section 9282.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could decline to designate members of the Council to submit an argument against the initiative ordinance, thereby relinquishing the legislative body's preference and priority under the Elections Code to file an argument.

CONTACT PERSON

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

Attachments:

1: Resolution No. 71,095-N.S. – Placing the Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations on the ballot for the November 5, 2024 General Municipal Election

## RESOLUTION NO. 71,095-N.S.

CALLING THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 AND SUBMITTING TO THE BERKELEY ELECTORATE AN INITIATIVE ORDINANCE PROHIBITING CONCENTRATED ANIMAL FEEDING OPERATIONS IN THE CITY OF BERKELEY

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 5, 2024 General Municipal Election, an initiative measure prohibiting Concentrated Animal Feeding Operations in the City of Berkeley; and

WHEREAS, certain actions are required in connection with said election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the General Municipal Election to be held in the City of Berkeley on November 5, 2024, is hereby called.

BE IT FURTHER RESOLVED as follows:

1. In accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley General Municipal Election with the Presidential General Election to be held November 5, 2024, and to authorize the county elections official to render services specified.
2. The Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk. These services include all necessary services related to signature checking for nomination petitions and signatures-in-lieu of filing fee, official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, drop boxes, voting centers, poll workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the consolidated election.
3. The Board of Supervisors of Alameda County is requested to include on the ballots and sample ballots, all qualified measures submitted by the City Council to be ratified by the qualified electors of the City of Berkeley.
4. That the City of Berkeley acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.
5. The City Clerk is hereby directed to cause the posting, publication, and printing of all notices or other election materials pursuant to the requirements of the Charter of the City of Berkeley and the Elections and Government Codes of the State of California.
6. The City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services,

and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.

- 7. The City of Berkeley agrees to reimburse the County of Alameda in full for the cost of election services performed.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that full text of the measure and the City Attorney's analysis shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED that Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.

BE IT FURTHER RESOLVED that said proposed initiative measure shall appear and be printed upon the ballots to be used at said election as follows:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| CITY OF BERKELEY INITIATIVE ORDINANCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |
| Shall the measure prohibiting the establishment within the City of Berkeley of facilities where livestock are kept for 45 days or more in a 12-month period and which meet size and other regulatory thresholds established by the Environmental Protection Agency; prohibiting the expansion of existing facilities; requiring existing facilities to cease operations within one year; establishing a penalty of \$10,000 per violation per day; and allowing enforcement by the City Council or by private lawsuit, be adopted? | YES |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NO  |

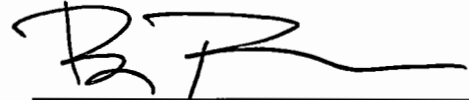
BE IT FURTHER RESOLVED that the text of the initiative ordinance be shown as Exhibit A, attached hereto and made a part hereof.

The foregoing Resolution was adopted by the Berkeley City Council on November 7, 2023 by the following vote:

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

Noes: None.

Absent: Arreguin.



Ben Bartlett, Mayor Pro Tempore

Attest:   
Mark Numainville, City Clerk

## PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

The People of the City of Berkeley ordain as follows:

That Chapter 23.336 Prohibition on Concentrated Animal Feeding Operations (CAFOs) be added to to Title 23 ZONING of the Berkeley Municipal Code as follows:

### Chapter 23.336 Prohibition on Concentrated Animal Feeding Operations (CAFOs)

#### Section 23.336.010 Findings.

- A. Hundreds of concentrated animal feeding operations (CAFOs) presently operate in California.
- B. Animal agriculture is responsible for 38% of methane emissions in the United States, and it is projected that the global agriculture sector will nearly double in greenhouse gas emissions by 2050.
- C. By worsening climate change via the release of greenhouse gases, CAFOs are a major contributor to the drought and wildfires in California.
- D. CAFOs are contributing to the ongoing water crisis in California, with some facilities using up to 4 million gallons of water per day and others polluting water sources with chemical fertilizers and manure.
- E. Globally, animal agriculture is the primary driver of biodiversity loss through its dependence on inputs such as fertilizer, pesticides, energy, land, and water, and on practices such as monocropping and heavy tilling, which in turn reduces the variety of landscapes and habitats.
- F. It is a well-established scientific fact, as supported by 2,500 studies exploring animal cognition, that nonhuman animals have emotions, personalities, and the ability to feel pain, fear, and stress.
- G. Millions of nonhuman animals are routinely confined and abused in CAFOs across California.
- H. The treatment of nonhuman animals in CAFOs routinely violates California animal cruelty laws, with little to no enforcement.
- I. Three out of four emerging infectious diseases are zoonotic, and CAFOs pose a serious risk to public health.
- J. Investigators have found antibiotic resistant bacteria and infectious diseases in CAFOs in California and across the U.S.
- K. Workers in the animal agriculture industry experience higher rates of substance abuse, post-traumatic stress disorder (PTSD), and domestic violence.
- L. In summary, CAFOs are a leading cause of environmental destruction, pose grave risks to public health, abuse and kill nonhuman animals, and often create dangerous and exploitative conditions for workers.

#### Section 23.336.020 Prohibition on Establishment and Operation of Concentrated Animal Feeding Operations (CAFOs)

- A. *Definitions.* For purposes of this chapter, the following definition shall apply:
  - a. "Concentrated Animal Feeding Operation" or "CAFO" means an agricultural operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and which meets



the regulatory definition set out by the Environmental Protection Agency seen in the following table

**Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs**

A **Large CAFO** confines at least the number of animals described in the table below.

A **Medium CAFO** falls within the size range in the table below and either:

- Has a manmade ditch or pipe that carries manure or wastewater to surface water; **or**
- the animals come into contact with surface water that passes through the area where they're confined.

If an operation is found to be a significant contributor of pollutants, the permitting authority may designate a medium-sized facility as a CAFO.

A **Small CAFO** confines fewer than the number of animals listed in the table **and** has been designated as a CAFO by the permitting authority as a significant contributor of pollutants.

| Animal Sector                                                                 | Size Thresholds (number of animals) |                           |                          |
|-------------------------------------------------------------------------------|-------------------------------------|---------------------------|--------------------------|
|                                                                               | Large CAFOs                         | Medium CAFOs <sup>1</sup> | Small CAFOs <sup>2</sup> |
| cattle or cow/calf pairs                                                      | 1,000 or more                       | 300 - 999                 | less than 300            |
| mature dairy cattle                                                           | 700 or more                         | 200 - 699                 | less than 200            |
| veal calves                                                                   | 1,000 or more                       | 300 - 999                 | less than 300            |
| swine (weighing over 55 pounds)                                               | 2,500 or more                       | 750 - 2,499               | less than 750            |
| swine (weighing less than 55 pounds)                                          | 10,000 or more                      | 3,000 - 9,999             | less than 3,000          |
| horses                                                                        | 500 or more                         | 150 - 499                 | less than 150            |
| sheep or lambs                                                                | 10,000 or more                      | 3,000 - 9,999             | less than 3,000          |
| turkeys                                                                       | 55,000 or more                      | 16,500 - 54,999           | less than 16,500         |
| laying hens or broilers (liquid manure handling systems)                      | 30,000 or more                      | 9,000 - 29,999            | less than 9,000          |
| chickens other than laying hens (other than a liquid manure handling systems) | 125,000 or more                     | 37,500 - 124,999          | less than 37,500         |
| laying hens (other than a liquid manure handling systems)                     | 82,000 or more                      | 25,000 - 81,999           | less than 25,000         |

|                                                     |                |                 |                  |
|-----------------------------------------------------|----------------|-----------------|------------------|
| ducks (other than a liquid manure handling systems) | 30,000 or more | 10,000 - 29,999 | less than 10,000 |
| ducks (liquid manure handling systems)              | 5,000 or more  | 1,500 - 4,999   | less than 1,500  |

<sup>1</sup> Must also meet one of two "method of discharge" to be defined as a CAFO or may be designated.

<sup>2</sup> Never a CAFO by regulatory definition, but may be designated as a CAFO on a case-by-case basis.

*B. Prohibition.*

- a. No person, corporation, or other entity shall establish a CAFO of any size within the city of Berkeley.
- b. No person, corporation, or other entity shall expand an existing CAFO of any size within the city of Berkeley.
- c. Any CAFO in operation within the city of Berkeley at the time of this initiative's passage shall be phased out within a period of 1 year.

Section 23.336.030 Enforcement and Penalties.

- A. The The City Council shall have the authority to enforce this initiative, including the power to inspect premises suspected of violating its provisions.
- B. This Chapter also provides a private right of action upon any person or entity to seek injunctive relief and penalties against a person or business who violates this prohibition.
- C. Any person that violates this prohibition is civilly liable for a penalty in an amount of \$10,000 per violation per day.
- D. A court shall award a plaintiff who prevails on a cause of action reasonable attorney's fees and costs.

Section 23.336.040 Severability.

If any provision of this initiative is found to be invalid or unconstitutional, such finding shall not affect the validity or constitutionality of the remaining provisions.

Section 23.336.050 Effective Date.

This initiative shall become effective immediately after its passage by the voters.



Office of the City Manager

CONSENT CALENDAR  
MAY 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Contract No. 117569-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services

### RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 117569-1 with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners and shelter animals for FY 2024, increasing the contract amount by \$25,000 for a new total contract amount not to exceed \$127,218.

### FISCAL IMPACTS OF RECOMMENDATION

The “Spay Neuter Your Pet” (SNYP) grant comes from the General Fund and is a community agency allocation that is given by Animal Services each year. The SNYP program provided \$23,812 to Animal Fix Clinic (formerly Fix Our Ferals) for FY 2018, \$11,906 for FY 2021, \$14,000 for FY 2022, \$17,500 for FY 2023, \$35,000 for FY 2024 for a total of \$102,218. Staff proposes to award the amount of \$25,000 to Animal Fix Clinic for the remaining of FY 2024, for a new total amount not to exceed \$127,218. The funds are in the FY 2024 General Budget currently.

### CURRENT SITUATION AND ITS EFFECTS

There are currently not enough funds in current NTE to provide the needed surgeries for the remaining FY 2024. Animal Fix Clinic has contracted with the City of Berkeley to provide no-cost spay and neuter surgeries to eligible pet owners since FY 2018. In addition, Animal Fix Clinic has been providing spay and neuter surgeries to shelter animals due to lack of a full-time veterinarian at the shelter. By providing no-cost spay and neuter surgeries, Animal Fix Clinic decreases the number of unwanted pet offspring and reduces the number of homeless animals entering the Dona Spring Animal Shelter.

### BACKGROUND

Many low-income pet owners would like to access spay and neuter services for their pets but are unable to afford the cost of surgery through local veterinary clinics. Animal Fix Clinic consistently works with low-income pet owners and is able to reach out to eligible pet owners whose animals need spay and neuter surgeries. The SNYP program

provides free spay or neuter surgeries, decreasing unwanted pet litters. In addition, Berkeley Animal Care Services does not have a full-time veterinarian, and without the assistance of Animal Fix Clinic, the wait for surgeries would lead to longer lengths of strays and higher risks of the unnecessary euthanasia of shelter animals.

#### RATIONALE FOR RECOMMENDATION

Animal Fix Clinic is well equipped and capable of providing the services listed in the Scope of Service. If this funding is not authorized, it would prevent dozens of animals belonging to low-income pet owners from being spayed or neutered at no cost to the owner.

#### ALTERNATIVE ACTIONS CONSIDERED

The alternative to providing free spay and neuter surgeries to low-income residents is to refer them to low-cost spay and neuter clinics in the surrounding area. Prices in these clinics range from \$150 to more than \$1,000 and waiting lists for appointments are four months which is prohibitive to many pet owners.

#### 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

Michael St. Pierre, Animal Care Services Manager, (510) 981-6603

Attachment:

1. Resolution

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

CONTRACT NO. 117569-1 AMENDMENT: ANIMAL FIX CLINIC (FORMERLY FIX OUR FERALS) TO PROVIDE NO-COST SPAY AND NEUTER SURGERIES TO ELIGIBLE PET OWNERS FOR FY 2024, WITH A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$127,218

WHEREAS, The City of Berkeley SNYP program funds no-cost spay and neuter surgeries to eligible low-income pet owners and shelter animals; and

WHEREAS, The Animal Fix Clinic is able to reach eligible low-income pet owners, and to provide no-cost spay and neuter services; and

WHEREAS, The 'Spay Neuter Your Pet' (SNYP) grant comes from the General Fund and is a community agency allocation that is given by Animal Services each year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute Contract No. 117569-1, and any necessary amendments, with Animal Fix Clinic for spay and neuter services for FY 2024, increasing the amount of the contract by \$25,000 for a new Not-to-exceed total of \$127,218.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Returning Funding from University of California, Berkeley for Rodeway Inn for Winter Shelter

RECOMMENDATION

Adopt a Resolution returning the unspent portion (totaling \$400,140.17) of a \$2,200,000 donation from the University of California, Berkeley, previously accepted by the Council on April 26, 2022 for the Rodeway Inn shelter.

FISCAL IMPACTS OF RECOMMENDATION

Approving this recommendation will result an expenditure of \$400,140.17 in funding from the One-Time Grant: No Capital Expenditures Fund (Fund 336).

CURRENT SITUATION AND ITS EFFECTS

On April 26, 2022, the Council adopted an urgency ordinance to enter into a lease for the Rodeway Inn to operate noncongregate interim housing at the Rodeway Inn. Because that program has chiefly served the cohort of unsheltered individuals who had been residing in People's Park, the University of California, Berkeley supported the financing of the shelter (which was primarily funded by a State Encampment Resolution Fund grant) with a \$2,200,000 donation to the City, accepted by Council on April 26, 2022. That program, since its inception, has successfully served 110 people; of the 76 people who have exited the program, 38 (50%) have moved directly into permanent housing – a success rate of half of all exits.

On December 4, 2023, the State of California officially announced that it would be awarding Berkeley HomeKey funding to purchase the Rodeway Inn and convert and operate it as permanent supportive housing for people experiencing homelessness. As the shelter portion of that program is concluding, staff have identified \$400,140.17 in unspent funding from the original UC Berkeley donation.

Because the intent of these donated funds was to support a specific program that is at its conclusion, staff recommend returning the unspent portion to the University.

BACKGROUND

On December 29, 2021, City staff partnered with the University of California, Berkeley to submit an application to the State of California's Encampment Resolution Funding grant for \$4.7M to cover 1 year of operations at the Rodeway to serve the people currently living without shelter in People's Park. On March 8, 2022, the Council authorized the acceptance of the Encampment Resolution Funding grant funds and approved a lease with the Rodeway Inn and a contract with Abode Services to operate the shelter on April 26, 2022. On May 10, 2023, Health, Housing and Community Services Department, Housing and Community Services Division staff, in partnership with MPI Homes and HCEB, submitted a proposal to the State of California's Homekey Program to purchase the Rodeway Inn and convert and operate it as permanent supportive housing for people experiencing homelessness. On December 4, 2023, the State of California announced that it was awarding Berkeley funding via HomeKey to purchase the Rodeway for permanent supportive housing. On September 19, 2023, Council extended the lease with the Rodeway Inn for an additional 5 months (through March 2024) to allow for the purchasing of the property and its conversion to housing to be completed without displacing those currently living there.

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 were donated by the University for a very specific purpose, which has been completed. Returning the unspent portion of the funding is the appropriate gesture.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Peter Radu, Assistant to the City Manager, 510 981-7045

Attachments:

1: Resolution



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

RETURNING RODEWAY INN FUNDING TO THE UNIVERSITY OF CALIFORNIA,  
BERKELEY FOR OPERATING WINTER SHELTER

WHEREAS, on April 26, 2022, the City Council approved an emergency lease ordinance with the Rodeway Inn and a contract with Abode Services to operate the Rodeway Inn as interim noncongregate shelter for people experiencing unsheltered homelessness in People's Park; and

WHEREAS, on April 26, 2022, the City Council accepted a donation from the University of California, Berkeley, in the amount of \$2,200,000, which partially funded the operations of the shelter program at the Rodeway Inn; and

WHEREAS, on May 10, 2023, the City, in partnership with MPI Homes and Housing Consortium of the East Bay, submitted a proposal to the State of California's Homekey Program to purchase the Rodeway Inn and convert and operate it as permanent supportive housing for people experiencing homelessness; and

WHEREAS, on September 19, 2023, the City Council extended the lease and interim shelter program for an additional 5 months through March 2024, in anticipation of being awarded HomeKey; and

WHEREAS, the State of California announced on December 4, 2023 that the City had been awarded HomeKey funding for the Rodeway; and

WHEREAS, the Rodeway Inn noncongregate shelter program is concluding now that the motel is being converted to permanent supportive housing, after successfully serving 110 people, with 76 people who have exited the program and 38 (50%) of those moving directly into permanent housing; and

WHEREAS, City staff have identified \$400,140.17 in unspent funding from the original \$2,200,000 donation, and recommend returning those funds to the University of California, Berkeley.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to return \$400,140.17 to the University of California, Berkeley, originally accepted as part of a \$2,200,000 a donation from UC Berkeley with the adoption of Resolution No. 70,308-N.S. on April 26, 2022.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 7, 2024

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$3,700,000**

| <u>PROJECT</u>                                    | <u>Fund</u> | <u>Source</u>             | <u>Amount</u> |
|---------------------------------------------------|-------------|---------------------------|---------------|
| Comprehensive Permit Management Software Solution | 621         | PROF SVCS - MISCELLANEOUS | \$3,500,000   |
| Dispatch Implementation and Ongoing Support       | 164         | FF-PUBSAFE                | \$200,000     |
| <b>Total:</b>                                     |             |                           | \$3,700,000   |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on May 7, 2024

CONSENT CALENDAR  
May 7, 2024

upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

- 1) Comprehensive Permit Management Software Solution
- 2) Dispatch Implementation and Ongoing Support

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

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED   | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                                                                                        | ESTIMATED COST         | BUDGET CODE TO BE CHARGED                                        | DEPT. / DIVISION                    | CONTACT NAME & PHONE               |
|--------------------|---------------------------------------------------|----------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------|-------------------------------------|------------------------------------|
| 24-11661-C         | Comprehensive Permit Management Software Solution | 5/2/2024             | 6/6/2024                 | We are seeking proposals for a cloud-based, comprehensive permit management software system designed to automate and streamline the entire permit application and issuance process. The solution must offer online application capabilities, real-time tracking, and robust data management and reporting features. | \$3,500,000.00         | PROF SVCS – MISCELLANEOUS<br>621-53-581-000-0000-000-472-612990- | Planning and Development Department | Eryn Blackwelder<br>(510) 981-7498 |
| <b>DEPT. TOTAL</b> |                                                   |                      |                          |                                                                                                                                                                                                                                                                                                                     | <b>\$ 3,500,000.00</b> |                                                                  |                                     |                                    |
| 24-11663-C         | Dispatch Implementation and Ongoing Support       | May 1, 2024          | July 1, 2024             | Developing implementation plan for technology and ongoing change management and workflow support.                                                                                                                                                                                                                   | \$200,000.00           | 164-72-742-838-0000-000-422-612990-                              | Fire Department                     | Shanalee Gallagher<br>312-613-1099 |
| <b>DEPT. TOTAL</b> |                                                   |                      |                          |                                                                                                                                                                                                                                                                                                                     | <b>\$ 200,000.00</b>   |                                                                  |                                     |                                    |
| <b>TOTAL</b>       |                                                   |                      |                          |                                                                                                                                                                                                                                                                                                                     | <b>\$ 3,700,000.00</b> |                                                                  |                                     |                                    |





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Contract: As-Needed Hazardous Fire Fuel Treatment with California Tree Solutions, Mountain Enterprises Inc., Small World Tree Co., and Bay Area Tree Specialists

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for As-Needed Hazardous Fire Fuel Treatment and removal from May 18, 2024, to May 17, 2028, for a total cumulative amount not to exceed \$4,000,000.

1. California Tree Solutions in the amount of \$1,000,000;
2. Mountain Enterprises Inc. in the amount of \$1,000,000;
3. Small World Tree Co. in the amount of \$1,000,000; and
4. Bay Area Tree Specialists in the amount of \$1,000,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

CURRENT SITUATION AND ITS EFFECTS

On October 13, 2023, to prepare for a new contract for these services, the City conducted a Request for Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulation and to manage other vegetation in high-risk areas of City-owned parks, pathways, evacuation routes and landscaped areas (Specification No. 24-11634-C). Staff has since re-issued the RFQ on January 29, 2024 to solicit additional proposals for vendors qualified for defensible space work to complement the tree removal vendors that submitted quotes for tree care and removal.

On February 15, 2024, the City received five quotes. Staff determined that California Tree Solutions, Mountain Enterprises Inc., Small World Tree Co., and Bay Area Tree Specialists met the criteria for a significant portion of the work needed. Staff

Contract: As-Needed Hazardous Fire Fuel Treatment

recommends that new contracts with California Tree Solutions, Mountain Enterprises Inc., Small World Tree Co., and Bay Area Tree Specialists be authorized.

The as-needed hazardous vegetation management and removal services are Strategic Plan Priority Projects, advancing our goals to

- create a resilient, safe, connected, and prepared city,
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

### BACKGROUND

In 2021, the Fire Chief prioritized a FireSafe Berkeley initiative that includes hazardous fire fuel treatment and vegetation removal in the Very High Fire Hazard Severity Zone, increased inspections and compliance, defensible space treatment assistance for residents who demonstrate financial or physical hardship, and public education on vegetation management practices. The City has since been awarded a grant for the hazardous vegetation removal along evacuation routes on and near Grizzly Peak. These contracts assist with the objectives of removing hazardous vegetation accumulation and managing other vegetation in high-risk areas of the community and City-owned parks, pathways, and evacuation routes. The City does not have the resources to accomplish this work using in-house staff and therefore uses contracted services.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Chapter 1 of the City's Climate Action Plan acknowledges that California will experience a rise in wildfires due to climate change. Additionally, this program preserves natural habitats by removing unwanted invasive plant species and vegetative debris that are recycled and converted into usable compost. These services contract is an essential component in the proper maintenance of the City's landscape.

### RATIONALE FOR RECOMMENDATION

The Fire and The Parks, Recreation and Waterfront Departments have evaluated the ongoing needs for hazardous vegetation mitigation and other vegetation management and determined California Tree Solutions, Mountain Enterprises Inc., Small World Tree Co., and Bay Area Tree Specialists help fulfill the requirements as set out in the RFP.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Shanalee Gallagher, Program Manager, Fire Department, 510-981-3473



Contract: As-Needed Hazardous Fire Fuel Treatment

Attachments:

- 1: Resolution – California Tree Solutions
- 2: Resolution – Mountain Enterprises Inc.
- 3: Resolution – Small World Tree Co.
- 4: Resolution – Bay Area Tree Specialists

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

CONTRACT: CALIFORNIA TREE SOLUTIONS FOR AS-NEEDED HAZARDOUS FIRE  
FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on January 29, 2024, to prepare for a new contract for these services, the City conducted a Request for Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on February 15, 2024, the City received five (5) bids, which were reviewed by staff; and

WHEREAS, staff determined that California Tree Solutions met the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with California Tree Solutions, for a period of four years, for a cumulative total not to exceed of \$1,000,000.

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

CONTRACT: MOUNTAIN ENTERPRISES INC FOR AS-NEEDED HAZARDOUS FIRE  
FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on January 29, 2024, to prepare for a new contract for these services, the City conducted a Request for Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on February 15, 2024, the City received five (5) bids, which were reviewed by staff; and

WHEREAS, staff determined that Mountain Enterprises Inc. met the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Mountain Enterprises Inc, for a period of four years, for a cumulative total not to exceed of \$1,000,000.

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

CONTRACT: SMALL WORLD TREE CO. FOR AS-NEEDED HAZARDOUS FIRE FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on January 29, 2024, to prepare for a new contract for these services, the City conducted a Request for Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on February 15, 2024, the City received five (5) bids, which were reviewed by staff; and

WHEREAS, staff determined that Small World Tree Co. met the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Small World Tree Co., for a period of four years, for a cumulative total not to exceed of \$1,000,000.

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

CONTRACT: BAY AREA TREE SPECIALISTS FOR AS-NEEDED HAZARDOUS FIRE  
FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on January 29, 2024, to prepare for a new contract for these services, the City conducted a Request for Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on February 15, 2024, the City received five (5) bids, which were reviewed by staff; and

WHEREAS, staff determined that Bay Area Tree Specialists met the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Bay Area Tree Specialists, for a period of four years, for a cumulative total not to exceed of \$1,000,000.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: David Sprague, Chief, Fire Department  
Subject: Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to hire additional firefighters to meet NFPA 1710 standards and recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment

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 \$7,703,926.83 with no matching city funds to hire nine additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.

FISCAL IMPACTS OF RECOMMENDATION

There are no matching funds required for this grant award. Grant funds cover the salaries and benefits of these employees for three (3) years after which time the Department will either obtain new funding to add them to the baseline budget, absorb the FTE through attrition and reduce to pre-award staffing levels, or release them.

CURRENT SITUATION AND ITS EFFECTS

The Department recently completed its first Standards of Coverage and Community Risk Assessment (SOC). The SOC found that first-unit travel performance is 1:53 minutes slower than the recommended 4:00-minute best practice goal (Table 1).

| Table 1                    |               |           |                                         |                                                   |
|----------------------------|---------------|-----------|-----------------------------------------|---------------------------------------------------|
| Response Component         | Best Practice |           | 90 <sup>th</sup> Percentile Performance | Performance Versus Best Practice and Current Goal |
|                            | Time          | Reference |                                         |                                                   |
| Call Processing / Dispatch | 1:30          | NFPA      | 2:29                                    | + 0:59                                            |
| Crew Turnout               | 2:00          | Citygate  | 2:05                                    | + 0:05                                            |
| First-Unit Travel          | 4:00          | NFPA      | 5:53                                    | + 1:53                                            |
| First-Unit Call to Arrival | 7:30          | Citygate  | 9:32                                    | + 2:02                                            |
| ERF Call to Arrival        | 11:30         | Citygate  | 18:50                                   | + 7:20                                            |

The SOC evaluated Unit-Hour Utilization (UHU), which is a measure of system performance (Table 2). UHU is calculated using the number of responses and duration of the responses to show the percentage of time that a response resource is committed to an active incident during a given hour of the day. According to Citygate LLC, a unit-hour utilization of 30 percent or higher over multiple consecutive hours becomes the point at which employee begin to experience fatigue and burnout and other responsibilities, such as training, do not get completed. The Department has five of seven engine companies with a UHU of greater than 30% for two or more consecutive hours.

| Table 2                                                            |          |          |          |          |          |          |          |
|--------------------------------------------------------------------|----------|----------|----------|----------|----------|----------|----------|
| Unit Hour Utilization of Berkeley Fire Department Engine Companies |          |          |          |          |          |          |          |
| Hour                                                               | Engine 5 | Engine 1 | Engine 2 | Engine 6 | Engine 4 | Engine 3 | Engine 7 |
| 00:00                                                              | 23.23%   | 15.11%   | 17.16%   | 9.62%    | 10.14%   | 11.33%   | 0.58%    |
| 01:00                                                              | 25.88%   | 10.21%   | 15.51%   | 11.19%   | 6.41%    | 9.09%    | 3.37%    |
| 02:00                                                              | 18.81%   | 12.81%   | 10.79%   | 11.12%   | 9.66%    | 7.74%    | 3.56%    |
| 03:00                                                              | 13.47%   | 6.63%    | 12.40%   | 6.71%    | 7.76%    | 4.40%    | 2.06%    |
| 04:00                                                              | 11.55%   | 13.59%   | 10.26%   | 10.62%   | 7.61%    | 7.62%    | 1.69%    |
| 05:00                                                              | 15.01%   | 6.44%    | 7.62%    | 3.69%    | 9.87%    | 4.93%    | 2.59%    |
| 06:00                                                              | 11.08%   | 19.01%   | 10.05%   | 9.78%    | 13.02%   | 5.63%    | 3.00%    |
| 07:00                                                              | 25.01%   | 21.97%   | 20.84%   | 18.37%   | 13.97%   | 8.97%    | 6.10%    |
| 08:00                                                              | 30.47%   | 31.19%   | 22.80%   | 20.58%   | 20.92%   | 13.10%   | 5.44%    |
| 09:00                                                              | 38.00%   | 31.75%   | 22.75%   | 28.75%   | 21.67%   | 14.57%   | 5.65%    |
| 10:00                                                              | 41.58%   | 42.32%   | 28.32%   | 23.47%   | 25.77%   | 19.88%   | 11.49%   |
| 11:00                                                              | 52.86%   | 31.20%   | 35.07%   | 41.62%   | 28.02%   | 23.70%   | 7.28%    |
| 12:00                                                              | 49.05%   | 28.41%   | 31.70%   | 34.37%   | 20.78%   | 18.56%   | 9.29%    |
| 13:00                                                              | 53.48%   | 43.37%   | 30.66%   | 31.32%   | 31.70%   | 29.91%   | 7.95%    |
| 14:00                                                              | 45.24%   | 43.90%   | 39.12%   | 34.42%   | 36.53%   | 25.40%   | 15.68%   |
| 15:00                                                              | 38.09%   | 38.93%   | 32.49%   | 31.93%   | 20.30%   | 18.31%   | 7.38%    |
| 16:00                                                              | 47.27%   | 34.35%   | 34.50%   | 28.96%   | 22.18%   | 20.99%   | 12.14%   |
| 17:00                                                              | 44.46%   | 33.94%   | 34.26%   | 22.25%   | 22.90%   | 20.69%   | 8.62%    |
| 18:00                                                              | 32.84%   | 31.45%   | 30.75%   | 22.85%   | 23.40%   | 20.74%   | 11.46%   |
| 19:00                                                              | 29.80%   | 30.92%   | 25.06%   | 29.59%   | 21.39%   | 18.51%   | 10.09%   |
| 20:00                                                              | 25.59%   | 32.76%   | 23.66%   | 24.96%   | 20.72%   | 15.76%   | 9.20%    |
| 21:00                                                              | 29.23%   | 20.37%   | 20.49%   | 18.23%   | 12.64%   | 12.76%   | 6.77%    |
| 22:00                                                              | 26.99%   | 21.79%   | 16.67%   | 12.63%   | 9.51%    | 12.90%   | 4.69%    |
| 23:00                                                              | 19.81%   | 24.27%   | 15.45%   | 21.47%   | 16.11%   | 8.64%    | 3.85%    |

In response to the SOC the Department has re-configured itself to upstaff three of six Page 170



companies from three to four firefighters without impacting the General Fund. A grant award will provide funding for the City to hire an additional nine firefighters and increase the staffing of the remaining three engine companies from three to four firefighters for the three years of the grant performance period.

The increased staffing this grant will provide in key areas of the City will decrease the amount of time it takes to assemble the necessary number of responders on the scene of an incident and reduce the amount of time it takes personnel to begin and complete critical interventions to mitigate the emergency.

### BACKGROUND

The SOC found that while Berkeley has a relatively small land area of 10.43 square miles, it has developed a metro risk profile based on density, development, and congestion. The City is already the second most dense City (behind only San Francisco) in the top 51 most populated cities in California. This intensification of land uses and population have made the emergency response needs more typical of larger metropolitan cities. The SOC recommends the Department grow from a suburban agency to that of a major urban fire department in staffing, unit types, and facility locations.

Studies performed by the International Association of Fire Fighters (IAFF) demonstrate that four-person firefighting crews are more efficient than three-person crews. A fire engine staffed with four people completed the same number of fireground tasks 5.1 minutes faster than the three-person crew. The four-person crews were able to complete necessary fireground tasks on a residential structure fire nearly 25% faster than the three-person crews.

The importance of shaving even seconds off the time it takes to assemble and complete firefighting and search and rescue of trapped occupants of a fire becomes clear when evaluating the data from the Underwriter Laboratory's (UL) Firefighter Safety Research Institute (FSRI) study "New Comparison of Natural and Synthetic Home Furnishings" which demonstrates that modern fires develop faster than legacy fires, leaving occupants under 5 minutes post ignition to escape vs over 30 minutes before.

Similarly, in emergency medical incidents, there are a significant number of actions that need to occur simultaneously and expeditiously in order to provide residents with the best chance of survival. The Department runs just over 17,500 incidents per year. Of those, approximately 700 patients were classified in a category where the time it takes responders to arrive on the scene, the swiftness with which that crew initiated critical medical interventions, or speed with which the patient is transported to the emergency department is likely to have had a direct impact to outcome and survival.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts from this grant.

### RATIONALE FOR RECOMMENDATION

The Department is responsible for evaluating the risk profile of the community to ensure it is operationally prepared to mitigate the types of incidents in ways that meet or exceed national recommendations, industry best practices, and community expectations.

### ALTERNATIVE ACTIONS CONSIDERED

Submitting a budget request for additional firefighters in the FY25-26 budget process. This is not feasible given the current budget situation the City is facing.

### CONTACT PERSON

David Sprague, Fire Chief, 510-981-3473

Attachments:  
1: Resolution

GRANT APPLICATION: FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO HIRE ADDITIONAL FIREFIGHTERS TO MEET NFPA 1710 STANDARDS AND RECOMMENDATIONS FROM THE CITY GATE, LLC STANDARDS OF COVERAGE AND COMMUNITY RISK ASSESSMENT

WHEREAS, the City contracted with Citygate Associates, LLC to complete a Standards of Cover and Community Risk Assessment study (SOC) to better understand how our service levels compare to what is recommended based on national standards, and

WHEREAS, the SOC found that while Berkeley has a relatively small land area of 10.43 square miles, it has developed a metro risk profile based on density, development, and congestion. The City is already the second most dense City (behind only San Francisco) in the top 51 most populated cities in California, and

WHEREAS, this intensification of land uses and population have made the emergency response needs more typical of larger metropolitan cities. The SOC recommends the Department grow from a suburban agency to that of a major urban fire department in staffing, unit types, and facility locations, and

WHEREAS, the SOC found that first-unit travel performance is 1:53 minutes slower than the recommended 4:00-minute best practice goal, and

WHEREAS, the SOC evaluated Unit-Hour Utilization (UHU), which is a measure of system performance (Table 2). UHU is calculated using the number of responses and duration of the responses to show the percentage of time that a response resource is committed to an active incident during a given hour of the day. According to Citygate LLC, a unit-hour utilization of 30 percent or higher over multiple consecutive hours becomes the point at which employees begin to experience fatigue and burnout and other responsibilities, such as training, do not get completed. The Department has five of seven engine companies with a UHU of greater than 30% for two or more consecutive hours, and

WHEREAS, Citygate offered several recommendations to bring the Department into alignment with the city's current and future service needs including a recommendation to up-staff six of nine fire companies from three to four firefighters, and

WHEREAS, the Department has re-configured itself to upstaff three of six companies from three to four firefighters without impacting the General Fund.

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 \$7,703,926.83 with no matching city funds to hire six additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: David Sprague, Fire Chief  
Subject: Contract: Marin SB Advisor LLC for Chipper Day Program Management

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Marin SB Advisor LLC to provide program management for Berkeley Chipper Day from June 1, 2024 until May 31, 2027 in an amount not to exceed \$213,000 with an option to extend for an additional three (3) years for \$250,000, making initial term plus extension not to exceed \$463,000.

FISCAL IMPACTS OF RECOMMENDATION

All funds required to pay for this contract are in the Department’s baseline operating budget. Funding sources may include but are not limited to; Measure FF, UC Settlement, and the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The City’s chipping program has been in operation for decades and served only limited areas within Berkeley. To support the wide-spread and significant thinning and removal of vegetation required as part of the City’s work to become more wildfire safe, the chipping program was modernized and expanded to serve the entire city. This new program launched in 2023 and has proved wildly popular with residents. Some of the impressive facts and statistics from the 2023 season are:

- The program served all Berkeley residents for first time in city history.
- Over 1,200 completed pickups were conducted.
- 2,903 cubic yards of flammable material removed.
- 92% of participants rated their experience a “5 out of 5.”
- 80% of Berkeley residents reported that the new Chipper Program caused them to remove hazardous vegetation from their property.
- Nearly 50% of the material removed by residents came from Zone Zero

Marin SB Advisor LLC managed the Berkeley “Chipper Day” program. Responsibilities include but are not limited to ongoing program management; development of alternative funding sources; review and re-design; marketing and community outreach; chipping

vendor procurement including selection, on-boarding and training; meeting with key stakeholders to promote the program and solicit assistance and feedback; responding to questions/requests from City officials and residents; conduct analysis and produce data and reports as requested by the Department; and providing strategic advice and guidance to Fire on vegetation management and wildfire prevention/education.

**BACKGROUND**

Marin SB Advisor LLC has significant experience in Vegetation Management & Wildfire Prevention/Education. Particular areas of expertise include strategic planning, finance, budgets, compliance, grant administration, and program & project management. Additionally, Marin SB Advisor LLC has served as a consultant to Fire Safe Marin, the Marin Wildfire Prevention Authority (MWPA), and the Sleepy Hollow Fire Prevention District (SHFPD), has experience managing complex wildfire mitigation programs, and has experience communicating effectively with government officials and members of the public. Lastly, Marin SB Advisor LLC has direct experience operating the Fire Aside “Chipper Day” software, which is the same software that the Department is running for the Berkeley Chipper Day program.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

This contract will support the removal and thinning of wildfire hazardous vegetation which will create more defensible space and help prevent a wildfire from developing into a conflagration thus limiting the release of smoke that includes gasses that impact climate change.

**RATIONALE FOR RECOMMENDATION**

Marin SB Advisor LLC has performed this work for the first year, and has familiarity with locations and software system that the City wishes to continue with. Due to this and the specific experience with the fire authorities listed above, competing for this service is not amenable.

**ALTERNATIVE ACTIONS CONSIDERED**

Competing for the service was considered, however, the specific experience with Berkeley Fire and the other agencies outweighs market competition for this contract period.

**CONTACT PERSON**

David Sprague, Fire Chief, (510) 981-3473

Attachments:  
1: Resolution

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

CONTRACT: MARIN SB ADVISOR LLC FOR CHIPPER DAY PROGRAM  
MANAGEMENT

WHEREAS, the City's chipping program has been in operation for decades and served only limited areas within Berkeley. In 2023 the program was modernized and expanded to serve the entire city. This new program has proved wildly popular with residents, and

WHEREAS, some of the impressive facts and statistics from the 2023 season are over 1,200 completed pickups were conducted; 2,903 cubic yards of flammable material removed; 92% of participants rated their experience a "5 out of 5"; 80% of Berkeley residents reported that the new Chipper Program caused them to remove hazardous vegetation from their property; and nearly 50% of the material removed by residents came from Zone Zero, and

WHEREAS, Marin SB Advisor LLC managed the Berkeley "Chipper Day" program. Responsibilities include but are not limited to ongoing program management; development of alternative funding sources; review and re-design; marketing and community outreach; chipping vendor procurement including selection, on-boarding and training; meeting with key stakeholders to promote the program and solicit assistance and feedback; responding to questions/requests from City officials and residents; conduct analysis and produce data and reports as requested by the Department; and providing strategic advice and guidance to Fire on vegetation management and wildfire prevention/education, and

WHEREAS, Marin SB Advisor LLC has significant experience in Vegetation Management & Wildfire Prevention/Education and has served as a consultant to Fire Safe Marin, the Marin Wildfire Prevention Authority (MWPA), and the Sleepy Hollow Fire Prevention District (SHFPD), has experience managing complex wildfire mitigation programs, and has experience communicating effectively with government officials and members of the public. Marin SB Advisor LLC has direct experience operating the Fire Aside "Chipper Day" software, which is the same software that the Department is running for the Berkeley Chipper Day program, and

WHEREAS, Marin SB Advisor LLC has performed this work for the first year, and has familiarity with locations and software system that the City wishes to continue with. Due to this and the specific experience with the fire authorities listed above, competing for this service is not amenable.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Marin SB Advisor LLC to provide program management for Berkeley Chipper Day from June 1, 2024 until May 31, 2027 in an amount not to exceed \$213,000 with an option to extend

May 7, 2024

for an additional three (3) years for \$250,000, making initial term plus extension not to exceed \$463,000.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David Sprague, Fire Chief, Berkeley Fire Department

Subject: Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

RECOMMENDATION

1. Adopt the first reading of an Ordinance (Attachment 1) which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”);
2. Adopt a Resolution (Attachment 2) setting forth findings as to local conditions applicable to the revised portions of Section 19.48.020 that require more stringent building standards than those provided by the 2022 California Fire Code (“CFC”) with intervening code adoption cycle amendments, and amending Resolution number 70,611–N.S.;
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for June 4, 2024.

SUMMARY

On December 6, 2022 the Berkeley City Council adopted the current edition of the Berkeley Fire Code (BFC), which was based on the State of California adoption of the 2022 California Fire Code. The current Berkeley Fire Code contains appropriate local amendments and additions as adopted by Council. This code went into effect on January 1, 2023.

The State of California has issued new amendments and additions (“amendments”) to the 2022 California Fire Code. These new amendments will take effect on July 1, 2024. If the City of Berkeley wishes to continue enforcement of our existing local fire code amendments without interruption, any local amendments which have been affected by the new state amendments must be revised, and the revised local amendments adopted by City Council on or before July 1, 2024.

As part of the recurring, triennial cycle of building standards adoption, the California Building Standards Commission and allied State code development agencies (including the Office of the State Fire Marshal) develop and issue supplemental building standards. The process of developing supplemental building standards is formally referred to as the Intervening Code Adoption Cycle. These standards are normally issued and become effective approximately eighteen months into a three-year triennial code cycle, and are often referred to as “mid-cycle amendments”.

The mid-cycle amendments will override locally adopted building and fire code amendments if the language or section numbering of the state revisions conflicts with local amendments to the codes. Local jurisdictions may adopt local amendments to the California Fire Code (CFC), and to any supplemental building standards which may subsequently amend the CFC, including the mid-cycle amendments.

In the current situation, mid-cycle amendments to the fire code that have been adopted by the state have modified some language within fire code sections that are the subject of local Berkeley amendments. Additionally, the state’s changes have renumbered some code sections. This change in language and renumbering will overwrite important provisions of local Berkeley fire code amendments unless the local amendments are revised to avoid conflict with the state code. As previously stated, If Berkeley wishes to continue to apply our local fire code amendments without interruption, the Berkeley City Council must act to amend the Berkeley Fire Code adoption to conform with the new California Fire Code language and numbering before July 1, 2024.

These local Berkeley fire code amendments address local conditions specific to our community that effect our local fire and life safety. The City has adopted multiple fire code amendments in the past that are designed to address these concerns. Staff recommends that the City Council revise and adopt the effected local amendments to the California Fire Code that have been modified in the state’s Intervening Code Adoption Cycle as set forth in the attached documents. This action will maintain the current local level of fire and life safety as intended by Council’s original adoption action.

### FISCAL IMPACTS

The fiscal impact to the City will be negligible. The publisher of the California Fire Code prints and distributes mid-cycle amendments to the state codes at no charge to existing code subscribers. No new fire code books, inspection guides, inspection forms or training is required.

Updating the local fire code amendments to continue them in-force simply maintains the current status quo. It does not create cost increases for homeowners, builders or developers beyond those costs already mandated by current Berkeley codes and statutes.

### CURRENT STATUS AND EFFECTS

As part of a regular three-year cycle, the Office of the California State Fire Marshal and the California Building Standards Commission promulgated the 2022 California Fire Code. The California Fire Code (Title 24, Part 9 of the California Code of Regulations),

and Berkeley's local adoption of the fire code in the form of the Berkeley Fire Code (B.M.C. section 19.48) took effect on January 1, 2023. The Berkeley Fire Code provides minimum standards for fire and life safety.

Berkeley has long elected to establish more restrictive building standards as reasonably necessary because of local climatic, geological or topographical conditions in accordance with Calif. Health & Safety Code Sections 18941, 17958, 17958.5, 17958.7 and other statutes. Findings of the local condition(s) and the adopted local building standard(s) must be filed with the California Building Standards Commission.

California's mid-cycle amendments effect local fire code adoptions to varying degrees. The current body of mid-cycle amendments effects the language and numbering of code sections throughout the entire body of the California Fire Code, and effects over 190 pages of the current code in total. In the present case, the majority of these California mid-cycle amendments do not affect our local fire code adoption. The impact to Berkeley's local amendments requires relatively minor changes in language to, or renumbering of, local fire code amendments in order to maintain consistency with the language, structure and organization of the California Fire Code as amended by the Intervening Cycle Code Adoption process. In the current situation, the state mid-cycle amendments that conflict with local Berkeley amendments occur within Berkeley's wildfire safety amendments (Chapter 49 of the Berkeley Fire Code).

Staff's recommendations on modifications to local amendments required to harmonize the Berkeley Fire Code with the California Fire Code as amended by the California Intervening Code Adoption Cycle, include:

- 1) Amend Paragraph DDD of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code"). Paragraph DDD currently implements local amendments to Section 4902.1 ("General"), of the California Fire Code (CFC). Our current local amendments to CFC Section 4902.1 add important local definitions related to the regulation, control and abatement of wildfire hazards within Berkeley.

This paragraph and the amended CFC section define our Local Agency Very High Fire Hazard Severity Zone and Wildland Urban Interface area, as they are currently recognized in local law, and as that recognition effects current and future requirements as established in state law. These definitions relate the local definitions of "Fire Zone 1", "Fire Zone 2" and "Fire Zone 3" to the Local Agency Very-High Fire Hazard Severity Zone and Wildland-Urban Interface area. The existing locally amended BFC Section also modifies the definition of "Fire Protection Plan" so that it can apply to both proposed and existing properties, projects and developments.

While the bulk of Paragraph DDD of Section 19.48.020 of the B.M.C. is not directly impacted by the mid-cycle amendments, as of July 1, 2024 the CFC amendments will slightly modify the code's usage of the term "Wildland-Urban Interface". The amendments being proposed to Paragraph DDD will implement those same changes in language while preserving our local amendments, and will ensure continued compatibility between the BFC adoption and the CFC.

- 2) Amend Paragraphs UUU through PPPP of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”). The twenty-two Paragraphs embodied by UUU through PPPP currently occupy Section 4911 of the Berkeley Fire Code and create an additional fire code section and subsections within our local adoption that do not exist within the current CFC. These additional sections define and regulate activity and hazards within Berkeley’s Wildland-Urban Interface area, and provide important tools for regulating and mitigating related hazards, such as providing appropriate ignition controls in hazardous wildfire areas.

The controls established by these Paragraphs of B.M.C. 19.48.020 regulate such mundane but important topics as prohibiting the placing, depositing or disposing of ashes or coals in wildland areas. The state’s mid-cycle amendments have now adopted Section 4911 for purposes unrelated to these local controls, so these controls must be moved to a newly created code section, which is proposed as Section 4912. In addition to the conflict caused by renumbering, the local hazard controls will also be affected by the same changes in Wildland-Urban Interface terminology that was previously discussed related to Paragraph DDD above. The proposed changes in the language used in these Berkeley amendments will also ensure compatibility between the California and State fire codes, as well as consistency within our own code adoption.

#### BACKGROUND

The City of Berkeley has unique climatic, geological, and topographical conditions, which require local amendments to mitigate potential hazards, and to reduce loss of life caused by fires or natural disasters. To address local fire and life safety impacts, the City of Berkeley has adopted local amendments to address local conditions which make CFC requirements inadequate. Without the adoption of local amendments, needed fire and life safety enhancements cannot be enforced.

In the current case where state amendments to the CFC effect Berkeley’s local fire code amendments, an ordinance modifying the existing local amendments and a findings-of-fact resolution are proposed in order to ensure successful adoption of local amendment modifications and the maintenance of our local standards. These local amendments, or other building or fire code requirements triggered by these amendments, may qualify as building standards in accordance with state law. Also in the current case, no new permits, fees, or fee adjustments are proposed at this time, so no changes to the current fee schedule are required or proposed.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Unwanted fires have a significant, detrimental effect on the environment, climate, and the sustainability of our society. Air emissions from fires include soot/carbon particulate as well as carbon-dioxide and many un-desirable fire byproducts. The water used to extinguish fires not only becomes runoff and may transport pollutants into waterways and other portions of the environment, but is often treated, potable water that must be processed and transported into the City via a water utility service at some financial expense and expense to the City’s overall carbon-footprint. Fires also damage structures and other built-environment infrastructure that ultimately must be removed and replaced, generally with an associated financial and carbon-footprint cost to

remove, manufacture, transport and reinstall the infrastructure. The adoption of a strong fire code ultimately serves to reduce the frequency, severity and cost of fires to society, environment, and the climate.

RATIONALE FOR RECOMMENDATION

When the state adopts a new fire code, or as in the current case makes amendments to the California Fire Code that impact locally adopted amendments to the California Fire Code, the affected local amendments must be modified to remain compatible with the new state code language. In the case of Intervening Code Adoption Cycle mid-cycle amendments, these amendments do not always trigger the need for modification of local code adoptions. In the current case of the 2024 mid-cycle amendments, modifications of local amendments and findings are needed to preserve our local fire code amendments that account for Berkeley’s particular topographic, geologic and climatic conditions. The fire and seismic danger and other local conditions, as described in detail in the attached resolution justify the proposed local amendments that are stricter than the California Fire Code.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Steven Riggs, Fire Marshal, Berkeley Fire Department, 981-5585.

Attachments

- 1 Ordinance – “AMENDMENT OF SECTION 19.48.020 OF THE BERKELEY MUNICIPAL CODE (“AMENDMENTS TO THE CALIFORNIA FIRE CODE”) TO MAINTAIN LOCAL AMENDMENTS TO, AND COMPATIBILITY WITH, RECENT CHANGES TO CALIFORNIA FIRE CODE LANGUAGE AND NUMBERING AS ENACTED BY THE STATE OF CALIFORNIA”
  
- 2 Resolution – “ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE AND BUILDING STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND AMENDING RESOLUTION NO. 70,611-N.S.”

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

AMENDMENT OF SECTION 19.48.020 OF THE BERKELEY MUNICIPAL CODE (“AMENDMENTS TO THE CALIFORNIA FIRE CODE”) TO MAINTAIN LOCAL AMENDMENTS TO, AND COMPATIBILITY WITH, RECENT CHANGES TO CALIFORNIA FIRE CODE AS ENACTED BY THE STATE OF CALIFORNIA

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

Section 1. That Paragraph DDD. of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”) is amended to read as follows:

DDD. **Section 4902.1 General [Amended subsection].** *For the purpose of this chapter, certain terms are defined as follows:*

**DIRECTOR.** *Director of the California Department of Forestry and Fire Protection (CAL FIRE).*

**FIRE PROTECTION PLAN [Amended definition].** *A document prepared for a specific premises, project or development, either existing or proposed for a Wildland-Urban Interface (WUI) area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.*

**FIRE HAZARD SEVERITY ZONES.** *Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Area or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.*

*The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."*

**FIRE ZONE ONE [Additional definition]** shall encompass the entire City of Berkeley except for Fire Zones Two and Three.

**FIRE ZONE TWO [Additional definition]** encompasses those areas designated as Combined Hillside District in the Official Zoning map of the City of Berkeley and those areas designated as Very High in the official Fire Hazard Severity Zones (FHSZ) map of the California Department of Forestry and Fire Protection (CAL FIRE), as they may be amended from time to time. The following properties, not part of the Combined Hillside District, are included in Fire Zone Two under the Very High designation of the FHSZ map: the eastern section of the University of California, Berkeley main campus, block number 2042 (Alameda County Assessor’s parcel numbering (APN) system), to the east city line; all of the Clark-Kerr campus, block number 7690, to the east city line; all of block number 7680 in the City of Berkeley; portions of block number 1702 in the City of Berkeley. These additional parcels and their assigned street address are established in Section 19.28.030 of the Berkeley Municipal Code, Berkeley Building Code and are specified in Table 4902.1.

**Table 4902.1**

| <b>Parcels Added to the Berkeley Combined Hillside District</b> |                                 |
|-----------------------------------------------------------------|---------------------------------|
| <b>Parcel Number (APN)</b>                                      | <b>Address</b>                  |
| <u>048-7680-001-02</u>                                          | <u>3 Tanglewood Road</u>        |
| <u>048-7680-002-01</u>                                          | <u>5 Tanglewood Road</u>        |
| <u>048-7680-031-00</u>                                          | <u>7 Tanglewood Road</u>        |
| <u>048-7680-019-00</u>                                          | <u>11 Tanglewood Road</u>       |
| <u>048-7680-014-00</u>                                          | <u>19 Tanglewood Road</u>       |
| <u>048-7680-032-01</u>                                          | <u>25 Tanglewood Road</u>       |
| <u>048-7680-027-00</u>                                          | <u>29 Tanglewood Road</u>       |
| <u>054-1702-067-00</u>                                          | <u>10 Tanglewood Road</u>       |
| <u>054-1702-068-00</u>                                          | <u>18 Tanglewood Road</u>       |
| <u>054-1702-069-00</u>                                          | <u>22 Tanglewood Road</u>       |
| <u>054-1702-070-00</u>                                          | <u>28 Tanglewood Road</u>       |
| <u>054-1702-063-00</u>                                          | <u>2701 Belrose Avenue</u>      |
| <u>054-1702-076-00</u>                                          | <u>2715 Belrose Avenue</u>      |
| <u>054-1702-075-00</u>                                          | <u>2721 Belrose Avenue</u>      |
| <u>054-1702-074-00</u>                                          | <u>2729 Belrose Avenue</u>      |
| <u>054-1702-073-00</u>                                          | <u>2737 Belrose Avenue</u>      |
| <u>054-1702-112-00</u>                                          | <u>2801 Claremont Boulevard</u> |
| <u>054-1702-123-01</u>                                          | <u>2811 Claremont Boulevard</u> |
| <u>054-1702-122-00</u>                                          | <u>2815 Claremont Boulevard</u> |
| <u>054-1702-120-01</u>                                          | <u>2821 Claremont Boulevard</u> |
| <u>054-1702-114-01</u>                                          | <u>2816 Claremont Avenue</u>    |
| <u>054-1702-115-00</u>                                          | <u>2820 Claremont Avenue</u>    |
| <u>054-1702-072-00</u>                                          | <u>3005 Garber Street</u>       |
| <u>054-1702-071-00</u>                                          | <u>3015 Garber Street</u>       |
| <u>054-1702-113-00</u>                                          | <u>3020 Garber Street</u>       |
| <u>054-1702-116-00</u>                                          | <u>3017 Avalon Avenue</u>       |

Fire Zone One is declared as a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface area.

**FIRE ZONE 3 [Additional definition]** encompasses those areas designated as Environmental Safety - Residential Districts on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time. Fire Zone Three is declared as a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface area.

***FIRE-RESISTANT VEGETATION.*** *Plants, shrubs, trees and other vegetation that exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite or contribute heat or spread flame in a fire than native vegetation typically found in the region.*

*[Note: The following sources contain examples of types of vegetation that can be considered fire-resistant vegetation (Fire-resistant Plants for Home Landscapes, A Pacific Northwest Extension publication; Home Landscaping for Fire, University of California Division of Agriculture and Natural Resources; Sunset Western Garden Book)].*

**IGNITION-RESISTANT MATERIAL. [Amended definition]** *A type of building material that complies with the requirements in Section 704A.2 in the California Berkeley Building Code.*

**LOCAL RESPONSIBILITY AREAS (LRA).** *Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.*

**STATE RESPONSIBILITY AREA (SRA).** *Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of the state.*

**WILDFIRE.** *Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code, Sections 4103 and 4104.*

**WILDFIRE EXPOSURE.** *One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.*

**WILDLAND-URBAN INTERFACE (WUI).[Amended definition]** *A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Berkeley Fire Zones 2 and 3 are designated as Wildland-Urban Interface areas. See Government Code Chapter 6.8 Very High Fire Hazard Severity Zones and Public Resources Code Article 9 Fire Hazard Severity Area for the applicable referenced sections.*

Section 2. That Paragraphs UUU. through PPPP. of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code") are renumbered and amended to read as follows:

UUU. **Section 4912 SUPPRESSION AND CONTROL OF HAZARDS IN WILDLAND-URBAN INTERFACE AREAS [Additional section]**

VVV. **Section 4912.1 Permit [Additional subsection].** The fire code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

WWW. **Section 4912.2 Restricted Entry [Additional subsection].** The fire code official shall determine and publicly announce when Wildland-Urban Interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Wildland-Urban Interface areas are closed to entry, is prohibited.

**Exceptions:**

1) Residents and owners of private property within Wildland-Urban Interface areas and their invitees and guests going to or being upon their lands;



2) Entry, in the course of duty, by peace officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service

XXX. **Section 4912.3 Trespassing on Posted Property [Additional subsection]**

YYY. **Section 4912.3.1 General [Additional subsection]**. When the fire code official determines that a specific area within a Wildland-Urban Interface Fire Areas presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

ZZZ. **Section 4912.3.2 Signs [Additional subsection]**. Approved signs prohibiting entry by unauthorized persons and referring to this section shall be placed on every closed area.

AAAA. **Section 4912.3.3 Trespassing [Additional subsection]**. Entering and remaining within areas closed and posted is prohibited.

**Exception:** Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

BBBB. **Section 4912.4 Smoking [Additional subsection]**. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in Wildland-Urban Interface areas are prohibited.

**Exception:** Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

CCCC. **Section 4912.5 Spark Arresters [Additional subsection]**. Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within Wildland-Urban Interface areas shall be provided with a spark arrester. See Berkeley Building Code Section 705A.5 for specifications.

DDDD. **Section 4912.6 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft [Additional subsection]**. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across Wildland-Urban Interface areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across Wildland-Urban Interface Fire Areas.

EEEE. **Section 4912.7 Explosives and Blasting [Additional subsection]**. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within Wildland-Urban Interface areas except by permit from the fire code official.

FFFF. **Section 4912.8 Fireworks [Additional subsection].** Fireworks shall not be used or possessed in Wildland-Urban Interface areas. The fire code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

**Exception:** Fireworks allowed by the fire code official under permit when not prohibited by applicable local or state laws, ordinances and regulations.

GGGG. **Section 4912.9 Apiaries [Additional subsection].** Lighted and smoldering material shall not be used in connection with smoking bees in or upon Wildland-Urban Interface areas except by permit from the fire code official.

HHHH. **Section 4912.10 Open-Flame Devices [Additional subsection].** See Berkeley Fire Code Sections 308.1.6 Open Flame Devices and 308.1.6.1 Signals and Markers.

IIII. **Section 4912.11 Outdoor Fires [Additional subsection].** Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface areas, except by permit from the fire code official.

**Exception:** Outdoor fires within habited premises or designated campsites, where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from a grass-, grain-, brush or forest-covered area.

Permits shall incorporate such terms and conditions, which will reasonably safeguard public safety and property.

Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface areas under the following conditions:

1. When high winds are blowing,
  2. When a person age 17 or over is not present at all times to watch and tend such fire, or
  3. When public announcement is made that open burning is prohibited.
- Permanent barbecues, portable barbecues, outdoor fireplaces, fire pits or grills shall not be used if solid or liquid fueled.

JJJJ. **Section 4912.12 Incinerators and Fireplaces [Additional subsection].** Incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall not be built, installed or maintained in Wildland-Urban Interface areas without prior approval of the fire code official. Existing incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

**Exception:** When approved, unprotected openings in barbecues and grills necessary for proper functioning shall be allowed.

KKKK. **Section 4912.13 Dumping [Additional subsection].** Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon Wildland-Urban Interface areas or in, upon or along trails, roadways or highways in Wildland-Urban Interface areas.

**Exception:** Approved public and private dumping areas.

LLLL. **Section 4912.14 Disposal of Ashes [Additional subsection].** Ashes and coals shall not be placed, deposited or dumped in or upon Wildland-Urban Interface areas.

**Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace;
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048mm) from combustible vegetation or structures;
3. Where such ashes or coals are buried and covered with 1 foot (304.8mm) of mineral earth not less than 25 feet (7620 mm) from combustible vegetation or structures.

MMMM. **Section 4912.15 Use of Fire Roads and Firebreaks [Additional subsection].** Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owner(s). Vehicles shall not be parked in a manner, which obstructs the entrance to a fire road or firebreak.

**Exception:** Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or fire breaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

NNNN. **Section 4912.16 Use of Motorcycles, Motor Scooters and Motor Vehicles [Additional subsection].** Motorcycles, motor scooters and motor vehicles shall not be operated within Wildland-Urban Interface areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner(s) shall be presented when requesting a permit.

OOOO. **Section 4912.17 Tampering with Fire Department Locks, Barricades and Signs [Additional subsection].** Locks, barricades, seals, cables, signs and markers installed within Wildland-Urban Interface areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

PPPP. **Section 4912.18 Liability for Damage [Additional subsection]**. The expenses of fighting fires and securing emergencies, which result from a violation of this code, Chapter 6.15.030 of the Berkeley Municipal Code (“Unauthorized barbecues and fire on public property”), Sections 13000-13011 of the California Health and Safety Code, Sections 4421-4446 of the California Public Resources Code, or Sections 451, 451.5, 452 or 455 of the California Penal Code is a charge against the person(s) whose violation of the code section(s) caused the fire. Damages caused by such fires shall constitute a debt of such person(s) and shall be collectable by the fire code official in accordance with Section 107.7 of this code.

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.

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

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE AND BUILDING STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND AMENDING RESOLUTION NO. 70,611-N.S.

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

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17925, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of “local climatic, geological or topographical conditions or factors”; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission; and

WHEREAS, on November 15, 2022, the City adopted Resolution No. 70,611-N.S. which found that each of the various changes or modifications to the California Fire Code then proposed and enumerated in that document were reasonably necessary because of local climatic, geological or topographical conditions or factors and conditions in the area encompassed by the City of Berkeley; and

WHEREAS, the City is proposing to adopt additional changes and modifications to the California Fire Code, as set forth below:

NOW THEREFORE, BE IT RESOLVED by the City Council that it finds that in addition to the changes and modifications enumerated in City of Berkeley Resolution No. 70,611-N.S. that the proposed additional changes or modifications to the California Fire Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

**A. LOCAL CONDITIONS**

1. Climatic Conditions.

a. Discussion.

A significant portion of the City of Berkeley has been designated as a Local Agency Very High Fire Hazard Severity Zone (LAVHFHSZ) by the City in concert with the California Director of Forestry and Fire Protection. The requirement for evaluation and

designation of LAVHFHSZ on a state-wide basis was mandated by AB 337 (the "Bates Bill") in response to the Oakland/Berkeley Hills Fire of 1991. Within the City of Berkeley those areas designated as Fire Zone 2 and Fire Zone 3 in the Berkeley Fire Code are formally classified as LAVHFHSZ. A major element of this designation as a LAVHFHSZ are fire weather conditions which develop within those areas. Fire weather is an integral part of local climatic conditions. Conditions conducive to the ignition and spread of wildfires occur more frequently during certain times of the year but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high intensity fires. Fires starting in the wildland areas along the easterly border of the City are likely to move rapidly westward into Berkeley's urban areas. Fires starting in Berkeley structures in the LAVHFHSZ are more likely to spread to surrounding landscape and structures and adjacent wildlands.

As previously stated, the October 20, 1991, Oakland/Berkeley Hills fire motivated State legislation requiring the designation of fire hazard severity zones in areas of local jurisdiction. This fire prompted the evacuation of thousands of residents, destroyed more than 3000 dwelling units (at least 70 of which were in Berkeley) and resulted in a total of 25 confirmed deaths in the Oakland-Berkeley area. Other significant fires have occurred in Berkeley.

In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history up to that point. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. This fire burned a total of 130 developed acres. At least 584 Berkeley buildings were destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.

Conditions similar to the 1923 fire were in place in 1970 when a fire destroyed 37 homes in Berkeley and Oakland. In December of 1980, a small fire that started at Berkeley's northeast limits totally destroyed five homes within minutes. In each of these instances, critical climatic fire conditions were in place and matched patterns consistent from the 1923 through the 1991 fires creating hazardous conditions for fire ignition and spread.

#### b. Summary.

Local climatic conditions of limited rainfall, low humidity, high temperatures and high winds along with existing building construction create extremely hazardous fire conditions that adversely affect the acceleration, intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation.

## 2. Geological Conditions.

a. Discussion.

The City of Berkeley is located in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many areas including Berkeley's Fire Zone 2 and 3 (both Local Agency Very High Fire Hazard Severity Zones). Intensified damage during an earthquake may be expected in the hillside areas which include Berkeley's Fire Zones 2 and 3 as they are located within or near the fault zone. Significant seismic events are commonly accompanied by ensuing fires in areas of heavy shaking. Based on the susceptibility of Berkeley's LAVHFHSZ (Fire Zone 2 and 3) to ignition and rapid uncontrollable fire spread, significant seismic activity in the Berkeley area could conceivably lead to an ensuing wildfire disaster.

b. Summary.

Local geological conditions include the potential for high seismic activity and severe shaking in the immediate areas of Fire Zones 2 and 3. The City of Berkeley is a densely populated area and has buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes. It is common for significant seismic shaking to result in ensuing fires. The modifications cited herein are necessary to better limit the potential for loss of life and property damage as a result of seismic activity.

3. Topographical Conditions.

a. Discussion.

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill neighborhoods with narrow and winding streets face the problem of isolation from the rest of the City.

In addition to the problems of emergency evacuation and access created by Berkeley's topography, the steepest portions of the City also coincide roughly with Berkeley Fire Zones 2 and 3 (both Local Agency Very High Fire Hazard Severity Zones). In addition to other factors such as fuel types and fire weather conditions, a key factor in determining the boundaries of a LAVHFHSZ include the topography of the terrain. Steep terrain is often associated with intense, fast moving wildfires that are terrain driven. Factors related to steeply sloping terrain aggravate the situation and create conditions such as the crowding of structures with limited defensible space to protect against

wildfires. As a result, fires can be expected to involve large groups of buildings in these areas.

b. Summary.

Local topographical conditions include hillside housing with many narrow and winding streets in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a fire or other disaster occurs. Many situations will result in the limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a lack of resources for the suppression of fire in buildings, structures or vegetation in the City of Berkeley. These same conditions of sloping topography also contribute significantly to fire intensity and the rate of fire spread within Fire Zones 2 and 3.

**B. REASONABLE NECESSITY**

The proposed changes and modifications to the California Fire Code are reasonably necessary due to the local climatic, geological and topographical conditions set forth above. They are further justified for the reasons set forth below.

In adopting the modifications proposed below, the City proposes to make certain substantive modifications to building standards whose effect is to impose more stringent requirements locally than are mandated by the California Fire Code. These are specifically listed below, but may be generally characterized as relating to the definition of and management within the Wildland-Urban Interface area and the Local Agency Very High Fire Hazard Severity Zone with the goal of improving the management of the Wildland-Urban Interface area. These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

1. Section 4902.1 is amended and Table 4902.1 is added to provide definitions related to local Wildland-Urban Interface (WUI) areas and Local Agency Very High Fire Hazard Severity Zones; it directs interested parties to appropriate BMC Chapter 19.28 sections (Berkeley Building Code) for building construction requirements in WUI areas; it imposes various non-building standard requirements for the management of vegetation and other aspects of the Wildland-Urban Interface (WUI) area. This building standard is necessary due to Berkeley's steep topography, Mediterranean climatic conditions, and geologic conditions that include a higher than normal likelihood of highly damaging seismic activity with the potential for ensuing fires. These factors result in an elevated risk of wildfires.

This amendment was originally one subject of the findings-of-fact Resolution No. 70,611-N.S. as adopted by the City Council of the City of Berkeley on November 15, 2022. These amendments and additions were subsequently adopted by Council on December 8, 2022. This section has been amended by the State of California in its Intervening Code Cycle Adoption process, and those amendments become effective on July 1, 2024. These local amendments are being revised and readopted to maintain compatibility with the California Fire Code.



2. Section 4912.12 (Incinerators and Fireplaces), is created which mandates that certain potential ignition sources within Wildland-Urban Interface (WUI) fire areas such as incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall not be constructed without prior approval of the fire code official. Also, continued use of such constructed equipment (termed 'maintained' in the fire code ordinance) is prohibited unless the equipment is maintained in good repair and in a safe condition at all times. This section also requires that such equipment be provided with appropriate spark arrestors, similar to the requirements in the Berkeley Building Code for fixed mechanical equipment associated with structures and regulated under the Berkeley Building Code. This added section is required due to steep topography and Mediterranean climatic conditions. These conditions result in an elevated risk of wildfires.

This amendment in the form of an additional Section added to the local fire code adoption was originally one subject of the findings-of-fact Resolution No. 70,611-N.S., and adopted by the City Council of the City of Berkeley on November 15, 2022. This this added section was subsequently adopted by Council on December 8, 2022. This section has been renumbered and language related to the Wildland-Urban Interface area modified to maintain compatibility with the California Fire Code.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that certain local amendments to the fire code are not building standards more stringent than the provisions of the California Fire Code, but rather cover matters not addressed by that code as building standards, or are administrative in nature, as follows:

1. Added Sections 4912, 4912.1, 4912.2, 4912.3, 4912.3.1, 4912.3.2, 4912.3.3, 4912.4, 4912.5, 4912.6, 4912.7, 4912.8, 4912.9, 4912.10, 4912.11, 4912.13, 4912.14, 4912.15, 4912.16, 4912.17, and 4912.18 impose various non-building standard requirements for the suppression and control of fires in WUI areas. These non-building standards are necessary due to Berkeley's steep topography, Mediterranean climatic conditions, and geologic conditions that include a higher than normal likelihood of highly damaging seismic activity with the potential for ensuing fires. These factors result in an elevated risk of wildifres.

These amendments in the form of additions to the local fire code adoption were originally a subject of the findings-of-fact Resolution No. 70,611-N.S., which was adopted by the City Council of the City of Berkeley on November 15, 2022. These added sections were subsequently adopted by Council on December 8, 2022. These sections have been renumbered and language related to the Wildland-Urban Interface area modified to maintain compatibility with the California Fire Code





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Margot Ernst, Interim Deputy Director, Health, Housing, and Community Services  
 Subject: Contract No. 32300108 Second Amendment: Street Level Advisors, LLC for Housing Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a second amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$100,000 for consulting services in a total amount not to exceed \$199,500, with a contract end date of June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed amount of this contract will be \$199,500. Resources for the contract will be provided from General Fund #011 allocated to the Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS), which is currently available in the Fiscal Year 2024 Budget.

CURRENT SITUATION AND ITS EFFECTS

The City has a contract with Street Level Advisors, LLC to provide project management, community engagement, and technical expertise for the City's affordable housing programs. The initial contract and first amendment focused on maximizing the affordable housing potential of the proposed residential housing development of North Berkeley BART and Ashby BART stations. The contract also provided for supporting the HCS' ongoing policy and programmatic work to implement Housing Trust Fund (HTF) and inclusionary housing programs.

This will be the second amendment to the contract to continue the ongoing affordable housing planning at each station. Each project will blend a mix of market rate housing with nonprofit, deed restricted affordable housing supported by the City's Housing Trust Fund program. This is a unique situation that requires additional work to ensure a fair contribution to affordable housing by the market rate developer as well as due diligence to maximize the affordable housing at each site.

Street Level Advisors is expanding its project management role for the affordable housing plans at North Berkeley BART as HCS' addresses staffing vacancies. The consultant is also leading the planning and review of the affordable housing plans and market rate developer contributions for Ashby BART.

The City's engagement with the BART development projects is critical to the City's long-term affordable housing development goals. Delivering a high amount of affordable housing will require significant, long-term planning; including the development of an Affordable Housing Framework, Affordable Housing Compliance Plan, and technical assistance to complete subsidy applications that currently exceed the capacity of City staff and extend beyond the current timeline of the contract.

The consultant is also supporting other programmatic responsibilities. This includes updating the Below Market Rate ownership regulations and administrative guidelines to be consistent with the inclusionary housing requirements adopted in 2023 (Berkeley Municipal Code Chapter 23.328). The contract amendment will also support the alignment of the City's inclusionary requirements with affordable housing requirements under State law, including state Density Bonus Law, SB 330, SB35, among others.

Street Level Advisors, LLC brings a high level of housing affordability and engagement experience and can support and augment the current needs and expertise of City staff to complete these projects.

### BACKGROUND

The Berkeley City Council committed \$53 million for the development of at least 35% affordable housing at the proposed residential housing development projects at Ashby and North Berkeley BART stations. City staff are working closely with BART and the selected development teams to maximize the affordability at each site and ensure a transparent and fair commitment to affordable housing. Street Level Advisors, LLC is providing critical support to advance a transparent and fair commitment to affordable housing through policy planning and pre-development review.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts related to amending the consultant contract.

### RATIONALE FOR RECOMMENDATION

Staff are continuing to work diligently with Street Level Advisors to facilitate the affordable housing plan underway at North Berkeley BART as well as the future planning for Ashby BART. The affordable housing plans for each site are unique and require complex financial and policy analysis. The scale and complexity of the project work now required exceeds HHCS/HCS' current capacity.

The contract amendment will also support HCS' capacity to coordinate ongoing policy and programmatic duties related to the HTF and inclusionary housing programs, particularly as the Housing Development Unit navigates several key vacancies.

Contract No. 32300108 Amendment:  
Street Level Advisors, LLC for Housing Consulting Services

CONSENT CALENDAR  
May 7, 2024

ALTERNATIVE ACTIONS CONSIDERED

The Council may choose not to extend the contract. Staff will not be able to adequately support the BART housing projects or complete programmatic work without additional support from Street Level Advisors.

CONTACT PERSON

Mike Uberti, Senior Community Development Project Coordinator, HHCS, 510-981-5114

Attachments:

1: Resolution

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

CONTRACT NO. 32300108 AMENDMENT: PERSONAL SERVICES CONTRACT  
WITH STREET LEVEL ADVISORS LLC

WHEREAS, the City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, on October 15, 2022, the Health, Housing and Community Services Department entered into a contract with Street Level Advisors LLC (contract # 32300108) to provide project management and technical support to the City's affordable housing projects at the North Berkeley and Ashby BART stations; and

WHEREAS, on May 9, 2023, the City Council authorized a contract amendment with Street Level Advisors to increase the contract by \$50,000 for a total not to exceed \$99,500; and

WHEREAS, Street Level Advisors, LLC continues to provide critical support to the development of affordable housing at North Berkeley and Ashby BART stations, which each have City funding reservations; and

WHEREAS, Street Level Advisors, LLC continues to support the implementation of the City's Housing Trust Fund and inclusionary housing programs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32300108 with Street Level Advisors, LLC for personal services to add up to \$100,000 for a total not to exceed amount of up to \$199,500 with a contract end date of June 30, 2025.

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 City Clerk.



Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Margot Ernst, Interim Deputy Director, Health, Housing, and Community Services

Subject: Contract: The Labor Compliance Managers for Labor Compliance Consultant for the HARD HATS Ordinance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with The Labor Compliance Managers (TLCM) to develop a comprehensive program for enforcing the provisions of the HARD HATS Ordinance for the Department of Health, Housing, and Community Services (HHCS) from August 1, 2024 to July 31, 2027, in an amount not to exceed \$150,000.

FISCAL IMPACTS OF RECOMMENDATION

The personal services contract with TLCM in an amount not to exceed \$150,000. Resources for the contract will be provided from General Fund #011 allocated to the Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS).

CURRENT SITUATION AND ITS EFFECTS

On December 20, 2023, the City released a Request for Proposals (RFP) seeking a qualified firm with expertise in labor standards compliance to design and implement a program to enforce the provisions outlined in Berkeley Municipal Code Chapter 13.107, also known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Standards ("HARD HATS") ordinance.

The City received one response to the RFP from The Labor Compliance Managers (TLCM), a qualified firm with broad experience supporting local governments in fulfilling their federal, state, and municipal labor standards requirements. TLCM is currently working with the City of Berkeley to implement the Fair Workweek Ordinance.

City staff seeks to partner with The Labor Compliance Managers to create necessary documents, forms, and templates to implement the ordinance; to prepare educational materials and a communications plan for contactors, applicants, and construction workers; to design a streamlined process for contractors and applicants to submit

required reports and to track compliance; and to propose a data management system that allows for secure storage and access to records related to compliance, health care expenditures, and apprenticeship participation.

**BACKGROUND**

On May 23, 2023, the City Council adopted ordinance No. 7,861-N.S. to add Chapter 13.107, known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (“HARD HATS”) Ordinance, to the Berkeley Municipal Code. The HARD HATS Ordinance aims to address the shortage of qualified construction workers and rising labor costs, to refine labor standards in the local construction industry, and to improve the recruitment, training, and retention of skilled construction workers. The ordinance requires that contractors on larger development projects in Berkeley to provide high quality health care to construction workers and participate in industry-proven apprenticeship programs.

**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 Labor Compliance Managers responded to the RFP “Labor Compliance Consultant for the HARD HATS Ordinance – Spec # 24-11631-C” and were selected as part of the competitive solicitation process. TLCM has broad experience supporting local governments in fulfilling their federal, state, and municipal labor standards requirements. TLCM is currently working with the City of Berkeley to implement the Fair Workweek Ordinance. HHCS and the Planning Department do not have sufficient staffing capacity to implement HARD HATS requirements without the support of TLCM.

**ALTERNATIVE ACTIONS CONSIDERED**

No alternative actions were considered. Partnering with a labor compliance consultant will allow City staff to fulfill their obligations to prepare for and enforce the HARD HATS ordinance.

**CONTACT PERSON**

Margot Ernst, Interim Deputy Director, HHCS, 510-981-5427

Attachments:

1: Resolution



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

CONTRACT: THE LABOR COMPLIANCE MANAGERS FOR LABOR COMPLIANCE  
CONSULTANT FOR HARD HATS ORDINANCE

WHEREAS, on May 23, 2023, the City Council adopted Ordinance No. 7,861-N.S. to add Chapter 13.107, known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (“HARD HATS”) Ordinance, to the Berkeley Municipal Code; and

WHEREAS, labor compliance consulting services are necessary to implement and enforce the HARD HATS Ordinance; and

WHEREAS, in January 2023, the City issued a Request for Proposals for “Labor Compliance Consultant for the HARD HATS Ordinance – Spec # 24-11631-C”; and

WHEREAS, The Labor Compliance Managers were selected by the RFP panel as part of the competitive bidding process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments with The Labor Compliance Managers to provide labor compliance services to implement and enforce the HARD HATS Ordinance from August 1, 2024 to July 31, 2027 in an amount not to exceed \$150,000.

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Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and Community Services

Subject: Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation

### RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$15,000 for a not-to-exceed total contract amount of \$250,000.

### FISCAL IMPACTS OF RECOMMENDATION

This amendment will add \$15,000 for a total not-to-exceed amount of \$250,000. Funding for the RDA contract for the SCU evaluation, including the Computer Aided Dispatch (CAD) assessment and crisis needs assessment is available in the FY2024 budget in One-Time Grant (Fund 336) and General Fund 011.

### CURRENT SITUATION AND ITS EFFECTS

Amending the RDA contract for the SCU evaluation is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity. The additional funds will allow RDA to expand their scope of the pre-existing 911 Dispatch evaluation to include an analysis of call data from the Communications Center related to behavioral health calls. The evaluation scope is being broadened as a result of interest from City Council and community in thoroughly evaluating the efficacy of the CAD system. Adding analysis of additional call data to the scope of work is critical to providing a comprehensive evaluation for the Crisis Needs Assessment.

### BACKGROUND

In Fall 2020, as a part of the broader initiative to Reimagine Public Safety, Resource Development Associates (RDA) was selected through a competitive bid process to provide extensive research, community engagement, and recommendations to design a Specialized Care Unit that would fit community needs of Berkeley. This project created the framework for the Specialized Care Unit and provided critical background for a broader crisis needs assessment. This interview and needs assessment process involved working across multiple Berkeley stakeholder groups with service utilizers, and

in-depth research regarding crisis response systems to best inform behavioral crisis response model. At the end of the project, RDA published three reports (Crisis Response Model, Mental Health Crisis Response Services, and Stakeholder Perspectives Report) to inform the design of the Specialized Care Unit, as well as also analyze the crisis response landscape in Berkeley.

These consolidated reports provide the backbone to the rigorous crisis engagement assessment that RDA is currently conducting in the context of the CAD system. The Computer Aided Dispatch assessment expands upon the completed RDA reports, and provides the background for the crisis needs assessment to further understand the need and capacity for crisis response in Berkeley. Adding these components will not only add critical context for the SCU evaluation, but also help illuminate additional gaps and opportunities within the crisis system in Berkeley.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental sustainability and climate impacts directly associated to this recommendation have been identified.

#### RATIONALE FOR RECOMMENDATION

The additional analysis of Communications Center data covered in the expanded scope of this SCU evaluation contract with the proposed amendment will provide a more comprehensive perspective on the breadth and depth of crisis need and response within the City of Berkeley, further enhancing the crisis needs assessment by understanding community need and system capacity.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could choose to go through another competitive bidding process to identify a separate vendor to perform this data analysis. However, RDA's existing level of knowledge and alignment with their current scope of work makes it impossible for another firm to match, so this approach is not recommended.

#### CONTACT PERSON

Katherine Hawn, Senior Management Analyst, HHCS, (510) 981-5411

Attachments:

1. Resolution

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

CONTRACT NO. 32300144 AMENDMENT: RESOURCE DEVELOPMENT ASSOCIATES FOR SPECIALIZED CARE UNIT PROGRAM EVALUATION

WHEREAS, Contract #32300144 was awarded to Resource Development Associates (RDA) to design and implement an evaluation for program effectiveness of the Specialized Care Unit (SCU) and conduct a crisis needs assessment, specifically focusing in on 911 calls received in the Computer Aided Dispatch (CAD) system; and

WHEREAS, through Contract #32300144 RDA has been creating an evaluation plan for the SCU in collaboration with the City and key stakeholders and conducting initial data evaluation to evaluate crisis needs in Berkeley; and

WHEREAS, \$15,000 was allocated to conduct a CAD assessment as well as a crisis needs assessment to better understand crisis services in Berkeley per 911 call data; and

WHEREAS, RDA is the most qualified consultant to receive the additional funding to add this scope to their evaluation design.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to amend the SCU evaluation Contract No. 32300144 with RDA by adding \$15,000 for a not-to-exceed amount of \$250,000. Funding is available in the FY2023 budget in the One-Time Grant Fund (Fund 336) and General Fund 011.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing & Community Services  
 Subject: Contract No. 32200191 Amendment: Options Recovery Services for Substance Use Disorder Services Co-location

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32200191 with Options Recovery Services (Options) for Substance Use Disorder (SUD) services for a total contract limit of \$500,000 for the period beginning January 1, 2022 and ending June 30, 2025, to extend their current co-located SUD services at the Berkeley Mental Health Adult Services Clinic. This amendment will add \$250,000 in funding and two years to the existing contract term.

FISCAL IMPACTS OF RECOMMENDATION

Resources for the contract have been included in the Fiscal Year 2024 Budget and will be funded by the Mental Health Services Act Community Services & Supports Development funds.

CURRENT SITUATION AND ITS EFFECTS

The Fiscal Year 2021/2022 Mental Health Services Act (MHSA) Annual Update included new funding for Substance Use Disorder (SUD) services. The additional funding and flexibility in the use of previously allocated MHSA funds has allowed Berkeley Mental Health (BMH) to work with a local SUD provider to co-locate additional SUD services at the Mental Health Adult clinic. This has increased the provision of SUD services for BMH clients, provided an opportunity for staff to obtain consultations on SUD services, and has made the referral process into SUD services outside of the Mental Health Adult clinic easier for consumers. Options Recovery was selected as the vendor for this program as they were the only vendor able to offer these on-site co-located services. This 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.

BACKGROUND

A large portion of individuals who currently receive services at BMH are also experiencing co-occurring mental health challenges and substance use disorders. The

Substance Abuse and Mental Health Services Administration (SAMHSA) 2021 report on Substance Use Disorder (SUD) and mental health indicates that out of 51.7 million adults in the US with Serious Mental Illness (SMI) or SUD, 6.4 million had both (12.4%). Out of 82.5 million with either SUD or Any Mental Illness (AMI), 19.4 million had both (23.5%). In an effort to increase the capacity of Berkeley Mental Health to serve individuals with substance use disorders, the MHSA FY2021 Annual Update proposed funding and flexibility of the use of the funds to support co-location of a SUD specialist, which is the focus of this report.

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

Given their significant experience in providing SUD services, Options Recovery is uniquely qualified to perform the services required. Furthermore, inquiries to Substance Use Disorder providers clarified that Options was the only local provider qualified and able to provide these specific services.

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.

CONTACT PERSON

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

Attachments:  
1: Resolution



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

CONTRACT NO. 32200191 AMENDMENT: OPTIONS RECOVERY SERVICES FOR  
SUBSTANCE USE DISORDER SERVICES CO-LOCATION

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 Substance Use Disorder (SUD) services; and

WHEREAS, the services in this contract will enable the Mental Health Division to work with a local SUD provider to co-locate SUD services at the Mental Health Adult clinic, increasing the provision of SUD services for our clients; and

WHEREAS, on January 18, 2022 by Resolution No. 70,182-N.S. City Council approved entering into Contract No. 32200191 with Options Recovery for Substance Use Disorder (SUD) services; and

WHEREAS, funding for this contract have been included in the FY 2024 Budget and are available in ERMA GL Code 315-51-503-526-2017-000-451-636110-.

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. 32200191 with Options Recovery Services for Substance Use Disorder services for a total contract not to exceed \$500,000 for the period beginning January 1, 2022 and ending June 30, 2025. A record signature copy of said contract to be on file in the City Clerk Department.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Margot Ernst, Interim Deputy Director, Health, Housing, and Community Services Department  
 Subject: Contract: City Data Services for Streamlined Community Agency Contract Administration and Monitoring

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to enter into a contract with City Data Services (CDS) to provide continued online data management systems to the Health, Housing and Community Services Department (HHCS) from July 1, 2024 through June 30, 2028, and authorizing the City Manager or her designee to extend the contract and execute any amendments with CDS for ongoing maintenance of the community agency online applications and reporting systems for an annual service fee of \$41,520 for a total contract not to exceed amount of \$166,080.

FISCAL IMPACTS OF RECOMMENDATION

The breakdown of costs and budget codes is shown below:

| Program Area                                  | Annual Cost     | GL Codes                                                                                       |
|-----------------------------------------------|-----------------|------------------------------------------------------------------------------------------------|
| Community Agency Maintenance Fee              | \$15,060        | E (128-51-504-530-0000-000-444-613130-) - 60%<br>E (011-51-504-530-0000-000-444-613130-) - 40% |
| Housing Trust Fund (HTF) Maintenance Fee      | \$7,500         | E (128-51-504-533-2032-000-444-613130-)                                                        |
| HTF Monitoring and Inspection Maintenance Fee | \$2,400         | E (128-51-504-533-2032-000-444-613130-)                                                        |
| Mental Health Contracts Maintenance Fee       | \$5,100         | E (315-51-503-526-2017-000-451-636110-)                                                        |
| Healthy Berkeley Maintenance Fee              | \$5,700         | E (011-51-506-559-2073-000-451-613130-)                                                        |
| Housing Retention Program                     | \$5,760         | E (011-51-504-535-0000-000-444-613130-)                                                        |
| <b>Annual Total</b>                           | <b>\$41,520</b> |                                                                                                |

|                                              |                  |
|----------------------------------------------|------------------|
| <b>Contract NTE<br/>(FY 2025 to FY 2028)</b> | <b>\$166,080</b> |
|----------------------------------------------|------------------|

CURRENT SITUATION AND ITS EFFECTS

On June 11, 2010 Council approved the City to enter into a sole-source contract (No. 9111) with CDS to use its online application and reporting system for administering community agency contracts. The contract with CDS was amended several times to extended the contract period, including adding annual service fees and the addition of several programs (Mental Health, Public Health, and Housing Trust Fund Monitoring and Inspection modules). The current amended contract (32100038) is set to expire at the end of FY 2024.

HHCS has been using the system since June 2010 and staff is satisfied with the system’s performance and recommends continued utilization of the system for its contracts and monitoring within the HHCS Department. Over ten City staff use CDS on a regular, if not daily, basis.

BACKGROUND

In 2008, City staff began researching various data systems to find an online application and reporting system for community agency contracts. The main goal was to develop an online system that would comply with City, state and federal reporting requirements, simplify the reporting process for non-profit contractors, and simplify the application review process for Commissions. In 2010, City staff identified City Data Services as the most flexible and cost-efficient system that also complies with and understands federal reporting requirements with subcontractors.

The CDS system enables applicants for City funds to submit applications online. It also allows reviewers of these applications to view and evaluate applications through a web-based portal. Currently, more than 50 community agencies with over 80 programs have contracts administered by the HHCS Department. Agencies have successfully applied for funding using the CDS system for several rounds of funding. They also regularly submit financial and program reports via CDS. CDS also contains a monitoring and inspection component where staff can track contract performance and inspection communications and results. Additionally, CDS can upload information into the federal Department of Housing and Urban Development reporting database, which the City is required to use to report on Community Development Block Grant funding. This functionality makes work more efficient and reduces costs.

HHCS also uses CDS to track and monitor Housing Trust Fund (HTF) and Below Market Rate (BMR) properties. The City’s HTF/BMR affordable housing portfolio includes 104 rental properties (consisting of over 2500 units) and 11 below market rate ownership properties (consisting of 91 resale-restricted units) that are subject to income restrictions set forth in a regulatory agreement with the City of Berkeley. City staff,

together with the CDS team, have developed and continue to make improvements to an online platform in CDS that allows staff to perform annual reviews of each property's operational activity and financial status, and evaluate compliance with the City's regulatory agreements.

HHCS also uses CDS to track and monitor the City's Housing Retention program. With CDS, staff is able to analyze household data and streamline quarterly program reporting requirements by populating key data into program reports.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The CDS system supports the City's efforts to reduce the use of paper.

#### RATIONALE FOR RECOMMENDATION

CDS has been adapted to meet the City's needs and is working well for monitoring contracts. It saves community agencies money by reducing the cost of reproducing multiple applications for funding and has also created efficiencies for both community agencies and City staff by streamlining the reporting, application and monitoring processes.

#### ALTERNATIVE ACTIONS CONSIDERED

HHCS continues to need an automated system to administer community agency contracts and track housing projects. If HHCS were to contract with another vendor for this service, there would likely be undue hardship to City staff and community partners during a system transition. Furthermore, procuring a new system would likely result in higher costs for the same or equivalent type of service.

#### CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS, 981-5414

Attachments:

1: Resolution

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

CONTRACT: CITY DATA SERVICES FOR STREAMLINED COMMUNITY AGENCY  
CONTRACT ADMINISTRATION AND MONITORING

WHEREAS, City Data Services (CDS) is an online contract reporting and monitoring system; and

WHEREAS, on June 11, 2010 Council approved that the City enter into a sole-source contract with CDS (No. 9111) to provide maintenance on an online application and reporting system for administering community agency contracts, and this contract (amended No. 32100038) is set to expire on June 30, 2024; and

WHEREAS, the CDS system has been developed and modified to adequately meet the needs of the HHCS department monitoring and reporting requirements for community agency contracts and monitoring efforts; and

WHEREAS, three Divisions in HHCS use CDS for contract reporting and monitoring of more than 50 different agencies with over 80 discrete programs, as well as the Housing Retention Program and the Housing Trust Fund Monitoring; and

WHEREAS, staff is satisfied with the system’s performance and recommends continued utilization of the system for contracts in the HHCS Department; and

WHEREAS, funding for these additional costs is available from the following budget codes:

| Program Area                                  | Annual Cost      | GL Codes                                                                                       |
|-----------------------------------------------|------------------|------------------------------------------------------------------------------------------------|
| Community Agency Maintenance Fee              | \$15,060         | E (128-51-504-530-0000-000-444-613130-) - 60%<br>E (011-51-504-530-0000-000-444-613130-) - 40% |
| Housing Trust Fund (HTF) Maintenance Fee      | \$7,500          | E (128-51-504-533-2032-000-444-613130-)                                                        |
| HTF Monitoring and Inspection Maintenance Fee | \$2,400          | E (128-51-504-533-2032-000-444-613130-)                                                        |
| Mental Health Contracts Maintenance Fee       | \$5,100          | E (315-51-503-526-2017-000-451-636110-)                                                        |
| Healthy Berkeley Maintenance Fee              | \$5,700          | E (011-51-506-559-2073-000-451-613130-)                                                        |
| Housing Retention Program                     | \$5,760          | E (011-51-504-535-0000-000-444-613130-)                                                        |
| <b>Annual Total</b>                           | <b>\$41,520</b>  |                                                                                                |
| <b>Contract NTE (FY 2025 to FY 2028)</b>      | <b>\$166,080</b> |                                                                                                |

; and

WHEREAS, if HHCS were to contract with another vendor for this service, there would likely be undue hardship to City and community agency staff in system transition as well as increased costs to the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract with City Data Services to continue to provide maintenance activities to support community agency contracts, Housing Trust Fund and Single Family Rehabilitation projects, Housing Trust Fund Monitoring and Inspection tracking, Housing Retention Program contracts, Mental Health Services Act and Healthy Berkeley contracts bringing the total contract amount to \$41,520 from July 1, 2024 through June 30, 2025 and authorizing the City Manager or her designee to execute an option to extend for an additional three years (FY 2026, FY 2027, and FY 2028), and execute any amendments with City Data Services (CDS) for ongoing maintenance of the community agency online application and reporting system for an annual service fee of \$41,520 for a total contract not to exceed amount of \$166,080. A signed copy of said documents, agreements and any amendments will be kept on file in the Office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and Community Services

Subject: Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services

RECOMMENDATION

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

1. **HIV/AIDS Surveillance** in the projected amount of \$25,701 each year for Fiscal Years (FY) 2025 through 2029 for a total of \$128,505 from CDPH.
2. **Sexually Transmitted Infection (STI) Prevention and Collaboration** in the projected amount of \$13,625 each year for FY 2025 through 2026 for a total of \$27,250 from CDPH.
3. **Tuberculosis (TB) Prevention and Control** in the projected amount of \$35,197 for FY 2025 from CDPH.
4. **Public Health Infrastructure Program** in the projected amount of \$32,080 for FY 2025 from Alameda County.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of \$190,952 from the State of California (\$74,523 for FY 2025, \$39,326 for FY 2026, \$25,701 each year for FY 2027 through FY 2029) and \$32,080 from the County of Alameda for FY 2025 from the sources listed below. There is no local match required for any of these grants, however, the City does provide a significant amount of general funds to support these important programs. Each contract will be entered into the citywide contract management system database:

1. **HIV/AIDS Surveillance:** in the projected amount of \$25,701 for each year for FY 2025 through 2029 for a total of \$128,505 from CDPH. (Fund: 312)
2. **Sexually Transmitted Infection (STI) Prevention and Collaboration:** in the projected amount of \$13,625 each year for FY 2025 through 2026 for a total of \$27,250 from CDPH. (Fund: 312)
3. **Tuberculosis (TB) Prevention and Control:** in the projected amount of \$35,197 for FY 2025 from CDPH. (Fund: 312)
4. **Public Health Infrastructure Program:** in the projected amount of \$32,080 for FY 2025 from Alameda County. (Fund: 326)

Spending of all referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances for each fiscal year. Depending on when grants are officially awarded and the final award amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2025 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. Revenue from the State of California and Alameda County is an important source of support for these City public health programs. In FY 2025, there are no significant changes to this support.

1. **HIV/AIDS Surveillance:** Meets core Public Health objectives by maintaining HIV case surveillance in health, medical, public health, and social settings as well as by collecting and reporting accurate and complete HIV surveillance to the State Office of AIDS as required.
2. **Sexually Transmitted Infection (STI) Prevention and Collaboration:** Funding supports public health activities related to monitoring, prevention, testing, and linkage to and retention in care activities for the most vulnerable and underserved individuals living with or at high risk for STIs, with an emphasis on the prevention and control of infectious syphilis and congenital syphilis.
3. **Tuberculosis (TB) Prevention and Control:** Local assistance funding supports TB prevention and control activities, such as providing food, shelter, and incentives to enhance treatment adherence. The overall goal of this program is to reduce the morbidity and mortality of Tuberculosis by increasing compliance and breaking the chain of transmission.

- 4. Public Health Infrastructure Program:** Funding supports epidemiological surveillance, data management, and analysis to monitor health in the Berkeley community. Additionally, these funds are used in public health program evaluations, including assessment of the impact of the City's programs on health inequities and priorities identified in the Health Status Report.

#### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City receives specific funding through the State of California and Alameda County to meet core public health objectives. The Public Health Officer Unit in the Health, Housing, and Community Services Department is committed to providing services to the community to promote equitable, healthy environments and prevent the spread of disease.

#### 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 provide necessary revenue to support vital services related to the City of Berkeley's mandates as a public health jurisdiction. They also support the Department's work to reduce health inequities in Berkeley and improve the health of our community.

#### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Officer Unit assesses each funding source to ensure that it supports the City's mission and goals. Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

#### CONTACT PERSON

Anju Goel, MD, MPH, Interim Health Officer, HHCS, (510) 981-5292

#### Attachments:

- 1: Resolution: HIV/AIDS Surveillance
- 2: Resolution: Sexually Transmitted Infection (STI) Prevention and Collaboration
- 3: Resolution: Tuberculosis (TB) Prevention and Control
- 4: Resolution: Public Health Infrastructure Program

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

GRANT AGREEMENT: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR  
HIV/AIDS SURVEILLANCE FOR FISCAL YEARS 2025 - 2029

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

WHEREAS, HHCS, Public Health Officer Unit (PHOU) works to promote equitable, healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS/PHOU seeks to eliminate health inequalities; and

WHEREAS, HHCS/PHOU is mandated to conduct HIV/AIDS Surveillance in Berkeley; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital health services; and

WHEREAS, the California Department of Public Health funding will contribute toward HIV/AIDS surveillance in Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to accept grant funds from the California Department of Public Health for Fiscal Year 2025 through Fiscal Year 2029, for the HIV/AIDS Surveillance Program: to perform and enhance HIV/AIDS surveillance in Berkeley; 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 total award of \$128,505; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. 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: THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR SEXUALLY TRANSMITTED INFECTION (STI) PREVENTION AND CONTROL FOR FISCAL YEARS 2025 AND 2026

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

WHEREAS, HHCS, Public Health Officer Unit (PHOU) works to promote equitable, healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, it is state mandated to provide prevention and control of infectious syphilis, congenital syphilis, gonorrhea, and chlamydia infection; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital health services; and

WHEREAS, the California Department of Public Health funding will contribute toward supporting the investigation and prevention of sexually transmitted infections.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to accept grant funds from the California Department of Public Health for Fiscal Years 2025 and 2026, for the prevention and control of infectious syphilis, congenital syphilis, gonorrhea, and chlamydia infection; 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 total award of \$27,250; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. 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  
TUBERCULOSIS CONTROL PROGRAM FOR FISCAL YEAR 2025

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Officer Unit (HHCS/PHOU) is committed to conducting public health tuberculosis control and prevention activities and providing related services to ensure adherence to State and Federal standards; and

WHEREAS, HHCS/PHOU is committed to protecting residents of Berkeley from tuberculosis, especially unidentified and untreated tuberculosis infections and disease; and

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

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital public health services; and

WHEREAS, the California Department of Public Health funding will contribute toward supporting the City of Berkeley's Tuberculosis Prevention and Control Program.

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 State of California for funding for Fiscal Year 2025 for the Tuberculosis Control Program: to conduct public health tuberculosis control and prevention activities and provide related services; 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 \$35,197; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. 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: ALAMEDA COUNTY FOR THE PUBLIC HEALTH  
INFRASTRUCTURE PROGRAM FOR FISCAL YEAR 2025

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Officer Unit (HHCS/PHOU) is committed to providing necessary support to analyze data, plan and disseminate information, and provide general public health education; and

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

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

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, HHCS/PHOU seeks to enhance and protect the health of the Berkeley community by producing and managing data for health assessment, planning, policy, and disease prevention and control to ensure and protect public health for a thriving, equitable, safe, and healthy Berkeley; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital health services; and

WHEREAS, the County of Alameda funding will contribute toward supporting the City of Berkeley's Public Health infrastructure.

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 Alameda County for Fiscal Year 2025 funding for the Public Health Infrastructure Program to accept the grant; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the amount of \$32,080 for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. 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  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and Community Services

Subject: Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$275,000 of funding from the State of California's Crisis Care Mobile Units (CCMU) grant for a total not-to-exceed contract amount of \$4,845,500.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will add \$275,000 of funding from the State of California for a total not-to-exceed contract amount of \$4,845,500. Funding for the Bonita House contract for the Specialized Care Unit (SCU) is available in the Fiscal Year 2024 budget in State of California CCMU funding in the One-Time Grant Fund (Fund 336), which specifically funds mobile crisis response activities.

CURRENT SITUATION AND ITS EFFECTS

The SCU is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity. City Council approved the selection of Bonita House as the SCU service provider on December 13, 2022. Throughout 2023, Bonita House has hired and trained staff for the SCU. The SCU began providing crisis response services to the Berkeley community on September 5, 2023. Bonita House continues to recruit, hire, and train staff to serve on the SCU, expanding hours into the evening and planning to eventually operate 24/7. This additional funding will support necessary equipment purchases as well as recruitment, hiring, training, and salary costs for staff providing direct response services for Berkeley community members experiencing a behavioral health crisis.

BACKGROUND

As part of the Re-Imagining Public Safety process, the City engaged in research and planning to implement a 24/7 SCU to respond to and support people who are experiencing a mental health or substance use crisis without direct involvement of the

police. The SCU is different than the City's current Mobile Crisis Team, which is a partnership of Health, Housing, and Community Services Department, Mental Health Division (HHCS/MH) and the Police Department.

Design for the SCU began in Fall 2020 with contracted consultant, Resource Development Associates (RDA), and the establishment of the SCU Steering Committee, an advisory group of HHCS and Berkeley Fire Department staff and representatives of the Berkeley Mental Health Commission and Berkeley Community Safety Coalition. After extensive work with the community, the City selected Bonita House as the provider for the SCU and services began in September 2023.

#### 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 additional funds will support Bonita House's ability to continue to recruit, hire, train, and pay SCU staff for non-law enforcement crisis response services in Berkeley. This additional funding will increase the City's investment in the SCU and assist Bonita House to continue to recruit, hire, and train staff for 24/7 implementation. Along with this, the additional funding from the Crisis Care Mobile Units (CCMU) program will support the necessary equipment purchases such as laptops, cell phones, and other devices.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered because these funds are meant to be used to support direct services costs for the SCU as well as reimburse for necessary equipment purchases. The use of these funds aligns with the work plan approved by the CCMU funder.

#### CONTACT PERSON

Katherine Hawn, Senior Management Analyst, HHCS, (510) 981-5411

Attachments:

1. Resolution

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

CONTRACT NO. 32300134 AMENDMENT: BONITA HOUSE FOR SPECIALIZED  
CARE UNIT PROVIDER

WHEREAS, Contract #32300134 was awarded to Bonita House, Incorporated to implement the City of Berkeley's new Specialized Care Unit (SCU); and

WHEREAS, through Contract #32300134 Bonita House has hired and trained staff to provide daily crisis response services to Berkeley community members; and

WHEREAS, \$ 275,000 was allocated through the Crisis Care Mobile Units (CCMU) grant to support direct services costs of the SCU and reimburse for team equipment purchases; and

WHEREAS, this grant funding has been awarded to support direct services costs incurred by SCU staff providing behavioral health crisis response services in Berkeley as well as necessary equipment purchases.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to amend the SCU Contract No. 32300134 with Bonita House by adding \$275,000 for a not-to-exceed amount of \$4,854,500. Funding is available in the FY2023 budget in State of California CCMU funding in in the One-Time Grant Fund (Fund 336), which specifically funds mobile crisis response activities.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: 2023 Fee Assessment – State of California Self-Insurance Fund  
(Workers' Compensation Program)

RECOMMENDATION

Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2022-2023 for administering the Workers' Compensation Program, in an amount not to exceed \$240,397.76.

FISCAL IMPACTS OF RECOMMENDATION

The annual fee assessed by the Department of Industrial Relations for Fiscal Year 2022-2023 is \$240,397.76. For FY 2021-2022 the City paid \$275,905.36 in assessment fees. The decrease for FY 2022-2023 is \$35,507.60.

The FY 2022-2023 invoice amount calculation is based on the direct workers' compensation premiums reported to the Department of Insurance for total indemnity benefits. Funding for this annual fee is included in the Workers' Compensation Self-Insurance Fund, Budget Code, 676-99-900-900-0000-000-479-682110.

CURRENT SITUATION AND ITS EFFECTS

The State of California Department of Industrial Relations regulates the Workers' Compensation insurance industry. Under California Labor Code Sections 62.5 and 62.6, every year each City is assessed a fee by the Department of Industrial Relations to support the administration of the State's Workers' Compensation Program.

For the 2022-23 fiscal year, the City's assessment has been calculated at \$240,397.76.

BACKGROUND

Labor Code Sections 62.5 and 62.6 require allocation of the total assessment between insured and self-insured employers in proportion to payroll for the most recent year available. The City's share is calculated by multiplying the six self-insured employer

assessment factors listed below by the total indemnity paid in the previously reported fiscal year.

1. Workers' Compensation Administration Revolving Fund Assessment
2. Uninsured Employers Benefits Trust Fund Assessment
3. Subsequent Injuries Benefits Trust Fund Assessment
4. Occupational Safety and Health Fund Assessment
5. Workers' Compensation Fraud Account Assessment
6. Labor Enforcement and Compliance Fund Assessment

The assessments provide a stable funding source to support court operations to resolve claims more quickly, improve the overall operation of the state workers' compensation system, and ensure safe and healthy working conditions on the job, including enforcement of labor standards and requirements for workers' compensation coverage.

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

Payment is required as a state-mandated fee assessment.

ALTERNATIVE ACTIONS CONSIDERED

None. This is a state-mandated fee assessment.

CONTACT PERSON

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

Attachment:

- 1: Resolution

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

AUTHORIZING PAYMENT TO THE STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS (WORKERS' COMPENSATION PROGRAM) FOR FY 2022-2023 FEES

WHEREAS, the City of Berkeley has been Self-Insured for Workers' Compensation since 1979; and

WHEREAS, the Workers' Compensation Insurance Industry is administered and regulated by the State of California, Department of Industrial Relations; and

WHEREAS, the State of California, under California Labor Code Sections 62.5 and 62.6, authorizes the Department of Industrial Relations to assess fees to employers for costs of administering the Workers' Compensation Program; and

WHEREAS, the City of Berkeley is assessed each year by the Department of Industrial Relations to support the state program; and

WHEREAS, for Fiscal Year 2022-2023, the City's share of assessments authorized by Labor Code Sections 62.5 and 62.6 is not expected to exceed \$240,397.76; and

WHEREAS, funds are available in the current budget in the Workers' Compensation Fund, budget code 676-99-900-900-0000-000-479-682110, to make this payment;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to pay the State of California, Department of Industrial Relations, Self-Insurance Plans invoice for Fiscal Year 2022-2023 for Workers' Compensation Administration Revolving Fund Assessment; Uninsured Employers Benefits Trust Fund Assessment; Subsequent Injuries Benefits Trust Fund Assessment; Occupational Safety and Health Fund Assessment; Labor Enforcement and Compliance Fund Assessment; and Workers' Compensation Fraud Account Assessment in an amount not to exceed \$240,397.76.







Office of the City Manager

CONSENT CALENDAR

May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Legislative Aide Class Specifications and Salary Range

RECOMMENDATION

Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide; (2) a resolution authorizing revisions to all pertinent documents to effectuate the classification name change, approving job specifications and a new salary range for the renamed classification, and approving terms negotiated with SEIU Local 1021 - CSU & PTRLA regarding advancement along the new salary range for the renamed classification.

FISCAL IMPACT

The recommendation increases the salary range for the renamed Legislative Aide classification over the formerly-named Legislative Assistant classification, with the increased costs to be absorbed by Mayor and Council Offices via the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The recommendation sets forth newly-drafted job specifications for the Legislative Aide classification, following the meet-and-confer process with SEIU Local 1021 - CSU & PTRLA, along with a 14-step salary range that spans \$39.20 at the lowest step and \$73.08 at the highest.

Since the Legislative Aide classification is at-will, outside the City's civil service structure, advancements along the salary range will be in one of two ways, pursuant to agreement with the union:

- **Annual:** Legislative Aides will automatically advance one step annually – upon their anniversary date in the classification and upon receipt of a performance evaluation that meets or exceeds expectations. Alternatively, they will automatically advance one step annually upon their anniversary date in the

classification in the absence of an evaluation. They will not have their annual step increase in the event of a negative evaluation (below “meets expectations”).

- **Multi-Step:** The hiring authority will be able to move a Legislative Aide multiple steps upon a significant change in the Legislative Aide’s level of education, complexity of assigned tasks and duties, and/or supervisory responsibilities.
  - On a one-time basis upon approval of the new specifications and salary range, the hiring authority will be able to move a Legislative Aide up to two steps above the employee’s currently hourly rate even in the absence of a significant change in level of education, complexity of assigned tasks or duties, and/or supervisory responsibilities.
  - Multi-step movements would apply to current Legislative Assistants, not just to those hired after the class specification is revised. Multi-step increases for a significant change in the Legislative Aide’s level of education, complexity of assigned tasks or duties, and/or supervisory responsibilities would apply to any changes since the Legislative Assistant’s original step placement.

**BACKGROUND**

The classification of Legislative Assistant was established without an accompanying classification description. In the fall of last year, the Human Resources Department proposed a formal job specification for the renamed Legislative Aide classification and proceeded to engage in the meet-and-confer process with the union, which reached its conclusion in the latter part of March. The proposal was approved by the Personnel Board on April 1, 2024 on a vote of 3 ayes, 2 noes, and 1 abstention.

**ENVIRONMENTAL SUSTAINABILITY**

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

**RATIONAL FOR RECOMMENDATION**

Job specifications are foundational components of the City’s classification and compensation system, so it is imperative that they exist for the renamed Legislative Aide classification.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

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

**ATTACHMENTS**

- 1: Ordinance
- 2: Resolution

Attachment A: Legislative Aide – Job Specifications

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

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

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

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

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

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

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

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

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

D. Persons employed seasonally in the summer camps;

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

F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in

accordance with this chapter and the rules established hereunder for positions in the career service. All employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda agreements. (Ord. 7896-NS § 1, 2024; Ord. 6492-NS § 1, 1999; Ord. 6480-NS § 1, 1999; Ord. 6370-NS § 1, 1997; Ord. 6343-NS § 1, 1996; Ord. 6280-NS § 2 (part), 1995; Ord. XXXX-NS § 1, 2024)

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

NEW JOB SPECIFICATIONS AND SALARY RANGE FOR LEGISLATIVE AIDE CLASSIFICATION (RENAMED FROM LEGISLATIVE ASSISTANT)

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

WHEREAS, the classification of Legislative Assistant was established without accompanying job specifications; and

WHEREAS, job specifications are foundational components of the City’s Classification and Compensation plan; and

WHEREAS, the Human Resources Department proposed to rename the Legislative Assistant classification to Legislative Aide and developed job specifications for the renamed classification with an hourly salary range of \$39.20 to \$73.08 and an annual salary range of \$81,536.00 to \$152,006.40; and

WHEREAS, the City met and conferred with SEIU Local 1021 - CSU & PTRLA, the union representing the Legislative Assistant classification, regarding the renamed Legislative Aide class, the job specifications, the salary range, and the methods of advancement along the new salary range for the renamed classification; and

WHEREAS, the Personnel Board recommended on April 1, 2024 to rename the Legislative Assistant classification to Legislative Aide and to adopt the new job specifications and salary range for the Legislative Aide class; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Legislative Assistant classification be renamed as Legislative Aide and that all pertinent documents be amended to effectuate the change; and

BE IT FURTHER RESOLVED that the renamed Legislative Aide classification have an hourly salary range of \$39.20 to \$73.08 over 14 salary steps and an annual salary range of \$81,536.00 to \$152,006.40, effective the start of the first full pay period following adoption of this resolution; and

|               |               |                |                |                |                |                |
|---------------|---------------|----------------|----------------|----------------|----------------|----------------|
| <b>Step 1</b> | <b>Step 2</b> | <b>Step 3</b>  | <b>Step 4</b>  | <b>Step 5</b>  | <b>Step 6</b>  | <b>Step 7</b>  |
| \$39.20       | \$41.16       | \$43.18        | \$45.29        | \$47.51        | \$49.84        | \$52.28        |
| <b>Step 8</b> | <b>Step 9</b> | <b>Step 10</b> | <b>Step 11</b> | <b>Step 12</b> | <b>Step 13</b> | <b>Step 14</b> |
| \$54.84       | \$57.53       | \$60.34        | \$63.30        | \$66.40        | \$69.66        | \$73.08        |

BE IT FURTHER RESOLVED that the job specifications for the Legislative Aide classification, attached hereto as Attachment A, be hereby adopted; and

BE IT FURTHER RESOLVED that the Council approves the following methods of advancement along the salary range for the Legislative Aide class, given that it is an at-will classification and outside the City's civil service structure:

- (1) Legislative Aides will automatically advance one step annually – upon their anniversary date in the classification and upon receipt of a performance evaluation that meets or exceeds expectations; they will automatically advance one step annually upon their anniversary date in the classification in the absence of an evaluation, but will not have their annual step increase in the event of a negative evaluation (below “meets expectations”); and
- (2) The hiring authority will be able to move a Legislative Aide multiple steps upon a significant change in the Legislative Aide's level of education, complexity of assigned tasks and duties, and/or supervisory responsibilities; on a one-time basis upon approval of the new specifications and salary range, the hiring authority will be able to move a Legislative Aide up to two steps above the employee's currently hourly rate even in the absence of a significant change in level of education, complexity of assigned tasks or duties, and/or supervisory responsibilities; and

BE IT FINALLY RESOLVED THAT multi-step movements will apply to current Legislative Assistants, not just to those hired after the class specification is revised; and that multi-step increases for a significant change in the Legislative Aide's level of education, complexity of assigned tasks or duties, and/or supervisory responsibilities would apply to any changes since the Legislative Assistant's original step placement.

ATTACHMENT A



# Legislative Aide

(Formerly Legislative Assistant)

Bargaining Unit: Service Employees International  
Union, Local 1021 (Comm Svcs & PT Rec  
Leaders)

CITY OF BERKELEY  
CLASS CODE 2127  
Date: May XX, 2024

### SALARY RANGE

~~\$37,802.8 - \$53,189.7 Hourly~~  
~~\$3,024.22 - \$4,255.18 Biweekly~~  
~~\$6,552.49 - \$9,219.55 Monthly~~  
~~\$78,629.82 - \$110,634.58 Annually~~  
\$39,200.00 - \$73,080.00 Hourly  
\$3,136.00 - \$5,846.40 Biweekly  
\$6,794.67 - \$12,667.20 Monthly  
\$81,536.00 - \$152,006.40 Annually

#### DESCRIPTION:

##### DEFINITION:

Under the supervision of the Mayor, Councilmember, or designee, provides specialized administrative and analytical support to the Mayor and/or Councilmember as it relates to legislative tracking, development, and analysis; and serves as a liaison between the Mayor's or Councilmember's office and the community.

##### CLASS CHARACTERISTICS:

This is a single level class characterized by the assignment of a full range of routine to complex tasks and duties at varied levels of independence. Employees at this level may receive instruction or assistance as new, unusual, or unique situations arise, and are aware of the operating procedures and policies within the work unit. Positions in this class may be flexibly staffed. Salary placement should be commensurate with level of education, experience, complexity of assigned tasks and duties, level of supervision/independence, and/or supervisorial responsibilities.

##### EXAMPLE OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification or is similar or closely related to another duty statement.

1. Represents the Mayor/Councilmember in meetings and maintains liaison with elected officials and representatives of local, regional, state, and federal governments, other public agencies, businesses, professional and community groups, the media, and the public;
2. Serves as a liaison between the Mayor's and/or Councilmember's office and the community, including but not limited to, receiving and responding to communication from constituents, identifying issues and solutions, connecting residents, merchants and other community members with City resources, managing neighborhood concerns, responding to and tracking constituent inquiries, and providing status updates to the Mayor/Councilmember;
3. Receives and reviews correspondence directed to the Mayor/Councilmember; evaluates suggestions and comments from the public and drafts replies; analyzes and summarizes responses from the public and prepares reports containing recommendations on courses of action;
4. Prepares correspondence to governmental officials or citizens informing them of findings and remedial action when appropriate;
5. Plans and organizes administrative, analytical, legislative, fiscal, or similar studies relating to the activities and operations of the Mayor/Councilmember;
6. Develops, plans, and assists with implementing policy and procedural modifications;
7. Prepares a wide variety of written materials including correspondence, reports, draft legislation, and public information materials from brief verbal instructions;
8. Reviews and analyzes a variety of city documents;
9. Coordinates and arranges meetings for the Mayor/Councilmember and prepares materials as required;
10. Organizes and staffs community events sponsored by the Mayor/Councilmember.
11. Monitors legislative matters and government agencies;
12. Conducts research and special studies and prepares memoranda and reports thereon;
13. Prepares resolutions, ordinances, speeches, correspondence, and other materials of a varied nature;
14. Investigates complex matters, as assigned, relating to the work of the Mayor/Councilmember; submits investigative findings with recommendations;
15. Performs office management functions, including the maintenance of legislative records and a wide variety of confidential and other office records and files; helps maintain office/office organization.
16. Tracks legislation; prepares summaries of Mayor/Councilmember actions or agendas;
17. Builds and maintains positive working relationships with co-workers, other employees and the public using principles of good customer service;
18. May be authorized to exercise independent work/judgment or may work under the direction of the Mayor/Councilmember or another Legislative Aide; may provide supervision to subordinate staff and/or assume responsibility for leading and/or coordinating projects;
19. May provide training and act as a lead or supervisor of subordinate staff and volunteers; and
20. Performs related duties as assigned.

**KNOWLEDGE AND ABILITIES:**

Note: the level and scope of the knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Municipal government functions and organization, and the basic principles and organization of regional, state, and federal level of government;
2. Public administration principles and practices;
3. Principles, practices, and methods of administrative, organizational, legislative and procedural analysis;
4. Wide variety of issues affecting public policy;
5. Conflict resolution and problem-solving techniques;



6. Techniques and practices for problem research and resolution;
7. Methods and techniques of clear, concise, and accurate oral and written communications;
8. Technical report writing procedures;
9. Modern office equipment and procedures including use of word processing, database, and spreadsheet applications; and
10. Methods and procedures to utilize computer applications and technology related to the work, including but not limited to, web design and maintenance, video production, presentation software, and image editing software.

Ability to:

1. Develop and maintain effective relationships with elected officials, representatives of the public and private groups, the media and the public;
2. Represent the City in meetings with intergovernmental agencies, public officials, the media, and community groups;
3. Analyze complex administrative, operational, legislative, economic, and organizational problems; evaluate alternatives;
4. Track and analyze pending litigation;
5. Multi-task, manage time, and track multiple processes and overlapping deadlines;
6. Apply Federal, State, and local laws, codes and regulations;
7. Exercise sound independent judgment;
8. Coordinate functions and activities between departments and outside agencies;
9. Maintain accurate records and files;
10. Prepare and analyze complex reports of a general and technical nature;
11. Interpret and apply administrative and city policies, laws, and rules;
12. Coordinate effective completion of competing projects; meet critical deadlines;
13. Exercise judgment in developing, analyzing, and evaluating programs and proposals and make recommendations regarding policy options involving complex matters;
14. Draft complex correspondence, memoranda, and reports which articulate the elected official's proposals and position on matters before the Mayor/Councilmember and various governmental bodies;
15. Use sound judgment in recognizing scope of authority;
16. Review finished materials for thoroughness, accuracy, format, compliance with policies and procedures, and appropriate English grammar and spelling usage;
17. Establish and maintain effective working relationships with those contacted during work.

**MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTINED ABOVE IS:

Coursework in political science, public policy, business administration, public administration, or a related field desirable. Experience performing progressively responsible and complex administrative duties supporting an elected official desirable.

**OTHER REQUIREMENTS:**

Must be able to travel to various locations within and outside the City of Berkeley to meet program needs and to fulfill the job responsibilities. When driving on City business, the incumbent is required to maintain a valid California driver's license as well as a satisfactory driving record.

**CLASSIFICATION HISTORY:**

Classification Code: XXXX  
Classification Established: May XX, 2024

FLSA Status: Exempt  
Admin Leave / Overtime:  
Representation Unit: Service Employees International Union, Local 1021 (Community Services & Part-Time Recreation Leaders)  
Probationary Period: At Will  
Workers' Comp Code: 8810



Office of the City Manager

CONSENT CALENDAR

May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract: Catalis Public Works and Citizen Engagement, LLC for New Community Relationship Management (CRM) System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Catalis Public Works and Citizen Engagement, LLC (Catalis) for software hosting, implementation, maintenance, and related services for a new Community Relationship Management system, for an amount not to exceed \$500,000 for the period commencing on June 1, 2024 through June 30, 2029.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this recommendation in the amount of \$500,000 will be provided by Information Technology's Tech Services – Software Maintenance fund as outlined below. Spending for this contract and related amendments in future fiscal years is subject to Council's approval of the proposed city-wide budget and annual appropriation ordinances.

|           |                                                                                                                                      |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------|
| \$500,000 | FY 25 – FY 29: Software Maintenance – Information Technology<br>Fund 680 – Information Technology – Tech Svcs – Software Maintenance |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------|

CURRENT SITUATION AND ITS EFFECTS

The City's current Community Relationship Management (CRM) system, called Lagan is over 16 years old. It was built on an older technology that is no longer being supported. It does not have a customer facing portal, a mobile application, robust reporting engine, GIS capabilities, or automatic workflow – all of which are crucial to the City current business needs. The system is subpar in today's standard.

On September 7, 2023 the City issued Request for Proposals (RFP) # 23-11606-C for an improved Community Relationship Management (CRM) System based upon business analysis completed by the Departments of Information Technology, Public Works, Parks, Recreation and Waterfront, and Finance.

The City received fifteen (15) responses to the Community Relationship Management (CRM) Software and Services RFP by the October 26, 2023 deadline. A committee of 13 staff from the Public Works, Finance, and Information Technology departments conducted a comprehensive evaluation process that included proposal reviews, vendor demonstrations, and reference checks. Staff selected Catalis as presenting the most comprehensive, user-responsive, user-friendly, and effective solution for the City's current and future community relationship management needs.

The New Community Relationship Management (CRM) System 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.

### BACKGROUND

The City formed the Customer Service Division (AKA 311) on July 1, 2007 with six (6) customer service representatives to take customer service calls for the Finance and Zero Waste divisions, and City Manager's office. Soon thereafter, the City implemented our current Community Relationship Management (CRM) system, called Lagan to provide the newly created 311 / Customer Service division with a tool to capture the interactions the City was having with community members.

Over the years, 311 has taken up more and more responsibilities and become the center for most, if not all, customer service related calls. Today, the 311 unit is comprised of ten (10) members (8 customer service representatives, 1 supervisor and 1 manager) taking calls from nine (9) customer service phone lines. They process upward of 5500 calls a month on average. With the increase in workload and interactions, coupled with the need for an interactive and responsive online service portal, 311 mobile application, as well as text-to-service-request and email-to-service-request capabilities, the current system proves to be inadequate.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

An improved system with greater efficiency and accuracy, including advanced duplicate request detection & mitigation and GIS capabilities, will lessen the number of duplicate requests and therefore, reduce the number of trips field employees have to visit a site to address an issue which reduces greenhouse gas emissions associated with travel. This supports the reduction of carbon footprint and the goals of the City's Climate Action Plan. Further, the mobile capability of the new CRM system will eliminate the use of paper currently being used by field staff thus contribute towards the City's goal of achieving zero waste to landfills.

### RATIONALE FOR RECOMMENDATION

Staff recommends Catalis as it best fits the requirements of the City scoring highest in the evaluation criteria outlined in the RFP and demonstrations. Catalis' features and functionalities exceed the City's requirements. The software is user-friendly. Furthermore, extensive reference checks reinforced Catalis' ability to deliver a quality CRM solution on time and within budget.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered staying with the existing system. This proposal was rejected due to the inherent technical limitations and inadequacies of the legacy system. Our community members deserve an effective software built on the latest technology, with an online self-service portal, and a 311 mobile application.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510.981.6541

Attachments:

1: Resolution

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

CONTRACT: CATALIS PUBLIC WORKS AND CITIZEN ENGAGEMENT, LLC (CATALIS) FOR A NEW COMMUNITY RELATIONSHIP MANAGEMENT (CRM) SYSTEM

WHEREAS, the City of Berkeley has identified the need to improve the efficiency of its community request management process, internal workflows and reporting capabilities; and

WHEREAS, the City of Berkeley desires to procure a turnkey, commercial off-the-shelf cloud-based Community Relationship Management (CRM) System that handles service request intake with automatic workflow capabilities and provides a customer facing portal, a mobile application, robust reporting engine, GIS capabilities; and

WHEREAS, on September 7, 2023 the City issued Request for Proposal No.23-11606-C for an improved Community Relationship Management (CRM) System and received fifteen responding bidders; and

WHEREAS, in response to the City's Request for Proposal, vendor Catalis Public Works and Citizen Engagement, LLC (Catalis) responded with a proposal that was rated as the highest response submitted by competing vendors; and

WHEREAS, funding for this recommendation will be provided by the FY 2025 through FY 2029 Information Technology's Tech Services – Software Maintenance fund and spending for this contract and related amendments in future fiscal years is subject to Council's approval of the proposed city-wide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and subsequent amendments with Catalis Public Works and Citizen Engagement, LLC (Catalis) for software hosting, implementation, maintenance and related services for a New Community Relationship Management (CRM) System, for an amount not to exceed \$500,000 for the period commencing on June 1, 2024 through June 30, 2029.



Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$200,000 for a new not to exceed amount of \$425,000 and extend the contract term from June 30, 2025 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

This on-call contract is approaching the currently authorized not-to-exceed amount. Funding in the amount of \$200,000 for this contract amendment is included in the FY 2024 and FY 2025 budget using funds from the Prop 68 Statewide Parks Program grant awarded to the City for the Santa Fe Railroad Trackbed to Park Conversion Project (Fund 336).

CURRENT SITUATION AND ITS EFFECTS

The Department of Parks, Recreation, and Waterfront (PRW) received a \$5 million grant from the Proposition 68 CA Statewide Parks Program (SPP) to convert the former Santa Fe Railroad Trackbed from Blake Street to Ward Street into a new park. This project requires environmental services to remediate the contaminated soils left during its former use as a railroad track. PRW selected GSI Environmental Inc. to provide the required environmental services for the project.

In order to help the City complete the environmental remediation requirements set by the California Department of Toxic Substances Control (DTSC) by the funding deadline of 2027, additional services by GSI Environmental Inc. are needed. A contract amendment with GSI is needed to complete this work.

BACKGROUND

On July 24, 2019, the City issued a Request for Qualifications (RFQ) for On-Call Environmental Consulting Services (Specification No. 19-11329-C). The City received Statements of Qualifications (SOQs) from 12 firms. After evaluation of the SOQs by the

review panel, GSI Environmental Inc., Wood Environment and Infrastructure Solutions, Inc., and Northgate Environmental Management Inc. were among the firms selected.

On April 21, 2020, Council authorized a contract for On-call Environmental consulting services with GSI Environmental Inc. in an amount not to exceed \$150,000 for the period November 1, 2019 through November 30, 2022 (Resolution No. 69,171-N.S.)

On December 12, 2022, the City Manager authorized an extension of the On-call Environmental consulting services contracts from November 30, 2022 to December 30, 2023.

On July 8, 2023, Council authorized an amendment to GSI Environmental Inc.'s contract increasing the amount by \$75,000 for a revised contract amount not to exceed \$225,000 and extending the contract term from December 30, 2023 to June 30, 2025. (Resolution No. 70,951-N.S.)

This is a Citywide contract supporting multiple departments as-needed to assist with ongoing environmental compliance, consulting needs for planned or ongoing projects, and for unanticipated environmental consulting needs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The services provided by GSI Environmental Inc. will allow the City to develop and implement a soil remediation project that is required in order to convert the railroad track into a new City park. The project will include new community gardens and pollinator landscaping, along with other parks amenities. The project will help the City advance Strategic Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

RATIONALE FOR RECOMMENDATION

GSI Environmental Inc. has highly-qualified staff with the required expertise in remediating soils at former railroad sites. City staff does not have the expertise to provide this type of environmental consulting services.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700  
Evelyn Chan, Supervising Civil Engineer, PRW, (510) 981-6430

Attachments:

1: Resolution: GSI Environmental Inc.



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

CONTRACT NO. 32000188 AMENDMENT: GSI ENVIRONMENTAL, INC. FOR ON-  
CALL ENVIRONMENTAL CONSULTING SERVICES

WHEREAS, on July 24, 2019 by Resolution No. 69,171-N.S. the City Council authorized Contract No. 32000188 with GSI Environmental Inc. in an amount not to exceed \$150,000 for on-call environmental consulting services for various citywide services and needs through November 30, 2022; and

WHEREAS, on December 12, 2022, the City Manager authorized the extension of the on-call contract from November 30, 2022 to December 30, 2023; and

WHEREAS, on July 8, 2023 by Resolution No. 70,951-N.S., Council authorized an amendment to GSI Environmental Inc.'s contract increasing the amount by \$75,000 for a revised contract amount not to exceed \$225,000 and extending the contract term from December 30, 2023 to June 30, 2025. of the on-call contract; and

WHEREAS, City staff does not have the expertise to provide environmental consulting services; and

WHEREAS, the current contract not to exceed amount is nearly depleted and the City has need of GSI Environmental Inc's continued environmental consulting services through June 30, 2027; and

WHEREAS, funding in the amount of \$200,000 for this contract amendment is included in the FY 2024 and FY 2025 budget using funds from the Prop 68 Statewide Parks Program grant awarded to the City for the Santa Fe Railroad Trackbed to Park Conversion Project (Fund 336).

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. 32000188 with GSI Environmental Inc. for environmental consulting services increasing the amount by \$200,000 for a revised contract amount not to exceed \$425,000, and extending the contract to June 30, 2027.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Donation from the Friends of the Rose Garden/Berkeley Partners For Parks for the Berkeley Rose Garden

RECOMMENDATION

Adopt a Resolution accepting a cash donation from the Friends of the Rose Garden/Berkeley Partners For Parks in the amount of up to \$10,000 to purchase roses and perform maintenance at the Berkeley Rose Garden.

FISCAL IMPACTS OF RECOMMENDATION

City staff will purchase roses and perform maintenance at the Berkeley Rose Garden. The cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be recommended for appropriation in through the Second Amendment to the FY 2024 Annual Appropriations Ordinance in the Parks Tax Fund (Fund 138).

CURRENT SITUATION AND ITS EFFECTS

In 2023, the Friends of the Berkeley Rose Garden/Berkeley Partners For Parks approached the Parks, Recreation and Waterfront (PRW) Department about a donation to help purchase roses and perform maintenance at the Berkeley Rose Garden.

BACKGROUND

Per the City's Expanded City Parks Donation Policy, individuals may donate to the City's parks in selected locations subject to the approval of the Director of the PRW Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Expanded City Parks Donation Policy as described in Resolution No. 66,831–N.S. and has approved the donation, subject to Council approval. The City's Open Governance Ordinance requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166–N.S.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

The donation will help the City advance Strategic Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

**RATIONALE FOR RECOMMENDATION**

The donation allows the City to purchase additional roses and perform maintenance at the Rose Garden, which will benefit the general public.

**CONTACT PERSON**

Bruce Pratt, Parks Superintendent, 510-981-6632.

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

DONATION FROM FRIENDS OF THE ROSE GARDEN/BERKELEY PARTNERS FOR  
PARKS IN THE AMOUNT OF UP TO \$10,000

WHEREAS, on October 28, 2014, Council adopted the Expanded City Parks Donation Policy (Resolution No. 66,831–N.S.); and

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

WHEREAS, the Friends of the Rose Garden/Berkeley Partners For Parks wishes provide a cash donation in the amount of up to \$10,000 to help the City purchase roses and perform maintenance at the Berkeley Rose Garden; and

WHEREAS, per the City's Expanded City Parks Donation Policy, donations may be made to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Expanded City Parks Donation Policy as described in Resolution No. 66,831–N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be recommended for appropriation through the Second Amendment to the FY 2024 Annual Appropriations Ordinance in the Parks Tax Fund (Fund 138).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of up to \$10,000 from the Friends of the Rose Garden/Berkeley Partners For Parks for roses and maintenance at the Berkeley Rose Garden is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Contract No. 32200098 Amendment: ERA Construction, Inc. for  
 O & K Docks Electrical Upgrades Project

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project, increasing the amount by \$129,000 for an amended total amount not to exceed \$1,467,000.

FISCAL IMPACTS OF RECOMMENDATION

This contract amendment will add an additional \$129,000 to the existing construction contract with ERA Construction, Inc. to cover the change orders needed to complete the project. The funding for this contract amendment is available in the FY2024 Marina Fund (Fund 608) budget due to carryover from prior year project funds. No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The contract with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project was executed on November 2, 2021 for a total amount not to exceed \$1,200,000, including a construction contingency (Resolution No. 69,951-N.S.). During construction of O-Dock, unforeseen site conditions required that additional change order work be performed at additional cost, including costs for increased labor rates that were escalated due to pandemic-related supply chain delays. The City has negotiated these change orders with ERA Construction, Inc. for an amount of \$129,000.

BACKGROUND

The O & K Docks Electrical Upgrades Project was advertised for bids on Wednesday, April 21, 2021, and bids were opened on May 18, 2021. The City received two bids, from a low bid of \$1,117,980 to a high bid of \$1,480,200 for base bid work. Staff determined that ERA Construction, Inc. was the lowest responsive and responsible bidder and executed contract number 32200098 to implement the project. On May 9,

2023, the contract was amended, adding an additional \$138,000 for a total amount not to exceed amount of \$1,338,000 (Resolution No. 70,826-N.S.).

The purpose of this project is to replace the outdated electrical systems at O-Dock and K-Dock with upgrade systems to meet the latest current code requirements with safe and user-friendly access to the utility connections serving the boat slips. The electrical load rating at O-Dock will be upgraded from 600AMP to 800AMP to accommodate future demands at the Marina. The project includes the following components: new dock-mounted utility pedestals for electrical and potable water connections linked to a central communication system and integrated lighting, new dock boxes, new conductor wires, new dock-mount power station (transformers), and new switchboard enclosures at the landside. The upgraded switchboard enclosures will provide more reliable and enhanced electrical services to not only O & K docks but to L, M, N docks and two restroom buildings as well.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City’s Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, and City of Berkeley Building Permit.

RATIONALE FOR RECOMMENDATION

This project is part of the City’s ongoing effort to update and maintain the deteriorated infrastructure at the Berkeley Marina. The project will help the City advance Strategic Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700  
Nelson Lam, Supervising Civil Engineer, PRW, (510) 981-6395

Attachments:  
1: Resolution



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

CONTRACT NO. 32200098 AMENDMENT: ERA CONSTRUCTION, INC. FOR THE  
O & K DOCKS ELECTRICAL UPGARES PROJECT

WHEREAS, the existing electrical systems at O and K Docks at the Berkeley marina are outdated and in need of upgrades in order to provide reliable and safe electrical services to the slips; and

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

WHEREAS, an invitation for bids was duly advertised on April 21, 2021, and bids were opened on May 18, 2021, and the City received two bids; and

WHEREAS, ERA Construction, Inc. was determined to be the lowest responsive and responsible bidder, and references for ERA Construction, Inc. were provided and checked out satisfactorily; and

WHEREAS, the contract with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project was executed on November 2, 2021 for a total amount not to exceed \$1,200,000, including a construction contingency (Resolution No. 69,951-N.S.); and

WHEREAS, the contract with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project was amended on May 9, 2023, adding an additional \$138,000 for a total amount not to exceed amount of \$1,338,000 (Resolution No. 70,826-N.S.); and

WHEREAS, an additional \$129,000 is necessary to cover the change orders needed to complete the project; and

WHEREAS, funds are available in the FY 2024 budget in the Marina Fund (Fund 608).

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. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project, increasing the contract amount by \$129,000, for a total amended amount not to exceed \$1,467,000. A record signature copy of any amendments to be on file in the Office of the City Clerk.





Commission on Aging

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Commission on Aging  
 Submitted by: Margot Smith, Chair, Commission on Aging  
 Subject: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

RECOMMENDATION

Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

While recommendations are too numerous to list here, the Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. **HOUSING AND ECONOMIC SECURITY:** Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.
2. **TRANSPORTATION AND MOBILITY:** Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.
3. **HEALTH AND WELLNESS:** Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.
4. **SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:** Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

These plans should at a *minimum* take into account and address the following:

1. It is important that we continue to track Berkeley's aging population (the original plan was based on earlier data that should be re-evaluated based on the 2020 United States Census, and later American Community Surveys). Berkeley must consider how to increase funding for aging services while our population continues to age (See Attachment 9 Highlights of Census Data on Aging in Berkeley). Also compare the rate of expenditure on services for this population in the Department of Health, Housing and Community Services to the overall size of the City's budget during the same period and to its growth or lack of growth in relation to the growth in the aging population (See Attachment 2 City Departmental Budgets; Attachment 3 HHCS Departmental Summary; Attachment 4 HHCS Division Summary and Attachment 9 Highlights of Census Data on Aging in Berkeley).

2. An examination and evaluation of staffing challenges and key needs in the Division of Aging Services as shown in the agency budget line items and staffing levels, as well as Berkeley's unique way of structuring aging services under the mantle of the Health, Housing and Community Services (one of only three cities in the state to do so), rather than the way most cities do, which is to put it under Parks and Recreation (See Attachment 5 Berkeley's Unique Structure for Aging Services).

There is an immediate need to expand the division from its current level of 21 full-time, and 5 part-time, career positions and 15 hourly positions by making 2 of the part-time positions full-time and adding 1 part-time, bringing the total to 23 full-time and 4 part-time. (The hourly workers assist with many of the face-to-face services offered at the two senior centers, including lunch service, front desk operations, Meals on Wheels deliveries, and facility rentals on nights and weekends. They supplement the work of 5 permanent staff, only 1 of whom is full-time; the Meals on Wheels program currently has no full-time program manager or case manager; they are currently 80% and 75% respectively. The program also needs another full-time senior center staff person; currently it is budgeted for a 50% position, but that is vacant; in order to fulfill the responsibilities of the position and to attract qualified candidates, this position, ideally, would be 100% and permanent.)

3. The dire need for increased outreach. Berkeley residents over 60 currently number approximately 20,000— or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. Given this explosive growth, it is important that all Berkeley households and residences are made aware of the breadth of services available to individuals, their families, and their caregivers. At this time only a very small fraction of those over 60 years of age are receiving materials from the Berkeley

Senior Centers and the Division of Aging Services, due to staff and budgetary shortages that have made it difficult to upgrade outreach: for instance, the main communication is via a print newsletter that is mailed to several hundred people, with no way of tracking whether it has been received. We recommend that the City invest in outreach to this growing demographic group.

This could include:

- a city-wide mailing, similar to the citywide mailings by the City Parks and Recreation Department about activities,
- updating and keeping relevant websites current,
- investing in collecting email addresses and disseminating information by email,
- reaching out to civic institutions and groups to seek their help with outreach to the aging community and their families.

### SUMMARY

The Commission on Aging recommends that City Council refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. **HOUSING AND ECONOMIC SECURITY:** Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.
2. **TRANSPORTATION AND MOBILITY:** Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.
3. **HEALTH AND WELLNESS:** Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.
4. **SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:** Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

The Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

FISCAL IMPACTS OF RECOMMENDATION

Increased General Fund for to meet staffing needs of the Aging Services Division due to increased community need.

CURRENT SITUATION AND ITS EFFECTS

In December 2018, the Mayor presented the Age-Friendly Berkeley Action Plan. This three-year plan was the result of two years of extensive outreach and engagement. It sought to ensure that older adults remain at the heart of our community and recognized them as a vital part of the fabric of our neighborhoods and civic life.

Among the motivations for the plan was the recognition of our city’s rapidly changing demographics: at the time it was written—2017—it projected that by 2030 over 1 in 5 people in Berkeley would be over 65 years of age. (For the purposes of the City of Berkeley’s Aging Services programs, the generally accepted age cut-off for determining that someone is a senior is 60 and above. That is the figure used in the rest of this report.) The number of older Berkeley residents was expected to double from 2018, when the plan was finalized. Those numbers have since been validated and expanded on by the 2020 Census and subsequent American Community Surveys. Berkeley residents over 60 currently number approximately 20,000—or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. On behalf of the Commission on Aging, we would call on the Mayor, City Council and all agencies to consider how our aging city should ensure that residents 60 and older can remain a vital and active part of our community. (See Attachment 10 Understanding California’s Middle-Income Older Adult Population and Attachment 11 Percent of Households with Seniors Age 65+, 2000 & 2021)

We would be remiss if we didn’t seek to build on the investment that the city made in the Age-Friendly Berkeley Report, and allowed the Action Plan to languish. We call on our city’s leadership to consider how we move forward and implement the many recommendations in the plan.

The issues of concern identified in the report—high cost of living, lack of affordable housing, limited reliability, coordination, and options for transportation, problems with sidewalks, poor lighting, lack of benches and limited parking, crime, widespread homelessness, insufficient number of affordable, desirable settings for out-of-home assisted living, limited options for subsidized services for moderate-income individuals, and lack of “human touch” for information, referral and system navigation assistance—are recognizable to many of us who live in Berkeley, and we need to ask ourselves whether we have made progress in addressing these issues.

**BACKGROUND**

At a regular Commission meeting on February 21, 2024, the Commission on Aging voted as follows:

Approve Council report that recommends Council refer to the City Manager steps to develop plans to revisit and act on the recommendations in the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan’s impact, and addressing gaps, by increasing funding for personnel and other services currently being offered as well as others identified in the Age-Friendly Plan.

M/S/C: Chisholm, Cochran, Collins, Evans, Lavault, Orrick, Porter, Smith, Yamaguchi  
Noes: None  
Abstain: None  
Absent: None

**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**

In December 2018, the Mayor presented the Age-Friendly Berkeley Action Plan. This three-year plan was the result of two years of extensive outreach and engagement. It sought to ensure that older adults remain at the heart of our community and recognized them as a vital part of the fabric of our neighborhoods and civic life.

Among the motivations for the plan was the recognition of our city’s rapidly changing demographics: Berkeley residents over 60 currently number approximately 20,000—or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. On behalf of the Commission on Aging, we would call on. We have identified a handful of small steps in increasing staffing and spending, but these are only the start of this long march toward fulfilling what was promised in the 2018 Plan.

We would be remiss if we didn’t seek to build on the investment that the city made in the Age-Friendly Berkeley Report, and allowed the Action Plan to languish. We call on our city’s leadership to consider how we move forward and implement the many recommendations in the plan.

**ALTERNATIVE ACTIONS CONSIDERED**

To leave the situation as is would not provide needed services in support of Berkeley’s rapidly expanding over-60 population and fall short of the commitment it made when applying for and being awarded the designation of an Age-Friendly City in 2018.

CITY MANAGER

The City Manager refers to the budget process, the content and recommendations of the Commission's Report. See companion report.

CONTACT PERSON

Darlene Bronson, Commission Secretary, HHCS, 510-981-5194

Attachments:

Attachment 1 2018 Berkeley Age-Friendly Action Plan

Attachment 2 City Departmental Budgets

Attachment 3 HHCS Departmental Summary

Attachment 4 HHCS Division Summary

Attachment 5 Berkeley's Unique Structure for Aging Services & Division Activities Summary

Attachment 6 Aging in Alameda County: A Changing Landscape July 2022

Attachment 7 Breakdown of Alameda Area on Aging Funds for Berkeley

Attachment 8 Highlights of Census Data on Aging in Berkeley

Attachment 9 Understanding California's Middle-Income Older Adult Population

Attachment 10 Percent of Households with Seniors Age 65+, 2000 & 2021



# Age-Friendly Berkeley Action Plan



# Mayor's Letter



On behalf of Berkeley, California and its residents, I am proud to present this three-year Age-Friendly Berkeley Action Plan. This roadmap, developed by residents, community organizations, and the city, demonstrates our commitment to a livable community where all generations are included and are able to thrive.

Older adults are at the heart of our community and a vital part of the fabric of our neighborhoods and civic life. Rapidly changing demographics drive the timing of this effort, with the number of residents 65 and older expected to more than double by 2030 to over 1 in 5 people in the city.

In 2016 under former Mayor Tom Bates, Berkeley was accepted into the World Health Organization and AARP's network of Age-Friendly Communities, which now includes over 300 US cities and 37 countries. This Action Plan addresses several areas identified by the World Health Organization as key to ensuring an aging-friendly environment.

Planning was driven by the community through surveys, focus groups and discussions with community non profits and city departments. Three objectives emerged from this work that inform the recommendations. The action plan is designed to:

- Enable people to remain in their homes and communities as they navigate the transitions of aging
- Maintain and enhance the ethnic and economic diversity of Berkeley
- Ensure that people of all ages and abilities can enjoy the social and cultural assets Berkeley has to offer.

We look forward to forming broad partnerships across all sectors of our community including residents, nonprofit organizations, business leaders, faith communities and others as we move forward with these recommendations. Because services and supports cross city and regional boundaries, we will continue to work with neighboring cities and counties to address common goals.

Berkeley is uniquely positioned to address the needs of our rapidly growing older adult population and maximize the benefits of creating a more inclusive, equitable and accessible city. An extensive 2 year planning process has engaged residents, city officials and staff, nonprofits and community partners. Continued collaboration will be vital as we move forward with our next steps.

Age-Friendly communities benefit all of us and this Action Plan is part of an evolving community process for generations to come. For questions or additional information see [agefriendlyberkeley.org](http://agefriendlyberkeley.org) or contact Aging Services at (510) 981-5200.

Jesse Arreguin  
Mayor, City of Berkeley

# Executive Summary

## Background and Context

The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities.<sup>1</sup> With this shift in demographics and the desire of people to stay and thrive in their communities, policy makers need to look at how our neighborhoods are designed, including the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, and the availability of jobs for older people. This Action Plan builds on the work of the World Health Organization’s (WHO) Age-Friendly Cities and Communities Initiative, launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. Planning for Age-Friendly Berkeley was guided by a Leadership Team of individuals and organization representatives who have been key voices in community conversations about aging. It has members from the city, the health sector, and the nonprofit sector (See Appendix A) who worked together to ensure that the recommendations are relevant and feasible.

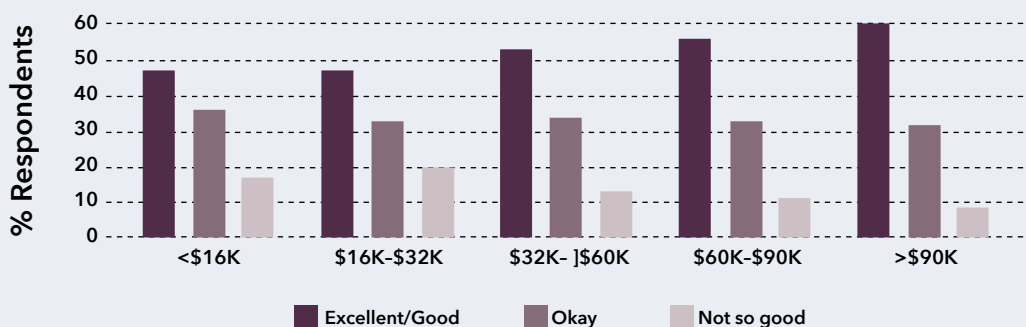
The Age-Friendly Communities movement focuses largely on collaborations with city and county governments to anticipate the wants and needs of their older populations, as well as on the growing demand for and cost of medical and social services. With Berkeley anticipating a doubling of its older adult population and with the support of former Mayor Tom Bates in 2016, the City of Berkeley completed an initial assessment, applied to and was accepted into the World Health Organization (WHO) and AARP’s Global Network of Age-Friendly Cities and Communities.

## Needs Assessment

Thus began a needs assessment and a 2- year process using the WHO framework to support Age-Friendly planning. The needs assessment included a review of related research and plans from other cities, a survey of over 1400 Berkeley seniors, 5 focus groups, and interviews with 18 city staff and numerous community partners. The findings are summarized in Appendix B and indicate that the needs of older adults in Berkeley are representative of findings across international, national and local studies and surveys. The community responses indicate that residents appreciate the service/activity rich environment of Berkeley, as well its walkability and its diverse people. Strikingly, residents’ feelings on whether Berkeley is a good place to age varied significantly depending on income. Those earning less than \$32,000 annually were more than twice as likely to rate Berkeley poorly when compared to top earners.

<sup>1</sup> AARP, 2012 and Age-Friendly Community Survey 2018

### Rating of Berkeley as a place to age by income group





Common issues raised by community responses included:

- The high cost of living
- Lack of affordable housing, including affordable home modification and in-home supports
- Limited reliability, coordination, and options of transportation
- Problems with sidewalks, poor lighting, lack of benches, and limited parking
- Crime
- Widespread homelessness
- Insufficient number of affordable, desirable settings for out-of-home assisted living
- Limited options for subsidized services for moderate income individuals
- Lack of “human touch” for information, referral and system navigation assistance.

The Age-Friendly planning process also leveraged and incorporated community feedback gathered as part of the city’s strategic planning process and the 2018 Health Status Report. The City’s strategic planning process includes a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information. The Health Status Report found many strengths in Berkeley related to life expectancy, but troubling disparities for African Americans and other people of color. This Age-Friendly Plan is presented as a complementary, consistent and collaborative set of recommendations focused on creating a city that is inclusive, equitable, and accessible for people of all ages.



## Approach

Several themes cut across the plan’s recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

***“Housing is not affordable.”***

***“It is a lively city with active people.”***

***“Does not have a welcoming downtown.”***

## Recommendations

The recommendations in this Action Plan are designed to build on what is already occurring in the community, improve impact, and address gaps. While recommendations are too numerous to list in the executive summary (see Appendix B), the leadership team reviewed local results using the 8 domains in the WHO framework and identified 4 priority areas and goals for the Action Plan: <sup>2</sup>

### HOUSING AND ECONOMIC SECURITY:

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

### TRANSPORTATION AND MOBILITY:

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

### HEALTH AND WELLNESS:

Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

### SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

<sup>2</sup> Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources, current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.

## Implementation of the 3-year Action Plan

The prime objective of the Age-Friendly planning process was to develop a 3-year action plan to serve as a road map for collective action. Activities below are paced from Year 1 through Years 2-3, including evaluation and recommendations for continued improvement.

### Year 1

- Designate Health, Housing and Community Services as the lead city department and the Aging Services division as the backbone agency to coordinate the initiatives
- Form a leadership team from relevant sectors of the community to work with the city
- Solidify action teams for the priority areas; prioritize recommendations
- Finalize budget and Identify funding opportunities
- Develop shared metrics and begin data collection
- Implement internal and external communication plans, set up a dashboard on the Age-Friendly website
- Catalogue and track efforts already in development.

### Years 2-3

- Clarify desired outcomes and implement Year 2-3 recommendations
- Monitor progress and evaluate results using a Results Based Accountability framework
- Use the dashboard on the Age-Friendly website to track progress
- Integrate focus on aging into ongoing operations and partnerships
- Report back to the community on the status of all recommendations and begin to assess the next steps.

# Community Profile

**B**erkeley is located on the east shore of the San Francisco Bay in northern Alameda County, California. The current population is estimated to be 117,385.<sup>3</sup> Berkeley was recently named one of the most livable cities in America based on AARP's Livability Index. Health, Transportation/ Walkability, and access to activities, work and play are among the assets identified in Berkeley.

Cost of living and cost of housing present some of the greatest barriers to livability. Median home sale prices remain dramatically higher than the rest of the nation, now at \$1,200,000,<sup>4</sup> fueled by spillover from the San Francisco housing shortage, a local tech boom, and population growth. Local parcel taxes, approved by voters to support important local programs like the public schools, are generous but add to pressures on low and moderate income homeowners and renters. The high cost of living in the Bay Area was raised as a major challenge by older adults in all surveys and focus groups.

Historically, Berkeley has been a city of unexpected diversity and activity in social policy, such as fair housing legislation, voluntary school desegregation, and the independent living movement. However, current challenges threaten the economic and cultural diversity that make Berkeley a vibrant city. Recent gentrification has contributed to a 37% decline in the African American population,<sup>5</sup> especially in some historically African American neighborhoods in South

and West Berkeley. The mortality rate for African Americans remains twice as high as the mortality rate of Whites. Berkeley has the highest per capita rate of homelessness in Alameda County.<sup>6</sup> Low and moderate income individuals are finding it difficult to afford to live and work here and there is an increasing divide between income levels. Estimates in 2014 indicated that 23% of those 60+ in Berkeley were living under 200% of the Federal Poverty Level.<sup>7</sup> Significant policy changes are needed locally and regionally as Berkeley continues to tackle these challenges.

Berkeley has a number of assets to support an active, healthy and engaged community. Berkeley is one of three cities in the state of California with its own Public Health Jurisdiction. This distinction enables public health services and initiatives to be focused on and dedicated to a discrete population. Berkeley is also home to a number of educational institutions, including the University of California, Berkeley campus, the Lawrence Berkeley National Laboratory, Berkeley City College, and the Graduate Theological Union. These institutions enhance Berkeley's reputation as an intellectual mecca and are also an economic engine for the City. Thirty percent of local jobs are in education.<sup>8</sup> Berkeley's international reputation plus its active arts and culture scene and a dynamic social center contribute to making it a magnet for inventive people, an incubator for business start-ups, and a science and technology hub.

<sup>3</sup> Population number from the City of Berkeley based on projections from the 2010 census

<sup>4</sup> Median housing price based on information from Zillow.

<sup>5</sup> Summary of Our Beloved Community Proposal: Alameda County Anti-Displacement Funding Policy Plan, January 6, 2017 (unpublished), The Dellums Institute using census analysis 2010-2015.

<sup>6</sup> City of Berkeley Health Status Report, 2018

<sup>7</sup> American Community Survey 2010-2014, US Census Bureau

<sup>8</sup> From the City of Berkeley's Economic Profile.



Nancy Rubin

### City Demographics

#### Gender & Age

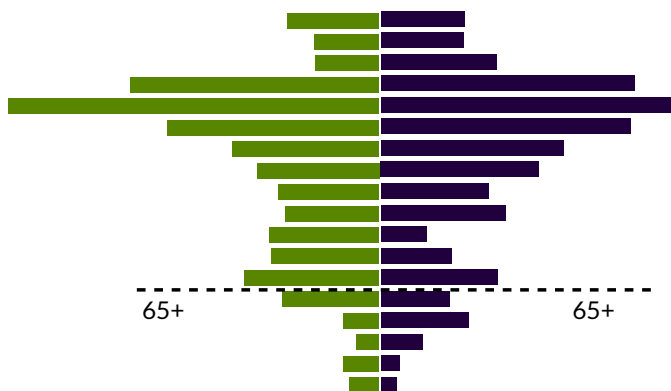
From American Community Survey 2016 5-year estimates Table S0101

##### Female

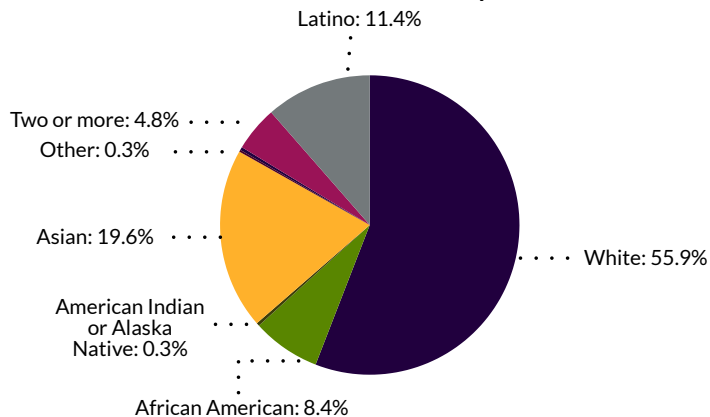
|                |        |
|----------------|--------|
| Under 5 years  | 2,641  |
| 5 to 9 years   | 1,856  |
| 10 to 14 years | 1,828  |
| 15 to 19 years | 7,202  |
| 20 to 24 years | 10,712 |
| 25 to 29 years | 6,108  |
| 30 to 34 years | 4,231  |
| 35 to 39 years | 3,532  |
| 40 to 44 years | 2,903  |
| 45 to 49 years | 2,693  |
| 50 to 54 years | 3,159  |
| 55 to 59 years | 3,114  |
| 60 to 64 years | 2,931  |
| 65 to 69 years | 3,903  |
| 70 to 74 years | 2,799  |
| 75 to 79 years | 1,036  |
| 80 to 84 years | 658    |
| 85 years +     | 847    |

##### Male

|                |       |
|----------------|-------|
| Under 5 years  | 2,365 |
| 5 to 9 years   | 2,339 |
| 10 to 14 years | 3,285 |
| 15 to 19 years | 7,200 |
| 20 to 24 years | 8,424 |
| 25 to 29 years | 7,072 |
| 30 to 34 years | 5,188 |
| 35 to 39 years | 4,488 |
| 40 to 44 years | 3,057 |
| 45 to 49 years | 3,544 |
| 50 to 54 years | 1,300 |
| 55 to 59 years | 2,011 |
| 60 to 64 years | 3,300 |
| 65 to 69 years | 1,952 |
| 70 to 74 years | 2,486 |
| 75 to 79 years | 1,187 |
| 80 to 84 years | 531   |
| 85 years +     | 452   |



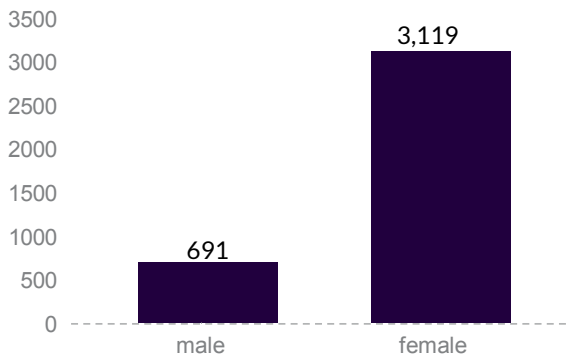
#### Race & Ethnicity



Race & Ethnicity data from:  
American Community Survey  
2011-2015 5-year estimates  
Table B03002

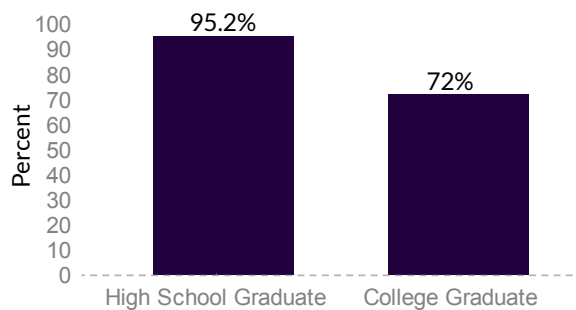
#### Adults Over 65 Living Alone

From American Community Survey 2017  
1-year estimate Table B09020



#### Education of Population 65+

From American Community Survey 2017  
1-year estimate Table S1501





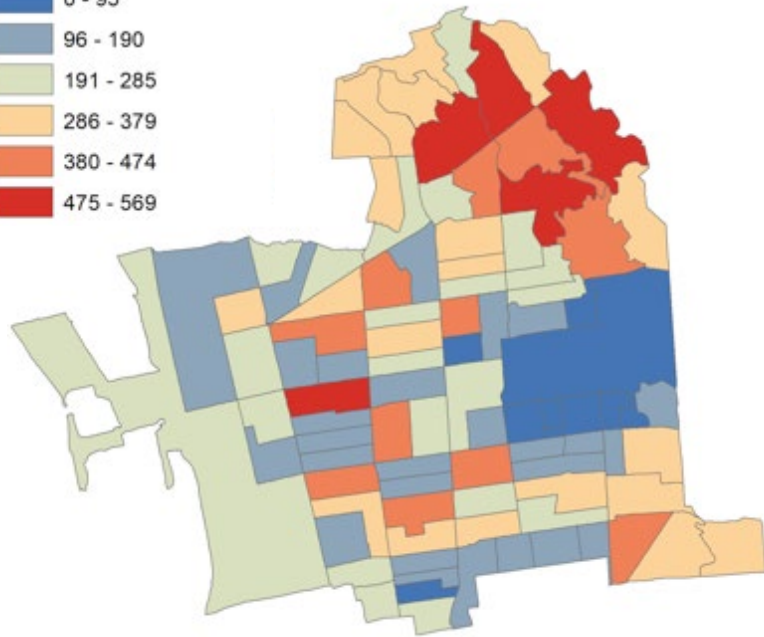
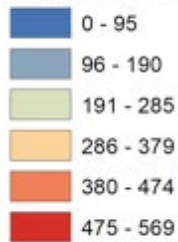
### Where do older adults live?

Many older adults live in the Berkeley hills in the north eastern part of the city.<sup>9</sup>

These raw estimates are of people over age 60 living in each block group. Some blocks near the center of the city have high numbers because of the location of high-density affordable senior apartments.

#### Legend

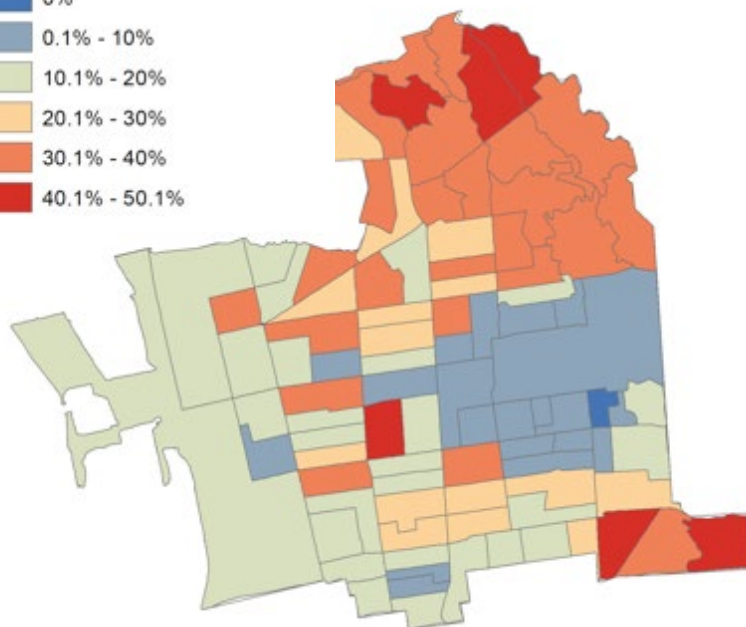
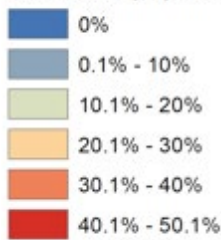
##### # adults age 60+



The high concentration of older adults living in the hills becomes even more apparent when looking at the percent of people over age 60 compared to the total population living in each block group.

#### Legend

##### % of total population age 60+



<sup>9</sup> Data are from the 2017 American Community Survey 5-year estimates table B01001 and were mapped using ArcGIS 10.5.1



# Why Now?

The Census Bureau projects 2030 to be a transformative decade for the US population. Advancements in medicine and public health have led to more people living longer. The Census Bureau estimates that by 2035, older adults will outnumber children for the first time in US history. This rapid increase has major implications and will place un-precedented demands on cities and communities. In response, the World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative was launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The demographic shifts projected nationally will be mirrored in Berkeley. The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. Life expectancy in Berkeley is 86.7 years for women and 83 years for men, compared to 78.8 years nationally and 80.8 years in California. Mortality rates in Berkeley are lower than those of surrounding Alameda County and California— reflecting the city's long life expectancy.<sup>10</sup> As with health status, there are great disparities in longevity based on race and class

According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities. An Age-Friendly community promotes policies, enhances services, and creates a built environment that enables a growing population of older adults to age in their community while supporting a more inclusive, equitable and accessible city for all.

## Toward an Age-Friendly Berkeley

Age Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy and engaged in their environments. Enhanc-

<sup>10</sup> Health Status Report, City of Berkeley, 2018

ing the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, the safety of our public spaces and improving communication and access to information are activities that will make Berkeley a better place to grow up and grow old. Addressing the needs of our older population benefits people of all ages.

To realize this vision, the Age-Friendly Berkeley initiative pulls together public and private leadership, resources, ideas, and strategies; it builds on information gleaned from the community. The leadership team for this project has local residents and members from the city, the health sector, and the nonprofit sector (see Appendix A) who have helped build partnerships to ensure the recommendations are relevant and feasible.

The World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative provided a framework and network of similar efforts that supported the development of this Action Plan.



Natalie OrNSTein, BerkeleySide

# The Age-Friendly Framework

**T**he World Health Organization and AARP's Global Network of Age-Friendly Cities and Communities fosters the exchange of experiences and initiatives as cities strive to better meet the needs of their older residents. The Age-Friendly Cities Initiative provides guidance for assessing local conditions and identifying areas for change. The Initiative uses a framework with eight domains which identify social and environmental factors that influence how well we age and how long we live. These domains align closely with the social determinants of health as defined in Healthy People 2020.<sup>11</sup> Based on the information gleaned from the local needs assessment, the domains in this report include:

## 1. Housing:

Public and private housing options, home maintenance, home modification, safety and comfort, proximity to services and community life

## 2. Health and Community Services:

Promote, maintain and restore health, provide home care services, coordinate service delivery and emergency planning

## 3. Transportation:

Public and private transit options, reliability, specialized services for people with disabilities, priority seating, traffic flow, roads, driver education, parking

## 4. Outdoor Spaces and Buildings:

Public areas, green spaces, outdoor and indoor seating, walkways, bike paths, lighting, customer service arrangements, public toilets

## 5. Social and Civic Participation:

Venues, timing, affordability, events and activities, inclusion on decision-making bodies, fostering diversity and inclusion; combating social isolation

## 6. Employment and Economic Security:

Volunteer and employment options, job training, age discrimination, entrepreneurship, elder fraud abuse, cost of living

## 7. Respect and Social Inclusion:

Programs to support cultural and ethnic diversity, public images of aging, intergenerational and family dialogue, public education, recognition of contributions to past and present, economic inclusion

## 8. Communication and Information:

Distribution of information, person-to-person communication, printed information, media, access to and use of technology and the Internet

<sup>11</sup> <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

# Our Planning Process<sup>12</sup>

## 2016

- ✓ Convened leadership team and worked with the Mayor to launch the initiative
- ✓ Completed assessment and was accepted into the national and international Network of Age-Friendly Cities
- ✓ Included “Age-Friendly” planning in the City of Berkeley’s strategic plan

## 2016-2018: Action Planning cycle

- ✓ Researched background information
  - Reviewed WHO guidelines and other cities’ Age-Friendly Action Plans
  - Researched Age-Friendly assets and resources in Berkeley.
  - Reviewed Berkeley results from the 2016 Alameda County Plan for Older Adults
  - Collected relevant information from the 2017 Berkeley Age-Friendly Continuum Needs Assessment<sup>13</sup>
- ✓ Collected data from the community using WHO’s Global Age-Friendly framework
  - Conducted a community survey both online and by utilizing local organizations to distribute hard copies in English and Spanish
  - Interviewed City staff from all departments to assess how their work could align with Age-Friendly goals, and to assess resources and potential recommendations
  - Evaluated results
- ✓ Gathered additional community feedback from public sessions
  - Added two additional focus groups to the 3 focus groups<sup>14</sup> from the 2017 Berkeley Continuum needs assessment
  - Held several meetings and a public forum with the Commission on Aging
  - Presented progress report and solicited feedback from the Berkeley City Council
- ✓ Synthesized community data and worked with partners to frame recommendations.

## December 2018 -January 2021

- Finalize report and submit to AARP and WHO
- Implement Action Plan (see page 21)
  - Year 1 Set up action framework, convene work teams and begin data collection
  - Years 2-3: Execute, coordinate, and track progress of action items
    - Conduct an evaluation of the implementation process
    - Determine future needs
    - Update Action Plan

<sup>12</sup> The Age-Friendly planning process coincides and aligns with the city’s Strategic Planning process, including a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information.

<sup>13</sup> For the detailed Needs Assessment and Strategic Plan of the Berkeley Age-Friendly Continuum’s 2017 report, with reference to Alameda County and national trends, go to [www.berkeleycontinuum.org](http://www.berkeleycontinuum.org).

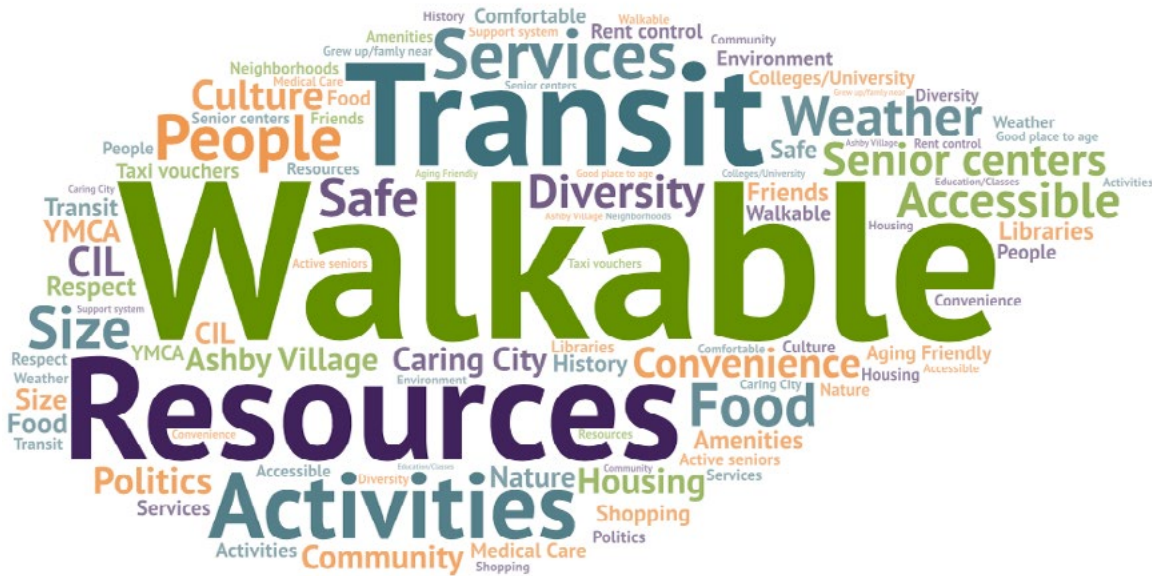
<sup>14</sup> Thank you to Beatrice Leyva-Cutler and Faye Combs, community volunteers who organized the focus groups.

# Top Findings

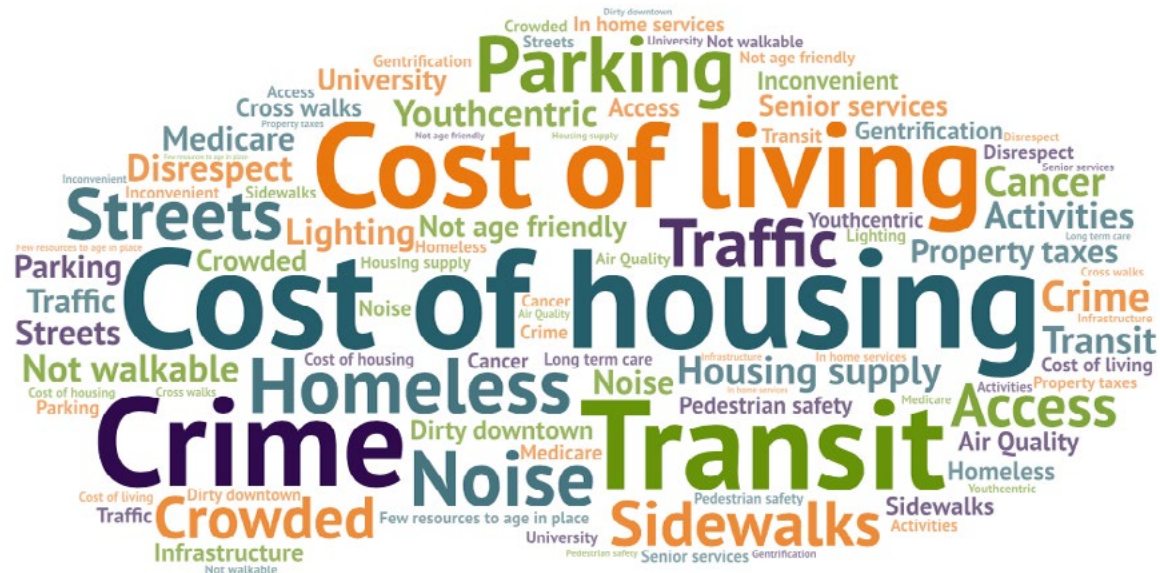
## What Older Berkeley Residents Like Best and Least in Berkeley

The 'word clouds' below display words that were used to answer an open-response question on the Age-Friendly Berkeley Community Survey. People responded to what they like best and least about Berkeley as a place to age. The more common the response, the larger the font. Transit is highlighted in both positive and negative comments which is most likely linked to where people live, with people in the Berkeley Hills being most concerned about transit.

## Reasons for Positive Views of Berkeley as a Place to Age



## Reasons for Negative Views of Berkeley as a Place to Age



## Findings and Priority Areas

There are many programs and services in Berkeley that support an active and healthy community for people of all ages. The recommendations from this Action Plan are designed to build on what is already occurring, improve impact, and address gaps. Given the rapidly changing landscape and the pace of developing technology, we see this action plan as a living document, open to enhancement.

Several themes cut across the plan's recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

After reviewing community responses and promising local efforts already underway, this Action Plan identified four priority areas:<sup>15</sup>

### Housing and Economic Security

### Transportation and Mobility

### Health and Wellness

### Social Participation and Civic Engagement

Within each of these 4 areas, recommendations fell into 3 categories:

### Equity and Inclusion

### Information

### Infrastructure and Policy

These priority areas and recommendations are summarized in the following pages along with local programs and policies already in development. Detailed information for all 8 domains can be found in *Appendix B*.

<sup>15</sup> Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources, current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.



## HOUSING AND ECONOMIC SECURITY

**F**inancial and housing worries topped the list of concerns across all income levels. Given housing costs in the San Francisco Bay Area, most housing is no longer affordable; nor, is there a continuum of housing options (including assisted living) available in Berkeley as we age. More affordable housing is needed to prevent further displacement. Should older adults remain in their homes, they need affordable options for safety and accessibility home modifications. While there are several housing programs in Berkeley, and some programs specifically designed to help low income seniors, they are disconnected and it is clear from focus groups that people are unaware of them. Berkeley also needs to work with neighboring communities to expand eligibility criteria for those just above income guidelines who struggle without subsidized programs. Additionally, many residents believed that there are not enough flexible jobs with accommodations for older workers to stay employed. 20% of those who reported that they are retired are, in fact, "gigging" to make ends meet. The scale of these problems requires broad, often regional, policy solutions.

### Already In Development

- ✓ Senior and disabled home loan program
- ✓ Accessory Dwelling Unit (ADU) policies
- ✓ Expanded home safety inspection program
- ✓ Several pilot programs: Homeless Coordinated Entry, Berkeley Home Match and the development of a Service Linked Senior Housing/ Community Center model
- ✓ Business Succession Planning

### Goal and Recommendations

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

#### → Equity and Inclusion:

- Include targets for the older adult population in the City Housing Element.
- Address the need for affordable, accessible housing at all levels of need; expand eligibility criteria for subsidized services to raise access levels to moderate income individuals.
- Expand access to supportive housing for vulnerable populations.

#### → Information:

- Provide an online resource and educational workshops at Senior Centers about renters' rights and strategies to qualify for access to both market and below market rate housing.
- Offer workshops and education on financial planning and elder fraud abuse.
- Assess and map housing options for the public via written materials and the internet.
- Provide broader communication of assistance with local taxes for low income residents.

#### → Infrastructure and Policy:

- Develop a program for housing cost relief for moderate income seniors who do not qualify for income restricted housing.
- Incorporate mixed zoning in all neighborhoods, increasing walkability and access to services and commercial areas.
- Pursue affordable settings for out-of-home assisted living (e.g., CCRC and alternatives).
- Enable increased development of accessory dwelling units (ADU) by streamlining the construction approval process.

## HEALTH AND WELLNESS <sup>16</sup>

**B**erkeley and surrounding cities have abundant healthcare and community service resources; however, most programs do not have the capacity to meet the increasing demand from seniors. Care navigation for accessing resources, affordable in-home care, and memory care are gaps in local resources. Participants in the Berkeley Continuum, Age-Friendly Berkeley and Alameda County planning consistently voiced a desire to bring services and supports to them in their home rather than requiring institutional care. Residents need access to providers and other health and wellness services such as venues for fitness, especially in South and West Berkeley. Berkeley is unique in having its own public health jurisdiction, however, there needs to be more coordination with the County Public Health Department and neighboring cities' Age-Friendly efforts to address and prevent common health issues.

### Already In Development

- ✓ Emergency preparedness and resiliency planning
- ✓ Healthy food access and cooking programs
- ✓ Whole Person Care pilot, an Alameda County wrap around program for the homeless
- ✓ Alameda County's Senior Injury Prevention Program (SIPP)

### Goal and Recommendations

Develop a more integrated system of services and supports that are person-centered and ensure that all residents have the opportunity to engage in health promoting activities.

#### → Equity and Inclusion:

- Implement additional health related programs around nutrition and exercise, with special outreach to underserved groups.
- Broaden outreach for dental care to low income and vulnerable seniors.
- Expand eligibility criteria for subsidized services to raise access levels to moderate income individuals.

#### → Information:

- Provide affordable, local navigators to help address basic systems navigation needs, e.g., public benefits, housing, and service referrals.

#### → Infrastructure and policy:

- Obtain funding for additional geriatric case managers and navigators.
- Convene a summit on memory care to plan a community response to dementia and related diseases.
- Improve the workforce pipeline of home care workers and create a centralized source of vetted referrals.
- Champion lower costs for in-home services, while ensuring a living wage for home health care workers.

<sup>16</sup> In this context "wellness" refers to the social determinants of health, defined by the World Health Organization as "the conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life." <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

## TRANSPORTATION AND MOBILITY

**T**ransportation is a major concern for older residents, especially those in isolated areas such as the Berkeley Hills and low-income residents in other areas of the city. Many older adults are unfamiliar with public transportation or do not trust its reliability. Uneven sidewalks and pedestrian safety concerns are also barriers for accessing transportation options. Public transit issues such as the absence of benches or shelter at station stops and inadequate lighting, often prevent people from using services. Better public transportation options can help seniors access needed services and combat feelings of isolation. Safe driving refresher courses are also needed but there are few local options.

### Already In Development

- ✓ New street policy and design approaches being used as streets are repaired and developed
- ✓ Master Pedestrian Plan being developed in commercial areas
- ✓ City sidewalks being assessed for repairs
- ✓ Mobility management and travel training being offered to seniors

### Goal and Recommendations

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

#### → Equity and Inclusion:

- Ensure that popular destinations are accessible via various transportation modes, particularly for those in outlying neighborhoods or with mobility challenges.

#### → Information:

- Extend education programs about transit options.
- Promote older driver safety by linking seniors to low-cost defensive driving workshops.

#### → Infrastructure and policy:

- Continue to develop 'complete streets' design to ensure safe travel and access for users of all ages and abilities regardless of their mode of transportation.
- Collaborate to advance affordability, availability, and reliability of public transportation.
- Improve transportation infrastructure (benches, pavement, shelters).
- Create well marked 'safe routes' to common destinations with smooth sidewalks, large print signs, and good lighting.

***"Good public transportation."***

***"Walkability in 'the flats' "***

***"Convenient parking in downtown is not easy to find."***

***"Poor transportation options"***



## SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT

**W**hile many Berkeley residents participate in local activities, organizers need to outreach broadly across race, immigration status, sexual identity and orientation, income level, and housing status. The population of isolated seniors needs to also be considered. Although there are various websites and newsletters indicating what is available in Berkeley, most residents are unaware of the offerings. Multiple modes of communication need to be used to ensure that older adults stay informed and engaged. The city website is difficult to navigate and needs to be regularly updated to be useful. In addition, many people call the county 2-1-1 information line, but data about why people call and how they manage referrals is not tracked. Being the home of the independent living movement, Berkeley was ahead of other cities in terms of accessibility. However, public buildings and parks need to continue to be updated with evolving standards to ensure residents with mobility challenges can participate. For the same reason, amenities to make parks safer and more accessible, like public bathrooms, lighting, and benches, are needed.

### Already In Development

- ✓ Development of a home visit program to isolated seniors
- ✓ Inclusion of older people in public images
- ✓ Intergenerational programming in the schools and community (e.g., active volunteers)
- ✓ Redesign of the city website to make it more accessible and easier to navigate
- ✓ Plans to increase access to broadband internet, up-to-date devices, and training, in partnership with nonprofit organizations
- ✓ Redevelopment of Berkeley's 3-1-1 line, an online service center
- ✓ Improved access to information about the options for social engagement in Berkeley
- ✓ Older adult inclusion in concept planning for the North Berkeley Senior Center
- ✓ Addition of older adult programs in parks and recreation venues and consideration of increased hours at public parks

### Goal and Recommendations

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

#### → Equity and Inclusion:

- Re-frame senior centers and outreach to attract a broader community.
- Promote Age-Friendly business practices through an Age-Friendly Business Certification program.
- Seek older adult input into current municipal planning around resiliency and infrastructure.

#### → Information:

- Create an easier to access and navigate directory of Age-Friendly organizations, activities and engagement opportunities.
- Add a link to activities for older adults to the City of Berkeley website.

#### → Infrastructure and policy:

- Create safe routes to common destinations.
- Improve park bathrooms and facilities.
- Re-open Willard Pool to improve public access to swimming in South-East Berkeley.

# Implementation Plan

Year 1

## Infrastructure

Designate the City of Berkeley Health, Housing, and Community Services, Aging Services Division as the Backbone Agency and obtain funding to support the Aging Services Manager in coordinating the initiatives

**Solidify Action Teams**  
Use the potential partners list (page 22) to identify regional, city, and community based team members for each priority area

**Form a Leadership Team**  
consisting of 5-7 champions from relevant sectors (the City, local residents, health, transportation, business, etc.) to guide implementation of the action plan

**Create Communication Network**  
Identify City staff to be contacts for work within the City. All City Departments will be responsible for the Action Plan recommendations.



## Commit to the Action Plan & Work on Year 1 Goals

Community partners and city staff coordinate Year 1 activities for each priority area  
Leadership team finalizes funding needs and plans strategies to support year 2-3 recommendations



## Develop Shared Metrics

Action and Leadership team members Identify and agree on high level indicators and set up a framework using Results Based Accountability to measure progress in years 2-3



## Communicate Results of Year 1

Develop an online dashboard using the Age Friendly website to inform the public and track progress  
Ensure that the Commission on Aging is continually updated and consulted



## Prioritize and begin work

the remaining recommendations in collaboration with City and community partners



## Work on Year 2-3 Initiatives

Community partners and City staff work toward Year 2-3 targets



## Monitor & Improve

Monitor progress and continually improve processes using the Results Based Accountability framework



## Communicate Results of Year 2-3

Use the online dashboard on the Age-Friendly Berkeley website to inform the public and track progress

Year 2-3

## Potential City & Community Partnerships

A critical goal for Year 1 Implementation (see Plan on page 21) will be to solidify the teams that will address goals in each priority area. Partners come from City of Berkeley departments, local community organizations, county and regional entities, as well as other cities with Age Friendly initiatives. Below is a table with city departments, a partial list of relevant local organizations, and some regional linkages that can help address broad areas such as housing, health and transportation.

|                                         | Regional                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | City of Berkeley                                                                                                                                                                                                                                                                                  | Local Community                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Housing & Economic Security             | <ul style="list-style-type: none"> <li>Housing Authority of Alameda County</li> <li>BACS (Bay Area Community Services)</li> <li>SAHA (Satellite Affordable Housing Associates)</li> <li>RCD (Resources for Community Development)</li> <li>Covia</li> <li>Rebuilding Together</li> <li>Habitat for Humanity</li> <li>ASSETS</li> <li>Encore, Inc.</li> <li>East Bay Works</li> </ul>                                                                                                                                       | <p><b>Health Housing &amp; Community Services:</b><br/>Housing Services</p> <p><b>City Manager's Office:</b><br/>Office of Economic Development</p> <p><b>Health, Housing, &amp; Community Services:</b><br/>Community Services &amp; Administration</p> <p><b>Planning &amp; Development</b></p> | <ul style="list-style-type: none"> <li>Ashby Village</li> <li>BOSS (Building Opportunities for Self Sufficiency)</li> <li>UC Retirement Center</li> <li>Legal Assistance for Seniors</li> <li>Berkeley Chamber of Commerce</li> </ul>                                                                                                                                                                                                              |
| Transportation & Mobility               | <ul style="list-style-type: none"> <li>AC Transit</li> <li>BART</li> <li>East Bay Paratransit</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Health, Housing and Community Services</b><br/>Aging Services Division</p> <p><b>Public Works:</b><br/>Transportation Division</p>                                                                                                                                                          | <ul style="list-style-type: none"> <li>Senior Center Shuttles</li> <li>CIL Shuttles</li> <li>CEI Shuttles</li> <li>UC Berkeley: SafeTREC</li> <li>Ride share companies</li> </ul>                                                                                                                                                                                                                                                                  |
| Health & Wellness                       | <ul style="list-style-type: none"> <li>Alameda County Health Care Services Agency</li> <li>IHSS (In-Home Supportive Services)</li> <li>LifeLong Medical Care</li> <li>CEI (Center for Elders' Independence)</li> <li>Alzheimer's Services of the East Bay</li> <li>Alta Bates Medical Center</li> <li>Sutter Health</li> <li>Kaiser Permanente</li> <li>Alameda County IHSS Program</li> <li>CIL (Center for Independent Living)</li> <li>Legal assistance for seniors</li> </ul>                                          | <p><b>Health, Housing, &amp; Community Services:</b><br/>Public Health Division<br/>Community Services &amp; Administration<br/>Aging Services Division</p> <p><b>CARE Team</b></p> <p><b>Berkeley Fire Department</b></p>                                                                        | <ul style="list-style-type: none"> <li>SIPP (Senior Injury Prevention Program)</li> <li>Lifelong Over 60 Health Center</li> <li>YMCA</li> <li>Jewish Family Services</li> <li>Berkeley Continuum</li> </ul>                                                                                                                                                                                                                                        |
| Social Participation & Civic Engagement | <ul style="list-style-type: none"> <li>California Department of Aging</li> <li>CEI (Center for Elders' Independence)</li> <li>CIL (Center for Independent Living)</li> <li>Covia: Well Connected</li> <li>Jewish Community Center of the East Bay</li> <li>University of California Retirement Center</li> <li>Forget Me Not</li> <li>Lavender Seniors</li> <li>Gray Panthers</li> <li>East Bay Regional Park District</li> <li>BORP (Bay Area Outreach and Recreation Program)</li> <li>Eden I &amp; R (2-1-1)</li> </ul> | <p><b>Health, Housing &amp; Community Services:</b> Aging Services Division</p> <p><b>Public Works:</b><br/>Disability Compliance Program</p> <p><b>Parks, Recreation, &amp; Waterfront Department</b></p> <p><b>Information Technology</b></p> <p><b>Planning &amp; Development</b></p>          | <ul style="list-style-type: none"> <li>Ashby Village</li> <li>Alta Bates Tele-Care</li> <li>UC Botanical Garden</li> <li>Tilden Regional Park</li> <li>UC Berkeley: Center for Technology &amp; Aging</li> <li>Berkeleyside</li> <li>Berkeley Public Libraries</li> <li>J-Sei</li> <li>UC Berkeley Osher LifeLong Learning Institute</li> <li>UC Berkeley Bears for Elder Welfare</li> <li>Berkeley Student Co-op</li> <li>Elder Action</li> </ul> |



# Health & Community Services

Berkeley has numerous health care resources, including Alta Bates Summit Medical Center, part of the Sutter system, and LifeLong Medical Care, a network of community health centers. The ratio of primary care doctors to residents is well above the national average. Berkeley is located between Stanford and UCSF medical schools. Stanford Health Care and John Muir Health recently expanded to Berkeley. However, there remain stark health inequalities across ethnicity, income, and neighborhood that several community programs are addressing. These include access to dental care, especially for vulnerable and underserved populations. Additional care navigation and programs that de-stigmatize seeking help for mental health and other basic needs are necessary to improve the well-being of all residents.

## AGE FRIENDLY RESOURCES

Public

|                                                  |                                                                                                                                                                                                                          |                                        |                                                                                                                                                                                                                                  |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Senior Center Programs</b></p>             | <p>City Senior Centers provide recreation, affordable hot meals, health &amp; wellness education and other supportive services.</p>                                                                                      | <p><b>Case Management</b></p>          | <p>Targeted case management for Medi-Cal beneficiaries is available through the city; referrals are also available through City Aging Services, Jewish Family Services, LifeLong Medical Care, and the Public Health clinic.</p> |
| <p><b>In-Home Supportive Services (IHHS)</b></p> | <p>Alameda County, with federal, state, and local funding, provides personal care services that help seniors on Medi-Cal stay safely in their homes as long as possible.</p>                                             | <p><b>Senior Injury Prevention</b></p> | <p>City injury prevention workshops and education about geriatric health concerns are available from the Berkeley Fire Department that often responds to 9-1-1 calls from seniors.</p>                                           |
| <p><b>City Public Health Department</b></p>      | <p>The city has its own public health department, allowing a focus on local health issues residents face.</p>                                                                                                            | <p><b>GMOL</b></p>                     | <p>Getting the Most Out of Life is an Alameda County Health Care Services Agency program that promotes planning for end-of-life and hospice care before a medical emergency occurs.</p>                                          |
| <p><b>AC Care Connect</b></p>                    | <p>AC Care is a county program that provides complete services for those experiencing homelessness, including behavioral and physical health, housing, and legal services.</p>                                           | <p><b>Food Assistance</b></p>          | <p>There is meal delivery and food assistance available through Meals on Wheels, CalFresh, Food Bank, and the Area Agency on Aging</p>                                                                                           |
| <p><b>MSSP</b></p>                               | <p>The CA Dept. of Aging Multipurpose Senior Services Program (MSSP) provides healthcare management for seniors who qualify for nursing home care and prefer to remain in their home.</p>                                | <p><b>CARE Team</b></p>                | <p>Community Accessing Resources Effectively (CARE) is a cross disciplinary team that looks at improving care for high utilizers of emergency services.</p>                                                                      |
| <p><b>Heart to Heart</b></p>                     | <p>A mobile van run by the City and LifeLong Medical Care helps address inequities in treatment for hypertension and heart disease in South Berkeley by connecting residents with programs, resources, and services.</p> | <p><b>Health Status Report</b></p>     | <p>The Health Status report is a regular City report that provides information about residents' health status.</p>                                                                                                               |
| <p><b>Adult Immunization</b></p>                 | <p>Free flu shots and low-cost immunizations are available at the Ann Chandler Public Health Center.</p>                                                                                                                 | <p><b>Peer-to-Peer</b></p>             | <p>City community health advocates visit churches, parks, and community centers to let people know about programs.</p>                                                                                                           |

AGE-FRIENDLY BERKELEY

## AGE FRIENDLY RESOURCES

### Public



**Nurse of the Day**

A City public health nurse provides free health information, referrals, and education.



**CERT**

A Community Emergency Response Team provides education in disaster preparedness and training in basic emergency skills (Fire Department).



**Fire Dept. Collaboration**

Berkeley Fire refers 'at-risk' seniors to City Aging Services; emergency forms posted in seniors' homes notify EMS of critical health information.



**Ombudsman Program**

This Alameda County program, with funding from the Older Americans Act through the Area Agency on Aging, ensures residents of long-term care facilities are receiving safe, quality services.



**County Veterans Services**

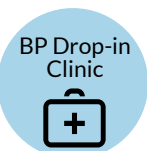
This county program helps inform people about veteran services and assists people with claiming and maintaining benefits for which they are eligible.

### Nonprofit



**Over 60 Health Center**

Lifelong Medical Care's Over 60 Health Clinic offers primary care, chronic disease management, social services, and health education specifically for seniors.



**BP Drop-in Clinic**

There is a drop-in clinic for checking blood pressure at LifeLong's Over 60 Health Center to address health disparity in monitoring hypertension.



**Living Well With A Disability**

Free peer workshops are organized by CIL and designed for seniors (55+) who have a newly acquired disability.



**YMCA classes**

The YMCA in Berkeley offers Healthy Living Programs to help manage chronic diseases, as well as several senior aquatics, aerobics, chair exercise, and gentle yoga classes.



**Alzheimer's Services of the East Bay**

Alzheimer Services is a nonprofit organization that provides care services to people with dementia, support for caregivers, and education about dementia care.



**LAS**

Legal Assistance for Seniors (LAS), located in Oakland and serving all of Alameda County, is a nonprofit that provides legal advice, representation, and education to residents over 60.



**CEI PACE Program**

The Center for Elders' Independence is the only wrap-around service provider in Berkeley, offering medical care, transportation, adult day care, exercise classes, nutrition support, and social activities.



**Transitions Program**

Lifelong Medical Care manages a support program for patients following hospital discharge.



**ICR Personal Assistance**

Inclusive Community Resources provides mobility training, personal assistance, and attendant management services for adults with developmental disabilities.



**Ethiopian Community & Cultural Center**

This center is a nonprofit organization that, along with cultural, advocacy, and social activities, offers family caregiver support for Ethiopian-American elders.



**Cooking Matters**

LifeLong Medical Care offers Cooking Matters classes for patients in West Berkeley along with fresh produce giveaways.















**LifeLong Geriatric Dental Program**

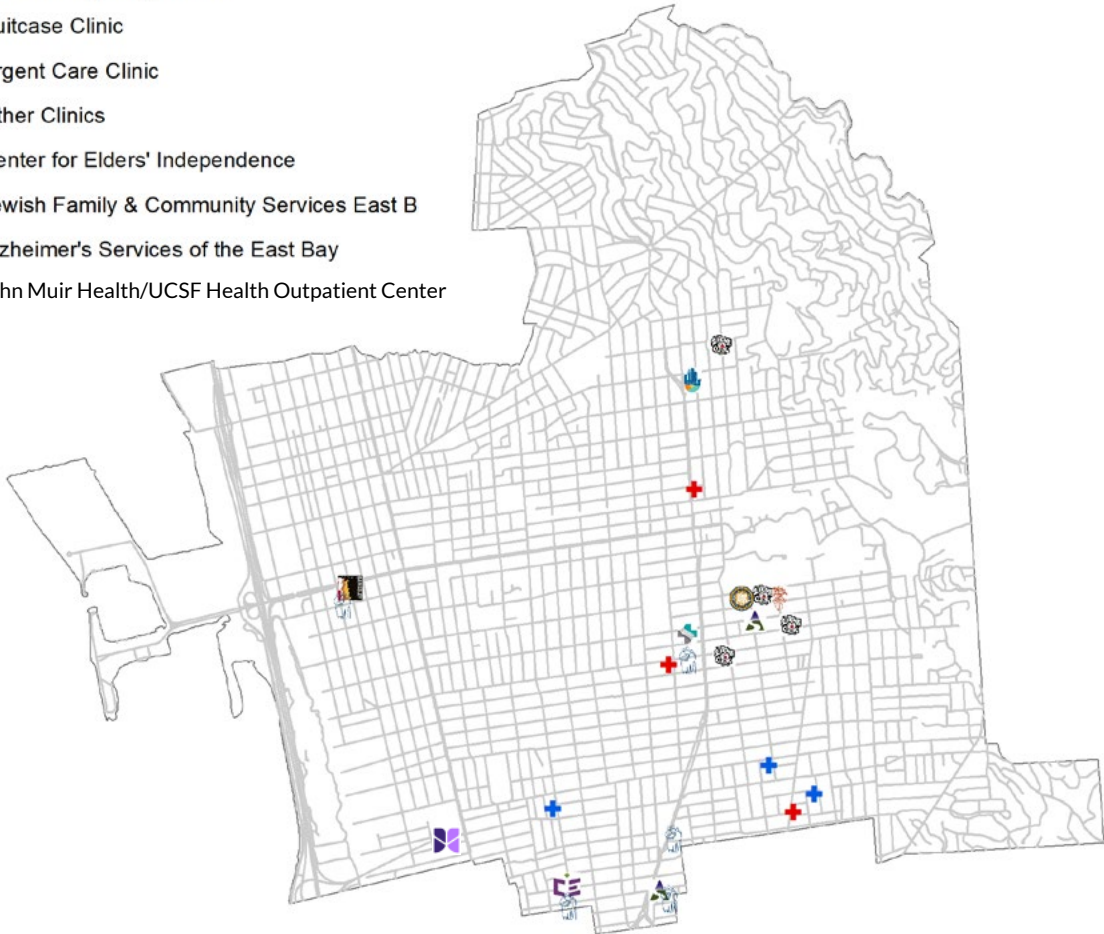
LifeLong Medical Care offers a Geriatric Dental Program at several locations and with a mobile van.

# HEALTH CARE MAP

## Legend

-  Alta Bates Summit Medical Center
-  LifeLong Medical Care
-  Ann Chandler Public Health Center
-  Berkeley Free Clinic
-  UC Berkeley Tang Center
-  Suitcase Clinic
-  Urgent Care Clinic
-  Other Clinics
-  Center for Elders' Independence
-  Jewish Family & Community Services East B
-  Alzheimer's Services of the East Bay
-  John Muir Health/UCSF Health Outpatient Center

*Alameda County is above the 90th percentile for the ratio of primary care doctors to population*



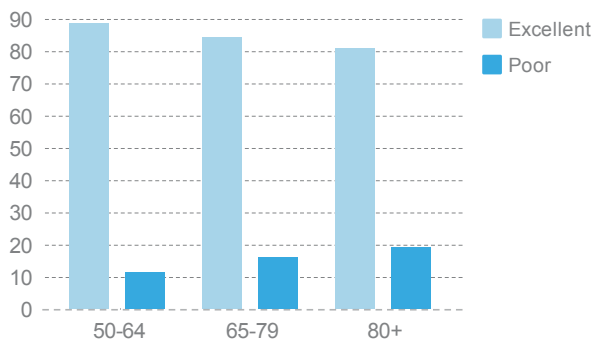
There are many healthcare options along the main city corridor which runs through downtown. Stanford and John Muir Health care have both moved into South Berkeley, but there are few options available in West Berkeley. Several service providers such as Alzheimer's Services of the East Bay, CEI, and Jewish Family & Community Services are also concentrated near downtown.





## COMMUNITY SURVEY RESULTS

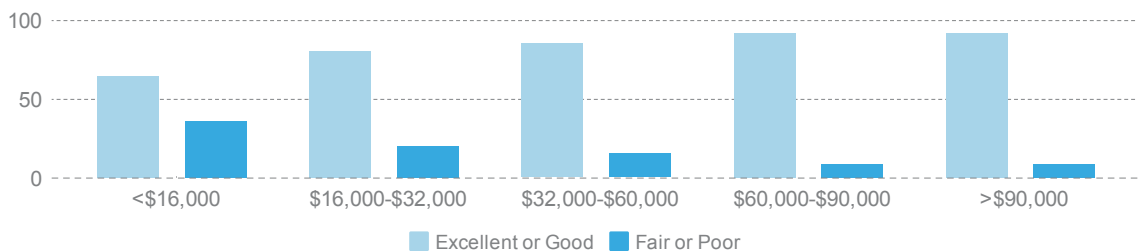
### Health by Age Group



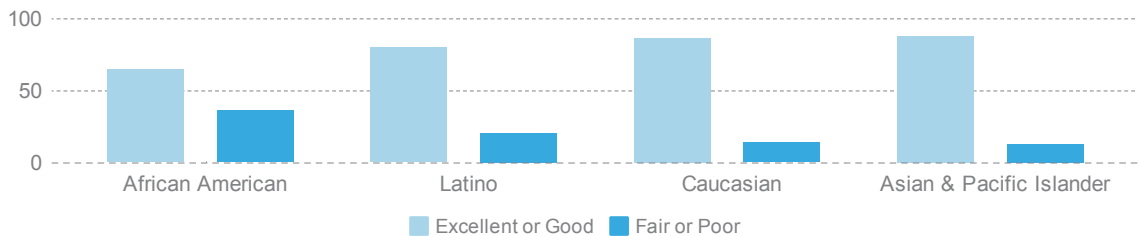
Overall, subjective reports of health are good among older adults in Berkeley who responded to our survey.

However, there are predictable disparities in self-reported health across income and race. The graph below shows a trend similar to what is found in most studies nationally of the relationship between health, race, and financial resources. Berkeley is continuing its work on eliminating disparities.

### Health by income



### Health by Race



### According to the Alameda County Plan for Older Adults 2016-2017,

**15.7%** of Berkeley residents over 60 have MediCal

**48%** of Alameda County older residents have avoided needed medical care because of cost

**39%** of older, low-income Alameda County residents are "very concerned" about being able to prepare healthy food as they get older

## TAKE AWAYS



**Equity and Inclusion:** Most subjective health reports from residents are good to excellent; however, disparities are apparent in Berkeley along socioeconomic and racial lines. Addressing this is a priority of the City and County Public Health Departments, and more is being done. However, this may require expanding current programs, adding new ones, and implementing policy changes.



**Information:** Even though there are abundant healthcare resources in Berkeley and surrounding cities, care navigation, in-home care and memory care are three areas where there is a gap. Seniors who need support to stay at home often need help finding service providers but may not be able to afford services unless they qualify for Medi-Cal. Those who are just above income guidelines struggle to find affordable services. A clear source of information about these services and their affordability is needed.



**Infrastructure and Policy:** While Berkeley has many excellent health and community service programs, most are not large or well-funded enough to meet the increasing demand for services. Also, with the planned closure of the local hospital scheduled for 2030, the city will need to continue to work on ensuring residents have access to emergency care.

## ACTION PLAN

In Process

Measure GG



The City continues to work on Measure GG, which focuses on Emergency Preparedness, resilience, & community response capacity. One focus is on utilizing nurses who have relationships with vulnerable community members.

Geriatric Housecalls



LfeLong Medical Care provides in-home primary care for homebound seniors and they are expanding this program into Berkeley.

Cooking Classes



The schools continue to explore creating an inter-generational program that teaches children to cook healthy food at school so they can bring those skills home.

Gateway Program



The Berkeley Continuum is piloting a prevention/intervention program that helps older adults proactively plan for their aging experience.

Year 1

CalFresh Restaurants



Encourage Berkeley restaurants to participate in CalFresh so those who are not able to cook can buy prepared meals as an alternative to the grocery program.

Exercise & Nutrition



Implement additional health related programs in senior centers and in the community, e.g., around nutrition and exercise, and walking groups. with targeted outreach to under served groups.

SIPP



Increase awareness of Alameda County's Senior Injury Prevention Program (SIPP) by educating seniors, healthcare providers, case managers, and emergency responders about fall prevention. Ensure there is equitable access to the program.

Memory Care Planning



Convene a summit on memory care to plan a community response to dementia and related diseases

Year 2-3

Case Managers



Identify funding for additional geriatric case managers and community health workers for the general population and for people experiencing homelessness.

In-home Service Providers



Develop and implement a plan, including new funding streams, to lower costs and expand access to in-home services.

Affordable Navigators



Launch a program of affordable navigators (as opposed to comprehensive care managers) to help older adults address basic system navigation needs (public benefits, housing, service referral).

Trusted Referrals



Focus efforts to recruit, train, and retain a quality workforce of home care workers and develop a centralized, easily accessible source for vetted referrals for in-home care






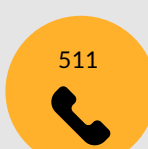









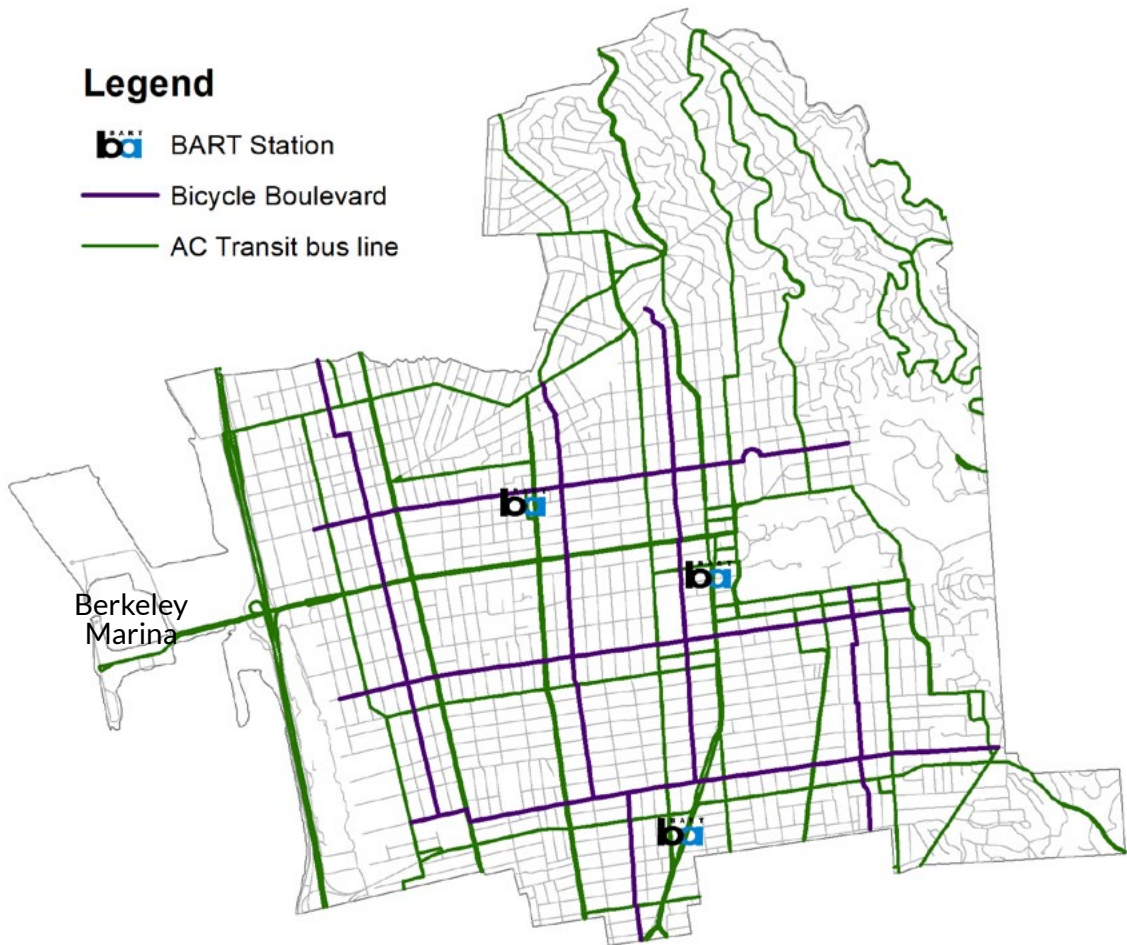
# Transportation

Berkeley is connected to the Bay Area by way of several public transportation options. Bay Area Rapid Transit (BART) has three stations in Berkeley and AC Transit, the bus line for the county, has 155 bus lines throughout the region. Currently, the city is working to improve transportation options with strategic plans that address barriers to walkability and transit safety. There need to be additional resources for addressing driving safety and improved collaboration between transportation, technology, and aging organizations in the county to ensure that the public's needs are met across neighborhoods and all modes of transit.

## AGE FRIENDLY RESOURCES

|                  |                                                                                     |                                                                                                                                                                                                  |                                                                                      |                                                                                                                                 |
|------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Public</b>    |    | AC Transit and BART have a senior discount and have priority seating for seniors.                                                                                                                |    | City Planning & Development department is addressing transportation and street safety to ensure comfortable, safe environments. |
|                  |   | App ride hailing vouchers and taxi script services are available through the City.                                                                                                               |   | East Bay Paratransit is available for door-to-door transportation services for people with disabilities.                        |
|                  |  | The Senior Center shuttle is available to bring people to the center and for organized outings.                                                                                                  |  | 511 is the phone number and website to plan travel on fixed-route public transportation throughout the Bay Area.                |
|                  |  | Bicycle Boulevards are streets with slower, lower traffic volume. Large painted street markers and street signs on each block clearly mark the designated bicycle areas.                         |                                                                                      |                                                                                                                                 |
|                  |                                                                                     |                                                                                                                                                                                                  |                                                                                      |                                                                                                                                 |
| <b>Nonprofit</b> |  | Free CIL travel training for people age 55+ and/or with disabilities: One-on-one instruction for accessing fixed route transit, mastering specific trips, and use of mobility device on transit. |  | This American Cancer Society program provides transportation to appointments for cancer patients.                               |
|                  |  | The Center for Elders' Independence runs a PACE center in Berkeley and has vans that provide transit for their elders to the center, medical appointments, and field trips.                      |                                                                                      |                                                                                                                                 |
| <b>Private</b>   |  | Bay Area companies like Uber, Lyft, SilverRide, and Chariot offer ride sharing services, including new programs that doctors can use to order rides for their patients.                          |                                                                                      |                                                                                                                                 |

# TRANSIT MAP



With three BART stations and major AC Transit bus lines, most of Berkeley is well connected by public transportation. However, residents who live in the Berkeley hills have less frequent buses and not all station stops throughout the city are covered or well lit.

Bicycle Boulevards help make cyclists and pedestrians safer. Plans for additional improvements are underway.

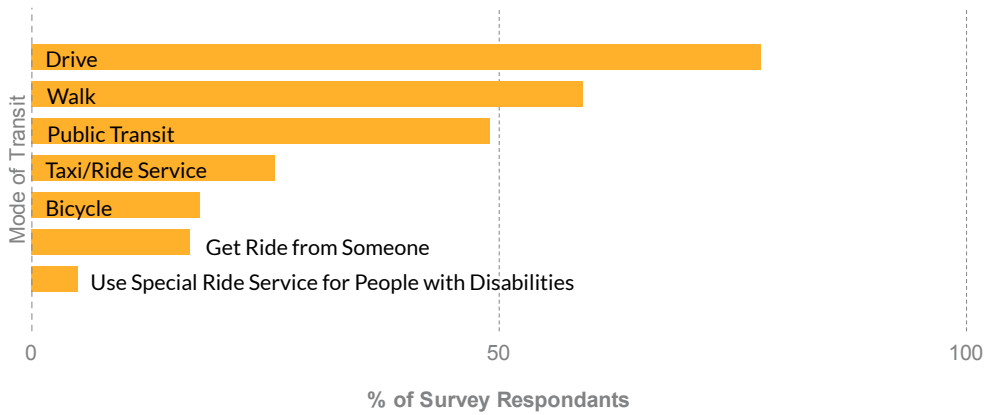
A new ferry boat, Tideline, connects the Berkeley Marina to downtown San Francisco for commuters.



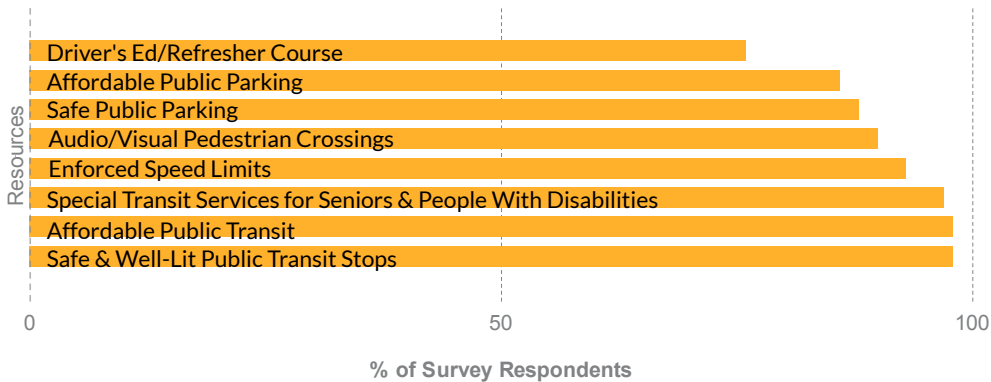
## DATA

One of the main reasons Berkeley was rated positively by survey respondents as a place to age was **walkability**. However, sidewalk disrepair and traffic safety are issues raised by many residents. While Berkeley has made an effort to be accessible (curb cuts, etc.), trees often cause sidewalks to become uneven and some survey respondents also reported feeling unsafe crossing the street. Most people who responded to the survey said they drive to get around town, and highlighted parking as a problem. Many people thought driver education for seniors would be an important resource to have.

### How Seniors Get Around Berkeley



### Top Very or Somewhat Important Transportation Resources



### According to focus groups conducted by the Berkeley Continuum

- Participants felt that the City's taxi voucher system is useful but is too limited by the number of times it can be used and the purposes for which it can be used. In addition, many people did not know that vouchers were available. Ride sharing apps can be helpful, but they are still too expensive for many people to use regularly.
- Participants said they want public transit to be more frequent and more flexible.

## TAKE AWAYS



**Infrastructure and Policy:** Many survey respondents felt that one of Berkeley's best traits is its walkability. However, sidewalk disrepair and pedestrian safety concerns can be a barrier. The Bicycle Boulevards and some new protected bike lanes are a safety improvement, but there is still more work to do.



**Equity and Inclusion:** Social activities, volunteer opportunities, and jobs are important, but without thoughtful infrastructure and transit programs that help seniors get where they need to go, these resources will not be utilized to their fullest extent. BART and AC Transit help connect Berkeley to the rest of the Bay Area, but issues like the "last mile," not having benches at station stops, and inadequate lighting can be a problem for some older people and prevent them from using these services.



**Information:** Even with abundant public transportation options, many people want to maintain the freedom of driving, and want to do so safely. Many people are interested in safe driving refresher courses, but there are limited local options for these courses. Stigma may be an issue and classes should be advertised carefully to prevent promoting stereotypes and to make sure people feel comfortable attending.

## ACTION PLAN

### In Process



A plan considering safety, walkability, lighting, etc., is in development for commercial areas.



The City is in the early planning stages for a new senior shuttle, funded with County Measure BB funds, that will address some current public transportation limitations



The City is developing a plan to address broken sidewalks throughout the city and working to prevent future problems.



Berkeley's Strategic Transportation (BeST) plan strives to allow residents, students, and visitors of any age, background, and ability to have equal access to move throughout the city.



A new Aging Services Transportation Coordinator will oversee paratransit and senior center shuttles, will expand the senior shopper shuttle, and will expand mobility management and travel training.

### Year 1



Promote older driver safety by linking them to defensive driving classes, such as those offered by AARP and the Safe Driver program promoted in the Berkeley Senior Center.



Help individuals learn how to use public transportation options with educational programs and a pool of volunteers willing to be companions on public transportation trips.

### Year 2-3



Improve collaborative planning between City Planning, Aging Services, and local transportation companies to increase public transit access for older adults; partner with carpool and private transportation services.



Improve citizen experience of transportation infrastructure, e.g., benches, shelters, traffic signals, and pavement on pedestrian sidewalks.



Advance the reliability, frequency, and local travel destinations for transit, especially in such areas as the Berkeley hills that have limited access.



Partner with community agencies to increase transportation options by better utilizing and organizing shuttles during off-hours



## Outdoor Spaces & Buildings

Berkeley values its green space, with many city parks, parklets, and miles of walking trails. Thanks to Ed Roberts, who led the disability rights movement as a student at UC Berkeley in the 1960's, accessibility of outdoor spaces and public buildings was advanced with nearly universal curb cuts, accessible city-owned buildings, and a robust set of non-profit organizations dedicated to ensuring that the needs of all residents and visitors are considered in the built environment. Improvements that go beyond ADA compliance and additional programs for older adults with varied physical abilities will make the city even more livable for everyone.

## AGE FRIENDLY RESOURCES

### Public



**Parks & Rec Adult Classes**

City Parks & Recreation programs include adult classes such as painting, yoga, and Tai Chi.



**Accessible Streets**

Sidewalks, curb cuts, street lighting, benches, and traffic calming devices are developed in most areas.



**ADA Compliant Buildings**

New businesses, housing developments and redevelopments are required by the City to be ADA compliant.



**Senior Aquatics**

City Parks & Recreation organizes several aquatics classes specifically for older adults and people with disabilities.



**Parklets**

A city ordinance has allowed several 'parklets' to be built, which provide outdoor seating and tables in commercial areas; at least six more are planned.



**Customer Service Center**

The City's Customer Service Center has been renovated to be more accessible with lower counters, better lighting, and large screens.



**EBRPD**

East Bay Regional Park District, the largest urban regional park district in the US with about 120,000 acres, has a variety of free and affordable outdoor activities and volunteer opportunities.

### Nonprofit & University



**Bay Area Outreach & Recreation**

BORP provides opportunities for people with disabilities to enjoy the outdoors, including special programs for veterans.



**Berkeley Walks**

Berkeley Walks organizes 30 minute walks 3 days a week for all levels of UC Berkeley faculty and staff.







**UC Botanical Garden**

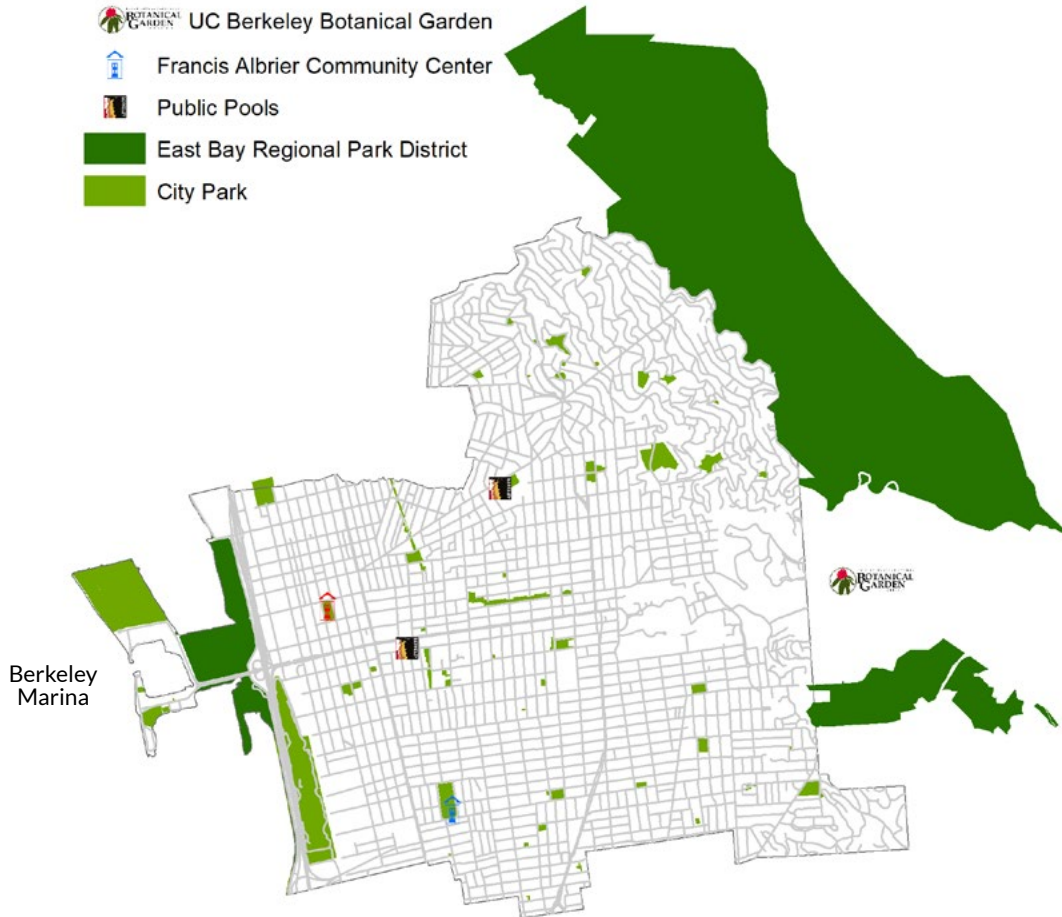
The UC Botanical Garden is 34-acres with over 10,000 different plant species. With paved paths throughout the garden, it is an accessible place to enjoy nature and learn about conservation.



# PARK MAP

## Legend

-  James Kenney Community Center
-  UC Berkeley Botanical Garden
-  Francis Albrier Community Center
-  Public Pools
-  East Bay Regional Park District
-  City Park



With parks spread out across the city, there are many opportunities to enjoy the outdoors. However, the quality and availability of amenities such as bathrooms, benches, and lighting vary across parks. There is a bus from downtown directly to the Marina and the Botanical garden, but public transit access to some other parks is limited. It may be necessary to drive to some parks, especially for those traveling from destinations other than downtown.

## DATA

One of the top reasons survey respondents rated Berkeley positively as a place to age was walkability.

**59%** said they walk      **18%** said they bike

...as a form of transportation for errands and appointments

However, sidewalk disrepair and traffic safety are issues raised by the community. While Berkeley has made an effort to be accessible (e.g., curb cuts), trees often cause sidewalks to become uneven and some survey respondents reported feeling unsafe crossing the street.

## TAKE AWAYS



**Infrastructure and Policy:** While there are many green spaces around the city, amenities to make spaces safer and accessible, like public bathrooms, lighting, and benches, are variable. In addition, while some areas of the city, such as downtown, have various public transportation options, accessing parks from other areas requires a car or multiple bus lines.



**Equity and Inclusion:** The city started implementing accessibility standards ahead of many other places, but improvements to sidewalks, bus stations, and other outdoor spaces have not continued with the same momentum. The city is aware of these problems and assessing where to invest in additional accessibility efforts.



**Information:** There are many wonderful parks throughout Berkeley, but information about these parks, their programs, and the accessibility of activities are not easy to find and the city website is not always up to date with information.

## ACTION PLAN

### In Process



More Classes

City Parks & Recreation staff are considering additional classes and programs for older adults.



ADA Self-Evaluation

The Public Works department is implementing a self-evaluation to review the built environment for ADA compliance, inviting comments from older adults



CPTED

The City Planning Department is using 'Crime Prevention Through Environmental Design' (CPTED) to address safety issues and uncomfortable spaces.



T1 Funds

Funds from local Measure T1 will be used to improve existing infrastructure and facilities in the city.

### Year 1



Age-Friendly Parks

Assess needs and secure funding to improve park bathrooms, lighting, parking, and other facilities for the older population; identify and advertise parks that are already Age-Friendly.



Park Access

Ensure that green spaces are accessible by various transportation modes and to those with mobility challenges, including shuttle access, smooth pathways, and room for wheelchairs next to benches.



Signage

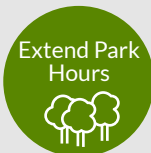
Encourage large, easily visible street numbers on businesses and houses.



Web Information

Add a link on the City of Berkeley website to outdoor recreation activities for older adults.

### Year 2-3



Extend Park Hours

Open public park exercise areas (James Kenney & Live Oak Parks) during the day in addition to the current 3 nights/week.



Re-Open Pool

Re-open the Willard Pool to improve public access to recreational swimming in South-East Berkeley



Safe Routes

Create safe routes to common destinations that have well maintained sidewalks, large signs, and good lighting.; create safe route maps.



Older Pedestrian Input

Ensure that older adults have opportunities for input into the development of the Master Pedestrian Plan by reviewing meeting times and consulting the Commission on Aging.



## Social Participation & Civic Engagement

A variety of social opportunities are available for older adults in Berkeley. These include fitness, art, education, political and and cultural activities. While the vast majority of survey respondents indicated that they participate in social activities at least a few times a week, transportation and affordability of activities were raised as barriers. Making activities more affordable, accessible, and widely advertised would help residents, particularly isolated seniors, participate.

### AGE FRIENDLY RESOURCES

#### Public



**Senior Centers**  
Senior Centers serve hundreds of people daily with group classes and activities including meals, foreign language, memoir writing, music, field trips, dance, and birding. They also have voter registration materials.



**City Boards & Commissions**  
The City's 43 Boards & Commissions attract numerous seniors from across the city, including to the Commission on Aging.

#### Nonprofit & University



**OLLI @ Berkeley**  
UC Berkeley Osher Lifelong Learning Institute offers a wide variety of classes for adults 50 and older.



**J-Sei Activities**  
J-Sei is a community center that offers a space for inter-generational activities and services that pass on Nikkei values and traditions.



**JCC**  
The Jewish Community Center organizes group "Trips Around Town" for seniors and has adult classes, lunches, clubs, and events.



**CEI Social Activities**  
The Center for Elders' Independence organizes social activities and has an adult day health center as part of their PACE program.



**CIL**  
The Center for Independent Living advocates with and for people of all ages with disabilities and offers organized social activities.



**Ashby Village**  
Ashby Village members organize events, volunteer activities and various interest groups that meet regularly including advocacy, poetry, bridge, movies, and technology.



**Lavender Seniors Group**  
A support and advocacy group for LGBTQ seniors, Lavender Seniors has a 'Friendly Visitor' program and monthly lunches to keep members connected.



**UC Retirement Center**  
As a major local employer, the UC Berkeley retirement center connects 2,245 UC retirees in Berkeley and Albany with volunteer opportunities, book clubs, workshops, and Retirees' Associations.



**BLBC**  
The Berkeley Lawn Bowling Club is a nonprofit outdoor sport club that has been active since 1928. Members offer free classes to the public.



**Gray Panthers**  
The East Bay Gray Panthers are an intergenerational advocacy group fighting for social justice and combating ageism.



**Elder-Action Group**  
A new advocacy and social justice interest group growing out of Ashby Village meets to discuss and plan advocacy efforts.



**Berkeley Continuum**  
The Berkeley Continuum is a non-profit group that is working to ensure that a continuum of services and supports are available for older people to age in their communities.



## DATA

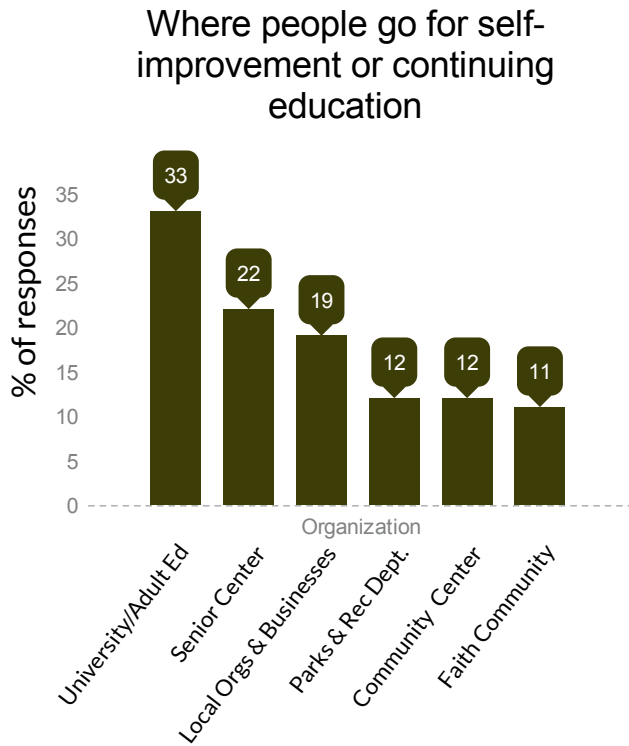
One of the top reasons Berkeley was rated positively by survey respondents as a place to age was the availability of many different services and activities. The vast majority of survey respondents said they are actively participating in social activities. However, various surveys indicate that 6-11% of Berkeley seniors socialize less than once a week and follow up is needed to identify the needs of these isolated seniors.

**89%** said they socialize at least a few times a week

**60%** said they participate in continuing education or self-improvement classes

**91%** said it is important for them to have a range of opportunities to volunteer

**31%** said they have transportation to and from volunteer activities



### According to focus groups moderated by the Berkeley Continuum

- Some people had been to the senior centers and liked them. However, a few people said they did not like the senior center, with some adding that it seemed "depressing".
- Participants who lived in multi-unit housing indicated that they needed more information about what activities were happening in the community.
- Those living in single family homes showed more interest in finding ways to be connected to social activities.

Berkeley has a long history of being at the center of social movements. Older adults in the community are heavily involved in local politics.

**54%** said it is very important to have opportunities to participate in local government and decision making

**>75%**

said their community has volunteer and civic engagement opportunities

**80%** said it is important for them to have opportunities to participate in local councils and committees

**78.1%**

of registered Berkeley voters participated in the 2016 election, higher than the county turnout (75.42%)

## TAKE AWAYS



**Infrastructure and Policy:** Transportation to activities, language accommodations, and making activities accessible is especially important for seniors who are at risk of isolation and are not typically included in community events. Reducing barriers to participation with infrastructure and policy improvements will make community events and activities more inclusive.



**Equity and Inclusion:** Active civic engagement has been a prominent part of Berkeley's history and continues to be important to residents of all ages. Opportunities for older adults with a variety of physical abilities, cultural backgrounds, and languages will help foster a stronger sense of community, both intergenerationally and among older adults in Berkeley.



**Information:** Having activities available will not be enough to ensure that everyone has a way to participate. We want to also ensure that there are various modes of communicating information about the programs so that those without computer access or who are more isolated will have information about services and activities they can participate in. This will also require communicating information in multiple languages and in written and audio formats.

## ACTION PLAN

In Process



Older adults are included in Measure GG (emergency preparedness) outreach and workshops, especially to consider isolated and low-income seniors.



The North Berkeley Senior Center building is being upgraded with \$5.8 million in local T1 funds to accommodate additional community programs. Input from older adults who use the senior centers was used in developing the plan.

Year 1



Reframe "senior centers" and modify programming to attract "younger" seniors.



Plan additional intergenerational community activities that encourage participation of different ages and cultures.



When possible, schedule public meetings when it is convenient for older adults and offer transportation options for people who may not feel comfortable traveling alone at night.



Consider older adult comments and public input to T1 infrastructure expenditures to ensure public spaces are developed with the needs of older adults in mind.

Year 2-3



Help neighborhood associations, formal and informal groups, and city agencies focus on providing opportunities for older people to participate, especially low-income, isolated and disabled seniors.



Create an easy to access directory of Age-Friendly organizations, activities and engagement opportunities for older adults.



# Employment & Economic Security

Our community survey and focus groups found that the cost of living throughout the Bay Area is a prominent concern among older adults. Many older people are worried they won't be able to afford their property taxes or rent, and the cost of transportation and food continue to rise. Retiring may be a financial impossibility for many people in Berkeley. It is critical to ensure there are local job opportunities for people of all ages and abilities and adequate financial support and advice for those who can no longer work.

## AGE FRIENDLY RESOURCES

### Public



Minimum Wage

In October 2018, Berkeley adopted a \$15 minimum wage which will help all those who work in Berkeley make a basic wage.



Clean City Program

The Clean City Program, managed by BOSS, hires people experiencing homelessness for temporary jobs cleaning sidewalks in the City while BOSS helps them navigate their housing and health services.



Very Low Income Tax Refund

For seniors 65+ who have a household income less than \$46,500, certain city taxes can be refunded, such as Sanitary Sewer fees and the School Maintenance tax.

### Nonprofit & University



ASSETS

ASSETS Senior Employment Program provides job training and job search assistance for Alameda County residents age 55+.



East Bay Works

The Berkeley Adult School & Career Center offers workshops, career fairs, computer access for job searching, and one-on-one assistance to help adult job seekers.



Legal Assistance for Seniors

LAS is a nonprofit legal assistance organization that helps senior clients with legal problems such as changes to public benefit payments and elder abuse cases including financial abuse.



Encore

Encore is a Bay Area company that helps adults 50+ find impactful work in the social sector, mentor younger adults, and participate in advocacy for older adults.



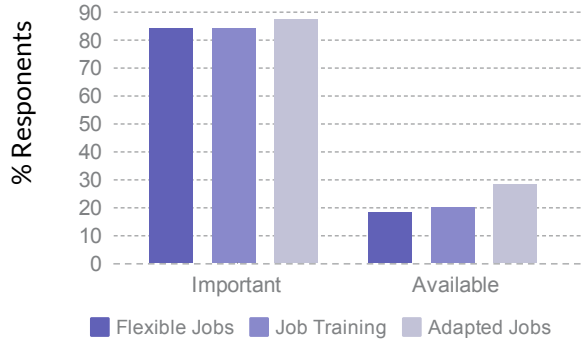
UC Retirement Center

The UC Berkeley Retirement Center gathers information about resources for retirees who are looking for part-time work or volunteer opportunities.

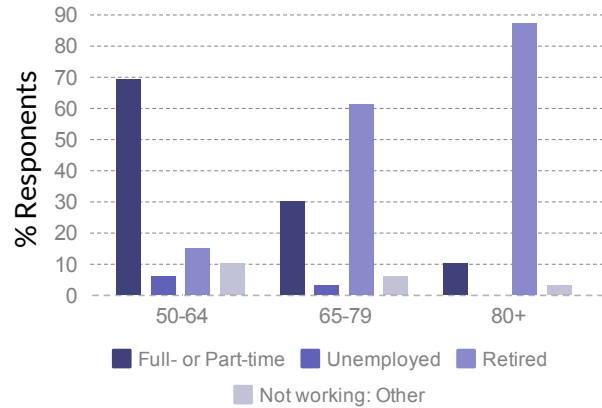
## DATA

While many older adults expressed interest in job training, flexible jobs for older people, and jobs that are adapted for older people, few thought these resources were available.

### Important and available employment resources

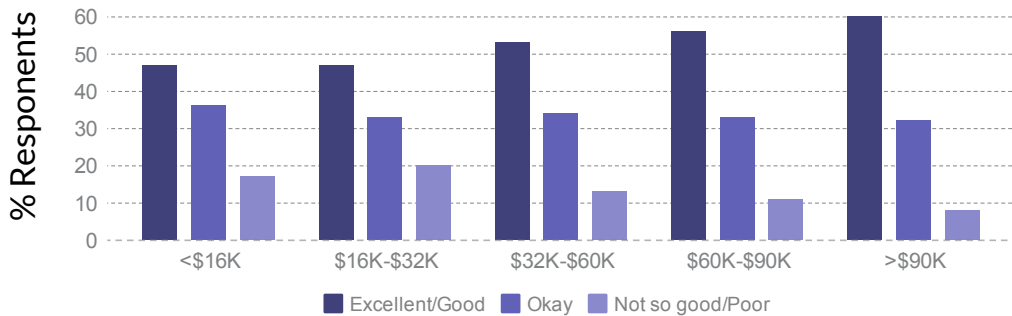


### Work Status



Focus groups and survey respondents consistently named financial security and the cost of living in the Bay Area as their top issues. When looking at how older adults rated Berkeley as a place to age on the survey, answers vary by income group, with higher income groups more likely to rate Berkeley as "Excellent/Good" and less likely to rate it as "Not so Good/Poor"

### Rating of Berkeley as a place to age by income group



According to the Alameda County Plan for Older Adults 2016-2017,

**51%**

of Berkeley residents age 60+ said they were "concerned" or "very concerned" about having enough income to meet their basic needs

**"Income for basic needs"**

was the top concern among older adults county-wide and in Berkeley

## TAKE AWAYS



**Infrastructure and Policy:** Financial stress is common among older adults in Berkeley. There is a wide range of incomes that are creating a disparity in how residents view the city as a place where they can stay as they age. To prevent further displacement, there needs to be more affordable housing units and other programs to help people stay in their communities.



**Equity and Inclusion:** There are not enough jobs that offer the flexibility and accommodations that some older workers are looking for. This is a major issue for those who are choosing to work longer and those who need to because of financial concerns. Access to jobs needs to be addressed through policy and business incentives.



**Information:** Though the city has a number of programs designed to help low-income seniors, it is clear from focus groups that not everyone is aware of these programs. Additionally, there is a need to expand these programs beyond what is considered "low-income" for the purposes of federal benefit programs because the cost of living in the Bay Area is so much higher than the national average.

## ACTION PLAN

In Process

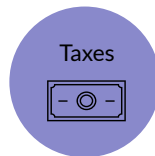


The City Economic Development department is working on outreach and a small business forum regarding succession planning and how to help older adults plan for their next phase.

Year 1



Offer workshops and education on financial planning and elder fraud abuse.



Broaden communication of assistance with local taxes for low income residents.

Year 2-3



Consider a program of Elder Friendly business certification (Elders in Action provides this in Portland) which would indicate businesses that accommodate both older workers and customers.



# Respect & Social Inclusion

The students at UC Berkeley are an excellent example of a volunteer resource, from student groups specifically created to improve the welfare of older adults to individuals who sign up to volunteer, for example at the Senior Centers, Meals on Wheels and Ashby Village. Seniors in Berkeley are diverse and may have many intersecting identities that make them more or less vulnerable to agism and other forms of discrimination. Volunteer and service programs keep these issues in mind when engaging with local residents.

## AGE FRIENDLY RESOURCES

### Public

#### Accessible Documents



Large print materials of public documents are available through the City Clerk's office.

#### Accessible Customer Service



Counters in all city public service areas are accessible and staff are trained to assist people with disabilities.

#### Meals on Wheels



Volunteers in the community bring hot meals to isolated and frail seniors and socialize with them.

### Nonprofit & University

#### Bears for Elder Welfare



Bears for Elder Welfare is a student organization at UC Berkeley intended to help improve the well-being of local older adults and to foster respect for elders among Berkeley students.

#### Berkeley Student Co-Op



Members of UC Berkeley's student Co-Op volunteer to assist Berkeley seniors to remain in their homes as long as possible.

#### CIL Wellness Program



CIL runs 10 week workshops for older adults with new limitations that helps them gain skills they need to overcome barriers to independent living and so they can continue to participate in their communities.

#### Forget Me Not



Forget me Not is a phone call program that partners socially isolated older adults with compassionate high school volunteers for conversation and to forge social bonds.

#### AV Volunteers



Volunteers of all ages help facilitate Ashby Village activities, including support groups.

#### Lavender Seniors



Lavender Seniors give service providers who are LGBTQ allies "The Emblem" which is a marker that states "Safe, Visible and Celebrated."

#### AltaBates Tele-Care



AltaBates Medical Center runs a program where volunteers call daily to check-in on people who opt-in to the program and alert emergency contacts if unable to reach someone.

#### Well connected

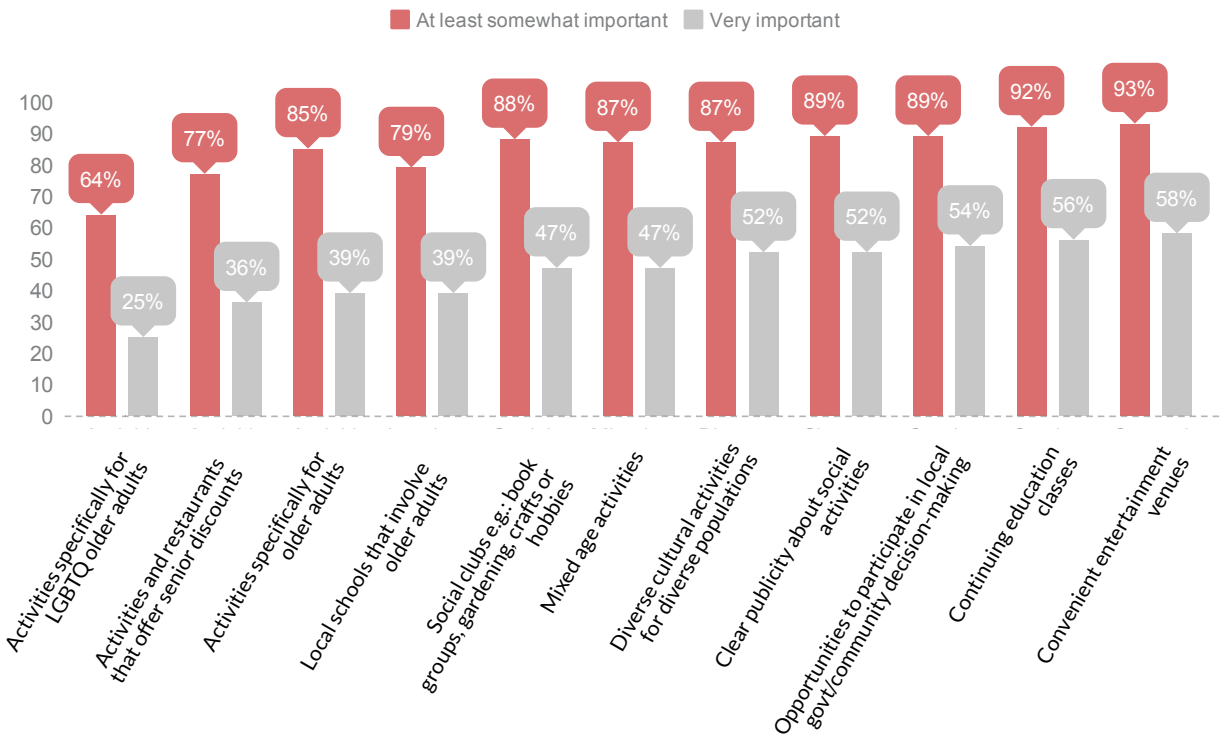


Covia manages Well Connected, an online and over the phone support for individuals and social groups.

## COMMUNITY SURVEY RESULTS

As a "college town", there are many activities and organizations in Berkeley that are focused on attracting the younger generations. Older adults are also active in the community and identified a wide variety of social resources they consider important.

### Top Responses for Important Social Resources



The vast majority of our survey respondents have someone to socialize with at least weekly and have friends or family to turn to when they need help. At least 6% of the respondents, however, socialize less than once a week and the survey did not capture some of the more isolated seniors.

94%

of survey respondents socialize at least once a week

68%

of survey respondents would turn to family, a friend, or a neighbor if they needed information about services



## TAKE AWAYS



**Equity and Inclusion:** Seniors in Berkeley are a diverse group, some with many intersecting identities. Language, race, immigration status, sexual orientation, gender, income level, housing status, and other factors all play a role in the way seniors experience life in Berkeley and it is important for volunteers and service providers to keep this in mind.



**Information:** The people who filled out our survey are involved in activities in the community and most are socially connected. However, we know this is not representative of the larger community because our survey relied on community organizations and social networks for distribution. Some of the reasons people don't participate in the community is because they are isolated and/or don't know about the activities or resources that could help them participate. The City and organizations need to communicate information clearly and reach out to people who may be more isolated.

## ACTION PLAN

### In Process



Prevent Isolation

Working with the Berkeley Continuum and established student groups, home visits are being offered to socially isolated seniors.



Media Campaign

Older adults are included in public imagery of local media campaigns, positively and without stereotypes; community members are consulted as to how best to portray older people.



Public Schools

Inter-generational programming is continuing to be fostered in schools and in the community, such as student interns and volunteers .



Public meetings

Communication devices are available to ensure that seniors with hearing difficulty are able to participate in public meetings.

### Year 1



Part of the Family

When "family" events or activities are organized by the City or other organizations, include older adults as part of the target audience, not only children and families.

### Year 2-3



Inter-generational Event

Organize an annual inter-generational event that celebrates the value of people of different ages and fosters understanding across generations



Richard Bernack



## Communication & Information

While there are a myriad of programs, events, and activities throughout Berkeley, it is often difficult for older adults to find what they want or need. Many older adults have internet access either through their mobile phone or at home, but websites are not intuitive or easy to navigate. Input from older adults about their needs and how they are currently getting information will help tailor existing communication to better meet their needs.

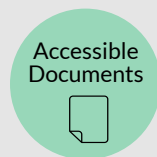
### AGE FRIENDLY RESOURCES

#### Public



3-1-1

3-1-1 is a non-emergency single point of contact for the City that helps direct people to the appropriate department for information or services.



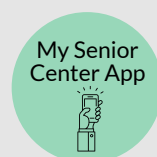
Accessible Documents

Large text and alternate formats of public records are available.



Eden I&R  
2-1-1

Alameda County residents have access to a 2-1-1 phone line, managed by the nonprofit Eden I&R, for information and referral services.



My Senior Center App

This App is available in senior centers for information about daily activities and for internal tracking.



The Nugget

The monthly newsletter for Berkeley's senior centers is distributed to 200 seniors via email and is available in hard copy at the centers. It announces class schedules and events.



Public Libraries

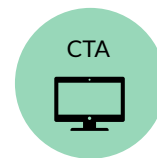
There are 5 public libraries in Berkeley. They host the Berkeley Information Network, an online database of local resources that can be accessed on their website and that has a specific section for seniors.

#### Nonprofit & University



CIL I&R

The Center for Independent Living's (CIL) Information and Referral (I&R) is a program that provides information on free disability-relevant community resources.



CTA

The Center for Technology & Aging (CTA) at UC Berkeley is designed specifically to encourage and enhance the development of new technologies for the aging population.

#### Private



Berkeleyside

Berkeleyside is a local independent news site for Berkeley residents reporting on local events and issues that has an average of 270,000 unique users each month.



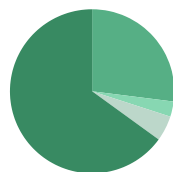
Nextdoor

The NextDoor website helps neighbors communicate. Individuals need to verify their address through the mail to use it. Many older people in Berkeley accessed our survey through announcements on this site.

## DATA

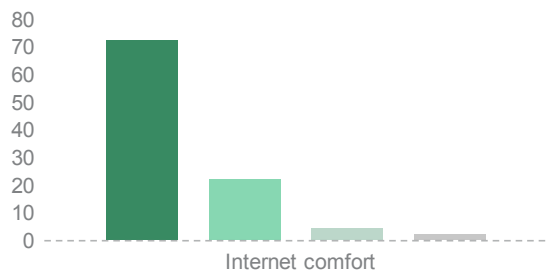
Some information regarding internet use among seniors emerged from the community survey. Many residents who submitted the survey did so online, making the sample slightly skewed towards more internet savvy people. Even though the majority of respondents said that they were comfortable using the internet, almost half indicated they would be interested in internet/technology classes if they were available.

### Internet Access



■ Home (27%) ■ Phone (3%) ■ None (5%)  
■ Both (65%)

### Comfort Using Internet



■ Very Comfortable ■ Somewhat Comfortable  
■ Not Very Comfortable ■ Not at All Comfortable

An independent needs assessment contracted by the city as part of their Digital Divide project found that some of the barriers for older adults in using technology include:

Basic Training

Quality Devices

Reliable Internet

46%

of survey respondents would be at least somewhat likely to use Internet/Technology training if it was free or low-cost

270,000

people on average read Berkeleyside each month

3,492

2-1-1 calls were made by Berkeley residents between January and August 2018

5,211

2-1-1 referrals were made between January and August 2018

### According to focus groups done by the Berkeley Continuum and the Age-Friendly Berkeley Initiative

- Many older people are concerned about how to navigate different systems in the city, including resources for transportation, housing, and healthcare
- Most people want to be able to call someone or go somewhere to find information about services, but they don't know of any "one stop shop" for different kinds of information.
- While people who are members of an organization like Ashby Village or who live in affordable housing with a service coordinator know where to go for help, this situation does not exist for most people.
- Most people said they prefer getting information from a person, either over the phone or face-to-face, rather than online. However, the number of people who can find information online if they need it is increasing.

## TAKE AWAYS



**Infrastructure and Policy:** The city website is difficult to navigate and needs to be updated more regularly in order to be a useful source of information for residents with varying degrees of comfort using the internet.



**Equity and Inclusion:** While most survey respondents said they use the internet, this may be a skewed sample because of the many surveys completed online. Focus groups indicated that older people also get information from schools, their children, or their neighbors. Multiple modes of communication, including paper and online formats, should be used to ensure that older adults are able to stay informed, particularly those who are isolated.



**Information:** While 2-1-1 receives hundreds of calls each month from Berkeley residents and makes referrals to services, it is not clear how many older people use this service and follow through on referrals (the system does not collect this data). This site is also difficult to navigate and does not contain information regarding activities and opportunities for social engagement.

## ACTION PLAN

In Process



The City website is being redesigned to reduce the number of pages (now 18,000 pages), make it more searchable, and address ADA compliance throughout.

Improving 3-1-1



The 311 line is being redeveloped with a new online solution; expected to roll out in 18 months.



A Master Plan is being created that includes improvement to infrastructure for high speed broadband internet access and technology for seniors; and that includes a collaboration with non-profit groups.

Year 1

Monitor 3-1-1



Look at the frequency of 311 calls for different services from older residents in order to better understand and support the resources they are seeking.

IT Strategy



As part of the City's IT strategic plan, gather input from older adults about how content can be best presented to them.

Age Friendly Website



Create an Age Friendly website that provides updates on services, news, projects, and activities.

Year 2-3



Consider developing a City of Berkeley Mobile app, to facilitate how people in the field triage incidents involving older adults.

City Newsletter



Piggyback on the popularity of local newspapers with a Senior Newsletter, similar to the one in Fremont, California, or an Age-Friendly page or link in local newspapers.

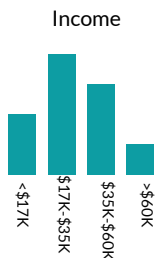
## Appendix C: Data Collection

- A. Survey: The AARP Age-Friendly Community Survey was used with a few minor adjustments
1. Circulation: The survey was available between March 1st and April 10
    - A link to the online version of the survey was posted on NextDoor and sent as an email blast through the following organizations:
      - The Mayor and City Council Member's websites
      - A City website news announcement
      - Ashby Village
      - University of California Retirement Center Newsletter
      - AARP mailing to local members
      - Member organizations of the Senior Services Coalition of Alameda County
    - A press release announcing the survey was sent out by the local paper, Berkeleyside,
    - Hard copies were made available at organizations:
      - All 5 Berkeley Public Library Locations
      - 2 Resources for Community Development senior housing locations
      - 6 Satellite Affordable Housing Associate senior housing locations
      - Both Senior Centers
      - J-Sei
      - Ashby Village
      - Meals on Wheels
      - LifeLong Medical Care Over 60 Health Center
      - Jewish Community Center of the East Bay
  2. 1402 residents responded. Analysis provided by Nancy Frank & Associates, Piedmont, CA
- B. Supplemental local reports:
- See [www.berkeleycontinuum.org](http://www.berkeleycontinuum.org) 2017 needs assessment and focus group information used in this report
  - See Alameda County Plan for older adults, May 2016 [https://alamedasocialservices.org/public/services/elders\\_and\\_disabled\\_adults/docs/planning\\_committee/5.2016\\_County\\_Area\\_Plan.pdf](https://alamedasocialservices.org/public/services/elders_and_disabled_adults/docs/planning_committee/5.2016_County_Area_Plan.pdf)
- C Interviews with 18 city staff in 9 City of Berkeley departments: April-May 2018
- D Additional Focus Groups, Public Forum, City Council Presentation and meetings with the Commission on Aging
- City Council Presentation and Workshop: July 17, 2018
  - Additional Focus Groups: September 22, 2018, October 24, 2018
  - Public Forum co-hosted with the Commission on Aging: October 27, 2018
  - Several meetings with the Commission on Aging throughout project

## FOCUS GROUPS SUMMARY

### Latinx Focus Group

**Location:** Bahia, inc.  
**Group size:** 10  
**Average age:** 59.4  
*All lived in Berkeley >20 years*



- What is working well?**
- Good Schools
  - Living close to work
  - Latinx community
  - Cultural diversity
  - Advocacy for rights & equality
  - Neighborhood is safe

- What is NOT working well?**
- Not informed about resources
  - Feel like we're being pushed out
  - Growing homelessness issue
  - Cost of living; children can't afford to live nearby
  - "Low-income" program cut-off doesn't match cost of living
  - Neighborhood permit parking
  - Homeowner sidewalk responsibility
  - High taxes
  - Disruption in church community; congregation spread out

#### Top Concerns

1. Affordable housing
2. Cost of living
3. Affordable health insurance
4. Accessible places to get services

#### Some Recommendations

- Linguistically/Culturally appropriate assisted living options
- Affordable dental care resources

### African American (faith-based) Focus Group

**Location:** St. Paul's AME Church  
**Group size:** 9  
**Average age:** 59.4

- What is working well?**
- Feel safe, not threatened: Berkeley is like a "Garden of Eden"
  - Diversity
  - Church as support system
  - Taxi scrip resource through Senior Centers

- What is NOT working well?**
- Vandalism
  - Not enough senior housing
  - Lack of community cohesion, support
  - Maintaining diversity; many are leaving for more affordable communities
  - Cost of living, pressure to sell home
  - Family/children live far away

#### Top Concerns

1. Cost of living
2. Affordable housing
3. Pressure to move out

#### Some Recommendations

- Centralized information in a senior resource guide
- Fill gaps in public transportation (more bus lines and stops)

### Berkeley Continuum Focus Groups

**Group size:** 57 across 3 groups  
**Age range:** 48-93  
*53% lived in Berkeley >10 years*

See *Berkeley Continuum Needs Assessment for details*  
[www.berkeleycontinuum.org](http://www.berkeleycontinuum.org)

#### Main concerns:

- Housing cost is too high, fear of having to leave Berkeley, affordable housing waitlists too long
- People want in-home supports, but are worried about where to find them, who to trust, and affordability
- Need more access to face-to-face or personalized over the phone systems for navigation support
- Need more frequent and flexible public transport
- Concerns about sidewalk safety



### Berkeley Commission on Aging Forum (2)

**Location:** St. Paul's AME Church  
**Group size:** 36  
**Age range:** 48-93  
*53% lived in Berkeley >10 years*

#### Concerns were similar to those heard elsewhere and focused on:

- how older adults can learn about what goes on in the community [housing health care and transportation were mentioned] and needing online and in-person ways to learn that);
- need for affordable housing
- need for sidewalk safety

**Location:** North Berkeley Senior Center  
**Group size:** 18

#### Concerns and needs were similar to those heard elsewhere and focused on:

- more employment opportunities
- affordable meals
- community navigators/advocates
- transportation in the hills
- more housing for seniors with different levels of care
- more help for those just above "low-income" level
- access to and knowledge of community events (not just for parents and children)

### Focus Group Question Guide

**Question 1:** Imagine that you are describing to people the experience you are having in Berkeley as you grow older. What do you like best about it? What is working well for you? What has been most challenging for you? What are the “age friendly” characteristics that are most important to you?

**Question 2:** Which of the characteristics we just mentioned are strongest or currently lacking in Berkeley?

**Question 3:** Of all the things we’ve listed here, what do think are the priorities? Where should we start if we are going to develop new services, supports or conditions?

*As time allows and depending on focus of discussion:*

**Question 5:** Do you have concerns about whether you will be able to live out your years in Berkeley? If so, why? Where would you go?

**Question 6:** How many of you have access to a computer and the internet in your home or building? Do you ever skype? Other uses?

**Question 7:** How do you want to be able to learn about resources that are available to you as your health and/or everyday needs change? A place (like a center?), a person (like a navigator?) the internet ?

**Question 8:** If someone offered to come to your home to check it out for fall hazards, talk to you about what is available in the community, needs you might have, help you plan and provide you with referrals and linkages, would that be attractive to you?

**Question 9:** If you had to move out of your home because you need more help day-to-day than you can get at home, where would you go? What would be your fears about living in assisted living or nursing situation?

### Focus Group Survey

1. How old are you? \_\_\_\_\_
2. What is your zip code? \_\_\_\_\_
3. Did you participate in any recent survey about aging either from Berkeley or Alameda County?
4. Are you on Medicare or MediCal?
5. Where do you get your medical care?
6. Income: What would you estimate was your income last year from ALL sources (social security, retirement, pension, savings, employment, tenants, other)

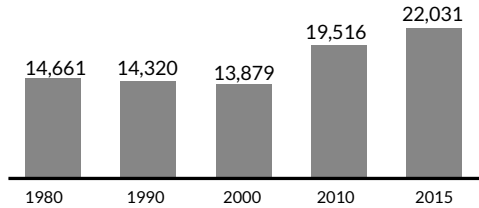
Does that income support: Only you, Yourself and a partner/spouse with no other income, Yourself and a partner/spouse with additional income from them, Includes another dependent

8. What are the biggest challenges you are facing (or anticipating) as you age in Berkeley:

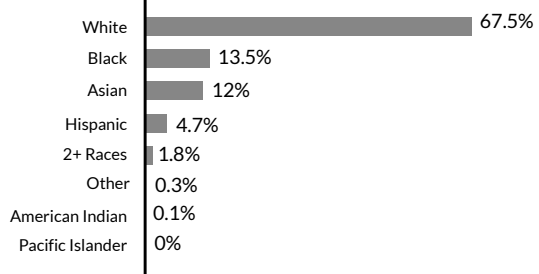
Is there anything else you would like to tell us?

**Berkeley Results from the  
ALAMEDA COUNTY PLAN FOR OLDER ADULTS  
2016-2017**

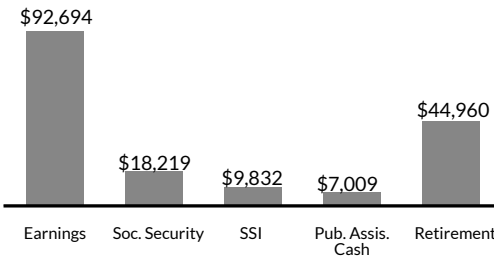
Growth of 60+ population



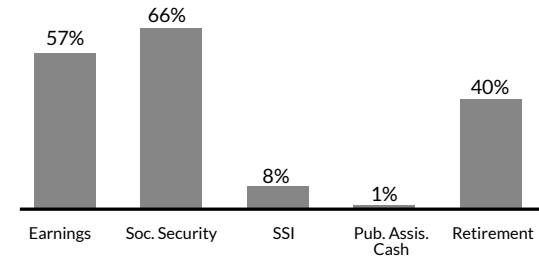
% Race/Ethnicity



Household avg. income by source



% Households with income source



Survey Top 10 Concerns

1. Income for Basic Needs
2. Inclusion in Decisions
3. Housing Affordable
4. Income for Future
5. Stay in Home
6. Maintain Home
7. Falling
8. Prepare Healthy Food
9. Anxiety of Stress
10. Confusion or Memory

Rating

- 3.4
- 3.3
- 3.3
- 3.3
- 3.3
- 3.3
- 3.2
- 3.0
- 2.9
- 2.7
- 2.6

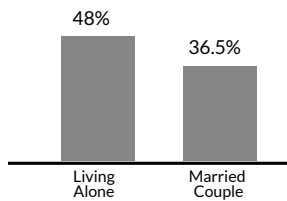
Survey Top 10 Resources Lacking

1. Job Opportunities
2. Clean & Well-kept Sidewalks
3. Affordable Housing
4. Safe & Well-lit Streets
5. A Computer You Feel Comfortable Using
6. Housing Suited to Your Needs
7. Resources to Feel Safe
8. Fresh Vegetables & Fruit I Can Afford
9. A Trusted Source to Go for Needs
10. Health Services Culturally/Language Appropriate

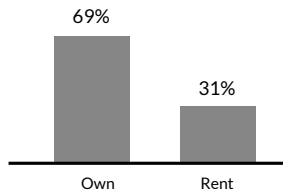
% Without

- 31.9%
- 21.3%
- 19.9%
- 16.9%
- 16.1%
- 15.3%
- 14.9%
- 12.2%
- 11.8%
- 11.2%

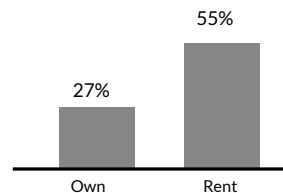
Living Arrangements



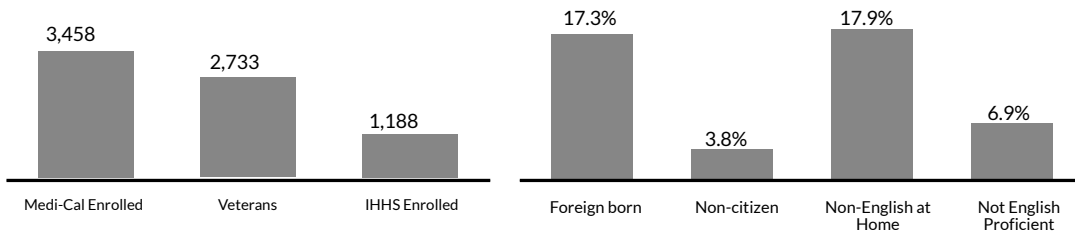
Own vs Rent



>30% Income on Housing



English Proficiency & Citizenship



Notes: Older Adults=60+; Survey Results from AC Older Adults Survey 2015; Concerns rated from high (5) to low (1) with the average of all ratings shown; Bar graphs from the US Census, ACS 2010-2014 Table S0102 and ESRI 2015

This page was copied from the Alameda County Plan for Older Adults 2016-2017 Appendix D

## Appendix D: Useful References

### AARP Livable Communities

<http://www.aarp.org/livable-communities/network-age-friendly-communities/>

AARP Livable Communities: Great Places to Age

<https://states.aarp.org/aarp-livable-communities-great-places-for-all-ages/>

### Age-Friendly Business Certification Programs

<http://www.programsforelderly.com/awareness-elders-in-action-age-friendly-business-certification.php>

### Age-Friendly Communities,

Grantmakers in Aging <https://www.giaging.org/issues/community-development/>

Scharlach, Andrew E.; Amanda Lehning, "Creating aging-friendly communities," *Generations*, vol. 33, no. 2

### Aging Survey-*The United States of Aging*; American Association of Retired Persons [AARP] (2012).

<https://www.aarp.org/livable-communities/learn/research-trends/info-12-2012/the-united-states-of-aging-2012.html>

### Alameda County Plan for Older Adults

[https://alamedasocialservices.org/public/services/elders\\_and\\_disabled\\_adults/docs/planning\\_committee/5.2016\\_County\\_Area\\_Plan.pdf](https://alamedasocialservices.org/public/services/elders_and_disabled_adults/docs/planning_committee/5.2016_County_Area_Plan.pdf)

### American Community Survey

<https://www.census.gov/programs-surveys/acs/>

### Berkeley Reports

Age-Friendly Berkeley Continuum Executive Summary and Needs Assessment, 2016

[www.berkeleycontinuum.org](http://www.berkeleycontinuum.org)

Health Status Report (2018)

[https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Public\\_Health/2018-health-status-report-berkeley.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf)

Berkeley on AARP list of Top Ten "Livable Cities," *Streetsblog Cal*, June 21, 2018

<https://cal.streetsblog.org/2018/06/21/san-francisco-berkeley-on-aarp-list-of-top-ten-livable-cities/>

Broadband Equity Research Report, May 1, 2018, Nutter Consulting

[https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2018-06-19%20WS%20Item%2002%20Referral%20Response%20Addressing.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2018-06-19%20WS%20Item%2002%20Referral%20Response%20Addressing.pdf)

### Community Need Assessment

Alta Bates Summit Medical Center Community Health Needs Assessment 2016 <https://www.sutterhealth.org/pdf/for-patients/chna/absmc-2016-chna.pdf>

### Fall Prevention

<http://www.cdc.gov/homeandrecrationalafety/falls/adultfalls.html>

<https://www.ncoa.org/healthy-aging/falls-prevention/preventing-falls-tips-for-older-adults-and-caregivers/>



## Food Assistance

[http://www.alamedasocialservices.org/public/services/food\\_assistance/index.cfm](http://www.alamedasocialservices.org/public/services/food_assistance/index.cfm)

## Global Age-Friendly Cities: A Guide

[http://www.who.int/ageing/publications/Global\\_age\\_friendly\\_cities\\_Guide\\_English.pdf](http://www.who.int/ageing/publications/Global_age_friendly_cities_Guide_English.pdf)

## Poverty

Kushel, MD, Margot. "Growing Older, Getting Poor." New American Media, April, 2015, San Francisco

## Senior Center Transformation

<https://www.aarp.org/livable-communities/act/civic-community/info-12-2012/transforming-senior-center-into-21st-century-wellness-centers.html>

## Senior Center without Walls

<http://www.seniorcenterwithoutwalls.org/about/>

## Social Determinants of Health

<https://www.kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>

<https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

## Technology, David Lindeman, MPH

<https://citris-uc.org/technology-older-adults-new-era-connected-aging/>

## Transportation Needs in an Aging Friendly Community

<https://www.aarp.org/livable-communities/learn/transportation-mobility/info-12-2012/meeting-transportation-needs-in-an-aging-friendly-community.html>

City Departmental Budgets

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**SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS**

| <b>SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS</b> |                           |                           |                            |                               |                            |                            |
|-----------------------------------------------------------|---------------------------|---------------------------|----------------------------|-------------------------------|----------------------------|----------------------------|
|                                                           | <b>FY 2020<br/>Actual</b> | <b>FY 2021<br/>Actual</b> | <b>FY 2022<br/>Adopted</b> | <b>FY 2022<br/>Est Actual</b> | <b>FY 2023<br/>Adopted</b> | <b>FY 2024<br/>Adopted</b> |
| Mayor & Council                                           | 2,525,920                 | 2,708,844                 | 3,096,559                  | 3,334,707                     | 4,785,155                  | 4,835,380                  |
| Auditor                                                   | 2,527,125                 | 2,526,081                 | 2,805,883                  | 2,688,657                     | 3,101,376                  | 3,124,862                  |
| Police Review Commission <sup>(a)</sup>                   | 775,701                   | 744,950                   |                            |                               |                            |                            |
| Office of the Director of Police<br>Accountability        | -                         | -                         | 1,114,235                  | 815,258                       | 1,422,432                  | 1,374,911                  |
| City Manager                                              | 8,104,984                 | 8,432,572                 | 8,770,554                  | 9,733,300                     | 11,732,034                 | 11,763,275                 |
| Office of Economic Development                            | 8,951,152                 | 4,966,525                 | 5,082,163                  | 8,668,166                     | 7,555,553                  | 6,380,895                  |
| Information Technology                                    | 15,495,905                | 16,552,132                | 20,423,888                 | 16,448,551                    | 22,287,156                 | 22,500,474                 |
| City Attorney                                             | 4,555,976                 | 6,214,367                 | 7,278,096                  | 6,200,455                     | 8,562,688                  | 8,553,021                  |
| City Clerk                                                | 2,069,740                 | 3,194,204                 | 2,901,739                  | 2,402,842                     | 3,501,282                  | 3,190,547                  |
| Finance                                                   | 8,362,334                 | 8,146,012                 | 9,431,102                  | 8,722,333                     | 11,444,157                 | 11,669,774                 |
| Human Resources                                           | 3,924,687                 | 4,078,091                 | 4,438,053                  | 3,711,625                     | 5,009,883                  | 5,124,741                  |
| Health, Housing & Community Services                      | 60,608,060                | 81,811,330                | 84,514,926                 | 91,734,085                    | 95,182,974                 | 93,913,527                 |
| Police                                                    | 79,762,713                | 79,395,632                | 77,807,443                 | 82,704,040                    | 87,444,720                 | 88,658,439                 |
| Fire                                                      | 48,213,947                | 49,891,701                | 60,351,430                 | 58,014,192                    | 63,377,259                 | 63,450,868                 |
| Public Works                                              | 140,021,855               | 125,907,423               | 147,438,656                | 140,757,036                   | 203,608,562                | 190,276,318                |
| Parks, Recreation & Waterfront                            | 43,593,445                | 60,795,051                | 52,979,556                 | 63,569,334                    | 53,378,913                 | 53,954,977                 |
| Planning                                                  | 21,595,429                | 21,687,691                | 25,252,729                 | 22,485,141                    | 29,022,035                 | 27,993,361                 |
| Library                                                   | 18,865,464                | 20,255,244                | 25,566,341                 | 18,476,577                    | 24,918,604                 | 25,182,279                 |
| Rent Board                                                | 5,755,222                 | 5,517,190                 | 6,825,535                  | 5,803,127                     | 7,247,755                  | 7,406,431                  |
| Non-Departmental <sup>(b)</sup>                           | 60,402,889                | 95,581,042                | 127,522,399                | 106,147,842                   | 110,594,086                | 96,618,910                 |
| <b>Total All Funds</b>                                    | <b>536,112,550</b>        | <b>598,406,081</b>        | <b>673,601,287</b>         | <b>652,417,270</b>            | <b>754,176,624</b>         | <b>725,972,990</b>         |

(a) Police Review Commission has become the Office of the Director of Police Accountability in FY 2022

(b) Non-Departmental consists of operational overhead costs such as Property Insurance and School Board Salaries, General Fund allocation for Community Based Organizations, Workers' Compensation costs, Debt Service, and Interfund Transfers.

## HHCS Departmental Summary

...  
 DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY  
 SERVICES FINANCIAL SUMMARY

|                              | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Adopted | FY 2022<br>Est.<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted |
|------------------------------|-------------------|-------------------|--------------------|---------------------------|--------------------|--------------------|
| <b>EXPENDITURES</b>          |                   |                   |                    |                           |                    |                    |
| <b>By Type:</b>              |                   |                   |                    |                           |                    |                    |
| Salaries and Benefits        | 29,297,601        | 29,612,569        | 38,009,426         | 31,488,654                | 43,694,077         | 44,664,508         |
| Services and Materials       | 27,154,559        | 48,761,541        | 42,113,206         | 56,211,016                | 44,814,001         | 42,713,357         |
| Capital Outlay               | 665,935           | 20,652            | 247,062            | 63,054                    | 137,062            | 247,062            |
| Internal Services            | 3,471,744         | 3,380,540         | 3,956,417          | 3,917,790                 | 3,851,576          | 4,001,576          |
| Indirect Cost Transfer       | 18,221            | 36,028            | 188,815            | 53,571                    | 51,882             | 52,648             |
| Adopted Tier 1 Funding *     | -                 | -                 | -                  | -                         | 2,634,376          | 2,234,376          |
|                              | <b>60,608,059</b> | <b>81,811,330</b> | <b>84,514,926</b>  | <b>91,734,085</b>         | <b>95,182,974</b>  | <b>93,913,527</b>  |
| <b>By Division:</b>          |                   |                   |                    |                           |                    |                    |
| Office of the Director       | 4,785,842         | 7,149,835         | 8,386,513          | 10,242,281                | 10,224,323         | 10,716,725         |
| Aging Services               | 4,019,360         | 3,935,411         | 5,246,576          | 4,121,581                 | 5,708,535          | 5,768,626          |
| Environmental Health         | 1,804,421         | 1,845,027         | 2,423,328          | 1,980,543                 | 2,634,129          | 2,659,881          |
| Housing & Community Services | 19,528,452        | 39,861,365        | 38,447,750         | 46,486,427                | 39,149,783         | 39,356,464         |
| Mental Health                | 14,579,581        | 15,441,645        | 19,746,135         | 14,949,664                | 23,438,326         | 22,821,837         |
| Public Health                | 7,859,736         | 6,550,238         | 10,264,624         | 7,603,083                 | 11,393,502         | 10,355,619         |
| Community Funding            | 8,030,668         | 7,027,809         | -                  | 6,350,507                 | -                  | -                  |
| Adopted Tier 1 Funding *     | -                 | -                 | -                  | -                         | 2,634,376          | 2,234,376          |
|                              | <b>60,608,060</b> | <b>81,811,330</b> | <b>84,514,926</b>  | <b>91,734,085</b>         | <b>95,182,974</b>  | <b>93,913,527</b>  |
| <b>By Fund:</b>              |                   |                   |                    |                           |                    |                    |
| General Fund                 | 27,809,295        | 25,566,360        | 23,455,690         | 32,520,546                | 27,130,179         | 27,412,701         |
| U1 - Housing                 | 1,071             | 1,181,981         | 5,510,572          | 3,860,232                 | 5,781,330          | 5,501,451          |
| Capital Improv. Fund         | 74,145            | 80,887            | 74,170             | 80,769                    | 75,424             | 76,240             |
| Federal Funds                | 7,877,758         | 14,062,593        | 12,422,667         | 14,741,039                | 12,553,811         | 12,388,043         |
| State Funds                  | 14,793,788        | 17,935,905        | 23,002,415         | 19,116,703                | 27,963,550         | 26,817,359         |
| County Grants                | 1,845,459         | 1,975,663         | 2,587,122          | 2,406,856                 | 2,910,438          | 2,959,842          |
| Local and Foundation Grants  | 4,148,734         | 3,104,535         | 3,275,813          | 3,178,294                 | 3,797,526          | 4,138,539          |
| Rental Housing Safety        | -                 | -                 | -                  | 57                        | -                  | -                  |
| Measure E Disabled Tax       | 1,297,768         | 1,341,961         | 1,432,011          | 1,482,011                 | 1,569,911          | 1,601,060          |
| Measure B Paratransit        | 455,244           | 527,845           | 525,433            | 370,307                   | 36,797             | 36,797             |
| Measure BB Paratransit       | 142,168           | 49,074            | 447,741            | 296,138                   | 934,031            | 940,629            |
| Measure GG Fire Prep         | 137,856           | 204,136           | 242,527            | 78,912                    | 256,28             | 260,632            |
| Measure O                    | 0                 | 14,923,810        | 6,445,567          | 9,683,661                 | 6,445,567          | 6,445,567          |
| Sewer Fund                   | 184,481           | 343,797           | 437,189            | 235,598                   | 503,102            | 509,045            |
| Other Funds                  | 1,840,293         | 512,783           | 4,656,009          | 3,682,963                 | 5,225,020          | 4,825,622          |

## HHCS Division Summary

|                                         | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Adopted | FY 2022<br>Est<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted |
|-----------------------------------------|-------------------|-------------------|--------------------|--------------------------|--------------------|--------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b>        |                   |                   |                    |                          |                    |                    |
| <b>Office of the Director</b>           |                   |                   |                    |                          |                    |                    |
| Administration                          | 3,690,597         | 3,792,938         | 3,421,380          | 4,603,860                | 4,054,641          | 3,462,354          |
| Fiscal & Administration                 | 1,083,552         | 1,163,556         | 1,483,505          | 1,412,982                | 1,787,464          | 1,822,239          |
| Health Officer Unit                     | 11,694            | 2,193,340         | 3,481,628          | 4,225,439                | 4,382,218          | 5,432,132          |
| <b>Division Total</b>                   | <b>4,785,842</b>  | <b>7,149,835</b>  | <b>8,386,513</b>   | <b>10,242,281</b>        | <b>10,224,323</b>  | <b>10,716,725</b>  |
| <b>Environmental Health</b>             |                   |                   |                    |                          |                    |                    |
| Admin                                   | 1,607,288         | 956,478           | 2,099,820          | 417,107                  | 887,854            | 944,893            |
| Health Protection                       | 196,001           | 858,707           | 323,508            | 1,545,322                | 1,746,274          | 1,714,987          |
| Policy Development                      | 1,132             | 29,843            | -                  | 18,114                   | -                  | -                  |
| <b>Division Total</b>                   | <b>1,804,421</b>  | <b>1,845,027</b>  | <b>2,423,328</b>   | <b>1,980,543</b>         | <b>2,634,129</b>   | <b>2,659,881</b>   |
| <b>Mental Health</b>                    |                   |                   |                    |                          |                    |                    |
| Administration                          | 2,590,957         | 2,175,382         | 2,680,054          | 2,254,541                | 2,717,965          | 2,751,871          |
| Adult Services                          | 4,833,608         | 4,820,148         | 7,343,041          | 2,848,316                | 7,017,024          | 7,137,623          |
| Medical                                 | 1,113,480         | 721,094           | 2,036,694          | 423,638                  | 923,427            | 934,216            |
| Family & Youth<br>Services              | 207,236           | 783,936           | 97,787             | 1,173,048                | 1,067,770          | 1,098,405          |
| Access                                  | 1,370,356         | 1,131,770         | 1,583,108          | 903,406                  | 1,451,534          | 1,625,284          |
| Crisis Services                         | 2,396,419         | 926,332           | 4,769,438          | 102,077                  | 2,610,183          | 2,611,707          |
| MHSA                                    | 2,067,525         | 4,577,114         | -                  | 6,241,976                | 6,173,375          | 5,480,862          |
| Homeless Services                       | -                 | 305,868           | 1,236,013          | 1,002,661                | 1,477,048          | 1,181,868          |
| <b>Division Total</b>                   | <b>14,579,581</b> | <b>15,441,645</b> | <b>19,746,135</b>  | <b>14,949,664</b>        | <b>23,438,326</b>  | <b>22,821,837</b>  |
| <b>Housing &amp; Community Services</b> |                   |                   |                    |                          |                    |                    |
| Administration                          | 4,786,372         | 8,522,191         | 6,227,155          | 11,125,863               | 6,084,232          | 6,159,656          |
| Community Services                      | 112,146           | 1,306,734         | 1,245,846          | 386,157                  | 1,280,903          | 1,286,011          |
| Employment Services                     | 1,130,033         | 421,451           | 63,734             | 61,502                   | 123,727            | 129,955            |
| Housing Development<br>& Rehabilitation | 4,248,745         | 19,855,131        | 18,016,647         | 22,839,516               | 18,786,949         | 18,849,692         |
| Homeless Services                       | 9,251,157         | 9,755,858         | 12,894,368         | 12,073,389               | 12,873,972         | 12,931,150         |
| <b>Division Total</b>                   | <b>19,528,452</b> | <b>39,861,365</b> | <b>38,447,750</b>  | <b>46,486,427</b>        | <b>39,149,783</b>  | <b>39,356,464</b>  |
| <b>Aging Services</b>                   |                   |                   |                    |                          |                    |                    |
| Administration                          | 555,462           | 456,293           | 450,368            | 463,354                  | 455,029            | 453,220            |
| North BSC**                             | 740,300           | 682,381           | 990,399            | 647,703                  | 913,211            | 919,455            |
| North BSC –<br>Transportation**         | 685,594           | 698,955           | 1,129,864          | 751,677                  | 1,125,731          | 1,129,609          |
| South BSC**                             | 411,481           | 396,519           | 471,750            | 399,782                  | 534,844            | 547,747            |
| West BS - Case<br>Management**          | 1,005,102         | 1,024,535         | 1,220,913          | 1,143,840                | 1,690,341          | 1,734,436          |
| West BSC – Nutrition**                  | 577,080           | 638,383           | 805,613            | 649,233                  | 809,216            | 802,551            |
| <b>Division Total</b>                   | <b>4,019,360</b>  | <b>3,935,411</b>  | <b>5,246,576</b>   | <b>4,121,581</b>         | <b>5,708,535</b>   | <b>5,768,626</b>   |

\*\*Berkeley Senior  
Center (BSC)



## Berkeley's Unique Structure for Aging Services

The Mission of the Health, Housing, and Community Services Department is to enhance community life and support housing, health, and wellness for all.

### ORGANIZATIONAL CHART



### HEALTH, HOUSING & COMMUNITY SERVICES OVERVIEW

The Department of Health, Housing and Community Services (HHCS) is organized in an Office of the Director and five divisions which support the Department's mission: Aging Services, Housing and Community Services, Environmental Health, Mental Health, and Public Health. Together these divisions provide a wide array of services to the community, including Meals on Wheels for seniors, affordable housing development loans for nonprofit organizations, restaurant health inspections, mental health services for people with high level needs, health services at Berkeley High School, and much more. In addition, the Department currently staffs seven commissions, and also works closely with the Homeless Services Panel of Experts, now staffed in the City Manager's Office. Baseline activities of each division are described in more detail below.

#### Aging Division Activities Summary

- Aging Services:** The Aging Services Division enhances the well-being and independence of older adults by offering social connections, activities, and lifelong learning. The Division operates two vibrant senior centers that offer thousands of classes, events, workshops and day trips as well as a nutritious weekday lunch for older community members. The Meals on Wheels program provides nutritious meals to home-bound seniors. Case managers provide consultation, referral, and linkage to community resources. Additionally, Aging Services provides taxi and van trips for older adults and disabled Berkeley residents to improve quality of life and access to community resources.



SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

# Aging in Alameda County: A Changing Landscape

July 2022

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

**The Senior Services Coalition** represents 45 nonprofit and public community-based organizations that provide health and supportive services to over 85,000 older adults in Alameda County.

**Our Mission is to** strengthen and improve the network of support for older people in Alameda County, especially those disproportionately impacted or at risk because of fragile health, cognitive impairment, disability, language, culture, race, financial status, sexual orientation or gender identity.

**We do that by** advancing county and state policy change and facilitating collaborative solutions that bridge silos and sectors.

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## The Shifting Landscape of Needs and the Ecosystem of Supports...

- We are aging
- Increasing economic insecurity
- Medical and LTC increasingly out of reach
- High preventable use of ER and hospital
- Social isolation
- The pandemic toll
- From housing insecurity to homelessness

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## We are Aging

- Older adults are the fastest growing segment in Alameda County
- By 2030, older adults will make up 20% of the population
- Number of people with Alzheimer's Disease and Related Dementias (ADRD) is expected to triple among Alameda County residents over the age of 65, from 26,480 in 2020 to 89,792 in 2060

<https://agefriendly.acgov.org/aging-in-ac/aging-in-ac-overview.page>

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

Population Over Age 65 (Count)

County: Alameda Measurement Period: 2016-2020

County: Alameda

231,186

people

Source: American Community Survey

Measurement period: 2016-2020

Maintained by: Conduent Healthy Communities Institute

Last update: April 2022

Filter(s) for this location: State: California

Elder Index (Elderly Household Below Income Threshold)

County: Alameda Measurement Period: 2019-2020

County: Alameda

36.2%

Source: California Health Interview Survey

Measurement period: 2019-2020

Maintained by: Conduent Healthy Communities Institute

Last update: December 2021

Filter(s) for this location: State: California

<https://www.healthyalamedacounty.org/>

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group due to increased physical limitations, medical needs, and social isolation. Seniors often live on a fixed income from pensions or other retirement plans and social security. If this income is insufficient in the face of increasing prescription costs and other costs of living, most seniors have no way to supplement their income. Retirement plans may be vulnerable to fluctuations in the stock market as well; the increasing reliance of retirees on stock market based retirement plans may explain why more seniors nationwide are now slipping into

People 65+ Living Below Poverty Level

County: Alameda Measurement Period: 2016-2020

Filter: none (all Counties)

9.8%

Source: American Community Survey

Measurement period: 2016-2020

Maintained by: Conduent Healthy Communities Institute

Last update: April 2022

Filter(s) for this location: State: California

Graph Selections

INDICATOR VALUES

Change over Time

VIEW BY SUBGROUP

Age

Gender

Race/Ethnicity

COMPARED TO



CA Counties



U.S. Counties



CA Value  
(10.3%)



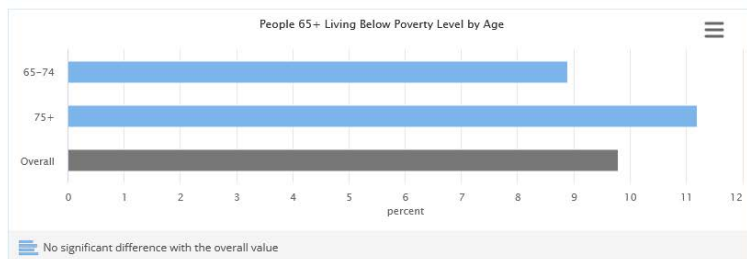
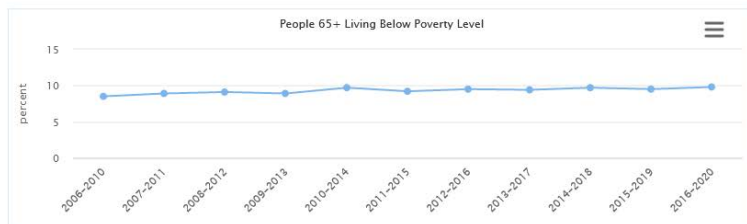
US Value  
(9.3%)



Prior Value  
(9.5%)



Trend



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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## Increasing Economic Insecurity

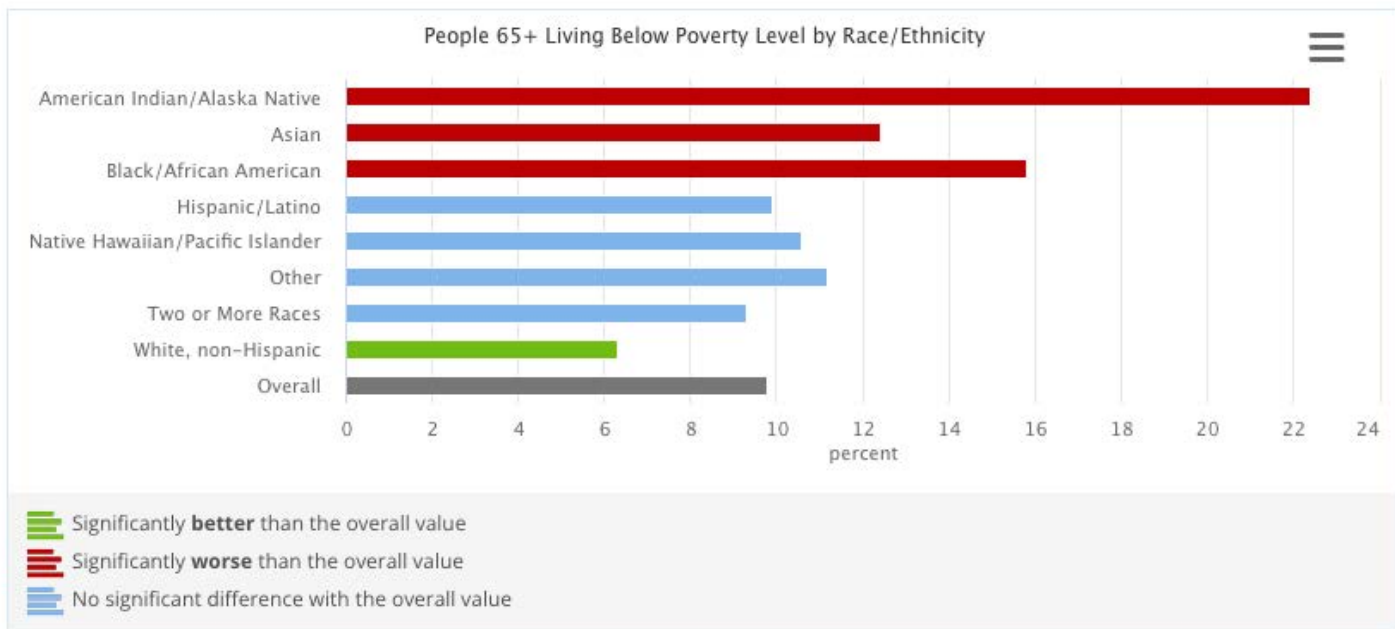
- Cost of Living & Inflation are outpacing income
- Half of single older adults in Alameda County can't cover basic living expenses
- One in six older adults in California lacks reliable access to enough affordable, nutritious food
- Income, wealth & savings at retirement all characterized by disparities

*“There is a disproportionate burden on people of color, women and LGBTQ individuals. These groups have less retirement savings and face a greater likelihood of aging into poverty.”*

- Report on Employment & Older Adults in Alameda County; Kakama, Chaudhuri; Alameda County Age-Friendly Council, July 27, 2020

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY



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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## Medical & Long-Term Care Increasingly out of Reach

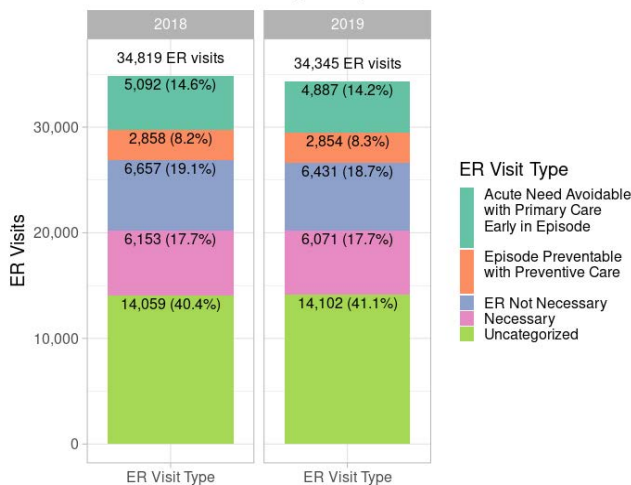
- For those of modest income who have Medicare coverage:
  - Out-of-pocket costs (copays & deductible) are unaffordable for many
  - Nursing Home covered first 90 days but a qualifying hospital stay is the entry point and copays apply after day 20
  - Assisted Living, Board & Care, and Adult Day Care are not covered
  - In-home support and care are not covered by Medicare
  - Those who are immigrants or who didn't work enough quarters may have to pay for Part A as well as Part B and D
- Medi-Cal Share of Cost
  - Older adults might be \$1 over the threshold to qualify for full-scope (free) Medi-Cal, and if so they must pay more than half their income towards health care in order to access Medi-Cal coverage in any given month
- Long-term care is unaffordable for the 83,000 seniors in the county with incomes below the Elder Index (Insight Center, 2017 HCBS LTC Costs).

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## Preventable is the Theme in ER & Hospital use

County ER Visits Among Analyzed Patients in Medicare FFS & Age 65+, 2018-19



Of the total 34,819 people age 65 visiting ERs in 2018:

- 25.9% (9,017) had two or more ADL deficits;
- 34.2% (11,897 people) had both two or more ADL deficits and cognitive impairment.
- A very small percentage (1.87% had cognitive impairment but no ADL deficits

[https://eldercare.shinyapps.io/eldercaredata\\_shinyapps/](https://eldercare.shinyapps.io/eldercaredata_shinyapps/) 10

SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## Living Alone at Risk of Social Isolation

### Population Over Age 65 (Count)

County: Alameda Measurement Period: 2016-2020

County: Alameda

231,186

people

Source: [American Community Survey](#)

Measurement period: 2016-2020

Maintained by: Conduent Healthy Communities Institute

Last update: April 2022

Filter(s) for this location: State: California

### People 65+ Living Alone (Count)

County: Alameda Measurement Period: 2016-2020

County: Alameda

52,635

people

Source: [American Community Survey](#)

Measurement period: 2016-2020

Maintained by: Conduent Healthy Communities Institute

Last update: April 2022

Filter(s) for this location: State: California

Individuals 65 and older have the highest rate of suicide deaths: 1 in 4 older adults who attempt suicide die, versus 1 in 200 younger persons

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## The Pandemic Toll

- Social and Health Impacts
  - Social Isolation
  - Deconditioning
  - Deferred health care
  - Family support networks destabilized
- Stark disproportionate impacts reflect historic disparities and structures of racism
  - Infection and death rates
  - Vaccination rates
  - Economic impacts
  - Need for and access to government aid
  - Use of virtual/telemedicine opportunities

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

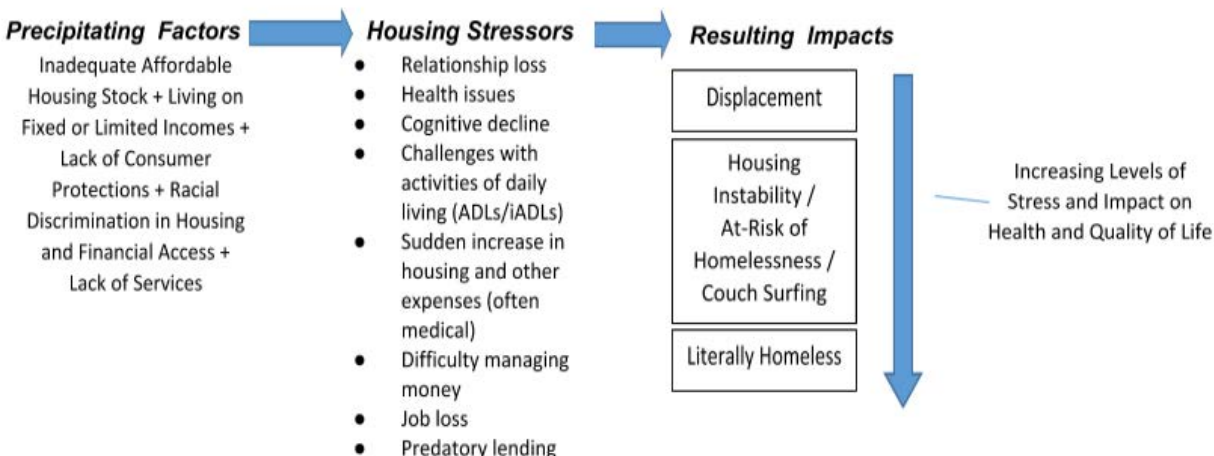
## From Housing Insecurity to Homelessness

- In 2019, 47.6% of senior renters in Alameda County are “housing cost burdened” (over 30% of their income goes to housing); 30% spend over half their income on housing.
- Of the 4,209 complete applications for COVID Rent Relief (2021/22 ERAP) from Oaklanders, 9.64% were from people between age 61 and 80; 71.2% were from people of color
- Financial, medical or other emergencies later in life can push those who were already struggling to make ends meet into homelessness.
- People over 50 now account for over half of the unhoused population in Oakland; People 65+ were over 10% of homeless Point In Time count.
- 2022 Point In Time count - Oakland’s unhoused population increased by 25% from 2019 (data re older adult component not yet available)

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SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

### HOUSING STRESS = LIFE STRESS





## The shifting ecosystem of supports:

- Capacity is not adequate across the continuum
- Workforce needs to grow
- Caregivers need support



## State and Local Funding for Older Adults and Aging Services:

- State funding opportunities
- Potential state funding opportunities
- Local funding



SENIOR SERVICES COALITION  
OF ALAMEDA COUNTY

## Questions?

Wendy Peterson  
wendy@seniorservicescoalition.org  
(510) 332-4669

Breakdown of Alameda Area on Aging Funds for Berkeley

Amounts below indicate FY2024 amounts; the percentages indicate the general breakdown overall, every year:

- Congregate Nutrition (dine-in lunch service): \$73,381 (15%)
- Home-Delivered Meals: \$140,192 (25%)
- Family Caregiver Support: \$99,528 (20%)
- Information Assistance: \$156,803 (30%)
- Senior Center Activities: \$47,363 (10%)

### Highlights of Census Data on Aging in Berkeley

#### Changes in >60 Population 2010 and 2020

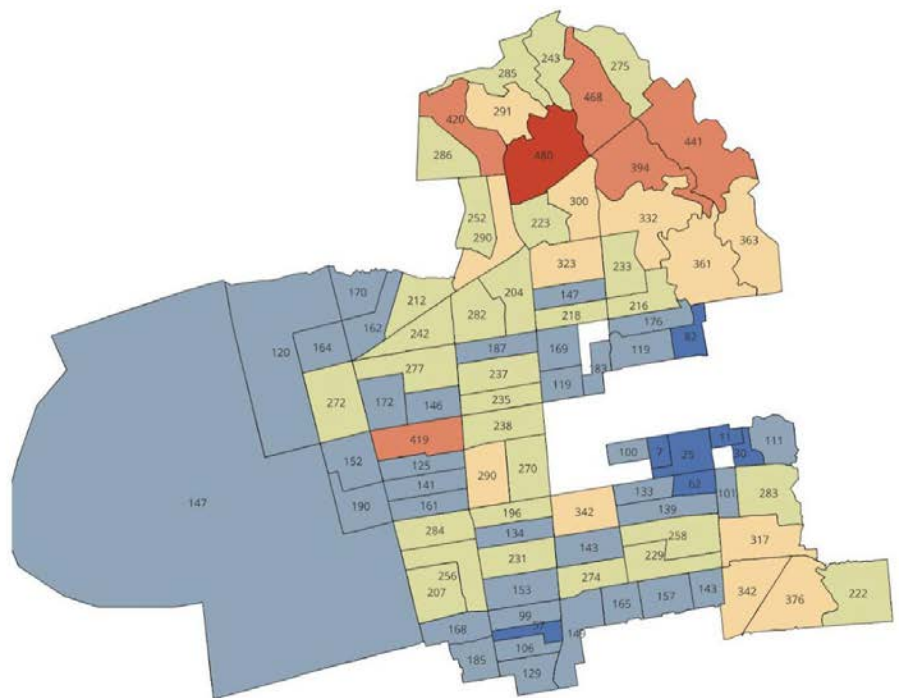
Red-orange high; blue low.

First two figures show absolute numbers. Second two are percentages of population.

✓ Change In Senior Population ↶ ↷

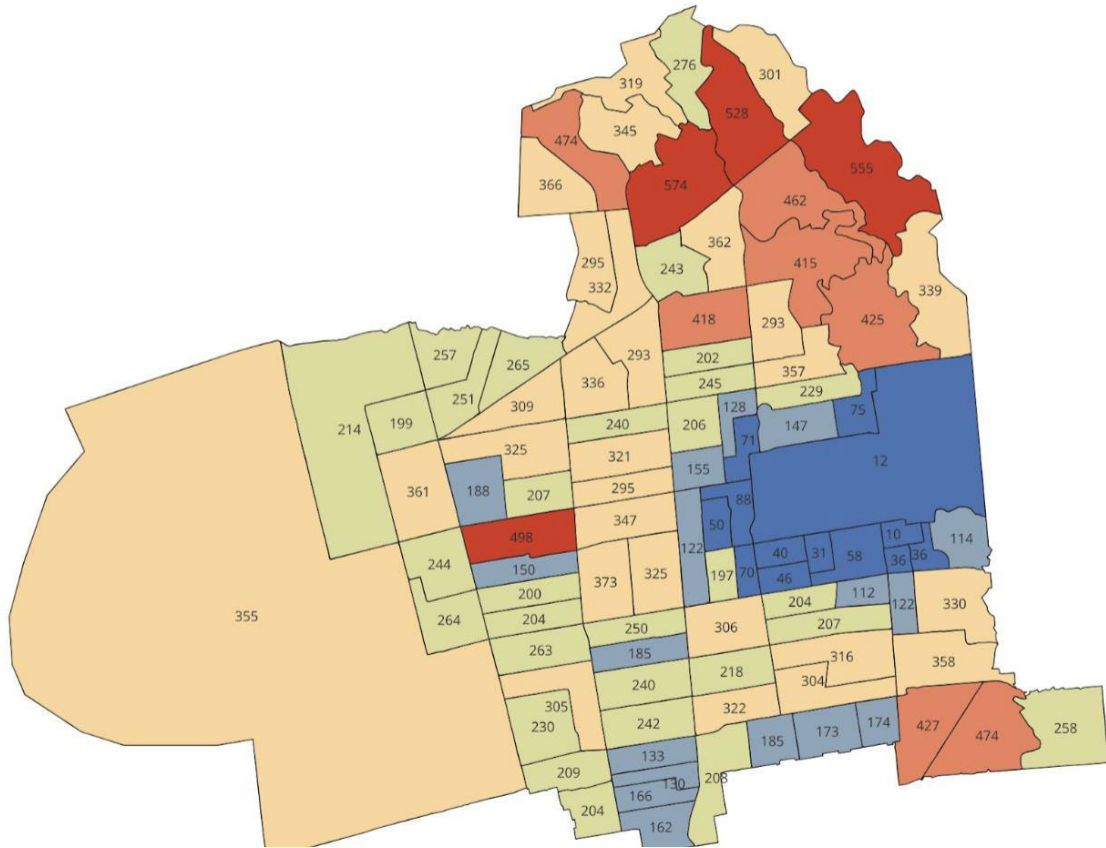
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2010 Age 60+ Population By Block Group





### 2020 Age 60+ Population By Block Group



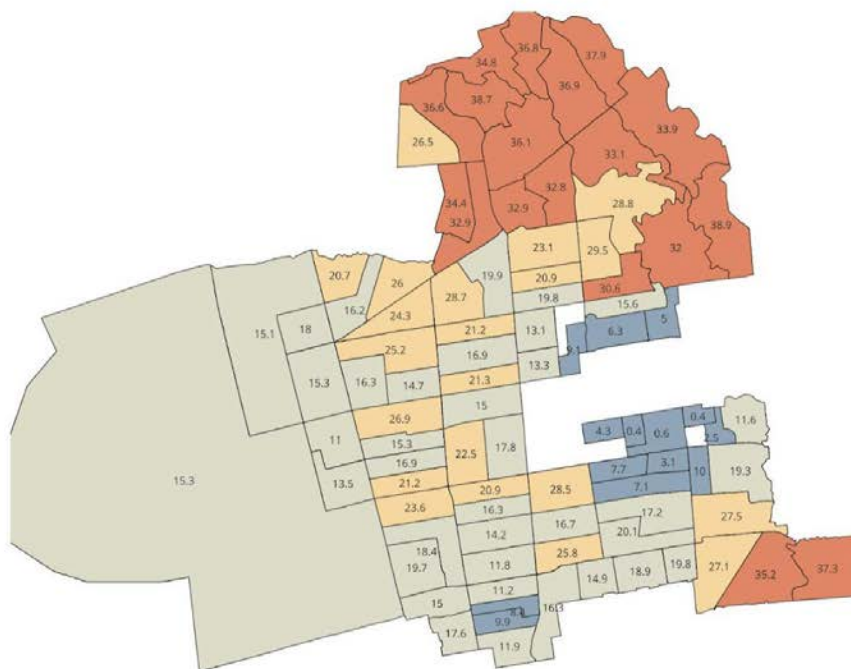
◀ Gmail 11:34 AM Fri Jan 12



✓ Change In Senior Population



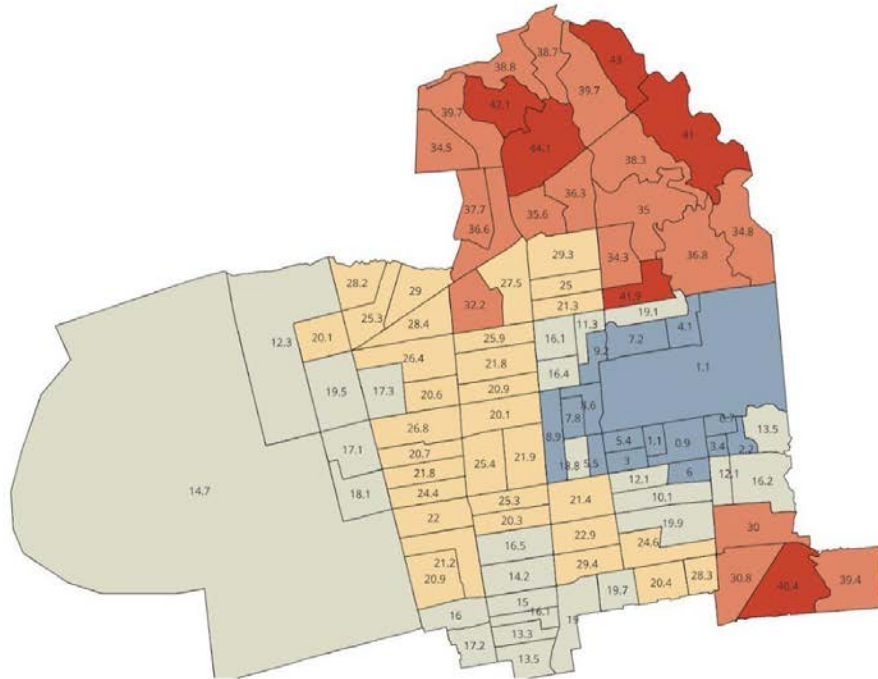
### 2010 60+ Population As A Percent Of Population



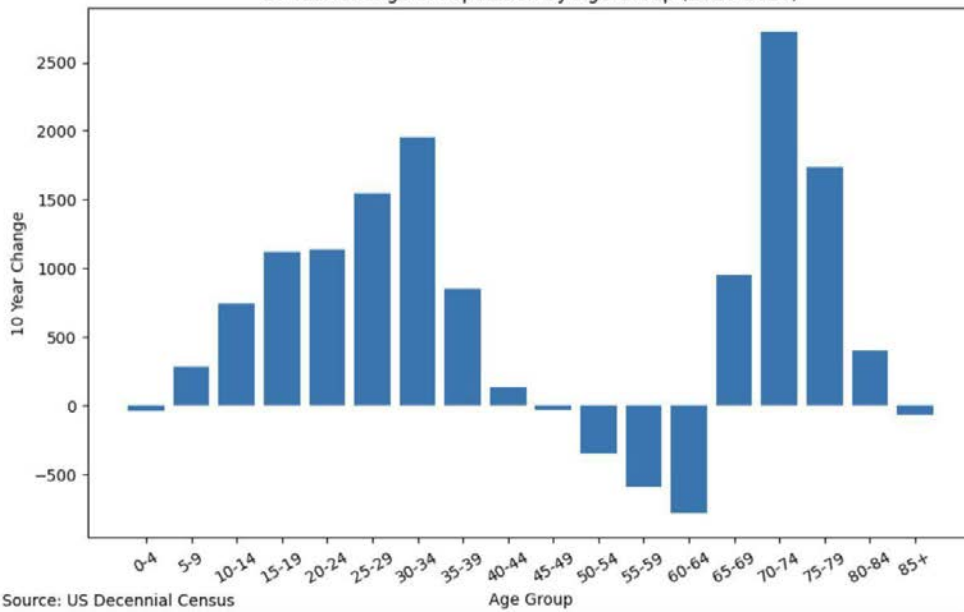
Change In Senior Population

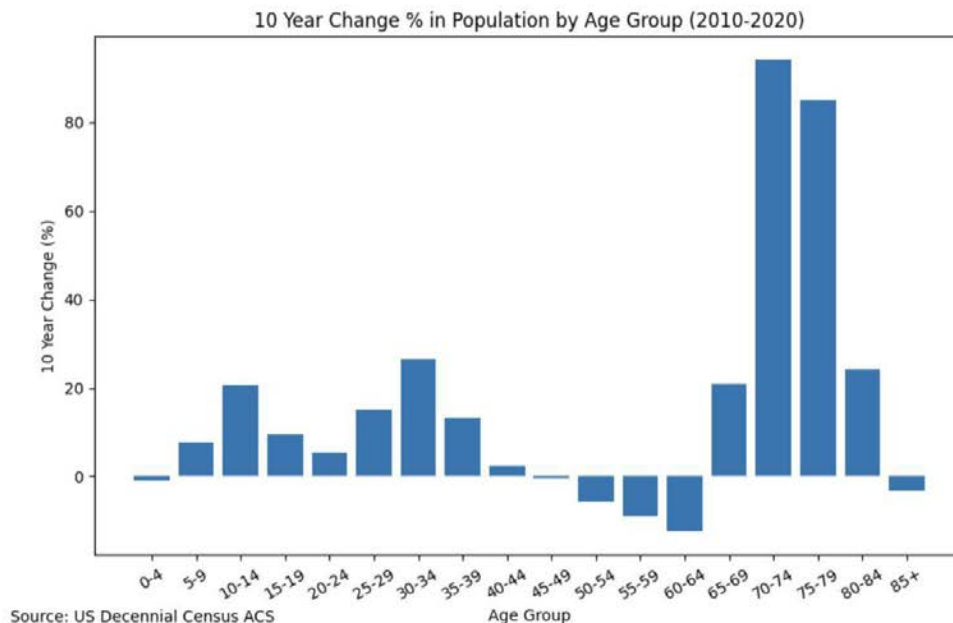


2020 60+ Population As A Percent Of Population



10 Year Change in Population by Age Group (2010-2020)





**Some narratives about the figures:**

- About 8% of residents > 65 years either without a computer at home or internet access, ~1500 people
- About 2000 people > 60 below the poverty line in the last 12 months
- About 4000 people 65 years and older below 200% of the poverty line, ~20% of Berkeley's seniors
- About 700 kids living with "a grandparent householder" which I take to mean being raised by their grandparent
- About 5500 people over 65 who live alone
- About 4500 people > 65 work. Only 1900ish drive alone. 400 take transit, 200 carpool, 350 walk, 1500 work from home. Only 150 take a taxicab, motorcycle, bicycle, or other means
- Median household income in \$93,000
- About 2000 are on medicaid or other means tested public health insurance
- About 3000 > 65 with an ambulatory difficulty
- About 1200 with a cognitive difficulty

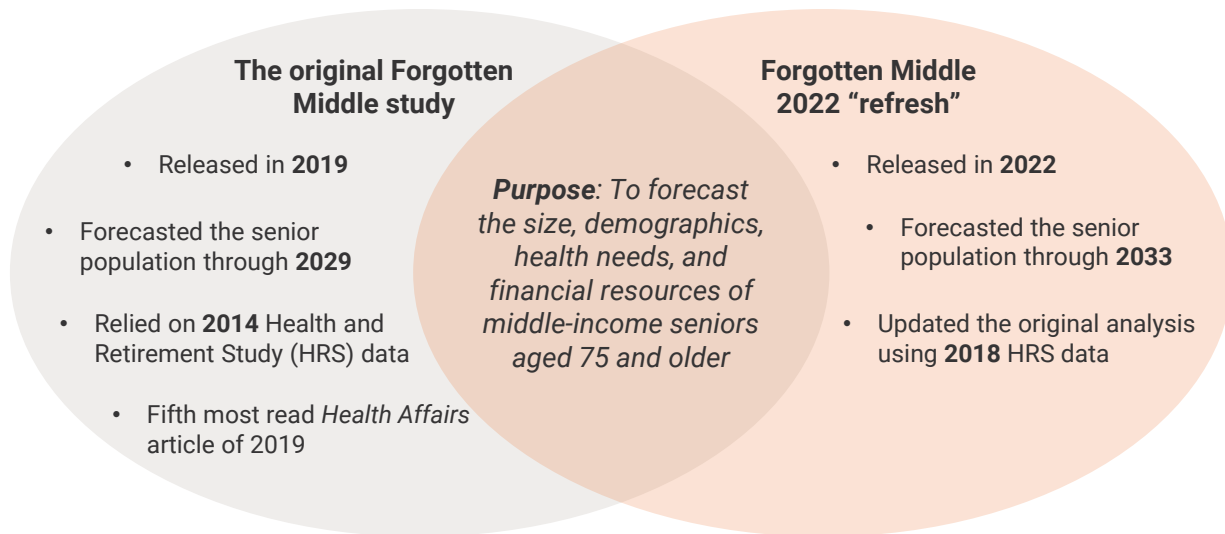
Margins of error on all these estimates are around 10-20%

# Understanding California's Middle-Income Older Adult Population

**NORC | The SCAN Foundation | West Health Institute**

October 3, 2022

The first Forgotten Middle studies brought national attention to the unmet needs of future middle-income seniors



Within California’s near duals group, 57% will have mobility limitations and nearly half will have 3+ chronic conditions in 2033

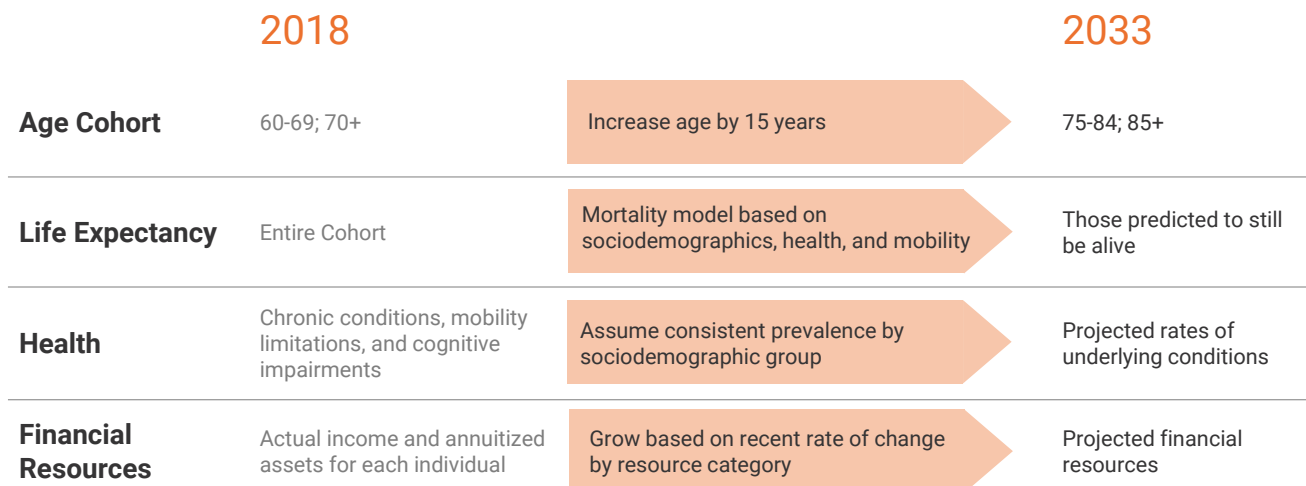
| Health or Functional Limitations        | All Seniors 75+ | 75-84 | 85+ |
|-----------------------------------------|-----------------|-------|-----|
| 3+ Chronic Conditions                   | 48%             | 49%   | 47% |
| 3+ Limits in Activities of Daily Living | 11%             | 7%    | 16% |
| High Needs*                             | 16%             | 12%   | 22% |
| Cognitive Impairment                    | 31%             | 20%   | 46% |
| Mobility Limitations                    | 57%             | 50%   | 67% |

\*High-needs is defined as those with three or more chronic conditions and one or more limitations in ADLs. Not mutually exclusive with other categories.



Over two-thirds of near duals over the age of 85 will have mobility limitations in 2033

The 2022 Forgotten Middle model uses the 2018 HRS to forecast characteristics of seniors in 2033



## Summary of findings from the 2022 Forgotten Middle update



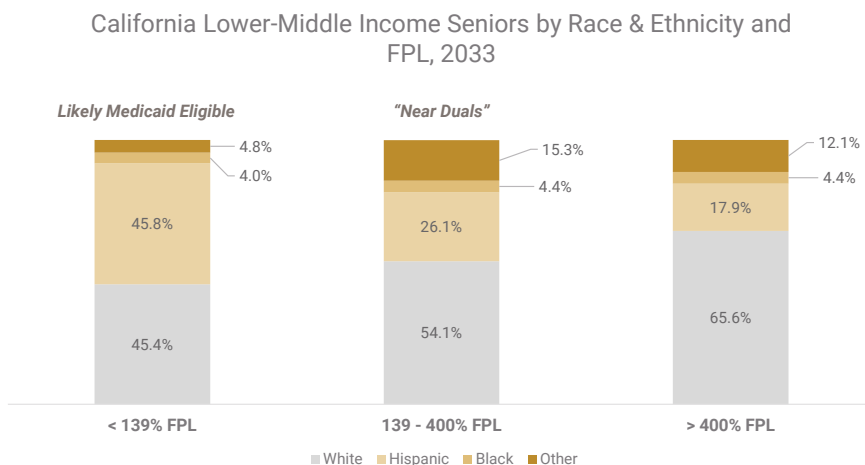
Over the next decade, the number of middle-income seniors will almost double by 2033—reaching 16M adults ages 75+ by 2033

Many older adults will have health needs, like mobility limitations and cognitive impairments, that make it hard to live independently



Without selling their homes, three-quarters (11.5M) of middle-income seniors have insufficient resources to pay for private assisted living

## Nearly 46% of California’s near duals cohort will consist of people of color in 2033

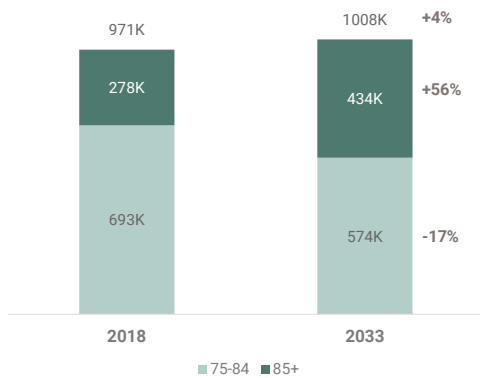


The lower-middle income cohort in California will have the highest percentage of “Other” races and ethnicities, compared to the <139% FPL and >400% FPL groups

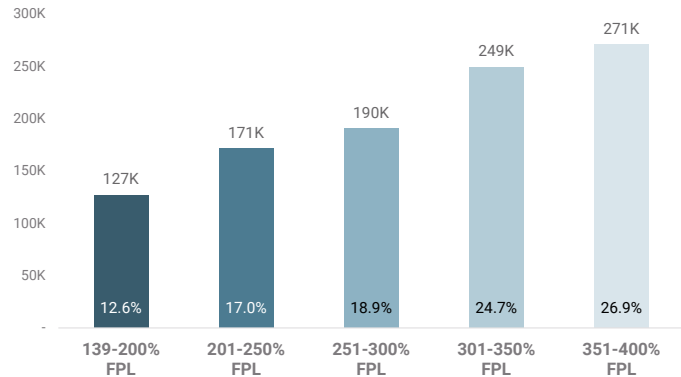


By 2033, over 1M seniors in California are projected to have incomes within 139% to 400% of FPL

California's Lower-Middle Income Population by Age Group, 2018 & 2033



Projected Distribution of Low-Middle Income Seniors in California by FPL Range, 2033



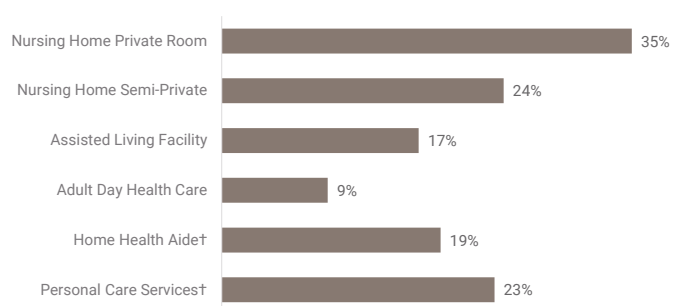
### Why create a California-specific model?

The sociodemographics and senior housing costs in California are meaningfully different from national averages

- Significantly more racially and ethnically diverse than the U.S. overall
- Higher percentage of individuals with less than a high school education and those with a college degree
- More likely to not have children living within 10 miles
- Average assisted living cost is 17% more expensive in California

### Senior housing and care costs are higher in California.

Percent Difference in California Housing and Care Costs Compared to the U.S. Average, 2018\*



\* Utilizes the 2021 Genworth Cost of Care Survey data converted to 2018 dollars  
 † Based on 44 hours of care per week

# Key Findings from California



NORC also examined California’s “near duals” cohort, which includes seniors with income-only resources close to Medicaid eligibility

- NORC’s national “Forgotten Middle” was designed to focus on individuals who are unlikely to qualify for Medicaid
- To understand the population at risk of spending down to Medicaid eligibility, NORC took an additional step to analyze the size California’s “near dual eligible” seniors in 2033
- Income thresholds for California’s near duals:



**Lower: 139% FPL** – Ineligible for Medi-Cal Aged & Disabled Program (138% FPL)



**Upper: 400% FPL** – Eligibility cutoff for federal marketplace exchange subsidies

*To align with Medi-Cal rules, this analysis only considers sources of income, not other assets or housing equity.*

# California Near Dual Eligibles



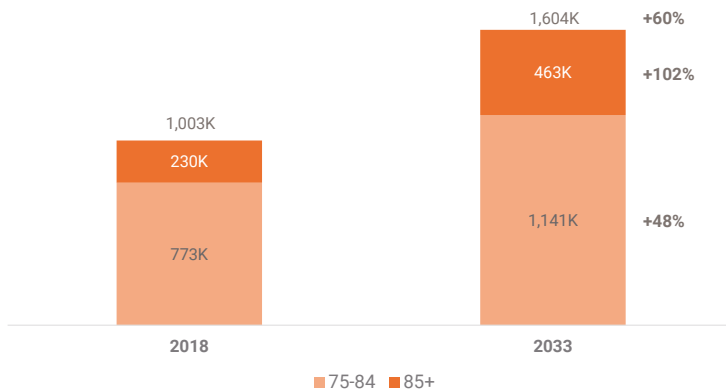
KEY FINDINGS : POPULATION SIZE



10

California is estimated to have 1.6M middle-income seniors age 75 and above in 2033

Number of California's Middle-Income Seniors by Age Group, 2018 and 2033

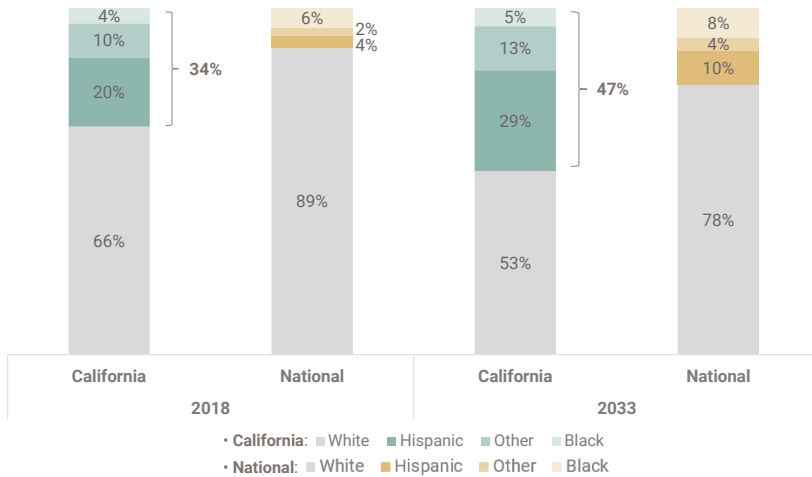


The size of California's middle-income senior population will increase by 60% (601K) by 2033

The number of California's middle-income seniors aged 85+ is expected to more than double (increasing by 233K)

### California's middle-income seniors will be more diverse in 2033, with people of color making up 47% of the population

Middle-Income Seniors 75+ by Race and Ethnicity, California vs. National, 2018 and 2033

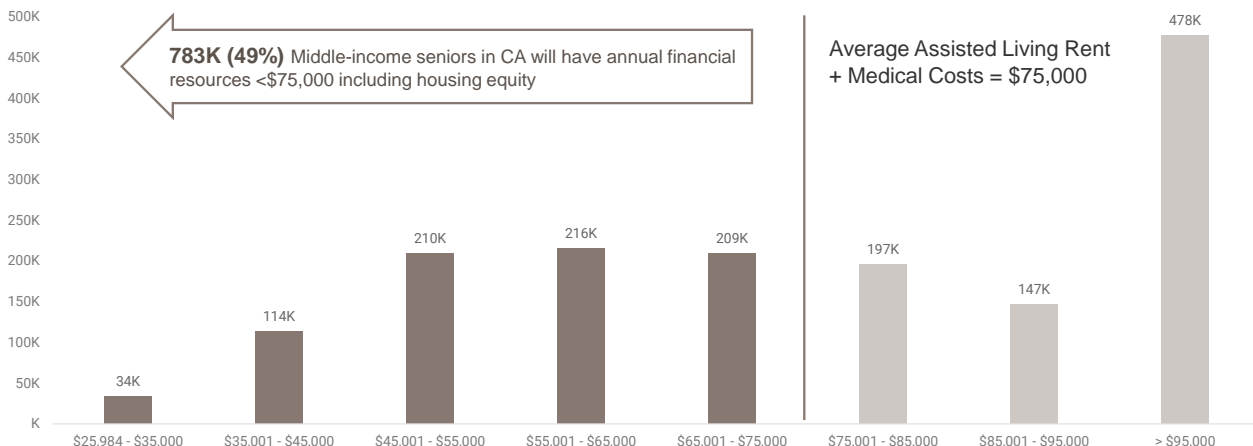


California remains significantly more racially and ethnically diverse than the U.S. overall

Policymaking will require high levels of cultural sensitivity to meet the needs of all older adults

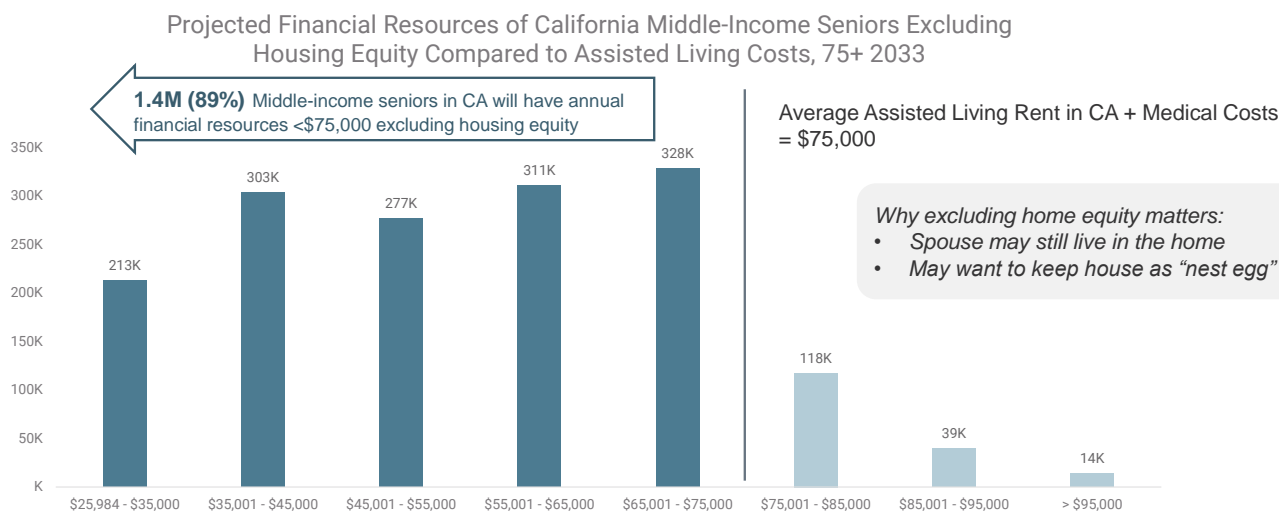
### Even if they sold their homes, half of California's middle-income seniors still will not have sufficient resources to pay for private assisted living

Projected Financial Resources of California Middle-Income Seniors Including Housing Equity Compared to Assisted Living Costs, 75+ 2033



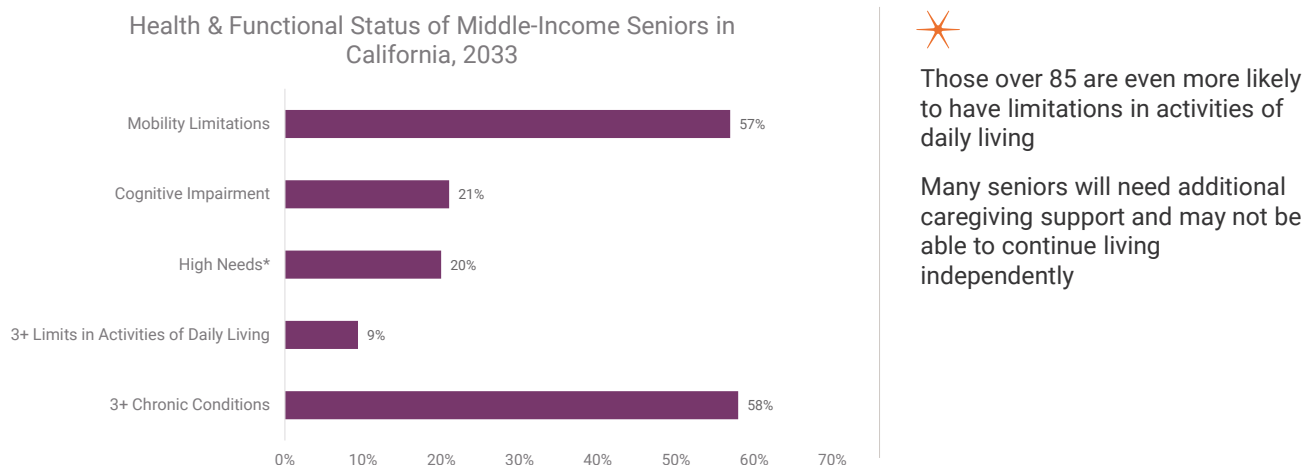
Average private-pay assisted living rent for California generated by applying the percent difference between national and California costs of assisted living in the 2021 Genworth Cost of Care Survey (17%) to the 2018 average cost of assisted living provided by the National Investment Center for Seniors Housing & Care. Average out-of-pocket medical costs and premiums from Kaiser Family Foundation.

## Excluding home equity, 89% of California’s middle-income seniors will have insufficient resources for private-pay assisted living



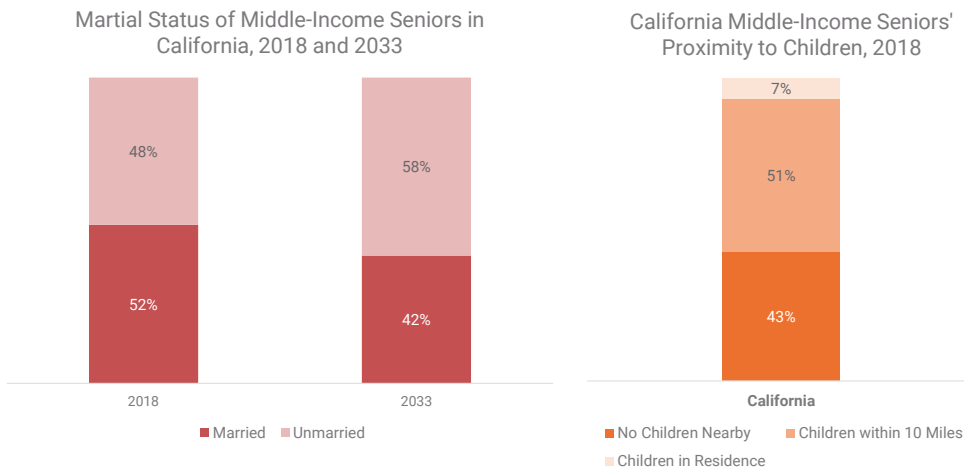
Average private-pay assisted living rent for California generated by applying the percent difference between national and California costs of assisted living in the 2021 Genworth Cost of Care Survey (17%) to the 2018 average cost of assisted living provided by the National Investment Center for Seniors Housing & Care. Average out-of-pocket medical costs and premiums from Kaiser Family Foundation.

## By 2033, the majority of California middle-income seniors 75+ will have 3+ chronic conditions and mobility limitations



\*High-needs" is defined as those with three or more chronic conditions and one or more limitations in ADLs. Not mutually exclusive with other categories.

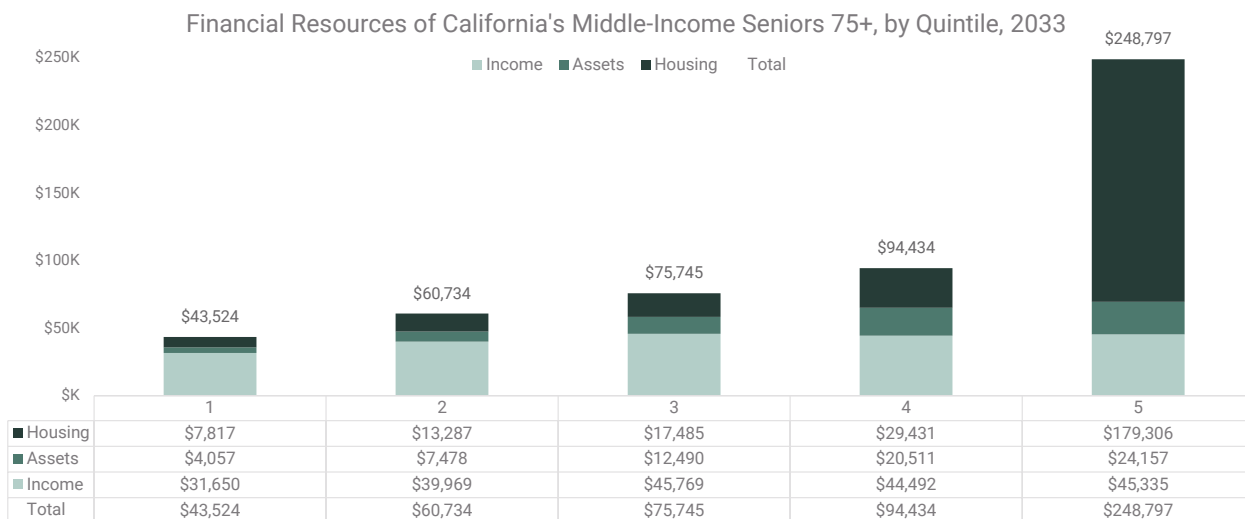
## Nearly 60% of California’s middle-income seniors will be unmarried in 2033 and 43% may not have children living within 10 miles



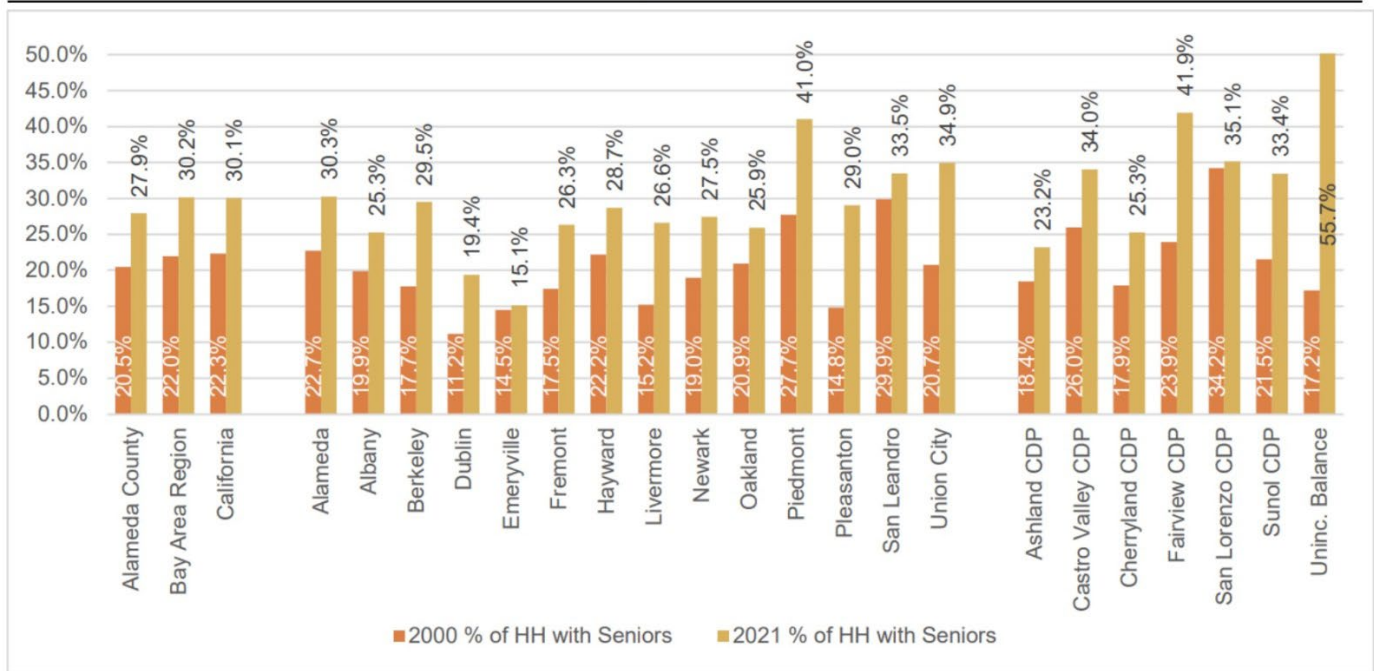
Family members, including spouses and adult children, provide most caregiving for older adults

Seniors who are unmarried (divorced or widowed) and those without children nearby may not have unpaid sources of care

## For California’s forgotten middle, income is the most important financial resource; 1 in 5 have significant housing equity



**Figure 10: Percent of Households with Seniors Age 65+, 2000 & 2021**



Sources: US Census 2000 Summary File 1 (SFQ1), US Census 2010 Summary File 1 (SF1), American Community Survey 2017-2021; The Housing Workshop 2023.







Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and  
 Community Services Department  
 Subject: Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action  
 Plan

RECOMMENDATION

Refer to the City Manager to review and prioritize the recommendations of the City of Berkeley's Age-Friendly Action Plan, in conjunction with the results of the Community Health Assessment that will be conducted by the Health, Housing, and Community Services Department in the 2024 calendar year. In addition, to consider the following referrals:

1. Refer to the Transportation Commission to collaborate with the Commission on Aging to assess the equitable accessibility of public transportation options for the older adult and disabled community in Berkeley
2. Refer to Housing Advisory Commission to collaborate with staff to assess the level of affordable, accessible housing options for older adults to age in the Berkeley community.
3. Refer the Commission on Aging's request for increased funding to the Budget and Finance Policy Committees for further deliberation.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with this recommendation.

CURRENT SITUATION AND ITS EFFECTS

The Commission on Aging has requested that the City Manager take steps to act on the recommendations of Berkeley's Age-Friendly Action Plan, and address gaps by increasing funding for personnel and other services provided by the City. The City Manager does not disagree with the potential merit of this request, but rather recommends that Council consider a more specific and streamlined recommendation that encourages relevant commissions and staff to work together to outline feasible and realistic options that are evidence-based and community-driven.

### BACKGROUND

At its regular meeting on February 21, 2024, the Commission on Aging voted to recommend to Council to refer to the City Manager steps to develop plans to revisit and act on the recommendations in the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps, by increasing funding for personnel and other services currently being offered as well as others identified in the Age-Friendly Plan.

M/S/C: Chisholm, Cochran, Collins, Evans, Lavault, Orrick, Porter, Smith, Yamaguchi.

Noes: None.

Abstain: None.

Absent: None.

### 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 Aging Services Division of the City's Health, Housing, and Community Services Department provides a wealth of services to Berkeley's older adult community, including senior center classes and activities, food and nutrition services, transportation services, and case management for high need older adults with complex needs. Given that the older adult population is the fastest growing segment of the population in the United States<sup>1</sup>, it is prudent to clearly and thoughtfully assess the current needs of this population alongside the gaps and strengths that the results of the upcoming Community Health Assessment will highlight, and the thoughtful planning and deliberation of relevant commissions and staff.

### ALTERNATIVE ACTIONS CONSIDERED

Council could refer this request directly to the budget process.

### CONTACT PERSON

Tanya Bustamante, Interim Deputy Director, HHCS, 510-981-5178.

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<sup>1</sup> <https://www.census.gov>



Disaster and Fire Safety Commission

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Disaster and Fire Safety Commission  
 Submitted by: Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission  
 Subject: Support the Fire Department to Fund a Program Manager II Position

RECOMMENDATION

The Disaster and Fire Safety Commission (DFSC) supports the request by the Fire Department to fund a Program Manager II.

SUMMARY

The Program Manager II position will be responsible for building a Street Trauma Prevention (STP) program in the Department. This program is necessary to meet the City's Vision Zero goal of eliminating severe and fatal traffic crashes by 2028.

The STP program is a new initiative within the Department to support the transportation and infrastructure projects of Vision Zero in order to steadily reduce the 694 injuries that occur on Berkeley streets each year, on average, among people walking, riding bikes and riding in vehicles, including an average of five fatalities.

This position will allow the Department to: (1) engage consistently and constructively in the City's Vision Zero planning and implementation processes; (2) collaborate with other City departments, as well as the Fire Marshal, to advance Vision Zero and other policies; and (3) build an evidence-based approach to balancing street trauma response and prevention.

The STP program will require sufficient staff and resources to support the Department's capacity to perform analysis, interdepartmental coordination, program design, and implementation. The Program Manager II position represents the first step in establishing and building this program. The STP Program Manager would also participate in department decision-making regarding department equipment and operations, to the extent that those decisions intersect with preventing, or responding to, street trauma and the City's Vision Zero policy. The STP Program Manager would report every six months, or as needed, to the DFSC regarding the activities of the STP Program.

**FISCAL IMPACTS OF RECOMMENDATION**

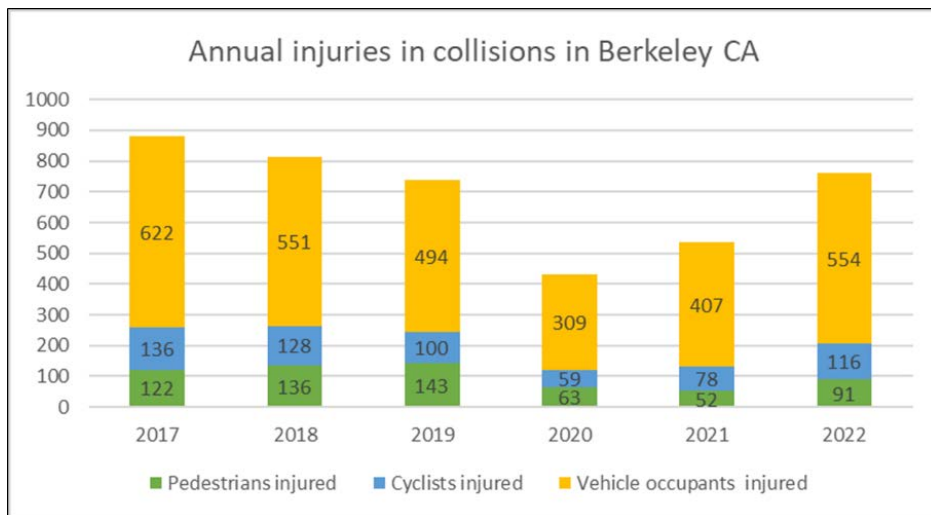
Sufficient funding will be needed to support a Program Manager II position for an initial period of five years. The Department and budget office will need to determine the total amount of funding required to meet this objective.

**CURRENT SITUATION AND ITS EFFECTS**

An average of 694 persons are injured in street trauma each year in Berkeley, and five are killed

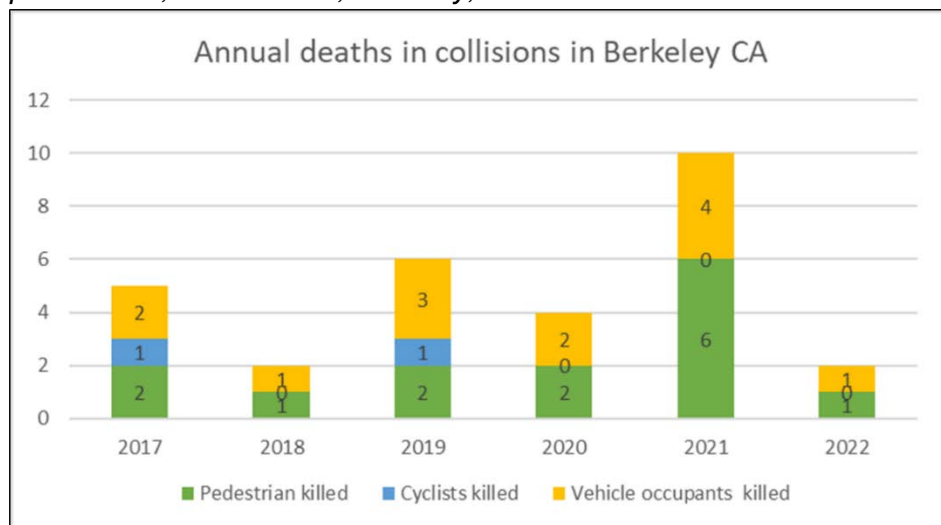
During the period 2017 to 2022, street trauma resulted in injuries to 490 people in vehicles, 103 people riding bikes, and 101 pedestrians on average each year (Figure 1), including an annual average of five fatalities (Figure 2).<sup>1</sup> During this same period, there were no deaths and an average of two persons injured each year in fires in Berkeley, a testament to the effectiveness of the Department’s decades of effort in fire prevention and response.

*Figure 1. Annual average collisions causing injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.*



<sup>1</sup> Collision data from the Collisions Stats tab of the Berkeley Police Transparency Portal - Traffic Safety website: (<https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/traffic-safety>). Death & severe injury collision data from the UC Berkeley SafeTREC Transportation Injury Management System (TIMS) Query & Map (<https://tims.berkeley.edu/tools/query/index.php?clear=true>). All data accessed 5/18/2023 – 5/20/2023 and prepared by Tom Lent.

Figure 2. Annual average collisions causing fatal injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.



Severe and fatal collisions disproportionately affect people walking and biking.

Berkeley residents report that they walk or bike for 40% of trips made in the city, but people walking and biking suffer 61% of severe and fatal collisions.<sup>2</sup> Drivers operating at unsafe speeds and drivers failing to yield at crosswalks are the two most common violations contributing to severe and fatal collisions in Berkeley, amounting to 33% of such incidents over the period 2011-2020.<sup>3</sup> While 71% of Berkeley residents report being interested in relying on bicycles for daily use, most are too concerned about safety to act on this choice.<sup>4</sup>

A subset of injuries that result from street trauma cause immense suffering and financial hardship for those affected, and they require extensive Department and medical resources. On the current trajectory, traffic-related street trauma, and the demand for the Department’s EMS services that accompany it, is expected to increase alongside increases in housing density. The Department already reports that the growing number of EMS calls is taxing its resources and personnel.

Responding to critically injured persons also takes a toll on emergency responders.

<sup>2</sup> City of Berkeley, Vision Zero Annual Report (June 2022). ([https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report_0.pdf)). (p. 13).

<sup>3</sup> City of Berkeley, Vision Zero Annual Report (June 2022). *ibid* (p. 14).

<sup>4</sup> Berkeley City Manager Dee Williams-Ridley (June 29, 2022). Consent Calendar on Vision Zero Annual Report, 2021-2022. Environmental Sustainability and Climate Impacts ([https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report_0.pdf)). (p. 3).

People struck by vehicles while walking or riding bikes are often seriously or critically injured. Providing emergency medical care for these patients, as well as for those injured while riding in vehicles, takes a toll on the mental health of firefighters and paramedics. California Senate Bill 542 (Stern) created a rebuttable presumption that post-traumatic stress injuries among firefighters and peace officers are work-related and thus compensable under workers' compensation. The bill, signed by Governor Newsom in 2019, noted that "trauma-related injuries can become overwhelming and manifest in post-traumatic stress, which may result in substance use disorders and even, tragically, suicide."<sup>5</sup>

The bill reports that "the fire service is four times more likely to experience a suicide than a work-related death in the line of duty in any year." Reducing the frequency of exposure to critically injured persons is an effective response to this occupational hazard for responders.

## BACKGROUND

The fire service understands the power of prevention.

Data since 2010 shows that the Department's Fire Prevention Bureau has reduced fire-related injuries to an average of two per year.<sup>6</sup> This success has resulted in large part from decades of advancements in fire prevention, prompted in 1973 by the report of the National Commission on Fire Prevention and Control, which found that "95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts...to prevent fires from starting," and concluded that "much more energy and funds need to be devoted to fire prevention, which could yield huge payoffs in lives and property saved."<sup>7</sup>

The National Commission's recommendations spurred a steady stream of advancements in fire protection codes that required the use of passive and active fire protection systems, including design specifications for buildings, fire resistant building materials, exit systems, fire sprinkler and smoke control systems, smoke and heat alarm systems, and fire suppression systems. Altogether, these changes reduced civilian fire deaths by 60% between 1979 and 2012, resulting in 5,000 fewer deaths per year by 2012 (Figure 3).<sup>8</sup>

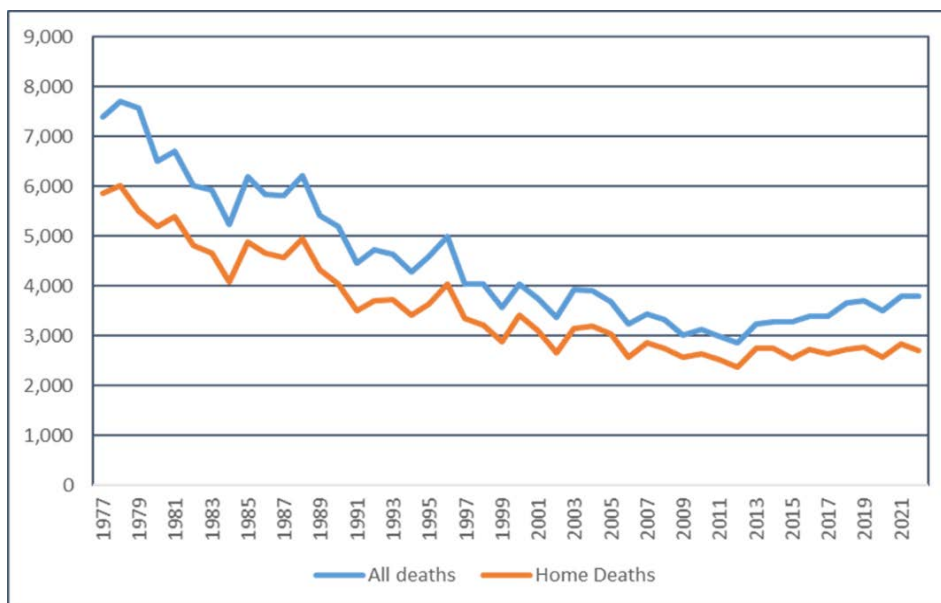
*Figure 3. All U.S. civilian fire deaths and home fire deaths, 1977-2022.*

<sup>5</sup> Senate Bill No. 542. Chapter 390, Stern. Workers' Compensation. ([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB542](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB542)). See subsection (1)(e).

<sup>6</sup> FireCARES. Berkeley Fire Department (<https://firecares.nfors.org/departments/74866/berkeley-fire-department?page=1>).

<sup>7</sup> National Commission on Fire Prevention and Control (May 4, 1973). America Burning. (<https://www.usfa.fema.gov/blog/america-burning-50th-anniversary/>) p. 7

<sup>8</sup> Hall, S. (November 2023). Fire loss in the United States during 2022. Quincy, MA: National Fire Protection Association. <https://injuryfacts.nsc.org/home-and-community/safety-topics/fire-related-fatalities-and-injuries/>



Street trauma is a serious public safety problem that is worsening nationally, particularly among pedestrians.

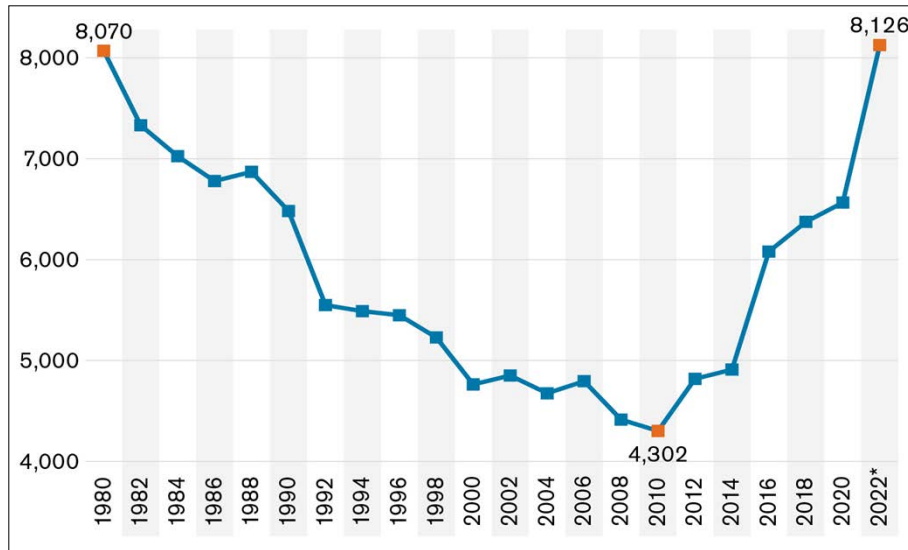
After a 40% decline over the 21 years between 1988 and 2009, national trends show a 77% increase in pedestrian fatalities from traffic collisions over the 11 year period from 2010 to 2021, with preliminary data showing a spike in 2022 that will bring the total increase during this period to 89% (Figure 4).<sup>9</sup> All other traffic fatalities increased 25% during the period 2010 to 2021.<sup>10</sup> This striking increase in pedestrian deaths is attributed to multiple causes, the most fundamental being a U.S. transportation system that is “designed to move cars quickly, not to move people safely.”<sup>11</sup>

Figure 4. U.S. pedestrian fatalities resulting from traffic collisions, 1980–2022.

<sup>9</sup> Governor’s Highway Safety Association (June 2023). Pedestrian Traffic Fatalities by State—2022 Preliminary Data, January-December. ([Pedestrian Traffic Fatalities by State: 2022 Preliminary Data | GHSA](#)). (p. 11).

<sup>10</sup> Governor’s Highway Safety Association (June 2023). *Ibid.* (p. 5).

<sup>11</sup> Emily Badger and Alicia Parlapiano (Nov 27, 2022). The Exceptionally American Problem of Rising Roadway Deaths. The New York Times (<https://www.nytimes.com/2022/11/27/upshot/road-deaths-pedestrians-cyclists.html>). See also: Amanda Holpuch (June 27, 2022). U.S. Pedestrian Deaths Are at Highest Level in 41 Years, Report Says. The New York Times (<https://www.nytimes.com/2023/06/27/us/pedestrian-deaths-2022.html>). Simon Romero (Feb 14, 2022) Pedestrian Deaths Spike in U.S. as Reckless Driving Surges. The New York Times (<https://www.nytimes.com/2022/02/14/us/pedestrian-deaths-pandemic.html?action=click&module=RelatedLinks&pgtype=Article>).



\*Projected based on data for the first six months of 2022.

**First Reading Vote:** Ayes – Katrz, Wilson, Bradstreet, Kinosian, Dean, Raine, Gordon;  
Noes – None; Abstain – Murphy

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The Department has an important role to play in preventing street trauma, while also ensuring an effective response to it.

Research shows that street trauma can be reduced through hardened, engineered traffic controls.<sup>12,13,14</sup> There is concern, however, that such protections could affect Department response times to critical emergency medical incidents, as well as response times and access by fire equipment to structural fires. Travel time from the scene of an emergency to the hospital

<sup>12</sup> Marshall W, Ferencak N (2019). Why cities with high bicycling rates are safer for all road users. *J. of Transport and Health* 13:285-301. (<https://www.sciencedirect.com/science/article/abs/pii/S2214140518301488?via%3Dihub>). Accessed January 28, 2024.

<sup>13</sup> Aaron Short (May 29, 2019) Separated bike lanes means safer streets, study says. *Streetsblog*. (<https://usa.streetsblog.org/2019/05/29/protect-yourself-separated-bike-lanes-means-safer-streets-study-says>). Accessed January 28, 2024.

<sup>14</sup> City of Cambridge, MA, Environmental and Transportation Planning Division (October 2023). *Bicycling in Cambridge. Data Report 2023*. ([https://www.cambridgema.gov/-/media/Files/CDD/Transportation/Bike/bikereports/20231023bicyclingincambridgedatareport\\_final.pdf](https://www.cambridgema.gov/-/media/Files/CDD/Transportation/Bike/bikereports/20231023bicyclingincambridgedatareport_final.pdf)). Accessed January 28, 2024.



by the Department's paramedic ambulances could also be affected. These concerns warrant careful evaluation because the survival of a subset of persons who call 911 can hinge on the speed of fire response and subsequent transport to the hospital.

Implementing a street trauma prevention (STP) program will require a mission change within the Department.

Building a street trauma prevention (STP) program is essential to meeting the City's stated goals of Vision Zero. It will require sufficient staff and resources to support the Department's ability to perform analysis, interdepartmental coordination, program design, and implementation.

The Berkeley Fire Department is a progressive department that is well-positioned to offer the citizens of Berkeley, and of California, a new vision of the fire service that calls attention to the importance of both rapid response and effective prevention in the area of street trauma. To be successful, this will require the Department to adopt street trauma prevention as a core element of its public safety mission, just as the fire service adopted a prevention function within its fire suppression mission over the last 50 years, with remarkable success.

A Program Manager II is needed to establish and build the STP program. The STP program will coordinate with other City departments and commissions to integrate the Department's perspectives on both response and prevention into the City's traffic safety projects related to Vision Zero and other policies.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions. Relying on existing staff to establish and build the STP program is not sustainable, given existing workloads.

CITY MANAGER

The City Manager refers this recommendation to the Budget Process.

CONTACT PERSON

Dave Sprague, Fire Chief, Fire Department, 510-981-3473

Keith May, DFSC Secretary, Fire Department, 510-981-5508





Office of the City Manager

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Disaster and Fire Safety Commission  
 Submitted by: Weldon Bradstreet, Chairperson  
 Subject: Use of Measure FF to Support Understory Mitigation

### RECOMMENDATION

That the Berkeley City Council pass a resolution to support the Fire Department in using Measure FF funds to conduct one-time eucalyptus understory clean-ups on select, participating private properties within the City.

### FISCAL IMPACTS OF RECOMMENDATION

This program would use existing budgeted funds and requires no additional financial authority from the Council. Measure FF provides approximately \$8.5 million annually to support fire services, emergency response, 9-1-1 communication, hazard mitigation, and wildfire prevention. The Department allocated \$1,000,000 in the FY24 and FY25 budget for the purpose of supporting vegetation management activities.

### CURRENT SITUATION AND ITS EFFECTS

Climate change is increasing the frequency and intensity of critical fire weather conditions and proactive fuel reduction is the safest, cheapest, and easiest way to reduce the likelihood of extreme fire behavior. This one-time program would provide funding to residents to help offset the costs associated with bringing properties into compliance with best practice hazardous vegetation management practices. Following participation in this program residents will be required to maintain properties in adherence with the Fire Code.

Large portions of the Berkeley Hills contain high levels of hazardous fuels on private property and responsibility for fuel reduction and its associated costs falls solely to property owners. Eucalyptus trees, such as Eucalyptus globulus, possess fire-adapted qualities that contribute to fire risk but are also extremely expensive to remove due to their size and

age. Planted in plantations over 100 years ago, eucalyptus groves can produce between 10 to 30 tons of dry matter per acre per year and can threaten entire neighborhoods because of their fire-adapted qualities, especially their production of highly flammable deciduous bark that can create catastrophic ember storms. Left unmaintained, eucalyptus bark can rapidly accumulate as hazardous ground and ladder

fuels that can result in rapid ground fire spread or support the propagation of a crown fire, in which a wildfire spreads through a forest canopy and is the most extreme form of fire behavior that could threaten the entire city.

The understory clean up would consist of fuels management as determined by the inspecting fire department personnel, beyond 100 feet of structures, to include maintaining the trunks of trees so that they are free of hanging bark and debris to a height of at least eight (8) feet; limbing trees and shrubs by removing branches that are within eight feet (8 ft.) of the ground, or four times the height of the understory vegetation, whichever is greater; removing subordinate trees, removing eucalyptus saplings and sprouts with diameters of less than 8 inches, and removing all flammable ground fuel.

At the December 6, 2023 meeting, the commission took the following action:

Motion to approve as amended: Bradstreet  
Second: Murphy

Vote:

6 Ayes: M. Wilson, R. Kinosian, S. Dean, G. Murphy, W. Bradstreet, H. Raine, T. Gordon

0 Noes;

2 Absent: T. Darling, A. Katz.

0 Abstain.

### BACKGROUND

Throughout the history of the East Bay Hills, humans have influenced the local ecology, beginning with thousands of years of regular burning by Native Americans, such as the Ohlone, Bay Miwok, Chochenyo peoples<sup>1</sup>. Later, European settlers continued these practices for maintenance of grasslands for cattle grazing. Eucalyptus plantations were first established toward the end of the 19th century in the East Bay Hills. Following the end of widespread grazing, the unmanaged growth of eucalyptus and the establishment of the East Bay Regional Park system, the landscape began to transition towards shrubland and, eventually, an urban forest. By 1923, fuel loads were high enough to sustain the East Bay's first catastrophic wildfire, the 1923 Berkeley Fire that entered the city and destroyed 640 structures. Following the Berkeley Fire, the East Bay experienced regular cycles of catastrophic fire every 18-24 years<sup>2</sup>. The last catastrophic wildfire, the Tunnel Fire, occurred 32 years ago.

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<sup>1</sup> Keeley, J. E. (2005). Fire history of the San Francisco East Bay region and implications for landscape patterns. *International Journal of Wildland Fire*, 14(3), 285.

<sup>2</sup> Sprague, D. "Disaster & Fire Safety Commission: FY23 Review / FY24 Goals" Presentation, Berkeley, October 2023

One major event contributing to the alteration of the East Bay Hills occurred in 1972 with a prolonged freeze, that damaged numerous eucalyptus trees and giving rise to concerns about increased wildfire hazards<sup>3</sup>. In response, Governor Ronald Reagan declared a State of Emergency, making federal funds available for fire hazard reduction work.

The East Bay Regional Park District subsequently received a federal grant of \$1.3 million to create a 25-mile-long fuel break between Anthony Chabot Regional Park and Tilden Regional Park. The project aimed to mitigate the heightened wildfire risk by clearing 400 acres of freeze-damaged trees in the first year. Multiple agencies, including the State of California, EBMUD, the University of California, PG&E, and the cities of Oakland and Berkeley, collaborated in this emergency effort. Between 1972 and 1979, these agencies collectively spent \$6.7 million on freeze-related eucalyptus removal.

The effort involved the removal of dead and damaged trees, along with flammable debris, using contractors. Usable tree material was transported for paper production, but the stumps were not removed or treated with herbicide, so the stumps sprouted new stems (a natural type of reproduction known as coppice). The new coppice forest grew in dense canopies that escalated the fire hazard. Over 40 years later, the problem of coppiced eucalyptus trees remains, posing an increased threat of high wildfire severity.

The aftermath of the freeze revealed challenges in managing the coppiced eucalyptus. The lack of consistent and comprehensive efforts to address the issue has allowed these trees to persist, exacerbating the wildfire risk in the East Bay Hills. CalFire has designated the region as a very high hazard severity zone, underscoring the urgent need for effective vegetation management.

Today, much of the East Bay Hills remains covered in flammable vegetation, often on private property<sup>4</sup>. The Berkeley FireSafe Council, consisting of resident volunteers, regularly takes the initiative to clear out and maintain the constantly shedding debris of the eucalyptus groves.

They sponsor community workdays and engage students in educational experiences to clear out the groves. However, dense eucalyptus groves can produce between 10-30 tons of bark per acre per year, posing a significant threat as flaming eucalyptus bark can cast embers up to 40 miles ahead of a fire front as was seen in the 2009 Australian Black Saturday bushfires<sup>5</sup> and the 2017 Portugal Firestorm. Mitigating the magnitude of this risk exceeds the capacity of local grassroots efforts.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

<sup>3</sup> Kent, J. (2020, March 2). *Aerial views of eucalyptus trees in UC's Hill campus before and after the 1972 freeze*. Claremont Canyon Conservancy

<sup>4</sup> McBride, J. R., & Kent, J. (2019). The failure of planning to address the urban interface and Intermix Fire- hazard problems in the San Francisco Bay Area. *International Journal of Wildland Fire*, 28(1), 1.

<sup>5</sup> Cruz, M.G., Sullivan, A.L., Gould, J.S., Sims, N.C., Bannister, A.J., Hollis, J.J., and Hurley, R.J. 2012. Anatomy of a catastrophic wildfire: the Black Saturday Kilmore East fire in Victoria, Australia. *Forest Ecology and Management*, 284: 269-285.

Climate change is increasing the frequency of critical fire weather conditions resulting in elevated fire risk for the City of Berkeley. Acting on these recommendations will reduce the likelihood, intensity and severity of a wildfire in the City, potentially avoiding devastating and far-reaching human and environmental impacts in our City. Burnt landscapes can lead to polluted water sources, erosion or landslides, and health impacts from toxic airborne ash. Within forest ecosystems, high severity wildfire often leads to deforestation, the loss of forest carbon sinks, and conversion of biomass into carbon emissions. Reduction of fire risk may require the use of machinery that contributes to local carbon emissions but is overall significantly lower than the level of emissions to be released during a high severity wildfire. The removal of vegetation through management maintains carbon sequestration within biomass and seeks to ensure the longevity of forest carbon sinks.

RATIONALE FOR RECOMMENDATION

Climate change is increasing the likelihood of catastrophic wildfire in the City of Berkeley. Fuel reduction is a key strategy to lower wildfire risk, however most hazardous fuels within the City exist on private property. Many private property owners may be unable to mitigate fuels due to disability or cost-prohibitive labor. Eucalyptus understory constitutes a hazardous fuel and a difficult one to remove. Private property owners may benefit from one-time financial assistance to remove eucalyptus debris from their properties.

ALTERNATIVE ACTIONS CONSIDERED

The City of Berkeley is currently exploring Residential Assistance Programs that financially support homeowner wildfire mitigation; however, this program will provide limited support and participation is only eligible to residents who meet specific criteria such as household income, disability, and age.

Alternatives to this recommendation would be for Council to adopt an ordinance requiring property owners to clear hazardous fuel buildup on their entire property at their own expense, and enforcing that requirement, or to continue to leave this wildfire fuel untreated.

CITY MANAGER

The City Manager concurs with this report.

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-3473

Attachments:  
1: Resolution

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

Resolution to Mitigate Hazardous Eucalyptus Understory on Participating Properties

WHEREAS, climate change is increasing the frequency of critical fire weather conditions and elevating fire risk within California, and

WHEREAS, hazardous fuel mitigation is the safest and most effective method to reducing wildfire risk; and

WHEREAS, private property owners bear responsibility for mitigating wildfire risk on their property whether or not they have the physical or financial capacity to do so; and

WHEREAS, eucalyptus, such as *Eucalyptus globulus* exist in groves throughout private property in high fire risk areas in the City of Berkeley and may create between 10 to 30 tons per acre of hazardous debris each year; and

WHEREAS, Measure FF, passed with 74.6% voter approval, seeks to support wildfire prevention and hazard mitigation, and may be utilized to support residents' reduction of risk from eucalyptus groves.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pass an ordinance resolution to support the Berkeley Fire Department to apply Measure FF funds to conduct one- time eucalyptus understory clean-ups on select, participating properties.







Office of the Mayor

CONSENT CALENDAR  
May 7, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: \$70,000 to the FY 2025-2026 Budget Process for Supply Bank School Supply Distribution

RECOMMENDATION

Refer to the FY 2025-2026 budget process \$70,000 for Supply Bank (\$35k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.

BACKGROUND

Supply Bank, formerly known as K to College, plays an important role in the community by purchasing and distributing school supplies to low-income students. Founded by a group of UC Berkeley students, a pilot program launched in Berkeley in 2009. Over the past 15 years, Supply Bank has grown to support kids in need in more than 300 school districts in California.

The mission of Supply Bank is to provide homeless and other underserved children with the tangible resources they need to achieve. Supply Bank operates the School Supply and Dental Kit Initiatives, intended for low-income students to help ensure that they are able to start the school year off on equal footing as their counterparts and provides the basic oral healthcare necessities: a toothbrush, toothpaste, and floss to ensure that oral health issues do not stand in the way of student's academic success.

In partnership with the Berkeley Unified School District, the City of Berkeley, and related partners, in 2023 SupplyBank.Org provided 1,300 low-income residents grade-appropriate school supply kits and dental kits. The School Supply Distribution and Resource Fair is their flagship program, which will enter its 15<sup>th</sup> year this year.

The City Council has consistently approved the budget request to Supply Bank. To help support the program and ensure it will be operational in the long term, this budget referral will cover the next two fiscal years, with \$35,000 being allocated in both FY 2025 and FY 2026, for a total of \$70,000.

FINANCIAL IMPLICATIONS

\$70,000

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1) Supply Bank One-Pag

CONSENT CALENDAR

May 7, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: Replenishing Business Damage Mitigation Fund

RECOMMENDATION

Refer to the Fiscal Year (FY) 2025-2026 Budget Process \$50,000 to replenish the business damage mitigation fund providing one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior.

BACKGROUND

On June 2, 2020, Council passed a referral to the FY 2021 Budget Process to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency. The 2020 Council referral also set conditions on the use of grant funds: 1) grants limited per incident to the amount of the affected party's deductible or \$3,000 whichever is greater; 2) limit to two grants per business; 3) prioritize repair of exterior damage; and 4) prioritize small independent businesses in need.

A total of \$85,000 was allocated to the Downtown Berkeley Association for administration of the grant program. Grants were to mitigate damage caused to businesses, such as removing graffiti, replacing broken windows, doors or furniture, or cleaning and sanitizing business site or property. Given available resources the maximum grant was \$2,500 per business. The funds were exhausted in 2022 and there was more demand for funding than there were resources.

Many businesses are still rebounding from the pandemic and have not seen the same level of business activity as before the pandemic. Some businesses are also dealing with significant public safety issues, which sometimes results in vandalism. To assist small businesses with maintenance of their property in response to damage or vandalism, and to keep our businesses going to create economic activity and jobs, we are proposing to replenish and re-launch the Business Damage Mitigation Fund. If funded this create a positive driving force to attract more small business, retain existing small businesses, and demonstrate our commitment as a City to the evolving needs circumstances that create financial constraints on our businesses.

FINANCIAL IMPLICATIONS

\$50,000 from the City's General Fund as part of the 20245/2026 biennial budget process.

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

Anthony Rodriguez, Senior Legislative Assistant

Attachments:

- 1: Executed contract with Berkeley Downtown Association and annotated agenda from May 26, 2020 Council Meeting, November 6, 2020.
2. Original referral to the City Manager Establishing a COVID-19 Business Mitigation Fund dated June 2, 2020

EXPENDITURE NON-CONSTRUCTION CONTRACT REVIEW FORM: AMENDMENT

Original CMS # (To be filled in by department)

Amendment CMS # (To be filled in by department)

Contract # 32000175 (As originally issued by Auditor)

ERM 11/9

CONTRACTOR NAME: Downtown Berkeley Association

Subject of Contract: Administration of Business Damage Mitigation Fund

Table with 4 columns: With Original Contract, Attached, Waiver Attached, Not Required. Rows include items like Scope of Services and Term, Payment Provisions, Living Wage Certification, etc.

see items 25 on annotated agency

Berkeley Business License # 03558

Requisition # (Hard copy attached) Purchase Order #

Budget Code 011-21-208-251-0000-000-446-636110 Council Approved Amount \$ 25,000

Was there any advance payment? No Yes If Yes, Advanced Amount \$ If Yes, Purchase Order #

Original contract amount \$ 60,000
Amount/s added by previous amendment/s (if applicable) \$
Amount added by this amendment \$ 25,000
Total/cumulative contract amount after amendment \$ 85,000
Contingency \$
TOTAL NOT TO EXCEED AMOUNT \$ 85,000

Routing and signatures:

All elements of the contract package, including information provided above and on Amendment Data Transmittal form (page 2), have been reviewed for completeness and accuracy and evidenced by the following signatures (Project Manager please print name):

Eleanor Hollander OED 7536
1. Project Manager (PRINT NAME) Department Phone No. Date

Felicia Graham
2. Department Administrative Officer/Accounting Date

3. Department Head Date 11/4/2020

4. Contract Administrator Budgo T Via Email (attached) Date 11/5/2020
EXECUTED NOV 06 2020

**EXPENDITURE NON-CONSTRUCTION CONTRACT REVIEW FORM: AMENDMENT**

**City of Berkeley Contract Amendment Data Transmittal**

*(To be completed by Project Manager)*

5. **Budget Manager**

**Date**

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

6. **City Manager** *(Will not sign unless all signatures and dates appear above)*

7. **City Auditor** *(Initial \_\_\_\_\_)*

8. **City Clerk:** CMS Login \_\_\_\_\_ Destruct \_\_\_\_\_ Review \_\_\_\_\_

**EXPENDITURE NON-CONSTRUCTION CONTRACT REVIEW FORM: AMENDMENT**

**City of Berkeley Contract Amendment Data Transmittal**

*(To be completed by Project Manager)*

Downtown Berkeley Association  
Contractor  
2230 Shattuck Avenue, Suite C Lower Level  
Address  
Berkeley, CA 94709  
City/State/Zip

|                                                            |
|------------------------------------------------------------|
| <p><b>Amended Contract Number:</b><br/><u>32000175</u></p> |
|------------------------------------------------------------|

**Contract Amendment Authority**

- Resolution # \_\_\_\_\_ Original Resolution # \_\_\_\_\_
- Ordinance # \_\_\_\_\_ (if appropriate)
- x City Manager Authorization May 26, 2020 Item #25

**Description of Amendment/s**

- x Change of Services/Scope: Business Damage Mitigation Fund
- x Change of Dollars: Original Amount: \$60,000.00 Amended Not to Exceed Amount: \$85,000.00

**Change of Contract Term**

Change as of This Amendment or Extension:

From: \_\_\_\_\_ To: \_\_\_\_\_

Change as of Prior Amendment (if any) per letter from City Manager (May 2019):

From: \_\_\_\_\_ To: \_\_\_\_\_

Original Term: From: \_\_\_\_\_ To: \_\_\_\_\_

**Evidence of Insurance for Contract Amendment**

| Insurance              | Waiver                   | Amount                   | Expiration Date       | TICKLER DATE<br><i>(City Clerk)</i> |
|------------------------|--------------------------|--------------------------|-----------------------|-------------------------------------|
| Professional Liability | <input type="checkbox"/> | \$ _____                 | _____                 | _____                               |
| General Liability      | x                        | <u>\$2,000,000</u> _____ | <u>2/1/2021</u> _____ | _____                               |
| Automobile             | x                        | \$ _____                 | _____                 | _____                               |
| Workers Comp.          | x                        | \$ _____                 | _____                 | _____                               |
| Bond                   | <input type="checkbox"/> | \$ _____                 | _____                 | _____                               |

**Sweet, Darryl**

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**From:** Berkeley, Teresa  
**Sent:** Wednesday, November 04, 2020 10:56 PM  
**To:** Sweet, Darryl  
**Cc:** Murty, Rama  
**Subject:** FW: DBA amendment for budget approval  
**Attachments:** dba-002.pdf

Budget Final Review - Approved

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**From:** Murty, Rama  
**Sent:** Wednesday, November 4, 2020 2:49 PM  
**To:** Berkeley, Teresa <TBerkeley@cityofberkeley.info>  
**Subject:** FW: DBA amendment for budget approval

Budget Initial Review - Approved

**Rama Murty, Senior Management Analyst**  
**City Manager's Office - Budget Office**  
**Phone: 981-7044**  
**Fax: 981-7099**

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**From:** Sweet, Darryl  
**Sent:** Wednesday, November 4, 2020 1:26 PM  
**To:** Murty, Rama <RMurty@cityofberkeley.info>  
**Subject:** DBA amendment for budget approval

DBA  
amendment  
for budget approval

Thank you,  
Darryl

**Darryl Sweet, MSCM, CPSM**  
General Services Manager  
City of Berkeley, Department of Finance  
510-981-7329  
[dsweet@cityofberkeley.info](mailto:dsweet@cityofberkeley.info)



AMENDMENT TO CONTRACT

THIS CONTRACT is entered into on October 23, 2020 between the CITY OF BERKELEY ("City"), a Charter City organized and existing under the laws of the State of California, and Downtown Berkeley Association ("Contractor") a company, doing business at 2230 Shattuck Avenue, Suite C Lower Level, Berkeley, CA 94704.

WHEREAS, City and Contractor previously entered into Contract Number 32000175, dated January 1, 2020, which Contract was authorized by the Berkeley City Council by the City Manager of the City of Berkeley.

WHEREAS, on December 3, 2019 (Item #27), As provided by Council allocation was approved the City Manager has the option to extend this agreement, the Berkeley City Council authorized amendment of said Contract as set forth below.

WHEREAS, on May 26, 2020 (Item #25), As provided by Council allocation was approved the City Manager has the option to extend this agreement, the Berkeley City Council authorized amendment of said Contract as set forth below

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

1. Section 2 is amended to read as follows:

PAYMENT

For services referred to in Section 1, City will pay Contractor a total amount not to exceed \$85,000. City shall make payments to Contractor in accordance with provisions described in Exhibit B1, which is attached to and made part of this Contract. The original Exhibit B, still remains in full force and effect.

2. Section 3.a. is amended to read as follows;

SCOPE

Accordance with provisions described in Exhibit A1, which is attached to and made part of this Contract. The original Exhibit A, still remains in full force and effect.

3. Further, this Contract is amended to include the following language regarding the City's Sanctuary Contracting Ordinance:

SANCTUARY CITY CONTRACTING

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

- a. "Data Broker" means either of the following:
  - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
  - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include:
  - i. The City's computer-network health and performance tools;
  - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

In all other respects, the Contract dated October 1, 2018, shall remain in full force and

effect.

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

CITY OF BERKELEY

By [Signature]  
City Manager

THIS CONTRACT HAS BEEN APPROVED AS TO FORM BY THE CITY ATTORNEY FOR THE CITY OF BERKELEY 10/2019

Registered on behalf of the City Auditor by:  
[Signature]  
Finance Department

Attest:

[Signature]  
Deputy City Clerk

CONTRACTOR

John E. Z. Coner Jr, CEO, Downtown Berkeley Assn  
Name (Printed)

By [Signature], CEO  
Signature and Title

## EXHIBIT A1

### SCOPE OF SERVICES

This Scope of Services outlines the work to be performed by the Downtown Berkeley Association to administrate the citywide COVID-19 Business Damage Mitigation Fund for all eligible Berkeley businesses.

#### I. WORK PROGRAM IMPLEMENTATION

Administrate the citywide COVID-19 Business Damage Mitigation Fund to provide one-time grants to small businesses in Berkeley in good standing with a valid Berkeley business license who experience property damage due to vandalism during the declared COVID-19 local State of Emergency. The **COVID-19 Business Damage Mitigation Fund program** shall be operated with the following conditions and program parameters:

1. **COVID-19 Business Damage Mitigation Fund** Program is available for any small business in the city that has experienced documented vandalism and/ or property damage from the date that the initial local Shelter-In-Place order went into effect (March 16, 2020) until the local declaration of emergency is rescinded by the City Council of the City of Berkeley.
2. Maximum grant amount available to any small business: \$2,500
3. Recipient of grant funds shall submit pictures documenting vandalism / property damage, invoices and receipts, and proof of payment.
4. List of items that qualify for a grant under the COVID-19 Business Damage Mitigation includes, but is not limited to:
  - Removing graffiti
  - Repairing and/or replacing broken windows, doors, and furniture
  - Cleaning and / or Sanitization of business site or property
5. DBA shall provide the City a monthly report on the businesses that have received a grant under the COVID-19 Business Damage Mitigation Fund including the business name, address, amount of grant funds received, and items subject to reimbursement.
6. Recipients of any amount of COVID-19 Business Damage Mitigation Funds shall attest that third-party funds (i.e. insurance reimbursement or any other grant) have not been used to repair the vandalism and/or property damage subject to reimbursement.
7. DBA shall work collaboratively with the City to widely publicize the COVID-

19 Business Damage Mitigation Fund to all eligible Berkeley businesses.

8. Any Recipient of a grant from the COVID-19 Business Damage Mitigation Fund shall retain records for 5 years.
9. In the event the fund is oversubscribed at the outset, payments will be proportionally reduced by amount over subscribed. Conversely, if the fund is not oversubscribed at the outset (beginning with the disbursement of funds and execution of this contract), then payments will be continue to be may after that date on a 'first come first serve' basis.

EXHIBIT B1

PAYMENT

City of Berkeley agrees to provide the Downtown Business Association with a lump-sum payment of \$25,000 to administer, on the City’s behalf, a COVID-19 Business Damage Mitigation Fund that is available to all small businesses in the City of Berkeley.

Any remaining funds in the COVID-19 Business Damage Mitigation Fund that have not be granted at the time that the City Council rescinds the local declaration of emergency due to COVID-19 shall be returned to the City within 90 days of the date that the local declaration of emergency expires.

The City will pay funds to the Downtown Berkeley Association upon receipt of a complete invoice.

An invoice shall be submitted once for payment upon the execution of this contract amendment.

The estimated total amounts of each invoice shall be:

|                                         |                 |
|-----------------------------------------|-----------------|
|                                         | Amount NTE      |
| <u>Payment One</u>                      | <u>\$25,000</u> |
| <b>Total Additional Contract Amount</b> | <b>\$25,000</b> |

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The cumulative total amount of the contract not to exceed is (\$60,000 [original] + \$25,000[additional]), or \$85,000.

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING**

**Tuesday, May 26, 2020  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

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

*Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.*

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84645708594>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **846 4570 8594**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*To submit an e-mail comment during the meeting to be read aloud during public comment, email [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

*Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

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



## Preliminary Matters

**Roll Call:** 6:09 p.m.

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

**Absent:** None

**Action:** M/S/C (Arreguin/Robinson) to adopt the temporary rules presented by the Mayor for the conduct of business at the May 26, 2020 Council meeting.

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

### Ceremonial Matters:

1. Adjourn in memory of all victims of COVID-19
2. Morton McDonald, Berkeley Resident
3. Lynette Levy, Berkeley Resident
4. Maria Guevarra, Local Activist
5. William Barclay Caldeira a.k.a. "300"
6. Recognition of May 2020 as Mental Health Month

### City Auditor Comments:

The City Auditor provided a summary of the services provided by the City Auditor Department and an update on the budget and staffing demands on the Department.

### City Manager Comments:

The City Manager expressed appreciation to the City Council and COVID-19 response team for their efforts. The City Manager also provided a summary of the efforts to respond to and contain COVID-19 in the Skilled Nursing Facilities and Long Term and Memory Care Facilities in Berkeley.

**Public Comment on Non-Agenda Matters:** 8 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 3 speakers.

**Action:** M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 24a.

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

**Action:** M/S/C (Arreguin/Wengraf) to add an urgent item from the City Manager to the agenda pursuant to Government Code Section 54954.2(b).

**Vote:** All Ayes.

## Consent Calendar

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

**Vote:** All Ayes.

## Consent Calendar

### **Urgency Item: Contract with Berkeley Food & Housing Project for COVID-19 Non-Congregate Shelter Services**

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1) Execute one or more sole-source contract(s) and any amendments with Berkeley Food & Housing Project (BFHP) for one year to provide homeless wrap-around supportive services at Berkeley's COVID-19 Respite Sites, located at 1281 University Avenue, 1654 5<sup>th</sup> Street and 701 Harrison Street; and 2) Make an advance payment on this contract from Homeless Emergency Aid Program (HEAP) funding sufficient to cover one month's worth of services prior to contract execution.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 69,399–N.S.

1. **Amendment: FY 2020 Annual Appropriations Ordinance**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,700-N.S. amending the FY 2020 Annual Appropriations Ordinance No. 7,694–N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments in the amount of \$47,770,093 (gross) and \$42,815,104 (net).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** Adopted second reading of Ordinance No. 7,700-N.S.

2. **Dorothy Day House License Agreements: Veterans Memorial Building and Old City Hall**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance Nos. 7,701-N.S. and 7,702-N.S. authorizing the City Manager or her designee to execute license agreements and any amendments thereto with Dorothy Day House to provide services at the Veterans' Memorial Building at 1931 Center Street (Ordinance No. 7,701-N.S.) and the Old City Hall at 2134 Martin Luther King Jr. Way (Ordinance No. 7,702-N.S.).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,701-N.S. (1931 Center Street) and Ordinance No. 7,702-N.S. (2134 MLK Jr. Way).

## Consent Calendar

- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of April 14, 2020 (special closed and regular), April 21, 2020 (special closed and regular) and April 28, 2020 (regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved minutes as submitted.
- 4. California Governor's Office of Emergency Services - Authorized Agent for Disaster Relief for COVID-19**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution designating the City Manager as the Authorized Agent for the purpose of obtaining certain state and financial assistance related to preparation for, response to, and recovery from the COVID-19 pandemic.  
**Financial Implications:** See report  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,400–N.S.
- 5. Assessments: Downtown Berkeley Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of FY 2020 and proposed budget for FY 2021, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2021.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 69,401–N.S.
- 6. Assessments: Telegraph Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2020 and proposed budget for FY 2021, and declaring Council's intention to levy an annual assessment for the TBID for FY 2021.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 69,402–N.S.

## Consent Calendar

7. **Notice of Appropriations Limit for Fiscal Year 2021**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2021 at its meeting of June 30, 2020; and 2) the amount of the limit and the background material used in its calculation will be available for public review from the City Clerk's Office on or before June 15, 2020.  
**Financial Implications:** See report  
 Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 69,403–N.S.
8. **Contract Amendment: Berkeley Food & Housing Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Berkeley Food & Housing Project (BFHP) to provide administrative services for Berkeley Mental Health (BMH) Flexible Spending Programs and the Russell Street Residence through June 30, 2021 in an amount not to exceed \$960,874. This will extend the existing contract by one year and add in \$603,874 in funding to pay for the services outlined below.  
**Financial Implications:** Various Funds - \$603,874  
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,404–N.S.
9. **Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed \$56,000 for the period July 1, 2020 through June 30, 2021 for the placement of AmeriCorps members.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,405–N.S.
10. **Grant Agreement: Funding Support from Alameda County to Public Health Infrastructure Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2021.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,406–N.S.

## Consent Calendar

- 11. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:
1. Foster Care Program in the projected amount of \$93,187 for FY 2021;
  2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2021;
  3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2021;
  4. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2021.
- Financial Implications:** See report  
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,407–N.S. (Foster Care), Resolution No. 69,408–N.S. (Berkeley High), Resolution No. 69,409–N.S. (School Linked), and Resolution No. 69,410–N.S. (Tobacco Prevention).
- 12. Revenue Grant Agreement: Funding Support from the State of California for the Tuberculosis Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for FY 2021.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,411–N.S.
- 13. Contract: Software AG, Inc. for Software, maintenance and professional services for Data Integration Middleware Platform webMethods**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Software AG, Inc. for software, maintenance and professional services for Data Integration Middleware Platform webMethods in an amount not to exceed \$436,000 for the term June 1, 2020 to June 30, 2023.  
**Financial Implications:** See report  
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,412–N.S.

## Consent Calendar

14. **Contract No. 10414B Amendment: Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10414B with Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan, for a total not to exceed \$95,451 and for a total contract value of \$399,411 from September 14, 2016 to June 30, 2022.  
**Financial Implications:** Professional Services Fund - \$95,451  
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,413–N.S.
15. **Donation: Friends of Berkeley Tuolumne Camp for Berkeley Tuolumne Camp Shade Structure Design**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation from the Friends of Berkeley Tuolumne Camp in the amount of \$74,266 for the Berkeley Tuolumne Camp Shade Structure Design.  
**Financial Implications:** Donation - \$74,266  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,414–N.S.
16. **Lease for 235 University Avenue – YOONACO, Inc. dba Hana Japan**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and necessary amendments with YOONACO, Inc., doing business as Hana Japan Steak and Seafood, at 235 University Avenue at the Berkeley Marina for a term of five years, with a five year tenant-option.  
**Financial Implications:** See report  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted first reading of Ordinance No. 7,703–N.S. Second reading scheduled for June 16, 2020.
17. **Declaration of Intent - FY 2021 Street Lighting Assessments**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 16, 2020 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2021 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.  
**Financial Implications:** See report  
 Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,415–N.S. (District No. 1982-1) and Resolution No. 69,416–N.S. (District 2018).

## Consent Calendar

- 18. Contract Amendment No. 31900055: Community Conservation Centers, Inc. for Processing and Marketing Services of Recyclable Materials**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend and extend Contract No. 31900055 with Community Conservation Centers, Inc. for the Processing and Marketing of Recyclable Materials, which includes curbside collected, residential drop-off and buyback materials, for one (1) year through June 30, 2021, with an increase of \$2,100,000 for a revised Contract not to exceed amount of \$6,100,000.  
**Financial Implications:** Zero Waste Fund - \$2,100,000  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,417–N.S.
- 19. Contract No. 10661A Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Parking Access and Revenue Control System Maintenance Services and Warranties**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10661A with SKIDATA, Inc. (formerly Sentry Control Systems) to provide maintenance services and warranties for parking access and revenue control system equipment, increasing the contract amount by \$111,150 for a total not-to-exceed amount of \$1,335,257.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,418–N.S.
- 20. Contract No. 10145 Amendment: IPS Group, Inc. for Parking Meter Operations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No.10145 with IPS Group, Inc. to provide parking meters, replacement parts, and support services, increasing the contract amount by an additional \$1,513,540 for a total contract amount not to exceed \$7,033,457 through June 30, 2022.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,419–N.S.

## Consent Calendar

21. **Contract No. 9977A Amendment: Portable Computer Systems dba PCS Mobile for Automated License Plate Reader Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9977A with Portable Computer Systems dba PCS Mobile to replenish the contract budget for automated license plate reader equipment, increasing the contract amount by \$175,000, for a total amount not to exceed \$1,825,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,420–N.S.  
**Vote:** Ayes – Kesarwani, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Bartlett, Harrison, Hahn.

## Action Calendar – Public Hearings

22. **Electric Bike Share Program Franchise Amendment** (*Continued from April 21, 2020*)  
**From: City Manager**  
**Recommendation:** Pursuant to Berkeley Municipal Code Chapter 9.60, conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance granting a Franchise Agreement Amendment to Bay Area Motivate, LLC, a subsidiary of Lyft Incorporated, to provide shared electric bicycles to the Berkeley public.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
  
**Action:** Item 22 removed from the agenda by the City Manager.

## Action Calendar – Old Business

23. **Contract: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Asset Data Acquisition** (*continued from May 12, 2020*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with CycloMedia Technology Incorporated for Geographic Information System infrastructure asset data acquisition, for an amount not to exceed \$187,401 for the period commencing on May 15, 2020 to June 30, 2022.  
**Financial Implications:** Various Funds - \$187,401  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** 3 speakers. M/S/C (Harrison/Hahn) to continue Item 23 to the June 16, 2020 agenda and direct the City Manager to provide an acquisition report and use policy for the infrastructure asset data technology.  
**Vote:** All Ayes.

Recess 8:15 p.m. – 8:25 p.m.



**Action Calendar – New Business**

**24a. Fiscal Year 2021 Proposed Budget Update Discussion**

**From:** City Manager

**Recommendation:** Discussion regarding the FY 2021 Proposed Budget Update.

**Financial Implications:** See FY 2021 Proposed Budget Update

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** 4 speakers. Presentation made and discussion held.

**24b. FY 2020 Mid-Year Budget Update (Continued from May 12, 2020)**

**From:** City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** M/S/C (Arreguin/Robinson) to continue Item 24b to June 2, 2020.

**Vote:** All Ayes.

**25. Establishing a COVID-19 Business Damage Mitigation Fund**

**From:** Mayor Arreguin (Author), Councilmember Harrison (Author),

Councilmember Robinson (Author)

**Recommendation:** Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency

**Financial Implications:** Up to \$100,000

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

**Action:** speakers. M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m. and continue Item 25 to June 2, 2020 to be the first item on the Action Calendar.

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

**26. Support a Global Ceasefire During the Coronavirus (COVID-19) Pandemic**

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

**Recommendation:**

1. Adopt a Resolution in Support of a Global Ceasefire during the COVID-19 Pandemic.

2. Send copies of this resolution to the United Nations Secretary-General, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapa.

**Financial Implications:** None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**Action:** Moved to Consent Calendar. Adopted Resolution No. 69,421–N.S. and approved sending the resolution to the listed entities.

## Action Calendar – New Business

27. **Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance From: Councilmember Harrison (Author), Councilmember Davila (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)** *(Item contains revised material)*  
**Recommendation:** Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted County laws, action in other jurisdictions, and consultation with community stakeholders.  
**Financial Implications:** None  
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- Action:** speakers. M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:40 p.m.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.
- Action:** 16 speakers. M/S/C (Harrison/Davila) to adopt Ordinance No. 7,704–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Harrison with additional amendments to sections 13.110.020B, 13.110.030A, 13.110.030D, 13.110.050A, and 13.110.050B introduced verbally at the meeting.  
**Vote:** All Ayes.

## Information Reports

28. **FY 2019 Fourth Quarter Investment Report: Ended June 30, 2019** *(Reviewed by Budget & Finance Policy Committee. Item contains supplemental material)*  
**From: City Manager**  
 Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Received and filed. (Item contains supplemental material.)
29. **FY 2020 First Quarter Investment Report: Ended September 30, 2019** *(Reviewed by Budget & Finance Policy Committee. Item contains supplemental material)*  
**From: City Manager**  
 Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Received and filed. (Item contains supplemental material.)

**Public Comment – Items Not Listed on the Agenda – 4 speakers.**

## Adjournment

Adjourned at 11:40 p.m.

## Communications

- Item #25: Establishing a COVID-19 Business Damage Mitigation Fund**  
 1. John Caner, on behalf of the Downtown Berkeley Association

**Item #27: Urgency Ordinance: Update to the Covid-19 Emergency Ordinance**

2. Samara Bennett
3. Diana Bohn
4. Friends of Adeline
5. Ellen Woods
6. David Seegal
7. Ariana Thompson-Lastad

**Berkeley Manufacturing**

8. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce
9. Sam Johnson (4)
10. Dee Williams-Ridley, City Manager (2)

**Slow Streets – Walkers, Runners and Bicyclists**

11. Sabina McMurtry
12. Shirley Stuart
13. Hanna Tamrat
14. Josie Gerst

**Homelessness**

15. Alfred Manning
16. Safiyah Lazkani

**Construction during the Pandemic**

17. Thomas Lord

**Transfer Station Rates**

18. David Lerman

**Berkeley Businesses, Arts and Education Programs**

19. Doris Fukawa, on behalf of the Crowden Music Center

**TOD at Ashby and Berkeley BART**

20. Laura Klein
21. Councilmember Harrison
22. Barbara Gilbert
23. David Taylor

**People's Park**

24. Max Ventura
25. Ivar Diehl
26. Tom Luce

**KPFB**

27. Thomas Lord (2)
28. Mark Numainville, City Clerk

**Property Lien**

29. Sinan and Arzu Sabuncuoglu

**Golden Duplex/ADU/Airbnb**

30. Monika Mann

31. Judy Hunt

32. Sage Linda Spatz

**Crisis at Aquatic Park**

33. James Corrie

**Salary Cuts for City of Berkeley Employees**

34. Genevieve Wilson (2)

**COVID-19**

35. Todd Seeley

36. David Lerman (3)

37. Carol Denney

38. Topher Brennan

39. Thomas Lord

**Supplemental Communications and Reports 1**

**Item #25: Establishing a COVID-19 Business Damage Mitigation Fund**

40. Kathryn Collins, on behalf of Harvest Properties

41. Eric Friedman

**Item #27: Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance**

42. Revised material, submitted by Councilmember Harrison

43. Chimey Lee

44. The 1921 Walnut Street Association

45. Chris Hudson

46. Pablo

47. Tim Ranahan

48. Samara Bennett

**Supplemental Communications and Reports 2**

**Item #22: Electric Bike Share Program Franchise Amendment**

49. Ingrid Good

50. Chimey Lee

**Item #25: Establishing a COVID-19 Business Damage Mitigation Fund**

51. Eric Friedman (2)

52. Councilmember Harrison (2)

**Item #26: Support a Global Ceasefire During the Coronavirus (COVID-19) Pandemic**

53. Chimey Lee

**Item #27: Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance**

54. Evelina Nava, on behalf of the East Bay Community Law Center
55. Max Ventura
56. Pam Speich
57. Juli Dickey
58. Todd Jersey
59. Summi Kaipa
60. Bruce Bagnell
61. Margot Smith
62. Michael Katz
63. Jane Kitchel
64. Donna Mickleson
65. Carol Denney
66. Kitty Calavita
67. Sophia DeWitt
68. Arnold Kessler
69. Glen Lindwall
70. Erik Dreher
71. Zane Dundon
72. Milind Hegde
73. Elizabeth Ferguson
74. Louise Rosenkrantz
75. Igor Tregub, on behalf of the Sierra Club Northern Alameda County
76. Travis King
77. Blair Beckman
78. Mick Mize
79. Bert Knorr
80. Corey Sherman
81. Izaak Meckler
82. Michael Stock-Matthews
83. Liza Veale
84. Leah Bacon
85. Isaac Krone
86. Linda Franklin
87. Sally Nelson
88. Kitty Calavita
89. Rose Glickman
90. Lynne Camerson
91. Rosie Cohan
92. Zoe Stahl
93. Kevin Jude
94. Emma Heinichen, on behalf of Zacks, Freedman & Patterson Law Firm
95. Andrew Muhoberac
96. Chimey Lee
97. Xenia Lopez (2)

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

#### **Item #24a: Fiscal Year 2021 Proposed Budget Update Discussion**

- 98. Supplemental material, submitted by the City Manager's Office
- 99. Presentation, submitted by the City Manager's Office

#### **Item #27: Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance**

- 100. Andrea Mullarkey
- 101. Sophia Hussain
- 102. Melanie Lawrence & John Small
- 103. Terry Taplin
- 104. Brian Troutwine
- 105. Sara Elzeiny
- 106. Sara
- 107. Sheila Jordan
- 108. Chimey Lee
- 109. Christine Schwartz
- 110. Bay Area Community Land Trust
- 111. Bryce Nesbit
- 112. Carole Marasovic

#### **Urgent Item: Contract with Berkeley Food & Housing Project for COVID-19 Non-Congregate Shelter Services**

- 113. Urgent Item, submitted by the City Manager's Office

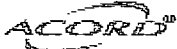
### **Miscellaneous Communications**

#### **Keeping Lockdown Livable**

- 114. Bryce Nesbit

#### **Cell Tower Installation**

- 115. Wanda Warkentin (2)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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

|                                                                                                                                                       |                                                                                               |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--|
| <b>PRODUCER</b><br>AJ GALLAGHER & CO INS BKR CA/PHS<br>57101944<br>The Hartford Business Service Center<br>3600 Wiseman Blvd<br>San Antonio, TX 78251 | <b>CONTACT NAME:</b><br>PHONE (888) 920-6259 FAX (888) 443-6112<br>(A/C, No, Ext): (A/C, No): |  |
|                                                                                                                                                       | <b>E-MAIL ADDRESS:</b><br>INSURER(S) AFFORDING COVERAGE NAIC#                                 |  |
| <b>INSURED</b><br>DOWNTOWN BERKELEY ASSOCIATION<br>2230 SHATTUCK AVE STE C<br>BERKELEY CA 94704-1416                                                  | <b>INSURER A:</b> Sentinel Insurance Company Ltd. 11000                                       |  |
|                                                                                                                                                       | <b>INSURER B:</b>                                                                             |  |
|                                                                                                                                                       | <b>INSURER C:</b>                                                                             |  |
|                                                                                                                                                       | <b>INSURER D:</b>                                                                             |  |
|                                                                                                                                                       | <b>INSURER E:</b>                                                                             |  |
|                                                                                                                                                       | <b>INSURER F:</b>                                                                             |  |

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE                                                                                                                                         | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/Y YYYY) | LIMITS                                    |             |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|---------------------------|-------------------------------------------|-------------|
| A        | COMMERCIAL GENERAL LIABILITY                                                                                                                              | X         |          | 57 SBA BI9918 | 02/01/2020              | 02/01/2021                | EACH OCCURRENCE                           | \$2,000,000 |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                                                                            |           |          |               |                         |                           | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$1,000,000 |
|          | <input checked="" type="checkbox"/> General Liability                                                                                                     |           |          |               |                         |                           | MED EXP (Any one person)                  | \$10,000    |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC<br>OTHER: |           |          |               |                         |                           | PERSONAL & ADV INJURY                     | \$2,000,000 |
|          |                                                                                                                                                           |           |          |               |                         |                           | GENERAL AGGREGATE                         | \$4,000,000 |
|          |                                                                                                                                                           |           |          |               |                         |                           | PRODUCTS - COMP/OP AGG                    | \$4,000,000 |
| A        | AUTOMOBILE LIABILITY                                                                                                                                      |           |          |               |                         |                           | COMBINED SINGLE LIMIT (Ea accident)       |             |
|          | <input type="checkbox"/> ANY AUTO                                                                                                                         |           |          |               |                         |                           | BODILY INJURY (Per person)                |             |
|          | <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS                                                                         |           |          |               |                         |                           | BODILY INJURY (Per accident)              |             |
|          | <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS                                                                             |           |          |               |                         |                           | PROPERTY DAMAGE (Per accident)            |             |
| A        | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR                                                               |           |          | 57 SBA BI9918 | 02/01/2020              | 02/01/2021                | EACH OCCURRENCE                           | \$1,000,000 |
|          | <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE                                                                                 |           |          |               |                         |                           | AGGREGATE                                 | \$1,000,000 |
|          | <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000                                                                      |           |          |               |                         |                           |                                           |             |
| A        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                                                                             |           |          |               |                         |                           | PER STATUTE                               | OTH-ER      |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                                                                               | Y/N       |          |               |                         |                           | E.L. EACH ACCIDENT                        |             |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                    |           | N/A      |               |                         |                           | E.L. DISEASE - EA EMPLOYEE                |             |
|          |                                                                                                                                                           |           |          |               |                         |                           | E.L. DISEASE - POLICY LIMIT               |             |
| A        | DATA BREACH - DEFENSE & LIAB COVG                                                                                                                         |           |          | 57 SBA BI9918 | 02/01/2020              | 02/01/2021                | Limit                                     | \$250,000   |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations City of Berkeley, its officers, agents, employees and volunteers are additional insured per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER

CITY OF BERKELEY  
 2180 MILVIA ST  
 BERKELEY CA 94704-1122

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Susan S. Castaneda*



THE HARTFORD  
BUSINESS SERVICE CENTER  
3600 WISEMAN BLVD  
SAN ANTONIO TX 78251

February 13, 2020

CITY OF BERKELEY  
2180 MILVIA ST  
BERKELEY CA 94704-1122

**Account Information:**

|                                |                                  |
|--------------------------------|----------------------------------|
| <b>Policy Holder Details :</b> | DOWNTOWN BERKELEY<br>ASSOCIATION |
|--------------------------------|----------------------------------|



**Contact Us**

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Business Service Center  
**Business Hours:** Monday - Friday  
 (7AM - 7PM Central Standard Time)  
**Phone:** (888) 920-6259  
**Fax:** (888) 443-6112  
**Email:** [agency.services@thehartford.com](mailto:agency.services@thehartford.com)  
**Website:** <https://business.thehartford.com>

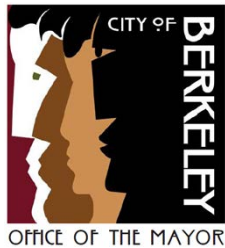
Enclosed please find a Certificate Of Insurance for the above referenced Policyholder. Please contact us if you have any questions or concerns.

Sincerely,  
Your Hartford Service Team

**RECEIVED**  
NOV 16 2020  
CITY OF BERKELEY  
CITY CLERK DEPARTMENT

**RECEIVED**  
MAR 10 2020  
CITY OF BERKELEY  
CITY CLERK DEPARTMENT





ACTION CALENDAR  
May 26, 2020

To: Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmembers Kate Harrison (Author) and Rigel Robinson (Author)

Subject: Establishing a COVID-19 Business Damage Mitigation Fund

RECOMMENDATION

Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency

BACKGROUND

The local Shelter in Place order, which initially went into effect on March 17, prohibits in-person dining and retail activity. This has created a significant decrease in revenues to local businesses which has resulted in layoffs and in some extreme cases permanent closures. Additionally, many of our commercial districts are empty throughout the day, which means that those businesses that are still in operation see limited foot traffic, leaving employees vulnerable to aggressive behavior. Based on preliminary figures from the Berkeley Police Department, crime in most areas during the year to date has gone down compared to this time last year. However, one notable exception to this is a 10.4% increase in thefts. Specifically, petty theft (a loss less than \$950) is up 7.4% and grand theft (a loss of more than \$950) is up by 56.4% - a spike attributed in part to a rise in catalytic converter thefts. While these preliminary numbers have not been fully vetted, they are believed to be solid indicators of the crime situation in Berkeley.

During this COVID-19 emergency, City staff have received numerous complaints from local businesses regarding problematic and violent behavior, including assault of employees and property damage. As a result of increased criminal activity, the Berkeley Police Department have deployed overtime shifts in Telegraph and the Downtown to increase police patrols to respond more quickly to calls for service and to increase police presence to deter crime. While the deployment of the Downtown Task Force has provided additional presence and support for businesses, crime is still occurring. Businesses have specifically requested that the City establish a Damage Mitigation Fund to provide one-time funding for repairs to local businesses occurring as a result of vandalism and other problematic behavior during this COVID-19 State of Emergency.

FINANCIAL IMPLICATIONS

Up to \$100,000.

ENVIRONMENTAL SUSTAINABILITY

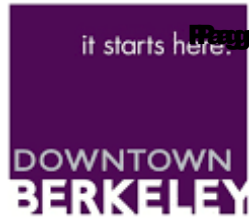
There are no identifiable environmental impacts from the recommendation

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1) Letter from business associations requesting Damage Mitigation Fund
- 2) Report on vandalism from the Downtown Berkeley Association and the Telegraph Business Improvement District



May 4, 2020 - VIA EMAIL

Mayor Jesse Arreguin and City Council  
City of Berkeley  
2180 Milvia St., Berkeley, CA 94704

Dear Mayor and City Council,

Our merchants and property owners need help NOW with a Damage Mitigation Fund due to extraordinary adverse impacts related to the coronavirus on their businesses, employees, and livelihoods. Since the Shelter in Place order went into effect on March 16, merchants and property owners in the Downtown and Telegraph commercial districts have sustained a significant increase in property damage and deeply disturbing behaviors. Not only are we experiencing a significant increase in the homeless population (60% increase Downtown), but also a small subset of homeless and/or street population are engaging in very aggressive behaviors. Many know they will not be jailed for illegal behaviors because of the COVID related mandate from the California Judicial Council. Moreover, there is absence of students, workers, and residents in our districts, that usually have a moderating impact on behavior norms.

As per attached examples this violent behavior has included multiple broken windows, doors and fixtures; and well as spreading of feces, firing extinguishers, throwing furniture, assaulting employees, etc. Just this past Saturday a woman entered McDonalds on at University and Shattuck and went behind counter and into the kitchen touching equipment and employees and ripping out cabling and damaging point-of-sale system. Understandably their employees were terrified. Moreover, McDonalds had to shut down and bring in a decontamination company to insure the kitchen and food preparation was safe to resume operations.

In addition to this damage, most our businesses have experienced a serious decline in revenues due to the coronavirus and the Shelter in Place order. Many businesses have been forced to close, and many essential businesses and restaurants doing take-out and delivery are hanging on by a thread with sales down often 50% to 80%. And then they have to deal with wanton property damage, that is traumatizing and they cannot afford.

While we appreciate BPD's efforts for increased patrols, these courageous businesses need City support NOW to defray the cost of this property damage and clean up costs. Hence, we are requesting that the City set up a Damage Mitigation Fund for businesses and property owners in the Downtown and Telegraph commercial districts that immediately reimburses them documented property damage repair, third party cleaning expenses, and/or health or leave costs of traumatized employees, from the start of the Shelter in Place order on March 16 through as long as the order continues, or the fund is exhausted. It is the least we can do, and also the right thing to do, so they hopefully survive and we are not faced by lost businesses and vacancies in the heart of our great City.

Thank you for your timely consideration of this urgent matter.

Sincerely,

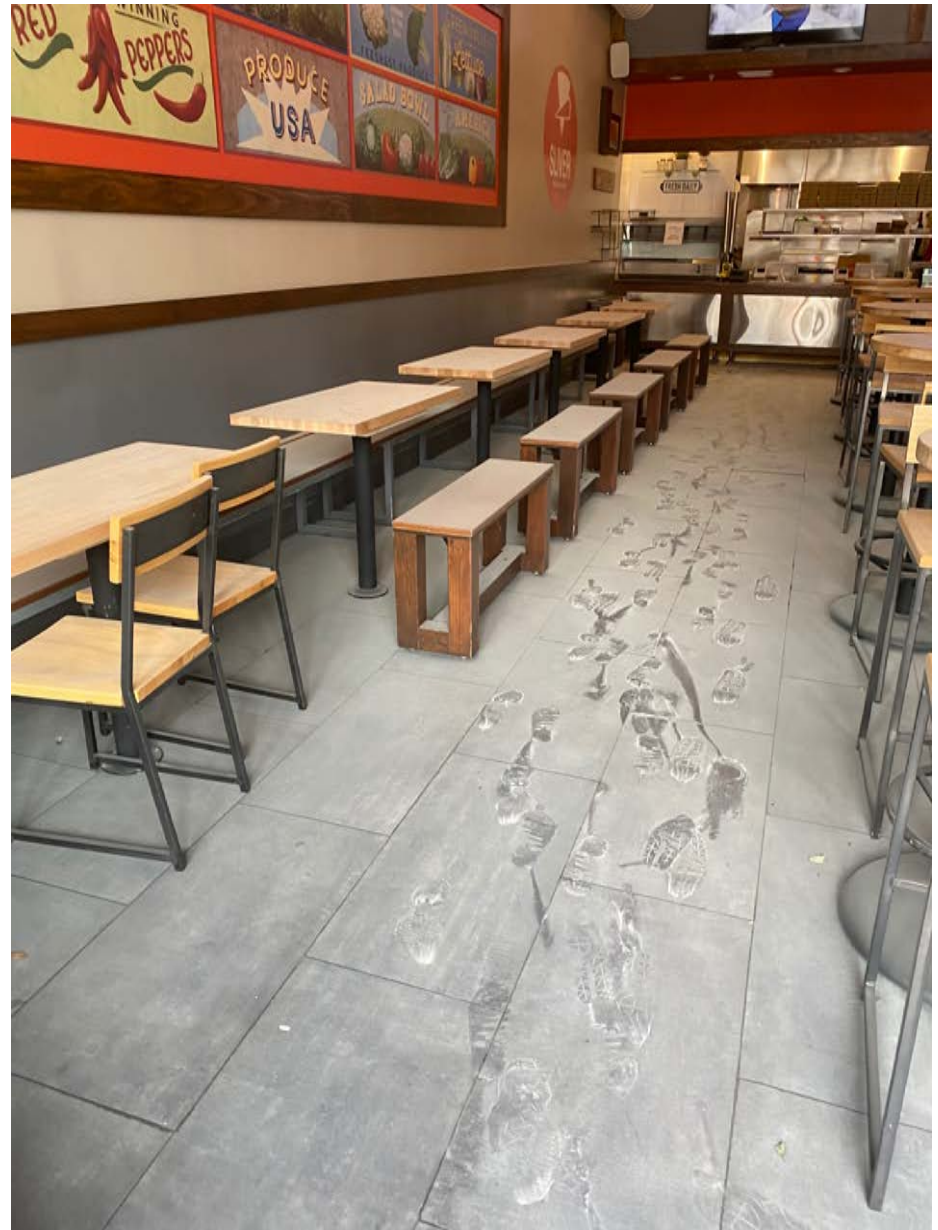
  
John Caner, CEO  
Downtown Berkeley Association

  
Alex Knox, Executive Director  
Telegraph Business Improvement District

CC: City Manager Dee Williams-Ridley

**Merchant Vandalism**  
Telegraph Business District  
Downtown Business District  
**Updated: April 28<sup>th</sup>, 2020**





Sliver Pizzeria  
2174 Shattuck Ave, Berkeley, CA 94704

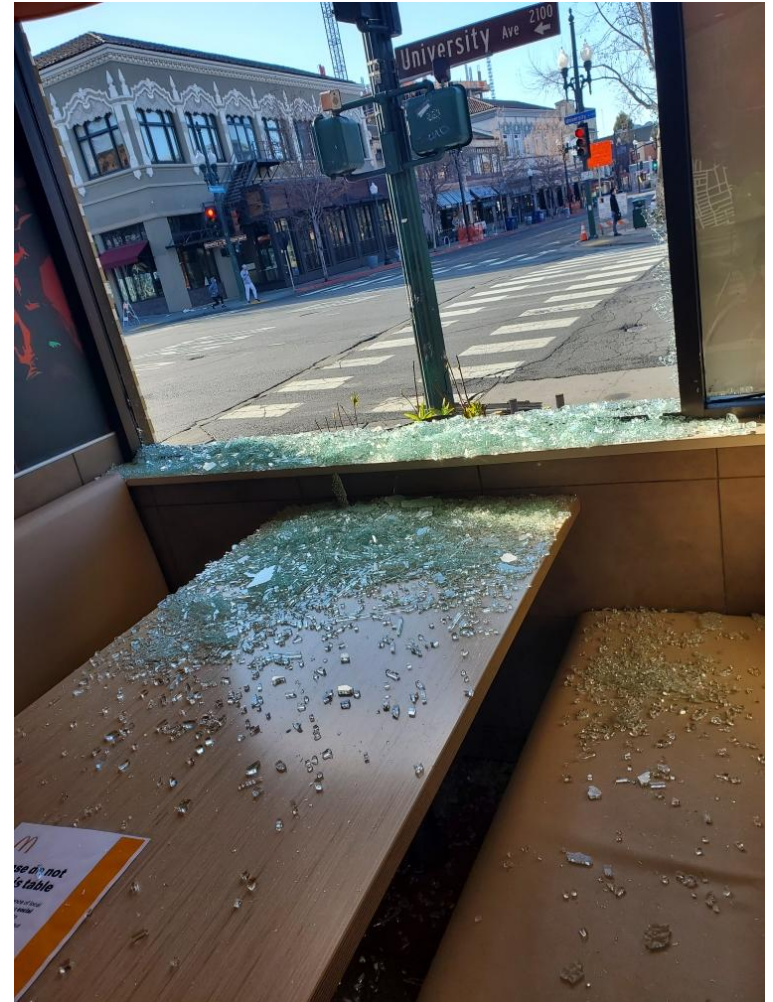




Cancun Sabor Mexicano  
2134 Allston Way, Berkeley, CA 94704



it starts here.  
DOWNTOWN  
BERKELEY



McDonalds 4/5  
1998 Shattuck Ave, Berkeley, CA 94704



McDonalds 1/5  
1998 Shattuck Ave, Berkeley, CA 94704



it starts here.  
DOWNTOWN  
BERKELEY

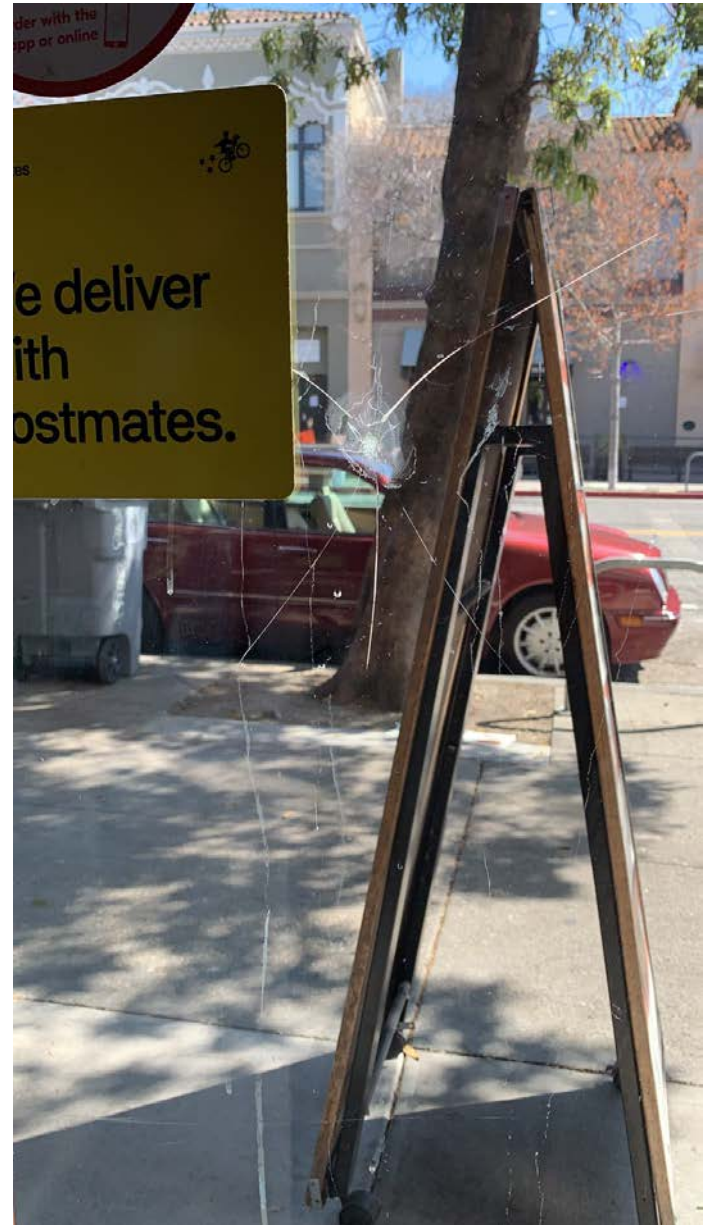


McDonalds 3/5  
1998 Shattuck Ave, Berkeley, CA 94704

it starts here.  
DOWNTOWN  
BERKELEY



McDonalds 2/5  
1998 Shattuck Ave, Berkeley, CA 94704

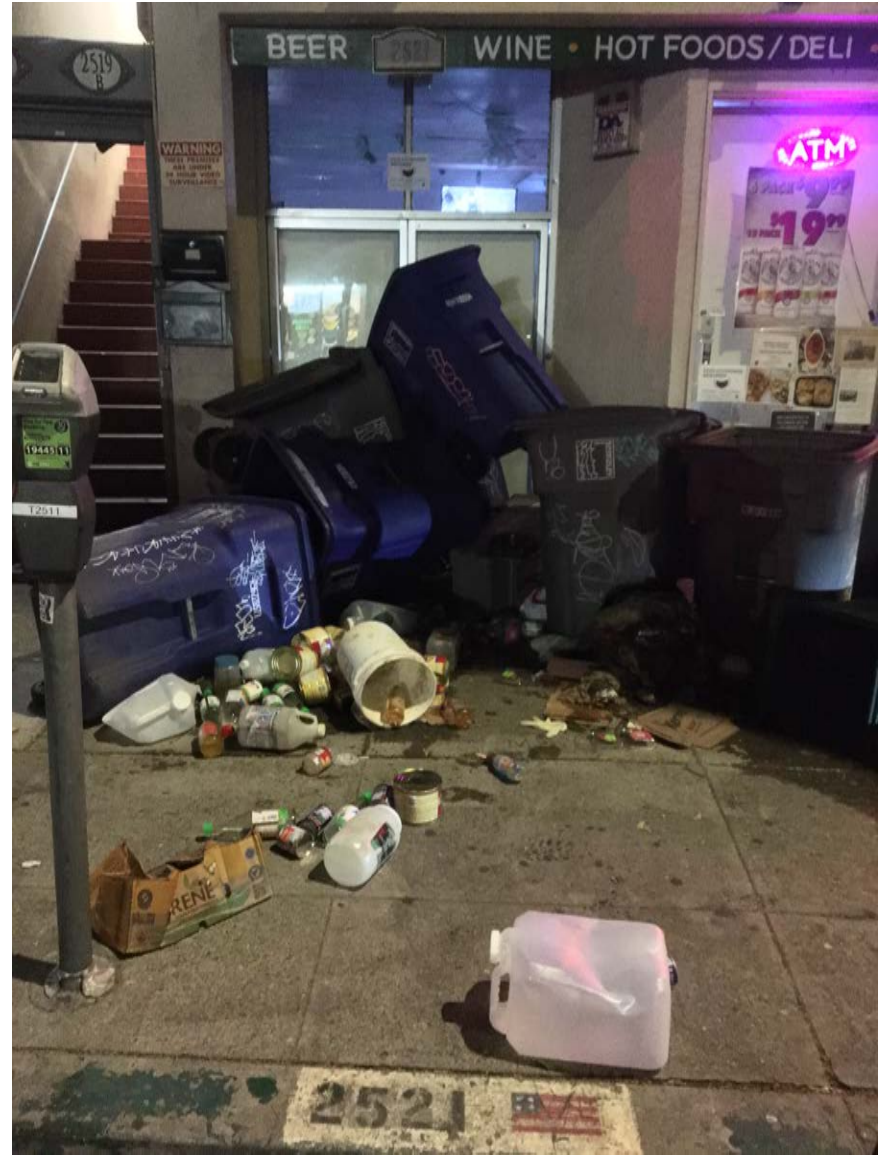


Barbarian Grub & Ale  
2012 Shattuck Ave, Berkeley, CA 94704





Bank of America  
2347 Telegraph Ave, Berkeley, CA 94704



2521 Telegraph Ave





Office of the Mayor

CONSENT CALENDAR  
May 7, 2024

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín  
 Subject: Budget Referral: Cesar Chavez Solar Calendar Maintenance

RECOMMENDATION

Refer to the Fiscal Year (FY) 2025-2026 budget process to allocate \$10,000 to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, for the continued purpose of employing grounds keepers and providing the resources needed for the maintenance of the Cesar Chavez/Dolores Huerta Solar Calendar Site until May/June 2026.

BACKGROUND

The Chavez/Huerta Tribute Site<sup>1</sup>, located at Cesar Chavez Park along Spinnaker Way, is centered around a lush green space overlooking the Bay Area. Instead of a single statue or monument for the farmworker and labor organizer by which the park is named after, the site has intentionally developed as a urban solar/lunar calendar, along with a quartet of stones engraved with the four virtues of the Farmworkers Movement: Determination, Courage, Hope, and Tolerance. The site draws from design concepts in art, astronomy, and architecture found at ancient and indigenous observatory sites from around the world. The site seeks to promote an understanding of the Rhythm of the Seasons, the work, life, and values of Cesar E. Chavez and Dolores Huerta, provide an outdoor classroom to study science, math, and culture, and create a space for reflection and peace along the Berkeley shoreline. The site also contains a virtual tour, which can be activated using your mobile device, and a physical, self-explanatory sign to assist visitors with utilizing the solar calendar and position of stones to understand its relationship to solstice and equinox.

While the Berkeley Parks Department does general maintenance and landscaping of Cesar Chavez Park, additional resources are needed to remove vegetation and maintain the site using hand crews. The Parks Department does not have the resources to do this additional work, so supplemental funding is needed.

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<sup>1</sup> <https://chavezpark.org/cesar-chavez-memorial-solar-calendar/>

To assist with the maintenance of the site, on July 11, 2023, Council passed a resolution allocating \$5,000 from the Mayor's and Councilmembers discretionary office budgets to fund maintenance. The Cesar Chavez Solar Calendar Project, the

community group which helped develop the solar calendar, is requesting additional resources to maintain the site over the next two years. The funding would go towards fees associated with employing gardeners, hauling soil, conducting stone replacement, composting goods, grounds maintenance, upgrading signage, and paying the Kala Art Institute a fiscal agent fee, supplying them with the funds to sustain the continued efforts. The current \$5,000 provides maintenance services completed in October/November 2023 and May/June 2024, with the additional \$10,000 covering services completed in October/November 2024 and May/June 2025.<sup>2</sup>

FINANCIAL IMPLICATIONS

\$10,000 from the City's General Fund as part of the 2025/2026 biennial budget process.

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

Anthony Rodriguez, Senior Legislative Assistant

Attachments:

- 1: Resolution passed on July 14, 2023 for Council Expenditures.

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<sup>2</sup> The exact month is determined by the amount of rain experienced at the site.



RESOLUTION NO. 70,955-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR FUNDING TOWARDS THE MAINTENANCE OF THE CHAVEZ/HUERTA TRIBUTE SITE, A PUBLIC SERVICE FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Jesse Arreguin has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Rashi Kesarwani has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Terry Taplin has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Ben Bartlett has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Sophie Hahn has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Susan Wengraf has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Rigel Robinson has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Mark Humbert has discretionary funds in their office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation, the Kala Art Institute, seeks funds in the amount of \$5,000 to provide maintenance and upkeep for the Chavez/Huerta Tribute Site located at the Cesar Chavez Park along Spinnaker Way; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of bringing communities across the City, including but not limited to Latine, immigrant, astronomy lovers, historians, youth, and civic communities, together to honor the virtues and contribution of Cesar Chavez, Dolores Huerta, and others involved in the Farmworkers Movement.

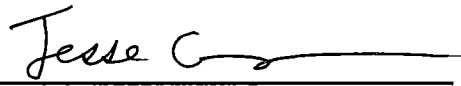
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget of up to \$5,000 per office shall be granted to the Kala Art Institute to fund the following services bringing communities across the City, including, but not limited to, Latine, immigrant, astronomy lovers, historians, youth, and civic communities, together to honor the virtues and contribution of Cesar Chavez, Dolores Huerta, and others involved in the Farmworkers Movement.


The foregoing Resolution was adopted by the Berkeley City Council on July 11, 2023 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Rose Thomsen, Deputy City Clerk



CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Budget Referral: SafeCity Connect Downtown Berkeley Pilot Program

#### RECOMMENDATION

Refer to the budget process \$320,000 to fund a two-year public-private security camera program between SafeCity Connect (SafeCity) and the Downtown Berkeley Property-based Business Improvement District (PBID) for ten (10) locations. This public-private partnership will develop performance and compliance metrics pursuant to the City of Berkeley's Surveillance Ordinance, report on metrics regarding criminal activity clearance rates, deterrence and reduction of criminal activity, and develop privacy and transparency protocols to govern the management and implementation of its camera program.

#### FINANCIAL IMPLICATIONS

\$320,000 over a two-year period in General Fund impact. The proposed public-private partnership realizes significant unit cost savings relative to prior budget allocations, with approximately \$32,000 per location, including installation and maintenance, representing approximately a 60% lower unit cost.<sup>1</sup>

#### CURRENT SITUATION AND ITS EFFECTS

In 2023, Berkeley saw a significant increase in Violent Crimes (15%) and Property Crimes (9.7%), with an alarming 61.5% increase in Auto Theft and Arson, respectively. While shootings overall decreased, a 32% increase in Robbery was paired with a 5% increase of the share of robberies committed with a gun.

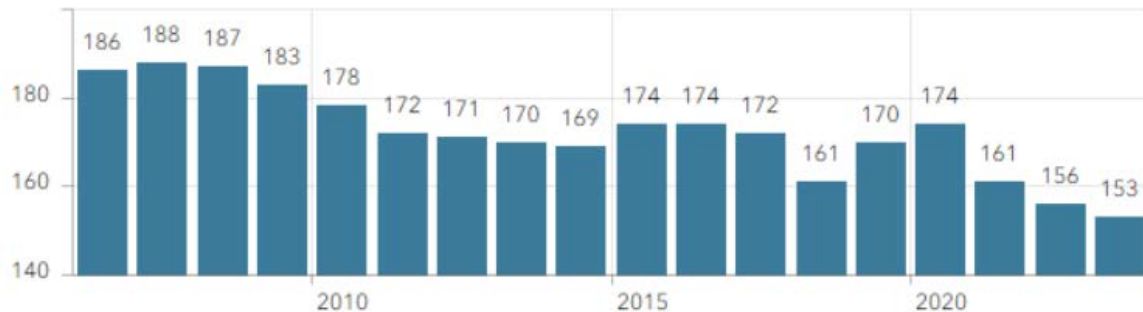
While the Berkeley Police Department continues with its recruitment effort, new sworn officers cannot be added quickly without the significant cost of attracting lateral hires, due to a highly competitive regional job market for law enforcement. This is reflected in BPD's latest staffing data, which has been unable to keep pace with the rising rates of crimes reported since 2020.

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<sup>1</sup> Oct. 12, 2021 Budget Referral: <https://berkeleyca.gov/sites/default/files/documents/2021-10-12%20Item%20%20Budget%20Referral%20Security%20Cameras%20-%20Rev%20Taplin.pdf>

## Sworn Staff

## Annual Peak Staffing Levels



Source: BPD Annual Report, 2023

There is a preponderance of criminology literature supporting a strong link between clearance rates (a criminal investigation being solved with an arrest) and deterrence of future criminal activity, in particular as the perceived risk of sanction among potential criminal actors *changes* “through a process consistent with rational Bayesian updating” (i.e. relative changes are more salient than *absolute* level of perceived risk).<sup>2</sup> Cook et al (2019) have reported that a higher amount of hours investigating gun homicides appears to increase the clearance rate relative to non-fatal gun crimes.<sup>3</sup> It is thus reasonable to infer that more successful investigations can deter future criminal activities.

In 2022, the Berkeley Police Department saw only a 3% increase in clearance rates for Robbery and Auto Theft, and a 5% decrease in clearance rates for Burglary and Arson, likely reflecting historically low staffing levels in the Department. (2023 clearance data is not yet available.) However, security cameras have been effective in helping solve Part One crimes in Berkeley, particularly the homicide of Anthony Joshua Fisher in 2022.<sup>4</sup>

Public-private partnerships to leverage technology for public safety investigations and deterrence of criminal activities is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

<sup>2</sup> Pogarsky, Greg & Loughran, Thomas. (2016). The Policy-to-Perceptions Link in Deterrence: Time to Retire the Clearance Rate. *Criminology & Public Policy*. 15. 10.1111/1745-9133.12241.

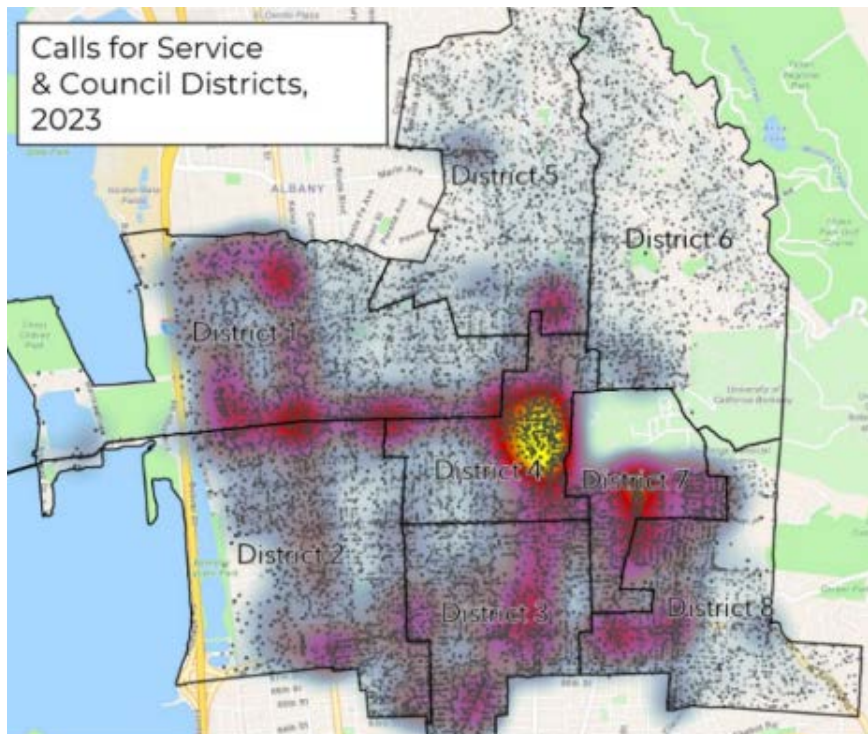
<sup>3</sup> See Attachment 3.

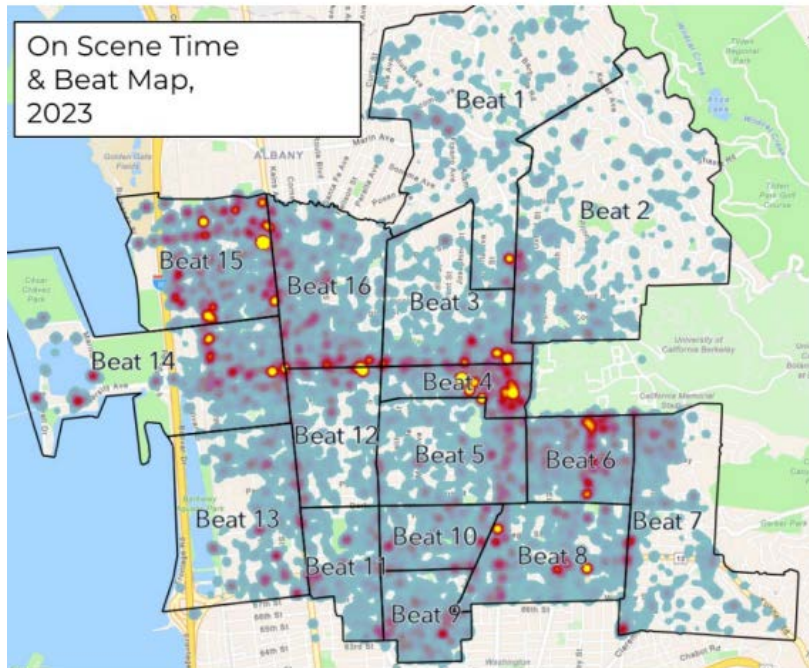
<sup>4</sup> Raguso, E. (2022, Mar. 9). Berkeley shooting victim dies, longtime drug dealer charged with murder. *Berkeleyside*. Retrieved from <https://www.berkeleyside.org/2022/03/09/berkeley-homicide-seventh-street-drug-dealer-charged-murder>

**BACKGROUND**

The Downtown Berkeley Association has partnered with the San Francisco-based company SafeCity Connect to provide a cost estimate and implementation proposal for a public-private security camera program to provide BPD with additional resources to investigate and deter criminal activity.

As illustrated in BPD’s 2023 Annual Report, Downtown Berkeley has the highest concentration of calls for service in the entire city by a wide margin. BPD also reconfigured its beat structure to a 14-beat map to provide shorter response times.





*Source: Berkeley Police Department Annual Report, 2023*

There are several benefits to this program, notably in unit costs and compliance, which can enable more efficient installation, operations, and maintenance, while still providing high-quality information for BPD criminal investigations.

First, as noted above, unit costs may be as much as 60% lower than security cameras allocated in previous budget cycles. Second, ensuring full compliance with the City of Berkeley's civil rights laws and privacy protections is an essential part of the program itself, in addition to robust community engagement (see Attachment 2).

On January 30, 2024, the Berkeley City Council passed a budget referral for six additional security cameras with additional policy considerations. Specifically:

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

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



*Security camera footage would be used solely in a manner consistent/compliant with existing ordinances and the Berkeley Police Department's existing use policies, as enumerated in the Berkeley Municipal Code, the Berkeley Police Department Law Enforcement Manual. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.<sup>5</sup>*

The proposal provided to the Downtown Berkeley Association provides for policy development that is consistent with the policy aims expressed by City Council on January 30: :

***Policy Development:*** *Crafting clear, transparent policies in adherence to local and pertinent ordinances is critical.*

*SafeCity Connect collaborates with you to develop bespoke video program policies, covering essential areas such as:*

- *Video Usage: Deploying cameras strategically to enhance public safety and optimize personnel deployment.*
- *Video Privacy: Guaranteeing video technology is used ethically, respecting everyone's right to privacy in sensitive areas.*
- *Video Retrieval and Retention: Establishing protocols for secure access to footage and defining storage durations to manage the balance between quality, storage and privacy best practices.*

While the resulting policies would apply only to the SafeCity – Downtown Berkeley PBID and the management and implementation of its program and would not be developed, overseen, or implemented by the City, these provisions help ensure that the SafeCity policies would be consistent with City policy goals and priorities.

SafeCity Connect provides the following background on successful implementation in the San Francisco Bay Area so far, including in Downtown Oakland and Union Square in San Francisco (see Attachment 2):

*As of 2024, SafeCity Connect had deployed and networked over 1,500 camera sensors as part of geographically focused, public-private, community programs throughout the San Francisco Bay Area region. The approximate area of coverage now spans over 100 City Blocks throughout 6 Community Benefit Districts.*

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<sup>5</sup> January 30, 2024 City Council Meeting Minutes: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-01-30%20Annotated%20Agenda%20-%20Council.pdf>

Budget Referral: SafeCity Connect

CONSENT CALENDAR  
May 7, 2024

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

- 1: SafeCity Connect Program Proposal Cover Letter
- 2: SafeCity Connect Program Proposal
- 3: Cook et al (2019)
- 4: Berkeley Police Department Annual Report (2023)
5. Reimagining Public Safety: Commission on the Status of Women presentation (April 17, 2023)



## SafeCity Connect Downtown Berkeley Phase 1 - Pilot Project

We are pleased to submit a comprehensive pilot project proposal for the SafeCity Connect Downtown Berkeley - Phase 1 initiative, aiming to develop and deploy a public-private camera program in one of the most vibrant merchant corridors. Our proposal outlines a detailed plan for rapid deployment, integration, operation, and potential expansion of the network, focusing on its primary use as an after-the-fact evidentiary tool for the Berkeley Police Department while fully aligning with the privacy guidelines and the Berkeley surveillance ordinance.

### PROVEN TRACK RECORD

Our organization brings a proven track record from successful deployments in major Bay Area jurisdictions, including San Francisco and Oakland. These deployments have demonstrated the effectiveness of network-based cameras in providing quick and reliable evidence for law enforcement agencies, significantly aiding in crime-solving efforts. Our collaboration with local authorities and adherence to strict operating rules have ensured the privacy and civil liberties of the community are protected.

### Union Square Business Improvement District (San Francisco, CA)

- **513** high-definition exterior cameras covering 27 city blocks of public space.
- **50** participating property owners including hotels, retailers, parking garages, commercial and multi-unit residential properties.
- **12** years of operation with hundreds of cases aided including organized retail crime, violent crime, traffic accidents, arson and property crime (including car break-ins and graffiti vandalism).
- In alignment with local [CCSF COIT](#) approved surveillance technology policies.

### Successful evidentiary uses of SafeCity Connect camera programs:

- [52 Felony Counts, 7 indicted in Graffiti Case leading to 50% reduction](#)
- [16 charged in "Rainbow Girls Crew" Ring](#)
- [83% reduction in car break-ins at Sutter Stockton Garage](#)
- [Reckless driver was recording on social media](#)
- [Unprovoked Assault on a Homeless Man](#)

## **RAPID DEPLOYMENT**

The proposed network leverages rapid deployment technology and methodology, enabling swift installation on the exterior of privately owned buildings facing sidewalks and other public spaces. This strategy not only facilitates immediate operational capability but also minimizes visual and physical impact on the urban environment.

## **COST EFFECTIVENESS**

In recognition of the evolving security needs and financial considerations, public-private camera networks offer a lower upfront and operating cost structure as compared to traditional Citywide video technology deployments. This approach ensures the project's sustainability and opens avenues for possible future expansion through public-private partnerships. Such collaborations could include co-funding arrangements with property owners, further enhancing the network's coverage and effectiveness.

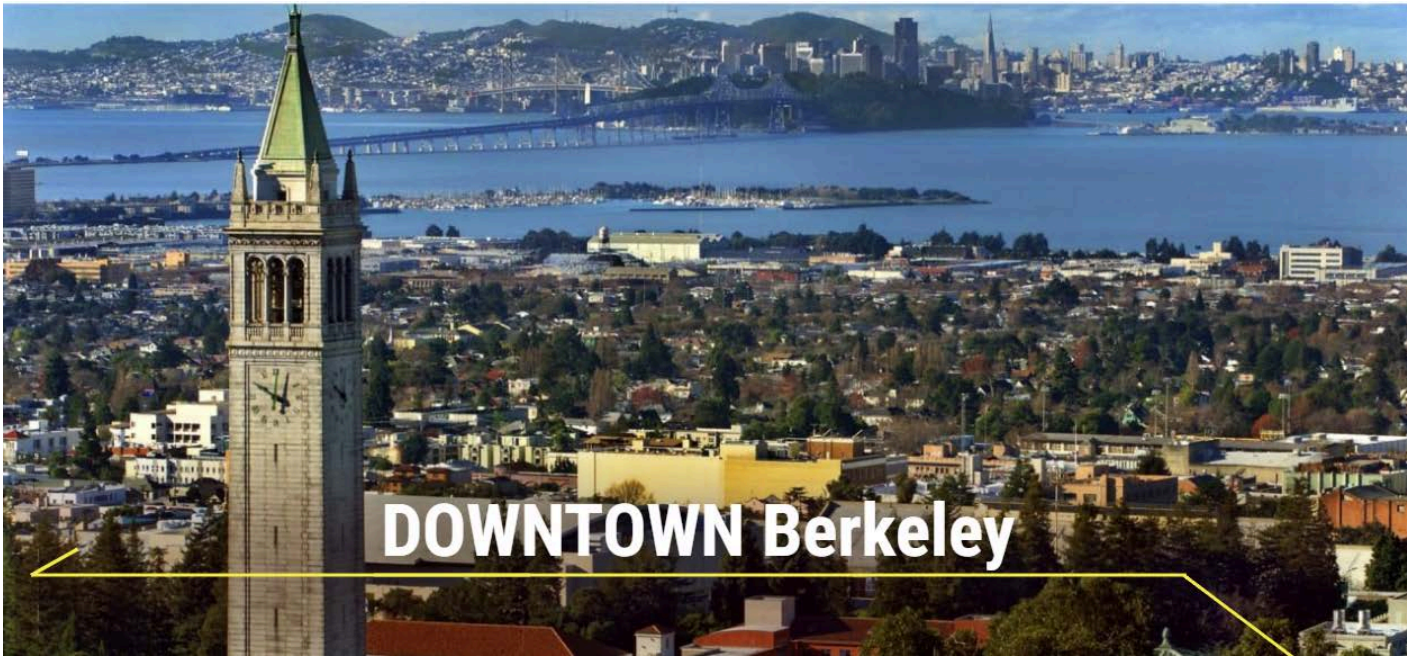
## **OPEN PLATFORM**

Moreover, the potential integration of SafeCity Connect public-private cameras into the City's own public camera technology presents a holistic and forward-thinking approach to urban safety. By combining resources and technologies, we can create a more complete operating system that amplifies the city's ability to protect its citizens and visitors.

## **FUTURE SCALABILITY**

Our team is fully committed to working closely with the City of Berkeley, local businesses, and the community to ensure the successful implementation and operation of SafeCity Connect Downtown Berkeley - Phase 1. We are confident that this initiative will serve as a cornerstone for a safer and more secure downtown area, setting a benchmark for public-private safety collaborations.

We look forward to the opportunity to discuss our proposal in further detail and to answer any questions you may have. Thank you for considering our submission for this critical initiative.



## Downtown Berkeley Association



## SafeCity Connect Program Proposal

PRESENTED TO:

John Caner, CEO

DATE:

March 25, 2024

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- Program Overview
- Investment
- Impact
- About SafeCity Connect

### STATEMENT OF WORK

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### FORENSIC-GRADE CAMERA NETWORK DESIGN

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- Active Feedback
- Determining Camera Locations

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- Establishing an "Always On" Service, Safety and Security Environment

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- Success Metrics
- Our Team
- Our Expertise

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### REFERENCES AND ATTACHMENTS

## EXECUTIVE SUMMARY

### Objectives

- Support Downtown Berkeley Safety Corridor Is broader efforts in creating a clean, safe, and economically vibrant environment for all.
- Contribute towards achieving greater public safety by providing forensic-grade evidence for after-the-fact investigatory use and a proven policy-based process.
- Raise awareness through community participation, outreach, and signage to help identify that video may be recorded in public places for everyone's protection.

### Program Overview

- Tailored program designed to support the Clean and Safe initiatives in the area.
- Comprehensive coverage of public space for crime investigation and deterrence.
- High-definition forensic-grade video surveillance cameras with day and night capabilities.
- Protecting high traffic and high-risk areas, supported by crime data.
- End-to-end Managed Support Services and System Health Monitoring.

### Investment

Please see Investment Overview page (p.5)

### Impact

- Improved incident resolution with court-admissible forensic-grade evidence
- Increased community engagement around public safety and public-private collaboration
- Economic Development enablement through public safety

### About SafeCity Connect

- Professional services firm specializing in design, development and management of public-private video surveillance networks
- 12+ years of private-public collaboration expertise
- Forensic video surveillance expertise with ex-CSI experts on staff
- Proactive technical support services driven by real-time system diagnostics

## STATEMENT OF WORK

### SafeCity Connect:

- Develop a camera program, complete with policies, procedures, and necessary operating tools.
- Provide a phased camera network deployment plan based on crime data, stakeholder input, and budget.
- Deploy a high-definition video camera network in designated locations according to approved system design.
- Provide ongoing technical support, training, maintenance, and program management services.

### Downtown Berkeley Safety Corridor & Program Participants:

- Conduct community outreach for camera program adoption and installation coordination.
- Designate a responsible point of contact for program development and implementation.
- Adopt usage policies and procedures for the use of surveillance technology.
- Grant access to the designated and approved equipment installation locations.
- Provide power, network, and Internet connectivity (where applicable) and necessary space for all equipment and infrastructure pathways.

## SAFE CITY CONNECT DOWNTOWN BERKELEY

### PHASE 1 - PILOT PROJECT

#### PROFESSIONAL SERVICES

|                            |          |
|----------------------------|----------|
| Camera Program Development | \$50,000 |
|----------------------------|----------|

#### SYSTEMS INTEGRATION

|                                       |           |
|---------------------------------------|-----------|
| Phase 1 Camera Network Implementation | \$175,000 |
|---------------------------------------|-----------|

- 10 Participating locations
- 58 Camera Sensors

#### MANAGEMENT & SUPPORT - 2 Years

|                                   |          |
|-----------------------------------|----------|
| SafeCity Connect Support Services | \$95,000 |
|-----------------------------------|----------|

|                    |                  |
|--------------------|------------------|
| <b>GRAND TOTAL</b> | <b>\$320,000</b> |
|--------------------|------------------|

## PROGRAM IMPLEMENTATION PLAN

SafeCity Connect's proposal for a public-private camera program represents an innovative approach to enhancing public safety. By leveraging advanced technology and fostering collaboration between the city, its residents, and the private sector, this initiative promises to not only improve crime prevention efforts but also strengthen the bonds within the community. We look forward to partnering to realize a safer, more connected urban environment.

### 1. Needs Assessment and Strategic Planning

- Engage with CBD leadership, stakeholders, law enforcement, and community leaders to outline program goals.
- Conduct a comprehensive review of current safety systems, identifying gaps and opportunities for integration.

### 2. Program Development and Integration

- Collaborate with technology partners to design the program architecture, ensuring scalability and interoperability with existing city and CBD infrastructure.
- Integrate new systems with current infrastructure, prioritizing data security and user accessibility.

### 3. Training and Deployment

- Organize training sessions for personnel and community stakeholders, focusing on program utilization, data privacy, and safety protocols.
- Implement the program in phases, ensuring minimal disruption and maximizing user adaptability.

### 4. Launch

- Announce the program launch through targeted communication channels, highlighting its benefits and key features.
- Activate a comprehensive support network to assist users and address any operational concerns.

### 5. Ongoing Management and Support

- Continuously monitor program performance, utilizing feedback to drive improvements and adjustments.
- Provide enduring training and support to ensure the program's long-term success and community benefit.





## SAFECITY CONNECT PLATFORM

SafeCity Connect is your comprehensive partner in deploying effective, community-driven safety solutions. Tailored to the unique needs of Business Improvement Districts (BIDs), SafeCity Connect encompasses a holistic approach, blending community engagement, customized policies, state-of-the-art technology, and a collaborative ecosystem. By embracing SafeCity's scalable infrastructure through a licensing agreement, BIDs can leverage a suite of tools and best practices designed to nurture and develop their SafeCity Programs.

**Community Engagement:** At the heart of a successful SafeCity Connect initiative is the endorsement and involvement of the community. We provide a suite of customizable outreach materials to ensure your program resonates with and is embraced by the community. From informative brochures explaining the SafeCity Connect mission to detailed maps highlighting safety hot spots and comprehensive guides on joining the program, every piece is designed to strengthen community ties and encourage active participation.

**Contractual Framework:** Our platform simplifies the complexity of public-private partnerships through ready-to-use Video Sharing Agreement templates. These agreements clarify the responsibilities of all parties, ensuring a seamless and efficient operation of the shared camera network.

**Policy Development:** Crafting clear, transparent policies in adherence to local and pertinent ordinances is critical. SafeCity Connect collaborates with you to develop bespoke video program policies, covering essential areas such as:

- **Video Usage:** Deploying cameras strategically to enhance public safety and optimize personnel deployment.
- **Video Privacy:** Guaranteeing video technology is used ethically, respecting everyone's right to privacy in sensitive areas.
- **Video Retrieval and Retention:** Establishing protocols for secure access to footage and defining storage durations to manage the balance between quality, storage and privacy best practices.

**Operational Excellence:** We provide guidance in setting up your Video Control Center, ensuring it becomes a cornerstone of community safety by facilitating secure access to live and recorded footage, and maintaining the integrity of evidence. Our operational procedures are designed to ensure compliance with policies and deliver efficient service to the community.

**Advanced Technology Platform:** Built on cutting-edge video forensic technology and adhering to Open Platform standards, SafeCity Connect offers unparalleled flexibility and integration. From camera selection to Video System Management (VMS) software and a comprehensive Camera Registry, our platform is engineered to function seamlessly as a unified system, without locking you into any proprietary technology.

SafeCity Connect is not just a platform; it's a commitment to community safety, operational clarity, and technological excellence. Partner with us to transform your BID into a safer, more connected community.

## Forensic-Grade Camera Networks for Urban Safety

Implementing a robust urban camera network demands a strategic approach that ensures forensic-grade quality and effectiveness. This involves overcoming challenges such as optimal camera placement, environmental factors affecting visibility, and the need for clear, identifiable footage. Here's a streamlined guide to achieving a high-standard surveillance system:

### Best Practices Adherence

Ensuring compliance with guidelines from reputable bodies like the Law Enforcement and Emergency Services Video Association (LEVA) lays the foundation for a trustworthy and effective surveillance system. These best practices serve as a benchmark for quality, reliability, and community respect in camera program operations.

### Strategic Camera Placement

Effective surveillance requires a methodical approach to camera placement, focusing on:

- **High-Risk Area Prioritization:** Key locations with high crime rates or foot traffic should be covered comprehensively to maximize the network's deterrent and investigative capabilities.
- **Community and Law Enforcement Collaboration:** Engaging with stakeholders helps identify essential surveillance spots, ensuring the network aligns with both safety needs and community values.
- **Leveraging Crime Data:** Utilizing historical crime data informs camera placement decisions, aiding in crime prevention and strategic security planning.
- **Integrating Private CCTV Systems:** Coordinating with private entities extends camera network coverage, filling gaps in public monitoring efficiently.

### Maintaining Forensic-Quality Standards

Achieving high-quality footage involves several considerations:

- **Camera Placement:** Cameras should be positioned to avoid obstructions and backlit conditions, optimizing the potential for capturing clear, usable images.
- **Lighting:** Adequate lighting, particularly in nighttime conditions, is crucial for maintaining image clarity. Surveillance areas must be well-lit, and cameras equipped to handle low-light conditions.
- **Technological Advancements:** Incorporating technology like facial recognition and motion detection enhances the network's utility. However, balancing technological capabilities with ethical considerations is essential to maintain privacy rights.

### Continuous Improvement

A successful forensic-grade camera network necessitates ongoing evaluation and adaptation. Regularly assessing footage quality, system functionality, and coverage effectiveness ensures the surveillance network evolves to meet changing needs and technologies.

## SAFECITY CONNECT SUPPORT CENTER

### Establishing an “Always On” Service, Safety, and Security Environment

The SafeCity Connect Support Center provides a single point of administration, management, oversight, and control of camera networks.

Proactive system diagnostics and reporting provide complete end-to-end visibility system performance – down to the individual device level.

“

SafeCity Connect Managed Services and Performance Diagnostics provide end-to-end visibility of the entire system, reducing the risk of after-the-fact damage control caused by lack of insight on the true measures of surveillance system performance”.

- **SYSTEM HEALTH MONITORING** – vital system performance indicators are monitored using proprietary real-time diagnostics suite of software designed for proactive and anticipatory service.
- **SOFTWARE UPDATES** – systems are updated with latest software releases automatically “pushed” to include new upgrades, features and enhancements.
- **HELP DESK** – Knowledgeable staff ready to handle proactive system alerts, troubleshooting and problem resolution issues; frequently before they can affect system performance.
- **REMOTE SUPPORT** – significantly reduce time to resolve an issue through secure remote access. 90% of support issues are resolved within 15 minutes of a remote support session.
- **ON-DEMAND TRAINING** – new system users benefit from proven and structured system training services and video tutorials.
- **HARDWARE DEPOT** – replacement equipment is shipped in advance upon completion of remote diagnostics in order to minimize downtime and reduce field service visits.

## SUCCESS FACTORS AND METRICS

### Critical Success Factors

- Instituting a project manager role for the purpose of monitoring and reviewing project progress and success.
- Solicit feedback specifically from public and private sector stakeholders.

### Success Metrics

The following are some of the proposed data points to be factored into the overall ROI Model for the Project:

- Examples of incidents resolved successfully using video footage.
- Number of requests and retrievals over time.
- Number of times video was used successfully in prosecution.
- Change in crime levels in the area where cameras were installed before and after installation.
- Community member survey responses prior to and following the installation of the camera network.
- Closer levels of collaboration with community members, law enforcement, and other stakeholders.
- Other metrics may include - changes in foot traffic patterns and operational efficiency gains through the use of the video network (i.e. street cleaning services).

Important Note: Achieving statistically significant reductions in crime can be difficult (i.e., crime reductions that clearly go beyond the level that might occur due to the normal fluctuations in the crime rate are difficult to prove).

## About SafeCity Connect

SafeCity Connect, Inc. is a professional services and systems integration firm specializing in Network Video and Public-Private Collaboration Programs for a range of Cities and districts. SafeCity Connect also offers unique next-generation architecture that enables quality assurance for geographically distributed deployments. We assist our clients in all phases of technology deployment lifecycle, ranging from strategic planning through system design, implementation, and training.

## Our Team

SafeCity Connect is a professional services and systems integration firm specializing in design, deployment, and management of community-based forensic-grade video networks. Our team is composed of experts in network technology, forensic video and crime scene investigations. We are uniquely qualified to assist customers in all phases of the program lifecycle from strategic planning, network design, project management, program launch, and ongoing technical support and reporting.

## Our Expertise

We are experts in the latest technologies for local and wide-area networking, telecommunications, system integration, and business process modeling and automation. The team has been responsible for hundreds of projects in the areas of physical security, business intelligence, and global enterprise-grade IT project deployments.

## PROGRAM REFERENCES

SafeCity Connect specializes in delivering turn-key public-private camera programs to districts and municipalities.

As of 2024, SafeCity Connect had deployed and networked over 1,500 camera sensors as part of geographically focused, public-private, community programs throughout the San Francisco Bay Area region. The approximate area of coverage now spans over 100 City Blocks throughout 6 Community Benefit Districts.

### **Union Square Business Improvement District (San Francisco, CA)**

- 480+ camera sensors across 50+ participating locations, covering over 25 city blocks.
- Successful public safety video surveillance project covering high-traffic and high-risk areas with high-definition video surveillance
- Broad range of professional services supporting implementation and use of video surveillance technology

### **Uptown Downtown Oakland, CA (Oakland, CA)**

- 200+ camera sensors covering over 12 city blocks.
- Successful public safety video surveillance project covering high-traffic and high-risk areas with high-definition video surveillance
- Broad range of professional services supporting implementation and use of video surveillance technology



## REFERENCES AND ATTACHMENTS

- a. White Paper on Forensic Video Best Practices – CSI Perspective
- b. Technology Architecture Blueprint



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**RESEARCH ARTICLE****SHOOTING CLEARANCE RATES****Why do gun murders have a higher clearance rate than gunshot assaults?****Philip J. Cook<sup>1</sup> | Anthony A. Braga<sup>2</sup> | Brandon S. Turchan<sup>2</sup> |****Lisa M. Barao<sup>2</sup>**<sup>1</sup>Duke University<sup>2</sup>Northeastern University**Correspondence**

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**Research Summary:** The prevailing view is that follow-up investigations are of limited value as crimes are primarily cleared by patrol officers making on-scene arrests and through the presence of eyewitnesses and forensic evidence at the initial crime scene. We use a quasi-experimental design to compare investigative resources invested in clearing gun homicide cases relative to nonfatal gun assaults in Boston. We find the large gap in clearances (43% for gun murders vs. 19% for nonfatal gun assaults) is primarily a result of sustained investigative effort in homicide cases made after the first 2 days.

**Policy Implications:** Police departments should invest additional resources in the investigation of nonfatal gun assaults. When additional investigative effort is expended, law enforcement improves its success in gaining the cooperation of key witnesses and increases the amount of forensic evidence collected and analyzed. In turn, the capacity of the police to hold violent gun offenders accountable, deliver justice to victims, and prevent future gun attacks is enhanced.

**KEYWORDS**

clearance, detectives, homicide, investigations, shootings

Fatal and nonfatal gunshot assaults are similar with respect to victim characteristics and circumstances, yet the clearance-by-arrest rates tend to be considerably higher for fatal cases. One plausible reason for this disparity is that police departments give higher priority to the fatal cases, which in larger cities are assigned to homicide detective squads. In comparison with the detectives who are assigned aggravated assault cases, homicide detectives tend to have a lighter case load and greater access to forensic

evidence. A second possibility is witnesses are more inclined to cooperate with a police investigation if the victim dies.<sup>1</sup>

The following contrast between police investigations of fatal and nonfatal gunshot cases is potentially useful both for basic research on police science and for informing policy:

- From a research perspective, the contrast provides evidence on the extent to which the success rates of police investigations of serious violent crimes may be affected by the resources expended in these investigations.
- From a policy perspective, the contrast provides a basis for assessing the value of increasing police resources allocated to investigation of gun violence, in particular, for nonfatal gunshot cases. For the prevention of future gun attacks, clearing nonfatal gunshot assault cases is as important as clearing homicides.

In this article, we use 5 years of data (2010–2014) from the Boston Police Department (BPD) that include all gun homicides and a sample of criminal cases in which the victim survived a gunshot wound. In particular, we analyze the 204 shooting cases that included at least one homicide, as well as a representative sample of 231 shooting cases in which no one died. Detailed data were collected from police investigation files, forensic evidence databases, and interviews with detectives. Data items included information on the circumstances and medical outcome of the shooting, characteristics of the victim, measures of the amount of evidence collected during the investigation by the BPD, and detective reports of the key reasons for the success or failure of the investigation. Our quasi-experimental analysis of these data results in the following findings relevant to the research and policy:

- The two groups of cases, fatal and nonfatal, are statistically indistinguishable with respect to circumstances, with the sole exception of whether the shooting was indoors or outdoors. The former is more lethal.
- The clearance-by-arrest rate for gun homicide cases was more than twice as high as the corresponding rate for gunshot assault cases (43% and 19%, respectively). That difference would possibly be still larger except for the fact that homicide arrests (but not assault cases) were subject to prior review for probable cause by the district attorney.
- For both fatal and nonfatal cases, the likelihood of arrest is higher for cases involving personal disputes or domestic violence than for cases arising from gang- and drug-related disputes. But regardless of circumstance, fatal cases have a higher clearance rate compared with nonfatal.
- The arrest rates during the 2 days immediately following the shooting, however, are the same for fatal and nonfatal cases, 11%. The fatal–nonfatal difference in arrest rates emerges in the much higher rate of homicide arrests that occur subsequently, sometimes months after the shooting. We tentatively interpret the equal success rate during the first 2 days as reflecting the importance of a latent dimension of shooting cases, which we label the “intrinsic difficulty of solution.” Easy cases are solved quickly and without the need for the extra resources deployed in homicide investigations. Given the similarity in fatal and nonfatal case distributions, we expect that the prevalence of easy cases would be about the same in homicides as in nonfatal cases.
- As in other cities, BPD’s homicide unit has lighter caseloads and priority access to the crime lab and other units of the police force. Based on a variety of indicators, the initial crime-scene investigations yielded more evidence of various sorts. The commitment of additional resources to homicide cases is also evident from comparing the amount of evidence collected outside of the crime scene.
- Most successful investigations have as one key source of evidence the information provided by a cooperating eyewitness. Excluding exceptional clearances, that source was named as the key in

solving the case for 28% of all homicide investigations (67% of arrests) compared with just 14% of all nonfatal investigations (77% of arrests).

- The direct connection with effort is clear for collecting other types of evidence, such as ballistic and video evidence, latent prints, and analysis of phone calls. One or more of those were mentioned as the key to success more than 100 times in homicide cases but only 24 times in nonfatal cases.
- In sum, the comparison of these similar groups of cases, distinguished by the random event of whether a gunshot wound proves fatal, allows for us to quantify how much more evidence is collected in fatal than in nonfatal cases, and to bracket the effect of the additional effort on the clearance rate. The observed difference in clearance by arrest is 24 percentage points (43% vs. 19%). This gap is entirely a result of arrests made after the first 2 days, which suggests that the more sustained effort in homicide cases is an important part of the difference. Much of that difference is associated with the greater success in gaining the cooperation of key witnesses.

## 1 | EVOLVING EVIDENCE BASE ON THE PRODUCTIVITY OF POLICE INVESTIGATIONS

Early researchers on criminal investigators were divided on the effectiveness of criminal investigators in solving crime. Eck (1992) categorized these two competing perspectives as (1) the circumstance–result hypothesis, in which circumstances determine case outcomes, with little or no contribution from investigative effort; and (2) the effort–result hypothesis, in which the work of criminal investigators substantially affects the likelihood of solving a crime. Although the findings of several studies demonstrate support to the former claim (Ericson, 1982; Reiss, 1971; Reiss & Bordua, 1967; Royal Commission on Criminal Procedure, 1981), the most prominent was a landmark study conducted by the RAND Corporation. The authors of the study concluded that investigators contributed little to solving a case (Greenwood, Chaiken, & Petersilia, 1977; Greenwood & Petersilia, 1975). In several studies of that era, however, researchers found that investigative activities and management practices could positively affect the odds of clearing a case (Bloch & Bell, 1976; Bloch & Weidman, 1975; Folk, 1971; Ward, 1971). The Police Executive Research Forum examined investigative practices in three U.S. cities in 1979 and found that even though circumstances are important, investigative practices did influence the probability of a case being cleared (Eck, 1983, 1992).

In evaluating the techniques and overall efficacy of crime investigation, it is important to distinguish between types of crime. Unlike most property crimes, violent crimes typically involve eyewitnesses (the victim, for one), and so eyewitnesses figure importantly in successful investigations. The RAND study mentioned earlier (Greenwood & Petersilia, 1975) included a detailed study of investigation data from Kansas City, Missouri, and the authors found that in 35% of successful homicide investigations, and in fully 63% of successful investigations of aggravated assault, the victim or a witness identified the suspect (Chaiken, Greenwood, & Petersilia, 1976). But it should be pointed out that the importance of witnesses in solving these cases does not imply that detective work gets none of the credit. Not infrequently, key witnesses are reluctant to talk, so that success requires locating witnesses and persuading them to cooperate.

More recently, researchers have analyzed the specific techniques used by investigators in serious crimes. It should be noted that most of this research has been descriptive and has not included clear statistical identification of a causal effect. For example, on the basis of an analysis of homicides in four large cities in 1994 and 1995, Wellford and Cronin (1999) identified several investigation-related factors that were associated with the likelihood of arrest, including what the first responding officer did at the scene, how quickly a detective arrived on the scene, whether the crime lab and medical

examiner's officer were informed, the number of detectives assigned to the case, and how the scene was documented. Other research results have indicated police departments can improve homicide clearance rates by training detectives and other personnel involved in investigations (Keel, Jarvis, & Muirhead, 2009), implementing case management systems (Richardson & Kosa, 2001), establishing collaborative relationships with external agencies (Carter & Carter, 2016; Richardson & Kosa, 2001), and having a strong community presence (Carter & Carter, 2016).

Some researchers have found that forensic analysis of physical evidence collected at the initial crime scene has little statistical association with clearance rates (Baskin & Sommers, 2010; McEwen, 2010; McEwen & Regoeczi, 2015; Peterson, Sommers, Baskin, & Johnson, 2010; Schroeder & White, 2009). The value of forensic evidence may be attenuated by long delays in processing such evidence. But in a recent analysis of homicide in Boston, using a data set that overlaps with the data used in the current study, researchers found a strong statistical association with a variety of investigative actions, including forensics testing conducted both before and after arrest (Braga, Turchan, & Barao, 2019).<sup>2</sup>

Experimental and quasi-experimental studies in this area have been rare. The descriptive studies cited earlier provide suggestive evidence, but they were not designed to identify reliably whether the observed statistical associations are a result of a direct causal effect, reverse causation, or some other process. For example, investigators may tend to devote more effort to promising cases, with the implication that the positive association between effort and success would be partly the result of reverse causation. Given the ambiguity of correlational evidence regarding causal process, it is important to study the effect of interventions, but we know of only one study in which the authors have done so. Following a study and the recommendations of an expert panel, the Boston PD launched several reforms affecting homicide investigations beginning on January 1, 2012. The reforms included the assignment of additional detectives to the homicide unit, the standardization of investigative procedures and forensic reviews, improved training for investigative personnel, and peer review of open investigations (Braga & Dusseault, 2018; Braga et al., 2019). Several measures of investigative activity in homicide cases increased, and the homicide clearance rate increased from 47% during the 5 years before the reform to 57% during the 3 years after it. Other jurisdictions that served as plausible control groups were tracked and did not exhibit a comparable jump in clearance rates.

Finally, no published study has yet been designed to consider the role of the large differential in investigation resources in accounting for why gun homicide cases have a higher clearance rate than nonfatal gunshot cases. This clearance-rate gap is apparently ubiquitous, but it has only been established systematically for a handful of jurisdictions: For example, from 2006 to 2016 in Milwaukee, annual clearance rates ranged between 56% and 78% for homicides and between 13% and 31% for nonfatal shootings; furthermore, for any given year during this period, clearance rates were 29–65 percentage points lower for nonfatal shootings than for homicides (Abadin & O'Brien, 2017).<sup>3</sup> A comparable but less pronounced discrepancy was observed in Chicago between 2010 and 2016 when annual clearance rates for homicide ranged from 26% to 46% and from 5% to 11% for nonfatal shootings, with a yearly disparity of 21–35 percentage points (Kapustin et al., 2017). In Durham in 2015, half of all gun homicides resulted in an arrest but an arrest was made in just 10% of the 145 nonfatal shootings that occurred (Cook, Ho, & Shilling, 2017).

In the Durham study, Cook et al. (2017), incidentally, provided a different sort of evidence: a survey of expert opinion. The survey consisted of interviews with 17 investigators, including 6 homicide investigators and 11 district investigators whose caseload included nonfatal shootings. All respondents were asked for their views of why gun homicides were more likely to be cleared by arrest than were nonfatal shootings, despite the fact that these cases are so similar with respect to the characteristics of victims and assailants, and of the circumstances of the attack. Most respondents mentioned that homicide investigators have a far lighter caseload, or more resources generally, compared with district

investigators. As a result, the homicide investigators can spend more time working a case, tracking down witnesses, and creating a relationship with potential witnesses. The other common answer (11 respondents) was that witnesses were more likely to cooperate with homicide investigations than with investigations of nonfatal shootings. Potential witnesses may view homicides as more serious, especially than nonfatal cases in which the victim seems to have recovered completely. And if a survivor, the victim may warn potential witnesses not to cooperate, and in other ways undercut the strength of the case.

In the old RAND study, Greenwood and Petersilia (1975) cast doubt on the efficacy of detective work in clearing cases. Their findings, although challenged even at the time, may have contributed to a trend in policing toward an increased focus on crime prevention rather than on making arrests (Mastrofski, 2015; Skogan & Frydl, 1994; Sparrow, Moore, & Kennedy, 1990; Weisburd & Majmundar, 2018). The findings from recent studies, including those by the present authors, can be used by researchers to help make a case that investigative resources and technique have an effect on clearance rates with respect to homicide. The findings from the current study can be used to strengthen the case that resources matter in crimes of gun violence.

## 2 | IMPORTANCE OF CHANCE IN DETERMINING WHETHER A SHOOTING VICTIM SURVIVES

The design of the current analysis is valid to the extent that fatal and nonfatal cases are similar in relevant respects. Here we develop this claim and subsequently provide some empirical evidence.

Nationwide, the victim dies in one out of six or seven criminal assaults in which the victim suffers at least one gunshot wound (Cook, 1985).<sup>4</sup> There seems to be a large element of chance in whether the victim lives or dies in a given set of circumstances (Zimring, 1972). For example, in a drive-by shooting in which a passenger fires several times at a pedestrian, whether the victim is hit in a vital organ is not predetermined. If the event could be repeated (in simulation) 1,000 times, the outcome would differ, and some percentage of the trials would result in death. That percentage provides an intuitive notion of the *ex ante* probability of death given the circumstances. The *ex ante* probability may be very high in an attack in which a skilled assailant who is determined to kill his victim engages at close range and has the opportunity to follow up. Far more common are unsustained attacks with ambiguous motivation, which will typically have a low *ex ante* probability of death. The national case–fatality rate (of ~14%) can be viewed as the average of the *ex ante* probabilities for all criminal assaults in which the victim suffers a gunshot wound.

If the outcome (life or death) were pure chance, then the average *ex ante* probability for the nonfatal cases would be the same as for the fatal cases. In effect, the fatalities would be drawn from an urn and, for a large sample, would tend to be similar to the universe of all gunshot cases. But in reality we expect some differentiation among cases, certainly with respect to such immediate factors as the number of shots fired, the caliber of the gun, the skill of the shooter, whether the shooter was in control of the situation, and so forth (Braga & Cook, 2018). In that sense, the average *ex ante* probability of the fatal cases would be higher than the average for the nonfatal cases. Of greatest interest in the current study is whether the circumstances of the shooting that affect the “intrinsic difficulty of solution” are correlated with the *ex ante* probability of death. That is an empirical question, and in what follows, we provide some evidence that reveals that the distribution of fatal cases is statistically indistinguishable from the distribution of nonfatal cases in several relevant dimensions, and that the likelihood of solution follows the same statistical pattern for fatal and nonfatal cases.

Given that fatal and nonfatal assault cases are similar with respect to circumstance and victim characteristics, but that more police resources are devoted to investigating fatal cases, it is reasonable to

view this process as a quasi-experiment in the productivity of those additional investigation resources. One potential confounding factor in this experiment is the willingness of witnesses to cooperate with the investigation. If the victim survives, the victim is often in a position to provide useful information about the identity of the assailant—a source that ordinarily is not available in fatal shootings (the likely exception being homicide cases when there are multiple victims including at least one survivor). But in practice, it is somewhat unusual for victims of gun violence to cooperate, especially in cases of gang violence. Other witnesses may be potentially helpful, but their cooperation is far from assured. Interestingly, there is some indication that other witnesses are more inclined to cooperate if the victim dies; perhaps their sense of the seriousness of the case helps overcome negative attitudes toward the police in general and the “no snitching” cultural prerogative in particular (Police Executive Research Forum, 2009). More directly, if the victim survives, he may warn family and friends not to speak with the police (Cook et al., 2017). So the quasi-experiment is far from a perfect tool for identifying the relationship between investigative effort and probability of arrest. Nevertheless, use of the comparison does result in some robust conclusions about how investigative effort affects the amount and types of evidence collected, as well as result in documenting the importance of sustained investigations in solving cases.

The statistical similarity between fatal and nonfatal cases is still more relevant in policy evaluation. The principal mechanisms by which police investigations prevent crime are through arrest, conviction, and punishment. If the BPD increased its arrest rate and subsequent conviction and punishment for shootings, the presumed result would be incapacitation of past shooters (assuming imprisonment as the punishment) and deterrence of future would-be shooters. When it comes to deterrence and incapacitation, it is entirely plausible that increasing the likelihood of punishment for a nonfatal shooting would be on an equal footing with increasing the likelihood of punishment for fatal shootings. In addition, arresting shooters may help disrupt the cycle of violence by serving as an alternative to private retaliation. There is no reason to believe that the effect is any less important for nonfatal cases than for homicides. And additional resources directed to nonfatal shootings may be more productive (in terms of additional arrests) than the same resources directed to fatal shootings simply because the marginal unsolved case is likely to be intrinsically more difficult for fatal than for nonfatal shootings, given the current disparity in investigative effort.

### **3 | DIFFERENCES IN LAW ENFORCEMENT RESPONSE TO FATAL VERSUS NONFATAL SHOOTINGS**

As with other states, the Massachusetts criminal code specifies more severe sentences for gun assaults if the victim happens to die, thereby converting an aggravated assault into a criminal homicide. At the extreme, a conviction for first-degree murder (felony murder or premeditated murder) carries a sentence of life imprisonment without parole. The same set of circumstances would typically result in a much lighter sentence if the victim survived.

In line with this distinction, BPD, like the departments of other large cities, devotes greater investigative resources to homicides than to aggravated assaults, such as follows:

- If the gunshot victim dies (or is deemed likely to die), then the case is investigated by one of the homicide squads and has a strong claim on other police units and forensic services.
- If the victim survives, then the case goes to district investigators, who have a heavy caseload that includes a variety of felony cases.



In Suffolk County, where Boston is located, the district attorney (DA) oversees homicide investigations (but not investigations of aggravated assaults).<sup>5</sup> The BPD consults with the DA's office before making an arrest. Authorization for the arrest is contingent on the DA's determination that there is probable cause for the suspect to be arrested and charged with homicide—a process that in some cases can delay an arrest for weeks or even months, particularly if the DA deems it necessary to take the case to the grand jury. But on-scene arrests are possible after a quick consultation with an assistant DA in the field or on the phone. Note that the DA's participation in this process should, if working smoothly, ensure that all homicide arrests are of high quality, in the sense of being likely to lead to conviction. It is reasonable to suppose that homicide arrests have met a somewhat more stringent standard compared with arrests in nonfatal shootings, which suggests that the gap in arrest rates between fatal and nonfatal cases would be larger if the decision to arrest followed the same process.

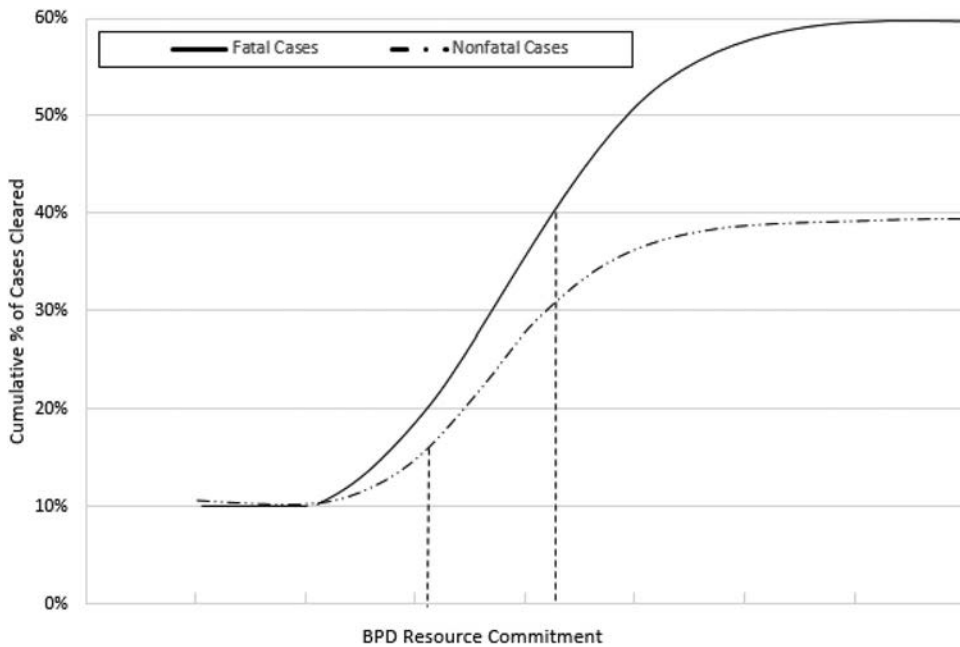
#### 4 | CONCEPTS, MEASURES, AND PLAN OF ANALYSIS

Our goal is to conduct an exploratory analysis of how investigative resources affect the likelihood that an investigation will be successful. "Success" is defined relative to the "case," which typically stems from a single event in which one or more perpetrators shoot at one or more victims, wounding (and perhaps killing) at least one. A drive-by shooting in which two passengers shoot out of a vehicle into a group of pedestrians would, for investigative purposes, represent a single case. A successful outcome would entail at least one arrest, without regard to the number of perpetrators or whether the arrest resulted in conviction. In addition to an arrest, a case can be cleared by "exceptional means," which for our sample occurs only if the prime suspect dies, which is a rare event.

We have gathered extensive data on the circumstances of each case and the resources devoted to the police investigation. Both may be important in determining whether there is an arrest. It is useful to view the cases in our sample as occupying a spectrum in terms of what might be called the "intrinsic difficulty of solution." This remains a latent variable in our analysis, and we make no attempt to give it a precise definition. It is clear, however, that some cases are "easy" (such as a domestic killing in which the prime suspect confesses to the first officer on the scene) and others are "hard" (such as the case of an unidentified body pulled from the Charles River long after death).

The easy cases will include those that are solved quickly—on scene or within the first few days. Our speculation is that investigative resources will matter less in solving easy cases and, more generally, that the easy end of the spectrum for both fatal and nonfatal cases will have similar (high) arrest rates. For cases that are not solved in the first few days, investigative resources may matter more. Figure 1 illustrates this concept. In the figure, the y-axis is the cumulative percentage of cases that are cleared and the x-axis is the BPD resources committed to investigating the case. "Resource commitment" is an *ex ante* measure of what BPD's routine operating procedures imply about what it is willing to expend in an investigation, rather than what it ends up spending *ex post*. Actual *ex post* expenditures depend on the intrinsic difficulty of a solution, and whether the case does in fact result in an arrest and hence requires additional detective work to develop it for trial.

Figure 1 illustrates the possibility that for the intrinsically more difficult cases, the hypothesized relationship between resource commitment and clearance rate for nonfatal cases may lie below the relationship for fatal cases, as a result of the tendency of the relevant community to be less inclined to cooperate with the investigation if the victim survives. The resulting clearance rate is depicted as higher for fatal than for nonfatal cases, both because of the difference in the resource–clearance schedules and the fact that BPD typically mobilizes a greater resource commitment to fatal than to nonfatal cases. Our



**FIGURE 1** Cumulative probability of solution (y-axis) plotted against resource commitment (x-axis)

basic analytic approach seeks to compare clearance outcomes for investigations of fatal and nonfatal shooting cases that are seemingly alike but differ significantly in the investigative resources applied to identify shooting suspects.

We will explore the nature of these relationships using data on the circumstances of the shooting, whether there was an arrest and if so how quickly it occurred, several measures of investigative effort or resources, and BPD investigators' observations on what were the keys to success or failure in an investigation. We also illustrate the processes behind the data with the aid of several case descriptions, which are presented in Appendix A.

## 5 | DATA

Official incident reports for 221 homicides and 1012 nonfatal gun assaults in which victims sustained gunshot wounds were accessed through the BPD. These represent all cases known to the BPD for the period January 1, 2010, to December 31, 2014, that were deemed to be criminal by the BPD (not justified or self-inflicted). The research team did not have the resources to code all of the nonfatal cases, and instead, members selected a stratified random sample of 300 gunshot survivors by randomly selecting 60 survivors per year. Of the selected cases, 1 was excluded because the event did not occur in the BPD's jurisdiction and 6 were excluded because it was determined that the survivor had not been shot. The yearly number of Boston gun homicide victims decreased over the course of the study period: 55 victims in 2010, 48 victims in 2011, 36 victims in 2012, 30 victims in 2013, and 35 victims in 2014.

The research team attempted to acquire detailed information on the 511 fatal and nonfatal shootings by interviewing investigators and reviewing incident reports and detective case files (including emergency medical response and coroner reports). Appendix A presents narrative details on four cases



representing cleared fatal and nonfatal shooting investigations that differ on whether the suspect was apprehended immediately or after longer periods of time elapsed. Some identities and details have been slightly modified in each case to preserve confidentiality. It is worth saying again that detectives, forensic analysts, and others play active roles in continuing investigations even after arrests are made. This post-clearance investigative work is intended to both safeguard against miscarriages of justice by ensuring that the “right” person has been apprehended and promote an effective prosecution. These important investigative activities are often ignored by scholars in the existing literature when they appraise the effectiveness of detectives.

Note that we have a random sample of nonfatal victims and a census of fatal victims. But our unit of analysis is the case. A case may involve multiple victims, sometimes with a mixture of fatal and nonfatal. (During the 5-year period of our study, 4% of surviving victims were part of homicide cases.) Cases with at least one fatality are included with certainty, whereas cases in which the victim or victims all survived are selected with a probability that depends on the total number of victims in that year, the number of victims included in the case, and the number of nonfatal victims who were part of a homicide case. We conducted analyses in which we considered the sample weights associated with these probabilities and we found that the weighting had little effect on parameter estimates. For that reason, and for the sake of simplicity, we present unweighted estimates in what follows.

## 6 | ANALYTICAL RESULTS

### 6.1 | Comparison of fatal and nonfatal cases

In Table 1, we report a statistical comparison between fatal and nonfatal cases in our sample. In all, 45 (22%) of the 204 homicide cases had more than one victim, whereas 39 (17%) of the 231 nonfatal cases had multiple victims. (When a case includes both a homicide and a nonfatal shooting, it is included under the “homicide” category.) For the variables included, there is no discernible difference, with one exception—fatal shootings are significantly more likely to occur indoors (23% vs. 14%). The importance of the “similarity” finding is that it can be used by researchers to help establish the claim that any difference in clearance rates is not a result of the variables considered here (see also Braga & Cook, 2018).

The statistics on case characteristics can be used to provide insight into the nature of gun violence in Boston. With respect to circumstances, 83% of known-circumstance cases (both fatal and nonfatal) were deemed by BPD analysts to involve gang- or drug-distribution-related disputes. The category of personal disputes is also common (11% and 13%), whereas there are only a handful of shootings in domestic violence or in a robbery. Most cases involved male victims (greater than 90%) with a criminal record (greater than 80%). The average age of victims is 27.

### 6.2 | Patterns in clearance rates

Cases are considered “cleared” if there is at least one arrest or, in exceptional cases, if the BPD has identified a suspect who cannot be arrested. The key outcome variable used in this analysis was binary: homicides were either cleared (1) or not cleared (0) as of June 1, 2017. As reported in Table 2, the clearance-by-arrest rates were 43% (gun homicide cases) and 19% (nonfatal cases). In a handful of cases, the BPD designates a case as “exceptionally cleared.” For the shooting cases in our sample, all 7 exceptional clearances are the result of the fact that the main suspect has died. In what follows, our focus is on clearance by arrest. In most of our analyses, the cases that were exceptionally cleared are

**TABLE 1** Characteristics of fatal and nonfatal shooting cases in Boston, 2010–2014

| Characteristic                | One or More Gun Homicides | Nonfatal Only | Test Statistic             |
|-------------------------------|---------------------------|---------------|----------------------------|
| <i>N</i>                      | 204                       | 231           |                            |
| Circumstance <sup>a</sup>     |                           |               |                            |
| Gang / drug                   | 167 (83.5%)               | 161 (83.0%)   | $X^2 (4) = 4.126$          |
| Personal dispute              | 21 (10.5%)                | 25 (12.9%)    | $p = 0.389$                |
| Robbery (nondrug)             | 8 (4.0%)                  | 3 (1.5%)      |                            |
| Domestic                      | 3 (1.5%)                  | 5 (2.6%)      |                            |
| Other                         | 1 (0.5%)                  | 0 (0.0%)      |                            |
| Crime Scene Location          |                           |               |                            |
| Outdoor                       | 157 (77.0%)               | 198 (85.7%)   | $X^2 (1) = 5.531$          |
| Indoor                        | 47 (23.0%)                | 33 (14.3%)    | $p = 0.019$                |
| Number of Victims             |                           |               |                            |
| One victim                    | 159 (77.9%)               | 192 (83.1%)   | $X^2 (2) = 1.978$          |
| Two victims                   | 36 (17.7%)                | 30 (13.0%)    | $p = 0.372$                |
| Three or more victims         | 9 (4.4%)                  | 9 (3.9%)      |                            |
| Victim Attributes             |                           |               |                            |
| Gender                        |                           |               |                            |
| Male victim(s) only           | 187 (91.7%)               | 215 (93.1%)   | $X^2 (1) = 0.306$          |
| At least one female victim    | 17 (8.3%)                 | 16 (6.9%)     | $p = 0.580$                |
| Criminal record               |                           |               |                            |
| At least one victim w/ record | 168 (82.4%)               | 196 (84.8%)   | $X^2 (1) = 0.494$          |
| No criminal record            | 36 (17.6%)                | 35 (15.2%)    | $p = 0.482$                |
| Mean age (standard deviation) | 26.9 (9.8)                | 26.7 (8.8)    | $t = 0.244$<br>$p = 0.827$ |

<sup>a</sup>Excludes cases with unknown circumstances: 4 homicides and 37 nonfatal shootings.

**TABLE 2** Clearance status and percentage of cases cleared for each circumstance of fatal and nonfatal shooting cases in Boston, 2010–2014

| Status                         | One or More Gun Homicides | Nonfatal Only       |
|--------------------------------|---------------------------|---------------------|
| Cleared                        | 91 (44.6%)                | 46 (19.9%)          |
| Cleared by Arrest              | 87 (42.6%)                | 43 (18.6%)          |
| Exceptional Clearance          | 4 (2.0%)                  | 3 (1.3%)            |
| Open Investigation             | 113 (55.4%)               | 185 (80.1%)         |
| % Cleared, Circumstance        |                           |                     |
| Gang/drug                      | 163 (39.9%)               | 158 (12.0%)         |
| Personal dispute               | 21 (66.7%)                | 25 (56.0%)          |
| Robbery (nondrug)              | 8 (50.0%)                 | 3 (33.3%)           |
| Domestic                       | 3 (100.0%)                | 5 (100.0%)          |
| All circumstances <sup>a</sup> | 204 (44.6%)               | 231 (19.9%)         |
| <i>Total</i>                   | <i>204 (100.0%)</i>       | <i>231 (100.0%)</i> |

*Notes.* The shooter died in all seven exceptional clearances. There were 41 cases with unknown circumstance: 4 homicides and 37 nonfatal shootings.

<sup>a</sup>Including “other” and “unknown”.

**TABLE 3** Multivariate regressions of clearance by arrest on circumstances, number of victims, at least one female victim, and indoor crime scene location with interaction terms

| Covariates                         | Logistic Regression |                 | OLS Regression  |
|------------------------------------|---------------------|-----------------|-----------------|
|                                    | OR                  | Coef. (RSE)     | Coef. (RSE)     |
| Fatal Shooting                     | 1.364               | 0.311 (.121)**  | 0.249 (.045)**  |
| Gang / Drug Dispute                | 0.105               | -2.257 (.477)** | -0.435 (.101)** |
| Indoor Crime Scene                 | 1.777               | 0.575 (.232)**  | 0.076 (.029)**  |
| At Least One Female Victim         | 3.636               | 1.291 (.492)**  | 0.196 (.051)**  |
| Two or More Victims                | 1.149               | 0.139 (.289)    | 0.052 (.065)    |
| <b>Interactions</b>                |                     |                 |                 |
| Fatal × gang / drug                | 2.125               | 0.754 (.511)    | 0.168 (.148)    |
| Fatal × indoor                     | 0.776               | -0.253 (.653)   | 0.001 (.115)    |
| Fatal × at least one female victim | 0.903               | -0.101 (.599)   | -0.041 (.147)   |
| Fatal * two or more victims        | 0.749               | -0.288 (.619)   | -0.035 (.111)   |
| Constant                           | 1.244               | 0.219 (.106)*   | 0.469 (.076)**  |
| Wald $X^2$ (df = 9)                | 1433.48**           |                 |                 |
| Log pseudolikelihood               | -191.792            |                 |                 |
| Pseudo $R^2$                       | 0.151               |                 |                 |
| F test                             |                     |                 | 14.65*          |
| $R^2$                              |                     |                 | 0.170           |

Notes.  $N = 373$ . OR = odds ratio, Coef. = coefficient, RSE = robust standard error. Samples were limited to gang/drug and personal dispute cases and excluded cases with exceptional clearances. Robust standard errors clustered by police district. Police district and year dummy variables included but not shown. Nonfatal shooting was the reference category for the fatal shooting dummy variable. Personal disputes (nongang, nondrug) was the reference category for the gang/drug dispute dummy variable. Outdoor crime scene was the reference category for the indoor crime scene dummy variable. Male victim(s) only was the reference category for the at least one female victim dummy variable. One victim was the reference category for the two victims or more victims' dummy variable.

\* $p < .05$ ; \*\* $p < .01$ .

excluded simply because they represent neither success nor failure of the investigative process. Since exceptional clearance is rare, that exclusion has little effect on rates.

Our next step is to analyze the possible influence of observable case characteristics on the likelihood of arrest. Table 2 also demonstrates a simple breakdown by circumstance. Again, most cases are gang or drug related, so unsurprisingly the arrest rates are similar to those for the overall sample. It is interesting to note that all of the domestic cases were solved (3 fatal, 5 nonfatal), and that the personal dispute cases tend to have somewhat higher clearance rates than do the gang/drug cases.

We elaborate on these results with a multivariate analysis of arrest in a sample that includes only gang/drug and personal-dispute cases, and it excludes the exceptional clearances. (The resulting subsample includes 85% of all cases.) We report the results of both a logit analysis and ordinary least squares (OLS) in Table 3. In both estimators, the specification includes whether the case was fatal or nonfatal, gun/drug versus personal dispute, indoor versus outdoor, sex of the victim, and number of victims. Also included are interaction terms for each of these case characteristics with whether it was fatal or nonfatal. Year of incident dummy variables was included but not shown in both models.<sup>6</sup> The pattern of coefficient estimates is identical for the two estimators, but the OLS results are easier to interpret. What we find from the OLS is that other things equal, fatal cases have a greater probability of arrest (an added 25 percentage points). When we control for the other predictor variables, we find that the marginal change in clearing a shooting investigation increases by 27 percentage points from

**TABLE 4** Time to clearance in fatal and nonfatal shooting cases in Boston, 2010–2014

| Clearance Time       | One or More Gun Homicides |          | Nonfatal Only |          |
|----------------------|---------------------------|----------|---------------|----------|
|                      | <i>N</i>                  | Cum. %   | <i>N</i>      | Cum. %   |
| Scene, Leaving Scene | 12                        | (6.0%)   | 13            | (5.7%)   |
| Not Scene, Same Day  | 5                         | (8.5%)   | 6             | (8.3%)   |
| 1–2 Days             | 5                         | (11.0%)  | 6             | (11.0%)  |
| >2–7 Days            | 1                         | (11.5%)  | 5             | (13.2%)  |
| >1 Week–1 Month      | 10                        | (16.5%)  | 3             | (14.5%)  |
| >1–6 Months          | 30                        | (31.5%)  | 6             | (17.1%)  |
| >6 Months–1 Year     | 11                        | (37.0%)  | 3             | (18.4%)  |
| >1 Year              | 13                        | (43.5%)  | 1             | (18.9%)  |
| Open Investigation   | 113                       | (100.0%) | 185           | (100.0%) |
| <i>Total</i>         | <i>200</i>                |          | <i>228</i>    |          |

.195 for nonfatal cases to .467 for fatal cases. None of the coefficient estimates for the interaction terms are statistically significantly different from zero, which indicates that the pattern of arrest probabilities for fatal and nonfatal cases is similar enough that there is no distinction in a statistical sense.

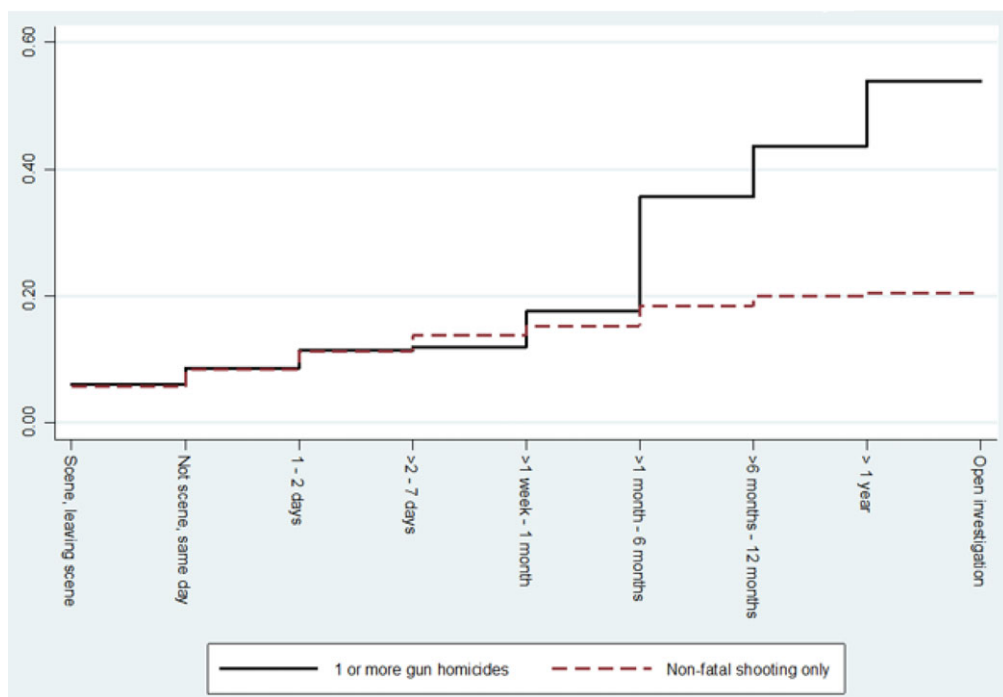
The covariates provide some insight into the intrinsic difficulty of solution. The gang/drug cases are much less likely to be solved than the personal-dispute cases. (Given the OLS point estimates, the gap in arrest rates is 43 percentage points for nonfatal cases and 27 percentage points for fatal cases.) Indoor shootings and those with female victims were somewhat more likely to be solved compared with their counterparts. (Recall that domestic cases, all of which were solved, are excluded from this analysis.) Perhaps, surprisingly, cases with two or more victims are no more likely to be solved than are those with one.

### 6.3 | Time to arrest

“Time to arrest” indicates a strong signal regarding both the intrinsic difficulty of solution and the importance of investigation resources. We find that 6% of both fatal and nonfatal cases result in an on-scene arrest and that 11% of both fatal and nonfatal cases have an arrest within 2 days of the crime. These clearance rates subsequently diverge and increasingly favor the fatal cases. Indeed, the arrests during the first 2 days account for just one quarter of arrests in fatal cases but for more than half of arrests in nonfatal cases. Between 2 days and 6 months, there is an arrest in 20% of the fatal cases but in only 6% of the nonfatal cases. An additional 12% of fatal cases are solved after 6 months have elapsed but for only a handful of nonfatal cases (2%). These results are shown in Table 4 and graphically in Figure 2.

The time-to-arrest results can be interpreted by reference to the conceptual framework represented in Figure 1 although it is a bit more complicated in practice. On-scene and other arrests within 2 days presumably include those cases that are intrinsically easy to solve. The extra resources available for fatal cases are not needed to make the arrest. Given our presumption that the fatal and nonfatal cases are similar in relevant respects (and in particular follow the same distributions of intrinsic difficulty of solution), it is then predictable that the rate of quick arrest is the same for the two types of cases. Where the extra resources available for homicide investigations may become relevant is for the more complex, less transparent cases.

It is necessary to introduce several caveats to this analysis. The first is with respect to the possible delays in making an arrest that are introduced by the requirement that homicide arrests be approved



**FIGURE 2** Nelson-Aalen cumulative hazard estimates for time-to-arrest categories [Color figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

by an assistant district attorney, which is not necessary for arrests in nonfatal cases. In some homicide cases, the DA may take a case to the grand jury to establish probable cause, which can add weeks or even months to the time line. In clear-cut cases, such as a literal “smoking gun” in the hands of a likely perpetrator, however, the DA’s office tends to move quickly. Assistant DAs responsible for prosecuting homicides are called to the scene of the crime to participate in the investigation and can approve an arrest quickly when probable cause seems obvious. So even though it is possible that the homicide arrest rate would have been higher in the first 2 days without the requirement of DA approval, that seems unlikely. One clue is that there was only one homicide arrest during the 2–7-day period, which indicates that taking into account the possibility of a delay of a few days in homicide arrests would not have changed the basic result.

Figure 2 presents a graph of the Nelson–Aalen cumulative hazard estimates for the time-to-arrest categories presented in Table 4. The graph illustrates a large increase in the cumulative proportion of gun homicide cases cleared beginning at the 1–6-month interval that is not evident in the cumulative proportion of nonfatal shooting cases cleared. This gap in clearances for fatal cases relative to nonfatal cases increases further in the subsequent 6 months-to-1-year and greater-than-1-year intervals. The results of a Wilcoxon test of equality for survivor functions reveals the significant gap in time to arrests for gun homicide cases relative to nonfatal shooting cases ( $X^2 = 21.46, p < .001$ ). The results of a bivariate log logistic regression in which the difference in the odds of timing to arrest by shooting case type is predicted reveals that gun homicide cases are cleared ~51% quicker when compared with nonfatal shooting cases.<sup>7</sup>

The large difference in time to arrest indicates that increased investigative resources in gun homicide cases generate considerable value in identifying suspected shooters. The influence of the DA on the timing of gun homicide arrests, however, introduces some uncertainty in the precision of our

time-to-arrest data in fatal cases relative to our time-to-arrest data in nonfatal cases. As such, we do not pursue formal survival analyses, such as Cox proportional hazard models, to estimate the influence of specific investigative factors on the time to arrest in fatal shooting cases relative to nonfatal shooting cases. Future research conducted in jurisdictions that do not have laws mandating DA control of homicide investigations should be aimed at pursuing these kinds of analyses.

The much higher arrest rate in fatal cases after the initial 2-day period is evidence that the extra resources committed to such cases by BPD are important. If the investigation of a nonfatal shooting is not successful quickly, the investigator may move on to the next case. But for a homicide, the cases are sufficiently high priority to allow for greater persistence and scope to the investigation. This interpretation is speculative, but it receives support from the analysis of evidence reported as follows.

## 6.4 | Evidence collected

In this section, we document the proximate results of the BPD's committing more resources to investigation of fatal than of nonfatal shootings. In particular, the amount of evidence collected in homicide cases is greater than in nonfatal cases. Following Braga et al. (2019), the various types of evidence are classified as resulting either from the crime scene investigation or from subsequent actions including forensic tests. It should be noted that in these measures, the evidence collected to make an arrest (identify a suspect and establish probable cause) is not explicitly distinguished from, when there is an arrest, the evidence collected to make a stronger case for trial. For that reason, the fatal–nonfatal comparisons are made for both successful and unsuccessful investigations.

The detailed results are presented in four tables in Appendix B (Tables A1–A4) and summarized by two bar charts (Figures 3 and 4). As shown in Figure 3, for each of six categories of evidence collected at the crime scene, the mean for fatal cases is much higher than that for nonfatal cases, typically twice as high. This difference is confirmed by the results on medians for each of these categories (Table A1), except for “firearms recovered,” which interestingly has a median of zero. Investigating detectives interview more witnesses, run more computer checks, and collect more videos and other tangible evidence (cartridge cases, pieces of clothing, and so forth). The number of officers providing information relevant to the investigation, with a median of just one for nonfatal cases, is 3 for fatal cases.

Similar statistics are broken down by whether the case was cleared by arrest and, if so, how quickly, in Table A2. The large fatal–nonfatal gap persists for each category, and thus, it cannot be accounted for by the fact that a higher percentage of homicides are solved so that the investigators' job includes developing the case for trial. For example, in a fatal–nonfatal comparison for cases that are not cleared, there were more than twice as many interviews with witnesses at the scene, almost three times as much tangible evidence collected, and four times as many videos collected.

Figure 3 provides a summary of the results on means. For each category of evidence collection, there are three bars, representing the overall mean, the mean for cases that are cleared, and the mean for cases that are not cleared. The relevant mean for fatal cases is represented by the entire bar, and the mean for nonfatal cases is shown by the cross-hatched portion of that bar.

All these tabulations are repeated for the evidence collected after the crime scene investigation. The subsequent actions of investigators include additional interviews, as well as a variety of lab work such as tests of latent prints, DNA, and ballistics, and analyzing data from phones and computerized databases. There are large gaps between fatal and nonfatal cases in every type of activity. Perhaps it is especially noteworthy that the median number of postscene witnesses interviewed in homicide cases is two, and for nonfatal cases, it is zero (Table A3).

As in the previous analysis, we break down these measures of evidence collection activity according to whether the investigation resulted in arrest and, if so, when. The fatal–nonfatal gaps persist for each

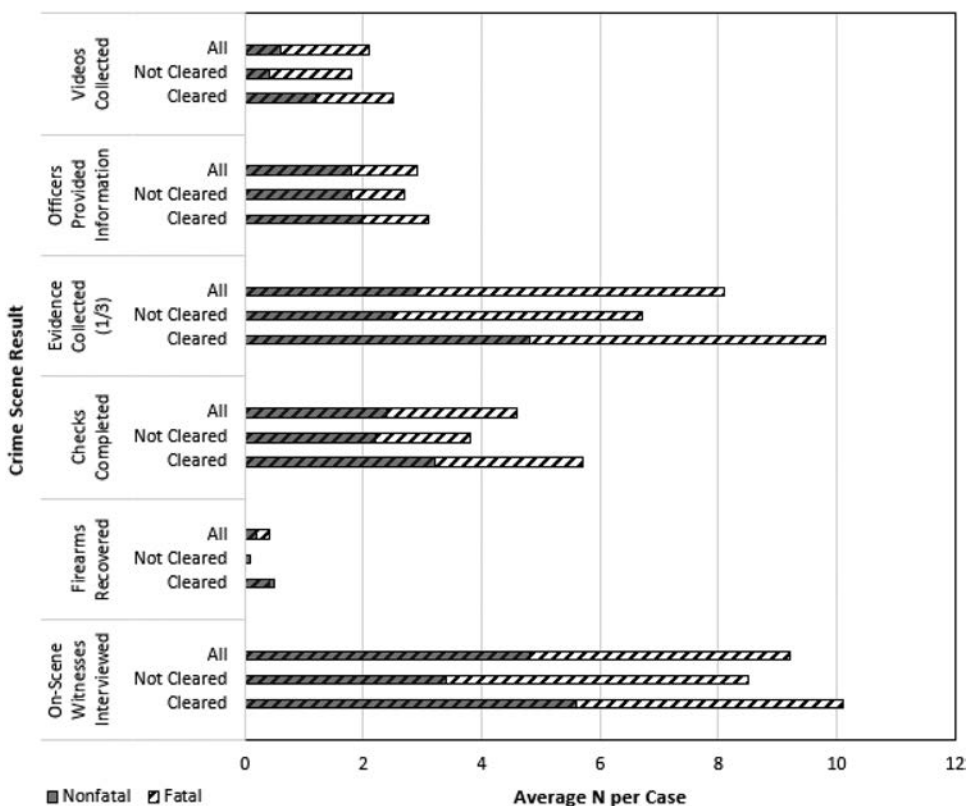


FIGURE 3 Evidence yield per case at crime scene

category of clearance. It is also of interest that when compared with unsuccessful cases, cleared cases entail more evidence collection of all types for both fatal and nonfatal cases.

The results on means are depicted in a bar chart in Figure 4 using the same scheme as before. Table A4 shows both medians and means.

What can be concluded from these comparisons? One clear conclusion is that the BPD tends to collect more evidence of all kinds in fatal than in nonfatal cases, regardless of whether there is an arrest. Granted our presumption that fatal and nonfatal cases are intrinsically similar, that finding seems to be a direct result of the fact that the BPD assigns fatal cases higher priority for investigative resources. The results of our analysis reveal confirmation that the proximate result of devoting additional resources is the production of additional evidence. That result, unsurprising though it may be, fills in an intermediate step linking investigative resources to outcome (clearance by arrest).

Note that we did not relate the probability of arrest to the amount of evidence collected on a case-by-case basis. The amount of evidence collected in any one case depends not only on effort but also on the intrinsic features of the case. Our comparison of means for fatal and nonfatal cases provides a measure of the effect of effort on evidence collection that is not confounded by variation in the intrinsic features of the case—they tend to average out (except as noted), given that fatal and nonfatal cases are similar.

### 6.5 | Witness cooperation and other key investigative results

For the 130 shooting cases that resulted in arrest (87 fatal, 43 nonfatal), detectives were asked what evidence was the key to identifying the suspect and establishing probable cause. In many cases, the



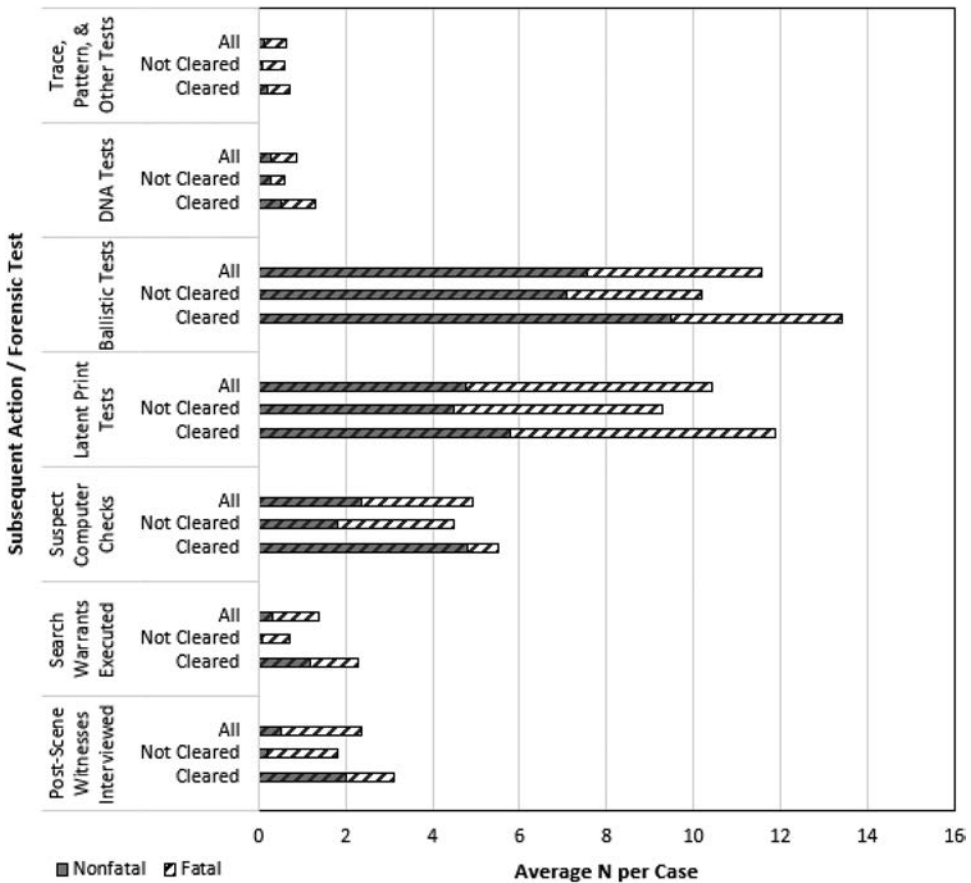


FIGURE 4 Subsequent investigative actions and forensic tests per case

respondents named more than one key. We begin with a focus on the most commonly named key to success, the evidence provided by an eyewitness. Both survivors and other eyewitnesses are included in the discussion.

### 6.5.1 | Eyewitnesses

Past studies of the investigative process have found that most successful investigations have resulted in detectives obtaining key evidence from one or more witnesses (Chaiken et al., 1976; Wellford & Cronin, 1999). The current sample of BPD investigations follow that pattern (see also Braga & Dusseault, 2018; Braga et al., 2019). As shown in Table 5, 62% of cleared homicide cases and 65% of cleared nonfatal cases had a cooperating witness (not including victims) from the scene of the crime as the key to solving the case.<sup>8</sup> In several additional cases, a key to the solution was that a victim identified the shooter. When we combine these two categories, we find that in 67% of fatal cases and 77% of nonfatal cases that resulted in an arrest, the cooperation of an eyewitness, including in some cases a victim, was the key to success.

There are several additional results to be gleaned from these data. First, the prevalence of successful cases in which eyewitnesses are vital is surprisingly similar in fatal and nonfatal cases. But that finding is contingent on success. Given that fatal cases have more than twice the clearance rate, there is logically



**TABLE 5** Key Investigative results suggesting witness cooperation by time to arrest, counts and percentages of cases cleared in specified time period

| Time to Arrest      | Number of Cases |          | % Cooperative Witness From Scene (N) |             | % Survivor Identified Shooter (N) |            |
|---------------------|-----------------|----------|--------------------------------------|-------------|-----------------------------------|------------|
|                     | Fatal           | Nonfatal | Fatal                                | Nonfatal    | Fatal                             | Nonfatal   |
| First 2 Days        | 22              | 25       | 68%<br>(15)                          | 68%<br>(17) | 14%<br>(3)                        | 16%<br>(4) |
| >2 Days             | 65              | 18       | 60%<br>(39)                          | 61%<br>(11) | 5%<br>(3)                         | 6%<br>(1)  |
| Total Cleared Cases | 87              | 43       | 62%<br>(54)                          | 65%<br>(28) | 7%<br>(6)                         | 12%<br>(5) |
| Total—All Cases     | 200             | 228      | 27%<br>(54)                          | 12%<br>(28) | 3%<br>(6)                         | 2%<br>(5)  |

*Notes.* In the fatal cases, there were six cases with survivors who identified the shooters in the “key investigative results” variable. In two cases, other cooperative witnesses from the scene were also credited. There were just 39 fatal cases in which there were survivors, and 6 / 39 = 15.4%. In the nonfatal cases, there were five cases with survivors who identified the shooters in the “key investigative results” variable. In one case, other cooperative witnesses from the scene were also credited. Note there were 231 nonfatal cases total, and 5 / 231 = 2.2%.

a much higher likelihood of cooperation by a key witness in fatal than in nonfatal cases. The relevant statistics are presented in the final row of the table.

Second, the importance of a cooperating eyewitness is about the same for cases in which there is an immediate arrest as in cases in which the arrest is delayed by more than 2 days. To some extent, that result may reflect the fact that witness cooperation is not always immediate and spontaneous—sometimes obtaining cooperation requires a good deal of effort by investigators, who may have to track down a recalcitrant witness and then “convert” him. The point here, which sometimes gets lost in discussions of the investigative process, is that cooperation is not predetermined but may change in response to the investigator’s efforts.

Third, we note the intriguing finding that the likelihood a surviving victim is cooperative seems to be much higher in homicide cases than in nonfatal cases. There were 39 homicide cases in our sample with a surviving victim, and 6 of those victims (15%) helped identify the shooter. In comparison, the 231 nonfatal cases produced only 5 (2%) in which the victim helped the investigation in that fashion. That is a statistically significant difference,<sup>9</sup> but of course, our basic assumption of the similarity of fatal and nonfatal cases does not apply to this comparison.

### 6.5.2 | Forensic evidence

We now shift our attention from witnesses to forensic evidence. We have already seen (Figure 4) that much more forensic evidence is collected on average in homicide investigations than in nonfatal investigations. Here we explore the importance of this sort of evidence in solving cases. Five categories are reported in Table 6: (1) ballistic evidence from recovered firearms and from cartridges and bullets associated with the shooting; (2) evidence from video recordings that may have images of the suspect or of the attack; (3) latent fingerprints taken from the scene; (4) data downloaded from smartphones and other devices; and (5) a variety of other sources. This sort of evidence is of particular interest to our inquiry because it is a direct and clear reflection of investigative effort. In particular, it is not affected by the willingness of witnesses to cooperate.

Some type of forensic evidence was mentioned as the key to solving a homicide investigation more than 100 times, compared with just 24 mentions, in the nonfatal cases. Two or more types of forensic

**TABLE 6** Key Investigative results from evidence processing, counts and percentages of all cases (excluding those that were exceptionally cleared)

| Evidence Type              | Fatal ( <i>N</i> = 200) | Nonfatal ( <i>N</i> = 228) | Test Statistic                     |
|----------------------------|-------------------------|----------------------------|------------------------------------|
| Ballistic Evidence         | 14%<br>(28)             | 5%<br>(12)                 | <i>Z</i> = 3.21<br><i>p</i> < .001 |
| Video Evidence             | 13.5%<br>(27)           | 2%<br>(4)                  | <i>Z</i> = 4.54<br><i>p</i> < .001 |
| Latent Prints              | 8%<br>(16)              | 1%<br>(3)                  | <i>Z</i> = 3.57<br><i>p</i> < .001 |
| Mobile Phone Data Analysis | 7%<br>(14)              | 1%<br>(2)                  | <i>Z</i> = 3.24<br><i>p</i> < .001 |
| Other <sup>a</sup>         | 9.5%<br>(19)            | 1%<br>(3)                  | <i>Z</i> = 4.04<br><i>p</i> < .001 |
| Number of Unique Cases     | 34%<br>(68)             | 7%<br>(16)                 | <i>Z</i> = 7.02<br><i>p</i> < .001 |

<sup>a</sup>Includes the following categories: Gunshot residue on suspect, other forensic tests, DNA match, RMV license plate search, and database analysis linked another event.

evidence were mentioned in some of these cases: The number with at least one such mention is 68 for fatal cases and 16 for nonfatal cases.

In many of the successful cases, both forensic and eyewitness evidence were mentioned as vital by our respondents. For the fatal cases, both eyewitness evidence and at least one type of forensic evidence are mentioned in 60 cases (30%), whereas in an additional 8 cases (4%) with forensic evidence, eyewitness evidence is not mentioned. The corresponding numbers for nonfatal cases are 13 (6%) and 3 (1%).

These findings speak directly to the importance of investigative effort. Given a strong presumption that fatal and nonfatal cases are similar, the implication is that the same amounts of forensic evidence could have been collected on average from each. The higher success rate in homicide investigations is closely linked to greater effort in gathering and processing forensic evidence.

### 6.5.3 | Summary of key evidence

The RAND study (Greenwood & Petersilia, 1975) questioned the importance of detective work on the grounds that in most successful investigations, the arrest occurs on scene or is informed by a witness who is able to identify the prime suspect. Similarly, in our Boston sample, in most successful investigations, the arrest occurs on scene or an eyewitness (possibly including a surviving victim) provides evidence that is the key to making the arrest. That characterizes 75% of arrests in homicide cases and 84% of arrests in nonfatal shooting cases. But we disagree that such results imply that detective work is of little importance. Eliciting the cooperation of witnesses, especially when gangs are involved, may require skill and persistence on the part of investigators. (For example, 30% of the homicide arrests for which a cooperating eyewitness was the key to success occurred 6 months or more after the event.) And forensic evidence, although rarely the unique key to solving a case,<sup>10</sup> may be important in establishing probable cause for an arrest and in making the case for conviction beyond reasonable doubt. Given the existing scientific evidence indicating eyewitness evidence is often inaccurate (National Research Council, 2014), supplementing eyewitness testimony with forensic evidence can be helpful in avoiding miscarriages of justice.

## 7 | DISCUSSION AND CONCLUSION

In a large sample of shooting cases investigated by the Boston Police Department, 2010–2014, fatal and nonfatal cases were demonstrated to occur in similar circumstances, but the arrest rate for fatal cases was more than twice as high. The much higher success rate in homicide investigations may have been the direct result of the fact that the BPD, like other police departments, commits more resources to the investigation of shooting cases if the victim dies. The homicide detective unit is an elite group that has a lighter case load and better access to technical support from the crime lab and from other units within the BPD. Yet the conclusion that those additional investigation resources are productive, and can account for the large difference in outcomes, is controversial within criminology. The legacy of the old RAND study (Greenwood & Petersilia, 1975) in particular is a presumption that cases either “solve themselves” or they are not going to be solved. Given that that presumption may still be influencing staffing and priorities in some police departments, it is important to consider the evidence with care. The new evidence presented in the current study is based on a quasi-experiment—a comparison of fatal and nonfatal shootings. It is reasonable to conclude that the extra resources do indeed get much of the credit for the large fatal–nonfatal gap in arrest rates.

We find that in comparison with the investigations of nonfatal shootings, the homicide investigations resulted in the collection of more evidence of every type, at both the crime scene and elsewhere. (That is true for both successful and unsuccessful investigations.) Given that fatal and nonfatal cases occur in similar circumstances, the greater volume of evidence collected in fatal cases was likely the direct result of extra investigative resources. That result is relevant but does not settle the issue.

Besides the amount of evidence collected, the timing of the arrests is relevant to assessing the productivity of the extra investigative resources. The arrest rates for fatal and nonfatal cases were identical during the first 2 days after the crime (11%). For those cases, which presumably include most of the cases that may “solve themselves,” the extra investigative resources do not seem to matter. But for the remaining cases, those that have a greater intrinsic difficulty of solution, the outcomes are entirely different. In the weeks and months after those first 2 days, an additional 32.5% of homicides were solved, compared with an additional 8.0% of nonfatal cases. It seems that persistence paid off but that staying with an investigation that may take months was a luxury that only the homicide detectives could afford.

That pattern raises an interesting question about the productivity of inputs into the investigation process. The BPD tends to deploy more resources for homicides than for nonfatal shootings for both the initial response (evidence collection at the crime scene) and the subsequent investigation. Although our evidence supports the conclusion that extra investigative inputs are productive, we cannot distinguish between different types of resources, and in particular, we cannot distinguish between the resources deployed for collecting evidence at the scene and the resources available in subsequent months to develop a case. The time profile of arrests in homicides indicates that the latter may be particularly important, but further research is needed to place that conclusion on a strong evidence base.

The role of eyewitnesses also requires further research. When detectives were asked to name the keys to success for cases in which there was an arrest, they usually included the cooperation of an eyewitness or surviving victim. But it is important to recognize that just because a key witness cooperated with the investigation does not negate the importance of investigative effort. In many cases, witnesses must be located and persuaded to cooperate. Most successful homicide investigations that included a cooperating witness from the scene were not solved in the first 2 days, and in 30% of such cases, it took more than 6 months.

In our interviews with detectives in Boston and Durham (Cook et al., 2017), we found that civilian witnesses are believed to be more likely to cooperate in gangland shootings if the victim dies. If true,

the “cooperation gap” that we have documented is not entirely a result of the difference in investigators’ persistence and effort. But given the delayed timing of the arrests, that is likely an important part of it.

This exploratory analysis has yielded suggestive but not definitive results. If it is true that most of the clearance-rate gap between fatal and nonfatal cases is a result of the extra resources that police departments commit to homicides, then it should be possible to increase arrest rates for nonfatal shooting cases greatly by giving them near-equal priority to homicides. The case for doing so is that nonfatal shootings (“almoscides”) involve shooters, victims, and circumstances that are usually indistinguishable from gun homicides. If true, then consideration of the preventive effects of punishment, particularly deterrence and incapacitation, makes a strong case for taking nonfatal shootings more seriously. Reducing the number of shootings through these mechanisms would reduce the number of gun homicides in proportion. Even if it is not feasible to give equal priority to fatal and nonfatal cases, at the margin, it is likely that additional resources in nonfatal shootings will have a higher payoff (in the form of more arrests) than in fatal shootings. The current regime leaves more low-hanging fruit (easy-to-solve cases) in nonfatal than in fatal cases.

These conclusions are not based on settled fact. The logical next step for learning more is a series of evaluable interventions designed to increase investigative capacity for nonfatal shootings. We submit that the evidence presented here is strong enough to justify that experimental program.

## ENDNOTES

<sup>1</sup> These are the two most common explanations provided in individual interviews with 17 investigators from the Durham, NC Police Department (Cook et al., 2017).

<sup>2</sup> It should be noted that much of the forensic testing is less for the purposes of identifying a suspect than for making a case against a suspect that would hold up in court. For instance, a clearance of an offender caught at the scene with a smoking gun and cooperative eyewitnesses will still involve forensic testing. The gun will be matched to the cartridge casings and bullets, the offender will be fingerprinted as will the gun, and often the offender is tested for gunshot residue.

<sup>3</sup> These statistics were retrieved from annual reports on homicides and nonfatal shootings produced by the Milwaukee Homicide Review Commission and published on their website.

<sup>4</sup> In 2016, there were 14,415 gun homicides and an estimated 88,702 gunshot assaults in which the victim was treated in a hospital emergency department. The implied case fatality rate is 14.0% or about 1 in 7. Data taken from WISQARS (<https://www.cdc.gov/injury/wisqars/>).

<sup>5</sup> According to Massachusetts General Laws Chapter 38 Section 4, the county district attorney shall direct and control the investigation of the death and shall coordinate the investigation with the medical examiner and the police department within the jurisdiction where the death occurred.

<sup>6</sup> These variables were included to account for varying caseloads, policing activities, and other secular changes that might influence fatal and nonfatal shooting clearances in the same year of the incident. It is worth noting here that only ~3% (14 of 435) total shootings were cleared after 1 year of investigation had passed. As such, simple dummy variables were adequate to control for yearly changes in caseload, policing activities, and other factors net of the included covariates. None of the year of incident dummy variables were statistically significant predictors of investigative clearance.

<sup>7</sup> Coefficient =  $-0.716$ , standard error =  $.164$ ,  $t = -4.36$ ,  $p < .001$ . Predicted difference in the odds of timing to arrest calculation:  $100 \times (\exp(-0.716) - 1) = -51.129$ .

<sup>8</sup> Witnesses identified at the initial crime scene ranged from individuals who provided information that generally moved the investigation forward by confirming basic facts about what had happened (e.g., “a white van pulled up and a man in a mask jumped out and fired three shots at the victim” or “I heard five shots, looked out my window, and saw two black males running from the corner towards the park”) to individuals who could positively identify suspects through detailed physical descriptions or by providing offender names. In essence, all were “eyewitnesses” with varying degrees of relevant information on the gun assault event.

<sup>9</sup> Test for difference of two sample proportions:  $Z = 3.89$ ,  $p < .001$ .

<sup>10</sup> Forensic evidence was named as the only key evidence in three fatal shooting cases (3.4%) and one nonfatal shooting case (2.3%). Video evidence (combined with latent prints and analysis of mobile phone records) was present in all four of these cases.

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## APPENDIX A: CASE DESCRIPTIONS

### Gun homicide—immediate arrest

At 1:45 A.M. on a Saturday night, a 25-year-old Black male was shot seven times to the head and torso while sitting in a car at the intersection of a major thoroughfare and a side street. BPD dispatchers were immediately notified of multiple shots fired by the Shotspotter system and received several calls for service from concerned citizens who reported shots were fired. Nearby BPD district officers arrived at the scene in less than 30 seconds; these officers immediately secured the scene and attempted to administer medical aid to the victim. BPD dispatchers then issued “full notifications” for a potential homicide incident; homicide detectives arrived to the scene within 16 minutes of the initial call for service. Emergency medical services technicians pronounced the victim dead at the scene. Three members of the crime scene response unit responded to the scene and spent 3.5 hours processing the scene. Key evidence recovered from the scene included 15 cartridge casings and 6 bullet fragments. All recovered crime gun evidence came from .380 or 9 mm firearms. Nine detectives and officers canvassed the scene and surrounding area for witnesses. Eleven potential witnesses were interviewed at the scene by homicide detectives; none could make a positive identification. Several, however, confirmed that an SUV sped away from the scene after shots were fired. The Office of the Chief Medical Examiner removed the corpse from the crime scene; four bullets were removed from the cadaver during the autopsy.

As members of the citywide Youth Violence Strike (gang unit) were responding to the initial dispatch, the officers noticed an SUV speeding from the shooting location. YVSF officers pulled over the SUV and located three known gang members in the vehicle (all Black males between the ages of 18 and 30). These officers recovered two 9 mm pistols and one .380 pistol from these individuals. Homicide detectives conferred with the on-call assistant DA and were authorized to arrest these individuals for the homicide. The homicide detectives received approval for search warrants for the victim’s car, the suspects’ SUV, and three mobile phones (the victim’s phone and two phones recovered from the suspects). The next day, homicide detectives located video of the incident from a nearby camera that revealed the SUV speeding away from the scene; the video captured the license plate of the suspect SUV. Within 2 days, ballistic analysis confirmed that the guns recovered from the suspects were the same guns used to shoot the victim. Subsequent interviews with associates of the victim and the suspects suggested that the homicide was generated by ongoing violence between feuding gangs. The interviews revealed that the victim was believed to have fired shots at the rival gang earlier in the evening and was believed to be the killer in a previous homicide of a member of the rival gang.

### Gun homicide—arrest later

At 4:13 P.M. on a Thursday afternoon, a 21-year-old Black male was shot three times in the torso while in his cousin’s apartment located in a Boston public housing building. BPD officers were notified of the shooting by both a Shotspotter activation and multiple citizen calls for shots fired. BPD officers arrived at the apartment within 2 minutes of the initial dispatch for shots fired, attempted to administer aid, and secured the scene; homicide detectives were present at the scene within 8 minutes of the “full notifications” dispatch. The victim was transported by emergency medical services to Boston Medical

Center where he was pronounced dead. Twelve detectives and officers canvassed the apartment building and surrounding neighborhood for potential witnesses. Twenty-four individuals were interviewed by the detectives; one witness informed officers that, after the shots, a Black male hurried out of the back door of the building and placed something in the dumpster. This witness also provided a detailed description of the clothing worn by the suspect. Three crime scene response unit officers and two crime lab scientists spent approximately 5 hours processing the indoor crime scene and dumpster area. Three .45 cartridge casings and two bullet fragments were recovered in the apartment. A .45 semiautomatic pistol was recovered from the dumpster. A bullet was recovered from the cadaver during the autopsy.

Subsequent interviews with the victim's family suggested that the victim was not the intended target. Rather, the victim was visiting his cousin who was a known marijuana dealer. A review of the cousin's criminal history confirmed that he was a convicted drug dealer; the cousin was not cooperative with the homicide detectives when interviewed. A BPD drug control unit officer, however, provided intelligence that a rival marijuana dealer had an ongoing dispute with the cousin.

Video pulled from the housing project building captured a male matching the witness description entering the building before the shooting occurred. The New England Electronic Crimes Task Force enhanced the video quality; this yielded a clear image of the suspect's face. Unfortunately, reviews of the image by officers who worked the area and witnesses from the scene did not result in a positive identification of the shooter. The findings from subsequent analyses of the ballistic evidence confirmed that the recovered casings and bullets from the crime scene and the bullet from cadaver matched the recovered .45 pistol. Fingerprints were successfully lifted from the recovered .45 pistol. When the investigation did not progress further over the next several weeks, the homicide detectives released the video to a local news station; the news station aired the video with the request for an identification of the suspect. After 2 days, a citizen called the homicide unit and identified the suspect as his brother. The accumulated evidence in the case was presented to the grand jury who indicted the suspect. Approximately 3 months after the homicide, the BPD fugitive apprehension unit located and arrested the 24-year-old Black male suspect. Subsequent fingerprints taken from the suspect matched the fingerprints on the recovered firearm. The suspect then confessed to the murder.

### **Nonfatal shooting—immediate arrest**

At 10:05 P.M. on Saturday night, the BPD received a call for two 25-year-old Black males shot inside of a strip club. A patrol officer working a detail on the same block immediately responded to the scene and stopped a 31-year-old Black male who was fleeing from the club. The officer frisked the individual and arrested him after finding a .38 revolver in his backpack. As neither victim died, the suspect was charged with illegal gun possession and two aggravated assaults with a deadly weapon—firearm counts. Responding homicide and district detectives interviewed 28 individuals who were present in the club at the time of the shooting. A bouncer reported that the alleged shooter got into an argument with the victims after being bumped by one victim. After calming down the suspect and victims, no further conflict was observed by the bouncer. None of the interviewed individuals from the scene reported seeing the suspect shoot the victims. Shortly after the arrest, the shooter's hands were subjected to a gunshot residue test by district detectives. Two crime scene response unit officers processed the crime scene for nearly 6 hours; three bullet fragments were recovered from the scene. Club video cameras did not capture the shooting but did place the suspect in the club during the time that the shooting occurred.

Both victims were transported to the Boston Medical Center by emergency response services; one victim was shot in the back and claimed not to have seen the individual who committed the shooting. He did not provide any helpful information on any events that may have led to the shooting. This victim



reviewed a photo array and did not identify the suspect. The other victim suffered a life-threatening gunshot wound to the head and was in a coma for more than a month. A bullet fragment was recovered from the victim's jaw. Once this victim regained consciousness, he had no memory of what happened that evening. Although the victims and the suspect had criminal histories, none were documented gang members; there were also no police records that the suspect was connected to the victims via arrest or field contact reports.

The gunshot residue kit was processed by the Massachusetts State Police and confirmed that the suspect had recently fired a gun. The BPD ballistics unit confirmed that the bullet fragments were fired from the .38 revolver recovered from the suspect.

### **Nonfatal shooting—arrest later**

At 9:30 P.M. on a Wednesday night, the BPD received multiple calls for shots fired at a residential location; the dispatch to officers was soon upgraded to a "person shot" call of service after the initial 911 call was received. BPD district officers and detectives responded to the scene within 3 minutes of the initial dispatch and found a 15-year-old Hispanic male on the front stoop of his house that was shot in the thigh. Eleven officers and detectives interviewed 15 individuals at the scene. Several witnesses reported that a young Hispanic male wearing a white t-shirt and blue jeans pulled up to the house on a bicycle and fired shots at the victim. The victim's brother chased the shooter but was not successful in stopping the individual. The family was responsive to the detectives' questions and expressed concern that the victim had recently started associating with a local gang. Unfortunately, no witnesses were able to make a positive identification of the shooter. The victim was transported to Boston Medical Center and was not cooperative with the police when interviewed at the hospital. Two crime scene response unit officers processed the crime scene and recovered three .22 shell casings.

The victim was eventually released from the hospital and re-interviewed by district detectives approximately 10 days after the initial shooting. The victim was much more cooperative and reported that he did not know the actual identity of the shooter. He just knew the shooter as "JT". The district detectives contacted the BPD Youth Violence Strike Force and asked whether officers knew a gang member who used the "JT" nickname. The YVSF officers did know an individual from a rival gang who was known by this nickname. The detectives and YVSF officers then worked with Boston Regional Intelligence Center analysis to establish the identity of "JT" via analyses of intelligence information and social media resources. After JT's identity was confirmed, the detectives applied for a search warrant for his home. The execution of the search warrant led to the recovery of a .22 semiautomatic pistol. The suspect, an 18-year-old Hispanic male, was initially charged with illegal possession of a firearm. After the BPD Ballistics Unit confirmed that the .22 semiautomatic pistol did fire the shell casings recovered at the crime scene, the suspect was charged with assault and battery with deadly weapon—firearm slightly more than 4 months after the initial shooting.

## APPENDIX B: ADDITIONAL TABLES

TABLE A1 Crime scene investigation results

| Result                                   | One or More Gun Homicides<br>(N = 200) |        | Nonfatal Only<br>(N = 228) |        |
|------------------------------------------|----------------------------------------|--------|----------------------------|--------|
|                                          | Mean                                   | Median | Mean                       | Median |
| N Scene Witnesses Interviewed            | 9.2                                    | 7      | 4.8                        | 4      |
| N Firearms Recovered                     | 0.4                                    | 0      | 0.2                        | 0      |
| N Vehicle, Victim, Other Computer Checks | 4.6                                    | 4      | 2.4                        | 2      |
| N Evidence Collected <sup>a</sup>        | 24.3                                   | 19     | 8.8                        | 7      |
| N Officers Providing Information         | 2.9                                    | 3      | 1.8                        | 1      |
| N Videos Collected                       | 2.1                                    | 2      | 0.6                        | 1      |

Note. Exceptional clearances excluded (4 fatal, 3 nonfatal).

<sup>a</sup>The variable "evidence collected" includes all evidence that is collected from the crime scene and submitted to the crime lab for documentation. The BPD logs everything it collects from the crime scene into its "Evidence Tracker" database. The crime lab analysts then log tests and results into this database. The counting is inclusive. For instance, each cartridge casing, piece of clothing, and so on, is logged separately. Items like broken glass, however, would be considered one unit (preserved in a bag) rather than counting each shard (same window or bottle, etc.; separate windows/bottles would result in separate items). A shirt could be tested for the presence of hairs or fibers (fibers that were not part of the shirt cloth). In the database, the shirt would be Piece 1 and any detected hairs or fibers would be subitems 1A, 1B, 1C. We coded the shirt as one piece of evidence, coded the trace hair/fiber analysis as a test, and then coded the test results.

TABLE A2 Crime scene results

| <i>Median of the Relevant Distribution</i> |             |            |                   |           |                      |           |              |           |
|--------------------------------------------|-------------|------------|-------------------|-----------|----------------------|-----------|--------------|-----------|
| Result                                     | Not Cleared |            | Cleared by Arrest |           | Arrest in First Week |           | Arrest Later |           |
|                                            | Fatal       | Nonfatal   | Fatal             | Nonfatal  | Fatal                | Nonfatal  | Fatal        | Nonfatal  |
| Interviews with Witnesses at Scene         | 7           | 3          | 9                 | 4         | 9                    | 4         | 8            | 4         |
| Firearms Recovered                         | 0           | 0          | 0                 | 0         | 0                    | 0         | 0            | 0         |
| Computer Checks on Vehicles, etc.          | 3           | 2          | 4                 | 3         | 4                    | 2         | 5            | 2         |
| Evidence Collected                         | 17          | 6          | 24                | 11        | 22                   | 9         | 24.5         | 18        |
| Officers Providing Information             | 2           | 1          | 2                 | 1         | 2                    | 1         | 2            | 1         |
| Videos Collected                           | 1           | 0          | 2                 | 1         | 2                    | 1         | 2            | 0         |
| <i>Total Cases</i>                         | <i>113</i>  | <i>185</i> | <i>87</i>         | <i>43</i> | <i>23</i>            | <i>30</i> | <i>64</i>    | <i>13</i> |
| <i>Mean of the Relevant Distribution</i>   |             |            |                   |           |                      |           |              |           |
| Result                                     | Not Cleared |            | Cleared by Arrest |           | Arrest in First Week |           | Arrest Later |           |
|                                            | Fatal       | Nonfatal   | Fatal             | Nonfatal  | Fatal                | Nonfatal  | Fatal        | Nonfatal  |
| Interviews with Witnesses at Scene         | 8.5         | 3.4        | 10.1              | 5.6       | 10.1                 | 5.8       | 10.2         | 5.1       |
| Firearms Recovered                         | 0.1         | 0.1        | 0.4               | 0.5       | 0.7                  | 0.6       | 0.3          | 0.2       |
| Computer Checks on Vehicles, etc.          | 3.8         | 2.2        | 5.7               | 3.2       | 4.4                  | 3.1       | 6.1          | 3.5       |
| Evidence Collected                         | 20.2        | 7.5        | 29.5              | 14.5      | 25.0                 | 11.1      | 31.1         | 22.3      |
| Officers Providing Information             | 2.7         | 1.8        | 3.1               | 2.0       | 2.8                  | 2.1       | 3.2          | 1.6       |
| Videos Collected                           | 1.8         | 0.4        | 2.5               | 1.2       | 2.7                  | 1.3       | 2.5          | 1.0       |
| <i>Total Cases</i>                         | <i>113</i>  | <i>185</i> | <i>87</i>         | <i>43</i> | <i>23</i>            | <i>30</i> | <i>64</i>    | <i>13</i> |

**TABLE A3** Subsequent actions/forensic tests (exceptional clearances excluded)

| Result                            | One or More Gun     |        |                         |        |
|-----------------------------------|---------------------|--------|-------------------------|--------|
|                                   | Homicides (N = 200) |        | Nonfatal Only (N = 228) |        |
|                                   | Mean                | Median | Mean                    | Median |
| N Postscene Witnesses Interviewed | 2.37                | 2      | 0.53                    | 0      |
| N Search Warrants Executed        | 1.38                | 1      | 0.33                    | 0      |
| N Suspect Computer Checks         | 4.92                | 3      | 2.35                    | 1      |
| N Latent Print Tests              | 10.42               | 7      | 4.76                    | 3      |
| N Ballistic Tests                 | 11.58               | 9      | 7.56                    | 5      |
| N DNA Tests                       | 0.88                | 0      | 0.29                    | 0      |
| N Trace, Pattern, Other Tests     | 0.63                | 0      | 0.12                    | 0      |

**TABLE A4** Subsequent actions/forensic tests

| <i>Median of the Relevant Distribution</i> |             |            |                   |           |                      |           |              |           |
|--------------------------------------------|-------------|------------|-------------------|-----------|----------------------|-----------|--------------|-----------|
| Result                                     | Not Cleared |            | Cleared by Arrest |           | Arrest in First Week |           | Arrest Later |           |
|                                            | Fatal       | Nonfatal   | Fatal             | Nonfatal  | Fatal                | Nonfatal  | Fatal        | Nonfatal  |
| N Postscene Witnesses Interviewed          | 1           | 0          | 2                 | 1         | 2                    | 1         | 2            | 0         |
| N Search Warrants Executed                 | 0           | 0          | 1                 | 0         | 1                    | 0         | 1            | 1         |
| N Suspect Computer Checks                  | 3           | 1          | 3                 | 2         | 3                    | 3         | 4            | 3         |
| N Latent Print Tests                       | 7           | 3          | 9                 | 4         | 8                    | 3         | 10           | 6         |
| N Ballistic Tests                          | 8           | 5          | 10                | 7         | 10                   | 7         | 10           | 9         |
| N DNA Tests                                | 0           | 0          | 0                 | 0         | 0                    | 0         | 1            | 0         |
| N Trace, Pattern, Other Tests              | 0           | 0          | 0                 | 0         | 0                    | 0         | 0            | 0         |
| <i>Total Cases</i>                         | <i>113</i>  | <i>185</i> | <i>87</i>         | <i>43</i> | <i>23</i>            | <i>30</i> | <i>64</i>    | <i>13</i> |
| <i>Mean of the Relevant Distribution</i>   |             |            |                   |           |                      |           |              |           |
| Result                                     | Not Cleared |            | Cleared by Arrest |           | Arrest in First Week |           | Arrest Later |           |
|                                            | Fatal       | Nonfatal   | Fatal             | Nonfatal  | Fatal                | Nonfatal  | Fatal        | Nonfatal  |
| N Postscene Witnesses Interviewed          | 1.8         | 0.2        | 3.1               | 2.0       | 3.5                  | 2.2       | 3.0          | 1.3       |
| N Search Warrants Executed                 | 0.7         | 0.1        | 2.3               | 1.2       | 1.9                  | 0.9       | 2.5          | 1.9       |
| N Suspect Computer Checks                  | 4.5         | 1.8        | 5.5               | 4.8       | 4.7                  | 4.3       | 5.8          | 5.2       |
| N Latent Print Tests                       | 9.3         | 4.5        | 11.9              | 5.8       | 10.5                 | 4.5       | 12.4         | 8.8       |
| N Ballistic Tests                          | 10.2        | 7.1        | 13.4              | 9.5       | 12.9                 | 8.6       | 13.6         | 11.5      |
| N DNA Tests                                | 0.6         | 0.3        | 1.3               | 0.5       | 0.6                  | 0.1       | 1.5          | 0.5       |
| N Trace, Pattern, Other Tests              | 0.6         | 0.1        | 0.7               | 0.2       | 0.2                  | 0.1       | 0.9          | 0.5       |
| <i>Total Cases</i>                         | <i>113</i>  | <i>185</i> | <i>87</i>         | <i>43</i> | <i>23</i>            | <i>30</i> | <i>64</i>    | <i>13</i> |



Office of the City Manager

WORKSESSION  
March 12, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jennifer Louis, Chief of Police  
Subject: 2023 Berkeley Police Department Annual Report

**INTRODUCTION**

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. The Berkeley Police Department Annual Report details 2023 year-end crime, collision, stop data and use of force data. This annual report also serves to provide a number of status updates on Council referral items, department initiatives and legislative mandates.

**CURRENT SITUATION AND ITS EFFECTS**

The mission of the Berkeley Police Department is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. The Department works in service to the community and in partnership with the community, the Office of the Director of Police Accountability and the Police Accountability Board, as well as other City Departments and our regional partners.

The Berkeley Police Department understands the importance of partnering with the community and maintaining accountability. We are committed to being transparent about our policies and actions, to sharing data and information, and welcoming suggestions on enhancing our service quality as we safeguard our community. To help achieve that goal, the Department launched our Transparency Hub. That hub gives the public an accessible platform to analyze critical data and insights related to policing activities, calls for service, crimes, traffic safety, and community engagement. It can be accessed at [bit.ly/bpd-transparency](https://bit.ly/bpd-transparency) and provides near-real-time, area-specific data directly to our community.

To further support our public safety efforts and collaboration with stakeholders and our commitment to transparency and accountability, the Department has expanded the annual crime report to provide a more comprehensive annual report which is attached here and will be presented to Council during the Special Meeting on March 12, 2024. This report will cover a range of topics beyond the traditional reporting on crime and collision data. It will include reporting on staffing levels, specific information on call volume, type and response, efforts related to fair and impartial policing initiatives, crime and public safety problem solving responses, as well as other important departmental efforts.

**ENVIRONMENTAL SUSTAINABILITY**

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

**FISCAL IMPLICATIONS**

Specific fiscal implications related to items referred to within this report are addressed in the biennial budget process. Additional information of costs can be provided as needed.

**CONTACT PERSON**

Chief Jennifer Louis, Police Department, (510) 981-5700  
Data and Policy Analyst Arlo Malmberg, Police Department (510) 981-5747

**ATTACHMENT**

1. 2023 Berkeley Police Department Annual Report

cc: Dee Williams-Ridley, City Manager  
LaTanya Bellow, Deputy City Manager  
Anne Cardwell, Deputy City Manager  
Jennifer Louis, Chief of Police  
Mark Numainville, City Clerk





# 2023 Berkeley Police Department Annual Report

March 12, 2024

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## Introduction

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In presenting the Berkeley Police Department's annual report, we reaffirm our enduring mission, embrace our vision for the future, and recommit to our core values. These principles guide our daily operations and strategic planning, ensuring that we serve our community with the utmost integrity, respect, and dedication.

**Mission:** United in service, our mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

**Vision:** The Berkeley Police Department will be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all.

**Values:** Service is our calling. As members of this community, the Berkeley Police Department team is committed to proactive law enforcement and problem solving, holding these as our core values:

- **Integrity:** We are ethical, fair, and trustworthy in all we do.
- **Safety:** We strive to keep our community and each other safe.
- **Respect:** We fulfill our duties with dignity, compassion, and empathy.
- **Diversity:** We value the strength of a diverse workplace and community. We endeavor to reflect the community we serve, promoting inclusion and fairness.
- **Professionalism:** We commit to organizational excellence through progressive training, positive attitude, and superior performance.

Command Staff began the year by strategically assessing the key challenges and opportunities facing the department. We sought to align our priorities with the needs of the community, the concerns of the Council, and the principles named above. Guided by this analysis, we focused on three priorities for 2023:

**Recruitment and Retention:** Our priority is attracting and retaining staff who align with our core principles. We are proud of our diverse team that shares our community's values and commitment to service.

**Proactivity and Problem Solving:** Crime prevention and long-term problem solving is a major focus for us. That's why we emphasize being proactive, using data to spot potential issues early and working with the community to find solutions before problems escalate.

**Internal Communication:** This year we recommitted ourselves to clear, consistent communication so every member of our department feels informed, understands what's expected, and has the resources they need to do their jobs well.

These priorities are reflected in the work completed in 2023 and detailed below. To that end, the value of this report is multifold. To the Council, it offers a transparent, measurable account of our stewardship of public trust and resources, while also highlighting how our strategies align



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with and complement the work of the Office of the Director of Police Accountability and the Police Accountability Board. To the community, it underscores our unwavering commitment to public safety and service, demonstrating our efforts in connecting with and uplifting the Reimagining Public Safety initiative and Fair and Impartial Policing principles. To our department, it provides a foundation for continuous improvement and a benchmark for the pursuit of excellence as we move into 2024.

As we present this annual report we invite our community and its representatives to reflect on our shared achievements, to engage with us in addressing the challenges ahead, and to contribute to the evolution of our service to better suit the needs of all those we are privileged to serve.

## Staffing & Workload

*Despite a high workload, our department has sought to enhance efficiency and service quality. Through innovative recruitment and retention strategies, community engagement, and performance analytics, we have continued to strengthen our operational effectiveness. Our ongoing commitment to strategic analysis and accountability ensures sustained care and excellence in our service to the community.*

### Staffing

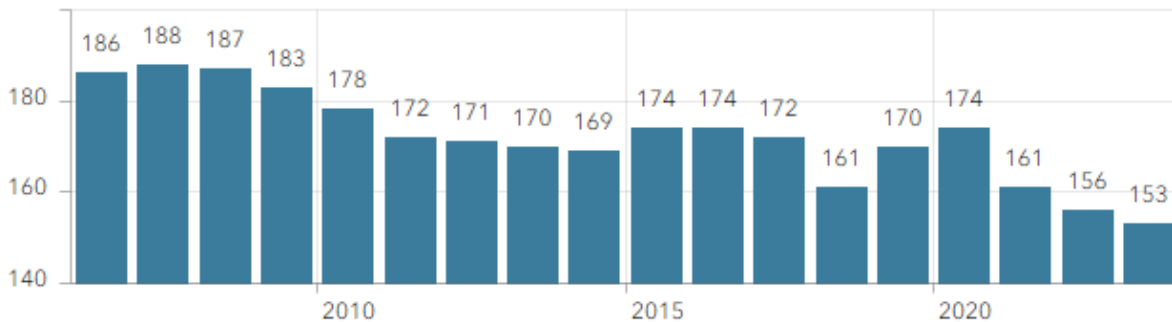
#### Current Levels

As of 2/7/24, we are staffed at 151 police officers, well below our current authorized staffing level of 181 sworn personnel. Two of those positions are held by recruit officers who are currently in the academy, and 5 are in field training and will not reach solo officer status until June 2024. Twenty four of the 151 officers are eligible to retire, and at least half of these 24 have stated an intent to retire over the course of 2024.

Berkeley Police Department currently is authorized 36 dispatch positions and is currently staffed with 23 dispatchers and 4 dispatch supervisors. There are currently 2 dispatchers and 0 supervisors that are eligible to retire. The Communications Center is supported by several per diem and other dispatch-qualified employees who alleviate some of the strain of understaffing.

### Sworn Staff

Annual Peak Staffing Levels



We are also in the process of hiring additional Community Service Officers (CSO). We are authorized 29 CSOs and are currently staffed with 25. For the last several years we were authorized 22 CSOs but 6 CSOs and 1 CSO Supervisor were added to the Fiscal Year 2023 budget as a recommendation stemming from the reimagining public safety process. Conceptually, the additional CSOs will be trained to respond to lower priority calls and bridge the gap between sworn and professional personnel performing a variety of tasks that would have traditionally fallen to a sworn officer. Community outreach and engagement will be part of the work of CSOs as well. Staff has encountered difficulty identifying the scope of necessary training and attracting existing CSOs to this developing position since it was only funded on a limited three-

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year term in the FY 2023 budget. The Department is committed to supporting this reimagining public safety goal and will continue work to develop this program.

**Recruitment and Retention Strategies**

The Berkeley Police Department prides itself on rigorous evaluation of police officer applicants, as well as hiring and training some of the profession’s best officers who exemplify the department’s overall mission as well as the values of our diverse and vibrant City. Beyond the expectations to successfully complete training and education requirements, the department demands that officers hold themselves to a departmental culture of integrity, respect, and professionalism. The Department continues to actively recruit and work with Human Resources to facilitate open and continuous recruitments to reach full staffing of police officers, dispatchers and other critical positions in the department.

**Recruitment and Retention Team**

To help address the challenges associated with hiring, in 2022 the department committed to the creation of a Recruitment and Retention Team. That team is comprised of officers and dispatchers who work with Personnel and Training on a part-time basis to attend job fairs, work on our social media outreach, respond to applicants who submit interest cards, and facilitate ride-alongs with officers and sit-alongs with dispatchers. In 2023, the Recruitment and Retention Team attended 111 events, corresponded with 2,600 potential applicants, and ultimately funneled 8 recruits into the academy and 4 Lateral officers into the Field Training Program. They also helped to hire 7 Public Safety Dispatchers.



**Recruitment Incentives**

In 2022, the department introduced the Recruitment and Retention Incentive Program, approved by City Council, to enhance our recruitment strategy and strengthen community ties. This initiative allowed all city employees to refer potential candidates, significantly increasing our recruiter base and ensuring that we are attracting candidates familiar with the community. In that way, this initiative supports our efforts to hire individuals who understand and embody Berkeley's deeply rooted values. The incentive program also boosted hiring bonuses for applicants, with 19 applicants qualifying for the incentive in 2023.

2023 Berkeley Police Department Annual Report

Wellness

In 2023, BPD received Collaborative Reform Assistance through the COPS Office, which funded in-person financial wellness training to all employees. This also provided future virtual training for 30 new employees as they are hired. The department used funding from the BSCC Officer Wellness Grant to contract with the West Coast Post Trauma Retreat to provide confidential immersive assistance to employees to work through traumatic experiences and build resilience. We also used this funding to provide two blocks of training from The Counseling Team International. The training was called First to Respond, Last to Seek Help and Mental Health Mayday, which further assisted officers navigating vicarious trauma and negative health impacts. The BSCC grant was also used to purchase a two-year contract to provide staff with a mobile wellness application called Light House. This application provides staff with anonymous access to health and wellness resources. We renewed our Public Safety Family Counseling Group contract, which supports our Peer Support Team through training and guidance. Their clinicians are essential to assisting with our response to critical incidents, facilitation of critical incident stress debriefs, and providing individual support to employees. BPD continued our partnership with O2X staff to provide nutrition, mental health, sleep and yoga workshops to employees. Our onsite strength and conditioning coach and athletic trainer both saw improved engagement with public safety personnel. Outdated fitness equipment was replaced, a new outdoor break area was created to provide staff an area to regroup and hold meetings outdoors. The BPD Wellness and Resilience Group along with BPD leadership will continue to look for ways to provide services and opportunities to enhance the overall well-being of BPD employees.

2023 Berkeley Police Department Annual Report

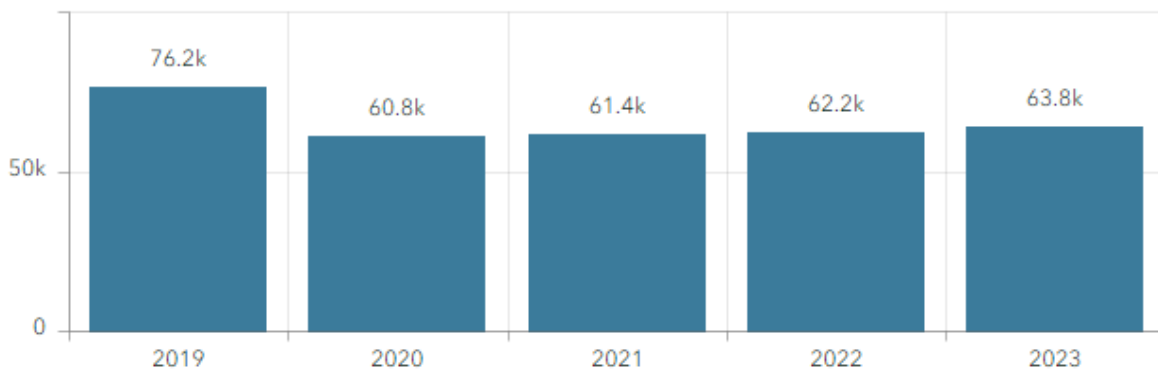
Workload / Calls for Service

The Berkeley Police Department (BPD) is committed to providing timely and effective responses to calls for service from our community. This section of the annual report provides a detailed analysis of the calls for service we receive and the strategies we have employed to manage and respond to these calls efficiently and effectively.

Yearly

In 2023, the Berkeley Police Department received a total of 63,791 calls for service (CFS). This figure gives us a sense of the community's needs and the demand for police services.

Calls for Service by Year, 2019-2023



The data shows a 2.3% increase in the volume of calls compared to the previous year (62,245 total in 2022), signaling a slow increase of call volumes towards pre-pandemic levels. Over the past 5 years, BPD has managed an average of 64,868 calls for service annually.

Monthly

The average number of calls for service per month in 2023 was 5,308.

Calls for Service by Month, 2023



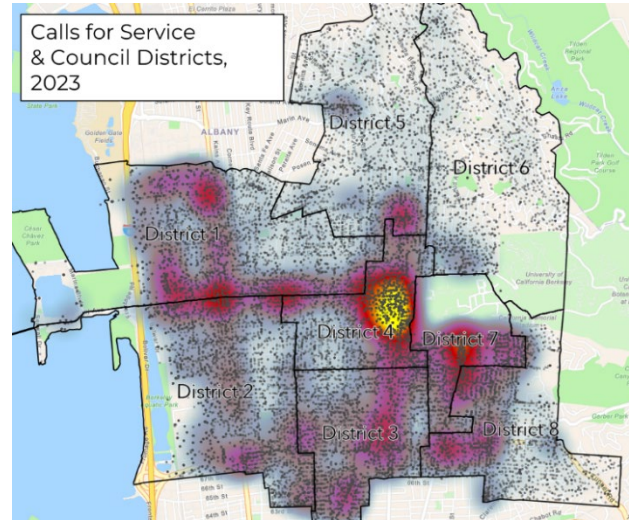
There is a discernible pattern throughout the year with peaks in May and September, reaching up to 5,737 calls. This pattern is consistent with trends observed in recent years and provides insight into seasonal variations in the frequency of calls that we may expect to see in future years.

2023 Berkeley Police Department Annual Report

Geography

Geographically, the distribution of calls for service highlights areas of higher demand within the city. In 2023, City Council District 4 registered the most calls of any council district.

This geographical pattern has informed our operational strategies, leading to adjustments in police beats (more on our beat map below) and resource allocation to ensure an appropriate and timely response to community needs.



Initial Call Type

When a dispatcher receives a call for service, they determine a call type, often a penal code type, using the information immediately available from the caller. An officer may arrive on scene and determine the nature of the incident is different than that of the initial call type. Therefore, the call type data, along with priority level data (below), is useful as an indication of the information available to the call taker before an officer arrives on scene to investigate further. The most frequent non-officer-initiated call types in 2023 were:

| Most Frequent Initial Call Types* | 2019  | 2020  | 2021  | 2022  | 2023  |
|-----------------------------------|-------|-------|-------|-------|-------|
| Disturbance                       | 6,833 | 5,578 | 5,493 | 5,450 | 5,378 |
| Audible Alarm                     | 4,207 | 3,405 | 3,671 | 4,007 | 4,231 |
| Wireless 911                      | 2,830 | 2,401 | 2,580 | 2,814 | 3,144 |
| Welfare Check                     | 3,020 | 2,559 | 2,693 | 2,679 | 2,736 |
| Theft                             | 2,864 | 2,852 | 2,101 | 2,187 | 2,312 |

\*Non-officer-initiated calls; 5 most frequent in 2023

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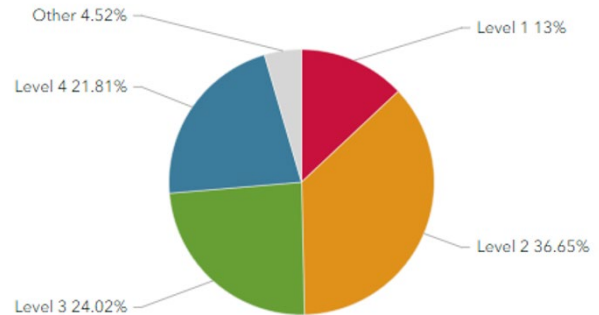
The data for 2023 shows that the most frequent call types align with the patterns observed in recent years, offering insight into the prevalent issues and concerns within the community.

Priority Level

In 2023, nearly 50% of non-officer-initiated calls for service were classified as Priority 1 or Priority 2. These categories represent the most urgent calls, requiring immediate police response due to their potential threat to life, safety, or property.

Calls for Service by Priority Level, 2023

Non-Officer-Initiated Calls



It is important to note that calls classified as lower priority, such as Priority 3 or Priority 4, often involve serious matters that are considered 'cold,' meaning there is no immediate danger to life or property. These calls might include reports of past incidents where the suspect is no longer on the scene or situations that, while serious, do not require an urgent police response. BPD is dedicated to investigating and resolving these matters with the same level of professionalism and thoroughness as higher priority calls, as every call represents a significant concern for the community members involved.

Dispositions

The disposition of a call for service is selected by officers and dispatch from a predefined list and marks the conclusion of the incident. Due to the complexity and dynamic nature of police responses, a single call may result in multiple dispositions.

| Dispositions of Interest* | 2019   | 2020  | 2021   | 2022   | 2023   |
|---------------------------|--------|-------|--------|--------|--------|
| Case Report               | 10,141 | 8,819 | 8,948  | 10,318 | 11,247 |
| RIPA Survey               | -      | 594*  | 1,489  | 1,379  | 1,118  |
| Homeless-Related          | -      | -     | 1,275* | 2,721  | 2,727  |
| Mental-Health Related     | 1,573  | 1,133 | 1,840  | 2,912  | 3,109  |

\*Non-officer-initiated calls; dispositions for RIPA and Homeless-Related started in 2020 and 2021, respectively.

The disposition data shows a notable increase in “Mental-Health Related” dispositions in 2022 (reflecting a change in reporting practice) and “Case Report” dispositions in 2023 (reflecting a rise in crime). “Homeless-Related” dispositions have rapidly increased since being tracked in 2021, while “RIPA Survey” dispositions (stops) have decreased since being tracked in 2020. These trends reflect evolving community needs and the changing focus of police response efforts.



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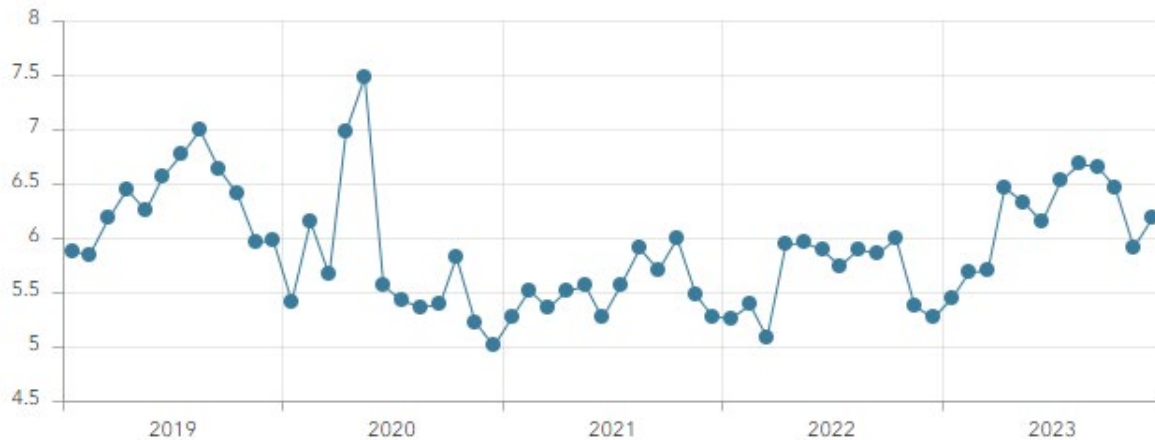
Workload Metrics

The workload metrics below offer insights into the operational challenges and demands that BPD faces. As staffing levels grow at a slow pace in comparison to the increasing volume of calls for service, it is important to assess the impact on the workload of our officers and the quality of service provided to the community.

Calls per Officer per Shift

Average Calls Handled per Officer per Shift

Non-Officer-Initiated Calls



One of the primary indicators of an officer's workload is the number of calls handled per shift. Despite efforts to manage workload through backfilling shifts with overtime, officers addressed more calls per service per shift than in any year since 2019.

This trend is an indicator of the growing demands placed on our officers, highlighting the need for strategic planning and resource allocation to maintain high service standards.

Time on Scene per Call

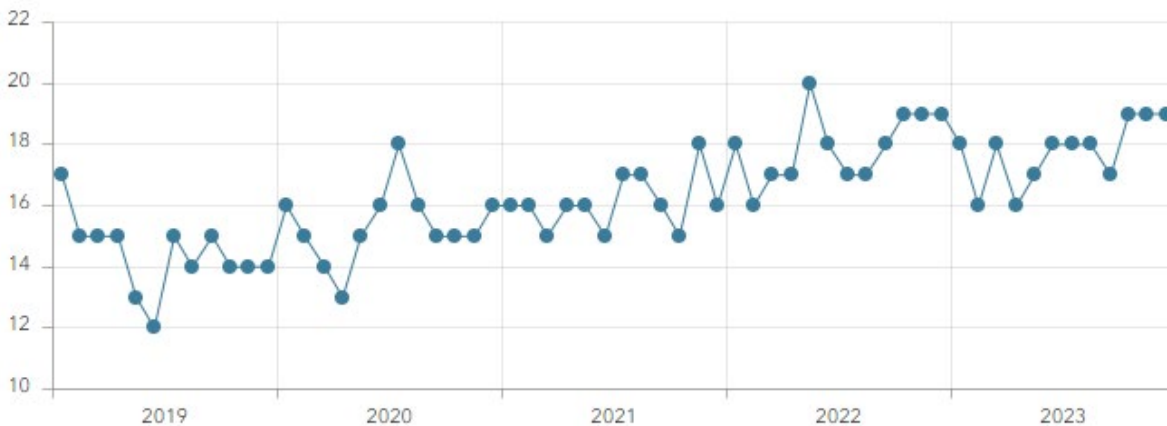
Another crucial aspect of an officer's workload is the time spent on scene per call. This metric is influenced by various factors, including the nature of the call and the overall activity in the city at the time of the call.



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Median Officer Time On Scene per Call

Minutes | Non-Officer-Initiated Calls



Despite the increase in calls per shift seen above, officers are dedicating more time on scene for each call. This trend reflects both the increasingly complex and demanding nature of the calls and our officers' commitment to providing thorough and quality service in response to each incident.

Department Initiatives

What We've Done

In the face of challenging staffing levels coupled with an increasing workload, the Berkeley Police Department (BPD) has proactively taken steps to prioritize our efforts and enhance organizational efficiency.

Department Priorities

In 2023, BPD identified and committed to three core priorities that guided our actions and decisions throughout the year: recruitment and retention, proactivity and problem solving, and internal communication. These priorities were carefully chosen to address the most pressing challenges and opportunities facing the department and thereby maximize the impact of our efforts

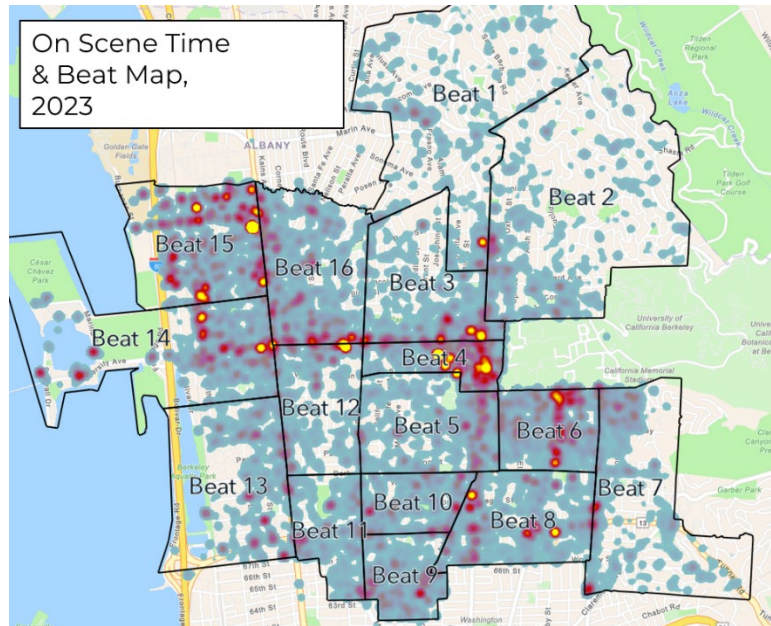
The deliberate focus on these three priorities in 2023 was instrumental in keeping the department on track amidst a myriad of challenges and decisions. By consistently revisiting and reflecting on these key areas, we strived to align critical and pivotal decisions made throughout the year with our overarching objectives and the needs of the community we serve. This strategic focus has streamlined our efforts and reinforced our commitment to excellence, innovation, and community engagement.

## 2023 Berkeley Police Department Annual Report

Updated Beat Structure

Due to the dynamic nature of crime patterns, service demands and staffing levels, BPD recognized the necessity to re-evaluate our beat structure, which had been in place for nearly a decade. Though effective at its inception, the previous 16-beat structure placed a significant strain on our limited patrol resources and intensified a need for forced overtime.

In response to these challenges, our Strategic Analysis Team conducted a comprehensive analysis of calls for service volume, considering temporal and spatial factors. This data-driven approach culminated in the development of a more efficient 14-beat map, designed to achieve a better balance in workload distribution and service delivery across the city.



The transition to the new beat structure was implemented in April of 2023 by the Operations Division. This strategic shift not only addressed the immediate need for more manageable workloads and reduced reliance on overtime but also sets the stage for the generation of valuable data that will inform the ongoing sworn staffing study.

Early results suggest our efforts to achieve a more equitable workload distribution among officers have been successful. Nevertheless, we believe the addition of swing officers would significantly enhance the effectiveness of this new structure. This would provide the adaptability necessary to address unanticipated fluctuations in service demands.

As BPD continues to evaluate and improve its operations, we look forward to the analysis and recommendations from an impending comprehensive staffing assessment (detailed later in this report). That assessment will be invaluable as we make informed decisions about staffing levels and beat design.

Community Engagement

The limitations on officer resources puts greater emphasis on the importance of trusted relationships with our community. The Department's community engagement efforts are of

2023 Berkeley Police Department Annual Report

vital necessity to maintaining and increasing an efficient workflow. The Berkeley Police Department's dedication to community engagement and connectedness was a primary focal point in 2023. From monthly Coffee with a Cop events, to numerous neighborhood meetings, city sponsored special events and strategic department Pop Up events, the diverse community engagement activities have initiated, deepened and expanded police department relationships with our community.

One program in particular which highlights our ongoing relationship with our community is the Law and Social Justice pathway, a two-year criminal law program at Berkeley High School. Now in its 8th year, Law & Social Justice brings professionals working within the criminal justice system into contact with juniors and seniors at Berkeley High. The BHS students are introduced to police officers, community service officers, dispatchers, prosecutors, defense lawyers, judges, probation officers, and parole officers, both in the classroom and in the field. The goal of the class is to introduce students to careers while creating a place of informed dialogue pertaining to the criminal justice system. At the completion of this school year the class will have educated more than 680 students.

How We're Doing

In our ongoing effort to provide transparent and accountable policing, BPD closely monitors a range of performance metrics. These metrics serve as indicators of our effectiveness and

## MOMENTS OF IMPACT

Among the many opportunities offered by the Law and Social Justice class at Berkeley High, ride-alongs with Berkeley PD police officers stand out for their profound impact on students. One student recounted their experience with Officer Villaroel, saying, *"The most thrilling part about the ride along was when we went code 3 with lights and sirens and we started speeding down the street... I could just feel the adrenaline going through me."* The student went on to reflect *"people either have good experiences or bad experiences with cops and depending on the experience you've had your opinion on cops might change... being on that ride alone makes me want to become a cop."* This firsthand experience not only highlights the challenges and skills involved in policing but also emphasizes the importance of understanding the diverse perspectives people have towards law enforcement.

Similarly, another student was moved by the personal story of Officer Valle, noting, *"he also told us that [he] could have never imagined he would become a police officer, because as a teenager he had multiple unpleasant experiences with law enforcement"* Officer Valle ultimately *"decide[d] that he wanted to be the change in the system which resulted in him doing some ride alongs, and then going to the academy"* Such stories are emblematic of the transformative potential of the Law and Social Justice pathway, bridging the gap between law enforcement and the community by fostering empathy, understanding, and dialogue.

Through these interactions and experiences, the Law and Social Justice pathway not only educates but also molds future leaders, thinkers, and change-makers in our society, reinforcing the connection between Berkeley PD and our community.

2023 Berkeley Police Department Annual Report

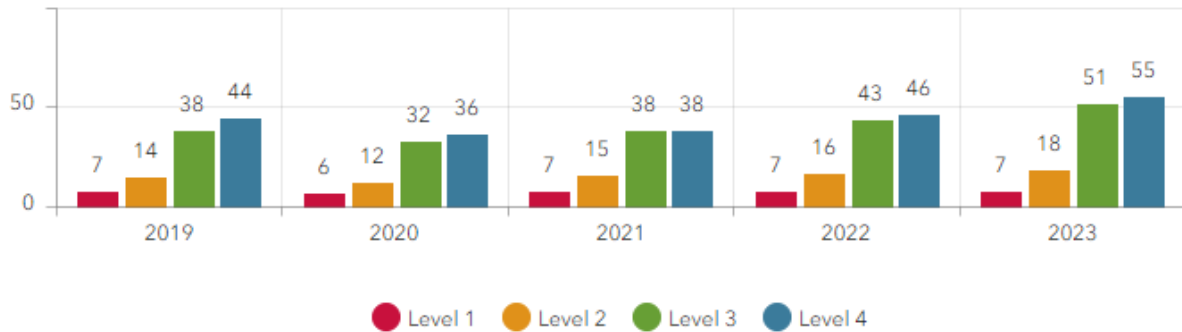
efficiency and also offer insights into areas where we can improve. This section dives into key performance indicators including response times, time on scene by call type, and officer-initiated calls.

Response Times

Response time is a critical measure of our service to our community. BPD is committed to maintaining swift response times and ensuring that community members receive timely assistance in emergencies and other situations requiring police presence.

Median Response Times

First Unit, Minutes



\*Excludes Officer Initiated calls and call types: Audible Alarms and Traffic Stop

Below is a comparison of response times to agencies in the region that publish this data. Because every agency defines priority levels differently, we have included (where available) the percentage of calls that each priority level represents for the corresponding agency.

*Our median response time for Priority 1 calls was 7 minutes, meeting or exceeding regional standards.*

| Median Response Times, 2023 (minutes) | Level 1 (% of all calls) | Level 2  | Level 3   | Level 4  |
|---------------------------------------|--------------------------|----------|-----------|----------|
| Berkeley                              | 7 (13%)                  | 18 (37%) | 51 (24%)  | 55 (22%) |
| San Francisco                         | 9 (19%)                  | 32 (30%) | 105 (51%) | -        |
| Oakland                               | 14                       | 184      | 443       | -        |
| San Jose                              | 7 (5%)                   | 24 (42%) | -         | -        |

Comparison cities chosen based on data availability and region

Time on Scene by Call Type

The time our officers spend on the scene is indicative of the complexity of incidents and our commitment to thorough, community-centered policing. Below is a table of 5 types of calls for service and the resources that BPD allocated to those calls. Below the on-scene time is

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measured from the time that the primary unit- that is, the officer responsible for managing the scene and initial investigation- arrives on scene until that officer is no longer working on the incident.

| Median Time on Scene by Call Types of Interest | Median Primary Unit On-Scene Time | Avg. Units/Call |
|------------------------------------------------|-----------------------------------|-----------------|
| Disturbance                                    | 17 minutes                        | 1.9             |
| Grand Theft                                    | 62 minutes                        | 1.8             |
| Robbery                                        | 116 minutes                       | 5.3             |
| Sexual Assault                                 | 194 minutes                       | 2.0             |
| Shooting                                       | 285 minutes                       | 15.9            |

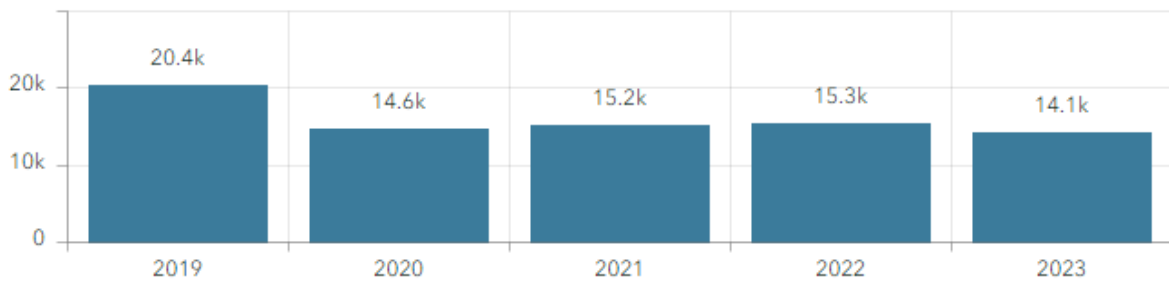
The call types listed above represent some of our most common (Disturbance, Grand Theft) and resource intensive (Robbery, Sexual Assault, Shooting) call types. Less severe calls like disturbances required less time on scene, while more serious crimes such as shootings demanded significantly more officer time and resources. This reflects the department's adaptive resource allocation intended to ensure that more critical situations receive the attention necessary for thorough investigation and community support.

Officer-Initiated Calls

Officer-initiated calls serve as an indicator of proactive policing practices and our dedication to ensuring community safety and preventing crime (for an analysis of the impact of our proactive stops, see the “Stop Report” section below). In 2023, the number of officer-initiated calls reflected the challenges and constraints faced by the BPD, including staffing levels and prioritization of non-officer-initiated calls for service.

Calls for Service by Year, 2019-2023

Officer-Initiated Calls



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Calls for Service by Month, 2023

Officer-Initiated Calls



The data indicates a lower volume of officer-initiated calls, with an average of 1,173 calls per month. This trend is unsurprising given the impact of staffing levels and the distribution of workload among our officers. Despite these figures, BPD remains committed to proactive community engagement and crime prevention. We are actively exploring strategies to enhance our proactive policing efforts and ensure that our officers have the support and resources they need to effectively engage in community policing and crime prevention, alongside their responsibilities in responding to non-officer-initiated calls for service.

What’s Next

As the Berkeley Police Department (BPD) continues to evolve and adapt to the changing needs of our community and the broader landscape of public safety, we are focused on implementing strategic initiatives that enhance our operational capabilities, ensure accountability, and foster community trust. The upcoming initiatives outlined below represent our proactive approach to addressing current challenges and embracing opportunities for growth and innovation.

Sworn Staffing Study

In our continuous efforts to enhance operational efficiency and align our staffing strategy with the evolving needs of the community, BPD has partnered with Citygate Associates, a firm renowned for its expertise in public safety organizational strategies. Citygate is currently in the process of conducting a comprehensive and independent staffing analysis. This report will bring their extensive experience and specialized knowledge to bear on challenges surfaced by the department, the City Auditor’s Audit on Police Overtime and the Fair and Impartial Policing Working Group (more details on recommendations by those bodies below).

Citygate is wrapping up the information gathering phase which involves soliciting feedback from stakeholders as well as analyzing relevant data. The study is on track to be completed by the end of the fiscal year (June 30, 2024). We are optimistic that the findings and recommendations provided by Citygate Associates will be instrumental in shaping our strategic staffing decisions. Early recommendations are being incorporated into the budget process as well as the Command Team Building Workshop we are holding in March 2024. The insights gained from this study will guide our department through this phase of rebuilding staffing levels

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and make sure that future deployment of police services in Berkeley is both effective and aligned with the principles of the Reimagining Public Safety initiative.

Strategic Analysis and Accountability

In a step toward institutionalizing data-driven decision-making and enhancing accountability, the department is focusing analytical efforts on strategic planning and accountability. This approach builds upon the foundational work of the Strategic Analysis Team and aims to drive the implementation of equitable, fair, and effective public safety strategies that are deeply rooted in the principles articulated by the City’s Reimagining Public Safety initiative.

This organizational focus will deepen collaboration with key partners including the Police Accountability Board by providing essential data and insights that support comprehensive police accountability and oversight. Key initiatives will include the enhancement and management of our Early Intervention Systems (EIS, more information in the “Audits and Oversight” section) and the overall risk management framework, demonstrating a commitment to operational excellence and innovation in public safety. This shift represents a proactive effort to meet the emerging needs of the department and community and embodies a vision of a more accountable, transparent, and community-aligned approach to public safety.



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## Crime & Investigations

*Amid increasing crime rates, our department employs creative, problem-oriented solutions. Our robust clearance rates, competitive on a regional scale, reflect our commitment to delivering first-class police work from start to finish.*

### Crime Data

Understanding the distinctions between calls for service, case reports, and confirmed crimes is crucial for clarity when reviewing crime data. Calls for service are the initial contacts made by the public with our department, ranging from reports of suspicious activities to requests for emergency assistance. These calls often prompt further investigation.

Following an investigation, if there is reason to believe a crime has occurred, an officer writes a case report. These case reports document the investigation's details, including any evidence collected, witness statements, and the officer's observations and conclusions at that stage.

The determination of whether prosecution will be pursued falls to the District Attorney (DA). The DA reviews the case report and decides whether they can prove beyond a reasonable doubt that a crime occurred.

This higher standard—beyond a reasonable doubt—is the legal benchmark used in criminal trials to determine the guilt of the accused before any criminal penalty is imposed.

The statistics presented below are derived from case reports. These reports form the backbone of our crime data analysis as they provide a comprehensive overview of our department's investigative activities and outcomes.



It is important to note that the data below utilizes the Uniform Crime Reporting (UCR) Summary Reporting System (SRS) methodology. The SRS is a national reporting standard that facilitates a summarized account of major crime categories, thereby allowing comparisons over time and across jurisdictions. In 2024 we transitioned to the National Incident-Based Reporting System (NIBRS), which is an updated national reporting standard that promises a more detailed and nuanced approach to crime data collection and analysis.

NIBRS provides several key advantages over the UCR SRS. Unlike UCR SRS, which focuses on a limited number of "Part One" crimes, NIBRS includes a broader range of crime categories, offering a more comprehensive view of crime in the community. NIBRS captures detailed



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information about each criminal incident, including the types of offenses committed, characteristics of the victims and offenders, types of property involved, and the relationship between the victim and the offender. The detailed data collected through NIBRS supports more sophisticated and nuanced analysis, enabling law enforcement agencies, policymakers, and researchers to identify trends, patterns, and correlations in crime data more effectively across jurisdictions nationwide.

Part One Crimes

Part One Crimes, as classified by the UCR, are comprised of both violent and property crimes, reflecting the most serious offenses. Part Two Crimes include a range of other offenses, providing a broader scope of the crime landscape.

Part One Crimes by Year

In 2023, there was a 10.5% overall increase in total Part One Crime in Berkeley compared to 2022. Specifically, Part One Violent Crimes saw an increase of 100 cases, while Part One Property Crimes rose by 759 cases.

| <b>Part One Crimes by Year</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>% Change 2022-2023</b> |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------------------|
| Homicide                       | 3           | 1           | 2           | 1           | 1           | 0           | 5           | 0           | 3           | 1           | -66.7%                    |
| Sexual Assault                 | 35          | 44          | 54          | 83          | 65          | 74          | 47          | 57          | 89          | 97          | +9.0%                     |
| Robbery                        | 263         | 330         | 361         | 364         | 353         | 369         | 274         | 265         | 292         | 386         | +32.2%                    |
| Aggravated Assault             | 130         | 155         | 185         | 218         | 167         | 175         | 210         | 210         | 282         | 282         | +0.0%                     |
| <b>Total Violent Crimes</b>    | <b>431</b>  | <b>530</b>  | <b>602</b>  | <b>666</b>  | <b>586</b>  | <b>618</b>  | <b>536</b>  | <b>532</b>  | <b>666</b>  | <b>766</b>  | <b>+15.0%</b>             |
| Burglary                       | 932         | 1090        | 805         | 843         | 829         | 771         | 797         | 803         | 1036        | 1228        | +18.5%                    |
| Larceny                        | 3615        | 4099        | 3965        | 4556        | 4004        | 4993        | 3933        | 3736        | 4611        | 4532        | -1.7%                     |
| Auto Theft                     | 555         | 717         | 650         | 621         | 548         | 492         | 805         | 1098        | 836         | 1350        | +61.5%                    |
| <b>Total Property Crimes</b>   | <b>5102</b> | <b>5906</b> | <b>5420</b> | <b>6020</b> | <b>5381</b> | <b>6256</b> | <b>5535</b> | <b>5637</b> | <b>6483</b> | <b>7110</b> | <b>+9.7%</b>              |
| Arson                          | 15          | 22          | 24          | 30          | 31          | 17          | 52          | 72          | 52          | 84          | +61.5%                    |
| <b>Total Part One Crimes</b>   | <b>5548</b> | <b>6458</b> | <b>6046</b> | <b>6716</b> | <b>5998</b> | <b>6891</b> | <b>6123</b> | <b>6241</b> | <b>7201</b> | <b>7960</b> | <b>+10.5%</b>             |

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The most significant percentage increases in Part One Crimes were observed in Auto Theft (61.48%), Arson (61.54%), and Burglary (18.53%). Conversely, decreases were recorded in Homicide (-66.7%) and Larceny (-1.71%).

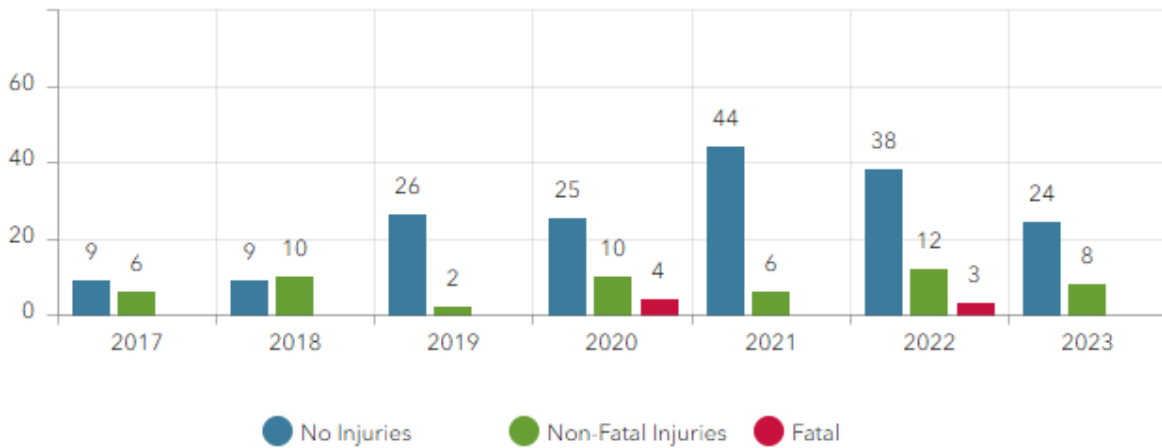
Crime Categories of Interest

In 2023, we observed notable trends in specific crime categories, each presenting unique challenges and requiring tailored approaches for effective management and prevention.

**Shootings**

2023 marked a significant decrease in shooting incidents within Berkeley, with a total of 31 confirmed incidents compared to 53 in 2022. Confirmed shooting incidents encompass both witnessed events and instances where evidence of gunfire, such as shell casings, was discovered.

Shootings by Type



While the decline in shootings in 2023 is encouraging, the data presented in the chart above shows that the number of incidents remains substantially higher than the 15 reported in 2017. The data further indicates that the decrease in 2023 primarily stems from a reduction in ‘No Injury’ events, where a firearm was discharged but no individuals were struck; however, the persistent occurrence of both ‘Fatal’ and ‘Non-Fatal Injury’ shootings highlights the need for ongoing interventions to combat gun violence. For more on our efforts to recover guns and our collaboration with the City of Berkeley’s Gun Violence Intervention & Prevention program see below.

**Robbery**

Robberies are crimes involving the unlawful taking of property from a person or their immediate presence, through the use of force or threat of force. This definition encompasses a range of scenarios, from physical confrontations where a victim is threatened or harmed to secure their belongings, to intimidation tactics where the threat of violence compels a victim to surrender their property. Robberies can occur in various settings, including but not limited to,

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public streets (pedestrian robberies), commercial establishments (commercial robberies), residences (home invasions), banks (bank robberies), and incidents involving vehicles (carjackings). The key elements that define an act as robbery include the intent to permanently deprive the owner of their property, the use or threat of force, and the direct interaction with the victim.

| <b>Robberies</b>    | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Pedestrian          | 229         | 247         | 131         | 119         | 148         | 205         |
| Commercial          | 108         | 97          | 117         | 118         | 117         | 135         |
| Home Invasion       | 5           | 4           | 8           | 8           | 8           | 5           |
| Bank                | 3           | 2           | 5           | 6           | 4           | 2           |
| Carjacking          | 10          | 14          | 13          | 14          | 15          | 39          |
| <b>Total</b>        | <b>355</b>  | <b>364</b>  | <b>274</b>  | <b>265</b>  | <b>292</b>  | <b>386</b>  |
| By Gun (% of total) | 82 (23%)    | 74 (20%)    | 46 (17%)    | 74 (28%)    | 69 (24%)    | 111 (29%)   |

The data for 2023 indicates a noticeable increase in robbery incidents, particularly in the pedestrian and carjacking categories. This uptick brings the total number of robberies to 386, marking a 32% rise from the 292 cases in 2022.

**Hate Crimes**

Hate crimes are crimes motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. Hate crimes in Berkeley continue to be a critical concern. The majority of hate crime reports in 2023 were characterized as crimes of intimidation, involving slurs or graffiti, rather than physical violence.

Hate incidents are acts of prejudice that are not crimes and do not involve violence, threats, or property damage. We take hate incident reports because these incidents perpetuate prejudice and intolerance, creating an environment of fear and alienation for the targeted individuals and communities, even in the absence of criminal activity.

| <b>Hate Crimes</b>             | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Race/Ethnicity/National Origin | 11          | 5           | 7           | 29          | 24          | 27          |
| Religion                       | 3           | 1           | 2           | 11          | 3           | 9           |
| Sexual Orientation             | 3           | 2           | 1           | 2           | 11          | 9           |
| Gender                         | 1           | 0           | 2           | 0           | 0           | 0           |
| Disability                     | 0           | 0           | 0           | 0           | 0           | 1           |
| <b>Total</b>                   | <b>18</b>   | <b>8</b>    | <b>12</b>   | <b>42</b>   | <b>38</b>   | <b>46</b>   |

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| Hate Incidents                 | 2021      | 2022      | 2023      |
|--------------------------------|-----------|-----------|-----------|
| Race/Ethnicity/National Origin | 16        | 22        | 24        |
| Religion                       | 1         | 5         | 19        |
| Sexual Orientation             | 4         | 4         | 7         |
| Gender                         | 0         | 0         | 0         |
| Disability                     | 1         | 0         | 0         |
| <b>Total</b>                   | <b>22</b> | <b>31</b> | <b>50</b> |

Prior to October 7th, there were 29 hate crimes, 24 of which were tied to race or religion, including 5 anti-Jewish and 1 anti-Arab or anti-Muslim hate crimes. There were 31 hate incidents before this date, with 24 of these being race or religion-related, including 5 anti-Jewish and 4 anti-Arab or anti-Muslim incidents. Since October 7th, we recorded 17 hate crimes, of which 12 were directly related to race or religion, including 5 anti-Jewish hate crimes and a single hate crime targeting Arab or Muslim individuals. In the same period, hate incidents rose to 19, all related to race or religion, with a notable increase to 13 anti-Jewish hate incidents, while no anti-Arab or anti-Muslim hate incidents were reported.

**Sexual Assault**

The number of sexual assault cases remained at a high level in 2023, mirroring the figures from 2022. This persistent trend emphasizes the importance of providing support services, raising awareness, and implementing preventive measures to address and reduce instances of sexual assault within the community. The Department continues to take reports where the full elements of the penal code are not met, when a survivor requests a report for catharsis and in other non-investigatory situations. For a significant number of cases the survivors choose not to follow through with an investigation. There are a number of reasons for this, but it inflates our reported numbers compared to other agencies and leads to lower clearance rates. It also reflects our total commitment to providing support to survivors. Additionally, these cases are typically closed as “Suspend” not “Closed” as an added safeguard to protect information on these sensitive cases from being released; this practice directly lowers our clearance rate for sexual assaults.

| Sexual Assault | 2018      | 2019       | 2020      | 2021       | 2022       | 2023       |
|----------------|-----------|------------|-----------|------------|------------|------------|
| Felony         | 65        | 74         | 47        | 57         | 89         | 97         |
| Misdemeanor    | 31        | 64         | 38        | 50         | 81         | 62         |
| <b>Total</b>   | <b>96</b> | <b>138</b> | <b>85</b> | <b>107</b> | <b>170</b> | <b>159</b> |

In 2023, there were 97 felony and 62 misdemeanor sexual assault cases reported, totaling 159 cases, including an increase in the number of felony cases, and a slight decrease from the previous year's total of 170 cases.

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**Property Crimes**

2023 saw a notable increase in certain property crimes, specifically retail thefts and vehicle thefts, while catalytic converter thefts declined significantly.

| <b>Property Crimes of Interest</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Commercial Burglaries              | 275         | 307         | 324         | 316         | 435         | 574         |
| Vehicle Thefts                     | 548         | 492         | 805         | 1098        | 836         | 1350        |
| Catalytic Converter Thefts         | 35          | 186         | 586         | 573         | 847         | 457         |

The Department works in collaboration with regional loss prevention agents to identify organized retail theft offenders. Additionally, the department has been working with the San Francisco Police Department Organized Retail Crime and Fencing units, the Oakland Police Department CRT, the CHP Organized Retail Crime Unit, the Emeryville Police Department, the Palo Alto Police Department, the Walnut Creek Police Department, and the Central Marin Police Authority. We share suspect information, including surveillance photos/videos, suspect vehicles, and suspect MO to link cases committed by the same groups of suspects throughout the Bay Area.

**Department Initiatives**

What We’ve Done

**Firearm Recoveries**

In 2023, a total of 69 firearms were recovered, marking a decrease of 42% from the previous year.

| <b>Firearm Recovery Methods</b>   | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|
| Patrol calls for service          | 33          | 36          | 51          | 64          | 41          |
| Patrol proactive traffic stops    | 25          | 17          | 24          | 12          | 11          |
| Detective Follow-up investigation | 29          | 32          | 43          | 43          | 17          |
| <b>Total</b>                      | <b>87</b>   | <b>85</b>   | <b>118</b>  | <b>119</b>  | <b>69</b>   |

All firearms recovered are processed through the National Integrated Ballistic Information Network (NIBIN). This database is a nationwide collaboration coordinated by the Bureau of Alcohol, Tobacco and Firearms (ATF). The Department enters ballistic information for each firearm recovered and the database makes connections with evidence recovered from shooting scenes, provides information about persons who have owned and or purchased the firearm.

BPD routinely processes recovered firearms for DNA and fingerprints. This work is key to helping determine who shooters or illegal firearms possessors are.

**Gun Violence Intervention & Prevention**

To further address the issue of gun violence, the City of Berkeley has developed a Gun Violence Intervention & Prevention program framework as a key component of its Reimagining Public

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Safety initiative. This comprehensive program aims to significantly reduce gun violence incidents through a multifaceted approach. The strategy combines place-based interventions in critical areas, direct engagement with individuals at risk, street outreach, and the provision of robust social services. This collaborative effort, involving multiple city departments, community-based organizations and field experts, is grounded in empirical evidence and best practices. It represents Berkeley's holistic and proactive approach to fostering a safer community by addressing the proximate causes of gun violence and supporting those most at risk.

#### Tailored Response and Proactivity to Hate Crimes

In response to hate crimes, the Berkeley Police Department emphasizes customized and effective strategies. Each incident is carefully evaluated based on its specific details, including the people involved and the context, ensuring the response is accurately tailored.

Area Coordinators from the Community Services Bureau work closely with community leaders from the areas impacted, offering targeted safety advice. This includes specific strategies for Crime Prevention Through Environmental Design (CPTED) and personal safety, all adapted to fit the unique needs of each situation.

The department also proactively keeps an eye out for potential threats to stay ahead of any issues. To further enhance safety, patrols are increased around places of worship and sensitive locations during important events, providing extra security when it matters most.

Additionally, the Hate Crime Awareness Week campaign plays a crucial role in raising awareness about hate crimes, encouraging community resilience, and urging people to report incidents. Through these focused and anticipatory actions, the Berkeley Police Department commits to maintaining a safe and welcoming environment for everyone.

#### Automated Security Checks

BPD, with insights from our Strategic Analysis Team, has started using data to guide our patrols through automated security checks. These checks send officers to specific places at times where their presence can help prevent crime. By using detailed crime data to decide where and when officers should go, we are more effectively deterring crime. This careful planning of patrols is part of our larger goal to make our policing strategies smarter and more data-driven. This way, we can ensure our crime prevention efforts are not only successful but also adapt to the changing needs of our community.

#### Engravings

To combat a rise in catalytic converter thefts, the BPD invested in an engraving tool, marking 82 catalytic converters with unique identifiers. This initiative is meant to deter thieves by making stolen parts more identifiable and thus harder to sell.

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Through these initiatives, the Berkeley Police Department has demonstrated its resolve in adopting a forward-thinking and community-centric approach to law enforcement. Our efforts in 2023 have sought to address immediate concerns as well as lay a strong foundation for sustainable safety and security in our community.

#### How We're Doing

As we navigate the complexities of crime and law enforcement, the Berkeley Police Department (BPD) remains steadfast in its commitment to transparency and accountability. Our performance metrics for 2023, including Part One Crimes per capita and clearance rates, provide valuable insights into our effectiveness and our ongoing efforts to enhance public safety in our community.

#### Part One Crimes per Capita:

With a population of approximately 118,950 (as of July 2022), there were 669 part one crimes overall per 10,000 residents in Berkeley. There were **64 violent crimes** per 10,000 residents and **598 property crimes** per 10,000 residents in 2023. In 2022, there were 57 violent crimes per 10,000 residents and 555 property crimes per 10,000 residents.

Based on the latest data from the Department of Justice available to the public, the following crime statistics were reported in 2022 for cities selected for their proximity to Berkeley and similar population sizes:

- In Santa Clara, population 126,930, there were **31 violent crimes** (395

## MOMENTS OF IMPACT

On 1/21/2023 officers responded to an assault between multiple subjects. The offender had threatened the 14-year-old survivor with a knife, twisted her wrist, causing pain and stole various items from her.

The survivor explained she had been living on the street and she had met the offender three weeks prior. The survivor had begun living with the offender and she was sexually and physically assaulted by the offender during this time. The offender also threatened to kill the survivor and prevented her from leaving the apartment. The survivor disclosed that the offender furnished and injected methamphetamine into the victim's hand. The offender was arrested at the scene.

Through extensive conversations and follow up, Detective Martinez and the survivor built trust and established a close connection. The victim disclosed that she was a victim of human trafficking in other cities prior to her arrival in Berkeley. Detective Martinez connected her with a shelter specializing in homeless and trafficked youth. Ultimately the Alameda County District Attorney's Office charged the offender with multiple sexual crimes, robbery, burglary and drug possession.

In the department's continued commitment to the survivor, Detective Martinez worked with her family to find the right family member for her to live with long term and we matched her with a social worker specializing in trafficked youth. This social worker helped get the survivor back into school, into therapy and helped obtain other resources for the survivor and her family. Throughout the department's contact with the survivor she expressed how she felt seen and heard by the department and her appreciation for the work that was done on her case.

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incidents in total) and **360 property crimes** (4,564 incidents in total) reported per 10,000 residents.

- San Leandro, population 86,762, reported **58 violent crimes** (499 incidents in total) and **490 property crimes** (4,254 incidents in total) per 10,000 residents.
- Richmond, population 114,301, reported **88 violent crimes** (1,006 incidents in total) and **272 property crimes** (3,117 incidents in total) per 10,000 residents.

Clearance Rates

Forensic and electronic evidence, diligent and detailed investigative efforts, as well as community willingness to share information are critical to developing leads and chargeable cases. The following table summarizes our clearance rates of crimes in UCR categories alongside clearance rates for Santa Clara PD (SCPD), San Leandro PD (SLPD) and Richmond PD (RPD) . A note about clearance rates: the numbers reported for BPD in the second table below only cover cases closed within one year of being reported; however, many investigations occur over an extended period and these cases will be closed after this reporting period.

| <b>Part One Crimes Clearance Rates* by Year – DOJ</b> | 2020 SCPD | 2020 SLPD | 2020 RPD | <b>2020 BPD</b> | 2021 SCPD | 2021 SLPD | 2021 RPD | <b>2021 BPD</b> | 2022 SCPD | 2022 SLPD | 2022 RPD | <b>2022 BPD</b> |
|-------------------------------------------------------|-----------|-----------|----------|-----------------|-----------|-----------|----------|-----------------|-----------|-----------|----------|-----------------|
| Homicide                                              | 100%      | 14%       | 25%      | <b>33%</b>      | -         | 100%      | 25%      | <b>100%</b>     | 0.0%      | 0.0%      | 35%      | <b>67%</b>      |
| Sexual Assault                                        | 23%       | 27%       | 9.1%     | <b>6.4%</b>     | 15%       | 17%       | 67%      | <b>5.3%</b>     | 27%       | 0.0%      | 17%      | <b>7.9%</b>     |
| Robbery                                               | 39%       | 20%       | 19%      | <b>21%</b>      | 35%       | 19%       | 26%      | <b>26%</b>      | 24%       | 12%       | 10%      | <b>31%</b>      |
| Aggravated Assault                                    | 57%       | 32%       | 27%      | <b>37%</b>      | 65%       | 38%       | 44%      | <b>44%</b>      | 64%       | 41%       | 34%      | <b>43%</b>      |
| Burglary                                              | 7.6%      | 5.0%      | 7.6%     | <b>11%</b>      | 6.4%      | 4.7%      | 17%      | <b>16%</b>      | 10%       | 5.2%      | 11%      | <b>15%</b>      |
| Larceny                                               | 5.5%      | 4.1%      | 2.6%     | <b>6.8%</b>     | 4.0%      | 4.2%      | 1.5%     | <b>4.8%</b>     | 8.5%      | 4.1%      | 1.1%     | <b>5.4%</b>     |
| Auto Theft                                            | 4.3%      | 2.7%      | 11%      | <b>3.7%</b>     | 3.7%      | 2.7%      | 7.4%     | <b>4.3%</b>     | 6.7%      | 2.4%      | 2.5%     | <b>6.1%</b>     |
| Arson                                                 | 20%       | 20%       | 6.1%     | <b>15%</b>      | 47%       | 4.5%      | 17%      | <b>19%</b>      | 29%       | 8.3%      | 17%      | <b>15%</b>      |



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| <b>Part One<br/>Crimes<br/>Clearance<br/>Rates* by<br/>Year –<br/>1-Year</b> | <b>2020<br/>BPD</b> | <b>2021<br/>BPD</b> | <b>2022<br/>BPD</b> |
|------------------------------------------------------------------------------|---------------------|---------------------|---------------------|
| Homicide                                                                     | <b>100%</b>         | <b>100%</b>         | <b>100%</b>         |
| Sexual Assault                                                               | <b>22%</b>          | <b>10%</b>          | <b>15%</b>          |
| Robbery                                                                      | <b>30%</b>          | <b>29%</b>          | <b>32%</b>          |
| Aggravated Assault                                                           | <b>57%</b>          | <b>61%</b>          | <b>46%</b>          |
| Burglary                                                                     | <b>12%</b>          | <b>15%</b>          | <b>10%</b>          |
| Larceny                                                                      | <b>7.3%</b>         | <b>7.0%</b>         | <b>6.6%</b>         |
| Auto Theft                                                                   | <b>9.3%</b>         | <b>8.2%</b>         | <b>11%</b>          |
| Arson                                                                        | <b>25%</b>          | <b>32%</b>          | <b>27%</b>          |

*\*Here we are reporting both a DOJ-calculated clearance rate and a 1-year clearance rate for BPD cases. The DOJ rates are calculated by dividing the number of cases reported by the number of cases closed in the same calendar year. A 1-year clearance rate is the percentage of cases that were closed within a year of being reported.*

Looking at the 1-year clearance rates, BPD consistently achieved a 100% clearance rate for homicides across all three years. For sexual assault, BPD's clearance rates ranged from 22% in 2020 to 15% in 2022. Robbery and aggravated assault rates for BPD were generally high, with robbery clearance peaking at 32% in 2022 and aggravated assault at 61% in 2021. Burglary, larceny, and auto theft clearance rates remained relatively low across all jurisdictions, with BPD maintaining consistent rates over the past 3 years.

In 2023, the Property Crimes Bureau was staffed with 3 detectives out of 5 allocated positions, the Youth Services Detail was staffed with 2 detectives of 3 allocated positions, while the Robbery, Homicide and Sex Crimes units were fully staffed.

What’s Next

Gun Violence Restraining Orders

The Department recently began using a newly created tool called the Gun Violence Retraining Order (GVRO). This restraining order allows for the seizure of firearms from a person who “poses an immediate and present danger of causing personal injury to self or another by custody or control, owning, purchasing, receiving or having access to a firearm or ammunition.” Thus far this tool has been used in response to calls for service where gun violence or self-harm could be an issue. Going forward we will leverage this powerful tool to proactively take guns from individuals who pose an immediate and present danger.

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### Automated License Plate Readers & External Fixed Surveillance Cameras

As directed by City Council, in 2023 the Berkeley Police Department (BPD) took additional steps forward in acquiring fixed Automated License Plate Readers (ALPR) and External Fixed Video Surveillance Cameras. Since ALPRs and video surveillance cameras are clearly defined as surveillance technology by the City of Berkeley Surveillance Technology Ordinance (#7,592), we spent months completing the steps outlined in the ordinance to acquire these technologies, including: drafting Surveillance Use Policies; presenting those policies for recommendations to the Police Accountability Board; and receiving City Council Approval of the policies.

**Fixed ALPR:** After receiving Council approval of the policies (422 and 1305), Berkeley Police Department secured a contract with the preferred vendor, Flock Safety, for the acquisition and installation of 52 cameras on a two-year trial basis from the time of activation. BPD is currently working with Flock Safety and Berkeley Public Works (PW) Department to determine placement of the cameras.

**External Fixed Video Surveillance Cameras:** San Pablo Park, Berkeley Marina and the PW Transfer Station have had fixed cameras in place for several years. In 2021 BPD was given approval by Council to install additional cameras at ten locations. Those locations are listed in the BPD policies related to Fixed Cameras, 351 and 1304. In 2023, Public Works installed the first camera approved in Policy 351 at 6<sup>th</sup> and University Avenue and the Berkeley Police Department established procedures for tracking access that will permit an audit to be conducted annually.

Throughout 2023, BPD fielded many inquiries from the Berkeley community expressing a strong interest and support for ALPR and fixed surveillance cameras. In 2024 we will continue on our path to installing and utilizing these technologies for combatting crime with careful consideration of cost, equity, privacy and efficacy guiding us every step of the way.

### Regional Collaboration

In January 2024, Berkeley PD participated in a regional convening on crime and public safety hosted by Mayor Arreguín. In attendance were law enforcement leaders and elected officials from across the Bay Area. We discussed the regional efforts underway to address crime and safety concerns as criminals have become more sophisticated and brazen. We identified opportunities for strengthened partnerships across jurisdictional lines and will continue our collaboration in this space to more efficiently and effectively use our resources to solve crimes. There is a lot to be gained from improving our regional approach to data collection and analysis. Investing in both real-time crime analysis for tactical purposes and to inform strategic analysis and long-term planning can enhance our efforts significantly. By sharing data and insights, we can develop more effective strategies to combat crime and ensure public safety. In 2024, we will continue this partnership further at a regional level, exploring innovative solutions and fostering a more collaborative environment for tackling these challenges together.

## Road Safety & Collisions

*Leveraging detailed collision data and community insights, our department has strategically enhanced traffic safety through targeted initiatives and enforcement. As we move forward, our partnership with Vision Zero promises to further deepen our dedication to efficient and effective traffic safety solutions.*

### Collision Data

In 2023, there were a total of 873 collisions. They included 514 injury and 359 non-injury collisions. Total collisions increased by 23, or 2.6% from 2022. Non-injury collisions increased by 3.6% and fatal collisions decreased to 0. Injury collisions decreased by 6.2% and DUI collisions increased by 3.7%.

| Collisions            | 2019       | 2020       | 2021       | 2022       | 2023       |
|-----------------------|------------|------------|------------|------------|------------|
| Fatal collisions      | 4          | 2          | 7          | 2          | 0          |
| Injury collisions     | 520        | 316        | 431        | 548        | 514        |
| Non-injury collisions | 405        | 271        | 351        | 346        | 359        |
| <b>Total</b>          | <b>929</b> | <b>589</b> | <b>789</b> | <b>896</b> | <b>873</b> |

The most common causes of injury collisions (the primary collision factor or PCF) were 22350 VC, 21800-21804 VC, 21950(a)VC, and 22107 VC. Bicyclists (107) and pedestrians (97) accounted for 39.7% of the injury collisions. Bicyclists were found at fault in 60 of the collisions and pedestrians in 22 of the collisions. A closer examination of the 60 at fault injury collisions involving a bicycle revealed 19 involved a solo bicyclist falling or hitting an object.

In 2023, 81 collisions (26 injury / 55 non-injury) involved a DUI driver (an increase from 53 in 2022) which resulted in 39 injured people.

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*2023 was the first year with no fatal collisions since 2011.*

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The three intersections which accounted for the highest number of collisions were University Ave/ Acton St, Ashby Ave / San Pablo Ave, and Ashby Ave / Shattuck Ave. The top twelve intersections where collisions occurred were:

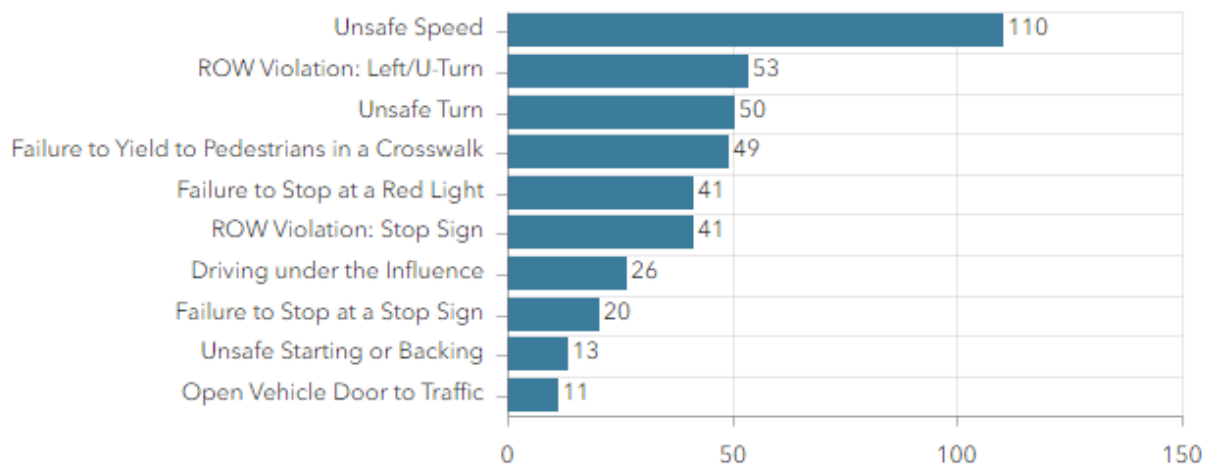
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| High Collision Intersections, 2023 | Total Collisions | Injury Collisions | # of People Injured | Suspected Serious Injury* |
|------------------------------------|------------------|-------------------|---------------------|---------------------------|
| University Ave / Acton St          | 11               | 9                 | 14                  | 2                         |
| Ashby Ave / San Pablo Ave          | 11               | 7                 | 11                  | 0                         |
| Ashby Ave / Shattuck Ave           | 11               | 4                 | 5                   | 0                         |
| Ashby Ave / College Ave            | 10               | 6                 | 7                   | 1                         |
| University Ave / San Pablo Ave     | 9                | 4                 | 8                   | 1                         |
| University Ave / MLK Jr Way        | 9                | 5                 | 5                   | 0                         |
| Ashby Ave / MLK Jr Way             | 8                | 7                 | 12                  | 4                         |
| San Pablo Ave / Gilman St          | 8                | 7                 | 10                  | 0                         |
| Shattuck Ave / Channing Way        | 7                | 4                 | 4                   | 0                         |
| Shattuck Ave / University Ave      | 7                | 4                 | 4                   | 0                         |
| MLK Jr Way / Blake St              | 6                | 6                 | 9                   | 0                         |
| Sacramento St / Alcatraz Ave       | 6                | 5                 | 9                   | 0                         |

\*Suspected serious injury is any injury other than a fatality that results in significant injury as defined in the CHP Collision Investigation Manual (CHP, 2017, p. 5-5)

Primary Collision Factors, 2023

Injury Collisions



As previously stated, bicycles were involved in 107 of the injury collisions and pedestrians were involved in 97. Of the 97 injury collisions involving a pedestrian, 22 found the pedestrian to be at fault, 74 found the driver of a vehicle to be at fault and 1 found a bicyclist to be at fault. Of the 107 injury collisions involving a bicyclist, 60 found the bicyclist at fault, 34 found the driver of a vehicle at fault, 2 found a pedestrian at fault and the remainder were either unable to

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determine fault or a person other than a driver, caused the collision. The biggest factor for this is an occupant in a parked vehicle opening a car door before it is safe/ not yielding to bicyclist in violation of 22517 VC (PCF for 10 bicycle injury collisions in Berkeley in 2023.)

## Department Initiatives

### What We've Done

In 2022, BPD reprioritized traffic enforcement efforts around a three-prong approach that focuses on primary collision factors, community member reports and observations reported to the BPD and community caretaking. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. BPD will continue to collect and analyze collision data to understand and guide needs and shape future resource allocation decisions.

### Primary Collision Factors

Automated Security Checks – Calls for service are automatically generated based on collision data, and time and location of occurrence to focus officer discretionary enforcement time on collision prone locations.

### Community Reports

Community members are able to submit traffic safety concerns via the Transparency Hub. The submission is triaged and added to the traffic unit's enforcement requests. After launching this feature in April 2023, the traffic unit received 53 traffic concern submissions.

### Community Caretaking

BPD Traffic Unit uses OTS funds to hold DUI checkpoints and DUI saturation patrols. The checkpoints are set up at strategic locations based on the DUI collision and arrest data. DUI checkpoints and saturation patrols use highly trained officers to identify and apprehend impaired drivers and educate the motoring public.

BPD Traffic Bureau just completed a full year of offering a free presentation to senior drivers focusing on the importance of roadway safety for older drivers. The unit has been using education funds from the Office of Traffic Safety (OTS) Grant to teach the program called, "Drive Safer, Drive Longer". This material was developed by the Training, Research and Education for Driving Safety (TREDS) Program at the University of California San Diego School of Medicine. The classes are held once a quarter at the north and south Berkeley Senior Centers and is designed to increase awareness of the dangers older drivers encounter and to offer strategies to keep them safe and mobile.

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In 2023, BPD applied for and was awarded grant funding that supports our efforts to reduce traffic collisions and impaired driving in Berkeley. Grant sources include the Office of Traffic Safety (Selective Traffic Enforcement Program / STEP Grant) and the California Highway Patrol Cannabis Tax Fund Grant to provide additional enforcement, education and traffic safety programs. The funding allows us

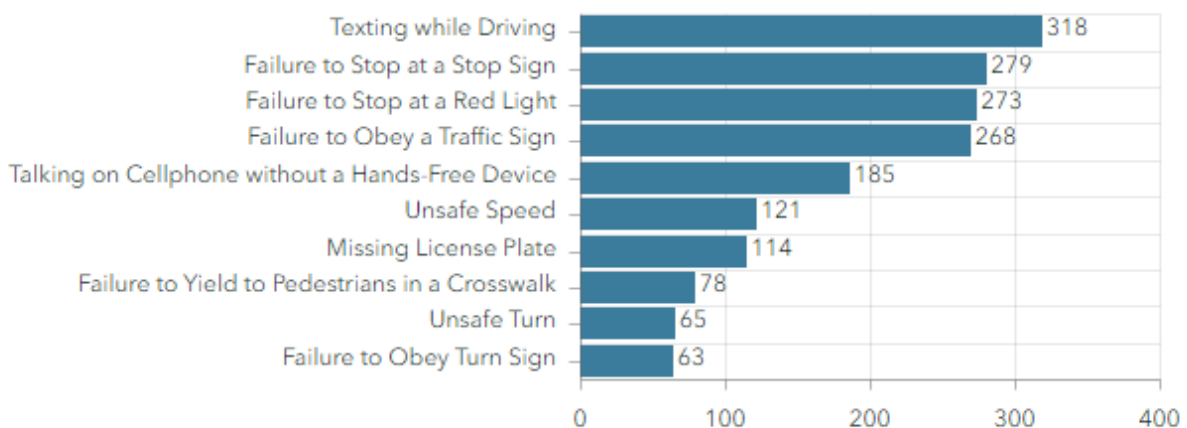


to conduct DUI checkpoints, DUI saturation patrols and provide enforcement in locations identified as high collision areas targeting dangerous driving behavior. Grant funding allows officers to attend training to become proficient in field sobriety testing to detect both alcohol and drug impairment. In partnership with OTS and other law enforcement agencies throughout the state BPD participates in national campaigns such as pedestrian safety month, winter DUI mobilization, distracted driving awareness, bicycle safety, motorcycle safety, walk to school day and click it or ticket enforcement.

How We're Doing

Moving Violations and Primary Collision Factors

Most frequent vehicle violations, 2023

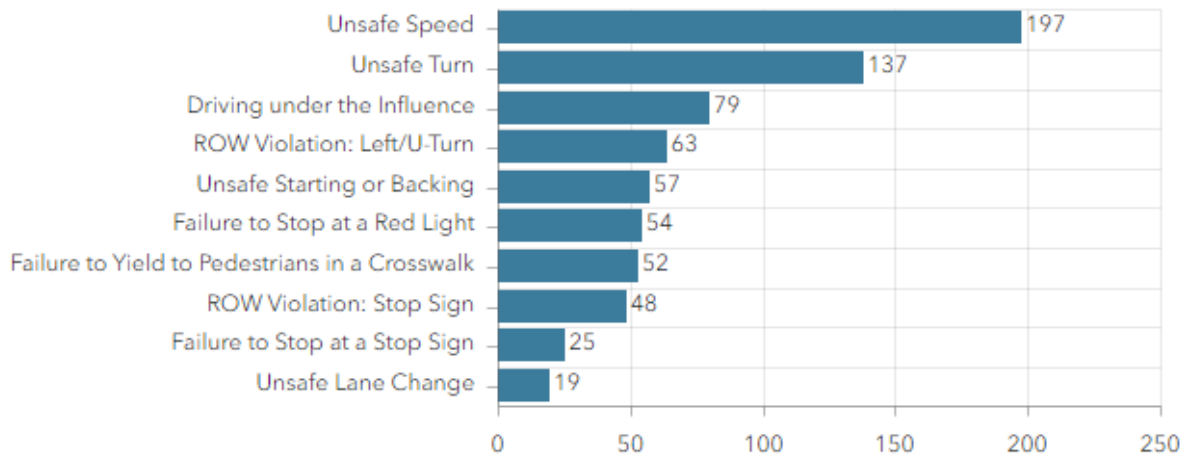


\*Excludes stops made in response to calls for service and information-based stops

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Primary Collision Factors, 2023

All Collisions



The tables above outline the moving violations associated with our vehicle stops as well as the primary collision factors for all stops. The violations related to this year’s stop data correlate closely with primary collision factors as well as other serious traffic safety violations geared toward community caretaking.

Transparency Hub Survey Responses

After a community member submits a traffic safety concern via the Transparency Hub and enforcement or education is conducted at the location by the traffic unit, the submission is updated by traffic unit staff indicating the concern had been addressed. In 2023, the traffic bureau conducted 10 traffic safety interventions in response to community concern submissions.

What’s Next

In 2024, BPD will continue to use Office of Traffic Safety grant funding to support traffic safety measures to enhance our enforcement and education efforts. Through grant funding, we intend to increase the number of Drive Safer, Drive Longer classes for aging drivers, increase the number of DUI checkpoints, and continue to use the Traffic Safety Transparency Hub and collision data to guide our traffic enforcement strategies. As we look for other ways to improve our strategies, we are committed to deepening our Vision Zero collaboration with key stakeholders to identify high-risk locations, analyze the causes and contributing factors of collisions, and develop meaningful interventions. Our continued partnership with Vision Zero stakeholders will allow BPD leadership to identify strategies that inform decision making around the way and areas we prioritize traffic safety, guided by our three-pronged approach for traffic enforcement.

## Accountability: Stops & Use of Force

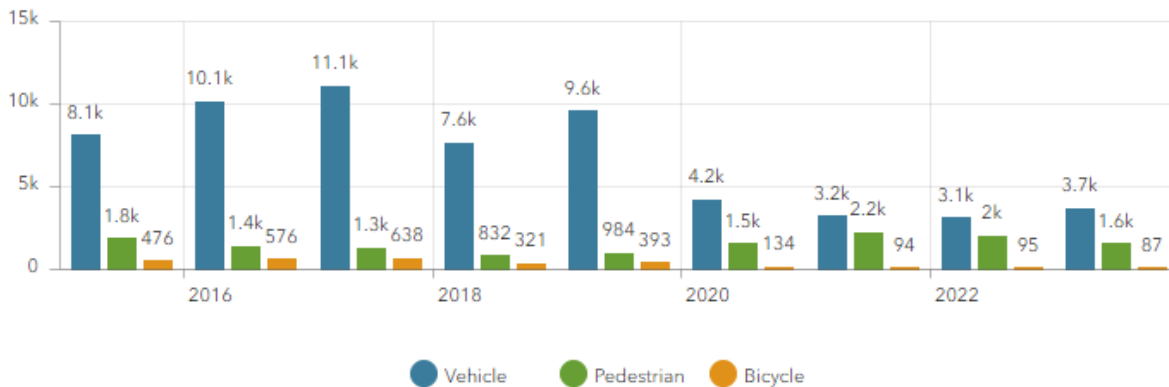
*Our department's thorough review of stop data and use of force incidents underscores our commitment to moving forward efforts supporting Fair and Impartial Policing. Performance metrics and tests for bias help ensure our practices don't perpetuate societal inequities. With ongoing enhancements in our Early Intervention System (for more, see the "Audits & Oversight" section below), we are steadfast in our mission to deliver public safety equitably to our community.*

### Stop Data Report

In October 2020, the Berkeley Police Department began tracking and ultimately supplying the State of California with our stop data pursuant to the Racial Identity Profiling Act (RIPA). BPD began this data collection a full two and a half years before agencies our size were required to comply with RIPA. Berkeley began this process early as part of the department's efforts to better capture, understand and share the data associated with our stops.

During 2023, BPD averaged 442 total stops including 305 vehicle stops, 129 pedestrian stops, and 7 bicycle stops per month for a yearly count of 5,306 total stops, 3,665 vehicle stops, 1,554 pedestrian stops, and 87 bicycle stops.

#### Stops by Year and Type

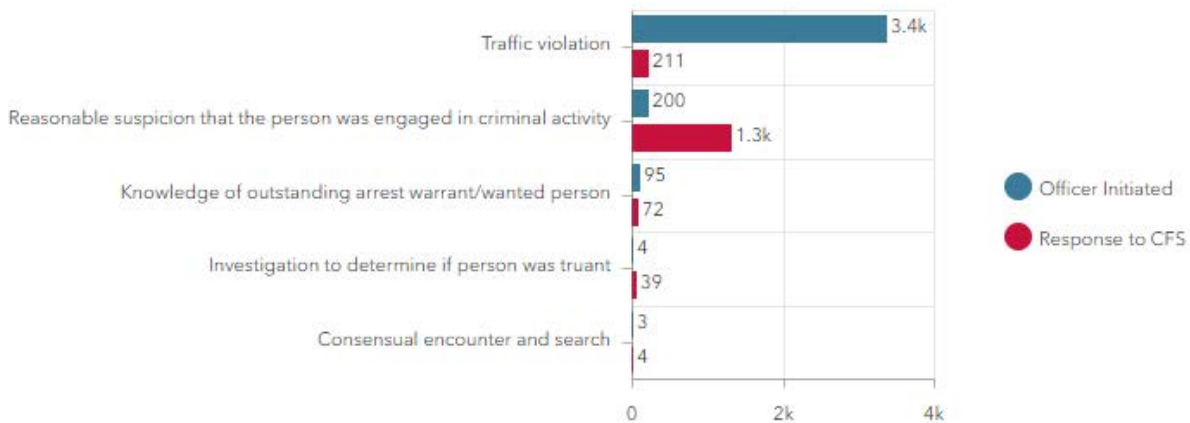


69.08% of all stops were officer-initiated, primarily focusing on traffic violations, while the remaining stops were in response to calls for service. This data, along with the breakdown of reasons for the stops, is depicted in the following graph.



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Reason for Stop, 2023



**Yields**

880 stops resulted in at least 1 arrest, 2,100 stops resulted in a citation and 1,661 resulted in a warning. 471 stops resulted in no enforcement action.

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*According to data published by the RIPA board in 2024, Berkeley's yield rate was higher than 92% of all agencies in California in 2022.*

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In 2023 BPD's search rate for all stops was 14% and had an overall contraband yield rate of 42%. Those searches resulted in 82 seizures of one or more weapons, including 15 recoveries of one or more firearms. The yield rate for all discretionary searches (searches not incident to arrest, a search warrant, vehicle inventory for towing, or exigent circumstances/emergency) was 48%.

**Tests for Bias**

BPD is deeply committed to ensuring fairness and impartiality in all aspects of law enforcement. To uphold these values, we rigorously examine our practices for any potential biases, employing a series of analytical methods to evaluate the objectivity of our policing. This section details our approach to testing for bias. From analyzing at-fault collision demographics to employing methods like yield rate analysis and the veil of darkness test, our approach is multifaceted and data-driven, aiming to foster a culture of transparency, accountability, and equitable policing.

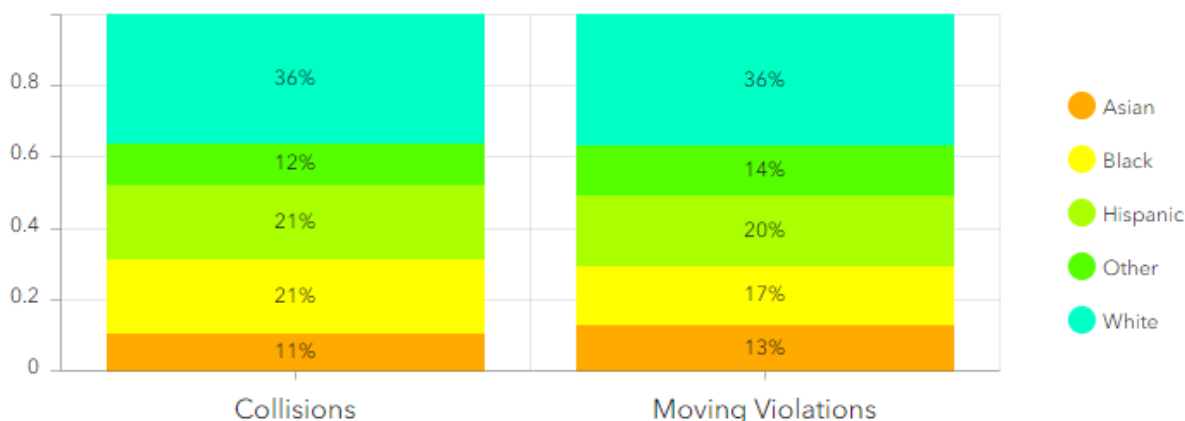
At the core of our analytical approach is an emphasis on discretionary decision making. Research in this field posits that moments of discretion are when implicit bias is most likely to manifest itself. For that reason, in the analyses below we focus on stops where officers were not responding to a call for service nor relying on additional information (for example, a description of a wanted vehicle) when making the decision to stop. This filtering allows us to key in on moments of maximum discretion where we would most clearly see the effects of implicit bias if such bias were to play a role in officer decision making.

At-Fault Collision Demographics

A key component of this approach is the comparison of at-fault collision demographics with the demographics of individuals stopped for moving violations. This comparison helps us assess whether traffic stops are being conducted based on objective, race-neutral criteria. This test is particularly important because moving violations made up 81% of all discretionary stops in 2023.

Collision data gives us representative sample of who is driving in Berkeley. This information is useful because it gives us a baseline of the population that officers encounter when they make a stop. Looking at drivers who were determined to be the at-fault party in a collision further refines that baseline to give us a sample of who is driving dangerously in Berkeley. Because we expect our traffic enforcement to focus on dangerous drivers, if our traffic enforcement is unbiased, we would expect a close alignment between the demographics of those involved in at-fault collisions and those stopped for moving violations. Close alignment of those demographics would indicate that stops are influenced by driving behavior rather than implicit biases.

At-Fault Collision & Discretionary Moving Violation Demographics, 2023



An analysis of 2023 data indicates a close alignment between these two demographic groups. This is the finding we would expect if officers are using race-neutral factors when making a discretionary stop for a moving violation.

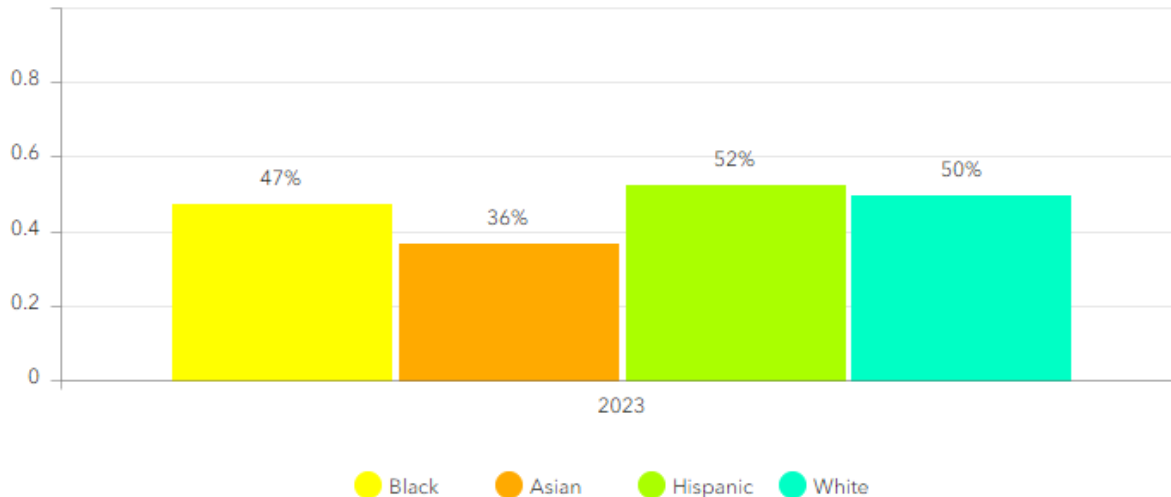
Yield Rate Analysis

Another method of determining whether officer discretion is influenced by implicit racial bias is to measure whether the officer’s decision to search is subject to a lower threshold of suspicion for Black and Brown people as compared to for White people. Often called yield rate analysis, the method assumes that race-neutral indicators observable by an officer will accurately predict the probability that a search will uncover contraband. The logic follows that a search triggered by a given level of suspicion based on race-neutral factors will ‘yield’ contraband at the same rate across racial groups. Conversely, a higher yield rate for searches of White people

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as compared to searches of Black people would indicate that officers are deciding to search White people when they have a higher confidence of finding contraband.

Discretionary Search Yield Rate by Race, 2023



The nearly equivalent search yield rates between Black and White individuals are in line with what we would expect to see if searches conducted by officers were based on factors that do not involve race. A regression analysis conducted by the RIPA board in 2024, which examined data from 2022, found that race—specifically being Black or Hispanic as opposed to White—did not have a statistically significant effect on the likelihood of a Berkeley PD search yielding contraband. This is the result we would expect to see from search decisions being carried out without bias.

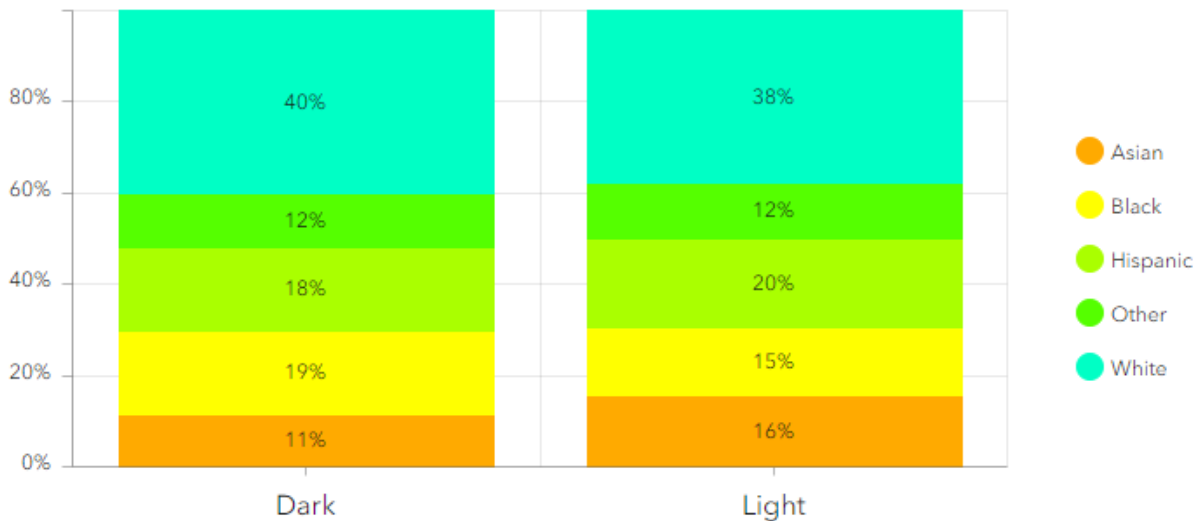
Veil of Darkness

The "veil of darkness" analysis is a test of implicit bias at the decision to stop. The analysis looks at the proportion of stops that are of a racial group when it is light outside versus when it is dark outside. If Black people are stopped more often in the light than in the dark, it could indicate that the visibility of race is playing a role in the decision to stop. The test takes advantage of daylight savings time and seasonal changes in day length by looking at times of the day (say, 6:30pm) where for part of the year it is dark outside and part of the year it is light out. Those times can be called the "inter-twilight period." In that way the test can control for any changes in the distribution of who is on the street throughout the day (as opposed to just doing day vs. night) while observing the difference in stop patterns when race is more visible or less visible to an officer.

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The graph below is a visual representation of this comparison. The test relies on the assumption that race is more apparent to the officer in the light than in the dark, and to the extent that the assumption is violated by the presence of streetlights or racially correlated characteristics of the car or neighborhood, the validity of the test is undermined. Nevertheless, as long as the assumption holds on average, the test can indicate the presence of the effect; that is, a result

Discretionary Stop Demographics during Inter-twilight Period, 2023



concluding a statistically significant result would be evidence of the presence of bias, while a null result would not necessarily prove the absence of bias.

The close alignment of demographic groups for discretionary stops in the dark and in the light during the “inter-twilight period” seen above is what we would expect to see if those stops were being made based on race-neutral factors.

### Use of Force Report

Berkeley Police Department takes pride in our ability to accomplish our work with minimal reliance on force through approaches that include de-escalation techniques, as well as an awareness of mental health crisis issues and appropriate responses. The department reinforces these skills and strategies through regular training.

In February 2021, BPD transitioned to a new Use of Force Policy that had several substantial changes, that included a de-escalation requirement and an expanded use of force reporting standard. Under this policy, reportable force is delineated into the following four categories:

Level 1 – Involves grabs, control holds, the use of leverage, or body weight with no injury or complaint of pain.

Level 2 – Applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not have an injury or complaint of pain.

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Level 3 – Parallels our old Use of Force reporting standard and involves the use of a weapon, subject injury, or complaint of pain. This category also applies to specific circumstances when an officer does not activate their body-worn camera.

Level 4 – Applies when an officer uses a firearm or when there is an in-custody death.

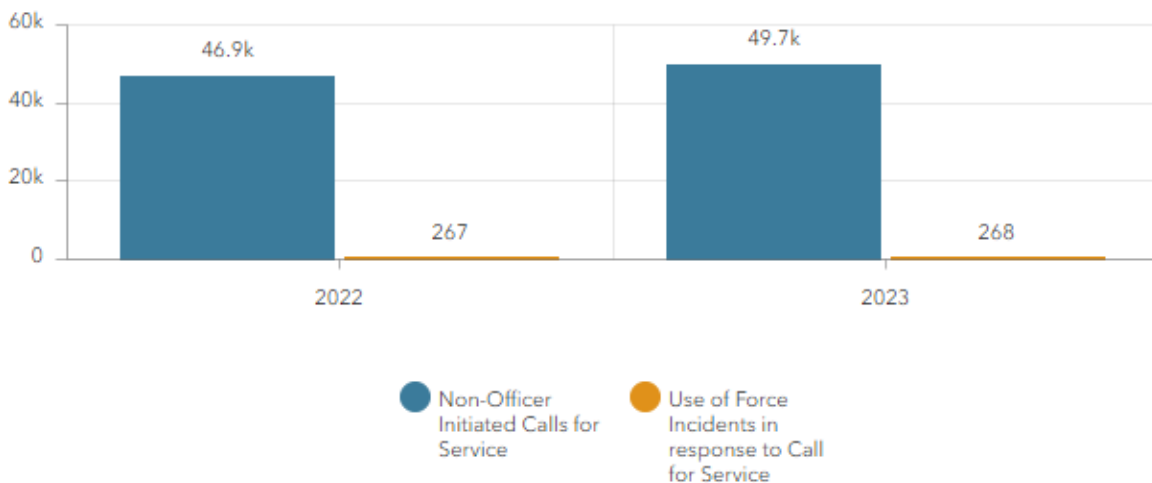
The department use of force policy requires officers to report uses of force to their sergeant, who documents these incidents in a formal report. A lieutenant and captain review each report, including associated body worn camera (BWC) footage, before forwarding it to Internal Affairs. In a given incident, more than one technique or type of force may be used to bring a resistant or combative individual into custody, and more than one officer may use force during the incident.

In 2023 there were 346 incidents that involved 1,214 uses of force. 68 % of all uses were Level 1 uses of force, and 28% were level two. These two categories accounted for 96% of all uses.

While the department has consistently evaluated individual use of force incidents, our expanded data collection and analysis tools allow us to understand and evaluate our use of force trends and share them with the community.

Of the 49,703 non-officer-initiated calls for service that BPD received in 2023, 0.54% (268 incidents) resulted in a use of force incident, and 0.06% (29) resulted in a use of force that produced more than a minor complaint of pain or where a weapon was used (Level 3 and 4). 77.46% of our use of force incidents occurred when officers responded to calls for service from the community, and trends show that calls for service account for a larger percentage of cases

Calls for Service and Use of Force Incidents



where force was used this year than in previous years: 77.46% versus 75.85% in 2022 and 68.5% in 2021.

The chart below illustrates that while carrying out arrests, the likelihood of use of force incidents occurring during arrests is relatively similar across racial groups. Specifically, the use

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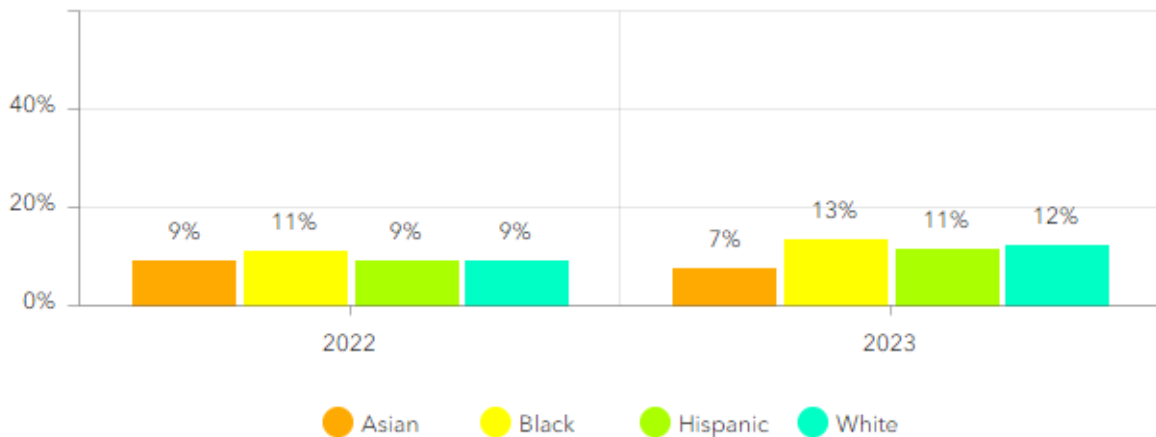
of force was involved in 7% of arrests for Asian subjects, 13% for African American subjects, 11% for Hispanic subjects, and 12% for White subjects. These closely aligned rates are what we would expect if the decision to use of force is being determined by factors other than race.

Utilizing the number of arrested subjects as a baseline for comparing use of force rates is a valuable approach because it reflects the most common scenario in which force is applied. By evaluating use of force as a percentage of arrests, we can more accurately assess the frequency and circumstances in which force is used. This method helps to isolate the act of arrest as a variable and allows for a direct comparison of use of force incidents relative to that variable across different racial groups.

The close percentages across racial groups is what we would expect to observe if use of force is

### Arrest Use of Force Rates

All Use of Force Levels



more closely associated with the dynamics of the arrest situation itself rather than the race of the individuals involved.

The department also tracks use of force complaints. While our use of force cases are always reviewed by a Lieutenant and Captain, those associated with a personnel complaint are also subject to an Internal Affairs Bureau (IAB) investigation. The results of the investigation (including BWC footage) are given to a Board of Review that evaluates the case and makes a recommendation to the Chief.

In 2023 the department received a total of 12 complaints associated with use of force incidents. To date, 7 of those investigations have been completed while 5 are still being evaluated. Additionally, 6 out of those 12 cases were also independently assessed by the Office of the Director of Police Accountability and Police Accountability Board. Of the 7 completed cases reviewed by the department or the ODP/A/PAB, 0 resulted in sustained findings of misconduct.

The department will continue to collect, evaluate, and assess our use of force data and use it to inform our policies and training with a focus on achieving positive outcomes.

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## Audits & Oversight

*In 2023, the Berkeley Police Department significantly advanced towards fulfilling oversight directives, completing key reports, audits, and policy reviews, while actively engaging in training and collaborative efforts to ensure fair and impartial policing.*

In 2023 we completed a number of reports and audits including:

- The 2022 Annual Complaint Statistics from the Internal Affairs Bureau
- The 2022 Police Equipment and Community Safety Ordinance Annual Report
- The 2022 Police Department Annual Report
- Biannual Automated License Plate Reader audits
- Quarterly Early warning system audits
- Quarterly Fair and Impartial Policing updates
- City Auditor open audit updates
- Contracted for a department-wide staffing and resources assessment with Citygate consulting

The department also actively participated in a number of subcommittees and collaborative conversations with the PAB including reviews of the policies for Body Worn Cameras, Off Duty Officer Conduct, Early Intervention System, and Departmental budget development.

Our personnel also completed annual refresher training to satisfy our policies and state requirements for continuing education.

The work mentioned here is just a portion of the 2023 efforts within the department, which also included contributions to the city's Gun Violence Intervention & Prevention program and the assessment of 911 dispatch services, alongside collaborations with Health, Housing, and Community Services on reimagining public safety projects. Much of this administrative work falls to sergeants and lieutenants, who are also responsible for the supervision and leadership of their teams.

## MOMENTS OF IMPACT

One of the duties of the Police Accountability Board (PAB) is to recognize officers who demonstrate exceptional service. An illustrative example of this is the commendation awarded to Officers Gasper and Ludovico for their skilled and empathetic handling of a critical incident on April 6th.

Facing a situation where a person in crisis threatened to jump from a third-story window, the commendation highlights,

*“Both [Ofc. Gasper] and Ofc. Ludovico know many of the people encountered in the west area of Berkeley and have established working relationships with many of those people which has allowed them to gain both trust and compliance in critical incidents. April 6th was one of those days where that trust mattered the most.”*

Their ability to deescalate the situation and secure medical and mental health support for the individual underscores the importance of community trust and engagement in policing.

This act of recognition by the PAB not only celebrates the officers' dedication but also emphasizes the board's commitment to acknowledging the positive impact of law enforcement personnel who vividly illustrate BPD's commitment to service.

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Below are updates on our progress towards completing the recent City Auditor report recommendations and our quarterly update on our implementation of the Fair and Impartial Policing Working Group recommendations.

### City Auditor Reports

There were three open audits in 2023. Working with Auditor Wong and her staff, two have been fully completed. The remaining open audit contains 12 recommendations. Of these, 10 are complete leaving only 2 open recommendations. Both of these items are related to staffing and involve our in-progress work with an outside consultant (Citygate). Both are actively being worked on;

- 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale (Complete)
- Data Analysis of Berkeley’s Police Response (Complete)
- Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities (Open/In Progress)

The Department will be submitting our next audit update to City Council in May 2024 regarding the two remaining open audit items. We look forward to continuing to work with Auditor Wong’s office to accomplish all of the recommendations in this budget related audit.

### Fair and Impartial Policing Recommendations

BPD has worked hard to fully implement the Fair and Impartial Policing (FIP) Working Group recommendations, and efforts in this area are ongoing and live well beyond the specific recommendations of Council. A prime example of this is the analysis presented in the “Accountability” section above, where we track key measures of fair and impartial policing outcome. The FIP Working Group recommendations have provided invaluable guidelines as we enhance our policies and protocols to ensure the highest standards of policing and are deeply aligned with our departmental values. The department will continue ensuring our personnel, policies and actions support fair, impartial and equitable treatment of all those we serve. The department is also committed to maintaining transparency and accountability in our reporting on these efforts to the community and Council. To ensure this, we will continue providing information both via our Transparency Hub as well as our annual department report.

#### FIP Working Group Recommendations Progress Report: March 2024

We have made significant progress in implementing the recommendations set forth for the department, with actions taken in nearly all areas specified. The final piece, an extensive staffing assessment conducted by Citygate Associates, is underway and its completion will mark the fulfillment of the last recommendation.

To date, implementation of the recommendations has led to the amendment of departmental policies and the establishment of new protocols. Some major accomplishments included a departmental policy focusing traffic stops on safety and preventing collisions, using evidence-



2023 Berkeley Police Department Annual Report

based models and strong data analysis to guide enforcement actions, and our current work to strengthen and expand our Early Intervention System

The additional FIP training funds allocated as part of the reimagining process have allowed us to continue to move this important work forward. We have created a training focus on courses strengthening responses that are Constitutional, Humane, Impartial, Neighborhood and Community Oriented and DEI-Centered. We refer to this as “KIND” training.

We are also bringing Active Bystander for Law Enforcement (ABLE) training to our agency. ABLE is a nationally recognized program with the aim of creating a police culture in which officers routinely intervene and accept interventions from their peers as necessary to: prevent misconduct, avoid police mistakes, and promote officer health and wellness. ABLE guides agencies and communities on the concrete measures that must be in place to create and sustain a culture of peer intervention leading to the benefit of the community and department. The department was honored to receive letters of support and partnership for this program from community-based organizations in our city such as Dorothy Day House and the Center for Food, Faith and Justice

With this progress, we're turning our attention to further enhancing our practices. Central to this is the development of our Early Intervention System (EIS). We recognize the power of an EIS to promote transparency, proactive intervention, and a supportive environment for officer development. We have taken pride in having an EIS protocol since 2004, reflecting our long-held commitment to accountability. In 2023, guided by the recommendations of the FIP Working Group, we updated our policy, significantly broadening the scope and depth of our audits to include the incorporation of RIPA-mandated stop data. Also in 2023, after collaboration with the Police Accountability Board, the department added audits of body-worn camera footage to our quarterly audit procedure.

To accelerate the expansion of our EIS, we've recently released an RFP for design support in building a cutting-edge, real-time system. This system will give us a comprehensive overview of officer and team performance, helping us identify potential areas where proactive support would be beneficial.

Our EIS work has benefited from ongoing collaboration with the Police Accountability Board (PAB), and we understand they are preparing a comprehensive report on the subject. We look forward to continuing our engagement with the PAB on EIS implementation and improvement.

The Berkeley Police Department remains committed to equitable and unbiased policing and we are proud to have implemented almost all of the FIP recommendations. A Special Order (policy) has been released to ensure that current and future members of the Berkeley Police Department carry forward and build upon this important foundational work initiated by the FIP Working Group. Once the final recommendation of the referral is completed, the department will continue efforts related to fair and impartial policing and provide annual updates and progress in this report.





CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Waterside Workshops Emergency Recovery Grant

### RECOMMENDATION

Refer to the budget process \$82,000 to Waterside Workshops to support youth enrichment and climate resilience programs following revenue losses due to construction and street closures on Bolivar Drive.

### FINANCIAL IMPLICATIONS

\$82,000 in General Fund impact.

### CURRENT SITUATION AND ITS EFFECTS

Supporting youth enrichment and climate resilience programs at Waterside Workshops is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Waterside Workshops is a youth enrichment nonprofit based in West Berkeley that provides various cycling and workforce development initiatives with an emphasis on climate resilience and ecological sustainability. Due to a major construction project at 600 Addison, street closures on Bolivar Drive beginning in August of 2021, including no access at all for 3+ weeks in July-August of 2023 and closure of the Waterside Cafe program have drastically reduced revenue and negatively impacted various important programs. Bolivar Drive remains partially closed while a new water main is installed under the road and is projected to negatively impact access to the bike shop, boat rentals and cafe through at least June of 2024.

On a cash basis, Waterside Workshops saw a net operating deficit as high as \$141,618.78 in the first quarter of 2023. Despite periodic fluctuations, the organization's net operating income only reached \$23,009.62 in 2023, with roughly \$1.2 million in expenses. The situation has grown more dire in 2024, with a net operating loss of \$32,784.96 reported in January of 2024. By contrast, Waterside Workshops realized a net operating income of \$49,250.34 in 2018, which represents a healthy fiscal situation in a typical year.

These revenue shortfalls have severely impacted the following programs:



- **Waterside Cafe**, a cafe and barista training program that generates critical revenue for the organization. Bolivar Drive closure has forced this program to discontinue for the time being.
- **Street Level Cycles**, a full service retail bike shop that also serves as a bicycle education, repair, and reuse program.
- **Community Open Shop**, in which community members can use Waterside Workshop's tools, purchase components, and fix their bikes on Saturdays and Sundays.
- **Berkeley Boathouse**, a youth internship and boat rental program. In this program, youth work alongside skilled instructors learning carpentry and traditional wooden boat building. When weather permits, interns take Waterside Workshops' fleet of boats paddling and sailing in Aquatic Park and the San Francisco Bay. Youth interns and staff also provide boat rentals to the general public and help conduct field trips for groups of youth from partner organizations.

Street Level Cycles and Berkeley Boathouse are approaching their seasonally high sales months and most active programming months of April through August. Waterside Workshops had to reduce its workforce which diminished its capacity to employ disadvantaged Berkeley youth ages 16-24 by 37% in order to balance its 2024 budget.

Waterside Workshops' programs, including summer camps, enroll more than 300 youth each year at the Aquatic Park. This year, the organization is at risk of having to reduce the number of youth enrolled in these programs due to staffing reductions. This is a direct result of a year of ongoing construction.

Waterside Workshops would use the funds from the city to employ staff and youth to fully staff programs and restart the cafe, directly contributing to productive employment and youth services in the city.

### BACKGROUND

Established in 2007, Waterside Workshops is a youth enrichment nonprofit based in West Berkeley that provides education and workforce development initiatives to address the gradual loss of woodworking and machine shop classes in public schools throughout the Bay Area. Currently, Waterside Workshops provides internships and workforce training programs through three programs: Street Level Cycles, Berkeley Boathouse, and Waterside Cafe.

According to Waterside Workshops' latest data, on an annual basis the organization has provided 77 young people with paid internships and job training, 254 refurbished bikes to youth and adults, and access to its free DIY bicycle repair shop to an estimated 1,360 community members.<sup>1</sup>

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<sup>1</sup> <https://watersideworkshops.org/about/>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Berkeley’s most recent greenhouse gas inventories have identified roughly 60% of community-wide greenhouse gas emissions coming from the transportation sector.<sup>2</sup> Accordingly, the City’s Climate Action Plan identifies “shift[ing] trips to walking, biking, and shared electric modes” as a key strategy for eliminating carbon emissions.<sup>3</sup> By providing free space for bicycle repair, free refurbished bicycles, and workforce development for youth in the community, Waterside Workshops is a key partner for the City’s goals for a Just Transition away from a fossil fuel-based economy in a way that reduces automobile dependence while increasing opportunities for historically marginalized communities.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

- 1: Waterside Workshops Budget vs. Actuals: 2023 Budget - FY23 P&L
- 2: Waterside Workshops Profit and Loss Statement: January 2024
- 3: Waterside Workshops Profit and Loss Statement: January - December 2018

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<sup>2</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-02-08%20Item%2017%20Greenhouse%20Gas%20Emissions%20Inventory.pdf>

<sup>3</sup> [https://berkeleyca.gov/sites/default/files/documents/2023%20Climate%20Action%20Plan%20and%20Resilience%20Staff%20Update%20to%20Council\\_2023-12-12.pdf](https://berkeleyca.gov/sites/default/files/documents/2023%20Climate%20Action%20Plan%20and%20Resilience%20Staff%20Update%20to%20Council_2023-12-12.pdf)



## Waterside Workshops

### Budget vs. Actuals: 2023 Budget - FY23 P&L

January - December 2023

|                                | JAN - MAR, 2023     |                     | APR - JUN, 2023     |                     | JUL - SEP, 2023     |                     | OCT - DEC, 2023     |                     | TOTAL                 |                       |
|--------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-----------------------|-----------------------|
|                                | ACTUAL              | BUDGET              | ACTUAL              | BUDGET              | ACTUAL              | BUDGET              | ACTUAL              | BUDGET              | ACTUAL                | BUDGET                |
| Health Insurance               | 11,819.82           | 12,200.00           | 13,132.80           | 12,600.00           | 15,981.08           | 12,600.00           | 13,710.99           | 12,600.00           | \$54,644.69           | \$50,000.00           |
| Outside Contractors            | 250.00              | 150.00              | 27,150.00           | 27,100.00           | 150.00              | 150.00              | 600.00              | 150.00              | \$28,150.00           | \$27,550.00           |
| Parts and Materials            | 32,402.45           | 58,000.00           | 76,695.90           | 55,000.00           | 19,922.40           | 22,000.00           | 11,766.43           | 15,000.00           | \$140,787.18          | \$150,000.00          |
| Payroll - Program              | 149,351.52          | 145,500.00          | 131,784.44          | 145,500.00          | 155,462.23          | 145,500.00          | 138,691.91          | 145,500.00          | \$575,290.10          | \$582,000.00          |
| Boating payroll                | 3,793.80            | 4,500.00            | 4,223.90            | 4,500.00            | 5,334.31            | 4,500.00            | 5,650.76            | 4,500.00            | \$19,002.77           | \$18,000.00           |
| Youth Job Training Wages       | 16,804.46           | 15,000.00           | 12,692.02           | 15,000.00           | 18,207.35           | 15,000.00           | 13,478.71           | 15,000.00           | \$61,182.54           | \$60,000.00           |
| <b>Total Payroll - Program</b> | <b>169,949.78</b>   | <b>165,000.00</b>   | <b>148,700.36</b>   | <b>165,000.00</b>   | <b>179,003.89</b>   | <b>165,000.00</b>   | <b>157,821.38</b>   | <b>165,000.00</b>   | <b>\$655,475.41</b>   | <b>\$660,000.00</b>   |
| Sales tax expense              | 6,010.56            | 9,000.00            | 9,465.46            | 9,000.00            | 9,366.94            | 9,000.00            | 9,859.96            | 9,000.00            | \$34,702.92           | \$36,000.00           |
| Tools                          |                     |                     |                     |                     |                     |                     | 33.17               |                     | \$33.17               | \$0.00                |
| Youth Expenses                 |                     |                     |                     |                     |                     |                     |                     |                     | \$0.00                | \$0.00                |
| Therapy Services and Medical   | 700.00              | 420.00              |                     | 600.00              |                     | 600.00              | 1,300.00            | 600.00              | \$2,000.00            | \$2,220.00            |
| Youth Trips                    | 1,490.35            |                     | 362.00              |                     | 351.92              |                     | 2,355.40            |                     | \$4,559.67            | \$0.00                |
| <b>Total Youth Expenses</b>    | <b>2,190.35</b>     | <b>420.00</b>       | <b>362.00</b>       | <b>600.00</b>       | <b>351.92</b>       | <b>600.00</b>       | <b>3,655.40</b>     | <b>600.00</b>       | <b>\$6,559.67</b>     | <b>\$2,220.00</b>     |
| <b>Total Program Expenses</b>  | <b>222,622.96</b>   | <b>244,770.00</b>   | <b>275,506.52</b>   | <b>269,300.00</b>   | <b>224,776.23</b>   | <b>209,350.00</b>   | <b>197,447.33</b>   | <b>202,350.00</b>   | <b>\$920,353.04</b>   | <b>\$925,770.00</b>   |
| <b>Total Expenses</b>          | <b>\$292,702.08</b> | <b>\$311,358.43</b> | <b>\$356,945.38</b> | <b>\$342,463.48</b> | <b>\$316,522.26</b> | <b>\$279,337.00</b> | <b>\$266,122.76</b> | <b>\$269,050.41</b> | <b>\$1,232,292.48</b> | <b>\$1,202,209.32</b> |
| NET OPERATING INCOME           | \$ -141,618.78      | \$ -156,525.43      | \$98,652.22         | \$189,469.52        | \$ -31,393.46       | \$ -68,587.00       | \$97,369.64         | \$78,649.59         | \$23,009.62           | \$43,006.68           |
| NET INCOME                     | \$ -141,618.78      | \$ -156,525.43      | \$98,652.22         | \$189,469.52        | \$ -31,393.46       | \$ -68,587.00       | \$97,369.64         | \$78,649.59         | \$23,009.62           | \$43,006.68           |

## Waterside Workshops

## Profit and Loss

January 2024

|                                 | TOTAL              |                    |
|---------------------------------|--------------------|--------------------|
|                                 | JAN 2024           | JAN 2023 (PY)      |
| <b>Income</b>                   |                    |                    |
| Contributed Income              |                    |                    |
| Donations                       | 15,472.01          | 13,785.29          |
| Grants                          |                    |                    |
| Foundations                     |                    | 25,000.00          |
| Government                      | 17,961.96          |                    |
| <b>Total Grants</b>             | <b>17,961.96</b>   | <b>25,000.00</b>   |
| <b>Total Contributed Income</b> | <b>33,433.97</b>   | <b>38,785.29</b>   |
| Program Income                  |                    |                    |
| Bike Repairs                    | 1,820.00           | 2,085.00           |
| Workshop Fees                   |                    | 1,350.00           |
| <b>Total Program Income</b>     | <b>1,820.00</b>    | <b>3,435.00</b>    |
| Sales                           |                    |                    |
| Bicycle Sales                   | 8,727.49           | 19,459.84          |
| Cafe                            |                    | 53.00              |
| <b>Total Sales</b>              | <b>8,727.49</b>    | <b>19,512.84</b>   |
| <b>Total Income</b>             | <b>\$43,981.46</b> | <b>\$61,733.13</b> |
| <b>GROSS PROFIT</b>             | <b>\$43,981.46</b> | <b>\$61,733.13</b> |
| <b>Expenses</b>                 |                    |                    |
| Fundraising                     |                    |                    |
| Salaries - Fundraising          | 3,461.54           | 5,163.50           |
| Website                         | 143.76             | 719.64             |
| <b>Total Fundraising</b>        | <b>3,605.30</b>    | <b>5,883.14</b>    |
| General and Administrative      |                    |                    |
| 403(b) Plan                     | -875.00            | 0.00               |
| Administrative Salaries         | 3,461.54           | 5,163.50           |
| Advertising                     |                    | 114.57             |
| Commuter Check                  | -174.00            |                    |
| Insurance - Auto                |                    | 1,177.30           |
| Insurance - Workers Comp        |                    | 612.24             |
| Meals and Entertainment         |                    | 159.39             |
| Office Expense                  | 11.99              | 252.98             |
| Payroll taxes                   | 5,313.37           | 5,316.67           |
| Postage and delivery            | 72.50              |                    |
| Professional fees               | 216.00             | 642.70             |
| Rent                            | 485.12             | 1,921.28           |
| Security                        | 584.88             | 312.63             |
| Supplies                        | 811.96             | 354.54             |
| Telephone                       | 72.99              | 107.22             |



## Waterside Workshops

## Profit and Loss

January 2024

|                                         | TOTAL              |                    |
|-----------------------------------------|--------------------|--------------------|
|                                         | JAN 2024           | JAN 2023 (PY)      |
| Utilities                               | 814.18             | 951.19             |
| <b>Total General and Administrative</b> | <b>10,795.53</b>   | <b>17,086.21</b>   |
| Insurance                               | 623.60             |                    |
| Program Expenses                        |                    |                    |
| Health Insurance                        | 4,265.16           | 4,399.89           |
| Outside Contractors                     | 260.00             | 150.00             |
| Parts and Materials                     | 4,577.51           | 2,720.99           |
| Payroll - Program                       | 43,254.43          | 46,983.18          |
| Boating payroll                         | 1,819.35           |                    |
| Youth Job Training Wages                | 2,466.22           | 2,947.07           |
| <b>Total Payroll - Program</b>          | <b>47,540.00</b>   | <b>49,930.25</b>   |
| Sales tax expense                       | 5,099.32           | 1,939.09           |
| <b>Total Program Expenses</b>           | <b>61,741.99</b>   | <b>59,140.22</b>   |
| <b>Total Expenses</b>                   | <b>\$76,766.42</b> | <b>\$82,109.57</b> |
| NET OPERATING INCOME                    | \$ -32,784.96      | \$ -20,376.44      |
| NET INCOME                              | \$ -32,784.96      | \$ -20,376.44      |

## Waterside Workshops

## Profit and Loss

January - December 2018

|                                   | TOTAL               |
|-----------------------------------|---------------------|
| Income                            |                     |
| Contributed Income                |                     |
| Donations                         | 57,006.53           |
| Grants                            |                     |
| Foundations                       | 362,366.00          |
| Government                        | 12,500.00           |
| <b>Total Grants</b>               | <b>374,866.00</b>   |
| <b>Total Contributed Income</b>   | <b>431,872.53</b>   |
| Program Income                    |                     |
| Bike Rentals                      | 3,510.00            |
| Bike Repairs                      | 9,908.23            |
| Boatshop Commision                | 360.00              |
| Boatshop Rentals                  | 4,615.00            |
| Boatshop Repairs                  | 600.00              |
| Workshop Fees                     | 5,045.00            |
| <b>Total Program Income</b>       | <b>24,038.23</b>    |
| Sales                             |                     |
| Bicycle Sales                     | 247,308.44          |
| Boatshop Sales                    | 390.00              |
| Cafe                              | 12,895.72           |
| <b>Total Sales</b>                | <b>260,594.16</b>   |
| <b>Total Income</b>               | <b>\$716,504.92</b> |
| <b>GROSS PROFIT</b>               | <b>\$716,504.92</b> |
| Expenses                          |                     |
| Building Renovations              | 6,976.70            |
| Furniture and Equipment           | 1,273.97            |
| <b>Total Building Renovations</b> | <b>8,250.67</b>     |
| Fundraising                       | 312.48              |
| Salaries - Fundraising            | 41,470.82           |
| Website                           | 75.00               |
| <b>Total Fundraising</b>          | <b>41,858.30</b>    |
| General and Administrative        |                     |
| Administrative Salaries           | 38,435.48           |
| Advertising                       | 500.00              |
| Automotive                        | 2,043.99            |
| Commuter Check                    | 106.00              |
| Filing fees/licenses              | 179.80              |
| Insurance - Auto                  | 2,618.52            |
| Insurance - Gen Liablilty         | 14,134.96           |
| Insurance - Workers Comp          | 8,440.00            |
| Meals and Entertainment           | 1,313.17            |

## Waterside Workshops

## Profit and Loss

January - December 2018

|                                         | TOTAL               |
|-----------------------------------------|---------------------|
| Merchant Fees                           | 7,344.48            |
| Miscellaneous Expense                   | 120.00              |
| Office Expense                          | 483.60              |
| Payroll taxes                           | 36,026.68           |
| Postage and delivery                    | 166.64              |
| Professional fees                       | 1,574.55            |
| Promotion and Outreach                  | 254.99              |
| Rent                                    | 1,200.00            |
| Security                                | 2,875.80            |
| Supplies                                | 2,871.33            |
| Telephone                               | 2,846.18            |
| Travel and Mileage                      | 253.30              |
| Utilities                               | 5,913.15            |
| <b>Total General and Administrative</b> | <b>129,702.62</b>   |
| Program Expenses                        |                     |
| Equip repairs and maintenance           | 32.16               |
| Health Insurance                        | 22,781.40           |
| Outside Contractors                     | 3,553.75            |
| Parts and Materials                     | 75,938.36           |
| Payroll - Program                       | 332,505.11          |
| Sales tax expense                       | 21,182.00           |
| Tools                                   | 1,046.70            |
| Youth Expenses                          | 2,531.32            |
| Therapy Services and Medical            | 16,360.00           |
| Youth Housing and Edu                   | 5,019.56            |
| Youth Trips                             | 6,492.63            |
| <b>Total Youth Expenses</b>             | <b>30,403.51</b>    |
| <b>Total Program Expenses</b>           | <b>487,442.99</b>   |
| <b>Total Expenses</b>                   | <b>\$667,254.58</b> |
| NET OPERATING INCOME                    | <b>\$49,250.34</b>  |
| NET INCOME                              | <b>\$49,250.34</b>  |





CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor),  
Councilmember Humbert (Co-Sponsor)

Subject: Relationship Nondiscrimination Ordinance

### RECOMMENDATION

Adopt first reading of an Ordinance amending the Berkeley Municipal Code to include non-discrimination protections based on family and relationship structure.

### SUMMARY

This ordinance aims to extend legal protections to a diverse array of family configurations and relationship structures, including polyamorous relationships, multi-parent families, step-families, and other non-nuclear family structures. It is a significant step towards recognizing and safeguarding the rights and dignity of all residents, reflecting the city's commitment to inclusivity and equality.

### CURRENT SITUATION AND ITS EFFECTS

In today's diverse society, a significant portion of households diverge from the traditional nuclear family model. Research indicates that only a minority of American households fit this normative structure, showcasing a variety of configurations including multi-partner/multi-parent families, step-families, and multi-generational households. Concurrently, consensual non-monogamy (CNM) is practiced by an estimated 5% of American adults.<sup>1</sup>

Despite this prevalence, diverse family and relationship structures lack explicit protection under current laws, leading to widespread stigma and discrimination. Nearly two-thirds of non-monogamous individuals report experiencing discrimination in critical areas such as housing, healthcare, and business services, underscoring the urgent need for legal recognition and protection.<sup>2</sup> Single parents and people who identify as asexual and/or aromantic also face legal difficulties and discrimination in many aspects of public life.<sup>3</sup>

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<sup>1</sup> Scoats, R., & Campbell, C. (2022). What do we know about consensual non-monogamy?. *Current Opinion in Psychology*, 101468. Retrieved Feb. 13, 2024 from <https://www.sciencedirect.com/science/article/pii/S2352250X22001890>

<sup>2</sup> Sheff, E. A. (2017). Polyamory at Work. *Psychology Today*. Retrieved April 27, 2023, from <https://www.psychologytoday.com/us/blog/the-polyamorists-next-door/201710/polyamory-at-work>

<sup>3</sup> European Database of Asylum Law. (2018). Netherlands: Council of State rules that asexual applicants do not fall under the exception for LGBTI people in the application of the "safe country of origin" concept. *EDAL*. Retrieved April 27, 2023 from:

The proposed ordinance in Berkeley, aiming to prohibit discrimination based on family and relationship structure, addresses this gap. By acknowledging the complexity of modern relationships and the inherent dignity of all family structures, this ordinance seeks to foster a more inclusive and empathetic community. It is a necessary step towards ensuring that all residents can live authentically without fear of discrimination, reflecting Berkeley's longstanding commitment to diversity and inclusion.

Establishing anti-discrimination protections based on family and relationship structure is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

### **BACKGROUND**

A group of citizens of Berkeley originally drafted a proposal for additional language to Chapter 13.31 of Berkeley's Municipal Code in 2017. The City Council approved an item with the proposed language introduced by Councilmember Linda Maio and cosponsored by Councilmember Ben Bartlett on the December 19, 2017 Consent Calendar (see Attachment 2). However, this language was never formally adopted as an ordinance. This revised and expanded ordinance includes protections for both 'family structure' and 'relationship structure,' reflecting a comprehensive approach to safeguarding the rights of all citizens regardless of their familial or relational configurations.

### **Review of Existing Laws**

The Berkeley Municipal Code, as it currently stands, enumerates various protected categories under its nondiscrimination ordinances, safeguarding individuals from discrimination based on race, color, national origin, religion, sex, gender, sexual orientation, and disability, among others.<sup>4</sup> However, it lacks specific mention of "family and relationship structure" as protected categories. This omission leaves individuals who do not conform to traditional nuclear family models or who are part of non-monogamous relationships vulnerable to various forms of discrimination and bias.

In addressing this gap, the proposed ordinances draw upon the foundational principles of equity and inclusivity that guide the City of Berkeley's approach to civil rights. By proposing the inclusion of "family and relationship structure" within the ambit of protected categories, these ordinances seek to extend these protections to encompass the full spectrum of family and relationship dynamics present within the community.

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<https://www.asylumlawdatabase.eu/en/content/netherlands-council-state-rules-asexual-applicants-do-not-fall-under-exception-lgbti-people>

<sup>4</sup> e.g. BMC 13.20.030, 13.28.020, 13.09.020

**Alternative Actions Considered**

In considering how best to protect diverse families and relationships from discrimination, the option of revising the Berkeley Municipal Code to explicitly include "family and relationship structure" as protected categories was identified as the most effective and direct approach. This decision was made in light of the fact that there are no existing legal remedies or alternative measures within the city's current legal framework that adequately address the discrimination experienced by individuals in non-traditional family configurations or non-monogamous relationships.

Other alternatives, such as relying on broader state or federal anti-discrimination laws, were deemed insufficient due to their lack of specificity regarding the unique challenges faced by these groups. Similarly, the development of separate programs or policies outside the legal framework was considered less effective, as they would not provide the same level of enforceable protections against discrimination.

Therefore, the proposed ordinances represent a necessary and appropriate step towards ensuring that all residents, regardless of their family or relationship structure, are afforded equal protection under the law. This action underscores Berkeley's commitment to inclusivity and civil rights, ensuring that the city's legal protections evolve to reflect the diversity of its community.

**Consultation/Outreach Overview and Results**

These draft ordinances were informed by extensive consultation and collaboration with key stakeholders dedicated to advancing the rights and acceptance of non-monogamous families and relationships, including:

- The Polyamory Legal Advocacy Coalition (PLAC): This multi-disciplinary coalition of academic and legal professionals, including notable figures such as Alexander Chen, Founding Director of the Harvard Law School LGBTQ+ Advocacy Clinic; Diana Adams, Esq., founder of the Chosen Family Law Center; and Heath Schechinger, M.Ed., Ph.D., Co-Founder of PLAC and Executive Director of the Modern Family Institute. Their collective expertise in legal support, policy advocacy, and academic research on diverse family and relationship forms significantly contributed to the bill's development.
- OPEN (Organization for Polyamory and Ethical Non-monogamy): A California-based nonprofit, OPEN brought to the table its advocacy experience and extensive network, including Berkeley residents who are active in advocating for non-monogamous relationship protections. OPEN's involvement highlights the grassroots support for the ordinance and the organization's role in representing the community's voice.

- PolyActive: This Berkeley-based grassroots advocacy group played a pivotal role in the advocacy for the initial 2017 bill and continued to support the current efforts. Their local insight and community mobilization efforts underscored the immediate need for legal protections within Berkeley.
- The Berkeley City Attorney's office was consulted to ensure the proposed ordinances align with existing legal frameworks and municipal code requirements, facilitating a legally sound approach to extending protections based on family and relationship structure.

These consultations resulted in a robust and inclusive legislative proposal, reflecting a collaborative effort among legal experts, community advocates, and local government representatives. This process underscores the collective commitment to fostering a more inclusive society through meaningful legal change.

#### RATIONALE FOR RECOMMENDATION

Berkeley's commitment to inclusivity, equity, and justice demands that we recognize and protect all forms of family and relationships. The proposed ordinance responds to the evolving nature of our community by prohibiting discrimination based on family and relationship structure, ensuring that every resident, regardless of how they define family, is afforded equal rights and protections.

The initiative to safeguard diverse family and relationship structures is not new to Berkeley. In 2017, efforts began with Consent Item 27, aiming to address these very issues. Today's proposed ordinance, developed with the City Attorney's Office, builds on that work, offering broader protections that reflect our community's values.

Adopting this ordinance will make Berkeley a leader on the West Coast in recognizing the rights of non-traditional families and relationships, aligning with our city's long-standing commitment to human rights. It is a clear statement of our community's dedication to fostering an inclusive and equitable society for all residents.

#### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This ordinance provides a comprehensive framework for enforcement, ensuring that any person aggrieved by violations of its provisions has the right to seek civil action. It empowers individuals, the City Attorney, and the district attorney to take legal action against any entity that contravenes the ordinance, thereby safeguarding the interests of protected classes. Additionally, it stipulates that violators are liable for damages and legal costs, reinforcing the ordinance's deterrent effect against discrimination based on family or relationship structure. The ordinance also outlines a limitation period for actions, ensuring timely justice, and specifies its applicability in alignment with broader state and federal legal standards. Set to be effective from January 1, 2025, this



ordinance represents a significant step towards inclusive and equitable treatment for all Berkeley residents, regardless of their family or relationship structure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

FISCAL IMPACTS OF RECOMMENDATION

This ordinance is not expected to require additional Full-Time Employees (FTEs) for its implementation. The enforcement mechanism leverages current city attorney and district attorney resources without necessitating new personnel or additional General Fund impacts.

OUTCOMES AND EVALUATION

The primary outcome of implementing this ordinance is to provide legal protections for diverse families and relationships in Berkeley, ensuring they are not subject to discrimination based on their family or relationship structure. While the city may not actively monitor the number of civil suits brought forward under these protections, advocacy organizations such as the Polyamory Legal Advocacy Coalition (PLAC) and OPEN (Organization for Polyamory and Ethical Non-monogamy) are committed to tracking and evaluating the impact of these measures. By collaborating with these organizations and remaining attuned to community feedback, the city can assess the effectiveness of the ordinance in safeguarding the rights of its residents and identify any areas for improvement in enforcement or outreach efforts.

CONTACT PERSON

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

Attachments:

- 1: Ordinance
- 2: Prohibiting Discrimination on the Basis of Relationship Structure (12/19/2017)

ORDINANCE NO. ####-N.S.

ADDING CHAPTER 13.22 TO THE BERKELEY MUNICIPAL CODE TO PROHIBIT  
DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE

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

Section 1. That Berkeley Municipal Code 13.22 is hereby added to read as follows:

**Chapter 13.22**

**DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE  
PROHIBITED**

**13.22.010 Purpose**

It is the policy of the City to eliminate all forms of discrimination within the City, particularly discrimination against individuals who are a part of families or relationships that fall outside the nuclear family norm. These include single parents, multi-partner/multi-parent families and relationships, multi-generational households, consensually non-monogamous relationships, and asexual and aromantic relationships. It is the intent of the City to eliminate discrimination against individuals in such family or relationship structures in housing, public accommodations, educational institutions, and business establishments.

**13.22.020 Findings**

The City Council of the City of Berkeley finds and determines as follows:

A. Diverse family structures, including relationship structures involving more than two adults engaged in a loving and consensual relationship, are becoming increasingly common.

B. The perpetuation of nuclear definitions of "family" excludes a significant segment of the Berkeley population, such as multi-partner/multi-parent families and relationships, single parents, multi-generational households, consensually non-monogamous relationships, and consensual intimate relationships, including asexual and aromantic relationships. Individuals should not face discrimination on the basis of whom they share their homes, their hearts, and their lives.

C. People in interpersonal relationships between two or more adult individuals that involve romantic, physical, and/or emotional intimacy face discrimination in many aspects of public life due to prejudicial misunderstandings related to the validity and moral fitness of such relationships.

D. Single parents and people who identify as asexual and/or aromantic also face discrimination in many aspects of public life.

**13.22.030 Definitions**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

A. "Family or relationship structure" means the actual or perceived involvement or uninvolvement of an individual in an "intimate personal relationship" or relationships, as defined

in BMC Section 13.22.030(B). "Family or relationship structure" includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, regardless of whether the individual is currently in any intimate personal relationship(s).

B. "Intimate personal relationship" means any interpersonal relationship between two or more adult individuals that involves romantic, physical, and/or emotional intimacy, irrespective of the marital status of these individuals as defined in Part 11053 of Title 2 of the California Code of Regulations. "Intimate personal relationship" includes, but is not limited to, multi-partner/multi-parent families and relationships, and multi-generational households.

C. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.

D. "Individual" means the same as the term "person."

E. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.

### **13.22.040 Unlawful Activities**

A. In General. It shall be unlawful for any person or agent or employee thereof to discriminate against an individual on the basis of that individual's family or relationship structure, with respect to any of the following activities:

1. *Housing*. Any real estate transaction including but not limited to the rental thereof and/or any related terms, conditions, advertisements, communications, insurance, maintenance, rehabilitation, repairs, improvements, use or availability of facilities, or financing including loans and guarantees;

2. *Business Establishments*. The use or availability of goods, services, facilities, privileges, advantages, or accommodations from any business establishment, and/or any related terms, conditions, advertisements or communications;

4. *Educational Institutions*. Admission and the use or availability of any services, programs and facilities, and/or any related terms, conditions, advertisements or communications;

5. *City Facilities and Services*. The use or availability of any municipal service or facility.

6. *City Supported Services and Facilities*. The use or availability of any service or facility wholly or partially funded or otherwise supported by the City.

B. Exceptions.

1. *Housing*. Nothing in this chapter shall be (a) construed to apply to the rental or leasing of any housing unit in which the owner or any member of the owner's family occupies the same living unit in common with the prospective tenant; (b) deemed to permit any rental

or occupancy of any dwelling unit or commercial space otherwise prohibited by law; or  
(c) override any just cause for eviction set forth in the rental stabilization ordinance.

2. *Education.* It shall not be an unlawful discriminatory practice for a religious or denominational educational institution to limit admission to applicants of the same religion.

C. Pretext. It shall be unlawful to do any of the actions mentioned in subsections (A)(1) through (A)(6) for any reason that would not have been asserted but for an individual's family or relationship structure.

#### **13.22.050 Enforcement**

A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by a court of competent jurisdiction.

C. Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, by the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

#### **13.23.060 Liability for costs and damages**

Any person who violates the provisions of this chapter shall be liable to each person injured by such violation for reasonable attorney's fees and costs as determined by the court, plus damages equaling three times the amount of actual damages or a minimum of one thousand dollars.

#### **13.23.070 Limitation on action**

Actions under this chapter must be filed within one year of the alleged discriminatory acts.

#### **13.23.080 Waiver**

The provisions of this Chapter do not apply where their application would violate or be inconsistent with state or federal laws, rules, or regulations.

#### **13.23.090 Effective date**

The effective date of this ordinance shall be January 1, 2025.

#### Section 2. Severability

If any section, subsection, sentence, clause, phrase, or word of this Ordinance, 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 Ordinance. The Council of the City of Berkeley hereby declares that it would have passed this Ordinance 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 Ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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





COUNCILMEMBER LINDA MAIO  
City of Berkeley

**CONSENT CALENDAR**  
December 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Linda Maio

SUBJECT: Prohibiting Discrimination on the Basis of Relationship Structure

**RECOMMENDATION:**

That the Council refer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure.

**BACKGROUND:**

A group of citizens of Berkeley drafted the proposed additional language to Chapter 13.31 of Berkeley's Municipal Code with a great deal of care and thoroughness. The existing laws within the City of Berkeley presently protect people against discrimination on the basis of a large number of characteristics. Local laws currently prohibit discrimination not only on the basis of ethnicity, religion, and age, but also on the basis of sexual orientation. However, the current local laws do not specifically provide protection from discrimination for polyamorous people or others involved in consensually non-monogamous relationships. This proposed addition to the existing legal code seeks to remedy this situation by extending all the protections currently provided against discrimination on the basis of sexual orientation to polyamorous people. It is proposed that this be accomplished by adding a new chapter to the existing City of Berkeley law code.

The addition to Chapter 13.31 would prohibit discrimination in employment, housing, business practices, city facilities and services, or education on the basis of relationship structure. This would apply to the City of Berkeley as well as private entities. The prohibitions on discrimination in business practices and education would not apply to religious institutions.

The addition would define "relationship structure" as "the number of consenting adults involved in an intimate relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved." "Relationship structure" would also include an individual's "disposition" or desire for a certain relationship structure, regardless of whether that person is in that type of relationship, or any relationship. The addition would also prohibit advertising that expresses the intent to discriminate, or practice of discriminating, on the basis of relationship structure.

The addition would give any person whose rights under the measure are violated the right to sue for compensatory and punitive damages, attorneys' fees, plus not less than \$200 or more than \$400 in addition. Individuals, may also seek injunctions on behalf of themselves or others to prevent or remedy violations of the measure. The District Attorney may also seek injunctions to prevent or remedy violations of the measure.

See attachment for proposed language.

ATTACHMENTS

BMC Chapter 13.31 Proposed language.

ENVIRONMENTAL SUSTAINABILITY

No environmental sustainability impact.

FINANCIAL IMPLICATIONS

Staff time.

CONTACT

Councilmember Linda Maio, District 1, 510-981-7110

## DISCRIMINATION ON THE BASIS OF RELATIONSHIP STRUCTURE

### Section 13.31.010: Policy.

It is the policy of the City to eliminate discrimination based on relationship structure within the City.

### Section 13.31.020: Finding--Definitions.

A. Findings. Discrimination based on relationship structure poses a substantial threat to the health, safety and general welfare of this community. Such discrimination deprives the City of the fullest utilization of its capacities for development and advancement. Further, existing state and federal restraints on arbitrary discrimination are not adequate to meet the particular problems of discrimination based on relationship structure in this community, so that it is necessary and proper to enact local regulations adapted to the circumstances which exist in this City.

B. Definitions. As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

1. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.
2. "Individual" means the same as the term "person." Wherever this chapter refers to the relationship structure of any individual, or the relationship structure of any group, the phrase shall mean the relationship structure of any member of the group.
3. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.
4. "Relationship structure" refers to the number of consenting adults involved in an intimate personal relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved. It also includes an individual's disposition or desire for a certain relationship structure, regardless of whether the individual is currently in that type of, or in any, relationship.
5. Discrimination on the basis of relationship structure shall include both discrimination based on actual knowledge of relationship structure and



discrimination based on supposition or assumption of relationship structure or desired structure.

**Section 13.31.030: Employment.**

A. Unlawful Employment Practices.

1. Employers--Discrimination. It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment on the basis of such individual's relationship structure.
2. Employers--Segregation. It shall be an unlawful employment practice for an employer to limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status on the basis of such individual's relationship structure.
3. Employment Agencies. It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual on the basis of such individual's relationship structure.
4. Labor Organizations. It shall be an unlawful employment practice for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or otherwise adversely affect her or his status as an employee or as an applicant for employment on the basis of such individual's relationship structure.
5. Job Training. It shall be an unlawful employment practice for an employer, an employment agency or a labor organization to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program on the basis of such individual's relationship structure.
6. Advertising. It shall be an unlawful employment practice for an employer, employment agency or a labor organization to print, publish, advertise or disseminate in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which expresses an intent to discriminate based on relationship structure.

B. Pretext. It shall be unlawful to do any of the acts mentioned in subdivisions (A)(1) through (A)(6) of this section for any reason that would not have been asserted but for the relationship structure of any individual. Bona Fide Occupational Qualification not Prohibited--Affirmative Defense.

1. Bona Fide Occupational Qualification. Nothing contained in this section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.
2. Affirmative Defense. In any action brought under Section 13.31.090 of this chapter (enforcement), if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (a) that the job requires a bona fide occupational qualification of a certain relationship structure based on business necessity; and (b) that there exists no less discriminatory means of satisfying the occupational qualification.
3. Exceptions. It shall not be unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system, provided such systems or plans are not a pretext to evade the purposes of this chapter; provided, further, that no such system shall provide an excuse for failure to hire any individual because of relationship structure.

C. Notices.

1. Requirements. Every employer with fifteen or more employees, every labor organization with fifteen or more members, and every employment agency shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment and members are customarily posted, the following notice: "Discrimination on the basis of relationship structure is prohibited by law. Berkeley Municipal Code, Sections 13.31.010-13.31.100."
2. Alternate Compliance. Notwithstanding the above, the provisions of this subsection may be complied with by adding the words "relationship structure" to all notices required by federal or state law, and indicating on the notice that discrimination on the basis of relationship structure is prohibited by the Berkeley Municipal Code, Sections 13.31.010 through 13.31.100.
3. Penalty for Noncompliance. Willful violations of this subsection shall be punishable by a fine of not more than fifty dollars for each offense. This is the exclusive penalty for violations of this subsection, except that individuals and organizations may also seek relief as described in **Section 13.31.080**

**Section 13.31.040: Housing and other real estate transactions.**

A. Unlawful Real Estate Practices.

1. Transactions. Generally, it shall be an unlawful real estate practice for any person to interrupt, terminate or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different and less favorable terms for such transaction; to include in the terms or conditions of a transaction in real property any clause, condition or restriction; or falsely to represent that an interest in real property is not available for transaction, on the basis of any individual's relationship structure.
2. Credit and Insurance. It shall be an unlawful real estate practice for any person to refuse to lend money, guarantee the loan, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different and less favorable conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property, on the basis of any individual's relationship structure.
3. Tenant's Services. It shall be an unlawful real estate practice for any person to refuse or restrict facilities, services, repairs or improvements for any tenant or lessee on the basis of any individual's relationship structure.
4. Advertising. It shall be an unlawful real estate practice for any person to make, print, publish, advertise or disseminate in any way, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which expressed an intent to discriminate based on relationship structure or any other prohibited basis.

B. Pretext. It shall be unlawful to do any of the actions mentioned in subdivisions (A)(1) through (A)(4) for any reason that would not have been asserted but for the relationship structure of any individual.

C. Exceptions.

1. Owner Occupied Dwellings. Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor resides within the living unit and it is necessary for the owner or lessor to use either a bathroom or kitchen facility in common with the prospective tenant(s).
2. Effect on Other Laws. Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

**Section 13.31.050: Business establishments.**

A. Unlawful Business Practice.

1. Business Practices Generally. It shall be an unlawful business practice for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment based on such individual's relationship structure.
2. Advertising. It shall be an unlawful business practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any business establishment which expresses the establishment's intent to or practice of discriminating based on relationship structure or any other prohibited basis.

B. Pretext. It shall be unlawful to do any of the acts mentioned in subdivisions (A)(1) or (A)(2) of this section for any reason that would not have been asserted but for the relationship structure of any individual.

**Section: 13.31.060: City facilities and services.**

A. Unlawful Service Practices.

1. City Facilities. It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to place different terms and conditions on the availability of, the use of any City facility on the basis of such individual's relationship structure.
2. City Services. It shall be an unlawful service practice for any person to deny any individual the full and actual enjoyment of, or to impose different terms or conditions on the availability of, any City service on the basis of such individual's relationship structure.
  - a. Supported Facilities and Services. It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms and conditions upon the availability of, any service, program or facility wholly or partially funded or otherwise supported by the City on the basis of such individual's relationship structure. This subsection shall not apply to any facility, service or program which does not receive any assistance from the City or which is not provided to the public generally.
  - b. Advertising. It shall be an unlawful service practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any service or facility provided by either the City or an organization described in (A)(2a) of this section which expresses the City's or organizations intent to or practice of discriminating based on relationship structure or on any other prohibited basis.

B. Pretext. It shall be an unlawful discriminatory practice to do any of the acts mentioned in subdivisions (A)(1) through (A)(2) for any reason which would not have been asserted but for the relationship structure of any individual.

**Section 13.31.070: Educational institutions.**

A. Unlawful Educational Practices.

1. Admission. It shall be an unlawful educational practice for any person to deny admission, or to impose different and less favorable terms or conditions on admission, on the basis of an individual's relationship structure.
2. Services. It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any service or program offered by an educational institution on the basis of such individual's relationship structure.
3. Facilities. It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different and less favorable terms or conditions upon the access to any facility owned or operated by an educational institution on the basis of such individual's relationship structure.
4. Advertising. It shall be an unlawful educational practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to an educational institution which expresses the educational institution's intent to or practice of discriminating based on relationship structure or on any other prohibited basis.

B. Pretext. It shall be an unlawful discriminatory practice to do any of the acts mentioned in subdivisions (A)(1) through (A)(4) of this section for any reason which would not have been asserted but for the relationship structure of any individual.

C. Exception. It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or give other preferences to applicants of the same religion.

**Section 13.31.080: Liability.**

Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court must award to the individual whose rights are violated, actual damages, costs, reasonable attorney's fees, and not less than two hundred dollars but not more than four hundred dollars in addition thereto. In addition, the court may award punitive damages in a proper case.

**Section 13.31.090: Enforcement.**

- A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.
- B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.
- C. Action for injunction under this subsection may be brought by any aggrieved person, by the district attorney, or by any person or entity who has standing and who will fairly and adequately represent the interests of the protected class.

**Section 13.31.100: Limitation on action.**

Actions under this chapter must be filed within one year of the alleged discriminatory act(s).



CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Budget Referral: Berkeley Junior Jackets Capacity-Building Grant

### RECOMMENDATION

Refer to the Fiscal Year 2025-2026 biennial budget process \$300,000 to provide Young Lives Matter Foundation, Inc. with funding for two years of operating costs for the Berkeley Junior Jackets Football and Cheer youth sports program, and to develop longer-term strategic planning, sustainability and growth plans for the organization.

Direct the City Manager to evaluate organizational capacity and strategic planning supported by this funding on a rolling basis, developing and tracking Key Performance Indicators (KPIs) consistent with Reimagining Public Safety and Gun Violence Prevention program implementation, including but not limited to: program participation, violence prevention training, and staff retention.

### FINANCIAL IMPLICATIONS

\$150,000 in annual General Fund impact.

### CURRENT SITUATION AND ITS EFFECTS

The Berkeley Junior Jackets youth sports programs remain entirely volunteer-run, relying on personal donations from the community and participating families, and City support for field rental expenses. According to the Young Lives Matter Foundation, the households participating in Berkeley Junior Jackets programs—many of whom are on opposite sides of local gang rivalries—agree to peace because of their involvement with the youth in these programs.

Lorenzo Grayson, in his role as President of the Young Lives Matter Foundation, has requested funding from the City of Berkeley to support Berkeley Jr. Jackets Football and Cheer (BJJ) in the amount of \$150,000 per year. The organization's mission is to support underserved youth with life skills, culturally attuned relationships, conflict resolution skills, and leadership development to promote prosocial engagement and positive youth development. The program has five football teams and two cheerleading squads, serving 150 African-American youth per year. Program participants include community members who are at highest risk for involvement with ongoing violence.

\$150,000 would enable the organization to:

- Compensate coaches with stipends.
- Bring in additional training and support for coaches, such as the Positive Coaching Alliance.
- Offer enrollment at low or zero cost to all participating youth and families
- Cover the cost of team annual banquet and awards dinner; offer a coaches' dinner, and quarterly staff retreats.
- Begin to develop longer term sustainability and growth plans for the organization.

### BACKGROUND

The Berkeley City Council approved a \$6,000 allocation for Berkeley Junior Jackets in November 2022, and a \$7,000 allocation in late 2023 to defray the full rental costs for the season's games and practices, in addition to equipment and uniforms.

Since 2017, the nonprofit Young Lives Matter Foundation has operated the Berkeley Junior Jackets athletics program to build community through leadership, wellness, academic, and sports programming for Berkeley's young people. As an all-volunteer organization, Junior Jackets is doing invaluable work for Berkeley's families and children with intensely limited resources, and is continuously fundraising to maintain operations. Their programs are of particular importance to the Black families that call South and West Berkeley home, as well as those displaced from Berkeley. The Berkeley Jr Jackets mission of encouraging positive life choices while dealing with academic achievement, personal nutrition, social acceptance, domestic violence, homelessness, and bullying is critically important for Berkeley's lower-income neighborhoods that have experienced increases in violent crime and property crimes.

Nonprofit community-based services such as Berkeley Jr Jackets need active support from local government so that they can pursue their mission at full capacity. Supporting community-based organizations and services that have already built trusting bonds with local residents has been consistently raised as a key strategy for implementing a successful Gun Violence Prevention program, colloquially known as Ceasefire, in Berkeley and jurisdictions across the nation. While this item proposes a one-time allocation, the organization's central role in community violence prevention calls for evaluation and accountability practices consistent with ongoing program implementation overseen by the City's Reimagining Public Safety Project Coordinator. Thus, while this presents an additional cost to the City in the short term, the investment would also enable the organization to build internal capacity to seek and retain other funding sources such that it can continue providing vital programming at a sustainable lower cost to taxpayers in the future.

Supporting free youth sports programming and mentorship in the community advances our Strategic Plan's goal to champion and demonstrate social and racial equity.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

1: Budget Referral: Berkeley Junior Jackets Facilities Expenses (November 2023)



CONSENT CALENDAR  
Nov. 14, 2023

To: Honorable Mayor and Members of the City Council

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

Subject: Budget Referral: Berkeley Junior Jackets Facilities Expenses

### RECOMMENDATION

Refer to the Annual Appropriations Ordinance #2 process \$7,000 to provide Young Lives Matter Foundation, Inc. the necessary funds for the Berkeley Junior Jackets youth sports program's operating expenses associated with the use of Berkeley Unified School District facilities.

### FINANCIAL IMPLICATIONS

\$7,000.

### BACKGROUND

Since 2017, the nonprofit Young Lives Matter Foundation has operated the Berkeley Junior Jackets athletics program to build community through leadership, wellness, academic, and sports programming for Berkeley's young people. As an all-volunteer organization, Junior Jackets is doing invaluable work for Berkeley's families and children with intensely limited resources, and is continuously fundraising to maintain operations. Their programs are of particular importance to the Black families that call South and West Berkeley home, as well as those displaced from Berkeley. The Berkeley Jr Jackets mission of encouraging positive life choices while dealing with academic achievement, personal nutrition, social acceptance, domestic violence, homelessness, and bullying is of immeasurable importance at a time when violence has escalated in South and West Berkeley. Nonprofit community-based services such as Berkeley Jr Jackets need active support from local government so that they can pursue their mission at full capacity.

The Berkeley City Council approved a \$6,000 allocation for Berkeley Junior Jackets in November 2022. A \$7,000 allocation would defray the full rental costs for the season's games and practices, with an additional \$200 left over for equipment and uniforms.

Supporting free youth sports programming and mentorship in the community advances our Strategic Plan's goal to champion and demonstrate social and racial equity.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

- 1: Berkeley Unified School District Property Management Invoice and Permit: Jacket Stadium (7/19/23)
- 2: Berkeley Unified School District Property Management Invoice and Permit: Jacket Field and the Wrestling Room (8/22/23)
- 3: Urgent Item: Budget Referral: Berkeley Junior Jackets (November 2022)



Berkeley Unified School District

**Berkeley Unified School District  
PROPERTY MANAGEMENT INVOICE and PERMIT**

**Date: 7/19/23**

**Permit #24-0003**

**Invoice # 24-0003**

**To: Berkeley Jr Jackets**

**Facility: Jacket Stadium**

**Date of use: 8/20, 8/26, 9/9, 9/23 & 10/6**

**Hours of use: 7a-6p**

**Custodial fees: \$546 per game**

**Rental fees: \$396 per game**

**TOTAL DUE: \$4710**

Certificate of insurance on file expires .

**Payment is due 10 days before the date of use.** If payment is not received by due date this permit will be canceled.

Please make cashier's check or money order payable to: Berkeley Unified School District and refer to your permit number on all correspondence and payments. Send payment to:

**Jeff Snow  
Facility Manager  
C/O Berkeley High School  
1980 Allston way  
Berkeley, CA 94704**

*Jeffrey Snow*  
Berkeley High School Facility Manager  
(510) 644-4567



Berkeley Unified School District

**Berkeley Unified School District  
PROPERTY MANAGEMENT INVOICE and PERMIT**

**Date: 8/22/23**

**Permit #24-0007**

**Invoice # 24-0007**

**To: Berkeley Jr Jackets Practices**

**Facility: Jacket Field and the Wrestling Room**

**Date of use: 8/21-9/1 (5 days a week) 9/4-10/20 (3 days a week)**

**Hours of use: 7:30-9:00p**

**Custodial fees: 0**

**Rental fees: \$2090**

**TOTAL DUE: \$2090**

Certificate of insurance on file expires .

**Payment is due 10 days before the date of use.** If payment is not received by due date this permit will be canceled.

Please make cashier's check or money order payable to: Berkeley Unified School District and refer to your permit number on all correspondence and payments. Send payment to:

**Jeff Snow  
Facility Manager  
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1980 Allston way  
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Berkeley High School Facility Manager  
(510) 644-4567



# URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)  
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE  
ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE  
CITY COUNCIL’S DISCRETION ACCORDING TO BROWN ACT RULES**

**Meeting Date: November 15, 2022**

**Item Description: Budget Referral: Berkeley Junior Jackets Field Use Expenses**

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)  
*Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.*
- X Immediate Action Required (54954.2(b)(2) - two-thirds vote required)  
*There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.*

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

**Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:**

Berkeley Junior Jackets is an all-volunteer non-profit that has led youth sports and education programming alongside the organization Youth Lives Matter since 2017. In recent years, the organization has paid Berkeley Unified School District for the use of the fields at Berkeley High School for many of their games. The costs for using these fields are incredibly burdensome for an organization running without profit. The City of Berkeley must do what it can to support programs like the Jr Jackets, which primarily serves Berkeley’s Black youth, with funding when opportunities such as this one arise. A budget allocation at this time is necessary in order to allow Jr Jackets to plan for its next year of programming.



CONSENT CALENDAR

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Berkeley Junior Jackets Field Use Expenses

RECOMMENDATION

That the City Council refers \$6000 to the November Annual Appropriations Ordinance to provide Berkeley Junior Jackets' the necessary funds to cover expenses associated with the use of Berkeley Unified School District facilities in the operation of their youth sports program.

FISCAL IMPACTS

An estimated \$6,000 for the use of Berkeley High School's field during the 2023-2024 school year.

BACKGROUND

Since 2017, Berkeley Junior Jackets has worked in conjunction with Youth Lives Matter to build community through leadership, wellness, academic, and sports programming for Berkeley's young people. As an all-volunteer agency, Junior Jackets is doing invaluable work for Berkeley's families and children with intensely limited resources. Their programs are of particular importance to the Black families that call South and West Berkeley home, as well as those displaced from Berkeley. The Berkeley Jr Jackets mission of encouraging positive life choices while dealing with academic achievement, personal nutrition, social acceptance, domestic violence, homelessness, and bullying is of immeasurable importance at a time when violence continues to wreak havoc on West Berkeley communities. Organizations such as Jr Jackets, which runs without profit and is limited in its resources, require active support from local government so that they can pursue their mission at the height of their ability.

ENVIRONMENTAL IMPACTS

None.

CONTACT

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







CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Taplin, Councilmember Humbert (co-sponsor)  
 Subject: Budget Referral: Vision Zero Rapid Response on Bicycle Boulevards

### RECOMMENDATION

1. Refer to the City Manager to incorporate the City of Oakland's Neighborhood Bike Route Implementation Guide for all Bicycle Boulevards designated in the City of Berkeley's Bicycle Plan, pursuant to the City's Vision Zero Action Plan, Complete Streets Policy, and other applicable policies and plans; and to prioritize proactive and retroactive implementation of standards on Bicycle Boulevards in response to recent traffic collisions, with consideration for quick-build interventions that can be removed, modified or made permanent to advance Vision Zero Action Plan goals.
2. Refer to the Fiscal Year 2025-2026 biennial budget process \$200,000 for a Pilot implementation of Neighborhood Bikeway standards and Complete Streets interventions on Heinz Avenue and the intersection with Seventh Street, and prioritizing implementation on Bicycle Boulevards on High Injury Streets and/or the Equity Priority Area, considering any and all possible interventions to eliminate the risk of severe and fatal collisions such as: centerline hardening, quick-build pedestrian safety zones, curb extensions, raised crosswalks, ADA accessibility improvements at AC Transit bus stops, and protected left-hand turns.

### FINANCIAL IMPLICATIONS

\$200,000 in one-time General Fund impact. While the cost of permanent curb bulb-outs has been estimated at \$160,000<sup>1</sup> in previous budget referrals, \$200,000 is requested in recognition of the wide variety of possible interventions, timelines, and costs associated with them, some of which may already be addressed by currently-budgeted allocations.

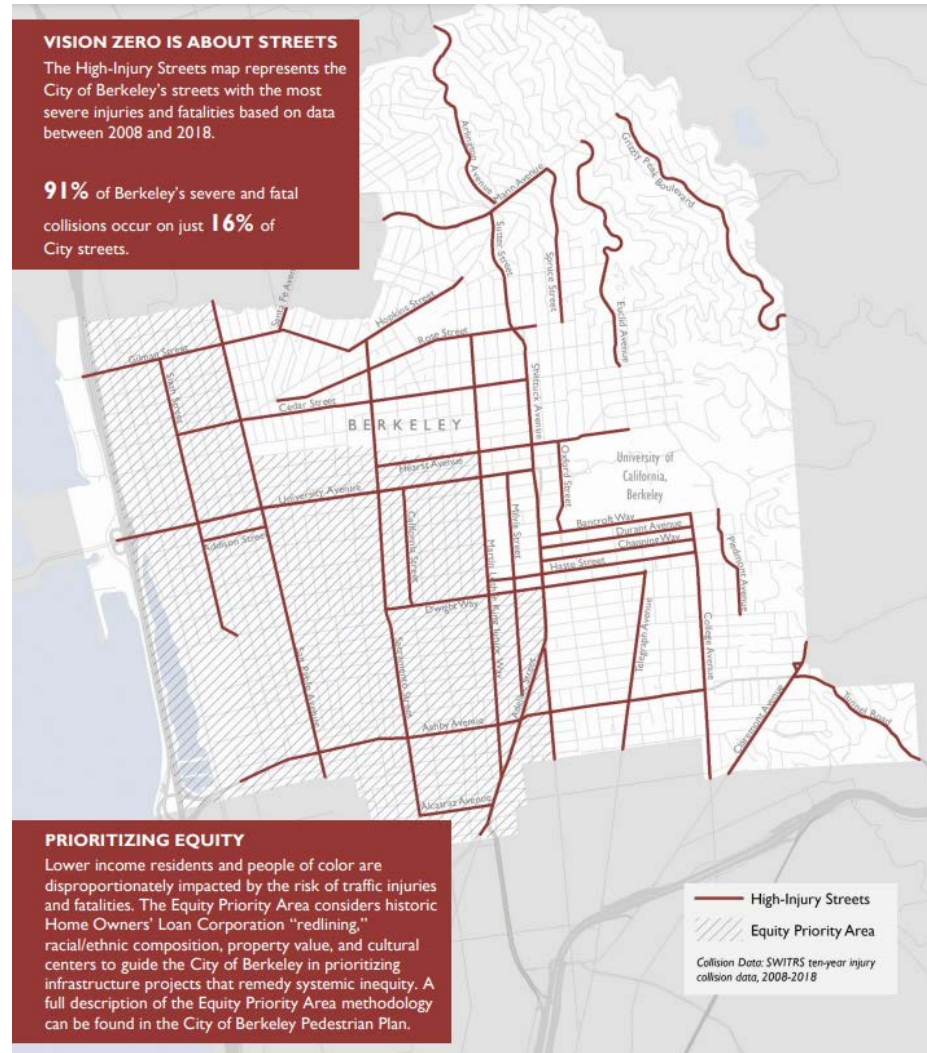
### CURRENT SITUATION AND ITS EFFECTS

Rapid Vision Zero implementation on Bicycle Boulevards is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

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<sup>1</sup> Budget Referral: George Florence Traffic Calming (Mar. 9, 2021).  
<https://berkeleyca.gov/sites/default/files/documents/2021-03-09%20Item%2016%20Budget%20Referral%20George%20Florence%20-%20Supp%20Taplin.pdf>

The City of Berkeley is currently not on track to meet its goal “to eliminate fatal and severe traffic crashes by 2028,” as established under the Vision Zero Action Plan in 2019. Most recently, there were two serious collisions at the intersection of Seventh St and Heinz Ave within one month in 2024: on February 13, resident Adam Moss was struck by a motorist on his e-bike while carrying his toddler;<sup>2</sup> on February 28, an unnamed pedestrian was sent to the Intensive Care Unit with critical injuries after being struck by a motorist.<sup>3</sup> This intersection is a half-mile from three High Injury Streets identified in the Vision Zero Action Plan (San Pablo Avenue, Ashby Avenue, Sixth Street) and is within the City’s Equity Priority Area.



<sup>2</sup> Raguso, E. (2024, Feb. 18). Berkeley father and toddler hit by driver during bike commute *Berkeley Scanner*. Retrieved Apr. 5, 2024 from <https://www.berkeleyscanner.com/2024/02/13/traffic-safety/berkeley-father-toddler-struck-by-driver-bike-commute/>

<sup>3</sup> Gecan, A. C. (2024, Feb. 29). Motorist hits pedestrian with car in West Berkeley, sending her to ICU. *Berkeleyside*. Retrieved Apr. 5, 2024 from: <https://www.berkeleyside.org/2024/02/29/seventh-heinz-pedestrian-struck>

As illustrated in a February 2024 report by the Disaster and Fire Safety Commission with the chart below, road safety continues to be a critical issue for pedestrians, cyclists, and motorists in Berkeley.<sup>4</sup> In the first quarter of 2024, Berkeley saw a 20% increase in collision injuries from Q1 2023, according to the Berkeley Police Department.<sup>5</sup>

Figure 2. Annual average collisions causing injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.

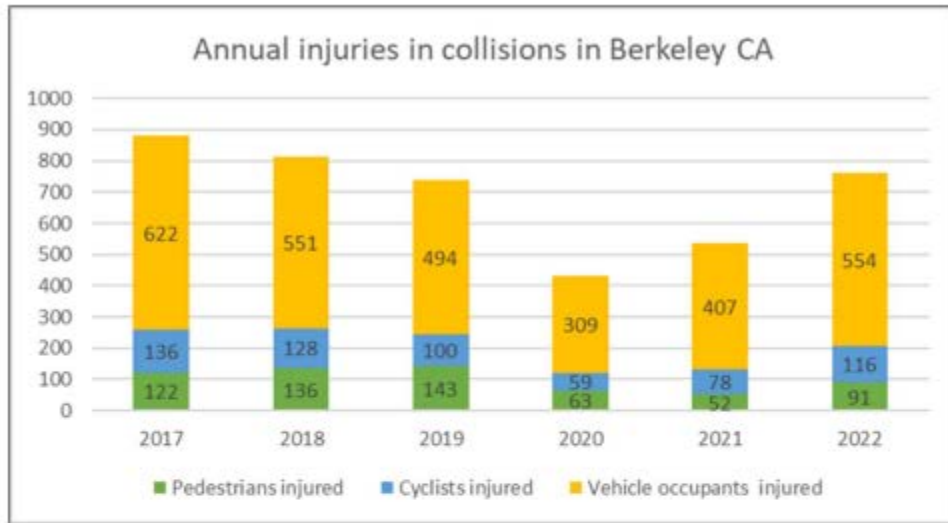
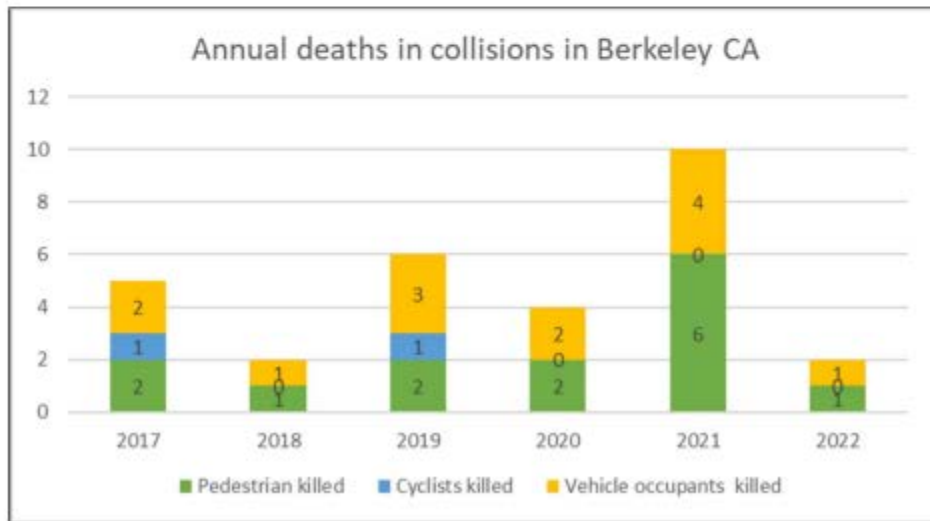


Figure 3. Annual average collisions causing fatal injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.



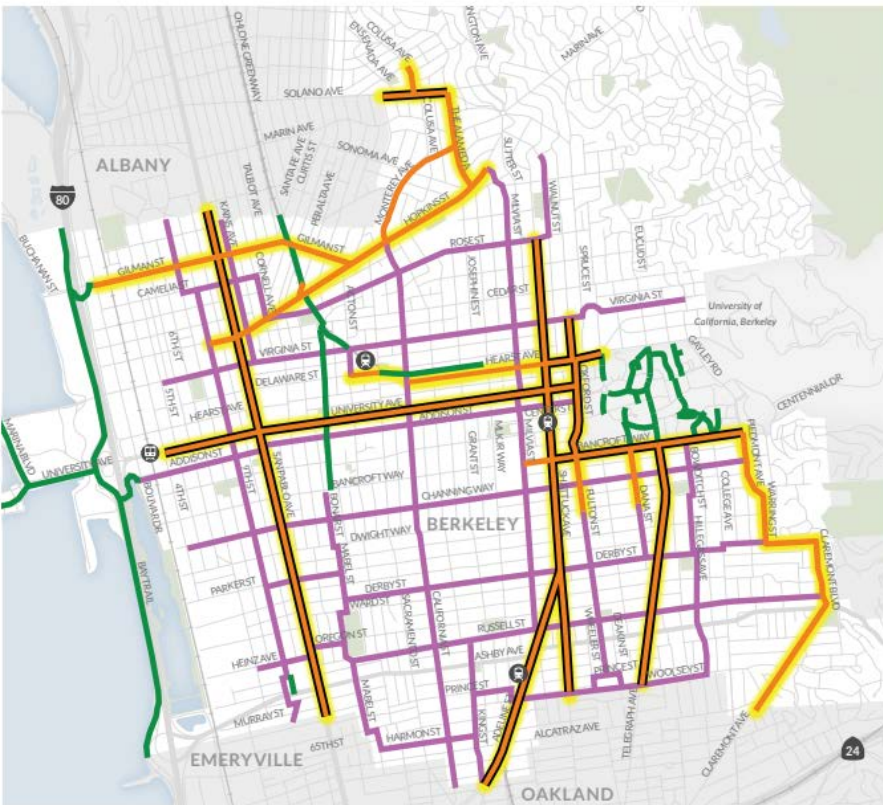
<sup>4</sup> <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/DFSC%20Agenda%20Packet%2024-02-08.pdf#page=19>

<sup>5</sup> <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/traffic-safety>

**BACKGROUND**

The City of Berkeley first adopted a Complete Streets Policy in 2012 (Resolution 65,978-N.S.). Complete Streets are defined in the Berkeley Bicycle Plan as “a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including people walking, people bicycling, persons with disabilities, people driving motor vehicles, movers of commercial goods, users and operators of public transportation, emergency responders, seniors, youth, and families.”

Adopted in 2017, the Berkeley Bicycle Plan has three overarching goals, the first being Safety First: “Zero bicycle-involved fatalities by 2025 [emphasis added]...Zero bicycle-involved severe injuries by 2035.” The plan established policies to design a Low Stress Bikeway Network “suitable for the ‘Interested but Concerned [potential cyclists],’ to include people [of] all ages and ability levels riding bicycles in Berkeley.”



**FIGURE 5-1: LOW-STRESS BIKEWAY NETWORK VISION**

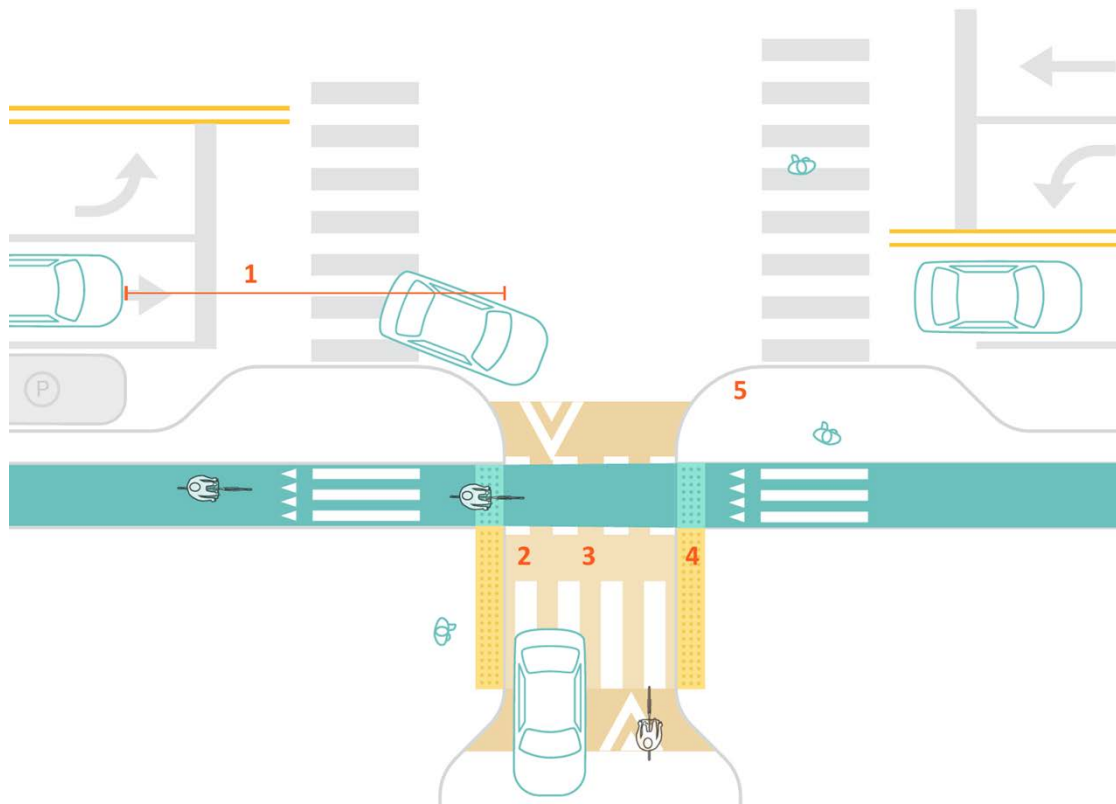
|                                                                                                               |                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
|  PAVED PATH                |  COMPLETE STREET CORRIDOR STUDIES - LOW STRESS BIKEWAY RECOMMENDATION |
|  BICYCLE BOULEVARD NETWORK |  STUDY CYCLETRACK [4]*                                                |
|  CYCLETRACK [4]            |  PRIMARY TRANSIT ROUTE - STUDY CYCLETRACK [4]*                        |

The Bikeway Network policies included direction to “adopt the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide as the primary design guide for citywide bicycle facility design.” NACTO’s Urban Bikeway Design



Guide contains best practices for designing Bicycle Boulevards under various conditions, stating: “Bicycle Boulevards use signs, pavement markings, and speed and volume management measures to discourage through trips by motor vehicles and create safe, convenient bicycle crossings of busy arterial streets.”

In 2017, NACTO expanded the Urban Bikeway Design Guide with *Don't Give Up at the Intersection*, providing more detailed guidance for intersections. This publication recommends the following elements for Minor Street Crossings:<sup>6</sup>



### 1. Clear Sight Distance

A clear approach sightline gives drivers time to see and yield to people in the crossbike, and gives people on bike or on foot time to see and react to turning cars.

### 2. Crossbike & Crosswalk Markings

Crossbike and crosswalk markings provide conspicuity to people on bike or on foot. High-visibility markings provide the formal crosswalk and crossbike.

### 3. Raised Crossing

Raised crossings improve bicyclists' visibility and reduce the speed at which vehicles turn by bringing the vehicle crossing up to (or near) the sidewalk level. In addition, the

<sup>6</sup> NACTO. (2017). "Minor Street Crossings." *Don't Give Up at the Intersection*. Retrieved from: <https://nacto.org/publication/dont-give-up-at-the-intersection/minor-street-crossings/>

*raised crossing is a signal to turning cars that through-moving bikes and pedestrians have the right of way.*

#### **4. Detectable Warning Surfaces**

*Detectable warning surfaces alert people who are blind or have low vision that they are entering an intersection.*

#### **5. Compact Corners**

*Small turn radii force turning drivers to slow down. If there is no raised crossing, the corner radius is the primary method to reduce turn speed.*

Other types of street crossings, including Designated and Protected Intersections, contain even more design elements to slow motor vehicle traffic and decrease turning radii.

More broadly, NACTO recommends various design principles for “Intersections of Major and Minor Streets” in its Urban Street Design Guide.<sup>7</sup> These primarily consist of “gateway” treatments to “limit turning speeds from the major to the minor street” such as curb extensions, raised crosswalks, bollards, and median refuge islands.



*Illustration from NACTO Urban Street Design Guide*

### **Vision Zero and Bicycle Plan Developments to Date**

The City of Berkeley adopted its Vision Zero Action Plan in 2019, setting the goal of eliminating serious and fatal traffic collisions by 2028. The plan acknowledges that unsafe street design enables unsafe driving behavior, which disproportionately impacts cyclists, pedestrians, and other vulnerable groups including the elderly, young children, people with disabilities, people of color and low-income households.

<sup>7</sup> NACTO Urban Street Design Guide: Intersections of Major and Minor Streets: <https://nacto.org/publication/urban-street-design-guide/intersections/intersections-of-major-and-minor-streets/>

The Vision Zero Action Plan contains the following among its guiding principles, the importance of which cannot be understated: “People make mistakes. We will design our streets so that mistakes do not result in death or severe injury.”

To advance this goal, the City Council has periodically and repeatedly advanced policies to strategically align street infrastructure planning and maintenance with Complete Streets designs to *eliminate* the risk of severe and fatal collisions. Notably, reducing motor vehicle speeds to 20 miles per hour eliminates the majority of this risk, as illustrated below:

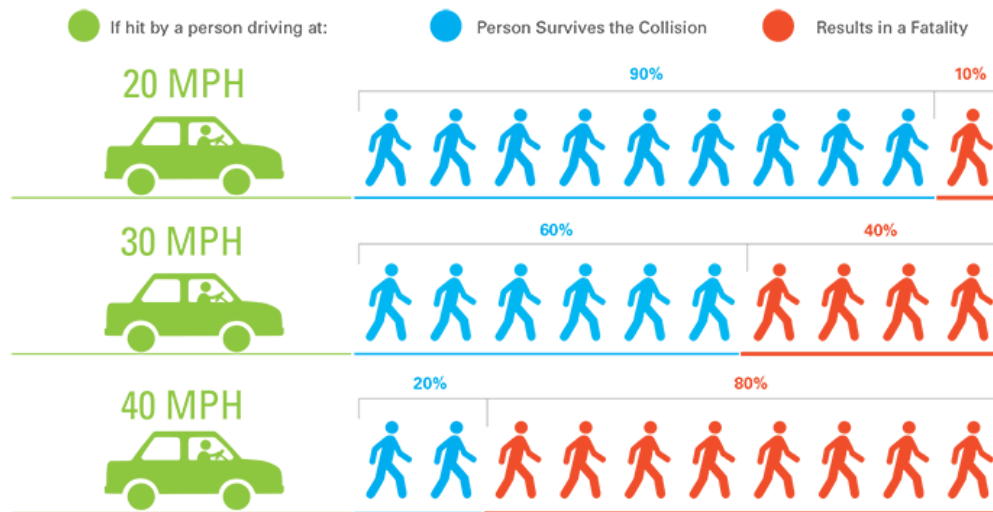


Illustration: Institute of Transportation Engineers<sup>8</sup>

On November 14, 2023, the Berkeley City Council adopted Resolution No. 71,097–N.S. as amended, to approve the Alameda County Transportation Commission’s San Pablo Avenue Multimodal Corridor Program: Safety Enhancements and Parallel Bike Improvements Projects, with the additional authorization for the City Manager “to direct staff to implement traffic calming measures on parallel bike routes as consistent as possible with the City of Oakland’s Neighborhood Bike Route (NBR) design standards.” Oakland’s NBR Implementation Guide is consistent with the City of Berkeley and NACTO’s design standards, with the inclusion of speed humps on every block to the extent feasible.

On December 5, 2023, the City Council passed a budget referral to allocate FY 2024 TNC tax revenues, including in part:

3. \$325,000 to increase the citywide Traffic Calming Budget on a one-time basis to \$400,000 (up from the current \$75,000); and
4. \$450,000 to citywide to fund:

<sup>8</sup> <https://www.ite.org/technical-resources/topics/speed-management-for-safety/speed-as-a-safety-problem/>

- a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and*
- b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and*
- c. priority quick-build public transit projects under the Street Repair Program; and ... to consider establishing an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. [sic] a-c.*

In both the Vision Zero Action Plan and the 2020 Pedestrian Plan, Sixth Street is identified as a High Injury Street with a high proportion of severe and fatal collisions. However, Sixth Street merges into Seventh Street south of Dwight Way via Dwight Crescent. Given the methodology used for identifying High Injury Streets, it is conceivable that the southern portion of Seventh Street would qualify if it were considered as a continuous extension of Sixth Street, as it is often used:

*...each street received a cumulative score based on the number and severity of collisions that took place. Street lengths were normalized to ensure that the high-injury analysis captured streets with higher densities of collisions. Then, streets that were more than 1.2 standard deviations away from the normalized mean were identified as a High Injury Street.<sup>9</sup>*

Thus, it is unclear if the December 2023 budget referral is sufficient in scope to provide additional resources for a rapid traffic calming response to the Heinz Avenue Bicycle Boulevard. This budget referral proposes to preclude any uncertainty or hesitation with respect to immediate action on Heinz.

### **Examples of Quick-Build Projects**

The City of Oakland has recently implemented “quick-build” projects—implemented within one year of planning—for street safety improvements.<sup>10</sup> AC Transit is currently also partnering with the City of Berkeley for a quick-build transit priority lane project on Durant Avenue.

Below are several examples of quick-build projects implemented in Oakland to prevent fatal traffic collisions. Oakland’s Department of Transportation cautions that the speed of implementation cannot account for the lack of national standards and potentially rising maintenance costs; however, the possibility of permanent improvements in the

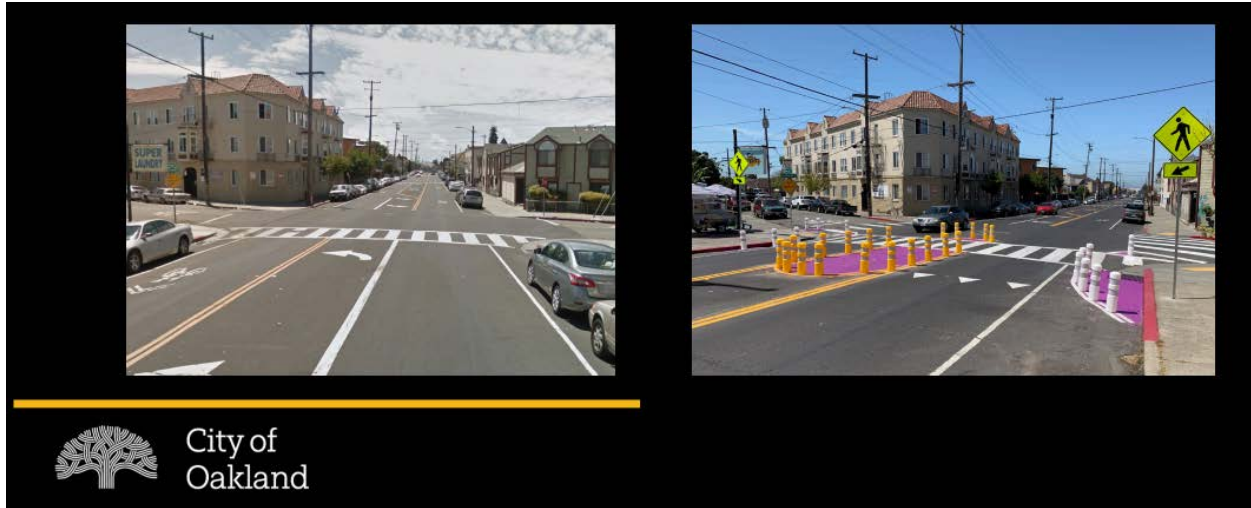
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<sup>9</sup> Berkeley Pedestrian Plan. (2020). Appendix C:  
<https://berkeleyca.gov/sites/default/files/documents/2020%20Pedestrian%20Plan%20Appendix%20C%20%28adopted%29.pdf#page=24>

<sup>10</sup> Oakland Department of Transportation presentation (2023):  
[https://mtc.ca.gov/sites/default/files/documents/2023-04/1b-OakDOT\\_Quick\\_Build\\_Projects.pdf](https://mtc.ca.gov/sites/default/files/documents/2023-04/1b-OakDOT_Quick_Build_Projects.pdf)



long-term can mitigate maintenance costs (e.g. replacing plastic bollards with concrete barriers).



*“Painted Safety Zones” with flex posts and paint (curb bulb-outs and median refuge islands)*



*“Hardened Centerline” with flex posts and speed bumps for left turn hardening*

In communications with the City Manager’s Office and the District 2 Council Office, Public Works staff has indicated that centerline hardening may be an appropriate response to the recent collisions at Seventh and Heinz.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The City of Berkeley’s Climate Action Plan, adopted in 2009, includes the following recommendation: “Accelerate implementation of the City’s Bicycle and Pedestrian Plans

and continue efforts to make walking and cycling safe, healthy, and enjoyable alternatives to driving.”<sup>11</sup>

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

- 1: City of Oakland Neighborhood Bike Route Implementation Guide
- 2: City of Berkeley Vision Zero Action Plan

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<sup>11</sup> Berkeley Climate Action Plan: <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>





# City of Oakland Neighborhood Bike Route Implementation Guide





## Introduction

This Guide provides direction on implementing the City of Oakland’s Bike Plan (2019) recommendations for “neighborhood bike routes” (NBRs) also known as “bicycle boulevards.” The Bike Plan proposes over 75 centerline miles of NBRs (see Figure 1, Neighborhood Bike Route Map, next page) which are defined as:

- Calm local streets where bicyclists have priority but share roadway space with automobiles.
- Include shared roadway bicycle markings on pavement and additional traffic calming measures like speed humps or traffic diverters to keep streets comfortable for bicyclists.
- Comfortable for bicyclists with wider range of comfort levels.

The Bike Plan outlines four actions for streets to be designated as NBRs:

1. Improving Major Street Crossings;
2. Reducing or Preventing Speeding;
3. Preventing High Car Volumes; and
4. Increasing Pavement Quality.

This Guide describes implementation in the following five subject areas: Scoping & Monitoring, Route Establishment, Traffic Calming, Traffic Control, and Public Notification & Comment.



Some of the proposed NBRs in the Bike Plan are beyond the scope of this document. These include streets with significant AC Transit service and streets that are designated as thoroughfares for motor vehicles (i.e., arterials and collectors). Some collectors are residential streets with modest traffic volumes, and this guide is intended for these streets. However, other collectors and arterials have significantly higher traffic volumes and provide key connections in the street network. This guide does not provide all of the resources necessary for determining the feasibility and desirability of these more ambitious proposals. For a preliminary assessment of all NBRs, see the screening analysis at <https://tinyurl.com/OaklandNBR> and accompanying map at <https://arcg.is/OLXmbK>.

## 1. Scoping & Monitoring

To evaluate the level of traffic calming required, average daily traffic counts, speeds, and five-year crash data should be consulted. (Note: If 311 data is found to be accessible and helpful, this should be included as well.) If access restrictions or stop sign modifications are proposed, other data will be required (see Sections 2 and 3).

OakDOT sets target traffic speeds and volumes for NBRs based on NACTO’s Contextual Guidance for Selecting All Ages and Abilities Bikeways, March 2014<sup>1</sup> as follows:

- Speeds less than or equal to 20 mph (95<sup>th</sup> percentile), less than or equal to 2,000 average vehicles per day, and less than 50 vehicles per hour per direction at peak hour; or
- Speeds less than or equal to 25 mph (95<sup>th</sup> percentile), less than or equal to 1,500 average vehicles per day, and less than 50 vehicles per hour per direction at peak hour.

<sup>1</sup> [nacto.org/publication/urban-bikeway-design-guide/designing-ages-abilities-new/choosing-ages-abilities-bicycle-facility](https://nacto.org/publication/urban-bikeway-design-guide/designing-ages-abilities-new/choosing-ages-abilities-bicycle-facility)

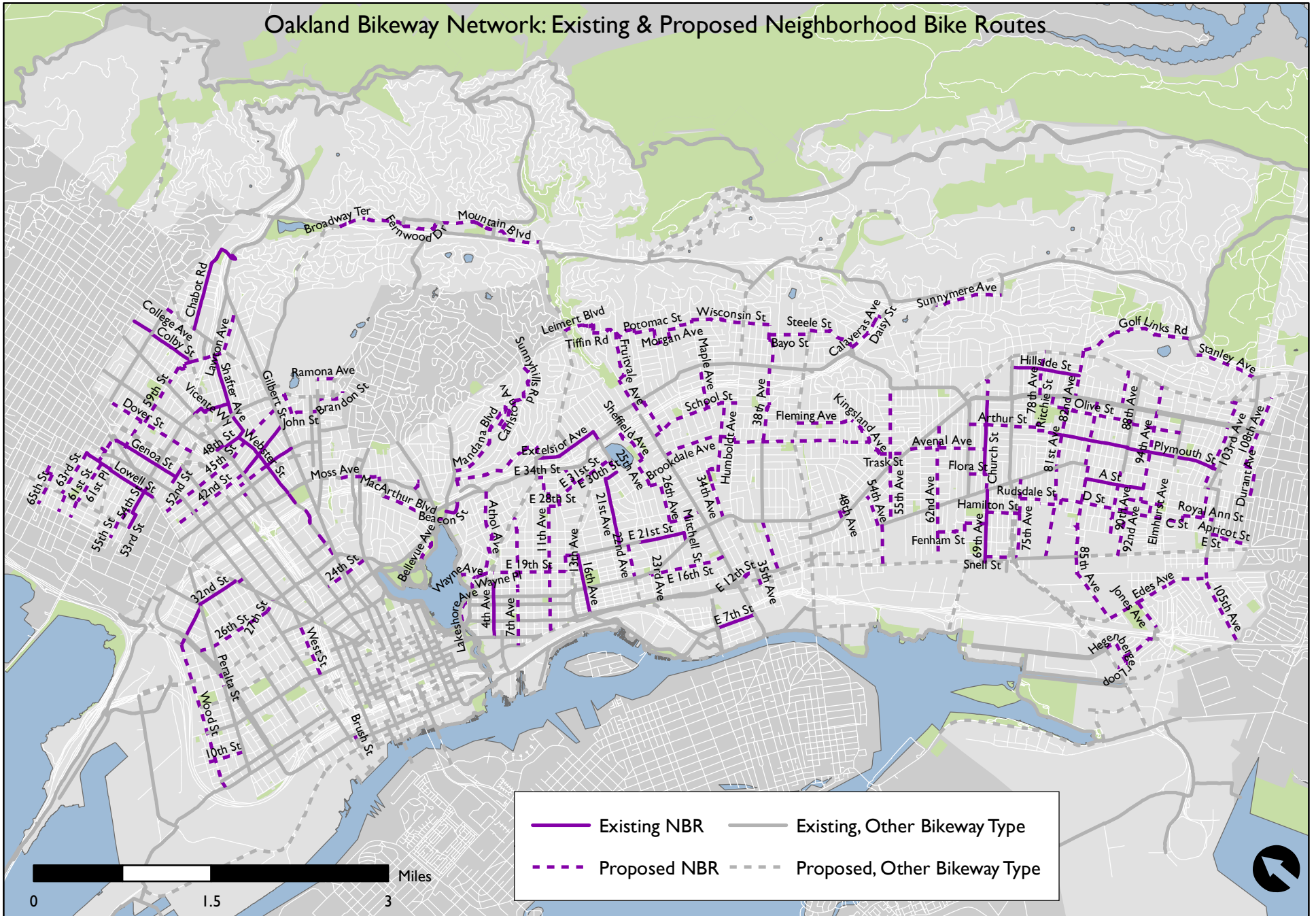


Figure 1: Neighborhood Bike Routes Map



Projects implementing NBRs on streets with traffic speeds and volumes above these thresholds should strive to reduce speeds and volumes to below these targets. Existing bike-ways that exceed these targets will be classified as bike routes, not as NBRs.

Some proposed NBRs may need ongoing monitoring if the existing traffic calming is insufficient to achieve the targets, or if traffic patterns change. If the route is not meeting those targets, additional traffic calming should be considered. This new monitoring system can be incorporated into Oakland's annual counts program.

## 2. Route Establishment

An NBR includes pavement markings, bike route signs, traffic calming (typically a minimum of one speed hump/table/cushion per block as feasible), and consideration of pavement quality.

### **Mid-Block Bicycle Pavement Markings**

Install sharrows per current City standards (Figure 2). (Also see Issues for Further Discussion, page 11.)

### **Intersection Bicycle Pavement Markings**

No markings are needed at unsignalized rectilinear local/local intersections, where both streets are 40' wide or less. At other intersections apply the following:

Use chevrons (Figure 3, and see OakDOT Design Detail RM-10) at:

- Signalized and/or skewed intersections with four or fewer approaches;
- In large traffic circles;
- Transitions to/from bike lanes; and
- Where one or more streets are wider than 40'.

Use green-backed sharrows (Figure 4) at:

- Offset intersections;
- Intersections where a bikeway turns;
- Complex multi-legged intersections; and
- Across divided roadways.



Figure 2: Oakland sharrow



Figure 3: Intersection chevron markings, 38th Ave and Brookdale Ave



Figure 4: Green-backed sharrows, Waller St and Pierce St, San Francisco



Figure 5: 50 ft double centerline

### Other Pavement Markings

Include speed hump markings, stop stencils (as needed), and centerlines (50 LF) approaching controlled intersections (Figure 5). Avoid the use of edge line stripes and continuous center lines. (Per CA MUTCD Section 3B.01, centerlines are not required on local streets. On urban collectors and arterials, centerlines are required on roads that are at least 20' wide and have ADTs of 6,000 vehicles per day or greater.)

### Bicyclist Guide Signs

Install bicycle guide signs per current City standards (Figure 6)<sup>2</sup>. In areas with few supported destinations (per City standards) and where an NBR does not connect to other signed bikeways, guide signs and decision signs may be sufficient. Where the new NBR does not connect to another signed bikeway, signs can be deferred. Also see Issues for Future Discussion, below.

### Pavement Considerations

Projects implementing new NBRs should consider the pavement quality on the proposed route in determining the feasibility of the project. If resurfacing would be beneficial but is cost-prohibitive, consider spot pavement repairs or paving only the travel lanes and not the parking lanes. Where possible, work should be coordinated with the City Council-adopted paving prioritization plan.

If the paving plan (or another project) will pave only part of a proposed NBR, the new route should only be implemented in the following situations:

- where the new segment connects to another existing bikeway (example: 45th St, Linden St to Market St);
- where the pavement quality of adjacent segments allows the installation of a longer bikeway; or
- if additional resources for paving have been secured for the adjacent segments.

If one of these three criteria is not met, the new NBR should not yet be designated. However, speed humps and/or other traffic calming should be considered.

## 3. Traffic Calming

All NBRs should include traffic calming with a minimum of one speed hump per block (as feasible). Additional traffic calming may be necessary to achieve the targeted speeds and volumes specified above.

### Volume and Speed Management

Discourage through traffic and reduce motor vehicle volumes and speeds through the implementation of traffic calming measures, such as vertical deflection (speed humps/cushions/tables), traffic circles (Figure 7), islands (Figure 8), and diverters (Figure 9). At minimum, an NBR should include one speed hump per block as feasible.



Figure 6: Oakland bike route sign

<sup>2</sup> <https://tinyurl.com/OakDOTBikeWayfinding>





Figure 7: Traffic circle (Shafter Ave, Oakland)



Figure 8: Island cut-through (Channing St, Berkeley)

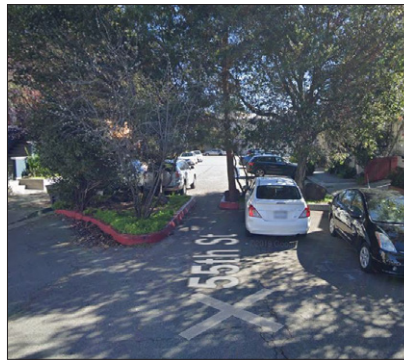


Figure 9: Diverters (left to right, Milvia St, Berkeley; 55th St east of Telegraph Ave, Oakland; Russell St, Berkeley)

Speed humps may not be feasible on all blocks due to block length, street grade, or conflicts with utilities or driveways<sup>3</sup>. Additional speed humps and/or other calming measures should be applied when traffic volumes and/or speeds exceed OakDOT's guidelines.

### Daylighting

Parking may be removed up to 20 feet from the curb return on intersection approaches (standard best practice for all streets).

### Traffic Restrictions

Current City policy governing street closures is in City Council Resolution 71056 C.M.S. (1994) "Resolution Adopting Rules and Regulations Governing the Prohibition of Entry To, or Exit From, or Both From City Streets." To close a street, the following conditions must be met:

1. the street's functional classification designates it as a local street;
2. where unwarranted through traffic is using the street;
3. 67% or more of residents support the change; and
4. a determination that the health and safety of the residents of the street and of neighboring streets will not be adversely affected.

<sup>3</sup> [www.oaklandca.gov/services/apply-for-a-speed-bump](http://www.oaklandca.gov/services/apply-for-a-speed-bump)



Access restrictions (Figures 8 and 9) should be considered where the volume of cut-through traffic is incompatible with a street's designation as an NBR. Access restrictions should be designed to reduce or eliminate through traffic while allowing local access (e.g., right-in/right-out only at collectors and arterials). Proposals for traffic restrictions require basic study and outreach (per Resolution 71056) and may need an area-wide traffic study to determine where the traffic would be diverted to help communicate the diversion to affected residents, and, potentially, to determine if additional traffic calming is needed to address impacts created by that diversion.

Resolution 71056 does not allow partial or full closures to streets classified as collectors or arterials. Such streets could be reclassified as local streets to allow for access restrictions. This reclassification process is managed by Caltrans, as designated by the Federal Highway Administration to oversee the functional classification of California's roadways. The request process requires a City Council resolution, concurrence by the Metropolitan Transportation Commission, and approval by Caltrans.

## 4. Traffic Control

Through and cross-traffic on NBRs should be controlled to give bicyclists priority and create safe crossings.

### Stop Control at Local Streets

Minimize the number of intersections along NBRs where cross traffic does not stop.

- Intersections of NBRs and local streets should be either: (1) stop-controlled on the local approaches only (preferred); or (2) all-way stop-controlled.
- Intersections of two NBRs should be all-way stop-controlled.
- Where stops remain on the NBR, install the supplemental stop sign placards (Figure 10), "ALL WAY" or "CROSS TRAFFIC DOES NOT STOP" as applicable.
- When stops are eliminated on an NBR, monitor post-project traffic volumes and speeds to determine if changes in stop control should be accompanied by traffic calming (if not already included).



Prior to the removal of stop signs:

- Review traffic volumes (vehicle, bicyclist, pedestrian) to ensure the volumes are lower than the thresholds that typically warrant stop signs.
- Conduct a visibility study including sight triangle analysis and approach speed data collection.
- If visibility is limited, can obstructions be removed or approach speeds reduced? If not, do not remove stop signs. Existing speed data must show speeds that do not create sight distance triangle limitations prior to stop sign removal. (Speed data should not be inferred based on future installation of traffic calming features.)
- Review crash history to ensure there are no crash trends that would be exacerbated by stop sign removal.

Figure 11: Treatments for Uncontrolled Crossings of Arterials and Collectors



Bicycle warning sign (Market St/61st St, Oakland)



RRFBs (Broadway/23rd St, Oakland)



High-visibility crosswalk (Lowell St/Stanford Ave, Oakland)



Curb extension (Virginia St/Shattuck Ave, Berkeley)



Median island (source: NACTO Guide)



Passive bike detection (Hillegass Ave/Ashby Ave, Berkeley)

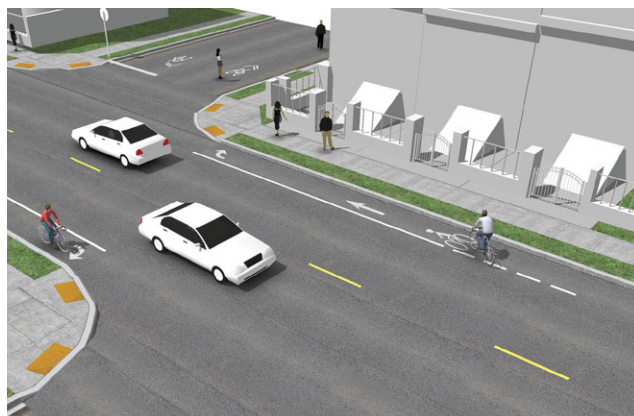


### Uncontrolled Crossings of Collectors and Arterials

Work to eliminate such crossings. Where they cannot be eliminated, install treatments that support bicyclists at uncontrolled crossings of collectors and arterials. Possible treatments (see Figure 11, previous page), from low to high intensity and cost, include:

- Bicycle warning signs;
- “BIKE XING AHEAD” pavement legends;
- High-visibility crosswalks;
- Bikeway markings through the intersection;
- Stop signs;
- Median islands;
- Rectangular rapid flashing beacons (RRFBs) with bicyclist-accessible push button actuation;
- Curb extensions;
- Pedestrian hybrid beacons (PHBs) with passive bicyclist detection; and
- Traffic signals.

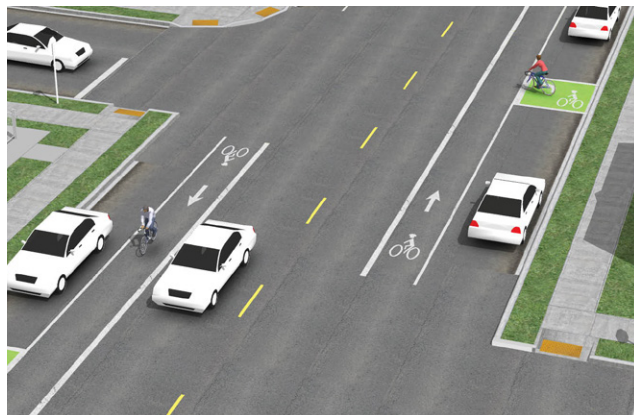
Figure 12: Treatments for Offset Intersection Crossings of Arterials and Collectors (source: NACTO Guide)



Bike lanes



Bicycle turn pockets



Two-stage turn queue boxes



Two-way cycle track

---

### **Offset Intersections at Collectors and Arterials**

NBRs should avoid shared-lane situations on the major street wherever possible. Possible offset intersection treatments (Figure 12, previous page) may include:

- Bike lanes;
- Bicycle turn pockets;
- Two-stage turn queue boxes;
- Two-way cycle tracks;
- Pedestrian hybrid beacons with passive bicyclist detection; and
- Traffic signals.

Treatments are context-sensitive and respond to available width, traffic volumes, and the presence of a center turn lane, bike lanes, and/or a traffic signal.

## **5. Public Notification and Comment**

Residents on and near proposed NBRs should be notified early in the project development process when public comments can be addressed. Typically, the City will send a project mailer to addresses within 400' of the proposed bikeway describing the project and providing an opportunity to weigh in and, optionally, to provide supporting comments. For NBR projects, an additional notification should be sent to addresses immediately adjacent to the locations of proposed traffic calming. Projects that restrict traffic (e.g., street closures, turn restrictions) may involve a broader process to address neighborhood concerns associated with diverted traffic.

Whether from mailers, surveys, meetings, or other contacts, the City should strive to resolve concerns as feasible within the scope of the project and with the design tools available to OakDOT. Possible solutions include expanding the scope of work to address the concerns of neighbors on nearby streets; or reducing the scope of work to eliminate traffic calming elements proposed in particular locations. General concerns regarding the project's goals (e.g., slowing traffic) may not lead to changing the project but may entail additional outreach. Conversely, a proposed speed hump may be deleted or relocated, for example, in response to a resident with a physical disability who benefits from a level parking space in front of their home. The purpose of public notification and comment is to achieve the OakDOT Strategic Plan goal on Responsive Trustworthy Government by "providing Oaklanders with an open, accessible and efficient transportation agency."

## Issues for Future Discussion

### **Type of Pavement Marking**

These guidelines assume that low stress bike routes are going to be referred to as Neighborhood Bike Routes in maps and communications materials, and thus recommend the use of sharrows per current City standards (Figure 1). However, some favor City of Berkeley style BIKE BLVD pavement markings (Figure 12) which are larger and convey an understandable “brand.” However, BIKE BLVD markings would not be consistent with the NBR naming. Further, concerns have been raised that local residents may perceive such markings as a harbinger of unwanted gentrification. Some favor an enlarged sharrow marking. Concerns include the ability of contractors to procure and use custom pavement legends.

### **Additional Placemaking Signs**

To address the following recommendation from the Bike Plan: “OakDOT will engage communities in a collaborative design process to develop placemaking signage for Neighborhood Bike Routes. The signs will complement bicycle wayfinding signage by depicting neighborhood identities.” (p.121)

### **Modified Street Name Sign**

In addition to placemaking signs, and to complement guide signs, modified street name signs, similar in purpose to those used to mark bike boulevards in Emeryville and Berkeley (Figure 13) could be considered. The advantage of a modified street name sign is that NBRs would be easier to identify—particularly at intersections. A preliminary estimate indicates that 50 street name signs would be required per centerline mile of NBR. To meet this standard along the 14 centerline miles of existing NBRs, it is estimated that 700 street name signs would need to be replaced or modified. (This estimate is based on Cavour St which is 0.2 miles long, with five intersections, and two street name signs per intersection.)

### **The “Idaho Rule”**

When approaching STOP controlled intersections on local streets, most bicyclists yield and do not come to a complete stop. In recognition of this, the state of Idaho passed a law in 1982 allowing bicyclists to treat STOP signs as yield signs. Similar rules have since been adopted in Delaware, Colorado, Oregon, and Washington ([https://en.wikipedia.org/wiki/Idaho\\_stop](https://en.wikipedia.org/wiki/Idaho_stop)). Various attempts have been made to pass this law in California, but to date, they have not been successful. With such a law this typical behavior by bicyclists would become legal behavior, thus reducing the impetus for removing STOP signs on NBRs. A possible disadvantage is that bicyclists could exercise less caution at STOP signs than they do today.

### **Emergency Response Classification Map**

OakDOT should consider partnering with OFD, OPD, and other stakeholders to develop a map of emergency vehicle stations and routes and seek review and vetting when proposing traffic calming on major emergency vehicle routes.



Figure 13: Bicycle boulevard marking



Figure 14: Street name signs



A photograph of a road sign with a white border and a white grid overlay. The sign is white with red text that reads "DRIVE LIKE YOUR FRIEND DIED HERE". The sign is mounted on a wooden post. The background is a blurred outdoor setting with trees and a road. The entire image has a reddish-orange tint.

DRIVE  
LIKE  
YOUR  
FRIEND  
DIED  
HERE

# CITY OF BERKELEY VISION ZERO ACTION PLAN

Approved March 10, 2019  
by the Berkeley City Council

## ACKNOWLEDGEMENTS

Thank you to the Task Force and Advisory Committee for helping to shape this plan.

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## ABOUT VISION ZERO

Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all. Vision Zero is, first and foremost, an *engineering* strategy that aims to design and build our streets to eliminate all severe and fatal traffic injuries. These engineering efforts are supported by public awareness education and traffic enforcement. Equity-driven Vision Zero traffic enforcement utilizes the best possible data and is focused on areas of Berkeley where engineering and education efforts have already been implemented.





# INTRODUCTION





## CAPTURING SITES OF FATAL AND SEVERE COLLISIONS

All photos in this plan were taken at locations in Berkeley where someone lost their life or sustained a severe injury in a traffic collision. The images demonstrate that there is rarely any way for someone passing by to know a tragedy took place, since things often continue as they did before. Vision Zero challenges this status quo and strips away the societal acceptance that fatal and severe traffic collisions are a necessary byproduct of mobility. As part of this plan, rapid-response communications and safety project protocols will be established to help tell victims' stories and deliver quick-build projects where engineering countermeasures may effectively improve safety.



Every year, an average of two people die and 21 people are severely injured in Berkeley due to traffic violence. Vision Zero is about recognizing that these deaths and severe injuries are preventable and unacceptable – no one should lose their life or experience a life-altering injury while traveling on Berkeley streets, no matter who they are or how they travel.

We began our commitment to Vision Zero in 2018 through the adoption of a Vision Zero resolution to end all traffic-related deaths and severe injuries on City streets by 2028. Since then, we have established two working groups: a Task Force, comprised of key City staff, elected officials, and partner agencies; and an Advisory Committee, comprised of representatives from advocacy groups, the public, Berkeley Unified School District, and City of Berkeley Commissions. The Task Force and Advisory Committee have worked together to craft the Vision, Guiding Principles, and Actions presented in this plan. To learn more about the process, see **Appendix A: Vision Zero Action Plan Development**.

While every action item introduced in this plan is fundamental to the success of Vision Zero, the priority actions presented on the next page are the near-term focus of Vision Zero in Berkeley, based on feedback from the Task Force and Advisory Committee on existing resources, and staff and community priority. The full list of actions for the City of Berkeley is introduced later in this plan, in “Taking Action.”

Throughout the development of this plan, two key themes were frequently discussed: this plan must be accountable, and this plan must be crafted through an equity lens.

## ACCOUNTABILITY

This plan takes strategic and pointed actions to keep Vision Zero front and center in the City of Berkeley – calling for continuous plan updates to remain in line with best practices and trends; an audit conducted by the City Auditor to make sure Vision Zero has the appropriate level of staff and resources to be effective; and building redundancy by integrating Vision Zero actions into other guiding documents, including the Berkeley Strategic Plan and departmental work plans.

## EQUITY

This plan is equity-driven, starting with recognizing that we do not understand the full magnitude of inequities today due to gaps in key safety datasets. The plan recommends that we utilize Berkeley Police Department collision report data to better understand who are the victims of traffic collisions; perform a robust assessment of other key gaps in safety datasets as part of the first update to this plan; and elevate community voices to understand the perception of safety and personal security in our most vulnerable communities. This plan also includes actions to create a traffic ticket diversion program for bicyclists and pedestrians, and calls for partnerships with community-based organizations and culturally-relevant and context-specific outreach and educational campaigns. The plan emphasizes engineering and education actions first, supported by equity- and data-driven traffic enforcement conducted consistent with the City of Berkeley’s Fair and Impartial Policing Policy.

## PRIORITY ACTIONS

- **Establish a standing Vision Zero Coordinating Committee** consisting of City staff, Commissioners, partner institutions, members of the community, advocacy groups, and community-based organizations who have a role in advancing Vision Zero action items with quarterly meetings organized around a predetermined annual agenda. Seek to establish a funding source to compensate members of the community and community-based organizations to enable their participation.
- **Conduct a citywide Vision Zero Action Plan assessment** of existing staffing and funding capacity to complete Vision Zero action items.
  - **Create a staffing matrix** of existing and proposed staff for the delivery of high-priority Vision Zero action items. New or realigned staff needs are anticipated in Public Works safety project team; Public Works Vision Zero Program support staff; Public Information Officers in key Vision Zero departments, including Police and Health, Housing, and Community Services; Berkeley Police Department Vision Zero collision data analysis; Health, Housing, and Community Service Vision Zero data analysis and public awareness programs.
  - **Establish a milestone staffing and funding schedule** to complete high-priority Vision Zero action items, including City and grant funds.
- **Proactively build capital-intensive and quick-build safety projects** on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.

## PRIORITIZATION APPROACH

This plan prioritizes engineering, education, and public awareness before enforcement to achieve Vision Zero in Berkeley. Each action item is prioritized based on feedback from the Task Force and Advisory Committee on existing resources, and staff and community priority, as well as the potential transformative impact of each item:

- **Existing Resources:** Actions are prioritized that likely already have the needed resources, both staff and funding, to deliver.
- **Staff Priority:** Actions are prioritized that are of interest and priority to the Task Force and Vision Zero Program staff.
- **Community Priority:** Actions are prioritized that are of interest and priority to the Advisory Committee.
- **Transformative/High Impact:** Actions are prioritized that would have major positive impacts on safety or City collaboration, based on the Institute of Transportation Engineer's *Core Elements of Vision Zero* and ongoing City efforts.

The actions introduced here are the near-term focus for the City of Berkeley. The full list of actions in priority order can be reviewed in **Appendix B: Prioritized Actions Matrix**.

- **Request a Vision Zero Performance Audit** to be performed during the FY21 audit period to evaluate the implementation of the Action Plan and make any additional needed recommendations, including additional and/or realigned staffing and funding, for effective Vision Zero Action Plan implementation. Provide required six-month updates to City Council.
- **Establish a Vision Zero Rapid Response Safety Communication Protocol.** Employ a communication strategy in response to recent severe and fatal collisions aimed at the human element of traffic safety, including health and prevention messaging to the Berkeley community.
- **Support statewide traffic safety legislation** allowing automated speed enforcement by local agencies, designation of speed limits on local streets based on desired safety outcomes rather than the existing prevailing speed, and the reduction of local residential street speed limits to below 25 MPH, which would allow for 20 MPH speed limit on local residential streets, consistent with “20 Is Plenty” campaigns. Utilize existing legislated automated enforcement strategies, such as red light cameras.
- **Establish a Complete Streets Repaving and Development Project Checklist** to ensure proactive and reactive Vision Zero safety infrastructure for people of all ages and abilities are included with each repaving project and in the conditions of approval for development projects. With the Vision Zero Coordinating Committee, consider establishing an equity-driven approach to prioritizing repaving projects.
- **Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign** to increase awareness about Vision Zero and the top traffic violations for severe and fatal injuries in Berkeley, elevating victims’ stories. Regularly update the campaign to ensure it is context-specific, accessible, and culturally relevant. Collaborate with community-based organizations to distribute material and promote messages and public events that normalize active transportation and transit as healthy and responsible transportation choices.
- **Develop a publicly accessible matrix and map to prioritize and track projects.** Prioritize both new/existing requests/referrals and delivery of established infrastructure project lists (e.g., Five Year Repaving Program, BeST Plan, etc.) according to the Vision Zero High-Injury Streets map and equity-driven prioritization from City Council adopted plans such as the Bicycle Plan and forthcoming Pedestrian Plan.
- **Utilize the Berkeley Police Department’s collision report data on parties involved,** such as housing status or whether parties involved are disabled, to help address equity gaps in Statewide Integrated Traffic Records System (SWITRS) collision data. Confirm that Berkeley Police Department report training emphasizes consistent use of these collision report data fields and, if needed, provides training resources for avoiding transportation mode bias in collision reporting. When necessary, update the collision report form to be consistent with emerging mobility modes.
- **Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault.** Focus enforcement efforts on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley’s Fair and Impartial Policing Policy.

## GLOSSARY

### Equity

Race, ethnicity, gender, age, socioeconomic status, or physical or mental ability can no longer be used to predict access to safe transportation, and safety and access for all groups are improved.

This definition is adapted from the Government Alliance on Race & Equity's *Racial Equity Toolkit*. The City of Berkeley is a core member of the Government Alliance on Race & Equity (GARE).

### Severe Injury

A severe injury is based on the reporting police officer's visual assessment of a victim at the scene of the collision. The California Highway Patrol's *Collision Investigation Manual* defines a severe injury as an injury other than a fatal injury which results in broken bones, dislocated or distorted limbs, severe lacerations, or unconsciousness at or when taken from the collision scene. It does not include minor lacerations. Some severe injuries may not be classified as such by the reporting officer if they are not visible or otherwise apparent.

### Vulnerable Users

Users of the roadway that are more vulnerable to traffic-related death or injury due to their demographic, socioeconomic status, physical or mental ability, or mode of travel. This may include people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, people with disabilities, and people who walk and bike.







## WHY WE NEED VISION ZERO?





## BERKELEY NEEDS VISION ZERO

Every year, on average two people die and 21 people sustain severe injuries on Berkeley streets due to traffic violence. This is unacceptable and preventable – no one should lose their life or suffer a life-altering injury when traveling in our city. All statistics presented on this page are based on data between 2013 and 2017 - the most recent five years of collision data available through the Statewide Integrated Traffic Records System (SWITRS).

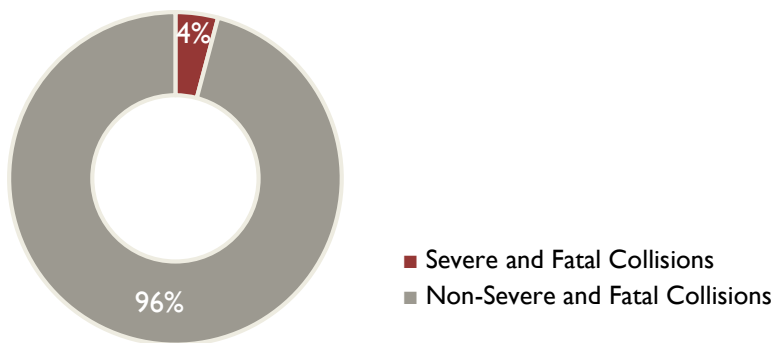
### DISPROPORTIONATE BURDEN

We know that people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, and people with disabilities are over-represented in fatal and severe injury collisions, but we currently have limited data within SWITRS collision reports to understand the magnitude of the disproportionate burden. This plan addresses those data gaps head-on and establishes strategies to start collecting and utilizing more meaningful data to understand inequities on our streets. We also are not waiting for more data to take an equity-driven approach to Vision Zero. Read more about our proposed strategies in “Taking Action.”

### VISION ZERO IS ABOUT THE 4%

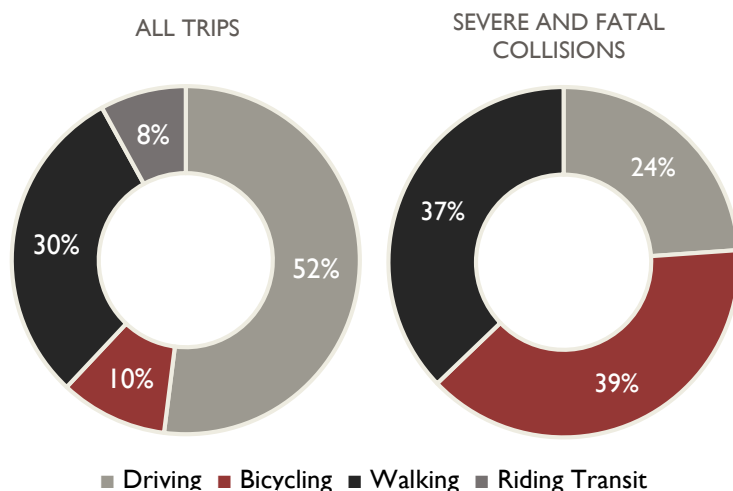
On average, 4% of collisions on Berkeley streets result in a fatality or severe injury.

**That is 4% too many.**



### VISION ZERO IS ABOUT MODE

Collisions disproportionately impact people riding bicycles and people walking. The numbers are stark – collisions involving someone riding a bicycle or walking make up almost **80%** of collisions that result in death or severe injury, despite making up just **40%** of trips in Berkeley.



Collision Data: SWITRS five-year injury collision data, 2013-2017

Mode Data: California Household Travel Survey for the City of Berkeley, 2012

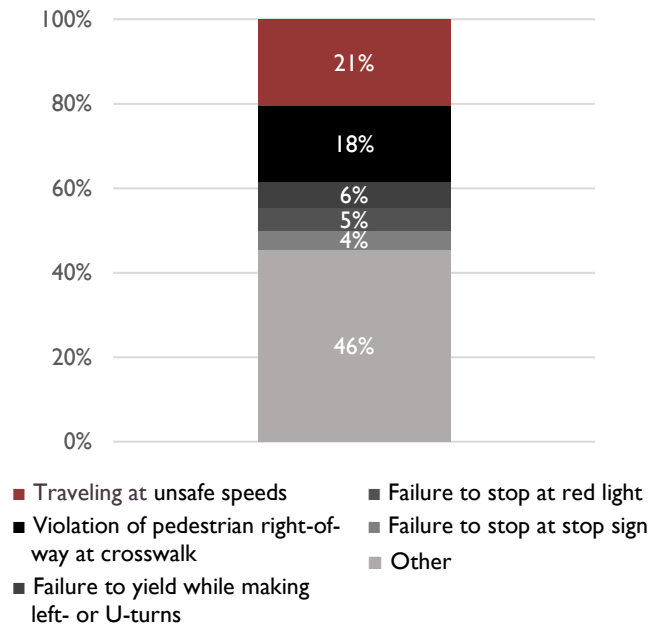
## VISION ZERO IS ABOUT TRAFFIC VIOLATIONS

Every collision involves multiple factors. The top traffic violations reported during the years 2013 to 2017 for collisions in Berkeley that resulted in death or severe injury were **traveling at unsafe speeds, violation of pedestrian right-of-way at a crosswalk, failure to yield while making left or U-turns, failure to stop at a red light, and failure to stop at a stop sign**. Vision Zero focuses on the most significant factors associated with severe and fatal traffic collisions in order to make the greatest impact.

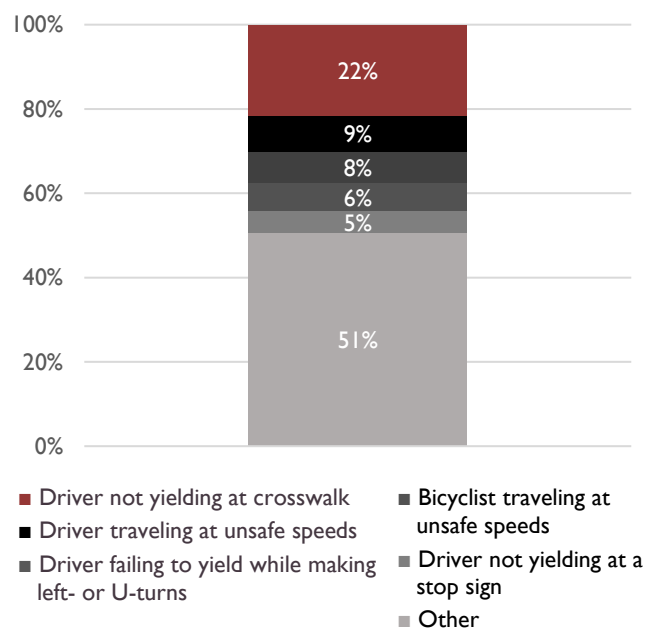
Safety is also about how we share public space and how we interact on our streets. When we consider the primary party at fault, the top traffic violations for severe and fatal vehicle-involved collisions in Berkeley were **drivers not yielding at crosswalks; drivers traveling at unsafe speeds; drivers failing to yield to oncoming traffic when making a left- or U-turn; bicyclists traveling at unsafe speeds; and drivers not yielding at stop signs**. While party at fault data is subjective and may not include the victim’s perspective, it can add to our understanding of the unsafe behaviors that result in severe and fatal collisions.

Violation data tables are provided in **Appendix C: SWITRS Violation Code Data Tables**.

TOP VIOLATIONS IN SEVERE AND FATAL COLLISIONS



TOP VIOLATIONS BY PARTY AT FAULT IN SEVERE AND FATAL COLLISIONS



Collision Data: SWITRS five-year injury collision data, 2013-2017

**WHY DO WE FOCUS ON SPEED?  
BECAUSE SPEED KILLS.**

HIT BY A VEHICLE TRAVELING AT:

**20  
MPH**



9 out of 10 pedestrians survive

HIT BY A VEHICLE TRAVELING AT:

**30  
MPH**



5 out of 10 pedestrians survive

HIT BY A VEHICLE TRAVELING AT:

**40  
MPH**



1 out of 10 pedestrians survive

Source: US Department of Transportation, Literature Review on Vehicle Travel Speeds and Pedestrian Injuries March 2000





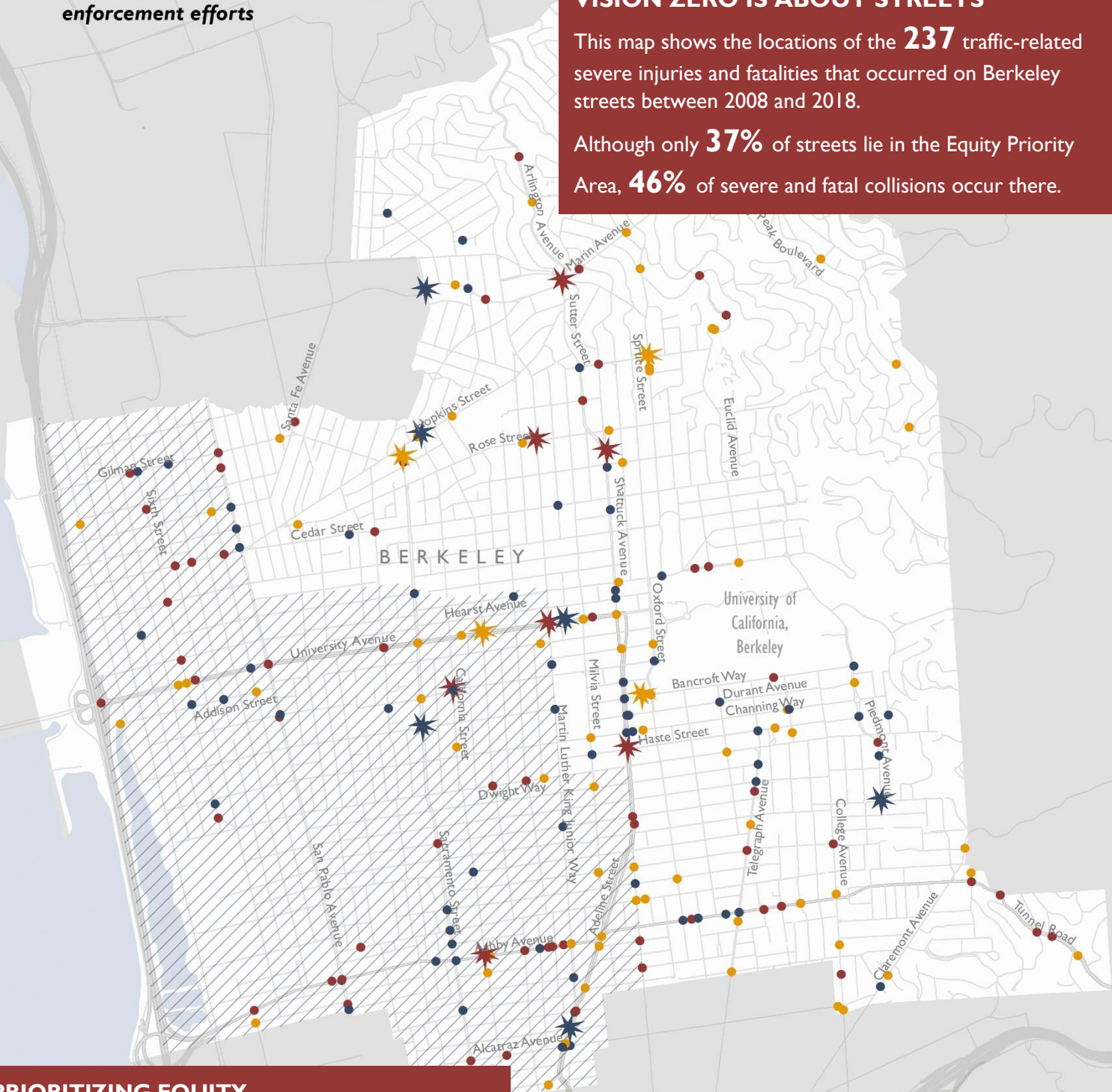
# LOCATIONS OF SEVERE AND FATAL COLLISIONS

*This map is not for use in developing focused enforcement efforts*

## VISION ZERO IS ABOUT STREETS

This map shows the locations of the **237** traffic-related severe injuries and fatalities that occurred on Berkeley streets between 2008 and 2018.

Although only **37%** of streets lie in the Equity Priority Area, **46%** of severe and fatal collisions occur there.



### PRIORITIZING EQUITY

Lower income residents and people of color are disproportionately impacted by the risk of traffic injuries and fatalities. The Equity Priority Area considers historic Home Owners' Loan Corporation "redlining," racial/ethnic composition, property value, and cultural centers to guide the City of Berkeley in prioritizing infrastructure projects that remedy systemic inequity. A full description of the Equity Priority Area methodology can be found in the City of Berkeley Pedestrian Plan.

/// Equity Priority Area

**Collision Type**

- Bicycle - Fatal
- Pedestrian - Fatal
- Driver - Fatal
- Bicycle - Severe Injury
- Pedestrian - Severe Injury
- Driver - Severe Injury

Collision Data: SWITRS ten-year injury collision data, 2008-2018



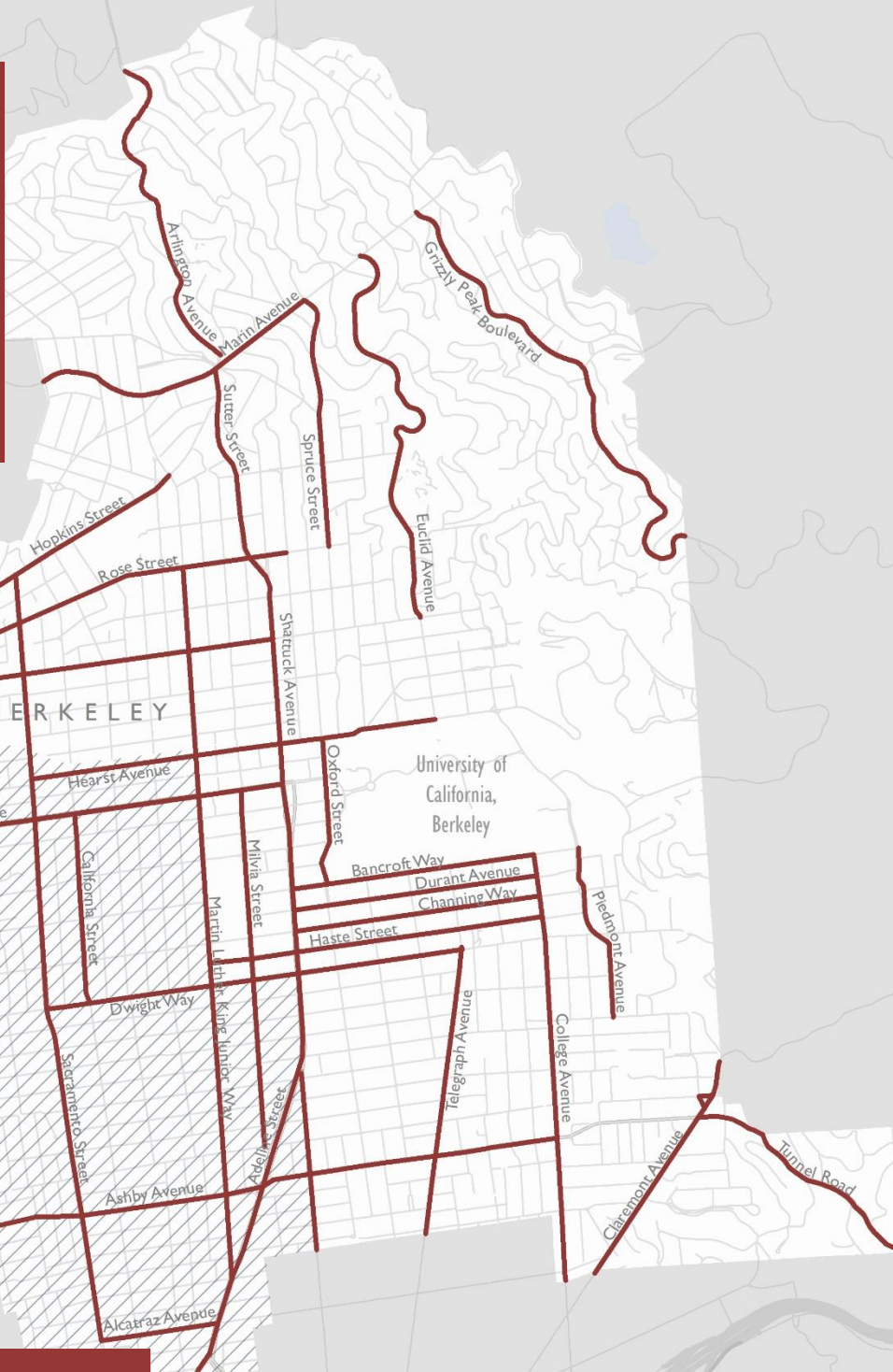
# HIGH-INJURY STREETS

*This map is not for use in developing focused enforcement efforts*

## VISION ZERO IS ABOUT STREETS

The High-Injury Streets map represents the City of Berkeley's streets with the most severe injuries and fatalities based on data between 2008 and 2018.

**91%** of Berkeley's severe and fatal collisions occur on just **16%** of City streets.



## PRIORITIZING EQUITY

Lower income residents and people of color are disproportionately impacted by the risk of traffic injuries and fatalities. The Equity Priority Area considers historic Home Owners' Loan Corporation "redlining," racial/ethnic composition, property value, and cultural centers to guide the City of Berkeley in prioritizing infrastructure projects that remedy systemic inequity. A full description of the Equity Priority Area methodology can be found in the City of Berkeley Pedestrian Plan.

- High-Injury Streets
- Equity Priority Area

*Collision Data: SWITRS ten-year injury collision data, 2008-2018*







## VISION AND GUIDING PRINCIPLES





*The City of Berkeley is committed to an equity-focused, data-driven effort to eliminate traffic deaths and severe injuries on our city streets by 2028.*

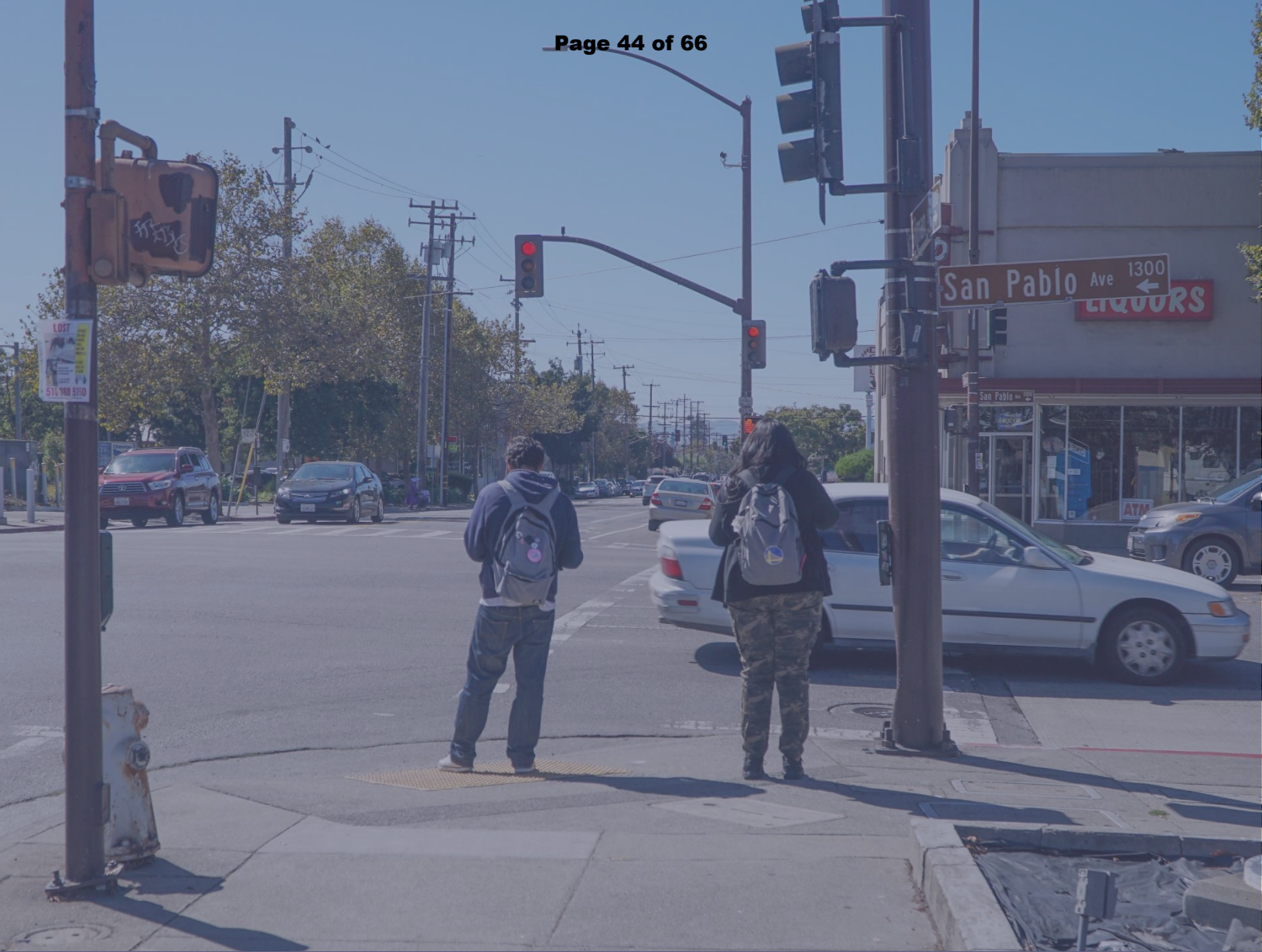
1. **Safety is our highest priority.** Human life is more important than speed, convenience, or property. We will evaluate trade-offs and make both proactive and reactive engineering decisions about street design based on this value.
2. **Traffic deaths and severe injuries are preventable and unacceptable.** Using a 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.
3. **People make mistakes.** We will design our streets so that mistakes do not result in death or severe injury.
4. **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.
5. **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.





6. **Street safety must be achieved equitably.** We will respond to the disproportionate burden of traffic deaths and severe injuries on people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, people with disabilities, and people who walk and bike. Enforcement strategies recommended as part of this plan will be designed to minimize racial profiling. Further, this plan emphasizes engineering and education actions first, supported by equity- and data-driven enforcement in an effort to conduct equitable traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing Policy.
  
7. **Vision Zero will be accountable, transparent, and data-driven.** Actions will be data-driven to respond to the causal factors of deaths and severe injuries on Berkeley streets. This response will utilize both proven methods and innovative strategies. We will perform annual monitoring, reporting, and evaluation through an equity lens. We will communicate clearly what resources are necessary to achieve Vision Zero, why street design modifications are proposed, and the basis for prioritizing competing improvements.





## TAKING ACTION



The City of Berkeley’s Vision Zero action items described on the following pages demonstrate a **comprehensive, integrated approach** to get the City to zero. They rest on three pillars: 1) The Vision Zero Program, 2) Safer Streets for Everyone, and 3) Safer Streets by Everyone. This plan prioritizes engineering, education, and public awareness before enforcement strategies to achieve Vision Zero in Berkeley.



## THE VISION ZERO PROGRAM

### 1.1 Collaboration

Collaborate with City departments, regional and community partners, and mobility providers to achieve Vision Zero goals. Continue commitment from Berkeley elected officials.

### 1.2 Capacity

Build sustainable funding and staffing to complete Vision Zero action items, including program management, data analysis, infrastructure projects, and education, engagement, and enforcement.

### 1.3 Transparency and Equity

Establish a milestone reporting schedule. Incorporate equity into data collection, analytics, evaluation, engagement, and reporting.



## SAFER STREETS FOR EVERYONE

### 2.1 Project Planning and Development

Prioritize high-injury streets and the most vulnerable street users.

## ACTION ITEM DEVELOPMENT

These actions represent months of collaboration and coordination between the Task Force and Advisory Committee and build on opportunity areas established through a comprehensive review of best practices and Berkeley’s current safety efforts.

### 2.2 Project Design

Design for vulnerable users of the transportation network, including people of all ages and abilities.

### 2.3 Project Delivery

Deliver Vision Zero traffic safety infrastructure improvements both reactively and proactively.



## SAFER STREETS BY EVERYONE

### 3.1 Public Awareness

Create a culture of traffic safety by promoting awareness through public information programs and campaigns.

### 3.2 Enforcement

Transition from a request-based to an equitable and data-driven enforcement strategy focused on the most significant safety violations resulting in fatalities and severe injuries.

## I.1 THE VISION ZERO PROGRAM: COLLABORATION

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Lead Department       | Timeline |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|
| ☆        | <p><b>Establish a standing Vision Zero Coordinating Committee</b> consisting of City staff, Commissioners, partner institutions, members of the community, advocacy groups, and community-based organizations who have a role in advancing Vision Zero action items with quarterly meetings organized around a predetermined annual agenda. Seek to establish a funding source to compensate members of the community and community-based organizations to enable their participation.</p> | City Manager's Office |          |
|          | <p><b>Incorporate Vision Zero goals and actions into plan and policy updates</b> of all departments and partner institutions, including the upcoming City of Berkeley Zoning Ordinance update and General Plan Update, UC Berkeley's Long-Range Development Plan, Berkeley Unified School District's Sustainability Plan, the City's Strategic Plan, Departmental Priority Projects Lists, and departmental and individual staff work plans.</p>                                           | City Manager's Office |          |
|          | <p><b>With the Metropolitan Transportation Commission, Alameda County Transportation Commission, and Alameda County Department of Public Health, establish a peer-to-peer Bay Area Vision Zero Network</b> for information-sharing and collaboration on countywide and regional initiatives such as a public health analysis of collision victim hospital data.</p>                                                                                                                        | Mayor's Office        |          |
|          | <p><b>Develop a focused, strategic Vision Zero staff training plan</b> to send key staff responsible for implementing the Vision Zero Action Plan, such as Public Works, Police, Health, Housing, and Community Services, and City Manager's Office and elected officials, to Vision Zero-related conferences and trainings.</p>                                                                                                                                                           | City Manager's Office |          |

## I.2 THE VISION ZERO PROGRAM: CAPACITY

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Lead Department                     | Timeline |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------|
| ☆        | <p><b>Conduct a citywide Vision Zero Action Plan assessment</b> of existing staffing and funding capacity to complete Vision Zero action items.</p> <ul style="list-style-type: none"> <li>• <b>Create a staffing matrix</b> of existing and proposed staff for the delivery of high-priority Vision Zero action items. New or realigned staff needs are anticipated in the areas listed below:               <ul style="list-style-type: none"> <li>○ Public Works safety project team</li> <li>○ Public Works Vision Zero Program support staff</li> <li>○ Public Information Officers in key Vision Zero departments including Police and Health, Housing, and Community Services</li> <li>○ Berkeley Police Department Vision Zero collision data analysis</li> <li>○ Health, Housing, and Community Services Vision Zero data analysis and public awareness programs</li> </ul> </li> <li>• <b>Establish a milestone staffing and funding schedule</b> to complete high-priority Vision Zero action items, including City and grant funds.</li> </ul> | City Manager's Office; Public Works |          |
| ☆        | <p><b>Request a Vision Zero Performance Audit</b> to be conducted during the FY21 audit period to evaluate the implementation of the Action Plan and make any needed recommendations, including additional and/or realigned staffing and funding, for effective Vision Zero Action Plan implementation. Provide required six-month updates to City Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Public Works                        |          |



### I.3 THE VISION ZERO PROGRAM: TRANSPARENCY AND EQUITY

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Lead Department                               | Timeline |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------|
| ☆        | <p><b>Utilize the Berkeley Police Department’s collision report data on parties involved</b>, such as housing status or whether parties involved are disabled, to help address equity gaps in Statewide Integrated Traffic Records System (SWITRS) collision data. Confirm that Berkeley Police Department report training emphasizes consistent use of these collision report data fields and, if needed, provides training resources for avoiding transportation mode bias in collision reporting. When necessary, update the police collision report form to be consistent with emerging mobility modes.</p>                                      | Public Works;<br>Police                       |          |
|          | <p><b>Provide an annual Vision Zero Progress Report</b>, reviewed by the City Auditor, to City Council, City Department Directors, Vision Zero Coordinating Committee, and Transportation Commission, on progress reducing fatal and severe collisions, including in historically underserved neighborhoods, equity in traffic enforcement, and on meeting the funding, staffing, and Vision Zero program delivery schedules. Include an updated Vision Zero High-Injury Streets map. Utilize Berkeley Police Department collision data to supplement the Statewide Integrated Traffic Records System dataset to avoid lag in data availability.</p> | Public Works                                  |          |
|          | <p><b>Complete a full update of the Vision Zero Action Plan every three years</b> to ensure continued relevancy of the Action Plan by integrating advancements in best practices and technologies. The first update will include an equity evaluation to identify gaps in safety and collision datasets and develop milestones to address inequities, as well as identify strategies to include hospital data provided by Alameda County Department of Public Health, linked to emergency medical services data and police reports, in Vision Zero analyses and maps.</p>                                                                            | Public Works                                  |          |
|          | <p><b>Maintain an understanding of the Berkeley community’s perception of safety and personal security.</b> Focus direct public engagement to residents of Berkeley’s historically underserved neighborhoods and other vulnerable users.</p>                                                                                                                                                                                                                                                                                                                                                                                                         | Health, Housing,<br>and Community<br>Services |          |

## 2.1 SAFER STREETS FOR EVERYONE: PROJECT PLANNING AND DEVELOPMENT

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                             | Lead Department         | Timeline |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------|
| ☆        | <b>Develop a publicly accessible matrix and map to prioritize and track projects.</b> Prioritize both new/existing requests/referrals and delivery of established infrastructure project lists (e.g., Five Year Repaving Program, BeST Plan, etc.) according to the Vision Zero High-Injury Streets map and equity-driven prioritization from City Council adopted plans such as the Bicycle Plan and forthcoming Pedestrian Plan. | City Manager's Office   |          |
| ☆        | <b>Establish a Complete Streets Repaving and Development Project Checklist</b> to ensure proactive and reactive Vision Zero safety infrastructure for people of all ages and abilities are included with each repaving project and in the conditions of approval for development projects. With the Vision Zero Coordinating Committee, consider establishing an equity-driven approach to prioritizing repaving projects.         | Public Works            |          |
|          | <b>Establish a Vision Zero Rapid Response Safety Project Protocol</b> that utilizes data from the renamed Fatal Accident Investigation Team (FAIT), to identify quick-build projects if engineering countermeasures may effectively improve safety. The protocol should outline a path forward for Public Works staff to be a part of the immediate on-the-ground response to an investigation of severe and fatal collisions.     | Public Works;<br>Police |          |
|          | <b>Conduct before and after studies</b> of a sample of Vision Zero quick-build projects to evaluate countermeasure effectiveness where existing understanding is insufficient.                                                                                                                                                                                                                                                     | Public Works            |          |
|          | <b>Undertake a Standards of Coverage/Response Time Study</b> to provide a data-driven understanding of how safety improvements impact emergency response times.                                                                                                                                                                                                                                                                    | Fire                    |          |
|          | <b>Establish a pre-approved toolbox of traffic safety infrastructure design treatment improvements</b> with the Vision Zero Coordinating Committee to streamline the implementation of projects.                                                                                                                                                                                                                                   | Public Works            |          |

## 2.2 SAFER STREETS FOR EVERYONE: PROJECT DESIGN

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Lead Department | Timeline |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
|          | <b>Establish Vision Zero Design Guidelines that consolidate policies and design guidelines from Council-adopted plans</b> such as the Pedestrian Plan, Bicycle Plan, and Complete Streets Policy to guide Berkeley's street design, traffic, and parking procedures in order to prioritize safety and reduce the incidence of severe and fatal collisions. Ensure revisions and updates are reviewed by the Vision Zero Coordinating Committee to maintain accessibility for people of all ages and abilities. | Public Works    |          |
|          | <b>Develop Curbside Management Guidelines</b> and incorporate them into the Vision Zero Guidelines to ensure Berkeley addresses safety concerns at the curb due to existing and emerging mobility options.                                                                                                                                                                                                                                                                                                     | Public Works    |          |
|          | <b>Update the Berkeley Municipal Code</b> to be consistent with the Vision Zero Design Guidelines.                                                                                                                                                                                                                                                                                                                                                                                                             | Public Works    |          |
|          | <b>Refine the existing traffic calming toolbox</b> to include design guidelines for all street types, utilizing Council-adopted plans where applicable. Ensure the traffic calming toolbox is reviewed by the Vision Zero Coordinating Committee to streamline the implementation of projects.                                                                                                                                                                                                                 | Public Works    |          |

## 2.3 SAFER STREETS FOR EVERYONE: PROJECT DELIVERY

| Priority | Action                                                                                                                                                                                                                                                                                            | Lead Department | Timeline |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
| ☆        | <b>Proactively build capital-intensive and quick-build safety projects</b> on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.                                                                                                                                | Public Works    |          |
|          | <b>Reactively build newly identified quick-build projects</b> at locations with recent severe and fatal collisions if engineering countermeasures may effectively improve safety, based on Rapid Response Safety Project Protocol.                                                                | Public Works    |          |
|          | <b>Continue to deliver traffic calming projects.</b> Utilize the traffic calming toolbox and evaluate requests based on an equity- and data-driven approach to implementation for both residential and Vision Zero High-Injury Streets. Increase public awareness of the traffic calming program. | Public Works    |          |

### 3.1 SAFER STREETS BY EVERYONE: PUBLIC AWARENESS

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Lead Department                         | Timeline |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------|
| ☆        | <b>Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign</b> to increase awareness about Vision Zero and the top traffic violations for severe and fatal injuries in Berkeley, elevating victims' stories. Regularly update the campaign to ensure it is context-specific, accessible, and culturally relevant. Collaborate with community-based organizations to distribute material and promote messages and public events that normalize active transportation and transit as healthy and responsible transportation choices. | Health, Housing, and Community Services |          |
| ☆        | <b>Establish a Vision Zero Rapid Response Safety Communication Protocol.</b> Employ a communication strategy in response to recent severe and fatal collisions aimed at the human element of traffic safety, including health and prevention messaging to the Berkeley community.                                                                                                                                                                                                                                                                                        | Public Works                            |          |
|          | <b>Partner with UC Berkeley, Berkeley City College, and Berkeley Unified School District</b> to distribute targeted Vision Zero messaging for students.                                                                                                                                                                                                                                                                                                                                                                                                                  | Public Works                            |          |
|          | <b>Integrate Vision Zero traffic safety awareness and education into training for City employees</b> who drive City vehicles or drive while on City business, including Police, Fire, Public Works, and all City departments and divisions.                                                                                                                                                                                                                                                                                                                              | City Manager's Office                   |          |

### 3.2 SAFER STREETS BY EVERYONE: ENFORCEMENT

| Priority | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Lead Department       | Timeline |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|
| ☆        | <b>Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault.</b> Focus enforcement efforts on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing Policy.                                                                                                                                         | Police                |          |
| ☆        | <b>Support state-wide traffic safety legislation</b> allowing automated speed enforcement by local agencies, designation of speed limits on local streets based on desired safety outcomes rather than the existing prevailing speed, and the reduction of local residential street speed limits to below 25 MPH, which would allow for 20 MPH speed limit on local residential streets, consistent with "20 Is Plenty" campaigns. Utilize existing legislated automated enforcement strategies, such as red light cameras. | City Manager's Office |          |
|          | <b>Rename the Fatal Accident Investigation Team</b> to replace the word "accident" with "collision" and include reference to near-fatal and major collisions, to acknowledge that most collisions are preventable, and to be in line with Vision Zero philosophies.                                                                                                                                                                                                                                                         | Police                |          |
|          | <b>Continue and regularly update a collision data-driven enforcement strategy</b> focusing on collision reports from the renamed Fatal Accident Investigation Team (FAIT) to supplement collision data from SWITRS. Focus on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing policy.                                                                                                | Police                |          |
|          | <b>Seek opportunities to educate before issuing citations</b> during traffic enforcement.                                                                                                                                                                                                                                                                                                                                                                                                                                   | Police                |          |
|          | <b>Develop a traffic ticket diversion program</b> for bicycle and pedestrian traffic tickets to promote access to bicycle and pedestrian safety courses and programs.                                                                                                                                                                                                                                                                                                                                                       | Police                |          |





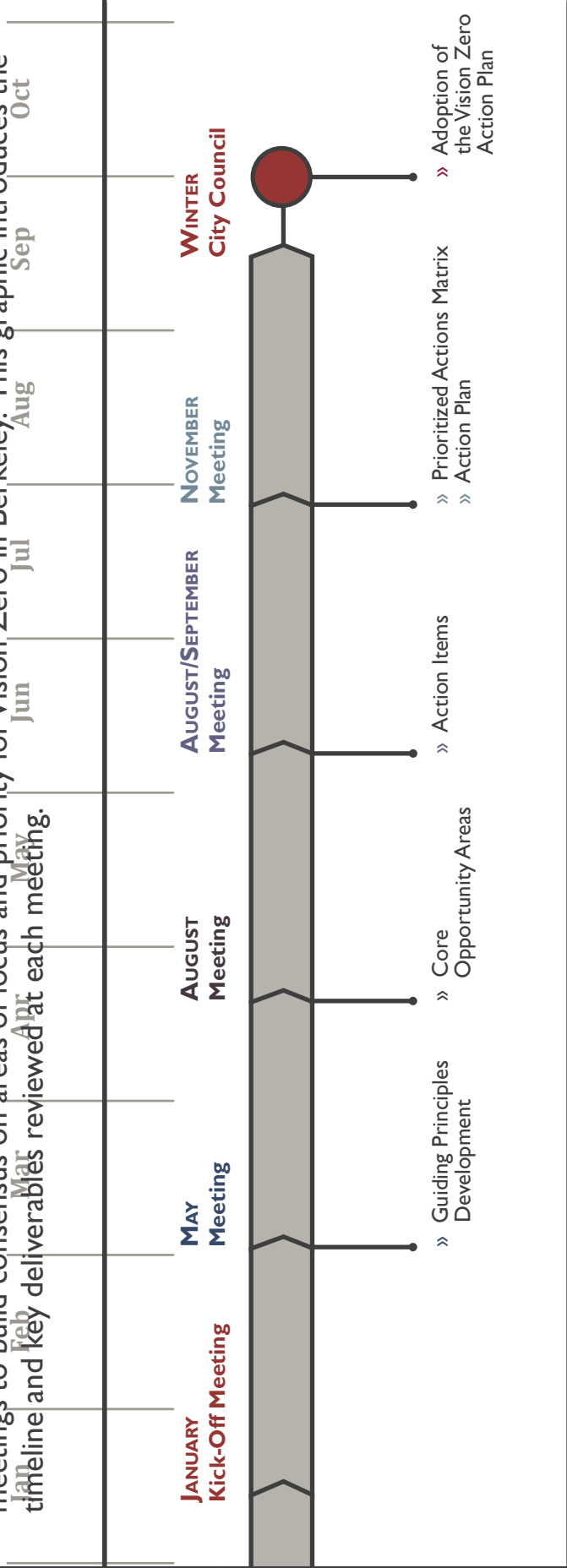
# APPENDICES





# APPENDIX A: VISION ZERO: ACTION PLAN TIMELINE & PROCESS DIAGRAM

The Vision Zero Action Plan development was facilitated by a series of five Task Force and Advisory Committee meetings to build consensus on areas of focus and priority for Vision Zero in Berkeley. This graphic introduces the timeline and key deliverables reviewed at each meeting.



## GUIDING PRINCIPLES DEVELOPMENT

An introduction to key Vision Zero concepts that resonate in the City of Berkeley. Meetings included a group exercise to develop Guiding Principles for the Vision Zero Action Plan.

## CORE OPPORTUNITY AREAS

A best practices review and benchmarking assessment summarized as core opportunity areas for Berkeley Vision Zero. The best practices review focused on systemic safety strategies from other U.S. cities, while the benchmarking assessment provided an understanding of baseline safety conditions and practices in the City of Berkeley.

## ACTION ITEMS

A list of actions to address the identified safety needs, as documented in the Core Opportunity Areas memo.

## PRIORITIZED ACTIONS MATRIX

A matrix of prioritized Vision Zero actions for the City of Berkeley, based on input provided throughout the Task Force and Advisory Committee meeting series.

## ACTION PLAN

The final summarizing document, documenting the significance of Vision Zero in Berkeley and introducing the City's Vision Zero action items.



## APPENDIX B: PRIORITIZED VISION ZERO ACTIONS MATRIX

This matrix documents the action item prioritization for Berkeley's Vision Zero Action Plan. The intention of this prioritization is to help the City determine the list of near-term, immediate actions the City should embark on to achieve Vision Zero. The matrix is not intended to be static – it can be used for each Vision Zero Action Plan update to re-evaluate the near-term focus of Vision Zero for the City. The criteria the prioritization utilizes are:

- **Transformative/High Impact:** Actions are prioritized that would have major positive impacts on safety or City collaboration, based on the Institute of Transportation Engineer's Core Elements of Vision Zero and ongoing City efforts.
- **Existing Resources:** Actions are prioritized that likely already have the needed resources, both staff and funding, to deliver.
- **Staff Priority:** Actions are prioritized that are of interest and priority to the Task Force.
- **Community Priority:** Actions are prioritized that are of interest and priority to the Advisory Committee.

These criteria are based on the existing priorities of the City of Berkeley. The criteria are meant to be fluid and re-evaluated with each new Vision Zero Action Plan update. Each action item will receive a point for each criterion it fulfills. The top performing actions should be the near-term focus of Vision Zero efforts.

## PRIORITIZATION RUBRIC

All actions that have a score of 3.5 or greater are considered near-term priorities for the City of Berkeley.

| Metric                                 | 1                                                                                                                   | 0.5                                                                                                  | 0                               |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Transformative/<br/>High Impact</b> | Action directly correlates to an ITE Vision Zero Core Element <i>and</i> is an item the City is not currently doing | A Core Element, but lesser transformative impact because the City is already undertaking this effort | Not a Core Element              |
| <b>Existing Resources</b>              | High existing staff availability (based on Task Force and Vision Zero Program staff feedback)                       | Medium existing staff availability                                                                   | Low existing staff availability |
| <b>Staff Priority</b>                  | High priority item (based on Task Force and Vision Zero Program staff feedback)                                     | Medium priority item                                                                                 | Low priority item               |
| <b>Community Priority</b>              | High priority item (based on Advisory Committee feedback)                                                           | Medium priority item                                                                                 | Low priority item               |

## Berkeley Vision Zero Action Plan

| Pillar                    | Opportunity Area               | Action                                                                                                                                          | Transformative/<br>High Impact | Existing<br>Resources | Staff Priority | Community<br>Priority | Score |
|---------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------|----------------|-----------------------|-------|
| VZ Program                | Collaboration                  | Establish a standing Vision Zero Coordinating Committee                                                                                         | 1                              | 1                     | 1              | 1                     | 4     |
| VZ Program                | Capacity                       | Conduct a citywide Vision Zero Action Plan assessment                                                                                           | 1                              | 1                     | 1              | 1                     | 4     |
| Safe Streets for Everyone | Project Delivery               | Proactively build capital-intensive and quick-build safety projects                                                                             | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| VZ Program                | Capacity                       | Request a Vision Zero Performance Audit                                                                                                         | 1                              | 1                     | 0.5            | 1                     | 3.5   |
| Safe Streets by Everyone  | Public Awareness               | Establish a Vision Zero Rapid Response Safety Communication Protocol                                                                            | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| Safe Streets by Everyone  | Enforcement                    | Support state-wide traffic safety legislation                                                                                                   | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| Safe Streets for Everyone | Project Planning & Development | Establish a Complete Streets Repaving and Development Project Checklist                                                                         | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| Safe Streets by Everyone  | Public Awareness               | Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign                                                   | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| Safe Streets for Everyone | Project Planning & Development | Develop a publicly accessible matrix and map to prioritize and track projects                                                                   | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| VZ Program                | Transparency & Equity          | Utilize the Berkeley Police Department's collision report data on parties involved                                                              | 1                              | 0.5                   | 1              | 1                     | 3.5   |
| Safe Streets by Everyone  | Enforcement                    | Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault. | 1                              | 1                     | 1              | 0.5                   | 3.5   |
| VZ Program                | Collaboration                  | Incorporate Vision Zero goals and actions into near-term plan and policy updates                                                                | 1                              | 1                     | 0              | 1                     | 3     |
| Safe Streets for Everyone | Project Delivery               | Reactively build newly identified quick-build projects                                                                                          | 1                              | 0.5                   | 0.5            | 1                     | 3     |
| Safe Streets for Everyone | Project Planning & Development | Establish a Vision Zero Rapid Response Safety Project Protocol                                                                                  | 1                              | 0.5                   | 0.5            | 1                     | 3     |
| Safe Streets for Everyone | Project Design                 | Establish Vision Zero Design Guidelines that consolidate policies and design guidelines from Council-adopted plans                              | 0.5                            | 0.5                   | 1              | 1                     | 3     |
| VZ Program                | Transparency & Equity          | Provide an annual Vision Zero Progress Report                                                                                                   | 0.5                            | 1                     | 0.5            | 1                     | 3     |
| VZ Program                | Transparency & Equity          | Complete a full update of the Vision Zero Action Plan every three years                                                                         | 0.5                            | 1                     | 0.5            | 1                     | 3     |
| VZ Program                | Collaboration                  | Develop a focused, strategic Vision Zero staff training plan                                                                                    | 0.5                            | 0.5                   | 1              | 1                     | 3     |
| Safe Streets by Everyone  | Enforcement                    | Continue and regularly update a collision data-driven enforcement strategy                                                                      | 0.5                            | 0.5                   | 1              | 1                     | 3     |
| Safe Streets for Everyone | Project Planning & Development | Conduct before and after studies                                                                                                                | 1                              | 0.5                   | 1              | 0.5                   | 3     |
| Safe Streets by Everyone  | Enforcement                    | Seek opportunities to educate before issuing citations                                                                                          | 0.5                            | 0.5                   | 0.5            | 1                     | 2.5   |

| Pillar                    | Opportunity Area               | Action                                                                                                                                                                                                  | Transformative/<br>High Impact | Existing<br>Resources | Staff Priority | Community<br>Priority | Score |
|---------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------|----------------|-----------------------|-------|
| Safe Streets by Everyone  | Enforcement                    | <i>Rename the Fatal Accident Investigation Team</i>                                                                                                                                                     | 0.5                            | 1                     | 0.5            | 0.5                   | 2.5   |
| VZ Program                | Transparency & Equity          | <i>Maintain an understanding of the Berkeley community's perception of safety and personal security</i>                                                                                                 | 1                              | 0                     | 0.5            | 1                     | 2.5   |
| Safe Streets by Everyone  | Public Awareness               | <i>Partner with UC Berkeley, Berkeley City College, and Berkeley Unified School District</i>                                                                                                            | 0.5                            | 0.5                   | 0.5            | 1                     | 2.5   |
| Safe Streets for Everyone | Project Delivery               | <i>Continue to deliver traffic calming projects</i>                                                                                                                                                     | 1                              | 0.5                   | 0.5            | 0.5                   | 2.5   |
| Safe Streets by Everyone  | Public Awareness               | <i>Integrate Vision Zero traffic safety awareness and education into training for City employees</i>                                                                                                    | 0.5                            | 0.5                   | 0.5            | 1                     | 2.5   |
| Safe Streets for Everyone | Project Design                 | <i>Update the Berkeley Municipal Code</i>                                                                                                                                                               | 0.5                            | 0.5                   | 0.5            | 0.5                   | 2     |
| Safe Streets for Everyone | Project Planning & Development | <i>Undertake a Standards of Coverage/Response Time Study</i>                                                                                                                                            | 0                              | 0.5                   | 0.5            | 0.5                   | 1.5   |
| Safe Streets by Everyone  | Enforcement                    | <i>Develop a traffic ticket diversion program</i>                                                                                                                                                       | 0                              | 0                     | 0.5            | 1                     | 1.5   |
| VZ Program                | Collaboration                  | <i>With the Metropolitan Transportation Commission, Alameda County Transportation Commission, and Alameda County Department of Public Health, establish a peer-to-peer Bay Area Vision Zero Network</i> | 0                              | 1                     | 0              | 0.5                   | 1.5   |
| Safe Streets for Everyone | Project Design                 | <i>Refine the existing traffic calming toolbox</i>                                                                                                                                                      | 0.5                            | 0                     | 0.5            | 0.5                   | 1.5   |
| Safe Streets for Everyone | Project Planning & Development | <i>Establish a pre-approved toolbox of traffic safety infrastructure design treatments</i>                                                                                                              | 0                              | 0.5                   | 0              | 0.5                   | 1     |
| Safe Streets for Everyone | Project Design                 | <i>Develop Curbside Management Guidelines</i>                                                                                                                                                           | 0                              | 0                     | 0.5            | 0.5                   | 1     |

## Berkeley Vision Zero Action Plan

## APPENDIX C: SWITRS VIOLATION CODE DATA TABLES

Table I: Cited California Vehicle Code Violation by Party at Fault<sup>1</sup>

| Cited California Vehicle Code Violation                                                                          | Party Cited as at Fault |           |                |           |          |            | Total      |
|------------------------------------------------------------------------------------------------------------------|-------------------------|-----------|----------------|-----------|----------|------------|------------|
|                                                                                                                  | Driver                  | Ped       | Parked Vehicle | Bicyclist | Other    | None Cited |            |
| Traveling at unsafe speeds                                                                                       | 11                      |           |                | 12        |          |            | 23         |
| Failure to yield at crosswalk                                                                                    | 20                      |           |                |           |          |            | 20         |
| Failure to yield to oncoming traffic when making a left turn or U-turn                                           | 7                       |           |                |           |          |            | 7          |
| Failure to stop at a red light                                                                                   | 3                       |           |                | 3         |          |            | 6          |
| Failure to yield at a stop sign                                                                                  | 5                       |           |                |           |          |            | 5          |
| Opening door in unsafe conditions                                                                                | 3                       |           | 1              |           |          | 1          | 5          |
| Failure to signal                                                                                                | 2                       |           |                | 2         |          |            | 4          |
| Crossing outside crosswalk or legal crossing                                                                     | 1                       | 3         |                |           |          |            | 4          |
| Pedestrian suddenly leaving curb                                                                                 |                         | 4         |                |           |          |            | 4          |
| Failure to yield to oncoming traffic when entering or crossing road from property or alley                       | 2                       |           |                | 1         |          |            | 3          |
| Pedestrian had flashing DON'T WALK                                                                               |                         | 3         |                |           |          |            | 3          |
| Passing unsafely                                                                                                 | 2                       |           |                |           |          |            | 2          |
| Driving with 0.04% or more alcohol in blood with a passenger for hire in the vehicle                             | 2                       |           |                |           |          |            | 2          |
| Failure to proceed straight or yield properly                                                                    | 1                       |           |                |           |          |            | 1          |
| Driving on the wrong side of the road                                                                            | 1                       |           |                |           |          |            | 1          |
| Driver passes bicyclist unsafely                                                                                 | 1                       |           |                |           |          |            | 1          |
| Disobeying traffic control device                                                                                | 1                       |           |                |           |          |            | 1          |
| Reckless driving causing bodily injury                                                                           | 1                       |           |                |           |          |            | 1          |
| Driving under the influence                                                                                      | 1                       |           |                |           |          |            | 1          |
| Driving under the influence and driving unlawfully, leading to bodily injury to any person other than the driver | 1                       |           |                |           |          |            | 1          |
| Driving a vehicle in an unsafe condition or not safely loaded                                                    | 1                       |           |                |           |          |            | 1          |
| Bicyclist has same rights and subject to same rules as motor vehicles                                            |                         |           |                | 1         |          |            | 1          |
| Driver not yielding to pedestrians during right turn on red                                                      |                         | 1         |                |           |          |            | 1          |
| Pedestrian crossing between signalized intersections                                                             |                         | 1         |                |           |          |            | 1          |
| Failure to stop at stop bar                                                                                      |                         |           |                | 1         |          |            | 1          |
| No violation cited                                                                                               | 1                       | 1         |                | 4         |          | 6          | 12         |
| <i>Total</i>                                                                                                     | <i>67</i>               | <i>13</i> | <i>1</i>       | <i>24</i> | <i>1</i> | <i>6</i>   | <i>112</i> |

## Notes:

1. SWITRS five-year severe and fatal injury collision data, 2013-2017



**Table 2: Cited CA Vehicle Code Violations by Parties Involved in Severe and Fatal Collisions<sup>1</sup>**

| Violation by Party at Fault for Severe or Fatal Collisions |                                                                                                                  | # of Severe or Fatal Collisions <sup>3</sup> | Other Parties Involved <sup>2</sup> |            |                |           |       | Solo Collisions |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------|------------|----------------|-----------|-------|-----------------|
| Cited Party at Fault                                       | California Vehicle Code Summary                                                                                  |                                              | Driver                              | Pedestrian | Parked Vehicle | Bicyclist | Other |                 |
| Driver                                                     | Failure to yield at crosswalk                                                                                    | 20                                           | 1                                   | 21         | 0              | 0         | 0     | 0               |
| Driver                                                     | Traveling at unsafe speeds                                                                                       | 8                                            | 3                                   | 3          | 3              | 1         | 0     | 3               |
| Driver                                                     | Failure to yield to oncoming traffic when making a left turn or U-turn                                           | 7                                            | 5                                   | 0          | 0              | 2         | 0     | 0               |
| Bicyclist                                                  | Traveling at unsafe speeds                                                                                       | 6                                            | 5                                   | 0          | 0              | 1         | 0     | 6               |
| Driver                                                     | Failure to yield at a stop sign                                                                                  | 5                                            | 3                                   | 0          | 0              | 2         | 0     | 0               |
| Pedestrian                                                 | Pedestrian suddenly leaving curb                                                                                 | 4                                            | 4                                   | 0          | 0              | 0         | 0     | 0               |
| Driver                                                     | Opening door in unsafe conditions                                                                                | 3                                            | 0                                   | 0          | 0              | 3         | 0     | 0               |
| Pedestrian                                                 | Crossing outside crosswalk or legal crossing                                                                     | 3                                            | 3                                   | 0          | 0              | 0         | 0     | 0               |
| Pedestrian                                                 | Pedestrian had flashing DON'T WALK                                                                               | 3                                            | 3                                   | 0          | 0              | 0         | 0     | 0               |
| Bicyclist                                                  | Failure to stop at a red light                                                                                   | 3                                            | 2                                   | 0          | 0              | 0         | 1     | 0               |
| Driver                                                     | Failure to stop at a red light                                                                                   | 3                                            | 1                                   | 1          | 0              | 1         | 0     | 0               |
| Driver                                                     | Driving with 0.04% or more alcohol in blood with a passenger for hire in the vehicle                             | 2                                            | 0                                   | 1          | 0              | 1         | 0     | 0               |
| Driver                                                     | Failure to signal                                                                                                | 2                                            | 1                                   | 0          | 0              | 1         | 0     | 0               |
| Driver                                                     | Failure to yield to oncoming traffic when entering or crossing road from property or alley                       | 2                                            | 1                                   | 0          | 0              | 1         | 0     | 0               |
| Bicyclist                                                  | Failure to signal                                                                                                | 1                                            | 0                                   | 0          | 1              | 0         | 0     | 1               |
| Driver                                                     | Passing unsafely                                                                                                 | 1                                            | 1                                   | 0          | 0              | 0         | 0     | 1               |
| Driver                                                     | Driving under the influence and driving unlawfully, leading to bodily injury to any person other than the driver | 1                                            | 0                                   | 1          | 0              | 0         | 0     | 0               |
| Driver                                                     | Reckless driving causing bodily injury                                                                           | 1                                            | 1                                   | 1          | 0              | 0         | 0     | 0               |
| Other                                                      | Opening door in unsafe conditions                                                                                | 1                                            | 0                                   | 0          | 0              | 1         | 0     | 0               |
| Parked Vehicle                                             | Opening door in unsafe conditions                                                                                | 1                                            | 0                                   | 0          | 0              | 1         | 0     | 0               |
| Bicyclist                                                  | Failure to stop at stop bar                                                                                      | 1                                            | 1                                   | 0          | 0              | 0         | 0     | 0               |
| Driver                                                     | Disobeying traffic control device                                                                                | 1                                            | 1                                   | 0          | 0              | 0         | 0     | 0               |
| Pedestrian                                                 | Pedestrian crossing between signalized intersections                                                             | 1                                            | 1                                   | 0          | 0              | 0         | 0     | 0               |
| Driver                                                     | Crossing outside crosswalk or legal crossing                                                                     | 1                                            | 0                                   | 1          | 0              | 0         | 0     | 0               |

## Berkeley Vision Zero Action Plan

| Violation by Party at Fault for Severe or Fatal Collisions |                                                                                            | # of Severe or Fatal Collisions <sup>3</sup> | Other Parties Involved <sup>2</sup> |            |                |           |          | Solo Collisions |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------|------------|----------------|-----------|----------|-----------------|
| Cited Party at Fault                                       | California Vehicle Code Summary                                                            |                                              | Driver                              | Pedestrian | Parked Vehicle | Bicyclist | Other    |                 |
| Bicyclist                                                  | Failure to yield to oncoming traffic when entering or crossing road from property or alley | 1                                            | 1                                   | 0          | 0              | 0         | 0        | 0               |
| Driver                                                     | Driver passes bicyclist unsafely                                                           | 1                                            | 0                                   | 0          | 0              | 1         | 0        | 0               |
| Pedestrian                                                 | Driver not yielding to pedestrians during right turn on red                                | 1                                            | 0                                   | 0          | 0              | 1         | 0        | 0               |
| Driver                                                     | Failure to proceed straight or yield properly                                              | 1                                            | 1                                   | 0          | 0              | 0         | 0        | 0               |
| Bicyclist                                                  | Bicyclist has same rights and subject to same rules as motor vehicles                      | 1                                            | 1                                   | 0          | 0              | 0         | 0        | 0               |
| Driver                                                     | Driving a vehicle in an unsafe condition or not safely loaded                              | 0                                            | 0                                   | 0          | 0              | 0         | 0        | 1               |
| Driver                                                     | Driving under the influence                                                                | 0                                            | 0                                   | 0          | 0              | 0         | 0        | 1               |
| Driver                                                     | Driving on the wrong side of the road                                                      | 0                                            | 0                                   | 0          | 0              | 0         | 0        | 1               |
|                                                            | No Violation Cited                                                                         | 7                                            | 7                                   | 1          | 0              | 4         | 0        | 5               |
|                                                            | <i>Total</i>                                                                               | <i>93</i>                                    | <i>47</i>                           | <i>30</i>  | <i>4</i>       | <i>21</i> | <i>1</i> | <i>19</i>       |

## Notes:

1. SWITRS five-year severe and fatal injury collision data, 2013-2017

2. Parties involved will not sum to total number of collisions

3. This number excludes solo collisions. To understand the total number of severe or fatal collisions, sum this column with the number of solo collisions.

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author), Councilmember Hahn (Co-Sponsor)

Subject: Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$1,500 from the discretionary council office budget of Councilmember Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on May 4, 2024, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Councilmember Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

BACKGROUND:

This year, the Berkeley Unified School District's (BUSD) only Two-Way Immersion school, Sylvia Mendez Elementary (Sylvia Mendez), will host a Cultural Celebration to celebrate the global heritage, various nationalities, and other cultures important to its community. Community members are creating teams to determine the information, tastes, crafts, dress, music, and performances they would like to share at the event.

Last year's inaugural event was hosted by 10 teams: Eritrea, Mexico, Chile, Cuba, Canada, African American, Croatia, Farm & Garden, Rainbow Families, and Venezuela. The meal was catered by different local ethnic restaurants and supplemented by some of the teams with homemade foods. In addition, the tables shared cultural music to a community playlist and there was a live act as well. In all, the participants shaped the event, which was well received by the community.

With such great success, the Sylvia Mendez PTA is hosting this second annual event, maintaining the same goal of contextualizing some of our students' cultural influences, backgrounds, and much more. The funds requested are intended to offset some costs associated with the event. Therefore, they should be sent to the Sylvia Mendez PTA organization to distribute accordingly.

This parent-led committee is already funding the majority of the costs of the event and

has been a reliable resource to offset budget shortfalls. The donations ultimately support the program guidelines laid out by BUSD (on the [Sylvia Mendez Elementary website](#)<sup>1</sup>), which is to “develop long-lasting relationships and cultural appreciation for peers who are often separated by race and language.” This is further defined as the vision of the [school on its website](#)<sup>2</sup> “to seek to honor and understand families.”

Since the pandemic restrictions were lifted in 2022, Sylvia Mendez Elementary has hosted well-attended Spring Events (last year being the first Cultural Celebration). Scheduled late in the school year, they have proven to be important for the community, particularly in light of the COVID pandemic. Facing heightened challenges (such as construction starting this summer for at least the next two years), fostering relationships by building a greater understanding of families within and development of our community is fundamental in uplifting morale.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1,000 is available from the discretionary council office budget of Councilmember Ben Bartlett. The cost is as follows: Sylvia Mendez School PTA: Celebración Cultural (Spring Cultural Celebration).

CONTACT PERSON:

Councilmember Ben Bartlett  
James Chang

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jchang@cityofberkeley.info

ATTACHMENT:

1. Resolution

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<sup>1</sup> <https://www.berkeleyschools.net/schools/elementary-schools/sylviamendez-elementary/>

<sup>2</sup> <http://sylviamendezschool.org/en/welcome-eng>

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A DONATION TO THE SYLVIA MENDEZ SCHOOL PTA TO PROVIDE SUPPORT FOR A SPRING CULTURAL CELEBRATION EVENT.

**WHEREAS**, Councilmember Ben Bartlett has surplus funds in his office expenditure account; and

**WHEREAS**, Sylvia Mendez School PTA, a California non-profit organization, will receive funds in the amount of \$1,000 from Councilmember Ben Bartlett's office expenditure account; and

**WHEREAS**, the Sylvia Mendez School PTA supports equitable public education for students, families, and our community through grants and volunteer programs; and

**WHEREAS**, the provisions of such services would fulfill the municipal public purpose of providing students and the youth with opportunities through educational programs and activities to encourage them to learn and embrace cultural diversity;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to Sylvia Mendez School PTA for this purpose of supporting students and the youth in highlighting cultural heritage that forms the community of the student body.



**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 7th, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Budget Referral Healthy Black Families Community Engagement - Ashby BART Development and Equitable Black Berkeley

RECOMMENDATION:

Refer \$60,000 each to the FY2024/25 and FY2025/26 budget process to support a Community Advisory Group to provide thought leadership around implementation of a Black Cultural Zone and Health Equity Zone. This Community Advisory Group will address the ongoing community engagement needs to ensure community input/influence in the development of the Ashby BART station, the reparative framework for the historically Black Community including the Black Equity Zone and Health Equity Zone.

BACKGROUND:

Since 2020, Healthy Black Families (HBF) has worked with the City of Berkeley (COB) on the Right to Return Housing Preference Policy (RRPP) and Equitable Black Berkeley (EBB) initiative as a part of the San Francisco Foundation (SFF) Partnership for the Bay's Future (PBF) collaborative grant. Grant funding from SFF PBF for these efforts will end May 30, 2024.

HBF's staff has coordinated community engagement for the RRPP and lead community engagement on behalf of EBB. Through monthly People's Assemblies and surveys, HBF has engaged the Black Community in a data-driven and thoroughly documented process. They have participated in BART community and Board meetings to ensure that the community's vision for a Thriving Black Berkeley, including harm repair, a right to return, extensive affordable housing, impacts on health equity, and opportunities for economic development, are adequately communicated. HBF has, through the data collection process, defined the community's priorities and brought the community's voice into the transit-oriented development (TOD) decisions during the City of Berkeley's strategic planning process informing plans for the larger Adeline Corridor Redevelopment, incorporating this voice into a reparative framework to evaluate historic harm done to this community through redlining, predatory lending, and other forms of anti-Black racism.

With this additional funding, Berkeley can continue to move forward their strategy to repair harm done to the South Berkeley community, begin to mitigate the impact of generations of segregation and make the Berkeley community a stronger, thriving and more equitable place for all its residents. As BART moves forward with a TOD plan at the Ashby station, and the of Berkeley executes a larger plan to develop the Adeline Corridor, HBF will work to ensure that the outcomes will be designed and implemented to maximize equity outcomes for the African American community and low-income residents. These would

be informed by the City of Berkeley Health Equity Study, Alameda County Mortality Report and data provided by the community through the EBB work. Continued funding for these community engagement activities is instrumental for the overall success of this body of equity work.

FINANCIAL IMPLICATIONS

Total allocation of \$120,000 from the General Fund; \$60,000 for each of the FY2024/25 and FY2025/26 biennial budget process.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Councilmember Ben Bartlett  
James Chang  
Tina R. Posner

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May 7, 2024



Sophie Hahn  
Councilmember, District 5  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA, 94704  
(510) 981-7150 | shahn@berkeleyca.gov

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author) and Councilmembers Taplin and Bartlett (Co-Sponsors)

Subject: Budget Referral to Fund Small Sites Program to Acquire, Rehabilitate, and Protect Existing Small Scale Housing

**RECOMMENDATION**

Refer to the FY 2025-26 Budget Process:

- An allocation of \$8 Million per year (for a two-year total of \$16 Million) from existing affordable housing funds to the City of Berkeley Small Sites Program to support the acquisition and rehabilitation of small-scale residential buildings and their conversion to deed-restricted permanently affordable housing.
- \$200,000 in FY25 and \$150,000 in FY26 (total of \$350,000 over two years) “Capacity Building” grants to the Bay Area Community Land Trust to support expanded participation in the City’s Small Sites Program.

**SUMMARY STATEMENT**

Berkeley, like much of California, is in the midst of a housing affordability crisis. In response, the State of California passed a package of 56 housing bills to mitigate the crisis, requiring cities and counties to streamline the housing approval process and build and preserve affordable units. To meet the City’s affordability goals under the Housing Element and alleviate the burden of high housing costs on low- and middle-income families, Berkeley must continue to build, acquire, and protect affordable units.

One program Berkeley has developed to support the acquisition, rehabilitation, and deed restriction of existing housing is the Small Sites Program, which prevents the displacement of tenants and increases housing stability. The Bay Area Community Land Trust (BACLT) is one of Berkeley’s key partners in carrying out this program, using existing City affordable housing funds – up to a maximum subsidy of \$300,000 per unit for buildings of 10-25 units or \$375,000 per unit for buildings of 2-9 units – combined with loans and funding from other government and not-for-profit sources, to purchase smaller multi-unit properties and convert them into permanently affordable housing.

This item requests the allocation of existing affordable housing dollars to cover the City's portion of funds to acquire one or several small sites per year. BACLТ has already identified a list of ten properties it could acquire and convert into permanent affordable housing if the City's allocation to the Small Sites Program were increased. With a total allocation of \$16 million over two years, BACLТ can acquire 3-4 smaller properties per year, resulting in a cumulative total of about 48 to 64 affordable housing units made permanently affordable to low- and middle-income families.

In addition, Berkeley has previously granted BACLТ capacity-building funds of \$200,000 per year to strengthen the organization's ability to acquire properties, manage their rehabilitation, and identify and fill units as quickly as possible. BACLТ operates on a shoestring budget and has been working to add staff with appropriate expertise in a competitive labor market. This item requests a continuation of the City's current \$200,000 capacity building support for FY 25 and a reduced capacity-building grant of \$150,000 for FY 26, for a two-year total of \$350,000. BACLТ has appreciated and relies on these grants while the organization continues to build capacity, and is committed to reducing and eventually ending dependence on grants from the City as the Developer Fees are increased and a larger number of annual projects can be undertaken.

### BACKGROUND

Through cycles of boom and bust, the San Francisco Bay Area has grown into one of the largest metropolitan regions in the United States. A convergence of factors including strong economic growth and population booms paired with a lack of housing and strict zoning have led to significant housing, transportation, and environmental challenges. Key among them is the Bay Area Housing Crisis, with about one third of all households considered "rent burdened" – spending more than 30% of their income on rent.<sup>1</sup>

In Berkeley, some 58% of residents are renters. The average monthly rent for a unit in Berkeley is \$2,700 or about 32% higher than the national median.<sup>2</sup> Amid soaring costs, many long-term residents have been pushed out. In the last half century, Berkeley has lost close to two thirds of its African American community – many displaced by the rising cost of housing. In Alameda County, where the Median Family Income is \$147,000, a 1-bedroom apartment would be considered affordable to a "very low income" two-person household, earning 30% of the Area Median Income (AMI) – \$35,500, at no more than \$887 a month - one third of the average rent in Berkeley. For a household of two earning 80% of AMI, or approximately \$120,000, affordable rent for a 1-bedroom apartment would be no more than \$2,366 - still lower than the average monthly rent in Berkeley.<sup>3</sup>

In the wake of mass displacement and increasing pressures on housing, the Berkeley City Council approved Mayor Arreguín's Small Sites Program (SSP) in 2018 to prevent the

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<sup>1</sup> [Leonard, Christian, and Sriharsha Devulapalli. "Where Is the Bay Area's Housing Crisis Impacting People the Most? Here's One Key Stat." San Francisco Chronicle, 8 Dec. 2023.](#)

<sup>2</sup> ["Berkeley, CA Rental Market." Zillow Rental Manager, 9 Apr. 2024.](#)

<sup>3</sup> ["Alameda County Housing & Community Development Income and Rent Limits." Alameda County Housing and Community Development Department, 2023.](#)

displacement of Berkeley residents and preserve permanent affordability in small to mid-sized buildings with 2-25 units. To make the program effective, Council partnered with local community land trusts which specialize in the preservation of units in smaller multi-unit buildings. One of the City's partners in this effort, the Bay Area Community Land Trust, is a non-profit organization dedicated to developing affordable, sustainable, resident-controlled cooperative housing.

The first project funded by the SSP was the Stuart Street Co-Op Apartments in District 3. A joint venture between the Historic McGee Avenue Baptist Church and BACLT, the building had been vacant and deteriorating for 20 years before undergoing a full rehabilitation and becoming home to eight local families. With a per unit cost of \$415,000, or a total cost of \$3.3 million, the project cost about 40% less than the construction of new affordable housing in Alameda County, at an average cost of \$726,469 per unit.<sup>4</sup>

In 2023, the Bay Area Community Land Trust renovated and rehabilitated 1685 Solano Avenue, where tenants were facing an illegal Ellis Act eviction, ensuring that the 13-unit building was preserved as permanent affordable housing. The cost to preserve and renovate these 13 units – most of which are spacious units with bay views, high ceilings, full kitchens and two- three-bedrooms, was \$7.1 million or \$546,154 per unit – about 30% lower than the cost to build new affordable units, often smaller and with fewer amenities, in Berkeley.

Despite numerous challenges during the pandemic years, BACLT completed these 2 highly complex acquisition/rehabilitation projects, bringing 21 high-quality, renovated housing units into the City's permanent affordable housing portfolio at a total cost of \$10.4 million. The success of these projects has been noted by Berkeley renters who frequently contact BACLT asking the Trust to acquire the residential properties they live in.

With these two highly successful projects completed, BACLT has identified 10 properties it could seek to purchase and preserve as soon as Small Sites Program funding becomes available.

Identified properties for potential purchase, rehabilitation and conversion to permanently affordable housing include:

- 2717 Derby Street
- 2627 California Street
- 1902 Virginia Street
- 1809 Tenth Street
- 2035 Ninth Street
- 2032 Parker Street
- 2416 Roosevelt Avenue

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<sup>4</sup> [Bay Area Council Economic Institute. "How Much Does It Cost to Construct One Unit of Below Market Housing in the Bay Area?", Bay Area Council Economic Institute, Accessed 10 Apr. 2024.](#)

- 1915 Delaware Street
- 2479 Virginia Street
- 2431 Oregon Street

Over the next two years, with a total of \$16M in affordable housing funds, the Bay Area Community Land Trust estimates it can acquire and preserve around 48 to 64 units of permanent affordable housing.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

The City of Berkeley's Housing Trust Fund (HTF) was established in 1990. The purpose of the HTF is to support the creation and preservation of affordable housing in Berkeley.

On February 14, 2017, Council referred to the City Manager Mayor Arreguín's item requesting establishment of a Small Sites Program with a streamlined approval process. The program is intended to support the acquisition and renovation of small, multifamily rental properties of up to 25 units, especially those at risk of Ellis Act evictions, and add long-term affordability restrictions. The City's Small Sites Program guidelines, approved on October 2, 2018, are based on the requirements for San Francisco's Small Sites Program, which has been funding similar projects since 2014.

The explicit purpose of the City's Small Sites Program is to support:

1. Acquisition and renovation of occupied, multifamily rental properties;
2. Conversion of rent controlled properties to restricted affordability; and
3. Potential conversion to limited- or non-equity housing cooperatives (LEHC).

The City's expedited, over-the-counter Small Sites Program requires the City Council to formally designate Affordable Housing Trust funds into the Small Sites Program *before* projects can be proposed. City Staff then issues a "NOFA," informing affordable housing providers of the availability of funds for projects qualifying for the Small Sites Program. Any not-for-profit housing developer can apply for Small Sites Program funds; in practice, only Land Trusts such as BACLT currently have a business model appropriate for the purchase and conversion of existing smaller buildings to permanently affordable housing.

Between 2015 and 2018, the Housing Trust Fund led to the construction of a total of 194 affordable units, including 86 very low income and 17 low income units. In 2018, voters passed Measure O to provide \$135 million in bond funds for affordable housing. In 2019, the City awarded \$950k in Small Sites Program funds from Measure U1 to the Bay Area Community Land Trust for the renovation and preservation of the 8-unit Stuart Street Apartments, targeted for Berkeley residents making up to 80 percent of Area Median Income. The City also awarded \$37 million in local Measure O bond funds to support 6 new-build projects including 430 units. In

2020, the City executed contracts for \$21.5 million in development funds for four additional new-construction affordable housing developments.<sup>5</sup>

### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn has consulted with the Bay Area Community Land Trust and the organization has expressed interest and capacity to acquire and rehabilitate additional properties in the coming years, at an accelerated pace. The Trust has outlined a list of ten properties it is ready to approach for purchase as soon as funding is made available.

### RATIONALE FOR RECOMMENDATION

The Small Sites Program has proven itself to be a valuable solution to help boost the City's supply of affordable housing. The program has been successful in saving long-term tenants from displacement and preserving permanent affordable housing. When compared to new affordable housing development, acquisition and rehabilitation of existing small scale residential properties results in less expensive per-unit costs and more environmentally friendly outcomes.

### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

Having successfully completed two projects, the Bay Area Community Land Trust has the capacity and expertise to continue administering the Small Sites program and expanding the City's affordable housing portfolio. Other Land Trusts may also reach out to apply for Small Sites funds when made available. The City has established processes for administering the Small Sites program and monitors compliance with affordable housing, habitability, and other requirements. While the first two projects were time-consuming for City housing staff, lessons learned from the initial two projects and capacity building at BA CLT should result in lower per-project/unit investments on the part of City staff going forward.

### ENVIRONMENTAL SUSTAINABILITY

Rehabilitating existing structures is generally more environmentally friendly than building new from the ground up.<sup>6</sup> New construction is material-intensive, creates more waste, requires the transportation of extracted materials, and often demolition, resulting in significantly more greenhouse gas emissions than acquisition and rehabilitation of existing housing. Rehabilitation of existing units brings them to high energy efficiency code standards, reducing ongoing emissions - and costs - from building operations.

### FISCAL IMPACTS

\$8 million per year for a total of \$16 million over 2 years from the General Fund, Housing Trust Fund, or other existing Affordable Housing funds for the Small Sites Program, plus an additional \$350,000 in capacity building grant funds. Funding for the Small Sites program already exists in

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<sup>5</sup> [Housing Element Update 2023-2031.](#) *City of Berkeley*, 17 Feb. 2023

<sup>6</sup> [Hanscom, Greg. "This Old House: Why Fixing Up Old Homes Is Greener than Building New Ones."](#) *Grist*, 5 Jan. 2012.

the Affordable Housing Trust Fund or in Measure O Bond funds, Measure P and/or U1 funds, and anticipated Measure M funds.

Measure U1 was a 2016 affordable housing measure that raised the business license tax on landlords in Berkeley and passed with almost 75% of the vote. Generating \$4.9 million a year, the measure has since provided funding for projects like the [Berkeley Way Apartments and Hope Center](#) and the [Maudelle Miller Shirek Community](#).<sup>7</sup>

Measure M, the Empty Homes tax, applies to residential properties that are vacant for at least 182 days a year and passed in 2022 with almost 65% of the vote. As a general tax, revenue from Measure M is deposited directly into the General Fund for any municipal services. However, the Council can also deposit any portion of proceeds generated by Measure M into the Housing Trust Fund. Measure M is expected to bring in between \$3.9 and \$5.9 million annually, beginning in FY 2025.<sup>8</sup>

#### OUTCOMES AND EVALUATION

With \$8 million per year, the Bay Area Community Land Trust expects to rehabilitate between 3 and 4 buildings. Once BACLТ acquires a property, it will report back to the City Council the cost of acquisition and rehabilitation, as well as the total number of units that will be brought into the City's affordable housing portfolio.

#### CONTACT

Councilmember Sophie Hahn, (510) 981-7150

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<sup>7</sup> ["Measure U1 Budget Forecast." City of Berkeley.](#)

<sup>8</sup> ["Measure M Vacancy Tax." City of Berkeley.](#)



**Sophie Hahn**  
**Councilmember, District 5**  
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CONSENT CALENDAR

May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author); Councilmembers Humbert, Taplin, and Bartlett (Co-Sponsors)

Subject: Budget Referral to Continue Market Match Program for Low-Income Berkeley Residents in the Event of Statewide Program Cuts

RECOMMENDATION

Refer to the FY2025-26 Budget Process up to \$360,000 (up to \$180,000 per year) to safeguard the Market Match program for two fiscal years, supporting over 10,000 low-income Berkeley residents in accessing fresh local produce from Berkeley Farmers' Markets.

SUMMARY STATEMENT

[Market Match](#) is California's healthy food incentive program, which matches customers' federal nutrition assistance benefits at farmers' markets and other farm-direct sites. Market Match is a public-private partnership to reduce diet-related illnesses among California's low-income shoppers and stabilize farming communities in some of the nation's most economically vulnerable farming regions.

Market Match is distributed by over 60 community-based organizations and farmers' market operators at over 275 sites across the state. Berkeley's Ecology Center, which helped develop and pioneered the program, manages Market Match statewide.

Market Match has been proposed to be cut from the 2024-2025 State Budget. While advocates at the state level are working hard to restore funding, Berkeley must ensure that local funds are available for low-income Berkeley residents to continue accessing fresh and healthy food in the event the State program is reduced or cut.

10,000 low-income residents in Berkeley access fresh local produce at Berkeley's Farmers' Markets through Market Match. If funds are cut, not only will low-income residents lose a critically important benefit, but local vendors and farmers will lose important revenues.

This item refers up to \$360,000 over two years to allow for the continuation of the Market Match program in Berkeley, should the statewide program be eliminated from the State budget. Should the statewide program be reduced but not eliminated, a portion of these funds will be made available to ensure Berkeley residents can still access the full benefits. Should the program be fully retained by the State, no funds will be needed from the City of Berkeley. In all cases, the program would be administered for the City of Berkeley through the Ecology Center.

## BACKGROUND

In 2003, the Supplemental Food Assistance Program moved its currency from paper “food stamps” to Electronic Benefits Transfer (EBT) cards. As the new electronic system required a point-of-sale device that had electricity and a phone line, which are not typically available at farmers’ markets, this left farmers across the state unable to accept EBT from low-income shoppers, excluding them from the benefit of purchasing directly from California’s leading farming families. It also cut off important sale opportunities for struggling small and mid-sized farmers, many of whom have been innovators and leaders in sustainability, climate resilience, fair treatment of workers, biodiversity, organic certification, and other movements.

The Ecology Center engaged county, state, and federal officials to develop a system in which a single battery-powered cellular point-of-sale device operated by the market management would create an opportunity for CalFresh shoppers to spend their benefits directly with California farmers once again. The Ecology Center provided technical assistance to other markets statewide and advanced state legislation such that today 2/3 of all farmers’ markets in California have this service available to their customers and farmers.

When shoppers use their federal nutrition benefits at farmers’ markets and other farm-direct outlets, Market Match provides matching funds so customers can buy even more fruits and vegetables. For example, a customer who spends \$15 of CalFresh benefits at the farmers’ market receives an additional \$15 to spend on fresh produce, for a total of \$30 to spend at the market. It is a triple-win program addressing health equity, food insecurity, and economic development.

Joining forces with national leaders, the Ecology Center managed to secure federal funding in the Farm Bill through a program called the Gus Schumacher Nutrition Incentive Program (GusNIP), and received matching funds from the federal government to administer this program. After receiving this funding, the Ecology Center began offering the program in Berkeley directly and subcontracting with other market operators across the state to provide this program under one name, Market Match. During these years, charitable donations and private grant money supplied dollar-for-dollar matching to bring in federal funds and the program grew from a dozen farmers’ markets to nearly 100 statewide.

In 2015, working with Assemblymember Phil Ting, the Ecology Center, and other key partners helped create the California Nutrition Incentive Program (CNIP) in the newly formed Office of Farm to Fork in the State Department of Food and Agriculture (CDFA). In subsequent efforts, the Ecology Center and its partners successfully advocated for state funding to match and draw down federal funding.

In 2016, \$5 million was allocated by the State; in 2018, \$10 million and in 2021, \$20 million. During the pandemic, an additional \$6 million was made available by the federal government to meet the growing demand.



By 2023, the program provided \$19.4 million or 38.8 million servings of fresh fruit and vegetables to over 574,000 shoppers at 294 markets. And it has only grown in popularity – last year, 9% of shoppers who took advantage of the program were first-timers.<sup>1</sup>

However, without committed state funds in the next fiscal year, the program will not be able to continue past 2024. The GusNIP competitive grant program application period will be in FY23-24, and it requires a committed, 100% match of state, local, or private funding.

If the City of Berkeley doesn't ensure funds are available to subsidize this program at the same level of funding in 2024, 10,000 Berkeley residents who depend on Market Match will have these benefits come to an abrupt end. Not only will this negatively impact low-income residents' access to fresh fruits and vegetables, it will also harm local California farmers who rely on revenue generated from Farmers' Markets.

For these reasons, the City of Berkeley must act to protect Market Match for its residents.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

[CalFresh](#), known federally as the Supplemental Nutrition Assistance Program or SNAP, provides monthly food benefits to individuals and families with low-income and provides economic benefits to communities. It is the largest farm direct food assistance program in California and provides an essential hunger safety net.

#### ACTIONS/ALTERNATIVES CONSIDERED

If the City of Berkeley chooses not to safeguard the Market Match program, some 10,000 Berkeley residents may struggle to access fresh fruits and vegetables at their local farmers' markets, leading to potentially worse health outcomes for already vulnerable communities.

#### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn has consulted with the Ecology Center, which has expressed strong support for the continuation of the program.

#### RATIONALE FOR RECOMMENDATION

In California, CalFresh offers up to \$291 per month to residents earning up to \$18,921. This is nowhere near enough to support low-income shoppers in purchasing fresh, healthy foods in alignment with the City's nutrition and healthy environment goals.

Despite overall good health, Berkeley is not yet a city where all people are living long lives and achieving the highest possible level of health. With a poverty rate of 18%, accessing healthy foods remains an equity issue, with some studies indicating that purchasing healthy foods costs

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<sup>1</sup> "Market Match is a Food Safety Program that Sustains Local Economy." *2023 Market Match Impact Report*, [https://marketmatch.org/wp-content/uploads/2024/02/2023-Market-Match-Statewide-Impact\\_2024.2.8-3.pdf](https://marketmatch.org/wp-content/uploads/2024/02/2023-Market-Match-Statewide-Impact_2024.2.8-3.pdf). Accessed 20 Mar. 2024.

twice as much as purchasing unhealthy foods.<sup>23</sup> A 2013 Harvard study found that on average, a healthy diet costs \$1.50 more a day or \$550 a year than an unhealthy diet, creating barriers for low-income households.<sup>4</sup>

This is where programs like Market Match can make a difference and fill the gaps between what families need and what our federal and state social safety nets provide.

#### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

The Ecology Center will continue to administer the program as it has in the past. Funding would be provided to the Ecology Center to continue the program in Berkeley only. Should the Market Match program be eliminated entirely by the State, the City would provide \$180,000 per year for two years, with most funds being disbursed directly to low-income farmers' market customers and the remainder covering the Ecology Center's staffing and administrative costs. Should the State reduce but not eliminate funding for Market Match, the City would backfill direct subsidies to community members.

#### ENVIRONMENTAL SUSTAINABILITY

Market Match encourages the purchase of fresh, sustainable foods directly from local farmers and food artisans. Many of these vendors are organic, regenerative, and most importantly local. Buying locally not only generates jobs and supports the local economy, but reduces the unnecessary transport of goods thereby reducing greenhouse gas emissions.

#### FISCAL IMPACTS

Up to \$360,000 from the City's General Fund over the next two years (up to \$180,000 per year); only if there are reductions to the program at the State level, or the program is eliminated.

#### OUTCOMES AND EVALUATION

Consider whether Berkeley residents are taking advantage of the program, the impact to farmers' market vendors, and the positive impacts on nutrition, health, and wellbeing of low-income community members. If the Ecology Center is successfully administering the program, and residents and farmers continue to benefit, the City should – upon conclusion of this two-year period and if the State does not restore funding – consider expanding the program for another two-year period.

#### CONTACT

Sophie Hahn, District 5, (510) 981-7150

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<sup>2</sup> "City of Berkeley Community Action Plan 2023, Community Needs Assessment." *The City of Berkeley*, [berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/DRAFT\\_2024\\_2025\\_Community%20Needs%20Assessment.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/DRAFT_2024_2025_Community%20Needs%20Assessment.pdf). Accessed 20 Mar. 2024.

<sup>3</sup> Karsit, Idil. "Healthy Foods Are Often More Expensive. Here's Why." *CNBC*, 27 Dec. 2023, [www.cnbc.com/2023/12/27/healthy-foods-are-often-more-expensive-heres-why.html](https://www.cnbc.com/2023/12/27/healthy-foods-are-often-more-expensive-heres-why.html).

<sup>4</sup> "Eating Healthy vs. Unhealthy Diet Costs about \$1.50 More per Day." *Harvard T.H. Chan School of Public Health*, 13 Jan. 2014, [www.hsph.harvard.edu/news/press-releases/healthy-vs-unhealthy-diet-costs-1-50-more/](https://www.hsph.harvard.edu/news/press-releases/healthy-vs-unhealthy-diet-costs-1-50-more/).

Attachments:

1. Market Match 2023 Impact Report

# Market Match is a Food Safety Net Program that Sustains Local Economy

## About the Statewide Market Match Program

Market Match is a 15 year-old program funded by federal, state and private funds that incentivizes CalFresh (known as SNAP on a federal level) recipients to spend their benefits with California farmers on fresh fruits and vegetables. The program provides a dollar-for-dollar match on CalFresh purchases, up to a daily maximum, at hundreds of locations across 38 California counties.

Since the beginning of the pandemic, CalFresh enrollment has grown significantly, with Californians struggling to afford food for their families. As a result, spending on fresh produce through the Market Match program has nearly tripled from 2019-2022.

Between 2019 and 2022, the statewide Market Match program grew nearly 300%. In 2022, the Program led to \$19.5 million in spending of Market Match and CalFresh on fresh produce at 270 participating locations.

## Impact in Berkeley, CA (2023)

Consumers spent \$311,553 of their CalFresh and Market Match incentives at 3 sites in this district. This spending represented a 255% increase in total dollars spent and 174% increase in customers served compared to 2019, showing us that Market Match is a safety net program meeting the growing needs of low income Californians during and post-pandemic. In this district, we estimate that this program led to the purchase of about 623,000 servings of fresh fruits and vegetables.<sup>2</sup>

### Economic Impact

State funding for Market Match is part of a federal matching program that brought \$30 million into California between 2017 and 2023. If funded, Market Match is expected to bring more than \$13 million into California next year.

Researchers estimate that for every \$1 of Market Match spent, an additional \$3 is generated in the California economy.<sup>1</sup>



**\$311,553**

CalFresh & Market Match Spent with Local Farmers



**3**

Participating Sites



**623,000**

Estimated Servings of Fruits & Vegetables

(1) "The Economic Contributions of Healthy Food Incentives" Dawn Thilmany, Allison Bauman, Erin Love, Becca B. R. Jablonski. Colorado State University. 2021 [https://marketmatch.org/wp-content/uploads/2021/02/Economic\\_Contributions\\_Incentives.pdf](https://marketmatch.org/wp-content/uploads/2021/02/Economic_Contributions_Incentives.pdf)

(2) According to the USDA ERS, one serving of fruits and vegetables costs \$0.50: <https://www.ers.usda.gov/data-products/fruit-and-vegetable-prices/>

## 2024-25 State Budget Funds Needed to Meet Low-Income Californians' Fresh Food Access and to Support Economic Recovery

Market Match is currently funded through the CDFA California Nutrition Incentive Program (CNIP) and the USDA Gus Schumacher Nutrition Incentive Program. The Market Match program reinvests state and federal dollars into small and mid-sized farms and the rural California communities where they are located and increases the spending power of low-income Californians, which is needed now more than ever.

However without committed state funds in the next fiscal year, the program will not be able to continue past 2024. The GusNIP competitive grant program application period will be in FY23-24, and it requires a committed, 100% match of state, local or private funding.

**An investment of \$35 million of state funds into CNIP could bring significant federal dollars into the state and will lead to tremendous economic impact for the state since every \$1 invested in Market Match results in an additional \$3 to the local economy.**



”  
I'm eating better because I can afford to get fresh food, fresh vegetables and fruit that I wouldn't get otherwise.

- Market Match Customer

### Market Match locations in Berkeley CA:

#### Downtown Berkeley Farmers' Market

Saturdays 10am - 3pm year round  
Center Street and MLK Jr Way  
Berkeley, CA

#### South Berkeley Farmers' Market

Tuesdays 2pm - 6:30pm year round  
Adeline St and 63rd St Berkeley, CA

#### North Berkeley Farmers' Market

Thursdays 3pm - 7pm year round  
Shattuck Ave and Vine St.  
Berkeley, CA

The Ecology Center is lead contractor under the CDFA Office to Farm to Fork's California Nutrition Incentive Program responsible for implementing the Market Match program statewide. The Ecology Center subcontracts with 50+ local partners to implement Market Match. For more information visit [www.MarketMatch.org](http://www.MarketMatch.org).





”  
Helped my partner and I  
eat fresh and healthy food  
we otherwise wouldn't  
have much access too.

- Market Match Customer

”

At 78 years old, I am still working as a self-employed person. I hope to be able to work until 85. If not, it is going to be very difficult for me to pay my rent, let alone buy food. The Market Match is essential for me

-Berkeley Market Match customer



”

Market Match helps me to cook with healthy and local ingredients on a limited budget. It has introduced many low-income people and families to the farmers market, making it more accessible to all. I had never been able to afford to shop at the farmers market before Market match and if it gets cut I likely will not be able to continue going there.

-Berkeley Market Match customer









Internal

CONSENT CALENDAR

May 7, 2024



Sophie Hahn  
 Councilmember, District 5  
 City of Berkeley  
 2180 Milvia Street  
 Berkeley, CA, 94704  
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To: Honorable Mayor and Members of the City Council  
 From: Councilmember Sophie Hahn (Author), Councilmember Wengraf (Co-Sponsor)  
 Subject: Co-Sponsorship and Budget Referral for the Solano Avenue Stroll

### RECOMMENDATION

1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's September 2024 and September 2025 Solano Avenue Stroll events and to provide in-kind services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2024 and 2025 Solano Stroll events.
2. Refer \$10,000 per year to the FY 2025-2026 Budget Process (\$20,000 total) to support the September 2024 and 2025 Solano Stroll events.

### SUMMARY STATEMENT

The Solano Avenue Stroll (the "Stroll" or the "Solano Stroll"), is an annual, multicultural event that draws visitors of all ages, backgrounds, and abilities from Berkeley and neighboring communities. The event is an inclusive, no-barrier, family-friendly, outdoor celebration that is and always has been free to the public.

The Solano Stroll is the largest street fair in the East Bay, drawing crowds of up to 250,000 people and spans both Berkeley and Albany. The scale and importance of this free public event is unique in Berkeley and the region and requires a singular level of support and partnership from the cities of Berkeley and Albany. For these reasons, the Stroll has for decades received in-kind and direct monetary support from both cities.

Producing the Stroll is a uniquely complex and time-consuming undertaking. The Solano Avenue Association, with a board of 15 volunteers – who also own and run their own local businesses – works diligently to produce the Stroll on an exceptionally frugal "shoestring" budget.

Following a two-year break due to the COVID-19 pandemic, the City, as it always has, provided in-kind City services such as police and public works to support the 2022 and 2023 events. In addition, the City provided annual grants of \$20,000 per year to support the North Berkeley BART shuttle, marketing, and other out-of-pocket expenses. This higher-than-usual level of grant was provided to help the Stroll regain participation of both vendors and members of the public after a two-year hiatus and drop-off in participation related to the pandemic.

With enhanced funds provided by the City of Berkeley for the September 2022 and 2023 events, and a surge of interest in outdoor social events that materialized after several years of caution, the 2023 Solano Stroll drew the highest attendance for any Stroll to date.

The Solano Avenue Association has repeatedly expressed its gratitude to Berkeley and Albany for providing additional funds to continue producing this event in the face of pandemic-related losses. Because of the Stroll's renewed success, the Solano Avenue Association has determined that in-kind services plus \$10,000 per year from the City of Berkeley (reduced from \$20,000 per year that were provided in FY 2023 and 2024) will be sufficient to support the event's success over the next two years.

To facilitate continuity of planning and support for this important annual event, this item seeks to commit City sponsorship, in-kind services, and a reduced grant of \$10,000 per year for each of the September 2024 and September 2025 events.

## BACKGROUND

The Solano Avenue Association was formed in 1974 and achieved nonprofit status in 1983. The Association's signature annual event, the Solano Avenue Stroll, draws approximately 250,000 people over the course of a free, outdoor, closed-street, family-friendly, smoke- and alcohol-free one-day event which spans 26 blocks and more than a full mile of Solano Avenue, from The Alameda to San Pablo Avenue, in both Berkeley and Albany. In 2000, the Solano Avenue Stroll became an official "Local Legacy," installed into the United States Library of Congress with the help of Congresswoman Barbara Lee and was recognized as celebrating "America's rich diverse culture."

Now in its 48th year, the Solano Avenue Stroll has been sponsored with both services and funds by the Cities of Berkeley and Albany for longer than the Solano Avenue Association has records; meaning at least 20 years.

The Stroll draws both locals and visitors. In 2013, a zip code survey was taken from 453 event goers and recorded 139 different zip codes from across the Bay Area. On the east end, the Stroll is referred to as “Berkeley’s Reunion,” and on the west end much of Albany turns out. Both ends are united by the festive Parade that kicks-off the event, starting at the top of the street with dancers, bands, floats and youth and families from many schools and organizations.

The Solano Avenue Association works actively to minimize the environmental impact of the Stroll. In addition to regular AC Transit service, free event-day shuttles provide rides from 10AM to 7PM to and from the North Berkeley BART Station and up and down the length of Marin Avenue, making stops at intersections with stop lights on Marin. Free valet bicycle parking, provided by the Albany High School Cougars mountain biking team and the Albany Strollers & Rollers, will be available at 1275 Solano Ave.

Recycling and composting are part of the zero waste ethos of the event. In 2022, the Solano Avenue Association began requiring all vendors to provide only compostable bags and foodware, unless items are not available due to supply chain challenges, or for health and safety reasons (to avoid spilling of hot liquids, for example). Recycling and composting bins have and will continue to be provided along the entire route of the event.

The Solano Stroll typically features over 500 vendors, including 50 entertainers representing a wide variety of cultures, food from 50 booths and local restaurants representing cuisines from all the continents, 150 government and non-profit agencies, 150 juried handcrafters, a 75- participant parade with local bands, performers, schools, and organizations, safe mechanical rides for children, and more.

The Stroll gives people from near and far a rare opportunity to see, experience and learn about everything our unique community has to offer. The event is family friendly and supported by diverse not-for-profit and government organizations. Approximately 75% of participating nonprofits use Berkeley booth locations to broadcast their mission to the public. The event allows for meaningful outreach and direct contact with the populations that these vital community organizations serve, including low-income clients who may have few other free and public opportunities to learn of available programs and services, and offers a unique opportunity to recruit volunteers and donors.

There is a “green zone” for environmental organizations, an area for health and wellness organizations, affordable housing and homeless services providers, libraries, police, fire and other city and county departments, schools, sports teams, transit

providers, student and neighborhood associations, faith institutions, and political parties and associations, among others. Many elected officials from the State, County, region and local cities and school districts also participate, to connect in person with the hundreds of thousands of constituents who attend the Stroll. All of these groups and individuals rely on the unique exposure the Solano Stroll provides and consider participation a key annual activity to connect with stakeholders and potential clients. 92% of participating organizations and vendors return each year.

A list of recent Stroll business, arts, and organizational participants is attached hereto.

Due to the popularity and reputation of the Solano Avenue Stroll, both the cities of Berkeley and Albany, as well as the community at large, have benefitted from the exposure the event has garnered. Many local businesses and organizations have gained a loyal following by first participating as a vendor at the event, and some have found permanent store-front homes along Solano Avenue and now contribute to the local economy with community-oriented goods and services. The Stroll draws significant traffic to local restaurants, retail businesses, and arts and culture venues who participate in the event. Most recently, a number of businesses have made Solano Avenue home during the pandemic, risking an investment in our local economy at a very challenging time, and the Stroll will provide a great opportunity for the community to discover and welcome them to the neighborhood.

Solano Avenue merchants, both longstanding and newly arrived, benefit from the exposure to approximately 250,000 potential customers who see Solano's products and services. While not every business registers a boost in sales the day of the Stroll, positive economic activity generated by the event continues for months.<sup>1</sup>

The Stroll also raises revenues and enhances the City's reputation locally and regionally, engendering significant goodwill. The event is well-known and beloved by the community and an opportunity for people beyond Berkeley and Albany to discover these communities and has been a source of pride for both Berkeley and Albany for five decades.

It takes about 600 staff-hours to produce the Solano Stroll, plus thousands of additional volunteer hours, and the event is one of only four in the United States and Canada that operates in two municipalities simultaneously. The scale and complexity of the Solano

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<sup>1</sup>"A Brief History of the Solano Avenue Stroll," Solano Avenue Association.  
<https://www.solanoavenueassn.org/wordpress/wp-content/uploads/2014/04/solanoavenuestrollhistory.pdf>

Stroll is unique and requires coordination among municipalities and with the Solano Avenue Association to ensure security, zero waste, toilet facilities, parade staging, set-up and take-down of performance, commerce, and event spaces, electricity, barricades, and other services and elements. Despite the magnitude of the Stroll, Solano Avenue is virtually spotless and fully restored to normal operations within 24 hours of the close of the event.

This item asks the City of Berkeley to register its official sponsorship of the September 2024 and 2025 Stroll events (taking place in FY 2025 and 2026), commit to continue providing services traditionally offered to the Stroll at no cost, and refer \$10,000 in sponsorship for each of the two years (for a total of \$20,000 from the FY 2025/2026 Budget).

In sponsoring the Stroll in all these ways, Berkeley joins the City of Albany and businesses like Albany Subaru, Mechanics Bank, Belmont Village, East Bay Community Energy, Andronico's, L.J. Kruse, Sun Light & Power, Northeastern University, WM, and Total Health Dental Care, and acknowledges the thousands of volunteer hours donated by the Solano Avenue Association Board of Directors and other volunteers.

The Solano Avenue Association looks forward to working more closely than ever with the City of Berkeley, its Councilmembers, Visit Berkeley, and the Berkeley Chamber of Commerce, among others, to ensure everyone in Berkeley knows they are cordially invited to upcoming Stroll events.

#### ENVIRONMENTAL SUSTAINABILITY

The Stroll minimizes climate impacts by operating on a street easily accessed by numerous AC Transit bus routes and offering a popular no-cost shuttle to and from the North Berkeley BART Station, plus free valet bike parking. Ample additional bike parking is available throughout the area of the Stroll, and many participants simply walk from home to participate. In addition, the Solano Stroll provides compost and recycling facilities throughout the event and will prohibit the use of non-compostable bags and throw-away foodware items by all vendors, except where necessary for health and safety or due to supply chain constraints.

#### FISCAL IMPACTS

As noted above, the Solano Avenue Stroll provides day-of and residual income to local businesses, and generates significant regional exposure and goodwill, contributing to the local tax base and economy. The item refers \$20,000 in sponsorships over two

years (\$10,000 per year) and donation of in-kind services associated with the Solano Stroll event, as has been the practice for the City of Berkeley for decades.

CONTACT

Councilmember Sophie Hahn, (510) 981-7166

Attachments:

1. Resolution
2. Photos
3. Recent Booth and Parade Participants List

RESOLUTION #####-N.S.  
CITY OF BERKELEY CO-SPONSORSHIP AND SUPPORT FOR THE 2024 AND 2025  
SOLANO AVENUE STROLL EVENTS

WHEREAS, The annual Solano Avenue Stroll is a public event which brings together the expression, enjoyment, and diversity of our community in an inclusive, no-barrier, family friendly, outdoor celebration that is and always has been free to the public; and

WHEREAS, the Solano Avenue Stroll is the largest street fair in the East Bay, drawing crowds of up to 250,000 people over the course of a single day and spanning two cities: Berkeley and Albany; and

WHEREAS, The scale and importance of this free public celebration is unique in Berkeley and the region, and requires a singular level of support and partnership from both the cities of Berkeley and Albany; and

WHEREAS, The Solano Avenue Stroll, now in its 48th year, has been sponsored with both in-kind services and funds by the cities of Berkeley and Albany for longer than the Solano Avenue Association has records; at least 20 years; and

WHEREAS, The Solano Stroll typically features over 500 vendors, including 50 entertainers representing a wide variety of cultures, food from 50 booths and local restaurants representing cuisines from all the continents, 150 government and non-profit agencies, 150 handcrafters, a 75-participant parade with local bands, performers, schools, and organizations, safe mechanical rides for children, and more; and

WHEREAS, The Solano Stroll is well-known and beloved by the community and has been a source of pride for both Berkeley and Albany for almost five decades; and

WHEREAS, The Solano Stroll raises revenues and enhances the City's reputation locally and regionally, engendering significant goodwill; and

WHEREAS, The Solano Avenue Association, producer of the Stroll event, works actively to minimize the environmental impact of the Stroll, providing a free Shuttle to and from North Berkeley BART station, free valet bike parking, and will require vendors to offer only compostable bags and foodware; and

WHEREAS, in recognition of the diversity and reach of the event, the Solano Avenue Stroll has had the honor of being selected by Congresswoman Barbara Lee for inclusion at the Library of Congress in Washington D.C. as a “National Local Legacy”; and

WHEREAS, the City of Berkeley has a longstanding practice of providing annual support for the Solano Avenue Stroll through cash grants to the Solano Avenue Association and the provision of in-kind services at no cost; and

WHEREAS, Berkeley’s increased grants over the two years immediately following the pandemic, which allowed for extended marketing, BART shuttles, and other enhancements, have resulted in rebuilding the success of pre-pandemic Strolls;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley shall be an official Co-Sponsor of the Solano Avenue Association’s 2024 and 2025 Solano Avenue Stroll events, currently scheduled for Sunday, September 8, 2024 and Sunday, September 14, 2025, taking place on Solano Avenue in both Berkeley and Albany; and

BE IT FURTHER RESOLVED THAT the City of Berkeley shall provide in-kind City services to the Solano Stroll, including but not limited to police, fire, zero waste, and public works services, at no cost to the September 2024 and 2025 Solano Avenue Stroll events.



## Solano Stroll Booth and Parade Participants 2023

19 Hands Jewelry  
A Walk With Phil  
Aaron Eminger Watercolors  
ADES  
AFS-USA  
After the Gold Rush  
Alameda County Auditor-Controller/Clerk-Recorder Agency  
Alameda County Behavioral Health Director's Executive Team  
Alameda County Democratic Party  
Alameda County District Attorney  
Alameda County Law Library  
Alameda County Mosquito Abatement District  
Alameda County Probation  
Alameda County Public Health Department  
Alameda County Social Services Agency  
Alameda County Supervisor Keith Carson's Office  
Alameda County Transportation Commission  
Alameda-Contra Costa Transit District  
Albany Berkeley Soccer Club  
Albany CERT Inc  
Albany Democratic Club  
Albany Fire Department  
Albany High School Dance Department  
Albany High School Jazz  
Albany High School Mountain Biking Team  
Albany Jazz Big Band  
Albany Police Department  
Albany Property Rights Advocates  
Albany Sauna, Massage Therapy & Hot Tubs  
Albany Strollers & Rollers  
Albany Subaru  
Albany Thrives Together  
Albany Unified School District  
Aloha Pediatric Dentistry  
Alpineer Club  
Altar Ceramics  
Aly Maky

Alzheimer's Association  
Amy's Face Painting  
Andronico's Community Markets  
Anime Island  
Antiques on Solano  
Art Corner Academy  
As You Wish Frozen Yogurt  
Ashby Lumber  
Ashby Village  
Ashkenaz Music & Dance Community Center  
Asian Art Foundation  
Aunt Betty's Gourmet Corn Dogs  
Aurora Theatre Company  
Back Pages  
Barberella Beauty Lounge  
Bay Area Alternative Press  
Bay Area Brain Spa  
Bay Area Experience – Mark Otis  
BAYCO  
Belmont Village  
Berkeley Albany Girl Scouts  
Berkeley Architectural Heritage Association  
Berkeley Buddhist Priory  
Berkeley Camera Club  
Berkeley City Auditor  
Berkeley Democratic Club  
Berkeley Disaster Preparedness Neighborhood Network  
Berkeley Fire Department – Office of Emergency Services  
Berkeley Fire Department – Wildland Urban Interface Division  
Berkeley Folk Dancers  
Berkeley Food Network  
Berkeley High Robotics Team 5419 Berkelium  
Berkeley High School Jazz  
Berkeley Historical Society & Museum  
Berkeley Lab  
Berkeley Lacrosse Club  
Berkeley Morris  
Berkeley Path Wanderers Association  
Berkeley Playhouse

Berkeley Police Department  
Berkeley Public Schools Fund  
Berkeley School  
Berkeley Unified School District  
Berkeley YMCA U-Jam  
Berkeleyside  
Best Gay Ever Tattoo  
Beyond the Spell  
Big Bubble People  
Black Pine Circle School  
Black Pine Circle School Band  
Blade & Arrow  
Bottle of Clouds  
Boy Scouts of America GGAC  
Breedloves & Friends  
Brenda's Ceramics and Jewelry  
By Three Bears  
Cactus Taqueria  
California Council of the Blind  
California Section of the American Chemical Society  
California Tarot  
Catholic Funeral and Cemetery Services  
Cazadero Music Camp  
Center for Early Childhood Connections  
Chabad of El Cerrito  
Chain Two Collective  
Charlie Frank Pies  
Child Therapy Institute of Marin  
Chris Kindness Award  
Church of Divine Man dba Berkeley Psychic Institute  
Church on the Corner  
Citizens Climate Lobby, Alameda County  
Citizens for East Shore Parks  
City of Albany  
City of Berkeley Office of Economic Development  
City of Berkeley Public Works  
City of Berkeley Recreation Division  
City of Berkeley Rent Board  
CJ's Barbeque & Fish

Classroom Matters  
ClimateChangeEducation.org  
Congregation Beth El  
Consilience  
Corn Bread Willie  
Craftup  
Crowden Music Center  
Cruising Cones 6  
Cumbia Paradiso  
Cutie Pop Nail Shop  
Dan Kalb for State Senate 2024  
Del Mars  
Delicious Kettle Corn  
Delightful Foods  
Demby Co  
Derek's co (Crazy Copy Hats)  
Diana Yoshida  
Didi Jewelry Project  
District Homes  
DJ boyof\$summer  
DoctorofBeauty, Christine Brozowski  
Domino's  
Don Velez Woodturner  
DOWNTOWNRHYTHM Band  
Dreaming in Paradise  
Dusty Rose Designs  
EarthCapades  
East Bay Center for the Blind  
East Bay Community Energy  
East Bay German International School  
East Bay Heritage Quilters  
East Bay Municipal Utility District  
East Bay PEMA Specialists  
East Bay Rose Society  
East Bay School for Boys  
East Bay Youth Rugby  
Eastshore Alliance Futbol Club  
Easy Does it Emergency Services  
Eckankar of the East Bay

Ecole Bilingue de Berkeley  
El Cerrito Trail Trekkers  
Emeryville Taiko  
Enjoyus  
Epworth UMC Berkeley  
Escuela Bilingue Internacional  
Evolution Hot Sauce  
Fern's Garden  
Fillgood  
FIT4MOM 510  
Folke  
Fraternal Order of Eagles – Bayview Aerie  
Freight & Salvage  
Friends of Albany Library  
Friends of the Albany Twin  
Game On  
Gamelan Sekar Jaya  
Gangchen Gifts  
Gaucho Dance Company/ECHS Dance  
GenX Fitness LLC  
God's Creations  
Golden Gate Sotheby's International Realty  
Golden Lion Martial Arts Academy  
Golestan School  
Good Research  
Good Trubble  
Gourmet Faire  
Grape Craft Leather  
Gray Panthers of Berkeley and the East Bay  
Great Diamond Press, LLC  
Green Party of Alameda County  
Griffin Performance Judo  
Grizzly Peak Fly Fishers  
Groove Portal  
Half Price Books  
Hanabi Judo  
Handmade by Renee  
Happy Day Montessori School  
Harvest Land

Hazel's California Confections  
Himalayan Tandoori Curry House  
Himalayan Tribes  
Holistic Life Skills  
Honey Drop Gems  
House of Hara  
I Flip Gymnastics LLC  
IBX Fitness  
Idlewild West  
lyoba  
Jack Justice and the Peace  
Jamba Juice  
Jane's Homemade  
Jay Scott Insurance & Financial Services, Inc.  
Jewish Voices for Peace-Bay Area  
Jimmy Becker  
John Muir Trout Unlimited  
Jovanka Beckles for State Senate 2024  
JoyousJoyfulJoyness  
K&J Eats LLC dba Dippin Dots  
Kai Real Estate  
Kalimba King (Carl Winters)  
Karaoke, Hosted by Mel-o-dee Cocktails  
Kathmandu  
Kathmandu Gift School  
Kathryn for State Senate  
Katie's Dance Studio & Company  
Kennedy24.com  
Kenny the Clown  
Kensington Symphony Orchestra  
Kirk McCarthy Designs  
Kolo's Finds  
L.J. Kruse Company  
Le Jazu  
League of Women Voters Berkeley Albany Emeryville  
Leopold Chiropractic  
LifeLong Medical Care  
Light and Breezy Paper  
Linked & Co Permanent Jewelry

Lions Club of Albany  
Little Shed Crafts  
Little Tibet Gift Shop  
Liz Patton Design  
Los Nadies  
Love the Bulb  
Low Keys  
Luna Bags  
Ma's Trading Company  
MacLean Custom Screen Printing  
Magical Face Paint by Gina  
Main Street Food Concessions  
Malaya Botanicals  
Maoli Shave Ice  
Marxo Lazo  
Maru Hair Salon  
Matsu Japanese Gifts  
Mayor of Berkeley – Jesse Arreguin  
Mechanics Bank  
Medical Center of Marin – Albany  
Mehfil Enterprise  
The Menagerie Oddities Market  
Mercy Kit  
Metalsouls LLC  
Mickaboo Companion Bird Rescue  
Midnight Kitchen  
Mills College / Northeastern University  
Moonsprouts  
MoritaArts  
Mountain Music  
NALCO Northern Alameda County Emergency Amateur Radio  
Nanas Bracelets  
NARI San Francisco Bay Area Chapter  
New York Life  
Nomad Tibetan Restaurant  
Norcal Sabeel  
North Berkeley Wealth Management  
Nourish Osteo & Wellness  
Oakland Ski Club

Oaktown Spice Shop  
Oasis Pro  
Office of Assemblymember Buffy Wicks  
Office of Congresswoman Barbara Lee  
One Generation Camp  
Orca Water Polo Club  
Orchid Florist  
Organic Attire  
Osher Lifelong Learning Institute (OLLI) at UC Berkeley  
Oz+Otz  
Pacific Boychoir  
Palomacy Pigeon & Dove Adoptions  
Pamana Plantas  
Papa Seahorse  
Paper for Keeps  
Paper Sweetly  
Pegasus Books  
Peki Peki  
Pet Adoptions and Street Boutique  
Petite Jewel Box  
Photopia  
Pineapple Express  
Pizza Twist  
Pop Nation  
Rad Power Bikes Berkeley  
Raised on TV  
RandomTechnology Design  
Read-Aloud Volunteer Program  
Renner Screen Printing  
Ring Around the Toezees  
Rock-It-Man Stoneworks  
Rolling Hills Memorial Park  
Ross Luna's Sculptures  
Rotation Community Services  
Royal Scottish Country Dancers  
Salvage Flows  
Sam's Toys  
Sandre Swanson for State Senate  
Saraba African Arts



Sari-Sari Shop  
Save the Historic UA Theater  
Schmidt's Tobacco and Trading Co  
School of the Madeleine  
Seacology  
Shoes on Solano  
Shumei San Francisco  
Signal Coffee Roasters  
Silverado Memory Care  
Simply Salma's Treasures  
Sisters of the Holy Names  
Sites Show  
Solano Ave Barber Shop  
Solano Avenue B.I.D.  
Solano Center for Psychological Services  
Solano Cleaning Center  
Solano COmmunity Church  
Soneha  
Sophie Hahn for Mayor 2024  
StandWithUs  
State Farm Insurance – Sonny Randhawa  
STBY  
Stone Room  
Stratospheres  
Strawberry Creek Quilts  
Style by Illana  
Sue Johnson: Custom Lamps & Shades  
Suitcase Ron's Kettle-korn  
Sun Light and Power  
Sundhari Spa  
Sweet Basil Thai Cuisine  
Tante's LLC  
Temple Beth Hillel  
Tenzing Collections  
Tha Siam Thai Bistro  
Tibetan Golden Lotus  
Tilden Preparatory School  
Total Health Dental Care  
Treats by the Bay

Treve Johnson Photography  
Troupe Tangiers and Sharifa's Habibis  
Umani Home and Gift  
Uncommon Poppy Shop  
United Nations Association – East Bay Chapter  
United State Coast Guard  
Unlimited Fashions  
USDA FSIS Western Laboratory  
Vagabond Empire  
Waste Management  
Wilson Glass Co  
Wind & Brass  
Winkler Real Estate Group  
Wilfe, Inc  
Women's Daytime Drop-In Center  
Xocolate Bar  
YMCA Youth and Government  
Yosemite Flower Farm  
Young People's Symphony Orchestra  
Youth Musical Theater Company

















Internal

CONSENT CALENAR  
MAY 7, 2024

**Sophie Hahn**  
**Councilmember, District 5**  
**City of Berkeley**  
**2180 Milvia Street**  
**Berkeley, CA, 94704**  
**(510) 981-7150 | [shahn@berkeleyca.gov](mailto:shahn@berkeleyca.gov)**

To: Honorable Mayor and Members of the City Council

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

Subject: CARE Program for Berkeley Fire

### RECOMMENDATION

Refer to the FY2025/2026 Budget Process funding for programs that offer care and support for our firefighters and emergency medical service workers (First Responders), the equipment they rely on, and the homes and workplaces we provide for them.

1. For a two-year **Pilot Project to Screen for Cancer**:
  - \$40,000 annually for two years to fund on-going age and risk-based full body cancer scans for First Responders that are subjected to carcinogens during the normal course of their work.
2. To add an FTE to the Fire Department for an **In-House Fire Mechanic** to service Fire Apparatus on-site and better meet the complex, unique, and time-sensitive needs of the Fire Department, and to save firefighters and the City time and money on outsourced maintenance service:
  - \$203,107 for one FTE, ongoing and inclusive of benefits, for a Lead Fire Mechanic.
  - \$350,000 in one-time funds to purchase the necessary tools and equipment.
3. For a **Fire Reserve Program**, offering internships with training to motivated High School graduates and/or college students who may enter the Fire Service after completion of the program, and to support recruitment:
  - \$120,000 per year, ongoing, to cover salaries for 6 interns, training, supervision, and equipment.
4. For one-time “FFE” (Furniture, Fixtures, and Equipment) **upgrades to all Fire Stations**, including but not limited to new appliances, enhancements to prevent cancer (decontamination dryers, carcinogen-reducing soaps/detergents, etc.), lighting, furniture, and other amenities to improve living, health, and working conditions:
  - \$140,000 to provide \$20,000 for each of the City’s seven Fire Stations in one fiscal year.

- Alternatively, \$70,000 in FY 2025 and in FY 2026, providing \$10,000 per year for each Fire Station over two years, for a two-year total of \$140,000.

### SUMMARY STATEMENT

Berkeley's First Responders provide essential services to our community, 24/7. Unlike all other City staff, they are also required to live apart from their homes and families for 24 to 96 hour shifts, sleeping, eating, and taking care of personal needs in living quarters provided by the City of Berkeley.

In the course of their work, First Responders are exposed to toxins that are proven to increase risks of cancer. According to the U.S. Fire Administration, firefighters have a 9% higher risk of developing cancer and a 14% higher risk of dying from cancer compared to the general public.<sup>1</sup>

First Responders also rely on vehicles and equipment that are highly specialized, state-of-the-art, and must be in good working condition. If an engine is out of service or equipment is in need of cleaning or repair, First Responders cannot do their work at the highest levels of safety and effectiveness.

To ensure the City of Berkeley cares for the health and wellbeing of our First Responders and the facilities and equipment they rely on, this item proposes funding a suite of initiatives that provide the care and support our Fire Department needs to deliver their critical services to the community.

**Care for our Firefighters' Health:** Advanced cancer screening for individuals with the longest exposure to toxins associated with Fire Service will allow for early, pre-emptive detection and early treatment of cancers.

**Care for the Vehicles our First Responders and Community Rely On:** An in-House Lead Fire Mechanic will provide rapid, on-site repairs to fire apparatus, ensuring vehicles are in good working condition at all times, increasing regular maintenance to delay or avoid major repairs, keeping apparatus in use rather than waiting for smaller mechanical matters to be serviced off-site, and saving both time and money for the City.

**Support for Routine Tasks and Recruitment of Future First Responders:** Interns hired through the Fire Reserve Program will support logistics, training, equipment maintenance and more. The program will also allow for the development of skills and relationships that build bridges to the City's recruitment pipeline. Similar programs in other jurisdictions have yielded a stream of interested and qualified candidates for entry level classifications.

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<sup>1</sup> "Impact of Occupational Cancer." *U.S. Fire Administration*, 11 Oct. 2022, [www.usfa.fema.gov/about/usfa-events/2022-10-11-usfa-summit/firefighter-cancer/](http://www.usfa.fema.gov/about/usfa-events/2022-10-11-usfa-summit/firefighter-cancer/).



**Care for First Responders' Homes and Workplaces:** While major remodels/rebuilds of Fire Stations as called for in the Fire Department's Facility Master Plan are not currently funded, small upgrades and amenities can make a big difference in the comfort, health, and enjoyment of these homes-away-from-home, which also double as workspaces. By providing the Fire Department with the equivalent of \$20,000 per station over one or two years, small upgrades and amenities, including purchase of equipment and products that can reduce cancer risks, can be acquired to make a significant positive difference in the lives, health, and work of First Responders.

## BACKGROUND

### **Introduction:**

The Berkeley Fire Department operates out of seven fire stations, most of which were built during the 1960s. During the 1960s-70s, ten stations were reduced to seven, the workweek was reduced from 63 to 56 hours per week, and staffing was reduced from four firefighters per engine company to three. Currently, there are nine fire companies, amounting to a total of 120 firefighters. The Department is in the process of staffing ambulances with non-firefighter paramedics, with 15 currently employed. The most recent class began in October 2023, and the transition is due to be completed by July 2025, with a full ambulance staff of 32.

Budget and staffing cuts have occurred against the backdrop of growing population and increased housing and commercial space, including many mid- and high-rise structures. In a September 13 report to the City Council, Chief Sprague highlighted some of the challenges faced by the department as a result of underinvestment, including potential staff shortages, slowed response times, and insufficient staff in the event of a severe fire or earthquake.

The June 8th, 2023 Standards of Cover Study and Community Risk Assessment report by Citygate Associates found that the Department's minimum daily staffing is sufficient for a "modest single-family house fire or small commercial building fire at the ground floor." However, current staffing levels are insufficient to provide necessary response to severe fires.

Fire Stations are in need of major repairs, as detailed in the Fire Department's May 2023 Facilities Master Plan. While Berkeley Fire facilities have undergone some modifications since their construction, these improvements have not been to the extent necessary to "properly house modern apparatus, equipment, additional units and new staff, nor to meet current policy, codes and health, safety and inclusion standards. Additionally, many of the stations house outdated features (such as hose drying towers) and hinder healthy environmental practices (such as physical training in apparatus bays). Without further renovation, replacement or relocation, the stations will continue to fall short of addressing the present day needs and expanding and changing operational demands."

Difficulties in recruitment are not unique to Berkeley. Low pay, poor work-life balance, and occupational hazards have resulted in a nationwide First Responder shortage. However, Berkeley can be a model for the nation by ensuring its responders, and their living and working conditions, get the care and attention they deserve.

**Cancer Screening - Background:**

Firefighters are routinely exposed to carcinogens through inhalation, absorption, and even ingestion. When residential or commercial buildings burn, they release cancer-causing agents known as polycyclic aromatic hydrocarbons (PAHs), asbestos, and diesel exhaust. Firefighters who responded to the 9/11 attacks on the World Trade Center have been the subject of much research, and studies consistently confirm elevated rates of cancer. In the last year alone, five retired Berkeley Firefighters have been diagnosed with cancer.

Despite the statistics indicating the high risk of cancer among firefighters, individuals still experience obstacles to early cancer screenings because their occupation is often not taken into account. Recently, in a Memorandum of Understanding with its Fire Department, the City of Hayward approved annual cancer screenings for its Firefighters:

“The City will provide an annual comprehensive cancer screening mutually agreed upon by Local 1909 and the Fire Chief. All testing is to be scheduled and completed on-duty during the month of February each year.”

Berkeley Fire estimates a cost of \$1,600 per person for advanced cancer screenings. The Cancer Screening Pilot will prioritize firefighters with the greatest number of years in fire service. The first year will include all firefighters with at least 5 years working in the fire service, in order to get a baseline scan – this cost has been covered by the Department in FY24 with one-time funds that were available.

The rotation following the baseline year is based on risk, which generally correlates to age and years of service. Members that are 50 years of age or older receive a scan every 3 years, members between 36-49 years old receive a scan every 5 years, and members between 23-35 years old receive a scan every 7 years. This breakdown results in an annual budget of not more than \$40,000 per year or \$80,000 to fund the total cost of the two-year pilot.

**In-House Mechanic - Background:**

Currently the Berkeley Fire Department does not have its own dedicated, on-site mechanic. Because Fire shares a mechanic with other departments centralized in Public Works, the Department often must seek outside repairs due to staffing, internal mechanic certification, vacancy rate, and workload. Because this is a highly specialized job, outsourcing repairs is extremely costly and time consuming. In 2022, the Department incurred \$440,000 in apparatus maintenance costs, a majority of which was labor, through an outside vendor. In addition, when fire vehicles are sent to off-site shops, it requires hours of shuttling apparatus back and forth to Sacramento, using fire personnel that are assigned to other duties, and leaves these critical vehicles out of the City for weeks to months at a time.

In FY 2023, the Department spent \$303,000 on maintenance and repairs within the first four months of the year. With a dedicated on-site mechanic, a greater portion of repairs could be accomplished in-house – at lower cost and with significantly fewer vehicle-days out of service.

The Alameda County Fire Department has its own dedicated team of mechanics at its Vehicle Maintenance Facility, “responsible for maintaining the operational readiness of the Department’s fleet of apparatus and support vehicles. Performing routine and emergency repairs, safety inspections, preventative maintenance, communications equipment installation, and emergency apparatus outfitting.”<sup>2</sup> This and other regional maintenance facilities are not able to service Berkeley’s fleet due to staffing, workload and facility constraints.

Berkeley can model its own in-house Fire Mechanic Service after Alameda County’s successful program. Hiring one full-time employee for this specialized function would save the City significant funds in the long-run and ensure appropriate apparatus are functional and available in the event of emergencies. Additionally, there may be an opportunity to contract this function out to nearby municipalities as a means to share a valued service, and gain revenue to support a robust program for Berkeley.

#### **Fire Reserve Program - Background:**

The Fire Department is experiencing challenges in recruitment and retention - as are Fire Departments throughout the Bay Area. In an increasingly competitive environment, it’s important for Berkeley to invest in the development of potential future Berkeley First Responders. The Fire Reserve Program is an effective strategy to recruit new talent by developing skills and relationships that can translate into a desire to join Berkeley Fire.

This program would see the creation of six paid part-time internships for young people to gain training and experience with the BFD. Berkeley Fire already has successful partnerships with Berkeley High School and YouthWorks, which can be expanded and improved upon.

Offering reserve positions to motivated individuals can yield substantial long-term benefits, particularly in the recruitment of full-time firefighters, paramedics, and EMTs. These programs provide meaningful experiences to our youth that translate to valuable life skills useful in day-to-day settings, making them more attractive to future employers. These programs also provide meaningful options for high school students who do not plan to attend college directly out of high school.

#### **Fire Station Care Program - Background:**

Fire Stations are not just workplaces; they are also homes where our first responders live for 24 to 96 hour shifts. They sleep, exercise, socialize, eat meals, and recreate in our stations, 24/7. While this item does not address the need for major renovations, as documented in the recent Fire Facilities Master Plan Report that was delivered to Council on May 16, 2023, small changes can have outsized positive impacts on the comfort, health, and enjoyment of these homes-away-from-home.

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<sup>2</sup> “Stations and Facilities.” *Alameda County Fire Department*, <https://fire.acgov.org/stations-and-facilities/>.

Small grants for each fire station for “FFE” – furniture, fixtures, and equipment – a total of \$20,000 per station over one or two years, will help fund the acquisition of new kitchen equipment, furniture, lighting, appliances, blinds, cancer-preventative equipment and supplies, and other amenities that create a more welcoming and comfortable environment, and improve morale.

#### CONSULTATION/OUTREACH OVERVIEW & RESULTS

The Berkeley Fire Department was consulted regarding the need for each of these programs, and has expressed strong support.

#### IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

Each program will have its own administration through the Fire Department.

#### FISCAL IMPACTS

See referral language.

#### ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

#### OUTCOMES & EVALUATION

Each of these funding requests is related to a specific need, and anticipates positive outcomes, as described above. Evaluation for effectiveness of each program in meeting its intended goals should be undertaken by the Department at appropriate times.

**For the Cancer Pilot**, evaluation should take place at the end of the two-year period to determine the value of the program and consider ongoing funding for a cancer screening program covering all Fire staff going forward.

**For the In-House Mechanic Program**, the Department will track costs and benefits associated with an on-site mechanic in dollars, efficiency, and across other relevant metrics and, after three years of experience with the program, consider whether to continue and/or expand services.

**For the Fire Reserve Program**, evaluation should happen after three years to determine whether the internship program is effectively supporting First Responders in their day-to-day work and whether program participants are applying for academies or positions within the service.

**For the Fire Station Care Program**, evaluation could include a survey to measure the satisfaction levels of First Responders with improvements paid for by station care funds.

#### CONTACT

Councilmember Sophie Hahn, (510) 981-7150

May 7, 2024



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To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author) and Vice Mayor Wengraf (Co-Sponsor)

Subject: Resolution in Support of the Campaign for a Safe and Healthy California

### RECOMMENDATION

Send a resolution to Governor Gavin Newsom and the [Campaign for a Safe and Healthy California](#), endorsing the campaign to “Keep the Law” and uphold Senate Bill 1137, which prohibits new oil and gas wells within 3,200 feet of homes, schools, nursing homes, and hospitals, and requires companies to adopt health, safety, and environmental standards.

### SUMMARY STATEMENT

Following the successful passage of SB 1137 – co-authored by State Senators Lena Gonzalez and Monique Limón – which created a public health buffer between new oil and gas wells and homes, schools, and other community sites, Jerome Reedy – a board member of the California Independent Petroleum Association (CIPA) – successfully filed a State-level referendum to overturn the law.

The referendum will appear on the November 5, 2024 ballot. This item seeks to register the Berkeley City Council’s official position in opposition to the referendum, which would allow oil companies to continue polluting areas close to homes, schools, and other sensitive facilities.

### BACKGROUND

In 2022, the California State Legislature overwhelmingly passed and the Governor signed SB 1137, creating a public health buffer between new oil and gas wells and homes, schools, and other community sites. Living near oil and gas wells increases exposure to air pollution in the form of toxic particulate matter, carbon monoxide, nitrous oxide, ozone and volatile compounds.<sup>1</sup> The adverse health effects of which have been well-documented: increased risk of cancer, cardiovascular and respiratory disease, migraines, and birth defects.<sup>2</sup>

<sup>1</sup> [Tucker, D. \(2021, October 12\). Living near oil and gas wells increases air pollution exposure, according to Stanford research \[Press Release\]. Stanford News Service.](#)

<sup>2</sup> [Gross, L. \(2022, November 39\). Petition Circulators Are Telling California Voters that a Ballot Measure Would Ban New Oil and Gas Wells Near Homes. In Fact, It Would Do the Opposite. Inside Climate News.](#)

With more than 2.7 million Californians living within the 3,200 ft buffer zone – 70% of them people of color – the law was celebrated as a victory for environmental justice.<sup>3</sup>

However, just days after the bill passed, CIPA board member Jerome Reedy filed a referendum to undo the law. Since then, oil companies have spent over \$20 million on a campaign to mislead California voters. Petition circulators funded by “Stop the Energy Shutdown,” the oil industry backed committee leading the campaign against SB 1157, were caught lying to voters on multiple occasions – with some allegedly going as far as to say that the petitions they are circulating would ban new oil and gas wells.<sup>4</sup> Community member Beth Harvey has shared that she was finishing up grocery shopping at Trader Joe’s Rockridge in Oakland when she was approached by a canvasser who told her they were circulating a petition to protect communities from oil drilling. Hurriedly, packing her groceries into her car, she took the canvasser at their word and signed the petition, only to realize later on she had been told a lie.<sup>5</sup>

The top funder, Sentinel Peak Resources, operates the largest urban oil field in the country – Los Angeles County’s Inglewood Oil Field – and has donated \$4.5 million to the effort.<sup>6</sup> The Inglewood Oil Field has a long history of spills and disasters, and neighbors – most of whom are Black or Latino – have been raising concerns over air and water pollution for years. In April 2021, a pipeline leak spilled over 1,600 gallons of oil onto the field, just a few hundred feet from Kenneth Hahn Park Playground.<sup>7</sup> In 2019, an oil-water leak traveling down a storm drain led to the closure of traffic lanes and a dog park in Culver City.<sup>8</sup> A containment tank leak in 2018 exposed residents within 4,100 feet to a cloud of toxic benzene, a known carcinogen. In both 2005 and 2006, nearby residents were forced to evacuate their homes after major toxic releases. These examples just barely scratch the surface of the negligence and public health implications of allowing oil and gas drilling within a stone’s throw of California communities.

In 2023, the Secretary of State announced that CIPA cleared the 623,000 signature threshold and the referendum qualified for the November 5, 2024 ballot. Following this setback, health professionals, environmental justice groups, community and faith leaders, and young people joined together to form the Campaign for a Safe and Healthy California to ensure that no Californians have to endure health hazards from living just steps from dangerous oil wells.

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<sup>3</sup> [Grigoryants, O. \(2022, September 16\). Gov. Newsom signs SB 1137, creating a safety buffer between homes and oil wells in California. Los Angeles Daily News.](#)

<sup>4</sup> [Gross, L. Petition Circulators Are Telling California Voters that a Ballot Measure Would Ban New Oil and Gas Wells Near Homes. In Fact, It Would Do the Opposite.](#)

<sup>5</sup> [Gross, L. Petition Circulators Are Telling California Voters that a Ballot Measure Would Ban New Oil and Gas Wells Near Homes. In Fact, It Would Do the Opposite.](#)

<sup>6</sup> [Gross, L. \(2023, January 29\). California Activists Redouble Efforts to Hold the Oil Industry Accountable on Neighborhood Drilling. Inside Climate News.](#)

<sup>7</sup> [Sierra Club. \(2021, April 7\). Oil Spill at Inglewood Oil Field Sends Over 1,600 Gallons Flowing Near Communities \[Press Release\].](#)

<sup>8</sup> [Martin-Straw, J. \(2019, April 2\). No Fooling – April 1st Oil Spill Affected Dog Park, Traffic Lanes. Culver City Crossroads.](#)

RATIONALE FOR RECOMMENDATION

As outlined in its Strategic Plan, the City of Berkeley is committed to being a global leader in addressing climate change, advancing environmental justice, protecting the environment, as well as championing and demonstrating social and racial equity.

In 2006, 82% of Berkeley residents voted to reduce the community's greenhouse gas emissions by 80% below 2000 levels by 2050. In 2018, the City adopted a Climate Emergency Declaration and a resolution establishing the goal of becoming a Fossil Fuel-Free city. Further, in 2021, City Council adopted a resolution in support of the [C40 Race to Zero Campaign](#), committing to reaching net-zero emissions by 2045 or sooner.

These resolutions are in line with Berkeley's stated goals under its Resilience Strategy to advance preparedness and equity, which includes accelerating access to reliable and clean energy, advancing racial equity, and adapting to climate change.

By endorsing the Campaign for a Safe and Healthy California, Berkeley is living up to its goals and values of environmental justice and leadership.

FISCAL IMPACTS

None.

CONTACT

Councilmember Sophie Hahn, (510) 981-7150

Attachments:

1. Resolution
2. Senate Bill 1137



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

RESOLUTION IN SUPPORT OF SB 1137 AND  
THE CAMPAIGN FOR A SAFE AND HEALTHY CALIFORNIA

WHEREAS, research shows that living within half a mile of an oil well increases the risk of asthma, birth defects, high risk pregnancies, respiratory illnesses and cancer; and

WHEREAS, today, more than two million Californians are exposed to the most toxic emissions, and communities of color are disproportionately harmed by neighborhood drilling; and

WHEREAS, creating a buffer separating industrial oil operations from day care centers, schools, parks and homes helps protect nearby communities – primarily low-income communities of color, including children, seniors and other vulnerable individuals – from potentially devastating health impacts; and

WHEREAS, it is imperative that, as a community committed to health, equity, and environmental justice, Berkeley speak out against fossil fuel companies that seek to perpetuate harm against low-income communities of color and other communities impacted by their operations, and must counter a campaign that already has amassed millions of dollars to veto legislation they dislike; and

WHEREAS, in 2006, Berkeley voters issued a call to action on the climate crisis by overwhelmingly endorsing ballot Measure G to reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050; and

WHEREAS, in further recognition of the climate emergency, the City Council on June 12, 2018, adopted a Climate Emergency Declaration and a resolution establishing the goal of becoming a Fossil Fuel-Free city, and on May 11, 2021, adopted a resolution committing to the C40 Race to Zero Campaign to reach net-zero emissions by 2045 or sooner; and

WHEREAS, one of the key goals of Berkeley's Resilience Strategy, in recognition of the harm perpetuated by fossil fuels, is to accelerate community access to clean and renewable energy;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council proudly joins the statewide coalition of public health leaders, environmental justice groups, community and faith leaders, and youth to stand up to Big Oil and make sure that no Californians have to endure health hazards from living near dangerous oil wells.

BE IT FURTHER RESOLVED that the City of Berkeley endorses the Campaign for a Safe and Healthy California to uphold SB 1137, California's 2022 law that prohibits toxic oil drilling within 3,200 feet of homes, schools, day care centers, parks, healthcare facilities and businesses, and oppose the fossil fuel industry's referendum.



**Senate Bill No. 1137**

CHAPTER 365

An act to add Article 4.6 (commencing with Section 3280) to Chapter 1 of Division 3 of the Public Resources Code, relating to oil and gas.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1137, Gonzalez. Oil and gas: operations: location restrictions: notice of intention: health protection zone: sensitive receptors.

Existing law establishes the Geologic Energy Management Division in the Department of Conservation, under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells in the state and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources. Existing law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Existing law authorizes the supervisor to require other pertinent information to supplement the notice. Existing law requires the owner of any well to file with the supervisor a monthly statement that provides certain information relating to the well, as provided. Existing law requires an operator proposing to perform a well stimulation treatment to apply to the supervisor or district deputy for a permit to perform the well stimulation treatment and imposes other requirements and conditions on the use of well stimulation treatments. Under existing law, a person who fails to comply with this and other requirements relating to the regulation of oil or gas operations is guilty of a misdemeanor.

This bill would prohibit, commencing January 1, 2023, the division from approving any notice of intention within a health protection zone, as defined, except for reasons related to preventing or responding to a threat to public health, safety, or the environment, complying with a court order, or to plug and abandon or reabandon a well, as provided. The bill would also explicitly authorize the division to approve notices of intention to public and private entities who own, purchase, or lease land containing idle-deserted or previously plugged and abandoned wells for the purposes of those public and private entities plugging and abandoning, or replugging and abandoning, those oil and gas wells so development of nonfossil fuel production and injection and related uses can proceed, as provided. The bill would require an operator who submits a notice of intention, except for certain notices of intention, to also submit either a sensitive receptor inventory and map of

the area within the 3,200 feet radius of the wellhead or proposed wellhead location to the division, or a statement certifying that the operator has confirmed that there are no sensitive receptors, as defined, located within 3,200-foot of the wellhead location, as provided. If a notice of intention is approved pursuant to compliance with a court order, the bill would require the operator of the oil or gas well to provide an individual indemnity bond sufficient to pay the full cost of properly plugging and abandoning the operator's well or wells, and decommissioning any attendant production facilities in the health protection zone, as provided.

Commencing January 1, 2025, the bill would require all oil or gas production facilities or wells with a wellhead within a health protection zone to comply with specified health, safety, and environmental requirements, as provided. These health, safety, and environmental requirements would, among other things, require compliance with requirements related to applicable permits, public notice, sound levels, light generation, migration of dust and particulates beyond property boundaries, emissions and vapor venting, and chemical analyses of produced waters. The bill would also require all operators with a production facility or well with a wellhead in a health protection zone to submit a leak detection and response plan, as provided, to the division by January 1, 2025, require division approval or notice of deficiency by January 1, 2026, and require implementation of the plan by January 1, 2027. The bill would require the division to hold public workshops related to the leak detection and response plans, as provided, operators to review and update their plans at least once every 5 years, subject to division approval, and the supervisor to notify the applicable legislative budget and policy committees about these leak detection and response plans, as provided. The bill would require operators to contact property owners and tenants before commencing work that requires a notice of intention, and would also require operators to comply with water sampling requirements, as provided. The bill would require every operator to submit a sensitive receptor inventory and map to the division by July 1, 2023, and provide updates to the inventory and map annually thereafter, as provided, and require the division to make all current sensitive receptor inventories and maps publicly available on its internet website. The bill would, commencing January 1, 2027, and annually thereafter, require operators with a wellhead or other production facility in a health protection zone to provide information to the division, as provided, and require the division to make this information publicly available on its internet website.

Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

The bill would exempt from its provisions underground gas storage wells and attendant production facilities.

The bill would require the division, on or before July 1, 2027, and annually thereafter, to provide a legislative report to the applicable budget and policy committees regarding the implementation of health protection zones, as provided. The bill would authorize the division, the State Air Resources

Board, and the State Water Resources Control Board to prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer, and enforce these duties, as provided. The bill would require the State Air Resources Board, relevant local air districts, the State Water Resources Control Board, and relevant local water quality control boards, by June 1, 2023, to enter into memoranda of understanding with the division to clearly delineate respective responsibilities for the implementation and enforcement of health protection zones. By imposing requirements on local entities, the bill would impose a state-mandated local program.

This bill would state that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) In addition to increasing impacts of climate change, a growing body of research shows direct health impacts from proximity to oil extraction.

(b) These impacts are disproportionately impacting Black, indigenous, and people of color in California, who are most likely to live in close proximity to oil extraction activities and who are the most vulnerable to the negative impacts of climate change.

(c) Proximity to oil and gas extraction sites pose significant health risks, especially due to increased air pollution.

(d) Studies have shown evidence of harm at distances less than one kilometer, which is approximately 3,200 feet.

(e) Further assistance must be provided to frontline communities that have been most polluted by the fossil fuel industry by cleaning up pollution, remediating negative health impacts, and building resilient infrastructure to prepare for the unavoidable impacts of climate change.

SEC. 2. Article 4.6 (commencing with Section 3280) is added to Chapter 1 of Division 3 of the Public Resources Code, to read:

#### Article 4.6. Health Protection Zones

3280. For purposes of this article, the following definitions apply:

(a) "Area" means surface area, and all measurement of distances is on the surface of the land.

(b) “Health protection zone” means the area within 3,200 feet of a sensitive receptor. The measurement shall be made from the property line of the receptor unless the receptor building is more than 50 feet set back from the property line, in which case the measurement shall be made from the outline of the building footprint to 3,200 feet in all directions.

(c) “Sensitive receptor” means any of the following:

(1) A residence, including a private home, condominium, apartment, and living quarter.

(2) An education resource, including a preschool, school maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, daycare center, park, playground, university, and college. Where a university or college is the only sensitive receptor within 3,200 feet of the operator’s wellheads or production facilities, the university or college is not a sensitive receptor if the operator demonstrates to the division’s satisfaction that no building with nominal daily occupancy on the university or college campus is located within 3,200 feet of the operator’s wellheads or production facilities.

(3) A community resource center, including a youth center.

(4) A health care facility, including a hospital, retirement home, and nursing home.

(5) Live-in housing, including a long-term care hospital, hospice, prison, detention center, and dormitory.

(6) Any building housing a business that is open to the public.

3281. (a) Notwithstanding any other law, commencing January 1, 2023, the division shall not approve any notice of intention under Section 3203 within a health protection zone, except for approvals of notices of intention necessary for any of the following purposes:

(1) To prevent or respond to a threat to public health, safety, or the environment.

(2) To comply with a court order finding that denying approval would amount to a taking of property, or a court order otherwise requiring approval of a notice of intention.

(3) To plug and abandon or reabandon a well, including an intercept well necessary to plug and abandon or reabandon a well.

(b) An operator who submits a notice of intention under Section 3203, except for notices of intention described in paragraph (3) of subdivision (a), shall submit a sensitive receptor inventory and map pursuant to Section 3285 of the area within the 3,200-foot radius of the wellhead or proposed wellhead location to the division with the notice of intention or a statement certifying that the operator has confirmed, and the division has verified, that there are no sensitive receptors located within 3,200 feet of the wellhead location. The operator shall submit the sensitive receptor inventory and map in a format that complies with all requirements of the federal Americans with Disabilities Act of 1990 (Public Law 101–336) and its implementing regulations for online viewing. If the inventory or map includes any personally identifiable information, the operator shall submit a second version with the personally identifiable information redacted. Inventories

and maps with no personally identifiable information shall be made available to the public in compliance with Section 3234. No new production facilities shall be constructed or operated in a health protection zone unless associated with a notice of intention approved pursuant to subdivision (a) or as determined by the division to be necessary to protect public health and safety.

(c) If a notice of intention is approved pursuant to paragraph (2) of subdivision (a), the approval shall require the operator of the oil or gas well to provide an individual indemnity bond sufficient to pay the full cost of properly plugging and abandoning the operator's well or wells, and decommissioning any attendant production facilities in the health protection zone. The division shall determine the amount of the individual indemnity bond in accordance with subdivision (b) of Section 3205.3. The bond shall be executed by the operator, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as provided in Section 3204, except as to the difference in the amount. The operator's blanket indemnity bond authorized pursuant to Section 3205 shall not be used to satisfy this subdivision.

(d) Underground gas storage wells and attendant production facilities are not subject to this article.

3281.5. (a) The Legislature finds and declares that development of oil and gas fields into nonfossil fuel production and injection and related uses, including, but not limited to, housing, recreation, and commercial development, may have plugged and abandoned wells or may require existing oil and gas wells to be plugged and abandoned, or replugged and abandoned, to current statutory and regulatory standards, and that the creation of health protection zones, and the related restrictions and requirements of this article, do not apply in the context of development for nonfossil fuel production and injection and related uses.

(b) Notwithstanding any contrary provisions of subdivision (a) of Section 3281, the division may approve notices of intention pursuant to Section 3203 to public and private entities who own, purchase, or lease land containing idle-deserted or previously plugged and abandoned wells for the purposes of those public and private entities plugging and abandoning, or replugging and abandoning, those oil and gas wells so development of nonfossil fuel production and injection and related uses can proceed. This may include, without limitation, a notice of intention to drill or rework an intercept well, if needed to plug and abandon or replug and abandon another well on the condition that the intercept well is itself plugged and abandoned. The public and private entities, as well as any lessees, tenants, or other occupants, shall not engage in oil or gas development or production or injection or related uses for which they have submitted a notice of intention pursuant to this subdivision.

3282. Commencing January 1, 2025, all oil or gas production facilities or wells with a wellhead within a health protection zone shall be in compliance with all of the following requirements:

(a) The operator is required to comply with the terms and conditions of all applicable federal, state, and local permits required to operate the well and facility.

(b) If not otherwise required by law or regulation, clearly post contact information for where to address complaints about noise, odor, and other concerns on the perimeter of the site. This information shall include responsible persons employed by the operator, as well as enforcement officials in the city, county, or city and county, and air district, in which the facility is located. The size and format of the posted information shall be consistent with existing requirements.

(c) Unless more stringent local requirements apply, between 8 p.m. and 7 a.m., sound levels from oil and gas production operations shall not exceed ambient noise levels, as measured at the property line.

(d) Unless more stringent local requirements apply, minimize light generated at an oil or gas well or production facility to reduce light traveling beyond property boundaries. Except as needed in emergency circumstances, operators shall use only such lighting as is necessary to provide the minimum intensity and coverage for safety and basic security between the hours of 8 p.m. and 7 a.m. Lighting shall be hooded or otherwise directed so that it shines onto only the operator's property and not onto adjacent properties or into the sky.

(e) Unless more stringent local requirements apply, employ operational measures to prevent dust and particulates from migrating beyond property boundaries. Dust control measures to be employed within property boundaries shall include, but are not limited to, the following:

(1) Limiting vehicle speeds on unpaved roads to 15 miles per hour or less.

(2) Containing or covering stored sands, drilling muds, and excavated soil.

(f) Immediately suspending the use of a production facility if the production facility, including all permanent and temporary equipment within the health protection zone that emits vapors, such as tanks, vessels, separation facilities, gas processing units, and other equipment holding petroleum liquids or produced water, is not in compliance with all applicable air district requirements relating to preventing vapor venting to the atmosphere.

(g) (1) The operator is required to provide the division with representative chemical analyses for all produced water transported away from the oilfield where it was produced.

(2) Chemical analysis required under this subdivision shall be in accordance with the analytical specifications for liquid analysis detailed in Section 1724.7.2 of Title 14 of the California Code of Regulations, and shall be filed with the division within three months of produced water being transported from the oilfield and whenever the source of produced water is changed.

(3) For the purposes of this subdivision, the source of produced water is changed if the treatment process or additives are changed, if a contributing source is added or removed, or if there is a significant change to the relative

contribution of individual sources such that the last chemical analysis is not representative of the produced water being transported from the oilfield.

3283. (a) All operators with a production facility or well with a wellhead in a health protection zone shall develop a leak detection and response plan that shall be submitted to the division no later than January 1, 2025, and fully implemented by operators by January 1, 2027. For any leak detection and response plan submitted by January 1, 2025, the division shall either approve the plan or provide notice of deficiencies by January 1, 2026. Commencing January 1, 2027, the operator shall suspend all production and injection operations within a health protection zone unless an approved leak detection and response plan is fully implemented in that area. A leak detection and response plan is subject to review and approval by the division, in consultation with and with the concurrence of the State Air Resources Board, and shall include all of the following:

(1) The leak detection and response plan shall identify the chemical constituents, such as methane and hydrogen sulfide, as well as potential toxics of highest concern in the region as identified by the State Air Resources Board or local air district that will be detection targets for the emissions detection system to ensure early detection of leaks that otherwise may result in emissions impacting the surrounding communities. Not all chemical species that may be found in the oilfield are required to be detection targets and methane may serve as a surrogate for chemical constituents that cannot be continuously monitored but are identified in the leak detection and response plan. The State Air Resources Board and the State Water Resources Control Board shall adopt regulations as necessary to implement and set performance standards by regulation for the emissions detection system. The division, the State Air Resources Board, and the State Water Resources Control Board may adopt such regulations under an emergency rulemaking process as provided in Section 3288.

(2) (A) The leak detection and response plan shall include a continuously operating emissions detection system designed to provide for rapid detection of target chemical constituents to identify leaks before emissions impact the surrounding communities. Sampling locations and sample inlets shall be sited consistent with local meteorology and best practices.

(B) The emissions detection system shall include an alarm system that effectively, immediately, and reliably alerts the operator when triggered.

(C) The emissions detection system shall include a new, or use an existing, meteorological system that is appropriately sited with the ability to continuously record measurements.

(b) The leak detection and response plan shall include an alarm response protocol that provides for immediate action to rapidly identify and fix the leak that is the source of the emissions. In the event that the source of the emissions is not identified and the leak stopped within 48 hours of the leak being identified, the alarm response protocol shall include a communication plan for notification of local emergency responders and public health authorities, the division, and people in the community, including notification in languages that are easily understood by the affected community. The

alarm response protocol shall provide for compliance with all local, state, and federal requirements for reporting leaks of hazardous emissions. The operator shall consult with local emergency response entities when preparing the alarm response protocol and shall engage in drills as deemed necessary by the local emergency response entity. The alarm response protocol shall provide for collection and determination of the chemical composition of a representative sample near the leak when a continuous alarm event indicates that emissions from the leak may have impacted the surrounding community, and the subsequent collection and determination of the chemical composition of samples when there is reason to believe that the composition of the emissions may be changing. If the source of the emissions is a leak from a well or production facility, the operator shall suspend use of the well or production facility until the leak has been corrected and the division has approved the resumption of its use. Where the operator can demonstrate to the division that the source of the emissions is not related to the oil and gas operations, the division may waive any additional actions required under the alarm response protocol.

(c) The division and the State Air Resources Board shall collaborate to develop methods for providing public access to data generated by operators from emissions detection systems.

(d) The division shall hold no less than three public workshops following the enactment of the emergency regulations pursuant to Section 3288 to provide information and guidance to operators and the public on the development of leak detection and response plans pursuant to this section.

(e) An operator's leak detection and response plan shall be reviewed and updated by the operator, subject to division approval, at least once every five years from the date of its initial approval by the division. The division shall hold at least one public technical workshop at least biennially to provide information and guidance to operators on best practices for the development, review, and update of leak detection and response plans.

(f) The operator shall record and maintain records of emissions and meteorological monitoring, including the composition of any samples collected during leak events, for 10 years.

(g) Notwithstanding Section 10231.5 of the Government Code, commencing July 1, 2023, and at six-month intervals thereafter, the supervisor shall notify the applicable legislative budget and policy committees on progress, including milestones, towards achieving the deadlines in subdivision (a) for the development, approval, and implementation of the leak detection and response plans.

3284. (a) Before commencing any work that requires a notice of intention under Section 3203 in the health protection zone, the operator shall contact property owners and tenants within a 3,200-foot radius of the wellhead in writing with a record of delivery and offer to sample and test water wells or surface water on their property before and after drilling.

(b) The operator shall contact property owners and tenants as specified in subdivision (a) at least 30 days before commencing drilling. If a property owner or tenant requests sampling and testing of a water well or surface



water, drilling may not commence until a baseline water sample has been collected, provided that the owner's or tenant's request is delivered in writing with a record of delivery to the operator within 20 days from the date notice is provided and the surface property owner makes necessary accommodations to enable the collection of a water sample within 10 days from the date notice is provided. The operator shall collect a followup water sample no sooner than 30 days, and no later than 60 days, after drilling is complete. The costs of sampling and testing required under this section shall be borne by the operator.

(c) Before commencing drilling in the health protection zone, the operator shall provide to the division documentation of the effort to identify and notify property owners and tenants as required.

(d) The operator shall conduct water sampling and testing, both baseline and followup, pursuant to this section, in accordance with all of the following requirements:

(1) Water quality sampling shall be conducted by appropriately qualified personnel in a manner consistent with standard environmental industry practice and chain of custody protocols. Documentation of the sampling process shall accurately describe the location that the sample was taken from and the process for collecting the sample.

(2) Water quality analytical testing shall be performed by a laboratory that has been accredited under the State Water Resources Control Board's Environmental Laboratory Accreditation Program to perform the tests necessary to complete the required analysis under this subdivision, except for those tests labeled as field tests, that may be conducted by any person qualified to sample and interpret the results of the required test.

(3) (A) Water quality testing shall include baseline measurements before the commencement of the drilling, and followup measurements after drilling is completed.

(B) Liquid analysis required under this subdivision shall include testing for all of the following: total dissolved solids; total petroleum hydrocarbon as crude oil; major cations (Ca, Mg, Na, K, Fe, Mn, Sr, B); major anions (Cl, SO<sub>4</sub>, HCO<sub>3</sub>, CO<sub>3</sub>, Br, I, NO<sub>3</sub>); any constituents listed in subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations; radionuclides; appropriate indicator chemicals for drilling mud and fluids used for well cleanout; total alkalinity and hydroxide; electrical conductance; pH; and temperature.

(C) The division or the regional water quality control board may require testing for additional constituents on a case-by-case basis.

(4) Within 120 days after drilling in the health protection zone is complete, the results of any baseline and followup water quality testing shall be provided by the operator to the division, the appropriate regional water quality control board, the State Water Resources Control Board, the surface property owner, and the requesting tenant.

(5) The appropriate regional water quality control board shall be notified at least five working days before collecting a sample under this section so that regional water quality control board staff may witness the sampling.

(6) Water quality data collected under this section shall be submitted to the State Water Resources Control Board and the appropriate regional water quality control board in an electronic format that follows the guidelines detailed in Chapter 30 (commencing with Section 3890) of Division 3 of Title 23 of the California Code of Regulations within 120 days after drilling is complete.

(7) If the property owner or tenant is unable to provide the necessary access to perform baseline or followup testing under this section, then failure to do the testing is not a violation of this section. The division may waive the requirements of this section if the operator demonstrates that the delay in well work associated with the requirements of this section is likely to result in significant damage to life, health, or natural resources. The operator is not required to sample or test water under this section if the relevant authorities have determined that the water is not an underground source of drinking water, as defined in the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et. seq.), and the water has no beneficial uses, in accordance with subdivision (f) of Section 13050 of the Water Code.

3285. (a) Every operator shall submit to the division by July 1, 2023, a sensitive receptor inventory and map that includes the following:

(1) A list of all sensitive receptors within 3,200 feet of an operator's wellheads and production facilities by field. For each sensitive receptor listed, the operator shall provide all of the following:

(A) The distance from the sensitive receptor to each wellhead or production facility that is located within 3,200 feet of that specific receptor. The well shall be identified by API number, and the production facility shall also be explicitly identified. Latitude and longitude shall also be provided for the wellhead and production facility.

(B) The type of sensitive receptor.

(C) A map showing each sensitive receptor's location in relation to the operator's wellheads and production facilities.

(2) A statement from each operator based on their sensitive receptor inventory that provides the operator's determination as to whether their wellheads and production facilities are located within 3,200 feet of a sensitive receptor. An operator who has identified sufficient sensitive receptors such that their entire operation is located within a health protection zone may cease adding new sensitive receptors to their inventory and make a determination that all of their wellheads and production facilities are located within a health protection zone.

(b) By July 1 of each year, all operators shall submit to the division a sensitive receptor inventory and map pursuant to subdivision (a) that is up to date, with information no more than 90 days old, and shall make a new determination regarding the location of each of their wellheads and production facilities within a health protection zone. If there have been no changes to the location of sensitive receptors in the 3,200 feet surrounding the operator's wellheads and production facilities, the operator shall submit a statement that no changes to the determination are needed.

(c) The division shall review for completeness and accuracy no less than 30 percent of the inventories and associated maps submitted annually pursuant to this section. The division shall notify operators of any discrepancies in the submitted inventories and maps as determined by the division.

(d) The division shall make available to the public on its internet website all current sensitive receptor inventories and maps.

3286. (a) Commencing January 1, 2027, and no less than annually on a date to be determined by the division, an operator with a wellhead or other production facility or facilities in a health protection zone shall provide at least the following information to the division by location in a format that complies with all requirements of the federal Americans with Disabilities Act of 1990 (Public Law 101–336) and its implementing regulations for online viewing:

(1) The number of and amounts of time the emissions detection system was not operating.

(2) The number of validated alarms, and the reasons for the alarms.

(3) The number of leaks that occurred, the time needed to repair the leak, and a brief description of the leak, including the impact on air quality and community exposure.

(4) The number of times the surrounding community was notified after a leak persisted for 48 hours.

(5) The number of times and length of time production and injection operations and other use of the facility were suspended due to leaks.

(6) Any baseline and postdrilling groundwater testing performed by location.

(b) The division shall make the information submitted by the operators available to the public on its internet website.

3287. Notwithstanding Section 10231.5 of the Government Code, on or before July 1, 2027, and annually thereafter, the division shall provide a legislative report to the applicable budget and policy committees regarding the implementation of health protection zones by the division. The reports shall include at least the following:

(a) The number and types of wells and attendant facilities in health protection zones by operator and field.

(b) The estimated population protected by the health protection zone.

(c) The status of leak detection and response plans by operation and location.

(d) The number and type of notices of intention approved in health protection zones and the reason the notices of intention received approval by operator and field.

(e) The number of sensitive receptor inventories and maps received by the division by operator and field.

(f) Aggregated information by operator and location of leaks detected and alarms associated with the leaks.

(g) The number of notices of violation issued by the division for dust control, excess noise and light, and other requirements pursuant to this article by operator and field.

(h) The number of orders issued by the supervisor pursuant to this article by operator and field.

(i) The number of times by operator and location that baseline and postdrilling groundwater testing was performed.

3288. The division, the State Air Resources Board, and the State Water Resources Control Board may prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer, and enforce its duties under this article. Any emergency regulation prescribed, adopted, or enforced pursuant to this article shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding any other law, the emergency regulations adopted by the division, the State Air Resources Board, and the State Water Resources Control Board may remain in effect for two years from adoption.

3289. (a) No provision of this article is a limitation on the authority or jurisdiction of the State Water Resources Control Board, the regional water quality control boards, the State Air Resources Board, or local air quality districts.

(b) This article does not prohibit a city, county, or city and county from imposing more stringent regulations, limits, or prohibitions on oil and gas development.

3290. The State Air Resources Board, relevant local air districts, the State Water Resources Control Board, and relevant local water quality control boards shall enter into memoranda of understanding with the division to clearly delineate respective responsibilities for implementing and enforcing health protection zones. These memoranda of understanding shall be executed by June 1, 2023. The division may pursue additional memoranda of understanding with other state and local entities as needed.

3291. This article does not diminish or alter the authority of the supervisor to deny, revoke, or suspend permits to meet the division's purpose to protect public health and safety and environmental quality, including the reduction and mitigation of greenhouse gas emissions, or the supervisor's repeated obligation pursuant to this division to supervise certain oil and gas related operations to prevent, as far as possible, damage to life, health, property, natural resources, or underground and surface waters suitable for irrigation or domestic purposes, among other reasons.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author), Vice Mayor Wengraf (Co-Sponsor)  
Subject: Budget Referral for Development of Voluntary Design Guidelines

### RECOMMENDATION

Refer to the City Manager to develop and return to the City Council for review and adoption a set of Voluntary Design Guidelines for the City of Berkeley. Refer \$200,000 to the FY2025/2026 budget process to engage a consultant to assist with this process.

### SUMMARY STATEMENT

Voluntary Design Guidelines are a set of non-binding principles and recommendations Cities and Counties adopt to guide the design of projects in their communities. Zoning and Objective Standards are codified and must be met by all applicants seeking approval for projects in applicable zones. Voluntary Design Guidelines, created by Architects, Landscape Architects and/or City Planners, embody community aspirations for the quality of the City's built environment, but are not codified or required. Many developers appreciate the guidance provided by Voluntary Design Guidelines -- as they seek to build in ways that meet community expectations.

This item refers \$200,000 to the Planning Department to develop Voluntary Design Guidelines for Berkeley, based on existing models in other communities, that push for high quality design elements that are adaptable to many styles – modern, traditional, craftsman, Victorian, Mediterranean, and others – allowing Berkeley to remain as eclectic and original as it is, but suggesting ways that architecture and designs of buildings of all sizes and uses can follow Berkeley's best practices.

### BACKGROUND

In the last decade, Berkeley has grown rapidly – its population increasing by 11,700 residents or 10%.<sup>1</sup> Similarly, Oakland and the Bay Area have also experienced rapid growth – with the metropolitan Bay Area region growing 6% over the last 10 years.<sup>2</sup> In the next 20 years, Berkeley's population is further expected to grow by at least 13,000 residents.<sup>3</sup> This rapid growth has necessitated increased development and urbanization to meet growing housing and commercial needs.

<sup>1</sup> [Markovich, A. \(2022, July 17\). A changing Berkeley: 6 maps show how the past decade has remade the city. Berkeleyside.](#)

<sup>2</sup> [Metropolitan Transportation Commission. \(2023, February\). Vital Signs: Population.](#)

<sup>3</sup> [Savidge, N. & Yelimeli, S. \(2021, October 3\). 9,000 homes by 2031? How Berkeley will try to pull it off. Berkeleyside.](#)

Since 1969, California has required that all local governments adequately plan to meet the housing needs of everyone in the community. Local governments meet this requirement by adopting housing plans as part of their General Plan. Through the Regional Housing Needs Allocation (RHNA) process, every local jurisdiction is assigned a number of housing units representing its share of the state's housing needs for an eight-year period. In 2020, the California Department of Housing and Community Development provided the Association of Bay Area Governments (ABAG) with its determination of total regional housing needs, with the Bay Area's nine counties being required to build 441,176 units of new housing between 2023 and 2031.<sup>4</sup>

Under the RHNA, Berkeley has a mandate to facilitate the construction of 8,934 new units in this eight-year cycle and has been adding new housing at the fastest rate in decades, with almost 900 new homes approved in 2022.<sup>5</sup> As Berkeley grows and welcomes new residents, it's important to ensure the built environment – both buildings themselves, and their landscapes - continue to be as green, inviting and vibrant as the Berkeley we already love.

Design Guidelines are different from development standards as one is a set of discretionary recommendations and the latter a threshold requirement. Both, however, guide development to achieve a desired level of quality and can include recommendations on style, architecture, sustainability, open space, and more.

Cities and counties across the United States, as well as many here in the Bay Area including Oakland, Albany, San Francisco, Fremont, Sunnyvale, Santa Clara, San Jose, Palo Alto, Santa Cruz and Alameda County have adopted voluntary design guidelines to express their aspirations and values in a flexible manner, allowing builders to consider the community's best practices without being bound by mandates.

As previously defined by Alameda County, which adopted both design standards and guidelines in 2014 for unincorporated communities in West Alameda County, the function of design guidelines is "to preserve and enhance the desired character of existing neighborhoods and improve the aesthetic and functional quality of new development projects."<sup>6</sup> Similarly, Santa Cruz County described their purpose as: "crafted to ensure that development projects are attractive, functional, context-sensitive, and in alignment with community goals and objectives... [support the County's sustainability goals and contribute toward building functional and livable communities."<sup>7</sup>

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<sup>4</sup> [Association of Bay Area Governments. \(2021, December\). \*Final Regional Housing Needs Allocation \(RHNA\) Plan\*.](#)

<sup>5</sup> [Savidge, N. \(2023, July 25\). \*Berkeley is adding new housing at the fastest rate in decades\*. \*Berkeleyside\*.](#)

<sup>6</sup> [Alameda County. \(2014, October\). \*Residential Design Standards and Guidelines for the unincorporated communities of West Alameda County\*.](#)

<sup>7</sup> [Santa Cruz County. \(2022, November\). \*Santa Cruz County Design Guidelines\*.](#)



Berkeley's 2012 Downtown design guidelines were written for "property owners, building tenants, architects, designers, developers, city staff, and members of City boards and commissions who influence physical change in Downtown" and are "meant as a guide to ensure that future changes will protect, enhance, and be compatible with the historic character of Downtown Berkeley."<sup>8</sup>

Guidelines are used by developers to assist in the design of new projects, and by City staff and the public to review applications for proposed projects. Guidelines give developers a sense of architectural and community expectations. They are often designed to work in tandem with development standards and other regulatory requirements to provide a complete framework that ensures new projects fit with the built and natural landscape of a city or county.

This item refers to FY 2025-2026 Budget Process \$200,000 for the development of voluntary design guidelines for the City of Berkeley. While this item suggests voluntary standards, there is precedent for the adoption of more permanent standards. The Planning Department should solicit feedback from community members and stakeholders before returning to Council with a set of proposed guidelines for adoption.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

The line between zoning and design standards is not fixed; they are part of a continuum. Many elements of Berkeley's Zoning Code speak to massing, volumes, setbacks, and other elements that impact design, but have not traditionally been thought of as "design" standards.

Berkeley has an incomplete patchwork of largely outdated guidelines that are referred to in different circumstances. All were developed during an era in which discretionary review of projects by Staff and the Zoning Administration Board was the norm, and they have served as guides for discretionary approvals. In an era of more by-right approvals, with limited ability to influence the design of projects at the approvals phase, many jurisdictions are adopting more robust voluntary guidelines.

Berkeley's Design Review Committee (DRC) is the subcommittee of the Zoning Adjustment Board (ZAB) charged with the review and approval of design proposals for all projects in commercial, manufacturing, and some higher residential zoning districts. Projects that do not fall into these categories or zones are not subject to design review. The DRC is composed of a minimum of two licensed architects, one licensed landscape architect, and two laypersons. The DRC reviews development projects in accordance with Section 23.406.070 of the Berkeley Municipal Code.

Berkeley has a set of citywide design guidelines that are provided in City's the design review application as provided under BMC Section 23E.08.040.A of the Zoning Ordinance. These guidelines, limited in scope, include recommendations on building and parking siting, street facades, landscaping, open space, and circulation.

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<sup>8</sup> [City of Berkeley. \(2012\). \*Downtown Berkeley Design Guidelines\*.](#)

As an example, the design review guidelines on facades encourage harmony with surroundings: “The proposed design should be in harmony with its surroundings through the coordination of such design elements as cornice lines, eaves, and setbacks with those of existing neighborhood buildings. This is especially important when the architectural style of the proposed design is in strong contrast to that of adjacent structures. Form, color, materials and texture of existing buildings should be considered in design of new structures. Landscaping should also be compatible with surroundings.”<sup>9</sup>

These guidelines – dating back to 2002 – remain vague and far less extensive than what other cities and counties have adopted, leaving the design review process open-ended.

The City has also adopted neighborhood and project-specific guidelines which can be found in the City’s Open Space Improvement Plan (SOSIP), the Downtown Berkeley Design Guidelines, the University Avenue Plan Design Guidelines, the Southside Design Guidelines, and the Pedestrian Plan.

The 1996 University Ave guidelines include recommendations on siting, physical characteristics, solar orientation, privacy, and the reuse of historic and existing buildings. The Plan acknowledges that there are many older and historic buildings on University Ave that “contribute to the charming fine-grained fabric that makes up the built environment of Berkeley” and recommends that “whenever possible, historic/existing buildings should be retrofitted, restored for their original use, re-configured for a new use, or combined with neighboring buildings to create a larger floor plate.”<sup>10</sup>

Other cities have Zoning Standards that have more detailed prescriptive “objective standards” than what Berkeley’s code provides, that many would consider to address “design elements.” Jurisdictions are also promulgating voluntary Design Guidelines to provide developers with a framework and sense of community expectations. Berkeley is “light” on both codified objective standards and voluntary guidelines, and the guidelines we have are both outdated and were designed to support a discretionary permitting environment that is no longer the norm in California.

In its Urban Design Guidelines, the City of Santa Barbara lists a series of priorities to support pedestrian-friendly design:<sup>11</sup>

- Create and maintain a continuous, convenient network of pedestrian facilities throughout the City grid to reduce dependence on the automobile.
- Provide pedestrian amenities, including street furniture, landscaping, lighting, and trash receptacles, to make walking more attractive and convenient.

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<sup>9</sup> [City of Berkeley. \(2002\). \*Design Review Basic Submittal Package\*.](#)

<sup>10</sup> [City of Berkeley. \(1996, July\). \*University Avenue Plan Design Guidelines\*.](#)

<sup>11</sup> [City of Santa Barbara Planning Division. \(1999, December\) \*City of Santa Barbara Urban Design Guidelines\*.](#)

- Design and locate pedestrian facilities and amenities to promote the uninterrupted flow of pedestrian traffic.
- Create pedestrian links to transit and bicycle facilities to increase the convenience of transit and bicycle travel.

San Jose’s guidelines include recommendations on entrance design, building elements such as roofs and parapets, and site organization such as pedestrian and bicycle access locations.<sup>12</sup>

2.2 SITE ACCESS LOCATION

### 2.2.1 Pedestrian and Bicycle Access Location

STRENGTHEN COMMUNITY CHARACTER AND SUPPORT CONNECTIVITY

*Maximize pedestrian access and shape project identity around entrances that accommodate both pedestrians and bicycles.*

**Rationale**

Pedestrian and bicycle entrances connect buildings to their surroundings and encourage street activity. They should be clearly identifiable and easily accessible. Orienting them towards streets helps create active sidewalks and promotes a safe *public realm*.

**Standards**

- S1. When developments have multiple entrances, locate them based on the following priority:
- Public transit
  - Primary streets
  - Secondary streets
  - Publicly-accessible open spaces
  - Alleys or internal site circulation
- S2. All ground floor residential units fronting a street or *paseo* must have either one or a combination of:
- A primary *front door access* from the street or *paseo*; or
  - A patio, balcony, or similar *private open space* placed along the street or *paseo*. The enclosure/railing for such an amenity must be at least 50 percent transparent and must be integrated in the design of the development.
- S3. Locate *primary building entrances* for

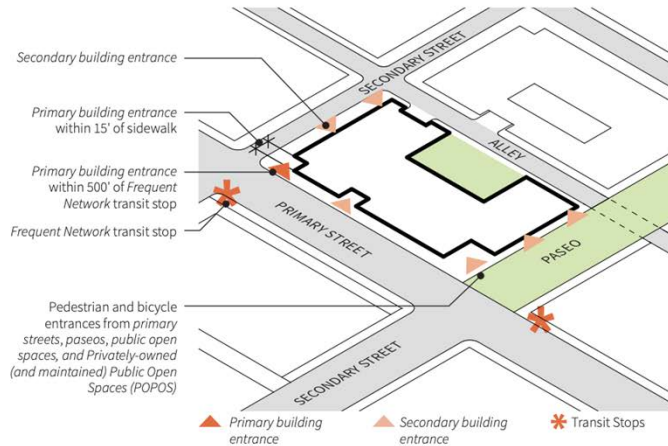


Fig. 2.5 Locate pedestrian and bicycle entrances to be directly accessible from primary streets and close to transit stops, and public open spaces.

**Guidelines**

- G1. Provide frequent entrances and openings in building *façades* to connect buildings to the *public realm*.
- G2. For *medium and large development sites*, create pedestrian walkways and bicycle paths that provide easy access to and through the development site from public rights-of-way.



Santa Cruz County’s Design Guidelines include overarching guidelines pertaining to all projects as well as guidelines specific to multi-family residential, commercial, and mixed-use projects. The overarching guidelines provide design guidance for elements including site planning, building design, open space, multi-modal access and parking, neighborhood transitions, landscaping, sustainable design, and utility and trash enclosures.

In terms of building design, Santa Cruz County provides guidelines on upper floor setbacks, wall plane variation, roofline variation, building modulation, facade articulation, design consistency,

<sup>12</sup> [City of San Jose. \(2021, February\). San Jose Citywide Design Standards and Guidelines.](#)

balconies, patios, and decks, windows, and ground floor activity areas. See below for an example of Santa Cruz County's Design Guidelines. See Attachment 1 for the entirety of Santa Cruz County's adopted Design Guidelines.



**B6. Design Consistency.** Select compatible and high-quality building materials that harmonize with the overall project design, landscaping, and neighboring structures.

**B7. Balconies, Patios, Decks.** Design decks, patios, and upper floor balconies along high-visibility corridors and frontages to create an “eyes on the street” effect and foster a more inviting and comfortable street environment.

**B8. Windows.** Place ground floor and upper floor windows and openings along all exposed edges of the building face with particular attention to public streets.

**B9. Ground Floor Activity Area.** Create an attractive and open ground floor design along building frontages for all development types in order to help activate the streetscape. Locate public and publicly-oriented uses on the ground floor of buildings to encourage pedestrian activity.

*See SCCC 13.10.335(C) for ground floor commercial use requirements.*



### ACTIONS/ALTERNATIVES CONSIDERED

The City of Berkeley could choose not to adopt voluntary design guidelines, but would miss out on an important opportunity to communicate its development and design recommendations to developers through a set of voluntary recommendations that can be flexibly interpreted and applied.

### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn consulted with the Planning Department who expressed support for creating an updated and comprehensive set of voluntary design guidelines for the City of Berkeley.

### RATIONALE FOR RECOMMENDATION

Voluntary design guidelines provide reasonable standards that support the city's priorities for design and development, and will help project developers understand community expectations for the built environment.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

Engage a Landscape Architecture or City Planning firm with demonstrated expertise in developing Design Guidelines – with a preference for local firms located in and/or familiar with Berkeley, to ensure a product that avoids generic recommendations not tailored to this community’s frequently expressed desire to remain an interesting, distinctive, and attractive City. Solicit feedback from a diversity of Berkeley residents, from appropriate Commissions, from local architects and design professionals, and other stakeholders; return to the City Council a set of Voluntary Design Guidelines to consider for adoption.

ENVIRONMENTAL SUSTAINABILITY

N/A

FISCAL IMPACTS

\$200,000 in staffing costs.

CONTACT

Sophie Hahn, District 5, (510) 981-7150

Attachments:

1. City of Berkeley Design Review Guidelines
2. Santa Cruz County Design Guidelines



# DESIGN REVIEW

# BASIC SUBMITTAL PACKAGE





## DESIGN REVIEW FEES

EFFECTIVE July 1, 2017

Adopted May 16, 2017 by Council Resolution No. 67,985-N.S.

| DESCRIPTION                                         | FEE                                                                                                                          |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Design Review – Staff Level</i></b>           |                                                                                                                              |
| Sign/Awning                                         | \$582 <sup>1</sup>                                                                                                           |
| Project valued at \$50,000 or less                  | \$1208 <sup>1</sup>                                                                                                          |
| Project valued between \$50,001 and \$1,999,999     | \$1933 <sup>1</sup>                                                                                                          |
| Project valued at \$2 million or more               | \$2450 <sup>5</sup> base fee (12 hours)<br>plus \$200 per hour of staff<br>time in excess of that covered<br>by the base fee |
| <b><i>Design Review Committee – Preliminary</i></b> |                                                                                                                              |
| Project valued at \$50,000 or less                  | \$1788 <sup>1</sup>                                                                                                          |
| Project valued between \$50,001 to \$1,999,999      | \$2658 <sup>1</sup>                                                                                                          |
| Project valued at \$2 million or more               | \$5050 <sup>5</sup> base fee (25 hours)<br>plus \$200 per hour of staff<br>time in excess of that covered<br>by the base fee |
| <b><i>Design Review Committee – Final</i></b>       |                                                                                                                              |
| Project valued at \$50,000 or less                  | \$1153 <sup>1</sup>                                                                                                          |
| Project valued between \$50,001 and \$149,999       | \$1336 <sup>1</sup>                                                                                                          |
| Project valued at \$150,000 or more                 | \$3734 <sup>1</sup>                                                                                                          |
| <b><i>Design Review Committee – Other</i></b>       |                                                                                                                              |
| Modifications                                       | \$597 <sup>1</sup>                                                                                                           |
| Preview prior to formal review                      | \$506 <sup>1</sup>                                                                                                           |
| <b><i>Design Review Appeals</i></b>                 |                                                                                                                              |
| Appeal – Non Applicant                              | \$95                                                                                                                         |
| Appeal – Applicant                                  | \$1734                                                                                                                       |

<sup>1</sup> Includes \$50 Records Management Fee.

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### PLANNING & DEVELOPMENT

Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> floor, CA 94704

Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420

Email: Planning@CityofBerkeley.info



# PRELIMINARY DESIGN REVIEW

## SUBMITTAL REQUIREMENTS

### For All Design Review Projects:

- All application materials must be submitted electronically and in hard copy. The electronic copy must be identical to the paper copy submitted. See last section for further details.
- Submit Design Review application form
- Submit one legible set of plans with your application (11 x 17" is standard but if key information is not legible, submit a larger set)

### For Design Review Committee Review:

- Once the project is scheduled for a DRC meeting, you will be requested to submit ten 11"x17" or ten half-size sets of plans. Ten sets shall be at a standard architectural scale. If the plans have changed since the original submittal, please email a pdf of the plans following the specs above.

**PLEASE DIFFERENTIATE GRAPHICALLY BETWEEN EXISTING AND PROPOSED FEATURES**

### □ SITE PLANS

- **Title Block**—Sheet title, north arrow (to top of sheet if possible); graphic and numerical scale; date, name, address and phone number of person preparing plan, name, address and phone number of project applicant; property address; zoning district of site
- **Existing On-Site Features**
  - Property lines, setback lines, easements, right-of-ways and their dimensions
  - All structures: main and accessory buildings, including roof overhangs; fences, decks, trash enclosures, etc. – include dimensions
  - Treatment of all areas not covered by structures: landscaped areas, parking areas, walkways, driveways, curb cuts
  - Location of light standards and fixtures
  - Location of signs
- **Proposed On-Site Features**
  - All structures: main and accessory buildings, including roof overhangs; fences, decks, trash enclosures, etc. – include dimensions
  - Treatment of all areas not covered by structures: landscaped areas, parking areas, walkways, driveways, curb cuts
  - Location of light standards & fixtures used to light buildings, walkways, driveways and parking areas

#### PLANNING & DEVELOPMENT

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- Location of signs
- Proposed street dedications and improvements – curbs, gutters, ramps, sidewalks
- Proposed location of artwork.
- **LANDSCAPE PLANS** (may be combined with site plan)
  - Written statement of landscape plan concept
  - Title Block – Sheet title; north arrow (to top of sheet if possible); graphic and numerical scale; date, name, address and phone number of person preparing plan; property address, zoning district. Plans may be drawn to architect's or engineer's scale, as appropriate (architect's scale must be 1/8" = 1'; engineer's scale must be 1" = 10').
  - Property lines and required setbacks, including dimensions
  - Existing Features On-Site
    - All structures: main and accessory buildings, including roof overhangs; fences, decks, trash enclosures, etc – include dimensions
    - Pedestrian and vehicular circulation systems; parking areas, driveways, other paved areas
    - Mature trees (location, species, size); prominent natural features
  - Proposed Features On-Site
    - All structures: buildings, decks, ramps, etc. – include dimensions
    - Treatment of all areas not occupied by structures:
      - All proposed trees, shrubs, ground cover and other plant materials presented in concept only, with outline of mature size
      - Existing trees to be removed
      - Outdoor equipment, such as benches, trashcans, etc.
      - Fences and walls
    - Preliminary grading plan, showing existing contours (dashed lines) and proposed contours (solid lines)
- **ELEVATIONS** (if possible, include on the same sheet as floor plans)
  - Title Block – Sheet title; graphic and numerical scale; date; name; address and phone number of person preparing the plan; property address; zoning district of site
  - Drawings showing relationship of proposed building(s) to adjacent properties. If located on a corner lot, a perspective drawing is required. Photomontages may be substituted for drawings.
  - All exterior elevations, including existing structures to maintain
  - Finished floor elevations

- The design of the following building components:
  - Stairs, ramps, fences and walls
  - Refuse, storage and pickup areas
  - Utility lines, meters, meter boxes, transformers, and their proposed screening
  - Flues, chimneys, exhaust fans and downspouts
  - Canopies, awnings, sunshades, louvers
  - Balconies and decks
  - Mechanical equipment and proposed screening
  - Antennas
  - Type of glazing (e.g., clear, opaque, etc.)
- Type of roof and wall material to be used
- Existing and proposed signs – location, size, proposed materials
- Location and size of lighting standards and fixtures (both fixed to the building and freestanding)
- **FLOOR PLANS:** of all floors
- **SECTIONS:** typical cross-section through all elevations visible from a public right-of-way or a neighboring building
- **VICINITY MAP:**
  - Show property in context with the neighborhood
  - Scale: 1" = 50' or 1" = 100'
- **PRELIMINARY COLOR AND MATERIAL SAMPLES BOARD** (Maximum size 10" x 18")
  - Samples and colors of all exterior materials

**Electronic and Paper Formats [effective November 4, 2013]**

**Submit** all application materials in both paper and electronic format, according to the requirements stated below.

**Requirements:**

- Submission Format: All files must be submitted in PDF format
- Electronic documents (i.e., created using a computer program such as Microsoft Word, Excel, or AutoCAD) and digital photographs shall be converted to Adobe PDF format using “Save As PDF” or “Print As PDF” commands.
- Non-electronic (e.g., typewritten or handwritten) documents shall be converted to PDF format by scanning.
- Resolution:
  - Text documents: 100 to 150 DPI/PPI. (If converting electronic document to PDF, use “standard” setting in Adobe Acrobat, or 144 DPI setting in Cute PDF Writer.)
  - Plans, photos, and other graphics: 300 DPI/PPI. (To reduce file size, disable editing capabilities, “flatten” all layers<sup>1</sup>, and use “Reduced Size PDF” function when available.)
- Total Size:
  - Combine all documents into a single PDF file which does not exceed 20MB.
  - If total size exceeds 20 MB, submit documents as separate PDFs.
  - If you do not have access to software which allows multiple PDFs to be combined (e.g., Adobe Acrobat Pro), submit individual PDF files and City staff will combine them.

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<sup>1</sup> “Flattening” the files means the individual “layers” that often comprise large architectural and engineering plan sets are reduced down to one layer. As a result, the PDF file becomes much smaller and therefore more easily managed. For more information on PDF “flattening”, please visit <http://helpx.adobe.com/acrobat/kb/printing-complex-pdfs-acrobat.html>.



# FINAL DESIGN REVIEW

## SUBMITTAL REQUIREMENTS

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### For Design Review Committee Review:

- All application materials must be submitted electronically and in hard copy. The electronic copy must be identical to the paper copy submitted. See last section for further details.
- Submit Design Review application form
- Submit TEN half size sets of plans with legible notes.

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### PLEASE DIFFERENTIATE GRAPHICALLY BETWEEN EXISTING AND PROPOSED FEATURES

- ❑ **VICINITY MAP**
- ❑ **SITE PLANS**
  - All “Preliminary Design Review Submittal Requirements”
- ❑ **ELEVATIONS**
  - All “Preliminary Design Review Submittal Requirements”
  - Details of railings, fences, fascias, trim and other decorative elements
  - Detailed drawings of lighting standards and fixtures; specifications for lighting (number of bulbs, type of bulbs, wattage)
  - Sign location and elevations: size, materials, colors, lettering for proposed signs and existing signs to remain
  - One set rendered elevations
- ❑ **FLOOR PLANS:** of all floors
- ❑ **SECTIONS:** Typical cross-section through all elevations visible from a public right-of-way or a neighboring building.
- ❑ **LANDSCAPE PLANS**
  - Landscape plans in construction detail showing the location, species (botanical and common names) and size of plant materials: present in table form. Recommended: highlight features of plant material (e.g. winter flowering, evergreen, fall color, etc.). Indicate estimated height and spread of canopy at maturity.
  - Irrigation plan
  - Maintenance provisions
  - Details for tree and shrub planting, staking and guying. When applicable: details for espalier treatment of vines and shrubs, permanent tree staking in parking areas, and protection of existing trees
  - Specifications for paving materials
  - Final grading plan, showing existing contours (dashed lines) and proposed contours (solid lines)

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 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

- **FINAL COLOR AND MATERIAL SAMPLES BOARD** (Maximum size 10" x 18")
  - Samples and colors of all exterior materials, including roof, walls glazing materials, paving materials, trim; signage
- **OTHER INFORMATION AS MAY BE REQUIRED**
  - Manufacturers' brochures
  - Site photographs
  - Model
  - Perspective drawings

### Electronic and Paper Formats [effective November 4, 2013]

Submit all application materials in both paper and electronic format, according to the requirements stated below.

#### Requirements:

- Submission Format: All files must be submitted in PDF format
- Electronic documents (i.e., created using a computer program such as Microsoft Word, Excel, or AutoCAD) and digital photographs shall be converted to Adobe PDF format using "Save As PDF" or "Print As PDF" commands.
- Non-electronic (e.g., typewritten or handwritten) documents shall be converted to PDF format by scanning.
- Resolution:
  - Text documents: 100 to 150 DPI/PPI. (If converting electronic document to PDF, use "standard" setting in Adobe Acrobat, or 144 DPI setting in Cute PDF Writer.)
  - Plans, photos, and other graphics: 300 DPI/PPI. (To reduce file size, disable editing capabilities, "flatten" all layers<sup>1</sup>, and use "Reduced Size PDF" function when available.)
- Total Size:
  - Combine all documents into a single PDF file which does not exceed 20MB.
  - If total size exceeds 20 MB, submit documents as separate PDFs.
  - If you do not have access to software which allows multiple PDFs to be combined (e.g., Adobe Acrobat Pro), submit individual PDF files and City staff will combine them.

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<sup>1</sup> "Flattening" the files means the individual "layers" that often comprise large architectural and engineering plan sets are reduced down to one layer. As a result, the PDF file becomes much smaller and therefore more easily managed. For more information on PDF "flattening", please visit <http://helpx.adobe.com/acrobat/kb/printing-complex-pdfs-acrobat.html>.



# CITY OF BERKELEY

## DESIGN REVIEW GUIDELINES

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*As required under BMC Section 23E.08.040.A, of the Zoning Ordinance, the following Design Review Guidelines are to be used by the Design Review Committee, Landmarks Preservation Commission, or City Staff when Design Review is required for exterior changes to buildings in the City's commercial and industrial zones.*

### **A) BUILDING AND PARKING SITING**

#### **(1) Setbacks.**

- a. The street facade of commercial streets should be respected, in order to create or maintain the sense of urban space. No new building line facing a street should be significantly in front of, or behind adjacent building facades unless such a variation complements or enhances the immediate urban space.
- b. For usual lot shapes and locations, the building footprint should allow for corners and spaces that can be used by pedestrians.
- c. Whenever possible parking should be behind buildings, underground, or in a central court. Screening of parking areas shall be subject to design review.

#### **(2) Orientation and Protection of Sunlight and Views.**

- a. Buildings should be oriented to take advantage of the sun or outdoor private/public open space areas. Year-round solar access for adjacent buildings is encouraged.
- b. Views out from public areas and from existing buildings should be retained whenever possible by the use of setbacks, orientation and height limitations. The natural topography should be used to achieve these ends.

#### **(3) Parking and Driveways.**

Conflict with pedestrian circulation should be prevented by the proper location and design of auto entrances.

### **B) STREET FACADES**

#### **(1) Harmony with Surroundings.**

The proposed design should be in harmony with its surroundings through the coordination of such design elements as cornice lines, eaves, and setbacks with those of existing neighborhood buildings. This is especially important when the architectural style of the proposed design is in strong contrast to that of adjacent structures. Form, color, materials and texture of existing buildings should be considered in design of new structures. Landscaping should also be compatible with surroundings.

#### **(2) Articulation.**

Street facades in general and the ground floor level in particular should include elements of pedestrian scale and three-dimensional interest.

**(3) Window and Door Treatment.**

Window and door placement, size, grouping and shape should be sensitive to the neighborhood pattern, and should relate to design characteristics of surrounding buildings, especially when adjacent to historic structures. Security devices and grillwork visible from the street should be integrated into the overall building design.

**(4) Signs and Other Building Accessories.**

- a. Signs shall be in conformity with Title 20 of the Berkeley Municipal Code (Signs). Signage should be integrated with the building design. Materials used for signs should be compatible with the building's architectural materials as well as with the design of neighborhood signs, or be incorporated into artwork integral to the surroundings. When multiple tenants in the same building provide signs adjacent to each other, a signable theme encouraging compatibility of such elements as size, shape, lettering, colors, and design elements should be established. Vandal-proof and weather resistant signage is encouraged.
- b. Secondary building accessories such as garbage receptacles, utility meters and mechanical and electrical equipment should be screened from the view of pedestrians. Screening of such accessories should be done in a way that is harmonious with the building design, or as integrated artwork in the building design.

**(5) Heights.**

In general, the height of adjacent buildings especially historic structures should be respected in the design of new buildings. Abrupt changes in height may be appropriate, even desirable, in certain situations, such as the need for focal points, landmarks, and the closure of long views. Such techniques as setbacks and terraces may be used to reduce the visual impact of differing heights, if the impact is negative.

**(6) Lighting.**

Lighting for circulation, security, building/sign identification should be non-obtrusive, except for light fixtures which are themselves decorative additions to the streetscape. Large visible expanses of fluorescent lights should be avoided. If necessary, structural screening or window shades should be incorporated into the building design to minimize nighttime glare.

**(7) Walls and Fences.**

Large, unarticulated expanses of any particular wall material that deaden the pedestrian environment should be avoided. The use of clear windows for ground floor retail project is encouraged. Walls designed to allow sitting areas for pedestrians or space for landscaping and artwork are encouraged, especially in areas of heavy pedestrian use. Landscaping and/or art work should be maximized if large expanses of wall must be left devoid of openings.

**(8) Neighborhood Pattern.**

It is not the intent of this section that neighborhood pattern, or characteristics of adjacent buildings, be necessarily copied literally, particularly if they have little or no architectural merit. Diversity and innovation are positive values, and are encouraged where they do not disrupt the harmony of the overall urban setting.

**C) LANDSCAPING AND OPEN SPACE****(1) Protection of Existing Landscape.**

New construction should include measures to protect desirable and existing landscaping of significance, especially street trees and landscaping visible from the sidewalk. In the event that existing landscaping must be displaced or obscured, every effort should be made to replace it with new landscaping of equal or greater prominence.

**(2) New Development.**

The provision of planters, trees, ground covers, and shrubs with automatic watering systems is encouraged where they do not impede pedestrian movement and where the building owner and/or tenant will provide continuing maintenance. The City's Public Works Department and Parks/Marina Office should be consulted regarding the provision of sidewalk landscaping.

**(3) Sidewalk Areas.**

Sidewalk areas should include landscaping that is coordinated with the neighborhood design. The consistent use of one species of tree along a street or block is encouraged. Paving materials may be varied but must create a pattern that is sensible in terms of cues for people who have visual impairments.

**(4) Parking.**

If parking is not placed underground, behind buildings, or in interior courts, it should incorporate adequate landscaping or artwork for visual screening. Screening should not interfere with pedestrian safety. When adjacent to public sidewalks, parking areas should include walls, beaming, artwork or shrubbery that is at least three feet, but no more than four feet, in height between the sidewalk and the first row of parked cars. Parking areas should include setbacks for landscaping and/or artwork to minimize visibility of parked cars, especially from the street. Shading of at least fifty percent (50%) of the surface area (as measured at 12 noon on June 21) is encouraged to reduce heat buildup and to improve visual appearance. (See also Chapter 23E.28 of the Zoning Ordinance.)

**(5) Public Open Space Areas.**

The inclusion of public open spaces is encouraged as a means of providing places for people to come together for community interaction and enlivening the pedestrian environment. These spaces should be wheelchair accessible and the entrances should be visible from the street. Such amenities as artwork, patios with benches, fountains with nearby sitting areas, and interior courtyards are encouraged. These open space areas should be located to take advantage of



winter and afternoon sunlight, and to protect from prevailing winds. Roof plazas and gardens are encouraged.

## **D) CIRCULATION**

### **(1) Location of Driveways.**

Shared parking facilities are encouraged whenever possible to minimize the number of curb cuts. Driveways should be designed to have minimum interference with pedestrian traffic flow. Whenever possible, driving and loading access should be to and from side streets rather than main thoroughfares.

### **(2) Pedestrian Paths.**

Pedestrian paths and arcades interior to the block which joins different parts of buildings as well as different streets are encouraged. These paths should be lighted, should not contain blind corners, and should be marked for a clear understanding of direction and destination points. Entry points to the pathways and arcades should be defined by architectural elements such as gateways, change in paving materials, signage, and artwork.

### **(3) Building Entrances.**

Entrance points should be clearly defined and easily identifiable by pedestrians by appropriate locations and by elements such as awnings, signage, artwork, or changes in paving material to define the entry point. Building on corner lots are encouraged to incorporate a cut away entrance to improve visibility and pedestrian circulation.

### **(4) Transit Loading Points.**

Where appropriate, remodeling of adjacent transit loading points may be desirable. Transit loading points should be designed to provide protection for transit users in inclement weather. Adequate room should be provided for transit loading so that pedestrian traffic is not interrupted.

### **(5) Bicycle Parking.**

New developments should provide usable bicycle racks that are visible from a public way and that do not impede pedestrian or auto circulation. When possible, locked and covered structures for bicycles should be provided and designed to be compatible with the building and neighborhood.

### **(6) Access For Disabled Persons.**

Provisions for disability access should be compatible with the overall building design and should be clearly visible. In addition, they should comply with all existing disability access laws.



# DESIGN REVIEW APPLICATION

|                                                               |                                                   |
|---------------------------------------------------------------|---------------------------------------------------|
| For: <input type="checkbox"/> Preliminary Design Review (PDR) | <input type="checkbox"/> Signs and Awnings        |
| <input type="checkbox"/> Final Design Review (FDR)            | <input type="checkbox"/> Modification: PDR or FDR |
| <input type="checkbox"/> Staff Level Design Review (DRSL)     |                                                   |
| Intake Planner _____                                          |                                                   |

Project Address: \_\_\_\_\_ Zone: \_\_\_\_\_

Project Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Building Permit/Sign Permit/Use Permit or Zoning Permit was applied for: \_\_\_\_\_

Associated Use Permit number: \_\_\_\_\_

For exterior changes to existing buildings, other than signs and awnings, the estimated construction cost is \$ \_\_\_\_\_

• **Property Owner Name** (Print) \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Phone # \_\_\_\_\_ E-mail: \_\_\_\_\_

• **Applicant Name** (Print)  **SAME as Above:** \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Phone # \_\_\_\_\_ E-mail: \_\_\_\_\_

*Under penalties of perjury, I certify that the information above and in any attachments hereto, is true and accurate to the best of my knowledge.*

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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# SANTA CRUZ COUNTY DESIGN GUIDELINES

NOVEMBER 2022





# SANTA CRUZ COUNTY DESIGN GUIDELINES

November 2022

Prepared by



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# 01

## INTRODUCTION

### **Contents**

- A. Overview
- B. Purpose and Organization
- C. Street Typologies
- D. Design Guidelines for Specific Areas
- E. How to Use the Guidelines



# 01 INTRODUCTION

## A. OVERVIEW

Santa Cruz County is one of the most unique places in California. The stunning natural environment hosts spectacular views and rich natural and open space resources that make this place cherished by residents and visitors alike. The dynamic changes in natural context have led to the development of communities that vary dramatically in character, ranging from coastal communities to Redwood forest enclaves and everything in between - each with their own history reflective of stories of past industry and ways of life.

As Santa Cruz County's communities continue to grow and change, it is critical that they do so in a way that aligns with the existing character that defines each unique context and continues to elevate design and foster healthy environments for inhabitants. Identifying design solutions that work for many natural and urban environments is a challenge. However, tailored design guidelines that rely on the fundamentals of community development, building form and scale, receptiveness to neighborhood character, and integration of sustainability, will guide future development and redevelopment and create new opportunities for housing, economic development and activity.

## B. PURPOSE AND ORGANIZATION

The Santa Cruz County Design Guidelines are crafted to ensure that development projects are attractive, functional, context-sensitive, and in alignment with community goals and objectives. The guidelines support the County's sustainability goals and contribute toward building functional and livable communities. These guidelines are designed to work



in tandem with development standards and other regulatory documents to construct a complete framework to ensure that new projects fit with the built and natural character of sites throughout the County. The guidelines offer illustrative examples of how new projects should be built or remodeled to best fit overarching objectives while still offering developers, architects, designers and property owners the flexibility to be creative in their projects. Alignment with the design guidelines is crucial in streamlining the review process and ensuring that project designs complement or enhance the community's vision.

The guidelines are organized into chapters based on project development type. The chapters are as follows:

**Ch 2. Overarching Design Guidelines.** These guidelines can be applied to all project types and provide design guidance for elements including site planning, building design, open space, multi-modal access and parking, community character and neighborhood transitions, landscaping, sustainable design, and utilities and trash enclosures..

**Ch 3. Multifamily Residential Design Guidelines.** Multifamily Residential projects can have a wide range of configurations and typologies. Guidelines

are provided for both small infill projects that are placed in an existing neighborhood, and larger-scale multifamily projects situated along transit-rich corridors. Particular guidelines are provided to prioritize scale and livability in the high-density “residential flex” multifamily zone district.

**Ch 4. Commercial Design Guidelines.** Both new and repurposed/retrofitted commercial development are addressed in this chapter, with special considerations for infill development strategies and organization of commercial uses within buildings.

**Ch 5. Mixed-Use Design Guidelines.** Mixed-use development is an efficient and effective pattern that combines residential and commercial development. The guidelines address the complexities of designing multiple uses on one site. Design strategies for both vertical and horizontal mixed-use typologies are outlined.

**Ch 6. Workplace Flex Design Guidelines.** The Workplace Flex zone district allows a mix of light industrial, office, and retail uses within one parcel. The guidelines establish criteria to facilitate innovative and context-sensitive development of projects in this zone district.

## C. STREET TYPOLOGIES

These guidelines take into account the conditions and character of street typologies associated with different roadways in Santa Cruz County. The County has adopted a layered network approach to roadway classifications that incorporates multimodal planning. A balanced transportation system is based on the understanding that it is difficult for a single roadway to meet the demands and expectations of all modes simultaneously. A “layered” transportation network envisions streets as systems based on user types (pedestrians, cyclists, transit riders, drivers).. In this approach, certain user types are prioritized

on specific streets. When compiled together the roadway system is then comprised of multiple networks of street types such that different users are traveling using different networks. This layering approach allows for each user type to have a higher quality experience as compared to an approach that attempts to accommodate all users on all streets.

Street typologies include:

**Multimodal Corridors.** Primary corridors for transit, cyclists, pedestrians, and vehicles. Accessibility and mobility are prioritized, with wide sidewalks, buffered bike lanes, and frequent transit service. Community-serving commercial, mixed-use, and high-density multifamily residential land uses are appropriate.

**Active Connectors.** Corridors providing high-quality pedestrian and bicycle facilities that emphasize first and last mile connections to major land use destinations and transit. Residential and neighborhood-serving commercial and mixed-use land uses are appropriate.

**Main Streets.** Walkable commercial streets that cultivate an intimate and vibrant streetscape and create destination spaces that facilitate activity and social interaction. Commercial and mixed-use land uses are appropriate, with connection to neighborhoods.

**Local Residential Streets.** Low-speed streets connecting residential neighborhoods with commercial service areas, catering to pedestrians, cyclists, and vehicles.

**Rural Connectors.** Long-distance connectors between rural neighborhoods and agricultural areas. Primarily used by vehicles and cyclists.

**Mountain-Agriculture Streets.** Local streets outside urban service boundaries.

In these guidelines, considerations for street frontage design are provided within the context of the street

typologies where development is expected to occur. Buildings should be designed to accommodate street zones to ensure safe and efficient travel and enhance the public realm. Street zones include the vehicle travel zone, bicycle zone, parking zone, pedestrian amenity zone, pedestrian sidewalk zone, and activity zone. Street zone requirements are different for Multimodal Corridors, Active Connectors, Main Streets, and Local Residential Streets. Specific guidelines are not provided for Rural Connectors or Mountain-Agricultural Streets, since the guidelines are focused on development in the urban area. For more information see Appendix A.

## D. DESIGN GUIDELINES FOR SPECIFIC AREAS

Design guidelines for the Pleasure Point Commercial Corridor are provided as Appendix B to these design guidelines. Design guidelines for other specific geographic areas are provided in village, town, and community plans under separate cover, such as the Aptos Village Plan. To determine whether any specific geographic area design guidelines apply to a given parcel, consult Chapter 2 of the General Plan, as well as the County's online mapping application (<https://gis.santacruzcounty.us/gisweb/>).

## E. HOW TO USE THE GUIDELINES

The Santa Cruz County Design Guidelines should be used in conjunction with the Santa Cruz County General Plan, County Code, and Design Criteria for streets and frontages. The guidelines provide ideas and best practices for well-designed projects, whereas the General Plan, County Code, and Design Criteria set land use requirements and quantitative development standards that projects are legally required to follow. In cases where design guidelines are related to specific quantitative requirements, links to the relevant standards are provided.

Chapter 13.11 of the County Code identifies which project types are subject to the Santa Cruz County Design Guidelines. Projects that are not required to follow the Design Guidelines are still encouraged to follow applicable provisions in Chapter 2: Overarching Design Guidelines.

**Project types with specific guidelines that are provided in Chapters 3 - 6 (multifamily, commercial, mixed-use, and workplace flex) should follow both the Overarching Design Guidelines and those specific guidelines.**

**Projects located within geographic areas with specific design guidelines should follow those guidelines as well as applicable portions of the Santa Cruz County Design Guidelines.**

In some cases, specific guidelines serve to provide more detailed direction for topics addressed in the Overarching Guidelines, and in other cases they provide guidelines for topics that are unique to certain development types or geographic areas. The guidelines provided for the Pleasure Point Commercial Corridor identify exactly which sections of the Santa Cruz County Design Guidelines should be followed for projects in that area (see Appendix B, Guiding Design Principles for the Pleasure Point Commercial Corridor).

**In any case where there is a conflict between the Overarching Design Guidelines and guidelines for specific project types, the specific project type guidelines shall take precedence. Guidelines for specific geographic areas take precedence over all other design guidelines.**

Project applicants should also learn the street typology for the street where their project will be located, make note of any design guidelines that particularly apply to that street typology, and review street zone standards related to that street typology as provided in Appendix A.

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# 02

## OVERARCHING DESIGN GUIDELINES

### **Contents**

- Purpose and Applicability
- Overarching Design Goals
- A. Site Planning
- B. Building Design
- C. Open Space
- D. Access, Circulation and Parking
- E. Community Character
- F. Neighborhood Transitions
- G. Landscaping
- H. Sustainability
- I. Trash Enclosures and Utilities







## 02 OVERARCHING GUIDELINES

### PURPOSE AND APPLICABILITY

The following design guidelines are intended to provide general direction for design across all development project types in Santa Cruz County. These general application guidelines address site features and design qualities that are common to most development types. Design guidelines that are tailored toward specific development types - including multifamily residential, commercial, mixed-use, and workplace flex developments - can be found in the other chapters of this document.

**Project types with specific guidelines that are provided in Chapters 3 - 6 should follow both the Overarching Design Guidelines and the guidelines specific to that project type.**

In some cases, the guidelines in Chapters 3 - 6 serve to provide more detailed direction for topics addressed in the Overarching Guidelines, and in other cases they provide guidelines for topics that are unique to certain development types.

These guidelines provide ideas and best practices for well-designed projects. In cases where design guidelines are related to specific quantitative requirements, links to the relevant standards are provided.

### OVERARCHING DESIGN GOALS

- 1 Establish site planning and building orientation patterns that create active street edges and efficiently organize on- and off-site connectivity.
- 2 Create open spaces that support on-site uses and create a network of interconnected active, safe and attractive public and private open spaces.
- 3 Encourage new structures that have compatible mass and scale, architectural style and materials that respect and contribute to the neighborhood context.
- 4 Install landscaping and design utilities and trash enclosures to increase the quality of frontages, enhance open spaces, provide screening and contribute to the overall aesthetic of the site.
- 5 Integrate sustainable and pedestrian-oriented design across all development types.

## A. SITE PLANNING

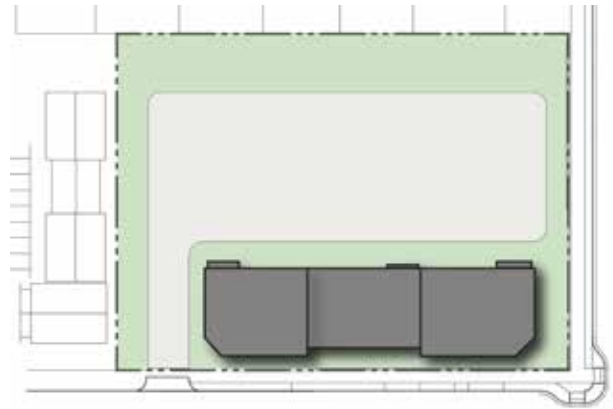
**A1. Building Placement.** Place new structures at or near public right-of-way edge of Main Street and Active Connector street types to activate the pedestrian realm. Where needed, building placement along Multimodal Corridors may allow landscaped buffers. Building placement along Local Residential Streets should follow the pattern of existing neighborhood context. Place buildings to preserve existing natural systems such as creeks.

**A2. Corners.** Locate new development to activate important street corners. Where needed, set back buildings to create corner plazas to be utilized as common open space in commercial, mixed-use, and workplace flex projects along Main Street and Active Connector street types. Extra setbacks at corners may also be necessary to ensure safe sight distance for drivers.

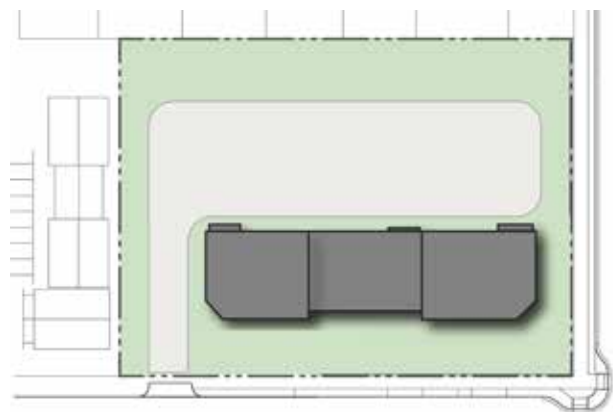
*See SCCC 13.16.093 and County Design Criteria for site distance requirements.*

**A3. Building Orientation.** Maximize the length of street-facing frontage of new structures along public streets to encourage street definition and activation.

**A4. On-Site Parking.** Provide on-site parking behind buildings rather than between buildings and street frontages, especially along Main Streets, Multimodal Corridors and Active Connectors. See Section D: Access, Circulation and Parking for more detailed guidance on parking design.



Active Connector / Main Street



Multimodal Corridor

## A. SITE PLANNING



**A5. Setbacks.** Provide street-facing **setbacks** to ensure space for the pedestrian amenity zone, pedestrian sidewalk zone, and activity zone. See Appendix A for more information about appropriate widths for these zones along different street types.

**Setback** - distance between a building and a property line or other marker

**A6. Usable Open Spaces within Street-Facing Setbacks.** Design wider setbacks as active, usable open spaces such as pocket plazas and other programmable areas, especially for projects fronting Active Connectors and Main Streets. See Section C: Open Space for more detailed guidance on open space design.

**A7. Interior Side and Rear Setbacks.** Buffer new development from less intense neighboring land uses with increased side and rear setbacks.

*See SCCC 13.10.323 for residential setback requirements, SCCC 13.10.333 for commercial setback requirements, and SCCC 13.10.335 for mixed-use setback requirements.*

## B. BUILDING DESIGN

**B1. Upper Floor Stepbacks.** Visually break up building mass through the use of upper floor wall **stepbacks**. This is especially important for buildings that are three or more stories when sited near lower-scaled structures on adjoining properties.

**Stepback** - setback of an upper floor of a building from a lower floor.

*See SCCC 13.10.323 for residential third story setback requirements and SCCC 13.10.333 for commercial third story setback requirements.*

**B2. Wall Plane Variation.** To add visual interest, consider creating setback offsets of at least one (1) foot in depth every 25 to 50 feet of wall plane along street-fronting walls.

**B3. Roofline Variation.** Consider using a variety of roof designs and dormers to create variation in building height and further enhance visual interest. Pitched roofs with dormers can be used to reduce the appearance of upper-floor building mass.

**B4. Building Modulation.** Provide vertical and horizontal **modulations** with elements such as facade extrusions and recesses, alternating materials and roof forms, to provide more interest and depth to the building facade.

**Modulations** - building facades differentiated by depth, direction, or material

**B5. Facade Articulation.** Provide an array of treatments such as trim, **awnings**, windows, balconies, and other architectural elements to create variation along the building facade.

**Awnings** - fabric projections that provide weather protection, identity, or decoration





## B. BUILDING DESIGN



**B6. Design Consistency.** Select compatible and high-quality building materials that harmonize with the overall project design, landscaping, and neighboring structures.

**B7. Balconies, Patios, Decks.** Design decks, patios, and upper floor balconies along high-visibility corridors and frontages to create an “eyes on the street” effect and foster a more inviting and comfortable street environment.

**B8. Windows.** Place ground floor and upper floor windows and openings along all exposed edges of the building face with particular attention to public streets.

**B9. Ground Floor Activity Area.** Create an attractive and open ground floor design along building frontages for all development types in order to help activate the streetscape. Locate public and publicly-oriented uses on the ground floor of buildings to encourage pedestrian activity.

*See SCCC 13.10.335(C) for ground floor commercial use requirements.*



## C. OPEN SPACE

**C1. Frontage Open Space.** Consider allocating activity zones along Main Street and Active Connector street frontages as open spaces for public use. These spaces can be designed as **plazas**, **forecourts** or **paseos**, programmed uses such as outdoor dining, mobile and pop-up businesses, farmer’s markets, temporary events, play spaces and community gardens. See Appendix A for more information about activity zones.



**C2. Internal Open Space.** Design internal open spaces tailored to on-site building users including common open spaces for building residents, and outdoor seating, **plazas**, **forecourts** and **paseos** to support businesses that do not have street frontages.



For projects along Multimodal Corridors, internal open spaces should be located in central and rear portions of the site in order to create a quiet environment insulated from street noise and emissions.

**Plaza** - public square

**Forecourt** - area between a building entrance and the sidewalk or street frontage

**Paseo** - walkway for strolling





## C. OPEN SPACE



**C3. Parklets.** When possible, repurpose public right-of-way and parking spaces into passive common public space to serve as seating and outdoor retail for clientele and the general public. Such installations are well-suited for Main Street and Active Connector contexts.



**C4. Amenities.** Design open spaces with chairs, tables, trash receptacles, lighting, shade features, and landscaping to create outdoor social areas, especially along commercial frontages and on residential properties.



**C5. Shading.** Incorporate shade elements in open spaces through elements such as canopies, awnings, **trellises**, umbrellas, or other similar features. Adequate tree cover may fulfill this purpose as well.

**Trellis** - framework that supports and displays climbing plants

## D. ACCESS, CIRCULATION AND PARKING

**D1. Primary Pedestrian Access.** Locate primary ground floor pedestrian building entrances for access from the public sidewalk, especially on Multimodal Corridors, Active Connectors and Main Streets. If a building faces more than one of these street types, determine primary street frontage by the following priority: (1) Main Street, (2) Active Connector and (3) Multimodal Corridor.

**D2. Residential Unit Pedestrian Access.** Orient residential buildings so that the majority of ground floor units have individual entries from public streets. This encourages a safe and activated streetscape.

**D3. Parking and Access.** Locate parking areas toward rear of the site or otherwise obstruct from off-site views, while maintaining appropriate access for people with disabilities. On Main Streets, discourage parking lots between street frontages and buildings. On Multimodal Corridors, surface parking lots should occupy less than 50% of any single street frontage.

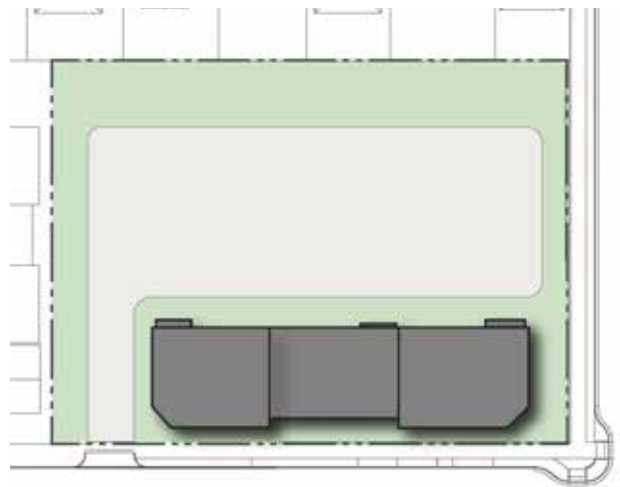
*See County Design Criteria and SCCC 13.16 for parking design requirements.*

**D4. Curb Cuts.** Limit curb cuts for vehicle entrances and exits to maximize pedestrian character and safety. Curb cuts should not exceed the minimum width required.

*See County Design Criteria for curb cut requirements.*

**D5. Landscape Buffers.** Parking lots located along street frontages should include landscaped buffers to screen and soften the appearance of parking lots. See Section G: Landscaping for more guidance on parking lot landscaping.

**D6. Surface Parking Coverage.** Consider limiting the total automobile area (parking, driveways, travel lanes, etc.) to less than half of the total site area, inclusive of surface parking lots and new streets. Underground or structured parking is encouraged as an alternative to surface parking lots where feasible and appropriate.





## D. ACCESS, CIRCULATION AND PARKING

**D7. Parking podiums.** For buildings with integrated parking garages, maximum height of a **parking podium** visible from a street should be one story from finished grade. Parking podiums should only be open-sided on the back or when facing alleys. Integrate shallow commercial spaces at ground level to activate the streetscape.

**Parking podium** - Above-ground parking structure enclosed by walls and supporting residential or commercial space overhead.

**D8. Bike Parking.** Install shared long and short term bike parking outside buildings along Multimodal Corridors, Active Connectors and Main Streets, and in interior building locations for on-site residents and workers, if applicable. Provide covered bike parking whenever possible.

*See SCCC 3.16.040 for bike parking requirements.*

**D9. Paving Materials.** Create more comfortable pedestrian environments through the use of high-quality paving materials for on-site, at-grade surfaces used by both vehicles and pedestrians on private property. Consider pavers, colored concrete, and stamped or scored concrete.

**D10. ADA Compliance.** Ensure minimum four-foot wide wheelchair-accessible pedestrian pathways, including where sidewalks cross driveway ramps.

**D11. Pedestrian Crossings.** Create enhanced internal pedestrian crossings delineated with materials or colors to prioritize pedestrians within developments. Mid-block pedestrian crosswalks should be provided on blocks longer than 500 feet.

**D12. Access to Amenities and Networks.** Connect building and site design to transit stops and pedestrian/bike networks. Provide controlled pedestrian access to creeks and other open space amenities where appropriate. Consider public access easements through large parcel developments.



## E. COMMUNITY CHARACTER



**E1. Sense of Place.** Encourage traditional and contemporary styles that respond to the character and climate of the local community, while reinforcing a sense of place through adaptation of local architectural influences.





## E. COMMUNITY CHARACTER



**E2. Consistent Theme.** Ensure visual interest and continuity with the streetscape and adjacent neighborhoods through massing, architectural styles, materials, colors, and other treatments that respect local scale and character. Use design elements such as materials, colors, textures, and rooflines to articulate the design theme.



## E. COMMUNITY CHARACTER

**E3. Identity.** Where possible, incorporate art and sustainable elements to celebrate local stories and community values.



**E4. Frontages.** Provide staggered block frontages and pedestrian areas within setbacks to reflect massing that is consistent with adjacent structures.





## E. COMMUNITY CHARACTER



**E5. Complementary Style.** Use complementary textures, colors, and materials to ensure that new buildings seamlessly blend into existing residential neighborhoods and mixed-use and commercial corridors.

Rehabilitate existing buildings by retaining the architectural style of original buildings while adding new elements that improve functionality such as skylights that maximize natural light.





## F. NEIGHBORHOOD TRANSITIONS

**F1. Stepped Massing.** Encourage building massing to be **stepped-down** or provide greater setbacks when adjacent to property designated for low-density residential development in order to create visual interest and reduce the perception of bulk and height.

**Stepped-down massing** - shorter building height near the edges of a new development where the new development borders existing shorter buildings.

*See SCCC 13.10.323 for residential third-story setbacks and SCCC 13.10.333 for setback requirements for commercial buildings adjacent to residential or agricultural developments.*

**F2. Scale Contrasts.** Reduce the bulk and scale of multi-unit and mixed-use buildings by including upper-level dormers, angled roofs and other similar architectural elements.

Use a variety of colors and materials to de-emphasize the bulkiness and height of upper building levels.



## F. NEIGHBORHOOD TRANSITIONS



**F3. Finer Scale.** Encourage larger buildings to be broken up into smaller, distinct individual forms reflective of the scale and character of adjacent structures and the local neighborhood.

*See SCCC 13.11.070(B)(3) for infill development design strategies.*





## F. NEIGHBORHOOD TRANSITIONS



**F4. Horizontal Elements.** Use horizontal linear elements such as porches, balconies, **clerestory windows**, **cornices** or **plinths** to counteract the vertical mass of taller buildings and complement the character of surrounding neighborhoods.

**Clerestory Windows** - windows above eye level designed to let in light

**Cornice** - molding along the ledge of a building

**Plinth** - base or platform that supports a structure





## F. NEIGHBORHOOD TRANSITIONS

**F5. Transitional Landscaping.** Use trees and landscaping to soften scale differences, particularly in areas where trees and vegetation are unifying aspects of community character. Landscaping should also be used to provide privacy screening when a commercial project adjoins existing residential or lower-scale commercial development.

*See SCCC 13.11.070(D) for landscaping design requirements.*





## G. LANDSCAPING



**G1. Corridor Landscaping.** Along commercial corridors, use landscape treatments to define outdoor spaces, screen unsightly features, buffer pedestrians from high-traffic areas, and create a shaded, inviting pedestrian experience while maintaining public safety.



**G2. Plant Palette.** Utilize locally appropriate plant species to improve quality of life, reduce heat island impacts and create the conditions for thriving wildlife habitats and ecological systems. Encourage plant species that provide habitat or food sources for butterflies, birds, honey bees and other pollinators.



**G3. Green Landscapes.** Consider green roofs, green walls and edible landscapes. Edible plants may be segregated into particular landscaped areas such as community gardens or integrated with the larger landscape.

## G. LANDSCAPING



**G4. Tree Placement.** Locate trees to increase shade and provide buffers for parking areas, buildings, and the public realm. For security purposes, openings should be incorporated into the landscape design to provide clear views into sites.

**California Building Code 5.106.12.1 Surface parking areas.** For non-residential and mixed-use projects, shade tree plantings, minimum #10 container size or equal, shall be installed to provide shade over 50% of the parking area within 15 years.

**California Building Code 5.106.12.2 Landscape areas.** For non-residential and mixed-use projects, shade tree plantings, minimum #10 container size or equal, shall be installed to provide shade over 20% of the landscape area within 15 years. Exception: Playfields for organized sport activity are not included in the landscape area calculation.

*See SCCC 13.11.070(D), SCCC 13.16.060(D) and County Design Criteria for landscape design requirements for sites, streets and parking areas.*





## H. SUSTAINABILITY

**H1. Energy Conservation.** Reduce energy usage and carbon footprint using energy efficiency and energy generation technologies in the building and open space design in support of Santa Cruz County's Climate Action Plan goals.



**H2. On-Site Energy Production.** Encourage the installation, maintenance and use of solar and wind power generation systems on new or remodeled commercial buildings. Explore structures and mechanisms that can serve a dual purpose as public art features either through their design, movement or lighting.



**H3. Passive Solar Design.** Consider passive heating and cooling techniques during building design. Integrate these elements to articulate building facades.

**Passive Solar heating and cooling** - The use of the sun's energy directly for heating and cooling. Walls and floors are stone, concrete, or other materials that collect, store and distribute solar heat. Windows and shades are designed to let in light and heat in the winter but not in the summer, based on the angle of the sun in the sky.



## H. SUSTAINABILITY

**H4. Shading.** Control solar heat gain and glare using external shading devices.



**H5. Operable Windows.** Incorporate operable windows or ventilated double facades to allow natural ventilation and reduce energy consumption.



**H6. Natural Lighting.** Maximize exposure to daylight with glass, skylights, atriums, and **light reflectors**. Design windows on northern facades and shading on southern facades to reduce reliance on artificial lighting.

**Light reflectors** - trim around light fixture to maximize light transmittal from the fixture or from a window and direct light to other areas





## H. SUSTAINABILITY

**H7. Stormwater Management.** Create an integrated system of **pervious** and **impervious** systems that function together to capture, transport, filter/prefilter and treat stormwater on site in order to reduce off-site flows, replenish groundwater and provide water for landscape irrigation. Incorporate **swales** and **rain gardens** into the design of pedestrian amenity zones.

**Pervious** - Allowing water to pass through. Examples of pervious site materials include landscaping, gravel, brick or stone pavers without grout, and pervious asphalt and concrete.

**Impervious** - Not allowing water to pass through. Examples include roofing, asphalt, concrete, and grouted brick or stone pavers. Runoff from impervious surfaces causes erosion and flooding.

**Swale**- Landscaped linear ditch that collects, filters, and slows the flow of stormwater.

**Rain Garden** - Garden bed planted with deep-rooted species that collects and absorbs on-site stormwater into the soil.

*See County Design Criteria for stormwater management design requirements.*



## H. SUSTAINABILITY



**H8. Building Stormwater Runoff.** Encourage drainage systems that divert stormwater runoff from building rooftops, parking areas, and hardscapes (sidewalks, pathways, plazas) into **cisterns** or stormwater systems integrated into on-site open space designs or public art features.

**Cistern** - A tank for storing water, located above or below ground.



**H9. Preserve Existing Natural Systems.** Situate buildings to preserve existing natural systems and mitigate negative environmental impacts.

*See SCCC 13.11.070(B) for environmental consideration requirements in site design.*





## I. TRASH ENCLOSURES AND UTILITIES



**I1. Trash Location.** Ensure trash enclosures are located away from public view and pedestrian path of travel on Main Streets, Active Connectors and adjacent parcels in order to minimize noise and odor impacts typically associated with garbage collection and storage.

**I2. Trash Size.** Ensure enclosures are of sufficient size to house the number and size of bins and containers needed to accommodate the waste generated by building users, including trash, cardboard, cans and bottles, food waste, green waste, and other recyclables.



*See SCCC 13.11.070(C)(2) for recycling and waste storage design requirements.*



## I. TRASH ENCLOSURES AND UTILITIES



**13. Trash Screening.** Screen trash enclosures to reduce their visual impact on the overall site and building design. Screening should be constructed of durable materials. Structural screening such as fences should be supplemented with landscaping.

**14. Utility Screening.** Either contain (within a building) or fully screen all utility cabinets, meters, and backflow prevention devices on Active Connectors and Main Streets to reduce visual impacts. Screening mechanisms can include landscaping, fencing, low walls, or other techniques.

*See SCCC 13.11.070(C)(1) for utility equipment design requirements.*



**15. Outdoor Storage and Delivery Screening.** Screen outdoor storage and delivery areas containing materials, supplies, utilities or equipment from public view along Multimodal Corridor,s, Active Connectors, Main Streets, and Local Residential Streets. Consider using landscaping and art elements to screen larger areas.



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# 03

## MULTI FAMILY RESIDENTIAL

### **Contents**

Purpose and Applicability

Multifamily Design Goals

A. Site Planning

B. Building Design

C. Open Space

D. Access, Circulation and Parking



## 03 MULTIFAMILY RESIDENTIAL

### PURPOSE AND APPLICABILITY

The following design guidelines are intended to inform the scale, character and features of multifamily residential projects in Santa Cruz County. Multifamily residential projects include a variety of building typologies, ranging from small-scale duplexes, triplexes, and quadplexes that resemble large single family homes, to larger townhome projects, apartment buildings and condominiums.

These guidelines apply to all multifamily residential projects, although some guidelines are specifically oriented toward smaller or larger projects. The guidelines provide ideas and best practices for well-designed projects, and should be used in conjunction with the County’s General Plan, County Code, and Design Criteria for streets and frontages. In cases where design guidelines are related to quantitative

requirements, links to relevant standards are provided.

Specific development standards and appropriate design guidelines for multifamily projects may depend on the street type, zone district, and General Plan land use designation of the parcel where the project is located. For instance, the “Residential Flex” zone district allows higher housing density, more lot coverage, and less open space compared to other multifamily districts and is most appropriate in areas with a mix of larger-scale existing development and connection to transit, such as Multimodal Corridors.

**Multifamily residential projects should follow both Chapter 2: Overarching Design Guidelines and the guidelines provided in this chapter.**

### MULTIFAMILY DESIGN GOALS

- 1 Provide livable and functional multifamily housing that is affordable to residents of a variety of income levels.
- 2 Cultivate inviting frontage conditions and activate the streetscape and provide natural surveillance (“eyes on the street”) while also serving ground floor residential units.
- 3 Allow creativity and flexibility in architectural form and design that accommodates high-density housing while respecting the scale, style and character of the local context.
- 4 Provide well-designed open space and other housing amenities that meet the needs of a diverse mix of residents.
- 5 Provide sensitive transitions between residential and commercial properties.
- 6 Plan and design efficient pedestrian and vehicular access layouts that prioritize direct pedestrian connections to the street and encourage residents to walk, bike, and take transit.



## A. SITE PLANNING

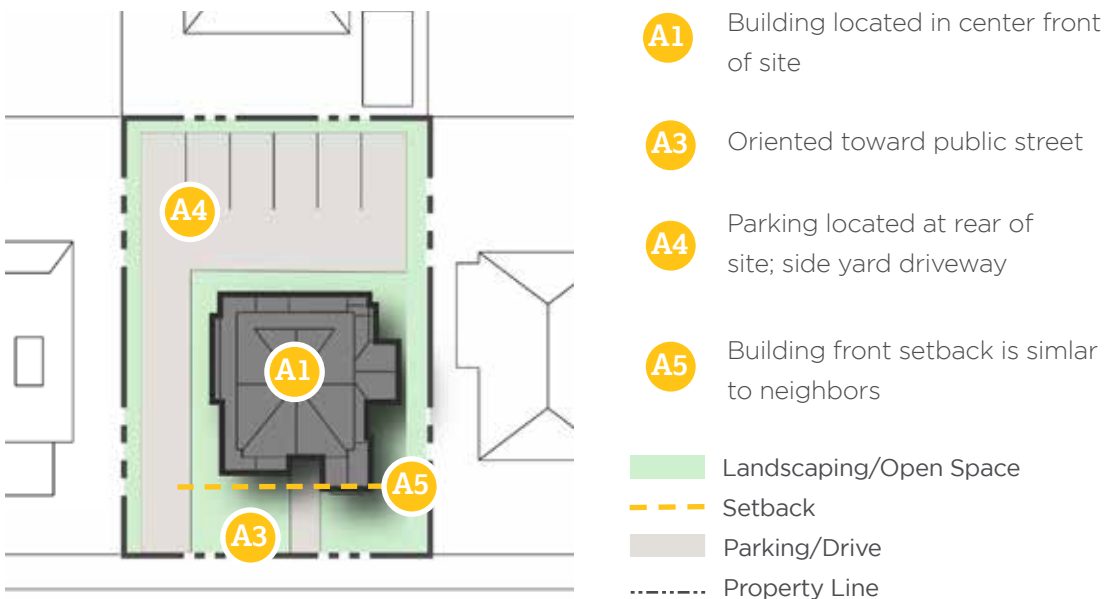
**A1. Building Placement - Neighborhoods.** Within residential neighborhoods, locate multifamily buildings in the center front of the site, especially if other buildings in the neighborhood follow this pattern. Locate front yards along public streets to assist in cultivating a sense of community and neighborhood feel.

**A2. Building Placement - Corridors.** Along Multimodal and Active Corridors, place buildings along the edge of frontages with adequate space to accommodate a front yard area between the building face and the edge of the fronting streetscape.

**A3. Building Orientation.** Orient buildings towards public streets with the primary entrance to housing units on the ground floor directly accessible from an adjacent sidewalk. Internally-facing buildings with primary entrances oriented toward a common space should prioritize the pedestrian experience. Primary building facades and entrances should not face parking areas when the option to face the street is available.

**A4. Parking Location.** When feasible, locate parking at the center or rear of the site, improving street frontages and minimizing views of parking areas from public streets. For sites adjoining other residential properties, locate access driveways at the side of the site where feasible to act as a buffer.

*See County Design Criteria and SCCC 13.16 for parking design requirements.*



**SMALL-SCALE MULTIFAMILY**

## A. SITE PLANNING

**A5. Front Yard Setbacks.** Along streets where walking and streetscape activity is encouraged, site multifamily buildings close to the street to connect the development with the streetscape. A greater setback distance may be appropriate to create a common open space or enhanced front yards to enrich the streetscape.

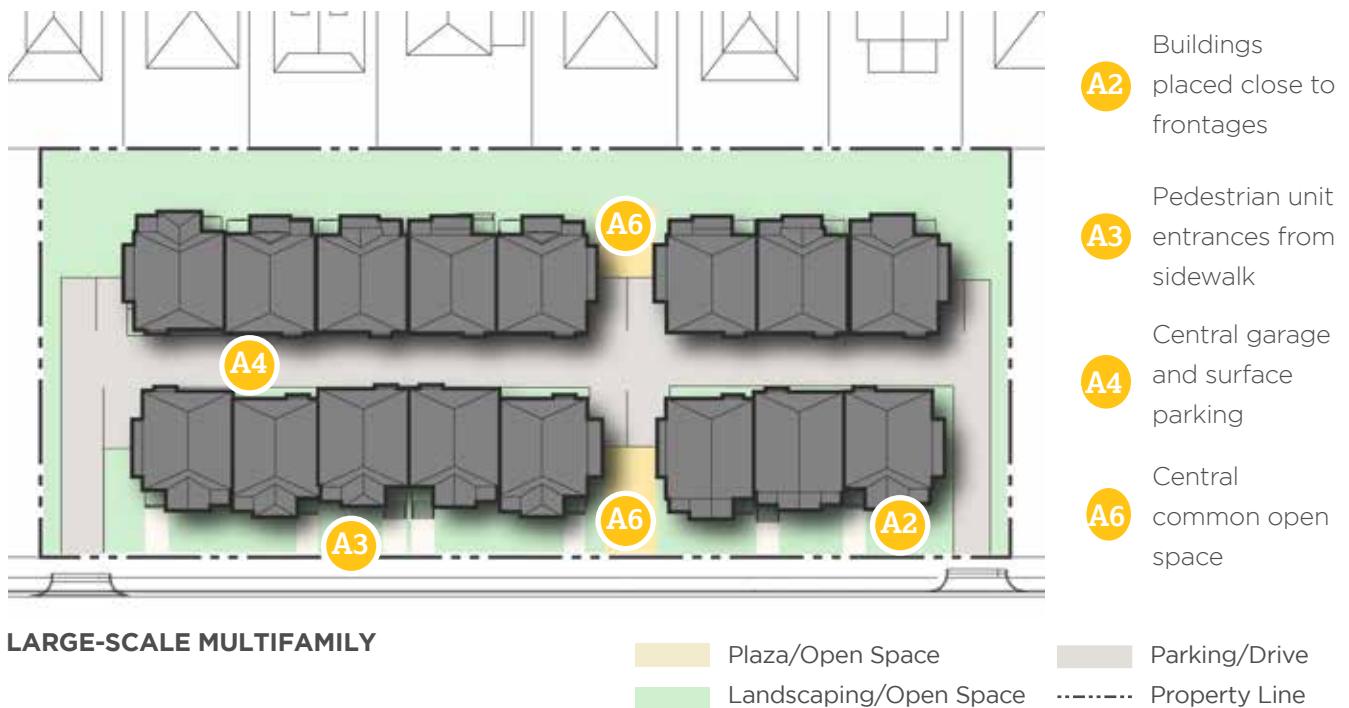
Along Local Residential Streets and in residential neighborhoods, assess setback distances of adjacent residential properties and site buildings to complement the existing pattern of front yard depth.

Along Multimodal Corridors, multifamily buildings may be placed further back from the street to buffer living areas from noise, privacy and emissions impacts.

*See SCCC 13.10.323(C) for residential setback requirements and SCCC 13.10.323(F)(7) for front yard averaging requirements.*

**A6. Open Space.** Locate common open space areas in front and side yard areas when possible. On larger sites with multiple structures or along Multimodal Corridors, explore centrally-located common open spaces. See Section C: Open Space for more guidance on common and private open space design.

*See SCCC 13.10.323(D) for residential open space requirements.*



## B. BUILDING DESIGN



**B1. Building Mass.** Encourage highest building height and mass to be located near the center of the site and building footprint. Building mass should taper from the center of the site toward the property lines to emulate the scale and style of single-family residential development and allow for solar access to open spaces, especially within neighborhoods.

Design upper floor mass to complement neighborhood scale by incorporating design elements such as upper floor stepbacks and gable and hip roof forms.

*See SCCC 13.10.323(C) for third floor stepback requirements.*

**B2. Wall Plane Variation.** To add visual interest, consider offsets of at least one (1) foot in depth to differentiate building units and emulate surrounding development patterns.

**B3. Setback Variation.** On larger projects, consider utilizing fluctuating setbacks approximately every 25 to 35 feet or the width of one housing unit to create a rhythm along the street edge.

**B4. Roofline Variation.** Consider utilizing changing roof heights, roof slope angles and dormers to create variation in the roofline and building height profile and further enhance visual interest.

- B1** Building mass concentrated in middle of building
- B2** Varied wall planes
- B4** Roof pitches and dormers fit neighborhood



## B. BUILDING DESIGN



- B1** Gable roofs de-emphasize upper floor building mass
- B2** Varying wall planes accentuate individual units
- B3** Setback variation
- B4** Roofline and height changes



## B. BUILDING DESIGN

**B5. Building Step-Backs.** Upper floor building mass should be stepped back along internal frontages to provide solar access to common open spaces, internal drives, and other on-site spaces.

Upper-floor stepbacks along frontages should be incorporated along Local Residential Streets.

*See SCCC 13.10.323(C) for third floor stepback requirements.*



**B6. Building Modulation.** Create variation in building mass along building faces to diminish the sense of bulk, and provide more interest and depth to building form.

Building modulation to balance bulk and mass is especially important within the Residential Flex (RF) zone district where buildings may take up a larger percentage of the lot area compared to other residential zone districts.



**B7. Facade Articulation.** Provide an array of facade treatments such as trim, awnings, bay windows, balconies, and other architectural elements to create variation along the building face.

**B8. Facade Design.** Utilize a harmonious palette of materials and color to add visual interest.





## B. BUILDING DESIGN

**B9. Materials Modulation.** Emphasize modulating and articulating building elements through material changes to create more visual interest.

**B10. Design Consistency.** Select compatible and high-quality building and landscape materials that harmonize with the overall project design, landscaping, and neighboring structures. On larger projects, ensure design continuity throughout the project through similar architectural styles, materials, colors, and other treatments.

*See SCCC 13.11.070(D) for landscape design requirements, including requirements for front yards, plant species, tree planting and removal, site furniture and fixtures, and buffering and screening.*

**B11. Frontage Design.** Locate the front door to housing in a visible location from the adjacent streetscape. Entrances that front Multimodal Corridors should be designed to create distance and differentiation from the streetscape. This may be achieved through landscaping, wider front yards, fencing, and/or elevated stoops.



## B. BUILDING DESIGN

**B12. Windows.** Place ground floor and upper floor windows and openings along exposed edges of the building face with particular attention to buildings fronting public streets. Additionally, locate balconies, raised decks, patios and other outdoor private open space elements along highly visible frontages. This encourages doors and windows to open onto the public street and provides eyes on the street.





## C. OPEN SPACE

**C1. Private Open Space.** On sites zoned Residential Multifamily (RM), provide 60 square feet of private open space for every unit. Site buildings to accommodate stoops and porches along ground floor unit entrances, including internal-facing front yards. On sites zoned Residential Flex (RF), higher density development may not allow for private open space for every unit. Wherever private open space is provided for multifamily projects, the minimum dimension should be six feet in order to ensure that the space is usable.



**C2. Common Open Space.** On sites zoned RM, provide 200 square feet of common open space per unit. On sites zoned RF, provide at least 15% of gross site area as private or common open space.

Locate common open space areas in front and side yard areas when possible. On larger sites with multiple structures or along Multimodal Corridors, explore centrally-located common open spaces, such as plazas, that are interconnected with a network of pedestrian paths to individual private open spaces. Wherever common open space is provided, the minimum dimension should be 15-20 feet to ensure that the space is usable.



*See SCCC 13.10.323(D) for usable open space requirements.*

## C. OPEN SPACE

### C3. Private/Common Open Space Interface.

Consider locating private open spaces for individual housing units next to common open spaces. Where possible, connect different open spaces with elements such as strolling paths to foster a sense of community.



**C4. Amenities.** Install chairs, tables, trellises and other shade features to create outdoor social areas in common spaces that serve as internal gathering spots.

**C5. Front Yards.** Design front yards and front setback areas to accommodate residential amenities, passive recreational activity, trees and landscaping.

Within front setback areas along Local Residential Streets and in residential neighborhoods, create a front yard environment that offers common open space for residents and complements the front yard use patterns in the neighborhood to help build community.



Along Multimodal Corridors and Active Connectors, use front yard areas to screen residential units, and consider locating common open space in interior areas such as courtyards to provide a more restful space for residents.

*See SCCC 13.11.070(D) for front yard landscape design requirements.*





## C. OPEN SPACE



**C6. Res Flex sites.** On sites zoned RF, front yard setbacks and open space areas may be smaller compared to other multifamily sites in order to accommodate larger buildings and more residential units. On these sites, include common open space areas whenever feasible, especially on sites with more than 10 units. Consider providing common open space as one large area to enhance usability and a sense of community, in a location that is visible and easily accessed by all units, and accessible to users of all ages and physical abilities.



**C7. Play Element Amenities.** On large sites, consider installing on-site play features to support active and passive recreation needs for people of all ages and abilities and encourage a family-friendly community.



**C8. Gardens.** Explore community gardens to serve the needs of the development and neighborhood residents.



## D. ACCESS, CIRCULATION AND PARKING

**D1. Curb Cuts.** Limit curb cuts for vehicular access to a maximum of one per frontage and up to three for developments with more than two frontages. Curb cuts should not exceed the minimum width required. Driveways should be designed so that sidewalks remain ADA compliant as they cross driveways.

*See County Design Criteria for curb cut requirements.*

**D2. Resident Parking.** Encourage garage parking as the preferred covered residential parking option. On larger projects, encourage podium parking if feasible.

**D3. Guest Parking.** Consolidate and locate surface parking for guests, if required, at several locations throughout the project site, to reduce the visual impact of large swaths of parking.



## D. ACCESS, CIRCULATION AND PARKING



**D4. Efficient Parking.** Encourage space-efficient parking options such as shared driveways, tandem parking, stacked parking, valet parking and parking garages to maximize space for building and open spaces..

**D5. Access Drives.** Locate vehicular access driveways at the periphery of the site. Design drives to visually accommodate two-way vehicular circulation on large sites. Consider creating shared driveways between adjoining properties.

*See SCCC 13.16 and County Design Criteria for access driveway, vehicular parking and pedestrian path design requirements.*



**D6. Pedestrian Paths.** Construct distinguishable pedestrian paths for residents and guests. Pedestrian paths should utilize different materials, colors and textures from the vehicular driveway, and ideally should be separated from the driveway. For large projects, design at least one mid-block pedestrian connection along each frontage with a clear and well-designed pedestrian path.

**D7. Unit Access.** When applicable, install high-quality exterior staircases accessing upper-floor units that match the aesthetics and materials of the building.

**D8. Unit Entrances.** For all street-facing ground floor residential units, consider providing a visible entrance that directly connects to the sidewalk to create a pleasant streetscape environment.



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# 04

## COMMERCIAL DESIGN GUIDELINES

### **Contents**

Purpose and Applicability

Commercial Design Goals

A. Site Planning

B. Building Design

C. Open Space

D. Access, Circulation and Parking



## 04 COMMERCIAL DESIGN GUIDELINES

### PURPOSE AND APPLICABILITY

The following design guidelines are intended to inform the scale, character and features of commercial projects in Santa Cruz County. Commercial land uses include consumer-focused retail, service, entertainment and visitor-accommodation uses as well as worker-focused office and laboratory uses. The Commercial Design Guidelines can be applied to new whole-site developments, infill development on existing properties, and redesign or repurposing of existing buildings for new commercial uses.

The guidelines provide ideas and best practices for well-designed projects, and should be used in conjunction with the County's General Plan, County Code, and Design Criteria for streets and frontages. In cases where design guidelines

are related to quantitative requirements, links to relevant standards are provided.

Specific development standards and appropriate design guidelines for commercial projects may depend on the street type, zone district, and General Plan land use designation of the parcel where the project is located.

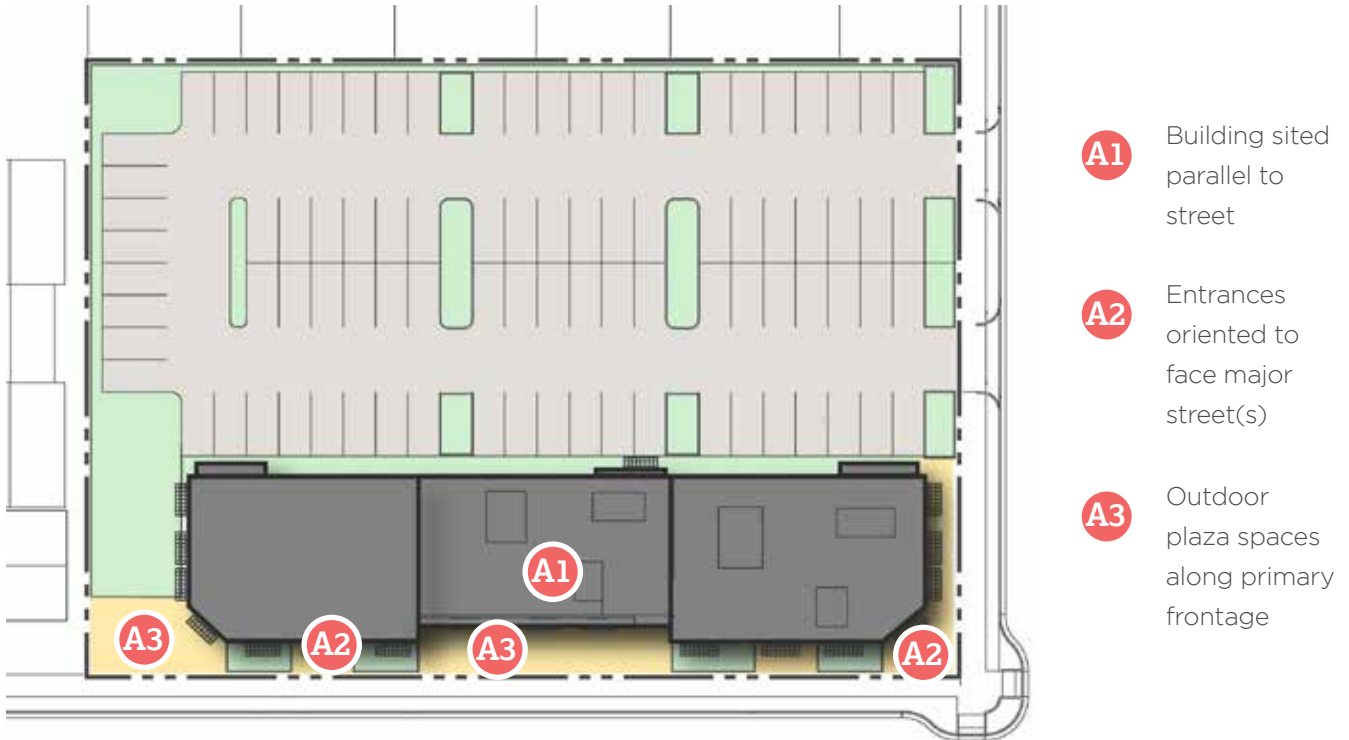
**Commercial projects should follow both Chapter 2: Overarching Design Guidelines and the guidelines provided in this chapter.**

Commercial projects with residential components should follow Chapter 5: Mixed-Use Guidelines. Commercial projects in the Workplace Flex (C3) zone district should follow Chapter 6: Workplace Flex Guidelines.

### COMMERCIAL DESIGN GOALS

- 1 Provide for a range of commercial development from small scale infill development on existing underutilized land to larger new commercial development.
- 2 Encourage a well-defined public realm through careful placement and design of buildings, streets and pedestrian areas so that commercial areas become destinations for residents and visitors.
- 3 Create active and attractive edge conditions along primary frontages of new and existing development to foster visually-engaging, functional and comfortable streetscape environments.
- 4 Ensure that commercial projects are designed and operated to be compatible with adjacent uses and neighborhoods and the surrounding natural environment.
- 5 Minimize impacts on residential areas by providing context sensitive site layout, landscaping, signage, building design and size, and on-site parking, loading, and circulation.
- 6 Accommodate parking that is adequate (but not excessive), contributes to a pedestrian-friendly, bicycle friendly, and transit-supportive environment, and supports a "park once" environment.

## A. SITE PLANNING



**A1. Building Orientation.** Place buildings parallel to streets to maximize site efficiency, improve pedestrian flow and wayfinding, and create a linear urban edge along commercial corridors.

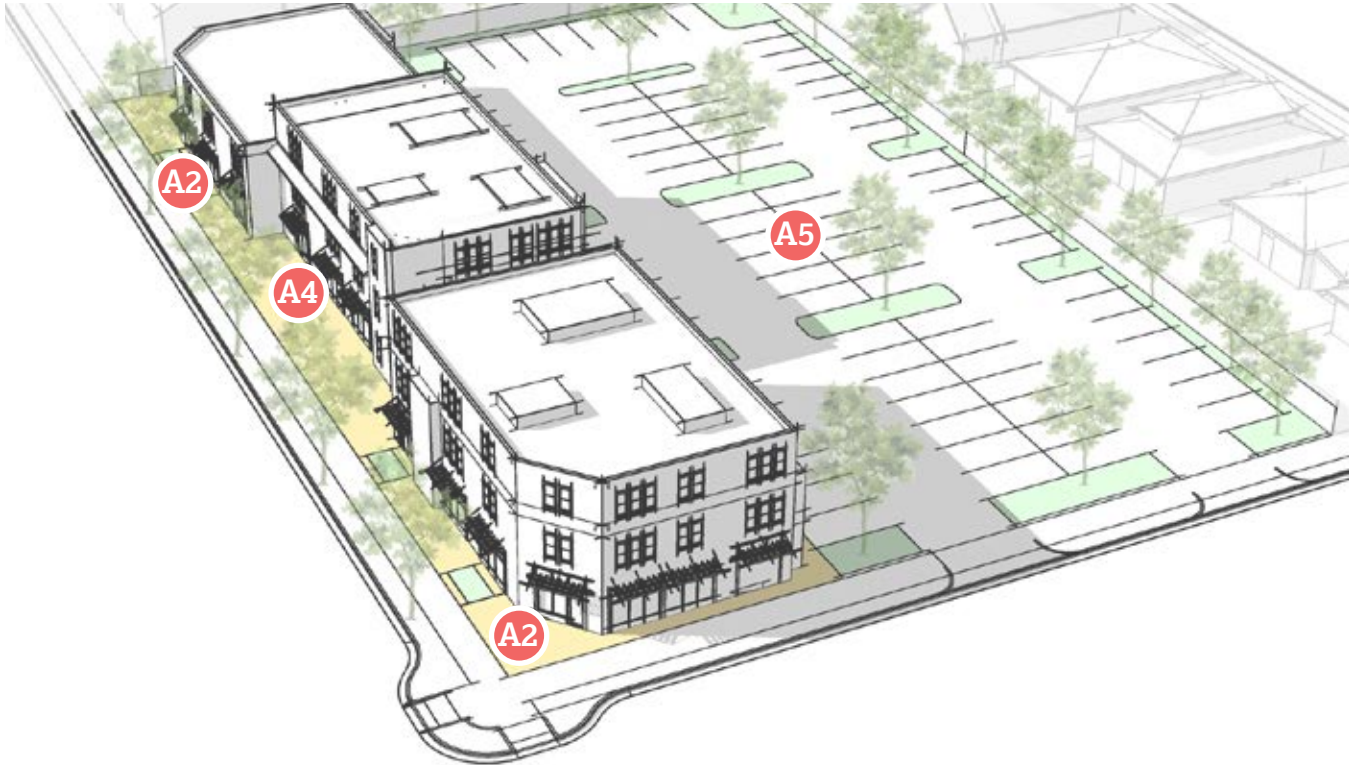
Orient buildings and open spaces with high pedestrian traffic such as shops, cafes, and plazas to face the street and engage the sidewalk, in order to create a more active and enjoyable pedestrian environment.

**A2. Entrances.** Locate primary entrances along streetscape frontages to develop direct access points and foster connection with the immediate pedestrian environment. Locate secondary entrances to access parking lots and rear or side building faces.

**A3. Open Spaces.** Locate public open spaces and plazas facing Main Streets and Active Connectors in order to create social gathering spaces that are welcoming and visible.



## A. SITE PLANNING



**A4. Setbacks.** Site buildings close to the required street-facing setback(s) along Main Streets and Active Connectors, unless a greater distance is being used to enhance the public realm with large activity zone uses such as outdoor dining and plazas. Allow expanded landscape buffers or other similar features on Multimodal Corridors that require mitigation from noise and emission.

*See SCCC 13.10.333 for commercial setback requirements.*

**A5. On-Site Parking.** Ensure parking is clustered toward the rear of a site (opposite street frontages), allowing the building to activate street frontages. Provide shared driveways and coordinated parking opportunities with adjoining properties. Building frontages should not face parking areas when the option to front the street is available.

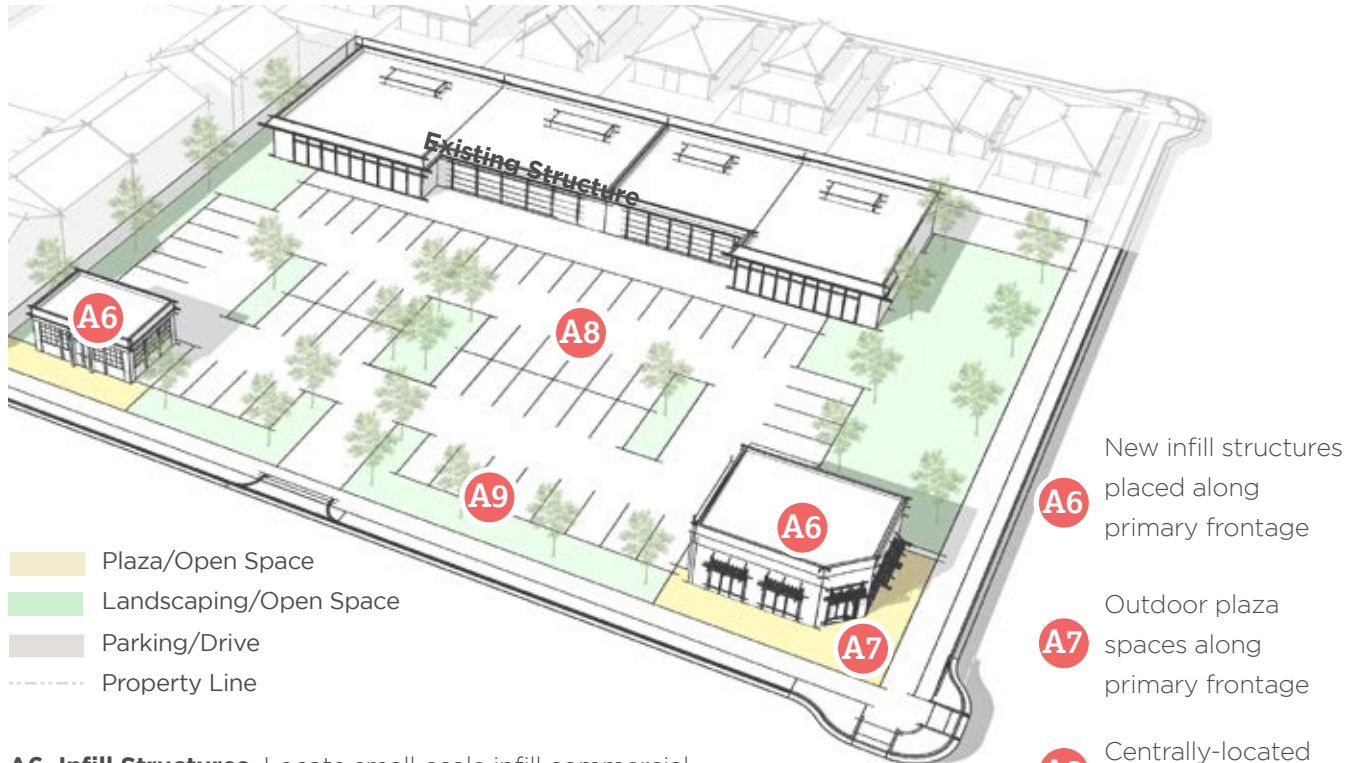
*See SCCC 13.16 and County Design Criteria for parking design requirements.*

**A2** Entrances oriented toward frontages and corners

**A4** Building setback to allow space for plaza

**A5** Rear-located parking

## A. SITE PLANNING - INFILL



**A6. Infill Structures.** Locate small-scale infill commercial development within existing parking lots facing public streets such as Main Streets and Active Connectors. Prioritize infill development in strategic locations such as street intersections and parcel edges.

**A7. Infill Open Space.** Add common public spaces to create active areas that front the immediate streetscape and support the infill commercial development.

**A8. Infill Parking.** Site infill commercial development to create consolidated, centrally-located parking.

**A9. Infill Frontage Enhancement.** Install a landscape buffer along the primary frontage to create an attractive edge condition that screens areas of exposed parking lot and provides a pedestrian-friendly experience, especially along Main Streets.

*See SCCC 13.11.070(B)(3) for infill design strategies, SCCC 13.11.070(D) for commercial infill landscaping, and SCCC 13.16 and County Design Criteria for parking design requirements.*



## A. SITE PLANNING - BUILDING PROGRAM



**A10. Ground Floor Uses.** Where possible, encourage ground floor spaces fronting public streets to be primarily occupied by retail, restaurant, personal services, cultural destinations, and other similar public oriented businesses. Place the most active functions, such as restaurants, office lobbies and common customer areas, along public streets with gracious sidewalks and landscaping. Front internally-facing buildings with similar ground floor uses toward a common space with pedestrian orientation. These uses can be accompanied by parklets to further extend activities into the public realm.

*See SCCC 13.10.335(C) for ground floor commercial use requirements.*



**A11. Ground-Floor Height.** Consider providing ground floor minimum floor-to-floor height of 15 feet to best support retail and office uses.

**A12. Small Scale Retail.** Encourage temporary and permanent small scale retail opportunities in front of ground floor office spaces that require privacy from pedestrian traffic.





## B. BUILDING DESIGN



**B1. Articulated Frontages.** Consider including articulated frontages for commercial buildings and projects, with alternating setbacks, building planes, and varied colors and materials to create more pedestrian interest.

**B2. Street Activation.** Design commercial buildings to directly engage the street by using first floor overhangs, tree canopies, seating areas, extended outdoor dining, and well-defined entrances. Encourage active frontages along streets and alleys by incorporating features such as window glazing, outdoor seating, and landscaping. Also include functional art such as decorative bike racks, fences, and murals. These areas should enhance the experience for pedestrians and bicyclists while encouraging people to linger and visit local businesses.

- B1** Articulated frontages
- B2** Floor overhangs, awnings, tree canopy to activate street
- B3** Ground-floor building transparency to create visual interest for pedestrians



## B. BUILDING DESIGN



### **B3. Ground-Floor Building Transparency.**

Make internal building activities visible from public streets and internal pathways, unless there are privacy or security concerns. prevent transparency. Encourage ground-floor, street-facing building walls of non-residential uses to provide transparent windows or doors with views into the building for at least 60 percent of the building frontage, in order to create visual interest and to help stores showcase their merchandise or services.



**B4. Building Mass.** Design multi-story commercial buildings along corridors, in commercial centers, and for specific uses such as medical centers. Incorporate single-floor building volumes and horizontally-oriented building elements in areas where low-lying buildings are cherished aspects of community character.



**B5. Multiple Buildings.** Develop larger sites with multiple buildings or building forms that include a variety in designs and functions. The individual buildings should include variation and articulation in their setbacks, stepbacks and heights in order to break up the bulkiness of the development.



## B. BUILDING DESIGN

**B6. Pedestrian Scale.** Step-back upper floors from the street to avoid a “canyon effect.” and preserve a human or pedestrian scale along the street edge.

Use porches, arcades, or balconies to counteract the vertical emphasis of taller buildings.

Additionally, use a variety of materials and/or colors to de-emphasize the size and bulk of upper floors.

**B7. Interesting Facades.** Include façade elements and materials that make larger buildings more visually interesting and less bulky, particularly along streets and pedestrian pathways.

**B8. Entrances.** Use features such as overhangs, business signs, and/or recesses to create an architectural focal point and draw attention to stores and restaurant entrances.



## B. BUILDING DESIGN



**B9. Adaptive Reuse.** Retain the original character and unique features of historically designated buildings that are retrofitted or reused for a new purpose, to maintain the cultural history of individual neighborhoods. This should be accomplished in accordance with local historic preservation regulations.

Additionally, require historical buildings to maintain important façade or architectural features during retrofits and expansion projects.

*See SCCC 16.42 for historic preservation requirements.*

**B10. Signage.** Provide clear and architecturally consistent business identification signage. In shopping centers and in buildings with multiple businesses, adopt a cohesive signage program for all businesses.

*See SCCC 13.10.581 for signage requirements.*

**B11. Blank Walls.** Minimize the use of blank walls, particularly at the ground-floor level. Where necessary, blank walls should be textured or layered with different materials or should incorporate art enhancements where appropriate.



## C. OPEN SPACE



**C1. Location.** Locate outdoor gathering spaces so they are visible from public streets or trail networks, accessible from the building/street, and connected to other pedestrian facilities.



**C2. Landscaping.** Encourage publicly-accessible plazas and open spaces to include a combination of landscaped and hardscaped elements. Ensure that high-quality paving materials, such as stone, concrete, tile, pavers, or brick are used for hardscaped elements.



**C3. Paving.** Coordinate paving, planting, and other landscape materials with the design of the building and site.



**C4. Public Art Integration.** Ensure that art, sculpture, and interactive installations are meaningfully integrated into the open space design.

## C. OPEN SPACE



**C5. Amenities.** Provide benches, tables, and shade in plazas and other outdoor areas. These features should be made from high-quality, durable materials consistent with the architectural theme of the building and surrounding neighborhood.



**C6. Parking Space Conversion.** Along Main Streets, Active Connectors, and on internal parking lots, consider allowing conversion of parking spaces into outdoor dining and other commercial use, where adequate parking exists and other requirements such as ADA access can be met.



**C7. Outdoor Retail.** Design open spaces to host outdoor retail environments that support indoor uses such as restaurants, cafes, artist studios, etc.



**C8. Events.** Program publicly accessible open spaces with a wide variety of temporary and frequent events such as farmers markets, wine tasting, etc.



## D. ACCESS, CIRCULATION AND PARKING

**D1. Sidewalk Connections.** Provide on-site pathways for pedestrians and bicyclists, separated from vehicular traffic, that connect building entries to adjacent public sidewalks.

*See County Design Criteria and SCCC 13.16 for pedestrian and bicycle pathway requirements.*



**D2. Walkway Design and Materials.** Include elements such as contextually-appropriate paving materials, trellis structures, landscaping, pedestrian-scaled lighting, seating and trash receptacles along sidewalks and pedestrian pathways.

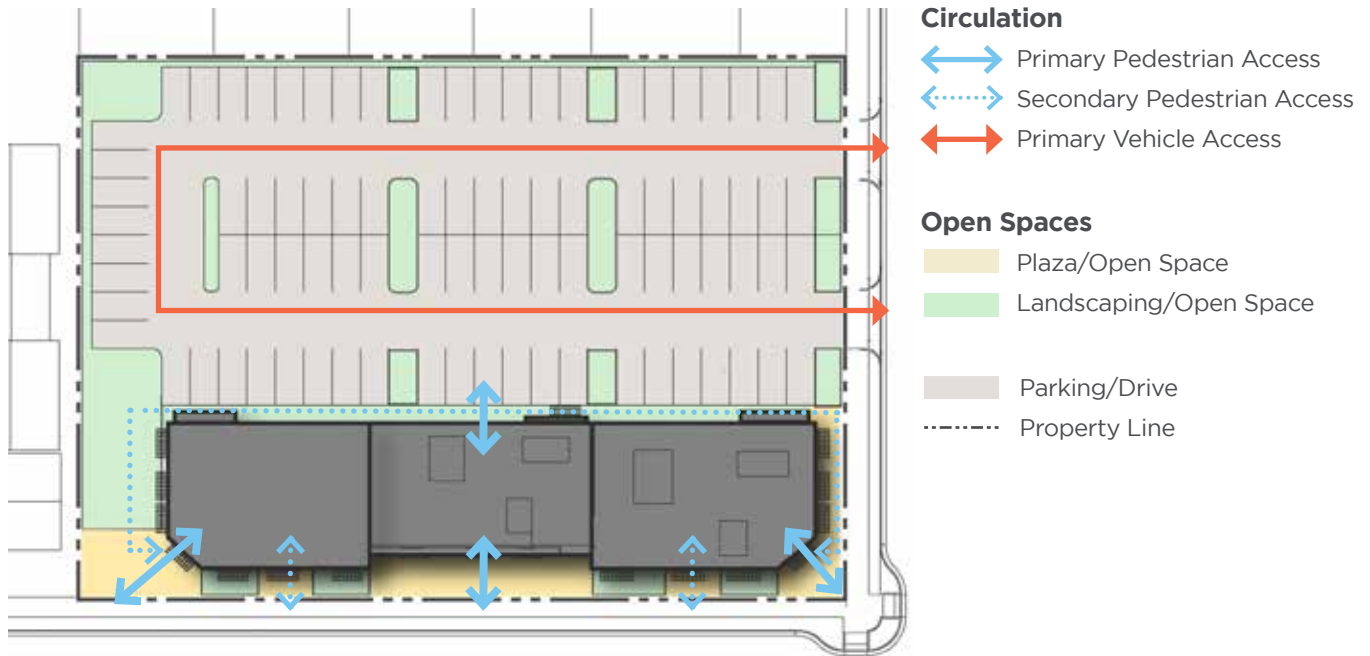


**D3. Drive-Through Design.** Where drive-throughs are allowed, design drive-through facilities to mitigate problems such as pollution, congestion, noise and appearance. Buffer drive throughs from residential uses and provide adequate room to accommodate queuing vehicles on site.

*See SCCC 13.16.091 for drive-through facility design requirements.*



## D. ACCESS, CIRCULATION AND PARKING



**D4. Parking Location.** Provide vehicle drop-off areas and limited short term, retail-friendly teaser parking along sidewalks. The remainder of the parking should be behind the building or in underground or structured parking, in order to maintain an attractive and pedestrian-oriented frontage to major streets.

**D5. Parking Size.** Encourage large outdoor surface parking lots to be broken up by landscaping and stormwater planters.

**D6. Shared Parking.** Maximize opportunities for shared and stacked parking to reduce parcel footprint devoted to parking. Include interior vehicle connections between properties.

**D7. Bicycle Parking.** Provide convenient and secure bicycle parking adjacent to building entrances. The design and materials should be coordinated with the site and building design. Whenever possible, bicycle parking areas should be covered and located in areas which are clearly visible to site users.

*See SCCC 13.16 and County Design Criteria for vehicular and bicycle parking requirements.*



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# 05

## MIXED USE DESIGN GUIDELINES

### **Contents**

Purpose and Applicability

Mixed-Use Design Goals

A. Site Planning

B. Building Design

C. Open Space

D. Access, Circulation and Parking





## 05 MIXED-USE DESIGN GUIDELINES

### PURPOSE AND APPLICABILITY

The following design guidelines are intended to inform the scale, character and features of horizontal and vertical mixed-use residential and commercial projects in Santa Cruz County. Horizontal mixed-use consists of separate residential and commercial buildings within a single parcel. Vertical mixed-use consists of residential and commercial uses within the same building.

The guidelines provide ideas and best practices for well-designed projects, and should be used in conjunction with the County's General Plan, County Code, and Design Criteria for streets and frontages.

In cases where design guidelines are related to quantitative requirements, links to relevant standards are provided.

Specific development standards and appropriate design guidelines for mixed-use projects may depend on the street type, zone district, and General Plan land use designation of the parcel where the project is located.

**Mixed-use projects should follow both Chapter 2: Overarching Design Guidelines and the guidelines provided in this chapter.**

### MIXED USE DESIGN GOALS

- 1 Provide flexibility to allow for a wide variety of mixed-use developments to enhance the County's overall economic vitality.
- 2 Ensure active and inviting ground floor commercial spaces that support a pedestrian-friendly environment.
- 3 Create visual interest through design variation, architectural details, and high-quality materials.
- 4 Provide well-designed housing that is affordable to residents of a variety of income levels and is located within walking distance to stores, services, jobs, and community amenities.
- 5 Enhance public safety through increased natural surveillance and eyes on the street.
- 6 Create well-designed public and semi-public gathering places that support social interaction and community cohesion.
- 7 Accommodate parking and circulation on site to maximize connections between different land uses.

## A. SITE PLANNING - VERTICAL MIXED USE



- A1** Building placed close to front and side property lines
  - A2** Larger building setback provided to create plaza
  - A3** Mid-block pedestrian path/connection
  - A4** Primary parking located behind buildings
- Plaza/Open Space
  - Landscaping/Open Space
  - Parking/Drive
  - Property Line

**A1. Building Placement.** Place buildings along the edge of the sidewalk to activate the pedestrian realm, especially along Main Streets and Active Connectors.

**A2. Building Setbacks.** Site buildings close to the required setback to provide street definition, unless a greater setback distance is appropriate to enhance the public realm (outdoor retail, plaza, etc.) or to avoid noise or traffic impacts.

*See SCCC 13.10.334(A) for mixed-use setback requirements.*

**A3. Mid-Block Pedestrian Paths.** Create enhanced internal pedestrian crossings delineated with materials or colors to prioritize pedestrians within developments. Provide mid-block pedestrian paths between and through buildings.

*See SCCC 13.16 and County Design Criteria for pedestrian path and parking design requirements.*



## A. SITE PLANNING - VERTICAL MIXED USE



**A4. Parking Location.** Ensure parking is clustered to the rear of the site, allowing the building to activate street frontages and provide shared parking opportunities with adjoining properties. Building frontages should not face parking areas along Main Streets and Active Connectors when the option to front the street is available.

**A5. Building Orientation.** Orient buildings toward public streets with the primary entrance(s) to the site or to commercial uses directly accessible from the sidewalk. Include multiple entrances from Main Street sidewalks. Buildings with primary entrances oriented toward an internal public space rather than a public street may be appropriate if they enhance the pedestrian experience.

**A6. Ground-Floor Uses.** Encourage ground-floor spaces fronting primary streets to be primarily occupied by retail, restaurant, and personal service uses that generate pedestrian activity and engage the sidewalk to create an active and enjoyable pedestrian environment.

*See SCCC 13.10.334(C) for ground floor use requirements.*

- A5** Buildings oriented toward frontages
- A6** Active ground floors with open facades and active space



## A. SITE PLANNING - HORIZONTAL MIXED USE



**A7. Building Placement.** Prioritize placement of commercial buildings along the edge of sidewalk to activate the pedestrian realm, especially along Main Streets and Active Connectors. Residential structures may be most appropriate along the rear or side of the site.

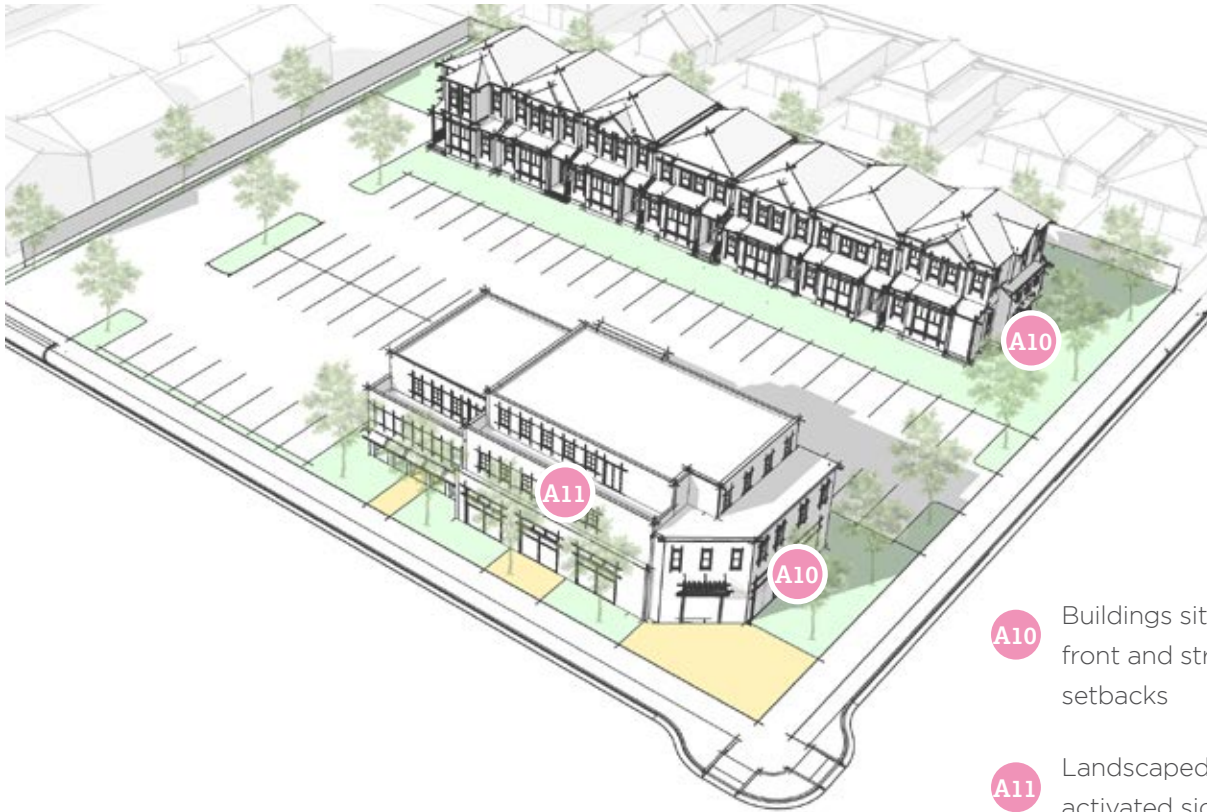
**A8. Mixed-Use Compatibility.** Design and locate service entries, loading areas, and trash areas associated with commercial uses so they minimize conflicts with residential uses located on site.

**A9. Parking Location.** Locate parking for on-site commercial uses at the center of the site, allowing the parking to provide a buffer from on-site residential uses and maximize shared parking opportunities between residential and commercial uses. Dedicated private residential parking areas should be located in a private area away from public commercial parking.





**A. SITE PLANNING - HORIZONTAL MIXED USE**



- A10** Buildings sited toward front and street side setbacks
- A11** Landscaped and activated sidewalk along commercial frontage

**A10. Building Setbacks.** Site buildings close to the required setback, unless a greater distance is being used to enhance the public realm (outdoor retail, plaza, etc.).

*See 13.10.334(A) for mixed-use setback requirements.*

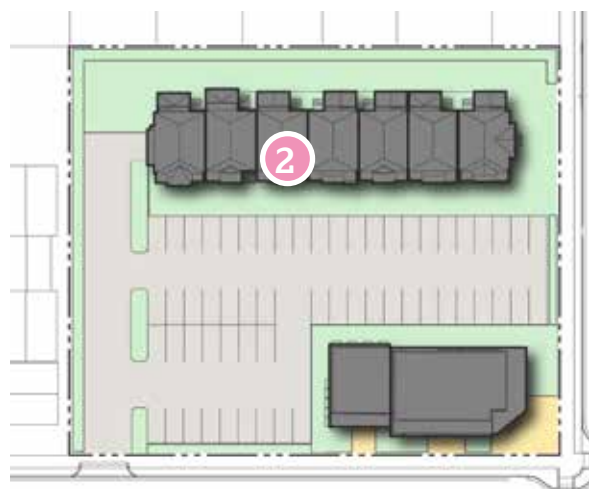
**A11. Sidewalk Activation.** Ensure that buildings with high pedestrian traffic uses (retail, restaurant, commercial services, community-serving uses, or other active uses) face public streets and engage the sidewalk to create an active and enjoyable pedestrian environment. Maximize opportunities for temporary and permanent retail uses along sidewalks fronting Main Street and Active Connectors.



## A. SITE PLANNING - RESIDENTIAL USE CONSIDERATIONS



Vertical Mixed Use



Horizontal Mixed Use

- 1 Upper-floor residential
- 2 Residential structures detached from commercial structures

- Plaza/Open Space
- Landscaping/Open Space
- Parking/Drive
- Property Line

**A12. Residential Location.** In vertical mixed-use developments, locate residential uses on the upper floors above ground floor retail or office. In horizontal mixed-use developments, locate residential uses along Local Residential Streets or at the rear of the site to provide visual privacy and complement existing residential uses.

**A13. Residential Spaces.** Place active residential spaces such as entrance lobbies, recreation spaces, and amenity areas along public streets.

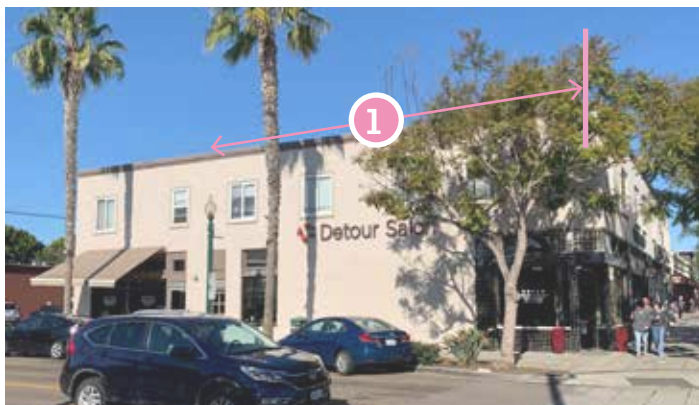
**A14. Floor Height.** For development flexibility, consider designing ground floor to have a floor-to-floor height of 10 to 14 feet, with a minimum subsequent floor(s) height of 9 to 10 feet.

**A15. Utilities - Accessibility.** Ensure that utilities are conveniently located and accessible from tenant spaces but screened from the street and other pedestrian areas.

*See SCCC 13.11.070(C)(1) for utility design requirements.*



## A. SITE PLANNING - COMMERCIAL USE CONSIDERATIONS



1 45'-60' depth      2 15' ground floor height



**A16. Commercial Use Location.** Place retail spaces and office entry lobbies and meeting spaces along active street frontages.

*See SCCC 13.10.334(C) for ground floor commercial use requirements along Main Streets, Active Connectors and Multimodal Corridors.*

**A17. Ground-Floor Height.** For development flexibility, consider providing ground floor minimum floor-to-floor height of 15 feet to best support retail and office uses.

**A18. Office Depth.** Encourage ground floor office space in a mixed-use building to have a depth of between 45 and 60 feet. Where possible, multiple smaller offices should be created in favor of a single large office space.

**A19. Retail Depth.** Encourage ground floor retail uses in a mixed-use building to have a depth of at least 45 feet. Where possible, encourage 60 foot depths to accommodate a wider range of tenants, especially food tenants.

**A20. Pop-Up Retail.** Provide small pop-up retail spaces where the minimum depth for commercial uses is not possible.



## B. BUILDING DESIGN

**B1. Step Backs.** Step back at least 50% of third floor exterior walls an additional 10 feet from the minimum required setback to break up building bulk, especially abutting non-commercial parcels. In no case should a third story be stepped back less than the first and second stories

*See SCCC 13.10.333 for third story setback requirements abutting non-commercial parcels.*



**B2. Blank Walls.** Discourage any unarticulated/blank building wall that exceeds 10 feet in length. Specifically encourage building articulation associated with entrances, building projections or recesses, doorway and window trim, and other details that provide architectural design interest.

Different methods can be employed, including varying wall planes, heights, contrasting materials and colors, awnings, canopies, and arcades.

Enhance visual interest by incorporating architectural relief, architectural detail, or landscaping.



**B3. Entrances.** Provide multiple commercial and residential entrances into buildings, particularly into ground-floor uses.



## B. BUILDING DESIGN



### B4. Ground-Floor Building

**Transparency.** Transparent windows or doors for ground floor commercial spaces are encouraged. Ground floor transparency should offer views into the building for at least 60 percent of the building's length along primary and secondary frontages. Position windows for visibility by both pedestrians and motorists at street level in order to create interest in commercial activities and improve safety.



### B5. Expansion into Sidewalks.

Encourage doors or sliding windows that enable ground-floor restaurants and retail to expand into outdoor amenity zone areas along publicly-accessible sidewalks with appropriate permits and while meeting County Design Criteria and maintaining a sidewalk pedestrian zone for unobstructed travel.





## B. BUILDING DESIGN

**B6. Design Consistency.** Provide visual interest and design continuity throughout all sections of the project - including residential and commercial sections - through similar architectural styles, materials, colors, and other treatments.

**B7. Storefront Width.** Reduce the perceived size of larger buildings to maintain pedestrian scale and rhythm. Consider limiting the width of building bays to maximum 50 feet.

**B8. Signage.** Signage should be located and scaled so it can be read and accessible to motorists, pedestrians and bicyclists as appropriate. Signage and other advertisement displays and installations should be primarily affixed to commercial portions of the project.

*See SCCC 13.10.581 for sign design requirements.*

**B9. Adaptive Reuse.** Encourage the adaptive reuse of older buildings. Encourage historical buildings to maintain important façade or architectural features during retrofits and expansion projects. Similarly, development of buildings next to historic or culturally significant buildings should respect the architectural character of existing historical buildings.

*See SCCC 16.42 for historic preservation requirements.*



## C. OPEN SPACE



**C1. Commercial Open Space.** Where space allows, integrate public plazas into the design of commercial portions of mixed-use projects, creating large activity zones.

See also Open Space guidelines in Chapter 4, Commercial Guidelines.

**C2. Residential Open Space.** Provide a total of at least 50 square feet of private and/or common open space per dwelling in mixed-use projects. Common open spaces should have a minimum dimension of 15 feet. Private open spaces should have a minimum dimension of six feet.

In some cases, it may be appropriate to locate common open spaces along street frontages adjacent to commercial uses and make these open spaces available to the public.

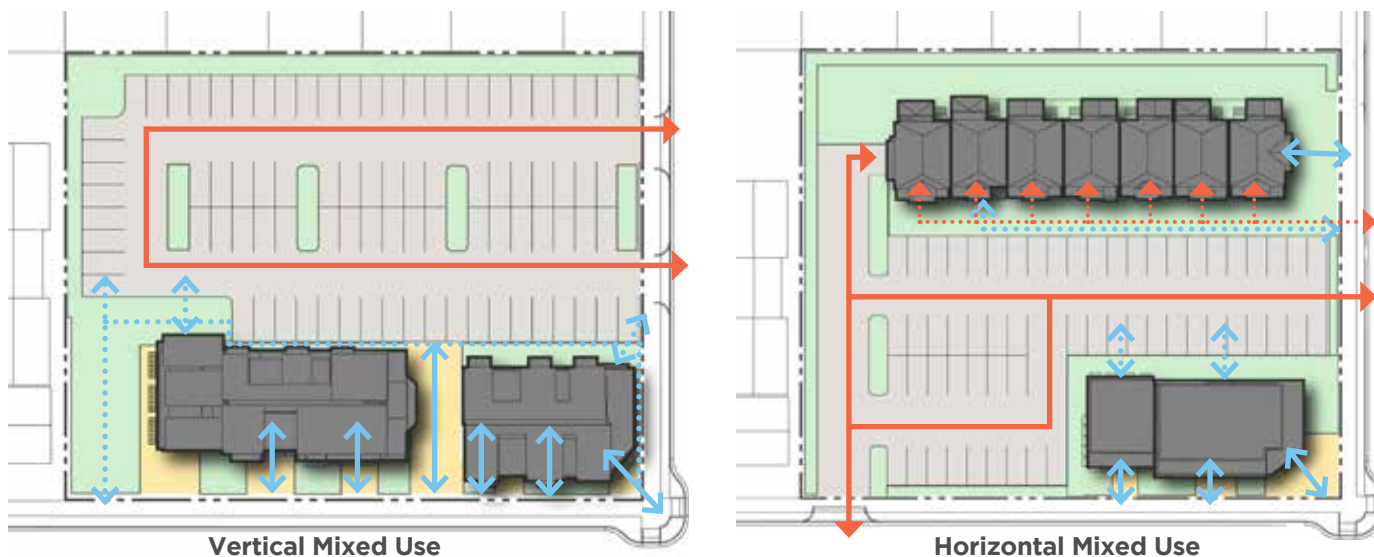
See also Open Space guidelines in Chapter 3, Multifamily Residential Guidelines. However, note that minimum required residential open space for mixed-use projects is less than that for multifamily projects due to the combination of uses on site

*See SCCC 13.10.334(A) for mixed-use open space requirements.*





## D. ACCESS, CIRCULATION AND PARKING



### Circulation

- Primary Pedestrian Access
- Secondary Pedestrian Access
- Primary Vehicle Access
- Secondary Vehicle Access

### Open Spaces

- Plaza/Open Space
- Landscaping/Open Space
- Parking/Drive
- Property Line

**D1. Shared Parking.** Maximize opportunities for shared parking between residential and commercial uses that have parking demand at different times of day, to reduce the overall parcel footprint devoted to parking.

*See SCCC 13.16.070(B) for shared parking standards.*

**D2. Curb Cuts.** Minimize pedestrian and vehicle conflicts by limiting the number of curb cuts to a maximum of two per project if possible.

*See County Design Criteria for curb cut design requirements.*

**D3. Well Connected Spaces.** Link different commercial, residential, and open space areas with internal pathways.



## D. ACCESS, CIRCULATION AND PARKING



**D4. Parking Location.** Provide vehicle drop-off areas and limited short term, retail-friendly teaser parking along sidewalks. The remainder of the parking should be behind the building or in underground or structured parking.

*See SCCC 13.16 and County Design Criteria for vehicular parking design requirements.*



**D5. Screening.** Screen surface parking located adjacent to roadways with a decorative wall, hedge, trellis, or landscaping. Also screen surface parking from residential neighborhoods to reduce the visual impact of large parking areas.

*See SCCC 13.16.060 and SCCC 13.11.070(D) for parking screening requirements.*



**D6. Bicycle Parking.** Provide convenient and secure exterior bicycle parking adjacent to commercial building entrances. Provide convenient and secure indoor bicycle parking for residents. Whenever possible, bicycle parking areas should be covered and clearly visible to site users.

*See SCCC 13.16.040 for bicycle parking design requirements.*

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# 06

## WORKPLACE FLEX GUIDELINES

### **Contents**

Purpose and Applicability

Workplace Flex Design Goals

A. Site Planning

B. Building Design

C. Open Space

D. Access, Circulation and Parking



## 06 WORKPLACE FLEX

### PURPOSE AND APPLICABILITY

The following design guidelines are intended to inform the scale, character and features of workplace flex projects in Santa Cruz County.

The Workplace Flex (C3) zone district provides for employment centers with a flexible mix of office, retail, and light industrial land uses as well as other ancillary uses to meet the needs of businesses and workers. The Workplace Flex Design Guidelines encourage flexibility and innovation in realizing developments that can accommodate workplace functions such as offices, sales, research and development, light assembly, and shipping and distribution. The guidelines are crafted to ensure that development and site improvements result in functional, attractive, sustainable, and context sensitive projects with an innovative mix of land uses.

These guidelines provide ideas and best practices

for well-designed projects, and should be used in conjunction with the County's General Plan, County Code, and Design Criteria for streets and frontages. In cases where design guidelines are related to quantitative requirements, links to relevant standards are provided.

Specific development standards and appropriate design guidelines for workplace flex projects may depend on the street type of the parcel where the project is located. Workplace flex developments may be appropriate along Multimodal Corridors and Active Connectors, as well as frontage roads and other places with easy highway access for light industrial operations.

**Workplace flex projects should follow both Chapter 2: Overarching Design Guidelines and the guidelines provided in this chapter.**

### WORKPLACE FLEX DESIGN GOALS

- 1 Provide for a range of commercial uses with flexibly-designed spaces for multiple business types and changing business needs over time.
- 2 Reuse and repurpose underutilized parcels and buildings along transportation corridors into employment centers and community destinations.
- 3 Minimize noise and sound impacts to residential areas by providing landscape buffers and other design elements.
- 4 Create well designed common open and built spaces that offer amenities to both workers and visitors to the workplace flex development.
- 5 Design to encourage workers to walk, bike and take transit to employment centers from nearby commercial corridors and residential neighborhoods.

## A. SITE PLANNING



- A1** Buildings oriented toward primary frontage
- A2** Larger setbacks along primary frontage to accommodate activity zone
- A3** Centrally located flexible open space
- A4** Parking does not dominate the building frontage

- |                                                                                                                                                                       |                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #f0e68c; border: 1px solid black; margin-right: 5px;"></span> Plaza/Open Space       | <span style="display: inline-block; width: 20px; height: 10px; background-color: #c0c0c0; border: 1px solid black; margin-right: 5px;"></span> Parking/Drive |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #90ee90; border: 1px solid black; margin-right: 5px;"></span> Landscaping/Open Space | <span style="display: inline-block; width: 20px; border-bottom: 1px dashed black; margin-right: 5px;"></span> Property Line                                  |

**A1. Building Placement.** Place buildings close to frontages. Encourage buildings along Active Connectors and Multimodal Corridors to enhance the pedestrian experience and add visual interest.

**A2. Building Setbacks.** Site buildings at the minimum required setback, unless a greater distance is being used to accommodate an activity zone or create a buffer necessary to mitigate air and noise impacts.

*See SCCC 13.10.333 for commercial setback requirements.*

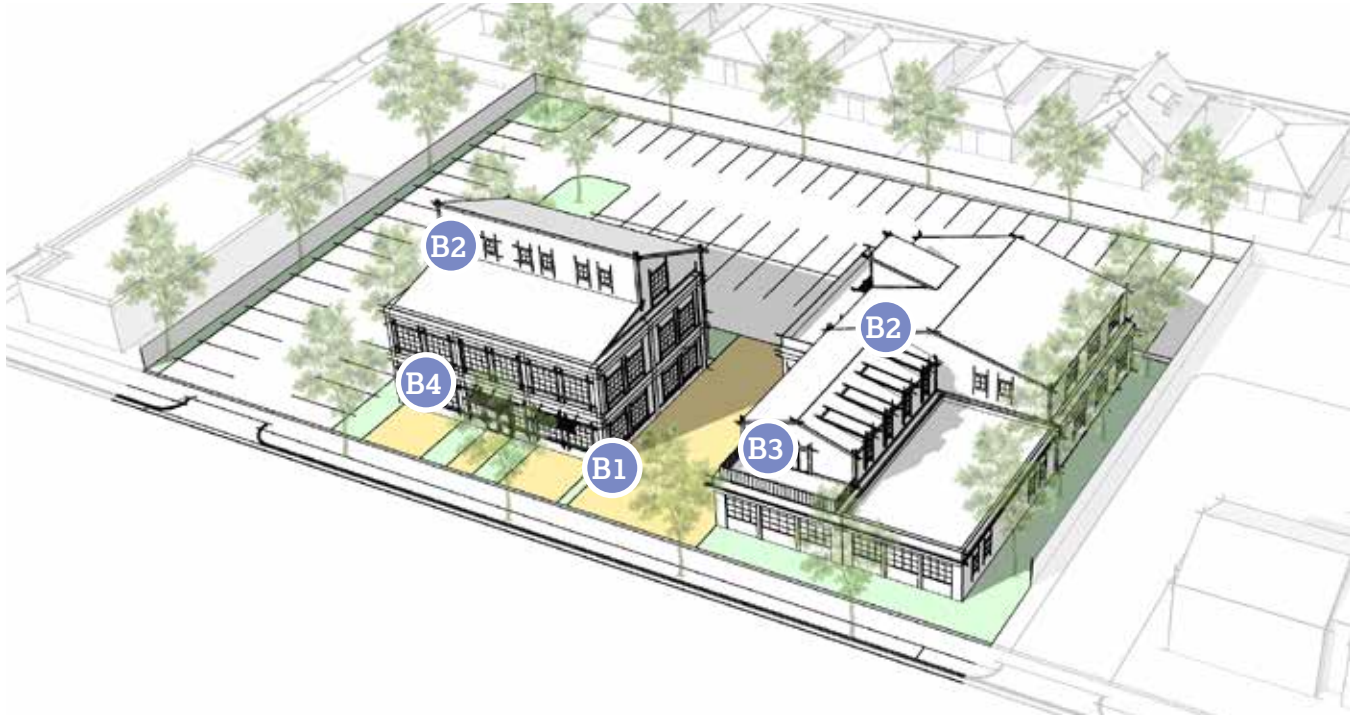
**A3. Public Gathering Places.** Create centrally-located common open spaces that are interconnected with a network of pedestrian paths.

**A4. Parking Location.** Encourage parking to be located in central or rear portions of the site, allowing the building to activate street frontages and minimizing views of parking areas from public streets. Building frontages should not face parking areas when the option to front a public street is available.

*See SCCC 13.16 and County Design Criteria for parking design requirements.*



## B. BUILDING DESIGN



**B1. Setback Variation.** Consider utilizing varying setbacks and stepbacks on street edge when fronting along pedestrian-oriented streets such as Active Connectors, in order to avoid long wall expanses and maintain human scale.

**B2. Roofline Variation.** Consider changing roof heights and designs and dormers to create variation in the height profile and further enhance visual interest.

**B3. Building Modulation.** Create variation in building mass along building faces to diminish the sense of bulk.

**B4. Floor Height.** Require a minimum floor-to-ceiling height of 15 feet and allow a maximum building height of 50 feet to accommodate a flexible mix of commercial uses.

*See SCCC 13.10.333 for workplace flex development standards.*

- B1** Two buildings use different setbacks
- B2** Roofline and height changes
- B3** Modulating features along facades
- B4** 15 foot floor-to-ceiling height minimum

## B. BUILDING DESIGN

**B5. Facade Articulation.** Provide an array of facade treatments such as trim, awnings, bay windows, balconies, and other architectural elements to create variation along the building facade.



**B6. Frontage Design.** Locate the front doors to shops, eating establishments, offices, art studios and cultural destinations in a visible location from the adjacent streetscape..



**B7. Building Step Backs.** Where needed, setback upper floor building mass in order to create better scale with the adjacent uses and provide solar access to common open spaces.

*See SCCC 13.10.333 for commercial third story setback requirements.*



## B. BUILDING DESIGN



**B8. Design Consistency.** Ensure visual interest and design continuity throughout all sections of the project - including light industrial, office, and retail spaces - through similar architectural styles, materials, colors, and other treatments. Contemporary or industrial styles may be more appropriate than traditional styles.



**B9. Fenestration.** Where possible, place ground floor and upper floor windows and openings along all exposed edges of the building face with particular attention to frontages.



**B10. Materials and Colors.** Use a variety of colors and materials to de-emphasize the mass and bulkiness of buildings and add visual interest.



## C. OPEN SPACE

**C1. Open Space Design.** Landscape open spaces with trees and plantings to serve the diverse needs of workers. Ensure paving, planting and other landscape elements are coordinated with the design of the building and site.

*See SCCC 13.11.070(D) for landscaping design requirements.*



**C2. Amenities.** Provide seating, tables and shade elements.



**C3. Evenly Distributed.** On large sites, evenly distribute open spaces to be within walking distance of different employment centers. Program essential amenities such as seating and lighting at these locations.



## D. ACCESS, CIRCULATION AND PARKING



**D1. Pedestrian Connections.** Design mid-block pedestrian connections with clear and well-design pedestrian paths.

*See SCCC 13.16 and County Design Criteria for pedestrian path design requirements.*



**D2. Frontage Width.** Provide a street frontage of at least 60 feet in order to accommodate larger buildings and truck access required for light industrial land uses.

*See SCCC 13.10.333(B) for minimum parcel frontage requirements.*



**D3. Parking Design.** Parking should be located in rear or central portions of the site and hidden from views from adjacent streets. Where possible, parking should be shared among different uses.

*See SCCC 13.16.060 for vehicle parking design standards.*



**D4. Bike Parking.** Distribute and locate bike parking in high visibility areas, preferably close to building entrances.

*See SCCC 13.16.040 for vehicle parking design standards.*

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# APPENDIX A: Street Zone Standards

## **Contents**

Purpose and Applicability

Street Zones Overview

Street Zone Standards: Multimodal Corridor

Street Zone Standards: Active Connector

Street Zone Standards: Main Street

Street Zone Standards: Local Residential Street







## A STREET ZONE STANDARDS

### PURPOSE AND APPLICABILITY

This appendix outlines regulatory street zone standards for new developments. The vehicle travel zone, bicycle zone, and parking zone are roadway zones that work together to ensure safe and efficient roadway travel. The pedestrian amenity zone, pedestrian sidewalk zone and activity zone are sidewalk public spaces that front a building and allow for safe and pleasant pedestrian travel and social gathering.

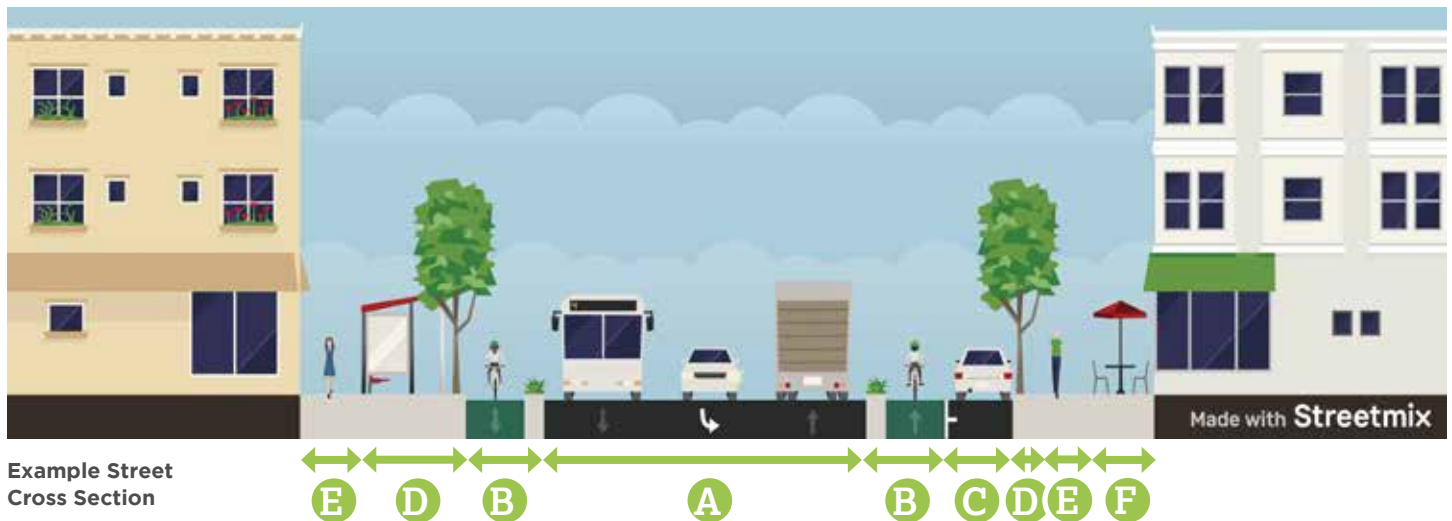
Street zone standards are provided for Multimodal Corridors, Active Connectors, Main Streets, and Local Residential Streets. These four street types are part of Santa Cruz County's layered transportation

network which prioritizes certain user types on specific streets. Street types are designated by the Access and Mobility chapter of the Santa Cruz County General Plan. Street zone standards are different for each street type based on the users prioritized for that street type and the associated street frontages and streetscape character.

The street zone standards are crafted to ensure that the resulting public realm is functional, attractive, and supportive of the County's sustainability goals. These standards should be used in conjunction with the General Plan, County Code, and Design Criteria for streets and frontages.



## Street Zones Overview



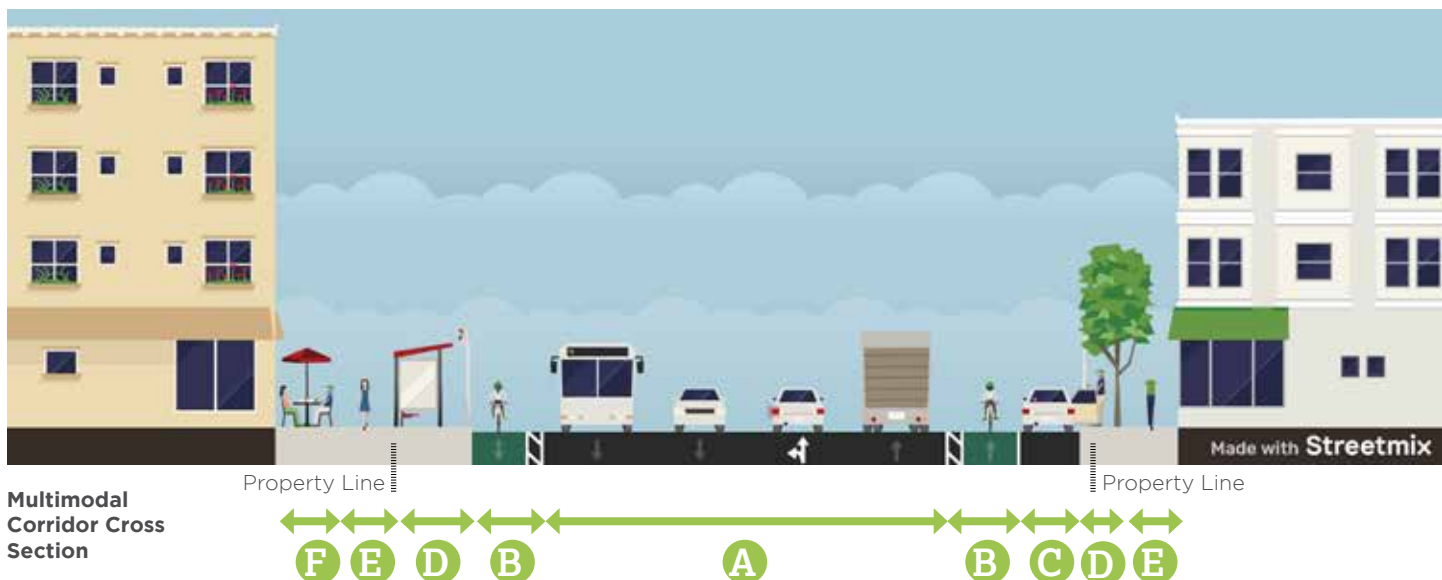
### Street Zones

- A** The **Vehicle Travel Zone** provides standard-width lanes for cars and wider lanes for shared use by cars and buses. Turn lanes and traffic lights are provided as needed to avoid traffic congestion in this zone.
- The **Bicycle Zone** provides designated bicycle travel facilities in the form of either Class I facilities (separated bicycle paths), Class II facilities (designated bicycle lanes), or Class IV facilities (protected bikeways as shown in the illustration). On roadways where there is not space to accommodate a bicycle zone, there may be Class III bicycle facilities (bicycle routes where signage is used to indicate that bicycles and vehicles should share the vehicle travel zone).
- B** The **Bicycle Zone** provides designated bicycle travel facilities in the form of either Class I facilities (separated bicycle paths), Class II facilities (designated bicycle lanes), or Class IV facilities (protected bikeways as shown in the illustration). On roadways where there is not space to accommodate a bicycle zone, there may be Class III bicycle facilities (bicycle routes where signage is used to indicate that bicycles and vehicles should share the vehicle travel zone).
- C** The **Parking Zone** contains street parking for vehicles. It may be appropriate for parking to be parallel or diagonal to the building frontages. In some cases, it may be appropriate to allocate space for drop-off zones or parklets, or remove street parking from one or both sides of the street.
- The **Pedestrian Amenity Zone** contains landscaping (trees and planting) and street infrastructure such as lighting, parking meters, and utilities. In some cases, the Amenity Zone may also contain seating and art elements. This design of this zone must incorporate accessibility and shall not block access to bus stops, on-street parking, intersections and street crossings.
- D** The **Pedestrian Amenity Zone** contains landscaping (trees and planting) and street infrastructure such as lighting, parking meters, and utilities. In some cases, the Amenity Zone may also contain seating and art elements. This design of this zone must incorporate accessibility and shall not block access to bus stops, on-street parking, intersections and street crossings.
- E** The **Pedestrian Sidewalk Zone** is a contiguous uninterrupted pathway allowing flow of pedestrian movement and full accessibility along the sidewalk.
- The **Activity Zone** provides space for activities such as outdoor dining in front of commercial uses and a landscaped buffer for ground floor residential uses. The Activity Zone must be designed to incorporate accessibility requirements.
- F** The **Activity Zone** provides space for activities such as outdoor dining in front of commercial uses and a landscaped buffer for ground floor residential uses. The Activity Zone must be designed to incorporate accessibility requirements.

### Building and Site Design Related to Street Zones

The pedestrian amenity zone, pedestrian sidewalk zone, and activity zone may be located within the right of way or within public property, dependent on property line location. In areas where the sidewalk width is constrained, buildings should be set back far enough from the street to accommodate these zones, and dedication of these zones may be offered to the County. Other aspects of building and site design should also relate to the street type and street zone configuration, such as upper floor setbacks, ground floor height and transparency, pedestrian and vehicular access, and open space design.





### Multimodal Corridor Objective

Multimodal Corridors like Soquel Drive and Capitola Road prioritize transit, specifically bus rapid transit (BRT) and other long distance modes of travel. To encourage more people to walk, bike and take transit, new developments along multimodal corridors allow a wide variety of uses that are complimented with pedestrian and transit friendly design elements.

### Multimodal Corridor Street Zone Standards Table

|                          |                                                                                                                                                                                                                                    |   |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Vehicular Zone           | 11'-0" maximum width inside vehicle travel lanes and 12'-0" maximum width outside vehicle/bus travel lanes                                                                                                                         | A |
| Bicycle Zone             | 6'-0" minimum width buffered or 8'-0" unbuffered Class II bike lanes                                                                                                                                                               | B |
| Parking Zone             | 8'-0" maximum width when parking zone is provided. Parking may be removed to prioritize bicycle and transit infrastructure (left side of cross section illustration) or drop-off zones (right side of cross section illustration). | C |
| Pedestrian Amenity Zone  | 4'-0" minimum width, 5'-0" minimum width for transit shelter                                                                                                                                                                       | D |
| Pedestrian Sidewalk Zone | 5'-0" - 6'-0" clear pathway                                                                                                                                                                                                        | E |
| Activity Zone            | Varies; activity zones are not always appropriate along multimodal corridors.                                                                                                                                                      | F |

### Land Use Considerations

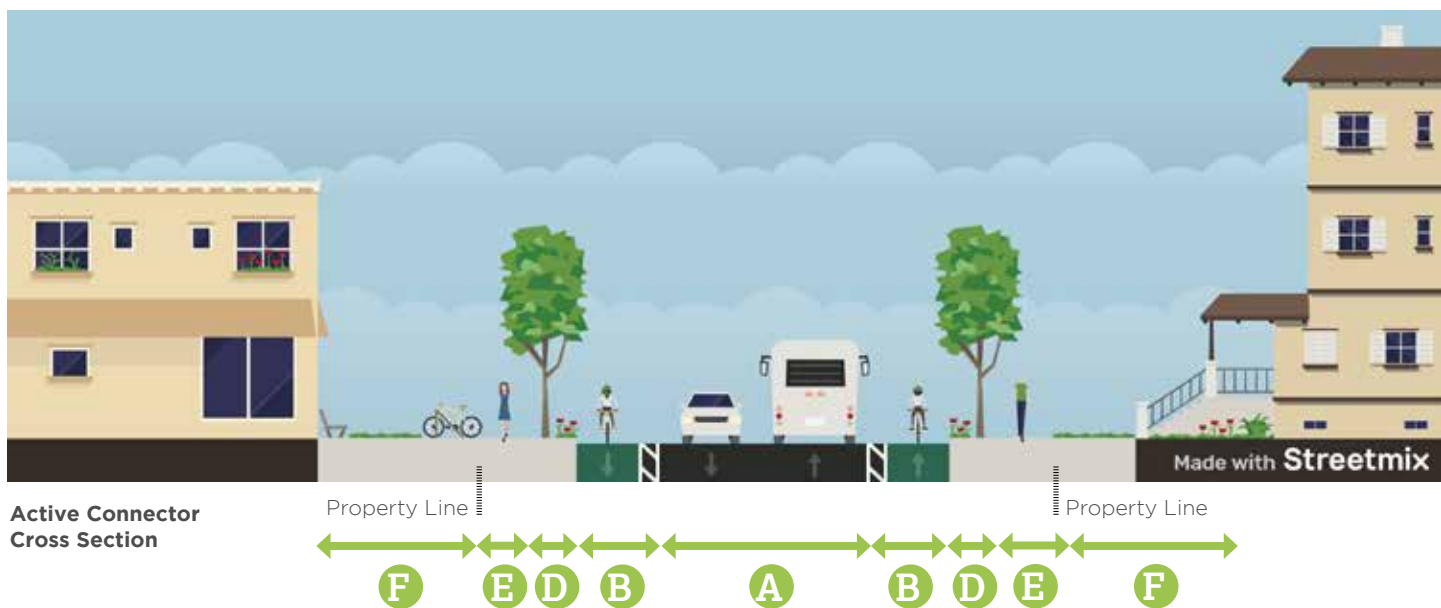
Along Multimodal Corridors, high building intensity residential and commercial land uses are appropriate, including compact housing options, mixed-use development, and diverse employment opportunities to support more frequent and convenient transit service.

### Building and Site Design Considerations

Existing Multimodal Corridor right of ways in Santa Cruz County are not wide enough to accommodate pedestrian and activity zones. Therefore, regardless of minimum setback requirements for a given zone district, buildings should be set back far enough from property lines to accommodate pedestrian amenity, pedestrian sidewalk, and activity zones as appropriate, as shown in the cross section.

New buildings should be multiple stories. Ground floor spaces should contribute to activation of the streetscape. Building entries should be located along the corridor street frontage. Vehicular access should be via two-way driveways, designed at least 100 feet apart if possible to avoid interruptions to transit, bicycle, and pedestrian travel along the corridor. Vehicular access from side roads should be provided on corner lots.

## Street Zone Standards: Active Connector



### Active Connector Objective

Active Connectors like Brommer Street prioritize walking, biking and transit. New infill developments allow a wide variety of uses that are complimented with safe, comfortable and dedicated pedestrian and bike facilities that provide critical first and last mile connections to transit, neighborhoods, and major destinations.

### Active Connector Street Standards Table

|                          |                                                                |   |
|--------------------------|----------------------------------------------------------------|---|
| Vehicular Zone           | 10'-0" maximum width travel lanes (1 lane in each direction)   | A |
| Bicycle Zone             | 6'-0" minimum width buffered or unbuffered Class II bike lanes | B |
| Parking Zone             | Parking zone is not recommended for active connectors          | C |
| Pedestrian Amenity Zone  | 4'-0" minimum width                                            | D |
| Pedestrian Sidewalk Zone | 6'-0" minimum clear pathway                                    | E |
| Activity Zone            | Varies; activity zones are not required on Active Connectors   | F |

### Land Use Considerations

Along Active Connectors where pedestrians and bicycles are prioritized, encourage land uses to facilitate neighborhood trips and "last mile" commutes. Diverse housing options, neighborhood commercial and personal services, and small office uses are appropriate, as well as community facilities such as schools, religious institutions and parks.

### Building and Site Design Considerations

Existing Active Connector right of ways in Santa Cruz County are generally wide enough to accommodate pedestrian zones but not activity zones. Within front yard setback areas, property owners may choose to provide private activity zones using design elements such as landscaping and porches, as illustrated in the right side of the cross section; or public activity zones using design elements such as bike racks and benches, as illustrated in the left side of the cross section.

New buildings should be multiple stories. Especially at street corners, consider ground floor spaces that contribute to activation of the streetscape. Building entries should be located along the corridor street frontage. Vehicular access should be via two-way driveways, designed at least 100 feet apart if possible to avoid interruptions to transit, bicycle, and pedestrian travel along the corridor. Vehicular access from side roads should be provided on corner lots.



Main Street Cross Section



### Main Street Objective

Main Streets like Portola Drive are pedestrian oriented destination streets. To encourage more people to walk, bike, shop and socialize, new developments allow a wide variety of uses with a strong emphasis of street-activating ground floor uses. Street trees, landscaping and wide sidewalks with activity zones help strengthen the destination character.

### Street Standards Table

|                          |                                                                                                                                                                                                                        |   |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Vehicular Zone           | 10'-0" maximum width travel lanes                                                                                                                                                                                      | A |
| Bicycle Zone             | 5'-0" minimum width Class II bike lanes                                                                                                                                                                                | B |
| Parking Zone             | 8'-0" maximum width. Parking may be removed to prioritize pedestrian amenities such as drop-off zones, parklets (right side of cross section illustration), and food trucks (left side of cross section illustration). | C |
| Pedestrian Amenity Zone  | 4'-0" minimum width                                                                                                                                                                                                    | D |
| Pedestrian Sidewalk Zone | 6'-0" - 10'-0" clear pathway                                                                                                                                                                                           | E |
| Activity Zone            | 10'-0" - 15'-0" width                                                                                                                                                                                                  | F |

### Land Use Considerations

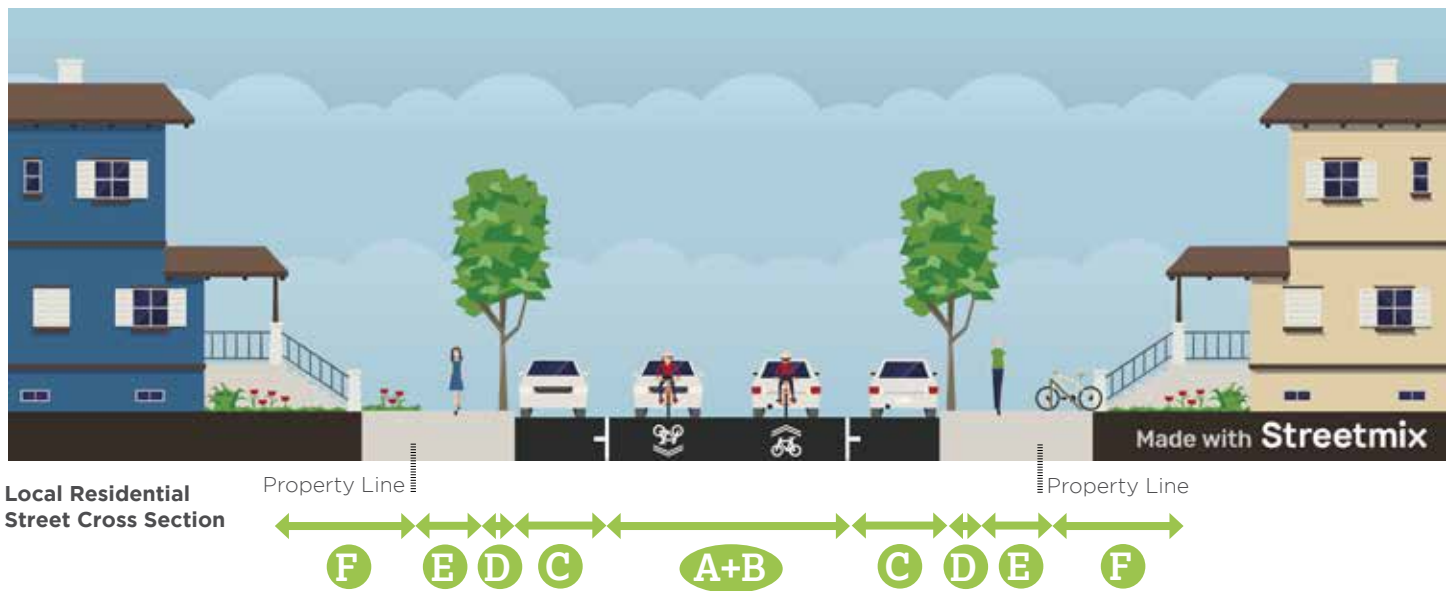
Along Main Streets where pedestrians are prioritized, encourage ground floor retail, restaurant, and other "active" commercial land uses that serve to enliven pedestrian activity. Encourage infill mixed-use development to increase building intensity and support economic vitality of Main Street businesses.

### Building and Site Design Considerations

Existing Main Street right of ways in Santa Cruz County are generally not wide enough to accommodate the extra wide sidewalks required to support the pedestrian and activity zones that are important to the success of this street type. Buildings should be set back from property lines to accommodate these zones as needed. In some cases, design elements such as second floor overhangs or arcade buildings (left side of cross section illustration) can serve to provide activity zone space within the building footprint.

New buildings should be multiple stories and ground floor spaces should have large window areas and entrances that activate of the streetscape. Vehicular access should be via two-way driveways, designed at least 100 feet apart if possible to avoid interruptions to transit, bicycle, and pedestrian travel along the corridor. Vehicular access from side roads should be provided on corner lots.

## Street Zone Standards: Local Residential Street



### Objective

Local Residential Streets like Felt Street provide access to residential neighborhoods. These low-speed and low-traffic streets are shared by pedestrians, bicyclists and vehicles and allow for a wide mix of residential developments including both single and multifamily development uses.

### Street Standards Table

|                          |                                                              |   |
|--------------------------|--------------------------------------------------------------|---|
| Vehicular Zone           | 10'-0" maximum width travel lanes (1 lane in each direction) | A |
| Bicycle Zone             | Shared Class III bikeways                                    | B |
| Parking Zone             | 8'-0" maximum width                                          | C |
| Pedestrian Amenity Zone  | 2'-0" minimum width                                          | D |
| Pedestrian Sidewalk Zone | 6'-0" minimum clear pathway                                  | E |
| Activity Zone            | 10'-0" minimum width for multifamily developments            | F |

### Land Use Considerations

Along Local Residential Streets, encourage a variety of single and multifamily residential development, including infill development that respects the surrounding neighborhood character.

### Building and Site Design Considerations

Typical existing Local Residential Street right of ways in Santa Cruz County are wide enough to accommodate vehicular and parking roadway zones and pedestrian amenity and sidewalk zones. Within front yard setback areas, property owners may choose to provide activity zones using design elements such as landscaping and porches, as illustrated in the cross section. Activity zones should be provided for multifamily developments.

Vehicular access should be via one or two-way driveways. Street parking should also be provided to conveniently accommodate guests and deliveries.





# APPENDIX B:

## Design Principles for the Pleasure Point Commercial Corridor

### Contents

- I. Introduction
  - ◆ How to Use This Appendix
- II. Vision
- III. Design Principles for the Private Realm
  - ◆ Overarching Private Realm Design Principles
  - ◆ Distinct Character Areas
  - ◆ Style and Character
  - ◆ Desirable Uses
  - ◆ On-Site Parking
  - ◆ Internal Circulation and Access
- IV. Design Principles for the Public Realm
  - ◆ Green Street Features
  - ◆ Public Art

## B Design Principles for the Pleasure Point

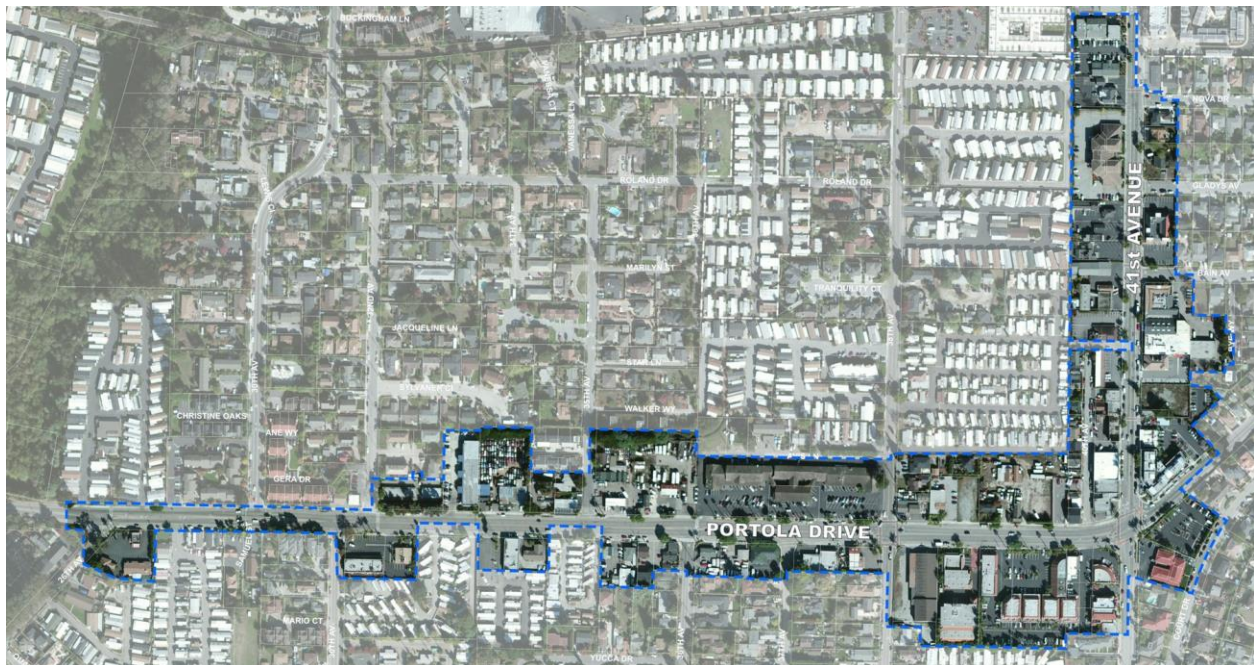
### Commercial Corridor

#### I. INTRODUCTION

Bordered by the ocean to the south and Portola Drive to the north, and located west of 41<sup>st</sup> Avenue, Pleasure Point is a unique community with a strong connection to the ocean and surf culture, outdoor living, and with vibrant local businesses and eclectic architecture. Seeing an increased interest in developing the commercial area of Pleasure Point, in 2018 the County initiated a community planning effort focused on the commercial corridor (Corridor) along Portola Drive between 26<sup>th</sup> Avenue and 41<sup>st</sup> Avenue, and including lower 41<sup>st</sup> Avenue north of Portola Drive to the border with Capitola (see map below).



*East Cliff Drive in Pleasure Point*



*The Pleasure Point Commercial and Mixed-Use corridor includes both Portola Drive and lower 41<sup>st</sup> Avenue, as shown in the figure above.*



Working collaboratively with the community through a series of public workshops, the county developed a Planning Study (Study) with a vision and guiding design principles for the Corridor. The Study can be viewed [here](#):

<https://sccoplanning.com/PlanningHome/SustainabilityPlanning/PleasurePointCommercialCorridor.aspx>.

This Appendix incorporates the vision, private realm design principles, and public realm design principles from the Study that apply to private development. Other public realm design principles have been incorporated into the Santa Cruz County General Plan. Quantitative standards provided in the Study have been codified in the Santa Cruz County Code as special standards for commercially zoned sites in the Pleasure Point commercial corridor.

This Appendix, along with General Plan policies and County Code standards, ensures that future development contributes to the community vision for the Corridor as a vibrant, active, locally focused community where people shop, dine, live, relax, and interact, that is safe and convenient for all modes of travel, with varied architectural styles, attainable workforce housing, and interesting open spaces.



Lower 41st Avenue

The Study also included streetscape concepts that provided various options for reconfiguring the Portola

Drive streetscape and roadway. These concepts are being further evaluated and will be considered in future planning efforts.

## HOW TO USE THIS APPENDIX

This Appendix applies to all new development and redevelopment projects on parcels within the Pleasure Point Commercial Corridor, as identified in the County [GISWeb \(santacruzcounty.us\)](http://GISWeb.santacruzcounty.us). The Vision (Part II of the Appendix), Private Realm Design Principles (Part III), and Public Realm Design Principles (Part IV) provide guidance for site planning and building design, addressing design considerations such as architectural style and community character and compatibility, active street frontages, transitions to residential parcels, on-site parking, circulation and access, public art and green street features.

The Private Realm Design Principles in Part III of the Appendix also identify distinct character areas within the corridor and desired land uses within these areas that should be considered when establishing new uses in the corridor.



This Appendix is to be used in conjunction with the Santa Cruz County General Plan, County Code, Design Criteria, and Design Guidelines. As the Design Principles for the Corridor address several aspects of building and site design comprehensively, only the following sections of the Santa Cruz County Design Guidelines apply to development within the Corridor:

- Chapter 2, Overarching Design Guidelines
- Appendix A, Street Zone Standards

Where conflicts exist between the Design Principles for the Corridor and the applicable sections of the Santa Cruz County Design Guidelines, the Design Principles for the Corridor will take precedence.



## II. VISION

Identifying a shared vision for the future of the Pleasure Point Commercial Corridor was a key step in the community planning process. Each of the design principles are consistent with, and help implement, the Vision.

### Vision Statement

This Vision Statement is key for describing how future public and private improvements shall meet community desires:

*“Pleasure Point is a vibrant and eclectic place where people shop, dine, live, relax, and interact. A place where people can walk safely along wide and active sidewalks, ride bikes and skateboards on safe and comfortable bicycle lanes, drive cars and access transit on streets designed for all modes of transportation. A place characterized by buildings with varied architectural styles and sizes, compatible with local character, interesting open spaces, and with attainable workforce housing. Where parking is convenient but does not dominate the area. An active, locally-focused social and commercial center where the neighborhoods on the north and south sides of Portola Drive meet.”*



Pleasure Point Street Fair, Portola Avenue

### III. PRIVATE REALM GUIDING DESIGN PRINCIPLES

The following guiding design principles apply to new and remodeled development projects on privately owned land in the study area. The “**private realm**” includes all uses located on private property, such as buildings, on-site parking, plazas and landscaping. While each parcel has its own unique size, shape and design constraints, the following design principles apply to all new private development along the Pleasure Point Commercial and Mixed-Use Corridor.

**Purpose:** To facilitate review and design of development projects so that each project contributes to the Vision for the area.

#### OVERARCHING PRIVATE REALM DESIGN PRINCIPLES



**A. Support local economic vitality** by encouraging a mix of businesses and uses that complement and support the surrounding residential neighborhoods, encouraging the inclusion of workforce housing, and discouraging new hotels.



**B. Require quality architecture and materials** that reflect the eclectic character of Pleasure Point. This includes supporting a variety of materials, colors and styles. However, large expanses of stucco on front and side facades are discouraged in the Pleasure Point community.



**C. Encourage publicly-accessible plazas and landscaping** to be incorporated into the site design of new development projects in order to improve aesthetics, create more shade, increase pedestrian activity and promote sustainability through the application of on-site prefiltration of stormwater.



**D. Require private parking** to be located at the rear of parcels where feasible so it is not fronting Portola Drive. This will allow buildings to be closer to street and allow for a more active pedestrian environment.



**E. Minimize the appearance of building height** by locating taller portions of buildings in the center of parcels and requiring articulated frontages.



**F. Require buildings in the Corridor to respect the existing height limit with no exceptions** and minimize the appearance of height through setbacks, upper story step-backs and articulated frontages.



**G. Encourage the transition of underutilized properties and auto-oriented properties** on the north side of Portola Drive west of 36<sup>th</sup> Avenue to mixed-use and residential development, with zoning and development standards that support attainable housing (including smaller units suitable for seniors and singles).



**H. Support the transition of underutilized parcels** east of 36<sup>th</sup> Avenue to predominantly commercial uses, with some residential units predominantly on the upper floors.

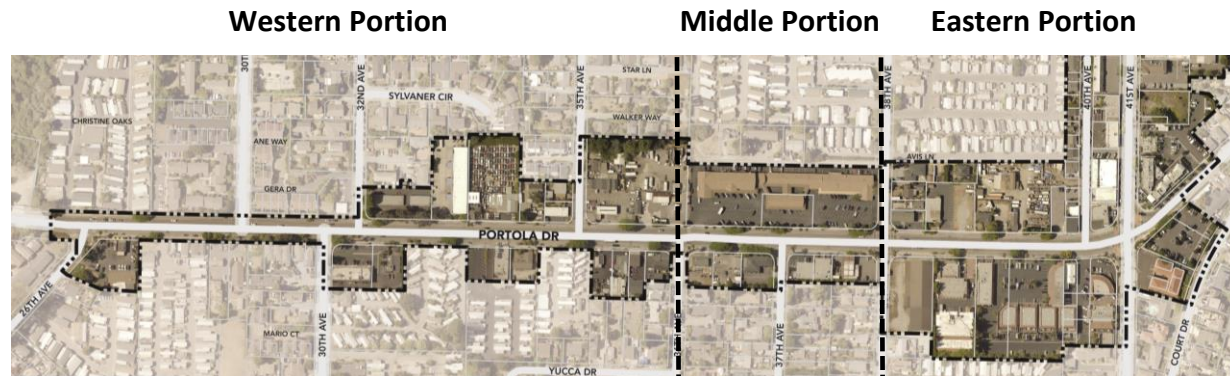


**I. Encourage publicly accessible art** on privately-owned parcels through the installation of murals, creatively designed bicycle racks and benches, and other decorative and functional art, especially within sites east of 36<sup>th</sup> Avenue.



## DISTINCT CHARACTER AREAS

The Pleasure Point Commercial and Mixed-Use Corridor has a range of different lot sizes and existing uses, and the character of the area changes as people move along the corridor. In order to implement the Vision Statement while also considering variations in lot sizes and uses, the corridor is divided into three portions as shown below.



### Western Portion (26<sup>th</sup> Avenue to 36<sup>th</sup> Avenue)

A residentially-oriented mixed-use area with some smaller-scale commercial uses. Ground floor residential is encouraged to replace auto-oriented uses to strengthen the residential character. Retail and office uses can be located on intermittent corners and other viable locations.



### Middle Portion (36<sup>th</sup> Avenue to 38<sup>th</sup> Avenue)

A commercial mixed-use area that builds on existing local shops, restaurants, services and other destinations. New mixed-use projects are possible with residential uses and ground floor retail (some sites may be suited to horizontal mixed-use with some ground floor residential). There is a potential for micro-retail and small-scale dining kiosks within existing parking lots. West of 36<sup>th</sup> Avenue, the north side of Portola Drive transitions to a residential mixed-use area.



---

**Eastern Portion** (38<sup>th</sup> Avenue to 41<sup>st</sup> Avenue)

A commercial mixed-use area that builds on the existing mix of retail, restaurant and other commercial uses. New mixed-use projects are possible with residential uses on upper floors. Continue the diversity of uses and architectural character present on lower 41<sup>st</sup> Avenue.





## STYLE AND CHARACTER

**Intent:** To protect and enhance the eclectic character of the Pleasure Point community by ensuring that future developments and improvements reflect the unique nature of the area.

1. **Architecture.** Require varied architectural styles and the use of natural materials that support the character of Pleasure Point. Discourage large expanses of stucco on front and side facades, corporate or franchise-specific architecture, or other styles that do not reflect the Pleasure Point community.
2. **Maximum Building Size.** Encourage small or fine-grain buildings that provide space for small local “mom & pop” stores, cafes and restaurants. Prohibit individual tenant spaces larger than 20,000 square feet from locating in the corridor to support local businesses and discourage larger chain or “big box” stores.
3. **Building Scale Character/Street Interface.** Require new buildings to be of an appropriate scale for the corridor, with building articulation and/or upper story step-backs from public streets.
4. **Massing.** Locate shorter (one to two story) buildings closer to Portola Drive and any three-story elements towards the middle of a parcel or site to reduce the feel of building mass from the street.
5. **Height.** Respect the existing height limit for any new building along the corridor.
6. **Setbacks.** Ensure variable building setbacks:
  - a. **Minimum:** Enough distance from face of curb to allow for a 10-foot sidewalk fronting Portola Drive and 6-foot sidewalks on side streets. Encourage larger sidewalks fronting Portola Drive when located in front of restaurants, cafes or similar uses to encourage outdoor dining.
  - b. **Maximum:** 20 feet from the edge of the sidewalk to any new building with ground floor commercial, restaurant or office uses fronting Portola Drive, or 30 feet from the edge of the sidewalk for any new building with ground floor residential uses fronting Portola Drive or for outdoor cafes. Allow outdoor

seating/active patio areas within setbacks in front of commercial and restaurant uses. Building setbacks within the allowable range shall be appropriate for specific conditions, including building height, the proposed use, and allowances for landscaping.

- 7. Neighborhood Transitions.** Ensure that commercial buildings along Portola Drive provide a minimum 30-foot buffer between the building and the property line adjoining a residentially zoned parcel. Encourage landscaping, plazas, mini-parks or parking in these buffer areas. Ensure new residential buildings along Portola Drive provide a minimum 20-foot buffer between the back of the building and the property line facing existing residential parcels. An additional 5-foot setback from the property line shall apply to the third story of any commercial or residential building adjoining a residential lot.
- 8. Step-backs.** Step back the third floor of all commercial and mixed-use buildings an additional 10 feet from the first two floors along Portola Drive to break up building bulk and maintain the eclectic character of the corridor.
- 9. Articulated Frontages.** Ensure that new buildings and projects include articulated frontages with alternating setbacks, building planes, and varied colors and materials to break up bulk and create more pedestrian interest.
- 10. Active Street Frontages.** Encourage active street frontages, new alleys and active use of alleys along the corridor that incorporate features including outdoor seating, landscaping, and decorative and functional art such as decorative bike racks, fences, and murals. These areas should enhance the experience for pedestrians and bicyclists while encouraging people to linger and visit local businesses. They should also have varied and articulated front facades with extensive window glazing at the ground floor, to support an interesting and comfortable pedestrian streetscape.
- 11. Activated Corners.** Encourage the repurposing of corners in existing large parking lots for more active uses, such as flower stands, micro-cafes, and public art, to assist in activating the corridor and neighborhood, while maintaining onsite parking requirements.
- 12. Plazas.** Encourage new plazas along the corridor that have a blend of hardscape and natural landscaping to create areas of social gathering and interest.
- 13. Pop-Up Events.** Encourage temporary pop-up events and joint use of private parking lots to activate them.
- 14. Mountain Views.** Ensure that new or substantially remodeled projects on the north side of Portola Drive continue to provide views of the Santa Cruz mountains through the site from the sidewalk on the south side of Portola Drive. Corridor views may be acceptable.





## DESIRABLE USES

**Intent:** To ensure the future economic vitality of the area by supporting local businesses and encouraging a mix of commercial, office, public/quasi-public, and residential uses that complement the surrounding residential neighborhoods.

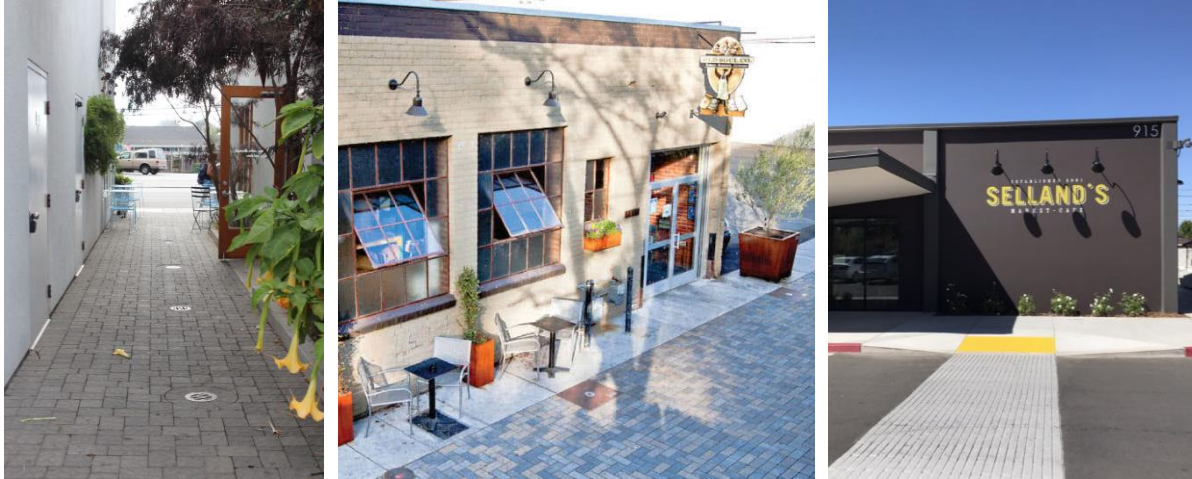
1. **Vertical Mixed-Use.** Encourage vertical mixed-use projects where the ground floor includes commercial and/or restaurant uses, and upper floor(s) contain commercial, office or residential uses. Vertical mixed use is the preferred type within the eastern portion between 38<sup>th</sup> Avenue and 41<sup>st</sup> Avenue.
2. **Horizontal Mixed-Use.** Encourage horizontal mixed-use projects on larger parcels where a variety of uses can be in different buildings on the same site. When utilizing horizontal mixed-use, orient commercial, restaurant and office uses closer to Portola Drive, and residential uses either set back from the street or located towards the sides, middle or rear of the project. Public/quasi-public uses such as community centers may also be incorporated.
3. **Workforce Housing.** Encourage new multi-family residential units consisting of attached housing developed at a density sufficient to support smaller dwellings, especially studios and one-bedroom units, that are more affordable by design to Santa Cruz residents and workers.
4. **Hotels.** Discourage new hotels within the corridor, which are less favored by the community.



## ON-SITE PARKING

**Intent:** To avoid negative impacts on surrounding residential neighborhoods and existing businesses, new or substantially remodeled projects should provide adequate on-site parking that is convenient for patrons and residents while also ensuring adequate space for enlivening uses on the street and convenient access for bicyclists and pedestrians.

1. **Amount.** New projects in the study area shall comply with parking standards in the Santa Cruz County Code.
2. **Tandem Parking.** Tandem parking is allowed for single and multi-family uses in the Corridor.
3. **Location.** Encourage the efficient layout of on-site parking to reduce the overall amount of parking coverage on the site and limit the number of unique ingress and egress points from the site to either Portola Drive or side streets.
4. **Rear Parking.** Require new developments to locate on-site parking towards the rear of the site whenever feasible. Parking is allowed within setback and buffer areas when there are appropriate edge treatments to limit impacts on adjacent residential neighborhoods.
5. **Stormwater Capture.** Encourage the use of permeable pavers, bio-swales and other methods in parking areas to capture onsite stormwater and pre-treat it before it goes into the public storm drain system.



### INTERNAL CIRCULATION AND ACCESS

**Intent:** To ensure new projects prevent circulation conflicts and enhance connectivity through improved site access, cross easements, enhanced safety and reduced delivery truck conflicts.

1. **Driveways.** Design driveways and alley access points to improve site access, enhance safety and reduce vehicle conflicts with all modes of travel. Encourage shared driveways.
2. **Long Blocks.** Provide safe and comfortable pedestrian paths along driveways and alleys to help “break up” larger blocks and allow for a more pedestrian scale along the corridor.
3. **Cross Easement Coordination.** Encourage property owners to create connections behind and between adjacent parcels by adding new easements, and to better coordinate existing easements to provide more alley access and site access through the back side or middle of larger blocks or sites. Encourage vehicular access between parcels to reduce on-street congestion. Specifically, when Assessor’s Parcel Number 032-041-68 is redeveloped, a vehicular cross easement is desired to extend Avis Lane through the parcel to connect with 35th Avenue on the western boundary of the site.
4. **Truck Delivery Coordination.** Encourage businesses to schedule truck deliveries during off-peak daylight hours (between 9:00 AM and 3:00 PM) so trucks do not conflict with commute times or create unwanted nighttime noise impacts for surrounding neighborhoods. Encourage deliveries and pick-ups for Portola Drive businesses to occur on Portola Drive rather than side streets.



## IV. PUBLIC REALM GUIDING DESIGN PRINCIPLES



### GREEN STREET FEATURES

**Intent:** To create and maintain an integrated green street system that allows for stormwater runoff capture and filtration as part of the overall streetscape design of Portola Drive.

1. **Stormwater Planters.** Install naturally drained, landscaped stormwater planters where possible, exploring the transition from piped to natural percolation and including these planters on sidewalks, medians, bulb-outs, quasi-public parks and plazas.
2. **Integration with Private Development.** Work with property and business owners to find creative ways to integrate private drainage/outflows with stormwater management systems located within the public realm.
3. **Permeable Paving.** Encourage the use of permeable paving materials or porous asphalt within the public realm along parking lanes.
4. **Plant Selection.** Use low-maintenance native or drought-tolerant plant species in streetscape landscaping to minimize water consumption and maintenance. Incorporate street trees that provide shade at regular intervals to improve the pedestrian experience and the scenic qualities of the corridor.

## PUBLIC ART



**Intent:** To promote creativity and support the eclectic character of Pleasure Point through the placement of unique and functional public art.

1. **Location.** Display public art pieces at entry gateways, along Portola Drive, and on wide sidewalk spaces so they are highly visible and become iconic features for Pleasure Point.
2. **Style.** Create a cohesive series of art pieces either by theme, artist, style or materials and explore installation of artistically designed bicycle racks, trash receptacles, seating, lighting posts and utility boxes.
3. **Local Artists.** Explore opportunities for local artists to design, fabricate and install public art that reflects and promotes the surf and ocean culture of Pleasure Point.
4. **Dual Purpose.** Encourage art pieces that serve both an aesthetic and functional purpose, such as sculptural bicycle racks, trash receptacles, seating, lighting posts and utility boxes.
5. **Character and Style.** Encourage public art that reflects Pleasure Point's unique history and culture.





Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author), Councilmember Humbert (Co-Sponsor),  
Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Subject: Budget Referral: City of Berkeley Annual Holocaust Remembrance Day

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 budget process a request for \$7,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.

FINANCIAL IMPLICATIONS

A total of \$14,000 over two years.

CURRENT SITUATION AND ITS EFFECTS

For the past 21 years, The City of Berkeley has sponsored a Holocaust Remembrance Day Program. Participation in this important annual program has exceeded expectation, with attendance at in-person events in excess of 200 people (room capacity). The pandemic-inspired virtual program has brought in between 300 and 750 viewers each of the last four years.

Councilmembers have always given generously to this program from their discretionary accounts. In 2018, with the goal of ensuring continuation of the only non-secular Holocaust Remembrance Day Program in the East Bay Area, Council approved a modest \$6,000 expenditure from its General Fund Budget to support the Annual Program. City funding has since been approved each year a budget referral was brought forward.

This budget request is for a slightly increased amount of \$7,000 each year for the next two years. These funds will be leveraged by volunteer labor and donations, guaranteeing the continuance of the City's program through 2026.

According to ADL data, antisemitic incidents have increased 360 percent in the United States in the aftermath of the October 7, 2023 attack in Israel. It is critical that Berkeley's Holocaust Remembrance Day Program continues annually. The history of the Holocaust needs to be remembered for the purpose of educating and keeping the memory alive for generations to come in order to safeguard the future.



ENVIRONMENTAL SUSTAINABILITY

In compliance with City's environmental sustainability goals.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160







Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Wengraf (Author), Councilmember Hahn (Co-Sponsor)  
Subject: Budget Referral: Crossing Guard for Cragmont School

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 Budget Process an annual allocation of \$22,000 to fund a Crossing Guard for Cragmont Elementary School at the intersection of Regal Rd. and Spruce Street.

FINANCIAL IMPLICATIONS

Total of \$44,000 for one Crossing Guard for two academic years: 2024-2025 & 2025-2026. This is for a half-time position, 10-months a year.

CURRENT SITUATION AND ITS EFFECTS

Cragmont Elementary School can be accessed on either side of the school. One side, on Marin Avenue, where traffic is dangerous and fast moving, crossing guards at Spruce Street and at Cragmont Avenue help students and parents cross safely. The other side, at Regal Road and Spruce Street remains problematic.

The Alameda County *Safe Routes to Schools* Program conducted a School Safety Assessment of Cragmont Elementary in Fall 2022. Participants in the October 25, 2022 assessment included members of *Safe Routes to Schools*, Berkeley Public Works, BUSD, Cragmont Elementary staff and parents. Denise Turner, *Safe Routes to School* Program Manager, submitted the assessment report to Cragmont Principal Candy Cannon in September 2023.

Some of the problematic findings at the Regal Rd./Spruce St. intersection were as follows:

1. Southbound drivers on Spruce St. have a blind, downhill turn as they approach the crosswalk at Regal Rd.
  - a. Participants observed drivers crossing the double yellow centerline to pass stopped garbage and delivery trucks around this blind turn, with limited sightlines to the crosswalk across Spruce St.

- b. The crosswalk across Spruce St. ends in a driveway on the western side of the street.
2. The large curb radii and width of the Regal Rd. approach allow for faster vehicle turns and make it easier to block crosswalks at the corners.
3. Crosswalk across Regal Rd. at Spruce St. is extremely long (65 feet) & without pedestrian protection.
4. Bicyclists traveling in both directions add to the symphony of modes of transportation pedestrians must navigate to cross safely.

Additionally, Berkeley's [Vision Zero Action Plan](#) identifies Spruce St. and Marin Ave as High-Injury Streets for people walking and riding bikes.



*Left: Crosswalk across Spruce Street at Regal Rd looking uphill (north) at the blind turn.  
Right: Crosswalk across Regal Rd at Spruce St is extremely long (65 feet) and without protection for pedestrians.*

Given the complexity of the traffic situation at this location, a crossing guard at this intersection would be a proactive step to ensuring safety for our children.

Ana Vasudeo, BUSD Board Member, strongly supports the position of a Crossing Guard at Spruce St. and Regal Rd. Sheila Collier, BUSD Transportation Manager, agrees that a Crossing Guard at Spruce and Regal would enhance safety for students and their families.

### BACKGROUND

Situated in a dense residential neighborhood, adjacent to two of the City's *High Injury Streets* (Marin Ave & Spruce St), the daily weekday process of finding legal parking and crossing a busy and dangerous intersection to and from school in the morning and again in the afternoon is nerve-racking for parents, caregivers and students. A Crossing Guard positioned at the intersection of Regal and Spruce would ease this strain and create safe passages to Cragmont Elementary.

Half-time Crossing Guard Pay Rate for 12 months:

| Pay Amounts |           |               |
|-------------|-----------|---------------|
|             |           | Recurring Pay |
| FTE %       | .4750     |               |
| Hourly Rate | 26.6762   | 26.6762       |
| Daily Rate  | 101.3700  | 101.3700      |
| Period Pay  | 1,013.70  | 1,013.70      |
| Annual Pay  | 26,356.20 | 26,356.20     |
| Remaining   | .00       |               |
| Reference   | 26,356.20 |               |

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Providing safe, enjoyable paths for young people to walk to their destination inspires a lifelong use of pedestrian modes of transportation.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160







Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Wengraf (Author), Councilmember Hahn (Co-Sponsor)  
Subject: Budget Referral: Equipment for Hybrid Commission Meetings

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$110,000 for infrastructure costs to conduct hybrid city commission meetings.

FINANCIAL IMPLICATIONS

\$110,000

CURRENT SITUATION AND ITS EFFECTS

One silver-lining of the COVID-19 pandemic was the utilization of virtual technology to conduct City Council Meetings. The Zoom format allowed Councilmembers to continue their work and the public to remain, or become, civically engaged at a time when in-person meetings could put them at risk. Four years later, Council Meetings remain in hybrid format because of the multitude of benefits, most especially, that residents can watch and participate from their homes. Councilmembers have also benefited, within the limits prescribed by the Brown Act. Hybrid meetings also reduce our carbon footprint. Cars that would likely bring the public to and from evening meetings can remain unused.

Berkeley residents would benefit from shifting the City’s 32 commission meetings to a Hybrid format as well. However, Ethernet ports and AV equipment must be purchased and installed at the 11 unique locations where Commissions meet, besides Council Chambers.

The City Clerk, in collaboration with the IT Department, has worked out the feasibility of the shift and the infrastructure costs:

| <i>Equipment</i> | <i>Cost per Location</i> | <i>Cost for All 11 Locations</i> |
|------------------|--------------------------|----------------------------------|
| Ethernet Port    | \$1,500                  | \$16,500                         |
| AV Equipment     | \$8,400                  | \$92,400                         |

Total: \$108,900

Budget Referral: Hybrid Equipment for Commission Meetings

CONSENT CALENDAR  
May 7, 2024

If approved, this \$110,000 budget referral will enable all of the City's Commission Meetings to be conducted in hybrid format in FY 2025. Once the equipment has been purchased and installed, Commission Secretaries will be trained to use the equipment and to manage hybrid meetings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Hybrid meetings reduce the number of miles driven and reduce the spread of illness.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160

Attachments:

1: City of Berkeley Boards & Commissions Meeting Information (Location Legend)

Attachment 1: Boards & Commissions Meeting Information (Location Legend)

**LEGEND**

| Location          |                                                          |
|-------------------|----------------------------------------------------------|
| 1900 Sixth Street | West Berkeley Family Wellness Center, 1900 Sixth Street  |
| 1901 Russoll      | South Branch Library                                     |
| 1947 Center       | 1947 Center, Basement Multi-Purpose Room                 |
| 1301 Shattuck Ave | Live Oak Cmty Ctr, 1301 Shattuck Ave                     |
| Chambers          | BUSD Board Room, 1231 Addison Street                     |
| Contact Rec.      | Meeting daytime/location varies - Contact secretary      |
| F.A.C.C.          | Francis Aoner Community Center, 2800 Park Street         |
| F.D.T.F.          | Fire Department Training Facility, 997 Cedar Street      |
| N.B.S.C.          | North Berkeley Senior Center, 1901 Hearst Ave            |
| Ratchliff         | 1326 Allston Way, Corp. Yard, Willow Room                |
| S.B.S.C.          | South Berkeley Senior Center, 2939 Ellis Street          |
| Shelter           | Berkeley Animal Shelter, 1 Bolivar Drive                 |
| Youth Center      | Martin Luther King, Jr. Youth Center, 1730 Oregon Street |

| Department/Agency |                                                 |
|-------------------|-------------------------------------------------|
| CAO               | City Attorney                                   |
| CC                | City Clerk                                      |
| CMO               | City Manager                                    |
| ELS               | Fire and Emergency Services                     |
| HHCS              | Health, Housing and Community Services          |
| HR                | Human Resources                                 |
| LIB               | Library                                         |
| OED               | Office of Economic Development                  |
| ODPA              | Office of the Director of Police Accountability |
| PLD               | Planning and Development                        |
| P&W               | Parks, Recreation and Waterfront                |
| PW                | Public Works                                    |

**E-Mail**

To email secretaries (e-mail address)@berkeleyca.gov

**CITY OF BERKELEY**

**BOARDS**

**COMMISSIONS**

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Phone: 1-510-981-6400 TTY: 1-510-981-6347

Updated: March 14, 2024





Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author), Councilmember Taplin (Co-Sponsor),  
Councilmember Hahn (Co-Sponsor)

Subject: Budget Referral: \$70,000 to Evaluate Pedestrian Safety and Implement Solutions  
on Euclid Avenue between Eunice Street and Bay View Place

RECOMMENDATION

Refer to the Fiscal Year 2025-2026 Budget Process an allocation of \$70,000 to Evaluate Pedestrian Safety and Implement solutions on the short stretch of Euclid Ave between Eunice Ave and Bay View Place, including the crossings at Eunice and between Codornices Park and the Jane Hammond Field and the Berkeley Rose Garden and west side of Euclid.

FINANCIAL IMPLICATIONS

\$70,000

CURRENT SITUATION AND ITS EFFECTS

Tens of thousands of people visit Berkeley's renowned Rose Garden and Codornices Park annually. The Rose Garden is a regional destination for visitors and a venue for weddings and prom photos as well as rose lovers. Codornices Park, across the street, is used by all ages for recreation including picnics, children's play, basketball, softball and summer camps. The new tennis courts at the Rose Garden are in constant use. This block is a hub of high activity and although the City has invested in improvements to the recreational facilities, no investment has been made to ensuring that pedestrians are safe as they use them.

In addition, the AC Transit bus runs along Euclid with a stop in each direction at the corner of Eunice Ave. Buses for private schools also use Euclid for pick up and drop off.

This narrow block of Euclid Ave between Eunice Ave and Bay View Place is 870 feet long and 36 feet wide, with cars parked on both sides of the street. Eager passengers, young and old, and drivers open car doors into oncoming traffic, causing cars to swerve into the oncoming lane and creating a very dangerous situation. Young children run across the street with limited sightlines of approaching vehicles. Drivers pay no attention to the crosswalks. Cars make turns onto Eunice without noticing pedestrians in the crosswalks. In the past nine months, three traffic calls have been reported to BPD about

[Title of Report]

CONSENT CALENDAR  
May 7, 2024

this block: a pedestrian was hit and sent to the hospital, a close call with a vehicle failing to yield to a pedestrian, and reckless driving. Pro-active measures must be taken to ensure the safety of the children and adults who frequent this area.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Safe access to public spaces, especially parks, is healthy for Berkeley residents, visitors and the environment.

CONTACT PERSON

Vice Mayor Wengraf

Council District 6

510-981-7160



Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Wengraf (Author), Councilmember Hahn (Co-Sponsor)  
Subject: Budget Referral: Civic Center Plan Phase III – Advancing Pre-Design & Construction Activities for Berkeley’s Maudelle Shirek and Veterans Buildings

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$300,000 for the Civic Center Plan Phase III.

FINANCIAL IMPLICATIONS

\$300,000

CURRENT SITUATION AND ITS EFFECTS

The Civic Center Plan is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. Our Veterans Memorial Building, and the Maudelle Shirek Building (“Old City Hall”) are not built to current seismic code and show signs of disrepair and deferred maintenance and are therefore underutilized. These beautiful, historical buildings in the center of our community will collapse unless we progress with the work of the Civic Center Vision Plan. Started in 2019, the Civic Center Vision Plan, which includes Martin Luther King Jr. Civic Center Park (“Civic Center Park”) and the Veterans Memorial Building, and the Maudelle Shirek Building, is guided by the following Vision Statement:

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

Phase I and Phase II of the Civic Center Vision Plan have been successfully completed. Phase III: Advancing Pre-Design & Construction Activities needs funding in order to proceed. During this Phase, the tentative scope includes hiring a consultant team, with support of city staff, to achieve the following outcomes for Berkeley’s Civic Center:

1. **Existing Conditions Documentation** - on the city-owned and occupied Civic Center buildings (Maudelle Shirek and Veterans): topographic survey, Building



Information Models (BIM) including, if desired, 3-D modeling, hazardous materials study, utility assessments, building system assessments. Explore the possibility of moving the Council Chambers back to the Maudelle Shirek building when construction is completed. Explore and consider constructing and attaching a new structure to the back of the Shirek building in order to retrofit the original landmark, as recommended in one the earthquake studies. This could include a new Council Chamber (and possibly additional office space if new space is identified as a need.).

2. **Tenant Identification** - in close collaboration with all city departments Phase III of the Civic Center project will further identify and refine who the future tenants of the structures will be, with a focus on the Maudelle Shirek Building as the Veterans building has been identified already for arts and cultural uses, in the Phase II Design Concept Plan. This effort will utilize and/or update the City's existing space needs study (if available), and generate a companion inventory of city-owned space along with any existing conditions documentation as needed to develop a design concept for the Courthouse building (city owned, leased to Alameda County until potentially 2057, if the County uses all of their extension options) that integrates it into the larger Civic Center Design Concept given its prime location at 2120 MLK Jr Way in between the Public Safety and Maudelle Shirek Buildings. The Building Inventory should include all City owned and leased space, including rental costs and insurance costs of leased space and termination dates for existing leases.

As a refresher, the Maudelle Shirek Building (“Old City Hall”), located at 2134 MLK Jr. Way project is a remodel and rehabilitation of an approximately 27,500 square foot structure and a 15,000 square foot addition for new council chambers and meeting space, resulting in a 42,500 square foot building providing city meeting spaces, hearing rooms, and office spaces for mission-aligned non-profit organizations. Construction costs are assumed at \$68,860,000. The Veterans Memorial Building project is a remodel and rehabilitation of an approximately 28,000 square foot structure and a 6,000 square foot addition, resulting in a 34,000 square Community Arts Center, providing performance, teaching, exhibit and practice spaces accessible to all members of the community. Construction costs are assumed at \$40,590,000.

### BACKGROUND

Council approved Berkeley's Civic Center Vision and Implementation Plan (Phase I) on September 22, 2020 and approved the Berkeley Civic Center Design Concept (Phase II) on July 25, 2023 (Attachments 1&2). Phase III is awaiting funding. Project details and reports to date can be accessed online at the [Civic Center Vision Plan webpage](#). A summary of the approved Civic Center vision-aligned design concept is also included as Attachment 3. The resolution approving the design concept in July 2023, highlights the “highest priority of the Council is the seismic retrofit and best use of the historic buildings...in the approved plan.”

Costs and funding mechanisms for the Civic Center Plan are as follows:

Phase I: Vision Plan – \$350,000, funded from T-1 Bond Measure, Adopted September 2020.

Phase II: Design Concept - \$200,000, funded via a General Fund budget referral approved in the City Council's adoption of the FY 2022 Budget, Adopted July 2023.

Phase III: Advancing Pre-Design and Construction Activities - \$300,000

- REQUEST funding via a General Fund budget referral to the City Council's FY 2025-2026 Budget Process

A funded Phase III for Civic Center would allow for the city to *embark upon the start of the design and construction phase* which would take the project from the design concept included in the 2023 Berkeley Civic Center Design Concept Plan through construction. The project design team would include an architect, civil engineer, landscape architect, mechanical engineering plumbing (MEP) engineers, required specialty consultants, and cost estimator. In addition, the City will need to provide overall project management, procure existing conditions documentation, complete an environmental review and permitting process, and manage the construction bid. A fulfilled \$300,000 request would allow for the first part of this phase by completing the following elements:

1. **Pre-Design Existing Conditions Documentation** – these pre-design drawing and documents would be completed for the city-owned and occupied Civic Center buildings (Maudelle Shirek and Veterans) and could include topographic survey, Building Information Models (BIM) including, if desired, 3-D modeling, hazardous materials study, utility assessments, and building system assessments.
2. **Identify Building Tenants** – this effort would identify which City Departments are best suited to move into a retrofitted and rehabbed Maudelle Shirek Building and which additional community-serving agencies should also occupy the space. Similar defining will take place with arts agencies and community organizations that are to become tenants of the Veterans Memorial Building. The results will inform subsequent Pre-Design steps for each building. This effort will rely on the generation of two reports; a *space needs assessment* which identifies the city departments' space needs for staff and operations, including growth projections, and a *city-owned space inventory* that catalogues the current City-owned buildings and spaces, their size, use, and general condition. The Space Inventory (or space / building audit) task would yield a map and list of all city properties, including use, area, size, and condition of the building at 2120 MLK Jr. Way that is currently leased to Alameda County for county court related uses and sits between the city's Public Safety Building and the Maudelle Shirek Building.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Funding Phase III of the Civic Center Plan supports rehabilitation of existing city owned buildings. Rehabilitation is in alignment with the City's Environmental Sustainability Goals.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160

Attachments:

- 1: Resolution No. 69,579-N.S. Approving Berkeley's Civic Center Vision and Implementation Plan (Phase I)
- 2: Resolution No. 70,964-N.S. Approving Berkeley's Vision-Aligned Civic Center Design Concept (Phase II).
- 3: Presentation to Council on July 25, 2023: Berkeley Civic Center Design Concept (Phase II)

Budget Referral: Civic Center Plan Phase III

Attachment 1: Resolution No. 69,579-N.S. Approving Berkeley's Civic Center Vision and Implementation Plan, September 2020

RESOLUTION NO. 69,579-N.S.

APPROVING BERKELEY'S CIVIC CENTER VISION AND IMPLEMENTATION PLAN

WHEREAS, the Berkeley voters passed *Measure 11 Bond Funding for Infrastructure and Facilities*, to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including important City facilities and buildings; and

WHEREAS, the Veterans Memorial Building and Old City Hall were slated for structural analysis and visioning of possible conceptual design alternatives, in concert with Civic Center Park, to help determine a direction for future capital improvements to restore and secure these facilities to maximize their community benefit; and

WHEREAS, on January 22, 2019 City Council approved this solicitation at its regular meeting and approved the engagement of a qualified project consultant team to assist in the completion of this project at its regular July 16, 2019 meeting; and

WHEREAS, the City of Berkeley's project team has conducted an inclusive and transparent community process, engaged meaningfully with stakeholders, and provided a compelling and shared vision for the Civic Center area that supports current and future community needs while respecting and celebrating the area's rich past and historically significant structures; and

WHEREAS, *Berkeley's Civic Center Vision and Implementation Plan* determines a direction for future capital improvements to restore and secure these facilities to maximize their community benefit.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council approves and adopts *Berkeley's Civic Center Vision and Implementation Plan* (Exhibit A) and declares its intent to support the vision articulated in the plan.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to further the implementation of the plan and its ambitious vision for the future of Berkeley's Civic Center:

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

Budget Referral: Civic Center Plan Phase III


CONSENT CALENDAR  
May 7, 2024

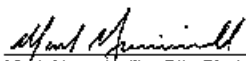
The foregoing Resolution was adopted by the Berkeley City Council on September 22, 2020 by the following vote:

Ayos: Bartlett, Droste, Fahh, Harrison, Kesarwani, Robinson, and Arreguin.

Noes: None.

Absent: Davila and Wengraf.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numairville, City Clerk

Budget Referral: Civic Center Plan Phase III

CONSENT CALENDAR  
May 7, 2024

Attachment 2: Resolution N.S. 70,946, Approving Berkeley's Vision-Aligned Civic Center Design Concept, July 2023

RESOLUTION NO. 70,964-N.S.

BERKELEY'S VISION-ALIGNED CIVIC CENTER DESIGN CONCEPT

WHEREAS, in September 2020, the Berkeley City Council adopted a Vision for Berkeley's Civic Center to, "*be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space.*"; and

WHEREAS, the development of the Civic Center Vision Plan (2019-2020) was underwritten by the *T1 Bond Funding for Infrastructure and Facilities*, to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including the Veterans Memorial Building, the Maudelle Shirek Building, and Civic Center Park, to help determine a direction for future capital improvements to restore and secure these facilities to maximize their community benefit; and

WHEREAS, in August of 2022, the city engaged a qualified project consultant team underwritten by general fund dollars to assist in the completion of Phase II, the development of a consensus design concept aligned with the adopted vision for Civic Center; and

WHEREAS, the City of Berkeley's project team has conducted an inclusive and transparent community process, engaged meaningfully with stakeholders, and provided a compelling and shared design concept for the Civic Center area that supports current and future community needs while respecting and celebrating the area's rich past and historically significant structures; and

WHEREAS, *Berkeley's Civic Center Design Concept Plan* describes a direction for future capital improvements to restore and secure these facilities, park, and surrounding area to maximize their community benefit; and

WHEREAS, the Council provided direction to the City Manager to 1) explore full and partial creek restoration; 2) Ensure a home for the Farmers Market in the Civic Center; and 3) develop cost and feasibility information on building out additional spaces in the Veterans' Building courtyard for arts and cultural uses.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council approves and adopts *Berkeley's Civic Center Design Concept Plan* (Exhibit A) and directs staff to pursue the next steps identified in the Plan, including any necessary environmental review.

Budget Referral: Civic Center Plan Phase III

CONSENT CALENDAR  
May 7, 2024

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Council retains full discretion to mitigate environmental impacts, select other feasible alternatives that will avoid environmental impacts, balance the benefits of any future actions against the environmental impacts, or decline to carry out any of the design concept elements, all based upon information generated by the environmental review process.

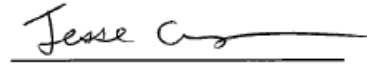
BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the highest priority of the Council is the seismic retrofit and best use of the historic buildings in accordance with the Council's direction in the approved plan.

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

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

Noes: None.

Absent: Harrison.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk



Budget Referral: Civic Center Plan Phase III

CONSENT CALENDAR  
May 7, 2024

Attachment 3: Berkeley's Civic Center Design Concept, Presentation to City Council,  
July 25, 2023.

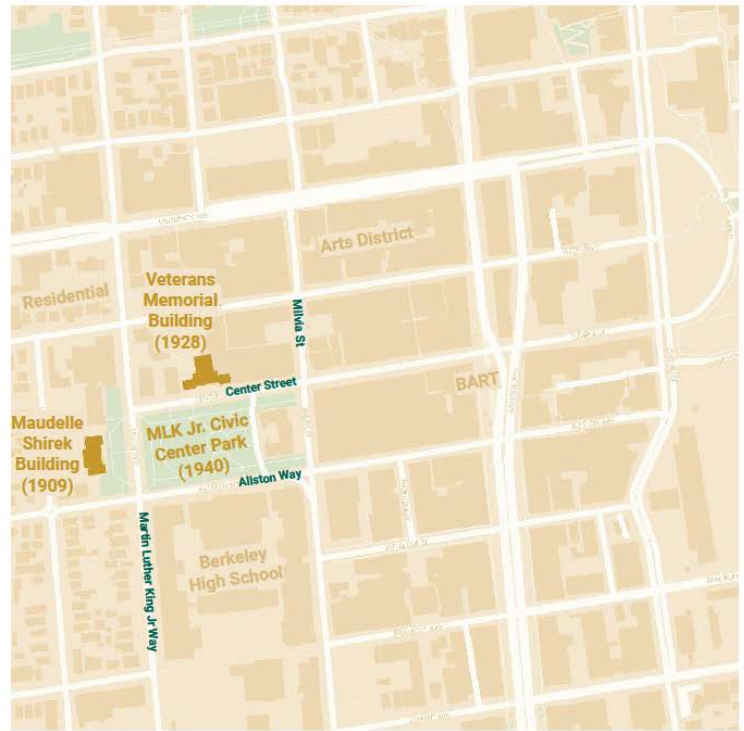


Project Background

July 2023

## Civic Center Planning Area

- **Martin Luther King Jr. Civic Center Park**
- **Surrounding Streets**
  - MLK Jr. Way
  - Center Street
  - Allston Way
- **Maudelle Shirek Building**
- **Veterans Memorial Building**



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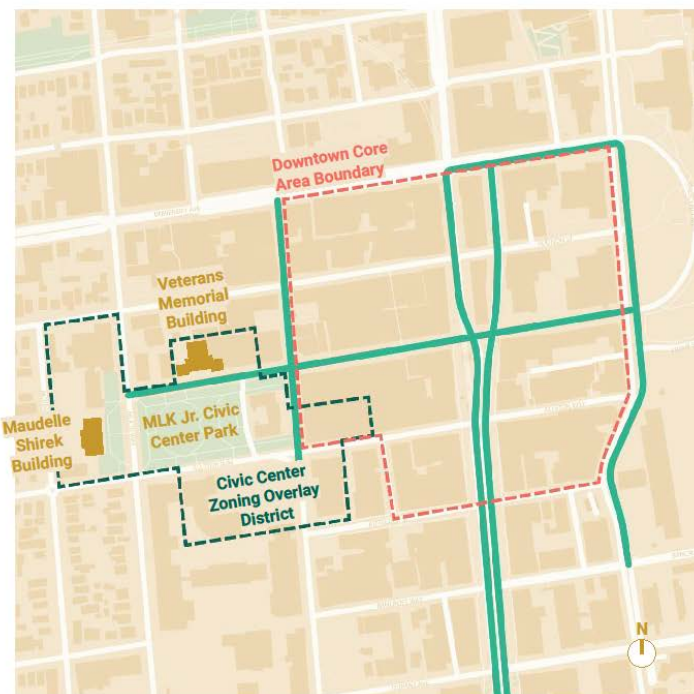
Berkeley Civic Center Design Concept 2

July 2023

## Downtown Berkeley & the Civic Center



City of Berkeley | Siegel & Strain Architects + Gehl + ECB



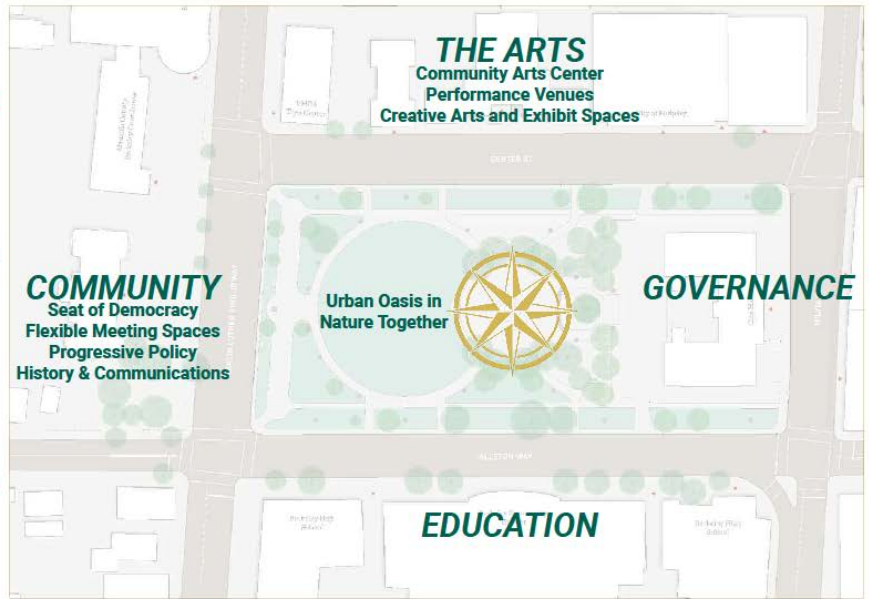
Berkeley Civic Center Design Concept 3

# A Vision for Berkeley's Civic Center

Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts.

It will reflect the city's diverse identities, celebrating its history and contributing to shaping its future.

A place of shared resources and a platform for free expression accessible to all, the Civic Center aims to manifest the City's values, advance social justice, and demonstrate the power of true public space.

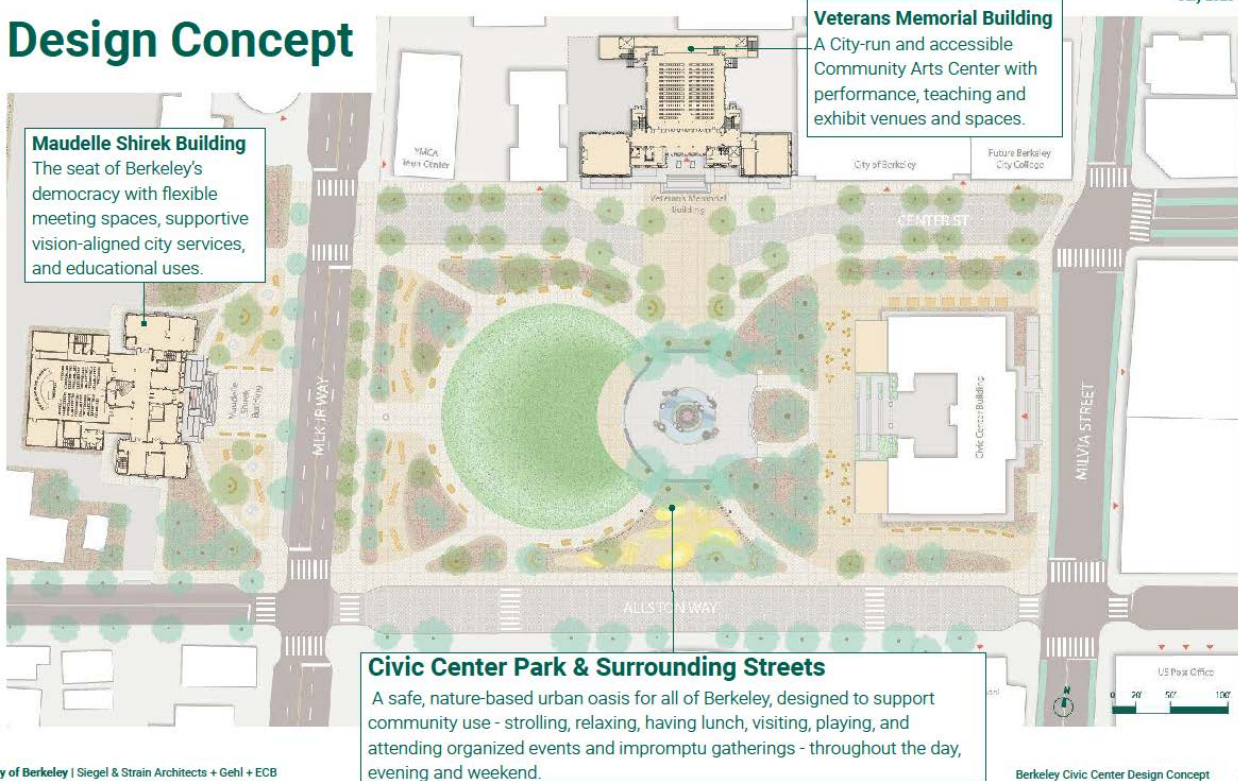


From Berkeley Civic Center Vision & Implementation Plan dated July 10, 2020 and adopted by Berkeley City Council on September 22, 2020



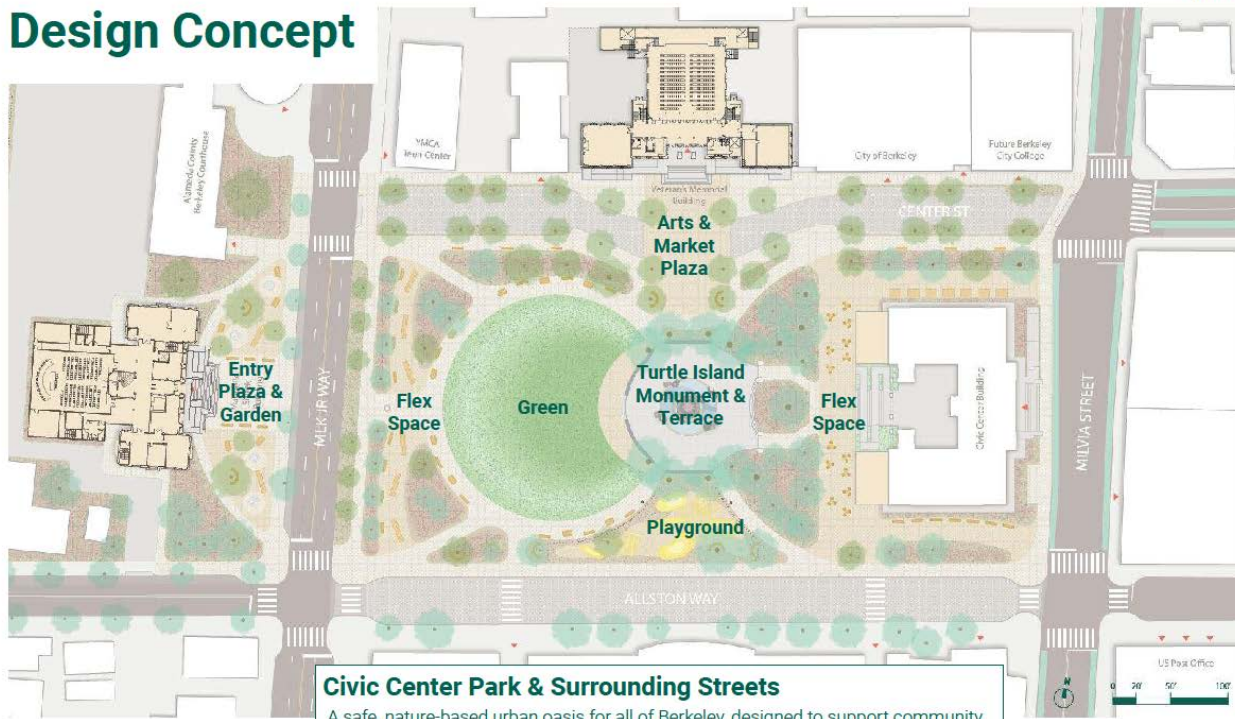
July 2023

# Design Concept



July 2023

# Design Concept



**Civic Center Park & Surrounding Streets**  
A safe, nature-based urban oasis for all of Berkeley, designed to support community use - strolling, relaxing, having lunch, visiting, playing, and attending organized events and impromptu gatherings - throughout the day, evening and weekend.

City of Berkeley | Siegel & Strain Architects + Gehl + ECB

Berkeley Civic Center Design Concept 6

July 2023

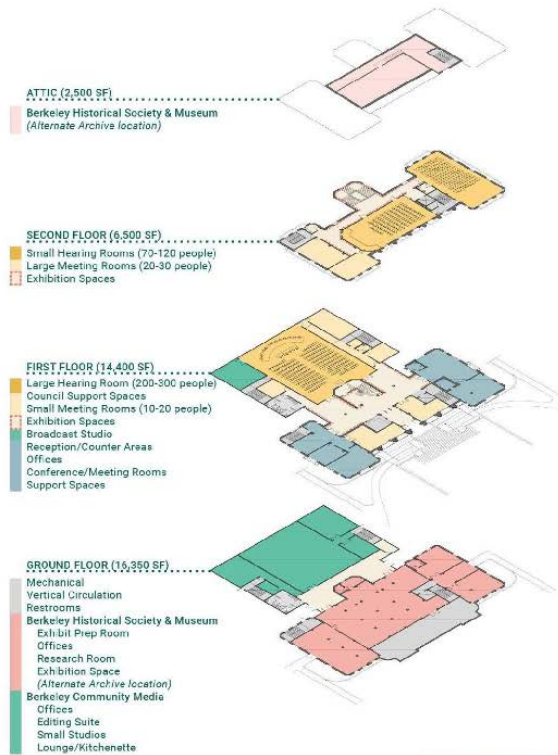
# Design Concept

## Maudelle Shirek Building

Seat of Berkeley's democracy with flexible meeting spaces and supportive and vision-aligned city services and educational uses.



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Berkeley Civic Center Design Concept 7



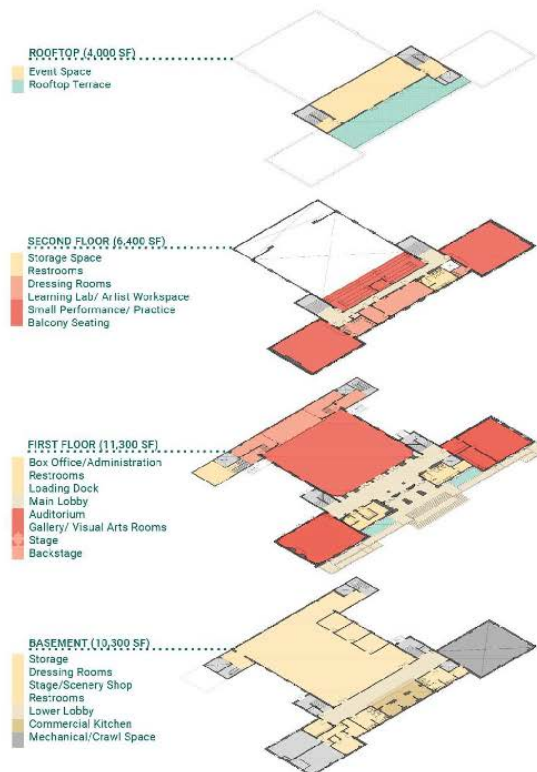
# Design Concept

## Veterans Memorial Building

A Community Arts Center, run by the city, with performance venues, teaching and exhibit space, accessible by all in the community.

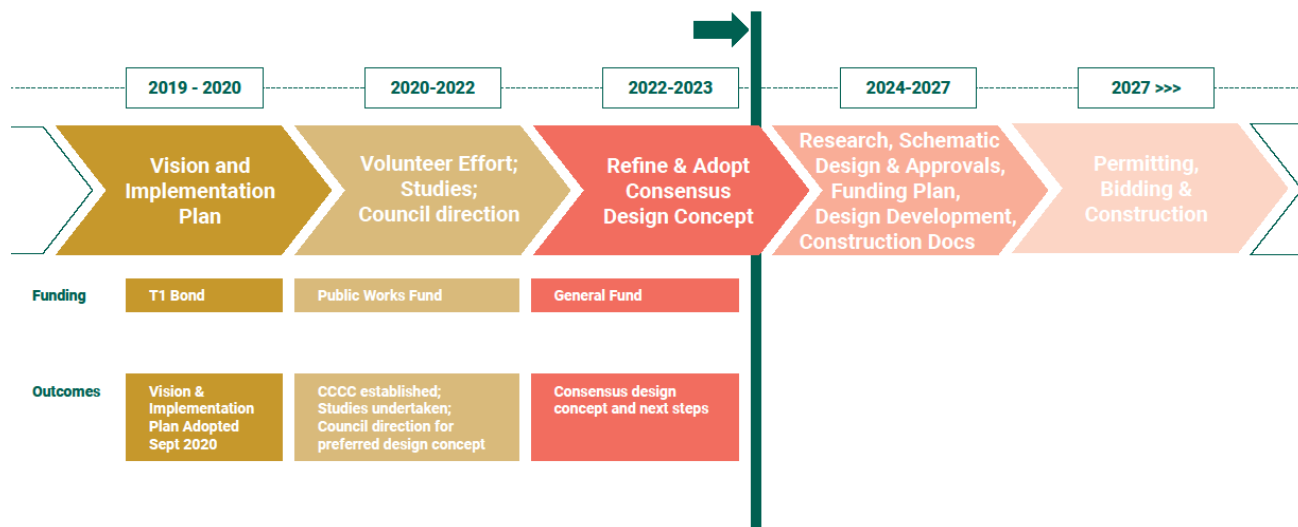


City of Berkeley | Siegel & Strain Architects + Gehl + ECB



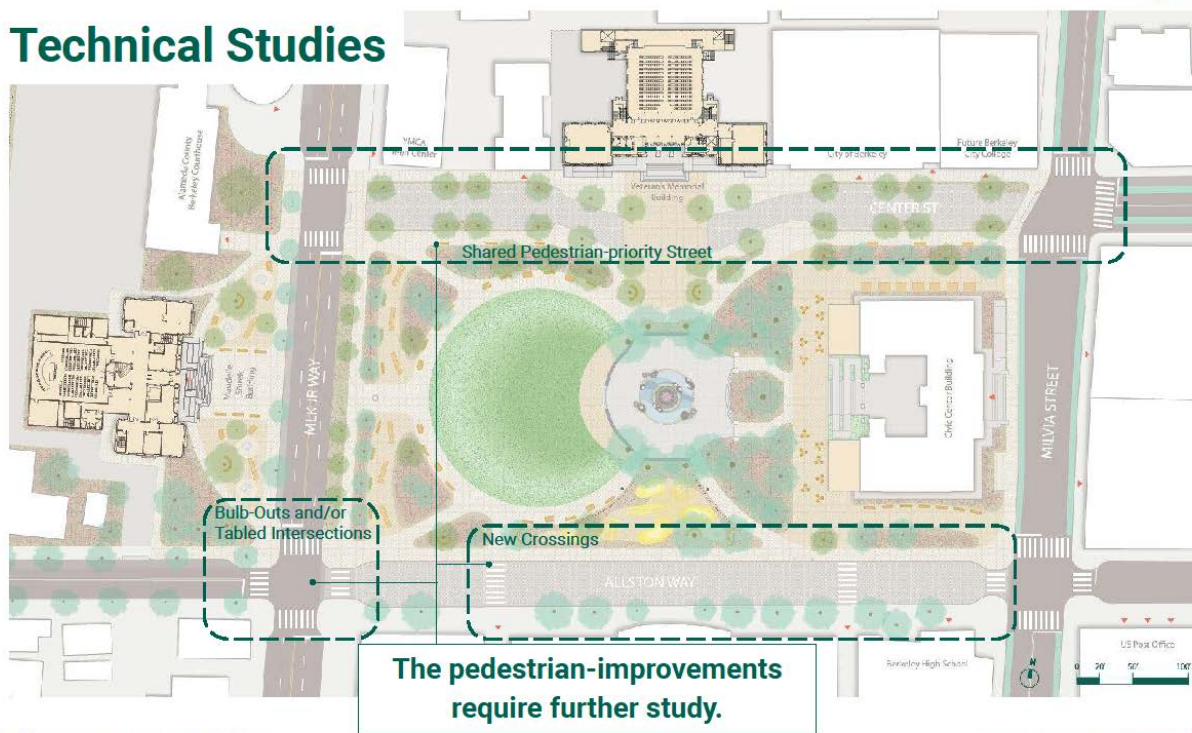
July 2023

## Overall Project Schedule



July 2023

# Technical Studies

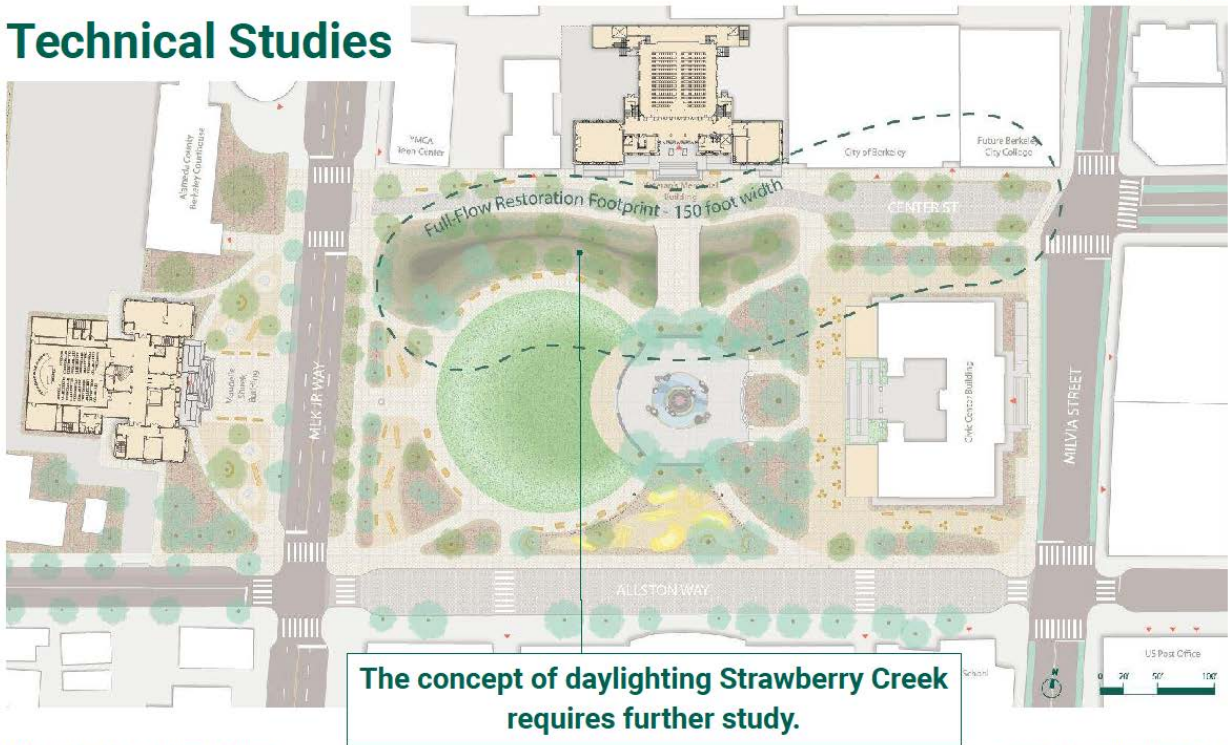


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Berkeley Civic Center Design Concept 10

July 2023

# Technical Studies



City of Berkeley | Siegel & Strain Architects + Gehl + ECB

Berkeley Civic Center Design Concept 11

# Preliminary Cost Ranges

## Construction Costs

Preliminary construction cost ranges provided in this report are based on the March 2023 Draft Berkeley Civic Center Design Concept Report, the 2021 Civic Center Buildings Study by Tipping Structural Engineers, and guidance from the City of Berkeley Public Works Department. See Appendix A for a full list of exclusions.

|                                                                              | Low (x \$1,000)  | High (x \$1,000) |
|------------------------------------------------------------------------------|------------------|------------------|
| <b>Maudelle Shirek Building - 27,500 GSF Existing + 15,000 GSF Addition</b>  | <b>\$ 51,200</b> | <b>\$ 62,600</b> |
| Seismic Retrofit - Damage Control+ to near Immediate Occupancy               | \$ 13,400        | \$ 16,400        |
| Envelope & Systems (Electrification, Accessibility, upgrades, finishes)      | \$ 15,500        | \$ 18,900        |
| Two-story addition on West side                                              | \$ 19,000        | \$ 23,200        |
| PVs at new addition, panels & infrastructure                                 | \$ 600           | \$ 800           |
| Site Improvement & Utilities                                                 | \$ 2,700         | \$ 3,300         |
| <b>Veterans Memorial Building - 29,000 GSF Existing + 5,950 GSF Addition</b> | <b>\$ 26,300</b> | <b>\$ 36,900</b> |
| Seismic Retrofit - Building Performance Objective for New Buildings          | \$ 4,300         | \$ 7,700         |
| Envelope & Systems (Electrification, Accessibility, upgrades, finishes)      | \$ 15,800        | \$ 19,400        |
| New Addition at Stage                                                        | \$ 2,900         | \$ 3,500         |
| Roof Terrace (in high range only)                                            | (excluded)       | \$ 4,600         |
| PVs at new addition, panels & infrastructure                                 | \$ 500           | \$ 700           |
| Site Improvement & Utilities                                                 | \$ 800           | \$ 1,000         |
| <b>Martin Luther King Jr. Civic Center Park &amp; Streets</b>                | <b>\$ 16,470</b> | <b>\$ 20,130</b> |
| Paths/paving, planting/irrigation, new trees/tree protection, utilities      | \$ 14,670        | \$ 17,930        |
| Site Improvements to 2180 Milvia entry, VMB entry, restrooms                 | \$ 1,800         | \$ 2,200         |
| <b>ESTIMATED CONSTRUCTION COSTS</b>                                          | <b>\$ 93,970</b> | <b>\$119,630</b> |
| + Construction Contingency (10%)                                             | \$ 9,783         | \$ 11,957        |
| <b>TOTAL ESTIMATED CONSTRUCTION COSTS</b>                                    | <b>\$103,753</b> | <b>\$131,587</b> |
| <b>DRAFT ESTIMATED CONSTRUCTION COSTS</b>                                    | <b>\$101,000</b> | <b>\$129,000</b> |

## Other City Costs

Leading up to and during construction, the City will incur costs related to technical studies, existing conditions, design, planning approvals, permitting and management, to name a few. These costs will be further refined in future efforts as more is defined about review process, design requirements and parameters, funding and financing, and timeline.

|                                                              | Low (x \$1,000)  | High (x \$1,000) |
|--------------------------------------------------------------|------------------|------------------|
| Other City Costs (estimated at 20% of construction costs)    | \$ 21,523        | \$ 26,305        |
| <b>TOTAL ESTIMATED CONSTRUCTION COSTS + OTHER CITY COSTS</b> | <b>\$125,276</b> | <b>\$157,892</b> |

## Operations & Maintenance Costs

Utilizing the 2023 annual Operations & Maintenance budget from the 1947 Center Street building, a \$/SF annual cost was determined for O&M at the common and occupied spaces in city-owned buildings. That was applied to the areas of the Maudelle Shirek and Veterans Memorial Building to arrive at the following annual Operations & Maintenance budgets:

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Maudelle Shirek Building</b>   | <b>\$1,234,389</b> |
| Occupied Space -                  | \$1,167,938        |
| Common Space -                    | \$ 66,453          |
| <b>Veterans Memorial Building</b> | <b>\$1,069,860</b> |
| Occupied Space -                  | \$1,012,900        |
| Common Space -                    | \$ 56,690          |



## Funding Strategies

With an approved design concept, this project would move into its next phase of additional recommended studies, environmental reviews, and initiating specific design projects. This work is estimated to cost ~\$10 million and take 2-3 years.

A variety of funding sources could contribute to the City's approach to funding. The first approach would involve many different sources of funding all leading to one large project, phased in over the course of years. The following funding sources might contribute to the project:

- **Congressionally Directed Spending Requests** (aka earmarks). These are typically in the range of \$750,000-\$1.5 million. The City has submitted a request to our federal legislators for this project and should learn in the fall whether the earmark is successful. If so, funding would commence in calendar year 2024. There is no match requirement.

- **Federal Infrastructure Funding.** staff and consultants have not yet been able to find a category within the current funding stream that is a strong fit for this project, but that may change as future opportunities arise. Grant match requirements vary.
- **FEMA/Cal OES Hazard Mitigation Grants.** These grants require a cost/benefit calculation that makes the BPCON+ standard more likely to qualify for a grant. For that reason, the Veteran's Building is more likely to benefit. Grants require a 25% match.
- **Sustainability/Resiliency Grants:** the state and federal government offer grants that might help fund the electric conversion, green infrastructure, permeable paving, etc. Grant match requirements vary.
- **Urban Greening Grant/Coastal Conservancy Grant:** these grants may fund a feasibility study of daylighting the creek. Grant match requirements vary.

- **City Funding.** The City's General Fund, a future tax measure, or Certificate of Participation could contribute to the project. In addition, traffic safety and stormwater elements of the project might get contributions from Measure BB, Gas Tax, and/or the City's Storm Fund.
- **Foundations and/or Private Individuals.** Given the Civic Center's history and importance, private foundations and individuals might be a component to the overall funding strategy.
- **Bonding Capacity/Debt Service** - Using early construction costs estimates, and the general fund as collateral, assuming the Maudelle Shirek Building has a project cost of ~\$54M, the annual debt service would be ~\$3,900,000/year (30 year amortization). A ~\$71M project cost would have debt service of ~\$4,900,000/year. For the Veterans Memorial Building, a project cost of ~\$34M would have annual debt

service of ~\$2,400,000 and a project cost of ~\$41M would have annual debt service of ~\$2,900,000. There would be a reduction in annual debt service of approximately \$50,000/year if both projects were financed together.

An alternative, more opportunistic approach would be to identify specific project components that would be good fits for available grants, and when successful in gaining grants, move those elements forward, e.g., the project's raised sidewalks and bulbouts. This approach would likely take more time, involve more project cost overall (less efficiencies of scale), but might be more realistic.

Regardless, this project will be significantly more attractive for funding with an adopted design concept. Recognizing that strong plans need funding, and funding is attracted to strong plans, and staff are excited to work with City Council on moving this project forward.

## A Design Concept for Berkeley's Civic Center

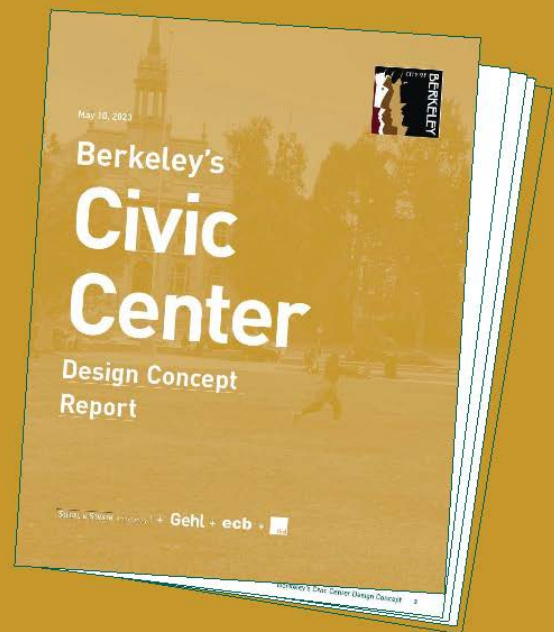


Bay Area Book Festival - May 7, 2023, Berkeley Civic Center

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

*From Berkeley Civic Center Vision & Implementation Plan dated July 10, 2020 and adopted by Berkeley City Council on September 22, 2020*

City of Berkeley | Siegel & Strain Architects + Gehl + ECB



Berkeley Civic Center Design Concept 14





Office of the City Manager

ACTION CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Code

RECOMMENDATION

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2022 California Building Standards Code Supplements, and rescinding Resolution No. 70,585-N.S.

SUMMARY

The proposed legislation would incorporate updates to California's Building Standards Code (known as "Mid-Cycle Supplements") effective July 1, 2024, while preserving certain more stringent local amendments Berkeley has previously adopted. Proposed actions include:

- Retain Berkeley's more stringent, previously adopted requirements for Wildland-Urban Interface area, repairs to existing buildings, structural standards, Exterior Elevated Elements (E3) technical amendments, Emergency Housing and various appendices supporting sustainable construction such as Light Straw-Clay Construction.
- Retain previously adopted local amendments to the 2022 California Plumbing Code to require installation of motion activated gas shut-off valves in new construction, and alterations or additions to existing buildings containing fuel gas piping.

- Adopt modified amendments to the 2022 California Green Buildings Standards Code (CALGreen) to retain Berkeley's more stringent electric vehicle charging requirements in all building types; and
- Introduce new amendments to the 2022 California Green Buildings Standards Code (CALGreen) to require Zero NO<sub>x</sub> Buildings for newly constructed buildings.

The State updates its Building Standards Code every three years. Cities may adopt the State codes as written, or they may adopt those codes with local amendments, if justified by their specific local climatic, geological or topographical conditions. The City of Berkeley most recently adopted the State code with its local amendments in November 2022.

Additionally, the State publishes intervening code amendments known as the "Mid-Cycle Supplements" 18 months after the triennial code publication. The State codes with Mid-Cycle Supplements will automatically become effective July 1, 2024 as published unless the City adopts its local amendments and makes findings to that effect. Since the State's proposed Mid-Cycle Supplements impact several important Berkeley priorities, the proposed Ordinance would retain the previously adopted amendments, and would introduce other new and modified amendments.

#### FISCAL IMPACTS OF RECOMMENDATION

The California Green Building Standards Code Supplement (CALGreen) with City amendments will increase plan check and inspection workload due to increased EV requirements, the deconstruction and reuse of existing non-residential structure provisions and the Zero NO<sub>x</sub> Building standard. Those costs would be covered by fees paid by applicants. There are no other new fiscal impacts from the adoption of updated State codes and local amendments.

#### CURRENT SITUATION AND ITS EFFECTS

The current three-year code cycle is effective through December 31, 2025. The State's Mid-Cycle Supplements will supersede and conflict with the City's previously adopted local amendments adopted under Ordinance 7891-N.S., unless Berkeley re-adopts them. The local amendments proposed with this Ordinance include the previously adopted amendments, and introduce new or modified amendments to the 2022 Building Code, Residential Code and Green Building Code. If adopted, the new Ordinance would also ensure that the City amendments to the Mechanical and Plumbing Codes are retained. Under state law, local jurisdictions may adopt other administrative provisions appropriate to the locality, and may adopt stricter code provisions, if justified by findings of local climatic, geological or topographical conditions.

The proposed Ordinance supports City Council directives and policies including fire and life safety, resilience, and climate protection, and is supported by the Resolution

adopting findings of local conditions. The Ordinance also provides for the adoption of the referenced California Building Standards Codes including local amendments, before the California Building Standards Code Mid-Cycle Supplements automatically become effective July 1, 2024. The last day to file for a building permit to be reviewed under the current Berkeley Building Code Title 19 will be Friday, June 28, 2024. Staff will inform future applicants and other community members that all permit applications submitted on or before June 28, 2024, will be reviewed under the current Berkeley Building Codes. Outreach will include notifications on the City's website, announcements on the online Permit Service Center webpage, notification flyers distributed at the Permit Service Center, and email notifications.

Codes recommended for adoption are the Berkeley Building Code (Chapter 19.28), which also includes the Historical Building Code and the Existing Building Code, the Berkeley Residential Code (Chapter 19.29), the Berkeley Electrical Code (Chapter 19.30), the Berkeley Mechanical Code (Chapter 19.32), the Berkeley Plumbing Code (Chapter 34), the Berkeley Energy Code (Chapter 19.36) and the Berkeley Green Code (Chapter 19.37). In all cases, the changes are designed to provide enhanced protection of public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.

#### Berkeley Building Code (Chapter 19.28)

The 2022 California Building Code adopted in BMC Chapter 19.28 included numerous model code changes impacting use and occupancies, allowable building heights and areas, fire protection features, means of egress, structural modifications, etc. Of major importance were the introduction of three additional construction types for larger and taller mass timber buildings, new provisions for small and large family care facilities in apartment buildings, and the introduction of the minimum safety requirements for shipping containers when repurposed for use as buildings and structures. The revisions in the Mid-Cycle Supplements with incorporated local amendments include changes to the Wildland-Urban Interface (WUI) terminology and WUI roofing requirements. Other state revisions that do not impact local amendments include modified definitions, clarifications and minor changes to the occupancy classifications, accessible parking requirements, etc. All other local amendments will be readopted.

#### Berkeley Residential Code (Chapter 19.29)

The 2022 California Residential Code adopted in BMC Chapter 19.29 included numerous model code changes further refining prescriptive provisions for the construction of dwellings. Of major importance were the updated local climatic criteria required for designing structural, heating and cooling systems for buildings, introduction of the minimum safety requirements for shipping containers when repurposed for use as residential or accessory buildings and structures, and Appendix AU Cob Construction, which provides requirements for clay, sand and straw to be used as the primary building material. The revisions in the Mid-Cycle Supplements with incorporated local amendments include changes to the Wildland-Urban Interface (WUI) terminology and

WUI roofing requirements. Other state revisions that do not impact Berkeley amendments include clarification on the emergency escape and rescue openings, ESS energy rating limits, structural anchorage changes, and roof covering limits that trigger full reroof. All other local amendments will be readopted.

*Berkeley Electrical Code (Chapter 19.30)*

The 2022 California Electrical Code initially adopted in BMC Chapter 19.30 will be readopted without local amendments.

*Berkeley Mechanical Code (Chapter 19.32)*

The 2022 California Mechanical Code adopted in BMC Chapter 19.32 incorporated the prior local amendment to require installation of residential kitchen range hoods with a minimum air flow of 100 cfm and maximum sound rating not exceeding 3 sones over residential stoves and cooktops. This local amendment will be readopted.

*Berkeley Plumbing Code (Chapter 19.34)*

The 2022 California Plumbing Code, adopted in BMC Chapter 19.34, incorporated the prior local amendment in response to a referral from the Disaster and Fire Safety Commission, adopted by the City Council on June 1, 2021. This amendment requires mandatory installation of motion activated gas shut off valves whenever a plumbing or mechanical permit is issued for buildings containing fuel gas piping, regardless of permit valuation. This amendment is intended to reduce or prevent serious gas-related fires or explosions in the event of a major seismic event. This local amendment will be readopted.

*Berkeley Energy Code (Chapter 19.36)*

The 2022 California Energy Code initially adopted in BMC Chapter 19.36 will be adopted with State Mid-Cycle Supplement without local amendments.

*Berkeley Green Code (Chapter 19.37)*

The 2022 California Green Building Standards Code adopted in BMC Chapter 19.37 included model code changes primarily concentrated on electric vehicle (EV) charging readiness, including charging provisions for medium and heavy-duty commercial vehicles. In the Mid-Cycle Supplement, the EV charging infrastructure requirements for new construction have quantitatively increased, but are still less restrictive than Berkeley's local requirements and exceptions as adopted in Ordinance 7891-N.S. All of the previously adopted more restrictive local amendments will be retained for EV charging infrastructure, for low-carbon concrete, and for increased construction and demolition (C&D) waste diversion. The State's Mid-Cycle Supplement includes new code provisions for deconstruction and reuse of existing non-residential structures.

In addition, a new local amendment is proposed to require all newly constructed buildings of all covered types to meet the definition of a Zero NO<sub>x</sub> Emission Building. Nitrogen Oxides (NO<sub>x</sub>) are defined as the sum of nitrogen oxide (NO) and nitrogen

dioxide (NO<sub>2</sub>), collectively expressed as NO<sub>x</sub>. NO<sub>x</sub> is a harmful air pollutant; short-term exposure can aggravate asthma and other respiratory illnesses, and exposure can lead to hospital admissions and emergency room visits.<sup>1</sup> Long term exposure can cause asthma.<sup>2</sup> Further, NO<sub>x</sub> contributes to acid rain and is one of the building-blocks of ozone, an air pollutant, a greenhouse gas, and a major component of smog.<sup>3</sup>

A Zero NO<sub>x</sub> Emission Building is defined as a newly constructed building that exclusively uses Zero NO<sub>x</sub> Emission Appliances. This new provision sets a higher standard for health and environmental protection of new building occupants by improving air quality. This is consistent with the published purpose of the California Green Building Standards Code “to improve the health, safety and general welfare by enhancing the design and construction of buildings through the use of concepts having a reduced negative impact.”

The City of Berkeley proposed Zero NO<sub>x</sub> Emission Building amendment to CALGreen builds upon the first such local ordinance, from the City of Los Altos Hills, by requiring Zero NO<sub>x</sub> Emission Buildings for new nonresidential occupancies, and requiring Zero NO<sub>x</sub> cooking equipment. Current non-electric ovens and ranges constitute the greatest risk to building occupants, because of the intermixing of unvented NO<sub>x</sub> emissions with respiration air. This proposed Berkeley local amendment would become effective in advance of the first Zero NO<sub>x</sub> appliance regulation provision of Bay Area Air Quality Management District (BAAQMD) Regulation 9 Rule 4, which becomes effective Jan 1, 2027 for tanked water heaters <75kBtu.<sup>4</sup>

This CALGreen amendment addresses immediate health concern for Berkeley residents of growing importance. BAAQMD notes that: “In 2019, emissions from residential natural gas combustion accounted for roughly the same amount of NO<sub>x</sub> emissions as passenger vehicles.”<sup>5</sup> However, shifts in remote work practices since 2019 have likely increased that percentage, due to increased work hours from home and also reduced work commutes. BAAQMD further notes that: “Through the reduction of NO<sub>x</sub> and particulate matter emissions, the proposed amendments are projected annually to prevent up to 85 premature deaths and save up to \$890 million in health impacts.”<sup>6</sup> In summary, the proposed amendment for Zero NO<sub>x</sub> Emission Buildings leads the critical path to a built environment consistent with current understanding of human disease prevention and environmental health.

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<sup>1</sup> <https://www.epa.gov/no2-pollution/basic-information-about-no2>

<sup>2</sup> *ibid*

<sup>3</sup> <https://www3.epa.gov/airnow/mediakits/ozone/facts.pdf>

<sup>4</sup> [FAQ-Appliance Rules\\_rev\\_12-18-23 \(baaqmd.gov\)](#)

<sup>5</sup> *ibid*

<sup>6</sup> *ibid*

The readopted local amendments would require increased EV charging readiness and installation in new buildings, to help facilitate EV adoption in keeping with Berkeley's Electric Mobility Roadmap. Specifically, where parking spaces are provided, the retained EV amendments require:

- Single-family homes, duplexes, and townhouses must have at least one parking space equipped with a listed raceway, wiring, and power to support a future Level 2 EV charging station. By contrast, the State's "Mid-Cycle Supplement" requires only a raceway and panel space.
- Multifamily and Hotel/Motel buildings designed with parking lifts must provide the code-required EV charging infrastructure elsewhere within the parcel.
- Nonresidential buildings must have at least 20% of spaces as EV capable to support future Level 2 EV charging stations, and at least 10% of spaces with EV charging stations installed. By contrast, the State model code requires 20% EV capable spaces, 25% of which will be EV charging stations or EVCS.

The combination of requiring EV charging stations and EV charging readiness in all new multifamily, nonresidential, and hotel/motel buildings will reduce the long-term costs of EV infrastructure installation by eliminating future required retrofits, will help increase EV adoption and ultimately help decrease greenhouse gas emissions associated with transportation.

These proposed amendments to the Berkeley Green Code were shared with the Environment and Climate Commission (ECC) on April 24, 2024.

#### Previous Local Amendments to Re-adopt

Previous local amendments, with some revisions and updates in code language and code sections, that are recommended for continuance in the reenacted Berkeley Building Code with Mid-Cycle Supplement (BMC Chapter 19.28) include:

- Article 1. Scope and Administrative Provisions – local amendments concerning permits, applications, fees, undocumented units, appeals, violations, unsafe buildings, and safety assessment placards.
- Article 2. Restrictions in Fire Zones – adding additional local requirements applicable to additions, alterations, repairs and re-roofs, and enacting fire protection areas not covered by the state-mandated areas.
- Article 3. Wood Burning Appliances – local amendment reducing the health risks caused by wood smoke based upon Berkeley's climatic conditions.
- Article 4. Projection into Public Right of Way – an administrative amendment concerning revocation, removal and indemnification regarding construction in the

## Right of Way.

- Article 5. Existing Buildings – adopting 2022 California Existing Building Code and certain chapters of the 2021 International Existing Building Code to reduce the risk from earthquakes.
- Article 6. Repairs to Existing Buildings and Structures – establishing updated regulations for the repairs of damaged structures to comply with the Stafford Act, which authorizes the Federal Emergency Management Agency (FEMA) to fund the repair and restoration of eligible facilities damaged in a declared disaster, and requires that the repair and restoration be "on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications and standards."
- Article 7. Amendments to Structural Standards – addressing Berkeley's close proximity to major earthquake faults. The Berkeley Building Official has participated in meetings of the Tri-chapter Uniform Code Committee (TUCC), which is part of the International Code Council East Bay Chapter. The TUCC recommended several structural amendments to the 2022 California Building and Residential Codes, which are included in the proposed local amendments for Berkeley.
- Article 8. Construction of Exterior Appurtenances – establishing more stringent construction standards for exterior elevated elements and continuing the amendments adopted in July 2015 following the balcony collapse at 2020 Kittredge Street.
- Article 9. Emergency Housing Appendix P (formally Appendix O) – establishing local amendments reflecting the particular characteristics and needs of Berkeley's emergency shelter responses.

Previous local amendments, with some revisions and updates in code language and code sections, that are recommended for continuance in the reenacted Berkeley Residential Code with Mid-Cycle Supplement (BMC Chapter 19.29) include:

- Appendix AH for Patio Covers which relaxes certain provisions contained in the body of the code as related to patio covers, including permitted uses; exterior wall insect screens; glazing and translucent or transparent plastic; light, ventilation and emergency egress.
- Appendix AQ for tiny homes used as dwelling units, relaxing various code requirements as they apply to smaller homes in response to the California housing crisis.
- Appendices AR, AS and AU for light straw-clay, strawbale and COB construction respectively in support of sustainable construction practices which reduce environmental impact and provide increased thermal efficiencies.
- Appendix AX for Swimming Pool Safety Act that contain mandatory provisions to



comply with State Law.

- Section 19.29.050 Materials and Construction Methods for Exterior Wildlife Exposure – adding additional local requirements applicable to additions, alterations, repairs and re-roofs, and enacting fire protection areas not covered by the state-mandated areas.
- Section 19.29.060 Technical Amendments to Structural Standards – addressing Berkeley’s close proximity to major earthquake faults.

Previous local amendments, with some revisions in code language and code sections, that are recommended for continuance in the reenacted Berkeley Green Code with Mid-Cycle Amendments (BMC Chapter 19.37) include:

- Section 19.37.040 Requirements increased EV charging readiness and installation in new buildings.
- Section 19.37.040 Construction and Demolition debris amendments to require that 100% asphalt, concrete, excavated soil and land-clearing debris be diverted from disposal by recycling, reuse, and salvage, in addition to the general 65% diversion requirement.
- Section 19.37.040 Low-carbon concrete requirement, which requires that cement used in concrete mix design be reduced by not less than 25 percent.

The proposed Ordinance, with the local amendments, supports the City’s Strategic Plan Goals to create a resilient, safe, connected, and prepared city, and to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. The proposed actions also support emergency housing provisions to assist in the declared homeless shelter crisis.

### BACKGROUND

The Council last adopted the California Building Standards Code with local amendments in November 2022, which became effective on January 1, 2023. That adoption was supported by and consistent with the goals and feedback received from the Environment and Climate Commission and the Disaster and Fire Safety Commission, and other interested stakeholders.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adoption of the 2022 Berkeley Building Codes with Mid-cycle Supplements including the Berkeley local amendments is important to meet Berkeley’s Climate Action Plan, Zero Waste, and Fossil Fuel Free Berkeley goals. The Berkeley Green Code supports the goals of these three initiatives by:

- 1) Providing expanded EV charging facilitates electric mobility and supports the diminished greenhouse gas emissions associated with transportation, currently about 60% of Berkeley’s total emissions.
- 2) Providing for Zero NO<sub>x</sub> Emission Buildings which limit the human health, environmental, and climate impacts of emissions associated with building occupancy.
- 3) Addressing the growing concern that the use of concrete, a common building product contributes to an estimated 8% of global carbon emissions. Low-carbon concrete requirements will limit the greenhouse gas emissions associated with building construction.
- 4) Increasing diversion requirements for construction and demolition materials keeps waste out of landfills.

**RATIONALE FOR RECOMMENDATION**

Local building standard codes must be adopted by the City every three years or State Model Codes will go into effect without local amendments. Since the State’s Mid-Cycle Supplements conflict with adopted local amendments, re-adoption of local amendments and findings is needed to preserve previously adopted policies designed for Berkeley’s local conditions. Such local policies provide a higher level of safety than would be achieved through the State’s Model Codes. Fire risk, seismic danger, and other local conditions, as described in detail in the attached Resolution, justify adoption of Berkeley code amendments that are stricter than the California Building Standards Code.

**ALTERNATIVE ACTIONS CONSIDERED**

Staff considered establishing an exception to the proposed Zero NO<sub>x</sub> amendment for commercial cooking appliances. However, due to known health risks to kitchen staff, the negative impacts to the environment, and the increased availability of Zero NO<sub>x</sub> cooking equipment, this exception was not included in staff’s recommendation.

Staff considered establishing a Single Margin Source Energy Code amendment as an alternative to the Zero NO<sub>x</sub> CALGreen amendment. This alternative would allow projects to include NO<sub>x</sub> emitting equipment if they also included increased building energy efficiency measures to offset the environmental impacts. This alternative would require approval by the State Energy Commission before the City could enforce the amendment and therefore could not become by effective July 5, 2024.

City Council could also adopt the California Buildings Standards Code with Mid-Cycle Supplements with fewer, or no, local amendments; or take no action, and let the state mandated codes take effect without local amendments specifically adopted by the City of Berkeley.

**CONTACT PERSON**

David Lopez, Chief Building Official, Building and Safety Division, Planning and Development Department, 510-981-7441

Kurt Hurley, Green Building Program Manager, Building and Safety Division, Planning and Development Department, 510-981-7501

Sarah Moore, Interim Manager, Office of Energy and Sustainable Development, Planning and Development Department, 510-981-7494

Attachments:

- 1: Code Adoption Ordinance
- 2: Resolution Adopting Findings of Local Conditions

ORDINANCE NO. –N.S.

REPEALING AND REENACTING BERKELEY MUNICIPAL CODE CHAPTERS 19.28 (BERKELEY BUILDING CODE), 19.29 (BERKELEY RESIDENTIAL CODE), 19.30 (BERKELEY ELECTRICAL CODE), 19.32 (BERKELEY MECHANICAL CODE), 19.34 (BERKELEY PLUMBING CODE), 19.36 (BERKELEY ENERGY CODE), AND 19.37 (BERKELEY GREEN CODE)

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

**Section 1.** That Berkeley Municipal Code Chapter 19.28 is hereby repealed and reenacted to read as follows:

**Chapter 19.28**

**BERKELEY BUILDING CODE\***

**Sections:**

**19.28.010 Adoption of the California Building Code**

**Article 1. Scope and Administrative Provisions**

**19.28.020 Adoption of Chapter 1 Scope and Administration**

**Article 2. Restrictions in Fire Zones**

**19.28.030 Chapter 7A Materials and Construction Methods for Exterior Wildlife Exposure**

**Article 3. Wood Burning Appliances**

**19.28.040 Wood Burning Appliances**

**Article 4. Projection into Public Right of Way**

**19.28.050 Encroachment into the Public Right of Way - Revocation and Removal Indemnification and Hold Harmless**

**Article 5. Existing Buildings**

**19.28.060 Adoption of 2022 California Existing Building Code with Mid-Cycle Supplement and certain Chapters of the 2021 International Existing Building Code by Reference**

**Article 6. Repairs to Existing Buildings and Structures**

**19.28.070 Adoption of Regulations for the Repairs of Existing Structures**

**Article 7. Amendments to Structural Standards**

**19.28.080 Technical Amendments to Structural Standards**

**Article 8. Construction of Exterior Appurtenances**

**19.28.090 Technical Amendments for Construction of Exterior Projecting Elements and Appurtenances**

**Article 9. Emergency Housing**

**19.28.100 Emergency Housing and Emergency Housing Facilities**

**Notes:**

\* See Chapter 1.24 for abatement of nuisances by City.

**19.28.010 Adoption of the California Building Code.**

A. The California Building Code with Mid-Cycle Supplement, 2022 edition, as adopted in Title 24 Part 2 of the California Code of Regulations, including Appendices I, J and P, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

B. The California Historical Building Code, 2022 edition, as adopted in Title 24 Part 8 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

C. The California Existing Building Code with Mid-Cycle Supplement, 2022 edition, as adopted in Title 24 Part 10 of the California Code of Regulations, including Appendix A, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

D. This Chapter shall be known as the "Berkeley Building Code" and shall be referred to in this Chapter as "this Code."

E. This Chapter will become effective on July 5, 2024, and shall not apply to any building permit submitted by June 30, 2024.

**Article 1. Scope and Administrative Provisions**

**19.28.020 Adoption of Chapter 1 Scope and Administration**

Chapter 1 of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

**CHAPTER 1 SCOPE AND ADMINISTRATION**

**SECTION 101 – GENERAL**

**101.1 Title.** These regulations shall be known as the Berkeley Building Code, hereinafter referred to as "this Code".

**101.4 Referenced codes.** The other codes specified in Sections 101.4.1 through 101.4.9, and referenced elsewhere in this Code, shall be considered part of the requirements of this Code to the extent prescribed in each such reference.

**101.4.1 Gas.** The provisions of the Berkeley Mechanical Code, based on the 2022 California Mechanical Code with Mid-Cycle Supplement, and the Berkeley Plumbing Code, based on the 2022 California Plumbing Code with Mid-Cycle Supplement, as amended herein, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the Berkeley Mechanical Code, based on the 2022 California Mechanical Code with Mid-Cycle Supplement, as amended herein, shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.4.3 Plumbing.** The provisions of the Berkeley Plumbing Code, based on the 2022 California Plumbing Code with Mid-Cycle Supplement, as amended herein, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Berkeley Plumbing Code shall apply to private sewage disposal systems.

**101.4.4 Residential property maintenance.** The provisions of the Berkeley Housing Code, as adopted in Chapter 19.40, shall apply to existing residential buildings and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Notwithstanding any provisions contrary in this Chapter, any building or portion thereof constructed in compliance with the Berkeley Building Code shall not be deemed to be in violation of the Housing Code provisions that may conflict.

**101.4.5 Fire prevention.** The provisions of the Berkeley Fire Code based on the 2022 California Fire Code with Mid-Cycle Supplement, as adopted in Chapter 19.48, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the Berkeley Energy Code, based on the 2022 California Energy Code with Mid-Cycle Supplement, as amended herein, shall

apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Existing buildings.** The provisions of the Berkeley Existing Building Code, based on the 2022 California Existing Building Code with Mid-Cycle Supplement, as amended herein, shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**101.4.8 Electrical.** The provisions of the Berkeley Electrical Code, based on the 2022 California Electrical Code, as amended herein, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.9 Green.** The provisions of the Berkeley Green Code, based on the 2022 California Green Building Standards Code with Mid-Cycle Supplement, as amended herein, shall apply to enhanced design and construction of buildings through the use building concepts having a reduced negative impact or the positive environmental impact and encouraging sustainable construction practices.

**101.5 References to prior codes.** Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of former Berkeley Building Code editions, shall be construed to apply to the corresponding provisions contained within the 2022 Berkeley Building Code Ordinance No. X,XXX–N.S. and all ordinances amendatory thereof. Any ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

## SECTION 103 – DIVISION OF BUILDING AND SAFETY

**103.1 Creation of enforcement agency.** The Division of Building and Safety is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

**103.2 Appointment.** The building official shall be appointed by the City Manager.

**103.3 Deputies.** The building official shall have the authority to appoint an assistant building official, building inspectors, plans examiners, housing inspectors, other technical officers and employees. Such employees shall have powers as delegated by the building official.

## SECTION 104 – DUTIES AND POWERS OF BUILDING OFFICIAL

**104.7 Division records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, notices of violations, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.



Add a new Subsection 104.12 to read:

**104.12 Unpermitted dwelling units.** When a building permit record for a residential unit does not exist, the building official is authorized to make a determination of when the residential unit was constructed and then apply the building standards in effect when the residential unit was determined to be constructed or the current building standards, whichever is the least restrictive, provided the building or portion thereof does not become or continue to be a substandard or unsafe building. The Building Official is authorized to accept reasonable alternatives to the requirements of the prior or current code editions when dealing with unpermitted dwelling units.

## SECTION 105 – PERMITS

**105.3.2 Expiration of application.** An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council.

If a project is associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

**105.5 Expiration of permit.** Permits issued by the building official shall expire one year from the date of issuance. The building official or the supervising building inspector are authorized to grant one or more extensions of time to complete the work for additional periods not exceeding one year per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council.

The issuance of a building permit shall not excuse the permittee or any other person from compliance with any notice and/or order to correct a code violation issued by the City.

When a permit is expired and a new permit is required to complete the work, a new permit application and plans shall be filed describing the remaining work to be done. If a site visit or other review is required to determine the extent of the remaining work, a fee may be charged to make such determination.

## SECTION 109 – FEES

**109.1 Payment of fees.** Except when fees are deferred, a permit shall not be valid until the fees as set forth by resolution of City Council have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee as set forth by resolution of the City Council. Fees for permits and inspections and other related services under this Code shall be assessed and paid as set forth by resolution of the City Council. Unless waived or deferred as provided by local regulations, a plan review fee and other fees as specified in the resolution shall be paid at the time of submitting any documents for review and additional fees as specified in the resolution shall be paid at issuance of the permit.

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permit shall be subject to a fee as set forth by resolution of the City Council equal to and in addition to the permit fees for the portion of the scope of work performed without the permit.

**109.7 Re-inspection fees.** A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete or when corrections previously called for are not made.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code. Rather this section shall be used to control the practice of calling for inspections before the job is ready for such inspection, or when the approved plans are not readily available to the inspector, or for failure to provide access on the date for which the inspection is requested, or when work deviates from the approved plans but no revision is submitted to the City.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

## SECTION 112 – SERVICE UTILITIES

**112.4 Authority to connect utilities.** Clearance for connection of one utility, either gas or electrical, will be withheld until final building, electrical, plumbing, and/or mechanical inspections are made and approval has been given for any new building or change in occupancy classification to an existing building for which connection to such utilities is sought, unless approval has been first obtained from the building official, as provided by a Temporary Certificate of Occupancy or Final Certificate of Occupancy.

**112.5 Unsafe service utilities.** Unsafe service utilities are hereby declared to be public nuisances and shall be abated, repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in Chapter 19.40 of the Berkeley Municipal Code (BMC) for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure that may be adopted by the City of Berkeley. In addition, the City

Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative. When service utilities are maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

**112.6 Authority to disconnect utilities in emergencies.** The building official or building official's authorized representative shall have the authority to disconnect electrical power or other energy service supplied to the building, structure or building service equipment therein regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official or building official's authorized representative shall, whenever possible, notify the serving utility, and the owner of the building, structure or electrical system or equipment and any building occupants of the decision to disconnect prior to taking such action and shall notify them, in writing, of the disconnection as soon as possible thereafter.

**112.7 Authority to condemn electrical system and equipment.** Whenever the building official determines that an electrical system or electrical equipment regulated by this Code is hazardous to life, health or property, the building official may order in writing that such electrical system or equipment either be removed or restored to a safe condition. The written notice shall fix a reasonable time limit for compliance with such order. Persons shall not use or maintain defective electrical systems or equipment after receiving such notice except as may be provided therein.

When equipment or an installation is to be disconnected, a written notice of such disconnection and the reasons therefore shall be given within 24-hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When equipment or an installation is maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 19.40 of the BMC for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure that may be adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative.

**112.8 Connection after order to disconnect.** Persons shall not make connections to a service utility system or equipment that has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnection and use of the electrical system or equipment.

## SECTION 113 – BOARD OF APPEALS

**113.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a board of appeals consisting of the Housing Advisory Commission pursuant to Section 19.44.020 of the Berkeley Municipal Code. The building official may convene and consult with an advisory panel of qualified individuals. This advisory panel is intended to help the building official in formulating and making staff recommendations to the Housing Advisory Commission. The advisory panel may provide written and/or oral presentations to the Housing Advisory Commission as needed.

**113.3 Qualifications.** The board of appeals shall consist of members meeting the qualifications required for the Housing Advisory Commission. The advisory panel shall consist of individuals found by the building official to be qualified by experience and training in the specific area of the appeal who are not employees of the jurisdiction.

## SECTION 114 – VIOLATIONS

**114.4 Violation penalties.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law. Violations of this Code are misdemeanors, but may be cited or charged, at the election of the enforcing officer, building official, or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17(d). Nothing in this Section shall prevent any other remedy afforded by law.

## SECTION 116 - UNSAFE STRUCTURES AND EQUIPMENT

**116.1 Conditions.** Structures or existing equipment that are or hereafter become structurally unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

All such unsafe buildings, equipment, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapters 1.24, 19.28, 19.40 and/or 19.44 of the BMC as applicable. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the City Council, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

## **116.6 Safety Assessment Placards.**

**116.6.1 Intent.** This section establishes standard placards to be used to indicate the condition of a structure for occupancy after a natural or human-caused disaster and a rapid evaluation by authorized personnel. The building official or authorized representatives shall post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

**116.6.2 Application of provisions.** The provisions of this section are applicable to all buildings and structures of all occupancies regulated by the City of Berkeley. The City Council may extend the provisions as necessary.

### **116.6.3 Definitions.**

**116.6.3.1** "Safety Assessment" is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

**116.6.3.2** Placards. Following are titles and descriptions of the official jurisdiction placards to be used to designate the condition of a building structure for continued occupancy, partial or conditional occupancy, or unsafe to enter. Copies of placards are on file in the Building and Safety Division of the Planning and Development Department.

INSPECTED – Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent hazard has been found. This placard is not intended to mean there is no damage to the building or structure, but that any damage that occurred does not present a hazard to occupants.

RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

UNSAFE – Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Building or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official, or the building official's authorized representative. Safety assessment teams shall be authorized to enter these building at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

**116.6.4 Content of placard.** The BMC Section number and the words "City of Berkeley" shall be permanently affixed to each placard.

**116.6.5 Unlawful to remove.** Once a placard has been attached to a building or structure, it is not to be removed, altered or covered until done so by an authorized representative

of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

## Article 2. Restrictions in Fire Zones

### 19.28.030 CBC Chapter 7A Materials and Construction Methods for Exterior Wildlife Exposure.

**Chapter 7A** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

#### 701A – SCOPE, PURPOSE AND APPLICATION

**701A.1 Scope.** This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings and structures, additions, alterations, repairs and re-roofs located within a Wildland-Urban Interface (WUI) area as defined in Section 702A.

**701A.2 Purpose.** The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within a State Responsibility Area (SRA) or Local Responsibility Areas (LRA) or any building or structure in the Wildland-Urban Interface (WUI) areas as specified in Section 701A.3.1 to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

**701A.3 Application.** New buildings located in any Fire Hazard Severity Zone or new buildings and structures, additions, alterations, repairs and re-roofs located in any Wildland-Urban Interface (WUI) area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter. This shall include all new buildings and structures, additions, alterations, repairs and re-roofs with residential, commercial, educational, institutional or similar occupancy type uses, which shall be referred to in this chapter as “applicable building(s)” (see definition in Section 702A), as well as new buildings and structures, additions, alterations, repairs and re-roofs accessory to those applicable buildings (see Exceptions 1 and 4).

#### Exceptions:

1. Group U occupancy accessory buildings or structures, of any size located at least 50 feet (15 240 mm) from an applicable building on the same lot.
2. Group U occupancy agricultural buildings or structures, as defined in Section 202 of this code of any size located at least 50 feet (15 240 mm) from an applicable building.
3. Group C occupancy special buildings or structures conforming to the limitations specified in Section 450.4.1.
4. New accessory buildings and miscellaneous structures specified in Section 710A shall comply only with the requirements of that section.

5. ~~Additions to and remodels of buildings originally constructed prior to July 1, 2008.~~

**701A.3.1 Application date and where required.** New buildings for which an application for a building permit is submitted on or after July 1, 2008, located in any Fire Hazard Severity Zone or buildings and structures, additions, alterations, repairs and re-roofs for which an application for a building permit is submitted on or after July 1, 2008 located in the Wildland-Urban Interface area shall comply with all sections of this chapter, ~~including all the following areas:~~

1. ~~All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:~~
  - 1.1. ~~Moderate Fire Hazard Severity Zones.~~
  - 1.2. ~~High Fire Hazard Severity Zones.~~
  - 1.3. ~~Very-High Fire Hazard Severity Zones.~~
2. ~~Land designated as Very-High Fire Hazard Severity Zone by cities and other local agencies.~~
3. ~~Land designated as Wildland Interface area by cities and other local agencies.~~

~~Exceptions:~~

1. ~~New buildings located in any Fire Hazard Severity Zone within State Responsibility Area, for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.~~
2. ~~New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland Interface area designated by cities and other local agencies for which an application for a building permit is submitted on or after December 1, 2005 but prior to July 1, 2008, shall only comply with the following sections of this chapter:~~
  - 2.1. ~~Section 705A — Roofing.~~
  - 2.2. ~~Section 706A — Attic Ventilation.~~

## 702A – DEFINITIONS

**APPLICABLE BUILDING.** A building or structure that has residential, commercial, educational, institutional or similar occupancy type use.



**FIRE ZONE ONE** shall encompass the entire City of Berkeley except for Fire Zones Two and Three.

**FIRE ZONE TWO** encompasses those areas designated as Combined Hillside District in the Official Zoning map of the City of Berkeley and those areas designated as Very High in the official Fire Hazard Severity Zones (FHSZ) map of The Department of Forestry and Fire Protection (CAL FIRE), as they may be amended from time to time. The following properties, not part of the Combined Hillside District, are included in Fire Zone Two under the Very High designation of the FHSZ map: the eastern section of the University of California, Berkeley main campus, block number 2042 (Alameda County Assessor's parcel numbering (APN) system), to the east city line; all of the Clark-Kerr campus, block number 7690, to the east city line; all of block number 7680 in the City of Berkeley; portions of block number 1702 in the City of Berkeley. See Exhibit A for the specific parcels by APN and address.

**FIRE ZONE 3** encompasses those areas designated as Environmental Safety – Residential Districts on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time.

**LOCAL RESPONSIBILITY AREA (LRA)**. Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district. Fire Zones 2 and 3 are designated as Local Responsibility Area.

**WILDLAND-URBAN INTERFACE (WUI)**. A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Fire Zones 2 and 3 are designated as Wildland-Urban Interface (WUI) area.

## **705A – ROOFING**

**705A.1 General.** Roofs shall comply with the requirements of Chapter 7A and Chapter 15. Roof assemblies in Fire Hazard Severity Zones shall be tested in accordance with ASTM E108 or UL 790 and meet a Class A fire classification. For additional compliance see Chapter 15, Section 1505.2 for Class A roof assemblies. The roof assembly shall be installed in accordance with its listing and the manufacturer's installation instructions. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any 5-year period; the entire roof covering of every new structure; and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure shall be a fire-retardant roof covering that meets a Class A fire classification.

Wooden shakes and shingles are prohibited roof coverings regardless of the assembly rating of the roof system

**705A.5 Spark Arrestors.** All chimneys of fireplaces, stoves, barbecues or heating appliances using solid fuel shall be provided with an approved spark arrestor whenever modification has been made to any of these appliances, or whenever a structure is re-roofed. The net free area of the spark arrestor shall be not less than four times the net free area of the outlet of the chimney. The spark arrestor shall have heat and corrosion resistance equivalent to twelve-gauge wire, nineteen-gauge galvanized wire, or twenty-four-gauge stainless steel. Openings shall not permit the passage of spheres having a diameter larger than one-half inch and shall not block the passage of spheres having a diameter of less than three-eighths inch. The arrestor shall be securely attached to the chimney or stovepipe and shall be adequately supported. The use of bands, mollies, masonry anchors or mortar ties are recommended depending upon the individual need.

## **707A – EXTERIOR COVERING**

**707A.3.2 Replacement of Exterior Wall Covering.** Materials for replacement of existing exterior wall covering shall meet or exceed the standards set forth in this Chapter.

**Exception:** Where less than 50% of any wall surface is being replaced or repaired, and the matching of the new plane to the existing plane on that wall is not possible.

## **711A 712A – UNDERGROUND UTILITY CONNECTIONS**

**711A.1 712A.1 Underground utility connections.** For new construction, provisions shall be made for the undergrounding of all utilities serving the property, including but not limited to electrical, telephone and cable television, by the installation of appropriately sized underground conduits extending from the street property.

## **712A 713A – ADDITIONAL REQUIREMENTS IN FIRE ZONE THREE**

**712A.1 713A.1 General.** In addition to meeting the other requirements of this Chapter, buildings or structures hereinafter erected, constructed, moved, altered, added, or repaired within Fire Zone Three shall comply with the following requirements for buildings and structures.

**712A.2 713A.2 Fire warning system.** All residential units shall be equipped with a Fire Warning System as specified by the residential smoke detector requirements of the current edition of the California Building Code and with an audible exterior alarm. The exterior alarm must meet the requirements of NFPA 72 or equivalent and generate 45 decibels ten feet from the alarm, or more.

**712A.3 713A.3 Automatic fire sprinkler systems.** Automatic fire sprinkler system requirements shall be as set forth in Berkeley Fire Code Section 903.2.24.

**712A.4 713A.4 Utilities.** Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed underfloor area of a building or structure shall be enclosed with material as required for exterior one hour fire resistive construction. Adequate covered access openings for servicing and ventilation of such facilities shall be provided as required by appropriate codes.

**712A.5 713A.5 Control of brush or vegetation.** Brush and vegetation shall be controlled as required in the Berkeley Fire Code.

**712A.6 713A.6 Special Conditions.** The following additional conditions must be met:

1. Public access roads and fire trails. No person(s) shall use any public access road or fire trail for the storage of any construction material, stationary construction equipment, construction office, portable refuse container, or earth from any grading or excavating.
2. Water Service. The water service to the site shall be installed with a ¾” hose bib connection prior to beginning any wood framing. The person responsible for the construction shall have at the site a 75 ft ¾” hose available.

**Exhibit A**  
**Parcels in Addition to the Combined Hillside District**

The following additional parcels by Assessor’s Parcel Number and address are included in Fire Zone Two:

| Parcel Number (APN) | Address                  |
|---------------------|--------------------------|
| 048-7680-001-02     | 3 Tanglewood Road        |
| 048-7680-002-01     | 5 Tanglewood Road        |
| 048-7680-031-00     | 7 Tanglewood Road        |
| 048-7680-019-00     | 11 Tanglewood Road       |
| 048-7680-014-00     | 19 Tanglewood Road       |
| 048-7680-032-01     | 25 Tanglewood Road       |
| 048-7680-027-00     | 29 Tanglewood Road       |
| 054-1702-067-00     | 10 Tanglewood Road       |
| 054-1702-068-00     | 18 Tanglewood Road       |
| 054-1702-069-00     | 22 Tanglewood Road       |
| 054-1702-070-00     | 28 Tanglewood Road       |
| 054-1702-063-00     | 2701 Belrose Avenue      |
| 054-1702-076-00     | 2715 Belrose Avenue      |
| 054-1702-075-00     | 2721 Belrose Avenue      |
| 054-1702-074-00     | 2729 Belrose Avenue      |
| 054-1702-073-00     | 2737 Belrose Avenue      |
| 054-1702-112-00     | 2801 Claremont Boulevard |
| 054-1702-123-01     | 2811 Claremont Boulevard |
| 054-1702-122-00     | 2815 Claremont Boulevard |
| 054-1702-120-01     | 2821 Claremont Boulevard |

|                 |                       |
|-----------------|-----------------------|
| 054-1702-114-01 | 2816 Claremont Avenue |
| 054-1702-115-00 | 2820 Claremont Avenue |
| 054-1702-072-00 | 3005 Garber Street    |
| 054-1702-071-00 | 3015 Garber Street    |
| 054-1702-113-00 | 3020 Garber Street    |
| 054-1702-116-00 | 3017 Avalon Avenue    |

**Article 3. Wood Burning Appliances**

**19.28.040 Wood Burning Appliances.**

**Chapter 31** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

**3116 Wood Burning Appliances.**

A. The purpose of this section is to reduce the health risks caused by wood smoke under the climatic conditions applicable to Berkeley.

B. For purposes of this section the following terms shall be defined as set forth below.

1. "EPA" means the United States Environmental Protection Agency.
2. "EPA Certified" means any wood heater that is labeled "EPA Certified" in accordance with the standards in Title 40, Part 60, Subpart AAA, of the Code of Federal Regulations or equivalent, in effect at the time the wood heater is installed.
3. "Pellet heater" means wood heaters that burn pellet fuel exclusively and are either EPA-certified or exempted under EPA requirements set forth in Part 60 Title 40, Subpart AAA, of the Code of Federal Regulations, February 26, 1988.
4. "Wood-burning" means an appliance that burns wood or any wood-based solid fuel, including but not limited to wood pellets.
5. "Wood burning cooking device" means any wood-burning device that is designed or primarily used for cooking.
6. "Wood-burning fireplace" means any permanently-installed masonry or factory-built wood-burning appliance, either open or with doors in front of the combustion chamber, which is neither a wood heater as defined in 40 CFR 60.531 nor designed and used for cooking.

C. No wood-burning fireplace or wood heater as defined in 40 CFR 60.531, that is not EPA certified or exempted by under EPA requirements may be installed in any occupancy.

Exception: Existing masonry fireplaces may be repaired in accordance with the applicable codes in effect at the time of the proposed repair or reconstruction. For purposes of this exception, the term repair includes resurfacing the combustion chamber, but does not include replacing any other part of the combustion chamber.

D. Wood burning cooking devices are not prohibited by this section.

E. Any person planning to install a wood-burning fireplace or heating stove must submit verifiable documentation to the City showing that the appliance conforms to the requirements of this section.

#### **Article 4. Projection into Public Right of Way**

##### **19.28.050 Encroachments into the Public Right of Way – Revocation, Removal, Indemnification and Hold Harmless.**

**Chapter 32** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

#### **3202 – ENCROACHMENTS**

##### **3202.5 Projection into the Public Right of Way – Revocation, Removal, Indemnification and Hold Harmless.**

Any permits granted pursuant to this Code which allow any projection upon, over, or under the public right of way may be revoked by the City at any time. Upon such revocation, the permittee or permittee's successor(s) or assignee(s) shall forthwith remove such projection at permittee's cost and expense and without any cost or expense whatsoever to the City.

Any person who is granted a permit pursuant to the provisions of this Code which allows a projection upon, over or under the public right of way shall by the issuance of such permit thereby indemnify and hold harmless the City of Berkeley, its officers and employees of and from any and all liabilities, claims, demands, actions or causes of action for injury or injuries to any person or persons or death or deaths of any person or persons or damage to property arising out of or occasioned in any way by the issuance of said permit, the work performed pursuant to such permit, or the existence of such projection. The obligation of such indemnification and hold harmless provision shall be applicable to the successor(s) and assignee(s) of the permittee.

#### **Article 5. Existing Buildings**

**19.28.060 Adoption of 2022 California Existing Building Code with Mid-Cycle Supplement and certain Chapters of the 2021 International Existing Building Code by reference.**

**2022 California Existing Building Code with Mid-Cycle Supplement (CEBC), including Appendix A**, is adopted in its entirety subject to the modifications thereto which are set forth below.

## **DIVISION II SCOPE AND ADMINISTRATION**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any CEBC administrative provisions that may conflict.

**101.9 Adoption of Certain Chapters of the 2021 International Existing Building Code by reference.**

When seismic retrofit is not otherwise required by this Code, the following Chapters of the 2021 International Existing Building Code (IEBC) published by the International Code Council contained in the IEBC Appendix A are hereby adopted by reference as applicable to the types of buildings as designated therein as though fully set forth herein:

Chapter A2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms

### **Article 6. Repairs to Existing Buildings and Structures**

**19.28.070 Adoption of Regulations for the Repairs of Existing Structures.**

**Add a new Subsection 405.2.7 to Chapter 4 Section 405 of the California Existing Building Code with Mid-Cycle Supplement.**

**405.2.7 Seismic Evaluation and Design Procedures for Repairs.** The seismic evaluation and design shall be based on the procedures specified in the California Building Code or ASCE 41 *Seismic Evaluation and Retrofit of Existing Buildings*. The procedures contained in Appendix A Chapters A1, A3 and A4 of the California Existing Building Code and Appendix A Chapter A2 of the International Existing Building Code shall be permitted to be used as specified in Section 405.2.7.2.

**405.2.7.1 Compliance with CBC level seismic forces.** Where compliance requires the use of full seismic forces, the criteria shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as “Ordinary,” the values of  $R$ ,  $\Omega_o$ , and  $C_d$  used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as “Ordinary” in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural

system will provide performance equivalent to that of a “Detailed,” “Intermediate” or “Special” system.

2. ASCE 41, using a Tier 3 procedure and the two-level performance objective in Table 405.2.7.1.

**Table 405.2.7.1  
PERFORMANCE OBJECTIVES FOR USE IN ASCE 41 FOR COMPLIANCE WITH  
FULL SEISMIC FORCES**

| RISK CATEGORY (Based on CBC Table 1604.5) | STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-1N EARTHQUAKE HAZARD LEVEL | STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-2N EARTHQUAKE HAZARD LEVEL |
|-------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|
| I                                         | Life Safety (S-3)                                                        | Collapse Prevention (CP)                                                 |
| II                                        | Life Safety (S-3)                                                        | Collapse Prevention (CP)                                                 |
| III                                       | Damage Control (S-2)                                                     | Limited Safety (S-4)                                                     |
| IV                                        | Immediate Occupancy (S-1)                                                | Life Safety (S-3)                                                        |

**405.2.7.2 Compliance with reduced CBC level seismic forces.** Where seismic evaluation and design is permitted to meet reduced seismic forces, the criteria used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of  $R$ ,  $\Omega_o$ , and  $C_d$  used for analysis shall be as specified in Section 405.2.7.1 Item 1.

2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the California Existing Building Code (CEBC) or Appendix A of the International Existing Building Code (IEBC) as specified in Items 2.1 through 2.4 below shall be deemed to comply with this section.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A1, provided the design is no less stringent than required in Berkeley Municipal Code Section 19.38.130.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Risk Category I or II are permitted to be based on the procedures specified in IEBC Appendix A Chapter A2.



2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A4.

3. ASCE 41, using the performance objective in Table 405.2.7.2 for the applicable risk category. The design spectral response acceleration parameters  $S_{xs}$  and  $S_{x1}$  specified in ASCE 41 shall not be taken less than 75 percent of the respective design spectral response acceleration parameters  $S_{DS}$  and  $S_{D1}$  defined by the *California Building Code* and its reference standards.

**Table 405.2.7.2  
PERFORMANCE OBJECTIVES FOR USE IN ACCE 41 FOR COMPLIANCE WITH  
REDUCED SEISMIC FORCES**

| <b>RISK CATEGORY<br/>(Based on CBC<br/>Table 1604.5)</b> | <b>STRUCTURAL PERFORMANCE<br/>LEVEL FOR USE WITHBSE-1E<br/>EARTHQUAKE HAZARD LEVEL</b> | <b>STRUCTURAL<br/>PERFORMANCE LEVEL FOR<br/>USE WITH BSE-2E<br/>EARTHQUAKE HAZARD<br/>LEVEL</b> |
|----------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| I                                                        | Life Safety (S-3). See Note a                                                          | Collapse Prevention (S-5)                                                                       |
| II                                                       | Life Safety (S-3). See Note a                                                          | Collapse Prevention (S-5)                                                                       |
| III                                                      | Damage Control (S-2). See Note a                                                       | Limited Safety (S-4). See Note b                                                                |
| IV                                                       | Immediate Occupancy (S-1)                                                              | Life Safety (S-3). See Note c                                                                   |

- a. For Risk Categories I, II, and III, the Tier 1 and Tier 2 procedures need not be considered for the BSE-1E earthquake hazard level.
- b. For Risk Category III, the Tier 1 screening checklists shall be based on the Collapse Prevention, except that checklist statements using the Quick Check provisions shall be based on MS-factors that are the average of the values for Collapse Prevention and Life Safety.
- c. For Risk Category IV, the Tier 1 screening checklists shall be based on Collapse Prevention, except that checklist statements using the Quick Check provisions shall be based on MS-factors for Life Safety.

**Table 405.2.7.3  
REFERENCED STANDARDS**

| <b>Standard Reference<br/>Number</b> | <b>Title</b> | <b>Referenced in Code<br/>Section Number</b> |
|--------------------------------------|--------------|----------------------------------------------|
|                                      |              |                                              |

|            |                                                       |                                                            |
|------------|-------------------------------------------------------|------------------------------------------------------------|
| ASCE 41-17 | Seismic Evaluation and Retrofit of Existing Buildings | 405.2.7<br>Table 405.2.7.1<br>405.2.7.2<br>Table 405.2.7.2 |
|------------|-------------------------------------------------------|------------------------------------------------------------|

## Article 7. Technical Amendments to Structural Standards

### 19.28.080 Various Technical Amendments to Structural Standards.

**Chapter 17** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

**1705.3 Concrete construction.** Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

**Exception:** Special inspections and tests shall not be required for: 1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

**Chapter 19** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

**1905.1.7 ACI 318, Section 14.1.4.** Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- ~~Structural plain concrete basement, foundation or other walls below the base are permitted in detached one and two-family dwellings three stories or less in height constructed with stud bearing walls. In dwellings assigned to seismic design category D or E, the height of the wall shall not exceed 8 feet (2438 mm), the thickness shall not be less than  $7\frac{1}{2}$  inches (190 mm), and the wall shall retain no more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with 14.6.1.~~
- Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

**Exception:** ~~In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.~~

- (Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. For footings that exceed 8" inches (203 mm) in thickness, A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Exceptions:**

1. ~~In seismic design categories A, B and C, detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, are permitted to have plain concrete footings without longitudinal reinforcement.~~
2. ~~For foundation systems consisting of a plain concrete footing and a plain concrete stem wall, a minimum of one bar shall be provided at the top of the stem wall and at the bottom of the footing.~~
3. ~~Where a slab on ground is cast monolithically with the footing, one No. 5 bar is permitted to be located at either the top of the slab or bottom of the footing.~~

**Article 8. Construction of Exterior Appurtenances**

**19.28.090 Technical Amendments for Construction of Exterior Projecting Elements and Appurtenances.**

**Chapter 12** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

**1202.7 Ventilation of weather exposed enclosed assemblies.** Balconies, landings, decks, stairs and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow and as set forth in Section 2304.12.2.5. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150th of the area of the space ventilated. Ventilation openings shall comply with Section 1202.2.2. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

**Exceptions:**

1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.
2. Removable soffit vents 4 inches minimum in width can be used to satisfy both ventilation and access panel requirements.

**Chapter 14** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

**1403.15 Projections exposed to weather.** Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g., galvanized) steel, or similar approved materials.

**Chapter 23** of the 2022 California Building Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

**2304.12.2.3 Supporting members for permanent appurtenances.** Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances ~~where such members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering to prevent moisture or water accumulation on the surface or at joints between members.~~

**2304.12.2.4 Supporting members for permeable floors and roofs.** Wood structural members that support moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative-treated wood ~~unless and shall be separated from such floors or roofs by an impervious moisture barrier. The impervious moisture barrier system protecting the structure supporting floors shall provide positive drainage of water that infiltrates the moisture-permeable floor topping.~~

**Table 2308.6.1 WALL BRACING REQUIREMENTS<sup>a, f, g</sup>**

Add new footnotes “f” and “g” to the end of Table 2308.6.1 to read:

f. Methods GB, PBS, HPS and SFB are not permitted in Seismic Design Categories D or E. In Seismic Design Categories D, the use of Method PCP is limited to one-story dwellings and accessory structures.

g. Methods DWB and PCP are not permitted in Seismic Design Categories E.

**Article 9. Emergency Housing**

**19.28.100 Emergency Housing and Emergency Housing Facilities.**

**HCD Appendix P** of the 2022 California Building Code with Mid-Cycle Supplement is adopted on an emergency basis and reproduced in its entirety subject to the modifications thereto which are set forth below:

**APPENDIX P  
EMERGENCY HOUSING**

**SECTION P101**

**GENERAL**

**P101.1 Scope.** This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section P102. The provisions and standards set forth in this appendix shall be applicable to emergency housing established pursuant to the declaration of a shelter crisis under Government Code section 8698 et seq. and located in new or existing buildings, structures, or facilities owned, operated, erected, or constructed by, for or on behalf of the City of Berkeley on land owned or leased by the City of Berkeley.

**P101.2 Application.** Notwithstanding any provisions of this Code to the contrary, the following requirements shall apply to emergency housing operated during a shelter crisis, as provided for in Government Code Section 8698 et seq. Other than the specific requirements set forth in this appendix, the facilities need not comply with the requirements of this Code for Group R occupancies unless otherwise specified in this Code.

## SECTION P102

### DEFINITIONS

**P102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**DECLARATION OF SHELTER CRISIS.** The duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. (See Government Code Section 8698)

**DEPENDENT UNIT.** Emergency housing not equipped with a kitchen area, toilet, and sewage disposal system. Recreational vehicles that are not self-contained and without utility service connections shall be considered dependent units.

**EMERGENCY HOUSING.** Housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units, and tents constructed in accordance with this appendix.

**EMERGENCY HOUSING FACILITIES.** On-site common use facilities supporting emergency housing. Emergency housing facilities include, but are not limited to, kitchen areas, toilets, showers and bathrooms with running water. The use of emergency housing facilities is limited exclusively to the occupants of the emergency housing, personnel involved in operating the housing, and other emergency personnel.

**EMERGENCY HOUSING SITE.** A site containing emergency housing and emergency housing facilities supporting the emergency housing.

**EMERGENCY SLEEPING CABIN.** Relocatable hard-sided structure constructed in accordance with this appendix, which may be occupied only for emergency housing if allowed by the enforcing agency.

**EMERGENCY TRANSPORTABLE HOUSING UNIT.** A single- or multiple-section prefabricated structure that is transportable by a vehicle and that can be installed on a permanent or temporary site in response to a need for emergency housing. Emergency transportable housing units include, but are not limited to, manufactured homes, mobilehomes, multifamily manufactured homes, recreational vehicles, and park trailers. For the purposes of this appendix, emergency transportable housing units may also include commercial modulars as defined in the Health and Safety Code Section 18001.8, if approved by the enforcing agency. Emergency transportable housing units do not include factory-built housing as defined in the Health and Safety Code Section 19971.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a loft.

**LOCAL EMERGENCY.** Local Emergency as defined in the Government Code, Section 8558.

**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

**MANUFACTURED HOME.** A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18007.

**MEMBRANE STRUCTURE.** An air-inflated, air-supported, cable or frame-covered structure, not otherwise defined as a tent. (See Chapter 31 of this code.)

**MOBILEHOME.** A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18008.

**MULTIFAMILY MANUFACTURED HOME.** A structure designed to contain not less than two dwelling units, as defined in the Health and Safety Code, Section 18008.7.

**PARK TRAILER.** A trailer designed for human habitation that meets all requirements in the Health and Safety Code, Section 18009.3.

**RECREATIONAL VEHICLE.** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation, that meets all requirements in the Health and Safety Code, Section 18010.

**STATE OF EMERGENCY.** State of Emergency as defined in the Government Code, Section 8558.

**TENT.** A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

## **SECTION P103**

### **EMERGENCY HOUSING**

**P103.1 General.** Emergency sleeping cabins, emergency transportable housing units including commercial modulars, membrane structures and tents constructed and/or assembled in accordance with this appendix, shall be occupied only during declaration of state of emergency, local emergency, or shelter crisis.

Buildings and structures constructed in accordance with the California Building Standards Code, used as emergency housing, shall be permitted to be permanently occupied.

**P103.2 Existing buildings.** Existing residential and nonresidential buildings or structures shall be permitted to be used as emergency housing and emergency housing facilities provided such buildings or structures comply with the building code provisions and/or other regulations in effect at the time of original construction and/or alteration. Existing buildings or structures used as emergency housing shall not become or continue to be substandard buildings, as determined by the enforcing agency.

**P103.2.1 New additions, alterations, and change of occupancy.** New additions, alterations, and change of occupancy to existing buildings shall comply with the requirements of the California Building Standards Code effective at the time of addition, alteration, or change of occupancy. The requirements shall apply only to and/or within the specific area of the addition, alteration, or change of occupancy.

#### **Exceptions:**

1. Existing buildings and structures used for emergency housing and emergency housing facilities may not be required to comply with the California Energy Code, as determined by the enforcing agency.
2. Change in occupancy shall not mandate conformance with new construction requirements set forth in the California Building Standards Code, provided such change in occupancy meets the minimum fire and life safety requirements set forth in Section P112 of this appendix.

**P103.3 Occupant load.** Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area shall not be less than 70 square feet (6.5 m<sup>2</sup>) for one occupant. Where more than one person occupies the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m<sup>2</sup>) for each occupant in excess of one.

#### **Exceptions:**

1. Tents.



2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable
3. For emergency housing, including emergency sleeping cabins, the minimum interior floor area may be reduced to 53 square feet (4.9 m<sup>2</sup>) if the enforcing agency determines that 53 square feet (4.9 m<sup>2</sup>) is adequate space for a single-occupancy sleeping unit.

**P103.4 Fire and life safety requirements not addressed in this appendix.** If not otherwise addressed in this appendix, fire and life safety measures, including, but not limited to, means of egress, fire separation, fire sprinklers, smoke alarms, and carbon monoxide alarms, shall be determined and enforced by the enforcing agency.

**P103.5 Privacy.** Emergency housing shall be provided with a privacy lock on each entrance door and all windows for use by the occupants.

**P103.6 Heating.** All sleeping areas shall be provided with adequate heating as determined by the enforcing agency.

## **SECTION P104**

### **EMERGENCY SLEEPING CABINS**

**P104.1 General.** Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m<sup>2</sup>) for one occupant. Where more than one person occupies the cabin, the required floor area shall be increased at the rate of 50 square feet (4.65 m<sup>2</sup>) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m<sup>2</sup>), excluding lofts.

**P104.2 Live loads.** Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support the following live loads:

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.
2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.
3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.
4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

**P104.3 Minimum ceiling height.** Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches (2032 mm). Bathrooms, toilet rooms, and kitchens, if provided, shall have a ceiling height of not less than 76 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

**Exception:** Ceiling heights in lofts constructed in accordance with Section P108 are permitted to be less than 80 inches (2032 mm).

**P104.4 Means of egress.** Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section P104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section P104.4.1, provided in the loft space.

**P104.4.1 Egress window.** The bottom of the clear opening of the egress window shall not be more than 44 inches (1118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of 5 square feet (0.465 m<sup>2</sup>).

**P104.5 Plumbing and gas service.** If an emergency sleeping cabin contains plumbing or gas service, it shall comply with all applicable requirements of the California Plumbing Code and the California Mechanical Code.

**P104.6 Electrical.** Emergency sleeping cabins shall be provided with all of the following installed in compliance with the California Electrical Code:

1. Continuous source of electricity.

**Exception:** The source of electricity may be an emergency generator or renewable source of power such as solar or wind power.

2. At least one interior lighting fixture.
3. Electrical heating equipment listed for residential use and a dedicated receptacle outlet for the electrical heating equipment.

**Exception:** Electrical heating equipment and a dedicated receptacle outlet for the electrical heating equipment are not required if a nonelectrical source of heating is provided.

4. At least one GFCI-protected receptacle outlet for use by the occupant(s).

**P104.7 Ventilation.** Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined by the enforcing agency.

**P104.8 Smoke alarms.** Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

**P104.9 Carbon monoxide alarms.** If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315

## SECTION P105

### EMERGENCY TRANSPORTABLE HOUSING UNITS

**P105.1 General.** In addition to the requirements in this appendix, manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, recreational vehicles, and park trailers used as emergency transportable housing shall comply with all applicable requirements in the Health and Safety Code, Division 13, Part 2; and Title 25, Division 1, Chapter 3, Subchapter 2.

No provisions of Sections P111 through P114 of this appendix shall be deemed to grant authorization for any additional work that may conflict with the standards specified in Section P105 applicable for emergency transportable housing units.

## SECTION P106

### TENTS AND MEMBRANE STRUCTURES

**P106.1 General.** Tents shall not be used to house occupants for more than 7 days unless such tents are maintained with tight wooden floors raised at least 4 inches (101.6 mm) above the ground level and are equipped with baseboards on all sides to a height of at least 6 inches (152.4 mm). Tents may be maintained with concrete slabs with the finished surface at least 4 inches (101.6 mm) above grade and equipped with curbs on all sides at least 6 inches (152.4 mm) high.

A tent shall not be considered a suitable sleeping place when it is found necessary to provide heating facilities in order to maintain a minimum temperature of 50 degrees Fahrenheit (10 degrees Celsius) within such tent during the period of occupancy.

Membrane structures installed and/or assembled in accordance with Chapter 31 of this code, may be permitted to be used as emergency housing and emergency housing facilities, as determined by the enforcing agency.

Tents and membrane structures shall comply with Chapter 31 of the California Fire Code and shall not be erected for a period of more than 180 days within a 12 month period. Tents and membrane structures shall be limited to one level located at the level of Fire Department vehicle access road or lane. Tents and membrane structures complying with Chapter 31 of the California Fire Code shall not be subject to additional provisions of Sections P111 and P112 of this appendix.

Tents and membrane structures used for sleeping purposes shall be equipped with single station battery powered smoke alarms installed in accordance with Section 907.2.11 of the California Fire Code.

## SECTION P107

### ACCESSIBILITY

**P107.1 General.** Emergency housing shall comply with the applicable requirements in Chapter 11B and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

**Note:** The Architectural and Transportation Barriers Compliance Board (US Access Board) issued the Final Guidelines for Emergency Transportable Housing on May 7, 2014. The final guidelines amended the 2004 ADA Accessibility Guidelines (2004 ADAAG) and the 2004 Architectural Barriers Act (ABA) Accessibility Guidelines (2004 ABAAG) to specifically address emergency transportable housing units provided to disaster survivors by entities subject to the ADA or ABA. The final rule ensures that the emergency transportable housing units are readily accessible to and usable by disaster survivors with disabilities.

## **SECTION P108**

### **LOFTS IN EMERGENCY HOUSING**

**P108.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections P108.1.1 through P108.1.3.

**P108.1.1 Minimum area.** Lofts shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**P108.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**P108.1.3 Height effect on loft area.** Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**Exception:** Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**P108.2 Loft access.** The access to and primary egress from lofts shall be any type described in Sections P108.2.1 through P108.2.4.

**P108.2.1 Stairways.** Stairways accessing lofts shall comply with the California Residential Code or with Sections P108.2.1.1 through P108.2.1.6.

**P108.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

**P108.2.1.2 Headroom.** The headroom in stairways accessing a loft shall be not less than 74 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**P108.2.1.3 Treads and risers.** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus  $\frac{4}{3}$  of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus  $\frac{3}{4}$  of the tread depth.

**P108.2.1.4 Landing platforms.** The top step of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 74 inches (1880 mm). The landing platform shall be 18 inches (457 mm) to 22 inches (559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 inches (406 mm) to 18 inches (457 mm) in height measured from the landing platform to the loft floor.

**P108.2.1.5 Handrails.** Handrails shall comply with the California Residential Code, Section R311.7.8.

**P108.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with the California Residential Code, Section R312.1.

**P108.2.2 Ladders.** Ladders accessing lofts shall comply with Sections P108.2.2.1 and P108.2.2.2.

**P108.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (90.7 kg) load on any rung. Rung spacing shall be uniform within  $\frac{3}{8}$ -inch (9.5 mm).

**P108.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**P108.2.3 Alternating tread devices.** Alternating tread devices are acceptable as allowed by the enforcing agency.

**P108.2.4 Loft guards.** Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. Loft guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches (102mm) in diameter.

## SECTION P109

## LOCATION, MAINTENANCE AND IDENTIFICATION

**P109.1 Maintenance.** Emergency housing and emergency housing facilities shall be maintained in a safe and sanitary condition, and free from vermin, vectors and other matter of an infectious or contagious nature. The grounds within emergency housing sites shall be kept clean and free from accumulation of debris, filth, garbage and deleterious matter. Emergency housing and emergency housing facilities shall not be occupied if a substandard condition exists, as determined by the enforcing agency.

**P109.1.1 Fire hazards.** Dangerous materials or materials that create a fire hazard, as determined by the enforcing agency, shall not be allowed on the grounds within emergency housing sites.

**P109.3 Identification.** Emergency housing shall be designated by address numbers, letters, or other suitable means of identification. The identification shall be in a conspicuous location facing the street or driveway fronting the building or structure. Each identification character shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7 mm) in width, installed/painted on a contrasting background.

## SECTION P110

### EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS

**P110.1 Drinking water.** Potable drinking water shall be provided for all occupants of emergency housing.

**P110.2 Kitchens and food facilities.** Where provided, kitchens and food facilities, as defined in Section 113789 of the California Health and Safety Code, which support emergency housing sites, shall comply with applicable food safety provisions of Sections 113980 – 114094.5 of the California Health and Safety Code.

Where occupants of dependent units are permitted or required to cook for themselves, a separate area shall be equipped and maintained as a common use kitchen. Refrigerated storage shall be provided for safe storage of food.

**P110.3 Toilet and bathing facilities.** When dependent units are used as emergency housing, the emergency housing site shall be provided with one toilet and one bathing facility for every 15 occupants of each gender. The enforcing agency may permit different types and ratios of toilet and bathing facilities. The approval shall be based upon a finding that the type and ratio of toilet and bathing facilities are sufficient to process the anticipated volume of sewage and waste water, while maintaining sanitary conditions for the occupants of the emergency housing.

Bathing facilities shall be provided with heating equipment which shall be capable of maintaining a temperature of 70 degrees F (21.0 degrees Celsius) within such facilities.

Lavatories with running water shall be installed and maintained in the toilet facilities or adjacent to the toilet facilities.

**P110.4 Garbage, waste and rubbish disposal.** All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the enforcing agency.

## **SECTION P111**

### **EMERGENCY HOUSING LIGHTING AND VENTILATION REQUIREMENTS**

**P111.1 Lighting.** Buildings or structures used for emergency housing shall be provided with natural light by means of exterior glazed openings in accordance with Section 1204.2 of the California Building Code, or shall be provided with artificial light in accordance with Section 1204.3 of the California Building Code.

**P111.2 Ventilation.** Buildings or structures used for emergency housing shall be provided with natural ventilation in accordance with Section 1202.5 of the California Building Code, or mechanical ventilation in accordance with the California Mechanical Code.

## **SECTION P112**

### **EMERGENCY HOUSING FIRE AND LIFE SAFETY REQUIREMENTS**

**P112.1 Location on property.** Buildings or structures used for emergency housing, including sleeping cabins, shall be located in accordance with the requirements of Section 705 and Table 705.5 of the California Building Code, based on their type of construction and fire-resistance ratings of the exterior walls. During a shelter crisis, the fire separation distances are permitted to be measured to the existing buildings on the adjacent parcels rather than to the interior lot lines, provided the open spaces are to remain unobstructed for the duration of the shelter crisis.

**P112.2 Buildings on same lot.** Buildings or structures used for emergency housing, including sleeping cabins, shall be separated from each other and from other buildings on the same lot as set forth in Section 705.3 of the California Building Code. The Building Official and Fire Marshal may accept reasonable alternatives to these requirements provided reasonably equivalent fire and life safety is achieved.

**P112.3 Means of egress.** Buildings or structures used for emergency housing shall be provided with means of egress complying with Chapter 10 of the California Building Code, unless modified elsewhere in this appendix.

**P112.4 Emergency escape and rescue.** Each area of a building or structure used for sleeping purposes in emergency housing shall be provided with an emergency escape



and rescue opening in accordance with Section 1031 of the California Building Code, unless modified elsewhere in this appendix.

**P112.5 Smoke alarms.** Buildings or structures used for emergency housing, which provide sleeping accommodations, shall be equipped with single station battery powered smoke alarms installed in accordance with the location requirements of Section 907.2.11 of the California Fire Code, unless modified elsewhere in this appendix.

**P112.6 Carbon monoxide alarms.** Buildings or structures used for emergency housing, which provide sleeping accommodations, and equipped with fuel-burning appliances shall be provided with carbon monoxide detection in accordance with Section 915 of the California Fire Code, unless modified elsewhere in this appendix.

**P112.7 Fire alarm.** A manual fire alarm system capable of arousing sleeping occupants in accordance with Section 907.2.9.1 of the California Fire Code shall be installed in buildings, structures, or groups of buildings or structures used for emergency housing and having a gross floor area of more than 2,500 square feet or having more than 49 sleeping occupants.

**Exception:** Individual buildings or structures in a group of buildings or structures with sufficient separation distances to allow each building or structure to function independently in case of a fire, as approved by the Fire Marshal.

**P112.8 Automatic sprinkler systems.** Fire sprinklers shall be provided for new and existing buildings or structures used for emergency housing, including sleeping cabins, which provide sleeping facilities, as required by Section 903.3 of the California Fire Code. Strict compliance with the requirements of Section 903.3 may not be required when approved by the Fire Marshal. The Fire Marshal is authorized to accept reasonably equivalent alternatives to the installation provisions of Section 903.3 when dealing with buildings or structures used for emergency housing.

**P112.9 Fire extinguishers.** Portable fire extinguishers shall be provided in accordance with Section 906.1 of the California Fire Code.

**P112.10 Flammable or combustible liquids.** The possession or storage of any flammable or combustible liquids or gases shall not be permitted (intact cigarette lighters excepted). The use of any type of open flame indoors is prohibited unless conditionally approved by the Fire Chief.

**P112.11 Storage in attics, under-floor and concealed spaces.** Combustible materials, including but not limited to the possessions of occupants, users and staff shall not be stored in attics, under-floor spaces, or within other concealed spaces of buildings or structures used for emergency housing with sleeping accommodations.

**P112.12 Fire department access.** Fire Department access to building and premises used for emergency housing shall be in compliance with Section 503, Section 504 and Appendix D of the California Fire Code, as approved by the Fire Chief.

**P112.13 Water supply.** An approved fire protection water supply complying with Section 507 of the California Fire Code, or as approved by the Fire Chief, shall be provided for each structure, group of structures or premises used for emergency housing.

## **SECTION P113**

### **ADDITIONAL REQUIREMENTS**

**P113.1 Operating procedures.** Operating procedures including a security plan and service requirements shall be developed by the professional service provider and shown to be consistent with the shelter standards imposed by the Alameda County Social Services Agency. These procedures shall be designed to maintain order and safety within the buildings or structures used for emergency housing.

## **SECTION P114**

### **ALTERNATIVES AND MODIFICATIONS**

**P114.1 Alternatives and modifications.** Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the Local Administrative Authority in individual cases when dealing with buildings or structures used for emergency housing.

#### **NOTE:**

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1. (Ord. 7613-NS § 3, 2018)

**Section 2.** That Berkeley Municipal Code Chapter 19.29 is hereby repealed and reenacted to read as follows:

### **Chapter 19.29**

#### **BERKELEY RESIDENTIAL CODE**

**Sections:**

- 19.29.010 Adoption of California Residential Code.**
- 19.29.020 Title.**
- 19.29.030 Administrative Provisions.**
- 19.29.040 Subsection R301.2 Climatic and Geographic Design Criteria.**
- 19.29.050 Section R337 Materials and Construction Methods for Exterior Wildlife Exposure.**
- 19.29.060 Technical Amendments to Structural Standards.**

**19.29.010 Adoption of California Residential Code.**

The California Residential Code with Mid-Cycle Supplement, 2022 Edition, as adopted in Title 24 Part 2.5 of the California Code of Regulations, including Appendices AH, AQ, AR, AS, AU and AX is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

**19.29.020 Title.**

This Code shall be known as the "Berkeley Residential Code" and may be cited as "this Code".

**19.29.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Residential Code (CRC) administrative provisions that may conflict.

For regulations governing wood burning appliances see BMC 19.28.040.

**19.29.040 CRC Subsection R301.2 Climatic and geographic design criteria.**

**TABLE R301.2  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

| GROUND<br>SNOW<br>LOAD <sup>o</sup>                          | WIND DESIGN                 |                                      |                                        |                                               | SEISMIC<br>DESIGN<br>CATEGORY <sup>f</sup> | SUBJECT TO DAMAGE FROM              |                                  |                      |
|--------------------------------------------------------------|-----------------------------|--------------------------------------|----------------------------------------|-----------------------------------------------|--------------------------------------------|-------------------------------------|----------------------------------|----------------------|
|                                                              | Speed <sup>d</sup><br>(mph) | Topographic<br>effects <sup>k</sup>  | Special<br>wind<br>region <sup>l</sup> | Wind-<br>borne<br>debris<br>zone <sup>m</sup> |                                            | Weathering <sup>a</sup>             | Frost line<br>depth <sup>b</sup> | Termite <sup>c</sup> |
| ZERO                                                         | 85                          | NO                                   | NO                                     | NO                                            | D <sub>2</sub> or E                        | NEGLIGIBLE                          | N/A                              | VERY<br>HEAVY        |
| <b>ICE BARRIER<br/>UNDERLAYMENT<br/>REQUIRED<sup>h</sup></b> |                             | <b>FLOOD<br/>HAZARDS<sup>g</sup></b> |                                        | <b>AIR FREEZING<br/>INDEX<sup>i</sup></b>     |                                            | <b>MEAN ANNUAL TEMP<sup>j</sup></b> |                                  |                      |
| NO                                                           |                             | See<br>Footnote 'p'                  |                                        | ZERO                                          |                                            | 57.2°F                              |                                  |                      |

**MANUAL J DESIGN CRITERIA<sup>n</sup>**

|           |                              |                                        |                                               |                                           |                                            |                                |
|-----------|------------------------------|----------------------------------------|-----------------------------------------------|-------------------------------------------|--------------------------------------------|--------------------------------|
| Elevation | Altitude correction factor e | Coincident wet bulb                    | Indoor winter design <u>relative humidity</u> | Indoor winter design dry-bulb temperature | Outdoor winter design dry-bulb temperature | Heating temperature difference |
| 345       | N/A                          | 63                                     | N/A                                           | 70                                        | 40                                         | 30                             |
| Latitude  | Daily range                  | Indoor summer design relative humidity | <u>Summer Design Grains</u>                   | Indoor summer design dry-bulb temperature | Outdoor summer design dry-bulb temperature | Cooling temperature difference |
| 38        | 16                           | 50                                     | -6                                            | 75                                        | 80                                         | 5                              |

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this Code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from Figure R301.2.(1). The grade of masonry units shall be determined from ASTM C34, ASTM C55, ASTM C62, ASTM C73, ASTM C90, ASTM C129, ASTM C145, ASTM C216 or ASTM C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map Figure R301.2(2). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The jurisdiction shall fill in this section of the table to establish the design criteria using Table 10A from ACCA Manual J or established criteria determined by the jurisdiction.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with: the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); and the title and date of the currently effective Flood Insurance Study or other flood hazard study and maps adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”

- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F).”
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F).”
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- l. In accordance with Figure R301.2(2), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with “YES” and identify any specific requirements. Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figures R301.2(3) and R301.2(4).
- p. Flood Hazard Data for the City of Berkeley:
  - Date of Jurisdiction’s Entry into the NFIP: December 7, 1973;
  - Date of adoption of the first code or ordinance for management of flood hazards: Ordinance No. 5085-N.S., July 25, 1978;
  - Date of Flood Insurance study: Aug 3, 2009;
  - Panel numbers and dates of all currently effective maps adopted by the AHJ (Ordinance 7108-NS 9/29/09):
    - FEMA’s “Use of Digital Flood Hazard Data” establishes that paper and digital maps are equivalent. Policy and related information are available from FEMA. The policy implements section 107 of Public Law 108-264, 118 Stat. 724 (2004)
    - Panel 13 (not available in printed form)
    - Panel 14 of 725, Map Number 06001C0014G, August 3, 2009
    - Panel 18 of 725, Map Number 06001C0018G, August 3, 2009
    - Panel 19 of 725, Map Number 06001C0019G, August 3, 2009
    - Panel 38 (not available in printed form)
    - Panel 51 (not available in printed form)
    - Panel 52 of 725, Map Number 06001C0052G, August 3, 2009
    - Panel 53 (not available in printed form)
    - Panel 54 of 725, Map Number 06001C0054G, August 3, 2009
    - Panel 56 of 725, Map Number 06001C0056G, August 3, 2009
    - Panel 57 of 725, Map Number 06001C0057G, August 3, 2009
    - Panel 80 of 725, Map Number 06001C0080G, August 3, 2009

### **19.29.050 CRC Section R337 Materials and Construction Methods for Exterior Wildlife Exposure.**

**Chapter 3** of the 2022 California Residential Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

#### **R337.1 – SCOPE, PURPOSE AND APPLICATION**

**R337.1.1 Scope.** Section R337 and all subsections apply to building materials, systems and/or assemblies used in the exterior design and construction of new buildings and structures, additions, alterations, repairs and re-roofs located within a Wildland-Urban Interface (WUI) area as defined in Section R337.2.

**R337.1.2 Purpose.** The purpose of Section R337 is to establish minimum standards for the protection of life and property by increasing the ability of a building or structure located in any Fire Hazard Severity Zone within State Responsibility Area (SRA) or Local Responsibility Area (LRA) or any building or structure in the Wildland-Urban Interface (WUI) area as specified in Section R337.1.3.1 to resist the intrusion of flame or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

**R337.1.3 Application.** New buildings and structures, additions, alterations, repairs and re-roofs located in any Fire Hazard Severity Zone or any new buildings and structures, additions, alterations, repairs and re-roofs located in Wildland-Urban Interface (WUI) area designated by the enforcing agency constructed after the application date shall comply with the provisions of this section. This shall include all ~~new~~ buildings and structures with residential, commercial, educational, institutional or similar occupancy type use, which shall be referred to in this section as “applicable building” (see definition in Section R337.2), as well as new buildings and structures accessory to those applicable buildings (see Exceptions 1 and 4).

#### **Exceptions:**

1. Group U occupancy accessory buildings or structures of any size located at least 50 feet (15 m) from an applicable building on the same lot.
2. Group U occupancy agricultural building or structure, as defined in Section 202 of the California Building Code, of any size located at least 50 feet (15 m) from an applicable building.
3. Group C occupancy special buildings conforming to the limitations specified in Section 450.4.1 of the California Building Code.
4. New accessory buildings and miscellaneous structures specified in Section R337.10 shall comply only with the requirements of that section.
5. ~~Additions to and remodels of building originally constructed prior to July 1, 2008.~~

**R337.1.3.1 Application date and where required.** New buildings and structures, additions, alterations, repairs and re-roofs for which an application for a building permit is submitted on or after July 1, 2008, located in any Fire Hazard Severity Zone or any buildings and structures, additions, alterations, repairs and re-roofs for which an application for a building permit is submitted on or after July 1, 2008 located in the Wildland-Urban Interface area shall comply with all sections of this chapter, including all the following areas:

- ~~1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:
 
  - ~~1.1. Moderate Fire Hazard Severity Zones.~~
  - ~~1.2. High Fire Hazard Severity Zones.~~
  - ~~1.3. Very High Fire Hazard Severity Zones.~~~~
- ~~2. Land designated as Very High Fire Hazard Severity Zone by cities and other local agencies.~~
- ~~3. Land designated as a Wildland Urban Interface area by cities and other local agencies.~~

**Exceptions:**

- ~~1. New buildings located in any Fire Hazard Severity Zone within a State Responsibility Area, for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.~~
- ~~2. New buildings located in any Fire Hazard Severity Zone within a State Responsibility Area, or any Wildland Urban Interface area designated by cities and other local agencies for which an application for a building permit is submitted on or after December 1, 2005, but prior to July 1, 2008, shall only comply with the following sections of this chapter:
 
  - ~~2.1. Section R337.5 Roofing.~~
  - ~~2.2. Section R337.6 Vents.~~~~

**R337.2 – DEFINITIONS**

For the purposes of this Section R337, certain terms are defined below:

**FIRE ZONE ONE** shall encompass the entire City of Berkeley except for Fire Zones Two and Three.

**FIRE ZONE TWO** encompasses those areas designated as Combined Hillside District in the Official Zoning map of the City of Berkeley and those areas designated as Very High in the official Fire Hazard Severity Zones (FHSZ) map of The Department of Forestry and Fire Protection (CAL FIRE), as they may be amended from time to time. The following properties, not part of the Combined Hillside District, are included in Fire Zone Two under the Very High designation of the FHSZ map: the eastern section of the University of California, Berkeley main campus, block number 2042 (Alameda County Assessor's



parcel numbering (APN) system), to the east city line; all of the Clark-Kerr campus, block number 7690, to the east city line; all of block number 7680 in the City of Berkeley; portions of block number 1702 in the City of Berkeley. See Exhibit A for the specific parcels by APN and address.

**FIRE ZONE 3** encompasses those areas designated as Environmental Safety – Residential Districts on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time.

**LOCAL RESPONSIBILITY AREA (LRA).** Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district. Fire Zones 2 and 3 are designated as Local Responsibility Area.

**WILDLAND-URBAN INTERFACE (WUI)** is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Fire Zones 2 and 3 are designated as Wildland-Urban Interface (WUI) areas.

### **R337.5 – ROOFING**

**R337.5.1 General.** Roofs shall comply with the requirements of Sections R337 and R902. Roof assemblies in Fire Hazard Severity Zones shall be tested in accordance with ASTM E108 or UL790 and meet a Class A fire classification. For additional compliance see Section R902 for Class A roof assemblies. The roof assembly shall be installed in accordance with its listing and the manufacturer’s installation instructions. The entire roof covering shall be replaced of every existing structure where more than 50 percent of the total roof area is replaced within any 5-year period. The entire roof covering of every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A rating fire classification.

Wooden shakes and shingles are prohibited roof coverings regardless of the assembly rating of the roof system.

**R337.5.5 Spark Arrestors.** All chimneys of fireplaces, stoves, barbecues or heating appliances using solid fuel shall be provided with an approved spark arrestor whenever modification has been made to any of these appliances, or whenever a structure is re-roofed. The net free area of the spark arrestor shall be not less than four times the net free area of the outlet of the chimney. The spark arrestor shall have heat and corrosion resistance equivalent to twelve-gauge wire, nineteen-gauge galvanized wire, or twenty-four-gauge stainless steel. Openings shall not permit the passage of spheres having a diameter larger than one-half inch and shall not block the passage of spheres having a diameter of less than three-eighths inch. The arrestor shall be securely attached to the chimney or stovepipe and shall be adequately supported. The use of bands, mollies, masonry anchors or mortar ties are recommended depending upon the individual need.

## **R337.7 – EXTERIOR COVERING**

**R337.7.3.2 Replacement of Exterior Wall Covering.** Materials for replacement of existing exterior wall covering shall meet or exceed the standards set forth in this chapter.

**Exception:** Where less than 50% of any wall surface is being replaced or repaired, and the matching of the new plane to the existing plane on that wall is not possible.

## **R337.11 R337.12 – UNDERGROUND UTILITY CONNECTIONS**

**R337.11.1 R337.12.1 Underground utility connections.** For new construction, provisions shall be made for the undergrounding of all utilities serving the property, including but not limited to electrical, telephone and cable television, by the installation of appropriately sized underground conduits extending from the street property.

## **R337.12 R337.13 – ADDITIONAL REQUIREMENTS IN FIRE ZONE THREE**

**R337.12.1 R337.13.1 General.** In addition to meeting the other requirements of this Chapter, buildings or structures hereinafter erected, constructed, moved, altered, added, or repaired within Fire Zone Three shall comply with the following requirements for buildings and structures.

**R337.12.2 R337.13.2 Fire Warning System.** All residential units shall be equipped with a Fire Warning System as specified by the residential smoke detector requirements of the current edition of the California Building Code and with an audible exterior alarm. The exterior alarm must meet the requirements of NFPA 72 or equivalent and generate 45 decibels ten feet from the alarm, or more.

**R337.12.3 R337.13.3 Automatic fire sprinkler systems.** Automatic fire sprinkler system requirements shall be as set forth in Berkeley Fire Code Section 903.2.24.

**R337.12.4 R337.13.4 Utilities.** Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed underfloor area of a building or structure shall be enclosed with material as required for exterior one hour fire resistive construction. Adequate covered access openings for servicing and ventilation of such facilities shall be provided as required by appropriate codes.

**R337.12.5 R337.13.5 Control of brush or vegetation.** Brush and vegetation shall be controlled as required in the Berkeley Fire Code.

**R337.12.6 R337.13.6 Special Conditions.** The following additional conditions must be met:

1. Public access roads and fire trails. No person(s) shall use any public access road or fire trail for the storage of any construction material, stationary construction equipment, construction office, portable refuse container, or earth from any grading or excavating.

2. Water Service. The water service to the site shall be installed with a ¾” hose bib connection prior to beginning any wood framing. The person responsible for the construction shall have at the site a 75 ft ¾” hose available.

**Exhibit A**  
**Parcels in Addition to the Combined Hillside District**

The following additional parcels by Assessor’s Parcel Number and address are included in Fire Zone Two:

| <b>Parcel Number (APN)</b> | <b>Address</b>           |
|----------------------------|--------------------------|
| 048-7680-001-02            | 3 Tanglewood Road        |
| 048-7680-002-01            | 5 Tanglewood Road        |
| 048-7680-031-00            | 7 Tanglewood Road        |
| 048-7680-019-00            | 11 Tanglewood Road       |
| 048-7680-014-00            | 19 Tanglewood Road       |
| 048-7680-032-01            | 25 Tanglewood Road       |
| 048-7680-027-00            | 29 Tanglewood Road       |
| 054-1702-067-00            | 10 Tanglewood Road       |
| 054-1702-068-00            | 18 Tanglewood Road       |
| 054-1702-069-00            | 22 Tanglewood Road       |
| 054-1702-070-00            | 28 Tanglewood Road       |
| 054-1702-063-00            | 2701 Belrose Avenue      |
| 054-1702-076-00            | 2715 Belrose Avenue      |
| 054-1702-075-00            | 2721 Belrose Avenue      |
| 054-1702-074-00            | 2729 Belrose Avenue      |
| 054-1702-073-00            | 2737 Belrose Avenue      |
| 054-1702-112-00            | 2801 Claremont Boulevard |
| 054-1702-123-01            | 2811 Claremont Boulevard |
| 054-1702-122-00            | 2815 Claremont Boulevard |
| 054-1702-120-01            | 2821 Claremont Boulevard |
| 054-1702-114-01            | 2816 Claremont Avenue    |
| 054-1702-115-00            | 2820 Claremont Avenue    |
| 054-1702-072-00            | 3005 Garber Street       |
| 054-1702-071-00            | 3015 Garber Street       |
| 054-1702-113-00            | 3020 Garber Street       |
| 054-1702-116-00            | 3017 Avalon Avenue       |

**19.29.060 Technical Amendments to Structural Standards**

**Chapter 6** of the 2022 California Residential Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

**Table R602.10.3(3) BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY<sup>i,j</sup>**

Add new footnotes "i" and "j" to the end of Table R602.10.3(3) to read:

i. Methods GB, PBS, HPS and SFB are not permitted in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>.

j. Method DWB are not permitted in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub> where S<sub>1</sub> is greater than or equal to 0.75.

Add a new Subsection R602.10.4.5, to read:

**R602.10.4.5 Limits on methods GB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted, but gypsum board is permitted to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story dwellings and accessory structures.

**Section 3.** That Berkeley Municipal Code Chapter 19.30 is hereby repealed and reenacted to read as follows:

## Chapter 19.30

### BERKELEY ELECTRICAL CODE

#### Sections:

- 19.30.010**            **Adoption of California Electrical Code.**  
**19.30.020**            **Title.**  
**19.30.030**            **Administrative provisions.**

#### **19.30.010 Adoption of California Electrical Code.**

The California Electrical Code, 2022 Edition, as adopted by the California Code of Regulations, Title 24, Part 3 is hereby adopted and made a part of this Chapter as though fully set forth herein subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.30.020 Title.**

This Code shall be known as the "Berkeley Electrical Code" and may be cited as "this Code".

#### **19.30.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any administrative provisions contained in Article 89 General Code Provisions that may conflict.

**Section 4.** That Berkeley Municipal Code Chapter 19.32 is hereby repealed and reenacted to read as follows:

## Chapter 19.32

### BERKELEY MECHANICAL CODE

#### Sections:

|                  |                                                     |
|------------------|-----------------------------------------------------|
| <b>19.32.010</b> | <b>Adoption of the California Mechanical Code.</b>  |
| <b>19.32.020</b> | <b>Title.</b>                                       |
| <b>19.32.030</b> | <b>Administrative provisions.</b>                   |
| <b>19.32.040</b> | <b>Amendments to the California Mechanical Code</b> |

#### **19.32.010 Adoption of the California Mechanical Code.**

The California Mechanical Code with Mid-Cycle Supplement, 2022 Edition, as adopted in Title 24 Part 4 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.32.020 Title.**

This Code shall be known as the "Berkeley Mechanical Code" and may be cited as "this Code".

#### **19.32.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Mechanical Code administrative provisions that may conflict.

#### **19.32.040 Amendments to the California Mechanical Code**

**Chapter 4** of the 2022 California Mechanical Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

**405.4 Kitchen Exhaust.** A mechanical exhaust directly to the outdoors shall be provided in each kitchen. The fan shall run intermittently (on demand) or continuously. A readily accessible manual control designed to be operated as needed or an automatic control shall be provided for intermittent operations.

**405.4.1 Exhaust Rate.** For intermittent-controlled operations, the exhaust rate shall be not less than 100 ft<sup>3</sup>/min (0.047 m<sup>3</sup>/s) for range hoods or 300 ft<sup>3</sup>/min (0.141 m<sup>3</sup>/s) for mechanical exhaust fans including downdraft appliances; and shall be rated for sound at a maximum of 3 sone at greater than or equal to 100 cfm. For continuous operated ventilation, the exhaust rate shall be not less than 5 air changes per hour

based on kitchen volume for enclosed kitchens and shall be rated for sound at a maximum of 1.0 sone.

**Exception:** A vented range hood shall not be required in dwelling unit kitchens equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2.

**Section 5.** That Berkeley Municipal Code Chapter 19.34 is hereby repealed and reenacted to read as follows:

## Chapter 19.34

### BERKELEY PLUMBING CODE

#### Sections:

|                  |                                                  |
|------------------|--------------------------------------------------|
| <b>19.34.010</b> | <b>Adoption of the California Plumbing Code.</b> |
| <b>19.34.020</b> | <b>Title.</b>                                    |
| <b>19.34.030</b> | <b>Administrative provisions.</b>                |
| <b>19.34.040</b> | <b>Gas Shut-Off Valves</b>                       |

#### **19.34.010 Adoption of the California Plumbing Code.**

The California Plumbing Code with Mid-Cycle Supplement, 2022 Edition, as adopted in Title 24 Part 5 of the California Code of Regulations, including Appendices A, B and D, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.34.020 Title.**

This Code shall be known as the "Berkeley Plumbing Code" and may be cited as "this Code."

#### **19.34.030 Administrative Provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Plumbing Code administrative provisions that may conflict.

#### **19.34.040 Gas Shut-Off Valves**

**Chapter 12** of the 2022 California Plumbing Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below.

Retitle and amend Section 1209.0 Excess Flow Valves to read:

## **1209.0 Automatic Gas Shut-Off Valves**

**1209.1 General.** Where automatic excess flow valves are installed, they shall be listed to CSA Z21.93 and shall be sized and installed in accordance with the manufacturer's instructions. [NFPA 54:5.13]

**1209.2 General Requirements for Automatic Gas Shut-Off Valves.** Automatic gas shut-off valves shall:

1. Comply with all applicable requirements of the Berkeley Plumbing Code.
2. Be tested and listed by recognized testing agencies such as the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO) or any other agency approved by the State of California Office of the State Architect (OSA).
3. Be installed on downstream side of the gas utility meter.
4. Be installed in accordance with the manufacturer's instructions.
5. Provide a method for expedient and safe gas shut-off in an emergency.
6. Provide a capability for ease of consumer or owner resetting in a safe manner.

## **1209.3 Definitions**

For the purpose of this Section, terms shall be defined as follows:

**AUTOMATIC GAS SHUT- OFF VALVE** shall mean either a motion activated gas shut-off valve or device or an excess flow gas shut-off valve or device.

**DOWNSTREAM OF GAS UTILITY METER** shall mean all gas piping on the property owner's side of the gas meter and after the service tee.

**MOTION ACTIVATED GAS SHUT OFF VALVE** shall mean an approved gas valve activated by motion. Valves are set to activate in the event of a moderate or strong seismic event greater than 5.0 on the Richter scale.

**UPSTREAM OF GAS UTILITY METER** shall mean all gas piping installed by the utility up to and including the meter and the utility's service tee.

**1209.4 Motion Activated Gas Shut-off Valve, Required.** A listed motion activated gas shut-off valve shall be installed as follows:



**1209.4.1 New Construction.** In any newly constructed building or structure containing fuel gas piping.

**1209.4.2 Existing Buildings with a single meter.** In any existing building or structure containing fuel gas piping served by a single gas meter, when any addition, alteration or repair is made for which a mechanical or plumbing permit is issued.

**1209.4.3 Existing Buildings with separate meters serving individual units or tenant spaces.** In any existing building or structure containing fuel gas piping served by multiple gas meters, when any addition, alteration or repair is made to an individual unit or tenant space for which a mechanical or plumbing permit is issued. The requirement for a motion activated gas shut off valve shall apply to the gas meter serving the individual unit or tenant space and the gas meter serving common area(s).

**Exceptions:**

1. Existing automatic gas shut-off valves installed prior to the effective date of this Section, provided the valves are maintained in operational condition.
2. Automatic gas shut-off valves installed on a gas distribution system owned or operated by a public utility.

**Note:** For the purpose of the requirements of this Section, excess flow valves are not permitted to be installed as a substitute for motion activated gas shut-off valves.

**1209.5 Mounting.** Motion activated seismic gas shut-off valves shall be mounted rigidly to the building or structure containing the fuel gas piping, unless otherwise specified in the manufacturer's installation instructions.

**Section 6.** That Berkeley Municipal Code Chapter 19.36 is hereby repealed and reenacted to read as follows:

**Chapter 19.36**

**BERKELEY ENERGY CODE**

**Sections:**

- |                  |                                                  |
|------------------|--------------------------------------------------|
| <b>19.36.010</b> | <b>Adoption of the California Energy Code.</b>   |
| <b>19.36.020</b> | <b>Title.</b>                                    |
| <b>19.36.030</b> | <b>Administrative provisions.</b>                |
| <b>19.36.040</b> | <b>Amendments to the California Energy Code.</b> |
| <b>19.36.050</b> | <b>CEQA</b>                                      |

**19.36.010 Adoption of the California Energy Code.**

The California Energy Code with Mid-Cycle Supplement, 2022 Edition, as adopted in Title 24 Part 6 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

**19.36.020 Title.**

This Code shall be known as the “Berkeley Energy Code” and may be cited as "this Code”.

**19.36.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Energy Code administrative provisions that may conflict.

**Section 7.** That Berkeley Municipal Code Chapter 19.37 is hereby repealed and reenacted to read as follows:

**Chapter 19.37**

**BERKELEY GREEN CODE**

**Sections:**

- 19.37.010 Adoption of the California Green Building Standards Code with Mid-Cycle Supplement.**
- 19.37.020 Title.**
- 19.37.030 Administrative provisions.**
- 19.37.040 Amendments to the California Green Building Standards Code.**

The California Green Building Standards Code (CALGreen), 2022 Edition with Mid-Cycle Supplement, as adopted in Title 24 Part 11 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

**19.37.020 Title.**

This Code shall be known as the “Berkeley Green Code” and may be cited as "this Code”.

**19.37.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Green Building Standards Code administrative provisions that may conflict.

**19.37.040 Amendments to the California Green Building Standards Code with Mid-Cycle Supplement.**

**Chapter 2 Definitions** of the California Green Building Standards Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

Add new definitions to Section 202:

**NITROGEN OXIDES (NO<sub>x</sub>).** The sum of nitrogen oxide (NO) and nitrogen dioxide (NO<sub>2</sub>) collectively expressed as NO<sub>x</sub>.

**NO<sub>x</sub> EMITTING EQUIPMENT.** Any equipment or appliance primarily used for space heating, space ventilation, water heating, cooking, clothes drying and/or lighting that emits more than 0.0 nanograms of nitrogen oxides expressed as NO<sub>x</sub> per joule of heat and/or light output.

**ZERO NO<sub>x</sub> EMISSION BUILDING.** A building is considered a zero NO<sub>x</sub> emission building if it utilizes only zero NO<sub>x</sub> equipment or appliances to provide space heating, space ventilation, water heating, cooking, clothes drying, and lighting for the life of the building including future alterations and additions.

**ZERO NO<sub>x</sub> EMITTING EQUIPMENT.** Any equipment or appliance that emits no more than 0.0 nanograms of nitrogen oxides (NO<sub>x</sub>) per joule of heat and/or light output. Equipment and appliances primarily used for space heating, space ventilation, water heating, cooking, clothes drying, and lighting.

**Chapter 3 Green Building** of the California Green Building Standards Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

Add a new Subsection 301.1.2 to read:

**301.1.2 Residential waste diversion.** The requirements of Section 4.408 shall be required for:

1. Any additions or alterations, which increase the building's conditioned area, volume or size
2. Any building alterations with a permit valuation over \$100,000
3. Any interior or exterior demolitions valued over \$3,000

Modify Subsection 301.3.2 to read:

**301.3.2 Nonresidential waste diversion.** The requirements of Section 5.408 shall be required for additions and, alterations and demolitions whenever a permit is required for work.

**Chapter 4 Residential Mandatory Measures** of the California Green Buildings Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

Modify Subsection 4.106.4.1 to read:

**4.106.4.1 New one- and two-family dwellings and townhouses with attached or detached private garages, carports, or any other on-site parking.** For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device minimum 40-ampere 208/240-volt dedicated EV branch circuit in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.

**Exception:** A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.

**4.106.4.1.1 Identification.** The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE READY". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE READY".

Modify Subsection 4.106.4.2.2. to read:

**4.106.4.2.2 Multifamily dwellings, hotels and motels.**

**1. EV ready parking spaces with receptacles.**

a. **Hotels and motels.** Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.

b. **Multifamily parking facilities.** Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. EV charging receptacles required by this section shall be located in at least one assigned parking space per dwelling unit where

assigned parking is provided but need not exceed forty (40) percent of the total number of assigned parking spaces provided on the site.

~~Exception: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Chargers spaces are installed elsewhere.

**c. Receptacle power source.** EV charging receptacles in multifamily parking facilities shall be provided with a dedicated branch circuit connected to the dwelling unit's electrical panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency.

~~Exception: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Chargers spaces are installed elsewhere.

**d. Receptacle configurations.** 208/240V EV charging receptacles shall comply with one of the following configurations:

1. For 20-ampere receptacles, NEMA 6-20R
2. For 30-ampere receptacles, NEMA 14-30R
3. For 50-ampere receptacles, NEMA 14-50R

Add a new section 4.106.5 to read:

#### **4.106.5 ZERO NO<sub>x</sub> EMISSION BUILDINGS**

Add a new subsection 4.106.5.1 to read:

**4.106.5.1 Newly Constructed Buildings.** All newly constructed buildings and accessory structures shall be Zero NO<sub>x</sub> Emissions Buildings.

Add a new Subsection 4.405.1 to read:

**4.405.1 Reduction in cement use.** As allowed by the enforcing agency, cement used in concrete mix design shall be reduced not less than 25 percent. Products commonly used to replace cement in concrete mix designs include, but are not limited to:

1. Fly ash

2. Slag
3. Silica fume
4. Rice hull ash

**Exception:** Minimum cement reductions in concrete mix designs approved by the Engineer of Record may be lower where high early strength is needed for concrete products or to meet an accelerated project schedule.

Modify Subsection 4.408.1 to read:

**4.408.1 Construction waste management.** Recycle and/or salvage for reuse 100% of excavated soil and land-clearing debris, 100% of concrete, 100% of asphalt, and a minimum of 65 percent of the other nonhazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance.

**Exceptions:**

1. ~~Excavated soil and land-clearing debris.~~
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

**Chapter 5 Nonresidential Mandatory Measures** of the California Green Buildings Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

Modify Subsection 5.106.5.3.1 to read:

**5.106.5.3.1 EV Capable Spaces.** [N] Twenty (20) percent of the total number of parking spaces shall be EV capable spaces. Calculation for EV capable spaces shall be rounded up to the nearest whole number. shall be provided in accordance with Table 5.106.5.3.1 and The spaces shall comply with the following requirements:

1. Raceways complying with the California Electrical Code and no less than 1-inch (25 mm) diameter shall be provided and shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the EV capable space and into a suitable listed cabinet, box, enclosure or equivalent. A common raceway may be used to serve multiple EV capable spaces.

2. A service panel or subpanel(s) shall be provided with panel space and electrical load capacity for a dedicated 208/240 volt, 40-ampere minimum branch circuit for each EV capable space, with delivery of 30-ampere minimum to an installed EVSE at each EVCS.
3. The electrical system and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each EV capable space.
4. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE."

**Note:** A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by an enforcement agency. See Vehicle Code Section 22511.2 for further details.

Modify Subsection 5.106.5.3.2 to read:

**5.106.5.3.2 Electric vehicle charging stations (EVCS).** Ten (10) percent of the total number of parking spaces shall be EV capable spaces shall be provided with electric vehicle supply equipment (EVSE) to create EVCS in the number indicated in Table 5.106.5.3.1 separate and in addition to the requirements of Section 5.106.5.3.1. Calculation of required EVCS shall be rounded up to the nearest whole number. The EVCS required by Table 5.106.5.3.1 by this section shall be provided with Level 2 EVSE or DCFC as permitted in Section 5.106.5.3.2.1. At least one minimum 6.6 kVA Level 2 EVSE shall be provided.

One EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV capable space is accumulatively supplied to the EV charger.

Delete Table 5.106.5.3.1.

Modify Subsection 5.106.5.3.6 to read:

**5.106.5.3.6 Electric vehicle charging stations (EVCS)—power allocation method.** The power allocation method may be used as an alternative to the requirements in ~~Section 5.106.5.3.1, and Section 5.106.5.3.2 and associated Table 5.106.5.3.1.~~ Use Table 5.106.5.3.6 the product of the factor 0.66 kVA/parking space times the total number of parking spaces to determine the total power in kVA required based on the total number of actual parking spaces for EVSE charging infrastructure.

Power allocation method shall include the following:



- 1) Use any kVA combination of ~~EV-capable spaces~~, low power Level 2, Level 2 or DCFC EVSEs.
- 2) At least one Level 2 EVSE shall be provided.
- 3) Any remainder power allocation kVA from Section 5.106.3.6 Item (1) shall be converted to one additional low power Level 2 EVSE.

Delete Table 5.106.5.3.6.

Add a new section 5.106.13 to read:

### **5.106.13 ZERO NO<sub>x</sub> EMISSION BUILDINGS**

Add a new subsection 5.106.13.1 to read:

**5.106.13.1 New construction. [N] All newly constructed buildings shall be Zero NO<sub>x</sub> Emission Buildings.**

**Exception 1: F1 and F2 Occupancy Classifications as defined by California Building Code Section 306; and H1, H2, H3, H4, and H5 Occupancy Classifications as defined by California Building Code Section 307 for processes other than service water heating, space heating, space ventilation, cooking, clothes drying, and lighting as they relate to human occupancy.**

### **5.405 Material Sources**

Add a new Subsection 5.405.1 to read:

**5.405.1 Reduction in cement use. As allowed by the enforcing agency, cement used in concrete mix design shall be reduced not less than 25 percent. Products commonly used to replace cement in concrete mix designs include, but are not limited to:**

1. Fly ash.
2. Slag.
3. Silica fume.
4. Rice hull ash.

**Exception: Minimum cement reductions in concrete mix designs approved by the Engineer of Record may be lower where high early strength is needed for concrete products or to meet an accelerated project schedule.**

Modify Subsection 5.408.3 to read:

**5.408.3 Concrete, asphalt, excavated soil and land clearing debris.** 100 percent of concrete, asphalt, trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed.

**Exception:** Reuse, either on-or off-site, of vegetation or soil contaminated by disease or pest infestation.

**Notes:**

1. If contamination by disease or pest infestation is suspected, contact the County Agricultural Commissioner and follow its direction for recycling or disposal of the material. ([www.cdfa.ca.gov/exec/county/county\\_contacts.html](http://www.cdfa.ca.gov/exec/county/county_contacts.html))
2. For a map of known pest and/or disease quarantine zones, consult with the California Department of Food and Agriculture. ([www.cdfa.ca.gov](http://www.cdfa.ca.gov))

**Section 8.** Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

\* \* \* \* \*

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

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS, RENDERING REASONABLY NECESSARY ENUMERATED LOCAL BUILDING STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, the City is proposing to adopt various enumerated changes and modifications to the 2022 California Building Standards Code with Mid-Cycle Supplements, California Code of Regulations, Title 24, as set forth below; and

WHEREAS, the Federal Clean Air Act requires the Federal Environmental Protection Agency to establish federal air quality standards to protect public health and public welfare and regulate emissions of hazardous air pollutants; and

WHEREAS, Nitrogen Dioxide and ozone are two of the six criteria pollutants explicitly addressed in the Federal Clean Air Act; and

WHEREAS, Congress has found that air pollution prevention and control are the primary responsibility of state and local governments; and

WHEREAS, pursuant to the California Clean Air Act Law, the California Air Resources Board regulates mobile sources of pollution while local and regional authorities are responsible for controlling air pollution discharged, released, or otherwise produced from other sources; and

WHEREAS, Health & Safety Code § 39002 recognizes local authority to set stricter air quality standards for nonvehicular sources than those set forth by state or federal law or by the California Air Resources Board; and

WHEREAS, much of the Greater Bay Area, including the City, remains a nonattainment area that does not meet federal air quality standards for ozone and other harmful air pollutants established to protect public health; and

WHEREAS, Nitrogen Oxide and Nitrogen Dioxide (collectively NO<sub>x</sub>) emissions from building appliances contribute significantly to the formation of ozone and other harmful air pollutants that are present in the Greater Bay Area at levels that violate federal standards; and

WHEREAS, the Bay Area Air Quality Management District approved rules on June 21, 2023 that outlaw the sale of NO<sub>x</sub>-emitting water heaters and furnaces in 2027 and 2029, respectively, for installation in Bay Area buildings including in the City; and

WHEREAS, preparing structures in the City for the upcoming implementation of the Bay Area Air Quality Management District's rules will promote efficiency and cost savings that will benefit the City's residents as well as protect community health; and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Building Standards Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17958, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of "local climatic, geological, or topographical conditions"; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission; and

WHEREAS, on November 3, 2022, the Berkeley City Council adopted Resolution No. 70,585-N.S. making findings in support of previous local code amendments.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it finds that each of the proposed changes or modifications to the California Building Standards Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

## **A. LOCAL CONDITIONS**

### **1. Climatic Conditions**

#### a. Discussion

The City of Berkeley is located at the geographic center of the Bay Area. The western limits are defined by the Bay at near sea level and the eastern limits by the abruptly rising Berkeley Hills to 1,200 feet. The eastern limit faces open parklands and open space (covered with vegetative fuel loading) to the east and is exposed to a unique danger from wild land fires during periods of hot, dry weather in the summer months. Many of the Berkeley homes in this area have wood shake and shingle roofs and are surrounded by brush type vegetation. The situation is made even worse by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions occur where the temperature is greater than 80°F, the wind speed is greater than 15 mph, fuel moisture is less than or equal to 10.0 percent, wind direction is from north to the east-southeast and the ignition component is 65 or greater. These conditions occur more frequently during the fire season but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high

intensity fires. Fires starting in the wild land areas along the easterly border are likely to move rapidly westward into Berkeley's urban areas.

In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 Berkeley buildings were wholly destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.

In December of 1980, during critical climatic fire conditions, a small fire started at Berkeley's northeast limits and within minutes five homes were totally destroyed by fire.

On October 20, 1991, a disastrous firestorm swept down from the Oakland hills. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed, of which more than 70 were in Berkeley. This fire matched the pattern established by the fires of 1923 and 1980. Additionally, the conditions that led to it were the same as the conditions that led to a 1970 fire that destroyed 70 homes in Oakland.

Berkeley frequently experiences cold winter days with accompanying temperature inversions which trap wood smoke near the ground and increase air pollution. These stagnant air days are marked by increased acute respiratory disease, including asthma, and a small but consistent increase in deaths from heart and lung disease. During these periods the usual onshore flow of clean marine air ceases and wood smoke air pollution becomes an area-wide phenomena. Studies by the Bay Area Air Quality Management District suggest that between 20 and 50% of air polluting small particles come from residential wood burning.

In addition, local surface winds frequently transport moisture laden air from the surface of the Bay waters into the City. Larger scale prevailing weather patterns and winds created by the jet stream from the west also transport highly humid air and storms across the Pacific Ocean through the strait between the San Francisco peninsula and the Marin Headlands straddled by Golden Gate Bridge and into the City. The moderating effect of the Bay waters on local temperatures tends to reduce local temperature extremes, even during periods of high inland temperatures. The combination of moist air from adjacent waters and the associated mild temperatures means that it is common for local weather conditions to hover near the dew point. This can result in the formation of fog associated with local and regional marine weather layers, which commonly cover the City for hours or even days at a time with an average morning relative humidity of 82 percent.

Much of Northern California is considered to possess a predominantly Mediterranean climate. At times Berkeley does experience periods of high temperature and/or low humidity particularly between mid-July and mid-October, when the danger of hillside fires is greatest. Throughout the rest of the year, the marine weather environment is characterized by higher humidity and lower overall prevailing temperatures, resulting in a

higher overall moisture content in building construction materials and slower drying of building materials and assemblies once wet or humidified.

Scientific evidence has established that combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change. Human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water, drought conditions, increase in vegetative fuel, and length of fire seasons. Alameda County, in which Berkeley is located, has significant levels of some greenhouse gases like ozone, which is also an air pollutant that impacts public health<sup>1</sup>. Ozone is formed when NO<sub>x</sub> and VOCs chemically react in the sun. As a coastal city located on the San Francisco Bay, Berkeley is experiencing the repercussions of climate change due excessive greenhouse gas emissions. Rising sea levels have caused significant coastal erosion and have increased impacts to infrastructure during extreme tides.

Scientific evidence also suggests storms are growing with higher intensity due to climate change and will be followed by an increased frequency of dry periods. By 2100, average temperatures in the San Francisco Bay Area are expected to increase up to 11°, bringing 6-10 additional heat waves to Berkeley each year. According to historical records, Bay Area sea level has risen 8 inches over the last century and the pace of sea level rise has increased since 2011. While regional variability exists, the median increase for the San Francisco Bay is expected to reach almost 1 ft by 2050<sup>2</sup> under a low risk model, while 2.7 ft is projected under an extreme risk scenario. Such climate change events are expected to increase the risk of flooding in low-lying areas of Berkeley, while hillside communities face increased risk of wildfires.

#### b. Summary

Local climatic conditions of periods of limited rainfall, high temperature and/or low humidity particularly between mid-July and mid-October, and high winds along with existing building construction create periodic extremely hazardous fire conditions that adversely affect the acceleration intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Throughout the rest of the year, the marine weather environment is characterized by higher humidity and lower overall prevailing temperatures, resulting in a higher overall moisture content in building construction

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<sup>1</sup> [California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants | Green Book | US EPA](#)

<sup>2</sup> Griggs, G., Cayan, D., Tebaldi, C., Fricker, H., & Árvai, J. (2017). Rising Seas in California. California Ocean Science Trust, (April), 71. Retrieved from <http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>

materials and slower drying of building materials and assemblies once wet or humidified. Berkeley is susceptible to the impacts of climate change, including sea level rise, increased average temperatures, and reduced air quality.

## **2. Geological Conditions**

### a. Discussion

The City of Berkeley is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many residential areas and passes through a small business district and the University of California. A large number of underground utilities cross the fault, including major water supply and natural gas lines. Intensified damage during an earthquake may be expected in liquefaction zones along the Bay west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides.

The waterfront areas and areas in the Berkeley flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. The Eastshore Freeway may liquefy and fail under heavy shaking or it may be inundated by a tsunami. The north hill area is most susceptible to landslides because of the presence of soft and unconsolidated sediments, extensive water content in the ground and the steepness of slopes.

Great potential damage can be related to the likely collapse of freeway overpasses. In the event of a major earthquake, Berkeley's firefighting capability could be significantly affected by loss of its main water supply. There is also the strong possibility of inundation due to failure of water reservoirs in the hill area. Summit Reservoir at the Kensington border in Berkeley and Berryman Reservoir North have recently been replaced by steel tanks. Berryman Reservoir South has received a seismic upgrade. Additional potential situations following an earthquake include broken natural gas mains and ensuing fire in the streets, building fires, as the result of broken service connections, the need for rescues for collapsed structures, and the rendering of first aid and other medical attention to a large number of people.

### b. Summary

Local geological conditions include high seismic activity and large concentrations of residential type buildings as well as a major freeway. Since the City of Berkeley is located in a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit property damage as a result of a



seismic activity and to establish criteria for repair of damaged properties following a local emergency.

### **3. Topographical Conditions**

#### **a. Discussion**

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill areas with narrow and winding streets may face the problem of isolation from the rest of the City.

In the areas north and south of the University of California, there are large concentrations of apartments, rooming houses, and fraternity and sorority houses. A number of apartments in these areas are of wood frame construction and are up to five stories in height from grade level. The fire potential is moderately high due to building congestion, heights, and wood shingle roof coverings and siding. Fires can be expected to involve large groups of buildings in these areas. It is noted that Berkeley most probably has more physically impaired people per capita than any other community in the United States. It is estimated that 14% of the approximate population of 124,321 per the 2021 Census in Berkeley are physically impaired. Emergency egress and rescue for these people are more difficult during a fire or other life safety emergency.

The Eastshore Freeway, running along the western edge of Berkeley, is one of the most heavily used and congested freeway sections in the state. Noted impacts have included increased rates of asthma, particularly among children. The proximity of Berkeley to this freeway and its location downwind from prevailing patterns negatively affects air quality, thus increasing the impact of wood smoke in Berkeley.

Part of the Pacific Coast Range, the Berkeley Hills, define the eastern boundary of the City and form a natural obstruction to the movement of humidified, cooler air out of the San Francisco Bay basin and the City of Berkeley into the dryer adjacent inland valleys and the interior of the State. Although these hills do not form an absolute air barrier, they do play a significant role in the creation of local microclimates. This effect is evidenced by the disparity in temperatures and relative humidity commonly experienced during periods of warm weather between communities adjacent to the San Francisco Bay / Pacific Ocean and communities in the Bay Area inland valleys only a few miles inland.

The City of Berkeley is part of a densely populated metropolitan area with limited space for landfills. It is important to preserve the limited landfill space for materials which cannot be diverted and to keep land-clearing debris out of landfills, where decomposition of such organic material would result in methane.

#### **b. Summary**

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a total lack of resources for the suppression of fire in buildings and structures in the City of Berkeley. In addition, under these local conditions, the presence of wood smoke can cause increased disease, including asthma, and increased deaths from heart and lung disease. The built environment also provides little space for landfills.

## **B. REASONABLE NECESSITY**

The proposed changes and modifications to the California Building Standards Code are reasonably necessary due to the local conditions set forth above because they reduce the risks to life, public safety, health, welfare and property which result from the City's changing climate and location astride an active earthquake fault. They are further justified for the reasons set forth below.

In adopting the California Building Standards Code as the Berkeley Building Codes, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Building Standards Code. These are:

- (1) Building standards relating to increased fire resistance in Fire Zones 2 and 3 (Berkeley Building Code Chapter 19.28 Article 2, Berkeley Residential Code Chapter 19.29 Section 19.29.050);
- (2) Standards to reduce the health risk caused by wood smoke under the climatic conditions of Berkeley (Berkeley Building Code Chapter 19.28 Article 3);
- (3) Building standards for retrofit of certain existing building types with seismic weaknesses (Berkeley Building Code Chapter 19.28 Article 5);
- (4) Standards for repair of existing buildings (Berkeley Building Code Chapter 19.28, Article 6);
- (5) Provisions requiring retrofitting of unreinforced masonry buildings (Berkeley Building Code Chapter 19.28 Article 6 and Berkeley Municipal Code Chapter 19.38);
- (6) Provisions requiring retrofitting of soft, weak, or open front buildings (Berkeley Building Code Chapter 19.28 Article 6 and Berkeley Municipal Code Chapter 19.39);
- (7) Various technical amendments to structural standards (Berkeley Building Code Chapter 19.28 Article 7, Berkeley Residential Code Chapter 19.29 Section 19.29.060);

- (8) Building standards for construction of exterior elevated elements (E3) to resist moisture intrusion (Berkeley Building Code Chapter 19.28 Article 8);
- (9) Building standards for emergency housing during the declaration of a shelter crisis (Berkeley Building Code Chapter 19.28 Article 9);
- (10) Provisions requiring range hood ventilation with sound ratings in residential dwelling units (Berkeley Mechanical Code Chapter 19.32 Section 19.32.040);
- (11) Provisions requiring installation of motion activated gas shut-off valves (Berkeley Plumbing Code Chapter 19.34 Section 19.34.040);
- (12) Provisions increasing and expanding the applicability of construction and demolition waste diversion requirements (Berkeley Green Code Chapter 19.37 Section 19.37.040);
- (13) Provisions to reduce the cement content in construction concrete mix designs (Berkeley Green Code Chapter 19.37 Section 19.37.040); and
- (14) Provisions for increasing electric vehicle charging requirements in new low-rise residential, multifamily, and nonresidential buildings supporting lower vehicle miles travelled (VMT) from internal combustion engine (ICE) vehicles. (Berkeley Green Code Chapter 19.37 Section 19.37.040).
- (15) Provisions for Zero NO<sub>x</sub> Emission Buildings to reduce indoor air pollution. (Berkeley Green Code Chapter 19.37 Section 19.37.040).

These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

- Construction in the fire zones, modifications made by Chapter 19.28 Article 2, and Chapter 19.29 Section 19.29.050 reduce the risk to life and property created by wildfires in the hillside areas of the City.
- The air pollution modifications made by Chapter 19.28 Article 3 Section 19.28.040, and Chapter 19.32 Section 19.32.040 reduce the risk to public safety created by air pollution throughout the City.
- The structural modifications made by Chapter 19.28 Article 5, Article 6, Article 7, Chapter 19.29 Section 19.29.060, Chapter 19.32 Section 19.32.40, Chapter 19.34 Section 19.34.040, Chapters 19.38 and 19.39 reduce the risk to life and property and hasten recovery from predictable future natural disasters.
- The E3 modifications made by Chapter 19.28, Article 8, reduce the risk to life and property resulting from the effect of the City's climate and topography on exterior building construction features and materials.
- The waste diversion modifications made by Chapter 19.37 Section 19.37.040 improve public health, safety and welfare by preserving the limited landfill space for materials which cannot be diverted resulting from the effect of local topography with limited space for landfills, and mitigating the impacts of climate change.

- The cement reduction modifications made by Chapter 19.37 Section 19.37.040 support the City's decarbonization efforts by reducing the embodied emissions associated with the production of concrete, thus mitigating the impacts of climate change.
- The EV infrastructure modifications made by Chapter 19.37 Section 19.37.040 support the City's decarbonization efforts by increasing electric vehicle charging infrastructure in both low-rise residential, multifamily, and nonresidential buildings, thus mitigating the impacts of climate change.
- The provisions for Zero NO<sub>x</sub> Emission Buildings made by Chapter 19.37 Section 19.37.040 will reduce known adverse human health impacts related to exposure to binary compounds of nitrogen and oxygen and will do so by guaranteeing all replacement building stock contain Zero NO<sub>x</sub> appliances and mechanically ventilated kitchens.
- The provisions for Zero NO<sub>x</sub> Zero Emission Buildings made by Chapter 19.37 will have the effect of reducing the emission of ozone, a greenhouse gas that contributes to climate change, because NO<sub>x</sub> reacts in sunlight with other volatile organic compounds to create ozone, a powerful GHG with a Global Warming Potential (GWP) of 520.

BE IT FURTHER RESOLVED that certain local amendments to the Codes are not more stringent than the provisions of the California Codes but rather cover matters not addressed by those Codes or are administrative in nature and do not modify building standards pursuant to Health & Safety Code §17958, §17958.5 and §17958.7. These amendments establish administrative regulations for the effective enforcement of building standards throughout the City of Berkeley as follows:

Chapter 19.28, Article 1 (Administrative provisions and definitions) and Article 4 (Construction in the Right of Way), and Administrative amendments to Chapter 19.29 (California Residential Code), and to Chapter 19.37 (California Green Building Standards Code), which are local amendments to the California Codes affecting administration provisions only.

BE IT FURTHER RESOLVED that this Resolution shall go into effect on July 1, 2024.

BE IT FURTHER RESOLVED that Resolution No. 70,585-N.S. is hereby rescinded effective July 1, 2024.



Agenda and Rules Committee

ACTION CALENDAR  
May 7, 2024

To: Members of the City Council  
From: Agenda and Rules Committee  
Subject: Council Referral - Proposed Changes to Public Comment

RECOMMENDATION

Refer to the City Manager to review and implement recommendations by the Open Government Commission to improve public access, transparency, meeting procedures and public comment at City Council and commission meetings.

Direct the City Manager to return back to Council with amendments to the City Council Rules of Procedure and Order to implement these recommendations.

POLICY COMMITTEE RECOMMENDATION

On March 4, 2024, the Agenda and Rules Committee adopted the following action:

M/S/C (Arreguin/Hahn) that the Agenda and Rules Committee makes a Qualified Positive Recommendation on the Open Government Commission’s proposal “Proposed Changes to Public Comment” with the following amendments/comments:

**A. For immediate implementation:**

**1. Continue to allow the public to participate remotely via videoconference.**

*Comment: Approve as recommended by OGC*

**2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.**

*Comment: Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other board and commission meetings, and post recordings to the city webpage. In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.*

**3. Limit councilmember initial comments on consent and action items to 5 minutes/person and enforce this rule.**

*Comment: Approve as recommended by OGC but also apply to consent calendar items*

**4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.**

*Comment: Approve as recommended by OGC*

**5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add "If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action."**

*Comment: Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.*

**6. Acknowledge and verbally summarize comments received via email.**

*Comment: Reject*

**7. Use Berkeley Considers more frequently, especially for controversial issues.**

*Comment: Approve as recommended by OGC*

**8. Endeavor to inform attendees of approximate time for high interest items, e.g. "Item 32 will not be heard before 9:30."**

*Comment: Approve as recommended by OGC*

**9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.**

*Comment: Approve as recommended by OGC*

**10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.**

*Comment: Reject*

**11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three or more councilmembers. ~~by the Council~~. Action items may be reordered at the discretion of the Chair ~~with the consent of the Council~~.**

*Comment: Approve as recommended by OGC*

**B. For further consideration and/or research:**

**1. Schedule more meetings with fewer items on the agenda at each meeting**

*Comment: Endeavor to schedule multiple meetings with fewer items as recommended by OGC.*

**2. Schedule separate meetings for items that are controversial or attract especially high public interest.**

*Comment: Endeavor to schedule separate meetings for items that are controversial or attract especially high public interest*

**3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes .**

*Comment: Endeavor to meet this standard as needed*

**4. Limit to 20 minutes any City department reports included within a regular meeting.**

*Comment: Take no action*

**5. Have Special Meetings on a different day from Regular Meetings.**

**OR**

**Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.**

*Comment: For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.*

**6. Strongly urge that supplemental materials be submitted earlier.**

*Comment: Refer to Agenda and Rules Committee for further discussion*

**7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.**

*Comment: Reject*

**8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.**

*Comment: Take no action*

**9. Provide virtual access to Board and Commission meetings which are now held in person.**

*Comment: Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.*

*Additional Hahn recommendation:*

*To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar.*



*Limit Council comment on Consent Calendar to Consent items.*

*Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.*

Vote: All Ayes.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CURRENT SITUATION AND ITS EFFECTS

At the March 14, 2023 City Council meeting, the Council passed a resolution to allow two periods of public comment on Action Items and voted to “Refer the suggestions regarding improvements to the meeting process to the Agenda & Rules Committee and the Open Government Commission for consideration.” The OGC reviewed the recording of this meeting, comments sent in prior to the meeting, and comments submitted by email or in person at Commission meetings and adopted the following recommendations at its September 21, 2023 meeting.

**Action:** M/S/C (Blome/O'Donnell) Motion to approve report to City Council with non-substantive edits

**Vote:** Ayes: O'Donnell, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.

The Agenda and Rules Committee referred the OGC item for further committee review. At its February 26, 2024 meeting, the Committee received a presentation from representatives of the OGC and engaged in a robust discussion with them on their recommendations. The Mayor prepared a motion reflecting committee comments and the Committee passed a Qualified Positive Recommendation on March 4, 2024 to recommend most of the OGC proposals with some modifications.

#### BACKGROUND

The City Council asked the Open Government Commission (OGC) to explore improvements to the way City Council meetings offer opportunities for public comment. The OGC agrees with the resolution passed by City Council on March 14, 2023 that added an opportunity for public comment at the start of the Action Calendar and also maintained the opportunity to comment at the time each Action Item is discussed as this allows the public to hear comments, questions, and proposed changes from City

Councilmembers before making public comment. In addition to this change, the OGC and Agenda and Rules Committee proposes the following:

**A. For immediate implementation:**

| OGC Suggested Change                                                                                                                                                                                   | Agenda Committee Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Intended Result                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Continue to allow the public to participate remotely via videoconference.                                                                                                                           | <i>Approve as recommended by OGC</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Removes barriers to participation, especially for those with disabilities.                                                                                                                                                                                                                                                                                      |
| 2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.                    | <i>Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other board and commission meetings, and post recordings to the city webpage. In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.</i> | People joining remotely can better understand what is being said.                                                                                                                                                                                                                                                                                               |
| 3. Limit councilmember <b>initial</b> comments on action items to 5 minutes/person and enforce this rule.                                                                                              | <i>Approve as recommended by OGC but also apply to consent calendar items</i>                                                                                                                                                                                                                                                                                                                                                                                                                           | Bring practice more into alignment with City Council Rules of Procedure, Sec. V, Procedural Matters, Sub. G, Debate Limited, limits debate on any item to 20 minutes.                                                                                                                                                                                           |
| 4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar. | <i>Approve as recommended by OGC</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Bring practice into alignment with City Council Rules of Procedure, Sec. IV, Conduct of Meeting, Sub. B, Consent Calendar, "It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for |

|                                                                                                                                                                                                                                                                                     |                                                                                                                                                                        |                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                     |                                                                                                                                                                        | discussion of consent calendar items can be minimized.”                                                                                                                                                                                         |
| 5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add “If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.” | <i>Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.</i> | An item that is not going to pass does not fit the plain English definition of “consent.” Such items properly belong in the Action calendar where members of the public may advocate for them and where Councilmembers may discuss their views. |
| 6. Acknowledge and verbally summarize comments received via email.                                                                                                                                                                                                                  | <i>Reject</i>                                                                                                                                                          |                                                                                                                                                                                                                                                 |
| 7. Use Berkeley Considers more frequently, especially for controversial issues.                                                                                                                                                                                                     | <i>Approve as recommended by OGC</i>                                                                                                                                   | Provides transparency in gauging public opinion.                                                                                                                                                                                                |
| 8. Endeavor to inform attendees of approximate time for high interest items, e.g. “Item 32 will not be heard before 9:30.”                                                                                                                                                          | <i>Approve as recommended by OGC</i>                                                                                                                                   | Members of the public can determine when to join, stay, or leave in person or via zoom.                                                                                                                                                         |
| 9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.                                                                                                                                                 | <i>Approve as recommended by OGC</i>                                                                                                                                   | Members of the public can determine whether to stay or leave in person or via zoom.                                                                                                                                                             |
| 10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.                                                                                                                                                   | <i>Reject</i>                                                                                                                                                          |                                                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                                                                                 |                                             |                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <p>11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three councilmembers. by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.</p> | <p><i>Approve as recommended by OGC</i></p> | <p>Reflect and formalize current practice. Allows councilmembers to respond to public requests for further consideration of an item.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

**B. For further consideration and/or research:**

| <b>Suggested Change</b>                                                                                                        | <b>Agenda Committee Recommendation</b>                                                                                                                                                                                                                                                       | <b>Intended Result</b>                                                              |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <p>1. Schedule more meetings with fewer items on the agenda at each meeting</p>                                                | <p><i>Endeavor to schedule multiple meetings with fewer items as recommended by OGC.</i></p>                                                                                                                                                                                                 | <p>Members of the public would wait less long to speak on an item.</p>              |
| <p>2. Schedule separate meetings for items that are controversial or attract especially high public interest.</p>              | <p><i>Endeavor to schedule separate meetings for items that are controversial or attract especially high public interest</i></p>                                                                                                                                                             | <p>Avoid running overtime or having to continue long items.</p>                     |
| <p>3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes.</p> | <p><i>Endeavor to meet this standard as needed</i></p>                                                                                                                                                                                                                                       | <p>Agenda items at these meetings would be at a prescribed time.</p>                |
| <p>4. Limit to 20 minutes any City department reports included within a regular meeting.</p>                                   | <p><i>Take no action</i></p>                                                                                                                                                                                                                                                                 |                                                                                     |
| <p>5. Have Special Meetings on a different day from Regular Meetings.<br/>OR</p>                                               | <p><i>For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.</i></p> | <p>Regular Meetings can start on time and end earlier.</p>                          |
| <p>Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.</p>              |                                                                                                                                                                                                                                                                                              |                                                                                     |
| <p>6. Strongly urge that supplemental materials be submitted earlier.</p>                                                      | <p><i>Refer to Agenda and Rules Committee for further discussion</i></p>                                                                                                                                                                                                                     | <p>Allows councilmembers and the public to review materials before the meeting.</p> |

|                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.                                                                            | <i>Reject</i>                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                         |
| 8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed. | <i>Take no action</i>                                                                                                                                                                                                                                                                                                                                                                                                      | Improve access for members of the public to meetings they were unable to attend. Improves access for persons with hearing disabilities and allows keyword searching of meeting content. |
| 9. Provide virtual access to Board and Commission meetings which are now held in person.                                                                                               | <i>Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.</i>                                                                                                                                                                                                                                                                  | Improve public access to these meetings.                                                                                                                                                |
| Additional Hahn Recommendation:                                                                                                                                                        | <p><i>To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar. Limit Council comment on Consent Calendar to Consent items.</i></p> <p><i>Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.</i></p> |                                                                                                                                                                                         |

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The two main problems these recommendations aim to address are 1) that meetings run long, often ending late at night; and 2) long wait times make it difficult for members of the public to comment on issues being discussed, especially when substantive changes are proposed at the last minute.

The OGC plans to continue monitoring the situation to evaluate whether these changes produce the desired outcome of shorter meetings and shorter wait times for the public to speak.

The Agenda and Rules Committee is also currently engaged work around redesigning the City Council’s legislative process. This will include further review of Council meeting rules and procedures which may result in additional recommendations for Council action.

CONTACT PERSON

Jesse Arreguin, Mayor (510) 981-7100



Environment and Climate Commission

INFORMATION CALENDAR  
May 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Environment and Climate Commission (ECC)  
 Submitted by: Cecilia Lunaparra, Chair, ECC  
 Subject: Environment and Climate Commission 2024 Work Plan

INTRODUCTION

The Environment and Climate Commission (ECC) is responsible for advising the City Council on matters related to environmental sustainability and climate change. ECC’s scope includes work to advance the goals of: advancing green buildings and resource efficiency; decarbonizing buildings and transportation; engaging and educating the community; addressing the impacts and welfare of all species, including animals, insects, and plants; reducing greenhouse gas emissions; reducing toxics and preventing pollution; and supporting environmental justice. The ECC works closely with the City of Berkeley’s Office of Energy & Sustainable Development (OESD).

CURRENT SITUATION AND ITS EFFECTS

The ECC has a broad scope and a responsibility to support and work closely with OESD staff. The ECC created subcommittees to work on the following projects:

| Project                                                                          | Status       | Description                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Transportation Public Space Re-allocation & Vehicle Miles Traveled (VMT) Targets | In Committee | Re-allocate public street space away from autocentric uses towards pedestrians, bicyclists, and buses, even more than currently envisioned in Berkeley’s Climate Action Plans, bike and pedestrian master plans, etc. Begin by evaluating the city of Berkeley’s existing transportation plans to determine to what degree they achieve the VMT necessary to meet climate goals. |
| Native Plants                                                                    | In Committee | Identify opportunities and strategies to support native plants.                                                                                                                                                                                                                                                                                                                  |
| Electrification Equity and Access                                                | In Committee | Identify opportunities for access to e-mobility and electric vehicle charging infrastructure, electric home appliances, distributed energy resources, and microgrids by renters, others in multifamily housing, and those Berkeley residents who have historically been left behind in the clean energy transition. Explore funding                                              |

|                                                                 |              |                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                 |              | opportunities for those populations.                                                                                                                                                                                                                                                                                                                        |
| Water Conservation, Recycling, and Reuse; Stormwater Management | In Committee | Explore how existing policies and initiatives around water conservation, recycling and reuse, and stormwater management, including the City's Hazard Mitigation Plan, are evolving to address sustainability goals, adaptation and resilience for a future of larger storms, longer droughts, and seawater rise. Coordinate with work of other commissions. |
| OESD Input & Support                                            | Ongoing      | Support OESD staff with feedback on programs, standards, and other initiatives, including the Building Emissions Saving Ordinance (BESO), the Berkeley Existing Buildings Electrification Strategy (BEBES), the Climate Equity Fund, Just Transition, Climate Action planning, etc.                                                                         |

At the February 28, 2024 meeting the ECC approved the work plan to send to the City Council as follows: Motion/second to approve the 2024 Workplan with the addition of Electrification Equity and Access content (Lunaparra, Tregub). The motion carried 10-0-0; Ayes: Tregub, Ranney, LaBonte, McGuire, Tahara, Allen, Guliasi, Lunaparra, Athanasiou, Syed. Noes: None. Abstain: None. Absent: None.

**BACKGROUND**

First established in 2022, the ECC was formed by merging the Community Environmental Advisory Commission and the Energy Commission. ECC commissioners bring a wide range of expertise, with backgrounds in government, academia, nonprofit, and private sector environmental work, and include youth perspectives. These backgrounds inform the ECC's work and help it to consider diverse and equitable approaches to addressing the City's environmental challenges.

This work plan is intended to provide a guide to the work the ECC plans to take on in 2024. As additional items or issues arise, or are referred to the Commission from Council, the ECC will adjust this plan accordingly.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The ECC's initiatives will improve environmental sustainability, reduce greenhouse gas emissions, and support a just transition.



POSSIBLE FUTURE ACTION

ECC is considering the following potential additional efforts:

| <b>Project</b>                                  | <b>Status</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Green New Deal policies                         | Conceptual    | Develop and support Green New Deal policies for Berkeley.                                                                                                                                                                                                                                                                                         |
| Electrification Information Campaign            | Conceptual    | Make it easier for homeowners and renters who are interested in electrification (building + vehicle) to get information and get excited. Give people positive feelings about induction and electrification. Create checklist / resources / what you might do / should think about for people who are not doing major remodel or buying home, etc. |
| Expanded OESD Support – events; Resiliency Hubs | Conceptual    | Provide additional support at public events where OESD is staffing tables or otherwise engaging with the public. Support OESD with resiliency centers.                                                                                                                                                                                            |

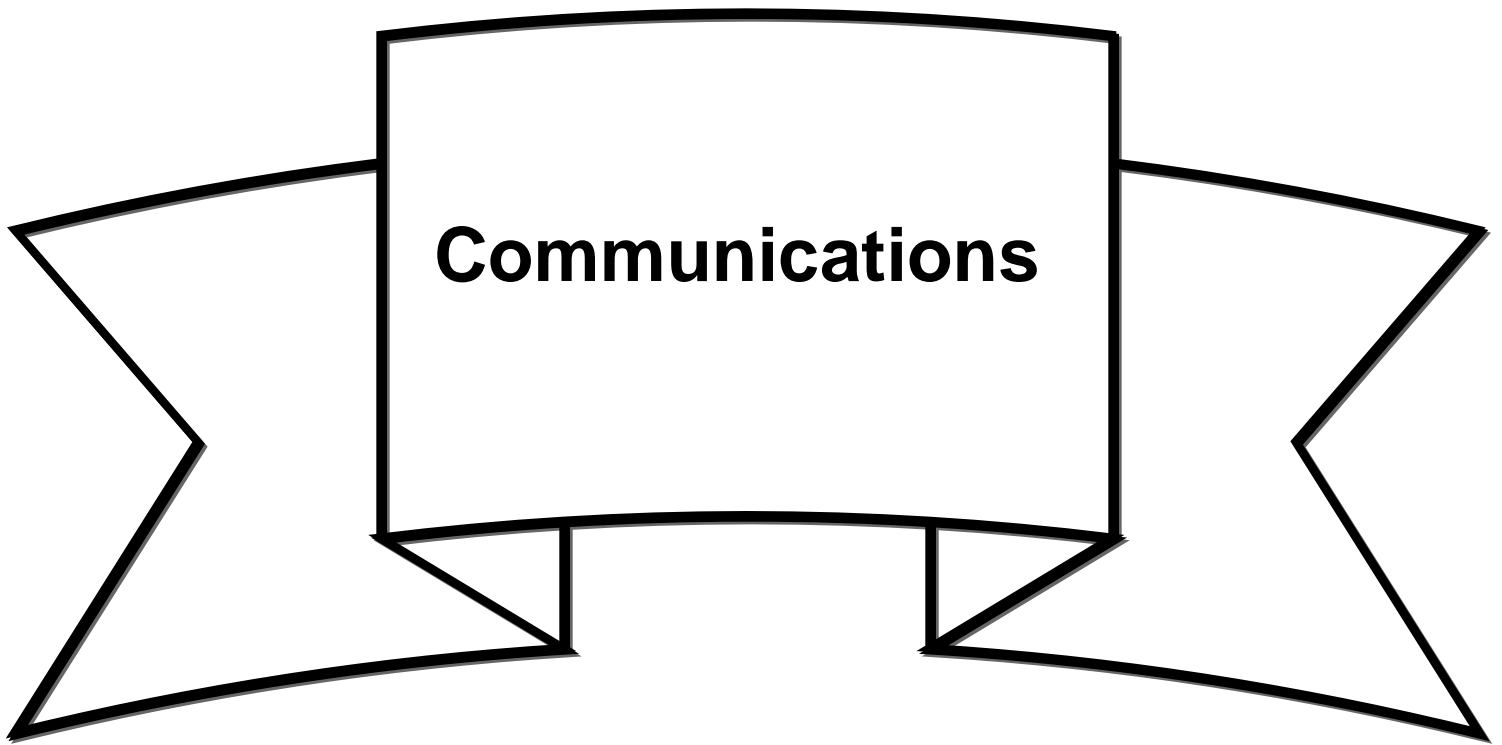
FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Future action items that the ECC may send to City Council could require staff time to develop, finalize, and/or implement. The ECC strives to ensure proposals provide significant net triple bottom line benefits to the City when evaluating total costs and benefits across environmental, social, and economic impacts.

CONTACT PERSON

Sarah Moore, Secretary, Environment and Climate Commission, [smoore@berkeleyca.gov](mailto:smoore@berkeleyca.gov)





All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF