

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, May 11, 2021

6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84138848278>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 841 3884 8278. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

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

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:

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. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

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

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

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

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

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

Consent Calendar

- 1. Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment** *(Reviewed by the Public Safety Policy Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,760-N.S. adding Chapter 2.100 to the Berkeley Municipal Code to Regulate Police Acquisition and Use of Controlled Equipment.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 2. Amendment: FY 2021 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2021 Annual Appropriations Ordinance No. 7,748-N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments in the amount of \$76,221,382 (gross) and \$51,227,368 (net).
Financial Implications: See report
Contact: Rama Murty, Budget Office, (510) 981-7000
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 11, 2021**
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 - \$1,800,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. Contract: The Wright Institute for Mental Health Counseling for Older Adults**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to enter into an expenditure contract and any amendments or extensions thereto with The Wright Institute for the term July 1, 2021 to June 30, 2022 with two additional one (1)-year renewal options, for an expenditure not to exceed \$300,000 to fund the cost of providing mental health counseling services to older adults in the Berkeley community.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Consent Calendar

5. Contract No. 110062 Amendment: Pacific Site Management for Landscaping Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 110062 with Pacific Site Management for landscaping services adding \$146,304 for a total not to exceed amount of \$355,822 ending June 30, 2022.

Financial Implications: Various Funds - \$146,304

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

6. Contract No. 32000240 Amendment: Berkeley Unified School District for Mental Health MHSA-Funded Programs

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2021 in an amount not to exceed \$637,778. This amendment will add one year to the contract term and \$245,000 in funding.

Financial Implications: Mental Health Services Act Fund - \$245,000

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

7. Contract No. 32000236 Amendment: GoGoGrandparent Technologies for Provision of Transportation Services for Seniors and the Disabled

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000236 with GoGoGrandparent Technologies to add \$55,000 to the original amount for a total not to exceed amount of \$90,000 for the period of July 1, 2021 through June 30, 2022 for the provision of a 24/7 call center to arrange rides with Uber and Lyft for customers of Aging Services Division's Berkeley Rides for Seniors & the Disabled program.

Financial Implications: Measure BB Direct Local Distribution Fund - \$55,000

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

Consent Calendar

8. 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 four revenue agreements:

1. Foster Care Program in the projected amount of \$93,187 for FY 2022.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2022.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2022.
4. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2022.

Financial Implications: See report

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

9. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2021 to March 30, 2022.

Financial Implications: See report

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

10. Salary: Accountant II Internal Alignment

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 68,626 N.S. Classification and Salary Resolution for Service Employees International Union Local 1021 Community Services and Part-Time Recreation Leaders Association, to increase the salary range for Accountant II, 6.8%, to an hourly salary range of \$45.6375 - \$54.1916 effective March 30, 2021.

Financial Implications: See report.

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Consent Calendar

- 11. Contract: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM) services, increasing the previously authorized contract amount by \$209,980 for a revised not to exceed amount of \$614,980, and a term from May 14, 2021 to June 30, 2024.
Financial Implications: Various Funds - \$209,980
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 12. Mills Act Contract – 1 Orchard Lane**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Gregory LeBlanc for the City Landmark property at 1 Orchard Lane.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 13. Mills Act Contract – 1581 Le Roy Avenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Samuli Seppälä for the City Landmark property at 1581 Le Roy Avenue.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 14. Amending the 1956 Maintenance Agreement with Caltrans and Transfer of Property for I-80 Gilman Interchange Project**
From: City Manager
Recommendation: Adopt two resolutions authorizing the City Manager to:
1. Negotiate and execute an amendment to the 1956 Freeway Maintenance Agreement between City of Berkeley and Caltrans to include planned new I-80/Gilman Interchange facilities; and
2. Transfer two portions of the City’s right of way on Gilman Street to Caltrans under Section 83 of Streets and Highway Code.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

- 15. Support of AB 550 – Speed Safety Cameras**
From: Mayor Arreguin (Author), Councilmember Droste (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB 550 (Chiu), which would establish guidelines to pilot speed safety programs on dangerous local streets and active state or local work zones, and requesting that Berkeley be included as one of the pilot cities in the bill. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 16. Support of AB 43 – Safe Streets and Work Zones Act of 2021**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB 43 (Friedman), which gives local jurisdictions more flexibility in reducing speed limits on streets with a high rate of injuries and fatalities. Send a copy of the Resolution to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 17. Support of AB 629 - Seamless and Resilient Transit Act**
From: Mayor Arreguin (Author), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB 629 (Chiu), which would require the Metropolitan Transportation Commission to designate transit priority corridors to support fast and reliable transit service and to create a pilot of a multi-operator transit fare pass. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.
Financial Implications: None.
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 18. Amending COVID-19 Emergency Response Ordinance Relating to Commercial Leases**
From: Mayor Arreguin (Author)
Recommendation: Adopt an urgency ordinance amending Berkeley Municipal Code Section 13.110.050 (COVID-19 Emergency Response Ordinance) to exempt from the provisions of the ordinance commercial leases where the lease term has expired and the City has issued a permit for the demolition or substantial alternation of the commercial unit.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 19. Commit to C40 Race to Zero Campaign**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution committing the City of Berkeley to the C40 Race to Zero Campaign.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 20. Proclaiming May 2021 as Mental Health Month**
From: Councilmember Taplin (Author), Mental Health Commission
Recommendation: Adopt a Resolution proclaiming May 2021 as Mental Health Month in the City of Berkeley.
Financial Implications: None.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120; Jamie Works-Wright, Commission Secretary, (510) 981-5400
- 21. Resolution in Support of Green New Deal for Cities Act of 2021**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution in support of the Green New Deal for Cities, Counties, States, Tribes, and Territories by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY), cosponsored by California's 13th Congressional District Rep. Barbara Lee (D-CA), representing Berkeley.
Financial Implications: None.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 22. Budget Referral: Traffic Calming of West Berkeley Pedestrian and Cyclist Crossings**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the budget process the funding of traffic calming improvements as follows: Rectangular Rapid Flashing Beacons: Ashby Way and California Street; Sacramento Street and Channing Way; Cedar Street and Ninth Street; Sixth Street and Channing Way. Pedestrian Hybrid Beacons: Sacramento Street and Russell Street; Channing Way and San Pablo Avenue.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 23. Support for Roadmap Home 2030 Plan**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution affirming the importance of a multifaceted approach to addressing the housing crisis by endorsing the Roadmap Home 2030 plan and sending a letter to state lawmakers urging them to adopt the recommendations of the plan.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

- 24. Resolution in support of AB 1289, Smart Climate Agriculture Program and AB 558, California School Plant-based Food and Beverage Program**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a resolution in support of Assembly Bill 1289, Smart Climate Agriculture Program and Assembly Bill 558, California Plant-based Food and Beverage Program.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 25. Support for SB-15**
From: Councilmember Wengraf (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter of support for SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites, to Senators Portantino and Skinner, Assemblymember Wicks and Governor Newsom. SB 15 would incentivize affordable housing creation by providing grants to local governments who rezone idle retail sites to allow for affordable housing development.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 26. Support for Senator Warren's Student Loan Debt Relief Act (S.2235)**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the Council to adopt a resolution in support of Senator Elizabeth Warren's Student Loan Debt Relief Act, which would cancel student loan debt to promote economic growth and reduce wealth gaps.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 27. Support for AB 1238 and AB 122**
From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Droste (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Send letters to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the bills' authors in support of AB 1238 and AB 122, which would repeal jaywalking laws and allow bicyclists to treat stop signs as yield signs.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

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

Action Calendar

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

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

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

28. **Published Charges: Mental Health Clinical Services**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2021. Published Charges are effective July 1, 2020.

Financial Implications: See report

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

Action Calendar – New Business

29. **Audit Report: Data Analysis of the City of Berkeley's Police Response**

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by November 16, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

Financial Implications: None

Contact: Jenny Wong, Auditor, (510) 981-6750

Information Reports

30. **Berkeley Energy Commission Work Plan for 2021-2022**

From: Energy Commission

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Information Reports

31. Streets Audit Report Wins National Recognition

From: Auditor

Contact: Jenny Wong, Auditor, (510) 981-6750

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.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

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



Captioning services are provided at the meeting, on B-TV, and on the Internet.

~~~~~  
***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 29, 2021.***



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 through [Records Online](#).*

### **Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval**

1. Disaster and Fire Safety Commission

### **Budget and Policy Meeting**

2. Maria Yates (2)

### **Alta Bates Closure**

3. Mary Behm-Steinberg

### **Street Closure Request**

4. Teal Major

### **Police Funding**

5. Madeleine Surh

### **Hopkins Street Parking**

6. Councilmember Hahn

### **Understaffing of the Mobile Crisis Unit**

7. Mental Health Commission

### **Arts Funding Budget**

8. Lise Quintana
9. Carol Lashof

### **Parking Tickets**

10. Dawn Howard

### **Civilians Making Traffic Stops**

11. Stephen Williams

### **New Political Party**

12. Christopher Johnson

### **Hiring Freeze – Politicians Using My Ideas**

13. Christopher Johnson

### **Oppose FAA Route Change**

14. Verona Fonte
15. Ardys D.

### **Facebook Money is Taking Over Our State**

16. Margot Smith

### **Support for Legislative Aides**

17. Igor Tregub

### **Linkedin Account Hacked**

18. Chimey Lee

### **Black Lives Matter**

19. Thing4762@

### **War Weapons**

20. George Killingsworth

### **Agenda and Rules Committee**

21. Chimey Lee

22. Thomas Lord

### **Tenant Opportunity Purchase Act (TOPA)**

23. Human Welfare and Community Action Commission

24. Todd Darling

25. Anna Iglitzin

26. Gen Fujioka

27. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

28. Alex Bush

29. Kathleen Crandall

30. Alison Hamaji

31. Kira Findling

32. Giancarlo Tucci-Berube

33. Merrie Sennett

34. S. Omowale Fowles

35. Adam Krause

36. Glen Bell

37. 7 similarly-worded form letters

### **Supplemental Communications and Reports**

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

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

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

ORDINANCE NO. 7,760-N.S.

ADDING A NEW CHAPTER 2.100 TO THE BERKELEY MUNICIPAL CODE  
REGULATING POLICE ACQUISITION AND USE OF CONTROLLED EQUIPMENT

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

Section 1. The Berkeley Municipal Code Chapter 2.100 is amended to read as follows:

**Chapter 2.100**  
**POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE**

**Sections:**

**2.100.010 Name of Ordinance**

**2.100.020 Definitions**

**2.100.030 Controlled Equipment Use Policy Requirement**

**2.100.040 Acquisition and Use of Controlled Equipment**

**2.100.050 Reports on the Use of Controlled Equipment**

**2.100.060 Enforcement**

**2.100.070 Transparency**

**2.100.080 Whistleblower Protections**

**2.100.090 Severability**

**2.100.010 Name of Ordinance**

(A) This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

**2.100.020 Definitions**

(A) "Controlled Equipment" is equipment that is militaristic in nature and includes, but is not limited to, all of the following:

(1) Vehicles that are built or modified to provide ballistic protection to their occupants, such as mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers.

(a) Police versions of standard passenger vehicles are specifically excluded from this section.

(2) Multi-purpose wheeled vehicles that are: built to operate both on-road and off- road, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck; or built or modified to use a breaching or entry apparatus as an attachment.

(a) Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this section.

(3) Tracked vehicles that are built or modified to provide ballistic protection to their

occupants and utilize a tracked system instead of wheels for forward motion.

(4) Aircraft, vessels, or vehicles of any kind, whether manned or unmanned, with attached or mounted weapons.

(5) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, and equipment that is ballistic, such as a slug, or equipment that is explosive in nature. Items designed to remove a lock, such as bolt cutters, small gauge frangible rounds, or a handheld ram, are excluded from this policy.

(6) Firearms of .50 caliber or greater.

(7) Ammunition of .50 caliber or greater.

(8) Specialized firearms, including the Colt M4, and associated ammunition of less than .50 caliber, as defined in Sections 30510 and 30515 of the California Penal Code.

(9) Projectile launch platforms and their associated munitions, such as 40mm projectile launchers, "bean bag," rubber bullet, or specialty impact munition (SIM) weapons, and equipment used to disperse chemical agents.

(10) Any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.

(11) Explosives, pyrotechnics, such as "flashbang" grenades, and chemical weapons such as "teargas," CS gas, pepper spray, and "pepperballs".

(12) Batons 30 inches or longer in length.

(13) Active area denial weapons, such as the Taser Shockwave, microwave weapons, and water cannons and the Long Range Acoustic Device (LRAD). Use of the LRAD for the purpose of communicating life saving information to residents during disasters, in evacuation exercises, to conduct search and rescue operations, or communicate to persons threatening suicide who are in an inaccessible location shall be exempt from the reporting requirements under Section 2.100.050 of this Chapter.

(14) Any other equipment as determined by a majority of the City Council to require additional oversight.

(B) "City" means any department, agency, bureau, and/or subordinate division of the City of Berkeley.

(C) "Controlled Equipment Impact Statement" means a publicly released, written document that includes, at a minimum, all of the following:



(1) Description: A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.

(2) Purpose: The specific purpose or purposes that each type of Controlled Equipment is intended to achieve.

(3) Fiscal Cost: The fiscal cost of each type of Controlled Equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.

(4) Impact: An assessment specifically identifying any potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public.

(5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.

(6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Controlled Equipment is proposed to be used, and rationale for selection over alternative methods.

(7) Third Party Dependence: Whether use or maintenance of the Controlled Equipment will require the engagement of third party service providers.

(D) Except as provided below, "Deployed" means to utilize or employ Controlled Equipment for a deliberate purpose in the presence of members of the public during management or control of crowds, during any Special Response Team deployment or to affect some response from members of the public during any other operation or critical response. "Deployed" shall not mean an officer merely wearing a piece of Controlled Equipment on their belt or elsewhere on their person.

(1) Batons 30 inches or longer in length shall only be deemed "deployed" when used for management or control of crowds.

(E) "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person requires the use of unapproved Controlled Equipment.

(F) "Police Accountability Board" means the body established by Charter Article XVIII. The Police Review Commission, established by Ordinance No. 4,644-N.S., as amended, shall serve any and all functions and duties set forth by this chapter before and until they are transferred to the Police Accountability Board pursuant to Charter Article XVIII.

**2.100.030 Controlled Equipment Use Policy Requirement**

Controlled Equipment requires a publicly available use policy that identifies the purpose, any prohibited uses, training requirements, and any process required prior to use.

**2.100.040 Acquisition and Use of Controlled Equipment.**

**(A) Restrictions Prior to Submission and Approval**

(1) The Police Department shall not engage in any of the following activities regarding a piece of Controlled Equipment before the Berkeley Police Accountability Board (“Police Accountability Board”), or any successive agency, reviews and recommends, and the City Council approves, a Controlled Equipment Impact Report and a Controlled Equipment Use Policy for that equipment in compliance with this section.

(a) Requesting the transfer of Controlled Equipment pursuant to Section 2576a of Title 10 of the United States Code.

(b) Seeking funds for Controlled Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring Controlled Equipment either permanently or temporarily, including by borrowing or leasing.

(d) Using any new Controlled Equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to this Ordinance.

(e) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Controlled Equipment.

**(B) Submission to Police Accountability Board**

(1) At least 15 days prior to any public meeting to consider the adoption of any Controlled Equipment Use Policy or Controlled Equipment Impact Report, the Use Policy and Impact report shall be published for public review.

(2) The final Controlled Equipment Impact Report and Controlled Equipment Use Policy shall be made publicly available on the Department’s website for as long as the Controlled Equipment is available for use.

(3) The Police Accountability Board shall consider Controlled Equipment Impact Reports and Controlled Equipment Use Policies as an agenda item for review at an open session of a meeting.

**(C) Criteria for Police Accountability Board Recommendations**

(1) The Police Accountability Board shall recommend approval of a request to fund, acquire, or use Controlled Equipment pursuant to this chapter only if it determines all of the following:

(a) The Controlled Equipment is needed and there is no practicably available alternative equipment which is not Controlled Equipment that is sufficient for the purposes.

(b) The proposed Controlled Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(c) The Controlled Equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.

(2) If the submitted Controlled Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, the Police Accountability Board's recommendation for approval for the funding, acquisition, or use of the Controlled Equipment shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need for the Police Department to take proactive steps to minimize those effects.

#### (D) Temporary Use in Exigent Circumstances

(1) Notwithstanding the provisions of this Chapter, the Police Department may borrow and/or temporarily use Controlled Equipment in Exigent Circumstances without following the requirements in Section 2.100.040. However, if the Department does so, it must take all of the following actions:

(a) Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law;

(b) If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed Controlled Equipment Impact Report and Controlled Equipment Use Policy, as applicable, to the City Council within 90 days following the borrowing, acquisition or temporary use, and receive approval, as applicable, from the City Council pursuant to Section 2.100.040; and

(c) Include the Controlled Equipment in the Department's next annual Controlled Equipment Report.

#### (E) Police Accountability Board Review Required Before City Council Consideration of Approval.

(1) The Police Accountability Board shall recommend that the City Council adopt, modify, or reject the proposed Controlled Equipment Use Policy, and notify the Police Department

of its recommendations.

(2) The Police Accountability Board shall present its recommendations to City Council.

(3) Failure by the Police Accountability Board to make its recommendation on a proposal within ninety (90) days, or thirty (30) days in instances where the proposal is subject to a time-sensitive grant application, of submission shall enable City Staff to proceed to the City Council for approval of the proposal.

(F) Police Accountability Board Review of Prior Recommendations

(1) The Police Accountability Board shall determine, as part of its annual Work Plan, whether to include the review of any Controlled Equipment use policy in the coming year.

(2) A Police Accountability Board recommendation to City Council that a prior approval be revoked shall be presented to Council. If City Council does not act on such a recommendation within four (4) City Council meetings from when the item is first scheduled, the Police Department shall cease its use of the Controlled Equipment.

(G) Review Process for Previously-Acquired Equipment

(1) The Police Department shall have one year from the date of passage of this Ordinance to submit Controlled Equipment Use Policies and Controlled Equipment Impact Statements for approval if the Department wishes to continue the use of Controlled Equipment acquired prior to the passage of this Ordinance. If the Department fails to do so, it must cease use of such equipment.

(2) To ensure that the review of previously-acquired Controlled Equipment is appropriately prioritized, the Police Department shall provide a prioritized ranking of such Controlled Equipment, and the Police Accountability Board shall consider this ranking in determining the order in which to perform its review.

(H) City Council Approval Process

(1) After the Police Accountability Board review requirements have been met, the Police Department shall schedule for City Council consideration the proposed Controlled Equipment Impact Report and proposed Controlled Equipment Use Policy, and include Police Accountability Board recommendations, at least fifteen (15) days prior to a public meeting.

(2) If the City Council does not approve such item within four (4) regular City Council meetings from when the item is first scheduled, the Police Department shall cease its use of the Controlled Equipment until such review and approval occurs.

**2.100.050 Reports on the Use of Controlled Equipment.**

(A) Annual Report on Controlled Equipment

(1) The Police Department shall submit a report on Controlled Equipment to the Police Accountability Board within one year of approval, and annually thereafter for as long as the Controlled Equipment is available for use. The report shall be provided no later than March 15<sup>th</sup> of each year, unless the Police Accountability Board advises the Department that an alternate date is preferred. The Department shall also make each annual report publicly available on its website for as long as the Controlled Equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:

(a) Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.

(b) A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.

(c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.

(d) A summary of any complaints or concerns received concerning Controlled Equipment.

(e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

(B) Compliance or Revocation of Approval

(1) Within 60 days of the Police Department submitting an annual report, the Police Accountability Board shall place the report as an agenda item for an open session of a regular meeting. The Police Accountability Board shall determine, based on the report, whether each piece of Controlled Equipment reported on has complied with the standards for approval set forth in Section 2.100.040.

(2) If the Police Accountability Board determines that any Controlled Equipment has not complied with the standards for approval set forth in Section 2.100.040, it shall either recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations shall be forwarded to City Council in accordance with the approval process in Section 2.100.040.

(3) After review by the Police Accountability Board, the Police Department shall submit the annual report to City Council, indicating its approval or lack of compliance for each piece of Controlled Equipment.

**2.100.060 Enforcement.**

(A) Remedies for Violations of this Ordinance

This Chapter does not provide a private right of action upon any person or entity to seek injunctive relief against the City or any employee unless that person or entity has first provided written notice to the City Manager by serving the City Clerk, regarding the specific alleged violations of this Chapter. If a specific alleged violation is not remedied within 90 days of that written notice, a person or entity may seek injunctive relief in a court of competent jurisdiction. If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous manner on the City's website that describes, to the extent permissible by law, the corrective measures taken to address the violation. If it is shown that the violation is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the prevailing complainant in an action for relief may collect from the City reasonable attorney's fees in an amount not to exceed \$15,000 if they are personally obligated to pay such fees.

**2.100.070 Transparency**

(A) Disclosure Requirements

(1) It shall be unlawful for the City to enter into any Controlled Equipment-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

(2) To the extent permitted by law, the City shall publicly disclose all of its Controlled Equipment-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

**2.100.080 Whistleblower Protections.**

All provisions of Berkeley's Protection of Whistleblowers Workplace Policy, as promulgated by the City Manager on November 2, 2016, and including any updates or replacements thereto, shall apply.

**2.100.090 Severability**

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

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be

filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on April 27, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.







Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Rama Murty, Acting Budget Manager  
 Subject: Amendment: FY 2021 Annual Appropriations Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending the FY 2021 Annual Appropriations Ordinance No. 7,748–N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments in the amount of \$76,221,382 (gross) and \$51,227,368 (net).

FISCAL IMPACTS OF RECOMMENDATION

On June 30, 2020 the City Council adopted the FY 2021 Budget, authorizing gross appropriations of \$533,318,519 and net appropriations of \$447,702,457 (net of dual appropriations).

This First Amendment to the FY 2021 Annual Appropriations Ordinance approved by Council on February 9, 2021 increased the gross appropriations to \$731,208,988 and net appropriations to \$633,546,920 and represents the re-authorization of funding previously committed in FY 2020 and some new expenditures including new grant fund appropriations<sup>1</sup>

This Second Amendment to the FY 2021 Annual Appropriations Ordinance totals \$76,221,382 (gross) and \$51,227,368 (net) and increases gross appropriations to \$807,430,370 and net appropriations to \$685,240,507. The changes in this report are primarily unencumbered carryover and adjustments to continue and start capital projects and other City initiatives.

BACKGROUND

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2021. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants,

---

<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/02\\_Feb/Documents/2021-02-09\\_Item\\_01\\_Ordinance\\_7748.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/02_Feb/Documents/2021-02-09_Item_01_Ordinance_7748.aspx)

revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs, and transfers in accordance with Council's fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council. This report addresses re-appropriating FY 2020 spending authority to FY 2021 of available cash for commitments entered into in prior years and is the second amendment to the FY 2021 AAO.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover is recommended.

The proposed changes, presented in their entirety in Exhibit A, are summarized as follows:

|                                | Recommended Carryover | Recommended Adjustments | Total                |
|--------------------------------|-----------------------|-------------------------|----------------------|
| General Fund (011)             | \$ 100,588            | \$ 12,964,511           | \$ 13,065,099        |
| Capital Improvement Fund (501) | \$ 811,940            | \$ 1,885                | \$ 813,825           |
| All Other Funds                | \$ 440,556            | \$ 61,901,902           | \$ 62,342,458        |
| <b>Total</b>                   | <b>\$ 1,353,084</b>   | <b>\$ 74,868,298</b>    | <b>\$ 76,221,382</b> |

Below is a summary of the FY 2020 Unencumbered Carryover and the FY 2021 Adjustments for the City's General Fund and Other Funds.

### ***General Fund***

The General Fund includes recommended carryover requests of \$100,588 and recommended adjustments of \$12,964,511 for the following items:

#### *Recommended Carryover*

- \$51,888 for the African American Holistic Resource Center project.
- \$48,700 to continue work on the traffic calming project at Dwight and California. Original appropriation of \$400,000 was an approved council budget referral in November 2018.

#### *Recommended Adjustments*

- \$306,853 in the City Clerk's Office to pay for the full costs related to the November 2020 General Election.
- \$25,000 in the City Manager's Office to provide grants to enable businesses to transition to outdoor commerce.

- ❑ \$248,406 in the Fire Department for Ground Emergency Medical Transport Quality Assurance Fee for emergency medical transport services (\$150,000) and repay overpayment to the Ground Emergency Management Transportation program (\$98,406).
- ❑ \$49,582 in Health, Housing & Community Services for Measure P Funds for Youth Sprit Artworks Tiny Homes Case Management (\$39,000) and for Berkeley Gardening Collaborative (\$10,582).
- ❑ \$12,235,127 in Non-Departmental for the following items:
  - \$1,501,032 pursuant to adopted General Fund Policy, allocate \$825,568 to Stability Reserve and \$675,464 to Catastrophic Reserves.
  - \$10,017,583 to transfer FY 2020 U1 Fund Balance from General Fund to new Measure U1 Fund.
  - \$716,512 transfer to the Public Liability Fund to pay for increased costs for outside counsel, court costs, and claims and judgment payments approved by Council.
- ❑ \$99,543 to supplement the North Berkeley Senior Center Seismic Retrofit project.

With the exception of the grants to businesses to transition to outdoor commerce, the Measure P allocations, transfers to the Stability Reserves and Catastrophic Reserves, and the transfer of the FY 2020 U1 Fund Balance, all the other items totaling approximately \$1.5 million that are listed above are being funded from the projected additional General Fund Revenues (estimated at \$9 million) that the City is anticipating to receive in FY 2021. The information about the additional revenues was presented to the City Council in the FY 2021 Mid-Year Report<sup>2</sup>

### **Other Funds**

Other City funds (including capital improvement project funds) total recommended carryover of \$1,252,496 and recommended adjustments of \$61,889,763 includes the following allocations:

#### *Recommended Carryover*

- ❑ \$46,070 in in State Transportation Tax fund for Public Works FY 2021 Street Rehab project.
- ❑ \$69,162 in the Tobacco Control fund for Health, Housing & Community Services to continue the program with grant funding.
- ❑ \$233,059 in the Mental Health Services Act fund to pay for various 2020 Vision contracts.
- ❑ \$92,265 in the Bio-Terrorism Grant fund for Public Health Cities Readiness Initiative project and Public Health Emergency Preparedness project.
- ❑ \$811,940 in the Capital Improvement fund for Parks, Recreation & Waterfront (\$22,979) and Public Works for deferred building repairs (\$762,076) and Woolsey and Eton traffic circle (\$26,885).

<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-16\\_WS\\_Item\\_02b\\_FY\\_2021\\_Mid-Year\\_Budget\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-16_WS_Item_02b_FY_2021_Mid-Year_Budget_Update_pdf.aspx)

*Recommended Adjustments*

- \$3,063,568 in Measure U1 fund for various Health, Housing & Community Services items:
  - \$652,500 for a contract with Bay Area Community Land Trust for 1638 Stuart/Small Sites pre-development.
  - \$1,620,640 for a loan for 2321-2323 10th St. (Northern California Land Trust).
  - \$269,655 for the Resources for Community Development (2001 Ashby) contract amendment.
  - \$150,000 for BUSD Planning/predevelopment grant for teacher/workforce housing.
  - \$370,773 for the 2012 Berkeley Way development project.
- \$17,150 in Library Tax fund for the East Bay Community Energy (ECBE) Renewable 100 plan.
- \$84,246 in Library - Transaction Based Reimbursement fund to transfer fund balance to Library Tax Fund and close out the Transaction Based Reimbursement Fund.
- \$53,411 in Library Grants fund to reflect the deadline extension to FY 2020 awards granted by the California State Library due to COVID-19 service disruptions.
- \$40,000 in Fund Raising Activities fund for holiday gifts and motel placement for homeless individuals displaced by fire and complete existing contract with Berkeley Food Network.
- \$32,550 in Gilman Sports Field for field supplies and utility bills.
- \$2,573 in Animal Shelter fund to spend remaining Maddies grant fund on medical equipment for animals at the Shelter.
- \$6,130,754 in Affordable Housing Mitigation fund for Housing Trust Fund projects.
- \$888,498 in Inclusionary Housing Program fund for Housing Trust Fund projects.
- \$222,444 in Condo Conversion Program fund for continuation of the Condo Conversion program.
- \$596,000 in Playground Camp fund for the Cazadero Camp Landslide project.
- \$900,000 in State - Prop 172 Public Safety fund for overtime offset and to add funds for cellular, Serological Research Institute (SERI) contract amendment, and BMI contract amendment for BPD legacy data conversion contract.
- \$83,000 in Measure B – Paratransit fund for a new contract with Easy Does It Emergency Services.
- \$3,076,187 in Parks Tax fund for various parks capital projects (Live Oak Community Center, King School Park Playground Areas, John Hinkel Amphitheater, Ohlone Park Improvement, Rose Garden, and Grove Park Phase 2).
- \$522,993 in Mental Health State Aid Realignment fund for Mental Health Building repairs and invoices for miscellaneous services.
- \$600,000 in Citizens Option Public Safety Trust fund to cost shift overtime cost.

- ❑ \$50,000 in Alameda County Abandoned Vehicle Abatement fund for Environmental Health Vehicle Abatement program for vehicle replacement and DECADE software maintenance.
- ❑ \$1,293,584 in Operating Grants – State fund for Permanent Local Housing Allocation Grant funds from California Department of Housing and Community Development.
- ❑ \$52,000 in Capital Grants – Local fund for grant funding received from Alameda CTC COVID-19 Rapid Response Bicycle and Pedestrian Grant Program for the Healthy Streets project.
- ❑ \$210,000 in OTS DUI Enforcement Educ. Program fund for the 2021 "Selective Traffic Enforcement Program (STEP)" and "Traffic Records Improvement Project (TRIP)" grants.
- ❑ \$5,840,486 in ESGP fund for continuing COVID-19 work using this grant fund.
- ❑ \$234,080 in Health (General) fund for various Health, Housing & Community Services programs (Immunization COVID-19 grant, CDHP Lead Prevention Program grant, FY 2021 WIC grant, and Oral Health grant).
- ❑ \$7,906 in Target Case Management Linkages fund for the final reconciliation (FY 2017 Audit) of Federal financial participation for the TCM Program.
- ❑ \$1,192,753 in Mental Health Services Act fund for Berkeley Food & Housing Project Contract, motel vouchers for individuals, University Avenue office space rent through end of the fiscal year, and for various invoices.
- ❑ \$555,060 in Health (Short/Doyle) for Berkeley Food & Housing Project, motel vouchers for individuals, various contracts, medical supplies and other supplies, University Avenue office space rent, establish an intern trainee program, and Mental Health Specialized Care Unit contract.
- ❑ \$85,000 in C.F.P. Title X fund for family planning grant amount to match allocation
- ❑ \$1,063 in Family Care Support Program for family caregiver grant amount to match allocation.
- ❑ \$8,728 in CA Integrated Waste Management for the Used Oil Program.
- ❑ \$1,091,931 in Housing Mitigation fund for Housing Trust Fund projects.
- ❑ \$373,097 in Community Action Program fund for Cares Act Funds for low income residents.
- ❑ \$2,902,948 in One-Time Grant: No Cap Expenditures fund for various projects and programs in the Fire Department, Health, Housing & Community Services, Parks, Recreation & Waterfront, Police Department, and Public Works.
- ❑ \$184,886 in State Department Conserve/Recycling fund for a Zero Waste program (Beverage Container grant).
- ❑ \$532,152 in Shelter+Care HUD fund to revise grant budget to match approved allocation amount.
- ❑ \$285,631 in Shelter+Care County fund for the increased Shelter+Care grant funding from Alameda County starting March 1, 2021.
- ❑ -\$23,773 in Bio-Terrorism Grant fund to appropriate grant fund to adjust and align with the approved budget.

- ❑ \$54,803 in UASI Regional Fund to appropriate grant fund for UASI 2020 Grant award.
- ❑ \$1,885 in CIP fund for remaining RCD contract and Satellite Affordable Housing contract.
- ❑ \$50,000 in FUNDS\$ Replacement fund for contract amendment with Telfords, Inc.
- ❑ \$6,785,870 in Measure T1 fund for loan repayments, Public Arts project, and ten Parks, Recreation, and Waterfront and Public Works capital projects.
- ❑ \$13,303,545 in Measure O fund for 1740 San Pablo Avenue project (\$7,500,000), 2527 San Pablo Avenue project (\$5,500,000), and Berkeley Way Observer housing project (\$303,545).
- ❑ \$42,000 in Marina – Dept of Boating & Waterway fund for the DBW 2020 SAVE grant.
- ❑ \$3,872,245 in Marina fund for various maintenance and supplies cost as well as multiple capital projects. Some of the capital projects are the O & K Dock Electrical project, University Ave, Marina, Spinnaker St project, Waterfront Bike Lockers, and FY 2021 Finger Dock replacement.
- ❑ \$619,130 in Sanitary Sewer Operations fund for additional vehicle replace and new purchase cost for the sewer program.
- ❑ \$75,000 in Permit Service Center fund for peer review of Bayer's community benefits proposal and housing element work.
- ❑ \$5,191,891 in Equipment Replacement fund for unfunded essential vehicle purchases, vehicle replacements, and FY 2021 Fire Truck lease payment (principal & interest).
- ❑ \$716,512 in Public Liability fund for the funds transferred in from the General Fund for increased costs for outside counsel, court costs, and claims and judgment payments approved by Council.

This report has been discussed with the Budget & Finance Policy Committee at their May 6, 2021 meeting.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

#### RATIONALE FOR RECOMMENDATION

The recommendation allows the City to amend the current FY 2021 Revised Budget, re-appropriating funds from FY 2020 to FY 2021 for contractual commitments that need to be paid. It revises the budget to reflect approved carryover requests and adjustments in both discretionary and non-discretionary funds.

Staff has conducted a detailed analysis of the individual carryover requests submitted by departments and is presenting carryover recommendations for projects that are either currently under contract, represent council priorities, and/or are considered critical.

CONTACT PERSON

Rama Murty, Acting Budget Manager, City Manager's Office, 981-7000

Maricar Dupaya, Senior Management Analyst, City Manager's Office, 981-7000

Michelle Rosete, Associate Management Analyst, City Manager's Office, 981-7000

Attachments:

1: Ordinance

Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund

2: FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,748–N.S. FOR FISCAL YEAR 2021

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2021 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

|                                                |                    |
|------------------------------------------------|--------------------|
| A. General Fund (Funds 001-099)                | 256,699,070        |
| B. Special Funds ( Funds 100-199)              | 156,408,059        |
| C. Grant Funds (Funds 300-399)                 | 64,565,434         |
| D. Capital Projects Funds (Funds 500-550)      | 91,468,847         |
| E. Debt Service Fund (Funds 551-599)           | 9,777,705          |
| F. Enterprise Funds (Funds 600-669)            | 153,774,845        |
| G. Internal Service Funds (Funds 146, 670-699) | 60,099,350         |
| H. Successor Agency (Funds 760-769)            | 57,120             |
| I. Agency Funds (Funds 771-799)                | 8,357,381          |
| J. Other Funds (Funds 800-899)                 | 6,222,560          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 256,699,070        |
| Add: Total Other Than General Fund             | 550,731,301        |
| <b>Gross Revenue Appropriated</b>              | <b>807,430,370</b> |
| Less: Dual Appropriations                      | -62,090,513        |
| Less: Revolving/Internal Service Funds         | -60,099,350        |
| <b>Net Revenue Appropriated</b>                | <b>685,240,507</b> |

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement;



Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.

- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From UC Settlement Fund to General Fund and Clean Storm Water Fund.
- e. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- f. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- g. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- h. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- i. To Catastrophic Loss Fund from Permit Service Center Fund.
- j. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- k. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.
- l. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

- m. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- n. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- o. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- p. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.
- q. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure

F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- r. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- s. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUNDS\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

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 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.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2021****REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

**Revolving/Internal Service Funds**

|                                           |               |
|-------------------------------------------|---------------|
| Employee Training Fund                    | 902,197       |
| Equipment Replacement Fund                | 17,366,016    |
| Equipment Maintenance Fund                | 8,657,942     |
| Building Maintenance Fund                 | 4,438,018     |
| Central Services Fund                     | 388,490       |
| Workers' Compensation Fund                | 6,586,355     |
| Public Liability Fund                     | 4,193,218     |
| Information Technology Fund               | 17,567,113    |
| Subtotal Revolving/Internal Service Funds | \$ 60,099,350 |

**DUAL APPROPRIATIONS - WORKING BUDGET**

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

## Transfers to the General Fund

|                                       |              |
|---------------------------------------|--------------|
| <u>Indirect Cost Reimbursement</u>    |              |
| CDBG Fund                             | 143,373      |
| Street Light Assessment District Fund | 115,865      |
| Zero Waste Fund                       | 2,326,015    |
| Marina Enterprise Fund                | 415,427      |
| Sanitary Sewer Fund                   | 1,071,882    |
| Clean Storm Water Fund                | 252,015      |
| Permit Service Center Fund            | 1,874,805    |
| Unified Program (CUPA) Fund           | 87,242       |
| Subtotal Transfers to General Fund:   | \$ 6,286,624 |

|                                                                                               |                    |
|-----------------------------------------------------------------------------------------------|--------------------|
| Transfer to Safety Members Pension Fund from General Fund                                     | 551,804            |
| Transfer to Measure U1 Fund from General Fund                                                 | 13,862,628         |
| Transfer to GF - Stabilization Reserves from General Fund                                     | 1,836,309          |
| Transfer to GF - Catastrophic Reserves from General Fund                                      | 1,502,434          |
| Transfer to Library Tax from General Fund                                                     | 17,150             |
| Transfer to Paramedic Tax Fund from General Fund                                              | 703,103            |
| Transfer to Health State Aid Realignment from General Fund                                    | 1,953,018          |
| Transfer to Fair Election Fund from General Fund                                              | 917,799            |
| Transfer to Capital Improvement Fund (CIP) from General Fund                                  | 3,255,167          |
| Transfer to Phone System Replacement - VOIP from General Fund                                 | 160,000            |
| Transfer to Off-Street Parking from General Fund                                              | 1,910,250          |
| Transfer to Building Purchases and Mgmt from General Fund                                     | 92,062             |
| Transfer to Equipment Replacement Fund from General Fund                                      | -                  |
| Transfer to Worker's Compensation from General Fund                                           | 406,952            |
| Transfer to Public Liability Fund from General Fund                                           | 3,131,417          |
| Transfer to Catastrophic Loss Fund from General Fund                                          | 2,295,334          |
| Transfer to IT Cost Allocation Fund from General Fund                                         | 431,802            |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund                  | 400,136            |
| Transfer to Sick Leave Entitlement Fund from General Fund                                     | 201,501            |
| Transfer to General Fund from General Fund Stabilization Reserves Fund                        | 6,900,000          |
| Transfer to General Fund from General Fund Catastrophic Reserves Fund                         | 4,500,000          |
| Transfer to Measure T1 Fund from Measure BB - Local Streets & Roads Fund                      | 600,000            |
| Transfer to Measure T1 Fund from Parks Tax Fund                                               | 600,000            |
| Transfer to General Fund from UC Settlement Fund                                              | 907,554            |
| Transfer to Clean Storm Water Fund from UC Settlement Fund                                    | 302,519            |
| Transfer to General Fund from Health State Aid Realignment Fund                               | 2,643,280          |
| Transfer from CIP Fund to PERS Savings Fund                                                   | 151,632            |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund                        | 499,802            |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund                                      | 402,613            |
| Transfer to Private Sewer Lateral Fund from Sewer Fund                                        | 90,501             |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund                            | 50,555             |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund                           | 5,082              |
| Transfer to General Fund from Parking Meter Fund                                              | 1,742,288          |
| Transfer to General Fund from IT Cost Allocation Fund                                         | 794,160            |
| Transfer from Special Tax Bonds CFD#1 ML-ROOS to CFD#1 District Fire Protect Bond (Measure Q) | 1,877,759          |
| Transfer to First Source Fund from Parks Tax Fund                                             | 14,093             |
| Transfer to First Source Fund from Capital Improvement Fund                                   | 26,943             |
| Transfer to First Source Fund from Marina Fund                                                | 1,875              |
| Transfer to Public Art Fund from Parks Tax Fund                                               | 21,140             |
| Transfer to Public Art Fund from Capital Improvement Fund                                     | 40,414             |
| Transfer to Public Art Fund from Marina Fund                                                  | 2,813              |
| Subtotal Transfers to Other Funds:                                                            | <u>55,803,889</u>  |
| Sub-Total Dual Appropriations                                                                 | <u>62,090,513</u>  |
| <b>Grand Total Dual Appropriations</b>                                                        | <b>122,189,863</b> |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                           | FY 2021<br>Revised #1 | 2nd AAO                   |                                | FY 2021<br>Revised #2 |
|-----------------------------------------------|-----------------------|---------------------------|--------------------------------|-----------------------|
|                                               |                       | Other<br>Reappropriations | Total<br>Adjustments<br>Amend. |                       |
| 11 General Fund Discretionary                 | 224,102,509           | 100,588                   | 12,964,511                     | 237,167,608           |
| 16 Measure U1 - Housing                       | 5,067,894             | -                         | 3,063,568                      | 8,131,462             |
| 98 General Fund - Stabilization Reserves      | 6,900,000             | -                         | -                              | 6,900,000             |
| 99 General Fund - Catastrophic Reserves       | 4,500,000             | -                         | -                              | 4,500,000             |
| 101 Library - Tax                             | 24,210,273            | -                         | 17,150                         | 24,227,423            |
| 102 Library - Transaction Based Reimbursement | 0                     | -                         | 84,246                         | 84,246                |
| 103 Library - Grants                          | 64,089                | -                         | 53,411                         | 117,500               |
| 104 Library - Friends & Gift                  | 151,926               | -                         | -                              | 151,926               |
| 105 Library - Foundation                      | 600,046               | -                         | -                              | 600,046               |
| 106 Asset Forfeiture                          | 201,000               | -                         | -                              | 201,000               |
| 107 Special Tax Measure E                     | 1,361,402             | -                         | -                              | 1,361,402             |
| 108 First Source Fund                         | 48,083                | -                         | -                              | 48,083                |
| 110 Sec 108 Loan Gty Asst.                    | 553,408               | -                         | -                              | 553,408               |
| 111 Fund Raising Activities                   | 81,557                | -                         | 40,000                         | 121,557               |
| 113 Gilman Sports Field (Vendor Oper)         | 220,620               | -                         | 32,550                         | 253,170               |
| 114 Gilman Fields Reserve                     | 59,200                | -                         | -                              | 59,200                |
| 115 Animal Shelter                            | 57,672                | -                         | 2,573                          | 60,245                |
| 116 Paramedic Tax                             | 4,223,699             | -                         | -                              | 4,223,699             |
| 117 CA Energy Commission                      | 44,249                | -                         | -                              | 44,249                |
| 119 Domestic Violence Prev - Vit Stat         | 26,462                | -                         | -                              | 26,462                |
| 120 Affordable Housing Mitigation             | 2,807,602             | -                         | 6,130,754                      | 8,938,356             |
| 121 Affordable Child Care                     | 13,275                | -                         | -                              | 13,275                |
| 122 Inclusionary Housing Program              | 169,163               | -                         | 888,498                        | 1,057,661             |
| 123 Condo Conversion                          | 1,035,500             | -                         | 222,444                        | 1,257,944             |
| 124 Parking In Lieu Fee                       | 82,010                | -                         | -                              | 82,010                |
| 125 Playground Camp                           | 32,805,126            | -                         | 596,000                        | 33,401,126            |
| 126 State-Prop 172 Pub.Safety                 | 929,958               | -                         | 900,000                        | 1,829,958             |
| 127 State Transportation Tax                  | 10,053,152            | 46,070                    | -                              | 10,099,222            |
| 128 CDBG                                      | 4,212,730             | -                         | -                              | 4,212,730             |
| 129 Rental Housing Safety Program             | 1,905,511             | -                         | -                              | 1,905,511             |
| 130 Measure B - Local St & Road               | 5,068,540             | -                         | -                              | 5,068,540             |
| 131 Measure B - Bike and Pedestrian           | 693,657               | -                         | -                              | 693,657               |
| 132 Measure B - Paratransit                   | 512,052               | -                         | 83,000                         | 595,052               |
| 133 Measure F Alameda County VRF St & Rd      | 910,183               | -                         | -                              | 910,183               |
| 134 Measure BB - Local St & Road              | 8,440,590             | -                         | -                              | 8,440,590             |
| 135 Measure BB - Bike & Pedestrian            | 1,279,897             | -                         | -                              | 1,279,897             |
| 136 Measure BB - Paratransit                  | 458,211               | -                         | -                              | 458,211               |
| 137 One Time Funding                          | 19,080                | -                         | -                              | 19,080                |
| 138 Parks Tax                                 | 19,077,875            | -                         | 3,076,187                      | 22,154,062            |
| 139 Streets & Open Space IMPR                 | 656,301               | -                         | -                              | 656,301               |
| 140 Measure GG - Fire Prep Tax                | 5,004,159             | -                         | -                              | 5,004,159             |
| 141 1st Response Advanced Life Support        | 2,000                 | -                         | -                              | 2,000                 |
| 142 Streetlight Assesment District            | 2,982,975             | -                         | -                              | 2,982,975             |
| 143 Berkeley Bus Ec Dev                       | 167,937               | -                         | -                              | 167,937               |
| 145 Bayer (Miles Lab)                         | 166,514               | -                         | -                              | 166,514               |
| 146 Employee Training                         | 902,197               | -                         | -                              | 902,197               |
| 147 UC Settlement                             | 1,368,416             | -                         | -                              | 1,368,416             |
| 148 Private Percent - Art Fund                | 890,477               | -                         | -                              | 890,477               |
| 149 Private Party Sidewalks                   | 150,000               | -                         | -                              | 150,000               |
| 150 Public Art Fund                           | 161,540               | -                         | -                              | 161,540               |
| 152 Vital & Health Statistics Trust Fund      | 75,453                | -                         | -                              | 75,453                |
| 156 Hlth State Aid Realign Trust              | 4,010,244             | -                         | -                              | 4,010,244             |
| 157 Tobacco Cont.Trust                        | 412,160               | 69,162                    | -                              | 481,322               |
| 158 Mental Health State Aid Realign           | 3,622,172             | -                         | 522,993                        | 4,145,165             |
| 159 Citizens Option Public Safety Trust       | 341,961               | -                         | 600,000                        | 941,961               |
| 161 Alameda Cty Abandoned Vehicle Abatement   | 101,081               | -                         | 50,000                         | 151,081               |
| 165 Fair Elections                            | 501,833               | -                         | -                              | 501,833               |
| 302 Operating Grants - State                  | 0                     | -                         | 1,293,584                      | 1,293,584             |
| 305 Capital Grants - Federal                  | 976,925               | -                         | -                              | 976,925               |
| 306 Capital Grants - State                    | 3,669,843             | -                         | -                              | 3,669,843             |
| 307 Capital Grants - Local                    | 650,830               | -                         | 52,000                         | 702,830               |
| 309 OTS DUI Enforcement Education Prg.        | 129,500               | -                         | 210,000                        | 339,500               |
| 310 HUD/Home                                  | 2,466,428             | -                         | -                              | 2,466,428             |
| 311 ESGP                                      | 1,376,203             | -                         | 5,840,486                      | 7,216,689             |
| 312 Health (General)                          | 2,273,302             | -                         | 234,080                        | 2,507,382             |

**SUMMARY OF APPROPRIATIONS BY FUND**

| ERMA<br>Fund # Fund                        | FY 2021<br>Revised #1 | 2nd AAO          |                      |                 | FY 2021<br>Revised #2 |
|--------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                            |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 313 Target Case Management Linkages        | 952,559               | -                | 7,906                | 7,906           | 960,465               |
| 314 Alameda County Tay Tip                 | 35,820                | -                | -                    | -               | 35,820                |
| 315 Mental Health Service Act              | 13,279,003            | 233,059          | 1,192,753            | 1,425,812       | 14,704,815            |
| 316 Health (Short/Doyle)                   | 4,105,018             | -                | 555,060              | 555,060         | 4,660,078             |
| 317 EPSDT Expansion Proposal               | 386,235               | -                | -                    | -               | 386,235               |
| 318 Alcoholic Bev Ctr OTS/UC               | 52,804                | -                | -                    | -               | 52,804                |
| 319 Youth Lunch                            | 384,996               | -                | -                    | -               | 384,996               |
| 320 Sr. Nutrition Title III                | 104,516               | -                | -                    | -               | 104,516               |
| 321 CFP Title X                            | 271,196               | -                | 85,000               | 85,000          | 356,196               |
| 324 BUSD Grant                             | 310,992               | -                | -                    | -               | 310,992               |
| 325 Vector Control                         | 338,355               | -                | -                    | -               | 338,355               |
| 326 Alameda County Grants                  | 653,579               | -                | -                    | -               | 653,579               |
| 327 Senior Supportive Social Services      | 55,720                | -                | -                    | -               | 55,720                |
| 328 Family Care Support Program            | 68,254                | -                | 1,063                | 1,063           | 69,317                |
| 329 CA Integrated Waste Management         | 53,004                | -                | 8,728                | 8,728           | 61,732                |
| 331 Housing Mitigation                     | 0                     | -                | 1,091,931            | 1,091,931       | 1,091,931             |
| 333 CALHOME                                | 363,100               | -                | -                    | -               | 363,100               |
| 334 Community Action                       | 1,675,236             | -                | 373,097              | 373,097         | 2,048,333             |
| 336 One-Time Grant: No Cap Exp             | 2,130,132             | -                | 2,902,948            | 2,902,948       | 5,033,080             |
| 338 Bay Area Air Quality Management        | 60,000                | -                | -                    | -               | 60,000                |
| 339 MTC                                    | 1,266,017             | -                | -                    | -               | 1,266,017             |
| 340 FEMA                                   | 1,923,023             | -                | -                    | -               | 1,923,023             |
| 341 Alameda Cty Waste Mgt.                 | 285,000               | -                | -                    | -               | 285,000               |
| 343 State Dept Conserv/Recylg              | 28,000                | -                | 184,886              | 184,886         | 212,886               |
| 344 CALTRANS Grant                         | 1,597,024             | -                | -                    | -               | 1,597,024             |
| 345 Measure WW - Park Bnd Grant            | 552,818               | -                | -                    | -               | 552,818               |
| 346 CALTRANS Safe Routes 2 Schools         | 9,757                 | -                | -                    | -               | 9,757                 |
| 347 Shelter+Care HUD                       | 5,483,759             | -                | 532,152              | 532,152         | 6,015,911             |
| 348 Shelter+Care County                    | 568,219               | -                | 285,631              | 285,631         | 853,850               |
| 349 JAG Grant                              | 52,500                | -                | -                    | -               | 52,500                |
| 350 Bioterrorism Grant                     | 768,110               | 92,265           | (23,773)             | 68,492          | 836,602               |
| 351 UASI Regional Fund                     | 0                     | -                | 54,803               | 54,803          | 54,803                |
| 501 Capital Improvement Fund               | 18,067,474            | 811,940          | 1,885                | 813,825         | 18,881,299            |
| 502 Phone System Replacement               | 163,508               | -                | -                    | -               | 163,508               |
| 503 FUND\$ Replacement                     | 8,209,182             | -                | 50,000               | 50,000          | 8,259,182             |
| 504 PEG-Public, Education & Government     | 100,000               | -                | -                    | -               | 100,000               |
| 506 Measure M Streets & Watershed IMP      | 756,971               | -                | -                    | -               | 756,971               |
| 511 Measure T1 - Infra & Facil.            | 24,945,611            | -                | 6,785,870            | 6,785,870       | 31,731,481            |
| 512 Measure O - Housing                    | 18,272,861            | -                | 13,303,545           | 13,303,545      | 31,576,406            |
| 552 09 Measure FF Debt Service             | 1,621,745             | -                | -                    | -               | 1,621,745             |
| 553 2015 GORBS                             | 2,604,905             | -                | -                    | -               | 2,604,905             |
| 554 2012 Lease Revenue Bonds BJPFA         | 502,298               | -                | -                    | -               | 502,298               |
| 555 2015 GORBS - 2002 G.O. Refunding Bonds | 481,211               | -                | -                    | -               | 481,211               |
| 556 2015 GORBS (2007, Series A)            | 181,150               | -                | -                    | -               | 181,150               |
| 557 2015 GORBS (2008 Measure I)            | 610,791               | -                | -                    | -               | 610,791               |
| 558 2010 COP (Animal Shelter)              | 403,685               | -                | -                    | -               | 403,685               |
| 559 Measure M GO Street & Water Imps       | 1,641,863             | -                | -                    | -               | 1,641,863             |
| 560 Infrastructure & Facilities Measure T1 | 1,730,057             | -                | -                    | -               | 1,730,057             |
| 601 Zero Waste                             | 54,297,952            | -                | -                    | -               | 54,297,952            |
| 606 Marina - Coastal Conservancy           | 44,348                | -                | -                    | -               | 44,348                |
| 607 Marina - Dept. of Boating & Waterways  | 62,580                | -                | 42,000               | 42,000          | 104,580               |
| 608 Marina Operation                       | 7,525,341             | -                | 3,872,245            | 3,872,245       | 11,397,586            |
| 611 Sewer                                  | 37,240,690            | -                | 619,130              | 619,130         | 37,859,820            |
| 612 Private Sewer Lateral FD               | 200,568               | -                | -                    | -               | 200,568               |
| 616 Clean Storm Water                      | 6,065,850             | -                | -                    | -               | 6,065,850             |
| 621 Permit Service Center                  | 22,283,546            | -                | 75,000               | 75,000          | 22,358,546            |
| 622 Unified Program (CUPA)                 | 901,635               | -                | -                    | -               | 901,635               |
| 627 Off Street Parking                     | 6,971,307             | -                | -                    | -               | 6,971,307             |
| 631 Parking Meter                          | 10,326,686            | -                | -                    | -               | 10,326,686            |
| 636 Building Purchases and Management      | 3,245,969             | -                | -                    | -               | 3,245,969             |
| 671 Equipment Replacement                  | 12,174,125            | -                | 5,191,891            | 5,191,891       | 17,366,016            |
| 672 Equipment Maintenance                  | 8,657,942             | -                | -                    | -               | 8,657,942             |
| 673 Building Maintenance Fund              | 4,438,018             | -                | -                    | -               | 4,438,018             |
| 674 Central Services                       | 388,490               | -                | -                    | -               | 388,490               |
| 676 Workers Compensation                   | 6,586,355             | -                | -                    | -               | 6,586,355             |



**SUMMARY OF APPROPRIATIONS BY FUND**

| ERMA<br>Fund # Fund                           | FY 2021      | 2nd AAO          |                   |              | FY 2021      |
|-----------------------------------------------|--------------|------------------|-------------------|--------------|--------------|
|                                               | Revised #1   | Reappropriations | Other Adjustments | Total Amend. | Revised #2   |
| 678 Public Liability                          | 3,476,706    | -                | 716,512           | 716,512      | 4,193,218    |
| 680 Information Technology                    | 17,567,113   | -                | -                 | -            | 17,567,113   |
| 762 Successor Agency - Savo DSF               | 57,120       | -                | -                 | -            | 57,120       |
| 774 Sustainable Energy Fin District           | 28,719       | -                | -                 | -            | 28,719       |
| 776 Thousand Oaks Underground                 | 98,177       | -                | -                 | -            | 98,177       |
| 777 Measure H - School Tax                    | 500,002      | -                | -                 | -            | 500,002      |
| 778 Measure Q - CFD#1 Dis. Fire Protect Bond  | 2,029,916    | -                | -                 | -            | 2,029,916    |
| 779 Spl Tax Bds. CFD#1 ML-ROOS                | 2,651,320    | -                | -                 | -            | 2,651,320    |
| 781 Berkeley Tourism BID                      | 508,325      | -                | -                 | -            | 508,325      |
| 782 Elmwood Business Improvement District     | 67,538       | -                | -                 | -            | 67,538       |
| 783 Solano Ave BID                            | 34,881       | -                | -                 | -            | 34,881       |
| 784 Telegraph Avenue Bus. Imp. District       | 755,351      | -                | -                 | -            | 755,351      |
| 785 North Shattuck BID                        | 185,115      | -                | -                 | -            | 185,115      |
| 786 Downtown Berkeley Prop & Improv. District | 1,498,038    | -                | -                 | -            | 1,498,038    |
| 801 Rent Board                                | 6,222,560    | -                | -                 | -            | 6,222,560    |
| GROSS EXPENDITURE:                            | 731,208,988  | 1,353,084        | 74,868,298        | 76,221,382   | 807,430,370  |
| Dual Appropriations                           | (43,004,902) | -                | (19,085,611)      | (19,085,611) | (62,090,513) |
| Revolving & Internal Service Funds            | (54,190,947) | -                | (5,908,403)       | (5,908,403)  | (60,099,350) |
| NET EXPENDITURE:                              | 634,013,139  | 1,353,084        | 49,874,284        | 51,227,368   | 685,240,507  |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund # | Fund Name    | Department                           | Recommended Carryover | Recommended Adjustment | Project Number                           | Description/Project name                                 | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                            |
|--------|--------|--------------|--------------------------------------|-----------------------|------------------------|------------------------------------------|----------------------------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | 11     | General Fund | City Clerk                           |                       | \$306,853              |                                          | 2020 Election Costs                                      | X               |                       |                      | Appropriate additional funding to pay for full cost of 2020 Election to Registrar of Voters                                                                                                                                                                                       |
| 2      | 11     | General Fund | City Manager's Office                |                       | \$25,000               |                                          | Outdoor Dining Support Grant                             |                 | X                     |                      | Appropriate funds from East Bay Community Foundation to provide grants to enable businesses to transition to outdoor commerce. Approved by Council on 12/1/20 through Resolution No. 69,919 - N.S.                                                                                |
| 3      | 11     | General Fund | Fire                                 |                       | \$150,000              |                                          | Ground Emergency Medical Transport Quality Assurance Fee | X               |                       |                      | Funds to pay the State of California Department of Health Care Services the Ground Emergency Medical Transport Quality Assurance Fee for emergency medical transport services.                                                                                                    |
| 4      | 11     | General Fund | Fire                                 |                       | \$98,406               |                                          | FY16/17 GEMT overpayment                                 |                 |                       | X                    | Appropriate funding for an audit finding of overpayment to the Ground Emergency Management Transportation program                                                                                                                                                                 |
| 5      | 11     | General Fund | Health, Housing & Community Services |                       | \$39,000               | HHMMPF2101-NONPERSONN-GRANT&G-CMMNTYAGY- | Measure P Funds                                          |                 | X                     |                      | Measure P Funds for Youth Sprit Artworks Tiny Homes Case Management.                                                                                                                                                                                                              |
| 6      | 11     | General Fund | Health, Housing & Community Services |                       | \$10,582               |                                          | Berkeley Gardening Collaborative                         |                 | X                     |                      | Funds for Berkeley Gardening Collaborative approved by Council in November 2019 added to budget but were not encumbered into contract purchase order                                                                                                                              |
| 7      | 11     | General Fund | Health, Housing & Community Services | \$51,888              |                        | HHOGFH2001                               | OD GF African American Holistic Center                   |                 |                       | X                    | Carryover funds from FY 2020 for African American Holistic Resource Center (AAHRC) Project.                                                                                                                                                                                       |
| 8      | 11     | General Fund | Non-Departmental                     |                       | \$1,501,032            |                                          | FY 2020 Allocation to Reserves                           |                 | X                     |                      | Pursuant to adopted General Fund Policy, allocate \$1,501,032 to General Fund Reserves as follows: \$825,568 to Stability Reserve and \$675,464 Million to Catastrophic Reserves. Amounts were provided to Council on 12/15/20 in the FY 2020 Year-End/FY 2021 1st Quarter Report |
| 9      | 11     | General Fund | Non-Departmental                     |                       | \$10,017,583           |                                          | Measure U1 Fund Balance                                  |                 | X                     |                      | Transfer FY 2020 U1 Fund Balance from General Fund to new Measure U1 Fund. Amount was provided to Council on 12/5/20 in the FY 2020 Year-End/FY 2021 1st Quarter Report                                                                                                           |
| 10     | 11     | General Fund | Non-Departmental                     |                       | \$716,512              |                                          | Transfer to Public Liability Fund                        |                 |                       | X                    | Increase transfer to Public Liability Fund to pay for outside counsel, court costs, and claims and judgments in FY 2021                                                                                                                                                           |
| 11     | 11     | General Fund | Public Works                         |                       | \$99,543               | PWT1CB1901                               | NBSC Seismic Retrofit                                    |                 |                       | X                    | Appropriate fund to supplement NBSC Seismic Retrofit project                                                                                                                                                                                                                      |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                       | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                   | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                                                                                                            |
|--------|------------------|---------------------------------|--------------------------------------|-----------------------|------------------------|----------------|--------------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12     | 11               | General Fund                    | Public Works                         | \$48,700              |                        | PWTRTC1902     | Dwight/California Intersection Improvement |                 | X                     |                      | Carryover project funding to continue work on the Dwight and California intersection improvement (original appropriation Council/Mayor Budget recommendation FY 2019 AAO#1)                                                                                                                                                                                                       |
| 13     | <b>11 Total</b>  |                                 |                                      | \$100,588             | \$12,964,511           |                |                                            |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                                                                   |
| 14     | 16               | Measure U1                      | Health, Housing & Community Services |                       | \$652,500              | HHHMU12101     | Measure U1 Funds                           |                 | X                     |                      | Contract with Bay Area Community Land Trust for 1638 Stuart/Small Sites pre-development                                                                                                                                                                                                                                                                                           |
| 15     | 16               | Measure U1                      | Health, Housing & Community Services |                       | \$1,620,640            | HHHMU12101     | Measure U1 Funds                           |                 | X                     |                      | Loan for 2321-2323 10th St. (Northern California Land Trust)                                                                                                                                                                                                                                                                                                                      |
| 16     | 16               | Measure U1                      | Health, Housing & Community Services |                       | \$269,655              |                |                                            |                 | X                     |                      | Appropriate U1 fund for contract amendment #3200049 (2001 Ashby -RCD)                                                                                                                                                                                                                                                                                                             |
| 17     | 16               | Measure U1                      | Health, Housing & Community Services |                       | \$150,000              |                | BUSD Planning Grant                        |                 | X                     |                      | Appropriate U1 funding for BUSD Planning/predevelopment grant for teacher/workforce housing.                                                                                                                                                                                                                                                                                      |
| 18     | 16               | Measure U1                      | Health, Housing & Community Services |                       | \$370,773              |                | 2012 Berkeley Way                          |                 | X                     |                      | Appropriate U1 fund for the 2012 Berkeley Way development project. Approved by Council on 12/04/2018 through Resolution No. 68,693-N.S.                                                                                                                                                                                                                                           |
| 19     | <b>16 Total</b>  |                                 |                                      | \$0                   | \$3,063,568            |                |                                            |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                                                                   |
| 20     | 101              | Library Tax                     | Berkeley Public Library              |                       | \$17,150               |                |                                            |                 | X                     |                      | Appropriate fund for the East Bay Community Energy (ECBE) Renewable 100 plan. Approved by Council per Res. No. 69,601 on 10/27/2020. Information about the allocation will be provided to Board of Library Trustees (BOLT) on 04/07/2021                                                                                                                                          |
| 21     | <b>101 Total</b> |                                 |                                      | \$0                   | \$17,150               |                |                                            |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                                                                   |
| 22     | 102              | Transaction Based Reimbursement | Non-Departmental                     |                       | \$84,246               |                | Transfer Fund Balance                      |                 | X                     |                      | Transfer fund balance to Library Tax Fund and close out the Transaction Based Reimbursement Fund. Approved by Board of Library Trustees through Resolution R19-02 on 3/6/19                                                                                                                                                                                                       |
| 23     | <b>102 Total</b> |                                 |                                      | \$0                   | \$84,246               |                |                                            |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                                                                   |
| 24     | 103              | Library Grants                  | Library                              |                       | \$53,411               |                | California State Library Grant             |                 | X                     |                      | The Grants Fund budget is requested to be increased by the adjustment of \$53,411 to expense appropriations yielding a revised budgeted amount of \$115,361 to reflect the deadline extension to FY 2020 awards granted by the California State Library due to Covid-19 service disruptions. Approved by the Board of Library Trustees on 10/14/20 through Resolution No. R20-059 |
| 25     | <b>103 Total</b> |                                 |                                      | \$0                   | \$53,411               |                |                                            |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                                                                   |
| 26     | 111              | Fund Raising Activities         | Health, Housing & Community Services |                       | \$4,000                | HHMDON2101     | Donations                                  |                 |                       | X                    | Appropriate fund for holiday gifts and motel placement for homeless individuals displaced by fire.                                                                                                                                                                                                                                                                                |
| 27     | 111              | Fund Raising Activities         | Health, Housing & Community Services |                       | \$33,000               | HHMFDR2101     | Fund Raising Activities                    |                 |                       | X                    | Appropriate fund for holiday gifts and motel placement for homeless individuals displaced by fire.                                                                                                                                                                                                                                                                                |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                     | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                  | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                                                                 |
|--------|------------------|-------------------------------|--------------------------------------|-----------------------|------------------------|----------------|-------------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28     | 111              | Fund Raising Activities       | Health, Housing & Community Services |                       | \$3,000                | HHADMO2101     | AG Donations C2 MOW                       |                 |                       | X                    | Appropriate fund to complete existing contract with Berkeley Food Network.                                                                                                                                                                                                                                                             |
| 29     | <b>111 Total</b> |                               |                                      | \$0                   | \$40,000               |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 30     | 113              | Gilman Sports Field           | Parks, Recreation & Waterfront       |                       | \$15,000               |                | EMBUD Bills                               |                 |                       | X                    | Additional funds to bring budget for EBMUD bills to actual expenditures.                                                                                                                                                                                                                                                               |
| 31     | 113              | Gilman Sports Field           | Parks, Recreation & Waterfront       |                       | \$7,000                |                | Gilman/Bates field supplies               |                 |                       | X                    | Appropriate funds for Gilman/Bates field maintenance supplies                                                                                                                                                                                                                                                                          |
| 32     | 113              | Gilman Sports Field           | Parks, Recreation & Waterfront       |                       | \$10,550               |                | Gilman/Bates field windscreens and lights |                 |                       | X                    | Additional funding for windscreens and lighting at the Gilman/Bates Sports field.                                                                                                                                                                                                                                                      |
| 33     | <b>113 Total</b> |                               |                                      | \$0                   | \$32,550               |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 34     | 115              | Animal Shelter                | City Manager's Office                |                       | \$2,573                |                | Maddies Grant                             |                 |                       | X                    | Spend remaining grant funds on medical equipment for animals at the Shelter                                                                                                                                                                                                                                                            |
| 35     | <b>115 Total</b> |                               |                                      | \$0                   | \$2,573                |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 36     | 120              | Affordable Housing Mitigation | Health, Housing & Community Services |                       | \$6,130,754            | HHHHMF2101     | Affordable Housing Mitigation Fee         |                 |                       | X                    | Appropriate Affordable Housing Mitigation Fee funds for Housing Trust Fund projects                                                                                                                                                                                                                                                    |
| 37     | <b>120 Total</b> |                               |                                      | \$0                   | \$6,130,754            |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 38     | 122              | Inclusionary Housing Program  | Health, Housing & Community Services |                       | \$450,250              | HHHIHF2101     | Inclusionary Housing Fee                  |                 |                       | X                    | Appropriate Inclusionary Housing Fee funds for Housing Trust Fund projects                                                                                                                                                                                                                                                             |
| 39     | 122              | Inclusionary Housing Program  | Health, Housing & Community Services |                       | \$438,249              | HHHBMR2101     | Below Market Rate Fee                     |                 |                       | X                    | Below Market Rate Fee funds for Housing Trust Fund projects                                                                                                                                                                                                                                                                            |
| 40     | <b>122 Total</b> |                               |                                      | \$0                   | \$888,499              |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 41     | 123              | Condo Conversion Program      | Health, Housing & Community Services |                       | \$222,443              | HHHCCP2101     | Condo Conversion Program                  |                 |                       | X                    | Carryover of fund for Condo Conversion Program                                                                                                                                                                                                                                                                                         |
| 42     | <b>123 Total</b> |                               |                                      | \$0                   | \$222,443              |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 43     | 125              | PLAYGROUND CAMP               | Parks, Recreation & Waterfront       |                       | \$596,000              | PRWEM16004     | CAZADERO CAMP LANDSLIDE                   |                 |                       | X                    | Appropriate funding for the Cazadero Camp Landslide project                                                                                                                                                                                                                                                                            |
| 44     | <b>125 Total</b> |                               |                                      | \$0                   | \$596,000              |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 45     | 126              | State Proposition 172         | Police                               |                       | \$900,000              |                |                                           |                 |                       | X                    | Appropriate fund to cost shift General Fund Overtime cost to State Prop 172 fund (OT offset, and to add funds for cellular, Serological Research Institute (SERI) contract amendment, and BMI contract amendment for BPD legacy data conversion contract approved by Council for police records from microfilm and microfiche sources. |
| 46     | <b>126 Total</b> |                               |                                      | \$0                   | \$900,000              |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 47     | 127              | State Transportation Tax      | Public Works                         | \$46,070              |                        | PWENST2101     | Street Rehab FY 2021                      |                 |                       | X                    | Carryover of State Transportation Tax fund for FY21 Street Rehab project.                                                                                                                                                                                                                                                              |
| 48     | <b>127 Total</b> |                               |                                      | \$46,070              | \$0                    |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 49     | 132              | Measure B - (No Suggestions)  | Health, Housing & Community Services |                       | \$83,000               | HHAMEB2101     | Aging (No Suggestions) Measure B          |                 |                       | X                    | Appropriate Measure B (No Suggestions) Fund for a new contract with Easy Does It Emergency Services.                                                                                                                                                                                                                                   |
| 50     | <b>132 Total</b> |                               |                                      | \$0                   | \$83,000               |                |                                           |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                        |
| 51     | 138              | Parks Tax                     | Parks, Recreation & Waterfront       |                       | \$155,000              | PRWT119005     | Live Oak Community Center                 |                 |                       | X                    | Funds for Mar Con Builders, Inc. contract, ELS for construction administration, and O'Connor for construction management                                                                                                                                                                                                               |
| 52     | 138              | Parks Tax                     | Parks, Recreation & Waterfront       |                       | \$738,536              | PRWPK19003     | King School Park Playground Areas         |                 |                       | X                    | Funds to complete design and construction of King School Park Playground Areas.                                                                                                                                                                                                                                                        |
| 53     | 138              | Parks Tax                     | Parks, Recreation & Waterfront       |                       | \$854,654              | PRWPK19004     | John Hinkel Amphitheater                  |                 |                       | X                    | Funds for construction of John Hinkel Amphitheater                                                                                                                                                                                                                                                                                     |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                                       | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name           | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                   |
|--------|------------------|-------------------------------------------------|--------------------------------------|-----------------------|------------------------|----------------|------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 54     | 138              | Parks Tax                                       | Parks, Recreation & Waterfront       |                       | \$418,097              | PRWPK20003     | Ohlone Park Improvement Project    |                 |                       | X                    | Funds for construction of Ohlone Park Improvement Project                                                                                                                                                                                                |
| 55     | 138              | Parks Tax                                       | Parks, Recreation & Waterfront       |                       | \$250,000              | PRWT119012     | Rose Garden                        |                 |                       | X                    | Funds to complete the construction of the Rose Garden project                                                                                                                                                                                            |
| 56     | 138              | Parks Tax                                       | Parks, Recreation & Waterfront       |                       | \$659,900              | PRWT119004     | Grove Park Phase 2                 |                 |                       | X                    | Funds for Grove Park Phase 2 construction                                                                                                                                                                                                                |
| 57     | <b>138 Total</b> |                                                 |                                      | \$0                   | \$3,076,187            |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 58     | 157              | Tobacco Control                                 | Health, Housing & Community Services | \$69,162              |                        | HHPLLA2101     | State Tobacco                      |                 |                       | X                    | State Tobacco Carry forward from FY20 to FY21                                                                                                                                                                                                            |
| 59     | <b>157 Total</b> |                                                 |                                      | \$69,162              | \$0                    |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 60     | 158              | Mental Health State Aid Realignment             | Health, Housing & Community Services |                       | \$350,000              | HMMROM2101     | Building Repairs                   |                 |                       | X                    | Funds for Mental Health building repairs at 2636 Martin Luther King, Jr. Way                                                                                                                                                                             |
| 61     | 158              | Mental Health State Aid Realignment             | Health, Housing & Community Services |                       | \$142,017              | HMMROM2101     | Non-Personnel Funds                |                 |                       | X                    | Funds for Bay Alarm, First Security, Pride Industries, Pestec & Orkin, and Toshiba through end of fiscal year                                                                                                                                            |
| 62     | 158              | Mental Health State Aid Realignment             | Health, Housing & Community Services |                       | \$30,976               | HMMROM2101     | 2636 MLK Leak Repair               |                 |                       | X                    | Restoration and waterproofing of leaking building facade at 2636 MLK                                                                                                                                                                                     |
| 63     | <b>158 Total</b> |                                                 |                                      | \$0                   | \$522,993              |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 64     | 159              | Citizens Option Public Safety                   | Police                               |                       | \$600,000              |                |                                    |                 |                       | X                    | Appropriate fund to cost shift General Fund Overtime cost to City Optional Public Safety fund (OT offset).                                                                                                                                               |
| 65     | <b>159 Total</b> |                                                 |                                      | \$0                   | \$600,000              |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 66     | 161              | Alameda County Abandoned Vehicle Abatement Auth | Health, Housing & Community Services |                       | \$50,000               | HHEAVA2101     | EH- Abandoned Vehicle Abatement    |                 |                       | X                    | Appropriate fund for Environmental Health Vehicle Abatement program for vehicle replacement and DECADE software maintenance.                                                                                                                             |
| 67     | <b>161 Total</b> |                                                 |                                      | \$0                   | \$50,000               |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 68     | 302              | Operating Grants - State                        | Health, Housing & Community Services |                       | \$1,293,584            | HHHPHA2101     | Permanent Local Housing Allocation |                 | X                     |                      | Appropriate Permanent Local Housing Allocation Grant funds from California Department of Housing and Community Development. Approved by Council on 7/14/20 through Resolution 69,499-N.S.                                                                |
| 69     | <b>302 Total</b> |                                                 |                                      | \$0                   | \$1,293,584            |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 70     | 307              | Capital Grants - Local                          | Public Works                         |                       | \$52,000               | PWTRTC2101     | BERKELEY HEALTHY STREETS           |                 | X                     |                      | Appropriate \$52,000 of grant funding received from Alameda CTC COVID-19 Rapid Response Bicycle and Pedestrian Grant Program for the Healthy Streets project.                                                                                            |
| 71     | <b>307 Total</b> |                                                 |                                      | \$0                   | \$52,000               |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 72     | 309              | OTS DUI Enforcement Educ. Program               | Police                               |                       | \$210,000              |                | OTS STEP and TRIP Grants           |                 | X                     |                      | Appropriate fund for California Office of Traffic Safety (OTS) for the 2021 "Selective Traffic Enforcement Program (STEP)" and "Traffic Records Improvement Project (TRIP)" grants. Approved by Council on 09/15/2020 through Resolution No. 69,544-N.S. |
| 73     | <b>309 Total</b> |                                                 |                                      | \$0                   | \$210,000              |                |                                    |                 |                       |                      |                                                                                                                                                                                                                                                          |
| 74     | 311              | ESGP                                            | Health, Housing & Community Services |                       | \$5,840,486            | HHESG2102      | ESGP Covid Allocation #2           |                 | X                     |                      | Add ESGP Covid-19 Grant Funds to FY 2021 budget. Approved by Council on 9/15/20 through Resolution No. 69,563-N.S.                                                                                                                                       |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                  | Department                           | Recommended Carryover | Recommended Adjustment | Project Number   | Description/Project name           | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                                                       |
|--------|------------------|----------------------------|--------------------------------------|-----------------------|------------------------|------------------|------------------------------------|-----------------|-----------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 75     | <b>311 Total</b> |                            |                                      | \$0                   | \$5,840,486            |                  |                                    |                 |                       |                      |                                                                                                                                                                                                                                                                                                                              |
| 76     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$20,015               | HHOTBR2101       | TB Real-Time Allotment Grant       |                 | X                     |                      | Appropriate Health (General) fund for TB Real-Time Allotment Grant. Approved by Council on 05/26/2020 through Resolution No. 69,411-N.S.                                                                                                                                                                                     |
| 77     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$81,500               | HHOIFD2101       | HO Infectious Disease Grant        |                 | X                     |                      | Appropriate Health (General) fund for Infectious Diseases, prevention and control grant. Approved by Council on 05/12/2020 through Resolution No. 69,386-N.S.                                                                                                                                                                |
| 78     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$20,961               | HHPIZE2101       | Immunization Enhanced Flu Grant    |                 | X                     |                      | Appropriate additional Health (General) fund for Enhanced Immunization Flu grant. Approved by Council on 05/12/2020 through Resolution No. 69,383-N.S.                                                                                                                                                                       |
| 79     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$25,255               | HHPIZC2101       | Immunization COVID-19 Grant        |                 | X                     |                      | Appropriate additional Health (General) fund for Immunization COVID-19 Grant Program. Approved by Council on 05/12/2020 through Resolution No. 69,383-N.S.                                                                                                                                                                   |
| 80     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$6,413                | HHPLPP2101       | CDHP Lead Prevention Program Grant |                 | X                     |                      | Appropriate fund for FY21 Allocation for the Child Health and Disability Prevention Program Lead Poisoning Prevention (CHDP-LPP) Activities grant. Approved by Council on 5/12/2020 through Resolution No. 69,380                                                                                                            |
| 81     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$21,596               | HHPWIC2101       | FY21 WIC Grant                     |                 | X                     |                      | Appropriate additional funding for the increase in WIC grant award (CDPH/WIC). Approved by Council on 05/14/2019 through Resolution No. 68,862-N.S.                                                                                                                                                                          |
| 82     | 312              | Health (General)           | Health, Housing & Community Services |                       | \$58,341               | HHPORL2101       | Oral Health Grant                  |                 |                       | X                    | Appropriate fund for Oral Health grant revised budget                                                                                                                                                                                                                                                                        |
| 83     | <b>312 Total</b> |                            |                                      | \$0                   | \$234,080              |                  |                                    |                 |                       |                      |                                                                                                                                                                                                                                                                                                                              |
| 84     | 313              | Target Case Mngt/Linkages  | Health, Housing & Community Services |                       | \$3,953                | HHPTCM2101       | TCM Match - GF                     |                 |                       | X                    | Appropriate TCM fund for the final reconciliation (FY17 Audit) of Federal financial participation for the TCM Program                                                                                                                                                                                                        |
| 85     | 313              | Target Case Mngt/Linkages  | Health, Housing & Community Services |                       | \$3,953                | HHATCM2101       | AG TCM                             |                 |                       | X                    | Appropriate TCM fund for the final reconciliation (FY17 Audit) of Federal financial participation for the TCM Program                                                                                                                                                                                                        |
| 86     | <b>313 Total</b> |                            |                                      | \$0                   | \$7,906                |                  |                                    |                 |                       |                      |                                                                                                                                                                                                                                                                                                                              |
| 87     | 315              | Mental Health Services Act | City Manager's Office                | \$233,059             |                        |                  | 2020 Vision Contracts              |                 | X                     |                      | Carryover funds for contracts with YMCA of the East Bay and Hatchuel Tabernik & Associates. Approved by Council on 3/12/19 through Resolution No 68,777-N.S. and approved by Council on 10/30/18 as part of the Mental Health Services Act Innovations Trauma Informed Care Plan Update through Resolution No. 68,640 - N.S. |
| 88     | 315              | Mental Health Services Act | Health, Housing & Community Services |                       | \$1,145,603            | Various projects | Non-Personnel Funds                |                 |                       | X                    | Add funds for Berkeley Food & Housing Project Contract, motel vouchers for individuals, and University Avenue office space rent through end of the fiscal year                                                                                                                                                               |
| 89     | 315              | Mental Health Services Act | Health, Housing & Community Services |                       | \$4,525                | Various projects | Non-Personnel Funds                |                 |                       | X                    | Funds for Pestec & Orkin, and Toshiba through end of fiscal year                                                                                                                                                                                                                                                             |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                      | Department                           | Recommended Carryover | Recommended Adjustment | Project Number   | Description/Project name          | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                         |
|--------|------------------|--------------------------------|--------------------------------------|-----------------------|------------------------|------------------|-----------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 90     | 315              | Mental Health Services Act     | Health, Housing & Community Services |                       | \$42,624               | HHMPAD2101       | MSHA PEI ADMIN                    |                 |                       |                      | Funds to pay for CA MENTAL HEALTH SERVICES AUTHORITY PEI membership invoice                                                                                                                                                                                    |
| 91     | <b>315 Total</b> |                                |                                      | \$233,059             | \$1,192,752            |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 92     | 316              | Health (Short/Doyle)           | Health, Housing & Community Services |                       | \$434,251              | Various projects | Non-Personnel Funds               |                 |                       | X                    | Funds for Berkeley Food & Housing Project, motel vouchers for individuals, Cultural Humility contract, Zoom accounts, medical supplies and other supplies, purchase of 43 laptops, and University Avenue office space rent through the end of the fiscal year. |
| 93     | 316              | Health (Short/Doyle)           | Health, Housing & Community Services |                       | \$5,814                | Various projects | Non-Personnel Funds               |                 |                       | X                    | Funds for Pestec & Orkin, and Toshiba through end of fiscal year                                                                                                                                                                                               |
| 94     | 316              | Health (Short/Doyle)           | Health, Housing & Community Services |                       | \$29,996               | HHMITP2101       | Intern Stipends                   |                 |                       | X                    | Funds to establish an intern trainee program                                                                                                                                                                                                                   |
| 95     | 316              | Health (Short/Doyle)           | Health, Housing & Community Services |                       | \$85,000               | HHMCA2101        | Health Medi-Cal Access and Crisis |                 | X                     |                      | Appropriate fund for MH Specialized Care Unit contract                                                                                                                                                                                                         |
| 96     | <b>316 Total</b> |                                |                                      | \$0                   | \$555,061              |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 97     | 321              | C.F.P. Title X                 | Health, Housing & Community Services |                       | \$85,000               |                  | Title X Family Planning           |                 |                       | X                    | Revise grant budget to match approved allocation amount                                                                                                                                                                                                        |
| 98     | <b>321 Total</b> |                                |                                      | \$0                   | \$85,000               |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 99     | 328              | Family Care Support Program    | Health, Housing & Community Services |                       | \$1,063                |                  | Family Caregiver grant            |                 |                       | X                    | Revise grant budget to match approved allocation amount                                                                                                                                                                                                        |
| 100    | <b>328 Total</b> |                                |                                      | \$0                   | \$1,063                |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 101    | 329              | CA Integrated Waste Management | Public Works                         |                       | \$8,728                |                  | Used Oil Program                  |                 |                       | X                    | Appropriate Public Works portion of CA Integrated Waste Management Fund for the Used Oil Program                                                                                                                                                               |
| 102    | <b>329 Total</b> |                                |                                      | \$0                   | \$8,728                |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 103    | 331              | Housing Mitigation             | Health, Housing & Community Services |                       | \$1,091,931            | HHHCHM2101       | Community Housing Mitigation Fee  |                 |                       |                      | Appropriation of Community Housing Mitigation Fee funds for Housing Trust Fund                                                                                                                                                                                 |
| 104    | <b>331 Total</b> |                                |                                      | \$0                   | \$1,091,931            |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 105    | 334              | Community Action Program       | Health, Housing & Community Services |                       | \$373,097              | HHCSB2101        | Cares Act Funds                   |                 | X                     |                      | Add CSBG Cares Act Funds for low income residents. Approved by Council on 9/15/20 through Resolution 69,550-N.S.                                                                                                                                               |
| 106    | <b>334 Total</b> |                                |                                      | \$0                   | \$373,097              |                  |                                   |                 |                       |                      |                                                                                                                                                                                                                                                                |
| 107    | 336              | OneTime Grant: No Cap Exp      | Fire                                 |                       | \$114,159              |                  | Cares Act Funds                   |                 | X                     |                      | CARES Act Provider Relief grant funds for Fire Department for COVID-19 testing, the vaccination process, PPE, and any other COVID-19 related expenses. Approved by Council on 12-15-20 through Resolution No. 69,653-N.S.                                      |
| 108    | 336              | OneTime Grant: No Cap Exp      | Health, Housing & Community Services |                       | \$480,084              | HHHEAP2101       | HEAP Funds                        |                 |                       | X                    | Remaining contract funds for Homeless Emergency Assistance Program funds for Health, Housing, & Community Services, Parks, Recreation & Waterfront, and Public Works                                                                                           |
| 109    | 336              | OneTime Grant: No Cap Exp      | Health, Housing & Community Services |                       | \$48,994               | HHAKEG2101       | Kitchen Electrification Grant     |                 | X                     |                      | Appropriate fund for Kitchen Electrification Grant for Aging Services. Approved by Council on 03/09/2021 through Resolution No. 69,742-N.S.                                                                                                                    |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund # | Fund Name                 | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                    | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                               |
|--------|--------|---------------------------|--------------------------------------|-----------------------|------------------------|----------------|---------------------------------------------|-----------------|-----------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 110    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$103,231              | HHOPRC2101     | Provider Relief CARES Act Grant Set-up      |                 | X                     |                      | Appropriate fund for Provide Relief CARES Act Covid-19 Grant. Approved by Council on 12/15/2020 through Resolution No. 69,653-N.S.                                                   |
| 111    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$5,241                | HHAPRC2101     | Provider Relief CARES Act Grant Set-up      |                 | X                     |                      | Appropriate fund for Provide Relief CARES Act Covid-19 Grant. Approved by Council on 12/15/2020 through Resolution No. 69,653-N.S.                                                   |
| 112    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$555,220              | HHHCES2101     | CES - HCSA                                  |                 | X                     |                      | Appropriate fund for the CES Grant for the amendment of Contract No. 31900273 with Bay Area Community Services. Approved by Council on 6/30/20 through Resolution No. 69,465-N.S.    |
| 113    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$100,000              | HHMITH2101     | Tele-Health Grant                           |                 | X                     |                      | Appropriate fund for the Tele-Health Grant for Internet Technology Equipment and Personal Protective Equipment. Approved by Council on 11/17/2020 through Resolution No. 69,909-N.S. |
| 114    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$847,131              | HHOEDF2101     | ELC Enhancing Detection Funding             |                 | X                     |                      | Appropriate fund for COVID-19 ELC CARES Enhancing Detection Grant. Approved by Council on 09/22/2020 through Resolution No. 69,567-N.S.                                              |
| 115    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$24,297               | HHOHHC2101     | Heluna Health COVID Grant                   |                 | X                     |                      | Appropriate fund for Heluna Health CARES Act COVID-19 Grant Program. Approved by Council on 07/28/2020 through Resolution No. 69,512-N.S.                                            |
| 116    | 336    | OneTime Grant: No Cap Exp | Health, Housing & Community Services |                       | \$148,283              | HHOHHC2101     | Heluna Health COVID Grant                   |                 | X                     |                      | Appropriate additional fund for Heluna Health CARES Act COVID-19 Grant Program. Approved by Council on 07/28/2020 through Resolution No. 69,512-N.S.                                 |
| 117    | 336    | OneTime Grant: No Cap Exp | Parks, Recreation & Waterfront       |                       | \$50,000               | PRWWF20012     | WATERFRONT BIKE LOCKERS                     |                 | X                     |                      | Appropriate fund for the BAAQMD grant for the Waterfront Bike Lockers                                                                                                                |
| 118    | 336    | OneTime Grant: No Cap Exp | Police                               |                       | \$312,284              |                | Sexual Assault Grant                        |                 | X                     |                      | Appropriate fund for testing untested Sexual Assault Evidence grant, MOU with California Department of Justice. Approved by Council on 07/28/2020 through Resolution No. 69,523-N.S. |
| 119    | 336    | OneTime Grant: No Cap Exp | Public Works                         |                       | \$100,000              |                | Mattress Recycling Council California grant |                 |                       | X                    | Appropriate grant funding for Mattress Recycling Council Illegal Dumping Pilot Study                                                                                                 |



## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                    | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name               | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                              |
|--------|------------------|------------------------------|--------------------------------------|-----------------------|------------------------|----------------|----------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 120    | 336              | OneTime Grant: No Cap Exp    | Health, Housing & Community Services |                       | \$14,024               |                | Provider Relief CARES Act Grant Set-up |                 | X                     |                      | Appropriate the rest of the fund for Provide Relief CARES Act Covid-19 Grant to be spent down by June 30, 2021. Approved by Council on 12/15/2020 through Resolution No. 69,653-N.S.                |
| 121    | <b>336 Total</b> |                              |                                      | \$0                   | \$2,902,948            |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 122    | 343              | STATE DEPT CONSERV/RECYCLING | Public Works                         |                       | \$184,886              |                | Beverage Container grant               |                 |                       | X                    | Appropriate funding for Zero Waste program beverage container grant                                                                                                                                 |
| 123    | <b>343 Total</b> |                              |                                      | \$0                   | \$184,886              |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 124    | 347              | Shelter+Care HUD             | Health, Housing & Community Services |                       | \$532,152              | HHSPF2101      | Shelter+Care Grant                     |                 |                       | X                    | Revise grant budget to match approved allocation amount                                                                                                                                             |
| 125    | <b>347 Total</b> |                              |                                      | \$0                   | \$532,152              |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 126    | 348              | Shelter+Care County          | Health, Housing & Community Services |                       | \$285,631              |                | Shelter+Care Grant                     |                 |                       | X                    | Appropriate fund for the increased Shelter+Care grant funding from Alameda County starting March 1, 2021                                                                                            |
| 127    | <b>348 Total</b> |                              |                                      | \$0                   | \$285,631              |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 128    | 350              | Bio-Terrorism Grant          | Health, Housing & Community Services | \$2,296               |                        | HHPCRI2101     | PH Cities Readiness Initiative         |                 |                       | X                    | Carryover of fund for Public Health Cities Readiness Initiative project                                                                                                                             |
| 129    | 350              | Bio-Terrorism Grant          | Health, Housing & Community Services | \$89,969              |                        | HHPHEP2101     | PH Emergency Preparedness              |                 |                       | X                    | Carryover of fund for Public Health Emergency Preparedness project                                                                                                                                  |
| 130    | 350              | Bio-Terrorism Grant          | Health, Housing & Community Services |                       | (\$23,773)             | HHPHEP2101     | PH Emergency Preparedness              |                 |                       | X                    | appropriate grant fund to adjust and align with the approved budget. Grantor approved budget was \$169K, COB set up budget was \$192K.                                                              |
| 131    | <b>350 Total</b> |                              |                                      | \$92,265              | (\$23,773)             |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 132    | 351              | UASI Regional Fund           | Fire                                 |                       | \$54,803               |                | UASI 2020 GRANT AWARD                  |                 | X                     |                      | Appropriate grant fund for UASI 2020 Grant award                                                                                                                                                    |
| 133    | <b>351 Total</b> |                              |                                      | \$0                   | \$54,803               |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 134    | 501              | Capital Improvement          | Health, Housing & Community Services |                       | \$1,885                | HHHGHF2101     | Housing Trust Fund - General Fund      |                 | X                     |                      | Appropriate Housing Trust Fund - GF for remaining RCD Contract#32100084, and Satellite Affordable Housing Contract#32100085. Approved by Council on 07/28/20 through Res. No. 69,513-N.S.           |
| 135    | 501              | Capital Improvement          | Parks, Recreation & Waterfront       | \$22,979              |                        |                | Walter Mork payment                    |                 |                       | X                    | Carryover funds from FY 2020 for the Walter Mork payment reissued.                                                                                                                                  |
| 136    | 501              | Capital Improvement          | Public Works                         | \$26,885              |                        |                | Woolsey/Eton traffic calming           |                 |                       | X                    | Carryover funds to continue work on Woolsey/Eton traffic calming                                                                                                                                    |
| 137    | 501              | Capital Improvement          | Public Works                         | \$762,076             |                        |                | Deferred Building Repairs              |                 |                       | X                    | Carryover funds from FY 2020 for emergency and deferred building repairs.                                                                                                                           |
| 138    | <b>501 Total</b> |                              |                                      | \$811,940             | \$1,885                |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 139    | 503              | FUND\$ Replacement           | Human Resources                      |                       | \$50,000               |                | Telford Contract                       |                 | X                     |                      | Contract amendment with Telfords, Inc. to provide support to FUND\$ Replacement project increasing contract amount to \$100,000. Approved by Council on 11/17/20 through Resolution No. 69,610-N.S. |
| 140    | <b>503 Total</b> |                              |                                      | \$0                   | \$50,000               |                |                                        |                 |                       |                      |                                                                                                                                                                                                     |
| 141    | 511              | Measure T1                   | City Manager's Office                |                       | \$68,330               |                | Measure T1 Public Art Projects         |                 |                       | X                    | Appropriate remaining funds for Measure T1 Public Art Project Funds                                                                                                                                 |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name  | Department                     | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                     | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                 |
|--------|------------------|------------|--------------------------------|-----------------------|------------------------|----------------|----------------------------------------------|-----------------|-----------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 142    | 511              | Measure T1 | Non-Departmental               |                       | \$2,898,400            |                | Measure T1 Loan Repayments                   |                 | X                     |                      | Appropriate Phase 2 Measure T1 bond proceeds to repay loans to Measure BB - Local Streets & Roads Fund (\$600,000), Parks Tax Fund (\$600,000), Mental Health Realignment Fund (\$198,400), and Capital Improvement Fund (\$1,500,000). Approved by Council on 4/20/21 |
| 143    | 511              | Measure T1 | Parks, Recreation & Waterfront |                       | \$30,761               | PRWT119007     | Pier Ferry Facility Study                    |                 |                       | X                    | Funds for public engagement and consensus building community process for Berkeley Pier Structural Condition Assessment & Ferry Transportation Feasibility Study                                                                                                        |
| 144    | 511              | Measure T1 | Parks, Recreation & Waterfront |                       | \$1,785,728            | PRWT119006     | University Ave., Marina, Spinnaker St.       |                 |                       | X                    | Appropriate fund for Marina Streets BCDC permit fees                                                                                                                                                                                                                   |
| 145    | 511              | Measure T1 | Parks, Recreation & Waterfront |                       | \$102,651              | PRWT119006     | University Ave., Marina, Spinnaker St.       |                 |                       | X                    | Appropriate additional T1 funding for the construction phase of the University Ave., Marina, Spinnaker St. project                                                                                                                                                     |
| 146    | 511              | Measure T1 | Public Works                   |                       | \$100,000              | PWT1CB2201     | South Berkeley Senior Center                 |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - South Berkeley Senior Center                                                                                                                                                                       |
| 147    | 511              | Measure T1 | Public Works                   |                       | \$100,000              | PWT1CB2201     | South Berkeley Senior Center                 |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - South Berkeley Senior Center                                                                                                                                                                       |
| 148    | 511              | Measure T1 | Public Works                   |                       | \$100,000              | PWT1CB2201     | South Berkeley Senior Center                 |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - South Berkeley Senior Center                                                                                                                                                                       |
| 149    | 511              | Measure T1 | Public Works                   |                       | \$100,000              | PWT1CB2201     | South Berkeley Senior Center                 |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - South Berkeley Senior Center                                                                                                                                                                       |
| 150    | 511              | Measure T1 | Public Works                   |                       | \$200,000              | PWT1CB2202     | Restrooms in the ROW (2-3)                   |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - Restrooms in the ROW                                                                                                                                                                               |
| 151    | 511              | Measure T1 | Public Works                   |                       | \$300,000              | PWT1CB2203     | 1947 Center Street Improvements              |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - 1947 Center Street Improvements                                                                                                                                                                    |
| 152    | 511              | Measure T1 | Public Works                   |                       | \$200,000              | PWT1CB2204     | Fire Station #2 Improvements                 |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - Fire Station #2 Improvements                                                                                                                                                                       |
| 153    | 511              | Measure T1 | Public Works                   |                       | \$200,000              | PWT1CB2205     | Fire Station #6 Improvements                 |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - Fire Station #6 Improvements                                                                                                                                                                       |
| 154    | 511              | Measure T1 | Public Works                   |                       | \$400,000              | PWT1CB2206     | PW Corp Yard Improvements                    |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - PW Corp Yard Improvements                                                                                                                                                                          |
| 155    | 511              | Measure T1 | Public Works                   |                       | \$100,000              | PWT1CB2207     | Oxford & Telegraph Channing Garage Restrooms |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - Oxford & Telegraph Channing Garage Restrooms Improvements                                                                                                                                          |
| 156    | 511              | Measure T1 | Public Works                   |                       | \$100,000              | PWT1CB2208     | Emergency Power Supply Solar Batteries       |                 |                       | X                    | Appropriate T1 funding for the initial work on T1 phase 2 project - Emergency Power Supply Solar Batteries                                                                                                                                                             |
| 157    | <b>511 Total</b> |            |                                | \$0                   | \$6,785,870            |                |                                              |                 |                       |                      |                                                                                                                                                                                                                                                                        |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #           | Fund Name                     | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name        | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                          |
|--------|------------------|-------------------------------|--------------------------------------|-----------------------|------------------------|----------------|---------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 158    | 512              | Measure O                     | Health, Housing & Community Services |                       | \$7,500,000            | HHHME02101     | 1740 San Pablo Avenue           |                 | X                     |                      | Measure O loan to Bridge Corporation for development of 1740 San Pablo Avenue. Approved by Council on 3/10/20 through Resolution No. 60,315-N.S.                |
| 159    | 512              | Measure O                     | Health, Housing & Community Services |                       | \$5,500,000            |                | 2527 San Pablo Avenue           |                 | X                     |                      | Measure O acquisition and predevelopment loan to SAHA Housing Corporation for 2527 San Pablo. Approved by Council on 01/19/2021 through Resolution# 69,685-N.S. |
| 160    | 512              | Measure O                     | Public Works                         |                       | \$303,545              | PWENBM2110     | Berkeley Way Observer           |                 |                       |                      | Measure O funding for PW to assist HHCS with the Berkeley Way Housing project                                                                                   |
| 161    | <b>512 Total</b> |                               |                                      | \$0                   | \$13,303,545           |                |                                 |                 |                       |                      |                                                                                                                                                                 |
| 162    | 607              | MAR - DEPT OF BOATING & WTRWY | Parks, Recreation & Waterfront       |                       | \$42,000               | PRWWF21006     | DBW 2020 SAVE Grant             |                 |                       | X                    | Appropriate funding for the DBW 2020 SAVE grant                                                                                                                 |
| 163    | <b>607 Total</b> |                               |                                      | \$0                   | \$42,000               |                |                                 |                 |                       |                      |                                                                                                                                                                 |
| 164    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$4,200                | PRWWF21006     | DBW 2020 SAVE Grant             |                 |                       | X                    | Appropriate funding for the DBW 2020 SAVE grant local match                                                                                                     |
| 165    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$15,000               | PRWWF21003     | FY 2021 Finger Dock Replacement |                 |                       | X                    | Funds for fabrication, delivery, and installation of new finger docks at the Berkeley Marina                                                                    |
| 166    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$135,000              | PRWWF21003     | FY 2021 Finger Dock Replacement |                 |                       | X                    | Funds for fabrication, delivery, and installation of new finger docks at the Berkeley Marina (balance of total need of \$150,000).                              |
| 167    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$70,000               | PRWWF21004     | FY2021 Launch Ramp Repair       |                 |                       | X                    | Appropriate fund for Sandstone to do asphalt work at Marina launch ramp.                                                                                        |
| 168    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$20,000               | PRWWF21005     | B & C Dock Fencing              |                 |                       | X                    | Appropriate fund for the Waterfront B & C Fencing project                                                                                                       |
| 169    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$100,000              | PRWWF21007     | Waterfront Key Fob System       |                 |                       | X                    | Appropriate fund for the Marina Waterfront Key Fob System                                                                                                       |
| 170    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$10,000               |                | Marina Landscape Supply         |                 |                       | X                    | Appropriate fund for Marina Landscape field supplies                                                                                                            |
| 171    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$1,865                | PRWT119007     | PIER- FERRY FACILITY STUDY      |                 |                       | X                    | Appropriate funding for document printing for community workshops                                                                                               |
| 172    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$1,865                | PRWWF19001     | Waterfront Master Plan          |                 |                       | X                    | Appropriate funding for document printing for community workshops                                                                                               |
| 173    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$300,000              | PRWWF20005     | O & K Dock Electrical           |                 |                       | X                    | Appropriate fund to add construction fund for the O & K Dock Electrical project.                                                                                |
| 174    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$55,569               |                | Waterfront Building Maintenance |                 |                       | X                    | Appropriate funding for additional funding for the waterfront building maintenance baseline                                                                     |
| 175    | 608              | Marina Fund                   | Parks, Recreation & Waterfront       |                       | \$13,486               |                | Waterfront Landscaping          |                 |                       | X                    | Appropriate funding for additional funding for the waterfront landscaping baseline                                                                              |

## FY 2021 Annual Appropriations Ordinance Amendment #2 Recommendations

Attachment 2

| Item # | Fund #             | Fund Name                 | Department                     | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                           | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                               |
|--------|--------------------|---------------------------|--------------------------------|-----------------------|------------------------|----------------|----------------------------------------------------|-----------------|-----------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 176    | 608                | Marina Fund               | Parks, Recreation & Waterfront |                       | \$50,000               | PRWWF20012     | WATERFRONT BIKE LOCKERS                            |                 | X                     |                      | Appropriate fund for the local match for the BAAQMD grant for the Waterfront Bike Lockers                                                                                            |
| 177    | 608                | Marina Fund               | Parks, Recreation & Waterfront |                       | \$24,000               | PRWWF21005     | RESTROOM FENCING                                   |                 |                       | X                    | Appropriate funding to install gates D&E/H&I/M&N restrooms                                                                                                                           |
| 178    | 608                | Marina Fund               | Parks, Recreation & Waterfront |                       | \$50,000               | PRWWF21003     | FY21 FINGER DOCK REPLACEMENT                       |                 |                       | X                    | Appropriate funding to increase budget to cover finger dock capping in bid                                                                                                           |
| 179    | 608                | Marina Fund               | Parks, Recreation & Waterfront |                       | \$3,000,000            | PRWT119006     | UNIVERSITY AVE, MARINA, SPINNAKER ST               |                 |                       | X                    | Appropriate the funding from the Double Tree \$3M contribution to the University Ave, Marina, and Spinnaker St construction                                                          |
| 180    | 608                | Marina Fund               | Parks, Recreation & Waterfront |                       | \$15,000               | PRWWF21009     | F & F Dock Gate                                    |                 |                       | X                    | Appropriate funding for F & G Dock Gate.                                                                                                                                             |
| 181    | 608                | Marina Fund               | Parks, Recreation & Waterfront |                       | \$6,260                |                | Seawall cost and WF Marina Mtce.                   |                 |                       | X                    | Appropriate additional funding for seawall cost and Waterfront Marina Mtce.                                                                                                          |
| 182    | <b>608 Total</b>   |                           |                                | \$0                   | \$3,872,245            |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |
| 183    | 611                | Sanitary Sewer Operations | Public Works                   |                       | \$71,950               |                | Vehicle replacement                                |                 |                       | X                    | Appropriate funding for shortfall to VEH 2311                                                                                                                                        |
| 184    | 611                | Sanitary Sewer Operations | Public Works                   |                       | \$220,180              |                | Vehicle replacement                                |                 |                       | X                    | Appropriate funding for shortfall to VEH 2375                                                                                                                                        |
| 185    | 611                | Sanitary Sewer Operations | Public Works                   |                       | \$327,000              |                | New vehicle purchase                               |                 |                       | X                    | Appropriate funding for purchase of a new vactor truck for sewer                                                                                                                     |
| 186    | <b>611 Total</b>   |                           |                                | \$0                   | \$619,130              |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |
| 187    | 621                | Permit Service Center     | Planning                       |                       | \$10,000               |                | Peer review of Bayer's community benefits proposal |                 |                       | X                    | Appropriate funding for part of Bayer agreement with CoB, \$ to cover costs associated with Economic & Planning Systems, Inc. for peer review of Bayer's community benefits proposal |
| 188    | 621                | Permit Service Center     | Planning                       |                       | \$65,000               |                | Housing Element work                               |                 |                       | X                    | Appropriate funding for the Housing Element work (Reimi Contract)                                                                                                                    |
| 189    | <b>621 Total</b>   |                           |                                | \$0                   | \$75,000               |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |
| 190    | 671                | Equipment Replacement     | Public Works                   |                       | \$3,299,820            |                | Unfunded essential vehicle purchases               |                 |                       | X                    | Appropriate funding for unfunded essential vehicle purchases                                                                                                                         |
| 191    | 671                | Equipment Replacement     | Public Works                   |                       | \$824,733              |                | Vehicle replacement                                |                 |                       | X                    | Appropriate funding to purchase a replacement for a totaled fire truck                                                                                                               |
| 192    | 671                | Equipment Replacement     | Public Works                   |                       | \$214,763              |                | Vehicle replacement                                |                 |                       | X                    | Appropriate funding to purchase a replacement for a totaled ambulance                                                                                                                |
| 193    | 671                | Equipment Replacement     | Public Works                   |                       | \$852,575              |                | Lease payment                                      |                 |                       | X                    | Appropriate funding to pay for FY 2021 Fire Truck lease payment (principal & interest)                                                                                               |
| 194    | <b>671 Total</b>   |                           |                                | \$0                   | \$5,191,891            |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |
| 195    | 678                | Public Liability          | City Attorney                  |                       | \$716,512              |                | City Attorney Outside                              |                 |                       | X                    | Appropriate additional funding for increased                                                                                                                                         |
| 196    | <b>678 Total</b>   |                           |                                | \$0                   | \$716,512              |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |
| 197    |                    |                           |                                |                       |                        |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |
| 198    | <b>Grand Total</b> |                           |                                | \$1,353,084           | \$74,868,298           |                |                                                    |                 |                       |                      |                                                                                                                                                                                      |



Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

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 11, 2021

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 \$1,800,000.

| <u>PROJECT</u>                                                                        | <u>Fund</u> | <u>Source</u>                   | <u>Amount</u>      |
|---------------------------------------------------------------------------------------|-------------|---------------------------------|--------------------|
| Dock O&K Electrical Upgrade Project                                                   | 501         | Capital Improvement/Marina Fund | <b>\$1,100,000</b> |
| Community partnerships for equitable COVID-19 testing, quarantine and vaccine support | 336         | One-Time Grant                  | <b>\$700,000</b>   |
| <b>Total:</b>                                                                         |             |                                 | <b>\$1,800,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on May 11, 2021

CONSENT CALENDAR  
May 11, 2021

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

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 services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on May 11, 2021
  - a) Dock O&K Electrical Upgrade Project
  - b) Community partnerships for equitable COVID-19 testing, quarantine and vaccine support

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

| SPECIFICATIO<br>N NO.  | DESCRIPTION<br>OF GOODS /<br>SERVICES<br>BEING<br>PURCHASED                                                | APPROX.<br>RELEASE<br>DATE | APPROX.<br>BID<br>OPENING<br>DATE | INTENDED USE                                                                                                                                                                                                                                   | ESTIMATED<br>COST                                                                  | BUDGET CODE TO BE CHARGED                                                                                  | DEPT. / DIVISION                | CONTACT NAME &<br>PHONE   |
|------------------------|------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------|
| 21-11449-C             | Dock O&K<br>Electrical<br>Upgrade Project                                                                  | 5/12/2021                  | 5/29/2021                         | Project consists of an<br>electrical upgrade to<br>Docks O and K at the<br>Berkeley Marina.<br>Aging infrastructure<br>will be replaced with<br>new, code compliant<br>equipment that will<br>increase safety and<br>reduce overhead<br>costs. | CIP Fund<br>\$550,000<br><br>Marina Fund<br>\$550,000<br><br>Total:<br>\$1,100,000 | 501-52-545-000-0000-000-461-<br>663110-PRWWF20005<br><br>608-52-545-000-0000-000-473-<br>663110-PRWWF20005 | PRW/Capital                     | Nelson Lam<br>981-6395    |
| <b>Dept TOTAL</b>      |                                                                                                            |                            |                                   |                                                                                                                                                                                                                                                | \$1,100,000                                                                        |                                                                                                            |                                 |                           |
| 21-11450-C             | Community<br>partnerships<br>for equitable<br>COVID-19<br>testing,<br>quarantine<br>and vaccine<br>support | 5/12/2021                  | 6/12/2021                         | Multiple contracts with<br>community based<br>organizations to<br>increase equitable<br>outreach and support<br>related to the COVID-<br>19 pandemic                                                                                           | \$700,000                                                                          | 336-51-501-503-2075-000-451-511110<br><br>-                                                                | HHCS/ Office of<br>the Director | Amy Davidson 981-<br>5406 |
| <b>Dept TOTAL</b>      |                                                                                                            |                            |                                   |                                                                                                                                                                                                                                                | \$700,000                                                                          |                                                                                                            |                                 |                           |
| <b>GRAND<br/>TOTAL</b> |                                                                                                            |                            |                                   |                                                                                                                                                                                                                                                | <b>\$1,800,000</b>                                                                 |                                                                                                            |                                 |                           |







Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Paul Buddenhagen, Deputy City Manager  
 Subject: Contract: The Wright Institute for Mental Health Counseling for Older Adults

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to enter into an expenditure contract and any amendments or extensions thereto with The Wright Institute for the term July 1, 2021 to June 30, 2022 with two additional one (1)-year renewal options, for an expenditure not to exceed \$300,000 to fund the cost of providing mental health counseling services to older adults in the Berkeley community.

FISCAL IMPACTS OF RECOMMENDATION

The execution of this expenditure contract will result in the usage of a portion (\$300,000) of the City of Berkeley's Mental Health Services Act (MHSA) Community Services and Supports (CSS) funding allocation. The total amount of the expenditure will be \$300,000 (\$100,000 per fiscal year for three years) from the City of Berkeley. The funds are subject to the Annual Appropriations Ordinance in Fiscal Year 2022.

The State of California MHSA provides funding for local mental health services. City of Berkeley MHSA Three Year Program and Expenditure Plans (Three Year Plans), and Annual Updates detail the uses of local MHSA funds. Development of local MHSA Three Year Plans and Annual Updates require community program planning, writing a draft plan, providing a 30-day public review, and conducting a public hearing at the Mental Health Commission.

CURRENT SITUATION AND ITS EFFECTS

The Aging Services Division is dedicated to promoting a dignified, healthful quality of life for older adults in Berkeley by offering connections to services and resources to connect, learn, grow, and discover new ways to be actively engaged in living. Aging Services serves as a resource for recreation, increased food security, transportation assistance, health & wellness education, and other supportive services for adults who are 55 and older.

The mental health counseling program will help older adults address mental health issues by offering one-on-one, short-term counseling in addition to group therapy and workshops geared toward increasing mental resiliency. Although Berkeley Senior

Centers are currently closed to the public due to the shelter in place order issued by the Berkeley Health Officer in March 2020, the Aging Services Division is prepared to facilitate the provision of counseling services virtually via internet conferencing applications as well as via telephone. The Division is also preparing to provide in-person services following local and State public health guidance.

### BACKGROUND

Nationwide, one in four older adults experience some mental disorder such as depression or anxiety and this number is expected to double to 15 million by 2030. Annually, about 6% of adults in California (roughly two million people) will experience a major depressive episode. Depression is associated with higher risk of suicide and cardiovascular death. In California, about two-thirds of adults with mental illness will not receive treatment. Common barriers to accessing services include lack of health insurance, lack of available treatment providers or programs, and inability to pay for treatment.<sup>1</sup> Through this mental health counseling program, Aging Services is working to reduce barriers to care on local levels with a focus on equity.

On July 25, 2017, via Resolution No. 68,109-N.S., City Council authorized the City Manager to approve the MHSA Fiscal Years 2017/18 – 2019/20 Three Year Program Expenditure Plan which contained therein the provision of funding to the Health, Housing & Community Services (HHCS), Aging Services Division to provide mental health counseling services at Berkeley Senior Centers.

### ENVIRONMENTAL SUSTAINABILITY

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

### RATIONALE FOR RECOMMENDATION

Adoption of this resolution will support the ability of the City to fill a need in the community by operating a counseling program targeted specifically towards older adults in Berkeley with a focus on equity, which provides a needed expansion of the system of care for individuals with mental health challenges in Berkeley.

### ALTERNATIVE ACTIONS CONSIDERED

The City could decide not to adopt this resolution which would reduce mental health care to a vulnerable community in Berkeley.

### CONTACT PERSON

Tanya Bustamante, Manager of Aging Services Division, HHCS, (510) 981-5178

### Attachments:

1: Resolution

---

<sup>1</sup> Source: <https://www.chcf.org/wp-content/uploads/2018/03/MentalHealthCalifornia2018.pdf>

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

CONTRACT: THE WRIGHT INSTITUTE FOR MENTAL HEALTH COUNSELING FOR  
OLDER ADULTS IN BERKELEY

WHEREAS, the City of Berkeley Aging Services Division is dedicated to promoting a dignified, healthful quality of life for older adults age 55 and over; and

WHEREAS, Aging Services strives to provide programs and services with the goal of improving the quality of life for the older adult community; and

WHEREAS, the administration of a mental health counseling program targeting older adults will alleviate barriers to the senior community needing mental health services; and

WHEREAS, funds are subject to the Annual Appropriations Ordinance in Fiscal Year 2022, with two additional one (1)-year renewal options from the City of Berkeley's Mental Health Services Act (MHSA) Community Services and Supports (CSS) funding allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an expenditure contract and any amendments or extensions thereto with The Wright Institute in an amount not to exceed \$300,000 for the period February 2021 through June 30, 2022, with two additional one-year renewal options, for the purpose of providing mental health counseling services for the older adult community. A record signature copy of said contract and any amendments shall be on file with the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract No. 110062 Amendment: Pacific Site Management for Landscaping Services

**RECOMMENDATION**

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 110062 with Pacific Site Management for landscaping services adding \$146,304 for a total not to exceed amount of \$355,822 ending June 30, 2022.

**FISCAL IMPACTS OF RECOMMENDATION**

The existing contract amount is \$209,518. The amendment will extend the contract end date to June 30, 2022 and increase the limit by \$146,304 for a total not to exceed amount of \$355,822. The additional \$146,304 will be funded by:

| <b>Program</b>                                                  | <b>Amount</b> | <b>ERMA GL Account</b>             |
|-----------------------------------------------------------------|---------------|------------------------------------|
| Public Health Division - West Berkeley Service Center Courtyard | \$111,824     | 011-51-506-559-2051-000-451-612990 |
| Aging Services Division - South Berkeley Service Center         | \$6,213       | 011-51-505-544-0000-000-444-612990 |
| Aging Services Division - North Berkeley Service Center         | \$4,020       | 011-51-505-541-0000-000-444-612990 |
| Mental Health Division - 1890 Alcatraz                          | \$2,132       | 316-51-503-520-0000-000-451-624110 |
| Mental Health Division - 2640 MLK                               | \$12,062      | 011-51-503-520-0000-000-451-624110 |
| Public Health Division – 830 University                         | \$6,032       | 011-51-506-561-0000-000-451-624110 |
| Public Health Division– West Berkeley Service Center            | \$4,021       | 011-51-506-561-0000-000-451-624110 |

Funds for the West Berkeley Service Center courtyard are available in the Fiscal Year (FY) 2021 budget. The funds for the remaining ongoing maintenance costs are either available through FY 2021 budgets or will be available through FY 2022 baseline budgets. Funds not included in the FY 2021 and FY 2022 baseline budget will be appropriated through Annual Appropriations Ordinance in FY 2022.

### CURRENT SITUATION AND ITS EFFECTS

Pacific Site Management currently provides landscaping management services at a number of sites for the Divisions under the Health, Housing, and Community Services Department and will continue those services under this contract.

The condition of the current courtyard at the West Berkeley Service Center is largely in disrepair, with uneven surfaces due to broken/ cracked concrete, uneven pavers, and overgrown vegetation. The courtyard, in its current condition, is unsafe and unusable for the community and our clients. With community focused programming scheduled to move into the facility, such as the Women, Infant, and Children (WIC) Program, Black Infant Health, School Linked Health Services, Family Support Services and more, the renovation of the courtyard would provide a safe outdoor space for the families and their young children to play and engage in health education activities provided by the programs once COVID restrictions are lifted. The Healthy Berkeley Program, supported by Berkeley's Sugar-Sweetened Beverage tax, is funding this project as part of its program plan to encourage healthy behaviors through an environmental change with an equity lens. Since the majority, if not all our program clients, are low-income and many from communities color, this project will provide much needed safe, outdoor space that is family and community centered.

There has been discussion of creating affordable senior housing at the West Berkeley Service Center, but that would be some years from happening. In the meantime, the uses described in this report are pressing and important.

### BACKGROUND

In the 2018 Berkeley Health Status report, heart disease was shown as the leading cause of death in the African American community and the second leading cause of death among White, Latino, and Asian communities. The rate of hospitalization due to hypertension among Berkeley's African American population also sharply increased and is five times that of the total population. The Public Health Division's subsequent 2019 Community Health Assessment showed that mental wellness and chronic disease were top health concerns for our communities -- particularly for those who have experienced historical health disparities and inequities that impact health. There was also an expressed wish among Berkeley youth for a community center in the West Berkeley neighborhood. Based on these identified needs, creating a community and family-friendly center that provides social and health supports for low-income families is a priority for the Public Health Division. This is in line with the Division's strategic plan to address mental wellness, chronic disease, and racism as three of the Division's four focus areas.

The West Berkeley Service Center has long been a City facility that has provided community programs and has been a place for community gathering. With the repurposing of the Public Health Clinic on 830 University Avenue many of the Maternal,

Child, and Adolescent programs, such as WIC, Immunization program, Black Infant Health, Family Support Services, and more will be moving to the West Berkeley Service Center, a community accessible space in a neighborhood that has experienced historical health disparities due in part to social inequities. The courtyard in this facility has not been maintained in a safe and usable condition. With proper renovation to level out the surface grade, ADA enhancements in the design, and inclusion of a safe play area in the landscape design, the programs that primarily serve families with young children would greatly benefit from a large, useable space that could enhance their ability to engage in healthy behaviors, family/community connection, and developmental play.

ENVIRONMENTAL SUSTAINABILITY

Native plants are planned for the outdoor courtyard to minimize environmental impacts and ongoing maintenance needs.

RATIONALE FOR RECOMMENDATION

Pacific Site Management was selected through a competitive bid process and has been providing landscaping services for a number of Health, Housing, and Community Services facilities. This vendor is familiar with the facilities, services, site needs, and City guidelines, which would help it to begin work immediately.

ALTERNATIVE ACTIONS CONSIDERED

The City could opt to not renovate the outdoor courtyard space. This would render it significantly less safe and accessible for clients and staff who frequent that site.

CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5212

Attachments:

1: Resolution

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

CONTRACT NO. 110062 AMENDMENT: PACIFIC SITE MANAGEMENT FOR  
LANDSCAPING SERVICES

WHEREAS, the Health, Housing, and Community Services Department is responsible for providing a professional, safe and environmentally friendly landscape at the City of Berkeley Senior Centers, the West Berkeley Service Center, the Berkeley Mental Health Clinic, and the Ann Chandler Public Health Center; and

WHEREAS, on April 17, 2014, three proposals were submitted and a review panel determined that D&H Landscaping best matched the selection criteria; and

WHEREAS, on July 1, 2014, Contract 9709 was previously executed; and

WHEREAS, on April 1, 2016, D&H Landscaping was acquired by Pacific Site Management; and

WHEREAS on August 23, 2017, Contract 9709C was executed to assign the contract to Pacific Site Management to add services to the new Mental Health Clinic on Alcatraz; and

WHEREAS, City and Contractor previously entered into Contract Number #9709D, dated, May 13 2018, which Contract was authorized by the Berkeley City Council not to exceed \$209,518 by Resolution No. 68,347 - N.S.; and

WHEREAS, on November 29, 2018, the City of Berkeley amended Contract No. 110062 (Contract Number #9709D) with Pacific Site Management for landscaping services to extend the contract period to June 30, 2021; and

WHEREAS, it is beneficial for the City to enter into an agreement with a Bay-Friendly certified landscaper as it directly supports the City's environmental sustainability goals; and

WHEREAS, the City of Berkeley's Public Health Division is seeking to provide safe, community and family friendly outdoor spaces to promote mental wellness and healthy behaviors; and

WHEREAS, Pacific Site Management would provide landscaping services that would improve safety and accessibility to an outdoor space for all community members, including those with disabilities; and

WHEREAS, funds are available to perform this work in the current year budget in the ERMA GL Account 011-51-506-559-2051-000-451-612990 (\$111,824) and 011-51-506-561-0000-000-451-624110 (\$10,053) for Public Health, 316-51-503-520-0000-000-451-624110 (\$2,132) and 011-51-503-520-0000-000-451-624110 (\$12,062) for Mental Health, 011-51-505-544-0000-000-444-612990 (\$6,213) and 011-51-505-451-0000-000-



May 11, 2021

444-612990 (\$4,020) for Aging Services, and this contract amendment has been entered into the Citywide contract database and assigned. Funds are either available through Fiscal Year (FY) 2021 budgets or will be available through FY 2022 baseline budgets. Funds not included in the FY 2021 and FY 2022 baseline budget will be appropriated through Annual Appropriations Ordinance in FY22

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 110062 with Pacific Site Management to increase the total contract amount by \$146,304 for a total contract amount not to exceed \$355,822 for the period of March 1, 2020 to June 30, 2022 for the purpose of funding landscaping services. A record signature copy of said contract and amendments to be on file in the City Clerk Department.





Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services  
 Subject: Contract No. 32000240 Amendment: Berkeley Unified School District for  
 Mental Health MHSA-Funded Programs

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2021 in an amount not to exceed \$637,778. This amendment will add one year to the contract term and \$245,000 in funding.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of \$245,000 will be provided from the Mental Health Service Act Fund with \$95,000 for the Dynamic Mindfulness Program and \$150,000 for the African American Success Project. The funds will be carried over into Fiscal Year 2022 and appropriated as part of the First Amendment to the FY 2022 Annual Appropriations Ordinance and then encumbered.

CURRENT SITUATION AND ITS EFFECTS

In the Fiscal Year 2020 - 2021 Mental Health Services Act Plan Update, funding for three BUSD projects was continued, and funding for one additional project was added. These programs have continued in the most recent academic year, with the exception of the MEET program, which was paused due to challenges associated with the COVID-19 pandemic. This council item is the mechanism for approval to transfer funds for these projects to BUSD. Moreover, it allows the Mental Health Division to provide oversight for that funding through monitoring an approved contract.

The Mental Health Division has worked closely with BUSD for many years, successfully implementing a variety of programs to support the needs and enhance the well-being of the student body, and providing a solid foundation for positive youth development. Funding programs to be administered directly by BUSD has proven to be an effective model in the past, as it allows educators to tailor programs to meet the individual needs of students within the context of their school setting. Funding for these services and supports has been included in the Fiscal Year 2020-2021 Budget.

## BACKGROUND

On November 12, 2019 via Resolution No. 69,168-N.S., City Council approved entering into a contract with BUSD that encompassed four separate programs, each of which are administered by BUSD: the Mental Health Peer Education and Supports Project, the Dynamic Mindfulness Program, the Supportive Schools Program, and the African American Success Project. Program descriptions are as follows.

- Mental Health Peer Education Program (MEET)

This program implements a mental health curriculum for 9<sup>th</sup> graders and an internship program for a cohort of high school students in an effort to increase student awareness of common mental health difficulties, resources, and healthy coping and intervention skills. The funding for this program also supports coordination of mental health services within Berkeley High School.

- Dynamic Mindfulness Program (DMind)

This evidence-based trauma-informed program is validated by independent researchers as a transformative program for teaching youth skills for optimal stress resilience and healing from trauma. Program components include in-class and after-school sessions for students, student peer leadership development, training and coaching of school staff, and program evaluation.

- Supportive Schools (previously known as Building Effective Schools Together)

This program supports mental health prevention and intervention services in the Berkeley Elementary schools. Services include classroom, group, and one-on-one psycho-social education and support; outreach and consultation with parents and/or teachers.

- African American Success Project (AASP)

Closely aligned with the work of Berkeley's 2020 Vision, the AASP works with African American youth and their families to actively engage students in the classroom and school life while creating a pathway for their long-term success. The project implements a three-pronged approach that includes case management and mentorship (which are individualized and tailored to meet each student's needs), community building, and family engagement.

In the past, the Mental Health Division had three separate contracts in place with BUSD for MEET, DMind, and Supportive Schools.

- Mental Health Peer Education Program – Contract No. 10922.
- Dynamic Mindfulness Program – Contract No. 31900099.
- Building Effective Schools Together – Contract No. 31900108.

Along with adding in funding for the African American Success Project, the Mental Health Division more recently consolidated all the funding into one contract in order to consolidate contract monitoring responsibilities.

Due to the COVID-19 pandemic, BUSD has encountered difficulties implementing the MEET program during Fiscal Year 2020-2021, and has requested that funding for this program be omitted from the current contract, but hopes to implement this important program in future years. The Supportive Schools program was implemented in Fiscal year 2020-2021, but it was discovered that funding for this program had been accounted for in previous fiscal years, so BUSD has agreed to forgo receiving additional funding for this program specifically in this contract. In future contracts, funding for both of these programs will be added.

The State of California MHSA provides funding for local mental health services and supports. City of Berkeley MHSA Three Year Program and Expenditure Plans (Three Year Plans) and Annual Updates detail the uses of local MHSA funds. Development of local MHSA Three Year Plans and Annual Updates require community program planning, writing a draft plan, providing a 30-day public review, and conducting a public hearing at the Mental Health Commission.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action recommended in this report.

#### RATIONALE FOR RECOMMENDATION

BUSD is a trusted partner in the implementation of programs to ensure students' needs are met in the most effective manner possible. Each of the programs funded by this contract were developed as a result of feedback from stakeholders and went through a lengthy community input process before being presented to City Council as part of the MHSA Plan Annual Update.

#### ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to fund these programs altogether, however as in-person instruction increasingly resumes it will be important to have these services in place to support student mental health.

#### CONTACT PERSON

Conor Murphy, Assistant Management Analyst, HHCS, (510) 981-7611  
Steven Grolnic-McClurg, Manager of Mental Health Services, HHCS, (510) 981-5249

Contract No. 32000240 Amendment: BUSD for Mental Health  
MHSA-Funded Programs

CONSENT CALENDAR  
May 11, 2021

Attachments:  
1: Resolution

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

CONTRACT NO. 32000240 AMENDMENT: BERKELEY UNIFIED SCHOOL DISTRICT  
(BUSD) FOR MENTAL HEALTH MHSA-FUNDED PROGRAMS

WHEREAS, on November 12, 2019 via Resolution No. 69,168-N.S., City Council approved entering into a contract with BUSD to fund the Mental Health Peer Education and Supports Project, the Dynamic Mindfulness Program, the Supportive Schools Program, and the African American Success Project; and

WHEREAS, community input and stakeholder feedback has determined a need for the programs being funded; and

WHEREAS, the Berkeley Unified School District (BUSD) has been a trusted partner in the implementation of a variety of programs in collaboration with the City; and

WHEREAS, funds are available in the current budget year in the Mental Health Services Act Fund \$95,000 for the Dynamic Mindfulness Program and \$150,000 for the African American Success Project and will be carried over to FY 2022 and appropriated in the First Amendment to the FY 2022 Annual Appropriations Ordinance and then encumbered.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 32000240 with the Berkeley Unified School District for MHSA-funded programs through June 30, 2021 increasing the contract by \$245,000 for a new total not to exceed amount of \$637,778. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.







Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services  
 Subject: Contract No. 32000236 Amendment: GoGoGrandparent Technologies for Provision of Transportation Services for Seniors and Disabled people

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000236 with GoGoGrandparent Technologies to add \$55,000 to the original amount for a total not to exceed amount of \$90,000 for the period of July 1, 2021 through June 30, 2022 for the provision of a 24/7 call center to arrange rides with Uber and Lyft for customers of Aging Services Division's Berkeley Rides for Seniors & the Disabled program.

FISCAL IMPACTS OF RECOMMENDATION

Funding sources for GoGoGrandparent Technologies contract include Measure BB Direct Local Distribution funding distributed by the Alameda County Transportation Commission. The total amount of the expenditure will be \$90,000 from the City of Berkeley. Funding is available as part of the Fiscal Year (FY) 2022 baseline budget and is subject to Council approval of the FY 2022 budget and the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Uber and Lyft are transportation network companies that provide on-demand curb to curb transportation. Most Uber and Lyft services are accessed through a smartphone and require the need to download an Uber/Lyft application and navigate the application in order to request a ride. GoGoGrandparent Technologies allows seniors to use Uber and Lyft without the need for a smartphone and provides a 24/7 call center with an automated and operator assisted system for customers enrolled in Berkeley Rides for Seniors & the Disabled program.

BACKGROUND

GoGoGrandparent Technologies has been providing 24/7 concierge call center services for the coordination of Uber and Lyft rides to seniors since 2016. They leverage the services of Uber and Lyft and tailor their services to the needs of seniors; for example by matching a senior with mobility limitations with a driver and car that meets their special needs, and by having operators monitor the rides and providing necessary alerts

to family members and emergency contacts. GoGoGrandparent Technologies is the only 24/7 call center concierge service for the provision of Uber and Lyft rides that tailors their services specifically to seniors and people with disabilities.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

Since 2015, there has been a consistent and significant decrease in the number of permitted taxi companies and taxi drivers in the City of Berkeley. In 2015, there were 59 taxi companies and 110 taxi drivers; there are currently 21 taxi companies and 21 taxi drivers.

With continued diminishing numbers of taxi cabs and taxi cab drivers, this trend will impact the City's ability to provide an on demand transportation service to our seniors and disabled community. Partnering with GoGoGrandparent Technologies will ensure that we can continue to provide on-demand transportation services that our seniors and disabled community members can depend upon.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could decide not to adopt this resolution which would lead to fewer transportation options for Berkeley's senior and the disabled community.

#### CONTACT PERSON

Tanya Bustamante, Aging Services Division Manager, HHCS, 981-5178

Attachments:  
1: Resolution

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

CONTRACT NO. 32000236 AMENDMENT: GOGOGRANDPARENT TECHNOLOGIES FOR PROVISION OF PROVIDING A 24/7 CALL CENTER TO ARRANGE RIDES WITH UBER AND LYFT FOR SENIORS AND THE DISABLED

WHEREAS, in 2000 Alameda County residents passed Measure B to reauthorize the one-half sales tax for transportation projects that was passed in 1986; and in 2014, Alameda County residents approved Measure BB, authorizing an extension and augmentation of the existing Measure B transportation sale tax; and

WHEREAS, Berkeley Rides for Seniors and the Disabled is an Aging Services Division transportation services program that receives Measure B and BB funding; and

WHEREAS, Berkeley Rides for Seniors and the Disabled provides transportation services for over 1100 Berkeley community members; and

WHEREAS, GoGoGrandparent Technologies is a 24/7 concierge call center that arranges rides with Uber and Lyft for the City's seniors and disabled community; and

WHEREAS, Measure BB funding for GoGoGrandparent Technologies is available in the Fiscal Year 2022 budget; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 32000236 with GoGoGrandparent Technologies in an amount not to exceed \$55,000 for a total contract not to exceed amount of \$90,000 for the period July 1, 2021 through June 30, 2022 for the purpose of providing a 24/7 concierge call center that arranges rides with Uber and Lyft for the City's seniors and disabled community. A record signature copy of said contract and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services  
 Subject: Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

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 four revenue agreements:

1. **Foster Care Program** in the projected amount of \$93,187 for Fiscal Year 2022.
2. **Berkeley High School and Berkeley Technology Academy Health Center Programs** in the projected amount of \$178,778 for FY 2022.
3. **School Linked Health Services Program (Measure A Funding)** in the projected amount of \$193,175 for Fiscal Year 2022.
4. **Tobacco Prevention Program** in the projected amount of \$76,290 for Fiscal Year 2022.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of \$541,430 from Alameda County for Fiscal Year (FY) 2022 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 fund to support these important programs. Each contract has been entered into the citywide contract management system database:

1. **Foster Care Program:** Revenue Budget Code 326-51-506-556-2046-000-000-431110-. This contract is anticipated to be for \$93,187 in FY 2022.
2. **Berkeley High School Health Center and Berkeley Technology Academy Programs:** Revenue Budget Code 326-51-506-561-0000-000-000-433110-. This contract is anticipated to be for \$178,778 in FY 2022.

3. **School Linked Health Services Program (Measure A Funding):** Revenue Budget Code 326-51-506-560-0000-000-000-432110-. This contract is anticipated to be for \$193,175 in FY 2022.
4. **Tobacco Prevention Program:** Revenue Budget Code 326-51-506-559-2053-000-000-433110-. This contract is anticipated to be for \$76,290 in FY 2022.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2022 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. Alameda County revenue is an important source of support for these City public health programs. In FY 2022, there are no significant changes to this support.

1. **Foster Care Program:** Meets State mandated Child Health and Disability Prevention (CHDP) requirements. This is the Health Care Program for Children in Foster Care (HCPFC) which provides preventive health services for Berkeley children in foster care. Services include: medical and health care case planning; referrals for medical, dental, mental health and developmental services; coordination of health services for children in out-of-county and out-of-state placements; and the provision of medical education through the interpretation of medical reports and training for foster care team members on the special health care needs of children and youth in foster care.
2. **Berkeley High School and Berkeley Technology Academy Health Center Programs:** Provides clinical and health education services to adolescents attending Berkeley High School and Berkeley Technology Academy.
3. **School Linked Health Services Program (Measure A Funding):** Increases the capacity of Berkeley Unified School District to meet the health, medical, and dental needs of K-5 students, and to create the infrastructure to more effectively perform public health surveillance for communicable diseases, promote school connectedness, and reduce chronic absenteeism.
4. **Tobacco Prevention Program:** Provides tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education.

### 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 Alameda County to meet core public health objectives. The Division is committed to providing services to the community to promote healthy environments and prevent the spread of disease.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or 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 Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would result in significant reduction in public health services to the community.

### CONTACT PERSON

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

#### Attachments:

- 1: Resolution: Foster Care Program
- 2: Resolution: Berkeley High School and Berkeley Technology Academy Health Center Programs
- 3: Resolution: School Linked Health Services Program (Measure A Funding)
- 4: Resolution: Tobacco Prevention Program

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE FOSTER CARE PROGRAM TO PROVIDE CHILD HEALTH AND DISABILITY PREVENTION AND HEALTH CARE PROGRAM FOR CHILDREN IN FOSTER CARE PROGRAMMING FOR FISCAL YEAR 2022

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing and Community Services is committed to insuring that Berkeley children in foster care receive the full scope of preventive health services; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health inequities; and

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

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2022 funding for the Foster Care Program to meet our mandate so that Berkeley children in foster care receive the full scope of Child Health and Disability Prevention Program preventive health 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 \$93,187; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-556-2046-000-000-431110-; and (Expenditure) 326-51-506-556-2046-000-451- various. 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 WITH ALAMEDA COUNTY FOR THE BERKELEY HIGH SCHOOL AND BERKELEY TECHNOLOGY ACADEMY HEALTH CENTER PROGRAMS FOR FISCAL YEAR 2022

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services is committed to providing health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy; and

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing and Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health and educational inequities; and

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

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2022 funding for the Berkeley High School and Berkeley Technology Academy Health Center Programs to provide health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy 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 \$178,778; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-561-0000-000-000-433110-; and (Expenditure) 326-51-506-560-0000-000-451- various. 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 WITH ALAMEDA COUNTY FOR THE SCHOOL LINKED HEALTH SERVICES (MEASURE A) PROGRAM FOR FISCAL YEAR 2022

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing and Community Services is committed to increasing the capacity of Berkeley Unified School District to meet the health, medical and dental needs of students, and to create the infrastructure to more effectively perform public health surveillance and enforcement functions for communicable diseases and disease outbreaks; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health and educational inequities; and

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

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2022 funding for the School Linked Health Services Program (Measure A Funding) to increase the capacity of the Berkeley Unified School District to meet the health, medical and dental needs of students, and to create the infrastructure to more effectively perform public health surveillance and enforcement functions for communicable diseases and disease outbreaks, 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 \$193,175; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-560-0000-000-000-432110-; and (Expenditure): 326-51-506-560-0000-000-451- various. 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 WITH ALAMEDA COUNTY FOR THE TOBACCO  
PREVENTION PROGRAM FOR FISCAL YEAR 2022

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing and Community Services is committed to providing tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health inequities; and

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

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2022 funding for the Tobacco Prevention Program: to provide tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education, 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 \$76,290; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-559-2053-000-000-433110-; and (Expenditure) 326-51-506-559-2053-000-451- various. 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 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director of Health, Housing and Community Services  
 Subject: Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2021 to March 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the projected amount of \$180,000 for Fiscal Year (FY) 2022 through the funding source listed above. The contract will have its contract number and the source has a defined budget code.

**Essential Access Health:** The April 1, 2021 – March 30, 2022 \$180,000 allocation will be deposited and expensed from the C.F.P Title X Fund. There are no matching funds required by the funder.

Spending of the referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of the First Amendment to the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program 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. Grant funds will support clinical reproductive health services, as well as individual and community health education and outreach activities at the Berkeley High School Health Center and Berkeley Technology Academy Health Center (the High School Health Centers).

Essential Access Health is the administrator for California's Title X federal family planning funds to provide clinical reproductive health services and education at the High School Health Centers. Federal Title X Funds are given to a non-profit agency, Essential Access Health, and are then dispersed to local health jurisdictions throughout the State through a competitive grant process. The funds are used to support clinical reproductive health services, as well as individual and community health education and outreach activities at the aforementioned sites.

#### 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 is committed to exploring opportunities for funding to support key initiatives to augment base funding resources. The Public Health Division is committed to providing essential services to the community, including clinical reproductive health services and education and outreach, to prevent the spread of disease and to promote healthy environments.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

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

#### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would result in not providing these public health services to the community.

#### CONTACT PERSON

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

Attachments:

1: Resolution

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

REVENUE GRANT: ESSENTIAL ACCESS HEALTH FOR CLINICAL REPRODUCTIVE HEALTH SERVICES AND HEALTH EDUCATION AND OUTREACH

WHEREAS, it is important to provide comprehensive clinical reproductive health services to individuals of reproductive age to plan their pregnancies and prevent and reduce sexually transmitted infections; and

WHEREAS, preconception/inter-conception care and education is a key part of family planning services; and

WHEREAS, adolescents require teen specific counseling and education; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services, through Title X funds, will provide reproductive health services and education at the Berkeley High School Health Center and Berkeley Technology Academy Health Center; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health and educational inequities; and

WHEREAS, the projected amount of the grant is \$180,000; and

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

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant application to Essential Access Health for April 1, 2021 – March 30, 2022 to support clinical reproductive health services, as well as individual and community health education and outreach activities; 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 \$180,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from the C.F.P Title X Fund. 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 11, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director of Human Resources

Subject: Salary: Accountant II Internal Alignment

RECOMMENDATION

Adopt a Resolution amending Resolution No. 68,626 N.S. Classification and Salary Resolution for Service Employees International Union Local 1021 Community Services and Part-Time Recreation Leaders Association, to increase the salary range for Accountant II, 6.8%, to an hourly salary range of \$45.6375 - \$54.1916 effective March 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

The estimated cost to increase the salary for the incumbents in the Accountant II position is approximately \$18,713.14 over a one year period.

CURRENT SITUATION AND ITS EFFECTS

The Accountant II classification salary structure had closely aligned with the Auditor II, Associate Management Analyst, and Community Service Specialist II classifications. Between 1996 and 2020, the monthly difference grew from \$35 to \$602.

The growing salary disparity has caused dissatisfaction and morale issues within the Accountant II employees.

BACKGROUND

Employees in the Accountant II classification raised concerns over the years to Director of Finance Henry Oyekanmi that the Accountant II salary range had previously aligned closely with the Auditor II, Associate Management Analyst, and Community Service Specialist II classification, but now the monthly salary difference is several hundred dollars.

Human Resources met with SEIU CSU leadership and the Accountant II employees to understand the background and the reason the classifications were no longer in alignment. The Union's presentation showed that in 1996 the monthly difference between identified classifications was \$35 that grew to \$602 by 2020.

The Union said they were most interested in keeping the classifications aligned and retaining their current employees and not requesting back pay.

In order to bring internal equity back to this classification group and to retain the current Accountant II employees, Mr. Oyekanmi and Ms. Bellow made a recommendation to Dee Williams-Ridley, City Manager, to increase the Accountant II salary range 6.8% to the level of Auditor II, Associate Management Analyst and Community Service Specialist II. Ms. Williams-Ridley is in agreement.

On March 1, 2021, the Personnel Board reviewed and approved the salary recommendations.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

#### ALTERNATIVE ACTIONS CONSIDERED

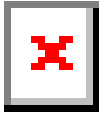
None

#### CONTACT PERSON

LaTanya Bellow, Director of Human Resources, (510) 981-6807

#### Attachments:

1. Class Specification – Accountant II
2. Resolution and Exhibit A – Salary Schedule



## Accountant II

Bargaining Unit: Service Employees International  
Union, Local 1021 (Comm Svcs & PT Rec Leaders)

Class Code:  
21170

CITY OF BERKELEY  
Established Date: Oct 1, 2004  
Revision Date: March 30, 2021

### SALARY RANGE

\$45.64 - \$54.19 Hourly  
\$3,651.20- \$4,335.20 Biweekly  
\$7,910.93- \$9,392.93 Monthly  
\$94,931.20 - \$112,715.20 Annually

### DESCRIPTION:

#### DEFINITION

Under general supervision, performs professional accounting and other technical financial analysis at a medium level of complexity in the Accounting Division of the Finance Department or in another department; performs related work as assigned.

#### CLASS CHARACTERISTICS

This is the journey level class in the professional accountant series. Positions in this class are expected to independently perform the full range of accounting duties and may have direct responsibility for performing one or more of the following activities: bank reconciliation; general accounting monthly closings; general accounting data entry; preparation of city-wide indirect cost allocation plans; accounting for the City's investment transactions; coordination of the preparation of schedules and work papers for the City's external auditors; preparation of the various required State Controller's Office reports; preparation of quarterly payroll and sales tax returns; coordination of the timely remittance of debt service payments to the fiscal agent (s) or lessor(s); maintenance of the books of accounts for the Berkeley Redevelopment Agency (BRA); maintenance of accounting chart of accounts; preparation or review of the year-end grants and other receivable entries; reconciliation of the general ledger control accounts to the subsidiary ledgers; and assist in the preparation of the City's Comprehensive Annual Financial Report (CAFR).

Employees perform the full range of duties as assigned, and have a thorough knowledge of governmental accounting principles and practices. Incumbents at this level typically receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating policies and procedures of the work unit. This class is distinguished from Senior Accountant, which has supervisory responsibilities for staff and activities, more in depth accounting experience, a more thorough knowledge of governmental accounting principles and practices, and is assigned the more complex accounting projects.

EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) 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. Assists in coordinating citywide grant billing, recording, and reporting activities;
2. May review and supervise the work of Accountant I's and support staff assigned to the activity, in relation to the tasks reflected in the annual work plan, in order to meet the division objectives;
3. Assists in the evaluation, training and development of Accountant I's and support staff;
4. Assists in the research, evaluation and implementation of new Governmental Accounting Standards Board (GASB) Statements;
5. Performs the monthly closing of each accounting period and distributes revenue and expenditure budget worksheets to managers and financial decision makers throughout the City;
6. Maintains the general ledger, and prepares annual and periodic financial statements, for the Berkeley Redevelopment Agency;
7. Assists in the preparation of the City's Comprehensive Annual Financial Report (CAFR);
8. Reviews accounting documents to ensure accuracy of information and calculations and may make correcting entries;
9. Prepares or assists in preparing financial statements, financial reports, and financial analysis; and maintains or assists in maintaining general and subsidiary ledgers and supporting schedules for a variety of accounts;
10. Prepares the reconciliation of the City's bank accounts to the general ledger control account balances;
11. Updates and maintains the City's long-term debt payment schedules, and ensures debt service payments are made on a timely basis;
12. Prepares the City's annual indirect cost allocation plan in compliance with federal regulations, and for internal costing or charging purposes;
13. Prepares or reviews the quarterly sales and payroll tax returns accurately and in a timely manner;
14. Prepares accurate calculations of the budget-basis fund balance (i.e., available cash balance) for every City fund;
15. Attends conferences and seminars to receive updated information on new governmental accounting

statements and other regulations;

16. Maintains an up-to-date chart of accounts, which includes all changes in funds, division/activities, function/service code, and element/object code;

17. Prepares annual financial reports as required by the State Controller's Office;

18. Prepares timely monthly billings to the Berkeley Housing Authority, the Redevelopment Agency, and other funds for reimbursement to the City's General Fund;

19. Assists in the installation of new accounting systems and procedures, and instructs others in their use;

20. Perform revenue audits and compliance reviews and assists in developing standards for cash handling and fraud prevention procedures;

21. Performs cost and rate studies and performs other analyses as requested; and

22. Performs related duties as assigned.

**KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledge, skills and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Generally accepted accounting principles and practices for municipal governments;

2. Cost accounting;

3. Budgeting principles and practices and the differences between budget-basis accounting (when the budget is not based on GAAP), and accounting based on generally accepted accounting principles (GAAP);

4. Principles and practices of business data processing and the applications to accounting and financial management;

5. Laws regulating public finance and fiscal operations;

6. Budgeting principles and practices;

7. Modern office procedures, practices, methods and equipment including use of standard personal computer software programs such as Microsoft Word and Microsoft Excel and basic automated data base applications; and

8. How to perform revenue audits and compliance reviews/audits.

Skill in and ability to:

1. Review and interpret financial statements, reports, transactions, and records;
2. Verify the accuracy of accounting and financial data;
3. Ensure proper authorization and documentation for disbursements and other transactions;
4. Analyze, post, balance and reconcile financial data ledgers and accounts;
5. Make accurate basic financial calculations;
6. Direct and review the work of lower-level accounting personnel in specified work areas;
7. Make sound independent judgments within established guidelines;
8. Prepare clear, concise and complete financial reports and statements; and
9. Establish and maintain effective working relations with those contacted in the course of work.

**MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS: Possession of a Bachelor's Degree from a four-year college or university in accounting, or a closely related field, which included at least 24 units total consisting of intermediate advanced governmental and cost accounting, and two (2) years of professional accounting experience, preferably in a governmental or public agency.

**CLASSIFICATION HISTORY:**

Established: 11/88

Revised: 3/21

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

CLASSIFICATION AND SALARY RESOLUTION FOR SERVICE EMPLOYEES  
INTERNATIONAL UNION LOCAL 1021 COMMUNITY SERVICES AND PART-TIME  
RECREATION LEADERS ASSOCIATION AND AMENDING RESOLUTION NO. 68,626-  
N.S.

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

WHEREAS, Department of Finance and Human Resources Department have completed a classification and salary review; and

WHEREAS, the Human Resources Department has completed a comprehensive classification review and a salary survey; and

WHEREAS, the Personnel Board recommended on March 1, 2021 the increase the Salary Schedule for Accountant II for internal alignment to the Auditor II, Associate Management Analyst, and Community Service Specialist II classifications, to a hourly 5-step salary range of \$45.6375, \$47.6297, \$49.7830, \$51.9198, \$54.1916; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 68,626-N.S., Classification and Salary Resolution for Service Employees International Union Local 1021 Community Services and Part-Time Recreation Leaders Association is amended to increase the salary range for Accountant II to an hourly salary structure shown below effective March 30, 2021.

| <b>Classification</b> | <b>Step 1</b> | <b>Step 2</b> | <b>Step 3</b> | <b>Step 4</b> | <b>Step 5</b> |
|-----------------------|---------------|---------------|---------------|---------------|---------------|
| Accountant II         | 45.6375       | 47.6297       | 49.7830       | 51.9198       | 54.1916       |

**Exhibit A – Salary Ranges as of October 20, 2019  
(2.0% Salary Increase)**

| Job Code | Rep Unit | Classification Title                      | FLSA | Step 1  | Step 2  | Step 3  | Step 4  | Step 5  |
|----------|----------|-------------------------------------------|------|---------|---------|---------|---------|---------|
| 21070    | L        | Accountant I                              | N    | 36.6059 | 38.1754 | 39.7206 | 41.3789 | 43.2070 |
| 21170    | L        | Accountant II                             | N    | 45.6375 | 47.6297 | 49.7830 | 51.9198 | 54.1916 |
| 28230    | L        | Applications Programmer/Analyst I         | N    | 44.3794 | 46.2714 | 48.3484 | 50.4780 | 52.6605 |
| 28220    | L        | Applications Programmer/Analyst II        | N    | 48.4276 | 50.5659 | 52.8453 | 55.2301 | 57.7296 |
| 22280    | L        | Architect                                 | E    | 55.0542 | 57.6856 | 60.4751 | 63.3791 | 66.3799 |
| 22270    | L        | Assistant Architect                       | E    | 47.1867 | 49.3428 | 51.7012 | 54.2184 | 56.8845 |
| 24060    | G1       | Assistant Environmental Health Specialist | N    | 0       | 0       | 38.7826 | 40.8594 | 42.4871 |
| 28090    | L        | Assistant Management Analyst              | N    | 36.5826 | 38.1667 | 39.7151 | 41.3521 | 43.1827 |
| 54040    | G1       | Assistant Mental Health Clinician         | N    | 30.7832 | 31.8743 | 32.8954 | 34.0481 | 35.7644 |
| 29200    | L        | Assistant Planner                         | N    | 36.8110 | 38.4304 | 39.9795 | 41.6691 | 43.4731 |
| 28100    | L        | Associate Management Analyst              | N    | 45.6375 | 47.6296 | 49.7830 | 51.9198 | 54.1917 |
| 29030    | L        | Associate Planner                         | N    | 44.4500 | 46.4123 | 48.2955 | 50.4515 | 52.7660 |
| 21340    | L        | Auditor I                                 | N    | 36.6059 | 38.1754 | 39.7206 | 41.3789 | 43.2070 |
| 21160    | L        | Auditor II                                | N    | 45.6375 | 47.7908 | 49.8339 | 51.9789 | 54.1917 |
| 26070    | IA       | Automation Librarian                      | N    | 44.2388 | 46.2979 | 48.4802 | 50.8035 | 53.2942 |
| 24780    | G1       | Behavioral Health Clinician I             | E    | 39.1624 | 40.8047 | 42.4792 | 44.1862 | 45.9335 |
| 24790    | G1       | Behavioral Health Clinician II            | E    | 43.1346 | 44.8496 | 46.6210 | 48.4817 | 50.3829 |
| 37060    | L        | Building Inspector I (Certified)          | N    | 43.4465 | 45.3298 | 47.3891 | 49.3866 | 51.5428 |
| 37050    | L        | Building Inspector II                     | N    | 44.7665 | 46.7029 | 48.8236 | 50.8827 | 53.1093 |
| 37070    | L        | Building Inspector II (Certified)         | N    | 46.5708 | 48.5684 | 50.7774 | 52.9247 | 55.2390 |
| 35160    | L        | Building Plans Examiner                   | N    | 46.5708 | 48.5684 | 50.7774 | 52.9247 | 55.2390 |
| 28020    | L        | Buyer                                     | N    | 39.1346 | 40.8771 | 42.4963 | 44.2739 | 46.1834 |
| 96080    | IA       | Central Library Circulation Supervisor    | N    | 34.6464 | 36.1158 | 37.6738 | 39.3018 | 41.3433 |
| 24110    | G1       | Clinical Psychologist                     | E    | 47.7148 | 49.5716 | 51.5339 | 53.5494 | 55.7053 |
| 33090    | L        | Code Enforcement Officer I                | N    | 34.4089 | 36.0106 | 37.6823 | 39.4428 | 41.2904 |
| 33100    | L        | Code Enforcement Officer II               | N    | 41.7747 | 43.5786 | 45.5586 | 47.4772 | 49.5626 |
| 28330    | L        | Community Development Project Coordinator | E    | 47.5210 | 49.8003 | 52.2557 | 54.8165 | 57.4566 |
| 55070    | G1       | Community Health Worker                   | N    | 0       | 28.3545 | 28.9966 | 29.7185 | 31.1881 |
| 55370    | G1       | Community Health Worker Specialist        | N    | 30.7832 | 31.8743 | 32.8954 | 34.0481 | 35.7644 |
| 28080    | L        | Community Services Specialist I           | N    | 36.6059 | 38.1754 | 39.7206 | 41.3789 | 43.2070 |
| 28120    | L        | Community Services Specialist II          | N    | 45.6375 | 47.6296 | 49.7830 | 51.9198 | 54.1917 |
| 28320    | L        | Disability Services Specialist            | N    | 45.6375 | 47.6296 | 49.7830 | 51.9198 | 54.1917 |
| 28840    | L        | Emergency Services Coordinator            | N    | 45.6390 | 47.6386 | 49.7781 | 51.9172 | 54.1961 |
| 28830    | L        | Environmental Compliance Specialist       | E    | 49.4283 | 51.1759 | 53.1012 | 55.2206 | 57.2752 |
| 24220    | G1       | Epidemiologist                            | E    | 39.3084 | 41.2723 | 43.3343 | 45.5008 | 47.7778 |
| 41050    | L        | Field Representative                      | N    | 0       | 0       | 34.1358 | 35.5176 | 37.1191 |



| Job Code | Rep Unit | Classification Title                       | FLSA | Step 1  | Step 2  | Step 3  | Step 4  | Step 5   |
|----------|----------|--------------------------------------------|------|---------|---------|---------|---------|----------|
| 35090    | L        | Fire and Life Safety Plans Examiner        | N    | 51.3229 | 53.5405 | 55.9692 | 58.3365 | 60.9238  |
| 75070    | L        | Fire Prevention Inspector                  | N    | 41.7747 | 43.5786 | 45.5586 | 47.4772 | 49.5626  |
| 24590    | G1       | Hazardous Materials Specialist I           | N    | 43.5256 | 45.0482 | 46.7469 | 48.6037 | 50.4426  |
| 24560    | G1       | Hazardous Materials Specialist II          | N    | 49.4308 | 51.1731 | 53.1002 | 55.2212 | 57.2804  |
| 24190    | G1       | Health Educator                            | E    | 43.0578 | 44.7253 | 46.4621 | 48.2760 | 50.1905  |
| 33080    | L        | Housing Inspector                          | N    | 41.7747 | 43.5786 | 45.5586 | 47.4772 | 49.5626  |
| 33060    | L        | Housing Inspector (Certified)              | N    | 43.4465 | 45.3298 | 47.3891 | 49.3866 | 51.5428  |
| 28300    | L        | Information Systems Specialist             | N    | 41.5167 | 43.3124 | 45.2457 | 47.2117 | 49.2745  |
| 36050    | L        | Information Systems Support Technician     | N    | 34.4616 | 35.7554 | 37.0840 | 38.4745 | 39.9090  |
| 22290    | L        | Landscape Architect                        | E    | 53.0981 | 55.5227 | 58.1763 | 61.0251 | 64.0261  |
| 26050    | IB       | Librarian I                                | N    | 35.7729 | 37.4714 | 39.3632 | 41.1146 | 42.8922  |
| 26040    | IB       | Librarian II                               | N    | 39.3632 | 41.1146 | 42.8922 | 44.8898 | 46.8170  |
| 42450    | IB       | Library Aide                               | N    | 21.4900 | 22.5110 | 23.4789 | 24.4824 | 25.1512  |
| 42130    | IB       | Library Assistant                          | N    | 26.0928 | 27.2279 | 28.4159 | 29.6213 | 31.0120  |
| 26150    | IA       | Library Literacy Program Coordinator       | N    | 37.7000 | 39.3810 | 41.0970 | 42.9714 | 44.8458  |
| 42462    | ID       | LIBRARY PAGE                               |      | 0       | 0       | 0       | 0       | 18.0000  |
| 26100    | IA       | Library Special Services Coordinator       | E    | 42.3819 | 44.4058 | 46.5532 | 48.7269 | 51.0588  |
| 42500    | IB       | Library Specialist I                       | N    | 29.4544 | 30.7127 | 32.0415 | 33.3969 | 35.1484  |
| 46100    | IB       | Library Specialist II                      | N    | 31.0120 | 32.6753 | 34.0658 | 35.4736 | 37.2517  |
| 64200    | G1       | Mealsite Coordinator                       | N    | 0       | 0       | 27.3333 | 27.9759 | 28.6444  |
| 24700    | G3       | Mid-level Practitioner                     | E    | 0       | 54.7109 | 56.5238 | 58.5829 | 60.6600  |
| 63200    | G1       | Mini Bus Driver                            | N    | 0       | 0       | 27.6327 | 28.7061 | 29.8855  |
| 24040    | G1       | Nutritionist                               | E    | 38.3075 | 39.8210 | 41.3257 | 42.8922 | 44.6522  |
| 35150    | L        | Permit Specialist                          | N    | 32.6487 | 34.2066 | 35.7377 | 37.4098 | 39.1610  |
| 35200    | L        | Planning Technician                        | N    | 32.8536 | 34.5839 | 36.4020 | 38.3148 | 40.3288  |
| 24760    | G1       | Psychiatrist                               | E    | 85.3231 | 89.5871 | 94.0644 | 98.7669 | 103.7071 |
| 24020    | G3       | Public Health Nurse                        | E    | 50.2938 | 52.0957 | 54.1932 | 56.4561 | 58.6687  |
| 65742    | R2       | RECREATION ACTIV LDR R2                    |      | 19.2334 | 21.3213 | 23.8132 | 26.1136 | 29.1168  |
| 65740    | R1       | Recreation Activity Leader                 | N    | 19.7206 | 21.8486 | 24.3270 | 26.8044 | 29.8535  |
| 24050    | G1       | Registered Environmental Health Specialist | N    | 44.3399 | 45.8850 | 47.6403 | 49.5173 | 51.3863  |
| 24030    | G3       | Registered Nurse                           | E    | 0       | 48.7161 | 50.3986 | 52.1203 | 53.9959  |
| 21360    | L        | Revenue Development Specialist I           | N    | 36.6046 | 38.1795 | 39.7206 | 41.3900 | 43.2081  |
| 21150    | L        | Revenue Development Specialist II          | N    | 45.6390 | 47.6386 | 49.7781 | 51.9172 | 54.1961  |
| 24800    | G1       | Senior Behavioral Health Clinician         | E    | 47.0823 | 48.9837 | 50.8035 | 52.8179 | 54.9617  |
| 32030    | L        | Senior Building Inspector                  | N    | 51.3229 | 53.5405 | 55.9692 | 58.3365 | 60.9238  |
| 35170    | L        | Senior Building Plans Examiner             | N    | 51.3229 | 53.5405 | 55.9692 | 58.3365 | 60.9238  |
| 55390    | G1       | Senior Community Health Specialist         | N    | 32.3322 | 33.4673 | 34.5409 | 35.7112 | 37.5330  |
| 24690    | G1       | Senior Environmental Health Specialist     | N    | 46.5647 | 48.1986 | 50.0027 | 52.0010 | 53.9586  |
| 41030    | L        | Senior Field Representative                | N    | 0       | 0       | 36.9346 | 38.5626 | 40.1377  |

| Job Code | Rep Unit | Classification Title                  | FLSA | Step 1  | Step 2  | Step 3  | Step 4  | Step 5  |
|----------|----------|---------------------------------------|------|---------|---------|---------|---------|---------|
| 28260    | L        | Senior Health Management Analyst      | N    | 47.0725 | 49.3339 | 51.7452 | 54.3059 | 56.9108 |
| 28960    | L        | Senior Information Systems Specialist | N    | 45.7719 | 47.8102 | 49.9624 | 52.2192 | 54.5492 |
| 26060    | IB       | Senior Librarian                      | N    | 41.1586 | 42.9363 | 44.8285 | 46.8878 | 48.9204 |
| 35140    | L        | Senior Permit Specialist              | N    | 35.3099 | 37.0891 | 38.9344 | 40.8900 | 43.5005 |
| 29020    | L        | Senior Planner                        | E    | 51.1117 | 53.3994 | 55.8373 | 58.2926 | 60.8976 |
| 24010    | G3       | Senior Public Health Nurse            | E    | 55.0796 | 57.1913 | 59.3682 | 61.8907 | 64.2691 |
| 65560    | G1       | Senior Service Aide                   | N    | 0       | 0       | 24.7816 | 25.6876 | 26.7086 |
| 65570    | G1       | Senior Service Assistant              | N    | 0       | 0       | 31.6459 | 32.4730 | 33.2562 |
| 24810    | G1       | Social Services Specialist            | N    | 36.6046 | 38.1794 | 39.7205 | 41.3899 | 43.2080 |
| 65532    | R2       | SPORTS FIELD MONITOR                  |      | 0       | 0       | 0       | 0       | 18.0000 |
| 65750    | R1       | Sports Official                       | N    | 20.7843 | 24.2616 | 27.7388 | 31.2152 | 34.7055 |
| 65752    | R2       | SPORTS OFFICIAL R2                    |      | 20.2562 | 23.6431 | 27.0511 | 30.4163 | 33.8028 |
| 26030    | IA       | Supervising Librarian                 | E    | 46.8962 | 49.0700 | 51.3845 | 53.8487 | 56.4974 |
| 46090    | IA       | Supervising Library Assistant         | N    | 31.8040 | 33.1240 | 34.5670 | 36.0544 | 39.1406 |
| 34040    | G1       | Vector Control Technician             | N    | 0       | 0       | 32.4984 | 33.6230 | 34.6608 |



Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Savita Chaudhary, Director, Department of Information Technology  
Subject: Contract: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM) services, increasing the previously authorized contract amount by \$209,980 for a revised not to exceed amount of \$614,980, and a term from May 14, 2021 to June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for these services is available in the Department of Information Technology's Fiscal Year (FY) 2021-2023 IT Cost Allocation Fund and General Fund, as outlined below. Spending for this contract in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

FY 2021: Professional Services  
\$160,000 Budget Code: 680-35-363-382-0000-000-472-613130-  
(IT Cost Allocation, Security, Professional Services)

FY 2021: Professional Services  
\$115,000 Budget Code: 011-35-363-382-0000-000-472-613130-  
(General Fund, IT Department, Professional Services)

---

**\$275,000 Sub-Total: FY 2021 Professional Services**

FY 2022: Professional Services  
\$231,500 Budget Code: 680-35-363-382-0000-000-472-613130-  
(IT Cost Allocation, Security, Professional Services)

---

**\$231,500 Sub-Total: FY 2022 Professional Services**

\$108,480 FY 2023: Professional Services

Budget Code: 680-35-363-382-0000-000-472-613130-  
(IT Cost Allocation, Security, Professional Services)

---

**\$108,480 Sub-Total: FY 2023 Professional Services**

---

**\$614,980 Total: FY 2021-2023 Professional Services**

---

### CURRENT SITUATION AND ITS EFFECTS

The Berkeley City Council previously authorized the City Manager to enter into a contract with Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM) services under Resolution No. 69,521-N.S. on July 28<sup>th</sup>, 2020.

During initial contract negotiations with the vendor, the number of data sources used to establish the Request for Proposal (RFP) was validated, and the reconciled count required an increase of \$78,480 in spending authority.

Additionally, the City has recently acquired additional cyber security tools for "End Point Protection and Detection/ Response (EPP/EDR/MDR)" which resulted in the business need for additional professional services to cover the one-time onboarding fee for these new cybersecurity tools, and an annual fee is added to cover the ongoing monitoring.

Staff did not enter into a contract after initial negotiations were completed in order to issue a revision to the spending authority for these additional data points and professional services.

### BACKGROUND

In 2018, the City developed a Cyber Resilience Plan (CRP) to provide the City a situational awareness of our cyber-risk exposure, the maturity of its cyber-security capabilities, the City's efficiency in addressing regulatory compliance, and to provide action items that ensure the City is equipped to handle cyber-attacks and mitigate the effects of a successful cyber-attack.

The CRP divided this effort into two sets of work: an as-is assessment and a to-be roadmap. In February 2020, the City of Berkeley issued a Request for Proposal (RFP) No. 20-11385-C for addressing two highest priority action items from the CRP:

Part A: Managed Security Service Provider (MSSP/SIEM)

Part B: End Point Protection and Detection/Response (EPP/EDR/MDR)

As part of AAO1 in December 2020, procurement of EPP/EDR/MDR along with additional cybersecurity tools were funded. Each of these tools invokes a one-time onboarding fee under Digital Hands' proposal, and the EPP/EDR/MDR tool additionally adds an annual monitoring fee. There is also an additional increase in the total number of data sets from 254 to 270 for monitoring.

The Department of Information Technology has also identified that a small contingency to be included to accommodate emergent and ad hoc professional services to address any unknown cyber security needs at this time.

Lastly, the CRP aligns with the City's adopted Strategic Plan goals of:

- Create a resilient, safe, connected, and prepared City
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community; and adopts the strategies which align with the five (5) year Digital Strategic Plan (DSP).

#### ENVIRONMENTAL SUSTAINABILITY

All event monitoring and SIEM services are conducted remotely thus eliminating the need for travel to Berkeley, resulting in a reduction of greenhouse gas emissions for travel.

#### RATIONALE FOR RECOMMENDATION

This increase in spending authority restores the original scope of RFP No. 20-11385-C which addressed two of the highest priority cybersecurity needs of the City. With the restoration of Part 'B:' "End Point Protection and Detection/ Response (EPP/EDR/MDR)" of the RFP, the question of how to fund the security operations dimension was identified by the Department of IT as a component that would still need to be resourced in FY22. Procurement of the tools was resourced by AAO1 funding.

Each of the items in this resolution, and their associated increase in spending authority, has been identified by the City as necessary to completing the negotiations and signing the MSSP/SIEM contract, and to ensuring the new cybersecurity capabilities of AAO1 funding are implemented in an expeditious yet economical as well as manner conscious of the fiscal year.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered pivoting to the second choice identified in the RFP 20-11385-C selection process, however, the time it would take to develop, negotiate, obtain spending authority for, and sign such a contract with that vendor would have left the City vulnerable to cyberattacks for the duration of the procurement and this process has already taken the City nearly nine (9) months.

Additionally and as was stated in the previous staff report, Digital Hands is the most qualified candidate to assist the City with implementing a robust event monitoring and SIEM solution to address the most urgent and critical items identified by the CRP.

#### CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 510-981-6541

Attachments:

1: Resolution

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

CONTRACT: DIGITAL HANDS FOR EVENT MONITORING AND SECURITY  
INFORMATION AND EVENT MANAGEMENT (SIEM)

WHEREAS, Cybersecurity ransomware attacks against local governments in the U.S. have been on the rise; and

WHEREAS, in February 2020, The City of Berkeley issued RFP No. 20-11385-C for a Managed Security Service Provider (MSSP) and received four qualifying responses; and

WHEREAS, the RFP review committee evaluated each proposal and determined that the proposal from Digital Hands best met the City's operational, technological, and fiscal requirements; and

WHEREAS, contract development and negotiations have subsequently identified that with the restoration of part B of RFP 20-11385-C, there are additional datasets that need to be included in the monitoring plus contingency funds to cover potential emergent professional services out-of-scope but related to the statement of work; and

WHEREAS, the City Council previously authorized, under Resolution No. 69,521-N.S., the City Manager to enter into a contract with Digital Hands, however during contract negotiations, it was determined that additional spending authority would be necessary; and

WHEREAS, Funding for these services is available in the Department of Information Technology's Fiscal Year 2021-2023 IT Cost Allocation Fund and General Fund, and spending for this contract in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM) services, increasing the previously authorized contract amount by \$209,980 for a revised not to exceed amount of \$614,980, and a term from May 14, 2021 to June 30, 2024.



Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

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: Mills Act Contract – 1 Orchard Lane

RECOMMENDATION

Adopt a Resolution to authorize the City Manager to enter into a Mills Act contract with Gregory LeBlanc for the City Landmark property at 1 Orchard Lane.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Landmark property at 1 Orchard Lane would reduce the property tax bills for the owners by an estimated total of approximately \$17,725 in year one, approximately 30% (\$5,300) of which would be diverted from Berkeley's tax revenue (final amounts are determined by Alameda County after contract execution). This will be an annual impact to the City's tax revenue, as the contract runs for ten years (in comparable annual amounts) and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2022-2023 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On December 3, 2020, the property at 1 Orchard Lane was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act. The designation included analysis of historic distinguishing features and features to be preserved (see Attachment 2).

On December 3, 2020, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, Gregory LaBlanc, to enter into a Mills Act contract for 1 Orchard, including a proposed scope of work and maintenance schedule, and voted 8-0-0-1 (Yes: Abranches Da Silva, Adams, Adams, Crandall, Enchill, Finacom, Johnson, Montgomery; No: none; Abstain: none; Absent: Schwartz) to recommend approval of the Mills Act Contract application to City Council.

## BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S. which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

## RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 1 Orchard Lane is eligible for the Mills Act contract because it is designated as a City of Berkeley Landmark. The contract format has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owners have agreed to complete within the first ten-year contract period (see



Attachment 3) and that provide for the property “use, maintenance and restoration as to retain its characteristics as property of historical significance.” The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

#### ENVIRONMENTAL SUSTAINABILITY

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act.

#### CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534  
Fatema Crane, Senior Planner/LPC Secretary, 510-981-7413  
Alison Lenci, Assistant Planner/LPC Clerk, 510-981-7544

#### Attachments:

1. Draft City Council Resolution
2. LPC NOD, Landmark Designation, December 3, 2020
3. Rehabilitation and Maintenance Plan, received January 2020
4. LPC November 5, 2020 Staff Report

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH GREGORY LABLANC, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 1 ORCHARD LANE, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

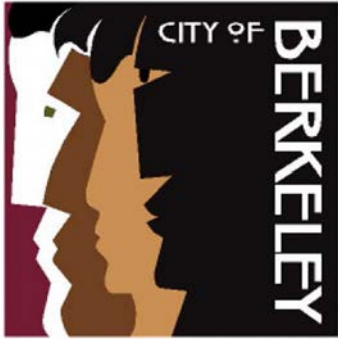
WHEREAS, on December 3, 2020, 1 Orchard Lane was designated as a City of Berkeley Landmark and became eligible to take advantage of the Mills Act; and

WHEREAS, on December 3, 2020, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 1 Orchard Lane, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Gregory LaBlanc for the maintenance and restoration of the historic property located at 1 Orchard Lane and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk- Recorder.



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N

---

N O T I C E O F D E C I S I O N

**DATE OF BOARD DECISION:** December 3, 2020  
**DATE NOTICE MAILED:** January 26, 2021  
**APPEAL PERIOD EXPIRATION:** February 9, 2021  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification):** February 10, 2021<sup>1</sup>

## 1 Orchard Lane

### The Steilberg House and Cottages

**Landmark application (#LMIN2020-0006) for consideration of City Landmark or Structure of Merit designation status for a residential property [APN 055-1862-009-00] in the Panoramic Hill District, listed on the National Register of Historic Places.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permit:

- City Landmark or Structure of Merit designation status, pursuant to Berkeley Municipal Code Section 3.24.110.A-B

**INITIATOR:** Landmarks Preservation Commission

**ZONING DISTRICT:** E-SR, Environmental Safety-Residential District

**ENVIRONMENTAL REVIEW STATUS:** Categorical Exemption under Section 15061 of the Public Resources Code, Guidelines for implementation of the California Environmental Quality Act (CEQA) – Review for Exemption.

---

<sup>1</sup> Pursuant to BMC Section 23B.32.090, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
City Landmark designation status - #LMIN2020-0006  
1 Orchard Lane – The Steilberg House and Cottages  
January 26, 2021  
Page 2 of 4

The application materials for this project are available online at:  
<http://www.cityofberkeley.info/zoningapplications>

---

**FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

---

**COMMISSION VOTE: 8-0-0-1**

**YES:** ABRANCHES DA SILVA, ADAMS, ALLEN, CRANDALL, ENCHILL, FINACOM,  
JOHNSON, MONTGOMERY

**NO:** None

**ABSTAIN:** None

**ABSENT:** SCHWARTZ

**Note New Methods for Submitting Appeals during Shelter-In-Place Order**

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council during the 2020 City Council Shelter-In-Place Order, you must:

1. Mail a letter clearly and concisely setting forth the grounds for the appeal with a check or money order for required fees to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley, 94704. The City Clerk's telephone number is (510) 981-6900.

OR

Alternatively, you may email your complete appeal and all attachments to the Planning Department at [planning@cityofberkeley.info](mailto:planning@cityofberkeley.info) and include a telephone number where you can be reached during the day. Planning Department staff will call you within three business days to obtain payment information for the required fees by credit card *only*.

- a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
    - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
City Landmark designation status - #LMIN2020-0006  
1 Orchard Lane – The Steilberg House and Cottages  
January 26, 2021  
Page 3 of 4

persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

---

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
City Landmark designation status - #LMIN2020-0006  
1 Orchard Lane – The Steilberg House and Cottages  
January 26, 2021  
Page 4 of 4

following information:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**PUBLIC COMMENT:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or [fcrane@cityofberkeley.info](mailto:fcrane@cityofberkeley.info) or [lpc@cityofberkeley.info](mailto:lpc@cityofberkeley.info)

**ATTACHMENTS:**

- 1. Findings for Approval
- 2. Landmark application



**ATTEST:** \_\_\_\_\_  
Fatema Crane, Secretary  
Landmarks Preservation Commission

Cc: City Clerk  
Gregory LaBlanc, property owner

# ATTACHMENT 1 , PART 2

## FINDINGS

DECEMBER 3, 2020

### 1 Orchard Lane – The Steilberg House and Cottages

Landmark application #LMIN2020-0006 for the consideration of City Landmark or Structure of Merit designation status for a residential property [APN 055-1862-009-00] in the Panoramic Hill District, listed on the National Register of Historic Places.

#### PROJECT DESCRIPTION

---

Landmark Designation of the property at 1 Orchard Lane, the Steilberg House and Cottages.

#### CEQA FINDINGS

---

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

#### LANDMARK PRESERVATION ORDINANCE FINDINGS

---

1. Pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance Section 3.24.110.A.5, the Landmarks Preservation Commission finds that the subject property meets the *National Register* criterion for City Landmark designation status; this property includes: the main building at 1 Orchard Lane, constructed in 1922, the cottage and garage combination and the pergola, playhouse and garage combination referred to as 1 Panoramic Way, constructed in 1921 (garage constructed in 1931), and the cottage referred to as 4 Mosswood Lane, constructed in 1930, all designed by architect Walter Steilberg. Owing to its 2005 listing on the National Register of Historic Places (Designation #05000424), as a contributor to the Panoramic Hill Historic District, this District is historically significant in the area of architecture as a neighborhood that represents the Bay Area Tradition, period of significance 1901-1950.

**FEATURES TO BE PRESERVED, OR RESTORED WHERE POSSIBLE**

---

1. This designation shall apply to the subject property and the following distinguishing features shall be preserved or, if irreparably damaged, replaced in a manner that provides for the same external appearance as the original.

**Features of the Site:**

1. Board-formed concrete retaining walls, curved with regular circular drain or pressure relief holes (at south entry walk to rear lower entrance of house)
2. Brick terrace and stairs with wrought iron railings (at front, west)
3. Built-in concrete paved patio w/ concrete benches (at rear, northeast)
4. Brick entry posts, steps and walk, herringbone field, entering property from Orchard Lane
5. Decorative railings
6. Decorative brick and tile patterned paving of lower west terrace between garage apartment and playhouse
7. Use of native Berkeley rhyolite stone in garden, staircases, and pathway walls, "grotto" under west porch, and planter beds and other features; some use of grey salvaged cobblestones in planter bed edging and walls. If built landscape features are deteriorated and must be repaired or altered, stones of these types should be salvaged and reused on site in landscape features
8. Use of concrete "beams" in two landscape retaining walls, which may represent a Steilberg experimentation in constructing concrete crib walls; if these walls must be altered, beams should be salvaged and reused on site
9. An overall informal and rustic landscape character of buildings in an informal compound, set in a landscape of pathways, staircases, outdoor terraces and planting areas, generally conforming to the natural hillside topography, with informally placed trees, shrubs, and plantings, including native California live oaks, and Lombardy poplars
10. Unpainted concrete retaining walls along lower (Panoramic Way) edge of site, with brick coping
11. Garden perimeter on east and south adjoining public staircases and paths edged with informal tree and shrubbery plantings that permit views of the house. If fencing is required at any point in the future it should be visually permeable and integrated with landscape, not a high wall
12. Original unpainted wooden fencing with vertical planks with decorative cutouts and wooden caps
13. Redwood pergola along terrace between garage cottage and playhouse\* (pergola was removed by previous owners.)

**Features of 1 Orchard Lane - Main Building:**

14. All extant, exterior building features characteristic of the First Bay Tradition
15. Overall building form and massing
16. Large three-story octagonal tower/cupola which dominates the western façade, with windows oriented to view towards San Francisco Bay and Berkeley campus to the west and northwest

\*Feature to be restored where possible



17. Third story balustrade of tower formed by Steilberg's trademark glazed green Oriental perforated tiles
18. Stucco-faced chimneys (2)
19. Unpainted redwood shingles (if irreparably deteriorated, may be replaced with other wood and finish to match original)
20. Rose colored, dash-finished stucco
21. Green painted window trim to match the original surrounding almond trees
22. Underside of the eaves painted sky blue\*
23. Mullions of amber glass and obscure glass with textured surface and a faint purple / gray tint. (if glass is broken and exacting matching glass is not available, match in most closely similar style available)
24. Elaborate and Expansive Fenestration
25. Custom-designed lighting fixtures and door handles
26. Wood entry door, true-divided (3/4)
27. Wood French doors: plain; true-divided (2/4); with transoms, true-divided (4/1)
28. Leaded glass (at tower)
29. Wood doors: True-divided (2/4), w/ transoms, true-divided (2/1), leaded glass (2, at front)
30. Wood picture windows with ornamental grille (2 at first floor tower)
31. Wood picture window w/ ornamental upper lites, 5-lite transom with leaded glass (at front)
32. Wood window, arched, leaded glass (at entry)
33. Wood casement windows: plain; true-divided (2/3) with transoms (1/2) or with decorative upper lites, amber glass or leaded glass transoms
34. Wood windows, pair, with single upper lite, fixed wood panel between (1 at front and 1 at rear)
35. Redwood trim boards: belt course; window/door casings, sills; roof eaves
36. Redwood gutters (have been previously replaced. If replaced, gutters should visually match original appearance, but need not be wood)
37. Wrought iron balcony rail
38. Wood crawl space door, arched (at front, west), with ornamental metal grill
39. Glazed ceramic vent tiles
40. Arched, open, "grotto" with interior of rough Berkeley rhyolite in west facing stucco wall below west terrace / porch (may have contained a water feature)

#### **Features of 1 Panoramic Way – Cottage & Garage combination:**

41. All extant, exterior building features characteristic of the First Bay Tradition architectural design
42. Overall building form and massing
43. Small-scale, one story, unpainted wood cottage atop two-car garage
44. Redwood garage doors with three sets of four-paned wood windows and decorative cut-outs that are hinged and roll along a metal track inside the garage
45. Separate single vehicle roofed concrete walled parking bay inserted into hillside below terrace, immediately south of cottage
46. Wood Bay window with green-painted sashes and decorative mullions on the western façade of the cottage

\*Feature to be restored where possible

47. Steilberg's trademark glazed green Oriental perforated tiles
48. Set of wood Dutch doors painted green, with two nine-paned windows set within, at the south elevation of the cottage
49. One six-paned wood window with green-painted sash on south façade
50. One double-paned wood window with green-painted sash on south façade
51. Four, four-paned wood windows with amber glass and green-painted sashes on east façade
52. Four double-hung wood windows with green-painted sashes on east façade  
One double-paned wood dormer window with green-painted sash on east facade
53. One six-paned wood window with green-painted sash on north façade
54. One wood entry door painted green, with one nine-paned window set within, on north façade
55. Two, six-paned wood windows with green-painted sashes on north façade
56. Glazed ceramic vent tiles

#### **Features of 1 Panoramic Way – Pergola, Playhouse & Garage combination:**

57. All extant, exterior building features characteristic of the First Bay Tradition architectural design
58. Overall building form and massing
59. Low-pitch gable roof
60. Redwood eaves
61. Redwood shingle siding
62. Unpainted redwood doors on north façade
63. 18 lite picture window with amber glass and green-painted sash, with a centered decorative medallion on west façade
64. 15 lite window with amber glass and green painted sash on south façade
65. Amber glass in windows
66. Wide brick walkway/terrace that extends from north edge of the cottage and runs parallel along Panoramic Way and included decorative tile inserts
67. Pergola to resemble original Steilberg plans and any extant photographs\*

#### **Features of 4 Mosswood Lane - Cottage:**

68. All extant, exterior building features characteristic of the Mediterranean style
69. One and one half story massing
70. Shallow gable roof of terracotta tiles, colored black or grey on top surface
71. Ornamental unglazed terra cotta end piece to tile ridge line coping of roof
72. Open air rooftop terrace accessed by curving, cast concrete staircase
73. Fabricrete building material on exterior, integral color, unpainted
74. Open air entry staircase from Panoramic Way adjoining building on north side
75. One nine-paned fixed window with green-painted sash on east façade
76. One two-paned casement window with amber glass, green-painted sash and tile sill, on east façade
77. One ten-paned fixed window with green-painted sash on north façade
78. One three-paned fixed window with green-painted sash and tile sill on north façade
79. Two fixed windows with leaded designs in colored glass and tile sills on north façade

\*Feature to be restored where possible

80. One large nine-paned fixed picture window with green-painted sashes and tile sills, flanked by two, three-paned casement windows with green-painted sashes and tile sills on the western façade
81. One multi-lite window with green-painted sash on west façade
82. Set of three-paned casement windows, with green-painted sashes and tile sill on west façade
83. One three-paned fixed window with green-painted sash and tile sill on west façade
84. One four-paned casement window with green-painted sash on west façade
85. One three-paned fixed window with green-painted sash and tile sill on south façade
86. Set of three-paned casement windows, with green-painted sashes and tile sill on south façade
87. One multi-lite window with green-painted sash on south façade
88. Roof top terrace
89. Curving stairway that breaks the roofline on the front facing, eastern elevation
90. Steilberg's trademark glazed green Oriental perforated tiles, and one brown tile in same pattern
91. Custom-designed lighting fixtures\*
92. Front doorway with leaded designs in colored glass (damaged portions of glass replaced in kind in recent years to match original)
93. Two small wooden doors on either side of entrance alcove, concealing utility connections
94. Street address hand painted vertically on wall by door in almond green
95. Wood trellis with fabricrete cylindrical support column on the western façade

\*Feature to be restored where possible

MILLS ACT MAINTENANCE  
REHABILITATION SCHEDULE

| Feature                                        | Location | Character Defining? | Condition | Recommended Treatment                                                                                                                                          | Schedule                        | Budgets<br>(from quotes-<br>see notes)      | Notes            |
|------------------------------------------------|----------|---------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------|------------------|
| Stucco and wood shingle cladding and wood work | All      | Yes                 | Fair      | Repair and repaint existing painted stucco and wood work (including doors, windows and trim work); repair and clean existing unpainted wood shingles and trims | 2021-2025                       | \$40,000                                    | 1                |
| Exterior wood doors and windows                | All      | Yes                 | Fair      | Repair and selectively replace in-kind                                                                                                                         | Repair 2022; replace 2026       | \$15,000                                    | 2                |
| Roofs, roof drainage and flashing              | All      | Yes                 | Good      | Repair and replace roofing and drainage assemblies                                                                                                             | Repair 2021 - 2025; reroof 2028 | \$50,000                                    | 3                |
| Structural repair and strengthening            | All      | Yes                 | Poor-fair | Make identified seismic improvements to historic structure                                                                                                     | 2021-2025                       | \$189,500                                   | 4                |
| Brick-paved front steps, walk and porch        | Front    | Yes                 | Fair      | Repair                                                                                                                                                         | 2022                            | \$20,000                                    | 5                |
|                                                |          |                     |           |                                                                                                                                                                |                                 | <b>Total<br/>Estimated<br/>10yr. Budget</b> | <b>\$314,500</b> |

**NOTES:****1. Exterior Repairs and Repainting:**

- Remove all loose and failed material
- Sand and clean all surfaces scheduled for painting work
- Epoxy any small areas of rotted out wood and perform small scale repairs as needed
- Full prime to all surfaces scheduled for finish paint
- Patch and repair cracks where necessary and closely match existing texture and patterns when possible
- Spot prime where patched
- Caulk wood joints
- Finalize selection and apply finish coats

**2. Windows:**

- Replacement of 3 exterior doors - at first floor dining room (french doors) and third floor deck, to match original/existing
- Replacement of 2 windows - at first floor living room (picture window) and second floor bath (casement), to match original/existing

**3. Reroofing:**

- Remove existing roofing and drainage assemblies and replace with new roofing and drainage assemblies sim. to existing

**4. Structural:**

- Add straps and plywood shear panels at front and rear basement areas
- Remove and replace approx. 150 ft. of footings at low crawl spaces
- Underpin portions of existing foundations w/ approx. 8 piers
- Remove and replace front porch retaining wall and steps (see below for finish brick and railing work)

**5. Site work at Front:**

- Remove and reset brickwork and railings, including in-kind replacement



ATTACHMENT 4



L A N D M A R K S  
 P R E S E R V A T I O N  
 C O M M I S S I O N

---

S T A F F R E P O R T

FOR COMMISSION ACTION  
 NOVEMBER 5, 2020

# 1 Orchard Lane – The Steilberg House & Cottages

**Mills Act Contract Application #LMMA2020-0001 for a single-family residence, The Steilberg House, located in the National Register of Historic Places Panoramic Hill District.**

## I. Application Basics

### Parties Involved:

- Applicant/Property Owner: Gregory LaBlanc  
1 Orchard Lane  
Berkeley, CA
- Historic Resource Consultant: Mark Hulbert, Historic Architect  
446 17<sup>th</sup> Street, #302  
Oakland, CA

## II. Recommendation

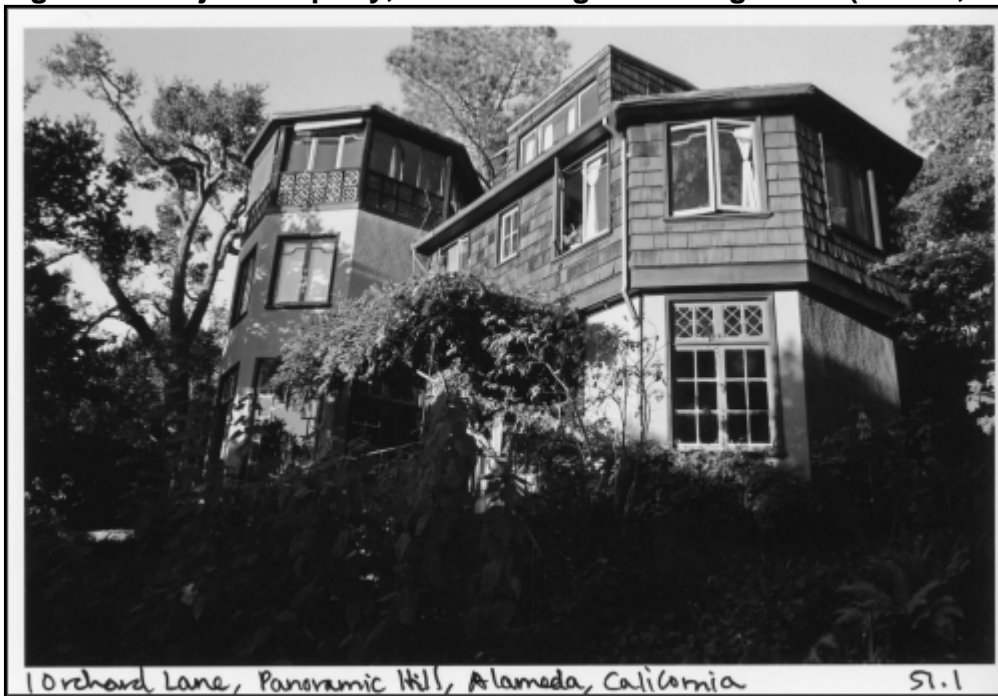
Staff recommends that the Commission recommend to City Council that they approve the Mills Act Contract request for the subject property, contingent upon local designation.



**Figure 2: Subject Property, current site conditions (City Staff, September 2020)**



**Figure 3: Subject Property, National Register Designation (Drotos, 2004)**





### III. Background

#### Site Information:

The subject property is an 11,147 square foot through lot situated on the east side of Canyon Road and Panoramic Way, bounded by Orchard Lane to the south and Mosswood Lane to the east. The property contains one three-story main building, referred to as 1 Orchard Lane that is setback into the steeply sloped lot, which can be accessed by the Orchard Lane Beaux-Arts staircase, beginning at Panoramic Way. In addition, the property includes a small single-family cottage atop a two-car concrete garage, sited at the northwest corner of the property, referred to as 1 Panoramic Way. A wide brick walkway and pergola runs parallel to Panoramic Way until it meets a brown shingle playhouse with amber glass in windows at the end. At the rear, northeast corner of the property, is a one and one half story single-family cottage, referred to as 4 Mosswood Lane that is only accessible by foot from Mosswood Lane; see Figure 1.

The property is within the Environmental Safety-Residential (ES-R) zoning district and within the Panoramic Hill Historic District, listed on the National Register of Historic Places (Designation #05000424) under criterion C (Design/Construction) at the local level of significance. All buildings and structures on the parcel are listed on the NR (Designation #05000424) as contributing buildings and structures, under criterion C at the local level of significance. See Attachment 4 for a link to the complete NR Designation #05000424 for the Panoramic Hill District.

#### Application Chronology:

Earlier this year, the applicant and owner submitted a Mills Act Contract Application for the main residence, the Steilberg House, located at 1 Orchard Lane. In order for a property to be eligible to enter into a Mills Act Contract with the City, it must be listed on the City's local register. The property is currently listed on the National Register, and is pending designation as a City of Berkeley landmark.

On August 6, 2020, the Commission initiated landmark or structure of merit designation consideration of this property pursuant to Berkeley Municipal Code (BMC) Section 3.24.120. On October 1, 2020, staff presented the Commission with a report, supplemental memorandum and recommended findings in support of landmark designation. The Commission asked for additional information and materials, and continued the hearing to the November 5, 2020 meeting. Per the Commission's request, staff will present the information at tonight's hearing. If the Commission designates the property as a City Landmark or Structure of Merit, then the Commission may also consider the Mills Act Contract application request.

### IV. Issues and Analysis

The historic resource consultant's *Historic Architectural Report for the Mills Act Application* is provided as Attachment 1. This document includes the consultant's summary of *Character Defining Features* on pages 4-5, *the Mills Act Work Program* for maintenance and repairs on pages 5-6, and photographs of existing conditions on pages 7-12. The proposed *Rehabilitation & Maintenance Schedule* outlines proposed building exterior and site improvements for the main residence over a projected 10-year period and includes the

City's financial analysis spreadsheet for estimating potential Mills Act tax savings for this request; see Attachment 2. Improvements to the exterior of the Steilberg House include, but are not limited to: replacing the existing roof and drainage assemblies and flashing, seismic improvements to the building, repairing and repainting exterior stucco and wood work, and repairing and selectively replacing exterior windows and doors. Improvements to the site include replacing brick-paved front steps, walkway, porch, and railings in-kind.

The work proposed under this Mills Act Contract is considered ordinary maintenance and repairs and is not subject to a Structural Alteration Permit (SAP), pursuant to BMC Section 3.24.220.A.1. However, any future work proposed on the exterior of the building that would not be considered ordinary maintenance and repairs, would require a SAP application for review and approval by the Landmarks Preservation Commission.

All improvements included in the proposed Rehabilitation & Maintenance Schedule would affect historic, character defining features of the building and site. Please see Attachment 2, for the complete Rehabilitation & Maintenance Schedule.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, they would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed tasks represent improvements that are consistent with the requirements of the Mills Act.

## V. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will spend the property-tax money that is saved through the Contract on preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is.

| Feature                                 | Treatment<br>(as recommended by historic resource consultant)                                                                                                   | Estimated<br>Year of<br>completion |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Exterior stucco cladding and woodwork   | Repair and repaint existing painted stucco and wood work (including doors, windows, and trim work); repair and clean existing unpainted wood shingles and trims | 2021-2025                          |
| Exterior wood doors and windows         | Repair                                                                                                                                                          | 2022                               |
|                                         | Selective replacement in-kind                                                                                                                                   | 2026                               |
| Roof, drainage & flashing               | Repair                                                                                                                                                          | 2021-2025                          |
|                                         | Re-roof, including drainage assembly                                                                                                                            | 2028                               |
| Structural repair and strengthening     | Make identified seismic improvements to the historic structure                                                                                                  | 2021-2025                          |
| Brick-paved front steps, walk and porch | Repair                                                                                                                                                          | 2022                               |

The working financial analysis spreadsheet, provided as Attachment 3, estimates that the cost of the owner's proposed improvements over a 10-year period would be approximately \$314,500 and the estimated total tax savings over the 10-year period would be approximately \$178,153, starting at an annual savings of \$17,786 and then decreasing to approximately \$17,766 by the tenth year of the program.

## VI. Recommendation

Because staff has determined that all work proposed in the Mills Act Contract work plan provides for the properties "use, maintenance and restoration as to retain its characteristics as property of historical significance", staff is recommending that the Commission:

- Recommend that City Council approve the Mills Act Contract request for the subject property, contingent upon local designation.

### Attachments:

1. Historic Architectural Report for the Mills Act Application, received January 2020
2. Rehabilitation & Maintenance Schedule, received January 2020
3. Updated Working Financial Analysis Spreadsheet, received October 2020

**Prepared by:** Alison Lenci, Assistant Planner; [alenci@cityofberkeley.info](mailto:alenci@cityofberkeley.info) (510) 981-7544





Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

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: Mills Act Contract – 1581 Le Roy Avenue

RECOMMENDATION

Adopt a Resolution to authorize the City Manager to enter into a Mills Act contract with Samuli Seppälä for the City Landmark property at 1581 Le Roy Avenue.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Landmark property at 1581 Le Roy Avenue would reduce the property tax bills for the owners by an estimated total of approximately \$30,000 in year one, approximately 30% (\$9,000) of which would be diverted from Berkeley's tax revenue (final amounts are determined by Alameda County after contract execution). This will be an annual impact to the City's tax revenue, as the contract runs for ten years (in comparable annual amounts) and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2022-2023 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On June 21, 1982, the property at 1581 Le Roy Avenue was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act. The designation included analysis of historic distinguishing features and excerpts of the National Register nomination document (see Attachment 2).

On December 3, 2020, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, Samuli Seppala, to enter into a Mills Act contract for 1581 Le Roy Avenue, including a proposed scope of work and maintenance schedule, and voted 8-0-0-1 (Yes: Abranches Da Silva, Adams, Adams, Crandall, Enchill, Finacom, Johnson, Montgomery; No: none; Abstain: none; Absent: Schwartz) to recommend approval of the Mills Act Contract application to City Council.

## BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S. which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

## RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 1581 Le Roy Avenue is eligible for the Mills Act contract because it is designated as a City of Berkeley Landmark. The contract format has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owners have agreed to complete within the first ten-year contract period (see

Attachment 3) and that provide for the property “use, maintenance and restoration as to retain its characteristics as property of historical significance.” The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

#### ENVIRONMENTAL SUSTAINABILITY

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act.

#### CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534  
Fatema Crane, Senior Planner/LPC Secretary, 510-981-7413  
Alison Lenci, Assistant Planner/LPC Clerk, 510-981-7544

#### Attachments:

1. Draft City Council Resolution
2. LPC NOD, Landmark Designation, June 21, 1982
3. Rehabilitation and Maintenance Plan, received November 2020
4. LPC December 3, 2020 Staff Report

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH SAMULI SEPPÄLÄ, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 1581 LE ROY AVENUE, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on June 21, 1982, 1581 Le Roy Avenue was designated as a City of Berkeley Landmark and became eligible to take advantage of the Mills Act; and

WHEREAS, on December 3, 2020, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 1581 Le Roy Avenue, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Samuli Seppälä for the maintenance and restoration of the historic property located at 1581 Le Roy Avenue and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk-Recorder.



CITY OF BERKELEY  
DEPARTMENT OF HOUSING AND DEVELOPMENT

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

ES: Ordinance 4694-N.S. Individual Landmark \$50.00 Historical Dist. \$100.00

1. Name of Property Hillside School Survey Code No. \_\_\_\_\_
2. Building  Site \_\_\_\_\_ Open Space \_\_\_\_\_
3. County Alameda 4. City Berkeley 94708
5. Street 1581 LeRoy Avenue
6. Vicinity (if rural) \_\_\_\_\_
7. Present Occupant Hillside Primary School; Lawrence Lab childcare program
8. Present Owner Berkeley Unified School District, 2134 Grove St. 94704
9. Original Owner (if known) same
10. Date of Construction 1925 11. Style Tudor revival
12. Architect/Builder Walter Ratcliff Jr. 13. Original Use school
14. Historic Value: national \_\_\_ state \_\_\_ county \_\_\_ city  neighborhood   
none \_\_\_
15. Architectural Value: national \_\_\_ state \_\_\_ county \_\_\_ city  neighborhood   
none \_\_\_
16. Notable Garden or Landscaping: yes  no \_\_\_
17. Photographs: contemporary \_\_\_\_\_ historical \_\_\_\_\_  
dates Feb.-March 1982 dates April 1933, aerial/c. 1940  
photographer Betty Marvin photographer \_\_\_\_\_  
repository BAHA, Friends of Hillside repository BUSD, copy neg. BAHA  
S. Stern, "Hillside...in an English Mode," Berk. Gazette, Ap. 16, 1980.  
"New Hillside Sc. Opens" Jesse Sears & commission, Berk. Schs. Properties Survey, Aug. 1926.  
18. Bibliography: Published Sources Fraudenheim Bldg. With Nature: Arch. & Eng'g, May 1916  
Berk. Gazette: 4/3 & 5/6/25 Public Records Blueprints & Field Act surveys, BUSD building dept.  
(bldg. tax); Aug. 9, 26, Sep Interviews Marian Altman (principal), Barbara Smith (sec'y & alumna),  
15, 17, 1926 (opening); Lorraine Haines (alum, parent, grandparent); D. Gerrity & M. Daggett oral H;  
10/20/34 (Field Act); Nicholas Hanson, "W.H. Ratcliff," BAHA pamphlet, 1980. PTA file at Hills:  
2/20, 8/5, 11/13/63 (addr.) 19. Block Number 2245 20. Lot No. 9 21. Lot Size: Frontage approx. 275'  
Depth approx. 200' (school) plus  
200' (playground)
22. Current Zoning Status R 1 H 23. Adjacent Property Zoning Status R 1 H
24. Present Use: residential (single family  multiple ) office \_\_\_\_\_  
store \_\_\_\_\_ public  other \_\_\_\_\_ specify school
25. Adjacent Property Use (check all that apply): residential (single  
family  multiple ) office \_\_\_\_\_ store \_\_\_\_\_ public \_\_\_\_\_  
other \_\_\_\_\_ specify \_\_\_\_\_

| Period                                        | Areas of Significance—Check and justify below    |                                                 |                                                 |                                              |  |  |
|-----------------------------------------------|--------------------------------------------------|-------------------------------------------------|-------------------------------------------------|----------------------------------------------|--|--|
| <input type="checkbox"/> prehistoric          | <input type="checkbox"/> archeology-prehistoric  | <input type="checkbox"/> community planning     | <input type="checkbox"/> landscape architecture | <input type="checkbox"/> religion            |  |  |
| <input type="checkbox"/> 1400-1499            | <input type="checkbox"/> archeology-historic     | <input type="checkbox"/> conservation           | <input type="checkbox"/> law                    | <input type="checkbox"/> science             |  |  |
| <input type="checkbox"/> 1500-1599            | <input type="checkbox"/> agriculture             | <input type="checkbox"/> economics              | <input type="checkbox"/> literature             | <input type="checkbox"/> sculpture           |  |  |
| <input checked="" type="checkbox"/> 1600-1699 | <input checked="" type="checkbox"/> architecture | <input checked="" type="checkbox"/> education   | <input type="checkbox"/> military               | <input type="checkbox"/> social/humanitarian |  |  |
| <input type="checkbox"/> 1700-1799            | <input type="checkbox"/> art                     | <input type="checkbox"/> engineering            | <input type="checkbox"/> music                  | <input type="checkbox"/> theater             |  |  |
| <input type="checkbox"/> 1800-1899            | <input type="checkbox"/> commerce                | <input type="checkbox"/> exploration/settlement | <input type="checkbox"/> philosophy             | <input type="checkbox"/> transportation      |  |  |
| <input checked="" type="checkbox"/> 1900-     | <input type="checkbox"/> communications          | <input type="checkbox"/> industry               | <input type="checkbox"/> politics/government    | <input type="checkbox"/> other (specify)     |  |  |
|                                               |                                                  | <input type="checkbox"/> invention              |                                                 |                                              |  |  |

Specific dates 1925--

Builder-Architect Walter H. Ratcliff Jr.

**Statement of Significance (in one paragraph)**

Hillside School is the oldest of the Berkeley Public Schools still operating as a school in virtually its original state. Its distinguished craftsmanship & design, natural light and air, and careful relationship to its hillside site exemplify the progressive school architecture of the 1920s. It replaced the 1899 Hillside School founded by the Maybeck circle and inherited its teachers and traditions, after the original building burned in the 1923 fire that devastated north Berkeley. Hillside's neo-Tudor design by prominent Berkeley architect Walter Ratcliff is characteristic of the period revival styles used in all branches of architecture in that decade, and used extensively in the rebuilding of north Berkeley. The school is one of the major commissions of Ratcliff's later career, and the only one of his Berkeley public schools still in use. As the neighborhood school of the Maybeck coterie and their successors, and of many University families, Hillside has a tradition of vigorous public interest and loyalty, and owes its existence and survival to Berkeley's trademark civic activism.

Hillside School takes its name from the Hillside Club, the turn-of-the-century Berkeley group around the Maybecks and Keelers that promoted Arts and Crafts ideals and established the Bay Region tradition of architecture in harmony with nature. According to tradition (Freudenheim, Building With Nature, p.57), when the city proposed a school for the neighborhood, the women of the club "appointed a committee to go to the Trustees and ask to be allowed to plan a school suited to little children and the hillside." After the fire took that rustic, Maybeck-like school, rebuilding was made possible by a special election authorizing a one year, \$150,000 tax, in May 1925 (Berkeley Gazette, 4/3 & 5/1-6/1925).

In its use of light and wood and the hillside site, the rebuilt school expressed an updated version of the Hillside Club ideals, as well as the more general movement in school architecture to provide beautiful and healthful and homelike surroundings. Hillside's opening coincided with the publication of the Berkeley School Properties Survey by Jesse Sears of the Stanford education department and a commission of Berkeley citizens (Aug. 1926), and the new school was the embodiment of its most up to date recommendations: auditorium doubling as a community meeting place, large playgrounds, "kindergarten and first grade unit separated from the rest of the school and a separate play yard and sanitary equipment provided for the smaller children," special rooms for domestic science and shop and art, teachers' clubroom, "preparation and serving of lunch at noon," "research and guidance" (the glassed-in conference rooms in Rooms 15 & 17 were for observation), "new type of administrative offices" and nurse's room (Sears, p.50; Berk. Gazette, 9/17/26; Berk. Courier, 8/7/26). Grades were kindergarten through 6th, reflecting Berkeley's early adoption of the junior high school.

Architect of the new Hillside School was Walter Ratcliff Jr. (1881-1973), who as Berkeley city architect had presided over the building of a group of schools in 1914-16 that rated 26 pages in the May 1916 Architect & Engineer. He was also an early planning commissioner and advocate of zoning, a civic leader and businessman, and by the mid-20s one of Berkeley's most distinguished and prolific architects, founder of what is today the oldest architectural firm in the East Bay.

(SEE CONTINUATION SHEET)

FHR-8-300A  
(11/78)UNITED STATES DEPARTMENT OF THE INTERIOR  
HERITAGE CONSERVATION AND RECREATION SERVICENATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY -- NOMINATION FORM

FOR HCRS USE ONLY

RECEIVED

DATE ENTERED

Hillside School, 1581 LeRoy  
CONTINUATION SHEET Berkeley CA 94708 ITEM NUMBER 7,8,9 PAGE 1

7 — South of the kindergarten wing there is a temporary bungalow in what was the kindergarten playground. Main playground is in the loop of Buena Vista Avenue west of the school; there is a small landscaped area just in front of the school with lawn and flagpole and large evergreen trees. Other sides of the school face up-sloping hillsides: small patio north of auditorium, mountain and native plant garden east of central wing, and a pathway up to La Loma Avenue to the east.

Examination of 1933 photographs shows that cast stone shields and rosettes over the exterior doors and stone chimneys and finials were lost to Field Act work in the 1930s. However, the original slate roof remains (and was recently repaired), the original wood sash and trim remain (in need of paint), and many of the interior and exterior light fixtures are still in place and functioning. Original doors, wainscoting, and other millwork bear the signs of 50 years wear and tear but are in remarkably good condition. Exterior stucco, original brick steps, & concrete paving are in excellent condition.

8 — Besides Hillside, Ratcliff's civic & educational commissions/included Mills College (1923), Pacific School of Religion, additions to Anna Head School, & the Berkeley Day Nursery (these last 2 are on the Nat'l Register). By the early 30s the effects of the Depression and Ratcliff's increasing absorption in his Fidelity Mortgage business caused him to virtually retire from the practice of architecture, making Hillside School one of his late Berkeley works.

In 1934-8 Hillside received extensive reinforcing and rebuilding to comply with the Field Act: some external ornament was removed but in general the building's appearance was faithfully preserved. There was a large budget item for millwork, which included reconstructing the beamed and paneled auditorium ceiling around the new bracing--something that would no longer be financially feasible. Building codes, budgets, and changing fashions in education mean that there are very few schools like Hillside left. Its intact woodwork, windows, slate roof, and original light fixtures are rare anywhere, and unique in the Berkeley schools.

Like all the public schools, Hillside has been through changes in educational theory and enrollment. Originally K-6, it is now K-3; enrollment was 229 when it opened in 1926, about 450 when the addition was made in 1963, 195 in 1982. Traditions continue: the active PTA, founded in 1902 as the Mothers' Club and distinguished by many University and artistic names, claims to be "one of the oldest in Northern California"; neighborhood pageants and dance festivals in the Hillside Club tradition continued into the 1960s; and in recent years parents and staff and neighbors have responded to recurring proposals to close the school with something very much like the crusading spirit of the Hillside Club mothers demanding a school "suited to the little children and the hillside."

9 — B.J.S. Cahill & W. Ratcliff, "City of Berk.'s New Public School Bldgs", Arch. & Eng. May 1926  
Leslie Freudenheim, Building With Nature: Roots of the S.F. Bay Region Tradition, 1974.  
Berkeley Courier, Aug. 7, 1926, "New Hillside School Opens"; Berkeley Gazette, 4/3 & 5/6/1925 (building tax), Aug. 9, 26, Sep. 15, 17, 1926 (opening & dedic.), 10/20/34 (Field Act), 2/20, Aug. 5, Nov. 13, 1963 (addition), Ap. 16, 1980 (Archit. Heritage), 2/9/81 (closing threatened).  
Interviews: Marian Altman (principal), Barbara Smith (school secretary & alumna), Lorraine Haines (early alumna's parent); oral hist. Dorothy Gerrity, Marian Daggott (Club & fire)  
Nicholas Hanson, "Walter H. Ratcliff Jr.", Berk. Arch. Heritage pamphlet, 1980.

|                                               |                                       |                                             |                                                   |
|-----------------------------------------------|---------------------------------------|---------------------------------------------|---------------------------------------------------|
| Condition                                     |                                       | Check one                                   | Check one                                         |
| <input checked="" type="checkbox"/> excellent | <input type="checkbox"/> deteriorated | <input type="checkbox"/> unaltered          | <input checked="" type="checkbox"/> original site |
| <input checked="" type="checkbox"/> good      | <input type="checkbox"/> ruins        | <input checked="" type="checkbox"/> altered | <input type="checkbox"/> moved date _____         |
| <input type="checkbox"/> fair                 | <input type="checkbox"/> unexposed    |                                             |                                                   |

**Describe the present and original (if known) physical appearance**

Hillside School is a neo-Tudor, stucco and half-timbered, slate-roofed, mostly two-story building whose rambling angular plan follows the contours of its hillside site and the winding North Berkeley streets. The west facade presents a 150'-long central classroom wing running NW-SE, with a continuous bank of wood framed classroom windows on the upper floor, offices and library on the ground floor, and two second-floor square bays with dormers and half-timbered gable ends above the doors. Large wings join the ends of this main building at angles of about 120°: at the north end the auditorium projects forward (W) of the main building, with a tall wall of windows & ornamental stickwork in its gable end, which is about 60' high at the peak. There is a gabled entry hall and 2-story polygonal bay in the angle between the auditorium and main building. Behind the south end of the central block is a high-gabled 3-story classroom wing, its south wall all windows; at the back of this wing is a 1-story, L-shaped, 3-room addition (1963). South of the central block on the downward slope of the hill is the kindergarten/primary wing, a sort of miniature repetition of the main building, with a gabled dormer over the arched entrance and a large main classroom with west-facing gable & big bay window. Entrances to kindergarten & auditorium wings are low, deep-set gothic arches with heavy wooden doors, in 1½-story gable ends. All gable ends are trimmed to varying degrees with half-timbering, stickwork, and wood finials. Slate roofs of wings & dormers form a complex pattern of peaks.

The entire building was extensively reinforced and rebuilt in 1934-5 (kindergarten), 1936 (central portion), and 1937-8 (auditorium), faithfully following the style and materials of the original building. Roof of the south classroom wing was somewhat rearranged, & some parapet levels changed. The small dormer toward the north end of the main wing was added so slates would not fall on the exit in an earthquake. As a result Hillside was the only one of the older Berkeley schools not affected by the earthquake work of the mid-1970s when the others were demolished, vacated, or completely rebuilt. The bottom story of the main building was originally a recreation basement with the same wall of tall wood-framed windows as the upper floor. In 1963-4 the basement was remodeled for offices and library, and some of the window area closed off. At the same time, 3 classrooms were added inconspicuously at the back of the east wing. (This work was done by Walter Ratcliff's son.)

Notable features of the interior are the auditorium, the woodwork and detailing in the hallways, and the use of windows and wood in the classrooms. The auditorium, about 40' x 55', has hardwood floor, beamed dark wood ceiling with skylights and (incomplete) chandeliers. The west wall has a huge wood-framed, lattice-paned window, 16' x 22' high, floor to ceiling, protected by a wood balustrade; there is a spectacular view of the Bay. The stage at the east end is presently closed off by a temporary wall so the backstage area can be used as a woodshop. French doors on the north wall open onto a small patio.

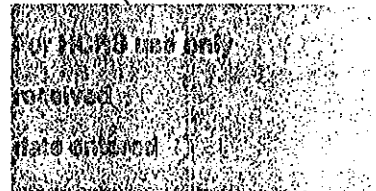
Hallways follow the same irregular angles as the exterior plan. Second floor halls have skylights, unpainted wood moldings and wood framed bulletin boards, working transoms above the doors. Details include brass stair corners and studs on the wide banisters (to discourage sliding), metal and amber-glass light fixtures, and a floral terra cotta drinking fountain given in memory of two pupils in 1928. On the main corridor, 3 classrooms face east and 4 face west, all with full walls of operable wood-framed windows. Room 18, former teachers' lunchroom, has a Batchelder tiled fireplace. Two west rooms have unusual glassed-in cloakrooms & conference rooms.

(SEE CONTINUATION SHEET)

United States Department of the Interior  
Heritage Conservation and Recreation Service

National Register of Historic Places  
Inventory—Nomination Form

See instructions in How to Complete National Register Forms  
Type all entries—complete applicable sections



MAY 07 1982

1. Name

historic Hillside School  
and/or common Hillside School, Hillside Primary School

2. Location

street & number 1581 LeRoy Avenue not for publication  
city, town Berkeley 94708 vicinity of congressional district 8  
state California code county Alameda code

3. Classification

| Category                                        | Ownership                                  | Status                                                | Present Use                                     |
|-------------------------------------------------|--------------------------------------------|-------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> district               | <input checked="" type="checkbox"/> public | <input checked="" type="checkbox"/> occupied          | <input type="checkbox"/> agriculture            |
| <input checked="" type="checkbox"/> building(s) | <input type="checkbox"/> private           | <input type="checkbox"/> unoccupied                   | <input type="checkbox"/> commercial             |
| <input type="checkbox"/> structure              | <input type="checkbox"/> both              | <input type="checkbox"/> work in progress             | <input checked="" type="checkbox"/> educational |
| <input type="checkbox"/> site                   | <b>Public Acquisition</b>                  | <b>Accessible</b>                                     | <input type="checkbox"/> entertainment          |
| <input type="checkbox"/> object                 | <input type="checkbox"/> in process        | <input type="checkbox"/> yes: restricted              | <input type="checkbox"/> government             |
|                                                 | <input type="checkbox"/> being considered  | <input checked="" type="checkbox"/> yes: unrestricted | <input type="checkbox"/> industrial             |
|                                                 |                                            | <input type="checkbox"/> no                           | <input type="checkbox"/> military               |
|                                                 |                                            |                                                       | <input type="checkbox"/> museum                 |
|                                                 |                                            |                                                       | <input type="checkbox"/> park                   |
|                                                 |                                            |                                                       | <input type="checkbox"/> private residence      |
|                                                 |                                            |                                                       | <input type="checkbox"/> religious              |
|                                                 |                                            |                                                       | <input type="checkbox"/> scientific             |
|                                                 |                                            |                                                       | <input type="checkbox"/> transportation         |
|                                                 |                                            |                                                       | <input type="checkbox"/> other:                 |

4. Owner of Property

name Berkeley Unified School District  
street & number 2134 Grove Street  
Berkeley 94704  
city, town vicinity of state California

5. Location of Legal Description

courthouse, registry of deeds, etc. Alameda County Courthouse  
street & number 1225 Fallon Street  
city, town Oakland 94612 state California

6. Representation in Existing Surveys

title Berkeley Urban Conservation Survey has this property been determined eligible?  yes  no  
date April 1980; City Landmark designation pending, 5/82, federal  state  county  local  
depository for survey records Berkeley Architectural Heritage Assn., Box 1137,  
city, town Berkeley 94701-1137 state CA

## 7. Description

### Condition

excellent  
 good  
 fair

deteriorated  
 ruins  
 unexposed

### Check one

unaltered  
 altered

### Check one

original site  
 moved date \_\_\_\_\_

### Describe the present and original (if known) physical appearance

Hillside School is a neo-Tudor, stucco and half-timbered, slate-roofed, mostly two-story building whose rambling angular plan follows the contours of its hillside site and the winding North Berkeley streets. The west facade presents a 150'-long central classroom wing running NW-SE, with a continuous bank of wood framed classroom windows on the upper floor, offices and library on the ground floor, and two second-floor square bays with dormers and half-timbered gable ends above the doors. Large wings join the ends of this main building at angles of about 120°: at the north end the auditorium projects forward (W) of the main building, with a tall wall of windows & ornamental stickwork in its gable end, which is about 60' high at the peak. There is a gabled entry hall and 2-story polygonal bay in the angle between the auditorium and main building. Behind the south end of the central block is a high-gabled 3-story classroom wing, its south wall all windows; at the back of this wing is a 1-story, L-shaped, 3-room addition (1963). South of the central block on the downward slope of the hill is the kindergarten/primary wing, a sort of miniature repetition of the main building, with a gabled dormer over the arched entrance and a large main classroom with west-facing gable & big bay window. Entrances to kindergarten & auditorium wings are low, deep-set gothic arches with heavy wooden doors, in 1½-story gable ends. All gable ends are trimmed to varying degrees with half-timbering, stickwork, and wood finials. Slate roofs of wings & dormers form a complex pattern of peaks.

The entire building was extensively reinforced and rebuilt in 1934-5 (kindergarten), 1936 (central portion), and 1937-8 (auditorium), faithfully following the style and materials of the original building. Roof of the south classroom wing was somewhat rearranged, & some parapet levels changed. The small dormer toward the north end of the main wing was added so slates would not fall on the exit in an earthquake. As a result Hillside was the only one of the older Berkeley schools not affected by the earthquake work of the mid-1970s when the others were demolished, vacated, or completely rebuilt. The bottom story of the main building was originally a recreation basement with the same wall of tall wood-framed windows as the upper floor. In 1963-4 the basement was remodeled for offices and library, and some of the window area closed off. At the same time, 3 classrooms were added inconspicuously at the back of the east wing. (This work was done by Walter Ratoliff's son.)

Notable features of the interior are the auditorium, the woodwork and detailing in the hallways, and the use of windows and wood in the classrooms. The auditorium, about 40' x 55', has hardwood floor, beamed dark wood ceiling with skylights and (incomplete) chandeliers. The west wall has a huge wood-framed, lattice-paned window, 16' x 22' high, floor to ceiling, protected by a wood balustrade; there is a spectacular view of the Bay. The stage at the east end is presently closed off by a temporary wall so the backstage area can be used as a woodshop. French doors on the north wall open onto a small patio.

Hallways follow the same irregular angles as the exterior plan. Second floor halls have skylights, unpainted wood moldings and wood framed bulletin boards, working transoms above the doors. Details include brass stair corners and studs on the wide banisters (to discourage sliding), metal and amber-glass light fixtures, and a floral terra cotta drinking fountain given in memory of two pupils in 1928. On the main corridor, 3 classrooms face east and 4 face west, all with full walls of operable wood-framed windows. Room 18, former teachers' lunchroom, has a Batchelder tiled fireplace. Two west rooms have unusual glassed-in cloakrooms & conference rooms.

(SEE CONTINUATION SHEET)

## 8. Significance

| Period                                    | Areas of Significance—Check and justify below    |                                                 |                                                 |                                          |
|-------------------------------------------|--------------------------------------------------|-------------------------------------------------|-------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> prehistoric      | <input type="checkbox"/> archeology-prehistoric  | <input type="checkbox"/> community planning     | <input type="checkbox"/> landscape architecture | <input type="checkbox"/> religion        |
| <input type="checkbox"/> 1400-1499        | <input type="checkbox"/> archeology-historic     | <input type="checkbox"/> conservation           | <input type="checkbox"/> law                    | <input type="checkbox"/> science         |
| <input type="checkbox"/> 1500-1599        | <input type="checkbox"/> agriculture             | <input type="checkbox"/> economics              | <input type="checkbox"/> literature             | <input type="checkbox"/> sculpture       |
| <input type="checkbox"/> 1600-1699        | <input checked="" type="checkbox"/> architecture | <input checked="" type="checkbox"/> education   | <input type="checkbox"/> military               | <input type="checkbox"/> social/         |
| <input type="checkbox"/> 1700-1799        | <input type="checkbox"/> art                     | <input type="checkbox"/> engineering            | <input type="checkbox"/> music                  | <input type="checkbox"/> humanitarian    |
| <input type="checkbox"/> 1800-1899        | <input type="checkbox"/> commerce                | <input type="checkbox"/> exploration/settlement | <input type="checkbox"/> philosophy             | <input type="checkbox"/> theater         |
| <input checked="" type="checkbox"/> 1900- | <input type="checkbox"/> communications          | <input type="checkbox"/> industry               | <input type="checkbox"/> politics/government    | <input type="checkbox"/> transportation  |
|                                           |                                                  | <input type="checkbox"/> invention              |                                                 | <input type="checkbox"/> other (specify) |

Specific dates 1925--

Builder/Architect Walter H. Ratcliff Jr.

### Statement of Significance (In one paragraph)

Hillside School is the oldest of the Berkeley Public Schools still operating as a school in virtually its original state. Its distinguished craftsmanship & design, natural light and air, and careful relationship to its hillside site exemplify the progressive school architecture of the 1920s. It replaced the 1899 Hillside School founded by the Maybeck circle and inherited its teachers and traditions, after the original building burned in the 1923 fire that devastated north Berkeley. Hillside's neo-Tudor design by prominent Berkeley architect Walter Ratcliff is characteristic of the period revival styles used in all branches of architecture in that decade, and used extensively in the rebuilding of north Berkeley. The school is one of the major commissions of Ratcliff's later career, and the only one of his Berkeley public schools still in use. As the neighborhood school of the Maybeck coterie and their successors, and of many University families, Hillside has a tradition of vigorous public interest and loyalty, and owes its existence and survival to Berkeley's trademark civic activism.

Hillside School takes its name from the Hillside Club, the turn-of-the-century Berkeley group around the Maybecks and Keelers that promoted Arts and Crafts ideals and established the Bay Region tradition of architecture in harmony with nature. According to tradition (Freudenheim, Building With Nature, p.57), when the city proposed a school for the neighborhood, the women of the club "appointed a committee to go to the Trustees and ask to be allowed to plan a school suited to little children and the hillside." After the fire took that rustic, Maybeck-like school, rebuilding was made possible by a special election authorizing a one year, \$150,000 tax, in May 1925 (Berkeley Gazette, 4/3 & 5/1-6/1925).

In its use of light and wood and the hillside site, the rebuilt school expressed an updated version of the Hillside Club ideals, as well as the more general movement in school architecture to provide beautiful and healthful and homelike surroundings. Hillside's opening coincided with the publication of the Berkeley School Properties Survey by Jesse Sears of the Stanford education department and a commission of Berkeley citizens (Aug. 1926), and the new school was the embodiment of its most up to date recommendations: auditorium doubling as a community meeting place, large playgrounds, "kindergarten and first grade unit separated from the rest of the school and a separate play yard and sanitary equipment provided for the smaller children," special rooms for domestic science and shop and art, teachers' clubroom, "preparation and serving of lunch at noon," "research and guidance" (the glassed-in conference rooms in Rooms 15 & 17 were for observation), "new type of administrative offices" and nurse's room (Sears, p.50; Berk. Gazette, 9/17/26; Berk. Courier, 8/7/26). Grades were kindergarten through 6th, reflecting Berkeley's early adoption of the junior high school.

Architect of the new Hillside School was Walter Ratcliff Jr. (1881-1973), who as Berkeley city architect had presided over the building of a group of schools in 1914-16 that rated 26 pages in the May 1916 Architect & Engineer. He was also an early planning commissioner and advocate of zoning, a civic leader and businessman, and by the mid-20s one of Berkeley's most distinguished and prolific architects, founder of what is today the oldest architectural firm in the East Bay.

(SEE CONTINUATION SHEET) 135

FHR-8-300A  
(11/78)UNITED STATES DEPARTMENT OF THE INTERIOR  
HERITAGE CONSERVATION AND RECREATION SERVICENATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY -- NOMINATION FORM

|              |
|--------------|
| DATE ENTERED |
|--------------|

Hillside School, 1581 LeRoy,  
CONTINUATION SHEET Berkeley CA 94708 ITEM NUMBER 7,8,9 PAGE 1

7 -- South of the kindergarten wing there is a temporary bungalow in what was the kindergarten playground. Main playground is in the loop of Buena Vista Avenue west of the school; there is a small landscaped area just in front of the school with lawn and flagpole and large evergreen trees. Other sides of the school face up-sloping hillsides: small patio north of auditorium, mountain and native plant garden east of central wing, and a pathway up to La Loma Avenue to the east.

Examination of 1933 photographs shows that cast stone shields and rosettes over the exterior doors and stone chimneys and finials were lost to Field Act work in the 1930s. However, the original slate roof remains (and was recently repaired), the original wood sash and trim remain (in need of paint), and many of the interior and exterior light fixtures are still in place and functioning. Original doors, wainscoting, and other millwork bear the signs of 50 years wear and tear but are in remarkably good condition. Exterior stucco, original brick steps, & concrete paving are in excellent condition.

8 -- Besides Hillside, Ratcliff's civic & educational commissions/included Mills College (1923), Pacific School of Religion, additions to Anna Head School, & the Berkeley Day Nursery (these last 2 are on the Nat'l Register). By the early 30s the effects of the Depression and Ratcliff's increasing absorption in his Fidelity Mortgage business caused him to virtually retire from the practice of architecture, making Hillside School one of his late Berkeley works.

In 1934-8 Hillside received extensive reinforcing and rebuilding to comply with the Field Act: some external ornament was removed but in general the building's appearance was faithfully preserved. There was a large budget item for millwork, which included reconstructing the beamed and paneled auditorium ceiling around the new bracing--something that would no longer be financially feasible. Building codes, budgets, and changing fashions in education mean that there are very few schools like Hillside left. Its intact woodwork, windows, slate roof, and original light fixtures are rare anywhere, and unique in the Berkeley schools.

Like all the public schools, Hillside has been through changes in educational theory and enrollment. Originally K-6, it is now K-3; enrollment was 229 when it opened in 1926, about 450 when the addition was made in 1963, 195 in 1982. Traditions continue: the active PTA, founded in 1902 as the Mothers' Club and distinguished by many University and artistic names, claims to be "one of the oldest in Northern California"; neighborhood pageants and dance festivals in the Hillside Club tradition continued into the 1960s; and in recent years parents and staff and neighbors have responded to recurring proposals to close the school with something very much like the crusading spirit of the Hillside Club mothers demanding a school "suited to the little children and the hillside."

9 -- B.J.S.Cahill & W.Ratcliff, "City of Berk.'s New Public School Bldgs", Arch. & Eng. May 1925  
Leslie Freudenheim, Building With Nature: Roots of the S.F. Bay Region Tradition, 1974.  
Berkeley Courier, Aug. 7, 1926, "New Hillside School Opens"; Berkeley Gazette, 4/3 & 5/6/  
1925 (building tax), Aug. 9, 26, Sep. 15, 17, 1926 (opening & dedic.), 10/20/34 (Field Act), 2/3/  
Aug. 5, Nov. 13, 1963 (addition), Ap. 16, 1980 (Archit. Heritage), 2/9/81 (closing threatened)  
Interviews: Marian Altman (principal), Barbara Smith (school secretary & alumna), Lorrain  
Haynes (early alumna & parent); oral hist. Dorothy Gerrity, Marian Daggett (Club & PTA)  
Nicholas Hansen, "Walter H. Ratcliff Jr.", Berk. Arch. Heritage pamphlet, 1980. 136  
Nat'l Register nomination for Berkeley Day Nursery. PTA history file at Hillside



# 9. Major Bibliographical References

Berkeley Unified Schools building dept. records: Blueprints (Ratcliff 1925; Eldridge Spencer & Thos.Chace, 1934-36-37; Ratcliff-Slama-Cadwalader 1963); MS Field Act studio ("Data on Schools & School Bldgs." Nov.1933; E.Spencer, "Report on the School Bldgs. of Berkeley," May 1934; "Application...for loan & grant..," Dec.1933).  
 Jesse B. Sears & commission, Berkeley Schools Properties Survey, Berkeley, Aug.1926.

(#9 CONTINUES)

# 10. Geographical Data

Acreage of nominated property Approx. 2 acres

Quadrangle name Richmond, Calif.

Quadrangle scale 1:24,000

UMT References

A 

|      |   |         |   |   |   |          |   |   |   |   |   |   |   |   |
|------|---|---------|---|---|---|----------|---|---|---|---|---|---|---|---|
| 1    | 0 | 5       | 6 | 5 | 3 | 0        | 0 | 4 | 1 | 9 | 2 | 6 | 6 | 0 |
| Zone |   | Easting |   |   |   | Northing |   |   |   |   |   |   |   |   |

B 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

C 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

D 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

E 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

F 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

G 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

H 

|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
|------|--|---------|--|--|--|----------|--|--|--|--|--|--|--|--|
|      |  |         |  |  |  |          |  |  |  |  |  |  |  |  |
| Zone |  | Easting |  |  |  | Northing |  |  |  |  |  |  |  |  |

Verbal boundary description and justification Book 58, block 2245, parcel 9 - originally Wheeler Tract Block 5, Lots 1-10 (playground lots 1-6, school lots 7-10) & LaLoma Park Lot 12 & N portion of Lot 13. Building occupies E half of property, playground the W half in loop formed by Buena Vista & LeRoy Avenues.

List all states and counties for properties overlapping state or county boundaries

| state | code | county | code |
|-------|------|--------|------|
|       |      |        |      |

| state | code | county | code |
|-------|------|--------|------|
|       |      |        |      |

# 11. Form Prepared By

name/title Betty Marvin

organization Friends of Hillside/Berk.Arch.Heritage date April 30, 1982

street & number 2646 Claremont Avenue telephone (415) 849-1959/845-6591

city or town Berkeley 94705 state California

# 12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national     state     local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the Heritage Conservation and Recreation Service.

State Historic Preservation Officer signature

title \_\_\_\_\_ date \_\_\_\_\_

For HCRS use only

I hereby certify that this property is included in the National Register

date \_\_\_\_\_

Keeper of the National Register

Attest:

date \_\_\_\_\_

Chief of Registration

UNITED STATES DEPARTMENT OF THE INTERIOR  
HERITAGE CONSERVATION AND RECREATION SERVICE

FOR HCRS USE ONLY

RECEIVED

DATE ENTERED

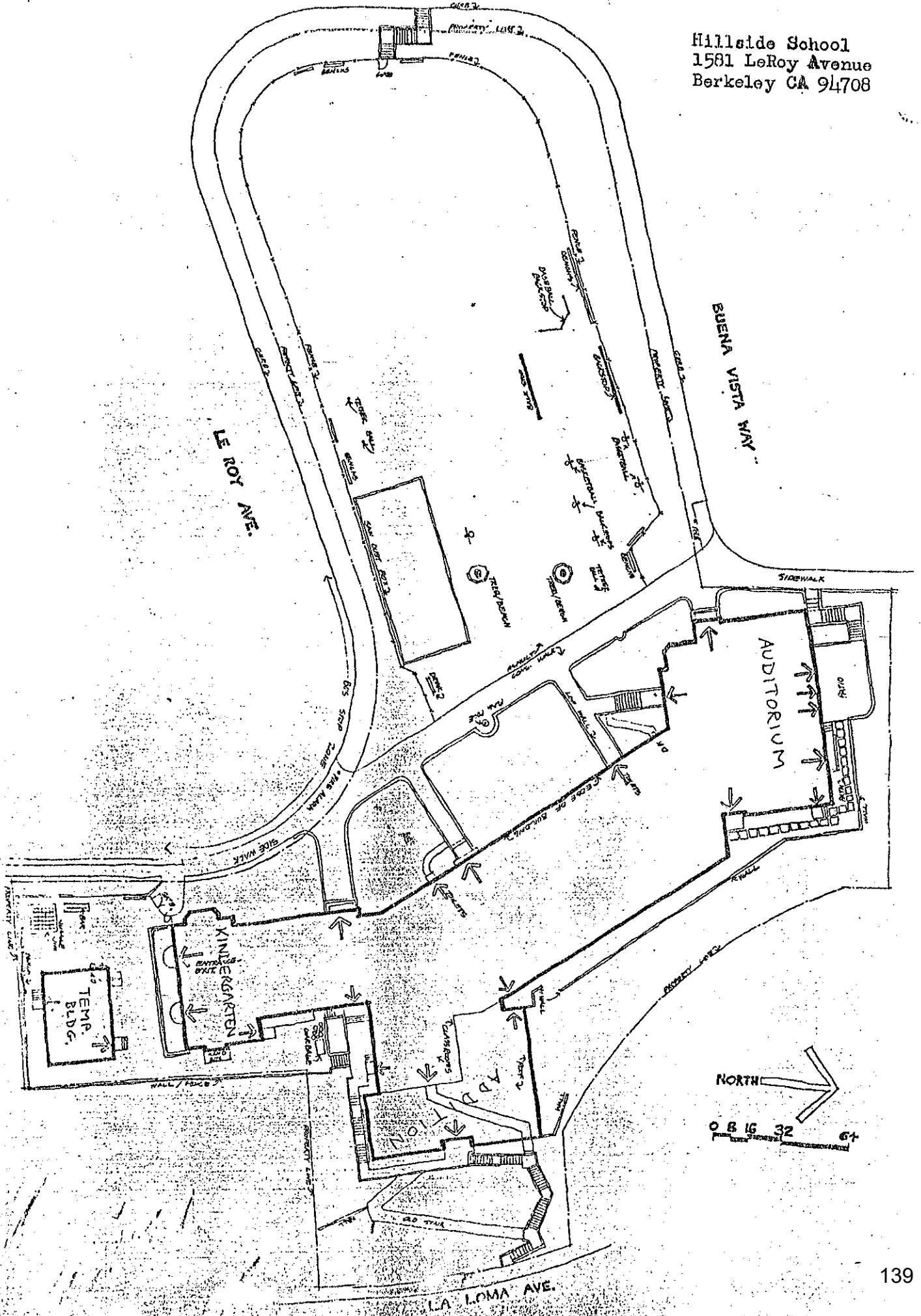
# NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

Hillside School, 1581 LeRoy Av.,  
Berkeley CA 94708

Item 10 --- location map



Hillside School  
1581 LeRoy Avenue  
Berkeley CA 94708





555'  
4196  
4195  
4194  
4193000m N.  
37° 52' 30"  
122° 15'

Hillside School  
1581 LeRoy Avenue  
Berkeley CA 94708  
UTM reference:  
10/565300/4192660

117'30" 563 0 565000m E. 122° 15'

ROAD CLASSIFICATION

|             |       |                  |       |
|-------------|-------|------------------|-------|
| Heavy-duty  | ————— | Light-duty       | ----- |
| Medium-duty | ————— | Unimproved dirt  | ..... |
|             | ○     | Interstate Route | ○     |
|             | ○     | State Route      |       |

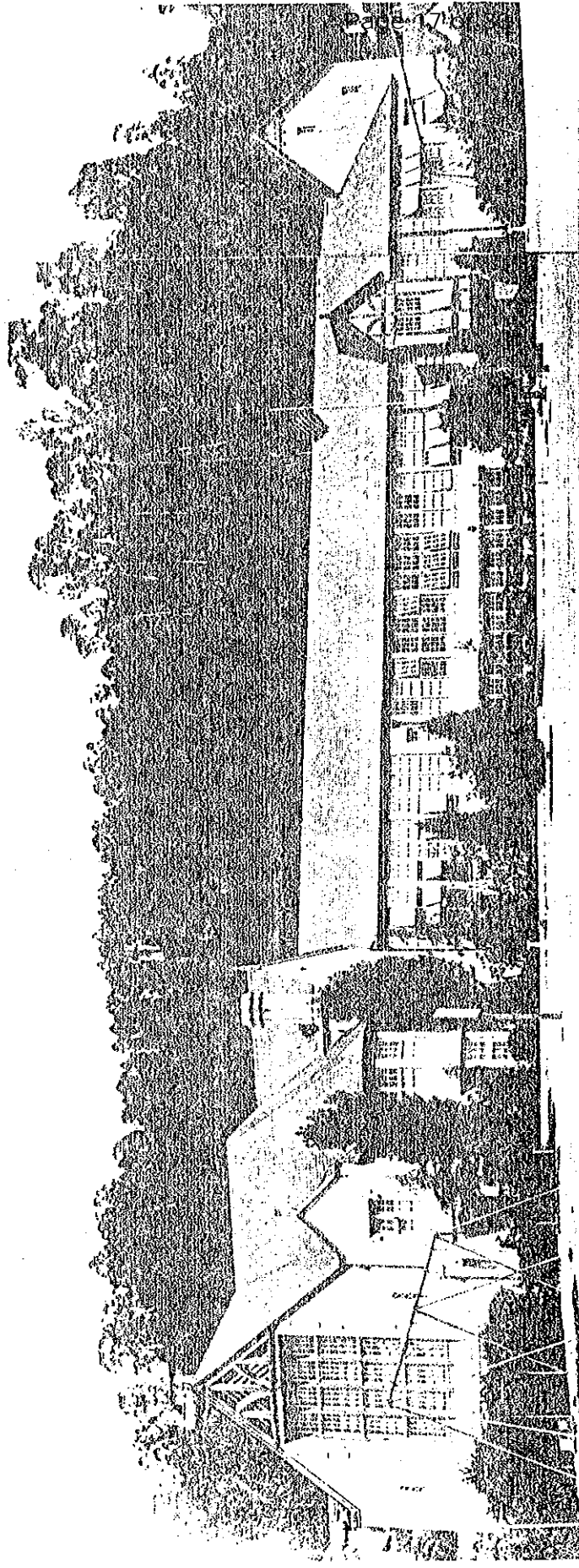


QUADRANGLE LOCATION

Purple tint indicates extension of urban areas

RICHMOND, CALIF.  
N3752.5—W12215/7.5

1959  
PHOTOREVISED 1980  
DMA 1559 IV NE—SERIES V895

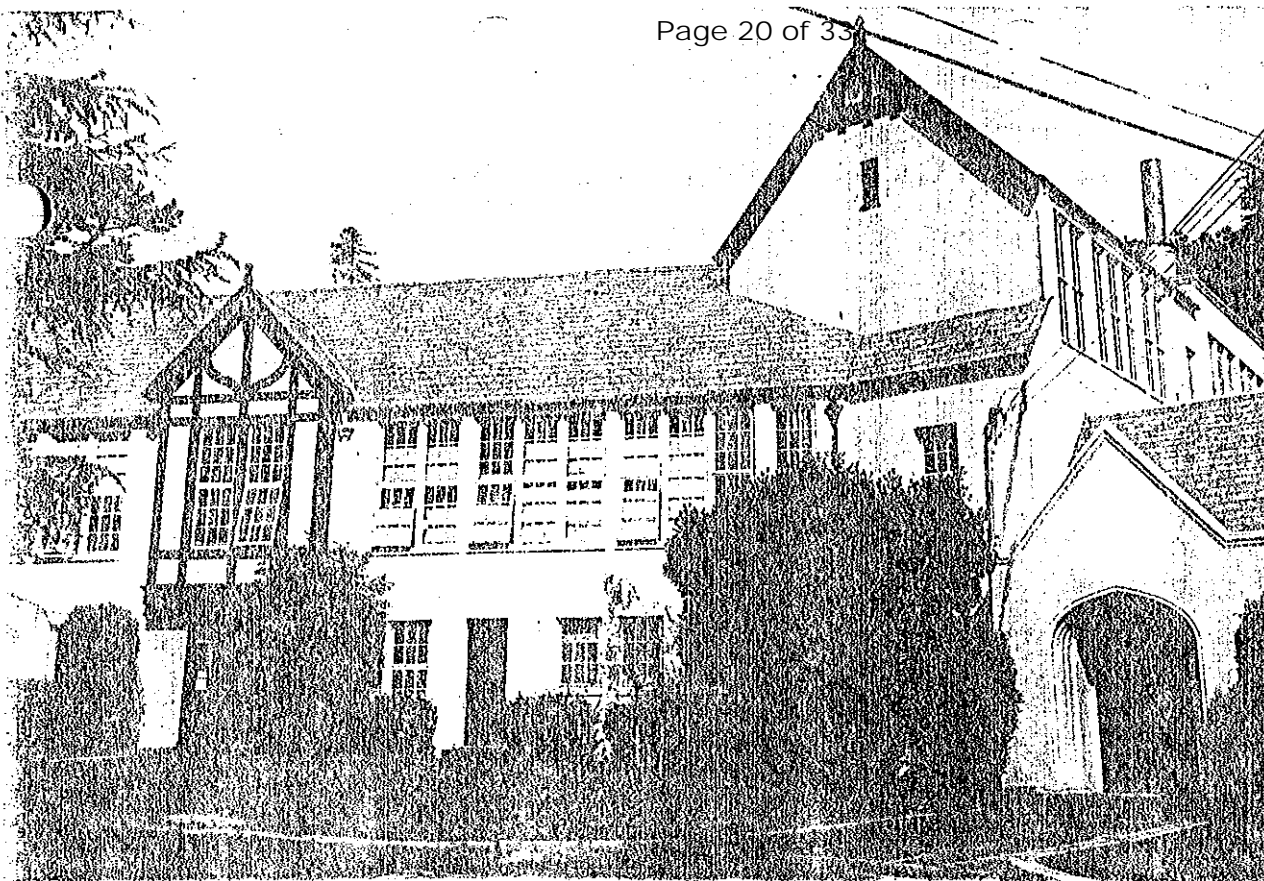


West Elerin - Hillside School  
 Berkeley  
 4-21-33  
 mws. (12)



Hillside School, 1581 LeRoy Av.,  
Berkeley CA 94708. Anonymous  
Aerial view, c.1940s, looking east,  
school & playground at center. #2  
Print at Hillside Sch., copy neg.  
B.Marvin, 2646 Claremont, 94705.

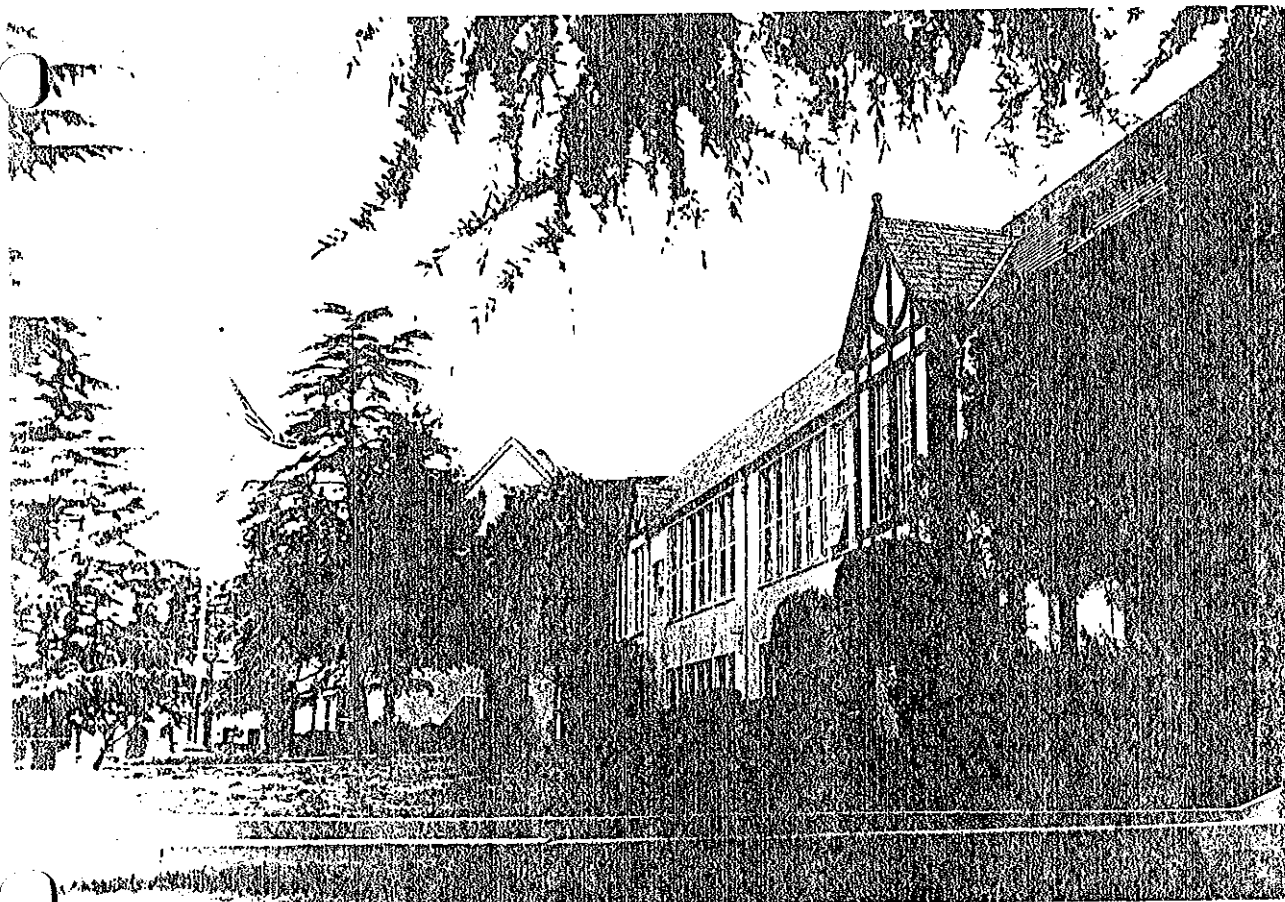




Hillside School, 1581 LeRoy, Berkeley CA 94708  
S part of W facade; basement finished for offices  
(main entc. below banded gable), parts of 3-story  
E classroom wing & 1-story S kindergarten wing.  
B. Marvin, 2646 Claremont, 94705 -- March 1982



Hillside School, 1581 LeRoy Av.,  
Berkeley CA 94708 - April 1982.  
View N along central classroom  
wing toward auditorium; gables  
over office & library doors. #5  
B.Marvin, 2646 Claremont, 94705.



CITY OF BERKELEY

Memorandum

June 29, 1982

TO: EDYTHE CAMPBELL, City Clerk

FROM: MIKE TOLBERT, Secretary, Landmarks Preservation Commission

SUBJECT: NOTICE OF DECISION REGARDING THE HILLSIDE SCHOOL,  
LOCATED AT 1581 LEROY AVENUE

At its meeting of June 21, 1982, the Landmarks Preservation Commission voted unanimously to:

DESIGNATE THE HILLSIDE SCHOOL, LOCATED AT 1581 LEROY AVENUE, AS A BERKELEY LANDMARK BECAUSE OF ITS FINE EXAMPLE OF WALTER RATCLIFF, JR.'S SCHOOL OF ARCHITECTURE, FOR ITS PHYSICAL POSITION IN THE STREETScape AND IN THE NEIGHBORHOOD, AND ITS MEANING TO BERKELEY.

Attached is a copy of the Notice of Decision, which according to the provisions of the Landmarks Preservation Ordinance, is to be forwarded to the City Council at its next regularly scheduled meeting.



MIKE TOLBERT, Secretary  
Landmarks Preservation Commission

Attachment: Notice of Decision

**MILLS ACT APPLICATION**  
**ESTIMATED 2021-2030 SCHEDULE**  
*for*  
**PRESERVATION, RESTORATION, REHABILITATION & MAINTENANCE**  
*of*  
**HILLSIDE SCHOOL**  
**1581 Le Roy Avenue**  
**Berkeley, CA 94708**

*November 11, 2020*

| <i>Feature</i>                                       | <i>Location</i>            | <i>Character Defining?</i> | <i>Condition</i> | <i>Recommended Treatment</i>                                                                    | <i>Schedule (Estimated)</i> | <i>10-Year Budget (Estimated)</i> |
|------------------------------------------------------|----------------------------|----------------------------|------------------|-------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------|
| <b>SITE &amp; LANDSCAPE REPAIRS</b>                  |                            |                            |                  |                                                                                                 |                             |                                   |
| Sidewalks & Curbs                                    | Front Yard                 | Yes                        | Poor             | Repair walks, curbs, and bricks                                                                 | 2023                        | \$40,000                          |
| South Terrace                                        | South end of Building      | Yes                        | Poor             | Replace exist. concrete Terrace with replica of historic concrete and brick terrace             | 2021                        | \$55,000                          |
| Flagpole                                             | Front Yard                 | Yes                        | Poor             | Replace existing hardware and repair pole                                                       | 2021                        | 32,500                            |
| Landscape Maintenance                                | Front Yard                 | Yes                        | ---              | Annual maintenance of front yard and Redwood trees                                              | 2021-2030                   | \$500,000                         |
| <b>CONCRETE &amp; STRUCTURAL REPAIRS</b>             |                            |                            |                  |                                                                                                 |                             |                                   |
| Foundation at 3-story portion of Building            | Southeast area of Building | No                         | Poor             | Replace portions of existing foundation and add matt slab and (Permit Application #B2019-00352) | 2021                        | \$875,000                         |
| Seismic Stabilization of 3-story portion of Building | Southeast area of Building | Yes                        | Poor             | Install special steel moment frame, beams, and shear walls                                      | 2021                        | \$590,000                         |

|                                                        |                             |     |         |                                                                                                                                    |           |           |
|--------------------------------------------------------|-----------------------------|-----|---------|------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| Foundation at 2-story portion of Building              | Middle portion of Building  | No  | Poor    | Replace portions of existing foundation and add matt slab                                                                          | 2024      | \$750,000 |
| Seismic Stabilization of 2-story portion of Building   | Middle portion of Building  | Yes | Poor    | Install beams and shear walls                                                                                                      | 2024      | \$250,000 |
| Foundation at 1-story portion of Building              | North area of Building      | No  | Poor    | Replace portions of existing foundation and add matt slab                                                                          | 2028      | \$250,000 |
| Seismic Stabilization of one-story portion of Building | North area of Building      | Yes | Poor    | Install beams and shear walls                                                                                                      | 2028      | \$200,000 |
| South Retaining Wall                                   | Southern portion of Site    | No  | Failing | Replace existing retaining wall                                                                                                    | 2022      | \$58,000  |
| East Retaining Walls                                   | Eastern portion of Site     | No  | Failing | Replace existing retaining walls                                                                                                   | 2024      | \$450,000 |
| North Retaining Walls & Terrace                        | North end of Building       | Yes | Failing | Replace existing retaining walls and terrace slab                                                                                  | 2023      | \$250,000 |
| Retaining Walls                                        | Entire Site                 | Yes | ---     | Inspection, repairs and annual maintenance                                                                                         | 2021-2030 | \$180,000 |
| Structural Floor Joists and Wall Studs at Studio 100   | South end of Building       | Yes | Poor    | Replace dry rotted framing and stucco as required and add shear plywood per Engineering Drawings (Permit Application #B2019-00228) | 2021      | \$165,000 |
| Dry Rot Repair                                         | Entire Building             | Yes | Poor    | Replace dry-rotted framing at walls, floors and scuppers                                                                           | 2023-2030 | \$150,000 |
| Termite Maintenance                                    | Entire Building             | Yes | ---     | Annual maintenance, inspect & treat infested areas                                                                                 | 2023-2030 | \$52,500  |
| Structural Repairs                                     | Entire Building             | Yes | ---     | Annual maintenance, inspections and repairs                                                                                        | 2023-2030 | \$175,000 |
| <b>THERMAL &amp; MOISTURE PROTECTION</b>               |                             |     |         |                                                                                                                                    |           |           |
| Membrane Roof                                          | Flat roof areas of building | Yes | Poor    | Replace Membrane Roof                                                                                                              | 2022      | \$180,000 |

|                                            |                                                    |     |      |                                                                                                                                                            |           |           |
|--------------------------------------------|----------------------------------------------------|-----|------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| Skylights                                  | Entire Building                                    | Yes | Poor | Replace and restore Skylights                                                                                                                              | 2022      | \$150,000 |
| Slate Roof Tiles                           | Gable roof areas of building                       | Yes | ---  | Annual Maintenance                                                                                                                                         | 2021-2030 | \$50,000  |
| Membrane Roof and Skylights                | Entire Building                                    | Yes | ---  | Annual Maintenance, inspections, and repairs                                                                                                               | 2021-2030 | \$150,000 |
| Gutters and Downspouts                     | Entire Building                                    | Yes | Poor | Repair and replace all leaking scuppers, missing downspouts, and gutters                                                                                   | 2022      | \$50,000  |
| Stucco Siding                              | Entire Building                                    | Yes | Fair | Patch, repair, or replace at damaged and termite/dry-rot areas                                                                                             | 2023-2030 | \$100,000 |
| Sheet Metal and/or Copper Flashings & Trim | Entire Building                                    | Yes | Fair | Patch and Repair at damaged areas                                                                                                                          | 2023-2030 | \$15,000  |
| Roof Accessories                           | Entire Building                                    | Yes | Fair | Patch and Repair damaged vents, parapets, and chimneys                                                                                                     | 2023-2030 | \$15,000  |
| Drainage                                   | Entire Building                                    | No  | ---  | Annual Maintenance                                                                                                                                         | 2021-2030 | \$70,000  |
| <b>DOORS &amp; WINDOWS</b>                 |                                                    |     |      |                                                                                                                                                            |           |           |
| Exterior Historic Doors                    | South, west, and east sides of Building (18 doors) | Yes | Poor | Restore & refinish existing doors where remaining. Remove replacement doors and install historic door replicas based on original drawings.                 | 2021-2023 | \$350,000 |
| Exterior Historic Doors                    | South, west, and east sides of Building (18 doors) | Yes | ---  | Annual maintenance - inspect, repair, and refinish as necessary                                                                                            | 2024-2030 | \$45,000  |
| Windows                                    | Entire Building                                    | Yes | Poor | Repair, restore, and refinish all existing wooden windows to full operation. Preserve all original glazing. Replace windows only if damaged beyond repair. | 2021      | \$150,000 |

|                                                                                                                 |                                    |     |                |                                                                                                    |           |           |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------|-----|----------------|----------------------------------------------------------------------------------------------------|-----------|-----------|
| Windows                                                                                                         | Entire Building                    | Yes | ---            | Annual maintenance - inspect, repair, caulk, seal and refinish as necessary                        | 2021-2030 | \$150,000 |
| Door and Window Hardware                                                                                        | Entire Building                    | Yes | Fair           | Repair existing door and window hardware where necessary.                                          | 2022      | \$25,000  |
| <b>EXTERIOR FEATURES &amp; FINISHES</b>                                                                         |                                    |     |                |                                                                                                    |           |           |
| Exterior Paint                                                                                                  | Entire Building                    | Yes | ---            | Annual Maintenance                                                                                 | 2021-2030 | \$400,000 |
| Exterior Woodwork (half-timbering, gable boards, eaves, door and window casings, corbels, brackets, and spires) | Entire Building                    | Yes | Poor           | Repair and restore all elements as necessary per original drawings.                                | 2025      | \$120,000 |
| Cast Stone Ornamentation & Wall Caps                                                                            | Exterior walls, Parapets, & Ridges | Yes | Poor & missing | Replace missing elements in kind based on remaining examples. Recreate elements based on drawings. | 2022-2030 | \$250,000 |
| Exterior Historic Lighting                                                                                      | Exterior Historic Doorways         | Yes | Poor           | Replace or restore all original light fixtures for full operation w/LED lamps                      | 2021      | \$55,000  |
| <b>MECHANICAL SYSTEMS</b>                                                                                       |                                    |     |                |                                                                                                    |           |           |
| Radiators & Boiler                                                                                              | Entire Building/Boiler Room        | Yes | Poor           | Repair all radiators and steam pipes to full operation and replace Boiler                          | 2021-2022 | \$150,000 |
| Radiators & Boiler                                                                                              | Entire Building/Boiler Room        | Yes | ---            | Annual Inspection and Maintenance                                                                  | 2021-2030 | \$100,000 |
| Plumbing System                                                                                                 | Entire Building                    | No  | Poor           | Upgrade and replace as required                                                                    | 2021-2022 | \$350,000 |
| Plumbing System                                                                                                 | Entire Building                    | No  | ---            | Annual inspection and maintenance                                                                  | 2021-2030 | \$150,000 |
| Fire Sprinkler System                                                                                           | Entire Building                    | No  | Fair           | Repair as required                                                                                 | 2021      | \$150,000 |
| Fire Sprinkler System                                                                                           | Entire Building                    | No  | ---            | Annual inspection and maintenance                                                                  | 2021-2030 | \$150,000 |
| HVAC                                                                                                            | Southern portion of Building       | No  | Non-existent   | Install modern HVAC                                                                                | 2021      | \$150,000 |

|                                                               |                              |    |     |                                   |           |                    |
|---------------------------------------------------------------|------------------------------|----|-----|-----------------------------------|-----------|--------------------|
| HVAC                                                          | Southern portion of Building | No | --- | Annual Maintenance                | 2021-2030 | \$100,000          |
| Electrical System                                             | Entire Building              | No | --- | Upgrade and replace as required   | 2021-2022 | \$350,000          |
| Electrical System                                             | Entire Building              | No | --- | Annual inspection and maintenance | 2021-2030 | \$140,000          |
|                                                               |                              |    |     |                                   |           |                    |
| <b>TOTAL ESTIMATED REHABILITATION &amp; MAINTENANCE COSTS</b> |                              |    |     |                                   |           | <b>\$9,138,000</b> |

| <b>ESTIMATED YEARLY<br/>CONSTRUCTION BUDGET<br/>2021-2030</b> |                    |
|---------------------------------------------------------------|--------------------|
| 2021                                                          | \$2,756,500        |
| 2022                                                          | \$997,000          |
| 2023                                                          | \$605,000          |
| 2024                                                          | \$1,836,500        |
| 2025                                                          | \$514,000          |
| 2026                                                          | \$394,000          |
| 2027                                                          | \$403,000          |
| 2028                                                          | \$844,000          |
| 2029                                                          | \$394,000          |
| 2030                                                          | \$394,000          |
| <b>TOTAL</b>                                                  | <b>\$9,138,000</b> |

## Berkeley Mills Act Application

| FINANCIAL ANALYSIS FOR MILLS ACT CONTRACT FOR 1581 LE ROY AVENUE - NOVEMBER 11, 2020  |       |             |             |             |             |             |             |             |             |             |             |             |
|---------------------------------------------------------------------------------------|-------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| REVENUES                                                                              |       | Current     | Year 1      | Year 2      | Year 3      | Year 4      | Year 5      | Year 6      | Year 7      | Year 8      | Year 9      | Year 10     |
| 1) Monthly Rental Income                                                              |       | \$25,000    |             |             |             |             |             |             |             |             |             |             |
| 2) Annual Rental Income                                                               | 3%    | \$300,000   | \$309,000   | \$318,270   | \$327,818   | \$337,653   | \$347,782   | \$358,216   | \$368,962   | \$380,031   | \$391,432   | \$403,175   |
| <b>ANNUAL EXPENSES</b>                                                                |       |             |             |             |             |             |             |             |             |             |             |             |
| 3) Insurance                                                                          | 5%    | \$15,000    | \$15,450    | \$15,914    | \$16,391    | \$16,883    | \$17,389    | \$17,911    | \$18,448    | \$19,002    | \$19,572    | \$20,159    |
| 4) Utilities                                                                          | 6%    | \$18,000    | \$18,540    | \$19,096    | \$19,669    | \$20,259    | \$20,867    | \$21,493    | \$22,138    | \$22,802    | \$23,486    | \$24,190    |
| 5) Maintenance                                                                        | 5%    | \$15,000    | \$15,450    | \$15,914    | \$16,391    | \$16,883    | \$17,389    | \$17,911    | \$18,448    | \$19,002    | \$19,572    | \$20,159    |
| 6) Management                                                                         | 5%    | \$15,000    | \$15,450    | \$15,914    | \$16,391    | \$16,883    | \$17,389    | \$17,911    | \$18,448    | \$19,002    | \$19,572    | \$20,159    |
| 7) Other                                                                              | 2%    | \$6,000     | \$6,180     | \$6,365     | \$6,556     | \$6,753     | \$6,956     | \$7,164     | \$7,379     | \$7,601     | \$7,829     | \$8,063     |
| 8) Total Expenses                                                                     |       | \$69,000    | \$71,070    | \$73,202    | \$75,398    | \$77,660    | \$79,990    | \$82,390    | \$84,861    | \$87,407    | \$90,029    | \$92,730    |
| (Sum Line 3-7)                                                                        |       |             |             |             |             |             |             |             |             |             |             |             |
| NET OPERATING INCOME<br>(Line 2 Minus 8)                                              |       | \$231,000   | \$237,930   | \$245,068   | \$252,420   | \$259,993   | \$267,792   | \$275,826   | \$284,101   | \$292,624   | \$301,403   | \$310,445   |
| <b>CAPITALIZATION RATE</b>                                                            |       |             |             |             |             |             |             |             |             |             |             |             |
| 9) Interest Component                                                                 |       | 3.00%       |             |             |             |             |             |             |             |             |             |             |
| 10) Historic Property Risk Component<br>(2% for comm. & apts, or 4% for SFD & Condos) |       | 4%          |             |             |             |             |             |             |             |             |             |             |
| 11) Property Tax Component                                                            |       | 1.22%       |             |             |             |             |             |             |             |             |             |             |
| 12) Amortization Component                                                            |       | 3.33%       |             |             |             |             |             |             |             |             |             |             |
| 13) Capitalization Rate                                                               |       | 11.55%      |             |             |             |             |             |             |             |             |             |             |
| (Sum Line 9-12)                                                                       |       |             |             |             |             |             |             |             |             |             |             |             |
| <b>TAXES</b>                                                                          |       |             |             |             |             |             |             |             |             |             |             |             |
| 14) Mills Act Assessment<br>(Net Operating Income/Line 13)                            |       | \$2,000,000 | \$2,060,000 | \$2,121,800 | \$2,185,454 | \$2,251,018 | \$2,318,548 | \$2,388,105 | \$2,459,748 | \$2,533,540 | \$2,609,546 | \$2,687,833 |
| 15) Tax Under Mills Act<br>(Line 14 X .0125)                                          |       | \$25,000    | \$25,750    | \$26,523    | \$27,318    | \$28,138    | \$28,982    | \$29,851    | \$30,747    | \$31,669    | \$32,619    | \$33,598    |
| 16) Current Tax                                                                       | 1.25% | \$55,072    | \$55,755    | \$56,446    | \$57,146    | \$57,855    | \$58,572    | \$59,298    | \$60,034    | \$60,778    | \$61,532    | \$62,295    |
| 17) Tax Savings<br>(Line 16 - Line 15)                                                |       | \$30,072    | \$30,005    | \$29,924    | \$29,828    | \$29,717    | \$29,590    | \$29,447    | \$29,287    | \$29,109    | \$28,913    | \$28,697    |
| <b>THE FOLLOWING TABLE IS TO COMPLETED BY STAFF ONLY</b>                              |       |             |             |             |             |             |             |             |             |             |             |             |
| 18) Annual Costs to City<br>(Line 17 X 30%)                                           |       | Current     | Year 1      | Year 2      | Year 3      | Year 4      | Year 5      | Year 6      | Year 7      | Year 8      | Year 9      | Year 10     |
|                                                                                       |       | \$9,022     | \$9,001     | \$8,977     | \$8,948     | \$8,915     | \$8,877     | \$8,834     | \$8,786     | \$8,733     | \$8,674     | \$8,609     |

1581 LE ROY AVENUE, BERKELEY, CA  
(11/11/20)



ATTACHMENT 4



L A N D M A R K S  
 P R E S E R V A T I O N  
 C O M M I S S I O N

---

S T A F F R E P O R T

FOR COMMISSION ACTION  
 DECEMBER 3, 2020

# 1581 Le Roy Avenue

**Mills Act Contract Application #LMMA2019-0004 for a recently converted single-family residence and designated City of Berkeley Landmark, The Hillside School.**

## I. Application Basics

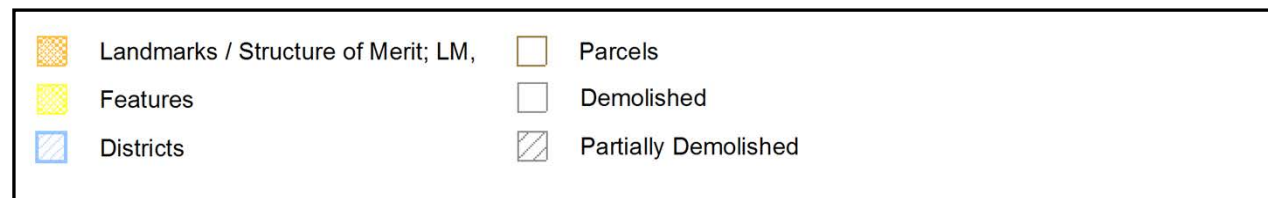
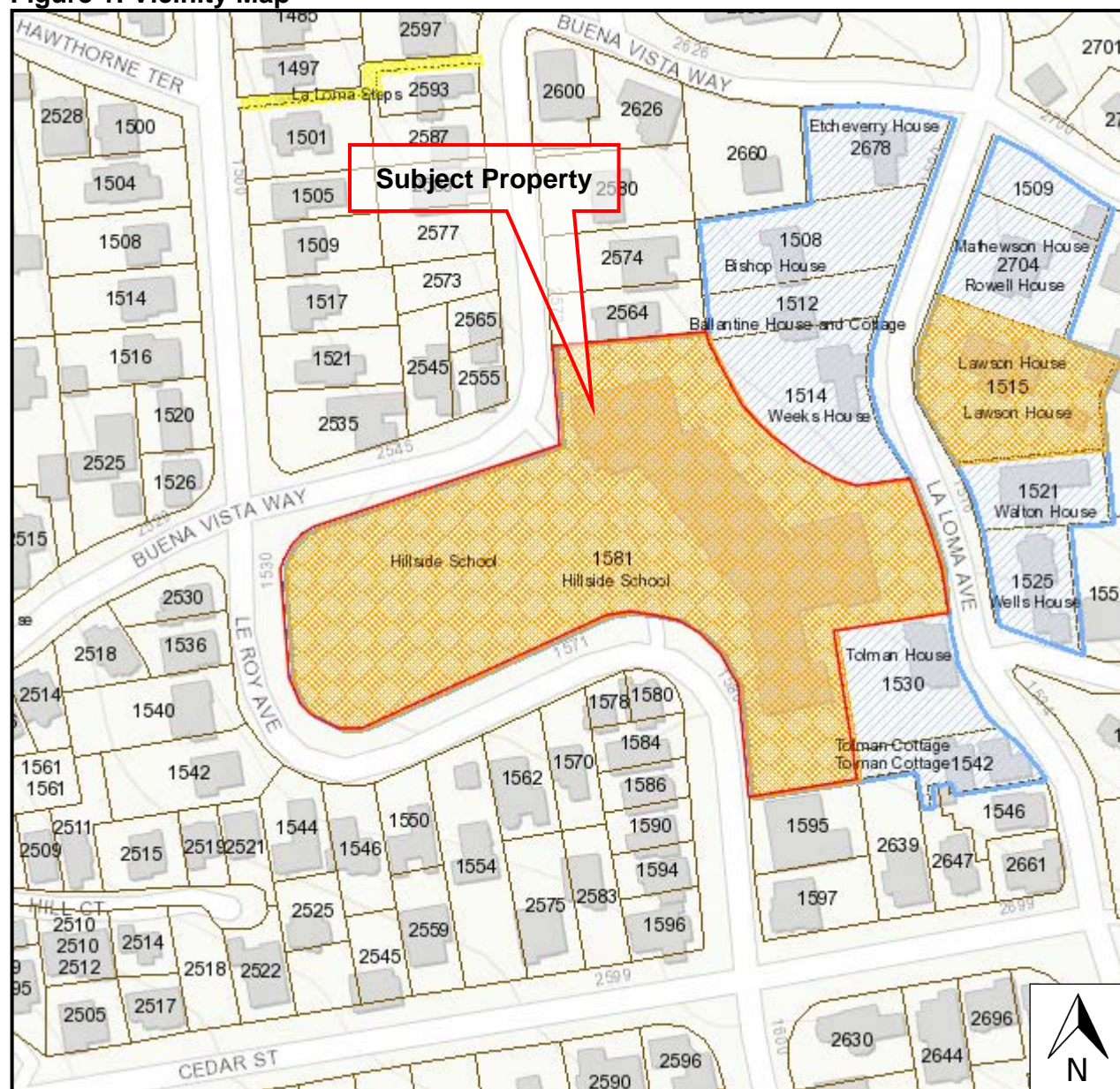
**Parties Involved:**

- Applicant/Property Owner: Samuli Seppala  
1581 Le Roy Avenue  
Berkeley, CA 94708
- Historic Resource Consultant: Jerri Holan, Historic Architect, AIA  
Jerri Holan & Associates  
1323 Solano Avenue, Suite 204  
Albany, CA 94706

## II. Recommendation

Consider this contract request, take favorable action and forward it to City Council for final action.

Figure 1: Vicinity Map



**Figure 2: Subject Property, current site conditions (Google Earth, 2019)**

### III. Background

#### Site Information:

The subject building at 1581 Le Roy was designed in the Tudor Revival style by prominent Berkeley architect Walter H. Ratcliff (1881-1978) and constructed in 1925 for the Hillside School. The main building was substantially rehabilitated between 1934 and 1938 and in 1963, a modern-era, single-story addition designed by the Ratcliff firm was constructed on the eastern portion of the building. The building is approximately 50,000 sq. ft. in total area, ranges from one to three stories in height, and consists of five primary segments. The property was designated as a City of Berkeley Landmark in 1982 and is listed on the National Register of Historic Places (Designation #82000961) at the local level of significance. A copy of the landmark designation Notice of Decision (NOD) is attached to this report (Attachment 3); the NOD includes excerpts of the National Register nomination document.

The building and site operated as a school until 2017, when the last K-12 occupant relocated and sold the property after concluding that the structural and seismic rehabilitation program required for an expanded school use at this site would be cost-prohibitive. The current owner is a private individual who purchased the property in 2018.

In February 2020, Structural Alteration Permit #LMSAP2019-0004 was issued for exterior alterations to this landmark school building and in February 2020, Use Permit #ZP2019-0004 was issued to convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space.

## IV. Issues and Analysis

The historic resource consultant's *Historic Architectural Report* begins on page 2 of the Mills Act Contract Application; see Attachment 1. This document includes the consultant's summary of *Character Defining Features* on page 4, *the Mills Act Work Program* for maintenance and repairs on pages 5-6, and photos of existing conditions on pages 6-9. The proposed *Rehabilitation & Maintenance Schedule* outlines proposed building exterior and site improvements for the subject property over a projected 10-year period and includes the City's financial analysis spreadsheet for estimating potential Mills Act tax savings for this request; see Attachment 2.

Improvements to the exterior of the City Landmark building include, but are not limited to:

- replacing portions of the existing roof, drainage, flashing, tiles and accessories, including damaged vents, parapets and chimneys,
- seismic improvements and foundation repair to the building,
- replacing retaining walls throughout the site,
- repairing and replacing damaged exterior stucco and woodwork,
- restoring and refinishing exterior doors and windows, and
- replacing and restoring original exterior historic lighting.

Improvements to the site include:

- repairing front walkways, curbs and bricks,
- replacing the concrete terrace at the south end of the building,
- repairing the existing historic flagpole, and
- maintaining the front landscaping, including redwood trees.

The work proposed under this Mills Act Contract request is considered ordinary maintenance and repairs and, therefore, would be exempt from discretionary review and Structural Alteration Permit (SAP) approval, pursuant to BMC Section 3.24.220.A.1. However, any future work proposed on the exterior of the building that would not be considered ordinary maintenance and repairs, would require a SAP application for review and approval by the Landmarks Preservation Commission.

All improvements included in the proposed Rehabilitation & Maintenance Schedule target historic, character defining features of the building and site as well as other features such as the building foundation, roof drainage, and building mechanical systems and retaining walls throughout the site. Please see Attachment 2, for the complete Rehabilitation & Maintenance Schedule.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, they would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed tasks represent improvements that are consistent with the requirements of the Mills Act.

## V. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will spend the property-tax money that is saved through the Contract on preserving and/or restoring their property.

The working financial analysis spreadsheet provided by the applicant, estimates that the cost of the owner's proposed improvements over a 10-year period is approximately \$9,138,000 and the estimated total tax savings over the 10-year period is approximately \$294,517, starting at an annual savings of \$30,005 and then decreasing to approximately \$28,697 by the tenth year of the program.

## VI. Recommendation

Because staff has determined that all work proposed in the Mills Act Contract work plan provides for the properties "use, maintenance and restoration as to retain its characteristics as property of historical significance", staff is recommending that the Commission:

- Recommend that City Council approve the Mills Act Contract request for the subject property.

### Attachments:

1. Mills Act Contract Application, received August 2019, revised November 2020
2. Rehabilitation & Maintenance Schedule, received August 2019, revised November 2020
3. 1581 Le Roy Avenue Landmark Notice of Decision 1982

**Prepared by:** Alison Lenci, Assistant Planner; [alenci@cityofberkeley.info](mailto:alenci@cityofberkeley.info) (510) 981-7544





Office of the City Manager

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Amending the 1956 Maintenance Agreement with Caltrans and Transfer of Property for I-80 Gilman Interchange Project

RECOMMENDATION

Adopt two resolutions authorizing the City Manager to:

1. Negotiate and execute an amendment to the 1956 Freeway Maintenance Agreement between City of Berkeley and Caltrans to include planned new I-80/Gilman Interchange facilities; and
2. Transfer two portions of the City's right of way on Gilman Street to Caltrans under Section 83 of Streets and Highway Code.

FINANCIAL IMPACTS OF RECOMMENDATION

The City will use the State Transportation Tax Fund (127) and Measure BB Local Streets and Roads Direct Local Distribution funds (Fund 134) received by the City of Berkeley from Alameda County Transportation Commission (ACTC) for maintenance of the shared use path on the new pedestrian overcrossing bridge as well as Gilman Street underneath the I-80 Freeway, including two new roundabouts at West Frontage Road and Eastshore Highway. Caltrans will be responsible for maintenance of the pedestrian overcrossing bridge structure and the freeway ramps up to the point of intersection with the roundabouts. The estimated annual maintenance cost to the City due to this amended agreement is \$85,000, which will begin in FY 2023.

CURRENT SITUATION AND ITS EFFECTS

City of Berkeley and Caltrans have had a 1956 maintenance agreement covering the maintenance of I-80 Corridor within City's right of way between City's northern and southern limits. The I-80 Gilman Interchange Improvement Project, a City of Berkeley strategic goal, is a project with the goal of improving safety and efficiency of all modes of transportation at the I-80/Gilman Interchange. Caltrans and Alameda County Transportation Commission (ACTC) are about to issue an invitation for bids this summer with construction scheduled to begin in January 2022. The improvements include two roundabouts at the intersection of Gilman Street with I-80 on-off ramps, a new pedestrian overcrossing bridge over I-80 to the south of Gilman Street, closing a gap in the Bay Trail, new low stress bicycle facilities connecting Codornices Creek Path to the Bay Trail and

Tom Bates Sports Complex, safety improvements at Union Pacific railroad crossings at Gilman and at Camelia Streets, and a new traffic signal at the intersection of 4<sup>th</sup> Street and Gilman Street. City staff and Caltrans have been working together on a draft agreement on the scope of the maintenance for these facilities (Attachment 1). In addition, two portions of City's right of way (Attachment 2) need to be transferred to Caltrans under Section 83 of Streets and Highway Code to become Caltrans access-controlled right of way. These two areas include a portion on the west side of the future western roundabout, and the other portion on the east side of the future eastern roundabout of I-80/Gilman Interchange.

### BACKGROUND

The I-80 Gilman Interchange Project will improve vehicle, pedestrian, and bicycle operations at the Interstate 80 (I-80) / Gilman Street interchange in northwest Berkeley. The existing intersection controls, roadway geometry, and the high volumes of local and regional traffic on Gilman Street result in poor traffic operation and non-motorized access at and near the interchange. The proposed interchange project seeks to:

- Simplify and improve navigation and traffic operations on Gilman Street between the West Frontage Road and 2nd Street through the I-80 interchange so that congestion is reduced, queues are shortened, and merging and turning conflicts are minimized;
- Improve access for the bikes/pedestrians traveling between the Bay Trail and Northern Berkeley;
- Improve safety at Gilman Street intersections;
- Improve mobility in the Gilman Street corridor; and
- Create a gateway into North Berkeley.

### ENVIRONMENTAL SUSTAINABILITY

Improving low stress pedestrian and bicycle access and safety for residents of Berkeley and adjacent communities encourages non-motorized access to Tom Bates Sports Fields and the Bay Trail, improving the environment by reducing motorized traffic to these recreational destinations.

### RATIONALE FOR RECOMMENDATION

The City already has a maintenance agreement with Caltrans which covers the maintenance responsibilities for the portion of I-80 Freeway within City of Berkeley. Since the project comprises of new facilities within the same corridor it makes sense to amend the existing agreement to include maintenance responsibilities for the new facilities.



ALTERNATIVE ACTIONS CONSIDERED

Since the project creates new facilities, a revision to the maintenance agreement is necessary. Failure to reach agreement would delay construction of the project, so other alternatives were not considered.

CONTACT PERSON

Hamid Mostowfi, Supervising Traffic Engineer 510-981-6403

Attachments:

- 1: Resolution - Amendment to the 1956 Freeway Maintenance Agreement  
Exhibit A – Amendment to the 1956 Freeway Maintenance Agreement
- 2: Resolution - Resolution of Change transferring two portions of Gilman Street  
Exhibit A - Caltrans Notice of Intention to Transfer Property

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

AMENDMENT TO THE 1956 FREEWAY AGREEMENT BETWEEN THE CITY OF BERKELEY AND THE STATE OF CALIFORNIA TO INCLUDE I-80 GILMAN INTERCHANGE AND PROPOSED PEDESTRIAN OVERCROSSING BRIDGE WITHIN THE STATE RIGHT-OF-WAY AT I-80 GILMAN INTERCHANGE

WHEREAS, the State of California and City of Berkeley entered into a Freeway Agreement in 1956 for Interstate Route 80 within the City of Berkeley between 0.35 mile north of Golden Gate Fields along Gilman Street and the south City Limits; and

WHEREAS, the construction of the I-80 Gilman Interchange Improvement Project, a City of Berkeley strategic goal, is expected to start by Caltrans in Jan 2022; and

WHEREAS, the City and Caltrans desire to amend the 1956 Freeway Maintenance Agreement to include the I-80/Gilman Interchange including a new pedestrian overcrossing bridge for shared use of bicyclists and pedestrians; and

WHEREAS, the amended agreement calls for maintenance of the pedestrian bridge structure by Caltrans, maintenance of the bicycle and pedestrian facilities on and above the bridge deck by the City, and maintenance of the project improvements on Gilman Street including two roundabouts on Gilman Streets on either side of I-80 Freeway by the City; and

WHEREAS, the amended agreement will be funded by the State Transportation Tax Fund 127 and Measure BB Local Streets and Roads Direct Local Distribution funds (Fund 134); and

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager or her designee to negotiate and amend the 1956 Freeway Maintenance Agreement with Caltrans to include the proposed pedestrian bridge and designated improvements at the I-80 Gilman Interchange.

Exhibit A: Draft Maintenance Agreement for Pedestrian Overcrossing and Gilman Street Undercrossing in the City of Berkeley

**MAINTENANCE AGREEMENT  
FOR PEDESTRIAN OVERCROSSING AND GILMAN  
STREET UNDERCROSSING  
IN THE CITY OF BERKELEY**

THIS AGREEMENT is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as “STATE” and the CITY of Berkeley; hereinafter referred to as “CITY” and collectively referred to as “PARTIES”.

SECTION I

RECITALS

The WHEREAS clauses are incorporated into and become a part of this Agreement.

1. WHEREAS, Cooperative Agreement Number 04-2719 was executed between STATE and Alameda County Transportation Commission (ACTC), not a party to this Agreement, to construct a pedestrian overcrossing (Br No. 33-0127) and reconfigure Gilman Street undercrossing on State Route (SR) 80, hereinafter referred to as “PROJECT”, and
2. WHEREAS, in accordance with the said agreement, it was agreed by STATE and ACTC that prior to PROJECT construction, a Maintenance Agreement within its jurisdictional boundaries will be executed, and
3. WHEREAS, the PARTIES hereto mutually desire to identify the maintenance responsibilities for improvements of PROJECT constructed under the Cooperative Agreement Number 04- 2719, and
4. WHEREAS, the maintenance obligations set forth in this Agreement do not create any obligations, liability or responsibilities for the Parties for any incidents, claims, suits or actions arising from any property in the other Party’s jurisdiction except as provided for herein
5. WHEREAS there is an existing Freeway Maintenance Agreement, 1956, with CITY of Berkeley; dated October 23<sup>rd</sup>, 1956. This agreement is to replace the Gilman Street undercrossing portion of the agreement.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

SECTION II

AGREEMENT

6. Exhibit A & B consist of plan drawings that delineate the areas within STATE right of way which are the responsibility of the CITY to maintain in accordance with this Maintenance Agreement.
7. If there is mutual agreement on the change in the maintenance duties between PARTIES, the PARTIES can revise Exhibit A & B by a mutual written execution of the exhibits.
8. CITY must obtain the necessary Encroachment Permits from STATE’s District 4 Encroachment Permit

Office prior to entering STATE right of way to perform CITY maintenance responsibilities. This permit will be issued at no cost to CITY.

## 9. PEDESTRIAN OVERCROSSING (Bridge No. 33-0127)

- 9.1. STATE will maintain, at STATE expense, the entire structure of any STATE constructed pedestrian overcrossings of SR 80 below the deck and the structural integrity of the steel pipe arch rib superstructure.
- 9.2. CITY will maintain, at CITY expense, the deck and structural drainage system (and shall perform such work as may be necessary to ensure an impervious and/or otherwise suitable surface) and all portions of the structure above the bridge deck, including, but without limitation, lighting installations, chain link railing, as well as all traffic service facilities (sidewalks, signs, pavement markings, bridge rails, staircases etc.) that may be required for the benefit or control of traffic using that overcrossing.
- 9.3. CITY is responsible to keep all wall surfaces free of debris removal, dirt, and graffiti.
- 9.4. CITY will maintain the painted or exposed surfaces of the steel pipe rib arch superstructure. This includes all washing, cleaning, brushing, scraping, applying primer, and painting as required on steel surfaces to remove or protect against corrosion, abrasion, dirt, and debris.

## 10. VEHICULAR UNDERCROSSINGS

- 10.1. STATE will maintain the entire structure of all STATE-constructed vehicular undercrossings of STATE freeways except as hereinafter provided.
- 10.2. STATE will be responsible for maintenance of the wrought iron fence on Gilman Street under the north side of the interchange, including the space behind the fence.
- 10.3. STATE will be responsible for maintenance of the I-80 Freeway on-ramps and off-ramps at Gilman Street including pedestrian crossings on the ramps.
- 10.4. CITY will maintain the roadway sections, including the traveled way, shoulders, curbs, sidewalks, wall surfaces (including eliminating graffiti), drainage installations, lighting installations, and traffic service facilities that may be required for the benefit or control of traffic using that undercrossing.
- 10.5. CITY will request STATE's District Encroachment Permit Engineer to issue the necessary Encroachment Permit for any proposed change in minimum vertical clearances between CITY roadway surface and the structure that results from modifications to the roadway (except when said modifications are made by STATE). If the planned modifications will result in a reduction in the minimum clearance within the traveled way, an estimate of the clearance reduction must be provided to STATE's Transportation Permit Engineer prior to starting work. Upon completion of that work, a vertical clearance diagram will be furnished to STATE's Transportation Permit Engineer that shows revised minimum clearances for all affected movements of traffic, both at the edges of the traveled way and at points of minimum clearance within the traveled way.

11. CURTAIN WALLS- CITY will maintain curtain walls on Gilman Street in its entirety.
12. LANDSCAPED AREAS - CITY is responsible for the maintenance of any plantings or other types of roadside development lying outside of the area reserved for exclusive freeway use.
13. BICYCLE PATHS/TRAILS - CITY will maintain, at CITY expense, a safe facility for bicycle/pedestrian travel along the entire length of the path/trail by providing sweeping and debris removal when necessary; and all signing, striping, and pavement markings required for the direction and operation of that non-motorized facility. CITY is solely responsible for all path/trail improvements, all fences, guard railing, drainage facilities, slope and structural adequacy of any path/trail located and constructed within STATE's right of way.

14. LOCAL ROADS (West Frontage Road and Eastshore Highway)

CITY, at CITY's expense, will be responsible for maintaining the portion of the West Frontage Road and Eastshore Highway located within STATE right of way, in their entirety.

15. LEGAL RELATIONS AND RESPONSIBILITIES

15.1. Nothing within the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or to affect the legal liability of a PARTY to the Agreement by imposing any standard of care with respect to the operation and maintenance of STATE highways and local facilities different from the standard of care imposed by law.

15.2. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction conferred upon STATE under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless CITY and all of their officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement. **Notwithstanding the foregoing, the STATE's obligations under this section 14.2 is limited to only those claims that arise directly from work performed by the STATE under this AGREEMENT that was performed with active negligence or willful misconduct.**

15.3. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction conferred upon CITY under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name,

kind and description brought forth under, including section but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement. **Notwithstanding the foregoing, the CITY's obligations under this section 14.3 is limited to only those claims that arise directly from work performed by the CITY under this AGREEMENT that was performed with active negligence or willful misconduct.**

## 16. PREVAILING WAGES:

16.1. Labor Code Compliance- If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771. CITY must conform to the provisions of Labor Code sections

1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by CITY'S own forces is exempt from the Labor Code's Prevailing Wage requirements.

16.2. Requirements in Subcontracts - CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY's contracts

## 17. INSURANCE -

17.1. CITY is self-insured. CITY agrees to deliver evidence of self-insured coverage providing general liability insurance, coverage of bodily injury liability and property damage liability, naming STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certification of self-insurance letter ("Letter of Self-Insurance"), satisfactory to STATE, certifying that CITY meets the coverage requirements of this section. This Letter of Self-Insurance shall also identify the PROJECT location as depicted in EXHIBIT A. CITY shall deliver to STATE the Letter of Self-Insurance with a signed copy of this AGREEMENT. A copy of the executed Letter of Self-Insurance shall be attached hereto and incorporate as Exhibit C.

17.2. If the work performed under this AGREEMENT is done by CITY's contractor(s), CITY shall require its contractor(s) to maintain in force, during the term of this AGREEMENT, a policy of general liability insurance, including coverage of bodily injury liability and property damage liability, naming STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement.

18. TERMINATION - This Agreement may be terminated by timely mutual written consent by

PARTIES or by STATE for cause. CITY's failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.

19. TERM OF AGREEMENT - This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated as set forth in Article 17 above.

PARTIES are empowered by Streets and Highways Code Section 114 and 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, the PARTIES hereto have set their hands and seals the day and year first above written.

THE CITY OF BERKELEY

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

By: \_ Mayor

TOKS OMISHAKIN  
Director of Transportation

Initiated and Approved

By: CITY Manager

By: \_\_\_\_\_ Date  
DAVID AMBUEHL  
Deputy District Director  
Maintenance District 4

ATTEST:

By: \_ CITY Clerk

By: \_ CITY Attorney

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

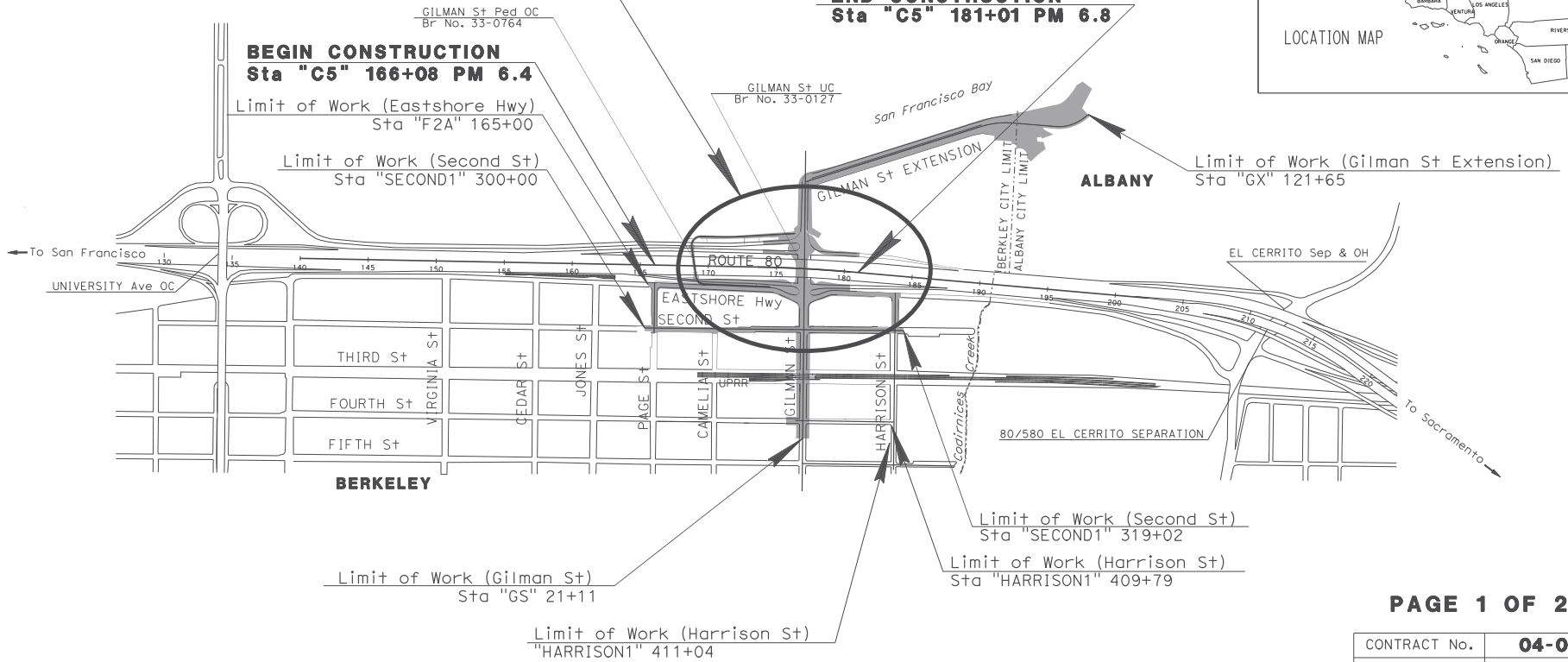
MAINTENANCE AGREEMENT WITH CITY OF BERKELEY  
04-Ala 80 PM 6.3/7.0  
IN ALAMEDA COUNTY  
IN AND NEAR BERKELEY  
FROM 0.6 MILE NORTH OF UNIVERSITY AVENUE OVERCROSSING  
TO ABOUT 350 FEET WEST OF THE WEST FRONTAGE ROAD



PROJECT LOCATION

END CONSTRUCTION  
Sta "C5" 181+01 PM 6.8

BEGIN CONSTRUCTION  
Sta "C5" 166+08 PM 6.4



**EXHIBIT A**

| Dist | COUNTY | ROUTE | POST MILES TOTAL PROJECT | SHEET No. | TOTAL SHEETS |
|------|--------|-------|--------------------------|-----------|--------------|
| 04   | ALA    | 80    | 6.3/7.0                  | 1         |              |

**Caltrans**

APPROVED AS TO IMPACT ON STATE FACILITIES AND CONFORMANCE WITH APPLICABLE STATE STANDARDS AND PRACTICES AND THAT TECHNICAL OVERSIGHT WAS PERFORMED.

DATE SIGNED

LICENSE EXP. DATE

REGISTRATION NO.

CALTRANS DESIGN OVERSIGHT APPROVAL

CONSULTANT DESIGN ENGINEER

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

NO SCALE

PAGE 1 OF 2

|              |                   |
|--------------|-------------------|
| CONTRACT NO. | <b>04-0A7714</b>  |
| PROJECT ID   | <b>0420000287</b> |
| CONTRACT NO. | <b>04-0A7724</b>  |
| PROJECT ID   | <b>0420000288</b> |

BORDER LAST REVISED 9/30/2012 CALTRANS WEB SITE IS: [HTTP://WWW.DOT.CA.GOV/](http://www.dot.ca.gov/)

RELATIVE BORDER SCALE 1" = 15' INCHES

USERNAME => p003539D  
DGN FILE => Maintenance Agreement - Exhibit A Location Map.dgn



UNIT 0727 PROJECT NUMBER & PHASE


LAST REVISION => 4/2/2021  
DATE PLOTTED => 11:12:08 AM  
00-00-00 TIME PLOTTED =>

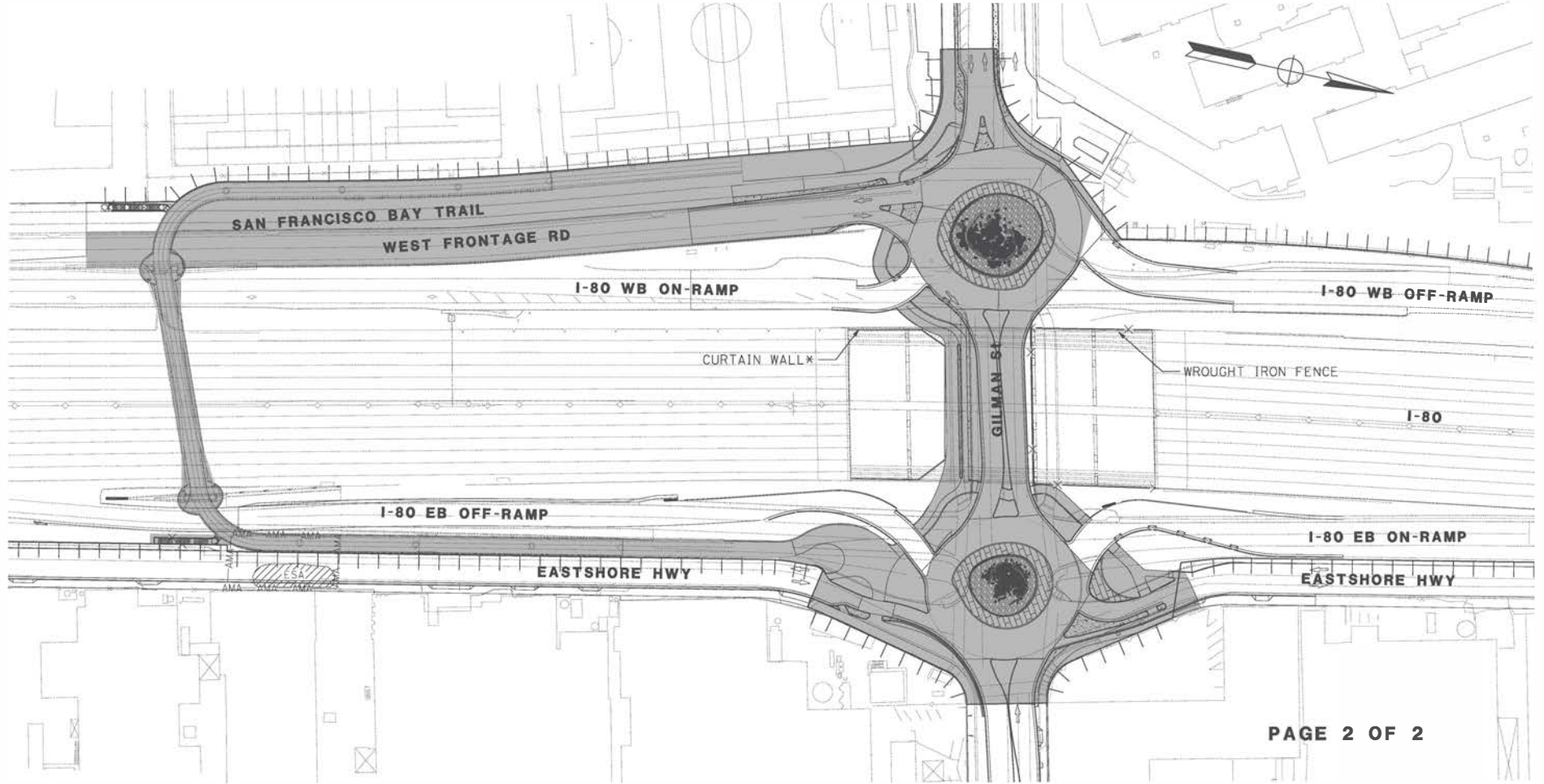


**EXHIBIT A**

**LEGEND:**

-  CITY R/W OR PROPERTY LINE
-  CALTRANS R/W

 City of Berkeley has maintenance responsibility only within shaded portions of Caltrans right of way and subject to the limitations indicated in this agreement. Caltrans has maintenance responsibility for all other areas within State right of way



**MAINTENANCE AGREEMENT WITH CITY OF BERKELEY  
AT Ala 80 6.3/7.0**

**MAINTENANCE EXHIBIT**  
SCALE: 1" TO 50"

PAGE 2 OF 2

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
 CONSULTANT FUNCTIONAL SUPERVISOR  
 CHRIS SECUR  
 CHECKED BY  
 SASAN DANESHVAR  
 REVISOR BY  
 DATE REVISOR

BORDER LAST REVISED 7/2/2010

USERNAME => p0035390  
 DCN FILE => Maintenance Agreement - Exhibit A - 2 of 2.dgn

RELATIVE BORDER SCALE  
 IS IN INCHES



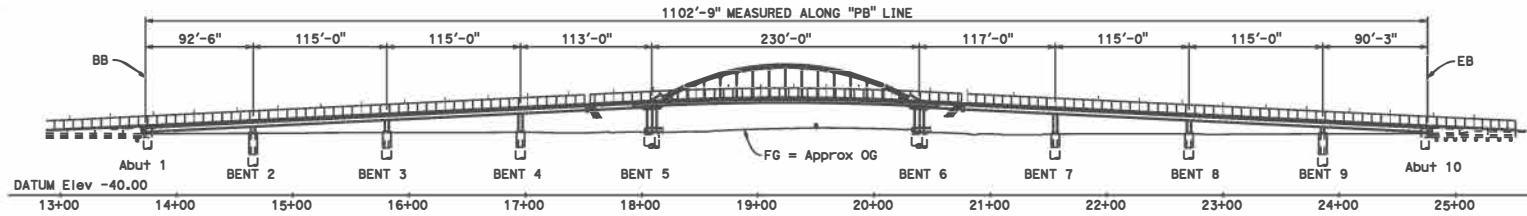
UNIT 0000

PROJECT NUMBER & PHASE

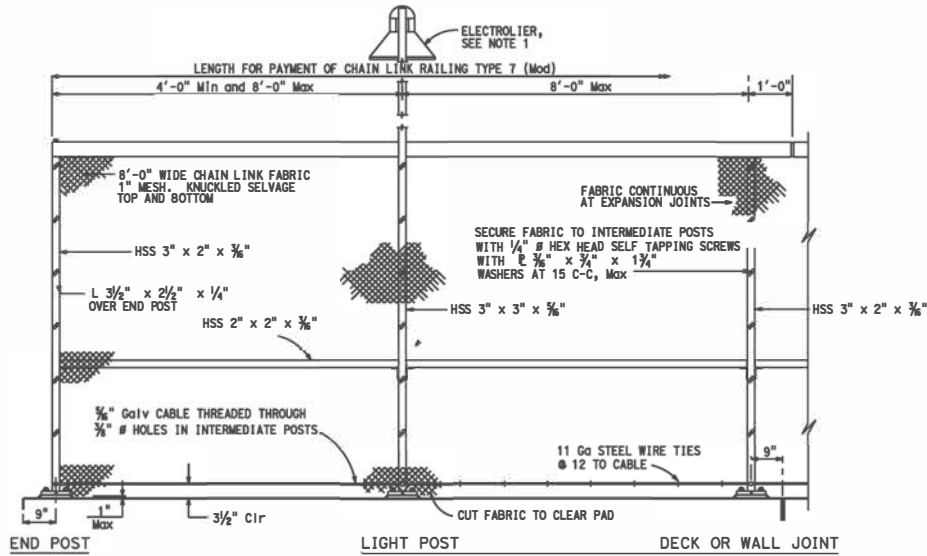
0000000001

LAST MODIFIED: DATE PLOTTED => 4/2/2012  
 PLOTTED TIME PLOTTED => 12:04:33 PM

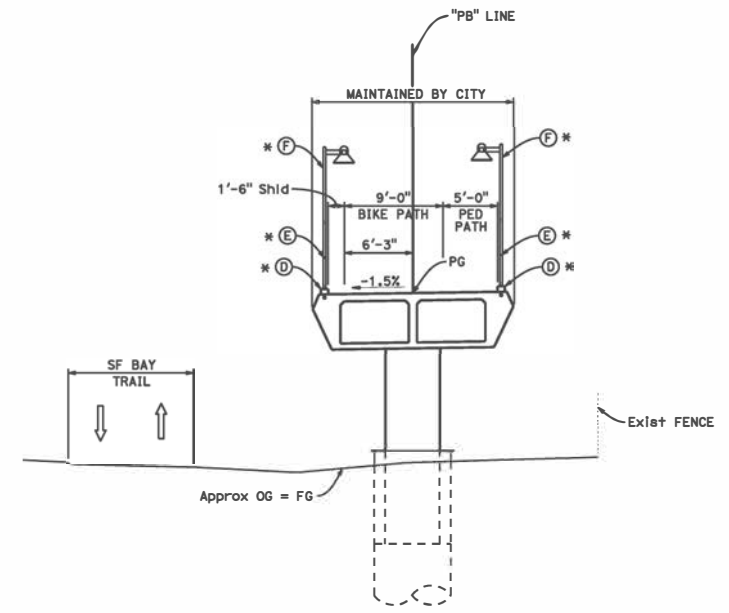
**EXHIBIT B**



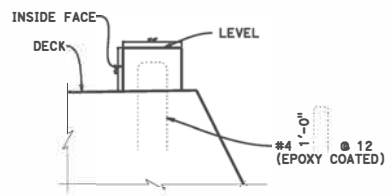
- LEGEND:**
- \* MAINTAINED BY CITY
- NOTES:**
1. ALL LIGHTS ON STRUCTURE ARE LEOTEK ECOBRA EC3-10M-MV-NW-3-GY-700-WL "APPROVE OR EQUAL"
- \* (D) 8" Wide Concrete Curb
  - \* (E) Chain Link Railing Type 7 (Mod)
  - \* (F) Electrolier



**ELEVATION - CHAIN LINK RAILING TYPE 7 (MOD)**  
3/4" = 1'-0'



**GILMAN POC**  
NO SCALE



**NOTE:**  
Curb reinforcement must be in place prior to deck pour.

**8" CONCRETE CURB**  
3/4" = 1'-0'

**MAINTENANCE AGREEMENT WITH CITY OF BERKELEY  
AT A1a 80 6.3/7.0**

NO SCALE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
 CONSULTANT FUNCTIONAL SUPERVISOR  
 CALCULATED/DESIGNED BY  
 CHECKED BY  
 REVISOR  
 DATE REVISOR  
 DATE REVISOR

LAST REVISION: DATE PLOTTED => 2/21/2021  
 11:30:20 TIME PLOTTED => 11:05:09 PM



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

RESOLUTION OF CHANGE TRANSFERRING OWNERSHIP OF TWO PORTIONS OF GILMAN STREET TO CALTRANS UNDER SECTION 83 OF STREETS AND HIGHWAY CODE AS PART OF I-80 GILMAN INTERCHANGE PROJECT

WHEREAS, State of California is going to start construction of I-80 Gilman Interchange Project consisting of two roundabouts, shared pedestrian and bicycle facilities, and a new pedestrian overcrossing bridge in January of 2022; and

WHEREAS, I-80 Gilman Interchange Improvement Project footprint will require transfer of two portions of City's right of way on Gilman Street to Caltrans for access control; and

WHEREAS, Caltrans has agreed to accept such transfer of City's right of way on two portions of Gilman Street; and

WHEREAS, the two portions of the City right of way to be transferred to Caltrans include a 3116 square feet portion on the south west corner of the intersection of Gilman Street and West Frontage Road, and a 35,016 square feet portion within the intersection of Gilman Street and Eastshore Highway;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager or her designee to relinquish ownership of these two portions of City's right of way on Gilman Street to Caltrans.

Exhibit A: Caltrans Notice of Intention to Transfer Property

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
P.O. BOX 23660, MS 1A  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5900  
FAX (510) 286-6301  
TTY 711



Making Conservation  
a California Way of Life.

March 3, 2020

File: 04-ALA-80 PM 6.3-7.0  
Proj # 0400020155 (EA 0A770)  
Parcel Numbers 64017-1 & 64018-1

Mr. Phillip Harrington  
Director, Department of Public Works  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Mr. Harrington:

Interstate 80 and Gilman Street in the City of Berkeley, County of Alameda, will be improved by the State Department of Transportation (State) and the Alameda County Transportation Commission. The State has reviewed the project's right of way needs and has identified two portions of right of way under the City's jurisdiction that require transfer to the State by application of Section 83 of the Streets and Highways Code.

Please accept this letter as the State's notice of our intention to transfer the real property shown on the attached plats from the City of Berkeley to the State of California. The transaction will be consummated by a quitclaim deed at a later date. This letter satisfies the Right of Way Certification requirements.

The State acknowledges that existing public utility facilities may lie within the Section 83 area shown on the attached plats. Said public utility facilities will either be allowed to remain or relocated as part of State's highway project.

If you have any questions or need further information, please call Julie McDaniel at 510-286-5400.

Sincerely,

Handwritten signature of Morteza Azimi in blue ink.

MORTEZA AZIMI  
District Office Chief, Design Alameda

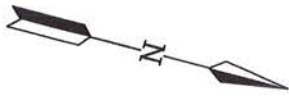
Handwritten signature of Julie McDaniel in blue ink.

JULIE McDANIEL  
District Office Chief, Right of Way

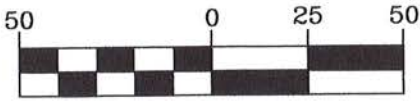
Enclosures

Section 83 Notification Plat Parcel 64017-1  
Section 83 Notification Plat Parcel 64018-1

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III, EPOCH 2010.00. MULTIPLY BY 1.00006396 TO OBTAIN GROUND DISTANCES.



GRAPHIC SCALE



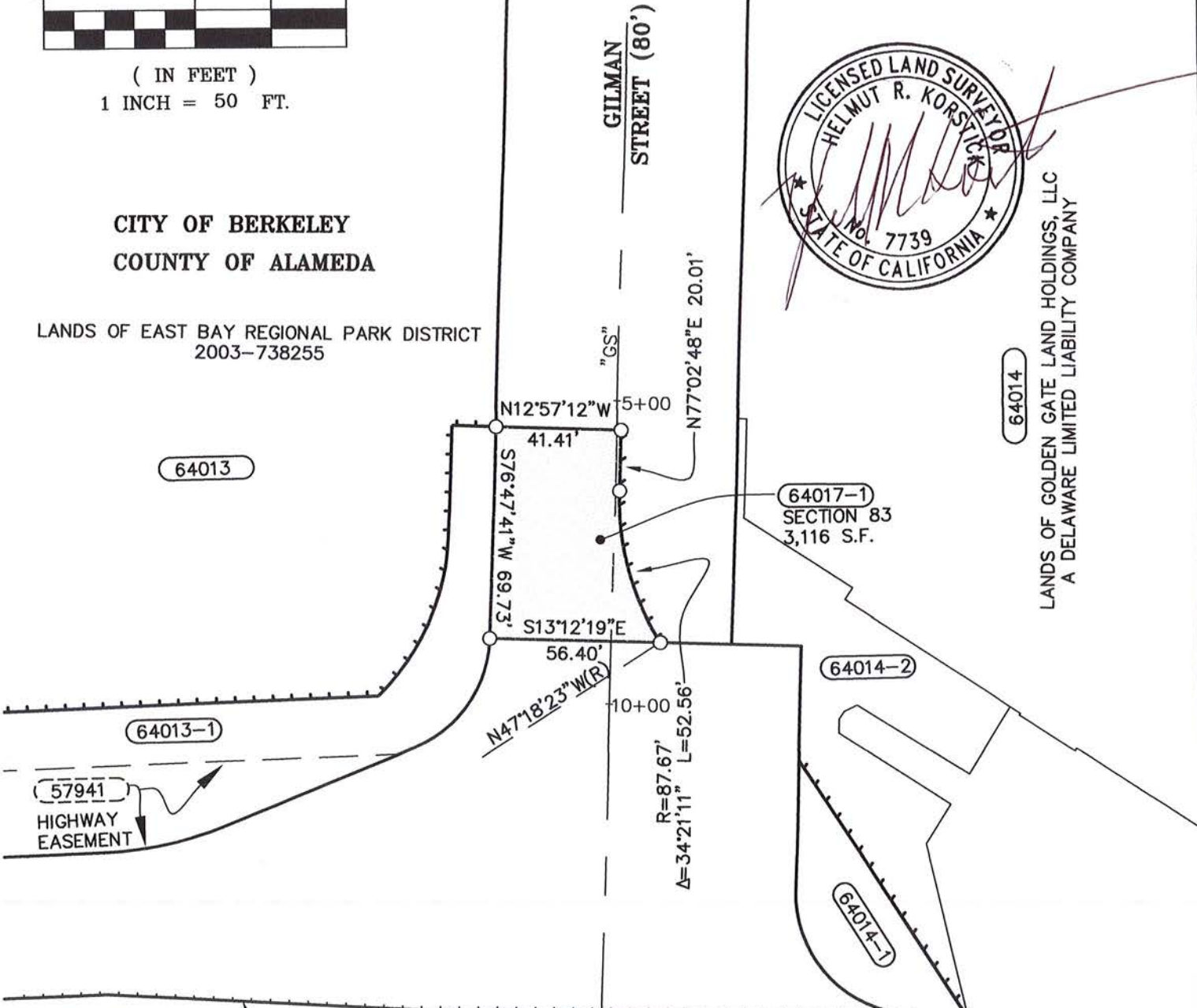
( IN FEET )  
1 INCH = 50 FT.

CITY OF BERKELEY  
COUNTY OF ALAMEDA

LANDS OF EAST BAY REGIONAL PARK DISTRICT  
2003-738255



LANDS OF GOLDEN GATE LAND HOLDINGS, LLC  
A DELAWARE LIMITED LIABILITY COMPANY



STATE ROUTE 80 EASTSHORE FREEWAY

REL. 22023 PARCEL 1  
O.R. 8693-487  
06/10/1958

LEGEND

- DIMENSION POINT
- ▬ ACCESS CONTROL LINE PREVIOUSLY ACQUIRED RW LINE
- ▬ ACCESS CONTROL LINE NEW RW
- (64014-X) APPRAISAL MAP PARCEL
- ▭ AREA TO BE ACQUIRED

S.F. SQUARE FEET

APPRAISAL MAP REFERENCE: A-10908.2

SHEET 1 OF 1

STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION

SECTION 83  
NOTIFICATION PLAT  
PARCEL 64017-1

|     |       |          |       |
|-----|-------|----------|-------|
| CO  | ROUTE | POSTMILE | EA    |
| ALA | 80    | 6.65     | 0A770 |

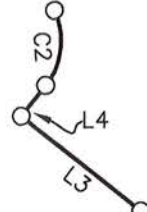
**CHAUDHARY & ASSOCIATES, INC.**  
211 GATEWAY RD. WEST, SUITE 204  
NAPA, CALIFORNIA 94558

Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

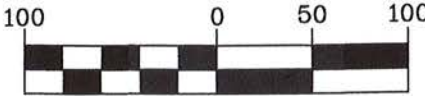
|                 |               |                 |
|-----------------|---------------|-----------------|
| DATE: 1/20/2020 | SCALE: 1"=50' | JOB NO. 1174032 |
|-----------------|---------------|-----------------|

Page 17 of 17  
 BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III, EPOCH 2010.00. MULTIPLY BY 1.00006396 TO OBTAIN GROUND DISTANCES.

**DETAIL 1**  
 NOT TO SCALE



**GRAPHIC SCALE**



( IN FEET )  
 1 INCH = 100 FT.



APN 59-2341-4  
 LANDS OF BERKELEY PROPERTIES, LLC  
 A CALIFORNIA LIMITED LIABILITY COMPANY

APN 59-2344-7  
 LANDS OF BERKELEY FORGE & TOOL, INC  
 A CALIFORNIA CORPORATION

APN 59-2344-5-1  
 LANDS OF BERKELEY FORGE & TOOL, INC AND BIERWITH ET. AL AS TENANTS IN COMMON

APN 59-2344-4-1  
 LANDS OF BERKELEY PROPERTIES, LLC  
 A CALIFORNIA LIMITED LIABILITY COMPANY

APN 59-2344-3-1  
 LANDS OF BERKELEY PROPERTIES, LLC  
 A CALIFORNIA LIMITED LIABILITY COMPANY

APN 59-2344-2-1  
 LANDS OF CHEROKEE ACQUISITION CORPORATION  
 A DELAWARE CORPORATION

LANDS OF GARELLO PROPERTIES, LLC  
 APN 60-2363-2

LANDS OF GARELLO PROPERTIES, LLC  
 APN 60-2363-3-7

**CITY OF BERKELEY**  
**COUNTY OF ALAMEDA**

**SECOND ST.**

**GILMAN ST.**

LANDS OF EAST BAY REGIONAL PARK  
 DISTRICT  
 2003-738255

**WEST FRONTAGE ROAD**  
**STATE ROUTE 80**  
**EASTSHORE FREEWAY**

**EASTSHORE HIGHWAY**

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | BEARING     |
| L1         | 48.97' | N53°32'05"E |
| L2         | 4.09'  | N76°47'41"E |
| L3         | 80.00' | S13°12'45"E |
| L4         | 0.38'  | S76°47'41"W |
| L5         | 39.62' | N79°27'13"W |
| L6         | 18.28' | S01°20'53"E |
| L7         | 6.56'  | S78°39'15"W |

| CURVE TABLE |        |         |             |
|-------------|--------|---------|-------------|
| CURVE       | LENGTH | RADIUS  | Delta Angle |
| C1          | 47.48' | 40.00'  | 68°00'19"   |
| C2          | 41.33' | 37.00'  | 63°59'41"   |
| C3          | 16.54' | 170.00' | 05°34'24"   |
| C4          | 9.02'  | 15.00'  | 34°27'23"   |
| C5          | 31.43' | 180.00' | 10°00'15"   |
| C6          | 20.23' | 120.00' | 09°39'38"   |

**LEGEND**

- DIMENSION POINT
- ▬ ACCESS CONTROL LINE PREVIOUSLY ACQUIRED RW LINE
- ▬ ACCESS CONTROL LINE NEW RW
- ▬ BOUNDARY OF AREA ACQUIRED
- ▬ AREA TO BE ACQUIRED
- S.F. SQUARE FEET

APPRAISAL MAP REFERENCE: A-10908.2

SHEET 1 OF 1

|                                                                                                                                                                   |               |                 |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------|-------|
| STATE OF CALIFORNIA<br>CALIFORNIA STATE TRANSPORTATION AGENCY<br>DEPARTMENT OF TRANSPORTATION                                                                     |               |                 |       |
| SECTION 83<br>NOTIFICATION PLAT<br>PARCEL 64018-1                                                                                                                 |               |                 |       |
| CO                                                                                                                                                                | ROUTE         | POSTMILE        | EA    |
| ALA                                                                                                                                                               | 80            | 6.65            | 0A770 |
| <b>CHAUDHARY &amp; ASSOCIATES, INC.</b><br>211 GATEWAY RD. WEST, SUITE 204<br>NAPA, CALIFORNIA 94558<br>Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM |               |                 |       |
| DATE: 1/20/2020                                                                                                                                                   | SCALE: 1"=50' | JOB NO. 1517532 |       |







Office of the Mayor

CONSENT CALENDAR  
May 11, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Droste, Councilmember Bartlett, and Councilmember Robinson

Subject: Support of AB 550 – Speed Safety Cameras

RECOMMENDATION

Adopt a Resolution in support of AB 550 (Chiu), which would establish guidelines to pilot speed safety programs on dangerous local streets and active state or local work zones, and requesting that Berkeley be included as one of the pilot cities in the bill. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.

BACKGROUND

Approximately one third of traffic related deaths are a result of speeding according to the National Traffic Safety Board. In the Bay Area, over 400 fatalities and 2,000 serious injuries occur annually. In 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding resulting in the mileage death rate increasing by 24%.

Cities across the country have been moving forward with developing Vision Zero policies. In 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028. The Vision Zero Task Force was created to develop policies to achieve this goal, which Council approved under the Vision Zero Action Plan in March 2020. Berkeley is also looking into alternate ways to address traffic enforcement, including the proposed creation of BerkDOT which would remove the Berkeley Police Department from traffic enforcement. Traditional enforcement methods have a well-documented disparate impact on communities of color and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.

An international study cited by the Insurance Institute for Highway Safety found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14% to 65% and reduced the risk of crashes resulting in injury or fatality from 11% to 44%. AB 550 directs the Secretary of California State Transportation Agency to bring together a stakeholder working group to establish program guidelines for piloting speed safety programs involving speed cameras. These programs have a series of requirements, including requiring local jurisdictions to adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data. Berkeley became the first city in California to adopt a

surveillance ordinance in 2018. Data from the cameras cannot be used for any other purpose or be disclosed to any other person or agency except as required by law or in response to a court order or subpoena. Facial recognition technology would be prohibited. Fines would be capped at \$125, would be a civil citation instead of criminal (will not result in a point deducted on a driver's record) and jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.

#### FINANCIAL IMPLICATIONS

None

#### ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving traffic conditions for pedestrians and bicyclists will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

- 1: Resolution
- 2: Text of AB 550
- 3: AB 550 Factsheet

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

IN SUPPORT OF AB 550

WHEREAS, annually over 400 fatalities and 2,000 serious injuries occur from traffic related incidents in the Bay Area, with approximately one third of traffic related deaths resulting from speeding according to the National Traffic Safety Board; and

WHEREAS, in 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding, with the mileage death rate increasing by 24%; and

WHEREAS, in 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028, establishing the Vision Zero Task Force tasked with developing policies to achieve this goal, which the Council approved under the Vision Zero Action Plan in March 2020; and

WHEREAS, traditional traffic enforcement methods by police departments have well documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.; and

WHEREAS, Berkeley is looking at the creation of BerkDOT as an alternate way of traffic enforcement; and

WHEREAS, an international study cited by the Insurance Institute for Highway Safety found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14% to 65% and reduced the risk of crashes resulting in injury or fatality from 11% to 44%; and

WHEREAS, AB 550 directs the Secretary of California State Transportation Agency to bring together a stakeholder working group to establish program guidelines for piloting speed safety programs involving speed cameras; and

WHEREAS, such programs would have specific criteria to address concerns around privacy, such as a prohibition on facial recognition technology and requiring jurisdictions to adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data,

WHEREAS, the bill also requires such program to have an equity component, capping fees at \$125 and offering a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 550, and requests that Berkeley be included as one of the pilot cities in the bill.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY APRIL 15, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 550**

---

---

**Introduced by Assembly Member Chiu**  
(Principal coauthor: Senator Wiener)  
**(Coauthors: Assembly Members Ting and Wicks)**

February 10, 2021

---

---

An act to *amend, repeal, and add Section 70615 of the Government Code, and to add and repeal Article 3 (commencing with Section 22425) of Chapter 7 of Division 11 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as amended, Chiu. Vehicles: ~~speed safety system pilot program.~~ *Speed Safety System Pilot Program.*

Existing law establishes a basic speed law that prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent given the weather, visibility, traffic, and highway conditions, and in no event at a speed that endangers the safety of persons or property.

~~This bill would require the Secretary of Transportation to, on or before July 1, 2022, develop and adopt guidelines for the implementation of pilot programs that, in the judgment of the secretary, are designed to promote the safe operation of vehicles and the reduction of speed-related fatalities and injuries by authorizing the limited use of speed safety systems, as defined. In developing the guidelines, the bill would require the secretary to, among other things, consult with certain entities, including the Department of Transportation and local governments, and~~

~~work collaboratively with privacy stakeholders to consider and adopt guidelines regarding privacy and use of data, as specified. The bill would require the secretary to post the final adopted guidelines on the Transportation Agency's internet website and submit the guidelines to the appropriate policy committees of the Legislature.~~

~~The bill would authorize the Department of Transportation and a local department of transportation to, 30 days after the submission of the guidelines to the appropriate policy committees of the Legislature, establish and implement a pilot program using speed safety systems as long as the program meets specified requirements, including that the program policies comply with the guidelines adopted by the secretary. The bill would require the Department of Transportation and local departments of transportation that establish a pilot program under these provisions to submit an evaluation report to the appropriate committees of the Legislature within 2 years from the date the pilot program commences and annually thereafter. The bill would repeal its provisions on January 1, 2027.~~

*This bill would authorize, until January 1, 2027, the Cities of Los Angeles, Oakland, San Jose, two other cities in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for speed limit enforcement in certain areas, if the system meets specified requirements, including that the presence of a fixed or mobile system is clearly identified. The bill would require the participating cities or city and county to adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report before implementing the program, and would require the city or city and county to engage in a public information campaign at least 30 days before implementation of the program, including information relating to when the systems would begin detecting violations and where the systems would be utilized. The bill would require the participating cities or city and county to issue warning notices rather than notices of violations for violations detected within the first 30 calendar days of the program. The bill would require the participating cities or city and county to develop uniform guidelines for, among other things, the processing and storage of confidential information. The bill would designate all photographic, video, or other visual or administrative records made by a system as confidential, and would only authorize public agencies to use and allow access to these records for specified purposes.*

*This bill would specify that any violation of a speed law recorded by a speed safety system authorized by these provisions would be subject*

*only to the provided civil penalties. The bill would, among other things, provide for the issuance of a notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under this program. The bill would require any program created pursuant to these provisions to offer a diversion program for indigent speed safety system violation recipients, as specified. The bill would require a city or city and county participating in the pilot program to submit reports to the Legislature, as specified, to evaluate the speed safety system to determine the system's impact on street safety and economic impact on the communities where the system is utilized.*

*Existing law establishes a \$25 filing fee for specified appeals and petitions.*

*This bill would require a \$25 filing fee for an appeal challenging a notice of violation issued as a result of a speed safety system until January 1, 2027.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Los Angeles, Oakland, San Jose, and the City and County of San Francisco.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Speed is a major factor in traffic collisions that result in
- 4 fatalities or injuries.
- 5 (b) State and local agencies employ a variety of methods to
- 6 reduce speeding, including traffic engineering, education, and
- 7 enforcement.
- 8 (c) Traffic speed enforcement is critical to efforts in California
- 9 to reduce factors that contribute to traffic collisions that result in
- 10 fatalities or injuries.

1 (d) However, traditional enforcement methods have had a  
2 well-documented disparate impact on communities of color, and  
3 implicit or explicit racial bias in police traffic stops puts drivers  
4 of color at risk.

5 (e) Additional tools, including speed safety systems, are  
6 available to assist cities and the state in addressing excessive  
7 speeding and speed-related crashes.

8 (f) Speed safety systems offer a high rate of detection, and, in  
9 conjunction with education and traffic engineering, can  
10 significantly reduce speeding, improve traffic safety, and prevent  
11 traffic-related fatalities and injuries, including roadway worker  
12 fatalities.

13 (g) Multiple speed safety system programs implemented in other  
14 states and cities outside of California have proven successful in  
15 reducing speeding and addressing traffic safety concerns.

16 (h) The Transportation Agency's "CalSTA Report of Findings:  
17 AB 2363 Zero Traffic Fatalities Task Force," issued in January  
18 2020, concluded that international and domestic studies show that  
19 speed safety systems are an effective countermeasure to speeding  
20 that can deliver meaningful safety improvements, and identified  
21 several policy considerations that speed safety system program  
22 guidelines could consider.

23 (i) In a 2017 study, the National Transportation Safety Board  
24 (NTSB) analyzed studies of speed safety system programs, and  
25 found they offered significant safety improvements in the forms  
26 of reduction in mean speeds, reduction in the likelihood of speeding  
27 more than 10 miles per hour over the posted speed limit, and  
28 reduction in the likelihood that a crash involved a severe injury or  
29 fatality. The same study recommended that all states remove  
30 obstacles to speed safety system programs to increase the use of  
31 this proven approach, and notes that programs should be explicitly  
32 authorized by state legislation without operational and location  
33 restrictions.

34 (j) The National Highway Traffic Safety Administration  
35 (NHTSA) gives speed safety systems the maximum 5-star  
36 effectiveness rating. NHTSA issued speed enforcement camera  
37 systems operational guidelines in 2008, and is expected to release  
38 revised guidelines in 2021 that should further inform the  
39 development of state guidelines.



1 (k) Speed safety systems can advance equity by improving  
 2 reliability and fairness in traffic enforcement while making  
 3 speeding enforcement more predictable, effective, and broadly  
 4 implemented, all of which helps change driver behavior.

5 (l) Enforcing speed limits using speed safety systems on streets  
 6 and in highway work zones where speeding drivers create  
 7 dangerous roadway environments is a reliable and cost-effective  
 8 means to prevent further fatalities and injuries.

9 ~~SEC. 2. Article 3 (commencing with Section 22425) is added~~  
 10 ~~to Chapter 7 of Division 11 of the Vehicle Code, to read:~~

11  
 12 ~~Article 3. Speed Safety Systems Pilot Program~~

13  
 14 ~~22425. As used in this article, the following definitions shall~~  
 15 ~~apply:~~

16 (a) ~~“Individual with low income” means an individual with a~~  
 17 ~~household income less than 125 percent of the federal poverty~~  
 18 ~~level or who receives CalFresh benefits, Supplemental Security~~  
 19 ~~Income (SSI), or Medi-Cal benefits.~~

20 (b) ~~“Local department of transportation” means a city, county,~~  
 21 ~~or city and county’s department of transportation or, if a city or~~  
 22 ~~county does not have a department of transportation, the city or~~  
 23 ~~county administrative division, including, but not limited to, a~~  
 24 ~~public works department that administers the city’s or county’s~~  
 25 ~~transportation and traffic matters under this code.~~

26 (c) ~~“Public safety vehicle” means an authorized emergency~~  
 27 ~~vehicle, as defined in Section 165.~~

28 (d) ~~“Speed safety system” means a fixed or mobile radar or laser~~  
 29 ~~system or any other electronic device that utilizes automated~~  
 30 ~~equipment to detect a violation of speeding laws and is designed~~  
 31 ~~to obtain a clear photograph, video recording, or other visual image~~  
 32 ~~of a vehicle license plate.~~

33 (e) ~~“Work zone” means a highway construction or maintenance~~  
 34 ~~area, during any time when traffic is regulated or restricted through~~  
 35 ~~or around that area pursuant to Section 21367.~~

36 ~~22426. (a) On or before July 1, 2022, the Secretary of~~  
 37 ~~Transportation shall develop and adopt guidelines for the~~  
 38 ~~implementation of the pilot programs described in Section 22427~~  
 39 ~~that, in the judgment of the secretary, are designed to promote the~~  
 40 ~~safe operation of vehicles and the reduction of speed-related~~

AB 550

— 6 —

1 fatalities and injuries by authorizing the limited use of speed safety  
2 systems. The secretary shall convene at least two public workshops  
3 to receive and consider public comments regarding draft guidelines  
4 prior to adoption, and shall post the draft guidelines on the  
5 Transportation Agency's internet website at least 30 days prior to  
6 the first public workshop.

7 (b) In developing the guidelines, the secretary shall do all of  
8 the following:

9 (1) Consult, at a minimum, with the Department of  
10 Transportation, the Department of the California Highway Patrol,  
11 the State Department of Public Health, local governments, and  
12 relevant stakeholder organizations. The secretary shall also consider  
13 and incorporate best practices from speed enforcement camera  
14 systems operational guidelines from the National Highway Traffic  
15 Safety Administration (NHTSA).

16 (2) Work collaboratively with privacy stakeholders to consider  
17 and adopt guidelines regarding privacy and use of data, including,  
18 but not limited to, all of the following:

19 (A) The Department of Transportation or local department of  
20 transportation shall adopt a speed safety system use policy that  
21 includes the specific purpose for the system, the uses that are  
22 authorized and uses that are prohibited, the rules and processes  
23 required prior to that use, including policies on the data or  
24 information that can be collected, individuals who have access to  
25 that data, and provisions for protecting, retaining, and disposing  
26 of that data.

27 (B) The use of facial recognition technology in a speed safety  
28 system program shall be prohibited.

29 (C) Notwithstanding Sections 6253 and 6262 of the Government  
30 Code or any other law, photographic, video, or other visual or  
31 administrative records made by a speed safety system shall be  
32 confidential. The Department of Transportation and local  
33 departments of transportation shall use, and allow access to, these  
34 records only for the purposes authorized by this article or to assess  
35 the impact of the use of speed safety systems.

36 (D) If any confidential information is collected by the  
37 Department of Transportation or a local department of  
38 transportation from the Department of Motor Vehicles, that  
39 information shall be held confidential, and shall not be used for  
40 any other purpose.

1 ~~(E) Information collected and maintained under a pilot program~~  
2 ~~authorized under this article shall only be used to administer the~~  
3 ~~speed safety system program, and shall not be disclosed to any~~  
4 ~~other persons, including, but not limited to, any other state or~~  
5 ~~federal agency or official for any other purpose, except as required~~  
6 ~~by state or federal law, court order, or in response to a subpoena~~  
7 ~~in an individual case or proceeding.~~

8 ~~(3) Work collaboratively with racial equity and economic justice~~  
9 ~~groups to ensure equity considerations are included in all aspects~~  
10 ~~of the development and administration of the guidelines, including,~~  
11 ~~but not limited to, both of the following:~~

12 ~~(A) An evaluation of the impacts of the pilot programs on~~  
13 ~~low-income and predominantly minority communities where the~~  
14 ~~pilot programs may be implemented.~~

15 ~~(B) Consideration of the fiscal impacts of the pilot program on~~  
16 ~~individuals with low income, including, for any civil penalties~~  
17 ~~established under a pilot program, the Department of~~  
18 ~~Transportation or a local department of transportation shall offer~~  
19 ~~a diversion program for certain individuals with low income who~~  
20 ~~are found in violation of a speed law under the pilot program,~~  
21 ~~including, but not limited to, the option to pay applicable fines,~~  
22 ~~fees, and penalties over time under a payment program, to enroll~~  
23 ~~in a community service program in lieu of payment, and the~~  
24 ~~establishment of reduced fines, fees, and penalties for qualifying~~  
25 ~~individuals with low income.~~

26 ~~(4) Determine procedures for issuing, contesting, and paying~~  
27 ~~citations, and the amount of the citation. Notwithstanding any other~~  
28 ~~law, a violation of Section 22350, or any other speed law, that is~~  
29 ~~recorded by a speed safety system shall be subject only to a civil~~  
30 ~~penalty, in a total amount, which includes any additional fees, not~~  
31 ~~to exceed one hundred twenty-five dollars (\$125), and shall not~~  
32 ~~result in the Department of Motor Vehicles suspending or revoking~~  
33 ~~the privilege of a violator to drive a motor vehicle or in a violation~~  
34 ~~point being assessed against the violator. The procedures for~~  
35 ~~contesting a citation shall include an opportunity to appeal for a~~  
36 ~~hearing on the matter, and the procedures for payment of the civil~~  
37 ~~penalties shall be consistent with the considerations described in~~  
38 ~~subparagraph (B) of paragraph (3).~~

39 ~~(5) Evaluate and include best practices on speed safety system~~  
40 ~~placement, speed thresholds, public notice, a warning phase,~~

1 adjudication, use of revenue, system calibration, community  
2 engagement, program operations, and oversight.

3 (e) Upon adoption of the guidelines, the Secretary shall post the  
4 final adopted guidelines on the agency's internet website and  
5 submit the guidelines to the appropriate policy committees of the  
6 Legislature.

7 (d) The Administrative Procedure Act (Chapter 3.5  
8 (commencing with Section 11340) of Part 1 of Division 3 of Title  
9 2 of the Government Code) does not apply to the development and  
10 adoption of guidelines pursuant to this article.

11 22427. (a) The pilot programs described in this section may  
12 commence 30 days after the secretary submits the adopted  
13 guidelines to the appropriate policy committees of the Legislature  
14 pursuant to Section 22426.

15 (b) The Department of Transportation, in collaboration with the  
16 Department of the California Highway Patrol, may establish a  
17 work zone pilot program using speed safety systems that meets all  
18 of the following requirements:

19 (1) The program policies comply with the guidelines adopted  
20 pursuant to Section 22426.

21 (2) The program is implemented in an active work zone on a  
22 highway under the department's jurisdiction.

23 (3) If the highway under the department's jurisdiction functions  
24 as a local road, the program shall have a written agreement with  
25 the local transportation department acting through its department  
26 head.

27 (4) The program requires the collection of data to support the  
28 evaluation report required pursuant to Section 22428.

29 (e) (1) A local department of transportation may, by ordinance  
30 or resolution, establish and implement a local streets pilot program  
31 using speed safety systems that meets all of the following  
32 requirements:

33 (A) The program policies comply with the guidelines adopted  
34 pursuant to Section 22426.

35 (B) The program requires community engagement to inform  
36 the community about the implementation of the program.

37 (C) A local department of transportation may include speed  
38 safety systems in school zones under its pilot program.

39 (D) The program requires the collection of data to support the  
40 evaluation report required pursuant to Section 22428.

1 ~~(2) A local department of transportation may include speed~~  
 2 ~~safety systems in school zones.~~

3 ~~(d) An operator of a public safety vehicle shall not be found to~~  
 4 ~~be in violation of a speed law under a pilot program established~~  
 5 ~~pursuant to this article.~~

6 ~~22428. (a) The Department of Transportation, in collaboration~~  
 7 ~~with the Department of the California Highway Patrol, shall submit~~  
 8 ~~an evaluation report for a work zone pilot program it establishes~~  
 9 ~~pursuant to Section 22427 to the appropriate committees of the~~  
 10 ~~Legislature within two years from the date the pilot program~~  
 11 ~~commences and annually thereafter.~~

12 ~~(b) A local department of transportation with a local streets pilot~~  
 13 ~~program established pursuant to Section 22427 shall submit an~~  
 14 ~~evaluation report for the pilot program to the appropriate~~  
 15 ~~committees of the Legislature within two years from the date the~~  
 16 ~~pilot program commences and annually thereafter.~~

17 ~~(e) The pilot program evaluation reports shall include, at a~~  
 18 ~~minimum, an analysis of the impacts related to all of the guidelines~~  
 19 ~~described in subdivision (b) of Section 22426. An analysis of the~~  
 20 ~~guidelines specified in paragraph (3) of subdivision (b) of Section~~  
 21 ~~22426 shall be developed in collaboration with racial equity and~~  
 22 ~~economic justice groups.~~

23 ~~22429. This article shall remain in effect only until January 1,~~  
 24 ~~2027, and as of that date is repealed.~~

25 *SEC. 2. Section 70615 of the Government Code is amended to*  
 26 *read:*

27 70615. The fee for filing any of the following appeals to the  
 28 superior court is twenty-five dollars (\$25):

29 (a) An appeal of a local agency's decision regarding an  
 30 administrative fine or penalty under Section 53069.4.

31 (b) An appeal under Section 40230 of the Vehicle Code of an  
 32 administrative agency's decision regarding a parking violation.

33 (c) An appeal under Section 99582 of the Public Utilities Code  
 34 of a hearing officer's determination regarding an administrative  
 35 penalty for fare evasion or a passenger conduct violation.

36 (d) A petition under Section 186.35 of the Penal Code  
 37 challenging a law enforcement agency's inclusion of a person's  
 38 information in a shared gang database.

39 (e) *An appeal under Section 22428 of the Vehicle Code of a*  
 40 *hearing officer's determination regarding a civil penalty for an*

1 *automated speed violation, as defined in Section 22425 of the*  
2 *Vehicle Code.*

3 *(f) This section shall remain in effect only until January 1, 2027,*  
4 *and as of that date is repealed.*

5 *SEC. 3. Section 70615 is added to the Government Code, to*  
6 *read:*

7 *70615. The fee for filing any of the following appeals to the*  
8 *superior court is twenty-five dollars (\$25):*

9 *(a) An appeal of a local agency’s decision regarding an*  
10 *administrative fine or penalty under Section 53069.4.*

11 *(b) An appeal under Section 40230 of the Vehicle Code of an*  
12 *administrative agency’s decision regarding a parking violation.*

13 *(c) An appeal under Section 99582 of the Public Utilities Code*  
14 *of a hearing officer’s determination regarding an administrative*  
15 *penalty for fare evasion or a passenger conduct violation.*

16 *(d) A petition under Section 186.35 of the Penal Code*  
17 *challenging a law enforcement agency’s inclusion of a person’s*  
18 *information in a shared gang database.*

19 *(e) This section shall become operative on January 1, 2027.*

20 *SEC. 4. Article 3 (commencing with Section 22425) is added*  
21 *to Chapter 7 of Division 11 of the Vehicle Code, to read:*

22

23 *Article 3. Speed Safety System Pilot Program: Automated Speed*  
24 *Enforcement System*

25

26 *22425. (a) As used in this article, the following definitions*  
27 *shall apply:*

28 *(1) “Automated speed violation” means a violation of a speed*  
29 *law detected by a speed safety system operated pursuant to this*  
30 *article.*

31 *(2) “Indigent” shall have the same meaning as defined in*  
32 *subdivision (c) of Section 40220.*

33 *(3) “Local department of transportation” means a city or city*  
34 *and county’s department of transportation or, if a city or city and*  
35 *county does not have a department of transportation, their*  
36 *administrative division, including, but not limited to, a public*  
37 *works department that administers transportation and traffic*  
38 *matters under this code.*

39 *(4) “Speed safety system” or “system” means a fixed or mobile*  
40 *radar or laser system or any other electronic device that utilizes*

1 *automated equipment to detect a violation of speeding laws and*  
2 *is designed to obtain a clear photograph, video recording, or other*  
3 *visual image of a vehicle license plate.*

4 *(b) (1) The Cities of Los Angeles, Oakland, San Jose, two*  
5 *southern California cities, and the City and County of San*  
6 *Francisco may establish a program utilizing a speed safety system*  
7 *for speed limit enforcement, to be operated by a local department*  
8 *of transportation, in the following areas:*

9 *(A) Within 2,500 feet of a school.*

10 *(B) Within 2,500 feet of a senior zone.*

11 *(C) Within 2,500 feet of a public park.*

12 *(D) Within 2,500 feet of a recreational center.*

13 *(E) On a street meeting the standards of a high injury network,*  
14 *as defined by the Department of Transportation.*

15 *(2) A municipality operating a speed safety system pilot program*  
16 *under this article may have speed safety systems operational on*  
17 *no more than 15 percent of the municipality's streets at any time*  
18 *during the pilot program.*

19 *(c) The Speed Safety System Pilot Program shall not be operated*  
20 *on any California state route, including all freeways and*  
21 *expressways, United States Highway, Interstate Highway or any*  
22 *public road in an unincorporated county where the Commissioner*  
23 *of the California Highway Patrol has full responsibility and*  
24 *primary jurisdiction for the administration and enforcement of the*  
25 *laws, and for the investigation of traffic accidents, pursuant to*  
26 *Section 2400.*

27 *(d) If a school zone is located on a street or portion of a street*  
28 *that is eligible for a speed safety system pursuant to subdivision*  
29 *(b), and the posted speed limit is 30 miles per hour or higher when*  
30 *children are not present, a city or city and county may operate a*  
31 *speed safety system two hours before the regular school session*  
32 *begins and two hours after regular school session concludes.*

33 *(e) A speed safety system for speed limit enforcement may be*  
34 *utilized pursuant to subdivision (b) if the program meets all of the*  
35 *following requirements:*

36 *(1) Clearly identifies the presence of the speed safety system by*  
37 *signs stating "Photo Enforced," along with the posted speed limit*  
38 *within 500 feet of the system. The signs shall be visible to traffic*  
39 *traveling on the street from the direction of travel for which the*  
40 *system is utilized, and shall be posted at all locations as may be*

1 *determined necessary by the Department of Transportation through*  
2 *collaboration with the California Traffic Control Devices*  
3 *Committee.*

4 (2) *Identifies the streets or portions of streets that have been*  
5 *approved for enforcement using a speed safety system and the*  
6 *hours of enforcement on the municipality's internet website, which*  
7 *shall be updated whenever the municipality changes locations of*  
8 *enforcement.*

9 (3) *Ensures that the speed safety system is regularly inspected*  
10 *and certifies that the system is installed and operating properly.*  
11 *Each camera unit shall be calibrated in accordance with the*  
12 *manufacturer's instructions, and at least once per year by an*  
13 *independent calibration laboratory. Documentation of the regular*  
14 *inspection, operation, and calibration of the system shall be*  
15 *retained until the date on which the system has been permanently*  
16 *removed from use.*

17 (4) *Utilizes fixed speed safety systems that provide real-time*  
18 *notification when violations are detected.*

19 (f) *Prior to enforcing speed laws utilizing speed safety systems,*  
20 *the city or city and county shall do both of the following:*

21 (1) *Administer a public information campaign for at least 30*  
22 *calendar days prior to the commencement of the program, which*  
23 *shall include public announcements in major media outlets and*  
24 *press releases. The public information campaign shall include the*  
25 *draft Speed Safety System Use Policy pursuant to subdivision (g),*  
26 *the Speed Safety System Impact Report pursuant to subdivision*  
27 *(h), information on when systems will begin detecting violations,*  
28 *the streets, or portions of streets, where systems will be utilized,*  
29 *and the city's internet website, where additional information about*  
30 *the program can be obtained. Notwithstanding the above, no*  
31 *further public announcement by the municipality shall be required*  
32 *for additional systems that may be added to the program.*

33 (2) *Issue warning notices rather than notices of violation for*  
34 *violations detected by the speed safety systems during the first 30*  
35 *calendar days of enforcement under the program. If additional*  
36 *systems are utilized on additional streets after the initial program*  
37 *implementation, the city or city and county shall issue warning*  
38 *notices rather than notices of violation for violations detected by*  
39 *the new speed safety systems during the first 30 calendar days of*  
40 *enforcement for the additional streets added to the program.*



1 (g) *The local governing body shall adopt a Speed Safety System*  
2 *Use Policy before entering into an agreement regarding a speed*  
3 *safety system, purchasing or leasing equipment for a program, or*  
4 *implementing a program. The Speed Safety System Use Policy*  
5 *shall include the specific purpose for the system, the uses that are*  
6 *authorized, the rules and processes required prior to that use, and*  
7 *the uses that are prohibited. The policy shall include the data or*  
8 *information that can be collected by the speed safety system and*  
9 *the individuals who can access or use the collected information,*  
10 *and the rules and processes related to the access or use of the*  
11 *information. The policy shall also include provisions for protecting*  
12 *data from unauthorized access, data retention, public access,*  
13 *third-party data sharing, training, auditing, and oversight to ensure*  
14 *compliance with the Speed Safety System Use Policy. The Speed*  
15 *Safety System Use Policy shall be made available for public review,*  
16 *including, but not limited to, by posting it on the local governing*  
17 *body's internet website at least 30 calendar days prior to adoption*  
18 *by the local governing body.*

19 (h) (1) *The local governing body also shall approve a Speed*  
20 *Safety System Impact Report prior to implementing a program.*  
21 *The Speed Safety System Impact Report shall include all of the*  
22 *following information:*

23 (A) *Assessment of potential impact of the speed safety system*  
24 *on civil liberties and civil rights and any plans to safeguard those*  
25 *public rights.*

26 (B) *Description of the speed safety system and how it works.*

27 (C) *Fiscal costs for the speed safety system, including program*  
28 *establishment costs, ongoing costs, and program funding.*

29 (D) *If potential deployment locations of systems are*  
30 *predominantly in low-income neighborhoods, a determination of*  
31 *why these locations experience high fatality and injury collisions*  
32 *due to unsafe speed.*

33 (E) *Locations where the system may be deployed and traffic*  
34 *data for these locations.*

35 (F) *Proposed purpose of the speed safety system.*

36 (2) *The Speed Safety System Impact Report shall be made*  
37 *available for public review at least 30 calendar days prior to*  
38 *adoption by the governing body.*

39 (3) *The local governing body shall consult and work*  
40 *collaboratively with relevant local stakeholder organizations,*

1 *including racial equity, privacy protection, and economic justice*  
2 *groups, in developing the Speed Safety System Use Policy and*  
3 *Speed Safety System Impact Report.*

4 *(i) The municipality shall develop uniform guidelines for both*  
5 *of the following:*

6 *(1) The screening and issuing of notices of violation.*

7 *(2) The processing and storage of confidential information and*  
8 *procedures to ensure compliance with confidentiality requirements.*

9 *(j) Notices of violation issued pursuant to this section shall*  
10 *include a clear photograph, video recording, or other visual image*  
11 *of the license plate and rear of the vehicle only, the Vehicle Code*  
12 *violation, the camera location, and the date and time when the*  
13 *violation occurred. Notices of violation shall exclude images of*  
14 *the rear window area of the vehicle.*

15 *(k) The photographic, video, or other visual evidence stored by*  
16 *a speed safety system does not constitute an out-of-court hearsay*  
17 *statement by a declarant under Division 10 (commencing with*  
18 *Section 1200) of the Evidence Code.*

19 *(l) (1) Notwithstanding Sections 6253 and 6262 of the*  
20 *Government Code, or any other law, photographic, video, or other*  
21 *visual or administrative records made by a system shall be*  
22 *confidential. Public agencies shall use and allow access to these*  
23 *records only for the purposes authorized by this article or to assess*  
24 *the impacts of the system.*

25 *(2) Confidential information obtained from the Department of*  
26 *Motor Vehicles for the administration of speed safety systems and*  
27 *enforcement of this article shall be held confidential, and shall*  
28 *not be used for any other purpose.*

29 *(3) Except for court records described in Section 68152 of the*  
30 *Government Code, or as provided in paragraph (4), the*  
31 *confidential records and evidence described in paragraphs (1)*  
32 *and (2) may be retained for up to 60 days after final disposition*  
33 *of the notice of violation. The municipality may adopt a retention*  
34 *period of less than 60 days in the Speed Safety System Use Policy.*  
35 *Administrative records described in paragraph (1) may be retained*  
36 *for up to 120 days after final disposition of the notice of violation.*  
37 *Notwithstanding any other law, the confidential records and*  
38 *evidence shall be destroyed in a manner that maintains the*  
39 *confidentiality of any person included in the record or evidence.*

1 (4) Notwithstanding Section 26202.6 of the Government Code,  
2 photographic, video, or other visual evidence that is obtained from  
3 a speed safety system that does not contain evidence of a speeding  
4 violation shall be destroyed within five business days after the  
5 evidence was first obtained. The use of facial recognition  
6 technology in conjunction with a speed safety system shall be  
7 prohibited.

8 (5) Information collected and maintained by a municipality  
9 using a speed safety system shall only be used to administer an  
10 program, and shall not be disclosed to any other persons,  
11 including, but not limited to, any other state or federal government  
12 agency or official for any other purpose, except as required by  
13 state or federal law, court order, or in response to a subpoena in  
14 an individual case or proceeding.

15 (m) Notwithstanding subdivision (l), the registered owner or  
16 an individual identified by the registered owner as the driver of  
17 the vehicle at the time of the alleged violation shall be permitted  
18 to review the photographic, video, or visual evidence of the alleged  
19 violation.

20 (n) A contract between the municipality and a manufacturer or  
21 supplier of speed safety systems shall allow the local authority to  
22 purchase materials, lease equipment, and contract for processing  
23 services from the manufacturer or supplier based on the services  
24 rendered on a monthly schedule or another schedule agreed upon  
25 by the municipality and contractor. The contract shall not include  
26 provisions for payment or compensation based on the number of  
27 notices of violation issued by a designated municipal employee,  
28 or as a percentage of revenue generated, from the use of the system.  
29 The contract shall include a provision that all data collected from  
30 the speed safety systems is confidential, and shall prohibit the  
31 manufacturer or supplier of speed safety systems from sharing,  
32 repurposing, or monetizing collected data, except as specifically  
33 authorized in this article. The municipality shall oversee and  
34 maintain control over all enforcement activities, including the  
35 determination of when a notice of violation should be issued.

36 (o) Notwithstanding subdivision (n), a municipality may contract  
37 with a vendor for the processing of notices of violation after a  
38 designated municipal employee has issued a notice of violation.  
39 The vendor shall be a separate legal and corporate entity from,  
40 and unrelated or affiliated in any manner with, the manufacturer

1 or supplier of speed safety systems used by the municipality. Any  
 2 contract between the municipality and a vendor to provide  
 3 processing services may include a provision for the payment of  
 4 compensation based on the number of notices of violation  
 5 processed by the vendor.

6 (p) (1) A speed safety system shall no longer be operated on  
 7 any given street if within the first 18 months of installation of a  
 8 system, at least one of the following thresholds has not been met:

9 (A) Percentage of automated speed violations decreased by at  
 10 least 25 percent.

11 (B) Percentage of violators who received two or more violations  
 12 decreased by at least 50 percent.

13 (2) This subdivision shall not apply if a city or city and county  
 14 adds traffic-calming measures to the street. "Traffic-calming  
 15 measures" include, but are not limited to:

16 (A) Bicycle lanes.

17 (B) Chicanes.

18 (C) Chokers.

19 (D) Curb extensions.

20 (E) Median islands.

21 (F) Raised crosswalks.

22 (G) Road diets.

23 (H) Roundabouts.

24 (I) Speed humps or speed tables.

25 (J) Traffic circles.

26 (3) A city or city and county may continue to operate a speed  
 27 safety system with a fixed or mobile vehicle speed feedback sign  
 28 while traffic-calming measures are being planned or constructed,  
 29 but shall halt their use if construction has not begun within two  
 30 years.

31 (4) If the percentage of violations has not decreased by the  
 32 metrics identified pursuant to paragraph (1) within one year after  
 33 traffic-calming measures have completed construction, a city or  
 34 county shall either construct additional traffic-calming measures  
 35 or cease operation of the system on that street.

36 22426. (a) Notwithstanding any other law, a violation of  
 37 Section 22350, or any other speed law pursuant to this chapter  
 38 that is recorded by a speed safety system authorized pursuant to  
 39 Section 22425 shall be subject only to a civil penalty, as provided  
 40 in subdivision (d), and shall not result in the department

1 *suspending or revoking the privilege of a violator to drive a motor*  
2 *vehicle or in a violation point being assessed against the violator.*

3 *(b) The speed safety system shall capture images of the rear*  
4 *license plate of vehicles that are traveling 11 miles per hour or*  
5 *more over the posted speed limit and notices of violation shall only*  
6 *be issued to vehicles based on that evidence.*

7 *(c) No more than one notice of violation shall be issued for a*  
8 *violation recorded from a specific license plate within a 24-hour*  
9 *period.*

10 *(d) A civil penalty shall be assessed as follows:*

11 *(1) Fifty dollars (\$50) for a speed violation from 11 up to 15*  
12 *miles per hour over the posted speed limit.*

13 *(2) One hundred dollars (\$100) for a speed violation from 15*  
14 *up to 25 miles per hour over the posted speed limit.*

15 *(3) Two hundred dollars (\$200) for a speed violation from 25*  
16 *up to 100 miles per hour over the posted speed limit.*

17 *(4) Five hundred dollars (\$500) for a speed violation 100 miles*  
18 *per hour or greater over the posted speed limit.*

19 *(e) A civil penalty shall not be assessed against an authorized*  
20 *emergency vehicle.*

21 *(f) The written notice of violation shall be issued to the*  
22 *registered owner of the vehicle within 15 calendar days of the date*  
23 *of the violation. The notice of violation shall include all of the*  
24 *following information:*

25 *(1) The violation, including reference to the speed law that was*  
26 *violated.*

27 *(2) The date, approximate time, and location where the violation*  
28 *occurred.*

29 *(3) The vehicle license number and the name and address of*  
30 *the registered owner of the vehicle.*

31 *(4) A statement that payment is required to be made no later*  
32 *than 30 calendar days from the date of mailing of the notice of*  
33 *violation, or that the violation may be contested pursuant to Section*  
34 *22427.*

35 *(5) The amount of the civil penalty due for that violation and*  
36 *the procedures for the registered owner, lessee, or rentee to pay*  
37 *the civil penalty or to contest the notice of violation.*

38 *(6) An affidavit of nonliability, and information of what*  
39 *constitutes nonliability, information as to the effect of executing*  
40 *the affidavit, and instructions for returning the affidavit to the*

1 *processing agency. If the affidavit of nonliability is returned to the*  
2 *processing agency within 30 calendar days of the mailing of the*  
3 *notice of violation, together with proof of a written lease or rental*  
4 *agreement between a bona fide rental or leasing company and its*  
5 *customer that identifies the rentee or lessee, the processing agency*  
6 *shall serve or mail a notice of violation to the rentee or lessee*  
7 *identified in the affidavit of nonliability.*

8 *(g) Mobile radar or laser systems shall not be used until at least*  
9 *two years after the installation of the first fixed radar or laser*  
10 *system.*

11 *(h) (1) Revenues derived from any program utilizing a speed*  
12 *safety system for speed limit enforcement shall first be used to*  
13 *recover program costs. Program costs include, but are not limited*  
14 *to the construction of traffic calming measures for the purposes*  
15 *of complying with subdivision (p) of Section 22425, the installation*  
16 *of speed safety systems, the adjudication of violations, and*  
17 *reporting requirements as specified in this section.*

18 *(2) Jurisdictions shall maintain their existing commitment of*  
19 *local funds for traffic-calming measures in order to remain*  
20 *authorized to participate in the pilot program, and shall annually*  
21 *expend not less than the annual average of expenditures for*  
22 *traffic-calming measures during the 2016–17, 2017–18, and*  
23 *2018–19 fiscal years. For purposes of this subdivision, in*  
24 *calculating average expenditures on traffic-calming measures,*  
25 *restricted funds that may not be available on an ongoing basis,*  
26 *including those from voter-approved bond issuances or tax*  
27 *measures, shall not be included. Any excess revenue shall be used*  
28 *for traffic calming measures within three years. If traffic-calming*  
29 *measures are not planned or constructed after the third year, then*  
30 *excess revenue shall revert to the Active Transportation Program*  
31 *established pursuant to Chapter 8 (commencing with Section 2380)*  
32 *of the Streets and Highways Code, to be allocated by the California*  
33 *Transportation Commission pursuant to Section 2381 of the Streets*  
34 *and Highways Code.*

35 *22427. (a) For a period of 30 calendar days from the mailing*  
36 *of a notice of violation, a person may request an initial review of*  
37 *the notice by the issuing agency. The request may be made by*  
38 *telephone, in writing, electronically, or in person. There shall be*  
39 *no charge for this review. If, following the initial review, the issuing*  
40 *agency is satisfied that the violation did not occur, or that*

1 *extenuating circumstances make dismissal of the notice of violation*  
2 *appropriate in the interest of justice, the issuing agency shall*  
3 *cancel the notice of violation. The issuing agency shall advise the*  
4 *processing agency, if any, of the cancellation. The issuing agency*  
5 *or the processing agency shall mail the results of the initial review*  
6 *to the person contesting the notice, and, if cancellation of the notice*  
7 *does not occur following that review, include a reason for that*  
8 *denial, notification of the ability to request an administrative*  
9 *hearing, and notice of the procedure adopted pursuant to*  
10 *paragraph (2) of subdivision (b) for waiving prepayment of the*  
11 *civil penalty based upon an inability to pay.*

12 *(b) (1) If the person contesting the notice of violation is*  
13 *dissatisfied with the results of the initial review, the person may,*  
14 *no later than 21 calendar days following the mailing of the results*  
15 *of the issuing agency's initial review, request an administrative*  
16 *hearing of the violation. The request may be made by telephone,*  
17 *in writing, electronically, or in person.*

18 *(2) The person requesting an administrative hearing shall pay*  
19 *the amount of the civil penalty to the processing agency. The*  
20 *issuing agency shall adopt a written procedure to allow a person*  
21 *to request an administrative hearing without payment of the civil*  
22 *penalty upon satisfactory proof of an inability to pay the amount*  
23 *due.*

24 *(3) The administrative hearing shall be held within 90 calendar*  
25 *days following the receipt of a request for an administrative*  
26 *hearing. The person requesting the hearing may request one*  
27 *continuance, not to exceed 21 calendar days.*

28 *(c) The administrative hearing process shall include all of the*  
29 *following:*

30 *(1) The person requesting a hearing shall have the choice of a*  
31 *hearing by mail, video conference, or in person. An in-person*  
32 *hearing shall be conducted within the jurisdiction of the issuing*  
33 *agency.*

34 *(2) If the person requesting a hearing is a minor, that person*  
35 *shall be permitted to appear at a hearing or admit responsibility*  
36 *for the automated speed violation without the appointment of a*  
37 *guardian. The processing agency may proceed against the minor*  
38 *in the same manner as against an adult.*

39 *(3) The administrative hearing shall be conducted in accordance*  
40 *with written procedures established by the issuing agency and*

1 approved by the governing body or chief executive officer of the  
2 issuing agency. The hearing shall provide an independent,  
3 objective, fair, and impartial review of contested automated speed  
4 violations.

5 (4) (A) The issuing agency's governing body or chief executive  
6 officer shall appoint or contract with qualified independent  
7 examiners or administrative hearing providers that employ  
8 qualified independent examiners to conduct the administrative  
9 hearings. Examiners shall demonstrate the qualifications, training,  
10 and objectivity necessary to conduct a fair and impartial review.  
11 The examiner shall be separate and independent from the notice  
12 of violation collection or processing function. An examiner's  
13 continued employment, performance evaluation, compensation,  
14 and benefits shall not, directly or indirectly, be linked to the amount  
15 of civil penalties collected by the examiner or the number or  
16 percentage of violations upheld by the examiner.

17 (B) (i) Examiners shall have a minimum of 20 hours of training.  
18 The examiner is responsible for the costs of the training. The  
19 issuing agency may reimburse the examiner for those costs.  
20 Training may be provided through any of the following:

21 (I) An accredited college or university.

22 (II) A program conducted by the Commission on Peace Officer  
23 Standards and Training.

24 (III) A program conducted by the American Arbitration  
25 Association or a similar organization.

26 (IV) Any program approved by the governing body or chief  
27 executive officer of the issuing agency, including a program  
28 developed and provided by, or for, the agency.

29 (ii) Training programs may include topics relevant to the  
30 administrative hearing, including, but not limited to, applicable  
31 laws and regulations, enforcement procedures, due process,  
32 evaluation of evidence, hearing procedures, and effective oral and  
33 written communication. Upon the approval of the governing body  
34 or chief executive officer of the issuing agency, up to 12 hours of  
35 relevant experience may be substituted for up to 12 hours of  
36 training. Up to eight hours of the training requirements described  
37 in this subparagraph may be credited to an individual, at the  
38 discretion of the governing body or chief executive officer of the  
39 issuing agency, based upon training programs or courses described



1 *in this subparagraph that the individual attended within the last*  
 2 *five years.*

3 (5) *The designated municipal employee who issues a notice of*  
 4 *violation shall not be required to participate in an administrative*  
 5 *hearing. The issuing agency shall not be required to produce any*  
 6 *evidence other than, in proper form, the notice of violation or copy*  
 7 *thereof, including the photograph, video, or other visual image of*  
 8 *the vehicle's license plate, and information received from the*  
 9 *Department of Motor Vehicles identifying the registered owner of*  
 10 *the vehicle. The documentation in proper form shall be prima facie*  
 11 *evidence of the violation.*

12 (6) *The examiner's final decision following the administrative*  
 13 *hearing may be personally delivered to the person by the examiner*  
 14 *or sent by first-class mail.*

15 (7) *Following a determination by the examiner that a person*  
 16 *has committed the violation, the examiner may, consistent with*  
 17 *the written guidelines established by the issuing agency, allow*  
 18 *payment of the civil penalty in installments, or an issuing agency*  
 19 *may allow for deferred payment or payments in installments, if*  
 20 *the person provides evidence satisfactory to the examiner or the*  
 21 *issuing agency, as the case may be, of an inability to pay the civil*  
 22 *penalty in full. If authorized by the governing body of the issuing*  
 23 *agency, the examiner may permit the performance of community*  
 24 *service in lieu of payment of the civil penalty.*

25 (8) *If a notice of violation is dismissed following an*  
 26 *administrative hearing, any civil penalty, if paid, shall be refunded*  
 27 *by the issuing agency within 30 days.*

28 22428. (a) *Within 30 days after personal delivery or mailing*  
 29 *of the final decision described in subdivision (c) of Section 22427,*  
 30 *the contestant may seek review by filing an appeal to the superior*  
 31 *court, where the case shall be heard de novo, except that the*  
 32 *contents of the processing agency's file in the case on appeal shall*  
 33 *be received in evidence. A copy of the notice of violation shall be*  
 34 *admitted into evidence as prima facie evidence of the facts stated*  
 35 *in the notice. A copy of the notice of appeal shall be served in*  
 36 *person or by first-class mail upon the processing agency by the*  
 37 *contestant. For purposes of computing the 30-day period, Section*  
 38 *1013 of the Code of Civil Procedure shall be applicable. A*  
 39 *proceeding under this subdivision is a limited civil case.*

1 (b) The fee for filing the notice of appeal shall be as provided  
 2 in Section 70615 of the Government Code. The court shall request  
 3 that the issuing agency's file on the case be forwarded to the court,  
 4 to be received within 15 calendar days of the request. The court  
 5 shall notify the contestant of the appearance date by mail or  
 6 personal delivery. The court shall retain the fee under Section  
 7 70615 of the Government Code regardless of the outcome of the  
 8 appeal. If the appellant prevails, this fee and any payment of the  
 9 civil penalty shall be promptly refunded by the issuing agency in  
 10 accordance with the judgment of the court.

11 (c) The conduct of the hearing on appeal under this section is  
 12 a subordinate judicial duty that may be performed by a  
 13 commissioner or other subordinate judicial officer at the direction  
 14 of the presiding judge of the court.

15 (d) If a notice of appeal of the examiner's decision is not filed  
 16 within the period set forth in subdivision (a), the decision shall be  
 17 deemed final.

18 (e) If the civil penalty has not been paid and the decision is  
 19 adverse to the contestant, the processing agency may, promptly  
 20 after the decision becomes final, proceed to collect the civil penalty  
 21 under Section 22426.

22 22429. (a) A city or city and county shall offer a diversion  
 23 program for indigent speed safety system violation recipients, to  
 24 perform community service in lieu of paying the penalty for an  
 25 automated speed system violation.

26 (b) A city or city and county shall offer the ability for indigent  
 27 speed safety system violation recipients to pay applicable fines  
 28 and penalties over a period of time under a payment plan with  
 29 monthly installments of no more than twenty-five dollars (\$25)  
 30 and shall limit the processing fee to participate in a payment plan  
 31 to five dollars (\$5) or less.

32 (c) Notwithstanding subdivisions (a) and (b), a city or city and  
 33 county shall reduce the applicable fines and penalties by 80 percent  
 34 for indigent persons, and by 50 percent for individuals 200 percent  
 35 above the federal poverty level.

36 22430. A city or city and county shall each develop and submit  
 37 to their respective governing body a Speed Safety System Report,  
 38 two years after initial implementation of the program and at the  
 39 end of the pilot program that includes all of the following  
 40 information:

- 1     (a) A description of how the speed safety system was used.
- 2     (b) Whether and how often any system data was shared with  
3 outside entities, the name of any recipient entity, the type or types  
4 of data disclosed, and the legal reason for the disclosure.
- 5     (c) A summary of any community complaints or concerns about  
6 the speed safety system.
- 7     (d) Results of any internal audits, information about any  
8 violations of the Speed Safety System Use Policy, and any actions  
9 taken in response.
- 10    (e) Information regarding the impact the speed safety system  
11 has had on the streets where the speed safety system was deployed.
- 12    (f) A summary of any public record act requests.
- 13    (g) A list of system locations that did not meet the threshold for  
14 continuance of a program pursuant to paragraph (1) of subdivision  
15 (p) of Section 22425, and whether further traffic-calming measures  
16 are in planning or construction, or there is a decision to halt  
17 operation of the program in those locations.
- 18    22431. Any city or city and county that used speed safety  
19 systems shall, on or before March 1 of the fifth year in which the  
20 system has been implemented, submit to the transportation  
21 committees of the Legislature an evaluation of the speed safety  
22 system in their respective jurisdictions to determine the system's  
23 impact on street safety and the system's economic impact on the  
24 communities where the system is utilized. The report shall be made  
25 available on the internet websites of the respective jurisdictions  
26 and shall include all of the following information:
- 27    (a) Data, before and after implementation of the system, on the  
28 number and proportion of vehicles speeding from 11 to 19 miles  
29 per hour over the legal speed limit, inclusive, from 20 to 29 miles  
30 per hour over the legal speed limit, inclusive, from 30 to 39 miles  
31 per hour over the legal speed limit, inclusive, and every additional  
32 10 miles per hour increment thereafter on a street or portion of a  
33 street in which an system is used to enforce speed limits. To the  
34 extent feasible, the data should be collected at the same time of  
35 day, day of week, and location.
- 36    (b) The number of notices of violation issued under the program  
37 by month and year, the corridors or locations where violations  
38 occurred, and the number of vehicles with two or more violations  
39 in a monthly period and a yearly period.

1 (c) Data, before and after implementation of the system, on the  
 2 number of traffic collisions that occurred where speed safety  
 3 systems are used, relative to citywide data, and the transportation  
 4 mode of the parties involved. The data on traffic collisions shall  
 5 be categorized by injury severity, such as property damage only,  
 6 complaint of pain, other visible injury, or severe or fatal injury.

7 (d) The number of violations paid, the number of delinquent  
 8 violations, and the number of violations for which an initial review  
 9 is requested. For the violations in which an initial review was  
 10 requested, the report shall indicate the number of violations that  
 11 went to initial review, administrative hearing, and de novo hearing,  
 12 the number of notices that were dismissed at each level of review,  
 13 and the number of notices that were not dismissed after each level  
 14 of review.

15 (e) The costs associated with implementation and operation of  
 16 the speed safety systems, and revenues collected by each  
 17 jurisdiction.

18 (f) A racial and economic equity impact analysis, developed in  
 19 collaboration with local racial justice and economic equity  
 20 stakeholder groups.

21 22432. This article shall remain in effect only until January 1,  
 22 2027, and as of that date is repealed.

23 SEC. 5. The Legislature finds and declares that a special statute  
 24 is necessary and that a general statute cannot be made applicable  
 25 within the meaning of Section 16 of Article IV of the California  
 26 Constitution because of the unique circumstances with traffic speed  
 27 enforcement in southern California, the Cities of Los Angeles,  
 28 Oakland, and San Jose, and the City and County of San Francisco.

29 ~~SEC. 3.~~

30 SEC. 6. The Legislature finds and declares that Section ~~2 4~~ of  
 31 this act, which adds Section ~~22426~~ 22425 to the Vehicle Code,  
 32 imposes a limitation on the public's right of access to the meetings  
 33 of public bodies or the writings of public officials and agencies  
 34 within the meaning of Section 3 of Article I of the California  
 35 Constitution. Pursuant to that constitutional provision, the  
 36 Legislature makes the following findings to demonstrate the interest  
 37 protected by this limitation and the need for protecting that interest:

38 To protect the privacy interests of persons who are issued notices  
 39 of violation under a speed safety systems pilot program, the  
 40 Legislature finds and declares that the photographic, video, or

1 other visual or administrative records generated by the program  
2 shall be confidential, and shall be made available only to alleged  
3 violators and to governmental agencies solely for the purpose of  
4 enforcing these violations and assessing the impact of the use of  
5 speed safety systems, as required by this act.

O

# ASSEMBLY BILL 550 (CHIU)

## SAFE STREETS AND WORK ZONES ACT OF 2021

### SUMMARY

---

Assembly Bill 550 protects the safety of vulnerable travelers and workers on California roads by giving local transportation authorities and the state the option of creating speed safety pilot programs informed by a stakeholder-driven process under the auspices of the Secretary of the California State Transportation Agency.

### BACKGROUND

---

From 2005 to 2014, 363,606 Americans [were killed](#) in instances of traffic violence nationwide. Of those, 112,580 people – 31 percent – were killed in speeding-related incidents. California is no exception to the scourge of speeding fatalities: over 1,000 Californians have [died](#) in speed-related traffic collisions every year for the past five years.

In addition, work crews in state and local work zones face incredibly dangerous working conditions. Workers face a high risk of being injured or killed by distracted or speeding drivers – and many have been struck and killed in the line of duty. The number of active work zones has increased in recent years due to an influx of transportation project funds. The state has undertaken additional safety campaigns, but many sites are still very dangerous.

Jurisdictions suffering from high levels of avoidable fatal and severe collisions are desperate for additional tools to bring the number of traffic deaths down to zero. Vision Zero traffic safety initiatives underway in these localities have made some progress, but these efforts to date have not brought about the necessary reductions in injuries and deaths.

Many streets with the highest incidents of fatal and severe crashes are in regionally-identified Communities of Concern, where a high percentage of households with minority or low-income status, seniors, people with limited English proficiency, and people with disabilities reside and are

disproportionately impacted. Children going to school, pedestrians and cyclists heading to work, and seniors attending to errands are at risk every day.

Vision Zero efforts have historically focused on a traditional law enforcement response to speeding and other dangerous driver behaviors, as well as education and engineering efforts. However, these traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk. Jurisdictions around the state are seeking alternatives to traditional enforcement mechanisms that will protect public safety while being responsive to community concerns.

### THE PROBLEM

---

Across the United States, numerous peer-reviewed [studies](#) have shown that speed detection systems reduce the number of severe and fatal collisions by as much as 58 percent. Despite an established history, California law currently prohibits the use of these systems.

Studies have shown that speed is the *leading* factor when determining fault in fatal and severe collisions, yet existing efforts have not led to the reduction in speed and traffic violence needed to save lives and make communities safe. California must provide communities with the option to pilot this public safety tool in order to create the expectation of regular speed checking on the most dangerous streets, and in workzones where traffic work crews are in dangerous proximity to fast-moving vehicles.

### THE SOLUTION

---

AB 550 directs the Secretary of CalSTA to bring together a stakeholder working group to establish program guidelines for the piloting of two speed

safety programs: one on dangerous local streets, and the other in active state or local work zones.

Pilot programs must comply with the following specific requirements in order to operate:

- **Program Operation:** Must be operated by a jurisdiction’s transportation department or similar administrative agency.
- **Privacy Protections:** Jurisdiction must adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data. Data from a system cannot be used for any other purpose or disclosed to any other person or agency except as required by law or in response to a court order or subpoena.
- **Facial Recognition Ban:** Jurisdictions are prohibited from using facial recognition technology in a program.
- **Citation Type:** Citations are civil in nature, not criminal, and shall not result in a point on a driver’s record.
- **Fine Amount:** The total penalty amount, including fees, is capped at \$125.
- **Adjudication:** Jurisdictions must provide for a hearing and appeal process for contesting citations.
- **Equity:** Jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.
- **Oversight and Evaluation:** Each jurisdiction must submit a report and evaluation to the Legislature within two years of the start of the program and annually thereafter. Reports must include a specific analysis of racial equity and financial impacts of programs developed in collaboration with stakeholder groups.
- **Sunset:** The Act and any authorized programs sunset on January 1, 2027.

The working group, informed by collaboration with stakeholders and experts, will establish additional guidelines in certain areas, including system placement, speed thresholds, warning phases prior to deployment, and community engagement.

---

## SUPPORT

City of Los Angeles (cosponsor)  
 City of Oakland (cosponsor)  
 City of San Francisco (cosponsor)  
 City of San Jose (cosponsor)  
 Walk San Francisco (cosponsor)  
 San Francisco Bicycle Coalition

---

## FOR MORE INFORMATION

Nicole Restmeyer | Legislative Aide  
 Office of Assemblymember David Chiu  
[Nicole.Restmeyer@asm.ca.gov](mailto:Nicole.Restmeyer@asm.ca.gov)







Office of the Mayor

CONSENT CALENDAR  
May 11, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Wengraf, Councilmember Hahn, and Councilmember Kesarwani

Subject: Support of AB 43 – Safe Streets and Work Zones Act of 2021

RECOMMENDATION

Adopt a Resolution in support of AB 43 (Friedman), which gives local jurisdictions more flexibility in reducing speed limits on streets with a high rate of injuries and fatalities. Send a copy of the Resolution to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

BACKGROUND

In 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028. The Vision Zero Task Force was created to develop policies to achieve this goal, which Council approved under the Vision Zero Action Plan in March 2020. Statewide, similar action was being taken under AB 2363 in 2018, which establishes the Zero Traffic Fatalities Task Force. This Task Force is tasked with developing policies to reduce traffic fatalities to zero, including alternatives to the 85th percentile as a method for determining speed limits in California. The 85th percentile method sets the speed limit according to the speeds being driven by 85 percent of drivers on the roadway, based on a decennial survey. The State's Task Force concluded that such a method has an unintended consequence of leading to increased speeds over time even if the road conditions do not change, known as "speed creep".

AB 43, introduced by Assemblymember Laura Friedman (who also introduced AB 2363) addresses the recommendations of the Zero Traffic Fatalities Task Force by giving local jurisdictions the ability to set speed limits on streets with high injuries and fatalities, allowing speed limits to be reduced below the 85th percentile. The bill requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits. Currently, the process for setting speed limits through engineering and traffic surveys does not require consideration of pedestrian and bicyclist safety. AB 43 would make this a required factor for consideration.

Approximately one third of traffic related deaths are a result of speeding according to the National Traffic Safety Board. In the Bay Area, over 400 fatalities and 2,000 serious injuries occur annually. In 2020, COVID-19 restrictions led to a 13% drop in vehicle

miles driven across the country, but empty roads lead to an increase in speeding, resulting in traffic related death rates increasing by 24%. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited access roads by 5 miles per hour can reduce injuries between 8% and 15%, with some studies finding reductions as great as 28% and 39%.

#### FINANCIAL IMPLICATIONS

None

#### ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving traffic conditions for pedestrians and bicyclists will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

- 1: Resolution
- 2: Text of AB 43
- 3: AB 43 Factsheet

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

IN SUPPORT OF AB 43

WHEREAS, according to the National Traffic Safety Board, speeding accounts for a third of traffic related fatalities; and

WHEREAS, the speed of a vehicle is correlated with the likelihood of experiencing serious injuries or death from a crash; with a 95% chance of survival if a pedestrian is hit by a car going 20 MPH, 60% at 30 MPH, and 20% at 40 MPH; and

WHEREAS, in 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028, establishing the Vision Zero Task Force tasked with developing policies to achieve this goal, which the Council approved under the Vision Zero Action Plan in March 2020; and

WHEREAS, also in 2018, the State adopted AB 2363, which establishes the statewide Zero Traffic Fatalities Task Force, tasked with developing policies to reduce traffic fatalities to zero, including alternatives to the 85th percentile as a method for determining speed limits in California; and

WHEREAS, the 85<sup>th</sup> percentile method sets the speed limit according to the speeds being driven by 85 percent of drivers on the roadway, based on a decennial survey. The State's Task Force concluded that such a method has an unintended consequence of leading to increased speeds over time even if the road conditions do not change, known as "speed creep"; and

WHEREAS, AB 43, introduced by Assemblymember Laura Friedman (who also introduced AB 2363) addresses the recommendations of the Zero Traffic Fatalities Task Force by giving local jurisdictions the ability to set speed limits on streets with high injuries and fatalities, allowing speed limits to be reduced below the 85<sup>th</sup> percentile; and

WHEREAS, the bill requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits, in addition to pedestrian and bicyclist safety.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 43.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 43**

---

---

**Introduced by Assembly Members Friedman, Ting, Chiu, and  
Quirk  
(Principal coauthor: Assembly Member Boerner Horvath)**

December 7, 2020

---

---

An act to add Section 14033.5 to the Government Code, and to amend Section 40802 of, and to add Section 2904.5 amend Sections 627, 21400, 22352, 22354, 22357, 22358, 22358.4, 22359, and 40802 of, and to add Sections 22358.6, 22358.7, and 22358.8 to, the Vehicle Code, relating to traffic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 43, as amended, Friedman. Traffic safety.

(1) Existing law establishes various default speed limits for vehicles upon highways, as specified. Existing law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions.

This bill would require local authorities to consider other factors, including pedestrian and bicycle safety, that are allowed but not required to be considered under existing law. The bill would also allow local authorities to consider additional factors, including the current or immediately prior speed limit, as specified.

(2) Existing law establishes a prima facie speed limit of 25 miles per hour on any highway, other than a state highway, located in any

*business or residence district, as defined. Existing law authorizes a local authority to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.*

*This bill would establish a prima facie speed limit of 25 miles per hour on state highways located in any business or residence district and would authorize the Department of Transportation (Caltrans) to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.*

*(3) Existing law establishes a speed limit of 65 miles per hour on state highways, as specified. Existing law authorizes Caltrans to declare a speed limit on any such highway, as prescribed, of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, including erecting signs to give notice thereof. Existing law also authorizes a local authority, on a section of highway, other than a state highway, where the speed limit is 65 miles per hour to declare a lower speed limit, as specified.*

*This bill would additionally authorize Caltrans and a local authority to declare a speed limit of 20 or 15 miles per hour, as specified, on these highways.*

*(4) Existing law authorizes a local authority, without an engineering and traffic survey, to declare a lowered speed limit on portions of highway, as specified, approaching a school building or school grounds. Existing law limits this authority to sections of highway meeting specified requirements relating to the number of lanes and the speed limit of the highway before the school zone.*

*This bill would change certain of these requirements related to the declaration of these lowered speed limits. The bill would similarly authorize a lowered speed limit on a section of highway approaching a business activity district, as defined.*

*(5) Existing law requires Caltrans, by regulation, to provide for the rounding up or down to the nearest 5 miles per hour increment of the 85th percentile speed of free-flowing traffic on a portion of highway as determined by a traffic and engineering survey.*

*This bill would authorize a local authority to further reduce the speed limit, as specified, and require Caltrans to accordingly revise the California Manual on Uniform Traffic Control Devices, as specified.*

*(6) Existing law defines a speed trap and prohibits evidence of a driver's speed obtained through a speed trap from being admissible in court in any prosecution against a driver for a speed-related offense. Existing law deems a road where the speed limit is not justified by a traffic and engineering survey conducted within the previous 7 years*

*to be a speed trap, unless the roadway has been evaluated by a registered engineer, as specified, in which case the speed limit remains enforceable for a period of 10 years. Existing law exempts a school zone, as defined, from certain provisions relating to defining a speed trap.*

*This bill would extend the period that a speed limit justified by a traffic and engineering survey conducted more than 7 years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer, as specified, to 14 years.*

*This bill would also exempt a senior zone and business activity district, as defined, from those provisions.*

*(7) This bill would make other technical, nonsubstantive, and conforming changes.*

*(8) By creating new duties for local authorities relating to traffic and engineering surveys, this bill would impose a state mandate.*

*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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law creates the Department of Transportation (Caltrans) within the Transportation Agency. Existing law provides various duties of Caltrans, including, among others, coordinating and assisting, upon request of the various public and private transportation entities in strengthening their development and operation of balanced integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals.~~

~~This bill would require, beginning June 1, 2022, and every 6 months thereafter, Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual.~~

~~Existing law establishes the California Traffic Safety Program, which consists of a comprehensive plan in conformity with the laws of this state to reduce traffic accidents and deaths, injuries, and property damage resulting from accidents. Existing law requires the program to include provisions to improve driver performance, including, driver education, driver testing to determine proficiency to operate motor vehicles, and~~

AB 43

— 4 —

driver examinations and licensing, and provisions to improve bicyclist and pedestrian education and performance.

~~This bill would require the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes, upon appropriation of state funds for this purpose.~~

~~Existing law establishes various speed limits and prohibits a person from driving with a greater speed than those limits. Existing law prohibits a peace officer or other person from using a speed trap in arresting, or participating in the arrest of, any person for any alleged violation of the Vehicle Code, and prohibits the use of a speed trap in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under the Vehicle Code. Existing law defines the term “speed trap,” for these purposes, among other things, to include a particular section of a highway with a prima facie speed limit that is provided by the Vehicle Code or by local ordinance, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within a specified number of years of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device.~~

~~This bill would extend the period of time a prima facie speed limit may be justified by an engineering and traffic survey, as specified, if a registered engineer evaluates the section of the highway and finds that there has been an increase in traffic-related crashes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 627 of the Vehicle Code is amended to*
- 2     *read:*
- 3     627. (a) “Engineering and traffic survey,” as used in this code,
- 4     means a survey of highway and traffic conditions in accordance
- 5     with methods determined by the Department of Transportation for
- 6     use by state and local authorities.
- 7     (b) An engineering and traffic survey shall include, among other
- 8     requirements deemed necessary by the department, consideration
- 9     of all of the following:
- 10    (1) Prevailing speeds as determined by traffic engineering
- 11    measurements.

1 (2) Accident records.

2 (3) Highway, traffic, and roadside conditions not readily  
3 apparent to the driver.

4 (c) When conducting an engineering and traffic survey, local  
5 authorities, in addition to the factors set forth in paragraphs (1) to  
6 (3), inclusive, of subdivision (b) ~~may~~ shall consider all of the  
7 following:

8 (1) Residential density, if any of the following conditions exist  
9 on the particular portion of highway and the property contiguous  
10 thereto, other than a business district:

11 (A) Upon one side of the highway, within a distance of a quarter  
12 of a mile, the contiguous property fronting thereon is occupied by  
13 13 or more separate dwelling houses or business structures.

14 (B) Upon both sides of the highway, collectively, within a  
15 distance of a quarter of a mile, the contiguous property fronting  
16 thereon is occupied by 16 or more separate dwelling houses or  
17 business structures.

18 (C) The portion of highway is longer than one-quarter of a mile  
19 but has the ratio of separate dwelling houses or business structures  
20 to the length of the highway described in either subparagraph (A)  
21 or (B).

22 (2) ~~Pedestrian and bicyclist safety. Safety of bicyclists and~~  
23 ~~pedestrians, with increased consideration for vulnerable pedestrian~~  
24 ~~groups including children, seniors, persons with disabilities, users~~  
25 ~~of personal assistive mobility devices, and the unhoused.~~

26 (d) When conducting an engineering and traffic survey, a local  
27 authority may also consider both of the following:

28 (1) The current or immediately prior speed limit for a section  
29 of highway, as established by a previous engineering and traffic  
30 survey, if a registered engineer has evaluated the section of  
31 highway and determined that no significant design changes, with  
32 the specific intent of increasing the safe operating speed, have  
33 been made to the roadway since completion of the traffic survey  
34 that established the speed limit.

35 (2) Whether the section of highway has been designated by the  
36 local authority as experiencing a high concentration of fatalities  
37 and serious injuries based on recent data.

38 SEC. 2. Section 21400 of the Vehicle Code is amended to read:

39 21400. (a) ~~(1)~~The Department of Transportation shall, after  
40 consultation with local agencies and public hearings, adopt rules



1 and regulations prescribing uniform standards and specifications  
 2 for all official traffic control devices placed pursuant to this code,  
 3 including, but not limited to, stop signs, yield right-of-way signs,  
 4 speed restriction signs, railroad warning approach signs, street  
 5 name signs, lines and markings on the roadway, and stock crossing  
 6 signs placed pursuant to Section 21364.

7 ~~(2)~~

8 (b) The Department of Transportation shall, after notice and  
 9 public hearing, determine and publicize the specifications for  
 10 uniform types of warning signs, lights, and devices to be placed  
 11 upon a highway by a person engaged in performing work that  
 12 interferes with or endangers the safe movement of traffic upon  
 13 that highway.

14 ~~(3)~~

15 (c) Only those signs, lights, and devices as are provided for in  
 16 this section shall be placed upon a highway to warn traffic of work  
 17 that is being performed on the highway.

18 ~~(4)~~

19 (d) Control devices or markings installed upon traffic barriers  
 20 on or after January 1, 1984, shall conform to the uniform standards  
 21 and specifications required by this section.

22 ~~(b) The Department of Transportation shall revise the California~~  
 23 ~~Manual on Uniform Traffic Control Devices, as it read on January~~  
 24 ~~1, 2012, to require the Department of Transportation or a local~~  
 25 ~~authority to round speed limits to the nearest five miles per hour~~  
 26 ~~of the 85th percentile of the free-flowing traffic. However, in cases~~  
 27 ~~in which the speed limit needs to be rounded up to the nearest five~~  
 28 ~~miles per hour increment of the 85th-percentile speed, the~~  
 29 ~~Department of Transportation or a local authority may decide to~~  
 30 ~~instead round down the speed limit to the lower five miles per hour~~  
 31 ~~increment, but then the Department of Transportation or a local~~  
 32 ~~authority shall not reduce the speed limit any further for any reason.~~

33 *SEC. 3. Section 22352 of the Vehicle Code is amended to read:*

34 22352. The prima facie limits are as follows and shall be  
 35 applicable unless changed as authorized in this code and, if so  
 36 changed, only when signs have been erected giving notice thereof:

37 (a) Fifteen miles per hour:

38 (1) When traversing a railway grade crossing, if during the last  
 39 100 feet of the approach to the crossing the driver does not have  
 40 a clear and unobstructed view of the crossing and of any traffic on

1 the railway for a distance of 400 feet in both directions along the  
 2 railway. This subdivision does not apply in the case of any railway  
 3 grade crossing where a human ~~flagman~~ *flagperson* is on duty or a  
 4 clearly visible electrical or mechanical railway crossing signal  
 5 device is installed but does not then indicate the immediate  
 6 approach of a railway train or car.

7 (2) When traversing any intersection of highways if during the  
 8 last 100 feet of the driver's approach to the intersection the driver  
 9 does not have a clear and unobstructed view of the intersection  
 10 and of any traffic upon all of the highways entering the intersection  
 11 for a distance of 100 feet along all those highways, except at an  
 12 intersection protected by stop signs or yield right-of-way signs or  
 13 controlled by official traffic control signals.

14 (3) On any alley.

15 (b) Twenty-five miles per hour:

16 (1) On any ~~highway other than a state~~ highway, in any business  
 17 or residence district unless a different speed is determined by local  
 18 authority *or the Department of Transportation* under procedures  
 19 set forth in this code.

20 (2) When approaching or passing a school building or the  
 21 grounds thereof, contiguous to a highway and posted with a  
 22 standard "SCHOOL" warning sign, while children are going to or  
 23 leaving the school either during school hours or during the noon  
 24 recess period. The prima facie limit shall also apply when  
 25 approaching or passing any school grounds which are not separated  
 26 from the highway by a fence, gate, or other physical barrier while  
 27 the grounds are in use by children and the highway is posted with  
 28 a standard "SCHOOL" warning sign. For purposes of this  
 29 subparagraph, standard "SCHOOL" warning signs may be placed  
 30 at any distance up to 500 feet away from school grounds.

31 (3) When passing a senior center or other facility primarily used  
 32 by senior citizens, contiguous to a street other than a state highway  
 33 and posted with a standard "SENIOR" warning sign. A local  
 34 authority may erect a sign pursuant to this paragraph when the  
 35 local agency makes a determination that the proposed signing  
 36 should be implemented. A local authority may request grant  
 37 funding from the Active Transportation Program pursuant to  
 38 Chapter 8 (commencing with Section 2380) of Division 3 of the  
 39 Streets and Highways Code, or any other grant funding available  
 40 to it, and use that grant funding to pay for the erection of those

AB 43

— 8 —

1 signs, or may utilize any other funds available to it to pay for the  
 2 erection of those signs, including, but not limited to, donations  
 3 from private sources.

4 *SEC. 4. Section 22354 of the Vehicle Code is amended to read:*

5 22354. (a) Whenever the Department of Transportation  
 6 determines upon the basis of an engineering and traffic survey that  
 7 the limit of 65 miles per hour is more than is reasonable or safe  
 8 upon any portion of a state highway where the limit of 65 miles  
 9 is applicable, the department may determine and declare a prima  
 10 facie speed limit of 60, 55, 50, 45, 40, 35, ~~30 or 25~~ 30, 25, 20, or  
 11 15 miles per hour, whichever is found most appropriate to facilitate  
 12 the orderly movement of traffic and is reasonable and safe, which  
 13 declared prima facie speed limit shall be effective when appropriate  
 14 signs giving notice thereof are erected upon the highway.

15 (b) This section shall become operative on the date specified in  
 16 subdivision (c) of Section 22366.

17 *SEC. 5. Section 22357 of the Vehicle Code is amended to read:*

18 22357. (a) Whenever a local authority determines upon the  
 19 basis of an engineering and traffic survey that a speed greater than  
 20 25 miles per hour would facilitate the orderly movement of  
 21 vehicular traffic and would be reasonable and safe upon any street  
 22 other than a state highway otherwise subject to a prima facie limit  
 23 of 25 miles per hour, the local authority may by ordinance *or*  
 24 *resolution* determine and declare a prima facie speed limit of 30,  
 25 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit  
 26 of 65 miles per hour, whichever is found most appropriate to  
 27 facilitate the orderly movement of traffic and is reasonable and  
 28 safe. The declared prima facie or maximum speed limit shall be  
 29 effective when appropriate signs giving notice thereof are erected  
 30 upon the street and shall not thereafter be revised except upon the  
 31 basis of an engineering and traffic survey. This section does not  
 32 apply to any 25-mile-per-hour prima facie limit which is applicable  
 33 when passing a school building or the grounds thereof or when  
 34 passing a senior center or other facility primarily used by senior  
 35 citizens.

36 (b) This section shall become operative on the date specified in  
 37 subdivision (c) of Section 22366.

38 *SEC. 6. Section 22358 of the Vehicle Code is amended to read:*

39 22358. (a) Whenever a local authority determines upon the  
 40 basis of an engineering and traffic survey that the limit of 65 miles

1 per hour is more than is reasonable or safe upon any portion of  
 2 any street other than a state highway where the limit of 65 miles  
 3 per hour is applicable, the local authority may by ordinance *or*  
 4 *resolution* determine and declare a prima facie speed limit of 60,  
 5 55, 50, 45, 40, 35, 30, ~~or 25~~ 25, 20, *or 15* miles per hour, whichever  
 6 is found most appropriate to facilitate the orderly movement of  
 7 traffic and is reasonable and safe, which declared prima facie limit  
 8 shall be effective when appropriate signs giving notice thereof are  
 9 erected upon the street.

10 (b) This section shall become operative on the date specified in  
 11 subdivision (c) of Section 22366.

12 *SEC. 7. Section 22358.4 of the Vehicle Code is amended to*  
 13 *read:*

14 22358.4. (a) (1) Whenever a local authority determines upon  
 15 the basis of an engineering and traffic survey that the prima facie  
 16 speed limit of 25 miles per hour established by subdivision (b) of  
 17 Section 22352 is more than is reasonable or safe, the local authority  
 18 may, by ordinance or resolution, determine and declare a prima  
 19 facie speed limit of 20 or 15 miles per hour, whichever is justified  
 20 as the appropriate speed limit by that survey.

21 (2) An ordinance or resolution adopted under paragraph (1)  
 22 shall not be effective until appropriate signs giving notice of the  
 23 speed limit are erected upon the highway and, in the case of a state  
 24 highway, until the ordinance *or resolution* is approved by the  
 25 Department of Transportation and the appropriate signs are erected  
 26 upon the highway.

27 (b) (1) Notwithstanding subdivision (a) or any other provision  
 28 of law, a local authority may, by ordinance or resolution, determine  
 29 and declare prima facie speed limits as follows:

30 (A) A 15 miles per hour prima facie limit in a residence district,  
 31 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or  
 32 slower, when approaching, at a distance of less than 500 feet from,  
 33 or passing, a school building or the grounds of a school building,  
 34 contiguous to a highway and posted with a school warning sign  
 35 that indicates a speed limit of 15 miles per hour, while children  
 36 are going to or leaving the school, either during school hours or  
 37 during the noon recess period. The prima facie limit shall also  
 38 apply when approaching, at a distance of less than 500 feet from,  
 39 or passing, school grounds that are not separated from the highway  
 40 by a fence, gate, or other physical barrier while the grounds are in

1 use by children and the highway is posted with a school warning  
2 sign that indicates a speed limit of 15 miles per hour.

3 (B) A 25 miles per hour prima facie limit in a residence district,  
4 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or  
5 slower, when approaching, at a distance of 500 to 1,000 feet from,  
6 a school building or the grounds thereof, contiguous to a highway  
7 and posted with a school warning sign that indicates a speed limit  
8 of 25 miles per hour, while children are going to or leaving the  
9 school, either during school hours or during the noon recess period.  
10 The prima facie limit shall also apply when approaching, at a  
11 distance of 500 to 1,000 feet from, school grounds that are not  
12 separated from the highway by a fence, gate, or other physical  
13 barrier while the grounds are in use by children and the highway  
14 is posted with a school warning sign that indicates a speed limit  
15 of 25 miles per hour.

16 (C) A 25 or 20 miles per hour prima facie speed limit on a  
17 highway contiguous to a business activity district when posted  
18 with a sign that indicates a speed limit of 25 or 20 miles per hour.

19 (2) The prima facie limits established under paragraph (1) apply  
20 only to highways that meet all of the following conditions:

21 (A) A maximum of ~~two~~ four traffic lanes.

22 (B) A maximum posted ~~30~~ 35 miles per hour prima facie speed  
23 limit immediately prior to and after the school ~~zone~~: zone or  
24 business activity district.

25 (3) The prima facie limits established under paragraph (1) apply  
26 to all lanes of an affected highway, in both directions of travel.

27 (4) When determining the need to lower the prima facie speed  
28 limit, the local authority shall take the provisions of Section 627  
29 into consideration.

30 (5) (A) An ordinance or resolution adopted under paragraph  
31 (1) shall not be effective until appropriate signs giving notice of  
32 the speed limit are erected upon the highway and, in the case of a  
33 state highway, until the ordinance *or resolution* is approved by the  
34 Department of Transportation and the appropriate signs are erected  
35 upon the highway.

36 (B) For purposes of subparagraph (A) of paragraph (1), school  
37 warning signs indicating a speed limit of 15 miles per hour may  
38 be placed at a distance up to 500 feet away from school grounds.

39 (C) For purposes of subparagraph (B) of paragraph (1), school  
40 warning signs indicating a speed limit of 25 miles per hour may

1 be placed at any distance between 500 and 1,000 feet away from  
2 the school grounds.

3 (D) A local authority shall reimburse the Department of  
4 Transportation for all costs incurred by the department under this  
5 subdivision.

6 (6) *As used in this subdivision, a “business activity district” is*  
7 *that portion of a highway and the property contiguous thereto that*  
8 *includes central or neighborhood downtowns, urban villages, or*  
9 *zoning designations that prioritize commercial land uses at the*  
10 *downtown or neighborhood scale and meets at least three of the*  
11 *following requirements:*

12 (A) *Retail or dining commercial uses, including outdoor dining,*  
13 *that open directly onto sidewalks adjacent to the highway.*

14 (B) *Parking, including parallel, diagonal, or perpendicular*  
15 *spaces, located alongside the highway.*

16 (C) *Traffic control signals or stop signs regulating traffic flow*  
17 *on the highway, located at intervals of no more than 600 feet.*

18 (D) *Marked crosswalks not controlled by a traffic control device.*

19 (E) *Pedestrian density greater than one pedestrian per 100 feet*  
20 *of sidewalk during peak hours.*

21 (F) *Bicycle volume of 10 or more bicycles per hour operating*  
22 *within or passing through during peak hours, including both*  
23 *sidewalk and highway use.*

24 SEC. 8. *Section 22358.6 is added to the Vehicle Code, to read:*

25 22358.6. *The Department of Transportation shall, in the next*  
26 *scheduled revision, revise and thereafter maintain the California*  
27 *Manual on Uniform Traffic Control Devices to require the*  
28 *Department of Transportation or a local authority to round speed*  
29 *limits to the nearest five miles per hour of the 85th percentile of*  
30 *the free-flowing traffic. However, in cases in which the speed limit*  
31 *needs to be rounded up to the nearest five miles per hour increment*  
32 *of the 85th-percentile speed, the Department of Transportation or*  
33 *a local authority may decide to instead round down the speed limit*  
34 *to the lower five miles per hour increment. A local authority may*  
35 *additionally lower the speed limit as provided in Sections 22358.7*  
36 *and 22358.8.*

37 SEC. 9. *Section 22358.7 is added to the Vehicle Code, to read:*

38 22358.7. (a) *If a local authority, after completing an*  
39 *engineering and traffic survey, finds that the speed limit is still*  
40 *more than is reasonable or safe, the local authority may, by*

AB 43

— 12 —

1 ordinance or resolution, determine and declare a prima facie speed  
 2 limit that has been reduced an additional five miles per hour for  
 3 either of the following reasons:

4 (1) The portion of highway has been designated as a high-injury  
 5 street.

6 (2) The portion of highway is adjacent to any land or facility  
 7 that generates high concentrations of bicyclists or pedestrians,  
 8 especially those from vulnerable groups such as children, seniors,  
 9 persons with disabilities, and the unhoused.

10 (b) As used in this section, “high-injury” street means a portion  
 11 of highway that, based on at least the immediately preceding three  
 12 years of traffic accident data, is identified and has been adopted  
 13 by the local authority as experiencing a high concentration of  
 14 traffic-related serious injuries and fatalities.

15 SEC. 10. Section 22358.8 is added to the Vehicle Code, to  
 16 read:

17 22358.8. If a local authority, after completing an engineering  
 18 and traffic survey, finds that the speed limit is still more than is  
 19 reasonable or safe, the local authority may, by ordinance or  
 20 resolution, retain the current speed limit or restore the immediately  
 21 prior speed limit if that speed limit was established with an  
 22 engineering and traffic survey and if a registered engineer has  
 23 evaluated the section of highway and determined that no significant  
 24 design changes, with the specific intent of increasing the safe  
 25 operating speed, have been made to the roadway since completion  
 26 of the traffic survey that established the prior speed limit.

27 SEC. 11. Section 22359 of the Vehicle Code is amended to  
 28 read:

29 22359. With respect to boundary line streets and highways  
 30 where portions thereof are within different jurisdictions, ~~no~~ an  
 31 ordinance or resolution adopted under Sections 22357 and 22358  
 32 shall not be effective as to any ~~such~~ portion until all authorities  
 33 having jurisdiction of the portions of the street concerned have  
 34 approved the same. This section shall not apply in the case of  
 35 boundary line streets consisting of separate roadways within  
 36 different jurisdictions.

37 SEC. 12. Section 40802 of the Vehicle Code is amended to  
 38 read:

39 40802. (a) A “speed trap” is either of the following:

1 (1) A particular section of a highway measured as to distance  
 2 and with boundaries marked, designated, or otherwise determined  
 3 in order that the speed of a vehicle may be calculated by securing  
 4 the time it takes the vehicle to travel the known distance.

5 (2) A particular section of a highway with a prima facie speed  
 6 limit that is provided by this code or by local ordinance *or*  
 7 *resolution* under paragraph (1) of subdivision (b) of Section 22352,  
 8 or established under Section 22354, 22357, 22358, or 22358.3, if  
 9 that prima facie speed limit is not justified by an engineering and  
 10 traffic survey conducted within five years prior to the date of the  
 11 alleged violation, and enforcement of the speed limit involves the  
 12 use of radar or any other electronic device that measures the speed  
 13 of moving objects. This paragraph does not apply to a local street,  
 14 road, ~~or school zone: zone, senior zone, or business activity district.~~

15 (b) (1) For purposes of this section, a local street or road is one  
 16 that is functionally classified as “local” on the “California Road  
 17 System Maps,” that are approved by the Federal Highway  
 18 Administration and maintained by the Department of  
 19 Transportation. ~~When a street or road does not appear on the~~  
 20 ~~“California Road System Maps,” it~~ *It may also* be defined as a  
 21 “local street or road” if it primarily provides access to abutting  
 22 residential property and meets the following three conditions:

23 (A) Roadway width of not more than 40 feet.

24 (B) Not more than one-half of a mile of uninterrupted length.  
 25 Interruptions shall include official traffic control signals as defined  
 26 in Section 445.

27 (C) Not more than one traffic lane in each direction.

28 (2) For purposes of this section, “school zone” means that area  
 29 approaching or passing a school building or the grounds thereof  
 30 that is contiguous to a highway and on which is posted a standard  
 31 “SCHOOL” warning sign, while children are going to or leaving  
 32 the school either during school hours or during the noon recess  
 33 period. “School zone” also includes the area approaching or passing  
 34 any school grounds that are not separated from the highway by a  
 35 fence, gate, or other physical barrier while the grounds are in use  
 36 by children if that highway is posted with a standard “SCHOOL”  
 37 warning sign.

38 (3) *For purposes of this section, “senior zone” means that area*  
 39 *approaching or passing a senior center building or other facility*  
 40 *primarily used by senior citizens, or the grounds thereof that is*



1 *contiguous to a highway and on which is posted a standard*  
2 *“SENIOR” warning sign, pursuant to Section 22352.*

3 (4) *For purposes of this section, “business activity district”*  
4 *means a section of highway described in paragraph (6) of*  
5 *subdivision (b) of Section 22358.4 in which a standard 25 miles*  
6 *per hour or 20 miles per hour speed limit sign has been posted*  
7 *pursuant to subparagraph (C) of paragraph (1) of subdivision (b)*  
8 *of that section.*

9 (c) (1) When all of the following criteria are met, paragraph  
10 (2) of this subdivision shall be applicable and subdivision (a) shall  
11 not be applicable:

12 (A) When radar is used, the arresting officer has successfully  
13 completed a radar operator course of not less than 24 hours on the  
14 use of police traffic radar, and the course was approved and  
15 certified by the Commission on Peace Officer Standards and  
16 Training.

17 (B) When laser or any other electronic device is used to measure  
18 the speed of moving objects, the arresting officer has successfully  
19 completed the training required in subparagraph (A) and an  
20 additional training course of not less than two hours approved and  
21 certified by the Commission on Peace Officer Standards and  
22 Training.

23 (C) (i) The prosecution proved that the arresting officer  
24 complied with subparagraphs (A) and (B) and that an engineering  
25 and traffic survey has been conducted in accordance with  
26 subparagraph (B) of paragraph (2). The prosecution proved that,  
27 prior to the officer issuing the notice to appear, the arresting officer  
28 established that the radar, laser, or other electronic device  
29 conformed to the requirements of subparagraph (D).

30 (ii) The prosecution proved the speed of the accused was unsafe  
31 for the conditions present at the time of alleged violation unless  
32 the citation was for a violation of Section 22349, 22356, or 22406.

33 (D) The radar, laser, or other electronic device used to measure  
34 the speed of the accused meets or exceeds the minimal operational  
35 standards of the National Highway Traffic Safety Administration,  
36 and has been calibrated within the three years prior to the date of  
37 the alleged violation by an independent certified laser or radar  
38 repair and testing or calibration facility.

39 (2) A “speed trap” is either of the following:

1 (A) A particular section of a highway measured as to distance  
2 and with boundaries marked, designated, or otherwise determined  
3 in order that the speed of a vehicle may be calculated by securing  
4 the time it takes the vehicle to travel the known distance.

5 (B) (i) A particular section of a highway or state highway with  
6 a prima facie speed limit that is provided by this code or by local  
7 ordinance *or resolution* under paragraph (1) of subdivision (b) of  
8 Section 22352, or established under Section 22354, 22357, 22358,  
9 or 22358.3, if that prima facie speed limit is not justified by an  
10 engineering and traffic survey conducted within one of the  
11 following time periods, prior to the date of the alleged violation,  
12 and enforcement of the speed limit involves the use of radar or  
13 any other electronic device that measures the speed of moving  
14 objects:

15 (I) Except as specified in subclause (II), seven years.

16 (II) If an engineering and traffic survey was conducted more  
17 than seven years prior to the date of the alleged violation, and a  
18 registered engineer evaluates the section of the highway and  
19 determines that no significant changes in roadway or traffic  
20 conditions have occurred, including, but not limited to, changes  
21 in adjoining property or land use, roadway width, or traffic volume,  
22 ~~14~~ 14 years.

23 (ii) This subparagraph does not apply to a local street, road, or  
24 school ~~zone~~, *zone, senior zone, or business activity district.*

25 *SEC. 13. If the Commission on State Mandates determines that*  
26 *this act contains costs mandated by the state, reimbursement to*  
27 *local agencies and school districts for those costs shall be made*  
28 *pursuant to Part 7 (commencing with Section 17500) of Division*  
29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. Section 14033.5 is added to the Government~~  
31 ~~Code, to read:~~

32 ~~14033.5. Beginning June 1, 2022, and every six months~~  
33 ~~thereafter, the department shall convene a committee of external~~  
34 ~~design experts to advise on revisions to the Highway Design~~  
35 ~~Manual.~~

36 ~~SEC. 2. Section 2904.5 is added to the Vehicle Code, to read:~~

37 ~~2904.5. The California Traffic Safety Program shall include a~~  
38 ~~traffic safety monitoring program that identifies and addresses~~  
39 ~~locations with pedestrian and bicyclist-related crashes, upon~~  
40 ~~appropriation of state funds for this purpose.~~

1 SEC. 3. Section 40802 of the Vehicle Code is amended to read:  
 2 40802. (a) A “speed trap” is either of the following:

3 (1) A particular section of a highway measured as to distance  
 4 and with boundaries marked, designated, or otherwise determined  
 5 in order that the speed of a vehicle may be calculated by securing  
 6 the time it takes the vehicle to travel the known distance.

7 (2) (A) A particular section of a highway with a prima facie  
 8 speed limit that is provided by this code or by local ordinance  
 9 under paragraph (1) of subdivision (b) of Section 22352, or  
 10 established under Section 22354, 22357, 22358, or 22358.3, if that  
 11 prima facie speed limit is not justified by an engineering and traffic  
 12 survey conducted within five years prior to the date of the alleged  
 13 violation, and enforcement of the speed limit involves the use of  
 14 radar or any other electronic device that measures the speed of  
 15 moving objects. This paragraph does not apply to a local street,  
 16 road, or school zone.

17 (B) If a registered engineer evaluates the section of the highway  
 18 and finds there has been an increase in traffic-related crashes, the  
 19 prima facie speed limit may be justified by an engineering and  
 20 traffic survey conducted every 10 years.

21 (b) (1) For purposes of this section, a local street or road is one  
 22 that is functionally classified as “local” on the “California Road  
 23 System Maps,” that are approved by the Federal Highway  
 24 Administration and maintained by the Department of  
 25 Transportation. When a street or road does not appear on the  
 26 “California Road System Maps,” it may be defined as a “local  
 27 street or road” if it primarily provides access to abutting residential  
 28 property and meets the following three conditions:

29 (A) Roadway width of not more than 40 feet.

30 (B) Not more than one-half of a mile of uninterrupted length.  
 31 Interruptions shall include official traffic control signals as defined  
 32 in Section 445.

33 (C) Not more than one traffic lane in each direction.

34 (2) For purposes of this section, “school zone” means that area  
 35 approaching or passing a school building or the grounds thereof  
 36 that is contiguous to a highway and on which is posted a standard  
 37 “SCHOOL” warning sign, while children are going to or leaving  
 38 the school either during school hours or during the noon recess  
 39 period. “School zone” also includes the area approaching or passing  
 40 any school grounds that are not separated from the highway by a

1 fence, gate, or other physical barrier while the grounds are in use  
 2 by children if that highway is posted with a standard “SCHOOL”  
 3 warning sign.

4 (e) (1) ~~When all of the following criteria are met, paragraph~~  
 5 ~~(2) of this subdivision shall be applicable and subdivision (a) shall~~  
 6 ~~not be applicable:~~

7 (A) ~~When radar is used, the arresting officer has successfully~~  
 8 ~~completed a radar operator course of not less than 24 hours on the~~  
 9 ~~use of police traffic radar, and the course was approved and~~  
 10 ~~certified by the Commission on Peace Officer Standards and~~  
 11 ~~Training.~~

12 (B) ~~When laser or any other electronic device is used to measure~~  
 13 ~~the speed of moving objects, the arresting officer has successfully~~  
 14 ~~completed the training required in subparagraph (A) and an~~  
 15 ~~additional training course of not less than two hours approved and~~  
 16 ~~certified by the Commission on Peace Officer Standards and~~  
 17 ~~Training.~~

18 (C) (i) ~~The prosecution proved that the arresting officer~~  
 19 ~~complied with subparagraphs (A) and (B) and that an engineering~~  
 20 ~~and traffic survey has been conducted in accordance with~~  
 21 ~~subparagraph (B) of paragraph (2). The prosecution proved that,~~  
 22 ~~prior to the officer issuing the notice to appear, the arresting officer~~  
 23 ~~established that the radar, laser, or other electronic device~~  
 24 ~~conformed to the requirements of subparagraph (D).~~

25 (ii) ~~The prosecution proved the speed of the accused was unsafe~~  
 26 ~~for the conditions present at the time of alleged violation unless~~  
 27 ~~the citation was for a violation of Section 22349, 22356, or 22406.~~

28 (D) ~~The radar, laser, or other electronic device used to measure~~  
 29 ~~the speed of the accused meets or exceeds the minimal operational~~  
 30 ~~standards of the National Highway Traffic Safety Administration,~~  
 31 ~~and has been calibrated within the three years prior to the date of~~  
 32 ~~the alleged violation by an independent certified laser or radar~~  
 33 ~~repair and testing or calibration facility.~~

34 (2) A “speed trap” is either of the following:

35 (A) A particular section of a highway measured as to distance  
 36 and with boundaries marked, designated, or otherwise determined  
 37 in order that the speed of a vehicle may be calculated by securing  
 38 the time it takes the vehicle to travel the known distance.

39 (B) (i) A particular section of a highway or state highway with  
 40 a prima facie speed limit that is provided by this code or by local

1 ordinance under paragraph (1) of subdivision (b) of Section 22352,  
2 or established under Section 22354, 22357, 22358, or 22358.3, if  
3 that prima facie speed limit is not justified by an engineering and  
4 traffic survey conducted within one of the following time periods,  
5 prior to the date of the alleged violation, and enforcement of the  
6 speed limit involves the use of radar or any other electronic device  
7 that measures the speed of moving objects:  
8 (I) Except as specified in subelause (II) or (III), seven years.  
9 (II) If an engineering and traffic survey was conducted more  
10 than seven years prior to the date of the alleged violation, and a  
11 registered engineer evaluates the section of the highway and  
12 determines that no significant changes in roadway or traffic  
13 conditions have occurred, including, but not limited to, changes  
14 in adjoining property or land use, roadway width, or traffic volume,  
15 10 years.  
16 (III) If a registered engineer evaluates the section of the highway  
17 or state highway and finds there has been an increase in  
18 traffic-related crashes, the prima facie speed limit may be justified  
19 by an engineering and traffic survey conducted every 15 years.  
20 (ii) This subparagraph does not apply to a local street, road, or  
21 school zone.

O



## AB 43 – Setting Speed Limits to Enhance Traffic Safety

### **Summary:**

According to the National Transportation Safety Board, speeding accounts for nearly a third of all traffic fatalities. AB 43 implements policy recommendations from the California Transportation Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed limits based on safety.

### **Background:**

California has based its speed limits using a decades old process known as the 85<sup>th</sup> percentile. Traffic surveyors would measure the speed drivers were driving at and set the speed limit to reflect what 85% of drivers were driving at. At the time this was believed to be the safest speed.

Speed limits, however, are not set based on safety, but rather on the speed driver's feel comfortable driving at, and transportation experts today widely reject the notion that the 85<sup>th</sup> percentile speed is the safest speed. The National Transportation Safety Board (NTSB), the National Association of City Transportation Safety Officials and California Transportation Agency (CalSTA) have all concluded we need to reform the way speed limits are set.

The faster a vehicle goes, the chances of survival in a car crash decreases tremendously, especially for vulnerable road users such as pedestrians, bicyclists, seniors and children. According to research conducted by AAA, a person struck by a vehicle going 32.5 mph has a 75% chance of surviving; the survival rate plummets to 50% if the vehicle is going only 8 mph faster. The survival rate is only 10% if the vehicle is travelling at 55 mph.

According to NTSB, Speeding is a factor in 31% of all traffic fatalities. Empty roads due to the COVID-

19 lockdowns led to a significant increases in speeding, with a corresponding increase in fatalities. According to the National Safety Council, vehicle miles traveled dropped 13% in 2020, but the mileage death rate went up 24%, the highest estimated year-over-year jump in 96 years. Over 42 thousand Americans lost their lives to traffic violence in 2020, and an estimated 4.8 million additional road users were seriously injured last year.

One of the proven ways to slow drivers down is to enforce speed limits. However, California law requires cities to conduct a speed survey every 10 years in order for a speed limit to be enforceable, even if no changes have been made to the roadway. In some instances, the lack of enforcement causes drivers to increase their speed further, forcing cities to increase their speed limits in order to enforce them. Los Angeles alone had to increase their speed limits on nearly 200 miles of streets just to enforce the speed limits they have.

Reducing speed limits has been shown to reduce both injuries and fatalities on the road. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited access roads by 5 miles per hour can reduce injuries between 8% and 15%, with some studies finding reductions as great as 28% and 39%. A range of research also suggests lowering speed limits may result in the number of fatalities dropping by 10% to 30%, with one outlier study showing an 80% reduction in fatalities.

AB 2363 (Friedman), Chapter 650, Statutes of 2018, required CalSTA to convene the Zero Traffic Fatalities Task Force to make recommendations to the Legislature on what reforms the state should make to change the way we set speed limits.

**AB 43 (as amended on 3/22/2021):**

- Requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits;
- Permits cities to lower speed limits beyond the 85<sup>th</sup> percentile on streets with high injuries and fatalities, and ensures they will never again have to raise a speed limit on any road if there have been no design changes; and limits the need for updated traffic surveys on certain streets; and
- Provides for greater flexibility in setting school speed limits to protect children.

**Support:**

San Francisco Municipal Transportation Agency  
Southern California Association of Governments

**Contact:**

Julia Kingsley and David Sforza  
Assembly Transportation Committee  
916.319.2093  
Julia.Kingsley@asm.ca.gov  
David.Sforza@asm.ca.gov

Jim Metropulos  
Office of Assemblymember Laura Friedman  
916.319.2043  
Jim.Metropulos@asm.ca.gov







Office of the Mayor

CONSENT CALENDAR  
May 11, 2021

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín and Councilmember Kesarwani  
 Subject: Support of AB 629 - Seamless and Resilient Transit Act

RECOMMENDATION

Adopt a Resolution in support of AB 629 (Chiu), which would require the Metropolitan Transportation Commission to designate transit priority corridors to support fast and reliable transit service and to create a pilot of a multi-operator transit fare pass. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.

BACKGROUND

The Bay Area's transportation network is a connected by different agencies with varied fare structures. While efforts have been made to improve integration, such as the creation of the Clipper Card navigating the system can still be a deterrent to the use of public transit.

AB 629, introduced by Assemblymember David Chiu, aims to make public transit in the Bay Area more integrated, seamless, and user friendly. The bill would require the Metropolitan Transportation Commission (MTC) to move forward on a variety of programs to reach this goal, including:

- Establishing and maintaining a transit priority network for the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service.
- Developing a pilot program to have an integrated fare system that would allow commuters to travel on multiple transit agencies on a fixed fare.
- Developing a comprehensive, standardized regional transit mapping and wayfinding system.

AB 629 is based off of AB 2057, which was introduced in February 2020 but shelved as a result of the COVID-19 pandemic. In May 2020, MTC launched the Blue Ribbon Transit Recovery Task Force aimed at coordinating transit recovery efforts and identifying reforms that would position the Bay Area's transit system to emerge from the pandemic stronger and more connected than before. This bill aims to work in tandem with the work of the Task Force.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving accessibility to public transit will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 629

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

IN SUPPORT OF AB 629

WHEREAS, the Bay Area is home to multiple transit agencies, each with their own fare structures which can be discouraging for commuters who need to travel on multiple systems; and

WHEREAS, efforts to improve the integration of the region's transit agencies have taken place, such as the Clipper Card program that is used by most transit agencies; and

WHEREAS, AB 629, introduced by Assemblymember David Chiu, aims to make public transit in the Bay Area more integrated, seamless, and user friendly; and

WHEREAS, the bill will require the Metropolitan Transportation Commission to undertake several goals, including

- Establishing and maintaining a transit priority network for the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service;
- Developing a pilot program to have an integrated fare system that would allow commuters to travel on multiple transit agencies on a fixed fare;
- Developing a comprehensive, standardized regional transit mapping and wayfinding system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 629.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 629**

---

---

**Introduced by Assembly Member Chiu**

February 12, 2021

---

---

An act to amend Section ~~66411.1~~ of the Government Code, relating to ~~land use~~: 66502 of, and to add Sections 66501, 66513.3, 66516.1, 66516.7, and 66516.9 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 629, as amended, Chiu. ~~Subdivisions: local ordinances. San Francisco Bay area: public transportation.~~

(1) Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relative to providing public transit services.

Existing law requires the commission to develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes.

This bill would require the commission to consult with transit agencies, local jurisdictions, county transportation agencies, and the general public to establish and maintain a transit priority network for

*the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service.*

*(2) Existing law requires the Metropolitan Transportation Commission, in coordination with a specified regional transit coordinating council, to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction.*

*This bill would require the commission on or before February 1, 2022, to submit a copy of a specified transit fare study undertaken by the commission to certain committees of the Legislature. The bill would require the commission to submit a report on or before January 1, 2023, to those entities on the progress of implementing the recommendations of that study.*

*The bill would require the commission, on or before July 1, 2023, to create a pilot program to implement an accumulator pass among multiple operators providing service in at least 3 adjacent counties.*

*(3) Existing law authorizes the Metropolitan Transportation Commission to improve service coordination and effectiveness in specified transit corridors by recommending improvements in those corridors, including the reduction of duplicative service and institution of coordinated service across public transit system boundaries.*

*This bill would require the commission, in consultation with transit agencies, on or before July 1, 2024, to develop a comprehensive, standardized regional transit mapping and wayfinding system and to develop an implementation and maintenance strategy and funding plan for deployment of the system. The bill would require each transit agency to use only this system by July 1, 2025, unless the commission adopts a schedule that sets out an alternate deployment timeline.*

*The bill would require a transit operator in the San Francisco Bay area to use open data standards to make available all routes, schedules, and fares in a specified data format and to track actual transmission of real-time information by transit vehicles and report that information to the commission to ensure that schedule predictions are available. The bill would require the commission to coordinate these activities and to develop an implementation and funding plan for deployment of real-time information.*

*(4) Existing law authorizes a regional transportation agency or the Department of Transportation to apply to the California Transportation Commission to develop and operate high-occupancy toll lanes or other toll facilities.*

*The bill would require, on or before January 1, 2024, the Metropolitan Transportation Commission, in partnership with the Department of Transportation and the operators of managed lanes in the San Francisco Bay area, to take specified steps to ensure the regional managed lanes network supports seamless operation of high-capacity transit.*

*(5) By imposing new duties on local agencies, this bill would impose a state-mandated local program.*

*(6) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~The Subdivision Map Act provides that when a local ordinance requires improvements for a division of land which is not a subdivision of 5 or more lots, regulations must be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements of the parcels being created. Existing law provides that a subdivider is not required to fulfill those construction requirements until a permit or other grant of approval for development of the parcel is issued, unless otherwise provided by ordinance.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. This act shall be known, and may be cited, as the*

2     *Seamless and Resilient Bay Area Transit Act.*

3     *SEC. 2. The Legislature finds and declares all of the following:*

4     *(a) Transit connectivity and integration in the nine-county San*  
5     *Francisco Bay area has been a longstanding challenge. Legislative*  
6     *efforts to mandate and incentivize coordination between dozens*  
7     *of disparate transit agencies date back to 1996 and earlier.*

8     *(b) Low-income residents, many of whom have experienced*  
9     *displacement and have long commutes requiring many transfers,*  
10    *are among the most adversely affected by the fragmentation,*  
11    *experiencing a significant financial burden from needing to pay*

1 *multiple separate transit fares or being forced into costly vehicle*  
2 *ownership.*

3 *(c) As of 2017, only 5 percent of all trips in the San Francisco*  
4 *Bay area were made using transit. Per-capita transit ridership in*  
5 *the region decreased 12 percent between 1991 and 2016. “Plan*  
6 *Bay Area 2050,” prepared by the Metropolitan Transportation*  
7 *Commission, has identified that to achieve climate, equity and*  
8 *economic goals, the share of commuters who travel by transit must*  
9 *increase from 13 percent in 2015 to at least 20 percent by 2050.*

10 *(d) With 31 percent of bay area essential workers relying on*  
11 *public transit to get to work, transit plays a critical role during*  
12 *emergencies. Close coordination among agencies facilitates*  
13 *prioritization of critical needs, efficient deployment of resources,*  
14 *and clear communication to customers.*

15 *(e) In response to the COVID-19 pandemic, in May 2020, the*  
16 *Metropolitan Transportation Commission convened a 32-member*  
17 *Blue Ribbon Transit Recovery Task Force composed of transit*  
18 *agency managers, advocates, and elected officials, aimed at*  
19 *coordinating transit recovery efforts and identifying reforms that*  
20 *would position the bay area’s transit system to emerge from the*  
21 *pandemic stronger and more connected than before.*

22 *(f) In November 2020, the Blue Ribbon Transit Recovery Task*  
23 *Force adopted a vision of transit transformation to “design,*  
24 *adequately invest in and effectively manage a public transit*  
25 *network that is inclusive, appropriately frequent, accessible,*  
26 *reliable, and integrated with unified service, fares, schedules,*  
27 *customer information and identity, serving all bay area*  
28 *populations, resulting in increased transit ridership and reduced*  
29 *growth in vehicle miles traveled.”*

30 *SEC. 3. It is the intent of the Legislature to enact subsequent*  
31 *legislation that would do the following:*

32 *(a) Support the adopted vision and goals of the Blue Ribbon*  
33 *Transit Recovery Task Force to enable the creation of a*  
34 *high-ridership, reliable, accessible, resilient, and seamlessly*  
35 *integrated public transportation system in the nine-county San*  
36 *Francisco Bay area.*

37 *(b) Institutionalize transit system network management for the*  
38 *nine-county San Francisco Bay area, informed by the*  
39 *recommendations of the Transit Transformation Action Plan*  
40 *prepared by the Blue Ribbon Transit Recovery Task Force and*

1 *subsequent action taken by the Metropolitan Transportation*  
 2 *Commission.*

3 *SEC. 4. Section 66501 is added to the Government Code, to*  
 4 *read:*

5 *66501. The Legislature finds and declares that it is the policy*  
 6 *of the state that all transportation agencies in the region, including*  
 7 *the commission, congestion management agencies, and transit*  
 8 *agencies, work toward the following goals:*

9 *(a) Integrate all transit in the region to operate as one seamless,*  
 10 *easy-to-use, multimodal transit system from the perspective of the*  
 11 *user.*

12 *(b) Equitably expand and improve access to high-quality,*  
 13 *reliable, and affordable public transportation.*

14 *(c) Prioritize institutional reforms that support the creation of*  
 15 *a more seamless and resilient public transportation network.*

16 *SEC. 5. Section 66502 of the Government Code is amended to*  
 17 *read:*

18 *66502. (a) There is hereby created, as a local area planning*  
 19 *agency and not as a part of the executive branch of the state*  
 20 *government, the Metropolitan Transportation Commission to*  
 21 *provide comprehensive regional transportation planning for the*  
 22 *region comprised of the City and County of San Francisco and the*  
 23 *Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,*  
 24 *Santa Clara, Solano, and Sonoma.*

25 *As used in this title, “region” means the region described in this*  
 26 *section.*

27 *(b) For purposes of this title, the following definitions apply:*

28 *(1) “Commission” means the Metropolitan Transportation*  
 29 *Commission.*

30 *(2) “Region” means the region described in subdivision (a).*

31 *SEC. 6. Section 66513.3 is added to the Government Code, to*  
 32 *read:*

33 *66513.3. (a) The commission shall consult with transit*  
 34 *agencies, local jurisdictions, county transportation agencies, and*  
 35 *the general public to establish and maintain a transit priority*  
 36 *network for the region that designates corridors that will most*  
 37 *benefit from interventions to support fast and reliable transit*  
 38 *service. Interventions include roadway management, bus*  
 39 *infrastructure improvements, right-of-way designations, traffic*  
 40 *signal operations, traffic and parking enforcement, parking*



AB 629

— 6 —

1 restrictions, and other actions designed to provide faster and more  
 2 reliable transit travel. In designating corridors as part of the transit  
 3 priority network, the commission shall do all of the following:

4 (1) Consider transit ridership, equity, network connectivity,  
 5 current and future growth patterns, and the importance of the  
 6 segment to the overall transit network.

7 (2) Evaluate all road segments nominated by transit agencies,  
 8 local jurisdictions, and county transportation agencies.

9 (3) Consider for inclusion any high-quality bus corridor, as  
 10 defined in Section 65913.15.

11 (4) Include transit corridors funded through the Solutions for  
 12 Congested Corridors Program (Chapter 8.5 (commencing with  
 13 Section 2390) of Division 3 of the Streets and Highways Code).

14 (b) On or before January 1, 2024, the commission shall, in  
 15 partnership with the Department of Transportation and the  
 16 operators of managed lanes in the region, take the following steps  
 17 to ensure the regional managed lanes network supports seamless  
 18 operation of high-capacity transit:

19 (1) Develop regional policy goals, performance measures, and  
 20 targets that will guide decisionmaking for the buildout and  
 21 operation of the regional managed lanes network.

22 (2) Initiate a process with the Department of Transportation  
 23 and the Department of the California Highway Patrol to establish  
 24 options for delivering managed lanes that support reliable bus  
 25 travel while minimizing roadway expansions that may increase  
 26 vehicle miles traveled.

27 (3) Submit a report to the Legislature recommending changes  
 28 to state and federal law that would support a more efficient and  
 29 sustainable regional managed lanes network and regional  
 30 high-capacity transit in compliance with Section 9795. The report  
 31 shall also be submitted to the Senate Committee on Transportation,  
 32 the Assembly Committee on Transportation, and relevant  
 33 committees of the United States Congress.

34 SEC. 7. Section 66516.1 is added to the Government Code, to  
 35 read:

36 66516.1. (a) The Legislature finds and declares both of the  
 37 following:

38 (1) Transit riders in the region face a confusing array of fares,  
 39 significant variability in price for the same distance and transit

1 *mode, 16 different youth discount rates, and 14 different senior*  
2 *discount rates.*

3 *(2) While many transit agencies' discount programs aim to*  
4 *advance equity and expand access to disadvantaged populations,*  
5 *the lack of an integrated fare structure punishes low-income riders*  
6 *who commute across transit agency boundaries.*

7 *(b) On or before February 1, 2022, the commission shall submit*  
8 *a copy of the study entitled the Fare Coordination and Integration*  
9 *Study and Business Case to the Senate Committee on*  
10 *Transportation, and the Assembly Committee on Transportation.*

11 *(c) On or before January 1, 2023, the commission shall submit*  
12 *a report to the Senate Committee on Transportation and the*  
13 *Assembly Committee on Transportation on the progress of*  
14 *implementing the recommendations included in the study described*  
15 *in subdivision (b).*

16 *(d) On or before July 1, 2023, the commission shall create a*  
17 *pilot program to implement an accumulator pass among multiple*  
18 *operators providing service in at least three adjacent counties.*

19 *(e) For purposes of this section, "accumulator pass" means a*  
20 *fare product that charges users for their transit usage on a per-trip*  
21 *basis, but limits total user costs to a daily, weekly, or monthly*  
22 *maximum amount, with the goal of incentivizing and rewarding*  
23 *frequent transit use.*

24 *SEC. 8. Section 66516.7 is added to the Government Code, to*  
25 *read:*

26 *66516.7. (a) The Legislature finds and declares both of the*  
27 *following:*

28 *(1) The lack of a universal regional transit map and common*  
29 *wayfinding format at transit stops and stations in the region adds*  
30 *to the fragmented experience transit riders encounter, especially*  
31 *when planning a trip across multiple operators.*

32 *(2) Research has shown that the way transit lines and stations*  
33 *are displayed on maps strongly influences how travelers use the*  
34 *system.*

35 *(b) The commission, in consultation with transit agencies, shall,*  
36 *on or before July 1, 2024, do both of the following:*

37 *(1) Develop a comprehensive, standardized regional transit*  
38 *mapping and wayfinding system, including common branding for*  
39 *regional transit service and a shared digital mapping platform.*  
40 *Standards and resources shall be developed to display this*

1 *information on print, digital, and interactive media. The system*  
 2 *shall identify the standards that are required and the standards*  
 3 *that allow for customization.*

4 *(2) Develop an implementation and maintenance strategy and*  
 5 *funding plan to deploy the comprehensive, standardized regional*  
 6 *transit mapping and wayfinding system. The commission may*  
 7 *adopt a phased deployment of the system.*

8 *(c) Each transit agency shall use only the comprehensive,*  
 9 *standardized regional transit mapping and wayfinding system by*  
 10 *July 1, 2025, unless the commission adopts a schedule that sets*  
 11 *out an alternate deployment timeline.*

12 *SEC. 9. Section 66516.9 is added to the Government Code, to*  
 13 *read:*

14 *66516.9. (a) The Legislature finds and declares all of the*  
 15 *following:*

16 *(1) Studies have shown that travelers view the wait time at a*  
 17 *transit stop as the most inconvenient part of the transit journey*  
 18 *experience.*

19 *(2) Despite best efforts by the transit operators to adhere to*  
 20 *their published schedules, the conditions on the roadway, including*  
 21 *congestion and other unplanned delays, create unpredictability*  
 22 *for on-time arrivals.*

23 *(3) The development of technology enabling real-time transit*  
 24 *information, including arrival and departure predictions, vehicle*  
 25 *locations, occupancy, and service alerts, has created an*  
 26 *opportunity for transit agencies to alleviate the wait-time*  
 27 *frustrations and provide riders with other useful trip information.*

28 *(4) Transit riders should have access to consistent and uniform*  
 29 *real-time information across all transit services in the region.*

30 *(b) A transit operator in the region shall, on or before January*  
 31 *1, 2023, do all of the following:*

32 *(1) Use open data standards to make available all routes,*  
 33 *schedules, and fares in the General Transit Feed Specification*  
 34 *(GTFS) data format.*

35 *(2) Make real-time transit vehicle data available in*  
 36 *GTFS-Realtime or a similar data format considered best practice*  
 37 *in the industry.*

38 *(3) Track actual transmission of real-time information by transit*  
 39 *vehicles and report that information to the commission to ensure*  
 40 *that schedule predictions are available.*

1 (c) *The commission shall coordinate the activities of transit*  
 2 *operators pursuant to subdivision (b), serve as the point of contact*  
 3 *for data development and dissemination to third parties, and*  
 4 *develop an implementation and funding plan for deployment of*  
 5 *real-time information.*

6 *SEC. 10. If the Commission on State Mandates determines that*  
 7 *this act contains costs mandated by the state, reimbursement to*  
 8 *local agencies and school districts for those costs shall be made*  
 9 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 10 *4 of Title 2 of the Government Code.*

11 ~~SECTION 1. Section 66411.1 of the Government Code is~~  
 12 ~~amended to read:~~

13 ~~66411.1. (a) Notwithstanding Section 66428, whenever a local~~  
 14 ~~ordinance requires improvements for a division of land that is not~~  
 15 ~~a subdivision of five or more lots, the regulations shall be limited~~  
 16 ~~to the dedication of rights-of-way, easements, and the construction~~  
 17 ~~of reasonable offsite and onsite improvements for the parcels being~~  
 18 ~~created. Requirements for the construction of offsite and onsite~~  
 19 ~~improvements shall be noticed by a statement on the parcel map,~~  
 20 ~~on the instrument evidencing the waiver of the parcel map, or by~~  
 21 ~~a separate instrument and shall be recorded on, concurrently with,~~  
 22 ~~or prior to the parcel map or instrument of waiver of a parcel map~~  
 23 ~~being filed for record.~~

24 ~~(b) Notwithstanding Section 66428, fulfillment of the~~  
 25 ~~construction requirements shall not be required until a permit or~~  
 26 ~~other grant of approval for development of the parcel is issued by~~  
 27 ~~the local agency or, where provided by local ordinances, until the~~  
 28 ~~construction of the improvements is required pursuant to an~~  
 29 ~~agreement between the subdivider and the local agency, except~~  
 30 ~~that in the absence of an agreement, a local agency may require~~  
 31 ~~fulfillment of the construction requirements within a reasonable~~  
 32 ~~time following approval of the parcel map and prior to the issuance~~  
 33 ~~of a permit or other grant of approval for the development of a~~  
 34 ~~parcel upon a finding by the local agency that fulfillment of the~~  
 35 ~~construction requirements is necessary for either of the following~~  
 36 ~~reasons:~~

37 ~~(1) The public health and safety.~~

**AB 629**

— 10 —

- 1    ~~(2) The required construction is a necessary prerequisite to the~~
- 2    ~~orderly development of the surrounding area.~~

O

98





CONSENT CALENDAR

May 11, 2021

TO: Members of the City Council

FROM: Mayor Jesse Arreguín

SUBJECT: Amending COVID-19 Emergency Response Ordinance Relating to Commercial Leases

**RECOMMENDATION**

Adopt an urgency ordinance amending Berkeley Municipal Code Section 13.110.050 (COVID-19 Emergency Response Ordinance) to exempt from the provisions of the ordinance commercial leases where the lease term has expired and the City has issued a permit for the demolition or substantial alternation of the commercial unit. The proposed ordinance change reads as follows:

13.110.050 Application

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served or filed or which expire on or after the effective date of this Chapter through the end of the local State of Emergency. It does not apply to withdrawal of accommodations from the rental market pursuant to Government Code [7060](#) et seq. ("Ellis Act"), commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

**BACKGROUND**

The City of Berkeley declared a local State of Emergency on March 3, 2020 in response to the COVID-19 pandemic, first detected globally in late December 2019. Shortly thereafter, Council passed BMC 13.110 - the COVID-19 Emergency Response Ordinance - prohibiting most evictions in Berkeley, which has been subsequently updated over the past year. Despite recent data showing a decline in new cases in the Bay Area and progress in the distribution and administration of vaccines, the threat of another wave of infections remains, and cases in other regions continue to rise. There is currently no timeline as to when the local State of Emergency will end, and even when the health crisis is no longer a significant threat to the community, the economic ramifications of COVID-19 will be felt for some time in the future.

The current COVID-19 Emergency Response Ordinance provides a critical lifeline to residential and commercial tenants who have faced financial difficulties as a result of the pandemic. This item makes a very narrow amendment to the ordinance exempting from its provisions a lease termination for a commercial tenant whose lease term has expired and where the City has already approved a permit for demolition or substantial alteration of the unit.

While the City does not want to create an incentive to evict existing commercial tenants. However in limited cases where the lease has already expired and there has been an approved project, the City should enable those housing and mixed-use projects to proceed. Berkeley faces a critical shortage of housing, particularly for low, very-low and extremely-low income households. It was never the intent of the Council to prohibit already entitled projects, where the lease has expired to be stalled due to the commercial eviction moratorium.

This is necessary to move forward with existing approved developments that are needed to address the housing affordability crisis and meet the quota of new units as prescribed in the Regional Housing Needs Allocation (RHNA). Without an end date for when the local State of Emergency will be lifted, clarity in the ordinance language is needed to allow property owners who have already entitled projects to proceed with building needed housing.

## **CONTACT**

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100

### Attachments:

1. Urgency Ordinance



ORDINANCE NO. -N.S.

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKELEY AMENDING THE COVID-19 EMERGENCY RESPONSE ORDINANCE; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

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

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

Chapter 13.110

COVID-19 EMERGENCY RESPONSE ORDINANCE

Sections:

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

13.110.010 Findings and Purpose.

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, the council ratified an extension of the local state of emergency through June 21, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

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

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

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

On April 6, 2020, the Judicial Council of California issued emergency rules suspending court proceedings for unlawful detainer and judicial foreclosures until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted.

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

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

At the same time, the Governor, as well as, the Berkeley Health Officer, and those of other jurisdictions ordered the closure of businesses, except those deemed essential. Many businesses, such as restaurants, are open only for take-out or pick up services and face a critical loss of business.

The City Council is aware that some landlords of commercial properties are seeking significant rent increases during the period when many commercial tenants are closed or are experiencing substantial and catastrophic reductions in their business and income. Such rent increases force tenants who are closed or have substantially reduced revenues face the choice of accepting a significant rent increase, moving at a time when it is virtually impossible, or closing altogether. Accepting a rent increase while closed or in a reduced state of operations means that the commercial tenants face even more debt to the landlord when the emergency is over, and may face a substantially increased rent when the tenant returns to normal operations, if ever.

Landlords of commercial property that unreasonably increases rents on tenants of commercial property during the COVID-19 emergency significantly impacts vulnerable small businesses, nonprofits, and artists who form a large part of the backbone of Berkeley's economy, revenue sources, and employment opportunities. These rent increases are coming at a time when the commercial rents are likely falling due to business closures and potential loss of businesses at the end of the emergency. Thus, these rent increases appear as a way of evading the Governor's and Berkeley's commercial tenant eviction moratorium by forcing tenants to agree to rent increases or leave. Such conduct constitutes constructive evictions in contravention of the eviction moratorium. Furthermore, such rent increases may affect businesses providing goods and essential services, resulting in increases in those costs of essential goods and services contravening the intent of anti-price gouging laws.

On expiration of leases when the emergency order is in place, unreasonable rent increases have already forced the closure of businesses and will result in closing of additional business causing loss of income for the business owners, loss of employment for the employees and of revenue to the city, and an increase in homelessness. To reduce the spread of COVID-19, it is essential to avoid unnecessary displacement and homelessness. Because of the emergency restrictions, businesses forced out due to increased rents will be unable to move to new locations and new businesses will be unable to open during this emergency period. During a state of emergency cities have extraordinary powers and jurisdiction to create legislation in order to counteract the effects of the emergency situation on its people and businesses. Protecting tenants from excessive rent increases will prevent additional loss of employment and essential services for Berkeley residents. In order to effectively implement an eviction moratorium, the City Council finds it imperative to prevent constructive eviction through unreasonable rent increases.

Accordingly, the City of Berkeley adopts the following amendments to Berkeley Municipal Code Chapter 13.110. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

13.110.020 Prohibited Conduct.

A. During the local State of Emergency, no landlord or other entity shall evict or attempt to evict an occupant of real property unless necessary for the health and safety of residents. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served during the local State of Emergency.

C. No landlord of an Impacted Business or Nonprofit may upon expiration of a lease increase rent for an Impacted Business or Nonprofit in an amount greater than ten (10) percent over the rent in effect at the commencement of the local state of emergency declared by the Director of Emergency Services. For purposes of this section, rent

means all consideration for the use and enjoyment of the rented premises, including base rent and any additional rent or other charges for costs such as utilities, maintenance, cleaning, trash removal, repairs and any other charges to the tenant required under the rental agreement. This section 13.110.020 C. shall expire on May 31, 2020, concurrent with Executive Order N-28-20; provided, however, that this section shall be automatically extended if Executive Order N-28-20 is extended or the tenant protections therein are extended pursuant to another Governor's Executive Order.

D. For the duration of the local State of Emergency, if a tenant has a Covered reason for delayed payment the tenant may terminate a lease or rental agreement with 30 days' notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic. (Ord. 7720-NS § 1, 2020: Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.030 Definitions.

A. "Covered Reason for Delayed Payment" means:

(1) the basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupants' income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, or, in a group living arrangement wherein all tenants are collectively responsible for payment of the rent to the landlord, a reduction in the number of tenants living in the unit which reduces the ability of the remaining tenants to pay the rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and

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

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

C. "Impacted Business or Nonprofit" means a business or nonprofit organization that had a business license in 2019 or 2020 in the City of Berkeley or is a registered nonprofit in either or both of those years and:

1. whose operation has been shut down due to the COVID-19 emergency, or
2. that is unable to accept customers at its location and is open for limited virtual, take-out or pickup services only, or
3. who suffered a material loss of income.

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

E. "Tenant" includes a tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement to use or occupancy of either residential or commercial property. (Ord. 7704-NS § 1 (part), 2020; Ord. 7698-NS § 1 (part), 2020; Ord. 7693-NS § 1 (part), 2020)

#### 13.110.040 Collection of Back Rent and Late Fees.

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the local State of Emergency. The City will develop standards or guidelines for tenants to repay unpaid rent accrued during the course of the local State of Emergency. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

B. Tenants shall have up to twelve (12) months to pay rent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement"). Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. A Tenant is not required to provide documentation to the Landlord in advance to qualify for the repayment of rent over the 12 months. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or within thirty (30) days after the local State of Emergency is ended, whichever is later. In the case of nonpayment of rent, the failure of a Tenant to notify the landlord in advance of being delinquent in the payment of rent prior to being served with a notice pursuant to Code of Civil Procedure section 1161(2) does not waive the Tenant's right to claim this Chapter as a complete defense to nonpayment of rent in an unlawful detainer action.

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

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.050 Application.

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served or filed or which expire on or after the effective date of this Chapter through the end of the local State of Emergency. It does not apply to withdrawal of accommodations from the rental market pursuant to Government Code 7060 et seq. ("Ellis Act"), commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. With respect to delayed payment covered by this Ordinance, a landlord may seek such rent after the expiration of the local State of Emergency, pursuant to Section

13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) et seq. or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued due to a Covered Reason for Delayed Payment during the term of the local State of Emergency. In any action to evict based on alleged non-payment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time from the effective date of this Chapter to the expiration of the local State of Emergency and there exists a Covered Reason for Delayed Payment.

C. A Landlord shall not retaliate against a Tenant for exercising their rights under this Ordinance, including but not limited to shutting off any utilities or reducing services or amenities to which the Tenant would otherwise be entitled.

D In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.060 Implementing Regulations.

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring landlords to give a notice to Tenants informing them of this Chapter and the right to seek the benefits of this Chapter. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.070 Waiver.

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



B. Any agreement by a Tenant to waive any rights under this ordinance shall be void and contrary to public policy. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.080 Remedies.

In the event of a violation of this Ordinance, an aggrieved tenant may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate. Money damages shall only be awarded if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this Ordinance. The prevailing party shall be entitled to reasonable attorney'and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law. In addition, this Ordinance grants a defense to eviction in the event that an unlawful detainer action is commenced in violation of this Ordinance.

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

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

1. Violations of Section 13.110.020(C) may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a commercial property landlord demands rent in excess of the amount permitted pursuant to Section 13.110.020(C) is a separate violation. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

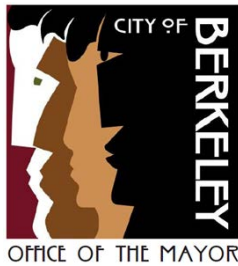
2. The City Attorney may refer those in violators of Section 13.110.020(C) to the Alameda County District Attorney for redress as a violation of Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to Business and Professions Code section 17200, et seq. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

13.110.090 Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

Section 2. Vote Required, Immediately Effective

Based upon the findings in Section 13.110.010 of this Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.



CONSENT CALENDAR

May 11, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín and Councilmember Sophie Hahn

Subject: Commit to C40 Race to Zero Campaign

RECOMMENDATION

Adopt a Resolution committing the City of Berkeley to the C40 Race to Zero Campaign.

BACKGROUND

The City of Berkeley has long been a leader on climate action. In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil Fuel-Free City," and the Council declared a Climate Emergency, all steps to signal the urgency of these ambitious goals and the need to act on climate threats in an equitable manner.

In July, 2020 City staff provided a detailed update on the Climate Action and Resilience plans, which provided a summary of the work being done to date throughout the City to meet Berkeley's ambitious climate goals (Attachment 2). Key efforts include the development of Berkeley's first Electric Mobility Roadmap, the Natural Gas Prohibition Ordinance, the Building Energy Savings Ordinance, and promoting active transportation. More recently, the City Council took action to remove parking minimums in most new construction.<sup>1</sup> These actions demonstrate Berkeley's climate leadership and the critical role for cities to play in climate action.

The Race to Zero is a global campaign run by the COP26 Presidency and High-Level Climate Champions to rally leadership and support from businesses, cities, regions and investors for a healthy, resilient, zero carbon transition that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth. The objective is to build momentum around the shift to a decarbonized economy ahead of COP26, where governments must strengthen their contributions to the Paris Agreement. This will send

---

<sup>1</sup> Berkeley City Council Special Meeting Annotated Agenda, January 26, 2021, [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/01\\_Jan/Documents/01-26\\_Special\\_Annotated\\_Agenda\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/01-26_Special_Annotated_Agenda_pdf.aspx)

governments a resounding signal that cities, regions, businesses and investors are united in meeting the Paris goals and creating a more inclusive and resilient economy.<sup>2</sup>

By adopting this resolution the City will leverage its commitment to climate action and join with other cities and leaders who share our vision for a better future based on a set of principles that address equity and the environment.

#### ENVIRONMENTAL IMPACT

Joining coalitions in support of national and international agreement toward climate action is critical to Berkeley's goals of achieving a more sustainable, equitable and resilient future.

#### FINANCIAL IMPLICATIONS

The recommended action is based on consultation and suggestion of City staff. It is not anticipated that this effort will require any additional staff work at this time.

#### CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981- 7100

#### Attachments:

1. Resolution
2. Climate Action Plan and Resilience Update, July 21, 2020
3. March 2021 Climate Mayors Presentation, Race to Zero Overview

---

<sup>2</sup>About Cities Race to Zero, [https://www.c40knowledgehub.org/s/cities-race-to-zero?language=en\\_US](https://www.c40knowledgehub.org/s/cities-race-to-zero?language=en_US)

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

COMMITTING THE CITY OF BERKELEY TO THE RACE TO ZERO CAMPAIGN

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

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

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

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

WHEREAS, on July 23, 2019, Berkeley City Council adopted a Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80); and

WHEREAS, on December 3, 2019, Berkeley City Council held a public hearing and adopted an electric-favored reach code to complement the Natural Gas Prohibition; and

WHEREAS, on July 21, 2020, Berkeley City Council adopted the first Berkeley Electric Mobility Roadmap; and

WHEREAS, this demonstrable leadership on climate action has made Berkeley a regional and national model that can be leveraged by joining national campaigns and coalitions for climate actions; and

WHEREAS, the Race to Zero Campaign is a global campaign run by the COP26 Presidency and High-Level Climate Champions to rally leadership and support from businesses, cities, regions and investors for a healthy, resilient, zero carbon transition that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth; and

WHEREAS, the objective of this campaign is to build momentum around the shift to a decarbonized economy ahead of COP26, where governments must strengthen their contributions to the Paris Agreement; and

WHEREAS, there are five requirements to join the Race to Zero:

1. Endorse the four principles
2. Pledge to reach net zero in the 2040s or by mid-century at the latest and limit warming to 1.5°C.
3. Plan to set an interim 2030 target consistent with a fair share of 50% global emission reductions

4. Begin at least one inclusive and equitable climate action.<sup>3</sup>
5. Publish your target and action to a reporting platform and report progress annually; and

WHEREAS, the City of Berkeley has already taken partial or complete action on the requirements; and

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council pledges to join the Race to Zero Campaign and commits itself to the following principles:

1. We recognize the global climate emergency.
2. We are committed to keeping global heating below the 1.5°C goal of the Paris Agreement.
3. We are committed to putting inclusive climate action at the center of all urban decision-making, to create thriving and equitable communities for everyone.
4. We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it; and

BE IT FURTHER RESOLVED that the Berkeley City Council commits to reaching net-zero in 2045 or sooner and limit warming to 1.5°C; and

BE IT FURTHER RESOLVED that the Berkeley City Council will plan to set an interim 2030 target consistent with a fair share of 50% global emission reductions; and

BE IT FURTHER RESOLVED that the Berkeley City Council will continue to pursue inclusive and equitable climate actions and publish the results of the progress.

---

<sup>3</sup> [https://www.c40knowledgehub.org/s/race-to-zero-thank-you?language=en\\_US](https://www.c40knowledgehub.org/s/race-to-zero-thank-you?language=en_US)



Office of the City Manager

ACTION CALENDAR  
July 21, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Timothy Burroughs, Director, Department of Planning and Development  
Subject: Climate Action Plan and Resilience Update

SUMMARY

The City of Berkeley has long been a leader on climate action. In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil Fuel-Free City," and the Council declared a Climate Emergency, all steps to signal the urgency of these ambitious goals and the need to act on climate threats in an equitable manner.

The community is making notable progress in reducing GHG emissions. Based on the best currently available data from 2018, the community has reduced overall GHG emissions by 26% since 2000, despite population increasing by 18% and an expanding economy.<sup>1</sup> This achievement is largely due to reduced energy use in buildings and the transition to purchasing cleaner electricity provided by East Bay Community Energy (EBCE), Alameda County's community-based electricity provider, which started enrolling customers in 2018. EBCE currently offers product options to purchase electricity that are either emissions-free (Brilliant 100 or Renewable 100) or have half of the emissions compared to PG&E (Bright Choice). Further declines in emissions due to this change are anticipated in 2019. The leadership and commitment of the Berkeley community and City Council to create and join EBCE were critical in achieving this success.

Although Berkeley has made significant progress, additional work is required to achieve the City's ambitious goal to become a Fossil Fuel-Free City. Alongside GHG emission reductions, staff also remains committed to developing community resilience, adapting to the changing climate, and advancing racial equity. As the world faces unprecedented challenges in recovering from COVID-19 and addressing racial justice, the City can

---

<sup>1</sup> Staff Report: Berkeley Economic Dashboards, March 26, 2019:  
[https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf)

rebuild as a stronger, more equitable, and more resilient community by prioritizing solutions that address climate change while advancing racial equity.

This report provides a summary of work being done throughout the City to meet Berkeley's ambitious climate goals.

### CURRENT SITUATION AND ITS EFFECTS

City staff annually calculates community greenhouse gas (GHG) emissions to understand which sectors and fuels contribute the most emissions in Berkeley, track progress toward the community's climate goals, and provide data that can be used for prioritizing programs and policies.

Figure 1 below shows the community emissions inventory for 2018, the most recent available data: emissions from transportation account for over half (59%) and emissions from buildings account for over a third (37%). Due to the purchase of clean electricity from East Bay Community Energy (EBCE) starting in 2018, emissions from the building electricity sector are substantially less than previous years.

### 2018 Greenhouse Gas Inventory

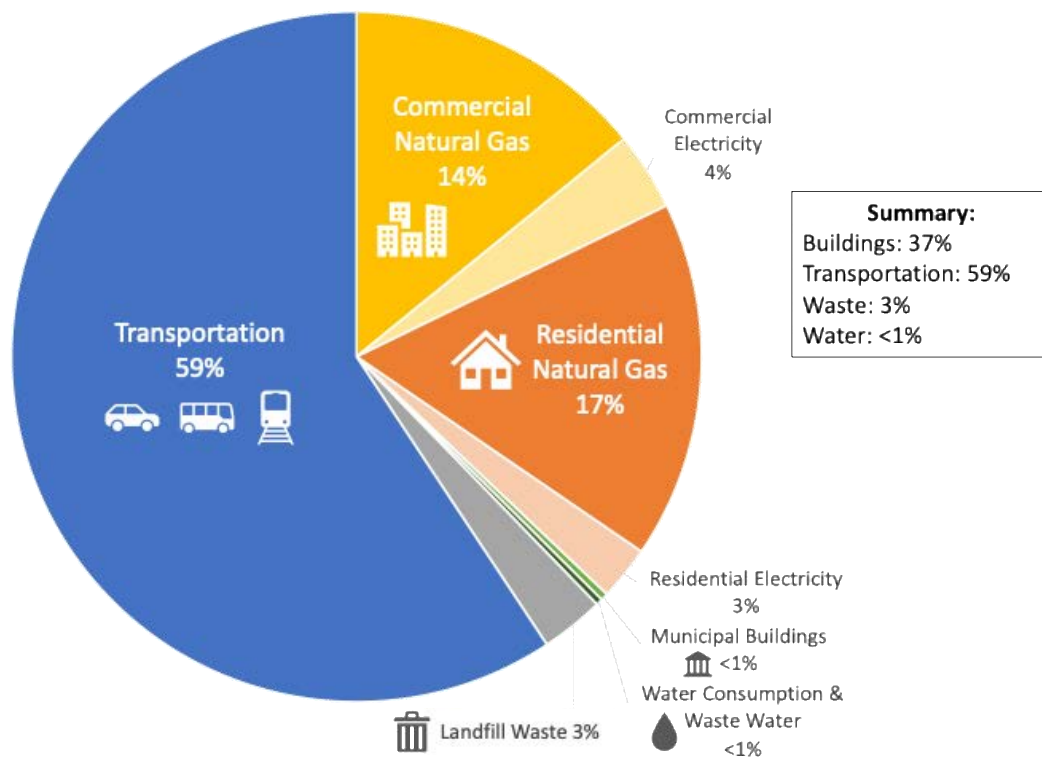


Figure 1 - Pie chart of 2018 community-wide GHG emissions inventory, broken down by sector and fuel.



According to 2018 data, Berkeley reduced GHG emissions by 26% below year 2000 levels, even as its population grew by 18% and Berkeley's economy expanded. This significant decrease in emissions can largely be attributed to Berkeley joining EBCE in 2018. Even though customers transitioned to EBCE over the course of 2018 and during a portion of the year were still using PG&E electricity, overall community emissions were significantly less because in 2018 EBCE's electricity was considerably cleaner than PG&E's (approximately half the amount of carbon dioxide equivalent [CO<sub>2</sub>e]). It is anticipated that building energy emissions will continue to drop for 2019—the first complete year of Berkeley's participation in EBCE—and going forward, as EBCE continues to reduce the carbon intensity of its electricity.

Energy usage also has declined since 2000. The residential sector decreased electricity usage by 20% and natural gas usage by 26%, and the commercial and industrial sectors decreased electricity usage by 32% and natural gas usage by 2%. Attachment 1 provides more detail on Berkeley's sector-based GHG inventory, as well as an overview of a 2013 consumption-based inventory which accounts for the GHGs released to produce, transport, sell, use, and dispose of goods consumed in Berkeley.

The community accomplishments to date are impressive, but more is needed to achieve Berkeley's ambitious goals. The City is actively working on analyses and strategic planning initiatives to identify how best to make Berkeley's buildings and transportation more efficient, and free of fossil fuels. These efforts will determine the most valuable and achievable programs and policies. This work aligns with the Strategic Plan priority of advancing the City's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

In order to truly achieve a more sustainable and resilient future, especially as the City rebuilds from COVID-19, it is critical to prioritize and consider the impacts on **equity** (who benefits, who is burdened, who is left out), **resilience** (how to make the community stronger and better able to recover from challenges together), **climate change** (how to mitigate and adapt to the impacts of climate change), **health and well-being** (how to improve health and social outcomes for all), and **prosperity** (how to encourage workforce development and good quality, high-paying local jobs). These overarching values guide staff's work to achieve Berkeley's climate goals.

Key accomplishments and examples of work underway at the City to reduce GHG emissions and address the climate emergency are described below. Although the data for GHG emissions is for the calendar year of 2018, the progress on programs described in the following sections includes efforts since December 6, 2018, the last time that this report was updated for City Council.

## Equity



*Prioritizing the advancement of equity outcomes into policies and programs.*

Climate change affects everyone, but its impacts are not felt equally. Programs and policies that address climate change must prioritize communities that have been subject to structural and institutional racism and/or are disproportionately affected by climate change. City staff is committed to applying an equity approach to climate work to ensure that policies, plans, and programs are developed in a way that involves input and collaboration with community members and organizations representing underserved communities. This approach begins with an analysis of who benefits, who is burdened, and who is excluded from City sustainability programs and policies in order to prioritize policy solutions that advance equity, accessibility, and inclusion.

Examples of equity work underway in OESD include:

- **Existing Building Electrification Strategy:** Staff is working with a team of building electrification experts to develop a report with short and long-term equitable strategies to electrify all of Berkeley's existing buildings. To ensure that equity is at the center of this Strategy, equity expertise and deliverables were integrated into the procurement process and contract. The Ecology Center is serving as the consultant on equity and is facilitating discussions with community organizations on this topic. The team is using an equity analysis to understand the impacts of policy options on the most vulnerable and impacted communities, in order to identify solutions that advance equity.
- **Electric Mobility Roadmap:** Providing equity, both in the process of developing strategies, as well as in implementing equitable solutions that are meaningful and measurable, was a clear and consistent focus while creating the Electric Mobility Roadmap (Roadmap). Community organizations who work with underserved communities, including low-income populations, communities of color, and people with disabilities, were interviewed as part of the early needs assessment phase, became thought-partners as draft strategies and actions were developed, and remain potential partners for implementation. Greenlining Institute was a paid strategic advisor on this project and provided clear, thoughtful direction and language to ensure that equity was addressed in a meaningful way.
- **Proposed Resilient Homes Equity Pilot Program:** Concurrent to the referral to update the Transfer Tax Rebate Program, staff is recommending that Council consider supporting the development of a parallel equity program (the Resilient Homes Equity Pilot Program) that would provide funding for low-income residents who are not able to access the existing Seismic or future proposed Resilience

Transfer Tax Rebate Program. This program could support homeowners' ability to remain in their homes, improve resilience in an aging building stock, and serve as a replicable example of how City programs can operationalize equity and assure equitable distribution of City resources. If approved by Council, staff would design the program in collaboration with community stakeholders to meet the needs of frontline communities such as low-income communities, communities of color, and those most affected by the impacts of climate change.

## **Transportation**



*Biggest opportunity sector, advancing opportunities for people to safely walk, bike, take public transit, and electrify mobility options.*

Transportation accounts for 59% of Berkeley's total 2018 GHG inventory. This is the largest sector of GHG emissions and the most challenging to tackle. The City continues to work to get people out of cars by prioritizing walking and biking, and into less-polluting modes of transportation.

As the City and transportation agencies continue to respond to and recover from COVID-19, transportation services and emissions from this sector will be impacted. For example, with more people working from home, emissions from commutes have decreased, but as people begin to go back to work, those who have access to private vehicles may prefer to use their own vehicles over public transit. There are also many equity impacts related to travel options. Support will be needed to maintain momentum for positive travel behaviors, like walking, biking, and telecommuting; rebuilding trust in public transit will be critical.

### **Active Transportation and Reducing Vehicle Miles**

Active transportation refers to strategies encourage walking, biking, and public transit over single occupancy vehicles. Strategies in this area include: bike share and other shared micromobility options; transit infrastructure investments to increase ridership by reducing transit travel time and delay; safe, abundant pedestrian and bicycle infrastructure; and eliminating severe traffic crashes for all travelers. The City continues to focus new compact, mixed-use development along public transit corridors in designated Priority Development Areas, particularly in or near Downtown Berkeley, at BART stations, and along San Pablo Avenue. Additionally, in order to reduce the amount of time and miles driven in single occupancy vehicles, strategies include the goBerkeley parking management program, which reduces vehicle travel associated with searching for parking; and car sharing service options, including one-way car share.

Strategic work within this sector includes updating and implementing transportation plans. The Pedestrian Plan Update and the Transit-First Policy Implementation Plan are

scheduled for completion by the end of 2020. The Pedestrian Plan will propose programs, policies, and projects to make walking more comfortable and safe, with a particular focus on infrastructure to improve street crossings and reduce motor traffic speeds. The Transit-First Policy Implementation Plan is anticipated to establish protocols for bus stop location and transit signal priority, lay out a schedule for future transit corridor studies, and contain transit-supportive street design prototypes. Implementation of the Berkeley Strategic Transportation (BeST) Plan is also underway, including the adoption of the Berkeley Vision Zero Action Plan in March 2020, with the goal of ending traffic deaths and severe injuries on Berkeley streets by the year 2028. Traffic safety improvements and housing density near jobs have contributed to Berkeley having the highest walking commute rate in California (among cities with populations over 5,000), and the highest bicycling commute rate in the nation among cities of 100,000 residents or more.

Implementation of the Berkeley Bicycle Plan (2017) supports bicycle travel and commuting by reducing traffic stress experienced by existing and potential bicyclists. According to surveys completed for the Bicycle Plan, low stress bikeways could encourage up to 71% of Berkeley residents to try cycling or to cycle more. Nearly 10% of Berkeley residents bike to work, and approximately 14% of all trips in Berkeley are by bicycle. Following the successful rollout of regional bike share (Bay Wheels) in Berkeley in 2018, staff have continued to work with electric scooter share companies and other vendors to bring the next generation of micromobility to Berkeley in a safe, accessible way. In December 2019 the City Council approved the conceptual design for a new protected bikeway on Milvia Street between Hearst Avenue and Blake Street through Downtown Berkeley. The project is fully funded as part of the Affordable Housing and Sustainable Communities grant for the Berkeley Way project and is scheduled to be constructed in 2021. The Center Street Garage continues to serve as the permanent home for the Downtown Berkeley Bike Station, offering secure valet bike parking, rentals, and repairs.

Upcoming projects highlight Berkeley's Transit First, Complete Streets, Vision Zero, and economic development policies. Most notably, the City received a grant of over \$7 million in federal funding to design and construct the Southside Complete Streets project, including transit time reliability improvements, traffic safety projects, and better access to Southside businesses. The project will focus on adding bus only lanes, protected bikeways, pedestrian crossing safety improvements, and passenger and loading zone improvements at various locations on Telegraph Avenue, Bancroft Way, Dana Street, and Fulton Street. The project will kick off public engagement in fall 2020, with construction scheduled for 2023.

### **Electric Mobility Roadmap**

Staff began work with the community and Energy Commission in late 2018 to draft Berkeley's first Electric Mobility Roadmap (Roadmap). The Roadmap supports clean transportation, including walking, biking, public transportation, and a wide range of

electric vehicles, with a focus on equitable and affordable access. The Roadmap identifies strategies and actions to achieve these four goals:

- Ensure Equity in Access to Electric Mobility  
*Maximize electric mobility benefits in underserved communities*
- Improve Alternatives to Driving  
*Shift trips to walking, cycling, and shared electric modes*
- Achieve Zero Net Carbon Emissions  
*Eliminate emissions from private vehicles*
- Demonstrate City Leadership  
*Lead by example and guide the electric mobility transition*

The Roadmap includes scenario modeling of what is needed to reach carbon neutrality by 2045 and found that electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030 (up from 16% in 2017). This would translate to EVs being approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045. However, these numbers could be offset by supporting clean alternatives to driving which could also reduce the total number of vehicles and provide co-benefits such as lower traffic congestion and healthy, active transportation, as well as reduced or eliminated GHG emissions.

### **Electric Vehicles & Charging Stations**

The City continues to install EV charging stations for public use, and promote the use of electric vehicles. As of October 2018, EVs were nearly 4% of registered personal vehicles in Berkeley. There were 105 total publicly-available EV charging ports listed on PlugShare and the Department of Energy's Alternative Fuels Data Center in Berkeley as of February 2019<sup>2</sup>. The City of Berkeley currently provides a total of 73 Level 2 EV charging ports for public and fleet charging, including 37 new EV charging ports that were installed in Center Street Garage at the end of 2019.

### **Fleet**

Tied to the Roadmap goal of demonstrating City leadership, staff worked with EBCE to conduct a municipal fleet electrification assessment. This assessment, also scheduled for City Council consideration on July 28, 2020, presents an EV deployment and associated charging infrastructure plan through 2030 including distributed energy resource (solar and battery storage) charging options. If investments can be made to transition the light duty municipal fleet to EVs over the next 10 years, it will reduce the associated lifecycle (well-to-wheels) GHG emissions of these vehicles from 56.6 to 2.1 metric tons, a 96% reduction by 2030.

---

<sup>2</sup> These stations were located on municipal property and at Berkeley businesses including grocery stores, offices, and hotels. Residential home charging stations are not included.



*Reducing energy use, promoting cleaner energy, and transitioning all buildings to clean electricity.*

In the 2018 inventory, buildings account for 37% of GHG emissions in Berkeley, and of those emissions 83% are from natural gas. Natural gas use in buildings account for 31% of all community emissions. Key accomplishments have been made to reduce energy use in buildings, use cleaner electricity in buildings, as well as to transition buildings away from natural gas infrastructure to clean electricity.

Removing natural gas from buildings, or building electrification, not only reduces GHG emissions, but it also improves indoor air quality and safety by removing the potential for natural gas leaks. Furthermore, the elimination of gas in buildings will ultimately allow for the strategic decommissioning of natural gas distribution infrastructure and the associated leakage of methane leakage, the main component of natural gas. This is significant because methane traps 86 times more heat than carbon dioxide. Berkeley's building electrification strategy is based on the following three objectives:

1. **No new connections** to the natural gas distribution system,
2. Creating requirements or incentives to **promote electrification** in existing buildings throughout the City, and
3. Developing a plan for **strategic electrification by geographic area** that allows for the early retirement and decommissioning of the natural gas distribution infrastructure and elimination of associated methane emissions.

Berkeley is a leader in advancing electrification in new buildings, specifically through its Natural Gas Prohibition and 2019 Energy Reach Code. Progress is being made in each of the objectives, as reported below.

### 1. **No new connections to natural gas**

Berkeley is achieving this objective by eliminating gas in new construction through its landmark natural gas prohibition and electric-favored reach code.

- **Natural Gas Prohibition**

In July 2019, the City Council adopted the first ordinance in the nation to prohibit the use of natural gas in newly constructed buildings. The Natural Gas Prohibition became effective on January 1, 2020, and applies to new building applications for land use permits or zoning certificates. New buildings subject to the prohibition will use highly efficient heat pumps, for water heating and for heat and air conditioning, and electrically powered appliances. This policy supports

State and City efforts to decarbonize buildings, removing not only the GHGs produced by the combustion of natural gas (methane) within buildings, but new methane pipeline connections as well, and the leakage associated with this potent, and persistent, GHG.

- **2019 Electric-Favored Energy Reach Code**

In December 2019, Berkeley City Council adopted local amendments to the California Energy Code. This electric-favored “reach code,” approved by the California Energy Commission in February 2020, requires newly constructed buildings to include solar PV systems and feature either all-electric systems or mixed-fuel construction that exceeds the efficiency requirements of the Energy Code and includes electric-readiness. The reach code and prohibition work in tandem to support building electrification and its health, safety, and climate benefits.

## 2. Requirements and incentives to promote efficiency and electrification in existing buildings

Berkeley is making progress in this area, but additional work identifying and leveraging incentives to offset costs of electrification is needed.

- **Building Energy Saving Ordinance**

Berkeley’s Building Energy Savings Ordinance (BESO) requires building owners to complete and publicly report building-specific energy efficiency assessments and energy scores. The goal of BESO is to reduce both energy costs and GHG emissions in Berkeley’s existing buildings. To date, BESO has achieved many successes, including:

- Made Berkeley a national model for building energy labeling.
- Provided data on the energy use and energy efficiency opportunities of Berkeley’s existing building stock.
- 1,532 Energy assessments completed.
- 1,256 Home Energy Scores<sup>3</sup> completed, with an average of 4.3 out of 10.
- 92 Large building Energy Star Portfolio Manager Benchmarks completed.
- 33 large buildings (over 25,000 square feet) have achieved an ENERGY STAR Score of 80 or greater and qualified as High Performance Buildings exempted from the requirement for an energy improvement or assessment every 5 years.

---

<sup>3</sup> Developed by the US Department of Energy and its national laboratories, the Home Energy Score provides home owners, buyers, and renters directly comparable and credible information about a home’s energy use. Each Home Energy Score is shown on a simple one-to-ten scale, where a ten represents the most efficient homes. More information can be found at: <https://www.energy.gov/eere/buildings/downloads/home-energy-score#:~:text=Developed%20by%20DOE%20and%20its,about%20a%20home's%20energy%20use.&text=Each%20Home%20Energy%20Score%20is,represents%20the%20most%20efficient%20homes.>

In February of 2020, a third-party evaluation of the BESO program was completed to assess whether BESO is meeting its goals of being easy, affordable and valuable. The evaluation recommended:

- Align with Berkeley’s electrification and community resilience goals;
- Identify and leverage incentives to encourage upgrades;
- Increase the number of energy upgrades that result from the energy assessment recommendations and improve tracking; and
- Streamline BESO administrative processes for both staff and the public.

Staff is providing a separate complete report to City Council on the BESO Evaluation and proposed recommendations.

- **Financial Incentives**

Incentives are critical to the advancement of energy efficiency and electrification. As electrification of buildings requires financial investments by owners, it is important to identify incentives to accelerate adoption of these newer technologies. For the first time, due to recent changes by the California Public Utilities Commission (CPUC) to allow publicly funded energy efficiency dollars to be spent on “fuel switching” (changing from gas to electric appliances), there are now incentives available to electrify residential and multifamily buildings:

- The [BayREN Home+](#) program<sup>4</sup> provides both energy efficiency and electrification incentives, a network of certified contractors, and free technical advice. Homeowners can access electrification rebates through the BayREN program for heat pump space heating and cooling (\$1,000), heat pump water heaters (\$1,000), induction electric ranges or cooktops (\$300) and heat pump clothes dryers (\$300). Additionally, BayREN offers up to \$1,000 for heat pump water heaters through an [installer incentive](#)<sup>5</sup>. Multifamily buildings can access incentives through the [Bay Area Multifamily Building Enhancements](#) (BAMBE) program<sup>6</sup> for both central and in-unit heat pump HVAC and water heaters, electric dryers, cooktops and heat pump pool heaters.

Figure 2 below shows the rebates provided in Berkeley through the Home+ program in 2019, when the program launched, and the BAMBE program for 2018 and 2019.

---

<sup>4</sup> BayREN Home+: <https://bayrenresidential.org/>

<sup>5</sup> BayREN Heat Pump Water Heater Incentive for Contractors: <https://www.bayren.org/hpwh>

<sup>6</sup> Bay Area Multifamily Building Enhancements (BAMBE) program: <https://bayareamultifamily.org/programs>



2019 Home+:

| Year | # of households | # of measures installed | kWh savings | Therms savings | Total rebate amount |
|------|-----------------|-------------------------|-------------|----------------|---------------------|
| 2019 | 93              | 315                     | 5,947       | 5,619          | \$ 124,047          |

BAMBE:

| Year | # of projects | # of units | kWh savings | Therms savings | Total rebate amount |
|------|---------------|------------|-------------|----------------|---------------------|
| 2018 | <5            | 100        | 13,155      | 4,138          | \$ 75,000           |
| 2019 | <5            | 103        | 32,149      | 3,715          | \$ 77,250           |

Figure 2 - Berkeley Rebates from Home+ (2019) and BAMBE Programs (2018-2019)

• **Existing Building Electrification Strategy**

Achieving Berkeley’s GHG emission reductions goals will require phasing natural gas out of existing buildings. The City is working with a team of experts (including the Rocky Mountain Institute, Rincon Consultants, Inc., and the Ecology Center) on a Berkeley Existing Buildings Electrification Strategy to identify long and short-term strategies to make the buildings in Berkeley free of fossil fuels. This analysis will include costs and timelines, as well as identify the most effective policies and programs to achieve the Fossil Fuel-Free City goal. This Strategy is being developed with the Ecology Center as a dedicated equity consultant, to ensure that the policies and programs are evaluated with racial and social equity as a priority.

The team is currently conducting a technoeconomic analysis focused on Berkeley buildings and a review of strategies for accelerating an electrification transition. Over the next few months, City staff will be engaging community stakeholders and technical experts to evaluate policy options, with a final report expected for Council consideration in early 2021. Strategies being evaluated include piloting neighborhood electrification, financing for whole building electrification, and targeted electrification at specific leverage points like time of sale and/or time of replacement policies. An initial finding is that pairing solar PV with whole home electrification has a viable payback, therefore it is important to promote or subsidize solar, especially for low or moderate-income residents.

**3. Strategic electrification and early retirement of gas distribution infrastructure**

The City is working to identify geographic opportunity areas that could be considered for strategic electrification, with the goal of retiring the associated gas infrastructure serving adjacent buildings or a neighborhood. Identifying a potential pilot project in a low-income neighborhood could provide health and comfort benefits to households most impacted by climate change. The City is leading the way in exploring this innovative concept.

- ***eLab Accelerator on Strategic Electrification and Retirement of Gas Assets***

The City of Berkeley has been invited to participate in the Rocky Mountain Institute's eLab Accelerator Program on strategic electrification and gas distribution system retirement. This project brings together staff from Pacific Gas and Electric (PG&E), the CA Public Utilities Commission (CPUC), the Natural Resources Defense Council (NRDC), and other experts. The goal is to develop a proposal for a pilot project for specific location(s) that helps existing buildings switch from natural gas to electric for heating/cooling needs, and to also decommission natural gas infrastructure distribution pipelines. The project seeks to identify regulatory and financial barriers and safe and equitable solutions, though no implementation funding has yet been identified.

### **Municipal Facilities**

GHG emissions from municipal facilities account for less than 1% of overall community emissions, but it is important that the City leads by example in making its facilities as clean, efficient, safe, and healthy as possible. Since the City opted its buildings to purchase carbon-free electricity from EBCE, emissions have dropped significantly. The City has also shown leadership in energy efficiency and building electrification. Energy efficiency projects have been successfully completed at James Kenney Recreation Center and the Public Safety Building, and electrification measures have been included in upgrades to the North Berkeley Senior Center and Live Oak Park. The upgrade to the Mental Health Building will result in an all-electric building that is zero emissions.

For more information on progress made in municipal facilities, please see Attachment 2.

### **Waste**



*Leading the way towards zero waste in policy, planning and practice.*

Although waste is a small contributor to Berkeley's communitywide GHG emissions in comparison to transportation and buildings, reducing the amount of waste produced can directly save energy and emissions related to producing and transporting goods. In addition, reducing the amount of waste that ends up in a landfill reduces methane emissions, a powerful GHG released as organic materials decompose in a landfill.

The Zero Waste Division is strategically planning and implementing programs and services to bring the City closer to its zero landfilled waste goal. Some key efforts toward this goal include:

### **Zero Waste Transfer Station Rebuild Feasibility Study**

The Solid Waste & Recycling Transfer Station Feasibility Study was completed in late 2019 with two options for the replacement of all facilities currently operating at the Second and Gilman streets location. A CEQA Compliance Request for Proposals (RFP) for the project was issued on April 23, 2020 and a contract is scheduled to be awarded by late July 2020. This phase of the project may take up to three years to complete with a Mitigated Negative Declaration or, if necessary, a Final Environmental Impact Report issued and approved. The replacement Facility will serve as the hub for the City to transfer garbage, sorted recyclables, compost and other materials, at a state-of-the-art zero waste facility to meet current and future needs and achieve the City's goal of zero waste.

### **Senate Bill 1383**

On September 19, 2016, SB 1383 was signed into law. This State legislation is designed to reduce short-lived climate pollutants and requires 75% organic waste reduction by 2025 and a 20% increase in recovery of edible food that is currently disposed by 2025. California local jurisdictions have significant, new requirements to implement additional waste reduction programs and enhanced reporting and enforcement protocols to comply with the state legislation. City staff is participating in a regional task force convened by StopWaste to assess the impacts to current programs and policies. The new requirements must be implemented by January 1, 2022.

### **Single Use Foodware and Litter Reduction Ordinance**

On January 22, 2019, City Council unanimously passed the Single Use Foodware and Litter Reduction Ordinance designed to reduce single-use disposable foodware and promote reusable foodware. This ordinance was developed with community and stakeholder input gathered through online and in-person surveys and six public input sessions convened by the City's Zero Waste Commission. The final ordinance incorporated recommendations developed by the Zero Waste Commission that were based on the public and stakeholder input. Outreach material was sent to 840 Prepared Food Vendors in 2019 to inform them of the ordinance requirements and offer available resources, including onsite technical assistance provided by a contracted vendor. It will be necessary to allocate additional funding to provide onsite technical assistance and mini-grants to all Prepared Food Vendors. COVID-19 has impacted the implementation of this ordinance, including the March 31, 2020 Health Order that does not permit customers to bring their own bags, mugs, or other reusable items from home.

### **Zero Waste Strategic Plan**

Based on a Council-approved Zero Waste Commission recommendation, staff plans to release a Request for Proposals for a Zero Waste Strategic Plan by mid-2021 to improve existing programs and propose a roadmap of options and policies that will help the City reach its Zero Waste goal effectively.

## **Community Outreach & Engagement**



*Achieving equitable climate action together.*

Berkeley is committed to community engagement and education. Recent events and outreach topics have included green and healthy homes, electric vehicles, solar, access to clean energy, and electrification for both residents and building professionals. A summary of outreach events from February 2019-February 2020 can be found in Attachment 4. Outreach is also being conducted focused specifically on communities of color and those most impacted by climate change, as described above in this report.

As COVID-19 social distancing measures have severe impacts on the ability to do in-person outreach events, staff is exploring innovative, safe and accessible engagement strategies to reach impacted communities while limits on public gatherings persist, and will plan for opportunities for innovative, safe in-person community engagement when that approach can safely resume.

**Engagement for Marginalized and Front-line Communities:** City Council adopted a referral on January 21, 2020 to (1) improve and increase external community engagement, to engage the community and allow for input on new policies and programs which affect marginalized and front-line communities (2) identify the funding resources needed to adequately implement this engagement, and (3) include a Climate Impacts section in all City Council items and staff reports. In response, staff is proposing in a separate report steps to (1) continue engagement around community-driven, equitable climate solutions, and to seek external resources to enable meaningful community engagement of impacted communities around equitable climate solutions; and (2) refer to the Agenda Committee a revision to the Council Rules of Procedures to update the Environmental Sustainability section of City Council items and staff reports as “Environmental Sustainability and Climate Impacts.”

### **Outreach on clean energy**

The City highlights energy efficiency, clean energy and electrification strategies in outreach efforts. The City, in conjunction with StopWaste, hosted workshops about the BayREN Home+ and BAMBE programs to help homeowners and multifamily property owners access resources and incentives for energy and water saving upgrades to increase savings, improve indoor air quality and comfort, and decarbonize buildings.

The City promoted access to clean energy by educating the community about EBCE, and the option to opt up to EBCE’s Brilliant 100 (100% carbon-free) or Renewable 100 (100% solar and wind) electricity products. The City has increased access to rooftop solar by streamlining permitting and inspection, which was nationally recognized with a SolSmart Gold designation in 2018, and by participating in the seasonal Bay Area

SunShares program for the fourth consecutive year. SunShares provides time-limited group discounts, vetted providers, community workshops, and a streamlined process to remove barriers to solar adoption. Berkeley has been one of the top outreach partners every year (2016-2019), resulting in 77 rooftop solar installations (219 kilowatts).

The 2019 East Bay Electrification Expo, co-convened by the Ecology Center, StopWaste and the Berkeley Climate Action Coalition, showcased the benefits of all electric homes and was one of the highlights of the year. The Expo brought together community members, building professionals, and manufacturers to attend workshops, talk to local residents about electrifying their homes and apartments, watch induction cooktop demonstrations, see ultra-efficient heat pump technology, and meet local contractors experienced with this technology.

### **Outreach on clean transportation**

Staff conducts outreach on the climate, health and financial benefits of electric transportation, focusing on incentives and special programs for income-qualified drivers. Key events included a Berkeley Climate Action Coalition *Clean Transportation Convening* and the 2019 *3<sup>rd</sup> Annual Ride Electric at the Farmers' Market*, part of National Drive Electric Week. *Ride Electric* showcased the latest electric cars and bikes and local EV drivers and enthusiasts. The City also partnered with 350 Bay Area and the Ecology Center to deliver *Electric Cars 101* workshops. OESD's CivicSpark fellow also translated the presentation into Spanish to help reach underserved, non-English speaking communities.

### **Berkeley Climate Action Coalition (BCAC)**

Since 2012, the Berkeley Climate Action Coalition (BCAC), co-convened by the Ecology Center and the City, has been a vehicle for climate engagement. BCAC's membership has grown to nearly 1,000 people, which includes residents, nonprofits, neighborhood groups, faith-based organizations, schools, businesses and UC Berkeley. From 2012-2016, BCAC received funding from the San Francisco Foundation and the City of Berkeley that supported quarterly convenings on a variety of topics such as climate change and health, intergenerational climate change, clean transportation and energy, and climate justice. Over the years, BCAC has supported a variety of volunteer-led working groups on topics including land use, water, transportation, community choice energy, electrification, and environmental health, and BCAC members continue to play an active role in large public events such as Ride Electric and the East Bay Electrification Expo. BCAC has advocated for free youth bus passes, energy solutions for renters, limiting refinery expansion in frontline communities, community choice energy, and solar for all.

## **Climate Adaptation & Community Resilience**



*Strengthening and preparing the community for shocks and stresses, including adapting to the impacts of climate change.*

### **Solar + Storage for Critical Facilities**

The City of Berkeley is committed to pursuing resilient energy assurance solutions, like solar and battery storage systems at critical facilities that can operate both on the electricity grid, and separate from the grid to continue operating during a power outage (also called islandable solar + storage systems). These islandable solar + storage systems can bring multiple benefits to the community including reliable backup power in the event of a planned or unplanned power outage, clean, local distributed energy, and potential cost savings. The City is working with EBCE, which received a grant from the Bay Area Air Quality Management District to assess the potential for resilient solar + storage systems at critical municipal facilities throughout Alameda County. The City of Berkeley submitted a list of potential critical facilities to the EBCE project portfolio, which totals 300 buildings across Alameda County.

EBCE and its partners have conducted initial analysis of location and sizing potential for the sites and will launch a territory-wide procurement process that will reduce the cost and complexity of potential system deployment. EBCE recently released a Request for Information to solicit input from potential vendors on procurement options and plans to release a full Request for Proposals for vendors to bid on the various projects in Summer/Fall 2020. The City will have the opportunity to participate in the procurement and eventual implementation of solar + storage. If the City Council decides to move forward, additional funding may be needed to retrofit buildings in order to install the solar + storage at those sites.

### **Sea Level Rise**

The City's Parks, Recreation & Waterfront Department provided a one-time funding request to Council to provide resources to complete a Shoreline Stabilization Project and the Waterfront Master Plan, which will contain a sea level rise study.<sup>7</sup>

### **Local Hazard Mitigation Plan (LHMP)**

The recently updated LHMP, approved in 2019, identifies climate change as a man-made hazard that will affect the Berkeley community. The LHMP is the main document

---

<sup>7</sup> City of Berkeley, "Shoreline Stabilization Project and the Berkeley Waterfront Sea-Level Rise Study" Staff Report, June 19, 2018: [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/Shoreline%20Stabilization%20Project%20061918.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Shoreline%20Stabilization%20Project%20061918.pdf)

that houses the City's climate adaptation work. This includes hazards such as extreme heat, sea-level rise and flooding, and water security.

### **Bay Area Climate Adaptation Network (BayCAN)**

Berkeley is a founding member and participates in the Steering Committee of the Bay Area Climate Adaptation Network (BayCAN), a network of local government staff helping coordinate an effective and equitable response to the impacts of climate change. BayCAN works to share best practices, develop opportunities for collaboration and program implementation, and secure funding and resources for climate adaptation.

### **UC Berkeley and The Berkeley Lab**

UC Berkeley and the Berkeley Lab are not included in Berkeley's GHG emissions inventory since their campuses are outside of the City's jurisdiction. However, both institutions track their own emissions reduction goals and are engaged community partners in addressing climate change. The Berkeley Lab has partnered directly with the City on several innovative sustainability projects including building data management tools and zero-net energy analysis of municipal buildings. UC Berkeley has collaborated on the Berkeley Climate Action Coalition and has provided research and technical assistance on a variety of projects. Please see Attachment 3 for progress reports from both UC Berkeley and the Berkeley Lab on their individual climate goals, programs, and policies.

### **BACKGROUND**

In recognition of the climate crisis, the City has added additional climate goals to bolster the Climate Action Plan goal of reducing greenhouse gas emissions below 2000 levels by the year 2050. These local goals include:

- **Fossil Fuel Free Berkeley:** In June 2018, Berkeley City Council referred a [proposed resolution](#)<sup>8</sup> to the Energy Commission and Transportation Commission to further implement the Climate Action Plan and establish a goal of becoming a Fossil Fuel Free City.
- **Climate Emergency:** On June 12, 2018, the Berkeley City Council adopted a [Climate Emergency Declaration](#)<sup>9</sup>.

---

<sup>8</sup> Fossil Fuel Free City proposed resolution: [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/06\\_June/Documents/06-12\\_Annotated\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx)

<sup>9</sup> Climate Emergency Declaration: [https://www.cityofberkeley.info/uploadedFiles/Council\\_2/Level\\_3\\_-\\_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf)

- **Net-Zero Carbon Emissions:** In 2018, Mayor Arreguin announced the City's intention to achieve zero net carbon emissions by 2045, in alignment with California state-wide goals.
- **Vision 2050:** Vision 2050, supported by Measure R in the November 2018 election, is an effort to develop a framework for a 30-year sustainable infrastructure plan. The goal of the Vision 2050 plan is to ensure that Berkeley is prepared for climate change by identifying and guiding the implementation of a climate smart, technologically advanced, integrated, and efficient infrastructure system.

In order to achieve these ambitious goals, ***Berkeley's path to a clean energy future*** is summarized below and described in more detail in the 2018 CAP Update Report to City Council<sup>10</sup>:

- Step 1 – Reduce energy use and waste
- Step 2 – Support clean electricity
- Step 3 - Electrify transportation and buildings

The framework and overarching values (equity, resilience, climate change, health and well-being, and prosperity) guide the work to achieve the City's climate goals.

#### ENVIRONMENTAL SUSTAINABILITY

The City's Climate Action Plan, Resilience Strategy, Local Hazard Mitigation Plan, and Strategic Plan all contribute to advancing the community towards a clean and resilient energy future that successfully meets Berkeley's climate goals. Mitigation of GHG emissions within Berkeley and planning for the impact of climate change are interrelated and, with careful strategic planning, can address environmental concerns and achieve a more sustainable, equitable, and resilient future.

---

<sup>10</sup> Staff Report: Climate Action Plan Update, December 6, 2018:  
<https://www.cityofberkeley.info/recordsonline/api/Document/AS1qYEO88qcY6lps8nwbGgL4jGxxlSquza3ESIDOTS6DL2nW11jPxxzLJVhyvQgYDIIPuJDdT3oigVB31dHEfM%3D/>



### POSSIBLE FUTURE ACTION

This report provides the City Council with an update on GHG emission trends, an overview of associated current activities, and the planning efforts underway to develop strategies to accelerate the rate of GHG emission reductions to reach Berkeley's increasingly ambitious climate goals. The current strategic planning efforts for transportation, waste, and buildings will provide a pathway for concentrated reductions in energy use, clean electricity, and electrification of the building and transportation sectors. Staff will return to the City Council for direction on prioritization and funding based on the findings of these strategic plans. As the community responds to and recovers from the impacts of COVID-19, strategic prioritization will need to be applied to identify target areas of focus, and equity and resilience should continue to be central in recovery efforts.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Current climate action priorities are funded by existing grants, enterprise funds, and General Fund allocations. Staff continues to seek additional grants and other sources of funding to accelerate existing efforts. The fiscal impacts of accelerating CAP implementation are currently unknown, but are expected to be significant, and are dependent on City Council's policy choices. Some areas of future investment could include support for additional staff to implement the Mobility Roadmap, resources to incentivize electrification upgrades, funding to support pilot equity programs, and capital funding to make municipal building improvements for electrification, air quality and ventilation improvements, and resilience through solar + storage.

Strategic electrification is key to achieving Berkeley's ambitious climate goals. However, current rate structures and projected increases can impede electrification efforts, making electrification a costly option. Moving forward, close collaboration and cooperation with PG&E and EBCE will be necessary to create rates that are equitable and provide a pathway to fossil-free energy sources for Berkeley residents and businesses and ensure a resilient and safe electricity grid. An equitable transition to clean electricity will require strategic investment in buildings and people.

### CONTACT PERSON

Billi Romain, Manager, Office of Energy & Sustainable Development – Planning Department, 510-981-9732

### Attachments:

- 1: 2018 Berkeley Community-Wide Greenhouse Gas Inventory
- 2: Municipal Facilities Update
- 3: Progress Report from UC Berkeley & the Berkeley Lab
- 4: Summary of Community Outreach Events, February 2019-February 2020

## **Attachment 1: Berkeley’s Community-Wide Greenhouse Gas Emissions Inventory**

### Introduction

In order to understand the sources of community-wide greenhouse gas (GHG) emissions, City staff conducts an annual GHG emission inventory. Data is gathered from regional entities on sector-specific activities, and is then converted to metric tons of carbon dioxide equivalent (MT CO<sub>2e</sub>). The inventory utilizes the best available data (despite challenges regarding access to accurate, consistent datasets) and follows the Global Covenant of Mayors for Climate & Energy protocol which allows the City to report consistently to the community and to other agencies. This inventory focuses on emissions that are created within Berkeley’s border, considering sectors like transportation, the built environment, landfilled solid waste, water consumption, and wastewater usage. A separate inventory methodology called a “consumption-based inventory” accounts for the impacts of goods and services consumed by Berkeley residents and businesses, even if the related emissions were created elsewhere. These two approaches, compared side-by-side, can help paint a more holistic picture of Berkeley’s carbon footprint and how reduction strategies should be prioritized.

### Community-Wide GHG Emission Inventory

Creating and updating a consistent GHG emissions inventory helps to define the extent to which certain sectors and fuels contribute to GHG emissions, and helps to track progress toward the community’s climate goals over time. This type of inventory focuses on emissions that have occurred within Berkeley’s jurisdictional boundaries, which includes the following emissions sources: transportation modeled from traffic analysis, building electricity usage, building natural gas consumption, landfilled solid waste, as well as emissions from water consumption and wastewater treatment. The most recent full year of available data is from 2018. Although this inventory does not include UC Berkeley and The Berkeley Lab, as they are outside the City’s jurisdiction, they continue to be valued partners in efforts working to improve Berkeley’s shared community and combat climate change. See Attachment 3 of the Climate Action Plan Update for progress reports from UC Berkeley and the Berkeley Lab.

## 2018 Greenhouse Gas Inventory

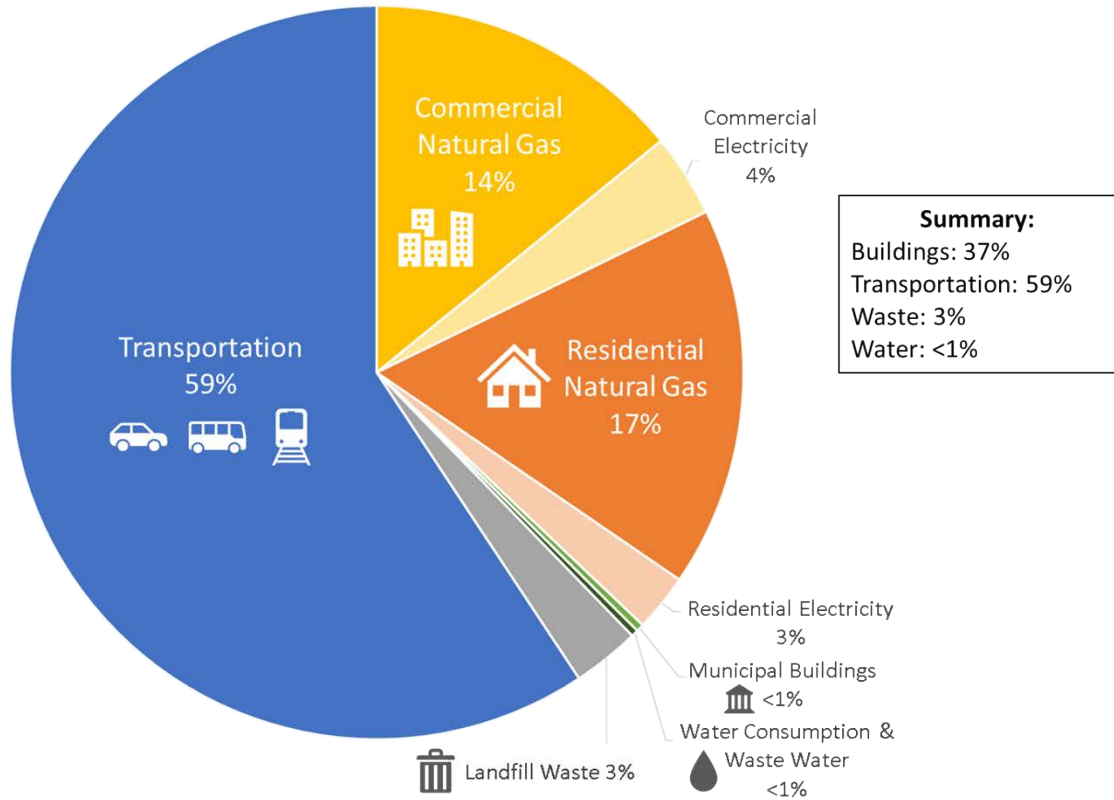


Figure 1: Pie chart of 2018 community-wide GHG emissions inventory, broken down by sector and fuel.

Creating an emissions inventory that tracks each sector and fuel individually informs policies and programs that may provide the biggest impact to achieving the Climate Action Plan (CAP) emission reduction goals. The distribution seen in Figure 1 is similar to inventories conducted in the past, with over half of emissions coming from the transportation sector, calculated from a regional traffic analysis model conducted by the Metropolitan Transportation Commission.

Energy usage data in Berkeley buildings is provided by East Bay Community Energy (EBCE) and PG&E, and is broken down into residential, municipal, and commercial (including industrial) buildings—for both electricity use and natural gas combustion. The built environment is the second largest source of emissions at 37%.

Other sectors include landfilled waste, water consumption, and wastewater treatment. These sectors, although seemingly small based on this inventory, represent much broader environmental concerns, such as the impact on water management systems as California experiences more frequent and intense droughts. Solid waste, particularly organic material, emits methane when landfilled, which is accounted for in this inventory. However, the impacts related to the production, transport, and consumption

of goods and services, long before reaching a landfill, must also be considered. Please see the section below on consumption-based inventories for more detail.

### Current Community-Wide Sector-Based GHG Emission Trends

The most current community emissions are compared to the CAP baseline year of 2000, to identify reductions achieved thus far. A historic summary of Berkeley’s annual emissions inventories from 2000 to 2018 is provided in Figure 2. Please note that due to data access issues for accurate building energy use data between 2014-2017, years of inventory data developed with assumptions are represented in shaded coloring, and as no inventory was calculated for 2017 this year of data is omitted.

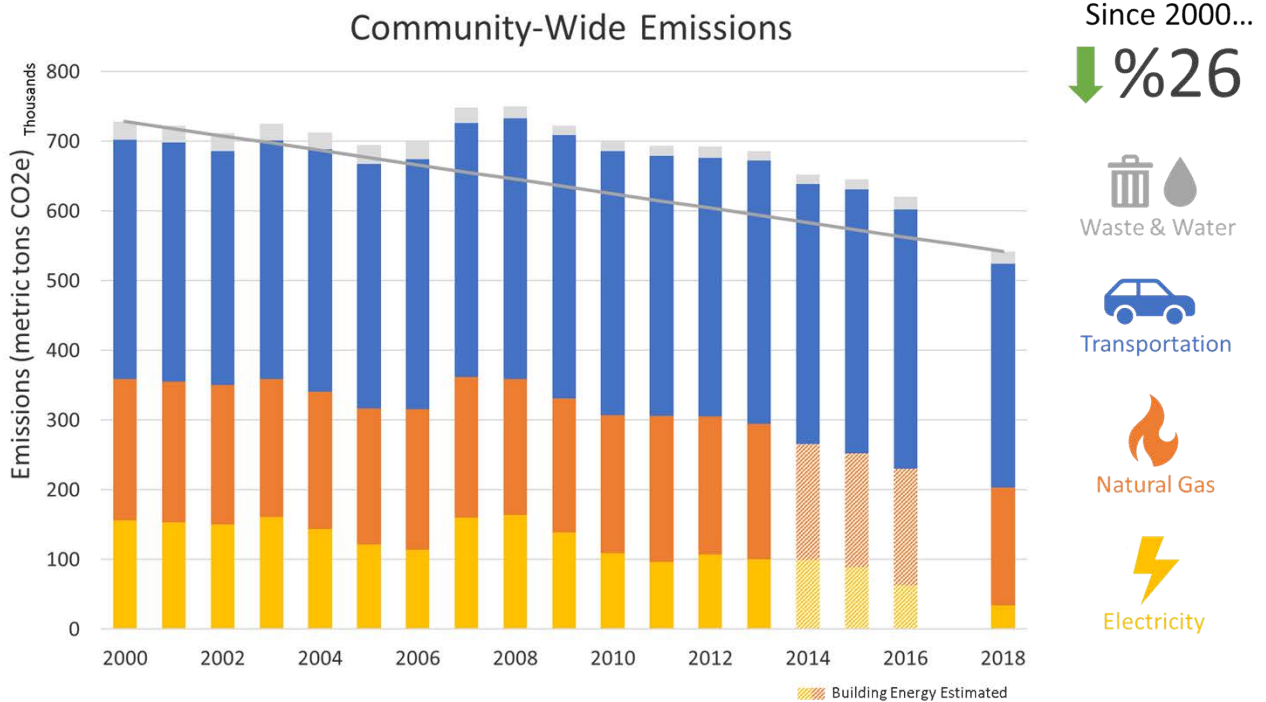


Figure 2: Historic Berkeley emissions inventories back to 2000, broken out into building natural gas and electricity, transportation, and other (water, wastewater treatment, and landfilled solid waste).

Community-wide emissions were 26% below 2000 levels in 2018 even though Berkeley’s population increased approximately 18% and the economy expanded<sup>1</sup> during that same time period.

<sup>1</sup> Staff Report: Berkeley Economic Dashboards, March 26, 2019: [https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf)

|                           | Residential | Commercial / Industrial / Municipal | All Buildings |
|---------------------------|-------------|-------------------------------------|---------------|
| Electricity Usage         | -20%        | -31%                                | -28%          |
| Electricity GHG Emissions | -73%        | -81%                                | -78%          |
| Natural Gas Usage         | -26%        | -2%                                 | -17%          |
| Natural Gas GHG Emissions | -26%        | -4%                                 | -17%          |

*Table 1: Summary of 2018 trend in electricity and natural gas usage within each building sector—compared to 2000 baseline year.*

This is a notable achievement, with reductions resulting from a combination of state, regional, and local efforts including:

- **Cleaner electricity mix:** As seen in Table 1 above, the GHG emissions from electricity have decreased by 78% in all buildings since 2000. This is largely due to the community joining EBCE, as well as State laws like the Renewables Portfolio Standard (RPS) which require utilities to increase the amount of renewable energy on the grid, causing the GHG emissions produced per kilowatt-hour of electricity consumed to decrease. Participation in EBCE, which has half as much carbon in its Bright Choice base product than PG&E’s base product, as well as offering its Brilliant 100 carbon-free and Renewable 100 fully renewable products, has had a significant impact in accelerating the Berkeley community toward emissions-free electricity.
- **Reduction in building energy use:** See Table 1 above for a breakdown of electricity and natural gas reductions in each building sector since 2000. Energy efficiency measures contribute to these savings, including those reached through rebate programs such as Energy Upgrade California, more efficient lighting and appliances, and improved building envelopes. Reducing the energy needs of a building first reduces the cost and feasibility of renewable energy and electrification efforts.
- **Increased rooftop solar:** According to data from the California Solar Initiative, Berkeley businesses and residents collectively installed over 2,618 solar photovoltaic (PV) systems from 2000 to 2018, increasing solar capacity to approximately 10,930 kW AC, providing renewable energy to power buildings and adding any excess clean electricity back into the grid.
- **Water consumption:** The community reduced its water consumption in buildings by 26% between 2000-2018, and a 2% decrease in consumption between 2017 and 2018. Water conservation continues to be critical as the Bay Area is expected to experience further drought in the coming years.
- **Reduction of landfilled waste:** The community has significantly reduced the amount of waste sent to landfills since 2000 through the expansion of recycling and composting services. Further reductions could be achieved through source reduction, preventing waste by reusing items or avoiding disposable, single-use products.

- **Transportation:** Transportation is the largest source of community-wide emissions, and modeled data shows a decrease of 6% from 2000 to 2018. The municipal vehicle fleet decreased emissions by 28% due to cleaner and more efficient vehicles.

In comparison, statewide emissions decreased approximately 10% from 2000<sup>2</sup> to 2017. This however cannot be directly compared to the 26% reduction achieved in Berkeley by 2018, as the City does not have a complete dataset available for 2017, and there were significant GHG reductions in 2018 when it joined EBCE. Statewide emissions reductions are expected to accelerate with the recent passing of SB 350, which sets a goal for 50% of the electricity in California to come from renewable energy by 2030, and doubling the energy efficiency of buildings in the next 15 years.

### **Considerations for tracking progress**

**Natural Gas Emissions:** It is important to note that emissions from natural gas may be much larger than what is depicted in this inventory. According to research conducted by San Francisco Department of the Environment, current emissions methodology may severely underestimate the impact of leakage throughout the entire natural gas system. Not only do natural gas leaks pose a health and safety threat to the community but they also release methane (the main component in natural gas) into the atmosphere, which traps 86 times more heat than carbon dioxide. Natural gas leakage is estimated to be approximately 1.4%, whereas new independent studies average that leakage could be 4.52%, with estimates seen up to 12%.<sup>3</sup> A methodology to integrate this into Berkeley's emissions inventory is not yet available.

**Data Access & Accuracy:** A CPUC ruling regarding data privacy has severely hindered staff's ability to attain accurate and consistent building energy usage data from PG&E for the GHG emissions inventory. The ruling dictates certain thresholds a dataset must meet in order to protect individual customer usage data from being disaggregated from the total. This ruling resulted in an incomplete dataset from PG&E between 2014-2017.

### **Consumption-Based GHG Emissions Inventory**

Although the more traditional emission inventory that Berkeley uses—known as a “production-based” or “sector-based” inventory, like the one described above—lays a foundation for key climate policy and program planning, taking a look at the emissions beyond Berkeley's borders can be beneficial to addressing the climate crisis as a regional or global issue. An individual's impact on the environment does not end at its city's boundaries, but extends to imported and exported goods consumed by that individual. Consumption-based inventories take into account the entire life cycle of a specific product to calculate its GHG emissions. Included are goods and services such as air travel (even if, as for Berkeley, the airport is located outside of a jurisdictional

---

<sup>2</sup>California Air Resources Board, GHG Current California Emission Inventory Data: <https://www.arb.ca.gov/cc/inventory/data/data.htm>. Please note methodologies between state, regional, and local emissions inventories may vary slightly.

<sup>3</sup> Methane Math: How Cities Can Rethink Emissions from Natural Gas, San Francisco Department of the Environment (November 2017) <https://sfenvironment.org/download/methane-math-how-cities-can-rethink-emissions-from-natural-gas>

boundary), food, appliances, and construction of buildings. See Figure 3 for a diagram of the relationship between consumption- and sector-based approaches.

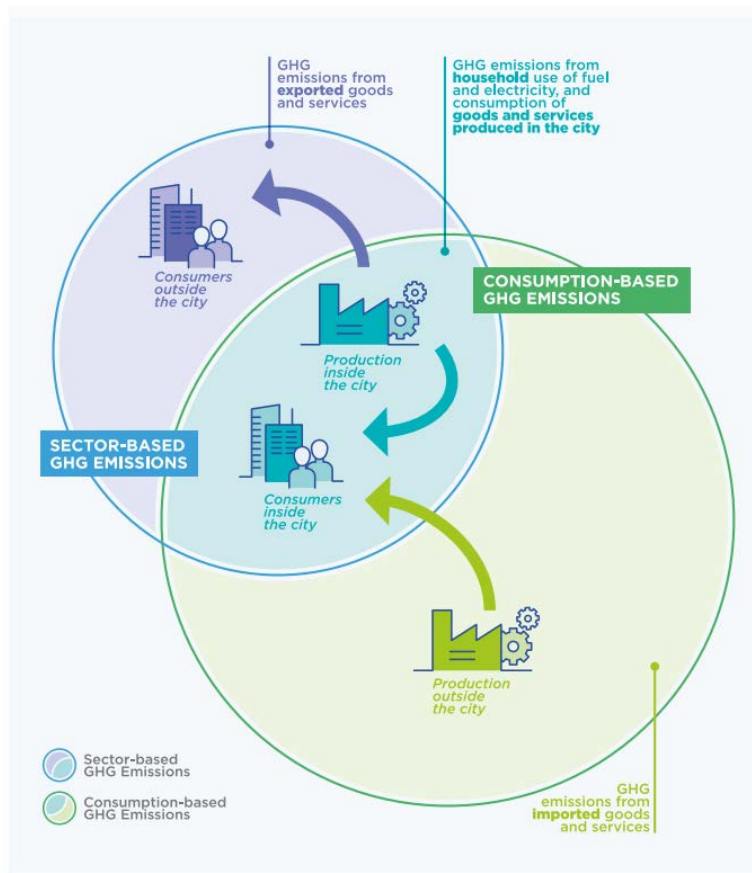


Figure 3: A diagram depicting the relationship between sector- and consumption-based approaches to GHG emissions tracking.<sup>4</sup>

Although this type of inventory would be helpful to track Berkeley’s complete carbon emission profile, capturing this data accurately has been proven very complex. Currently no standardized or accurate methodology across cities has yet been adopted. However, the CoolClimate Network, a research partnership including UC Berkeley, created a consumption-based inventory for every city in the Bay Area using 2013 data.<sup>5</sup> This inventory was presented to Council in December 2018<sup>6</sup>. Though it has not been updated, the 2013 data showed that Berkeley has a relatively low carbon footprint per household, in comparison with other Alameda County cities. This could be due to Berkeley’s denser housing, transit service, and biking and pedestrian infrastructure.

<sup>4</sup> C40 Cities, Consumption-Based GHG Emissions of C40 Cities. <https://www.c40.org/researches/consumption-based-emissions>

<sup>5</sup> Bay Area Air Quality Management District, Consumption-Based GHG Emissions Inventory: <https://www.baaqmd.gov/about-air-quality/research-and-data/emission-inventory/consumption-based-ghg-emissions-inventory>

<sup>6</sup> CAP Report Update to City Council, December 18, 2018: <https://www.cityofberkeley.info/recordsonline/api/Document/AS1qYEO88qcY6ips8nwbGgL4jGxxlSquza3ESIDOTS6DL2nWl1jPxzLJVhyvQgYDIIKPuJdD3oigVB31dHEfM%3D/>

Due to overlapping categories with the sector-based approach (shown in Figure 3), this consumption-based inventory cannot be added directly into Berkeley's sector-based inventory. However, analyzing both inventories separately paints a more complete picture of how Berkeley residents and businesses, as global consumers, can address their carbon footprint. The outcome of the consumption-based study can be found in the last CAP Update Report to Council, as well as on an interactive online SF Bay Area Carbon Footprint Map<sup>7</sup>, where specific sectors can be isolated and compared across Berkeley zip codes.

---

<sup>7</sup> Bay Area Air Quality District, SF Bay Area Carbon Footprint Map.  
<https://baaqmd.maps.arcgis.com/apps/MapSeries/index.html?appid=94b9eff6547f459fba27a6853327e1a2>



## Attachment 2 – Municipal Facility Update

Staff continues to make improvements in municipal facilities to increase energy efficiency, lower energy costs, reduce greenhouse gas (GHG) emissions, and transition buildings toward being all-electric powered by clean electricity. Municipal buildings purchase emissions-free electricity, the Brilliant 100 product from East Bay Community Energy.

### Electrification Retrofits of Municipal Buildings

Several buildings undergoing construction include plans to advance electrification, including:

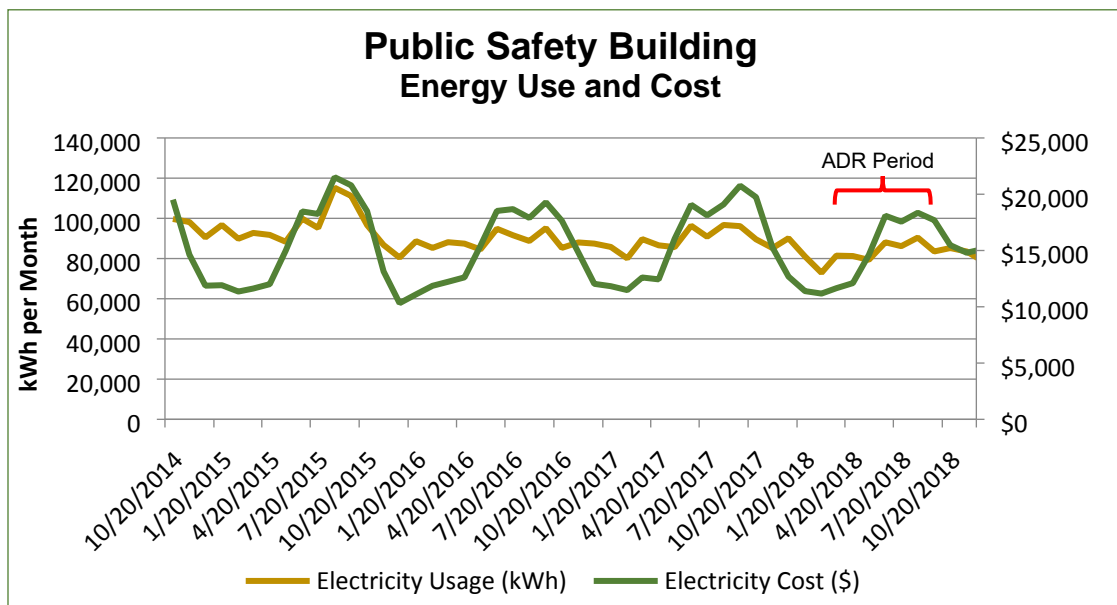
- **The Mental Health Clinic** is being retrofitted as a zero-emissions building and will have no gas meter on site. Using a grant from the Berkeley Lab, the historic building includes passive daylighting, saving on electric lighting, and will use high efficiency electric heat pumps for space heating, cooling and ventilation. Water heating and other appliances are all electric. This building will have a formal case study done, as the Berkeley Lab grant includes energy monitoring of all systems. The building is scheduled for completion in October 2020.
- **Live Oak Recreation Center** is also currently under construction. This will be a nearly all-electric building, with heat pumps providing space heating and cooling and water heating. Supplementing the heat pumps will be a number of ceiling fans in the social hall, art room, and other activity rooms, to facilitate cooling and help prevent air stagnation. The kitchen will have an electric induction range. The roof and electrical system will be solar PV-ready, but funding has not been identified for a solar installation. The gas furnace in the theater will be the only fossil-fuel component remaining. The building is scheduled for completion in October 2020.
- **North Berkeley Senior Center** is currently undergoing a major seismic improvement renovation, which has been expanded to include the electrification of a number of the building's energy systems. These will include replacing the three boilers which provided forced hot water heating, with new high efficiency electric heat pumps, and solar PV to help offset the additional electric load. The solar inverter is "battery-ready", so that if a future battery system can be installed, it could provide both emergency power and will be able to operate from the battery at times of day when energy is most expensive. The building also received high efficiency double paned insulated windows and new wall and attic insulation, which will reduce the overall heating and cooling loads. At this time, the building will still have a natural gas range and oven, and there is no funding identified for battery storage. The building is planned for completion in November 2020.

### Other Energy Efficiency, Emissions Reduction and Cost Savings Projects

In the past 2 years, the City implemented several projects to improve energy efficiency, reduce peak electricity use and reduce GHGs.

- **Automated Demand Response (ADR)** programs aim to reduce electricity during times of peak demand, when electricity has the highest cost and GHG emissions. These projects were implemented at the Public Safety Building and the James Kenney Recreation Center, because the energy management software at each site was compatible. The Public Safety Building saved 42,400 kWh, or about \$11,000 in air conditioning costs as shown below:

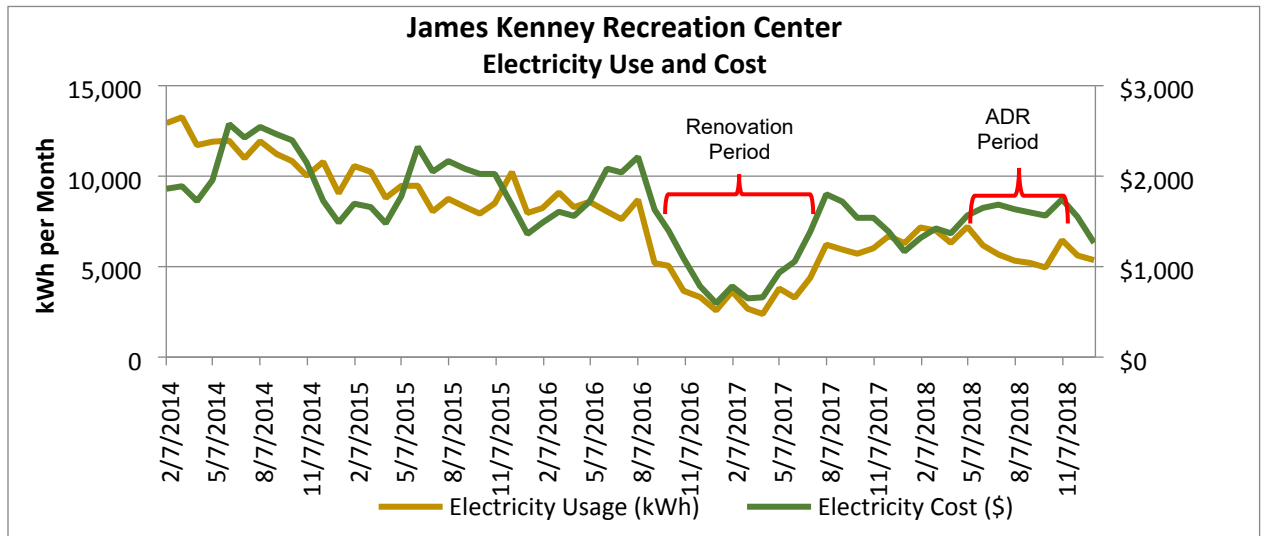
Figure 1- Public Safety Building Energy Use and Cost



The Public Safety Building also underwent a complete lighting upgrade to high efficiency LEDs. This project was completed in 2019 and was the City’s first On-Bill Financing project. The total cost was \$250,000, with zero up-front costs from the City of Berkeley. These projects were funded through a PG&E program that provides immediate payment to the energy contractors, and allow the City to repay the loan on its monthly utility bill. The loan payment is roughly equal to the energy cost savings, resulting in no cost increase for the City, while reducing energy use and GHG emissions.

James Kenney Recreation Center had proportionally similar results with its Automated Demand Response lighting project, saving nearly 4,500 kWh, and about \$4,000. Note that the energy and cost comparisons were made to 2016 energy use, since the building was under renovation in 2017.

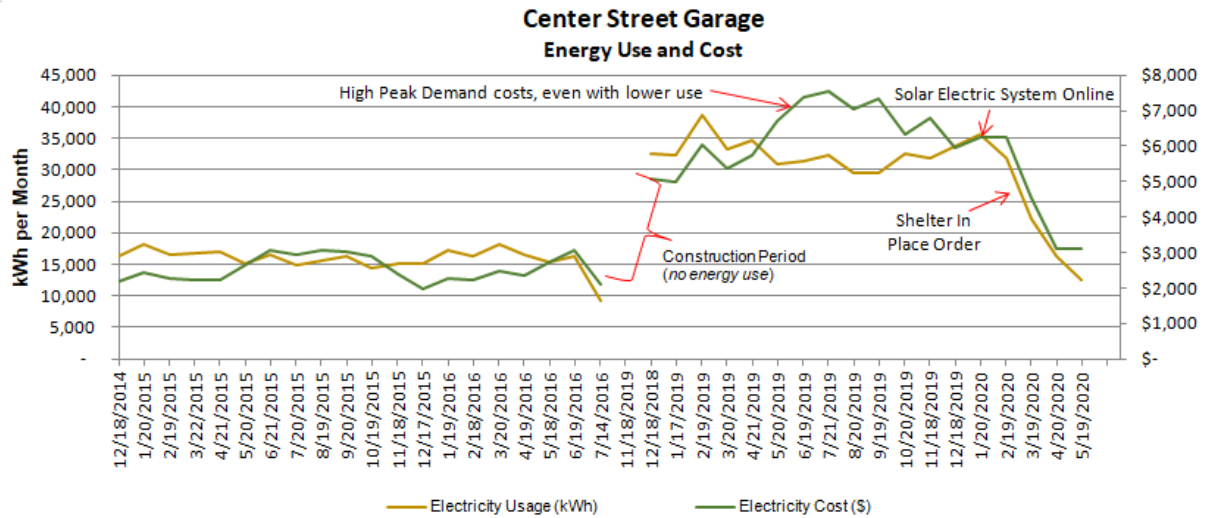
Figure 2 – James Kenney Recreation Center Electricity Use and Cost



- **On-site Solar PV** at the Center Street Garage was completely rebuilt beginning mid-2016, re-opening in November 2018. The new garage is 300% larger, initially had 20 electric vehicle charging ports, and now has 57. This explains the significant jump in overall costs and use, but there is a similar gain in revenue to help offset this increased cost of operations. The solar PV system was installed last, and due to commissioning and testing, did not come online until January 2020. The effects were immediate, reducing energy costs and energy use.

Note that before the solar came online, the demand energy cost was comparatively high (green line, below), even though the actual energy consumed was low. High demand was due to the EV charging stations, which were in use at times of day when energy costs are the highest.

Figure 3 - Center Street Garage Energy Use and Cost



- Future Projects** will be developed as energy efficiency and electrification assessments are completed for buildings, including the Spring Animal Shelter, South Berkeley Senior Center, the Central Library, and the South Berkeley Branch Library. Once these assessments have been completed, the goal is to use On Bill Financing to make energy improvements, including LED lighting, heating, cooling or ventilation improvements. Efficiency in these systems is a fast and efficient way to reduce costs and GHG emissions.

## UC Berkeley: 2018-2019

UC Berkeley finished its first-ever complete submission for the Sustainability Tracking, Rating and Assessment System, or STARS, earning a high Gold rating with 78.5 points. That result placed UC Berkeley 11th out of 349 colleges and universities having completed a full STARS assessment. The campus's top-ranked environmental sciences programs helped UC Berkeley earn top-notch STARS scores for its sustainability-themed undergraduate and graduate programs and sustainability-focused research. UC Berkeley also earned perfect scores in fields that measure diversity and equity in the campus community. The STARS rating additionally earned UC Berkeley a coveted spot among the top 20 greenest universities, according to the Sierra Club and the Princeton Review.

The popular Cool Campus Challenge returned to UC in April 2019, and UC Berkeley took the overall honor as the Coolest UC, achieving the most carbon-saving points of any UC campus or medical center. Engaging more than 4,200 participants, or 7.5 percent of the campus, UC Berkeley is saving tons of carbon dioxide from participants' actions, equivalent to taking 500 cars off the road for an entire year. Also in support of carbon reduction action, UC Berkeley's chancellor, in coordination

with students, signed a memorandum of understanding committing the Berkeley campus to 100 percent clean, renewable energy by 2050.

Berkeley received five best practice awards at the annual California Higher Education Sustainability Conference. UC Berkeley's efforts on zero waste curriculum and operations, environmental justice, toxin reduction and climate action took the honors. The awards highlight the breadth, depth and leadership in sustainability the campus both values and excels in.

UC Berkeley's newest building, the Connie and Kevin Chou Hall at Haas School of Business, is now one of the greenest academic buildings ever. It has earned a trifecta of green building certifications. The building achieved TRUE Zero Waste certification at the highest possible level, along with LEED Platinum Certification for its architectural design, construction and energy efficiency. Most recently it became the campus's first WELL certified space at the Silver level. With no landfill bins in the building, a team of staff and students is working to phase out single-use, disposable materials in favor of reusable containers and supplies, and the building's on-site food vendor adheres to zero waste practices.

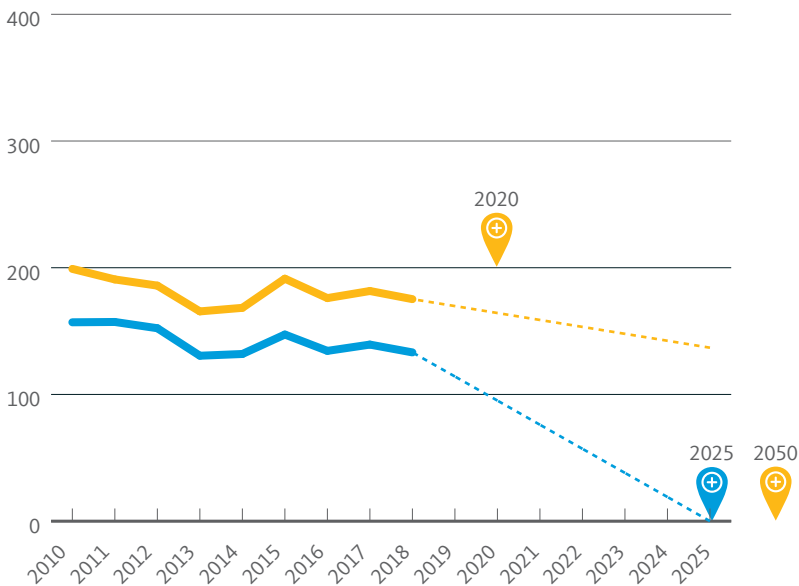


Credit: Elena Zhukova

# UC Berkeley, By the Numbers 2018

## GREENHOUSE GAS EMISSIONS

(1,000 metric tons CO<sub>2</sub>e)



- Scopes 1 (natural gas, campus fleet, fugitive) + 2 (purchased electricity)
- Scopes 1, 2 + 3 (campus commute, business air travel)

**Goals:**

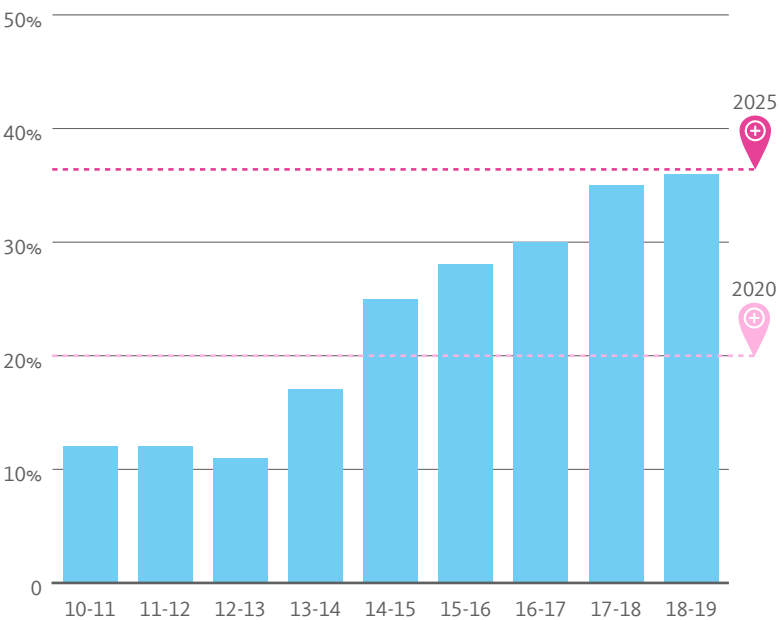
- 1990 levels by 2020 (scopes 1, 2 + 3)
- Carbon neutral by 2025 (scopes 1 + 2)
- Carbon neutral by 2050 (scopes 1, 2 + 3)

**Progress:**

- 2020 goal met

## WATER

(Percent reduction in per capita potable water consumption)



**Goal:**

- 20% reduction from baseline in per capita potable water use by 2020 and 36% reduction from baseline in per capita potable water use by 2025

**Progress:**

- 2020 goal met
- 2025 goal met

**2018-19 gallons per capita: 13,185**

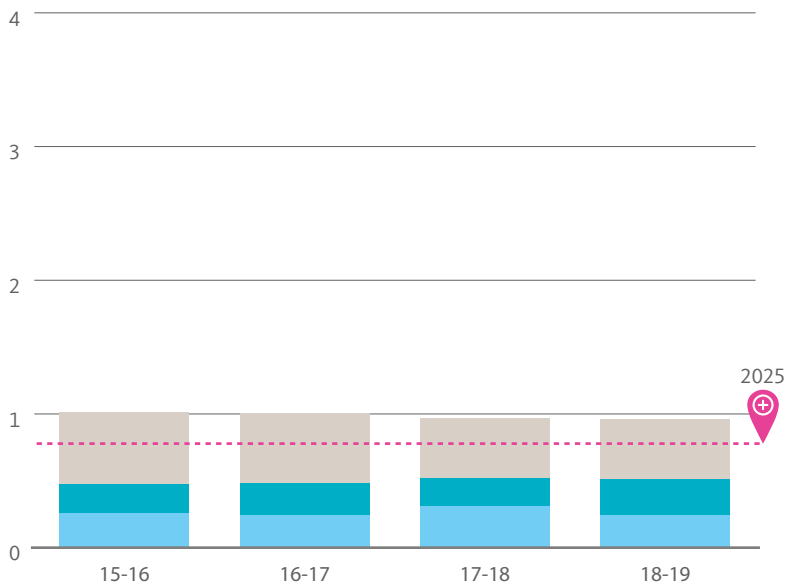
# UC Berkeley, By the Numbers 2018

## WASTE

(Daily per capita waste generation in pounds)



- Recycle
- Organics
- Landfill

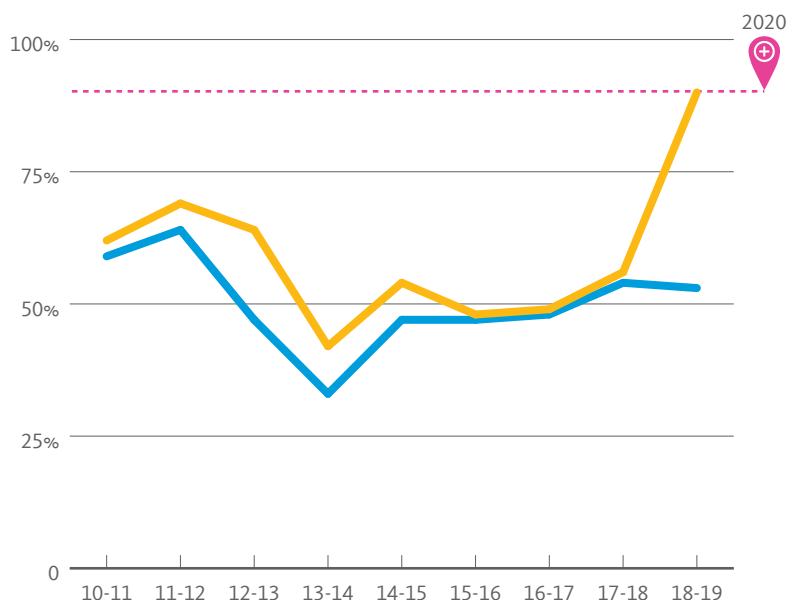


### Goals:

- Reduce waste generation per capita to FY 2015-16 levels by 2020, 25 percent below FY 2015-16 levels by 2025, and 50 percent below FY 2015-16 levels by 2030
- Zero waste by 2020

(Diversion rate)

- Diversion Rate (C&D + MSW)
- Diversion Rate (MSW)



# UC Berkeley, By the Numbers 2018

## FOOD



### Goal:

- 20% of food service spend to be from sustainable products by 2020

### Progress:

**Residential:** 28%

**Retail:** 14%

UC Berkeley has met the 2020 goal for residential sustainable food service spend.

## PROCUREMENT



### Goal:

- 25% green spend as a total percentage of spend per product category

### Progress:

**Cleaning supplies:** 85%

UC Berkeley has met the green spend goal for cleaning supplies.

## TRANSPORTATION



### Goals:

- 50% of all new light-duty fleet vehicles purchased at each campus will be zero-emission or hybrid by 2025
- Reduce SOV commute rate to no more than 40% of employees and no more than 30% of all employees and students by 2050. (In other words, 60% of employees and 70% of employees and students will use alternative commute modes to get to campus)

### Progress:

**Percent of all new light-duty fleet vehicles zero-emission or hybrid:** 25%

**Alternative commute rate:**

**Employee:** 62%

**Overall:** 83%

UC Berkeley has met the employee and overall alternate commute goal.

## GREEN BUILDING



### Goals:

- LEED Silver minimum for all new construction
- Certify at least one LEED EBOM project on each campus

### Progress:

**UC Berkeley added one new LEED Silver building in 2019 to total:**

**Platinum:** 2

**Gold:** 12

**Silver:** 7

**Certified:** 1

This list includes the Connie and Kevin Chou Hall (LEED Platinum in 2018) and the David Blackwell Residence Hall (LEED Gold in 2018).

**Number of LEED EBOM projects:** 0

## SUSTAINABLE BUILDING OPERATIONS AND LABS



### Goal:

- Assess three research labs

### Progress:

**Number of assessed research labs:** 18

UC Berkeley has met the sustainable research lab assessment.



# 2020 Berkeley Lab Greenhouse Gas Emissions Summary for the City of Berkeley

## Sustainability Goals

Berkeley Lab pursues three broad initiatives to reach sustainability goals. These initiatives, listed below, are described in greater detail at [sbl.lbl.gov](http://sbl.lbl.gov).

- Climate: Improving buildings, greening the energy grid, and low-carbon commutes
- Waste: Rethinking waste through composting, recycling, and smart purchasing
- Water: Upgrading fixtures, stopping leaks, and encouraging conservation

Our sustainability goals are driven by requirements of the federal government, California state law, and University of California policy. These goals are continuously updated and summarized [here](#). The primary sustainability goals include:

- **Efficiency and Climate**
  - Improve energy efficiency 2% annually
  - Reduce overall GHG emissions 30% by 2025 (2015 baseline)
  - Procure or produce at least 7.5% of electricity use from renewable sources
- **New Construction**
  - Limit new construction energy use to 35%-50% of an existing building baseline
  - Outperform energy code by 30%
  - Eliminate on-site fossil fuel use in new construction by 2020
  - Meet additional requirements in the [Berkeley Lab Sustainability Standards for New Construction](#)
- **Waste Minimization**
  - Achieve Zero Waste by 2020 (>90% waste diversion)
  - Reduce solid waste per capita 50% by 2030
- **Water Conservation**
  - Reduce per capita water consumption 36% by 2025 (2007 baseline)

## Strategies

The Lab's key current sustainability strategies include:

- **BUILDINGS**: Improve efficiency, enhance performance, and eliminate GHG impacts
- **RENEWABLE ENERGY**: Decarbonize our energy supply, develop local generation and storage
- **FOOD AND ORGANICS**: Minimize the impacts of our food choices
- **MATERIALS**: Create the building blocks of a circular materials economy
- **TRANSPORTATION**: Electrify and lower impacts from commute choices
- **WATER**: Waste less water
- **AIR QUALITY AND HEALTH**: Reduce pollution and improve health

## Greenhouse Gas Emissions

Total Berkeley Lab greenhouse gas emissions for fiscal year 2019 (ending September 2019) were 54,864 MTCO<sub>2</sub>e. These emissions are 29% below 2008 levels and 20% below 2015 levels. Emissions are updated annually in December and shared in the data section of the Sustainable Berkeley Lab website (see [sbl.lbl.gov/data](http://sbl.lbl.gov/data).) These emissions are reported according to a federal greenhouse gas reporting protocol and include Scope 1 direct emissions from onsite combustion of fuels and emissions of gases used for refrigeration and scientific research, Scope 2 indirect emissions from purchased electricity, as well as Scope 3 indirect emissions from employee commuting, business air and ground travel, electricity transmission and distribution, off-site wastewater treatment, and off-site municipal solid waste disposal.

## Sustainability Metrics

As of spring 2020, Berkeley Lab is maintaining an annual energy savings portfolio of 13.0 million kWh and water savings of 20 million gallons. This is equivalent to the energy generation from an 8.4 MW photovoltaic array, which would occupy 25 football fields or 33 acres. Other key sustainability performance metrics for the Lab, as of October 1, 2019 include:

- Lab-wide energy use intensity (weather-corrected energy consumption divided by square footage) has improved 14% since FY 2015. See Change in Energy Use Intensity and Consumption from Baseline at [sbl.lbl.gov/data](http://sbl.lbl.gov/data) for more detail.
- The Lab has made particular progress in reducing natural gas consumption. Lab-wide weather-corrected natural gas consumption as of October 2019 is 13% lower than in FY 2015.
- 21% of electricity use (and 16% of all energy use) is procured or generated from renewable sources (beyond the renewables included in the grid power mix).
- Waste diversion is at 75% (see [chart](#)), and diversion from construction and demolition projects is at 84%.
- Water use intensity is 16% below 2007 levels (see [chart](#)).

## Awards

The Lab's sustainability efforts were recognized by five awards since our last report to the Council.

- The Lab was awarded a 2020 Best Practice Award in Overall Sustainable Design for the newly completed Integrative Genomics Building. The award will be presented by the California Higher Education Sustainability Conference in July.
- The Lab won a [2019 Department of Energy Sustainability Award](#) - Outstanding Sustainability Program or Project for its policy on [Sustainability Standards for New Construction](#).
- The Lab received a [2019 Best Practice Award](#) from the California Higher Education Sustainability Conference for advanced use of SkySpark (a building analytics platform) to support the ongoing commissioning (OCx) process.



- The Lab received a 2019 “Accelerating Smart Labs” Project Award from the Department of Energy, on behalf of the Better Buildings Smart Lab Accelerator. The award recognizes the Lab’s innovative approach to generate energy and water savings through continual improvement in building operations, what the Lab calls an ongoing commissioning (OCx) process.
- The Lab received a [2019 EPEAT Purchaser Award](#) from the Green Electronics Council. The award recognizes the Lab’s efforts to purchase sustainable Information Technology (IT) products. Berkeley Lab is one of eight organizations that achieved the Five-Star level, and one of 59 organizations that received an EPEAT Purchaser Award.

## Highlights

Recent highlights are summarized below.

### CLIMATE

#### Energy Information and Management

- **Energy and Water Savings in High Performance Computing:** The Lab has continued work with its high-performance computing center (known as NERSC) to protect savings and strengthen monitoring capabilities. The Lab verified annual maintained savings of over 1.8 million kWh at NERSC - approximately 37% of the baseline “non-compute” electricity use - and over 500,000 gallons of water. See details on the NERSC Efficiency Optimization at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress).
- **Efficiency Improvements in Berkeley Labs Computing Center:** The power utilization effectiveness (or PUE, a measure of the non-compute load as a percentage of the total data center load) at the Lab’s Berkeley Research Computing Center has been reduced from an average of 1.45 to 1.37 in the last year. This means that the “overhead” energy use of the facility was reduced by 18%. These savings have been generated by decommissioning computer room air conditioning (CRAC) units in favor of rear door heat exchangers at each rack.
- **Site-Wide Exterior Lighting:** The Lab continues efforts to modernize exterior lighting on its Hill campus. See a Lighting Modernization project overview at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress). A retrofit of fixtures in the building 50 garage completed in early FY 2019 resulted in 95 percent energy savings and higher quality lighting.
- **ISO 50001 Implementation:** The Lab has completed a two-year project to align energy and water management



activities to ISO 50001, an international energy management standard. ISO 50001 alignment is a key strategy to ensure that energy and water management at the Lab is strategic, effective, and persistent. The primary project deliverable is an online [Energy and Water Management System Manual](#). A new energy and water management policy has also been finalized to support ISO 50001 certification. ISO 50001 efforts have been coordinated closely with the Lab’s Energy Technologies Area, which was instrumental in developing the standard.

## Green Building

- **Updated Sustainability Standards for New Construction:** The Lab updated its policy on [Sustainability Standards for New Construction](#) in April 2019.
- **High Performance New Construction:** The Integrated Genomics Building was occupied in November 2019 and is designed to meet deep energy efficiency targets (consuming 36% of the energy used by the prior facility in Walnut Creek), use no natural gas, and offset about 15% of its total energy use with rooftop photovoltaics. See more details about the Integrative Genomics Building (IGB) Design at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress). Photovoltaic panels are planned for future installation.

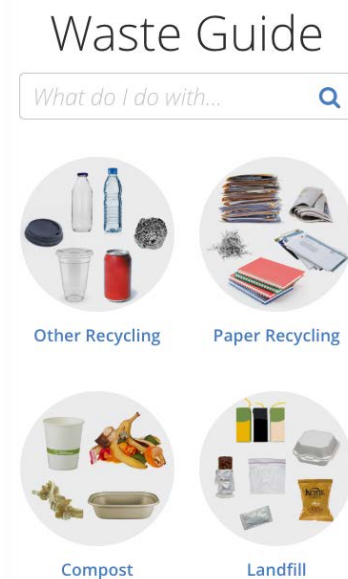


## Transportation

- **Increased Electric Vehicle Charging:** The Lab increased the size of its charging community by about 28% in FY 2019 to (from 145 to 171). Approximately 95 EV drivers are charging regularly each month at the Lab’s main site. Details about the Staff EV Charging Program are available at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress).
- **Improved Shuttle Routes:** In November 2018, the Lab introduced a new shuttle route serving north Berkeley, intended to reduce single-occupancy vehicle trips and avoid the need for 75 parking spaces at the Lab’s main site. The Lab continues to optimize shuttle routes from the Rockridge BART station, which were expanded in September 2018. As of October 2019, the Lab also updated its NextBus Alert system, which allows riders on all shuttle routes to be notified when the next shuttle is arriving at a stop.

## WASTE

- **Online Waste Guide:** The Lab has continued hosting an online Waste Guide ([wasteguide.lbl.gov](http://wasteguide.lbl.gov)) to educate the Lab community on how to reduce, reuse, and recycle more than 250 items. The Guide has been very useful and popular. It



indicates how to dispose of items and provides additional details about what happens after items are put in the bin.

- **Site-Wide Waste Audits:** The Lab has maintained its site-wide waste audit system to track building-level diversion and identify the composition of waste streams in order to better target diversion efforts. Explore Waste Diversion by Building at [sbl.lbl.gov/data](http://sbl.lbl.gov/data) and read about the Lab’s data-driven waste diversion efforts at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress).
- **IGB Pioneers as First Zero Waste Building:** IGB has demonstrated leadership by committing to be the Lab’s first building to go “zero waste,” with updated infrastructure to reach and sustain greater than 90% waste diversion.
- **New Policies for Zero Waste and Waste Reduction:** New policies were finalized this year to clarify roles and responsibilities related to achieving zero waste (greater than 90% diversion).

## WATER

- **New Water Policies:** Three policies were finalized this year intended to reduce water consumption. These include policies defining limitations for landscape watering, for water-conserving restroom fixtures, and to eliminate water waste associated with single-pass cooling. Single-pass cooling refers to the use of a cold water supply as a source of cooling in which water is run through a piece of laboratory or building cooling system equipment to a drain.

**ATTACHMENT 4: Sustainability Community Outreach Events  
February 2019 – February 2020**

| DATE     | EVENT                                                                                              | ATTENDEES* | PARTNERS**                                                                             |
|----------|----------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------|
| 2/1/19   | <b>Equity &amp; Adaption Training</b>                                                              | 48         | Urban Sustainability Directors Network (USDN), Movement Strategy Center, Rami & Assoc. |
| 2/7/19   | <b>East Bay Electrification Expo</b>                                                               | 280        | Ecology Center, StopWaste                                                              |
| 3/15/19  | <b>Electric Mobility Stakeholder Workshop</b>                                                      | 50         |                                                                                        |
| 3/19/19  | <b>Senior Center East Bay Community Energy (EBCE) Outreach</b> (tabling)                           |            |                                                                                        |
| 3/26/19  | <b>Bay Area Multifamily Building Enhancements (BAMBE) Multi-Family Workshop - large properties</b> | 34         | StopWaste                                                                              |
| 3/26/19  | <b>BAMBE Multi-Family Workshop - small properties</b>                                              | 25         | StopWaste                                                                              |
| 4/8/19   | <b>Senior Center EBCE Outreach</b> (tabling + presentation)                                        | 20         |                                                                                        |
| 5/4/19   | <b>Energy Town Hall</b> (tabling + presentation)                                                   | 40         | Hosted by: Councilmembers Harrison & Bartlett                                          |
| 6/23/19  | <b>Electric Cars 101 Workshop</b>                                                                  | 30         | Ecology Center, 350 Bay Area                                                           |
| 6/25/19  | <b>Electric Cars 101 Workshop</b>                                                                  | 30         | Ecology Center, 350 Bay Area                                                           |
| 6/29/19  | <b>Making a Healthier Home Workshop</b>                                                            | 30         | Ecology Center, StopWaste                                                              |
| 8/22/19  | <b>Clean Transportation Convening</b>                                                              | 135        | Berkeley Climate Action Coalition (BCAC), Ecology Center                               |
| 9/14/19  | <b>3rd Annual Ride Electric</b>                                                                    | 300-500    | Ecology Center                                                                         |
| 10/15/19 | <b>2019 SunShares Workshop</b>                                                                     | 50         | Ecology Center                                                                         |
| 10/16/19 | <b>Planning Department Open House</b> (tabling)                                                    | n/a        |                                                                                        |
| 10/20/19 | <b>City of Berkeley Open House</b> (tabling)                                                       | n/a        | Hosted by: City Manager                                                                |
| 11/5/19  | <b>Get Ready for 2020: Electrification for Home Builders &amp; Designers Workshop</b>              | 98         | BCAC, Ecology Center, StopWaste                                                        |
| 11/9/19  | <b>Awakening the Dreamer Symposium</b> (tabling)                                                   |            | Hosted by: Unitarian Universalist Church, Pachamama Alliance                           |
| 11/17/19 | <b>Making a Healthier Home Workshop</b>                                                            | 75         | StopWaste, City of Albany                                                              |
| 1/21/20  | <b>Citizen's Climate Lobby (CCL): Climate Restoration - We Are Not Doomed!</b> (tabling)           | n/a        | Hosted by CCL: BCAC + multiple community partners                                      |
| 2/26/20  | <b>Bridge Association of Realtors: Electrification 101 for Realtors Workshop</b>                   | 63         | Hosted by: Bridge Association of Realtors                                              |

\*Total attendees (participants, staff & presenters) for workshops only.

\*\*Unless noted, OESD was either the lead entity or a co-host of events. At events hosted by another organization or City department, OESD participated by tabling and/or presenting.



---

# March 2021 Network Call

---

# Welcome

---

- Leading today's call is James Ritchotte, Climate Mayors Director
- Any technical problems or questions during today's call, please email Rupal Prasad at USDN: [rupalprasad@usdn.org](mailto:rupalprasad@usdn.org)

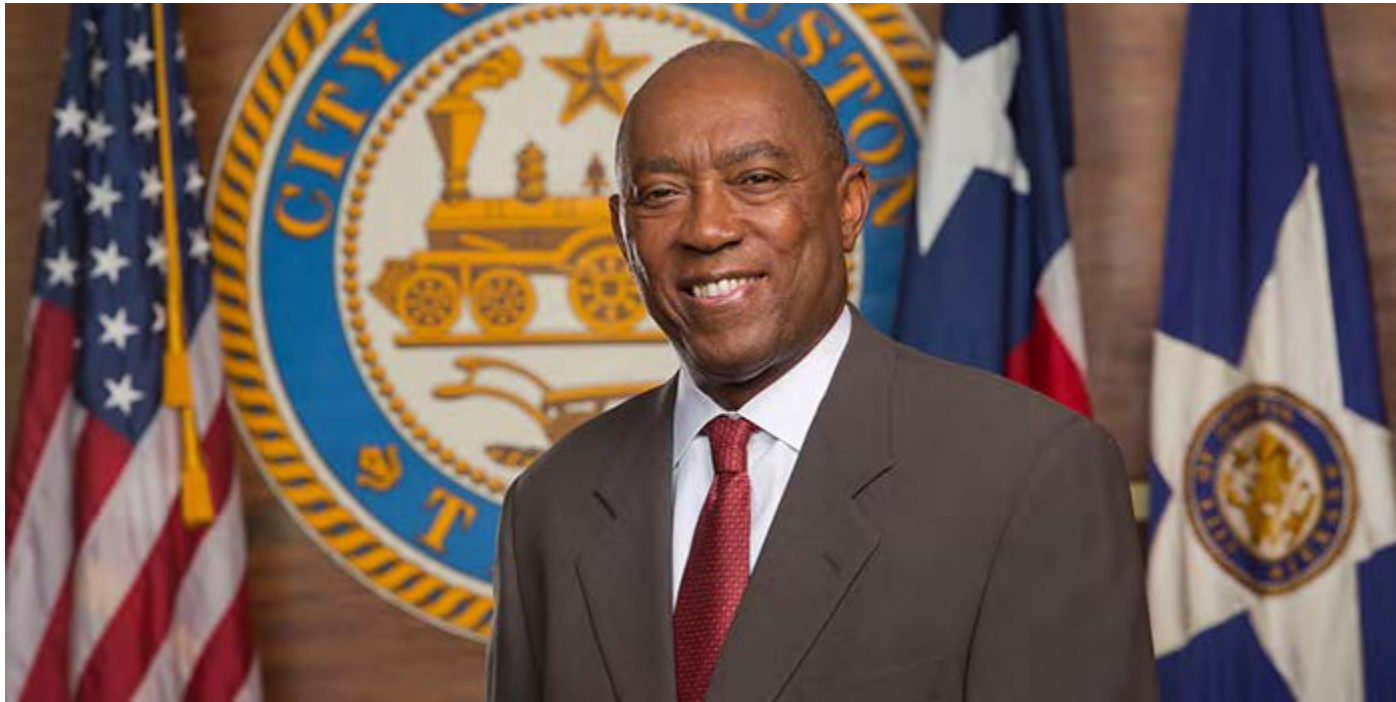


# Agenda: March 9, 2021

---

- I. Welcome
- II. Mayor's Moment – Mayor Sylvester Turner, City of Houston, TX
- III. Cities Race to Zero – Laura Jay, Regional Director for North America, C40
- IV. Climate Mayors EV Purchasing Collaborative
- V. Policy and Organizational Update

# Mayor's Moment – Sylvester Turner, City of Houston, TX



# CITIES RACE TO ZERO

## DRIVING A GREEN AND JUST RECOVERY IN 1000 CITIES



©Henning Witze



Nations Unies  
Conférence sur les Changements Climatiques  
COP21/CMP11

Paris France



## COP26

**November 1-12, 2021**  
**Glasgow, Scotland**

The most important milestone since the adoption of the Paris Agreement: for the first time nations are expected to present new and enhanced pledges showing how they will reach net-zero emissions by 2050.

# EVERYONE has a role to play

*“Every country, city, financial institution and company should adopt plans for transitioning to net zero emissions by 2050 and take decisive action now to put themselves on the right path towards achieving this vision”.*

**Antonio Guterres, Secretary General of the United Nations,**  
“State of the Planet” speech, 2/12/2020



# CITIES RACE TO ZERO

Official partner for cities into the global Race to Zero campaign run by the UNFCCC.

Race to Zero rallies cities, regions, businesses, and investors committed to the 1.5°C goal of the Paris Agreement and to achieving net zero emissions by 2050 at the very latest.



To join go to [www.citiesracetozero.org](http://www.citiesracetozero.org) and sign the **Cities Race to Zero pledge**.



*“As the first generation of leaders to recognize the scale of the impending climate crisis and the last generation to be able to prevent it, I invite you to join the **Cities Race to Zero**”.*

**Eric Garcetti, Mayor of Los Angeles,**  
Friend of COP26 & C40 Chair



# WHY US CITIES SHOULD JOIN THE RACE

It is critical for US cities be at the table as the Biden Administration implements its climate ambitions.

By aligning city efforts with the science and likely targets of the Biden Administration, cities stand to directly benefit from policies and programs that will implement these targets and bolster equity and generate good paying jobs

# Who is already in the Race?



**452**  
Cities



**45**  
Investors



**549**  
Universities



**22**  
Regions



**7%**  
Global CO2 emissions



**0.62**  
Billion people



**12%**  
Global economy US\$9.81  
trillion in revenue



# MEDIA COVERAGE

**2.8 million** readership of outlets which published articles on Race to Zero launch



**'Race to Zero': Businesses, cities and investors join forces in UN-backed net zero emissions campaign**

The Telegraph

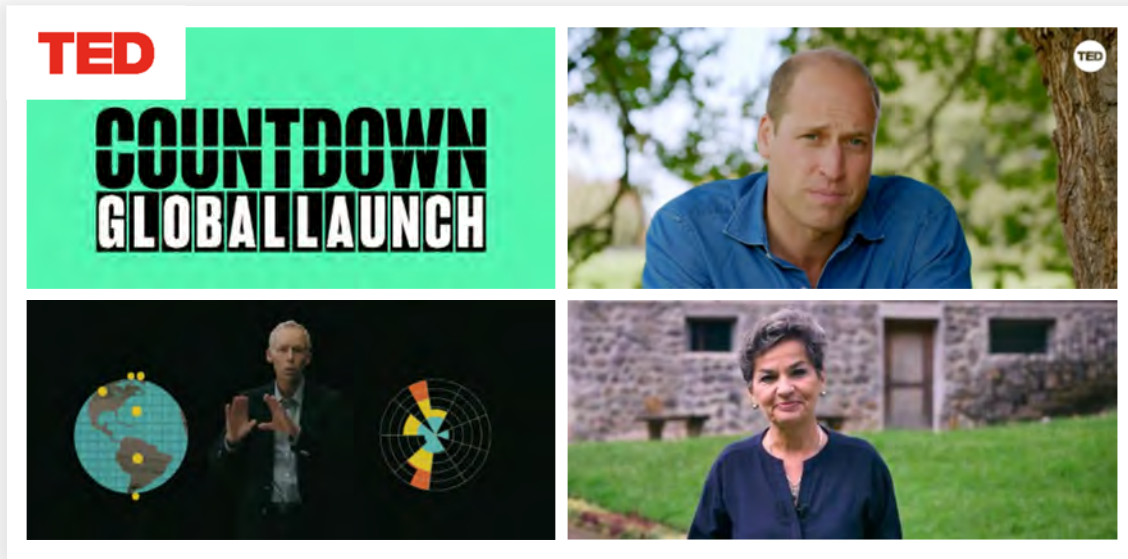
**Together, for a cleaner world**

edie

**Race to Zero: COP26 campaign launched to push nations towards net-zero targets**



**UN launches push for net-zero emissions by 2050**



BusinessGreen

**Starting gun fired for UN-backed 'Race to Zero' campaign**

CURRENT ±

**UNFCCC Race to Zero campaign pushes for net zero coalition of global actors**

An aerial night view of a city skyline, likely Los Angeles, with numerous buildings illuminated and lights reflecting on the ground. The sky is a deep blue, and the city lights create a vibrant, glowing effect. The text is overlaid on the left side of the image.

**OBJECTIVE:**  
**1000 CITIES**  
**JOIN CITIES**  
**RACE TO ZERO**

# Cities Race to Zero pledge:

## 5 REQUIREMENTS

### 01

**Endorse** the following principles:

- We recognize the global climate emergency.
- We are committed to keeping global heating below the 1.5°C goal of the Paris Agreement.
- We are committed to putting inclusive climate action at the center of all urban decision-making, to create thriving and equitable communities for everyone.
- We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it.

### 02

**Pledge** to reach net-zero in the 2040s or by mid-century at the latest and limit warming to 1.5°C.

### 03

**Plan** to set an interim 2030 target consistent with a fair share of 50% global emission reductions.

### 04

**Proceed** to planning at least one inclusive climate action, e.g. Procure only zero emission buses from 2025.

### 05

**Publish** your target and action to your usual reporting platform and report progress annually.

# WHY **join?**

---

**01**

**Increase your city's efforts** to address equity, climate, economic recovery and job growth

---

**03**

**Demonstrate your city's leadership** in this global movement and at the biggest climate event of the decade

**02**

**Align your city's climate actions** with what science requires to meet the Paris Agreement

---

**04**

**Access global media platforms** to tell stories of what climate action means in your local community to a global audience

# JOINING: step-by-step



**01**

**Go to the Cities  
Race to Zero portal**

[www.citiesracetozero.org](http://www.citiesracetozero.org)



**02**

**Click on Join  
Cities Race to Zero**

You're starting the pledging  
process



**03**

**Carefully read the Cities  
Race to Zero pledge**

Make sure you understand  
the 5 pledge requirements

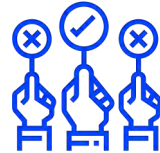
# JOINING: step-by-step



**04**

## Select where you will be reporting your target and action commitment

CDP-ICLEI Unified Reporting System and MyCovenant are recognized platforms of Cities Race to Zero. If you do not currently report, please say so on the form!



**05**

## Commit to at least one action

There are over 50 high-impact inclusive actions that could set your city on the path to a green and just recovery and 1.5°C.



**06**

## Sign and submit the Cities Race to Zero pledge

Only a mayor, council leader or equivalent can sign (or personnel authorized on their behalf). You are now committed to delivering all 5 Cities Race to Zero requirements.

# Race to Resilience

This sister campaign is designed to put people and nature first in pursuit of a resilient world.

The objective of Race to Resilience is to build the resilience of 4 billion people from vulnerable groups and communities.

Cities can join Race to Resilience at the same time as Cities Race to Zero on [www.citiesracetozero.org](http://www.citiesracetozero.org) **by committing to at least one additional resilience action.**



# SETTING a 1.5°C target



**Cities that already have a 1.5°C science-based target** need to report it to their existing report platforms. If you've never reported before, we will guide you in this process.



**Cities that are not sure their target is science-based and 1.5°C compliant** need to report it and Cities Race to Zero partners will check for alignment.



**Cities that do not have a 1.5°C science-based target** need to start developing one or updating existing target as soon as possible.

ICLEI USA & CDP are working on support to US cities in setting Science Based Targets.



## Guide for cities

To help you choose the best methodology to set a 1.5°C compliant, science-based target.



# Action planning

Cities can choose among 50+ high-impact inclusive actions that will set them on a path to 1.5°C, deliver a green a just recovery from COVID-19, as well as better health, air quality, jobs and resilience for all.

**All signatories must commit to at least one action before COP26;** it can be an action already underway, a new action, or multiple!

Resources are available to help you successfully plan and deliver these actions.



**Create green and healthy streets**



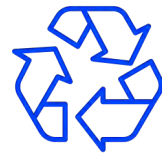
**Create a more inclusive society**



**Reduce air pollution & ensure clean air**



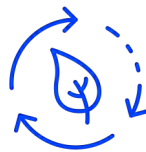
**Develop zero-carbon buildings**



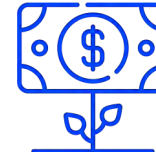
**Advance towards zero waste**



**Move towards resilient sustainable energy systems**



**Create sustainable food systems**



**Divest from fossil fuels & invest in a sustainable future**



# REPORTING

Signatories should report their targets and actions through the CDP-ICLEI Unified Reporting System or MyCovenant.

In 2021, cities will report the information they have, even if incomplete. By 2022, cities will report confirmed or updated targets, and start reporting progress annually.

**Cities that already report to of these platforms will not have new reporting requirements.**

**Cities that have not reported before will be guided through this process.**



# CHAMPIONING Cities Race to Zero

---

Committed cities are invited to champion this global campaign and help recruit their peers in their country, region, why not even sister-cities?

Get in touch if you would like to champion Cities Race to Zero!

**Unsure if you are in the Race?**

Ask us: [info@citiesracetozero.org](mailto:info@citiesracetozero.org)

# Thank you

---

[Laura Jay, Regional Director for North America at C40 Cities](#)

[ljay@c40.org](mailto:ljay@c40.org)

---

[info@citiesracetozero.org](mailto:info@citiesracetozero.org)

[www.citiesracetozero.org](http://www.citiesracetozero.org)



# The Collaborative Reach

**257**

committed cities, counties, ports, universities, and transit agencies

**4,106**

light-duty electric vehicles and buses committed

**2,633**

electric vehicles procured to date

**1,257**

charging stations installed to date

# [ Dashboard for Rapid Vehicle Electrification - DRVE ]



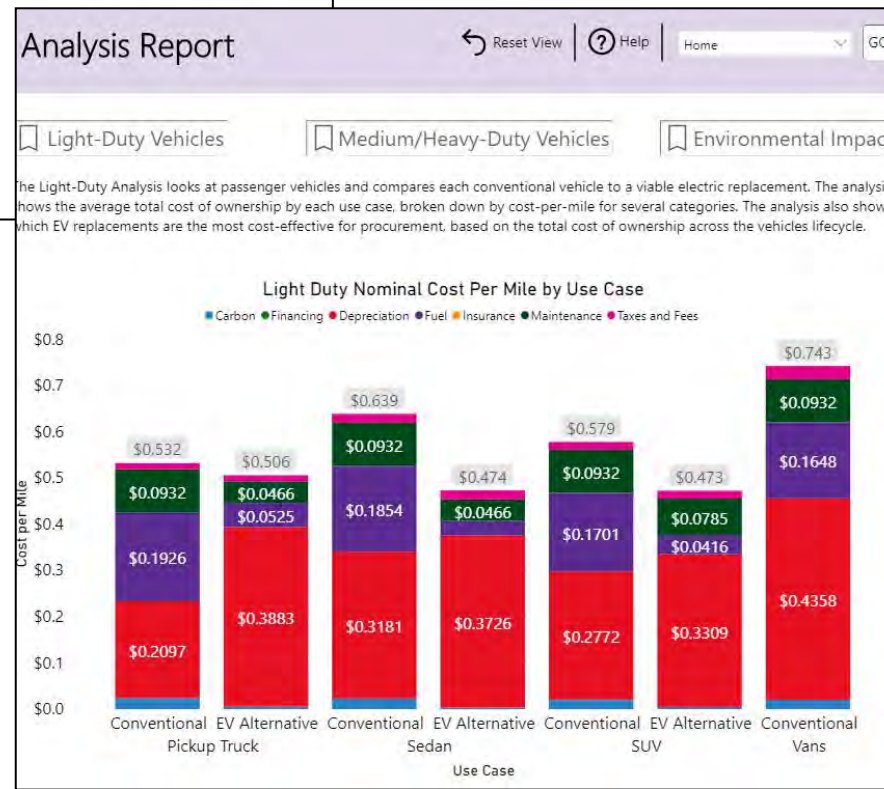
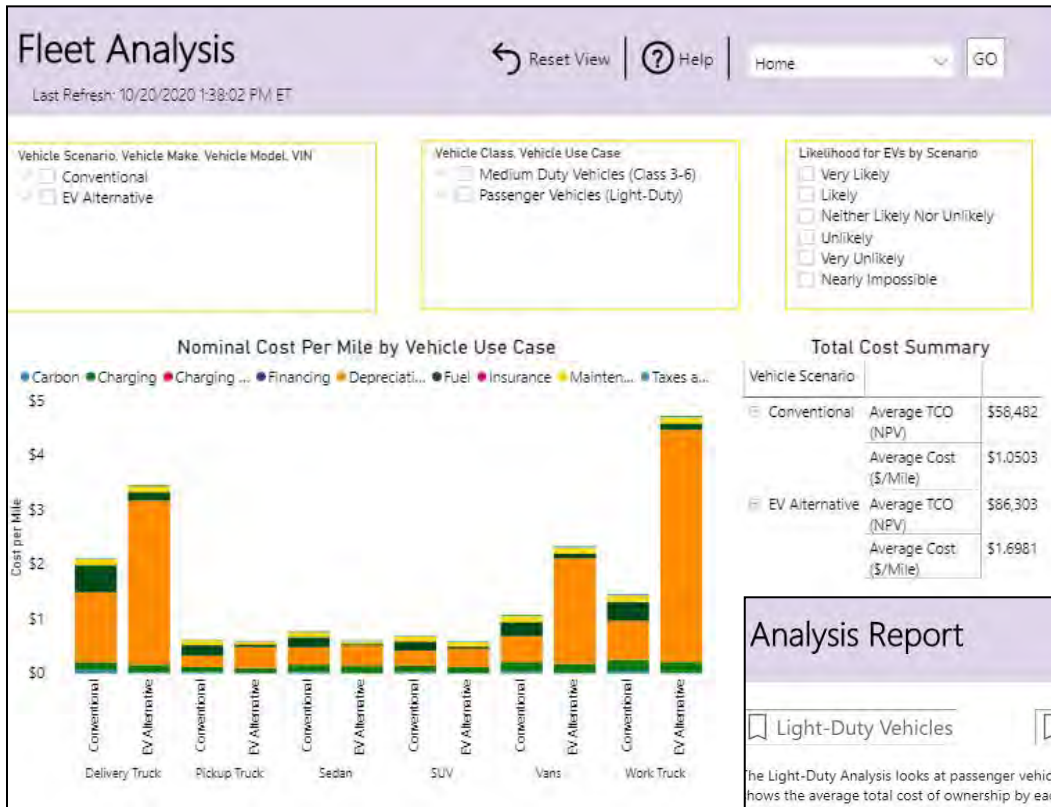
Electrification  
Coalition

# Improving Fleet Analysis from Top to Bottom

- Standard fleet analysis can be costly, take weeks/months, and be difficult to interpret results.
- Through the DRVE Tool, the Electrification Coalition is focused to create an accessible, easy-to-use analysis tool that analyzes fleet data in minutes.
- Focused on bringing light, medium, and heavy-duty fleet analysis under one tool; typically separated for analysis.

# The Results: The Dashboard

- Dashboard Analysis View
- Ability to view and sort analysis by vehicle type, size, and other profiles.
- Light, Medium, and Heavy-Duty options





# DRVE Tool Recap

- Pulls from automated FHWA, DOE, EPA, and FuelEconomy.gov sources; will scale as new vehicle options become available.
- Upload and ingest data of any type (CSV, Excel)
  - Key input is vehicle VIN number
- Runs analysis on-computer
- New Features released/underway:
  - Automated Report Download
  - More charging planning features
  - DRVE “light” tool – allows for rendering of data within Excel file as well

# DRVE webinar for Climate Mayors

- March 18
- 2 PM ET
- Register Here:
- [https://us02web.zoom.us/webinar/register/WN\\_mQOZ7IsMQ5K69YYlyUKS2Q](https://us02web.zoom.us/webinar/register/WN_mQOZ7IsMQ5K69YYlyUKS2Q)

Over 250 public entities across the country have joined!

# Thank you!

**Sarah Reed**

805-550-4174

sreed@electrificationcoalition.org

www.driveevfleets.org



Electrification  
Coalition

1111 19TH STREET NW  
SUITE 406  
WASHINGTON, DC 20036

TEL: 202-461-2360  
FAX: 202-318-8934  
ELECTRIFICATIONCOALITION.ORG

# Policy and Organizational Update

---

- Governance and Strategic Planning Process
- Climate Mayors Meeting with White House Office of Domestic Climate Policy
- Earth Day
  - Climate Leaders Summit
  - City action/announcements
- Congressional Activity
  - COVID-19 Relief and Recovery Act
  - CLEAN Future Act

# Thank You

---

- Next call will be on April 13, 2021
- Materials from today's call will be distributed this week
- Please contact James Ritchotte ([jritchotte@climate-mayors.org](mailto:jritchotte@climate-mayors.org)) if you have any questions





Office of the City Manager

CONSENT CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Councilmember Terry Taplin

Subject: Proclaiming May 2021 as Mental Health Month

RECOMMENDATION

Adopt a Resolution proclaiming May 2021 as Mental Health Month in the City of Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Substance Abuse and Mental Health Services Administration (SAMHSA) has determined that persons diagnosed with severe mental illness have a life expectancy of 25 years less than members of the general public. Through their National 10 x 10 Campaign they are bringing awareness to this devastating fact and have pledged to decrease that disparity by ten years in the next ten years. In the City's Mental Health Division many mental health clients also have co-occurring addiction disorders, exacerbating existing barriers to recovery and increasing the disparity in their life expectancy.

Mental Health America, an organization working to improve the mental health of all Americans, began observance of Mental Health Month during the month of May in 1949. Their primary goal was to promote awareness of mental health conditions and mental wellness for all. Local government agencies, public and private institutions, businesses and schools join in this annual campaign to raise public awareness and understanding of mental health and illness, and to reduce the stigma associated with mental health problems and treatment. Council is requested to join in this national campaign in order to promote increased awareness of mental health and mental disabilities in the City of Berkeley.

BACKGROUND

The mental health and well-being of the City of Berkeley's residents is a critical issue that affects not only quality of life, but also the health of our communities, families, and economic stability. Mental disorders and mental health problems affect residents of all backgrounds and all stages of life, and no one is immune from its affects. The World

Health Organization (WHO) found that mental illnesses is the top ranking cause of disability in the United States and the most prevalent health problem in America today – more common than cancer, lung and heart disease combined. Nationally, one in four adults lives with a diagnosable, treatable mental health condition. According to WHO, in a typical workplace with 20 employees, four will likely develop a mental illness this year. More than three out of four employees who seek care for workplace issues or mental health problems see substantial improvement in work performance after treatment. Although mental health treatment has been shown to be effective, an estimated two-thirds of adults and young people with mental health challenges are not receiving the care they need to improve their lives significantly.

Socioeconomic inequalities and disparities in health have been widening for decades. In the United States, the data consistently show that people living in poverty, and particularly those who are members of minority communities, bear a disproportionate burden of exposure to unhealthy environments and are at greater risk for mental and behavioral health-related conditions. The Health, Housing & Community Services (HHCS) Mental Health Division has recently initiated a Health Equity Committee to assess and address inequities in access to mental health services.

The City of Berkeley Mental Health Division has been engaged in Mental Health Services Act (MHSA) planning and implementation in recent years, with the intent to identify areas of greatest need and to increase effective mental health services that promote mental health recovery. The Mental Health Division will continue to participate in a comprehensive and inclusive planning process to transform services provided by the Mental Health Division in alignment with core MHSA principles.

To strengthen the Berkeley community, the Mental Health Division also provides Mental Health First Aid training to enable community members to better assist their friends, family and neighbors who may have signs and symptoms of a mental health crisis or illness. The Mental Health First Aid Training teaches participants how to use a 5-step action plan to help connect a person in distress to appropriate professional, peer, social or self-help care.

The basis for a Citywide May is Mental Health Month proclamation is to increase awareness of the importance of mental health, and that mental health and physical health go hand-in-hand. This awareness helps to demonstrate commitment and support to Berkeley residents who have a mental illness and their families. This event also promotes hope and encourages those with mental illness to recover and become productive members of the community.

The Mental Health Division and the Berkeley/Albany Mental Health Commission are hosting a “May Is Mental Health Month” celebration entitled: Covid-19: Changes, Hope and Resiliency “Increasing Community Mental Health and Wellness. The free be held Virtual event will be on Wednesday, May 26 from 5:30-7:30pm virtually using zoom. The



program will include presentations, revealing of the New Berkeley Mental Health Clinic information sharing, entertainment, and prizes. Community achievement awards will be presented.

At its March 25, 2021 meeting, the Mental Health Commission passed the following motion:

Review Recommendation to City Council to declare “May is Mental Health Month”  
M/S/C (cheema, Opton) Move the motion on page 21 the Resolution Proclaiming May 2021 is May is Mental Health Month.  
PASSED

Ayes: Blanton, cheema, Fine, Opton, Prichett Noes: None; Abstentions: None; Absent: Moore, Taplin

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

Proclaiming May as Mental Health Month offers us the opportunity to bring awareness that treatment for mental health problems is effective, that the successes of people in recovery are often remarkable, and to acknowledge men and women in the field who dedicate their lives to help people with psychiatric disabilities and other mental health problems.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Terry Taplin, City Councilmember, District 2, 981-7120  
Jamie Works-Wright, Commission Secretary, Health, Housing & Community Services, 981-7721

#### Attachments:

1: Resolution PROCLAIMING MAY 2021 AS MENTAL HEALTH MONTH

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

PROCLAIMING MAY 2021 AS MENTAL HEALTH MONTH

WHEREAS, mental health is essential to everyone's overall health, productivity and well-being; and

WHEREAS, one in four American adults are affected by a mental illness; and

WHEREAS, mental health problems do not discriminate; they affect people regardless of race, creed, age, life style, or economic status; and

WHEREAS, Mental Health Recovery is possible with proper treatment and support empowering mental health consumers to lead full and productive lives; and

WHEREAS, as many as eight million Americans who have serious mental illnesses do not receive adequate treatment each year; and

WHEREAS, people who have untreated mental health issues use more general health services than those who receive mental health services when they need them; and

WHEREAS, The Substance Abuse and Mental Health Services Administration (SAMHSA) has determined that persons with severe mental illness have a life expectancy of 25 years less than members of the general public; and

WHEREAS, more than 50% of persons receiving treatment in the mental health system also have Co-Occurring Disorders compounding their barriers to recovery and increasing the disparity in their life expectancy; and

WHEREAS, the City of Berkeley has made a commitment to community-based systems of mental health care in which all residents can receive high-quality and consumer-centered services; and

WHEREAS, Mental Health First Aid training is available in Berkeley to enable community members to better assist their friends, family and neighbors who may have signs and symptoms of mental illness or be in a crisis; and

WHEREAS, the City of Berkeley has been actively involved in the planning and implementation of the Mental Health Services Act to increase effective mental health services that promote Mental Health Recovery in Berkeley; and

WHEREAS, we commend the Mental Health Division, for their outstanding work improving the quality of life for mentally disabled individuals in our community; and

May 11, 2021

WHEREAS, Mental Health America observes Mental Health Month every May to raise awareness and understanding of mental health and illness.

NOW THEREFORE, BE IT RESOLVED that I, Jesse Arreguin, Mayor of the City of Berkeley, do hereby proclaim May 2021 as Mental Health Month in the City of Berkeley and call upon all Berkeley citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.





CONSENT CALENDAR

DATE: May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin and Councilmember Sophie Hahn

Subject: Resolution in Support of Green New Deal for Cities Act of 2021

### RECOMMENDATION

Adopt a resolution in support of the Green New Deal for Cities, Counties, States, Tribes, and Territories by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY), cosponsored by California's 13<sup>th</sup> Congressional District Rep. Barbara Lee (D-CA), representing Berkeley.

### BACKGROUND

On April 19, 2021, Rep. Cori Bush (MO-01) and Rep. Alexandria Ocasio-Cortez (NY-14) introduced the Green New Deal for Cities Act of 2021, which would provide \$1 trillion in federal funding for state and local governments to respond to the global climate crisis while creating thousands of green infrastructure jobs. The federal funding is modeled after local funding grants provided in the HEROES Act of 2020 and the American Rescue Plan of 2021.

According to the authors, the Green New Deal for Cities would:

- *Authorize \$1 trillion, with a minimum of 50% of all investments going each to frontline communities and climate mitigation (these categories can overlap)*
- *Fund an expansive array of climate and environmental justice projects in keeping with the values of the Green New Deal, including wind power procurement, clean water infrastructure, and air quality monitoring*
- *Prohibit false solutions or projects that may be applicable elsewhere but do not fit into this bill. Examples include geoengineering, expanding fossil fuel infrastructure, direct air capture, among others*
- *Support housing stability by conditioning funding to local governments to ensure they work with tenant and community groups to prevent displacement in communities receiving investment*

- *Prioritize workers by including prevailing wage requirements, equitable and local hiring provisions, apprenticeship and workforce development requirements, project labor agreements and Buy America provisions<sup>1</sup>*

The Green New Deal<sup>2</sup> is a longstanding campaign promise of progressive elected officials across the country to decarbonize the U.S. economy through a large-scale public works and infrastructure program to modernize the electrical grid and procure green energy while revitalizing American industry, reinvesting in frontline communities and attaining full employment, effectively tying long-term economic prosperity, racial justice, and structural reform to climate resilience.

## RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil FuelFree City," and the Council declared a Climate Emergency. As of 2019, data shows that Berkeley residents have reduced overall GHG emissions by 26% since 2000, despite population increasing by 18% and an expanding economy at the time.<sup>3</sup> In 2019, Berkeley prohibited natural gas in new buildings, continuing a trend of GHG reductions through energy use in buildings. Municipal buildings such as the North Berkeley Senior Center and Live Oak Recreation Center have recently been upgraded with electrical heating, induction, and solar power.

There are still greater opportunities to reduce the city's carbon footprint, but major infrastructural investments will be needed, even going beyond building electrification.

According to the 2020 Climate Action Plan update, the transportation sector offers the greatest opportunity for GHG reductions in the city, as it comprises nearly 60% of citywide GHG emissions. The city's Electric Mobility Roadmap "includes scenario modeling of what is needed to reach carbon neutrality by 2045 and found that electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030 (up from 16% in 2017). This would translate to EVs being approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045. However, these numbers could be offset by supporting clean alternatives to driving which could also reduce the total number of vehicles and provide

---

<sup>1</sup> [https://bush.house.gov/sites/evo-subsites/bush.house.gov/files/evo-media-document/Bush\\_AOC%20GND4Cities%20One%20Pager.pdf](https://bush.house.gov/sites/evo-subsites/bush.house.gov/files/evo-media-document/Bush_AOC%20GND4Cities%20One%20Pager.pdf)

<sup>2</sup> <https://www.sierraclub.org/trade/what-green-new-deal>

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf)

co-benefits such as lower traffic congestion and healthy, active transportation, as well as reduced or eliminated GHG emissions.”<sup>4</sup>

This will necessitate a major expansion of EV charging facilities, as well as public transit, micro-mobility services, and bike and pedestrian infrastructure, that federal funding could help support.

Additionally, federal support for investments in infill development of affordable housing can aid in GHG reductions<sup>5</sup> by providing more housing for Berkeley’s workforce closer to public transit and safe pedestrian infrastructure, reducing per capita VMT.

The bill has support from more than 70 grassroots and environmental organizations, including People’s Action, Labor Network for Sustainability, the Center for Biological Diversity, Food and Water Watch, Friends of the Earth U.S., Greenpeace USA, Earthworks, 350.org, Socio-Spatial Climate Collaborative, the Sunrise Movement, Zero Hour, Progressive Democrats of America, Indigenous Environmental Network, GreenLatinos, For the People, Our Revolution, Poder in Action, Climate Justice Alliance, Earth Action, Inc., Climate Hawks Vote, Jewish Voice for Peace Action, GreenFaith, Dayenu: A Jewish Call to Climate Action, RapidShift Network, CatholicNetwork US, Alliance of Nurses for Healthy Environments, GASP, Equal Justice Society, Flint Rising, Hispanic Access Foundation, The Climate Mobilization, Justice Democrats, Indivisible, Global Center for Climate Justice, and Earthjustice.

#### ENVIRONMENTAL IMPACTS

None; resolution does not guarantee passage of legislation.

#### FISCAL IMPACTS

None.

#### CONTACT

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

#### ATTACHMENTS/SUPPORTING MATERIALS

1. Resolution
2. Green New Deal Act of 2021

---

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx)

<sup>5</sup> <https://coolcalifornia.arb.ca.gov/california-local-government-climate-policy-tool>

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

RESOLUTION IN SUPPORT OF GREEN NEW DEAL FOR CITIES ACT OF 2021

WHEREAS the state of California has committed to a goal of reducing greenhouse gas emissions to 40 percent below 1990 levels by 2030 and achieving carbon-neutrality by 2045; and

WHEREAS the City of Berkeley has committed to reducing greenhouse gas emissions by 80 percent below 2000 levels by 2050; and

WHEREAS Berkeley residents reduced overall GHG emissions by 26% from 2000 to 2018, despite population increasing by 18% and economic expansion; and

WHEREAS electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030, or approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045;

WHEREAS the Green New Deal Act for Cities of 2021 by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY) would provide \$1 trillion in federal funding for local and state jurisdictions to for green infrastructure and public works jobs to decarbonize the economy, invest in frontline communities, build community wealth and heal racial inequities;

THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley registers its support for the Green New Deal Act for Cities of 2021.



.....  
(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

To provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

Ms. BUSH introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

# A BILL

To provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) CLIMATE MITIGATION.—The term “climate  
6 mitigation” means policies and activities intended to  
7 reduce the greenhouse gas forcing of the climate sys-  
8 tem.

1           (2) FPIC.—The term “FPIC” means free,  
2 prior, and informed consent.

3           (3) FRONTLINE COMMUNITY.—The term  
4 “frontline community” means a community with sig-  
5 nificant representation of communities of color, low-  
6 income communities, deindustrialized communities,  
7 fossil fuel communities, or Tribal and indigenous  
8 communities, that experiences, or is at risk of expe-  
9 riencing, higher or more adverse climate change,  
10 human health, or environmental effects, as compared  
11 to other communities.

12           (4) LOCAL GOVERNMENT.—The term “local  
13 government” means a territory or any unit of local  
14 government within a State or territory, including a  
15 county, borough, municipality, city, town, township,  
16 parish, local public authority, transit agency (includ-  
17 ing multistate transit agencies), special district,  
18 school district, intrastate district, council of govern-  
19 ments, any other instrumentality of local govern-  
20 ment.

21           (5) LOCAL GREEN NEW DEAL PROGRAM PRO-  
22 POSAL.—The term “local Green New Deal program  
23 proposal” means a proposal of a local government or  
24 a Native American Nation that commits—

1 (A) to achieve zero greenhouse gas emis-  
2 sions, by 2030, through a fair and just transi-  
3 tion for all communities and workers;

4 (B) to create hundreds of good, high-wage  
5 jobs and ensure prosperity and economic secu-  
6 rity for all people of the local government or  
7 Native American Nation;

8 (C) to invest in the infrastructure and in-  
9 dustry of the local government to sustainably  
10 meet the challenges of the 21st century;

11 (D) to secure for all people of the United  
12 States for generations to come—

13 (i) clean air and water;

14 (ii) climate and community resiliency;

15 (iii) healthy and sustainably produced  
16 food;

17 (iv) access to nature; and

18 (v) a sustainable environment; and

19 (E) to promote justice and equity by stop-  
20 ping current, preventing future, and repairing  
21 historic oppression of indigenous peoples, com-  
22 munities of color, migrant communities,  
23 deindustrialized communities, depopulated rural  
24 communities, the poor, low-income workers,  
25 women, the elderly, the unhoused, people with

1 disabilities, incarcerated communities, and com-  
2 munities experiencing police violence and youth.

3 (6) NATIVE AMERICAN NATION.—The term  
4 “Native American Nation” means—

5 (A) the governing body of any individually  
6 identified and federally recognized Indian or  
7 Alaska Native Tribe, band, nation, pueblo, vil-  
8 lage, community, affiliated tribal group, or com-  
9 ponent reservation in the list published pursu-  
10 ant to section 104(a) of the Federally Recog-  
11 nized Indian Tribe List Act of 1994 (25 U.S.C.  
12 5131(a));

13 (B) the governing body of any individually  
14 identified Indian or Alaska Native Tribe, band,  
15 nation, pueblo, village, community, affiliated  
16 tribal group, or component reservation, exclud-  
17 ing tribal corporations; and

18 (C) a State recognized Tribe.

19 **TITLE I—GREEN NEW DEAL FOR**  
20 **CITIES, COUNTIES, STATES,**  
21 **TRIBES, AND TERRITORIES**

22 **SEC. 101. SHORT TITLE.**

23 This Act may be cited as the “Green New Deals for  
24 Cities Act of 2021”.

1 **SEC. 102. GREEN NEW DEAL FOR CITIES, TOWNS, AND NA-**  
2 **TIVE AMERICAN NATIONS.**

3 (a) IN GENERAL.—From amounts appropriated to  
4 carry out this title, the Secretary of Housing and Urban  
5 Development, in coordination with the Secretary of En-  
6 ergy, the Secretary of Labor, and the Office of Domestic  
7 Climate Policy, shall be allocated directly to eligible local  
8 or State entities in the same manner as amounts appro-  
9 priated under sections 602 and 603 of title VI of the So-  
10 cial Security Act (42 U.S.C. 801 et seq.), as applicable,  
11 to carry out eligible Green New Deal projects.

12 (b) USE OF FUNDS.—An eligible local or State entity  
13 receiving an allocation under this section—

14 (1) may use such funds to carry out an eligible  
15 Green New Deal project;

16 (2) shall allocate not less than 50 percent of  
17 such allocation for projects related to climate mitiga-  
18 tion;

19 (3) with respect to an eligible local or State en-  
20 tity that includes at least 1 frontline community,  
21 shall ensure not less than 50 percent of such alloca-  
22 tion is invested in frontline communities; and

23 (4) may not use such funds for—

24 (A) fossil fuel procurement, development,  
25 infrastructure repair that would in anyway ex-

1           tend lifespan or production capacity, or any re-  
2           lated subsidy;

3           (B) carbon capture and storage (CCS) or  
4           carbon capture, utilisation, and storage  
5           (CCUS);

6           (C) direct air capture;

7           (D) the procurement of nuclear power;

8           (E) research and development;

9           (F) the establishment or advancement of  
10          carbon markets, including cap and trade;

11          (G) geoengineering;

12          (H) highway expansion;

13          (I) road improvements or automobile infra-  
14          structure, other than electric vehicle charging  
15          stations;

16          (J) industrial scale bioenergy, including  
17          biofuels, biomass, and biogas, development or  
18          any related subsidy; or

19          (K) any investments or projects supporting  
20          law enforcement, immigration detention centers,  
21          and prisons, including buildings and vehicles  
22          under the control of law enforcement or a pris-  
23          on.

24          (c) REQUIREMENT.—As a condition of accepting an  
25          allocation provided under this section, an eligible local or

1 State entity shall agree to take steps, in consultation with  
2 community groups and tenant advocates, to secure exist-  
3 ing housing in neighborhoods receiving benefits from an  
4 allocation under this section, including through the use of  
5 rent control, rent stabilization, and other methods to pre-  
6 vent gentrification and stabilize property values.

7 (d) CONSULTATION.—In carrying out the program  
8 established under subsection (a), the Secretary shall con-  
9 sult with Administration of the Environmental Protection  
10 Agency, the Assistant Secretary of the Bureau of Indian  
11 Affairs, and the Council on Environmental Quality.

12 (e) NATIVE AMERICAN FPIC.—Prior to the author-  
13 ization of any project on land that may affect a Native  
14 American Nation, the Secretary shall ensure that such  
15 Nation has given FPIC.

16 (f) MATERIAL REQUIREMENT.—In carrying out any  
17 eligible Green New Deal project that uses renewable en-  
18 ergy materials, an eligible local or State entity shall use  
19 only renewable energy materials from Initiative for Re-  
20 sponsible Mining Assurance (IRMA) certified mines.

21 (g) COMMUNITY INVOLVEMENT.—In carrying out  
22 any eligible Green New Deal project, an eligible local or  
23 State entity shall develop a public participation plan to  
24 establish steps for ensuring decision-making inclusion of

1 frontline communities for such eligible Green New Deal  
2 project.

3 (h) DEFINITIONS.—In this section:

4 (1) ELIGIBLE LOCAL OR STATE ENTITY.—The  
5 term “eligible local or State entity” means a State,  
6 local government, or Native American Nation that  
7 has a local Green New Deal program proposal.

8 (2) ELIGIBLE GREEN NEW DEAL PROJECT.—  
9 The term “eligible Green New Deal project” includes  
10 a project and associated labor—

11 (A) for solar power procurement, installa-  
12 tion, maintenance, and operations;

13 (B) for wind power procurement, installa-  
14 tion, maintenance, coating, and operations;

15 (C) to carry out an American Society of  
16 Heating, Refrigerating, and Air Conditioning  
17 Engineers (ASHRAE) level II audit for com-  
18 mercial buildings;

19 (D) to procure dialysis machines or other  
20 equipment known to save lives of the most vul-  
21 nerable populations in extreme weather events  
22 that may cause power outages;

23 (E) to provide grants for acquisition of pri-  
24 vate lands by Native American Land Trusts,  
25 nations, and Tribes;



1 (F) to build electrification for heating, hot  
2 water, and cooking;

3 (G) for public electric vehicle procurement;

4 (H) to build capacity for communities to  
5 endure extreme weather events, such as invest-  
6 ments to cooling and heating centers and dis-  
7 aster preparedness;

8 (I) for community farming initiatives that  
9 promote and foster food sovereignty;

10 (J) to procure, install, and operate geo-  
11 thermal power;

12 (K) for phasing out existing fossil fuel in-  
13 frastructure;

14 (L) for testing of soils and waters in  
15 parks, playgrounds, and other sites for haz-  
16 ardous and radioactive wastes as well as dan-  
17 gerous chemicals, including PFAS;

18 (M) for the establishment of local Worker  
19 and Community Protection Funds (WCPF) to  
20 support fossil fuel workers, families of such  
21 workers, and impacted communities in the en-  
22 ergy transition;

23 (N) to repair gas pipeline leaks and cover  
24 orphan wells, so long as such pipelines and  
25 wells in no way expand fossil fuel production;

## 10

1 (O) to build, expand, and maintain public  
2 parks, trails, forests, and recreation sites;

3 (P) for installation of weatherization and  
4 efficiency measures, including reflecting coat-  
5 ings;

6 (Q) for adaptation measures;

7 (R) to procure and install electric vehicle  
8 charging stations;

9 (S) to remediate lead paint, mold, and as-  
10 bestos;

11 (T) to support reparations programs for  
12 Black and Indigenous people and communities;

13 (U) for investment in new or improved  
14 public green space, parks, playgrounds, or com-  
15 munity gardens;

16 (V) for the zero energy construction or im-  
17 provement of public or rent-secured housing or  
18 community land trusts;

19 (W) to provide, electrify, improve, expand,  
20 maintain, or operate public transit and public  
21 school buses;

22 (X) for remediation of a brownfield;

23 (Y) for air quality monitoring;

24 (Z) for pollution cleanup;

1 (AA) to procure, install, and maintain  
2 clean drinking water infrastructure piping and  
3 transmission lines, including replacing lead  
4 pipelines;

5 (BB) for public utility procurement, mod-  
6 ernization, and decarbonization;

7 (CC) for wetland, forest, and public land  
8 revitalization and other climate adaptation  
9 measures;

10 (DD) for public sanitation, broadband, and  
11 utility expansion for frontline communities;

12 (EE) for community solar power;

13 (FF) to construct and improve bike and  
14 pedestrian infrastructure, including bus stops  
15 and any improvements to transit infrastructure  
16 to comply with the Americans With Disabilities  
17 Act of 1990 (42 U.S.C. 12101 et seq.);

18 (GG) for restoring public lands, water-  
19 sheds, coastal areas, wildlife corridors, and  
20 other critical ecosystems, including investment  
21 in county and city parks and Tribal manage-  
22 ment of public lands;

23 (HH) for temporary housing for low-in-  
24 come families receiving housing improvements;

25 or

1 (II) for conservation projects on family  
2 farms, including water conservation projects,  
3 shelterbelts, and ecosystem restoration efforts.

4 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

5 For purposes of carrying out this title, there is au-  
6 thorized to be appropriated out of the general fund of the  
7 Treasury—

8 (1) \$400,000,000,000 for fiscal year 2022;

9 (2) \$300,000,000,000 for fiscal year 2023;

10 (3) \$200,000,000,000 for fiscal year 2024; and

11 (4) \$100,000,000,000 for fiscal year 2025.

12 **TITLE II—LABOR STANDARDS**

13 **SEC. 201. LABOR STANDARDS REQUIREMENTS.**

14 (a) IN GENERAL.—The Secretary of Labor shall re-  
15 quire an eligible local or State entity under section 102,  
16 as a condition of receiving a grant under such section, to  
17 satisfy each of the following requirements:

18 (1) The entity shall ensure that all laborers and  
19 mechanics employed by contractors and subcontractors  
20 in the performance of any applicable project  
21 shall be paid wages at rates not less than those pre-  
22 vailing on projects of a similar character in the lo-  
23 cality as determined by the Secretary of Labor in ac-  
24 cordance with subchapter IV of chapter 31 of title

1 40, United States Code (commonly known as the  
2 “Davis-Bacon Act”).

3 (2) The entity shall give preference to local and  
4 equitable hiring and contracting that creates oppor-  
5 tunities for—

6 (A) people of color;

7 (B) immigrants, regardless of immigration  
8 status;

9 (C) formerly incarcerated individuals;

10 (D) women;

11 (E) LGBTQIAP+ individuals;

12 (F) disabled and chronically ill individuals;

13 (G) marginalized communities; and

14 (H) BIPOC employee-owned businesses  
15 and co-ops.

16 (3) The entity shall be a party to, or require  
17 contractors and subcontractors in the performance  
18 of any applicable project to consent to, a covered  
19 project labor agreement, as long as the entity dem-  
20 onstrates that such agreement protects or furthers  
21 its proprietary interest in the project.

22 (4) The entity, and all contractors and sub-  
23 contractors in performance of any applicable project,  
24 shall abide by prevailing wage standards, prioritize

1 Project Labor Agreements, and prioritize local hir-  
2 ing and targeted hiring provisions.

3 (5) The entity, and all contractors and sub-  
4 contractors in the performance of any applicable  
5 project, shall not require mandatory arbitration for  
6 any dispute involving a worker engaged in a service  
7 for the entity.

8 (6) The entity, and all contractors and sub-  
9 contractors in the performance of any applicable  
10 project, shall consider an individual performing any  
11 service in such performance as an employee (and not  
12 an independent contractor) of the entity, contractor,  
13 or subcontractor, respectively, unless—

14 (A) the individual is free from control and  
15 direction in connection with the performance of  
16 the service, both under the contract for the per-  
17 formance of the service and in fact;

18 (B) the service is performed outside the  
19 usual course of the business of the entity, con-  
20 tractor, or subcontractor, respectively; and

21 (C) the individual is customarily engaged  
22 in an independently established trade, occupa-  
23 tion, profession, or business of the same nature  
24 as that involved in such service.

1           (7) The entity shall prohibit the employees of  
2 all contractors and subcontractors in the perform-  
3 ance of any applicable project from hiring employees  
4 through a temporary staffing agency unless the rel-  
5 evant State workforce agency certifies that tem-  
6 porary employees are necessary to address an acute,  
7 short-term labor demand. The entity may not pro-  
8 hibit the use of certified union hiring halls.

9           (8) The entity shall require all contractors, sub-  
10 contractors, successors in interest of the entity, and  
11 other entities that may acquire the entity, in the  
12 performance or acquisition of any applicable project,  
13 to have—

14           (A) an explicit policy of neutrality with re-  
15 gard to—

16           (i) labor organizing for the employees  
17 of the contractor or subcontractor em-  
18 ployed in the performance of the eligible  
19 project; and

20           (ii) such employees' choice to form  
21 and join labor organizations; and

22           (B) policies that require—

23           (i) the posting and maintenance of no-  
24 tices in the workplace to such employees of

1           their rights under the National Labor Re-  
2           lations Act (29 U.S.C. 151 et seq.); and

3                   (ii) that such employees are, at the  
4           beginning of their employment in the per-  
5           formance of the eligible project, provided  
6           notice and information regarding the em-  
7           ployees' rights under such Act.

8           (9) The entity shall, for each skilled craft em-  
9           ployed on any applicable project, demonstrate an  
10          ability to use and commit to use individuals enrolled  
11          in a Department of Labor registered apprenticeship  
12          program under subpart A of part 29 of title 29,  
13          Code of Federal Regulations, which such individuals  
14          shall, to the greatest extent practicable, constitute  
15          not less than 20 percent of the individuals working  
16          on such project.

17          (10) The entity shall fund and utilize, and,  
18          where appropriate, establish, a robust pre-appren-  
19          ticeship and workforce development program, to  
20          serve BIPOC communities, in consultation with ap-  
21          propriate labor organizations.

22          (11) The entity, and all contractors and sub-  
23          contractors in the performance of any applicable  
24          project, shall not request or otherwise consider the  
25          criminal history of an applicant for employment be-



1 fore extending a conditional offer to the applicant,  
2 unless—

3 (A) a background check is otherwise re-  
4 quired by law; or

5 (B) the Secretary, in consultation with the  
6 Secretary of Energy, certifies that precluding  
7 criminal history prior to the conditional offer  
8 would pose a threat to national security.

9 (12) The entity shall exclude companies that  
10 have been found guilty of wage theft or Occupational  
11 Safety and Health Act of 1970 (29 U.S.C. 651 et  
12 seq.) safety violations.

13 (b) DAVIS-BACON ACT.—The Secretary of Labor  
14 shall have, with respect to the labor standards described  
15 in subparagraph (A)(i), the authority and functions set  
16 forth in Reorganization Plan Numbered 14 of 1950 (64  
17 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,  
18 United States Code.

19 **SEC. 202. BUY AMERICA REQUIREMENTS.**

20 (a) IN GENERAL.—For all goods and materials an  
21 entity purchases in whole or in part with funds provided  
22 by this Act, the entity shall be required to comply with,  
23 and ensure compliance by all contractors, subcontractors,  
24 and suppliers of contractors of, the domestic content pro-  
25 visions of the section 5323(j) of title 49, United States

1 Code, and all applicable Federal labor and employment  
2 laws.

3 (b) INCLUSIVE PROCUREMENT POLICIES.—Notwith-  
4 standing any federal laws or regulations to the contrary,  
5 the entity may adhere to an inclusive procurement policy  
6 for all goods and materials that are part of any project  
7 funded in whole or in part by this Act that includes any  
8 of the following:

9 (1) Greater domestic content than is required  
10 by Federal law.

11 (2) A disclosure and evaluation of the embed-  
12 ded carbon emissions of all industrial products.

13 (3) Requirements for disclosure by the contrac-  
14 tors, subcontractors, and suppliers of contractors  
15 of—

16 (A) wages and benefits of employees of the  
17 contractor, subcontractor, and suppliers;

18 (B) training program commitments for em-  
19 ployees and potential employees; and

20 (C) targeted hiring commitments for mem-  
21 bers of disadvantaged communities, including  
22 veterans, women, low-income populations, and  
23 formerly incarcerated individuals.

24 (4) Job quality evaluation and incentives.

1           (5) Job quality commitment enforcement, in-  
2           cluding contract enforcement provisions for adher-  
3           ence to job quality commitments.

4           (6) Transparency to the public of job quality  
5           commitments and adherence to such commitments.





CONSENT CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author)

Subject: Budget Referral: Traffic Calming of West Berkeley Pedestrian and Cyclist Crossings

RECOMMENDATION

That the City Council refers to the budget process the funding of traffic calming improvements as follows:

- Rectangular Rapid Flashing Beacons:
  - Ashby Way and California Street
  - Sacramento Street and Channing Way
  - Cedar Street and Ninth Street
  - Sixth Street and Channing Way
- Pedestrian Hybrid Beacons:
  - Sacramento Street and Russell Street
  - Channing Way and San Pablo Avenue

CURRENT SITUATION AND ITS EFFECTS

With the City Council's adoption of Vision Zero goals in March 2018, Berkeley embarked on a mission to eliminate all traffic deaths and severe injuries by the year 2028. Along with the Pedestrian Plan and the Bicycle Plan, the Vision Zero Action Plan outlines a broad path to accomplish this ambitious goal as well as specific infrastructural recommendations to make Berkeley's streets safer for all who use them. Despite the ambitious goals set by Vision Zero and the recent progress of improvements to infrastructure, motorists continue to strike pedestrians and cyclists at an alarming rate.

Injuries and fatalities disproportionately impact West and South Berkeley, which Vision Zero designates part of the "Equity Priority Area" given historic redlining, long-term disinvestment, and the disproportionate impact of traffic injuries and deaths on low income communities and people of color.<sup>1</sup> In order to rectify historic wrongs and prioritize the parts of Berkeley most in need of infrastructural investment, the City

---

<sup>1</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

Council must advance road safety improvements in this area. This referral, which identifies six dangerous intersections for traffic calming, builds upon what has already been considered in Berkeley's Pedestrian Plan, Bicycle Plan, and Vision Zero Action Plan and advances particular improvements for expedited consideration. Many of the recommended improvements refer for funding what is already planned for under Berkeley's Pedestrian Plan, which assigns a Rectangular Rapid Flashing Beacon (RRFB) to Ashby & California and Pedestrian Hybrid Beacons to Sacramento & Russell and San Pablo & Channing.<sup>2</sup>

The selected intersections are of particular importance due to the dangers highlighted by the Vision Zero Action Plan. Ashby Avenue, Sacramento Street, Sixth Street, and San Pablo Avenue are all highlighted by Vision Zero as "High-Injury Streets" where the most severe injuries and fatalities have occurred.<sup>3</sup> On the intersection level, Ashby & California and Sacramento & Russell have both been the sites of severe injuries or fatalities in recent years.<sup>4</sup> West Berkeley's streets have been a hazard to pedestrians, cyclists, and motorists for years due to car-centric transportation infrastructure, long-term racist disinvestment, and slow-moving reforms.

#### FISCAL IMPACTS

Staff time, an estimated \$92,000 for four Rectangular Rapid Flashing Beacon crossings (\$23,000 per crossing), and an estimated \$100,000-\$260,000 for two Pedestrian Hybrid Beacons (\$50,000-\$130,000 per intersection).<sup>5</sup>

#### ENVIRONMENTAL IMPACTS

Establishing a network of safe streets for pedestrians and bicycles, promoting bicycle literacy, and distributing bicycles to those in need incentivize nonautomobile travel, reducing greenhouse gas emissions. The City estimates that transportation-related emissions accounts for approximately 60% of our community's total annual greenhouse gas emissions.<sup>6</sup> By encouraging alternatives to car transportation by making pedestrian and cyclist infrastructure safer and more accessible, these improvements stand to lower the emissions from our community's dominant source of carbon emissions.

#### CONTACT

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

---

<sup>2</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf)

<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

<sup>4</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

<sup>5</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_AppendixF\\_Facility%20Design%20Toolbox\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox(1).pdf)

<sup>6</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-06\\_WS\\_Item\\_01\\_Climate\\_Action\\_Plan\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx)



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison and Councilmember Hahn  
 Subject: Support for Roadmap Home 2030 Plan

RECOMMENDATION

Adopt a resolution affirming the importance of a multifaceted approach to addressing the housing crisis by endorsing the Roadmap Home 2030 plan and sending a letter to state lawmakers urging them to adopt the recommendations of the plan.

BACKGROUND

**California Housing**

Berkeley, the Bay Area, and California as a whole, face a massive and multifaceted crisis of housing and equity. The crisis is the nexus of many issues that have left pernicious vestiges, or simply continued unabated for many decades. A non-exhaustive list includes:

- An increasing state median home price that far outpaces the national average. While California homes have historically been more expensive than the US average, the gap has widened significantly since the 1960s.<sup>1</sup> Now, the median US home price is \$274,000, while California's median home price is more than 2.5 times higher - over \$700,000.<sup>2 3</sup>
- A historical legacy of government-funded segregation and unequal home-ownership programs have created a racial wealth gap. Nationwide, Black families' median wealth is less than 15 percent that of white families with home ownership as a primary driver of

<sup>1</sup> Levin, Matt, et al. "Californians: Here's why your housing costs are so high" Cal Matters. June 2020. <https://calmatters.org/explainers/housing-costs-high-california/#cf0f6910-97b1-11e9-a73d-7d043530edbb>

<sup>2</sup> <https://www.zillow.com/home-values/>

<sup>3</sup> Kamin, Debra. "Median Home Price Sets New Record in California." NY Times. Nov 2020. <https://www.nytimes.com/2020/11/30/realestate/california-housing-market-price.html>

this difference.<sup>4</sup> In California, the household median net worth of Black and Latino families is respectively 21 and 13 percent of the household median net worth of white families.<sup>5</sup>

- Constraints on housing supply due to converging interests of local governments, environmentalists, building trade groups, anti-gentrification activists, and property owners.<sup>6</sup>
- Dwindling public funding for the creation of affordable housing. With the end of redevelopment agencies in 2012, California ended “the single largest source of non-federal money for affordable housing in the state” and has yet to replace the funding.<sup>7</sup> Bond initiatives like Proposition 46 and Proposition 1C are only temporary sources that are running out. Over the last decade, federal funds have also shrunk.<sup>8</sup>
- The financialization of the housing market that consolidates ownership and leaves homes sitting empty. The 2008 housing crisis accelerated this trend and allowed large private equity firms to dramatically increase their holdings, “creating a new category of renter households living month-to-month at the whim of Wall Street bottom lines.”<sup>9</sup>
- Rising costs of labor and materials and slow adoption of innovation in the housing sphere needed to decrease consumer price. The cost of building a 100-unit affordable project in California in 2000 was \$265,000 per unit. That same per-unit cost increased to almost \$425,000 in 2016.<sup>10</sup> The market forces that affect the costs of affordable housing also impact other types of housing. Comparatively, a 20-inch color TV cost \$1,195 dollars in 1985 (adjusted for inflation), but a similar size color TV could be less than \$150 today.<sup>11</sup>
- A market that cannot provide housing at all levels of income at the rates of population growth. Even with the goals set by California Department of Housing and Community Development (HCD) in the last Regional Housing Needs Assessment (RHNA), units serving lower income people are not being built as often as market-rate units. A February 2019 report from Next 10 cites that, when considering all areas statewide, nearly half of the target number of Above Moderate-income units had been permitted for construction but only 19 percent of moderate income, approximately 10 percent of low

---

<sup>4</sup> Bhutta, Neil, et al. “Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances” Federal Reserve Bank. Sep 2020. <https://www.federalreserve.gov/econres/notes/feds-notes/disparities-in-wealth-by-race-and-ethnicity-in-the-2019-survey-of-consumer-finances-20200928.htm>

<sup>5</sup>Hutchful, Esi. California Budget Center. Dec 2020. “The Racial Wealth Gap: What California Can Do About a Long-Standing Obstacle to Shared Prosperity.” <https://calbudgetcenter.org/resources/the-racial-wealth-gap-what-california-can-do-about-a-long-standing-obstacle-to-shared-prosperity/>

<sup>6</sup> Levin, et al.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Schneider, Benjamin. “How to Make a Housing Crisis” Bloomberg Citylab. Feb 2020.

<https://www.bloomberg.com/news/articles/2020-02-21/a-brief-history-of-california-s-housing-crisis>

<sup>10</sup> Claros, Michelle. “The Cost of Building Housing Series.” Turner Center for Housing Innovation, UC Berkeley. Mar 2020. <https://turnercenter.berkeley.edu/research-and-policy/the-cost-of-building-housing-series/>

<sup>11</sup> <https://www.aarp.org/money/budgeting-saving/info-2020/1980s-vs-now.html>



income, and 7 percent of very low income had been.<sup>12</sup> This imbalance is being worsened by current state policies. HCD has mandated that units to be built in the upcoming RHNA cycle consist of approximately 60 percent units for people and families of Moderate and Above Moderate-income levels, with only approximately 40 percent to serve Low, Very Low, or Extremely Low-income levels.<sup>13</sup>

- A hobbled tenant movement; State laws from the 1980s and 1990s “severely limited rent control and expanded landlord’s power to evict tenants.”<sup>14</sup>
- The loss of existing affordable housing stock as it is removed from the market. This consists of housing that is demolished and rebuilt into more expensive housing, income-restricted units that become market-rate units after their affordability period expires, or units that are affordable but lack formal protections and become unaffordable through rent increases. A California Housing Partnership report from 2019 estimated that a five-county Bay Area region had lost 2,128 subsidized homes since 1997 and that 5,128 homes representing 5 percent of the region’s existing affordable housing stock were at risk of becoming unaffordable.<sup>15</sup>
- Wage stagnation. Since the early 1970s national worker productivity has grown dramatically but hourly compensation has stagnated.<sup>16</sup> The share of income for housing that California workers must pay has steadily increased. According to the PPIC, California renters pay 44 percent above the nationwide median but the median household income is only 22 percent higher than the nationwide median.<sup>17</sup>

The effects of high home prices and rising rents are visible on the streets of Berkeley and the Bay Area. From 2017 to 2019, the number of Californians experiencing homelessness increased in every large urban county except San Diego. Alameda County witnessed a two-year increase of more than 40 percent.<sup>18</sup> The effects are also obscured or invisible in many ways as these numbers do not capture the number of people living together in cramped quarters or who move in with family. In 2018, the national level of overcrowding - a percentage of housing units with more than one resident per room -- was 3.4 percent, but California’s was 8.8 percent.<sup>19</sup> In

---

<sup>12</sup> Perry, F. Noel, et al. “Missing the Mark: Examining the Shortcomings of California’s Housing Goals” Feb 2019. <https://www.next10.org/publications/housing-goals>

<sup>13</sup> Letter to ABAG from HCD, “RE: Final Regional Housing Need Determination.” Dated June 9, 2020. [https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920\(r\).pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920(r).pdf)

<sup>14</sup> Schneider, Benjamin. “How to Make a Housing Crisis”

<sup>15</sup> “California’s Affordable Rental Homes At-Risk.” California Housing Partnership. Feb 2019. [https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/2019-State-Risk-Assessment\\_Final.pdf](https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/2019-State-Risk-Assessment_Final.pdf)

<sup>16</sup> Mishel, Lawrence, et al. “Wage Stagnation in Nine Charts.” Economic Policy Institute. Jan 2015. <https://www.epi.org/publication/charting-wage-stagnation/>

<sup>17</sup> Johnson, Hans, et al. “California’s housing challenges have widespread effects.” Public Policy Institute of California. Jan 2020. <https://www.ppic.org/wp-content/uploads/californias-future-housing-january-2020.pdf>

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

rental units, California's rate was 13.4 percent, making it more than twice the national rate and the highest in the nation.<sup>20</sup>

### **Roadmap Home 2030**

Because this crisis is the result of decades of layered policies at many levels of government, simple solutions will neither capture the complexities nor address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues. Effective solutions will need to be comprehensive, cooperative efforts between many levels of government.

Released in March 2021, Roadmap Home 2030 is an example of a rigorous approach that acknowledges the complexity of the housing crisis and provides many actionable policies that, when employed together, can substantially improve the state of housing in Berkeley and the state of California in the next ten years. It is a joint venture between founders Housing California and the California Housing Partnership, along with their partner, the California Budget and Policy Center.

The plan has four overarching goals: to create affordable housing, protect low-income renters, end homelessness, and ensure racial equity. It establishes five "core areas" where system reforms and structural changes are necessary: to invest in our values, promote fairness, protect people, reimagine growth, and create efficiency and accountability. In these core areas, the plan then lists a total of 57 policy solutions to implement.<sup>21</sup>

### **Berkeley's Role**

Roadmap Home 2030 is targeted towards statewide and federal action but local governments can enact many of these ideas on their own, while supporting statewide adoption of similar measures. The Berkeley City Council has already taken such action on some of the items identified in the Roadmap Home 2030 report. For example, the recent resolution on ending exclusionary zoning is recommendation C1 in Roadmap Home 2030.

The proposed Tenants Opportunity to Purchase Act, also known as TOPA, includes a provision for guaranteeing tenants the right of first offer on the rental properties in which they live. Roadmap Home 2030 supports this in recommendation A7. The recommendation of allowing by-right development of housing on low-income housing element sites if at least 50 percent of the homes are affordable (C4) is similar to another recently proposed item on the Berkeley City Council.

However, other aspects of the Road Home schema have not been adequately addressed. Implementation of all of these pieces needs to happen in a synchronized way to avoid

---

<sup>20</sup> Ibid.

<sup>21</sup> Full list is Attachment 3

unintended consequences. For example, TOPA will be most effective if the strongest possible protections against demolition and financialization of the housing market are enacted.

The list of recommendations is long and a full list is included as an appendix to this item. Many of the Roadmap Home 2030 recommendations center around the State properly funding local governments to take action or reimbursing them for actions taken. Roadmap Home 2030 advocates for:

- Provide local governments with flexible ongoing funding for a range of homelessness solutions (A1)
- Reimbursing local governments 50 percent of the fee waivers or reductions they give to affordable housing developments (C6)
- Funding nonprofits and local governments to purchase existing homes for affordable resale (A12)
- Give local government the funding they need to create and preserve affordable housing (A5)

Other recommendations would have direct ramifications for Berkeley and its residents:

- Empower voters to support building affordable homes locally by setting the threshold for passage of housing ballot measures at 55 percent (A6)
- Give local jurisdictions greater flexibility to design rent stabilization policies that are successful in protecting renters and can be tailored to local conditions by repealing or reforming Costa-Hawkins (D2)
- Provide emergency eviction protections and assistance to renters by creating a standing Renter and small Landlord Resiliency Emergency Program that launches upon declaration of a crisis (D5)
- Limit tenant displacement and luxury conversion of low-rent housing when properties are removed from the rental market by reforming or repealing the Ellis Act (D6)
- Repeal Article 34 of the California Constitution which requires a majority of voters to approve publicly financed affordable housing (D7)
- Reform the legal eviction process to provide tenants with more time and more protections to resolve landlord-tenant disputes and prevent evictions (D8)
- Build local capacity for homelessness planning, improve local governance, and create more accountability (E8)

Other recommendations align with Berkeley's progressive values and some are even patterned after local Berkeley laws:

- Provide comprehensive community investment in low-income communities of color by evolving and expanding the Transformative Climate Communities (TCC) Program (A13)

- Shift savings from planned and future state prison closures to support formerly incarcerated individuals (A8)
- Expand statewide protections for renters from unfair evictions and unaffordable rent increases by strengthening the state rent cap and just cause eviction law (D1)
- Remove inequitable barriers that block access to rental housing in the private market, particularly for people of color and low-income renters, by requiring landlords to follow inclusive and non-discriminatory practices when screening and accepting tenants, similar to Berkeley's prohibition on discrimination against those with Section 8 vouchers (D4)
- Prioritize access to affordable housing and homeownership programs for residents of low-income communities (E7)

Supporting RoadMap Home 2030 will add Berkeley's voice to support these policy ideas at the state level. These are policies that would help create and preserve affordable housing, reimagine growth, protect tenants, and benefit the residents of Berkeley by alleviating the tensions of the complicated California housing crisis through a comprehensive package of reforms.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this action.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CONTACT PERSON

Councilmember Kate Harrison

510-981-7140

Attachments:

1: Resolution

2: Letter

3: Roadmap 2030 Summary

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

RESOLUTION IN SUPPORT OF ROADMAP HOME 2030 AND ITS POLICY SOLUTIONS TO  
COMPREHENSIVELY ADDRESS THE HOUSING CRISIS

WHEREAS, Berkeley, the Bay Area, and California as a whole, face a massive and multifaceted crisis of housing and equity; and,

WHEREAS, as this crisis is the result of decades of layered policies at many levels of government, simple solutions will neither capture the complexities of small aspects nor will they address the scope of this crisis in any lasting way and therefore an ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues; and,

WHEREAS, effective solutions to the housing crisis will need to be comprehensive, cooperative efforts between many levels of government; and,

WHEREAS, RoadMap Home 2030 lays out a comprehensive list of policy solutions to the state's housing crisis that emphatically supports creating affordable homes, protecting low-income renters, ending homelessness, and ensuring racial equity; and,

WHEREAS, implementing the policy solutions in RoadMap Home 2030 would help California to invest in our values, promote fairness, protect people, reimagine growth, and create efficiency and accountability; and,

WHEREAS, RoadMap Home 2030 includes policy solutions spearheaded by the City of Berkeley and recommends that they be adopted at the state level; and,

WHEREAS, the voters of the City of Berkeley have supported local efforts that align with many goals found in RoadMap Home 2030, including funding affordable housing through bonds, passing measures on rent stabilization and eviction protections, and moving funding from policing and carceral functions to housing and social services; and,

WHEREAS, the City Council of Berkeley has supported and passed some policies that overlap with the policies of RoadMap 2030, including ending exclusionary and racially discriminatory zoning; and,

WHEREAS, state and federal funding streams for affordable housing and local governments have been significantly reduced in recent years and state-level policies prevent Berkeley from protecting tenants; and

WHEREAS, RoadMap Home 2030 calls on the state to support local governments both with policy changes and financial support to bolster the endeavors of local governments and nonprofits to help ensure that good, affordable housing is built and preserved in Berkeley, tenants are protected, and discriminatory barriers are removed;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Berkeley proclaims its support for Roadmap Home 2030 and its comprehensive approach to addressing the housing crisis,

BE IT FURTHER AND FINALLY RESOLVED that the Clerk will send copies of this Resolution and the letters included to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Governor Gavin Newsom.

May XX, 2021

The Honorable Nancy Skinner  
Senator, 9th District  
State Capitol, Room 5094  
Sacramento, CA 95814-4900

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Senator Skinner,

The Berkeley City Council urges you to endorse the Roadmap Home 2030 – a bold, long-term plan to shape the future of housing in California – and work to implement the policy recommendations in your capacity as an elected official.

California is in a crisis that is the result of decades of layered policies at many levels of government, so simple solutions will neither capture the complexities nor will they address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues.

Roadmap Home 2030 is an example of a rigorous approach. It lays out a comprehensive 10-year vision and plan that, if fully implemented, would create 1.2 million new affordable homes for low-income Californians, protect 1 million low-income renter households from losing their homes, end homelessness for more than 150,000 Californians who are unhoused every night, and close racial equity gaps in housing for good. Its 51 state policy solutions are backed by hard data, compelling evidence, and clear projections of long-term impact. Furthermore, we are proud to see that policy solutions among this list that were spearheaded by the City of Berkeley.

The Berkeley City Council supports Roadmap Home 2030 and endorses comprehensive action to address the state's housing crisis.

Sincerely,

The Berkeley City Council

May XX, 2021

The Honorable Buffy Wicks  
Assemblymember, 15th District  
P.O. Box 942849  
Sacramento, CA 94249-0015

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Assemblymember Wicks,

The Berkeley City Council urges you to endorse the Roadmap Home 2030 – a bold, long-term plan to shape the future of housing in California – and work to implement the policy recommendations in your capacity as an elected official.

California is in a crisis that is the result of decades of layered policies at many levels of government, so simple solutions will neither capture the complexities nor will they address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues.

Roadmap Home 2030 is an example of a rigorous approach. It lays out a comprehensive 10-year vision and plan that, if fully implemented, would create 1.2 million new affordable homes for low-income Californians, protect 1 million low-income renter households from losing their homes, end homelessness for more than 150,000 Californians who are unhoused every night, and close racial equity gaps in housing for good. Its 51 state policy solutions are backed by hard data, compelling evidence, and clear projections of long-term impact. Furthermore, we are proud to see that policy solutions among this list that were spearheaded by the City of Berkeley.

The Berkeley City Council supports Roadmap Home 2030 and endorses comprehensive action to address the state's housing crisis.

Sincerely,

The Berkeley City Council



May XX, 2021

The Honorable Gavin Newsom  
Governor, State of California  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Governor Newsom,

The Berkeley City Council urges you to endorse the Roadmap Home 2030 – a bold, long-term plan to shape the future of housing in California – and work to implement the policy recommendations in your capacity as an elected official.

California is in a crisis that is the result of decades of layered policies at many levels of government, so simple solutions will neither capture the complexities nor will they address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues.

Roadmap Home 2030 is an example of a rigorous approach. It lays out a comprehensive 10-year vision and plan that, if fully implemented, would create 1.2 million new affordable homes for low-income Californians, protect 1 million low-income renter households from losing their homes, end homelessness for more than 150,000 Californians who are unhoused every night, and close racial equity gaps in housing for good. Its 51 state policy solutions are backed by hard data, compelling evidence, and clear projections of long-term impact. Furthermore, we are proud to see that policy solutions among this list that were spearheaded by the City of Berkeley.

The Berkeley City Council supports Roadmap Home 2030 and endorses comprehensive action to address the state's housing crisis.

Sincerely,

The Berkeley City Council



**ROADMAP HOME 2030**

# A Roadmap to Thriving Communities for California

**March 25, 2021**



# Table of Contents

|                                                                                |           |
|--------------------------------------------------------------------------------|-----------|
| <b>Appreciation and Acknowledgments .....</b>                                  | <b>3</b>  |
| <b>1. Why a Roadmap Home? .....</b>                                            | <b>4</b>  |
| 1.1. Vision, Goals, and Principles of the Roadmap Home .....                   | 5         |
| 1.2. Housing Need and Inequities .....                                         | 8         |
| <b>2. Roadmap Home 2030 Equity-Centered Framework and Policy Package .....</b> | <b>11</b> |
| 2.1. Overview.....                                                             | 11        |
| 2.2. Policy Package .....                                                      | 15        |
| Invest in Our Values.....                                                      | 15        |
| Promote Fairness.....                                                          | 24        |
| Reimagine Growth .....                                                         | 26        |
| Protect People .....                                                           | 30        |
| Create Efficiency and Accountability .....                                     | 34        |
| Federal Sidebar .....                                                          | 39        |
| <b>3. Conclusion and Next Steps .....</b>                                      | <b>40</b> |
| 3.1. Summary .....                                                             | 40        |
| 3.2. Policy Solutions for Further Exploration .....                            | 40        |
| 3.3. Cross-Cutting Equity Recommendations to State Leaders.....                | 41        |
| 3.4. Call to Action - Roadmap Home 2030 Campaign.....                          | 42        |
| <b>4. Committee Members and Partners .....</b>                                 | <b>43</b> |
| 4.1. Research Advisory Committee .....                                         | 43        |
| 4.2. Policy Advisory Committee .....                                           | 43        |
| 4.3. Research and Policy Teams .....                                           | 44        |
| 4.4. Key Partners.....                                                         | 44        |
| 4.5. Funders.....                                                              | 44        |



# Appreciation and Acknowledgments

While Housing California and the California Housing Partnership took the lead – with deep support from our respective boards of directors – in developing California’s Roadmap Home 2030, the work would not have been possible without the support and participation of many people and organizations.

The California Budget & Policy Center served as a key partner, in policy development and research. We appreciate the vital input and partnership of Sara Kimberlin and Chris Hoene, as well as other members of their team.

The members of our two advisory committees provided critical guidance along the way. The Policy Advisory Committee included representatives from affordable housing, tenants’ rights, homelessness, health, and public policy sectors and provided expert input and feedback on Roadmap Home policy recommendations. The Research Advisory Committee, consisting of leading researchers on housing and homelessness from California universities and local and national research institutions, guided our methodological approach in line with the latest best practices and evidence-base and provided vital input and feedback. Committee members are listed at the end of this publication.

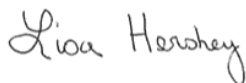
We also extend thanks to staff and partners who participated in our Racial Equity Task Force – including Francisco Dueñas, Tomiquia Moss, and Residents United Network leaders Willie Stevens and Zella Knight – and Cathy Albisa and Ryan Curren from Race Forward for leading the racial equity process that strengthened our analysis and approach to ensuring that the Roadmap Home advances racial justice.

Hundreds of stakeholders and partners participated in dozens of focus groups and meetings to share their wisdom, including members of the Governor’s Office and administration, legislative leaders and staff, affordable housing providers and advocates, homelessness advocates and service providers, tenants’ rights advocates, affordable housing residents, philanthropic organizations, public interest attorneys, pro-housing advocates, business groups, disability rights advocates, environmental justice advocates, and criminal justice reform advocates.

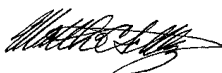
In particular we appreciate the following organizations for hosting these meetings: Residents United Network, Housing NOW, Southern California Association of Non Profit Housing, Non-Profit Housing Association of Northern California, San Diego Housing Federation, California Coalition for Rural Housing, Sacramento Housing Alliance, California Homelessness and Housing Policy Funders Network, Western Center on Law and Poverty, California YIMBY, California Forward, The Kelsey, and Disability Rights California.

We are forever grateful to Bill Pitkin, our project manager, and our narrative and communications consultants and advisors: TheCaseMade. Marketing by Design, Spitfire Strategies, and Swell Creative Group.

We also extend special thanks to David Zisser, Associate Director at Housing California, and Dan Rinzler, Senior Policy Analyst at California Housing Partnership, for their leadership and work with our teams on the Roadmap Home. Finally, we deeply appreciate the support from our funders: James Irvine Foundation, Conrad N. Hilton Foundation, and Chan Zuckerberg Initiative.



**Lisa Hershey**

**Matt Schwartz**



# 1. Why a Roadmap Home?

California has always held the promise of being a place where people could build a future for themselves and their families. That promise of opportunity represents how great our state can be.

But that promise is in jeopardy. The devastating effects of the recent pandemic and natural disasters on top of decades of racial injustice and rising economic inequality have put our future at risk. If we do not act now, we will lose the very thing that we love most about California – and that draws people and talent from around the world to make our economy prosper.

Securing California's future starts at home, where safety, stability and community are the foundations of our success. The single most important determinant of a child's opportunity for economic mobility, good health, and stability is where she grows up. For Black, Latinx, Indigenous, and people of color, who are hit hardest by systemic inequities, those foundations have been pushed even further out of reach by decades of racist housing policies.

We have a chance to bring stability and opportunity into focus for all Californians by investing our resources more equitably and sustainably. We all benefit when everyone has a stable, affordable home in a thriving community – whether it is building stronger pathways to equity, protecting our environment, improving our overall health, increasing the quality of our children's education, or strengthening our economy.

There has never been a better moment to put California on course for long-term equity, resilience, and sustainability, and housing is the foundation for ensuring that generations of Californians have a shot at success. That's why we need a Roadmap Home.



## 1.1. Vision, Goals, and Principles of the Roadmap Home

### Vision

The Roadmap Home demonstrates how, over the next ten years, the state can end homelessness, create affordable homes for those struggling the most, ensure that Californians can stay in their homes, and advance racial equity and economic inclusion — creating a California where everyone can thrive.

### Goals

To meet this vision and address the full need over the next 10 years, the Roadmap Home 2030 sets the following goals:

#### 01 CREATE 1.2 MILLION NEW AFFORDABLE HOMES

for low-income Californians and those experiencing homelessness, including 530,000 for extremely low-income households, 257,000 for very low-income households, and 407,000 for low-income households.

#### 02 PROTECT 1 MILLION LOW-INCOME RENTER HOUSEHOLDS

from losing their homes, including more than 300,000 who face eviction each year.

#### 03 END HOMELESSNESS

for more than 150,000\* Californians who are unhoused every night and over 400,000 who are unhoused throughout the year.

#### 04 CLOSE RACIAL EQUITY GAPS

in homelessness, housing affordability, housing stability, homeownership, and access to opportunity.

---

\* Note: The Roadmap Home was developed with 2019 Point in Time data for homelessness. The 2020 data was released recently and showed a 7% increase to over 160,000, reinforcing the need for bold solutions.



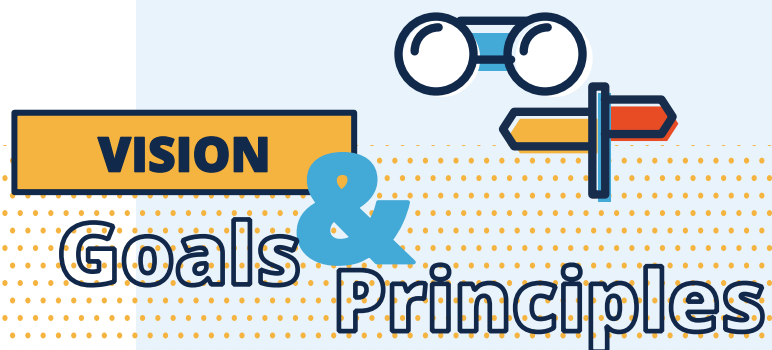
## Principles

The development of the Roadmap Home has been guided by a set of core principles:

- **Equity and justice:** Reversing historic discrimination in housing policy by intentionally advancing racial equity and ensuring accessible and inclusive housing for people with disabilities is both a moral imperative and critical to creating homes, health, and prosperity for all Californians.
- **Right to housing:** Housing is a human right, and everyone deserves a safe, stable, and affordable home in a thriving community.
- **Wealth-building:** Creating a path to affordable homeownership opportunities for low- and moderate-income households, particularly for Black Californians, is essential to closing the racial wealth gap that has resulted from generations of discriminatory housing policies.
- **Lived expertise:** Solutions must be grounded in and emerge from the experience of people most impacted, including Black, Latinx, Indigenous, people of color, formerly incarcerated individuals, and people with disabilities, by engaging leaders from these communities in policy design and implementation.
- **Evidence-based:** Solutions should be based on evidence, and we use disaggregated data to set measurable, results-based equity goals with specific attention to advancing racial and disability justice.
- **Housing First:** We believe in a Housing First approach to homelessness that prioritizes low-barrier permanent housing with available – but not required – services.
- **Human-centered:** Jurisdictions should focus on [human-centered approaches to unsheltered homelessness](#), rather than punitive measures that are costly, ineffective, and perpetuate racial disparities in the criminal justice system.
- **Fair housing + community development:** We believe housing strategies should be incorporated across the state of California, balancing affordable housing opportunities in resource-rich neighborhoods with comprehensive community development in low-income communities of color.
- **Cross-sector:** We recognize that there are many related issues, including employment, health, education, criminal justice, climate, and transportation, that are inextricably linked to housing, and we intend to be partners in creating and advancing actionable solutions.



- **Collaboration:** Reaching our vision requires working together across public and private sectors, including local, state, and federal agencies as well as nonprofit and community-based organizations and philanthropic and corporate partners.
- **Diversity in the field:** Efforts to produce new housing should prioritize organizations and housing developers led/owned by Black, Latinx, Indigenous, and people of color to have equitable access, capacity building, and resources.
- **Homes for all:** While we focus on affordable homes for those struggling the most, we recognize that land use and regulatory reforms are needed to allow the private market to create homes for all, including middle-income Californians.
- **Federal partnership:** Meeting California's housing needs will require federal funding and legislation to complement state efforts.

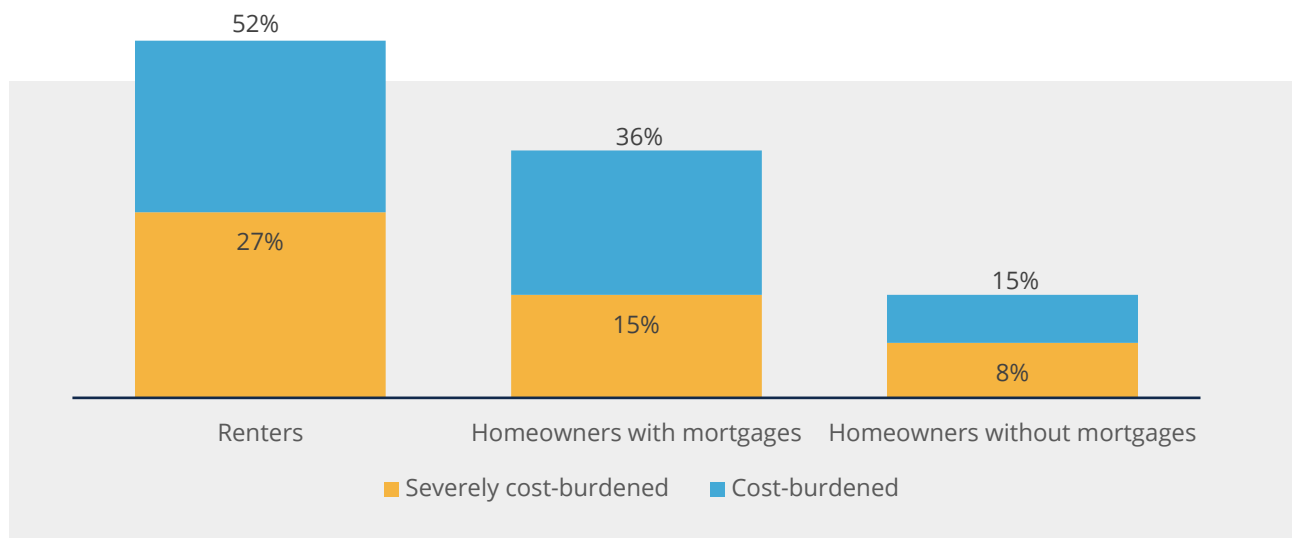




## 1.2. Housing Need and Inequities

California has long faced challenges in providing enough affordable housing for its residents, and these problems have worsened in recent years. Even before the COVID-19 pandemic, over 60% of Californians viewed housing affordability and homelessness as big problems in their parts of the state. Housing costs and insecurity affect a broad swath of Californians and are most acute for low-income residents and people of color. The high cost of housing affects both renters and homeowners in California, with high levels of households paying more than 30% and even beyond 50% of their income toward housing costs.

### Percentage of California renter and homeowner households with housing cost burden



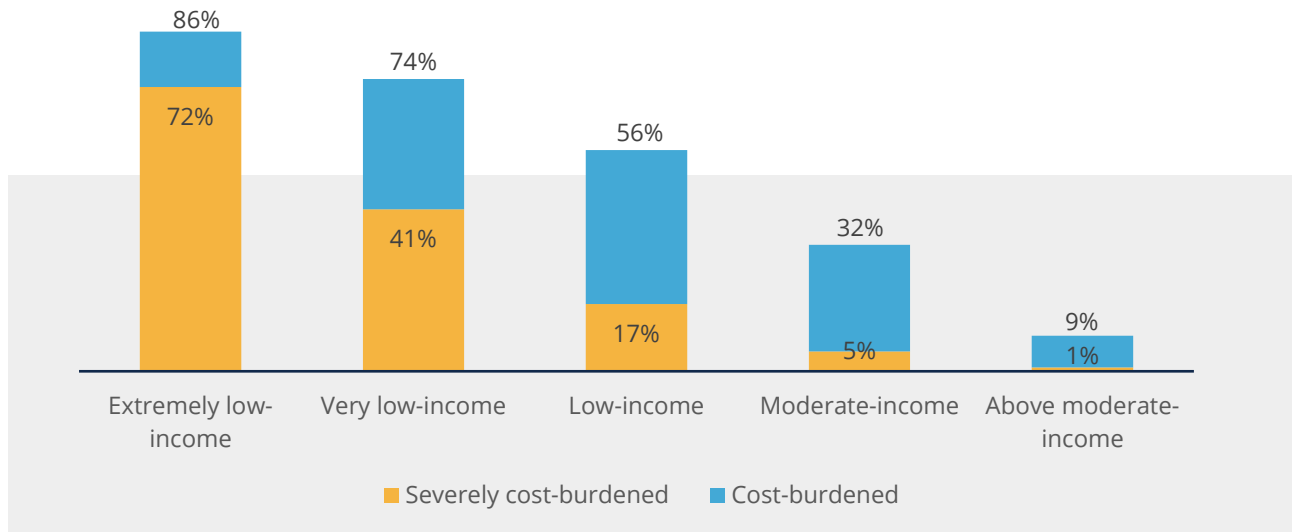
Source: California Budget & Policy Center analysis of US Census Bureau, American Community Survey data for 2019

The problem is particularly acute for renters. In order to afford average rent in the state, workers need to earn more than \$38 per hour, much higher than the minimum wage of \$14 and average wages in many key industries.

This mismatch between income and housing costs creates high levels of burden particularly for low-income families. Nearly 8 in 10 extremely low-income and over 5 in 10 very low-income households pay over half of their income toward housing, leaving little left over for other necessities and forcing families to make difficult choices.



## Percentage of California households with housing cost burden by income

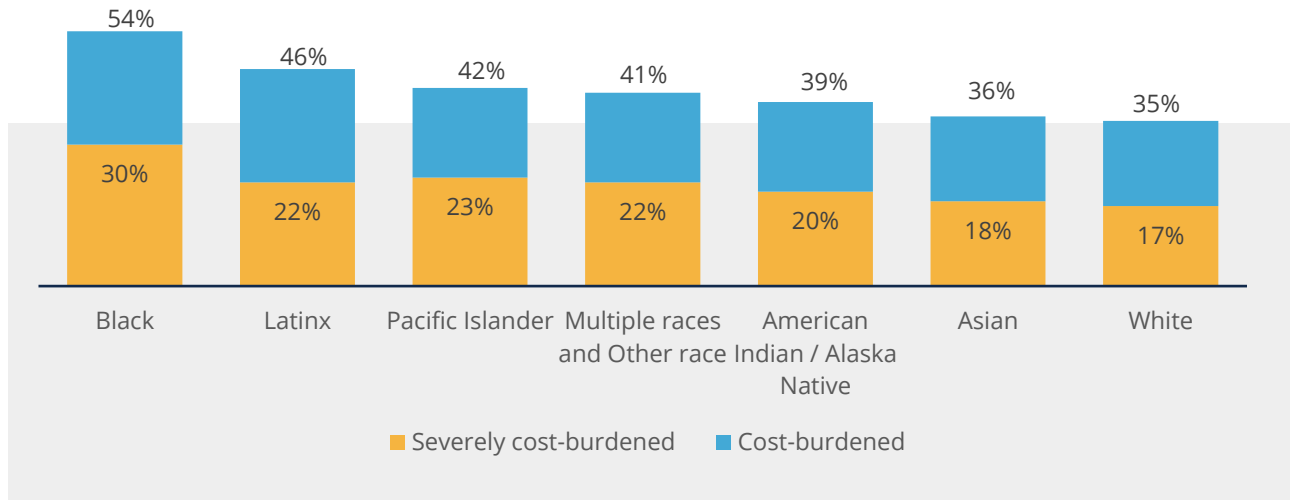


Source: California Budget & Policy Center analysis of US Census Bureau, American Community Survey data for 2019

Due to a long history of discrimination in housing and employment markets in California, these cost burdens hit people with disabilities and Black, Latinx, and Indigenous households and communities of color the hardest. Half of Black and Latinx families in California are cost-burdened, and according to a 2020 analysis, the most common factor in fair housing complaints in California is disability – defined in the Roadmap Home as including people with mobility, sensory, intellectual and developmental, psychiatric / mental health, and learning disabilities and people with chronic conditions. A person with a disability receiving Social Security Income would have to pay 138% of their monthly income to rent an efficiency unit and 161% of their monthly income for a one-bedroom unit.



### Percentage of California households with housing cost burden by race/ethnicity



Source: California Budget & Policy Center analysis of US Census Bureau, American Community Survey data for 2019

These high levels of housing cost burden and history of discrimination and racism have led to increasing housing insecurity and homelessness in the state. In 2020, approximately 161,000 people were homeless on any given night and 400,000 over the course of the year. People with disabilities and Black people in particular are most likely to experience homelessness. Californians clearly face severe barriers to accessing stable, affordable housing.

Designed as a comprehensive, equity-centered, and evidence-based plan to create homes for all in California, the Roadmap Home documents current and projected housing gaps over the next decade and proposes a bold package of policies and systems changes to close those gaps and advance racial equity.





## 2. Roadmap Home 2030 Equity-Centered Framework and Policy Package

### 2.1. Overview

#### A comprehensive framework for the next 10 years

To meet the Roadmap Home's goals over the next 10 years, California needs to embrace systems reform and structural change to implement equitable solutions in five core areas that advance racial equity and create homes for all.



#### **INVEST IN OUR VALUES**

Provide ongoing resources at scale to advance racial equity and create affordable homes for people experiencing homelessness and those struggling to make ends meet.



#### **PROMOTE FAIRNESS**

Restructure tax and finance systems to rectify structural discrimination and generate revenue to meet the scale of the need.



#### **REIMAGINE GROWTH**

Make it easier and cheaper to develop affordable homes in all communities, including opportunity-rich areas where Black, Latinx, Indigenous, and other people of color have been excluded.



#### **PROTECT PEOPLE**

Ensure that renters have equitable access to housing, can stay in their homes and communities, and are protected from market speculation and systemic discrimination.



#### **CREATE EFFICIENCY AND ACCOUNTABILITY**

Ensure that taxpayer dollars are spent wisely and equitably through clear leadership, streamlined processes, and seamless coordination.



The policy package outlined in this section reflects what it would take to meet the Roadmap Home goals – creating 1.2 million affordable homes, ending homelessness, protecting 1 million more low-income renter households, and closing racial equity gaps in housing – by 2030.

It includes 51 solutions that fall in the five categories of this comprehensive framework that California should implement over the next ten years. To meet the Roadmap Home goals, we also need federal action, as detailed by the 6 policies in the Federal Sidebar.

“A clear, long-term strategy would make it more likely that the state’s investments would have a meaningful ongoing impact on its housing and homelessness challenges.”

*California Legislative Analyst’s Office*

“The State needs to expand the purpose of its housing plan and require [the California Department of Housing and Community Development] to provide a roadmap for how the State is going to build enough affordable housing to address the severe shortage.”

*California State Auditor*

### **Research and policy development process**

The policy solutions presented here resulted from extensive research and policy development by the Roadmap Home team, partners, and advisory committee members. In Spring 2020, the Policy Advisory Committee promoted a range of ideas within working groups, and the Roadmap Home team solicited input from hundreds of stakeholders in meetings and conference seminars held throughout the summer and fall of 2020. Working with the Research Advisory Committee, researchers at the California Housing Partnership and the California Budget & Policy Center measured and evaluated the extent to which policy proposals would advance Roadmap Home goals.

In the Fall of 2020, Race Forward led a racial equity analysis process with Roadmap Home team members and partners. Through this process, the Racial Equity Task Force evaluated the proposed framework and policy solutions with a racial equity lens, making adjustments to current proposals and introducing new ones to advance racial equity and meet Roadmap Home goals over the next ten years.



## Overall impact, cost, and return on investment

“We can no longer hesitate in moving the needle forward, we’ve got too many lives at stake.”

*Zella Knight, Residents United Network*

### Overall impact

If fully implemented, the comprehensive package of Roadmap Home policy solutions outlined in the next section would:

- end homelessness in our state for more than 150,000 Californians who are unhoused every night and over 400,000 who are unhoused throughout the year
- meet the need for 1.2 million affordable homes for Californians struggling the most over the next ten years (including 530,000 for extremely low-income households, 257,000 for very low-income households, and 407,000 for low-income households)
- protect more than 1 million low-income renter households from losing their homes, including more than 300,000 who face eviction each year
- close racial equity gaps in homelessness, housing affordability, housing stability, homeownership, and access to opportunity

In addition, the policy solutions would:

- help nearly 50,000 low- and moderate-income Californians purchase homes
- protect approximately 145,000 affordable homes from entering the speculative market
- lead to the creation of more than 500,000 market-rate homes
- help as many as 8 million low-income Californians each year access and stay in stable, affordable homes



## Overall costs

Many of the Roadmap Home’s policy proposals, including land use reforms and changes to our housing and homelessness systems, generate public cost savings by increasing efficiency and modernizing the way we operate.

Many proposals, including those that protect people from displacement and discrimination, cost relatively little to implement. Others require significant investment to ensure we uproot years of systemic underinvestment rather than merely chip away at the problem.

- California would need to invest approximately \$17.9 billion per year – an amount similar to what the state invests in higher education – to meet the scale of this need.
- The Roadmap Home illustrates that California has the resources, through creative new opportunities, to make these investments; the policy package includes revenue sources that would provide over \$23 billion per year.
- The federal government has its own role to play, and with the support of our Congressional leaders, it can be leveraged to help reach our goals faster and lower costs to the state.

## Return on investment

We cannot afford to delay this level of investment any longer – and the return on investment is significant.

For example, the housing development activity proposed in the Roadmap Home 2030 would:

- generate \$48 billion in wages and business income (\$2.7 trillion total over the 55-year affordability term for these developments)
- produce \$14 billion in state and local taxes annually (\$778 billion total)
- support 613,000 jobs annually (34 million total)

Research also shows that individuals and families who have access to safe and stabilizing homes have better outcomes in areas such as physical and mental health, educational attainment, and economic mobility. Locating affordable housing close to job centers is also critical for reducing transportation costs and meeting the state’s climate goals.

**To chart a new course and realize an equitable, resilient, and sustainable California, it is vital that we make systemic changes and serious, long-term investments today.**



## 2.2. Policy Package

Meeting the Roadmap Home 2030 goals and addressing the scale of California’s housing needs requires a comprehensive set of solutions. Since some of these solutions interact, the sum of their individual impacts below exceeds their total combined impact. For details on how proposals interact, how each would advance racial equity, and methodology and impact estimates, refer to the Appendix.



### Invest in Our Values

Provide ongoing resources at scale to advance racial equity and create affordable homes for people experiencing homelessness and those struggling to make ends meet.

**A1. Provide local governments with flexible ongoing funding for a range of homelessness solutions. Investing \$4.2 billion per year in a permanent, predictable pool of state funds, sized to meet the scale of the homelessness crisis, would allow local stakeholders to invest in evidence-based solutions to meet the needs of all Californians experiencing homelessness. Key eligible uses would include:**

- Supportive housing to meet the needs of individuals with significant service needs experiencing chronic homelessness.
- Deeply affordable housing to enable individuals and families without significant service needs to exit homelessness and maintain permanent, stable housing.
- Shallow rental subsidies to close the gap between housing costs and incomes for people exiting homelessness, or for those with extremely low incomes who have not fallen into homelessness but face unsustainable housing costs and high risk of housing instability.
- Operations of local flexible housing subsidy pools to effectively coordinate rental subsidies and housing placements and to provide support for tenants and landlords

**Impact:**

More than

**400,000** people supported to exit homelessness per year

Up to

**275,000** households stabilized in housing each year

**Issue Area:** Homelessness, Housing instability





**A2. Scale state housing programs to meet the need and commit to funding them at that level for 10 years.**

California already has successful programs to finance affordable homes and solutions to homelessness, but they are not scaled to meet the need. Growing these proven programs by \$3.5 billion per year, along with making \$2.5 billion in operating subsidy available annually to ensure this housing is serving extremely low-income Californians, is necessary to achieve the goal of creating 1.2 million affordable homes by 2030. The State would not need to provide this amount of operating subsidy if federal housing choice vouchers significantly expand, as proposed by the Biden administration.

**Impact:**

**371,000**

new affordable homes

**1,077,000**

people served per year

**Issue Area:** Affordable housing, Homelessness

**A3. Initiate a \$10 billion state-wide housing bond** to fund five more years of affordable homes for low-income households and people experiencing homelessness. In 2018, California voters passed Propositions 1 and 2, making \$6 billion available for successful housing finance programs at the Department of Housing and Community Development (HCD) that address homelessness, workforce housing, and homeownership needs. HCD will award the last of these funds by 2022. Passing a housing bond of this magnitude on the November 2022 ballot would sustain California’s current level of affordable housing production.

**Impact:**

**102,000**

new affordable rental homes

**10,000**

new affordable ownership homes

**324,000**

people served per year

**Issue Area:** Affordable housing, Homelessness



**A4. Make permanent the \$500 million expansion of the state Low Income Housing Tax Credit** to increase affordable housing production through public-private partnerships. Federal Low-Income Housing Tax Credits are the basic building blocks with which almost all affordable rental housing is financed in California and across the United States. Having additional state credits would allow federal credits to be stretched further, resulting in more homes affordable to lower-income households, including people experiencing homelessness.

**Impact:**

**74,000**

new affordable homes

**215,000**

people served per year

**Issue Area:** Affordable housing, Homelessness

**A5. Give local government the funding they need to create and preserve affordable housing,** including housing for people exiting homelessness. Local governments are a key partner in addressing California's affordable housing and homelessness challenges, but since the loss of redevelopment they have had few funds at their disposal. This proposal would provide \$3.5 billion annually to local governments so that they can contribute to ending the state's affordable housing shortage by catalyzing new affordable home development with early capital investments.

**Impact:**

**422,000**

new affordable homes

**1,224,000**

people served per year

**Issue Area:** Affordable housing, Homelessness



### **A6. Empower voters to support building affordable homes locally by setting the threshold for passage of housing ballot measures at**

**55%**, generating approximately \$3 billion in local revenue over the coming decade. Issuing bonds is the most common way for local governments to finance affordable housing. Unfortunately, many local bonds have won ample majority voter support only to fall short of the current  $\frac{2}{3}$  supermajority requirement. Conforming to the 55% threshold for school bonds will better reflect the will of voters to invest in new affordable homes in their communities.

#### **Impact:**

**35,000**

new affordable homes

**101,000**

people served per year

**Issue Area:** Affordable housing

### **A7. Fund the conversion of commercial properties and rental properties occupied by low-income households currently on the private market into affordable homes,**

building on the success of Project Homekey. As we envision office work after the pandemic, vacant office buildings offer excellent opportunities for new affordable homes, including housing people experiencing homelessness. In addition, the decreasing value of hotels and older rental housing on the private market creates similar opportunities. Giving tenants and affordable housing organizations the first right of offer on rental homes that are offered for sale and investing \$1.1 billion each year to convert non-residential structures to new housing and ensuring long-term affordability of existing homes would be a cost-efficient way to grow California's stock of affordable homes and keep thousands of families in their homes.

#### **Impact:**

**90,000**

preserved affordable homes

**262,000**

people served per year

**Issue Area:** Affordable housing



**A8. Shift savings from planned and future state prison closures** and from reductions in the number of individuals under criminal justice supervision to invest in communities and fund housing and services for formerly incarcerated Californians facing homelessness. California is projected to be able to close multiple state prisons and juvenile justice facilities in coming years due to declining incarceration rates. Using the resulting state savings to provide housing subsidies and other service needs is an equitable way to reinvest resources formerly dedicated to criminal justice to address high rates of homelessness among formerly incarcerated individuals.

**Impact:**

Up to **\$1 billion** made available annually to address housing needs of formerly incarcerated individuals

**Issue Area:** Homelessness

**A9. Ensure that all affordable housing developments are disability inclusive** by requiring that all affordable housing funded by state programs include at least 15% of new units with mobility-accessible features and an additional 10% with hearing/vision accessible units, and provide incentives for developers to build accessible, affordable, and inclusive developments that go beyond these minimum requirements.

**Impact:**

**217,000**

accessible affordable homes

**629,000**

people served per year

**Issue Area:** Affordable housing



**A10. Provide purchase assistance for first-time low- and moderate-income homebuyers**

that factors in local market conditions. Homeownership is a proven model of wealth building and key to advancing racial equity. Making it possible for low- and moderate-income families to purchase a home requires greater levels of subsidy than today's down payment assistance programs allow. Investing \$250 million annually to provide low- and moderate-income homebuyers with a silent second mortgage scaled to housing prices in their community bridges that gap. Upon sale or refinance, the homebuyers would repay the loan plus a share of the increase in any value to the state.

**Impact:**

**12,000**

affordable homes purchased

**35,000**

people served per year

**Issue Area:** Affordable housing, Homeownership

**A11. Provide funding to nonprofit developers to construct self-help ownership housing.**

Self-help, or "sweat equity," housing is a proven model whereby homebuyers volunteer their time and/or labor to construct new homes and then purchase their home at an affordable price. Investing \$250 million annually in this strategy would both increase housing supply and make homeownership affordable to low-income families.

**Impact:**

**15,000**

new affordable ownership homes

**44,000**

people served per year

**Issue Area:** Affordable housing, Homeownership



**A12. Fund nonprofits and local governments to purchase existing**

**homes for affordable resale.** Providing \$250 million annually would allow established public and community entities to move as quickly as other buyers to purchase homes for sale in a competitive market. After securing the homes, these entities in turn would offer them at an affordable price to low- and moderate-income homebuyers, who otherwise are unable to afford market prices.

**Impact:****12,000**

affordable homes purchased

**35,000**

people served per year

**Issue Area:** Affordable housing, Homeownership**A13. Provide comprehensive community investment in low-income communities of color by evolving and expanding the Transformative Climate Communities (TCC) Program to include a broader set of eligible investments which affect wellbeing and opportunity for residents.**

Place-based, flexible funding for comprehensive strategies can be an equalizer in neighborhoods that have been historically excluded from critical investments and where residents have often been marginalized from decision-making about development and planning in their own communities. Investing \$250 million annually from cap-and-trade revenue – while maintaining the continuous appropriation for the Affordable Housing and Sustainable Communities Program – would support 70 comprehensive, multi-sector initiatives that address barriers to opportunity in these communities across the state over 10 years, ushering in resources to improve educational and economic prospects for residents.

**Impact:****22**

communities served per year



**A14. Fund preservation of older affordable developments in need of**

**rehabilitation.** As buildings age, they need repair. While we seek to expand California's supply of affordable homes, we must also maintain what we have. By investing \$100 million per year to ensure ongoing access to funding for rehabilitation, California's existing affordable homes will continue to house low-income families with dignity.

**Impact:****11,000**

preserved affordable homes

**32,000**

people served per year

**Issue Area:** Affordable housing**A15. Create a Medi-Cal benefit for housing navigation and tenancy support services.**

Housing is a key social determinant of health. Leveraging federal matching dollars through Medi-Cal can multiply the impact of a state investment of \$216 million per year in addressing the housing needs of individuals with serious physical or behavioral health challenges who are also experiencing or at risk of homelessness. Structuring this support as an entitlement ensures adequate and equitable access for all individuals who need this assistance.

**Impact:****100,000**

individuals per year provided with housing navigation and tenancy support services

**Issue Area:** Homelessness

**A16. Provide predevelopment funding to help mission-driven developers acquire sites in high-resource areas.**

Experience and stakeholder feedback has shown that current state incentives for family apartments in high-resource areas have had only modest impacts as many impediments – particularly entitlement risk – remain. This proposal would provide \$50 million annually to expand the existing Predevelopment Loan Program with resources dedicated for the new construction of affordable family developments in high-resource areas. Up to 50% of each loan, in addition to the reasonable costs of post-entitlement lawsuits, would be forgiven if entitlements are not obtained.

**Impact:**

**18,000**

affordable homes in high-resource areas

**51,000**

people served per year

**Issue Area:** Affordable housing

**A17. Support a 2-year targeted housing stability benefit demonstration project**

that would make rental assistance available to all extremely low-income households with severe housing cost burden living within three targeted localities representing geographic diversity. The objectives of this pilot project would be to demonstrate the individual and community impact of providing guaranteed access to housing support for households with the greatest housing needs, while identifying and developing promising practices for implementation.

**Impact:**

**3**

localities targeted for demonstration project

**Issue Area:** Housing Stability







## Promote Fairness

Restructure tax and finance systems to rectify structural discrimination and generate revenue to meet the scale of the need.

**B1. Reform the mortgage interest deduction** to target benefits more equitably and generate up to **\$3.28 billion** annually to address affordable housing and homelessness needs. Equitable reforms include conforming to federal mortgage interest deduction rules to restrict deductions to interest on debt only up to \$750,000 and only for home equity loans used for home improvements (for \$410 million in revenue); eliminating the deduction for second homes and vacation homes (for \$210 million in revenue); and/or allowing the deduction only for tax filers with incomes below \$100,000 (for \$3.28 billion in revenue).

**B2. Ask millionaires to pay their fair share in taxes** in order to generate **\$4 billion** annually. Over the past decades, income inequality has increased dramatically, with only the highest-income Californians experiencing significant income gains after accounting for inflation. Taxing these highest-income households represents an equitable way to pay for the state's urgent housing and homelessness needs. A surtax on incomes over \$1 million of 1% to 3.5% (depending on income level) would generate \$4 billion to support these urgent needs.

**B3. Recapture state revenues lost through corporate tax loopholes and historical corporate tax rate reductions** to generate up to **\$2.4 billion** per year. The share of corporate income taxes paid in California has declined by more than half during the past three decades. Asking profitable corporations to pay their fair share can provide the support needed for the state to address housing affordability and homelessness. Specifically, California can restore the previous 9.6% state corporate tax rate and tax corporate revenues shifted to offshore tax havens by taxing GILTI (Global Intangible Low-Tax Income) in line with federal tax policy.

**B4. Tax commercial and industrial properties, except those zoned as commercial agriculture, based on their market value** rather than purchase value, generating **\$4 billion to \$7 billion** in local revenues.



**B5. Tax estates over \$3.5 million**, generating **\$1.8 billion** annually by requiring individuals who are passing on multi-million-dollar estates to their heirs to contribute to solving California's urgent housing affordability challenges.

**B6. Eliminate the like-kind exchange tax break, used by high-income individuals and corporations**, to raise **\$1.2 billion** in annual revenues for housing and homelessness. Currently, this tax break allows deferral of capital gains on business or investment property so that real estate speculators, wealthy investors, and corporations can avoid paying taxes when they sell or exchange property at a profit.

**B7. Require insurance companies to invest 1% of annual premiums in ways that benefit low-income individuals and communities, including affordable housing**, resulting in **\$1.5 billion** annually. Under the Community Reinvestment Act, banks are required to invest in the low-income communities in which they take deposits and make money doing so, but insurance companies have no such requirement to invest where they accept premiums. A "Community Reinvestment Act" for insurance companies would allow these companies to both make money and do good, helping address affordable housing needs in the process.

**B8. Remove exemptions (e.g., home sales) and per-transaction caps on the current document recording fee on real estate transactions**, generating an additional **\$750 million** in annual revenue. In order to provide ongoing funding for affordable housing, SB 2 of 2017 established the Building Home and Jobs Trust Fund with a \$75 fee levied upon the recordation of real estate documents. However, exemptions for home sales and a per transaction limit of \$225 reduced the expected annual revenues from \$1 billion to \$250 million. Eliminating these exemptions and caps will realize the originally expected revenues.

**B9. Apply a supplemental real estate document recording fee in cities that do not have a minimum percentage of affordable homes**, generating **\$500 million** in annual revenue. For decades, exclusionary communities have been successful in thwarting the development of affordable homes. Imposing an additional recording fee in such communities will both incentivize these jurisdictions to permit new affordable homes and raise money to construct the homes.





# Reimagine Growth

Make it easier and cheaper to develop affordable homes in all communities, including opportunity-rich areas where Black, Latinx, Indigenous, and other people of color have been excluded.

**C1. End exclusionary and racially discriminatory zoning in resource-rich neighborhoods by allowing increases in building height and density for mixed-income and affordable housing developments.**

Up-zoning should occur in resource-rich neighborhoods whose characteristics are associated with positive outcomes for families and children, and where employment and commuting patterns suggest more housing could shorten commutes. Fire-prone areas and communities of color experiencing displacement and gentrification pressure would be exempted.

**Impact:**

**138,000**

new affordable homes at no public cost and

**465,000**

new market-rate homes

**380,000**

people served per year (affordable homes only)

**Issue Area:** Affordable housing



**C2. Allow new apartment and condominium developments to be built in commercial and mixed-use zones when at least 20% of the homes are affordable to low-income households.**

Access to appropriately zoned sites is a prerequisite to the development of affordable homes. Because local governments see revenue potential from sales tax growth, they often overzone for commercial uses at the expense of housing. Moreover, e-commerce and the pandemic are changing shopping and office habits forever. Allowing housing in commercial zones opens up appropriate sites for housing and ensures vibrant and productive uses of these properties. The affordable housing requirement ensures that the public captures the increased value of the land associated with allowing residential uses.

**Impact:**

**16,000**

new affordable homes at no public cost and

**64,000**

new market-rate homes

**44,000**

people served per year (affordable homes only)

**Issue Area:** Affordable housing

**C3. Speed up affordable housing production and eliminate inequitable misuses of the California Environmental Quality Act (CEQA) by exempting new housing developments, including Project Homekey hotel conversions, that are 100% affordable to low-income households,**

while continuing to address environmental justice concerns. Affordable rental housing is compact, green, and located in infill locations. It is also subject to intense scrutiny by local governments who approve land use entitlements and funding. Unfortunately, some opponents use CEQA litigation to derail developments for non-environmental reasons after the homes have already garnered the support of the city council or board of supervisors. Even the prospect of litigation deters some housing providers from proposing new affordable homes. Curbing this abuse would bring certainty to the development process, especially in higher-resource communities that have few affordable homes.

**Issue Area:** Affordable housing, Homelessness



**C4. Allow by-right development of housing on low-income housing element sites if at least 50% of the homes are affordable.** State housing element law already requires cities and counties to identify sites that are appropriately zoned to accommodate affordable homes. However, these sites do not necessarily allow the development of affordable housing by right, i.e., without a risky and time-consuming discretionary vote. Allowing development of these sites by right ensures that these sites specifically designated to accommodate affordable homes are ready for their intended uses.

**Issue Area:** Affordable housing

**C5. Require that HCD proactively monitor, provide technical assistance, and enforce existing local land use laws, and create a faster and more effective method of enforcing the existing Housing Accountability Act (HAA).** While California has many strong housing production laws – housing element, density bonus, SB 35 streamlining, and the HAA to name a few – compliance and enforcement remain a challenge. These laws largely rely on private enforcement, and due to time, expense, and uncertainty, most housing providers are reluctant to go to court to challenge a city or county that violates the law. HCD can more proactively help local governments navigate and comply with the law. In addition, a state Housing Accountability Committee with the authority to adjudicate HAA violations and overturn illegal denials or conditions of approval is a more timely and effective means of ensuring that meritorious developments can begin construction.

**Impact:**

**10,000**

new affordable homes

**28,000**

people served per year

**Issue Area:** Affordable housing, Homelessness



**C6. Reimburse local government 50% of fee waivers or reductions for affordable housing.**

Local government impact fees often run into the millions of dollars per development and can significantly increase costs of construction. Local governments can be incentivized to voluntarily waive these fees for affordable development by sharing the lost revenues. This approach would ensure that cities and counties could support affordable housing and also provide the infrastructure that makes development possible. In addition, lower development costs resulting from fee waivers would translate into savings for housing subsidy programs, allowing them to fund additional affordable developments.

**Impact:**

**123,000**

new affordable homes

**356,000**

people served per year

**Issue Area:** Affordable housing, Homelessness

**C7. Require either on-site affordable homes, land dedication, or an in-lieu fee when agricultural lands are rezoned to residential uses.**

When a city or county rezones agricultural land for residential use, the value of the land increases substantially, creating a windfall for the landowner. Requiring affordable homes or contributions to affordable housing captures some of this publicly-created value for a public benefit.

**Impact:**

**9,000**

new affordable homes

**24,000**

people served per year

**Issue Area:** Affordable housing





## Protect People

Ensure that renters have equitable access to housing, can stay in their homes and communities, and are protected from market speculation and systemic discrimination.

**D1. Expand statewide protections for renters from unfair evictions and unaffordable rent increases by strengthening the state rent cap and just cause eviction law.** Build on the protections adopted through AB 1482 by removing the exemption from the cap and from just cause eviction protections for single-family home rentals with non-institutional owners and/or by lowering the cap for allowed rent increases.

**Impact:**

**1.4 million** additional renters protected, including 781,000 renter households with low incomes and 268,000 with moderate incomes

**Issue Area:** Housing stability

**D2. Give local jurisdictions greater flexibility to design rent stabilization policies that are successful in protecting renters and can be tailored to local conditions by repealing or reforming Costa-Hawkins.** Changes that would enhance local flexibility include applying a standard rolling 15 year new construction exemption period, allowing local policies to apply to single-family home rentals, and/or removing the prohibition on vacancy control.

**Impact:**

Nearly **600,000** additional renters protected in jurisdictions that already have local rent stabilization policies

**Issue Area:** Housing stability



**D3. Ensure renters have the knowledge and support needed to effectively enforce their rights against unjust eviction and prohibited rent increases by providing a right to legal counsel for renters facing eviction.**

Investing in legal representation, outreach, education, and emergency financial assistance can even the playing field for tenants in negotiating conflicts with better-resourced landlords.

**Impact:**

**320,000** renters provided with legal and other support

**Issue Area:** Housing stability

**D4. Remove inequitable barriers that block access to rental housing in the private market, particularly for people of color and low-income renters, by requiring landlords to follow inclusive and non-discriminatory practices when screening and accepting tenants.**

Among the specific strategies are: end the use of most criminal record searches in tenant screening (following the model adopted by jurisdictions like Oakland and Berkeley), limit the use of information from credit reporting agencies, and provide flexibility in how security deposits are paid, so that Californians are not blocked from housing due to factors with minimal relevance to tenant responsibilities that inequitably affect people of color and those with low incomes.

**Impact:**

Improved access to housing for the approximately **8 million** Californians with criminal records and millions of Californians with limited savings or negative items on credit reports

**Issue Area:** Housing stability





**D5. Provide emergency eviction protections and assistance to renters by creating a standing Renter and Small Landlord Resiliency Emergency Program that launches upon declaration of a crisis.**

Applying lessons from the COVID-19 pandemic and major wildfires can help minimize the impact of future disasters on California's renters and small landlords, including affordable housing providers.

**Issue Area:** Housing stability

**D6. Limit tenant displacement and luxury conversion of low-rent housing when properties are removed from the rental market by reforming or repealing the Ellis Act.** Reforms such as requiring a holding period for property owners or limiting how often property owners can implement Ellis Act evictions can help protect low-income tenants and the supply of housing that is affordable in the face of rapidly escalating rents and property values.

**Impact:**

**Thousands**

of renters protected from displacement every year

**Issue Area:** Housing stability

**D7. Repeal Article 34 of the California Constitution, which requires a majority of voters to approve publicly financed affordable housing in their city or county.** This antiquated provision is a relic of a segregationist past.

Moreover, it adds to the cost of developing desperately needed affordable homes by causing delays and uncertainty. Repealing Article 34 would update the constitution to match the practices in other states and meet the needs of a 21st century California.

**Issue Area:** Affordable housing, Homelessness



**D8. Reform the legal eviction process to provide tenants with more time and more protections to resolve landlord-tenant disputes and prevent evictions.**

Changes to unlawful detainer law that would strengthen tenants' ability to achieve fair resolution of conflicts with landlords and avoid displacement include increasing required notice timelines and requiring landlords to end eviction proceedings if rent debt is paid.

**Impact:**

**160,000**

renters annually facing formal evictions provided with stronger protections during the eviction process

**Issue Area:** Housing stability





## Create Efficiency and Accountability

Ensure that taxpayer dollars are spent wisely and equitably through clear leadership, streamlined processes, and seamless coordination.

### **E1. Speed the construction of affordable homes and reduce uncertainty and costs by streamlining the award of state funding for affordable housing developments into one decision-making process.**

California's fractured process for financing affordable rental housing through four distinct agencies is highly inefficient for both the state and housing providers. Allowing a developer to obtain all necessary state resources in a single unified application process – a “one stop shop” – would streamline state government and get developments to construction more quickly and at lower cost. These lower costs would translate into savings for housing subsidy programs, allowing them to fund additional affordable homes.

**Impact:**

**99,000**

new affordable homes

**288,000**

people served per year

**Issue Area:** Affordable housing



**E2. Improve efficiency and effectiveness of state homelessness funding across programs administered by different state agencies by aligning funding application processes and standardizing eligible housing and service models.**

With more than 40 programs addressing homelessness across at least 9 state agencies, the state’s process for administering homelessness funding is fragmented and inefficient. Improved coordination and standardization would make the process more streamlined for funding applicants and more consistent in aligning with evidence-based strategies to effectively address homelessness.

**Issue Area:** Homelessness

**E3. Increase the speed and efficiency of the delivery of emergency housing assistance by creating a revolving state fund to bridge the timing of disaster relief.**

Federal Community Development Block Grant Disaster Recovery (CDBG-DR) funding typically takes several years to become available to communities even though the need to replace housing lost in disasters is immediate. A new \$500 million revolving loan fund would bridge the timing of federal relief that could be used immediately for acquisition, predevelopment, and construction for affordable housing, single-family, and other multifamily housing eligible for CDBG-DR funding.

**Impact:**

**17,000**

homes rebuilt several years faster

**48,000**

people served per year

**Issue Area:** Affordable housing, Housing stability



**E4. Lower costs by allowing developers to request that HCD loan funds come in during the construction period.**

HCD funds its loan after construction is complete when developments convert to permanent financing. This requires developers to obtain larger construction loans and pay additional interest. Making HCD funds available during construction would save hundreds of thousands of dollars in construction interest expense per development. These lower costs would translate into savings for housing subsidy programs, allowing them to fund additional affordable homes.

**Impact:**

**7,000**

new affordable homes

**19,000**

people served per year

**Issue Area:** Affordable housing

**E5. To simultaneously advance housing, transportation, and climate change goals, tie Housing Element compliance and revamped Prohousing incentives to state transportation funding sources.**

Specifically, 1) require Housing Element compliance for accessing competitive transportation funding programs and incorporate meaningful point-score incentives for cities or counties that have achieved a Prohousing designation from HCD; 2) temporarily withhold Local Streets and Roads Program funding from cities and counties until their Housing Element is brought back into compliance; and 3) create a fully objective and empirically validated tool and publicly accessible dashboard to designate and monitor Prohousing jurisdictions.

**Issue Area:** Affordable housing



**E6. Bring modular affordable housing to scale** by seeding a \$25 million fund to make loans that cover upfront deposits, underwrite performance bonds for modular housing manufacturers, make state properties available for modular staging, educate developers and local building officials on the use of modular homes, and make \$15 million equity investments in four new modular factories to increase capacity with a priority for emerging entrepreneurs of color. Factory-built modular housing has the potential to significantly reduce the costs of construction, but limited capacity, financing challenges, and logistics hinder its uptake. By addressing these barriers, modular housing can live up to its full potential for cost reduction. In addition, lower costs would translate into savings for housing subsidy programs, allowing them to fund additional affordable homes.

**Impact:**

**38,000**

new affordable homes

**110,000**

people served per year

**Issue Area:** Affordable housing

**E7. Prioritize access to affordable housing and homeownership programs for residents of low-income communities,** who are disproportionately Black, Latinx, and other people of color. This policy would expand housing choice by ensuring that residents of low-income communities have the option to move into new affordable housing in their own neighborhoods, as well as in other neighborhoods, as it becomes available.

**Issue Area:** Housing stability, Affordable housing

**E8. Build local capacity for homelessness planning, improve local governance, and create more accountability.** Providing or facilitating technical assistance and peer learning opportunities can increase successful implementation of best practices in planning and administering homelessness services. Increasing local accountability to the state for homelessness planning – by leveraging HUD Continuum of Care planning resources and requiring local jurisdictions to submit and address plans when applying for state funding and updating Housing Elements – can help ensure plans adequately address needs and translate into action.

**Issue Area:** Homelessness



**E9. Ensure that individuals temporarily housed through state systems and institutions (such as criminal justice, child welfare, hospitals/health) have the support they need to avoid discharge into homelessness.**

Develop standard discharge protocols across state systems to provide housing navigation support and link individuals to concrete housing resources and other basic supports before they exit state systems of care.

**Impact:**

More than **40,000** people each year receive robust discharge planning

**Issue Area:** Homelessness

**E10. Establish regional waitlists for affordable housing.** Waitlists for affordable housing are currently administered at the property level, which potentially limits the pool of prospective residents to those who already live nearby. Establishing regional waitlists for affordable housing would ensure broad access to new developments, particularly those in resource-rich areas where Black, Latinx, Indigenous and other people of color have been historically excluded. These waitlists would be accessible to people with disabilities and would identify whether available units are accessible.

**Issue Area:** Affordable housing



## Federal Sidebar

### Bold solutions require federal partnership

**F1. Make Housing Choice Vouchers an entitlement for eligible low-income households**, which would contribute significantly to ending homelessness and ensuring access to affordable homes for the lowest income Californians. Making Housing Choice Vouchers an entitlement would also reduce the amount of operating subsidy and rental assistance the State would need to provide to meet its ambitious housing goals.

**F2. Provide temporary emergency rental assistance for renters unable to pay rent** as a result of lost income during crises like COVID-19 to prevent displacement and homelessness and keep landlords, including affordable housing providers, solvent.

**F3. Increase the share of project-based vouchers housing authorities are allowed to issue.** Housing Choice Vouchers pay the portion of a tenant's rent that is unaffordable to the tenant. When project-based vouchers are assigned to specific affordable homes, a housing provider can leverage this additional income to finance construction with private funds. Increasing the limits on project-basing in federal law would unlock this untapped private capital.

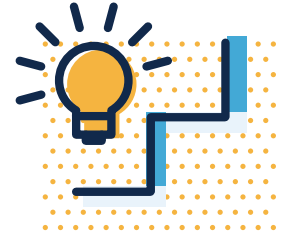
**F4. Improve federal income and safety net supports** that help families and individuals with low incomes meet basic needs, including costs of housing. Strengthening supports such as the federal Child Tax Credit and Earned Income Tax Credit (EITC) can provide families and individuals with more resources to pay for housing, or to meet other basic needs, freeing up resources to cover housing costs. Investment in effective workforce development such as well-designed subsidized jobs can help individuals improve income over the long-term through employment.

**F5. Unlock Low-Income Housing Tax Credits and increase HUD funding.** The single biggest bottleneck to financing additional affordable rental housing in California is the oversubscription for tax-exempt bonds. As approved by the House in the Moving Forward Act of 2020, California could provide bonds to twice as many developments by reducing from 50% to 25% the threshold of project costs financed with tax-exempt bonds so affordable housing developments can access valuable and unlimited federal 4% Low-Income Housing Tax Credits. Additional funding for HUD programs, such as CDBG, Home, ESG, and the National Housing Trust Fund, would also create thousands of additional affordable homes.

**F6. Implement expanded eligibility for the HUD-VASH program** to include veterans who receive "other-than-honorable" discharges and assist veterans who could not be served previously and further reduce homelessness among veterans.







## 3. Conclusion and Next Steps

### 3.1. Summary

The comprehensive package of Roadmap Home 2030 policy solutions outlined above would meet the need for 1.2 million affordable homes for Californians, protect more than 1 million low-income households from losing their homes, end homelessness, and close racial equity gaps. Full summaries of all 57 policy solutions with impact research methodology and information on how they advance racial equity are in the Appendix (a separate report that can be downloaded from the website).

This plan is just a beginning in our efforts to create the structural change necessary to meet our goals. We conclude with next steps for research, policy development, and implementation, and a call to action for all Californians.

### 3.2. Policy Solutions for Further Exploration

During the process of developing the Roadmap Home, several ideas for policy solutions arose that we were unable to include in the current package but that warrant further exploration.

- **Supporting construction careers with fair wages and benefits** to build affordable homes as key to advancing racial equity and economic inclusion and ultimately achieving homes for all in California. This effort requires continued conversations; deeper partnerships; and stronger pathways for Black, Latinx, Indigenous, other people of color, and women locally, regionally, and statewide.
- **Anti-displacement policies** applicable to all market-rate housing development projects, including requirements to replace any housing units lost to new development and to ensure that existing residents have a right to a return to a unit that they can afford.
- **Allocating a percentage of the General Fund** for affordable housing.
- **Expanding availability of public land** for affordable housing development, building off of [Governor Newsom's executive order regarding excess state land and the Surplus Land Act](#) that applies to some local public land.
- **Vacancy taxes**, intended to motivate owners to develop vacant parcels and to either sell or rent unoccupied housing units, while also serving as an additional source of revenue.



### 3.3. Cross-Cutting Equity Recommendations to State Leaders

To ensure that the package of policy solutions effectively advance racial equity, it is imperative that individual policies are carefully designed, implemented, monitored, and enforced. Policy design details to intentionally advance racial equity are included in the policy summaries in the Appendix. In addition, state agencies and leaders need to adopt and implement policies and procedures that cut across the solutions in the previous section to center racial equity as we address California's housing and homelessness challenges. These cross-cutting recommendations include the following:

- **Create a statewide racial equity framework for investment** of all funding sources that considers segregation, disinvestment, exclusion, wealth building, and displacement.
- **Ensure that solutions are grounded in and emerge from the experience of our most affected communities**, including Black, Latinx, Indigenous, people of color, formerly incarcerated individuals, and people with disabilities, by engaging leaders from these communities in policy design and implementation.
- **Extend benefits and protections** such as affordable housing, rental assistance, tenant protections, services, and public benefits (e.g., Medi-Cal) to people **regardless of immigration status**.
- **Use, develop, and publish disaggregated data** to track and improve racial and disability justice outcomes. Metrics could include severe rent burden, experience of homelessness, access to first-time home purchase programs, access to state-subsidized affordable housing in opportunity-rich neighborhoods, involuntary displacement, and comprehensive investments in low-income communities of color.
- **Expand capacity to robustly monitor and enforce** existing and future state laws and regulations protecting Californians in the housing market, including fair housing requirements, tenant protections, and accessibility requirements (such as matching accessible units with people who need them).
- **Promote community control and public ownership** of land.



### 3.4. Call to Action - Roadmap Home 2030 Campaign

Making the Roadmap Home a reality requires collective action. It will take all of us to advance racial justice, end homelessness, and create stable, affordable homes in thriving communities for all Californians. Here is what you can do to be part of the solution:

#### TAKE ACTION



- Visit [www.RoadmapHome2030.org](http://www.RoadmapHome2030.org) to **endorse, take action, contribute**, and find out about upcoming Roadmap Home **events**.
- **Follow** and **share** the Roadmap Home on **Twitter**, **Facebook**, and **Instagram**.
- Spread the word with your friends, family, and networks.



## 4. Committee Members and Partners

### 4.1. Research Advisory Committee

- **Chris Benner** | UC Santa Cruz
- **Christopher S. Elmendorf**, | UC Davis School of Law
- **Dowell Myers** | Population Dynamics Research Group (USC)
- **Elizabeth Kneebone** | Turner Center for Housing Innovation (UC Berkeley)
- **Gary Painter** | Center for Social Innovation (USC)
- **Janey Rountree** | California Policy Lab (UCLA)
- **Margot Kushel** | UCSF Benioff Homelessness and Housing Initiative
- **Mary Cunningham** | Urban Institute
- **Moira O'Neill** | Institute for Urban and Regional Development and the Center for Law, Energy, and the Environment (UC Berkeley)
- **Nick Marantz** | UC Irvine
- **Paavo Monkkonen** | Lewis Center for Regional Policy Studies (UCLA)
- **Tim Thomas** | Urban Displacement Project (UC Berkeley)

### 4.2. Policy Advisory Committee

- **Alan Greenlee** | Southern California Association of Non Profit Housing (SCANPH)
- **Amie Fishman** | Non-Profit Housing Association of Northern California (NPH)
- **Anya Lawler** | Western Center on Law and Poverty
- **Ben Metcalf** | Turner Center for Housing Innovation (UC Berkeley) and Stronger Foundations
- **Bill Pickel** | Brilliant Corners
- **Brian Augusta** | California Rural Legal Assistance Foundation
- **Carolyn Coleman** | League of California Cities
- **Chris Hoene** | California Budget & Policy Center
- **Chris Ko** | United Way of Greater Los Angeles
- **Christina Livingston** | Alliance of Californians for Community Empowerment (ACCE) Institute
- **Cynthia Nagendra** | UCSF Benioff Homelessness and Housing Initiative
- **Doug Shoemaker** | Mercy Housing California
- **Francisco Dueñas\*** | Housing NOW!
- **Janice Jensen** | Habitat for Humanity
- **Jen Loving** | Destination Home
- **Jennifer Martinez** | PICO California
- **Justine Marcus** | Enterprise Community Partners
- **Karthick Ramakrishnan** | Center for Social Innovation (UC Riverside)
- **Marina Wiant** | California Housing Consortium (CHC)
- **Meghan Rose** | Leading Age California
- **Micah Weinberg** | California Forward
- **Monique King-Viehland** | Urban Institute
- **Nan Roman** | National Alliance to End Homelessness (NAEH)



- **Navneet Grewal** | Disability Rights California (DRC)
- **Pablo Bravo** | Dignity Health
- **Rob Wiener** | California Coalition on Rural Housing
- **Sam Tepperman-Gelfant** | Public Advocates
- **Sharon Rappaport** | Corporation for Supportive Housing (CSH)
- **Steve Russell** | San Diego Housing Federation
- **Tom Collishaw** | Self-Help Enterprises
- **Tomiquia Moss\*** | All Home
- **Verna Ekpeduma** | Residents United Network (RUN)
- **Willie Stevens\*** | Residents United Network (RUN)
- **Zella Knight\*** | Residents United Network (RUN)

\* Member of the Roadmap Home Racial Equity Task Force

### 4.3. Research and Policy Teams

- **Housing California** | Chris Martin, David Zisser, Iris Murillo, Jack Avery, Jacqueline Ramirez, Jazmin Posas, Jennifer Welch, Lisa Hershey, Tori Truscheit
- **California Housing Partnership** | Anthony Carroll, Christina Gotuaco, Dan Rinzler, Lindsay Rosenfeld, Mark Stivers, Matt Schwartz
- **California Budget & Policy Center** | Aureo Mesquita, Monica Davalos, Sara Kimberlin

### 4.4. Key Partners

- Race Forward
- TheCaseMade
- Spitfire Strategies
- Swell Creative Group
- Marketing by Design
- Bill Pitkin, project manager

### 4.5. Funders

- James Irvine Foundation
- Conrad N. Hilton Foundation
- Chan Zuckerberg Initiative
- California Housing Partnership and Housing California members, donors, and sponsors



**Our roadmap will bring everybody**



**How to find out more**

[info@roadmaphome2030.org](mailto:info@roadmaphome2030.org)



**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR  
 May 11, 2021

To: Honorable Members of the City Council  
 From: Councilmember Sophie Hahn (Author), Councilmember Kate Harrison (Cosponsor), and Mayor Jesse Arreguin (Cosponsor)  
 Subject: Resolution in support of AB 1289, Smart Climate Agriculture Program and AB 558, California School Plant-based Food and Beverage Program

RECOMMENDATION

Adopt a resolution in support of Assembly Bill 1289, Smart Climate Agriculture Program and Assembly Bill 558, California Plant-based Food and Beverage Program.

BACKGROUND**AB 1289, Smart Climate Agriculture Program**

Existing law requires the Department of Food and Agriculture to promote and protect the agricultural industry of the state. The Cannella Environmental Farming Act of 1995, requires the department to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat.

AB 1289 would establish the Smart Climate Agriculture Program under the administration of the department.<sup>1</sup> As part of the program, the bill would require the department to, among other things, provide grants to persons farming on small to midsize farms to transition the use of the land from raising livestock or growing feed crops to plant-based agriculture and to provide technical assistance to those persons with regard to the program. The bill would require a person who receives a grant to provide a report, in consultation with a specified technical assistance provider, to the department that demonstrates that the person is transitioning to plant-based agriculture.

California has some of the world's most productive agricultural lands.<sup>2</sup> However, studies reveal that large portions of agricultural lands across the United States are predominantly used to cultivate feed crop for livestock. According to the U.S.

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1289](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1289)

<sup>2</sup> [https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289\\_Smart-Climate-Agriculture-Program\\_03-29-21.pdf](https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289_Smart-Climate-Agriculture-Program_03-29-21.pdf)

Department of Agriculture, crops like corn, barely, oats, and sorghum are frequently used to feed livestock throughout the country, with 36% of corn crops and 75% of soybean going directly to farms to feed livestock.

The state has seen a notable increase in field crops like haylage, greenchop, and alfalfa, which are cultivated and used to feed livestock. These field crops are predominantly in areas of the state where there are dairy farms or feedlots.

GHG emissions, like methane and nitrous oxide, from animal agriculture are a significant contributor to climate change. Animal agriculture contributes an estimated 14.5 percentage of the world's total anthropogenic GHG emissions. In addition, the amount of GHG emitted from manure storage and enteric fermentation has increased, contributing to rising GHG levels.

Although federal agencies and state governments have supported methane digesters to help reduce GHG emissions, digesters are costly. Methane digesters have also inadvertently contributed to polluting our air and water systems.

Despite dairy being one of the largest segments of the livestock industry, farmers are experiencing a decline in demand due to overproduction, international competition, industry consolidation, and milk alternatives. As a result, farmers are incurring debt and struggling to keep their businesses operating.

Family farms that have transitioned from livestock, dairy, or crop feed farming to plant-based crops have been able to generate new job opportunities and business growth as the market for plant-based products continues to grow—a \$5 billion industry that some experts say could be worth \$85 billion by the year 2030.

As the world seeks to feed a growing population with our global population reaching 8.6 billion people by the year 2030 and 9.8 billion by the year 2050, plant-based farming can support the future demands placed on our food supply. Expanding the supply of locally grown fruits and vegetables can provide greater distribution to communities that are located in food deserts. According to a number of studies, plant-based diets help lower cholesterol, increase the consumption of naturally occurring vitamins and minerals, and lower the risk of chronic health conditions.<sup>3</sup> By increasing supplies of plant-based foods, Californians can generate more healthful food options.

AB 1289 will keep small and mid-sized farms in operation as smart climate agriculture. In doing so, the state can diversify its working lands, increase agricultural revenue, and make California a leader in supplying and processing plant-based foods and products. AB 1289 is sponsored by Social Compassion in Legislation and The Good Food Institute.<sup>4</sup>

---

<sup>3</sup> [http://www.responsiblepurchasing.org/purchasing\\_guides/food/climate\\_friendly\\_food\\_purchasing.pdf](http://www.responsiblepurchasing.org/purchasing_guides/food/climate_friendly_food_purchasing.pdf)

<sup>4</sup> [https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289\\_Smart-Climate-Agriculture-Program\\_03-29-21.pdf](https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289_Smart-Climate-Agriculture-Program_03-29-21.pdf)



## **AB 558, California Plant-based Food and Beverage Program**

Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, and each charter school to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day. Existing law sets the reimbursement rates for free or reduced-price meals served to needy pupils at specified amounts.

AB 558 would establish within the State Department of Education the California School Plant-Based Food and Beverage Program.<sup>5</sup> The bill would authorize a local educational agency, as defined, to apply for funding, upon appropriation by the Legislature, for reimbursement of up to \$0.20 per meal for meals that include a plant-based food option, as defined, or up to \$0.10 per meal for meals that include a plant-based milk option, as defined, or both. The bill would require the department to make additional one-time payments of up to \$1,000, as specified, on a first-come-first-served basis to local educational agencies that receive meal reimbursement pursuant to the bill's provisions. The bill would also require the department, upon a one-time appropriation by the Legislature, to provide grants of up to \$100,000 to local educational agencies for additional purposes relating to the program. The bill would authorize the department to accept funding from private sources for the purpose of providing reimbursements or grants pursuant to these provisions. It would also require the department to adopt regulations to implement the program, establish guidelines for the evaluation of the program, report evaluation results to the Legislature, and conduct outreach.

AB 558 would incentivize healthy, climate friendly meals in California's public schools by providing an additional reimbursement to schools that serve a plant-based entrée or milk option.<sup>6</sup> Implementing a plant-based meal or a milk alternative in one's diet has both health and environmental benefits. Agriculture (excluding processing) generates 8% of California's greenhouse gas emissions, with livestock production accounting for two-thirds of those emissions, and 55% of the state's methane emissions. Animal foods generally have a significantly higher carbon footprint than plant-based foods. This is primarily due to methane emissions from the animal's digestive process and waste management, as well as nitrous oxide emissions from feed production.

California can improve student health while reducing greenhouse gas emissions associated with the estimated 540 million school lunches served each year by incentivizing more plant-based school meals.

A pilot analysis of Oakland Unified School District conducted by Friends of the Earth documented a 14% reduction in carbon emissions and a 6% reduction in water use as a result of the district reducing its meat and dairy purchases over the course of two years. Student satisfaction increased by 23%, demonstrating that it is possible to serve meals that are better for student health, better for the climate, and still delicious. Numerous

---

<sup>5</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB558](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB558)

<sup>6</sup> <https://socialcompassioninlegislation.org/wp-content/uploads/2021/03/AB-558-Fact-Sheet-1.pdf>

school districts across the state have also been increasing plant-based offerings but often face cost barriers since animal-based foods and cow's milk are heavily subsidized by the federal government relative to plant-based foods and plant-based milk options.

AB 558 will enable these school districts to accelerate their shifts to healthy, climate-friendly menus by mitigating costs of healthy, plant-based meals. It will also provide support for staff training, student engagement, recipe development, and other technical assistance needed to help schools boost participation rates and successfully serve plant-based foods in all of California's public schools.

California's Fresh Start Pilot Program provided an extra reimbursement to schools to incentivize serving fresh fruits and vegetables. AB 558 replicates this proven successful model to encourage serving more healthy and climate-friendly meals, helping achieve climate goals while simultaneously improving students' health and supporting animal welfare.

AB 558 is sponsored by Social Compassion in Legislation and Friends of the Earth, among other organizations.<sup>7</sup>

#### FISCAL IMPACTS

None

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (cell)

#### ATTACHMENTS

1. Resolution
2. Text of AB 1289
3. Text of AB 558

---

<sup>7</sup> <https://socialcompassioninlegislation.org/wp-content/uploads/2021/03/AB-558-Fact-Sheet-1.pdf>

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

IN SUPPORT OF AB 1289 SMART CLIMATE AGRICULTURE PROGRAM AND  
AB 558 CALIFORNIA SCHOOL PLANT-BASED FOOD AND BEVERAGE PROGRAM

WHEREAS, the food sector is a significant contributor to global greenhouse gas (GHG) emissions, with livestock production accounting for 14.5% of global GHG emissions, and the United Nations recognizing that “Livestock are one of the most significant contributors to today’s most serious environmental problems;” and

WHEREAS, greenhouse gas emissions from plant-based protein foods such as beans, lentils, peas and tofu are considerably lower than those from beef, pork, cheese and other animal products; and

WHEREAS, a diet high in plant-based foods and low in meat is recognized by leading experts to reduce risks of cardiovascular disease, obesity, hypertension and diabetes, and more than two thirds of adults and nearly a third of children and teens are overweight and obese in the United States, and obesity is associated with a higher risk of various health ailments including heart disease and type-2 diabetes; and

WHEREAS, Americans eat, on average, significantly more meat and significantly less plant-based food than is recommended by the Dietary Guidelines for Americans jointly developed by the United States Department of Agriculture and the Department of Health and Human Services; and

WHEREAS, the State of California has some of the world’s most productive agricultural lands; and

WHEREAS, Family farms that have transitioned from livestock, dairy, or crop feed farming to plant-based crops have been able to generate new job opportunities and business growth as the market for plant-based products continues to grow; and

WHEREAS, AB 1289 will help keep small and mid-sized farms in operation in profitable and climate friendly plant-based agriculture, allowing the state to diversify its working lands, increase agricultural revenue, and make California a leader in supplying and processing plant-based foods and products; and

WHEREAS, California can improve student health while reducing greenhouse gas emissions associated with the estimated 540 million school lunches served each year by incentivizing more plant- based school meals; and

WHEREAS, AB 558 will enable California school districts to accelerate their shifts to healthy, climate-friendly menus by mitigating costs of healthy, plant-based meals, and will also provide critical support for staff training, student engagement, recipe development, and other technical assistance needed to help schools boost participation rates and successfully serve plant-based foods in all of California’s public schools; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports Assembly Bill 1289 and Assembly Bill 558; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

AMENDED IN ASSEMBLY APRIL 8, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1289**

---

---

**Introduced by Assembly Member Kalra**

February 19, 2021

---

---

An act to add Article 7.5 (commencing with Section 540) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1289, as amended, Kalra. Smart Climate Agriculture Program: plant-based agriculture.

Existing law requires the Department of Food and Agriculture to promote and protect the agricultural industry of the state. Existing law, the Cannella Environmental Farming Act of 1995, requires the department to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat.

This bill would establish the Smart Climate Agriculture Program under the administration of the department. As part of the program, the bill would require the department to, among other things, provide grants to persons farming on small to midsize farms to transition the use of the land from raising livestock or growing feed crops to plant-based agriculture and to provide technical assistance to those persons with regard to the program. The bill would require a ~~person, as a condition of receiving a grant, to agree to use the land described in the grant application for plant-based agriculture for a period of time determined by the department and~~ *person who receives a grant* to provide a report, in consultation with a specified technical assistance provider, to the

AB 1289

— 2 —

department that demonstrates that the person is transitioning to plant-based agriculture.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 ~~(1) There are growing concerns around~~ *The state faces*  
4 *challenges in addressing climate change, preserving and protecting*  
5 ~~groundwater,~~ *preserving and protecting the state's agricultural*  
6 *working lands, and helping at-risk farmers keep their businesses*  
7 ~~and keep up with the growing demands of food production.~~ *food*  
8 *consumption demands of a growing population.*

9 (2) The Legislature has taken significant steps towards  
10 establishing policies and programs to preserve and protect the  
11 environment, combat climate change, provide for the health and  
12 well-being of all people, and ~~show compassion to, and support for,~~  
13 ~~the humane treatment of animals.~~ *support the state's farmers.*

14 (3) The state has some of the world's most productive  
15 ~~agricultural lands and grows a significant amount of lands,~~  
16 *representing a large fraction of the fruits, nuts, and vegetables for*  
17 *grown in the United States. However, studies have illustrated that*  
18 ~~large portions of agricultural lands across the United States are~~  
19 *instead of feeding people, much of this production is used to*  
20 *cultivate feed crops for livestock. Corn, barley, oats, and sorghum*  
21 ~~are used to feed livestock and, according~~ *According to the United*  
22 *States Department of Agriculture, 36 percent of corn grown in the*  
23 *United States and 75 percent of soybeans grown in the United*  
24 *States are used to feed livestock.*

25 (4) The state has seen a notable increase in the amount of land  
26 devoted to the cultivation of field crops such as haylage, greenchop,  
27 and alfalfa, which are ~~used to feed livestock. Millions of acres of~~  
28 ~~land are used to grow these high water intensive crops. These field~~  
29 ~~crops are predominantly grown in areas of the state where there~~  
30 ~~are dairy farms or feedlots. Foraging lands are located across the~~  
31 ~~state, but many of these lands are concentrated in places such as~~  
32 ~~the San Joaquin Valley and Imperial County.~~ *predominantly grown*  
33 *in areas of the state where there are dairy farms and feedlots.*

1 (5) Studies have shown that livestock and feed production are  
2 contributors to ~~global warming~~ *climate change* through emissions  
3 of ~~methane~~ *greenhouse gases such as carbon dioxide, methane,*  
4 and nitrous oxide. By transitioning *livestock and feed crop farming*  
5 to more plant-based agriculture, the state can reduce its emissions  
6 of greenhouse gases, provide a sufficient supply of food for a  
7 growing population, and diversify the agricultural lands of the  
8 state.

9 (6) Plant-based agriculture can benefit society in various ways,  
10 such as, by improving the health and well-being of all people by  
11 promoting plant-based diets. An increase in plant-based agriculture  
12 can help expand the supply of locally grown fruits and vegetables  
13 and provide greater distribution of those fruits and vegetables to  
14 inner-city food deserts. Studies have shown that plant-based diets  
15 ~~have proven to~~ help lower cholesterol, increase the consumption  
16 of naturally occurring vitamins and minerals, and lower the risk  
17 of chronic health conditions. By emphasizing the importance of  
18 plant-based foods, residents of the state can make ~~healthy~~  
19 ~~to that will~~ improve their health.

20 (7) The current world population is 7.6 billion people, and is  
21 projected to grow by 1.1 percent a year, with estimates reaching  
22 8.6 billion people by the year 2030 and 9.8 billion by the year  
23 2050. As the world population grows, plant-based agriculture can  
24 help aide and support the future demands placed on our food  
25 supply.

26 (8) Small to midsize family farms who transition from livestock,  
27 dairy, or crop feed farming over to plant-based agriculture will  
28 create job opportunities as market demand for plant-based products  
29 continues to grow.

30 (b) (1) By keeping small to midsize farms in operation and  
31 diversifying the state's working lands, it is the intent of the  
32 Legislature to increase agricultural revenue in the state and help  
33 the state become a leader in supplying and processing plant-based  
34 foods and products.

35 (2) It is further the intent of the Legislature that it be the policy  
36 of this state to adopt additional practices that will protect and  
37 preserve the state's environment and natural resources as the  
38 population continues to grow. By encouraging plant-based foods  
39 and practices, the state can improve its efforts to implement this  
40 policy.

1 SEC. 2. Article 7.5 (commencing with Section 540) is added  
2 to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural  
3 Code, to read:

4

5 Article 7.5. Smart Climate Agriculture Program

6

7 540. For purposes of this article, the following definitions  
8 apply:

9 (a) "Expert assistance" means assistance from an agricultural  
10 scientist, climatologist, pedologist, horticulturist, hydrologist, or  
11 agronomist for assessment, design, planning, and best management  
12 practices of a land-use transition to plant-based agriculture.

13 (b) "Feed crop" means a crop that is grown for livestock  
14 consumption.

15 (c) "Livestock" means poultry, cattle, dairy cows, sheep, swine,  
16 goat, or fish.

17 (d) "Plant-based agriculture" means any farming that uses ~~less~~  
18 ~~water-intensive crops~~ *crops for growing inputs for plant-based*  
19 *products* and does not include livestock farming, dairy, or any crop  
20 production for livestock feed.

21 (e) "Program" means the Smart Climate Agriculture Program.

22 (f) "Technical assistance" means outreach, education, expert  
23 assistance, legal support for contractual barriers, project planning,  
24 project design, grant application assistance, *buyer expertise and*  
25 *packaging assistance*, project implementation, or project reporting  
26 assistance provided to a farmer to improve their successful  
27 participation in the program.

28 (g) "Technical assistance provider" means resource conservation  
29 districts, the University of California Cooperative Extension, and  
30 nonprofit organizations, with demonstrated technical expertise in  
31 designing and implementing agricultural management practices.

32 541. The Smart Climate Agriculture Program is hereby  
33 established in the department. The department shall administer the  
34 program and shall do all of the following as part of the program:

35 (a) Provide grants to persons farming on small to midsize farms  
36 to transition the use of the land from raising livestock or growing  
37 feed crops to plant-based agriculture.

38 (b) Develop best practices for transitioning land used for raising  
39 livestock or growing feed crops to plant-based agriculture.



1 (c) Provide technical assistance, in consultation with technical  
2 assistance providers, to persons farming on small to midsize farms.

3 (d) *Develop a rubric to prioritize applications for farmers to*  
4 *transition to sustainable crops in the following order:*

5 (1) *Less water-intensive crops in high demand.*

6 (2) *Less water-intensive crops in low demand.*

7 (3) *High water-intensive crops in high demand.*

8 (4) *High water-intensive crops in low demand.*

9 542. The department shall require an applicant for a grant to  
10 submit all of the following to the department in the application:

11 (a) A description of the land that will be transitioned from  
12 raising livestock or growing feed crops to plant-based agriculture.

13 (b) A plan that demonstrates how the applicant will transition  
14 the land described in subdivision (a) to plant-based agriculture  
15 using the best practices developed by the department pursuant to  
16 Section 541.

17 ~~(c) A description of how the transition of the lands described~~  
18 ~~in subdivision (a) to plant-based agriculture will reduce emissions~~  
19 ~~of greenhouse gases, improve soil quality, and reduce water~~  
20 ~~pollution.~~

21 ~~(d)~~

22 (c) Any other information the department deems necessary.

23 543. The department shall require a person who receives a  
24 grant ~~to do both of the following as a condition of receiving a~~  
25 ~~grant:~~

26 ~~(a) Agree to use the land described in the grant application for~~  
27 ~~plant-based agriculture for a period of time determined by the~~  
28 ~~department.~~

29 ~~(b) Provide~~ *provide* a report, in consultation with a technical  
30 assistance provider, to the department that demonstrates that the  
31 grant recipient is transitioning to plant-based agriculture.

O

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL****No. 558**

**Introduced by Assembly ~~Member Nazarian~~ *Members Nazarian, Kalra, and Quirk-Silva*  
(*Coauthor: Assembly Member Bloom*)**

February 11, 2021

An act to add Article 11.9 (commencing with Section 49569) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to school meals.

## LEGISLATIVE COUNSEL'S DIGEST

AB 558, as introduced, Nazarian. School meals: plant-based food and milk options: California School Plant-Based Food and Beverage Program.

Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, and each charter school to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law sets the reimbursement rates for free or reduced-price meals served to needy pupils at specified amounts.

This bill would establish within the State Department of Education the California School Plant-Based Food and Beverage Program. The bill would authorize a local educational agency, as defined, to apply for funding, upon appropriation by the Legislature, for reimbursement of up to \$0.20 per meal for meals that include a plant-based food option, as defined, or up to \$0.10 per meal for meals that include a plant-based milk option, as defined, or both. The bill would require the department to make additional one-time payments of up to \$1,000, as specified, on a first-come-first-served basis to local educational agencies that receive

AB 558

— 2 —

meal reimbursement pursuant to the bill's provisions. The bill would also require the department, upon a one-time appropriation by the Legislature, to provide grants of up to \$100,000 to local educational agencies for additional purposes relating to the program. The bill would authorize the department to accept funding from private sources for the purpose of providing reimbursements or grants pursuant to these provisions.

The bill would require the department to adopt regulations to implement the program, establish guidelines for the evaluation of the program, report evaluation results to the Legislature, and conduct outreach.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 11.9 (commencing with Section 49569)  
2 is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 11.9. California School Plant-Based Food and Beverage  
6 Program  
7

8 49569. (a) There is hereby established within the department  
9 the California School Plant-Based Food and Beverage Program.

10 (b) In making procurement decisions pursuant to this article,  
11 local educational agencies are encouraged to give preference to  
12 the purchase of plant-based food options and plant-based milk  
13 options from California producers, when commercially available.

14 49569.1. (a) Upon appropriation by the Legislature in the  
15 annual Budget Act or another statute for purposes of this section,  
16 a local educational agency may apply for reimbursement in an  
17 amount of up to twenty cents (\$0.20) per meal for meals that  
18 include a plant-based food option and up to ten cents (\$0.10) per  
19 meal for meals that include a plant-based milk option. A single  
20 meal with both a plant-based food option and a plant-based milk  
21 option is eligible to receive reimbursement for both options, not  
22 to exceed the cost of the meal. The department shall pay the  
23 reimbursement amounts in quarterly installments. Reimbursement  
24 funds shall be deposited into the nonprofit school food service

1 account of the local educational agency. Reimbursement provided  
2 pursuant to this section shall be in addition to any other state or  
3 federal funding or reimbursement received.

4 (b) A local educational agency applying for the funds described  
5 in subdivision (a) shall provide documentation of the number of  
6 plant-based food options and plant-based milk options reimbursable  
7 under the federal National School Lunch Program that the local  
8 educational agency served in the baseline 2018–19 school year.  
9 A local educational agency that does not provide this  
10 documentation is not eligible for funding pursuant to this section.

11 (c) The funds described in subdivision (a) shall be available for  
12 plant-based food options or plant-based milk options that represent  
13 an increase from the number of reimbursable plant-based food  
14 options or plant-based milk options served in the baseline 2018–19  
15 school year, as demonstrated by the documentation required  
16 pursuant to subdivision (b).

17 (d) Upon appropriation by the Legislature in the annual Budget  
18 Act or another statute for purposes of this section, a local  
19 educational agency that receives meal reimbursement pursuant to  
20 this section shall receive an additional one-time payment of up to  
21 one thousand dollars (\$1,000) for the costs of collecting the  
22 2018–19 school year baseline data. The department shall make  
23 one-time payments pursuant to this subdivision on a  
24 first-come-first-served basis.

25 (e) (1) The department may limit the total amount of  
26 reimbursements and payments provided pursuant to this section  
27 to a total of three million dollars (\$3,000,000) per year.

28 (2) A limit established pursuant to paragraph (1) does not apply  
29 to funding from private sources.

30 49569.2. (a) Upon a one-time appropriation by the Legislature  
31 in the annual Budget Act or another statute for purposes of this  
32 section, the department shall provide grants, in an amount of up  
33 to one hundred thousand dollars (\$100,000), to local educational  
34 agencies for any of the following:

35 (1) To contract with third parties for professional development  
36 training for schoolsite staff on serving, including preparing,  
37 procuring, advertising, and creating menus for plant-based food  
38 options or plant-based milk options.

39 (2) To purchase cafeteria equipment to prepare plant-based food  
40 options or plant-based milk options, as needed.

1 (3) To provide technical assistance and pupil engagement and  
2 education on plant-based food options and plant-based milk  
3 options, including providing taste tests, recipe development, and  
4 culinary education.

5 (4) To provide additional compensation for additional work  
6 relating to serving meals that include a plant-based food option or  
7 a plant-based milk option pursuant to Section 49569.1, to the extent  
8 that funding is made available in the grant for this purpose.

9 (b) Grants awarded for a purpose identified in subdivision (a)  
10 shall be awarded on a competitive basis.

11 (c) In providing grants pursuant to this section, the department  
12 shall give priority to local educational agencies with the largest  
13 percentage of pupils eligible to receive free or reduced-price  
14 lunches.

15 (d) (1) Before entering into a contract with a third party for  
16 professional development training pursuant to paragraph (1) of  
17 subdivision (a), a local educational agency shall complete  
18 negotiations on the training with the schoolsite staff's exclusive  
19 representative, as defined in Section 3540.1 of the Government  
20 Code, if requested to do so by the exclusive representative.

21 (2) An employee shall not be required to attend professional  
22 development training pursuant to paragraph (1) of subdivision (a)  
23 for which the employee does not receive at least that employee's  
24 regular rate of pay or that takes place outside of that employee's  
25 normal working hours.

26 49569.3. The department shall do all of the following:

27 (a) Adopt regulations, as it deems necessary, to implement the  
28 program established pursuant to this article.

29 (b) Establish guidelines for the evaluation of the meal  
30 reimbursement and grant program.

31 (c) (1) Complete an evaluation of the meal reimbursement and  
32 grant program and report the results of the evaluation to the  
33 Legislature in compliance with Section 9795 of the Government  
34 Code by September 1, 2025. The evaluation shall include the  
35 number of local educational agencies that applied for and received  
36 meal reimbursement and payments, the number of meals provided  
37 by each local educational agency, the number of local educational  
38 agencies that applied for and received grant funding, and the  
39 manner in which local educational agencies used grant funds.

1 (2) The requirement for submitting a report imposed under  
2 paragraph (1) is inoperative on September 1, 2029, pursuant to  
3 Section 10231.5 of the Government Code.

4 (d) Conduct outreach, with special attention given to the local  
5 educational agencies with the largest percentage of pupils eligible  
6 to receive free or reduced-price lunches.

7 49569.4. The department may accept funding from private  
8 sources for the purpose of providing reimbursements and payments  
9 pursuant to Section 49569.1 or grants pursuant to Section 49569.2.

10 49569.5. For purposes of this article, the following definitions  
11 apply:

12 (a) “Local educational agency” means a school district, county  
13 office of education, or charter school maintaining kindergarten or  
14 any of grades 1 to 12, inclusive, that participates in the federal  
15 National School Lunch Program.

16 (b) “Nonprofit school food service account” has the same  
17 meaning as defined in Section 210.2 of Title 7 of the Code of  
18 Federal Regulations.

19 (c) “Plant-based food option” means a food that contains no  
20 animal products or byproducts, including meat, poultry, fish, dairy,  
21 or eggs, and that is recognized by the United States Department  
22 of Agriculture as a meat alternate for purposes of the federal  
23 National School Lunch Program.

24 (d) “Plant-based milk option” means a beverage that contains  
25 no animal products or byproducts, including dairy, and that is  
26 recognized by the United States Department of Agriculture as a  
27 nondairy fluid milk substitute for purposes of the federal National  
28 School Lunch Program.

29

30

31 **REVISIONS:**

32 **Heading—Lines 1 and 2.**

33

\_\_\_\_\_

\_\_\_\_\_

O



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf (author), Councilmember Kesarwani (co-sponsor),  
and Councilmember Harrison (co-sponsor)

Subject: Support for SB-15

RECOMMENDATION

Send a letter of support for SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites, to Senators Portantino and Skinner, Assemblymember Wicks and Governor Newsom. SB 15 would incentivize affordable housing creation by providing grants to local governments who rezone idle retail sites to allow for affordable housing development.

FINANCIAL IMPLICATIONS

None

BACKGROUND

SB 15 seeks to incentivize local governments to convert idle retail sites into affordable housing by requiring HCD to issue grants to cities that rezone commercial sites to make residential an allowable use. In order to receive a grant, a city must rezone the site as a use by right, approve a housing development project affordable to low- and moderate-income households, impose certain labor standards, and issue a certificate of occupancy. The grant will be proportionate to the amount of housing available for those households if the development also includes a commercial component. The grant is equal to seven times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application over the seven years immediately preceding the date of the local government's application. The goal is to offset the lost sales tax revenue that would have been generated from a commercial property.

We should support the bill for the following reasons:

- SB 15 would establish a state-funded grant program for local governments administered via HCD. The grants would encourage cities to shift to housing on such sites by supplying funds to municipalities to replace lost sales taxes from the commercial use of SB 15 sites.
- Under SB 15, cities would agree to allow affordable housing "by right," while still overseeing design review.

ENVIRONMENTAL SUSTAINABILITY

Potential for reduced greenhouse gas emissions as affordable housing provides opportunities for Berkeley workers to live closer to work.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Letter of Support for SB 15

2: [SB 15](#)



May 11, 2021

The Honorable Senator Portantino  
State Capitol, Room 5050  
Sacramento, CA 95814

**RE: SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites. Support from the Berkeley City Council.**

Dear Senator Portantino:

The City Council of the City of Berkeley hereby registers its support of Senate Bill 15, to incentivize local governments to convert idle retail sites into affordable housing by issuing State grants to cities that rezone commercial sites to make residential an allowable use.

This legislation supports state-wide efforts to meet Regional Housing Needs Assessment (RHNA) mandates with the tools of rezoning and state funding. Incentivizing the rezoning of idle shopping centers and big-box retail buildings allows cities to repurpose land and buildings to create affordable housing.

The City of Berkeley thanks you for your leadership on this important issue and urges your colleagues and the Governor to strongly support SB 15.

Respectfully,

Berkeley City Council

CC: Senator Nancy Skinner  
Assembly Member Buffy Wicks  
Governor Gavin Newsom

**SENATE BILL**

**NO. 15**

**Introduced by Senator Portantino**

**December 07, 2020**

An act to add Chapter 2.9 (commencing with Section 50495) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 15, as amended, Portantino. Housing development: incentives: rezoning of idle retail sites. Existing law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of ~~workforce housing~~. *housing, as defined*. The bill would define various terms for these purposes. In order to be eligible for a grant, the bill would require a local government, among other things, to apply to the department for an allocation of grant funds and provide documentation that it has met specified requirements, including certain labor-related requirements. The bill would make the allocation of these grants subject to appropriation by the Legislature in the annual Budget Act or other statute. The bill would require the department to issue a Notice of Funding Availability for each calendar year in which funds are made available for these purposes. The bill would require that the amount of grant awarded to each eligible local government be equal to 7 times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application over the 7 years immediately preceding the date of the local government's application, subject to certain modifications, and that the local government receive this amount in one lump-sum following the date of the local

government's application. The bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would authorize the department to review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards for this program and exempt those guidelines from the rulemaking provisions of the Administrative Procedure Act. *The bill would make its provisions operative on and after January 1, 2023.*

## **DIGEST KEY**

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

---

## **BILL TEXT**

### **THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT**

### **AS FOLLOWS:**

#### **SECTION 1.**

Chapter 2.9 (commencing with Section 50495) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

#### **CHAPTER 2.9. Retail Site Rezoning Incentives 50495.**

For purposes of this chapter:

- (a) "Applicant" means a public agency or private entity that submits an application to a local government to undertake a ~~workforce housing~~ *housing, as defined in subdivision (k)*, development project on sites rezoned pursuant to this chapter.
- (b) "Big box retailer" means a store of greater than 75,000 square feet of gross buildable area that generates or previously generated sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).
- (c) "Commercial shopping center" means a group of two or more stores that maintain a common parking lot for patrons of those stores.
- (d) "Idle" means that at least 80 percent of the leased or rentable square footage of the big box retailer or commercial shopping center site is not occupied for at least a 12-month calendar period.
- (e) "Local government" means a city, county, or city and county.
- (f) "NOFA" means Notice of Funding Availability.
- (g) "Project labor agreement" has the same meaning as in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- (h) "Sales and use tax revenue" means the cumulative amount of revenue generated by taxes imposed by a local government in accordance with both of the following laws:
  - (1) The Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).
  - (2) The Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code).
- (i) "Skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
- (j) (1) "Use by right" means that the local government's review of a ~~workforce housing~~ *housing, as defined in subdivision (k)*, *development* does not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a

“project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

(2) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) ~~“Workforce housing”~~ *“Housing”* means an owner-occupied or rental housing development in which 100 percent of the development project’s total units, exclusive of a manager’s unit or units, are for lower income households, as defined in Section 50079.5, or for moderate-income households, as defined in Section 50053. Units in the development shall be offered at an affordable housing cost, as defined in Section 50052.5, or at affordable rent, as defined in Section 50053, except that the rent or sales price for a moderate-income unit shall be at least 20 percent below the market rate for a unit of similar size and bedroom count in the same neighborhood in the city, county, or city and county in which the housing development is located. The developer of the ~~workforce~~ housing shall provide the local government with evidence to establish that the units meet the requirements of this subdivision. All units, exclusive of any manager’s unit or units, shall be restricted as provided in this subdivision for at least the following periods of time:

(A) Fifty-five years for units that are rented. However, the local government may require that the rental units in the housing development project be restricted to lower income households for a longer period of time if that restriction is consistent with all applicable regulatory requirements for state assistance.

(B) Forty-five years for units that are owner occupied. However, the local government may require that owner-occupied units in the housing development project be restricted to lower income households for a longer period of time if that restriction is consistent with all applicable regulatory requirements for state assistance.

#### 50495.2.

Upon appropriation by the Legislature in the annual Budget Act or other statute, the department shall administer a program to provide incentives in the form of grants allocated in accordance with this chapter to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*.

#### 50495.4.

In order to be eligible for a grant under this chapter, a local government shall do all of the following:

(a) Rezone one or more idle sites used for a big box retailer or commercial shopping center to allow ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, as a use by right.

(b) Approve and issue a certificate of occupancy for a ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development on each site rezoned pursuant to subdivision (a) for which the local government seeks an incentive pursuant to this chapter.

(c) Impose the requirements described in Sections 50495.5 and 50495.5.1 on all applicants.

(d) Apply to the department for an allocation of grant funds and provide documentation that it has complied with the requirements of this section.

#### 50495.5.

For purposes of subdivision (c) of Section 50495.4, a local government shall impose all of the following requirements on all applicants:

(a) (1) For an applicant that is a public agency, the applicant shall not prequalify or shortlist, or award a contract to, an entity for the performance of any portion of the ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development project unless the entity provides an enforceable commitment to the applicant that the entity and its subcontractors at every tier will use a skilled and

trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades.

(2) Paragraph (1) does not apply if any of the following requirements are met:

(A) The public agency applicant has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce, and the entity agrees to be bound by that project labor agreement.

(B) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the public agency applicant before January 1, ~~2021~~, 2023.

(C) The entity has entered into a project labor agreement that will bind the entity and all of its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

(b) For an applicant that is a private entity, the applicant shall do both of the following:

(1) Demonstrate to the local government that either of the following is true:

(A) The entirety of the ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development project is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(B) If the project is not in its entirety a public work, all construction workers employed in the execution of the project will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(2) Demonstrate to the local government that a skilled and trained workforce will be used to perform all construction work on the project.

#### 50495.5.1.

(a) If a ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development project is subject to subparagraph (B) of paragraph (1) of subdivision (b) of Section 50495.5, then, for those portions of the project that are not a public work, all of the following shall apply:

(1) The private entity applicant shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work on the project.

(2) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(3) (A) Except as provided in subparagraph (C), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided by that section.

(B) Except as provided in subparagraph (C), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the project, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(C) Subparagraphs (A) and (B) do not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the project and provides for enforcement of that obligation through an arbitration procedure.

(4) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(b) An applicant that is a private entity subject to paragraph (2) of subdivision (b) of Section 50495.5 shall comply with all of the following requirements for the ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development project:

(1) The private entity applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the project.

(2) Every contractor and subcontractor shall use a skilled and trained workforce to complete the project.

(3) (A) Except as provided in subparagraph (B), the private entity applicant shall provide to the local government, on a monthly basis while the project or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the local government pursuant to this clause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and shall be open to public inspection. A private entity applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(B) Subparagraph (A) does not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

#### **50495.6.**

(a) Upon appropriation by the Legislature in the annual Budget Act or other statute for purposes of this chapter, the department shall allocate a grant to each local government that meets the criteria specified in Section 50495.4 in an amount determined pursuant to subdivision (b). For each calendar year in which funds are made available for purposes of this chapter, the department shall issue a NOFA for the distribution of funds to a local government during the 12-month period subsequent to the NOFA. The department shall accept applications from applicants at the end of the 12-month period.

(b) The amount of grant provided to each eligible local government shall be as follows:

(1) Subject to paragraphs (2) and (3), the amount of the grant shall be equal to seven times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application that meets the criteria specified in subdivisions (a) and (b) of Section 50495.4 over the seven years immediately preceding the date of the local government's application.

(2) For any idle big box retailer or commercial shopping center site rezoned by a local government in accordance with subdivision (a) of Section 50495.4 to allow mixed uses, the amount of grant pursuant to paragraph (1) shall be reduced in proportion to the percentage of the square footage of the development

that is used for a use other than ~~workforce housing~~; *housing, as defined in subdivision (k) of Section 50495.*

(3) If for any NOFA the amount of funds made available for purposes of this chapter is insufficient to provide each eligible local government with the full amount specified in paragraphs (1) and (2), based on the number of applications received, the department shall reduce the amount of grant funds awarded to each eligible local government proportionally.

(c) The department shall allocate the amount determined pursuant to subdivision (b) to each eligible local government in one lump-sum following the date of the local government's application.

**50495.8.**

Upon appropriation by the Legislature in the annual Budget Act or other statute, the department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this chapter. Any guidelines or terms adopted pursuant to this chapter shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**50495.9.**

*This chapter shall be operative on and after January 1, 2023.*







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson, Councilmember Hahn, Councilmember Wengraf

Subject: Support for Senator Warren's Student Loan Debt Relief Act (S.2235)

RECOMMENDATION

Refer to the Council to adopt a resolution in support of Senator Elizabeth Warren's Student Loan Debt Relief Act, which would cancel student loan debt to promote economic growth and reduce wealth gaps.

BACKGROUND

Initially proposed July 23, 2019 and reintroduced mid-February of this year, Senator Warren's Student Loan Debt Relief Act would require the Department of Education to cancel up to \$50,000 worth of outstanding student loan debt per recipient. Those with an adjusted gross income below \$100,000 would see maximum loan cancellation while those with a greater income would see partial loan cancellation.<sup>1</sup> The resolution could be accomplished by the President using executive authority outlined in the Higher Education Act.<sup>2</sup> Likewise, the Secretary of Education holds debt cancellation power through the same act. Such actions are not uncommon, as they have already been taken on a smaller scale for federal student loan relief as a result of the COVID-19 pandemic.<sup>3</sup>

The resolution also encourages the President to ensure no tax liability because of administrative debt cancellation for federal student loan borrowers and to continue to pause student loan payments and interest accumulation for federal student loan borrowers for the duration of the COVID-19 pandemic.

Further components of the legislation include:

- Automatic cancellation through readily available income data

<sup>1</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/2235?q=%7B%22search%22%3A%5B%22higher+education+act%22%2C%22student+loan+debt+relief%22%2C%22higher+education+act%22%2C%22student+loan+debt+relief%22%5D%7D&s=2&r=2>

<sup>2</sup> <https://www.warren.senate.gov/newsroom/press-releases/schumer-warren-the-next-president-can-and-should-cancel-up-to-50000-in-student-loan-debt-immediately-democrats-outline-plan-for-immediate-action-in-2021>

<sup>3</sup> <https://www.warren.senate.gov/newsroom/press-releases/schumer-warren-the-next-president-can-and-should-cancel-up-to-50000-in-student-loan-debt-immediately-democrats-outline-plan-for-immediate-action-in-2021>

- Allowing borrowers of private student loans to refinance their loans as federal student loans so they can qualify for loan cancellation
- Make cancelled debt non-taxable income,
- Provide one-year freeze on loan payments made by borrowers, wage garnishment by the Department of Education on troubled loans, and interest accrual on student loans while the debt cancellation is being implemented
- Automatically refinance remaining federal student loans to interest rates specified in the Bank on Student Emergency Loan Refinancing Act
- Allow borrowers to discharge their loans in bankruptcy, as specified in the Student Borrower Bankruptcy Relief Act of 2019.<sup>4</sup>

The problem of student loan debt is pervasive and long-lasting, and negatively impacts individual lives as well as the national, state, and local economies. 45 million Americans are in debt from student loans that totals \$1.71 trillion.<sup>5</sup> What salaries graduates earn after college are frequently insufficient, as student loan debt often follows loan recipients throughout their lives -- 3 million senior citizens are still paying off their student loans.<sup>6</sup> Left untreated, this problem threatens to exponentially worsen given the rising cost of tuition and cost of living coupled with decades of stagnant wages. Due to the significant financial burden posed by these loans, many find it difficult to buy cars and homes, start and invest in businesses, and even retire -- all of which negatively impacts the broader economy. Experts have predicted that student loan debt cancellation would “provide immediate relief to millions who are struggling during this pandemic and recession, and give a boost to our struggling economy through a consumer-driven economic stimulus that can result in greater home-buying rates and housing stability, higher college completion rates, and greater small business formation.”<sup>7</sup>

While 1 in 5 Americans are affected by the student loan crisis<sup>8</sup>, those undoubtedly most heavily impacted are Black communities and communities of color, resulting in an insidious racial wealth gap. Families of color are more likely to borrow for higher education, and statistically have less income to pay back these loans; in case of financial shock, families of color have less of a safety net resulting in higher likelihood of default on student loan debt.<sup>9</sup> Experts have further predicted that student loan debt

---

<sup>4</sup> <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-house-majority-whip-clyburn-introduce-legislation-to-cancel-student-loan-debt-for-millions-of-americans>

<sup>5</sup> <https://studentloanhero.com/student-loan-debt-statistics/>

<sup>6</sup> <https://www.thecut.com/2021/02/joe-biden-can-cancel-all-student-debt-he-just-wont.html>

<sup>7</sup> <https://www.warren.senate.gov/newsroom/press-releases/schumer-warren-the-next-president-can-and-should-cancel-up-to-50000-in-student-loan-debt-immediately-democrats-outline-plan-for-immediate-action-in-2021>

<sup>8</sup> <https://studentloanhero.com/student-loan-debt-statistics/>

<sup>9</sup> <https://www.warren.senate.gov/imo/media/doc/NAACPStudent%20Debt%20Relief.WARREN.pdf>

cancellation will particularly benefit Black and Latinx household wealth, which will help to close the racial wealth gap.<sup>10</sup>

Supporting the Student Loan Debt Relief Act would align with the City of Berkeley's past stances on related issues. For example, in 2017, the Council passed a resolution in support of AB 1038 - Tuition Free College By 2030, which created a roadmap that would make all public California colleges free.<sup>11</sup> This resolution also cited the disadvantages that minority communities face when paying for higher education. Prior to that, in 2013, the Council took a stance in support of HR 532 - Private Student Loan Bankruptcy Fairness Act and End Predatory Spending Practices, which would amend the bankruptcy code so that private student loan debt could be dischargeable and treated the same as other bankrupt private consumer debt by removing a special-interest provision.<sup>12</sup> In the same year, the Council supported the Bank on Student Loan Fairness Act, which would allow students the same low interest rates that national banks are afforded and assist the Department of Education in subsidizing student loans.<sup>13</sup> All these stances reflect the need to alleviate the increasing financial burden of student loans.

The City of Berkeley would be joining a coalition of cities, representatives, and organizations calling on the President to cancel student loan debt. The city of Cambridge recently adopted a resolution earlier this year in support of Senator Warren's bill.<sup>14</sup> The city of Philadelphia went a step further, calling on the President to cancel all student loan debt within his first 100 days of office, citing an enormous opportunity for economic growth that could lead to huge amounts of local spending.<sup>15</sup> Senator Warren's bill is sponsored by over 60 lawmakers in Congress, as well as 17 state attorneys, and over 325 organizations ranging from labor unions to civil rights groups.<sup>16</sup> These numbers are representative of the 67% percent of Americans who believe there should be some form of student loan forgiveness.<sup>17</sup> The City of Berkeley should move to support the Student Loan Debt Relief Act's goal of economic growth and closing racial wealth gaps.

---

<sup>10</sup> [https://rooseveltinstitute.org/wp-content/uploads/2020/08/RI\\_StudentDebtForgiveness\\_WorkingPaper\\_202008.pdf](https://rooseveltinstitute.org/wp-content/uploads/2020/08/RI_StudentDebtForgiveness_WorkingPaper_202008.pdf)

<sup>11</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AZngCuAOefPPTpF%C3%89JYugM13aaebX7BY9DWI5W1vSF8%C3%818Sqpqx%C3%89EXLcQCntx8AzRzprNuFKnOBXLNuF5I2MHWvEs%3D/>

<sup>12</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AU46oG1ONI54ftl1NYebz%C3%81VaSagFBqUcuSghX45g15F0vKiwXnWdU0YeAZmXPWgxuq8S6o2bOX%C3%81qxU3UNmfcSQ%3D/>

<sup>13</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AdyGTcGw68c1Ud0vvnQ3Rc3X50I6J2CB EVCxZ0ITLaT57HbsthtL526fgtzAYleif0miW34P3tMYvNiKh%C3%816uNFU%3D/>

<sup>14</sup> [http://cambridgema.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2797&MediaPosition=&ID=13646&CssClass=](http://cambridgema.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2797&MediaPosition=&ID=13646&CssClass=)

<sup>15</sup> <https://thehill.com/homenews/state-watch/541725-philly-city-council-calls-on-biden-to-cancel-all-student-loan-debt-in?rl=1>

<sup>16</sup> <https://www.forbes.com/sites/adamminsky/2021/02/23/heres-everyone-who-wants-biden-to-cancel-student-loan-debt-its-popular/?sh=6324f99c41c0>

<sup>17</sup> <https://www.forbes.com/sites/adamminsky/2021/02/23/heres-everyone-who-wants-biden-to-cancel-student-loan-debt-its-popular/?sh=6324f99c41c0>

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, Council District 7, (510) 981-7170  
Elly Hudson, Intern

Attachment:  
1: Resolution

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

SUPPORT FOR STUDENT LOAN DEBT RELIEF ACT

WHEREAS, student loan debt impacts 45 million Americans, and impedes them from fully contributing to the economy throughout their lives; and

WHEREAS, Black, Latinx, Indigenous, Asian and Pacific Islander, and other communities of color; economically disadvantaged residents; older people and young adults most acutely experience the impacts of student debt; and

WHEREAS, cancelling student loan debt presents a formidable opportunity to substantially promote upward mobility for those most vulnerable in our society, and simultaneously increase local spending; and

WHEREAS, past Berkeley City Council stances regarding student loan debt have been aligned with the goal of alleviating financial burden from those most greatly affected; and

WHEREAS, Americans across all political parties widely hold that there should be student loan debt cancellation in some form; and

WHEREAS, cancelling student loan debt would put the country on track to make higher education more accessible, creating a more educated populace.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley officially supports the Student Loan Debt Relief Act, which would allow the authority of the President under the Higher Education Act to cancel student loan debt up to \$50,000, for the purpose of strengthening the economy and working to close the racial wealth gap.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Congresswoman Barbara Lee, and Senators Dianne Feinstein, Alex Padilla, and Elizabeth Warren.





CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson, Councilmember Ben Bartlett,  
 Councilmember Lori Droste, and Mayor Jesse Arreguín  
 Subject: Support for AB 1238 and AB 122

### RECOMMENDATION

Send letters to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the bills' authors in support of AB 1238 and AB 122, which would repeal jaywalking laws and allow bicyclists to treat stop signs as yield signs.

### BACKGROUND

#### **AB 1238**

Assembly Bill 1238, the Freedom to Walk Act, would repeal jaywalking laws that penalize pedestrians for crossing streets even when no immediate hazard is present. Specifically, this bill would:

- Prohibit fines for crossing the street outside of an intersection when no cars are present
- Allow pedestrians to use a crosswalk on a yellow light
- Repeal existing law specifying what side of the street pedestrians must walk on
- Prohibit local authorities from passing stricter jaywalking ordinances

Jaywalking laws were originally created by auto industry-aligned special interest groups during the rise of mass automobile ownership. In response to an increasing number of pedestrian fatalities, many cities tried to impose built-in speed limits on automakers. Automakers fought back, lobbying for jaywalking regulations that would shift responsibility away from drivers and onto pedestrians, thus allowing cars to continue traveling at unsafe speeds.<sup>1</sup>

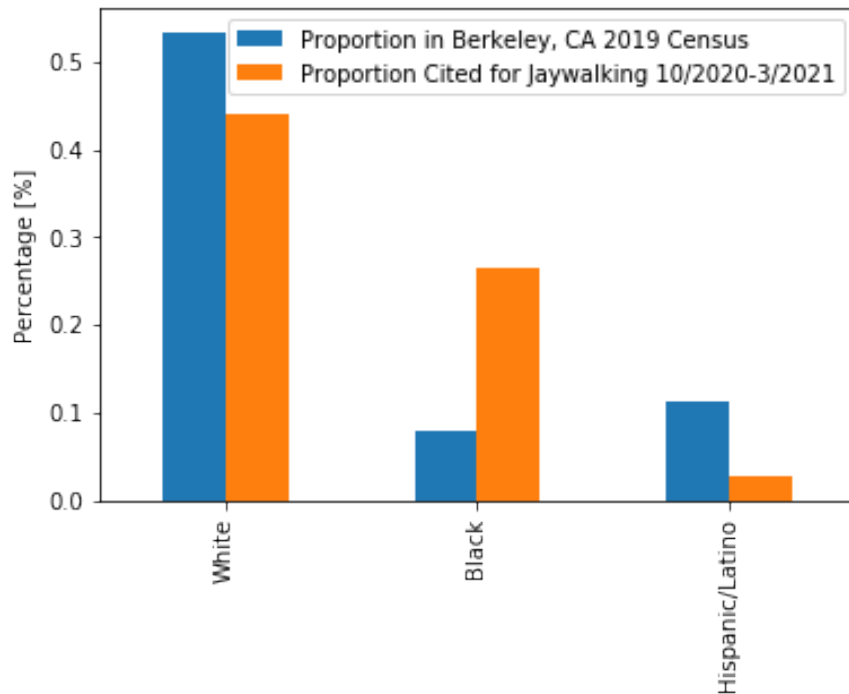
Today, pedestrians in California can face fines up to \$250 for crossing the street outside of a crosswalk — a higher fine than most parking and traffic citations. Existing law operates under the false assumption that jaywalking is inherently dangerous, even when no vehicles are present, and unfairly and severely penalizes pedestrians.

The prevalence of jaywalking is a reflection of the car-centric way in which we design our streets. Automobile traffic is consistently prioritized over bicyclist and pedestrian safety, resulting in a hostile walking environment with wide multi-lane streets, large

<sup>1</sup> <https://www.vox.com/2015/1/15/7551873/jaywalking-history>

distances between crosswalks, pedestrian beg buttons, and inadequate sidewalks. The lack of pedestrian-friendly infrastructure is even more apparent in low-income neighborhoods of color, which have suffered decades of neglect. Pedestrians should not be penalized for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of jaywalking laws is inequitable. Across California, police departments stop Black pedestrians at a significantly higher rate than white pedestrians. Black pedestrians are 4.3 times more likely to be cited for jaywalking in San Diego, 3.7 times more likely in Los Angeles, and 5 times more likely in Sacramento. This pattern holds true in the City of Berkeley with the limited data available through RIPA, with Black residents being about 4.5 times more likely than white residents to be stopped (white residents: 15 stops, 71.3k residents; Black residents: 9 stops, 9.3k residents).



Source: RIPA data, using codes ['VC 21453(D) PED AGAINST RED LIGHT/ETC (I)', 'VC 21955 JAYWALKING (I)', 'VC 21456(B) PED AGAINST NO WALK SIGN (I)', 'VC 21461.5 PED FAIL OBEY TRAFFIC SIGN (I)', 'VC 21950(B) PED IN XWALK STOP/ETC VEH (I)', 'VC 21452(B) PED FAIL RESPOND SIGNAL (I)']. Compiled by Amy Guo, Intern.

**AB 122**

Assembly Bill 122 would permit bicyclists to treat stop signs as yield signs, also known as an “Idaho Stop.” Currently, California Vehicle Code requires bicyclists to abide by the same laws as motorists — that is, to come to a full stop at a stop sign, even if the street is completely empty or no vehicles are close enough to constitute an immediate hazard.



However, it is much more difficult to stop and restart repeatedly on a human-powered vehicle than it is in a car. For bicyclists who may not be as athletic, or who ride older and more inefficient bikes, this requires a significant exertion of energy and may deter them from biking longer distances. Highlighting the disparate impact of mandatory stop signs on bicyclists, a 2001 UC Berkeley Physics Department study determined that on routes with frequent stops, a person operating a bike must exert five times the energy in order to maintain speed.<sup>2</sup>

The Idaho Stop law, allowing bicyclists to treat stop signs as yield signs, has been in effect in the State of Idaho since 1982. A 2010 UC Berkeley School of Public Health Environmental Science Division study, which compared injury and fatality rates in Idaho with data from structurally similar cities in states still lacking a traffic stop exemption, found that these conventions make our streets safer.<sup>3</sup> Quantitative results demonstrated Idaho conditions to be 30.4 percent safer for bicyclists overall, with an immediate 14.5 percent decrease in injuries in the year following the law's implementation. In researcher interviews with police officers, public officials, bicycle advocacy groups, and the general public, "these inquiries strongly supported adoption of the Idaho Law, and no entity whatsoever identified any negative safety result associated with passage of the law."

Recognizing the safety benefits of such a law and the climate imperative to improve the convenience of bicycling in Berkeley, Council referred to the Transportation Commission in 2019 to consider deprioritizing enforcement of the Idaho Stop convention. Because the City does not have jurisdiction over state vehicle code, AB 122 is needed to codify the traffic law exemption rather than just deprioritizing enforcement of it.

AB 1238 and AB 122 would repeal punitive laws that have not had any proven positive effect on safety, and in the case of Black people and other people of color, have resulted in unnecessary police interactions that actually threaten their safety. Given Council's stated commitment to reimagine public safety and reduce traffic-related interactions between police and civilians, the City of Berkeley should support AB 1238 and AB 122, and send the attached letters of support to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the bills' authors.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

---

<sup>2</sup> <https://nacto.org/wp-content/uploads/2012/06/Fajans-J.-and-M.-Curry.-2001..pdf>

<sup>3</sup> <http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: AB 1238 letter of support

2: AB 122 letter of support

3: AB 1238 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1238](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1238)

4: AB 122 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB122](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB122)

May 11, 2021

The Honorable Phil Ting  
Assemblymember, 19th District  
State Capitol, Room 6026  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1238**

Dear Assemblymember Phil Ting,

The Berkeley City Council would like to convey our full support for Assembly Bill 1238, which is a much-needed reform that would protect pedestrians against racially-biased and pretextual policing; inequitable and excessive fines; and unnecessary, potentially lethal interactions with law enforcement.

Crossing a street is not inherently dangerous if there is no immediate hazard present — rather, it is a crime that was invented by automakers to place the blame for collisions on pedestrians and avoid building in speed limits in their vehicles. Walking is a key component of a sustainable transportation system. Jaywalking laws criminalize transportation and heavily penalize pedestrians for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of these unnecessary jaywalking laws disproportionately impact Black people in cities and counties across California, including the City of Berkeley, and can lead to dangerous and deadly police encounters.

By repealing jaywalking laws, AB 1238 would encourage sustainable modes of transportation and reduce opportunities for racial profiling and inequitable policing. The Berkeley City Council supports AB 1238 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks

May 11, 2021

The Honorable Tasha Boerner Horvath  
Assemblymember, 76th District  
State Capitol, Room 4130  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 122**

Dear Assemblymember Tasha Boerner Horvath,

The Berkeley City Council would like to convey our full support for Assembly Bill 122 to permit bicyclists to treat stop signs as yield signs, legalizing a common, safe, and energy-conserving maneuver.

The law currently treats bicyclists and motorists the same in this regard, despite it being much more difficult to stop and restart repeatedly on a bicycle. The additional exertion of energy required to come to frequent full stops acts as a deterrent to bicycling, in direct opposition to our climate imperative to encourage more people to bike instead of drive.

In addition, Black people and people of color are disproportionately stopped and cited by law enforcement for vehicle code infractions, including when riding a bike. AB 122 will provide clarity to the law and prohibit law enforcement from using harmless infractions as pretext to detain and cite, while also decreasing potentially lethal interactions with law enforcement.

In 2019, the City of Berkeley started the process of deprioritizing enforcement of the Idaho Stop convention. Codifying the exemption for bicyclists in state law is critical for achieving our sustainability and racial equity goals across California. The Berkeley City Council supports AB 122 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks



Office of the City Manager

PUBLIC HEARING

May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services  
 Subject: Published Charges: Mental Health Clinical Services

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2021. Published Charges are effective July 1, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the requested action will enable the Mental Health Division to comply with Short-Doyle/Medi-Cal (SD/MC) regulations and avoid federal Lower of Cost or Charges (LCC) audit disallowances.

There is no net city cost associated with the recommended plan. Published Charges are utilized in the cost reporting process to establish Medi-Cal reimbursement for mental health services. The cost reporting process is the methodology the state and federal government requires to show Berkeley Mental Health's actual funding sources and uses and the services delivered. The cost report is based on expenses, services, and funding for the previous fiscal year. In this case, the effective date of July 1, 2020 establishes the rates for the Berkeley Mental Health's cost report for FY 2021.

CURRENT SITUATION AND ITS EFFECTS

Berkeley Mental Health (BMH) set Published Charges for FY 2020 and these were adopted by the City Council on May 12, 2020 through Resolution No. 69,398-N.S. Current and proposed rates are detailed in Attachment 2.

BACKGROUND

BMH, a division of the Health, Housing and Community Services Department, utilizes a cost report process to claim Medi-Cal fees for eligible mental health and case management services. This revenue is used to fund mental health expenses for a wide variety of City mental health programs. The establishment of Published Charges allows for compliance with SD/MC and LCC regulations in the claiming of these funds.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Medi-Cal regulations require BMH to establish Published Charges at least annually. Federal requirements stipulate that Published Charges are determined at the mental health jurisdiction level. The recommended Published Charges comply with the SD/MC audit requirements.

The Published Charge rate does not affect the amount that mental health consumers with Medi-Cal are charged for services; rather it affects the amount that BMH can charge Medi-Cal for these eligible services. For any consumer without Medi-Cal, BMH utilizes the Universal Mechanism for Determining Ability to Pay (UMDAP) and sets the fee at an affordable rate.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

Steven Grolnic-McClurg, Manager of Mental Health, HHCS, 510-981-5249

Attachments:

1: Resolution

Exhibit A: Table of City of Berkeley Medi-Cal Rates for Mental Health Services for Fiscal Year 2021

2: Current and Proposed Fees for Berkeley Mental Health for Fiscal Year 2020 and Fiscal Year 2021

3: Public Hearing Notice

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

ESTABLISHING FY 2021 PUBLISHED CHARGES FOR MENTAL HEALTH  
CLINICAL SERVICES EFFECTIVE JULY 1, 2020

WHEREAS, Published Charges are necessary to ensure that the Mental Health Clinics continue to offer specialty mental health related services to the City of Berkeley consistent with its mission; and

WHEREAS, the Published Charges will allow the City of Berkeley's Mental Health Clinics to continue to meet all Federal, State, and County regulatory requirements, while providing continued community access to specialty mental health related services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the proposed Published Charges, detailed in Exhibit A for FY 2021, are hereby fixed and established, effective July 1, 2020, for mental health clinic services offered by the Mental Health Division's Clinics of the City's Department of Health, Housing & Community Services.

Exhibits

A: Table of City of Berkeley Medi-Cal Rates for Mental Health Services for Fiscal Year 2021

May 11, 2021

## Exhibit A

Table of City of Berkeley Medi-Cal Rates for Mental Health Services for  
Fiscal Year 2021**FY 2021 Fees for Mental Health Services**

| <b>Mode</b> | <b>SFC</b> | <b>Services</b>             | <b>Cost/Unit</b> |
|-------------|------------|-----------------------------|------------------|
| 15          | 1          | Case Management & Brokerage | \$10.49          |
| 15          | 10         | Mental Health Services      | \$10.77          |
| 15          | 30         | Evaluation                  | \$10.20          |
| 15          | 40         | Mental Health Services      | \$10.20          |
| 15          | 50         | Mental Health Services      | \$10.20          |
| 15          | 60         | Medication                  | \$20.84          |
| 15          | 70         | Crisis                      | \$9.63           |



May 11, 2021

Attachment 2**CURRENT AND PROPOSED FEES FOR BERKELEY MENTAL HEALTH FOR FISCAL YEAR 2020 AND FISCAL YEAR 2021**

Table of City of Berkeley Medi-Cal Rates Fiscal Year 2020/2021

|             |            |                             | <b>Current<br/>Fees<br/>FY 2020</b> | <b>Proposed<br/>Fees for<br/>FY 2021</b> |
|-------------|------------|-----------------------------|-------------------------------------|------------------------------------------|
| <b>Mode</b> | <b>SFC</b> | <b>Services</b>             | <b>Cost/Unit</b>                    | <b>Cost/Unit</b>                         |
| 15          | 1          | Case Management & Brokerage | \$9.69                              | \$10.49                                  |
| 15          | 10         | Mental Health Services      | \$9.95                              | \$10.77                                  |
| 15          | 30         | Evaluation                  | \$9.42                              | \$10.20                                  |
| 15          | 40         | Mental Health Services      | \$9.42                              | \$10.20                                  |
| 15          | 50         | Mental Health Services      | \$9.42                              | \$10.20                                  |
| 15          | 60         | Medication                  | \$19.25                             | \$20.84                                  |
| 15          | 70         | Crisis                      | \$8.90                              | \$9.63                                   |

May 11, 2021

Attachment 3

**NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL  
PROPOSED PUBLISHED CHARGES FOR BERKELEY  
MENTAL HEALTH**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said City Council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing, and Community Services is proposing to increase fees for mental health and case management services.

|      |     |                             | FY 2020   | FY 2021   |
|------|-----|-----------------------------|-----------|-----------|
| Mode | SFC | Services                    | Cost/Unit | Cost/Unit |
| 15   | 1   | Case Management & Brokerage | \$9.69    | \$10.49   |
| 15   | 10  | Mental Health Services      | \$9.95    | \$10.77   |
| 15   | 30  | Evaluation                  | \$9.42    | \$10.20   |
| 15   | 40  | Mental Health Services      | \$9.42    | \$10.20   |
| 15   | 50  | Mental Health Services      | \$9.42    | \$10.20   |
| 15   | 60  | Medication                  | \$19.25   | \$20.84   |
| 15   | 70  | Crisis                      | \$8.90    | \$9.63    |

The hearing will be held on May 11, 2021 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor's Executive Order N-29-20.

For further information, please contact Steven Grolnic-McClurg, Mental Health Manager at 510-981-5249.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **April 29, 2021**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail

May 11, 2021

address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing.

Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** April 30 and May 7, 2021 – The Berkeley Voice Per Government Code 6062A

~~~~~

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on April 29, 2021.



To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: Audit Report: Data Analysis of the City of Berkeley's Police Response

RECOMMENDATION

We recommend City Council request that the City Manager report back by November 16, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

CURRENT SITUATION AND ITS EFFECTS

We analyzed the Berkeley Police Department (BPD) Computer Aided Dispatch (CAD) data from 2015 to 2019. We analyzed characteristics of events, characteristics of officer-initiated stops, and characteristics of police responses.

From 2015-2019, Berkeley police responded to a total of 360,242 events, or an average of 72,048 events per year. Ten call types accounted for 54 percent of all events—traffic stops, disturbance, audible alarm, noise disturbance, security check, welfare check, parking violation, suspicious circumstance, trespassing, and theft. Officer-initiated responses were 27 percent of event responses, while 55 percent were the result of calls to the non-emergency line and 18 percent were from 911 calls.

During that time, Berkeley police initiated 56,070 stops. We found 78 percent of officer-initiated stops were vehicle stops, the majority of which did not lead to a search and most led to a warning. Mirroring prior findings by the Center for Policing Equity, data we reviewed showed Black people were stopped at a significantly higher rate than their representation in the population (34 percent compared to 8 percent), and Blacks and Hispanics were more likely to be searched following a stop.

BPD dispatched an average of 1.8 patrol officers per event. Three or more officers responded to 40 percent of events. Events designated as (high) Priority Level 0-2 accounted for 56 percent of events, which require a response time of 20 minutes or less, while 44 percent were lower priority requiring a response time of an hour or longer from a call.

We found that the number of events that involved homelessness or mental health and the amount of time police spent responding to these events are not quantifiable due to insufficient data. We also found that The City's Open Data Portal provides the public with limited information about events that BPD responds to. There are opportunities for BPD to improve transparency by increasing the type and scope of data available on the portal.

We recommend BPD identify all calls for service that have an apparent mental health and/or homelessness component. We also recommend BPD expand the current calls for service data available on the City Open Data Portal to include all call types and data fields for as many years as possible. BPD agrees with our recommendations.

BACKGROUND

Following the killing of George Floyd by Minneapolis police in May 2020, a national conversation ensued about policing, race, and the proper level of resources cities should devote to law enforcement. The Berkeley City Council held several meetings and hundreds of community members provided. Initially proposed by Councilmember Bartlett and incorporated by Mayor Arreguín, analysis of police data was included in Safety for All: The George Floyd Community Safety Act, a broader item on policing that City Council passed in July 2020. We offered to conduct the analysis.

This audit is intended to give decision makers and the public a broad overview of calls for service, officer-initiated stops, and police responses and to help inform the community engagement process around reimagining policing in Berkeley, which is currently underway. Our report examined data from 2015 through 2019.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will increase transparency and build a richer data set. The audit does not propose recommendations with regard to police activities or personnel allocations. There is a separate community process for reimagining public safety and policing.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

1: Audit Report: Data Analysis of the City of Berkeley's Police Response

Audit Report
April 22, 2021

Data Analysis of the City of Berkeley's Police Response



BERKELEY CITY AUDITOR



Data Analysis of the City of Berkeley's Police Response

Report Highlights

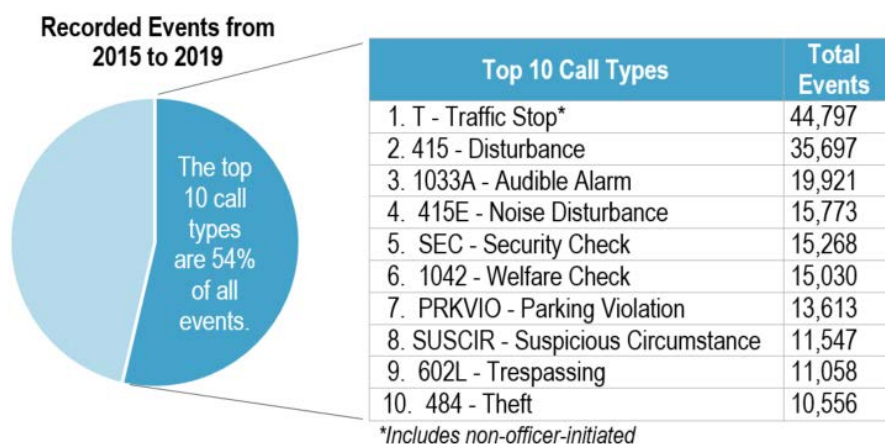
April 22, 2021



Findings

- From 2015-2019, Berkeley police responded to an average of 72,048 events per year.
- Ten call types accounted for 54 percent of all events: traffic stops, disturbance, audible alarm, noise disturbance, security check, welfare check, parking violation, suspicious circumstance, trespassing, and theft.

Top 10 Most Common Call Types of Events, 2015-2019



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

- Officer-initiated responses were 27 percent of event responses, while 55 percent were the result of calls to the non-emergency line and 18 percent were from 911 calls.
- The majority, 78 percent, of officer-initiated stops were vehicle stops, and most of them occurred between 9:00pm and 12:00am. The majority of vehicle stops did not lead to a search, and most stops led to a warning.
- Events with a priority level of 0 to 2, which require personnel to be dispatched within 20 minutes of the call, made up 56 percent of all events. Forty-four percent were lower priority events and required personnel to be dispatched within an hour to 90 minutes after the initial call.

Objectives

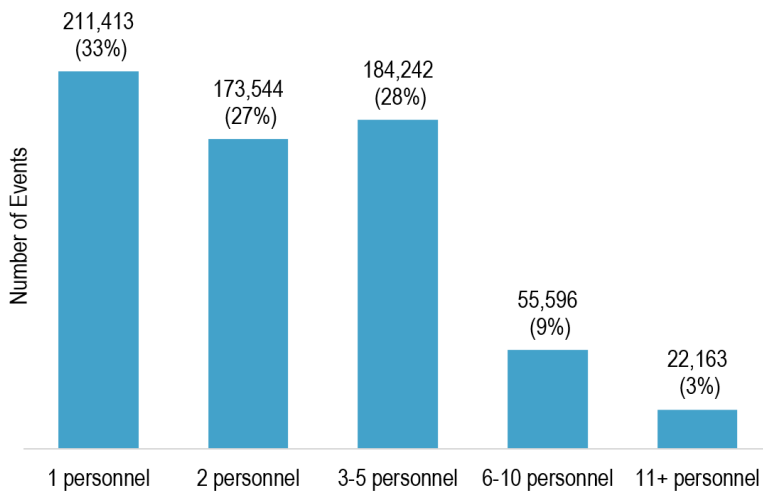
1. What are the characteristics of calls for service to which Berkeley Police respond?
2. What are the characteristics of officer-initiated stops by Berkeley Police?
3. How much time do officers spend responding to calls for service?
4. How many calls for service are related to mental health and homelessness?
5. Can the City improve the transparency of Police Department calls through the City of Berkeley's Open Data Portal?

Why This Audit Is Important

In response to the killing of George Floyd by Minneapolis police in May 2020 and subsequent protests across the nation, a national conversation ensued about policing. The Berkeley City Council initiated a robust community process to reimagine policing in Berkeley, and passed a proposal requesting analysis of Berkeley's police data. This report is intended to give decision makers and the public a broad overview of calls for service, officer-initiated stops, and police responses and to help inform the community engagement process around reimagining policing in Berkeley.

- Mirroring prior findings by Center for Policing Equity, which were based on data through 2016, data we reviewed showed that BPD stopped Black people at a significantly higher rate than their representation in the population (34 percent compared to 7.9 percent), while BPD was most likely to search Black and Hispanic people following a stop.
- On average, Berkeley Police Department dispatched 1.8 patrol officers per event. In 40 percent of events, the Communications Center dispatched three or more personnel, including officers and non-Berkeley Police Department personnel.

Number of Personnel Response per Event, 2015-2019



Source: Auditor’s analysis of Berkeley Police Department Computer Aided Dispatch data

- The number of events that involved homelessness or mental health and the amount of time police spent responding to these events are not quantifiable due to insufficient data.
- The City’s Open Data Portal provides the public with limited information about events that Berkeley Police Department responds to. There are opportunities for Berkeley Police Department to improve transparency by increasing the type and scope of data available on the portal.

Recommendations

We recommend that the Berkeley Police Department identify all calls for service that have an apparent mental health and/or homelessness component in a manner that protects the privacy rights of individuals involved. We also recommend that the Berkeley Police Department expand the current calls for service data available on the City’s Open Data Portal to include all call types and data fields for as many years as possible. City Management agreed with our recommendations.

The audit does not propose recommendations with regard to police activities or personnel allocations. There is a separate, ongoing community process for reimagining public safety and policing.

Table of Contents

Page 2	Highlights
Page 4	Table of Contents
Page 5	I. Introduction
Page 7	II. Background
Page 13	III. Characteristics of Events
Page 27	IV. Characteristics of Officer-Initiated Stops
Page 43	V. Characteristics of Police Response
Page 53	VI. Finding 1: Berkeley Police Department can better track mental health and homelessness calls.
Page 59	VII. Finding 2: The City can improve transparency of Police Department activity data on the Open Data Portal.
Page 60	VIII. Recommendations and Management Response
Page 62	IX. Methodology and Statement of Compliance
Page 66	Appendix A. Fields Included in the CAD Data
Page 67	Appendix B. Priority Codes and Call Types According to BPD Policy
Page 69	Appendix C. Stops by Race, 2015-2019
Page 70	Appendix D. Enforcement Outcomes of Searches by Race, 2015-2019
Page 73	Appendix E. Responses by Units, 2015-2019
Page 74	Appendix F. List of Terms Applied in Narrative Search
Page 75	Appendix G. Summary Data by Call Type

I. Introduction

Following the killing of George Floyd by Minneapolis police in May 2020, a national conversation ensued about policing, race, and the proper level of resources cities should devote to law enforcement in relation to other services and approaches. The Berkeley City Council held several meetings throughout the spring and summer to discuss a variety of proposals related to policing, and hundreds of community members provided input through public comment, phone calls, and emails.

Among the items discussed was a proposal by Councilmember Ben Bartlett to analyze data on police activities in the City of Berkeley and initiate a public process to discuss various potential changes to policing in the City. The City Auditor offered to conduct analysis of police data requested as part of this proposal. Mayor Jesse Arreguín incorporated the call for this analysis into the Safety for All: The George Floyd Community Safety Act, a broader item on policing that City Council passed in July 2020.

In this audit, we present the results of our analysis. It is intended to give decision makers and the public a broad overview of calls for service, officer-initiated stops, and police responses and to help inform the community engagement process around reimagining policing in Berkeley, which is currently underway. It is also intended to provide information to the broader community around events that involve police personnel. This report is the first in a series of audits on policing. Analysis of the police budget is forthcoming.

Objectives, Scope, and Methodology

We answered the following audit objectives, the first three of which were requested in the Safety for All: The George Floyd Community Safety Act:

1. What are the characteristics of calls for service to which Berkeley Police respond?
2. What are the characteristics of officer-initiated stops by Berkeley Police?
3. How much time do officers spend responding to calls for service?
4. How many calls for service are related to mental health and homelessness?
5. Can the City improve the transparency of Police Department calls through the City of Berkeley's Open Data Portal?

We analyzed Berkeley Police Department Computer Aided Dispatch (CAD) data from 2015 to 2019. The full list of CAD data fields are in Appendix A. We explored various models for categorizing and characterizing data on police activities and consulted a range of stakeholders, including the Berkeley Police Department (BPD), the National Institute for Criminal Justice Reform hired by the City to lead the reimagining policing process, other City departments, community stakeholders, and subject matter experts to inform how we characterized the data. The purpose of this process was to ensure that we presented the data in a way that is as accurate, clear, and as easy to understand as possible.

The audit does not propose recommendations with regard to police activities or personnel allocations. There is a separate, ongoing community process for reimagining public safety and policing. Given the timing of that process and the scope of this report, we did not do an in-depth analysis of alternative policies or approaches to policing. However, we do make recommendations aimed at making data more transparent and available to the public.

The following describes the scope and limitations of data included in this report:

- **Focus on 2015 to 2019 time period.** Given the anomalies in patrol team staffing and other impacts of the COVID-19 pandemic, we analyzed data from January 01, 2015 to December 31, 2019.
- **Responses that include sworn BPD officers.** We analyzed data for responses that have at least one sworn BPD officer. Some responses also include other units in addition to sworn BPD officers, such as non-sworn BPD personnel, or non-police personnel from other City departments.
- **Emphasis on patrol officers.** The CAD data source primarily documents responses by patrol officers who are usually the first and primary responders to calls for service. As such, our analysis focuses on the patrol functions of the Berkeley Police Department. There are additional activities within BPD that are not captured in the CAD data and therefore were outside the scope of this audit.
- **Partial snapshot of response from other non-patrol units.** We show data about other units involved in calls, but only if they are documented in CAD. As such, we do not include all calls by these other units, such as the Mobile Crisis Team.
- **Call types are not proof of a crime.** In CAD, dispatchers assign calls for service to a call type based on the nature of the call. In many cases, the assigned call type may reference a certain type of crime. However, assigning calls to these call types does not constitute proof of a crime. Further, any type of call may result in a crime report from the primary BPD officer assigned to the event.
- **Geography not included.** We did not conduct a geographic analysis. Patrol officers are assigned to work in a specific geographical area, called a beat, typically with up to 10 or 11 officers and two sergeants on each patrol team. A deep dive geographic analysis would have required significant additional time and was beyond the scope of our audit.
- **Caller may be from any jurisdiction.** The callers and individuals involved in events may or may not be Berkeley residents.
- **Does not include number of calls received for each event.** This report does not include the number of calls that were made to the Communications Center for each individual event. Data about individual callers is excluded from the report because we did not receive this information in the data. However, we describe the type of call source, such as whether a call came from the emergency line or was initiated by the officer.

For more information on our methodology, see [page 62](#).

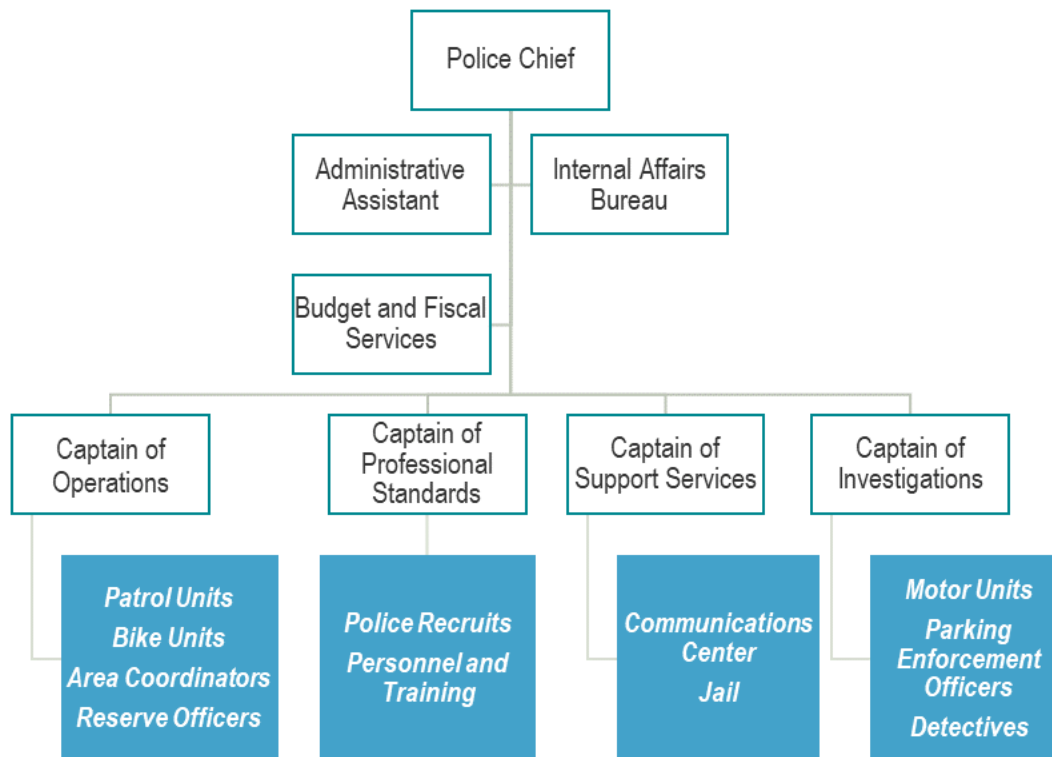
II. Background

Organizational Context

Berkeley's City Charter established the Berkeley Police Department (BPD) and its functions, which operate under the direction of the Chief of Police and the administrative direction of the City Manager. According to its website, BPD's mission is to safeguard Berkeley's diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.¹

BPD's fiscal year 2020 budget includes 285.2 full-time equivalent positions including 181 who are sworn in as law enforcement officers (sworn officers) and another 104.2 professional employees, serving a city of over 120,000 people.

Figure 1. Berkeley Police Department Organization Chart



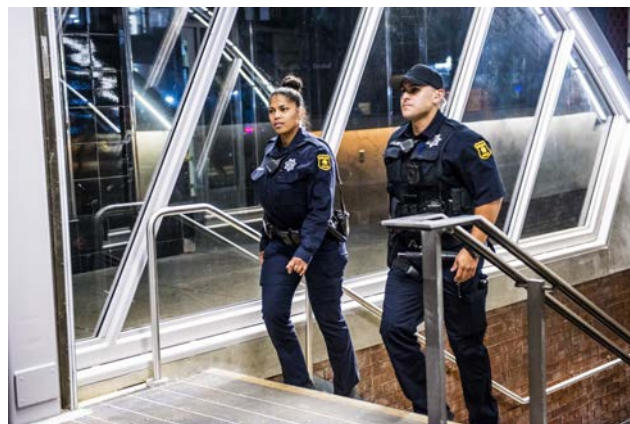
Source: Berkeley Police Department

BPD personnel that respond to calls for service may be sworn officers or professional personnel, and the latter are also referred to as “non-sworn” or “civilian.” According to BPD Policy 102, sworn officers take or affirm an oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer as specified in the California Constitution. The California penal code grants sworn officers the authority to wear a badge, carry firearms, and make arrests in performing their police duties as authorized and under the terms specified by their employing agencies.

¹ Berkeley Police Department Mission, Vision, and Values: https://www.cityofberkeley.info/Police/Home/About_Our_Department.aspx

Event Response Personnel

BPD Patrol Teams. BPD patrol teams are the primary responders dispatched to events. They provide services 24 hours a day, seven days a week. BPD policy states that the function of patrol teams are to respond to calls for service and reports of criminal activity, act as deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community, and respond to emergencies. Patrol officers may also self-dispatch based on their geographic proximity or seriousness of the event depending on priority level.



BPD Communications Center. The call takers and dispatchers working in the BPD Communications Center have the important role of answering emergency and non-emergency calls and dispatching police officers to events. Call takers accept and process inbound 911 and administrative calls for police, fire, and medical services as well as other services such as animal control. They also input call information into the Computer Aided Dispatch (CAD) system and transfer the information to fire and police dispatcher staff. Dispatchers coordinate all police-related calls requiring a response from law enforcement and enter all officer-initiated incidents into CAD such as pedestrian and traffic stops. They also maintain radio contact with field staff.

Other Units. Other personnel may be dispatched as needed to support patrol officers responding to an event. Other units can include other BPD personnel such as Area Coordinators, Bike Unit Officers, Parking Enforcement Officers, and Crime Scene Technicians. Other personnel dispatched to support patrol teams may also include non-BPD personnel such as Animal Control, the Mobile Crisis Team, and University of California Officers.² As an example, if the Communications Center receives a call about a situation that involves a person experiencing a mental health crisis, they may dispatch BPD officers and also dispatch the Mobile Crisis Team of non-police mental health professionals from the City's Mental Health Division.

All other units are described in greater detail on [page 45](#).

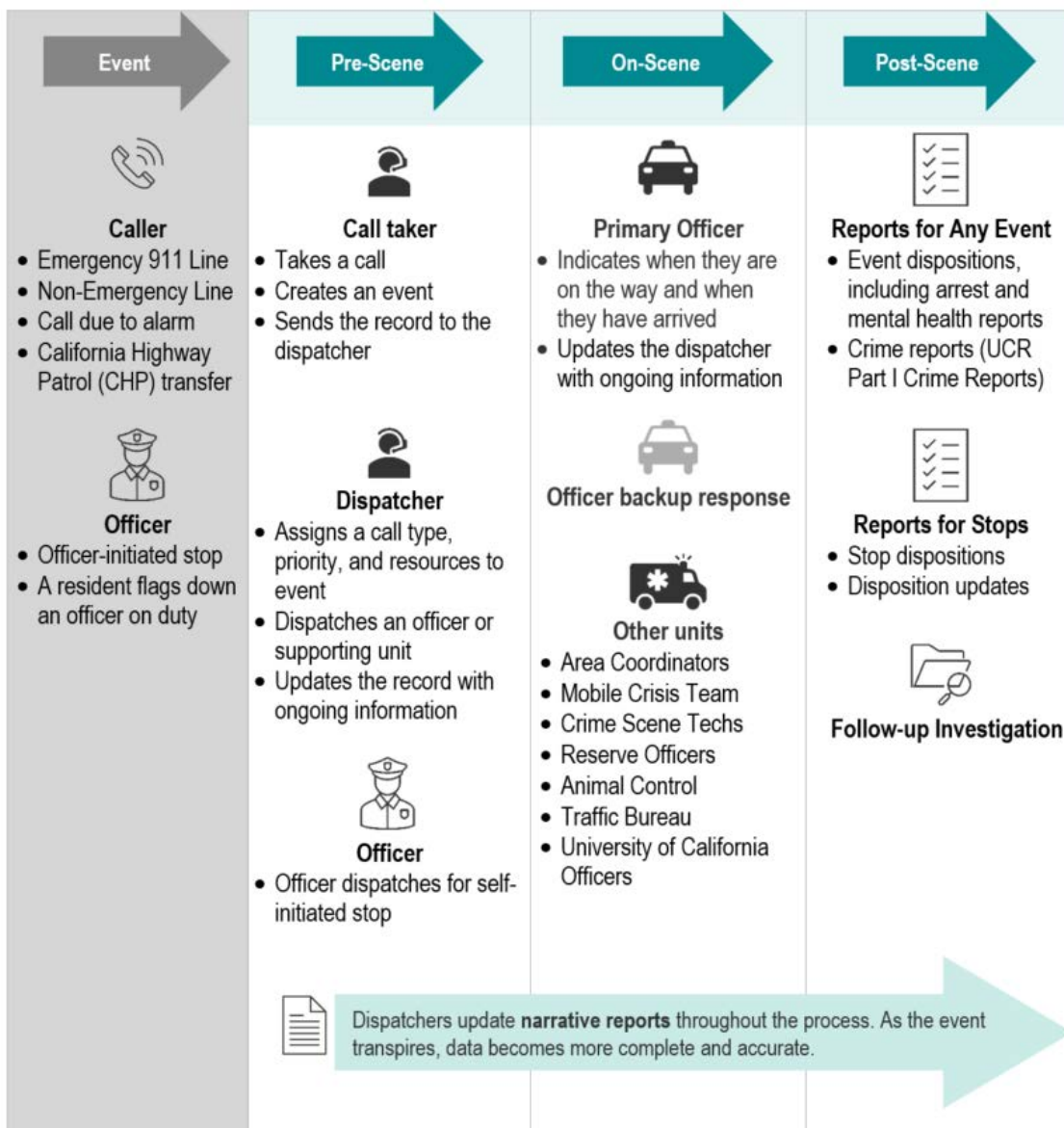
² While some calls may involve the Berkeley Fire Department, we do not have data on Fire personnel who responded to these BPD events.

³ We conducted this analysis based on data pulled from CAD, but we did not verify the error rate of data in CAD. We did not attempt to match up the thousands of records in the system with other internal and external documents.

Process for Responding to Calls

BPD's process for responding to events reflects the interactions between community members, the Communications Center, and the responding BPD officers. The response process heavily influences the integrity of the data that informs this report.³ BPD uses a CAD software system to prioritize and record events, track the status and location of officers in the field, and effectively dispatch personnel. It is crucial to remember that the response process involves situations that are evolving and often require fast action before all the information about the situation is known. CAD is not optimized to give responders all the information they need before arriving at the scene. There are several roles responsible for entering data into CAD throughout the response process. We detail the police department's response process in Figure 2 below.

Figure 2. Berkeley Police Department's Response Process



Note: We did not analyze responses by Berkeley Fire Department, Emergency Medical Services, or other such units that may provide support for BPD patrol officers that were not included in the dataset provided by BPD.

Source: Berkeley City Auditor

Event. In context of this report, “events” refer to situations that are entered in the CAD system that resulted in a response by at least one sworn officer. There are several ways an event is initiated. Community members initiate events by calling the 911 emergency or non-emergency lines, or by flagging down an on-duty officer. Police officers may initiate events on their own. Events are also initiated when an alarm goes off or when CHP transfers a call. It is possible to have multiple incoming calls for one event.

Pre-scene. When someone calls 911 or the non-emergency line, a dispatcher receives the call and collects specific information, such as the address of the event, the possible issue, if there is a weapon, and the people involved to begin dispatching the appropriate personnel to the scene. The initial call taker enters this information into the CAD database. Dispatchers assign a call type and priority, then dispatch officers accordingly. The dispatcher has the ability to enter narrative data at any time to provide ongoing information to the officer regarding the nature of the event.



Information entered into CAD at this stage may not always match the information entered later in the response process. By the time an officer arrives, a burglary may no longer be in progress, a noisy party may have dispersed, or, if the delay between call and response is long enough, the caller may have left the location.

On-scene. Police officers notify a dispatcher when they are on their way to the scene and when they arrive. Due to the changing nature of events, the police officer assigned as the primary unit also collects additional information on scene. The CAD event will be updated as information becomes available by either the officer or dispatcher, however, the call type is final once the officer arrives and a responding officer cannot change the call type in CAD. The evolving situation of a call may lead to a dispatcher assigning additional police or other units to the scene, or officers nearby may self-dispatch to provide backup.

Post-scene. Once the event is closed, the primary officer on scene completes an incident report if required by the severity of the event, and updates the CAD file with any new information. Those reports are submitted to the patrol shift supervisor and either approved or revised. Typical revisions include clarifying dates, police codes, or providing additional details. According to BPD, disposition codes are most often entered by an officer. However, an officer may also radio into the Communications Center about the event and a dispatcher will enter disposition information.

Quality control. Each day, a records clerk reviews the BPD Communications Center reports for clarity and completeness. This includes verifying call codes, addressing typos, confirming addresses using Global Positioning System (GPS), and identifying where there may be missing information. Once the record has met their quality control requirements, the call is uploaded into the separate Law Enforcement Records Management System (LERMS) where it is stored along with the raw CAD file from the call.

Assigned Call Types

Dispatchers at the BPD Communications Center assign each event a call type that describes important information about the events unless the event is officer-initiated. BPD uses many call types. Some describe a potential crime (e.g., robbery, assault, gambling), while others describe the location (e.g., fall on city property), people involved (e.g., missing juvenile), or a situation that may not be related to crime (e.g., welfare check, vehicle stop). In addition, the Communications Center uses call types in order to assign priorities and resources to the event, as discussed further in the section on priority levels. Call types for events are assigned prior to arrival of BPD staff, and they may differ from the actual event that took place after the event has concluded.

Call Type Classifications

According to the data, BPD used 138 unique call types. We consolidated these call types into nine descriptive categories for reporting purposes. Similar call type classifications have been used to organize call for service data for reporting purposes in similar jurisdictions such as Portland,⁴ Austin,⁵ and Oakland.⁶ Building on these efforts, we organized BPD's call types into categories through input from external subject matter experts, the BPD Communications Center, and BPD officers with relevant experience (Table 1).

The City Auditor call type classifications are descriptive. They do not, by themselves, imply a recommended policy change. Further, assigned call types under the crime classifications may not necessarily mean a crime has taken place. Each specific call type within each classification is listed at the end of the report under Appendix G. For more information on the methodology used to classify call types, see [page 63](#).

⁴ City of Portland Police Bureau, "Introduction to Calls for Service," <https://www.portlandoregon.gov/police/article/676725>

⁵ AH Datalytics, "Assessment of Austin Police Department Calls for Service," <https://austinjustice.org/wp-content/uploads/2020/07/Analysis-of-Austin-Police-Department-Calls-for-Service-3.pdf>

⁶ Center for Public Safety Management. "Police Data Analysis Report," <https://cao-94612.s3.amazonaws.com/documents/CPSM-Oakland-CFS-Report-Dec-2020.pdf>

Table 1. Description of City Auditor Call Type Classifications

Classification	Description
Violent Crimes (FBI Part I Crimes)	Events that fall into the definition of Part I crimes by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program that are crimes against a person. The FBI UCR program defines these crimes as criminal homicide, rape, robbery, and aggravated assault. Only assaults specifically identified as aggravated are included as a Part I offense.
Property Crimes (FBI Part I Crimes)	Events that fall into the definition of Part I crimes by the FBI UCR Report that are property crimes. These include arson, burglary, motor vehicle theft, and larceny theft. This does not include theft by fraud, forgery, or embezzlement.
FBI Part II Crimes	FBI Part II crimes include all other crimes that are not included as Part I crimes. While some of these crimes are very serious, including kidnapping and child molestation, the majority of these crimes are crimes such as disturbing the peace and trespassing, which in some cases may be infractions and not actually criminal.
Community	<p>Calls that assist the community in managing events that pose a potential threat to safety or public order. They are most often not initiated by an officer. These include but are not limited to:</p> <ul style="list-style-type: none"> • Civil matters where police presence is requested to ensure the situation does not escalate (e.g., advice, extra surveillance, civil standby). • Calls related to disturbances or other problems that result in a police response to assess and resolve the situation. • Contacts with the community, such as aid to citizen.
Medical or Mental health	Events primarily related to medical assistance to the community. They may involve a dispatch from Emergency Medical Services (EMS) for added support.
Traffic	Events that typically involve enforcement of traffic and parking laws, and management of traffic flows. In addition, these calls may involve events pertaining to vehicles, such as collisions or road hazards. This classification also includes pedestrian, bike, suspicious vehicle, and vehicle stops.
Informational or Administrative	Calls that are non-investigative assistance or administrative in nature, such as property damage or information.
Investigative or Operational	Calls that require investigative or operational input, such as a wireless 911 call or outside agency assist.
Alarm calls	Calls initiated by the activation of an audible, silent, duress, and/or monitored alarm of a vehicle, residence, business, or other premise. Example alarms include audible alarm, GPS tracker alarm, silent alarm, Pronet (bank) alarm, or video alarm.

Note: These are the events classified by call types, not the final report or crime.

Source: Berkeley City Auditor

III. Characteristics of Events

Analysis of 360,242 events from 2015-2019

This section offers an overview of the events in the City of Berkeley that resulted in a police response from 2015 to 2019. In context of this report, “events” refer to situations that are entered into the CAD system that resulted in a response by at least one sworn officer. We present information about the characteristics of events in Berkeley, including the frequency of events over time, types of events, how events are initiated, priority level, outcomes, and events that result in crime reports. The figures in this section draw from a sample of 360,242 events within the CAD files we obtained from BPD.

The City has averaged 72,048 events per year, and more occurred during summer months and on Friday and Saturday evenings. This report classifies most of those events, 73 percent, as Traffic, Community, and FBI Part II Crimes and those events have consistently been the majority from 2015 to 2019. Community and FBI Part II Offense events were mostly initiated by calls to the non-emergency line, and the non-emergency line accounted for 55 percent of the initiation calls. These most frequent call types include traffic stop, disturbance, and audible alarms. The most frequent officer-initiated events include traffic stop, security check, and pedestrian stop. While only six percent of events resulted in a Part I UCR crime report linked to a CAD event, larceny theft was by far the most common Part I UCR crime reported to the FBI. Audible alarms were the call type that resulted in the most arrests.

The characteristics of events shape the priority and extent of BPD's response. For instance, the number of officers that are available to respond to the call varies depending on the location, time of day and day of the week. Events vary in complexity, and can include anything from a request for a security check to a report of a serious crime. Characteristics such as the severity of the situation and number of people involved also influence the priority level and the number of officers dispatched, along with their sense of urgency about the situation. Additionally, the assigned call type for the events in this report may not necessarily be the actual event outcome since call types are assigned prior to personnel arriving on scene.

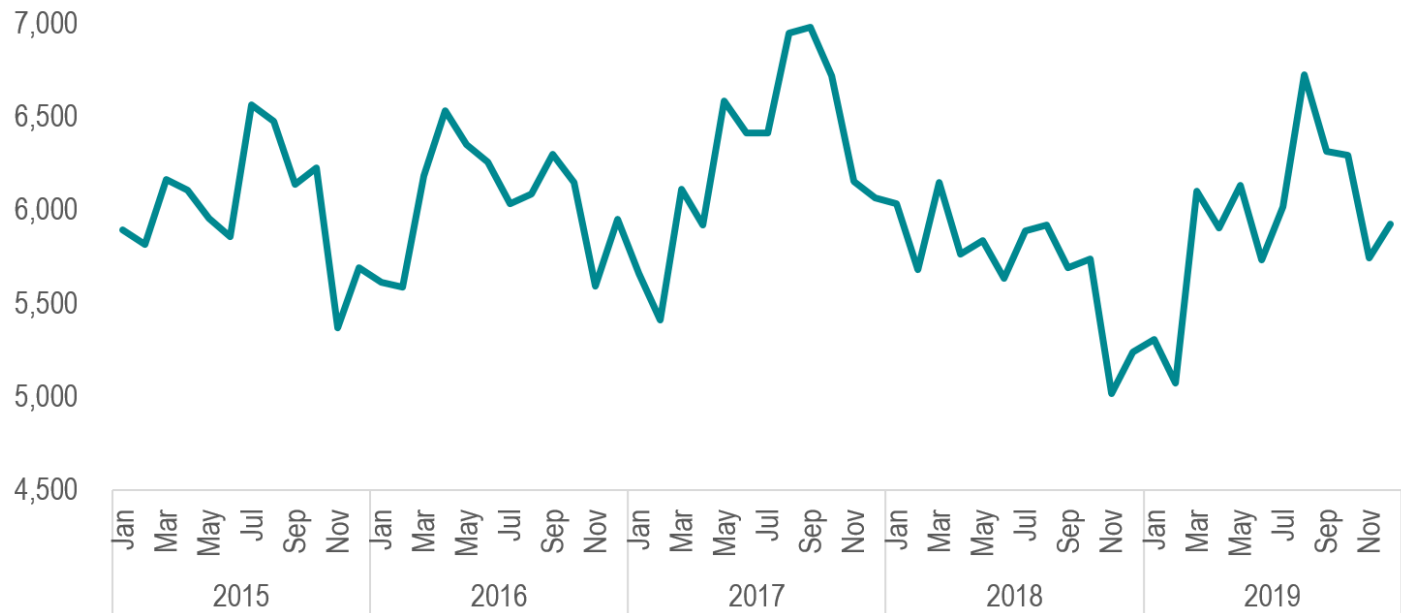
We review the following components related to events:

1. Overall Event Frequency
2. Events by Time and Day of the Week
3. Events by Call Type Classification
4. Event Initiation Source
5. Assigned Call Type
6. Priority Levels
7. Events that Result in an Arrest
8. Events that Result in a UCR Part I Report

Overall Event Frequency

Figure 3 demonstrates the total number of events in the City on a monthly basis, from January 2015 to December of 2019, in order to show seasonal changes in the frequency of events over time.

Figure 3. Events Captured in CAD by Month, 2015-2019 (n = 360,242 events)



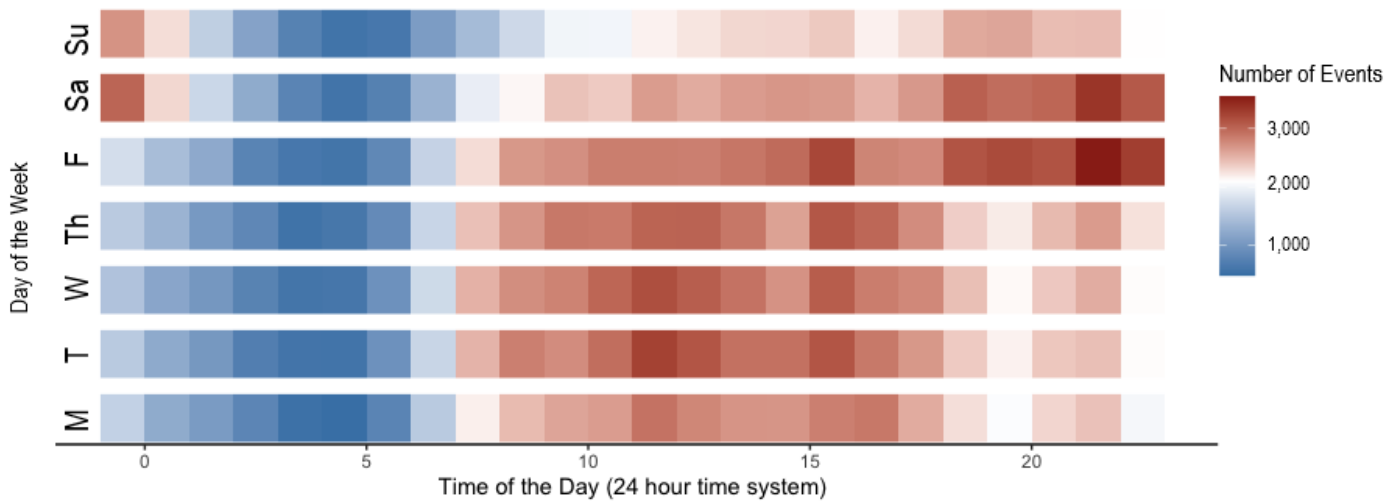
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

The number of events for the City of Berkeley has hovered around an average of 72,048 events per year. The trend line indicates that more events occur in the summer, while events decline during the winter. In addition, the data show a notable decline in events in 2018. This drop in events is reflected in other time series throughout this report. We did not investigate the reason for the drop in the calls as this extended beyond the scope of analysis for this audit.

Events by Time and Day of the Week

Figure 4 shows all of the events from 2015 to 2019 in which the Communications Center created a CAD event to demonstrate the frequency of events by the time of day and day of week. The chart is organized by the time of day on the bottom (x axis) and the day of the week on the left side (y axis). The blue color reflects fewer events, while a deeper red reflects more events. The largest number of events occur on Friday and Saturday evenings with a spike between the hours of 9:00 and 10:00 at night. The majority of weekday events (Monday-Thursday) with a police response occur between the hours of 8:00 in the morning and 6:00 at night.

Figure 4. Number of Events by Time and Day of Week, 2015-2019 (n = 360,242 events)



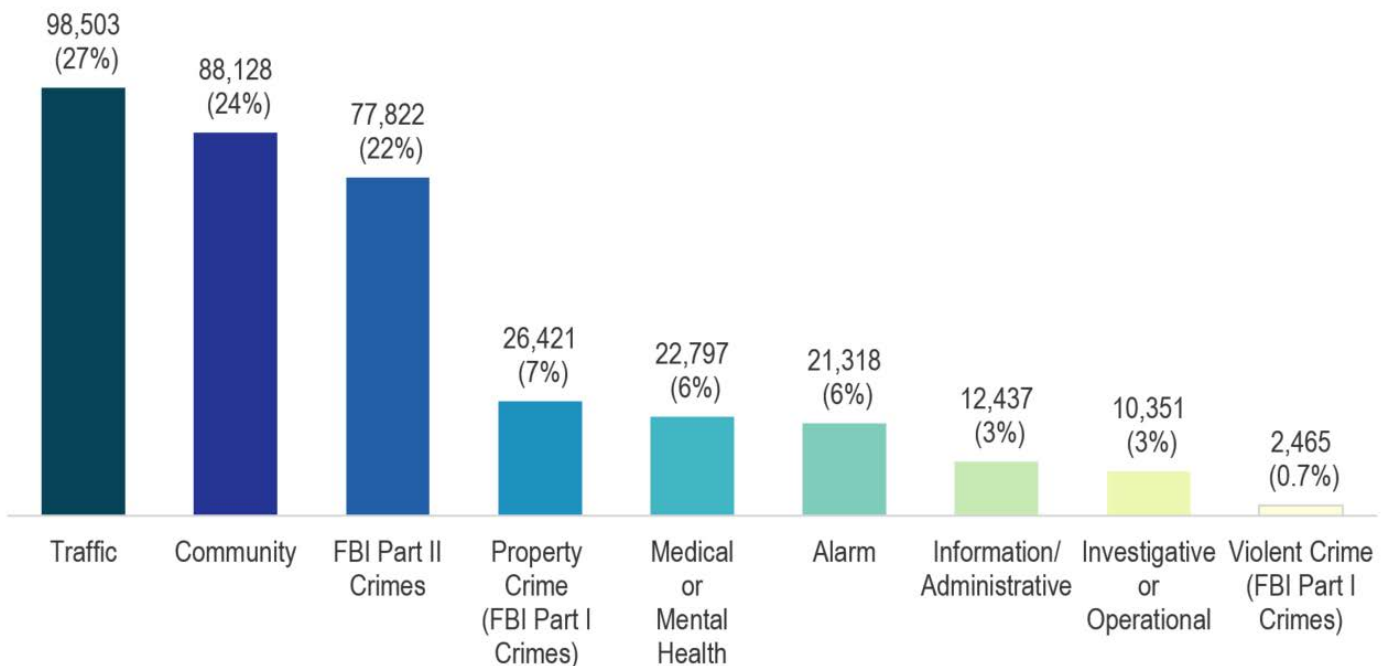
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Events by Call Type Classification

In this section, we present events grouped by classification. We describe call types related to mental health and homelessness in more depth in section VI. Appendix G provides the full list of call types and their corresponding classifications.

Figure 5 shows the frequency of events organized by classification as discussed on [page 12](#). Note that while many crime call types fall within Part II crimes, the majority, or 60 percent, of the events are either disturbance or trespassing.

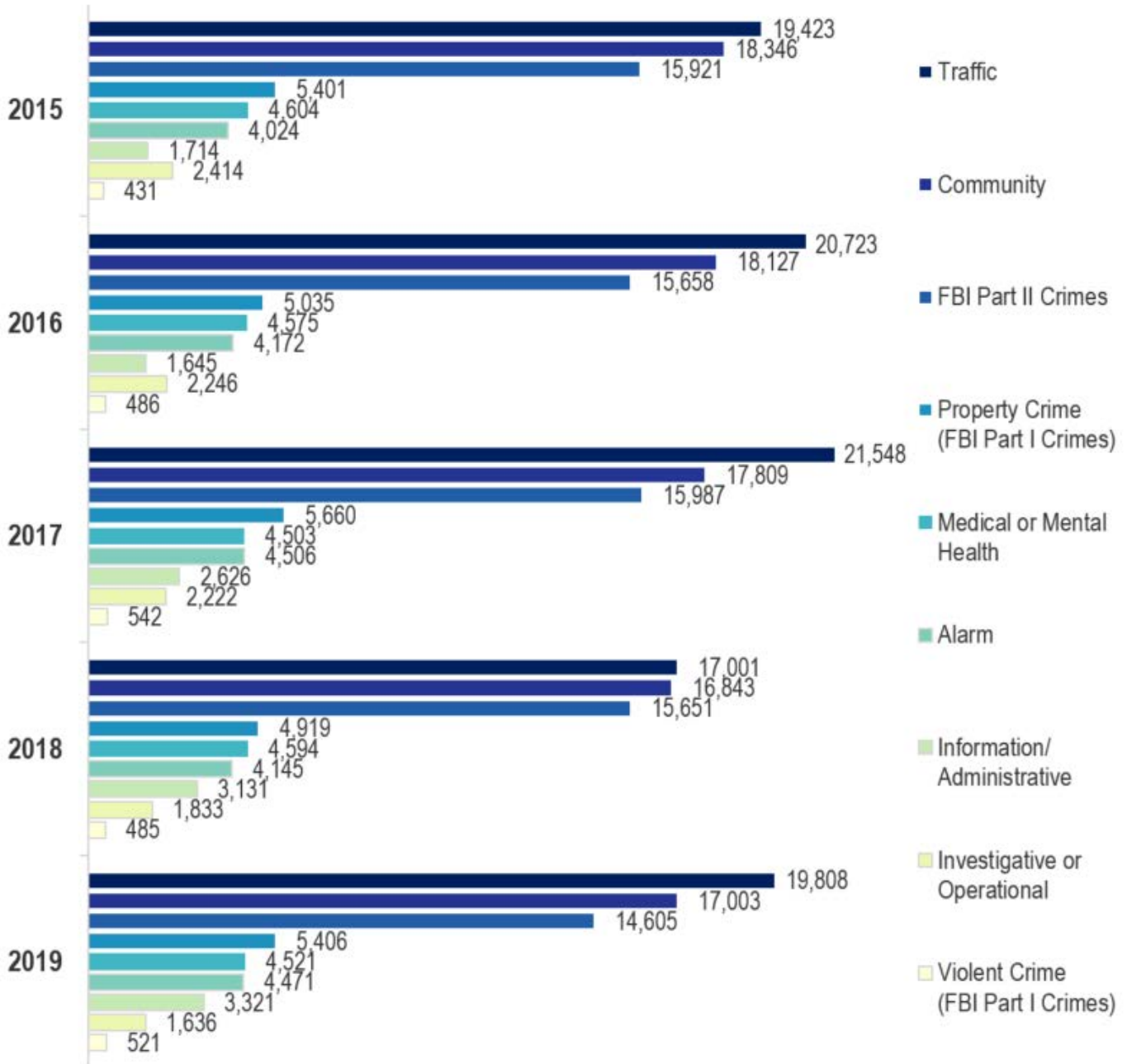
Figure 5. Events by City Auditor Classifications, 2015-2019 (n = 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 6 shows the number of events that fall into each call type classification over the years. The figure demonstrates whether there have been changes in some of the call type classifications over the years. It is important to note that the BPD has the authority to add or eliminate call types. The removal or addition of call types can be a contributing factor in the increase or decrease of call types in the data. We did not assess the impacts of changing call types as this extended beyond the scope of analysis for this audit.

Figure 6. Events by City Auditor Classification and Year, 2015-2019 (n = 360,242 events)

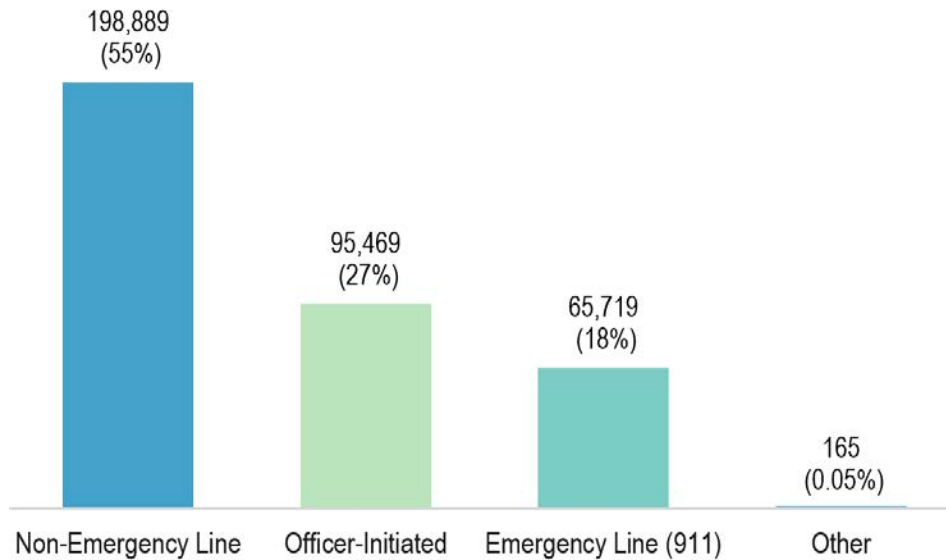


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Event Initiation Source

As discussed in Section II, multiple callers may call in to the Communications Center to report an event. The data does not indicate the number of calls received by the Communications Center to report an event. However, according to BPD, dispatchers can add additional information from multiple callers to one CAD event record. If more than one CAD record is created for one event, the records will be merged into one record retaining all information. The CAD data we received does include the source of information that led to the event being created. Figure 7 breaks down the share of callers by three main categories: the emergency line, non-emergency line, officer- initiated, and other.

Figure 7. Initiation Source of Events, 2015-2019 (n = 360,242 events)

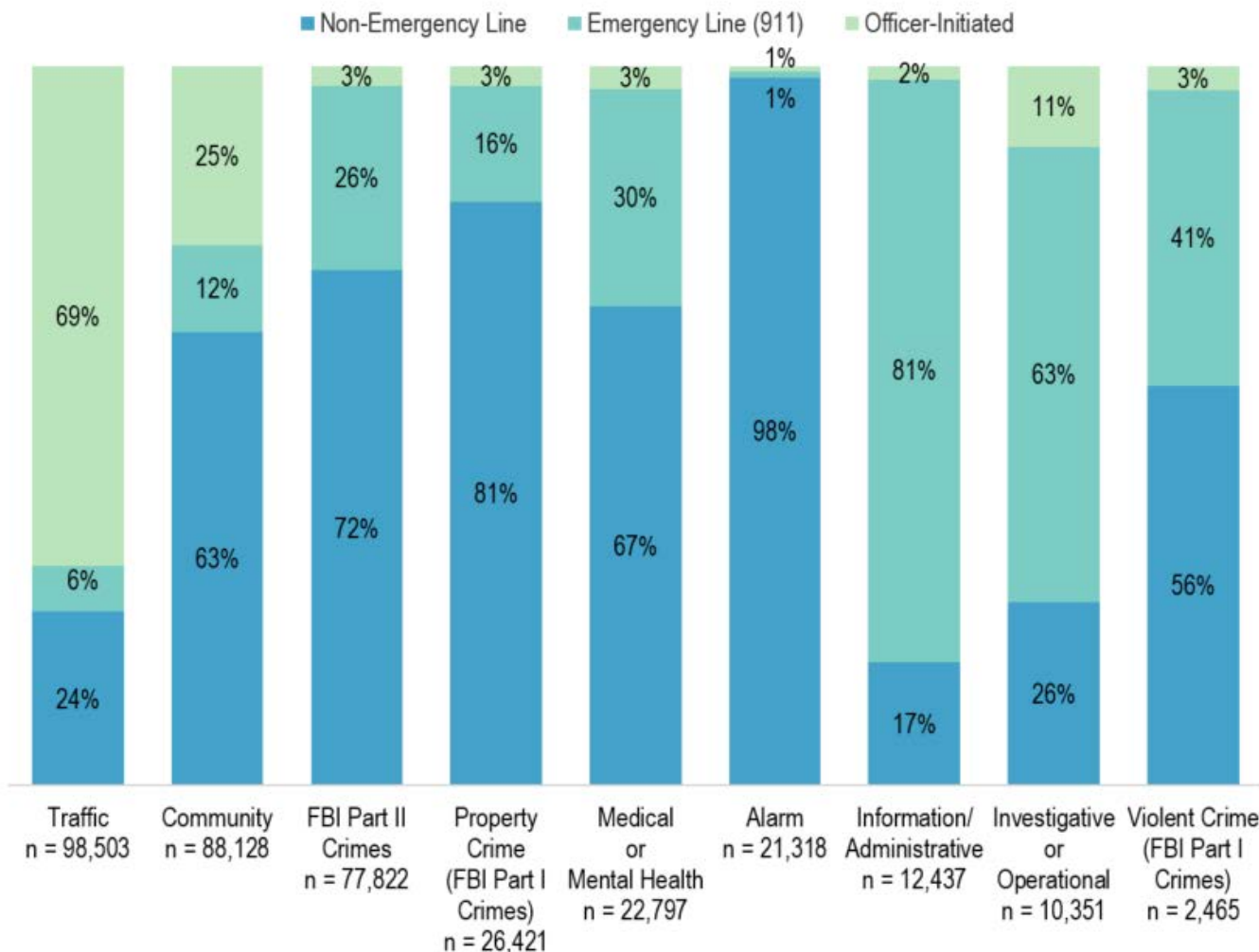


Note: "Other" includes: some alarm calls, some cell phones, California Highway Patrol, Counter, OnLine, and Voice Over Internet Protocol (VoIP). Officer-initiated includes On View and traffic stops.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 8 shows the initiation source for each of the call type classifications. The majority of traffic stops are officer-initiated. The Traffic classification includes call types in addition to stops, such as parking violations and traffic hazards.

Figure 8. Initiation Source of Events by City Auditor Classifications, 2015-2019 (n = 360,242 events)

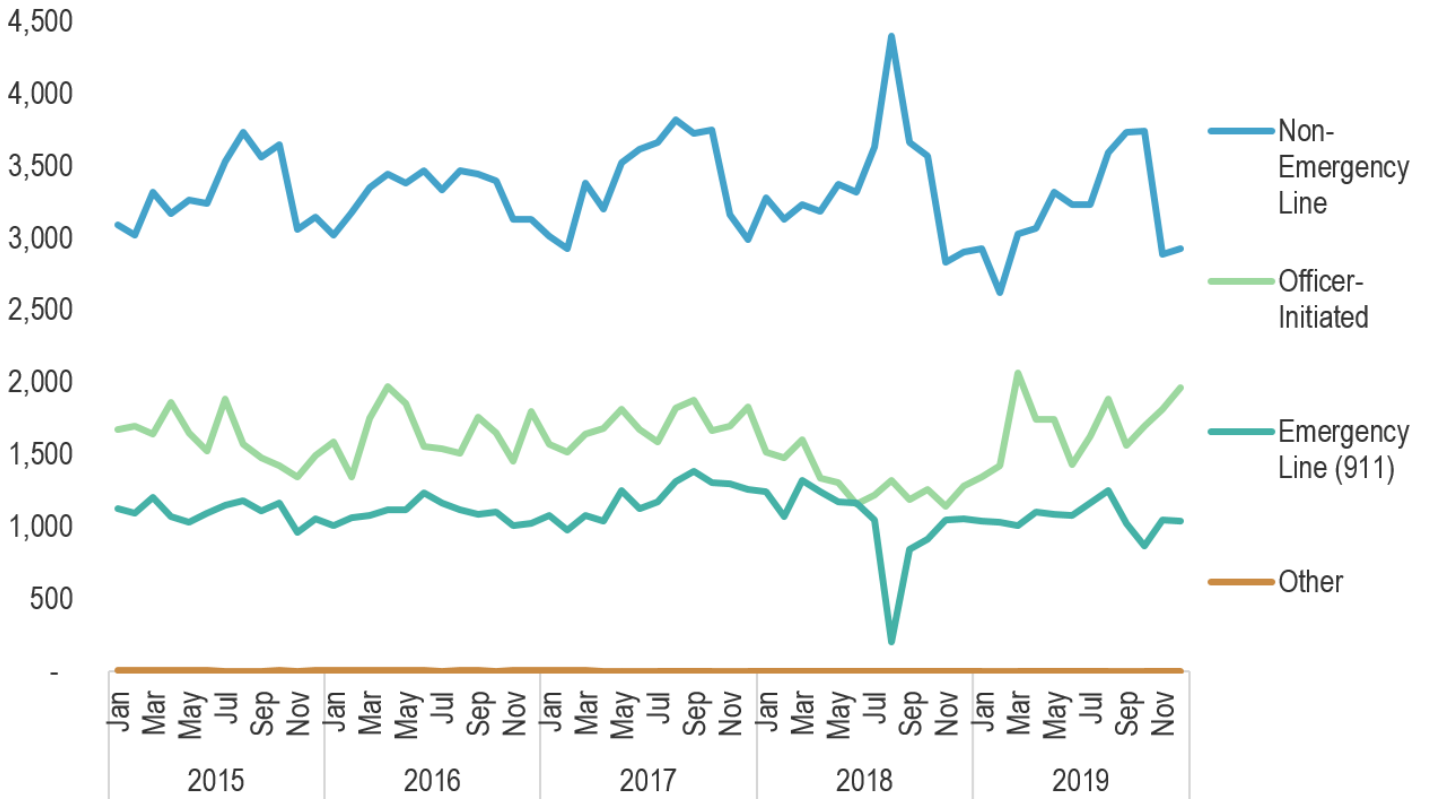


Note: Less than 1 percent of calls also come from an “other” source which includes: some alarm calls, some cell calls, California Highway Patrol, Counter, OnLine, Voice Over Internet Protocol (VoIP), and Other. Officer-initiated includes On View and Traffic stops.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 9 shows the initiation source for calls over a five year period. It reflects the consistent trend that the non-emergency line is by far the top initiation source, followed by officer-initiated, emergency line, and other.

Figure 9. Initiation Source of Events by Month, 2015-2019 (n = 360,242 events)

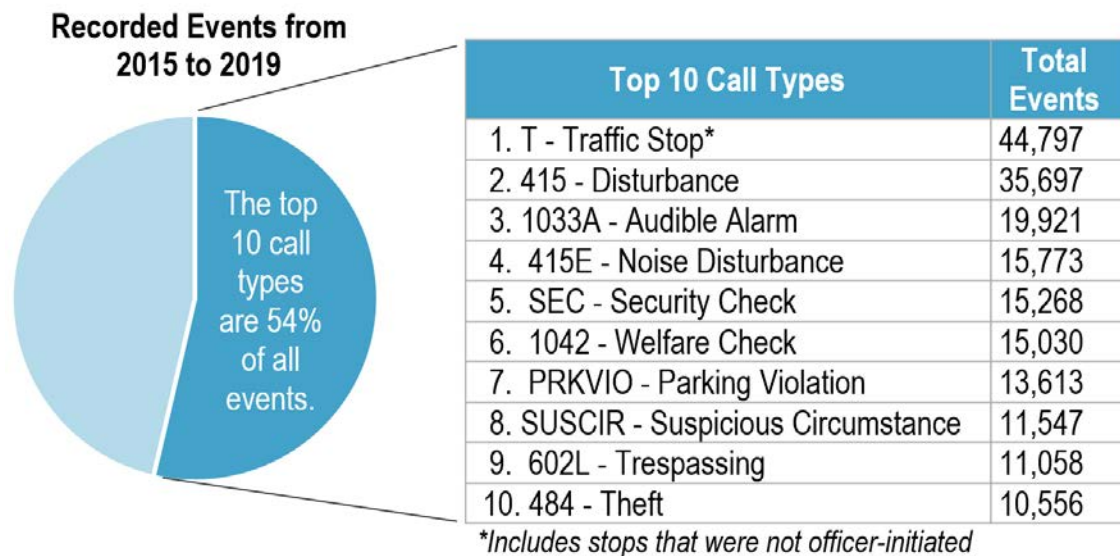


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Assigned Call Types

Figure 10 shows the ten most common call types, which describe about 54 percent of all events. This table includes data for both events initiated by calls to the Communications Center and officer-initiated events.

Figure 10. Top 10 Most Common Call Types of Events, 2015-2019 (n = 193,260 out of 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 2 breaks out the top calls by initiation source.

Table 2. Top 10 Call Types of Events for Officer-Initiated and Phone Lines, 2015-2019

Total Emergency and Non-Emergency Events		Total Officer-Initiated Events	
1. 415 - Disturbance	35,145	1. T - Traffic Stop	44,767
2. 1033A - Audible Alarm	19,812	2. SEC - Security Check	14,933
3. 415E - Noise Disturbance	15,699	3. 1194 - Pedestrian Stop	9,135
4. 1042 - Welfare Check	14,560	4. FLAD - Officer flagged down	5,183
5. SUSCIR - Suspicious Circumstance	11,380	5. PRKVIO - Parking Violation	4,710
6. 602L - Trespassing	10,926	6. 1196 - Suspicious Vehicle	4,347
7. 484 - Theft	10,277	7. 1194B - Bike Stop	2,782
8. W911 - Wireless 911	9,898	8. 1124 - Abandoned Vehicle	1,007
9. PRKVIO - Parking Violation	8,902	9. AID - Aid to Citizen	550
10. ADVICE - Advice	8,383	10. FOUND - Found Property	531

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Priority Levels

Dispatchers are responsible for collecting adequate information in order to determine the appropriate response action based on the nature and priority of the event, and the available resources. Dispatchers assign all events a priority level which aligns with guidelines for how soon the Communications Center should dispatch police personnel to the event based on the urgency or severity of the circumstances. For an event with a priority level of one, dispatchers are expected to dispatch officers within one minute, whereas they have up to 90 minutes from the time of the initial call to dispatch an officer to a priority level four event.

According to BPD, priority levels are one of several factors that inform the number of personnel that are dispatched to an event. Other factors include call types, officer's proximity to the event, and officer's discretion. BPD authorities stated that dispatchers have the authority to dispatch officers to events, but they do not play a role in reducing or diverting officers from responding to an event.

Priority levels range in urgency from Priority 1 as the most urgent to Priority 9 as the least. Priority 0 is used when officers initiate a stop and they are already on scene. Priority levels 4 through 9 each have the same time frame of 90 minutes, but the additional levels allow dispatchers to prioritize resources among lower level calls. Table 3 lists all the priority levels and corresponding dispatch times.

Table 3. Priority Level Guidelines for Time Between Initial Call and Dispatching Units⁷

Priority Level	Time
0	0 Minutes
1, 1F	Immediately
2	Within 20 minutes
3	Within 60 minutes
4	Within 90 minutes
5	Within 90 minutes
6	Within 90 minutes
9	Within 90 minutes

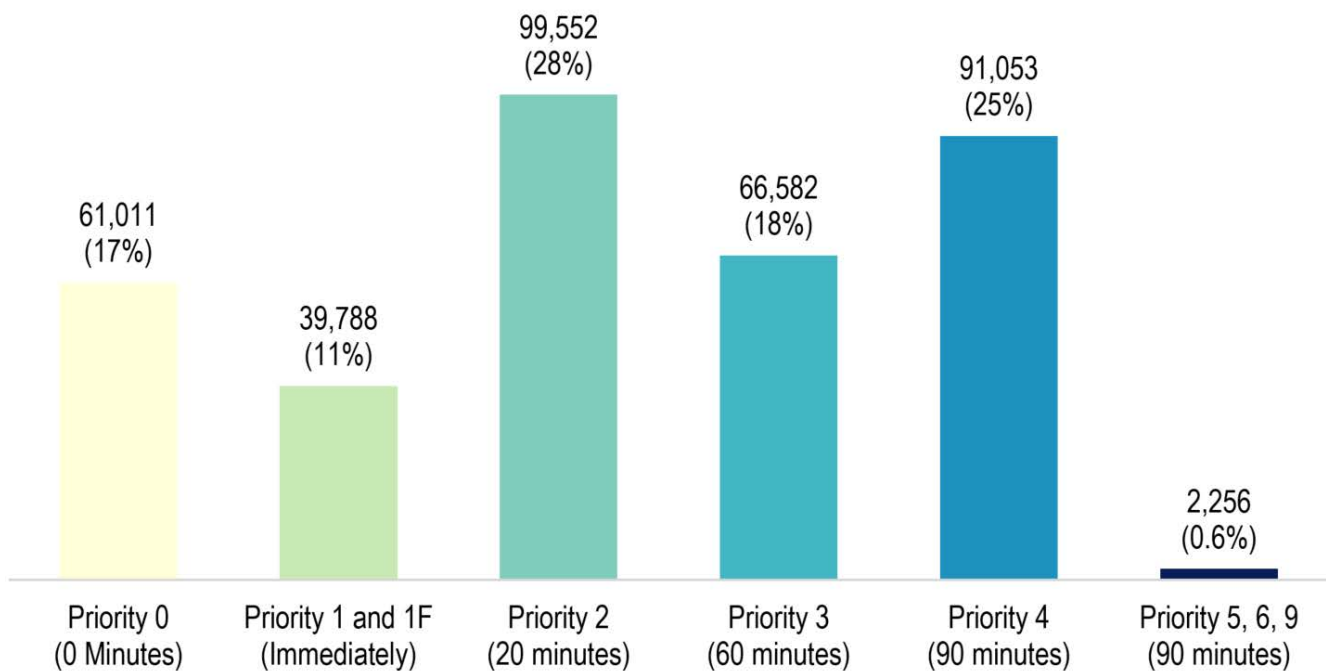
Source: Berkeley Police Department

⁷Priority level 1F indicates an event with a fire and that Berkeley Fire Department personnel were dispatched as well.

Priority level recommendations are coded into the CAD system based on call types, but a dispatcher can change the priority if there is reason to based on the information they have. For example, a dispatcher may assign a family disturbance event as a priority level 1 or 2 depending on the circumstances and their professional judgement. Additionally, dispatchers' assessment of priorities can diverge from the guidelines due to additional information gathered about the event. For instance, in their list of call types and priority codes, BPD lists disturbance with a typical assignment of priority one or priority four. Nevertheless, disturbance is listed in the CAD data with call types ranging from 0, F1, 1, 2, to 3. Appendix B provides a list of priorities for each call type as they appear in the data.

Figure 11 breaks down events by the assigned priority level.

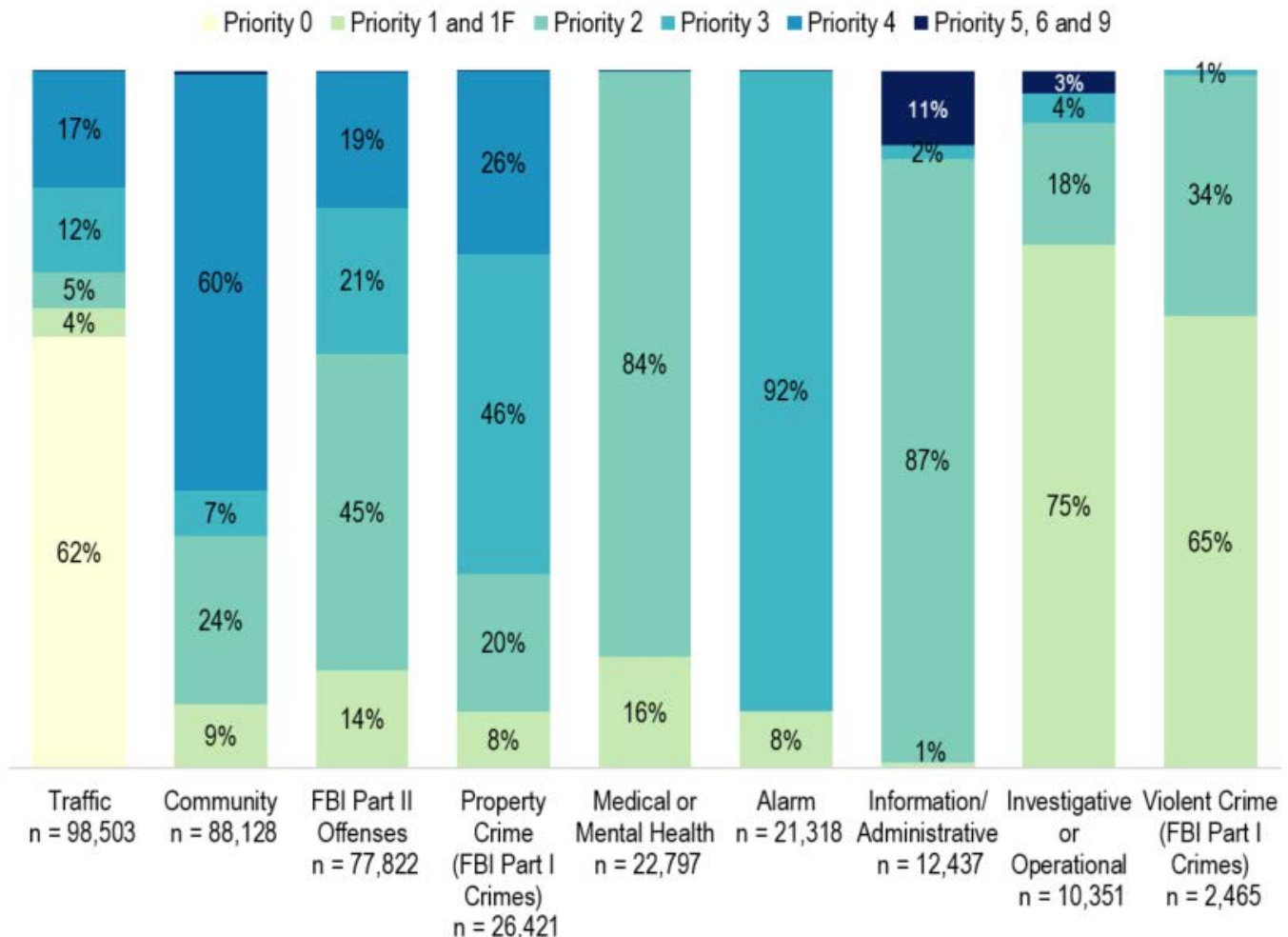
Figure 11. Events by Priority Level, 2015-2019 (n = 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 12 shows a breakdown of events by classification and priority level.

Figure 12. Events by Auditor Classifications and Priority Level, 2015-2019 (n = 360,242 events)



Note: Priorities that rounded to 0% of each category (0.4% or less) were excluded from the chart for readability.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Events that Result in an Arrest

Table 4 shows the top ten call types and how many arrests were made for each of those call types from 2015 to 2019, but does not include all arrests BPD made during this time. CAD data only records arrests made during the event, but arrests can take place after dispatchers close the event. An event like a robbery, for example, could result in no arrest during the event, but lead to an arrest several days later. That arrest would be recorded in the Law Enforcement Records Management System, but is not included in the CAD data we received.

Table 4. Top 10 Call Types of Events and Arrest Outcomes, 2015-2019

Call Types	Arrests	Total Events	Arrests (% of Total)
1. T - Traffic Stop	1,259	44,797	2.8%
2. 415 - Disturbance	529	35,697	1.5%
3. 1033A - Audible Alarm	2,581	19,921	13.0%
4. 415E - Noise Disturbance	12	15,773	0.1%
5. SEC - Security Check	212	15,268	1.4%
6. 1042 - Welfare Check	122	15,030	0.8%
7. PRKVIO - Parking Violation	5	13,613	0.0%
8. SUSCIR - Suspicious Circumstance	157	11,547	1.4%
9. 602L - Trespassing	123	11,058	1.1%
10. 484 - Theft	101	10,556	1.0%

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Events that Result in a UCR Part I Report: Violent and Property Crimes

In this section, we present data on events that result in a report of certain violent or property crimes.

BPD officers are required to file a report when events involve certain violent and property crimes. BPD tracks a set of crimes, known as Part I crimes, through the Uniform Crime Reporting (UCR) Program, which is separate from the CAD system. The Federal Bureau of Investigation developed the UCR Program to standardize how law enforcement agencies categorize and count crimes, and report crime statistics. BPD analyzes the relevant crime data and provides statistical reports to the California Department of Justice to be included in state and national crime data.

We received data on some events that resulted in a Part I crime report. UCR orders Part I crimes from most severe to least severe, with criminal homicide being the highest in the hierarchy and arson being the lowest. Part I UCR crimes are listed below:

1. Criminal Homicide
2. Forcible Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Larceny-theft (except motor vehicle theft)
7. Motor Vehicle Theft
8. Arson

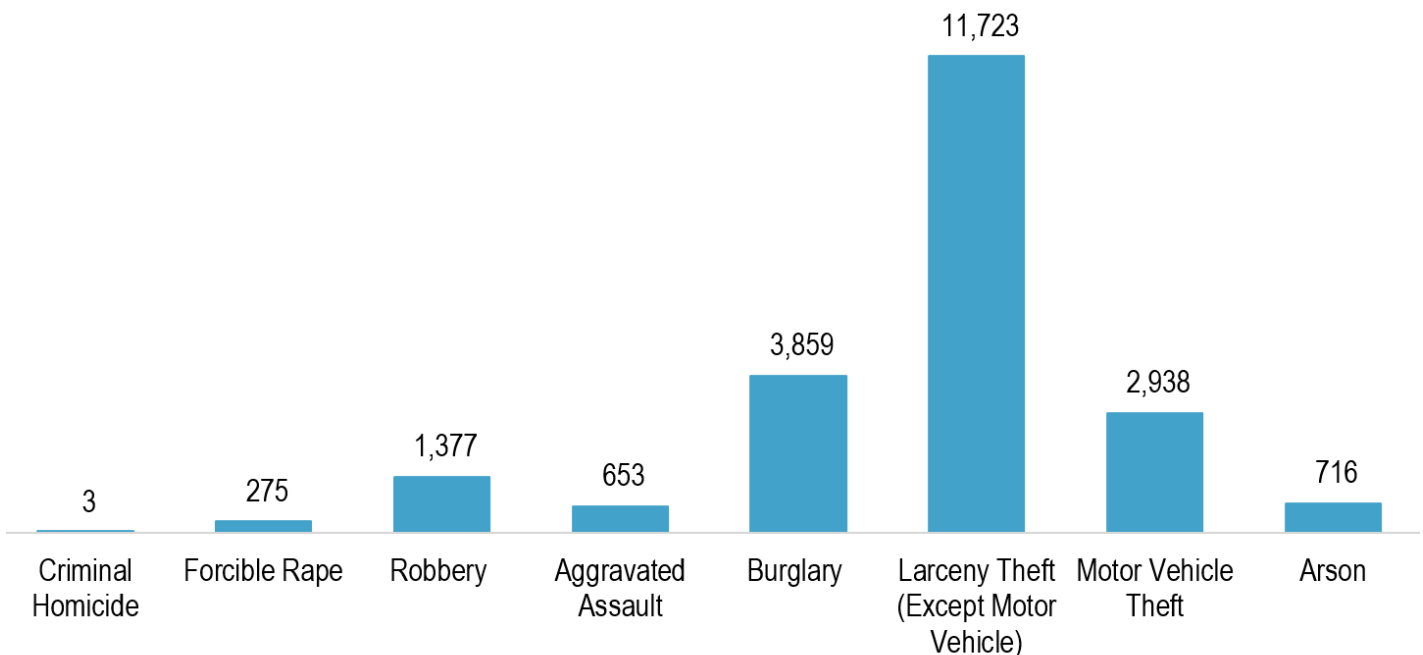
Additionally, there were 26 events that resulted in the reporting of hate crimes between 2015 and 2019. UCR standards require participating law enforcement agencies to report hate crimes as separate from and additional to the crimes listed above. According to the UCR handbook, hate crimes are not distinct crimes, but are traditional crimes motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnic or national origin group. Consequently, BPD collects hate crime data by capturing additional information about crimes they already report to the UCR program.

The CAD data does not include all the Part I UCR crime reports BPD filed because not all instances of these crimes took place during an event or involved dispatching police personnel. Further, an event classified as a Part I crime in CAD does not necessarily mean that a crime was ultimately charged or committed.

Altogether, from 2015 to 2019, a total of six percent of events in CAD with a police response resulted in a Part I UCR crime report. As of this writing, we do not have detailed information on Part II crime reports as this information was not available to us.

Figure 13 shows the number of events in CAD that resulted in a Part I UCR crime report from 2015 to 2019.

Figure 13. CAD Events with a Part I Crime Report, 2015-2019 (n = 21,544 out of 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 5 shows how the Part I UCR crime reports from 2015 to 2019 are classified for the purposes of this report.

Table 5. Auditor Classification of Events that Resulted in a UCR Part I Crime Report, 2015-2019 (n = 360,242 events)

Auditor Classification	Number of UCR reports Filed	Total Events	UCR Reports Filed as % of Total Events
Property Crime (FBI Part I Crimes)	16,413	26,421	62%
Community	1,594	88,128	2%
FBI Part II Crimes	1,588	77,822	2%
Violent Crime (FBI Part I Crimes)	1,469	2,465	60%
Alarm	245	21,318	1%
Traffic	105	98,503	0.1%
Investigative or Operational	82	10,351	1%
Medical or Mental Health	59	22,797	0.3%
Information/Administrative	20	12,437	0.2%

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 6 shows how many of the top ten call types in CAD resulted in a Part I UCR crime report, from 2015 to 2019.

Table 6. Top 10 Call Types of Events that Resulted in a UCR Part I Crime Report, 2015-2019

Call Type	Number of UCR reports Filed	Total Events	UCR Reports Filed as % of Total Events
1. T - Traffic Stop	11	44,797	0.02%
2. 415 - Disturbance	211	35,697	0.6%
3. 1033A - Audible Alarm	227	19,921	1.1%
4. 415E - Noise Disturbance	4	15,773	0.03%
5. SEC - Security Check	33	15,268	0.2%
6. 1042 - Welfare Check	40	15,030	0.3%
7. PRKVIO - Parking Violation	1	13,613	0.01%
8. SUSCIR - Suspicious Circumstance	751	11,547	6.5%
9. 602L - Trespassing	21	11,058	0.2%
10. 484 - Theft	5,241	10,556	49.6%

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

IV. Characteristics of Officer-Initiated Stops

Analysis of 56,070 officer-initiated stops from 2015 to 2019

In this section, we provide an overview of the data we obtained on officer-initiated stops including the types of stops police make, stop trends over time, and stops that result in enforcement or searches. We also breakdown some of this information by race and age. In the context of this report, the number of officer-initiated stops refers to the number of individuals detained by BPD. This means that there could be more than one individual stopped per CAD event. For example, if an officer initiates a vehicle stop and detains two individuals, this is counted as one event with two stops.

We review the following components related to stops:

1. Officer-initiated stops by stop type
2. Time of day when stops occur
3. Dispositions, including:
 - a. Stops by race and age
 - b. Enforcement outcomes
 - c. Searches

State law authorizes Berkeley police officers to enforce state and local traffic laws to promote public safety. Officers enforce traffic laws by stopping drivers who may be violating traffic laws. Pedestrians and cyclists may also be stopped. Officers are required to record the results of all stops. In this report, we refer to these events as officer-initiated suspicious vehicle stops, vehicle stops, pedestrian stops, or bicycle stops.⁸ All Berkeley police officers, whether assigned to the Traffic Bureau or not, are directed to participate in traffic enforcement and to be on the lookout for speeding, pedestrian safety concerns, and drivers under the influence.

Our stop analysis is the most recent effort to analyze police stop data in the City of Berkeley, but another organization also examined police stop data.⁹ In 2015, BPD contracted with the Center for Policing Equity (CPE) to conduct an analysis of Berkeley's police stop data. Their analysis covered an observation period of 2012 through 2016.

⁸ According to BPD, vehicle stops are different from suspicious vehicle stops. Vehicle stops can include stops for traffic violation enforcement or investigation of suspected criminal activity, and are initiated by officers. A suspicious vehicle stop is similar, but is typically dispatched by the Communications Center in response to a call for service.

⁹ According to its website, the Center for Policing Equity is a nonprofit organization that "produces analyses identifying and reducing the causes of racial disparities in public safety and advocates for large-scale and meaningful change."

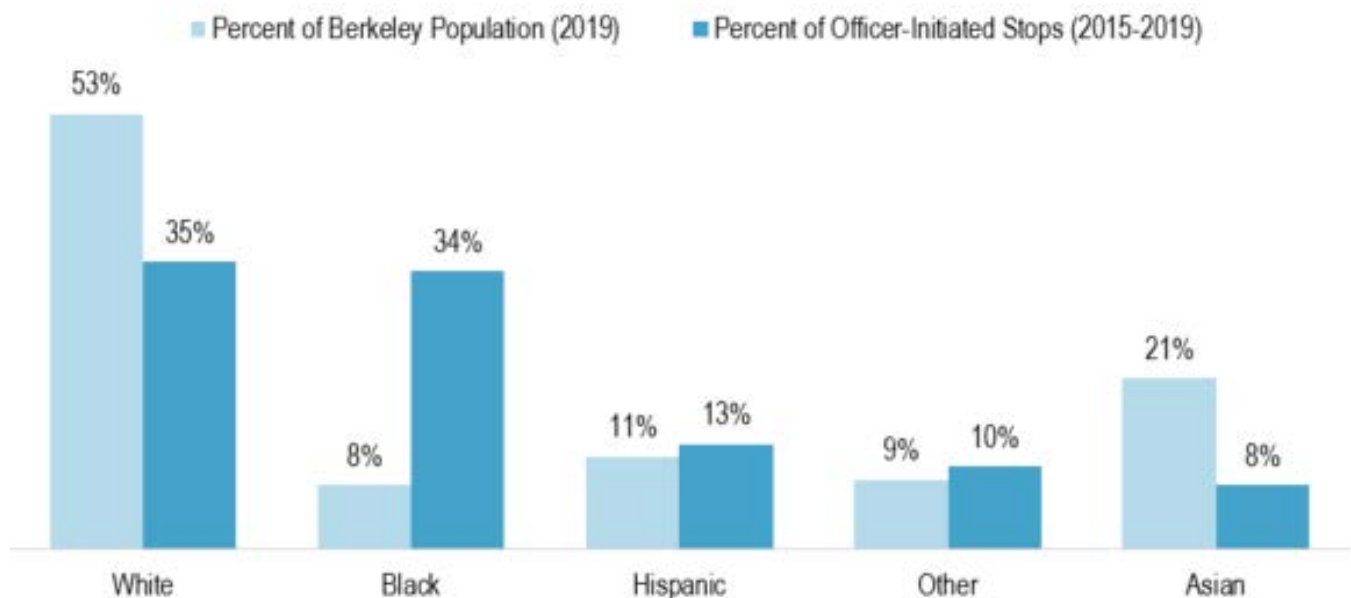
All of the charts in this section reflect officer-initiated stops for a total of 56,070 individuals from 2015 to 2019. A significant portion of information about stops draws from disposition reports submitted by officers and other traffic enforcement units. These disposition reports summarize information including race, sex, and age of the individuals involved in the event, the reason for the stop, the enforcement action, and whether or not BPD conducted a search. As such, this section does not include information for 4,961 stops that did not have accompanying disposition data. We did not determine the methods BPD typically uses to determine individuals' race, sex, or age as that was outside the scope of our audit.

While the time period we analyzed overlaps and extends beyond the time period examined by CPE, our analysis uncovered a number of the same general patterns in stops, searches, and dispositions.

We found that the majority, 78 percent, of officer-initiated stops were vehicle stops, and most of them occurred between 9:00pm and 12:00am. The majority of vehicle stops did not lead to a search, and most stops led to a warning.

With regard to race, our data mirrored data by CPE in that BPD stopped Black and Hispanic individuals at higher rates than their representation in the population, Black individuals significantly so. BPD stopped White and Asian individuals at lower rates. We did not conduct an analysis regarding how this data should be interpreted, but simply note that these patterns are consistent with what CPE found in the data they examined.

Figure 14. Race and Officer-Initiated Stops



Note: For the purposes of this figure for Berkeley populations, the U.S. Census categories of American Indian and Alaska Native alone, Native Hawaiian and Other Pacific Islander alone, and Two or More Races are summed for Other; White is White alone, not Hispanic or Latino.

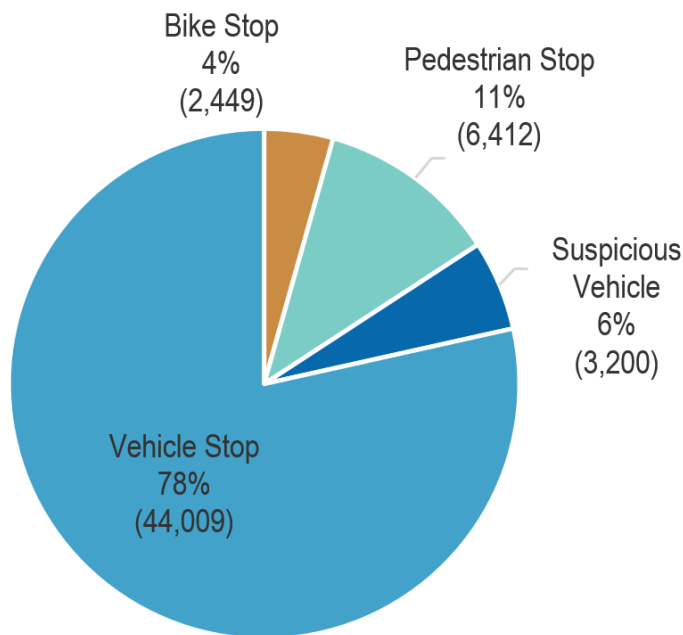
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data and 2019 US Census data

Further, like CPE, we found that Black and Hispanic individuals are more likely to be searched after being stopped, yet searches of these groups are less likely to result in an arrest than searches of White and Asian individuals. However, we did not do a full comparative analysis between the data set that is the subject of this report and the data reviewed by CPE because it was outside the scope of this overview report. More data on stops and searches are included in the following sections and in Appendix C and D.

Overall Stops

Figure 15 shows the percentage of different types of officer-initiated stops from 2015 to 2019.¹⁰

Figure 15. Officer-Initiated Stops by Type of Stop, 2015-2019 (n = 56,070 individuals stopped)



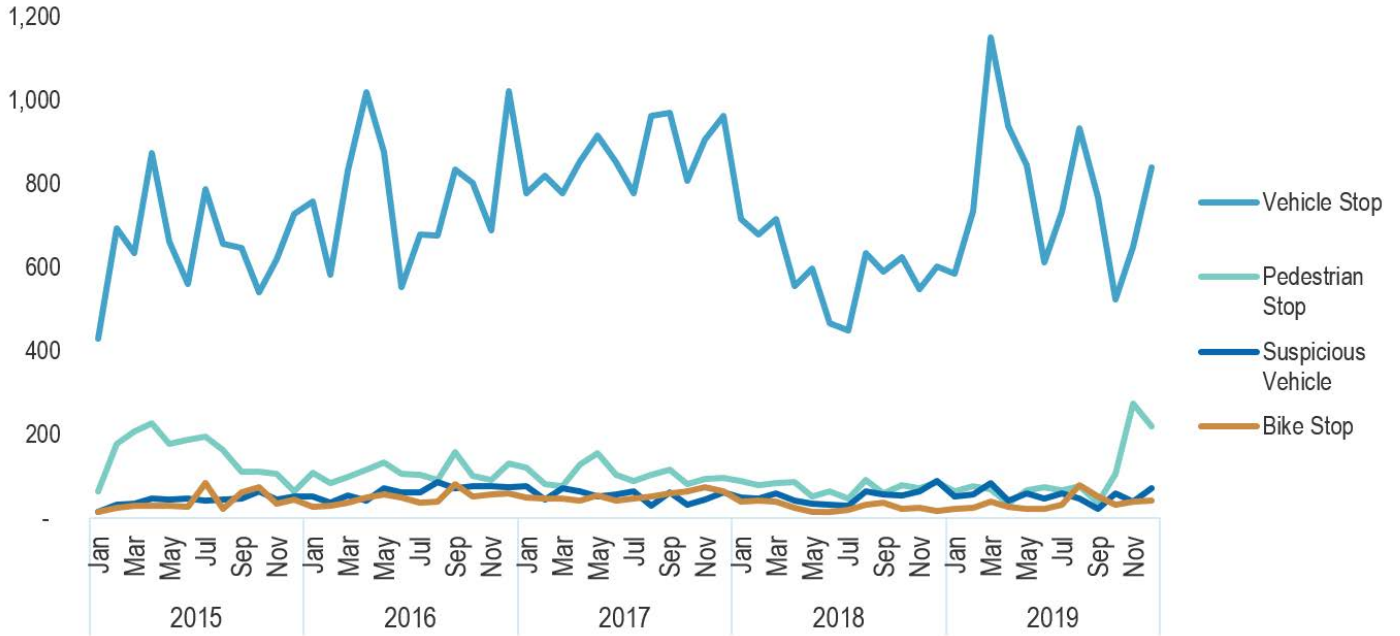
Note: Figures 14 to 29 do not include information for 4,961 stops that did not have accompanying disposition data.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

¹⁰ According to BPD, vehicle stops are different from suspicious vehicle stops. Vehicle stops can include stops for traffic violation enforcement or investigation of suspected criminal activity, and are initiated by officers. A suspicious vehicle stop is similar, but is typically dispatched by the Communications Center in response to a call for service.

Figure 16 shows the number of any type of officer-initiated stop from 2015 to 2019. Because officers initiate stops, the number of stops they make depends largely on their availability. If an officer is busy responding to a high number of community-initiated calls, they are less likely to proactively initiate stops.

Figure 16. Officer-Initiated Stops by Month, 2015-2019 (n = 56,070 individuals stopped)

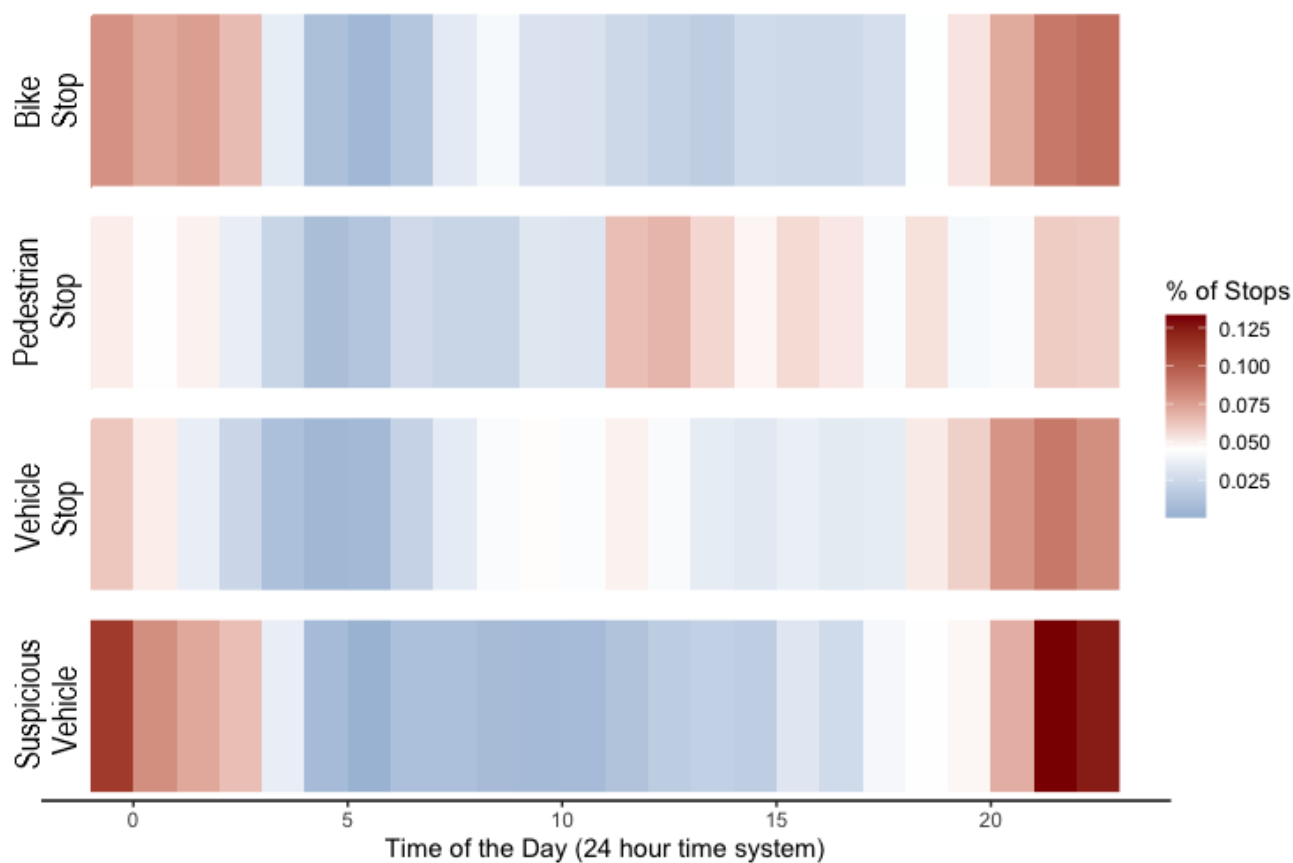


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Stops by Time of Day

Figure 17 is a heat map that adds up all of the events from 2015 to 2019, based on the time in which an officer initiated a stop. The chart is organized by the time of day on the bottom (x axis) and the type of stop conducted on the left (y axis). The colors in each row represent the number of stops as a percentage of all stops for each category. The blue color reflects fewer events, while a deeper red reflects more events.

Figure 17. Officer-Initiated Stops by Time of Day as a Percentage of Each Stop Type, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Stop Dispositions

BPD tracks information about stop dispositions. This information includes the officer reported race, sex, and age of the individuals involved in the event, the reason for the stop, the enforcement action, and whether or not BPD conducted a search. BPD's General Order B-4 required officers to provide stop disposition data after making any stop during the audit period of 2015 to 2019.

In 2015, the California legislature passed the Racial and Identity Profiling Act (RIPA) which supersedes General Order B-4. The goal of RIPA is to have more robust and reliable data to understand the demographics of those stopped by the police in California. RIPA requires law enforcement agencies to collect additional information about stop dispositions including contraband or evidence recovered during the stop, basis of a search if conducted, actions taken during the stop, and officer years of experience and assignment. While BPD stated that these requirements were mandated to start in 2022, BPD started collecting the data required by RIPA in October 2020. According to BPD and the City's Department of Information Technology, officers do not collect personally identifying information as part of meeting RIPA requirements.

All the stop disposition data presented in this report was reported under the guidelines of General Order B-4 and before BPD implemented RIPA.

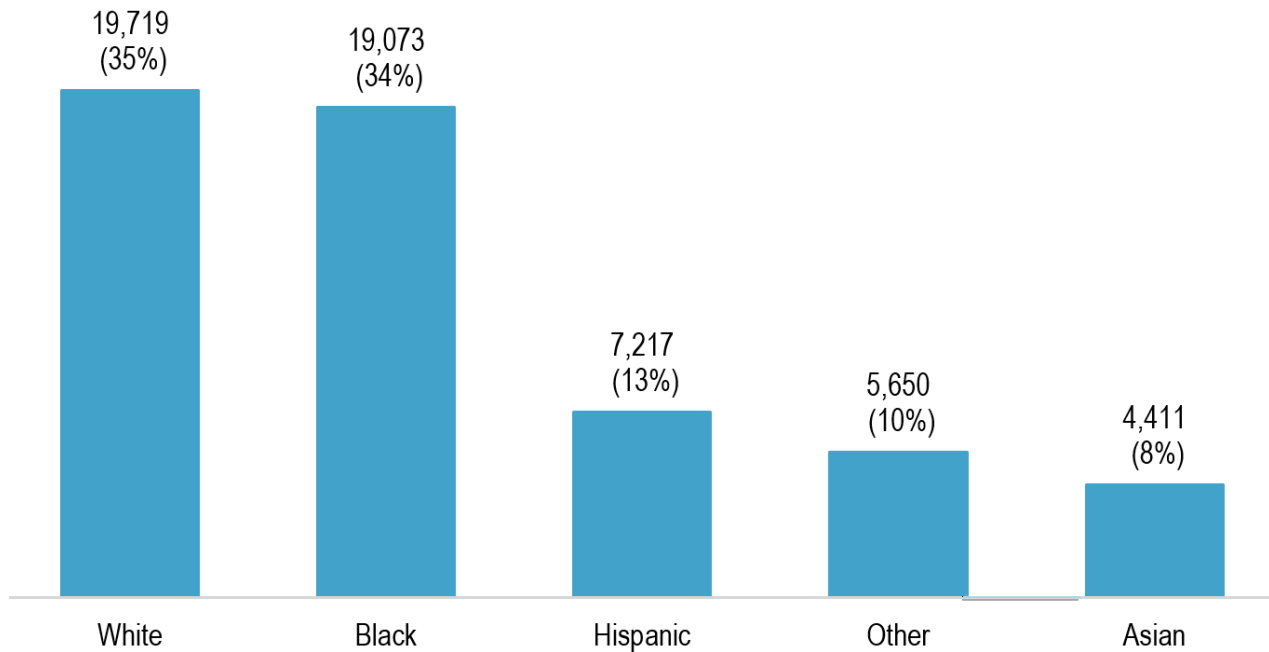
Stops by Race and Age

In this section, we present an overview of officer-initiated stops by race and age. BPD records demographic information for people stopped by the police, including their race, sex, and age. Until October 2020, officers used a six-digit disposition code to record information on the race, sex, and age of the person or people involved in stops, as well as the type of stop, the outcome, and if the officer performed a search. In October 2020, the BPD transitioned to collecting stop data in accordance with the RIPA using an app installed on each officer's City-issued smart phone.¹¹ Officers are now required to collect the same information as the disposition code used previously and additional information on the stop.

¹¹ Memo to City Council, October 13, 2020, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/RIPA%20data%20101320.pdf

Figure 18 shows the percentage and number of stops by race from 2015 to 2019. BPD uses five groups to document the race of people involved in stops: Asian, Black, Hispanic, White, and Other.

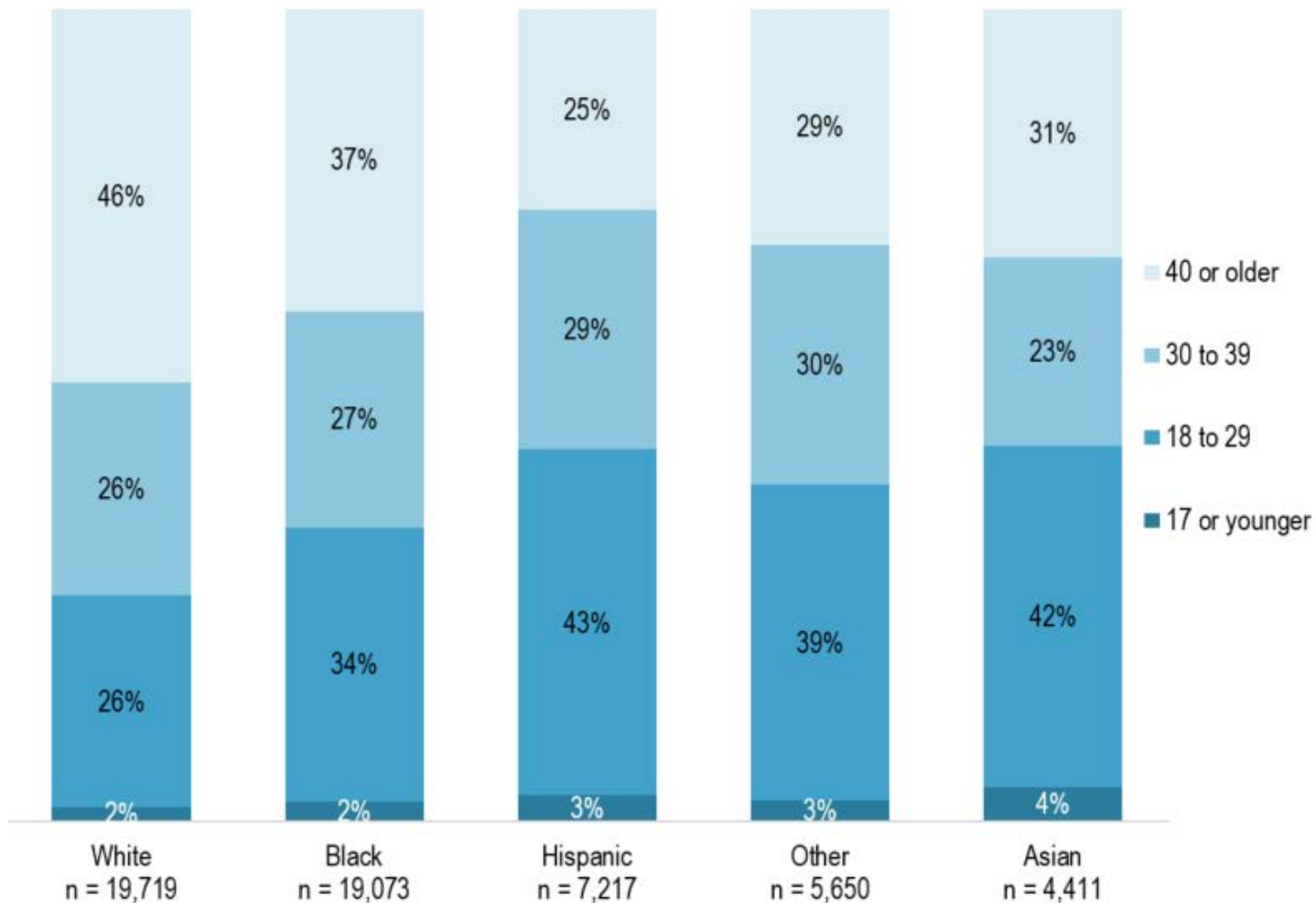
Figure 18. Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 19 shows stops by age and race from 2015 to 2019.

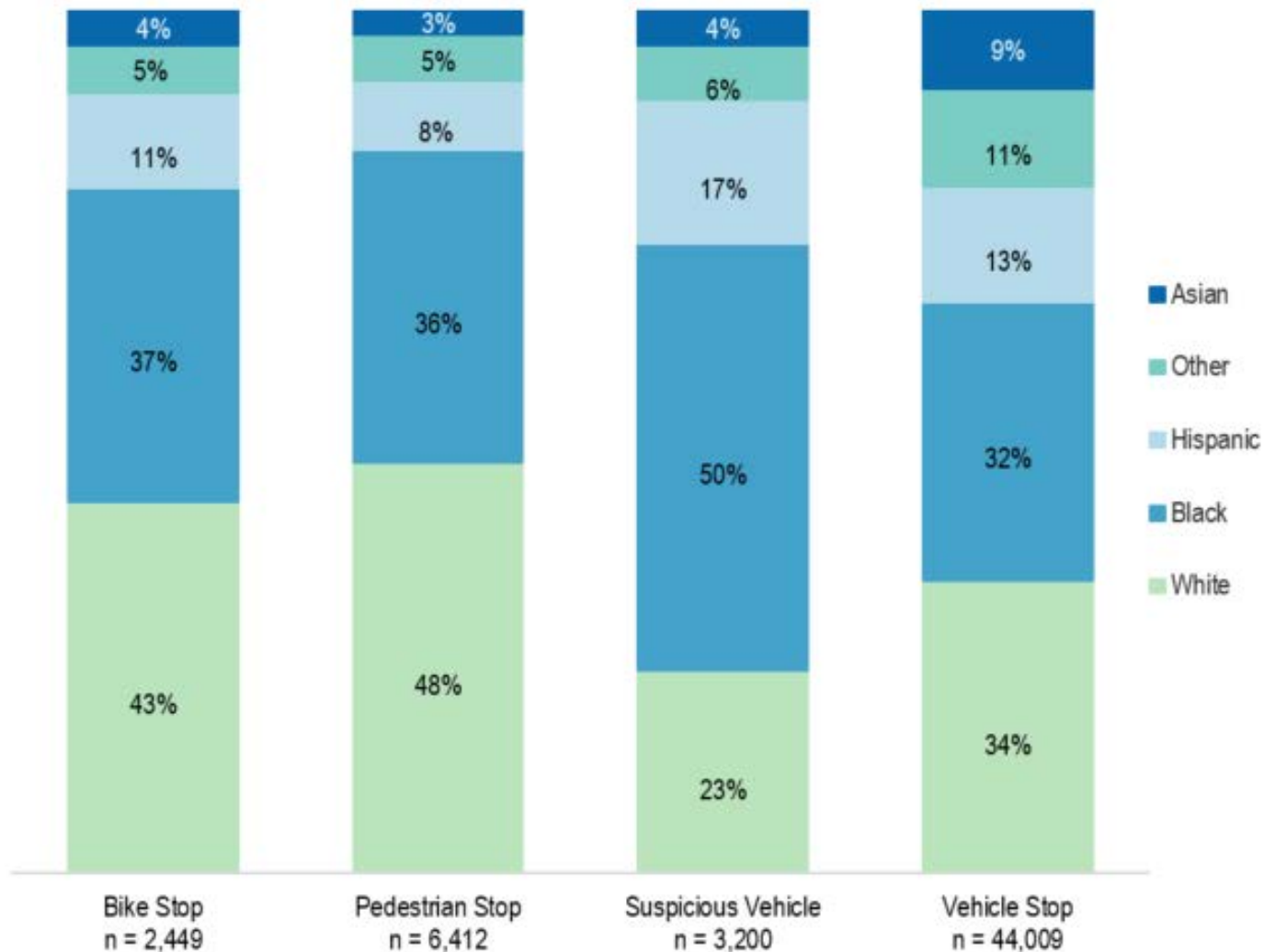
Figure 19. Officer-Initiated Stops by Race and Age, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 20 shows the distribution by race within each type of stop from 2015 to 2019.

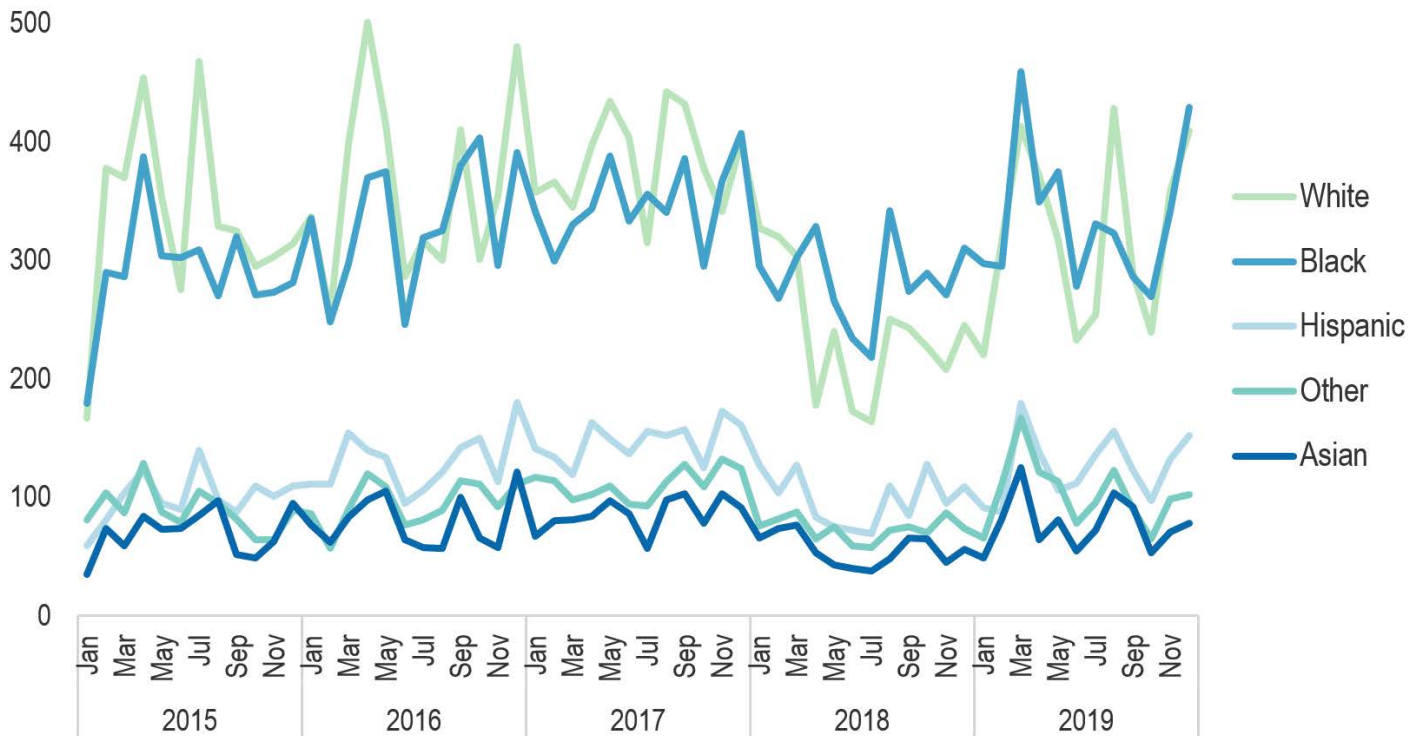
Figure 20. Type of Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 21 shows the monthly distribution for all types of stops by race from 2015 to 2019.

Figure 21. Officer-Initiated Stops by Race and Month, 2015-2019 (n = 56,070 individuals stopped)



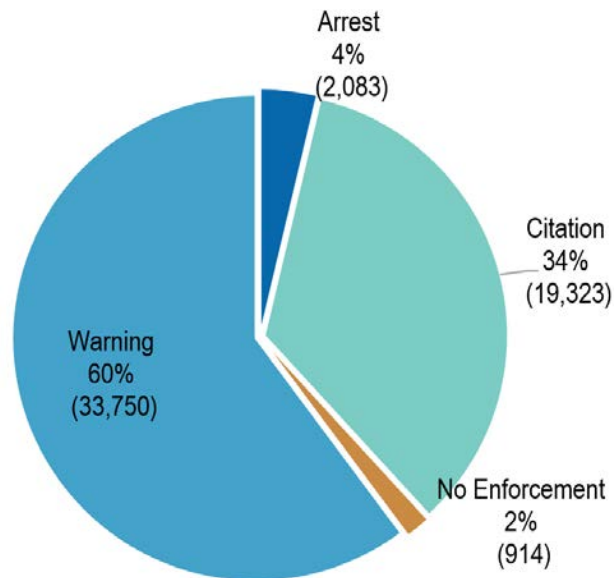
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Enforcement

Officer-initiated stops sometimes result in enforcement outcomes. The four possible enforcement actions are arrest, citation, warning, and no enforcement. BPD's General Order T-03 guides how officers are expected to use enforcement, including when to provide a verbal warning or a citation, in accordance with the California Vehicle Code. The general order directs officers to use their professional judgement in deciding whether to issue a warning instead of a citation. It also directs officers to issue a correctable citation for certain violations such as equipment or registration. Additionally, the general order directs officers to interact with the individuals and observe if there are signs of intoxication, visible guns, open alcohol containers or drugs, or other indicators of a crime.

Figure 22 shows the breakdown of types of enforcement actions of arrest, citation, warning, and no enforcement. It also includes the total number of no enforcement action from the stop.

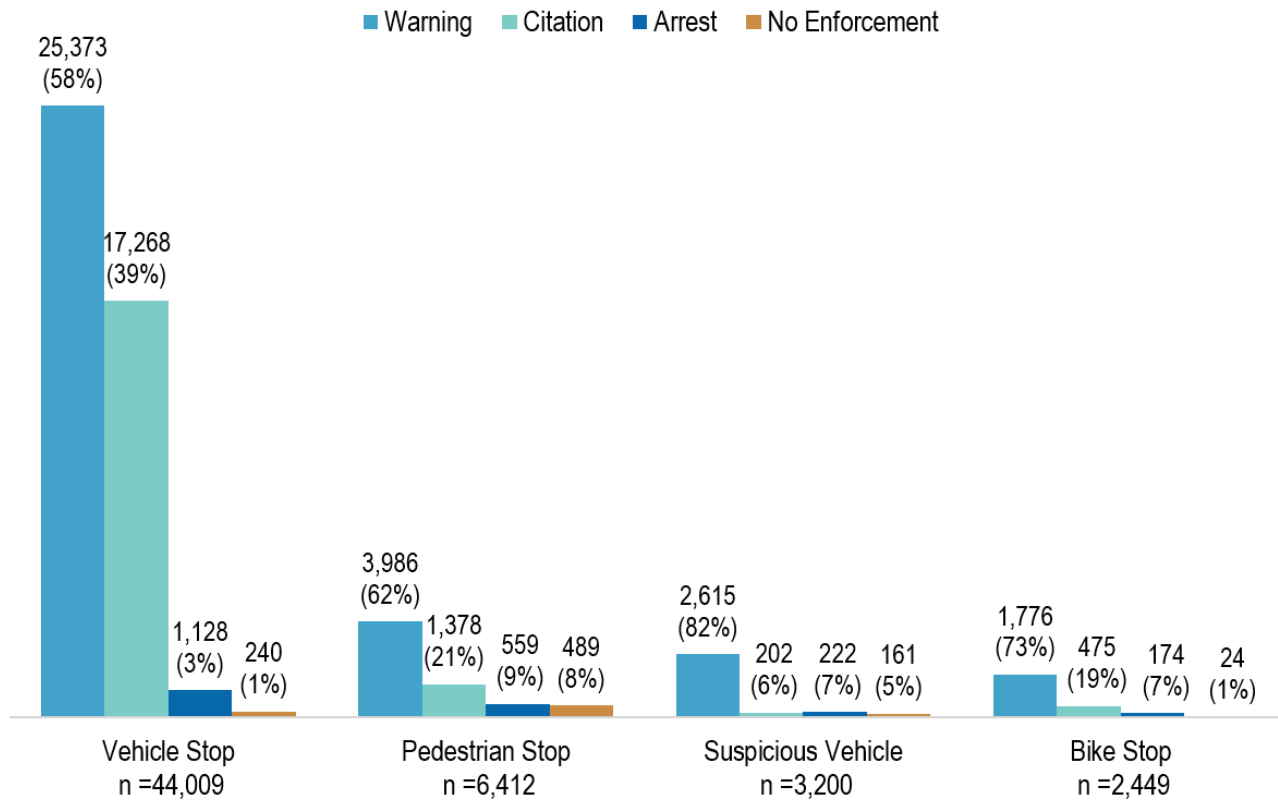
Figure 22. Enforcement Actions of Officer-Initiated Stops, 2015- 2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 23 shows the number of enforcement actions, broken down by type of enforcement and stop, from 2015 to 2019.

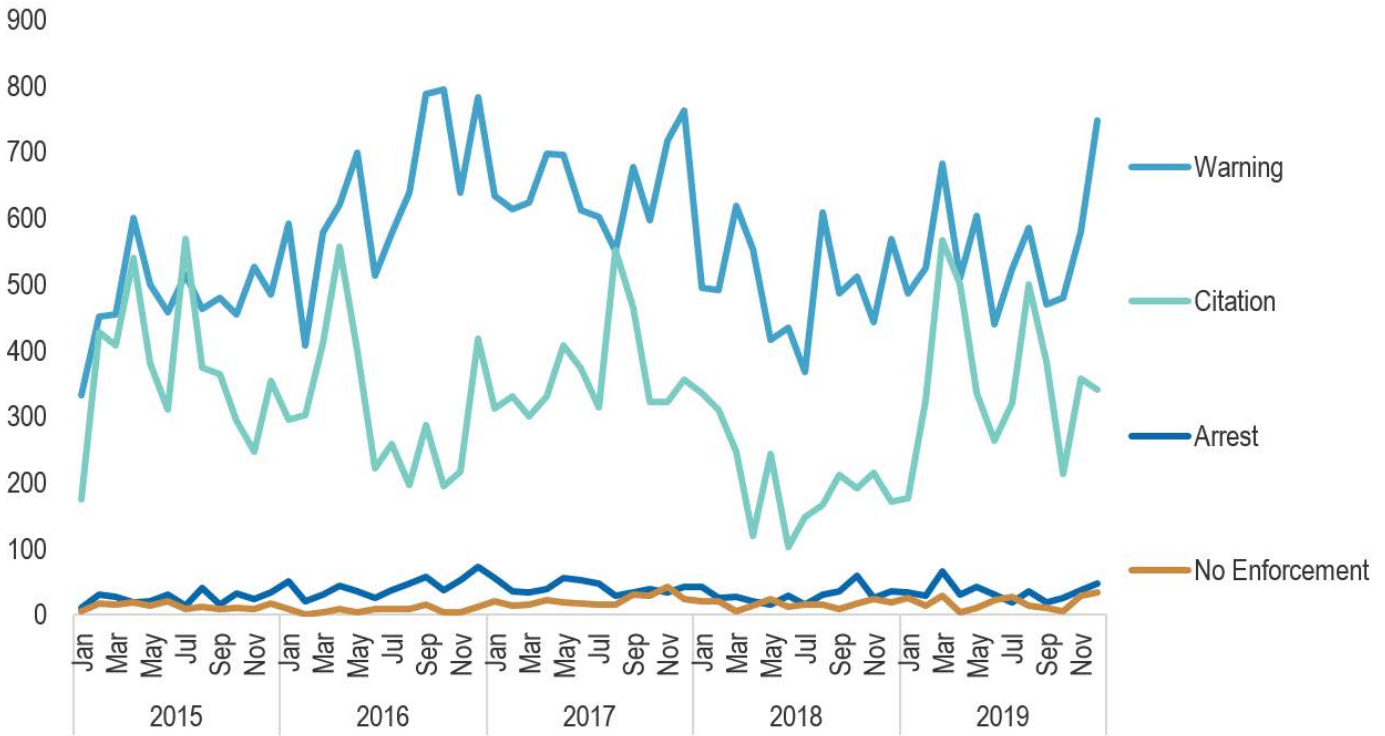
Figure 23. Enforcement Actions of Officer-Initiated Stops by Stop Type, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 24 shows the number of stops by enforcement action and month from 2015 to 2019.

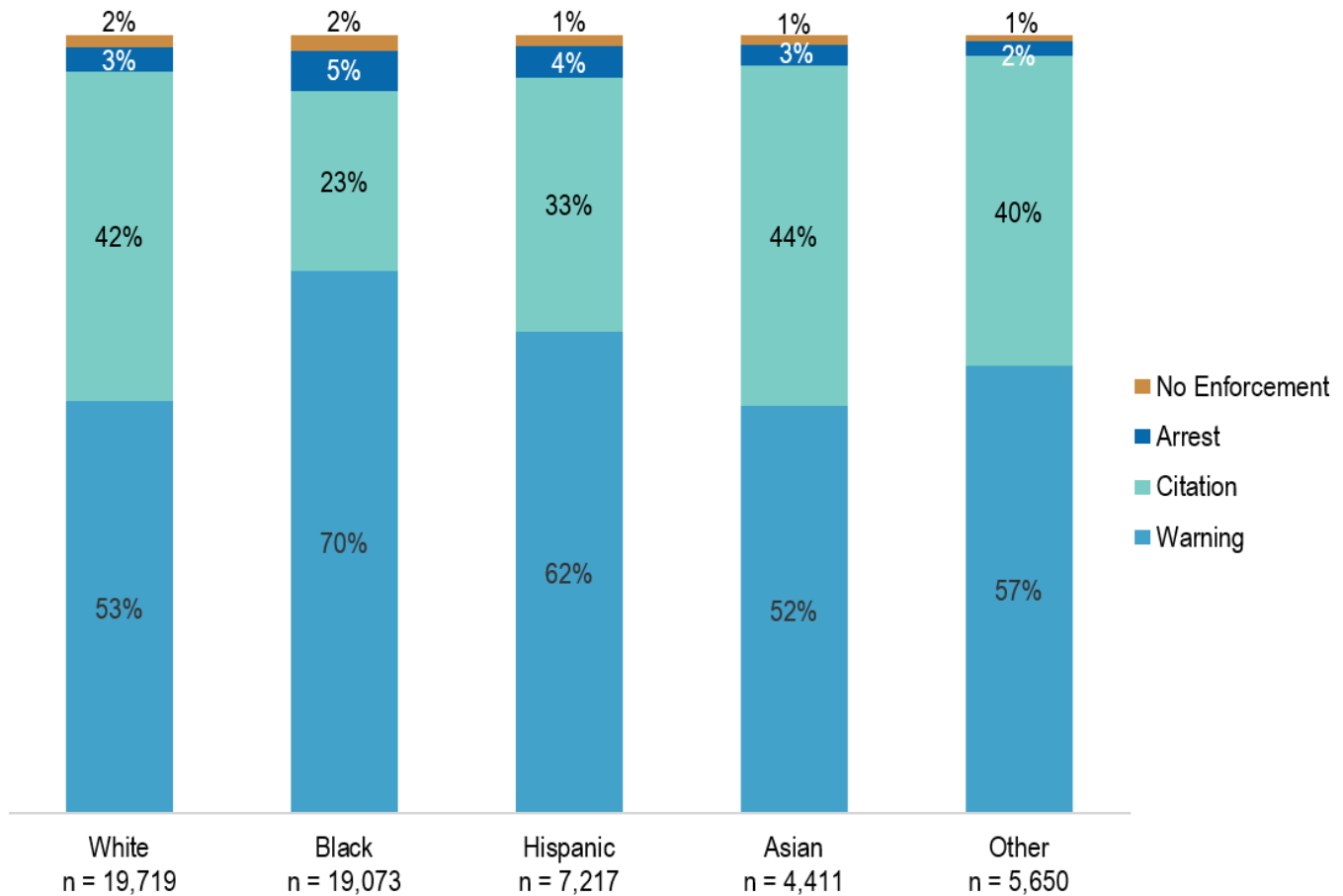
Figure 24. Enforcement Actions of Officer-Initiated Stops by Month, 2015-2019 (n= 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 25 shows the stop enforcement actions by race from 2015 to 2019.

Figure 25. Enforcement Actions of Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

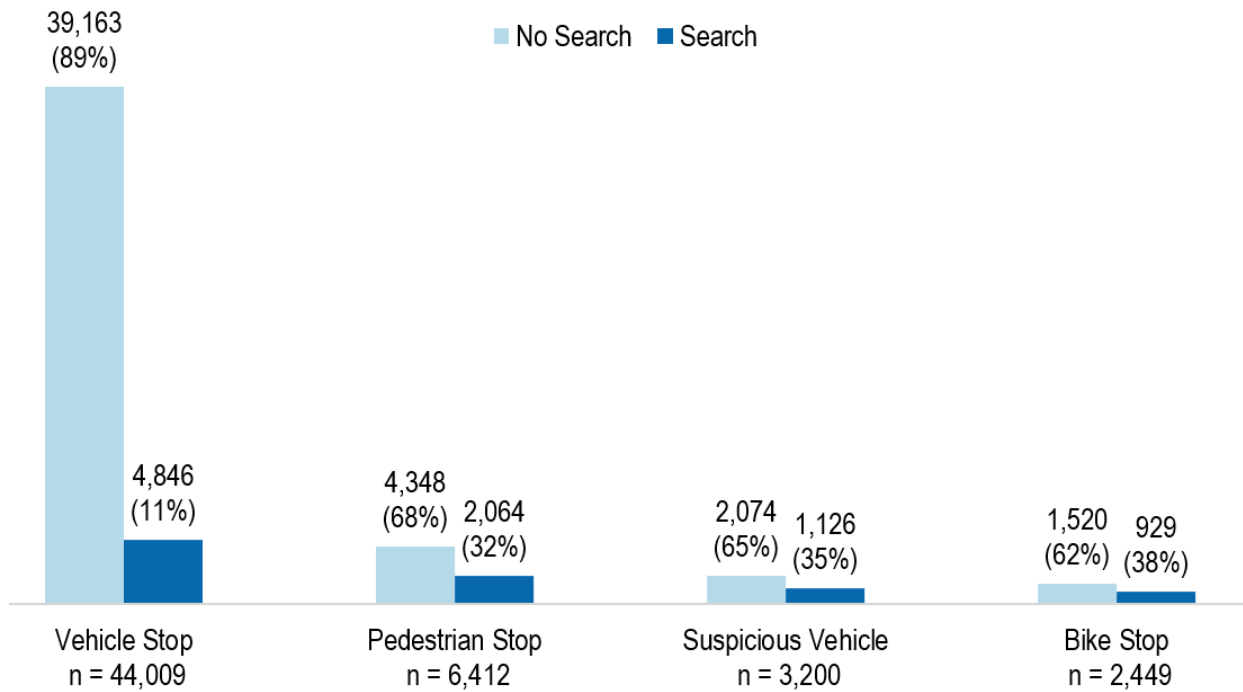
Searches

The following section provides information on whether BPD conducted a search during vehicle, bike, suspicious vehicle, or pedestrian stops. We break down all types of searches and resulting enforcement actions by race.

The stop disposition data during the 2015 to 2019 audit period did not include information on whether the officer asked for consent to search the person, and if so, whether the individual gave consent. The data also does not indicate the basis for the search, nor the type of contraband or evidence that was recovered, if any.

Figure 26 shows individuals stopped by type and search outcome from 2015 to 2019. Out of 56,070 stops, 8,965 (16 percent) result in a search.

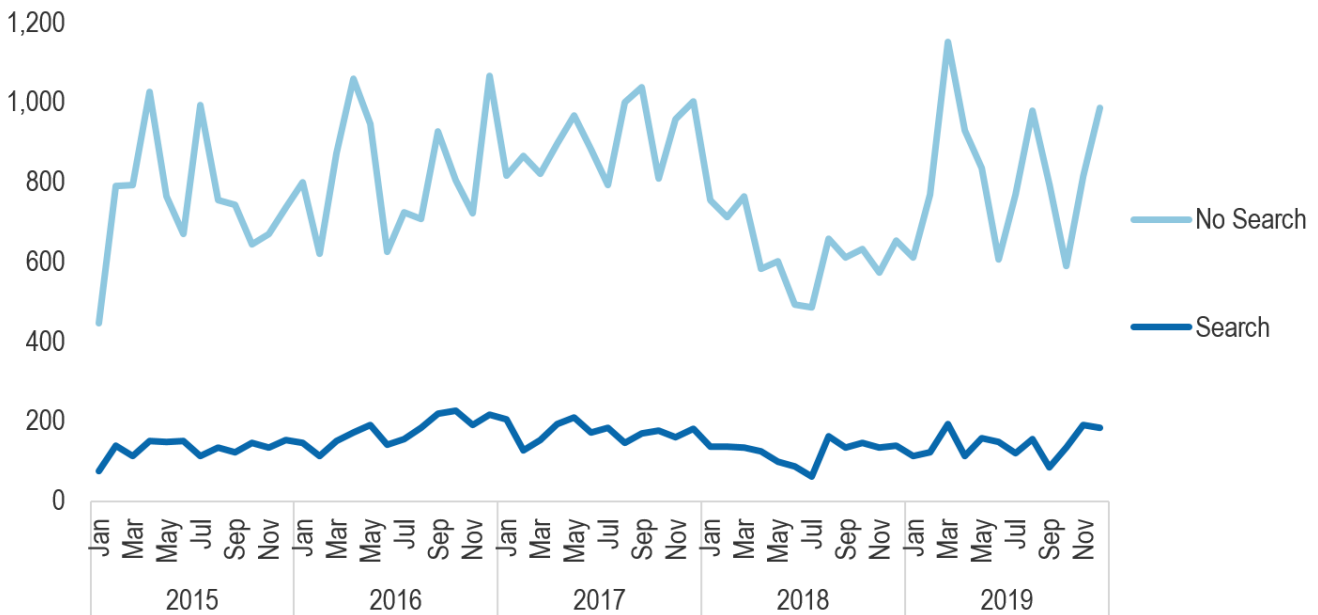
Figure 26. Searches Resulting from Officer-Initiated Stops by Stop Type, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 27 shows stops by search outcome by month from 2015-2019.

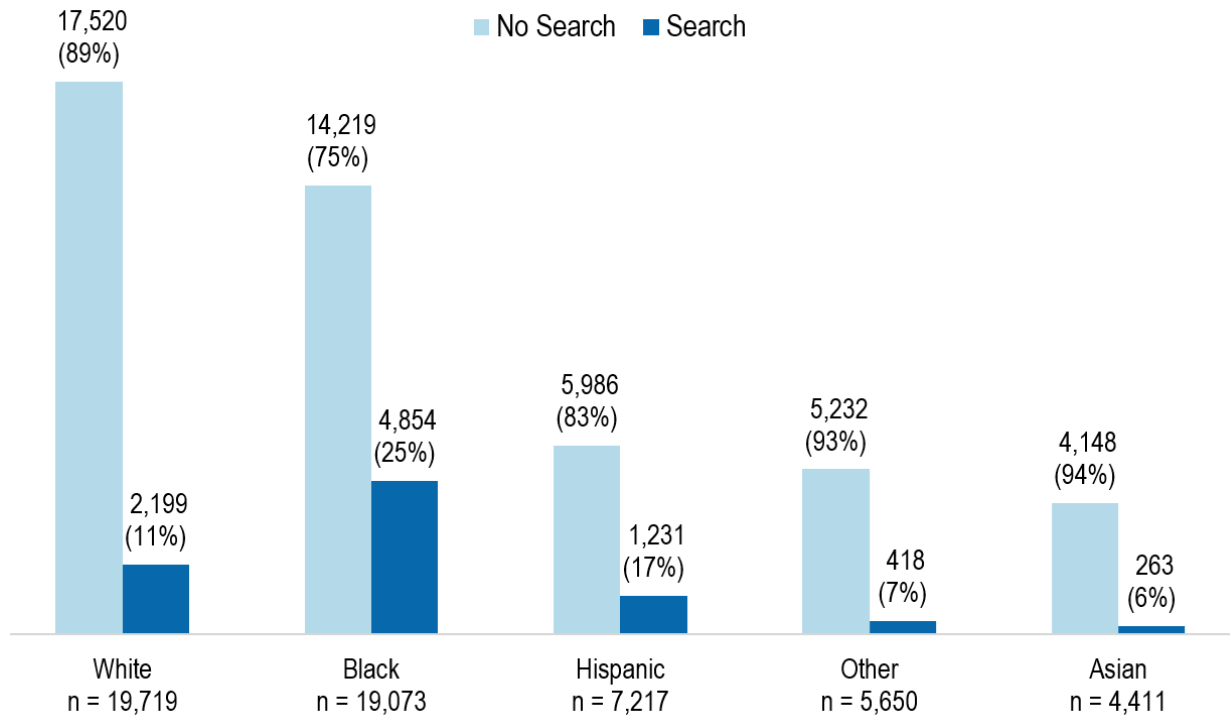
Figure 27. Searches Resulting from Officer-Initiated Stops by Month, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 28 shows stops by search outcome and race from 2015 to 2019.

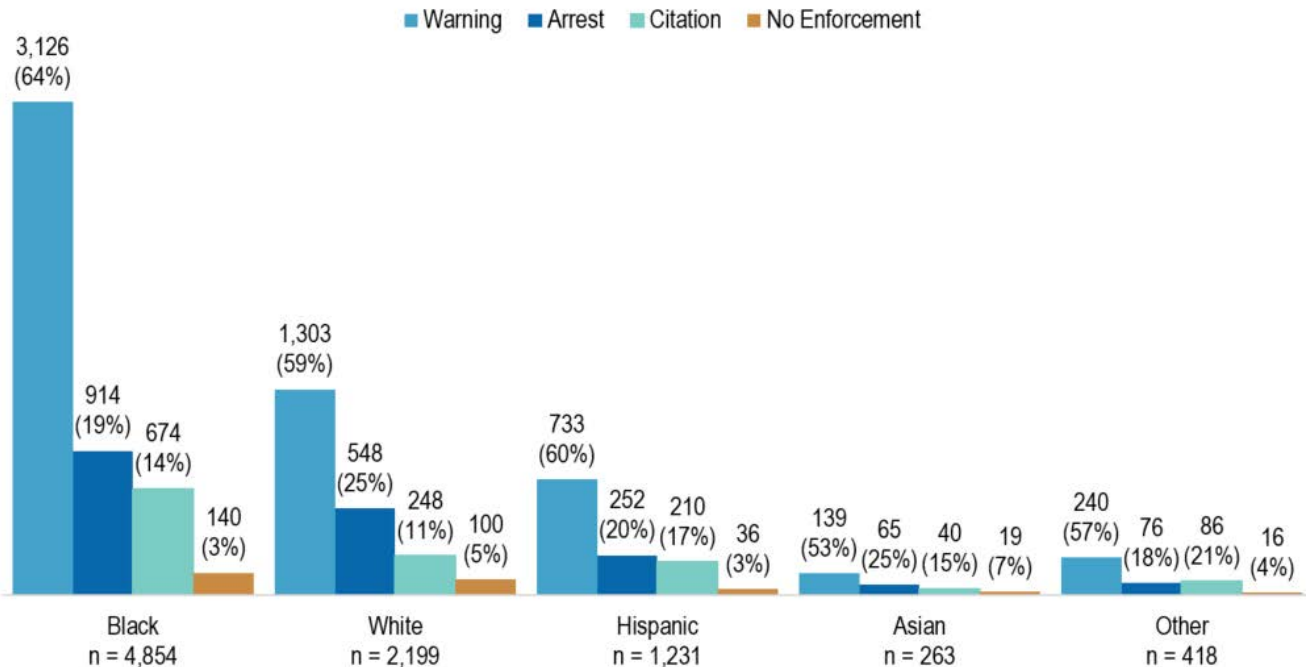
Figure 28. Searches Resulting from Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 29 shows searches and resulting enforcement outcomes by race from 2015 to 2019.

Figure 29. Enforcement Outcomes of Searches Resulting from Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

V. Characteristics of Police Response

Analysis of 646,958 responses from BPD sworn officers and other units

This section presents an overview of data about personnel that responded to events. Personnel dispatched to respond to events can include non-police personnel in addition to BPD personnel. All events in this CAD analysis include a response by at least one BPD sworn officer, though the Communications Center can also dispatch additional non-police personnel to certain events as needed. BPD Communications Center staff also play an important role in how BPD responds to events.

Patrol officers represented 82 percent, or most of the personnel that responded to events, and personnel from other units accounted for 5 percent of total personnel that responded to events. Parking enforcement officers and bike units accounted for over half of the personnel responses from other units. On average, BPD dispatched 1.8 patrol officers per event. The majority of personnel time, 71 percent, is spent responding to events classified as Community, FBI Part II Crimes, and Traffic. The data, which includes the classification or call type assigned to the event prior to BPD arriving at the event, may not reflect the actual event that takes place.

Primary BPD Response Personnel

Our analysis primarily reflects work conducted by the Communications Center and patrol teams to respond to events in the Berkeley community, with some information about additional supportive units. We provide a summary of each of these units below.

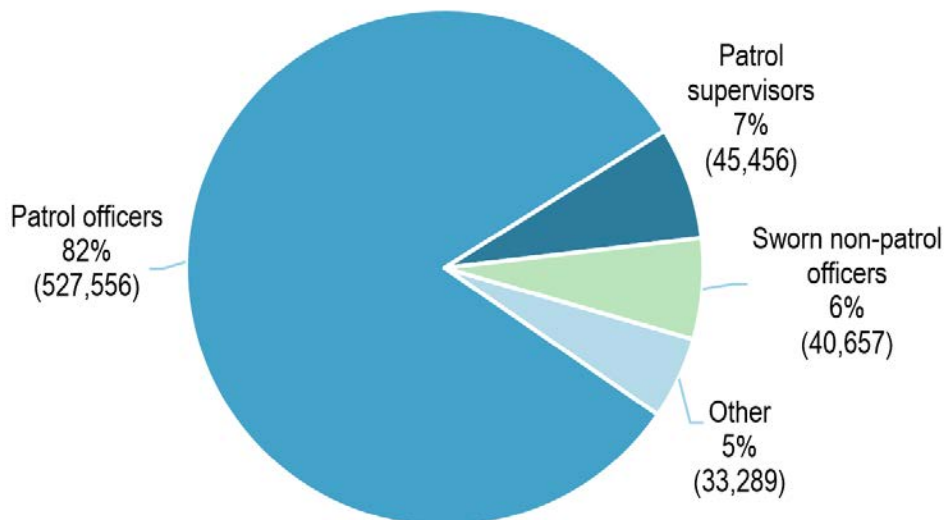
Patrol Teams. The Berkeley Police Department provides patrol services 24 hours a day, seven days a week. These teams of sworn officers are usually the first and primary responders to calls for service. According to BPD's Policy 400, the function of a patrol team is to respond to calls for assistance and reports of criminal activity, act as deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community, and respond to emergencies. Their duties may also include directing traffic, providing mutual aid, and responding to calls for help. The police responses tracked in the CAD data are largely from patrol teams and their supervisors.¹²

¹² Patrol teams may include reserve officers who serve in a part-time capacity, and supplement and assist regular sworn police officers in their duties. Reserve officers can be dispatched to similar assignments as full-time patrol officers with the exception of some felonies and more serious offenses and are required to get patrol sergeant approval when making arrests.

Communications Center. The Communications Center is part of the Support Services Division of the Berkeley Police Department, overseen by a sworn police captain. The Communications Center serves as Berkeley's 911 public safety answering point, receiving all emergency and non-emergency police, fire, and medical calls in the City, and dispatching public safety personnel to respond as appropriate. The Communications Center is staffed 24 hours a day, 365 days of the year by a team of dispatchers. Dispatchers are highly trained professionals, who gather essential information from callers and dispatch the appropriate response team to the scene. They take control of situations that may be chaotic, stressful, confusing, and traumatic. Dispatchers are often described as "first responders" as they make primary contact with the person reporting the emergency. As described in Section II, the Communications Center is integral in directing and characterizing these responses. For more information about the Communications Center, see [911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale](#), which the City Auditor's office released in 2019.

Other personnel units. A small portion of the data involves BPD personnel in units other than patrol teams that responded to events, as well as personnel from other city departments outside of BPD. Our data set did not include personnel dispatched from the Berkeley Fire Department, which may respond to an event that includes a BPD personnel. Other units may include the personnel described in the following sections.

Figure 30. Percentage of Personnel Responses by Type of Unit, 2015-2019 (n = 646,958 responses)



Note: The category with 527,556 patrol officer responses includes 3,105 reserve officer responses. Patrol supervisors include sergeants, lieutenants, and captains.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Other BPD Response Personnel – Sworn Officers

In addition to patrol officers, BPD employs a core group of individuals who are sworn in as law enforcement officers. State law grants sworn officers the authority to enforce the law, including traffic law. According to BPD, no other personnel are granted the same authority at this time. The following sworn positions responded to events:

Area Coordinators. Area Coordinators are within the Community Services Bureau. These are officers on a special assignment in this unit. The Area Coordinators act as liaisons to the patrol officers in their assigned area and collaborate with other city departments or community organizations to solve long-term problems.

Bike Unit. Bike Unit personnel are officers on special assignment who travel by bike. They work in a focused geographical area and initiate stops related to their work, but they often self-dispatch to support patrol officers.

Special Enforcement. Special Enforcement officers are officers focused on detecting, apprehending, and prosecuting persons engaged in narcotics, vice, and organized crime. This Special Enforcement Unit was established in 2000 and most recently operated under investigations. BPD disbanded the drug taskforce within the Special Enforcement Unit in 2016.

Motor Unit: Motor unit officers operate within the Traffic Enforcement function of the Traffic Bureau. BPD staffs four motor officers who manage, investigate, and report on traffic-related events such as towed vehicles or collisions. The motor unit additionally supports the car seat education and installation program for the Berkeley Traffic Bureau.

Sworn, non-patrol officers. Some officers dispatched to events are sworn officers who are not assigned to patrol teams, such as when they are assigned to investigations or special assignments when they respond to a call.

Other BPD Response Personnel – Professional Personnel

In addition to patrol officers and other sworn personnel, BPD employs individuals who are non-sworn. The following non-sworn positions responded to events:

Community Service Officers. Community Service Officers (CSO) are specialized professionals performing a wide variety of technical support duties in the department. CSOs work most often in Berkeley City Jail, evidence, and investigations. According to BPD, while CSOs rarely appear in the CAD data, they may appear in cases when they need assistance from BPD officers in the jail.

Crime Scene Technician. Crime Scene Technicians are part of the Crime Scene Unit/Investigation, and are CSOs. The Crime Scene Supervisor oversees four Crime Scene Investigators who collect and document evidence at crime scenes. Crime Scene Technicians support patrol officers of all ranks and all detectives with searches for evidence but are ultimately responsible for managing evidence in major or complex crimes.

Parking Enforcement Officers. Parking Enforcement Officers operate within the Parking Enforcement Unit of the Traffic Bureau. Parking Enforcement Officers enforce local and state parking laws and regulations. Their functions include responding to parking issues as reported by the community, working traffic control posts during police incidents, and helping to manage traffic and parking at special events, such as the 4th of July, the Solano Stroll, and UC Football games. Berkeley Municipal Code authorizes non-sworn parking enforcement officers to issue citations for violations of state and local parking laws, but not traffic violations.

Non-BPD Response Personnel

University of California Officers. BPD dispatches these officers when they are partnered with a BPD officer as part of a special program in which BPD has the lead.

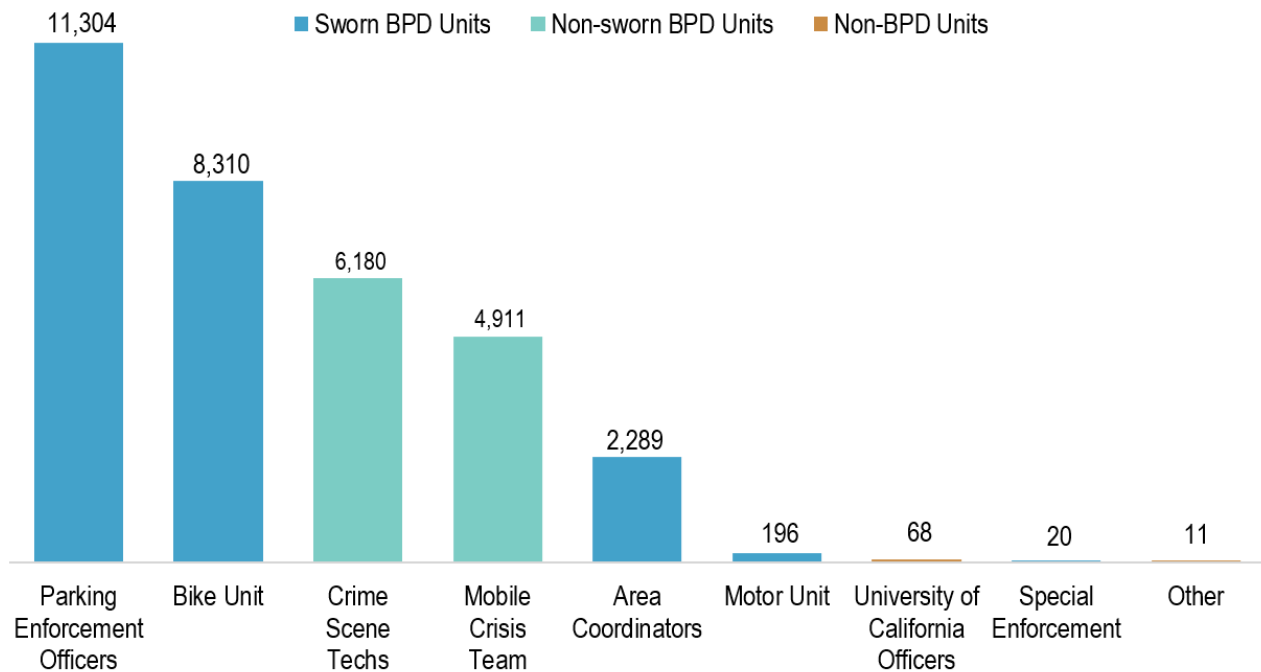
Animal Control. Animal Control are members of the City of Berkeley Animal Care Services. They are responsible for enforcement of city ordinances related to animals, removal of killed or injured animals, impoundment of stray pets, and investigation of animal-related neglect, cruelty, nuisance, and bite cases.

Mobile Crisis Team. The Mobile Crisis Team (Mobile Crisis) are staff in the City's Mental Health Division who may accompany BPD officers to calls related to individuals experiencing a mental health crisis. This team aims to reduce the impact of mental health emergencies through immediate response to crisis situations at the street-level and through coordination and consultation with local public safety organizations, hospitals, and other community groups.

Response to Events

Figure 31 shows the number of personnel who responded to events from 2015 to 2019. For example, BPD dispatched patrol officers to respond to events 527,556 times during this time period with multiple officers being dispatched to some events. Patrol officers include eight patrol teams and reserve officers. Supervisors include police sergeants, lieutenants, and captains. Other units include Animal Control, Area Coordinators, Bike Unit, Crime Scene Techs, Community Service Officers, Dispatchers, Mobile Crisis Team, Parking Enforcement Officers, Police Aides, Special Enforcement, Traffic Bureau, and University of California officers. Figure 31 shows the number of responses by other personnel units each year.

Figure 31. Responses to Events by Other Units, 2015-2019 (n = 33,300 out of 646,958 personnel)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

The number of personnel who respond to an event varies depending on the call type. Table 7 shows the average number of personnel who responded to an event by the most frequent call types. Appendix G provides the average personnel responses for all call types.

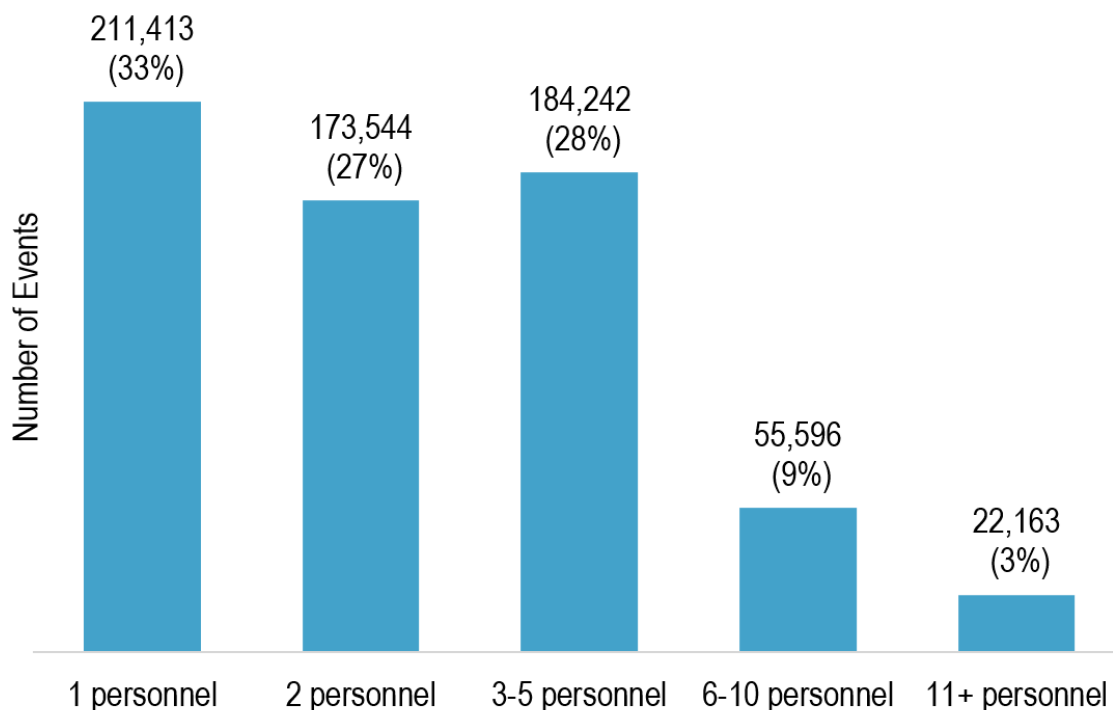
Table 7. Top 10 Call Types of Events by Personnel Response, 2015-2019 (n = 646,958 responses)

Call Type	Average Personnel Responses per Event	Total Number of Personnel Dispatched
1. T - Traffic Stop	2	70,192
2. 415 - Disturbance	1.5	66,511
3. 1033A - Audible Alarm	1.7	34,044
4. 415E - Noise Disturbance	2.6	29,783
5. SEC - Security Check	1.9	29,172
6. 1042 - Welfare Check	1.8	26,757
7. PRKVIO - Parking Violation	3.1	21,594
8. SUSCIR - Suspicious Circumstance	2.3	18,593
9. 602L - Trespassing	1.1	17,933
10. 484 - Theft	1.7	17,379

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 32 shows a breakdown of events by the number of responding personnel from 2015 to 2019.

Figure 32. Number of Personnel Response per Event, 2015-2019 (n = 646,958 responses)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

BPD Patrol Teams

BPD has eight patrol teams, as shown in Figure 33. Each team is made up of 5 to 11 officers and two supervising sergeants. Four lieutenants oversee two patrol teams each. According to BPD, patrol teams often fall short of the number of assigned officers when officers are out due to sick leave, training, or injury, and officers do overtime to make the minimum staffing of 8-9 officers per team. The number of officers dispatched to an event will vary depending on the call type. On average, BPD dispatches 1.8 patrol officers per event. Appendix G includes the average personnel responses for each call type.

Time Spent Responding to Calls

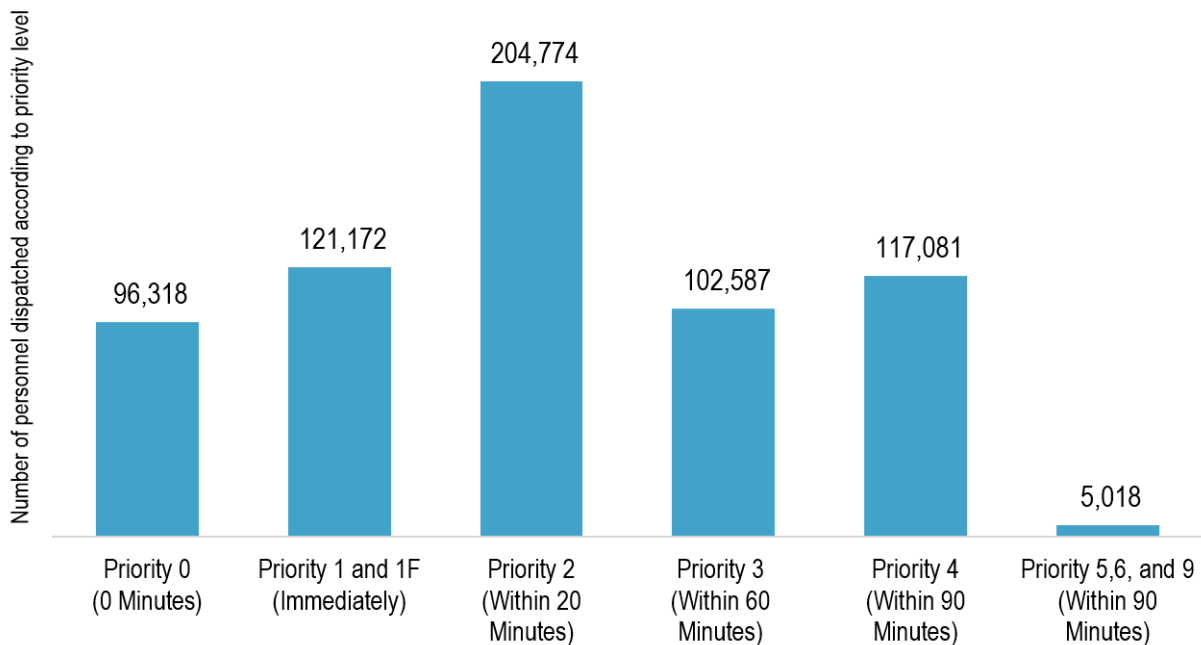
In this section we present information about the time BPD spends recording, dispatching, and responding to calls. The CAD data includes time stamps that correspond with the steps that occur throughout the call and response process. These time stamps enable an understanding of the amount of time that is dedicated to different portions of responses to events. We use the time between when a call is dispatched and cleared to indicate the amount of time that an officer or other personnel spends responding to an event. We use the time between a call being created and an officer being dispatched to denote the time in which the Communications Center assesses resources and dispatches officers.

The CAD system only records the time of a police event, which is an approximation of the time that officers and other personnel spend responding to events. Therefore, the data does not include information about how they spend their time outside of responding to events. Typical police activities that are not recorded in the CAD system include training, proactive policing activities, and report writing.

The time that BPD officers and other personnel take to respond to events can be longer than expected for several reasons. It could be because dispatchers forget to close out a call. Officers may have moved to another call, or are working on a report. Officers may also close out a call and continue to work on a report, so that they can be dispatched if needed.

Figure 35 shows the total number of BPD officers and other personnel dispatched to events by event priority level from 2015 to 2019.

Figure 35. Number of Personnel Responses by Priority Level, based on Time Between Call and Dispatch After a Call is Created, 2015-2019 (n = 646,950)



Note: Fire dispatch times are not included in this graphic.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 8 shows the median time personnel spent responding to the ten most frequent call types from 2015 to 2019. Time spent responding is defined as the time between when the Communications Center dispatches personnel and closes the event in CAD, indicating that personnel are no longer on scene.

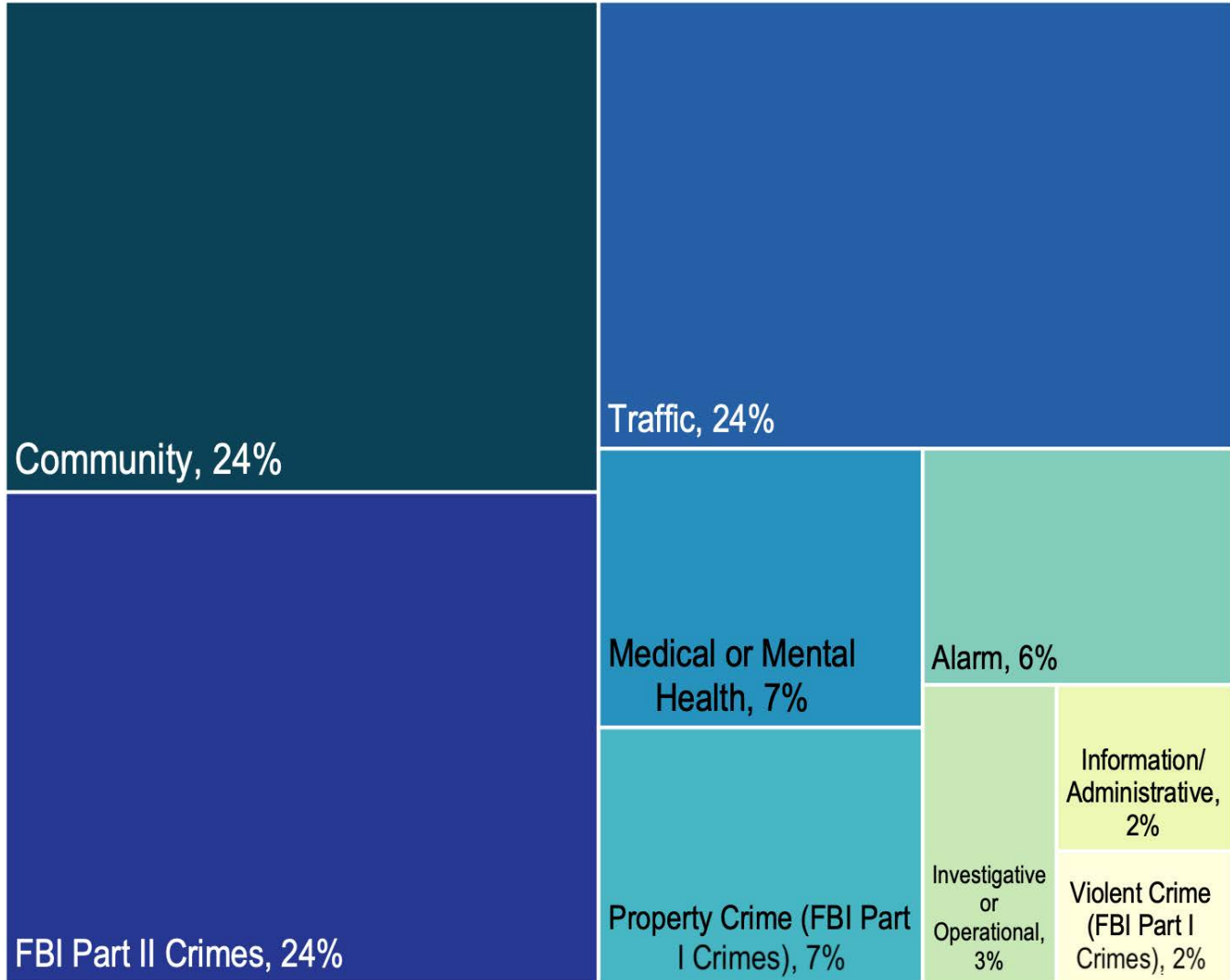
Table 8. Median Time Spent on Event after Dispatch for Top 10 Call Types, 2015-2019

Call Type	Median Time Spent on Event after Dispatch (Minutes and Seconds)	Total Number of Personnel Dispatched
1. T - Traffic Stop	6:46	44,797
2. 415 - Disturbance	6:46	35,697
3. 1033A - Audible Alarm	8:39	19,921
4. 415E - Noise Disturbance	7:42	15,773
5. SEC - Security Check	6:38	15,268
6. 1042 - Welfare Check	6:46	15,030
7. PRKVIO - Parking Violation	4:52	13,613
8. SUSCIR - Suspicious Circumstance	6:47	11,547
9. 602L - Trespassing	6:46	11,058
10. 484 - Theft	6:59	10,556

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 36 shows an overview of the time BPD officers and other personnel spent responding to events for each call type classification. This is represented as percentages of the total time that all officers and other personnel spent responding to events.

Figure 36. Percent Personnel Time Spent Responding to Events Out of Total Time Responding to All Events by Auditor Classification, 2015-2019



Note: The figure excludes 36 responses that were missing start or end time stamps in the data.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

VI. Finding 1: Berkeley Police Department can better track mental health and homelessness calls.

There has been much discussion by City Council and the community around BPD resources in response to events related to mental health and homelessness. City officials have estimated that BPD dedicates significant resources to responding to calls about people experiencing mental health issues or homelessness,¹³ and the City Council requested data to gain a better understanding of BPD's response to these events.¹⁴ As such, we assessed the available data about the number of events and officer-initiated activities that relate to mental health and homelessness.

Currently, it is difficult to determine the full extent of BPD officers' encounters with people who are experiencing a mental health issue or homelessness from the data set. We identified as many of these events in the data as possible, but they are undercounted, likely significantly, because BPD does not identify all calls related to mental health or homelessness. Better tracking of all events where mental health or homelessness are apparent would provide more complete understanding about BPD's response and inform decisions about the appropriate resources to dedicate to these events.

Events Related to Mental Health and Homelessness are Undercounted

BPD receives many calls that involve individuals who are experiencing a mental health issue or homelessness, but there are some challenges that make it difficult to identify these events in the CAD data.

First, call types in CAD reflect the primary reason for a call which may not capture events where the individuals involved are experiencing a mental health issue or homelessness. CAD has some call types to identify when the primary reason for the call is a mental health issue, such as a suicide attempt or "5150" for someone experiencing a mental health crisis. However, if the primary reason for the call is another issue, dispatchers are trained to assign those to call types that reflect the primary reason, such as family disturbance or pedestrian stop, which do not capture an accompanying mental health issue. According to BPD, if the event involves a potential crime, dispatchers will always log it using a corresponding crime code and not a mental health call type. For example, if the Communications Center receives a call about a disturbance in progress, dispatchers will assign a call type related to a disturbance. Officers may arrive on scene and find the individual involved is experiencing a 5150 mental health crisis, but the call type would not reflect this. Similarly, there is one call type specifically for events related to homelessness, but dispatchers may assign these events to other more general call types such as welfare check or person down depending on the information they receive about the primary reason for the call.

¹³ Berkeleyside article, "Mental health calls #1 drain on Berkeley police resources." <https://www.berkeleyside.com/2015/04/16/mental-health-calls-are-1-drain-on-berkeley-police-resources>

¹⁴ Mayor's Omnibus Motion on Public Safety Items: https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/2020-07-14%20Mayor%20Supp%203%20Police%20Items.pdf

Second, disposition codes used to describe basic information about the event do not always capture when there is a mental health or homelessness component. For instance, out of 29,031 events with a mental health term in the narrative, only 23 percent were assigned the mental health disposition code. According to BPD, officers most often are the ones to enter disposition codes unless they call into the Communications Center and provide information for dispatchers to enter the code. BPD stated that officers do not consistently use this code for events with an apparent mental health component. Additionally, CAD does not have a disposition code that indicates whether an individual in an event is experiencing homelessness. Even if CAD did have such a disposition code, BPD stated that officers tend to only ask individuals for information that is directly relevant to the event and may not gather information about housing status if it is not relevant. BPD should only include this information if it is apparent during the event.

Third, the narrative description for an event in CAD may not identify events with a mental health or homelessness component. In addition to logging call types and dispositions, dispatchers enter narrative information about the event in a description field. In our analysis, we found that the information in the description field does not always match the call type. For instance, dispatchers assigned over 20,950 events to a mental health call type. Of those events, mental health key words were only present in about 48 percent of the narrative descriptions. Using only the narrative description to identify 5150 calls would have excluded many of those calls. For events related to mental health or homelessness that do not have a designated call type, the description field may contain the only information that may identify those events as mental health or homelessness.

Lastly, the data shows when the Mobile Crisis Team responds to events related to mental health, but this alone is not a reliable way to identify these events. The Communications Center may not dispatch the Mobile Crisis Team if the responding officer does not request assistance. There are also some events that the Mobile Crisis Team would normally respond to but cannot because they are unavailable. There is no equivalent response personnel indicator for events related to homelessness.

We developed a method to identify as many events with a mental health or homelessness component as possible, which we describe below, but it is evident that our analysis significantly undercounts these events because of the data limitations we identified.

Transparency and accessibility of information about BPD's response to calls related to mental health or homelessness is an important part of the City's public safety reimagining process. In 2020, City Council passed the Omnibus Motion on Public Safety which called for the reimagining process to consider the police response to mental health and homelessness-related calls. To increase the availability of data on BPD's response to events that relate to mental health or homelessness to the extent that it is known, it is important that these events are identified in the CAD data. While there are challenges to identifying all these events, there are opportunities for BPD to capture more complete information by identifying events where it is apparent that individuals involved are experiencing a mental health crisis or homelessness, regardless of call type. This will result in more complete information about BPD's response and the outcomes of the events. This information can also inform decisions about the most appropriate way to respond to these events.

Identifying Events Related to Mental Health

Mental health events we identified in the data do not represent the total number of events that may have had a mental health component because of the data limitations described above. We used the following components of the CAD data to identify 42,215, unduplicated events with a mental health component, or nearly 12 percent of all events.

- **Call types.** Call types related to mental health include suicide (1056), mental illness (5150), and welfare check (1042). While dispatchers can select call types related to mental health, they can assess a situation and opt to select a different call type that reflects the nature of the event.¹⁵ Events with a call type that indicated the presence of a mental health issue accounted for 20,950 of the mental health calls identified.
- **Mental health disposition code.** According to BPD officials, the data includes a disposition code that is used to reflect events involving a mental health issue. This is a field that can be checked by BPD officers in addition to an assigned call type.
- **Narrative description.** The data includes narrative fields that dispatchers use to document details about the call that extend beyond the other CAD data entry options. These descriptions can vary depending on the dispatcher and not follow standardized language to describe mental health-related situations. In order to identify mental health-related terms within the narrative data, we consulted with officials from Berkeley Mental Health and the Mental Health Commission to create the list of search terms specific to mental health (Appendix F). We then used these terms to query and identify all the narrative reports to identify events with description fields that contained terms associated with mental health.¹⁶
- **Mobile Crisis Team response.** The data specifies the personnel who responded to each event. We queried the data for all instances in which the Mobile Crisis Team responded to an event. The data includes only Mobile Crisis Team responses that also involve a sworn BPD officer. The data does not document occasions in which the Mobile Crisis Team is unavailable to respond to a request for support. Therefore, the absence of a Mobile Crisis Team response does not necessarily mean that there was no request for their services.

¹⁵ This includes other call types that do not explicitly refer to mental health but correlate with mental health outcomes, such as welfare check, family disturbance, pedestrian stops, and suspicious person.

¹⁶ We used the terms that are more specific to mental health and excluded terms more specific to substance abuse or addiction.

Table 9 below shows the unduplicated events we were able to identify as related to mental health based on the call type, disposition, narrative description, or response by the Mobile Crisis Team. Approximately 12 percent of all events were related to mental health from 2015 to 2019.

Table 9. Results of Scan for Events Related to Mental Health, 2015-2019

		Narrative Report	Disposition Report	Call Types	Mobile Crisis	Unduplicated Count
		Mental Health-related events identified in Narrative Reports	Events with an "MH" Disposition Report	Events with Mental Health-related Call Types	Events with response by Mobile Crisis	Narrative report, disposition, call types, and/or Mobile Crisis response
Identified events	#	29,031	9,555	20,950	992	42,215
	%	8.1%	2.7%	5.8%	0.3%	11.7%
Total Events		360,242	360,242	360,242	360,242	360,242

Note: Call Types includes: 1056 – Suicide, 5150 - Mental Illness and 1042 - Welfare Check

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 10 shows how many events of the ten most frequent call types also had a mental health component from 2015 to 2019.

Table 10. Top 10 Call Types and Mental Health Terms in Narrative, 2015-2019

Call Types	Events with Mental Health term in Narrative Field	Percent of Events	Total Events
1. T - Traffic Stop	70	0.2%	44,797
2. 415 - Disturbance	6,792	19.0%	35,697
3. 1033A - Audible Alarm	100	0.5%	19,921
4. 415E - Noise Disturbance	221	1.4%	15,773
5. SEC - Security Check	199	1.3%	15,268
6. 1042 - Welfare Check	6,032	40.1%	15,030
7. PRKVIO - Parking Violation	107	0.8%	13,613
8. SUSCIR - Suspicious Circumstance	1,244	10.8%	11,547
9. 602L - Trespassing	514	4.6%	11,058
10. 484 - Theft	395	3.7%	10,556

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Identifying Events Related to Homelessness

Similar to mental health-related events, we were not able to identify all events related to homelessness because the information tracked in CAD is limited. While mental health-related events have several call types, lodging in public is the only call type for events related to homelessness. Unlike mental health, events related to homelessness in CAD do not have a disposition identifier. We used the following components of the CAD data to identify 21,631 events involving homelessness which represent 6 percent of all events, but this is an undercount:

- **Call type.** The only call type that is specifically related to events that involve one or more people experiencing homelessness is lodging in public. Events with this call type accounted for 0.6 percent of police-related CAD events we could identify as related to homelessness.
- **Narrative Description.** We queried all the events to identify those with description fields that contained terms associated with homelessness. We consulted with officials from Berkeley's Health, Housing, and Community Services Department, the Mental Health Division within that department, the Homeless Commission, and Mental Health Commission to create the list of search terms specific to homelessness (see Appendix F).

Events related to homelessness may also have a mental health component. The 21,631 homelessness-related events identified may overlap with some of the events related to mental health.

Table 11 below shows the unduplicated events we were able to identify as related to homelessness based on the call type or narrative description.

Table 11. Results of Scan for Events Related to Individuals Experiencing Homelessness, 2015-2019

		Homeless-Related Events Identified in Narrative Reports	Events with Call Type Lodging in Public	Unduplicated Count (Call type and/or Narrative Terms)
Identified events	#	20,694	2,221	21,631
	%	5.7%	0.6%	6.0%
Total Events		360,242	360,242	360,242

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 12 shows the ten most frequent call types and events with a homelessness component from 2015 to 2019.

Table 12. Top 10 Call Types and Homelessness Terms in Narrative, 2015-2019

Call Types	Events with Homelessness Term in the Narrative Field	Percent of Events	Total Events
1. T - Traffic Stop	59	0.1%	44,797
2. 415 - Disturbance	3,436	9.6%	35,697
3. 1033A - Audible Alarm	118	0.6%	19,921
4. 415E - Noise Disturbance	284	1.8%	15,773
5. SEC - Security Check	439	2.9%	15,268
6. 1042 - Welfare Check	1,526	10.2%	15,030
7. PRKVIO - Parking Violation	41	0.3%	13,613
8. SUSCIR - Suspicious Circumstance	710	6.1%	11,547
9. 602L - Trespassing	4,760	43.0%	11,058
10. 484 - Theft	518	4.9%	10,556

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Recommendation

To improve access to data, we recommend the Berkeley Police Department:

- 1.1 Identify all calls for service where there is an apparent mental health issue and/or homelessness component in a manner that protects the privacy rights of the individuals involved.

VII. Finding 2: The City can improve the transparency of Police Department activity data on the Open Data Portal.

The City's Open Data Portal provides the public with limited information about events that BPD responds to. There are opportunities for BPD to improve transparency by increasing the type and scope of data available on the portal.

The City of Berkeley launched the Open Data Portal (portal) pilot on December 15, 2014 with the goal of providing non-confidential, public data for unrestricted use. BPD captures events in their calls for service data set on the portal, which was created in March 2015. BPD policy states that reports must be released to any member of the public unless the release of the report would endanger a person, interfere with an investigation, constitute an unwarranted invasion of privacy, or is otherwise prohibited by law.

However, the data BPD shares on the portal does not include all available data fields. The data fields missing would prevent people using the data from being able to identify the call source, the number of police personnel dispatched, or officer time spent on scene. Without this information, the public may not have a complete understanding of BPD's response to these events.

The calls for service data available on the portal is also limited in scope. It does not include events with certain call types, such as welfare check and noise disturbance, and is limited to data within the last 180 days. The limited date ranges make it difficult to assess trends over time.

Ensuring that all event data has more complete information about the police response, personnel dispatched, time, and call source would help give the public with a more complete understanding of calls for service that the Communications Center receives. Public access to calls for service data enables the community to engage more thoroughly with BPD, elected officials, and city staff to develop a shared understanding of crime and policing in Berkeley. In addition, increased transparency through the portal may decrease requests for BPD data through the Public Records Act.

Recommendation:

To improve access to data, we recommend the Berkeley Police Department:

- 2.1 Make calls for service data available on the City's Open Data Portal for all call types allowable by Berkeley Police Department policy and law, and update regularly to facilitate transparency. This data should be published in machine ready format, and contain as many years of data as is available.

VIII. Recommendations and Management Response

City Management agreed to our findings, conclusions, and recommendations. Below is the Police Department's initial corrective action plan and proposed implementation date. We find their plans to address our audit recommendations reasonable, however, we would like to clarify the intent of our recommendations.

With regards to the first recommendation, the goal is to collect and provide additional data on calls for service that have an apparent mental health and/or homelessness component. We do not recommend that the Police Department inquires about individuals' housing or mental health statuses, but instead collects this information in a similar way to how the department collects data on individuals' race for traffic stops. With regards to the second recommendation, the goal is to provide additional data on calls for service to the public. We understand that it may take time to coordinate with the vendor to include new datasets. We suggest that in the meantime, the Police Departments publishes the Calls For Service dataset that was provided to our office for this analysis and covers the past five years.

As part of the follow-up process, the Berkeley City Auditor will be actively engaged with the Police Department every six months to assess the progress they are making towards complete implementation.

- 1.1 To improve access to data, we recommend the Berkeley Police Department identify all calls for service where there is an apparent mental health issue and/or homelessness component in a manner that protects the privacy rights of the individuals involved.

Management Response: Agree with stated limitations which follow.

Proposed Implementation Plan: The Berkeley Police Department can implement steps to capture these issues on calls when appropriate and/or obvious. Disposition codes, which are part of every Call For Service (CFS) offer a tool for data collection. While currently disposition codes for homeless and mental health issues exist, we need to implement training that better defines when these codes should be included in CFS dispositions. We anticipate some challenges with this as we do not routinely inquire about peoples' housing or mental health statuses, especially when it is not directly related to the call for service. It will be important to identify what situations it might be appropriate to inquire about these issues to ensure that personal dignity is respected and privacy rights acknowledged. To ensure these goals are met, further discussion and clarification may be needed as to what data we are attempting to capture by indicating if mental health issues or homelessness was a component of a CFS, and setting more clearly defined definitions as to when each code should be used. Currently standard evaluation tools do not exist to extract this data in situations beyond the most obvious. Developing tools that accurately capture this information where it is more nuanced, and then implementing training that ensures these tools can be applied correctly could be affected by competing resource demands.

Proposed Implementation Date: Between 4-6 months from date of audit completion.

VIII. Recommendations and Management Response

2.1

To improve access to data, we recommend the Berkeley Police Department make calls for service data available on the City's Open Data Portal for all call types allowable by Berkeley Police Department policy and law, and update regularly to facilitate transparency. This data should be published in machine ready format, and contain as many years of data as is available.

Management Response: BPD agrees that the current dataset posted online needs to be updated or replaced.

Proposed Implementation Plan: The new dataset should be able to incorporate additional information that is not currently published. Our staff will need to explore if our current vendor can suffice to provide the requested data, or if we need to seek a new vendor for this work. Implementation timeline is also dependent on the whether this project will require a new contract and budget to accomplish the recommendation. Implementation may require assistance and resources from IT as well, which could further delay implementation.

Proposed Implementation Date: Between 4-6 months if work remains with current vendor, 9-12 months if new vendor selection required.

IX. Methodology and Statement of Compliance

The scope of our audit focused on data for calendar years 2015 to 2019. We performed a risk assessment of the department's data collection and management practices and procedures to identify internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with subject matter experts and BPD staff.

To gain an understanding of BPD operations and internal controls and to achieve our audit objectives, we:

- Reviewed BPD policies and procedures for dispatching units to respond to an event, performing traffic stops, maintaining quality control for data systems, and how patrol officers spend their time to understand the requirements for officers in the City of Berkeley.
- Reviewed local and state laws on police operations and data collection to understand what governs police operations.
- Reviewed national media on reimagining policing, and the collection and analysis of police data to understand the information available to the public.
- Validated and analyzed CAD data from 2015 through 2019.
- Interviewed BPD patrol officers, command staff, dispatchers, police information technology staff, the crime analyst, and the police records manager to understand departmental operations.
- Interviewed mental health and housing officials from the Department of Health, Housing, and Community Services (HHCS), the Homeless Commission, and the Mental Health Commission.
- Interviewed external subject matter experts:
 - AH Datalytics
 - Portland City Auditor
 - San Jose City Auditor
 - Center for Policing Equity
 - Yale Justice Collaboratory
 - NYU School of Law Policing Project
 - Jerry Ratcliffe, Temple University
 - Austin Justice Coalition
 - Jack Glaser, UC Berkeley Goldman School of Public Policy
 - Oakland Reimagining Public Safety Task Force (Data Advisory Board)
 - National Institute for Criminal Justice Reform
 - Berkeley's Police Review Commission
 - Mayor's Fair and Impartial Policing Working Group
- Reviewed the available BPD data sets on the City's Open Data Portal.

Preparing the Data Sets

In this section, we detail the process we undertook to gather, validate, and prepare the data, in addition to the

decision points that went into preparing each data set.

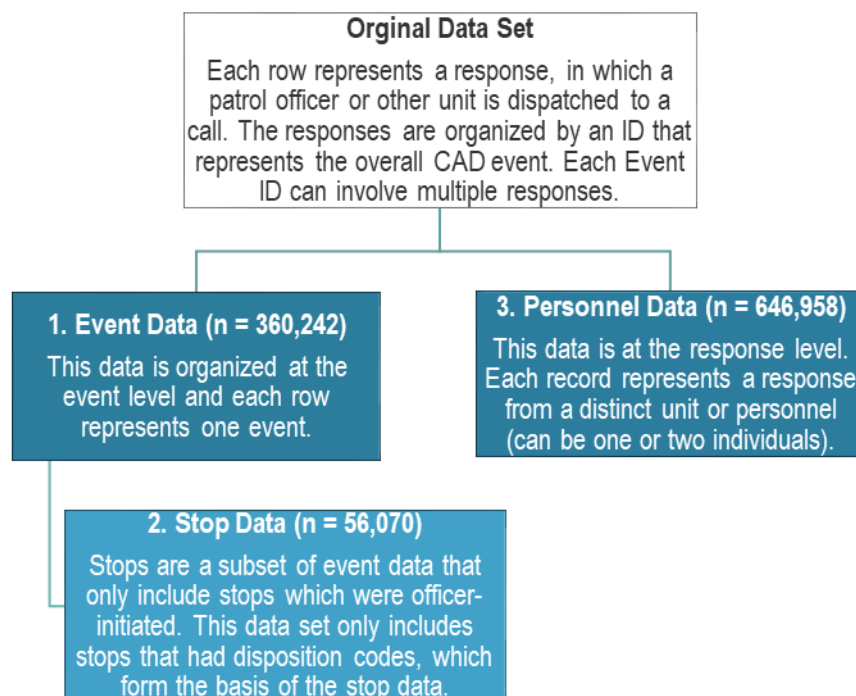
Gathered the data. We collaborated closely with BPD on an information request to ensure the data set reflected the breadth of inputs to the CAD system. The validation process resulted in multiple data pulls to resolve substantial discrepancies that we identified in the data. In February 2021, BPD delivered the final source data that forms the basis of this report.

Conducted Data Reliability Assessment. We assessed the reliability of CAD data by reviewing them for reasonableness and completeness, interviewing knowledgeable data owners, gaining an understanding of data access controls, and reviewing data system documentation from BPD and the Communications Center. We also reviewed the Department's policies and procedures, interviewed staff at all levels, interviewed an extensive and varied list of subject matter experts, and reviewed relevant California and Berkeley laws. We determined that the data was sufficiently reliable for the purposes of this report.

Processed the Data to Improve Accuracy. We took the following steps to clean the original data set to improve accuracy:

- We eliminated records for which call types included "NULL" data, as call types are a required entry for dispatchers.
- We eliminated records that represented test calls, such as unit "Mobile08" which represented a test by dispatchers.
- We eliminated events for which there is no response from a sworn officer, due to our primary focus on responses from sworn BPD officers.
- We narrowed the data to events that occurred from January 2015 to December of 2019.
- We organized the data by three separate data sets: event data, stop data, and personnel response data. These data sets reflect different components of the CAD system, and their sample sizes vary due to how they are organized in the data set.

Figure 37. Summary of Data Sets used in the Report



Source: Berkeley City Auditor

1. **Characteristics of Events (sample size 360,242 events).** For the purposes of this report, events are incidents that the community calls in or police officers observe that result in a police response. Events range in complexity and the Communications Center categorizes them using call types such as suspicious circumstance, disturbance, petty theft, security check, and anything in between. Appendix G provides the full list of call types that are used to describe events in the City of Berkeley. We highlighted the trends and characteristics for all unique events in the data, including community-initiated calls and officer-initiated stops.
2. **Characteristics of Officer-Initiated Stops (sample size 56,070 stops).** We examined an additional subset of stops officers initiated that were unrelated to calls for service. Stops may include vehicle, pedestrian, bicycle, or suspicious vehicle stops. All of the stops that we review in this section are initiated by officers.
3. **Characteristics of Police Response (sample size 646,958 individuals who responded).** The Berkeley Police Department Communications Center can assign multiple officers in response to one event. As a result, there are more police responses in the data than there are events. We provide data for responses from officers and other units, including but not limited to the Mobile Crisis Team, Area Coordinators, or the Traffic Bureau.

Categorization of Data

The data contains categorized fields. These include:

Call Type Classifications. We chose to categorize the data into ten categories as illustrated in our report. We selected these categories based on research of current best practices by university researchers, interviews with subject matter experts, and a preliminary assessment of the data sets. We used the

definitions for serious and property crime used by the FBI's Uniform Crime Report statistics.

When developing the categories, we took the following into consideration:

- Call types can fall into several classifications. The definitions below guide our decision to keep one call type under a specific category. For instance, vehicle stops are used to manage traffic flows, but in some instances, they may also be related to an investigation. We chose to keep vehicle stops in the traffic category because they may not necessarily result in a crime report.
- Call types under the same classification may serve different purposes. For instance, call types related to alarms may serve a variety of purposes. Some alarms involve investigation for an alarm going off (1033a), while others are more criminal in nature such as a bank alarm indicating a robbery (1033g).
- Our call type classifications present one model among various approaches for classifying call types. There are other approaches for organizing call types, such as by police functions or penal codes.
- It is possible for call types under any of the categories to result in a crime report. We grouped some events into call type classifications that refer to crimes that may be involved. However, other call types may also involve a crime report.

Mental Health and Homelessness. To capture the extent of these calls, we used components of the CAD data to identify unduplicated events related to mental health and unduplicated events related to homelessness. Components related to mental health include call types (1056 – Suicide, 5150 - Mental Illness, and 1042 - Welfare Check), the disposition code “MH,” response by Mobile Crisis Team personnel, and terms in the narrative data related to mental health. Components related to individuals experiencing homelessness include events identified in narrative reports, and the call type “lodging in public.”

Personnel. We vetted codes that indicate the type of personnel in the data with the Police IT Manager and Communications Center Manager. Through interviews with the Police Records Manager and other BPD command staff, we organized police personnel by categories according to whether they are sworn or non-sworn staff. We additionally categorized staff as patrol units, patrol supervisors, other units, and sworn, non-patrol officers.

Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A. Fields Included in the CAD Data

Data Fields	Description
Incident Number*	Unique ID for the event.
Call Source	The origin of the call, recoded to include Emergency Line (911), Non-Emergency Line, or Officer-Initiated, or Other.
Call Type*	Call code created by dispatch to describe important information about the event.
Priority	Priority level assigned to the event to determine the urgency of the response.
Occurred Incident Type	Category selected by the officer to organize crime-related calls.
UCR Return A Code	Code selected by the officer and reported to the FBI as a DOJ requirement for all Part 1 crimes.
Unit Disposition	Patrol-reported outcomes of the call. Includes stop dispositions and incident reports.
Call Disposition	Dispatcher-reported outcomes of the call. Includes stop dispositions and incident reports.
Address*	Where the event was reported to have occurred.
Address Location Type	The type of address that is provided by dispatch; includes address, intersection, or longitude/latitude.
Latitude/Longitude	
Police Area	Beat where the event is taking place.
Create Date Time*	The time and date the call was created by either the dispatcher or the officer.
Dispatch Time	The time and date when the officer was dispatched to the incident.
Enroute Time	Time and date in which the officer changes their status to “enroute” after being dispatched.
Onscene Time	Time and date in which the officer arrived to the scene.
Clear Time	Time and date in which the incident was cleared (closed) by a dispatcher.
Primary Unit Flag	The primary officer designated to handle the call. All others are “assisting” officers or units.
Unit Number	The number that corresponds to the police officer and/or other units assigned to
Narrative Data	Further documentation about details of the event used to inform dispatched officers or units.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Note: Fields with an asterisk are required entries in Computer Aided Dispatch (CAD).

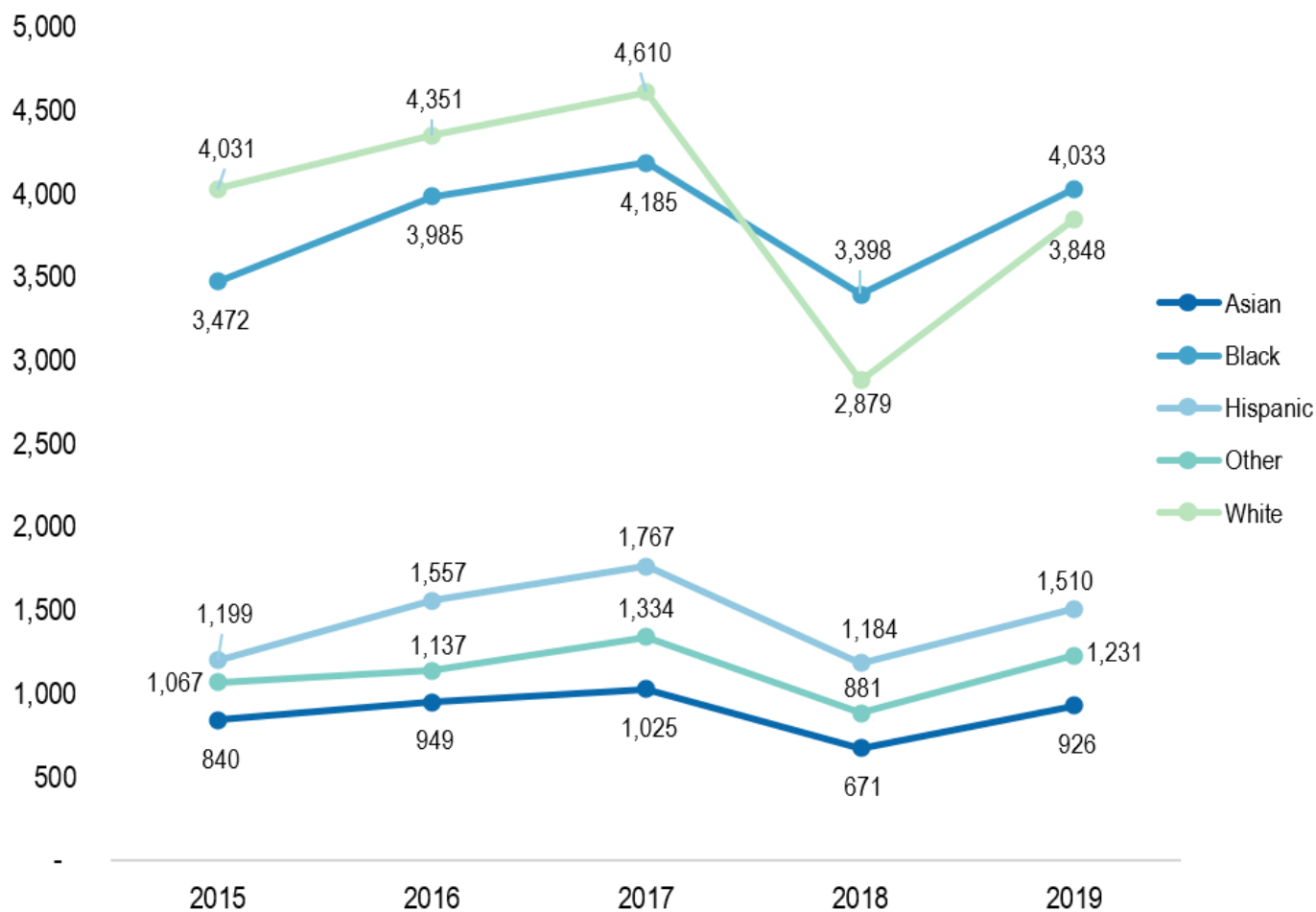
Appendix B. Priority Codes and Call Types According to BPD Policy

Priority Code	Call Type
F1 & P1*	Boat Fire, Encampment Fire, Encampment Medical, Hazardous Material, Multiple Causality Incident, Water Rescue, Retrieval of a Patient, Structure Fire, Vegetation Fire, Medical Emergency with Gun Shot, Vehicle Accident, Vehicle vs Ped or Bike
P0	Pedestrian Stop, Suspicious Vehicle, Bike Stop, Vehicle Stop
P1	Person Down, Person Calling For Help, Explosion, Unknown Injury Accident, Priority Code Assist, Officer Needs Help, Hit & Run w/ Injuries, GPS Tracker Alarm, Silent Alarm, Pronet Alarm, Video Alarm, Threat of Suicide, Missing Person at Risk, Missing Juvenile, Injury Accident Complaint of Pain, Ascertain 911, Aid to BFD, Bomb Tech, Officer Flagged Down, Foot Chase, Person w/ a Gun, Vehicle Pursuit, Knock & Talk, Battery w/ grievous bodily harm (GBH), Assault w/ Caustic Substance, Assault w/ Deadly Weapon, Suicide w/ Ambulance, Major Injury Accident, Suicide Attempt, Dead Body Found, Shooting w/ Ambulance, Injury Accident, Injury Accident Inv Ped or Bicyclist
Priority 1/Priority 2	Kidnap, Robbery, Carjacking, Attempted Rape, Shot At Dwelling, Rape, Spousal Abuse w/o Injury, Home Invasion, Attempt Assault w/Deadly Weapon, Child Abuse, Family Disturbance, Shoplifter In-Custody
Priority 1/Priority 3	Battery, Brandishing, Arson, Burglary, Prowler, Bomb Threat, Auto Burglary, Court Order Violation, Loud Report
Priority 1/Priority 4	Temporary Restraining Order Violation
Priority 2	Welfare Check, Reckless Driver, DUI Driver, Shooting Cold Report, Dog Bite, Vicious Dog, Hit & Run w/ Injuries Report, Battery w/ grievous bodily harm (GBH) report, Assault w/ Caustic Substance Report, Assault w/ Deadly Weapon Report, Oral Copulation, Found Juvenile, Found Person, Create New Call, Outside Agency Assist, Unknown Problem, Wireless 911
Priority 2/Priority 3	Child Molest, Forgery, Grand Theft, Animal Cruelty, Mental Illness, Stolen Vehicle, Vandalism to Vehicle, Hit & Run Non-Injury, Speeding Vehicle, Throwing Object(s) at Vehicle, Peeper, Fall On City Property, Hate Crimes, LoJack Stolen Car, Suspicious Circumstance, Suspicious Person, Suspicious Vehicle
Priority 2/Priority 4	Indecent Exposure, Disturbance, Petty Theft, Defraud Hotel/Restaurant, Malicious Damage, Forged RX
Priority 3	Runaway, Missing Person, Transportation, Non-Injury Accident, Audible Alarm, Civil Standby, Injury Accident Report, Child Neglect, Under the Influence, Firearm Destruction, Stolen Vehicle Recovery, Search Warrant, Ticket Sign Off, Traffic Hazard
Priority 3/Priority 4	Possession of Stolen Property, Incorrigible, Trespassing, Drug Activity, Misc Penal Code Violation
Priority 3/Priority 9	Misc Vehicle Code Violation
Priority 4	Abandoned Vehicle, Stolen Rental Vehicle, Posted No Parking, Barking Dog, Vehicle Blocking Driveway, Vehicle Blocking Sidewalk, Vehicle Double Parking, 5 or More Unpaid Parking Tickets, No Vehicle Identification, Expired Vehicle Registration, Inoperable Vehicle, Noise Disturbance, Identity Fraud, Annoying Phone Calls, Red Zone Cite, Obstructing Traffic, Construction Zone, Advice, Aid to Citizen, Animal Matter, Berkeley Municipal Code (BMC) Violation, Car Alarm, Court Order Report, Found Property, Parking Violation, Security Check, VINVerification
Priority 4/Priority 5	Gambling
Priority 4/Priority 6	Prostitution, Lodging in Public
Priority 4/Priority 9	Illegal Dumping
Priority 6	Business & Professions Violation, Warrant Arrest

Priority Code	Call Type
Priority 9	Bait Bike, City Manager Report, Property Damage, Demonstration, Extra Surveillance, Information, Lost Property, Mental Health, Repossession, Storm Log, Subpoena Service, Surveillance, Test Call, Temporary Restraining Order Log, Vehicle Release

Source: Berkeley Police Department

Appendix C. Stops by Race, 2015-2019

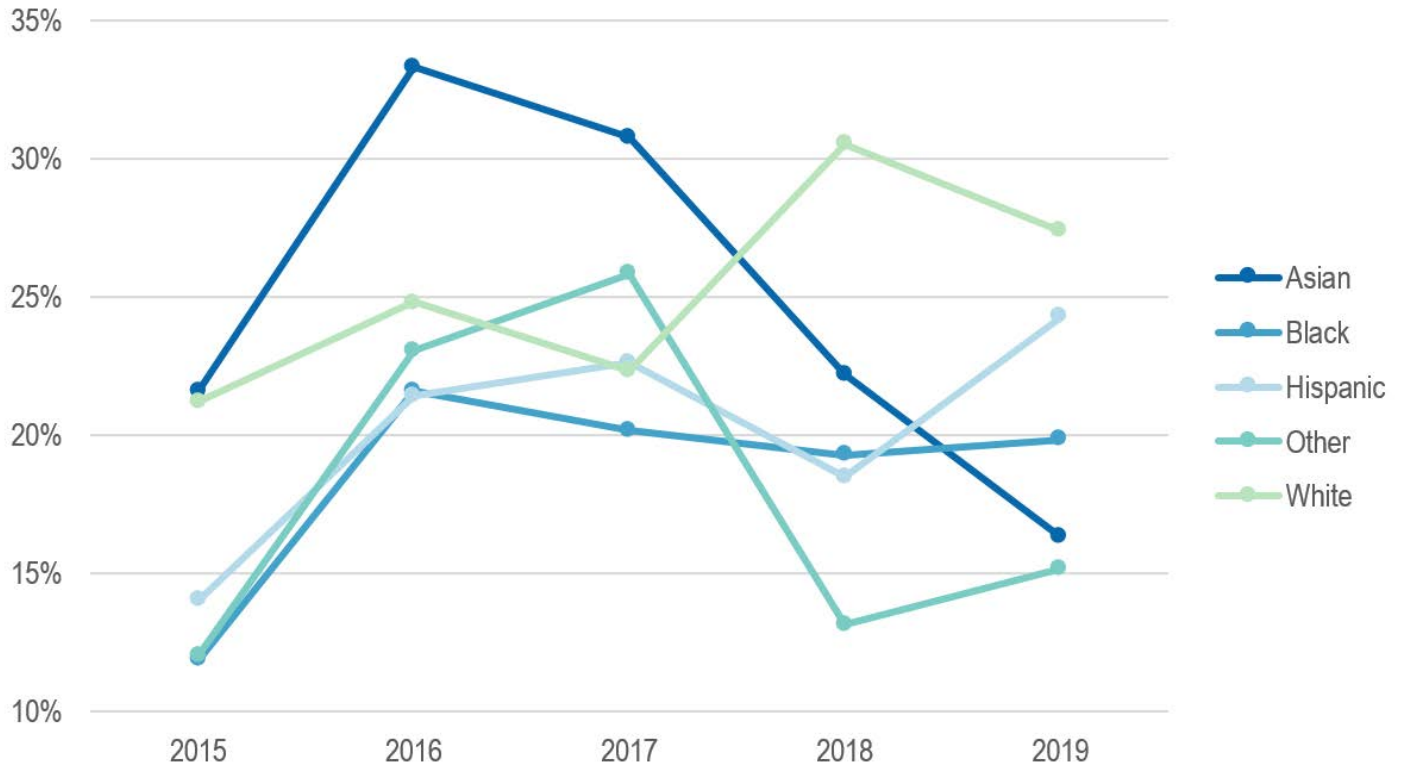


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Appendix D. Enforcement Outcomes of Searches by Race, 2015-2019

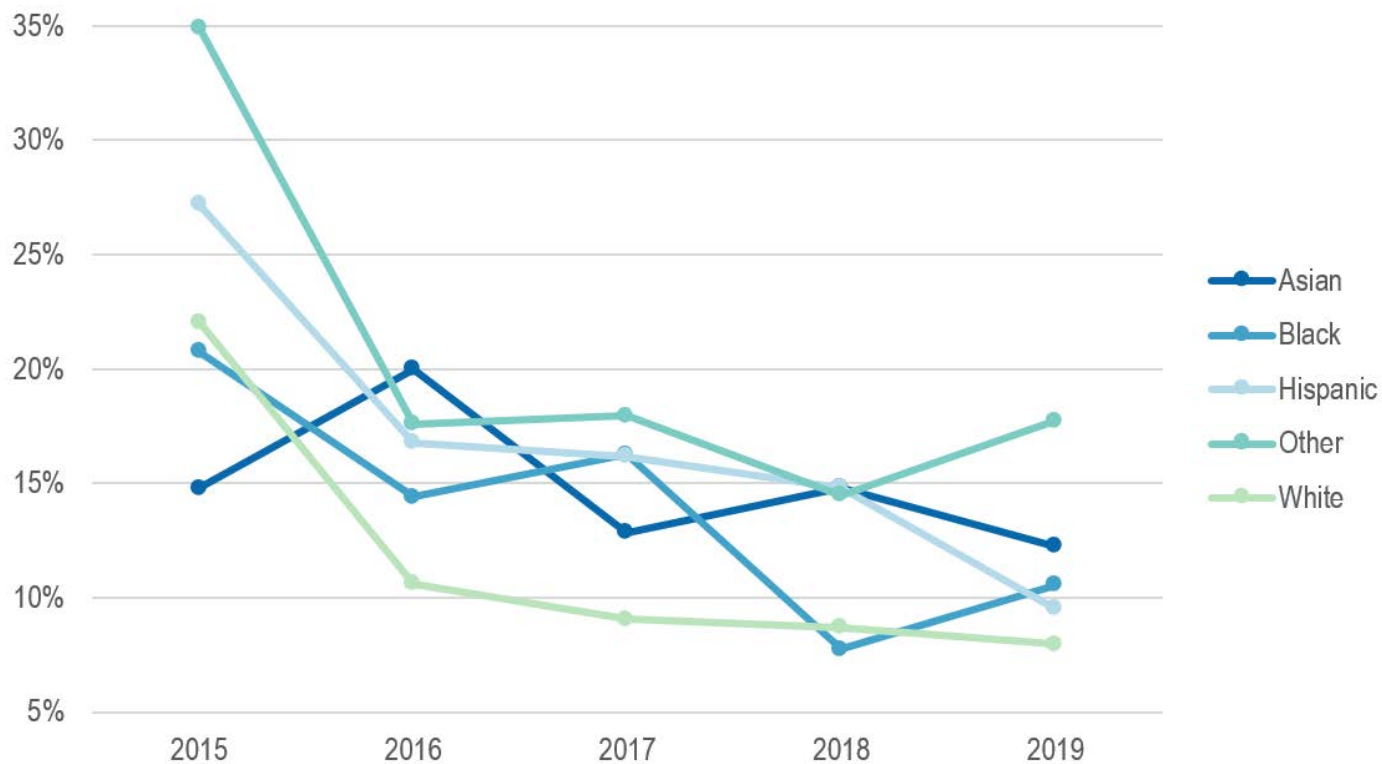
The graphs below show trends in enforcement outcomes of searches by race during the 2015 to 2019 audit period. Each data point on the trend lines represents the percentage of searches *for that race group* that resulted in the specified enforcement outcome (not the percentage of total searches for *all race groups*). Note that the graphs are intended to allow comparison between race groups, and the percentages on the left (y-axis) vary depending on the range of data in the graph.

Percentage of Searches that Resulted in Arrest by Race, 2015-2019



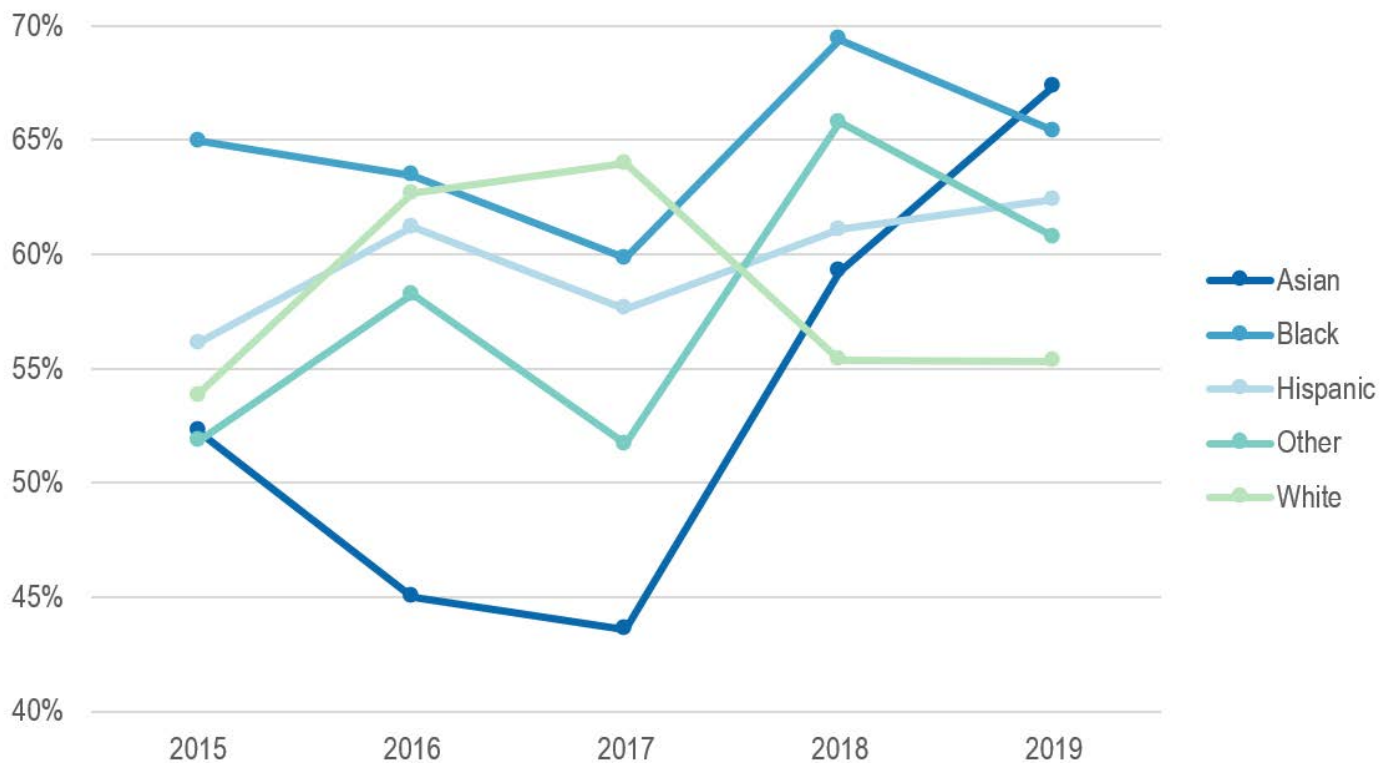
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Percentage of Searches that Resulted in a Citation by Race, 2015-2019



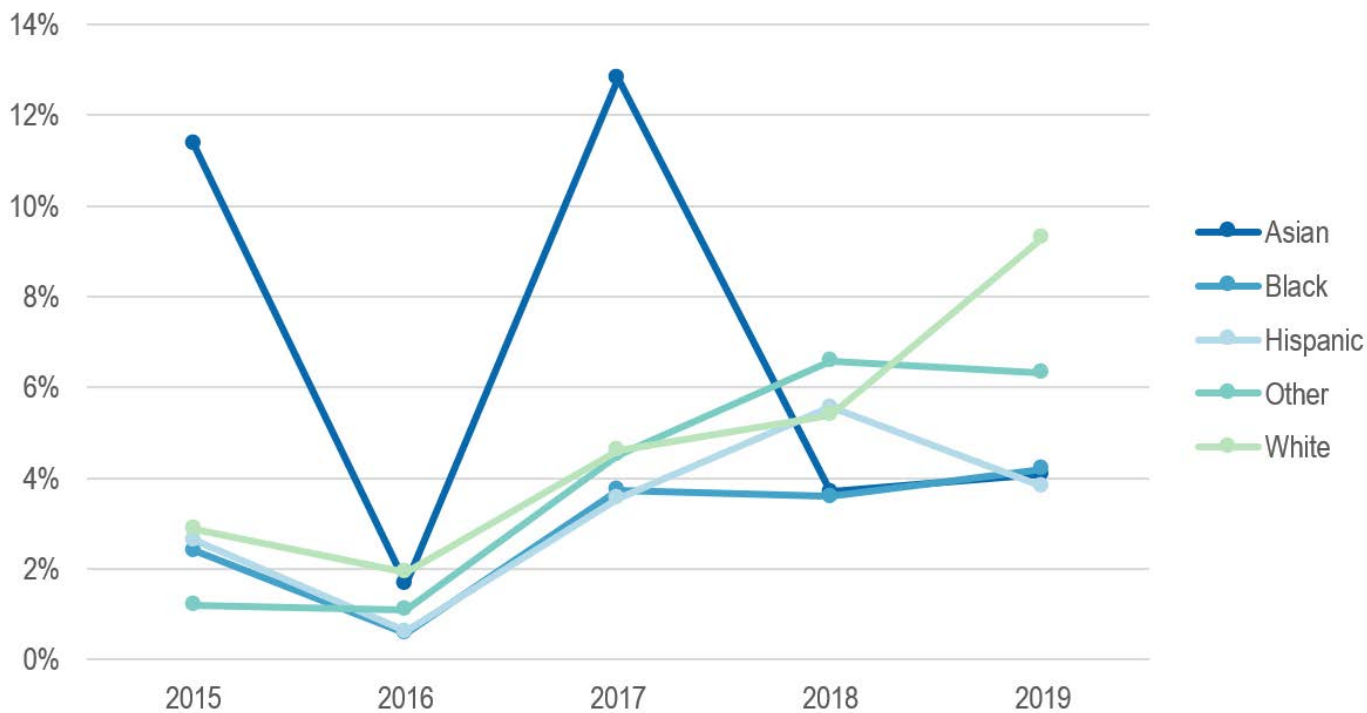
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Percentage of Searches that Resulted in a Warning by Race, 2015-2019



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Percentage of Searches that Resulted in No Enforcement by Race, 2015-2019



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Appendix E. Responses by Units, 2015-2019

	2015	2016	2017	2018	2019	Total
Patrol Officers						
Reserve Officers	993	651	615	208	638	3,105
Team 1	14,053	13,614	14,128	13,395	12,823	68,013
Team 2	11,417	12,084	12,928	12,219	12,125	60,773
Team 3	14,876	13,563	14,708	13,905	13,633	70,685
Team 4	14,136	16,764	16,452	15,240	13,975	76,567
Team 5	15,510	15,926	15,909	15,236	14,840	77,421
Team 6	14,301	16,347	15,590	12,314	13,583	72,135
Team 7	20,180	20,290	21,036	18,680	18,671	98,857
Patrol Supervisors						
Captain	38	26	34	20	17	135
Lieutenant	773	794	788	1,344	1,207	4,906
Sergeant	8,612	8,049	8,617	7,537	7,600	40,415
Other Units						
Animal Control	0	2	1	1	0	4
Area Coordinators	386	273	357	258	1,015	2,289
Bike Unit	3,536	2,596	2,178	0	0	8,310
CSOs	0	1	1	1	3	6
Crime Scene Techs	1,551	1,523	1,497	929	680	6,180
Mobile Crisis	967	1,156	1,185	787	816	4,911
Motor Unit	136	57	3	0	0	196
Parking Enforcement Officers	1,479	2,143	2,388	2,587	2,707	11,304
Police Aides	0	0	0	0	1	1
Special Enforcement	8	2	4	0	6	20
University of California Officers	22	23	12	5	6	68
Sworn Non-Patrol Officers	8,577	7,744	8,189	6,202	9,945	40,657

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Appendix F. List of Terms Applied in Narrative Search

Mental Health Search Terms	
1056	mania
5150	manic
sees things	mct
antipsychotic	medication
anxiety	meds
bacs	mental
bipolar	mh
bmh	mobile crisis
bonita house	nervous breakdown
breakdown	paranoi
case manager	peer support
counsel	pharmacist
crazy	psych
crisis	ptsd
deliri	residential care
deluded	schizo
delusion	seeing things
dementia	self harm
depress	self talk
disorder	social worker
dissociat	suicid
dual diagnosis	talking to self
first break	talk to self
hallucinat	therap
hear voices	trauma
hearing voices	treatment
hears voices	unable to talk
ideation	warm line
john george	warmline

Homeless Search Terms
bacs
bfhp
camped out
person down
berkeley covid respite
berkeley drop in center
berkeley community resource center
women's daytime drop-in center
fred finch turning point
berkeley food and housing project
dorothy day
encamp
encampment
harrison house
homeless
homeless outreach
housing status
living on the street
nomad
obstructing sidewalk
shelter
sleeper
street outreach
tent
transitional housing
unhoused
pathways
vagrant
no address
no residence
undomicilized

Source: Berkeley City Auditor

Appendix G. Summary data by Call Type

Call Type	2019 Events	Total Events	Average Yearly events	Priorities Assigned in CAD	Average Personnel per Event	Median Time Spent on Event after Dispatch (Minutes and Seconds)
Alarm Classification (n = 21,318)						
1033A - Audible Alarm	4,229	19,921	3,984	0,F1,2,3	1.7	8:39
1033G - GPS Bank Alarm	8	79	16	0	7.1	8:39
1033S - Silent Alarm	234	1,314	263	0,F1	2.4	8:39
1033T - ETS (Bank) Pronet alarm	0	4	1	0	1	7:03
Community Classification (n = 88,128)						
1057 - Missing Person	249	1,326	265	0,F1,2,3	1.5	7:09
1057AR - Missing At Risk	41	289	58	0,2,3	4.9	7:42
1057J - Missing Juvenile	21	122	24	0	5.1	6:46
1062B - Civil Standby	150	822	164	3	1.8	5:37
1067 - Call for Help	180	969	194	0,F1	3.4	8:39
1080 - Explosion	2	9	2	0	2.8	6:59
1091B - Barking Dog	72	454	91	4	1.1	6:46
1091E - Dog Bite	16	101	20	F1,2	1.7	7:09
1091V - Vicious Animal	13	101	20	2	1.8	5:27
415E - Noise Disturbance	2,709	15,773	3,155	F1,4	1.1	7:42
601 - Runaway	46	372	74	0,3	1.6	6:47
601I - Incurigible	31	184	37	F1,2,3,4	2.5	5:51
647J - Lodging in Public	33	2,221	444	F1,3,4,6	1.4	6:02
ADVICE - Advice	1,729	8,499	1,700	F1,2,3,4	1.1	6:46
AID - Aid to Citizen	1,356	6,065	1,213	0,F1,2,3,4,9	2.1	6:46
ANIMAL - Animal Matter	194	1,066	213	2,4	1.3	6:02
BART - Bart Tunnel Incident	2	2	0		6.5	4:23
BOAT-FR - Boat Fire	0	1	0		1	14:58
DEMO - Demonstration	7	52	10	9	17.7	5:04
FIRE - Structure Fire	0	35	7	0	1.4	6:46
FLAD - Officer flagged down	1,209	5,217	1,043	0,F1,2,4	1.6	6:46
FNDJUV - Found Juvenile	10	74	15	2	2.5	6:02
FNDPER - Found Person	23	134	27	0,F1,2	1.7	5:51
FOUND - Found Property	722	4,204	841	0,2,3,4	1.1	6:47
ILLDMP - Illegal Dumping	54	464	93	4,9	1.1	5:15
LDRPT - Loud Report	183	1,071	214	0,F1,2,3	4.2	8:39
LOST - Lost Property	16	86	17	4,9	1.1	8:27

Call Type	2019 Events	Total Events	Average Yearly events	Priorities Assigned in CAD	Average Personnel per Event	Median Time Spent on Event after Dispatch (Minutes and Seconds)
SEC - Security Check	3,682	15,268	3,054	0,F1,2,4,9	1.8	6:38
SUSCIR - Suspicious Circumstance	2,145	11,547	2,309	0,F1,2,3,4	2.6	6:47
SUSPER - Suspicious Person	1,512	8,247	1,649	0,F1,2,3	2.3	6:59
SUSVEH - Suspicious Vehicle	596	3,353	671	0,F1,2,3,4	1.7	6:46
FBI Part II Crimes Classification (n = 77,822)						
1070 - Prowler	13	119	24	0,3	3.4	7:32
1079 - Bomb Threat	0	6	1	3	4	4:51
10852 - Vehicle Damage	303	1,392	278	F1,2,4	1.5	6:59
148 - Resisting/Obstructing	0	2	0		15.5	4:52
207 - Kidnapping	2	11	2	0,2	6.7	6:46
23110 - Throwing Object(s) at Vehicle	39	210	42	2,3	1.4	10:30
23152 - DUI	72	484	97	0,2,3	2	6:47
242 - Battery	1,383	6,991	1,398	0,F1,2,3	3.1	6:46
243E1 - Domestic Violence	54	205	41	0,F1,2	3.5	6:12
273 5 - Domestic Violence	67	314	63	0,F1,2	3.8	5:15
273A - Child Abuse	51	278	56	0,2,3	1.5	6:22
288 - Sexual molest	5	35	7	2,3	1.7	6:48
300WI - Child Neglect	13	109	22	2,3	1.9	4:52
314 - Indecent Exposure	140	698	140	F1,2,4	2.3	6:59
330 - Gambling	10	101	20	4	1.4	8:39
415 - Disturbance	6,925	35,697	7,139	0,F1,2,3,4	2	6:46
415F - Family Disturbance	583	3,254	651	0,F1,2	3.4	6:02
417 - Brandishing Weapon	187	845	169	0,F1,2,3	4.8	6:46
4390 - Prescription Fraud	2	12	2	2	1.8	4:45
470 - Forgery	28	265	53	2,3	1.6	7:30
496 - Poss. Stolen Prop.	11	50	10	3,4	1.7	8:39
530 5 - Identity Theft	175	1,112	222	4	1.1	8:27
537 0 Defrauding Innkeeper (Hotel/ Restaurant)	28	179	36	2,4	2	5:51
594 - Vandalism	330	1,939	388	0,F1,2,4	1.7	6:59
597 - Cruelty to Animals	23	160	32	F1,2,3	1.8	7:32
602L - Trespassing	1,944	11,058	2,212	F1,2,3,4	1.5	6:46

Call Type	2019 Events	Total Events	Average Yearly events	Priorities Assigned in CADK	Average Personnel per Event	Median Time Spent on Event after Dispatch (Minutes and Seconds)
647AB - Prostitution	2	15	3	4	1.5	1:45
647F - Intoxicated in Public	146	1,018	204	0,F1,2,3,4	1.9	6:46
653M - Harrassing Phone Calls	132	969	194	4	1.1	6:47
BMCVIO - Berkeley Municipal Code	1,014	5,934	1,187	F1,2,4,5	1.2	6:46
BPVIO - Business & Professions	18	101	20	6	1.1	9:01
CRTRPT - Court Order Violation	12	98	20	4	1.2	7:15
CRTVIO - Court Order Violation	58	262	52	0,2,3	1.7	7:54
DRUGS - Drugs Inv.	184	1,440	288	0,F1,2,3,4	1.6	6:46
FOOT - Foot Chase	6	46	9	0	4.3	6:46
GUN - Person with Gun	50	237	47	0,F1,2	8.3	6:46
HATE - Hate Crime	4	34	7	2,3	1.3	8:39
PCVIO - Misc Penal Code Violation	450	1,539	308	0,F1,2,3,4	1.3	6:47
REG- Registration for certain criminal	1	2	0		1	16:04
TROV - Temporary Restraining Order	140	601	120	0,F1,4	2.5	6:15
Information/ Administrative Classification (n = 12,437)						
CM - City Manager Report	5	18	4	9	2.3	6:40
DAMAGE - Property Damage	60	234	47	0,F1,2,9	2	6:46
FADEST - Firearm Destruction	37	205	41	3	1.1	10:07
FALL - Fall on City Prop.	181	965	193	F1,2,3	1.5	6:59
INFO - Information	205	1,096	219	0,2,9	2.1	6:46
REPO - Repossession	0	4	1		1.2	4:51
SUBP - Subpoena Service	2	14	3	9	1	6:46
TROL - Temporary Restraining Order	1	2	0		1.5	8:27
W911 - Wireless 911	2,830	9,899	1,980	F1,2	1.1	6:46
Investigative or Operational Classification (n = 10,351)						
1198- Code 1 assist	91	436	87	0,F1,2	4.4	6:46
A911 - Ascertain 911	995	6,859	1,372	0,F1,2	1.5	8:39

Call Type	2019 Events	Total Events	Average Yearly events	Priorities Assigned in CAD	Average Personnel per Event	Median Time Spent on Event after Dispatch (Minutes and Seconds)
KNOCK - Knock & Talk	73	463	93	0	2.1	6:12
LJ - LoJack Incident	36	96	19	2	3.9	6:50
OUTAID- Outside Agency Assist	287	1,420	284	0,F1,2,3	1.8	5:37
SEARCH - Search Warrant	30	408	82	3	8.9	5:39
SURVE - Surveillance	15	78	16	9	4.1	5:42
UNK - Unknown Problem	44	322	64	0,F1,2	3	6:46
WARARR - Warrant Arrest	65	269	54	0,2,3,6	2.1	7:37
Medical or Mental Health Classification (n = 22,797)						
1042 - Welfare Check	3,065	15,030	3,006	0,F1,2	1.9	6:46
1053 - Person Down	255	1,450	290	0,F1	2.1	8:39
1056 - Suicide	277	1,113	223	0,F1,2	3.6	6:24
5150 - Mental Illness	827	4,807	961	0,F1,2,3	2.4	6:46
DBF - Dead Body	97	397	79	0,F1	3.3	5:51
Property Crime (FBI Part I Crimes) Classification (n = 26,421)						
10851 - Stolen Vehicle	631	3,639	728	0,2,3	1.3	9:02
10855 - Embezzled Vehicle	18	68	14	4	1.1	8:39
212 5 - Residential Robbery	1	5	1	0	7.4	5:51
451 - Arson	37	134	27	0,F1,3	2.9	5:28
459 - Burglary	597	3,911	782	0,F1,2,3	2.1	7:32
459A - Auto Burglary	1,590	6,667	1,333	0,F1,2,3	1.5	6:47
484 - Theft	2,161	10,556	2,111	0,F1,2,3,4	1.7	6:59
484C - Theft In-Custody	72	407	81	0,F1,2	1.9	6:59
487 - Grand Theft	299	1,034	207	2,4	1.9	6:59
Traffic Classification (n = 98,503)						
1124 - Abandoned Vehicle	524	2,393	479	3,4	1.1	6:46
1148 - Transportation	255	623	125	3	1.9	3:40
1181 - Minor Injuries	478	2,635	527	0,F1,2,3	3.4	6:24
1182 - Non Injury	496	2,819	564	0,F1,2,3,4	1.6	6:46
1183 - Unknown Injuries	200	1,261	252	0,F1,2,3	3	6:59
1194 - Pedestrian Stop	1,739	9,157	1,831	0,F1,2,4	1.8	8:39
1194B - Bike Stop	442	2,784	557	0	1.6	8:39
1196 - Suspicious Vehicle	859	4,360	872	0,F1,2	2	6:46

Call Type	2019 Events	Total Events	Average Yearly events	Priorities Assigned in CAD	Average Personnel per Event	Median Time Spent on Event after Dispatch (Minutes and Seconds)
20001 - Hit & Run Injuries	74	330	66	0,F1,2,3	3.3	6:46
20002 - Hit & Run Prop.	917	4,562	912	0,F1,2,3	1.6	7:09
23103 - Reckless Vehicle	553	2,894	579	2	1.3	8:39
23109 - Exhibition of Speed	49	220	44	2	1.2	6:46
HOT - Vehicle Pursuit	0	2	0	0	4	2:30
PRKVIO - Parking Violation	2,797	13,613	2,723	0,F1,2,4	1.1	4:52
RECOVR - Stolen Vehicle Recovery	215	1,326	265	0,2,3	1.5	8:51
T - Traffic Stop	9,130	44,797	8,959	0,F1,2	1.5	6:46
TRFHAZ - Traffic Hazard	799	3,734	747	0,F1,2,3	1.3	6:46
VCVIO - Vehicle Violation	266	864	173	3,4	1.1	5:27
VEHACC - Vehicle Accident	0	1	0		1	7:54
VREL - Vehicle Release	0	1	0		2	10:30
VVER - VIN Verification	15	127	25	4	1.1	4:51
Violent Crime (FBI Part I Crimes) Classification (n = 2,465)						
1071 - Shooting	8	24	5	0,2	11.4	6:46
211 - Robbery	341	1,571	314	0,F1,2,3	5.8	6:12
215 - Carjacking	14	40	8	0,F1,2	7	4:34
220 - Sexual Assault	1	16	3	0,2	2.4	4:51
243 - Serious Battery	5	63	13	0,2	3	6:46
244 - Assault w/ Caustic Substance	13	47	9	0,2	3.3	5:31
245 - Assault w/Deadly Weapon	74	383	77	0,F1,2,3	5.3	6:12
246 - Shots at Dwelling	8	44	9	0,2	2.8	5:15
261 - Rape	55	267	53	0,2	2.5	5:55
288A - Child molest	2	10	2	2	1.9	11:16

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Mission Statement

Promoting transparency and accountability in Berkeley government.

Audit Team

Erin Mullin, Senior Auditor
Caitlin Palmer, Senior Auditor
Tracy Yarlott-Davis, Auditor II (Former)
Alejandra Barrio Gorski, Auditor I

City Auditor

Jenny Wong

Office of the City Auditor

Phone: (510) 981-6750

Email: auditor@cityofberkeley.info

Website: www.cityofberkeley.info/auditor

Photographs provided by Berkeley Police Department

Copies of our audit reports are available at
www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx



BERKELEY CITY AUDITOR

Análisis de la Respuesta Policial de la Ciudad de Berkeley

Características Destacadas del Reportaje

22 de abril de 2021



Hallazgos

- Desde el año 2015 al año 2019, oficiales de la policía de Berkeley respondieron a un promedio de 72,048 eventos por año.
- Diez tipos de llamadas fueron el 54 por ciento de todos los eventos: parada de vehículo, disturbio, alarma sonora, reportes de ruido excesivo, revisión de seguridad, revisión de salud/bienestar, infracción de estacionamiento, circunstancia sospechosa, infracción de propiedad privada, y robo.

Los 10 Tipos de Llamadas más comunes para eventos, 2015-2019



Fuente: Análisis de datos del sistema de solicitudes de asistencia policial (Computer Aided Dispatch) del departamento de Policía de Berkeley.

- Acciones iniciadas por agentes policiales fueron 27 por ciento de los eventos documentados, mientras 55 por ciento fueron el resultado de llamadas a la línea de no-emergencia y 18 por ciento fueron el resultado de llamadas al número de emergencia (911).
- Encontramos que la mayoría, 78 por ciento, de paradas de tráfico iniciadas por la policía fueron paradas de vehículo, y la mayoría ocurrieron entre las horas de 9:00pm a 12:00am. La mayoría de las paradas de tráfico no resultaron en un cateo, y la mayoría de paradas resultaron en una advertencia.
- Eventos con un nivel de prioridad de 0 a 2, cuales requieren que personal se manden dentro de 20 minutos después de la llamada, fueron 56 por ciento de todos los eventos. Cuarenta y cuatro por ciento de eventos tuvieron un nivel de prioridad

Objetivos

1. ¿Cuáles son las características de las llamadas de asistencia a las que responde la policía de Berkeley?
2. ¿Cuáles son las características de paradas de tráfico iniciadas por oficiales de la Policía de Berkeley?
3. ¿Cuánto tiempo dedican los oficiales de la policía en responder a llamadas de asistencia?
4. ¿Cuántas llamadas de asistencia son relacionadas a situaciones de salud mental o la falta de vivienda?
5. ¿Puede la Ciudad mejorar la transparencia de llamadas a la policía a través el Portal de Datos Abiertos en línea (Open Data Portal) de la Ciudad de Berkeley?

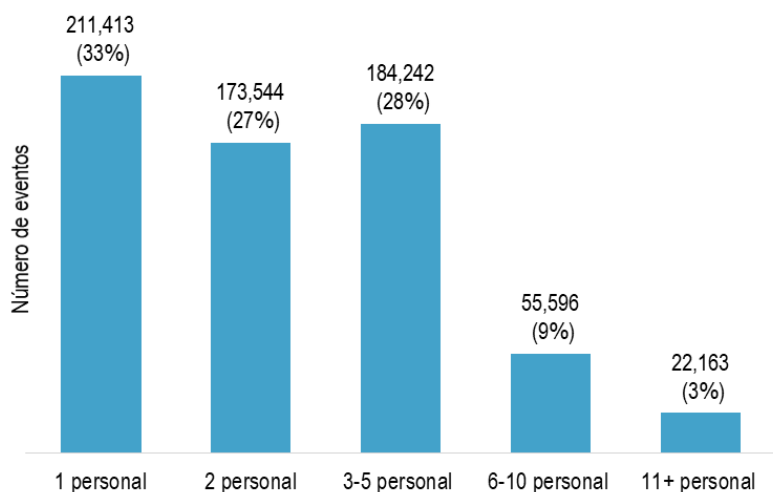
Por Qué es Importante Esta Auditoría

Debido al asesinato de George Floyd por oficiales de la policía de Minneapolis en mayo 2020, y manifestaciones posteriores en todo el país, se generó una conversación al nivel nacional sobre la actuación y vigilancia policial. El consejo municipal de la Ciudad de Berkeley inició un proceso comunitario robusto para reimaginar la actuación policial en Berkeley, y aprobó una propuesta solicitando el análisis de datos sobre respuestas policiales. Este reportaje ofrece un resumen amplio para la administración y el público en general sobre llamadas de asistencia, paradas de tráfico iniciadas por oficiales de la policía, y la respuesta policial, para informar el conjunto participativo de la comunidad que consta del trabajo para reimaginar la actuación policial en Berkeley.

más bajo, requiriendo que personal fueran mandados dentro de una hora a 90 minutos después de la llamada inicial.

- Reiterando hallazgos previos por el Centro de Actuación Policial Equitativa (Center for Policing Equity), que fueron basados en datos hasta el año 2016, nuestro análisis mostró que la policía paró a gente afroamericana a un nivel significativamente más alto que la representación general de la población (34 por ciento comparado a 8 por ciento), y que fueron más altas las probabilidades de que la policía hiciera una cateo a personas afroamericanas e hispanas durante una parada de tráfico.
- El departamento de policía despachó por promedio a 1.8 agentes policiales por cada evento. En 40 por ciento de eventos, el Centro de Telecomunicación del Departamento de Policía despachó tres o más personal, incluyendo policía y personal no policiales.

Cantidad de respuestas de personal por cada evento, 2015-2019



Fuente: Análisis de datos del sistema de solicitudes de asistencia policial (Computer Aided Dispatch) del departamento de Policía de Berkeley.

- La cantidad de eventos que incluyen situaciones de salud mental o la falta de vivienda, y el tiempo que la policía toma para responder a estos eventos, no es cuantificable debido a falta de datos.
- El Portal de Datos Abiertos en línea (Open Data Portal) de la Ciudad de Berkeley proporciona información limitada al público sobre los eventos a los que responde la policía de Berkeley. Hay oportunidades para que el Departamento de Policía mejore la transparencia al aumentar el tipo y el alcance de los datos disponibles en el portal.



Recomendaciones

Recomendamos que el Departamento de Policía de Berkeley identifique todas las llamadas de asistencia que tengan un componente aparente de salud mental y/o falta de vivienda. También recomendamos que el Departamento de Policía de Berkeley amplíe los datos de llamadas de asistencia disponibles en el Portal de Datos Abiertos de la Ciudad para incluir todos los tipos de llamadas de asistencia, y los otros variables del sistema de solicitudes de asistencia policial, durante tantos años como sea posible.

La auditoría no propone recomendaciones con respecto a las actividades policiales o la asignación de personal. Existe un proceso comunitario continuo y separado para reinventar la seguridad pública y la actuación en la Ciudad de Berkeley.



BERKELEY CITY AUDITOR

Traducido por Alejandra Barrio Gorski

Para leer el reportaje completo en inglés, visite:

<http://www.cityofberkeley.info/auditor>



Energy Commission

INFORMATION CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council
 From: Energy Commission
 Submitted by: Janet Stromberg, Chairperson, Energy Commission
 Subject: Berkeley Energy Commission Work Plan for 2021-2022

INTRODUCTION

The Berkeley Energy Commission is charged with advising the City Council on matters related to energy conservation and alternative energy development in the City of Berkeley. To fulfill this mission, the Energy Commission proposes taking action in the following strategic areas over the next year:

1. Reduce transportation greenhouse gas emissions
2. Promote greenhouse gas emission reductions in the built environment
3. Promote and support City wide greenhouse gas reduction and funding plans

CURRENT SITUATION AND ITS EFFECTS

The attached work plan outlines the specific activities and deliverables the Energy Commission will work on over the next year. The members of the Energy Commission developed this work plan in consultation with City staff to ensure alignment of priorities and gives priority to existing referrals to the Commission from the City Council.

At its meeting March 24, 2021 the Energy Commission voted to approve the attached work plan and send it to the City Council as follows: Motion/second (Leger, Gil). The motion carried 7-0-0-0; Ayes: Zuckerman, Gil, O'Hare, Leger, Schlachter, Paulos, Stromberg. Noes: None. Abstain: None. Absent: None.

BACKGROUND

In 2016, the City Council directed all commissions to submit annual work plans to the City Council at the beginning of each fiscal year.

ENVIRONMENTAL SUSTAINABILITY

The Energy Commission's Work Plan helps advance energy efficiency, clean energy, and the City's greenhouse gas reduction goals.

POSSIBLE FUTURE ACTION

The projects contemplated in the attached work plan could result in recommended actions which, if subsequently adopted by the City Council, would entail a variety of costs and benefits.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

To be determined.

CONTACT PERSON

Billi Romain, Commission Secretary, 510-981-7432

Attachments:

1: Berkeley Energy Commission's 2021-22 Work Plan

Berkeley Energy Commission 2021-2022 Work Plan**MISSION**

The Berkeley Energy Commission advises the City Council on climate protection, energy conservation, and renewable energy transition, prioritizing diverse leadership and ensuring marginalized and underrepresented communities have equitable access to clean energy resources and technology.

STRATEGIC OBJECTIVES

The Energy Commission will work on the following Objectives over the next year:

1. Reduce transportation greenhouse gas emissions
2. Promote greenhouse gas emission reductions in the built environment
3. Promote and support City wide greenhouse gas reduction and funding plans

ACTIVITIES

To advance each of these objectives, the Commission will focus on the following specific activities over the next year.

Objective 1. Reduce transportation greenhouse gas emissions**1. Track and advance Electric Mobility Roadmap**

- *Deliverables:*
 - Review and provide input Electric Mobility Roadmap implementation.
 - Support City efforts to rapidly build out dockless bike shares, a protected bike lane network, EV charging stations, and bidirectional EV hookups for resilient power.
 - Investigate incentives for electrification of cars.
- *Lead Commissioner:* TBD
- *Timing:* Ongoing

2. Support active transit and alternative transportation technologies and infrastructure issues that could reduce fossil fuel vehicle use

- *Deliverables:*
 - Create a standing liaison with the Transportation Commission.
 - Support City efforts to build out alternative and emerging technology.
 - Support expansion of public transport.
- *Lead Commissioner:* TBD

- *Timing:* Ongoing

3. Track Impact of Pandemic on Transportation

Social transformation is underway as residents change their behavior in response to the ongoing pandemic. This response is especially remarkable as many people who can work from home choose to do so rather than to commute, and employers abandon thousands of centralized office spaces. Public transportation, e.g., BART, and AC Transit, as well as taxis, ride-sharing services and micromobility have been particularly impacted. Traffic, parking, and revenue related to parking and transportation have likewise been impacted as have energy resources: reduced gasoline consumption and increased use of home heating and lighting. These impacts will likely further transform as the spread of coronavirus is brought under control and the pandemic recedes.

- Deliverable:
 - Report to Council about what we know and what we can predict based on trends. We anticipate impact on budgets, equity, and how the City will need to collaborate with regional and state partners.
- *Lead Commissioners:* Schlachter and Stromberg
- *Timing:* New initiative

Objective 2. Promote greenhouse gas emission reductions in the built environment

1. Advance Berkeley's codes, policies, and programs for promoting building energy efficiency, electrification, reduced embodied energy, and green building practices as outlined in Berkeley Deep Green Building.

- *Deliverables:*
 - Review and provide input on the Existing Building Electrification Strategies, including the equity pilot program, and renovation reach codes.
 - Track Building Energy Savings Ordinance performance and suggest improvements during current review and evaluation process including development of transfer tax program for energy efficiency and electrification upgrades.
 - Track and comment on other relevant City Council and staff initiatives.
- *Lead Commissioners:* Leger and O'Hare
- *Timing:* Ongoing

2. Support municipal building electrification and energy efficiency upgrades and development of municipal green building programs.

- *Deliverables:*
 - Track municipal building remodels.

- Advance adoption of municipal green building standards, including low toxic, low embodied carbon building materials.
- *Lead Commissioners:* Leger and O'Hare
- *Timing:* Ongoing

Objective 3. Promote and support City wide greenhouse gas reduction plans

1. Advance Berkeley's Climate Action Plan and Climate Emergency goals.

- *Deliverables:*
 - Track Berkeley progress on greenhouse gas emission reductions.
 - Review and provide input on staff's annual report to the City Council on Climate Action Plan progress and recommend further actions.
 - Consider creating a public dashboard to track key metrics related to emissions in Berkeley, in collaboration with staff working on the Climate Action Plan.
 - Review the city's progress toward the objectives of the Fossil Free Berkeley Report and recommend follow-up actions and updates.
- *Lead Commissioner:* Zuckerman
- *Timing:* Ongoing

2. Recommend ways to implement the Climate Equity Action Fund, such as through a pilot project.

- *Deliverables:*
 - Solicit input from experts and the public on effective local funding mechanisms for climate action.
 - Explore options to split the collection of the Utility Users Tax to make it possible to charge separate rates for natural gas and electricity.
 - Make recommendations to the Council on potential city ballot measures in 2022 related to energy and climate change.
- *Lead Commissioner:* Paulos
- *Timing:* Ongoing

3. Promote the use of clean, renewable energy

- *Deliverables:*
 - Support efforts to deploy clean, renewable energy to provide resiliency and backup power in Berkeley, including microgrids, battery storage, and inverters with islanding capability.

- Collaborate with Staff and make recommendations to the Council to ensure the City is engaging effectively with EBCE on its clean energy programs and product offerings, including electricity mix options, distributed generation and energy storage for critical facilities, and rebates for energy efficiency and electrification.
- *Lead Commissioners:* TBD
- *Timing:* Ongoing

4. Improve cooperation and collaboration with other City Commissions, and ensure that the Commission weighs in where appropriate on City Council actions related to energy and climate change.

- *Deliverables:*
 - Monitor upcoming City Council actions related to energy or climate change and make timely recommendations on relevant items.
 - Assign Commissioners to serve as formal liaisons to Public Works and Transportation Commissions, and other Commissions as needed, which will involve tracking their agendas and attending meetings.
 - Convene joint meetings with other Commissions on specific topics of mutual interest, intended to lead to joint recommendations to Council.
- *Lead Commissioners:* Stromberg and TBD
- *Timing:* Ongoing

IMPACTS

1-3 years: Accelerated reductions in greenhouse gas emissions, so that Berkeley, at the very least, achieves its 2020 Climate Action Plan goal of reducing greenhouse gas emissions 33% below 2000 levels while avoiding unintended side effects.

4-6 years: Accelerated reductions in greenhouse gas emissions so that Berkeley is on track, at the very least, to achieve its 2050 Climate Action Plan goal of reducing greenhouse gas emissions 80% below 2000 levels while avoiding unintended side effects.

INFORMATION CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Streets Audit Report Wins National Recognition

INTRODUCTION

The 2020 Exemplary Knighton Award for best performance audit report in the small shop category has been awarded to the City of Berkeley Auditor's Office by the Association of Local Government Auditors (ALGA). The report, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, was judged on several key elements, such as the potential for significant impact, the persuasiveness of conclusions, the focus on improving government efficiency and effectiveness, and its clarity and conciseness.

CURRENT SITUATION AND ITS EFFECTS

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports for judging. The judges from peer organizations determined that our audit of the City of Berkeley's Streets was among the best of 2020.

BACKGROUND

We issued our audit report, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, on November 19, 2020¹. The purpose of the audit was to determine:

1. Are there sufficient resources for maintaining Berkeley's streets?
2. Are there clear policies and processes to guide street paving decisions?

We found that, without significant additional funding, Berkeley streets will continue to deteriorate and deferred maintenance costs will increase. Continuing with the current level of funding, the Paving Conditions Index (PCI) will move from 59 in 2018 and reach an estimated low of 52 by 2023. In addition, if the City simply maintains the current level of funding, the deferred maintenance costs will increase to an estimated \$328 million by 2023. Revenue decreases from COVID-19 may contribute to further declines in street condition.

We also found that the Streets Rehabilitation and Repair Policy has not been updated since 2009 and Public Works is no longer following the policy to guide annual updates to the Five-Year paving plan. Equity is currently not defined in the policy. Additionally, the policy is not guided by clear goals or performance measures. Without a clear and updated policy,

¹ https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Rocky%20Road-Berkeley%20Streets%20at%20Risk%20and%20Significantly%20Underfunded.pdf

Public Works and City Council are not able to make fully informed or transparent decisions regarding annual street paving. This may lead to inefficiencies and inequities in street paving.

We made five recommendations to ensure there are sufficient resources to maintain Berkeley's streets and to increase transparency around the street paving process. City Management agreed to our findings, conclusions, and recommendations.

ENVIRONMENTAL SUSTAINABILITY

This report is not associated with identifiable environmental effects or opportunities.

POSSIBLE FUTURE ACTION

We will continue to follow up on the status of audit recommendation implementation to ensure the City mitigates the risks that could prevent the City from providing efficient, effective, and equitable service delivery.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits result in significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and prudent program and fiscal management will reduce future costs and enhance public trust.

CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. 2020 Knighton Award Letter from ALGA



Association of Local Government Auditors

April 8, 2021

Jenny Wong
Berkeley City Auditor
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

RE: 2020 Knighton Award Winner

Dear Jenny Wong:

The Association of Local Government Auditors (ALGA) Awards Program Committee is pleased to announce that the City of Berkeley, City Auditor's Office, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, won the 2020 Exemplary Knighton Award in the Small Shop Category.

ALGA was founded in 1985 to serve auditors who specialize in working with local governments. ALGA members represent approximately 300 local government audit organizations. Unlike the majority of auditors who work within a single industry, local government auditors must work in an environment that encompasses a wide variety of industries. Local government auditors are committed to helping their governments improve service delivery to citizens while doing so more efficiently and effectively with the limited resources available. In making the award, the judges commented:

This report was a clear stand-out: its short "Why this audit is important" section immediately draws the reader in with an explanation of why we should care. The layout, flow, graphics, and plain language made the report easy to read, and the message throughout the report stayed within scope. The report had sound methodology and was thorough, well documented, and supported by evidence. The judges were particularly drawn to the recommendations that related back to Council strategic goals to align the specific initiative of street maintenance with an overarching goal of the city of equity and inclusion. Lastly, the judges noted that including the detailed methodology in the appendix was a smart choice; most readers do not need that level of detail, so it was not necessary to include it in the heart of the report, but the information is there for those who do want it.

To encourage increasing levels of excellence among local government auditors, ALGA created the Knighton Award in 1995 to recognize the best performance audit reports produced by local government audit shops in the previous year. Each year, local government audit organizations submit their best performance audit report to be evaluated against four criteria: (1) an audit scope that has the potential for significant impact, and is responsive to the needs and concerns of decision-makers and/or the public; (2) audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools; (3) audit recommendations that are feasible, and will make government programs more effective and efficient; and (4) audit results that are communicated in a clear, concise way.



Association of Local Government Auditors

Judges from peer organizations determined that the City of Berkeley, City Auditor's Office report was among the best of 2020.

Congratulations for receiving this award!

Sincerely,

Larry Stafford, President
ALGA

Hannah Gardener, Chair
ALGA Awards Program Committee



Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF