



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, May 23, 2023

6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1604260018>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 426 0018** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call:

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

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance From: Mayor Arreguin (Author)

Recommendation: Adopt a second reading of Ordinance No. 7,861-N.S. adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.

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

Financial Implications: See report

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

2. Amendment: FY 2023 Annual Appropriations Ordinance From: Sharon Friedrichsen, Budget Manager

Recommendation: Adopt second reading of Ordinance No. 7,862-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,940,780 (gross) and \$29,658,924 (net).

First Reading Vote: All Ayes

Financial Implications: See report

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

Consent Calendar

- 3. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements**
From: Aram Kouyoumdjian, Human Resources
Recommendation: Adopt second reading of Ordinance No. 7,863-N.S. amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 4. Appointment of Emergency Standby Officers for City Council District 8 and District 2**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of newly nominated standby officers for City Council District 8 and City Council District 2 to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,073-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 6. Police Accountability Board – Appointment of New Members**
From: City Manager
Recommendation: Adopt a Resolution appointing new members to the Police Accountability Board nominated by Councilmember Humbert and Councilmember Hahn.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 7. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council’s intention to levy an annual assessment for the TBID for FY 2024.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 8. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2024 (FY24) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners’ Association.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 9. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council’s intention to levy an annual assessment for the NSBID for FY 2024.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 10. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council’s intention to levy an annual assessment for the DPBID for FY 2024.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

- 11. Contracts: On-Call Fine Art Services Providers for the Public Art Collection**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for contract periods of July 1, 2023 through June 30, 2026:

 1. Atthowe Fine Art Services, for an amount not to exceed \$200,000.
 2. Kala Art Institute, for an amount not to exceed \$100,000.
 3. Preservation Arts LLC, for an amount not to exceed \$200,000.
 4. ShipArt International (DBA UOVO), for an amount not to exceed \$100,000.

Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 23, 2023**
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 - \$1,907,987
Contact: Henry Oyekanmi, Finance, (510) 981-7300

- 13. Contract No. 32000164 Amendment: Synthesis Group, Inc. dba Minuteman Press Contract for Citywide Copying & Printing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend and extend the City's contract with Minuteman Press, Contract No. 32000164, through January 31, 2025, and to approve additional appropriations related for performance of this contract. Original contract term was for three (3) years, with two (2) renewal years. The City is exercising the contractual renewal years.
Financial Implications: \$975,000.
Contact: Henry Oyekanmi, Finance, (510) 981-7300

- 14. Contract: Stella Courier, LLC. for Mail Services and Mail Room Coverage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Stella Courier, LLC., for providing mail services to the City's satellite locations, and as-needed mail room coverage.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

15. Notice of Appropriations Limit for Fiscal Year 2024

From: City Manager

Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2023.

Financial Implications: See report

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

16. Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to continue the work of de-bundling the banking services with Wells Fargo and exercise a four (4)-year extension through May 31, 2027 for Contract No. 9367, in the amount of \$3,000,000, to ensure business continuity as the City completes the next phase of the ERP implementation which includes accounts receivable/general billing (AR/GB) modules. This will also allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.

Financial Implications: See report

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

17. Piggyback Contract – Data Ticket for Administrative Citation Processing

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Downey's existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473, Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

- 18. Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services and to support the City's public health infrastructure:
1. Tuberculosis Control Program, in the projected amount of \$14,000 for Fiscal Year (FY) 2024 from the State of California.
2. Public Health Infrastructure Program, in the projected amount of \$32,080 for FY 2024 from Alameda County.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 19. Contract: JSI Research and Training Institute, Inc. for California Home Visiting Program Planning Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with JSI Research and Training Institute, Inc. (JSI) for California Home Visiting Program Planning Consulting Services. The contract will be in an amount not to exceed \$200,000 for the period July 1, 2023 through January 31, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 20. Contract No: 32300104 Amendment: Village of Love to Operate the Telegraph Neighborhood Sacred Rest Drop-In Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 21. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$85,000 for a not-to-exceed amount of \$235,000.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 22. Contract: Accela, Inc. for Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a maintenance Contract with Accela, Inc., for software maintenance for a total not to exceed \$299,710 July 1, 2023 to June 30, 2025.
Financial Implications: Various Funds - \$299,710
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 23. Contract: Delta Charter – Bus Transportation Services for Echo Lake Camp and Select Recreation Division Summer Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations.
Financial Implications: Various Funds - \$399,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 24. Contract: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Echo Lake Camp Accessibility Upgrades project, Specification No. 23-11590-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Baldoni Construction Service, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Baldoni Construction Service, Inc., for the Echo Lake Camp Accessibility Upgrades project at 7 Echo Lakes Road, Echo Lake, CA 95721, in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826.
Financial Implications: Various Funds - \$436,954
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 25. Referral Response: Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**
From: City Manager
Recommendation: Close the original referral as the recommendations were completed by staff. The assessment did not indicate a need for further security improvements to the Berkeley Inn or immediate area at this time.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

- 26. Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: City Manager
Recommendation: See Policy Committee Recommendation
Policy Committee Recommendation: Send the item to City Council with a positive recommendation that Council:
- 1. Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.*
 - 2. Refer to the Budget and Finance Committee to prioritize funding to the vehicle replacement fund to make up the shortfall over time in order to stabilize the fund.*
- Financial Implications:** See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 27. Contract No. 10986 Amendment: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10986 with Zero Waste Collaborative (ZWC) for the Solid Waste Transfer Station and Material Recovery Facility Replacement Feasibility Study (Study), to increase the contract by \$100,000 for a total not-to-exceed amount of \$600,000, and extend the current contract term through June 30, 2025.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 28. Purchase Order: 72 Hour, LLC, dba National Auto Fleet Group for Upfitting of Crime Scene Unit Cargo Van**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for upfitting the Transit 350 Low Roof XL Cargo van with 72 Hour LLC, dba National Auto Fleet Group, in an amount not to exceed \$164,000.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 29. Development of Artists Affordable Housing Certification Program**
From: Civic Arts Commission
Recommendation: Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.
Financial Implications: See report
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Consent Calendar

- 30. Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*
From: Energy Commission
Recommendation: The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.
Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
- 31. Contract: AppleOne Employment Services for Temporary Staffing Services**
*****Removed from the agenda by the Director of Police Accountability*****
From: Director of Police Accountability
Hansel Aguilar, Police Accountability Board, (510) 981-4960

Council Consent Items

- 32. Resolution to Support SB 532**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution in support of Senate Bill 532, introduced by Senator Scott Weiner and coauthored by Assembly Member Phil Ting, and send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 33. Addressing Hyundai and Kia Car Thefts**
From: Mayor Arreguin (Author)
Recommendation:
1. Adopt a Resolution calling on Hyundai and Kia to take immediate action to fix the flaw in their vehicles that make them easy targets of car thefts.
2. Direct the City Attorney to explore taking legal action against Hyundai and Kia.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 34. Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2023 through June 30, 2026, in the amount of \$432,525 plus a contingency of \$50,000 for a total of \$482,525; and to authorize the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 35. Budget Referral: Vision Zero Improvements at 6th & Addison Intersection**
From: Councilmember Taplin (Author)
Recommendation: Refer \$600,000 to the budget process for HAWK (High-intensity Activated crossWalk) beacons and a median refuge island at 6th and Addison Streets.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 36. Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose**
From: Councilmember Harrison (Author)
Recommendation: Adopt a resolution approving the expenditure to grant Berkeley Rotary Endowment, a 501(c)(3) non-profit organization, \$500 for and co-sponsorship of the 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund, and from any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

37. **FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)

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

Recommendation: Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

Policy Committee Recommendation: to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated subject line and recommendations as follows:

SUBJECT LINE

FY24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.

Council Consent Items

RECOMMENDATION

Refer \$250,000 to the June 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards, to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including potential reduced rents/right to return for existing establishments, appropriately-sized and accessible commercial spaces, and rent-controlled commercial spaces as a potential community benefit. Examples of such neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

Financial Implications: See report

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

38. Support for H.R.603 - HEAL Act

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

Recommendation: Adopt a Resolution in support of H.R.603 (Gottheimer) - Holocaust Education and Antisemitism Lessons Act or the HEAL Act and send it to the author, Rep. Josh Gottheimer, with copies to Rep. Kathy Manning, Rep. Barbara Lee and Senator Dianne Feinstein.

Financial Implications: Staff time

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

Council Consent Items

39. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth Fiftieth Anniversary Gala From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, \$500 from Mayor Arreguin, and \$500 from Councilmember Taplin, to Pacific Center for Human Growth in recognition of its fiftieth anniversary celebration on June 3, 2023.

Financial Implications: See report

Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

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

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

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

- 40. ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit # ZP2022-0087 to demolish a single-family dwelling and construct a three-story, 3,310 square foot single-family dwelling with a two-car garage, and dismiss the appeal.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 41. Fee Increase: Condominium Conversion Program Application Fee**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution to increase the Condominium Conversion Program application fee by \$30 to \$310 per application, and the supplementary application fees for units currently rented by \$40 to \$420 per unit, and applications deferring the mitigation fee by \$95 to \$1,040 per unit.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 42. Fee Increase: Condominium Conversion Program Subordination Fee**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution to increase the \$364 Condominium Conversion Program subordination fee by \$35 to \$399.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 43. Fee Increase: Below Market Rate (BMR) Housing Monitoring Program**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution to increase the annual \$432 per unit fee for the Below Market Rate (BMR) housing monitoring program by \$18 to \$450 per unit.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 44. Selected Marina Fee Increases**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,899-N.S. and all amendatory resolutions.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action Calendar – Public Hearings

- 45. Changes to Selected Parks and Recreation Fees**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select parks and recreation facility rentals; and rescinding Resolution No. 70,667-N.S. and all amendatory resolutions.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action Calendar – New Business

- 46. Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**
From: City Manager
Recommendation: Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Council Action Items

- 47. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)
Recommendation:
1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
 2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
 3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.
- Financial Implications:** Loss of tax revenue
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Information Reports

48. **Audit Recommendation Status – 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
49. **Audit Recommendation Status - Data Analysis of the City of Berkeley's Police Response**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
50. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

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

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 11, 2023.*

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## **Communications**

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

### **Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

1. Stephen Bedrick

### **Item 47: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

2. High Fidelity Dispensary

## **Encampments**

3. Craig Nagasawa

## **Asha Tea House Unhoused Individual**

4. Diana Lui, on behalf of the Asha Tea House
5. Sergeant Kevin Kleppe, Berkeley Police Department

**Willard Clubhouse**

6. Kathryn Golden and Ashley James
7. Alexander Stec
8. Judith Bebbelaar
9. Mary Oram
10. Kinga Chomicz
11. Marcia Levenson
12. Sabina Tuleja
13. Cal Collier
14. Randolph and Frances Starn
15. Greenfire Law
16. Paul Tuleja
17. Patrick Kehoe
18. Maria Kiernik
19. Russ Greene
20. Roger Abraham and Maureen Crosgrove
21. Deborah Roosevelt
22. David Kellogg

**Crime in Berkeley**

23. Sheila Press
24. Dee Williams-Ridley, City Manager

**Berkeley Waterfront**

25. Roberta Wyn, on behalf of Citizens for East Shore Parks
26. Susan Schwartz
27. Friends of Five Creeks

**Golden Gate Fields**

28. Miriam Maxwell
29. Tweed Conrad
30. Christopher Kroll

**Reparations**

31. Mike Chang
32. George Torgun (2)

**Measure T1**

33. Eric Friedman

**Slavery**

34. Don Wrafter
35. Joseph Cruickshank

**Berkeley, a Smart City**

36. Helen Gallegos Evans

**AB 73: Idaho Stops for Bicyclists**

37. Leni Siegel

**City Hall Video**

38. Tracy Eaves

**Trash Bins**

39. John Rice

**Vision Zero Implementation**

40. Steve Lipson

**Racial Profiling**

41. Elana Auerbach

**Add Domestic Violence Back to Berkeley Police Department**

42. Mee345@

**Thank You from Kala**

43. Ellen Lake, on behalf of the Kala Art Institute

**Hopkins Corridor**

44. Ben Gerhardstein

45. Marguerite Lee

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

46. Merle Lustig

47. Holly Scheider

48. John Holme

**U.A. Theater Demolition**

49. Hal Erickson

**ADU's in Berkeley**

50. Mark Gilligan

**Environment Justice, Policy and Sustainability**

51. Ken Noji

**1307 Dwight Way**

52. Kaufman Dolowich Voluch Law Firm

**RPP Permit Renewal**

53. Jack Kurzweil

**Wildfire Preparedness Week**

54. David Sprague, Fire Chief

**URL's Only**

55. Susan Nunes Fadley

56. Vivian Warkentin

## ORDINANCE NO. 7,861-N.S.

ADDING CHAPTER 13.107 TO THE BERKELEY MUNICIPAL CODE ESTABLISHING  
HEALTHCARE AND APPRENTICESHIP STANDARDS FOR PRIVATE  
DEVELOPMENT

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

Section 1. That Chapter 13.107 is hereby added to the Berkeley Municipal Code as follows:

**ESTABLISHING HEALTHCARE AND APPRENTICESHIP STANDARDS FOR PRIVATE DEVELOPMENT**

**13.107.010 Title**

**13.107.020 Purpose**

**13.107.030 Definitions**

**13.107.040 Apprenticeship Requirements**

**13.107.050 Required Health Care Expenditures**

**13.107.060 Required Applicant and Contractor Statements**

**13.107.070 Notice and Publishing**

**13.107.080 Retaliation Prohibited**

**13.107.090 Retention of Records**

**13.107.110 City Access**

**13.107.111 Implementation and Enforcement**

**13.107.112 City Undertaking Limited Promotion of General Welfare**

**13.107.113 No Preemption of Higher Standards**

**13.107.114 City Manager Regulations**

**13.107.115 Severability**

**13.107.010 Title.**

This Ordinance shall be known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (“HARD HATS”) Ordinance.

**13.107.020 Purpose.**

The purpose of this Chapter is to address the shortage of qualified construction workers, rising labor costs, and to refine labor standards in the local construction industry. These measures are intended to improve the recruitment, training, and retention of skilled construction workers.

The requirements of this Chapter ensure that larger projects within the City are awarded to contractors that participate in high quality, industry-proven apprenticeship programs, and that apprentices working under such contracts are competently trained.

The requirements of this Chapter also enhance the good health of construction workers working in the City, thereby increasing the pool of labor available to complete current and future projects, including City public works projects for which the City contracts on a regular basis.

Together, the requirements of this Chapter will help promote the retention and growth of a skilled labor pool in the construction industry that can live as well as work in the City.

**13.107.030 Definitions.**

"Applicant" shall mean any individual, person, firm, partnership, association, joint venture, corporation, entity, combination of entities or authorized representative thereof, who undertakes, proposes and/or applies to the City for, a Covered Project.

"Apprenticeable Craft or Trade" is defined in California Labor Code section 1777.5.

"Contractor" shall mean contractors or subcontractors of any tier that have contracted to perform work on the Covered Project in excess of ½ of one percent of the total Cost of the Covered Project.

"Cost of the Covered Project" shall mean the amount determined by the Chief Building Official for purposes of setting the building permit fee in accordance with the most recent building valuation date specified in the building permit fees section of the resolution establishing fees and charges as adopted by the City Council.

"Covered Project" shall mean a private development project within City limits consisting of construction, alteration, or demolition of 50,000 square feet or more of floor area which has not received its final permits, variances, approvals and/or other entitlements by the effective date of this Ordinance.

"Covered Construction Worker" shall mean any construction worker employed by the Contractor at any time over the duration of the Covered Project.

"City" shall mean the City of Berkeley and any implementing department or official.



“Health Care Expenditures” shall mean the amount calculated by multiplying the number of hours worked by a Covered Construction Worker on the Covered Project by the hourly Health Care Expenditure Rate.

“Health Care Expenditure Rate” shall mean the rate determined annually from the City of Berkeley Health and Dental Plan Monthly Premium Rates for the Kaiser HSA-Qualified Deductible HMO Plan, or a successor plan, for the applicable fiscal year. The Health Care Expenditure Rate shall be prorated on an hourly basis, and arrived at by dividing the total monthly premium for the Kaiser HSA-Qualified Deductible HMO Plan, or a successor plan, by one hundred and fifty (150), the typical number of hours worked in a month by a construction worker.

“Joint Labor-Management Apprenticeship Program” shall mean an apprenticeship program jointly managed and administered by both a union and contractor or contractor association, and (i) approved by the State of California’s Division of Apprenticeship Standards; (ii) registered with the U.S. Department of Labor; or (iii) registered with a State Apprenticeship Agency granted authority by the U.S. Department of Labor to register apprenticeship programs for federal purposes, pursuant to 29 CFR Part 29.

“Project Labor Agreement” shall mean a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project.

“Repeat Offender” shall mean an Applicant, Contractor, or entity that has received three or more violations of this Chapter within the last 24 months.

### **13.107.040 Apprenticeship Requirements**

a. During the duration of the Covered Project, each Contractor shall do at least one of the following:

i. participate in a Joint Labor-Management Apprenticeship Program;

ii. participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of at least thirty (30) apprentices annually for the five (5) years immediately preceding the start of construction date on the Covered Project. The Contractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the Covered Project. Any change in program participation must be immediately provided to the City; or

iii. make hourly contributions on a monthly basis to the California Apprenticeship Council for every hour worked by any Covered Construction Worker in any Apprenticeable Craft or Trade on the Covered Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.

b. A Contractor without Covered Construction Worker employees shall comply with this Section by showing a contractual obligation that its subcontractors comply with this Section.

c. Contributions to an apprenticeship program or the California Apprenticeship Council shall not be credited towards compliance with BMC Chapter 13.99 (Minimum Wage).

d. Applicant shall ensure that the Apprenticeship requirement in this Section is included in all construction contracts for the performance of the Covered Project.

### **13.107.050 Health Care Expenditures**

a. *Prequalification*: In order to be prequalified, each Contractor will sign and submit to the City a statement stipulating to and providing documented proof that the Contractor and its subcontractors, have provided Health Care Expenditures to or on behalf of each Covered Construction Worker for the 180 consecutive day period prior to the submission of the prequalification documents ("Contractor Prequalification Questionnaire"). This requirement is in addition to the regular hourly wages paid to its employees.

In the case of a Contractor that has employed no Covered Construction Workers for the 180 consecutive day period prior to the submission of the prequalification documents, said Contractor shall show a contractual obligation that its subcontractors provide Health Care Expenditures to or on behalf of each Covered Construction Worker employee for the 180 consecutive day period.

b. *Covered Project Duration*: For purposes of the Covered Project, each Contractor shall make Health Care Expenditures to or on behalf of each Covered Construction Worker, in addition to their regular hourly wages, during periods of employment on the Covered Project (and sign a statement certifying that it will do so as part of the Contractor Prequalification Questionnaire).

In the case of a Contractor that will employ no Covered Construction Workers on the Covered Project, said Contractor shall show a contractual obligation that its subcontractors will provide Health Care Expenditures on behalf of each Covered Construction Worker for the duration of the Covered Project.

A Contractor shall make Health Care Expenditures on behalf of the Covered Construction Workers employed by its subcontractors in the event said subcontractors fail to make required Health Care Expenditures.

c. Health Care Expenditures may be made to: (1) a health plan in which the Covered Construction Worker is enrolled at the Health Care Expenditure Rate; (2) a Covered Construction Worker's health savings account at the Health Care Expenditure Rate; and/or (3) a Covered Construction Worker in the form of cash at one and a half (1.5) times the rate of the Health Care Expenditure Rate.

d. Health Care Expenditures shall not be credited towards compliance with BMC Chapter 13.99 (Minimum Wage).

e. The Applicant shall ensure that the Health Care Expenditures requirements in this Section are included in all construction contracts for the performance of the Covered Project.

### **13.107.060 Required Applicant and Contractor Statements**

A declaration must be signed by the Applicant at the time of permit issuance for the Covered Project, attesting to compliance with this Chapter under penalty of perjury ("Applicant Declaration"). By signing the Applicant Declaration, the Applicant commits to ensuring that all Contractors on the Covered Project have and will comply with the Apprenticeship and Health Care Expenditures requirements of this Ordinance, including by ensuring that all contracts for the performance of the Covered Project so require, requiring all Contractors complete the statements established by this Section, and submitting all Contractor statements to the City within seven (7) days of receipt.

Prior to executing their contract for the Covered Project, but no later than seven (7) calendar days before their first day of work on the Covered Project, each Contractor will sign and submit to the Applicant a statement stipulating that on the Covered Project it will comply with the Apprenticeship and Health Care Expenditures as set forth in this Chapter during the duration of the Covered Project, and that it has met the Health Care Expenditures prequalification requirements ("Contractor Prequalification Questionnaire").

Within 30 calendar days of completing their work on the Project each Contractor must sign and submit to the Applicant a statement certifying that it complied with the Apprenticeship and Health Care Expenditures requirements of this Chapter ("Contractor Satisfaction Statement").

Prior to issuance of a certificate of occupancy for the Covered Project, the Applicant shall sign and submit to the City a certification that all Contractors on the Covered Project satisfied the Apprenticeship and Health Care Expenditures requirements of this Ordinance ("Applicant Certification of Compliance").

### **13.107.070 Notice and Posting**

a. The City shall publish and make available to Contractors a notice in English, Spanish, and any other primary languages as determined by City staff, for posting by Contractors in the workplace informing Covered Construction Workers of their rights under this Chapter ("Sample Notice").

b. A Contractor shall give written notification to each current Covered Construction Worker and to each new Covered Construction Worker at time of hire of their rights under this Chapter. The notification shall be in English and Spanish, and any other primary languages as determined by City staff, and shall also be posted prominently in areas at

the work site where it will be seen by all Covered Construction Workers. Failure to post such notice shall render the Contractor subject to administrative citation, pursuant to the provisions of this Chapter. A Contractor's use of the City's Sample Notices shall constitute compliance with this Section.

### **13.107.080 Retaliation Prohibited**

A Contractor shall not discharge, reduce the compensation of, discriminate against, or take any adverse employment action against a worker, including discipline, suspension, transfer or assignment to a lesser position in terms of job classification, job security, or other condition of employment, reduction of hours or denial of additional hours, informing another employer that the person has engaged in activities protected by this Chapter, or reporting or threatening to report the actual or suspected citizenship or immigration status of an employee, former worker or family member to a federal, state or local agency, for making a complaint to the City, participating in any of the City's proceedings, using any civil remedies to enforce their rights, or otherwise asserting their rights under this Chapter. Within one hundred twenty (120) days of a Contractor being notified of such activity, it shall be unlawful for the Contractor to discharge any workers who engaged in such activity unless the Contractor has clear and convincing evidence of just cause for such discharge.

### **13.107.090 Retention of Records**

Applicants and Contractors shall maintain the following records for the Covered Project at least three (3) years after receiving approved final inspection:

- 1) Applicant Declaration;
- 2) Contractor Prequalification Questionnaires;
- 3) Contractor Satisfaction Statements certifying compliance with the Health Care Expenditures and Apprenticeship requirements (Sections 13.107.040 and .050) of this Chapter;
- 4) Records reflecting Contractors' compliance with the Health Care Expenditures and Apprenticeship requirements (Sections 13.107.040 and .050) of this Chapter, including records of names of all Covered Construction Workers, dates those workers worked for the Contractor, and Health Care Expenditures the Contractor made to or on behalf of those workers; and
- 5) Applicant Certification of Compliance.

### **13.107.110 City Access**

Applicant and Contractors shall permit access to Covered Project work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this Chapter and investigating worker complaints of noncompliance. Access to records will be provided within a reasonable amount of time of the City's request, but no longer than 30 days. Failure to provide access to records may be subject to City enforcement as permitted in Section 13.107.111.

### **13.107.111 Implementation and Enforcement**

#### *a. Issuance and Revocation of Permits*

The City shall issue permits for the Covered Project only where an Applicant meets the requirements of this Ordinance and submits the Applicant Declaration. The City shall include conditions of approval requiring compliance with this Chapter for all permits issued for Covered Projects. The City may revoke or modify the applicable permits for the Covered Project pursuant to Section 23.404.080 where an Applicant or Contractor is out of compliance with this Ordinance.

#### *b. Community Benefits Agreement Exception*

If a Covered Project is covered by a Project Labor Agreement (or community workforce agreement or similar labor agreement) with the local Building and Construction Trades Council, Contractors will be deemed in compliance with this Chapter.

#### *c. Collective Bargaining Agreement Exception*

A Contractor that is signatory to a valid collective bargaining agreement with a labor union that requires participation in a state-approved apprenticeship program and the provision of health care expenditures to all construction craft employees shall be deemed in compliance with this Chapter.

#### *d. City Enforcement.*

The City may take appropriate enforcement action to ensure compliance with this Chapter, including issuing an administrative citation pursuant to Chapter 1.28 of the Berkeley Municipal Code. The City may issue a citation to any Contractor or Applicant that has not complied with the requirements of this Chapter, including but not limited to, the following violations:

- (1) failing to post the required notice (Section 13.107.070);
- (2) refusing to or not providing timely access to records or work sites (Section 13.107.110);
- (3) failing to submit or submitting a false or misleading Applicant Declarations, Contractor Prequalification Questionnaires, Contractor Satisfaction Statements, and/or Applicant Certificates of Compliance (Section 13.107.060) ; and/or
- (4) failing to comply with the Apprenticeship and/or Health Care Expenditures requirements of this Chapter (Sections 13.107.040 and 13.107.050).

The fine shall vary based on the provisions of this Chapter violated, but may be up to a maximum of \$5,000/month per Covered Construction Worker during the period of the violation.

In the event that any person identifies a Contractor or Applicant on a Covered Project not complying with this Ordinance as required, the person may file a complaint with the City. Complaints shall be made on a form prepared by the City and made available through the City's website. Upon receipt of such a complaint, the City shall investigate the complaint and, if a violation is found, issue a citation to the Applicant and/or the Contractor. The citation will give the Applicant and/or Contractor ten (10) days to correct the violation.

If a Contractor or Applicant subject to a citation does not correct the violation within ten (10) days, the City shall issue a penalty of \$1,000 per calendar day for the first calendar week, increasing to \$2,500 per calendar day for successive calendar weeks.

If the Contractor or Applicant has received a citation or has otherwise been penalized under this Ordinance, within the prior twelve (12) months, the penalty shall be \$2,000 per calendar day for the first calendar week, increasing to \$3,500 per calendar day for successive calendar weeks. If a subcontractor receives a citation under this Ordinance, the prime contractor shall be jointly and severally liable for the penalty.

*d. Private Right of Action.*

A Covered Construction Worker, or a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. sec. 175a) on a Covered Construction Worker's behalf, may bring a civil action in a court of competent jurisdiction against the Contractor (and in the case of a Repeat Offender, the Applicant or Contractor who contracted with the Repeat Offender) violating this Chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of Health Care Expenditures that may have been unlawfully withheld and/or injunctive relief. Nothing in this Chapter creates a private right of action or otherwise authorizes legal action against the City, its officers, agents, or employees, for failure to enforce these provisions.

*e. Repeat Offender List.*

The City shall review the complaints filed under this Ordinance on a monthly basis to determine if any person or entity has received three or more violations of the Ordinance within the last 24 months. Any such person or entity shall be designated a Repeat Offender and be placed on a public list available on the City of Berkeley's website and shall be prohibited from working on future Covered Projects for a period of 24 months from their most recent violation. The City shall provide a notice of Repeat Offender designation through personal service, or by registered mail, postage prepaid, addressed to the person or entity's address on file with the City.

If, after being designated a Repeat Offender, the Repeat Offender again violates the Ordinance as determined by the City or the Superior Court, then the Applicant or Contractor who contracted with the Repeat Offender shall be jointly and severally liable

for any and all penalties, damages, or other financial obligations incurred by the Repeat Offender.

Any person or entity shall be entitled to appeal the City's decision to place it on the Repeat Offender List by filing a written notice of appeal with the City Manager within ten days from the date the notice of Repeat Offender designation is mailed. The appeal shall clearly and concisely set forth the grounds upon which it is based. If the permittee files a timely request for appeal, a hearing shall be held before the City Manager or their designee. The decision of the City Manager or their designee shall be final.

### **13.107.112 City Undertaking Limited Promotion of General Welfare**

In undertaking the adoption and enforcement of this Chapter, the City is undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on its officers and workers, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This Chapter does not create a legally enforceable right by any member of the public against the City.

### **13.107.113 No Preemption of Higher Standards**

The purpose of this Chapter is to ensure minimum labor standards. This Chapter does not preempt or prevent the establishment of superior employment standards or the expansion of coverage by ordinance, resolution, contract, or any other action of the City.

### **13.107.114 City Manager Regulations**

The City Manager may promulgate regulations for the administration and enforcement of this Chapter.

### **13.107.115 Severability**

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

### **Section 2. Effective Date**

The effective date of this Ordinance shall be January 1, 2024.

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

At a special meeting of the Council of the City of Berkeley held on May 2, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Abstain: Kesarwani.

Absent: Wengraf.



## ORDINANCE NO. 7,862-N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,851–N.S. FOR  
FISCAL YEAR 2023

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 2023 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)                | 316,440,491        |
| B. Special Funds (Funds 100-199)               | 162,330,999        |
| C. Grant Funds (Funds 300-399)                 | 120,958,749        |
| D. Capital Projects Funds (Funds 500-550)      | 91,787,730         |
| E. Debt Service Fund (Funds 551-599)           | 15,044,847         |
| F. Enterprise Funds (Funds 600-669)            | 178,216,604        |
| G. Internal Service Funds (Funds 146, 670-699) | 59,656,349         |
| H. Successor Agency (Funds 760-769)            | 145,166            |
| I. Agency Funds (Funds 771-799)                | 8,587,078          |
| J. Other Funds (Funds 800-899)                 | 7,239,344          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 316,440,491        |
| Add: Total Other Than General Fund             | 643,966,865        |
| <b>Gross Revenue Appropriated</b>              | <b>960,407,355</b> |
| Less: Dual Appropriations                      | -79,955,181        |
| Less: Revolving/Internal Service Funds         | -59,656,349        |
| <b>Net Revenue Appropriated</b>                | <b>820,795,825</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 the Measure U1 Fund to the Workers’ Compensation Fund
- e. From the Catastrophic Reserve Fund to the Playground Camp Fund
- f. From Gilman Sports Field Fund to Gilman Field Reserve Fund
- g. From Measure FF Fund to Paramedic Tax Fund.
- h. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- i. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- j. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- k. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- l. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- m. To Catastrophic Loss Fund from Permit Service Center Fund.
- n. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- o. 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.
- p. 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.

- q. 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.
- r. 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.
- s. 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.
- t. 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.
- u. 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.

- v. 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.

- w. 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; 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.

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.

At a regular meeting of the Council of the City of Berkeley held on May 9, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2023**

**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:

|                                           |                      |
|-------------------------------------------|----------------------|
| Employee Training Fund                    | 949,429              |
| Equipment Replacement Fund                | 11,947,462           |
| Equipment Maintenance Fund                | 10,211,653           |
| Building Maintenance Fund                 | 5,045,988            |
| Central Services Fund                     | 413,953              |
| Workers' Compensation Fund                | 6,488,740            |
| Public Liability Fund                     | 4,458,560            |
| Information Technology Fund               | 20,140,564           |
| Subtotal Revolving/Internal Service Funds | <u>\$ 59,656,349</u> |

**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                             | 176,194             |
| Street Light Assessment District Fund | 155,018             |
| Zero Waste Fund                       | 2,727,548           |
| Marina Enterprise Fund                | 456,077             |
| Sanitary Sewer Fund                   | 1,354,004           |
| Clean Storm Water Fund                | 311,321             |
| Permit Service Center Fund            | 1,979,790           |
| Unified Program (CUPA) Fund           | 88,337              |
| Subtotal Transfers to General Fund:   | <u>\$ 7,248,289</u> |

|                                                                                                  |                    |
|--------------------------------------------------------------------------------------------------|--------------------|
| Transfer to Safety Members Pension Fund from General Fund                                        | 551,804            |
| Transfer to Measure U1 Fund from General Fund                                                    | 4,900,000          |
| Transfer to Stability Reserve Fund from General Fund                                             | 3,025,000          |
| Transfer to Catastrophic Reserve Fund from General Fund                                          | 2,475,000          |
| Transfer to PERS Savings Fund from General Fund                                                  | 2,000,000          |
| Transfer to Health State Aid Realignment from General Fund                                       | 1,953,018          |
| Transfer to Fair Election Fund from General Fund                                                 | 505,002            |
| Transfer to Capital Improvement Fund (CIP) from General Fund                                     | 19,000,905         |
| Transfer to Phone System Replacement - VOIP from General Fund                                    | 449,408            |
| Transfer to Equipment Replacement Fund from General Fund                                         | 1,081,699          |
| Transfer to Public Liability Fund from General Fund                                              | 3,895,888          |
| Transfer to Catastrophic Loss Fund from General Fund                                             | 5,025,184          |
| Transfer to IT Cost Allocation Fund from General Fund                                            | 71,335             |
| 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 Employee Training from GF-Payroll Deduction Trust                                    | 750,000            |
| Transfer to General Fund from Health State Aid Realignment Fund                                  | 2,643,280          |
| Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund                              | 757,925            |
| Transfer to General Fund from Amercian Rescue Plan Fund                                          | 12,271,612         |
| Transfer to Paramedic Tax Fund from American Rescue Plan Fund                                    | 2,614,331          |
| Transfer to Marina Fund from American Rescue Plan Fund                                           | 1,150,000          |
| Transfer to Off-Street Parking Fund from American Rescue Plan Fund                               | 200,000            |
| Transfer to Parking Meter Fund from American Rescue Plan Fund                                    | 2,700,000          |
| 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                                            | 438,968            |
| Transfer to CFD#1 ML-ROOS Fund from CFD No. 1 Disaster Fire Protection                           | 320,651            |
| Transfer to Special Tax Bonds CFD#1 ML-ROOS from CFD#1 District Fire Protect Bond<br>(Measure Q) | 0                  |
| Transfer to GF - Payroll Deduction Trust Fund from Sick Leave Entitlement Fund                   | 273,854            |
| Transfer to First Source Fund from Parks Tax Fund                                                | 6,675              |
| Transfer to First Source Fund from Capital Improvement Fund                                      | 29,943             |
| Transfer to First Source Fund from Marina Fund                                                   | 2,625              |
| Transfer to Public Art Fund from Parks Tax Fund                                                  | 11,681             |
| Transfer to Public Art Fund from Capital Improvement Fund                                        | 52,400             |
| <u>Transfer to Public Art Fund from Marina Fund</u>                                              | <u>4,594</u>       |
| Subtotal Transfers to Other Funds:                                                               | 72,706,892         |
| Sub-Total Dual Appropriations                                                                    | 79,955,181         |
| <b>Grand Total Dual Appropriations</b>                                                           | <b>139,611,530</b> |



SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                         | FY 2023<br>Revised #1 | 2nd AAO          |                      |                 | FY 2023<br>Revised #2 |
|---------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                             |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 011 General Fund Discretionary              | 303,276,062           | 100,000          | 2,268,270            | 2,368,270       | 305,644,332           |
| 016 Measure U1 - Housing                    | 7,828,658             | -                | 2,167,500            | 2,167,500       | 9,996,158             |
| 017 Climate Equity Action                   | 600,000               | -                | -                    | -               | 600,000               |
| 101 Library - Tax                           | 25,106,980            | -                | -                    | -               | 25,106,980            |
| 103 Library - Grants                        | 66,854                | -                | 30,071               | 30,071          | 96,925                |
| 104 Library - Friends & Gift                | 150,208               | -                | -                    | -               | 150,208               |
| 105 Library - Foundation                    | 200,000               | -                | 50,000               | 50,000          | 250,000               |
| 106 Asset Forefeiture                       | 201,000               | -                | -                    | -               | 201,000               |
| 107 Special Tax Measure E                   | 1,590,735             | -                | -                    | -               | 1,590,735             |
| 108 First Source Fund                       | 48,500                | -                | -                    | -               | 48,500                |
| 110 Sec 108 Loan Gty Asst.                  | 587,612               | -                | -                    | -               | 587,612               |
| 111 Fund Raising Activities                 | 111,073               | -                | -                    | -               | 111,073               |
| 113 Gilman Sports Field                     | 328,920               | -                | 109,260              | 109,260         | 438,180               |
| 115 Animal Shelter                          | 63,005                | -                | -                    | -               | 63,005                |
| 116 Paramedic Tax                           | 5,221,790             | -                | -                    | -               | 5,221,790             |
| 117 CA Energy                               | 44,249                | -                | -                    | -               | 44,249                |
| 119 Domestic Violence Prev - Vit Stat       | 26,102                | -                | -                    | -               | 26,102                |
| 120 Affordable Housing Mitigation           | 7,174,616             | -                | 1,694,783            | 1,694,783       | 8,869,399             |
| 121 Affordable Child Care                   | 19,912                | -                | -                    | -               | 19,912                |
| 122 Inclusionary Housing Program            | 587,181               | -                | -                    | -               | 587,181               |
| 123 Condo Conversion                        | 121,339               | -                | 608,406              | 608,406         | 729,745               |
| 125 Playground Camp                         | 9,924,791             | 67,703           | 101,300              | 169,003         | 10,093,794            |
| 126 State-Prop 172 Pub.Safety               | 1,198,563             | -                | -                    | -               | 1,198,563             |
| 127 State Transportation Tax                | 9,679,283             | -                | -                    | -               | 9,679,283             |
| 128 CDBG                                    | 7,093,765             | -                | -                    | -               | 7,093,765             |
| 129 Rental Housing Safety Program           | 1,990,846             | -                | -                    | -               | 1,990,846             |
| 130 Measure B - Local St & Road             | 1,496,473             | -                | 118,000              | 118,000         | 1,614,473             |
| 131 Measure B - Bike and Pedestrian         | 189,813               | -                | -                    | -               | 189,813               |
| 132 Measure B - Paratransit                 | 54,403                | -                | -                    | -               | 54,403                |
| 133 Measure F Alameda County VRF St & Rd    | 1,724,951             | -                | 255,100              | 255,100         | 1,980,051             |
| 134 Measure BB - Local St & Road            | 19,539,112            | -                | (155,975)            | (155,975)       | 19,383,137            |
| 135 Meaure BB - Bike & Pedestrian           | 2,234,162             | -                | (23,969)             | (23,969)        | 2,210,193             |
| 136 Measure BB - Paratransit                | 953,349               | -                | 139,569              | 139,569         | 1,092,918             |
| 137 Onetime FD                              | 19,080                | -                | -                    | -               | 19,080                |
| 138 Parks Tax                               | 18,974,506            | -                | 313,573              | 313,573         | 19,288,079            |
| 140 Measure GG - Fire Prep Tax              | 5,509,760             | -                | 1,600,000            | 1,600,000       | 7,109,760             |
| 142 Streetlight Assesment District          | 4,231,478             | -                | -                    | -               | 4,231,478             |
| 143 Berkeley Bus Ec Dev                     | 586,414               | -                | -                    | -               | 586,414               |
| 145 Bayer                                   | 952                   | -                | -                    | -               | 952                   |
| 146 Employee Training                       | 949,429               | -                | -                    | -               | 949,429               |
| 147 UC Settlement                           | 6,442,870             | -                | 250,000              | 250,000         | 6,692,870             |
| 148 Cultural Trust                          | 1,072,975             | -                | -                    | -               | 1,072,975             |
| 149 Private Party Sidewalks                 | 750,000               | -                | -                    | -               | 750,000               |
| 150 Public Art Fund                         | 210,142               | -                | -                    | -               | 210,142               |
| 152 Vital & Health Statistics Trust Fund    | 74,903                | -                | -                    | -               | 74,903                |
| 156 Hlth State Aid Realign Trust            | 3,961,045             | -                | -                    | -               | 3,961,045             |
| 157 Tobacco Cont.Trust                      | 379,256               | -                | 6,853                | 6,853           | 386,109               |
| 158 Mental Health State Aid Realign         | 4,702,104             | -                | -                    | -               | 4,702,104             |
| 159 Citizens Option Public Safety Trust     | 525,193               | -                | -                    | -               | 525,193               |
| 161 Alameda Cty Abandoned Vehicle Abatement | 137,256               | -                | -                    | -               | 137,256               |
| 164 Measure FF                              | 11,347,938            | -                | -                    | -               | 11,347,938            |
| 165 Fair Elections                          | 510,868               | -                | -                    | -               | 510,868               |
| 302 Operating Grants - State                | 7,011,050             | -                | -                    | -               | 7,011,050             |
| 305 Capital Grants - Federal                | 2,063,382             | -                | -                    | -               | 2,063,382             |
| 306 Capital Grants - State                  | 10,627,045            | -                | 46,060               | 46,060          | 10,673,105            |
| 307 Capital Grants - Local                  | 3,182,863             | -                | (180,000)            | (180,000)       | 3,002,863             |
| 309 OTS DUI Enforcement Education Prg.      | 317,060               | -                | -                    | -               | 317,060               |
| 310 HUD/Home                                | 811,549               | -                | 1,189,752            | 1,189,752       | 2,001,301             |
| 311 ESGP                                    | 617,433               | -                | 300,000              | 300,000         | 917,433               |
| 312 Health (General)                        | 3,518,552             | -                | 14,091               | 14,091          | 3,532,643             |
| 313 Target Case Management Linkages         | 1,011,166             | -                | 18,500               | 18,500          | 1,029,666             |
| 314 Alameda County Tay Tip                  | 35,812                | -                | -                    | -               | 35,812                |
| 315 Mental Health Service Act               | 13,580,495            | -                | -                    | -               | 13,580,495            |
| 316 Health (Short/Doyle)                    | 7,074,965             | -                | -                    | -               | 7,074,965             |
| 317 EPSDT Expansion Proposal                | 500,241               | -                | -                    | -               | 500,241               |
| 318 Alcoholic Bev Ctr OTS/UC                | 128,105               | -                | -                    | -               | 128,105               |
| 319 Youth Lunch                             | 279,464               | -                | -                    | -               | 279,464               |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                             | FY 2023<br>Revised #1 | 2nd AAO          |                      |                 | FY 2023<br>Revised #2 |
|-------------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                                 |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 320 Sr. Nutrition Title III                     | 146,787               | -                | 49,582               | 49,582          | 196,369               |
| 321 CFP Title X                                 | 140,317               | -                | 55,000               | 55,000          | 195,317               |
| 324 BUSD Grant                                  | 392,232               | -                | -                    | -               | 392,232               |
| 325 Vector Control                              | 285,817               | -                | -                    | -               | 285,817               |
| 326 Alameda County Grants                       | 791,346               | -                | -                    | -               | 791,346               |
| 327 Senior Supportive Social Services           | 124,403               | -                | 24,555               | 24,555          | 148,958               |
| 328 Family Care Support Program                 | 91,365                | -                | 51,033               | 51,033          | 142,398               |
| 329 CA Integrated Waste Management              | 21,511                | -                | -                    | -               | 21,511                |
| 331 Housing Mitigation                          | 1,605,883             | -                | 24,408               | 24,408          | 1,630,291             |
| 333 CALHOME                                     | 363,100               | -                | -                    | -               | 363,100               |
| 334 Community Action                            | 570,086               | -                | -                    | -               | 570,086               |
| 336 One-Time Grant: No Cap Exp                  | 19,190,305            | 9,266            | 5,384,407            | 5,393,673       | 24,583,978            |
| 338 Bay Area Air Quality Management             | 117,000               | -                | -                    | -               | 117,000               |
| 339 MTC                                         | 812,548               | -                | -                    | -               | 812,548               |
| 340 FEMA                                        | 1,358,059             | -                | -                    | -               | 1,358,059             |
| 341 Alameda Cty Waste Mgt.                      | 1,162,565             | -                | -                    | -               | 1,162,565             |
| 343 State Dept Conserv/Recylg                   | 28,000                | -                | -                    | -               | 28,000                |
| 344 CALTRANS Grant                              | 190,460               | -                | -                    | -               | 190,460               |
| 346 Safe Routes                                 | 9,757                 | -                | -                    | -               | 9,757                 |
| 347 Shelter+Care HUD                            | 6,348,578             | -                | -                    | -               | 6,348,578             |
| 348 Shelter+Care County                         | 886,153               | -                | 10,000               | 10,000          | 896,153               |
| 349 JAG Grant                                   | 55,650                | -                | -                    | -               | 55,650                |
| 350 Bioterrorism Grant                          | 930,941               | -                | 52,641               | 52,641          | 983,582               |
| 351 UASI                                        | 1,345                 | -                | -                    | -               | 1,345                 |
| 354 ARPA - Local Fiscal Recovery Fund           | 22,615,918            | -                | 4,910,146            | 4,910,146       | 27,526,064            |
| 501 Capital Improvement Fund                    | 33,852,196            | -                | 1,885                | 1,885           | 33,854,081            |
| 502 Phone System Replacement                    | 478,794               | -                | -                    | -               | 478,794               |
| 503 FUND\$ Replacement                          | 4,862,196             | -                | -                    | -               | 4,862,196             |
| 504 PEG-Public, Education & Government          | 100,000               | -                | -                    | -               | 100,000               |
| 506 Meas M - Streets and Watershed Improvements | 926,720               | -                | -                    | -               | 926,720               |
| 511 Measure T1 - Infra & Facil.                 | 27,314,362            | 19,996           | 100,000              | 119,996         | 27,434,358            |
| 512 Measure O                                   | 24,131,581            | -                | -                    | -               | 24,131,581            |
| 552 09 Measure FF Debt Service                  | 1,343,638             | -                | -                    | -               | 1,343,638             |
| 553 2015 GORBS                                  | 2,051,966             | -                | -                    | -               | 2,051,966             |
| 554 2012 Lease Revenue Bonds BJPFA              | 502,238               | -                | -                    | -               | 502,238               |
| 555 2015 GORBS - 2002 G.O. Refunding Bonds      | 379,561               | -                | -                    | -               | 379,561               |
| 556 2015 GORBS (2007, Series A)                 | 142,865               | -                | -                    | -               | 142,865               |
| 557 2015 GORBS (2008 Measure I)                 | 481,286               | -                | -                    | -               | 481,286               |
| 558 2010 COP (Animal Shelter)                   | 406,991               | -                | -                    | -               | 406,991               |
| 559 Measure M GO Street & Water Imps            | 740,738               | -                | 896,875              | 896,875         | 1,637,613             |
| 560 Infrastructure & Facilities Measure T1      | 1,731,181             | -                | 2,759,200            | 2,759,200       | 4,490,381             |
| 561 Measure O - Housing Bonds                   | 2,023,940             | -                | 1,584,368            | 1,584,368       | 3,608,308             |
| 601 Zero Waste                                  | 60,533,186            | -                | -                    | -               | 60,533,186            |
| 607 Dept. of Boat and Waterways                 | 49,000                | 102              | -                    | 102             | 49,102                |
| 608 Marina Operation                            | 11,966,589            | 6,618            | 91,200               | 97,818          | 12,064,407            |
| 611 Sewer                                       | 50,218,051            | -                | -                    | -               | 50,218,051            |
| 612 Private Sewer Lateral FD                    | 172,628               | -                | -                    | -               | 172,628               |
| 616 Clean Storm Water                           | 7,407,571             | -                | -                    | -               | 7,407,571             |
| 621 Permit Service Center                       | 24,052,454            | -                | -                    | -               | 24,052,454            |
| 622 Unified Program (CUPA)                      | 929,413               | -                | -                    | -               | 929,413               |
| 627 Off Street Parking                          | 7,447,713             | -                | -                    | -               | 7,447,713             |
| 631 Parking Meter                               | 11,487,009            | -                | -                    | -               | 11,487,009            |
| 636 Building Purchases and Management           | 3,855,070             | -                | -                    | -               | 3,855,070             |
| 671 Equipment Replacement                       | 11,947,462            | -                | -                    | -               | 11,947,462            |
| 672 Equipment Maintenance                       | 10,211,653            | -                | -                    | -               | 10,211,653            |
| 673 Building Maintenance Fund                   | 5,045,988             | -                | -                    | -               | 5,045,988             |
| 674 Central Services                            | 413,953               | -                | -                    | -               | 413,953               |
| 676 Workers Compensation                        | 6,488,740             | -                | -                    | -               | 6,488,740             |
| 678 Public Liability                            | 4,458,560             | -                | -                    | -               | 4,458,560             |
| 680 Information Technology                      | 20,140,564            | -                | -                    | -               | 20,140,564            |
| 722 RETMED IBE                                  | 1,445                 | -                | -                    | -               | 1,445                 |
| 723 RETMED LC1                                  | 14,704                | -                | -                    | -               | 14,704                |
| 724 RETMED Z1                                   | 1,467                 | -                | -                    | -               | 1,467                 |
| 725 RETMED Z26                                  | 6,053                 | -                | -                    | -               | 6,053                 |
| 726 RETMED 535                                  | 21,015                | -                | -                    | -               | 21,015                |
| 727 RETMED 790                                  | 19,839                | -                | -                    | -               | 19,839                |
| 731 POL EE RET                                  | 6,967                 | -                | -                    | -               | 6,967                 |

SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                           | FY 2023<br>Revised #1 | 2nd AAO          |                      |                 | FY 2023<br>Revised #2 |
|-----------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                               |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 736 FIRE MEDIC                                | 16,557                | -                | -                    | -               | 16,557                |
| 762 Successor Agency - Savo DSF               | 57,120                | -                | -                    | -               | 57,120                |
| 776 Thousand Oaks Underground                 | 98,448                | -                | -                    | -               | 98,448                |
| 777 Measure H - School Tax                    | 500,002               | -                | -                    | -               | 500,002               |
| 778 Measure Q - CFD#1 Dis. Fire Protect Bond  | 1,399,997             | -                | 320,651              | 320,651         | 1,720,648             |
| 779 Spl Tax Bds. CFD#1 ML-ROOS                | 2,824,802             | -                | -                    | -               | 2,824,802             |
| 781 Berkeley Tourism BID                      | 632,704               | -                | 300,000              | 300,000         | 932,704               |
| 782 Elmwood Business Improvement District     | 63,519                | -                | -                    | -               | 63,519                |
| 783 Solano Ave BID                            | 35,082                | -                | -                    | -               | 35,082                |
| 784 Telegraph Avenue Bus. Imp. District       | 583,315               | -                | -                    | -               | 583,315               |
| 785 North Shattuck BID                        | 210,363               | -                | -                    | -               | 210,363               |
| 786 Downtown Berkeley Prop & Improv. District | 1,618,196             | -                | -                    | -               | 1,618,196             |
| 801 Rent Board                                | 7,239,344             | -                | -                    | -               | 7,239,344             |
| GROSS EXPENDITURE:                            | 932,466,575           | 203,685          | 27,537,095           | 27,740,780      | 960,207,355           |
| Dual Appropriations                           | (81,673,325)          | -                | 1,718,144            | 1,718,144       | (79,955,181)          |
| Revolving & Internal Service Funds            | (59,656,349)          | -                | -                    | -               | (59,656,349)          |
| NET EXPENDITURE:                              | 791,136,901           | 203,685          | 29,255,239           | 29,458,924      | 820,595,825           |



ORDINANCE NO. 7,863-N.S.

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF BERKELEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

Section 1.

That an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City of Berkeley City Council is hereby authorized, empowered, and directed to execute said amendment for, and on behalf of, said Agency.

Section 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption. 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 May 9, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Harrison.



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Berkeley

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective March 1, 1942, and witnessed January 30, 1942, and as amended effective September 1, 1947, April 1, 1949, January 1, 1952, May 1, 1954, March 1, 1956, August 1, 1959, November 1, 1961, June 29, 1962, December 1, 1962, April 1, 1963, August 1, 1963, October 1, 1964, October 16, 1965, November 16, 1968, March 1, 1973, December 16, 1973, December 1, 1974, July 22, 1976, May 25, 1978, July 9, 1978, January 2, 1983, October 28, 1983, July 18, 1986, June 26, 1988, June 30, 1992, November 28, 1996, October 15, 1998, November 6, 1998, April 9, 1999, April 14, 2000, July 14, 2000, December 22, 2000, July 7, 2002, January 5, 2003, June 13, 2003, December 28, 2012, July 3, 2016, November 6, 2016, January 1, 2017, December 31, 2017, April 17, 2022, and July 24, 2022, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 20 are hereby stricken from said contract as executed effective July 24, 2022, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local fire members and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, age 55 for classic local police members entering membership for the first time in the police classification after December 28, 2012, and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after March 1, 1942, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

- a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

- a. **PERSONS EMPLOYED JUNE 1, 1962, OR THEREAFTER IN THE FOLLOWING CLASSES IN THE RECREATION AND PARKS LIBRARY, AND FINANCE DEPARTMENTS:**

**ASSISTANT CAMP UTILITY MAN  
CAMP CLERK  
CAMP COUNSELOR  
CAMP NURSE  
CAMP SUPERVISOR  
CAMP UTILITY MAN  
CAMP RECREATION LEADER**

**COOK'S AIDE  
CHIEF COOK  
FIRST ASSISTANT COOK  
KITCHEN HELPER  
SECOND ASSISTANT COOK**

**DINING ROOM HELPER  
DINING ROOM SUPERVISOR**

**FIELD APPRAISER**

**LIBRARY PAGE I  
LIBRARY PAGE II**

**LIFEGUARD**

**ASSISTANT PLAYGROUND LEADER  
PLAYGROUND LEADER  
PLAYGROUND LEADER TRAINEE  
SENIOR PLAYGROUND LEADER**

**SPECIAL ACTIVITY LEADER;**

- b. **PERSONS EMPLOYED APRIL 1, 1963, OR THEREAFTER AS POLICE TRAINEES;**



- c. **PHYSICIANS EMPLOYED AFTER AUGUST 1, 1963, CLASSIFIED AS "PHYSICIANS" IN THE CITY'S POSITION ORDINANCE AS THAT ORDINANCE EXISTED ON AUGUST 1, 1963;**
  - d. **PERSONS COMPENSATED ON AN HOURLY BASIS WHO ENTER EMPLOYMENT WITH PUBLIC AGENCY ON OCTOBER 16, 1965, OR THEREAFTER; AND**
  - e. **EMPLOYEES WHO FIRST ENTERED PUBLIC AGENCY SERVICE PRIOR TO JANUARY 26, 1973, IN AN EMPLOYMENT IN WHICH THEY WERE ELIGIBLE FOR MEMBERSHIP IN ANY ONE OF THE PUBLIC AGENCY'S RETIREMENT SYSTEMS FOR SAFETY MEMBERS, AND WHO HAVE NOT EXECUTED AND FILED WITH THE PUBLIC AGENCY A WAIVER OF RIGHTS UNDER THE LOCAL SYSTEM DURING THE PERIOD PRESCRIBED, SUCH EXCLUSION SHALL APPLY WHETHER OR NOT THE EMPLOYEE REENTERS SERVICE OF THE PUBLIC AGENCY THEREAFTER.**
6. Those safety members in the local retirement system employed by Public Agency and who did not waive their rights under said local system were provided another opportunity to execute and file a waiver on or before October 28, 1983.
7. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Berkeley Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Berkeley Redevelopment Agency, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of August 1, 1977. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Berkeley Redevelopment Agency. Legislation repealed said Section effective January 1, 1988.
9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after January 5, 2003, shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

10. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after January 5, 2003, shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local police member entering membership for the first time in the police classification after December 28, 2012, shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
  - c. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
  - d. Section 21222.1 (One-Time 5% Increase - 1970) for local miscellaneous members only. Legislation repealed said Section effective January 1, 1980.

- e. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
- f. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members, classic local fire members and for those classic local police members entering membership on or prior to December 28, 2012.
- g. Section 20965 (Credit for Unused Sick Leave).
- h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local police members only.
- i. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.
- j. Section 21024 (Military Service Credit as Public Service).
- k. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- l. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local fire members only.
- m. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after December 28, 2012.
- n. Section 20516 (Employees Sharing Additional Cost):
  - From and after July 3, 2016, 1.25% for local miscellaneous members in the International Brotherhood of Electrical Workers Local 1245.
  - From and after November 6, 2016, 8% for classic local miscellaneous members in the Public Employees Union Local 1.
  - From and after November 6, 2016, and until April 17, 2022, 8% for new local miscellaneous members in the Public Employees Union Local 1.
  - From and after January 1, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after January 1, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after December 31, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Public Employees Union Local 1.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Unrepresented Employees group.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after July 24, 2022, and until the effective date of this amendment to contract, 1% for new local miscellaneous members in the Public Employees Union Local 1.

From and after July 24, 2022, and until the effective date of this amendment to contract, 1% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after July 24, 2022, and until the effective date of this amendment to contract, 6% for new local miscellaneous members in the Unrepresented Employees group.

From and after July 24, 2022, and until the effective date of this amendment to contract, 6% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Unrepresented Employees group.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
  - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

- 19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BERKELEY

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk



Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Appointment of Emergency Standby Officers for City Council District 8 and District 2

RECOMMENDATION

Adopt a Resolution confirming the appointment of newly nominated standby officers for City Council District 8 and City Council District 2 to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,073-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

With the election of Councilmember Humbert in November of 2022, the new Councilmember has submitted a nomination for Gordon Wozniak to serve as his standby officer. In addition, Councilmember Taplin has nominated Weldon Bradstreet as a second standby officer. The City Clerk has determined that the nominees meet the requirements and may be approved by the City Council.

BACKGROUND

On March 14, 1995, the Council adopted Resolution No. 57,906-N.S., designating a procedure for the selection of Standby Officers for City Councilmembers in the event of an emergency. The original resolution was updated on April 23, 2019 by Resolution No. 68,830-N.S. which amended the qualifications required for standby officers. This procedure is part of the City's emergency preparedness planning and ensures that in the case of a disaster or other catastrophic emergency causing the unavailability of members of the Council, government can continue to function. Under state law, a Councilmember or Standby Officer is "unavailable" when he or she is "either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his [or her] duties." (Govt Code § 8636.)

RATIONALE FOR RECOMMENDATION

With the submission of new nominations by Councilmembers Humbert and Taplin, it is necessary to update the resolution to include the newly nominated standby officers.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Resolution



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

CONFIRMING THE APPOINTMENT OF STANDBY OFFICERS AND RESCINDING  
RESOLUTION NO. 70,073-N.S.

WHEREAS, by Resolution No. 57,906-N.S. adopted March 14, 1995, the Council enacted a policy for the appointment of Standby Officers to serve in each Councilmember's place in the event the Councilmember is unavailable during a disaster; and

WHEREAS, each Councilmember has nominated Standby Officers and the City Manager has found all the nominees to be qualified in accordance with the standards set forth in Resolution No. 68,830-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following persons are hereby confirmed as Standby Officers to serve in place of a Councilmember in case the Councilmember is unavailable during a catastrophic emergency, and that they shall serve in the order listed, successive Standby Officers serving only if the preceding officer or officers are unavailable. The definition of "unavailable" shall be as set forth in Government Code Section 8636: an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his or her duties; or as that Section may be hereafter amended.

For Mayor Jesse Arreguin

1. Linda Maio
2. John Selawsky
3. Gordon Wozniak

For Councilmember Rashi Kesarwani

1. Laurie Capitelli
2. Beth Gerstein
3. Teresa Clarke

For Councilmember Terry Taplin

1. Jennifer Shanoski
2. Weldon Bradstreet
3. None Designated

For Councilmember Ben Bartlett

1. *Pending*
2. Kathleen Crandall
3. Emily Modde

For Councilmember Kate Harrison

1. Holly Scheider
2. Kelly Hammargren
3. Erin Diehm

For Councilmember Sophie Hahn

1. John C. Hitchen
2. Ronnie Cohen
3. *Pending*

For Councilmember Susan Wengraf

1. Ray Yep
2. Gordon Wozniak
3. Linda Maio

For Councilmember Rigel Robinson

1. Solomon Alpert
2. None Designated
3. Timothy Xavier Johnson

For Councilmember Mark Humbert

1. Gordon Wozniak
2. None Designated
3. None Designated

BE IT FURTHER RESOLVED, that Resolution No. 70,073-N.S. is hereby rescinded.



Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 11, 2023 - Regular Council Meeting
2. April 13, 2023 - Special Closed Council Meeting
3. April 17, 2023 – Special Closed Council Meeting
4. April 25, 2023 - Special Council Meeting
5. April 25, 2023 - Regular Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 11, 2023**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1606544287>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 160 654 4287. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto: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:** 6:07 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Bartlett present at 6:10 p.m.

Councilmember Kesarwani present at 6:25 p.m.

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

### Ceremonial Matters:

1. Recognition of Tom Dalzell, Local Author
2. Recognition of Armenian Genocide Remembrance Day, April 24, 2023
3. Recognition of Holocaust Remembrance Day, April 16, 2023
4. Adjourned in memory of Daniel Waldmen, Local Architect
5. Adjourned in memory of Karen Hemphill, former Berkeley Unified School District Board Member

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Declaring Daniel Ellsberg Week.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Humbert pursuant to Government Code Section 54954.2(b)(2) entitled Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs).

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 34 speakers.

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

**Vote:** All Ayes.

### **Urgent Item: Declaring Daniel Ellsberg Week**

**From: Councilmember Hahn (Author)**

**Recommendation:** Adopt a Resolution declaring April 24-30, 2023 as Daniel Ellsberg Week.

**Financial Implications:** None.

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

**Action:** Mayor Arreguin, and Councilmembers Harrison and Humbert added as co-sponsors. Adopted Resolution No. 70,752–N.S.

### **Urgent Item: Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs)**

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

**Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

**Recommendation:** Send a letter to Assemblymembers Friedman and Wicks in support of AB 645 (Friedman) and requesting that Berkeley be added to the list of cities the bill would authorize to establish a Speed Safety System Pilot Program.

**Financial Implications:** Staff time

Contact: Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

**Action:** Approved recommendation.

#### **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 14 (regular), February 21 (special), February 27 (closed and special), February 28 (special and regular), March 13 (closed), March 14 (special and regular), March 20 (special) and March 21 (special and regular).

**Financial Implications:** None

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

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

#### **2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 11, 2023**

**From: City Manager**

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

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

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

**Action:** Approved recommendation.

## Consent Calendar

- 3. Contract No. 31900273 Amendment: Bay Area Community Services North County Housing Resource Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Contract No. 31900273 with Bay Area Community Services (BACS) North County Housing Resource Center (HRC) by increasing the not to exceed amount (NTE) by \$80,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$11,410,274 to \$11,490,274.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,753–N.S.
- 4. Contract: JSI Research & Training Institute, Inc. for Community Health Assessment, Innovation, and Improvement Plan Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with JSI Research & Training Institute, Inc. to serve as a Community Health Assessment, Innovation, and Improvement Plan consultant for the City of Berkeley’s Health, Housing, and Community Services (HHCS) Department from May 1, 2023 to May 1, 2025 in an amount not to exceed \$249,413.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,754–N.S.
- 5. Contract: Easy Does It for Provision of Wheelchair Van Service for Seniors & the Disabled**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or her designee, to execute a contract and any amendments with Easy Does It in the amount of \$175,000 for the period of July 1, 2023 through June 30, 2026 for the provision of accessible wheelchair van services to clients of the Aging Services Division’s Berkeley Rides for Seniors & the Disabled program.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,755–N.S.
- 6. Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$150,000, with a contract end date of June 30, 2024.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,756–N.S.

## Consent Calendar

- 7. Contract No. 32000224 Amendment: GovtInvest Labor Costing, Pension & OPEB Analysis Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000224 with GovInvest for a labor costing, pension and OPEB (Other Post-Employment Benefits) analysis software system, increasing the amount of the contract by \$150,000 to cover 3 years of subscription access to this service for a revised total contract amount not to exceed \$200,000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,757–N.S.
- 8. Side Letter of Agreement – Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association (PTRLA) to modify Section 15.6 of the Memorandum of Agreement regarding Hazardous Substance Special Assignment Pay. Effective July 7, 2022, employees who are regularly assigned to perform services in unhoued settings throughout the service area shall receive a three percent (3%) salary differential to their base pay for all actual hours worked in the field and performing duties in unhoued settings. This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,758–N.S.
- 9. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Additional Website Maintenance and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$105,000 and a total contract value not-to-exceed \$674,300 from March 1, 2019 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,759–N.S.



## Consent Calendar

- 10. Donation: Memorial Bench at the Berkeley Marina in memory of Sophia Pritzos**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Sophia Pritzos.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,760–N.S.
- 11. Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to a lease agreement with Cazadero Performing Arts Camp (CPAC), at 5385 Cazadero Hwy, Cazadero, CA 95421, for City to disburse up to \$400,000 to tenant to implement capital improvements to satisfy City's obligations under the lease.  
**Financial Implications:** Measure T1 Fund - \$400,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopt first reading of Ordinance No. 7,858–N.S. Second reading scheduled for April 25, 2023.
- 12. Contract: Power Engineering Construction for the Selective Timber Pile Replacement Project at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Selective Pile Replacement Project (Bid Specification No. 23-11567-C); and 2. Accepting the bid of Power Engineering Construction as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Power Engineering Construction, for the Berkeley Selective Piling Replacement Project, in an amount not to exceed \$3,175,000, which includes a contract amount consisting of base bid plus allowance of \$2,710,690 and a 17.13% contingency in the amount of \$464,310.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,761–N.S.

## Consent Calendar

- 13. Contract No. 10785 Amendment: West Coast Arborist, Inc for Tree Removal and Pruning Service**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10785 with West Coast Arborist, Inc. for tree removal and pruning service by increasing the contract amount by \$100,000 for a not-to-exceed amount of \$1,290,000.  
**Financial Implications:** 2023 Parks Tax Fund - \$1,290,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,762–N.S.
- 14. Accept Grant Funding From the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or designee, to accept the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award. The total funding awarded to the Berkeley Police Department is \$106,014 for the period July 1, 2022, to December 1, 2025. Funds for the grant will be used to enhance officer wellness and resilience by providing mental health resources.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,763–N.S.
- 15. Support March 21, 2023 Day of Action Urging Banks to Divest from Fossil Fuel Businesses**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution that the City of Berkeley Council support the Tuesday March 21, 2023 nation-wide day of action to tell banks to divest from fossil fuel projects, and encourages Berkeley’s residents to support and participate in local actions on that date.  
**Financial Implications:** None  
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100  
**Action:** Adopted Resolution No. 70,764–N.S.
- 16a. Allocation of \$3 Million Over Two Years, FY 2024 and FY 2025, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).**  
*(Reviewed by the Budget and Finance Policy Committee)*  
**From: Sugar Sweetened Beverage Product Panel of Experts**  
**Recommendation:** Adopt a Resolution allocating \$3 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services’ (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission’s goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY24 and FY25. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs.

## Consent Calendar

- 16b. Companion Report: Allocation of \$3 Million Over Two Years, FY24 and FY25, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).**  
*(Reviewed by the Budget and Finance Policy Committee)*

**From: City Manager**

**Recommendation:** Adopt a Resolution allocating \$2 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$2 million will be distributed in two installments of \$1 million per year for FY24 and FY25. The funds will be distributed as follows: a. Direct the City Manager to award up to \$712,000 of the allocated funds to Berkeley Unified School District (BUSD) for the period, July 1, 2023 to June 30, 2025 through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least \$712,000 of the allocated funds for the period, July 1, 2023 to June 30, 2025 through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants. c. For the period, July 1, 2023 to June 30, 2025, direct the City Manager to allocate \$125,000 to fund Finance Department costs for staffing and MuniServices fees and \$451,000 to HHCS/PHD for staffing, operating and consulting costs to coordinate and monitor the grant process, manage resulting contracts awarded, support activities aligned with the goal of the sugary beverage tax, including the Healthy Retail Checkout ordinance, and provide an annual presentation to the SSBPPE Commission that includes process and outcome data and updates on Finance Department fees related to the sugary drink tax for the SSBPPE Commission to inform the development of the Commission's annual report. d. Carryover any sugary drink tax revenue received in excess of \$2 million during FY24 and FY25 to be awarded for related services in FY25 – FY27.

*Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.*

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,765–N.S. as recommended by the Budget and Finance Committee to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

## Council Consent Items

- 17. Support AB 40 – Improving Ambulance Patient Offload Times**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of AB 40 (Rodriguez), which develops a 20-minute statewide standard for ambulance patient offload times. Send a copy of the Resolution to Assemblymembers Freddie Rodriguez and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,766–N.S.
- 18. Resolution to Support AB 1001**  
**From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill 1001, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,767–N.S.
- 19. Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution directing the City Manager to work with the family of the late Fred Ross Jr. to dedicate a memorial bench at the west facing edge of Cesar Chavez Park in his honor. The family of Fred Ross Jr. shall be responsible for the cost of the bench and shall be engaged in determining the location of the bench.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,768–N.S.
- 20. Support for AB 1690 (Universal health care coverage)**  
**From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Ash Kalra (D-San Jose) in support of AB 1690 (Universal health care coverage).  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

- 21. Support for AB 362 (Land value taxation study)**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Alex Lee (D-San Jose) in support of AB 362 (Land value taxation study).  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Robinson added as a co-sponsor. Approved recommendation.
- 22. Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer \$54,000 to the June, 2023 budget Process to increase personnel funding for Berkeley Community Media (BCM), advancing two current part time employees to full time.  
**Financial Implications:** \$54,000  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
- 23. Referral to the June 2023 Budget Process for Funding Harold Way Placemaking Project Schematic Design**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$100,000 to the June 2023 Budget Process to fund Harold Way Placemaking Project Schematic Design.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
- 24. Referral to the June 2023 Budget Process as a sole source procurement contract for Two Full-Time Social Workers for Social Justice Collaborative**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$147,000 to the June 2023 Budget Process as a sole source procurement contract for annual staffing costs associated with funding two social workers to provide low-income immigrants, asylum seekers, unaccompanied children, young dreamers, and displaced families with direct legal services and legal representation.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation.  
**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – None.

## Council Consent Items

**25. Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System**

**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:** Refer \$100,000 to the June, 2023 Budget Process to enter into a contract to design and assist with implementing a comprehensive Berkeley Police Department Early Intervention and Risk Management System to provide necessary data and help in implementing fair and impartial policing policies and public safety reimagining.

**Financial Implications:** See report

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

**Action:** Mayor Arreguin and Councilmember Robinson added as co-sponsors.

Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Harrison.

**Council Consent Items**

**26. Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevention of Displacement from Multi-Family Housing**

**From: Councilmember Harrison (Author)**

**Recommendation:** Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, investments related to the Empty Homes Tax, and administrative implementation of the proposed Berkeley Community and Tenant and Opportunity to Purchase Act (COPA/TOPA).

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. 24 speakers. Councilmember Bartlett added as a co-sponsor. M/S/C (Harrison/Arreguin) to approve the recommendation revised to read as follows:

*Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, and implementation of other programs to allow purchases by the city, non-profits and or residents to maintain affordability:*

|                                                                                                                                                                            |                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <i>Community Development Project Coordination for acquisition capacity of 3-6 additional projects per year (HHCS)</i>                                                      | <i>1.5 FTE - \$318,915*</i><br><br><i>*Includes \$4,500 to support office, technology, and training needs</i> |
| <i>Community Development Project Coordination</i>                                                                                                                          | <i>0.5 FTE - \$108,088</i>                                                                                    |
| <i>Deputy City Attorney II</i>                                                                                                                                             | <i>0.35 FTE - \$101,884</i>                                                                                   |
| <i>Qualified Organization Capacity Support for two additional projects per year (in addition to existing allocation of \$100,000 to the Bay Area Community Land Trust)</i> | <i>\$50,000</i>                                                                                               |

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

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

## Council Consent Items

27. **Relinquishment of Council Office Budget Funds to Grant Downtown Berkeley Association (DBA) \$500 for 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose.**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure to grant Downtown Berkeley Association (DBA) \$500 for the 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,769–N.S.
28. **Resolution in Support of AB 641: Automobile dismantlers: catalytic converters**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt Resolution in support of AB 641, Automobile dismantlers: catalytic converters, amending Section 220 of the Vehicle Code to revise and expand the definition of "automobile dismantler" to include individuals illegally in possession of two or more catalytic converters.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,770–N.S.
29. **Proclaiming May as Jewish American Heritage Month**  
**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution proclaiming May as Jewish American Heritage Month.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Councilmembers Kesarwani and Taplin added as co-sponsors. Adopted Resolution No. 70,771–N.S.



## Council Consent Items

**30. Kala Art Institute 2023 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

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

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn and \$500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2023, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmembers Hahn and Taplin, and from any other Councilmembers who would like to contribute.

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

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

**Action:** Adopted Resolution No. 70,772–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Bartlett - \$250; Councilmember Robinson - \$200; Councilmember Humbert - \$100.

## Council Consent Items

### 31. Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities

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

**Recommendation:** Refer \$250,000 to the June 2023 budget process to study and report to Council on: 1. The need for Affordable Housing in Berkeley to: a. Rehouse Berkeley's unhoused residents. b. Meet the housing needs of very low-, low- and moderate-income Berkeley residents, from less than 30% to 120% of Area Median Income (AMI). c. Significantly increase cooperative, land trust, and other Social Housing, including innovative social housing models that provide significant moderate-income housing opportunities. d. Meet the needs of low-income artists, seniors, individuals with disabilities, and other populations with unique needs. e. Potentially increase Affordable Housing, up to 100%, at North Berkeley and Ashby Bart Stations. f. Meet the City's Housing Element Affordable Housing production requirements of 5,270 units from 30%-120% AMI in a timely manner, prior to the end of the current RHNA cycle in 2031. 2. Existing and potential new programs to increase homeownership for low-income and first-time homebuyers. 3. Needs/programs to accelerate the City's Small Sites Program. 4. Existing and upcoming funds available at the local, County, Regional, State, and Federal levels to support Berkeley in meeting its Affordable and Social Housing needs and requirements. 5. Berkeley-specific funds required to meet Affordable and Social Housing needs and to produce Berkeley's RHNA-required Affordable Housing, including funds to build capacity at Land Trusts and other organizations to deliver Cooperative and Social Housing. 6. Existing sources and amounts of Funding available to meet Berkeley's Affordable and Social Housing needs and requirements. 7. Potential Bonds or other measures to secure necessary Affordable and Social Housing funds including a potential measure or measures on the November 2024 ballot, based on the success of 2018 Measure O. 8. Added costs of delaying the preservation and construction of Affordable Housing, including potential increased costs for land, financing, and construction, and the yearly/per-individual cost of providing services to Berkeley's unhoused residents. 9. Consequences of failure to meet RHNA Affordable Housing allocations in a timely manner. 10. Potential re-authorization of Measure P in November of 2024 as a permanent measure, to extend additional funding available to support rehousing the homeless. 11. Any other information related to Affordable and Social Housing in Berkeley to help inform residents and the City Council of the need for additional Affordable Housing and Affordable Housing programs and funds, and funds to rehouse the homeless.

Study to be delivered to the City Council no later than December 1, 2023 and to include a plan for Berkeley to meet its Affordable and Social Housing needs and requirements and recommendations for additional funds, programs, and other measures to meet needs over the next decade.

**Financial Implications:** See report

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

**Action:** Councilmember Wengraf added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Hahn, and further revised to strike the second bullet from the recommendation:

- ~~Potential/needs for Berkeley to achieve 100% affordable projects (up to 120% AMI) at the North Berkeley and Ashby Bart Stations.~~

## Council Consent Items

**32. Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections From: Councilmember Wengraf (Author)**

**Recommendation:** In support of the City's Pedestrian Plan with a vision that, "Berkeley is a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages, and abilities," refer to the Fiscal Year 2024 Budget Process an allocation of \$30,000 to install "YIELD" signs at two unmarked intersections at Shasta and Queens and Quail and Queens.

**Financial Implications:** \$30,000

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

**Action:** Approved recommendation.

**33. Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**

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

**Recommendation:** In support of the City's goals as stated in the "General Plan," "Local Hazard Mitigation Plan," "Pedestrian Plan," and "Community Wildfire Protection Plan", refer to the Fiscal Year 2024 Budget Process an allocation of \$150,000 for the installation of lighting, handrails and signage on paths deemed most critical for safe evacuation throughout Berkeley.

**Financial Implications:** \$150,000

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

**Action:** Approved recommendation.

## Council Consent Items

34. **Approval of the Public Bank East Bay Viability Study** *(Reviewed by the Budget & Finance Committee)*

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

**Recommendation:** Refer to the Budget & Finance Policy Subcommittee to review and discuss the Public Bank East Bay Viability Study and consider the following recommendations for the full Council: (1) Adopt a resolution formally adopting the viability study; (2) Adopt a resolution of intention to form the Public Bank East Bay alongside Oakland & Richmond; (3) Refer to the City Manager to coordinate with the Friends of the Public Bank of the East Bay and the staff of the cities of Oakland and Richmond on the development of a business plan for the Public Bank of the East Bay, or designate the appropriate staff to do so; (4) Refer to the City Manager to engage an independent consultant with expertise in banking operations and financing to advise city staff as they coordinate with the Friends of the Public Bank East Bay and participating jurisdictions in the production of a business plan for a public bank

*Policy Committee Recommendation: To send the item to Council with a positive recommendation.*

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Robinson/Arreguin) to approve the item and adopt Resolution No. 70,773–N.S. (Viability Study), and Resolution No. 70,774–N.S. (Resolution of Intention), as recommended by the Budget & Finance Committee.

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

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:40 p.m.

**Vote:** All Ayes.

35. **Budget Referral: Fully fund the City’s 50-50 Sidewalk Repair Program**

**From: Councilmember Humbert (Author), Councilmember Robinson (Co-Sponsor)**

**Recommendation:** Refer \$2.2 million to the FY 24 Mid-Biennial Budget Update for the purpose of fully funding clearance of the existing backlog in Berkeley’s 50-50 Sidewalk Repair Program. Refer an additional \$1 million per year (above the existing \$1 million baseline funding for sidewalk repair) to future budget processes to ensure all of Berkeley’s sidewalks are kept in a state of good repair.

**Financial Implications:** See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

**Action:** Councilmembers Wengraf and Bartlett added as co-sponsors. Approved recommendation.

Recess 8:38 p.m. – 8:52 p.m.

## Action Calendar – Old Business

- 36. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone** *(Continued from March 21, 2023) (Item Contains Revised Material)*  
**From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** 0 speakers. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,859–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Harrison. Second reading scheduled for April 25, 2023.  
**Vote:** All Ayes.

## Action Calendar – New Business

- 37. Unfunded Liability Obligations and Unfunded Infrastructure Needs**  
**From: City Manager**  
**Recommendation:** That the City Council takes the following actions:  
1. Accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report;  
2. Receive a presentation on Pensions and Other-Post Employment Benefits tonight and provide staff with direction;  
3. Schedule for either the April 25, 2023 City Council Meeting or at a later date to be determined a presentation and discussion on Unfunded Infrastructure Needs.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** 0 speakers. M/S/C (Arreguin/Hahn) to refer Item 37 to the Agenda & Rules Committee for future scheduling.  
**Vote:** All Ayes.
- 38a. Recommendation for RV Lot and Waste Management on Streets for RVs**  
**From: Homeless Services Panel of Experts**  
**Recommendation:** The Homeless Services Panel of Experts recommends to Council that they refer to staff to expedite all efforts to identify a location for another RV lot(s) to take the place of the now closed SPARK lot at 742 Grayson and that the new lot identified require mandatory safety inspections and fire extinguishers to be provided. The Homeless Services Panel of Experts further recommends that Council refer to staff to develop a waste management plan to be implemented for RVs currently on the streets.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

## Action Calendar – New Business

**38b. Companion Report to Recommendation for RV Lot and Waste Management on Streets for RVs**

**From: City Manager**

**Recommendation:** Refer the Homeless Services Panel of Experts' recommendation to identify and expedite a new safe RV parking location/program and develop a waste management plan for RVs on the streets to the Budget and Finance Policy Committee for consideration alongside all other homeless services priorities in the budget process.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Item 38b moved to Consent Calendar. Approved recommendation.

**39a. Referral of two health educator positions to the COB FY 2024 budget process**

**From: Peace and Justice Commission**

**Recommendation:** Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.

**Financial Implications:** See report

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

**39b. Companion Report: Referral of two health educator positions to the COB FY 2024 budget process**

**From: City Manager**

**Recommendation:** Refer to the Peace and Justice Commission's request for \$150,000 annually for staffing, materials, and supplies for health education and outreach to the Budget and Finance Policy Committee for further deliberation.

**Financial Implications:** None

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Item 39b moved to Consent Calendar. Approved recommendation.

## Information Reports

**40. Environment and Climate Commission 2023 Work Plan**

**From: Environment and Climate Commission**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 4 speakers.**

## Adjournment

Adjourned at 11:40 p.m.

## Communications

### Unhoused Attacking Community Members

1. Diana Lui, Creative Director, Asha Tea House
2. Sergeant Kevin Kleepe, Community Service Bureau, Special Response Team with City of Berkeley Police Department (2)
3. Anna Weinstein

### BART Development

4. Tom Athanasiou
5. Netsy Firestein
6. Stephanie Roth
7. Gerry Tierney
8. Greg Castillo
9. Matthew Wadlund
10. Pablo Diza-Gutierrez
11. Julie Goldobin
12. Lee Bishop
13. Andrea Horbinski
14. Teresa Clarke

### Golden Bear Housing

15. Peter Radu, Manager of Neighborhood Service
16. Becca Sullivan

### Aquatic Park Fish Die-Off

17. Melinda Howard-Herrarte, on behalf of Northern Alameda County Group

### Gender Based Domestic Violence

18. Cameron Johnson, on behalf of Homeless Services Panel of Experts

### Recycling

19. David Lerman (2)
20. Heather Kay

### Fire Evacuation & Emergency Service Routes

21. Margot Smith, on behalf of Commission on Aging

### CDC Maternal Mortality Rates 2021

22. Carole Marasovic

### Chipper Postcard Mailer

23. David Sprague, Interim Fire Chief

### Creating Quiet Zones

24. Amir Gholi

**Add Domestic Violence Department Back to Berkeley Police Department**

25. Mee345@ (2)

**Public Comment at Council Meetings**

26. Vivian Warkentin

**Support Hybrid Meetings**

27. Ardys D.

**Garbage Rates**

28. Marilyn Kwock

29. Donna Hemmila

30. Robert Lauriston

31. Pamela Michaud

32. Eric Friedman

**Fixed Video Surveillance Cameras**

33. Hansel Alejandro Aguilar, Director of Police Accountability

34. Jen Louis, Interim Police Chief

**Senior Centers**

35. Eileen Hughes

36. Wendy Alfsen

37. Jamal Williams

**Offer to Present Center Street Greenway**

38. Kirstin Miller, on behalf of Ecocity Builders

**Harriet Tubman Apartments**

39. Moni Law

40. Christoverre Kohler

**Support for Ebike Rebate & Bike Storage**

41. Tom Lent and Liza Lutzker, on behalf of Walk Bike Berkeley

**Regulate Pesticides**

42. Maya Cohen

**Ohlone Greenway at North Berkeley BART**

43. Charles Siegel

**Golden Gate Fields/Horses**

44. Angie Bushby

45. Melissa Mangini

46. Nancy Veerhusen

47. Marisa Menedez



- 48. Dale A
- 49. Jennifer Milliken

**Residential Vacancy Rates**

- 50. Gregory Kalkanis

**Keep Innovations in Berkeley Initiative**

- 51. Wesly Jackson, on behalf of Valitor

**Banning the Retail Sale of Animals**

- 52. Laura Ide

**People's Park Anniversary Needs Porta-Potties**

- 53. Hali Hammer

**Shattuck Avenue Building Heights**

- 54. Larisa Cummings

**Berkeley Municipal Code 7.72**

- 55. Narelia

**Fraudulent Sale of 1590 Oregon to Avoid Taxes**

- 56. George Wolff

**Tibetan National Flag Raising Ceremony**

- 57. Jinpa Tharchin, on behalf of Tibetan Association of Northern California

**Berkeley's Mansion Tax**

- 58. Fred Dodsworth

**American For Responsible Technology**

- 59. Vivian Warkentin

**Restore and Daylight Strawberry Creek**

- 60. Pamela Drake

**Trash Pickup at Sweet Green Restaurant**

- 61. Chris Cook

**Proclamation for 100 Years of Age Berkeley Resident**

- 62. Berkeley's Mayor Office

**Storm Situation Update for March 27 to March 28, 2023**

- 63. Dee Williams-Ridley, City Manager

**URL's Only**

- 64. Vivian Warkentin (4)
- 65. Fred Dodsworth

## Supplemental Communications and Reports 1

### **Item #19: Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**

- 66. Louis Freedberg

### **Item #29: Proclaiming May as Jewish American Heritage Month**

- 67. Eric Friedman

### **Item #31: Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities and Improvements**

- 68. Supplemental material, submitted by Councilmember Hahn

### **Item #33 & #35: Budget Referrals: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network AND Fully Fund the City's 50-50 Sidewalk Repair Program**

- 69. Ken Hecht
- 70. Sandy Young and Timothy Moder
- 71. Hayne Leland
- 72. David Esler
- 73. John Vias

### **Item #36: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor/Management Conflict in Berkeley Marina Zone**

- 74. Revised material, submitted by Councilmember Harrison

## Supplemental Communications and Reports 2

### **Item #19: Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**

- 75. Margo Feinberg (2)

### **Item #25: Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System**

- 76. Revised material, submitted by Councilmember Harrison

### **Item #29: Proclaiming May as Jewish American Heritage Month**

- 77. Melissa Chapman

### **Item #31: Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities and Improvements**

- 78. Supplemental material, submitted by Councilmember Hahn
- 79. Xavier Johnson

**Item #32: Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections**

80. John Sterns

81. Arshad (Paku) Khan

**Item #33 Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**

82. Tamara Gurin

**Urgent Item: Declaring Daniel Ellsberg Week**

83. Submitted by Councilmember Hahn

**Urgent Item: Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs)**

84. Submitted by Councilmember Humbert

**Supplemental Communications and Reports 3**

**Item 22: Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media**

85. Helen Walsh

**Item #26: Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevent of Displacement from Multi-Family Housing**

86. Igor Tregub, on behalf of CADEM Renters Council

**Item #33: Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**

87. Tina de Benedictis

88. Kathy Baylor

89. Beth Feingold

90. Sandra Curtis

91. Jacqueline Wilson

92. Madeline Jay

93. Boseanne Packard

94. Carol Hirth

95. Michael Travis and Linda Skory

96. Nancy Rader

97. Charlene Woodcock

98. Ednah Beth Friedman

99. Robert Dering

100. Nancy Rubin

101. Phyllis Rothman

102. Lizbeth Langston

103. Kay Englund

104. Nick Gross

105. David Hillis

106. Wayne Huber

- 107. Chris Samuel
- 108. Monika Mann
- 109. Andrea Foley
- 110. Charles Fleming
- 111. Johan Dowdy
- 112. Sarah Watts
- 113. Judy Krolikowski
- 114. Tamara Gurin
- 115. Elizabeth Crews
- 116. 133 similarly-worded form letters

**Item 34: Approval of the Public Bank East Bay Viability Study**

- 117. Roger Hallsten
- 118. Kathryn Snowden
- 119. Jenny Wenk
- 120. Laura Klein

**Urgent Items**

**Urgent Item: Declaring Daniel Ellsberg Week**

- 121. Mary Rose

**Miscellaneous Items**

**Current Events**

- 122. Eid

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**THURSDAY, APRIL 13, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1618017241>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: 161 801 7241. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

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

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding 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.*

## Preliminary Matters

**Roll Call:** 3:05 p.m.

**Present:** Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin

Councilmember Taplin present at 3:09 p.m.

Councilmember Kesarwani present at 5:00 p.m.

**Public Comment - Limited to items on this agenda only** – 25 speakers

## CLOSED SESSION:

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

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

a. **Title of position to be filled:** Fire Chief

**Action:** No reportable action taken.

b. **Title of position to be filled:** Chief of Police

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

Adjourned at 7:00 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on April 13, 2023.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1.b.: Public Employee Appointments Pursuant to Government Code Section 54957(b) b. Title of position to be filled: Chief of Police**

1. Starchild
2. Trach Rosenberg
3. Janice Schroeder
4. Diana Bohn
5. Elizabeth Ferguson
6. Phoebe Anne Sorgen
7. Zipporah Collins
8. Mary Ann Meany
9. Jack Kurzweil
10. Kelly Hammargren
11. Cindy Shamban
12. Sally Nelson
13. Tobey Wiebe
14. Holly Scheider
15. Todd Andrew (2)
16. Karl Knobler
17. Elena Auerbach
18. Catherine Huchting
19. Max Ventura

## Supplemental Communications and Reports 3

**Item #1.b.: Public Employee Appointments Pursuant to Government Code Section 54957(b) b. Title of position to be filled: Chief of Police**

20. Hansel Aguilar
21. Mati Teiblum
22. Moni Law
23. Cat Zavis
24. Summer Brenner
25. Debbie Perkins-Kalama
26. Diana Bohn (2)
27. Mary-Lee Kimber Smith
28. Paul Lee

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, APRIL 17, 2023**

**3:00 P.M.**

CYPRESS ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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## Preliminary Matters

**Action:** M/S/C (Arreguin/Robinson) to approve the request of Councilmember Harrison to participate in the meeting remotely for just cause pursuant to the Brown Act as amended by AB 2449.

**Vote:** All Ayes.

**Roll Call:** 3:15 p.m.

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

**Absent:** None

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

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

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. *In Re: National Prescription Opiate Litigation*, United States District Court, Northern District of Ohio, Eastern Division, MDL 2804, Case No. 1:17-MD-2804. Discussion and direction whether to register as an eligible Non-Litigating Subdivision to participate in the nationwide settlements that are proposed to resolve all opioids litigation brought by states and local political subdivisions against three pharmacy chains—CVS, Walgreens, and Walmart—and two manufacturers—Allergan and Teva. <https://oag.ca.gov/opioids> and <https://nationalopioidsettlement.com/>

**Action:** No reportable action taken.

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

**Action:** No reportable action taken.

### 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

|                      |                                                                                                                                                                                          |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Property address: | 3100 Adeline Street, Berkeley, California (Ashby BART)                                                                                                                                   |
| Agency Negotiators:  | Dee Williams-Ridley, City Manager; LaTanya Bellow, Deputy City Manager; Jordan Klein, Director of Planning & Development; Lisa Warhuus, Director of Health, Housing & Community Services |
| Negotiating parties: | City of Berkeley; Bay Area Rapid Transit District                                                                                                                                        |
| Property owner:      | City of Berkeley                                                                                                                                                                         |
| Under negotiation:   | Price and terms                                                                                                                                                                          |

**Action:** No reportable action taken.

Councilmember Kesarwani absent 5:42 p.m. – 6:58 p.m.

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

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renee Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F. (Fire Officers), Berkeley Fire Fighters Association, Local 1227 I.A.F.F. (Firefighters); Berkeley Police Association

Councilmember Harrison absent 5:52 p.m. – 6:58 p.m.

Councilmember Wengraf absent 6:28 p.m. – 6:58 p.m.

Councilmember Taplin absent 6:35 p.m. – 6:58 p.m.

Councilmember Hahn absent at 6:58 p.m.

**Action:** No reportable action taken.

**OPEN SESSION:**

No reportable action taken.

**Adjournment**

Adjourned at 6:58 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on April 17, 2023.

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Mark Numainville, City Clerk

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

**Tuesday, April 25, 2023  
5:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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## Preliminary Matters

**Roll Call:** 5:05 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Bartlett present at 5:29 p.m.

Councilmember Kesarwani present at 5:38 p.m.

## Action Calendar – New Business

- 2023 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)**  
**From:** City Manager  
**Recommendation:** Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals and adopt a Resolution approving the list of prioritized referrals to city staff.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** 1 speaker. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,775–N.S. approving the list of prioritized referrals with the following amendments.
  - #7 BUSD Service Requests - moved to short term list
  - #33 All-Home CA - moved to short term list
  - #44 Residential Renovations - referred to the Objective Standards Project
  - #30 West Berkeley Service Center - removed from the list
  - #47 AC Transit Agreement - removed from the list**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:19 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

### Item #1: 2023 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

1. Presentation, submitted by the City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 25, 2023**  
**6:00 PM**

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## Preliminary Matters

**Roll Call:** 6:19 p.m.

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

**Absent:** None

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

### Ceremonial Matters:

1. Official Welcome for Mayor Victor Hugo Tejada of Las Vegas, Santa Barbara, Honduras
2. Recognition of the 100<sup>th</sup> Birthday of Obeline Shelton
3. Recognition of Daniel Ellsberg Week
4. Adjourn in Memory of Eleanor Walden, Local Activist and Former Rent Board Commissioner
5. Adjourn in Memory of Elliot Halpern, Local Activist

### City Manager Comments:

The City Manager provided an update on the Reimagining Public Safety Project and the Homeless Response Team.

**Public Comment on Non-Agenda Matters:** 9 speakers.

## Consent Calendar

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

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,858-N.S. authorizing the City Manager to execute an amendment to a lease agreement with Cazadero Performing Arts Camp, at 5385 Cazadero Hwy, Cazadero, CA 95421, for City to disburse up to \$400,000 to tenant to implement capital improvements to satisfy City's obligations under the lease.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Measure T1 Fund - \$400,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,858–N.S.
- 2. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,859-N.S. Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted second reading of Ordinance No. 7,859–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 25, 2023**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** General Fund - \$2,035,590  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.



## Consent Calendar

- 4. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to Hire Additional Firefighters**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from FEMA for up to \$5,093,748 with no matching City funds to hire six additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,776–N.S.
- 5. Extension of the Alameda County Abandoned Vehicle Abatement Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the extension of the Alameda County Abandoned Vehicle Abatement Program through May 31, 2033, and directing the City Manager to take any actions necessary, including executing any resultant agreements, to extend this program and secure related funding.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,777–N.S.
- 6. Revenue Contract: Alameda County for Vector Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Alameda County for the Vector Program in the Environmental Health Division of the Health, Housing, and Community Services Department; 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 \$1,050,000 for FY2022 through FY2024 to be deposited in Fund 325 (Vector Control); and implement the projects and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,778–N.S.

## Consent Calendar

- 7. Contracts: Freitas Landscaping and Pacific Site Management for On-Call Vegetation Management Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for on-call landscape vegetation management and removal in City-owned parks, pathways, and landscaped areas over a period of three years, with an option to extend the contract for two additional one-year terms, for a total amount not to exceed \$1,200,000: 1. Freitas Landscaping and Maintenance, for an amount not to exceed \$600,000; and 2. Pacific Site Management, for an amount not to exceed \$600,000.  
**Financial Implications:** Various Funds - \$1,200,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,779–N.S. (Freitas) and Resolution No. 70,780–N.S. (Pacific Site).
- 8. Contracts: Redwood Engineering and OBS Engineering for As-Needed Irrigation Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for irrigation repair and improvement services as-needed, for contract periods of May 15, 2023 to May 15, 2026: 1. Redwood Engineering Construction, for an amount not to exceed \$100,000; and 2. OBS Engineering Incorporated, for an amount not to exceed \$100,000.  
**Financial Implications:** Various Funds - \$200,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,781–N.S. (Redwood) and Resolution No. 70,782–N.S. (OBS).
- 9. Contract No. 32200178 Amendment: Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200178 with Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp, increasing the amount by \$120,000 for a total not-to-exceed contract amount of \$169,900.  
**Financial Implications:** Camps Fund - \$120,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,783–N.S.

## Consent Calendar

- 10. Grant Application: Clean California Local Grant Program – Tom Bates Fields Beautification Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application in the amount of up to \$5,000,000 to the Clean California Local Grant Program for the Tom Bates Fields Beautification Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,784–N.S.
- 11. Contract No. 31900207 Amendment: Epic Recruiting for Recruiting, Advertising, and Marketing Strategy for the Berkeley Police Department (BPD)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900207 with Epic Recruiting to provide additional recruiting and advertising services for the Berkeley Police Department, in the amount of \$100,000 for a total contract amount not to exceed \$410,000, and extending the term through April 30, 2024.  
**Financial Implications:** BPD General Fund - \$100,000  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,785–N.S.
- 12. Contract: GradeTech Inc. for Restroom in the Right of Way: Channing Way at Telegraph Ave Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Restroom in the Right of Way: Channing Way at Telegraph Ave Project (Project), Specification No. 23-11552-C; 2. Accepting the bid of GradeTech Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$262,666.  
**Financial Implications:** Various Funds - \$262,666  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,786–N.S.

## Consent Calendar

- 13. Contract No. 112199-1 Amendment: Technology, Engineering and Construction, Inc., dba TEC Accutite, for Fuel Storage Tank Maintenance, Repairs, and Certification Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112199-1 with Technology, Engineering, and Construction, Inc., dba TEC Accutite, for fuel storage tank maintenance, repairs, and certification services, increasing the contract by \$164,000 for a total contract amount not to exceed \$414,000 and extending the term through June 30, 2024.  
**Financial Implications:** Various Funds - \$164,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,787–N.S.
- 14. Contract No. 112725-1 Amendment: Du-All Safety, LLC for Safety and Training Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112725-1 with Du-All Safety, LLC for continued safety training and consulting services, increasing the amount by \$250,000 for a total contract amount not to exceed \$650,000.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,788–N.S.
- 15. Fiscal Year 2024 Street Lighting Assessments – Initiating Proceedings**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and order the preparation of Engineer’s Reports.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,789–N.S. (District No. 1982-1) and Resolution No. 70,790–N.S. (District No. 2018).
- 16. Purchase Order Amendment: Diesel Direct West, Inc. to Purchase Fuel for City Vehicles and Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for the purchase of fuel for City vehicles and equipment, increasing the combined amount by \$750,000 for a total amount not to exceed \$11,494,000.  
**Financial Implications:** Various Funds - \$750,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,791–N.S.

## Consent Calendar

17. **Reject Bids for the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution rejecting all bids and authorizing the City Manager to re-advertise the work associated with the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C.  
**Financial Implications:** Staff time  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,792–N.S.

## Council Consent Items

18. **Resolution to Support AB 441**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill 441, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,793–N.S.
19. **Budget Referral: Berkeley Marina J&K Parking Lot**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$1.5 million for design and implementation of the Marina's J&K Parking Lot reconstruction.  
**Financial Implications:** General Fund - \$1,500,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
20. **Budget Referral: Berkeley Waterfront Bike Park**  
**From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$800,000 to design and implement the construction of a Berkeley Waterfront Bike Park  
**Financial Implications:** General Fund - \$800,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
21. **Budget Referral: Dreamland for Kids Playground Design**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$300,000 for the conceptual design of the reconstruction of the Dreamland for Kids Playground at Aquatic Park.  
**Financial Implications:** General Fund - \$300,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

- 22. Budget Referral: Shorebird Park Playground Design**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$200,000 for the conceptual design of the reconstruction of the Shorebird Park Playground.  
**Financial Implications:** General Fund - \$200,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 23. Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Approve the expenditure of funds, including \$1,000 from the discretionary council office budget of Vice Mayor Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on April 30, 2023, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 70,794-N.S. amended to include contributions from the following Councilmembers up to the amount listed: Councilmember Harrison - \$500; Councilmember Hahn - \$250; Councilmember Wengraf - \$250; Councilmember Humbert - \$250; Councilmember Robinson - \$250; Councilmember Taplin - \$250.
- 24. Referral to the June 2023 Budget Process for \$100,000 in Traffic Safety Upgrades for the MLK and Haste Intersection**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Referral to the June 2023 Budget Process for \$100,000 in traffic safety improvements at MLK and Haste.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation as amended in Supplemental Communications Packet #1 and #2 by Councilmember Harrison.

## Council Consent Items

25. **Referring \$372,000 to the June 2023 Budget Process for Staffing Costs Associated with Administering the Empty Homes Tax**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$372,000 to the June 2023 Budget Process for annual City staffing costs to administer the Empty Homes Tax: Accounting Office Specialist III (Finance) 0.25 FTE - \$38,750; Associate Planner (Rent Stabilization Board) 1 FTE - \$185,670; Office Specialist II (Rent Stabilization Board); 1 FTE - \$115,000 Mailing Costs for Outreach and Noticing (Rent Stabilization Board) \$10,000; 7.4% Overhead Costs for Counselors, General Counsel, and Office of Executive Director (Rent Stabilization Board) \$22,250.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
26. **Letter in Support of AB 73 (Idaho Stop)**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Tasha Boerner Horvath (cc: Governor Gavin Newsom, Senator Nancy Skinner, Assemblymember Buffy Wicks) in support of AB 73, which would allow bicyclists 18 years of age and older to treat all-way stop signs as yield signs.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Humbert, Arreguin; Noes – Harrison; Abstain – Wengraf.

Recess 7:50 p.m. – 8:14 p.m.

## Action Calendar – New Business

### 27. Proposition 218 Procedures and Five Year Zero Waste Rate Schedule

**From: City Manager**

**Recommendation:** 1. Adopt a Resolution approving initiation of the Proposition 218 procedures for the proposed Zero Waste Fund Five Year Rate Schedule and adding Zero Waste customers to the City's Very Low Income Refund program; and  
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

**Financial Implications:** See report

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

**Action:** 5 speakers. M/S/C (Kesarwani/Taplin) to:

1. Adopt Resolution No. 70,795–N.S. as revised in Supplemental Communications Packet #2 by the City Manager including the road maintenance allocation.

2. Adopt first reading of Ordinance No. 7,860–N.S. Second reading scheduled for May 9, 2023.

3. Request that the City Manager to return to Council in two years, after the Strategic Plan is completed, to review the rates.

4. Refer to the City Manager the four alternatives from the staff report (opt out of service; bi-weekly collection; eliminate 96 gallon bin; surcharge for 64 and 96 gallon bins).

5. Refer to the City Manager analysis of possible solutions for subsidizing smaller bin sizes.

**Vote:** All Ayes.

## Council Action Items

### 28. Project Manager/Coordinator for potential Alta Bates Hospital Closure

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

**Recommendation:** Direct the City Manager to enter into a contract with CONCUR in an amount of \$35,000 to support a Project Manager/Coordinator for the purpose of creating a strategic plan to engage Sutter Health, healthcare expertise and regional communities to alleviate the health impacts as identified in the Health Impact Analysis (HIA), completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018, by the proposed closure of Alta Bates Hospital. The contract term will be for four (4) months and will be funded from the Mayor's Office Personnel Budget.

**Financial Implications:** See report

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

**Action:** Removed from the agenda by Mayor Arreguin.

**Public Comment – Items Not Listed on the Agenda - 2 speakers.**



## Adjournment

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

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

Councilmember Wengraf absent 10:40 p.m. – 10:42 p.m.

Adjourned at 10:42 p.m.

## Communications

### **Item #20: Budget Referral: Berkeley Waterfront Bike Park**

1. Dan Leaverton (2)
2. Andrew Graham

### **2190 Shattuck**

3. 20 similarly-worded from letters
4. Eric Johnson
5. Stephanie Beechem
6. John Minot, on behalf of East Bay for Everyone
7. Claude Fischer
8. Erika Shore
9. Inger Acking

### **Potholes in Berkeley**

10. Franziska Raedeker

### **Homelessness**

11. Thom Lauret (2)

### **Keep Innovation in Berkeley**

12. Christine Shirilla, on behalf of Biocom California

### **Bus Rapid Transit on University**

13. John Caner, on behalf of Downtown Berkeley

### **Hybrid Meetings for the Disabled and Seniors**

14. Katharine Bierce

### **UA Theater**

15. Andrea Yankowski
16. Jeffrey Matucha

### **FireSafe Council**

17. Henry DeNero
18. David Sprague, Interim Fire Chief

**Paris Bans e-Scooter Rentals**

19. Bryce Nesbitt

**Support West Berkeley Youth and Seniors in Budget Revision**

20. Kiern Darkwater

**No Mail Delivery**

21. Dorothea Dorenz

**People's Park**

22. Michael Fullerton

**Support Wellness and Civility**

23. Meg Holm

**Dangerous Trees on Public Property**

24. David Lerman (2)

**South Berkeley 2023 Dilemma**

25. Carolyn Moore

**BPD Monthly Newsletter – March 2023**

26. Dee Williams-Ridley, City Manager

**Berkeley Police: Notice of Fatality, Significant or Unusual Incident**

27. Dee Williams-Ridley, City Manager (3)

**Credit Card Surcharge for Paying Trash Pickup Online**

28. Bob Kelson

**Rampant Crime in Berkeley**

29. Saji Kuman

30. Yolanda Yturralde

31. Shana Fruman

**Elected Officials Compensation**

32. Eric Swidler

33. Ally Almendarez, on behalf of City of Alameda

**Tenants Opportunity to Purchase Act (TOPA)**

34. Diana Bohn

35. Hanne Williams-Raron

36. Maria Gerdyman

**Harriett Tubman Terrace Apartments**

37. Darinxoso Oyamasela

38. Casandra Palanza

**Time and Meeting Management Ideas**

39. Barbara Gilbert

**Parking Enforcement for Bus Stops**

40. Kristin Stangl

**Women's Center**

41. Mee345@

**2580 Bancroft Way #210**

42. Leah Naomi Gonzales

**Bay Area Book Festival Leadership Transition**

43. Cherilyn Parson

**Gongju, Sister City – Dog Meat Capital of South Korea**

44. 33 similarly-worded form letters

**URL's Only**

45. Vivian Warkentin (2)

46. Brian Donahue

**Supplemental Communications and Reports 1**

**Item #20: Budget Referral: Berkeley Waterfront Bike Park**

47. Julian Foley

48. Benjamin Fry

**Item #24: Referral to the June 2023 Budget Process for \$100,000 in traffic Safety Upgrades for the MLK and Haste Intersection**

49. Supplemental material, submitted by Councilmember Harrison

**Item #28: Project Manager/Coordinator for potential Alta Bates Hospital Closure**

50. Supplemental material, submitted by Mayor Arreguin

**Supplemental Communications and Reports 2**

**Item #24: Referral to the June 2023 Budget Process for \$100,000 in traffic Safety Upgrades for the MLK and Haste Intersection**

51. Supplemental material, submitted by Councilmember Harrison

**Item #27: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

52. Revised material, submitted by Public Works

**Supplemental Communications and Reports 3**

**Item #20: Budget Referral: Berkeley Waterfront Bike Park**

53. Revised material, submitted by Councilmember Taplin

**Item #24: Referral to the June 2023 Budget Process for \$100,000 in traffic Safety Upgrades for the MLK and Haste Intersection**

54. Matt O'Brien

**Item #26: Letter in Support of AB 73 (Idaho Stop)**

55. Candace Hyde-Wang

**Item #27: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

56. Presentation, submitted by Public Works

57. Barbara Gilbert

**City Managers Comment Section**

58. Presentation on Homeless Response Team Update, submitted by the City Manager

**Miscellaneous**

59. Eviction Moratorium, submitted by the Berkeley Rent Board

60. Message from Eid, submitted by Eid



Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Police Accountability Board – Appointment of New Members

RECOMMENDATION

Adopt a Resolution appointing new members to the Police Accountability Board nominated by Councilmember Humbert and Councilmember Hahn.

FISCAL IMPACTS OF RECOMMENDATION

All commissioners are eligible to receive a stipend of \$100 per meeting.

CURRENT SITUATION AND ITS EFFECTS

In June of 2021 the Mayor and Members of the City Council nominated and appointed the initial nine members of the PAB and also appointed one alternate commissioner.

There are currently three seats on the PAB that are vacant. The alternate seat is also vacant. In addition, the term of Commissioner Levine expired when Councilmember Humbert was sworn in as the new District 8 Councilmember. Councilmember Humbert may make a new appointment to the PAB.

| <b>Commissioner</b> | <b>Nominated By</b>     |
|---------------------|-------------------------|
| <i>vacant</i>       | Mayor Arreguin          |
| Cheryl Owens        | Councilmember Kesarwani |
| Regina Harris       | Councilmember Taplin    |
| John Moore          | Councilmember Bartlett  |
| Kitty Calavita      | Councilmember Harrison  |
| <i>vacant</i>       | Councilmember Hahn      |
| Juliet Leftwich     | Councilmember Wengraf   |
| <i>vacant</i>       | Councilmember Robinson  |
| Deborah Levine*     | Councilmember Droste*   |
| <i>vacant</i>       | Alternate               |

\* Term expired, subject to new appointment by Councilmember Humbert

Councilmember Humbert has nominated Bill Williams to serve on the Police Accountability Board. Mr. Williams meets the eligibility criteria in the City Charter and may be appointed by a majority vote of the Council.

Councilmember Hahn has nominated Leah Wilson to serve on the Police Accountability Board. Ms. Wilson meets the eligibility criteria in the City Charter and may be appointed by a majority vote of the Council.

The City Charter provides for the appointment of members to the Police Accountability Board. Article XVIII, Section 125, Part 6 states, “The Mayor and each City Councilmember shall nominate one candidate from an applicant pool at a meeting of the City Council and that each individual nominee must be approved by a majority vote of the City Council.”

Members of the Police Accountability Board must:

- Be a resident of the City;
- Be at least 18 years of age
- Not be an employee, officer, or contractor with the City, a current sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officers; and
- Be fair minded and objective with a demonstrated commitment to community service.

The City Charter indicates that desirable qualities of a Board member are familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations and that the City Council shall endeavor to establish a Board that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City.

#### BACKGROUND

Measure II was adopted on November 3, 2020 by the voters of Berkeley to establish an Office of the Director of Police Accountability and create a new Police Accountability Board (hereafter “Board”), both of which are independent of the City Manager. The members of the Board are approved by vote of the full Council.

All applicants are reviewed and their eligibility is verified by city staff against the requirements of the Charter.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

The appointment is provided for by the City Charter and pursuant to the nominations submitted by Councilmember Humbert and Councilmember Hahn.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

APPOINTMENT OF WILLIAM WILLIAMS AND LEAH WILSON TO THE POLICE  
ACCOUNTABILITY BOARD

WHEREAS, Measure II was adopted on November 3, 2020 by the voters of Berkeley to create a new Police Accountability Board; and

WHEREAS, Article XVIII, Section 125, Part 6 provides for the Council's appointment of board members; and

WHEREAS, Councilmember Humbert and Councilmember Hahn have submitted a nominee for appointment by the full council; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following nominees are hereby appointed to the Police Accountability Board:

| <b>Nominee</b>   | <b>Nominated By</b>   |
|------------------|-----------------------|
| William Williams | Councilmember Humbert |
| Leah Wilson      | Councilmember Hahn    |





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: Telegraph Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the TBID for FY 2024.

SUMMARY

The Telegraph Property Based Business Improvement District (TBID or "the District") provides cleaning, hospitality and marketing services for Berkeley's Telegraph Avenue commercial district. In May of 2017 the TBID was geographically expanded and renewed for a ten-year period, authorizing operations through December 31, 2027, and designating the Telegraph Property and Business Management Corporation (TPBMC) as the District's Owners' Association. Annually, Council must approve the TBID's annual report and proposed budget and declare its intention to levy an annual assessment.

The City of Berkeley owns one parcel (the Telegraph Channing Parking Garage at 2431 Channing Way) within the boundaries of the TBID and is required by state law to pay the associated assessments. The assessment payment will be \$50,576 in FY 2024; in addition, the City will pay the General Benefit portion of the TBID costs, or roughly \$29,816.44. The City already makes an annual grant to TBID, through the Public Commons for Everyone Initiative (PCEI), which exceeds this general benefit amount, so there will be no new fiscal impacts related to funding the general benefit.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the Telegraph Property Based Business Improvement District (TBID or "the District") support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten-year period on May 2, 2017 (Resolution No. 67,940-N.S.). Assessment funds are collected by the Alameda County Assessor's Office, relayed to the City of Berkeley, and disbursed through a contract with the Telegraph Property and Business Management Corporation (TPBMC), a private owners' association that was established to implement

the Management District Plan. TPBMC has an active contract with the City, not to exceed \$7,410,024 of BID revenues, to implement the Telegraph Management District Plan for the period January 1, 2018 to December 31, 2027 (Contract No. 10835).

Collections from private parcel assessments (less the county's collection fee of 1.7%) are projected and budgeted at approximately \$560,831 in FY 2024. Collections from tax exempt parcels (owned by the Regents of the University of California and the City of Berkeley) are projected and budgeted at approximately \$195,523 in FY 2024. Annual and accrued private parcel assessment funds are deposited into Telegraph BID Fund 784-33-324-342-0000-000-000-412110 and expended from fund 784-21-208-251-0000-000-446-612990. An annual increase of up to 3% to account for inflation is allowed by the Management District Plan and must be approved by a majority of the TPBMC's Board of Directors. On April 11, 2023 the TPBMC board met and voted to raise assessments by 3% from the FY23 level due to a variety of factors including the modest increase in previous years. Project funds not spent in any given fiscal year are carried over into future years. TPBMC collects assessments directly from the University of California with no involvement from the City.

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments on properties they own in property-based BIDs, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills. Payments are due from non-property tax-paying entities concurrently. The City's assessment payment in FY 2024 would be \$50,576 (increased by \$1,473) from the FY2023 assessment of \$49,103). The City's assessment is paid annually directly to the TPBMC through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990).

The City also pays for the "general benefit" portion of the TBID budget. "General benefits" represent that small portion of the overall benefits generated by a property-based business improvement district which are found to accrue to the general public who are not assessed and do not participate in the economic or social activities of the district. The engineer's report commissioned for the reestablishment of the TBID in 2017 calculated that the baseline general benefit for the district would be approximately \$29,816 annually (adjusted for yearly assessment increases, if any). The City already makes annual grants to the TBID which exceed this amount, so there will be no new fiscal impacts related to funding the general benefit.

By financing improvements, maintenance and welcoming activities for the City's central business district, the TBID indirectly enhances sales tax, business license tax and other business-related City revenue sources.

### CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based business improvement districts (BID) (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget

proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the Telegraph Property and Business Management Corporation (TPBMC), the non-profit that manages the TBID, met in a publicly noticed meeting on April 11, 2023 to review and approve the attached Annual Report for the TBID and Budget for FY 2024 (Exhibit A). The report includes a budget for improvements and activities for FY 2024 and an estimated cost for providing them. The report also recommends that the assessments for FY 2024 be levied on the same basis and method, and within the same boundaries, as they were levied for FY 2023, with a 3% increase (Exhibit B: Telegraph BID FY 2024 Assessment Roll). Council can adopt the recommended Resolution which will confirm the TBID assessment, and thus enable continuous BID operations for another year.

### BACKGROUND

The TBID is a benefit assessment district that provides cleaning, hospitality and marketing services for Berkeley's Telegraph Avenue commercial district. The TBID was created in 1998 pursuant to California's "Property and Business Improvement District Law of 1994" to provide needed improvements and activities to assessed property owners. Since the initial five-year term, the TBID has been renewed for a second five-year term in 2003, a ten-year term in 2008, and underwent an expansion and ten-year renewal in 2017. As such, the TBID is authorized through 2027 unless action is taken to disestablish it.

In FY 2024, the District has budgeted for approximately \$788,376 for the provision of "Clean, Safe, and Beautification" services, communications and economic development, and related management and administration. The FY24 revenue of the TBID is budgeted for approximately \$791,938 inclusive of taxable and non-taxable parcels, grants, and private donations, and net of the County 1.7% collection fee on private parcels (Exhibit A).

The Management District Plan that was adopted by Council in 2017 as part of the reestablishment of the District provides a framework and budget for the TBID's activities, assessment method, and illustrates the TBID boundary and benefit zones. The Management District Plan provides for services above and beyond those provided by the City of Berkeley. Under "The Right to Vote on Taxes Act" (also known as Proposition 218) all public agencies are required to pay the same assessments for public property that apply to private property. The City owns one property within the district, the Telegraph Channing parking garage at 2431 Channing Way. The FY24 assessment for that property will be \$50,576, a \$1,473 increase (approximately 3%) from the FY2023 assessment.

In FY 2024, the TBID will continue its ongoing "clean safe and beautification" activities, including ambassador services, graffiti removal, manual sidewalk cleaning and sidewalk pressure washing, hazardous waste cleanup, gutter and storm drain cleaning, street

sweeping, litter removal, enhanced landscaping and landscape maintenance, and small infrastructure improvements including holiday lights, place-making activities, seasonal promotions, and other special projects. The TBID will also continue its program of communications and community development activities to provide a unified voice to represent the best interests of the assessed parcels, and fulfill a slate of stakeholder communications that support the District’s agenda to attract visitors. The TBID will also continue to liaison and coordinate with other business district organizations, including Visit Berkeley, the Chamber, and the Berkeley Business District Network members to promote local business and commercial development opportunities in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the TBID creates shopping opportunities for residents and visitors while encouraging alternative forms of transportation. The District is also served by several AC Transit lines and BART, which provide access to visitors from around the region. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

The Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID’s Annual Report, and declare its intent to levy assessments. This private/public partnership will continue to provide significant resources for Telegraph area revitalization, which has had a positive effect on the physical and economic health of the district.

ALTERNATIVE ACTIONS CONSIDERED

The Board of the TBID considered a range between 1.5% and 3% increase in assessment rates but instead decided to opt for a 3% increase (the maximum allowable is 3%) to its existing assessment rate, in order to make adequate investments in expanded capacity of the Ambassador Program, deliver robust events, and increase marketing efforts to promote district businesses.

CONTACT PERSON

Kieron Slaughter, Office of Economic Development, (510) 981-2490

Attachments:

1. Resolution Approving the Annual Report and Levy of Assessments for the Telegraph Property and Business Improvement District
  - Exhibit A: Telegraph Property and Business Improvement District: Annual Report 2023 and Budget FY 2024
  - Exhibit B: Telegraph Property and Business Improvement District FY2024 Assessments

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

APPROVING THE ANNUAL REPORT OF THE TELEGRAPH BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2023 AND DECLARING INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2024

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et Seq., hereafter the "Act") authorizes cities to fund property related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from those assessments; and

WHEREAS, after ten years of successful operation, on May 2, 2017 the Berkeley City Council reestablished the Telegraph Business Improvement District (hereafter, "the District") for an additional ten-year period by Resolution No. 67,940-N.S.; and

WHEREAS, on April 11, 2023 the Board of Directors of the Telegraph BID adopted the *Annual Report to the City of Berkeley FY 2023* (hereafter "Annual Report") that describes the operations of the District in FY 2023, recommends services for FY 2024 and proposes a budget for FY 2024 (Exhibit A); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report (Exhibit A) and declares its intent to levy special assessments on property within the boundaries of the District for FY 2024.

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the Management District Plan (Plan) that was adopted on May 2, 2017, when Council renewed the Telegraph BID through Resolution No. 67,940-N.S.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report.

BE IT FURTHER RESOLVED that the cost of providing the improvements and activities is as described in the budget that accompanies the Annual Report.

BE IT FURTHER RESOLVED that to finance these improvements and activities, the Annual Report and Budget includes a 3% increase to the assessment rate for FY 2024. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY2024 and confirm disbursement of TBID assessment revenue to the Telegraph Property and Business Management Corporation provided for in Contract No.10835.

Exhibits:

A: TBID Annual Report for FY 2023 and Proposed Budget for FY 2024

B: TBID Assessment Roll FY 2024

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)**

The Telegraph Property and Business Improvement District (TBID), managed by the Telegraph Property and Business Management Corporation (TPBMC), was renewed for a ten-year period by an affirmative vote of the property owners of the Telegraph commercial district by mail-in ballot in the spring of 2017. This vote was affirmed without protest by the City Council on May 2, 2017. This report is for the fiscal year (FY23) starting July 1, 2022 and ending June 30, 2023 of this ten-year period.

In accordance with 36650 (b) of the Streets and Highway Code for the State of California, the TPBMC affirms the following:

1. The TPBMC proposes no changes in TBID boundaries for the 2023-24 fiscal year (abbreviated "FY").
2. The TPBMC will continue to provide the same services as has been outlined in the Management District Plan of September 21, 2016. These services include street and sidewalk cleaning and beautification, marketing and promotions, decoration, and maintenance of a district office.
3. The budget for FY 2023-2024 approved by the TPBMC Board of Directors on April 11, 2023 provides for \$788,375.59 in expenditures and \$791,938.50 in revenues. An estimated \$5,006.70 of net revenue from FY 2023 will carry over to FY 2024.
4. On April 11, 2023, the TPBMC Board of Directors approved a 3% assessment rate increase for FY 2023-24, as allowed in the Management District Plan.
5. In addition to assessments levied on real property, including the City-owned Telegraph Channing Garage, FY 2024 income will be derived from the following sources: (1) an annual contribution from University of California of \$135,510.44; (2) PCEI (Public Commons for Everyone Initiative) grant funds from the City of Berkeley of \$49,139; (3) the fiscal sponsorship fee of \$1,250 from the Solano Business Improvement District; and (4) anticipated grants and private donations, for special programs.

Based on the TBID Strategic Plan that was developed in 2016 and updated in 2018, the TBID has six strategic goals.

1. Improve the pedestrian environment
2. Support businesses, non-profits, and residents within the District
3. Make the District more accessible (bicycling, parking, and transit)
4. Improve the Telegraph brand through marketing, events, and promotions
5. Better serve District stakeholders as a convener and advocate on issues that impact the success of the District
6. Develop and foster a vibrant destination and experience (including nightlife; diversity of programs, venues, and activities)

## EXHIBIT A

## Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)

## FY 2023 - 2024 Budget of the Telegraph Property and Business Improvement District

|                               |                     |
|-------------------------------|---------------------|
| <b>Revenue</b>                |                     |
| Tax Assessments TBID Members  | \$550,362.86        |
| Tax Assessments -COB Property | \$50,576.20         |
| Tax Assessment - UC Berkeley  | \$135,510.44        |
| City of Berkeley - PCEI Grant | \$49,139.00         |
| City of Berkeley Events Grant | \$5,000.00          |
| Solano BID Fiscal Sponsorship | \$1,250.00          |
| Interest                      | \$100.00            |
| <b>Total Revenue</b>          | <b>\$791,938.50</b> |
|                               |                     |
| <b>Expenses</b>               |                     |
| Administration                | \$231,829.43        |
| Maintenance                   | \$512,716.16        |
| Marketing                     | \$19,830.00         |
| Events                        | \$24,000.00         |
| <b>Total Expenses</b>         | <b>\$788,375.59</b> |

The TBID board of directors established a Capital Improvements Fund in FY22 with a starting balance of \$45,000. The fund is part of the organization's Clean, Safe & Beautification budget and is used for the purchase, maintenance, and replacement of art and special projects in the public realm. Anticipated projects that will be supported by the fund in FY24 include: decorative wrap for the new 24/7 public restroom, peace symbol bike rack installations, and sidewalk planter improvements.

**FY23 Accomplishments and FY24 Planned Activities**

The following is a summary of the activities that the TBID undertook in Fiscal Year 2022-23 to further their strategic goals, and the planned activities for Fiscal Year 2023-2024:

**1. Improve the pedestrian environment**

- Installed ten new self-watering sidewalk planters in various locations around the district. The new planters have a variety of decorative plants from a local nursery and have greatly improved the aesthetics of the streetscape. Additional planter installations are planned in 2023 with ongoing maintenance provided by the Telegraph Ambassadors.
- Utilized the casements on Dwight and Telegraph as well as Bancroft and Telegraph to advertise the Telegraph Boba Day event highlighting the district's 11 boba shops in the Spring and Second Sundays two-event pilot that hosted free carnival games and

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)**

live circus performances in the fall. When no events are on display, evergreen posters are used to welcome visitors to the Avenue and promote the History Tour.

- Coordinated with Berkeley Public Works to advance the 24/7 public restroom project. The new Portland Loo unit is scheduled for installment in late 2023 and the TBID is collaborating with the City to implement a maintenance and staffing plan. We are commissioning a decorative vinyl wrap for the restroom working with Forrest Kell, the artist who painted the Mars Mural.
- Supported the approval process for phase 2 IKE Smart City kiosks in the district. Our ongoing partnership with IKE, City of Berkeley, and Visit Berkeley is focused on installation of two more kiosks, and leveraging the platform as a communications and economic development tool for the district.
- Continued the annual holiday pole light decorations and year-round banner program. The TBID is currently reviewing and developing options for new banners with artistic local themes and university messaging.
- Provided advice and guidance to merchants and property owners navigating quality of life, crime and public safety issues. Continuing to facilitate routine coordination between Telegraph Ambassadors and social and public safety services from the City and University.
- Enhanced merchant and visitor safety with dedicated prevention efforts and active incident response by Telegraph Ambassadors. The addition of a new utility cart has increased the team's capacity and improved service delivery.

**2. Support businesses, non-profits, and residents within the District**

- Continued our partnership with UC Berkeley New Student Services on the New Student Dine-Around for the Fall '22 and Spring '23 Golden Bear Orientation. Over \$100,000 of program funds were paid directly to 20 participating restaurants in the district that served 5,400 meals to incoming students.
- Continued support of the Visit Berkeley's rollout of Berkeley Bucks program, pitching the program and connecting Visit Berkeley to new businesses who may be interested in signing up. There are currently 14 businesses on Telegraph that accept Berkeley Bucks.
- Grew Instagram content creators collaborations to support campaigns such as Telegraph Boba Day '22 event, Summer '22, Sunday Streets events, and created a custom 12 days of Christmas for the district highlighting 23 businesses over 12 days of reels. Our roster of content creators is expanding and others are starting to reach out to TBID for partnership as our influence grows on social media.
- Continued individualized social media support/consultation to merchants. Audited social media presence for business accounts, provided tutorials for tips and tricks to boost engagement and created content for several businesses including - Mt Everest, Sourdough & Co, Koja Kitchen, Champions Curry, L'Gusto, Bears Ramen House, Taco Sinaloa and others.



**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)**

- Spotlight on grand openings of new businesses. Highlighted Mosaic Boulders, Gameday VR, L’Gusto Mexican Fusion, and Champions Curry. The TBID also created a playbook for future commercial ‘grand openings’ in the district. The TBID is currently preparing for upcoming events by establishing relationships and welcoming new businesses including Every Day Table, Crumble, Wow Wow Lemonade, and others.
- Maintained direct lines of communication with merchants and property owners to navigate safety concerns, connect with public services, and respond to concerns on a range of issues from permits, utility/infrastructure projects, maintenance requests, access constraints, and more. The individualized attention from TBID staff to area stakeholders’ functions as an effective liaison program with local government; and improves community relations and engagement in public initiatives.

**3. Make the District more accessible**

- Participated in the GoBerkeley Smart Space Community Advisory Committee and facilitated engagement from district stakeholders. Partnering with the City and AC Transit to establish a Telegraph District EasyPass program that will support businesses in expanding commuter benefits for their employees.
- Worked to advance the Telegraph Plaza vision for the Dwight Triangle traffic median. Engaging with agency partners to complete the feasibility study of redirecting vehicle traffic. The project seeks to activate the area with the development of a public plaza that will serve as a core attraction in the district.
- Facilitated research studies and public engagement for the Durant Night Market initiative for the 2500 block of Durant Ave. In partnership with ‘Telegraph For People’ the TBID secured a grant from the Chancellor’s Community Partnership Fund to support the initiative’s market research and brand development work. The ongoing community visioning process seeks to elevate the identity of the vibrant restaurant scene and develop public realm improvements.
- Engaged with City and AC Transit staff to evaluate options for the Durant Quick Build Transit Lane project. Provided detailed feedback to inform design work, facilitated community stakeholder engagement, and reviewed existing conditions with staff. The TBID is currently preparing to support next steps with community engagement ahead of design completion and approval.
  - Invested in expanded bike parking through our Peace Symbol bike rack program. The TBID worked with City staff to identify new bike rack locations and restored paint and removed abandoned property on the 45 existing Peace Symbol bike racks located throughout the TBID.

**4. Improve the Telegraph brand through marketing, events, and promotions**

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)**

- Launched the Second Sundays event series in September and October 2022, building on the foundation of Sunday Streets and World Music Festivals events on Telegraph Avenue. September's event hosted a free carnival including mechanical bull riding, rock climbing and ax throwing. October's event brought the circus to the streets with live acrobatics, juggling, stilt walking as well as silks and aerial performances. Both events were well attended and business participation grew from September to October. The series is doubling in 2023 with four events scheduled from June to September. Businesses are already reaching out and excited to partner again for Second Sundays in 2023.
- Identifying opportunities to improve the Telegraph Historical Walking Tour through new partnerships and technology. The self-guided tour is a unique attraction that calls attention to the storied legacy of the District.
- Continued organic growth of the Instagram account for Telegraph Ave that showcases the various businesses to an audience of 3.5k+ and reaching 20k+ accounts monthly, with 66% of the audience aged 24 years and older. The TBID grew the Telegraph Berkeley Instagram following from 1,400 in '21 to 2,200 in '22 and now to 3,500 in '23 utilizing user generated content, complemented by content created inhouse and collaborations with content creators.
- Grew partnership with Visit Berkeley for their annual Restaurant Week. Supported sign ups in the district which resulted in nearly double the participation from the previous year - 7 in '22 to 12 in '23. TBID staff provided additional background knowledge of the program and acted as liaison through the event. TBID staff also scheduled content creators to visit participants and post on their social media channels boosting our collaborative reach on social media, directly impacting the marketing efforts of businesses.
- Built on the success of 2021's "Celebrating Telegraph Boba" Day, the 2022 celebration included reusable straw and sticker giveaways at shops, special prizes from costumed Boba Fett walking the avenue and content creator collaborations on social media. Last year's Boba Fest highlighted 11 Boba Shops in the district along with their special promotions.

**5. Better serve District stakeholders as a convener and advocate on issues**

- Participated in the establishment of the Berkeley Alliance of Business Organizations as a founding member. Supporting the group's effort to strengthen the supportive network between business leaders in Berkeley, and collaborate on solutions to shared issues and concerns in the business community.
- Actively advocated in support of the housing and open space revitalization project at People's Park including the Resources For Community Development Supportive Housing project.

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)**

- Voiced support for upzoning and streamlining proposals in the Southside Zoning Amendments project. Facilitated stakeholder feedback and engaged with City staff to review policy details.
- Participated in the International Downtown Association 2022 Annual Conference. Engaged with other place-management industry professionals on current affairs and topics including: parking strategies, micro-mobility, district branding, public plazas, and nightlife.
- Joined the Berkeley Vision Zero coordinating committee to help guide transportation safety initiatives. Emphasized the significant pedestrian safety needs in the Telegraph District and continuing to advocate for greater investments in street & sidewalk infrastructure.

**Telegraph Clean & Safe Ambassador Program**

The single most significant element of the TBID's ongoing work is their ambassador program which is provided through a contract with Block by Block. In keeping with the Management District Plan, the program provides 240 hours per week of cleaning and hospitality services year-round, seven days a week. Services include: trash and graffiti removal, power washing, sanitation, and beautification projects. The program comprises roughly 65% of the TBID's budget.

The program also works collaboratively with UC Berkeley's Homeless Outreach Coordinator and City staff to address the needs of unhoused community members in the District. The Ambassadors are trained in de-escalation and conflict resolution strategies; and respond to help unhoused community members, businesses, students, and local agencies to peacefully navigate conflicts and disruptive behaviors (often the result of substance abuse or a mental health crisis). Finally, our organization facilitates weekly coordination/case management meetings with city and university staff (social service and law enforcement) resulting in a more thoughtful and humane approach to problems involving our unhoused community.

In FY22-23 the Ambassador team exceeded cleaning and maintenance service level goals with their routine services shown in the table below. Additional accomplishments include:

- Performed the installation and planting of several new sidewalk planters. Provided regular care and maintenance of dozens of hanging basket planters and sidewalk planters.
- Performed weed abatement and applied mulch to 5+ blocks of tree wells and planting strips on areas of Bowditch, Haste, and Telegraph.
- Refreshed paint on dozens of public trash receptacles, utility boxes, and light poles.
- Staffed and supported 8 public events and street fairs.

|                     |                       |                   |                           |                     |                   |                           |
|---------------------|-----------------------|-------------------|---------------------------|---------------------|-------------------|---------------------------|
| 311 Requests Placed | Graffiti Tags Removed | Handbills Removed | Hazardous Waste Clean-ups | Power Washing Hours | Trashcans Leveled | Lbs (#s) of Trash Removed |
|---------------------|-----------------------|-------------------|---------------------------|---------------------|-------------------|---------------------------|

EXHIBIT A

Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year 2022-2023 (FY23)

|     |       |       |       |     |       |         |
|-----|-------|-------|-------|-----|-------|---------|
| 333 | 4,140 | 7,458 | 2,446 | 629 | 3,116 | 139,424 |
|-----|-------|-------|-------|-----|-------|---------|

## Exhibit B:

## Telegraph Business Improvement District (TBID) FY2024 Assessments

| APN           | OWNER NAME                                      | STREET NUMBER | STREET NAME   | UNIT # | Tax Exempt   | Private Parcel |
|---------------|-------------------------------------------------|---------------|---------------|--------|--------------|----------------|
| 055 188600300 | 2312 ELLSWORTH LLC                              | 2312          | ELLSWORTH ST  |        |              | \$ 941.72      |
| 055 187800300 | 2340 TELEGRAPH PROPERTY LLC                     | 2328          | TELEGRAPH AVE |        |              | \$ 11,374.24   |
| 055 187601200 | 2369 TELEGRAPH LLC                              | 2369          | TELEGRAPH AVE |        |              | \$ 1,727.15    |
| 055 188000100 | 2400 TELEGRAPH AVE LLC                          | 2486          | CHANNING WAY  |        |              | \$ 6,462.44    |
| 055 188300500 | 2414 DANA ST L P                                | 2414          | DANA ST       |        |              | \$ 851.19      |
| 055 186801100 | 2415 COLLEGE LLC                                | 2415          | COLLEGE AVE   |        |              | \$ 3,369.45    |
| 055 187800701 | 2425 DURANT AVENUE LLC                          | 2425          | DURANT AVE    |        |              | \$ 1,710.54    |
| 055 188101800 | 2442 HASTE STREET LLC                           | 2442          | HASTE ST      |        |              | \$ 2,070.75    |
| 055 184600101 | 2501 BENVENUE LLC                               | 2501          | BENVENUE AVE  |        |              | \$ 3,621.81    |
| 055 187503001 | 2506 HASTE STREET PARTNERS LLC                  | 2506          | HASTE ST      |        |              | \$ 1,970.99    |
| 055 187701100 | 2509 DURANT LLC                                 | 2347          | TELEGRAPH AVE |        |              | \$ 4,612.15    |
| 055 187701400 | 2522 BANCROFT WAY LLC                           | 2522          | BANCROFT WAY  |        |              | \$ 1,520.34    |
| 055 183902000 | 2539 TELEGRAPH LLC                              | 2539          | TELEGRAPH AVE |        |              | \$ 3,790.39    |
| 055 183901901 | 2565 2589 TELEGRAPH BLAKE LLC                   | 2587          | TELEGRAPH AVE |        |              | \$ 7,577.84    |
| 055 183700300 | 2588 TELEGRAPH AVENUE LLC                       | 2590          | TELEGRAPH AVE |        |              | \$ 3,739.95    |
| 055 183600802 | 2614 TELEGRAPH LLC                              | 2614          | TELEGRAPH AVE |        |              | \$ 840.28      |
| 055 183603100 | 2616 TELEGRAPH AVENUE LLC                       | 2616          | TELEGRAPH AVE |        |              | \$ 2,626.76    |
| 055 184600300 | 2644 BERKELEY LLC                               | 2644          | DURANT AVE    |        |              | \$ 2,792.69    |
| 055 183500901 | 2650 TELEGRAPH LP                               | 2650          | DWIGHT WAY    |        |              | \$ 1,553.63    |
| 055 187000800 | 2701 DURANT LP                                  | 2701          | TELEGRAPH AVE |        |              | \$ 2,195.92    |
| 055 188600100 | 820 MACARTHUR LLC                               | 2300          | DANA ST       | 2      |              | \$ 1,435.35    |
| 055 183802300 | A & A BERKELEY PARTNERS LLC                     | 2501          | CHANNING WAY  |        |              | \$ 168.48      |
| 055 187602200 | ALLEN HYE K & KIM JOE TR                        | 2511          | COLLEGE AVE   |        |              | \$ 2,049.85    |
| 055 186901100 | ALPHA BETA HALL                                 | 2345          | HILLEGASS AVE |        |              | \$ 1,757.65    |
| 055 184302603 | AM BAPTIST SEMINARY OF WEST                     | 2511          | BANCROFT WAY  |        |              | \$ 6,698.73    |
| 055 187100103 | AMI LLC ETAL                                    | 2680          | COLLEGE AVE   |        |              | \$ 3,020.35    |
| 055 187100203 | AMI LLC ETAL                                    | 2310          | BANCROFT WAY  |        |              | \$ 1,531.25    |
| 055 187102000 | AMI LLC ETAL                                    | 2680          | TELEGRAPH AVE | 502    |              | \$ 812.44      |
| 055 183503300 | ANANTHARAM VENKATACHALAM                        | 2628          | DANA ST       |        |              | \$ 141.03      |
| 055 188200200 | ANDREONI THOMAS L & STANTON KAREN J TRS         | 2440          | REGENT ST     |        |              | \$ 853.23      |
| 055 184200100 | ARANGUREN MARY L & JACKSON ALEX ETAL            | 2503          | DANA ST       | A      |              | \$ 598.06      |
| 055 188303000 | AYSOY SUKRAN TR                                 | 2406          | TELEGRAPH AVE |        |              | \$ 171.28      |
| 055 187800200 | AYYAD FUAD & MUNA I                             | 2312          | COLLEGE AVE   |        |              | \$ 3,158.85    |
| 055 187000900 | BALAJI EQUITY MANAGEMENT LLC                    | 2319          | COLLEGE AVE   |        |              | \$ 1,551.82    |
| 055 186801300 | BEAR HAVEN LLC                                  | 2409          | DURANT AVE    |        |              | \$ 2,379.67    |
| 055 188401500 | BERKELEY ARCHITECTURAL HERITAGE ASSOCIATION     | 2318          | BANCROFT WAY  |        |              | \$ 1,547.59    |
| 055 188500800 | BERKELEY CANTERBURY FOUNDATION INC              | 2334          | DURANT AVE    |        |              | \$ 1,479.23    |
| 055 188500201 | BERKELEY CITY CLUB                              | 2315          | DURANT AVE    |        |              | \$ 1,477.15    |
| 055 188500202 | BERKELEY CITY CLUB                              | 2315          | DURANT AVE    |        |              | \$ 8,794.90    |
| 055 187601302 | BERKELEY MULTIFAMILY I PROPERTY                 | 2500          | TELEGRAPH AVE |        |              | \$ 10,644.47   |
| 055 187701300 | BERKELEY MULTIFAMILY I PROPERTY                 | 2301          | TELEGRAPH AVE |        |              | \$ 12,189.83   |
| 055 183801300 | BERKELEY MULTIFAMILY II PROP                    | 2410          | TELEGRAPH AVE | 203    |              | \$ 1,386.40    |
| 055 187301400 | BERKELEY MULTIFAMILY II PROPER                  | 2605          | BANCROFT WAY  |        |              | \$ 2,936.63    |
| 055 183500700 | BERKELEY TELEGRAPH LLC & 2640 TELEGRAPH AVE LLC | 2640          | DWIGHT WAY    |        |              | \$ 1,199.00    |
| 055 183502100 | BOLT DIANNA                                     | 2628          | TELEGRAPH AVE |        |              | \$ 141.03      |
| 055 187001000 | BREIT SH BERKELEY LLC                           | 2700          | TELEGRAPH AVE |        |              | \$ 5,906.94    |
| 055 184002401 | CALIF ANN CONF METH CH                          | 2655          | TELEGRAPH AVE | 501    |              | \$ 8,405.28    |
| 055 187900400 | CAMOU TELEGRAPH AVENUE PROPERTIES LLC           | 2386          | TELEGRAPH AVE | 201    |              | \$ 1,022.66    |
| 055 184003500 | CHANG MARINA                                    | 2615          | TELEGRAPH AVE | 402    |              | \$ 118.45      |
| 055 183502800 | CHEN ZIXIN                                      | 2628          | DANA ST       | 7      |              | \$ 141.03      |
| 055 188303200 | CHIEN CHARLES & SHERI I                         | 2406          | DANA ST       | C      |              | \$ 171.28      |
| 055 183802200 | CHIN JACKSON                                    | 2501          | DANA ST       | 1      |              | \$ 161.51      |
| 055 184200500 | CHIU EDMUND S & BONNETTE S                      | 2532          | DWIGHT WAY    |        |              | \$ 837.77      |
| 055 183900400 | CHU FAMILY LLC                                  | 2517          | TELEGRAPH AVE |        |              | \$ 6,215.44    |
| 055 183502400 | CHUANG PATRICK C & HSIUNG YINGSHENG             | 2628          | TELEGRAPH AVE | 303    |              | \$ 141.03      |
| 055 188200100 | CHURCH IN BERKELEY                              | 2430          | DANA ST       |        |              | \$ 2,074.37    |
| 055 187900601 | CITY OF BERKELEY                                | 2431          | CHANNING WAY  |        | \$ 50,576.20 |                |
| 055 183901502 | CLARA&SONIA LLC                                 | 2529          | TELEGRAPH AVE |        |              | \$ 2,671.62    |

## Exhibit B:

## Telegraph Business Improvement District (TBID) FY2024 Assessments

| APN           | OWNER NAME                                         | STREET NUMBER | STREET NAME   | UNIT # | Tax Exempt | Private Parcel |
|---------------|----------------------------------------------------|---------------|---------------|--------|------------|----------------|
| 055 188300100 | COLLIER PAMELA & BATTI GREG TRS                    | 2400          | DANA ST       |        |            | \$ 720.94      |
| 055 187700100 | CORE BERKELEY BANCROFT LLC                         | 2590          | DURANT AVE    |        |            | \$ 6,034.54    |
| 055 188000400 | CREATIVE PROPERTY TELEGRAPH LLC                    | 2426          | TELEGRAPH AVE |        |            | \$ 1,015.60    |
| 055 187900500 | DABEL GRETCHEN W TR BYPASS TRUST & DABEL GRET ETAL | 2392          | TELEGRAPH AVE |        |            | \$ 1,167.64    |
| 055 183802900 | DAI GEORGE S. & LUNA Y TRS & DAI CORNELIA          | 2501          | DANA ST       | 8      |            | \$ 201.51      |
| 055 184005200 | DELENGOCKY TAYSON                                  | 2615          | TELEGRAPH AVE | 404    |            | \$ 134.85      |
| 055 187100300 | DELTA DEUTERON BLDG ASN                            | 2647          | DURANT AVE    |        |            | \$ 2,154.47    |
| 055 186701300 | DISANO JOSEPH R & DISANO JO                        | 2435          | COLLEGE AVE   |        |            | \$ 1,164.53    |
| 055 184200401 | DOTP 2530 LLC                                      | 2526          | DWIGHT WAY    |        |            | \$ 2,160.32    |
| 055 187800100 | DOWNEY NANCY B TR & ROUSH VIRGINIA B TR            | 2310          | TELEGRAPH AVE |        |            | \$ 4,634.88    |
| 055 187700200 | DOYLE ELAINE M TR                                  | 2310          | BOWDITCH ST   |        |            | \$ 929.14      |
| 055 183502300 | DU LIMING                                          | 2628          | TELEGRAPH AVE | 302    |            | \$ 141.03      |
| 055 187700900 | DURANT PLACE                                       | 2517          | DURANT AVE    |        |            | \$ 3,389.06    |
| 055 183801600 | DWIGHT BLAKE APARTMENTS                            | 2420          | DWIGHT WAY    |        |            | \$ 1,038.77    |
| 055 184004300 | ELA PROPERTIES LLC                                 | 2615          | TELEGRAPH AVE | 302    |            | \$ 129.41      |
| 055 188600200 | ELLSWORTH INVESTMENT LLC                           | 2306          | ELLSWORTH ST  |        |            | \$ 1,660.42    |
| 055 187504300 | ENCLAVE PARTNERS DH LLC                            | 2429          | ELLSWORTH ST  |        |            | \$ 2,881.60    |
| 055 187504400 | ENCLAVE PARTNERS DH LLC                            | 2509          | TELEGRAPH AVE |        |            | \$ 720.41      |
| 055 187504500 | ENCLAVE PARTNERS DH LLC                            | 2503          | HASTE ST      |        |            | \$ 8,344.56    |
| 055 188000501 | ENT KENNETH E & GREGORY W TRS                      | 2441          | HASTE ST      |        |            | \$ 10,568.58   |
| 055 188000700 | ENT KENNETH E & GREGORY W TRS                      | 2435          | HASTE ST      |        |            | \$ 1,020.51    |
| 055 183503200 | EPSTEIN LYNN & BASSEIN SUSAN                       | 2628          | HASTE ST      |        |            | \$ 141.03      |
| 055 187101300 | ESLAMI AHMAD A                                     | 2311          | BOWDITCH ST   |        |            | \$ 368.71      |
| 055 183802800 | FENG SAMUEL & HUANG HSINYI C T                     | 2501          | DANA ST       | 3      |            | \$ 192.41      |
| 055 184600400 | FERGUSON JAMES I & ARLENE M TRS                    | 2646          | DWIGHT WAY    |        |            | \$ 1,012.78    |
| 055 187401200 | FIRST CHURCH CHRIST SCIENTIST                      | 2619          | DWIGHT WAY    |        |            | \$ 1,862.16    |
| 055 188001100 | FIRST CHURCH FOUNDATION                            | 2423          | HASTE ST      |        |            | \$ 622.94      |
| 055 188400100 | FIRST CONG CH OF BERK                              | 2345          | CHANNING WAY  |        |            | \$ 4,743.79    |
| 055 188401600 | FIRST CONGREGATIONAL CHURCH OF BERKELEY            | 2326          | DURANT AVE    |        |            | \$ 738.59      |
| 055 188401700 | FIRST CONGREGATIONAL CHURCH OF BERKELEY            | 2330          | DURANT AVE    |        |            | \$ 1,041.95    |
| 055 188401800 | FIRST CONGREGATIONAL CHURCH OF BERKELEY            | 2334          | DURANT AVE    |        |            | \$ 275.97      |
| 055 188001502 | FIRST PRESBYTERIAN CHURCH OF BERKELEY              | 2407          | DANA ST       |        |            | \$ 9,874.15    |
| 055 183500402 | FITZER TIMOTHY A                                   | 2636          | TELEGRAPH AVE |        |            | \$ 1,470.22    |
| 055 187800400 | FORTUNEWORLD INC                                   | 2439          | DURANT AVE    |        |            | \$ 3,654.50    |
| 055 187601100 | FUENTES JENNAN K                                   | 2375          | TELEGRAPH AVE |        |            | \$ 7,139.47    |
| 055 183503000 | GAMPEL IRINA & YURY                                | 2628          | DWIGHT WAY    |        |            | \$ 141.03      |
| 055 187502500 | GEE JEW Y TR                                       | 2509          | TELEGRAPH AVE | 304    |            | \$ 1,428.96    |
| 055 183502500 | GEORGE ASHIQ M                                     | 2628          | CARLETON ST   |        |            | \$ 141.03      |
| 055 184003200 | GIORDANO ARLENE A                                  | 2435          | DWIGHT WAY    |        |            | \$ 1,311.50    |
| 055 183800201 | GLENN BUILDING                                     | 2430          | TELEGRAPH AVE | 204    |            | \$ 12,310.46   |
| 055 184003800 | GOFF EDWARD V                                      | 2615          | TELEGRAPH AVE | 202    |            | \$ 88.90       |
| 055 183502000 | GOLD BONNIE & PAYNE DAVID E                        | 2628          | DURANT AVE    |        |            | \$ 141.03      |
| 055 187701003 | GOODHUE NEIL B & DIANE C TRS                       | 2513          | DURANT AVE    | B      |            | \$ 1,188.55    |
| 055 187701006 | GOODHUE NEIL B & DIANE C TRS                       | 2515-B        | TELEGRAPH AVE |        |            | \$ 1,839.63    |
| 055 188100200 | GORDON JOHN K & MITCHELL J ETAL                    | 2470          | DWIGHT WAY    |        |            | \$ 4,471.25    |
| 055 183900102 | GORDON JOHN K & MITCHELL JANIS L TRS               | 2502          | REGENT ST     |        |            | \$ 2,626.16    |
| 055 183900303 | GORDON JOHN K & MITCHELL JANIS L TRS               | 2508          | TELEGRAPH AVE |        |            | \$ 1,901.76    |
| 055 183901601 | GORDON JOHN K & MITCHELL JANIS L TRS               | 2513          | DURANT AVE    |        |            | \$ 2,175.50    |
| 055 187700600 | GROWERS PROPERTIES NO 52                           | 2533          | DANA ST       |        |            | \$ 4,682.75    |
| 055 188300200 | GUERARD JACQUES                                    | 2402          | COLLEGE AVE   |        |            | \$ 685.43      |
| 055 184600500 | HAKAM ALAEDDIN & FOUDEH SAEED TR                   | 2504          | TELEGRAPH AVE | 207    |            | \$ 843.55      |
| 055 184004100 | HAROUN ANSAR M & NASRA TRS                         | 2615          | DANA ST       |        |            | \$ 122.86      |
| 055 188200300 | HASHEMI HOMAYOUN & GOVASHIRI HOMA TRS              | 2446          | DANA ST       | 5      |            | \$ 876.92      |
| 055 183802600 | HOANG VY T & LYNH T                                | 2501          | DANA ST       |        |            | \$ 207.88      |
| 055 188300600 | HON HENRY D & SYLVIA TRS                           | 2418          | DURANT AVE    |        |            | \$ 789.10      |
| 055 183802400 | HONG JAMIE J & JIN ETAL                            | 2501          | TELEGRAPH AVE | 202    |            | \$ 165.51      |
| 055 184003600 | HSIA SAMSON & ALICIA TRS                           | 2615          | TELEGRAPH AVE | 306    |            | \$ 129.41      |
| 055 184004700 | HU HANG L & TYNG J                                 | 2615          | TELEGRAPH AVE | 307    |            | \$ 125.93      |

## Exhibit B:

Telegraph Business Improvement District (TBID) FY2024 Assessments

| APN           | OWNER NAME                              | STREET NUMBER | STREET NAME   | UNIT # | Tax Exempt   | Private Parcel |
|---------------|-----------------------------------------|---------------|---------------|--------|--------------|----------------|
| 055 184004800 | HU TYNG J & HANG L                      | 2615          | TELEGRAPH AVE | 201    |              | \$ 122.86      |
| 055 183501900 | HUANG ISABELLA                          | 2628          | TELEGRAPH AVE | 301    |              | \$ 141.03      |
| 055 184004200 | HUANG LI L                              | 2615          | BANCROFT WAY  |        |              | \$ 118.45      |
| 055 187802200 | HUNOLT JAMES B TR & THOMAS E TR         | 2480          | TELEGRAPH AVE |        |              | \$ 2,817.97    |
| 055 187701201 | JANGMI LLC                              | 2327          | TELEGRAPH AVE |        |              | \$ 2,283.92    |
| 055 187900100 | KICK-AXE PROPERTIES                     | 2350          | TELEGRAPH AVE | 305    |              | \$ 4,703.98    |
| 055 184004600 | KPARTNERS LLC                           | 2615          | BANCROFT WAY  |        |              | \$ 139.01      |
| 055 187801900 | KUANG DIANA Q ETAL                      | 2456          | DURANT AVE    |        |              | \$ 2,626.40    |
| 055 187700500 | KURDYS DOUGLAS & SHAWVER LOIS           | 2539          | TELEGRAPH AVE | 205    |              | \$ 2,934.83    |
| 055 184003900 | KWOK VICTOR Y                           | 2615          | DURANT AVE    |        |              | \$ 139.01      |
| 055 187700700 | LANDIS JUDSON R & SHERON C TRS          | 2525          | DURANT AVE    |        |              | \$ 5,158.10    |
| 055 187801000 | LANDIS JUDSON R & SHERON C TRS          | 2419          | DURANT AVE    |        |              | \$ 2,491.43    |
| 055 187801200 | LANDIS JUDSON R & SHERON C TRS          | 2411          | TELEGRAPH AVE | 101    |              | \$ 1,092.27    |
| 055 184005300 | LEUNG VELIA N                           | 2615          | TELEGRAPH AVE | 102    |              | \$ 118.40      |
| 055 184005400 | LEUNG VELIA N                           | 2615          | DWIGHT WAY    |        |              | \$ 84.66       |
| 055 188100500 | LI ZHAOYANG & WAN KE                    | 2437          | TELEGRAPH AVE |        |              | \$ 2,414.14    |
| 055 184000101 | LIEBERT BRUCE E TR & CARLYN M TR        | 2601          | TELEGRAPH AVE | 403    |              | \$ 1,344.21    |
| 055 183502900 | LIM ING Y & KANWIT ELIZABETH D TRS      | 2628          | TELEGRAPH AVE |        |              | \$ 141.03      |
| 055 188100300 | LIPPETT PETER E TR                      | 2476          | DWIGHT WAY    | 1-11   |              | \$ 3,669.73    |
| 055 183801800 | LUNDIN JANE M TR                        | 2428          | DWIGHT WAY    |        |              | \$ 1,007.53    |
| 055 183801700 | LUNDIN JANE TR                          | 2424          | DURANT AVE    |        |              | \$ 988.23      |
| 055 188303100 | MA JANICE L & KENNETH                   | 2406          | DANA ST       | B      |              | \$ 171.28      |
| 055 183800102 | MAJIDI SHAHLA TR                        | 2500          | TELEGRAPH AVE | 304    |              | \$ 5,731.84    |
| 055 184004500 | MAKHJANI MEENA S                        | 2615          | BANCROFT WAY  |        |              | \$ 88.90       |
| 055 187701902 | MARK AT BERKELEY LLC                    | 2580          | DANA ST       | 4      |              | \$ 6,455.20    |
| 055 183802500 | MASON ELIZABETH F & JAMES W ET AL       | 2501          | TELEGRAPH AVE | 403    |              | \$ 167.20      |
| 055 184005100 | MAUS MARLON TR                          | 2615          | TELEGRAPH AVE | 305    |              | \$ 162.70      |
| 055 183502600 | MEYYAPPAN MURUGAPPAN & RAMANAT          | 2628          | TELEGRAPH AVE |        |              | \$ 141.03      |
| 055 183801400 | MGH MANAGEMENT LLC                      | 2414          | TELEGRAPH AVE |        |              | \$ 999.45      |
| 055 187502700 | MILANO PROPERTIES LTD LLC               | 2475          | CHANNING WAY  |        |              | \$ 1,309.00    |
| 055 186801400 | MIN ROY & EDWARD ETAL                   | 2700          | BANCROFT WAY  |        |              | \$ 602.48      |
| 055 187701601 | MIOTTEL W J JR TR                       | 2530          | DANA ST       | 6      |              | \$ 9,187.95    |
| 055 183802700 | MITINA SOFIA TR                         | 2501          | TELEGRAPH AVE | 404    |              | \$ 208.80      |
| 055 186701400 | NATEGHIAN FARAMARZ TRUST                | 2431          | COLLEGE AVE   |        |              | \$ 984.93      |
| 055 184003700 | NAVARROCACERES LILIANA                  | 2615          | TELEGRAPH AVE | 203    |              | \$ 89.42       |
| 055 184200200 | NCR PROPERTIES LLC                      | 2524          | DWIGHT WAY    |        |              | \$ 1,300.98    |
| 055 183802100 | P G & E CO 135-1-12-2                   | 2540          | TELEGRAPH AVE |        |              | \$ 1,655.11    |
| 055 187802400 | ETAL                                    | 2415          | DURANT AVE    |        |              | \$ 261.02      |
| 055 187802300 | PAIGE ROGER & NORMA TRS ETAL            | 2415          | DURANT AVE    |        |              | \$ 263.83      |
| 055 187802500 | PAIGE ROGER & NORMA TRS ETAL            | 2417          | DURANT AVE    |        |              | \$ 175.35      |
| 055 187802600 | PAIGE ROGER & NORMA TRS ETAL            | 2417          | DURANT AVE    |        |              | \$ 175.35      |
| 055 188401300 | PAULOS CORALYN M TR                     | 2310          | DURANT AVE    |        |              | \$ 1,414.86    |
| 055 187502802 | PELLEGRINO PASQUALE TR                  | 2461          | TELEGRAPH AVE |        |              | \$ 2,364.38    |
| 055 187201100 | RAAJ BERKELEY OWNER LLC                 | 2613          | CHANNING WAY  |        |              | \$ 791.99      |
| 055 187201300 | RAAJ BERKELEY OWNER LLC                 | 2323          | BOWDITCH ST   |        |              | \$ 1,022.66    |
| 055 187201400 | RAAJ BERKELEY OWNER LLC                 | 2600          | DURANT AVE    |        |              | \$ 19,510.81   |
| 055 188500900 | RECTORS ETC OF ST MARKS                 | 2300          | BANCROFT WAY  |        |              | \$ 1,589.15    |
| 055 188501000 | RECTORS ETC OF ST MARKS                 | 2301          | DURANT AVE    |        |              | \$ 6,218.70    |
| 055 187100600 | REGENCY DURANT LLC                      | 2637          | TELEGRAPH AVE |        |              | \$ 3,506.16    |
| 055 183902100 | REGENT TERRACE LLC                      | 2593          | COLLEGE AVE   |        |              | \$ 5,307.10    |
| 055 186901301 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 2333          | BANCROFT WAY  |        | \$ 2,856.80  |                |
| 055 187101901 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 2630          | COLLEGE AVE   |        | \$ 7,302.12  |                |
| 055 187202101 | REGENTS OF THE UNIVERSITY OF CALIFORNIA |               | CHANNING WAY  |        | \$ 18,788.01 |                |
| 055 187300101 | REGENTS OF THE UNIVERSITY OF CALIFORNIA |               | BOWDITCH ST   |        | \$ 9,134.69  |                |
| 055 187301500 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 2411          | BOWDITCH ST   |        | \$ 331.71    |                |
| 055 187301600 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 2409          | BOWDITCH ST   |        | \$ 257.84    |                |
| 055 187301700 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 2405          | CHANNING WAY  |        | \$ 259.63    |                |
| 055 187301800 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 2550          | CHANNING WAY  |        | \$ 165.41    |                |

## Exhibit B:

Telegraph Business Improvement District (TBID) FY2024 Assessments

| APN           | OWNER NAME                                            | STREET NUMBER | STREET NAME   | UNIT # | Tax Exempt   | Private Parcel |
|---------------|-------------------------------------------------------|---------------|---------------|--------|--------------|----------------|
| 055 187301900 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2612          | HASTE ST      |        | \$ 13,068.39 |                |
| 055 187402301 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2612          | CHANNING WAY  |        | \$ 18,896.20 |                |
| 055 187500901 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2538          | HASTE ST      |        | \$ 13,770.10 |                |
| 055 187504001 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2556          | CHANNING WAY  |        | \$ 5,158.61  |                |
| 055 187600901 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2535          | DURANT AVE    |        | \$ 7,246.21  |                |
| 055 187902203 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2436          | HASTE ST      |        | \$ 13,561.38 |                |
| 055 188002103 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               |               | HASTE ST      |        | \$ 2,984.83  |                |
| 055 188002104 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2433          | DWIGHT WAY    |        | \$ 406.31    |                |
| 055 188100700 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2427          | HASTE ST      |        | \$ 766.74    |                |
| 055 188101701 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2400          | BANCROFT WAY  |        | \$ 4,728.73  |                |
| 055 188601703 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2200          | BANCROFT WAY  |        | \$ 1,430.41  |                |
| 055 188602501 | REGENTS OF THE UNIVERSITY OF CALIFORNIA               | 2214          | BANCROFT WAY  |        | \$ 4,423.80  |                |
| 055 187801602 | REGENTS OF THE UNIVERSITY OF CALIFORNIA (STILES HALL) | 2400          | BANCROFT WAY  |        | \$ 9,162.55  |                |
| 055 187801800 | REGENTS UNIVERSITY CALIFORNIA                         | 2436          | DWIGHT WAY    |        | \$ 10,246.50 |                |
| 055 186701200 | ROMAN CATHOLIC WELFARE CORPORATION OF OAKLAND         |               | CHANNING WAY  |        |              | \$ 1,150.49    |
| 055 187201200 | ROYSTON APARTMENT LP                                  | 2601          | HASTE ST      |        |              | \$ 3,302.70    |
| 055 187500600 | RUE ELL ENTERPRISES INC                               | 2411          | TELEGRAPH AVE |        |              | \$ 1,977.13    |
| 055 187601600 | RUE ELL ENTERPRISES INC                               | 2520          | DURANT AVE    |        |              | \$ 3,673.13    |
| 055 187700800 | RUE ELL ENTERPRISES INC                               | 2519          | DURANT AVE    |        |              | \$ 4,478.30    |
| 055 187800501 | RUE ELL ENTERPRISES INC                               | 2433          | DURANT AVE    |        |              | \$ 8,387.33    |
| 055 187900300 | RUE ELL ENTERPRISES INC                               | 2380          | TELEGRAPH AVE |        |              | \$ 1,022.66    |
| 055 183802000 | RUEELL ENTERPRISES INC                                | 2434          | DWIGHT WAY    |        |              | \$ 1,470.34    |
| 055 187601901 | RUEELL ENTERPRISES INC                                | 2534          | DURANT AVE    |        |              | \$ 4,403.07    |
| 055 187802100 | RUEELL ENTERPRISES INC                                | 2470          | BANCROFT WAY  |        |              | \$ 4,403.28    |
| 055 187601500 | RUEGG & ELLSWORTH                                     | 2516          | DURANT AVE    |        |              | \$ 8,450.49    |
| 055 187601700 | RUEGG & ELLSWORTH                                     | 2526          | DURANT AVE    |        |              | \$ 11,819.80   |
| 055 187602300 | RUEGG & ELLSWORTH                                     | 2510          | DURANT AVE    |        |              | \$ 3,806.52    |
| 055 187100401 | RUSHTON RICHARD P & WITT S R &                        | 2639          | BANCROFT WAY  |        |              | \$ 1,126.33    |
| 055 187502900 | RYDER WAYNE C & JOANN TRS ETAL                        | 2455          | TELEGRAPH AVE |        |              | \$ 3,449.74    |
| 055 187500700 | SARACHAN KENNETH                                      | 2409          | TELEGRAPH AVE |        |              | \$ 6,063.18    |
| 055 187900200 | SARACHAN KENNETH                                      | 2360          | TELEGRAPH AVE |        |              | \$ 3,617.92    |
| 055 188100100 | SARACHAN KENNETH & BROWN LAURIE                       | 2464          | TELEGRAPH AVE |        |              | \$ 4,095.37    |
| 055 184200600 | SATELLITE AFFORDABLE HOUSING ASSOCIATES               | 2500          | HILLEGASS AVE |        |              | \$ 1,802.75    |
| 055 188401400 | SHI ZHOUZHENG & LI JIA TRS                            | 2312          | DWIGHT WAY    |        |              | \$ 914.03      |
| 055 183803000 | SHYR JURIYAN & HOU DANIEL                             | 2501          | DURANT AVE    |        |              | \$ 208.38      |
| 055 187700300 | ST JOSEPH ARIM FOUND                                  | 2316          | DANA ST       | 9      |              | \$ 1,560.57    |
| 055 187700400 | ST JOSEPH ARIM FOUND                                  | 2543          | TELEGRAPH AVE | 401    |              | \$ 717.20      |
| 055 184005000 | SU VINCENT P & INGRID ETAL                            | 2615          | BOWDITCH ST   |        |              | \$ 129.41      |
| 055 187502400 | SUM YUN C & NGAN C TRS                                | 2511          | DURANT AVE    |        |              | \$ 4,972.35    |
| 055 183502200 | SUN CHII YUN & KAREN K                                | 2628          | TELEGRAPH AVE | 402    |              | \$ 141.03      |
| 055 184004900 | SUNKU RAVINDRA & ROOPA R ETAL                         | 2615          | DWIGHT WAY    |        |              | \$ 156.17      |
| 055 183501800 | TAM RICHARD W & ZHANG TAO T ETAL                      | 2628          | TELEGRAPH AVE | 301    |              | \$ 185.78      |
| 055 188002201 | TAYLOR SPRINGS MANAGEMENT LLC                         | 2414          | TELEGRAPH AVE | 1      |              | \$ 9,107.39    |
| 055 183700100 | TELEGRAPH BLAKE LLC                                   | 2556          | TELEGRAPH AVE |        |              | \$ 12,462.02   |
| 055 187502600 | TELEGRAPH PARTNERS LLC                                | 2499          | TELEGRAPH AVE |        |              | \$ 2,256.65    |
| 055 183900500 | TELEGRAPH REGENT LLC                                  | 2512          | TELEGRAPH AVE |        |              | \$ 3,397.70    |
| 055 187602101 | TEMC DURANT LLC                                       | 2538          | DURANT AVE    |        |              | \$ 4,137.41    |
| 055 187500800 | THELMA & LOUISE NO 2 LLC                              | 2508          | CHANNING WAY  |        |              | \$ 14,437.09   |
| 055 188101200 | TOWN & GOWN CLUB                                      | 2401          | DWIGHT WAY    |        |              | \$ 1,399.78    |
| 055 187600100 | TREVOR JAMES II                                       | 2328          | BOWDITCH ST   |        |              | \$ 1,681.69    |
| 055 188500102 | TRINITY UNITED METHODIST CHURCH OF BERKELEY           | 2362          | BANCROFT WAY  |        |              | \$ 1,329.44    |
| 055 188500104 | TRINITY UNITED METHODIST CHURCH OF BERKELEY           | 2362          | BANCROFT WAY  |        |              | \$ 5,059.15    |
| 055 187101200 | TRUST BENEFIT CHRISTIAN SCIENCE ORGANIZATION UC BE    | 2601          | DURANT AVE    |        |              | \$ 717.43      |
| 055 188401200 | TWENTY THREE HUNDRED DURANT PARTNERSHIP               | 2300          | DURANT AVE    |        |              | \$ 2,226.64    |
| 055 186801000 | UNIVERSITY LUTHERAN CHAPEL OF BERKELEY CALIF          | 2425          | COLLEGE AVE   |        |              | \$ 734.18      |
| 055 187101501 | UNIVERSITY Y W C A                                    | 2600          | BANCROFT WAY  |        |              | \$ 2,589.49    |
| 055 187801700 | VALHAUS LP                                            | 2430          | BANCROFT WAY  |        |              | \$ 3,688.36    |



Exhibit B:

Telegraph Business Improvement District (TBID) FY2024 Assessments

| APN           | OWNER NAME                     | STREET NUMBER | STREET NAME   | UNIT # | Tax Exempt | Private Parcel      |
|---------------|--------------------------------|---------------|---------------|--------|------------|---------------------|
| 055 183801500 | VALUES INC INVESTMENT CO       | 2418          | DWIGHT WAY    |        |            | \$ 1,707.14         |
| 055 187401300 | VEDANTA SOCIETY BERKELEY       | 2455          | BOWDITCH ST   |        |            | \$ 986.67           |
| 055 188600400 | VERO PROPERTIES LLC            | 2241          | DURANT AVE    |        |            | \$ 1,688.46         |
| 055 188100400 | VIRGINIA COLLEGE ASSOCIATES LP | 2482          | TELEGRAPH AVE |        |            | \$ 6,881.54         |
| 055 183502700 | WANG HAOLIN                    | 2628          | TELEGRAPH AVE | 401    |            | \$ 141.03           |
| 055 188300400 | WEN WILLIAM K ETAL             | 2410          | DANA ST       |        |            | \$ 904.19           |
| 055 188500103 | WESLEY HOUSE BERKELEY LLC      | 2398          | BANCROFT WAY  |        |            | \$ 2,583.30         |
| 055 183600603 | WONG FRANKLIN C & HENRY F      | 2600          | TELEGRAPH AVE |        |            | \$ 1,691.57         |
| 055 184600200 | WU SEN T & SU H & CHUANG MARI  | 2640          | DWIGHT WAY    |        |            | \$ 2,099.61         |
| 055 183503100 | XIA JING                       | 2628          | TELEGRAPH AVE | 405    |            | \$ 141.03           |
| 055 187101100 | YEE FAYE & DAVID               | 2605          | DURANT AVE    |        |            | \$ 998.52           |
| 055 184004000 | YU JULIA & YU JEAN J TR        | 2615          | TELEGRAPH AVE | 206    |            | \$ 125.93           |
| 055 187802000 | ZENG'S BERKELEY LLC            | 2462          | BANCROFT WAY  |        |            | \$ 4,637.16         |
| 055 184004400 | ZHANG YINGQUN & WANG NAIRU     | 2615          | TELEGRAPH AVE | 303    |            | \$ 89.42            |
| 055 183700200 | ZION PROPERTIES LLC            | 2566          | TELEGRAPH AVE | D      |            | \$ 3,661.09         |
|               |                                | <b>Totals</b> | <b>246</b>    |        |            | <b>\$195,523.17</b> |
|               |                                |               | Parcels       |        |            | 23                  |
|               |                                |               |               |        |            | 223                 |

|                                           | Tax Exempt | Private Parcels      |
|-------------------------------------------|------------|----------------------|
| Total Count of Parcels: <b>246</b>        | 23         | 223                  |
| County Fee @1.7% (on Private Parcels):    |            | \$ 9,699.01          |
| Net Assessment Revenue (Private Parcels): |            | \$ 560,830.76        |
| <b>Total Assessment Revenue:</b>          |            | <b>\$ 756,353.93</b> |

Note: Data for APN, Owner, and Land Use from the City's Land Management System is current as of April 13, 2023. Updated data from Alameda County including APN, Owners and Land Use will be available on July 1, 2023.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: Berkeley Tourism Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2024 (FY24) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.

FISCAL IMPACTS OF RECOMMENDATION

The BTBID levies an annual assessment of one percent (1%) of gross short-term room rental revenue for lodging establishments. Annual assessment funds will be deposited and expended from the Tourism BID Fund. Based on City of Berkeley proposed budget revenue projections for the Transient Occupancy Tax (TOT) for FY 2024 (made in the second quarter of FY23) based spring 2023 hotel occupancy rates, the BTBID is budgeted to receive \$643,750 in funding for FY 2024. As of March 2023, the City of Berkeley's TOT projection for FY 2024 is \$7,725,000. That would mean the TBID revenue would be \$643,750 in FY 2024.

Both parties understand that the actual amount may change in the coming months, reflecting the ever-evolving state of the Berkeley economy and local, regional, and national tourism trends. The City retains a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration associated with the Tourism BID. The exact amount of any FY 2023 BTBID fund balance will only be known with certainty in August 2023. This is because the City collects BTBID assessments on a monthly basis along with Transient Occupancy Taxes (TOT). As a result, the finance department will only know the receipts for June 2023 after those assessments are collected at the beginning of July 2023. If revenues come in higher than anticipated, the Office of Economic Development will determine the amount and make a one-time "true up" payment for FY2023 during FY 2024. The appropriation of these additional funds will be included as a one-time "true up" payment with the amount articulated and authorized in the First Amendment to the FY 2024 Annual Appropriations Ordinance (November 2023).

### CURRENT SITUATION AND ITS EFFECTS

The Berkeley Convention and Visitors Bureau, known as Visit Berkeley, has an active contract with the City to implement the Management District Plan for the Tourism Business Improvement District through FY 2027 to support tourism marketing and promotion.

Under the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et.seq.) the City Council may approve an Annual Planning Report prepared by the Tourism Business Improvement District Owners' Association with a proposed budget for the next year. Accordingly, at its meeting on April 13, 2023, the BTBID Owners' Association voted to approve the Tourism BID's Annual Planning Report and budget for BTBID's Fiscal Year 2024. Council can now adopt the recommended resolution which will confirm the Tourism BID assessment and thus enable continuous BID operations for another year.

The Management District Plan was adopted by Council in 2017 as part of the reestablishment of the Tourism Business Improvement District; the plan provides a framework and budget for the Tourism BID's activities. In FY 2024, the Tourism BID will work with local hotel managers and hospitality industry leaders, the City of Berkeley, and other relevant tourism industry stakeholders to do strategic destination marketing and sales work that drives visitors to Berkeley's lodging establishments and supports Berkeley's hospitality industry. Additionally, the Tourism BID will continue to develop digital marketing and promotions utilizing the power of Visit Berkeley's website and social media strengths to push positive messaging to the visitor, event planning, and meetings industry and continue to develop and manage constructive relationships with local, regional and statewide marketing and hospitality partners to create local overnight room demand and to ensure the organization has the resources and support needed to successfully execute the BTBID mission.

### BACKGROUND

The Berkeley Tourism Business Improvement District includes all lodging businesses with five (5) rooms or more, available for public occupancy within the boundaries of the City of Berkeley. The City is responsible for collecting the assessment on a monthly basis from each lodging business with five (5) rooms or more located in the District boundaries. The City forwards the assessments to Visit Berkeley, which has the responsibility of managing District programs as provided in the Management District Plan.

The Berkeley Tourism BID was first established for a period of five years on September 18, 2012 to raise revenues to finance marketing and sales promotions, increase tourism, and promote Berkeley hotels as tourist, meeting, and event destinations. The Berkeley Municipal Code was amended on November 27, 2012 to modify its definition of room rent that so that BTBID assessments passed through to guests are exempt from the Transient Occupancy Tax (TOT) which is also applied to room rent. A portion

of TOT revenue also funds the Berkeley Convention and Visitors Bureau, but under a separate contract. On April 25, 2017, Council approved Resolution No. 67,926-N.S. reestablishing the Tourism BID starting on July 1, 2017 for an additional 10 years, expiring in 2027. The Tourism BID is authorized through June 30, 2027 unless action is taken to disestablish it. In October of 2019, the City Council authorized the City Manager to execute a contract and any amendments (Contract # 32000101) with Visit Berkeley, not to exceed \$7,966,000 of BTBID revenues, to support tourism marketing and promotion for the period through June 30, 2027.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The BTBID works to promote the Bay Area Green Business certification program with Berkeley's hotel owners, thereby encouraging the local lodging industry to take actions to meet environmental sustainability objectives.

#### RATIONALE FOR RECOMMENDATION

The State Property and Business Improvement District Law of 1994 requires that the City Council accept an annual report from the Owners' Association for each fiscal year in which assessments are to be levied. The report shall include any proposed changes in the boundaries of the district, the activities proposed for the year, and an estimate of the cost for providing them. Council action is required to approve the Tourism BID's Annual Report. This will, in turn, confirm disbursement of Tourism BID assessment revenue to Visit Berkeley. This private/public partnership generates significant resources for the City, indirectly enhancing sales tax, business license tax, and other business-related City revenue sources such as transit occupancy tax.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

#### CONTACT PERSON

Elizabeth Redman Cleveland, Office of Economic Development, (510) 981-7532

#### Attachments:

1. Resolution: Annual Planning Report and Proposed Budget Tourism BID  
Exhibit A: Annual Planning Report and Proposed FY 2024 Budget of the Berkeley Tourism Business Improvement District

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

APPROVING THE 2023 ANNUAL REPORT AND PROPOSED FY 2024 BUDGET  
OF THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et.seq.) authorizes cities to establish business improvement districts for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on April 25, 2017, the Berkeley City Council re-established such a district known as the Berkeley Tourism Business Improvement District (the "District"); and

WHEREAS, the City Council designated the Berkeley Tourism Business Improvement District Owners' Association (Owners' Association) to oversee the activities of the District; and

WHEREAS, the Owners' Association has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for fiscal year (FY) 2024 and a budget for providing them, as required by the California Streets and Highways Code Section 36650; and

WHEREAS, the Annual Planning Report is clear and complete and found to comply with the interests of the District assesses; and

WHEREAS, the Annual Planning Report proposes no changes to rates, boundaries or services to the Business Improvement District.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council of the City of Berkeley hereby approves the Berkeley Tourism Business Improvement District Annual Planning Report budget for FY2024 (Exhibit A) as submitted to the City Clerk by the Berkeley Tourism Business Improvement District Owners' Association.

Exhibit A: Annual Planning Report and Proposed FY2024 Budget of the Berkeley Tourism Business Improvement District

## **Berkeley Tourism Business Improvement District (BTBID) Marketing Plan FY2024 Annual Planning Report**

**District Name:** This report is for the Berkeley Tourism Business Improvement District

**Fiscal Year of Report:** This report applies to the FY 2023 (July 1, 2022 – June 30, 2023) and proposes a budget and plan for FY2024 (July 1, 2023 – June 30, 2024).

**Background:** The Berkeley TBID is a benefit assessment district created in 2012 by a group of hoteliers to fund marketing and promotional efforts for Berkeley lodging businesses. The first 5-year agreement with the City of Berkeley was from November 1, 2012 through October 31, 2017. On November 18, 2014, the Berkeley City Council approved the transition of the BTBID to a fiscal year contract cycle effective 2015-16. On April 25, 2017, City Council adopted the renewal of the Berkeley Tourism Business Improvement District for a ten (10) year term to maintain a revenue source devoted to marketing and promoting specific hotel-serving activities, beginning July 1, 2017 through June 30, 2027 (FYs18-27).

**Boundaries:** The Berkeley TBID includes all hotels with five or more rooms, existing and in the future, available for public occupancy within the boundaries of the City of Berkeley (Appendix B). The boundary is estimated to include approximately 22 hotel businesses (Appendix C).

There are no proposed changes to the boundaries for fiscal year 2024.

**Improvements and Activities for FY2024:** This planning report is provided for informational purposes. Actual projects are subject to approval by the BTBID Committee and the Visit Berkeley board. Below are the improvements and activities planned for fiscal year 2024. The ideas presented below are subject to change during the course of the year depending on circumstances and availability of funds. The estimated budget is \$643,750.00 (Appendix A).

**2023 Market Summary Report:** Beginning FY 2023, the City of Berkeley lodging industry experienced a 33.9% increase in hotel occupancy with a 21.9% increase in average room rates from the prior year. The increase in occupancy was led by the leisure travel, drive-in market. While airline travel restrictions related to the COVID-19 Pandemic started to wane, business travel, group travel and the meeting & events markets still struggled to meet expectations. The hospitality and tourism industry are hopeful that with the ongoing lessening of restrictions we will be fully prepared to welcome back all tourism related business in 2024-25.

As UC Berkeley has fully reopened, we did not experience the increase in meetings and conferences as projected. Zoom meetings still prevailed however we are seeing interest to return to in-person meetings. We will continue our visibility and outreach to all departments encouraging utilization of Berkeley hotels and event space as their preferred choice for conferences and visitors. Although the hospitality industry remains unpredictable, Visit Berkeley will partner with our local Business Improvement Districts (BIDs), the City of Berkeley's Office of Economic Development (OED), restaurants, and retailers by creating marketing and social media campaigns targeting Berkeley residents and attracting local and regional visitors to Berkeley.

As we anticipate TOT revenues to increase, providing there are no additional pandemics or surges, Visit Berkeley will continue efforts on Community Building and Hospitality Industry Recovery. We are very thankful to have been a recipient of an ARPA contract provided by City Council, this revenue provided a multi-year opportunity to create a new strategic Destination Marketing and Sales Workplan to support and rebuild Berkeley's hospitality industry. Visit Berkeley offices are open; however, the Visitor Information Center (VIC) will be on a minimal schedule for the remainder of 2023 as it receives a much-needed remodel/upgrade.

## **FY 2024 PROPOSED BUDGET ALLOCATION**

### **1) SALES AND MARKETING (99%)**

Sales and Marketing shall be 99% of the assessment that is estimated to be \$637,312.50 in FY 2024.

#### **Phase 1: Help Tourism Industry Thrive**

**Strategy:** Work with Stakeholders, City of Berkeley and Community Leaders to develop strategies and initiatives to support the hospitality businesses citywide.

- a. **Lodging** (develop multiple campaigns to increase occupancy, increase meeting/conference outreach, host familiarization or FAM Trips, and attend Trade Shows)
- b. **Restaurants/Libations** (Continue to build Berkeley Restaurant Week and Berkeley Bucks programs. Host Content Creators and walking tours)
- c. **Arts & Culture Venues** (maintain a robust events calendar on VisitBerkeley.com, promote venues on our website and on IKE kiosks. Partner with Berkeley Cultural Trust and the City of Berkeley's Civic Arts Program)
- d. **Merchant Districts** (meet regularly with BIDs to support their events through our website and IKE kiosks)



## Phase 2: Develop Internal Marketing Strategies

**Strategy:** Develop digital marketing and promotions utilizing the power of Visit Berkeley's website and social media strengths to push positive messaging to the visitor and meetings industry.

- a. **Website** (maintain a robust website that promotes all tourism and meeting related businesses)
- b. **Partner Development** (work with tourism marketing partners to create visitor packages and campaigns)
- c. **Outdoor Adventure** (Promote outdoor activities, such as district shopping, parks and outdoor dining as consumers look to satisfy pent-up demand by taking local/regional outings)
- d. **Digital and In-Person Familiarization Tours ("fam" tours) and Meetings** (Maintain contact with meeting planners and content creators with individual and small group meetings, selectively host in-person fam tours and introduce hotel promotions and packages)

## Phase 3: Local, Regional and Statewide Marketing Outreach

**Strategy:** Create, develop, and manage positive relationships with local, regional and statewide marketing and hospitality partners to create overnight room demand and to ensure Visit Berkeley has the resources and support needed to successfully execute the BTBID mission.

- a. **Local** (maintain and build positive relationships with UC Berkeley, Lawrence Berkeley Lab and other local businesses that produce lodging overnight stays and small conferences)
- b. **Regional** (9 Bay Area Counties) (strategize opportunities to attract leisure and family visitations to patronize Berkeley's merchant districts, businesses and outdoor activities)
- c. **Statewide** (leverage our ongoing relationship with Visit California to participate in cooperative programs and marketing opportunities to attract Regional and Statewide visitation to Berkeley).

## 2) CITY COLLECTION COSTS (1%)

The City of Berkeley shall be paid a fee equal to 1% of the amount of assessment collected to cover its costs of collection and administration. The estimated costs for fiscal year 2024 are \$6,437.50.

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## 3) TOTAL ESTIMATE OF COSTS FOR FY2024 (100%)

A breakdown of the total estimated \$643,750.00 budget for fiscal year 2024 is attached to this report as Appendix A: Total Estimated Costs and Revenue for the Berkeley Tourism Business Improvement District (BTBID) Fiscal Year 2024 (July 1, 2023 to June 30, 2024).

**Method and Basis of Assessment:** The annual assessment rate is one percent (1%) of gross short term (stays less than 30 days) room rental revenue for hotels. Based on the benefit received, assessments will not be collected: on stays of more than thirty (30) consecutive days; on stays by any officer or employee of government who is exempt by express provisions of federal international treaty; or on stays by any customer of a bed and breakfast establishment as defined in Section 23F.94.010 of

the Berkeley Municipal Code, which is located in a residential zoning district, has been in consistent operation as of January 1, 2003, and the continued operation of which is permitted under Chapter 23C.06 of the Berkeley Municipal Code. (See Appendix B: Map of the Berkeley Tourism Business Improvement District (BTBID)).

**Amount of Surplus/Deficit from previous Fiscal Year:** The BTBID assessment was originally estimated to bring in approximately \$425,000.00 in revenues in FY23. As Berkeley TOT has experienced an increase in revenues in FY23, Visit Berkeley does expect a corresponding surplus in revenues from FY23 to be generated (though the final amount will not be known until the first quarter of FY24) and carried forward for use in FY24.

**Amount of Contributions from other sources:** There are no plans to apply for funding from other sources.

Thank you for the opportunity to present our Annual Planning Report. If you have any questions regarding this report, please contact Barbara Hillman, President/CEO of Visit Berkeley at (510) 549-7040 / Cell# (925) 876-4825.

**Appendix A: Total Estimated Costs and Revenue for the Berkeley Tourism Business Improvement District (BTBID) Fiscal Year 2024 (July 1, 2023 to June 30, 2024)**

**Revenues**

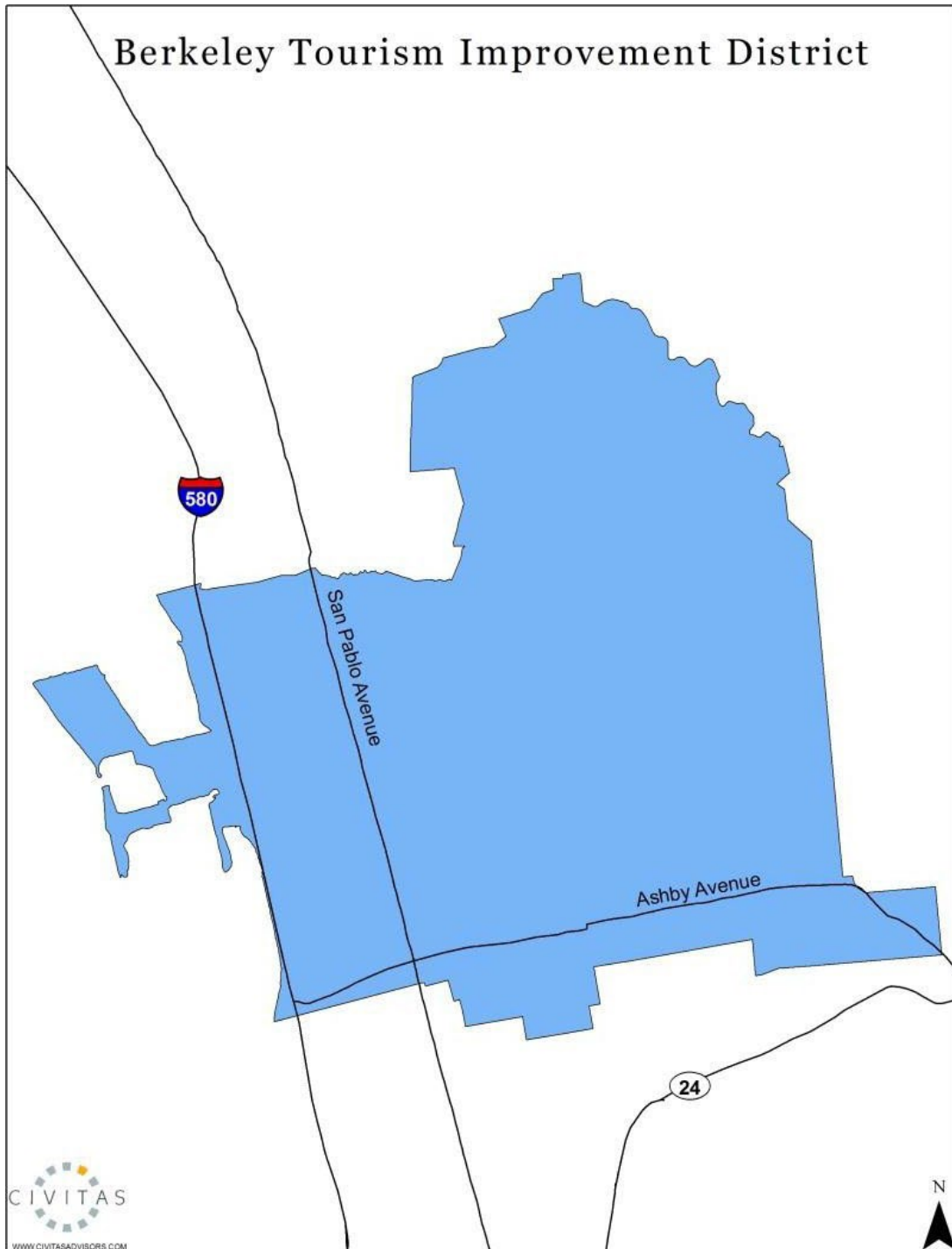
|                                 |                     |
|---------------------------------|---------------------|
| 2023-24 Assessments (FY24)      | \$643,750.00        |
| 2022-23 Carryover (FY23)        | TBD                 |
| <b>Total Estimated Revenues</b> | <b>\$643,750.00</b> |

**Expenditures**

|                                     |                     |
|-------------------------------------|---------------------|
| Sales & Marketing                   | \$637,312.50        |
| City of Berkeley Collection Costs   | \$6,437.50          |
| 2022-23 Carryover (estimated, FY23) | TBD                 |
| <b>Total Estimated Expenditures</b> | <b>\$643,750.00</b> |
| <b>Total FY2024 BTBID Budget</b>    | <b>\$643,750.00</b> |

**Appendix B: Map of the Berkeley Tourism Business Improvement District (BTBID)**

Note: The BTBID will include all hotels with five or more rooms, existing and in the future, available for public occupancy within the boundaries of the City of Berkeley. The boundary currently includes 22 hotels. Please see the map below.



Source: Berkeley Tourism Business Improvement District Management District Plan (2017).

**Appendix C – Assessed Businesses**

| <b>Business Name</b>                                            | <b>Address</b>       | <b>City, State</b> | <b>ZIP</b> |
|-----------------------------------------------------------------|----------------------|--------------------|------------|
| Bancroft Hotel                                                  | 2680 Bancroft Way    | Berkeley, CA       | 94704      |
| Berkeley City Club                                              | 2315 Durant Ave.     | Berkeley, CA       | 94704      |
| Berkeley Travelodge                                             | 1820 University Ave. | Berkeley, CA       | 94703      |
| Cal Hotel                                                       | 2008 Shattuck Ave.   | Berkeley, CA       | 94704      |
| Church Divinity School of the Pacific                           | 2451 Ridge Road      | Berkeley, CA       | 94709-1211 |
| Doubletree Berkeley Marina                                      | 200 Marina Blvd.     | Berkeley, CA       | 94710      |
| Downtown Berkeley Inn                                           | 2001 Bancroft Way    | Berkeley, CA       | 94704      |
| Holiday Inn Express                                             | 1175 University Ave. | Berkeley, CA       | 94702      |
| Graduate Berkeley                                               | 2600 Durant Ave.     | Berkeley, CA       | 94704      |
| Hotel Shattuck Plaza                                            | 2086 Allston Way     | Berkeley, CA       | 94704      |
| Howard Johnson                                                  | 1512 University Ave. | Berkeley, CA       | 94702      |
| La Quinta University Inn                                        | 920 University Ave.  | Berkeley, CA       | 94710      |
| Marina Lodge                                                    | 975 University Ave.  | Berkeley, CA       | 94710      |
| Nash Hotel                                                      | 2045 University Ave. | Berkeley, CA       | 94704      |
| Pacific School of Religion                                      | 1798 Scenic Ave.     | Berkeley, CA       | 94703      |
| Prima Donna Hotels Inc.,<br>dba Sens Hotel & Bistro<br>Berkeley | 1540 Shattuck Ave.   | Berkeley, CA       | 94709      |
| Rose Garden Inn                                                 | 2740 Telegraph Ave.  | Berkeley, CA       | 94705      |
| Super 8                                                         | 1619 University Ave. | Berkeley, CA       | 94703      |
| University Hotel                                                | 2057 University Ave. | Berkeley, CA       | 94704      |
| Vista Inn & Suites, dba<br>Quality Inn                          | 1761 University Ave. | Berkeley, CA       | 94703      |
| Marriott Residence Inn                                          | 2129 Shattuck Ave    | Berkeley, CA       | 94704      |
| Aiden Best Western                                              | 1499 University Ave  | Berkeley, CA       | 94702      |
| <i>List Updated: April 2023</i>                                 |                      |                    |            |





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: North Shattuck Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2024.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the North Shattuck Business Improvement District (NSBID) support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten year period on June 16, 2020 (Resolution No. 69,454–N.S). Assessment funds are collected by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the North Shattuck Association (NSA), a private owners' association that was established to implement the Management District Plan.

In June of 2020, the City Council authorized the City Manager to execute a contract and any amendments with the North Shattuck Association, not to exceed \$2,652,778 of BID revenues, to implement the North Shattuck Management District Plan for the period July 1, 2020 to June 30, 2031 (Contract No. 32100055). The contract covers the years remaining in the current term of the NSBID establishment.

NSBID assessments are projected and budgeted at approximately \$210,363 in FY 20234. Assessment funds are deposited into NSBID Fund 785-21-208-251-0000-000-000-412110 and expended from fund 785-21-208-251-0000-000-446-636110. Though the NSBID's adopted Management District plan allows for an annual 5% assessment increase for inflation, the majority of the North Shattuck Association's Board of Directors met on March 30, 2023, and determined that no rate increase was warranted in FY24 as the current assessment sufficiently covers the slate of services proposed for the coming year. Project funds not spent in any given fiscal year are carried over into future years.

By financing improvements, maintenance and marketing activities for the North Shattuck business district, the NSBID indirectly enhances sales tax, business license tax and other business-related City revenue sources. No City properties have been or will be assessed in the NSBID.

### CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based BIDs (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the NSA met in a publicly noticed meeting on March 30, 2023 to review and approve the attached Annual Report for the NSBID for FY 2023 (Exhibit A). The report includes a budget for improvements and activities for FY 2024 and an estimated cost for providing them. The report also recommends that the assessments for FY 2024 be levied on the same basis and method, and within the same boundaries, as they were levied for FY 2023 *without* the allowable annual 5% fee increase. See Exhibit B: North Shattuck BID FY 2024 Assessment Roll. Council can adopt the recommended resolution which will confirm the NSBID assessment, thus enabling continuous BID operations in the North Shattuck district for another year.

### BACKGROUND

The NSBID was first established by Resolution of the Berkeley City Council in 2001 (Resolution No. 61,168-N.S.) to implement a Management District Plan that had been developed by a steering committee of merchants and property owners. In accordance with the Management District Plan adopted in Resolution No. 61,168-N.S, the NSBID had a lifetime of ten years, expiring in 2011. On May 3, 2011, Council approved Resolution No. 65,265-N.S. reestablishing the NSBID for 10 more years, ending in Fiscal Year 2021. Further, on June 16, 2020, Council approved Resolution No. 69,454–N.S. reestablishing the NSBID for an additional 10 years. Thus, the NSBID is authorized through 2031 unless action is taken to dis-establish it.

The NSBID finances special improvement, maintenance and marketing activities that benefit commercial properties and businesses in the North Shattuck District. NSBID activities are performed above and beyond baseline services provided by the City. The Management District Plan for the North Shattuck BID that was adopted by Council in 2020 as part of the reestablishment of the District provides a framework and budget for the NSBID’s activities.

In FY 2024, the NSBID will continue its ongoing services including District maintenance, public improvements, holiday lighting, and marketing/promotional activities. The NSBID will continue to provide cleaning and outreach services in the public right of way. Events and activities promoting the District will continue throughout the year, including winter holiday promotions and safe group outdoor commerce installations. Regular arts and events newsletters will be shared, and



ongoing marketing efforts will continue via the NSBID website and other social media. The NSBID will also continue to liaise and coordinate with other business district organizations, Visit Berkeley, the Chamber of Commerce, and the Berkeley Business District Network (BBDN) to promote local business and economic development opportunities in Berkeley.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the District, the NSA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District is walking distance from the North Berkeley and Downtown Berkeley BART Stations. Several AC transit lines provide easy accessibility to visitors coming to this popular regional destination. Because the District is well served by public transportation and biking infrastructure, these services support environmental sustainability goals of encouraging alternative transportation choices and reducing vehicle miles traveled.

#### RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID's Annual Report, and declare its intent to levy assessments.

This private/public partnership generates significant resources for revitalization of the North Shattuck District has a positive effect on the physical and economic health of the City of Berkeley.

#### ALTERNATIVE ACTIONS CONSIDERED

The Board of the NSBID considered opting for the allowable 5% increase in assessment rates but instead decided not to levy an increase in the assessment rate, declaring that an increase, would not be necessary to cover the slate of proposed services. The NSA Board determined that the existing assessment level would be sufficient to address the goals outlined in the FY2024 budget and work plan.

#### CONTACT PERSON

Eleanor Hollander, Office of Economic Development, (510) 981-7536

#### Attachments:

- 1: Resolution: Confirm Annual Report and Levy Annual Assessment  
Exhibit A: NSBID Report for FY 2023 and Proposed Budget for FY 2024  
Exhibit B: North Shattuck BID FY 2024 Assessment Roll

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

APPROVING THE ANNUAL REPORT OF THE NORTH SHATTUCK BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2023 AND DECLARING INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2024.

WHEREAS, the Property and Business Improvement District Law of 1994 as amended (California Streets and Highways Code Section 36600 et. seq.) authorizes cities, with the consent of property owners, to fund property-related improvements, maintenance and activities through the levy of assessments upon the real property that benefit from the improvements, maintenance and activities; and

WHEREAS, after ten years of successful operation, on June 16, 2020 the Berkeley City Council reestablished the North Shattuck Business Improvement District (hereafter, “the District”) for an additional ten-year period by Resolution No. 69,454-N.S.; and

WHEREAS, on March 30, 2023 the Board of Directors of the North Shattuck BID adopted the *Annual Report to the City of Berkeley FY 2023* (hereafter “Annual Report”) that describes the operations of the District in FY 2023, recommends services for FY 2024 and proposes a budget for FY 2024 (Exhibit A).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report of the North Shattuck Association (Exhibit A) and declares its intent to levy special assessments on property within the boundaries of the District for FY 2024.

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the Management District Plan (Plan) that was adopted on June 16, 2020, when Council renewed the North Shattuck BID through Resolution No. 69,454-N.S.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report.

BE IT FURTHER RESOLVED that the cost of providing the improvements and activities is as described in the budget that accompanies the Annual Report.

BE IT FURTHER RESOLVED that the Assessment Rate for FY 2024 shall not increase from the rates established in FY 2023 (despite the fact that an increase of 5% is allowed annually by the District Management Plan). Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY 2024 and confirm disbursement of NSBID assessment revenue to the North Shattuck Association provided for in Contract No.32100055, authorized in Resolution No. 69,455–N.S. (2020).

Exhibit:

A: North Shattuck Annual Report for FY 2023 and Proposed Budget for FY 2024

B: NSBID Assessment Roll FY 2024



NORTH SHATTUCK ASSOCIATION  
ANNUAL REPORT TO THE CITY OF BERKELEY  
FISCAL YEAR 2023

Introduction

The North Shattuck Business Improvement District (NSBID) was reestablished for a new 10-year period by the Berkeley City Council on June 16, 2020 (Resolution No. 69,454-N.S.) under provisions of the State of California Property and Business Improvement District Law of 1994. The NSBID was formed in 2001 and renewed in 2011 and again in 2020 to implement a Management District Plan developed and revised in 2020 to address the specific needs of the District and which sets forth the projected activities of the NSBID and the allocation of BID assessment revenues to each activity.

The renewed North Shattuck BID consists of 54 parcels owned by 52 property owners, generally bounded by Rose on the north, Delaware on the south, taking in the block of Vine east of Shattuck Ave. The assessments fund special benefits within the District, enhancing the North Shattuck area's streetscape environment with infrastructure improvements, ongoing maintenance, and special events to new customers and visitors, increase business sales, and attract and retain businesses.

The NSBID is managed by the non-profit North Shattuck Association, whose Board of district business and property owners and Executive Director coordinate implementation of the Management Plan. The Property and Business Improvement District Law of 1994 requires that the owners' association that is responsible for administering a BID prepare an annual report for each fiscal year for which assessments are to be levied.

This report reviews Fiscal Year 2023 operations, and states goals and objectives for Fiscal Year 2024 of the NSBID, which begins July 1, 2023 and ends June 30, 2024. This report includes the improvements and activities for the year, an estimate of the cost of the improvements and activities, the amount of any surplus or deficit revenues are to be carried over from the previous fiscal year and the amount of any contributions from other sources are named in the annual report and budget. There are no proposed changes in the boundaries of the district nor to the method and basis for levying the assessment.

FY 2023 Annual Report

*Summary of FY23 Budget*

The budget for Fiscal Year 2023 included BID assessments which resulted in new revenue of \$209,443, carryforwards of \$22,436 from FY 2022, which added to new revenue resulted in a FY 2023 budget of \$231,879. The following table shows the Budget Allocations by category and percentages as well as the estimated expenditures to the end of the fiscal year on June 30, 2023. Total expenditures for the year are estimated to be \$188,433 with the remaining funds to carry forward in each category to FY 2024.

| <i>NORTH SHATTUCK<br/>ASSOCIATION<br/>Service/Expense Category</i> | <i>Allowable<br/>% of<br/>Annual<br/>Budget</i> | <i>Carry<br/>Forward<br/>from<br/>Fiscal<br/>Year 2022<br/>(Actual)</i> | <i>Fiscal Year<br/>2023<br/>Assessment<br/>Revenue</i> | <i>2023<br/>Budget with<br/>Carry<br/>Forward &amp;<br/>New<br/>Revenue</i> | <i>Fiscal Year<br/>2023<br/>Expenditures<br/>(Estimated to<br/>6/30/23)</i> |
|--------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Maintenance/Civil Sidewalks                                        | 40%                                             | \$3,154                                                                 | \$83,777                                               | \$86,931                                                                    | \$69,313                                                                    |
| District Identity & Placemaking                                    | 25%                                             | \$2,803                                                                 | \$52,361                                               | \$55,164                                                                    | \$55,440                                                                    |
| Administration/Management                                          | 30%                                             | \$7,418                                                                 | \$62,833                                               | \$70,251                                                                    | \$63,680                                                                    |
| Contingency                                                        | 5%                                              | \$9,061                                                                 | \$10,472                                               | \$19,533                                                                    | \$ 0                                                                        |
| Total Budget                                                       | 100%                                            | \$22,436                                                                | \$209,443                                              | \$231,879                                                                   | \$188,433                                                                   |

### *Accomplishments*

During Fiscal Year 2023, the North Shattuck Association continued implementation of the activities and services outlined in the Management District Plan under a renewed annual contract between the City of Berkeley and the North Shattuck Association (NSA). Activities of the district are organized into Administration/ Program Management, District Identity and Placemaking, and Maintenance/Civil Sidewalks. Accomplishments in each area are summarized below.

#### **Administration/Program Management**

- The Executive Director held regular meetings of the Board of Directors and General Association meetings with merchants, property owners, City staff and elected officials were held in person when possible and via Zoom regularly during the year to further the goals and objectives of the Association, focusing on business assistance during the continuing recovery from the Covid-19 pandemic, resumption of special events, and addressing safety and maintenance concerns in the district.
- Business and property owners were provided regular updates on pandemic health orders, financial relief and technical assistance available through various agencies including State Covid Relief grants to small businesses and the City's Outdoor Commerce program.
- The Association coordinated meetings of merchants, property owners, BPD, and the City's Homeless outreach and mental health teams to deal with safety and security issues at various locations and held a district wide Safety Meeting in October 2022 to update and educate the membership on the reporting of various incidents for a more coordinated response during the holidays.
- The Association Board voted to reallocate funds to implement a 3-month pilot Safety Ambassador Program for the district and contracted with Peralta Service Corporation to provide on-street hospitality and coordination on city maintenance and safety issues.
- The Association worked with the Berkeley Business District Network (BBDN) to

address and provide input on citywide issues and programs including the Small Business Support Package of zoning changes and clarifications. The group also advocated for public safety through the reinstatement of police bike patrols in commercial areas and expansion of the Mental Health Outreach Teams.

- The Executive Director assisted businesses to plan and upgrade outdoor commerce areas, including design assistance, movement of equipment, and construction of new permanent parklets through the City's Pathways to Permanence program, which waives permit fees and which will allow businesses to continue operations in the public right-of-way with payment of parking fees after lifting of the City's emergency order. The Association assisted Victory Point Café to complete their parklet upgrade this year, coordinated planning for the Saul's Deli project, and continued to coordinate the City's Outdoor Commerce Grant program which provides grants to businesses citywide to build parklets.
- The Association coordinated with the Berkeley Chamber and Visit Berkeley on citywide events and marketing programs including Restaurant Week, the Berkeley Holidays campaign, the Berkeley Bucks program, and the City's "Discovered in Berkeley" series, which featured The Victory Point Games Café this year.
- The Executive Director worked with the Ecology Center on the Farmers Market Thursday operations, vendors, and marketing, and attended Community Advisory meetings to plan for more music and activities in the market area, including an expanded 8-week series of "Thirsty Thursday" events during the fall of 2022, and a Food Waste Cooking demonstration series at the market in March and April 2023.
- The Association maintained an inventory of all businesses and vacant retail and office space in the district and provided updates to the City's Economic Development office. This year, the Benchmark Boulderling Gym opened in the former Walgreen's store at Cedar and Shattuck, and renovation of the former Dara Lao building by the celebrated Farmhouse Thai restaurant group began. Three new businesses opened in the rehabbed storefronts at Delaware St., and Epicurious Garden welcomed Darband Mediterranean. The Bank of America branch and Campus Auto, along with Siamese Dream, Himalayan Imports and Cose Belle boutiques closed in the district this year.
- The Board met with the developer of the former Campus Auto site to review preliminary plans for a mixed-use structure and initiated discussions with the Bank of America on future plans for the site and parking lot as well as maintenance of the property.
- The Executive Director assisted with city health, noise and street event permits and coordination for Saul's 36<sup>th</sup> anniversary street party, ACCI Gallery's Spring Art Fair, the Chocolate and Chalk Art Festival and the Winter Festival with Saul's Latke Party.

#### Civil Sidewalks/Maintenance

- The Association expanded funding for cleaning and regular maintenance for sidewalks, public spaces, and public property including sidewalk and gutter sweeping, weeding of tree wells, graffiti abatement and maintenance of the newly replanted landscaped ceramic planters throughout the district.

- The Executive Director coordinated with the City of Berkeley and Berkeley Police Department to address maintenance issues including street tree replacements, and sidewalk steam cleaning and repair, trash receptacle maintenance, etc. as well as street behavior and vandalism, trespassing and illegal dumping issues on private property and sleeping during the day in the public right of way. Merchants were informed of available services and appropriate numbers for reporting incidents and requesting assistance for mental health issues and a District Safety Meeting was held in October to prepare for the holidays.
- In response to ongoing issues, the Association Board voted to implement a 3-month pilot Safety Ambassador Program for the district with Peralta Service Corporation to provide a welcoming presence for tenants, visitors, shoppers, and employees, to be additional "Eyes and Ears" for local community and law enforcement and develop and maintain active relationships with City Officials, Beat Officers, Fire Department and Public Works Department to assist in the intervention and prevention of crime.
- The Association installed the annual holiday lighting for the entire length of the district for the winter holiday season in the sidewalk street trees as well as in median tree locations with electricity access. The lighting provides ambience as well as security and pedestrian lighting in the darker winter evenings.

#### District Identity/Placemaking

- District marketing includes the monthly Constant Contact e-newsletter with updates on business operations and hours, specials, events, and classes, regular social media posts and boosts for businesses and special events, and print and digital ads on local media and in the Berkeley Visitors Guide to promote the district. The Association website has been updated to reflect current businesses in the online directory and links to ongoing in-person and hybrid classes and events, including the weekly North Berkeley Food Tour and Farmers' Market, monthly art openings, wine tasting, and cooking, yoga and barre classes.
- The Association coordinated with the Chamber, Visit Berkeley and the City on the Berkeley Holidays, Berkeley Bucks, Restaurant Week, and Discovered in Berkeley campaigns, promoting business participation and the programs and offerings through our social media outlets, and the participated in Shop Local social media campaigns through AMIBA promoting support for small independently-owned businesses.
- The 2022 Chocolate & Chalk Art Festival was held on August 18 in partnership with Another Bullwinkel Show in with funding from a Civic Arts Recovery Grant of \$15,000 for fiscal years 2022 and 2023. The event included a sidewalk chalk art contest with chocolate specials from area shops and artisan vendors. The theme was "Chalking Beautiful Music", and grant funds provided for increased marketing and outreach for the event, professional artist works, local musical groups, and larger prizes for chalk artists in the contest.
- The Executive Director worked with the Ecology Center to organize and present a

weekly series of “Thirsty Thursdays” events in September and October 2022 at the North Berkeley Farmers Market with live music from the Berkeley High Jazz Band and other local acts, sustainable beer and wine, an Ecology Center pop-up shop and program booths, kid’s art projects and an Association marketing table with business information and giveaways.

- The Association funded a Fall music series with combos from the Berkeley High Jazz Band to play on Saturdays outside the Post Office, hosted by M. Lowe & Co. Jewelers, to provide activity on the street and provide ongoing support for the Jazz program.
- A new holiday event, the North Berkeley Winter Festival, was held on Dec. 18<sup>th</sup> in conjunction with the annual Saul’s Latke Party. The event was a celebration of the first day of Hanukkah and the holiday season and included Berkeley High Jazz combos and local Klezmer group the Veretski Pass. There were children’s games and art projects, free face painting, and a Snow Queen, along with local artisan vendors and food and drinks booth.
- As part of the North Berkeley in Bloom recovery campaign the Association worked with local artist Rigel Stuhmiller to produce a new series of decorative light pole banners to line Shattuck Ave. The banners have colorful hand drawn bird and flowers to fit the theme of re-opening and spring. A press release and direct mailer promoting the project and shopping locally were also planned for later in 2023.
- The Association helped coordinate another ACCI Gallery Art Fair on May 6<sup>th</sup> with more than 20 ACCI member artists selling their work on Lincoln St. The sale coincided with their biannual exhibition of garden and botanical themed pieces, and included a plant sale by the Berkeley Garden Club.

#### Budget - Fiscal Year 2024

##### *Work Plan*

The North Shattuck Association will continue implementation of the activities initiated in previous fiscal years and in accordance with the Management District Plan. Funds not expended in the previous year will be carried forward in addition to estimated Fiscal Year 2024 revenues. The work of the Association will continue to be guided by the Board of Directors and its committees. The goals and objectives for Fiscal Year 2024 are organized as outlined in the Management District Plan adopted in 2020.

#### Administration/Program Management

*Goals:* General oversight and direction of district activities; development of relations and coordination with outside groups and agencies, coordination of projects and programs, management of sponsorships and volunteers.

##### *Objectives:*

- 1) Oversee development of annual District work plan and detailed budgets, financial records and annual tax returns.
- 2) Conduct property owner outreach, property owner and business input to the Management Plan and various programs and activities.
- 3) Attend needed City of Berkeley Council and Commission meetings and prepare all

- required reports related to the annual City of Berkeley contract with the Association.
- 4) Prepare correspondence, letters of support, and grant applications with the City of Berkeley and other agencies.
  - 5) Coordinate Board elections in July 2023 including nominations and property owner balloting.
  - 6) Maintain working relationships with property owners, merchants, City of Berkeley, Chamber of Commerce, Visit Berkeley, and elected officials.
  - 7) Continue to participate in the Berkeley Business District Network (BBDN) to review and evaluate proposed City policy changes, public improvement projects, planning changes and zoning amendments relevant to the commercial district. Coordinate with district businesses and property owners to develop appropriate responses and present to City Council and Commissions.
  - 8) Identify and act on any business education/assistance needs for business retention and inform businesses and property owners on how to access all available business support financial and technical services.
  - 9) Develop and distribute regular e-mail newsletter updates to business and property owners with service accomplishments, event information, issue updates, and new business contacts.
  - 10) Maintain inventory and lease information for vacant retail and office space in the district, current information for zoning regulations/amendments, and liaison with City and commercial brokers to attract and assist new businesses.
  - 11) Prepare funding applications for public art and events through the City and State grant programs and administer projects and reporting.
  - 12) Coordinate the City's Outdoor Commerce Grant Program and assist businesses with creating outdoor areas, upgrading structures and extending permits beyond the pandemic.
  - 13) Continue to work on parking issues in the district with the GoBerkeley Parking Program and investigate of improved usage of existing private parking resources for paid employee parking.
  - 14) Work with the Berkeley Public Education Foundation, local schools and the Berkeley Business District Network to strategize on additional fundraising events to provide additional funding for classroom grants, for theater, science, art and gardening programs.

#### **District Identity & Placemaking**

*Goals:* Create a unified, quality image for the district and implement promotion strategies that capitalize on the unique aspects of the area, including advertising, social media, brochures, special events, holiday promotions etc. Strengthen the physical environment and sense of place with public art, landscaping improvements and parklets, and other initiatives as developed.

#### *Objectives:*

- 1) Oversee implementation of the marketing and promotions strategy including designer/consultant selections, design processes, budgeting, and advertising placements.



- 2) Manage and promote the special events calendar and institute new events to further the image and various market segments of the district, including apparel, culinary, artisan production, and arts.
- 3) Integrate existing businesses into special events and marketing campaigns through various means, including sponsorship, participation, promotional tie-ins, etc.
- 4) Coordinate public relations for the district and special events as needed. Generate press releases and promote editorial pieces on commercial and retail developments in the area.
- 5) Continue regular updates of the district website with business information and upcoming classes, special events, etc., produce a monthly Constant Contact e-newsletter, and maintain regular Facebook and other social media entries promoting business activities and press coverage.
- 6) Promote events at nearby venues such as Live Oak Park, the Jewish Community Center, Berkeley Arts Center, Theatre First and the Hillside Club. Work with producers to tie in district businesses through advertising and promotions.
- 7) Work with the City and Ecology Center on issues related to the Farmers Market operations and marketing. Coordinate Thirsty Thursday events during the summer of 2023 (FY24), and other special events and business tie-ins to the market.
- 8) Assist businesses to produce smaller street events including ACCI Gallery's Seconds Sale and Art Market, Saul's Latke Party, Vine St. block parties with Vintage Berkeley, etc. and to involve other businesses as partners and participants.
- 9) Oversee installation of annual winter holiday street tree lighting throughout the district.
- 10) Organize a Winter holiday marketing plan and events calendar including a Winter Festival, a holiday music series, etc. and promotion of business events.
- 11) Identify a non-profit partner and produce a Wine Walk fundraiser event, coordinating wineries, business participation, and marketing.
- 12) Produce the "Taste of North Berkeley" restaurant walk to benefit local charities and highlight neighborhood shops and restaurants.
- 13) Organize Association booths/tables at the weekly Farmers' Market and other fairs and festivals with activities to promote the district and gain newsletter and social media subscribers.
- 14) Investigate grant funding opportunities and provide coordination between area businesses and property owners, City Departments, and outside agencies towards implementation of district- initiated projects and programs towards median improvement, pedestrian safety, improved bike facilities, and parking.
- 15) Investigate design and finding possibilities for a median landscaping improvement project to coincide with the Shattuck Ave. roadway repair project, including possible City funding and a UC Berkeley design class and Chancellor's Grant application/award.
- 16) Investigate opportunities for public art projects with ACCI Gallery, local artists, and local schools, including rotating storefront exhibits, art projects, temporary mural projects, etc.

**Maintenance and Civil Sidewalks**

*Goals:* Address issues related to cleaning and maintenance of the district; design and implement landscaping and other streetscape beautification improvements; provide input on development projects.

*Objectives:*

- 1) Provide ongoing area maintenance monitoring, needs assessment, and coordination with appropriate city departments on projects including street tree replacements, curb repairs, median landscaping, trash receptacle cleaning, sidewalk repairs, bicycle facilities etc.
- 2) Oversee service contract with Peralta Service Corporation for regular sidewalk cleaning and landscaping including sidewalk planters and tree well maintenance and special projects as needed.
- 3) Manage the work of the district's Safety Ambassadors to provide hospitality functions, connect with maintenance staff and area businesses, and address security and safety issues working with the Berkeley Police Department and Mental Health Teams.
- 4) Organize meetings of district businesses, property owners, Ambassadors, current BPD patrol officers and the City's Mental Health team to identify and respond to street behavior issues, trespassing and illegal dumping issues, vandalism, and blocking of the public right of way.
- 5) Coordinate work of the City-funded Streets Team to assist with area clean-up for the district's allotment of one afternoon per week and arrange for gift cards or other compensation for team members.
- 6) Work with property owners and appropriate city departments to address signage conditions and the appearance of empty storefronts and vacant properties in the district.
- 7) Work with appropriate City departments, business and property owners, contractors, and volunteer designers to assist businesses to create and upgrade Outdoor Commerce areas in the district.

*FY 2024 Budget*

BID collections for Fiscal Year 2024 are projected to be \$210,363, with no annual increase in assessments from Fiscal Year 2023. An estimated carryforward of \$83,337 in unexpended funds from Fiscal Year 2023 will be added to each expense category for a total budget of \$293,700. Services and expenditures will be made in accordance with the Management District Plan categories as follows:

| <i>NORTH SHATTUCK ASSOCIATION<br/>Service/Expense Category under<br/>2021 Management Plan</i> | <i>% of<br/>Annual<br/>Budget</i> | <i>Estimated<br/>Carryforward from<br/>2023 Fiscal Year</i> | <i>Fiscal Year 2024<br/>Projected New<br/>Revenues</i> |
|-----------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------|--------------------------------------------------------|
| Maintenance & Civil Sidewalks                                                                 | 40%                               | \$24,572                                                    | \$84,145                                               |
| District Identity & Placemaking                                                               | 25%                               | \$13,879                                                    | \$52,591                                               |
| Administration/Program<br>Management                                                          | 30%                               | \$15,013                                                    | \$63,109                                               |
| Contingency                                                                                   | 5%                                | \$29,873                                                    | \$10518                                                |
| Total Estimated Budget                                                                        | 100%                              | \$83,337                                                    | \$210,363                                              |

The above budget is based upon the maximum amount of BID assessment revenues that could be collected in the District. Actual BID revenues may be lower if some assessments are not paid within the Fiscal Year. No changes to the boundaries of the district and the method and basis for levying the BID assessments were taken this year.

A listing of Fiscal Year 2024 assessments is attached as Exhibit B to this report.

Approved by:

Approved by the Board of Directors  
Kirk McCarthy, President, North  
Shattuck Association

On March 30, 2023

Prepared by: Heather E. Hensley, Executive Director, North Shattuck Association

North Shattuck Business Improvement District  
FY 2024 Assessment Roll

| APN                                  | Owner Name                                | Site Address            | FY 2024 Assessment     |                                |                  |                     |
|--------------------------------------|-------------------------------------------|-------------------------|------------------------|--------------------------------|------------------|---------------------|
|                                      |                                           |                         | Private Parcels        | Public / Exempt                | Utilities        |                     |
| 058 -2173-002-03                     | 1600 SHATTUCK ASSOCIATES                  | 1600 SHATTUCK AVE #1010 | \$ 8,799.50            |                                |                  |                     |
| 058 -2173-004-00                     | IRA SERVICES TRUST                        | 1620 SHATTUCK AVE       | \$ 916.84              |                                |                  |                     |
| 058 -2173-005-00                     | KIM SAMIL & YOUNGJUNG                     | 1650 SHATTUCK AVE       | \$ 1,968.00            |                                |                  |                     |
| 058 -2174-001-00                     | ARTS & CRAFT COOPERATIVE INC              | 1652 SHATTUCK AVE       | \$ 1,588.26            |                                |                  |                     |
| 058 -2174-002-00                     | NEIL JOE R & CAROL L                      | 1654 SHATTUCK AVE       | \$ 1,208.92            |                                |                  |                     |
| 058 -2174-003-00                     | SATAKE 1 LLC                              | 1662 SHATTUCK AVE       | \$ 1,115.48            |                                |                  |                     |
| 058 -2174-004-01                     | 1995 KAM Y LAM & SHUN FAMILY TRS          | 1670 SHATTUCK AVE       | \$ 1,168.60            |                                |                  |                     |
| 058 -2174-006-02                     | ERDMAN JOHN C & ANNE M TRS                | 1690 SHATTUCK AVE       | \$ 4,939.60            |                                |                  |                     |
| 058 -2175-001-01                     | SCHWARTZ MICHELL J                        | 1700 SHATTUCK AVE       | \$ 3,849.16            |                                |                  |                     |
| 058 -2175-003-00                     | BLUME JAMES & FRANK KATHRYN W             | 1708 SHATTUCK AVE       | \$ 1,455.80            |                                |                  |                     |
| 058 -2175-004-00                     | ROBINSON SCOTT & CHRISTINA C              | 1720 SHATTUCK AVE       | \$ 737.34              |                                |                  |                     |
| 058 -2175-005-00                     | PIERACKI ANDRZEJ TR                       | 1730 SHATTUCK AVE       | \$ 1,096.30            |                                |                  |                     |
| 058 -2175-006-00                     | YI CHONG S                                | 1748 SHATTUCK AVE       | \$ 1,262.50            |                                |                  |                     |
| 058 -2176-001-01                     | 1752 SHATTUCK LLC                         | 1752 SHATTUCK AVE       | \$ 2,600.60            |                                |                  |                     |
| 058 -2176-003-01                     | SHATTUCK INVESTMENT GROUP LLC             | 2083 DELAWARE           | \$ 9,047.46            |                                |                  |                     |
| 058 -2177-015-01                     | GEDR HILLSIDE LLC                         | 1797 SHATTUCK AVE       | \$ 13,442.96           |                                |                  |                     |
| 058 -2178-018-00                     | AMERICAN COMMONWEALTH ASSOC.              | 2109 VIRGINIA ST        | \$ 6,159.30            |                                |                  |                     |
| 058 -2178-023-00                     | DELANDA PAUL & SUSAN/KENDALL BETTY L      | 1619 SHATTUCK AVE       | \$ 1,353.50            |                                |                  |                     |
| 058 -2178-024-01                     | SHATTUCK CONNECTIONS LP                   | 1607 SHATTUCK AVE       | \$ 8,794.50            |                                |                  |                     |
| 058 -2178-026-00                     | SHATTUCK OFFICE LLC                       | 1625 SHATTUCK AVE       | \$ 1,584.10            |                                |                  |                     |
| 058 -2178-027-00                     | SHATTUCK OFFICE LLC                       | 1625 SHATTUCK AVE       | \$ 2,654.50            |                                |                  |                     |
| 058 -2178-028-00                     | SHATTUCK OFFICE LLC                       | 1625 SHATTUCK AVE       | \$ 2,654.50            |                                |                  |                     |
| 059 -2260-001-00                     | CONNOLLY ALLEN & CHRISTINE                | 2100 VINE ST            | \$ 3,710.20            |                                |                  |                     |
| 059 -2260-002-01                     | WALNUT SQUARE CENTER LP                   | 2110 VINE ST            | \$ 8,289.50            |                                |                  |                     |
| 059 -2260-015-01                     | SWEET BOMBAY INC                          | 1549 SHATTUCK AVE       | \$ 1,212.80            |                                |                  |                     |
| 059 -2260-015-02                     | MANN MELVIN M TR                          | 1543 SHATTUCK AVE       | \$ 2,039.18            |                                |                  |                     |
| 059 -2260-016-00                     | GOODMAN CAROL E TRS ETAL                  | 1537 SHATTUCK AVE       | \$ 2,255.36            |                                |                  |                     |
| 059 -2260-017-00                     | GACH MICHAEL R                            | 1533 SHATTUCK AVE       | \$ 1,680.30            |                                |                  |                     |
| 059 -2260-018-00                     | LAM KELVIN S & JACKIE S/LAM GRACE & ALICE | 1531 SHATTUCK AVE       | \$ 3,526.08            |                                |                  |                     |
| 059 -2260-019-00                     | MEYER PATRICIA L TRS & WARD DAW           | 1525 SHATTUCK AVE       | \$ 2,268.24            |                                |                  |                     |
| 059 -2260-020-03                     | APTE ROBERT Z & EVELYN L FAMILY           | 1519 SHATTUCK AVE       | \$ 2,895.72            |                                |                  |                     |
| 059 -2260-021-00                     | PAGNOL ET CIE INC                         | 1517 SHATTUCK AVE       | \$ 1,119.68            |                                |                  |                     |
| 059 -2260-022-01                     | WONG PUI & HOSANNA H                      | 1515 SHATTUCK AVE       | \$ 1,044.96            |                                |                  |                     |
| 059 -2260-022-02                     | ELITE PROPERTIES LLC                      | 1511 SHATTUCK AVE       | \$ 3,208.62            |                                |                  |                     |
| 059 -2261-001-02                     | RUE ELL ENTERPRISES INC                   | 1451 SHATTUCK AVE       | \$ 10,768.12           |                                |                  |                     |
| 059 -2261-004-03                     | WALNUT VINE LLC & WALNUT STAY             | 1444 WALNUT ST          | \$ 2,287.68            |                                |                  |                     |
| 059 -2261-005-00                     | RUEGG & ELLSWORTH                         | 2113 VINE ST            | \$ 1,125.50            |                                |                  |                     |
| 059 -2261-006-00                     | RUEGG & ELLSWORTH                         | 2111 VINE ST            | \$ 1,993.76            |                                |                  |                     |
| 059 -2261-007-00                     | RUEGG & ELLSWORTH                         | 1495 SHATTUCK AVE       | \$ 2,655.00            |                                |                  |                     |
| 059 -2261-008-00                     | TARVER DEWEY G & CARMEL A TRS             | 1481 SHATTUCK AVE       | \$ 1,143.80            |                                |                  |                     |
| 059 -2261-009-00                     | LATKE ENTERPRISES LLC                     | 1475 SHATTUCK AVE       | \$ 1,383.00            |                                |                  |                     |
| 059 -2261-010-00                     | WONG HENRY F TR & WONG PUI T E            | 1463 SHATTUCK AVE       | \$ 2,412.24            |                                |                  |                     |
| 059 -2262-001-00                     | SHATTUCK ROSE L P                         | 1400 SHATTUCK AVE       | \$ 5,768.68            |                                |                  |                     |
| 059 -2262-005-00                     | HIRAHARA BRIAN & TAMURA RAYMOND           | 1480 SHATTUCK AVE       | \$ 3,009.04            |                                |                  |                     |
| 059 -2262-006-00                     | RIPSTEEN RYAN & ARLINGTON INVESTMENT CO   | 2085 VINE ST            | \$ 1,334.56            |                                |                  |                     |
| 059 -2262-021-02                     | SAFeway INC                               | 1425 HENRY ST           | \$ 22,794.68           |                                |                  |                     |
| 059 -2262-021-03                     | SAFeway INC                               | 1425 HENRY ST           | \$ 1,761.80            |                                |                  |                     |
| 059 -2263-003-01                     | HEFTER & MURPHY LLC                       | 2044 VINE ST            | \$ 4,547.54            |                                |                  |                     |
| 059 -2263-006-01                     | BANK OF AMERICA NATIONAL TRUST            | 1516 SHATTUCK AVE       | \$ 4,326.08            |                                |                  |                     |
| 059 -2263-009-00                     | PRIMA DONNA HOTELS INC                    | 1540 SHATTUCK AVE       | \$ 1,647.40            |                                |                  |                     |
| 059 -2263-010-01                     | BERKELEY BAZAAR PARTNERS                  | 1550 SHATTUCK AVE       | \$ 18,076.68           |                                |                  |                     |
| 059 -2263-024-01                     | BANK OF AMERICA NATIONAL TRUST            | 1536 SHATTUCK AVE       | \$ 2,415.90            |                                |                  |                     |
| 060 -2455-064-01                     | CALTHORPE PETER & DRISCOLL JEAN           | 2095 ROSE ST            | \$ 3,219.82            |                                |                  |                     |
| 060 -2455-067-00                     | GORDON JOHN K & MITCHELL JANIS            | 2091 ROSE ST            | \$ 6,044.00            |                                |                  |                     |
| <b>Totals</b>                        |                                           |                         | <b>Private Parcels</b> | <b>Public / Exempt</b>         | <b>Utilities</b> | <b>Totals</b>       |
| <b>Revenues</b>                      |                                           |                         | <b>\$210,363.51</b>    | <b>\$0.00</b>                  | <b>\$0.00</b>    | <b>\$210,363.51</b> |
| <b>Count of Properties</b>           |                                           |                         | <b>54</b>              | <b>0</b>                       | <b>0</b>         | <b>54</b>           |
| <b>County Collection Fee @ 1.7%:</b> |                                           |                         | <b>\$ 3,576.18</b>     | <b>Net Assessment Revenue:</b> |                  | <b>\$206,787.33</b> |

Note: Data for APN, Owner and Land Use from the City's Land Management System is current as of April 2023. Updated data from the County current as of December 31, 2022, will be available in July 2023.



Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: Downtown Berkeley Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2024.

SUMMARY

The Downtown Berkeley Property Based Business Improvement District (DPBID, "Downtown BID" or "the District") provides cleaning, hospitality and marketing services for Berkeley's central business district. In May of 2016 the DPBID was geographically expanded and renewed for a ten-year period, authorizing operations through December 31, 2026, and designating the Downtown Berkeley Association (DBA) as the District's Owners' Association. Annually, Council must approve the DPBID's annual report and proposed budget and declare its intention to levy an annual assessment.

The City of Berkeley owns parcels within the boundaries of the DPBID and is required by state law to pay the associated assessments. In FY24, the assessment payment will be \$139,521, for 11 parcels; and \$11,978 for a parcel owned by the City of Berkeley Joint Powers Authority at 2015 Addison Street. The total for twelve parcels in FY24 is \$151,499. In addition, the City will pay the General Benefit portion of the DPBID costs. The engineer's report commissioned for the reestablishment of the Downtown BID in 2016 calculated that the general benefit for the district is \$18,018 annually. In 2011, the City increased parking meter rates (see Ordinance No. 7,183-N.S.) in the Downtown area to fund payment of the general benefit fees. This amount is billed directly to the City and paid through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990).

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the Downtown Berkeley Property Based Business Improvement District (DPBID) support a package of improvements and activities approved by the

property owners and the City Council when the District was renewed for a ten-year period on May 31, 2016 (Resolution No. 67,520-N.S.). Assessment funds are collected by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the Downtown Berkeley Association (DBA), a private owners' association that was established to implement the Management District Plan. In May of 2021, the City Council authorized the City Manager to execute a contract and any amendments with the DBA, not to exceed \$7,285,257 of DPBID revenues, to implement the Downtown Berkeley Management District Plan for the period July 1, 2021 to December 31, 2026 (Contract No. 32200032).

In addition, the University of California has agreed to a contribution to the DPBID of \$128,326 for FY 2024. Overall the budget of the DPBID for FY 2024 is approximately \$1,946,945 inclusive of taxable and non-taxable parcels and private donations, and net of the County 1.7% collection fee on private parcels. The DPBID Assessment Revenue amount articulated in Exhibit A – Annual Report (\$1,858,753) is slightly different (\$88,192) to account for uncollectable property tax and funds that will be carried forward from the prior year.

There are two different rates for BID participants; the Premium Service area (which includes the core of the BID), and the Standard Service area which includes the areas on the periphery of the core to the North, West and South, and the South Shattuck benefit zone (Figure 1).

A correction is to be issued for the significant new Residence Inn Hotel parcel(s) located in the Premium Service Area, for FY23. These corrections are reflected in Table 1 below; and will be issued with the FY24 property tax bills distributed by Alameda County and processed in the same manner as all other Downtown BID collections.

The hotel is located at 2129 and 2121 Center Street (APNs: 057- -2032-021-00 and 057- -2032-022-00) in the Premium Zone (Figure 1) in the Downtown BID. The two parcels where the new Downtown Hotel is located were incorrectly assessed at the fringe (standard) rate for the Downtown BID, not the premium rate for FY23. Both parcels will be assessed at the Premium rate for FY 2023 and going forward in FY24.

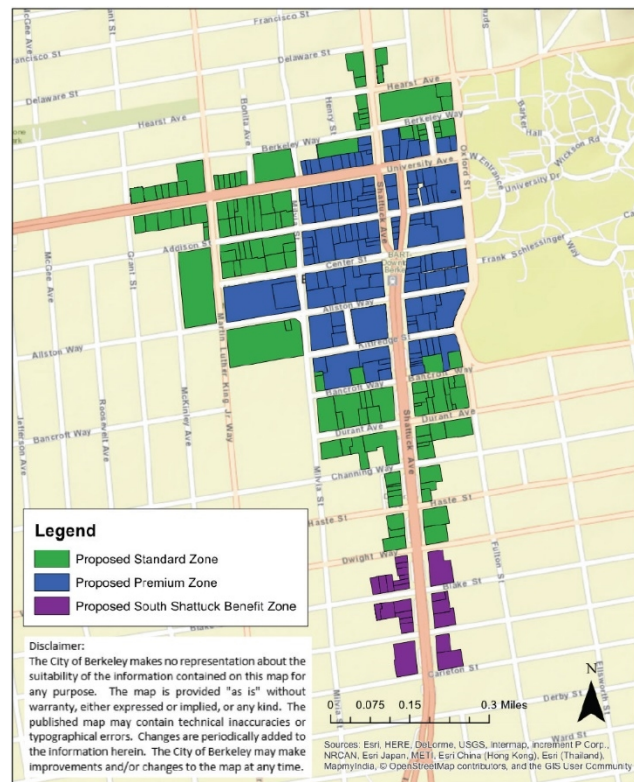


Figure 1: Downtown BID Benefit Zones (DTBID Management Plan, adopted 2016)

**Table 1: Supplemental bills for Downtown Hotel Parcels FY23**

| APN               | Previous (incorrect) Rate FY23 | Corrected Rate (Premium) FY23 | Supplemental amount due to Downtown BID for FY23 (to be issued by Alameda County in FY24 with regular BID billing) |
|-------------------|--------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 057- -2032-021-00 | \$ 48,357.42                   | \$ 77,205.86                  | \$ 28,848.44                                                                                                       |
| 057- -2032-022-00 | \$ 1,160.96                    | \$ 1,853.58                   | \$ 692.62                                                                                                          |

The assessment billing for private commercial property, including properties billed on the utility roll, less the county collection fee (approximately \$27,186), is expected to be \$1,571,991 in FY 2024. Annual and accrued assessment funds are deposited in the Downtown Property Based Business Improvement District (DPBID) Fund (786-21-208-251-0000-000-000-412110) and expended from fund number 786-21-208-251-0000-000-446-636110. These totals reflect a 2% assessment increase, as determined at the DBA Board of Directors meeting on March 23, 2023. Per the Management District Plan, an annual increase of 5% is allowable to cover inflation costs if approved by a majority of the Owners’ Association Board of Directors.

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments on properties they own in property-based business improvement districts, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills near the end of the calendar year. Payments are due from non-property tax-paying entities concurrently. The City of Berkeley owns eleven parcels within the DBPID boundaries; the City’s assessment payment in FY 2024 would be \$139,521 and \$11,978 for a parcel owned by the City of Berkeley Joint Powers Authority at 2015 Addison Street, which is increased slightly from the FY 2023 assessment amount. The total for twelve parcels in FY24 is \$151,499.

The City also pays the “general benefit” portion of the PBID budget, or roughly \$18,018 for fiscal year 2024. “General benefits” represent that small portion of the overall benefits generated by a PBID which are found to accrue to the general public who are not assessed and do not participate in the economic or social activities of the district. In total, the City is responsible for a contribution of \$169,517 to the DPBID in FY 2024. This amount is billed directly to the City and paid through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990). On June 14, 2011, Council adopted Ordinance No. 7,183-N.S. increasing parking meter rates in the Downtown to fund payment of these fees.

By financing improvements, maintenance and welcoming activities for the City’s central business district, the DPBID indirectly enhances sales tax, business license tax and other business-related City revenue sources.

CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based BIDs (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the Downtown Berkeley Association met in a publicly noticed meeting on March 23, 2023 to review the Annual Report for the DPBID for FY 2023 and budget for FY 2024 (Exhibit A). The Board of Directors voted to recommend an increase of 2% in the assessment for FY24, and to approve the proposed budget for FY 2024 and the Annual Report for FY 2023. The Board recommended that the FY 2023 Annual Report and Proposed Budget for FY 2024 be approved by the City Council. There were no recommended changes to the DPBID boundaries nor changes to the assessment formula as established during the district renewal in 2016. Council can adopt the recommended Resolution which will confirm the DPBID assessment, and thus enable continuous BID operations for another year. Any funds in the existing DPBID contract (Contract No. 32200032) as of June 30, 2023 are to be carried forward.

BACKGROUND

The DPBID is a benefit assessment district that provides cleaning, hospitality and marketing services for Downtown Berkeley. The DPBID was created in 2011 pursuant to California's "Property and Business Improvement District Law of 1994" to provide needed improvements and activities to assessed property owners. The DPBID was re-established and expanded by Resolution of the Berkeley City Council on May 31, 2016 (Resolution No. 67,520-N.S.) for the ten-year term beginning July 1, 2016 and ending June 30, 2026, with operations to occur over the ten-year calendar year period beginning January 1, 2017 and ending December 31, 2026.

The DPBID finances services and improvements that maintain and improve the district's streetscape and public areas, improve the pedestrian experience for workers, visitors and residents, and attract new businesses and development. Key services include hospitality and cleaning ambassador teams, beautification projects, business attraction and retention, marketing and events. The improvements and activities that the DPBID finances to enhance Downtown Berkeley's environment for property owners, residents, workers and visitors include:

*Environmental Enhancements:*

- Maintenance teams sweep, scrub, and pressure wash sidewalks, remove litter and graffiti, and increase the frequency of trash removal and maintain landscaping throughout the District.
- Hospitality Ambassadors provide visitor information, safety escorts, merchant outreach, liaison activities with city services, event support, homeless services



outreach and referrals, and coordinate work with local police, businesses and property owners to prevent crime and address quality of life issues.

- Beautification and place-making improvements that make Downtown Berkeley more attractive, including enhanced landscaping, holiday décor, way-finding signage, trash receptacles, planters, urban design plans, bike racks, programming of BART Plaza and other public spaces.

*Economic Enhancements:*

- Promote and support local business through providing liaison services with City staff, and attracting new businesses and investment that further the strategic goals of the Downtown.
- Advance Downtown Berkeley’s evolution as a regional destination for arts, culture and entertainment.
- Marketing and communications to support DPBID activities and improvements
- Strategies to improve the parking and transit experience to support local businesses, residents, and arts/culture/civic destinations.
- Leadership through research and community education to represent the Downtown community with one voice.

Due to high levels of pedestrian traffic in the core of the Downtown and the attendant need for higher levels of service there, the DPBID has three benefit zones as delineated in the 2016 District Management Plan. There is a two-tiered core service zone (known as “Premium” and “Standard”) and a third zone “South Shattuck Benefit Zone” which covers the three block 2016 expansion area along the southern portion of Shattuck Avenue.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the DPBID, the DBA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District encompasses the area surrounding the Downtown BART Station and several AC Transit lines that provide easy accessibility for visitors coming to and from this popular regional destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID’s Annual Report and declare its intent to levy assessments. This private/public partnership will continue to provide significant resources for revitalization of the Downtown Core Commercial District, which has had a transformational effect on the physical and economic health of the City of Berkeley.

Assessments:  
Downtown Berkeley Property Based Business Improvement District

CONSENT CALENDAR  
May 23, 2023

ALTERNATIVE ACTIONS CONSIDERED

The DBA Board of Directors considered an increase in assessment rates, up to the allowable 5%, and as low as 0%, but instead decided on a 2% increase, determining that the slightly increased rate would sufficiently cover the slate of services outlined in the FY2024 budget and work plan.

CONTACTS

Eleanor Hollander, Office of Economic Development, (510) 981-7536

Attachments:

1. Resolution: Confirm Downtown Property Based Business Improvement District (DPBID) Annual Report and Levy Annual Assessment  
Exhibit A: DPBID Annual Report for FY 2023 and Proposed Budget for FY 2024  
Exhibit B: DPBID FY 2024 Assessment Roll

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

APPROVING THE ANNUAL REPORT OF THE DOWNTOWN PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT AND LEVYING ASSESSMENTS FOR FY 2024

WHEREAS, the Property and Business Improvement District Law of 1994 as amended (California Streets and Highways Code Section 36600 et.seq.) authorizes cities, with the consent of property owners, to fund property-related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from the improvements, maintenance and activities; and

WHEREAS, the City Council renewed the Downtown Property Based Business Improvement District (hereafter, "the District") by Resolution No. 67,520 -N.S. on May 31, 2016; and

WHEREAS, the City Council has now received the *Annual Report of the Downtown Property Based Business Improvement District for FY 2023* (Annual Report, attached as Exhibit A) from the Downtown Business Association, the governing body for the District, that describes the operations of the District in FY 2023, recommends services for FY 2024 and proposes a budget for FY 2024.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report for FY 2023 and declares its intent to levy special assessments on property within the boundaries of the District for FY2024.

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the *Downtown Business Improvement District Management Plan* (Plan) which was made part of Resolution No. 67,520 -N.S., renewing the District.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report and that the cost of providing the improvements and activities is as described in the budget attached to the Annual Report.

BE IT FURTHER RESOLVED that to finance these improvements and activities, the Annual Report and Budget includes a 2% increase in assessment rates. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY 2024 and confirm disbursement of DPBID assessment revenue.

Exhibits

A: DPBID Annual Report for FY 2023 and Proposed Budget for FY 2024

B: DPBID Assessment Roll FY 2024

## DBA 2023 WORKPLAN & METRICS

v4 3-17-23

### I. ORGANIZATIONAL BACKGROUND

#### A. DBA MISSION

The Downtown Berkeley Association provides leadership to create and sustain a **welcoming, vibrant, and prosperous city center**.

#### B. STRATEGIC PLAN PRIORITIES (2015)

1. Make downtown safer and more welcoming with an emphasis on reducing homelessness and disruptive street behaviors
2. Improve cleaning in Downtown (particularly in light of recent drought)
3. Fill vacant storefronts and support local businesses
4. Invest in place-making, defined as both capital improvements and programming, to create better public amenities and more walkable, bikeable streets
5. Improve the parking experience for residents, visitors and employees
6. Increased advocacy with City and other agencies and stakeholders

#### C. MANAGEMENT PLAN GOALS (2016)

1. Producing a consistently clean, welcoming, and attractive Downtown experience
2. Attracting and retaining new businesses
3. Cultivating a fun and vibrant Downtown “living room”
4. Enhancing property values, sales, and occupancies
5. Helping Downtown businesses compete locally and regionally

#### D. MANAGEMENT PLAN SERVICES (2016)

1. Continued deployment of “Ambassador” teams to provide enhanced hospitality, cleaning and landscaping throughout the district.
2. Increased energy and resources to reduce disruptive street behaviors and work with civic and social service partners to address homelessness.
3. New resources to provide enhanced cleaning that adapts to drought tolerant practices and an expanded marketing function to undertake research, communications & other related activities.
4. “Placemaking” and beautification through capital improvements and ongoing programs.
5. Continued economic enhancements supporting local businesses and attracting new investment and businesses.

## **II. 2022 ACCOMPLISHMENTS**

### **A. Environmental Accomplishments**

1. Kept Downtown clean and graffiti free compared to other Downtown districts during pandemic
2. Working with City significantly reduced number of encampments in the Downtown
3. Strategic deployment of planters to beautify Downtown and discourage encampments

### **B. Vitality Accomplishments**

1. Successful launch of new marquee events: Front Row Festival, Roller Boogie, Asian Cultural Festival
2. Return of Coffee Kiosk to BART Plaza

### **C. Other Downtown Accomplishments**

1. Opening of new hotel Residence Inn Berkeley
2. Reopening of Arts District
3. Opening of new apartment buildings
4. Civic Center & Harold Way planning process

## **III. 2023 CHALLENGES**

1. Retail vacancies (see report)
2. Low pedestrian counts (still 75-80% of pre-pandemic levels)
3. Street pop behavioral health (substance abuse & mental health) and real and perceived safety issues
4. Continued challenge with homeless encampments
5. Threats of increased crime & safety issues particularly with BPD, Oakland and D.A. issues

## **IV. OVERALL 2023 GOALS**

1. Return to pre-pandemic pedestrian levels
2. 10 successful new retail openings
3. Break ground on 3 new housing projects
4. Maintain low homeless counts
5. New sponsorship and earned revenue

## **V. OVERALL 2023 METRICS**

1. Stakeholder satisfaction survey: Improve on 2022 results
2. Vacancy rate: 2022 11.9% --> 2023 below 10%
3. Pedestrian counts: Back to pre-pandemic levels
4. Homeless counts: Maintain current counts
5. Crime rates: below 2022 levels
6. New retail openings: 10
7. New Groundbreakings: 3

## **VI. ENVIRONMENTAL PROGRAM**

### **A. Environmental Priorities**

1. Fully staffed and engaged Streetplus Team to provide base and enhanced services
2. Additional Taylor Dunn utility cart particularly better service southern end of the district
3. Increase number of planters to beautify and discourage encampments

### **B. Quantifiable Metrics for Operations**

1. **Staff Utilization Rates of 90% or better.** Staff utilization rates can be measured by dividing the total number of hours worked by the total number of hours available within a given period of time. Staff Utilization Rate = (Total Number of Hours Worked / Total Number of Hours Available) x 100.
2. **Unscheduled Essential Equipment Downtime of 10% or lower.** A lapse in operations occurs because of an unplanned machine equipment error or disfunction. Essential equipment includes one truck, two electric utility carts, 2 string trimmers.
3. **Quarterly Training.** Minimum of 4 staff trainings on cleaning, safety, and/or customer service per 12-month period.
4. **Quality Standards** consistently met. Achieving an average of **Meets Standards** or above on combined quarterly Streetplus Account Evaluations.

Not feasibly quantifiable at present but could be gauged by conducting surveys:

1. Customer satisfaction
2. Response Time
3. Employee satisfaction
4. Staff Communication
5. Employee retention

Not feasibly quantifiable but included in Streetplus Account Evaluations:

1. Cleaning Quality
2. Recruitment and Selection
3. Retention

### **B. Add'l Environmental Metrics**

1. Staffing ratio and turnover
2. Streetplus Performance Report
3. Streetplus Evaluation/Audit
4. Special projects completed
5. New planters / landscaping

**VII.VITALITY PROGRAM**

**A. Vitality Goals**

1. Grow marquee events
2. Engage Cal partners in Downtown
3. Drive business to merchants: Pizza Week, Taste of Downtown Berkeley, This Week in the Downtown, Bioneers/BABF, etc.
4. Focus on neglected southern end of district: murals, placemaking, retail attraction
5. Increased placemaking projects (partnership with Civic Arts Commission)

**B. Vitality Metrics**

Event metrics are measured in one or more of the following areas and would be based on previous years events. Metrics are gathered by the DBA when hosting events. Metrics are gathered and delivered to the DBA when partnering or supporting events.

- **Post event reporting thru Placer.ai. Success will be based on previous years reporting.**
  - Attendance
  - Visit Trends: Where attendees came from and where they went after
  - Length of Stay
- **Social media presence and engagement: Facebook, Instagram**
- **Survey Feedback**
  - Survey cards available for attendees to fill out during the event.
  - Post Partner Survey. Issued after the event to all partners.

| Marquee Event           | Attendance 2022 | Projected Attendance 2023 |
|-------------------------|-----------------|---------------------------|
| Pride                   | 800             | 1000                      |
| Front Row Festival      | 5000            | 6000                      |
| Roller Boogie           | 3,000           | 5,000                     |
| Asian Cultural Festival | 500             | 1000                      |
| Halloween Hootenanny    | 400             | 500                       |
| Holiday on the Plaza    | 400             | 500                       |

**Marketing Metrics vary depending on the campaign but generally these are the metrics we use regularly:**

- **Email Marketing:** as email opens, bounce rates, and unsubscribes/ subscribes.
- **Digital Marketing:** Click-through rate, and impressions.
- **Social Media:** Follower count, impressions or reach, and engagement rate.
- **Public Relations:** positive stories about Downtown (including merchants etc.) in print, TV, and electronic media.
- **Website:** Total traffic, new customers, returning customers, time spent on site and traffic sources.
- **Content Marketing:** Social media engagement, amount of content shared.
- **Welcome Guide print:** 5000 pcs in 2023 with initial distribution in time for move-in week, Ad sales
- **Campaign:** Over participation, Press generated, Social media engagement, Any sales
- **Berkeley Bucks:** Cards bought, Cards redeemed

| It Starts Here Enews | 2022 | Projected 2023 |
|----------------------|------|----------------|
| Subscribers          | 800  | 1000           |

|                   |       |       |
|-------------------|-------|-------|
| <b>Open Rate</b>  | 5000  | 6000  |
| <b>Click Rate</b> | 3,000 | 5,000 |

| <b>Social Media Platforms</b> | <b>2022</b> | <b>Projected Growth 2023</b> |
|-------------------------------|-------------|------------------------------|
| <b>Instagram</b>              | 2990        | 5000                         |
| <b>Facebook</b>               | 3000        | 4000                         |

| <b>Downtownberkeley.com</b> | <b>General 2022</b> | <b>Projected 2023</b> |
|-----------------------------|---------------------|-----------------------|
| <b>Page Views per Day</b>   | 150                 | 250                   |
| <b>New Visitor</b>          | 7%                  | 15%                   |
| <b>Bounce Rate</b>          | 82.9%               | 15-20%                |

**Stakeholder Engagement Metrics vary depending on the effort.**

- **Merchant Newsletter:** Email opens, bounce rate, click throughs, and unsubscribes/subscribes.
- **Tabling (events):** Email subscribes, survey feedback cards.
- **Partnerships:** Post Survey
- **Sponsorship:** Dollar amount acquired

**Placemaking Programs Metrics vary depending on the effort.**

- **City Partnerships:** CAC, Events, and Health and Human Services
- **Merchant Feedback:** Annual survey, Feedback cards



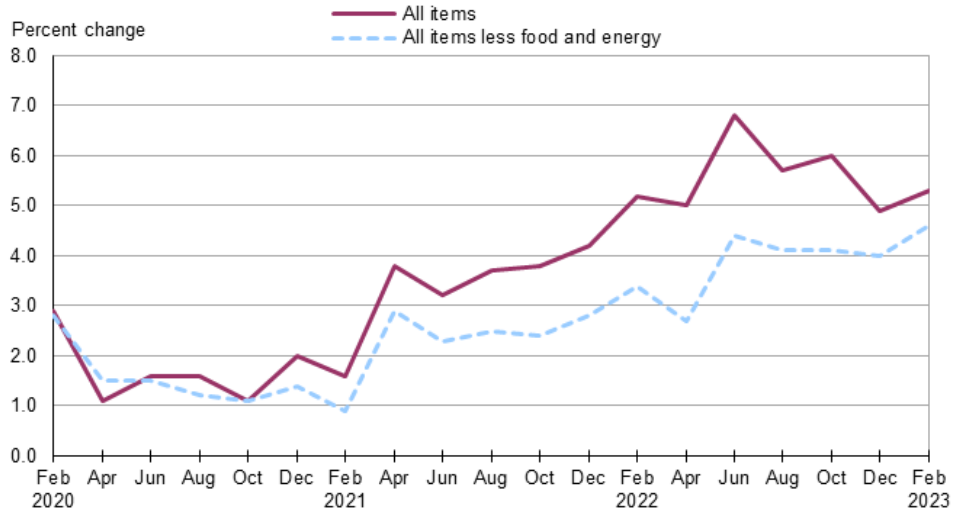
**To:** DBA Finance Committee  
**From:** John Caner  
**Subject:** DBA 2024 Rate Increase V2  
**Date:** March 15, 2023

**A. 2024 RATE INCREASE**

I am recommending 2.5% rate increase for 2024 Downtown Berkeley PBID Assessment (showing up on Oct/Nov 2023 tax bill) for the following reasons:

1. Significant inflation continuing for foreseeable future. Here is Bay Area data released earlier today:

**Chart 1. Over-the-year percent change in CPI-U, San Francisco-Oakland-Hayward, CA, February 2020–February 2023**



Source: U.S. Bureau of Labor Statistics.

2. Our current management plan allows for increase of up to 5% per year, but we have limited increases to 2.5% since inception of the first PBID in 2012, however with no increases in '13, '14, '20 & '21. With renewal in 2017 we had a catch-up increase of 10%, which I think we want to avoid in 2027 if possible.

3. As per attached Housing Pipeline Report, a number of projects now under construction should result in large boost of assessment revenue in FY2025. But then several large taller projects are still in planning phase and will not result in assessment revenue until FY2027 or later.

**DOWNTOWN BERKELEY NEW CONSTRUCTION PBID ASSESSMENT REVENUE PROJECTIONS**

|                    |           |                          | 80%       |                | Annual     |       |
|--------------------|-----------|--------------------------|-----------|----------------|------------|-------|
|                    | GFA       | % Net*                   | Net GFA*  | Rate*          | Assessment | Year  |
| Under Construction | 1,303,266 | 72%                      | 943,565   | 0.1657         | 156,353    | 2025  |
| Entitled           | 268,674   | 80%                      | 214,939   | 0.1657         | 35,616     | 2026  |
| In Planning        | 1,636,032 | 80%                      | 1,308,826 | 0.1657         | 216,878    | 2027+ |
|                    |           | * 80% avg net 1st floor  |           | *80%/20%       |            |       |
|                    |           | 72% incl NP Anchor House |           | Prem/Stnd Zone |            |       |
|                    |           |                          |           | 2023 rate      |            |       |

4. With 2.5% rate increase and 4.0% expense increase in 2024 I am projecting a deficit of (\$140,108) in 2024, which we can afford due to adequate reserves. (Deficits then level off in 2025 and 2026, with new construction assessments and continued 2.5% rate increases and 4.0% expense.)

### DBA 3 YEAR PROJECTION

|                              |                  |                  |                  | J. Caner         | 3/15/23          |                                 |
|------------------------------|------------------|------------------|------------------|------------------|------------------|---------------------------------|
|                              | ACTUAL           | BUDGET           |                  |                  |                  |                                 |
|                              | 2022             | 2023             | 2024             | 2025             | 2026             |                                 |
| <b>REVENUE</b>               |                  |                  |                  |                  |                  |                                 |
| <b>Rate Increase</b>         |                  |                  | <b>2.5%</b>      | <b>2.5%</b>      | <b>2.5%</b>      |                                 |
| Base Assessment              |                  | 1,751,427        | 1,795,212        | 1,840,093        | 1,886,095        | less \$235,057 one-time payment |
| New Construction             |                  |                  | 63,540           | 164,268          | 38,355           | See "New Constr"worksheet       |
| Cummulative New Const.       |                  |                  | 63,540           | 229,397          | 273,487          |                                 |
| New Base Assessment          |                  | 1,751,427        | 1,858,753        | 2,069,490        | 2,159,582        |                                 |
| One Time Assessment Accruals |                  | 235,057          | 135,510          | 100,000          | 100,000          | 2024: new hotel & Joint Powers* |
| Other                        |                  | 77,300           | 100,000          | 110,000          | 120,000          | Sponsors & earned revenue       |
| <b>TOTAL REVENUE</b>         | <b>1,696,088</b> | <b>2,063,784</b> | <b>2,094,263</b> | <b>2,279,490</b> | <b>2,379,582</b> |                                 |
| <b>EXPENSES</b>              |                  |                  |                  |                  |                  |                                 |
| <b>Inflation Rate</b>        |                  |                  | <b>4.0%</b>      | <b>4.0%</b>      | <b>4.0%</b>      |                                 |
| Clean & Safe Expenses        |                  | 1,557,105        | 1,619,389        | 1,684,164        | 1,751,531        |                                 |
| Vitality Expenses            |                  | 162,933          | 169,450          | 176,228          | 183,277          |                                 |
| G&A Expenses                 |                  | 101,872          | 105,947          | 110,185          | 114,592          |                                 |
| Personnel                    |                  | 326,436          | 339,494          | 353,074          | 367,197          |                                 |
| <b>TOTAL EXPENSES</b>        | <b>1,822,180</b> | <b>2,148,346</b> | <b>2,234,280</b> | <b>2,323,651</b> | <b>2,416,598</b> |                                 |
| <b>PROFIT/LOSS</b>           | <b>(126,092)</b> | <b>(84,563)</b>  | <b>(140,018)</b> | <b>(44,162)</b>  | <b>(37,016)</b>  |                                 |
| <b>Year End Net Assets</b>   | <b>594,491</b>   | <b>509,928</b>   | <b>369,911</b>   | <b>325,749</b>   | <b>288,733</b>   |                                 |
| <b>PBID Renewal Exp</b>      |                  |                  |                  |                  | 100,000          |                                 |
|                              |                  |                  |                  |                  | 188,733          |                                 |
| <b># Months OpExp</b>        | <b>3.9</b>       | <b>2.8</b>       | <b>2.0</b>       | <b>1.7</b>       | <b>0.9</b>       |                                 |

\* Includes \$62,648 in past due revenue from K Street Flats (previously Library Gardens) property bought in late 2021 by California Community Housing Agency, or CalCHA.

### B. DBA RESERVES

The above 3-Year Projection shows the DBA spending down reserves until the end of the PBID, before renewal is required in 2027 for another 10 years (and a number of large construction projects come on-line in 2027 and 2028.) In February 2020 I targeted a minimum working capital of approximately one-month expenses. In most businesses this would ill-advised, but with DBA I think is sufficiently prudent for the following reasons:

1. DBA assessment revenue is highly reliable. While there are occasional non-payments, the County/City/DBA eventually collects revenues through a tax lien. And even in the 2009 economic collapse and then COVID pandemic we experienced only slight decreases in non-payment.
2. DBA assessment revenue is based on square footage, not valuations, and hence is not subject to vagaries of the market.
3. DBA bills tax-exempt entities (City, UCB, BUSD, Peralta) for full 12 months (vs 6 month increments on County tax bills. These tax-exempt entities account for 18% of DBA overall budget. For example, their full payment of \$368,844 for 2023, essentially includes a 50% \$184,222 prepayment for second half of year.
4. We invoice from tax-exempt entities in early November and hence receive these full-year assessments in late December or early January.
5. We regularly receive from County/City rest of assessment revenue in late January or early February.

The above 3 Year Projection shows reserves/net assets dwindling to from 3.9 months of operating expenses at end of 2022, to .9 months at the end of 2026 (after \$100,000 estimated consultant cost to renew PBID). If for some reason we feel our liquidity is at risk, due change of timing in cash flows, or expenses running higher or revenues lower than expected, we can pare our cost through attrition and cutbacks on programs and contractors. And with renewal we can also consider a one-time catch-up rate increase (though very much would like to avoid) as done in 2017 when we raised rates by 10% due to a couple prior years where there had been not rate increase. Also, if inflation continues at high rate we may want to consider a higher increase (up to 5% maximum) for 2025 or 2026.

**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
 Prepared April 2023 for Fiscal Year 2024

|                   |                                   |                         | FY 2024 Assessment |            |              |
|-------------------|-----------------------------------|-------------------------|--------------------|------------|--------------|
| APN               | Owner                             | Site Address            | Private Parcels    | Tax Exempt | Utility Roll |
| 057- -2016-021-01 | 1812 University Ave LLC           | 1812 UNIVERSITY AVE     | \$ 5,763.90        |            |              |
| 057- -2059-009-00 | 1915 UNIVERSITY AVENUE PARTNER    | 1915 UNIVERSITY AVE     | \$ 1,514.68        |            |              |
| 057- -2024-007-01 | 1935 ADDISON STREET LLC           | 1935 ADDISON ST         | \$ 4,093.18        |            |              |
| 057- -2022-019-01 | 1950 ADDISON APARTMENT JOINT VENT | 1950 ADDISON ST         | \$ 14,812.70       |            |              |
| 057- -2060-001-00 | 1950 MLK LLC                      | 1988 M L KING JR WAY    | \$ 20,679.10       |            |              |
| 057- -2046-001-00 | 1951 SHATTUCK LLC                 | 2108 BERKELEY WAY       | \$ 8,949.40        |            |              |
| 057- -2053-002-00 | 1974 SHATTUCK AVENUE LLC          | 1974 SHATTUCK AVE       | \$ 2,274.26        |            |              |
| 057- -2026-007-02 | 2000 CENTER STREET LLC            | 2175 MILVIA ST          | \$ 15,701.92       |            |              |
| 057- -2023-013-00 | 2001 CENTER STREET LLC            | 2001 CENTER ST          | \$ 10,970.94       |            |              |
| 057- -2029-009-00 | 2015 BANCROFT FEE OWNER CA LLC    | 2105 BANCROFT WAY       | \$ 11,682.38       |            |              |
| 055- -1894-014-03 | 2025 DURANT AVENUE LLC            | 2025 DURANT AVE         | \$ 16,090.18       |            |              |
| 055- -1894-015-01 | 2028 BANCROFT WAY LLC             | 2028 BANCROFT WAY       | \$ 4,394.80        |            |              |
| 057- -2025-017-03 | 2054 UNIVERSITY LLC               | 2054 UNIVERSITY AVE     | \$ 9,323.18        |            |              |
| 057- -2026-004-12 | 2068 CENTER FAMILY LIMITED PAR    | 2068 CENTER ST          | \$ 2,181.78        |            |              |
| 057- -2023-001-00 | 2100 SHATTUCK AVE LP              | 2104 SHATTUCK AVE       | \$ 13,475.64       |            |              |
| 057- -2030-001-00 | 2108 ALLSTON LLC                  | 2108 ALLSTON WAY        | \$ 11,047.60       |            |              |
| 057- -2029-013-00 | 2110 KITTREDGE LLC                | 2110 KITTREDGE ST       | \$ 9,452.70        |            |              |
| 055- -1893-006-01 | 2125 DURANT AVENUE LLC            | 2125 DURANT AVE         | \$ 377.14          |            |              |
| 057- -2031-011-00 | 2130 CENTER LLC                   | 2130 CENTER ST          | \$ 6,457.40        |            |              |
| 057- -2029-016-01 | 2176 KITTREDGE LLC                | 2150 KITTREDGE ST       | \$ 7,237.52        |            |              |
| 055- -1893-005-03 | 2310 FULTON LLC                   | 2310 FULTON ST          | \$ 9,976.48        |            |              |
| 055- -1894-017-04 | 2322 SHATTUCK AVENUE LLC          | 2300 SHATTUCK AVE       | \$ 19,569.36       |            |              |
| 055- -1896-004-00 | 2420 SHATTUCK AVENUE LLC          | 2428 SHATTUCK AVE       | \$ 1,299.88        |            |              |
| 055- -1896-003-00 | 2420 SHATTUCK LLC                 | 2420 SHATTUCK AVE       | \$ 1,671.26        |            |              |
| 055- -1822-005-00 | 2524 SHATTUCK BLAKE LLC           | 2524 SHATTUCK AVE       | \$ 1,730.16        |            |              |
| 057- -2024-010-02 | 384 PROMENADE LLC & WPG PROMEN    | 1936 UNIVERSITY AVE     | \$ 10,210.82       |            |              |
| 057- -2023-014-00 | 440 JACKSON STREET LLC            | 2115 MILVIA ST          | \$ 4,951.84        |            |              |
| 055- -1893-019-00 | A T & T CO 279-1-12-6             | 0 DURANT AVE            |                    |            | \$ 16,606.42 |
| 055- -1893-020-00 | A T & T CO 279-1-12-6             | 0 BANCROFT WAY          |                    |            | \$ 1,003.04  |
| 057- -2060-022-00 | ACAMPORA ANTHONY & MARGARET R     | 1801 UNIVERSITY AVE 301 | \$ 182.46          |            |              |
| 057- -2060-046-00 | ACAMPORA ANTHONY & MARGARET R     | 1801 UNIVERSITY AVE 309 | \$ 182.46          |            |              |
| 057- -2033-004-00 | ADDISON BUILDING LLC              | 2020 KALA BAGAI WAY     | \$ 6,078.92        |            |              |
| 057- -2022-014-01 | ADDISON LLC                       | 1912 ADDISON ST         | \$ 974.22          |            |              |
| 057- -2060-041-00 | ALBANESE ANDRES & CELINA          | 1801 UNIVERSITY AVE 407 | \$ 182.46          |            |              |
| 055- -1823-011-01 | ALTA BATES CORPORATION            | 2104 DWIGHT WAY         | \$ 6,631.88        |            |              |
| 057- -2030-010-00 | AMHERST VENTURES LLC              | 2231 SHATTUCK AVE       | \$ 6,748.44        |            |              |
| 057- -2050-031-01 | AMISTAD HOUSE LLC                 | 1810 SHATTUCK AVE       | \$ 5,021.62        |            |              |
| 055- -1821-026-00 | AMPRI INVESTMENTS INC             | 2030 BLAKE ST C         | \$ 230.62          |            |              |
| 055- -1821-027-00 | AMPRI INVESTMENTS INC             | 2030 BLAKE ST B         | \$ 230.14          |            |              |
| 057- -2024-013-00 | ANDERSON AUDREY A & THOMPSON K    | 2099 M L KING JR WAY    | \$ 2,674.92        |            |              |
| 057- -2028-013-00 | AOCHI FUSAKO J TR                 | 2000 KITTREDGE ST       | \$ 3,576.24        |            |              |
| 057- -2060-050-03 | AREFI EHSAN & AREFY KATRIN        | 1809 UNIVERSITY AVE     | \$ 104.40          |            |              |
| 057- -2032-018-00 | ARLINGTON INVESTMENT CO           | 134 BERKELEY SQ         | \$ 1,101.20        |            |              |
| 057- -2049-024-00 | ATKINS GEORGE C                   | 1849 SHATTUCK AVE 404   | \$ 92.12           |            |              |
| 057- -2059-007-00 | AYYAD FRED & MONA                 | 1929 UNIVERSITY AVE     | \$ 1,428.88        |            |              |
| 055- -1893-013-00 | BAKER EDWARD L                    | 2327 SHATTUCK AVE       | \$ 314.98          |            |              |
| 055- -1821-025-00 | BELGROVE ANGELA M & SWINDERMAN    | 2030 BLAKE ST D         | \$ 617.90          |            |              |
| 057- -2016-025-01 | BERKELEY CHAMBER OF COM           | 1834 UNIVERSITY AVE     | \$ 964.20          |            |              |
| 057- -2032-021-00 | BERKELEY DOWNTOWN HOTEL OWNER     | 2121 CENTER ST          | \$ 78,749.96       |            |              |
| 057- -2032-022-00 | BERKELEY DOWNTOWN HOTEL OWNER     | 2129 CENTER ST          | \$ 1,890.64        |            |              |
| 055- -1824-015-00 | BERKELEY FREE MARKET LLC          | 2567 SHATTUCK AVE       | \$ 5,320.10        |            |              |

**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
**Prepared April 2023 for Fiscal Year 2024**

| APN               | Owner                            | Site Address            | FY 2024 Assessment |              |              |
|-------------------|----------------------------------|-------------------------|--------------------|--------------|--------------|
|                   |                                  |                         | Private Parcels    | Tax Exempt   | Utility Roll |
| 057- -2028-011-00 | BERKELEY INN LLC                 | 2001 BANCROFT WAY       | \$ 3,717.16        |              |              |
| 057- -2025-024-00 | BERKELEY JOINT POWERS FINANCI    | 2015 ADDISON ST         |                    | \$ 11,978.34 |              |
| 057- -2029-004-00 | BERKELEY LODGE NO 270 I O O F    | 2288 FULTON ST          | \$ 4,628.42        |              |              |
| 057- -2049-037-00 | BERKELEY LOFTS LLC               | 1803 UNIVERSITY AVE     | \$ 108.92          |              |              |
| 057- -2049-038-00 | BERKELEY LOFTS LLC               | 1849 SHATTUCK AVE C2    | \$ 309.00          |              |              |
| 057- -2025-005-03 | BERKELEY REPERTORY THEATRE       | 2071 ADDISON ST         | \$ 881.88          |              |              |
| 057- -2025-008-00 | BERKELEY REPERTORY THEATRE       | 2025 ADDISON ST         | \$ 4,206.46        |              |              |
| 057- -2025-023-00 | BERKELEY REPERTORY THEATRE       | 2009 ADDISON ST         | \$ 11,920.02       |              |              |
| 057- -2032-017-00 | BERKELEY STATION PARTNERS LLC    | 130 BERKELEY SQ         | \$ 1,324.88        |              |              |
| 057- -2023-021-02 | BERKELEY TRADITIONAL MUSIC FOU   | 2026 ADDISON ST         | \$ 2,143.58        |              |              |
| 057- -2023-021-03 | BERKELEY TRADITIONAL MUSIC FOU   | 2020 ADDISON ST         | \$ 2,349.66        |              |              |
| 055- -1894-007-02 | BERKELEY UNIFIED SCHOOL DISTRI   | 2000 BANCROFT WAY       |                    | \$ 2,615.28  |              |
| 057- -2020-004-00 | BERKELEY UNIFIED SCHOOL DISTRI   | 1980 ALLSTON WAY        |                    | \$ 3,375.40  |              |
| 057- -2020-005-03 | BERKELEY UNIFIED SCHOOL DISTRI   | 2223 M L KING JR WAY    |                    | \$ 19,998.84 |              |
| 055- -1894-007-02 | BERKELEY UNIFIED SCHOOL DISTRICT | 2000 BANCROFT WAY       |                    | \$ 5,986.48  |              |
| 055- -1822-009-01 | BERKELEY VQOF II SPE LLC         | 2035 BLAKE ST           | \$ 11,372.42       |              |              |
| 057- -2026-015-00 | BERKELEY YOUNG MENS CHRISTIAN    | 2001 ALLSTON WAY        | \$ 19,345.86       |              |              |
| 057- -2032-010-00 | BETTENCOURT CHARLES A & JEANNE   | 2109 KALA BAGAI WAY     | \$ 6,869.84        |              |              |
| 057- -2060-023-00 | BIGGS RALPH E                    | 1801 UNIVERSITY AVE 401 | \$ 182.46          |              |              |
| 057- -2023-004-00 | BOLLIBOKKA SHATTUCK LLC          | 2144 SHATTUCK AVE       | \$ 23,791.20       |              |              |
| 057- -2027-012-00 | BPR PROPERTIES BERKELEY LLC      | 2060 ALLSTON WAY C      | \$ 31,294.22       |              |              |
| 057- -2049-030-00 | BROOKS JODY & WIGGIN ANNETTE     | 1849 SHATTUCK AVE 406   | \$ 92.12           |              |              |
| 057- -2060-050-01 | BROWNING ROBERT P & MAIO LINDA   | 1801 UNIVERSITY AVE A   | \$ 101.86          |              |              |
| 055- -1892-001-01 | BUDDHIST CHURCHES OF AMERICA     | 2140 DURANT AVE         | \$ 3,991.00        |              |              |
| 057- -2022-008-00 | BUTLER LARRY TR                  | 1907 CENTER ST          | \$ 1,443.24        |              |              |
| 057- -2023-003-00 | C & V SHATTUCK LLC               | 2120 SHATTUCK AVE       | \$ 1,654.06        |              |              |
| 057- -2031-009-00 | C S COMPANY                      | 2161 SHATTUCK AVE       | \$ 10,907.62       |              |              |
| 055- -1895-041-00 | CA AG LOGAN PARK PROPERTY OWNER  | 2352 SHATTUCK AVE       | \$ 24,866.88       |              |              |
| 055- -1895-042-00 | CA AG LOGAN PARK PROPERTY OWNER  | 2370 SHATTUCK AVE       | \$ 2,677.18        |              |              |
| 057- -2034-007-00 | CALIF STATE EMPL CR UN           | 2033 KALA BAGAI WAY     | \$ 1,579.92        |              |              |
| 055- -1893-011-00 | CALIFORNIA FIRST BANK            | 2107 DURANT AVE         | \$ 1,003.04        |              |              |
| 055- -1893-012-00 | CALIFORNIA FIRST BANK            | 2333 SHATTUCK AVE       | \$ 4,226.94        |              |              |
| 057- -2060-030-00 | CALOCA ROSA N                    | 1801 UNIVERSITY AVE 204 | \$ 182.46          |              |              |
| 057- -2029-015-00 | CARLSON SUSAN TR                 | 2138 KITTREDGE ST       | \$ 2,803.54        |              |              |
| 057- -2023-016-01 | CENTURY PROPERTIES LLC           | 0 MILVIA ST             | \$ 1,824.70        |              |              |
| 057- -2030-003-00 | CERFAM LLC                       | 2134 ALLSTON WAY        | \$ 2,445.64        |              |              |
| 055- -1891-012-00 | CHAN KUM L & ANDREW TRS & CHAN   | 2429 SHATTUCK AVE       | \$ 4,572.22        |              |              |
| 057- -2060-040-00 | CHANG ANDY T & TERRY L ETAL      | 1801 UNIVERSITY AVE 307 | \$ 182.46          |              |              |
| 057- -2032-012-00 | CHENG FRANK & DOROTHY            | 2112 ADDISON ST         | \$ 4,628.92        |              |              |
| 057- -2016-003-00 | CHENG TE C TR                    | 2070 M L KING JR WAY    | \$ 777.56          |              |              |
| 057- -2060-028-00 | CHUA SHIRLEY C & SUISUILYN       | 1801 UNIVERSITY AVE 303 | \$ 182.46          |              |              |
| 057- -2017-016-01 | CITY OF BERKELEY                 | 2100 M L KING JR WAY    |                    | \$ 18,836.88 |              |
| 057- -2021-001-00 | CITY OF BERKELEY                 | 2180 MILVIA ST          |                    | \$ 16,331.84 |              |
| 057- -2021-002-00 | CITY OF BERKELEY                 | 0 CENTER ST             |                    | \$ 17,119.90 |              |
| 057- -2022-006-00 | CITY OF BERKELEY                 | 1947 CENTER ST          |                    | \$ 9,507.30  |              |
| 057- -2022-020-00 | CITY OF BERKELEY                 | 0 CENTER ST             |                    | \$ 4,093.04  |              |
| 057- -2023-020-03 | CITY OF BERKELEY                 | 2025 CENTER ST          |                    | \$ 45,539.34 |              |
| 057- -2028-005-00 | CITY OF BERKELEY                 | 2031 BANCROFT WAY       |                    | \$ 3,110.54  |              |
| 057- -2028-017-01 | CITY OF BERKELEY                 | 2090 KITTREDGE ST       |                    | \$ 14,104.74 |              |
| 057- -2053-022-01 | CITY OF BERKELEY                 | 0 BERKELEY WAY          |                    | \$ 2,885.84  |              |
| 057- -2118-001-00 | CITY OF BERKELEY                 | 2200 FULTON ST          |                    | \$ -         |              |

**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
**Prepared April 2023 for Fiscal Year 2024**

| APN               | Owner                           | Site Address            | FY 2024 Assessment |             |              |
|-------------------|---------------------------------|-------------------------|--------------------|-------------|--------------|
|                   |                                 |                         | Private Parcels    | Tax Exempt  | Utility Roll |
| 057- -2119-001-00 | CITY OF BERKELEY                | 2200 FULTON ST A        |                    | \$ 7,992.34 |              |
| 057- -2031-001-01 | CORE BERKELEY OXFORD LLC        | 2128 OXFORD ST          | \$ 5,129.22        |             |              |
| 057- -2031-013-00 | CORE BERKELEY OXFORD LLC        | 2142 CENTER ST          | \$ 8,855.90        |             |              |
| 057- -2031-014-00 | CORE BERKELEY OXFORD LLC        | 2136 CENTER ST          | \$ 2,972.24        |             |              |
| 057- -2060-026-00 | CORR JAMES C & MICHAELS MARY F  | 1801 UNIVERSITY AVE 402 | \$ 182.46          |             |              |
| 055- -1895-019-01 | CPF BERKELEY VARSITY LLC        | 2024 DURANT AVE         | \$ 10,940.24       |             |              |
| 055- -1822-003-02 | CRESTON DEVELOPMENTS LLC        | 2514 SHATTUCK AVE       | \$ 1,785.08        |             |              |
| 057- -2026-013-00 | CSQ FEE ONWER CA LLC            | 2168 SHATTUCK AVE       | \$ 13,632.20       |             |              |
| 057- -2023-026-00 | CVBAF ACQ LLC                   | 2055 CENTER ST          | \$ 41,593.90       |             |              |
| 055- -1821-024-02 | CYH COMPANY INC                 | 2034 BLAKE ST           | \$ 3,809.56        |             |              |
| 057- -2049-021-00 | DANG DENNIS H                   | 1849 SHATTUCK AVE 403   | \$ 92.12           |             |              |
| 057- -2120-001-00 | DAVID BROWER CENTER             | 2150 ALLSTON WAY        | \$ 6,662.00        |             |              |
| 057- -2049-020-00 | DELBONTA MATTHEW A              | 1849 SHATTUCK AVE 303   | \$ 92.12           |             |              |
| 055- -1892-015-00 | DURANT BERKELEY PARTNERS LP     | 2367 SHATTUCK AVE       | \$ 1,711.34        |             |              |
| 055- -1892-016-00 | DURANT BERKELEY PARTNERS LP     | 2349 SHATTUCK AVE       | \$ 2,888.76        |             |              |
| 057- -2031-003-00 | DWF VI VMG ALLSTON LLC          | 2161 ALLSTON WAY        | \$ 11,192.00       |             |              |
| 055- -1893-005-03 | DWF VI VMG STADIUM LLC          | 2310 FULTON ST          | \$ 10,225.86       |             |              |
| 055- -1890-012-01 | DWIGHT WAY RESIDENTIAL PROPERTY | 2107 DWIGHT WAY         | \$ 12,559.40       |             |              |
| 057- -2024-004-00 | EAST BAY MEDIA CENTER           | 1939 ADDISON ST         | \$ 595.64          |             |              |
| 057- -2024-008-01 | EAST END INVESTORS GROUP INC    | 1950 UNIVERSITY AVE     | \$ 4,098.70        |             |              |
| 055- -1892-013-01 | EASTBOROUGH PROPERTIES LP       | 2399 SHATTUCK AVE       | \$ 5,279.82        |             |              |
| 057- -2030-009-00 | FERROGGIARO MARY J TR & WISE A  | 2115 KITTREDGE ST       | \$ 6,942.32        |             |              |
| 057- -2053-003-01 | FIFTH KEIL CO                   | 1998 SHATTUCK AVE       | \$ 5,160.18        |             |              |
| 057- -2053-003-02 | FIFTH KEIL CO                   | 1984 SHATTUCK AVE       | \$ 1,116.78        |             |              |
| 055- -1894-006-00 | FIGUEROA XAVIER & JOSEFINA J    | 2017 DURANT AVE         | \$ 974.12          |             |              |
| 057- -2022-003-01 | FIRST MILVIA LLC                | 2108 MILVIA ST          | \$ 1,093.96        |             |              |
| 057- -2022-017-01 | FIRST MILVIA LLC                | 2100 MILVIA ST          | \$ 13,983.84       |             |              |
| 057- -2026-002-01 | FIRST SHATTUCK LLC              | 2150 SHATTUCK AVE       | \$ 46,576.18       |             |              |
| 057- -2026-005-01 | FIRST SHATTUCK LLC              | 2043 ALLSTON WAY        | \$ 5,594.66        |             |              |
| 057- -2026-012-03 | FIRST SHATTUCK LLC              | 2052 CENTER ST          | \$ 31,302.26       |             |              |
| 057- -2028-002-00 | FU JIHW A & JI H TRS            | 2270 SHATTUCK AVE       | \$ 2,171.48        |             |              |
| 055- -1896-002-00 | FUJIKAWA MARK A & GEORGIA       | 2414 SHATTUCK AVE       | \$ 365.64          |             |              |
| 057- -2049-040-00 | GEDR HILLSIDE LLC               | 2102 DELAWARE ST        | \$ 5,524.42        |             |              |
| 055- -1895-015-01 | GENIRBERG SIBLINGS LLC          | 2000 DURANT AVE         | \$ 4,716.38        |             |              |
| 057- -2049-022-00 | GIEBELER PERSIS A               | 1849 SHATTUCK AVE 204   | \$ 92.12           |             |              |
| 057- -2049-026-00 | GILMOUR SUSAN R & THOMAS S      | 1849 SHATTUCK AVE 305   | \$ 92.12           |             |              |
| 055- -1896-004-00 | GIOTINIS MICHAEL C & ATHIA M T  | 2428 SHATTUCK AVE       | \$ 1,268.18        |             |              |
| 057- -2025-004-00 | GLYNN EDITH W TR                | 2020 SHATTUCK AVE       | \$ 3,002.78        |             |              |
| 057- -2053-004-02 | GLYNN EDITH W TR                | 2071 UNIVERSITY AVE     | \$ 2,664.28        |             |              |
| 057- -2034-009-00 | GOLDEN CA PROPERTY 1 LLC        | 2017 KALA BAGAI WAY     | \$ 1,788.26        |             |              |
| 055- -1892-014-00 | GORDON JOHN K & MITCHELL JANIS  | 2375 SHATTUCK AVE       | \$ 838.40          |             |              |
| 055- -1897-006-00 | GORDON JOHN K & MITCHELL JANIS  | 2450 SHATTUCK AVE       | \$ 4,328.50        |             |              |
| 057- -2024-021-01 | GORDON JOHN K & MITCHELL JANIS  | 1952 UNIVERSITY AVE     | \$ 4,488.58        |             |              |
| 057- -2025-005-02 | GORDON JOHN K & MITCHELL JANIS  | 2024 SHATTUCK AVE       | \$ 5,909.04        |             |              |
| 057- -2025-019-00 | GORDON JOHN K & MITCHELL JANIS  | 2058 UNIVERSITY AVE     | \$ 2,377.12        |             |              |
| 057- -2025-022-00 | GORDON JOHN K & MITCHELL JANIS  | 2014 SHATTUCK AVE       | \$ 1,654.06        |             |              |
| 057- -2029-011-00 | GORDON JOHN K & MITCHELL JANIS  | 2277 SHATTUCK AVE       | \$ 2,325.54        |             |              |
| 057- -2030-011-00 | GORDON JOHN K & MITCHELL JANIS  | 2225 SHATTUCK AVE       | \$ 1,076.34        |             |              |
| 057- -2025-006-00 | GORDON JOHN K & MITCHELL JANIS  | 2036 SHATTUCK AVE       | \$ 8,670.70        |             |              |
| 057- -2049-029-00 | GOTTLIEB SHARONA D              | 1849 SHATTUCK AVE 306   | \$ 92.12           |             |              |
| 057- -2028-014-02 | GRANITE LIBRARY GARDENS LP      | 2022 KITTREDGE ST       | \$ 45,399.26       |             |              |

**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
**Prepared April 2023 for Fiscal Year 2024**

| APN               | Owner                          | Site Address            | FY 2024 Assessment |            |              |
|-------------------|--------------------------------|-------------------------|--------------------|------------|--------------|
|                   |                                |                         | Private Parcels    | Tax Exempt | Utility Roll |
| 057- -2024-015-03 | GREENLINING INSTITUTE          | 1916 UNIVERSITY AVE     | \$ 2,434.64        |            |              |
| 057- -2029-012-00 | H DRAKE CORPORATION            | 2271 SHATTUCK AVE       | \$ 2,568.28        |            |              |
| 055- -1821-028-00 | HA YANGWON K                   | 2030 BLAKE ST A         | \$ 254.96          |            |              |
| 057- -2016-027-02 | HADJIAN SIMIN & PAYVAND ETAL   | 1840 UNIVERSITY AVE     | \$ 3,361.44        |            |              |
| 057- -2060-036-00 | HAMMOND LUCIA                  | 1801 UNIVERSITY AVE 206 | \$ 182.46          |            |              |
| 057- -2059-006-00 | HAN CHANG S & YOON J           | 1941 UNIVERSITY AVE     | \$ 1,882.68        |            |              |
| 057- -2060-043-00 | HART ELIZABETH                 | 1801 UNIVERSITY AVE 308 | \$ 182.46          |            |              |
| 057- -2027-002-02 | HEAD LAMA TIBETAN NYINGMA MEDI | 2210 HAROLD WAY         | \$ 1,759.20        |            |              |
| 057- -2027-002-03 | HEAD LAMA TIBETAN NYINGMA MEDI | 2018 ALLSTON WAY        | \$ 5,891.42        |            |              |
| 057- -2027-004-00 | HEAD LAMA TIBETAN NYINGMAPA ME | 2222 HAROLD WAY         | \$ 14,073.92       |            |              |
| 057- -2060-037-00 | HERNANDEZ KARYN L              | 1801 UNIVERSITY AVE 306 | \$ 182.46          |            |              |
| 057- -2034-006-00 | HIGHWAY 61                     | 2037 SHATTUCK AVE       | \$ 7,488.94        |            |              |
| 057- -2031-006-00 | HIRAHARA FAMILY LIMITED PARTNE | 2187 SHATTUCK AVE       | \$ 5,664.30        |            |              |
| 057- -2025-002-00 | HO MENG H & SHIN J TRS & HO MI | 2008 SHATTUCK AVE       | \$ 4,980.74        |            |              |
| 057- -2027-010-00 | HSR BERKELEY INVESTMENTS LLC   | 2060 ALLSTON WAY A      | \$ 31,666.14       |            |              |
| 057- -2027-011-00 | HSR BERKELEY INVESTMENTS LLC   | 2070 ALLSTON WAY        | \$ 11,200.38       |            |              |
| 057- -2049-015-00 | HU VICTORIA L                  | 1849 SHATTUCK AVE 401   | \$ 92.12           |            |              |
| 057- -2059-010-00 | HULTGREN ROBERT P & SUSAN S TR | 1909 UNIVERSITY AVE     | \$ 1,520.82        |            |              |
| 057- -2049-019-00 | HUYNH MATTHEW & REGINA TRS     | 1849 SHATTUCK AVE 203   | \$ 92.12           |            |              |
| 057- -2032-015-00 | JANTA REALTY INC & BATRA MANJU | 2100 KALA BAGAI WAY     | \$ 1,564.86        |            |              |
| 055- -1894-002-00 | JINDO VENTURES LLC             | 2037 DURANT AVE         | \$ 4,042.98        |            |              |
| 057- -2053-001-00 | JLLJAR LLC                     | 1950 SHATTUCK AVE       | \$ 3,410.40        |            |              |
| 055- -1821-003-00 | JOHNSTON STEWART L             | 2558 SHATTUCK AVE       | \$ 1,887.70        |            |              |
| 055- -1821-004-00 | JOHNSTON STEWART L             | 2576 SHATTUCK AVE       | \$ 1,085.44        |            |              |
| 057- -2049-023-00 | KALOFONOS ANGELIKI & MARIA S   | 1849 SHATTUCK AVE 304   | \$ 92.12           |            |              |
| 057- -2025-016-00 | KAM YIU LAM & SHUN TO LO LAM L | 2042 UNIVERSITY AVE     | \$ 3,647.94        |            |              |
| 057- -2032-011-00 | KAMENY HARVEY TR               | 2101 KALA BAGAI WAY     | \$ 4,129.62        |            |              |
| 057- -2060-006-00 | KAMI BARRY G & CATHY J TRS     | 1813 UNIVERSITY AVE     | \$ 2,127.90        |            |              |
| 057- -2060-004-00 | KANG BU U & JEONG H ETAL       | 1823 UNIVERSITY AVE     | \$ 1,653.80        |            |              |
| 057- -2060-005-00 | KANG BU U & JEONG H ETAL       | 1821 UNIVERSITY AVE     | \$ 1,316.66        |            |              |
| 057- -2030-008-00 | KAO ROGER Y                    | 2117 KITTREDGE ST       | \$ 2,533.60        |            |              |
| 057- -2032-019-00 | KAPLAN EDUCATIONAL CENTERS INC | 2144 KALA BAGAI WAY     | \$ 3,885.60        |            |              |
| 057- -2031-002-00 | KASHANI NASSER & PAMELA L TRS  | 2171 ALLSTON WAY        | \$ 9,787.38        |            |              |
| 057- -2025-012-00 | KASHEF M M & KATHERINE TRS     | 2001 MILVIA ST          | \$ 415.22          |            |              |
| 057- -2025-013-00 | KASHEF M MEHDI & KATHERINE TRS | 2000 UNIVERSITY AVE     | \$ 1,242.84        |            |              |
| 057- -2060-031-00 | KEAS MABEL E                   | 1801 UNIVERSITY AVE 304 | \$ 182.46          |            |              |
| 057- -2060-044-00 | KEHRET JOSEPH G                | 1801 UNIVERSITY AVE 408 | \$ 182.46          |            |              |
| 057- -2060-050-05 | KENNEDY PATRICK C & JULIE M TR | 1809 UNIVERSITY AVE     | \$ 99.98           |            |              |
| 057- -2060-050-06 | KENNEDY PATRICK C & JULIE M TR | 1807 UNIVERSITY AVE     | \$ 106.72          |            |              |
| 057- -2060-050-07 | KENNEDY PATRICK C & JULIE TRS  | 1807 UNIVERSITY AVE A   | \$ 31.64           |            |              |
| 057- -2049-034-00 | KHO ERIC L                     | 1849 SHATTUCK AVE 208   | \$ 92.12           |            |              |
| 057- -2053-005-00 | KL2067 UNIVERSITY LLC          | 2067 UNIVERSITY AVE     | \$ 7,256.10        |            |              |
| 057- -2060-003-00 | KLATT PETER & JOAN C TRS       | 1849 UNIVERSITY AVE     | \$ 1,973.82        |            |              |
| 057- -2030-012-00 | KOOYMAN STEVEN P & SUSAN J     | 2219 SHATTUCK AVE       | \$ 2,515.02        |            |              |
| 057- -2049-016-00 | LAI ROGER Y                    | 1849 SHATTUCK AVE 202   | \$ 92.12           |            |              |
| 055- -1896-005-00 | LAIR QOZB LLC                  | 2440 SHATTUCK AVE       | \$ 2,741.40        |            |              |
| 055- -1893-015-01 | LAKIREDDY PRASAD R & SANTI     | 2323 SHATTUCK AVE       | \$ 3,104.32        |            |              |
| 057- -2024-018-01 | LAKIREDDY PRASAD R & SANTI     | 1942 UNIVERSITY AVE     | \$ 5,561.42        |            |              |
| 055- -1897-002-00 | LAKIREDDY PRASAD R & SANTI & H | 2484 SHATTUCK AVE       | \$ 9,061.20        |            |              |
| 057- -2059-008-00 | LAM PAULINE P ETAL             | 1921 UNIVERSITY AVE     | \$ 1,253.72        |            |              |
| 057- -2023-012-00 | LANGUAGE STUDIES INC           | 2015 CENTER ST          | \$ 4,394.48        |            |              |

**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
**Prepared April 2023 for Fiscal Year 2024**

| APN               | Owner                              | Site Address            | FY 2024 Assessment |              |              |
|-------------------|------------------------------------|-------------------------|--------------------|--------------|--------------|
|                   |                                    |                         | Private Parcels    | Tax Exempt   | Utility Roll |
| 057- -2025-001-00 | LAUSON LLC                         | 2000 SHATTUCK AVE       | \$ 6,840.10        |              |              |
| 057- -2024-011-00 | LEE SANG H & CHUNG EUNJUNG         | 1915 ADDISON ST         | \$ 2,077.52        |              |              |
| 057- -2049-017-00 | LHAKEY PEMA                        | 1849 SHATTUCK AVE 302   | \$ 92.12           |              |              |
| 055- -1894-016-00 | LI JULIAN J & SOPHIA Y             | 2030 BANCROFT WAY       | \$ 1,179.38        |              |              |
| 057- -2060-024-00 | LIN DIANA M TR                     | 1801 UNIVERSITY AVE 202 | \$ 182.46          |              |              |
| 057- -2034-011-00 | LIU JIM K                          | 2138 UNIVERSITY AVE     | \$ 2,763.80        |              |              |
| 057- -2049-014-00 | LLOYD BENJAMIN & JULIE K ET AL     | 1849 SHATTUCK AVE 301   | \$ 92.12           |              |              |
| 057- -2034-010-00 | LORI BCA 2120 L P                  | 2015 KALA BAGAI WAY     | \$ 15,821.52       |              |              |
| 057- -2060-032-00 | LYON DAVID                         | 1801 UNIVERSITY AVE 404 | \$ 182.46          |              |              |
| 057- -2031-004-00 | MAGNES MUSEUM FOUNDATION           | 2121 ALLSTON WAY        | \$ 11,514.38       |              |              |
| 057- -2053-012-00 | MAHRAT ABDULCHAFFAR & REEM         | 1949 MILVIA ST          | \$ 2,731.28        |              |              |
| 057- -2025-010-01 | MAIA HOLDINGS LLC, COLLIERS INTERN | 2001 ADDISON ST         | \$ 11,119.22       |              |              |
| 057- -2060-034-00 | MAK KWAN & LISHAN                  | 1801 UNIVERSITY AVE 305 | \$ 182.46          |              |              |
| 057- -2050-005-00 | MALIN ROBERT O INC                 | 1848 SHATTUCK AVE       | \$ 1,280.00        |              |              |
| 057- -2060-025-00 | MAO YULI                           | 1801 UNIVERSITY AVE 302 | \$ 182.46          |              |              |
| 057- -2031-005-00 | MARTIN DAVID J & MARILYN R TRS     | 2115 ALLSTON WAY        | \$ 2,260.20        |              |              |
| 057- -2031-007-00 | MARTIN DAVID J & MARILYN R TRS     | 2181 SHATTUCK AVE       | \$ 2,568.04        |              |              |
| 057- -2031-008-00 | MARTIN DAVID J & MARILYN R TRS     | 2171 SHATTUCK AVE       | \$ 4,445.22        |              |              |
| 057- -2051-004-00 | MARTIN DAVID J & MARILYN R TRS     | 1920 SHATTUCK AVE       | \$ 991.78          |              |              |
| 057- -2051-053-00 | MARTIN REID & JOHN                 | 1912 SHATTUCK AVE       | \$ 771.98          |              |              |
| 057- -2046-011-01 | MCREF ACHENSON LLC                 | 1987 SHATTUCK AVE       | \$ 17,375.62       |              |              |
| 057- -2046-008-04 | MCREF ACHENSON LLC                 | 2125 UNIVERSITY AVE     | \$ 38,775.86       |              |              |
| 057- -2046-009-00 | MCREF BACHENHEIMER LLC             | 2119 UNIVERSITY AVE     | \$ 11,656.26       |              |              |
| 057- -2049-036-00 | MEJIA CESAR A                      | 1849 SHATTUCK AVE 408   | \$ 92.12           |              |              |
| 057- -2034-008-00 | MEVLANARUMI LLC                    | 2025 KALA BAGAI WAY     | \$ 1,828.20        |              |              |
| 055- -1822-002-01 | MMP CHESTNUT LLC                   | 2506 SHATTUCK AVE       | \$ 1,273.22        |              |              |
| 057- -2033-001-01 | MO SHATTUCK LLC                    | 2000 KALA BAGAI WAY     | \$ 8,667.56        |              |              |
| 057- -2016-002-00 | MOAVEN SAGHI                       | 2054 M L KING JR WAY    | \$ 354.00          |              |              |
| 057- -2051-006-01 | MORAN EVERETT S JR & CATHARINE     | 1936 SHATTUCK AVE       | \$ 2,350.00        |              |              |
| 055- -1821-001-01 | NATURAL GREEN CORPORATION          | 2550 SHATTUCK AVE       | \$ 4,416.32        |              |              |
| 057- -2051-005-00 | NINETEEN HUNDRED TWENTY SIX SH     | 1926 SHATTUCK AVE       | \$ 957.48          |              |              |
| 057- -2049-031-00 | NIRAMOL CHITRCHARATN 2016 LIVING T | 1849 SHATTUCK AVE 207   | \$ 92.12           |              |              |
| 057- -2049-032-00 | NISEN FREDERICK P                  | 1849 SHATTUCK AVE 307   | \$ 92.12           |              |              |
| 057- -2024-014-00 | NORCAL PROPERTIES LLC              | 1900 UNIVERSITY AVE     | \$ 3,907.98        |              |              |
| 057- -2016-024-01 | OHAY PHILIP L & BARBARA L TRS      | 1824 UNIVERSITY AVE     | \$ 3,270.76        |              |              |
| 057- -2060-047-00 | OLSON JAMES R                      | 1801 UNIVERSITY AVE 409 | \$ 182.46          |              |              |
| 057- -2120-002-00 | OXFORD COMMERCIAL LLC              | 2200 OXFORD ST          | \$ 3,885.00        |              |              |
| 057- -2121-001-00 | OXFORD PLAZA LP                    | 2175 KITTREDGE ST       | \$ 17,154.08       |              |              |
| 057- -2016-018-01 | P P M&B BERKELEY LLC               | 1800 UNIVERSITY AVE     | \$ 2,674.38        |              |              |
| 055- -1893-019-00 | P T & T CO 279-1-12-6              | 0 DURANT AVE            | \$ 17,362.00       |              |              |
| 055- -1893-020-00 | P T & T CO 279-1-1-4               | 0 BANCROFT WAY          | \$ 1,048.68        |              |              |
| 055- -1820-001-01 | PARKERSHATTUCK OWNER LLC           | 2600 SHATTUCK AVE       | \$ 13,853.98       |              |              |
| 055- -1821-005-00 | PARKERSHATTUCK OWNER LLC           | 2598 SHATTUCK AVE       | \$ 1,219.88        |              |              |
| 057- -2028-004-00 | PASAND COURTYARD LLC               | 2276 SHATTUCK AVE       | \$ 11,697.20       |              |              |
| 057- -2060-048-00 | PATHMARAJAH CANAGARATNAM TR        | 1801 UNIVERSITY AVE 210 | \$ 182.46          |              |              |
| 057- -2029-014-00 | PELEG YORAM & BARBARA L            | 2124 KITTREDGE ST       | \$ 3,100.78        |              |              |
| 057- -2022-005-01 | PERALTA COMMUNITY COLLEGE DIST     | 2118 MILVIA ST          |                    | \$ 5,862.20  |              |
| 057- -2026-010-00 | PERALTA COMMUNITY COLLEGE DIST     | 2016 CENTER ST          |                    | \$ 1,373.30  |              |
| 057- -2026-014-00 | PERALTA COMMUNITY COLLEGE DIST     | 2048 CENTER ST          |                    | \$ 26,048.58 |              |
| 055- -1894-003-01 | PERSIAN CENTER                     | 2029 DURANT AVE         | \$ 994.64          |              |              |
| 057- -2026-004-05 | PR III SHATTUCK LLC                | 2190 SHATTUCK AVE       | \$ 18,684.30       |              |              |

**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
 Prepared April 2023 for Fiscal Year 2024

| APN               | Owner                              | Site Address            | FY 2024 Assessment |              |              |
|-------------------|------------------------------------|-------------------------|--------------------|--------------|--------------|
|                   |                                    |                         | Private Parcels    | Tax Exempt   | Utility Roll |
| 057- -2053-006-00 | REDDY HANUMANDLA J & HANUMANDL     | 2057 UNIVERSITY AVE     | \$ 6,043.24        |              |              |
| 057- -2025-021-00 | REDDY HANUMANDLA R & HANUMANDL     | 2066 UNIVERSITY AVE     | \$ 6,385.86        |              |              |
| 057- -2046-002-00 | REGENCY 2120 BERKELEY WAY LLC      | 2120 BERKELEY WAY       | \$ 8,709.00        |              |              |
| 055- -1891-014-01 | REGENTS OF THE UNIVERSITY OF C     | 2401 SHATTUCK AVE       |                    | \$ 6,583.88  |              |
| 057- -2029-007-02 | REGENTS OF THE UNIVERSITY OF C     | 2113 BANCROFT WAY       |                    | \$ 4,588.58  |              |
| 057- -2047-004-00 | REGENTS OF THE UNIVERSITY OF C     | 1900 OXFORD ST          |                    | \$ 45,147.50 |              |
| 057- -2032-014-01 | REGENTS OF THE UNIVERSITY OF C     | 2120 OXFORD ST          |                    | \$ 14,345.16 |              |
| 057- -2034-003-00 | REGENTS OF THE UNIVERSITY OF C     | 0 ADDISON ST            |                    | \$ 777.50    |              |
| 057- -2034-004-00 | REGENTS OF THE UNIVERSITY OF C     | 2123 ADDISON ST         |                    | \$ 257.48    |              |
| 057- -2034-012-00 | REGENTS OF THE UNIVERSITY OF C     | 2154 UNIVERSITY AVE     |                    | \$ 4,273.80  |              |
| 057- -2034-014-02 | REGENTS OF THE UNIVERSITY OF C     | 2199 ADDISON ST         |                    | \$ 70.58     |              |
| 057- -2034-014-03 | REGENTS OF THE UNIVERSITY OF C     | 2199 ADDISON ST         |                    | \$ 28,335.68 |              |
| 057- -2045-002-00 | REGENTS OF THE UNIVERSITY OF C     | 1952 OXFORD ST          |                    | \$ 2,085.34  |              |
| 057- -2045-003-00 | REGENTS OF THE UNIVERSITY OF C     | 1990 OXFORD ST          |                    | \$ 898.76    |              |
| 057- -2045-006-00 | REGENTS OF THE UNIVERSITY OF C     | 1925 WALNUT ST          |                    | \$ 406.12    |              |
| 057- -2045-001-00 | REGENTS OF THE UNIVERSITY OF CALIF | 1921 WALNUT ST          |                    | \$ 654.38    |              |
| 057- -2045-005-00 | REGENTS OF THE UNIVERSITY OF CALIF | 1933 WALNUT ST          |                    | \$ 162.56    |              |
| 057- -2054-012-01 | REGENTS OF UNIVERSITY CALIFORN     | 1995 UNIVERSITY AVE     |                    | \$ 17,108.02 |              |
| 057- -2045-004-00 | REGENTS UNIVERSITY OF CALIFORN     | 2161 UNIVERSITY AVE     |                    | \$ 2,631.64  |              |
| 057- -2023-023-00 | RILCO ADDISON LLC                  | 2030 ADDISON ST         | \$ 11,413.48       |              |              |
| 057- -2023-024-00 | RILCO ADDISON LLC                  | 2040 ADDISON ST         | \$ 4,895.32        |              |              |
| 057- -2023-025-00 | RUEGG & ELLSWORTH                  | 2072 ADDISON ST         | \$ 2,635.06        |              |              |
| 057- -2049-033-00 | RYU DAVID J & WU CHRISTINA L       | 1849 SHATTUCK AVE 407   | \$ 92.12           |              |              |
| 055- -1895-018-01 | SATELLITE FIRST COMMUNITIES L      | 2020 DURANT AVE         | \$ 2,841.24        |              |              |
| 055- -1896-003-00 | SCHIPANI ANNA A                    | 2420 SHATTUCK AVE       | \$ 1,467.92        |              |              |
| 057- -2049-028-00 | SCHIRLE ANN M                      | 1849 SHATTUCK AVE 206   | \$ 92.12           |              |              |
| 055- -1893-016-00 | SEGERBERG KENNETH TRUST            | 2301 SHATTUCK AVE       | \$ 2,287.76        |              |              |
| 057- -2024-016-02 | SEVERY MICHELLE A TR & AARONIA     | 1926 UNIVERSITY AVE     | \$ 610.76          |              |              |
| 057- -2022-009-02 | SHAMSZAD SASHA G & MERIDETH B      | 2105 M L KING JR WAY    | \$ 2,660.84        |              |              |
| 057- -2022-013-04 | SHAMSZAD SASHA G & MERIDETH B      | 1900 ADDISON ST         | \$ 4,031.16        |              |              |
| 057- -2024-002-02 | SHAMSZAD SASHA G & MERIDETH B      | 2020 MILVIA ST          | \$ 8,986.24        |              |              |
| 057- -2033-003-00 | SHAMSZAD SASHA G & MERIDETH B      | 2021 SHATTUCK AVE       | \$ 6,861.96        |              |              |
| 055- -1891-013-01 | SHATTUCK SENIOR HOMES ASSOCIAT     | 2421 SHATTUCK AVE       | \$ 1,513.20        |              |              |
| 055- -1897-001-03 | SHATTUCK WICKS PARTNERSHIP LTD     | 2480 SHATTUCK AVE       | \$ 2,803.44        |              |              |
| 055- -1822-006-00 | SHEN TSUI Y & WU YEY B             | 2530 SHATTUCK AVE       | \$ 1,636.80        |              |              |
| 057- -2060-038-00 | SHOJI JOSEPH                       | 1801 UNIVERSITY AVE 406 | \$ 182.46          |              |              |
| 057- -2016-022-00 | SHREE LAXMI LLC                    | 1822 UNIVERSITY AVE     | \$ 3,604.14        |              |              |
| 057- -2053-014-02 | SHRIMATIS LIMITED INC              | 2011 UNIVERSITY AVE     | \$ 2,259.94        |              |              |
| 057- -2060-045-00 | SIKAFFY AMAL                       | 1801 UNIVERSITY AVE 209 | \$ 182.46          |              |              |
| 057- -2049-013-00 | SONG JIA Y                         | 1849 SHATTUCK AVE 201   | \$ 92.12           |              |              |
| 055- -1824-016-00 | SOUTHWICK TIMOTHY K & SUSAN E      | 2555 SHATTUCK AVE       | \$ 1,348.32        |              |              |
| 055- -1892-018-01 | SOUTHWICK TIMOTHY K & SUSAN E      | 2110 DURANT AVE         | \$ 3,069.30        |              |              |
| 055- -1896-001-00 | SOUTHWICK TIMOTHY K & SUSAN E      | 2410 SHATTUCK AVE       | \$ 3,498.22        |              |              |
| 057- -2060-002-00 | SOUTHWICK TIMOTHY SR & SUSAN T     | 1865 UNIVERSITY AVE     | \$ 2,957.54        |              |              |
| 057- -2032-016-00 | SPITZER NORMAN S & MARY J TRS      | 2115 SHATTUCK AVE       | \$ 1,523.14        |              |              |
| 057- -2023-017-01 | STERLING BERKELEY ADDISON L P      | 2101 MILVIA ST          | \$ 3,789.12        |              |              |
| 057- -2030-002-00 | STERLING BERKELEY ALLSTON LP       | 2116 ALLSTON WAY        | \$ 18,794.92       |              |              |
| 055- -1890-013-02 | STERLING BERKELEY HASTE LP         | 2451 SHATTUCK AVE       | \$ 13,193.34       |              |              |
| 057- -2047-002-01 | STERLING BERKELEY OXFORD LP        | 1910 OXFORD ST          | \$ 5,736.98        |              |              |
| 057- -2025-014-00 | STERLING BERKELEY UNIVERSITY AVE I | 2004 UNIVERSITY AVE     | \$ 7,229.46        |              |              |
| 057- -2024-001-02 | STONEFIRE PARTNERS LLC             | 1974 UNIVERSITY AVE     | \$ 15,908.46       |              |              |



**Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2024**  
 Prepared April 2023 for Fiscal Year 2024

|                                  |                                           |                         | FY 2024 Assessment     |                      |                     |
|----------------------------------|-------------------------------------------|-------------------------|------------------------|----------------------|---------------------|
| APN                              | Owner                                     | Site Address            | Private Parcels        | Tax Exempt           | Utility Roll        |
| 057- -2049-035-00                | SU FU & CHUANG C ETAL                     | 1849 SHATTUCK AVE 308   | \$ 92.12               |                      |                     |
| 055- -1823-011-01                | SUTTER BAY HOSPITALS                      | 2104 DWIGHT WAY         | \$ 6,797.66            |                      |                     |
| 057- -2060-035-00                | SWANSON LINDA L                           | 1801 UNIVERSITY AVE 405 | \$ 182.46              |                      |                     |
| 057- -2049-025-00                | SWEENEY ZEPHYR & DENNIS A                 | 1849 SHATTUCK AVE 205   | \$ 92.12               |                      |                     |
| 057- -2060-042-00                | SZABO MARSHIKA L                          | 1801 UNIVERSITY AVE 208 | \$ 182.46              |                      |                     |
| 055- -1896-005-00                | T J WHITTEN FAMILY LLC                    | 2440 SHATTUCK AVE       | \$ 2,674.54            |                      |                     |
| 057- -2053-008-01                | TALAI MOHAMMAD E & KOKAB S TRS            | 2035 UNIVERSITY AVE     | \$ 5,539.64            |                      |                     |
| 057- -2060-033-00                | TAVAKOLIZADEH MEHDI                       | 1801 UNIVERSITY AVE 205 | \$ 182.46              |                      |                     |
| 055- -1824-014-00                | THALLAUG KIRSTEN L & THALLAUG TR          | 2105 PARKER ST          | \$ 4,075.70            |                      |                     |
| 057- -2060-027-00                | THEVANAYAGAM SABANAYAGAM & VAS            | 1801 UNIVERSITY AVE 203 | \$ 182.46              |                      |                     |
| 057- -2060-049-00                | THOMAS HERB TR                            | 1801 UNIVERSITY AVE 310 | \$ 182.46              |                      |                     |
| 057- -2049-018-00                | TIPHANE GUY TR                            | 1849 SHATTUCK AVE 402   | \$ 92.12               |                      |                     |
| 057- -2051-051- 00               | TIPPING STEVEN B & ZENIADA L T            | 1900 SHATTUCK AVE       | \$ 1,963.92            |                      |                     |
| 057- -2051-052-00                | TIPPING STEVEN B & ZENIADA L T            | 1908 SHATTUCK AVE       | \$ 995.78              |                      |                     |
| 057- -2053-007-00                | TRILINK REAL ESTATE INVESTMENT            | 2041 UNIVERSITY AVE     | \$ 7,646.52            |                      |                     |
| 057- -2025-015-00                | U C STUDIOS LLC                           | 2018 UNIVERSITY AVE     | \$ 12,851.30           |                      |                     |
| 057- -20270-05-00                | UNITED STATES POSTAL SERVICE              | 0 MILVIA ST             |                        | \$ 12,258.02         |                     |
| 055- -1825-015-02                | VALIYEE REZA                              | 2621 SHATTUCK AVE       | \$ 7,605.86            |                      |                     |
| 055- -1825-019-00                | VALIYEE REZA                              | 2609 SHATTUCK AVE       | \$ 3,383.14            |                      |                     |
| 057- -2024-012-00                | VEDENSKY PROPERTIES LLC                   | 1911 ADDISON ST         | \$ 2,663.84            |                      |                     |
| 055- -1893-007-01                | VERO PROPERTIES LLC                       | 2124 BANCROFT WAY       | \$ 7,150.32            |                      |                     |
| 055- -1893-018-00                | VERO PROPERTIES LLC                       | 2126 BANCROFT WAY       | \$ 1,003.34            |                      |                     |
| 057- -2051-007-00                | VINLAND PROPERTY INVETMENT LL             | 2053 BERKELEY WAY       | \$ 1,252.32            |                      |                     |
| 057- -2028-003-00                | WADE WILLIAM J TR                         | 2274 SHATTUCK AVE       | \$ 14,458.72           |                      |                     |
| 057- -2060-039-00                | WAGELE NICHOLAS                           | 1801 UNIVERSITY AVE 207 | \$ 182.46              |                      |                     |
| 057- -2028-012-00                | WANDER ROBERT H & INGRID                  | 2235 MILVIA ST          | \$ 662.52              |                      |                     |
| 055- -1822-001-00                | WONG FRANKLIN & PUI T ET AL               | 2500 SHATTUCK AVE       | \$ 1,752.24            |                      |                     |
| 057- -2060-029-00                | WONG MEI L & KUOCHEN                      | 1801 UNIVERSITY AVE 403 | \$ 182.46              |                      |                     |
| 057- -2031-010-00                | WU SHU F TR                               | 2124 CENTER ST          | \$ 3,506.64            |                      |                     |
| 057- -2049-027-00                | YANG JUDY C TR & YANG LUCINDA             | 1849 SHATTUCK AVE 405   | \$ 92.12               |                      |                     |
| 057- -2034-005-00                | YANIV GERSHON & RACHEL D ETAL             | 2119 ADDISON ST         | \$ 5,409.94            |                      |                     |
| 057- -2059-011-00                | YEARWOOD INES L & KHALIL & ROD            | 1901 UNIVERSITY AVE     | \$ 1,567.42            |                      |                     |
| 057- -2053-011-00                | YEE DAVID                                 | 2017 UNIVERSITY AVE     | \$ 3,474.20            |                      |                     |
| 057- -2060-021-00                | YEH JENG R & YANG CHINGMEI                | 1801 UNIVERSITY AVE 201 | \$ 182.46              |                      |                     |
| 057- -2029-010-02                | YOUNG JAMES C & EDDIE JR                  | 2281 SHATTUCK AVE       | \$ 979.08              |                      |                     |
| 057- -2029-010-01                | YOUNG JAMES C & YOUNG EDDIE JR            | 2283 SHATTUCK AVE       | \$ 733.30              |                      |                     |
| 057- -2022-018-00                | YOUNG MENS CHRISTIAN ASSOCIATION          | 2109 M L KING JR WAY    | \$ 1,914.20            |                      |                     |
| 055- -1893-001-00                | YU CHING H & INN N TRS                    | 2190 BANCROFT WAY       | \$ 2,068.88            |                      |                     |
| 055- -1893-001-00                | YU INN N TRS                              | 2190 BANCROFT WAY       | \$ 2,120.58            |                      |                     |
| 055- -1822-004-00                | YU WAH Y & RUICHAN                        | 2520 SHATTUCK AVE       | \$ 755.54              |                      |                     |
| 057- -2023-002-00                | ZAC ENTERPRISE LLC                        | 2116 SHATTUCK AVE       | \$ 1,956.92            |                      |                     |
| <b>TOTAL:</b>                    |                                           |                         | <b>\$ 1,599,177.08</b> | <b>\$ 357,345.18</b> | <b>\$ 17,609.46</b> |
|                                  | Total Count of Properties                 | 347                     | 309                    | 36                   | 2                   |
|                                  | County Fee @1.7% (on Private Parcels):    |                         | \$ 27,186.01           |                      |                     |
|                                  | Net Assessment Revenue (Private Parcels): |                         | \$ 1,571,991.07        |                      |                     |
| Total Assessment Revenue:        |                                           |                         | \$1,946,945.71         |                      |                     |
| <b>Total Assessment Revenue:</b> |                                           |                         | <b>\$1,946,946</b>     |                      |                     |

Note: Data for APN, Owner, and Land Use from the City's Land Management System is current as of April 17, 2023.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Contracts: On-Call Fine Art Services Providers for the Public Art Collection

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for contract periods of July 1, 2023 through June 30, 2026:

1. Atthowe Fine Art Services, for an amount not to exceed \$200,000.
2. Kala Art Institute, for an amount not to exceed \$100,000.
3. Preservation Arts LLC, for an amount not to exceed \$200,000.
4. ShipArt International (DBA UOVO), for an amount not to exceed \$100,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding (\$400,000) for the on-call Fine Art Service Provider contracts is available in the Fiscal Year 2024 budget, from the Cultural Trust Fund, fund number: 148-21-208-252-0000-000-446-612990. Funding for the remaining \$200,000 of contracted work in Fiscal Years 2025 & 2026 is subject to Civic Arts Commission approval of the annual budget(s) and will be identified in advance as projects in need of the services of these contractors arise.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Public Art Collection comprises approximately 50 outdoor, permanently-sited artworks including sculpture, architectural design elements, mosaics, tile artworks, and murals. It also includes over 50 portable artworks such as etchings, paintings, textiles and prints displayed in City buildings. The Civic Arts Program is charged with the maintenance and conservation of the existing collection, as well as the acquisition of new artworks through the public art commissioning process.

Many consulting services are needed to carry out this work on an ongoing basis. This includes specialized artwork conservation, storage, fabrication, framing, transportation, installation, audio/visual services, and documentation. It also includes curatorial, project

management and registrar services specific to the field of public art. As the Civic Arts Program continues to expand its capacity to deliver more public artwork to the City while continuing to care for the existing collection, the demand for these services has increased.

### BACKGROUND

On February 24, 2021, Civic Arts Program staff issued Request for Qualifications (RFQ) Specification No. 21-11438-C, for a Prequalified Pool of Fine Art Services Providers.

The following services were included in the RFQ:

- A. Contractors to install and de-install large-scale works of public art
- B. Fine Art Conservators
- C. Art Care Technicians, Audio Visual Technicians, and Artwork Preparators
- D. Fine Art Transportation and Storage
- E. Art Photography, Videography, Graphic Design, Computer Aided Design (CAD) for Artwork Placement Renderings, Digital Imaging, and Sign Makers
- F. Fine Art Framing Services
- G. Fine Art Fabrication
- H. Public Art Curation and Project Management
- I. Art Collection Registrar Services

A panel comprised of City staff and an outside arts professional evaluated and scored 30 applicants to establish a prequalified pool of contractors that met the requirements for each service category.

Over the next three Fiscal Years (FY2024, FY2025 and FY2026), the Civic Arts Program anticipates it will require a large volume of services listed in the RFQ. The prequalified service providers with the highest scores and services that most fit the upcoming needs of the Civic Arts Program have been determined by to be: Atthowe Fine Art Services; Kala Art Institute; Preservation Arts LLC; and ShipArt International (DBA UOVO).

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

The teams assembled by Atthowe Fine Art Services, Kala Art Institute, Preservation Arts LLC, and ShipArt International (DBA UOVO) are highly qualified. They have particular expertise in: artwork conservation; artwork storage; artwork fabrication;

artwork framing; artwork transportation; artwork installation; audio/visual services; artwork documentation; curatorial services; project management; and registrar services.

ALTERNATIVE ACTIONS CONSIDERED

There were no alternative actions considered.

CONTACT PERSON

Zoe Taleporos, Office of Economic Development, (510) 981-7538

Attachments:

- 1: Resolution for contract with Atthowe Fine Art Services
- 2: Resolution for contract with Kala Art Institute
- 3: Resolution for contract with Preservation Arts LLC
- 4: Resolution for contract with ShipArt International (DBA UOVO)
- 5: Request for Qualifications (RFQ) Specification No. 21-11438-C: *FOR PRE-QUALIFIED POOL OF FINE ART SERVICES PROVIDERS*
- 6: RFQ Panel Summary – (2021) Fine Art Services Providers

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

CONTRACT: ATTHOWE FINE ART SERVICES FOR ON-CALL FINE ART SERVICES

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley's Civic Arts Program issued Request for Qualifications Specification No. 21-11438-C, and established a Prequalified Pool of Fine Art Service Providers that includes Atthowe Fine Art Services; and

WHEREAS, Funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Atthowe Fine Art Services for on-call fine art services for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$200,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

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

CONTRACT: KALA ART INSTITUTE FOR ON-CALL FINE ART SERVICES

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley's Civic Arts Program issued Request for Qualifications Specification No. 21-11438-C, and established a Prequalified Pool of Fine Art Service Providers that includes Kala Art Institute; and

WHEREAS, Funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Kala Art Institute for on-call fine art services for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$100,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

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

CONTRACT: PRESERVATION ARTS LLC FOR ON-CALL FINE ART SERVICES

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley's Civic Arts Program issued Request for Qualifications Specification No. 21-11438-C, and established a Prequalified Pool of Fine Art Service Providers that includes Preservation Arts LLC; and

WHEREAS, Funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Preservation Arts LLC for on-call fine art services for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$200,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



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

CONTRACT: SHIPART INTERNATIONAL (DBA UOVO) FOR ON-CALL FINE ART SERVICES

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley's Civic Arts Program issued Request for Qualifications Specification No. 21-11438-C, and established a Prequalified Pool of Fine Art Service Providers that includes ShipArt International (DBA "doing business as" UOVO); and

WHEREAS, Funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with ShipArt International (DBA UOVO) for on-call fine art services for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$100,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



**Civic Arts Program**  
Office of Economic Development

**REQUEST FOR QUALIFICATIONS (RFQ)**  
**Specification No. 21-11438-C**  
**FOR**  
**PRE-QUALIFIED POOL OF FINE ART SERVICES PROVIDERS**

**RFQ Issue Date:** February 24, 2021  
**Applicant Questions Due:** March 10, 2021  
**Application Deadline:** April 6, 2021 (by 5 PM)

**I. INTRODUCTION**

The City of Berkeley's public art enlivens and beautifies its civic buildings, parks, streetscapes, and other public spaces. Since its inception in 1967, Berkeley's Civic Arts Program has acquired approximately 50 outdoor permanent public artworks, including works of sculpture, integrated design elements, mosaics, tile artworks, and painted murals. Also included in the City's artwork collection are over 50 small portable, and mostly framed, artworks such as drawings, etchings, paintings, textiles and prints displayed in City buildings. The Civic Arts Program is also actively commissioning between three to five new public artworks a year, requiring artwork fabrication and installation services.

The City of Berkeley's Civic Arts Program is responsible for documenting, cataloguing, and maintaining the artwork in this collection. These responsibilities require the Civic Arts Program to install, de-install, transport and store large scale artwork, as well as to frame and install smaller works, provide didactic signage, photograph and video document artworks as installed, and catalogue artwork in the collection. All of the artwork in the collection has been evaluated within the last two years and the Civic Arts Program intends to conserve the artworks in most need of treatment as funding becomes available. In addition to scheduled maintenance, artworks in the collection also occasionally require emergency repair.

By issuing a Request for Qualifications for individuals and firms that are qualified within any one or all of the art service categories described below, the Civic Arts Program will be able to establish a pre-qualified pool of firms with whom the City of Berkeley may contract for services without having further general bidding requirements.

The art service categories are as follows:

- A. Contractors to install and de-install large-scale works of public art
- B. Fine Art Conservators
- C. Art Care Technicians, Audio Visual Technicians, and Artwork Preparators
- D. Fine Art Transportation and Storage
- E. Art Photography, Videography, Graphic Design, Computer Aided Design (CAD) for Artwork Placement Renderings, Digital Imaging, and Sign Makers
- F. Fine Art Framing Services
- G. Fine Art Fabrication
- H. Public Art Curation and Project Management
- I. Art Collection Registrar Services

Firms may apply for qualification in one or more categories. The scope of work and qualifications for each of these categories are described below.

The Civic Arts Program will review applications and establish a pool of qualified firms for the purpose of awarding contracts as needed. The Pre-qualified Pool of Fine Art Services Providers will remain active for three years with an option by the City to renew the pre-qualified pool for another three years. Work will occur throughout the City of Berkeley. Being approved for the pre-qualified pool does not guarantee that a firm will be awarded a contract. Contracts will range in length from one to three years and the City shall have the option to extend the term of a contract for a period of up to an additional three years, which the City may exercise in its sole, absolute discretion. Contractors will work on a task order basis. City staff will request a quote prior to service and provide an approved task order prior to work being scheduled.

## **II. SCOPE OF SERVICES**

Through this RFQ, the City of Berkeley's Civic Arts Program will identify a number of firms qualified within one or more art service categories, each of which require different qualifications and experience. The Scope of Work and Qualifications are to be used as a general guide for each of the art service categories, and are not intended to be a complete list of all work that may be performed in any category, or to be complete or specific to any particular project.

### **ART SERVICE CATEGORIES AND ASSOCIATED WORK/QUALIFICATIONS:**

#### **A. Contractors to install and de-install large-scale works of public art**

Sample Services: Installing, removing, and transporting large scale works of art and artwork integrated into architecture, or repair/re-fabrication of associated features such as foundations, sculptural bases, or hardscape. Work may include subcontracting with other firms to provide entire scope of services needed for a particular project. Sample subcontracts might include conservators, structural engineers, electrical work, masons, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Five (5) years' experience performing the work described above.
2. Ability to provide qualified personnel with substantial experienced in installing and moving large scale works of art.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

#### **B. Fine Art Conservators**

Sample Services: Ability to provide full conservation and restoration services in the media of the Conservator's specialization. Typical needs include providing a wide variety of services for the care and maintenance of the City's art collection, cultural artifacts and properties under the Civic Arts Program's jurisdiction. Typical projects include providing specialized consulting, performing material investigations on the condition of artworks in the collection and providing the City with reports and recommendations; preparing conservation/restoration work project specifications; on-site cleaning, graffiti removal, conservation and restoration of the City's sculptures in various media, cleaning and conservation of paintings, murals; conservation of photographs, prints, and other works on paper. Repair and/or replacement of missing or damaged portions of sculptures. Work may include subcontracting with other firms to provide entire scope of services needed for a particular project. Sample subcontracts might include structural engineers, electrical work, masons, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Team Lead Conservator for conservation projects must hold a degree from a recognized Conservation Program identified by the American Institute for Conservation and Cultural Properties (AIC) and must adhere to the AIC Code of Ethics and Guidelines of Practice.
2. Five (5) years' experience performing the work described above.
3. Ability to provide full conservation and restoration services in the media of the Conservator's specialization.
4. Conservator must have a minimum of five (5) years professional conservation experience specializing in objects conservation with direct experience with the media of the sculpture to be restored.
5. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

### **C. Art Care Technicians, Audio Visual Technicians, and Artwork Preparators**

Sample Services: Surface cleaning, waxing and applying anti-graffiti coatings on sculptures and other public artworks, graffiti removal and minor repairs of contemporary artworks in a variety of media. Artwork may include audio visual installations utilizing digital projectors, monitors, data players, computer programs, and multi-channel speaker systems. Work may include installing and de-installing paintings and small to medium size sculptures. Must be able to provide lifts, scaffolding, equipment and other subcontractors as necessary.

The Civic Arts Program is also looking for technicians to maintain specialty media and related systems for audio, video, lighting, and electronic media.

Qualifications:

1. Five (5) years of experience in the field. Past experience and qualifications may include course work in subjects related to care and conservation of artwork at a recognized college or university; work in a foundry or working as an assistant to a conservator or museum preparator, museum or gallery work with audio and visual media art installations, or other related experience.
2. Demonstrated background in working with media and system maintenance for material specialization in audio, video, lighting, and electronic media.
3. Adherence to the American Institute of Conservators (AIC) Code of Ethics.
4. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

### **D. Fine Art Transportation and Storage**

Sample Services: Secure climate and non-climate storage areas; domestic and international transportation; including blanket-wrap and soft-packing services and specialty crates. May act as shipping agent; make courier arrangements, administer bills of lading, provide proper documentation and additional insurance as-needed. Provide air-ride, secure, climate controlled vehicles and oversized lift gates and other equipment as needed.

Qualifications:

1. Five (5) years of experience providing the services listed above. Past experience and qualifications may include course work in subjects related to care and conservation of artwork at a recognized college or university; work in a foundry or working as an assistant to a conservator or museum preparator or other related experience
2. Ability to provide secure storage site with climate control if required.
3. Ability to provide experienced and qualified personnel.
4. Demonstrated sensitivity to the artistic integrity and cultural impact artworks.

### **E. Art Photography, Videography, Graphic Design, Computer Aided Design (CAD) for Artwork Placement Renderings, Digital Imaging, and Sign Makers**

Sample Services: Photography, videography, design, color correction, typography and fine art reproductions in multiple formats. Photography services may include photographing and providing images in multiple formats, including the ability to provide color corrections. Videography services may include documenting artwork installations in video. Graphic Designers and Computer Aided Design (CAD) for Artwork Placement Renderings and may include production of vector files for artwork production or digital images showing an artwork in a potential location from many angles. Sign makers scope of work may incorporate digital images and may include

digital file production, typography and design services as well as the fabrication and installation of integral hardware, pedestals, and plaques in different materials and media, some that may require special engineering. All will provide their own equipment, transportation, and may be asked to scout locations and conditions of artworks sited indoors and outdoors, previous to commencing work. Work may include subcontracting with other firms to provide entire scope of services needed for a particular or large-scale projects. Sample subcontracts might include structural engineers, electrical work, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Ability to provide experienced and qualified personnel.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

#### **F. Fine Art Framing Services**

Sample Services: Full range of professional framing services and archival materials with the capacity for managing high volume projects including the delivery, packing and storing of artworks.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Ability to provide experienced and qualified personnel.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

#### **G. Fine Art Fabrication**

Sample Services: Fabrication of artwork as designed by an artist. An art fabrication company has access to the resources, specialized machinery and technologies, and labor necessary to execute large scale artworks beyond the capacity of an individual artist's studio. An example of this is a metal casting foundry. Work may include subcontracting with other firms to provide entire scope of services needed for a particular project. Sample subcontracts might include structural engineers, electrical work, masons, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Five (5) years' experience performing the work described above.
2. Ability to provide qualified personnel with substantial experienced in artwork fabrication in the techniques specified in the artist's design.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

#### **H. Public Art Curation and Project Management**

Sample Services: Develop the project's public art plan, facilitate artist and artwork selection, interface with the City of Berkeley on approvals, provide expert artwork curation and project management, develop and manage artwork fabrication and installation, and manage the art budget. A qualified Public Art consultant may be a curator or art consultant with proven experience of overseeing artist selection and management of art in public places.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Ability to provide experienced and qualified personnel.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

#### **I. Art Collection Registrar Services**

Sample Services: Develop and maintain records management systems related to artwork documentation with individual files for each object in the collection. Documentation includes information about an artwork's

condition, its identification number, provenance, materials, treatment reports, and its physical location. Services might include ensuring the completeness of records within an on-line collection data base and corollary paper records.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Working knowledge of American Association of Museum's Code of Ethics as well as the Collecting Guidelines for Museums.
3. Skilled in object handling.
4. Knowledgeable about collection management software for cataloging and record keeping.
5. Ability to provide experienced and qualified personnel.
6. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

### III. APPLICATION SUBMISSION REQUIREMENTS

In order to be considered for the pre-qualified pool of arts service providers, applicants must submit a fully completed application and provide all required application materials. The application consists of the following components:

A. Consultant Identification:

Provide the name of the firm, the firm's principal place of business, the name and telephone number of the contact person and company tax identification number.

Applicants will select the art service categories for which they are qualified on the application form.

B. Firm Experience:

Provide an executive summary of your experience and qualifications and listing of projects completed by the firm within the past five (5) years for each of the Art Service categories for which you are qualified. This listing should include a brief description of each project the firm has completed that require the same experience and expertise described under the qualifications listed for each of the Art Service categories, including the client, the project location, date, and name, email address and telephone number of a contact person.

C. Individual Staff Experience:

Provide a listing of each key staff person in the firm who will be assigned to the project and background information demonstrating their capabilities and qualifications to perform the assigned task. For each individual, provide current professional registrations, related experience, educational background, and years of experience with the team.

D. Client References:

Provide a minimum of three client references. At least on references should be a California city or other large public sector entity. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client's direction.

E. Contract Terminations:

**If your organization has had a contract terminated in the last five (5) years**, describe such incident. Termination for default is defined as notice to stop performance due to the vendor's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party’s name, address, and phone number. Present the vendor’s position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the application on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five (5) years, so indicate.

F. Fee Structure:

Fees will remain in effect for the duration of the contract. With proper documentation, the City will reimburse only for pre-approved equipment rentals and supply purchases that are unique to our artworks. We do not reimburse for routine supplies, travel, lodging, per diem, or other ad-hoc miscellaneous expenses. Please take that into account with your rates.

Provide the following:

- a. Hourly rate for principals and any staff or employees most likely to work on Civic Arts Program projects.
- b. Firm overhead rate or mark-up rate, if applicable.
- c. Equipment Rental

**IV. CONSULTANT SELECTION PROCESS**

**Evaluation and Selection Criteria**

Firms will be rated in each of the Art Service categories they submit under as either being:

1) Highly Qualified, 2) Qualified or 3) Not Qualified. A firm must receive the ranking of Qualified in at least one of the Art Service categories for which they wish to be considered to be included in the pre-qualified pool. The City intends to evaluate qualifications in accordance with the criteria listed below.

| <b>Evaluation Categories</b>   | <b>Evaluation Criteria</b>                                                                                                                                                                                                | <b>Points Possible</b> |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| I. Professional Qualifications | a) Minimum (5) years of experience in the field                                                                                                                                                                           | 10 pts.                |
|                                | b) Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.                                                                                                                                    | 10 pts.                |
|                                | c) Meets required qualifications as described in RFQ for specific art service category for which they are applying.                                                                                                       | 20 pts.                |
| II. Demonstrated Experience    | a) Demonstrated recent experience of individual or team working with media they claim expertise.                                                                                                                          | 20 pts.                |
|                                | b) Quality of recently completed projects, including evidence of care to maintain the integrity of the artwork, adherence to the AIC Code of Ethics (where applicable) and adherence to schedules, deadlines and budgets. | 20 pts.                |

|                               |                                                                                                               |          |
|-------------------------------|---------------------------------------------------------------------------------------------------------------|----------|
|                               | c) Evidence of experience as an Art Service Provider and relative scale and complexity of projects completed. | 10 pts.  |
| III. Reasonable Fee Structure | a) Proposed fees are set within industry standard.                                                            | 10 pts.  |
| TOTAL POSSIBLE POINTS         |                                                                                                               | 100 pts. |

The Civic Arts Program will select a pre-qualified pool of firms within each of the Art Service categories which the Civic Arts Program staff may consider for “as-needed” contracts or for specific projects as the need arises. The inclusion of any firm in the pre-qualified pool shall not imply any obligation on the part of the City of Berkeley to enter into an agreement with the firm. In selecting a firm for a contract, the Civic Arts Program staff may consider any one, or a combination, of the criteria listed below:

1. The firm has the highest ranking of all the firms in its category.
2. The firm is the most qualified within its Art Service category to perform the work on a specific type of project.
3. The firm is available to perform the work in a timely manner.
4. The firm offers the most favorable cost estimate to perform the work.
5. The Civic Arts Program requests proposals from the pre-qualified firms for a specific project and selects a firm based on its proposal and the selection criteria for that project.

The City reserves the right to reject any and all submissions.

**V. QUESTIONS REGARDING RFQ**

For questions concerning the anticipated work, or scope of the project, please contact Jennifer Lovvorn, Chief Cultural Affairs Officer, via email at [JLovvorn@CityofBerkeley.info](mailto:JLovvorn@CityofBerkeley.info) no later than **January 26, 2021**. Answers to questions will not be provided by telephone or email. Answers to all questions or any addenda will be posted on the City of Berkeley’s Civic Art site at <https://www.cityofberkeley.info/civic-arts/>. It is the vendor’s responsibility to check this site. For general questions concerning the submittal process, contact purchasing at 510-981-7320.

**VI. CITY CONTRACTING REQUIREMENTS**

Firms receiving contracts with the City shall comply with the following requirements:

**A. Non-Discrimination Requirements:**

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants. **Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal**



**B. Nuclear Free Berkeley Disclosure Form:**

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

**C. Oppressive States:**

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

**D. Sanctuary City Contracting Ordinance:**

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). **Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.**

**E. Conflict of Interest:**

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

**F. Berkeley Living Wage Ordinance:**

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The current Living Wage rate can be found here: [https://www.cityofberkeley.info/Finance/Home/Vendors\\_Living\\_Wage\\_Ordinance.aspx](https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx). The Living Wage rate is adjusted automatically effective June 30<sup>th</sup> of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

**G. Berkeley Equal Benefits Ordinance:**

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

**H. Statement of Economic Interest:**

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

**I. Insurance**

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insureds.

***Insurance not Necessary: If the services are such that the risk of exposure to liability is very low, insurance may not be required. An example of such a service is an individual using his/her computer at home to lay out a newsletter for the City. This determination must be made by the Risk Manager in writing before the RFP is issued.***

***Insurance Waiver: A situation in which insurance is not necessary is different from a case in which insurance may be waived. An insurance waiver is appropriate where insurance would usually be necessary but when, as a policy matter, the City is willing to take the risk of allowing an uninsured or under-insured individual or business to perform the work (usually when the risk of liability is low). An insurance waiver may be granted only by the Risk Manager in writing with the approval of the City Manager. If a potential bidder expresses an inability to meet the insurance requirement, he or she should be encouraged to contact the Project Manager & Risk Manager for assistance in obtaining insurance.)***

**J. Worker's Compensation Insurance:**

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

(Worker's Compensation Insurance cannot be waived for any person who employs others.)

**K. Business License**

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (see B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

L. Recycled Paper

Any printed reports for the City required during the performance of the work shall be on 100% recycled paper, and shall be *printed on both sides of the page* whenever practical.

M. State Prevailing Wage

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et. seq. These labor categories, when employed for any “work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work,” constitute a “Public Work” within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at: [http://www.dir.ca.gov/OPRL/statistics\\_and\\_databases.html](http://www.dir.ca.gov/OPRL/statistics_and_databases.html)

VII. SCHEDULE (dates are subject to change)

- Issue RFQ to Potential Bidders: February 24, 2021
- Questions Due March 10, 2021
- Application Deadline April 6, 2021 (by 5 PM)
- Complete Selection Process May 1, 2021
- Council Approval of Contract (over \$50k) June 15, 2021

VIII. PAYMENT

Invoices: Invoices must be fully itemized, and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. Mail invoices to the Project Manager and reference the contract number.

City of Berkeley Civic Arts Program  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94706  
Attn: **Jennifer Lovvorn**

Payments: The City will make payment to the vendor within 30-days of receipt of a correct and complete invoice.

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your Statement of Qualifications.

**Attachment 6: RFQ Panel Summary (2021) Fine Art Service Providers**

| Qualified Applicants                                                     | Score | Result            | Category                                                                        |
|--------------------------------------------------------------------------|-------|-------------------|---------------------------------------------------------------------------------|
| <b>Preservation Arts LLC</b>                                             | 96%   | Highly Qualified  | <b>Art Care Technicians, Audio Visual Technicians, and Artwork Preparators</b>  |
| McKinley Art Solutions                                                   | 94%   | Highly Qualified  | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
| Art In Hand                                                              | 94%   | Highly Qualified  | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
| Atthowe Fine Art Services                                                | 92%   | Highly Qualified  | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
| Gary Nakamoto                                                            | 86%   | Highly Qualified  | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
| Aureliano Rivera-Lerman                                                  | 80%   | Qualified         | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
| Alicia Goode                                                             | 75%   | Qualified         | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
| Artworks Foundry, LLC.                                                   | 65%   | Low Qualification | Art Care Technicians, Audio Visual Technicians, and Artwork Preparators         |
|                                                                          |       |                   |                                                                                 |
| <b>Kala Art Institute</b>                                                | 99%   | Highly Qualified  | <b>Art Collection Registrar Services</b>                                        |
| Atthowe Fine Art Services                                                | 97%   | Highly Qualified  | Art Collection Registrar Services                                               |
| ShipArt International (DBA UOVO)                                         | 96%   | Highly Qualified  | Art Collection Registrar Services                                               |
| Preservation Arts LLC                                                    | 95%   | Highly Qualified  | Art Collection Registrar Services                                               |
| Aureliano Rivera-Lerman                                                  | 66%   | Low Qualified     | Art Collection Registrar Services                                               |
| Alicia Goode                                                             | 61%   | Low Qualified     | Art Collection Registrar Services                                               |
|                                                                          |       |                   |                                                                                 |
| Riley Textile Conservation (Textiles)                                    | 100%  | Highly Qualified  | Fine Art Conservators                                                           |
| ARG Conservation Services                                                | 99%   | Highly Qualified  | Fine Art Conservators                                                           |
| Preservation Arts LLC                                                    | 99%   | Highly Qualified  | Fine Art Conservators                                                           |
| Katharine Untch dba Conservation Strategies Art Architecture Archaeology | 95%   | Highly Qualified  | Fine Art Conservators                                                           |
| Artworks Foundry, LLC.                                                   | 93%   | Highly Qualified  | Fine Art Conservators                                                           |
| Aureliano Rivera-Lerman (Murals)                                         | 75%   | Qualified         | Fine Art Conservators                                                           |
|                                                                          |       |                   |                                                                                 |
| Artworks Foundry, LLC.                                                   | 100%  | Highly Qualified  | Fine Art Fabricators                                                            |
| Gizmo Art Production, Inc.                                               | 91%   | Highly Qualified  | Fine Art Fabricators                                                            |
| DEKA                                                                     | 89%   | Highly Qualified  | Fine Art Fabricators                                                            |
| Barnacle Bros. Sculpture & Custom Fabrication Inc.                       | 85%   | Highly Qualified  | Fine Art Fabricators                                                            |
| One Hat One Hand                                                         | 82%   | Qualified         | Fine Art Fabricators                                                            |
|                                                                          |       |                   |                                                                                 |
| Sterling Art Services, LLC                                               | 99%   | Highly Qualified  | Fine Art Framing Services                                                       |
| Atthowe Fine Art Services                                                | 95%   | Highly Qualified  | Fine Art Framing Services                                                       |
| The Framers Workshop                                                     | 91%   | Highly Qualified  | Fine Art Framing Services                                                       |
|                                                                          |       |                   |                                                                                 |
| <b>Atthowe Fine Art Services</b>                                         | 100%  | Highly Qualified  | <b>Fine Art Transportation and Storage</b>                                      |
| ShipArt International (DBA UOVO)                                         | 100%  | Highly Qualified  | Fine Art Transportation and Storage                                             |
| Work of Art Services Inc                                                 | 90%   | Highly Qualified  | Fine Art Transportation and Storage                                             |
| Gizmo Art Production, Inc.                                               | 75%   | Qualified         | Fine Art Transportation and Storage                                             |
| Artworks Foundry                                                         | 71%   | Qualified         | Fine Art Transportation and Storage                                             |
|                                                                          |       |                   |                                                                                 |
| <b>ShipArt International (DBA UOVO)</b>                                  | 97%   | Highly Qualified  | <b>Install and De-Install Large Scale Public Art</b>                            |
| Atthowe Fine Art Services                                                | 96%   | Highly Qualified  | Install and De-Install Large Scale Public Art                                   |
| Gizmo Art Production, Inc.                                               | 91%   | Highly Qualified  | Install and De-Install Large Scale Public Art                                   |
| Work of Art Services Inc                                                 | 73%   | Qualified         | Install and De-Install Large Scale Public Art                                   |
| Barnacle Bros. Sculpture & Custom Fabrication Inc.                       | 71%   | Qualified         | Install and De-Install Large Scale Public Art                                   |
| DEKA                                                                     | 69%   | Low Qualified     | Install and De-Install Large Scale Public Art                                   |
| One Hat One Hand                                                         | 62%   | Low Qualified     | Install and De-Install Large Scale Public Art                                   |
|                                                                          |       |                   |                                                                                 |
| Ian Ransley Design                                                       | 99%   | Highly Qualified  | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |

|                                            |      |                  |                                                                                 |
|--------------------------------------------|------|------------------|---------------------------------------------------------------------------------|
| Arianne Gelardin (Graphic Design)          | 98%  | Highly Qualified | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |
| Priority Architectural Graphics Inc        | 97%  | Highly Qualified | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |
| Kevan Jenson                               | 96%  | Highly Qualified | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |
| Dianne Jones Photography                   | 91%  | Highly Qualified | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |
| Kari Wrede Design - sole proprietor        | 91%  | Highly Qualified | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |
| One Hat One Hand                           | 84%  | Highly Qualified | Photography, Videography, Graphic Design, CAD, Digital Imaging, and Sign Makers |
| Artsource Consulting                       | 100% | Highly Qualified | Public Art Curation and Project Management                                      |
| Chandra Cerrito / Art Advisors             | 100% | Highly Qualified | Public Art Curation and Project Management                                      |
| Kala Art Institute                         | 100% | Highly Qualified | Public Art Curation and Project Management                                      |
| Capital Integrated Arts LLC                | 98%  | Highly Qualified | Public Art Curation and Project Management                                      |
| Barbara Goldstein dba Art Builds Community | 97%  | Highly Qualified | Public Art Curation and Project Management                                      |
| Arianne Gelardin                           | 84%  | Qualified        | Public Art Curation and Project Management                                      |





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

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 23, 2023

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 \$1,907,987.

| <u>PROJECT</u>                                                            | <u>Fund</u>              | <u>Source</u>                                                                                | <u>Amount</u>      |
|---------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------|--------------------|
| Community Tenant Legal services for the Berkeley Rent Stabilization Board | 801<br>011               | Rent Stabilization Board<br>GF                                                               | \$870,000          |
| On-Call Landscaping Services                                              | 611<br>616<br>134<br>601 | Sanitary Sewer Operation<br>Clean Storm Water<br>Meas BB – Local Street and RD<br>Zero Waste | \$50,000           |
| Second Street STAIR Center Site Improvements and Shelter Units            | 011<br>501               | GF<br>Capital Improvement                                                                    | \$987,987          |
| <b>Total:</b>                                                             |                          |                                                                                              | <b>\$1,907,987</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

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on May 9, 2023

CONSENT CALENDAR  
May 23, 2023

result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

#### BACKGROUND

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

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

Need for the 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 April 25, 2023

- a. Community Tenant Legal services for the Berkeley Rent Stabilization Board
- b. On-Call Landscaping Services
- c. Second Street STAIR Center Site Improvements and Shelter Units

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



| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING                                     | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                                                                                                             | ESTIMATED COST   | BUDGET CODE TO BE CHARGED                                                                | DEPT. / DIVISION         | CONTACT NAME & PHONE       |
|--------------------|---------------------------------------------------------------------------|----------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------|--------------------------|----------------------------|
| 23-11601-C         | Community Tenant Legal Services for the Berkeley Rent Stabilization Board | 5/10/23              | 6/10/2023                | Provision of eviction prevention/anti-displacement services to Berkeley tenants. Provision of in-depth legal representation to low-income Berkeley tenants that requires the opening of an ongoing eviction case file that may include the filing legal papers for responding to an eviction in pro per, and/or representation in court. | \$ 870,000.00    | 801-13-131-000-0000-000-444-612990<br><br>And<br><br>011-13-131-000-5002-000-444-636110- | Rent Stabilization Board | Ollie Ehlinger<br>981 4924 |
| <b>DEPT. TOTAL</b> |                                                                           |                      |                          |                                                                                                                                                                                                                                                                                                                                          | <b>\$870,000</b> |                                                                                          |                          |                            |

DATE SUBMITTED: May 23, 2023

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING                          | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                           | ESTIMATED COST                            | BUDGET CODE TO BE CHARGED                                                                                                                                                                 | DEPT. / DIVISION          | CONTACT NAME & PHONE       |
|--------------------|----------------------------------------------------------------|----------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|
| 23-11602           | On-Call Landscaping Services                                   | 6/1/23               | 7/1/2023                 | Landscaping Services for PW Facilities, Green Infrastructure, Traffic Circles                                                                                                                          | \$25,000 per year for a total of \$50,000 | 611-54-625-712-0000-000-472-612990- \$5k<br><br>616-54-623-675-0000-000-472-612990- \$10k<br><br>134-54-622-662-0000-000-431-612990- \$8k<br><br>601-54-627-734-3023-000-472-612990- \$2k | Public Works / Operations | Mary Skramstad<br>981-6337 |
| <b>DEPT. TOTAL</b> |                                                                |                      |                          |                                                                                                                                                                                                        | <b>\$50,000</b>                           |                                                                                                                                                                                           |                           |                            |
| 23-11603-C         | Second Street STAIR Center Site Improvements and Shelter Units | 5/24/23              | 6/30/2023                | Site paving, grading, drainage, utility installation, and ancillary improvements at the Berkeley Pathways STAIR Center to install individual sleeping shelters and ADA compliant parking and pathways. | \$ 987,987.00                             | (\$676,807) 011-54-623-677-5002-000-444-662110-<br><br>(\$311,180) 501-54-623-677-0000-000-444-662110-                                                                                    | HHCS                      | Titus Chen<br>981.6410     |
| <b>DEPT. TOTAL</b> |                                                                |                      |                          |                                                                                                                                                                                                        | <b>\$987,987</b>                          |                                                                                                                                                                                           |                           |                            |
| <b>TOTAL</b>       |                                                                |                      |                          |                                                                                                                                                                                                        | <b>\$1,907,987</b>                        |                                                                                                                                                                                           |                           |                            |



Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Henry Oyekanmi, Director, Finance  
Subject: Contract No. 32000164 Amendment: Synthesis Group, Inc. dba Minuteman Press Contract for Citywide Copying & Printing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend and extend the City’s contract with Minuteman Press, Contract No. 32000164, through January 31, 2025, and to approve additional appropriations related for performance of this contract. Original contract term was for three (3) years, with two (2) renewal years. The City is exercising the contractual renewal years.

FISCAL IMPACTS OF RECOMMENDATION

Funds are available in individual departmental budgets. An additional \$100,000 is required to complete the current fiscal year due to increased products and services resulting from needs during pandemic, and that will continue forward. The two-year extension period is estimated at \$200,000 per year (\$400,000). This brings the total projected expenditure over five (5) years to \$975,000.

CURRENT SITUATION AND ITS EFFECTS

Citywide Copying & Printing Services is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy.

The original Minuteman contract was approved in the amount of \$575,000, which was provided funding for three years. Minuteman’s performance has been above satisfactory to the City during the contract period.

Estimated annual spend going forward is \$200,000\* per year. A spend breakdown is listed in the table below:

|                                       |             |
|---------------------------------------|-------------|
| Initial Contract Amount               | \$ 575,000  |
| Funds for two-year contract extension | \$ 400,000* |
| Total Contract not-to-exceed          | \$ 975,000  |

BACKGROUND

The City is satisfied with Minuteman's ability meet the requirements of City's departments for quality printing, short turn-around times, and low costs-per-copy, and, barring any major disruptions or negative feedback, intends to continue with Minuteman for the contract extension period.

Minuteman Press was originally awarded the contract for Citywide printing and copying services in FY 2020 as a result of Request for Proposals 19-11339-C, which received six (6) responses, and was evaluated by committee.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

As noted in the original staff report for the Minuteman contract, Minuteman Press Berkeley is a certified Bay Area Green Business since 2014 and has been collaborating for 25 years with the Printing Industries of Northern California (now Visual Media Alliance) in order to foster the use of recycled paper and to reduce the use of dangerous chemicals. Minuteman Press is also certified as a Disability Rights Business and is located in an EMBUD Water Smart Certified Building under The Bay Area Green Business Program guidelines.

RATIONALE FOR RECOMMENDATION

Minuteman Press is a Berkeley based business. Continuing the City's relationship will further the support of locally-based economy initiatives.

ALTERNATIVE ACTIONS CONSIDERED

None at this time, as the contract was awarded based on RFP results, and contains a provision to extend as required by the City.

CONTACT PERSON

Joshua Roben, Contracts Administrator, Finance, 510-981-7324

ATTACHMENTS:

1: Resolution Synthesis Group Inc. dba Minuteman Press Berkeley

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

CONTRACT NO. 32000164 AMENDMENT AND EXTENSION: SYNTHESIS GROUP, INC. DBA MINUTEMAN PRESS FOR CITYWIDE COPYING & PRINTING SERVICES

WHEREAS, City Council approved Resolution 69,240-N.S. on January 21, 2020 approving the contract for Citywide Copying and Printing Services with Synthesis Group Inc. dba Minuteman Press Berkeley by award of RFP Specification 19-11339-C as fully responsive to the City's request; and

WHEREAS, on January 31, 2023, the City Manager extension the term end date of the contract by extension letter for a new term end date of January 31, 2024; and

WHEREAS, City departments require ongoing copying and printing services, and have departmental budgets for those; and

WHEREAS, Minuteman Press is a Berkeley-based company, and amending and extending the contract continues to support the local economy; and

WHEREAS, the benefits of continuing with Minuteman Press outweigh administering a City of Berkeley RFP at this time.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend and extend Contract No. 32000164 with Minuteman Press as required to continue to meet the copying & printing-related needs of City departments; the contract value is now not-to-exceed \$975,000 through January 31, 2025.





Office of the City Manager

CONSENT CALENDAR

May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Contract: Stella Courier, LLC. for Mail Services and Mail Room Coverage

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a contract with Stella Courier, LLC., for providing mail services to the City's satellite locations, and as-needed mail room coverage.

FISCAL IMPACTS OF RECOMMENDATION

Mail delivery and mail room back up services are funded through the mail services internal services fund, budget code 674-33-325-347-0000-000-472-612990. Commission packet delivery is funded in 621-53-584-622-0000-000-474-639130. Costs for the services vary based on actual monthly mail volume and service requests, and are estimated to be \$60,000 per fiscal year for a not-to-exceed amount of \$180,000.

CURRENT SITUATION AND ITS EFFECTS

The City contracts for human-propelled courier and satellite mail services. Pedal Express, who was the previous provider of these services, gave notice to the City and has shuttered their business. The City still has a need for these specific, specialized, services. As such, the City released Request for Proposals #23-11568-C on January 25, 2023. The City received multiple inquiries about the scope of work from a few courier service firms, as well as several clarifying questions from potential respondents. RFP responses were due February 9, 2023, and one response was received. The response was from Stella Courier.

Staff evaluated the proposal from Stella Courier to provide human-propelled courier and mail services. Stella Courier meets all the RFP requirements, including social responsibility criteria, and has the demonstrated capability to perform the scope of services in the same environmentally friendly manner as the previous firm.

BACKGROUND

The City has historically utilized a contractor to make delivery and pick-up of city mail at satellite office locations, provide mail room coverage, sorting, and internal department mail delivery, in addition to providing needed courier service. The services are still required, and it has been required that the scope of work be completed using bicycles

only in order to minimize the City's carbon footprint while still providing satellite mail services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Servicing central City locations, satellite locations, and delivery of commission packets is performed *without* utilizing a gas-powered vehicle, thus significantly reducing the City's carbon footprint in the execution of these contracted services compared to performing these services using a gas-powered vehicle while making multiple short trips throughout the City. This supports the City Council Strategic Plan Goal for being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

Stella Courier was the only respondent to a Request for Proposals issued by the City. Stella has offered fair rates. There is an ongoing need for mail services to the satellite locations, and for ensuring back-up staffing for the central mail room.

ALTERNATIVE ACTIONS CONSIDERED

Utilizing part-time staffing was previously explored and determined to be cost-prohibitive, and difficult to staff due to the unscheduled nature of much of the work.

CONTACT PERSON

Josh Roben, Contract Administrator, Finance/General Services, 510-981-7324

ATTACHMENTS:

1: Resolution



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

CONTRACT: STELLA COURIER, LLC. FOR HUMAN-PROPELLED COURIER AND  
MAIL SERVICES

WHEREAS, one of the City Council Strategic Plan Goals is to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and

WHEREAS, use of a human-propelled courier service to provide these services supports that goal by having less of a carbon impact than using a gas-powered vehicle; and

WHEREAS, City departments require ongoing and uninterrupted mail services at central and satellite locations, and for commission packet delivery; and

WHEREAS, the mail room requires fully-trained, on-call, as-needed coverage in the case of vacation/sick/jury, or other leave by staff; and

WHEREAS, Stella Courier, LLC., responded to City of Berkeley RFP 23-11568-C with fair and reasonable pricing; and

WHEREAS, Stella Courier is fully-capable of providing the required scope of services, and is knowledgeable in mail room and postage machine operations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a multi-year contract with Stella Courier for the provision of human-propelled courier, mail room coverage, and related mail services. Contract value is \$60,000 per year, for a not-to-exceed amount of \$180,000.





Office of the City Manager

CONSENT CALENDAR

May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Notice of Appropriations Limit for Fiscal Year 2024

RECOMMENDATION

Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2023.

FISCAL IMPACTS OF RECOMMENDATION

On June 27, 2023, the Council will set the Fiscal Year 2024 appropriations limit. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2024. Thus, there are no present fiscal implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

This Resolution gives public notice of Council's intent to adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023, and that the documents used in calculating the limit will be available for public review on or before June 9, 2023. Proposition 4, approved by the electorate of the State of California via a special election held on November 6, 1979, added Article XIII B to the constitution of the state. It requires local governments to adopt yearly appropriation limits according to specified formulas, and allows for specified, yearly adjustments of the limit. Proposition 111, approved by the voters June 5, 1990, and changed the Proposition 4 adjustment formulas. Senate Bill 152, Government Code Sections 7900, et. seq, enacted by the Legislature of the State of

California, provided for the implementation of Article XIII B defining various terms used in this article and prescribing procedures to be used in implementing specific provisions of the Article.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

BACKGROUND

The Finance Department of the City of Berkeley compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2024 appropriations limit and the documentation incident to the determination thereof will be available for review by the public in the Office of the City Clerk on or before June 9, 2023, at least fifteen days prior to the Council's scheduled adoption of the appropriation limit, as required by law.

RATIONALE FOR RECOMMENDATION

This is a state law.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Resolution

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

PROVIDING NOTICE OF SCHEDULED ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2024 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, the governing body of each jurisdiction is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby give notice that it will, at its meeting of June 27, 2023, adopt a Resolution which establishes the appropriations limit for the 2024 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2024 shall be made available for public review in the Office of the City Clerk of the City of Berkeley, 2180 Milvia Street, Berkeley, California, on or before June 9, 2023.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to continue the work of de-bundling the banking services with Wells Fargo and exercise a four (4)-year extension through May 31, 2027 for Contract No. 9367, in the amount of \$3,000,000, to ensure business continuity as the City completes the next phase of the ERP implementation which includes accounts receivable/general billing (AR/GB) modules. This will also allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.

FISCAL IMPACTS OF RECOMMENDATION

Executing the contract extension will give the City four additional years of banking services at a cost of \$3,000,000, for a total not-to-exceed amount of \$13,356,000 for the entire term of the agreement.

CURRENT SITUATION AND ITS EFFECTS

On July 14, 2020 the City Council approved a three-year extension of the Wells Fargo Contract No. 9367 for banking and related services. Even though the City has been successful in transferring its custodial services to a new vendor, technical and regulatory issues, including the collateralization of Public Funds requirement, have prevented the de-bundling of other banking services. Also, continued delays to the completion of the City's enterprise resource planning (ERP) software implementation have meant that the solicitation of new alternate vendors for banking services cannot proceed at this time.

BACKGROUND

In the summer of 2017, and upon direction from City Council, Finance department staff began working with the Mayor's Responsible Banking Task Force to begin planning for de-bundling the various individual banking services that Wells Fargo currently provides to the City. The result was a plan to issue requests for proposals (RFPs) for Procurement Credit Card (P-Card), Armored Courier Service, Merchant Services, Custodial Services and General Banking separately, to allow portions of the services to be bid on by other vendors. A major part of this collaboration was to develop submission requirements and

selection criteria against which to assess RFP respondents' history of ethical (or unethical) business practices and social responsibility, and to diversify various elements of the City's banking and related services away from the single incumbent provider (Wells Fargo).

As the analysis of de-bundling options progressed, it became apparent that there were a number of complex issues to be addressed in order to realistically assess the feasibility of de-bundling the various banking and related services.

The selection of alternate vendors for the various individual banking services have been delayed because of the complexity of disentangling related services, the difficulty of ensuring compliance with the social responsibility requirements desired by Council and the Banking Task Force, and delays to the implementation of the City's new ERP software. Additional information about the work of the Banking Task Force and the history of the City's banking services can be found in the attached reports.

#### POSSIBLE FUTURE ACTION

Once the ERP implementation is completed, issue RFPs for general banking services and a P-Card program. Also, research whether any new companies can meet our requirements for Armored Car services (currently incumbent provider is the only available option).

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City by adding the Social Responsibility Banking criteria demonstrates, directly and through its contractors, a commitment to having a positive impact on the environment.

#### CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

#### Attachments:

- 1: Proposed Resolution
- 2: Wells Fargo Staff Report 7/14/2020
- 3: Wells Fargo Staff Report 5/1/2018
- 4: Responsible Banking Task Force Presentation
- 5: Wells Fargo Community Involvement Staff Report 6/28/2022



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

CONTRACT NO. 9367 AMENDMENT: CONTRACT WITH WELLS FARGO BANK, N.A.  
FOR BANKING SERVICES

WHEREAS, on May 7, 2013 by Resolution No. 66,106-N.S., City Council authorized the execution of a contract with Wells Fargo Bank for the provision of banking services; and

WHEREAS, on June 17, 2017, the City amended the contract for one additional year for a not to exceed amount of \$5,177,500; and

WHEREAS, on May 25, 2018, the City amended the contract for two additional years for a not to exceed amount of \$7,249,000; and

WHEREAS, on July 14, 2020, the City amended the contract for three additional years for a not to exceed amount of \$10,356,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to exercise and execute an amendment to Contract No. 9367 extending the contract for four (4) additional years for a total not to exceed amount of \$13,356,000.



Office of the City Manager

CONSENT CALENDAR  
July 14, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to continue the work of unbundling the banking services with Wells Fargo and exercise the final three-year option period to extend Contract No. 9367 with Wells Fargo through May 31, 2023, in the amount of \$3,107,500 for a total of ten (10) year contract amount not to exceed \$10,356,000. This is to ensure business continuity and allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.

CURRENT SITUATION AND ITS EFFECTS

On April 25, 2017 the City Council approved a one-year extension of the Wells Fargo contract number 9367 for banking and related services. Contained in the [Information Report 4/25/17 Banking Services](#) submitted to City Council was a solicitation schedule proposed by staff to address the unbundling of services currently provided by Wells Fargo. The intent was to identify service elements that could be carved-out of the scope, bid out, and quickly transitioned to an alternate financial institution without disrupting the general financial services on which the City relies for its day-to-day financial operations.

As the work of unbundling has progressed, it has become apparent that there are a number of complex issues to be addressed, and the original timeline is not feasible.

In the summer of 2017, and upon direction from City Council, Finance department staff began working with the Mayor's Responsible Banking Task Force to begin planning for the Procurement Credit Card (P-Card), Armored Courier Service, Merchant Services and General Banking requests for proposals (RFP), and to develop submission requirements and selection criteria against which to assess RFP respondents' history of ethical (or unethical) business practices and social responsibility.

*Procurement Credit Card/P-Card*

Banking Task Force members were provided copies of RFPs for P-Card Services issued by the State of California and Alameda County. The contracts resulting from these RFPs contain cooperative purchasing provisions that would allow the City of Berkeley to "piggyback" to receive services and negotiated prices, terms and conditions without

conducting its own RFP. The Banking Task Force determined that neither the state nor county's RFPs included the specific criteria that council included in its May 2017 resolution and that the social responsibility claims of the company awarded the contracts – US Bank in both cases – could not be verified. It was further determined that the RFP for Armored Courier Services would be issued with the newly developed social responsibility language, submission requirements and selection criteria prior to the RFP for P-Card Services.

The RFP for P-Card services was initially supposed to be released in April 2018 with the social responsibility language, submission requirements and selection criteria developed by the Banking Task Force. Prior to releasing this RFP, the efforts to implement the new financial system ramped up. Phase 1 of this implementation was 'requisition-to-pay', with P-cards being slotted for phase 2. Numerous issues arose with the transition to the new ERP system which impacted the project timeline. The schedule is now revised to: phase 2 - payroll in July 2020, phase 3 - ARGB in July 2021, and phase 4 - P-card in January 2022.

#### *Armored Courier Services*

RFP No. 17-11144-C for Armored Courier Services was released to the public on October 23, 2017. Six companies serving the California market were identified and notified of the RFP, but only one company responded. The one response was vetted and evaluated by Staff, with participation of Banking Task Force members, and found lacking in specificity, especially in the area of social responsibility where the company ignored nearly all pertinent questions on the topic.

Staff spent several weeks canvassing non-respondents to determine why they did not participate in the City's RFP process. Feedback included: inability to meet City's service schedule at a competitive price; inability to make same day deposits; and notice did not reach the right person. Staff, with support of Banking Task Force members, decided to reject the one offer received and reissue the RFP for Armored Courier Service in April 2018. The reissued RFP yielded one respondent (Dunbar) who was awarded the contract but was subsequently bought out by Brinks, who was the prior incumbent service provider.

#### *Merchant Services*

The City is in the process of finalizing the schedule for phase 3 – ARGB implementation of the ERP system. Implementation is scheduled for July 2021. Once the implementation is completed, the City will commence with an RFP for Merchant services.

#### *General Banking*

The City Council previously authorized the implementation of a new Enterprise Resource Planning System ("ERP") system so as to improve business processes, gain efficiencies, simplify, and standardize use of City systems with a comprehensive ERP. The core financial components are projected to be fully functional in Fiscal Year 2022. Core

financial components should be substantially complete prior to the migration of banking services from Wells Fargo to another financial institution since data migration will be required based on the results of the solicitation process. A solicitation process in collaboration with the Banking Task Force is scheduled to begin on or about July 1, 2021. This would allow for sourcing, selection and implementation by the end of calendar year 2022, and outgoing transition requirements (for example, accounts must remain open for 9 to 12 months to allow for all transactions to terminate with the originating bank) through May 31, 2023. Resolution No. 66,106 dated May 7, 2013 authorized the City Manager to enter into a contract (#9367) with Wells Fargo Bank for banking and related services for a period of four (4) years for a not to exceed amount of \$4,142,000 with the option to extend the term for two additional three (3)-year periods, and to expend funds up to the not-to-exceed amount of \$10,356,000 for the entire ten (10) years. This is to exercise the final option of a three-year period of extension in the amount of \$3,107,500.

#### POSSIBLE FUTURE ACTION

##### *Community Banks/Credit Unions*

In furtherance of carving out segments of the City's banking services with Wells Fargo, the City is completing the process of investing in all credit unions located in the City of Berkeley. There are five (5) Credit Unions located in the City of Berkeley. The City is in the process of contacting each of them to conduct an initial assessment of their products that will allow the City to invest in their investment instruments. Prior to COVID-19, the City staff met with First United Credit Union, and staff will resume the meetings with the rest of the credit unions in Berkeley after shelter-in-place is lifted. This effort is to assist the local businesses that are serving the local community, which is one of the goals of the Mayor's Banking Task Force. The City will be investing the maximum FDIC allowable insured amount of \$250,000 in each credit union.

#### ENVIRONMENTAL SUSTAINABILITY

The City by adding the Social Responsibility Banking criteria demonstrates, directly and through its contractors, a commitment to having a positive impact on the environment.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are fiscal and operational impacts in implementing a disaggregated approach to banking services. The carving out of services has led to an increase in staff resources and cost. The lump sum price that the City enjoyed for having a complete banking service package with Wells Fargo Bank will increase. The City will need to negotiate rates or look for other options to reduce the fiscal impact. There continues to be additional staff time in order to further disaggregate services and solicit bidders. Once re-solicited, implementation will also require additional resources as the City moves assets to a new Bank that will provide day to day services. The City is considered a level 2 Merchant; level 2 Merchants are merchants with more than one million to six million total credit card transactions annually. This level of activity means the City has extensive financial needs and requirements. These requirements need to be analyzed and all risk mitigated prior to, during and after implementation.

Banking Services with Wells Fargo Bank

ACTION CALENDAR  
July 14, 2020

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

ATTACHMENT

1. Resolution

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

CONTRACT NO. 9367 AMENDMENT: BANKING SERVICES CONTRACT WITH  
WELLS FARGO BANK, N.A. FOR BANKING SERVICES

WHEREAS, on May 7, 2013 by Resolution No. 66,106-NS, City Council authorized the execution of a contract with Wells Fargo Bank for the provision of banking services; and

WHEREAS, on June 17, 2017, the City amended the contract for one additional year for a not to exceed amount of \$5,177,500; and

WHEREAS, on May 25, 2018, the City amended the contract for two additional years for a not to exceed amount of \$7,249,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to exercise and execute the last three (3) year option of the current agreement for a total of ten (10) years contract amount not to exceed \$10,356,000 through May 31, 2023.



Office of the City Manager

ACTION CALENDAR  
May 1, 2018

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Henry Oyekanmi, Director, Finance  
Subject: Banking Services with Wells Fargo Bank

RECOMMENDATION

Authorize the City Manager to continue the work of unbundling the banking services with Wells Fargo and exercise the final two years of the first three-year option period to extend Contract No. 9367 with Wells Fargo through May 31, 2020 in order to ensure business continuity and allow adequate time for new solicitation processes and implementation of new Banking Service providers.

CURRENT SITUATION AND ITS EFFECTS

On April 25, 2017 the City Council approved a one-year extension of the Wells Fargo contract #9367 for banking and related services. Contained in the [Information Report 4/25/17 Banking Services](#) submitted to City Council was a solicitation schedule proposed by staff to address the unbundling of services currently provided by Wells Fargo. The intent was to identify service elements that could be carved-out of the scope, bid out, and quickly transitioned to an alternate financial institution without disrupting the general financial services on which the City relies for its day-to-day financial operations.

As the work of unbundling has progressed, it has become apparent that there are a number of complex issues to be addressed, and the original timeline is not feasible.

In the summer of 2017, and upon direction from City Council, Finance department staff began working with the Mayor's Responsible Banking Task Force (Task Force) to begin planning for the Merchant Service/Procurement Credit Card (P-Card) and Armored Courier Service requests for proposals (RFP), and to develop submission requirements and selection criteria against which to assess RFP respondents' history of ethical (or unethical) business practices and social responsibility.

Task Force members were provided copies of RFPs for P-Card Services issued by the State of California and Alameda County. The contracts resulting from these RFPs contain cooperative purchasing provisions that would allow the City of Berkeley to "piggyback" to receive services and negotiated prices, terms and conditions without conducting its own RFP. The Task Force determined that neither the state nor county's

RFPs included the specific criteria that council included in its May 2017 resolution and that the social responsibility claims of the company awarded the contracts – US Bank in both cases – could not be verified. It was further determined that the RFP for Armored Courier Services would be issued with the newly developed social responsibility language, submission requirements and selection criteria prior to the RFP for P-Card Services.

RFP #17-11144-C for Armored Courier Services was released to the public on October 23, 2017. Six companies serving the California market were identified and notified of the RFP, but only one company responded. The one response was vetted and evaluated by Staff, with participation of Task Force members, and found lacking in specificity, especially in the area of social responsibility where the company ignored nearly all pertinent questions on the topic.

Staff spent several weeks canvassing non-respondents to determine why they did not participate in the City’s RFP process. Feedback included: inability to meet City’s service schedule at a competitive price; inability to make same day deposits; and notice did not reach the right person. The incumbent (whose service is provided under contract with Wells Fargo) has provided no feedback to date. Staff, with support of Task Force members decided to reject the one offer received and reissue the RFP for Armored Courier Service on or about April 16, 2018.

The RFP for P-Card services will be released in April 2018 with the social responsibility language, submission requirements and selection criteria recently developed by the Task Force. The RFP for general banking services will follow to allow the process to be informed by the P-Card services solicitation and evaluation processes.

In 2013 the City went through a rigorous solicitation process which included the several strategic components including: unbundling, outreach, accessibility/market responsiveness, community investment and social responsibility (developed in concert with the Human Welfare and Community Action Commission). Selection criteria was based on a “Best Value Approach” including:

- Financial strength and the ability of the institution to collateralize (California Government Code Section 2257.021) public deposits (20%);
- Demonstrated ability to provide the required services (25%);
- Ability to offer enhanced services, introduce emerging technology (15%);
- Previous, verifiable experience with other public sector clients (15%);
- Offer the services at a fair and reasonable cost (15%);
- Demonstrated commitment to the Berkeley community by investment (including the present of established offices in the City to support day-to-day operations), re-investment and social responsibility (10%).



The City received responses to the RFP from four (4) proposers – Bank of the West, US Bank, Union Bank, and Wells Fargo Bank. A selection panel, consisting of City staff from Finance, City Auditor’s Payroll Unit, and Public Works, and an external technical advisor to the panel reviewed, rated and ranked the four (4) proposals, ultimately selecting Wells Fargo Bank

The current banking services contract was executed with a not to exceed total of \$10,356,000 over a 10-year period. The contract is divided between direct and indirect costs. Direct costs are the actual cost that the City pays Wells Fargo Bank for its services which includes its General Banking and Merchant Service Fees which total approximately 19.51% of the not to exceed amount. The indirect cost which the bank pays on the City’s behalf includes Armored Courier Service Fees and Interchange and Assessment Fees collected by Visa and MasterCard which total approximately 80.45% of the not to exceed amount.

Resolution #66,106 dated May 7, 2013 authorized the City Manager to enter into a contract (#9367) with Wells Fargo Bank for banking and related services for a period of four (4) years (the “initial period”) for a not to exceed amount of \$4,142,000, with the option to extend the term for two (2) additional three-year periods, and to expend funds up to the not-to-exceed amount of \$10,356,000 for the entire ten (10) years.

The contract costs are broken down as follows:

For section I, which are direct cost paid to Wells Fargo Bank, the total contract price is \$808,000 for general banking services (e.g., check processing; wires, ACH and direct deposit; and other deposit activities) and merchant services/credit card processing fees. These are broken down as \$630,000 for general banking and \$178,000 for Merchant Service fees for Credit card. Direct costs represent 19.5% of the contract’s value for the initial period.

For section II, which are indirect costs paid on City behalf, the total cost of \$3,334,000 includes indirect costs of \$2,574,000 in interchange and assessment fees collected by Wells Fargo and passed through to the credit card processors - Visa and MasterCard. The remaining \$580,000 is for Armored Courier Service. Indirect costs represent 80.49% of the contract’s value for the initial period.

**POSSIBLE FUTURE ACTION**

The City Council previously authorized the implementation of a new ERP system so as to improve business processes, gain efficiencies, simplify, and standardize use of City systems with a comprehensive Enterprise Resource Planning System (“ERP”). The core financial components are projected to be fully functional in Fiscal Year 2019. Core financial components should be substantially complete prior to the migration of banking services from Wells Fargo to another financial institution since data migration will be required based on the results of the solicitation process. A solicitation process beginning on or about July 1, 2018 would allow for sourcing, selection and implementation by the

end of calendar year 2019, and outgoing transition requirements (for example, accounts must remain open for 9 to 12 months to allow for all transactions to terminate with the originating bank) through May 31, 2020.

Taking an approach of carving out and decoupling services from core banking service contracts is also being followed by other public institutions. For example, the University of California reviewed its \$875M portfolio under contract with Wells Fargo and identified \$450M in carve outs. Services identified for carve out will be placed with, possibly multiple, other financial institutions.

ENVIRONMENTAL SUSTAINABILITY

Meeting the Paris Agreement’s target of staying well under a 2° Celsius increase in global temperature — while aiming for no more than 1.5° of change — requires a complete halt to all financing of new extreme fossil fuel extraction and infrastructure. By moving away from financial institutions financing these projects, the City of Berkeley is demonstrating, directly and through its contractors, a commitment to have a positive impact on the environment.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There will be fiscal and operational impacts in implementing a disaggregated approach to banking services. The carving out of services could lead to an increase in cost. The lump sum price that the City enjoyed for having a complete banking service package with Wells Fargo Bank will increase. The City will need to negotiate rates or look for other options to reduce the fiscal impact. There will also be additional staff time to further disaggregate services and solicit bidders. Once re-solicited, implementation will be required as the City moves assets to a new Bank that will provide day to day services. The City is considered a level 2 Merchant; level 2 Merchants are merchants with more than one million to six million total credit card transactions annually. This level of activity means the City has extensive financial needs and requirements. These requirements need to be analyzed and all risk mitigated prior to, during and after implementation.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7300

Attachment:

Responsible Banking Task Force Background Briefing and Work Status Report

City of Berkeley

**RESPONSIBLE BANKING TASK FORCE**

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**Background Briefing and Work Status**

January 2017 - March 2018

Breaking up with a bad bank is not easy.

A good bank is hard to find - one that is good enough for Berkeley is even harder.

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## 1. Introduction and Task Force Background

Against a growing record of corporate ethical failures and illegal acts, the Berkeley City Council took several steps to require social responsibility by its vendors and contractors. The Mayor's Responsible Banking Task Force (Task Force) was formed in 2017 in response to the Berkeley City Council taking policy positions since 2011 to achieve socially responsible banking procurement services, including banking services.

July 2013, the City of Berkeley becomes the first in the nation to adopt official policy to divest current and future funds from 200 fossil fuel-producing companies. Council Resolution 65,436-N.S. includes: "Responsible Investing" that prohibits doing business with and/or divestment from:

- **Oppressive states**
- **Investments in nuclear arms**
- **Gun manufacturers**
- **Tobacco companies**
- **Publicly traded fossil fuel companies**

September of 2016 adopts Council Resolution 67,694-N.S. in support of Standing Rock Sioux Tribe's efforts to stop construction of the **Dakota Access Pipeline**.

2016 to present, City Management, Mayor and Council lead development of [City of Berkeley Strategic Plan and Goals 2018-2019](#).

January 2017<sup>1</sup> Council approval of responsible banking policies calling for the city manager and staff to investigate the process of **moving the City's funds out of Wells Fargo Bank**

March 2017<sup>2</sup> Council approves resolution denouncing President Trump's executive order to build a wall along the U.S.-Mexico Border and recommends that the City of Berkeley divest from any company involved in the construction of the border wall.

May 2017<sup>3</sup> Council approves resolution that the City establish Socially Responsible Investment criteria in conjunction with the Task Force. The council resolves to explicitly exclude any financial institution from bidding that has engaged in:

- Supporting, servicing, or constructing fossil fuel infrastructure projects and other environmentally extractive practices
- Supporting, servicing, or constructing privately owned prisons

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<sup>1</sup>[https://www.cityofberkeley.info/uploadedFiles/Council\\_3/Level\\_3\\_-\\_General/2017-05-30%20Item%2024%20Establish%20Socially.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_3/Level_3_-_General/2017-05-30%20Item%2024%20Establish%20Socially.pdf)

<sup>2</sup> <http://www.berkeleyside.com/wp-content/uploads/2017/03/2017-03-14-Item-16-Denouncing-Presidential-1.pdf>

<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Council\\_3/Level\\_3\\_-\\_General/2017-05-30%20Item%2024%20Establish%20Socially.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_3/Level_3_-_General/2017-05-30%20Item%2024%20Establish%20Socially.pdf)

- Discriminatory consumer and small business lending and servicing based on the federally protected classes established under the Civil Rights Act of 1964
- Fraudulent misconduct against clients, investors, debt holders, transactional counterparties, or the broader public.

This includes providing financial support to or investing in the above practices as well as serving as financial conduit or counterparty (swap agreements, escrow) to engaging in these practices.

2017 to present, Mayor and Council establish the City of Berkeley Responsible Banking Task Force. The Task Force is comprised of a broad range of Berkeley residents, many with experience in public sector financial management, city/community development and public advocacy organizations focused on socially responsible business practices.

The Task Force is preparing recommendations for Socially Responsible procurement criteria with a focus on the 2018 RFP for banking services. This document will serve as a report on progress to date, and work will continue, resulting in a complete report to the Council with recommendations for structuring the RFP and defining the selection criteria to select a banking services partner(s).

The Task Force would like to express sincere gratitude to the City Finance Management and Staff for their transparency, thoughtfulness, creativity and consistent collaboration with Task Force members and the Mayor's Office. The work achieved to date would not have happened without this powerful partnership between the Task Force and the Finance Department.

## **2. Link Banking Services to Strategic Plan Goals**

The Task Force Mission is to connect the procurement and performance of service contracts to the City of Berkeley's Strategic Plan goals with an immediate focus on banking services. The Task Force mission focus is to link to and balance Goals 4 - 7:

- Goal 4) social and racial equity* - include social and racial equity in the criteria for selecting banking services.
- Goal 5) a sustainable local economy* - identifying banks or credit unions that could partner with the city to support the cities sustainable economy goals.
- Goal 6) an efficient and financially-healthy City Government*, in collaborating with City Finance Management and staff, empower the capacity to invest, manage and safeguard tax payer dollars while leading Berkeley beyond the dependence on mega banks and, instead, procure banking services from entities that support Berkeley policies and values.
- Goal 7) Be a global leader in addressing climate change and protecting the environment*, defining appropriate criteria to select banks whose business policies,

practices and investments reflect the city of Berkeley's commitments to reducing dependence of fossil fuels and sources of global warming.

### 3. Work to Date to Achieve Socially Responsible Banking Services

The Task Force is working with City Finance Management and staff to identify best practices of socially responsible (SR) criteria while meeting the legal and technical requirements for the city's banking functions. Berkeley's most recent procurement experience and the procurement policies of peer cities within the last several months were carefully reviewed. Potential candidate banks and credit unions (CUs) that best meet emerging criteria were identified. A summary of the work to date and matrix of findings follows:

#### A. Moved all Investment Funds out of Wells Fargo

- Since 2013 the City of Berkeley has divested approximately \$50 million of funds issued by Wells Fargo, Goldman Sachs, JP Morgan Chase, Bank of America and Morgan Stanley from its Pooled Investments. The final \$1 million, issued by Wells Fargo, matured in January 2018 and was moved to Fidelity Investments.

#### B. Identify Best Practices Criteria from Berkeley's Last RFP and from Other Cities

- Outreach to multiple peer cities to identify their new or emerging SR criteria
- Integrate SR criteria that link to the Council's January 2017 resolution while providing adequate flexibility to include future social responsibility issues
- Identify regulatory requirements that may preclude smaller banks and credit unions
- Build on the City of Berkeley's 2012 Banking Services RFP criteria that resulted in selecting Wells Fargo; compare to other jurisdiction's banking services RFPs.
- Identify subject matter that would result in a default selection to a large bank without socially responsible commitments

#### C. Structure the RFP Process to Fulfil the City's Strategic Goals

- Carve out city credit card services and armored car services separately from the primary banking services RFP.
- Working with City Finance Management, explore finance functions that could facilitate using more than one bank to mitigate the impact of collateralization requirements.
- Collaborated with Greenlining Institute to develop an Equity Score that ranks prospective institutions based on both the percentage of loans given to Low to Moderate Income borrowers (LMI) and the percentage of LMI borrowers of color.
- Consider an RFP scoring system that allows for "probation remediation" – a form of non-penal consideration for banks that do not fully meet all criteria but are taking action to improve business and investment policies and practices, and commit to SR criteria and performance goals. For example, if an institution is moving away from fossil fuel investment, the new scoring system would give credit for that work. The bank would present to the City for approval a timeline for its divestments that would

be documented in the contract, along with the City's right to levy a penalty if the divestment timeline is not followed.

- Weigh the risk, costs and benefits to use community banks and CU's to serve some of the City's financial services.

D. Explore New Approaches That Would Include Credit Unions and Community Banks

Work with City Management and staff to:

- Identify candidate banks and CUs to participate in a request for information (RFI) process to solicit input, interest and concerns before constructing and releasing and RFP.
- Develop appropriate outreach to candidate banks and CUs to explain the new RFP opportunities and explain the City's SR priorities and expectations, RFP scoring systems and compliance monitoring to follow contract award.

E. Monitor Emerging Financial Reform Best Practices Including Public Bank Study

- Monitor the Oakland (Berkeley is an active member of the working group) and San Francisco Public Bank Feasibility Studies and County of Alameda investment efforts
- Monitor the Public Bank studies happening around the country at the state and municipal levels
- Stay connected to and track efforts of other national municipalities and jurisdictions that are exploring socially responsible banking alternatives to optimize Berkeley efforts to make substantive change.

*A matrix of findings from interactions with other agencies is attached as Table 1.*

#### **4. Challenges to Achieving Socially Responsible Banking Services**

The City of Berkeley is one of many cities and jurisdictions that are striving to make a change from their current banking service provider. Berkeley also shares with these other cities the challenge of finding a suitable replacement.

- Due to legislative, legal and technical requirements the pool of candidate banks that can provide government and municipal services is very limited, primarily due to the collateralization requirement.
- Providing general banking services to municipal customers is not a profitable business line for banks, leaving cities at a market disadvantage
- Most banking institutions having the capacity to collateralize at levels that can support municipal banking invest in some form of business that runs contrary to socially responsible policies
- Even absent socially responsible criteria, there are very few responses to RFPs for banking services when issued.
- Community Banks and Credit Unions that meet socially responsible criteria do not meet mandated government capitalization requirements to support the total of Berkeley's banking service needs.



- Cities that historically have been limited to the small number of mega-banks that dominate the financial market find it difficult to “break up with their bank” and find a suitable alternate capable of performing at a level that preserves operational efficiencies.

## 5. Alternatives and Possible Solutions – Exploring a Berkeley Model of Banking Services

The Task Force is meeting the challenges described above by exploring alternatives to the traditional procurement processes and banking services contracting model.

- Collaborating with City Finance Management and staff, sections of the Berkeley Banking Services RFP are being reviewed to see what can be broken out into distinct services that have traditionally been bundled into an “all in one” banking services contract while maintaining operational efficiencies. This is a first step to finding a new approach to contracting for banking services.
- Socially responsible community banks and credit unions (CU) may be better positioned to respond to the RFP process with this unbundled approach.
- If more than one bank is used for banking services, regional banks or CUs that otherwise could not take on an “all-in-one” city banking services contract might participate for the first time.
- San Francisco is utilizing letters of credit, issued by the Federal Home Loan Bank, as collateral in order to encourage investment in community based banks, credit unions and CDFIs.<sup>4</sup>
- To ensure maximum participation by socially responsible, smaller and “better banks”, the procurement process will need to include significant pre-solicitation outreach and education to help possible candidate banks understand the RFPs new, unbundled services structure and SR focused selection process..
- The Task Force is considering incorporating “probation remediation” as a consideration for to those larger institutions that do not yet meet Berkeley’s SR criteria, but have committed to compliance. If a bank met most of the criteria, “probation remediation” would establish a path with incremental benchmarks toward implementing and improving socially responsible policies and practices. Not meeting those benchmarks may result in penalties or other remedies defined in the negotiated contract. ***It should be noted that partial compliance does not meet the strict criteria in the resolution passed by Berkeley City Council and may require additional legislative action.***

## 6. Conclusion / Next Steps

The purpose of this briefing is to inform the Council of the work done to date and the challenges that face Berkeley as we move toward more socially responsible banking services. The possibility of using more than one regional bank could also strengthen these

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<sup>4</sup> [http://sftreasurer.org/safe\\_sound](http://sftreasurer.org/safe_sound)

banks. Local commitments to the greater, common good of our city and region and increased community development opportunities, beyond the rhetorical and modest impacts achieved to date with conventional approaches, could be an additional benefit to utilizing local banking services.

All such alternatives and options would equally consider the risk, costs and benefits in both serving the City's financial service needs and meeting policy goals.

In the meantime, and with Council's approval, communication with other jurisdictions that are struggling with the same realities under the current banking service providers will continue. New ideas are constantly emerging and there is a clear movement toward demanding that financial institutions meet socially responsible guidelines. The more all "like-minded" governments, municipalities and businesses push for socially responsible vendors, the greater the likelihood that new providers (or solutions) will emerge to meet these goals. The Task Force will continue to engage and advocate with other cities and institutions to push forward socially responsible banking criteria and apply pressure to institutions to change their behavior. There is hope and promise that Berkeley can be a leader as the desire for social responsibility expands across the nation. The Task Force will continue to work toward that end and thanks the City Council for the opportunity to serve Berkeley in these matters.

We ask for your guidance and approval of the alternative approaches and options now being explored and considered in concert with City Finance Management and staff.

City of Berkeley  
Responsible Banking Task Force

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo**  
or other Mega-banks, 2016 to Present

### **Executive Summary**

Table 1 below, **Cities, Counties and Public Agencies Dropping Wells Fargo**, presents the status of public sector groups that have dropped Wells Fargo (Wells) financial services, or are preparing procurement processes to remove Wells from managing public funds or have raised removing Wells or other mega-banks from existing contracts. A total of 40 different public-sector organizations are identified and divided into four major groups:

- 1. Cities Similar to Berkeley in Size (13)**
- 2. Cities and Counties Larger than Berkeley (13)**
- 3. States, Public Agencies, Universities and Pension Funds (9)**
- 4. Cities that have raised dropping Wells or other mega-banks (5)**

The table reveals the scale of the public rising against Wells Fargo and other mega banks.

- The size of cities ranges from numerous small towns to many of the largest cities in the country.
- The size of the funds and fees being removed from Wells reveals that one city may be a “drop in the bucket” on the Wells Fargo balance sheet, but the total value of the loss of business below is in the multi billions - enough to show a combined effort can change history.
- Public organizations are dropping Wells because of indigenous-lead opposition to the DAPL/fossil fuel financing AND Wells’ consumer fraud and misdeeds. However, for Eagle County, CO and the Texas Employees Retirement System, the professional finance staffs independently lost confidence in the bank’s business judgement and credibility. For New Haven, the tipping point was Well’s consistent decline in low to moderate income loans.
- Every city studied is seeking an ethical bank or credit union with enough assets to provide collateral for public fund deposits. Across the country similar hopes are in play to avoid using mega banks:
  - Using two banks as well as changing state banking laws to allow the use of smaller banks.
  - Public bank studies, beyond the Bay Area, are underway in Santa Fe, Seattle, Washington, DC, Philadelphia, and St. Louis.
  - Regional banks have replaced Wells in cities similar to Berkeley, such as Davenport, Iowa and Davis, California.
- Of 5 cities listed in Part 4 of the table that have studied dropping their mega banks, the challenge of finding a replacement is a common denominator.

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

**Part 1: Small to Medium Size Cities Dropping Wells Fargo**  
*Cities with Populations Equal to or Smaller than Berkeley*

|    | Smaller Cities<br>Alpha Order with<br>2016 Population | Part 1 Description of Actions to Drop Wells Fargo<br>Links to News Reports of Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Yr. of Most<br>Recent Action |
|----|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1. | <b>Alameda, CA</b><br>[79,000]                        | <p>City Council resolution removed Wells Fargo (Wells) from city investments for three years. Removes Wells from managing \$36 million in a general checking account for operating expenses - following an Request for Proposals (RFP) process now underway in 2018. Unanimous City Council vote on resolution.</p> <p><u>Sources:</u><br/> <a href="https://www.eastbaytimes.com/2017/02/22/alameda-city-moves-to-divest-from-wells-fargo/">https://www.eastbaytimes.com/2017/02/22/alameda-city-moves-to-divest-from-wells-fargo/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>02/2017</b>               |
| 2. | <b>Berkeley, CA</b><br>[121,000]                      | <p>Since 2013 the City of Berkeley has divested approximately \$50 million of funds issued by Wells Fargo, Goldman Sachs, JP Morgan Chase, Bank of America and Morgan Stanley from its Pooled Investments. The last \$1 million, issued by Wells Fargo, matured in January 2018.</p> <p>The City's Finance Staff is working with the Responsible Banking Task Force to unbundle the city's banking services and move the operational funds into socially responsible institutions by 2020.</p> <p>City is participating in Public Bank Study with Oakland and Richmond.</p> <p><u>Sources:</u><br/> <a href="https://www.eastbaytimes.com/2017/06/03/berkeley-council-says-wells-fargo-not-welcome-but-can-seek-future-business/">https://www.eastbaytimes.com/2017/06/03/berkeley-council-says-wells-fargo-not-welcome-but-can-seek-future-business/</a><br/> <a href="http://www.dailycal.org/2017/05/31/city-council-unanimously-passes-wells-fargo-divestment-plan/">http://www.dailycal.org/2017/05/31/city-council-unanimously-passes-wells-fargo-divestment-plan/</a></p> | <b>04/2018</b>               |
| 3. | <b>Davenport, IA</b><br>[102,612]                     | <p>Council approves removing Wells from managing \$100 million of city's primary checking and savings accounts. The Purchasing Card contract will be split out to use a state contract with US Bank. A regional bank replaces Wells, Quad-City Bank &amp; Trust as an alternative to mega-banks. A strong point of the regional bank in the selection process was the potential for customization.</p> <p><u>Sources:</u><br/> <a href="http://gctimes.com/news/local/government-and-politics/city-of-davenport-ready-to-move-bank-accounts-from-wells/article_6f2f6627-f9cf-522f-a598-880329e5a391.html">http://gctimes.com/news/local/government-and-politics/city-of-davenport-ready-to-move-bank-accounts-from-wells/article_6f2f6627-f9cf-522f-a598-880329e5a391.html</a></p>                                                                                                                                                                                                                                                                                               | <b>07/2017</b>               |
| 4. | <b>Davis, CA</b><br>[68,000]                          | <p>Council resolution removed Wells from managing \$124 Million in annual cash flow. Unanimous City Council vote on resolution.</p> <p>A regional, local bank, River City Bank, replaces Wells as an alternative to mega-banks. A strong point of the regional bank in the selection process was the integrity and community investment potentials.</p> <p><u>Sources:</u><br/> <a href="https://rivercitybank.com/river-city-bank-adds-city-of-davis/">https://rivercitybank.com/river-city-bank-adds-city-of-davis/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>02/2017</b>               |

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|    |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |
|----|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 5. | <p><b>Eagle County, CO</b><br/>[53,600]</p>                                        | <p>Staff recommendation removes approximately \$5 million in operating funds and \$80 million in investments from Wells accounts. The County Commission of this small County approved the staff request to remove Wells.<br/>The commission approved the staff recommendation to use two banks as replacements: Firstbank, a large state-wide bank and Alpine Bank, an employee-owned, regional bank.<br/>Current investments include:<br/> <ul style="list-style-type: none"> <li>• \$15.316 million: 15 Treasury notes ranging from \$250,000 to \$2 million.</li> <li>• \$40.126 million: U.S. government agency bonds such as Federal National Mortgage, Federal Home Loan, First Federal Community Bank and other government agencies.</li> <li>• \$26.83 million: Corporate bonds: Chevron, IBM, Apple, Microsoft, Toyota Motor Credit, Berkshire Hathaway.</li> </ul> <p><u>Sources:</u><br/> <a href="https://www.vaildaily.com/news/county-dumps-wells-fargo-says-firstbank-is-a-better-business-choice/">https://www.vaildaily.com/news/county-dumps-wells-fargo-says-firstbank-is-a-better-business-choice/</a><br/> <a href="https://www.alpinebank.com/who-we-are/about-alpine-bank.html">https://www.alpinebank.com/who-we-are/about-alpine-bank.html</a></p> </p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 08/2017 |
| 6. | <p><b>East Orange, NJ</b><br/>[64,800]</p>                                         | <p>City Council resolution calls for removing Wells Fargo from city investments. Unanimous City Council vote on resolution.<br/> <a href="https://www.tapinto.net/towns/east-orange-slash-orange/articles/east-orange-moves-to-divest-from-wells-fargo-jo">https://www.tapinto.net/towns/east-orange-slash-orange/articles/east-orange-moves-to-divest-from-wells-fargo-jo</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 02/2017 |
| 7. | <p><b>Las Cruces, NM</b><br/>[101,800]</p> <p><b>Santa Fe, NM</b><br/>[83,875]</p> | <p>Las Cruces City Council approved removing Wells in 2017 at the end of the current contract. Bids received in response to an RFP resulted in a small number of responses by large banks. The city elected to piggy back on Santa Fe's banking services contract until a new RFP process is complete. Santa Fe Council passed a resolution in November 2017 that includes the following:<br/> <i>"The City of Santa Fe recognizes the paramount importance of not disturbing, desecrating, or destroying Native American cultural and sacred sites, including ancestral burial grounds, and other significant items important to religious traditions and practices." It calls on local financial institutions "to divest from the Dakota Access Pipeline and invest instead in life-supporting projects and renewable energy projects."</i><br/> The Santa Fe council final vote to extend the Wells contract was a reluctant (6-5 vote) concession and acceptance of the staff concerns that a new RFP process and unwinding from Wells was beyond the city's staffing capacity.<br/> <ul style="list-style-type: none"> <li>- Las Cruces has \$90 million in city accounts with Wells, of which \$10 million is operating cash.</li> <li>- Annual transactions are around \$820 million.</li> <li>- An average of \$270 million cash and investments are with Wells.</li> <li>- The City treasurer's office manages the remainder of the investments.</li> <li>- Opposition to the bank's financing of DAPL and fraudulent banking were reasons given to drop Wells.</li> <li>- Santa Fe Council formed a task force in 2017 to study the feasibility of the city forming a public bank.</li> </ul> <p><u>Sources:</u><br/> <a href="https://www.lcsun-news.com/story/money/2017/09/19/las-cruces-wells-fargo-bank-options/681551001/">https://www.lcsun-news.com/story/money/2017/09/19/las-cruces-wells-fargo-bank-options/681551001/</a><br/> <a href="http://hot103.fm/city-of-las-cruces-to-begin-divesting-city-funds-from-wells-fargo/">http://hot103.fm/city-of-las-cruces-to-begin-divesting-city-funds-from-wells-fargo/</a><br/> <a href="https://www.lcsun-news.com/story/news/2017/04/19/santa-fe-requests-local-proposals-wells-fargo-deposits/100675200/">https://www.lcsun-news.com/story/news/2017/04/19/santa-fe-requests-local-proposals-wells-fargo-deposits/100675200/</a><br/> <a href="http://www.santafenewmexican.com/news/local_news/mayor-council-reluctantly-keep-wells-fargo-as-city-s-bank/article_b85268fd-eb19-58d0-9768-d22">http://www.santafenewmexican.com/news/local_news/mayor-council-reluctantly-keep-wells-fargo-as-city-s-bank/article_b85268fd-eb19-58d0-9768-d22</a><br/> <a href="https://www.abqjournal.com/926955/we-canshould-find-better-ways-to-manage-funds.html">https://www.abqjournal.com/926955/we-canshould-find-better-ways-to-manage-funds.html</a><br/> <a href="https://www.abqjournal.com/995252/santa-fe-will-have-task-force-to-explore-public-bank-idea.html">https://www.abqjournal.com/995252/santa-fe-will-have-task-force-to-explore-public-bank-idea.html</a></p> </p> | 12/2017 |
| 8. | <p><b>Missoula, MT</b><br/>[72,370]</p>                                            | <p>Council approved removing \$2.6 million from a Wells investment account. Unanimous City Council vote on resolution.<br/> <u>Sources:</u><br/> <a href="https://missoulacurrent.com/business/2017/04/missoula-wells-fargo-dapl/">https://missoulacurrent.com/business/2017/04/missoula-wells-fargo-dapl/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 04/2017 |

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|     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |
|-----|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 9.  | <p><b>New Haven, CT</b><br/>[129,800]</p>  | <p>Council action removed Wells from managing three accounts in 2018. Funds total \$200 million. Two additional large operational accounts to be removed by RFP process 2018-19. Regional banks are being considered as an alternative to dependence on mega-banks.</p> <p><i>Sources:</i><br/> <a href="https://www.nhregister.com/news/article/New-Haven-moving-cash-from-Wells-Fargo-12721484.php">https://www.nhregister.com/news/article/New-Haven-moving-cash-from-Wells-Fargo-12721484.php</a><br/> <a href="https://www.nhregister.com/opinion/article/Editorial-New-Haven-was-right-to-move-its-money-12743842.php">https://www.nhregister.com/opinion/article/Editorial-New-Haven-was-right-to-move-its-money-12743842.php</a></p>                                                                                                                                                                                                                | <p><b>04/2018</b></p> |
| 10. | <p><b>Santa Cruz, CA</b><br/>[64,460]</p>  | <p>Council action removed Wells Fargo for up to five years from city banking services. Removes Wells Fargo Securities as the City's broker dealer. City will divest from any institution funding DAPL. Unanimous Council vote on resolution. Regional banks are being considered as an alternative to dependence on mega-banks.</p> <p><i>Sources:</i><br/> <a href="https://medium.com/@techieshark/santa-cruz-stands-with-standing-rock-chooses-local-banks-over-wells-fargo-16cbba12dd21">https://medium.com/@techieshark/santa-cruz-stands-with-standing-rock-chooses-local-banks-over-wells-fargo-16cbba12dd21</a></p>                                                                                                                                                                                                                                                                                                                                 | <p><b>04/2017</b></p> |
| 11. | <p><b>San Leandro, CA</b><br/>[90,465]</p> | <p>Council action approved selling a \$700,000 Wells Fargo corporate bond. The Council directed staff to carryout an RFP process to remove Wells as the city's primary banking service. The city has about \$5 million in Wells accounts for daily operations. The bank processes about \$1 million to \$2 million debit and credit card transactions annually. Annual fees are approximately \$80,000. Decision was based on opposition to the DAPL financing Wells' consumer fraud and misdeeds. Unanimous Council vote on resolution.</p> <p><i>Sources:</i><br/> <a href="http://fossilfreeca.org/2017/12/03/san-leandro-moves-to-divest-from-wells-fargo/">http://fossilfreeca.org/2017/12/03/san-leandro-moves-to-divest-from-wells-fargo/</a><br/> <a href="https://www.eastbaytimes.com/2017/12/01/san-leandro-moves-to-cut-ties-with-wells-fargo/">https://www.eastbaytimes.com/2017/12/01/san-leandro-moves-to-cut-ties-with-wells-fargo/</a></p> | <p><b>12/2017</b></p> |
| 12. | <p><b>Santa Monica, CA</b><br/>92,480</p>  | <p>Removed Wells from city investment. Full divestment will take approximately one-year. Revised city's investment policy to prohibit investing in institutions that finance fossil fuel companies, along with fossil fuel industry.</p> <p><i>Sources:</i><br/> <a href="http://smdp.com/city-finalizes-divestment-plans-from-wells-fargo-over-dakota-access-pipeline/159991">http://smdp.com/city-finalizes-divestment-plans-from-wells-fargo-over-dakota-access-pipeline/159991</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>02/2017</b></p> |
| 13. | <p><b>St Peter, MN</b><br/>[11,700]</p>    | <p>Removes Wells from about \$600,000 in city investments beginning this year. Full divestment process will close accounts and invest the money elsewhere as investment funds become due.</p> <p><i>Sources:</i><br/> <a href="http://www.mankatofreepress.com/news/st-peter-divesting-from-wells-fargo/article_124c4732-a2e7-11e7-84ea-5fdf8c6c93ef.html">http://www.mankatofreepress.com/news/st-peter-divesting-from-wells-fargo/article_124c4732-a2e7-11e7-84ea-5fdf8c6c93ef.html</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>10/2017</b></p> |

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

**Part 2: Larger Cities and Counties Dropping Wells Fargo**  
*Cities and Counties Larger than Berkeley in Population*

|     | Larger Cities and Counties<br>Alpha Order with 2016 Population | Part 2 Description of Actions to Drop Wells Fargo<br>Links to News Reports of Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yr. of Most Recent Action |
|-----|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 14. | <b>Broward County, FL</b><br>[1,900,000]                       | Removes Wells as depository bank for \$11 million in Housing Finance Authority funds. County elected to pay \$1,900 more in annual fees to avoid using Wells. The County's separate and larger primary financial services contract expires at the end of this year<br><i>Sources:</i><br><a href="http://www.sun-sentinel.com/local/broward/fl-sb-broward-drops-wells-fargo-plans-20171107-story.html">http://www.sun-sentinel.com/local/broward/fl-sb-broward-drops-wells-fargo-plans-20171107-story.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>11/2017</b>            |
| 15. | <b>Chicago, IL</b><br>[2,704,958]                              | Removed Wells from marketing bonds as part of one-year business moratorium starting in 2017.<br><i>Sources:</i><br><a href="https://www.usatoday.com/story/money/markets/2016/10/05/chicago-cuts-off-wells-fargo-year/91615938/">https://www.usatoday.com/story/money/markets/2016/10/05/chicago-cuts-off-wells-fargo-year/91615938/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>05/2016</b>            |
| 16. | <b>Los Angeles, CA</b><br>[3,976,322]                          | Removes Wells from managing an average daily balance of \$94 million in funds - following RFP process underway. The new RFP in 2018 will require banks to disclose recent regulatory actions enforced against it.<br><i>Sources:</i><br><a href="https://www.kcet.org/news-analysis/la-city-council-moves-toward-divesting-from-wells-fargo">https://www.kcet.org/news-analysis/la-city-council-moves-toward-divesting-from-wells-fargo</a><br><a href="http://www.latimes.com/local/lanow/la-me-ln-banking-ordinance-20171212-story.html">http://www.latimes.com/local/lanow/la-me-ln-banking-ordinance-20171212-story.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>12/2017</b>            |
| 17. | <b>New York, NY</b><br>[8,537,673]                             | <p>\$227 million of city dollars held in 99 Wells Fargo accounts and they act as a trustee to the approximately \$2.6 billion in the New York City Retiree Health Benefits Trust. Agencies prevented from entering into new banking services or related contracts with Wells Fargo and from renewing or extending existing contracts on expiration. The City suspended the use of Wells Fargo as a senior book-running manager for municipal bonds – a position that allows the bank to take the lead on City bond sales – for one year with the one allowable exemption for affordable housing financing. Extricating from Wells Fargo, is a gargantuan task.</p> <p>According to the NYC Banking Commission, Wells Fargo has annually processed 6.7 million individual transactions for tax collection, in excess of \$27 billion dollars in volume. Those transactions include 3.4 million annual real estate tax transactions totaling over \$20 billion. Annually there are 1.8 million parking summons transactions generating approximately \$119 million in revenues.</p> <p>Additionally, NYC and Mayor Bill De Blasio have announced that the city will divest its <b>\$189 billion</b> in pension funds from fossil fuel companies within five years. Currently, New York City's five pension funds have about \$5bn in fossil fuel investments. "New York City is standing up for future generations by becoming the first major US city to divest our pension funds from fossil fuels," said Bill de Blasio, New York's mayor. "At the same time, we're bringing the fight against climate change straight to the fossil fuel companies that knew about its effects and intentionally misled the public to protect their profits. As climate change continues to worsen, it's up to the fossil fuel companies whose greed put us in this position to shoulder the cost of making New York safer and more resilient."</p> <p><i>Sources:</i><br/><a href="http://www1.nyc.gov/office-of-the-mayor/news/374-17/mayor-de-blasio-comptroller-stringer-plan-cut-ties-wells-fargo-city">http://www1.nyc.gov/office-of-the-mayor/news/374-17/mayor-de-blasio-comptroller-stringer-plan-cut-ties-wells-fargo-city</a><br/><a href="https://www.theguardian.com/us-news/2018/jan/10/new-york-city-plans-to-divest-5bn-from-fossil-fuels-and-sue-oil-companies">https://www.theguardian.com/us-news/2018/jan/10/new-york-city-plans-to-divest-5bn-from-fossil-fuels-and-sue-oil-companies</a></p> | <b>05/2017</b>            |

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| 18. | <b>Oakland, CA</b><br>[420,000]              | <p>City Council officially opposed the DAPL pipeline by passing a resolution against its construction and by encouraging CalPERS, the state's retirement system, to divest from banks that have invested in the pipeline's construction.</p> <p>Sued Wells Fargo in September 2015 for the bank's predatory and racially discriminatory lending practices that violate both the federal Fair Housing Act and California's Fair Employment and Housing Act. Currently uses JP Morgan &amp; Co. and voted in March 2017 to renew contract for one more year.</p> <p>Leading Public Bank Study as possible alternative to mega-bank dependence. City strategy is to study the feasibility of creating a public bank with \$75,000 in city funds approved, with Berkeley contributing \$25,000, \$25,000 from the County of Alameda, and \$5,000 from Richmond. Contract signed Dec 14, 2017 with Global Investment Company; feasibility study completed March 2018.</p> <p><u>Sources:</u><br/> <a href="http://www.oaklandcityattorney.org/News/Press%20releases/Wells%20Fargo%20Predatory%20Lending%20Complaint%202015.html">http://www.oaklandcityattorney.org/News/Press%20releases/Wells%20Fargo%20Predatory%20Lending%20Complaint%202015.html</a><br/> <a href="https://friendsofpublicbankofOakland.org/">https://friendsofpublicbankofOakland.org/</a><br/> <a href="https://hoodline.com/2017/03/city-council-dumps-bank-over-pipeline-prisons-then-reverses-course">https://hoodline.com/2017/03/city-council-dumps-bank-over-pipeline-prisons-then-reverses-course</a></p> | <b>12/2017</b> |
| 19. | <b>Philadelphia, PA</b><br>[1,570,870]       | <p>Removed Wells from managing \$2 billion in city payroll accounts.</p> <p>Citizens Bank, a major regional bank, will take over at the fiscal year break.</p> <p>In March 2018, Citizens Bank withdrew a \$4 billion line of credit to Energy Transfer Partners, owners of the Dakota Access Pipeline.</p> <p><u>Sources:</u><br/> <a href="https://www.cnn.com/2017/05/02/the-city-of-philadelphia-just-gave-wells-fargo-its-walking-papers.html">https://www.cnn.com/2017/05/02/the-city-of-philadelphia-just-gave-wells-fargo-its-walking-papers.html</a><br/> <a href="https://www.ecori.org/renewable-energy/2018/3/11/citizens-bank-pulls-back-from-pipeline-funding">https://www.ecori.org/renewable-energy/2018/3/11/citizens-bank-pulls-back-from-pipeline-funding</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>03/2018</b> |
| 20. | <b>Portland, OR</b><br>[640,000]             | <p>City Council unanimous vote Apr 5, 2017 to divest from all corporations, in part to avoid the trouble of having to perpetually decide which corporations the city considers bad actors. Currently, \$539 invested in corporations. City to put its money in federal bonds and other non-corporate options. Will cost the city at least \$4.5 million a year. It will take about a year and three months for the city to withdraw from half of its investments and until December 2019 before its final investment, in Wells Fargo, is over. City is working on a proposal to study the feasibility of creating a municipal bank. Attorneys are investigating if establishing a public bank would violate the Oregon State Constitution, which prohibits state banks. Links to news sources:</p> <p><a href="http://www.oregonlive.com/politics/index.ssf/2017/04/portland_to_stop_corporate_inv.html">http://www.oregonlive.com/politics/index.ssf/2017/04/portland_to_stop_corporate_inv.html</a><br/> <a href="https://nextcity.org/daily/entry/portland-public-banking">https://nextcity.org/daily/entry/portland-public-banking</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>04/2017</b> |
| 21. | <b>Sacramento, CA</b><br>[495,200]           | <p>City of Sacramento filed a federal lawsuit against Wells Fargo alleging it steers African American and Latino borrowers into high-risk and high-cost mortgages. Sacramento currently contractor is J.P Morgan &amp; Co.</p> <p><u>Sources:</u><br/> <a href="http://www.sacbee.com/news/local/news-columns-blogs/city-beat/article202240114.html">http://www.sacbee.com/news/local/news-columns-blogs/city-beat/article202240114.html</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>02/2018</b> |
| 22. | <b>Santa Clara County, CA</b><br>[1,919,402] | <p>Removes Wells from the County's investments, from serving as a broker-dealer and from underwriting debt issuances.</p> <p><u>Sources:</u><br/> <a href="http://sanfrancisco.cbslocal.com/2016/10/19/wells-fargo-account-scandal-santa-clara-county-san-francisco/">http://sanfrancisco.cbslocal.com/2016/10/19/wells-fargo-account-scandal-santa-clara-county-san-francisco/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>10/2016</b> |



**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

|     |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |
|-----|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 23. | <p><b>San Francisco, CA</b><br/>[870,887]</p> | <p>Board of Supervisors resolution suspended the city's commercial banking with Wells Fargo for two years. Requires Wells to submit a redress plan for affected San Francisco customers as a condition to resume business.</p> <p>The City Treasurer removed Wells from San Francisco loan program for low income residents.</p> <p>Board of Supervisors unanimously passed a resolution Feb. 2017 directing the city Treasurer to apply a social screen to current and future municipal investments to weed out DAPL profiteers. Companies with ties to DAPL reportedly make up as much as 12 percent, or about \$1.2 billion, of the City's portfolio.</p> <p>In Feb. 2018 the city assembled a 16-member Municipal Bank Feasibility Task Force to study launching a public bank to fund affordable housing development, low-interest loans for low-income residents and cutting ties with the Wall Street banks that do not live up to The City's social responsibility principles.</p> <p><u>Sources:</u><br/> <a href="https://www.kqed.org/news/11100074/sf-kicks-out-wells-fargo-from-banking-program">https://www.kqed.org/news/11100074/sf-kicks-out-wells-fargo-from-banking-program</a><br/> <a href="https://www.courthousenews.com/san-francisco-cuts-ties-to-wells-fargo-amid-scandal/">https://www.courthousenews.com/san-francisco-cuts-ties-to-wells-fargo-amid-scandal/</a>.</p>                                                                                                                                                                                          | 02/2018 |
| 24. | <p><b>Santa Rosa, CA</b><br/>[175,200]</p>    | <p>Council voted to extend its contract for one year to conduct an RFP process for a new bank.</p> <p>City has \$400 million in assets, and \$6 million in payroll payments twice each month.</p> <p><u>Sources:</u><br/> <a href="http://www.pressdemocrat.com/news/7128305-181/santa-rosa-may-sever-ties?view=AMP">http://www.pressdemocrat.com/news/7128305-181/santa-rosa-may-sever-ties?view=AMP</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 06/2017 |
| 25. | <p><b>Seattle, WA</b><br/>[704,000]</p>       | <p>Council action removed Wells from managing \$3 billion in annual cash flow when RFP is completed in 2018.</p> <p>Removed Wells this year from issuing any future bonds or brokering investments for the city.</p> <p>Removes Wells from any city investments in Wells securities for at least three years.</p> <p>The Council action was a unanimous vote.</p> <p>Council unanimously voted later to oppose Keystone XL Pipeline and seek to avoid banks backing the project.</p> <p>Council expressed interest in using a credit union or local bank, but that would require a change to state law.</p> <p>City is leading a Public Bank Study as possible alternative to mega bank dependence.</p> <p><u>Sources:</u><br/> <a href="https://www.seattletimes.com/seattle-news/environment/seattle-city-council-to-vote-on-pulling-billions-from-wells-fargo/">https://www.seattletimes.com/seattle-news/environment/seattle-city-council-to-vote-on-pulling-billions-from-wells-fargo/</a><br/> <a href="https://www.seattletimes.com/seattle-news/politics/seattle-city-council-votes-to-not-bank-with-keystone-xl-backers/">https://www.seattletimes.com/seattle-news/politics/seattle-city-council-votes-to-not-bank-with-keystone-xl-backers/</a><br/> <a href="https://seattle.legistar.com/LegislationDetail.aspx?ID=2948595&amp;GUID=F2604ED2-C0BC-44AA-9985-F3E338B8FBC9&amp;Options=&amp;Search=&amp;FullText=1">https://seattle.legistar.com/LegislationDetail.aspx?ID=2948595&amp;GUID=F2604ED2-C0BC-44AA-9985-F3E338B8FBC9&amp;Options=&amp;Search=&amp;FullText=1</a></p> | 02/2017 |

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

|     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |
|-----|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 26. | <p><b>Washington, DC</b><br/>[681,200]</p> | <p>The District renewed a five-year contract with Wells Fargo, for just over \$12 million, in December of 2015. The new contract expires in 2020. In Jan, 2017 D.C. Reinvest Coalition formed. On Mar 21, 2017 D.C. Councilmembers Grosso, Nadeau, Bonds, Silverman, Allen, and Gray introduced a "Sense of the Council Urging Reassessment with Wells Fargo" resolution urging Mayor Bowser and the city's Chief Financial Officer to reassess D.C.'s relationship with Wells Fargo.</p> <p>In June, 2017 city council approved \$200,000 for a public bank feasibility study in FY2018 budget.</p> <p><i>Sources:</i><br/> <a href="http://www.davidgrosso.org/grosso-analysis/2017/3/21/sense-of-the-council-urging-reassessment-of-relationship-with-wells-fargo-resolution-of-2017">http://www.davidgrosso.org/grosso-analysis/2017/3/21/sense-of-the-council-urging-reassessment-of-relationship-with-wells-fargo-resolution-of-2017</a><br/> <a href="https://hubpublicbanking.org/2017/06/17/a-step-forward-on-public-banking-in-washington-dc/">https://hubpublicbanking.org/2017/06/17/a-step-forward-on-public-banking-in-washington-dc/</a><br/> <a href="https://www.bizjournals.com/washington/news/2017/03/21/5-council-members-urge-d-c-to-drop-wells-fargo.amp.html">https://www.bizjournals.com/washington/news/2017/03/21/5-council-members-urge-d-c-to-drop-wells-fargo.amp.html</a><br/> <a href="https://dcreinvest.org/responding-to-grassroots-pressure-dc-council-takes-step-toward-public-bank/">https://dcreinvest.org/responding-to-grassroots-pressure-dc-council-takes-step-toward-public-bank/</a></p> | <p><b>07/2017</b></p> |
|-----|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|

**Part 3: States, Public Agencies, Universities and Pension Funds Dropping Wells Fargo**

|    | Public Agencies, Pension Funds and States   | Part 3 Description of Actions to Drop Wells Fargo<br>Links to News of Most Recent Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Year of Most Recent Action |
|----|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 1. | <p><b>State California</b></p>              | <p>Removed Wells from brokering investments or underwriting sales of California bonds as part of a one-year business moratorium; also stops State purchase of more Wells securities.</p> <p><i>Sources:</i><br/> <a href="http://money.cnn.com/2016/09/28/investing/wells-fargo-california-treasurer-suspends/index.html?iid=EL">http://money.cnn.com/2016/09/28/investing/wells-fargo-california-treasurer-suspends/index.html?iid=EL</a><br/> <a href="https://www.nytimes.com/2016/09/29/business/dealbook/california-wells-fargo-john-stumpf.html">https://www.nytimes.com/2016/09/29/business/dealbook/california-wells-fargo-john-stumpf.html</a></p> | <p><b>09/2016</b></p>      |
| 2. | <p><b>State of Illinois</b></p>             | <p>Removed Wells from managing nearly \$30 billion of transactions; part of a one-year business moratorium includes removal from state bill payment and the state investment portfolio.</p> <p><i>Sources:</i><br/> <a href="http://money.cnn.com/2016/10/03/investing/wells-fargo-illinois-moratorium/index.html">http://money.cnn.com/2016/10/03/investing/wells-fargo-illinois-moratorium/index.html</a></p>                                                                                                                                                                                                                                             |                            |
| 3. | <p><b>Mille Lacs Band of Ojibwe, MN</b></p> | <p>Assembly unanimously voted in Jan, 2017 to end Wells investment advisory services relationship.</p> <p><i>Sources:</i><br/> <a href="https://www.millelacsband.com/news/mille-lacs-band-divests-from-wells-fargo">https://www.millelacsband.com/news/mille-lacs-band-divests-from-wells-fargo</a></p>                                                                                                                                                                                                                                                                                                                                                    | <p><b>01/2017</b></p>      |
| 4. | <p><b>State of New Mexico</b></p>           | <p>Under investigation by Attorney General for over a year. Phase 1 verifying wrongdoing has been completed. In process of assessing damages; phase 3 will be demanding restitution. Wells Fargo is largest bank in NM with 93 branches.</p> <p><i>Sources:</i><br/> <a href="https://www.abqjournal.com/1099465/ag-demands-wells-fargo-make-restitution.html">https://www.abqjournal.com/1099465/ag-demands-wells-fargo-make-restitution.html</a></p>                                                                                                                                                                                                      | <p><b>11/2017</b></p>      |

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

|    |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
|----|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 5. | <b>New York State Pension Fund</b>                 | <p>Trustee's voted unanimously to divest in May 2017 and was the 1st pension fund in the nation to fully divest from private prisons. As of June, 2017 \$48 million of stocks and bonds had been divested from three companies: GEO Group, CoreCivic, and G4S. Pension investment managers liquidated investments in any company that receives at least 20% of its profit from private prisons, in addition to direct investments. The city's portfolio to be assessed annually to make sure no more companies have been added that surpass the 20% threshold.</p> <p>However, the New York State Common Retirement Fund, the third largest U.S. state pension fund with more than \$200 billion in assets, is a top 50 Wells Fargo shareholder with nearly 14 million shares. NY State Comptroller requested in Dec. 2017 that Wells Fargo's board prepare a report disclosing detailed information about incentive-based pay throughout the bank.</p> <p><u>Sources:</u><br/> <a href="http://gothamist.com/2017/06/08/nycs_pension_fund_first_in_the_coun.php">http://gothamist.com/2017/06/08/nycs_pension_fund_first_in_the_coun.php</a><br/> <a href="https://www.reuters.com/article/us-wells-fargo-accounts-compensation/new-york-pension-fund-seeks-more-pay-disclosure-from-wells-fargo-idUSKBN1E12JJ">https://www.reuters.com/article/us-wells-fargo-accounts-compensation/new-york-pension-fund-seeks-more-pay-disclosure-from-wells-fargo-idUSKBN1E12JJ</a></p> | <b>06/29017</b> |
| 6. | <b>State of Ohio</b>                               | <p>Removed Wells from participating in future Ohio state debt offerings and financial services contracts initiated by state agencies for one year. Extended until April 2018.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>10/2016</b>  |
| 7. | <b>Seattle City Public Utility</b>                 | <p>Removed Wells from brokering a \$100 million bond sale in separate Council action from above (see larger cities).</p> <p><u>Sources:</u><br/> <a href="https://www.seattletimes.com/seattle-news/politics/seattle-drops-wells-fargo-from-bond-deal-to-protest-bank-fraud/">https://www.seattletimes.com/seattle-news/politics/seattle-drops-wells-fargo-from-bond-deal-to-protest-bank-fraud/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>10/2016</b>  |
| 8. | <b>TexaSaver Colorado Pipe Industry Trust Fund</b> | <p>Texas Employees Retirement System (TexaSaver) removed more than \$600 million from Wells based on Wells April 2017 policy shift to buy junk bonds, emerging-market stocks and derivatives as part of a more-aggressive stance aimed at boosting returns.</p> <p>TexaSaver, a supplemental retirement program for nearly 240,000 state employees and officials, was stunned by the changes. The retirement plan had fewer than 90 days to accept the revamped product or find an investment option.</p> <p>The Colorado Pipe Industry Annuity &amp; Salary Deferral Trust Fund, a Colorado-based retirement plan for more than 4,000 plumbers and pipe-fitters, also pulled its money from the Wells, citing the "unproven nature and significance" of Wells Fargo's changes.</p> <p><u>Sources:</u><br/> <a href="https://www.reuters.com/article/us-wellsfargo-funds-texas/wells-fargo-loses-big-client-after-dialing-up-risk-in-retirement-funds-idUSKBN1FL5L5">https://www.reuters.com/article/us-wellsfargo-funds-texas/wells-fargo-loses-big-client-after-dialing-up-risk-in-retirement-funds-idUSKBN1FL5L5</a></p>                                                                                                                                                                                                                                                                                                                                                  | <b>02/2018</b>  |
| 9. | <b>University of California</b>                    | <p>Removes Wells from \$475 million in contracts as a credit provider and as a commercial paper dealer beginning with the divestment of a \$150 million interest rate reset contract by April 2017. This will be followed by a \$200 million divestment of the \$300 million credit line — the maximum loan balance agreed upon by both parties — UC has with Wells Fargo by next month. UC will make a final divestment of the remaining \$100 million once a substitute bank is found. The search for a substitute is currently underway.</p> <p><u>Sources:</u><br/> <a href="http://www.cityonahillpress.com/2017/02/17/uc-divests-from-wells-fargo/">http://www.cityonahillpress.com/2017/02/17/uc-divests-from-wells-fargo/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>02/2017</b>  |

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

**Part 4: Other Cities That Have Studied Dropping Wells Fargo or Other Mega Banks**

The governing body of the cities, counties or agencies in Part 4 has publicly raised the issue to drop Wells Fargo or another mega bank.

As of the last reports accessed from news media websites, a formal action to drop Wells is not yet confirmed, the city council decided to not go forward or the bank contract is with a different bank than Wells. For example, Minneapolis elected to not go forward with dropping Wells based on the concerns by city staff. As a compromise the staff proposed to use smaller banks for smaller banking contracts. The Minneapolis news headline states (from the link below), "Minneapolis explores ending its Wells Fargo relationship". Other cities where the City Council has publicly discussed dropping Wells and has had public discussions with staff on options to using a mega bank are San Jose, CA and Providence RI. Of the five cities listed below, the challenge of finding a replacement is a common denominator.

|    | Other Cities<br>Alpha Order with 2016 population | Part 4 Description of Actions to Study Dropping Wells Fargo<br>Links to News Reports of Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Yr. of Most Recent Action |
|----|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1. | <b>Bellingham, WA</b><br>[87,500]                | DAPL opponents asked the Council to replace U.S. Bank, a major creditor of DAPL and fossil fuel infrastructure. Bellingham deposits up to \$20 million to cover payroll and accounts payable at U.S. Bank. The proposal was a direct result of the Seattle City Council to remove Wells. The city has continued the current contract with U.S. Bank based on staff recommendation.<br><i>Sources:</i><br><a href="http://www.bellinghamherald.com/news/local/article133517764.html#storylink=cpy">http://www.bellinghamherald.com/news/local/article133517764.html#storylink=cpy</a><br><a href="https://lastrealindians.com/coalition-calls-for-pipeline-divestment-from-city-of-bellingham-and-u-s-bank">https://lastrealindians.com/coalition-calls-for-pipeline-divestment-from-city-of-bellingham-and-u-s-bank</a>                                                                                                                                                                                                                                    | <b>2017</b>               |
| 2. | <b>Minneapolis, MN</b><br>[413,700]              | A city council committee requested staff to look at a "socially responsible" policy for all goods and services procured by the city, including banking services. Following City Council's request to staff earlier last year to specifically look at alternatives to using Wells Fargo, council members approved in June 2017 a staff recommendation to continue using cost and security as the criteria for big financial contracts, while trying to award smaller banking contracts to a more diverse array of firms.<br><i>Sources:</i><br><a href="http://www.startribune.com/minneapolis-keeps-business-with-wells-fargo-also-looks-to-contract-with-smaller-banks/430951933/">http://www.startribune.com/minneapolis-keeps-business-with-wells-fargo-also-looks-to-contract-with-smaller-banks/430951933/</a><br><a href="http://m.startribune.com/minneapolis-explores-ending-its-wells-fargo-relationship-bank-responds/405477726/">http://m.startribune.com/minneapolis-explores-ending-its-wells-fargo-relationship-bank-responds/405477726/</a> | <b>06/2017</b>            |
| 3. | <b>San Jose, CA</b><br>[1,000,800]               | In response to the actions of Seattle and Davis, the Council approved three directions to staff:<br>- Review whether social responsible criteria should be added to specific RFPs<br>- Update and expand the City's Investment Policy, Section 22, "Social Responsibility-Foreclosure Mitigation," to include language that demonstrates the City's commitment to fair and responsible business practices"<br>- Accept staff's recommendation to make no changes to the investment policy until the staff presents investment policy as part of an annual review.<br><i>Sources:</i><br><a href="http://www.sanjoseinside.com/2017/03/06/san-jose-to-discuss-investment-policy-social-responsibility/">http://www.sanjoseinside.com/2017/03/06/san-jose-to-discuss-investment-policy-social-responsibility/</a><br><a href="http://sanjose.granicus.com/MetaViewer.php?view_id=52&amp;clip_id=9898&amp;meta_id=652047">http://sanjose.granicus.com/MetaViewer.php?view_id=52&amp;clip_id=9898&amp;meta_id=652047</a>                                       | <b>03/2017</b>            |

**Table 1: Cities, Counties and Public Agencies Dropping Wells Fargo 2016 to Present**

|    | Other Cities<br>Alpha Order with 2016 population | Part 4 Description of Actions to Study Dropping Wells Fargo<br>Links to News Reports of Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yr. of Most Recent Action |
|----|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 4. | <p><b>Providence, RI</b><br/>[178,200]</p>       | <p>City Council member Seth Yurdin introduced an ordinance to replace <b>Citizens Bank</b>, a major creditor of DAPL and fossil fuel infrastructure. The proposal was a direct result of the Seattle City Council action to remove Wells. Citizens Bank is the largest bank based in Rhode Island.<br/>In March 2017, the council deferred the proposed ordinance in recognition of Citizens Bank’s importance to the local economy. In March 2018, Citizens withdrew a \$4 billion line of credit to Energy Transfer Partners, owners of the Dakota Access Pipeline.</p> <p><i>Sources:</i><br/> <a href="http://www.browndailyherald.com/2017/02/24/city-council-considers-ordinance-amendment/">http://www.browndailyherald.com/2017/02/24/city-council-considers-ordinance-amendment/</a><br/> <a href="https://www.ecori.org/renewable-energy/2018/3/11/citizens-bank-pulls-back-from-pipeline-funding">https://www.ecori.org/renewable-energy/2018/3/11/citizens-bank-pulls-back-from-pipeline-funding</a><br/> <a href="http://www.rifuture.org/ordinance-kills-divestment/">http://www.rifuture.org/ordinance-kills-divestment/</a></p> | <p><b>03/2017</b></p>     |
| 5. | <p><b>West Hollywood, CA</b><br/>[36,700]</p>    | <p>In October 2016, the Council approved directing city staff to research and evaluate options for responding to the Wells Fargo scandal, including suspending future additional business with Wells Fargo for a period of time and releasing a RFP to choose a new bank. More recent reports are not evident online; the results of the staff report back are continuing to be researched.</p> <p><i>Sources:</i><br/> <a href="http://weho.granicus.com/MetaViewer.php?view_id=&amp;event_id=915&amp;meta_id=119566">http://weho.granicus.com/MetaViewer.php?view_id=&amp;event_id=915&amp;meta_id=119566</a><br/> <a href="https://www.wehoville.com/2018/02/20/opinion-weho-needs-cut-ties-wells-fargo/">https://www.wehoville.com/2018/02/20/opinion-weho-needs-cut-ties-wells-fargo/</a></p>                                                                                                                                                                                                                                                                                                                                              | <p><b>10/2016</b></p>     |

### Conclusion

The Wells Fargo Corporation’s recent rise to the center of public discussions is due to the company’s high-profile transgressions in the past few years. However, increased pressure on public agencies to move money out of mega banks is connected to the broader divestment movement strategy. Many other organizations and governments that are not listed are either considering or already have committed to divesting from fossil fuels companies, private prisons, gun manufacturers, and other activities that violate human rights. In the case of fossil fuel divestment, recent announcements include the Rockefeller Foundation and the Norwegian Sovereign Wealth Fund, both of which trace their wealth to the extraction of fossil fuels. The Task Force will continue to track other cities, public agencies and advocates pushing for more responsible banking and financial institutions with an appreciation for the broader movement and include these efforts in future reports.

**Table 2: City of Berkeley Finance Services Candidate Banks and Credit Unions - Potential Bidders to 2018 RFP**

Socially Responsible Institutions with at least one branch in the Bay Area and evident potential for providing city banking services<sup>1</sup>

The criteria used to identify candidate banks and credit unions is shown on page

The City of Berkeley Task Force for Responsible Civic Banking is reaching out to identify as many candidate banks and credit unions as possible to respond to a Request for Proposals for general banking services in 2018.

|    | Candidate Bank or CU Name<br>Closest East Bay Branch Location                                                                               | Size / Headquarters /<br>Services <sup>1</sup>                                                                                                                                               | Description / Socially Responsible<br>Evidence <sup>2</sup><br><small>Text is from the bank or CU's website and Wikipedia</small>                                                                                                                                                                                                                                                                                                              | Bay Area Branches <sup>3</sup><br>Areas Served                                                                                               | Low to Moderate<br>Income (LMI)<br>Loan Ratings <sup>4</sup>                                                                                                                |
|----|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <a href="#"><u>Amalgamated Bank</u></a><br>Not currently in East Bay.<br>SF branch: 255 California St.<br>SF, CA 94111<br>Tel: 415 995-8100 | Headquarters: NY City<br>Total assets \$ 4.05 billion<br>(2016)<br>Amalgamated is merging<br>with New Resource Bank<br>based in SF.<br>Credit Card Services: Yes<br>Commercial Services: Yes | Founded in 1923. One the largest union-owned<br>banks (SEIU) and one of the most progressive<br>in the U.S.<br>Operates based on Five Principles for<br>responsible behavior in the banking sector.<br>Highly proactive policies and advocacy for<br>environment, labor, underserved communities<br>and corporate governance.                                                                                                                  | 1 branch: San<br>Francisco, formally the<br>headquarters of New<br>Resource Bank.<br>Branches are primarily<br>in NY and Washington,<br>D.C. | Amalgamated<br>Bank to date has<br>limited home loans<br>in Alameda<br>County:<br>- 1 home loan in<br>2014-2016.                                                            |
| 2. | <a href="#"><u>Self Help Federal Credit Union</u></a><br>East Bay Branch: 1432 7th St.<br>Oakland, CA 94607<br>Tel: 877 369 2828            | Headquarters: Durham, NC.<br>Total assets \$1.950 billion<br>(20165)<br>80,000 customers<br>Credit Card Services: Yes<br>Commercial Services: Yes                                            | Founded in 2008. A progressive credit union<br>that locates branches purposely in<br>underserved communities across U.S. Active<br>in California.<br>Provides a nonprofit loan fund, and advocates<br>for progressive economic policies as a<br>community development financial institution.<br>The institution exists to be a community activist<br>alternative to traditional banks and credit<br>unions. Self Help FCU has 130,000 members. | 5 Bay Area branches:<br>Oakland, Vallejo<br>Pittsburg, San<br>Francisco, San Jose.<br>18 branches across<br>California.                      | Research to date<br>indicates that<br>SHFCU did not<br>originate enough<br>loans in 2014-16 to<br>be in the top 50<br>loan sources in<br>Alameda County.<br>See end Note 4. |
| 3. | <a href="#"><u>Beneficial State Bank</u></a><br>East Bay Branch: 1438 Webster St.<br>Oakland, 94612<br>Website:<br>Tel: 888.326.2265        | Headquarters: Oakland<br>Total assets \$929 million<br>(2018)<br>Credit Card Services: TBD<br>Commercial Services: Yes                                                                       | Founded in 2007 by Tom Steyer and Kat Taylor<br>Pursues economic justice and environmental<br>sustainability by focusing on:<br>Affordable Housing, Multi-family and<br>Neighborhood Stabilization, Sustainable Food,<br>Fisheries and Agriculture.                                                                                                                                                                                            | 1 branch: in Oakland.<br>Other branches<br>throughout California,<br>Washington and<br>Oregon.                                               | Does not yet offer<br>home loans.                                                                                                                                           |
| 4. | <a href="#"><u>Provident Credit Union</u></a><br>East Bay Branch: 1495 Clay St<br>Oakland, CA<br>Website:<br>Tel: 800 448-8181              | Headquarters: Redwood City.<br>CA<br>Total assets: \$2.2 billion.<br>20th largest credit union in CA<br>(2017)<br>Credit Card Services: TBD<br>Commercial Services: Yes                      | Founded 1950, originally the California<br>Teachers Association credit union.<br>Provident focuses on county and public-sector<br>institutions.<br>Provident is included because of its large scale<br>with over 100,000 members.                                                                                                                                                                                                              | 12 Bay Area branches<br>including: Oakland,<br>Alameda, San<br>Francisco, San Jose.<br>Branches throughout<br>California.                    | Provident CU<br>score for loans to<br>LMI borrowers is 5,<br>the highest score<br>possible.<br>POC score is 3.                                                              |

End Notes below explain each column - Notes 1 to 4. The last column shows loans made to Low to Moderate-Income (LMI) borrowers and LMI People of Color (POC) borrowers in Alameda Co.

**Table 2: City of Berkeley Finance Services Candidate Banks and Credit Unions - Potential Bidders to 2018 RFP**

Socially Responsible Institutions with at least one branch in the Bay Area and evident potential for providing city banking services<sup>1</sup>

The criteria used to identify candidate banks and credit unions is shown on page

|    |                                                                                                                                                                                         |                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                     |                                                                                                                       |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 5. | <p><b><u>Fremont Bank</u></b><br/>                 East Bay Branch: 6300 College Avenue<br/>                 Suite 160, Oakland, CA 94618<br/>                 Tel: (800) 359-2265.</p> | <p>Headquarters: Fremont, CA<br/>                 Total revenue: \$ 17.6 million (2016)<br/>                 Credit Card Services: Yes<br/>                 Commercial Services: Yes</p>      | <p>Founded in 1964, FB is the 4<sup>th</sup> largest home mortgage lender in Alameda county from 2014-2016 (home improvement, home refinance, and home purchase loans.) A large percent of loans serves low-to moderate-income people and people of color. Fremont Bank Foundation and Corporate Giving Program appear active; FB is a family owned and operated bank.</p>                                                                                          | <p>20 Bay Area branches: Oakland, Pleasanton, San Francisco, San Leandro, Walnut Creek, and San Jose</p>                            | <p>Fremont Bank score for LMI and POC loans is 5, the highest score possible. No other bank has this total score.</p> |
| 6. | <p><b><u>Bank of the West</u></b><br/>                 East Bay Branch: 1480 Shattuck Avenue<br/>                 Berkeley, CA 94709<br/>                 Tel: (510)-649-9191</p>       | <p>Headquarters: San Francisco, CA<br/>                 Total revenue: \$2.62 billion (2008)<br/>                 Credit Card Services: Yes<br/>                 Commercial Services: Yes</p> | <p>Founded as a small bank in San Jose in the 19<sup>th</sup> century, Bank of the West is owned by the French bank BNP Paribas, one of the largest banks in the world.<br/>                 BNP Paribas announced in October 2017 that it will no longer fund new exploration, production, transportation and export projects related to Tar sands, fracked gas and the Arctic, nor the companies involved in Keystone XL and other pipelines.</p>                 | <p>12 Bay Area branches: Berkeley (2) Oakland (4), El Cerrito, Orinda, San Francisco, San Leandro, Pinole, and San Jose</p>         | <p>Bank of the West score for loans to LMI borrowers is 4, the second highest score possible. The POC score is 2.</p> |
| 7. | <p><b><u>Umpqua Bank</u></b><br/>                 East Bay Branch: 1333 North California Blvd., Walnut Creek CA, 94596<br/>                 Tel: 925-906-9179</p>                       | <p>Headquarters: Portland, OR<br/>                 Total assets: \$24 billion (2015)<br/>                 Credit Card Services: Yes<br/>                 Commercial Services: Yes</p>         | <p>Founded in 1953 as a credit union for worker's in the lumber industry, the bank has steadily grown through acquisitions. Workforce Diversity is a priority presented in the bank website.<br/>                 In 2014, awarded \$3.4 million to nonprofit organizations that assist low-to-moderate income individuals and families. Gives employees up to 40 hours of paid time each year to volunteer with youth and community development organizations.</p> | <p>10 Bay Area branches: Walnut Creek, Corte Madera, Benicia, Concord, San Rafael, Vallejo, Antioch San Francisco (3), San Jose</p> | <p>The Umpqua Bank score for loans to LMI borrowers is 2, the second lowest score possible. The POC score is 2.</p>   |
| 8. | <p><b><u>Patelco Credit Union</u></b><br/>                 East Bay Branch: 2033 Shattuck Avenue<br/>                 Berkeley, CA 94704<br/>                 Tel: 800.358.8228</p>     | <p>Headquarters: Pleasanton, CA<br/>                 Total revenue: \$6.06 billion (2018)<br/>                 Credit Card Services: Yes<br/>                 Commercial Services: TBD</p>    | <p>Founded in 1936 to serve Pacific T&amp;T; open membership in 1980s. Now the 6<sup>th</sup> largest CU in CA with more than 310,000 members primarily in northern CA. 22<sup>nd</sup> largest lender in Alameda County 2014-2016. Received award for Social Responsibility from CU industry association in 2017.</p>                                                                                                                                              | <p>Numerous Bay Area branches: Berkeley, Oakland, San Leandro, Pleasanton, Walnut Creek, Fremont, San Francisco and San Jose</p>    | <p>The Patelco CU score for loans to LMI borrowers is 3. The score for POC borrowers is 4.</p>                        |

End Notes below explain each column - Notes 1 to 4. The last column shows loans made to Low to Moderate-Income (LMI) borrowers and LMI People of Color (POC) borrowers in Alameda Co.

**Table 2: City of Berkeley Finance Services Candidate Banks and Credit Unions - Potential Bidders to 2018 RFP**

Socially Responsible Institutions with at least one branch in the Bay Area and evident potential for providing city banking services<sup>1</sup>

The criteria used to identify candidate banks and credit unions is shown on page

|    |                                                                                                                                                                            |                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                        |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 9. | <p><b>Community Bank of the Bay</b><br/>                 East Bay Branch: 180 Grand Avenue<br/>                 Oakland 94612<br/>                 Tel: (510) 433-5400</p> | <p>Headquarters: Oakland, CA<br/>                 Total assets: \$287 million (2017)<br/>                 Credit Card Services: No<br/>                 Commercial Services: Yes</p> | <p>Founded in 1996, the bank is listed as representative of smaller, local banks that may be able to participate.<br/>                 The bank provides a pro-environment investment service, Bay Area Green Fund, to reduce emissions and protect natural resources by offering FDIC-insured bank accounts that support financing of environmentally sustainable projects and businesses.</p> | <p>4 Bay Area branches: Oakland, Danville, San Mateo, and San Jose</p> |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

| <b>Other Banks with Evidence of Conventional Social Responsibility Initiatives - to consider for RFP Outreach</b> |                                                                                                                                                                    |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                    |                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                   | Candidate Bank or CU Name<br>Closest East Bay Branch Location                                                                                                      | Size / Headquarters / Services <sup>1</sup>                                                                                                                                                         | Description / Socially Responsible Evidence <sup>2</sup><br>Text is from the bank or CU's website and Wikipedia                                                                                                                                                                                                                                                                                                                                                                                                                                 | Bay Area Branches <sup>3</sup><br>Areas Served                                                     | Low to Moderate Income (LMI) Loan Ratings <sup>4</sup>                                                                         |
| 10.                                                                                                               | <p><b>Union Bank</b><br/>                 East Bay Branch: 2333 Shattuck Avenue<br/>                 Berkeley, CA 94704<br/>                 Tel: 510-843-6353</p> | <p>Headquarters: New York, NY<br/>                 Total revenue: \$5.28 billion (2016)<br/>                 Credit Card Services: Yes<br/>                 Commercial Services: Yes</p>            | <p>Founded in 1864 as The Bank of California. Formally Union Bank of California, in 2008 it became wholly owned by The Bank of Tokyo-Mitsubishi.<br/>                 In 2016, charitable investment in the community exceeded \$15.8 million.</p>                                                                                                                                                                                                                                                                                              | <p>8 Bay Area branches: Berkeley, Oakland, San Francisco (4), and San Jose</p>                     | <p>Union Bank's loan activity to LMI or POC borrowers was below the cut off of the top 50 banks in Alameda County 2014-16.</p> |
| 11.                                                                                                               | <p><b>US Bank</b><br/>                 East Bay Branch: 344 20th St.<br/>                 Oakland, CA 94612<br/>                 Tel: 510.891.2990</p>             | <p>Headquarters: Minneapolis, Minnesota<br/>                 Total revenue: \$445.9 billion (2016)<br/>                 Credit Card Services: Yes<br/>                 Commercial Services: Yes</p> | <p>While the bank website notes beginning from a small bank in Portland in the late 19<sup>th</sup> century, US Bank is a national conglomerate that has grown through constant acquisitions for the previous 50 years. US Bank has recently replaced Wells Fargo in other cities.<br/>                 Reports in 2017 of a corporate policy change to reduce investments and loans for fossil fuel projects appears to be greenwashing it's on going policy to fund carbon fuel extraction and business responsible for carbon emissions.</p> | <p>12 Bay Area branches: Alameda (3), Oakland (3), El Cerrito, San Francisco (2), and San Jose</p> | <p>The US Bank score for loans to LMI borrowers is 1<br/>                 The score for POC borrowers is 1.</p>                |

End Notes below explain each column - Notes 1 to 4. The last column shows loans made to Low to Moderate-Income (LMI) borrowers and LMI People of Color (POC) borrowers in Alameda Co.



**Table 2: City of Berkeley Finance Services Candidate Banks and Credit Unions - Potential Bidders to 2018 RFP**

Socially Responsible Institutions with at least one branch in the Bay Area and evident potential for providing city banking services<sup>1</sup>

The criteria used to identify candidate banks and credit unions is shown on page

| <b>Other Banks with Evidence of Conventional Social Responsibility Initiatives - to consider for RFP Outreach</b> |                                                                                                                                            |                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                      |                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
|                                                                                                                   | <b>Candidate Bank or CU Name<br/>Closest East Bay Branch Location</b>                                                                      | <b>Size / Headquarters /<br/>Services <sup>1</sup></b>                                                                                     | <b>Description / Socially Responsible<br/>Evidence <sup>2</sup></b><br>Text is from the bank or CU's website and<br>Wikipedia                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Bay Area Branches <sup>3</sup><br/>Areas Served</b>                                                                                                                               | <b>Low to Moderate<br/>Income (LMI)<br/>Loan Ratings<sup>4</sup></b>                                   |
| 12.                                                                                                               | <a href="#"><b>First Republic Bank</b></a><br>East Bay Branch: 2110 Mountain Blvd,<br>Oakland, CA 94611 (Montclair)<br>Tel: (510) 530-8881 | Headquarters: Louisville,<br>Kentucky<br>Total Assets: US\$73.3<br>billion (2017)<br>Credit Card Services: Yes<br>Commercial Services: Yes | Founded in 1985, First Republic Bank (FRB) website information indicates a focus on private banking, private wealth management, including investment, trust and brokerage services. It is owned largely by two private equity firms, Colony Capital and General Atlantic.<br>The FRB website, under the tab "About Us", includes a link to "Corporate Citizenship at First Republic". This link is to a 24-page brochure, that presents 2017 loan history to low to medium income borrowers and more than a dozen nonprofit support activities and community development partnerships. | Except for a branch in the Montclair area, no bank branches are on the Bay side of the East Bay, e.g., Oakland and Berkeley. Other branches are in Orinda, Pleasanton, Walnut Creek. | Republic Bank's score for loans to LMI borrowers is 1 The score for POC borrowers is 1.<br>See Note 4. |

**Criteria Notes to Identify Candidate Banks and Credit Unions for the 2018 Banking Services RFP**

**Note 1** Internet research of banks and credit unions identified the above list of potential candidates for the City of Berkeley (City) Banking Services 2018 RFP. Three criteria were used to develop the list:

1. The banks or credit unions have an office in the Bay Area and preferably in the East Bay.
2. The banks or credit union have the size and offer banking services that could serve the City of Berkeley.  
This criterion assumes that the 2018 RFP would be structured to allow more than one bank to provide services. The services appear to be at a scale to suggest the potential to provide some level of financial services to the City of Berkeley if more than one bank is involved.
3. The bank or credit unions promote socially responsible policy and community development loans and programs as a corporate priority and have a record of no fraudulent or illegally exploitive banking practices in recent years. - see Note 2.

The Task Force is working to identify as many candidate banks and credit unions as possible that meet the three criteria list above.

End Notes below explain each column - Notes 1 to 4. The last column shows loans made to Low to Moderate-Income (LMI) borrowers and LMI People of Color (POC) borrowers in Alameda Co.

## Criteria to Identify Candidate Banks and Credit Unions - continued

The website research was conducted in January and February 2018. The research indicates the above banks or credit unions provide services beyond personal banking for individuals and families. The services provided include Commercial, Business,

Public Sector or Non-Profit services. "Commercial Services" is used in the second column as a proxy that the bank provides services beyond personal banking. Further information is needed to confirm the potential capacity of each of the candidates identified to date to provide the desired finance services to the City. This work will continue in the Task Force

The website information indicates the above banks have assets that are large enough to indicate a potential capacity to respond to the 2018 RFP and provide some financial services.

- Two of the banks fall into the State of California Department of Financial Institutions asset group of \$100 to \$500 million in assets: Beneficial State Bank and Community Bank of the Bay. This size data is expected to be part of the City's 2018 RFP criteria.
- An informal estimate is that all of the above banks have \$50 million to \$75 million in collateral and the capacity to process up to \$50 million in deposits and robust overdraft protection. Community Bank of the Bay, one of the smallest banks listed, may fall below this capacity criteria.

**Note 2** In addition to the potential to provide services to the City based on scale, the banks and credit unions identified above expressed purposeful policies and services to actively address environmental protection, community development, and underserved communities.

The institutions are listed in an informal ranking of the progressive policies and actions found on the respective web sites:

- Amalgamated Bank, Self Help Federal Credit Union, and Beneficial State Bank present the most active environmental and community development policies of the candidates identified.
- Umpqua and Community Bank of the Bay provide less activist and more traditional community benefit programs.
- The research here indicates that US Bank and First Federal Republic have somewhat less in community benefit programs, particularly if the percentage of loans to low or medium income borrowers is considered.

**Note 3** The column titled, *Bay Area Branches / Areas Served* adds information about the institution's scale and capacity to provide services to the City.

- Two of the candidate banks, Amalgamate and Beneficial State Bank, have two or fewer offices located in the Bay Area's standard metropolitan statistical area. This branch location data is expected to be part of the City's 2018 RFP criteria.

**Note 4** The last column reports draft data-based ratings of the candidate financial institutions developed by the Greenlining Institute, based in Oakland for the 50 banks and CUs with the most loans 2014-16: a) for low and moderate income (LMI) borrowers and, b) for low-moderate income people of color (POC) borrowers in Alameda County. The purpose is to rate banks as community resources that promote and achieve race and class fairness in their pursuit of mortgage business.

The Greenlining Institute assigned a score to each bank in the top 50 of loan origins in Alameda County based on the share of home loans the bank extended to low-to moderate-income people from 2014 to 2016.

Banks that originated less than 8.6% of their loans to LMI or POC borrowers received a score of **1**. US Bank is an example.

Banks that originated between 8.6% and 11.4% of their loans to LMI or POC borrowers received a 2, the second lowest score.

Banks that originated between 11.5% and 13.4% of their loans to LMI or POC borrowers received a score of **3**

Banks that originated between 13.5% and 14.8% of their loans received a score of **4**, and

Banks that originated more than 14.8% of their loans to low-to moderate-income borrowers received a score of **5**. Fremont Bank is an example.

Discussion of rating banks: The data is for all HMDA loans in Alameda from 2014-2016 for 1-4 Family Homes and Manufactured Homes, Home Improvement Loans, Refinance, and Home Purchase loans. We looked specifically at loans to low and moderate-income borrowers instead of low to moderate income census tracts because banks are lending to upper income people in low income areas, exacerbating gentrification and displacement pressures in Alameda County.

The race equity score is particularly important due to the history of racial exclusion through deed restrictions, zoning laws and redlining in the region, and the enduring legacy of such practices and policies that can still be seen today. Loan denials to low and moderate-income borrowers is a more important measure of bank policies and this data will be added in May-June 2018.

Finally, the data used here is for Alameda County in recent years, where the price of a home has increased beyond the reach of many Low to Moderate Income potential borrowers. Therefore, record of loans used here may be different if data from the California Central Valley were included-where more loans are made to low income home buyers. Similarly, the record of loans may be different if other than home loans to low income borrowers were included.

**Task Force Research/Outreach Note:**

**Additional candidate banks or credit unions, with socially responsible practices, investment actions and reputations, will be included as candidates based on continued outreach and input to the Socially Responsible Banking Task Force.**

Resources: [Greenlining Institute](#). The Greenlining Institute is a policy, research, organizing, and leadership institute working for racial and economic justice.

**Table 3: List of Contacts Made to Date**

| <b>Cities Contacted</b>                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><u>Alameda</u></b><br/>                     Elena Adair<br/>                     Finance Manager<br/>                     Tel: (510) 747-4888<br/> <a href="mailto:finance@alamedaca.gov">finance@alamedaca.gov</a></p>                                                                                                                               |
| <p><b><u>Oakland</u></b><br/>                     Christina Morales<br/>                     Housing Development Coordinator<br/>                     Led RFP responsible banking update 250 Frank Ogawa Plaza, 5th Floor<br/>                     Tel: (510) 238-6984<br/> <a href="mailto:cmorales@oaklandnet.com">cmorales@oaklandnet.com</a></p>        |
| <p><b><u>Los Angeles</u></b><br/>                     Councilmembers Mitch O'Farrell and Paul Koretz<br/>                     200 N Spring St, Los Angeles, CA 90012<br/>                     Tel: (213) 473-3231</p>                                                                                                                                       |
| <p><b><u>Portland</u></b><br/>                     Janet Storm, City Socially Responsible Investments Committee<br/>                     1120 SW 5th Avenue, Room 1250<br/>                     Portland, OR 97204, <a href="mailto:janet.storm@portlandoregon.gov">janet.storm@portlandoregon.gov</a></p>                                                  |
| <p><b><u>San Francisco</u></b><br/>                     José Cisneros, Treasurer<br/>                     City Hall, Room 140, 1 Dr. Carlton B. Goodlett Place.<br/>                     San Francisco, CA 94102<br/>                     Tel: (415) 554-4400</p>                                                                                           |
| <p><b><u>Santa Monica</u></b><br/>                     David Carr, Assistant City Treasurer<br/>                     City of Santa Monica, Revenue Division<br/>                     1717 Fourth Street, Suite 150, Santa Monica, CA 90401<br/>                     Tel: (310) 458-8775, <a href="mailto:David.Carr@SMGOV.NET">David.Carr@SMGOV.NET</a></p> |
| <p><b><u>Seattle</u></b><br/>                     Presley Palmer, CPPB<br/>                     City of Seattle, Purchasing &amp; Contracting<br/>                     Tel: (206) 233-7158, <a href="mailto:presley.palmer@seattle.gov">presley.palmer@seattle.gov</a></p>                                                                                  |

| <b>Banks and Credit Unions Researched</b>                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><u>Amalgamated Bank</u></b><br/>                     SF branch: 255 California St., SF, CA 94111<br/>                     Website: <a href="https://www.amalgamatedbank.com/five-principles">https://www.amalgamatedbank.com/five-principles</a><br/>                     Tel: (415) 995-8100</p> |

|                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Self Help Federal Credit Union</b><br/> East Bay Branch: 1432 7th St., Oakland, CA 94607<br/> Website: <a href="https://www.self-helpfcu.org/locations/Oakland-Branch">https://www.self-helpfcu.org/locations/Oakland-Branch</a><br/> Tel: (877) 369-2828</p>      |
| <p><b>Beneficial State Bank</b><br/> East Bay Branch: 1438 Webster St., Oakland, 94612<br/> Website: <a href="https://www.beneficialstatebank.com/">https://www.beneficialstatebank.com/</a><br/> Tel: (888) 326-2265</p>                                                |
| <p><b>Provident Credit Union</b><br/> East Bay Branch: 1495 Clay St., Oakland, CA<br/> Website: <a href="https://www.providentcu.org/index.asp?i=whyProv">https://www.providentcu.org/index.asp?i=whyProv</a><br/> Tel: (800) 448-8181</p>                               |
| <p><b>Fremont Bank</b><br/> East Bay Branch: 6300 College Avenue, Suite 160, Oakland, CA 94618<br/> Website: <a href="http://www.fremontbank.com">www.fremontbank.com</a><br/> Tel: (800) 359-2265</p>                                                                   |
| <p><b>Bank of the West</b><br/> East Bay Branch: 1480 Shattuck Avenue, Berkeley, CA 94709<br/> Website: <a href="https://www.bankofthewest.com/">https://www.bankofthewest.com/</a><br/> Tel: (510) 649-9191</p>                                                         |
| <p><b>Umpqua Bank</b><br/> East Bay Branch: 1333 North California Blvd., Walnut Creek CA, 94596<br/> Website: <a href="https://www.umpquabank.com/">https://www.umpquabank.com/</a><br/> Tel: (925) 906-9179</p>                                                         |
| <p><b>Community Bank of the Bay</b><br/> East Bay Branch: 180 Grand Avenue, Oakland 94612<br/> Website: <a href="https://www.bankcbb.com/">https://www.bankcbb.com/</a><br/> Tel: (510) 433-5400</p>                                                                     |
| <p><b>Union Bank</b><br/> East Bay Branch: 2333 Shattuck Avenue<br/> Berkeley, CA 94704<br/> Website: <a href="https://www.unionbank.com/Images/MUFG_Corporate_Profile.pdf">https://www.unionbank.com/Images/MUFG_Corporate_Profile.pdf</a><br/> Tel: (510) 843-6353</p> |
| <p><b>US Bank</b><br/> East Bay Branch: 344 20th St., Oakland, CA 94612<br/> Website: <a href="https://www.usbank.com/en/CommGovtHome.cfm">https://www.usbank.com/en/CommGovtHome.cfm</a><br/> Tel: (510) 891.2990</p>                                                   |

**Community Organizations and Municipal Finance Resources Consulted**

**California Reinvestment Coalition**

474 Valencia St, Ste 230  
San Francisco, CA 94103  
Website: <http://www.calreinvest.org/>

**The Dellums Institute for Social Justice**

Website: <http://www.dellumsinstitute.org/>

**Greenlining Institute**

360 14th Street  
Oakland, CA 94612  
Website: <http://greenlining.org/>  
Tel: (510) 926.- 4001

**Mazaska Talks**

Website: <https://mazaskatalks.org/media-contact-us/>

**Haas Institute for a Fair and Inclusive Society**

University of California, Berkeley  
460 Stephens Hall  
Berkeley, CA 94720 MC 2330  
Website: <https://haasinstitute.berkeley.edu/>  
Tel: (510) 642-3342



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## **Background Briefing and Work Status**

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## **Responsible Banking Task Force**





# Task Force Background and Participants



The city of Berkeley took several steps to require social responsibility by its vendors and contractors

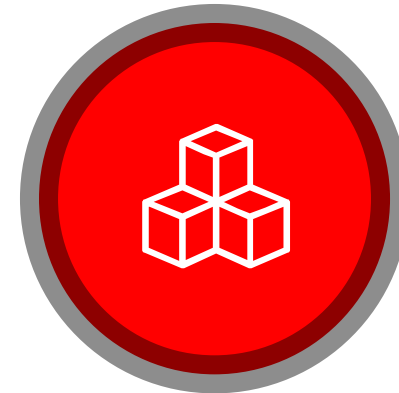
## 2017: The Mayor and Council Establish the City of Berkeley Responsible Banking Task Force



**Financial  
Management**



**Public Advocacy with a  
focus on socially  
responsible business  
practices**

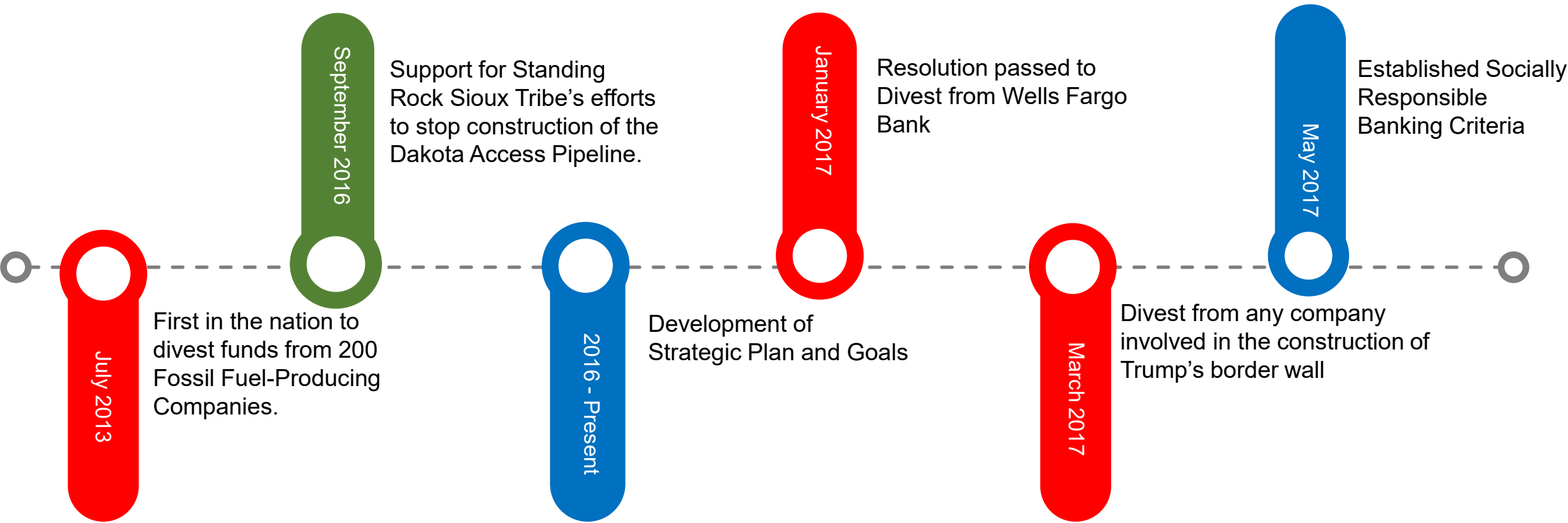


**Community  
Development**



# City Council Actions

The Task Force was formed in response to Berkeley City Council's policy positions since 2011





# Task Force Goals

Evolution of Social Responsibility Criteria for Municipal banking

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Socially Responsible  
Procurement Practices



Efficient and Effective  
Local Government

# Linking Strategic Plan Goals to Banking Services



The Task Force will connect service contracts to the City of Berkeley's Strategic Plan Goals

4

**Social and  
Racial Equity**

5

**An Efficient  
and  
Financially  
Healthy Local  
Government**

6

**A Sustainable  
Local  
Economy**

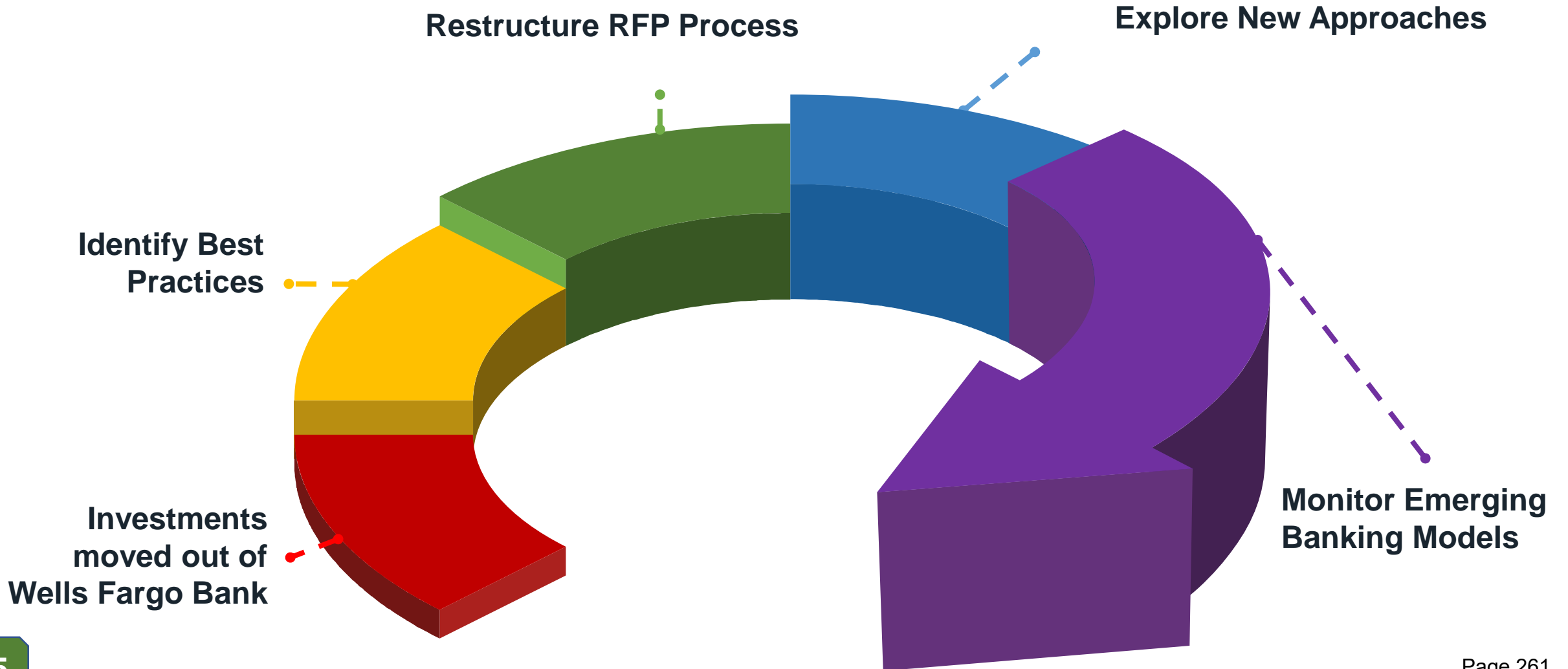
7

**Be a Global  
Leader in  
Addressing  
Climate  
Change and  
Protecting the  
Environment**

# Task Force Process and Progress



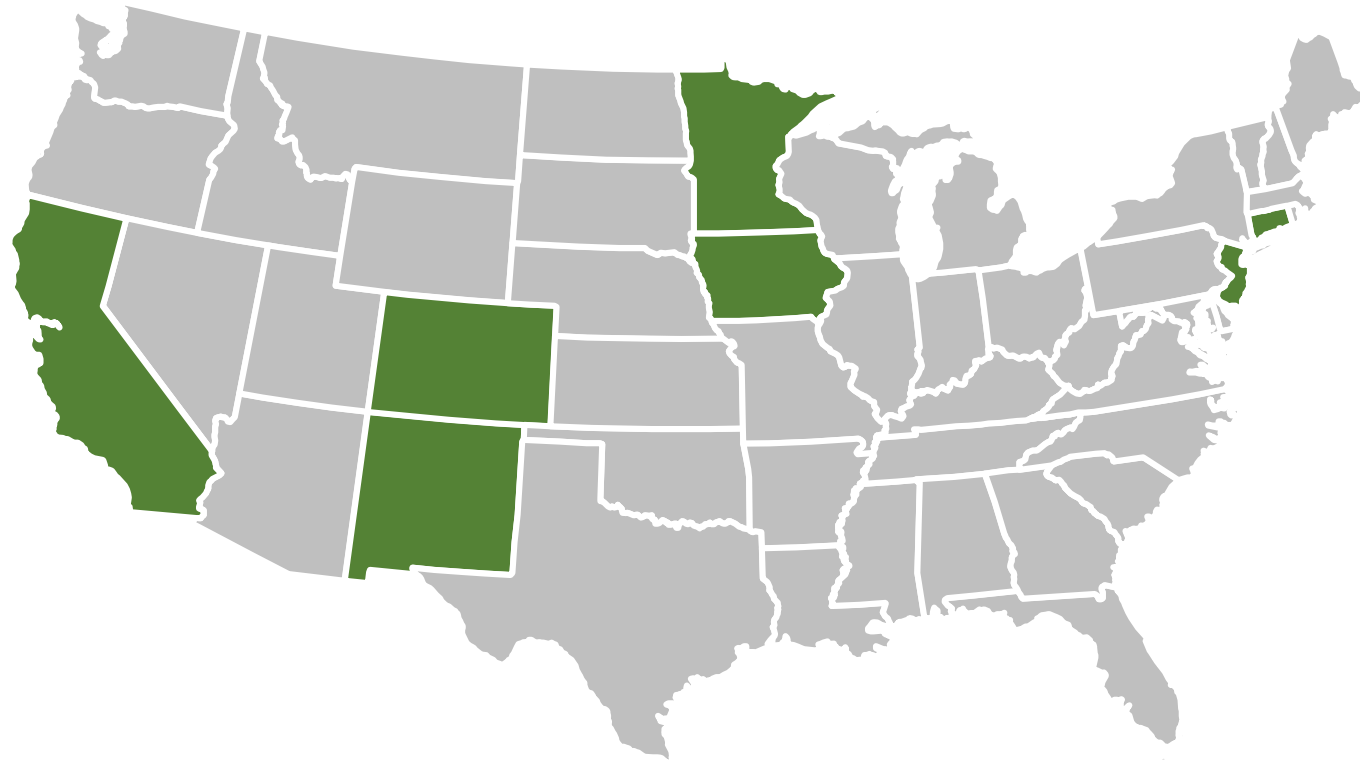
The Task Force is working with City Finance to incorporate best practice socially responsible banking





# Small to medium size cities similar to Berkeley in population dropping Wells Fargo

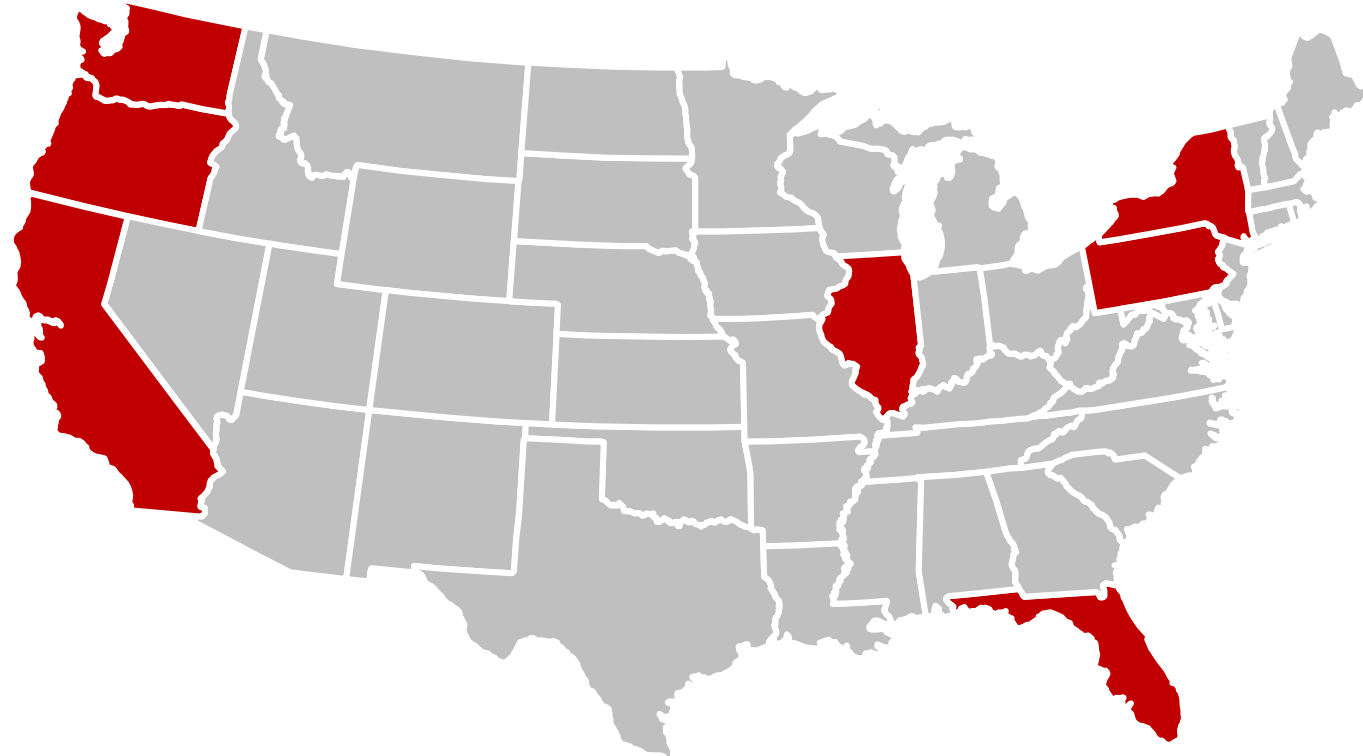
1. Alameda, CA
2. Berkeley, CA
3. Davenport, IA
4. Davis, CA
5. Eagle County, CO
6. East Orange, NJ
7. Las Cruces, NM
8. Santa Fe, NM
9. Missoula, MT
10. New Haven, CT
11. Santa Cruz, CA
12. San Leandro, CA
13. Santa Monica, CA
14. St. Peter, MN



# Cities and counties larger than Berkeley in population dropping Wells Fargo and (other mega banks)



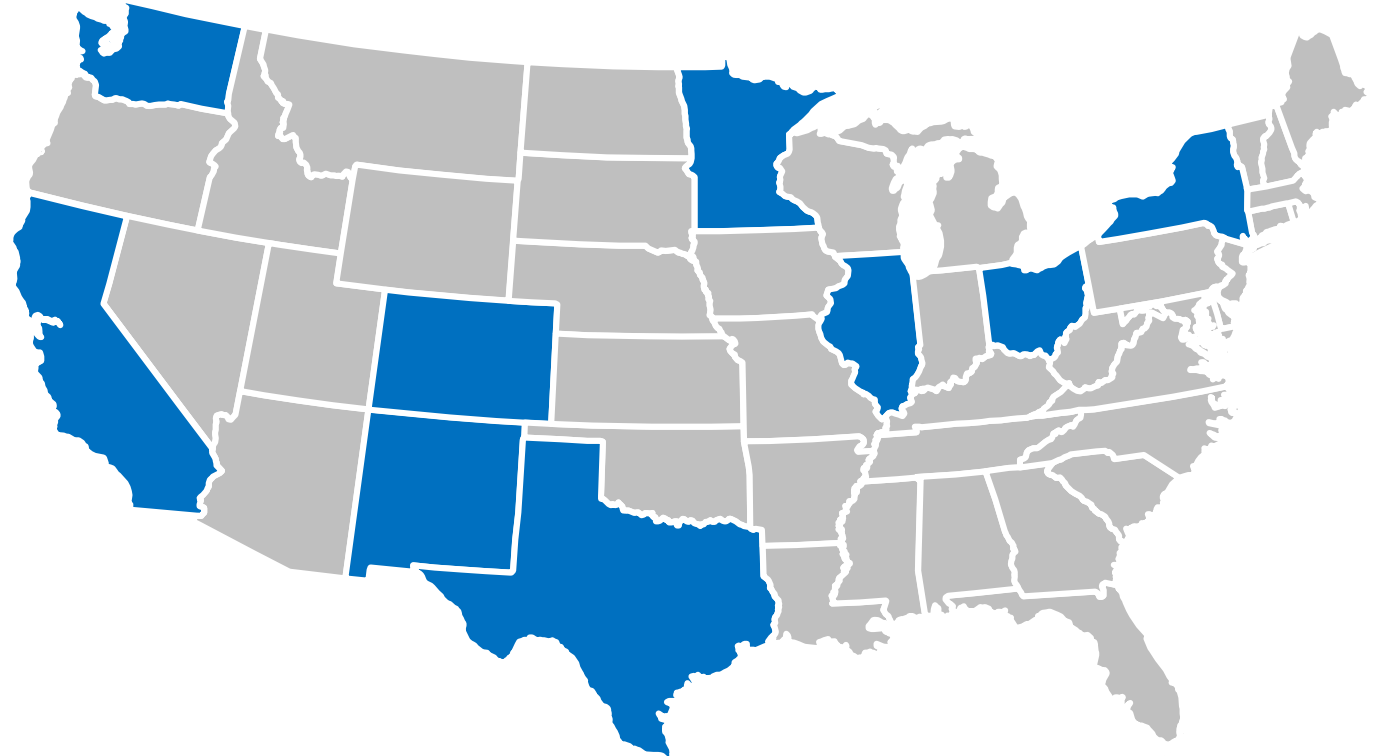
1. Broward County, FL
2. Chicago, IL
3. Los Angeles, CA
4. New York, NY
5. Oakland, CA
6. Philadelphia, PA
7. Portland, OR
8. Sacramento, CA
9. Santa Clara County, CA
10. San Francisco, CA
11. Santa Rosa, CA
12. Seattle, WA
13. Washington, DC



# States, public agencies, universities and pension funds dropping Wells Fargo



1. State of California
2. State of Illinois
3. Mille Lacs Band of Ojibwe, MN
4. State of New Mexico
5. New York State Pension Fund
6. State of Ohio
7. Seattle City Public Utility
8. TexaSaver
9. Colorado Pipe Industry Trust Fund
10. University of California

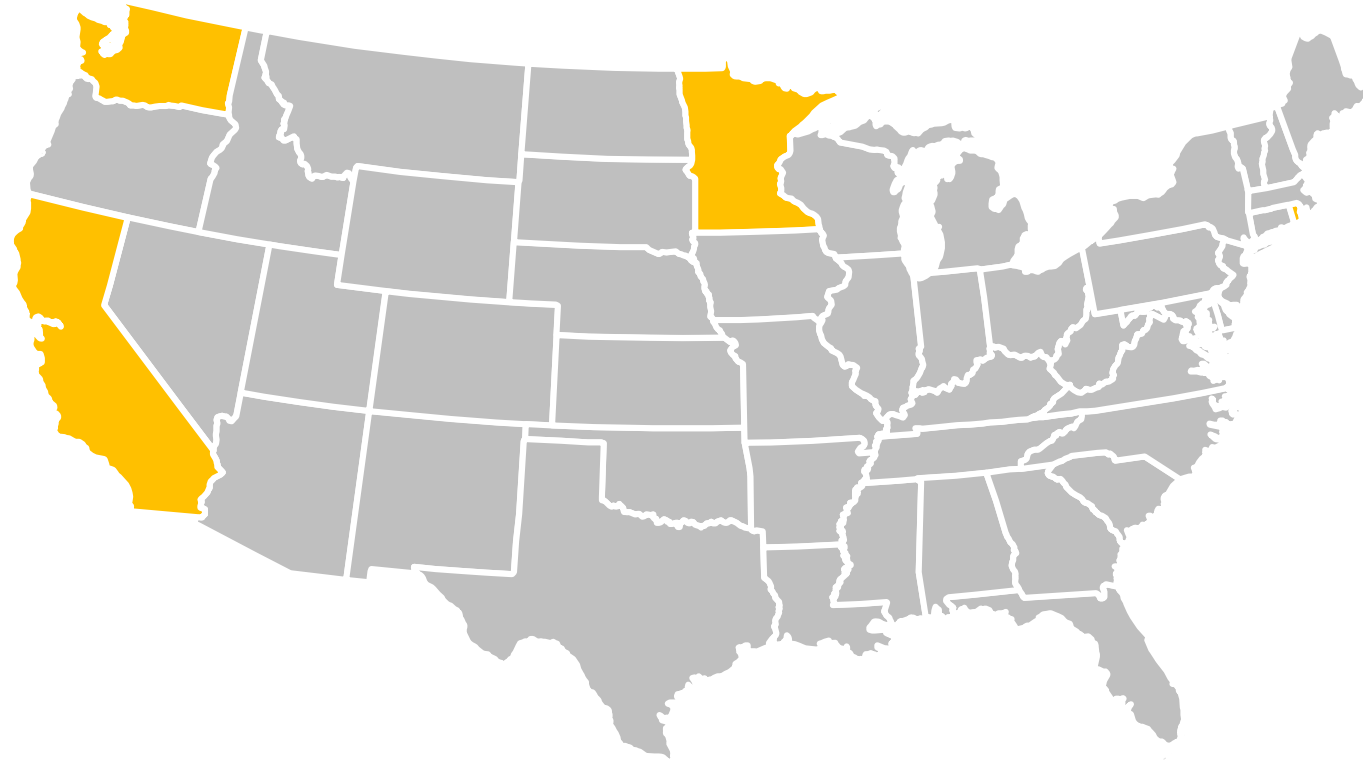




# Other cities that have studied dropping Wells Fargo or other mega banks



1. Bellingham, WA
2. Minneapolis, MN
3. San Jose, CA
4. Providence, RI
5. West Hollywood, Ca

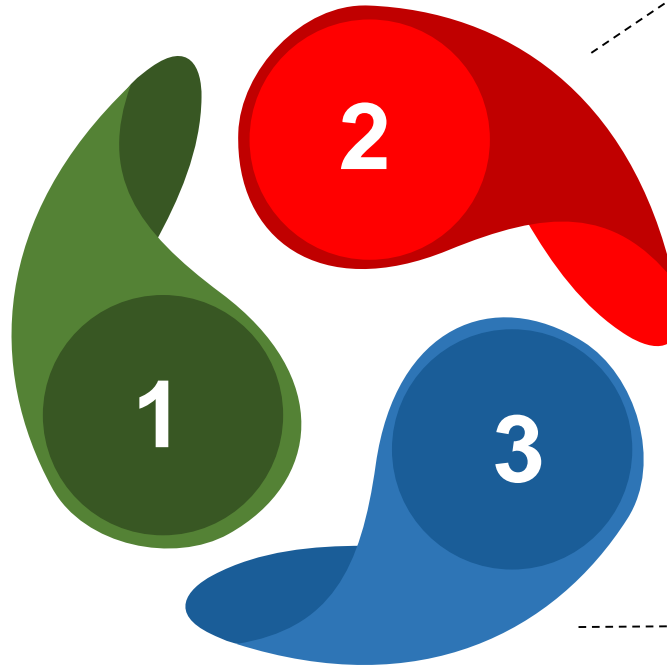


# Challenges to Achieving Goals



The City of Berkeley is one of many cities that is striving to make a change from their current bank.

**Current Pool of Banks  
Is Limited**



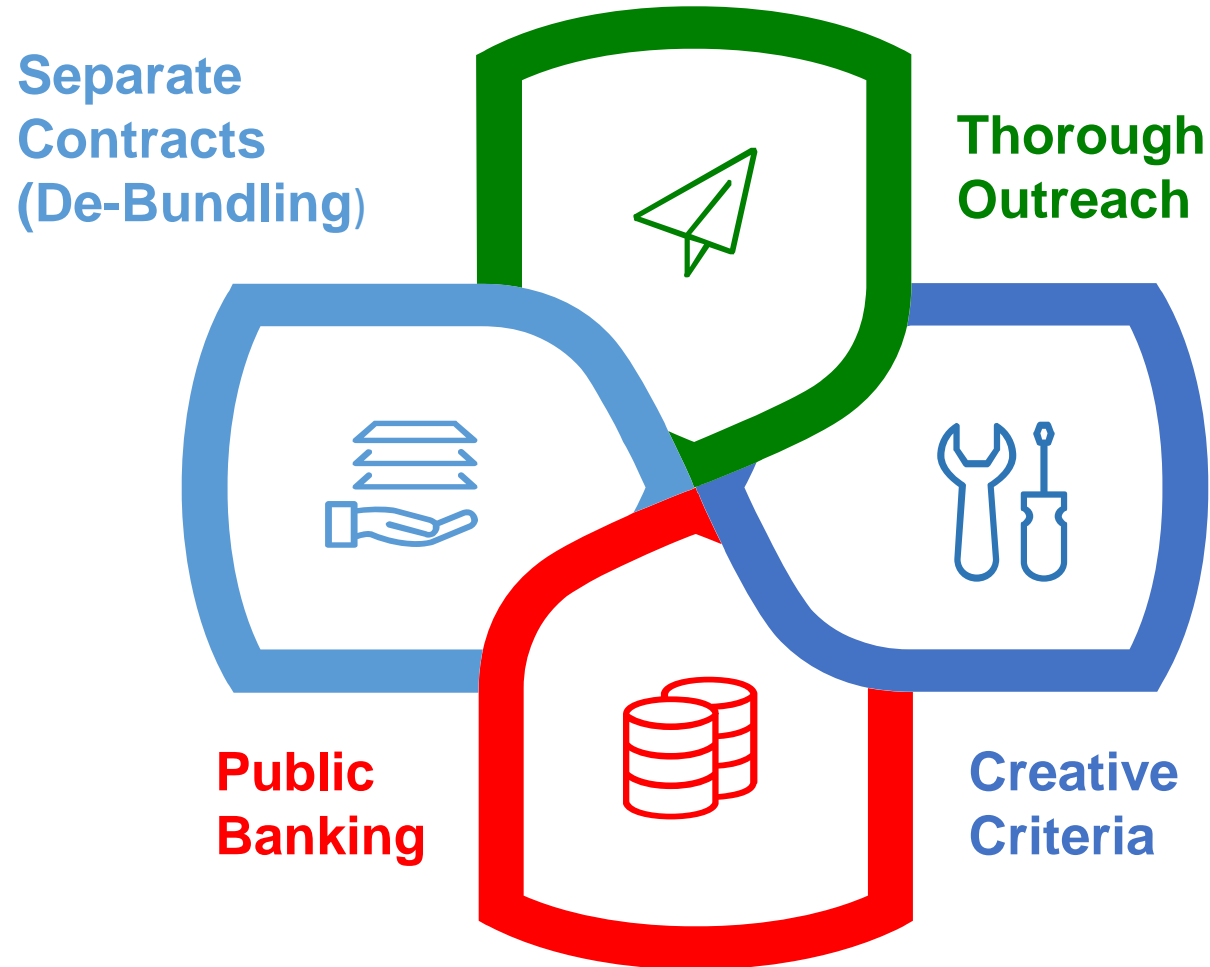
**Legal and Technical  
Requirements**

**Social Responsibility vs.  
Technical Capacity**

# Alternatives & Solutions – Towards a New Model



The Task Force is exploring alternatives to the traditional procurement process and banking services model



# Conclusions and Next Steps



Council to give guidance and approval of the alternative approaches and options now being explored

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The Task Force supports the staff recommendation and will continue our work to make Berkeley a leader in developing a new model of socially responsible banking.

**Thank You**



Office of the City Manager

INFORMATION CALENDAR

June 28, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: Annual Update on Wells Fargo Bank’s Community Involvement and Investment in the City of Berkeley

INTRODUCTION

On May 7, 2013, Council adopted Resolution No. 66,106-N.S. authorizing the City Manager to execute a four-year contract with Wells Fargo Bank. The bank provides comprehensive banking services to the City. The contract has subsequently been extended through 2023. Wells Fargo is required to provide an annual report about its community involvement and investments within the City of Berkeley.

CURRENT SITUATION AND ITS EFFECTS

This report is the annual report of Wells Fargo Bank’s Community Involvement and Investments within the City of Berkeley. Additionally, Wells Fargo presents a summary of several corporate strategies related to social and environmental responsibility efforts.

Attachments to this report are:

1. *2020 Social Impact and Sustainability Highlights*. This document provides a corporate-wide overview of the following areas: Resiliency and recover amidst the COVID-19 pandemic; Elevating diversity, equity, and inclusion; Supporting the transition to a low-carbon economy.
2. *2022 Berkeley Social Responsibility Report*. This power point slide deck provides some details of Wells Fargo’s activity specifically within the city limits of the City of Berkeley, and is quantified by the following subsections:
  - People:
    - 73 team members live in Berkeley
    - 55 team members work in Berkeley
  - Locations:
    - Four (4) locations, one in low to moderate income neighborhoods (LMI)
    - 12 ATMS, six (6) in LMI

- Philanthropy and Volunteerism
  - 197 non-profit grants over the past 5 years = \$7.0 million
  - Ten (10) grants last year = \$530,980
  - Employees volunteered at 31 events totaling 99 volunteer hours
  - 78 employees donated to Berkeley non-profits = \$7,641
  - List of Berkeley non-profits supported by Wells Fargo
- Home Ownership:
  - 1,603 home mortgages over the past five (5) years = \$1.1 billion
  - 307 home mortgages last year = \$226.1MM
  - 17 loans in LMI communities = \$11.6MM
  - 27 to LMI borrowers = \$8.4MM
- Community Development Loans and Investments:
  - 80 community development loans and investments supporting affordable housing over the past 5 years = \$41.0 million
  - Two (2) community development loans last year = \$15.6 MM
  - 12 community development investments last year = \$814,000
- Small Business Lending
  - 3,250 small business loans over the past 5 years = \$186.0 million
  - 781 loans last year = \$45.2MM
  - 117 small business loans in LMI communities = \$7.1MM
- Diversity, Equity, and Inclusion
  - 45% of employees are ethnically/racially diverse
  - 55.2% of employees are female
  - 8,800 employees are veterans
- Environmental Sustainability
  - 100% of the bank's operating energy is met by renewable energy
  - 8.1% of all wind/solar energy in the U.S. was owned or financed by Wells
  - \$75 billion in sustainable financing was provided in the U.S.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Wells Fargo discusses supporting a transition to a low-carbon economy, which includes, but is not limited to, funding Resilient Communities Programs that work to restore or improve land, protect land, restore wetlands, plant trees, reduce wastewater, and engage community members in these efforts.

### CONTACT PERSON

Darryl Sweet, General Services Manager, (510) 981-7329

### Attachments:

- 1: 2020 Social Impact and Sustainability Highlights
- 2: 2022 Berkeley Social Responsibility Report



# ***2020 Social Impact and Sustainability Highlights***

Published April 2021





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| 04 | <a href="#">Resiliency and recovery amidst the COVID-19 pandemic</a> |
| 13 | <a href="#">Elevating diversity, equity, and inclusion</a>           |
| 27 | <a href="#">Supporting the transition to a low-carbon economy</a>    |



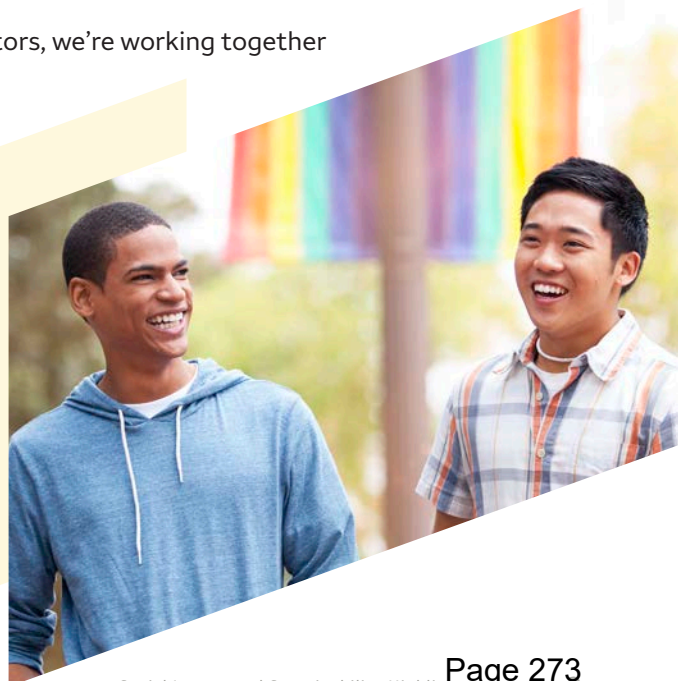
The events of the past year – everything from the COVID-19 pandemic and social unrest to political upheaval and rampant wildfires – have shone a harsh light on the inequities embedded in our social systems. Day after day, we’ve witnessed the inspirational courage of grocery clerks and first responders ... activists and scientists ... teachers and students, as they fight the pandemic and climate change and raise their voices against discrimination and injustice. Their stories have both inspired us and awakened us to the hard work we all must do to better understand and take action on these interconnected crises.

***Wells Fargo is dedicated to making meaningful, inclusive, and enduring contributions as our communities address and recover from these challenges. We’re focused on addressing systemic issues and supporting an inclusive recovery as we aim to break down barriers to enable a better future.***

More than ever, the world needs thoughtful, well-informed, fact-driven leadership. As a leader in our industry, Wells Fargo is:

- **Practicing active listening:** We’re listening to the advice of experts and to feedback from our customers, employees, investors, and community partners.
- **Leveraging innovation and technology:** Technology has played a vital role in keeping people more connected during the pandemic. We’re investing in technology and innovation to deliver fast and secure services that make doing business with us easier, more accessible, and more convenient.
- **Emphasizing collaboration:** Both within and across sectors, we’re working together on innovations that serve the greater good.
- **Operating with empathy:** The challenges facing us have made life overwhelming for many. So, it’s increasingly important that we lead with empathy, kindness, and compassion.

By any measure, 2020 was one of the most challenging years we’ve faced in decades, as a society and as a company.



*Resiliency and recovery amidst  
the COVID-19 pandemic*



## Letter from the Chief Operating Officer

Since the COVID-19 pandemic began, Wells Fargo's priority has been protecting the safety and well-being of our employees and customers and supporting the communities we serve.

For our employees, we've been deliberate in our workplace decisions. We've been able to equip approximately 83% of our workforce to work from home. For employees whose roles require them to be at a Wells Fargo location, we've taken numerous steps to help protect their health and safety, including requiring face coverings in our facilities, configuring office space for social distancing, and enhancing our cleaning protocols.

We've provided frequent, transparent communications to our employees and listened for areas where we could offer support. For example, after many daycare facilities and schools closed, we temporarily reimbursed childcare expenses of \$100 per day for eligible employees during the first three months of the pandemic. We also aided more than 23,000 employees through the WE Care employee relief fund.

Our support for customers has been multifaceted. In 2020, we helped 3.6 million consumer and small business customers by deferring payments and waiving fees. We've helped customers through relief programs as a participant in the Paycheck Protection Program (PPP). As for our physical locations, global research firm Ipsos recognized us as leading the major banks in maintaining cleanliness and providing health and safety signage in our bank branches.

We also engaged with our community partners, who identified food insecurity as one of their greatest needs. In response, we provided 82 million meals to families in need, through a combination of food bank events and a \$10 million donation to Feeding America. We've also committed to distributing about \$420 million in grants through the Open for Business Fund to nonprofits that support small businesses. We project that grant awards from August 2020 through February 2021 will help entrepreneurs to protect more than 63,000 jobs.

We look forward to the day when we can return to a more normal operating model. Until then, we will continue to do all we can to support our employees, customers, and communities.



– **Scott Powell**, COO





In 2020, we shipped **80,000** safety kits to employees, with priority for individuals still working at Wells Fargo locations. In 2021, this program will expand to the rest of the enterprise.

## Reimagining the Wells Fargo workforce

When it comes to our people, safety is our top priority. We're taking action every day to support our employees so they can continue to safely serve our customers.

Over just a couple of weeks in March 2020, our working habits shifted profoundly. In response to the COVID-19 pandemic, we supported our team by enhancing employee benefits, including time-away policies and childcare and healthcare benefits.

- Since spring 2020, we've enabled more than 220,000 employees to work remotely full-time
- We made a one-time cash award to approximately 165,000 employees who make less than \$100,000 per year, and we made additional special payments to recognize the unique contributions of those working on the front lines
- More than 22,000 eligible U.S. employees took advantage of enhanced childcare benefits in early 2020
- In the U.S., we adjusted the short-term disability program to provide full pay, without a waiting period, to employees who needed to take a COVID-related medical leave
- Enhanced telehealth benefits for employees and their families enrolled in health plans
- Offering free, voluntary on-site or self-administered COVID-19 testing for employees currently working at a Wells Fargo location in the United States



**The safety of our employees and customers is our priority. We've made many important changes across our offices and branches:**

- Enhanced air filtration
- Physical barriers
- Increased sanitation
- Expanded drive-up services
- Face coverings
- Capacity and physical distancing

Wells Fargo is a Founding Partner of The Ad Council and COVID Collaborative's COVID-19 Vaccine Education Initiative, "It's Up to You", launched in February 2021. This initiative represents one of the largest public education efforts in U.S. history and is focused on addressing American's top questions, understanding their concerns and working to educate and empower people across the country – particularly communities of color who have been disproportionately impacted by the pandemic – so they can make an informed choice about vaccination for themselves and their families. The campaign urges audiences to visit [GetVaccineAnswers.org](https://www.getvaccineanswers.org)\* ([DeTiDepende.org](https://www.detiendepende.org)\* in Spanish) to get the latest information about COVID-19 vaccines.

## COVID-19 vaccines

COVID-19 vaccines are now being distributed in most of the countries where we operate. While we understand that choosing to be vaccinated is a personal decision, we encourage all employees to be educated and make well-informed decisions about the vaccine based on the guidance of medical experts. We are providing all employees globally who choose to get vaccinated with up to eight hours additional paid time off for COVID-19 vaccine appointments.

## *Providing services customers can count on in challenging times*

Wells Fargo is dedicated to the highest standards of service, integrity, and accountability. We listen to our customers, and we're committed to exceeding their expectations and putting them first. As we rise to meet the challenges of our current environment, we're working to meet our customers' needs by providing them with financial access and guidance via an easy and convenient digital banking experience, in addition to support by phone and in person.

## *In 2020, Wells Fargo helped 3.6 million consumers and small businesses with payment assistance, including deferrals and fee waivers.*

### Digital as an essential service

The COVID-19 pandemic has accelerated the adoption of digital banking and payment options at a staggering pace. Through increased system capacity, enhanced automation, and the creation of new features, digital banking has become one of the primary connection points for our customers.

Amid the height of pandemic-driven restrictions in mid-April, approximately 51% of American workers were working from home ([Gallup](#)\*). With many people unable to access their workplaces and financial institutions, individuals and businesses struggled with such routine activities as processing payments, cashing checks, and accessing accounts.

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### Distributing CARES Act funds to students

After the COVID-19 pandemic upended life on campus, Stillman College worked to quickly distribute part of its Coronavirus Aid, Relief, and Economic Security CARES Act funds to its scattered student population. Given that 80% of its students qualify for Pell Grants – which means their household income is \$30,000 or less – the College wanted to get funds directly into the hands of its students before their May rent payments were

due. Once the Stillman COVID-19 Leadership Task Force decided to give \$500 grants to all eligible students, they quickly realized that tracking down current addresses, and printing and mailing checks, would take too long. Working with Wells Fargo, they identified disbursements via Zelle® as the optimal solution for immediately sending money to students' bank accounts using only their email address or mobile phone number. Thanks to this digital solution, the funds arrived at a critical time and were easier to access.

At Wells Fargo, we saw increased digital engagement with customers, including adoption of our mobile and online banking offerings by customers who haven't historically used them – all in response to the pandemic's impacts on branch hours and availability. Notably, in fourth quarter 2020:

- **Digital banking logins rose 11.2%** from the prior year to 1.7 billion, and 1.5 billion of those came through a mobile device
- **Mobile deposit dollar volume was up 108.4%** year over year. And 33.4 million checks were deposited using mobile devices – a 36.1% increase from the prior year

We supported commercial customers' continued ability to access banking services through the secure mobile functionality of our [Commercial Electronic Office®](#) (CEO®), which saw:

- **A 76% increase in CEO® Mobile app downloads** during the first five months of 2020 compared with the same period in 2019
- **A 43% increase in mobile check deposits** from 2019 to 2020

***“The speed at which companies have pivoted their business models to provide life-altering products and services has been awe-inspiring.”***

– **Charlie Scharf**, Wells Fargo CEO

## Merchant Services supports business adaptations

Whether establishing an online presence, taking mobile or contactless payments, or reaching new customers, business owners faced many challenges in 2020. Wells Fargo Merchant Services worked with our customers to help them pivot their business operations and remain open through stay-at-home orders and social-distancing requirements. No matter how they serve customers – curbside, in-store, online, by phone, or on the go – Wells Fargo Merchant Services offers flexible, scalable, and reliable solutions to help meet health and safety guidelines while adopting new payment methods.

When most restaurants began shutting down at the onset of the pandemic, one West Coast-based seafood distributor, that primarily caters to the restaurant industry, had to quickly pivot their business model to stay open. The company began serving consumers directly with family meal kits, fresh shellfish, new appetizers, and more. To capitalize on these additional revenue streams, they needed to set up a merchant account/payment gateway as quickly as possible. We provided guidance and a roadmap for the most appropriate gateway and the simplest setup options, and in just two days we helped the company get up and running with their new business model.

## Paycheck Protection Program (PPP)

Small businesses are the heartbeat of our communities – and they are the key to millions of local jobs. Wells Fargo is committed to helping small businesses impacted by COVID-19 stay open and get back to growth.

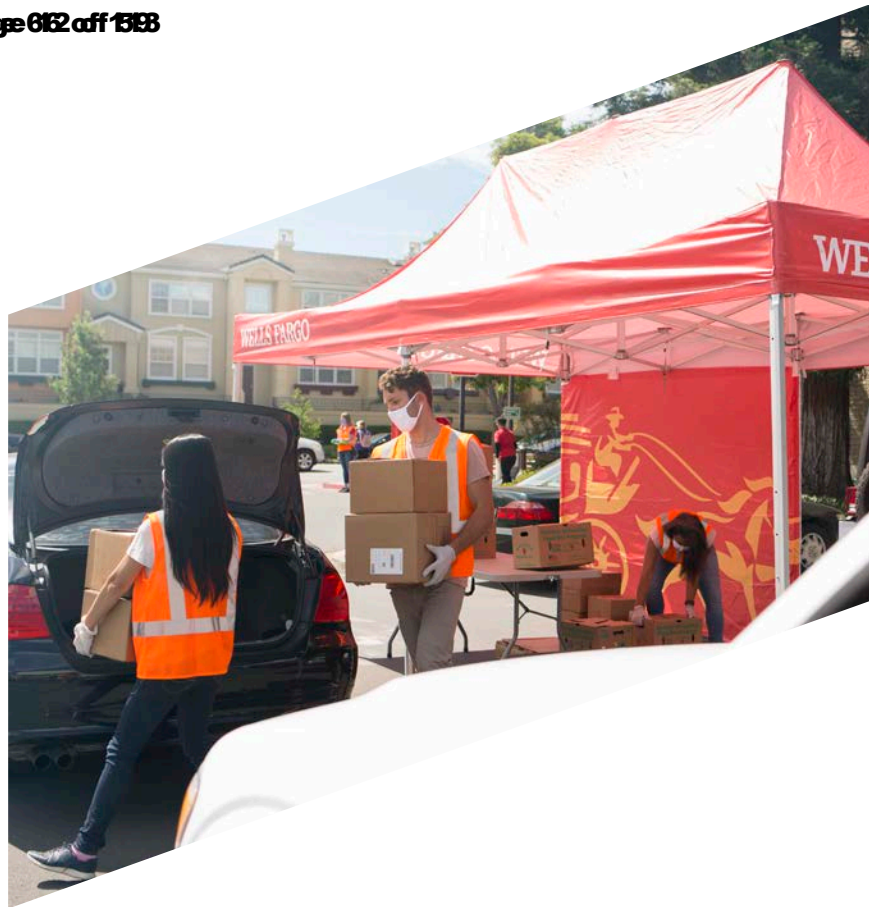
### Through the initial phase of PPP, we:

- Approved lending to companies representing a total of **1.3 million jobs**
- **Submitted 259,000 PPP applications** to the U.S. Small Business Association (SBA)
- **Funded approximately 194,000 loans** totaling more than \$10.5 billion:
  - **61%** were for loan amounts of \$25,000 or less
  - **84%** were for companies that have fewer than 10 employees
  - **78%** were for \$50,000 or less
  - The average loan amount was **\$54,000**
  - **90%** of applicants have \$2 million or less in annual revenue
  - **41%** of the loans originated in low- and moderate-income communities, or those with at least a 50% minority census track



## Contributing to an inclusive recovery in our communities

We will continue to be there for customers and communities during the COVID-19 pandemic and its aftermath as we work toward an inclusive recovery. As we do that, we're evolving our social impact efforts to focus more deeply on racial and economic inequities and environmental justice, as well as on building more resilient and inclusive communities. To learn more, visit our [Impact page](#).



### Drive-up food banks

Millions of Americans are struggling to put meals on the table, creating extraordinarily long lines at food banks and stretching limited family resources thinner than ever. From July to October 2020, we teamed up with Feeding America® member food banks to transform many branch and corporate parking lots into a network of Drive-Up Food Banks.

- **211 events** coordinated in 35 cities
- **82 million+** meals<sup>1</sup> provided

### Open for Business Fund

The COVID-19 pandemic has created unprecedented economic challenges for our small business customers. We're working to foster an inclusive recovery and to strengthen the small business sector for the long term. In July 2020, Wells Fargo established the [Open for Business Fund](#), voluntarily committing to donate all of the gross processing fees received in 2020 from funding Paycheck Protection Program loans – approximately \$420 million – to nonprofits supporting struggling small businesses impacted by COVID-19. The Fund provides grants for Community Development Financial Institutions (CDFIs) and other nonprofit organizations that serve diverse small businesses, including Black, African American, Hispanic, Asian, Native American, and other entrepreneurs. Through our Open for Business Fund, we're providing capital, technical support, and long-term resiliency programs to nonprofits that serve small businesses. The first \$250 million will go to nonprofit lenders or CDFIs who focus on minority-owned businesses that have been disproportionately affected by the pandemic.

1. 82 million meals calculation is based on 1) Actual number of meals distributed through Wells Fargo Drive-Up Food Bank events and 2) Wells Fargo's financial contributions to support Feeding America food banks 7/20/20-12/31/20.

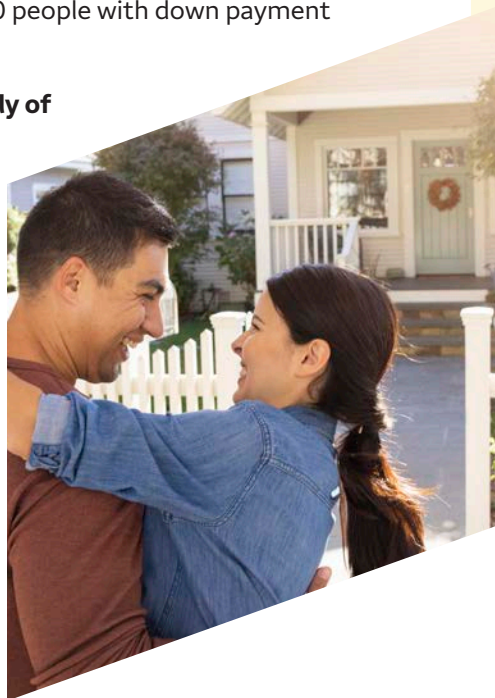


**From August 2020 through February 2021, the Open for Business Fund deployed more than \$112 million to CDFIs to help a projected 22,000 small businesses maintain more than 63,000 jobs.**

**Opening doors to a safe and affordable home**

Wells Fargo and the Wells Fargo Foundation donated more than \$80 million in 2020 to support housing affordability initiatives, including efforts to help provide or maintain housing for more than 200,000 people affected by the COVID-19 economic downturn. We helped people to have a quality place to call home through support for housing counseling, rent relief, legal assistance to mitigate eviction, and other initiatives. The grants also indirectly assisted millions through efforts to advance racial equity, spark innovation, and fund technical assistance aligned with housing affordability solutions in communities across the U.S. Additional housing affordability philanthropy initiatives include:

- **Helping to narrow the racial equity gap by expanding pathways to homeownership for people of color**, including support for NeighborhoodLIFT and other LIFT programs that have assisted more than 24,600 people with down payment assistance since 2012.
- **Supporting initiatives that increase the supply of affordable homes**, including grants in 2020 to help nonprofits Habitat for Humanity and Rebuilding Together build and repair more than 400 homes, as well as additional support for veterans housing organizations.
- **Advancing innovation and transformation in local communities**, including the [Housing Affordability Breakthrough Challenge\\*](#), which – in collaboration with Enterprise Community Partners – provides catalytic funding to support scalable housing affordability solutions across the U.S.



NeighborhoodLIFT and other LIFT programs that have assisted more than

**24.6k**

people with down payment assistance since 2012.

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***“When COVID-19 presented an unprecedented need for communities across the country, the more than 240 network organizations that make up NeighborWorks Network quickly pivoted to answer the need. Because of Wells Fargo’s investment, we were able to provide critical funds for thousands of vulnerable families immediately. From keeping families housed to addressing food deserts and healthcare deficiencies to educating and protecting consumers from scams, the generosity and flexibility of Wells Fargo made a significant difference across our network. Our ability to immediately respond to the needs of our network would not have been possible without the Wells Fargo Foundation.”***

– **Marietta Rodriguez**, President and CEO of NeighborWorks America



***Elevating diversity, equity,  
and inclusion***



## Letter from the head of Diverse Segments, Representation & Inclusion

At Wells Fargo, we are deeply dedicated to diversity and inclusion. Over the past year, the company has focused on accelerating our progress in this essential area through several new commitments. While we have much work to do, the progress we are making is captured throughout this report. A few highlights include:

- Building a diversity-focused development program for high-potential employees that includes a sponsorship program
- Engaging an external firm to propose specific solutions to help attract, advance, and retain Black and African American and other underrepresented employees
- Every member of our Operating Committee now serves as an executive sponsor for one of our Team Member Networks
- Added a new DE&I Performance Management Objective, focused solely on representation, for our Operating Committee members and their direct reports
- Created the role that I now lead as head of Diverse Segments, Representation & Inclusion, reporting to the CEO and sitting on the Operating Committee

In my role, I am focused on increasing diverse representation at all levels of the company, creating a more inclusive workplace environment, and better serving and growing our diverse customer segments and diverse suppliers across all lines of business.

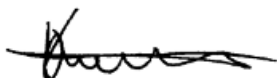
Society expects companies to have their executive ranks reflect the customers they serve and the U.S. population more broadly. They also expect financial institutions to provide affordable, easy-to-use products and services, to enable the dream of homeownership, and to help in the formation and growth of small businesses in diverse communities. We share these expectations and we want to meet them.

We have a tremendous opportunity to make a positive impact — at perhaps the most pivotal time in our society — in the communities where we work, live, and serve. We are developing and implementing a comprehensive diversity agenda that focuses on sustainable progress and lasting impact.

It is important that our employees see and feel that they are being represented across all levels of the company and we want to create a culture of inclusion and belonging so they can bring their full selves to work. To do this, we are focused on creating programs that support career mobility and building a sustainable talent pipeline to provide career opportunities for underrepresented employees — including in our management positions.

We also want to develop a much deeper understanding of the needs of our diverse customer base so we can better serve and equip them with the products and services they need. We plan to work with our lines of business to identify opportunities that may help remove barriers contributing to the wealth gap that still persists in our society. In addition, we will work to increase our procurement spend with diverse suppliers and help nurture and grow minority-owned businesses.

The changes we are committed to make will not be achieved overnight. I am confident that with a focused and enduring effort, we will make the positive impact that we, our customers, and our communities expect as we continue this work of a lifetime.



– **Kleber Santos**, Head of Diverse Segments, Representation & Inclusion

## Diversity, equity, and inclusion awards and recognition

Wells Fargo earned a spot on the **Civic 50's Most Generous Companies in America** list for 2020.

Wells Fargo received the **Employers Seal** from the **National Organization on Disability's 2020 Employment Tracker.**

**LatinaStyle** ranked Wells Fargo #12 on its **Top Companies for Latinas** for 2020.

Wells Fargo earned a **100 percent** rating and was designated a **"Best Place to Work for LGBTQ Equality"** on the 2021 Human Rights Campaign Corporate Equality index.

Wells Fargo is among the **2021 GEI Members** in the **Bloomberg Gender Equality Index.**

Wells Fargo ranked **#11** on DiversityInc's 2020 Top 50 Companies for Diversity. The company is also recognized on a number of specialty lists including:

**#1**  
Top Companies for People with Disabilities

**#2**  
Top Companies for Philanthropy

**#7**  
Top Companies for Employee Resources

**#8**  
Top Companies for Supplier Diversity

**#14**  
Top Companies for Mentoring  
Top Companies for LGBT Employees

Wells Fargo has been designated a **Top Military Friendly Employer, Top Military Friendly Spouse Employer, and Top Supplier Diversity Program by Viqtory Media** for 2021.



Wells Fargo received top scores from the **Hispanic Association Corporate Responsibility Inclusion Index.**



Chief Risk Officer Mandy Norton was named to the **2020 OUTstanding 100 LGBT+ Executives.**

Wells Fargo ranked **#34** on the **Military Times Best for Vets** list.

See [Wells Fargo Stories](#) for more examples of diversity and inclusion at Wells Fargo.

## Building a diverse talent pipeline

2020 Global workforce



**54%**  
female and  
**46%**  
male

We continue to work toward more transparency in our reporting of diversity metrics. Please see the [ESG goals and performance data table](#) (PDF) for more information.

2020 U.S. workforce



**56%**  
female and  
**44%**  
male

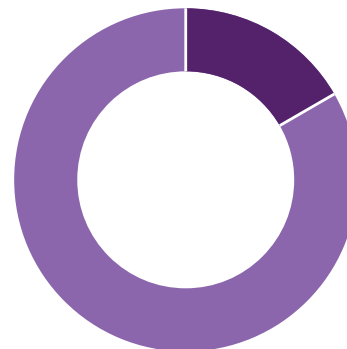


**55%**  
Caucasian/white  
**45%**  
racially/ethnically  
diverse

2020 Operating Committee members self-identify as



**22.2%**  
female  
**77.8%**  
male



**16.7%**  
racially diverse

***“Marketplace shifts, changing demographics, and disruption across industries are challenging all businesses. It’s challenging us to be more innovative — to think and lead in new ways. For Wells Fargo to be successful, we must create a truly diverse and inclusive workforce that brings a diversity of insight and perspective to all levels of our company. I firmly believe that our diversity will drive us to the best ideas and outcomes possible.”***

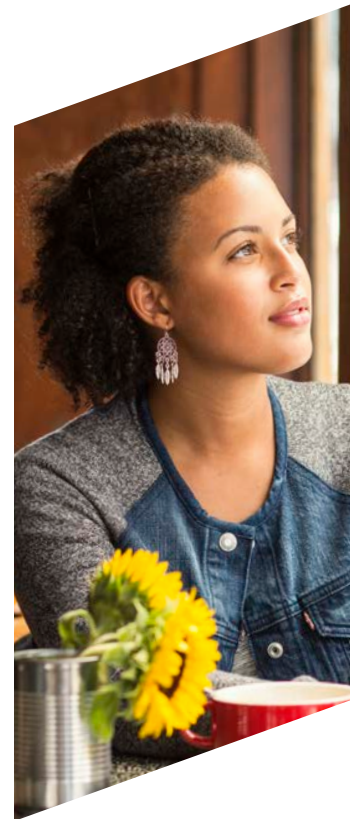
– **Charlie Scharf**, CEO and President



### **Diverse Search Requirements**

To be successful, we must continue to create a truly diverse and inclusive workforce that brings a wide range of insights and perspectives to all levels of our company. Our Diverse Search Requirement requires that for most U.S. roles with total direct compensation greater than \$100,000, at least 50% of interview candidates must be diverse with respect to at least one diversity dimension. Further, at least one interviewer on the hiring panel must represent at least one diversity dimension. For these purposes, our definition of diversity includes race/ethnicity, gender, LGBTQ, veterans, and people with disabilities. We’re expanding this program internationally. As of December 31, 2020, the Diverse Search Requirement:

- **Applied to approximately 95%** of all U.S. roles with total direct compensation greater than \$100,000; and
- **Applied to approximately 48%** of all active U.S. employees irrespective of their total direct compensation
- **91% of applicable requisitions** had a diverse interview slate
- **94% of applicable requisitions** had a diverse interview team



### Attracting and investing in diverse young leaders

Historically Black colleges and universities (HBCUs) continue to empower students to be civic-minded leaders and to take control of their destinies. We work in partnership with HBCUs to provide students the resources they need to gain real-world exposure that supplements their academic pursuits. We also work with Hispanic-serving institutions to identify talent, build engagement, and grow diverse representation at Wells Fargo.

Since 2011, we've provided more than \$87.3 million to support programming and scholarships to organizations that include the Hispanic Scholarship Fund (HSF), the Thurgood Marshall College Fund (TMCf), and the United Negro College Fund (UNCF).

Wells Fargo provides scholarship and emergency grants to offset the costs of tuition, fees, room and board, and books for students who are attending HBCUs. In 2020, we also provided direct support for students experiencing academic displacement related to COVID-19, including \$512,000 in emergency grants to help students with critical housing, food insecurity, and technology needs.

In 2020, our Supply Chain Management group awarded \$50,000 in scholarships to 10 HBCU students enrolled in supply chain management programs at Tennessee State University, Howard University, North Carolina A&T State University, Florida A&M University, and Clark Atlanta University.

***“Wells Fargo’s commitment to HBCUs has provided opportunities for individuals such as myself to pursue and achieve our goals. Attending an HBCU instills in you the importance of culture, community, and achievement. These values are what I sought after for my post-undergraduate career. I have since made it my mission, in tandem with Wells Fargo, to afford other HBCU graduates the same opportunity. Wells Fargo views HBCUs as a vital part of our strategy and I’m excited for the continued investment by us to pave the way for the future leaders of our firm.”***

– **Shirlethia Evans**, Wells Fargo employee





### Helping employees reenter the workforce

The GLIDE program provides an opportunity for professionals to reenter the workforce after a career break and helps lay the foundation for a proper transition back into the workforce. Typically, these are people with at least seven years of experience who have taken a two-year minimum voluntary career break. GLIDE-relaunch “interns” participate in an eight-week program that includes a skills refresh, training curriculum, and senior networking opportunities.



***“Relaunching a career after a 13-year break is hard, but in the middle of a pandemic, nearly impossible. The Glide-Relaunch program made the impossible not just achievable, but enjoyable – a feat for which I’m very grateful to my fellow Gliders, whose impressive backgrounds and amazing attitudes continue to inspire me.”***

– Rebecca Hogenhuis, GLIDE participant



**2020 GLIDE program at a glance:**

**836** applications received

**34** interns accepted

**56%** of interns were racially/ethnically diverse

**85%** were women

**6%** were veterans

**88%** of GLIDE participants converted into full time roles

## Diversity, equity, and inclusion training and engagement

Our DE&I curriculum provides the learning tools necessary to establish a core and common Wells Fargo approach to DE&I. Promoting diversity and inclusion in all aspects of business isn't a choice — it's an expectation of every employee. We encourage all employees to challenge assumptions, encourage diversity of experience, opinion, and expression, and strive to be more inclusive.

We encourage employees and managers to complete training on unconscious bias, understanding and appreciating differences, and leading inclusively. We offer experiential learning programs (done virtually during COVID-19) to provide deeper learning and collaboration on key diversity, equity, and inclusion initiatives and topics. We're also developing anti-racism training that will be mandatory for managers in 2021.

### Team member networks

Our team member networks are devoted to professional growth and education, community outreach, recruiting and retention, business development, and customer insight. The networks are organized by employees who share a common background, experience, or other affinity, and they're open to all employees. They promote cultural competence and provide a place where employees can connect, learn, build and leverage their skills, and impact business outcomes.

#### We deliver DE&I trainings on:

- DE&I Foundations
- Understanding Unconscious Bias: Influencers
- Appreciating Difference
- Managers Leading Inclusively

#### We have 10 team member networks representing diversity dimensions including:

- Asian
- Black and African American
- Diverse Abilities
- Latin
- Middle East
- My Generation
- Native Peoples
- PRIDE
- Veterans'
- Women's



## Creating a more inclusive future

Wells Fargo is taking steps to create and sustain a more inclusive future by helping to address issues and remove barriers that have impacted the ability of diverse customers and communities to achieve economic empowerment and build wealth.

### Diverse customer segments

According to the U.S. Census Bureau, in the coming decades, the U.S. population is projected to grow slowly, to age considerably, and to become more racially and ethnically diverse. Americans identifying as two or more races will be the fastest-growing ethnic group, projected to grow some 200% by 2060. The Asian population is projected to double, and the Hispanic population will nearly double within the next four decades<sup>1</sup>. These individuals will represent the full economic spectrum of customers. We seek to understand the needs of our diverse customers – leveraging customer feedback, data, analytics, and insights to guide our strategies and help to improve their financial well-being.

***“Our Diverse Segments group is focused on growing and maximizing positive outcomes for our clients in all that they do with us and in the community. My team is focused on creating greater and deeper access within the capital markets and our corresponding businesses. With 22 years of experience delivering client solutions within the Corporate & Investment Bank, I am extremely excited and proud to lead our increased and intentional focus on advancing our Diverse Corporate & Investment Banking clients.”***

– **Danielle M. Squires**, Managing Director, CIB Head of Diverse Segments



1. U.S. Census Bureau. Demographic Turning Points for the United States: Population Projections for 2020 to 2060.



**“When millions faced evictions and foreclosures due to the pandemic, Wells Fargo supported housing initiatives and entrepreneurs who faced challenges securing funding to keep their businesses open. We are grateful for their strong partnership and efforts to embrace diversity, equity and inclusion as we chart a course for the future.”**

– **Marc Morial**, President and CEO, National Urban League

### Housing affordability

We’re working to increase access to safe, stable, affordable places to live, including transitional housing, rentals, and home ownership, especially for individuals and families historically shut out of the market.

- Wells Fargo has made two significant commitments to increase Hispanic and Black homeownership over 10 years by making \$185 billion in home purchase loans to Hispanic and Black borrowers, increasing the diversity of our mortgage sales team, and providing \$25 million in homebuyer education and counseling.
  - In 2016, we committed to increasing Hispanic homeownership over 10 years through \$125 billion in home purchase loans to Hispanic borrowers. Through 2020, we helped 188,460 Hispanic families and individuals become homeowners through \$48.7 billion in mortgage financing.
  - In 2017, we pledged to create at least 250,000 Black homeowners in 10 years through lending \$60 billion for home purchases to Black borrowers. Through 2020, we helped 72,759 Black families and individuals become homeowners through \$18.6 billion in mortgage financing.

Wells Fargo is the largest lender in low- and moderate-income communities and the largest affordable housing lender in America<sup>1</sup>.

Hispanic representation within our mortgage production team is currently **15.7%**

Black representation within our mortgage production team is currently **4.6%**

1. According to the Mortgage Bankers Association, 2020.

- **Dream. Plan. Home.** In November of 2020, Wells Fargo Home Lending launched a new program called “Dream. Plan. Home.”, which provides a closing cost credit on a limited basis in five metropolitan areas. The program will address one of the key barriers facing first-time homebuyers by providing up to \$5,000 toward closing costs to make it easier for low- and moderate-income families to purchase a home. This program aligns with our efforts to help drive economic growth, sustainable homeownership, and neighborhood stability in low- and moderate-income communities.

### **Adding an equity lens to charitable giving**

Wells Fargo’s Social Impact and Sustainability team is working to understand and overcome revenue disparities for diverse-led organizations. Revenues of Black-led organizations are on average 24% smaller than the revenues of white-led organizations, according to [research by the nonprofits\\*](#) Echoing Green and The Bridgespan Group. According to a [2020 report by Exponent Philanthropy\\*](#), 74% of participating foundations had no board members of color and 78% had no staff members of color. Learn more about how Wells Fargo is adding an equity lens to personal and charitable giving and service [here](#).

***“The COVID-19 pandemic has impacted the financial lives of all Americans, but its impact on renters and communities of color has been especially devastating. Wells Fargo funding for programs like [Virtual Financial Coaching](#)\* and our partnership with the [Housing Partnership Network](#)\* (HPN) to create [Renter Advantage](#)\* are examples of how they are making a difference to support nonprofit organizations dedicated to directly assisting in areas of greatest need while improving financial inclusion for African American and Hispanic populations.”***

– **Rebecca Steele**, President and Chief Executive Officer of the National Foundation for Credit Counseling (NFCC)



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**What is an MDI?**

MDIs are FDIC-insured depository institutions in which either minority individuals represent at least 51% of voting stock or a majority of the

board of directors is minority and the community that the institution serves is predominantly minority. Historically, there were more than 100 African American MDIs in the U.S., only about 20 still exist now.

**Small business growth**

We help small businesses thrive by investing in underserved small-business owners and entrepreneurs through access to capital, capacity building, and growth opportunities.

**Minority Depository Institutions (MDIs)** serve a vital role in the U.S. financial ecosystem by providing ready access to capital and credit in minority and underserved communities, supporting neighborhood revitalization, and driving economic opportunity. Wells Fargo is proud to build on our [recent commitment of up to \\$50 million to African American MDIs](#) by signing the Project REACH MDI Pledge. We're working to enhance our relationships with MDIs by contributing capital, connections, and expertise to help them grow, so that the communities they serve can prosper. We've announced equity investments in six Black owned MDIs.

**Diverse Community Capital (DCC) program:** The DCC program is a five-year, \$175 million grant program to empower diverse small-business owners with greater access to capital and technical assistance so they can grow and sustain local jobs. Approximately 75% of awardees in the DCC program have diverse leaders. The DCC program is a collaboration with Opportunity Finance Network (OFN) and CDFIs across the country. In 2020, the DCC program<sup>1</sup>:

- Made more than 91,000 loans to diverse small businesses
- Delivered more than 546,000 hours of technical assistance to diverse small businesses
- Enabled diverse small-business owners to retain and create more than 100,000 jobs

**Our approximately \$420 million [Open for Business Fund](#)** helps small businesses navigate the pandemic, with an emphasis on those with Black and racially diverse owners.

1. As reported by Opportunity Finance Network (OFN) based on preliminary results for fiscal year 2020.

**Financial health services include:**

- Understanding and improving credit scores
- Establishing new bank accounts
- Financial counseling and coaching
- Savings planning
- Retirement planning
- Budgeting and debt management

**Financial health**

We're focused on opening pathways to economic advancement for individuals in low- and moderate-income and underserved communities by challenging systemic barriers and supporting innovation that puts more individuals on a path to wealth creation.

- In 2020, we launched Clear Access Banking, a new low-cost and checkless bank account with no overdraft or insufficient funds fees to make it easier for customers to manage their money, make payments, and save. Clear Access Banking meets the [Cities for Financial Empowerment Fund's Bank On National Account Standards\\*](#) for safe and appropriate financial products that can help people enter or reenter the financial system.
- In 2020, we expanded [free financial counseling and coaching services](#) and access to other emergency financial recovery resources through grants to nonprofits serving vulnerable populations facing financial hardships.
- We have partnered with SAGE to develop a digital tool to address economic stability and stress in the aging LGBTQ population. The SAGECents app is a financial wellness tool offering financial planning tools and resources geared toward LGBTQ Americans over the age of 50.
- We worked with Mission Asset Fund to aid immigrant and diverse communities to move from poverty to living financially secure lives. The Lending Circles program offers zero-interest, credit building loans and tools to enable lower-income people to establish credit and build credit scores.
- Since 2018, our company and the Wells Fargo Foundation have provided more than \$50 million in philanthropic funding to Native-focused nonprofits, working to address economic, social, and environmental issues.

Learn more by visiting [Wells Fargo Stories](#)

***“For over 50 years, UnidosUS has been dedicated to dismantling systemic barriers preventing Latinos from achieving our full potential and achieving our dreams. As we strive to make social and economic advancement a reality for our community, we count on partners like Wells Fargo. Working together, we’re building a stronger financial future for Latinos and for generations to come.”***

– Janet Murguía, President and CEO, UnidosUS



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## Expanding supplier diversity outreach

Through our supplier diversity program we seek to close the racial wealth gap, ensure inclusive procurement, and create opportunity. A key part of our commitment to diversity, equity, and inclusion is developing and engaging certified minority, women, LGBTQ, veteran, disabled, and small businesses. Supplier diversity adds value to our organization by ensuring that our supplier base mirrors the customers and communities we serve. Our Supply Chain Management group works to ensure that we integrate diversity into our strategic sourcing and procurement processes by establishing and supporting relationships with the diverse business community, developing these businesses for growth, and engaging with community organizations that share our commitment.

We have steadily increased our **annual spending with diverse suppliers** from \$824 million in 2013 to nearly **\$1.4 billion in 2020**, representing 12% of our total controllable spending, and surpassing the financial services industry average of 9.3%<sup>1</sup>.

In addition to direct spending with diverse suppliers, in 2020 we invested \$1 million in funding diverse business development and capacity building programs.

### Wells Fargo Supplier Diversity received three prestigious recognitions:

- 2020 Top Corporation for Disability-Owned Businesses by Disability:IN
- America's Top Corporations for Women's Business Enterprises presented by the Women's Business Enterprise National Council
- 2020 Best Corporations for Veteran's Business Enterprises from the National Veteran-Owned Business Association

1. As reported by Financial Services Roundtable for Supplier Diversity.



***Supporting the transition to  
a low-carbon economy***



## Letter from the Head of Social Impact and Sustainability

Over the past year, we have seen the effects of climate change in yet another unprecedented fire season, along with devastating storms, deep freezes, and ruinous flooding, all while facing the spread of a global pandemic.

COVID-19 has laid bare the challenges that race and income disparity inflict on hard-working people who are simply trying to stay safe, feed their families, and remain housed – challenges that are and will continue to be exacerbated by climate change.

Despite the many challenges 2020 presented, Wells Fargo made tremendous progress in further embedding sustainability across the enterprise. As you will read in more detail below, we deployed significant capital in support of sustainable businesses and projects, hit milestones in renewable energy financing and operational sustainability, and implemented a robust ESG disclosure program to elevate our transparency on nonfinancial metrics. The Wells Fargo Innovation Incubator achieved great success in supporting cleantech innovation and startups struggling through the pandemic, and our Resilient Communities program continued to help communities better prepare for and respond to the impacts of climate change. We also laid the groundwork for a major step in our enterprise climate strategy.

**In early 2021, Wells Fargo announced an ambitious goal — to align our business activities with the goals of the Paris Climate Agreement and achieve net-zero greenhouse emissions by 2050, including our financed emissions.** In announcing this goal, our CEO Charlie Scharf stated, “the risks of not taking action are too great to ignore, and collective action is needed to avoid the significant impact on our most vulnerable communities.”



The journey to net-zero is a complex one, and we’ve identified concrete first steps, which include measuring, disclosing, and setting targets for emissions in high-carbon sectors; accelerating the deployment of capital to support low-carbon opportunities; and innovation in climate finance. We have a responsibility to work closely with our clients in how they address these issues and align their own business models to a low-carbon economy. We place great value on being a trusted partner and believe that engagement rather than divestment is the fastest pathway to achieving economywide net zero ambitions. Of course we will also continue to build on the tremendous progress we are making in our operational sustainability and supporting national and local nonprofit organizations focused on community resiliency and environmental justice.

Climate change is one of the most significant environmental and social issues of our time. We are committed to leveraging our expertise and market position across our value chain and our stakeholder relationships to accelerate a just transition to a low-carbon future.

*Nathan Hurst*

– **Nate Hurst**, Head of Social Impact & Sustainability

### Wells Fargo's climate commitment

In March 2021, Wells Fargo set an ambitious climate goal to achieve net-zero greenhouse emissions by 2050 — including our financed emissions. While we build on a strong foundation, we know the pathway to net-zero will be complex. Near-term priorities for Wells Fargo include the following:

- Measure and disclose financed emissions for select carbon-intensive portfolios, and set interim emission reduction targets by the close of 2022

- Launch an Institute for Sustainable Finance to deploy \$500 billion to sustainable businesses and projects by 2030, support innovation in climate finance and clean technologies, and advance community resiliency
- Support clients' efforts in their low-carbon transitions, including quantifying their emissions
- Advocate for policy initiatives that support clients' low-carbon transitions, as well as those that advance the goals of the Paris Agreement
- Integrate climate considerations into Wells Fargo's Risk Management Framework

## Supporting a just transition to a low-carbon economy

Trillions of dollars of sustainable capital flows will be required to adequately avoid, sequester, and redirect greenhouse gas (GHG) emissions. Deploying capital to accelerate and scale the next generation of financial products and services gives us an opportunity to integrate climate, environmental, and social factors into our lending, securities, and investing products and services. We are positioned to play a central role in providing sustainable finance capital and information to the marketplace and supporting a just transition to a low-carbon economy. One example of how we're engaging on this topic is our sponsorship of and contributions to the [Climate Finance Markets and the Real Economy Report\\*](#) (PDF) by the Global Financial Markets Association (GFMA) and Boston Consulting Group (BCG), which outlines the global need and market structure required to accelerate the mobilization of capital.

### Sustainable finance

In 2018, we announced that Wells Fargo would provide \$200 billion in financing to sustainable businesses and projects by 2030, with at least 50% of that focused on transactions that directly support the transition to a low-carbon economy, including renewable energy, clean technology, and green-building. Since then, we have **provided approximately \$74.6 billion in financing to sustainable businesses and projects**. And 71% of that was allocated towards low-carbon opportunities.

We established the Sustainable Finance Center of Excellence (SFCOE) in 2020 to guide our environmental and social finance business activities, particularly those focused on accelerating climate-aligned, sustainable finance. The SFCOE brings business intelligence to internal partners throughout Wells Fargo and supports product innovation and engagements that help advance collective action on such issues as climate adaptation, resiliency, environmental justice, and climate mitigation (e.g., deployment of clean technology).

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### Engaging climate experts

Wells Fargo is proud to collaborate with leading scientists and organizations to advance a low-carbon economy and accelerate sustainable finance more broadly.



### Evaluating our financed emissions

We recognize that the direct and indirect emissions of our customers — referred to as financed emissions — represent a far larger source of emissions than those from our own operations. In 2020, we developed a preliminary model of our Scope 3, financed emissions. Ultimately, we aim to cultivate repeatable, consistent metrics for financed emissions that inform the complex undertaking of setting a science-based GHG reduction target. For more information, see our [Task Force for Climate-Related Financial Disclosures Report](#) (PDF).

### Understanding environmental and social impacts

Wells Fargo's [Environmental and Social Risk Management](#) (ESRM) team continues to work to strengthen policies and processes related to how our company seeks to manage and govern our environmental and social risk. [ESRM Framework](#) (PDF) provides information and transparency on the company's approach to managing environmental and social risks, including those related to climate change.

### Climate Impact Risk Forum

In 2020, we established an enterprise Climate Impact Risk Forum to oversee the company's approach to managing climate-related risks. The Forum is a cross-functional group that includes senior leaders from across the company.

## Addressing climate resilience, adaptation, and mitigation in vulnerable communities

We're working across our business and with our partners to help build a more sustainable, inclusive future for all. Minority and low-income neighborhoods and Tribal lands are often disproportionately affected by pollution due to decades of potential environmental degradation that may result from industrial siting, operations, waste and emissions, or the impacts of climate change (drought, longer fire and hurricane seasons, flooding, etc.).

See [Wells Fargo Stories](#) for more examples of our environmental impact.



### Resilient communities program

In 2017, the Wells Fargo Foundation and the National Fish and Wildlife Foundation launched the Resilient Communities Program — a four-year initiative designed to help communities better prepare for and respond to the impacts of climate change by investing in such natural features as wetlands, resilient shorelines, urban tree canopies, natural forests, and healthy upstream watersheds and by providing conservation and resilience training for community leaders.

The program places special emphasis on helping traditionally low- and moderate-income communities build capacity, and also supports American Indian, Alaskan Native, and other Indigenous communities whose livelihoods and economies rely on their self-determined management of water, land, and other natural resources.

With a \$12.4 million investment by Wells Fargo, the program was able to attract additional private and public funds and grantee matching contributions to generate a total conservation impact of more than \$45 million.

Projects funded across the U.S. between 2017 and 2020 are working to:

- **Restore and/or improve 180,000 acres** of land through land management
- **Protect 26,000 acres of land** under conservation easements
- **Restore 13,000 acres** of wetlands
- **Plant 71,000 trees**
- **Eliminate 3 million gallons** of storm water annually
- **Engage 137,000 community members** in community resilience efforts



### GRID Alternatives Tribal Solar Accelerator Fund

With help from Wells Fargo, GRID Alternatives has grown into a national leader in making renewable energy technology and job training accessible to underserved communities and helping low-income homeowners save on energy and housing costs. In 2018, GRID and Wells Fargo launched the [Tribal Solar Accelerator Fund \(TSAF\)](#) to catalyze the growth of solar energy and expand solar job opportunities in Tribal communities across the U.S. The TSAF is helping Tribes across the country achieve energy sovereignty.

The Spokane Tribe’s Children of the Sun Solar Initiative was the first project selected for TSAF funding. This 650-kilowatt solar initiative was born in response to the 2016 Cayuse Mountain Fire, which burned 18,000 acres on the Spokane reservation and cut power to the tribe’s main administrative buildings and water supply. For the Spokane Tribe, solar represents a way to save money, create new economic opportunity, and strengthen community resilience.

### Supporting clean technology innovation

The Wells Fargo [Innovation Incubator\\*](#) (IN<sup>2</sup>), a collaboration with U.S. Department of Energy National Renewable Energy Laboratory (NREL) and the Donald Danforth Plant Science Center (Danforth Center), is a proven model for accelerating the path to market for clean technology and agriculture companies. The Wells Fargo Foundation funded IN<sup>2</sup> with an additional \$20 million to extend the award-winning program through 2024.

In 2020, IN<sup>2</sup>:

- Made \$900,000 in grants to help clean technology and sustainable agriculture startups retain staff and bring their solutions to market
- Added six new startups, bringing the total portfolio of companies to 46 at year-end
- Opened referrals for two new technology incubation rounds
- Saw three portfolio companies be acquired by more established companies, which means that innovative climate solutions addressing air conditioning and climate-friendly refrigerants, microgrid management and energy storage, as well as multifamily housing technologies that decrease energy use, are now available in the larger economy

Wells Fargo Innovation Incubator was named a finalist for the [Corporate Social Responsibility Award-Diversified\\*](#).

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***“BRITE Energy Innovators is the state of Ohio’s Energy Incubator. In 2020, our country saw its fair share of change, but we are no strangers to the roads less traveled. Due to our partnership with Wells Fargo and IN<sup>2</sup> we were able to provide critical services to help more founders create new energy technologies than any year before. Our founders were more diverse and were able to pivot products through the pandemic to meet the world’s needs. We even had the world’s first electric truck and a battery Gigafactory land in our back yard. With partners like Wells Fargo, the Midwest’s future is BRITE.”***

**– Rick Stockburger, President and CEO, BRITE Energy**



**Climate disclosures**

Wells Fargo is a signatory of the Task Force on Climate-Related Financial Disclosures (TCFD) and has published our inaugural [TCFD](#)

[Report](#) (PDF). Please also refer to our [ESG Report](#) (PDF) and [ESG Goals and Performance Data](#) (PDF) for additional information on our environmental metrics.

**Driving operational sustainability**

We're working toward more energy and resource efficiency in our own operations to help our company be more resilient to climate change. We strive to provide environmentally responsible, safe, and healthy spaces for all of our stakeholders. Over the years, we've set a number of [goals](#) (PDF) related to operational sustainability and, despite a highly irregular year for occupancy of our properties due to COVID-19, we were able to make great strides on our operational sustainability journey. We continue to leverage industry best practices and set challenging goals to improve our full portfolio.

| Goal                                                                                            | 2020 results                   |
|-------------------------------------------------------------------------------------------------|--------------------------------|
| Reduce energy consumption 40% from 2008 baseline                                                | Achieved                       |
| Purchase renewable electricity to meet 100% of our global operations needs by the close of 2017 | Achieved                       |
| Reduce greenhouse gas emissions 45% from 2008 baseline                                          | Achieved                       |
| Achieve LEED® certification for 35% of buildings (by leased and owned square footage)           | Goal not achieved <sup>1</sup> |
| Reduce water consumption 65% from 2008 baseline                                                 | Achieved                       |
| Reduce total waste stream 50% from 2010 baseline                                                | Achieved                       |

1. Wells Fargo has completed 900 LEED certified projects totaling more than 44 million square feet. This stretch goal has enabled Wells Fargo to drive green building requirements into design, construction, and operations thereby improving all buildings in the portfolio, not just the newest buildings.



Wells Fargo has been **carbon neutral** in our operations since 2019.

### Renewable Energy at Wells Fargo

Wells Fargo has been meeting 100% of its global electricity needs with renewable energy since 2017<sup>1</sup>. In support of the second phase of our renewable energy commitment — transition to long-term agreements that fund new sources of renewable energy — Wells Fargo entered into a number of long-term contracts supporting development of more than 750 megawatts of net-new renewable energy assets<sup>2</sup>. Nearly 200 megawatts of allocated capacity from these assets is expected to meet 25% of Wells Fargo’s global electricity needs, while supporting the job creation, tax revenue, and carbon reduction in communities where our customers and employees live and work.

***Since its inception in 2005 through November 2020, the Wells Fargo Renewable Energy and Environmental Finance (REEF) team provided financing to 13% of the utility scale wind and solar investments in the U.S. Since 2006, REEF has provided more than \$10 billion in tax equity financing in support of more than 500 renewable energy projects across the country.***

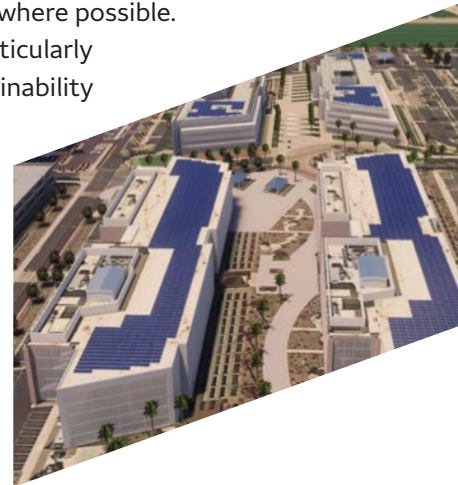
Wells Fargo’s 2020 CDP Supplier Engagement Ranking is

**A-**

### Supply chain sustainability

We’re engaging our suppliers on our sustainability journey, and we continue to participate in the CDP Supply Chain program, which encourages our suppliers to demonstrate their commitment to environmental sustainability and take measures to improve where possible. In 2020, the response rate was 72%, up from 64% in 2019. We see this as particularly noteworthy, given the impact of COVID-19 on so many businesses and sustainability teams.

Wells Fargo’s 2020 CDP Supplier Engagement Ranking (SER) is A-. The SER assesses performance on governance, targets, Scope 3 emissions, and value chain engagement in the CDP climate change questionnaire. Of the more than 5,000 companies that participated, Wells Fargo ranked in the top 15%. We’re in the final stages of completing customized education support for our suppliers who received a score of B- or less from CDP. In 2020, we augmented the training to address COVID-19’s impact and the importance of business continuity planning for small and diverse-certified companies.



1. Renewable energy sources include onsite solar, long-term contracts that fund net-new sources of offsite renewable energy, and the purchase of renewable energy and renewable energy certificates (RECs).  
2. Construction of new assets will occur in 2021 and 2022.

## Environmental awards and recognition



**#1** FOR ENVIRONMENT  
IN BANKS

Forbes 2021

For the first time, Wells Fargo ranked #1 in the financial sector for Environment and Communities on the [Forbes Just 100 list\\*](#).



**Wells Fargo was awarded the top prize for Sustained Excellence by S&P Global Platts at its [2020 Global Energy Awards\\*](#). The Sustained Excellence category recognizes companies that embrace efficient and renewable energy in their operations in order to reduce their environmental impact and help foster a low-carbon future.**

Wells Fargo was awarded the **2021 Fitwel Promise Award: Most Registrations of All-Time**, as well as the **Tenant with the Most Fitwel Registrations in 2020**

award by the Center for Active Design in recognition of the company's industry-leading use of the Fitwel platform to drive continuous improvement in building occupant health and well-being.

Curt Radkin, strategic planning manager within our Corporate Properties Group, was named an **[Environment + Energy Leader 100 honoree\\*](#)**.

This annual recognition goes to those who have broken new ground or advanced best practices to help their companies — or the industry as a whole — achieve great success in commercial and industrial environment and energy management.

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## Forward-looking statements

This Report contains forward-looking statements about the Company's future activities, plans, objectives, and expectations forward-looking statements can be identified by words such as "anticipates," "intends," "plans," "seeks," "believes," "estimates," "expects," "target," "projects," "outlook," "forecast," "will," "may," "could," "should," "can" and similar references to future periods. Forward-looking statements are not based on historical facts, but instead represent our current expectations and assumptions regarding our business, the economy, and other future conditions. Because forward-looking statements relate to the future, they are subject to inherent uncertainties, risks and changes in circumstances that are difficult to predict. You are urged to not unduly rely on forward-looking statements, as actual results may differ materially from expectations. Forward-looking statements speak only as of the date made, and we do not undertake to update them to reflect changes or events that occur after that date.

For more information about factors that could cause actual results to differ materially from expectations, please refer to our reports filed with the Securities and Exchange Commission (SEC), including the discussion under "Forward-Looking Statements" and "Risk Factors" in our 2020 Annual Report on Form 10-K as filed with the SEC and available on its website at [www.sec.gov](http://www.sec.gov)\*.

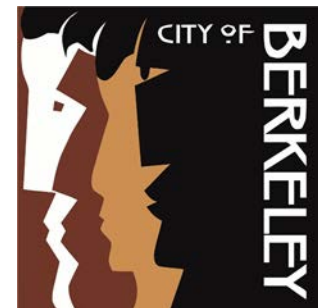
## Securities and Exchange Commission filings

Our annual reports on Form 10-K, quarterly reports on Form 10-Q, current reports on Form 8-K, and amendments to these reports are available free of charge on our website as soon as practical after they are electronically filed with or furnished to the SEC. These reports and amendments also are available free of charge on the SEC's website at [www.sec.gov](http://www.sec.gov)\*.

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# Commitment to Social Responsibility in Berkeley, California

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**Our people**



- 73 team members live here
- 55 team members work here

**Our locations**



- 4 banking locations, including 1 in LMI\* community
- 21 ATMs, 6 in LMI communities

**Credit ratings**

Wells Fargo continues to be among the highest credit-rated U.S. banks

| Bank                 | Moody's | S&P | Fitch |
|----------------------|---------|-----|-------|
| Wells Fargo Bank, NA | Aa1(cr) | A+  | AA-   |
| JP Morgan Chase Bank | Aa1(cr) | A+  | AA    |
| Bank of America      | Aa2(cr) | A+  | AA-   |
| US Bank              | Aa2(cr) | AA- | AA-   |
| Citibank             | Aa3(cr) | A+  | A+    |

(cr) – Reflects Moody's Counterparty Risk Assessment  
Source: Bloomberg as of January 21, 2021

**FDIC deposit market share**

| Deposit share | Rank # | Total deposits (\$000) |
|---------------|--------|------------------------|
| 32.43%        | #1     | \$2,077,121            |

Source: FDIC Deposit Market Share Report as of June 30, 2021

\*LMI = low to moderate income  
Our people and location information as of March 2022

## Creating solutions to pressing societal challenges.

Wells Fargo is dedicated to making meaningful, inclusive, and enduring contributions as our communities address and recover from these challenges. We're focused on addressing systemic issues and supporting an inclusive recovery as we aim to break down barriers to enable a better future.



### Philanthropy and Volunteerism

Create meaningful change by supporting the communities that we live and work in.



### Economic Empowerment

Strengthen financial education and economic opportunities in underserved communities



### Diversity and Social Inclusion

Make sure all people feel respected and have equal access to resources and opportunities to succeed.



### Environmental Sustainability

Accelerate the transition to a low- carbon economy and help reduce climate change impacts.

See [Corporate Responsibility — Wells Fargo](#) for additional information.

# Philanthropy and Volunteerism

---

## Charitable Contributions<sup>1</sup> in the City of Berkeley

| Charitable giving              | Total grants | \$ Amount          |
|--------------------------------|--------------|--------------------|
| 2016 Giving                    | 63           | \$790,875          |
| 2017 Giving                    | 114          | \$1,829,025        |
| 2018 Giving                    | 190          | \$1,503,561        |
| 2019 Giving                    | 94           | \$1,492,304        |
| 2020 Giving                    | 26           | \$1,407,137        |
| <b>TOTAL CHARITABLE GIVING</b> | <b>197</b>   | <b>\$7,022,902</b> |



| 2020 Employee volunteer hours |             | 2020 Employee giving |                  |
|-------------------------------|-------------|----------------------|------------------|
| Volunteer hrs = 99            | Events = 31 | Participants = 78    | Amount = \$7,641 |

**\$475MM Donated Nationally**  
 Through our businesses and the Wells Fargo Foundation, our charitable contributions totaled \$475 million in 2020

**\$52.3MM Donated in California**  
 Wells Fargo businesses and foundation charitable contributions in California totaled \$52.3 million.  
 1,769 employees volunteered 59,004 hours to non-profit organizations.  
 1,960 employees donated \$2,427,608 in California.

<sup>1</sup>Community Impact and CRA reflects 2020 data



# Berkeley non-profits supported by Wells Fargo

Page 313 of 313



Housing Affordability

- California Community Builders Inc.: Wells Fargo funds support three projects:
  - Policy research related to increased mortgage capital access for low- and moderate-income communities of color;
  - Policy research and convenings related to increased multi-family homeownership production;
  - Research and dissemination related to increasing support for small BIPOC developers.
- Resources for Community Development:
  - Supporting pre-development for affordable housing in the Bay Area.
- Berkeley Student Cooperative Inc.
  - Student run affordable housing provider that helped keep 1,260 students stay in college.
- Disability Rights Advocates
  - Wells Fargo has served on the Board for the past 9 years and we celebrate Kathy Martinez (former Wells Fargo SVP of Accessibility Strategy) as the new CEO of Disability Rights Advocates.
- University of California Berkeley Foundation
- Berkeley Food and Housing Project
- Bay Area Council Foundation Berkeley
- Satellite Affordable Housing Associates



Job Training

- We Care Solar
- 1951 Coffee Company
- Multicultural Institute



Social Services

- Earth Island Institute Inc.
- Hospital De La Familia Foundation



Arts & Culture

- Regents of the University of California at Berkeley
- Berkeley Repertory Theatre



Small Business Growth

- Regents of the University of California at Berkeley
- Small Business Growth: Data For Social Good Foundation



Civic Engagement

- National Interscholastic Cycling Association



Environment

- Center For Creative Land Recycling
- Bay Nature Institute
- Rose Foundation For Communities and the Environment



Wells Fargo provided general operating support to BFHP as they faced its greatest challenge ever in responding to the pandemic. Housing the homeless both increases their safety and that of the wider population; a housed person is less likely to contract and spread COVID-19. During the COVID-19 outbreak and SIP order, Wells provided additional funding for:

1. 24/7 Operations of Dwight Way Shelters to allow 81 clients to shelter in place.
2. Implementation of programming for 18 trailers for homeless clients at 2 sites in Berkeley and a single-family home for the duration of the outbreak.
3. Continuation of the Meals Program, providing 300+ meals daily to those in need.
4. Team Hope outreach to those living on the street and providing them hotel rooms during SIP.
5. Roads Home outreach to veterans experiencing homelessness to secure safe shelter in hotel rooms.
6. Referring and transitioning shelter clients to Operation Comfort (at the Oakland Comfort) or to Safer Ground, which houses clients 65+ with pre-existing medical conditions at the Radisson.
7. Completing daily Wellness Checks for clients in shelters, hotels and transitional housing. Checks include COVID-19 screening following CDC guidelines.
8. Disinfecting all areas shelters and transitional housing facilities frequently.
9. Ensuring clients follow COVID-19 hygiene practices (daily showering, frequent handwashing, etc).



**Satellite Affordable Housing Associates:** Wells Fargo grant funds support SAHA's Clifton Hall creating 40 new units of permanent supportive housing for 40 homeless, COVID-vulnerable seniors. The Hall was formerly a college dormitory and in addition to the permanent supportive housing on floors 3 and 4, will include a family shelter on floors 1 and 2. This is new model of transforming hotels into housing for the homeless was an innovation from the State as a result of the COVID pandemic and the need to transition homeless vulnerable residents into a safe place to avoid worsening the pandemic and to address the homeless crises in our cities.



**Turner Housing Innovation Labs** announced a three-year partnership with Wells Fargo to support solutions at the intersection of housing affordability, equity, and sustainability. This partnership will help the Housing Lab, Turner's accelerator program, continue to support housing affordability and equity innovations, while adding a focus on the planet. Environmental sustainability broadly includes carbon reduction, materials innovations, and building for climate resilience.

# Home Ownership

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**Home mortgage lending from 2016-2020 in Berkeley<sup>1</sup>**

|                            | Total loans  | \$ Amount              |
|----------------------------|--------------|------------------------|
| Home purchases             | 499          | \$441,967,000          |
| Home improvement           | 161          | \$56,639,000           |
| Home refinance             | 856          | \$539,939,000          |
| Other mortgage             | 87           | \$50,106,000           |
| <b>TOTAL HOME MORTGAGE</b> | <b>1,603</b> | <b>\$1,055,651,000</b> |



In 2020, Wells Fargo provided 2 community development loans totaling \$15.6 million and 12 community development investments totaling \$814,461

**2016-2020 Community Development support in Berkeley<sup>1</sup>**

|                                    | Total     | \$ Amount           |
|------------------------------------|-----------|---------------------|
| Affordable Housing Loans           | 12        | \$26,740,000        |
| Community Services Loans           | 3         | \$8,082,000         |
| Community Development Investments  | 65        | \$6,191,000         |
| <b>TOTAL COMMUNITY DEVELOPMENT</b> | <b>80</b> | <b>\$41,013,000</b> |

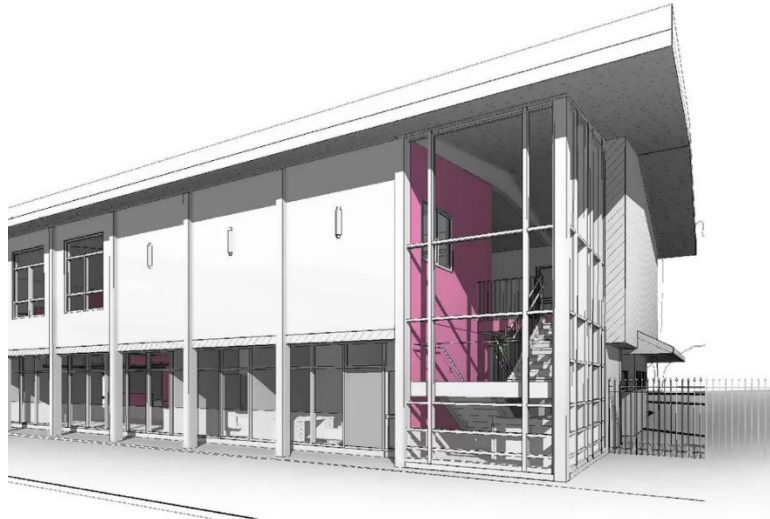
<sup>1</sup>Community Impact and CRA reflects 2020 data

## Wells Fargo Community Lending & Investment



**Grayson Apartments:**  
Wells Fargo provided funding to support a 23-unit development on San Pablo Avenue at the corner of Grayson Street that includes 18 one-bedroom apartments and 5 two-bedroom apartments. Funding includes commitments from the City of Berkeley, Alameda County and State HCD and 17 project-based Section 8 vouchers provided by the Berkeley Housing Authority. Thirteen units will be set aside for people with special needs including nine units for youth transitioning out of the foster system, three units for people living with HIV/AIDS, and one unit for a generally disabled person.

**YMCA of the East Bay:**  
Wells Fargo provided \$9.5MM investment to help purchase and renovate a 9,017 sq/ft two-story building in Alameda County. The 50-year-old building will become the new Cherryland Early Learning Center (ELC), a vibrant new facility for YMCA of the East Bay, providing high quality early childhood education and wraparound services for 80 low-income children ages 0-5. The Cherryland neighborhood has one of the highest needs for early learning sites, yet it is among the least served neighborhoods per capita in Alameda County. The renovated building will include six classrooms (two preschool rooms and four infant/toddler rooms), a meeting room, kitchen, restrooms, reception area, and offices. Cherryland ELC will provide free, year-round, full-day care for 80 children, ages 0-5. All 80 seats will be Early Head Start or Head Start seats, and 100% of the families are expected to meet federal poverty guidelines for income or other categorical eligibility requirements such as homelessness. The project is expected to create or retain 20 FTE permanent jobs.



# Economic Empowerment

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Financial success for our customers and our business starts with the success of local communities. We're strengthening economic opportunities in underserved communities by empowering individuals and small businesses with the products, services, knowledge, and tools needed to ensure financial self-sufficiency, income mobility, and ultimately, improved well-being and quality of life

## Our 2020 Commitments

- Expand access to high-quality, affordable, and responsible financial products and services to help underserved consumers enter the financial mainstream, increase savings, improve credit, and build assets
- Strengthen the financial capabilities of underbanked consumers and our own team members
- Stabilize local economies and low- to moderate-income neighborhoods through affordable housing, philanthropy, community development investments, and other critical community services
- Empower small businesses with access to the capital and financial services needed to start, operate, and grow

### **\$400 Million To Help Entrepreneurs stay 'Open for Business'**

*To help small businesses impacted by the ongoing COVID-19 pandemic keep their doors open, retain employees, and rebuild, Wells Fargo is making an industry-leading commitment by donating approximately \$400 million in gross processing fees from the Paycheck Protection Program. Through a new Open for Business Fund, Wells Fargo will provide support for nonprofit organizations who serve small businesses, particularly businesses owned by underrepresented individuals — a group disproportionately affected by the pandemic — to provide needed capital, offer technical support, and develop long-term resiliency programs.*

*The program launched with an initial \$28 million aimed at supporting Black- and African American-owned small businesses, which are closing at nearly twice the rate of the industry, according to the National Bureau of Economic Research (PDF). The first grantees are:*

- *Expanding Black Business Credit to support the launch of the Black Vision Fund, which will increase capital to Black-focused Community Development Financial Institutions, also known as nonprofit or community lenders, to close the racial wealth gap in African American communities.*
- *LISC (Local Initiatives Support Corporation) will team up with social impact platform Kiva to provide grants and low-cost capital to more than 2,800 entrepreneurs with a focus on preventing loss in revenue, sustaining employment, and averting vacancies among vulnerable small business owners in urban and rural markets nationwide*



Source: <https://www.wellsfargo.com/about/corporate-responsibility/economic-empowerment/>

# Small Business Lending

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**Support for Berkeley small businesses last year**

781 small business loans extending \$45.2 million in credit ▶ Of that, 117 were in LMI communities totaling \$7.1 million in credit

**Small business loans in Berkeley from 2016-2020**

| Small Business Loans by Size      | # of loans   | \$ Amount            |
|-----------------------------------|--------------|----------------------|
| \$100,000 or less                 | 3,011        | \$121,696,000        |
| \$100,000 to \$250,000            | 165          | \$23,779,000         |
| \$250,000 to \$1,000,000          | 190          | \$1,503,561          |
| <b>TOTAL SMALL BUSINESS LOANS</b> | <b>3,250</b> | <b>\$185,993,000</b> |

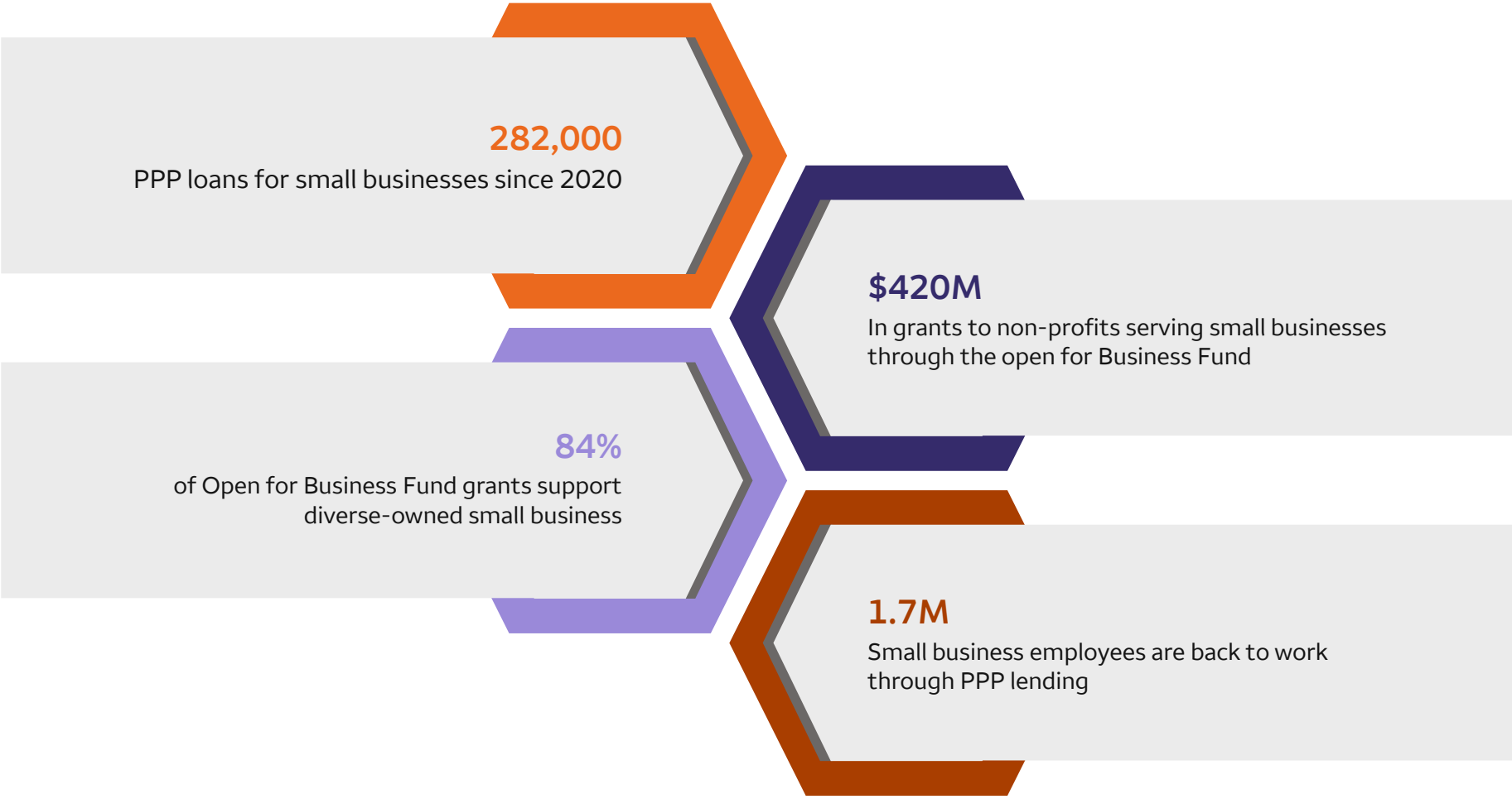
**\$1B Small Business Financing**  
 Approximately **\$1 billion** in available financing is expected to help entrepreneurs through the Open for Business Fund

**\$50M** invested in **Black owned Minority Depository Institutions** (MDIs) part of our commitment to support MDIs with capital and technical assistance for Black and African American homeowners, small businesses, and individuals.

**\$175M** invested in **Wells Fargo Diverse Community Capital** (DCC), to empower diverse small business owners to grow and sustain local jobs.



Wells Fargo is donating roughly \$420 million (\$250 million for capital to CDFIs, \$50 million for technical assistance, and \$100+ million for long-term resiliency programs)



\* Data as of 06/09/2021

# Diversity, Equity, and Inclusion

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Meeting the increasingly diverse needs of Wells Fargo’s global customer base is critical for our company’s long-term growth and success. We’re committed to advancing diversity, equity, and inclusion by helping ensure that all people across our workforce, our communities, and our supply chain feel valued and respected and have equal access to resources, services, products, and opportunities to succeed.

We define diversity as the unique combination of various dimensions that makes each of us different from and similar to others. Those dimensions can include — but are not be limited to — age, gender, ethnic heritage, race, physical or mental abilities, sexual orientation, values, religion/spiritual practice, income, family status, education, and geographic location.

### Our Team (as of 01/01/2020)

- 271,151 employees globally
- 45% of our U.S. workforce is ethnically/racially diverse
- 55.2% of our global workforce are female
- 8,800+ veteran employees in the U.S.
- Our Employee Resource Networks:
  - Asian Connection
  - Black & African American Connection
  - Disability Connection
  - Hispanic & Latino Connection
  - Middle East Connection
  - Generation Connection
  - Native Peoples Connection
  - Pride Connection
  - Veterans’ Connection
  - Women’s Connection

**\$175MM Invested to Grow Local Jobs**  
 We’re empowering diverse small business owners to grow and sustain local jobs by investing \$175 million in Wells Fargo Diverse Community Capital (DCC)

**Helped 188K+ Hispanic Homeowners**  
 Through 2020, Wells Fargo helped 188,460 Hispanic families and individuals become homeowners through \$48.7 billion in mortgage financing

**Helping 72K+ Black Homeowners**  
 Through 2020, we helped 72,759 Black families and individuals become homeowners through \$18.6 billion in mortgage financing

Source: Wells Fargo Social Responsibility - <https://www.wellsfargo.com/about/diversity/diversity-and-inclusion/>

# Diversity, equity, and inclusion awards and recognition

**Wells Fargo ranked**

- #11** On DiversityInc's 2020 Top 50 companies for Diversity.

The Company is also recognized on several specialty lists including

- #1** Top companies for people with Disabilities
- #2** Top companies for Philanthropy
- #7** Top companies for Employee Resources
- #8** Top companies for Supplier Diversity
- #14** Top companies for LGBT employees

**Wells Fargo received the Employers Seal from the National Organization on Disability's 2020 Employment Tracker**

**Wells Fargo ranked #34 on Military Times Best for Vets list**

**Wells Fargo earned a spot on the Civic 50's Most Generous companies in America list for 2020**

**Wells Fargo has been designated a Top Military Friendly Employer, Top Military spouse Employer and top Supplier Diversity program by Viqtory Media for 2021**

**Chief Risk Officer Mandy Norton was named to the 2020 Outstanding 100 LGBT+ Executives**

**Wells Fargo ranked LatinaStyle Wells Fargo #12 on its Top Companies for Latinas for 2020.**

**Wells Fargo is among the 2021 GEI Members in the Bloomberg Gender Equality Index**

**Wells Fargo received top scores from the Hispanic Association Corporate Responsibility inclusion Index**

**Wells Fargo earned a 100 percent rating and was designated a "Best Place to Work for LGBTQ Equality" on the 2021 Human Rights Campaign Corporate Equality Index.**

See Wells Fargo Stories for more examples of diversity and inclusion at Wells Fargo

# Environmental Sustainability

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At Wells Fargo, we are working to embed environmental sustainability throughout our products, services, operations, and culture to drive efficiencies and responsible resource use while creating comfortable, safe, and healthy workplaces. We believe that climate change continues to be one of the most urgent environmental and social issues of our time, and we are working across our value chain to help accelerate the transition to a low-carbon economy and reduce the impacts of climate change on our business, communities, employees, and customers.

## Wells Fargo commitment to the environment

- 100% of all Wells Fargo operating energy needs are met by renewable energy
- Wells Fargo owned or financed 8.1% of all wind & solar energy in the US last year
- Provided \$17.6 billion in financing for renewable energy, clean technology, and sustainable business last year for a total of \$74.6 billion since 2018
- Reduced water consumption 67% since 2008
- Reduced energy consumption by 44% since 2008
- Reduced total waste by 60% since 2010
- 26.2 million square feet of LEED-certified space totaling 33% of total square footage
- 58,631 hours volunteered on environmental projects



**Let The Sun Shine**  
Financing from Wells Fargo helped Kern High School District in California install SunPower® Helix™ Carport solar systems at 25 of its sites. These systems have panels on top that absorb sunlight, produce clean energy, and generate power for 23 schools and two administrative buildings, while also providing shade. The district expects to save \$80 million in electricity costs over 25 years, while also conserving energy.

**\$75B to Support Sustainability**  
Wells Fargo deployed \$75 billion in financing to sustainable businesses and projects to accelerate the transition to a low-carbon economy







CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David Sprague, Interim Fire Chief  
Peter Radu, Assistant to the City Manager

Subject: Piggyback Contract – Data Ticket for Administrative Citation Processing

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Downey's existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).

FISCAL IMPACTS OF RECOMMENDATION

This contract will start in FY2023 by the Fire Department and Neighborhood Services. All funds required to pay for this contract are in the Department's baseline operating budget or will be offset by the revenue received from the collections. Funding sources include but are not limited to; Measure FF, UC Settlement, and the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Fire Department and Neighborhood Services Code Enforcement currently rely on a paper-based citation system for the issuance of any administrative citations related to their work. The staff time associated with processing one citation is so great that the programs are effectively not used when necessary after education efforts are not successful in mitigating violations. While issuing citations are a last-resort of an enforcement process, they are sometimes necessary as a tool to gain compliance with applicable codes and help ensure the safety of residents. Examples of applicable processes are:

- Fire Department, Annual Wildland Urban Interface (Fire Zone 2 & 3) Defensible Space Inspections
- Fire Department, Annual Fire Prevention Inspections for Multi-Family Residential and Business occupancies

- Neighborhood Services Code Enforcement: Blight, Illegal dumping, graffiti, sidewalk violations and other quality of life issues; coordination of enforcement for complex cases with multiple violations involving several city departments.

A 2018 City Auditor’s report<sup>1</sup> found that the City’s Code Enforcement Unit is understaffed for its workload, resulting in inefficient customer service to the Berkeley community. Since that time, the City has been unable to fund additional Code Enforcement staff due to numerous competing priorities, but workload—especially during the pandemic, with the advent of COVID-related violations—has only grown. This contract will provide administrative efficiency and support for some components of Code Enforcement (namely, violation and citations processing) which will free existing staff time up to focus on aspects of the job that require trained expertise.

### BACKGROUND

The City of Downy, a similarly sized City [to Berkeley] in Southern California, conducted a competitive Request for Proposal (RFP) process that solicited bids for a vendor to provide “Parking and Administrative Citation Processing and Collection Services”, (Attachment 1), which opened on April 21, 2020 and closed on May 20, 2020. Data Ticket, Inc. was selected as the most responsive vendor and was awarded a base contract period that runs from September 22, 2020 through September 21, 2025 with three (3), one (1) year options to extend (Attachment 2). The Fire Department and Neighborhood Services Code Enforcement are requesting to piggyback off the City of Downey Contract for the same services.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This program will allow the transition from paper based administrative citation systems to digital. Transitioning from a paper-based administrative citation system to a digital system can have a positive impact on environmental sustainability. It can reduce paper usage and waste, as well as decrease the need for transportation and storage of paper documents. Additionally, digital systems can often be more efficient and streamlined, reducing the overall environmental impact of administrative processes.

Removing hazardous vegetation in the Very High Fire Danger Severity Zone can also have a positive impact on environmental sustainability and help mitigate the effects of climate change. Wildfires can release large amounts of carbon into the atmosphere, contributing to the overall increase in greenhouse gas emissions. By reducing the probability of ignition during a wildfire, the program can help reduce the frequency and severity of wildfires, ultimately helping to mitigate the effects of climate change.

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<sup>1</sup> Audit Report: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight: [https://berkeleyca.gov/sites/default/files/2022-01/Code%20Enforcement%20Resources%20Significantly%20Constrained\\_Fiscal%20Year%202018.pdf](https://berkeleyca.gov/sites/default/files/2022-01/Code%20Enforcement%20Resources%20Significantly%20Constrained_Fiscal%20Year%202018.pdf)

RATIONALE FOR RECOMMENDATION

Staff are responsible for the inspection and enforcement of a variety of codes. Staff take an educate first approach in most situations, however, the issuance of citation is required to gain compliance in some situations. Staff currently rely on a decades old, paper-based citation process which requires an inordinate amount of staff time to complete. This can result in delays in issuing citations and gaining compliance, ultimately impacting the safety and well-being of the community. Because of this, the current system is ineffective in ensuring compliance with the Municipal Code.

The transition to a digital system will also help improve the overall effectiveness of the inspection and enforcement process. By reducing the administrative burden of issuing citations, staff can focus on education and outreach, promoting compliance through understanding.

ALTERNATIVE ACTIONS CONSIDERED

Continue with paper-based citation processes.

CONTACT PERSON

David Sprague, Interim Fire Chief, (510) 981-3473  
Peter Radu, Assistant to the City Manager, (510) 981-7045

Attachments:

- 1: Resolution
- 2: Downey RFP - Citation Processing Final
- 3: Downey Contract Signed 092220

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

PIGGYBACK CONTRACT: DATA TICKET FOR ADMINISTRATIVE CITATION  
PROCESSING

WHEREAS, the Fire Department and Neighborhood Services Code Enforcement currently rely on a paper-based citation system for the issuance of any administrative citations related to their work, and

WHEREAS, the staff time associated with processing one citation is so great that the programs are effectively not used when necessary after education efforts are not successful in mitigating violations, and

WHEREAS, while issuing citations are a last-resort of an enforcement process, they are sometimes necessary as a tool to gain compliance with applicable codes and help ensure the safety of residents, and

WHEREAS, the City of Downy, a similarly sized City [to Berkeley] in Southern California, conducted a competitive Request for Proposal (RFP) process that solicited bids for a vendor to provide “Parking and Administrative Citation Processing and Collection Services”, (attached), which opened on April 21, 2020 and closed on May 20, 2020. Data Ticket, Inc. was selected as the most responsive vendor and was awarded a base contract period that runs from September 22, 2020 through September 21, 2025 with three (3), one (1) year options to extend, and

WHEREAS, the Fire Department and Neighborhood Services Code Enforcement are requesting to piggyback off the City of Downey Contract for the same services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments which align with the City of Downey’s existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).



**City of Downey**

# **Request for Proposals**

## **Parking and Administrative Citation Processing and Collection Services**

**2020**

**Proposal Due Date**  
**Wednesday, May 20, 2020, 2020**  
**10:30 AM**



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NOTICE TO PROPOSERS

**NOTICE IS HEREBY GIVEN** that the City of Downey will receive formal proposals for:

**PARKING AND ADMINISTRATIVE CITATION PROCESSING AND COLLECTION SERVICES  
AS DESCRIBED IN THE REQUEST FOR PROPOSALS**

Each proposal shall be submitted electronically through **The City of Downey's Online Bid Portal** no later than **10:30 a.m. on Wednesday, May 20, 2020** local time. This Request for Proposals (RFP) describes the project, scope of services, submission requirements, and selection process. Proposals that do not meet the submission requirements specified herein will not be considered.

The City intends to enter into negotiations with the firm judged to be the best qualified, based on the selection process, to establish a contract for the processing of parking and non-parking administrative citations, and the collection of parking/administrative fines. Issuance of the RFP does not obligate the City to enter into contract negotiations nor award a contract, nor is the City liable for any costs incurred by a firm in the preparation and submittal of its proposal for the subject work. The City retains the right to award contracts for parts of this work to several proposers, or to re-solicit proposals.



CITY OF DOWNEY  
 11111 Brookshire Avenue  
 Downey, CA 90241  
 562.904.2308

REQUEST FOR PROPOSALS FOR  
 PARKING AND ADMINISTRATIVE CITATION PROCESSING AND COLLECTION SERVICES

1. INTRODUCTION

The City of Downey (City) is seeking proposals from qualified firms for professional services to act as Citation Processor to receive and process parking and non-parking administrative citations. The City desires to engage a single entity to provide a complete range of professional consulting services to support its Parking and Administrative Citation Program, as described hereinbelow, as an extension of the City's staff.

Proposals should demonstrate the firm's proven capabilities in processing and managing both parking and non-parking administrative citations, and that the firm can successfully abide by the guidelines set forth in California Vehicle Code Division 17, Chapter 1, Article 3 ("Procedure on Parking Violations") and Downey Municipal Code Article I, Chapter 4 ("Administrative Citations"). It is anticipated that the selected firm will be knowledgeable of current and proposed changes in California law as it relates to the processing of parking and non-parking administrative citations, as well as to the collection of delinquent parking/administrative fines. The full contracted scope of work shall be negotiated with the selected firm based on the services proposed by firm and/or required by the City. It is essential for the firm selected to recognize the need to preserve the collegial and participative culture of the City environment while effectively and efficiently completing projects. It is critical that the firm is successfully able to blend the authority delegated to the firm by the City with the City's non-delegable responsibilities to form a constructive and effective working relationship.

The Citation Process staff person will report directly to the Special Operations Sergeant of the Downey Police Department for parking citations and the Code Enforcement Supervisor for non-parking administrative citations, but will also interact with the City Manager, Director of Finance, Code Enforcement, and City Prosecutor, as well as various departments throughout the City.

The City intends to contract with a single firm and not with multiple firms doing business as a joint venture. Accordingly, where two or more firms desire to join in preparing and submitting Proposals, they should do so on a prime-subconsultant basis, rather than as a joint venture or informal team. The firm acting as the "prime", if it receives the Award, will enter into the Program and Project Management Agreement with the City. Proposers are required to reveal all parties and relationships with their Proposal for any joint offer submitted under this RFP.

2. BACKGROUND AND DESCRIPTION

The City has a population of 113,407 and located in southeast Los Angeles County, California, 13 miles southeast of downtown Los Angeles. Citations for parking violations and other provisions of the Downey Municipal Code are written and processed daily by city staff and forwarded to a professional





company for processing. Citations are issued utilizing both electronic handheld devices and hand written paper citations.

### 3. SCOPE OF REQUIRED SERVICES

See Exhibit A and B for full scope of services requested.

#### 1. PROPOSAL REQUIREMENTS

##### 1.1 General

It is important that your submission exactly follows the format below and that the sections are numbered to correspond to requirements below.

##### 1.2 Contents

###### A. Executive Summary

Provide an overview of the entire proposal describing the general approach or methodology the Proposer will use to meet the goals and fulfill the general functions required in this RFP. Include in your summary the reasons why your firm should be selected.

###### B. Table of Contents

###### C. Firm Information

###### Identification of the Proposer

- Legal name and address of company.
- Legal form of company (corporation, partnership, etc.).
- Address, phone number, facsimile number, email address, website address, direct email address, of the person that will be primarily responsible for providing services for this Proposal and for scheduling an in-person interview if the Proposer is selected for one.
- California Business License Number.

Note: If this is a joint venture, note how long the joint venture has been in business and the owners. The City intends to contract with a single firm and not



with multiple firms doing business as a joint venture. Accordingly, where two or more firms desire to join in preparing and submitting Proposals, they should do so on a prime sub-consultant basis, rather than as a joint venture or informal team. The firm acting as the “prime”, if it receives the Award, will enter into the Program and Project Management Agreement with the City. Proposers are required to reveal all parties and relationships with their Proposal for any joint offer submitted under this RFP.

#### D. Staffing Resources

##### 1. Firm Staffing and Key Personnel

- Provide total number of professional staff employed by the firm.
- Identify at a minimum three (3) persons who will be principally responsible for working with the City and have a direct day-to-day role for the PPM. Indicate the role and responsibility of each individual, and how many years they have been with the Proposer’s company. If the Proposer is chosen as a finalist, these principal individuals must attend any interview and in-person presentation.
- Provide resumes of individuals that will be working directly with the City.

##### 2. Subcontractors

If it is likely that the Proposer will not have sufficient resources to perform all the functions described in this RFP and that the Proposer will likely have to subcontract various functions, the Proposer shall identify those functions that are likely to be subcontracted and identify the subcontractor or sub-consultant that is anticipated to perform each function, if known at this time.

#### E. Experience and Technical Competence

##### 1. General Experience

- The Proposer shall state the number of years the firm has conducted business and demonstrate the ability to manage large dollar value programs. Proposer must have at least ten (10) years of experience in providing the outlined scope of required services for public sector clients. Please provide three references to support the number of years of experience with



public sector clients. Include the name, address, and phone number, and contact name for each reference.

## 2. Project Specific Experience

The Proposer shall provide a description of the two (2) most relevant PPM contracts held by the firm, preferably involving municipalities, counties or school districts, within the last ten (10) years.

If any of the following has occurred, please describe in detail:

- Failure to enter into a contract or professional services agreement once selected.
- Withdrawal of a proposal as a result of an error.
- Termination or failure to complete a contract.
- Debarment by any municipal, county, state, federal or local agency.
- Involvement in litigation, arbitration or mediation.
- Conviction of the firm or its principals for violating a state or federal antitrust law by bid or proposal rigging, collusion, or restrictive competition between bidders or proposers, or conviction of violating any other federal or state law related to bidding or professional services performance.
- Knowing concealment of any deficiency in the performance of a prior contract.
- Falsification of information or submission of deceptive or fraudulent statements in connection with a contract.
- Willful disregard for applicable rules, laws or regulations.

Information regarding any of the above may, at the sole discretion of the City, may be deemed to indicate an unsatisfactory record of performance.

### F. Litigation

Provide litigation history for any claims filed by your firm or against your firm related to the provision of program and project management services in the last five (5) years.

### G. Appendices (Must directly relate to requested information)

## 2. COST AND PRICE SUMMARY



This information must be provided in a separate document uploaded to the City Bid Portal. Proposal shall provide a Schedule of Rates (SOR) for the principal firm. Proposers' hourly rates should be identified for each of consultants proposed team members. All direct costs, profit and overhead, as well as applied overhead and profit should be included in the burdened hourly billing rates. Any proposed reimbursable expenses should also be listed. Cost should include equipment fees including handheld electronic citations writers, printers, ticket stock (including artwork and printing), warranties, software license fees, wireless service, support, and training.

### 3. PRE-SUBMITTAL ACTIVITIES

#### 3.1 Questions Concerning Request for Proposal

Questions regarding the RFP or requests for clarification **must be submitted through the Online Bid Portal by 10:30 a.m. on Tuesday, April 28, 2020.** Any inquiry should state the question only, without additional information. Responses to questions or requests for clarification may be issued directly to the firm that submitted the inquiry. The City may also issue responses to requests for clarifications, questions, and comments; issue addenda to this RFP; or supply other material related to this RFP in the form of a Bid Addenda, which will be posted on the Online Bid Portal or the City's website. It is the responsibility of each firm to check the Online Bid Portal and the City's website regularly during the solicitation period for updated information. **By submitting a proposal, Proposers are deemed to have constructive knowledge and notice of all information posted on the Online Bid Portal and the City's website.**

#### 3.2 Revision to the Request for Proposal

The City reserves the right to revise the RFP until the date specified in this RFP (the Schedule of Events). Revisions to the RFP shall be emailed to one email address for each Proposer that has downloaded an RFP packet. The City expressly reserves the right to extend the date by which proposals are due.

### 4. SUBMITTAL REQUIREMENTS

#### 4.1 General

Proposers shall submit proposals in the format identified in this section to allow the City to fully evaluate and compare the proposals. All requirements and questions in the RFP should be addressed and all requested data shall be supplied. The City reserves the right to request additional information which, in the City's opinion, is necessary to assure that the Proposer's competence, number of qualified



employees, business organization and financial resources are adequate to perform according to contract.

#### 4.2 Preparation

Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Responses should emphasize the Proposer's demonstrated capability to perform work of this type. Expensive bindings, promotional materials, etc., are not necessary or desired. However, technical literature that supports the Program approach and work plan should be forwarded as part of the Proposal. Emphasis should be concentrated on completeness, approach to the work and clarity of proposal.

#### 4.3 Format

Proposals shall adhere to this required format for organization and content. Proposal must be divided into the individual sections and organized as follows: (Total number of pages-29)

- Executive Summary: This section shall include a response to Section 4.02 (A). (1 page maximum)
- Table of Contents: Provide a table of contents referencing section headings and page numbers. See Section 4.02(B) (1 page maximum).
- Identification of the Proposer: This section shall include a response to Section 4.02 (C). (1 page maximum)
- Staffing Resources: This section shall include a response to Section 4.02 (D). (2 pages maximum)
- Experience and Technical Competence: General Experience: This section shall include a response to Section 4.02 (E) 1. (2 page maximum)
- Experience and Technical Competence: Project Specific Experience: This section shall include a response to Section 4.02 (E) 2. (2 pages maximum)
- Litigation: This section shall include a response to Section 4.02 (I). (1 page maximum)
- Appendices: This section shall provide supporting documents. (Up to 4 pages maximum, but must directly relate to requested information)
- Non-Collusion Agreement
- Certification of Request for Proposal



The proposal shall be signed by an individual or individuals authorized to execute legal documents on behalf of the Proposer.

#### 4.4 Date, Time and Place of Submission

Proposals must be submitted electronically through The City of Downey's Online Bid Portal by 10:30 a.m. on Wednesday, May 20, 2020 local time.

### 5. SELECTION PROCESS

#### 5.1 Selection Process

Proposals will be evaluated and ranked by City of Downey staff. City will assess the submitting firm's qualifications, experience and strength of the proposer in terms of resources and the ability to perform the work. The proposals receiving the highest ranking are likely to be invited for an interview. City may, at its discretion, request that an applicant modify or supplement their submission with additional information.

The City intends to identify the most qualified firm(s) to complete the work as outlined in this RFP and enter into an agreement for required services. The agreement will be based on the City's standard and reflect the terms and conditions of the proposal in addition to the City's standard liability and insurance requirements. The City reserves the right to clarify any issues or obtain additional information, as necessary.

#### 5.2 Evaluation Criteria

Proposals may be evaluated based upon, but not limited to, the following criteria:

- The firm's experience in managing parking and non-parking administrative citation programs for public sector clients.
- The firm's technical competence
- The qualifications of the firm's staffing, key personnel, team and available resources.
- Past performance of the Proposer(s)
- Proposed fees

#### 5.3 Tentative Timetable



| RFP Issued | Questions Deadline | Closing deadline for RFP submittal | Interviews with top-ranking applicants | Award of Contract |
|------------|--------------------|------------------------------------|----------------------------------------|-------------------|
| 04/21/2020 | 04/28/2020         | 05/20/2020                         | May 2020<br>(If Required)              | June 2020         |

All cost incurred during the proposal preparation or in any way associated with the applicant's preparation, submission, presentation or oral interview shall be the sole responsibility of the applicant.

Receipt of proposals in response to this RFP does not obligate the City in any way to engage any firm and the city reserves the right to reject any and all proposals, wholly or in part, at any time, without penalty. The City shall retain the right to abandon the selection process at any time prior to the actual execution of a contract with a firm, and the City shall bear no financial or other responsibility in the event of such abandonment. The City reserves the right to negotiate all final terms and conditions of any agreements entered into.

If, at any point, the first-ranked firm declines to proceed, the City may, at its own discretion, enter into an agreement with the second-ranked firm, and so on.

## 6. GENERAL PROVISIONS

### 6.1 Additional Services

The City may elect, at any time, to amend any contract awarded hereunder to require the selected firm to provide additional services. In this case, the selected firm and the City will agree mutually on the scope and fees associated with any additional services, which will be in writing and executed by both parties.

### 6.2 Addenda

The City may modify this RFP or any of its deadline dates set forth in the RFP prior to the date fixed for submission of proposals by issuance of an addendum to all firms who have received an RFP packet and/or as posted on the Online Bid Portal or the City's website.

### 6.3 Alternative Proposals

Only one proposal is to be submitted by each Proposer. Multiple proposals will result in rejection of all proposals submitted by the Proposer.



#### 6.4 Withdrawal of RFP

The Proposer may withdraw its RFP through the City Online Bid Portal prior to the time and date specified for proposal submission.

Proposals may be withdrawn and resubmitted in the same manner if done so before the proposal submission deadline. Withdrawal or modification offered in any other manner will not be considered.

#### 6.5 Reservations

The City reserves the right to cancel this RFP at any time prior to contract award without obligation in any manner for proposal preparation, interview, fee negotiation or other marketing costs associated with this RFP.

The City may reject any or all proposals and may waive any immaterial deviation or minor irregularity in a proposal. The City's waiver of an immaterial defect shall in no way modify the RFP documents or excuse the Proposer from compliance with the other provisions of this RFP.

#### 6.6 Disposition of Proposals

Proposals become the property of the City. Information, excluding Proposer's financial information, contained therein shall become public documents subject to the Public Records Act.

#### 6.7 Non-Discrimination

The City does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability or gender in consideration for an award of contract.

#### 6.8 Prevailing Wages

Proposers are aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., as well as California Code of Regulations, Title 8, Section 16000 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public work" and "maintenance" projects. The Proposer must agree to fully comply with and to require its consultants to fully comply with such Prevailing Wage Laws to the extent applicable.





## Exhibit A

### Proposed

#### PARKING CITATION SCOPE OF SERVICES FOR THE CITY OF DOWNEY

##### Description

- Data entry & updating of all handwritten citations & electronic entry & updating of all electronic citations
- Collecting, processing & applying all payments
- Processing all status changes to citation database
- User ID's & passwords for Client Access to COMPANY Web Site
- Viewing & printing of citation management reports and citations at the City 24/7
- City will always have access to its citation database including all status updates real-time
- On-line real-time access to database
- Company credit card payments on-line, real-time via COMPANY web site
- Company credit card payments accepted via phone or paper
- 24/7 citizen access to City database to view, appeal and pay citations
- On-Line connection to California DMV for daily registered owner information files
- On-Line connection to California DMV for daily hold and release files
- On-Line connection to Florida, Ohio, Texas, Washington, Oregon, New York, Pennsylvania, New Jersey, & Maryland DMV's for registered owner information
- Interface with other DMV's nationwide for registered owner information
- Interface with third party vendor for nationwide registered owner information
- All forms, postage and tracking
- Bonded courier for mail pick up from dedicated post office box
- Correspondence tracking and response
- Bi-lingual 800 line voice mail & IVR 24 hours per day, 7 days per week
- Bi-lingual 800 line customer service answered by customer service representatives
- Bonded courier for daily bank deposits
- Bank reconciliation
- Complete audit trail
- Comprehensive monthly management reports on citation issuance and revenue available on-line as well as in hard copy with month-end invoice
- All required insurance
- California Corporate Headquarters



- Refunds and NSF'S handled by Company
- Scheduling: Review, Hearing and Court Appearances
- Hearings: Hearings are scheduled in accordance with City requirements at a designated City location, but no less than every 90 days, according to CA law)
- FTB Tax Lien Participation
- Collections Services
- No charge to City for credit card usage
- System and Ad Hoc Reporting
- DMV inquiries and Registration Holds  
In-state and Out-of-state
- Payment Processing
- Internet Inquiry and Payment Processing
- Knowledge of current and proposed legislation at the State level that impacts the processing of parking citations and the collection of parking fines, as well as implementation of procedures to reflect current and proposed legislation

If the City opts to use COMPANY'S partnership with a third party FDCPA regulated collection agency, the collection fee will be a percentage of actual collections, to be determined by the volume of citations and dollar value of those citations at the time collections are initiated.



## Exhibit B

### ADMINISTRATIVE CITATION SCOPE OF SERVICES FOR THE CITY OF DOWNEY

#### 1. Data Entry from Handwritten Citations

- Receive and data enter weekly batches of all handwritten citations sent by CITY;
- Enter citation information into the database Batch, record, and verify receipt of all manual citations within two (2) business days;
- Edit capability to correct dates, duplicate citations, violation codes and fine amounts;
- System for filing/storing citations in easily retrievable format for a minimum of two (2) years and then dispose in accordance with CITY direction;
- Automated Transfer and Upload of Citations issued by the handheld ticket-writer computer;
- Loading of electronic files immediately upon transfer;
- System to promptly notify CITY regarding citations unable to be entered for any reason (no violation code, unreadable license, etc.);
- All data entry services must be performed on site; confirm that NO CITATION OR PAYMENT DATA is provided to any third party to data enter

#### 2. Registered Owner Name Retrieval

- Retrieve registered owner information online via a real-time interface with the State of California Department of Motor Vehicles (DMV);
- Validate DMV makes upon return of registered owner information from DMV to ensure proper make of vehicle issued citation;
- Review DMV "No Hit" list to ensure that license plate and state have been entered correctly;
- Daily registered owner name retrieval for all citations without a name on the system;
- Make multiple attempts to obtain registered owner information — DEFINE the number of attempts you make per registered owner;

CONTRACTOR shall be responsible for requesting all DMV registered owner information, communications, and costs, for each state. If CONTRACTOR is unable to obtain the information necessary, the citation may be returned to the issuing agency or CITY for research or follow-up.

#### 3. Mail Collection Letters

- Define the types and number of collection letters you submit, including the timeframe in which those collection letters are sent;



#### 4. Automated Processing of Administrative Review Requests

- Contractor shall perform and process all administrative reviews;
- Contractor shall allow citizens to request administrative reviews online and submit supporting documentation via the web such that no US Mail is required;
- Contractor shall provide tracking and correspondence for all administrative review;
- Contractor shall enter and maintain database of all administrative review, showing current status of each request. System must be integrated with parking citation issuance and processing system;
- Contractor shall ensure a result is received for each correspondence;
- Administrative review requests must be entered into the system within two (2) business days from date of receipt;
- Provide inquiry capabilities for citations in the administrative review process;
- Print and mail (by first class mail) all administrative review result letters;
- Provide ability for the CITY to reprint adjudication letters via a web interface;
- Notify the CITY of citations that have been successfully dismissed through the review process and have had payments processed, (or are cancelled) so the CITY can issue a refund;
- File and store all source documents for ease of retrieval;
- Link the hearing tracking system to the citation database in real time to obtain citation information such as citation issue date, delinquent date, amount owed, and other citations open with the same license plate numbers;
- Ensure that the computer system is capable of recording data and comments for historical background, suspending action while appeals are under investigation, sort citations by type of violation and/or defense, record case decisions, generate letters and use customized liability reason codes;
- CONTRACTOR shall generate and mail the notices for citations which have been referred to CONTRACTOR by the CITY.
- The mailed notice shall include:
  - A. Citation Number
  - B. Date and time of issuance
  - C. Violation and description
  - D. The amount of fine/fee due
  - E. How to pay the citation
  - F. Return address for payment

#### 5. Administrative Hearings

- Contractor shall provide independent Hearing Officers to hear in-person, phone and written Hearings;
- Contractor shall allow citizens to request administrative hearings online and submit supporting documentation via the web such that no US Mail is required;



- Contractor shall provide tracking and correspondence for all administrative hearing requests;
- Contractor shall enter and maintain database of all administrative hearing requests, showing current status of each request;
- System must be integrated with parking citation issuance and processing system. Ensure a result is received for each correspondence;
- Contractor shall schedule Administrative hearings and forward schedule to the CITY and Hearing Officer;
- Contractor shall provide a web interface for the Hearing Officer to enter each judgment and generate a letter;
- Contractor shall print and mail (by first class mail) customized hearing notification letters for the CITY;
- Respond to inquiries for the CITY and the public regarding date of hearing, mailing date, location of hearing and directions to hearing location;
- Re-send letters should room or date changes be necessary;
- Letters regarding the results of Administrative Hearings shall be mailed by the Contractor;
- When a refund is appropriate, the CITY shall issue refund;
- Provide monthly report of review results by citation number;

#### 6. Payment Processing

- Provide a Post Office Box with a California address for the CITY where payments, administrative review correspondence, and other documents are to be mailed.
- Provide mail pick-up from post office at least once per day;
- Sort and batch all incoming mail by received date for payment posting;
- Enter and process payments received within one (1) business day, including opening all mail received, verifying payment amounts, updating computer system, and making daily bank deposits in the CITY's bank account;
- Conduct daily reconciliation of all payments entered with bank deposits;
- Provide daily reporting of bank deposits made for the CITY;
- File and store all source document in an easily retrievable system;
- Track partial payments, checks returned for insufficient funds upon notification from the CITY, vehicle change of ownership, and leased vehicle information;
- Provide for payment by credit card (Visa, MasterCard, American Express and Discover) and be capable of securing authorization from the banking institution;
- Payments made by credit card are to be immediately updated in the database in real time;
- Payments shall be made by automated telephone system;
- The contractor shall have the ability to accept payments via the Internet;
- Contractor must be PCI Compliant
- CONFIRM ALL payment processing is performed in-house; NO PAYMENT data is to be sent out for a third party to key
- All citation payments shall be forwarded to CONTRACTOR for processing and depositing



revenues. All deposits shall be made within 24 to 48 hours of receipt of payment into a state or nationally chartered bank, a member of the FDIC, and approved by the CITY. The account shall be solely for the purpose of depositing funds due CITY. A copy of the daily deposit slip shall be mailed to CITY and once a week, on the same day, the CONTRACTOR shall direct the funds and an accounting thereof, to be transferred to the account of the CITY Treasurer by automated clearing house credit or with an accounting to the Treasurer of the CITY of XXX by the United States Post Office. All payments collected by the CITY shall be deposited and the information shall be forwarded to CONTRACTOR.

#### 7. Correspondence Processing

- All correspondence shall be processed within two (2) business days from date of receipt;
- Obtain approval from the CITY on all standard forms, notices of delinquent violation, and correspondence;
- Contractor must ensure that all forms conform to applicable State and Federal laws;
- Submit copies of standard forms, notices of delinquent violation, and other types of standard correspondence with bid proposal.

#### 8. Reporting

- Provide an online report generation capability;
- Provide daily reports for deposits made to the CITY's bank;
- Provide the ability for City Personnel to create, save, share and print custom reports without contacting the CONTRACTOR for assistance;
- CONTRACTOR shall supply the CITY with the necessary reports as follows:
  - A. Revenue collection report
  - B. Citation status report
  - C. Repeat offender report
  - D. Deposit report
- Additional reports may be supplied to CITY provide a list and samples of such reports within the response.

#### 9. Toll-Free Telephone Service/Customer Service

- Provide a toll-free telephone number for inquiries and credit card payments;  
Operate the toll-free telephone service 24 hours a day, seven days a week, 365 days per year;
- Ensure that customer service representatives are available to provide instructions and information on general parking policies and procedures and administrative adjudication procedures for the CITY;
- All Customer Service Representatives must be bi-lingual, speaking English and Spanish



- and not subcontracted resources;
- Provide a recorded voice response system in English and Spanish to convey information on how to pay and contest violations, Registration violation information, and Mail address information;
- Ensure that the automated telephone system must provide detailed real time citation information on citation issue date, delinquent date, amount owed, and open citations by license plate number;
- Ensure that the automated telephone system must be able to accept credit card payments (American Express, Visa, MasterCard, and Discover) and obtain immediate authorization from the banking institution and update the citation database with payment information immediately upon entry;
- Record all inbound and outbound customer service call and be able to submit recordings to the CITY upon request;
- Provide a link from the City web site to the internet application so customers will have full access to the appropriate data and which will for on-line payment.
- City staff must be able to accept payments at City Hall and enter payment information into the database.

#### 10. Custom Notices and Letters

- The company shall provide at no extra cost, the necessary postage, correspondence and stock forms to meet all applicable State and local laws and regulations in regard to citation processing and adjudication;
- Ensure that Delinquent Notices are generated and mailed daily, batch processing is not permitted;
- Delinquent Notices generated shall be mailed daily via first class mail to registered owners;
- Ensure that returned check notices are mailed by first class mail to individuals immediately upon notification from the CITY that a check has been returned for nonpayment;

#### 11. Online Inquiry Access

- Implement an online inquiry system to allow access to the citation database by designated CITY employees;
- The on-line inquiry system must provide real time access to all citation information including registered owner information, payment information, and administrative adjudication correspondence history, citation images, and adjudication images;
- The online system must allow for at least a single City Staff member to be an “Administrator” that can change user access rights for other City Staff members.

#### 12. Support

- Provide in-house staff for all aspects of processing parking citations, including any



- changes related to new Federal, State, or local legislation;
- Days and hours of operation shall be consistent with normal office hours Monday – Friday unless otherwise approved;
- Provide on-going support to the CITY to access and interface with the parking citation database;
- Provide technical support and troubleshooting assistance for any and all hardware and software used by the CITY. Technical support and assistance must be available between the hours of 8:00 a.m. and 5:00 p.m. Pacific Monday through Friday, except CITY recognized holidays;

### 13. Franchise Tax Board

- Contractor must provide full Interagency Intercept capabilities, including the ability to obtain social security numbers;
- Contractor must handle all customer service related to the interagency intercept program;
- Contractor must have provided Franchise Tax Board services for 9 years and must provided at least 3 clients as references for whom this service has been provided

### 14. Collection Services

- Contractor must have knowledge of current and proposed legislation at the State level that impacts the processing of administrative citations and the collection of parking fines, as well as implementation of procedures to reflect current and proposed legislation on both a State and Local level
- After one-year of efforts to collect unpaid citations, those citations shall be turned over to a third party collection agency. The third party collection agency and their practices shall be approved by the City in advance.

### 15. Postal Increases

- In the event of a postal increase, CONTRACTOR may request an adjustment to the fees to offset the postal increase. Such requests shall be in writing.

### 16. Transition Plan

- CONTRACTOR will be required to import current citation data into their citation management system.
- CONTRACTOR will train City staff for access and inquiry capabilities to citation database, to be conducted at city facilities.
- CONTRACTOR is required to facilitate installation of remote access to database by working in conjunction with City staff.





- CONTRACTOR is to obtain approval from the City of standard forms prior to use, including notices of delinquent violation.
- Contactor will confirm all types of customer correspondence including, but not limited to, examples of letters to be sent to customer and methods of communication to designated City personnel.
- No portion of the contract shall be permitted to be subcontracted to another private or public agency without express written approval from the City.
- The CONTRACTOR shall comply with all requirements of the State of California Vehicle Code (CVC) in regard to processing records sent by the City.



**NON-COLLUSION AFFIDAVIT**

State of California )  
 )ss.  
County of \_\_\_\_\_)

Brook Westcott, being first duly sworn, deposes and says that he or she is Chief Operating Officer of Data Ticket, Inc.

the party making the foregoing bid that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the proposal price, or that of any other Proposer, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
**Signature**

Brook Westcott

\_\_\_\_\_  
**Type or print name**

Chief Operating Officer

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)



**Signature, Notary Public**

My Commission Expires: \_\_\_\_\_

**CERTIFICATION OF REQUEST FOR PROPOSAL**

I certify that I have read the attached Request for Proposal for Program and Project Management services.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
Brook Westcott

\_\_\_\_\_  
949-428-7241

**Typed or Printed Name**

**Telephone**

\_\_\_\_\_  
Chief Operating Officer

\_\_\_\_\_  
949-281-3195

**Title**

**Fax**

\_\_\_\_\_  
Data Ticket, Inc.

\_\_\_\_\_  
93-1010811

**Company**

**Federal Tax I.D. Number**

\_\_\_\_\_  
2603 Main Street, Suite 300

\_\_\_\_\_  
Irvine, CA 92614

**Address**

**If the Proposer is a corporation, please provide the corporate seal here:**

[Empty box for corporate seal]



2603 Main Street, Suite 300  
Irvine, California 92614  
949-428-7241  
ClientServices@DataTicket.com

## Scope of Service and Performance Agreement

These services are provided by:

Data Ticket Inc.  
a California Corporation  
2603 Main Street, Suite 300  
Irvine, California 92614  
(here-in-after sometimes referred to as "COMPANY")

FOR:

City of Downey  
11111 Brookshire Avenue  
Downey, California 90241  
(here-in-after sometimes referred to as "AGENCY").

Through this Scope of Service and Performance Agreement ("Agreement"), Data Ticket, Inc. intends to provide for the processing of bails, fines and forfeiture thereof, in connection with the issuance of administrative citations pursuant to AGENCY municipal code, other debts as specified by the AGENCY and for the issuance of parking citations pursuant to the laws of the State of California.

### **ARTICLE I - CITATION PROCESSING**

1.1 Referral and Reconciliation: COMPANY shall receive and process citations from AGENCY. COMPANY will provide a reconciliation of the number of citations received from AGENCY that is provided on the monthly invoice.

1.2 Determination of Processable Citations: COMPANY shall screen each citation referred to it by the AGENCY to determine if the citation is processable. If the citation is determined by COMPANY to be unprocessable (e.g., essential processing information is missing), COMPANY shall return the citation to AGENCY for clarification. COMPANY will be paid the contractual rate hereinafter provided, for citations properly returned to the AGENCY as unprocessable.

1.3 Collection and deposit of funds: A direct deposit system shall be employed for all funds received for payment of citations. The AGENCY shall have the choice of jointly



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Irvine, California 92614  
949-428-7241  
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owning a bank account with the COMPANY or directing the COMPANY to deposit into an AGENCY account. Deposits shall be made directly into the account by the COMPANY for the collecting AGENCY, with the exception of credit card payments made using VISA, MasterCard and Discover cards belonging to the COMPANY. These payments will be directly deposited into an account held by the COMPANY. Credit card payments are reconciled and remitted on a monthly basis to the AGENCY, but tracked on the citation management software on a daily basis. Citations paid by credit card are marked "paid" real-time immediately upon authorization, thus affording the citizen the opportunity to make payment at any time and have the payment recognized immediately.

1.4 PAYMENT: If the COMPANY deposits into an AGENCY account, the COMPANY will invoice the AGENCY for services rendered. If the COMPANY deposits into an account held jointly between the AGENCY and the COMPANY, the COMPANY shall reconcile the account the month following the banking activity, disperse all revenue due the AGENCY, the COMPANY, any tax liability and all refunds, and send all supporting documentation to the AGENCY for its records.

1.5 Identification of Registered Vehicle Owners: COMPANY shall exert best efforts to obtain the name and address of the registered vehicle owner from the California State Department of Motor Vehicles (DMV) and DMV'S nationwide, for each vehicle for which a parking citation has been issued. COMPANY shall follow all procedures specified by the DMV, and act consistent with the California Vehicle Code and DMV'S nationwide, when identifying registered vehicle owners.

1.6 Verification of Ownership: COMPANY shall exert best efforts to identify and verify registered vehicle owners. Such measures will take into consideration factors such as issuance of new license plates; address changes; license plate transfers to other vehicles; name changes; and the validity of plates and registration during specific time periods applicable to individual cases.

1.7 Delinquency Notices for Administrative Citations: In accordance with AGENCY'S ordinance, delinquency notices will be sent to citizens who have not paid the fines in full. These notices will indicate future actions to be taken in order to collect the fines owed the AGENCY.

1.8 Franchise Tax Board Interface: Subject to AGENCY's prior written approval, the Franchise Tax Board Interagency Intercept Program will be used as the next collection step in the process. A notice merging all debts owed the AGENCY will be sent to the citizen showing the total amount due the AGENCY for Administrative and/or Parking Citations and demanding payment. If payment is not received in full, social security



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numbers will be attached to each debt and the debt will be placed with the Franchise Tax Board for collections.

1.9 Delinquency Notices for Parking Citations: In accordance with State law, COMPANY will generate and mail (presorted, first-class postage) a delinquency notice to all identified registered owners of vehicles who fail to pay their parking citation fines or to post bail. The mailed notice will include all information required by the California Vehicle Code, including, but not limited to, the following:

- A. The parking citation issuance date and number;
- B. The consequences of nonpayment (i.e., a hold on the vehicle registration and the imposition of penalties, towing, or issuance of a possible warrant for their arrest); and
- C. The amount of fines and fees due and payable
- D. Affidavit of Non-Ownership

1.10 Registration Holds: The COMPANY will provide the system and procedures and will interface with the California State Department of Motor Vehicles to place a hold on vehicle registrations having unpaid parking fines and fees due to AGENCY against those vehicles in accordance with the California Vehicle Code and any other applicable State and local laws. The notification will be given within a reasonable period of time after issuance of a delinquency notice, but the the period of time will not exceed the time limits provided by State and local law.

1.11 Removal of Registration Holds: COMPANY will provide the system and procedures and will interface with the California State Department of Motor Vehicles to remove registration holds when a registered vehicle owner satisfies the entire amount of parking citation fines, penalties, and fees due against the vehicle and establishes such payment to the satisfaction of COMPANY. Within a reasonable time of the debt being satisfied, but not to exceed any time limits provided by the State or local law, the COMPANY will contact the DMV to remove the registration hold.

1.12 Contested Citations: In the event a vehicle registered owner disputes the liability for the outstanding parking citation, COMPANY will advise the registered vehicle owner of his/her right to request an administrative review/hearing/court appearance. All contested citations will be forwarded to the reviewing agency, hearing administrator or Court within the time period prescribed by State and/or local law so that the matter can be adjudicated. (CVC section 40200.7 & 40215 or AGENCY'S Municipal Code).

1.13 Administrative Review and Hearing: The COMPANY may schedule administrative reviews/hearings to respond to citizens wishing to contest their citations and offers the



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option to perform and administer those reviews and hearings. The COMPANY will provide a web site for appeal and toll-free numbers for contestants, correspond with contestants and notify them of decisions; maintain records of dispositions and appeal paperwork and refer all paperwork to Court as required. The COMPANY shall not be responsible for the AGENCY'S failure to provide correct or timely infraction information. The AGENCY shall be responsible to pay the \$25.00 court-filing fee if the review and administrative hearing decisions are overturned by the court.

1.14 Citations Disposed of by Hearing/Court: The COMPANY may be required, as a result of court action, to reduce or cancel, on an individual basis, citations which have been referred to it. COMPANY shall be paid the contractual rate hereinafter provided for processing the citation regardless of the outcome of court action. COMPANY will maintain records indicating any reduction or cancellation of parking citations as a result of review/hearing/court action. Citations that are dismissed as a result of review/hearing/court decision will have the dismissal processed by the COMPANY promptly, consistent with applicable California law after receipt from the review/hearing/court.

1.15 Suspension of Processing: COMPANY will suspend processing on any citation referred to it for processing upon written notice to do so by an authorized officer of the AGENCY. COMPANY will promptly return any citation or facsimile properly requested by the AGENCY. COMPANY will maintain records indicating any suspension of citation as a result of AGENCY'S request. COMPANY shall be paid the contractual rate hereinafter provided for processing the citations suspended by the AGENCY.

1.16 Payments by U.S. Mail: It is the citizen's responsibility to ensure that payments are received on or before the date due. The date on which payments are received by the COMPANY will be the criteria to establish any delinquent fees due.

1.17 Citation System Master File Update: COMPANY will regularly update the citation master file for new citations, payments, reductions, cancellations, dismissals and any other pertinent data.

## **ARTICLE II - PAYMENT PROCESSING**

2.1 Disposition Processing: COMPANY will maintain all citation dispositions for a minimum of three (3) years, or longer if required by state or local law. Closed citations will remain on-line for a minimum of three (3) years for research and statistical purposes.

2.2 Payments Processing: COMPANY shall process citation payments on a regular



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basis. Payments shall be immediately posted in one (1) of three (3) following categories:

"Regular Payments" are citations with the correct amount due, paid on or before the due date. This includes payments properly complying with the first Courtesy Notice.

"Partial Payments" are citations paid after the due date or those where payment is less than the total amount due.

"Appeal Requests" including payment are all requests for administrative/court hearings. These requests are sorted so that the payment submitted is immediately posted, an appeal hold is placed on the citation and if needed the original citations and backup documents are retrieved for the appeal to be heard.

2.3 Miscellaneous Letters Processing: COMPANY will receive and review all miscellaneous correspondence. These are generally letters requesting meter checks, refunds, voids, or otherwise setting forth complaints. These letters will be researched by COMPANY and may be forwarded to the AGENCY for proper follow-up.

2.4 Batching Procedures: COMPANY shall maintain effective procedures of internal control. Such procedures shall involve reconciliation of all payments received using generally accepted accounting principles. After proper reconciliation, deposit slips shall be prepared for and deposits made at the appropriate bank, including an itemized listing of all batch numbers included in the deposit. The batch of citation payment documentation shall then be stored in a file room, for a period of three (3) years.

2.5 Cash Payments: COMPANY shall maintain an effective method of handling cash payments. All cash received through the mail, shall be logged in a cash journal. Thereafter, effective internal control procedures shall be implemented to reconcile such payments using generally accepted accounting principles.

2.6 Deposits: All deposits shall be made daily, subject to regular banking hours. Deposits shall be itemized and detailed information will be captured regarding submitted funds. Deposit slips shall be prepared in duplicate, allowing one (1) copy for the bank and one (1) copy for the COMPANY. If the bank account is held jointly, COMPANY shall perform all reconciliation, refunds and cut all checks. This information shall be available for AGENCY review. Deposits shall be directly deposited into the AGENCY'S designated bank account, either jointly held with the COMPANY or individually held by the AGENCY. If the AGENCY holds the account individually, it will supply deposit slips and an endorsement stamp to COMPANY. In this case, COMPANY shall only have the capability to make deposits on behalf of the AGENCY.





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2.7 Revenue Report: A monthly revenue report will list all revenues received during the preceding month. This report will also provide information regarding the AGENCY'S responsibility to the County for the Jail and Court fund as required by Sections 40200.3 (a) of the California Vehicle Code and any other relevant taxes due.

### **ARTICLE III – WEB SITE**

3.1 Citation Management Web Site: The COMPANY offers a web site for AGENCY review of its database, including all citations and information relating to changes in status.

3.2 Citizen Web Site Access: When the AGENCY has web site access, citizens who receive citations will be able to access the web site to review their individual citations, pay on-line and appeal on-line.

3.3 Web Site Interaction: The web site may be “view only” or “interactive”, for the AGENCY depending on requirements of the AGENCY.

3.4 Web Site Reports: Web site reports are available to the AGENCY on a daily, (24/7) schedule.

3.5 Web Site Use: User ID's and passwords will be assigned to the AGENCY.

### **ARTICLE IV - GENERAL**

4.1 Public Inquiries: The COMPANY will respond to reasonable inquiry by telephone or letter of a non-judicial nature. Inquiries of a judicial nature will be referred to the AGENCY for determination.

4.2 COMPANY Limitations: COMPANY will not take legal action or threaten legal action against a CITIZEN in any specific case without AGENCY'S prior written approval.

4.3 Use of Approved Forms: AGENCY shall have the right to approve all forms, delinquency notices, and correspondence sent by the COMPANY to CITIZENS. These must conform to State and local law.



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4.4 Books and Records: COMPANY will maintain consistent with the requirements of the State and local laws, adequate books or records for parking citations issued within the AGENCY'S jurisdiction and referred to COMPANY for processing. Such books or records, and related computer processing data, shall be available for inspection and audit the by AGENCY upon its request and will be made available within a reasonable time of the request, not to exceed 7 days from the date of the request by the AGECCNY. Copies of such documents shall be provided to the AGENCY for inspection at the AGENCY'S address indicated for receipt of notices in this Agreement when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at COMPANY'S address indicated for receipt of notices in this Agreement.

4.5 Ownership: Except as provided by State and local law, all reports, information, and data, including but not limited to computer tapes, discs, or files furnished or prepared by the COMPANY or its subcontractor (collectively the "Materials") are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Materials. All computer software and systems, related automated and manual procedures, instructions, computer programs, and data storage media containing same, and written procedures performed hereunder (collectively the "System") are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Systems.

The AGENCY is entitled to keep and use any reports and data it may reasonably need to administer its parking citation program during or in the event of termination of this Agreement. In the event this Agreement is terminated by either party, the COMPANY will be required to cooperate with the AGENCY in obtaining all data and reports necessary to assume administration of the program or contract with another company to administer the program.

4.6 Property of AGENCY: All documents, records, discs, files and tapes supplied by AGENCY to COMPANY in performance of this Agreement are agreed to be and shall remain the sole property of AGENCY. COMPANY agrees to return same promptly to AGENCY no later than sixty (60) days following notice to the COMPANY. The AGENCY shall make arrangements with COMPANY for the transmission of such data to the AGENCY upon payment to COMPANY for the cost of copy and delivery of such information from COMPANY'S computer facilities to AGENCY'S designated point of delivery.

4.7 Confidentiality: In order to enable COMPANY to carry out its work hereunder, COMPANY may under certain circumstances be required to share with AGENCY'S employees information contained in Materials and Systems (collectively the



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"CONFIDENTIAL DATA"). AGENCY agrees that the information contained in CONFIDENTIAL DATA and marked in writing as "CONFIDENTIAL", "PROPRIETARY" or similar language as to give notice to AGENCY or its employees notice of its confidential nature when submitted to AGENCY by COMPANY, shall be retained by AGENCY in the strictest confidence and shall not be used or disclosed in any form, except with prior written consent of AGENCY in accordance with Paragraph 4.8. AGENCY recognizes that irreparable harm could be occasioned to the COMPANY by disclosure of CONFIDENTIAL DATA which is related to its business and that COMPANY may, at sole expense, seek to protect such CONFIDENTIAL DATA by enjoining disclosure. However, AGENCY is not required to maintain "CONFIDENTIAL DATA" confidential and may disclose CONFIDENTIAL DATA in its sole discretion if disclosure is required by Federal, State or local law, the California Public Records Act, to comply with the Ralph M. Brown Act, or by subpoena or court order. Where disclosure of CONFIDENTIAL DATA is required to be disclosed by AGENCY pursuant to Federal, State or local law, or to comply with the California Public Records Act or the Ralph M. Brown Act, or as required by subpoena or court order, the AGENCY may make such disclosures in its sole discretion.

4.8 Consent For Disclosure: No CONFIDENTIAL DATA prepared by COMPANY or its subcontractors, successors, officers, employees, servants, or agents shall be made available to any individual or organization without the prior written approval of AGENCY other than individuals or organizations who are reasonably necessary to properly effectuate the terms and conditions of this Agreement. This Non-Disclosure obligation shall survive the termination of this Agreement.

4.9 COMPANY Files: COMPANY shall maintain master files on citations referred to it for processing under this Agreement. Such files will contain records of payments, dispositions, and any other pertinent information required to provide a reasonable audit trail. COMPANY shall not disclose to any third party any confidential information contained in any citation obtained from the AGENCY.

4.10 Storage for AGENCY:

- A. COMPANY agrees to store original citations for the current year, plus two (2) years, at which time they will be returned to AGENCY. COMPANY will have such information available on the citation management system for a reasonable time period to permit AGENCY retrieval of such information.
- B. Subsequent to any termination of the Agreement, COMPANY will return a file containing all data belonging to the AGENCY.



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## **ARTICLE V – ADDITIONAL SERVICES**

5.1 Other Collections: COMPANY shall retain a percent of payments for delinquent citations that have been processed in accordance with the current Agreement, and meet the following criteria:

- A. Delinquent parking citations: those citations so designated by the AGENCY, for which the California State Department of Motor Vehicles registration hold has been placed or dropped because of a transfer of ownership or non-renewal of registration or a registration hold has not been placed, but the normal daily processing cycle is complete.
- B. Citations with out-of-state license plates that have gone through the first courtesy notice process without payment.
- C. Any other problem or special citations that the AGENCY so designates and refers to COMPANY under this Agreement.

5.2 Postal Rate Increase: The COMPANY will maintain auditable records to document the COMPANY'S actual postage costs associated with the mailing of delinquency notices for unpaid citations and for other mailings related to the processing of correspondence. If there is a postal increase, that increase will be invoiced effective on the date that the postal rate increase goes into effect.

## **ARTICLE VI - REPORTS**

6.1 Periodic Reports: COMPANY will submit reports to AGENCY the month following the month in which activity has been reported. The reports will track activities relating to performance under this Agreement. Among the reports which COMPANY may/will generate are the following:

- A. Report of Revenue Collected for Period
- B. Report for Citations Issued for Period
- C. A balanced summary report for issuing AGENCY providing the status of all citations at the beginning of the period, current period activity, and at the end of the period.
- D. A report for issuing AGENCY identifying registered vehicle owners with five (5) or more outstanding parking citations.
- E. A report for issuing AGENCY identifying the citations issued, location, violation, and officer.

6.2 Annual Reports: Annually, COMPANY shall comply with CVC section 40200.3 (b)

## **ARTICLE VII - TERM OF AGREEMENT AND ADDITIONAL SERVICES**



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7.1 Term and Renewals: This Agreement shall be for an initial period of five (5) years, commencing as of the last date of signature. Unless notice of termination is made in writing by either party to the other no less than sixty (60) days prior to the end of the current term, this Agreement shall automatically renew for three (3) subsequent one (1) year periods for a total of eight (8) years. In conjunction with this automatic extension of the terms of this Agreement, COMPANY may give notice of reasonable price adjustments for its processing services. If the COMPANY seeks a reasonable price increase at the time of the automatic renewal, the COMPANY must give written notice of the price changes 60 days prior to the termination of the current term of the Agreement. The AGENCY has thirty (30) days to respond in writing to the purposed increase. Unless AGENCY gives notice in writing of its rejection of these price adjustments, the term shall be extended with these price adjustments as stated. If the AGENCY gives notice of its rejection of these price adjustments within the requisite thirty (30) day response period, the term of the Agreement shall not be extended and the Agreement shall automatically terminate.

7.2 Cancellation: Upon a material breach or upon sixty (60) days written notice to COMPANY, the AGENCY may cancel or terminate this Agreement for any reason, with or without cause.

7.3 Exclusivity: AGENCY agrees to utilize only the services of COMPANY for services during the term of this Agreement for the processing of parking and administrative citations referred to above. AGENCY agrees during the term of the Agreement to not knowingly directly or indirectly assist a competitor of COMPANY in the performance of the services provided by COMPANY under this Agreement.

7.4 Cost: Please see Exhibit A for the Parking Cost Proposal and Exhibit B for the Administrative Cost Proposal all associated costs.

7.5 Default: Failure or delay by any party to this Agreement to perform any material term or provision of this Agreement shall constitute a default under this Agreement; provided however, that if the party who is otherwise claimed to be in default by the other party commences to cure, correct or remedy the alleged default within fifteen days after receipt of written notice specifying such default and shall diligently complete such cure, correction or remedy, such party shall not be deemed to be in default hereunder. The party which may claim that a default has occurred shall give written notice of default to the party in default, specifying the alleged default. Any failure or delay by a party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any rights or remedies associated with a default; provided, however, the injured party



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shall have no right to exercise any remedy for a default hereunder without delivering the written default notice, as specified herein. In the event that a default of any party to this Agreement may remain uncured for more than fifteen (15) days following written notice, as provided above, a "breach" shall be deemed to have occurred. In the event of a breach, the injured party shall be entitled to terminate this agreement or to seek any appropriate remedy or damages by initiating legal proceedings.

#### **ARTICLE VIII - CLAIMS AND ACTIONS**

8.1 AGENCY Cooperation: In the event any claim or action is brought against COMPANY relating to COMPANY'S performance or services rendered under this Agreement, COMPANY shall notify the AGENCY, in writing, within ten (10) days, of said claim or action.

8.2 Hold Harmless: COMPANY AND AGENCY agree to the following hold harmless clauses.

A. COMPANY agrees to indemnify, defend, and hold harmless the AGENCY and its officers and employees against all claims, demands, damages, costs, and liabilities arising out of, or in connection with, the performance by COMPANY or any of its officers, employees, or agents under this Agreement, including, but not limited to, those arising from the COMPANY'S failure to maintain confidential any confidential information contained in any citations provided by the AGENCY, excepting only loss, injury, or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees.

B. AGENCY agrees to indemnify, defend, and hold harmless the COMPANY and its officers and employees against all claims, demands, damages, costs, and liabilities for loss, injury, or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees arising out of, or in connection with, the performance under this Agreement.

#### **ARTICLE IX - SUBCONTRACTORS AND ASSIGNMENTS**

9.1 Subcontracting: With AGENCY's prior written consent, COMPANY is authorized to engage subcontractors, as permitted by law at COMPANY'S own expense, and subcontractors shall be deemed agents of COMPANY.

9.2 Assignments: This Agreement may not be assigned without the prior written consent of the AGENCY. It is understood and acknowledged by the parties that the COMPANY



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is uniquely qualified to perform the services in this Agreement.

#### **ARTICLE X - INDEPENDENT CONTRACTOR**

10.1 COMPANY'S Relationship: COMPANY'S relationship to AGENCY in the performance of this Agreement is that of an independent contractor. Personnel performing services under this Agreement shall at all times be under COMPANY'S exclusive direction and control and shall be employees or subcontractors of COMPANY and not employees of the AGENCY. COMPANY shall pay all wages and salaries and shall be responsible for all reports and obligations respecting them relating to social security, income tax withholding, unemployment compensation, worker's compensation, and similar matters. Neither COMPANY nor any officer, agent, or employee of COMPANY shall obtain any right to retirement benefits or other benefits which accrue to employees of AGENCY, and COMPANY hereby expressly waives any claim it might have to such rights.

#### **ARTICLE XI - INSURANCE**

(A) Time for Compliance: COMPANY shall not commence the Services under this Agreement until it has provided evidence satisfactory to AGENCY that it has secured all insurance required under this section. In addition, COMPANY shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to AGENCY that the subcontractor has secured all insurance required under this section. AGENCY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience with insurer, coverage or other special circumstances.

(B) Minimum Requirements: COMPANY shall, at its expense, procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the COMPANY, its agents, representatives, employees or subcontractors. COMPANY shall also require all of its subcontractors to procure and maintain the same insurance for the duration of the Agreement. Such insurance shall meet at least the following minimum levels of coverage:

- (1) Minimum Scope of Insurance: (1) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis including products and completed operations, property damage, bodily injury and personal and advertising injury; (2) Automobile Liability: Insurance Services Office Form Number CA 0001 covering Code 1 (any auto) or if



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COMPANY owns no autos, Code 8 (hired) and 9 (non-owned); and (3) Workers' Compensation : Workers' Compensation insurance as required by the State of California with Statutory Limits; and (4) Employer's Liability Insurance.

- (2) Minimum Limits of Insurance: COMPANY shall maintain limits no less than:
- (1) Commercial General Liability (CGL): No less than \$2,000,000 per occurrence and four million dollars (\$4,000,000) in the aggregate for products and completed operations, bodily injury, property damage and personal and advertising injury. If Commercial General Liability Insurance or other form with general aggregate limit applies, either the general aggregate limit shall apply separately to this Agreement (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit;
  - (2) Automobile Liability: No less than \$2,000,000 per accident for bodily injury and property damage; and
  - (3) Workers' Compensation: Workers' Compensation limits as required by the Labor Code of the State of California with Statutory Limits;
  - (4) Employer's Liability: Employer's Liability limits of no less than \$2,000,000 per accident for bodily injury or disease. Employer's Liability coverage may be waived by the AGENCY if AGENCY receives written verification that COMPANY has no employees.

(C) Professional Liability (Errors & Omissions): COMPANY shall procure and maintain, and require its sub-consultants to procure and maintain, for a period of five (5) years following completion of the Services errors and omissions liability insurance appropriate to its profession. Such insurance shall be in an amount not less than \$2,000,000 per occurrence or claim and \$2,000,000 in the aggregate, and shall be endorsed to include contractual liability. If COMPANY maintains broader coverage and/or higher limits than the minimum shown in this Agreement, AGENCY requires and shall be entitled to the broader coverage and/or higher limits maintained by the COMPANY. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to AGENCY.

(D) Technology Professional Liability Errors and Omissions Insurance: If appropriate to the COMPANY's profession and work hereunder, with limits not less than \$2,000,000 per occurrence. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by the COMPANY in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, copyright, trademark, invasion of privacy violations, information theft, release of private information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring





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expenses with limits sufficient to respond to these obligations.

a. The Policy shall include, or be endorsed to include, property damage liability coverage for damage to, alteration of, loss of, or destruction of electronic data and/or information "property" of AGENCY in the care, custody, or control of the COMPANY. If not covered under COMPANY's liability policy, such "property" coverage of AGENCY may be endorsed onto COMPANY's Cyber Liability Policy as covered property as follows:

b. Cyber Liability coverage in an amount sufficient to cover the full replacement value of damage to, alteration of, loss of, or destruction of electronic data and/or information "property" of AGENCY that will be in the care, custody, or control of COMPANY.

c. The Insurance obligations under this Agreement shall be the greater of 1) all the Insurance coverage and limits carried by or available to COMPANY; or 2) the minimum Insurance requirements shown in this Agreement. Any insurance proceeds in excess of the specified limits and coverage required, which are applicable to a given loss, shall be available to AGENCY. No representation is made that the minimum Insurance requirements of this Agreement are sufficient to cover the indemnity or other obligations of COMPANY under this Agreement.

(E) If COMPANY maintains broader coverage and/or higher limits than the minimum shown in this Agreement, AGENCY requires and shall be entitled to the broader coverage and/or the higher limits maintained by COMPANY. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to AGENCY.

(F) Insurance Endorsements: The insurance policies shall contain the following provisions, or COMPANY shall provide endorsements on forms approved by AGENCY to add the following provisions to the insurance policies:

(G) Additional Insured Status: The Commercial General Liability policy shall be endorsed to state that: (1) the AGENCY, its directors, officials, officers, employees, agents and volunteers shall be covered as additional insureds with respect to liability arising from the Services performed by or on behalf of COMPANY, including materials, parts or equipment furnished in connection with such Services; and (2) the insurance coverage shall be primary insurance as respects the AGENCY, its directors, officials, officers, employees, agents and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of COMPANY's scheduled underlying coverage. Commercial



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General Liability insurance coverage may be provided in the form of an endorsement to COMPANY's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33 or CG 20 38; and CG 20 37 forms if later revisions are used).

(H) Waiver of Subrogation: COMPANY hereby grants to AGENCY a waiver of any right to subrogation which any insurer of said COMPANY may acquire against AGENCY by virtue of the payment of any loss under said insurance policies set forth herein. COMPANY agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not AGENCY has received a waiver of subrogation endorsement from the insurer.

(I) All Coverages: Each insurance policy required by this Agreement shall be endorsed to state that: (A) coverage shall not be suspended, voided, reduced or canceled except with 30 day's written notice by certified mail, return receipt requested to AGENCY; and (B) any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to AGENCY, its directors, officials, officers, employees, agents and volunteers.

(J) Primary Coverage: For any claims related to this Agreement, COMPANY's insurance coverage shall be primary insurance and primary coverage at least as broad as ISO CG 20 01 04 13 with respect to AGENCY, its directors, officials, officers, employees, agents and volunteers. Any insurance or self-insurance maintained by AGENCY, its directors, officials, officers, employees, agents and volunteers shall be excess of COMPANY's insurance and shall not be called upon to contribute with it in any way.

(K) Separation of Insureds; No Special Limitations: All insurance required by this Paragraph shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the AGENCY, its directors officials, officers, employees, agents and volunteers.

(L) Deductibles and Self-Insurance Retentions: Any deductibles or self-insured retentions must be declared to and approved by AGENCY. AGENCY may require COMPANY to provide proof of ability to pay losses and related investigations, claim administration and defense expenses and costs within the retention. The policy language shall provide or be endorsed to provide that the self-insured retention may be satisfied by either the named insured or AGENCY.

(M) Acceptability of Insurers: Insurance is to be placed with insurers with a current



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A.M. Best's rating no less than A:VII, authorized to do business in California, and satisfactory to the AGENCY.

(N) Verification of Coverage: COMPANY shall furnish AGENCY with original certificates of insurance, including all required amendatory endorsements (or copies of the applicable policy language effective coverage required by this provision) and a copy of the Declarations and Endorsement Page of the Commercial General Liability policy listing all policy endorsements to AGENCY before the commencement of work under this Agreement. However, failure to obtain the required documents prior to the commencement of work under this Agreement shall not waive COMPANY's obligation to provide them to AGENCY. AGENCY reserves the right to require complete, certified copies of all required insurance policies, including endorsements, at any time.

(O) Claims-Made Policies: If any of the policies provide coverage on a claims-made basis:

- (i) The retroactive date must be shown and must be before the date of this Agreement or the date work commences under this Agreement, whichever is earliest;
- (ii) Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Services provided under this Agreement;
- (iii) If coverage is canceled, non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of this Agreement or the date work commences under this Agreement, whichever is earliest, COMPANY must purchase extended reporting coverage for a minimum of five (5) years after completion of the Services under this Agreement.

## **ARTICLE XII – SECURITY REQUIREMENTS**

12.1 Security Provisions: AGENCY agrees to follow all defined security requirements including but not limited to:

- A) All AGENCY employees who are provided access to services provided by COMPANY must complete a background check and must complete annual security awareness trainings.
- B) All AGENCY employees must sign security agreement documents subject to the source state of the information being obtained by DMV entities.
- C) AGENCY must inform COMPANY within 24 hours of an AGENCY employee with access to COMPANY services leaving their role.



2603 Main Street, Suite 300  
Irvine, California 92614  
949-428-7241  
ClientServices@DataTicket.com

- D) AGENCY must inform COMPANY of any breach of information within 24 hours, so the appropriate government agencies can be notified of the breach.
- E) AGENCY understands and agrees that security requirements may change and be updated to reflect the most current security requirements of the government agencies we work with to obtain vehicle registered information.
- F) AGENCY understands that evidence of the security requirements may be requested to comply with COMPANY audit requirements of the governmental agencies we work with.
- G) AGENCY understands and agrees that access to confidential registered owner information may be immediately restricted or terminated if any of the mandatory provisions above are found to be violated or abused.

### **ARTICLE XIII – ENTIRE AGREEMENT**

13.1 Integrated Agreement: This contract is intended by the parties as a final expression of their Agreement and also as a complete and exclusive statement of the terms thereof, any prior oral or written Agreement regarding the same subject matter notwithstanding. This Agreement may not be modified or terminated orally and no modification or any claim or waiver of any of the provisions shall be effective unless in writing and signed by both parties.

13.2 Law Applicable: This Agreement shall be construed in accordance with the Laws of the State of California.

13.3 Location of Appeal Hearings: All appeal hearings shall be held at The City of Downey, City Hall.

13.4 Notice to Parties: Any notice required under this Agreement to be given to either party may be given by depositing in the United States mail, postage prepaid, first-class, addressed to the following:



2603 Main Street, Suite 300  
Irvine, California 92614  
949-428-7241  
ClientServices@DataTicket.com

AS TO THE AGENCY:

City of Downey  
11111 Brookshire Avenue  
Downey, California 90241

AS TO THE COMPANY:

Data Ticket, Inc.  
A California Corporation  
2603 Main Street, Suite 300  
Irvine, California 92614

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year last written below.

AGENCY: CITY OF DOWNEY

COMPANY: DATA TICKET, INC.

Signature:

Signature:

Print Name:

CLAUDIA M. FROMETA

Print Name:

Brock Wistatt

Title:

~~MAYOR~~ PRO TEM

Title:

Chief Operating Officer

Date: September

22, 2020

Date:

9-9-2020




2603 Main Street, Suite 300  
Irvine, California 92614  
949-428-7241  
ClientServices@DataTicket.com

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

Data Ticket, Inc.  
Newport Beach, CA  
O: 949-428-7241; F: 949 752-6033

City of Downey  
Parking Citation Processing  
Cost Model and Service Offering

### EXHIBIT A – PARKING CITATION FEE SCHEDULE

| Description                                                                                                                                                                                                          | Cost                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Fee per Electronic Citation Issued</i></b>                                                                                                                                                                     | <b><i>\$0.45</i></b>                                                                                                                                                                                                    |
| <b><i>Fee per Manual Citation Issued</i></b>                                                                                                                                                                         | <b><i>\$0.55</i></b>                                                                                                                                                                                                    |
| <b><i>1<sup>st</sup> Courtesy Notices (required by CVC if not paid off the windshield)</i></b>                                                                                                                       | <b><i>\$0.75</i></b>                                                                                                                                                                                                    |
| Includes:                                                                                                                                                                                                            |                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>○ Printing and sending daily</li> <li>○ 1<sup>st</sup> class postage</li> <li>○ Windowed #10 envelope</li> </ul>                                                              | <ul style="list-style-type: none"> <li>○ 8 ½ x 11" semi-custom notice</li> <li>○ Electronic attachment to the citation</li> <li>○ Return #9 envelope</li> </ul>                                                         |
| <b><i>Fee per Paperless Appeal</i></b>                                                                                                                                                                               | <b><i>\$.75</i></b>                                                                                                                                                                                                     |
| Includes:                                                                                                                                                                                                            |                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>○ Receipt of 1<sup>st</sup> level requests</li> <li>○ Receipt of 2<sup>nd</sup> level requests</li> <li>○ Receipt of Court Requests</li> <li>○ Scheduling hearings</li> </ul> | <ul style="list-style-type: none"> <li>○ Placing citation on adjudication hold</li> <li>○ Scanning all back-up</li> <li>○ Attaching all back-up to citation</li> <li>○ Providing back-up to Hearing Officers</li> </ul> |
| <b><i>Fee per Adjudication Letter</i></b>                                                                                                                                                                            | <b><i>\$0.90</i></b>                                                                                                                                                                                                    |
| Includes:                                                                                                                                                                                                            |                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>○ Printing and sending daily</li> <li>○ 1<sup>st</sup> class postage</li> <li>○ Windowed #10 envelope</li> </ul>                                                              | <ul style="list-style-type: none"> <li>○ 8 ½ x 11" custom letter</li> <li>○ Electronic attachment to the citation</li> <li>○ Return #9 envelope</li> </ul>                                                              |
| <b><i>Fee per Out of State Registered Owner Request</i></b>                                                                                                                                                          | <b><i>25% of Collections</i></b>                                                                                                                                                                                        |
| Includes:                                                                                                                                                                                                            |                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>○ Use of our ORI and the City's ORI for access to NLETs for real-time acquisition</li> </ul>                                                                                  | <ul style="list-style-type: none"> <li>○ Direct to available States</li> <li>○ RO is acquired immediately upon the citation entering the system</li> </ul>                                                              |
| <b><i>Fee per NSF Processed</i></b>                                                                                                                                                                                  | <b><i>\$2.00</i></b>                                                                                                                                                                                                    |
| Includes:                                                                                                                                                                                                            |                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>○ Daily processing</li> </ul>                                                                                                                                                 | <ul style="list-style-type: none"> <li>○ Real-time update of amount due</li> </ul>                                                                                                                                      |

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| <b>Parking Citation Processing</b>                                                                                                                                                                                                                                                                                                                                                                                           |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Cost</b>                      |
| <b><i>Delinquent Collections at 90 days old (or once 2<sup>nd</sup> notice is generated and sent) *</i></b>                                                                                                                                                                                                                                                                                                                  | <b><i>25% of Collections</i></b> |
| Includes:                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <ul style="list-style-type: none"> <li>○ Sending 3 additional letters</li> <li>○ 1<sup>st</sup> class postage</li> <li>○ Windowed #10 envelope</li> <li>○ Payment Processing</li> <li>○ CA DMV Registration Holds</li> <li>○ Dispute resolution</li> <li>○ Electronic attachment to the citation</li> <li>○ Return #9 envelope</li> <li>○ Recorded Customer Service lines</li> <li>○ CA DMV Registration Releases</li> </ul> |                                  |
| <b><i>Fee per Franchise Tax Board SSN Request</i></b>                                                                                                                                                                                                                                                                                                                                                                        | <b><i>\$2.50</i></b>             |
| Includes:                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <ul style="list-style-type: none"> <li>○ Acquisition of an SSN</li> <li>○ The charge is per unique SSN</li> </ul>                                                                                                                                                                                                                                                                                                            |                                  |
| <b><i>Franchise Tax Board Collections</i></b>                                                                                                                                                                                                                                                                                                                                                                                | <b><i>15% of Collections</i></b> |
| Includes:                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <ul style="list-style-type: none"> <li>○ Weekly placement at FTB</li> <li>○ Dispute resolution</li> <li>○ Payment of the City's FTB Invoice</li> <li>○ Weekly updates to / from FTB</li> <li>○ Weekly payment processing</li> <li>○ Monthly reconciliation of FTB account</li> </ul>                                                                                                                                         |                                  |
| <b><i>Hearing Officer Services (Optional and not currently utilized)</i></b>                                                                                                                                                                                                                                                                                                                                                 | <b><i>\$85.00 per hour</i></b>   |
| Includes:                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <ul style="list-style-type: none"> <li>○ Independent Hearing Officers</li> <li>○ Electronic storage of all recordings</li> <li>○ Recording of in-person and phone hearings</li> </ul>                                                                                                                                                                                                                                        |                                  |
| <b><i>Joint / Escrow Account Services</i></b>                                                                                                                                                                                                                                                                                                                                                                                | <b><i>\$50.00 per month</i></b>  |
| Includes:                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <ul style="list-style-type: none"> <li>○ Daily deposits via RCD or Check 21</li> <li>○ Processing of all NSFs</li> <li>○ Payment of Data Ticket's invoice</li> <li>○ Daily reconciliation of bank account</li> <li>○ Disbursement of State Surcharges</li> <li>○ Net remittance to the County</li> </ul>                                                                                                                     |                                  |
| <b><i>Fee per Refund Issued</i></b>                                                                                                                                                                                                                                                                                                                                                                                          | <b><i>\$2.50</i></b>             |
| Includes:                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <ul style="list-style-type: none"> <li>○ Weekly reconciliation of refunds</li> <li>○ Weekly generation of refund checks</li> <li>○ Weekly mailing of refund checks</li> <li>○ 1<sup>st</sup> class postage</li> <li>○ Invoicing of refund check</li> <li>○ Monthly reconciliation</li> </ul>                                                                                                                                 |                                  |
| *Payments collected at DMV are not assessed this fee                                                                                                                                                                                                                                                                                                                                                                         |                                  |



Data Ticket, Inc.  
 Newport Beach, CA  
 O: 949-428-7241; F: 949 752-6033

City of Downey  
 Parking Citation Processing  
 Cost Model and Service Offering

| Parking Citation Processing                                                                                                                                                   |                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Description                                                                                                                                                                   | Cost                                                                                                                                                                         |
| <b><i>AB503 Receipt and Processing – per request if Data Ticket handles</i></b>                                                                                               | <b>\$5.00</b>                                                                                                                                                                |
| <b><i>AB503 Receipt and Processing – per request if City handles</i></b>                                                                                                      | <b>\$2.00</b>                                                                                                                                                                |
| <b><i>AB503 Letters</i></b>                                                                                                                                                   | <b>\$0.75</b>                                                                                                                                                                |
| Includes:                                                                                                                                                                     |                                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>○ Receipt and scanning of all requests</li> <li>○ Approval or denial of each request</li> <li>○ Denial letter if applicable</li> </ul> | <ul style="list-style-type: none"> <li>○ Review of all received requests</li> <li>○ Payment plan setup and management</li> <li>○ Storage of all scanned documents</li> </ul> |
| <b><i>Fee per Other Correspondence / Letters</i></b>                                                                                                                          | <b>\$0.75</b>                                                                                                                                                                |
| Includes:                                                                                                                                                                     |                                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>○ Partial payment letters</li> <li>○ Refund letters</li> </ul>                                                                         | <ul style="list-style-type: none"> <li>○ Fled letters</li> <li>○ Any other letter required by the City</li> </ul>                                                            |

\*\* If this service is selected, the City will also be responsible for banking supplies.

**Services Included in the Above Costs:**

**Online Access for the Agency’s Customers:** **Included**  
 The Agency’s Customers will have the ability to perform the following functions online:

- View real-time citation(s) data
- Pay for a single or many citation(s)
- Request a 1<sup>st</sup> Level Administrative Review and attach up to three documents supporting their position
- Request a 2<sup>nd</sup> Level Administrative Hearing Request and attach up to three documents supporting their position
- Print a receipt
- View pictures of the citation taken by the issuing officer (if the Agency allows)

**Online Access for the Agency’s Staff:** **Included**  
 Access to the Agency’s data is based on unique usernames and passwords assigned to everyone who requires access to the system. **Data Ticket does not limit the number of individuals who have access to the system and the number and types of access can change at any point with a simple email request to Data Ticket.**

Our Solution is setup to maintain a complete audit trail for each transaction in the system, therefore, the username is displayed next to every transaction in the system, indicating who performed the transaction and when.

Dependent on the access rights provided to each Agency Staff member, the following capabilities are available:

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- View real-time citation(s) data, including pictures taken by the Issuing Officer
- Accept payment via VISA, MasterCard, Discover and American Express credit/debit cards
- Accept payment via Cash, Check or Money Order
- Process NSFs, Chargebacks and Refunds
- Reduce or increase violation amounts, dismiss citations, void citations and place citations on hold
- Change citation data, including violations, date, time, plate, location, comments, make, model, color, registration expiration date and others
- Perform Administrative Reviews online by entering the disposition directly online
- Generate a time expired or letter of non-responsibility for a citation in the adjudication process
- View the complete reason for the Review Request and supporting documentation provided by the Appellant directly online
- Edit Appellant information
- Upload disposition documents sent to the Agency via US Mail
- Add a note to a citation and see all comments added to the citation
- View the reason for the 2<sup>nd</sup> Level Administrative Hearing Request online and view the supporting documentation provided by the Appellant, directly online
- Print a receipt with or without registered owner information

**Reporting:**

**Included**

- Data Ticket offers 24 reports online for our Clients to generate, print and re-print 24/7. We provide real-time reports that can be generated for any timeframe required and we provide pre-processed/month-end reports that reflect the month-end view of data.
- All reports are available online and because we do not purge data unless specifically requested to do so by a Client, the data is available if the Agency is a Client.
- All reports are generated in HTML, so our Clients can copy and paste the data into Excel for data manipulation purposes.
- If the Agency were to request a report that was not already available using the standard reports or report generator, Data Ticket would work with the Agency to design the report and provide it to the Agency at no cost.

**Manual Payment Processing:**

**Included**

- Manually received payments (checks, cash, money orders and credit card payments sent via US Mail) are received at our PO Box in Newport Beach where a bonded and insured courier picks up the mail daily and delivers it to our Newport Beach office
- On-site Mail Department opens, sorts and batches the payments before providing them to our on-site Data Entry Department
- After double-blind entry of each payment, the citations are updated by our Quality Assurance team

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- Payments are then provided to our Accounting Department where daily deposit slips are completed and provided to a bonded, insured courier who takes them to the bank

**California Registered Owner Information: Included**

- Registered owner information for all citations issued on California license plates
- Turnaround time for acquisition of California registered owner information is **same day**
- Registered owner information for all citations issued on out of state license plates
- Data Ticket is a recognized Strategic Partner with NLETs and **has access to registered owner information nationwide real-time through NLETs service**
- Access to this system requires the use of the City's ORI for tracking purposes only; Data Ticket will utilize its own ORI for actually acquiring the out of state RO data

**CA DMV Holds and Releases: Included**

- California DMV Holds and Release performed daily via an online connection
- Holds and releases can also be performed real-time, upon request
- Citation amounts placed on hold are updated daily in the event a partial payment is made

**Customer Service: Included**

- Data Ticket provides a live, bi-lingual, on-site Customer Service Department that is fully trained to answer questions related to citation issuance, payment, adjudication, fix-it tickets, sign-offs, FTB, advanced credit reporting collections and more
- **All calls are recorded to quality assurance and recordings can be sent to the Agency at any time for review**
- Data Ticket's IVR is bi-lingual and accessible via several toll-free numbers; the IVR provides real-time information to the caller regarding status, including the amount due
- The IVR accepts VISA, MasterCard, Discover, and American Express

**Training No Charge**

Onsite training at the City's preferred location will be provided free of charge for both the handheld ticket writer training and the system training. Training typically takes place over the course of a few hours and will be customized to meet the City's requirements.

**Web Presence: Included**

- Data Ticket's Solution is 100% web-based and Section 508 Compliant and is provided at: [www.CitationProcessingCenter.com](http://www.CitationProcessingCenter.com); this is a generic website in the sense that it is not Agency branded. **This website allows for the Agency and the Agency's Customers to access citations online**
- **If the Agency prefers to have an Agency branded website, one in which the look and feel mimics that of the Agency's website, Data Ticket can and will provide this feature to the Agency.**

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**Cost Increases:**

**Postal Rate Increase Offset** – If postal rates increase during the term of the agreement, fees to DTI shall be raised immediately to offset the effect of the actual postal rate increase.

**CPI Increases** – *There will be NO CPI increases for the duration of the agreement.*

**Other:**

**Credit / Debit Card Processing Fee** – Citizens who elect to pay using a credit / debit card will incur a single \$3.50 processing fee for each transaction. Citizens will have the ability to pay for multiple citations at the transaction level, thus incurring a single \$3.50 fee for as many citations that require payment.

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**EXHIBIT B – ADMINISTRATIVE CITATION FEE SCHEDULE**

| <b>Fee Description</b>                                   | <b>Administrative Citation Processing Fee Option 2</b> |
|----------------------------------------------------------|--------------------------------------------------------|
| <b>Manual Citation Processing</b>                        | \$5.00                                                 |
| <b>Electronic Citation Processing</b>                    | \$3.00                                                 |
| <b>1<sup>st</sup> Notice Sent</b>                        | \$0.75                                                 |
| <b>Other Correspondence</b>                              | \$1.00                                                 |
| <b>Delinquent Collections</b>                            | 25%* of paid amount                                    |
| <b>Franchise Tax Board Processing - SSN Look-up</b>      | \$2.50 per unique SSN                                  |
| <b>FTB Collections</b>                                   | 15% of paid amount                                     |
| <b>Advanced Collections Legal Action Not Required</b>    | 30% of paid amount                                     |
| <b>Adjudication Hold &amp; Scanning of Documentation</b> | \$0.50                                                 |
| <b>Disposition Entry</b>                                 | \$1.00                                                 |
| <b>Disposition Letters</b>                               | \$1.25                                                 |
| <b>Hearing Schedule Letters</b>                          | \$1.25                                                 |
| <b>Certified Letters – per letter sent</b>               | \$5.00                                                 |
| <b>Hearing Performance</b>                               | \$85.00 / hr                                           |

\*Assessed at Citation Date + 60 Days

To further provide definition surrounding each line item, we have provided additional details below and on the following pages.

**Manual and Electronic Administrative Citation Processing:**

***Services for the above-mentioned items include:***

- Data entry of manually written citations performed within 48 hours of receipt
- Quality assurance verification of manually entered citations
- Scanning of all manually written citations onto our network for storage and ease of retrieval
- Bi-monthly shredding of manually written citations
- Electronic transfer of all electronically written citations, recordings, videos and photographs

**1st Notice Cost:**

***Services for the above-mentioned item include:***

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- Semi-custom Notice that is printed on an 8 ½ x 11” piece of paper with a perforated tear-of payment stub provided in a window envelope sent to the registered owner of a vehicle
- All notices are attached to the citation online and are viewable via the web
- All notices sent via 1<sup>st</sup> Class Mail
- All notices include a return envelope in which the responsible party may submit payment
- This charge is only incurred if the individual does not pay within 90 days

#### **Delinquent Collections:**

- This fee will be assessed when a citation is sixty (60) days past the citation issue date, assuming a first notice has been sent to the registered owner and the citation is not on hold for any reason
- Three Delinquent Notices will be sent to the registered owner at no cost to the City
- All notices are sent via First Class mail and all notices are printed on an 8 ½ x 11” sheet of paper and folded into a window envelope; in addition, a window envelope is provided for the recipient to return payment
- All notices are attached to the citation online and are viewable via the web
- If Data Ticket does not collect on a citation that is delinquent, the Agency does not owe this fee
- Notices will be sent via 1<sup>st</sup> Class Mail, and Data Ticket will be responsible for the cost incurred and all customer service and payment entry

#### **Franchise Tax Board Processing: SSN Look-up**

- This fee will be assessed to lookup a social security number associated with a particular registered owner and address
- **This charge is charged per unique SSN, not per citation**

#### **FTB Collections**

- This fee is charged if a citation is paid at the Franchise Tax Board
- **This charge is not combined with any other charge**; for example, if a citation is rolled to delinquent status and paid at FTB, only the 15% of revenue collected will be charged
- Data Ticket will send an FTB Notice to the Customer as required by the Interagency Intercept Program; this notice will be sent via 1<sup>st</sup> Class Mail at no additional cost to the City
- All notices are attached to the citation online and are viewable via the web
- **Data Ticket will pay for the Agency’s cost to participate in the FTB program**; annually, FTB will send an invoice to the Agency for the number of debts placed at FTB; the Agency will simply provide this invoice to Data Ticket and Data Ticket will pay it in full
- **If Data Ticket does not collect on a citation that is at FTB, the Agency does not owe the collection fee**

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### Advanced Collections

- This fee is charged if a citation is paid at Advanced Collections- Legal Action Not Required
- **This charge is not combined with any other charge;** for example, if a citation is rolled to delinquent status and paid at Collections, only the 25% of revenue collected will be charged

### 2<sup>nd</sup> Level Hearing Hold, Scanning and Scheduling of Hearing

- Data Ticket will review all documentation received by the Appellant and determine whether the request received within the required timeframe
- If the request was received within the required timeframe, Data Ticket's Adjudication Department will place the citation on an Administrative Hearing Request Hold and scan all received documentation into the Solution where it is displayed on the web for the Agency's Staff and the Hearing Officer
- If the request is received outside the required timeframe, the Agency will have the option to proceed as though the request was received within the timeframe or it may elect to have Data Ticket send a "time expired letter" rejecting the appeal
- Data Ticket will work with the designated Hearing Officer to schedule the Hearing based on either a pre-determined schedule or an ad hoc basis, depending on the Agency's schedule

### 2<sup>nd</sup> Level Hearing Schedule & Disposition Letters

- Data Ticket will send a custom disposition letter to the Appellant via 1<sup>st</sup> Class Mail
- **All letters are attached to the citation online and are viewable via the web**
- Disposition letters will be sent Monday – Friday

### 2<sup>nd</sup> Level Hearing Disposition

- Data Ticket's independent, certified, insured hearing officers will be provided to the to perform in-person, phone and written hearings
- Each hearing request will be reviewed, heard or read and all required research will be performed
- The Hearing Officer will enter a judgment into the Citation Processing System for viewing by the Agency, Appellant and Data Ticket
- Hearings will be scheduled
- The Agency will incur costs associated with mileage as defined by Federal guidelines
- Data Ticket will work with the Agency to arrange for the use of a conference room at an Agency location or the Agency may elect to have citations heard at a centralized location within the City

**Joint / Escrow Banking Services (Optional)**  
**Services for the above-mentioned item include:**

**\$50.00 per month**

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- Daily deposits of funds to the Agency's escrow account
- Online, real-time reconciliation reports that tie directly to the bank statement
- Processing of all credit card charge-backs and Insufficient Funds
- Month-end reconciliation of all funds collected
- Payment of Data Ticket's invoice
- Disbursement of the net remittance to the Agency
- Scanning of all payments directly to joint bank account daily using remote check deposit
- The Agency will be responsible for the purchase of banking supplies, including checks and endorsement stamps; these fees typically run \$200.00 per year
- Refunds verified and issued weekly

**Online Access for the Agency's Customers:** **Included**

The Agency's Customers will have the ability to perform the following functions online:

- View real-time citation(s) data
- Pay for a single or many citation(s)
- Request a Hearing online and attach supporting documents
- Print a receipt
- View pictures of the citation taken by the issuing officer (if the Agency allows)

**Online Access for the Agency's Staff:** **Included**

Access to the Agency's data is based on unique usernames and passwords assigned to everyone who requires access to the system. **Data Ticket does not limit the number of individuals who have access to the system and the number and types of access can change at any point with a simple email request to Data Ticket or via the Agency's Administrator.**

Our Solution is setup to maintain a complete audit trail for each and every transaction in the system so that the **username is displayed next to every transaction in the system, indicating who performed the transaction and when.**

Dependent on the access rights provided to each Agency Staff member, the following capabilities are available:

- View real-time citation(s) data, including pictures taken by the Issuing Officer
- Accept payment via VISA, MasterCard, Discover and American Express credit/debit cards
- Accept payment via Cash, Check or Money Order
- Process NSF's, Charge-backs and Refunds
- Reduce or increase violation amounts, dismiss citations, void citations and place a citation on hold
- Change citation data, including violations, date, time, location, comments, and others
- Generate a time expired or letter of non-responsibility for a citation in the adjudication process



**Data Ticket, Inc.**  
 Newport Beach, CA  
 O: 949-428-7241; F: 949 752-6033

**City of Downey**  
 Parking Citation Processing  
 Cost Model and Service Offering

- View the complete reason for the Hearing Request and supporting documentation provided by the Appellant directly online
- Edit Appellant information
- Upload disposition documents sent to the Agency via US Mail
- Add a note to a citation and see all comments added to the citation
- View the reason for the 2<sup>nd</sup> Level Administrative Hearing Request online and view the supporting documentation provided by the Appellant, directly online
- Print a receipt with or without responsible party information

**Reporting: Included**

- Data Ticket offers 24 reports online for our Clients to generate, print and re-print 24/7. We provide real-time reports that can be generated for any timeframe required and we provide pre-processed/month-end reports that reflect the month-end view of data.
- All reports are available online and **because we do not purge data unless specifically requested to do so by a Client, the data is available as long as the Agency is a Client.**
- All reports are generated in HTML, so our Clients can copy and paste the data into Excel or export to Excel for data manipulation purposes.
- Report Generator capabilities that provide City Personnel with the ability to create, save, share and print custom reports at any time for any time frame.
- If the Agency were to request a report that was not already available, Data Ticket would work with the Agency to design the report and provide it to the Agency at no cost.

**Manual Payment Processing: Included**

- Manually received payments (checks, cash, money orders and credit card payments sent via US Mail) are received at our PO Box in Newport Beach where a bonded and insured courier picks up the mail daily and delivers it to our Newport Beach office
- On-site Mail Department opens, sorts and batches the payments before providing them to our on-site Data Entry Department
- After double-blind entry of each payment, the citations are updated by our Quality Assurance team
- Payments are then provided to our Accounting Department where daily deposit slips are completed and provided to a bonded, insured courier who takes them to the bank

**Charge-backs and NSF's Included**

- Data Ticket will process credit card charge-backs and NSFs when notified of each occurrence if Agency is not an escrow account holder
- Once processed, Data Ticket will send a custom letter to the individual detailing the returned item and the amount due on the citation

**Refunds Included**

- Data Ticket will process refunds when notified of each by the Agency
- In the event the Agency utilizes Joint Banking, Data Ticket will verify, generate and send each refund due

**Data Ticket, Inc.**  
Newport Beach, CA  
O: 949-428-7241; F: 949 752-6033

**City of Downey**  
Parking Citation Processing  
Cost Model and Service Offering

- Refunds will be issued weekly
- Refunds will be sent via 1<sup>st</sup> Class Mail

**Customer Service:** **Included**

- Data Ticket provides a live, bi-lingual, on-site Customer Service Department that is fully trained to answer questions related to citation issuance, payment, adjudication, FTB, advanced credit reporting collections and more
- **All calls are recorded to quality assurance and recordings can be sent to the Agency at any time for review**
- Data Ticket's IVR is bi-lingual and accessible via several toll-free numbers; the IVR provides real-time information to the caller regarding current status, including the amount due
- The IVR accepts VISA, MasterCard, Discover, and American Express

**Web Presence:** **Included**

- Data Ticket's Solution is 100% web-based and Section 508 Compliant and is provided at: [www.CitationProcessingCenter.com](http://www.CitationProcessingCenter.com); this is a generic website in the sense that it is not Agency branded. This website allows for the Agency and the Agency's Customers to access citations online
- **If the Agency prefers to have an Agency branded website, one in which the look and feel mimics that of the Agency's website, Data Ticket can and will provide this feature to the Agency**

**Cost Increases:**

**Postal Rate Increase Offset** – If postal rates increase during the term of the agreement, fees to DTI shall be raised immediately to offset the effect of the actual postal rate increase.

**CPI Increases** – *There will be NO CPI increases for the duration of the agreement.*



Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

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

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services and to support the City's public health infrastructure:

1. **Tuberculosis Control Program**, in the projected amount of \$14,000 for Fiscal Year (FY) 2024 from the State of California.
2. **Public Health Infrastructure Program**, in the projected amount of \$32,080 for FY 2024 from Alameda County.

FISCAL IMPACTS OF RECOMMENDATION

For FY 2024 the City will receive funds in the anticipated contract amount of:

1. \$14,000 from the State of California for the **Tuberculosis Control Program** to be deposited into Fund 312; and
2. \$32,080 from Alameda County for the **Public Health Infrastructure Program** to be deposited into Fund 326.

There is no local match required for any of these grants, however, the City does provide a significant amount of general funds to support these important programs.

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 Fiscal Year 2024 Annual Appropriations Ordinance.

### CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City provides a broad range of public health programs and services to the community, with the goals of addressing health inequities, promoting equitable, healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. The State of California and Alameda County revenue is an important source of support for these City public health programs. In Fiscal Year 2024, there are no significant changes to this support.

1. The **Tuberculosis Control Program** of the Communicable Disease Prevention and Control Program conducts public health tuberculosis prevention and control activities and performs related services such as providing food, shelter, and incentives to enhance treatment adherence. The overall goal of this program is to reduce morbidity and mortality of Tuberculosis by increasing compliance and breaking the chain of transmission.
2. The **Public Health Infrastructure Program** improves the core services of the Public Health Officer Unit by funding epidemiological surveillance, as well as ongoing data management and analysis to monitor health in the Berkeley community. Additionally, these funds are used in public health program evaluations, including assessment of the impact on health inequities and priorities identified in the Health Status Report.

### BACKGROUND

The City receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City receives specific funding through the State of California and Alameda County to meet core public health objectives. The Department of Health, Housing, and Community Services (HHCS) is committed to providing services to the community to promote equitable, healthy environments and prevent the spread of disease.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects 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's mandates as a public health jurisdiction. They also support HHCS's work to reduce health inequities in Berkeley and improve the health of our community.

### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Officer Unit assesses each funding source to ensure that it supports the City's mission and goals. Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

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

CONSENT CALENDAR  
May 23, 2023

CONTACT PERSON

Lisa Hernandez, Health Officer, HHCS, (510) 981-5308

Attachments:

- 1: Resolution: Tuberculosis Control Program
- 2: Resolution: Public Health Infrastructure Program

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

GRANT AGREEMENT WITH THE STATE OF CALIFORNIA  
FOR THE TUBERCULOSIS CONTROL PROGRAM FOR FY 2024

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Officer Unit (HHCS/PHOU) is committed to conducting public health tuberculosis control and prevention activities and providing related services to ensure adherence to State and Federal standards; and

WHEREAS, the HHCS/PHOU is committed to protecting residents of Berkeley from tuberculosis, especially unidentified and untreated tuberculosis infections and disease; and

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

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, HHCS/PHOU seeks to enhance and protect the health of the Berkeley community by producing and managing data for health assessment, planning, policy, and disease prevention and control to ensure and protect public health for a thriving, equitable, safe, and healthy Berkeley; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital public health services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2024 for the Tuberculosis Control Program: to conduct public health tuberculosis control and prevention activities and provide related services; to accept the grant funds into Fund 312; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$14,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE PUBLIC HEALTH  
INFRASTRUCTURE PROGRAM FOR FISCAL YEAR 2024

WHEREAS, the City of Berkeley has been a public health jurisdiction for more than one hundred years; and

WHEREAS, HHCS/PHOU seeks to enhance and protect the health of the Berkeley community by producing and managing data for health assessment, planning, policy, and disease prevention and control to ensure and protect public health for a thriving, equitable, safe, and healthy Berkeley; and

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

WHEREAS, HHCS/PHOU seeks to eliminate health inequities; and

WHEREAS, HHCS/PHOU should seek outside funding wherever possible to fund vital public health services.

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 2024 funding for the Public Health Infrastructure Program to accept the grant into Fund 326; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the amount of \$32,080 for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract: JSI Research and Training Institute, Inc. for California Home Visiting Program Planning Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with JSI Research and Training Institute, Inc. (JSI) for California Home Visiting Program Planning Consulting Services.

The contract will be in an amount not to exceed \$200,000 for the period July 1, 2023 through January 31, 2024.

FISCAL IMPACTS OF RECOMMENDATION

JSI, a consulting firm, has been selected to provide a comprehensive review and analysis of the California Home Visiting Program for the Health, Housing, and Community Services Department (HHCS). The City conducted a Request for Proposals process and received a total of two proposals. JSI was selected as the highest scoring bidder, and submitted a revised quote with final pricing. The contract will have a total not to exceed amount of \$200,000. Funding is subject to appropriation in the FY 2024 budget in the Health General Fund (Fund 312).

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley (the "City") Health, Housing, and Community Services Department's (HHCS) Public Health Division is newly eligible for funding to implement the California Home Visiting Program. The California Home Visiting Program (CHVP) is designed for overburdened families who are at risk for Adverse Childhood Experiences (ACEs), including child maltreatment, domestic violence, substance use disorder and mental health related issues. Home visiting gives parents the tools and know-how to independently raise their children. It is a preventive intervention focused on promoting positive parenting and child development.

The proposed services will produce a model of home visiting services that best serves the vulnerable populations that are eligible under CHVP.

BACKGROUND

The City released a Request for Proposals (RFP) under Specification No. 23-11565-C, and convened a panel of stakeholders to select JSI as the most responsive and responsible bidder for this contract.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts identified at this time.

RATIONALE FOR RECOMMENDATION

JSI is a well-respected consulting firm with demonstrated subject matter expertise on Home Visiting as well as public health programs. Their proposal includes high quality services that align with the intended goals of maximizing program objectives and reimbursement for eligible services.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing efficient and financially-healthy City government and public health and social and racial equity.

CONTACT PERSON

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

ATTACHMENTS:

1: Resolution

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

CONTRACT: JSI RESEARCH & TRAINING INSTITUTE, INC: CALIFORNIA HOME VISITING PROGRAM CONSULTING SERVICES

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services (HHCS), is committed to providing comprehensive public health services to Medi-Cal eligible clients, and

WHEREAS, HHCS seeks to eliminate health and educational inequities; and

WHEREAS, JSI Research & Training Institute, Inc. was selected by the City's RFP process which includes bidding from vendors, draft proposals, and pricing; and

WHEREAS, Funding is subject to appropriation in the FY 2024 budget in the Health General Fund (Fund 312).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments, with JSI Research & Training Institute, Inc. to provide consulting services for HHCS's California Home Visiting Program in an amount not to exceed \$200,000 for the period July 1, 2023 thru January 31, 2024. 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 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract No: 32300104 Amendment: Village of Love to Operate the Telegraph Neighborhood Sacred Rest Drop-In Center

RECOMMENDATION

Adopt a Resolution authorizing the City Manager, or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2024.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will be funded using the 2023 payment made by the University of California, Berkeley to the City pursuant to the 2021 UC Berkeley – City of Berkeley Settlement Agreement, as stipulated in the terms of the agreement (Fund 147-UC Settlement). The original contract amount of \$250,000, approved by Council on April 26, 2022 for services provided through May 31, 2023, will be appropriated as part of the Second Amendment to the FY 2023 Annual Appropriations Ordinance. The remaining \$250,000 in funds for the second year of the contract will be included in the FY 2024 Mid-Biennial Budget Update and the FY 2024 Annual Appropriations Ordinance that will be adopted by the City Council on June 27, 2023.

CURRENT SITUATION AND ITS EFFECTS

The Village of Love currently operates the Telegraph Neighborhood Sacred Rest Drop-In Center (Center), a daytime drop-in center for people experiencing homelessness. The Center began operating in June 2022 and has helped over 100 unhoused community members get connected to services and housing readiness resources in the community. The Center is open Monday through Friday from 9:30 am to 5:30 pm and includes restrooms, basic services and housing navigation services. The existing contract is expected to end on May 31, 2023 unless funds are added to extend services. The Center is supported by the University's Homeless Outreach Coordinator as well as students and researchers from the Schools of Social Welfare and Public Health, and is an important component of the City and University's joint effort to resolve the encampment at People's Park by tailoring services to each individual's unique needs and wants. The Village of Love holds the lease with First Presbyterian Church for

access to and use of the site.

BACKGROUND

On July 27, 2021, the City and University executed the Joint Settlement Agreement which, among other things, committed the City to expend from the first annual payment “An amount determined through joint planning between the City and the University will be allocated to fund a day-time drop-in/service center in the Telegraph area for the unhoused population.” On January 18, 2022, the leadership of the First Presbyterian Church of Berkeley unanimously approved providing access to a vacant lot on Haste Street owned by the Church for the purposes of the drop-in center. On March 2, 2022, the University awarded a separate \$500,000 contract to the Village of Love to provide services and operations for the drop-in center for two years (\$250,000 annually) at this site through May 2024. The \$500,000 in funding provided directly to Village of Love from the UC, combined with the \$500,000 of funding provided by the City from the UC/COB Settlement Agreement will allow continuous operation of the Center through May 2024.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

There continues to be an unmet need for services to transition unhoused residents out of People’s Park and into indoor settings, as well as to serve the unhoused in the greater Telegraph District/Southside neighborhood and the agreement between the University and the City of Berkeley to allocate settlement agreement funds for a day-time drop-in/service center in the Telegraph area for the unhoused population targets.

ALTERNATIVE ACTIONS CONSIDERED

None. Since the University already identified a service provider, a leasing mechanism for the site, and is paying the full cost of the capital expenses associated with the development of the drop-in center—and since the City is required to jointly fund this effort pursuant to the Settlement Agreement—there is no competitive process to be had for this contract.

CONTACT PERSON

David Andujo-Walker, Community Services Specialist II, 510-981-5454

ATTACHMENTS:

1: Resolution

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

CONTRACT NO: 32300104 AMENDMENT: VILLAGE OF LOVE TO OPERATE THE  
TELEGRAPH NEIGHBORHOOD SACRED REST DROP-IN CENTER

WHEREAS, People's Park is currently home to an encampment of unsheltered individuals who need an array of services to end their unsheltered status; and

WHEREAS, in July 2021, the City and University of California, Berkeley entered into the UC Berkeley – City of Berkeley Joint Settlement Agreement; and

WHEREAS, the first annual payment of the Settlement Agreement requires that an amount determined through joint planning between the City and the University be allocated to fund a day-time drop-in/service center in the Telegraph area for the unhoused population; and

WHEREAS, on January 18, 2022, Leadership at the First Presbyterian Church of Berkeley voted unanimously to grant access to and use of a vacant lot on Haste Street owned by the Church to the University for purposes of establishing a daytime drop-in center; and

WHEREAS, the University awarded a \$500,000 grant on March 2, 2022 to the Village of Love to provide services and operations for the drop-in center at this site for two years through May 31, 2024; and

WHEREAS, the Berkeley City Council allocated \$250,000 on April 26, 2022 for services and operations at the drop-in center for one year through May, 31, 2023 and Village of Love needs ongoing support to continue operations at the drop-in center through May 31, 2024;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council authorizes the City Manager or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 and extend the term through May 31, 2024.







Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$85,000 for a not-to-exceed amount of \$235,000.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will add \$85,000 for a total not-to-exceed amount of \$235,000. Funding for the RDA contract for the Specialized Care Unit (SCU) evaluation is available in the FY2023 budget in One-Time Grant (Fund 336) and General Fund 011.

CURRENT SITUATION AND ITS EFFECTS

Amending the RDA contract for SCU evaluation is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity. The additional funds will allow RDA to expand their scope for the SCU pilot program evaluation to include an analysis of call data from the Communications Center related to behavioral health calls. The evaluation scope is being broadened due to interest from the Council and community. Adding this to the scope is critical to providing an all-encompassing evaluation of all SCU program components.

BACKGROUND

In Fall 2020, Resource Development Associates (RDA) was selected through a competitive bid process to provide an extensive research, community engagement, and recommendations to create the framework for the Specialized Care Unit. This process involved working across multiple Berkeley stakeholder groups, including service utilizers, and in-depth research regarding crisis response systems to best inform a behavioral crisis response model to meet Berkeley's needs.

With guidance from the SCU Steering Committee, RDA did research and produced information and recommendations which informed the design of the SCU. RDA consolidated this work into three reports: Crisis Response Models; Mental Health Crisis

Response Services and Stakeholder Perspectives Report; and Specialized Care Unit Crisis Response Recommendations.

The SCU program evaluation expands upon these completed reports. As the SCU gets closer to implementation, RDA is designing a concurrent evaluation to provide necessary program feedback.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental sustainability and climate impacts directly associated to this recommendation have been identified.

RATIONALE FOR RECOMMENDATION

The additional funding identified will allow for an expanded scope than the original funding alone did. This additional analysis of Communications Center data will provide a more comprehensive program evaluation for the SCU

ALTERNATIVE ACTIONS CONSIDERED

The City could choose to go through another competitive bidding process to identify a separate vendor to perform this data analysis. However, RDA's existing level of knowledge and alignment with their current scope of work makes it impossible for another firm to match, so this approach is not recommended.

CONTACT PERSON

Lisa Warhuus, Director, Health, Housing, and Community Services, 510-981-5404

ATTACHMENT

1: Resolution

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

CONTRACT NO. 32300144 AMENDMENT: RESOURCE DEVELOPMENT  
ASSOCIATES FOR SCU PROGRAM EVALUATION

WHEREAS, Contract #32300144 was awarded to Resource Development Associates (RDA) to design and implement an evaluation for program effectiveness of the Specialized Care Unit (SCU); and

WHEREAS, through Contract #32300144 RDA has been creating an evaluation plan for the SCU in collaboration with the City and key stakeholders; and

WHEREAS, \$85,000 was allocated to expand RDA's scope of work to include an analysis of Communication Center data pertaining to behavioral health calls for a more comprehensive analysis of program effectiveness; and

WHEREAS, RDA is the most qualified consultant to receive the additional funding to add this scope to their evaluation design.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend the SCU evaluation Contract No. 32300144 with RDA by adding \$85,000 for a not-to-exceed amount of \$235,000. Funding is available in the FY2023 budget in the One-Time Grant Fund (Fund 336) and General Fund 011.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Kevin Fong, Information Technology Director  
Subject: Contract: Accela, Inc. for Software Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a new maintenance Contract with Accela, Inc., for software maintenance for a total not to exceed \$299,710 July 1, 2023 to June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for software maintenance for this contract is subject to appropriation in the FY 2024 and FY 2025 budgets in the General Fund (011), Abandoned Vehicle Fund (161), Vector Control Fund (325), Sanitary Sewer Fund (611), and Permit Service Fund (621).

FY24 Total Software Maintenance: \$144,092  
FY25 Total Software Maintenance: \$155,618  
**FY 24-25 Breakdown Software Maintenance: \$299,710**

|          |                                                                                                        |             |
|----------|--------------------------------------------------------------------------------------------------------|-------------|
| \$53,859 | FY24 Planning Department: Software Maintenance<br>Budget Code: 621-35-362-376-0000-000-472-613130-     |             |
| \$11,379 | FY24 Public Works Department: Software Maintenance<br>Budget Code: 611-35-362-377-0000-000-472-613130- |             |
| \$22,126 | FY24 Finance: Software Maintenance<br>Budget Code: 011-33-321-327-0000-000-412-613130-                 |             |
| \$36,286 | FY24 HHCS: Software Maintenance                                                                        |             |
|          | Vector Control      325-51-502-511-2003-000-451-613130-                                                | \$3,628.52  |
|          | Sewer Program      611-51-502-511-2004-000-472-613130-                                                 | \$12,336.95 |
|          | EH General Fund    011-51-502-511-0000-000-451-613130-                                                 | \$9,071.29  |
|          | Abandoned Auto    161-51-502-510-0000-000-451-613130-                                                  | \$11,249.24 |
| \$20,442 | FY24 Toxics: Software Maintenance                                                                      |             |

Budget Code: 011-35-362-377-0000-000-472-613130-

**\$144,092 FY 24 Total: Software Maintenance**

\$58,167 FY25 Planning: Software Maintenance  
Budget Code: 621-35-362-376-0000-000-472-613130-

\$12,290 FY25 Public Works: Software Maintenance  
Budget Code: 611-35-362-377-0000-000-472-613130-

\$23,896 FY25 Finance: Software Maintenance  
Budget Code: 011-33-321-327-0000-000-412-613130-

|          |                                 |                                     |             |
|----------|---------------------------------|-------------------------------------|-------------|
| \$39,188 | FY25 HHCS: Software Maintenance |                                     |             |
|          | Vector Control                  | 325-51-502-511-2003-000-451-613130- | \$3,918.80  |
|          | Sewer Program                   | 611-51-502-511-2004-000-472-613130- | \$13,323.91 |
|          | EH General Fund                 | 011-51-502-511-0000-000-451-613130- | \$9,796.99  |
|          | Abandoned Auto                  | 161-51-502-510-0000-000-451-613130- | \$12,148.30 |

\$22,077 FY25 Toxics: Software Maintenance  
Budget Code: 011-35-362-377-0000-000-472-613130-

**\$155,618 FY25 Total: Software Maintenance**

CURRENT SITUATION AND ITS EFFECTS

The Accela Civic Platform is a critical enterprise software platform that provides Permitting, Zoning, and Toxics management for Planning; Utility Permitting for Public Works; Business Licenses for Finance; and a wide range of management services from food inspections to vector control for Health, Housing and Community Services. Additionally, the platform has an online portal that allows the community to apply for business licenses and permits, schedule inspections, and pay for these services. This maintenance contract will allow the City to receive ongoing support and software enhancements through fiscal 2025.

The Accela Civic Platform helps advance the City’s Strategic Goal to *be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.*

BACKGROUND

In 2010, the City released an RFP for a new Permitting system, #11-10535-C. After a thorough multi-department selection process, the City selected Accela as its new Permitting and Business License system.

In 2011, by Resolution No. 65,398-N.S., the City Council approved a new contract with Accela for software licensing, implementation, maintenance and related services for a licensing and permitting system.

Since this time, the City has enhanced Accela to streamline internal processes and to make services more accessible to the community through an enhanced online portal.

In 2017, Accela purchased Decade Software, used by the Planning Toxics division as well as the HHCS Environmental Health division.

Accela continues to provide ongoing support and maintenance for these systems.

#### RATIONALE FOR RECOMMENDATION

Accela retains exclusive rights to provide maintenance for their software and is the only vendor that provides authorized software maintenance to their system. Renewing the existing agreement for maintenance ensures continued technical support and software updates to the platform.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff issued a Request for Proposal (Specification No. 19-11330-C) in late 2019 for a new Digital Permitting System to investigate other potential Permitting software solutions on the market. However, the COVID 19 pandemic hit in the middle of the selection process and halted the RFP process. For the time being, due to budgetary constraints, the City will continue to use the Accela platform and will re-explore alternatives once budget is available.

#### ENVIRONMENTAL SUSTAINABILTY AND CLIMATE IMPACTS

Accela's online web portal for permitting and business licenses reduces the need for the community to physically drive into the Permit Service Center and submit paper forms and documentation. Information can be submitted digitally and accessed remotely through the City's online Accela web portal thereby reducing the Berkeley's overall carbon footprint.

#### CONTACT PERSON

Kevin Fong, Director, Information Technology, (510) 981-6541.

#### ATTACHMENTS:

1: Resolution

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

CONTRACT: ACCELA, INC. FOR SOFTWARE MAINTENANCE

WHEREAS, the Accela Civic Platform is a critical enterprise software platform that multiple City departments use including Planning, Public Works, Finance, and Health, Housing, and Community Services; and

WHEREAS, the City Council previously authorized Contract No. 8865 with Accela, Inc. on July 19, 2011 (Resolution No. 65,398-N.S.) for software licensing, implementation, maintenance and related services for a licensing and permitting system; and

WHEREAS, the City seeks to start a new software maintenance contract with Accela, Inc.; and

WHEREAS, funding for software maintenance will be available in the FY 2024 and FY 2025 General Fund, Permit Service Center, Sanitary Sewer fund, Abandoned Vehicle fund, and Vector Control fund; and

WHEREAS, spending for this amendment 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 Council authorizes the City Manager enter into a contract with Accela, Inc., for software maintenance in the amount of \$299,710 from July 1, 2023 to June 30, 2025.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director of Parks Recreation & Waterfront  
 Subject: Contract: Delta Charter – Bus Transportation Services for Echo Lake Camp and Select Recreation Division Summer Programs

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations.

FISCAL IMPACTS OF RECOMMENDATION

The \$399,000 contract over a three-year period averages out to an annual cost of approximately \$133,000.00 per year, depending on programming and the number of participants served. Funding is available in the FY 2023 and FY 2024 budgets in the Camps Fund (Fund 125) and General Fund (Fund 011). Funding is subject to appropriation in the FY 2025 and FY 2026 budgets in the Camps Fund (Fund 125) and General Fund (Fund 011).

CURRENT SITUATION AND ITS EFFECTS

In March 2023, the City conducted a competitive Request for Proposal (RFP) process for bus transportation services for Echo Lake Camp and select Recreation Division summer programs and more than 30 vendors were invited to submit proposals. Staff determined that the proposal from Delta Charter best meets the needs of the City. As a result, staff recommends Council approval of a contract with Delta Charter for a not-to-exceed total amount of \$399,000 for a three-year period beginning June 1, 2023 and ending June 1, 2026.

BACKGROUND

The City of Berkeley Echo Lake Youth Camp, Teen Weekend, Pre-K Camping Trip, and select Recreation Division summer camp program field trips offer bus transportation as part of the programs. The City had a contract with Lux Bus for bus services for these programs since 2019. The City conducts a competitive RFP process to obtain services for Recreation programs every three years to obtain competitive pricing.

Contract: Delta Bus Service to Echo Lake and Teen Camp

CONSENT CALENDAR  
May 23, 2023

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The use of buses to provide transportation for Recreation program participants reduces the number of individual cars on the roads, which helps to reduce greenhouse gases, which is a major goal of the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION

In the competitive RFP process for bus services for select Recreation programs, Delta Charter provided the proposal that best met the City's needs.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Parks, Recreation, and Waterfront Director, 510-981-

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

CONTRACT: DELTA CHARTER FOR CHARTER BUS TRANSPORTATION SERVICES FOR ECHO LAKE CAMP AND SELECT RECREATION DIVISION SUMMER PROGRAMS

WHEREAS, the City of Berkeley Echo Lake Youth Camp, Teen Weekend, Pre-K Camping Trip, and select Recreation Division summer camp program field trips offer bus transportation as part of the programs; and

WHEREAS, the City had a contract with Lux Bus for bus services for these programs since 2019, and the City conducts a competitive RFP process to obtain services for Recreation programs every three years to obtain competitive pricing; and

WHEREAS, in March 2023, the City conducted a competitive Request for Proposal (RFP) process for bus transportation services for Echo Lake Camp and select Recreation Division summer programs and more than 30 vendors were invited to submit proposals. Staff determined that the proposal from Delta Charter best meets the needs of the City; and

WHEREAS, funding is available in the FY 2023 and FY 2024 budgets in the Camps Fund (Fund 125) and General Fund (Fund 011). Funding is subject to appropriation in the FY 2025 and FY 2026 budgets in the Camps Fund (Fund 125) and General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Contract: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Echo Lake Camp Accessibility Upgrades project, Specification No. 23-11590-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, Baldoni Construction Service, Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Baldoni Construction Service, Inc., for the Echo Lake Camp Accessibility Upgrades project at 7 Echo Lakes Road, Echo Lake, CA 95721, in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of \$436,954 for this contract is available in the FY 2023 budget in the CIP Fund (Fund 501) and Camps Fund (Fund 125). No other funding is required, and no other projects will be delayed due to this expenditure.

|                       |                  |
|-----------------------|------------------|
| CIP Fund (Fund 501)   | \$255,000        |
| Camps Fund (Fund 125) | \$181,954        |
| <b>Total</b>          | <b>\$436,954</b> |

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley operates the Echo Lake Campground in Echo Lake, California during the summer months providing a variety of programs for Berkeley residents including both Youth and Family Camps. In an effort to make these programs available to more community members, this voluntary accessibility upgrade would provide an accessible pathway between all major activity areas of the camp as well as a new accessible cabin.

**BACKGROUND**

The initial accessibility upgrade project also included an accessible restroom, and was bid in May, 2020. Only one bid was received, and the bid significantly exceeded the Project budget. The Project scope and plans were revised to remove the accessible restroom. The new Project was advertised for bids on March 6, 2023, and bids were opened on Tuesday, April 19, 2023. The City received three bids. Baldoni Construction was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to Baldoni Construction.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project is a renovation of an existing pathway and therefore will not negatively affect natural habitat.

**RATIONALE FOR RECOMMENDATION**

Echo Lake Campground has been providing valuable outdoor activities to Berkeley youth and families since 1922. Improved accessibility will expand access to this unique City resource.

**ALTERNATIVE ACTIONS CONSIDERED**

None

**CONTACT PERSON**

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Liza McNulty, Project Manager, Parks Recreation & Waterfront, 542-4131

Attachments:

1: Resolution

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

CONTRACT: BALDONI CONSTRUCTION SERVICE, INC., FOR ECHO LAKE CAMP ACCESSIBILITY UPGRADES

WHEREAS, the City has owned the Echo Lake Camp since 1922; and

WHEREAS, the City wants to voluntarily improve accessibility at Echo Lake Camp; and

WHEREAS, an invitation for bids was duly advertised on March 6, 2023 and bids were opened on April 18, 2023, and the City received three bids; and

WHEREAS, Baldoni Construction Service, Inc. was determined to be the lowest responsive and responsible bidder, and references for Baldoni Construction Service, Inc. were provided and checked out satisfactorily; and

WHEREAS, funding in the amount of \$436,954 for this contract is available in the FY 2023 budget in the CIP Fund (Fund 501) and Camps Fund (Fund 125). No other funding is required, and no other projects will be delayed due to this expenditure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 23-11590-C for the Echo Lake Camp Accessibility Upgrades project are approved.

BE IT FURTHER RESOLVED that the construction contract is awarded to Baldoni Construction Service, Inc. as the lowest responsive and responsible bidder for a total contract amount of \$364,128.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with Baldoni Construction, Inc. for the Echo Lake Camp Accessibility Upgrades project in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Interim Chief, Police Department  
 Subject: Referral Response: Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue

RECOMMENDATION

Close the original referral as the recommendations were completed by staff. The assessment did not indicate a need for further security improvements to the Berkeley Inn or immediate area at this time.

FISCAL IMPACTS OF RECOMMENDATION

The Crime Prevention Through Environmental Design (CPTED) security assessment and staff time used to prepare for the community meeting. No additional security measures were recommended by the assessment. No ongoing costs to the City are anticipated or recommended in response to this referral.

BACKGROUND

This report responds to a referral that originally was sponsored by Councilmember Kesarwani and adopted by Council at the January 17, 2023, Council meeting:

Refer to the City Manager to conduct a security assessment of the 1700 and 1600 blocks of San Pablo Avenue two months after the City of Berkeley has entered into a lease of real property located at 1720 San Pablo Avenue (hereafter referred to as Berkeley Inn, a 27-room motel). Additional security measures deemed necessary should be implemented as soon as practicable after the security assessment is completed.

The original referral recommended aspects of the security assessment include but are not limited to the following:

- A community meeting for immediate businesses, residents, and stakeholders of the 1700 and 1600 blocks of San Pablo Avenue to be hosted by the Office of Councilmember Rashi Kesarwani, City Manager Dee Williams-Ridley [or her designee(s)], and the Berkeley Police Department in order to assess the current street conditions and safety concerns; and

- A Crime Prevention Through Environmental Design (CPTED) assessment to be conducted by the Berkeley Police Department for the 1700 and 1600 blocks of San Pablo Avenue.

Possible security measures may include but are not limited to the following:

- Increased Berkeley police patrols and/or the provision of private security services;
- Assistance from the Office of Economic Development to identify grant or other funding opportunities so businesses and residents may procure and install security cameras at key locations;
- Implementation of environmental design improvements, as recommended by the CPTED assessment, by the City of Berkeley and/or private property owners, as appropriate.

*(Excerpted from the original referral, attached to this report)*

#### CURRENT SITUATION AND ITS EFFECTS

City Manager Dee Williams-Ridley referred the item to the Police Department, and the Community Services Bureau conducted a CPTED security assessment of the Berkeley Inn and the immediate area. The Community Services Bureau partnered with Councilmember Kesarwani's office and presented the assessment results at a community meeting on March 2, 2023. The CPTED security assessment of the Berkeley Inn was favorable, and no further recommendations to improve security were made by staff. Community Services staff were able to answer questions and address concerns from the public regarding the Berkeley Inn as well as crime trends in the immediate area. The presentation materials are attached to this report.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### CONTACT PERSON

Jen Louis, Interim Chief of Police, (510) 981-5700

#### Attachments:

- 1: Original Referral Report from January 17, 2023, Council meeting
- 2: CPTED Assessment 1600 and 1700 San Pablo Ave.



Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

January 17, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Referral for a Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue

RECOMMENDATION

Refer to the City Manager to conduct a security assessment of the 1700 and 1600 blocks of San Pablo Avenue two months after the City of Berkeley has entered into a lease of real property located at 1720 San Pablo Avenue (hereafter referred to as Berkeley Inn, a 27-room motel). Additional security measures deemed necessary should be implemented as soon as practicable after the security assessment is completed.

Recommended aspects of the security assessment include but are not limited to the following:

- A community meeting for immediate businesses, residents, and stakeholders of the 1700 and 1600 blocks of San Pablo Avenue to be hosted by the Office of Councilmember Rashi Kesarwani, City Manager Dee Williams-Ridley [or her designee(s)], and the Berkeley Police Department in order to assess the current street conditions and safety concerns; and
- A Crime Prevention Through Environmental Design (CPTED) assessment to be conducted by the Berkeley Police Department for the 1700 and 1600 blocks of San Pablo Avenue.

Possible security measures may include but are not limited to the following:

- Increased Berkeley police patrols and/or the provision of private security services;
- Assistance from the Office of Economic Development to identify grant or other funding opportunities so businesses and residents may procure and install security cameras at key locations;

- Implementation of environmental design improvements, as recommended by the CPTED assessment, by the City of Berkeley and/or private property owners, as appropriate.

#### CURRENT SITUATION AND ITS EFFECTS

***New Uses in the 1700 and 1600 Blocks of San Pablo Avenue Warrant Safety Assessment.*** On December 6, 2022 Council approved the lease with the Berkeley Inn located on the 1700 block of San Pablo Avenue, as well as a contract amendment with the Dorothy Day House to operate the facility as a transitional shelter. The 1600 block of San Pablo Avenue is the site of a permanent supportive housing facility at the former Golden Bear Inn, operated by Bay Area Community Services, with residents in the process of moving in as of November 2022.

City Council's approval of the five-year lease agreement with owners of the Berkeley Inn, located at 1720 San Pablo Avenue, is critical in maintaining Berkeley's commitment to sheltering homeless populations as the Horizon Transitional Village, also administered by Dorothy Day house, provides 50 beds for unsheltered and encampment populations and will be closing at the end of this month on December 31, 2022. This hotel conversion fills a dire need for an alternate location to house this vulnerable population that likely would otherwise end up back on the street and in encampments. Additionally, it provides non-congregate shelter rooms that are preferred and more likely to be accepted by persons experiencing unsheltered homelessness by future residents.

#### BACKGROUND

***Opportunity Sites for Homeless Shelters are Extremely Limited.*** The City's lease of the Berkeley Inn, a 27-room motel, to serve as a transitional non-congregate shelter facility replaces a larger 50-bed congregate shelter facility located at 742 Grayson Street. The Grayson site, known as the Horizon Transitional Village Program, is scheduled to close on Dec. 31, 2022 due to the termination of the City's lease with the private property owner. The City was able to extend its lease for the Grayson facility on Sept. 29, 2022 through the end of the year, but no further extensions are available. Staff have noted that the City engaged in an exhaustive search of City facilities to replace the Grayson facility, but none were found to be suitable, safe, or available for year-round use as a shelter for vulnerable homeless people<sup>1</sup>. The number of motel operators willing to partner with the City is also limited; the City has previously housed homeless individuals at the Berkeley Inn with the use of 28-day motel vouchers provided by the county.

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<sup>1</sup> See item #1: [Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue](#), on the December 6, 2022 Berkeley City Council Agenda.

**Opportunity Sites for Homekey Permanent Supportive Housing (Golden Bear Inn) Identified by Respondents to City’s Request for Proposals (RFP).** The City issued an RFP for a Homekey permanent supportive housing site in October 2021, with the option for RFP respondents to submit proposals for opportunity sites citywide. The selection of the Golden Bear Inn at 1620 San Pablo Avenue is the result of an RFP respondent identifying the site and a motel owner willing to sell as well as submitting a viable application to the City—which happened to be the only Homekey application the City received. Permanent supportive housing has been found to be the evidence-based solution to unsheltered homelessness.<sup>2</sup>

**The San Pablo Corridor is a Priority Development Area.** In 2021, the City of Berkeley received a \$750,000 grant from the Metropolitan Transportation Commission (MTC) to begin developing a master plan for the San Pablo Corridor. It is the priority of Councilmember Kesarwani to use the limited grant funds to study effective city policies for filling vacant retail spaces (including by reviewing effective policies in neighboring local jurisdictions) and other strategies for supporting a thriving non-residential sector of small businesses, non-profit organizations, and arts and cultural institutions.

**State Housing Laws Have Taken Away Control from Local Jurisdictions to Deny or Lower the Density of Projects, When They Meet Specific Requirements.** Over the last several years, new state approved housing laws limit both cities’ ability to reject development projects if they comply with local zoning and design rules, such as the Housing Accountability Act, and the number of times neighborhood groups can appeal such projects, such as SB 330. State law affects cities’ authority over development in additional ways: it further limits local government’s authority over development by speeding up approvals if affordable housing is included; it prevents cities from ordering design changes that would result in fewer units being built; and bars governments from changing zoning rules once a project has been proposed. Yet another piece of legislation, California’s Density Bonus law, allows developers to exceed local zoning limits if projects include affordable units. The goal of these housing laws is to keep cities from arbitrarily denying or delaying the construction of much needed housing. As a result, a community’s ability to alter or slow down development projects has been limited.

**Housing Development Along San Pablo Corridor Is Driven by Decisions of Private Property Owners.** In recent years, a number of parcels along the San Pablo Corridor have been developed or plans are underway to do so.

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<sup>2</sup> See: Permanent Supportive Housing: Evaluating the Evidence for Improving Health Outcomes Among People Experiencing Chronic Homelessness, National Academies Press, 2018. Contributors: National Academies of Sciences, Engineering, and Medicine; Policy and Global Affairs; Health and Medicine Division; Science and Technology for Sustainability Program; Board on Population Health and Public Health Practice; Committee on an Evaluation of Permanent Supportive Housing Programs for Homeless Individuals

- 1941 San Pablo Avenue: proposed 7 story mixed use development - in early planning stage
- 1835 San Pablo Avenue: entitled project for mostly market rate housing
- 1740 San Pablo Avenue: 54 units of affordable housing, approved and in process
- 1701 San Pablo Avenue: 110 affordable units for Berkeley Unified School District workforce, approved and in process
- 1620 San Pablo Avenue: 44 units of permanent supportive housing, approved and operating
- 1080 Jones Street, The Jones (at 1500 San Pablo Avenue): 170 units mostly market rate - operating and occupied
- 1201-1205 San Pablo Avenue: 66 units of mostly market rate housing - approved
- 1200 San Pablo Avenue: 7 story project previously approved by the Design Review Commission

The decisions to develop these parcels are not driven by the City, but by private property owners. Development occurs throughout the city where a private property owner wishes to do so.

#### FISCAL IMPACT

The security assessment will require one-time staff attention, and implementation of security measures may result in one-time and/or ongoing costs to the City.

#### ENVIRONMENTAL SUSTAINABILITY

Enhanced safety can encourage more residents to patronize the area on foot or bike, thus reducing vehicle miles traveled.

#### CONTACT PERSON

Rashi Kesarwani, Council Member District 1

(510) 981-7110



SECURITY ASSESSMENT OF THE  
1600 AND 1700 BLOCKS OF SAN  
PABLO AVE

Berkeley Police Department  
Lt. McGee and Sgt. Kleppe

March 2, 2023

# AGENDA

1600 AND 1700  
BLOCKS OF SAN  
PABLO

---

CPTED

---

Concepts

---

Assessment

---

Statistical Analysis



# CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Proper design and effective use of the built environment

Reduce opportunities for crime that may be inherent in the design of structures

Design can encourage or discourage criminal activity

# CONCEPTS

## NATURAL SURVEILLANCE

The placement of physical features, activities and people in a way that maximizes visibility

- Unobstructed view of surrounding areas
- Improving visibility with lighting or transparent building materials
- Avoid light that creates glare or shadows
- Avoid the creation of building entrapment areas

## NATURAL ACCESS CONTROL

Navigate people through a controlled access point at a location, which can help increase security

- Landscaping, streets, sidewalks and building entrances
- Entrances are visible, well lit, overlooked by windows and entryways are clearly defined
- Creating a "celebrated entrance" can reduce unnecessary confusion

# TERRITORIAL REINFORCEMENT

The use of physical attributes that express ownership

- Such as fencing, pavement treatments, signage and landscaping
- Establish a clear boundary between public and private space
- Combining natural surveillance and access control principles

# MAINTENANCE

Maintenance at a location will allow the space to be used for what it was intended for

- Serves as an additional expression of ownership
- Prevents overgrown landscaping to hinder visibility or to obstruct lighting.
- CPTED and the Broken Window Theory

# ASSESSMENT







Clear Signage for Address



Updated Lighting







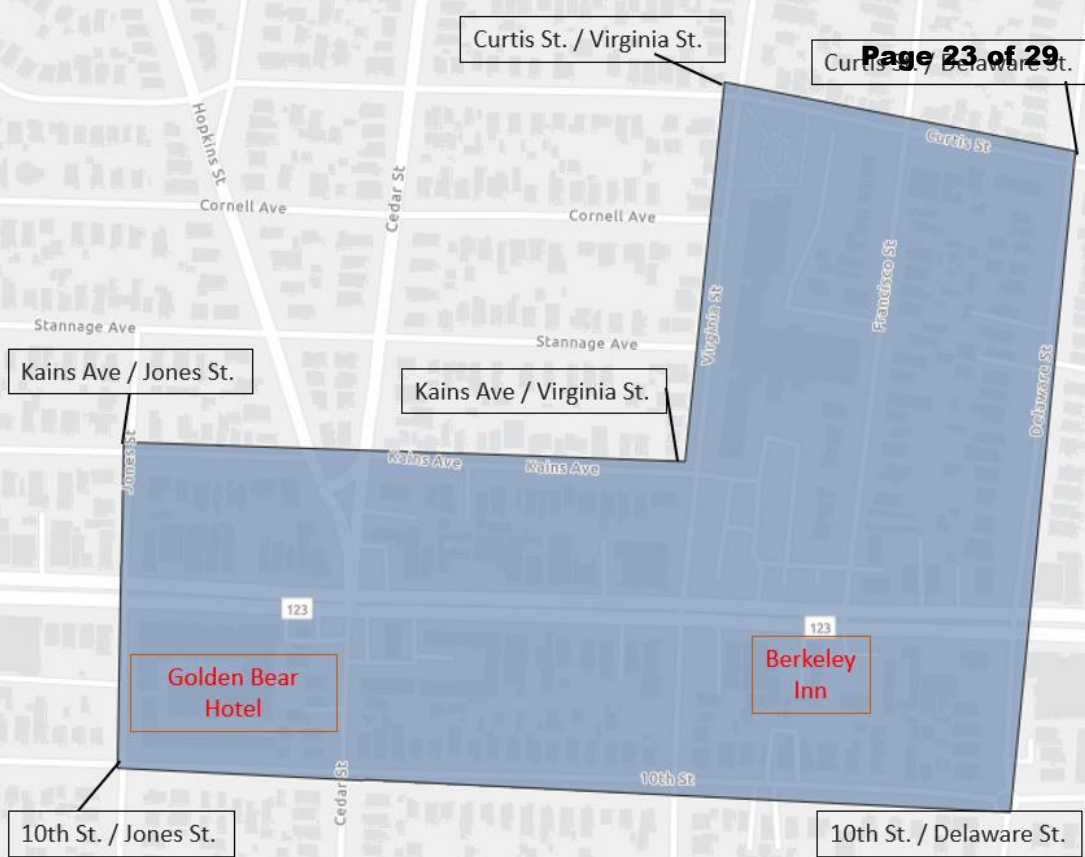
## FINDINGS

Both facilities are in compliance with CPTED industry standards

All residents have a key fob or key card to gain access to their room

Security cameras are working and functional around both facilities

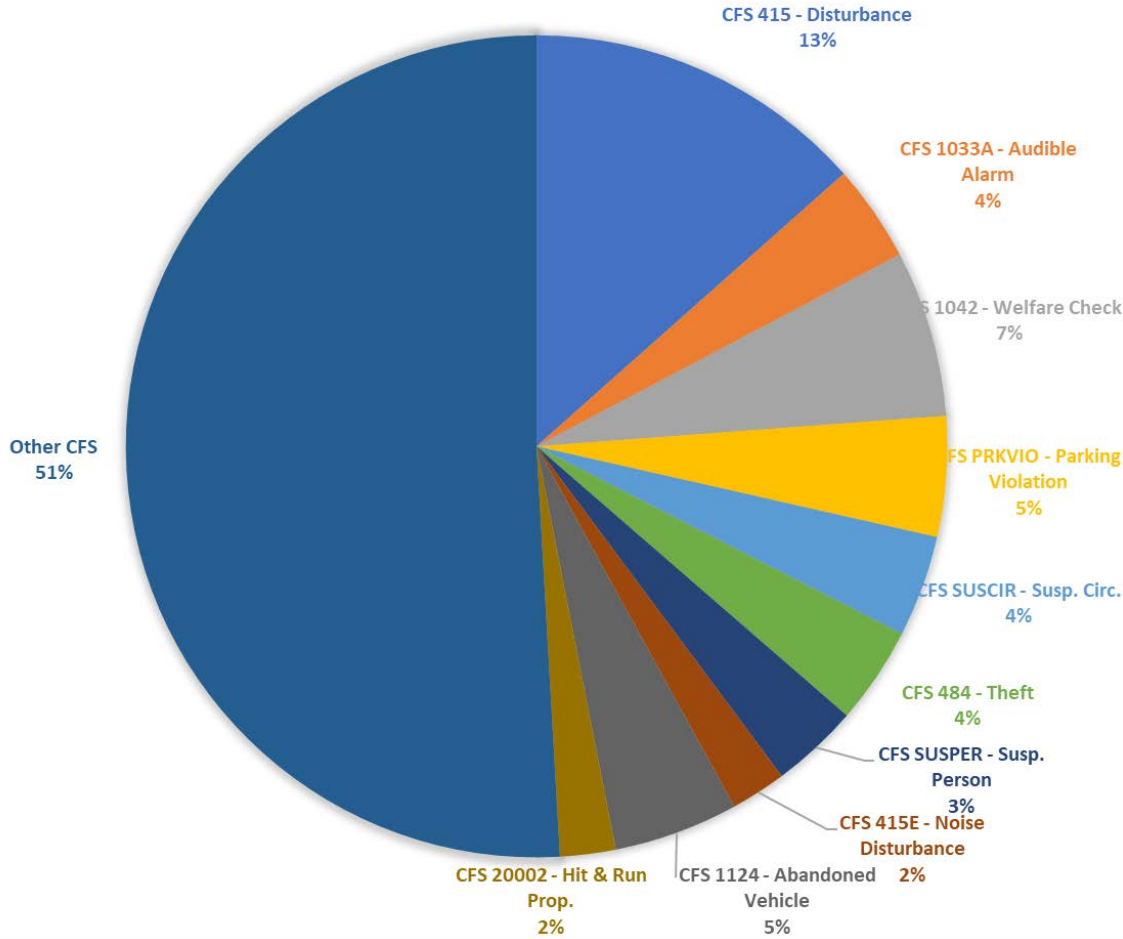
# STATISTICAL ANALYSIS



- 10th St. / Jones St.
- 10th St. / Delaware St.
- Curtis St. / Delaware St.
- Curtis St. / Virginia St.
- Kains Ave. / Virginia St.
- Kains Ave. / Jones St.

# Berkeley Inn and Golden Bear Surrounding Area

### Call Types Excluding officer-initiated calls



# SURROUNDING AREA

2016 – 02/2023

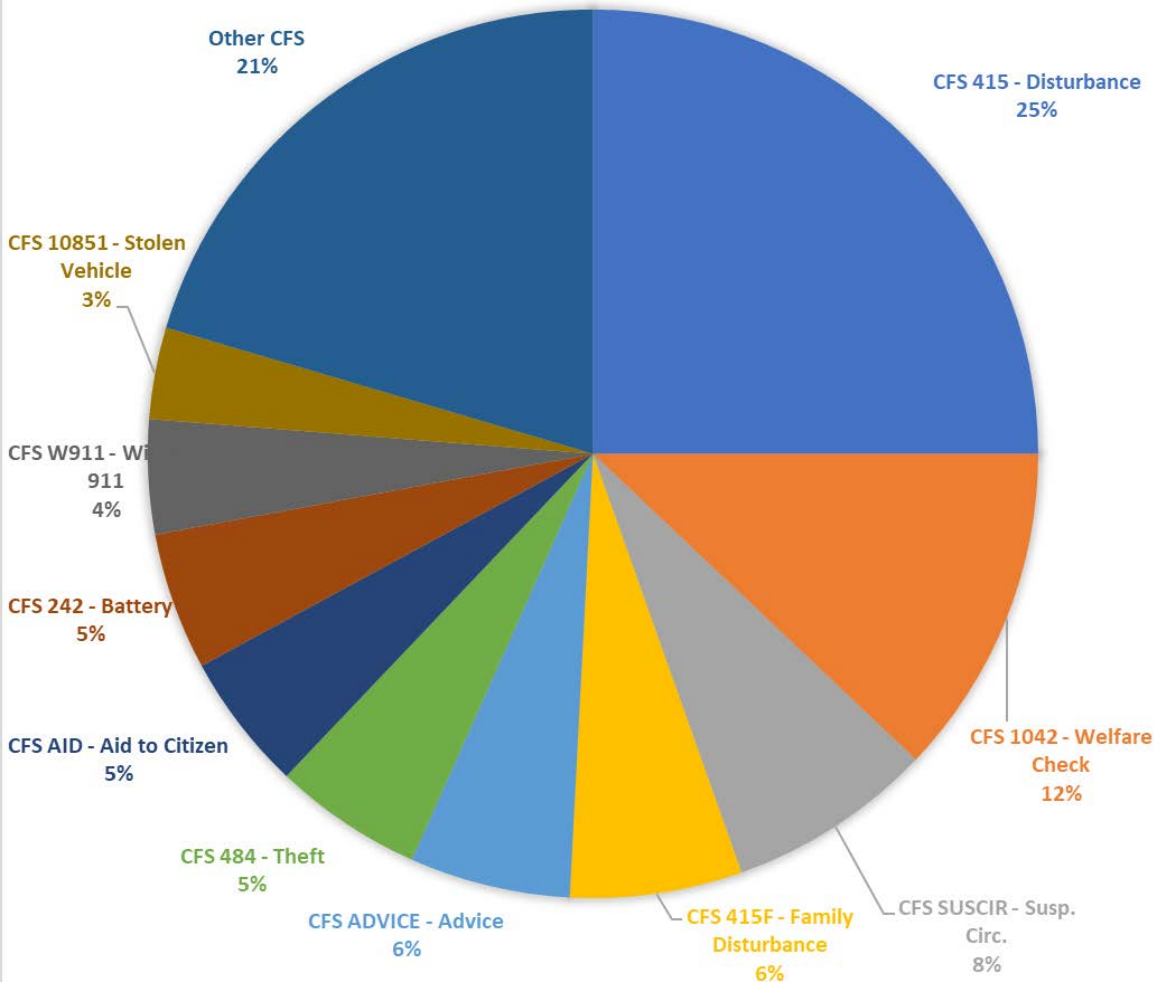
*Disturbances have been the most frequent call type*

- Top 10 Calls for Service make up 49% of total
- 3590 total calls



## Call Types

Excluding officer-initiated calls



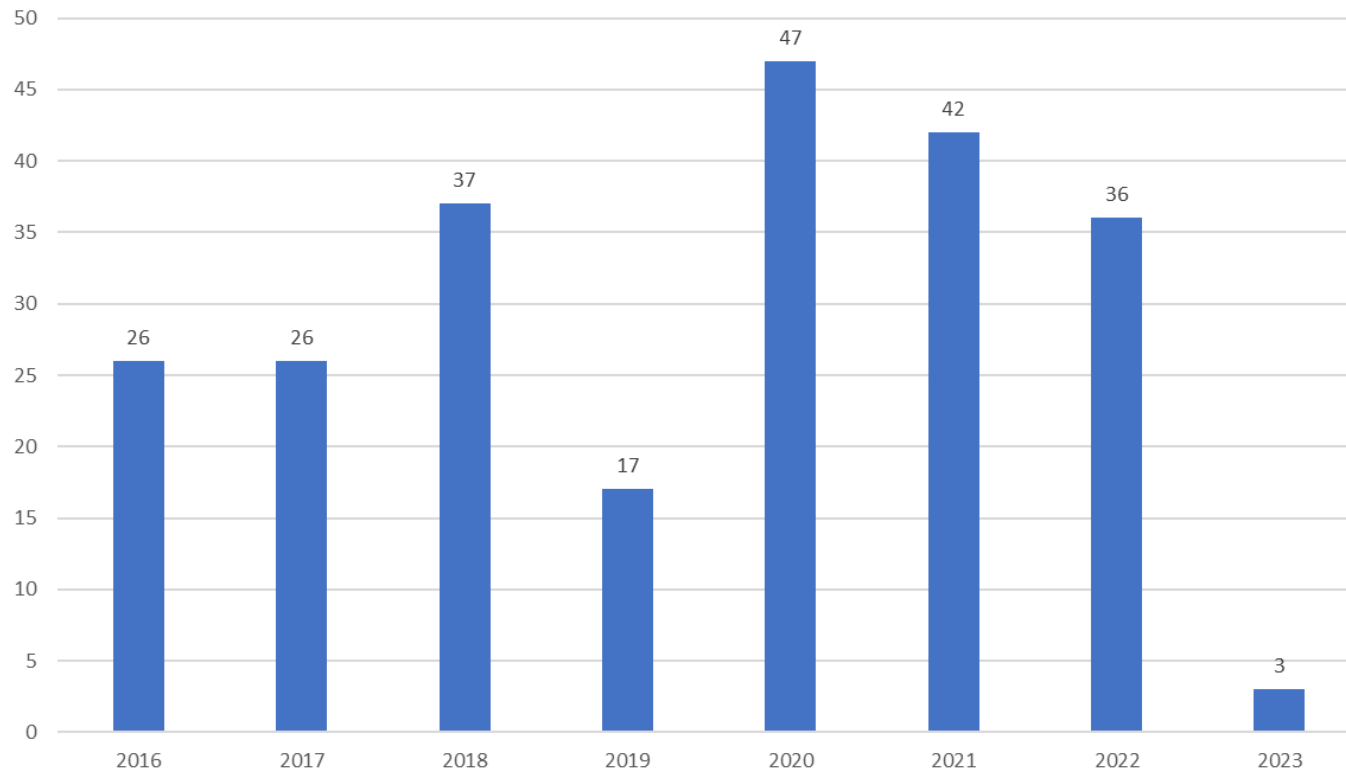
# BERKELEY INN

2016 – 02/2023

*Disturbances and welfare checks have been the most frequent call*

- Top 10 Calls for Service make up 79% of total
- 234 total calls

## Total Calls



## BERKELEY INN

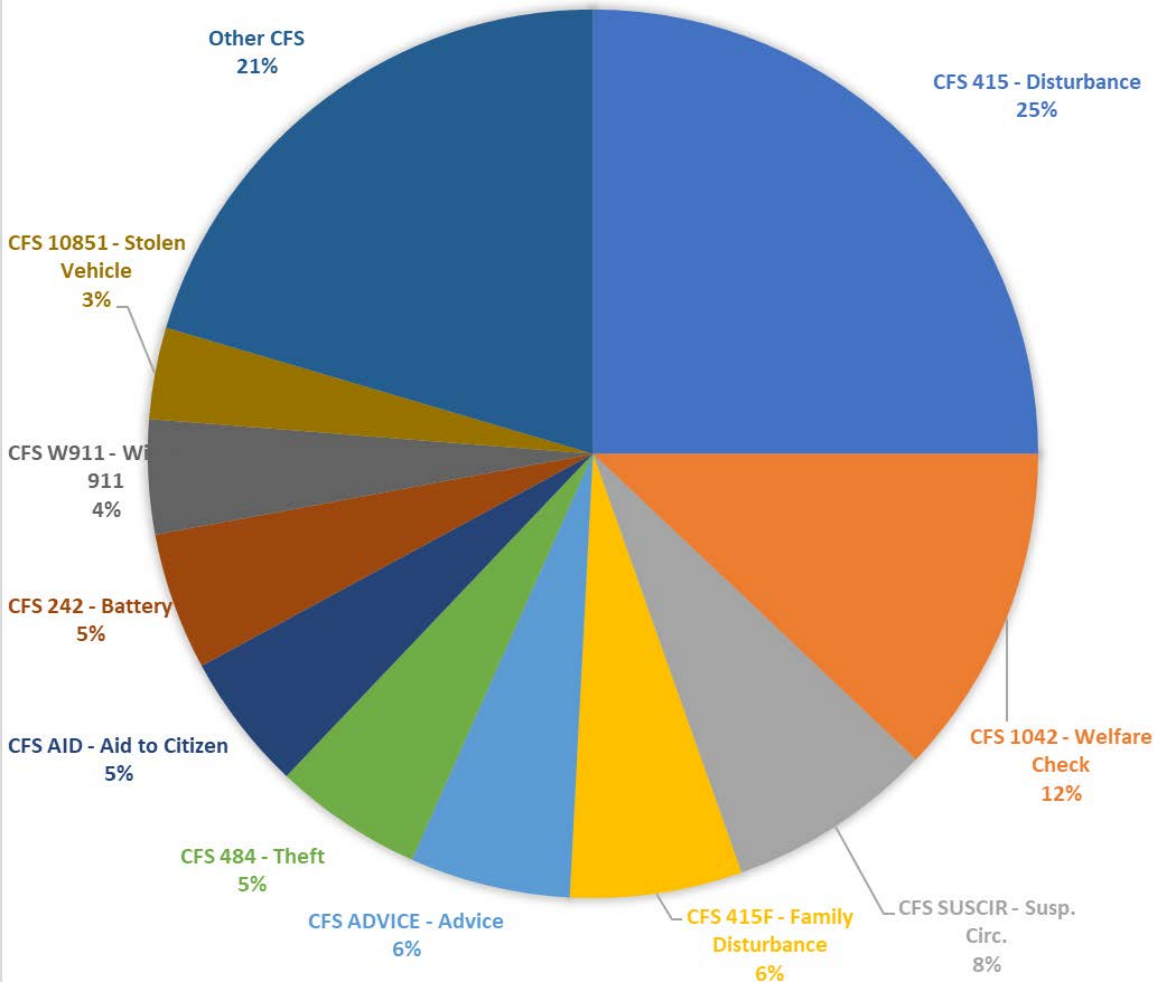
2016 – 02/2023  
EXCLUDING OFFICER-  
INITIATED CALLS

*Disturbances have been  
the most frequent call type*

- There has been a jump in batteries since 2021.
- Top 10 Calls for Service have been consistent.
- 234 total calls

## Call Types

Excluding officer-initiated calls



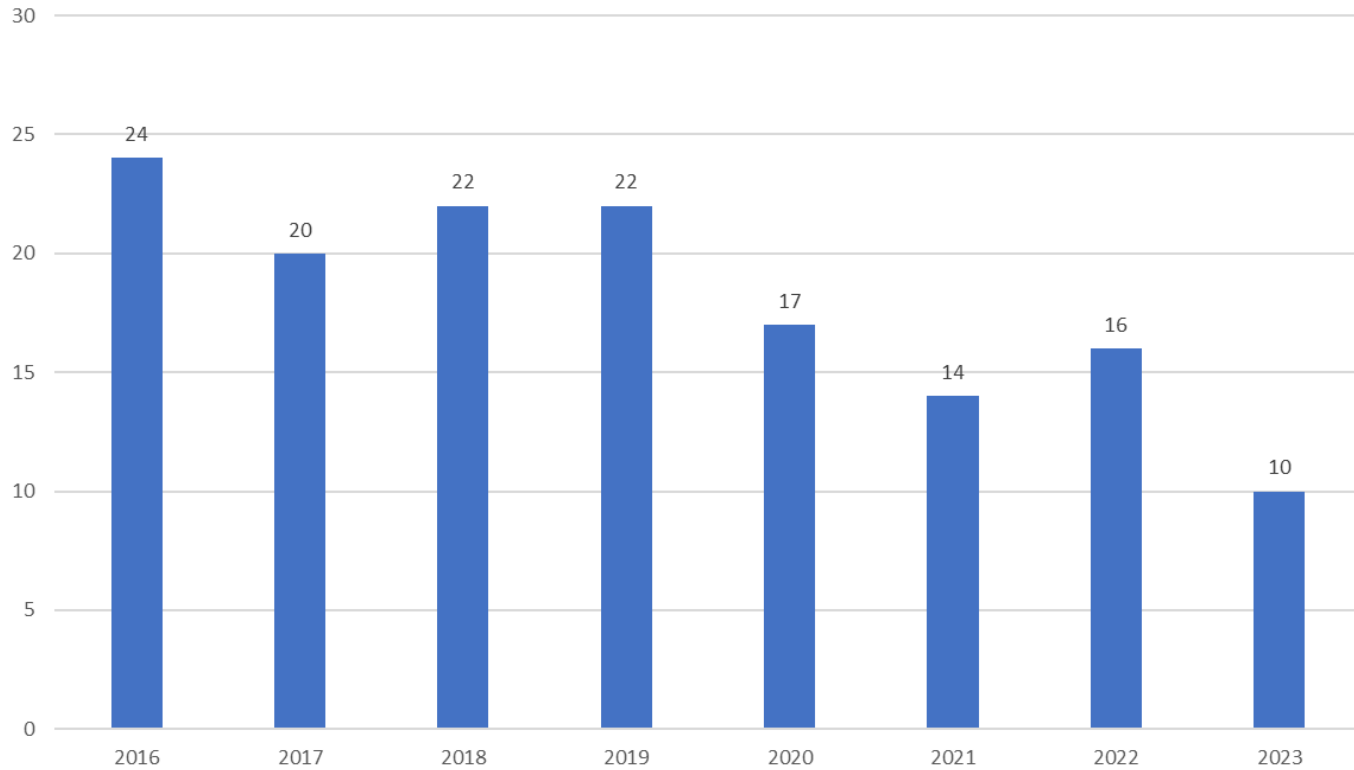
# GOLDEN BEAR

2016 – 02/2023  
EXCLUDING OFFICER-INITIATED  
CALLS

*Disturbances have been the most frequent call*

- Top 10 Calls for Service make up 74% of total
- 145 total calls

## Total Calls



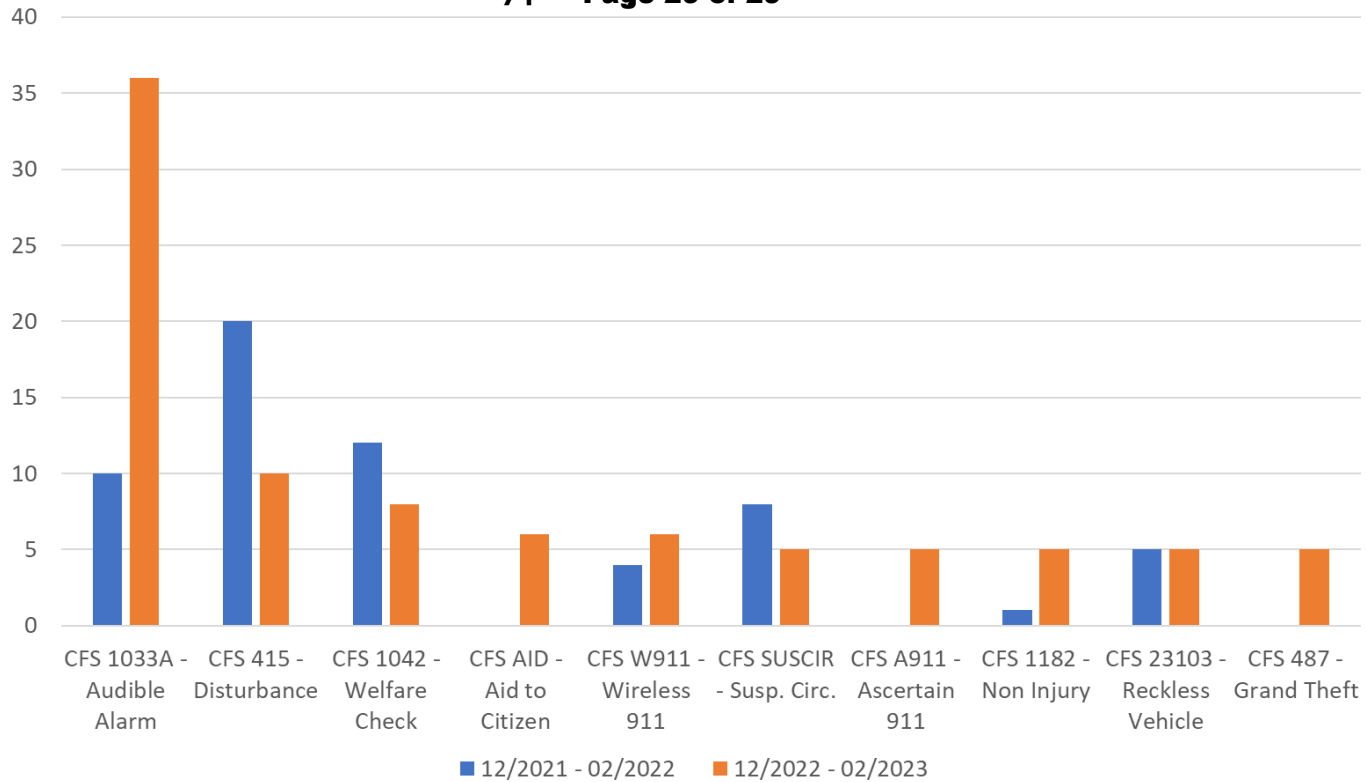
# GOLDEN BEAR

2016 – 02/2023  
EXCLUDING OFFICER-  
INITIATED CALLS

*Disturbances have been  
the most frequent call type*

- Top 10 Calls for Service have been consistent.
- 145 total calls

# Call Types by Time Period



## COMPARISON

12/2021 – 02/2022 &  
12/2022 - 02/2023  
EXCLUDING OFFICER-  
INITIATED CALLS

*Disturbances have decreased from the previous time period*

- Multiple call types appear in the most recent time period that did not appear in the previous time period
- Most audible alarm calls were from a single location and not criminal in nature





Office of the City Manager

## CONSENT CALENDAR

May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded

### POLICY COMMITTEE RECOMMENDATION

On April 13, 2023, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Hahn/Robinson) to send the item to City Council with a positive recommendation that Council:

1. Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.
2. Refer to the Budget and Finance Committee to prioritize funding to the vehicle replacement fund to make up the shortfall over time in order to stabilize the fund.

Vote: All Ayes.

### INTRODUCTION

On November 19, 2020, the City Auditor published the Rocky Road: Berkeley Streets at Risk and Significantly Underfunded Audit Report<sup>1</sup>, reviewing the funding resources to sufficiently maintain City streets, and asking if Public Works has clear policies and processes to guide paving decisions. This is the first status report regarding this audit. On June 2, 2021, the City Auditor published the Fleet Replacement Fund Short Millions Audit Report<sup>2</sup>, reviewing the solvency of the fund to sufficiently replace vehicles and asking if Public Works has the key information necessary to manage the Fleet program. This is the first status report to City Council on the efforts made to implement the Audit Report's recommendations for Fleet.

### CURRENT SITUATION AND ITS EFFECTS

The Street Paving Audit Report noted two findings and five recommendations for the Public Works Department to review, implement and report to Council. As of this report,

<sup>1</sup> Rocky Road: Berkeley Streets at Risk and Significantly Underfunded <https://berkeleyca.gov/sites/default/files/2022-01/Rocky-Road-Berkeley-Streets-at-Risk-and-Significantly-Underfunded.pdf>

<sup>2</sup> Audit: Fleet Replacement Fund Short Millions: <https://berkeleyca.gov/sites/default/files/2022-01/Fleet-Replacement-Fund-Short-Millions.pdf>

three recommendations have been implemented and two recommendations have been partially implemented.

The Fleet Audit Report noted two findings and twelve recommendations for the Public Works Department to review, implement and report to Council. As of this report, there are updates to the status of all twelve recommendations. The first set of seven recommendations was related to the underfunding of the replacement fund. One recommendation has been partly implemented, the remaining six recommendations have been started. The second set of five recommendations focused on Public Works having critical information available to inform management and decision making. All five recommendations under this finding have been started.

The attachment provides a detailed table of audit report recommendations, steps towards corrective action, and implementation updates. The next status report will be in May.

#### BACKGROUND

Public Works' Engineering Division is responsible for capital projects to maintain over 216 centerline miles of streets in Berkeley, while the Streets & Utilities Division handles day-to-day maintenance of those streets. Public Works' Equipment Maintenance Division manages the maintenance, purchase, and replacement of the City's 730 fleet vehicles, heavy duty trucks and large equipment, including public safety, fire, and alternative fuel vehicles and equipment. Public Works' Administrative and Fiscal Services Division is responsible for the Department's budget and fiscal oversight, regulatory compliance and reporting, and analytical support for routine and special projects in all Public Works operating divisions.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Public Works replaces vehicles with alternative fuel, hybrid and electric vehicles whenever possible given availability of fleet technology, available budget and charging infrastructure. Streets that are improved to benefit all users help encourage more bicycling and walking, which lowers greenhouse gas emissions. Streets that are improved to include green infrastructure help reduce pollution and clean stormwater before it reaches the Bay.

#### POSSIBLE FUTURE ACTION

Public Works will continue to address the remaining three partially implemented recommendations in the Streets Audit and the twelve started and partially implemented recommendations in Fleet Audit.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

In the biennial budget adoption for FY 2023 and FY 2024, the City Council allocated an increase of \$5,000,000 (FY2023) and \$9,100,000 (FY2024) to street paving in the Capital Improvement Fund. The Council also passed a funding guideline to approve an \$8,000,000 increase in future fiscal years. This funding is intended to raise paving



funding to levels sufficient to maintain current pavement conditions. The Measure L Bond Measure, if approved by Berkeley voters on November 8, 2022, would raise \$300,000,000 towards street and traffic safety improvements, including improvements that advance bicycle and pedestrian use and safety. Project funding would be allocated over several years to raise the pavement condition index (PCI) to 70 or above, which is a "Good" status.

CONTACT PERSON

Sean O'Shea, Administrative & Fiscal Services Manager (510) 981-6306

Joe Enke, Manager of Engineering (510) 981-6411

Greg Ellington, Equipment Management Superintendent (510) 981-9469

Attachment:

1. Audit Findings and Recommendations Response Report – Streets
2. Audit Findings and Recommendations Response Report - Fleet

| Audit Title: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded                                                     |                |                                                                                                                                                                                                                                                                                                                                                                                       |                 |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Finding                                                                                                                             | Recommendation |                                                                                                                                                                                                                                                                                                                                                                                       | Lead Department | Expected or Actual Implementation Date | Status of Audit Recommendations, Corrective Action Plan, and Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Without significant additional funding, Berkeley streets will continue to deteriorate and deferred maintenance costs will increase. | 1.1            | Annually, conduct a budget analysis, based on the deferred maintenance needs at that point in time, to determine what level of funding is necessary to achieve the desired goals of the Street Rehabilitation Program. Report findings to City Council. This information will be helpful during updates to the Five-Year Street Rehabilitation Plan and during the budgeting process. | Public Works    | Ongoing                                | <u>Partly Implemented:</u><br>The City received a PTAP grant to fund a consultant (PEI) to survey the entire City's paving condition. The consultant's report is pending. The newly adopted Street Rehab policy says that the City will conduct funding sufficiency analysis based on existing deferred maintenance. This analysis will be included as part of the biannual Paving Plan adoption. Public Works will propose a budget as part of the biannual CIP adoption to address the paving needs, based on available resources, and will present any funding shortfalls to the Council. |
| Without significant additional funding, Berkeley streets will continue to deteriorate and deferred maintenance costs will increase. | 1.2            | Identify funding sources to achieve and maintain the goals of the Street Rehabilitation Program.                                                                                                                                                                                                                                                                                      | Public Works    | Ongoing                                | <u>Partly Implemented:</u><br>Funding sources for street improvement are identified in the Capital Improvement Program budget. The City Council also approved a ballot measure for the November 2022 ballot which if passed, will provide up to \$300,000,000 to improve Berkeley's streets, sidewalks and bike and ped infrastructure. Approximately \$230 million would be allocated to Street Rehabilitation and Repair.                                                                                                                                                                  |

|                                                                                                          |            |                                                                                                                                                                                                                         |                     |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p>The Streets Rehabilitation and Repair Policy is out-of-date and Public Works is not following it.</p> | <p>2.1</p> | <p>Update the Street Rehabilitation and Repair Policy annually and define who is responsible for ensuring the Policy is updated, as stated in the Policy.</p>                                                           | <p>Public Works</p> | <p>January 2022</p> | <p><u>Implemented:</u><br/>Public Works Commission approved a Street Rehabilitation and Repair Policy March, 2021, which was received and revised after consideration at the FITES Commission in May 2021, and ultimately adopted by City Council on January 25, 2022. The Policy and Five Year Paving Plan were considered and adopted on the same Council agenda. The Street and Maintenance Policy shall be adopted by City Council at a minimum interval of 5 years, after review by the Transportation and Infrastructure Commission.</p>                                                                                                                                                                                                        |
| <p>The Streets Rehabilitation and Repair Policy is out-of-date and Public Works is not following it.</p> | <p>2.2</p> | <p>When updating the Street Rehabilitation and Repair Policy, incorporate equity to align with Vision 2050 and clearly define how it will be applied to the street maintenance and rehabilitation planning process.</p> | <p>Public Works</p> | <p>January 2022</p> | <p><u>Implemented:</u><br/>The updated Street Rehabilitation and Repair Policy was adopted with clear language placing Equity as an objective: "The benefits of good infrastructure shall be distributed equally throughout the entire community regardless of income, political influence, or demographic characteristics of the residents in the area. Equity means that disadvantaged residents with more pressing needs experience benefits sooner than others, as defined by the City within the adopted Five Year Plan." The policy also calls for the designation of an Equity Zone, serving neighborhoods with historic underinvestment, which is to be prioritized to achieve the PCI goals of 70 sooner than the remainder of the City.</p> |

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| <p>The Streets Rehabilitation and Repair Policy is out-of-date and Public Works is not following it.</p> | <p>2.3</p> | <p>Define goals and performance measures to guide the Street Rehabilitation and Repair Policy and Street Rehabilitation Program that align with other plans and policies relevant to street paving (e.g., Complete Streets Policy, Vision 2050, etc.). Regularly report to Council on performance measures.</p> | <p>Public Works</p> | <p>January 2022</p> | <p><u>Implemented:</u><br/>Performance Metrics are included as a major part of the adopted Specific Policy. Key areas:<br/>1) The goal is to get to standard PCI of 70 for roadways: Arterials, Collectors, Bus Routes, Bikeway Network, and Equity Zone. 2) Funding should be prioritized with Equity in mind 3) Performance metrics reporting will be included with the biannual Paving Plan review.</p> |
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| Audit Title: Fleet Replacement Fund Short Millions          |                |                                                                                                                                                                                                                                                                                                                                            |                 |                                        |                                                                                                                                                                                                                                                                                     |
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| Finding                                                     | Recommendation |                                                                                                                                                                                                                                                                                                                                            | Lead Department | Expected or Actual Implementation Date | Status of Audit Recommendations, Corrective Action Plan, and Progress Summary                                                                                                                                                                                                       |
| The Replacement Fund is underfunded by millions of dollars. | 1.1            | Calculate the dollar value of the City’s replacement needs. Use results from the recent rate study to adjust departments’ replacement fees to cover their share of the costs associated with vehicle replacement, including customization and personnel.                                                                                   | Public Works    | Ongoing                                | <u>Partly Implemented:</u><br>The current fleet replacements costs have been updated in FUND\$ Fleet Management System to include all costs, and have been reflected in the FY 23 & FY 24 Operating budget and the five year replacement schedule communicated in the FY 23-27 CIP. |
| The Replacement Fund is underfunded by millions of dollars. | 1.2            | Conduct an analysis of the City’s current fleet and determine the optimal fleet size to provide services efficiently and effectively. This analysis should include fleet units identified as reserve, backup, and “pool” vehicles. The outcome of the analysis should be a plan to achieve and provide funding for the optimal fleet size. | Public Works    | February - May 2023                    | <u>Started:</u><br>Staff issued an RFP to analyze its fleet and received two solicitations. Public Works has selected Mercury Associates to be the consultant to lead the study.                                                                                                    |

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| <p>The Replacement Fund is underfunded by millions of dollars.</p> | <p>1.3</p> | <p>Work with the City Manager’s Office to adjust the funding model of the Equipment Replacement Fund or adopt a new one to ensure appropriate funding for timely fleet replacement, such as annually transferring money from the General Fund based on an assessment of the City’s overall fleet needs and priorities. Expand the current vehicle and equipment replacement policy to ensure transparency of key provisions of the new or updated model.</p> | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>Public Works presented an Equipment Replacement Fund deficit reduction proposal in its departmental budget presentation to the Budget &amp; Finance Policy Committee and in submittals for General Fund consideration to the City Manager. While not funded in FY 23/24, the department will keep monitoring the fund health and make funding proposals in future budget development cycles.</p> |
| <p>The Replacement Fund is underfunded by millions of dollars.</p> | <p>1.4</p> | <p>Revise the vehicle and equipment replacement policy to include that Public Works should regularly assess the personnel expenditures related to vehicle and equipment replacement and ensure that they are appropriate and proportional to their duties.</p>                                                                                                                                                                                               | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>Draft policy has been updated and is going through final departmental review.</p>                                                                                                                                                                                                                                                                                                                |
| <p>The Replacement Fund is underfunded by millions of dollars.</p> | <p>1.5</p> | <p>Revise the vehicle and equipment replacement policy to prevent replacing unfunded vehicles by ensuring that contributed funds are available for the purchase.</p>                                                                                                                                                                                                                                                                                         | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>Draft policy has been updated and is going through final departmental review.</p>                                                                                                                                                                                                                                                                                                                |

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| <p>The Replacement Fund is underfunded by millions of dollars.</p>                              | <p>1.6</p> | <p>Develop an Administrative Regulation that clarifies Public Works’ responsibilities to manage the fleet and maintain sufficient fleet replacement funding.</p>                                                                                                                                                                                                                                        | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>The department has drafted a policy document use instead of an AR.</p>                                                                   |
| <p>The Replacement Fund is underfunded by millions of dollars.</p>                              | <p>1.7</p> | <p>To help secure the funding needed for transitioning to electric vehicles by 2030, work with the City Manager’s Office to develop a budgetary plan to purchase electric vehicles. The plan should align with the City’s fleet electrification goals and take into consideration the current economic downturn, funding availability, available infrastructure, and electric vehicle availability.</p> | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>EV purchases for FY 23-24 have been outlined in the budget. A budgetary plan for transitioning to EVs by 2030 is not yet available.</p>  |
| <p>Public Works lacks information on vehicle and equipment replacement for decision making.</p> | <p>2.1</p> | <p>Conduct a needs assessment of vehicles overdue for replacement and create a plan that documents a timeline and cost for replacement. Report the findings to City Council.</p>                                                                                                                                                                                                                        | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>Backlog vehicles to be purchased have been included in the FY 23-24 budget, though a formal needs assessment has not been completed.</p> |

|                                                                                                 |            |                                                                                                                                                                                                                                                                                                                                                                                                |                     |                |                                                                                      |
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| <p>Public Works lacks information on vehicle and equipment replacement for decision making.</p> | <p>2.2</p> | <p>Update the vehicle and equipment replacement policy to include criteria for prioritizing fleet replacement. The policy should include a requirement to communicate a delay in replacement of their fleet to affected departments. In Administrative Regulation described in recommendation 1.6, specify that the vehicle and equipment replacement policy should include such criteria.</p> | <p>Public Works</p> | <p>Ongoing</p> | <p><u>Started:</u><br/>Policy update is in draft form and awaits final approval.</p> |
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|                                                                                                 |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |                      |                                                                                                                                                              |
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| <p>Public Works lacks information on vehicle and equipment replacement for decision making.</p> | <p>2.3</p> | <p>Work with the vendor of the new fleet management system to configure it to address the data issues identified in this report, including:</p> <ul style="list-style-type: none"> <li>• Tracking Replacement Funds collected and leftover funds by department;</li> <li>• Zeroing out the balance after a vehicle is replaced;</li> <li>• Adjusting the replacement date and reporting the rationale if a replacement is deferred;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• Displaying any information needed to prioritize replacements based on specified criteria.</li> </ul> | <p>Public Works</p> | <p>December 2022</p> | <p><u>Started:</u><br/>Data issues have been presented to the vendor/project management team, though the new data system has not yet been implemented.</p>   |
| <p>Public Works lacks information on vehicle and equipment replacement for decision making.</p> | <p>2.4</p> | <p>Clean and update the vehicle and equipment database before migrating it to the new fleet management system to ensure accuracy and data integrity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Public Works</p> | <p>December 2022</p> | <p><u>Started:</u><br/>Data cleanup is underway however the Assetworks implementation is behind schedule and the go-live date is planned for the future.</p> |

|                                                                                          |     |                                                                                                                                                                                                                 |              |         |                                                                              |
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| Public Works lacks information on vehicle and equipment replacement for decision making. | 2.5 | Update the vehicle and equipment replacement policy or develop a separate policy to require staff manage the City's data appropriately to ensure accurate complete information to support management decisions. | Public Works | Ongoing | <u>Started:</u><br>Policy update is in draft form and awaits final approval. |
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Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Contract No. 10986 Amendment: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10986 with Zero Waste Collaborative (ZWC) for the Solid Waste Transfer Station and Material Recovery Facility Replacement Feasibility Study (Study), to increase the contract by \$100,000 for a total not-to-exceed amount of \$600,000, and extend the current contract term through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the Study is available in the FY2023 and FY2024 budgets in Zero Waste Fund (601).

CURRENT SITUATION AND ITS EFFECTS

The City's Planning and Development (Planning) Department, as Lead Environmental Agency per CEQA, is requesting the Zero Waste Division to select one of the two concepts proposed in the Study to replace the existing Transfer Station and Material Recovery (Transfer Station) facilities during the preliminary stages of project development. Additional analysis is needed to make the selection possible. The additional scope of work requested of Zero Waste Collaborative includes a constructability study to assess the feasibility of constructing both concepts while continuously operating the Transfer Station. Therefore, an increase in funding is requested for Zero Waste Collaborative to provide the additional services.

BACKGROUND

On January 25, 2018, the City released a Request for Proposals (RFP) seeking proposals for a Solid Waste & Recycling Transfer Station Rebuild Feasibility Study (Study). Staff sought experienced, qualified consulting firms to conduct a review of the existing Transfer Station and Recycling Center facilities and operations located at Second and Gillman Streets. Zero Waste Collaborative Firm submitted the most qualified and responsive proposal for a contract amount not to exceed \$500,000.

The RFP requested the selected firm develop two options. The development of these options shall include the active solicitation, involvement, and participation of City staff; partnering agencies and related nonprofits; the Zero Waste Commission; the general public; and other interested environmental and recycling groups.

The current Transfer Station, shop facilities, and administrative offices were constructed in 1982/83 and have exceeded their anticipated service life. In addition, the two nonprofit organizations contracted to provide residential recycling collection, sorting, and material recycling and California Redemption Value Buyback Center (collectively called Berkeley Recycling) operate from the same location. A replaced Transfer Station would integrate these nonprofit facilities with the City's use of the facility to provide a more seamless interface to all users. This integration would assist these operations in meeting the City's zero waste goals.

City Council originally approved the City's Solid Waste Plan in 2005 and approved a Resolution for its zero waste goal. The City's Zero Waste Division and its contractors have continuously strived to expand and improve operations to meet this goal. However, the facilities have not been renovated or rebuilt during this time, and given the age of the infrastructure, it needs improvement.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This Study will identify those options that would provide the City with an integrated transfer and recycling facility to meet the City's approved Zero Waste Plan, Resolution No. 62,849-N.S., and 2009 Climate Action Plan goals. Then the Study's publicly vetted options will form the basis of proposals to meet California's Environmental Quality Act.

#### RATIONALE FOR RECOMMENDATION

The City lacks the in-house expertise and capacity to conduct a study to assess the impact on operations of construction of the two feasibility concepts.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Leticia Jaurequi, Acting Solid Waste & Recycling Manager, Public Works (510) 981-6362

Attachment:  
Resolution

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

CONTRACT NO. 10986 AMENDMENT: ZERO WASTE COLLABORATIVE FOR THE SOLID WASTE & RECYCLING TRANSFER STATION REBUILD FEASIBILITY STUDY

WHEREAS, on July 24, 2018, by Resolution No. 68,555 – N.S. Council awarded a contract with Zero Waste Collaborative to conduct a Solid Waste & Recycling Transfer Station Rebuild Feasibility Study (Study) to develop, publicly vet, and propose options for the City and its community members to consider; and

WHEREAS, the City's Planning and Development Department, as Lead Environmental Agency per CEQA, is requesting the Zero Waste Division to select one of the two concepts proposed in the Study to replace the existing Transfer Station and Material Recovery (Transfer Station) facilities during the preliminary stages of project development; and

WHEREAS, additional analysis is needed to make the selection possible; and

WHEREAS, the additional scope of work requested of Zero Waste Collaborative includes a constructability study to assess the feasibility of both concepts to be constructed while continuously operating the Transfer Station; and

WHEREAS, funding is available in the Fiscal Year 2023 budget in the Zero Waste Fund (601).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 10986 with Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study to add an additional \$100,000 for a new not to exceed \$600,000, and extend the contract term through June 30, 2025. A record signature copy of said agreement will be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Purchase Order: 72 Hour, LLC, dba National Auto Fleet Group for Upfitting of Crime Scene Unit Cargo Van

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for upfitting the Transit 350 Low Roof XL Cargo van with 72 Hour LLC, dba National Auto Fleet Group, in an amount not to exceed \$164,000.

FISCAL IMPACTS OF RECOMMENDATION

The cost for the Cargo Van interior upgrade will not exceed \$164,000 and includes Sales Tax and Delivery fees. Funding for the purchase of Van interior equipment is available in the FY 2023 budget for Equipment Replacement Fund (Account Code 671-54-626-723-0000-000-473-664120).

CURRENT SITUATION AND ITS EFFECTS

This purchase is an interior upgrade to modify the Cargo Van into a mobile office space in support of the City's Police Department Crime Scene Unit (CSU). The interior upgrade will support crime scene evidence collection services within and outside the City of Berkeley. The design allows staff to respond to any crime scene scenario and adequately process evidence collection in a secure and climate-controlled environment. The package includes a Tower Light to provide lighting during night operations; a climate control system to preserve the integrity of the evidence collected, a laboratory and workspace area for processing evidence, and cabinetry to securely load evidence, supplies, and equipment for transport. Additionally, Crime Scene Unit staff often travel to neighboring East Bay Cities including San Francisco and Sacramento for evidence collection.

This purchase supports the strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

**BACKGROUND**

City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City utilizes pricing obtained by another entity through a competitive process.

The City of Berkeley has been a no-cost member and participant of Sourcewell (formerly National Joint Powers Alliance), a municipal contracting agency operating under the legislative authority of Minnesota statute 123A.21. The original statute was revised in 1995 to allow government clients to better meet their specific needs through participation in a service cooperative, rather than paying higher costs associated with individual procurement. Sourcewell allows participating municipal agencies to leverage the benefits of cooperative purchasing and reduces procurement costs. Sourcewell serves educational, government, and non-profit agencies nationwide, and offers cooperative contracted products, equipment, and service opportunities to government entities throughout the U.S.

All Sourcewell contracts have been competitively solicited nationwide. On July 28, 2021, Sourcewell released Request for Proposal No. 091521 for automobiles, sport utility vehicles, vans, and light trucks with related equipment and accessories. The solicitation was released for approximately fifty days and thirteen proposals were submitted and received. Upon review, the Sourcewell proposal evaluation committee selected 72 Hour, LLC dba National Auto Fleet Group as the best most responsive proposer to meet the specifications thusly awarding Contract No. 091521-NAF.

For all contracts, Sourcewell charges an administrative fee based on the percentage of the sale, and that fee is paid by the Contractor directly to Sourcewell. For this purchase, the fee will be paid by 72 Hour, LLC dba National Auto Fleet Group and will not be passed on to the City of Berkeley.

National Auto Fleet Group sub-contractor TriVan Truck Body will complete the upfit for the van. TriVan is one of the few vendors who is experienced in completing the specialized service. The City initially started with a local vendor but that vendor is no longer in business. TriVan is located in Washington State and has completed other work to the satisfaction of the City. TriVan Truck Body will complete the specialized service and will deliver the vehicle to the City of Berkeley for a final inspection.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**RATIONALE FOR RECOMMENDATION**

The upfitting of the van is necessary to ensure that Crime Scene Unit staff can efficiently and effectively carry out their duties.



ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, Operations (510) 981-6369

Joy Brown, Operations Manager, Department of Public Works (510) 981-6629

Greg Ellington, Superintendent, Department of Public Works (510) 981-6490

Attachment:

1. Resolution

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

PURCHASE ORDER: 72 HOUR, LLC DBA NATIONAL AUTO FLEET GROUP FOR  
UPFITTING OF ONE CRIME SCENE UNIT CARGO VAN

WHEREAS, upfitting is needed for one 2022 Transit 350 Low Roof XL Cargo Van Van to modify the Cargo Van into a mobile office space in support of the City's Police Department Crime Scene Unit (CSU) Staff; and

WHEREAS, City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive bid process; and

WHEREAS, on October 28, 2021 both the Public Works Equipment Maintenance and Finance-General Service Divisions purchased a cargo van piggybacking off County of Alameda Contract PO 901979 and The Ford Store Deal #34258; and

WHEREAS, the County of Alameda General Services Agency bid procedures satisfied the procurement requirements of the City of Berkeley; and

WHEREAS, the specialized upfitting of the cargo van will be purchased piggybacking off Sourcewell Contract No. 091521-NAF. Sourcewell Contract procedures satisfy the procurement requirement of the City of Berkeley and;

WHEREAS, funds in the amount of \$164,000 is available in the FY 2023 Equipment Replacement fund 671 (671-54-626-723-0000-000-473-664120).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order satisfying requirements of City Charter Article XI Section 67.2 allowing the city to participate in Sourcewell (formerly NJPA) bid procedures to purchase upfitting for one Transit 350 Low Roof XL Cargo van with 72 Hour, LLC dba National Auto Fleet Group in an amount not to exceed \$164,000.



Civic Arts Commission

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Jennifer Lovvorn, Secretary to the Civic Arts Commission  
 Subject: Development of Artists Affordable Housing Certification Program

RECOMMENDATION

Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact of an Artist Affordable Housing Certification Program consists of staff time dedicated to the following activities:

- Developing a program that includes: certification process guidelines, a staffing plan, and forecasting annual proposed costs for the development and implementation of ongoing Artist Affordable Housing Certification Program.
- Maintaining a database of affordable artist live/work units located in Berkeley
- Maintaining a database of certified artists in Berkeley
- Convening a panel of arts professionals and community members to conduct a review for artist certification that might complement an application to low-income live/work housing in Berkeley
- Conducting public outreach workshops for artists interested in becoming certified
- Providing information to building owners and developers interested in listing housing opportunities with the program

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Arts & Culture Plan (adopted 2018) determined that affordable housing for artists was an urgent need. Additionally, there is an opportunity in the City of Berkeley to meet this need by utilizing vacant storefronts, as well as integrating artist housing into new housing developments. These strategies would help the City fulfil the goals for increased low-income housing articulated in the Housing Element (adopted 2023).

Artists affordable housing could play a positive role in supporting Berkeley's cultural resilience, fostering a healthy intergenerational environment in new housing projects, as

well as activating existing vacant storefronts. Artists can provide a cultural environment that nurtures community in Berkeley's overall housing development plans.

### BACKGROUND

Increasing access to affordable housing and affordable spaces for artists and arts organizations was identified as the top goal in the City of Berkeley Arts & Culture Plan approved by City Council in 2018. Affordable living and workspace for artists is a pressing issue for our community, with artists increasingly priced out and unable to live and work in Berkeley.

In response, the Civic Arts Commission generated a report entitled "Affordable Housing for Artists in Berkeley" (Attachment 1) that includes data about the unique housing and space needs of artists based on a survey and focus groups with diverse artists and cultural workers. The report was presented at the December 8, 2021 Civic Arts Commission meeting and it gave rise to important discussions around housing and work-space affordability for artists and was further studied by an ad hoc Artists Affordable Housing Task Force composed of a Civic Arts Commissioner, a local developer, artists, and nonprofit housing professionals which has been working concurrently with the affordable housing for artists assessment (2020-22).

In response to this affordable housing for artists assessment, Council approved a referral (Attachment 2) on January 25, 2022 requesting that the City Manager, Planning Commission, and Housing Advisory Commission "review, consider, and incorporate recommendations [from the assessment of affordable housing needs for artists in Berkeley] to the greatest extent possible, into the Housing Element update and related planning and zoning processes." Consultants hired by the City to assist with the development of the Housing Element requested an artist certification process for affordable housing as a prerequisite for including affordable housing for artists into the upcoming Housing Element. To respond, the ad hoc Artists Affordable Housing Task Force, convened to develop recommendations for an artist certification process, which was further developed by the Civic Arts Commission's Policy Subcommittee. The Artist Certification Process was ultimately approved by the Civic Arts Commission at its May 24, 2022 meeting (Attachment 3).

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts associated with this recommendation.

### RATIONALE FOR RECOMMENDATION

An artist certification process is needed in order to determine whether an individual is eligible for affordable housing specifically designated as live/work space for artists.

### ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Jennifer Lovvorn, Secretary to the Civic Arts Commission, (510) 981-7533

Attachments:

1. Civic Arts Commission, Affordable Housing for Artists in Berkeley, December 2021.
2. Berkeley City Council, Referral: Affordable Housing for Artists Inclusion in Housing Element, January 25, 2022.
3. Artist Certification Process (Approved), Berkeley Civic Arts Commission, May 24, 2022.

# affordable housing for artists in Berkeley

## a baseline survey

Anh Thang Dao-Shah, ph.d.& Asif Majid, ph.d  
creative equity research partners  
December 2021

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## executive summary

This project aims to respond to concerns around housing and art space affordability among artists and arts organizations in Berkeley by answering two key questions:

- 1) What are the trends around local affordability issues that can be addressed through targeted resources and policy solutions?
- 2) What pre-existing housing disparities impact what artists seek in possible affordable housing solutions?

As in other parts of the Bay Area, narratives of concern around affordability in the arts ecosystem in the past decade are often anecdotal. The sector lacks comprehensive data that could inform system change solutions. To that end, this report is based on a survey and focus groups with a diverse group of artists and cultural workers in Berkeley to provide systematic data around the unique housing and space needs of artists. It seeks to better position Berkeley's arts community to participate in the City's current affordable housing efforts and help improve the safety of local arts spaces, without causing further artist displacement.

### key findings

#### **Artists are highly educated, yet have low income**

Berkeley's artists and artists/cultural workers who responded to the survey are highly educated (88% have a Bachelor's degree or higher). Yet, 60% of that same group has lower, very low, or extremely low income.

#### **Artists and cultural workers have multiple forms of employment**

Only 32% of all respondents reported that they are employed full time. Others indicated that they cobble together different types of part-time and short-term contract work, as well as self-employment, in order to make ends meet.

#### **Artists are rent burdened**

Artists and artists/cultural workers disproportionately rent their living space (71%). Of those who rent, 77% are rent burdened or severely rent burdened, based on the California's Department of Housing and Community Development definitions.

#### **Artists have a unique need for flexible live/work spaces**

Responding artists and artists/cultural workers indicated, at a rate of 82%, that they do their creative work in their living space. Of those respondents, over half (56%) practice artistic disciplines that require extra ventilation.

### recommendations

- **create policies that prioritize artists for new affordable housing**
- **designate some of Berkeley's upcoming affordable housing funding from measure O for units specific to artists**
- **consult artists when designing new policies for live/work spaces**
- **develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline**
- **pilot a guaranteed basic income program for qualifying artists**



## introduction

### *why this project?*

This project was initially conceptualized in 2019 in response to concerns around housing and art space affordability among artists and arts organizations in Berkeley. It was motivated by two events.

First, the [2018 Arts and Culture Plan Update for the City of Berkeley](#) identified -- as a primary goal -- the need to increase access to affordable housing and spaces for artists, cultural workers, and arts organizations. The cultural plan specified a number of action steps towards this goal, including undertaking a data-informed assessment of current art space affordability challenges and displacement risks in Berkeley, as well as the development of strategies to protect and create affordable spaces for Berkeley artists, cultural workers, and arts organizations based on the assessment's findings.

Second, in November 2018, the voters of Berkeley approved two bond measures totaling \$135 million to fund affordable housing in Berkeley. Berkeley City Council subsequently began the development of an affordable housing framework ([Housing for a Diverse, Equitable and Creative Berkeley](#)) to guide Berkeley's affordable housing policies, programs, and projects through 2030. This framework explored wide array of affordable housing for artists and other creative workers. In July 2019, the Council referred this policy document to various Commissions for further development. However, the pandemic caused this work to be temporarily put on hold.

As elsewhere in the Bay Area, concerns around the arts ecosystem's affordability over the past decade are mostly anecdotal, arising when a major artist or arts organization imminently faces the loss of their living and work space. These stories, while important, inadequately inform systems change solutions aimed at addressing structural concerns.

To that end, this project's goal is to develop an assessment that provides systematic data around the unique housing and space needs of artists and cultural workers. This will better position the arts community to participate in Berkeley's ongoing affordable housing efforts and help improve art space safety in Berkeley without causing further displacement of artists. Two key questions guided this project from the beginning:

- 1) What are the trends around local affordability issues that can be addressed through targeted resources and policy solutions?**
- 2) What pre-existing disparities could impact possible affordable housing solutions for artists?**

This second question is key to ensure the solutions we suggest do not unintentionally impact some groups more than others.

In April 2020, the COVID-19 pandemic brought a pause to the assessment project and

raised new affordability questions, as the arts community dealt with the consequences of regular lockdowns. While some local, state, and federal measures -- such as the eviction moratorium and extension of unemployment benefits to independent contractors -- helped prevent widespread displacement during the pandemic's height, the new normal brought new concerns as artists and cultural organizations continue to struggle with canceled events, lower venue capacity, and overall uncertainty.

These questions brought new urgency to the project, as well as the need to methodologically pivot and narrow the project's focus. Instead of focusing on both housing needs of artists and space needs of arts organizations as originally envisioned, this project focused on understanding the affordable housing and workspace needs of individual artists and cultural workers to ensure timely recommendations that would allow for participation in ongoing affordable housing efforts. This shift also allowed for the inclusion of additional questions that sought to understand both the short-term impact of the pandemic and the ongoing challenges that would inform long-term strategies to address affordability issues in Berkeley.

### *methodology and data limitations*

In order to collect data directly from artists and cultural workers during the ongoing pandemic, an online survey was issued in September 2021 through the Berkeley Civic Arts Program. The survey was open for four weeks and was accompanied by a robust outreach strategy, including outreach and reminder emails through the Civic Arts Program's and City of Berkeley's mailing lists and social media channels, the direct networks of a number of arts organizations represented by members of an ad-hoc advisory group, and posting on other community-serving digital platforms like Nextdoor. A list of all survey questions is found in Appendix B.

In addition to quantitative data, this project relies on the insights of artists, cultural leaders, and the City's affordable housing experts to provide context to the affordability crisis and housing needs. Research staff conducted three focus group meetings with 21 community stakeholders, who formed an ad-hoc community advisory group.

Members of the advisory group were selected to provide different perspectives on the historic and current landscape of arts and culture in Berkeley with a specific focus on housing needs for artists and cultural workers. With research staff, the advisory group helped design survey questions, reviewed preliminary findings, and brainstormed potential solutions. A list of the advisory group participants is provided in Appendix A.

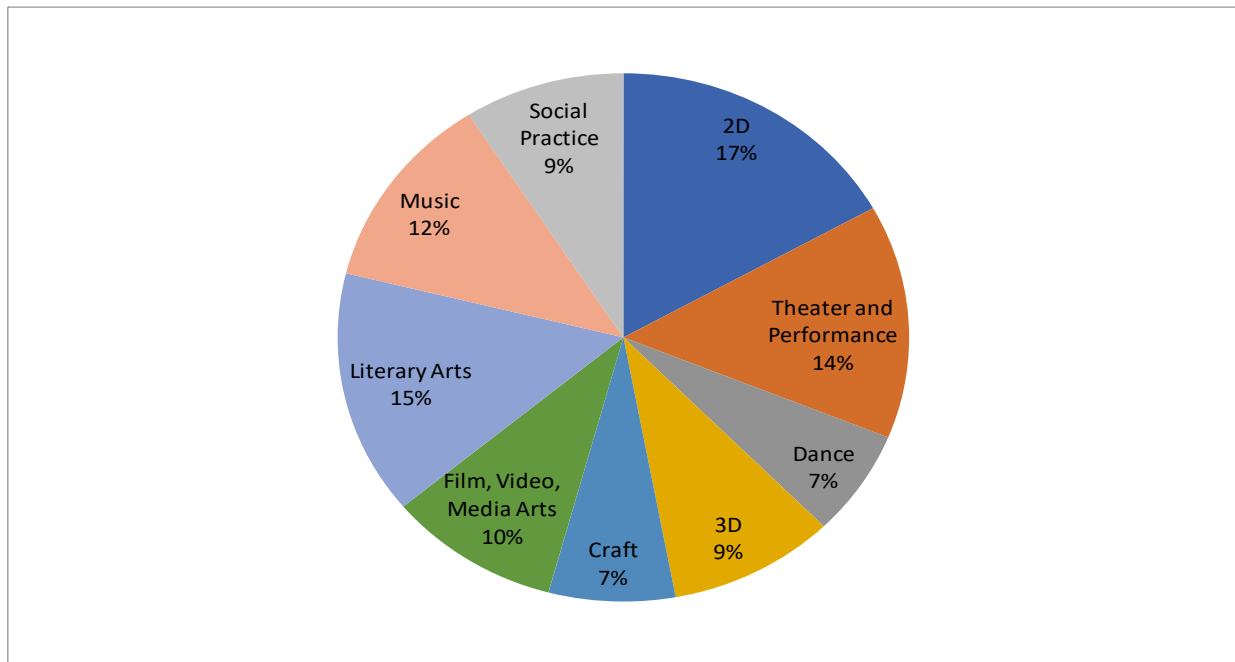
Any survey of artists must contend with the fact that there is no baseline dataset regarding the number of artists in a given community, due to the various ways artists can be defined. The most common way to define a professional group is to use IRS data that classifies someone's profession based on the income they earn from their main profession. Artists' main sources of income, however, often do not come from artwork; income sources are diverse and cross-sectoral. The same can be said for cultural workers. Plus, an artist's level of engagement with an art practice is not limited to paid opportunities. Income is thus an inadequate defining criterion. Through this survey's

grassroots and community-centered approach, this project provides a snapshot of the needs of the arts and culture sector and should be understood as baseline data that should be supplemented with ongoing and long-term data collection and analysis.

## survey results

### who responded?

A total of 163 artists and cultural workers responded to the survey. This constitutes 0.14% of Berkeley's population, based on data from the 2020 census. For comparison, in a similar study in 2015 in San Francisco, which involved a six-week survey and multiple in-person outreach events, 560 artists and cultural workers responded to the survey. That constituted 0.07% of San Francisco's population, based on 2010 census data. In other words, the Berkeley survey had double the response rate.



Of the Berkeley survey respondents, **48% identified as artists, 15% identified as cultural workers, and 37% identified as both artists and cultural workers.** In total, 32% of respondents do not currently reside in Berkeley, while 39% have lived in Berkeley for more than 10 years.

**31%** of respondents identified as LGBTQIA+

**62%** of respondents identified as female

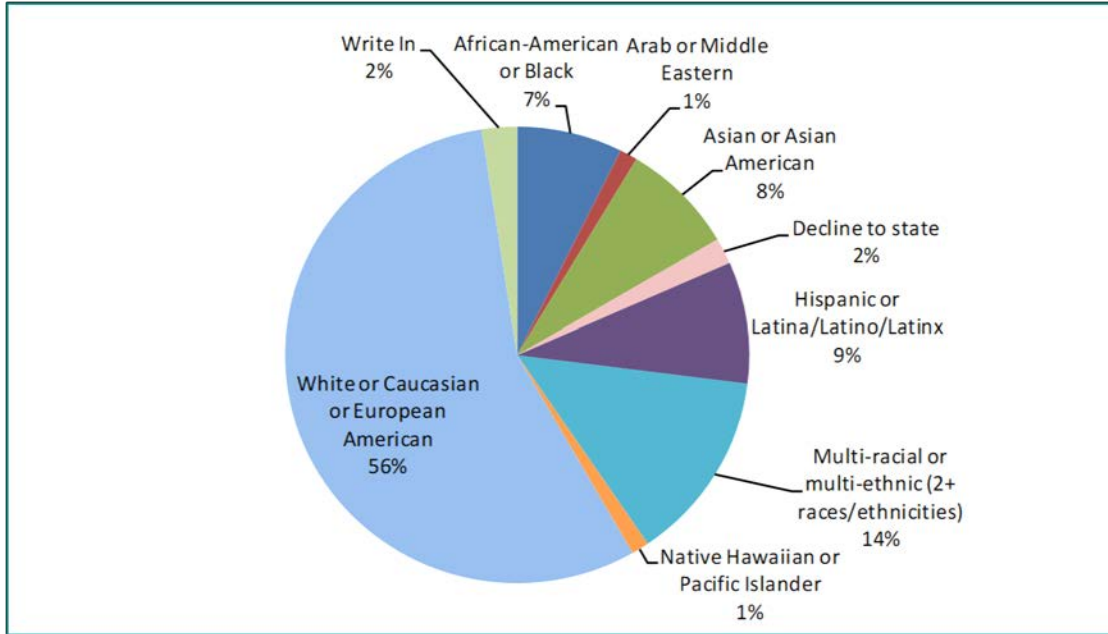


Figure 2: Race and ethnicity of survey respondents

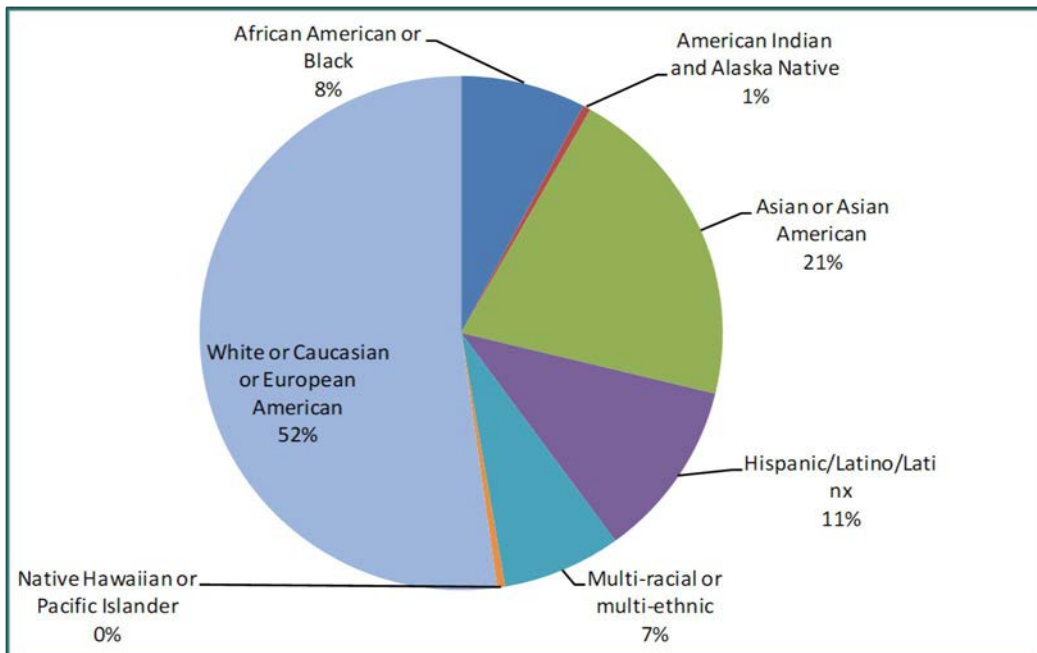


Figure 3: Race and ethnicity of City of Berkeley residents

## key findings

### *Artist respondents are highly educated, yet have low income*

Of those respondents who identified as artists or as both artists and cultural workers, 88% reported having a Bachelor's degree or higher. Of that same group, 60% reported an annual household income of \$69,000 or less. According to the [California Department of Housing and Community Development, in Alameda County for a single individual in 2019](#) (when this project and survey were first developed), annual household income of \$26,050 or below constitutes extremely low income, between \$26,051-\$43,400 is defined as very low income, and between \$43,401-\$69,000 is defined as lower income. Per these categories, 60% of those who identified as artists or both artists and cultural workers have lower, very low, or extremely low income. [In 2021, the upper threshold for the lower income category has risen to \\$76,750](#), meaning that artists are now even further behind financially than they were two years ago.

While low income is prevalent across the group, this rate is significantly higher among BIPOC respondents. Of respondents who identified as non-White, 72%, reported having lower, very low, or extremely low income, compared to 55% among those who identified as White or Caucasian. Due to the small number of participants, we are unable to make comparison between different groups who identify as non-White.

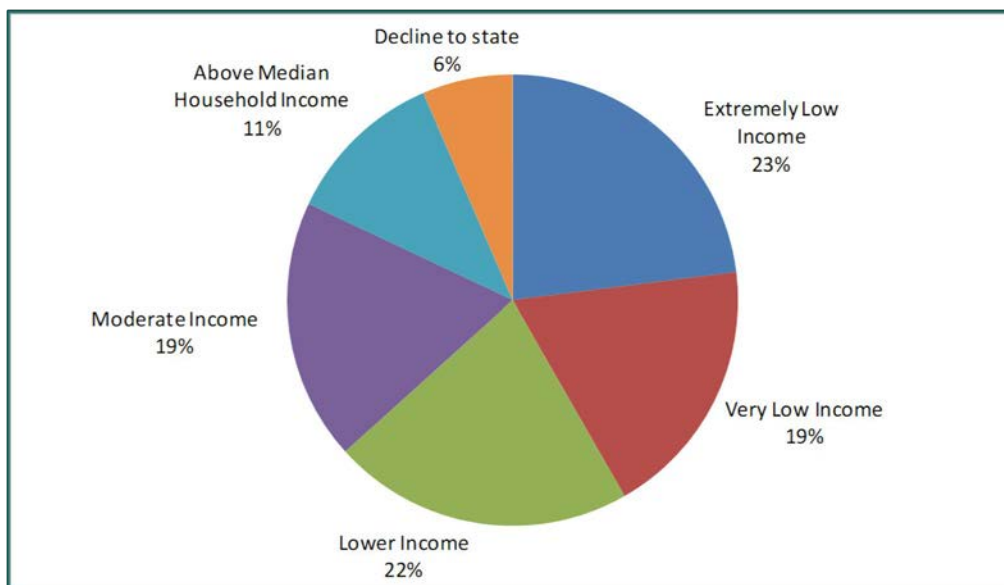


Figure 4a: Income categories for all artist respondents

| <i>Income Category</i> | <i>Income Range</i> | <i>Percentage of Artist Respondents</i> |
|------------------------|---------------------|-----------------------------------------|
| Extremely Low          | ≤ \$26,050          | 21%                                     |
| Very Low               | \$26,051-\$43,400   | 16%                                     |
| Low                    | \$43,401-\$69,000   | 23%                                     |

|                  |                   |     |
|------------------|-------------------|-----|
| Median           | \$69,001-\$78,200 | 17% |
| Moderate         | \$78,201-\$93,850 | 18% |
| Decline to State | n/a               | 5%  |

Figure 4b: Income ranges for artist respondents

### Artists and cultural workers have multiple forms of employment

Only 32% of all respondents reported that they are employed full-time. Others indicate that they engage in a patchwork of different types of part-time and short-term contract work, as well as self-employment, in order to make ends meet. Examples of employment that respondents are undertaking include: being a self-employed artist for one’s own or another’s art practice, being employed part time/doing regular work for pay as either a cultural worker or otherwise, doing contract work as a cultural worker or something other than a cultural worker, and undertaking unreported work for cash.

### Artist respondents report being rent burdened, but are not immediately concerned with losing their housing

Among respondents who identify as artists and as both artists and cultural workers, 71% of respondents rent. Of those who rent, 77% are rent burdened or severely rent burdened. According to the [US Department of Housing and Urban Development](#), a household or individual that spends more than 30% of their monthly household income on rent is rent burdened. Severely rent burdened households or individuals spend more than 50% of their monthly household income on rent.

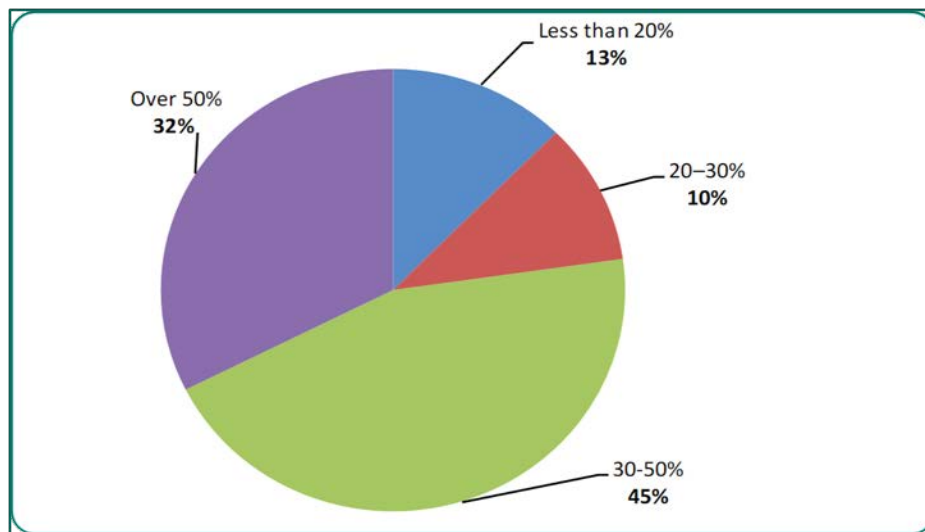


Figure 5: Respondents’ percentage of monthly household income spent on rent

While studies have shown that rent burden and extremely low income decrease the health and overall wellbeing of all those impacted, for artists this burden can

fundamentally change the way they engage with their artistic practice. Qualitative comments provided by the respondents highlighted having to scale back on their practice in order to earn the income they need to pay rent. This means they are unable to focus on developing their creative practice. As one respondent, a musician, explained:

The cost of living in the Bay Area fundamentally changes how I am able to grow in my craft. Since we are all hustling to pay rent at this level, rehearsals must be paid, limited and without a "post gig hang" - something I find central to collaborating with others. This limits how much performing I can do with others, which limits how much I can grow, experiment and contribute in my craft.

Over the long term, the lack of opportunities for artists to devote time and energy to their practice can lead to the abandonment of artistic practice altogether.

Despite respondents' high rent burden and low income, those identifying as artists and as artists/cultural workers do not indicate concerns around losing their housing in the near future.

Only 9% of respondents reported that they were evicted due to no-fault causes in the last 2 years. No-fault eviction is defined as evictions that take place when leases are not renewed without the tenant having violated any regulations as long as a notice to move out is sent to the tenant within the required time period. Landlords might choose to evict tenants who are paying rent on time and complying with regulations due to owner move in or the need to retrofit a building. In the last decade, as the affordability crisis has intensified throughout the Bay Area, no-fault eviction has often been used to let go of long-term tenants who are protected from rent increases to bring in new tenants who are charged at market rate. In the survey issued to San Francisco artists, about 30% of respondents reported that their leases were not going to be renewed due to no fault of their own.

Only 6% of respondents had to rely on the eviction moratorium during the pandemic. In total, only 9% of respondents are uncertain or very uncertain that they will be able to retain housing after the moratorium ends (20% were neither certain nor uncertain). Though seemingly at odds with other findings, this sentiment could be attributed to three factors.

First, Berkeley has strong renter protection policies. Qualitative survey responses show that many respondents who rent are aware of and rely on rent control, which helps keep their rent affordable. This is especially true with respondents who have resided in Berkeley for more than five years. Not concerned with immediate loss of housing does not mean that existing housing needs are met, however. As one respondent explained:

The only reason I am able to remain in the Bay Area is because I have been in the same unit for a decade and we have rent control - the other apartments in my building go for over twice what we're paying. [...] If I ever wanted to leave this apartment (and I do), I would have to leave the area entirely, because I can't afford anything else.



The gap between existing housing and respondents' needs is especially acute for those working in artistic disciplines that have specific space requirements like extra ventilation.

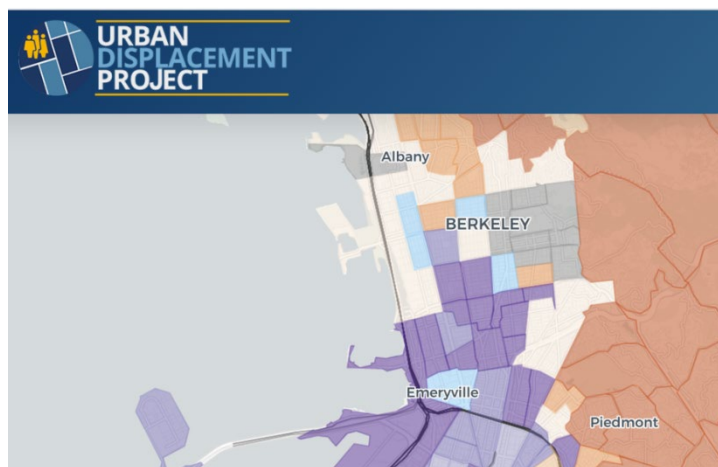
Second, the fact that the majority of respondents engage in multiple forms of employment means that they have multiple sources of income beyond their artistic practices to rely on for rental needs. However, as discussed above, in the long-term, the high burden of rent and reliance on other means of employment to make ends meet will impact artists' abilities to sustain their art. As one artist wrote:

*My housing is over 2/3 of my income, leaving little to nothing for anything over basic living expenses.*

Lastly, the timing of the survey suggests that those who are currently still residing in Berkeley are the ones who managed to weather the wave of displacement that took place in the last decade through the two factors described above and we have not captured the concerns of those who already had to leave as displacement was taking place. According to the [Urban Displacement Project](#), by 2018, almost all of Berkeley, except the immediate area surrounding University of California, Berkeley was experiencing ongoing and advanced gentrification, with a few areas already becoming exclusive and three areas in North Berkeley marked as low income and susceptible to displacement. South Berkeley area between Ashby Avenue and Emeryville border was in an advance gentrification stage with displacement having taken place between 2000 and 2018.

For comparison, the study in San Francisco took place in 2015, in the middle of the biggest wave of gentrification in the broader Bay Area. In that study, more than 1/3 of respondents expressed immediate concerns about loss of housing due to rent increase, end of lease term or fear of no-fault eviction.

Notably, South Berkeley also had high percentage of BIPOC population (between 50% and 70%). This data confirms that, like in the rest of the Bay Area, BIPOC communities are more susceptible to early displacement and the survey respondents' demographic reflects these changes in the population.



## *Artists have a unique need for flexible, live/work space*

Of responding artists and artists/cultural workers, 82% reported that they make their art where they live, with 56% of this group requiring extra ventilation for their art.

This finding reflects the way that affordability challenges can fundamentally change an artist's practice. For artists needing extra ventilation, this could mean a choice between maintaining their own health and practicing their art, particularly if there is no adequate separation between where artists sleep, cook, and eat and where artworks are being stored, produced, or left to dry. The need for flexible and affordable live/work space has pushed artists to make choices to live in dangerous conditions that can have fatal consequences. As one artist respondent explained:

It's really hard to find space to train that is affordable. I need at least 20' ceilings, ideally 30'. There were many affordable live/work warehouse conversions with this kind of ceiling height pre-Ghostship but many of these affordable spaces were affordable due to slumlord and very DIY situations, which often meant common housing needs like sealed roofs, consistent mail/package delivery, heating, bedroom windows/egress, were not guaranteed. The tragedy at Ghostship has led cities around the Bay Area to tighten up their policies around DIY spaces to prevent similar situations. However, without intentional creation of spaces that meet the needs of practicing artists, such policies do not solve the root cause problem that have caused artists to seek out those spaces in the first place.

## recommendations

### *Create policies that prioritize artists for new affordable housing*

Artists are an important part of the fabric of Berkeley as a city. As such, they should be part of ongoing conversations about Berkeley's housing plan. The survey results demonstrate that artists -- as a group -- have low income, a high rent burden, and have traditionally been left out of ongoing affordable housing. In order to mitigate further displacement and allow artists to continue to work and thrive in Berkeley, the City could consider creating a priority category for artists who meet income qualification to access affordable housing. Such a priority category would require working with the arts community to create an inclusive definition of what it means to be an artist. It should also take into consideration and center artists from Black, Indigenous, and People of Color (BIPOC) communities, as well as LGBTQ+ communities who have already been displaced. In doing so, artists will have an opportunity to return to Berkeley and enrich the city's social and artistic fabric.

### *Designate some of Berkeley's upcoming affordable housing funding from measure o for units specific to artists*

On July 24, 2019, Berkeley's Civic Arts Commission approved an amendment recommendation for Measure O that called for "significantly increas[ing] the supply of affordable housing and live/work housing for artists, artisans, and cultural workers" through adding to the zoning ordinance, incentivizing developers to build market-rate housing that includes affordable live/work units for creative workers, and incorporate live/work spaces for artists and cultural workers into large-scale affordable housing projects. Other proposals included the development of a community land trust and transforming underused retail spaces and City-owned buildings into artist live/work spaces. These recommendations should be revisited and implemented, as they align with the range of qualitative responses that came through the survey. Respondents also suggesting the development of: 1) co-ops; 2) a separate affordable housing lottery specifically for those artists and cultural workers from BIPOC and other underserved communities; and 3) relationships between the City and land trusts to purchase buildings that serve as artist housing. These suggestions point to the importance of re-evaluating how zoning and other policies further disenfranchise artists and cultural workers.

### *Consult artists when designing new policies for live/work spaces*

Across the Bay Area, responses to the Ghostship fire emphasized increased attention to artist DIY live/work spaces. These spaces were often the only options for artists to access live/work spaces that met their needs. Yet, artists have always worked to transform neighborhoods through their work and creative use of space. As Berkeley works to address affordability issues for all of its residents, consulting and involving

artists in the planning process can help bring about a much-needed, new, and fresh perspective on issues such as rezoning, repurposing ground floor spaces, and requiring community benefit proposals for new development.

### ***Develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline***

Due to the nature of their work, artists often have a unique income structure that makes applying for affordable housing more difficult. In addition, the survey shows that artists have needs for certain types of spaces that might be difficult to identify. Funding technical assistance to support artists to translate their needs and apply for the existing affordable housing pipeline could be an important step in helping artists leave inadequate living situations. The advisory group also recommended creating a one-stop shop that features affordable housing for artists (perhaps akin to a specialized version of [San Francisco's DAHLIA housing portal](#)), which would create a platform where artists could share information about available housing and get connected to resources like financial technical assistance. A space geared towards artists' housing needs might be especially beneficial for artists who are looking for affinity housing along the lines of race and sexual identity, which allows them to stay more connected with their own communities.

### ***Pilot a guaranteed basic income program for qualifying artists***

Acknowledging the disproportionate impact of the pandemic on a community that was already struggling due to ongoing affordability challenges, multiple cities such as [San Francisco](#) and [Minneapolis](#) have launched pilot programs providing artists from marginalized communities who meet income requirements with a monthly stipend that would help cover their basic needs. Stipends are unrestricted, so they can be spent on rent and food while artists continue their artistic practice. Due to the existing racial wealth gap, which was reflected in the survey results, such a pilot should prioritize BIPOC artists. These types of programs are gaining national attention because the arts and culture are often cited as key strategies for economic recovery. Practicing artists are essential for such recovery. The advisory group agreed that a basic income program would address two key findings in this report -- respondents' extremely low income and high rent burden -- both of which have already forced artists to significantly modify or abandon their art practices.

## further research

While the survey and focus groups discussed in this report have provided a much-needed snapshot into the space needs of artists in Berkeley, limited data does not allow us to paint a comprehensive picture. The following research and data collection is recommended, in order to complement this report.

### *Work with arts organizations to understand the income levels and housing needs of cultural workers*

Only 15% of the respondents to the survey identified exclusively as cultural workers, meaning that there was not a statistically significant sample from which to draw conclusions about the needs of cultural workers. Further research, specifically on the housing needs and income levels of cultural workers, is needed.

### *Conduct a disparity study*

Currently, Berkeley does not have comprehensive race and ethnicity data for seekers of affordable housing. Therefore, it is impossible to determine whether or not the artists who responded to this survey are demographically representative of the population that qualifies for affordable housing. A disparity study will ensure that changes in policy will not disproportionately impact certain groups.

### *Continue to collect data on artists*

The lack of baseline data on artists -- even as simple as the total number of artists and disciplines practiced in a given community -- prevents us from understanding the extent of the issues that artists face. More long-term data collection and analysis of artists in Berkeley will allow the city to identify trends, as well as possible challenges that can be mitigated by timely policy changes.

## appendices

### *a: community advisory group members*

Kim Anno, Berkeley Civic Arts Commission  
Delores Nochi Cooper, Berkeley Juneteenth Festival  
Bruce Coughran, Indra's Net Theater  
Hadley Dynak, Berkeley Cultural Trust  
Misty Garrett, City of Berkeley  
Ashlee George, Capoeira Arts Foundation and BrasArte  
Mayumi Hamanaka, Kala Art Institute  
Archana Horsting, Kala Art Institute  
Mildred Howard, Independent Artist  
Beatriz Leyva-Cutler, BAHIA  
Amanda Montez, City of Berkeley  
Mirah Moriarty & Rodrigo Esteva, Dance Monks  
PC Muñoz, Freight & Salvage and BCT E&I Committee  
Natalia Neira, La Pena Cultural Center and BCT E&I Committee  
Daniel Nevers, Berkeley Art Center  
Nancy Ng, Luna Dance Institute  
Kathryn Reasoner, Vital Arts  
Leigh Rondon, Shotgun Theater  
Irene Sazer, Independent Artist (Civic Arts Grantee)  
Sean Vaughn Scott, Black Repertory Group Theater  
Rebecca Selin, Gamelan Sekar Jaya  
Terry Taplin, Berkeley City Council and former Berkeley Civic Arts Commissioner  
Rory Terrell, Local Artists Berkeley  
Tyese Wortham, CAST  
Chingchi Yu, Independent Artist (Civic Arts Grantee)

## ***b: survey questions***

### **Messaging**

Are you an artist or cultural worker struggling to find affordable housing for you and your family?

Artists and cultural workers in Berkeley and throughout the Bay Area are facing an affordability crisis that prevents them from focusing on their creative work. Through the recently completed cultural planning process, the City of Berkeley identified as a primary goal the need to protect and increase access to affordable housing for artists and cultural workers.

Currently, there is little to no data on the affordable housing concerns of Berkeley artists and cultural workers. Your responses to this survey will help the City of Berkeley create programs and policies tailored to the housing needs that are specific to Berkeley's arts sector, including affordable housing and live-work spaces.

Thank you for helping keep Berkeley affordable for artists and cultural workers.

---

### **Survey Questions**

1. Are you an artist or cultural worker?
  - a. Artist [proceed to question 2]
  - b. Cultural Worker (staff member at an arts culture organization) [Proceed to Question 4]
  - c. Both
  
2. If you are an artist, how would you describe your artistic practice/artwork? Select all that apply:
  - a. 2D (Painting, Printmaking, Drawing, Photography, etc.)
  - b. 3D (Sculpture, Installation)
  - c. Theater/Performance
  - d. Dance
  - e. Craft
  - f. Film, Video, and/or Media Arts
  - g. Literary (Creative Writing, Poetry, etc.)
  - h. Music
  - i. Social Practice
  - j. Write in\_\_\_\_\_
  
3. Do you work with a medium that requires extra space and/or ventilation? This may include metal welding, spray paint, etc.
  - a. Yes
  - b. No

4. If you are a cultural worker, do you work at a Berkeley-based arts and culture nonprofit organization?
  - a. Yes
  - b. No
  
5. What is your primary language?
  - a. English
  - b. Spanish
  - c. Chinese (Mandarin and Cantonese)
  - d. Tagalog
  - e. Vietnamese
  - f. Persian
  - g. Portuguese
  - h. Punjabi
  - i. Swahili
  - j. Write In: \_\_\_\_\_
  - k. Decline to State
  
6. What is your race/ethnicity?
  - a. African-American or Black
  - b. American Indian or Alaska Native or Indigenous or First Nations
  - c. Arab or Middle Eastern
  - d. Asian or Asian American
  - e. Hispanic or Latina/Latino/Latinx
  - f. Native Hawaiian or Pacific Islander
  - g. White or Caucasian or European American
  - h. Multi-racial or multi- ethnic (2+ races/ethnicities)
  - i. Write In \_\_\_\_\_
  - j. Decline to State
  
7. What best describes your gender identity?
  - a. Female (cisgender)
  - b. Female (transgender)
  - c. Male (cisgender)
  - d. Male (transgender)
  - e. Gender-fluid/Genderqueer/Gender-expansive/Non-binary
  - f. Write In \_\_\_\_\_
  - g. Decline to State
  
8. How do you describe your sexual orientation or sexual identity?
  - a. LGBTQ+
  - b. Heterosexual/straight
  - c. Write in \_\_\_\_\_
  - d. Decline to State
  
9. Do you identify as a person with a disability?



- a. Yes
  - b. No
10. Please select the highest degree or level of school you have COMPLETED. If currently enrolled, mark the previous grade or highest degree already received.
- a. Less than high school
  - b. High school diploma/GED
  - c. Associate's degree
  - d. Bachelor's degree
  - e. Master's degree
  - f. Doctorate degree
11. How many people live in your household, including yourself?
- a. One [Proceed to Question 14]
  - b. Two
  - c. Three
  - d. Four
  - e. Five
  - f. More than five: Write In \_\_\_\_\_
12. Do you have any children under the age of 18?
- a. Yes
  - b. No [Proceed to Question 14]
13. If yes, how many children currently live with you?
- a. One
  - b. Two
  - c. Three
  - d. More than three
  - e. Write in: \_\_\_\_\_
14. What is your total household income?
- a. Less than \$26,050
  - b. \$26,051-\$43,400
  - c. \$43,401-\$69,000
  - d. \$69,001-\$98,549
  - e. More than \$98,550
  - f. Decline to state
15. If you are an artist, do you make 50% or more of your income from your artistic practice?
- a. Yes
  - b. No
  - c. I don't know
  - d. I am not an artist

16. What is your current employment status? Check all that apply:
  - a. Self employed artist for your own art practice
  - b. Self-employed, but not for your own art practice
  - c. Employed full time as a cultural worker
  - d. Employed full time as something other than a cultural worker
  - e. Employed part time/doing regular work for pay as a cultural worker
  - f. Employed part time/doing regular work for pay as something other than a cultural worker
  - g. Contract work as a cultural worker (for example: I receive a 1099 from a nonprofit arts organization organization)
  - h. Contract work as something other than a cultural worker (for example: I receive a 1099 from a separate non-arts organization or business)
  - i. Unreported work for cash
  - j. Not employed
  
17. How easy is it to predict your total income from month to month?
  - a. Very easy
  - b. Moderately easy
  - c. Neither easy nor difficult
  - d. Moderately difficult
  - e. Very difficult
  
18. How certain are you that your total income will return to pre-pandemic levels, over the next 6 months?
  - a. Very certain
  - b. Moderately certain
  - c. Neither certain or uncertain
  - d. Moderately uncertain
  - e. Very uncertain
  
19. What percentage of your average monthly income do you spend on housing costs?
  - a. Less than 20%
  - b. 20%-30%
  - c. 30%-40%
  - d. 40%-50%
  - e. More than 50%
  - f. I don't know
  
20. What is the zip code where you work?
  
21. What is the zip code where you live?
  
22. How long have you lived in Berkeley?
  - a. I do not live in Berkeley
  - b. Less than a year

- c. 1 - 3 years
  - d. 3 - 5 years
  - e. 5 - 10 years
  - f. More than 10 years
  - g. How long? \_\_\_\_\_
23. How long do you expect to remain in Berkeley?
- a. I do not live in Berkeley
  - b. Less than a year
  - c. 1 - 3 years
  - d. 3 - 5 years
  - e. 5 - 10 years
  - f. More than 10 years
  - g. How long? \_\_\_\_\_
24. Do you own or lease your living space?
- a. Lease [proceed to question 25]
  - b. Own [proceed to question 28]
25. What is your lease term?
- a. Month to month
  - b. 1 year
  - c. 2-3 years
  - d. More than 3 years
26. How many square feet is your space?
27. How much do you pay in rent per month?
28. Have you been displaced due to a “no-fault” or “no-cause” eviction in the past 2 years? (A “no-fault” or “no-cause” eviction is an eviction that is no fault of the tenant, but is allowed under the law.)
- a. Yes
  - b. No
  - c. I don't know
29. If you were displaced, did you have to move away from Berkeley?
- a. Yes
  - b. No
30. If you were not displaced, did you have to rely on the eviction moratorium that Berkeley has implemented over the past 12 months?
- a. Yes
  - b. No
  - c. I didn't know that evictions had been halted over the past 12 months.

31. How certain are you that you will be able to retain your housing when the eviction moratorium ends?
- Very certain
  - Moderately certain
  - Neither certain or uncertain
  - Moderately uncertain
  - Very uncertain
32. Do you use your living space for housing and your creative practice?
- Yes [proceed to question 37]
  - No [proceed to question 32]
33. If you have a work space that is separate from your living space, do you own or lease your work space?
- Lease [proceed to question 34]
  - Own [proceed to question 36]
34. What is the lease term for your work space?
- Month to month
  - 1 year
  - 2-3 years
  - More than 3 years
35. How much do you pay in rent per month for your work space?  
Write in \_\_\_\_\_
36. How many square feet is your work space?  
Write In \_\_\_\_\_
37. Have you been displaced from your work space due to a “no-fault” or “no-cause” eviction in the past 2 years? (A “no-fault” or “no-cause” eviction is an eviction that is no fault of the tenant, but is allowed under the law.)
- Yes
  - No
  - I don't know
38. If you were displaced, did you have to move your work space away from Berkeley?
- Yes
  - No
39. Do you share your work space?
- Yes
  - No

40. What are some challenges you've faced in the past when trying to access or find affordable housing?

41. Please share any ideas you have on how to ensure equitable participation of BIPOC artists and cultural producers from other historically underserved communities, as well as recommendations for local organizations that should be consulted.

42. Do you have anything else to share with us?

-----END OF SURVEY-----



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CONSENT CALENDAR  
January 25, 2022

To: Honorable Members of the City Council  
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor),  
Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)  
Subject: Referring the Civic Arts Commission’s *affordable housing for artists in Berkeley* Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update

RECOMMENDATION

1. Refer the Civic Arts Commission’s report entitled *affordable housing for artists in Berkeley* to the City Manager, Planning Commission, and Housing Advisory Commission to review, consider, and incorporate recommendations, to the greatest extent possible, into the Housing Element update and related planning and zoning processes.
2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.

SUMMARY/CURRENT SITUATION:

Affordable living and work-space for artists is a pressing issue for our community, with artists increasingly priced out and unable to live and work in Berkeley. Affordable housing for artists has been identified in numerous planning documents as a key need. Most recently, the Civic Arts Commission generated a report entitled *affordable housing for artists in Berkeley* that reported data about the unique housing and space needs of artists, based on a survey and focus groups with diverse artists and cultural workers. (See Attachment 1: *affordable housing for artists in Berkeley*). The report was presented at the [December 8, 2021 Civic Arts Commission meeting](#), and generated important discussion around housing and work-space affordability for artists.

Berkeley is currently engaged in an in-depth process to update the City's Housing Element. The results of the update will shape the development of housing in Berkeley for much of the next decade. A key component of the Housing Element is to identify sites that can accommodate future housing needs across income levels and other demographic factors. The Housing Element also involves the development of a variety of approaches to meet community housing and affordability needs such as zoning updates and new affordable housing requirements and programs.

With the [Housing Element update process already in progress](#), it is important for the recently completed *affordable housing for artists in berkeley* report to be referred and the report's findings and recommendations to be incorporated into the Housing Element Update, as feasible.

In addition to the findings and recommendations of the *affordable housing for artists* report, an informal group of artists has been discussing the possibility of allowing ground-floor commercial space to be substituted for affordable artist work- or live-work space in new-buildings, or in existing buildings via conversions in some locations or building types. Because there are many elements to consider, including impacts to the retail environment, feasibility and costs, quality of work- and living-space for artists, relationship to affordable housing and community benefit requirements in new-build, locations and buildings types where artist ground floor live-, work- and live-work space may be feasible, and more, this idea is referred more generally to the City Manager, Planning Commission, and Housing Advisory Commission (HAC).

Exploration of other potential means to create, convert and/or reserve affordable living, work, and live-work space for artists is also referred, allowing the City Manager, Planning Commission, and HAC to broaden their analysis and consultation to consider all opportunities to create affordable living and work-spaces for artists.

To the extent feasible opportunities for affordable artist living and live-work space may be identified from the *affordable housing for artists in berkeley* report or through additional exploration, concepts should be incorporated into the Housing Element Update.

#### BACKGROUND:

The City's 2018-2027 Arts and Culture Plan Update identifies affordable artist housing as the first of five strategic goals:

### **Goal 1 Increase Access to Affordable Housing and Affordable Spaces for Artists and Arts Organizations**

Support the long-term sustainability of the arts and culture sector by expanding the availability of affordable housing and spaces for both artists and arts organizations.

The Plan Update also includes the following introductory remarks:

“Berkeley is home to a vibrant and diverse community that strongly values its rich cultural fabric. Characterized by its collective nature, the city is famous for its distinguished university, beautiful natural setting, and its remarkable history as a home for progressive movements. Arts and culture permeate civic life in Berkeley through numerous acclaimed theaters, performing arts spaces, as well as the city’s many artists. Over 150 arts and culture nonprofits operate in Berkeley and together they contribute to a dynamic, continually evolving arts and culture community that interacts closely with other sectors of the city’s economy. The nonprofits that make up the arts community are particularly diverse in terms of their size and their creative disciplines.

Along with the cultural richness the arts infuse into the community, the arts sector is also a significant economic driver, generating an estimated \$165 million in total economic activity. In 2017, Berkeley Mayor Jesse Arreguin stated that “in addition to fostering civic pride, a flourishing arts scene [brings] new visitors to our city and more revenue to local businesses.” Currently, as the San Francisco Bay Area is experiencing substantial economic growth, rising real estate and living costs have created an especially challenging environment for the arts community in Berkeley. Some artists and arts organizations are leaving the city because they can no longer afford to live and work here.”

Most recently, the Civic Arts Commission generated a report entitled *affordable housing for artists in berkeley* that reported data about the unique housing and space needs of artists, based on a survey and focus groups with diverse artists and cultural workers. (See Attachment 1: *affordable housing for artists in berkeley*). The report was presented at the [December 8, 2021 Civic Arts Commission meeting](#), and generated important discussion around housing and work-space affordability for artists.

Discussions of affordability in the arts ecosystem are often anecdotal, with few studies to provide comprehensive data to inform potential solutions. To provide more comprehensive information, the Civic Arts Commission requested and received a report with findings based on a survey and focus groups. The study consulted a diverse group of Berkeley artists and cultural workers and provides systematic data around the unique housing and space needs of artists. The report explicitly seeks to position Berkeley’s arts community for inclusion in



the City's affordable housing efforts and to help improve the safety of local arts spaces while avoiding further displacement.

The study was initially conceptualized in 2019 in response to concerns around housing and art space affordability among artists and arts organizations in Berkeley, and was motivated by two events.

First, the 2018 Arts and Culture Plan Update for the City of Berkeley identified -- as a primary goal -- the need to increase access to affordable housing and spaces for artists, cultural workers, and arts organizations. The cultural plan specified a number of action steps towards this goal, including undertaking a data-informed assessment of current art space affordability challenges and displacement risks in Berkeley, as well as the development of strategies to protect and create affordable spaces for Berkeley artists, cultural workers, and arts organizations based on the assessment's findings.

Second, in November 2018, the voters of Berkeley approved two bond measures totaling \$135 million to fund affordable housing in Berkeley. Berkeley City Council subsequently began the development of an affordable housing framework (Housing for a Diverse, Equitable and Creative Berkeley) to guide Berkeley's affordable housing policies, programs, and projects through 2030. This framework explored a wide array of affordable housing for artists and other creative workers. In July 2019, the Council referred this policy document to various Commissions for further development. However, the pandemic caused this work to be temporarily put on hold.

The survey and subsequent report on its findings was completed and released by the Civic Arts Commission in November 2021. It made several key findings and recommendations that relate to zoning and planning decisions which may potentially be made as part of the ongoing Housing Element Update.

Some key findings of the report include recommendations that the City of Berkeley:

1. Create policies that prioritize artists for new affordable housing

Artists are an important part of the fabric of Berkeley as a city. As such, they should be part of ongoing conversations about Berkeley's housing plan. The survey results demonstrate that artists -- as a group -- have low income, a high rent burden, and have traditionally been left out of ongoing affordable housing. In order to mitigate further displacement and allow artists to continue to work and thrive in Berkeley, the City could consider creating a priority category for artists who meet income qualification to access affordable housing."

2. Designate some of Berkeley's upcoming affordable housing funding from Measure O for units specific to artists

"On July 24, 2019, Berkeley's Civic Arts Commission approved an amendment recommendation for Measure O that called for "significantly increas[ing] the supply of affordable housing and live/work housing for artists, artisans, and cultural workers" through adding to the zoning ordinance, incentivizing developers to build market-rate housing that includes affordable live/work units for creative workers, and incorporate live/work spaces for artists and cultural workers into large-scale affordable housing projects."

3. Consult artists when designing new policies for live/work spaces

Across the Bay Area, responses to the Ghostship fire emphasized increased attention to artist DIY live/work spaces. These spaces were often the only options for artists to access live/work spaces that met their needs. Yet, artists have always worked to transform neighborhoods through their work and creative use of space. As Berkeley works to address affordability issues for all of its residents, consulting and involving artists in the planning process can help bring about a much-needed, new, and fresh perspective on issues such as rezoning, repurposing ground floor spaces, and requiring community benefit proposals for new development.

4. Develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline

Due to the nature of their work, artists often have a unique income structure that makes applying for affordable housing more difficult. In addition, the survey shows that artists have needs for certain types of spaces that might be difficult to identify. Funding technical assistance to support artists to translate their needs and apply for the existing affordable housing pipeline could be an important step in helping artists leave inadequate living situations.

Because the report and findings include important information about the housing and space needs of artists, the *affordable housing for artists in berkeley* study is being referred to the Housing Element Update and to the Planning Commission and HAC for immediate consideration.

In addition to the findings and recommendations of the *affordable housing for artists* report, an informal task force of artists has been discussing the possibility of allowing ground-floor commercial space to be substituted for affordable artist work- or live-work space in new-buildings, or in existing buildings via conversions, in some locations or building types.

Because there are many elements to consider, including impacts to the retail environment, feasibility and costs, quality of work- and living-space for artists, relationship to affordable housing and community benefit requirements in new-build, locations and buildings types where artist ground floor live-, work- and live-work space may be feasible, and more, this idea is referred more generally to the City Manager, Planning Commission, and Housing Advisory Commission (HAC).

The presence of artists living and working around the clock has been documented as an important factor in creating more livable, animated urban areas. At the same time, retail vacancies have risen steadily in recent years as more purchasing has migrated online. The COVID-19 pandemic has accelerated this trend and led to even greater amounts of empty space, even in Berkeley's most popular commercial areas. Removing barriers to use or re-use of vacant retail/commercial spaces may be a means to provide affordable live/work spaces for artists while also activating storefronts.

To explore the possibilities of using retail/commercial space to house working artists, an informal task force including members of the Civic Arts Commission, affordable housing advocates, artists, and developers was convened. The goal of the group's work was to increase active uses of often-vacant ground floor space and provide a new low-impact supply of affordable live/work spaces for artists.

Some of the ideas generated by this informal group include:

1. Allowing affordable live/work housing for artists in lieu of ground floor retail or commercial use in specific locations (for example, away from main commercial nodes, or on side-streets) or corridors, including the San Pablo and University Avenue corridors and/or in other appropriate locations.
2. Developing a clear set of allowable uses and criteria for tenant eligibility including the responsibility to maintain a lively street presence.

In addition to consulting with the arts community, including members of the informal task force, the City Manager, Planning Commission and HAC should consult with business and commercial property owners to fully understand the opportunities and challenges of allowing live-work in lieu of retail, and to identify the circumstances, requirements,

locations and other factors that could make affordable live-work ground floor uses work both for artists, and for the health and vitality of commercial districts.

#### ALTERNATIVES CONSIDERED

By referring the *affordable housing for artists in berkeley* report and its findings and other affordable living and work-space considerations to be developed simultaneous with and/or as part of the Housing Element, we can ensure that artists' unique housing, work-space and affordability needs are considered during the Update process, and incorporated as feasible in the Housing Element and other zoning and planning processes.

#### FISCAL & STAFF IMPACTS

Staff and the Commissions are already engaged in in-depth discussion of housing needs, zoning changes, and programs to meet housing and affordability needs communitywide. Adding more explicit consideration of the specific needs of artists, drawing from studies already completed and with input from the Arts Commission and arts community, will add important information to existing discussions. Additional formal study or consulting help is not envisioned.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This referral asks only for concepts to be studied and incorporated into a planning process already underway, and does not entail environmental or climate impacts.

#### CONTACT PERSON

Councilmember Sophie Hahn, [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info); 510-682-5905

#### Attachments

1. *affordable housing for artists in berkeley*

# affordable housing for artists in Berkeley

## a baseline survey

Anh Thang Dao-Shah, ph.d.& Asif Majid, ph.d  
creative equity research partners  
December 2021

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## executive summary

This project aims to respond to concerns around housing and art space affordability among artists and arts organizations in Berkeley by answering two key questions:

- 1) What are the trends around local affordability issues that can be addressed through targeted resources and policy solutions?
- 2) What pre-existing housing disparities impact what artists seek in possible affordable housing solutions?

As in other parts of the Bay Area, narratives of concern around affordability in the arts ecosystem in the past decade are often anecdotal. The sector lacks comprehensive data that could inform system change solutions. To that end, this report is based on a survey and focus groups with a diverse group of artists and cultural workers in Berkeley to provide systematic data around the unique housing and space needs of artists. It seeks to better position Berkeley's arts community to participate in the City's current affordable housing efforts and help improve the safety of local arts spaces, without causing further artist displacement.

### key findings

#### **Artists are highly educated, yet have low income**

Berkeley's artists and artists/cultural workers who responded to the survey are highly educated (88% have a Bachelor's degree or higher). Yet, 60% of that same group has lower, very low, or extremely low income.

#### **Artists and cultural workers have multiple forms of employment**

Only 32% of all respondents reported that they are employed full time. Others indicated that they cobble together different types of part-time and short-term contract work, as well as self-employment, in order to make ends meet.

#### **Artists are rent burdened**

Artists and artists/cultural workers disproportionately rent their living space (71%). Of those who rent, 77% are rent burdened or severely rent burdened, based on the California's Department of Housing and Community Development definitions.

#### **Artists have a unique need for flexible live/work spaces**

Responding artists and artists/cultural workers indicated, at a rate of 82%, that they do their creative work in their living space. Of those respondents, over half (56%) practice artistic disciplines that require extra ventilation.

### recommendations

- **create policies that prioritize artists for new affordable housing**
- **designate some of Berkeley's upcoming affordable housing funding from measure O for units specific to artists**
- **consult artists when designing new policies for live/work spaces**
- **develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline**
- **pilot a guaranteed basic income program for qualifying artists**

## introduction

### *why this project?*

This project was initially conceptualized in 2019 in response to concerns around housing and art space affordability among artists and arts organizations in Berkeley. It was motivated by two events.

First, the [2018 Arts and Culture Plan Update for the City of Berkeley](#) identified -- as a primary goal -- the need to increase access to affordable housing and spaces for artists, cultural workers, and arts organizations. The cultural plan specified a number of action steps towards this goal, including undertaking a data-informed assessment of current art space affordability challenges and displacement risks in Berkeley, as well as the development of strategies to protect and create affordable spaces for Berkeley artists, cultural workers, and arts organizations based on the assessment's findings.

Second, in November 2018, the voters of Berkeley approved two bond measures totaling \$135 million to fund affordable housing in Berkeley. Berkeley City Council subsequently began the development of an affordable housing framework ([Housing for a Diverse, Equitable and Creative Berkeley](#)) to guide Berkeley's affordable housing policies, programs, and projects through 2030. This framework explored wide array of affordable housing for artists and other creative workers. In July 2019, the Council referred this policy document to various Commissions for further development. However, the pandemic caused this work to be temporarily put on hold.

As elsewhere in the Bay Area, concerns around the arts ecosystem's affordability over the past decade are mostly anecdotal, arising when a major artist or arts organization imminently faces the loss of their living and work space. These stories, while important, inadequately inform systems change solutions aimed at addressing structural concerns.

To that end, this project's goal is to develop an assessment that provides systematic data around the unique housing and space needs of artists and cultural workers. This will better position the arts community to participate in Berkeley's ongoing affordable housing efforts and help improve art space safety in Berkeley without causing further displacement of artists. Two key questions guided this project from the beginning:

- 1) What are the trends around local affordability issues that can be addressed through targeted resources and policy solutions?**
- 2) What pre-existing disparities could impact possible affordable housing solutions for artists?**

This second question is key to ensure the solutions we suggest do not unintentionally impact some groups more than others.

In April 2020, the COVID-19 pandemic brought a pause to the assessment project and



raised new affordability questions, as the arts community dealt with the consequences of regular lockdowns. While some local, state, and federal measures -- such as the eviction moratorium and extension of unemployment benefits to independent contractors -- helped prevent widespread displacement during the pandemic's height, the new normal brought new concerns as artists and cultural organizations continue to struggle with canceled events, lower venue capacity, and overall uncertainty.

These questions brought new urgency to the project, as well as the need to methodologically pivot and narrow the project's focus. Instead of focusing on both housing needs of artists and space needs of arts organizations as originally envisioned, this project focused on understanding the affordable housing and workspace needs of individual artists and cultural workers to ensure timely recommendations that would allow for participation in ongoing affordable housing efforts. This shift also allowed for the inclusion of additional questions that sought to understand both the short-term impact of the pandemic and the ongoing challenges that would inform long-term strategies to address affordability issues in Berkeley.

### *methodology and data limitations*

In order to collect data directly from artists and cultural workers during the ongoing pandemic, an online survey was issued in September 2021 through the Berkeley Civic Arts Program. The survey was open for four weeks and was accompanied by a robust outreach strategy, including outreach and reminder emails through the Civic Arts Program's and City of Berkeley's mailing lists and social media channels, the direct networks of a number of arts organizations represented by members of an ad-hoc advisory group, and posting on other community-serving digital platforms like Nextdoor. A list of all survey questions is found in Appendix B.

In addition to quantitative data, this project relies on the insights of artists, cultural leaders, and the City's affordable housing experts to provide context to the affordability crisis and housing needs. Research staff conducted three focus group meetings with 21 community stakeholders, who formed an ad-hoc community advisory group.

Members of the advisory group were selected to provide different perspectives on the historic and current landscape of arts and culture in Berkeley with a specific focus on housing needs for artists and cultural workers. With research staff, the advisory group helped design survey questions, reviewed preliminary findings, and brainstormed potential solutions. A list of the advisory group participants is provided in Appendix A.

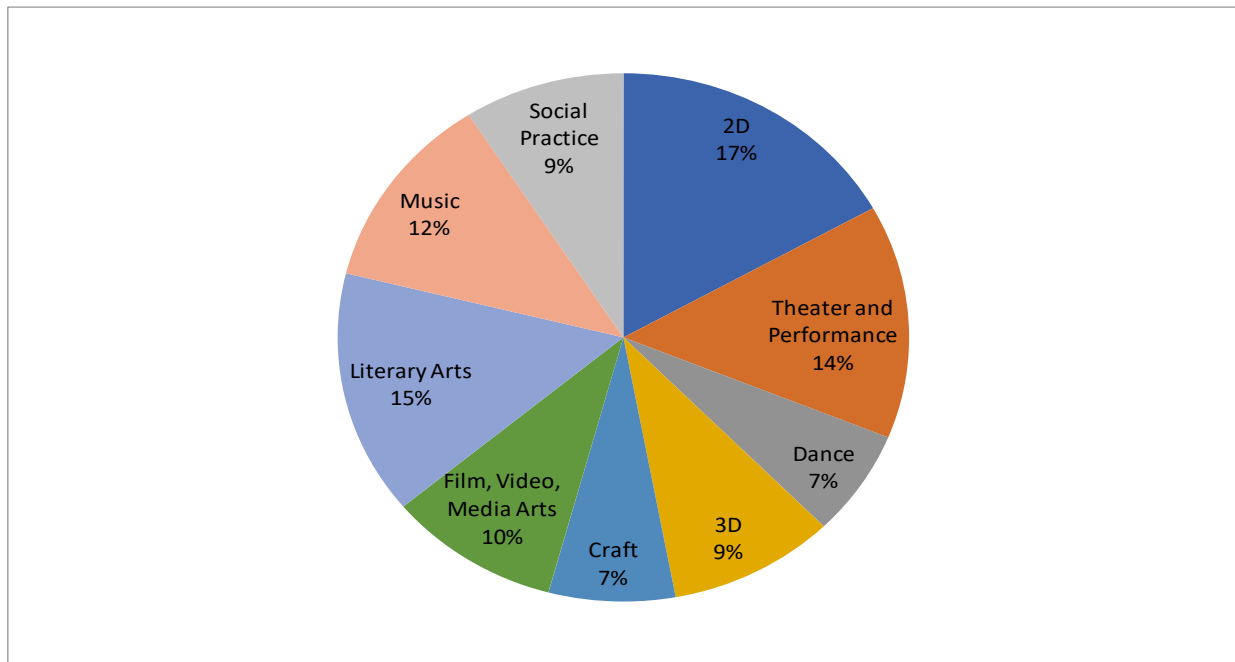
Any survey of artists must contend with the fact that there is no baseline dataset regarding the number of artists in a given community, due to the various ways artists can be defined. The most common way to define a professional group is to use IRS data that classifies someone's profession based on the income they earn from their main profession. Artists' main sources of income, however, often do not come from artwork; income sources are diverse and cross-sectoral. The same can be said for cultural workers. Plus, an artist's level of engagement with an art practice is not limited to paid opportunities. Income is thus an inadequate defining criterion. Through this survey's

grassroots and community-centered approach, this project provides a snapshot of the needs of the arts and culture sector and should be understood as baseline data that should be supplemented with ongoing and long-term data collection and analysis.

## survey results

### who responded?

A total of 163 artists and cultural workers responded to the survey. This constitutes 0.14% of Berkeley's population, based on data from the 2020 census. For comparison, in a similar study in 2015 in San Francisco, which involved a six-week survey and multiple in-person outreach events, 560 artists and cultural workers responded to the survey. That constituted 0.07% of San Francisco's population, based on 2010 census data. In other words, the Berkeley survey had double the response rate.



Of the Berkeley survey respondents, **48% identified as artists, 15% identified as cultural workers, and 37% identified as both artists and cultural workers.** In total, 32% of respondents do not currently reside in Berkeley, while 39% have lived in Berkeley for more than 10 years.

**31%** of respondents identified as LGBTQIA+

**62%** of respondents identified as female

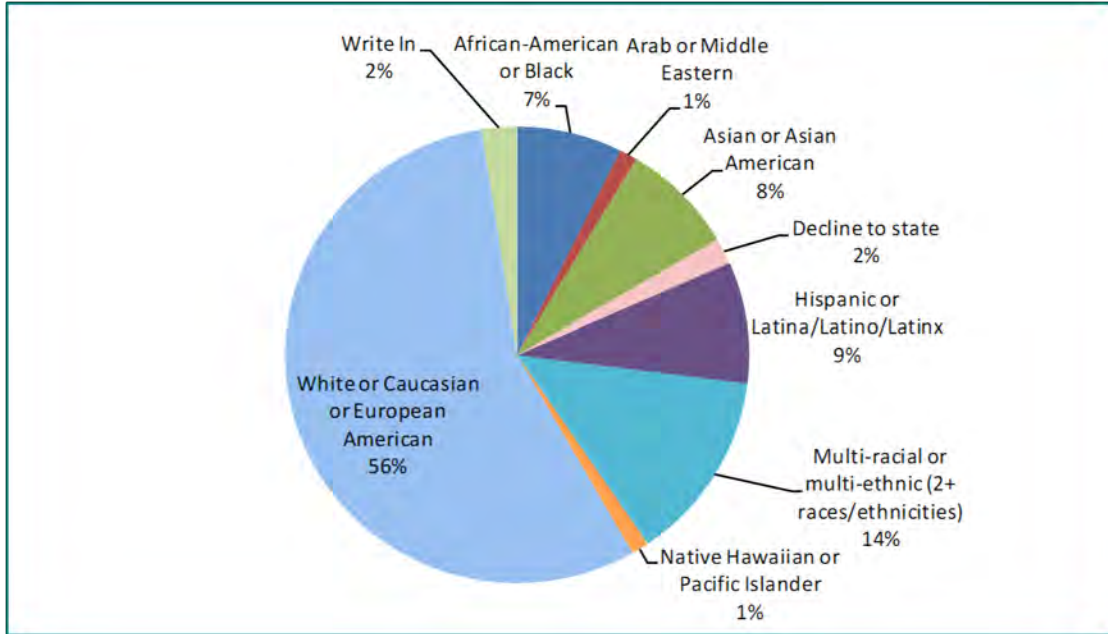


Figure 2: Race and ethnicity of survey respondents

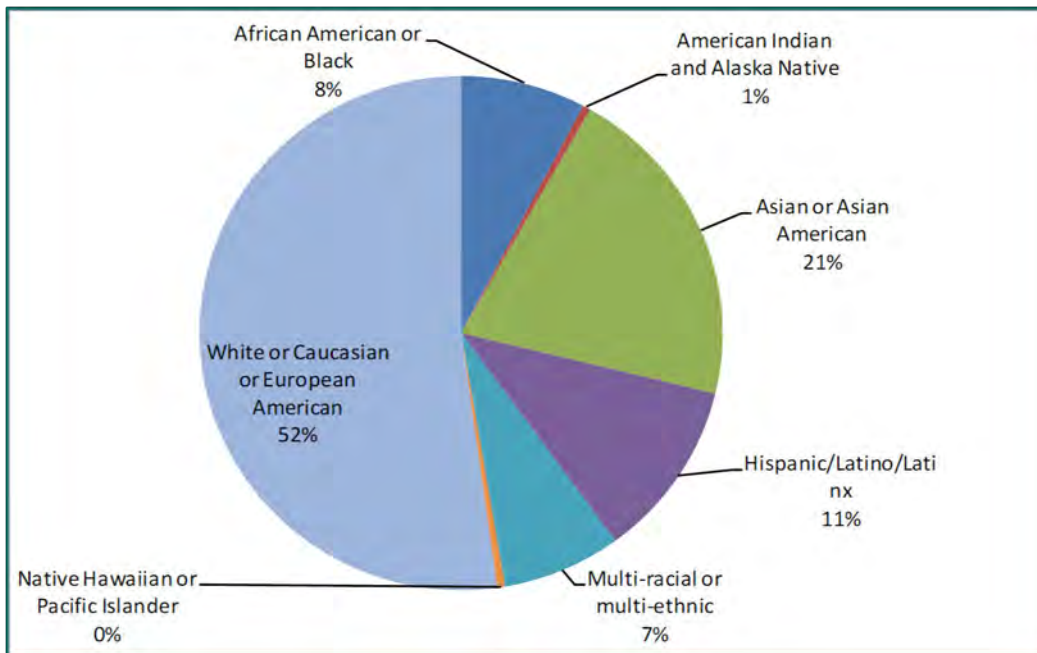


Figure 3: Race and ethnicity of City of Berkeley residents

## key findings

### *Artist respondents are highly educated, yet have low income*

Of those respondents who identified as artists or as both artists and cultural workers, 88% reported having a Bachelor’s degree or higher. Of that same group, 60% reported an annual household income of \$69,000 or less. According to the [California Department of Housing and Community Development, in Alameda County for a single individual in 2019](#) (when this project and survey were first developed), annual household income of \$26,050 or below constitutes extremely low income, between \$26,051-\$43,400 is defined as very low income, and between \$43,401-\$69,000 is defined as lower income. Per these categories, 60% of those who identified as artists or both artists and cultural workers have lower, very low, or extremely low income. [In 2021, the upper threshold for the lower income category has risen to \\$76,750](#), meaning that artists are now even further behind financially than they were two years ago.

While low income is prevalent across the group, this rate is significantly higher among BIPOC respondents. Of respondents who identified as non-White, 72%, reported having lower, very low, or extremely low income, compared to 55% among those who identified as White or Caucasian. Due to the small number of participants, we are unable to make comparison between different groups who identify as non-White.

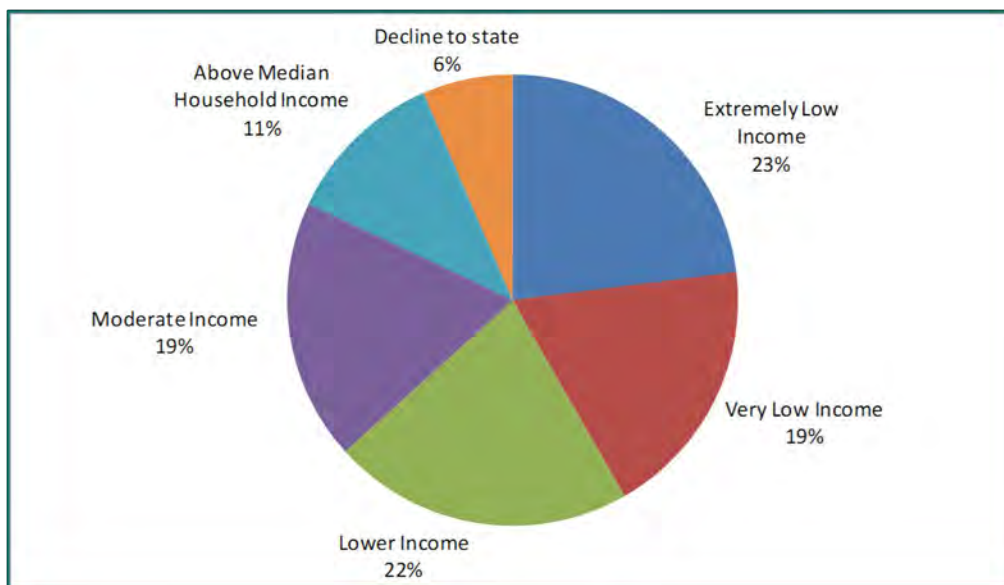


Figure 4a: Income categories for all artist respondents

| <i>Income Category</i> | <i>Income Range</i> | <i>Percentage of Artist Respondents</i> |
|------------------------|---------------------|-----------------------------------------|
| Extremely Low          | ≤ \$26,050          | 21%                                     |
| Very Low               | \$26,051-\$43,400   | 16%                                     |
| Low                    | \$43,401-\$69,000   | 23%                                     |

|                  |                   |     |
|------------------|-------------------|-----|
| Median           | \$69,001-\$78,200 | 17% |
| Moderate         | \$78,201-\$93,850 | 18% |
| Decline to State | n/a               | 5%  |

Figure 4b: Income ranges for artist respondents

### Artists and cultural workers have multiple forms of employment

Only 32% of all respondents reported that they are employed full-time. Others indicate that they engage in a patchwork of different types of part-time and short-term contract work, as well as self-employment, in order to make ends meet. Examples of employment that respondents are undertaking include: being a self-employed artist for one’s own or another’s art practice, being employed part time/doing regular work for pay as either a cultural worker or otherwise, doing contract work as a cultural worker or something other than a cultural worker, and undertaking unreported work for cash.

### Artist respondents report being rent burdened, but are not immediately concerned with losing their housing

Among respondents who identify as artists and as both artists and cultural workers, 71% of respondents rent. Of those who rent, 77% are rent burdened or severely rent burdened. According to the [US Department of Housing and Urban Development](#), a household or individual that spends more than 30% of their monthly household income on rent is rent burdened. Severely rent burdened households or individuals spend more than 50% of their monthly household income on rent.

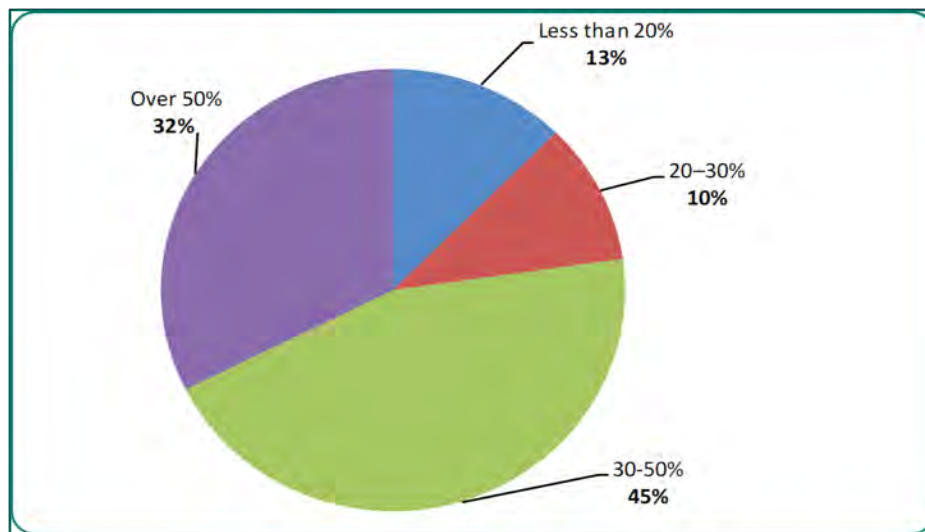


Figure 5: Respondents’ percentage of monthly household income spent on rent

While studies have shown that rent burden and extremely low income decrease the health and overall wellbeing of all those impacted, for artists this burden can

fundamentally change the way they engage with their artistic practice. Qualitative comments provided by the respondents highlighted having to scale back on their practice in order to earn the income they need to pay rent. This means they are unable to focus on developing their creative practice. As one respondent, a musician, explained:

The cost of living in the Bay Area fundamentally changes how I am able to grow in my craft. Since we are all hustling to pay rent at this level, rehearsals must be paid, limited and without a "post gig hang" - something I find central to collaborating with others. This limits how much performing I can do with others, which limits how much I can grow, experiment and contribute in my craft.

Over the long term, the lack of opportunities for artists to devote time and energy to their practice can lead to the abandonment of artistic practice altogether.

Despite respondents' high rent burden and low income, those identifying as artists and as artists/cultural workers do not indicate concerns around losing their housing in the near future.

Only 9% of respondents reported that they were evicted due to no-fault causes in the last 2 years. No-fault eviction is defined as evictions that take place when leases are not renewed without the tenant having violated any regulations as long as a notice to move out is sent to the tenant within the required time period. Landlords might choose to evict tenants who are paying rent on time and complying with regulations due to owner move in or the need to retrofit a building. In the last decade, as the affordability crisis has intensified throughout the Bay Area, no-fault eviction has often been used to let go of long-term tenants who are protected from rent increases to bring in new tenants who are charged at market rate. In the survey issued to San Francisco artists, about 30% of respondents reported that their leases were not going to be renewed due to no fault of their own.

Only 6% of respondents had to rely on the eviction moratorium during the pandemic. In total, only 9% of respondents are uncertain or very uncertain that they will be able to retain housing after the moratorium ends (20% were neither certain nor uncertain). Though seemingly at odds with other findings, this sentiment could be attributed to three factors.

First, Berkeley has strong renter protection policies. Qualitative survey responses show that many respondents who rent are aware of and rely on rent control, which helps keep their rent affordable. This is especially true with respondents who have resided in Berkeley for more than five years. Not concerned with immediate loss of housing does not mean that existing housing needs are met, however. As one respondent explained:

The only reason I am able to remain in the Bay Area is because I have been in the same unit for a decade and we have rent control - the other apartments in my building go for over twice what we're paying. [...] If I ever wanted to leave this apartment (and I do), I would have to leave the area entirely, because I can't afford anything else.

The gap between existing housing and respondents' needs is especially acute for those working in artistic disciplines that have specific space requirements like extra ventilation.

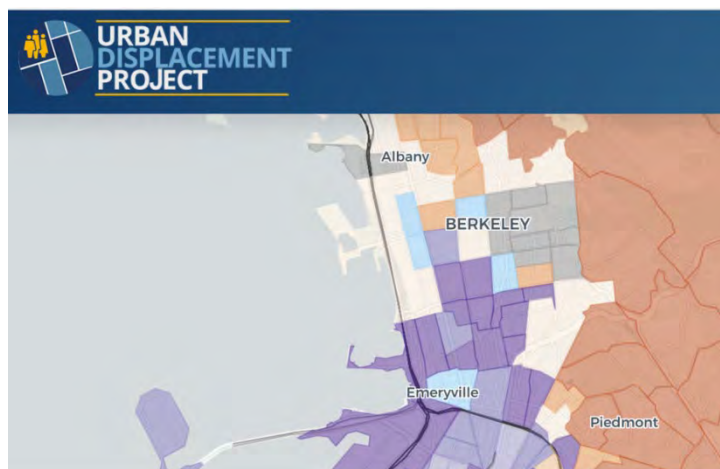
Second, the fact that the majority of respondents engage in multiple forms of employment means that they have multiple sources of income beyond their artistic practices to rely on for rental needs. However, as discussed above, in the long-term, the high burden of rent and reliance on other means of employment to make ends meet will impact artists' abilities to sustain their art. As one artist wrote:

*My housing is over 2/3 of my income, leaving little to nothing for anything over basic living expenses.*

Lastly, the timing of the survey suggests that those who are currently still residing in Berkeley are the ones who managed to weather the wave of displacement that took place in the last decade through the two factors described above and we have not captured the concerns of those who already had to leave as displacement was taking place. According to the [Urban Displacement Project](#), by 2018, almost all of Berkeley, except the immediate area surrounding University of California, Berkeley was experiencing ongoing and advanced gentrification, with a few areas already becoming exclusive and three areas in North Berkeley marked as low income and susceptible to displacement. South Berkeley area between Ashby Avenue and Emeryville border was in an advance gentrification stage with displacement having taken place between 2000 and 2018.

For comparison, the study in San Francisco took place in 2015, in the middle of the biggest wave of gentrification in the broader Bay Area. In that study, more than 1/3 of respondents expressed immediate concerns about loss of housing due to rent increase, end of lease term or fear of no-fault eviction.

Notably, South Berkeley also had high percentage of BIPOC population (between 50% and 70%). This data confirms that, like in the rest of the Bay Area, BIPOC communities are more susceptible to early displacement and the survey respondents' demographic reflects these changes in the population.





## *Artists have a unique need for flexible, live/work space*

Of responding artists and artists/cultural workers, 82% reported that they make their art where they live, with 56% of this group requiring extra ventilation for their art.

This finding reflects the way that affordability challenges can fundamentally change an artist's practice. For artists needing extra ventilation, this could mean a choice between maintaining their own health and practicing their art, particularly if there is no adequate separation between where artists sleep, cook, and eat and where artworks are being stored, produced, or left to dry. The need for flexible and affordable live/work space has pushed artists to make choices to live in dangerous conditions that can have fatal consequences. As one artist respondent explained:

It's really hard to find space to train that is affordable. I need at least 20' ceilings, ideally 30'. There were many affordable live/work warehouse conversions with this kind of ceiling height pre-Ghostship but many of these affordable spaces were affordable due to slumlord and very DIY situations, which often meant common housing needs like sealed roofs, consistent mail/package delivery, heating, bedroom windows/egress, were not guaranteed. The tragedy at Ghostship has led cities around the Bay Area to tighten up their policies around DIY spaces to prevent similar situations. However, without intentional creation of spaces that meet the needs of practicing artists, such policies do not solve the root cause problem that have caused artists to seek out those spaces in the first place.

## recommendations

### *Create policies that prioritize artists for new affordable housing*

Artists are an important part of the fabric of Berkeley as a city. As such, they should be part of ongoing conversations about Berkeley's housing plan. The survey results demonstrate that artists -- as a group -- have low income, a high rent burden, and have traditionally been left out of ongoing affordable housing. In order to mitigate further displacement and allow artists to continue to work and thrive in Berkeley, the City could consider creating a priority category for artists who meet income qualification to access affordable housing. Such a priority category would require working with the arts community to create an inclusive definition of what it means to be an artist. It should also take into consideration and center artists from Black, Indigenous, and People of Color (BIPOC) communities, as well as LGBTQ+ communities who have already been displaced. In doing so, artists will have an opportunity to return to Berkeley and enrich the city's social and artistic fabric.

### *Designate some of Berkeley's upcoming affordable housing funding from measure o for units specific to artists*

On July 24, 2019, Berkeley's Civic Arts Commission approved an amendment recommendation for Measure O that called for "significantly increas[ing] the supply of affordable housing and live/work housing for artists, artisans, and cultural workers" through adding to the zoning ordinance, incentivizing developers to build market-rate housing that includes affordable live/work units for creative workers, and incorporate live/work spaces for artists and cultural workers into large-scale affordable housing projects. Other proposals included the development of a community land trust and transforming underused retail spaces and City-owned buildings into artist live/work spaces. These recommendations should be revisited and implemented, as they align with the range of qualitative responses that came through the survey. Respondents also suggesting the development of: 1) co-ops; 2) a separate affordable housing lottery specifically for those artists and cultural workers from BIPOC and other underserved communities; and 3) relationships between the City and land trusts to purchase buildings that serve as artist housing. These suggestions point to the importance of re-evaluating how zoning and other policies further disenfranchise artists and cultural workers.

### *Consult artists when designing new policies for live/work spaces*

Across the Bay Area, responses to the Ghostship fire emphasized increased attention to artist DIY live/work spaces. These spaces were often the only options for artists to access live/work spaces that met their needs. Yet, artists have always worked to transform neighborhoods through their work and creative use of space. As Berkeley works to address affordability issues for all of its residents, consulting and involving

artists in the planning process can help bring about a much-needed, new, and fresh perspective on issues such as rezoning, repurposing ground floor spaces, and requiring community benefit proposals for new development.

### ***Develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline***

Due to the nature of their work, artists often have a unique income structure that makes applying for affordable housing more difficult. In addition, the survey shows that artists have needs for certain types of spaces that might be difficult to identify. Funding technical assistance to support artists to translate their needs and apply for the existing affordable housing pipeline could be an important step in helping artists leave inadequate living situations. The advisory group also recommended creating a one-stop shop that features affordable housing for artists (perhaps akin to a specialized version of [San Francisco's DAHLIA housing portal](#)), which would create a platform where artists could share information about available housing and get connected to resources like financial technical assistance. A space geared towards artists' housing needs might be especially beneficial for artists who are looking for affinity housing along the lines of race and sexual identity, which allows them to stay more connected with their own communities.

### ***Pilot a guaranteed basic income program for qualifying artists***

Acknowledging the disproportionate impact of the pandemic on a community that was already struggling due to ongoing affordability challenges, multiple cities such as [San Francisco](#) and [Minneapolis](#) have launched pilot programs providing artists from marginalized communities who meet income requirements with a monthly stipend that would help cover their basic needs. Stipends are unrestricted, so they can be spent on rent and food while artists continue their artistic practice. Due to the existing racial wealth gap, which was reflected in the survey results, such a pilot should prioritize BIPOC artists. These types of programs are gaining national attention because the arts and culture are often cited as key strategies for economic recovery. Practicing artists are essential for such recovery. The advisory group agreed that a basic income program would address two key findings in this report -- respondents' extremely low income and high rent burden -- both of which have already forced artists to significantly modify or abandon their art practices.

## further research

While the survey and focus groups discussed in this report have provided a much-needed snapshot into the space needs of artists in Berkeley, limited data does not allow us to paint a comprehensive picture. The following research and data collection is recommended, in order to complement this report.

### *Work with arts organizations to understand the income levels and housing needs of cultural workers*

Only 15% of the respondents to the survey identified exclusively as cultural workers, meaning that there was not a statistically significant sample from which to draw conclusions about the needs of cultural workers. Further research, specifically on the housing needs and income levels of cultural workers, is needed.

### *Conduct a disparity study*

Currently, Berkeley does not have comprehensive race and ethnicity data for seekers of affordable housing. Therefore, it is impossible to determine whether or not the artists who responded to this survey are demographically representative of the population that qualifies for affordable housing. A disparity study will ensure that changes in policy will not disproportionately impact certain groups.

### *Continue to collect data on artists*

The lack of baseline data on artists -- even as simple as the total number of artists and disciplines practiced in a given community -- prevents us from understanding the extent of the issues that artists face. More long-term data collection and analysis of artists in Berkeley will allow the city to identify trends, as well as possible challenges that can be mitigated by timely policy changes.

## appendices

### *a: community advisory group members*

Kim Anno, Berkeley Civic Arts Commission  
Delores Nochi Cooper, Berkeley Juneteenth Festival  
Bruce Coughran, Indra's Net Theater  
Hadley Dynak, Berkeley Cultural Trust  
Misty Garrett, City of Berkeley  
Ashlee George, Capoeira Arts Foundation and BrasArte  
Mayumi Hamanaka, Kala Art Institute  
Archana Horsting, Kala Art Institute  
Mildred Howard, Independent Artist  
Beatriz Leyva-Cutler, BAHIA  
Amanda Montez, City of Berkeley  
Mirah Moriarty & Rodrigo Esteva, Dance Monks  
PC Muñoz, Freight & Salvage and BCT E&I Committee  
Natalia Neira, La Pena Cultural Center and BCT E&I Committee  
Daniel Nevers, Berkeley Art Center  
Nancy Ng, Luna Dance Institute  
Kathryn Reasoner, Vital Arts  
Leigh Rondon, Shotgun Theater  
Irene Sazer, Independent Artist (Civic Arts Grantee)  
Sean Vaughn Scott, Black Repertory Group Theater  
Rebecca Selin, Gamelan Sekar Jaya  
Terry Taplin, Berkeley City Council and former Berkeley Civic Arts Commissioner  
Rory Terrell, Local Artists Berkeley  
Tyese Wortham, CAST  
Chingchi Yu, Independent Artist (Civic Arts Grantee)

## ***b: survey questions***

### **Messaging**

Are you an artist or cultural worker struggling to find affordable housing for you and your family?

Artists and cultural workers in Berkeley and throughout the Bay Area are facing an affordability crisis that prevents them from focusing on their creative work. Through the recently completed cultural planning process, the City of Berkeley identified as a primary goal the need to protect and increase access to affordable housing for artists and cultural workers.

Currently, there is little to no data on the affordable housing concerns of Berkeley artists and cultural workers. Your responses to this survey will help the City of Berkeley create programs and policies tailored to the housing needs that are specific to Berkeley's arts sector, including affordable housing and live-work spaces.

Thank you for helping keep Berkeley affordable for artists and cultural workers.

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### **Survey Questions**

1. Are you an artist or cultural worker?
  - a. Artist [proceed to question 2]
  - b. Cultural Worker (staff member at an arts culture organization) [Proceed to Question 4]
  - c. Both
  
2. If you are an artist, how would you describe your artistic practice/artwork?  
Select all that apply:
  - a. 2D (Painting, Printmaking, Drawing, Photography, etc.)
  - b. 3D (Sculpture, Installation)
  - c. Theater/Performance
  - d. Dance
  - e. Craft
  - f. Film, Video, and/or Media Arts
  - g. Literary (Creative Writing, Poetry, etc.)
  - h. Music
  - i. Social Practice
  - j. Write in\_\_\_\_\_
  
3. Do you work with a medium that requires extra space and/or ventilation? This may include metal welding, spray paint, etc.
  - a. Yes
  - b. No

4. If you are a cultural worker, do you work at a Berkeley-based arts and culture nonprofit organization?
  - a. Yes
  - b. No
  
5. What is your primary language?
  - a. English
  - b. Spanish
  - c. Chinese (Mandarin and Cantonese)
  - d. Tagalog
  - e. Vietnamese
  - f. Persian
  - g. Portuguese
  - h. Punjabi
  - i. Swahili
  - j. Write In: \_\_\_\_\_
  - k. Decline to State
  
6. What is your race/ethnicity?
  - a. African-American or Black
  - b. American Indian or Alaska Native or Indigenous or First Nations
  - c. Arab or Middle Eastern
  - d. Asian or Asian American
  - e. Hispanic or Latina/Latino/Latinx
  - f. Native Hawaiian or Pacific Islander
  - g. White or Caucasian or European American
  - h. Multi-racial or multi- ethnic (2+ races/ethnicities)
  - i. Write In \_\_\_\_\_
  - j. Decline to State
  
7. What best describes your gender identity?
  - a. Female (cisgender)
  - b. Female (transgender)
  - c. Male (cisgender)
  - d. Male (transgender)
  - e. Gender-fluid/Genderqueer/Gender-expansive/Non-binary
  - f. Write In \_\_\_\_\_
  - g. Decline to State
  
8. How do you describe your sexual orientation or sexual identity?
  - a. LGBTQ+
  - b. Heterosexual/straight
  - c. Write in \_\_\_\_\_
  - d. Decline to State
  
9. Do you identify as a person with a disability?

- a. Yes
  - b. No
10. Please select the highest degree or level of school you have COMPLETED. If currently enrolled, mark the previous grade or highest degree already received.
- a. Less than high school
  - b. High school diploma/GED
  - c. Associate's degree
  - d. Bachelor's degree
  - e. Master's degree
  - f. Doctorate degree
11. How many people live in your household, including yourself?
- a. One [Proceed to Question 14]
  - b. Two
  - c. Three
  - d. Four
  - e. Five
  - f. More than five: Write In \_\_\_\_\_
12. Do you have any children under the age of 18?
- a. Yes
  - b. No [Proceed to Question 14]
13. If yes, how many children currently live with you?
- a. One
  - b. Two
  - c. Three
  - d. More than three
  - e. Write in: \_\_\_\_\_
14. What is your total household income?
- a. Less than \$26,050
  - b. \$26,051-\$43,400
  - c. \$43,401-\$69,000
  - d. \$69,001-\$98,549
  - e. More than \$98,550
  - f. Decline to state
15. If you are an artist, do you make 50% or more of your income from your artistic practice?
- a. Yes
  - b. No
  - c. I don't know
  - d. I am not an artist



16. What is your current employment status? Check all that apply:
  - a. Self employed artist for your own art practice
  - b. Self-employed, but not for your own art practice
  - c. Employed full time as a cultural worker
  - d. Employed full time as something other than a cultural worker
  - e. Employed part time/doing regular work for pay as a cultural worker
  - f. Employed part time/doing regular work for pay as something other than a cultural worker
  - g. Contract work as a cultural worker (for example: I receive a 1099 from a nonprofit arts organization organization)
  - h. Contract work as something other than a cultural worker (for example: I receive a 1099 from a separate non-arts organization or business)
  - i. Unreported work for cash
  - j. Not employed
  
17. How easy is it to predict your total income from month to month?
  - a. Very easy
  - b. Moderately easy
  - c. Neither easy nor difficult
  - d. Moderately difficult
  - e. Very difficult
  
18. How certain are you that your total income will return to pre-pandemic levels, over the next 6 months?
  - a. Very certain
  - b. Moderately certain
  - c. Neither certain or uncertain
  - d. Moderately uncertain
  - e. Very uncertain
  
19. What percentage of your average monthly income do you spend on housing costs?
  - a. Less than 20%
  - b. 20%-30%
  - c. 30%-40%
  - d. 40%-50%
  - e. More than 50%
  - f. I don't know
  
20. What is the zip code where you work?
  
21. What is the zip code where you live?
  
22. How long have you lived in Berkeley?
  - a. I do not live in Berkeley
  - b. Less than a year

- c. 1 - 3 years
  - d. 3 - 5 years
  - e. 5 - 10 years
  - f. More than 10 years
  - g. How long? \_\_\_\_\_
23. How long do you expect to remain in Berkeley?
- a. I do not live in Berkeley
  - b. Less than a year
  - c. 1 - 3 years
  - d. 3 - 5 years
  - e. 5 - 10 years
  - f. More than 10 years
  - g. How long? \_\_\_\_\_
24. Do you own or lease your living space?
- a. Lease [proceed to question 25]
  - b. Own [proceed to question 28]
25. What is your lease term?
- a. Month to month
  - b. 1 year
  - c. 2-3 years
  - d. More than 3 years
26. How many square feet is your space?
27. How much do you pay in rent per month?
28. Have you been displaced due to a “no-fault” or “no-cause” eviction in the past 2 years? (A “no-fault” or “no-cause” eviction is an eviction that is no fault of the tenant, but is allowed under the law.)
- a. Yes
  - b. No
  - c. I don't know
29. If you were displaced, did you have to move away from Berkeley?
- a. Yes
  - b. No
30. If you were not displaced, did you have to rely on the eviction moratorium that Berkeley has implemented over the past 12 months?
- a. Yes
  - b. No
  - c. I didn't know that evictions had been halted over the past 12 months.

31. How certain are you that you will be able to retain your housing when the eviction moratorium ends?
- Very certain
  - Moderately certain
  - Neither certain or uncertain
  - Moderately uncertain
  - Very uncertain
32. Do you use your living space for housing and your creative practice?
- Yes [proceed to question 37]
  - No [proceed to question 32]
33. If you have a work space that is separate from your living space, do you own or lease your work space?
- Lease [proceed to question 34]
  - Own [proceed to question 36]
34. What is the lease term for your work space?
- Month to month
  - 1 year
  - 2-3 years
  - More than 3 years
35. How much do you pay in rent per month for your work space?  
Write in \_\_\_\_\_
36. How many square feet is your work space?  
Write In \_\_\_\_\_
37. Have you been displaced from your work space due to a “no-fault” or "no-cause" eviction in the past 2 years? (A “no-fault” or “no-cause” eviction is an eviction that is no fault of the tenant, but is allowed under the law.)
- Yes
  - No
  - I don't know
38. If you were displaced, did you have to move your work space away from Berkeley?
- Yes
  - No
39. Do you share your work space?
- Yes
  - No

40. What are some challenges you've faced in the past when trying to access or find affordable housing?

41. Please share any ideas you have on how to ensure equitable participation of BIPOC artists and cultural producers from other historically underserved communities, as well as recommendations for local organizations that should be consulted.

42. Do you have anything else to share with us?

-----END OF SURVEY-----



## Artists Definition and Certification process for the City of Berkeley

Approved by the Civic Arts Commission: May 25, 2022

*Whereas: "Artists play a critical role in the well-being of our communities and in the economic, social, and cultural fabric of our cities. Artists bring unique talent and skill to fostering cohesion and belonging, building trust, activating civic engagement, addressing mental health, cultivating collective safety, and celebrating community identity." From the City of San Francisco Guaranteed Income & Pilot, powered by Yerba Buena Center for the Arts: Learning and Insight from Design to Launch*

The purpose of the following process is to identify artists who are eligible for inclusion in a pool of applicants specifically qualified for artist's affordable live/work housing in the City of Berkeley. All artists must also qualify as low-income as set by the State of California.

The affordable live/work housing units available to this list of artists will be identified by the City of Berkeley. The Civic Arts Program will solicit applications from artists who reside in Berkeley or those who have been displaced from Berkeley within five years prior to their application for the affordable live/work housing eligible list.

Step One: Artists must apply for verification of low-income status per State of California guidelines before being considered for City of Berkeley artist certification.

Step Two: A rotating jury of arts professionals and artists will convene to review the following materials submitted by each applicant to certify artists for this program:

- A. Artist statement
- B. Submitted samples of artwork (online or PDF formats)
- C. Letter of interest and commitment to producing art and having a creative practice

Step Three: When spaces become available, certified artists can apply to be in a lottery for spaces that may have specific space-use conditions (clean vs. messy, loud vs. quiet, need for ventilation, need for use of heavy equipment, etc.).

### **Artists Affordable Housing Eligible List of Certified Artists**

1. The City of Berkeley will maintain a list of eligible artists who are interested in obtaining Artists Affordable housing in a lottery as spaces become available. This list shall be kept in two locations within the City of Berkeley. Two locations will be identified as being independent of any city-wide technical catastrophe.
2. Civic Arts will advertise the twice annual artist certification process.
3. Available units will be advertised to certified artists.
4. Information about the program and types of housing will be available on the Civic Arts website.
5. Annually Civic Arts will post an invitation to encourage building owners and developers to list unit opportunities with the program.
6. City of Berkeley should adopt a policy to incentivize this program with a City tax/fees waiver to encourage qualified building owners to list unit opportunities.

Step Four: This pool will be renewed twice a year.

#### **Requirement for Art Production:**

All artists occupying artists affordable live/work housing must maintain arts production with an active creative practice in these spaces. The intent of the program is to create and maintain spaces for producing artists with consistent public presentations. If an artist ceases to produce work for two-years then the artist will be notified of non-compliance and will be evicted.

#### **Artists eligibility using one or more of the following criteria:**

1. An individual (or team member of an arts group) who is regularly engaged in the arts on a professional basis. These include but are not limited to those who practice:

- A. Fine Arts such as painting, mixed media works, sculpture, photography, papermaking, printmaking, filmmaking or videography, or interdisciplinary art practices
  - B. Performing Arts such as dance, dance theatre, acting, directing, set design, or members of theatre troupes
  - C. Musical Arts such as musicians, composers, singers, choir members, band members, or ensemble members
  - D. Literary Arts such as writers of prose, poetry, or plays
  - E. Social Practice Arts including interdisciplinary modes of creative production with methods of public engagement
  - F. Craft Artisans who create such as fine woodworking, ceramics, glass blowing, textiles, jewelry, stained glass, metal works, fashion, blacksmithing, basketry, etc.
  - G. Artists who have culturally specific creative practices (folk arts, traditional arts, tradition bearers)
  - H. Self-taught and “outsider” artists
2. Creative production may be documented and renewed biennially on a CV or resume including one or more of the following:
- A. History of creating a body of public or publicly-displayed artwork, including public performances
  - B. Record of exhibitions and/or artwork sales or performances
  - C. History of temporary or permanent public art works
  - D. Education, apprenticeships or study

This definition does not include architectural and landscape services, industrial or graphic design services, computer systems design services, and other commercial activities normally conducted in an office environment.



**Art/Craft Studio shall be defined as:**

1. A live and work establishment in which the creation of art or crafts as defined above takes place. Such an establishment may be used to host periodic open studios, but otherwise is subject to the applicable district's requirements for incidental sales of goods made on site.
2. Art/Craft Studios may also include rehearsal spaces, small gathering places designed to include possible classes, readings, micro performances, exhibitions, or presentations. These are not required but available.
3. Art/Craft studios typically have larger spaces where the artist is in production. The living portion of the spaces must include kitchen, bathroom, and sleeping area. All construction is subject to building code that requires two entrances to the units. All spaces must include at least one operable window.

**Requirement for Street Activation:**

Street presence is of value to the life and sustainability of the City of Berkeley. Towards this end, recipients of artists affordable housing also make a commitment to participating in a visual display in street facing windows. The display is a visual phenomenon occupying the windows in relationship to artists' creative practice.

1. Artists have the routine responsibility to maintain a current lively rotating street presence in the windows of their spaces that face the street where they reside. The form for this is determined by the artist and the medium they are working in. The window displays can be two or three dimensional, in a tandem relationship to their art(s) practice. The scale of the visual presence will be conceived to respect the scale of the windows. Media may be presented in compliance with sound and light regulations in the City of Berkeley.
2. Windows facing the interior yards, or back yards do not need to be activated.





Energy Commission

ACTION CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Energy Commission

Submitted by: Bentham Paulos, Chairperson, Energy Commission

Subject: Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024

RECOMMENDATION

The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.

POLICY COMMITTEE RECOMMENDATION

No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.

SUMMARY

In this memo, the Energy Commission (which disbanded March 31, 2022, and was merged with the Community Environmental Advisory Commission in April 2022) provides details on specific budget and funding priorities for: staffing an Electric Mobility Coordinator and the Green Buildings Program Manager; fully funding the Building Electrification and Just Transition pilot project (especially to avoid risking loss of state funding); accelerate funding for the City's delayed fleet replacement with electric vehicles, residential electric vehicle charging infrastructure, and electric bike parking infrastructure; expanding public engagement and outreach; leveraging street maintenance budgets to incorporate and promote low-carbon mobility; and adopting policies and creating incentive programs to advance transportation and building electrification such as using the Transportation Network Company (TNC) User Tax General Fund revenue to fund bike and pedestrian projects and using a portion of the Transfer Tax to create an incentive program for residential building electrification.

## FISCAL IMPACTS OF RECOMMENDATION

The specific fiscal impacts are detailed in the budget recommendations below. At least one of our priority budget recommendations – to fully fund the Building Electrification and Just Transition pilot – is urgent and time-sensitive and cannot wait until the June budget process. Any delay risks Berkeley losing access to substantial state funding that could support this pilot.

## CURRENT SITUATION AND ITS EFFECTS

Berkeley has been a world leader on climate change and building electrification, as well as on zero waste. The City has already adopted an ambitious climate action plan and greenhouse gas (GHG) emission reduction goals.<sup>1</sup> Between our Building Emissions Savings Ordinance<sup>2</sup>, 2019 ban on gas in new construction, the 100% renewable option with East Bay Community Energy, and the Existing Buildings Electrification Strategy<sup>3</sup> (BEBES), approved by the Council last year<sup>4</sup>, we continue to lead the world with our thoughtfulness and action.

However, the task in front of us is daunting. With 60% of the City's emissions coming from the transportation sector and 36% from the building sector,<sup>5</sup> we must redouble our efforts to reduce climate emissions from transportation and buildings through electrification of buildings and transportation, sustainable low- and zero-carbon transportation modes, and other efforts. With the upcoming budget processes, we have ample opportunity to take necessary next steps to reach our zero emissions goals.

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<sup>1</sup> In 2006, voters overwhelmingly passed ballot Measure G and established Berkeley's goal to *Reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050*. Since then, the City has adopted a Climate Action Plan (2009).

On June 12, 2018, the Council passed item 30 which adopted a resolution establishing the goal of becoming a Fossil Fuel-Free City. Of the recommendations in the resolution, one was that "All future City government procurements of vehicles should minimize emissions and set a goal of transitioning the city's vehicle fleet to all electric vehicles."

Also, on June 12, 2018, the Council passed item 49 "Declaration of a Climate Emergency" which refers "to the Energy Commission to study and report back to Council on a path for Berkeley to become a "Carbon Sink" as quickly as possible, and to propose a deadline for Berkeley to achieve this goal" ideally by 2030.

<sup>2</sup> <https://www.cityofberkeley.info/BESO/>

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Berkeley%20Existing%20Bldg%20Elect%20Strategy\\_Final\\_102021.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Existing%20Bldg%20Elect%20Strategy_Final_102021.pdf)

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/12\\_Dec/Documents/2021-12-14\\_Item\\_06\\_Minutes\\_for\\_Approval.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Item_06_Minutes_for_Approval.aspx)

<sup>5</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2022/02\\_Feb/Documents/2022-02-08\\_Presentations\\_Item\\_17\\_Pres\\_Planning\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2022/02_Feb/Documents/2022-02-08_Presentations_Item_17_Pres_Planning_pdf.aspx)

The Energy Commission has identified the following priority items related to climate, buildings, and transportation in the City's Fiscal Year (FY) 2023 budget to ensure that the budget aligns with the City's adopted climate action plan and greenhouse gas (GHG) emission reduction goals.

At least one of our priority budget recommendations – to fully fund the Building Electrification and Just Transition pilot – is urgent and time-sensitive and cannot wait until the June budget process. Any delay risks Berkeley losing access to substantial state funding that could support this pilot.

At its meeting of February 23, 2022, the Energy Commission voted to send this recommendation to the City Council by a vote of 6-0-0-1 [Moved Tahara, Second Paulos. Ayes: Paulos, Wolf, Tahara, Moore, Guliasi, Zuckerman. Noes: None. Abstain: None. Absent: de Tournay Birkhahn].

### **Budget Priorities Recommended by the Energy Commission**

#### **I. Budget Priorities to Increase Staff Capacity to Implement the City's Established Climate, Transportation, and Clean Energy Policies and Priorities**

- 1. Fund and Hire Staff to Implement the Electric Mobility Roadmap.** The City had previously approved the hiring of an Electric Mobility Coordinator within the Public Works Department<sup>6</sup> to assist with implementation of the Berkeley Electric Mobility Roadmap adopted in July 2020<sup>7</sup>; but, at the time of writing, no position has been posted, now a year and a half after approval of the Roadmap.

The Council has been a leader in adopting resolutions acknowledging the need for a prompt transition away from fossil fuels and strategies for how to do so.<sup>8</sup> But, without additional staff capacity, and exacerbated by recent staff departures and necessary pandemic re-assignments, the City has not been able to make adequate progress on implementing initiatives to reduce global warming pollution from the transportation sector, which is the largest emitter of global warming pollution in Berkeley.<sup>9</sup> Existing staff's capacity is simply inadequate to lead implementation of the groundbreaking,

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<sup>6</sup> Budget Referral from Councilwoman Harrison, March 30, 2021. The Energy Commission's understanding is that this position was included in the FY21-22 Budget to commence half-way through the fiscal year or as an "unfunded council referral," which was supposed to be funded via savings from other cuts or delayed expenses.

[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-30\\_Item\\_25\\_Budget\\_Referral\\_Allocate\\_Funding.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-30_Item_25_Budget_Referral_Allocate_Funding.aspx)

<sup>7</sup> On July 21, 2020, the Council passed item 1, adopting the [Berkeley Electric Mobility Roadmap](#).

<sup>8</sup> *Ibid.*

<sup>9</sup> 59% of GHG emissions in Berkeley come from transportation, followed by 39% from buildings..

[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) (July 21, 2020).

transformative Roadmap in addition to their current responsibilities, and relying only on existing staff to implement will continue to cause unacceptable delays. **To implement the Electric Mobility Roadmap, it is critical that the City fund and hire additional staff beginning in the FY 2023 budget.**<sup>10</sup>

- 2. Increase Staff Necessary to Implement the Berkeley Existing Buildings Electrification Strategy, and Ensure Durable Funding for Critical Staff Positions.** In addition to the Electric Mobility Coordinator position, the Energy Commission believes it should also be a priority for the City to enhance staff capacity for implementing other climate and clean energy initiatives, such as, but not limited, to the Berkeley Existing Building Electrification Strategy<sup>11</sup> and Climate Equity Action Fund.<sup>12</sup>

City staff has and continues to do impressive work with limited staff. However, the scope of the task ahead of us is massive. As laid out by the BEBES, there are no fewer than 57 policy actions (Table 3-5, BEBES) that the City should take in order to decarbonize the building sector by 2045, let alone by 2030, which the science demands of comparatively wealthy municipalities such as ours. Many of these actions involve substantial education and regulatory initiatives, which can only be achieved with the addition of dedicated, skilled staff.

Although we defer to staff with respect to the specifics of what additional positions might be most useful, some critical actions include:

- Ensuring durable, long-term funding for the Green Buildings Program Manager. Although hiring has only recently begun, this role was approved as part of the

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<sup>10</sup> This single staff person will have an outsized impact, as they will be responsible for establishing and coordinating the Electric Mobility Roadmap Implementation Working Group as called for in the Roadmap. This Working Group was supposed to be convened within six months of the Roadmap's approval, but in the absence of staff capacity, it still has not been done. The Working Group's mandate includes tracking and evaluating Roadmap implementation progress. Without the Working Group, there is no accountability for the City to deliver against its stated electric mobility plans.

<sup>11</sup> On November 30, 2021, the Council passed item 13, adopting the [Berkeley Existing Building Electrification Strategy](#). Phase 1 (2021-2025) actions for the Berkeley Existing Building Electrification Strategy will lay the groundwork to support wide-spread transition to electrified buildings in Berkeley. Policies included in Phase 1 will involve continued community engagement, pilot projects, education campaigns to demonstrate the benefits and feasibility of electrification, collaboration with labor and workforce organizations to advance inclusive high road jobs, alignment of existing programs and incentives, and the development of additional incentive programs as well as larger scale funding and financing programs such as tariffed on-bill financing. The City of Berkeley will work with partners such as East Bay Community Energy and Pacific Gas & Electric to develop larger scale Phase 2 projects. There will also be a need to collaborate with regional and State partners to align State policies to support Phase 2 actions. (Berkeley Existing Building Electrification Strategy, p. 95.)

<sup>12</sup> The City recently issued an [RFP](#) for the Climate Equity Action Fund. but existing staff do not have the capacity to maximize program impact and collect lessons learned from this innovative fund.

2019 gas ban,<sup>13</sup> and its extension will be critical in helping to develop future code amendments and help to reduce permitting overhead, improve compliance, and address the myriad other regulatory questions identified in the BEBES.

- Supporting and expanding staffing across the City for programs related to tenant protections and anti-displacement, such as those listed in Appendix C of the BEBES. As we electrify our existing building stock, we will need to evolve and augment our existing policies to protect marginalized communities at risk of displacement (CC-9, BEBES). We cannot afford for these policies to lag behind the pace and scale of electrification measures in the city.
- Supporting and expanding OESD staff to facilitate updates to the 2009 Climate Action Plan as appropriate and programs to facilitate Berkeley's ambitious new greenhouse gas limit goals. For example, last year the Council passed a Resolution establishing a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in CO<sub>2</sub>e – 60.5% from 2018 levels by 2030.<sup>14</sup> Council is also actively considering more stringent and binding targets across its sector-based and consumption inventories. These new initiatives will have significant implications for the City's approach to building decarbonization. While we fully support these ambitious targets, efforts to implement them have been largely unfunded and understaffed. Achieving these targets will require a significant expansion of the City's climate staff capacity.

## II. Budget Priorities to Advance Clean Transportation in Berkeley

1. **Fund City Fleet Electrification and Charging.** On June 29, 2021, the City adopted item 25 approving the recommendations in the City Auditor's report "Fleet Replacement Fund Short Millions"<sup>15</sup>, which directed staff to adjust the fleet replacement funding model and budget, ensuring that the City's transition to electric vehicles (EVs) aligns with its adopted GHG emissions goals. On September 14, 2021, the Council adopted the recommendation from item 27 "Recommendations for Fleet Electrification Policy and Financing",<sup>16</sup> made by the Energy Commission, which referred to the City Manager to update the Municipal Fleet Electrification Assessment and EV charging funding priorities to respond to the City Auditor's Report and align with the objectives stated in the Electric Mobility Roadmap and

<sup>13</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/12\\_Dec/Documents/2019-12-03\\_Supp\\_2\\_Reports\\_Item\\_24\\_Supp\\_Arreguin\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/2019-12-03_Supp_2_Reports_Item_24_Supp_Arreguin_pdf.aspx)

<sup>14</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-30\\_Item\\_14\\_Cities\\_Race\\_to\\_Zero\\_Campaign\\_\\_2030\\_emission\\_reduction\\_target.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-30_Item_14_Cities_Race_to_Zero_Campaign__2030_emission_reduction_target.aspx)

<sup>15</sup> Fleet Replacement Fund Short Millions, Berkeley City Auditor, June 29, 2021. [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/06\\_June/Documents/2021-06-29\\_Supp\\_2\\_Reports\\_Item\\_25\\_Supp\\_Auditor\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/2021-06-29_Supp_2_Reports_Item_25_Supp_Auditor_pdf.aspx).

<sup>16</sup> Recommendations for Fleet Electrification Policy and Financing, From Energy Commission, Sept 14, 2021. [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/09\\_Sep/City\\_Council\\_\\_09-14-2021\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/09_Sep/City_Council__09-14-2021_-_Regular_Meeting_Agenda.aspx) - Item 27

prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility where feasible.

The Fleet EV Plan identified 32 vehicles to replace with EVs in FY 2021, requiring an estimated \$1.16 million; but, as of June 2021, Public Works had only \$747,000 to replace 29 vehicles scheduled to be replaced with EVs in FY 2021. The Energy Commission's recommendation noted that delaying replacement of these vehicles in 2021 would result in greater GHG emissions:

“For example, per the Fleet EV Plan, if the City does not replace light-duty internal combustion cars with EVs as scheduled in 2021, it will produce an estimated additional 10.6 MT of GHG emissions in 2021; if not replaced as planned in 2022 an additional 19.5 MT of GHGs would be emitted in 2022; and so on.” (page 4).

It is the Energy Commission's understanding that East Bay Community Energy (EBCE) has offered to provide substantial investments in the City of Berkeley for EV charging infrastructure, which would support progress on the City's fleet electrification and free up City funds that would otherwise have been spent on EV charging infrastructure. The Energy Commission urges the Council to resolve the budget gaps identified in the Auditor's report and explore additional funding sources so that the City can accelerate its purchases of EVs and the associated EV charging infrastructure in FY 2023.

A global microchip shortage resulting in prolonged supply chain delays and long wait times for the delivery of EVs is compounding the necessity for the City to take immediate action on fleet replacement. These delays are being exacerbated by the recent surge in demand for EVs. As more municipalities similarly pass electrification plans, Berkeley will see increasing competition for the same vehicles. The City must thus plan and order ahead if it wants to have a smooth fleet transition. The City should also commence its purchase of e-bikes for the years ahead, as replacements to existing City vehicles where appropriate. E-bikes are both highly cost effective and may not face the same supply chain delays as electric cars and trucks. The Energy Commission recommends that the Council prioritize these municipal fleet EV replacements, along with the associated EV charging infrastructure, in the FY 2023 budget.

2. **Expand Infrastructure for Residential EV Charging and E-Bike Parking.** The City should prioritize funds to address solutions for residential curbside EV charging. The City's Residential Curbside EV Charging Pilot Program<sup>17</sup> sunset in 2020. The development model the pilot used – private ownership of a charger on the side of a

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<sup>17</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Manual%20with%20attachments%2012-1-14.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Manual%20with%20attachments%2012-1-14.pdf)



public street – was not successful. While 62 residents applied for the program, only four on-site and seven curbside chargers were installed - high permitting fees, restrictive engineering requirements, lack of control of the parking space adjacent to the charger, and poor access to electrical supply resulted in high costs.<sup>18</sup> Given the number of Berkeley residents who do not have access to a driveway or garage, the Electric Mobility Roadmap identified as a high priority the need to deploy curbside charging for electric cars, particularly in neighborhoods with high rates of multifamily and rental housing. The next phase of curbside charging will incorporate lessons learned from the Pilot, investigate alternative strategies, identify state and federal funding sources, and explore partnerships with EBCE and EV charging companies.

The City should also investigate the potential to provide public secure parking for other types of fossil fuel-free vehicles, namely e-bikes and cargo bikes, for apartment dwellers. E-bikes and cargo bikes tend to be larger and heavier than regular bicycles, making them difficult to carry up steps. A paid, public parking system, such as the BikeLink lockers at BART stations, may be adapted to street parking near apartment buildings.

The Council should allocate funds in the budget for an electric mobility staff person who would oversee new projects — research other cities' approaches, evaluate Berkeley's codes, standards, and permitting processes, and conduct feasibility studies — along with funds for the pilot projects themselves.

3. **Incorporate Low-Carbon Mobility into Street Maintenance Budget.** While Council is considering a bond measure that would make capital investments in our transportation system, the City should also revisit how the maintenance budget can be used to promote low-carbon mobility.

The Council has approved multiple plans to promote safe, equitable, and low-carbon mobility for all. These “complete streets” concepts are captured in the Bicycle Plan, Pedestrian Plan, Vision Zero Action Plan, and analysis of Safe Routes to School.<sup>19</sup> But many of the measures in these plans have been implemented slowly, if at all. The Council should direct the Public Works Department to follow these plans to the letter, and integrate all low-cost and rapidly deployable concepts from the plans into their ongoing maintenance. The timing of deploying higher cost measures may necessarily depend on funding.<sup>20</sup>

<sup>18</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/02\\_Feb/Documents/2018-02-27\\_Item\\_16\\_Residential\\_Curbside\\_Electric.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-27_Item_16_Residential_Curbside_Electric.aspx)

<sup>19</sup> See [Bicycle Plan](#), [Pedestrian Plan](#), [Vision Zero Action Plan](#), [Safe Routes to School](#).

<sup>20</sup> A related concept is that the Council should consider giving a more formal policy status to Bicycle Boulevards. While the Boulevards serve as a useful wayfinding tool for cyclists, their designation does not give the streets a meaningful status, and no prioritization when it comes to City planning or operations. For example, places where Bicycle Boulevards cross busy streets, such as at California/Dwight or Channing/San Pablo, face years of delay before safe crossing solutions can be implemented. Numerous

On January 18, 2022, the Council adopted item 19, referring a budget item to use Transportation Network Company (TNC) User Tax General Fund revenue to build and maintain protected bicycle lanes and crossings, pedestrian street crossings, and quick-build public transit projects under the Street Repair Program. The Energy Commission recommends that the Council follow through on its plan to use this revenue to benefit transportation projects in Berkeley.

### III. Budget Priorities and Financial Incentives to Advance Building Decarbonization in Berkeley

1. **Fully Fund the Building Electrification and Just Transition Pilot Project.** In the December 2021 Annual Adjustment Ordinance (AAO) budget process, the Mayor declared, and the Council approved, that the Building Electrification and Just Transition pilot (“the pilot”)<sup>21</sup> be a first priority to be funded in the May 2022 AAO.<sup>22</sup> Consistent with the City’s “targeted universalism” approach to building electrification,<sup>23</sup> the pilot intends to kick-start electrification among affordable housing and low income (LMI) communities through incentives, and develop high-road jobs through labor standards and contractor prequalification.

**Funding for this item in the May AAO is critical, and cannot wait until the June budget process.** Any delay risks losing access to substantial state funding that could multiply the reach and impact of the pilot. The California TECH initiative, an \$120 million initiative established by SB 1477, recently began offering incentives for heat pump space and water heating that can defray nearly \$10,000 of cost per home,<sup>24</sup> including the cost of an electric panel upgrade. These incentives are accessible to contractors via the BayREN Home+ programs, which will simplify administration of the pilot due to its use of pre-qualified contractors.

There is additional urgency as well. The Bay Area Air Quality Management District (BAAQMD) is looking at phasing out the sale of NOx-emitting appliances by the end

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Bicycle Boulevards suffer from extremely poor pavement condition. Stop signs often favor cars instead of the Boulevards, and lighting can often be sub-standard. All of these factors undermine achievement of City plans, threaten public safety, and lock in carbon pollution. Direction from the Council to staff could take the form of a formal designation of the Boulevards as a category of street, just as Public Works delineates “arterials” and “collectors” when it comes to planning and operations.

<sup>21</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/City\\_Council\\_11-30-2021\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/City_Council_11-30-2021_-_Regular_Meeting_Agenda.aspx)

<sup>22</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/12\\_Dec/Documents/2021-12-14\\_Supp\\_2\\_Reports\\_Item\\_44\\_Supp\\_Mayor\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Supp_2_Reports_Item_44_Supp_Mayor_pdf.aspx)

<sup>23</sup> According to the BEBES: “Targeted Universalism is the practice of setting a universal policy goal...while identifying targeted strategies and actions specifically for marginalized communities to ensure that those communities can benefit from the policy goal.”

<sup>24</sup> For single-family homes (up to 4 units), including “enhanced” incentives for HPWH. See: <https://energy-solution.com/wp-content/uploads/2021/12/TECH-Single-and-Multifamily-Incentives.pdf>

of the decade,<sup>25</sup> which will significantly affect the availability of non-electric space and water heating. However, BAAQMD recognizes that such a rule can only be effective if there is sufficient financial support for disadvantaged communities and a robust installer network (things the BEBES also calls out) so that everyone can reap the benefits of zero-pollution appliances without facing substantial costs. **These costs cannot be borne by cities alone, but Berkeley can lay the groundwork to leverage state and federal money with its pilot and thus significantly contribute to the regional effort to improve air quality and GHG emissions.**

2. **Use Transfer Tax Revenues to Provide Incentives for Electrification.** With soaring home prices, the transfer tax represents a durable source of funds that the City should leverage to accelerate our building electrification goals. There are two potential models to consider.

First, would be to model a rebate program after the Seismic Retrofit Refund Program<sup>26</sup> that would rebate a percentage of the transfer tax with a value up to the cost of a typical electrification package for electrification measures completed within one year of transfer. This would incentivize electrification at a time when there is large access to capital, and could lay the groundwork for an ultimate requirement to retrofit at time of sale. OESD staff have already provided Council with a draft ordinance and indicate that each year on average 800 units would qualify through this mechanism.<sup>27</sup>

The Energy Commission recommends that Council move forward with this ordinance but with a cap on the amount of eligible homeowner rebates per year. These rebates are critical to the City's long-term strategy of phasing in potential electrification mandates as feasible.

At the same time, as a diverse and majority renter city, it is critical that electrification subsidies are also available for units occupied by rent controlled or below market rate tenants. As a second model option, a percentage of the transfer tax refund program (for example, the difference between the reserved and actual rebate amounts) might be simultaneously allocated to expand electrification work among those LMI and minority communities most affected by inequality, pollution, climate change, or at risk of displacement. This could come in the form of expanding the Building Electrification and Just Transition pilot and Climate Equity Fund to reach more households, or other incentive programs targeted at those same communities.

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<sup>25</sup> <https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>

<sup>26</sup> [https://www.cityofberkeley.info/Finance/Home/Real\\_Property\\_Transfer\\_Tax\\_Seismic\\_Refunds.aspx](https://www.cityofberkeley.info/Finance/Home/Real_Property_Transfer_Tax_Seismic_Refunds.aspx)

<sup>27</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_03\\_Referral\\_Response\\_Ordinance\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_03_Referral_Response_Ordinance_pdf.aspx)

- 3. Adopt Policies to Promote Implementation of Low-cost, Partial Electrification measures.** In addition to enacting full retrofit programs, we recommend that the Council consider low-cost, partial electrification measures to maximize the immediate climate and health impacts of electrification measures. For example, a requirement that any AC installation instead be a heat pump (TR-7, BEBES) could be coupled with a subsidy for LMI communities to pay for the cost difference between an AC and an equivalent heat pump model, which is estimated to be between just \$200 and \$500 wholesale.<sup>28</sup> An installer subsidy of \$676 alone could be enough to nearly double heat pump market share even absent a mandate<sup>29</sup>. Other low-cost measures might include the purchasing and distribution of portable heat pumps to provide cooling to households on our increasing number of hot days (newer inverter models offer substantial energy savings over traditional portable ACs<sup>30</sup>), portable induction units as both a gateway into electric cooking and a mechanism to reduce indoor NOx pollution that has been demonstrated to cause asthma in small children,<sup>31</sup> as well as weatherization work to make homes safer, more comfortable, and to reduce energy use. Council might also consider rebates for electrification at time of replacement, or provide access to equipment purchased under bulk purchasing agreements as part of the Building Electrification and Just Transition pilot program.

#### **IV. Budget Priorities to Educate and Engage Berkeley Residents in Implementing Transportation and Building Electrification**

- 1. Expand Sustainability Outreach Events.** In conjunction with implementation of the Electric Mobility Roadmap and Existing Building Electrification Strategy, it is appropriate for the City to continue and expand public engagement on alternative transportation and green building solutions.

Increasing electric mobility awareness and education is a key strategy in the Electric Mobility Roadmap for achieving the City's zero net carbon goals. Berkeley has already organized four highly successful annual Ride Electric events, which brought the public together to learn about and, in certain cases, test drive EVs and e-bikes. The City has also partnered successfully with other local groups to organize in-person and virtual green building tours that feature clean energy, energy and water conservation, gray water, electric appliances, and garden features.

As technologies and incentives evolve, more members of the public consider adopting electric mobility and building electrification technologies, and as the City

<sup>28</sup> <https://www.clasp.ngo/research/all/3h-hybrid-heat-homes-an-incentive-program-to-electrify-space-heating-and-reduce-energy-bills-in-american-homes/>

<sup>29</sup> *ibid*

<sup>30</sup> <https://www.midea.com/us/air-conditioners/portable-air-conditioners/midea-duo-smart-inverter-portable-air-conditioner-map12s1tbl>

<sup>31</sup> <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=310879>

increases its e-mobility expertise through additional staffing, these events can and should continue to play an important role in getting Berkeley residents to transition away from fossil fuels. The Roadmap states that the City will expand electric mobility education and outreach activities, with a goal of increasing awareness of electric mobility options and incentives.<sup>32</sup> To deliver on this commitment, the City must allocate funds for these events in its next budget.

With its recent adoption of the Existing Building Electrification Strategy, the Council must expand funding for sustainability outreach events to also address needs identified in the Strategy. For example, the Strategy identified a need for education to address the steep learning curve and cultural sensitivity around cooking with electric stoves, as cooking is a cultural asset and many feel strongly about cooking with gas stoves.<sup>33</sup> While the City has hosted building electrification events, including loan programs for residents to try out electric induction cooktops, it will need to do more to engage residents in adopting electric heat pumps, induction stoves, and other technologies.

### BACKGROUND

The City has existing mandated climate goals and emissions reductions commitments, and already-adopted strategies, such as the Electric Mobility Roadmap and the Existing Buildings Electrification Strategy. Furthermore, the City has already approved certain staff positions and investments, such as an Electric Mobility Coordinator position and commitments to replace the City's vehicle fleet with electric vehicles on a schedule. The City is falling behind in hiring and filling needed positions and in executing on needed investments. The budget recommendations proposed by the Energy Commission in this memo seek to ensure the City stays on track to meet its goals.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

If the Council further delays investments or doesn't include our recommended priorities in the upcoming budget, it puts at risk the health and safety of Berkeley's residents, the City's achievement of its adopted and mandated climate, clean energy, and transportation goals, and its national and global leadership on addressing climate change in innovative ways.

### RATIONALE FOR RECOMMENDATION

The Energy Commission commends the Council for its many years of leadership to reduce Berkeley's global warming pollution and to advance clean energy solutions for the transportation and building sectors. Our budget is a declaration of our values. We have a tremendous opportunity to accelerate building decarbonization while improving equity through targeted universalism, and we must seize the moment to secure a safer, healthier, more resilient future.

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<sup>32</sup> Berkeley Electric Mobility Roadmap, p. 43.

<sup>33</sup> Berkeley Existing Building Electrification Strategy, p. 42.

However, if the Council further delays investments in staffing, fleet electrification and electric vehicle charging infrastructure, building maintenance and retrofits, and public education in the FYE 2023 and 2024 budget, it puts at risk the health and safety of Berkeley's residents, the City's achievement of its adopted and mandated climate, clean energy, and transportation goals, and its national and global leadership on addressing climate change in innovative ways. The Energy Commission thus urges the City Council to incorporate the above stated priorities into its FYE 2023 and 2024 budget.

ALTERNATIVE ACTIONS CONSIDERED

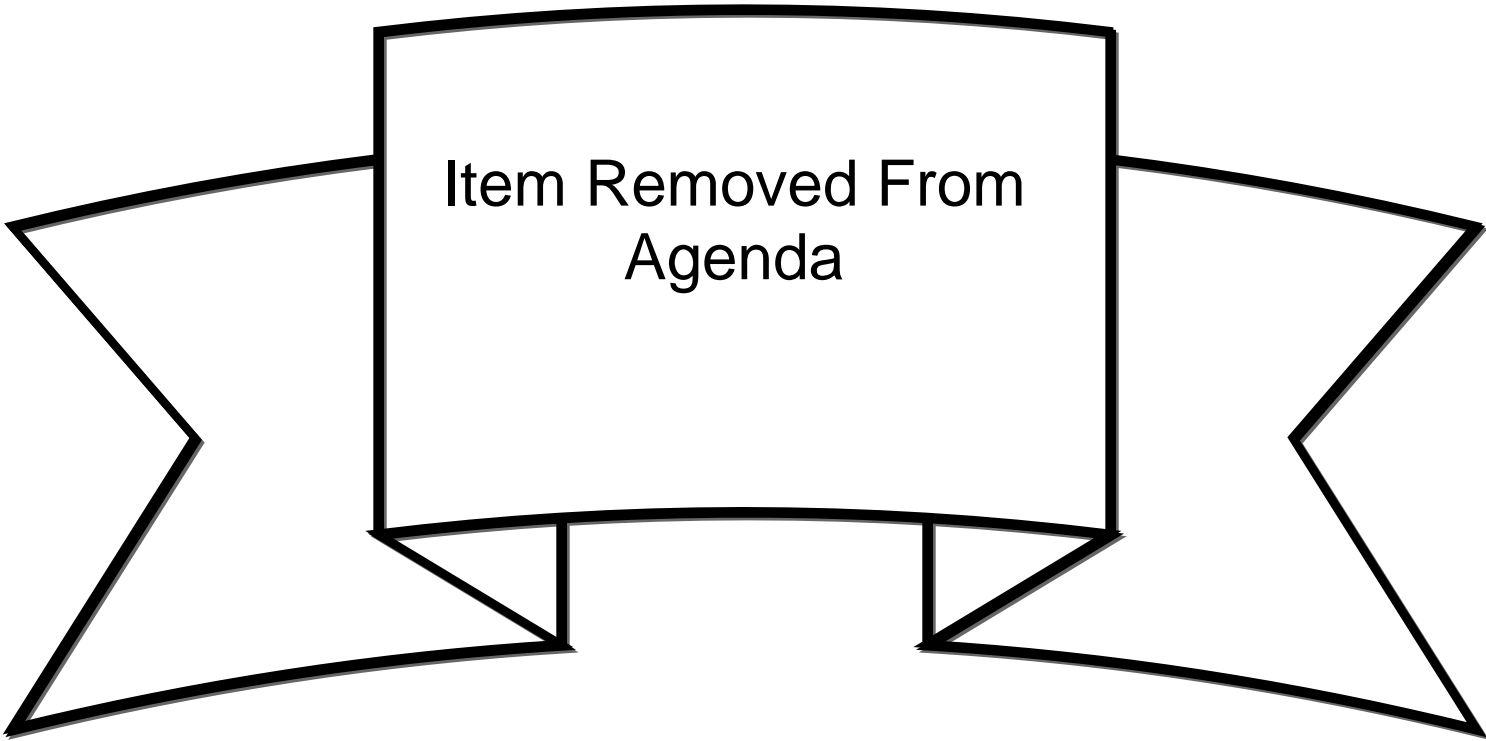
We did not consider excluding these items from the budget.

CITY MANAGER

The City Manager recommends that the content and recommendations of the Commission's Report be referred to the budget process.

CONTACT PERSON

Billi Romain, Energy Commission Secretary, 510-981-7432



Item Removed From  
Agenda

This item has been removed from the agenda by the submitting office.

If you have questions regarding this report, please contact the person noted on the agenda.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Website**

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







Office of the Mayor

CONSENT CALENDAR  
May 23, 2023

To: Members of the City Council  
 From: Mayor Jesse Arreguín  
 Subject: Resolution to Support SB 532

RECOMMENDATION

Adopt a Resolution in support of Senate Bill 532, introduced by Senator Scott Weiner and coauthored by Assembly Member Phil Ting, and send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.

SUMMARY

Current law stipulates ballots used when voting on a measure proposed by a local governing body or submitted by the voters as an initiative or referendum measure must include a printed statement detailing the amount of money to be raised annually and the rate and duration of a local tax to be levied. If adopted, Assembly Bill 532 would amend Section 13119 of the Elections Code, allowing for an exemption to this requirement when a local measure imposes or increases a tax with more than one rate or authorizes the issuance of bonds. Instead, these types of measures would require the ballot to include an estimate of the amount of money to be raised annually and the rate and duration of the tax to be levied. Also, if adopted, there would be no word limit and statements could be provided in bullet point format. In addition, this bill would create a state-mandated local program that oversees the new duties on local elections officials conducting these estimates. If costs associated with mandating this bill are accrued and identified by the Commission on State Mandates, these costs will be reimbursed pursuant to existing statutory provisions included in the California Constitution.

BACKGROUND

For ballot measures that relate to new or increasing taxes, voters in California are provided with statements to educate them on the budgets to be raised throughout the duration of the tax. Local jurisdictions that submit a ballot measure that include more than one tax to be levied may find it difficult to precisely measure the amount that will be raised as one tax may influence the other and vice versa. In addition, the tax rate for bonds issued in multiple series under one voter approval may fluctuate significantly over time. Given the nuance of some of these local measures, voters can also benefit from a word limit being lifted. The current 75-word threshold may not be enough space for voter education to explain complex financial matters. This bill would ideally create greater voter transparency into the financial implications of ballot measure and leave

room for authors to also describe the benefit or non-financial impacts when raising these funds.

In 2015, the legislature enacted a law requiring a measure that imposes or increases a tax to include in the ballot label language “the amount of money raised annually and the rate and duration of the tax to be levied” to be limited to 75 words. In 2017, the legislature passed further amendments applying the requirement to the issuance of bonds. However, transit agencies, school districts, cities, counties, hospitals, libraries, and other public entities that are legally required to rely on ballot measures to raise critical funds were found to be limited in their ability to describe complex tax and bond measures when written to fit a 75-word ballot label. In addition, whittling down a description to less than 75 words may cause voters to become misled or fill gaps of knowledge with their own assumptions, moving them away from understanding the full extent of the measure and its impacts. According to a statement from Senator Weiner’s office, many agencies had seen a decrease of 5 to 15 percentage points in their polling as a result of the aforementioned legislative changes.<sup>1</sup>

SB 532 had originally been authored with language to allow for local jurisdictions to choose between pursuing the current word-limit or print the following in the ballot label: “See voter guide for measure information statement.” Furthermore, SB 532 would have required a local jurisdiction to describe to add further descriptions of the ballot measure in the voter guide depending on the type of financial measure. The Senate Governance And Finance and Senate Elections and Constitutional Committees provided amendments which removed these portions of the bill. The bill has since been re-referred to the Senate Appropriations Committee. The spirit of the bill is still maintained with its current amendments, and allows for the intended impact to be achieved by removing the word limit in the description of these related measures.

SB 532 is sponsored by the Nonprofit Housing Association of Northern California and the Coalition for Adequate School Housing. It is supported by San Diego Housing Federation, the California State Council of SEIU, and Urban Counties of California.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental impact.

#### CONTACT PERSON

Mayor Jesse Arreguín, 510-981-7100  
Anthony Rodriguez, Senior Legislative Assistant

#### ATTACHMENTS

- 1: Resolution (SUPPORT OF CALIFORNIA SENATE BILL 532)
- 2: Text of SB 532 (as of April 25, 2023)

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<sup>1</sup> <https://sd11.senate.ca.gov/news/20230215-senator-wiener-introduces-legislation-improve-transparency-financial-impacts-critical>

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

SUPPORTING SENATE BILL 441

WHEREAS, for ballot measures that relate to new or increasing taxes, voters in California are provided with statements to educate them on the budgets to be raised throughout the duration of the tax limited to 75-words; and

WHEREAS, the current 75-word limit requirements reduce the amount of space on the ballot label available to describe what the revenues raised by a measure would be used for; and

WHEREAS, these ballot label requirements can be confusing and misleading to voters; and

WHEREAS, the tax rate for bonds issued in multiple series under one voter approval may fluctuate significantly over time, thus making it difficult to predict; and

WHEREAS, SB 532 would amend Section 13119 of the Elections Code, allowing for an exemption to current requirements when a local measure imposes or increases a tax with more than one rate or authorizes the issuance of bonds, and allows for estimates in funds raised when more than one tax is increased or added as part of a ballot measure; and

WHEREAS, SB 532 would address a serious problem in current law that inhibits local tax mechanisms that cannot be accurately explained in the 75-word ballot label; and

WHEREAS, SB 532 expands transparency for local tax measures by providing the option to include key financial measures in the voter information guide, while amending ballot label requirements that have proven problematic or even impossible for tiered tax rates and bond issuances; and

WHEREAS, the City of Berkeley believes SB 532 is in-line with its commitment, to providing fair, impartial, and knowledgeable elections to all its residents; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 532.

BE IT FRUTHER RESOLVED that copies of the Resolution be sent to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.

AMENDED IN SENATE APRIL 25, 2023

AMENDED IN SENATE APRIL 13, 2023

AMENDED IN SENATE MARCH 30, 2023

**SENATE BILL**

**No. 532**

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**Introduced by Senator Wiener**  
(Coauthor: Assembly Member Ting)

February 14, 2023

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An act to amend Sections 9401, 9403, 9405, and Section 13119 of, to amend the heading of Chapter 5 (commencing with Section 9400) of Division 9 of, to add Section 9406 to, and to repeal and add Section 9400 of, of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Wiener. Ballot measures: local taxes.

Existing law requires that the ballots used when voting upon a measure proposed by a local governing body or submitted to the voters as an initiative or referendum measure, including a measure authorizing the issuance of bonds or the incurrence of debt, have printed on them a true and impartial statement describing the purpose of the measure. If the proposed measure imposes a tax or raises the rate of a tax, existing law requires the ballot to include in the statement of the measure the amount of money to be raised annually and the rate and duration of the tax to be levied.

This bill would exempt from this requirement a measure that imposes or increases a tax with more than one rate or authorizes the issuance of bonds. The bill would instead permit for these types of measures the statement of the measure to include the words "See voter guide for measure information statement and an explanation of how this measure

could impact local property taxes.” The bill would exclude these words from any word count limit that applies to the statement of the measure. The bill would require an elections official to ensure that each polling place has voter information guides, as specified. *If the proposed measure imposes or increases a tax with more than one rate, or authorizes the issuance of bonds, this bill would require that the ballot include in the statement of the measure to be voted on an estimate of the amount of money to be raised annually and the rate and the duration of the tax to be levied. This statement, which may contain bullet points, would not count toward any word limit that applies to the statement of the measure.*

Existing law requires local governments, when submitting for voter approval a bond measure that will be secured by an ad valorem tax, to provide the voters with a statement that includes estimates of the tax rates required to fund the measure.

~~This bill would additionally require for a measure that imposes or increases a tax with more than one rate or authorizes the issuance of bonds, that voters be provided with a statement that includes specified information relating to the tax that will be imposed or increased as a result of the measure.~~

By imposing new duties on local elections officials, the bill would create a state-mandated local program.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 9400 of the Elections Code is repealed.~~

2 ~~SEC. 2. The heading of Chapter 5 (commencing with Section~~  
3 ~~9400) of Division 9 of the Elections Code is amended to read:~~

4

5 ~~CHAPTER 5. LOCAL TAX OR BOND MEASURES~~

6

7 ~~SEC. 3. Section 9400 is added to the Elections Code, to read:~~

1 9400. ~~(a) For each tax measure specified in paragraph (3) of~~  
 2 ~~subdivision (b) of Section 13119, a measure information statement~~  
 3 ~~shall be mailed to the voters, or electronically submitted to the~~  
 4 ~~voters pursuant to Section 13300.7, with the sample ballot for the~~  
 5 ~~election to authorize the tax. The measure information statement~~  
 6 ~~required by this section shall be filed with the elections official~~  
 7 ~~conducting the election not later than the 88th day before the~~  
 8 ~~election, and it shall include all of the following:~~

9 (1) ~~A concise description of the purpose of the tax proposed,~~  
 10 ~~including how the bond proceeds or tax revenue will be spent to~~  
 11 ~~benefit the community.~~

12 (2) ~~If the measure imposes a tax expected to have more than~~  
 13 ~~one tax rate, a list of all the tax rates that are expected to apply and~~  
 14 ~~a description of how the tax will be imposed.~~

15 (3) ~~A plain language description of any mechanism that would~~  
 16 ~~cause the tax rate or rates to vary over time.~~

17 (4) ~~An explanation of the duration of the tax stating whether~~  
 18 ~~the tax expires on a specific date, expires upon final payment of~~  
 19 ~~indebtedness, does not expire until further action by the voters or~~  
 20 ~~the local governing body, or expires as the result of some other~~  
 21 ~~action or occurrence.~~

22 (5) ~~Except if the information specified in paragraph (6) of this~~  
 23 ~~subdivision is included, the best estimate from official sources of~~  
 24 ~~the average annual dollar amount of taxes that would be collected~~  
 25 ~~during the ten-year period following the initial levy.~~

26 (6) ~~If the tax measure would authorize the issuance of bonds,~~  
 27 ~~the security for which constitutes a lien on the property for ad~~  
 28 ~~valorem taxes within the jurisdiction, all the disclosures required~~  
 29 ~~by Section 9401.~~

30 (b) ~~For purposes of an election to approve a tax under the~~  
 31 ~~Mello-Roos Community Facilities Act of 1982, Chapter 2.5~~  
 32 ~~(commencing with Section 53311) of Part 1 of Division 2 of Title~~  
 33 ~~5 of the Government Code, or a charter city's authority under~~  
 34 ~~Section 5 of Article XI of the California Constitution, the statement~~  
 35 ~~required by subdivision (a) may consist entirely of a complete~~  
 36 ~~copy of the report and resolution of formation described in Sections~~  
 37 ~~53321.5 and 53325.1 of the Government Code, or, in the case of~~  
 38 ~~a charter city, the applicable charter or ordinance provision.~~

39 SEC. 4. ~~Section 9401 of the Elections Code is amended to read:~~

1 9401. (a) In connection with each bond issue proposed by a  
2 county, city and county, city, school district, community college  
3 district, or special district, or by any agency, department, or board  
4 thereof, the security for which constitutes a lien on the property  
5 for ad valorem taxes within the jurisdiction and the proposal for  
6 which is required to be submitted to the voters for approval, a  
7 measure information statement, which shall be combined with any  
8 measure information statement required by Section 9400, shall be  
9 mailed to the voters, or electronically transmitted to the voters  
10 pursuant to Section 13300.7, with the sample ballot for the bond  
11 election. The measure information statement required by this  
12 section shall be filed with the elections official conducting the  
13 election not later than the 88th day before the election, and shall  
14 include all of the following:

15 (1) The best estimate from official sources of the average annual  
16 tax rate that would be required to be levied to fund that bond issue  
17 over the entire duration of the bond debt service, based on assessed  
18 valuations available at the time of the election or a projection based  
19 on experience within the same jurisdiction or other demonstrable  
20 factors. The estimate shall also identify the final fiscal year in  
21 which the tax is anticipated to be collected.

22 (2) The best estimate from official sources of the highest tax  
23 rate that would be required to be levied to fund that bond issue,  
24 and an estimate of the year in which that rate will apply, based on  
25 assessed valuations available at the time of the election or a  
26 projection based on experience within the same jurisdiction or  
27 other demonstrable factors.

28 (3) The best estimate from official sources of the total debt  
29 service, including the principal and interest, that would be required  
30 to be repaid if all the bonds are issued and sold. The estimate may  
31 include information about the assumptions used to determine the  
32 estimate.

33 (b) In addition, the statement may contain a declaration of policy  
34 of the legislative or governing body of the applicable jurisdiction,  
35 proposing to use revenues other than ad valorem taxes to fund the  
36 bond issue, and the best estimate from official sources of these  
37 revenues and the reduction in the tax rate levied to fund the bond  
38 issue resulting from the substitution of revenue.

1 ~~(e) The words “tax rate” as used in this chapter means tax rate~~  
2 ~~per one hundred dollars (\$100) of assessed valuation on all property~~  
3 ~~to be taxed to fund a bond issue described in Section 9400.~~

4 ~~SEC. 5. Section 9403 of the Elections Code is amended to read:~~  
5 ~~9403. Failure to comply with this chapter does not affect the~~  
6 ~~validity of either of the following:~~

7 ~~(a) A bond issue following the sale and delivery of the bonds.~~

8 ~~(b) A tax following its initial imposition.~~

9 ~~SEC. 6. Section 9405 of the Elections Code is amended to read:~~

10 ~~9405. (a) If the elections official is required to mail a measure~~  
11 ~~information statement, as provided in Section 9400 or 9401, only~~  
12 ~~one copy of the measure information statement shall be mailed to~~  
13 ~~a postal address where two or more registered voters have the same~~  
14 ~~surname and the same postal address, or the measure information~~  
15 ~~statement may be transmitted electronically pursuant to Section~~  
16 ~~13300.7.~~

17 ~~(b) This section only applies if the legislative body adopts this~~  
18 ~~section and the election official conducting the election approves~~  
19 ~~of the procedure.~~

20 ~~SEC. 7. Section 9406 is added to the Elections Code, to read:~~

21 ~~9406. An estimate or projection made in the measure~~  
22 ~~information statement required pursuant to Section 9400 or 9401~~  
23 ~~shall not restrict or limit the tax imposed in accordance with the~~  
24 ~~measure.~~

25 ~~SEC. 8.~~

26 ~~SECTION 1. Section 13119 of the Elections Code is amended~~  
27 ~~to read:~~

28 ~~13119. (a) The ballots used when voting upon a measure~~  
29 ~~proposed by a local governing body or submitted to the voters as~~  
30 ~~an initiative or referendum measure pursuant to Division 9~~  
31 ~~(commencing with Section 9000) shall have printed on them the~~  
32 ~~words “Shall the measure (stating the nature thereof) be adopted?”~~  
33 ~~To the right or below the statement of the measure to be voted on,~~  
34 ~~the words “Yes” and “No” shall be printed on separate lines, with~~  
35 ~~voting targets. If a voter marks the voting target next to the printed~~  
36 ~~word “Yes,” the voter’s vote shall be counted in favor of the~~  
37 ~~adoption of the measure. If a voter marks the voting target next to~~  
38 ~~the printed word “No,” the voter’s vote shall be counted against~~  
39 ~~its adoption.~~



1 (b) (1) Except for a measure described in paragraph (2), if the  
2 proposed measure imposes a tax or raises the rate of a tax, the  
3 ballot shall include in the statement of the measure to be voted on  
4 an estimate of the amount of money to be raised annually and the  
5 rate and duration of the tax to be levied.

6 (2) *If the proposed measure imposes or increases a tax with*  
7 *more than one rate, or authorizes the issuance of bonds, the ballot*  
8 *shall include in the statement of the measure to be voted on a fiscal*  
9 *disclosure that includes an estimate of the amount of money to be*  
10 *raised annually and the rate and duration of the tax to be levied.*

11 (3) *This fiscal disclosure in paragraph (2), which may contain*  
12 *bullet points, does not count toward any word limit that applies*  
13 *to the statement of the measure.*

14 ~~(2) If the proposed measure imposes or increases a tax with~~  
15 ~~more than one rate, or authorizes the issuance of bonds, the~~  
16 ~~jurisdiction submitting the measure to the voters, or, in the case~~  
17 ~~of an initiative measure, the proponents, shall, not later than 88~~  
18 ~~days before the election, inform the elections official conducting~~  
19 ~~the election which of the following shall be included in or~~  
20 ~~immediately following, as applicable, the statement of the measure:~~

21 (A) ~~The estimate, rate, and duration information described in~~  
22 ~~paragraph (1).~~

23 (B) ~~The phrase “See voter guide for measure information~~  
24 ~~statement and an explanation of how this measure could impact~~  
25 ~~local property taxes.”~~

26 (3) ~~If the statement of the measure is to include the phrase~~  
27 ~~provided for in subparagraph (B) of paragraph (2), the~~  
28 ~~specifications of the election order for the measure, or, in the case~~  
29 ~~of an initiative measure, the full text of the measure itself, shall~~  
30 ~~include a statement of the reasons for selecting the inclusion of~~  
31 ~~the phrase provided for in subparagraph (B) of paragraph (2).~~

32 (4) ~~If the elections official is informed that the statement of the~~  
33 ~~measure shall include the phrase contained in subparagraph (B)~~  
34 ~~of paragraph (2), the requirements of Section 9400 apply to the~~  
35 ~~measure, and the 19 words of the phrase shall not count toward~~  
36 ~~any word limit that applies to the statement of the measure.~~

37 (c) The statement of the measure shall be a true and impartial  
38 synopsis of the purpose of the proposed measure, and shall be in  
39 language that is neither argumentative nor likely to create prejudice  
40 for or against the measure.

1 (d) Any estimate or projection included in the statement of the  
2 measure pursuant to this section, or included in the ~~statements~~  
3 *statement* required pursuant to Section ~~9400 or~~ 9401, shall not  
4 restrict or limit the tax imposed in accordance with the measure.

5 (e) For purposes of this section, the following definitions apply:

6 (1) “Local governing body” means the governing body of a city,  
7 county, city and county, including a charter city or charter county,  
8 or district, including a school district.

9 (2) “Target” means an object designated as the aim for a voter  
10 to make a vote selection.

11 ~~(f) The elections official shall ensure that each polling place~~  
12 ~~has voter information guides as required by Section 19323.~~

13 ~~SEC. 9.~~

14 *SEC. 2.* If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.

19 ~~SEC. 10.~~

20 *SEC. 3.* It is the intent of the Legislature that elections officials  
21 prepare ballot materials for the March 5, 2024, primary election  
22 in compliance with this act.

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Internal



Office of the Mayor

CONSENT CALENDAR  
May 23, 2023

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín  
 Subject: Addressing Hyundai and Kia Car Thefts

RECOMMENDATION

- 1) Adopt a Resolution calling on Hyundai and Kia to take immediate action to fix the flaw in their vehicles that make them easy targets of car thefts.
- 2) Direct the City Attorney to explore taking legal action against Hyundai and Kia.

BACKGROUND

In recent months, the number of thefts of Hyundai and Kia vehicles manufactured between 2011 and 2022 have skyrocketed throughout the country. Before December 2022, thefts of such cars in Berkeley accounted for 1-2% of all vehicle thefts in Berkeley, but recently it has risen to 38%. The cause of this is a flaw in design in these models that make it easy to bypass ignition switches and do not include an engine immobilizer, making them extremely vulnerable to theft. However, these anti-theft devices were included in the same models sold in other countries. This flaw was highlighted last year in viral videos shared on social media platforms that demonstrated how to steal such vehicles using basic tools. The Berkeley Police Department issued a bulletin in March 2023 informing the public of this trend.

On April 20, State Attorney General Rob Bonta held a press conference in Berkeley with Interim Police Chief Jen Louis to announce that he is leading a coalition of 18 states in calling for a federal recall of Hyundai and Kia vehicles after the companies failed to take adequate steps to address the surge in thefts. This comes after the Attorneys General of 23 states wrote a letter to Hyundai and Kia in March urging them to accelerate their response to providing a software update and other actions to resolve the flaw. At the press conference, the Chief warned that such thefts are being used to perpetrate further crimes. According to the National Highway Traffic Safety Administration (NHTSA), the thefts have resulted in at least 14 crashes and eight fatalities across the country as of February 2023. Multiple cities throughout the country have filed lawsuits against the automakers.

Hyundai and Kia have responded to the surge in thefts by offering a software upgrade. However, this upgrade will not be available for many of the vehicles until June, and the upgrade is incompatible with some models. Owners of those models have been offered

a free steering wheel lock, which places additional burdens on the owner while failing to address the underlying flaw.

As of April 26, 2023, there have been 377 stolen vehicles in Berkley, a 51% increase from this point last year. Much of this can be attributed to the surge in thefts of Hyundai and Kia vehicles. In addition to the trauma experienced by victims, car thefts take up valuable time and resources from the Police Department. These thefts could have been avoided if this preventable flaw did not exist. Until these issues are resolved, owners of these vehicles will remain at a higher risk of becoming the victim of a car theft.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

CALLING ON HYUNDAI AND KIA TO RESOLVE SURGE IN CAR THEFTS

WHEREAS, the number of Hyundai and Kia car thefts have skyrocketed in recent months due to a flaw in design in these models that make it easy to bypass ignition switches and do not include an engine immobilizer, making them extremely vulnerable to theft; and

WHEREAS, in Berkeley car thefts are up 51% compared to this point last year, and the Police Department issued a bulletin to inform that public that Hyundai and Kia car thefts have skyrocketed to account for 38% of all car thefts in the City in recent months, when historically these vehicles typically account for 1-2% of all car thefts; and

WHEREAS, in addition to the trauma experienced by victims, car thefts take up valuable time and resources from the Police Department; and

WHEREAS, viral videos shared on social media platforms show how easy it is to steal such vehicles with simple tools, an issue that has become known to the manufacturers; and

WHEREAS, some of these thefts are being used to perpetrate further crimes, and according to the National Highway Traffic Safety Administration (NHTSA), the thefts have resulted in at least 14 crashes and eight fatalities across the country as of February 2023; and

WHEREAS, in March 2023, State Attorney General cosigned a letter with 23 Attorneys General to Hyundai and Kia in March urging them to accelerate their response to providing a software update and other actions to resolve the flaw; and

WHEREAS, Hyundai and Kia have offered a software upgrade to address the flaw, but this upgrade will not be available for many of the vehicles until June, and the upgrade is incompatible with some models, who will instead be offered a free steering wheel lock, which places additional burdens on the owner while failing to address the underlying flaw; and

WHEREAS, On April 20, the State Attorney General led a coalition of 18 states in calling for the NHTSA to recall Hyundai and Kia vehicles after the companies; and

WHEREAS, until these issues are resolved, owners of these vehicles will remain at a higher risk of becoming the victim of a car theft.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby calls upon Hyundai and Kia to immediately act to resolve the flaw in vehicles

manufactured between 2011 and 2022 that have ignition switches that are easily bypassed and do not include an engine immobilizer.

BE IT FURTHER RESOLVED that the Council supports the actions being taken by State Attorney General Rob Bonta in calling for a recall of Hyundai and Kia vehicles that are susceptible to this flaw.

BE IT FINALLY RESOLVED that copies of this Resolution be sent to Hyundai Motor America and Kia Motors America.



Office of the Mayor

CONSENT CALENDAR  
May 23, 2023

To: Members of the City Council  
 From: Mayor Jesse Arreguin  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services

RECOMMENDATION

Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2023 through June 30, 2026, in the amount of \$432,525 plus a contingency of \$50,000 for a total of \$482,525; and to authorize the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years.

FISCAL IMPACTS OF RECOMMENDATION

This three-year contract will cost a total of \$432,525 plus a contingency of \$50,000 for a total not to exceed \$482,525 for all funds. If the City decides to extend the contract for the two additional option years, the total cost for the five-year period will be \$743,065 plus a contingency of \$80,000 for a not to exceed \$823,065 (FY 2023, FY 2024, FY 2025, FY 2026 and FY 2027).

Contract funding for the full 3-year term is as follows:

All Fund total cost of \$432,525:

- \$139,900 in FY 2023
- \$144,210 in FY 2024
- \$148,415 in FY 2025

General Fund total budget of \$358,653 (011-99-900-900-0000-000-412-612210):

- \$119,551 in FY 2023
- \$119,551 in FY 2024
- \$119,551 in FY 2025

Other Revenue Funds total cost and budget of \$73,872:

- Business Economic Development Fund (142-21-208-253-0000-000-446-612210): \$6,124 in FY 2023; \$6,124 in FY 2024; and \$6,124 in FY 2025;

and

- Community Block Grant Development (CDBG) Fund (128-51-504-530-0000-000-444-612210): \$16,000 in FY 2023; \$16,000 in FY 2024; and \$16,000 in FY 2025
- Measure F Alameda County Vehicle Registration Fee Fund (133-99-900-900-0000-000-412-612210): \$2,500 in FY 2023; \$2,500 in FY 2024; and \$2,500 in FY 2025; and

### CURRENT SITUATION AND ITS EFFECTS

Article VI, Section 24 of the City Charter requires the City of Berkeley to have an annual audit performed, and gives the Mayor sole authority to select the firm that will perform the audit. In addition, the City is required to perform an audit in conformance with the Federal Single Audit Act of 1984, as amended in 1996.

The Finance Selection Panel recommended, and the Mayor selected, the proposal of Badawi & Associates as the most favorable to the City based on the evaluation criteria identified in the RFP.

### BACKGROUND

On January 10, 2023, the City published Request for Proposals 23-11559-C for External Audit Services. Potential bidders submitted twenty-five clarification questions, which were subsequently answered on February 2, 2023. Responses were due on February 16, 2023, and the City received and opened submissions from two firms. The two firms were (1) Badawi & Associates and (2) Eide Bailly

The proposal was for qualified Certified Public Accountants to audit the City's financial statements for the three fiscal years ending June 30, 2023, 2024, and 2025, with an option for two additional years. These audits are to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the U. S. General Accounting Office's *Government Auditing Standards* (December 2011 edition), the provisions of the Federal Single Audit Act of 1984, as amended in 1996, and U. S. Office of Management (OMB) Circular A-133, *Audits of State, Local Governments, and Non-Profit Organizations*.

The two proposals were reviewed and evaluated by the Finance Selection Panel, based on the following evaluation criteria:

- Expertise and Experience
  1. Partner, supervisory and management staff to be assigned to the engagement; the numbers of hours to be spent on the engagement; and their experience;



2. Experience of the individual performing the review of the City's information system operations;
  3. Qualifications, experience and training of staff to be assigned to the engagement; and
  4. Similar engagements with governmental entities
- Audit Approach
    1. Understanding of the major tasks and subtasks to be performed;
    2. Approach to be taken to gain and document an understanding of the City's internal control structure;
    3. Approach used to assess control risk;
    4. Approach to be taken in determining laws and regulations that will be subject to audit test work;
    5. The extent to which statistical sampling is to be used on the engagement;
    6. The approach to information systems on the engagement; and
    7. Type and extent of analytical procedures to be used in the engagement
    8. Planned hours and level of staff to be used for each major task
    9. Value added to the engagement, in the form of free training to City staff and other free services
    10. Maximum fee for the engagement

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

The two firms that provided proposals were determined to be sufficiently qualified and experienced to timely performed the engagement. Badawi & Associate's proposal received the panel's highest score based on the evaluation criteria outlined in the RFP.

#### CONTACT PERSON

Henry Oyekanmi, Director, Finance (510) 981-7326

#### Attachments:

1: Resolution

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

RATIFYING THE MAYOR'S EXECUTION OF A CONTRACT WITH BADAWI & ASSOCIATES TO PROVIDE COMPREHENSIVE PROFESSIONAL AUDITING SERVICES

WHEREAS, a Request for Proposal (Specification No. 23-11559-C) was distributed and posted on the City's Website on January 10, 2023; and

WHEREAS, two proposals were received by the February 16, 2023 deadline; and

WHEREAS, all two proposals were considered responsive to the City's Request for Proposal requirements; and their proposals were reviewed and analyzed by the Finance Selection Panel, based on the evaluation criteria outlined in the Request for Proposal; and their references were checked; and

WHEREAS, the City Charter gives the Mayor sole authority to select the firm to perform the City's annual audit; and

WHEREAS, the Mayor selected the proposal of Badawi & Associates as the most favorable to the City, based on the recommendation of the Finance Selection Panel.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley ratifies the Mayor's selection of Badawi & Associates as the auditing firm to provide professional auditing services for the City for the period May 23, 2023 through June 30, 2026 in the amount of \$432,525 plus a contingency of \$50,000 for a total not to exceed \$482,525 to be paid from budget codes 010-9701- 410-3033, 480-8705-465-3033, and 370-7903-463-3033; and authorizes the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years for a total not to exceed amount of \$823,065 which includes a \$80,000 contingency for the entire five-year period.

CONSENT CALENDAR

May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Budget Referral: Vision Zero Improvements at 6th & Addison Intersection

RECOMMENDATION

Refer \$600,000 to the budget process for HAWK (High-intensity Activated crossWalk) beacons and a median refuge island at 6th and Addison Streets.

CURRENT SITUATION AND ITS EFFECTS

At the March 9th, 2021 Regular Session of the Berkeley City Council, Councilmember Taplin's budget referral for the funding of Rectangular Rapid Flashing Beacons (RRFB) at the intersection of Sixth & Addison Street was referred for funding consideration under the FY 21-22 budget process.<sup>1</sup> However, this budget referral was not prioritized in light of limited resources, which lack is compounded by the failure of Measure L in 2022. The funding and eventual construction of traffic calming projects at these intersections would be an important improvement for pedestrian and cyclist safety along this heavily trafficked street in West Berkeley.

On June 23, 2022, the Zoning Adjustments Board (ZAB) approved two Use Permits at 2213 Fourth Street and 747 (787) Bancroft Way, directly adjacent to this intersection: **#ZP2021-0043** "to demolish three existing non-residential buildings and one existing duplex and construct a new 128,143-square-foot, four and one-half level parking garage containing 412 off-street automobile parking spaces and one loading space to serve uses in the vicinity of the project site"; and **#ZP2021-0096** "to demolish six existing buildings and construct a 159,143-square-foot, three-story building containing 124,539 square feet of research and development space and 34,604 square feet of light manufacturing space, and a surface parking lot containing 76 off-street parking spaces and five loading spaces."

To mitigate concerns of increased traffic impacts, the project applicant offered to provide \$40,000 for the installation of traffic safety infrastructure at 6th and Addison. However, this does not cover the full costs of needed improvements.

<sup>1</sup><https://berkeleyca.gov/sites/default/files/documents/2021-03-09%20Item%2015%20Budget%20Referral%20Funding%20Rectangular.pdf>

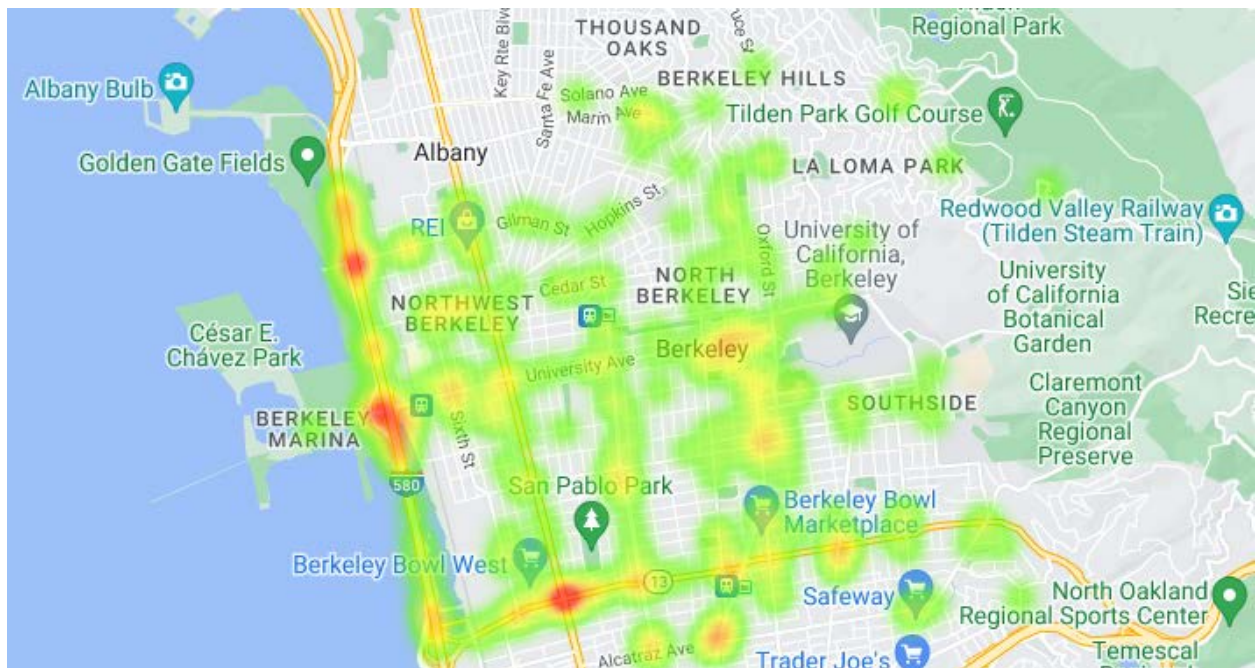
As neighbors have noted, this intersection “is a primary pedestrian and bicycle access point for The Lab, Berkeley Commons, Aquatic Park, Berkeley Marina, McLaughlin Eastshore State Park, the San Francisco Bay Trail/Pedestrian Bridge, and the 4th Street business district.”

Neighbors’ petition requesting HAWK beacons at 6th & Addison, signed by residents as well as nearby schools and businesses, is included in Attachment 1.

### BACKGROUND

Sixth Street remains classified as a “High-Injury Street” as well as an “Equity Priority Area” under the City’s Vision Zero Action Plan.<sup>2</sup> The fact that Sixth Street falls under both of these categories indicates that not only is Sixth among the most dangerous streets in Berkeley where traffic injuries are a regular occurrence, but that its current condition and perpetual disinvestment is a symptom of the historic discrimination against West Berkeley’s African-American community.

As data from UC Berkeley’s Transportation Injury Mapping System (TIMS)<sup>3</sup> shows, Sixth Street has continued to see significant collisions between motor vehicles and other road users, particularly between Cedar Street and Dwight Way. For example, on February 21, 2020, the Berkeley Police Department reported a collision between an automobile and a motorcycle on 6th St, 117 feet north of the intersection with Addison at 12:10pm. The Primary Collision Factor (PCF) in the report is listed as “Improper Turning” by the driver of the automobile. This indicates that the lack of visibility and unimpeded speeds of vehicles at this intersection may pose an increased safety risk for road users. Fortunately, the two victims on the motorcycle sustained only minor injuries.



<sup>2</sup><https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf>

<sup>3</sup><https://tims.berkeley.edu/>

*Fig. 1: Traffic collision heat map, 2020-2022. UC Berkeley Transportation Injury Mapping System (TIMS), using data from California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS).*

RRFB and medians at both Sixth & Addison and Sixth & Channing are also specifically called for under the City's Bicycle Plan due to the street having "one lane in each direction and high traffic volumes" which indicate a need for pedestrian warning improvements and physical pedestrian refuge infrastructure.<sup>4</sup>

### FISCAL IMPACTS

The City of Berkeley's 2017 Bicycle Plan estimated \$3,500-40,000 for one median refuge island.<sup>5</sup> In 2021, the City of Oakland estimated a cost of \$300,000 per unit for HAWK beacons, and \$52,000 for a median refuge. Given significant escalation in construction costs over the previous years, \$600,000 is the high end of estimated costs for this project.

### 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

### ATTACHMENTS

1. Petition: "WEST BERKELEY NEIGHBORS DEMAND ACTION ON 6TH AND ADDISON CROSSWALK"

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<sup>4</sup>[https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017\\_Ch5\\_ProposedBikewayNetwork.pdf](https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017_Ch5_ProposedBikewayNetwork.pdf)

<sup>5</sup> [https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017\\_AppendixF\\_Facility%20Design%20Toolbox.pdf](https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox.pdf)

<sup>6</sup><https://berkeleyca.gov/sites/default/files/2022-04/2022-02-08%20Item%2017%20Greenhouse%20Gas%20Emissions%20Inventory.pdf>

## Taplin, Terry

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**From:** Eric Wiesner <ejwiesner@gmail.com>  
**Sent:** Monday, April 24, 2023 10:59 AM  
**To:** Berkeley Mayor's Office; Manager, C; Javandel, Farid; All Council; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Cc:** Nathan Sullivan  
**Subject:** WEST BERKELEY NEIGHBORS DEMAND ACTION ON 6TH AND ADDISON CROSSWALK

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 24, 2023

To:

Jesse Arreguin, Mayor  
Dee Williams-Ridley, City Manager  
Farid Javandel, Deputy Director of Public Works  
Berkeley City Council

We the undersigned are West Berkeley neighbors, businesses, and non-profit organizations who are concerned with traffic safety in our community and are asking the City of Berkeley to take immediate action to address the dangerous crosswalk at 6th and Addison Streets. Sixth Street is already one of the busiest thoroughfares in the City, especially as it approaches University Avenue and the freeway entrance, yet the pedestrian crosswalk at 6th and Addison does not have any stop lights or stop signs to protect the many neighbors who cross on foot or bicycle each day. This intersection has been the site of several serious car accidents in the past several years, and vehicles frequently do not stop or slow down even when pedestrians are waiting to cross.

The uncontrolled 6th and Addison Street crossing is a primary pedestrian and bicycle access point for The Lab, Berkeley Commons, Aquatic Park, Berkeley Marina, McLaughlin Eastshore State Park, the San Francisco Bay Trail/Pedestrian Bridge, and the 4th Street business district. The intersection is frequented by populations of all ages, including Lifelong Medical Care health center, Black Pine Circle and Rosa Parks schools, and Build House, "an innovative community-based home in Berkeley for individuals with significant developmental disabilities." Families from all over Berkeley and beyond, including many young children, utilize the crosswalk on a daily basis.

In the next year, West Berkeley will see the addition of two research and development and life sciences developments: Berkeley Commons and The Lab. We are excited for their openings because they will bring beautification, jobs and energy to our enclave. The projects will also add more than 1500 vehicle parking spaces, not to mention shipping and receiving, services, and short-term visitors in multiple transit modes. There is no doubt that the 6th Street Corridor will see a substantial increase in vehicle traffic, which will make the Addison Street intersection even more dangerous for pedestrians. The time for the City to take action is now before these projects are completed and traffic in the neighborhood spikes.

At the June 23, 2022 Zoning Adjustment Board meeting, Steelwave, the developer of "The Lab," a major project on 5th Street nearby, agreed to pay the City for pedestrian improvements along Sixth Street, and specifically a pedestrian beacon signal at the Addison Street intersection. Since, Steelwave has attempted to pay the City to complete the project, but the City has not delivered. The Lab is now open and Berkeley Commons construction continues, with no measures taken to address the impending impact to the intersection

and neighborhood. We sincerely hope that it will not take a neighbor getting severely hurt or worse by a speeding vehicle for the City to take this issue seriously and take action.

We write to request that the City take immediate concrete steps to accept the funding that Steelwave agreed to provide nearly a year ago and begin installation of a HAWK beacon for the 6th and Addison crosswalk. We further request a written response from the City within 30 days to update us as to the current status of this project with a projected timeline as to its completion. We greatly appreciate your time and attention to this critical safety issue for our community.

Signed By,

Local Businesses

Black Pine Circle School  
John Carlstroem, Head of School

BuILD House  
Racquel Robinson, MPA, Executive Director

Franklin Brothers Market  
Jennifer Freese, Owner

Kids "N" Clay Pottery Studio  
Chelsea and Matthew Duke, Owners

LifeLong Medical Care  
David B. Vliet, Chief Executive Officer

Nia House Learning Center  
Eve Uberman, Executive Director  
Residents

- 1.
- 2.
3. Hans Moore, District 2
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7. Ashley McClure, District 2
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11. Sharla Sullivan, District 2
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- 14.
15. Nathan Hood, District 2
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19. Elijah Medina, District 2
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23. Noelle Hood, District 2
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27. Jonah Hood, District 2
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31. Monica Campbell, District 2
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35. Eric Wiesner, District 2
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39. Gabriel Wiesner, District 2
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43. Heather Mulhall, District 2
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47. Eric Savoia, District 2
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51. Ana Savoia, District 2
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55. Steven Grind, District 1
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59. Sheridan Pauker, District 1
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63. Jane Ellis, District 2
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67. Jack Litewka, District 2
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- 71. Michele Guide, District 2
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- 75. Alex Sharenko, District 2
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- 79. Margo Schueler, District 1
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- 83. Paul Cox, District 1
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- 87. Tam Crane, District 2
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- 91. Joshua Paul, District 2
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- 95. Madeleine Emodi, District 1
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- 99. Nathaniel Emodi, District 1
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- 103. Jenny Lederer, District 2
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- 107. Nick Lederer, District 2
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- 111. Andy Davis, District 2
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- 115. Mila Matos, District 2
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- 119. Remi Matos, District 2
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- 123. Dorian Matos, District 2
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- 127. Stacey Lewis, District 2
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- 131. Brandon Baunach, District 2
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- 135. Lawrence Baunach, District 2
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- 139. Leon Baunach, District 2
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- 143. Carol Baunach, District 2
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- 147. Renaye Brown, District 2
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- 151. Susan Springborg, District 2
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- 155. Greg Martin, District 2
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- 159. Cancion Soto, District 2
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- 163. Matthew Rosen, District 2
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- 167. Dan Sobel, District 2
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- 171. Lisa Wehmeier, District 2
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- 175. David Skolnick, District 2
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- 179. Celia Jackson, District 2
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- 183. Chilezie Nnadi, District 2
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- 187. Katherine Nnadi, District 2
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- 191. David Nicholls, District 2
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- 195. Anna Nicholls, District 2
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- 199. Tawny Reynolds, District 1
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- 203. Megan Bates, District 2
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- 207. Joey Gottbrath, District 2
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- 211. Sara Pierre, District 2
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- 215. Brie Fulton, District 2
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- 219. Orion Fulton, District 2
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- 223. Sarah Roggero, District 2
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- 227. Brian Price, District 2
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- 231. Amy Campos, District 2
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- 235. Olivia Price, District 2
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- 239. Casper Price, District 2
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- 243. Sarah Abigail Ejigu, District 2
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- 247. Keith Berry, District 2
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- 251. Sika Gasinu, District 2
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- 255. Sam Kronick, District 2
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- 259. Manya Sheps, District 2
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- 263. Hong Ly, District 2
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- 267. Arun Chawan, District 2
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- 271. Deborah Sommers, District 1
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- 275. Andrew Gilbert, District 2
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- 279. Gabriela Quiros, District 2
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- 283. Becca Schonberg, District 2
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- 287. Julia Goodman, District 2
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- 291. Michael Hall, District 2
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- 295. Dale Goodman, District 2
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- 299. Michael Rodriguez, District 2
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- 303. Bonnie Rauscher, District 2
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- 307. Eric Rauscher, District 2
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- 311. Rebecca Herman, District 2
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- 315. Zena Barakat, District 2
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- 319. Terry Betts, District 2
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- 323. Ilata Barakat, District 2
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- 327. Albert Brown, District 2
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- 331. Toni Mester, District 2
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- 335. Thomas Paul, District 2
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- 339. Michael Hall, District 2
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- 343. Amy Hill, District 2
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- 347. Joshua Paul, District 2
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- 351. Adam Whyte, District 2
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- 355. Maureen Clearfield, District 2
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- 359. Sophia C. Whyte, District 2
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- 363. Marcy Rein, District 2
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- 367. Sherline Long, District 2
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- 371. Jeanette Wagner, District 2
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- 375. David Wagner, District 2
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Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
May 23, 2023

TO: Honorable Members of the City Council

FROM: Councilmember Harrison

SUBJECT: Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose

RECOMMENDATION

Adopt a resolution approving the expenditure to grant Berkeley Rotary Endowment, a 501(c)(3) non-profit organization, \$500 for and co-sponsorship of the 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund, and from any other Councilmembers who would like to contribute.

BACKGROUND

The mission of Rotary is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders.

Berkeley Rotary is one of 34,282 Rotary clubs worldwide with over 1.2 million members who are neighbors, community leaders, and global citizens uniting for the common good. Rotary International brings together leaders from all continents, cultures and occupations who step forward to take on some of the toughest challenges around the world. Currently Berkeley Rotary Club has approximately 120 members and growing. Chartered in 1916, Berkeley is one of the oldest Rotary Clubs in the world.

The Berkeley Rotary and Downtown Berkeley Association will be hosting the first Annual Taste of Downtown Berkeley, celebrating the exciting culinary scene in Downtown Berkeley, on Sunday, June 11 from 2 to 6 pm, and fundraising for important community needs.

Proceeds from the event will support the Berkeley Rotary's community programs, including their RotaCare health clinic providing critical care to uninsured individuals, their scholarship program helping to support education of 15 low-income students, and their supportive housing services which provide hygiene kits and food to people in need in the Berkeley community.

Relinquishment of Council Office Budget Funds to Grant Downtown Berkeley Association (DBA) \$500 for 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose.

CONSENT CALENDAR  
April 11, 2023

As a sponsor of Taste of Downtown Berkeley, the City will receive recognition at the event, on their website, and promotional materials. The event will also help showcase local restaurants.

Event planners expect 200-300 people from Berkeley and the East Bay to stroll and enjoy gourmet bites and drinks from local chefs across 15-20 restaurants in the Downtown. Tickets will be \$60.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact. \$500 is available from Councilmember Harrison's office account.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

ATTACHMENTS

1. Resolution Co-sponsoring the Event
2. Resolution Granting Office Funds for a Municipal Purpose



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

CITY SPONSORSHIP OF THE FIRST ANNUAL TASTE OF  
DOWNTOWN BERKELEY EVENT AND FUNDRAISER

WHEREAS, the mission of Berkeley Rotary, and 501(c)(3) non-profit, is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders; and

WHEREAS, the Berkeley Rotary and Downtown Berkeley Association will be hosting the first annual Taste of Downtown Berkeley, celebrating the exciting culinary scene in Downtown Berkeley, on Sunday, June 11, and fundraising for important community needs; and

WHEREAS, proceeds from the event will support the Berkeley Rotary's community programs, including their RotaCare health clinic providing critical care to uninsured individuals, their scholarship program helping to support education of 15 low-income students, and their supportive housing services which provide hygiene kits and food to people in need in the Berkeley community; and

WHEREAS, the provision of such services would provide critical services for vulnerable populations and the event supports the City's and Downtown Berkeley's commitment to small businesses and restaurants, serving a municipal public purpose.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors the first annual Taste of Downtown Berkeley event, and the event organizers have permission to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor solely for the purpose of the City indicating its endorsement of the event.

BE IT FURTHER RESOLVED that this co-sponsorship does not: (1) authorize financial support, whether in the form of fee waivers, a grant or provision of City services for free; (2) constitute the acceptance of any liability, management, or control on the part of the City for or over the Taste of Downtown Berkeley event; or (3) constitute regulatory approval of the event.

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNT OF COUNCILMEMBER HARRISON AND OTHER OFFICES FOR A GRANT TO THE BERKELEY ROTARY ENDOWMENT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Harrison has surplus funds in her office expenditure account; and

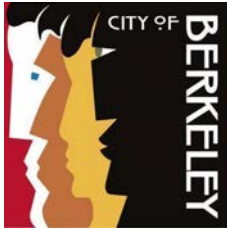
WHEREAS, the mission of Berkeley Rotary, and 501(c)(3) non-profit, is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders; and

WHEREAS, the Berkeley Rotary and Downtown Berkeley Association will be hosting the first Annual Taste of Downtown Berkeley, celebrating the exciting culinary scene in Downtown Berkeley, on Sunday, June 11, and fundraising for important community needs; and

WHEREAS, proceeds from the event will support the Berkeley Rotary's community programs, including their RotaCare health clinic providing critical care to uninsured individuals, their scholarship program helping to support education of 15 low-income students, and their supportive housing services which provide hygiene kits and food to people in need in the Berkeley community; and

WHEREAS, the provision of such services would provide critical services for vulnerable populations and the event supports the City's and Downtown Berkeley's commitment to small businesses and restaurants, serving a municipal public purpose.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by Councilmember Harrison from her Council Office Budget up to \$500 and Councilmembers from their office budgets of an amount to be determined by each Councilmember, shall be granted to the Berkeley Rotary Endowment towards first Annual Taste of Downtown Berkeley event and fundraiser with proceeds serving a municipal public purpose.



Councilmember Sophie Hahn  
City of Berkeley, District 5

CONSENT CALENDAR

May 23, 2023

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Sophie Hahn (Author); Councilmembers Kate Harrison and Terry Taplin (Co-Sponsors)

**Subject:** FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.

RECOMMENDATION

Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry

cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.

6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

POLICY COMMITTEE RECOMMENDATION

*On May 1, 2023, the Land Use, Housing, & Economic Development Committee adopted the following action: M/S/C (Robinson/Bartlett) to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated subject line and recommendations as follows:*

SUBJECT LINE

*FY24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.*

RECOMMENDATION

*Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/ financing mechanisms, and objective design standards to:*

1. *Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);*
2. *Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;*
3. *Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;*
4. *Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;*
5. *Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.*

6. *More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.*

Vote: All Ayes.

#### FINANCIAL IMPLICATIONS

\$250,000 from the City's General Fund

#### CURRENT SITUATION AND ITS EFFECTS

Program 27 of Berkeley's approved 2023 Housing Element identifies transportation and commercial corridors as priority development areas. This program specifically identifies Solano Avenue, North Shattuck and College Avenue commercial districts as areas for increased housing.

As Part of the Land Use, Safety, and Environmental Justice Element Update, the City of Berkeley has committed to:

"update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource and higher income neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement.

These updates will increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue."<sup>1</sup>

Funds are required to study opportunities to increase housing capacity on Solano Avenue, North Shattuck and College Avenue. This study and options developed, including potential programs, changes to zoning, and other measures as outlined in the Recommendation or further developed through study should be presented to the City Council prior to referring any zoning changes to the Planning Commission.

The goal of the study is to enhance housing opportunities in higher resourced neighborhoods, increase access for formerly excluded communities, and ensure opportunities for vibrant, locally-owned, neighborhood-serving commercial uses along the corridors to continue and/or expand.

#### BACKGROUND

The Housing Element Update will serve as the City of Berkeley's housing plan for the next eight years (2023-2031). It is an important opportunity for Berkeley's residents and community

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<sup>1</sup> [https://berkeleyca.gov/sites/default/files/documents/Berkeley\\_2023-2031%20Housing%20Element\\_02-17-2023v2\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf)

members to come together to assess housing needs, identify policy and resource priorities, and find solutions to implement a wide range of housing choices. The plan contains goals, policies, and programs that will guide the City's decision-making around the development and rehabilitation of housing.

The Housing Element serves as a comprehensive document for everyone in the Berkeley community. Racial and social equity, and protections for vulnerable and historically impacted communities, are key factors in this update to the City's housing plan.

The Housing Element is mandated by State law to be updated every eight years and certified by California's Department of Housing and Community Development (HCD). Each jurisdiction in California receives a target number of homes to plan for called the Regional Housing Needs Allocation, or RHNA. On December 16, 2021, Association of Bay Area Governments (ABAG) Executive Board conducted a public hearing and adopted the Final RHNA Plan. The total Regional Housing Needs Determination (RHND) for the Bay Area in the 2023-2031 period is 441,176 units. Berkeley's RHNA for the 2023-2031 period is 8,934 residential units.<sup>2</sup>

Beyond the requirements outlined in the Housing element itself, it is overdue for additional housing – particularly affordable housing – to be constructed along these key, higher resourced corridors to advance our City's commitment to equity. As many other neighborhoods are already doing their fair share to provide additional housing, it is time for us to ensure additional affordable housing is constructed in higher resource neighborhoods as well.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Housing near transit can reduce greenhouse gas impacts and local commerce reduces the need to travel for everyday needs.

#### CONTACT PERSON

Councilmember Sophie Hahn, (510) 981-7150

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<sup>2</sup> <https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update>



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council

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

Subject: Support for H.R.603 - HEAL Act

RECOMMENDATION

Adopt a Resolution in support of H.R.603 (Gottheimer) - Holocaust Education and Antisemitism Lessons Act or the HEAL Act and send it to the author, Rep. Josh Gottheimer, with copies to Rep. Kathy Manning, Rep. Barbara Lee and Senator Dianne Feinstein.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

H.R. 603, a bipartisan bill with over 100 co-sponsors would direct the Holocaust Memorial Museum in Washington, D.C. to conduct a study on Holocaust education efforts in public schools nationwide. The study would determine which states and school districts require or do not require Holocaust education in their curriculum and which offer optional Holocaust education. The study would identify standards and requirements schools mandate on Holocaust education, the types and quality of instructional materials used to teach, and the approaches used by schools to assess what students learn. The Holocaust Memorial Museum would report the results of the study to Congress.

There is mounting evidence that knowledge about the Holocaust is beginning to fade. A 2020 survey<sup>1</sup> measuring Holocaust awareness in the U.S. found that roughly two-thirds of those asked did not know how many Jewish people died. The survey of Americans between 18 and 40 also found that 48% could not name one concentration camp or ghetto.

According to recent analysis<sup>2</sup>, a majority of U.S. states do not have laws requiring public school students to learn about the horrors of the Holocaust.

<sup>1</sup> [Most states lack laws requiring Holocaust and genocide education \(axios.com\)](https://www.axios.com/2020/08/11/most-states-lack-laws-requiring-holocaust-and-genocide-education-2020-08-11/)

<sup>2</sup> Ibid.

Congressmember and lead sponsor, Josh Gottheimer (NJ-5) said of the bill, "We all have an obligation to teach future generations about this evil. We have an obligation to try to heal our communities. We have an obligation to teach about this stain of hatred, so that it never happens ever again."

Congressmember Bonnie Watson Coleman (NJ-12) stated, "At a time when the teaching of history is under attack, the lessons of the Holocaust are more urgent now than ever before." She added that, "Antisemitism is experiencing a frightening resurgence in the United States and across the globe. Recent remarks by well-known public figures threaten to stoke the same fires of hate that brought the Nazi Party to power and resulted in genocide."

Congressmember Kathy Manning (NC-6) proclaimed, "It is vitally important to teach students about the history of the Holocaust and antisemitism and to empower them to recognize and confront hate whenever they see it. As we face rising antisemitism, it is critical to expand education nationwide about the history and unique nature of antisemitism, the conspiracy theories and scapegoating that have incited hatred and violence for centuries, and led to the Holocaust. Education and understanding are a critical antidote to the spreading of misinformation and hate,"

The City of Berkeley has a deep commitment to recognizing and understanding the importance of Holocaust history and education in efforts to combat rising antisemitism. For the past twenty years the City has supported an annual [Holocaust Remembrance Day Program](#) for community members. Berkeley was also instrumental in the United Against Hate Campaign, initiated in 2017, in response to white supremacist rallies in the region.

ENVIRONMENTAL SUSTAINABILITY

No direct impact on environmental sustainability.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Resolution

2: H.R.603 - HEAL Act



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

SUPPORT FOR H.R. 603 - HEAL ACT

WHEREAS, there is mounting evidence that knowledge about the Holocaust is beginning to fade; and

WHEREAS, the Anti-Defamation League found Antisemitic Incidents in the U.S. at their highest number in 2021 since they started tracking in 1979; and

WHEREAS, the majority of states in the U.S. do not have laws requiring public school students to learn about the horrors of the Holocaust; and

WHEREAS, Congresswoman Kathie Manning (NC-6) eloquently stated, “As we face rising antisemitism, it is critical to expand education nationwide about the history and unique nature of antisemitism, the conspiracy theories and scapegoating that have incited hatred and violence for centuries, and led to the Holocaust”; and

WHEREAS, the HEAL Act will direct the United States Holocaust Memorial Museum to conduct a study on current Holocaust education efforts in the U.S and provide the report to Congress as a first step.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it unanimously supports H.R. 603 – Holocaust Education and Antisemitism Lessons Act (HEAL Act).

BE IT FURTHER RESOLVED that the City of Berkeley held its 20<sup>th</sup> Annual Holocaust Remembrance Day Program on April 16, 2023 to honor survivors, remember those who perished and remind us all to never forget the atrocities nor let them happen again.

Exhibits

A: City of Berkeley's 20th Annual Holocaust Remembrance Day Program:

<https://youtu.be/texUkWVoHlc>

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.....  
(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To require a study on Holocaust education efforts of States, local educational agencies, and public elementary and secondary schools, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. GOTTHEIMER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To require a study on Holocaust education efforts of States, local educational agencies, and public elementary and secondary schools, 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. SHORT TITLE.**

4 This Act may be cited as the "Holocaust Education  
5 and Antisemitism Lessons Act" or the "HEAL Act".

6 **SEC. 2. STUDY AND REPORT ON HOLOCAUST EDUCATION.**

7 (a) STUDY.—Beginning not later than 180 days after  
8 the date of the enactment of this Act, the Director of the

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1 United States Holocaust Memorial Museum (referred to  
2 in this Act as the “Director”) shall conduct a study on  
3 Holocaust education efforts in States, local educational  
4 agencies, and public elementary and secondary schools.

5 Such study shall include an examination of—

6 (1) all States;

7 (2) a nationally representative sample of local  
8 educational agencies; and

9 (3) a representative sample of schools within  
10 the local educational agencies being studied.

11 (b) ELEMENTS.—In conducting the study under sub-  
12 section (a), the Director shall—

13 (1) determine whether States and local edu-  
14 cational agencies require Holocaust education as  
15 part of the curriculum taught in public elementary  
16 and secondary schools;

17 (2) identify States and local educational agen-  
18 cies that have optional Holocaust education as part  
19 of the curriculum taught in public elementary and  
20 secondary schools;

21 (3) identify each State’s standards and local  
22 educational agency’s requirements relating to Holo-  
23 caust education and summarize the status of the im-  
24 plementation of such standards, including—

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1 (A) the existence of a centralized appa-  
2 ratus at the State or local level that collects and  
3 disseminates Holocaust education curricula and  
4 materials;

5 (B) the existence of Holocaust education  
6 professional development opportunities for pre-  
7 service and in-service teachers; and

8 (C) the involvement of informal edu-  
9 cational organizations in implementing Holo-  
10 caust education, including museums and cul-  
11 tural centers;

12 (4) determine whether public elementary and  
13 secondary schools use the following strategies in  
14 their Holocaust education, including through the  
15 qualitative and quantitative analysis of such indica-  
16 tors as—

17 (A) in-class discussion;

18 (B) educational activities conducted out-  
19 side the classroom, including homework assign-  
20 ments and experiential learning involving State  
21 and local organizations, such as museums and  
22 cultural centers;

23 (C) project based learning;

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1 (D) educational materials and activities  
2 that are developmentally appropriate and  
3 taught through a trauma-informed lens; and

4 (E) integration of lessons from the Holo-  
5 caust across the curriculum and throughout the  
6 school year;

7 (5) identify the types of instructional materials  
8 used to teach students about the Holocaust, includ-  
9 ing the use of primary source material;

10 (6) identify—

11 (A) the duration of the periods in which  
12 Holocaust education is taught in public elemen-  
13 tary and secondary schools; and

14 (B) the comprehensiveness of the Holo-  
15 caust education curriculum taught in such  
16 schools, as indicated by the extent to which the  
17 curriculum addresses all elements and aspects  
18 of the Holocaust; and

19 (7) identify the approaches used by such  
20 schools to assess outcomes using traditional and  
21 nontraditional assessments, including assessments  
22 of—

23 (A) students' knowledge of the Holocaust;  
24 and

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1 (B) students' ability to identify and ana-  
2 lyze antisemitism, bigotry, hate, and genocide in  
3 historical and contemporary contexts.

4 (c) REPORT.—

5 (1) IN GENERAL.—Following the completion of  
6 the study under subsection (a), the Director shall  
7 prepare and submit to Congress a report on the re-  
8 sults of the study.

9 (2) DEADLINE FOR SUBMITTAL.—The report  
10 under paragraph (1) shall be submitted not later  
11 than the earlier of—

12 (A) 180 days after the completion of the  
13 study under subsection (a); or

14 (B) three years after the date of the enact-  
15 ment of this section.

16 (d) DEFINITIONS.—In this Act:

17 (1) ESEA TERMS.—The terms “elementary  
18 school”, “local educational agency”, “secondary  
19 school”, and “State” have the meanings given those  
20 terms in section 8101 of the Elementary and Sec-  
21 ondary Education Act of 1965 (20 U.S.C. 7801).

22 (2) HOLOCAUST.—The term “Holocaust” has  
23 the meaning given that term in section 3 of the  
24 Never Again Education Act (Public Law 116–141;  
25 36 U.S.C. 2301 note).

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1           (3) HOLOCAUST EDUCATION.—The term “Holo-  
2           caust education” means educational activities that  
3           are specifically intended—

4                   (A) to improve students’ awareness and  
5                   understanding of the Holocaust;

6                   (B) to educate students on the lessons of  
7                   the Holocaust as a means to raise awareness  
8                   about the importance of preventing genocide,  
9                   hate, and bigotry against any group of people;  
10                  and

11                  (C) to study the history of antisemitism,  
12                  its deep historical roots, the use of conspiracy  
13                  theories and propaganda that target the Jewish  
14                  people, and the shape-shifting nature of anti-  
15                  semitism over time.

16           (4) PROJECT BASED LEARNING.—The term  
17           “project based learning” means a teaching method  
18           through which students learn by actively engaging in  
19           real-world and personally meaningful projects.

Support for H.R.603 - HEAL Act

CONSENT CALENDAR  
May 23, 2023





CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Mayor Jesse Arreguin (Co-Sponsor), Councilmember Terry Taplin (Co-Sponsor)

Subject: Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth Fiftieth Anniversary Gala

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, \$500 from Mayor Arreguin, and \$500 from Councilmember Taplin, to Pacific Center for Human Growth in recognition of its fiftieth anniversary celebration on June 3, 2023.

BACKGROUND

Pacific Center for Human Growth was founded in 1973 and is the oldest LGBTQIA+ center in the Bay Area. The Center provides mental health services on a sliding scale with a focus on social justice and cultural responsiveness for LGBTQIA+ individuals, QTBIPOC individuals, and their families.

Pacific Center has nearly 200 volunteers and 11 staff members and serves over 3,000 people each year as the only sliding-scale LGBTQIA+ mental health clinic in Alameda County.<sup>1</sup> Their services include peer-to-peer support groups, community outreach, and facilitated workshops.

Pacific Center is celebrating its fiftieth anniversary with a gala event on June 3, 2023 and is fundraising from the community to increase their capacity to provide vital services to LGBTQIA+ and QTBIPOC communities.

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<sup>1</sup> [About Us | Pacific Center](#)

FINANCIAL IMPLICATIONS

No General Fund impact; \$1,000 is available from Councilmember Robinson's discretionary account, \$500 from Mayor Arreguin's discretionary account, and \$500 from Councilmember Taplin's discretionary account.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Sam Greenberg, Legislative Assistant

Attachments:

1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE  
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT  
TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Rigel Robinson, Mayor Jesse Arreguin, and Councilmember Terry Taplin have surplus funds in their office expenditure accounts; and

WHEREAS, a California non-profit tax exempt corporation, Pacific Center for Human Growth, is hosting its 50th Anniversary Celebration on June 3, 2023; and

WHEREAS, Pacific Center for Human Growth would benefit from funding from the community to support its essential programs, ongoing operations, and increased costs associated with its recent relocation to Downtown Berkeley; and

WHEREAS, the provision of such funding would fulfill the municipal public purpose of supporting the Bay Area's oldest LGBTQIA+ center, which has for fifty years served as a mental health service provider for LGBTQ+ community members, providing services on a sliding scale.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the \$1,000 relinquished by Councilmember Robinson, \$500 by Mayor Arreguin, and \$500 by Councilmember Taplin from their Council Office Budgets and any other Councilmember who wishes to contribute shall be granted to Pacific Center for Human Growth.





Office of the City Manager

PUBLIC HEARING  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning & Development Department  
 Subject: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087

#### RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit # ZP2022-0087 to demolish a single-family dwelling and construct a three-story, 3,310 square foot single-family dwelling with a two-car garage, and dismiss the appeal.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CURRENT SITUATION AND ITS EFFECTS

On July 8, 2022, Maurice Levitch submitted an application on behalf of property owner Aidan Keefe to demolish an existing single-family dwelling at 469 Kentucky Avenue and construct in its place a three-story, 3,310 square foot single-family dwelling with an Accessory Dwelling Unit (ADU)<sup>1</sup>, and a two-car garage (see Attachments 1A and 1B).

On November 8, 2022 the application was deemed complete.

On January 12, 2023, the ZAB conducted a public hearing for the use permit application (#ZP2022-0087). After hearing public comments and holding discussion, the ZAB approved the use permit by a vote of 8-0-0-0 (Ayes: Tregub, Duff, Gaffney, Thompson, Lunaparra, O'Keefe, Kahn and Sanderson; Noes (none), Abstain (none), Absent (none)), with added conditions for staff review of privacy screening, protection of a shared pergola, notice and limits on road closures, and outdoor screens on windows for bird safety.

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<sup>1</sup> Per BMC 23.306.030, ADU's are permitted with a Zoning Certificate. They are not part of ZAB's discretionary review. The ADU is only mentioned here for purposes of context.

ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087

PUBLIC HEARING  
May 23, 2023

On January 31, 2023, staff issued a Notice of Decision of the ZAB approval.

On February 9, 2023, the City Clerk received an appeal filing from Stephen B. Bedrick.

On or before May 9, 2023, staff posted the public hearing notice at the site and three nearby locations, and notices were mailed to property owners and occupants within 300 feet of the project site, and to all interested neighborhood organizations. The Council must conduct a public hearing to resolve the appeal.

### BACKGROUND

The project site is located at 469 Kentucky Avenue in the Berkeley Hills, within the Hillside Overlay Zone, on steep terrain in a residential area that includes a mix of one-, two-, and three-story single-family dwellings, with areas of open space in excess of that required, and mature vegetation. This section of Kentucky Avenue is narrow and the road is divided, with the northbound lane at a higher elevation than the southbound lane. The site is developed with a three-story, 1,773 square-foot single-family dwelling, and a single-car garage located in the front setback. The applicant proposes to demolish the existing structures and construct a three-story 3,310 square-foot single-family dwelling with an attached ADU, and a two-car garage. The proposed two-car garage would be located in the front setback, similar to the existing structure. The project also includes a detached shed at the rear of the property, and an uncovered garbage and recycling enclosure at the front of the property. The roof of the proposed dwelling unit would have a maximum height of 31 feet, 8.5 inches and an average height of 29 feet, 4 inches. The applicant team shared that the proposed dwelling was designed to minimally expand the footprint beyond that of the existing dwelling, and avoid increasing the height of the structure by excavating the ground floor to gain additional floor area.

The proposed ground floor level would consist of a TV room, a laundry room, and a studio-style ADU with entry access via an exterior staircase and landing over the garage roof. The second floor would consist of four bedrooms and two bathrooms, with access to a front balcony. The top floor would contain the kitchen, dining room, family room, and a study. This floor would provide access to the front and rear balconies. Pursuant to Berkeley Municipal Code (BMC) 23.502.020(B), the TV room and the study meet the definition of a bedroom;<sup>2</sup> accordingly, the proposed dwelling would include a total of six bedrooms. The ADU is not included in the bedroom count because ADUs are not subject to discretionary review. However, if the proposed ADU is not developed concurrently with the proposed project, a Use Permit Modification would be required for

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<sup>2</sup> *Bedroom.* Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

any additional rooms that meet the BMC criteria for a bedroom. The red maple in the back yard would be retained, the small lemon tree and a yucca in the front would be removed during construction. Replacement trees and other plantings would be incorporated into the landscaping for the property.

#### RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter and staff responses are provided below. For the sake of brevity, the appeal issues are not restated in their entirety. Please refer to the appeal letter and its attachments (Attachment 3) for the full text.

#### **Issue:**

**The appellants assert that the demolition process, including dumpsters and dump trucks, is likely to totally block their narrow, one-lane, one-way street for hours at a time. This will prevent residents from being able to come and go from their house, and will obstruct emergency vehicles and delivery trucks.**

#### **Response:**

The appellant's objections are not to the proposed removal of the old home and construction of a new one, per se. Rather, they are concerned with a perceived detriment to the access route to and from their home during demolition and construction activities. However, it is a standard condition on permits of this type, and is specifically a condition of approval on the permit in question, that the applicant prepare a Transportation Construction Plan (TCP) for all phases of construction. Specifically, the TCP is required to address site activities that would require alterations, closures, blockages to sidewalks, pedestrian paths, or vehicle travel lanes; storage of building materials, dumpsters, debris anywhere in the public right-of-way; provision of exclusive contractor parking on-street; or significant truck activity. The TCP is also required to include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The applicant is required to secure the City Traffic Engineer's approval of the TCP prior to initiating construction activities.

Construction and demolition activities occur under a variety of challenging situations within the Hillside Overlay Zone, and accordingly the City requires applicants to prepare TCPs specifically to mitigate concerns such as those expressed by the appellant. As directed by the City's condition of approval, the Traffic Engineer will review the applicant's prepared TCP to ensure that appropriate measures are included to address street access during construction, a schedule for site operations that may block traffic, and traffic control measures along Kentucky Avenue. Therefore, the appellant's concerns regarding street access during construction would be addressed by implementation of the required TCP.

**Issue:**

**The appellant asserts that they were unable to properly present their objections to the ZAB because staff did not provide their January 4, 2023 objection letter to ZAB commissioners prior to the hearing, and they were not granted the opportunity to speak during the January 12, 2023 virtual hearing.**

**Response:**

All supplemental communications received from members of the public and interested parties regarding the projects listed on the January 12, 2023 ZAB hearing agenda were shared with ZAB commissioners via email on January 11, 2023. The supplemental communication was also posted on the ZAB webpage here: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

The communications specific to the 469 Kentucky Avenue project included two letters from the appellant dated January 4, 2023 and January 9, 2023. Both letters included the appellant's concerns regarding street access during construction, among other topics. During the January 12, 2023 ZAB hearing, a total of four individuals requested to speak on the item. Three of the four individuals expressed concerns regarding traffic along Kentucky Avenue during demolition and construction activities, road closures, hazardous materials, dust control, privacy, and the inclusion of bird safe glass. The fourth individual, self-identified as Kathryn Sullivan, was provided with the opportunity to speak on the item but appeared to experience audio issues, and as a result the ZAB could not hear the individual's comments.

Prior to making a decision on the item, ZAB considered the whole of the record including the two letters received from the appellant. In addition, members of the public raised similar concerns regarding street access along Kentucky Avenue. During deliberation, the ZAB noted that the City's conditions of approval require the applicant to prepare a TCP to mitigate issues related to street access during demolition and construction. Further, the ZAB conditioned the project to require that the applicant notify neighbors 48 hours in advance of any potential road closures, and avoid road closures during routine waste collection services. ZAB was made aware of the appellant's concerns and considered those concerns as part of the decision-making process.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The project approved by the ZAB is compliant with all applicable State and local environmental requirements and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

**ALTERNATIVE ACTIONS CONSIDERED**

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to



ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087

PUBLIC HEARING  
May 23, 2023

the ZAB.

Action Deadline:

Pursuant to BMC Section 23.410.040(l), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSON

Jordan Klein, Director, Planning & Development Department, (510) 981-7534  
Steven Buckley, Land Use Planning Manager, Planning & Development Department  
(510) 981-7411  
Russell Roe, Associate Planner, Planning & Development Department, (510) 981-7548

ATTACHMENTS

- 1: Resolution
  - Exhibit A: January 12, 2023 ZAB hearing Findings and Conditions
  - Exhibit B: Project Plans
- 2: January 12, 2023 ZAB hearing staff report
- 3: Appeal letter, dated received February 9, 2023
- 4: Public Comments received prior to January 12, 2023 ZAB hearing
5. Index to Administrative Record
6. Administrative Record
- 7: Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE USE PERMIT #ZP2022-0087 TO DEMOLISH A SINGLE-FAMILY DWELLING AND CONSTRUCT A 3,310 SQUARE FOOT THREE-STORY SINGLE-FAMILY RESIDENCE AND TWO-CAR GARAGE, AND DISMISS THE APPEAL

WHEREAS, on July 8, 2022, Maurice Levitch submitted an application for Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage; and

WHEREAS, on November 8, 2022 staff deemed this application complete; and

WHEREAS, on December 22, 2022, staff mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and posted notices within the neighborhood at three locations; and

WHEREAS, on January 12, 2023 the Zoning Adjustments Board (ZAB) conducted a public hearing for the Use Permit. After hearing public comments and holding discussion, the ZAB approved the Use Permit by a vote of 8-0-0-0, with added conditions for staff review of privacy screening, protection of a shared pergola, notice and limits on road closures, and outdoor screens on windows for bird safety; and

WHEREAS, on January 31, 2023, staff issued the notice of the ZAB decision; and

WHEREAS, on February 9, 2023, the City Clerk receive an appeal filing from Stephen B. Bedrick; and

WHEREAS, on or before May 9, 2023, staff posted public hearing notices near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area; and

WHEREAS, on May 23, 2023, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from, the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby adopts the findings made by the ZAB in Exhibit A to affirm the decision of the ZAB to approve Use Permit #ZP2022-0087, adopts the conditions of approval in Exhibit A; adopts the project plans in Exhibit B; and dismisses the appeal.

Exhibits

Exhibit A: Findings and Conditions, date January 12, 2023

Exhibit B: Project Plans, received July 8, 2022

# Attachment 1, Exhibit A

## Findings and Conditions

JANUARY 12, 2022

### 469 Kentucky Avenue

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.

#### PERMITS REQUIRED

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- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1)

#### I. CEQA FINDINGS

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1. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Sections 15303 (“New Construction or Conversion of Small Structures”)
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### II. FINDINGS FOR APPROVAL

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1. As required by BMC Section 23.326.020-030 of the BMC, the demolition phase of the project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley. It does not eliminate two or more units constructed before June 1980. The building was not removed from the rental market under the Ellis Act during the preceding five years, and there have not been any verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

2. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
- A. Consistency with Development Standards: The proposed project conforms to the applicable Development Standards for the R-1(H) District (BMC Sections 23.202.050(D) & 23.210.020(C)(2)), with the exception of the front setback. The proposal to construct one dwelling unit at this site is permissible because: (1) the proposed construction of a dwelling on the subject property conforms to the R-1(H) District standards for Uses Permitted; (2) the proposed side and rear setbacks meet or exceed the R-1(H) District requirements; (3) the proposed three-stories and 31.687 foot maximum height will not exceed the R-1 District limit of 35 feet; (4) the proposed average height is 29.3 feet, which is approvable with an AUP; (5) the proposed lot coverage is 39.7 percent where 40 percent is allowed, and (6) the project includes 1,308 square feet of usable open space where 400 square feet is required.
  - B. Shadows: The new dwelling will cast slight new shadows on neighboring yards and buildings at certain times of year and times of day. However, impacts would be limited in duration and effect and would not substantially diminish sunlight for the affected residences.
  - C. Views: Substantial southwestward views are available from the area surrounding the project site, including from Kentucky Avenue, neighboring residences, and the residences uphill to the northeast of the project site. Sightlines available from these residences occur mostly over and beyond the proposed residence, and views of the San Francisco Bay will be substantially maintained. Thus, given existing conditions, including existing trees that obstruct views and the existing slope in the neighborhood, and the proposed height of the new dwelling, the proposed project will not unreasonably obstruct views.
  - D. Privacy and Air: The proposed single-family dwelling unit exceeds side and rear setback requirements in the R-1(H) Zoning District, and is consistent with the existing development and building-to-building separation pattern in this neighborhood.
  - E. Accessory Building and Unenclosed Accessory Structure. The proposed eighty-five square foot accessory building at the rear of the lot is under ten feet in average height and is more than seventy-five feet from the front lot line, and meets the applicable development standards. The garbage enclosure within the front setback will provide screening of solid waste containers.
  - F. Number of Bedrooms. The sixth bedroom will provide additional living area for the residents of the single-family dwelling and will not increase the density on the lot.
  - G. General Non-Detriment: The proposed project will have minimal impact on the neighborhood. New shading will be limited on nearby residential uses, and privacy impacts have been kept minimal. In addition, the project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater

requirements, thereby ensuring the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

3. Per BMC 23.210.020(A), the project will meet the purpose of the Hillside Overlay Zone because:
    - A. The proposed two-car garage in the front setback is necessary due to the steep upward slope of the lot and is consistent with neighboring properties, which also have garages at the fronts of their lots. It will provide two off-street parking spaces on a narrow street in a location that is vulnerable to wildfire.
    - B. The additional height responds to the topography of the site while giving reasonable protection to views.
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### III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

#### 1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

#### 2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

#### 3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

#### 4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.

#### 5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**Prior to Submittal of Any Building Permit:**



10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

**Project Liaison** \_\_\_\_\_  
Name Phone #

11. Roof Color. To avoid glare towards above grade residents, the roof shall be a shade of gray, green, brown or blue. The roof shall not be white or a similarly bright color, and shall not be of reflective material. Prior to issuance of a Building Permit, the applicant shall provide a sample and/or information regarding roof material and color for review and approval by the Zoning Officer.

12. Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City’s database prior to the applicant’s submittal of a building permit application.

13. Pergola: The applicant shall submit a detailed plan, signed by both parties, showing how the shared pergola between 467 and 469 Kentucky Avenues will be protected and/or modified during and after construction.

14. Privacy Screening: The applicant shall submit a detailed plan, signed by both parties, showing the agreed-upon method of protecting privacy at 467 Kentucky Avenue from views from the front deck of the proposed house.

**Prior to Issuance of A Building Permit**

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15. Per the Supplemental Geotechnical Peer Review prepared by Cotton, Shires and Associates, Inc., and dated November 8, 2022:

Geotechnical Plan Review - The applicant’s geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

16. Number of Bedrooms / Accessory Dwelling Unit (ADU): If the proposed ADU is not developed concurrently with the project, the applicant shall obtain a Use Permit Modification if the additional rooms that meet the definition of a bedroom bring the total number of bedrooms over six.
17. Construction and Demolition Diversion. Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
18. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old\*) shall be submitted to TMD for developments for:
    - All new commercial, industrial and mixed use developments and all large improvement projects.
    - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
    - EMA is available online at: [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
  - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
  - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
  - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
  - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building

materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

### **Prior to Issuance of Any Building (Construction) Permit**

19. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
20. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation as specified by the Berkeley Green Code (BMC Section 19.37.040). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
21. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
22. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
23. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

24. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

#### **During Construction:**

25. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
26. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
27. Per the Supplemental Geotechnical Peer Review prepared by Cotton, Shires and Associates, Inc., and dated November 8, 2022:

Geotechnical Construction Inspections - The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete.

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

28. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.

H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

29. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
30. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
31. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

32. Road Closures: Occupants of all homes on Kentucky Avenue between Michigan Avenue and Maryland Avenue shall be notified of all road closures at least 48 hours in advance. Roads shall not be closed on garbage and recycling collection days.

- 33. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 34. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
  - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
  - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 35. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site

preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

36. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
37. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).
- A. Qualified Paleontologist. The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
  - B. Paleontological Worker Environmental Awareness Program (WEAP). Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.
  - C. Paleontological Monitoring. The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing

activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.

- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
  - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.
- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

38. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to



evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

- 39. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
  - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
  - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
  - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
  - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not

discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
40. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
41. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
42. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
43. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
44. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
45. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

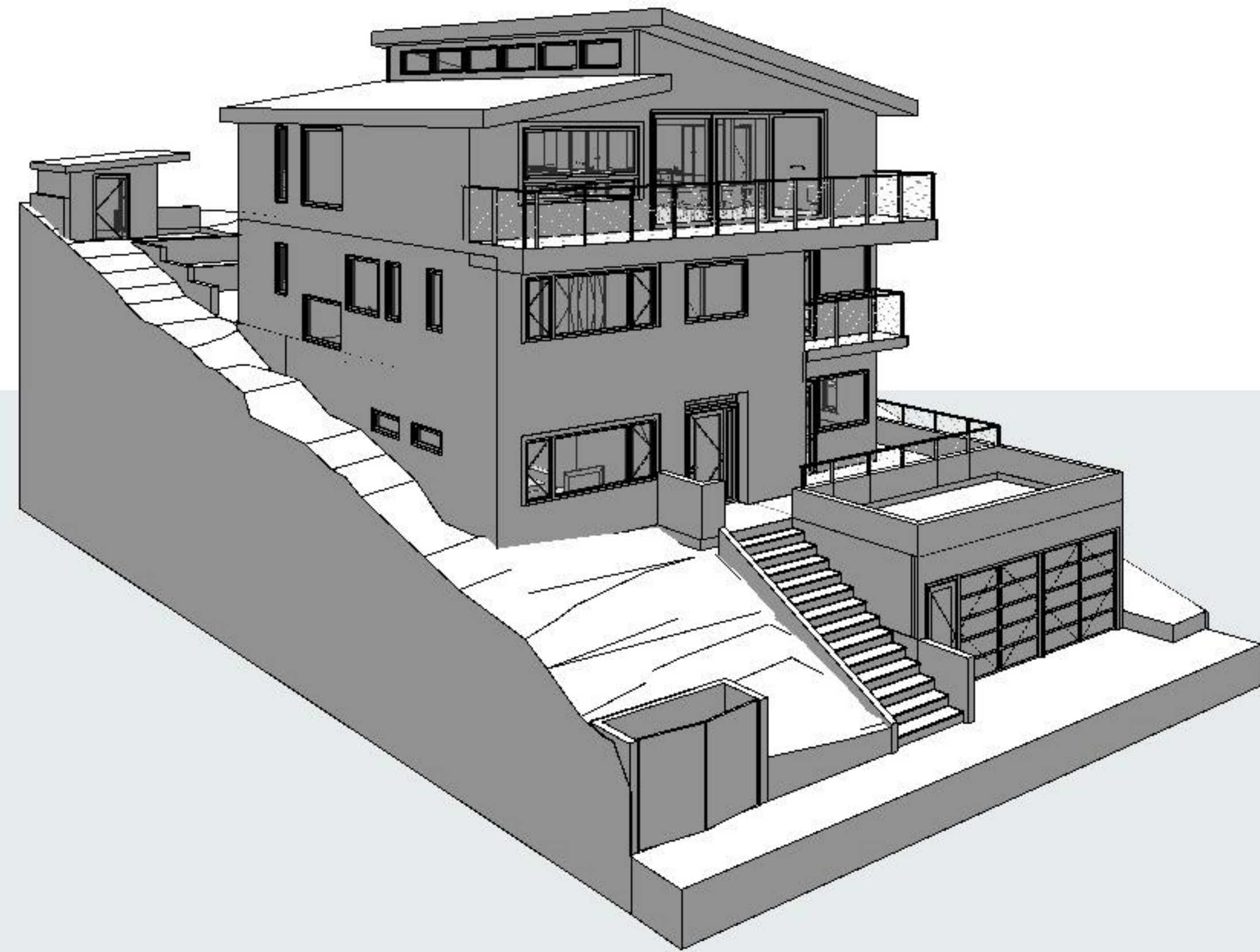
**Prior to Final Inspection or Issuance of Occupancy Permit:**

46. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
47. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 19, 2022, except as modified by conditions of approval.

**At All Times:**

48. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
  49. Windows. Windows shall be fitted with screens located on the outer side of the glass.
  50. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
  51. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
  52. Privacy Screening. The agreed-upon privacy screening plan shall be maintained.
  53. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
  54. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
-

MASSING PERSPECTIVE



N.T.S.

# KEEFE RESIDENCE

469 KENTUCKY AVE., BERKELEY CA 94707

## SCOPE OF WORK

DEMOLISH EXISTING 3 STORY SINGLE FAMILY 4 BEDROOM HOME: 1,733 SF WITH EXISTING DETACHED 240 SF 1-CAR GARAGE. CONSTRUCT NEW 3 STORY SINGLE FAMILY 3.5 BATH, 5 BEDROOM (4 BEDROOMS ON SECOND FLOOR + 1 BEDROOM ON GROUND FLOOR, LABELLED TV ROOM) HOME WITH ATTACHED GROUND FLOOR ADU: 3,310 SF PRIMARY UNIT AND 494 SF ADU WITH DETACHED 488 SF 2-CAR GARAGE. PROJECT INCLUDES NEW GRADING/LANDSCAPING, TRASH ENCLOSURE, AND 85 SF ACCESSORY BUILDING.

### SITE INFORMATION

APN#: 062 294502800  
ZONING DISTRICT: R-1H  
LOT SIZE: 5,088 sq. ft.  
YEAR BUILT: 1926  
WILDFIRE ASSESSMENT DISTRICT:  
HISTORIC: NO  
LIQUEFACTION (SEISMIC HAZARDS MAPPING ACT): NO  
LIQUEFACTION SEVERITY: N/A  
  
FLOOD ZONE (100-YEAR OR 1%): NO  
LANDSLIDE (SEISMIC HAZARDS MAPPING ACT): YES  
CREEK BUFFER: NONE  
FIRE ZONE: 2

### BUILDING INFORMATION

EXISTING:  
NUMBER OF UNITS: 1  
CONSTRUCTION TYPE: V  
OCCUPANCY: R  
FIRE SPRINKLERS: NO  
STORIES: 2 + PARTIAL BASEMENT  
GROSS FLOOR AREA: 1773 SF  
YEAR BUILT: 1926  
  
PROPOSED:  
NUMBER OR UNITS: 2  
PRIMARY DWELLING UNIT (3310 SF) + ATTACHED ADU (494 SF)  
  
CONSTRUCTION TYPE: TBD  
OCCUPANCY: R  
FIRE SPRINKLERS: YES  
STORIES: 3  
GROSS FLOOR AREA: 3,804 SF

## PROJECT TEAM

### ARCHITECT

MAURICE LEVITCH, AIA  
LEVITCH ASSOCIATES, INC.  
  
1029 HEINZ AVENUE  
BERKELEY, CA 94710  
TEL: 510.845.6941  
FAX: 510.845.6950  
EMAIL: MAURICE@LEVITCH.COM

### SURVEYORS

MORAN ENGINEERING, INC.  
1930 SHATTUCK AVE. SUITE A  
BERKELEY, CA 94704  
TEL: 510.848.1930

## Keefe Residence

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Owner:  
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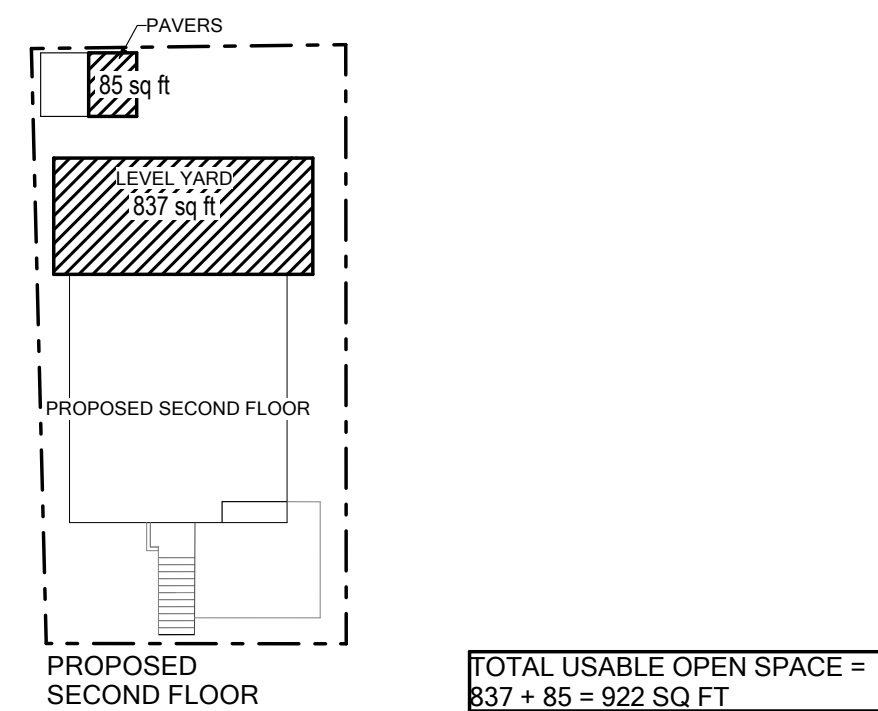


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## USE PERMIT

Sheet Contents:  
COVER SHEET

## USABLE OPEN SPACE DIAGRAM



## AREA TABULATIONS

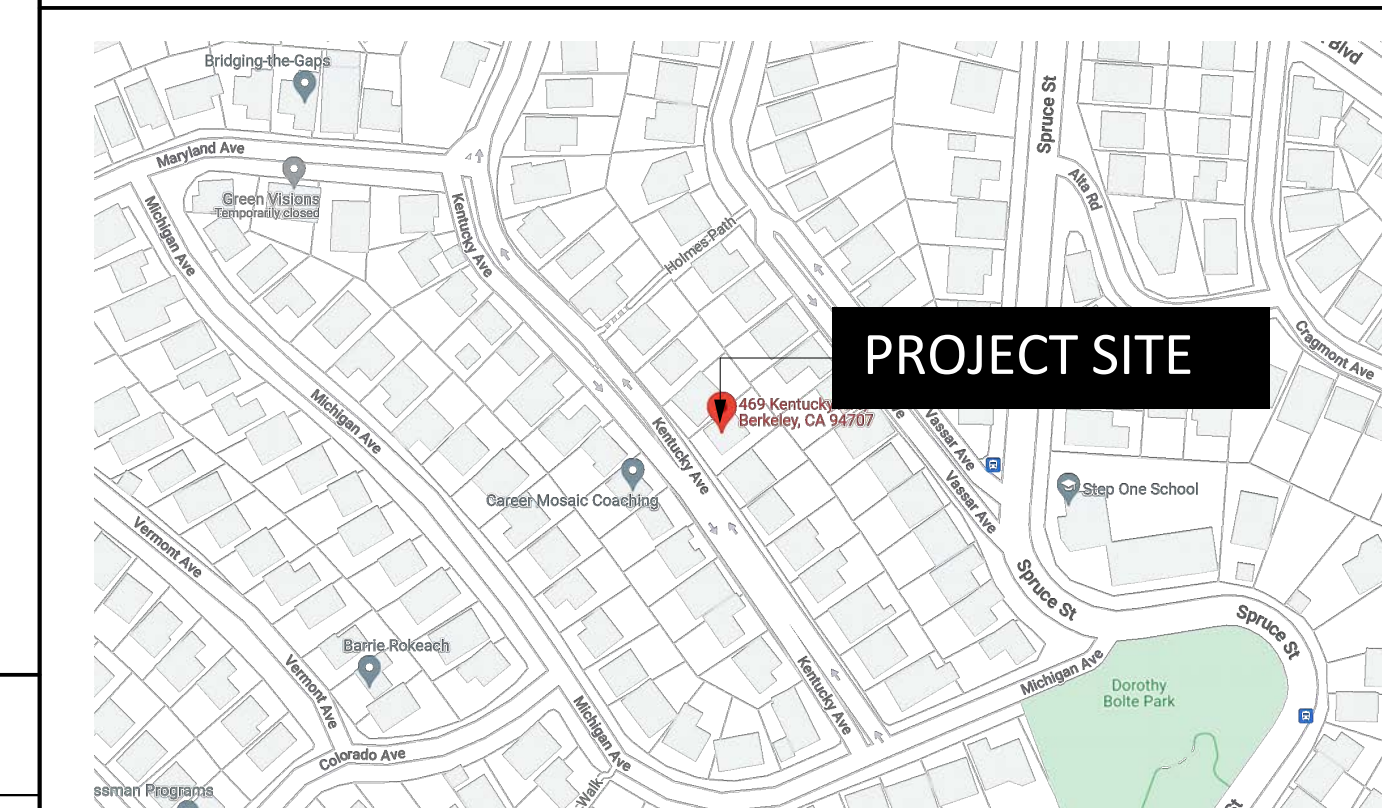
|                                | EXISTING    | PROPOSED    | REQUIRED/<br>PERMITTED |
|--------------------------------|-------------|-------------|------------------------|
| # OF DWELLING UNITS            | 1           | 1 + ADU     | -                      |
| # OF PARKING SPACES            | 1           | 2           | 1                      |
| # OF BEDROOMS                  | 4           | 5           | -                      |
| # OF BATHROOMS                 | 2           | 3.5         | -                      |
| FRONT YARD SETBACK             | 4'          | 4'          | 20'                    |
| SIDE YARD SETBACK (LEFT)       | 4.7'        | 5'          | 4'                     |
| SIDE YARD SETBACK (RIGHT)      | 9.7'        | 9.25'       | 4'                     |
| REAR YARD SETBACK              | 38.8'       | 38.16'      | 20'                    |
| BUILDING HEIGHT (# OF STORIES) | 3           | 3           | 3                      |
| AVERAGE HEIGHT                 | 25.5'       | 29.3'       | 28'                    |
| MAXIMUM HEIGHT                 | 28.75'      | 31.687'     | 35'                    |
| LOT AREA                       | 5,088 sq ft | 5,088 sq ft | 5,000 sq ft            |
| GROSS FLOOR AREA               | 1,773 sq ft | 4,350 sq ft | -                      |
| BUILDING FOOTPRINT             | 1,601 sq ft | 2,020 sq ft | 2,035.2                |
| LOT COVERAGE                   | 31.5%       | 39.7%       | 40%                    |
| USEABLE OPEN SPACE             | 181 sq ft   | 922 sq ft   | 800 sq ft              |

## SHEET INDEX

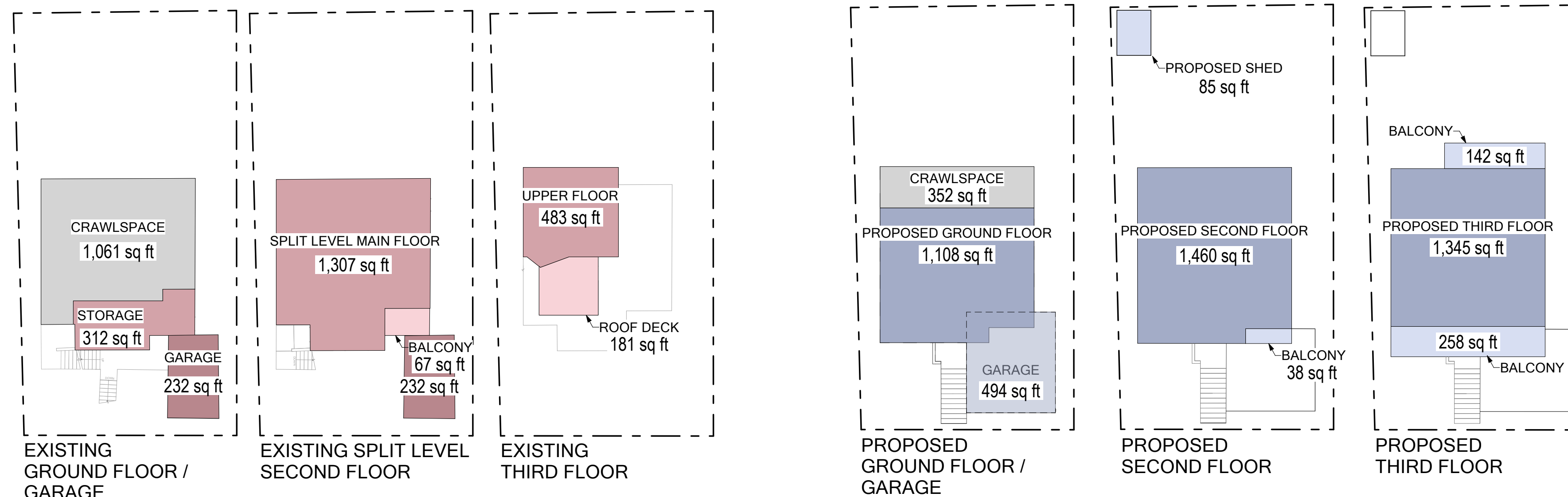
### PRELIMINARY

- A1 COVER SHEET
- A2 SITE PLAN
- A3 EXISTING FLOOR PLANS
- A4 PROPOSED FLOOR PLANS
- A5 PROPOSED FLOOR PLANS
- A6 PROPOSED ELEVATIONS
- A7 PROPOSED ELEVATIONS
- A8 PROPOSED ELEVATIONS
- A9 PROPOSED ELEVATIONS
- A10 PROPOSED SECTIONS
- A11 LANDSCAPE AND GRADING PLAN
- A12 SHADOW STUDY
- A13 SHADOW STUDY ELEVATIONS
- S1 SITE SURVEY

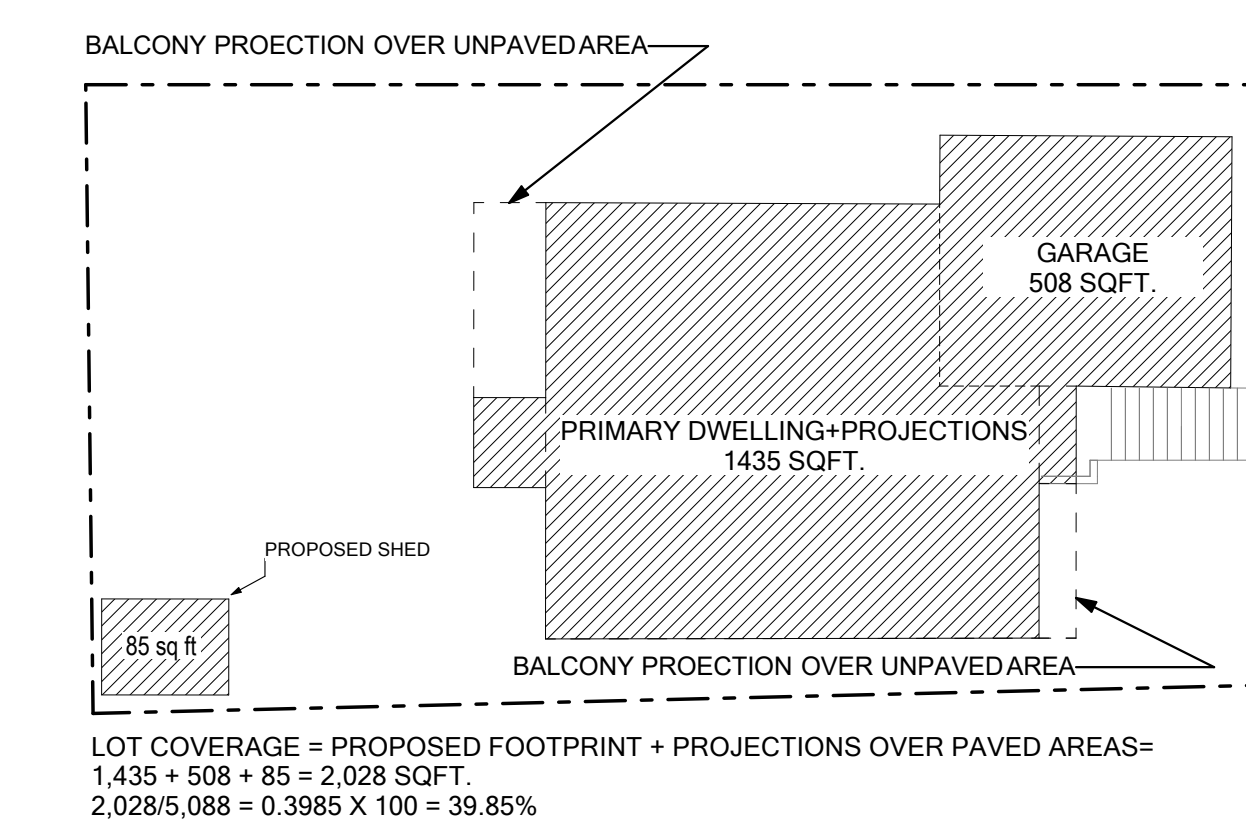
## VICINITY MAP



## AREA CALCULATIONS AND DIAGRAMS



## LOT COVERAGE DIAGRAM



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Project No:  
**2136**

Date:  
**December 19, 2023**

Drawn By:  
**CH/KM**

Checked By:  
**SG**

**A1**

I HAVE REVIEWED THE PLANS FOR DEMOLITION OF EXISTING 4-BEDROOM HOME AND CONSTRUCTION OF A NEW 4,292 GROSS SQUARE FOOT PROJECT, INCLUDING A 5-BEDROOM HOME WITH AN ATTACHED 1-BEDROOM ACCESSORY DWELLING UNIT AND AN ATTACHED 2-CAR GARAGE AT 469 KENTUCKY AVE

| NAME (PRINTED) | SIGNATURE | ADDRESS           | RENTER OR OWNER | DATE | HAVE NO OBJECTIONS | HAVE OBJECTIONS (PLEASE STATE BRIEFLY) | HAVE NO COMMENT |
|----------------|-----------|-------------------|-----------------|------|--------------------|----------------------------------------|-----------------|
|                |           | 467 KENTUCKY AVE. | RENT / OWN      |      |                    |                                        |                 |
|                |           | 475 KENTUCKY AVE. | RENT / OWN      |      |                    |                                        |                 |
|                |           | 462 KENTUCKY AVE. | RENT / OWN      |      |                    |                                        |                 |
|                |           | 466 KENTUCKY AVE. | RENT / OWN      |      |                    |                                        |                 |
|                |           | 472 KENTUCKY AVE. | RENT / OWN      |      |                    |                                        |                 |
|                |           | 470 VASSAR AVE.   | RENT / OWN      |      |                    |                                        |                 |
|                |           | 476 VASSAR AVE.   | RENT / OWN      |      |                    |                                        |                 |
|                |           | 480 VASSAR AVE.   | RENT / OWN      |      |                    |                                        |                 |

# Keefe Residence

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## USE PERMIT

Sheet Contents:  
SITE PLAN

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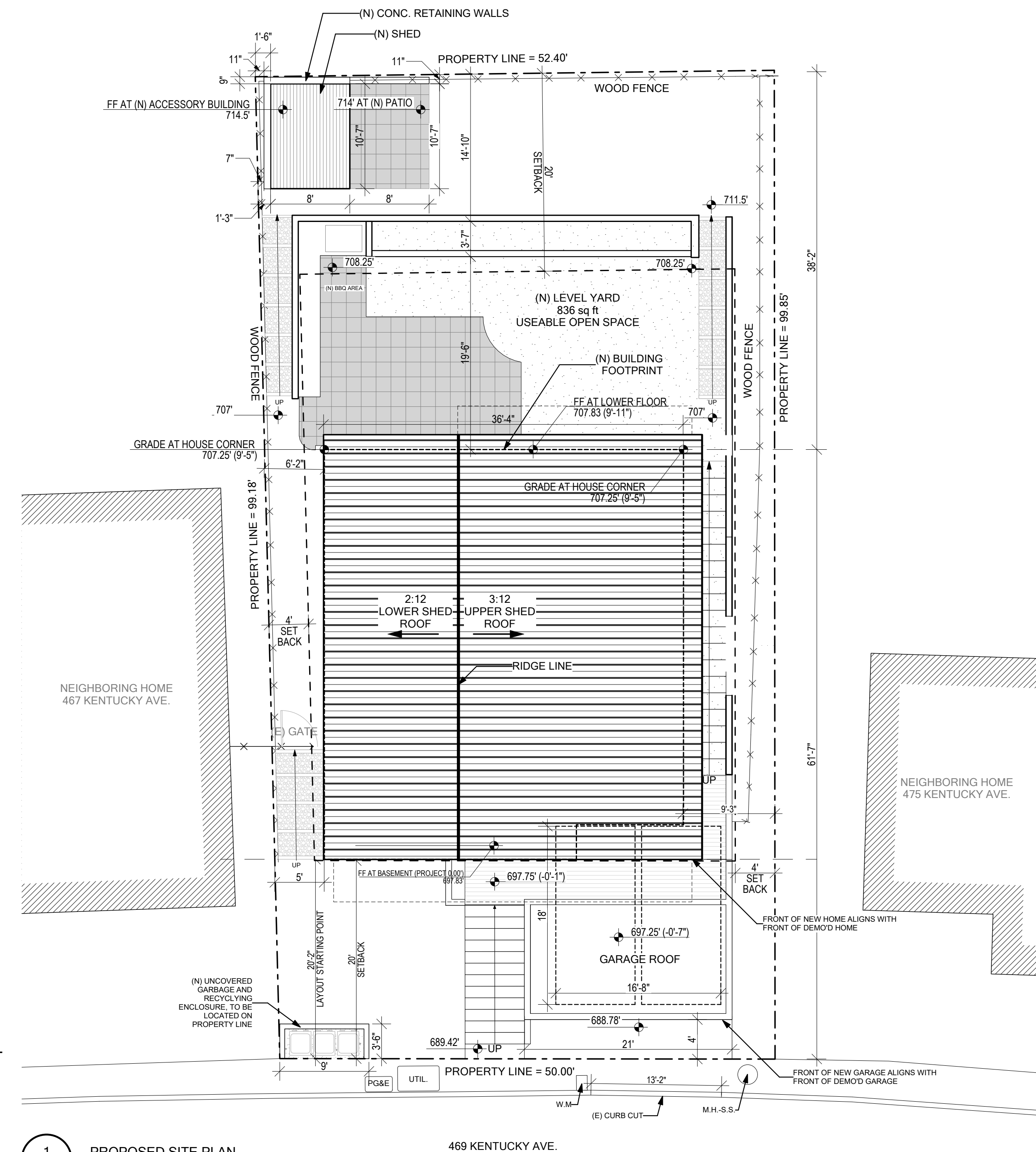
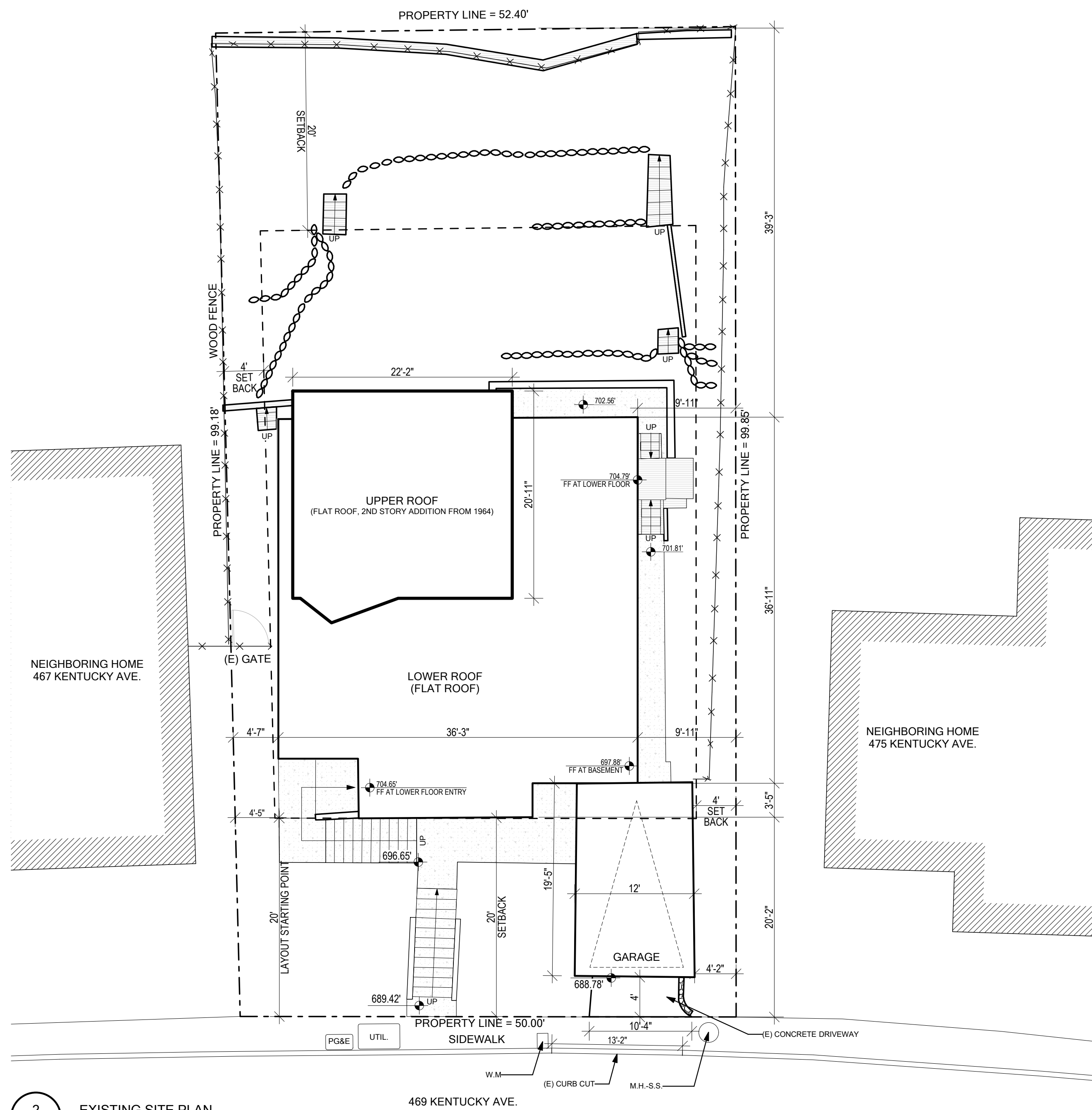
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Project No:  
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**December 19, 2023**

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**CH/KM**

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**A2**



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Sheet Contents:  
EXISTING FLOOR PLANS

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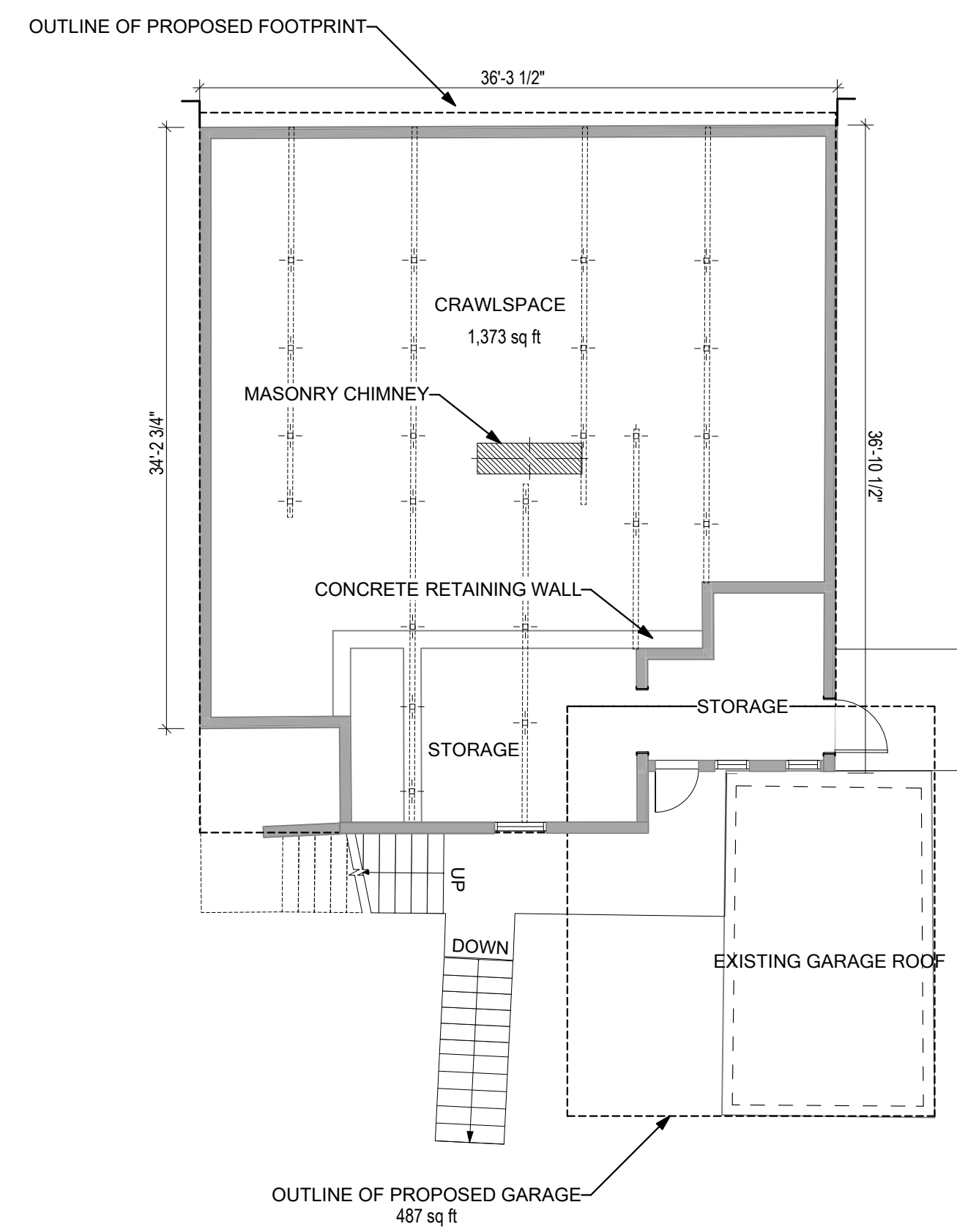
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Date:  
**December 19, 2023**

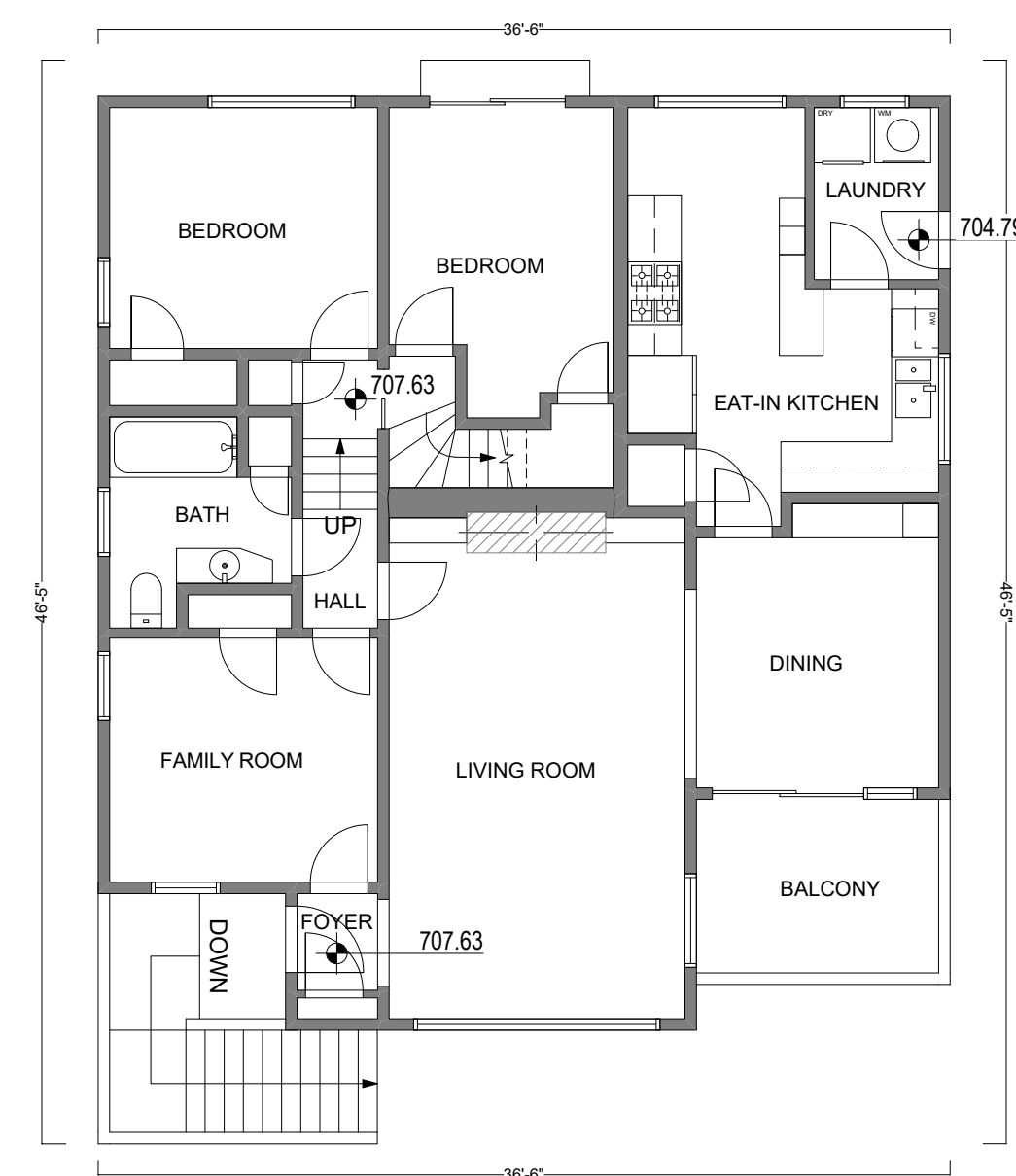
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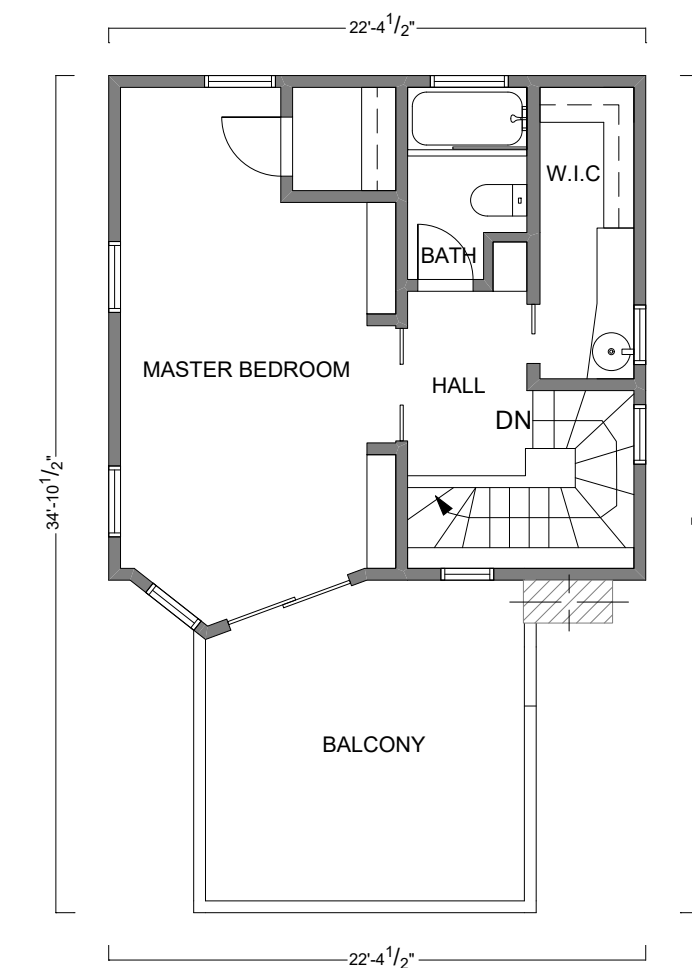
**A3**



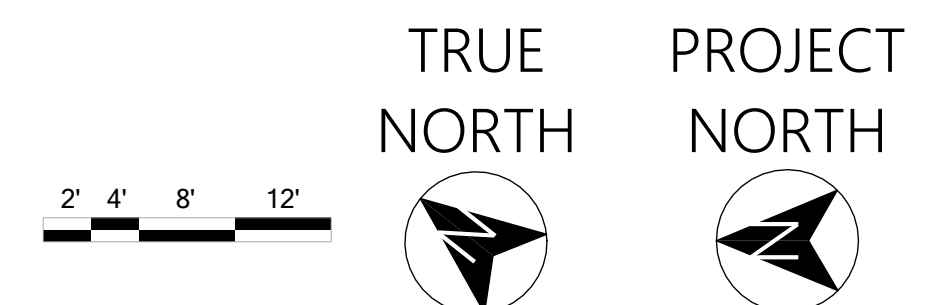
**1**  
A3 EXISTING GROUND FLOOR / GARAGE  
SCALE: 1/8" = 1'-0"



**2**  
A3 EXISTING SPLIT LEVEL SECOND FLOOR  
SCALE: 1/8" = 1'-0"



**3**  
A3 EXISTING THIRD FLOOR  
SCALE: 1/8" = 1'-0"



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PROPOSED FLOOR PLANS

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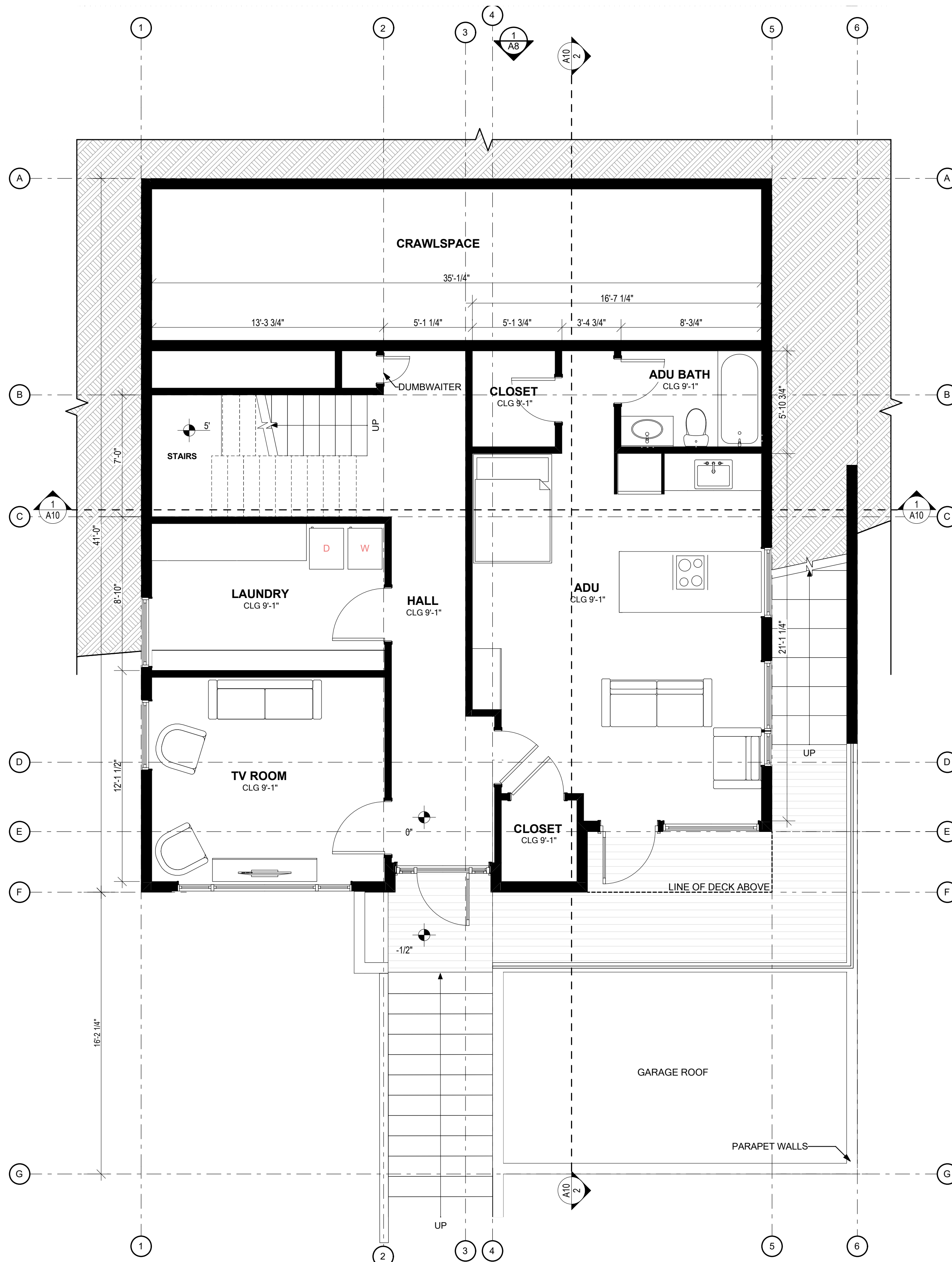
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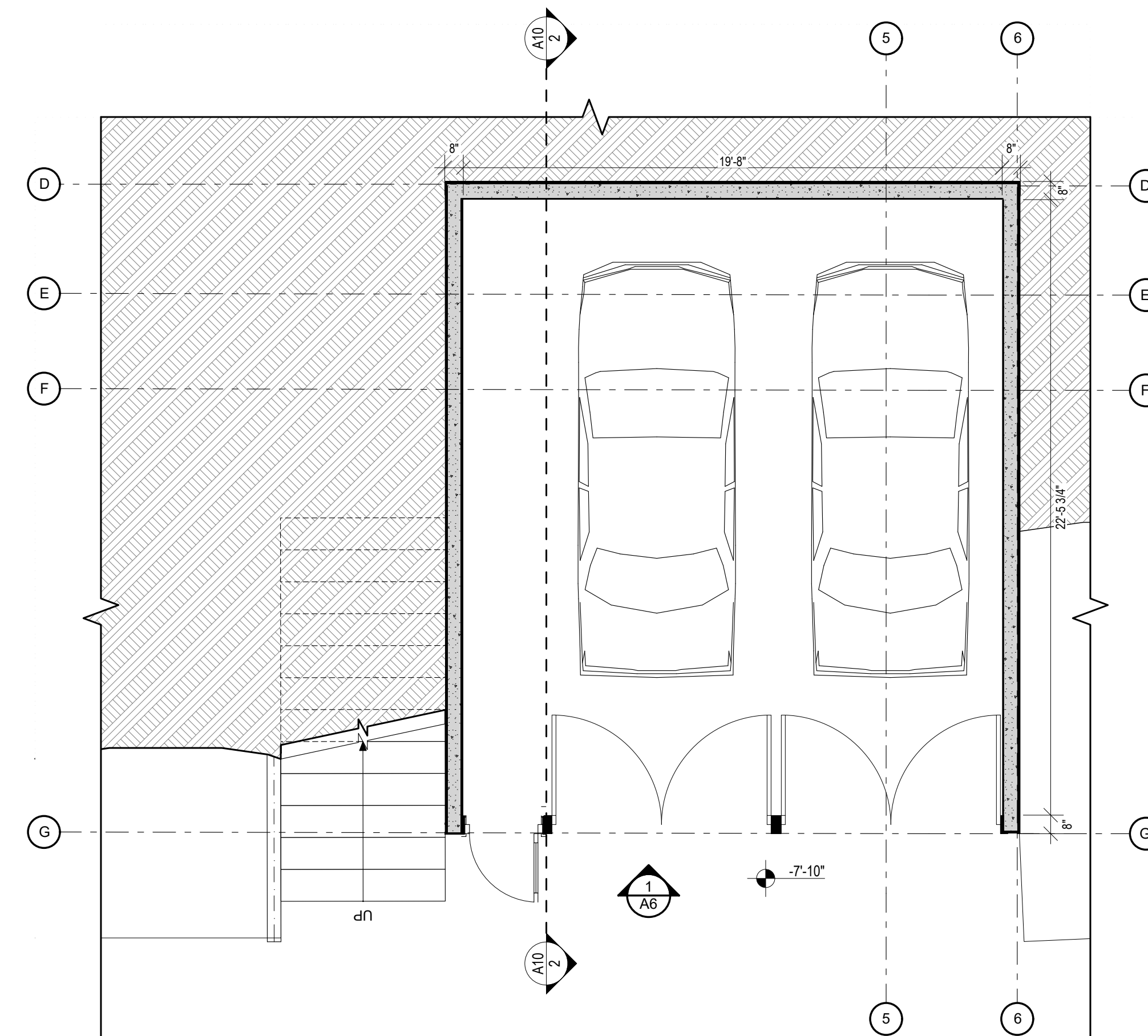
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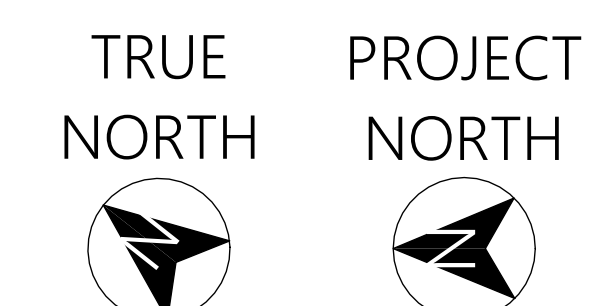
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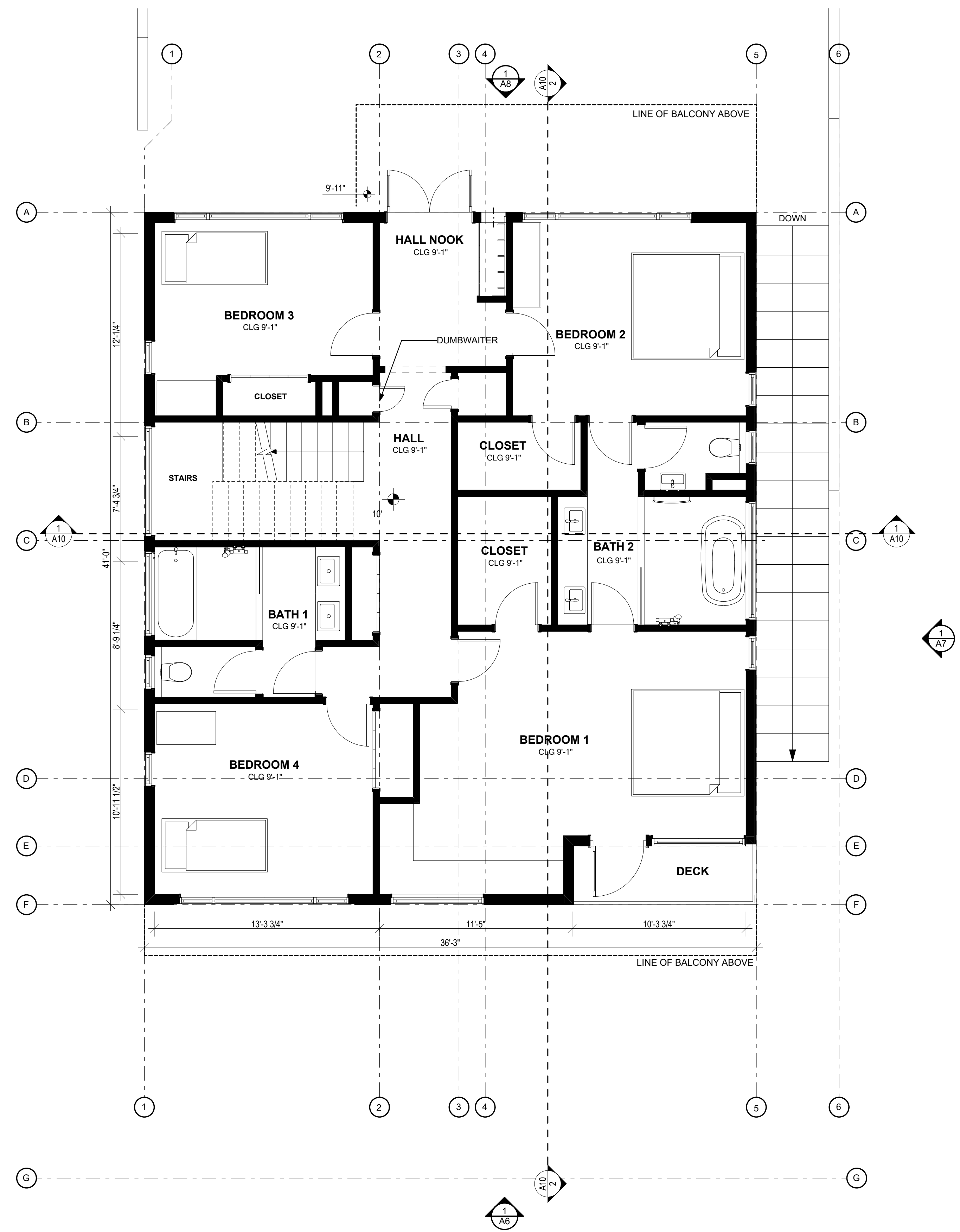
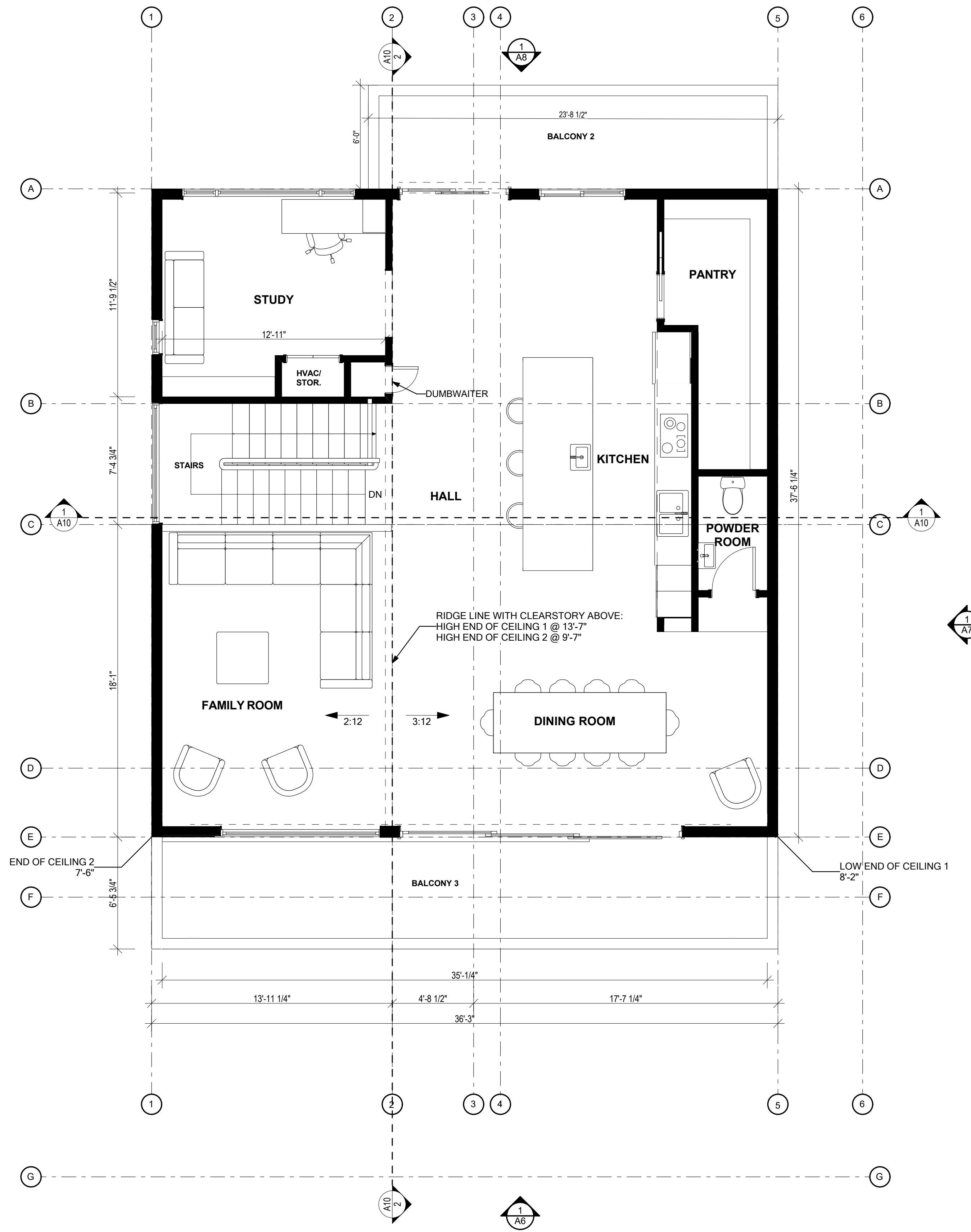


**2**  
A4 PROPOSED GROUND FLOOR  
SCALE: 1/4" = 1'-0"



**1**  
A4 PROPOSED GARAGE FLOOR  
SCALE: 1/4" = 1'-0"





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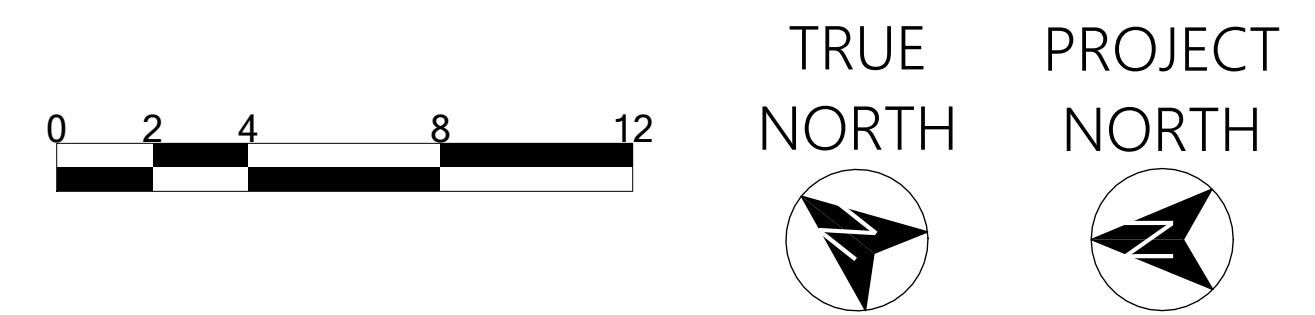
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CH/KM

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A5





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PROPOSED ELEVATIONS

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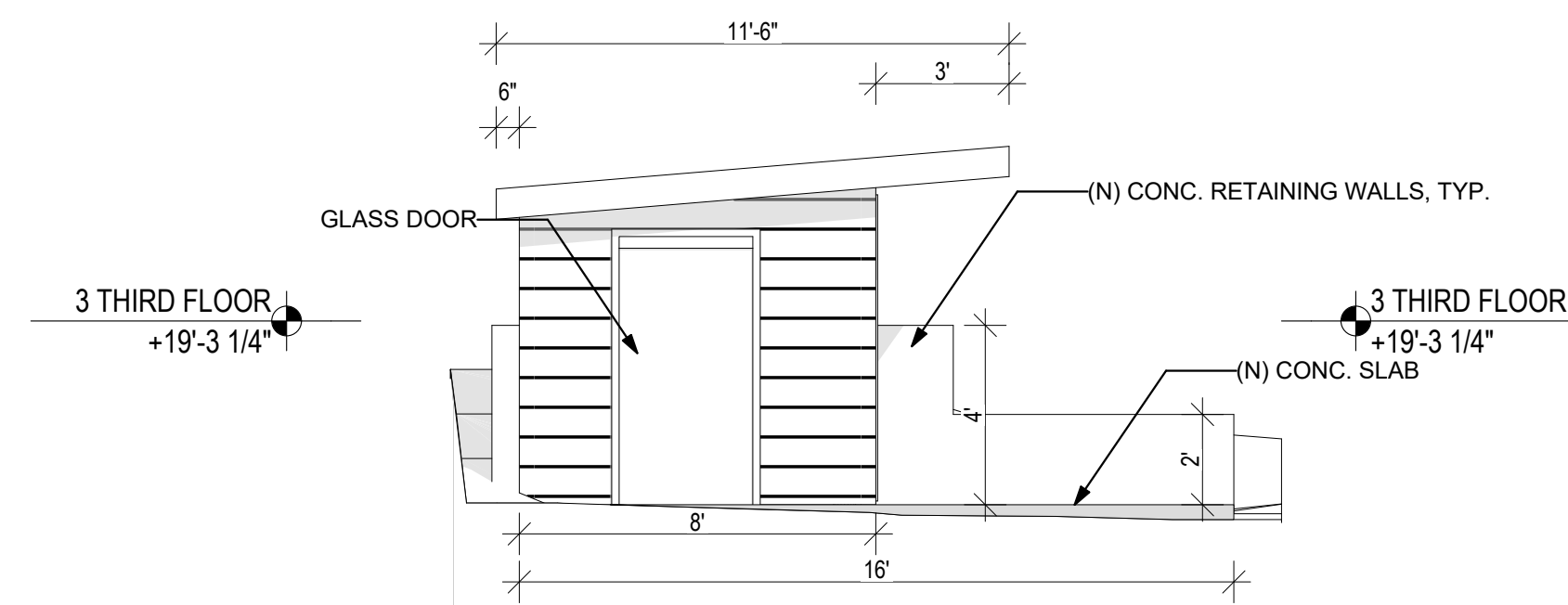
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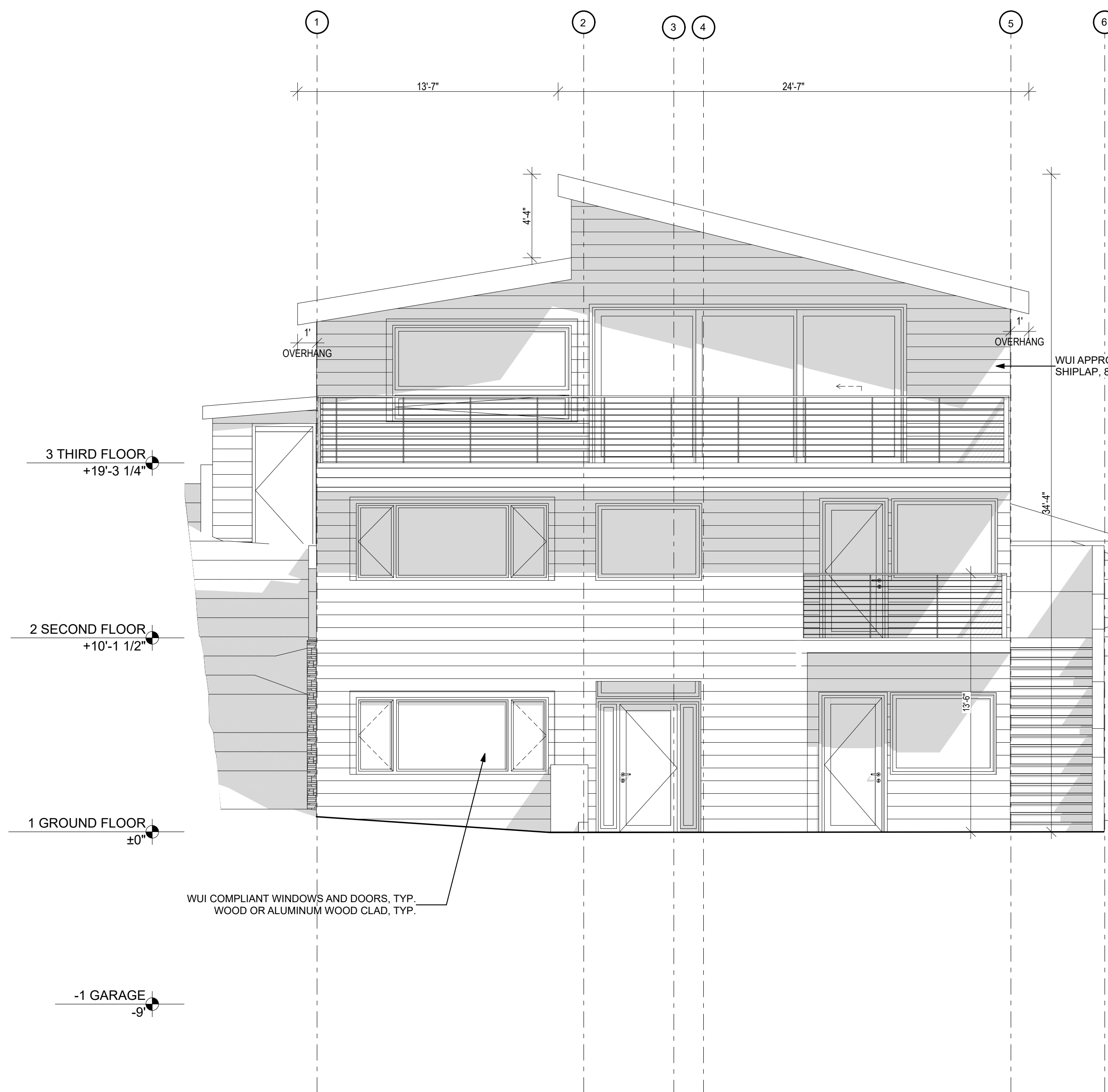
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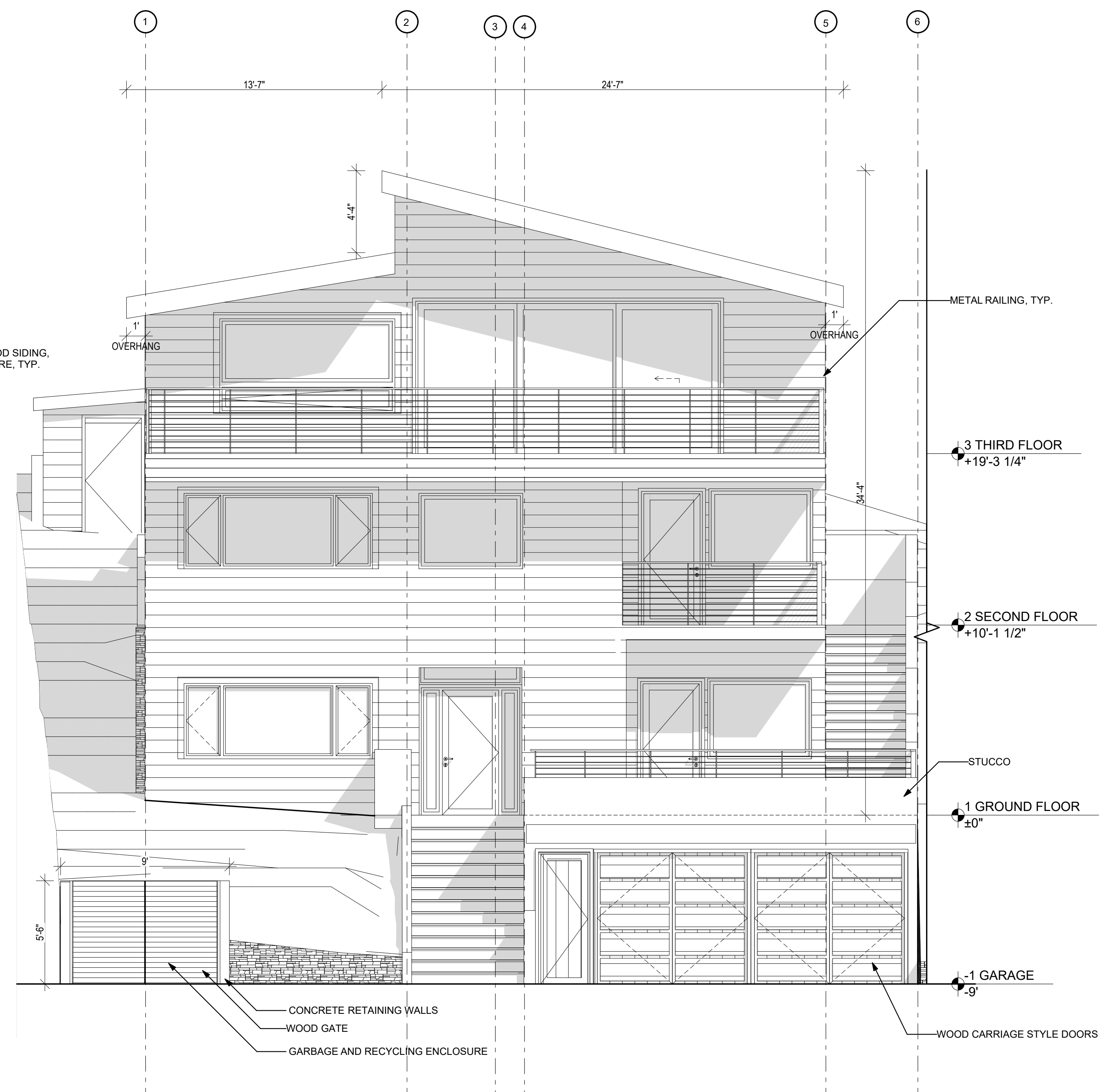
A6



3 WEST ELEVATION: SHED  
A6 SCALE: 1/4" = 1'-0"



1 WEST ELEVATION MAIN HOUSE  
A6 SCALE: 1/4" = 1'-0"



2 WEST ELEVATION STREET VIEW  
A6 SCALE: 1/4" = 1'-0"



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Tel: (510)845-6941 Fax: (510) 845-6950  
www.levitch.com

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Sheet Contents:  
PROPOSED ELEVATIONS

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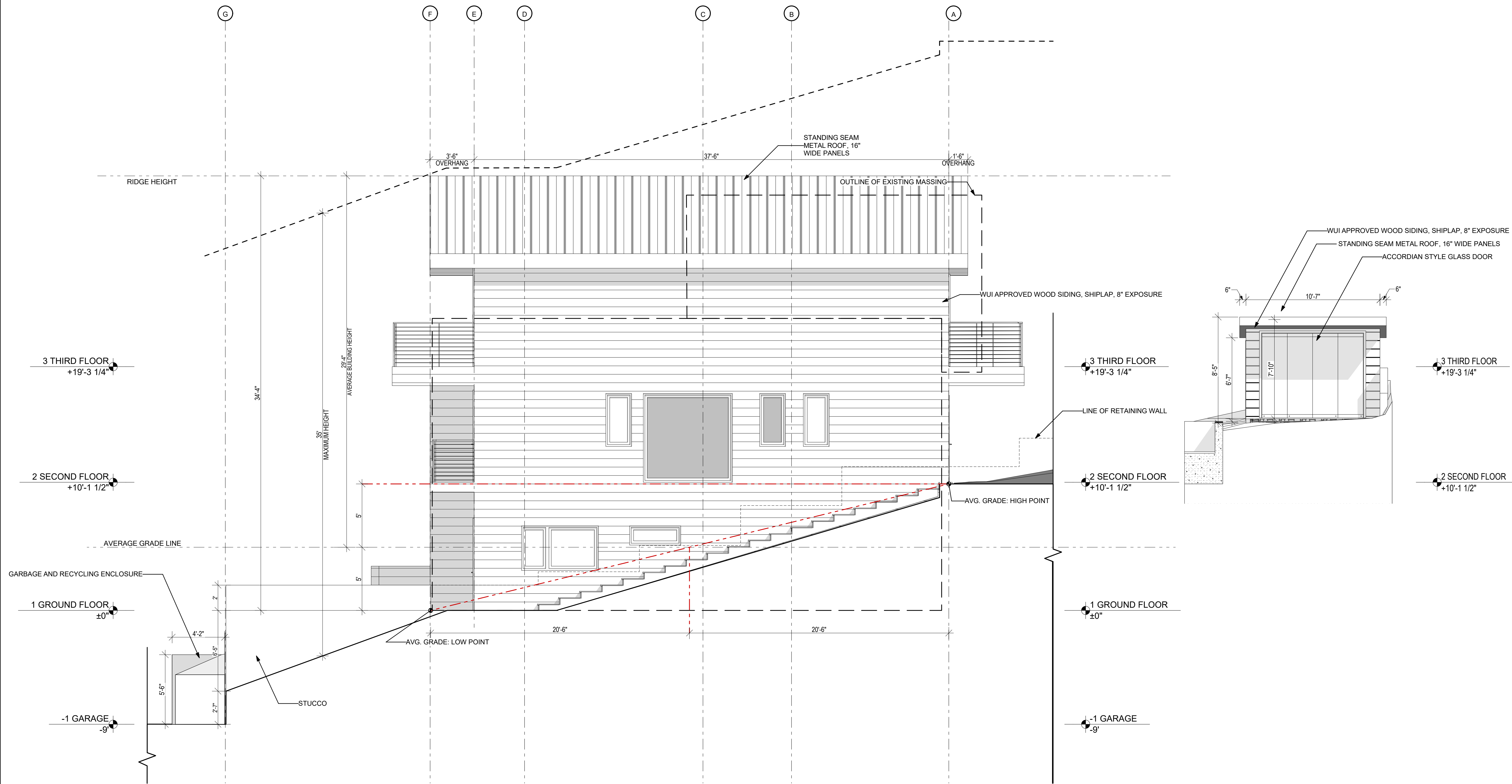
Project No:  
**2136**

Date:  
**December 19, 2023**

Drawn By:  
**CH/KM**

Checked By:  
**SG**

**A7**



1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



# Keefe Residence

Project Address:  
469 KENTUCKY AVE.  
BERKELEY, CA 94707

Owner:  
AIDAN KEEFE

469 KENTUCKY AVE.  
BERKELEY, CA 94707  
MOBILE: (415) 317-7845  
EMAIL: aidan.keefe@gmail.com



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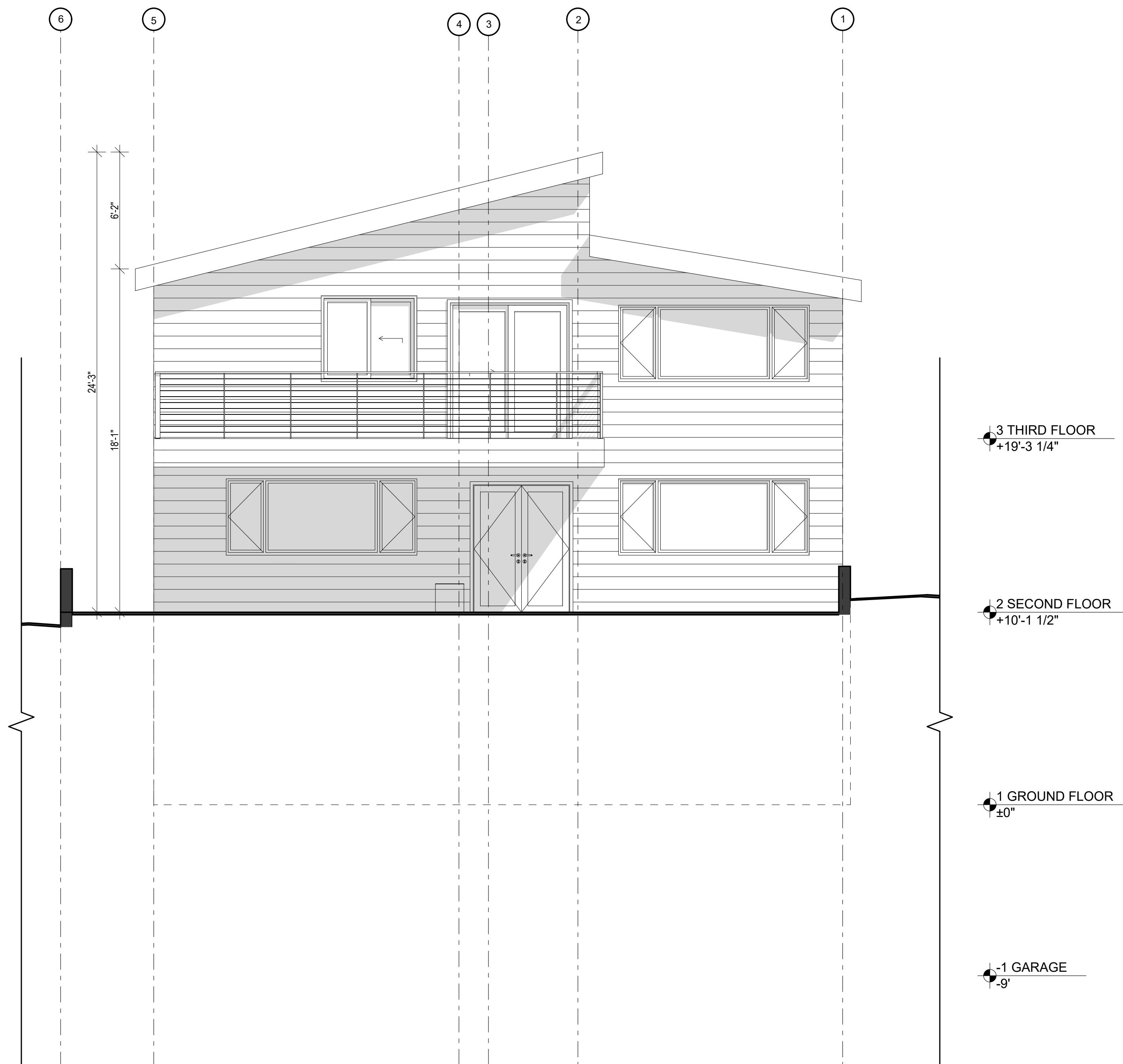
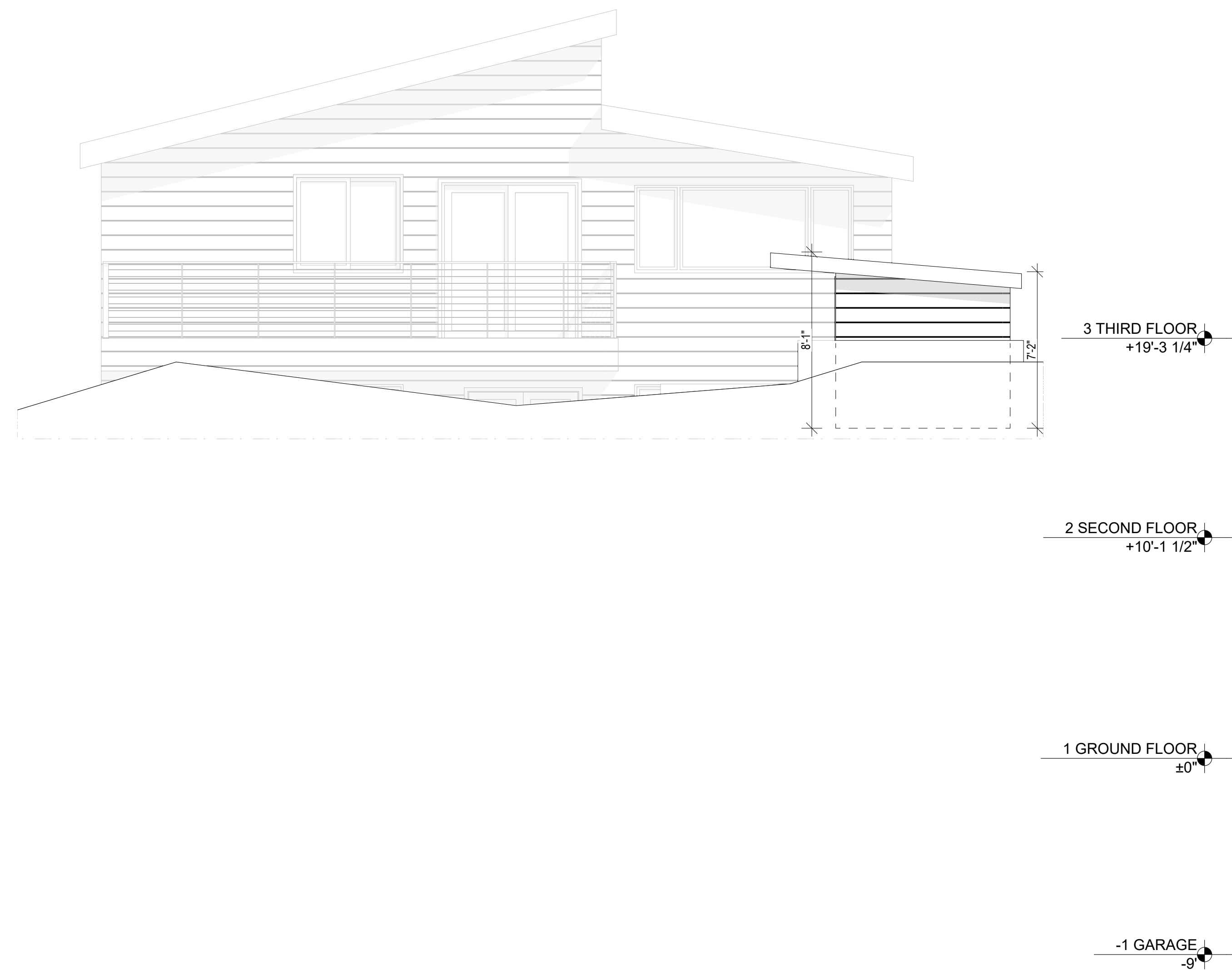
Project No:  
2136

Date:  
December 19, 2023

Drawn By:  
CH/KM

Checked By:  
SG

A8



2 EAST ELEVATION: SHED  
A8 SCALE: 1/4" = 1'-0"

1 EAST ELEVATION  
A8 SCALE: 1/4" = 1'-0"



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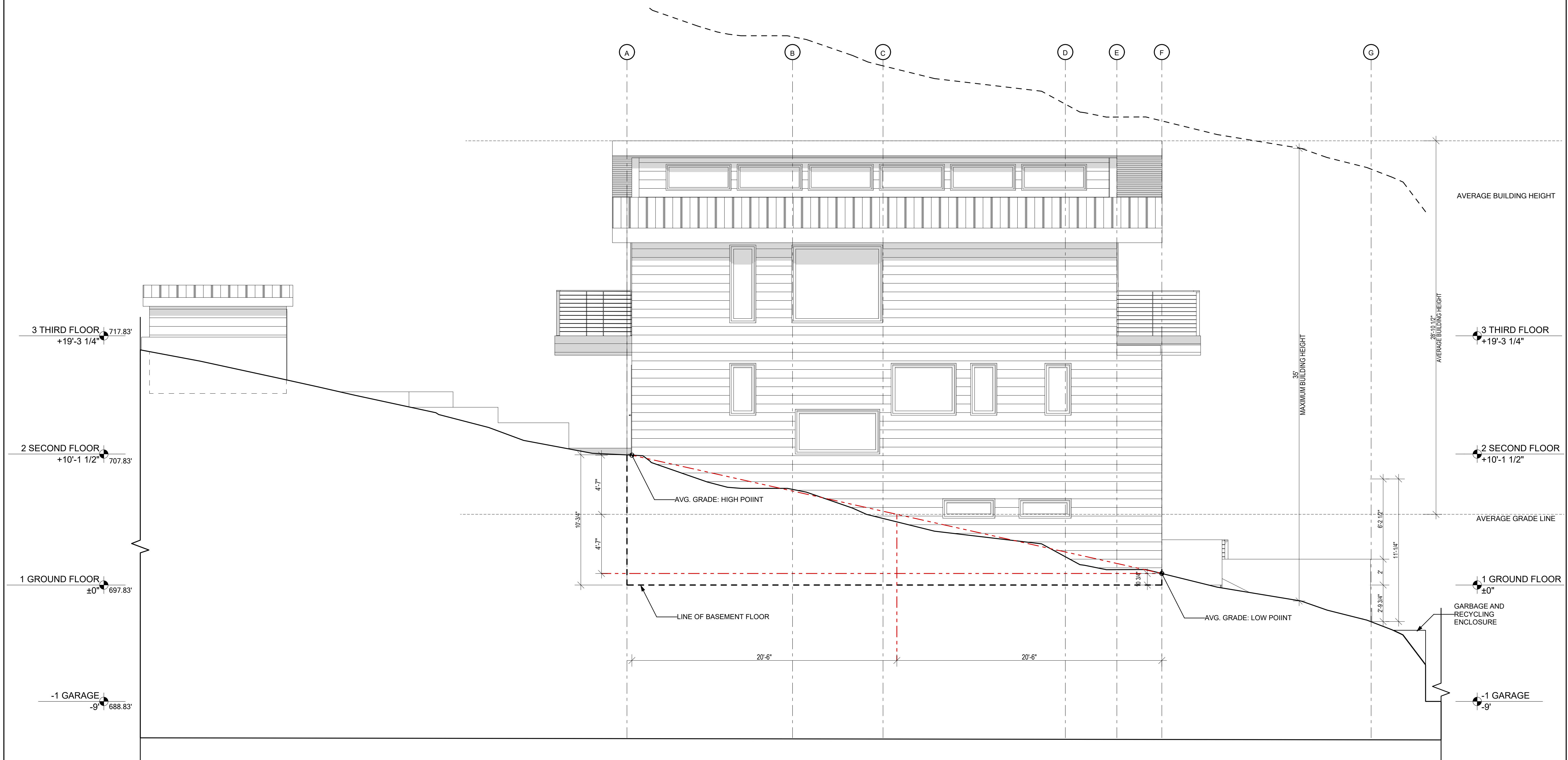
Project No:  
2136

Date:  
December 19, 2023

Drawn By:  
CH/KM

Checked By:  
SG

A9



1 NORTH ELEVATION  
A9 SCALE: 1/4" = 1'-0"



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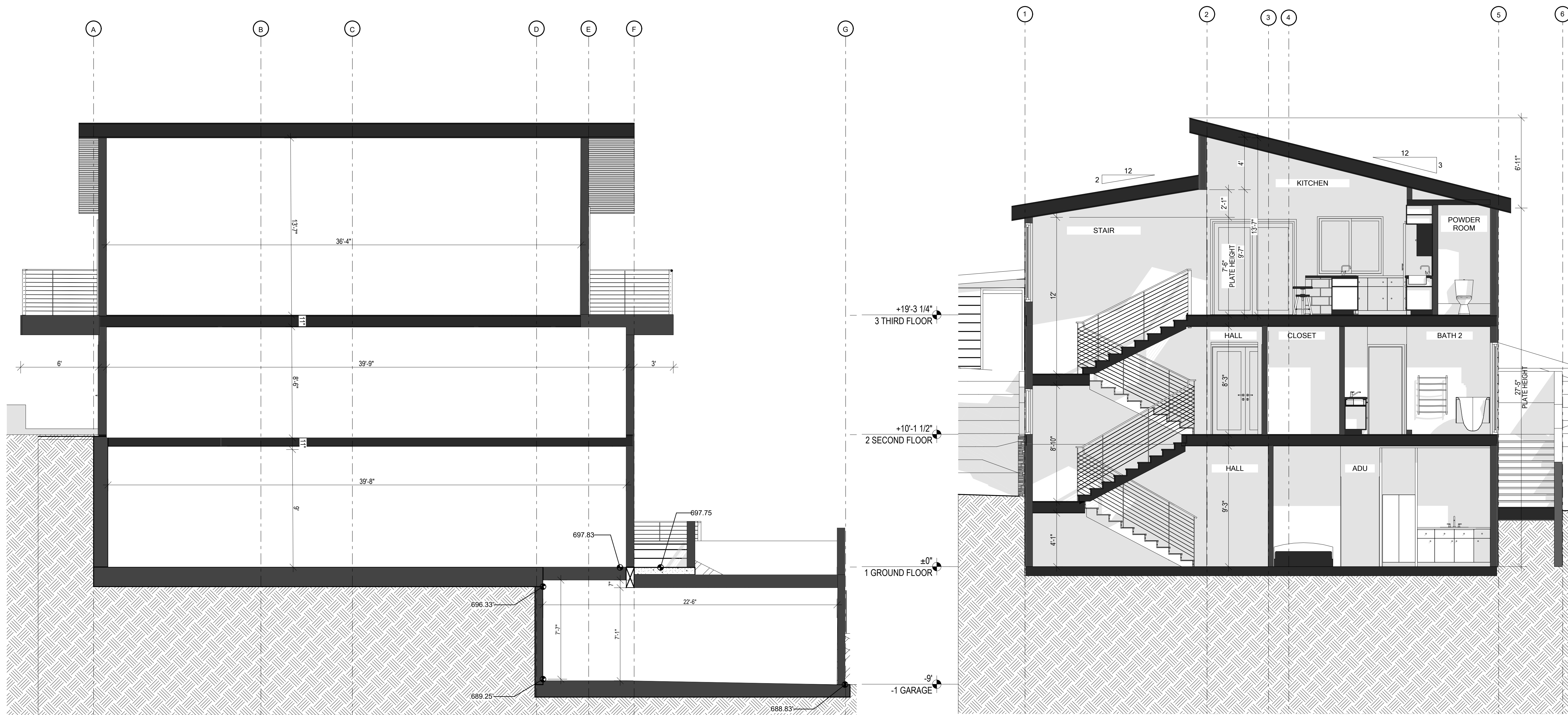
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Project No:  
2136

Date:  
December 19, 2023

Drawn By:  
CH/KM

Checked By:  
SG

A10

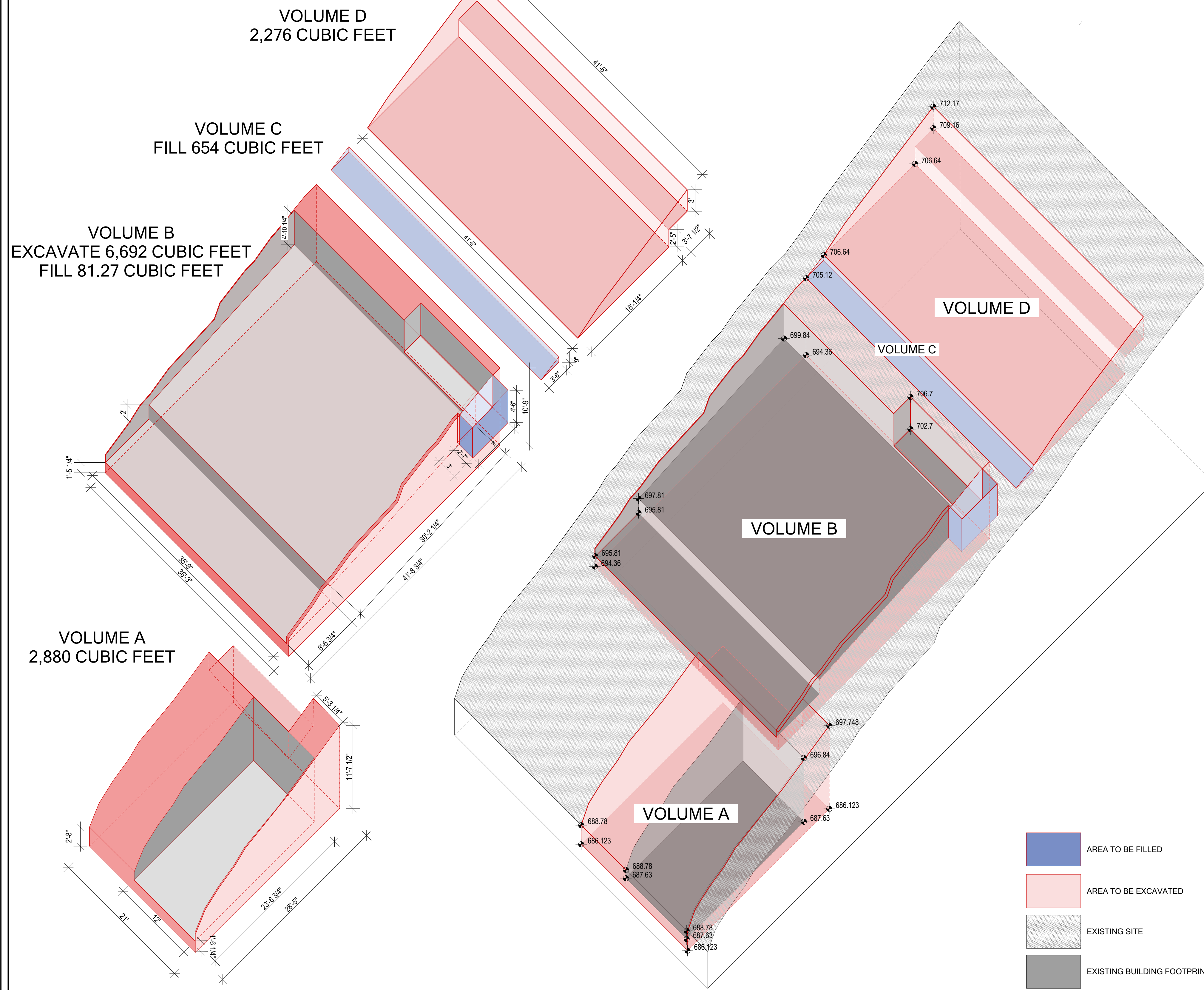


2 SECTION B  
A10 SCALE: 1/4" = 1'-0"

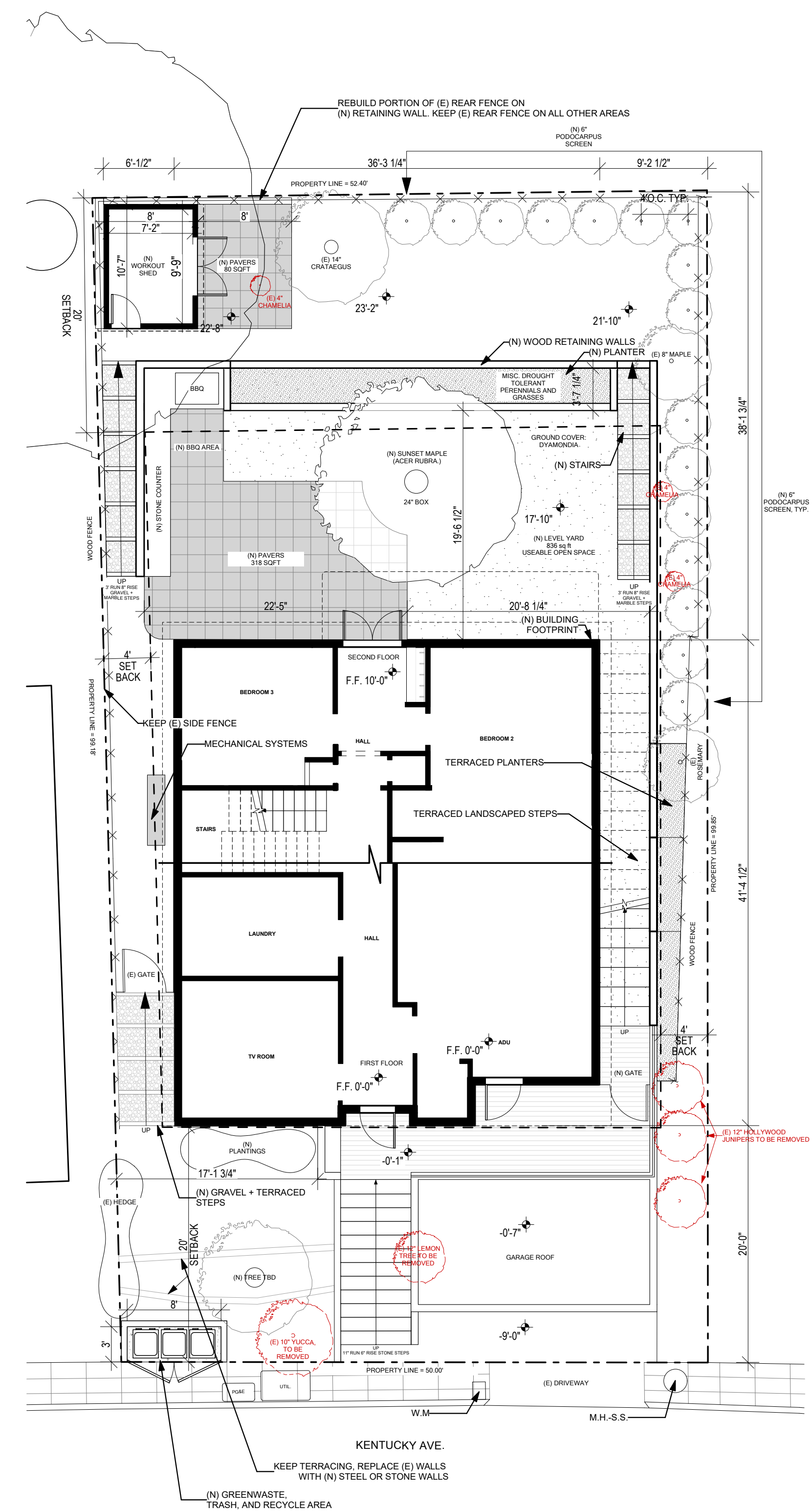
1 SECTION A  
A10 SCALE: 1/4" = 1'-0"



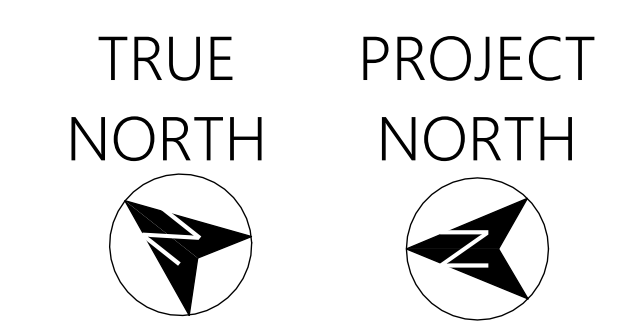
TOTAL EXCAVATION = 11,848 CUBIC FEET  
TOTAL FILL = 735.27



- AREA TO BE FILLED
- AREA TO BE EXCAVATED
- EXISTING SITE
- EXISTING BUILDING FOOTPRINT



1 A11 LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"



5 A11 CONCEPTUAL GRADING DIAGRAM  
SCALE: 1/8" = 1'-0"

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Sheet Contents:  
LANDSCAPE AND GRADING  
PLAN

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Date:  
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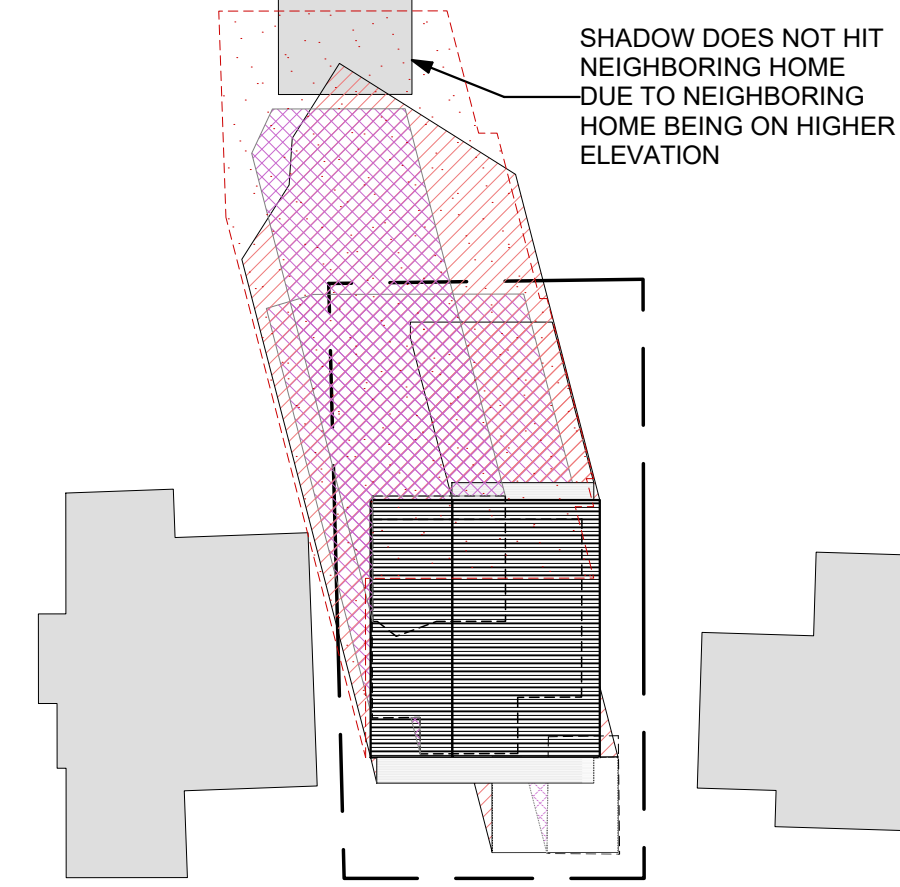
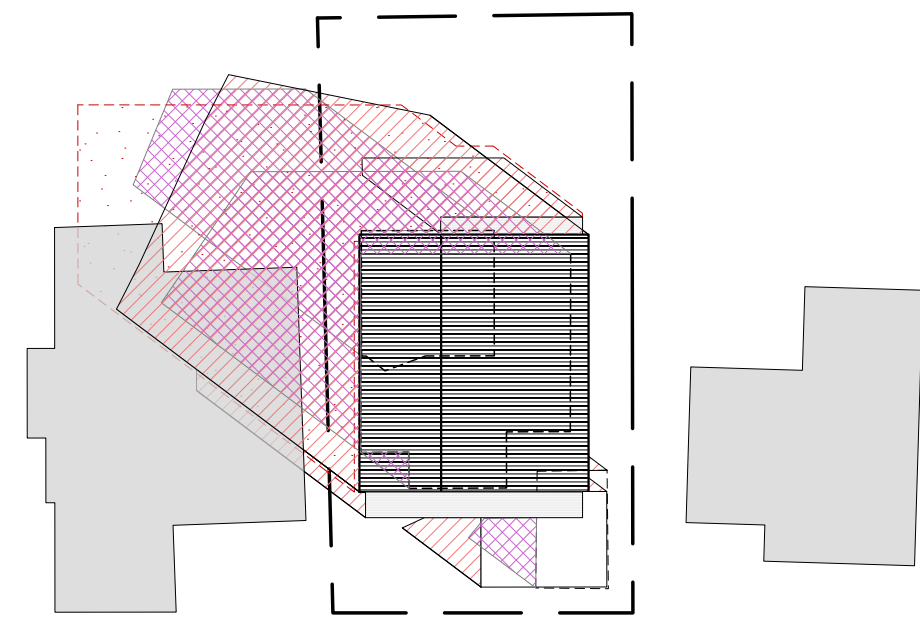
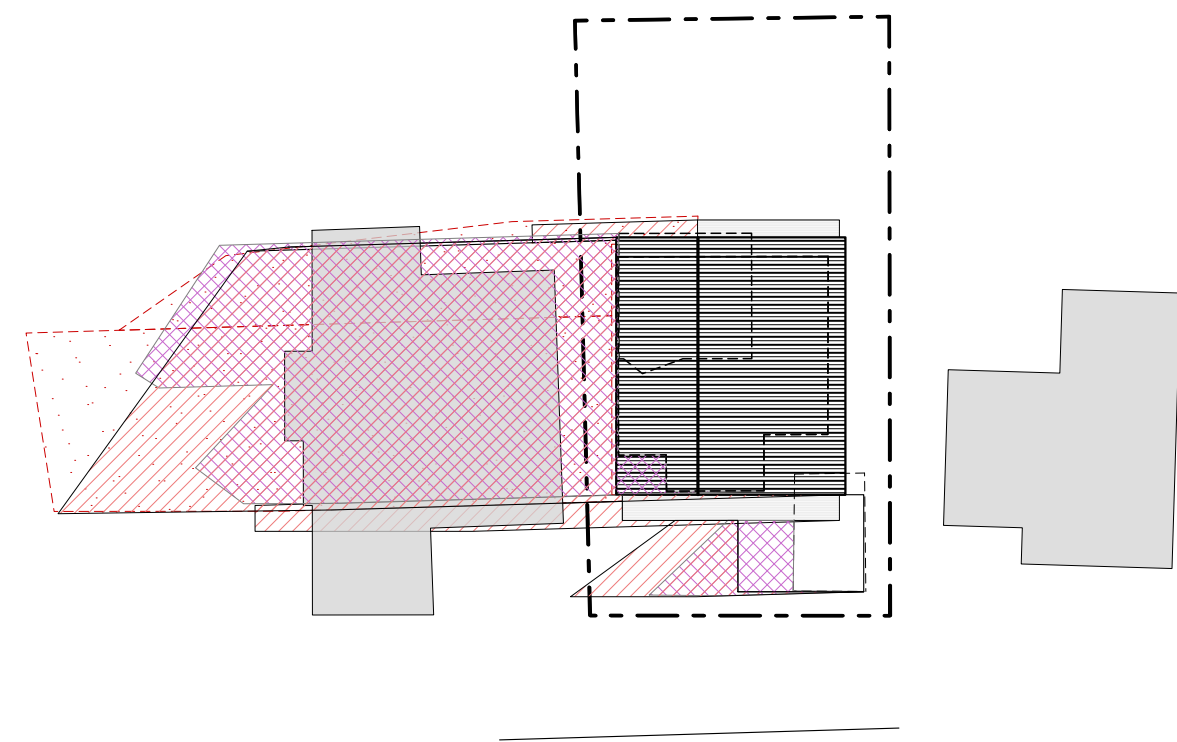
A11

2 HOURS AFTER SUNRISE

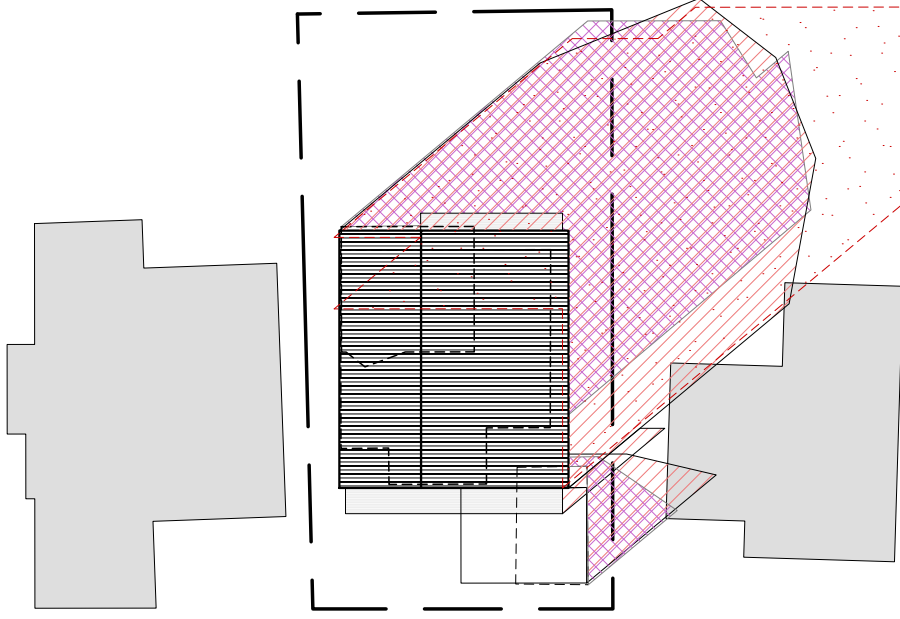
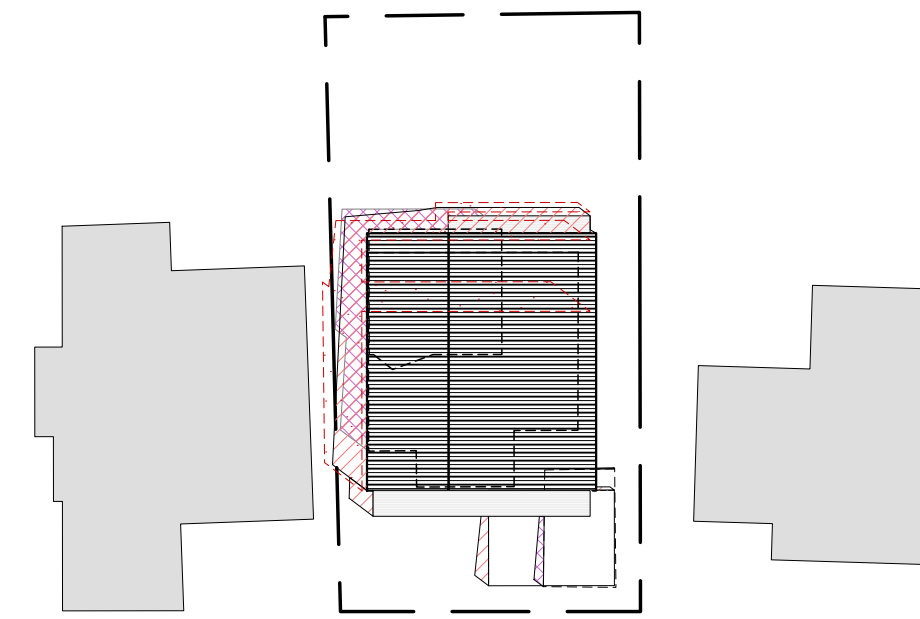
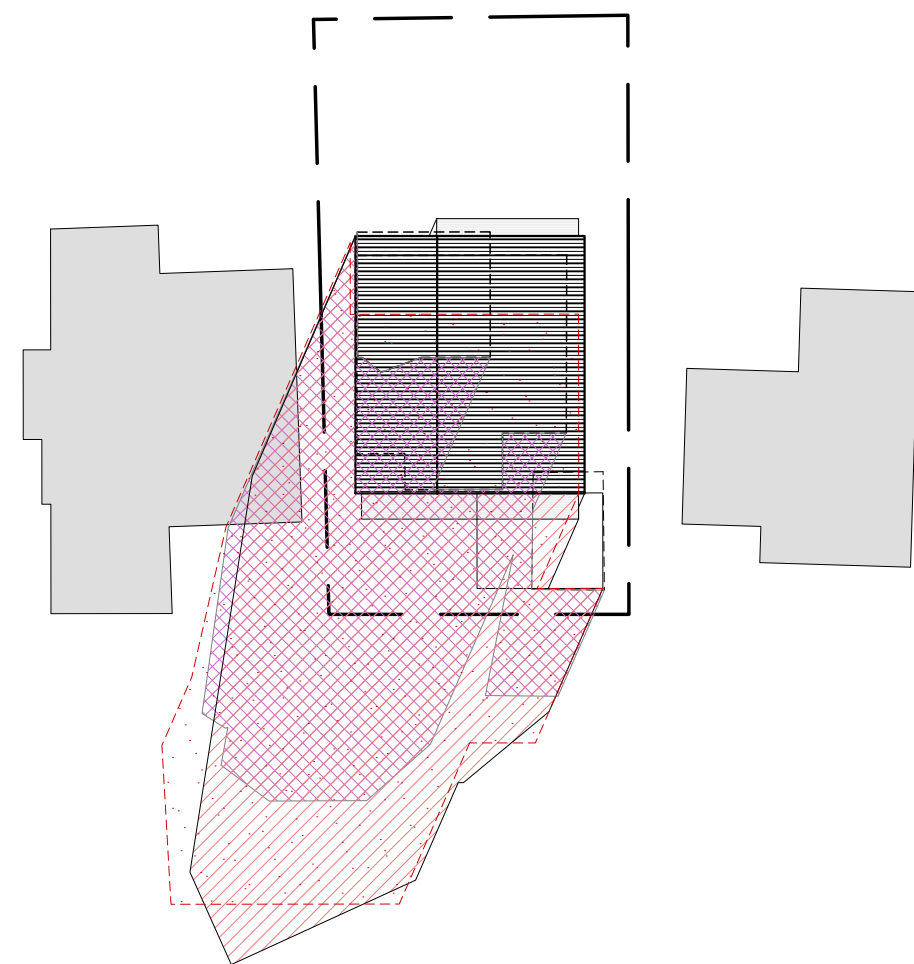
NOON

2 HOURS BEFORE SUNSET

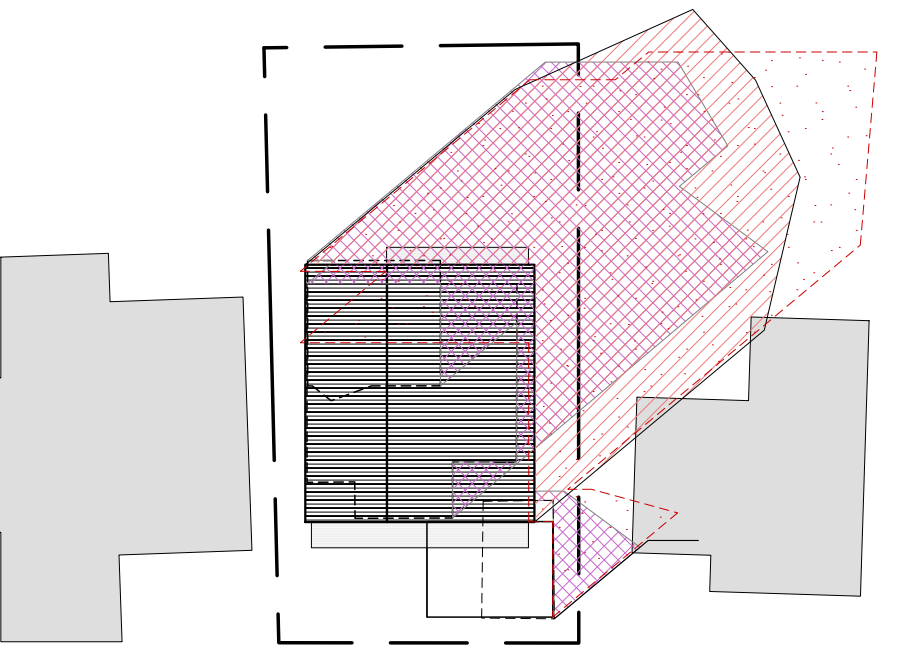
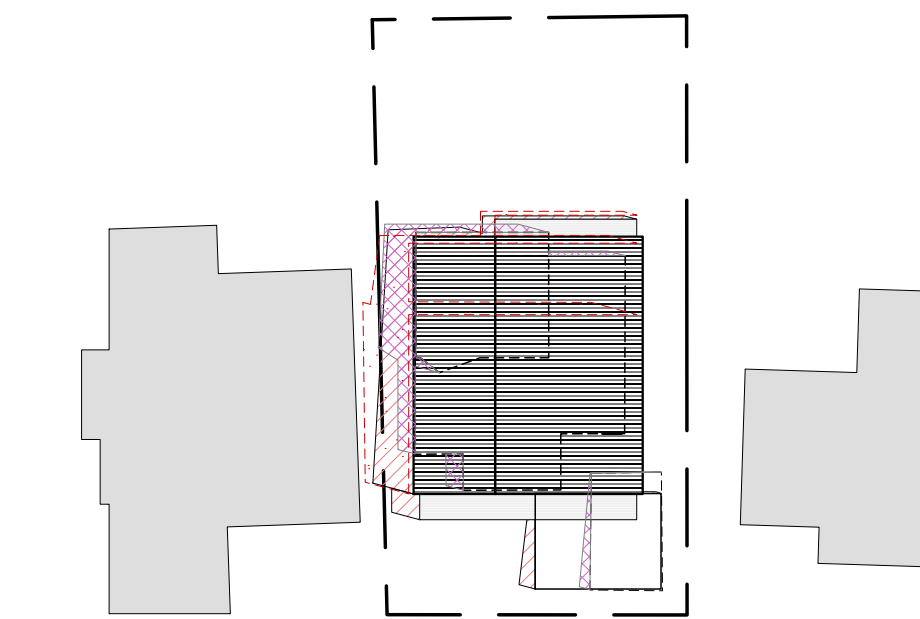
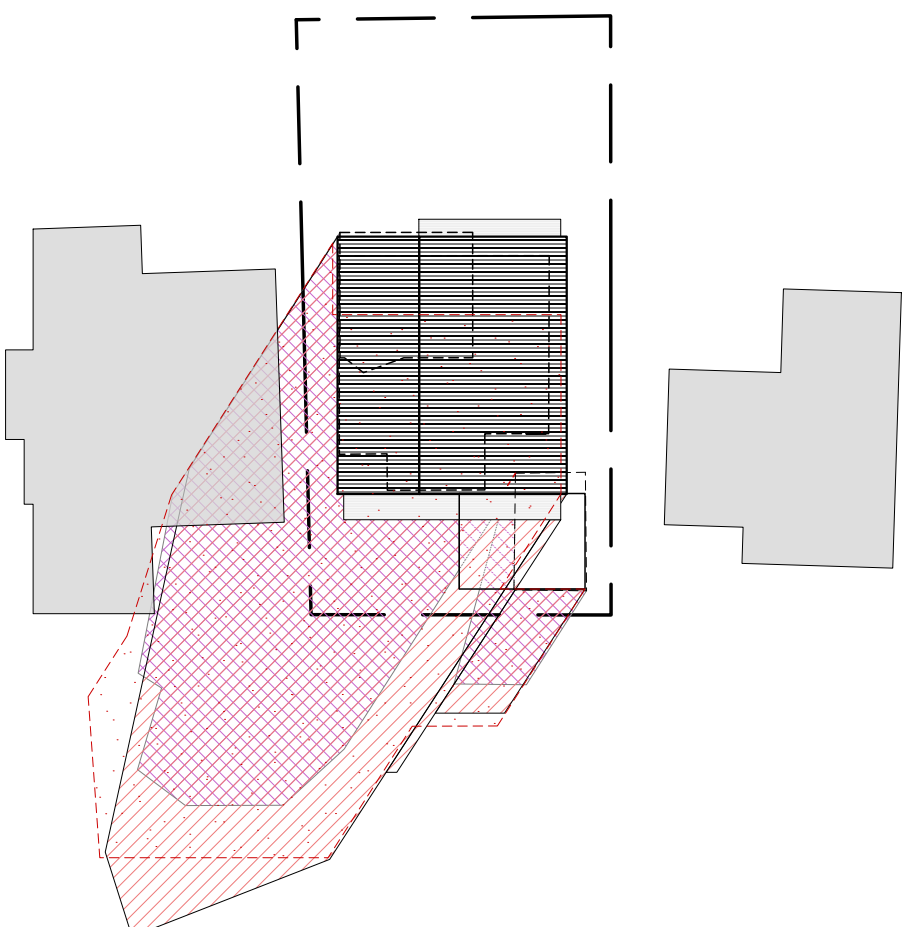
12/21



6/21



5/11



NOTE: ALL BUILDINGS BEING SHADOWED ARE SHOWN IN THE DIAGRAM

469 KENTUCKY BACKYARD:  
PHOTO TAKEN ON 5/11/22 AT 12:00 PM



2 SHADOW STUDY  
A12 SCALE: 1/32" = 1'-0"

 PREVIOUSLY PROPOSED SHADOW
  PROPOSED SHADOW
  EXISTING SHADOW



### Keefe Residence

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SHADOW STUDY

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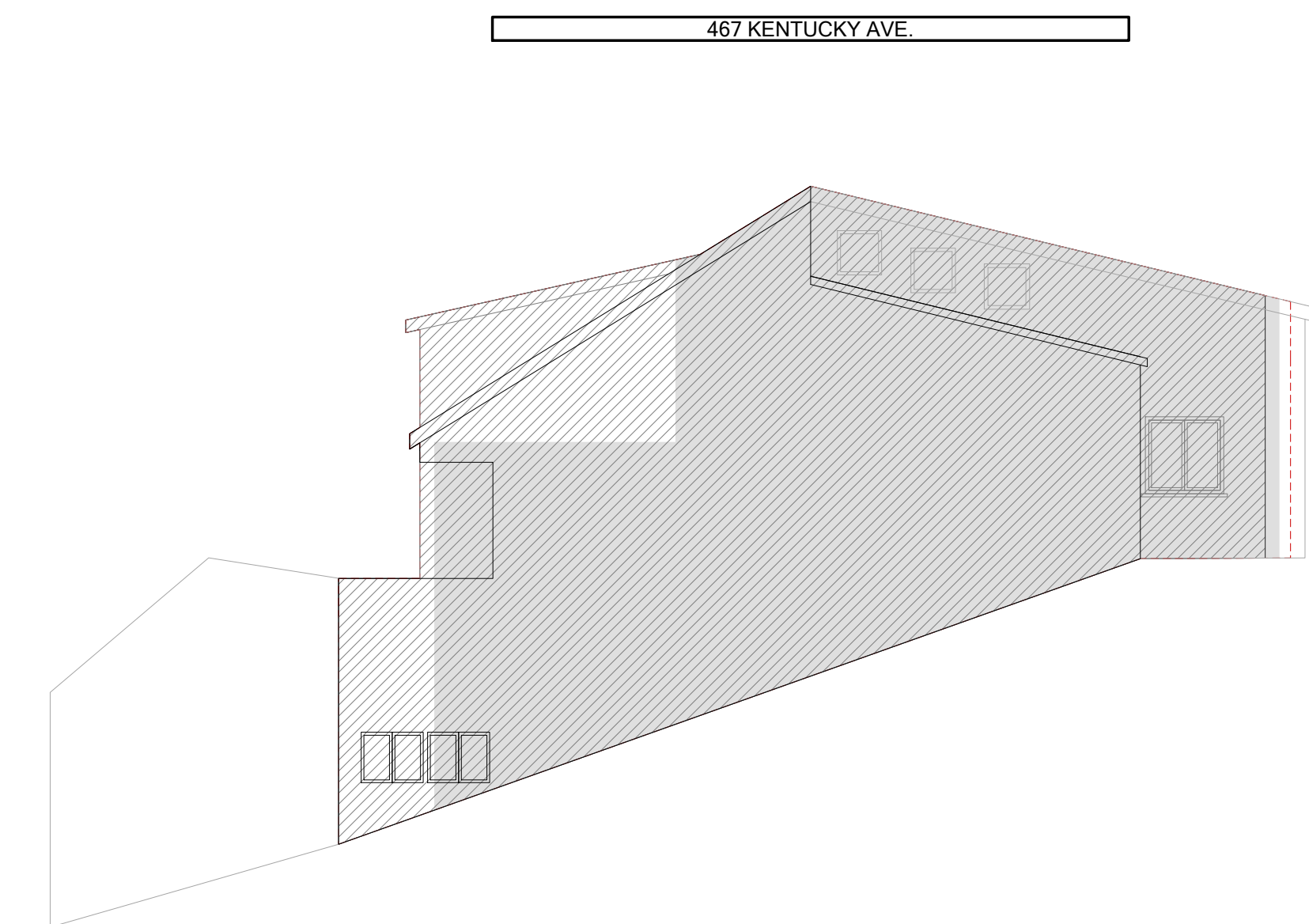
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2136

Date:  
December 19, 2022

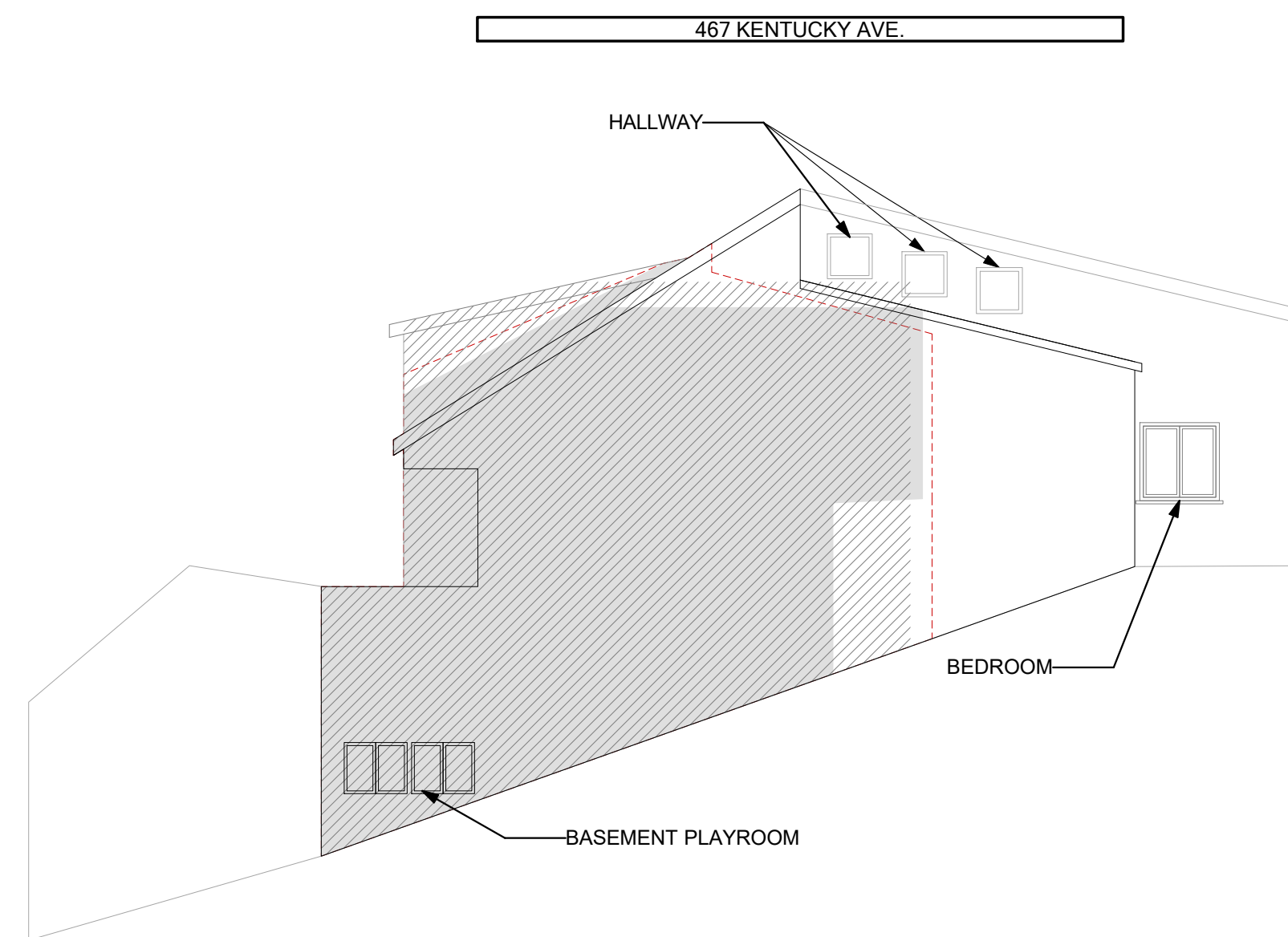
Drawn By:  
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Checked By:  
SG

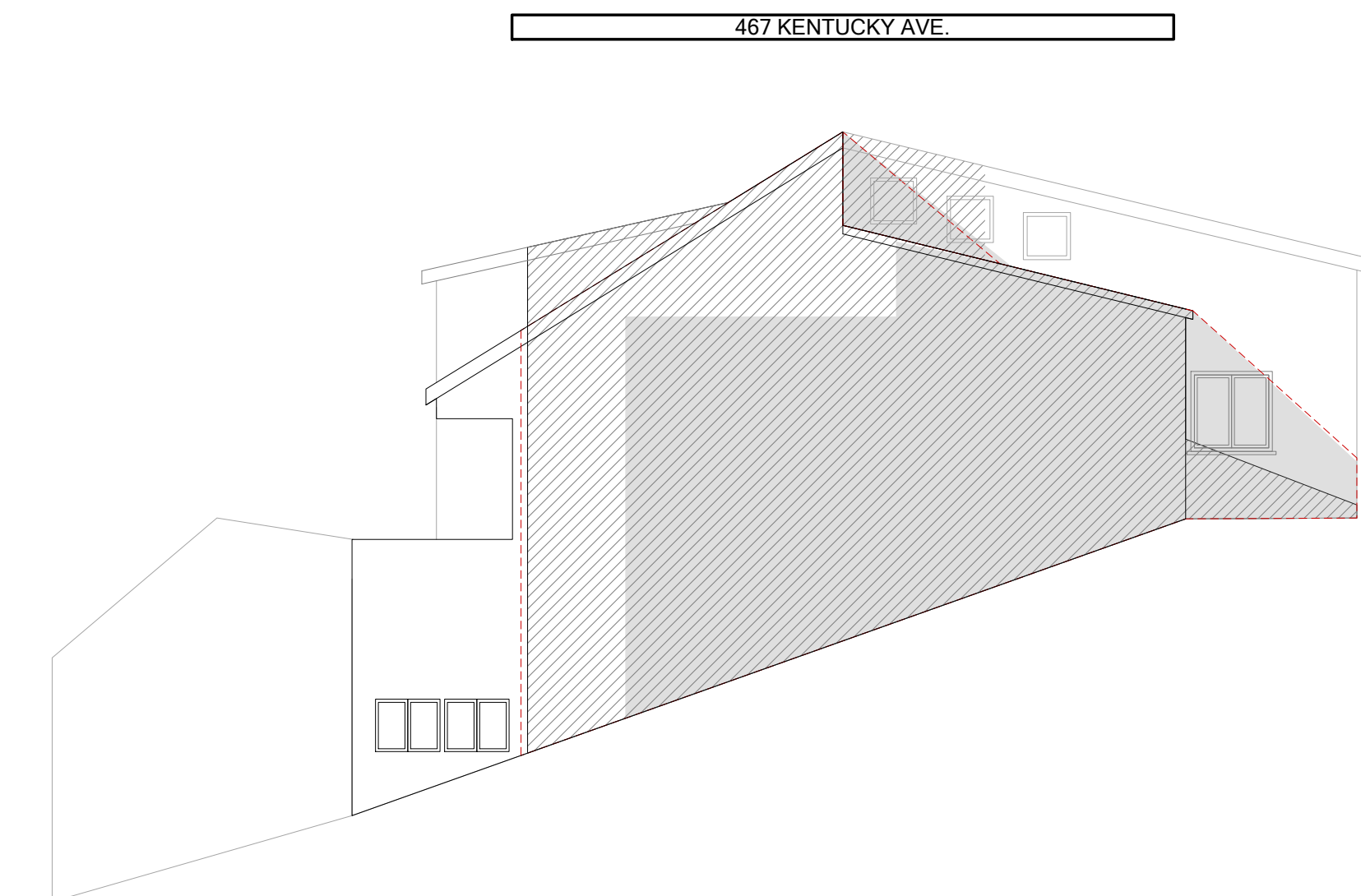
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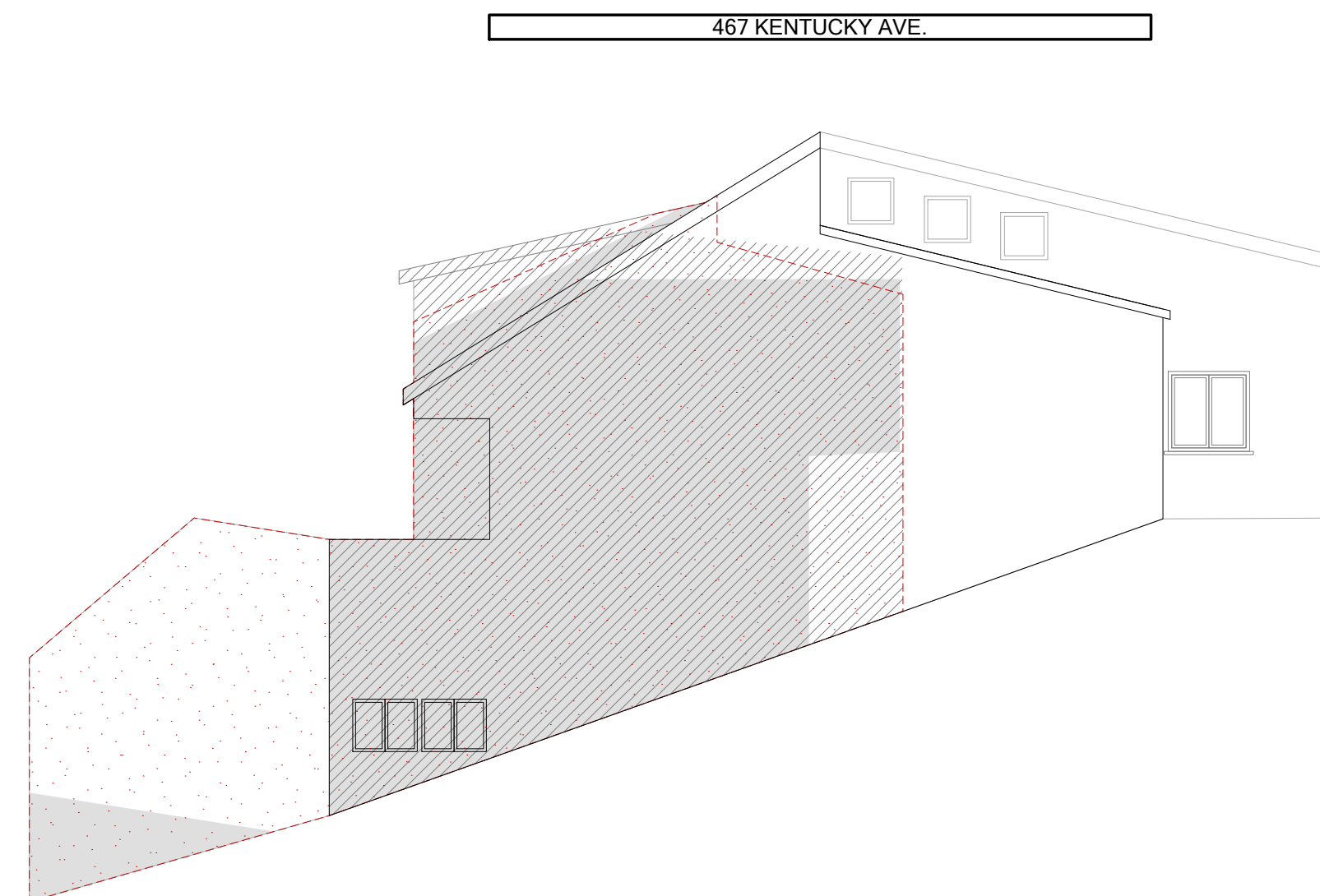
467 KENTUCKY AVE.  
DECEMBER 2 HOURS AFTER SUNRISE



467 KENTUCKY AVE.  
JUNE - 2 HOURS AFTER SUNRISE



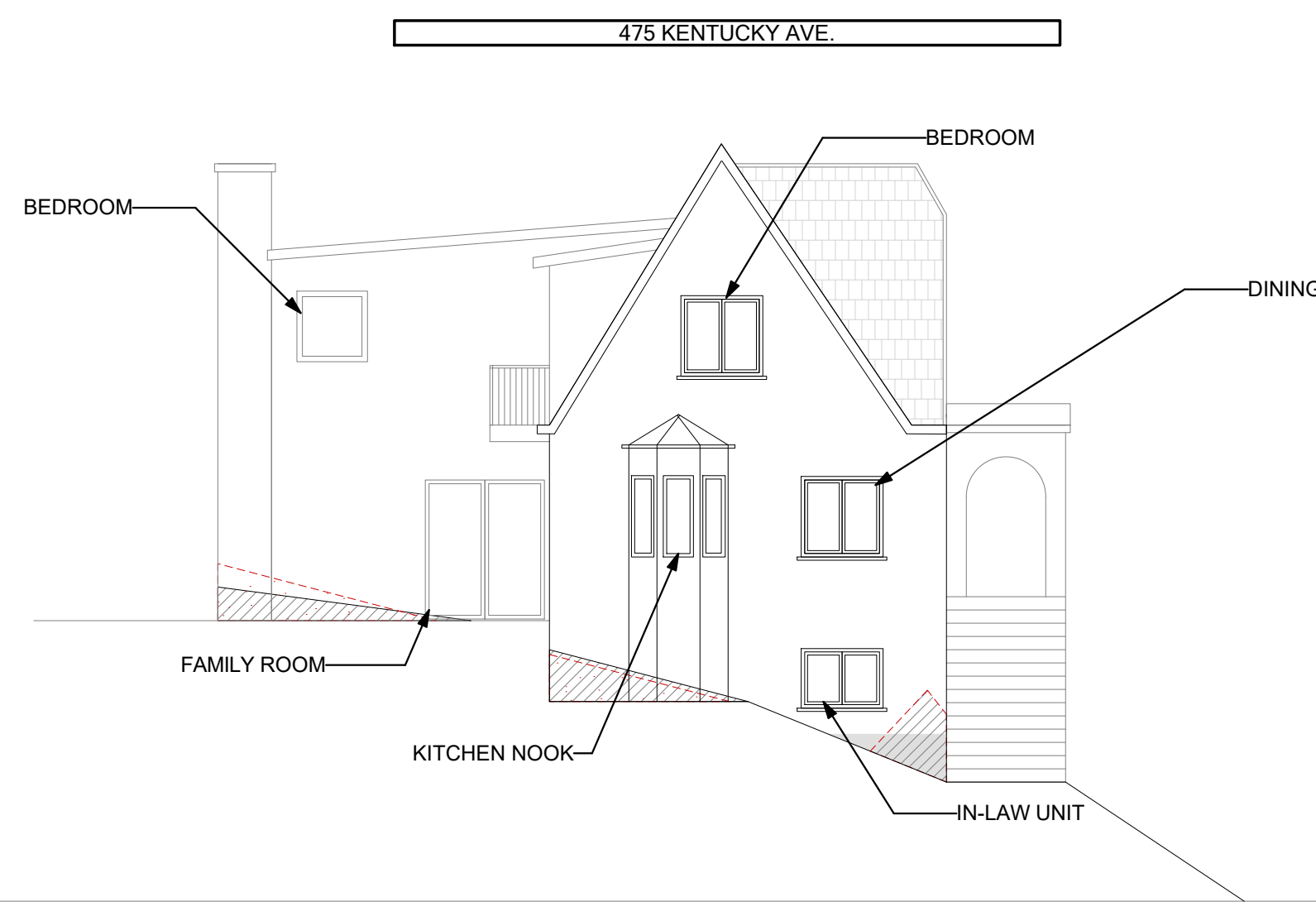
467 KENTUCKY AVE.  
DECEMBER, NOON



467 KENTUCKY AVE.  
5/11 - 2 HOURS AFTER SUNRISE



475 KENTUCKY AVE.  
JUNE - 2 HOURS BEFORE SUNSET



475 KENTUCKY AVE.  
5/11 - 2 HOURS BEFORE SUNSET



# Keefe Residence

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SHADOW STUDY  
ELEVATIONS

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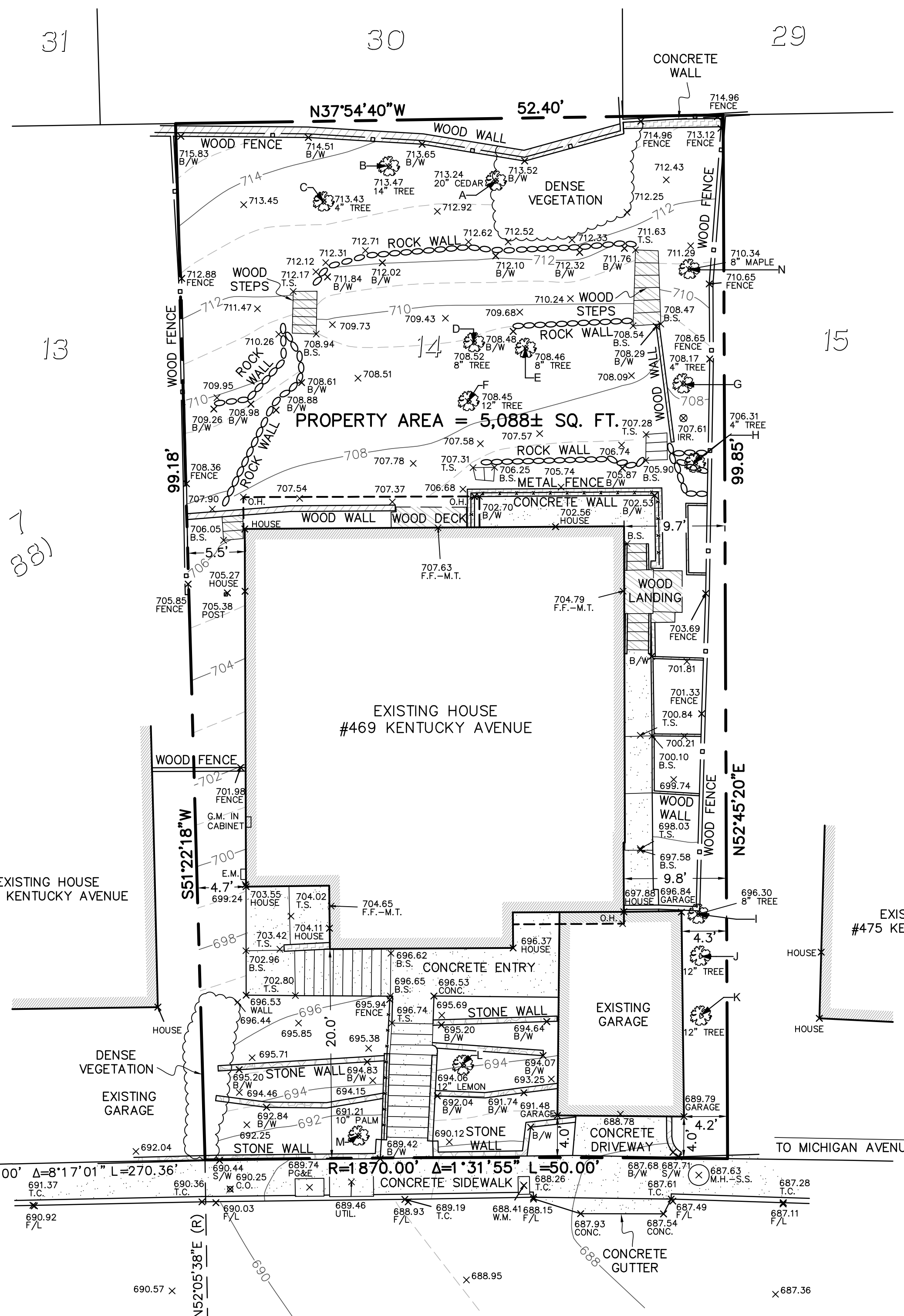
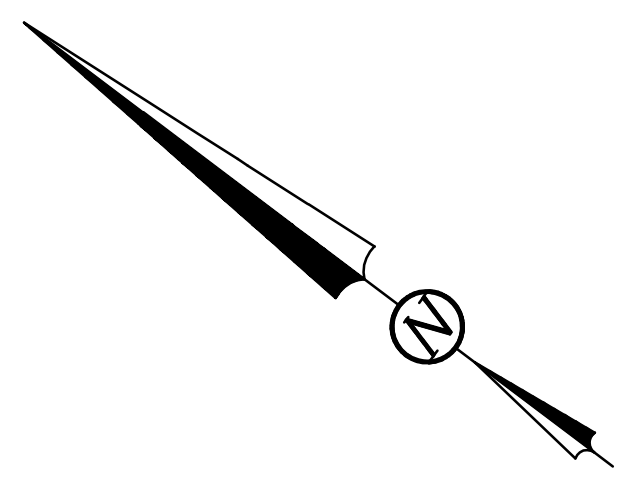
A13

1 SHADOW STUDY ELEVATIONS  
A13 SCALE: 1/8" = 1'-0"

EXISTING SHADOW PROPOSED SHADOW PREVIOUSLY PROPOSED SHADOW

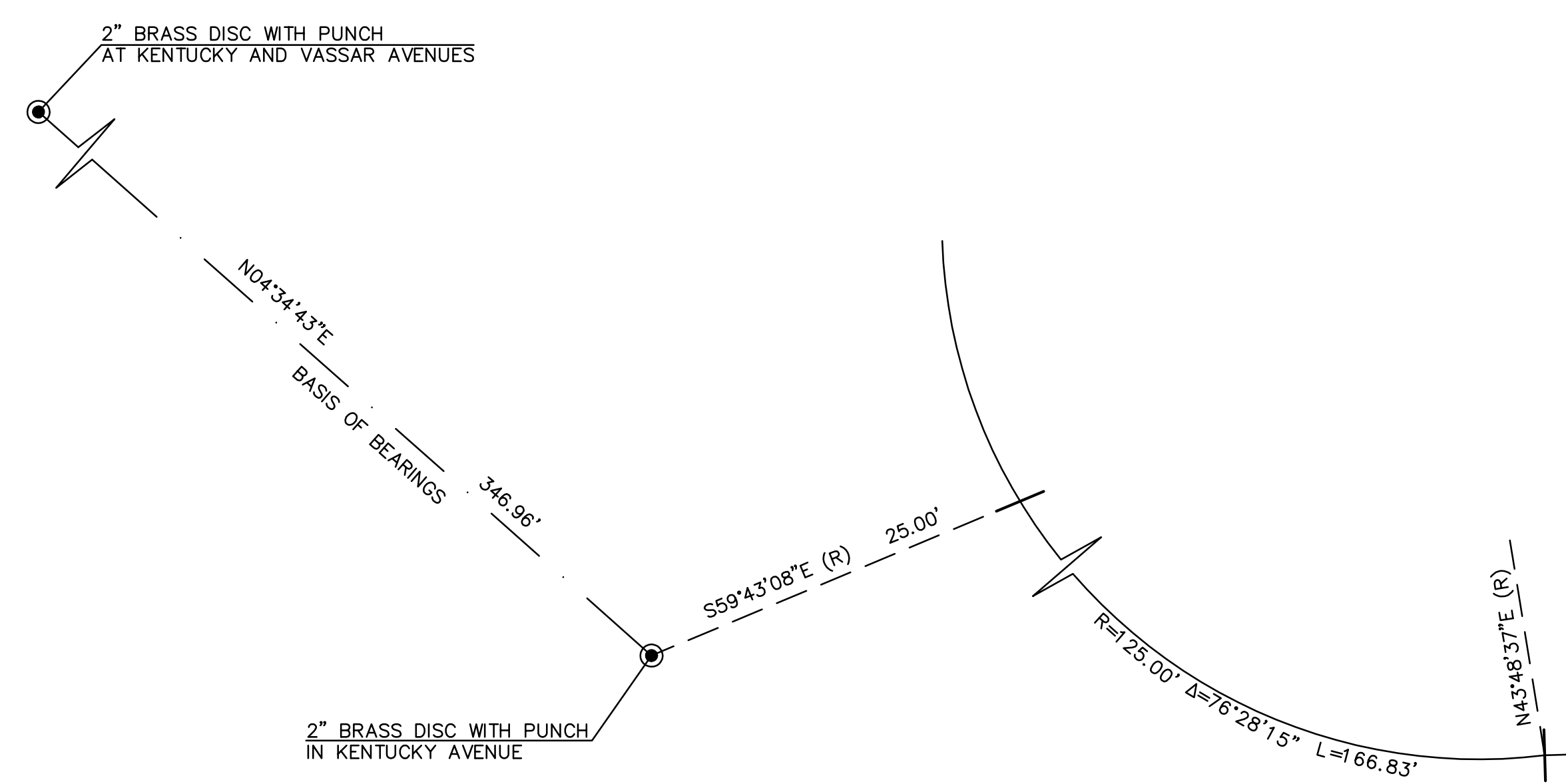


| TREE INVENTORY<br>PREPARED BY LEVITCH ASSOCIATES |                        |     |
|--------------------------------------------------|------------------------|-----|
| X                                                | SPECIES NAME           | DBH |
| A                                                | CALOCEDRUS DECURRENS   | 20" |
| B                                                | CRATAEGUS PHAENOPYRUM  | 14" |
| C                                                | CAMELLIA JAPONICA      | 4"  |
| D                                                | POPULUS FREMONTI       | 8"  |
| E                                                | POPULUS FREMONTI       | 8"  |
| F                                                | POPULUS FREMONTI       | 12" |
| G                                                | CAMELLIA JAPONICA      | 4"  |
| H                                                | CAMELLIA JAPONICA      | 4"  |
| I                                                | JUNIPERAS OCCIDENTALIS | 8"  |
| J                                                | JUNIPERAS OCCIDENTALIS | 12" |
| K                                                | JUNIPERAS OCCIDENTALIS | 12" |
| L                                                | CITRUS LIMON           | 12" |
| M                                                | YUCCA ALOIFOLIA        | 10" |
| N                                                | ACER JAPONICUM         | 8"  |

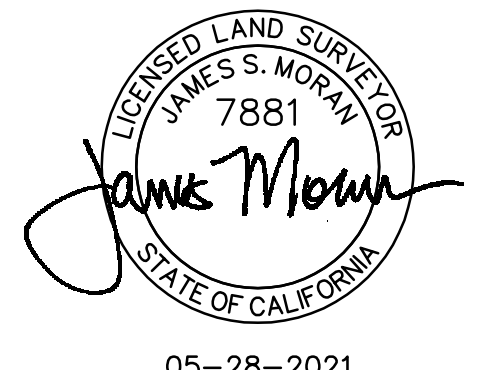
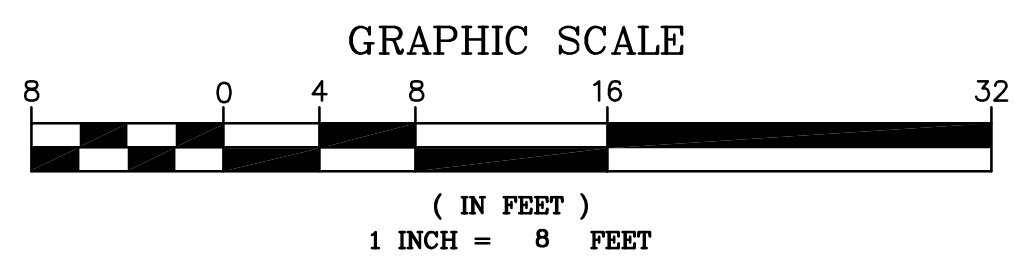


- LEGEND**
- B.S. BASE OF STEPS
  - B/W BASE OF WALL
  - C.O. CLEAN OUT
  - CONC. CONCRETE
  - E.M. ELECTRIC METER
  - F.F. FINISHED FLOOR
  - F/L FLOWLINE
  - G.M. GAS METER
  - IRR. IRRIGATION
  - M.H. MAINTENANCE HOLE
  - M.T. METAL THRESHOLD
  - O.H. OVERHANG
  - PG&E PACIFIC GAS AND ELECTRIC
  - S.S. SANITARY SEWER
  - S/W SIDEWALK
  - T.C. TOP OF CURB
  - T.S. TOP OF STEPS
  - UTIL. UNKNOWN UTILITY
  - W.M. WATER METER
  - BUILDING LINE
  - CONCRETE
  - CONCRETE WALL
  - ROCK WALL
  - STONE
  - WOOD
  - WOOD WALL
  - METAL FENCE
  - WOOD FENCE
  - FOUND MONUMENT IN WELL, AS NOTED
  - (R) RADIAL

**GENERAL NOTES:**  
 THIS MAPPING IS BASED ON A FIELD SURVEY PERFORMED ON APRIL 19, 2021.  
 DIMENSIONS ARE IN FEET AND DECIMAL FEET.  
 DIMENSIONS SHOWN TO THE PROPERTY LINES WERE MEASURED FROM THE BUILDING CORNERS.  
 NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.  
**BASIS OF BEARINGS:**  
 THE MONUMENT LINE IN KENTUCKY AVENUE WAS TAKEN AS NORTH 04°34'43" EAST AS SHOWN ON THOUSAND OAKS HEIGHTS (26 M 88).  
**BENCHMARK:**  
 ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.  
 THE 2" BRASS DISC MONUMENT AT THE INTERSECTION OF KENTUCKY AND VASSAR AVENUES, DESIGNATED "B1625" WAS TAKEN AS ELEVATION = 697.93 FEET PER CITY OF BERKELEY ENGINEERING RECORDS.



**KENTUCKY AVENUE (50' WIDE)**



**BOUNDARY AND TOPOGRAPHIC SURVEY**

LOT 14, BLOCK 7, THOUSAND OAKS HEIGHTS (26 M 88)  
 LOCATED AT 469 KENTUCKY AVENUE  
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 28, 2021 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**  
 CIVIL ENGINEERS \ LAND SURVEYORS  
 1930 SHATTUCK AVENUE, SUITE A  
 BERKELEY, CALIFORNIA 94704  
 (510) 848-1930



Z O N I N G  
A D J U S T M E N T S  
B O A R D

S t a f f R e p o r t

FOR BOARD ACTION  
JANUARY 12, 2023

# 469 KENTUCKY AVENUE

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.

## I. Background

### A. Land Use Designations:

- General Plan: Low Density Residential (LDR)
- Zoning: R-1(H) – Single-Family Residential, Hillside Overlay

### B. Zoning Permits Required:

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1)

**CEQA Recommendation:** It is staff’s recommendation to ZAB that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Sections 15303 (“New Construction or Conversion of Small Structures”) of the CEQA Guidelines. The determination is made by ZAB

Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

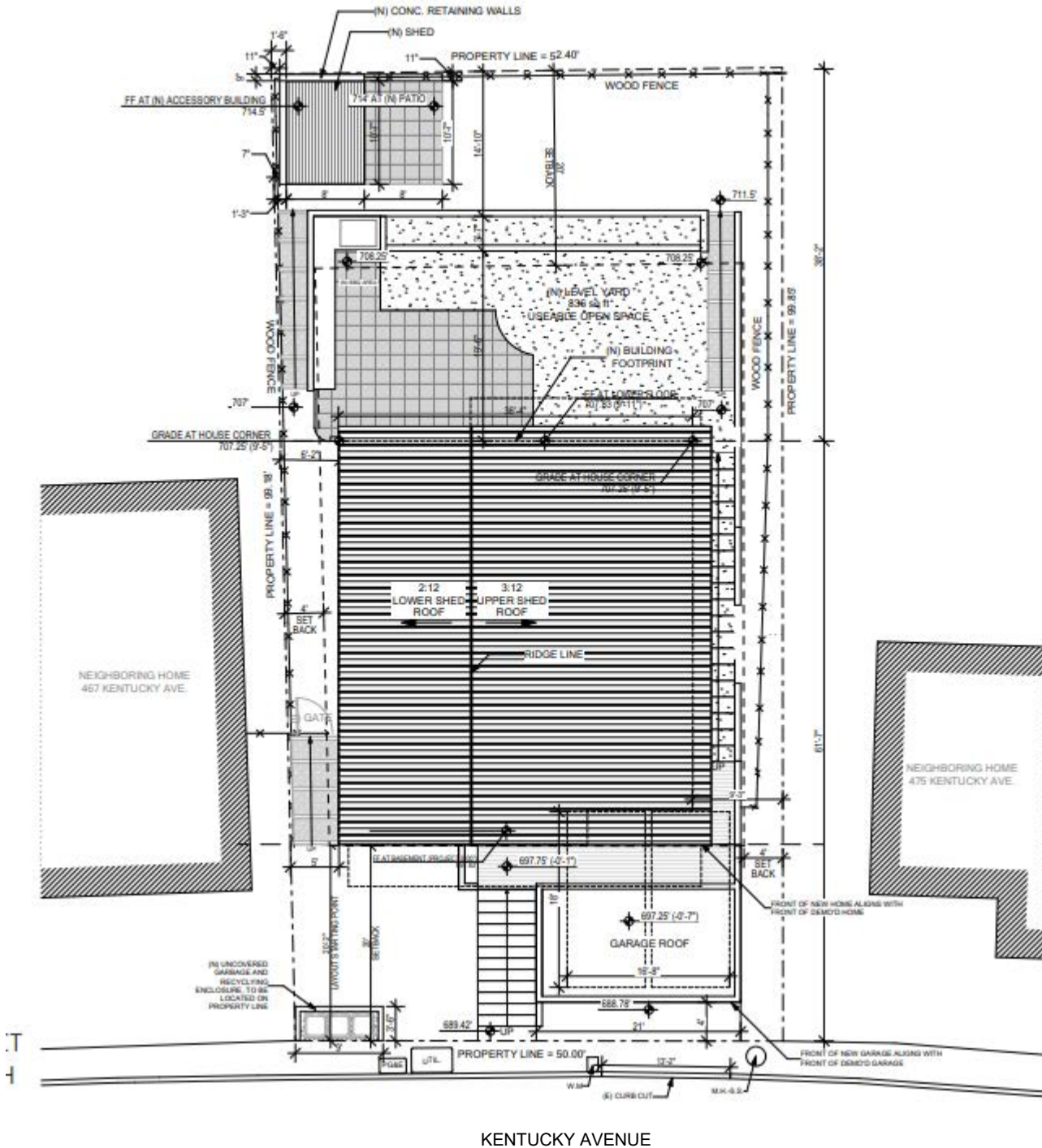
**A. Parties Involved:**

- Applicant: Maurice Levitch, 1029 Heinz Avenue, Berkeley
- Property Owner: Aidan Keefe, 469 Kentucky Avenue, Berkeley

Figure 1: Vicinity Map



Figure 2: Proposed Site Plan



KENTUCKY AVENUE



Figure 3: Front Elevation

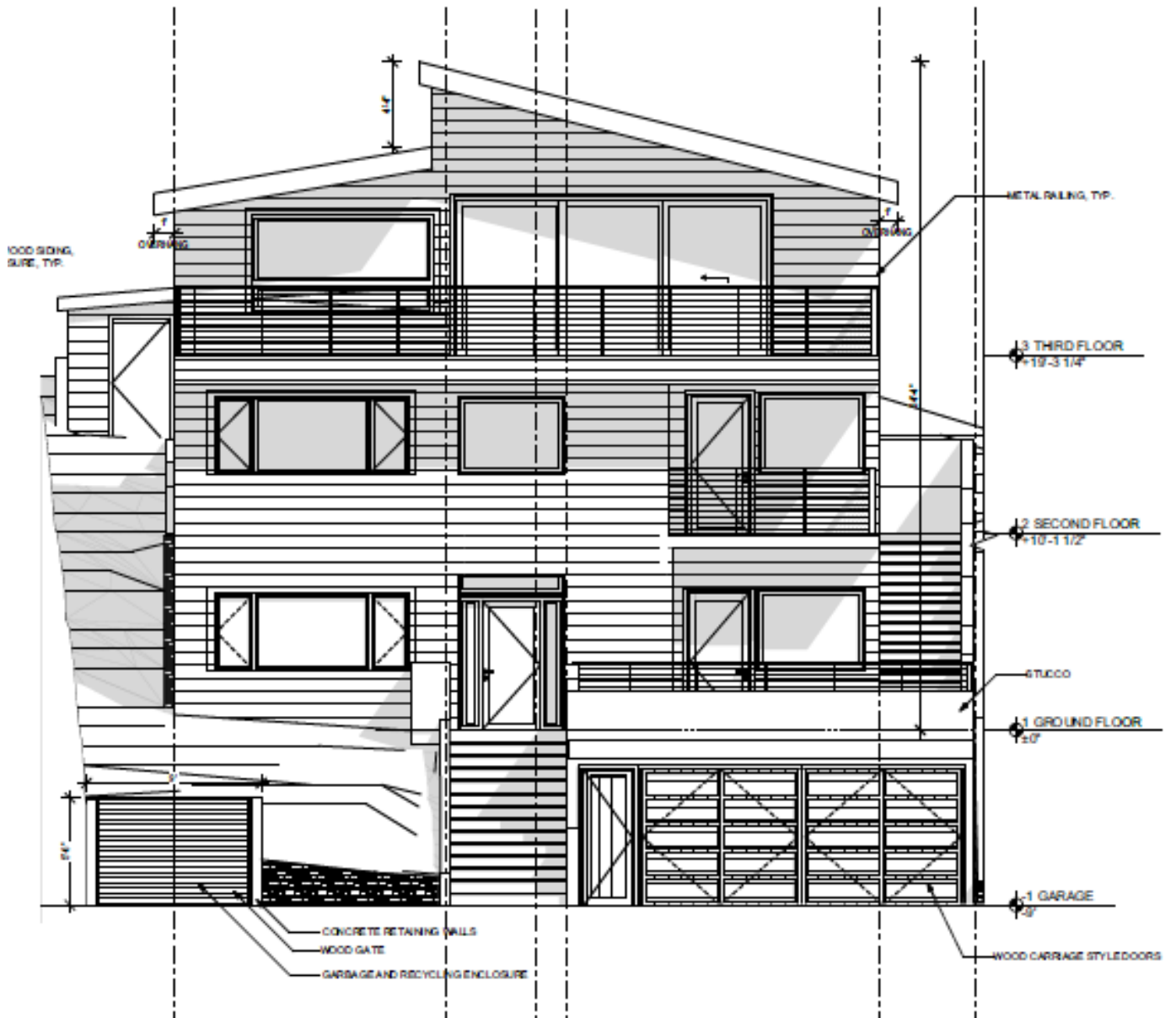
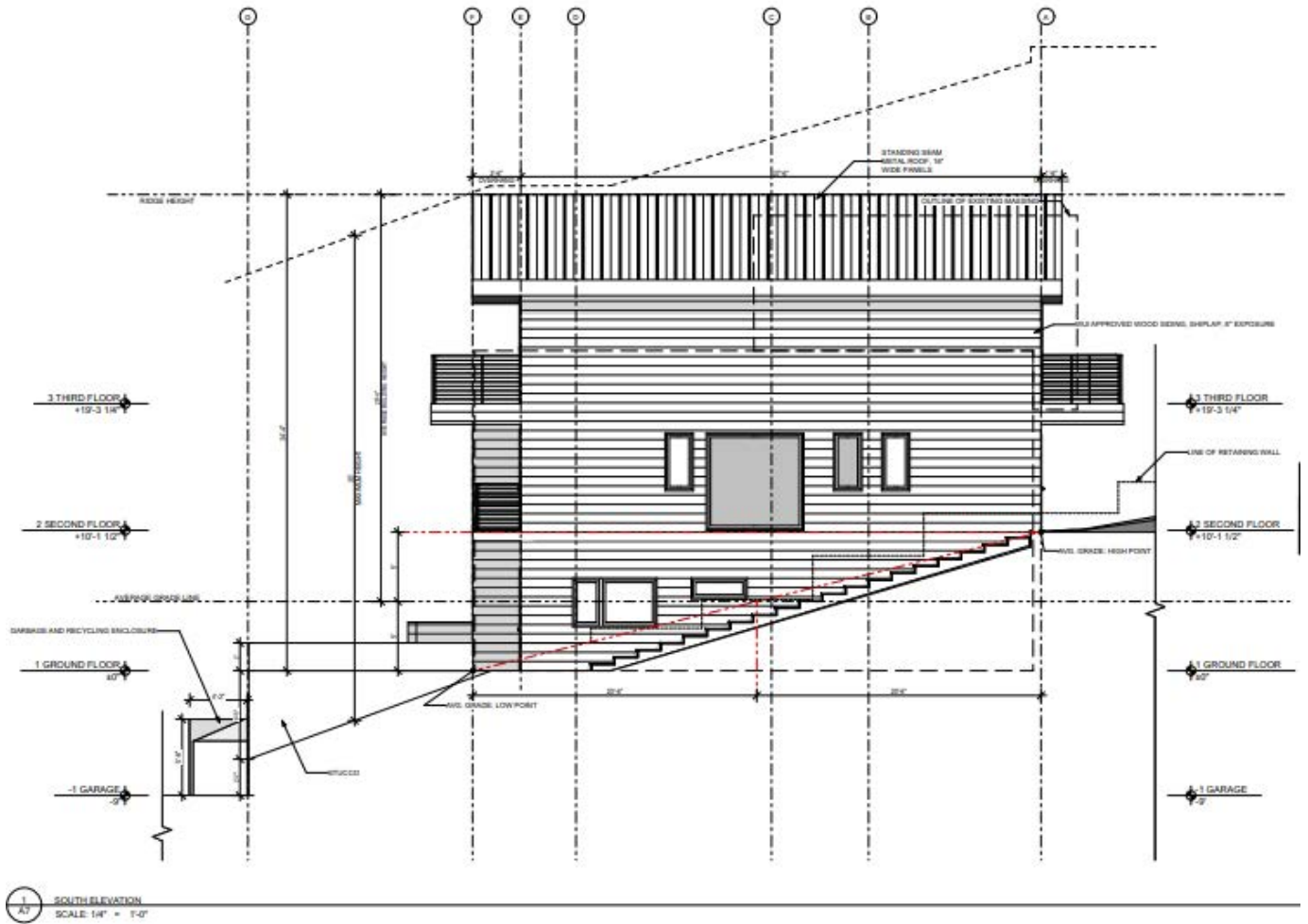


Figure 4: South Elevation



**Table 1: Land Use Information**

| Location               |       | Existing Use                                                  | Zoning District                                      | General Plan Designation |
|------------------------|-------|---------------------------------------------------------------|------------------------------------------------------|--------------------------|
| Subject Property       |       | Single-Family Dwelling                                        | R-1(H) – Single-Family Residential, Hillside Overlay | Low Density Residential  |
| Surrounding Properties | North | Single-Family Dwelling (467 Kentucky Avenue)                  |                                                      |                          |
|                        | South | Single-Family Dwelling (475 Kentucky Avenue)                  |                                                      |                          |
|                        | East  | Single-family Dwellings (476 & 480 Vassar Avenue)             |                                                      |                          |
|                        | West  | Kentucky Avenue (Single-Family Residential across the street) |                                                      |                          |

**Table 2: Special Characteristics**

| Characteristic                                                                                 | Applies to Project? | Explanation                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.) | No                  | These fees apply to projects with net new non-residential floor area. The project involves only new residential floor area, and thus these requirements do not apply.                                                                                                                                                                        |
| Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)    |                     |                                                                                                                                                                                                                                                                                                                                              |
| Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)                 | No                  | This fee applies to projects that involve five or more dwelling units on the same lot. The applicant proposes only one new dwelling unit, and thus this requirement does not apply.                                                                                                                                                          |
| Creeks (Per BMC Section 17.08.045)                                                             | No                  | The project site is not within a creek buffer zone.                                                                                                                                                                                                                                                                                          |
| Density Bonus                                                                                  | No                  | The project is not requesting a Density Bonus.                                                                                                                                                                                                                                                                                               |
| Historic Resources                                                                             | Yes                 | The project involves the demolition of an existing residential building that is greater than 40 years old. An historic resource evaluation (HRE) was prepared by the California Department of Parks and Recreation and found that this property is not eligible for listing in the California Register of Historic Resources (Attachment 4). |
| Housing Accountability Act (Gov't Code Section 65589.5(j))                                     | No                  | The project only consists of one unit.                                                                                                                                                                                                                                                                                                       |
| Housing Crisis Act of 2019 (SB330)                                                             | No                  | The project proposes only one dwelling unit and is not considered a "housing development project," therefore SB 330 does not apply.                                                                                                                                                                                                          |
| Natural Gas Prohibition (Per BMC 12.80.020)                                                    | Yes                 | This project is an application for new construction and was submitted after January 1, 2020, and is therefore subject to the Natural Gas Prohibition.                                                                                                                                                                                        |
| Oak Trees (Per BMC Section 6.52.010)                                                           | No                  | There are no Coast Live Oak trees on the site.                                                                                                                                                                                                                                                                                               |
| Rent Controlled Units (Per BMC Chapter 13.76)                                                  | No                  | There are no rent-controlled units at the site, nor would the new unit be subject to rent control restrictions.                                                                                                                                                                                                                              |
| Residential Preferred Parking (RPP)                                                            | No                  | The project site is not within an RPP zone.                                                                                                                                                                                                                                                                                                  |
| Seismic Hazards (Per State Hazards Mapping Act SHMA)                                           | Yes                 | The site is located within an area susceptible to liquefaction, Fault Rupture, or Landslides as                                                                                                                                                                                                                                              |



|                                |     |                                                                                                                                                                                                                                                                               |
|--------------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                |     | shown on the State Seismic Hazard Zones map. A geotechnical report was submitted by the applicant that has been peer reviewed by the City's consultant. Conditions of approval will be included in the permit to ensure oversight by the applicant's geotechnical consultant. |
| Soil/Groundwater Contamination | No  | The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), nor is it within the City's Environmental Management Area.                                                                                                        |
| Transit                        | Yes | The project area is served by AC Transit line 67. There is an existing bus stop within 0.2 miles to the east near the intersection of Vasser Avenue and Spruce Street.                                                                                                        |

**Table 3: Project Chronology**

| Date              | Action                               |
|-------------------|--------------------------------------|
| July 8, 2022      | Application submitted                |
| July 22, 2022     | Application incomplete               |
| August 24, 2022   | Application resubmitted              |
| September 7, 2022 | Application incomplete               |
| October 25, 2022  | Application resubmitted              |
| November 8, 2022  | Application deemed complete          |
| December 22, 2022 | Public hearing notices mailed/posted |
| December 23, 2022 | Received revised drawings            |
| January 12, 2022  | ZAB hearing                          |

**Table 4: Development Standards**

| Standard                                |                      | Existing | Proposed Total | Permitted/Required      |
|-----------------------------------------|----------------------|----------|----------------|-------------------------|
| BMC Sections 23D16.070-080 & 23E.96.070 |                      |          |                |                         |
| Lot Area (sq. ft.)                      |                      | 5,088    | No Change      | 5,000 min               |
| Gross Floor Area (sq. ft.)              |                      | 1,733    | 4,350          | n/a                     |
| Dwelling Units                          |                      | 1        | 1              | 1 max                   |
| Building Height                         | Average (ft.)        | 25.5     | 29.3           | 28 max<br>(35 with AUP) |
|                                         | Maximum (ft.)        | 28.75    | 31.687         | 35 max                  |
|                                         | Stories              | 3        | 3              | 3 max                   |
| Building Setbacks (ft.)                 | Front (Kentucky Ave) | 4        | 4              | 20 min                  |
|                                         | Rear                 | 38.8     | 38.16          | 20 min                  |

|                             |            |      |      |         |
|-----------------------------|------------|------|------|---------|
|                             | Left Side  | 4.7  | 5    | 4 min   |
|                             | Right Side | 9.7  | 9.25 | 4 min   |
| Lot Coverage (%)            |            | 31.5 | 39.7 | 40 max  |
| Usable Open Space (sq. ft.) |            | 181  | 922  | 400 min |
| Parking                     | Automobile | 1    | 2    | 1 min   |

## II. Project Setting

- A. Neighborhood/Area Description:** This is a residential area with a mix of one-, two-, and three-story single-family dwellings, with areas of open space in excess of that required, and mature vegetation. Lots in the neighborhood are generally rectangular with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downwards from the northeast to the southwest and provide primary views westward towards the San Francisco Bay. Given the hilly terrain and limited availability of on-street parking, the dwellings in the neighborhood tend to include attached one- or two-car garages within front setbacks, and often right up to the sidewalks.
- B. Site Conditions:** The project site is located on the east side of Kentucky Avenue, half a block north of Michigan Avenue in the North Berkeley hills, on an upslope lot. The generally rectangular project site is 50 feet wide along Kentucky Avenue, and approximately 99.5 feet deep. Vegetation on the lot is dominated by a large red maple in the back yard. There are not, nor has there recently been, protected Coast Live oak trees on the site.

## III. Project Description

- A. Proposed Project:** The subject parcel is currently developed with a 1,773 square foot three-story single-family home with a single-car garage within the front setback. The owner has applied to demolish the house and garage and replace them with a 3,310 square foot three-story single-family home with an attached Accessory Dwelling Unit (ADU)<sup>1</sup>, and a two-car garage with the same front setback as the original garage. The project also includes a detached shed in the rear of the property, and an uncovered garbage and recycling enclosure at the front property line. The proposed dwelling unit is contemporary in style and would have a shed roof with a maximum height of 31 feet, 8.5 inches and an average height of 29 feet, 4 inches. The applicant team have shared that the new home is designed to only minimally expand the footprint beyond that of the existing home, and that the proposed full excavation of the ground floor level adds floor area while minimizing taller construction.

The proposed ground floor level would consist of a TV room, a laundry room, and a studio-style ADU with access via an exterior staircase and landing over the garage roof. The second floor would consist of four bedrooms and two bathrooms, with access to a front balcony. The top floor would contain the kitchen, dining room, family room, and a study. This floor would open onto front and rear balconies. Both the TV room

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<sup>1</sup> Per BMC 23.306.030, ADU's are permitted with a Zoning Certificate. They are not part of ZAB's discretionary review. They ADU is only mentioned here for purposes of context.

and the study meet the definition of a bedroom<sup>2</sup> (23.502.020(B)), bringing the total number of bedrooms to six. Bedrooms located in ADUs are not included in the count because they are not subject to discretionary review, however, if the ADU is not developed concurrently with the proposed project a Use Permit Modification would be required for any additional rooms that meet the zoning criteria for a bedroom.

Because of the steep terrain, the partially-subterranean attached two-car garage will be located at the front of the lot. It will have a 4-foot nonconforming setback, which is identical to that of the existing garage.

Two accessory structures are also proposed. A 9-foot high, 85 square foot workout shed will be at the rear of the backyard. There will be a roofless garbage and recycling enclosure at the front of the lot at the property line.

The red maple in the back yard is not slated for removal. A small lemon tree and a yucca in the front of the lot are slated for removal, but they are to be replaced by a new tree (species yet to be determined) and other plantings.

#### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant erected a pre-application poster at the project site. They also submitted drawings of the proposed plans to all adjacent and abutting neighbors (Attachment 2). No comments in opposition were received at that time.

However, upon erection of the story poles, the new owners of a house behind the subject site (480 Vasser Avenue) objected to what they perceived as excessive obstruction of their view, and expressed this directly to the applicants. The applicants responded by negotiating a compromise with them, which involved adjusting the roof height and orientation and erecting new story poles. After installation of the new story poles, the next-door neighbor at 467 Kentucky Avenue expressed concerns about privacy. Specifically, he was concerned that the front balcony would allow occupants to look down onto his deck and into his bedroom window. He said he was in contact with the applicant about working out a solution. However, the complaint, came in too late for any solution to be included in this report.

On December 22, 2022, public hearing notices were mailed to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations (Attachment 3). The City also posted notices within the neighborhood at

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<sup>2</sup> *Bedroom.* Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

three locations. As of the date of this report, Staff has not received any public comments regarding the project.

**B. Committee Review:** This project is not subject to Design Review.

## V. Issues and Analysis

**A. Findings for Use Permit Approval in the R-1(H) District:** Pursuant to BMC Section 23.202.020(B), a new single-family dwelling is allowed in the R-1 zoning district with a Use Permit, provided that its siting meets applicable development standards and subject to the non-detriment finding. As shown in Table 4, the proposed project would meet or exceed all development standards for the dwelling, with the exception of front setback. The average height may be increased from 28 feet up to 35 feet with an Administrative Use Permit (AUP) in the R-1 (BMC 23.202.050(D) as well as under the Hillside Overlay (BMC 23.210.020(C)(2)). Since it comes in well below the allowed maximum height, and the applicant revised the proposed height in response to concerns raised by a neighbor, it is Staff's opinion that height-related issues will be negligible.

In the Hillside Overlay, an AUP to reduce required setbacks (BMC 23.210.020(C)(4)) can be approved upon finding the project is consistent with the purpose of the Hillside overlay zone as state in BMC 23.210.020(A). While the main dwelling meets the 20-foot front setback, the proposed two-car garage would be located in the front setback, about 4 feet from the front lot line. This is necessary due to the steep upward slope of the lot. It is also consistent with many neighboring properties, which also have garages at the fronts of their lots.

The proposed project would meet the following purposes of the Single-Family Residential, Hillside Overlay, R-1(H) District:

1. Implement General Plan policies regarding Hillside Development while recognizing and protecting the existing pattern of development in the low density, single family residential areas of the City;
2. Make available housing for persons who desire detached housing accommodations and a relatively large amount of Usable Open Space;
3. Protect adjacent properties from unreasonable obstruction of light and air;
4. Protect the character of Berkeley's Hillside Districts and their immediate environs;
5. Give reasonable protection to views yet allow appropriate development of all property; and
6. Allow modifications in standard yard and height requirements when justified

because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the Hillside District area.

**B. General Non-Detriment Finding:** Staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or workers in the area because it would be consistent with the development pattern in the area. The applicant proposes to construct a single-family dwelling in a neighborhood of single-family dwellings and with a siting/design that would be compatible with the surrounding built environment. Staff believes that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views as analyzed below:

1. Sunlight/Shadow: Shadow studies submitted by the applicant document the existing and proposed shadow effects at three times each day at the summer and winter solstices and the spring equinox. The studies show that the new dwelling would cast slight new shadows on neighboring yards and buildings at certain times of year and times of day. However, while the proposed dwelling would cast new shadows, impacts would be limited in duration and effect and would not substantially diminish sunlight for the affected residences. The most significant shadow effects on neighboring properties are already in existence due to the existing house at 469 Kentucky. Additional effects due to increased heights mostly avoid impacts on neighboring lots. Staff recommends that the Board find that these potential impacts are non-detrimental.
2. Privacy: The proposed dwelling would result in smaller setbacks from property lines, but would still exceed required minimums except in the front of the lot. The main dwelling is setback 20 feet, while the two-car garage would be located in the required front setback in the same area as the existing single-car garage. The garage location is necessary due to topography. The proposed new garage would not change this setback (see Table 4 above).

Front and rear third-floor balconies are proposed for the new house. Due to window locations and terrain, the rear balcony does not appear to be cause for any privacy concerns. The front balcony could potentially cause privacy concerns for the properties at 469 and 475 Kentucky Avenue. While there is already a balcony on the third floor of the existing house, views of 475 Kentucky are currently blocked by a row of juniper trees. However, those would be removed, which would open up views between dwellings. Other than this issue, which is common in an urban residential environment, Staff believes the proposed dwelling would not be detrimental regarding privacy.

3. Air: As discussed above, the proposed single-family dwelling unit exceeds all side and rear setback requirements in the R-1(H) Zoning District, and would be consistent with the existing development and building-to-building separation pattern – or air – in this neighborhood. The reduced front setback to accommodate the garage on this uphill lot is a common in this area, and is

adjacent to the open area of the street. Additionally, the proposed project would exceed the usable open space requirement. (See Table 4 above).

4. Views: Per BMC Chapter 23.502.020(V), a significant view is a view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark or any other significant vista that substantially enhances the value and enjoyment of real property. As described above under Project Setting, substantial southwestward views are available from the area surrounding the project site, including from Kentucky Avenue, neighboring residences, and the residences uphill to the northeast of the project site.

The proposed three-story residence replaces an existing three-story residence. The new residence would be approximately three feet higher than the existing residence. Story poles, erected in November 2022, revealed that the view of San Francisco Bay from at least one residence, 480 Vasser Avenue, would be partially diminished due to the width of the new third story. After receiving this feedback from the owners of 480 Vasser Avenue, the applicants revised their plans and erected new story poles. The new plans changed the orientation of the proposed roof so that views of the bay were substantially preserved. (Attachment 5). Staff believes the proposed project, as revised, would not unreasonably obstruct views.

## VI. Other Considerations

**A. General Plan Consistency:** The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
5. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. Policy H-16–Family Housing: Support and encourage housing projects that include units affordable and suitable for households with children and large families.

7. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Staff Analysis: The proposed project is architecturally compatible with neighboring development. It is consistent with development standards of the Hillside Overlay Zone. It does not cause substantial air, sunlight, or privacy issues for the adjacent properties, and it is compatible with the General Plan goal of providing family housing in the R-1 District.

## VII. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board APPROVE Use Permit ZP2022-0087 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, received July 8, 2022
3. Notice of Public Hearing
4. Historic Evaluation Report
5. Story Pole Photos

**Staff Planner:** Russell Roe, [rroe@cityofberkeley.info](mailto:rroe@cityofberkeley.info), (510) 981-7548



CITY OF BERKELEY - CITY CLERK  
2023 FEB 9 AM 9:19

STEPHEN B. BEDRICK  
----- ATTORNEY AT LAW -----  
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February 8, 2023

City Clerk  
City of Berkeley  
2180 Milvia St.  
Berkeley, CA 94704

Re: Appeal of ZAB's approval of demolition permit and use permit at  
469 Kentucky Avenue

Dear Sirs/Madams:

My wife and I live at 485 Kentucky Avenue, four houses south of the subject property. I appeal the ZAB's approval of permits to demolish a perfectly good single family house at 469 Kentucky Avenue. The notice of decision was mailed January 31, 2023. I attach the appeal fee.

The major problem is that the demolition process, including dumpsters and dump trucks, is likely to totally block our narrow, one-lane, one-way street for hours at a time. This will prevent us and several other residents from being able to drive away from our houses. This will obstruct fire trucks, emergency vehicles, and delivery vans. This will be detrimental to the health and safety of the neighbors and the neighborhood.

I attach prior letters to the ZAB which describe the problem in more detail. Other neighbors have opposed this project on similar grounds.

We were unable to properly present our objections to the ZAB for two reasons. First, city staff failed to submit my January 4, 2023 letter of objection (attached here) to the ZAB in a timely fashion. Second, at the beginning of the ZAB zoom hearing, we informed the chair that we wished to speak, but the ZAB

Page Two  
City of Berkeley  
February 8, 2023

staff failed to “unmute” us at the appropriate time, so we were not allowed to speak.

I oppose the grant of the demolition permit and the use permit. In the alternative, I request that the following conditions, at a minimum, be imposed:

1. That the street not be obstructed for more than 10 minutes at a time;
2. That the street not be obstructed for more than 30 minutes per day;
3. That notice of any intended street obstruction be given to the affected neighbors at least 48 hours in advance; (ZAB approved this one condition);
4. That traffic monitors be on site whenever the street is blocked so they can ensure that these time limits are complied with;
5. That traffic monitors be on site when the street is blocked, to assist residents who have difficulty getting to or from their homes;
6. That the city traffic engineer prepare a plan which includes these conditions; and
7. That the city traffic engineer be tasked with enforcing these conditions.

Thank you.

Very truly yours,



STEPHEN B. BEDRICK  
SBB/AD

Encl.

**STEPHEN B. BEDRICK**

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January 4, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center St., 2nd Floor  
Berkeley, CA 94704

also by e-mail to  
[zab@cityofberkeley.info](mailto:zab@cityofberkeley.info)

Re: 469 Kentucky Ave.  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

Dear Sirs/Madams:

My family and I live at 485 Kentucky Avenue, four houses south of the proposed project at 469 Kentucky Avenue. I write to oppose the project, the use permit, and the demolition permit, because they will be detrimental to the health and safety of the neighborhood residents.

Our block of Kentucky Avenue is highly unusual, as it consists of two one-way streets. You need to see it to understand it. It is terraced, with a divider strip between the upper, northbound lane - - where my house and the proposed project are located - - and the lower southbound lane.

The divider strip is six to eight feet wide and six to ten feet high. There is a curb on the left side of the northbound lane. There is a six to ten foot drop off from the upper northbound side of Kentucky to the lower southbound side. Trucks have partially fallen over the edge, because the street was not wide enough for them.

Each lane of the street is effectively a one-way street. Each lane is so narrow, that people must park their cars half-way on the sidewalk to avoid being

struck by passing cars and trucks. There have been several such accidents. The street is so narrow that boxy UPS trucks can barely get by.

We oppose the demolition, because it is not necessary, and because it would be detrimental to our health and safety. The house at 469 Kentucky is an attractive Mediterranean. It is quite liveable and has been continuously occupied for many years. Demolition would be contrary to our much beloved Neighborhood Preservation Ordinance, and should not be allowed.

Demolition would involve a huge amount of dust, debris, and air pollution. The neighborhood needs to be protected from that.

Demolition would require hundreds of empty dumpsters to be hauled in by multiple trucks, and hundreds of full dumpster loads of debris to be hauled out. That would result in the street being blocked for hours at a time.

The neighbors south of the project, including us, would be essentially trapped in our houses, unable to drive away in our cars, because the one lane, one-way northbound exit route would be blocked by demolition trucks and dumpsters. The neighbors north of the project might be able to leave their houses, but they would not be able to drive home, because the return route to their houses would be blocked.

Parking on the opposite side of the street does not solve the problem. All of the parking spaces on the non-obstructed southbound side of the street are usually filled. And even if there were available spaces on the southbound (lower) side of the street, the divider strip is too steep for most of us to walk up from the lower side of the street to the upper side, especially when carrying groceries or other packages. And people often slip trying to walk down the steep divider strip.

There also is a potential flooding problem. The upper side of the street is hilly. The street goes down and up and down again. During the first year of the pandemic, it was a wonderful place for neighborhood children to learn how to ride their bicycles on hills. But when it rains, the hilly street funnels heavy water run off down to the storm drains, which are just below, and one house away from, the

proposed project. There is a serious risk that dirt, dust, and debris from the demolition would clog the storm drains and the fragile neighborhood drainage system. That would lead to flooding on both sides of Kentucky Ave., especially of houses on the lower side of Kentucky.

There is a natural spring which bubbles up, even on dry summer days, near the storm sewer drain on the lower side of the street. The spring needs to be protected. In addition, because of the spring, the water table on that side of the street is probably relatively high. That exacerbates the potential flooding risk to the houses on the lower side of the street.

There are further problems. The applicant's geotechnical engineer's December 29, 2021 letter states at p. 2 that Berkeley does not require compliance with CGS 117A, regarding seismic hazards, for a "partial repair or remodel." But the proposed project is a complete teardown, not a remodel, so that exception to the CGS 117A guidelines does not apply.

Finally, City staff wrote a letter to the applicant on July 22, 2022, saying that the application was incomplete. Your website does not contain any response, especially regarding lot coverage.

For all these reasons, we oppose the demolition project. We also request that any hearing or decision be postponed or continued. The 20 day period initially available to the public to examine the application and its 100 pages of supporting documents included the long Christmas and New Year's weekends. That made it difficult for some neighbors to obtain, examine, and comment on the application.

Very truly yours,

STEPHEN B. BEDRICK  
SBB/SBM

**KATHRYN ANN SELIGMAN  
485 KENTUCKY AVENUE  
BERKELEY, CA 94707  
kseligman@comcast.net**

January 4, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: 469 Kentucky Avenue  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

**However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it**

**impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).**

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-lane one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped or poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available



places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, inconveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

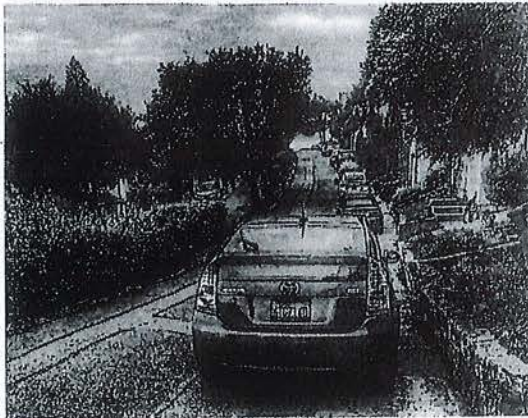
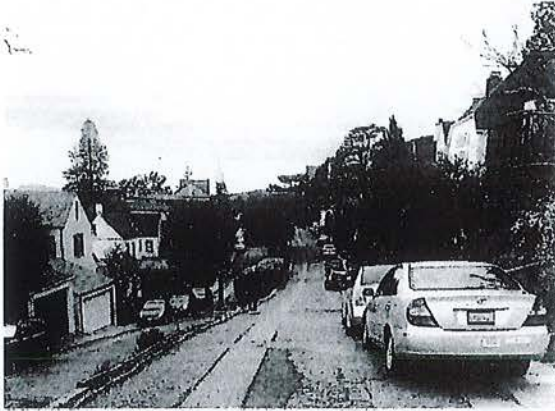
Sincerely yours,

KATHRYN ANN SELIGMAN

**Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street**

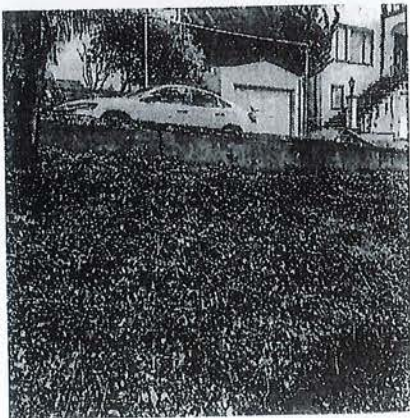
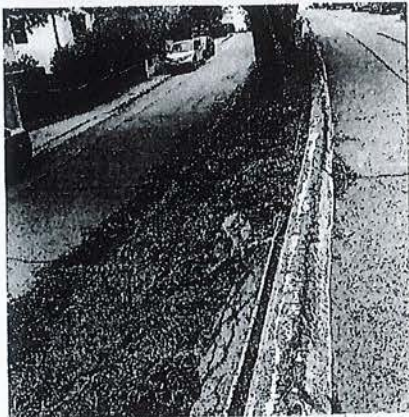
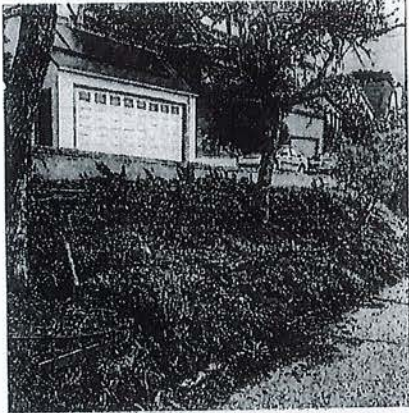
Cars Parked Along the Curb on the East / Uphill Side of Street

*Please note that the cars have their passenger side tires on the curb, so traffic can pass by.*

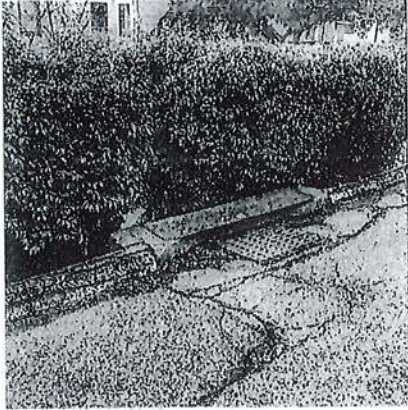


Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets

*Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.*



Storm Drain on the East / Uphill Block of Kentucky Avenue  
*Please note that the storm drain is near the project site.*



STEPHEN B. BEDRICK  
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January 9, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center St., 2nd Floor  
Berkeley, CA 94704

also by e-mail to  
[zab@cityofberkeley.info](mailto:zab@cityofberkeley.info)

Re: 469 Kentucky Ave. (Second letter)  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

Dear Sirs/Madams:

We oppose the demolition project in the R-1-H zone for multiple reasons:

1. The blocking of a narrow one-way street will prevent some neighborhood residents from driving to and from their homes. It also will obstruct emergency vehicles and delivery trucks.
2. The demolition on a hillside lot threatens the geologic stability of the abutting homes.
3. The demolition and removal of debris risks damaging and threatening the integrity of the abutting homes.
4. The demolition threatens to obstruct nearby storm drains, and threatens neighborhood flooding.

The staff report supplied to the Board Members on Friday January 6, 2023 is so incomplete as to be misleading. The staff report claims that no objections were made by neighbors. That is false. Several neighbors (including me) wrote opposition letters to the Board on January 4 and January 5, 2023, before the staff report is ordinarily sent to the Board members. At the minimum, we request that the January 12, 2023 hearing be continued until the opposition letters are presented to the Board in time for staff and Board members to consider them.

If, in the alternative, the Board is inclined to approve the demolition of this attractive and perfectly functional house, we request that the following mitigation measures be taken:

1. No demolition or excavation during rainy weather or rainy season (Oct. 15- May 1).
2. Demolition only to be performed by a contractor with experience in demolition on hillsides as steep as this one.
3. A certified engineer must be on site during demolition, to supervise, and to prevent accidents.
4. A retaining wall of sufficient height should be constructed on either side of the project, the entire length of the property, to prevent soil and foundation slippage.
5. A temporary fence should be constructed to protect the neighboring houses from flying debris.
6. The applicant should post a bond sufficient to compensate the abutting houses from any damage.
7. Regarding obstruction of the street by demolition activities:
  - a) Obstruction traffic by demolition activities, including use of trucks and dumpsters, should be limited to 30 minutes per day.
  - b) The time or times of street obstruction should be posted in the neighborhood at least 48 hours in advance, so neighbors can plan their exits and entrances.
  - c) Traffic monitors shall be on the scene whenever trucks or dumpsters are present, to prevent unwarranted street blockage, and to assist residents who have difficulty in getting to or from their homes.

Very truly yours,

STEPHEN B. BEDRICK  
SBB/SBM

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center St 2nd Floor  
Berkeley, CA 94704

Re: 469 Kentucky Ave.  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

Dear Sirs/Madams:

I live at 483 Kentucky Avenue, three doors south of this project. I oppose this demolition project at 469 Kentucky Ave because it risks damage to the adjacent houses, geologic slippage, flooding, and traffic obstruction. As a parent of a 6 month old, I am particularly concerned with the persistent and extraordinary noise and potential for toxic pollutants resulting from the demolition. As a committee member on the Kentucky Ave Disaster Preparedness Group, I am concerned a project of this scale on such a narrow street could seriously impede evacuation and emergency personnel in the event of an earthquake or wildfire.

I largely agree with the letters sent by our neighbors Stephen Bedrick and Ren Ng. The staff and Board should continue the hearing to consider our objections.

Thank you.  
Ben Young

**From:** [Cynthia Foster](#)  
**To:** [Roe, Russell](#)  
**Subject:** Fwd: Use Permit #ZP2022-0087, 469 Kentucky Avenue  
**Date:** Tuesday, January 10, 2023 2:49:32 PM

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**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Sent from my iPad

Begin forwarded message:

**From:** Cynthia Foster <cynthiamfoster@gmail.com>  
**Date:** January 10, 2023 at 2:48:45 PM PST  
**To:** zab@cityofberkeley.info  
**Subject:** Use Permit #ZP2022-0087, 469 Kentucky Avenue

Land Use Planning Division  
Attn: ZAB Secretary

City of Berkeley

1947 Center St., 2nd Floor Berkeley, CA 94704

Sent via email

Dear Sirs/Madams,

I live at 479 Kentucky Avenue and am writing to oppose the project at 469 Kentucky Avenue. I have several concerns, including the size of the proposed residence, demolition, parking, and access to the street during both demolition and construction.

I will assume the project will be approved based on where we are in the project proposal, so I will focus on concerns of demolition/construction and access to the street.

Kentucky Avenue is 2 one-way streets with a median in the middle of the upper and lower portions of the street. It's a small neighborhood



street and additional traffic will be disruptive at best. Parking is already limited.

Emergency vehicles, delivery trucks, USPS, and City refuse/recycling trucks carefully manage access to the street. The City trucks are cognizant of neighborhood traffic on Tuesday mornings and quite considerate of the neighbors as they seem to understand our unique street.

My concerns with the demolition and subsequent construction have to do with access to entering and exiting the street. It's a narrow (one way) street and with the amount of trucks and dumpsters involved in this project, it's most likely the street will be blocked for extended periods of time. It is very difficult to turn a car around and exit in the wrong direction. It's been done in emergencies, but should not be done on a consistent basis, particularly due to construction blocking the street.

- \* With large trucks even partially blocking part of the street, emergency vehicles may not be able to access the street.
- \* Will neighbors be given 48 hours notification when the street will be blocked in order to make plans for access to their homes?
- \* Will this project create geologic slippage due to hillside and/or geologic stability issues to houses adjacent to this project?
- \* When the street is obstructed during this project, can the time be limited to specific hours and/or a set amount of time?
- \* Will construction companies work with neighbors when large delivery trucks are expected? What is their responsibility with monitoring traffic?
- \* Last, but not least, where will the construction crews park? Can they be informed not to block stairs which limits access to homes? I'm asking this specifically as on multiple occasions, a vehicle from the architect's firm has blocked the stairs to, and also the driveway at, my house.

Thank you for your consideration,

Cynthia Foster

479 Kentucky Avenue

Berkeley, CA 94707

510-499-6880

Sent from my iPad

Ren and Yi Ng  
467 Kentucky Ave  
Berkeley, CA 94707

January 4th, 2023

To: Zoning Adjustments Board, City of Berkeley

**Regarding: Request to Postpone Approval of Use Permit ZP2022-0087 for 469 Kentucky Ave**

Dear Members of the Zoning Adjustments Board,

We are the neighbor immediately north of the site for Use Permit ZP2022-0087.

We are writing to respectfully request that you postpone approval of this use permit, for two reasons. First, to provide us more time to work with the owner and architect regarding our objections to the current design. Second, to provide time for them to add information about how they will mitigate the potential detrimental effects of demolition/construction with respect to property damage, health and safety, traffic access, etc. Both are described in detail below, and we request that these important issues be addressed in the application before a permit is approved.

**(A) Information Flow Problems and The Need for More Time**

The architect has sent us two sets of detailed design plans directly – the first in February 2022 and the second on December 20th, 2022. However, two days ago, we discovered that the versions of these plans on the city website include additional documents that we did not previously receive and were unaware of. These documents include additions, design revisions, soil studies, shadow studies, landscaping plans, etc. The latest design revisions were only uploaded yesterday, on January 3<sup>rd</sup> 2023. We have only had what we believe is the complete version of the documents for 1-2 days, and need more time to study and absorb this large body of information and discuss all our concerns with the owner and architect. We are writing now to meet the deadline in advance of the January 12<sup>th</sup> ZAB meeting.

**(B) Objections to the Current Design Based on Privacy Intrusion and Sun Shadowing**

The following design problems emerged only after erection of the story poles, and examination of changes in the latest design documents.

Our chief objection to the current proposal is privacy intrusion. Our home has a secluded deck adjoining the master bedroom. The proposed design for 469 has a balcony that will provide direct views from a close distance onto our private deck (3<sup>rd</sup> floor) and into our master bedroom (see Figure 1 below). If built as designed, this balcony will intrude on two of our most private spaces, and be detrimental to our peace, comfort and property. We are currently in discussions with the owner and architect regarding this problem, and request more time to design a well considered, mutually acceptable modification and document it in the use permit before approval.

Additional design concerns include:

- Privacy loss on our main deck area with barbeque and dining seating (2nd floor). This deck area is not visible from existing 469 Kentucky decks or windows, except the front door and adjacent window. The proposed balcony and potentially the proposed windows on the 3<sup>rd</sup> floor look down on our deck area. In the latest changes to the plan, the proposed balcony has changed from opaque siding to a wraparound glass design (see Figure 2), which increases the problem of visual privacy loss. We are working with the architect to understand the implications of the latest design, and request time to document any modifications, if necessary, in the use permit before approval.
- There is a new shadow study in the latest design documents. We need more time to study and understand its implications, but a preliminary examination shows that the proposed structure will block more morning light onto our deck.

### (C) Concerns About Demolition, Property Damage, Health and Safety, Traffic, Etc.

In studying the latest versions of the documents proposed for approval, we were left with many questions and concerns about how the project plans to mitigate detrimental effects of demolition and construction to property, health and safety, traffic, parking, etc. We have not had time to discuss these with the owner and architect yet. We request that you postpone approval of the use permit so that they can provide more information to us and the neighborhood to allay these concerns.

#### Demolition.

We request addition of a demolition plan, that details how the project will mitigate detrimental effects related to the following issues:

- Hazardous materials. We have two children, ages 7 and 9, and we will be living at the demolition and construction site for 1-2 years. We are concerned about detrimental health effects due to hazardous materials, such as lead dust and asbestos. We request addition of a hazardous material study, and for health and safety issues for neighbors to be addressed comprehensively in the demolition plan.
- Property damage. We are concerned about potential damage to our home during demolition and construction. Our house is separated from 469 Kentucky by just 8 feet for the full depth and height of our three-story houses (see Figure 3) on a steep hill.
- Erosion and settling. Given the proximity of our houses (again, 8 feet separation for the full depth), we are concerned that excavating and levelling the hill for the new house may cause unintended hillside erosion and/or settling that damages the foundation and/or structural integrity of our home.
- Tree Safety. In the backyard of our property is a notable tree – a healthy 90-year-old Giant Sequoia (see Figure 3B). It appears that the landscaping plan for 469 Kentucky will excavate and/or hardscape a backyard area covering approximately  $\frac{1}{4}$  of the root system for this tree. We are concerned of unintended detrimental impacts to the tree's health and stability, potentially creating a safety risk to surrounding residents and property.
- How will shared property between our houses be preserved or replaced during demolition and construction? In the space between our houses are shared fences, walking path, and a ~10 foot tall pergola that touches both buildings (see Figure 3). The pergola's doors have for years

prevented deer access to both our backyards – how will we prevent deer access to our backyard after demolition? We realized that the current document plans do not mention these pieces of property, and we have not had a chance to discuss yet.

- Drainage is a serious problem on our steep hillside, but we fortunately do not currently experience a problem on our lot or for our foundation. We are concerned about drainage changes and potential new problems due to the demolition, excavation and new construction.
- Noise. How will demolition and construction noise be managed to acceptable levels not to interfere with professional requirements for work from home? This is a very important issue, because one of us works from a home office 4-5 days a week.

#### Community Impacts: Traffic, Street Safety, Street Access and Parking

Our street is unusual, because it is comprised of two one-way roads separated by a steep median drop (8 feet tall at the site). The one-way roads are narrow enough that traffic cannot pass if cars park normally, so residents much park partially atop the sidewalk. The road itself has a steep hill section, and access is via Michigan Avenue, one of the steepest hills in Berkeley. These are some of the significant environmental challenges facing the project and the neighborhood.

The project to completely demolish and build a new 3800 square foot home is by far the most complex construction project on the street in years, possibly decades. We request that the application add a plan for mitigating detrimental impacts to neighborhood traffic, street safety, street access and parking. The concerns include:

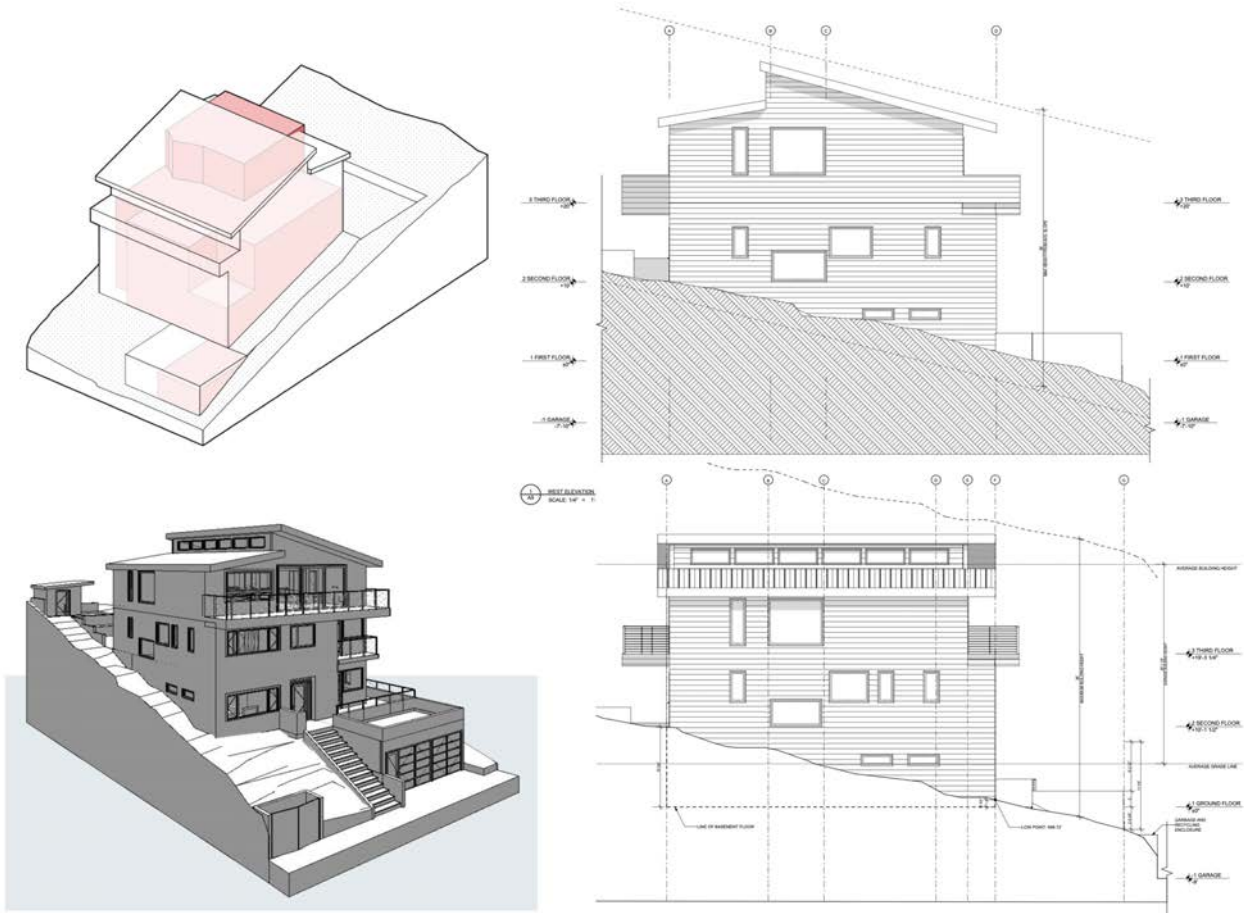
- How will construction parking be managed so as not block thoroughfare?
- How will access by fire trucks and emergency vehicles be preserved at all times, given that this is already very challenging due to the narrow one-way road and parking situation.
- Construction vehicle accidents are a serious concern. Near the intersection with Michigan Avenue, in the past two years there were several serious accidents involving construction vehicles due to the steepness and narrowness of the roads. One accident destroyed the railing and part of the front steps of the house at the end of Kentucky Ave. Another serious incident involved a moving backhoe that threatened the safety of two children, including one of our own, and was referred to Councilmember Sophie Hahn for follow up.
- The street surface itself is old and in poor repair. On our side of the street, there is a long sunken strip of asphalt that already causes tire damage to resident cars (including rupturing one of the tires on our car). This project will require innumerable trips by heavy vehicles that will have a detrimental effect on this fragile surface, and damage must be mitigated.
- How will construction parking be managed to avoid depriving residents of parking?
- Last but not least, there are many families living on this street with young children, who often play and bike on the street – everyday in the summer. Visibility is poor, especially in a tall truck coming over and down the steep hill towards the construction site. What safety measures will be put in place to protect the neighborhood?

In summary, we request that you postpone the approval of this use permit until the above issues are addressed. Thank you for your consideration of our request.

Yours sincerely,  
Ren and Yi Ng



**Figure 1:** Privacy intrusion from proposed deck onto our private deck and master bedroom. Top left: photo from our deck showing location of proposed deck railing (story poles). Top right: photo sitting on bed inside bedroom showing location of proposed deck railing. Bottom left: photo from direction of proposed 469 deck towards our bedroom. Bottom right: detail of direct view of bed in bedroom.



**Figure 2:** Recent changes in design. We have been sent two versions of the design. Top row: rendering and elevation from previous design sent to us in February 2022, with proposed balcony as opaque siding. Bottom row: rendering and elevation from latest design (uploaded January 3<sup>rd</sup>, 2023) with proposed balcony as wraparound glass. This change increases loss of privacy concerns.



**Figure 3.**

Left, A Rear view of pergola between 469 Kentucky (left) and our home (right).

Right, B: Front view of pergola, with 90-year-old Giant Sequoia in background. The houses are separated by 8 feet as shown for the full depth and height of the houses.



The Carrolls  
475 Vassar Avenue  
Berkeley, CA 94708  
510-525-8023

January 8, 2023

Russell Roe  
City of Berkeley Planner  
RRoe@CityofBerkeley.info

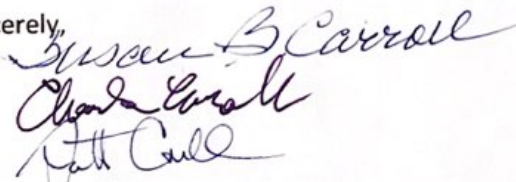
Dear Mr. Roe,

We are writing to voice our support for the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our home is directly one street up from the Keefes and we see over their home to the San Francisco skyline. They have been conscientious about their neighbors, including us, with their planning and communication for this work, and their project will not have a negative impact on our home nor our neighborhood.

We have lived in our home since 1968, and, like the Keefes, raised our family here. We are very glad to see that their family will be able to continue to live in the neighborhood through the project they are taking on.

Please feel free to call us if you have any questions. We are signing as two generations of Carrolls who are living in our home.

Sincerely,

The image shows three handwritten signatures in black ink. The top signature is 'Susan B. Carroll', the middle one is 'Charles Carroll', and the bottom one is 'Scott Carroll'. The signatures are written in a cursive style.

Susan Carroll (homeowner)  
Charles Carroll (son)  
Scott Carroll (son)

David Z. Ritvo and Phyllis F. Ritvo  
471 Vassar Ave.  
Berkeley, CA, 94708

January 8, 2023

Russel Roe  
Planning Manager  
City of Berkeley  
[Rroe@cityofberkeley.info](mailto:Rroe@cityofberkeley.info)

re: Zoning Adjustment Board Meeting regarding the proposed project at 469 Kentucky Ave., Berkeley

Dear Mr. Roe:

Thank you for sending us the announcement of the Zoning Adjustment Board's meeting regarding the proposed project at 469 Kentucky Ave., Berkeley and for its invitation to neighbors to provide input regarding the project. We would like to take this opportunity to do so.

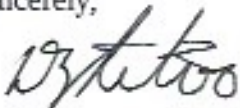
We have resided at 471 Vassar Ave., just uphill from the proposed project at 469 Kentucky Ave., for the past forty two plus years. As long-term residents of the neighborhood we love, we have a deep interest in maintaining its sense of community and neighborliness.

We have reviewed the project and seen the Planning Department staff report regarding the project.

We are in complete agreement with the staff report: This project is in keeping with the nature of the neighborhood and will not adversely effect the neighbors or the neighborhood.

We urge the Zoning Adjustment Board to agree with the staff report, and we look forward to the folks at 469 Kentucky Ave. being able to go ahead with their project without delay.

Sincerely,



David Z. Ritvo



Phyllis F. Ritvo

cc: Aidan Keefe, 469 Kentucky Ave., Berkeley, CA

**Pam and Les Bradford**  
476 Vassar Avenue  
Berkeley, CA 94708  
510-527-8421

**January 9, 2023**

**Russell Roe**  
City of Berkeley Planner  
[Roe@CityofBerkeley.info](mailto:Roe@CityofBerkeley.info)

**Dear Mr. Roe,**

**This letter is in support of the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our property sits east of that property, directly behind their residence; we share a fence and have been their neighbors since 1990. Their project will not have any negative impact on our home or view of the San Francisco Bay and Aidan Keefe has communicated with us from the beginning of his efforts to make home improvements. We certainly hope he will be able to continue with the work projected and be a part of our neighborhood.**

**Sincerely,**

**Pamela Bradford**  
**Lester Bradford**

STEPHEN B. BEDRICK  
----- ATTORNEY AT LAW -----  
1970 BROADWAY, SUITE 1200  
OAKLAND, CALIFORNIA 94612  
  
TELEPHONE: (510) 452-1900  
FAX: (510) 452-1980  
sbedrick@sonic.net

January 9, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center St., 2nd Floor  
Berkeley, CA 94704

also by e-mail to  
[zab@cityofberkeley.info](mailto:zab@cityofberkeley.info)

Re: 469 Kentucky Ave. (Second letter)  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

Dear Sirs/Madams:

We oppose the demolition project in the R-1-H zone for multiple reasons:

1. The blocking of a narrow one-way street will prevent some neighborhood residents from driving to and from their homes. It also will obstruct emergency vehicles and delivery trucks.
2. The demolition on a hillside lot threatens the geologic stability of the abutting homes.
3. The demolition and removal of debris risks damaging and threatening the integrity of the abutting homes.
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Very truly yours,

STEPHEN B. BEDRICK  
SBB/SBM

**KATHRYN ANN SELIGMAN  
485 KENTUCKY AVENUE  
BERKELEY, CA 94707  
kseligman@comcast.net**

January 4, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: 469 Kentucky Avenue  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

**However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it**

**impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).**

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-lane one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped or poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available



places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, inconveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

Sincerely yours,

KATHRYN ANN SELIGMAN

**Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street**

Cars Parked Along the Curb on the East / Uphill Side of Street

*Please note that the cars have their passenger side tires on the curb, so traffic can pass by.*



Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets  
*Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.*



Storm Drain on the East / Uphill Block of Kentucky Avenue  
*Please note that the storm drain is near the project site.*



Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center St 2nd Floor  
Berkeley, CA 94704

Re: 469 Kentucky Ave.  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

Dear Sirs/Madams:

I live at 483 Kentucky Avenue, three doors south of this project. I oppose this demolition project at 469 Kentucky Ave because it risks damage to the adjacent houses, geologic slippage, flooding, and traffic obstruction. As a parent of a 6 month old, I am particularly concerned with the persistent and extraordinary noise and potential for toxic pollutants resulting from the demolition. As a committee member on the Kentucky Ave Disaster Preparedness Group, I am concerned a project of this scale on such a narrow street could seriously impede evacuation and emergency personnel in the event of an earthquake or wildfire.

I largely agree with the letters sent by our neighbors Stephen Bedrick and Ren Ng. The staff and Board should continue the hearing to consider our objections.

Thank you.  
Ben Young

**From:** [Cynthia Foster](#)  
**To:** [Roe, Russell](#)  
**Subject:** Fwd: Use Permit #ZP2022-0087, 469 Kentucky Avenue  
**Date:** Tuesday, January 10, 2023 2:49:32 PM

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Sent via email

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I live at 479 Kentucky Avenue and am writing to oppose the project at 469 Kentucky Avenue. I have several concerns, including the size of the proposed residence, demolition, parking, and access to the street during both demolition and construction.

I will assume the project will be approved based on where we are in the project proposal, so I will focus on concerns of demolition/construction and access to the street.

Kentucky Avenue is 2 one-way streets with a median in the middle of the upper and lower portions of the street. It's a small neighborhood

street and additional traffic will be disruptive at best. Parking is already limited.

Emergency vehicles, delivery trucks, USPS, and City refuse/recycling trucks carefully manage access to the street. The City trucks are cognizant of neighborhood traffic on Tuesday mornings and quite considerate of the neighbors as they seem to understand our unique street.

My concerns with the demolition and subsequent construction have to do with access to entering and exiting the street. It's a narrow (one way) street and with the amount of trucks and dumpsters involved in this project, it's most likely the street will be blocked for extended periods of time. It is very difficult to turn a car around and exit in the wrong direction. It's been done in emergencies, but should not be done on a consistent basis, particularly due to construction blocking the street.

\* With large trucks even partially blocking part of the street, emergency vehicles may not be able to access the street.

\* Will neighbors be given 48 hours notification when the street will be blocked in order to make plans for access to their homes?

\* Will this project create geologic slippage due to hillside and/or geologic stability issues to houses adjacent to this project?

\* When the street is obstructed during this project, can the time be limited to specific hours and/or a set amount of time?

\* Will construction companies work with neighbors when large delivery trucks are expected? What is their responsibility with monitoring traffic?

\* Last, but not least, where will the construction crews park? Can they be informed not to block stairs which limits access to homes? I'm asking this specifically as on multiple occasions, a vehicle from the architect's firm has blocked the stairs to, and also the driveway at, my house.

Thank you for your consideration,

Cynthia Foster

479 Kentucky Avenue

Berkeley, CA 94707

510-499-6880

Sent from my iPad



Ren and Yi Ng  
467 Kentucky Ave  
Berkeley, CA 94707

January 4th, 2023

To: Zoning Adjustments Board, City of Berkeley

**Regarding: Request to Postpone Approval of Use Permit ZP2022-0087 for 469 Kentucky Ave**

Dear Members of the Zoning Adjustments Board,

We are the neighbor immediately north of the site for Use Permit ZP2022-0087.

We are writing to respectfully request that you postpone approval of this use permit, for two reasons. First, to provide us more time to work with the owner and architect regarding our objections to the current design. Second, to provide time for them to add information about how they will mitigate the potential detrimental effects of demolition/construction with respect to property damage, health and safety, traffic access, etc. Both are described in detail below, and we request that these important issues be addressed in the application before a permit is approved.

**(A) Information Flow Problems and The Need for More Time**

The architect has sent us two sets of detailed design plans directly – the first in February 2022 and the second on December 20th, 2022. However, two days ago, we discovered that the versions of these plans on the city website include additional documents that we did not previously receive and were unaware of. These documents include additions, design revisions, soil studies, shadow studies, landscaping plans, etc. The latest design revisions were only uploaded yesterday, on January 3<sup>rd</sup> 2023. We have only had what we believe is the complete version of the documents for 1-2 days, and need more time to study and absorb this large body of information and discuss all our concerns with the owner and architect. We are writing now to meet the deadline in advance of the January 12<sup>th</sup> ZAB meeting.

**(B) Objections to the Current Design Based on Privacy Intrusion and Sun Shadowing**

The following design problems emerged only after erection of the story poles, and examination of changes in the latest design documents.

Our chief objection to the current proposal is privacy intrusion. Our home has a secluded deck adjoining the master bedroom. The proposed design for 469 has a balcony that will provide direct views from a close distance onto our private deck (3<sup>rd</sup> floor) and into our master bedroom (see Figure 1 below). If built as designed, this balcony will intrude on two of our most private spaces, and be detrimental to our peace, comfort and property. We are currently in discussions with the owner and architect regarding this problem, and request more time to design a well considered, mutually acceptable modification and document it in the use permit before approval.

Additional design concerns include:

- Privacy loss on our main deck area with barbeque and dining seating (2nd floor). This deck area is not visible from existing 469 Kentucky decks or windows, except the front door and adjacent window. The proposed balcony and potentially the proposed windows on the 3<sup>rd</sup> floor look down on our deck area. In the latest changes to the plan, the proposed balcony has changed from opaque siding to a wraparound glass design (see Figure 2), which increases the problem of visual privacy loss. We are working with the architect to understand the implications of the latest design, and request time to document any modifications, if necessary, in the use permit before approval.
- There is a new shadow study in the latest design documents. We need more time to study and understand its implications, but a preliminary examination shows that the proposed structure will block more morning light onto our deck.

### (C) Concerns About Demolition, Property Damage, Health and Safety, Traffic, Etc.

In studying the latest versions of the documents proposed for approval, we were left with many questions and concerns about how the project plans to mitigate detrimental effects of demolition and construction to property, health and safety, traffic, parking, etc. We have not had time to discuss these with the owner and architect yet. We request that you postpone approval of the use permit so that they can provide more information to us and the neighborhood to allay these concerns.

#### Demolition.

We request addition of a demolition plan, that details how the project will mitigate detrimental effects related to the following issues:

- Hazardous materials. We have two children, ages 7 and 9, and we will be living at the demolition and construction site for 1-2 years. We are concerned about detrimental health effects due to hazardous materials, such as lead dust and asbestos. We request addition of a hazardous material study, and for health and safety issues for neighbors to be addressed comprehensively in the demolition plan.
- Property damage. We are concerned about potential damage to our home during demolition and construction. Our house is separated from 469 Kentucky by just 8 feet for the full depth and height of our three-story houses (see Figure 3) on a steep hill.
- Erosion and settling. Given the proximity of our houses (again, 8 feet separation for the full depth), we are concerned that excavating and levelling the hill for the new house may cause unintended hillside erosion and/or settling that damages the foundation and/or structural integrity of our home.
- Tree Safety. In the backyard of our property is a notable tree – a healthy 90-year-old Giant Sequoia (see Figure 3B). It appears that the landscaping plan for 469 Kentucky will excavate and/or hardscape a backyard area covering approximately  $\frac{1}{4}$  of the root system for this tree. We are concerned of unintended detrimental impacts to the tree's health and stability, potentially creating a safety risk to surrounding residents and property.
- How will shared property between our houses be preserved or replaced during demolition and construction? In the space between our houses are shared fences, walking path, and a ~10 foot tall pergola that touches both buildings (see Figure 3). The pergola's doors have for years

prevented deer access to both our backyards – how will we prevent deer access to our backyard after demolition? We realized that the current document plans do not mention these pieces of property, and we have not had a chance to discuss yet.

- Drainage is a serious problem on our steep hillside, but we fortunately do not currently experience a problem on our lot or for our foundation. We are concerned about drainage changes and potential new problems due to the demolition, excavation and new construction.
- Noise. How will demolition and construction noise be managed to acceptable levels not to interfere with professional requirements for work from home? This is a very important issue, because one of us works from a home office 4-5 days a week.

#### Community Impacts: Traffic, Street Safety, Street Access and Parking

Our street is unusual, because it is comprised of two one-way roads separated by a steep median drop (8 feet tall at the site). The one-way roads are narrow enough that traffic cannot pass if cars park normally, so residents much park partially atop the sidewalk. The road itself has a steep hill section, and access is via Michigan Avenue, one of the steepest hills in Berkeley. These are some of the significant environmental challenges facing the project and the neighborhood.

The project to completely demolish and build a new 3800 square foot home is by far the most complex construction project on the street in years, possibly decades. We request that the application add a plan for mitigating detrimental impacts to neighborhood traffic, street safety, street access and parking. The concerns include:

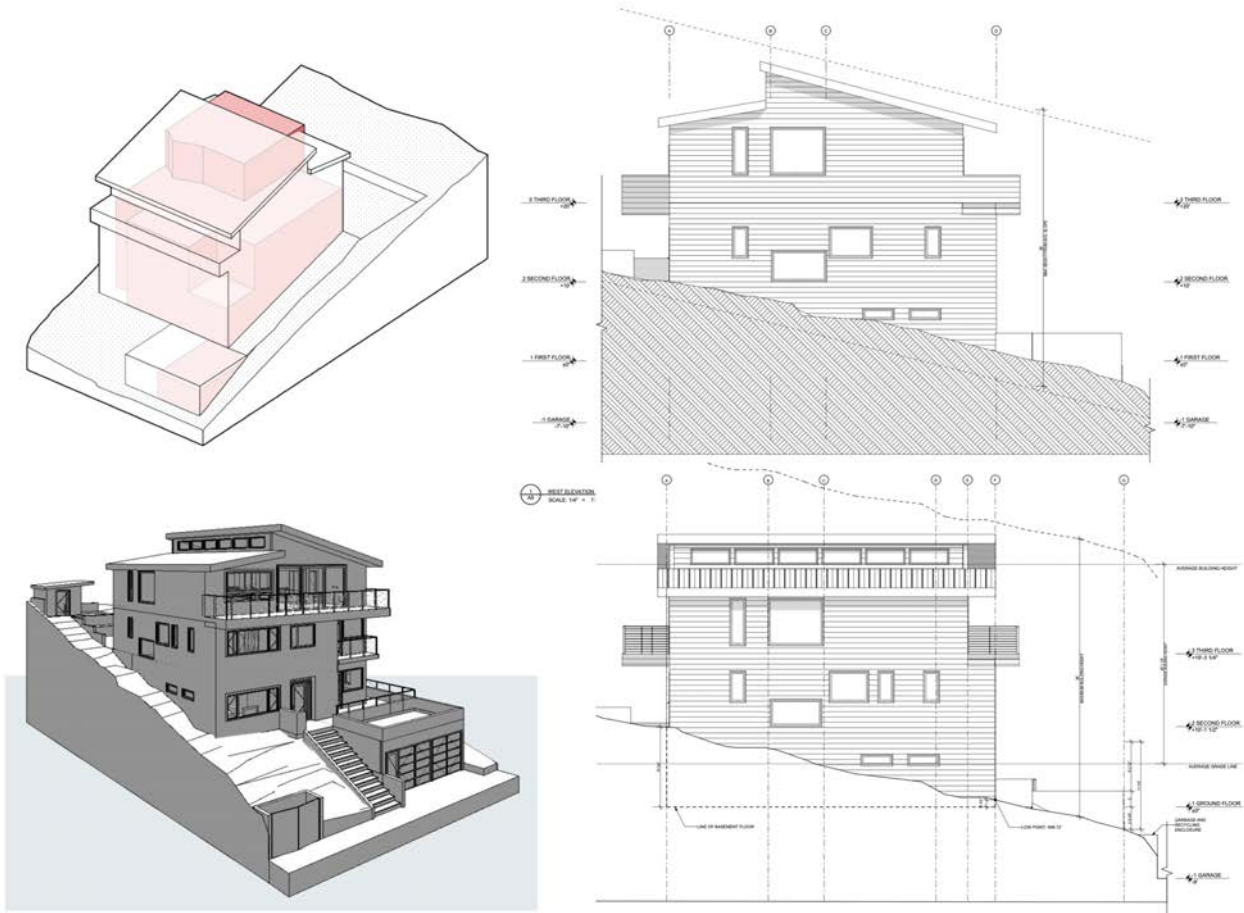
- How will construction parking be managed so as not block thoroughfare?
- How will access by fire trucks and emergency vehicles be preserved at all times, given that this is already very challenging due to the narrow one-way road and parking situation.
- Construction vehicle accidents are a serious concern. Near the intersection with Michigan Avenue, in the past two years there were several serious accidents involving construction vehicles due to the steepness and narrowness of the roads. One accident destroyed the railing and part of the front steps of the house at the end of Kentucky Ave. Another serious incident involved a moving backhoe that threatened the safety of two children, including one of our own, and was referred to Councilmember Sophie Hahn for follow up.
- The street surface itself is old and in poor repair. On our side of the street, there is a long sunken strip of asphalt that already causes tire damage to resident cars (including rupturing one of the tires on our car). This project will require innumerable trips by heavy vehicles that will have a detrimental effect on this fragile surface, and damage must be mitigated.
- How will construction parking be managed to avoid depriving residents of parking?
- Last but not least, there are many families living on this street with young children, who often play and bike on the street – everyday in the summer. Visibility is poor, especially in a tall truck coming over and down the steep hill towards the construction site. What safety measures will be put in place to protect the neighborhood?

In summary, we request that you postpone the approval of this use permit until the above issues are addressed. Thank you for your consideration of our request.

Yours sincerely,  
Ren and Yi Ng



**Figure 1:** Privacy intrusion from proposed deck onto our private deck and master bedroom. Top left: photo from our deck showing location of proposed deck railing (story poles). Top right: photo sitting on bed inside bedroom showing location of proposed deck railing. Bottom left: photo from direction of proposed 469 deck towards our bedroom. Bottom right: detail of direct view of bed in bedroom.



**Figure 2:** Recent changes in design. We have been sent two versions of the design. Top row: rendering and elevation from previous design sent to us in February 2022, with proposed balcony as opaque siding. Bottom row: rendering and elevation from latest design (uploaded January 3<sup>rd</sup>, 2023) with proposed balcony as wraparound glass. This change increases loss of privacy concerns.



**Figure 3.**

Left, A Rear view of pergola between 469 Kentucky (left) and our home (right).

Right, B: Front view of pergola, with 90-year-old Giant Sequoia in background. The houses are separated by 8 feet as shown for the full depth and height of the houses.

The Carrolls  
475 Vassar Avenue  
Berkeley, CA 94708  
510-525-8023

January 8, 2023

Russell Roe  
City of Berkeley Planner  
RRoe@CityofBerkeley.info

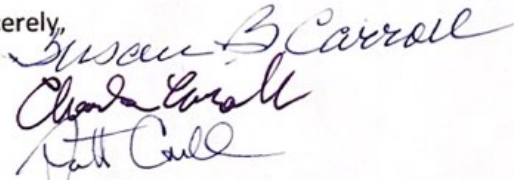
Dear Mr. Roe,

We are writing to voice our support for the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our home is directly one street up from the Keefes and we see over their home to the San Francisco skyline. They have been conscientious about their neighbors, including us, with their planning and communication for this work, and their project will not have a negative impact on our home nor our neighborhood.

We have lived in our home since 1968, and, like the Keefes, raised our family here. We are very glad to see that their family will be able to continue to live in the neighborhood through the project they are taking on.

Please feel free to call us if you have any questions. We are signing as two generations of Carrolls who are living in our home.

Sincerely,

Three handwritten signatures in cursive script. The top signature is 'Susan B. Carroll', the middle is 'Charles Carroll', and the bottom is 'Scott Carroll'.

Susan Carroll (homeowner)  
Charles Carroll (son)  
Scott Carroll (son)

David Z. Ritvo and Phyllis F. Ritvo  
471 Vassar Ave.  
Berkeley, CA, 94708

January 8, 2023

Russel Roe  
Planning Manager  
City of Berkeley  
[Rroe@cityofberkeley.info](mailto:Rroe@cityofberkeley.info)

re: Zoning Adjustment Board Meeting regarding the proposed project at 469 Kentucky Ave., Berkeley

Dear Mr. Roe:

Thank you for sending us the announcement of the Zoning Adjustment Board's meeting regarding the proposed project at 469 Kentucky Ave., Berkeley and for its invitation to neighbors to provide input regarding the project. We would like to take this opportunity to do so.

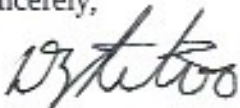
We have resided at 471 Vassar Ave., just uphill from the proposed project at 469 Kentucky Ave., for the past forty two plus years. As long-term residents of the neighborhood we love, we have a deep interest in maintaining its sense of community and neighborliness.

We have reviewed the project and seen the Planning Department staff report regarding the project.

We are in complete agreement with the staff report: This project is in keeping with the nature of the neighborhood and will not adversely effect the neighbors or the neighborhood.

We urge the Zoning Adjustment Board to agree with the staff report, and we look forward to the folks at 469 Kentucky Ave. being able to go ahead with their project without delay.

Sincerely,



David Z. Ritvo



Phyllis F. Ritvo

cc: Aidan Keefe, 469 Kentucky Ave., Berkeley, CA



**Pam and Les Bradford**  
476 Vassar Avenue  
Berkeley, CA 94708  
510-527-8421

January 9, 2023

**Russell Roe**  
City of Berkeley Planner  
[Roe@CityofBerkeley.info](mailto:Roe@CityofBerkeley.info)

Dear Mr. Roe,

**This letter is in support of the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our property sits east of that property, directly behind their residence; we share a fence and have been their neighbors since 1990. Their project will not have any negative impact on our home or view of the San Francisco Bay and Aidan Keefe has communicated with us from the beginning of his efforts to make home improvements. We certainly hope he will be able to continue with the work projected and be a part of our neighborhood.**

Sincerely,

**Pamela Bradford**  
**Lester Bradford**

STEPHEN B. BEDRICK  
----- ATTORNEY AT LAW -----  
1970 BROADWAY, SUITE 1200  
OAKLAND, CALIFORNIA 94612  
  
TELEPHONE: (510) 452-1900  
FAX: (510) 452-1980  
sbedrick@sonic.net

January 9, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center St., 2nd Floor  
Berkeley, CA 94704

also by e-mail to  
[zab@cityofberkeley.info](mailto:zab@cityofberkeley.info)

Re: 469 Kentucky Ave. (Second letter)  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

Dear Sirs/Madams:

We oppose the demolition project in the R-1-H zone for multiple reasons:

1. The blocking of a narrow one-way street will prevent some neighborhood residents from driving to and from their homes. It also will obstruct emergency vehicles and delivery trucks.
2. The demolition on a hillside lot threatens the geologic stability of the abutting homes.
3. The demolition and removal of debris risks damaging and threatening the integrity of the abutting homes.
4. The demolition threatens to obstruct nearby storm drains, and threatens neighborhood flooding.

The staff report supplied to the Board Members on Friday January 6, 2023 is so incomplete as to be misleading. The staff report claims that no objections were made by neighbors. That is false. Several neighbors (including me) wrote opposition letters to the Board on January 4 and January 5, 2023, before the staff report is ordinarily sent to the Board members. At the minimum, we request that the January 12, 2023 hearing be continued until the opposition letters are presented to the Board in time for staff and Board members to consider them.

If, in the alternative, the Board is inclined to approve the demolition of this attractive and perfectly functional house, we request that the following mitigation measures be taken:

1. No demolition or excavation during rainy weather or rainy season (Oct. 15- May 1).
2. Demolition only to be performed by a contractor with experience in demolition on hillsides as steep as this one.
3. A certified engineer must be on site during demolition, to supervise, and to prevent accidents.
4. A retaining wall of sufficient height should be constructed on either side of the project, the entire length of the property, to prevent soil and foundation slippage.
5. A temporary fence should be constructed to protect the neighboring houses from flying debris.
6. The applicant should post a bond sufficient to compensate the abutting houses from any damage.
7. Regarding obstruction of the street by demolition activities:
  - a) Obstruction traffic by demolition activities, including use of trucks and dumpsters, should be limited to 30 minutes per day.
  - b) The time or times of street obstruction should be posted in the neighborhood at least 48 hours in advance, so neighbors can plan their exits and entrances.
  - c) Traffic monitors shall be on the scene whenever trucks or dumpsters are present, to prevent unwarranted street blockage, and to assist residents who have difficulty in getting to or from their homes.

Very truly yours,

STEPHEN B. BEDRICK  
SBB/SBM

**KATHRYN ANN SELIGMAN  
485 KENTUCKY AVENUE  
BERKELEY, CA 94707  
kseligman@comcast.net**

January 4, 2023

Land Use Planning Division  
(Attn: ZAB Secretary)  
City of Berkeley  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: 469 Kentucky Avenue  
Use Permit ZP 2022-0087  
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

**However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it**

**impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).**

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-lane one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped or poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available

places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, inconveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

Sincerely yours,

KATHRYN ANN SELIGMAN

**Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street**

Cars Parked Along the Curb on the East / Uphill Side of Street

*Please note that the cars have their passenger side tires on the curb, so traffic can pass by.*





Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets  
*Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.*



Storm Drain on the East / Uphill Block of Kentucky Avenue  
*Please note that the storm drain is near the project site.*





This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

or from:

**The City of Berkeley, City Council's Web site**

<http://www.cityofberkeley.info/citycouncil/>

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL**

**ZAB APPEAL: 469 KENTUCKY AVENUE, USE PERMIT #ZP2022-0087**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, MAY 23, 2023 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to **APPROVE Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.**

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at [www.berkeleyca.gov](http://www.berkeleyca.gov) as of May 11, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Russell Roe, Project Planner, (510) 981-7548 or [rroe@cityofberkeley.info](mailto:rroe@cityofberkeley.info). Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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

---

Mark Numainville, City Clerk

Mailed by: **May 9, 2023**

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

*If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.*



Office of the City Manager

PUBLIC HEARING  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Fee Increase: Condominium Conversion Program Application Fee

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution to increase the Condominium Conversion Program application fee by \$30 to \$310 per application, and the supplementary application fees for units currently rented by \$40 to \$420 per unit, and applications deferring the mitigation fee by \$95 to \$1,040 per unit.

FISCAL IMPACTS OF RECOMMENDATION

Fees for processing condominium conversion applications by the City of Berkeley's Department of Health, Housing, and Community Services (HHCS) were established in 2017 at the current levels of \$280 per project, plus \$380 per unit *or* \$945 per unit if certain conditions are met (the unit is currently rented out and/or the owner defers mitigation fee payment). There has been no fee update since this time.

Staff recommend increasing the fee to reflect the new costs of service to \$310 per project (an 11% increase), plus \$420 (an 11% increase) per unit *or* \$1,040 per unit (a 10% increase) if the unit is currently rented out and/or the owner defers mitigation fee payment. Whether regulatory documents are required depends on whether there are tenants and which payment option the owner selects. As an illustration, a 3-unit project would pay between \$1,570 and \$3,430 total. These proposed fees equate to the cost necessary to cover staff time to complete the process.

Condominium Conversion program management was previously assigned to an Associate Planner classification in HHCS's Housing and Community Services Division (HHCS/HCS). This work has been assigned to the Community Development Project Coordinator (CDPC) classification, as part of changes in the division to ensure more depth of staffing and consistency of program delivery. The fee is calculated using the same number of hours per task as in 2017 and an updated inclusive hourly rate of \$88.70.

The current and proposed fees and the basis for their calculation are presented in the following table.

|                                                                                                                                                                                   | <u>Hours to complete tasks</u> | <u>Cost to provide service</u> | <u>Current Fees</u>                             | <u>Proposed Fees</u>                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|-------------------------------------------------|---------------------------------------------------|
| <b>Fees due at application:</b>                                                                                                                                                   |                                |                                |                                                 |                                                   |
| HHCS Project Application Fee                                                                                                                                                      | 3.5                            | \$310                          | \$280                                           | \$310                                             |
| HHCS per unit fee (total fee for projects paying before recording the subdivision for vacant or owner-occupied unit)                                                              | 4.75                           | \$421                          | \$380                                           | \$420                                             |
| <b>Per unit fees for projects with tenants/deferring payment:</b>                                                                                                                 |                                |                                |                                                 |                                                   |
| Per Unit Addition for projects paying the fee before recording with current tenants/deferring payment of fee until selling the units at a later date (due at time of subdivision) | 11.75                          | \$1,046                        | \$565<br><br>(\$380+\$565=\$945 total per unit) | \$620<br><br>(\$420+\$620=\$1,040 total per unit) |

\*calculation based on hours of staff time x CDPC Step C salary + benefits

Over the past five years, an average of five new Condominium Conversion applications are submitted annually. Applicants have the discretion to pay the mitigation fee at the time of application or defer the fee until the unit is sold. These decisions typically depend on market conditions, and whether units are tenant-occupied. The proposed new fee structure, of \$310 per application, and additional per unit fees of either \$420 or \$1,040 per unit, will not exceed the costs of service.

The proposed fee was calculated by applying the hourly staff time rate to the hours needed to complete each task, outlined in the table above. Fees will be deposited into Fund 123-Condo Conversion Program.

### CURRENT SITUATION AND ITS EFFECTS

In 2017, the City Council adopted Resolution 67,982-N.S. to fund HHCS staff time on Condominium Conversion applications.

The City's Condominium Conversion ordinance allows owners to convert their properties into condominiums subject to certain conditions; including paying a mitigation fee for removing housing from the rental market (BMC 21.28). HHCS staff perform a variety of duties to complete Condominium Conversion applications, protect tenant rights (if applicable), and secure the required mitigation fees. This includes:

- Review the application materials submitted;
- Work with the applicant to explain the options for paying the fee;
- Draft regulatory agreements and work with applicants to finalize them;
- Draft escrow instructions and coordinate with title companies managing escrow;
- Analyze project details to calculate the mitigation fee;
- Draft mitigation fee demand letters;
- Collect and track payments; and
- Manage the execution of the required agreements.

This proposal allowed HHCS to collect fees for the staff time needed to complete new applications consistent with Planning and the Rent Board's fee schedule for condominium conversions. The proposed fee updates are needed to reflect actual cost increases since 2017.

### BACKGROUND

The Condominium Conversion ordinance includes protections for existing tenants and allows owners to pay a discounted mitigation fee at the time they subdivide the property or wait until they sell the property at a later date to pay the full fee. These decisions affect the amount of staff time required for applicant support and drafting required legal agreements. Mitigation fees collected are deposited into the Housing Trust Fund program. Applicants are also charged fees for the Planning and Rent Board work on applications.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no immediate environmental impacts associated with the adoption of this fee.

### RATIONALE FOR RECOMMENDATION

The proposed fee increase reflects the actual increases in costs since 2017 as outlined above.

### ALTERNATIVE ACTIONS CONSIDERED

The City could continue to perform the tasks and charge the current fee at a deficit for costs of services. The gap will need to be covered by the General Fund.

Fee Increase: Condominium Conversion Program Application Fee

PUBLIC HEARING  
May 23, 2023

CONTACT PERSON

Anna Cash, Community Development Project Coordinator, HHCS, (510) 981-5403

Attachments:

1: Resolution

Exhibit A: Condominium Conversion Application Proposed Fee Schedule

2: Public Hearing Notice



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

ADOPTING AN INCREASE FEE SCHEDULE FOR THE CONDOMINIUM CONVERSION APPLICATION FOR SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH, HOUSING, AND COMMUNITY SERVICES

WHEREAS, Berkeley Municipal Code section 21.28, the Condominium Conversion Ordinance, allows property owners to subdivide rental properties under certain conditions; and

WHEREAS, the Department of Health, Housing, and Community Services provides staffing to implement the requirements of the Condominium Conversion Ordinance; and

WHEREAS, Berkeley Municipal Code section 21.28.120 allows the City Council to set fees for the administration and implementation of the ordinance; and

WHEREAS, Berkeley Resolution no. 67,982-N.S. allows City Council to set fees for the adoption of Condominium Conversion application fee schedule for services provided by the Department of Health, Housing, and Community Services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City adopts the Department of Health, Housing, and Community Services updated Condominium Conversion application fee schedule attached as Exhibit A, effective July 1, 2023.

BE IT FURTHER RESOLVED that the fee schedule will remain valid for a Department of Health, Housing, and Community Services successor agency, if any.

Exhibits

A: Condominium Conversion Application Proposed Fee Schedule

May 23, 2023

**Exhibit A: Condominium Conversion Application Proposed Fee Schedule**

| <b>Applicable Fee</b>                                             | <b>Fee Amount</b>                |
|-------------------------------------------------------------------|----------------------------------|
| <b>Fees due at application:</b>                                   |                                  |
| HHCS Project Application Fee                                      | \$310                            |
| HHCS per unit fee                                                 | \$420                            |
| <b>Fees due at the time of subdivision:</b>                       |                                  |
| Per Unit Addition for projects with current tenants/deferred fees | \$620<br>(\$1040 total per unit) |

May 23, 2023

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
INCREASE APPLICATION FEE FOR CONDOMINIUM  
CONVERSION PROGRAM**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that 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 the condominium conversion new application rates.

| <b>Applicable Fee</b>                                             | <b>Current Fees</b>             | <b>Proposed Fees</b>             |
|-------------------------------------------------------------------|---------------------------------|----------------------------------|
| <b>Fees due at application:</b>                                   |                                 |                                  |
| HHCS Project Application Fee                                      | \$280                           | \$310                            |
| HHCS per unit fee                                                 | \$380                           | \$420                            |
| <b>Fees due at the time of subdivision:</b>                       |                                 |                                  |
| Per Unit Addition for projects with current tenants/deferred fees | \$565<br>(\$945 total per unit) | \$620<br>(\$1040 total per unit) |

The hearing will be held on, MAY 23, 2023 at 6:00 p.m. in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Anna Cash at 510-981-5403.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 11, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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May 23, 2023

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:** May 12 and May 19, 2023 – The Berkeley Voice  
Published pursuant to Government Code Section 6062a.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on May 11, 2023.

Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING
May 23, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services
 Subject: Fee Increase: Condominium Conversion Program Subordination Fee

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution to increase the \$364 Condominium Conversion Program subordination fee by \$35 to \$399.

FISCAL IMPACTS OF RECOMMENDATION

The fee for processing subordination requests was established by the City of Berkeley’s Department of Health, Housing, and Community Services (HHCS) in 2017 at the current level of \$364 per subordination request. There has been no fee update since this time.

Staff recommend increasing the fee to reflect the new costs of service to \$399 per subordination request (a 9.6% increase) for FY 2024 to cover the current actual cost of delivering this service. The proposed fee equates to the costs necessary to cover staff time to complete the process.

Condominium Conversion program management was previously assigned to an Associate Planner classification in HHCS’s Housing and Community Services Division (HHCS/HCS). This work has been assigned to the Community Development Project Coordinator (CDPC) classification, as part of the changes in the division to ensure more depth of staffing and consistency of program delivery.

The fee is calculated using the same number of hours per tasks as in 2017 and an updated inclusive hourly rate of \$88.70. The current and proposed fee and the basis for their calculation are presented in the following table.

Table 1. Fee per Subordination Request			
Staff time per Application	Total Program Costs*	FY 23 Fee (current)	Percent Change
4.5 hours	\$399 per application	\$364 per application	9.6%

*calculation based on 4.5 hours x CDPC Step C salary + benefits

City staff estimate five or fewer Condominium Conversion subordination requests per year, costing the City of Berkeley an estimated \$1,995 annually. The current fee of \$364 generates \$1,820 annually (based on the projected estimate of five projects) creating a deficit to cover the costs to provide the service. The proposed new fee structure of \$399 per application will not exceed the costs of service.

The proposed fee was calculated by applying the hourly staff time rate to the hours needed to complete each task, outlined in Table 1. Fees will be deposited into Fund 123-Condo Conversion Program. A comparison of the current rate schedule and the new rate schedule is included as Exhibit A.

CURRENT SITUATION AND ITS EFFECTS

In 2017, the City Council adopted Resolution 67,981-N.S. to fund HHCS staff time for Condominium Conversion subordination requests. A subordination agreement is a legal document that prioritizes debts for repayment. These are common agreements banks require when refinancing mortgages. HHCS routinely receives subordination requests for deferred condominium conversion fees and must evaluate them to ensure the City's debt remains secure if the subordination is approved. The FY 2024 proposed fee increases account for increased staffing costs and the reallocation of the position managing Condominium Conversion subordination requests from an Associate Planner to a Community Development Project Coordinator.

Various neighboring cities charge homeowners for the preparation of subordination agreements. Examples include San Francisco (\$668), San Jose (\$353), and Oakland (\$830).

BACKGROUND

The City's Condominium Conversion ordinance allows owners to convert their properties into condominiums subject to certain conditions, including paying a mitigation fee for removing housing from the rental market (Berkeley Municipal Code 21.28). The ordinance includes protections for existing tenants and allows owners to pay a discounted mitigation fee at the time they subdivide the property or defer payment until they sell the property at a later date.

Tenant-occupied condominiums and condominiums for which the owner has chosen to defer payment of the fee have regulatory agreements recorded on the title for the property. Property owners request subordination agreements from the City when refinancing to protect the bank loan's position.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no immediate environmental effects associated with the adoption of this fee.

RATIONALE FOR RECOMMENDATION

The proposed fee update reflects the actual changes in the cost of providing this service.

ALTERNATIVE ACTIONS CONSIDERED

The City could continue to perform the tasks and charge the current fee at a deficit for costs of services. The gap will need to be covered by the General Fund.

CONTACT PERSON

Mariela Herrick, Community Development Project Coordinator, HHCS, (510) 981-5224

Attachments:

1: Resolution

Exhibit A: Condominium Conversion Subordination Fee Proposed Rates
Schedule Comparison

2: Public Hearing Notice

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

ADOPTING AN INCREASE FEE SCHEDULE FOR THE CONDOMINIUM CONVERSION PROGRAM SUBORDINATION REQUESTS FOR SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH, HOUSING, AND COMMUNITY SERVICES

WHEREAS, Berkeley Municipal Code section 21.28, the Condominium Conversion Ordinance, allows property owners to subdivide rental properties under certain conditions; and

WHEREAS, the Department of Health, Housing, and Community Services provides staffing to implement the requirements of the Condominium Conversion Ordinance; and

WHEREAS, Berkeley Municipal Code section 21.28.120 allows the City Council to set fees for the administration and implementation of the ordinance; and

WHEREAS, Berkeley Resolution no. 67,981-N.S. allows City Council to set fees for the adoption of condominium conversion subordination fee schedule for services provided by the Department of Health, Housing, and Community Services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City adopts the Department of Health, Housing, and Community Services updated condominium conversion subordination fee schedule attached as Exhibit A, effective July 1, 2023.

BE IT FURTHER RESOLVED that the fee schedule will remain valid for a Department of Health, Housing, and Community Services successor agency, if any.

Exhibits

A: Condominium Conversion Subordination Proposed Rates Schedule Comparison

May 23, 2023

Exhibit A: Condominium Conversion Subordination Proposed Rates Schedule Comparison

Comparison of Costs and Fees	
Current cost of subordination request (FY 2023)	\$399 per subordination request
Current Fee	\$364 per subordination request
Proposed FY 2024 fees	\$399 per subordination request
Percent Change of fee	9.8%

May 23, 2023

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
INCREASE SUBORDINATION FEE FOR CONDOMINIUM
CONVERSION PROGRAM**

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that 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 the condominium conversion subordination application rates.

<u>Current Fees</u>	<u>Proposed Fees</u>
\$364	\$399

The hearing will be held on, MAY 23, 2023 at 6:00 p.m. in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Mariela Herrick at 510-981-5224.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 11, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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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.

May 23, 2023

Published: May 12 and May 19, 2023 – The Berkeley Voice
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\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Fee Increase: Below Market Rate (BMR) Housing Monitoring Program

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution to increase the annual \$432 per unit fee for the Below Market Rate (BMR) housing monitoring program by \$18 to \$450 per unit.

FISCAL IMPACTS OF RECOMMENDATION

The annual monitoring fee of \$432 per BMR unit was established in 2017. There has been no fee update since this time. Adjusting the fee will allow the Department of Health, Housing, and Community Services (HHCS) to capture staffing costs needed to efficiently implement and monitor the portfolio. This incremental fee increase will also prevent a future scenario where owners are faced with a significant increase as cost of services continue to grow.

A fee update is recommended given the staffing cost increases since 2017, as well as funding for additional staffing in HHCS to support the program. General increases in staffing costs over the past six years has increased the annual cost of monitoring the BMR unit portfolio to \$271,909. The proposed fee increase will fund the staff necessary to support required monitoring and implementation of the program. The fee is representative of 2,087 hours of staff work per year, and includes the Community Development Project Coordinator (CDPC) who administers the BMR program, as well as administrative and supervisory support. Staff recommend increasing the fee to \$450 per unit, which will cover an increased portion of the staffing costs necessary to ensure accurate program monitoring and implementation. Fees will increase by 4% and create an additional revenue of \$18 per unit for FY 2024 to cover the current cost of delivering this service.

| Table 1. Fee per BMR Unit |                     |               |                    |               |                |
|---------------------------|---------------------|---------------|--------------------|---------------|----------------|
| Total Program Costs*      | FY 23 Fee (current) | FY 23 Revenue | FY 24 Proposed Fee | FY 24 Revenue | Percent Change |
| \$271,909 per year        | \$432 per unit      | \$235,440     | \$450 per unit     | \$245,250     | 4%             |

\*calculation based on salary for classifications at Step C + benefits

The BMR portfolio currently consists of 545 units; which costs the City of Berkeley an estimated \$271,909 to monitor annually. The current fee of \$432 generates \$235,440 annually creating a deficit to cover the costs to provide the service. The proposed new fee structure of \$450 per BMR unit, will not exceed the costs of service and generate \$245,250.

As outlined in Table 1, the proposed fee was calculated by applying the hourly staff time rate to the hours needed to complete each task. Fees will be collected in Fund 122 – BMR Program. The current rate schedule versus the new rate schedule is included as Exhibit A.

**CURRENT SITUATION AND ITS EFFECTS**

BMR units are deed-restricted, permanently affordable housing units provided in new multi-family rental housing projects. The units are part of market-rate housing projects that are not typically familiar with regulations for affordable housing. Retaining BMR units as affordable housing for eligible households requires consistent City oversight, including regular on-site monitoring visits and support for property managers.

In 2017, the City adopted Resolution 68,277-N.S. to fund HHCS staff time for BMR housing monitoring fees. The fees fund a dedicated CDPC. The FY 2024 proposed fee increase is recommended to account for increased staffing costs. Prior to adopting the fee in 2017, HHCS implemented program improvements to decrease staffing burden while maintaining a focus on compliance without a dedicated monitor. However, the City Council approved a new dedicated monitor in 2017 due to the BMR portfolio’s significant growth. The BMR portfolio’s continued growth has required HHCS to support the CDPC with additional staff time to ensure efficiency and compliance. The proposed fee increase reflects salary increases for the CDPC position, as well as salary costs for additional HHCS staff needed to support the program. The portfolio has increased by 25% since 2017 and HHCS needed to allocate additional positions to support the monitor’s increased workload.

Various neighboring cities charge for the preparation of BMR Housing monitoring programs. Irvine charges \$25/unit/year, Santa Monica has a table of rates up to \$181/unit/year and Dublin charges \$1,293 /project/year (for projects 20 units or less).

Emeryville has a \$5,000 per project annual monitoring fee, but only charges it to projects where compliance is not readily forthcoming.

BACKGROUND

The annual monitoring fee supports HHCS' monitoring of BMR units for compliance under BMR regulatory agreements. The BMR portfolio and monitoring requirements were created by regulations of the Inclusionary Housing Ordinance and Affordable Housing Mitigation Fee ordinance. The City adopted new affordable housing requirements for new residential housing development in February 2023 that will add an additional layer of monitoring requirements. City staff monitor the BMR units to ensure that they are made available to qualified households and operated within program requirements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no immediate environmental effects associated with the adoption of this fee.

RATIONALE FOR RECOMMENDATION

The proposed fee increase reflects a portion of the general increase in staffing costs over the past six years. It also accounts for additional staff time from HHCS management and staff to support the monitor's increased workload. The current fee revenue does not account for the increased staffing costs and additional allocated partial positions, despite the additional revenue gathered from new units added since the fee's adoption. Adjusting the fee will allow HHCS to capture additional staffing costs needed to efficiently implement and monitor the portfolio.

ALTERNATIVE ACTIONS CONSIDERED

The City could continue to perform the tasks and charge the current fee at a deficit for costs of services. The gap would need to be covered by the General Fund.

CONTACT PERSON

Mariela Herrick, Community Development Project Coordinator, HHCS, (510) 981-5224

Attachments:

1: Resolution

Exhibit A: Below Market Rate Rental Housing Proposed Rates Schedule  
Comparison

2: Public Hearing Notice

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

ADOPTING AN UPDATED FEE SCHEDULE FOR THE BELOW MARKET RATE HOUSING UNIT MONITORING SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH, HOUSING, AND COMMUNITY SERVICES

WHEREAS, the City of Berkeley's Affordable Housing Requirements for new residential housing development (Berkeley Municipal Code Chapter 23.328) requires developers of market rate, multi-family housing to provide Below Market Rate (BMR) units; and

WHEREAS, the Affordable Housing Requirements Ordinance in BMC Chapter 23.328.050 allows the City Council to adopt by resolution fees to administer its requirements; and

WHEREAS, Berkeley Resolution No. 70,698-N.S. allows City Council to set fees for the adoption of Below Market Rate Rental Housing fee schedule for services provided by the Department of Health, Housing, and Community Services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City adopts the Department of Health, Housing, and Community Services' updated Below Market Rate Rental Housing fee schedule attached as Exhibit A, effective July 1, 2023.

BE IT FURTHER RESOLVED that the fee schedule will remain valid for a Department of Health, Housing & Community Services successor agency, if any.

Exhibits

A: Below Market Rate Rental Housing Proposed Rates Schedule Comparison



May 23, 2023

Exhibit A: Below Market Rate Rental Housing Proposed Rates Schedule Comparison

| <b>Comparison of Costs and Fees</b>                             |                    |
|-----------------------------------------------------------------|--------------------|
| Current cost of BMR Rental Housing Monitoring Program (FY 2023) | \$271,909 per year |
| Current Fee                                                     | \$432 per unit     |
| Proposed FY 2024 fees                                           | \$ 450 per unit    |
| Percent Change of fee                                           | 4%                 |

May 23, 2023

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**INCREASE FEE FOR BELOW MARKET RATE RENTAL HOUSING  
PROGRAM**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that 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 the condominium conversion subordination application rates.

|                            |                             |
|----------------------------|-----------------------------|
| <b><u>Current Fees</u></b> | <b><u>Proposed Fees</u></b> |
| <u>\$ 432</u>              | <u>\$ 450</u>               |

The hearing will be held on, MAY 23, 2023 at 6:00 p.m. in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Mariela Herrick at 510-981-5224.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 11, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

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May 23, 2023

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Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING
May 23, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation and Waterfront
 Subject: Selected Marina Fee Increases

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,899-N.S. and all amendatory resolutions.

FISCAL IMPACTS OF RECOMMENDATION

The cumulative impact of these fee increases is estimated to add \$206,793 in annual revenue to the Marina Fund (Fund 608), which supports all Waterfront operations including the Marina, landscaping, facilities, parks, roads, recreation programs and special events. These fee increases are important in helping the City recover a greater share of the Marina's operating costs. Marina Fund revenues can no longer cover operations, and in FY24 fund reserves will be exhausted, (see Table 1). Without fee increases, the Marina Fund will need nearly \$1.3M to continue Waterfront operations. With fee increases, the Fund will need nearly \$1.1M to continue to operate. Even with fee increases, there will continue to be an ongoing structural deficit of more than \$1.4M.

Table 1 - Impact of Fee Increases on the Marina Fund

FY24	Without fee increase	With fee increase	Change
Total Revenues	\$6,299,416	\$6,506,209	\$206,793
Total Expenditures	\$8,348,631	\$8,348,631	\$0
Deficit	(\$2,049,215)	(\$1,842,422)	\$206,793
Reserve Balance	(\$1,285,692)	(\$1,078,899)	\$206,793

CURRENT SITUATION AND ITS EFFECTS

The Marina Fee Schedule was last updated in May 2019, when Council adopted Resolution No. 68,899-N.S., which increased several Marina fees including visitor berth fees, launch ramp fees, and new fees for lost/unreturned parking permits, outdated or inadequate registration/documentation, and Waterfront Special Event fees. Since then, low berth occupancy rates have made it difficult to raise berth fees biannually, as the City has historically done. The loss of this consistent revenue source has been a key driver of the Marina Fund's

structural deficit. The proposed fee increases are needed to offset the rising costs for maintaining the Waterfront. Note that for all Waterfront fees, there is no distinction between resident and non-resident fees; that distinction is not permitted on public trust lands.

There are increases proposed for Berth Fees, Surcharges, as well as Skiff, Dry Storage, Liveaboard, Visitor Berths (11-30 nights), and Launch Ramp fees. Modifications to new slip holder incentive fees are proposed. One new fee is proposed for Abandoned Vessels. The proposed updates and modifications to Marina Fees are proposed and justified as follows:

- The **Berth Fees** are the monthly slip fees for slipholders with a permit to berth. The fee is proposed to increase by 3% for each of the next three years: a 3% increase in FY24, a 3% increase in FY25, and a 3% increase in FY26. This is to better recover operational costs, while staying competitive with the local market for slips. This fee has not increased since 2015, (see Tables 2 & 3).

Table 2 – Proposed Berth Fees

Size of Boat (in feet)	Current Berth Fees (\$/ft)	FY24 Berth Fees +3% (\$/ft)	FY25 Berth Fees +3% (\$/ft)	FY26 Berth Fees +3% (\$/ft)
20' -21'	\$8.20	\$8.45	\$8.70	\$8.96
22' -24'	\$8.67	\$8.93	\$9.20	\$9.48
25' -29'	\$9.76	\$10.05	\$10.35	\$10.66
30' -39'	\$10.34	\$10.65	\$10.97	\$11.30
40' -49'	\$10.95	\$11.28	\$11.62	\$11.97
50' -59'	\$11.61	\$11.96	\$12.32	\$12.69
60' -69'	\$12.33	\$12.70	\$13.08	\$13.47
70' -79'	\$13.04	\$13.43	\$13.83	\$14.24
80' -89'	\$13.81	\$14.22	\$14.65	\$15.09
90'+		\$17.00	\$17.51	\$18.04

Table 3 - Berth Fee Comparisons (shown for 30' and 50' length boats)

Marina - 30' length boat	Single Finger
San Francisco Marina Small Craft Harbor - West	\$18.62
Richardson Bay Marina (Sausalito)	\$14.50
Santa Cruz Harbor	\$13.87
Safe Harbor Emeryville	\$13.25
BRICKYARD COVE on the Boardwalk (Richmond)	\$12.75
Blu Harbor Marina (Redwood City)	\$12.67
Marina Village Yacht Harbor (Alameda)	\$12.40
Average	\$11.37
San Francisco Marina Small Craft Harbor -EAST	\$11.30
Median	\$11.30
City of Berkeley Proposed FY26	\$11.30
Pillar Point Harbor (Half Moon Bay)	\$11.29
City of Berkeley Proposed FY25	\$10.97
City of Berkeley Proposed FY24	\$10.65
City of Berkeley Marina Current	\$10.34
Oyster Point Marina (South San Francisco)	\$9.27
Brisbane Marina	\$8.67
Vallejo Municipal Marina	\$8.36
Coyote Point Marina (San Mateo)	\$7.63
Martinez Marina -Almar Marinas	\$5.70

Marina - 50' length boat	Double Finger
Blue Water Yacht Harbor (Sausalito)	\$32.90
Clipper Yacht Harbor (Sausalito)	\$26.72
Schoonmaker Point Marina (Sausalito)	\$24.00
San Francisco Marina Small Craft Harbor - West	\$23.09
South Beach Harbor (San Francisco)	\$20.68
Marina Village Yacht Harbor (Alameda)	\$16.68
Average	\$15.55
Santa Cruz Harbor	\$15.27
Oakland Marinas	\$12.98-\$16
Safe Harbor Ballena Isle (Alameda)	\$14.22
City of Berkeley Proposed FY26	\$13.96
Treasure Island Marina	\$13.90
Oakland Yacht Club	\$13.80
BRICKYARD COVE on the Boardwalk (Richmond)	\$13.75
Emery Cove Yacht Harbor (Emeryville)	\$13.75

Marina - 50' length boat	Double Finger
Median	\$13.75
Safe Harbor Marina Bay Yacht Harbor (Richmond)	\$13.55
City of Berkeley Proposed FY25	\$13.55
City of Berkeley Proposed FY24	\$13.16
Safe Harbor Loch Lomond (San Rafael)	\$13.00
Grand Marina (Alameda)	\$12.87
City of Berkeley Marina Current	\$12.77
Westpoint Harbor (Redwood City)	\$12.75
Richmond Yacht Club	\$10.82
Vallejo Municipal Marina	\$10.27
Oyster Point Marina (South San Francisco)	\$9.92
Brisbane Marina	\$9.52
Lowrie Yacht Harbor (San Rafael)	\$9.00

- The **Skiff <20' length fee**, is a monthly slip fee for small vessels less than 20' who can utilize dock areas with no power, water, or dockbox. This is proposed to increase from \$125/month to \$140/month. This fee has not been increased since 2018, and is expected to help offset the costs of maintenance and management of the Marina. This fee is lower than local Marinas, (see Table 4).

Table 4 – Skiff <20' length fee comparisons

Marina	Rate	Notes
Safe Harbor Marina Bay Yacht Harbor (Richmond)	\$287.85/month	\$15.15 Per foot rate for 19'
Safe Harbor Ballena Isle (Alameda)	\$249/month	
Safe Harbor Emeryville (Emeryville)	\$247.95/month	\$13.05 Per foot rate for 19'
Coyote Point Marina (San Mateo)	\$159/month	
Brisbane Marina (Brisbane)	\$145.73/month	\$7.67 Per foot rate for 19'
Berkeley (Proposed)	\$140/month	
Berkeley (Current)	\$125/month	

- **Surcharges** are applied to the base Berth Fee in order to appropriately charge for premium locations. This includes “upwind”, “single slip” and Catamaran/Trimaran fees. End Ties are not included on this list of surcharges, despite being a desirable premium location. The proposed fee will add End Ties to the Catamaran/ Trimaran surcharge of 20%, meaning that any End Tie (whether it is occupied by a Catamaran or not) will be charged the 20% surcharge, (see Table 5).

Note: In 2019, a typo was made in the fee schedule that showed the surcharges at 15%-40% above the base rate. The surcharges should remain at 10% for upwind berths or for single berths, and 20% for Upwind & Single Berths and also 20% for Catamaran/ Trimaran Fees; this correction has been made in the attached fee schedule.

Table 5 – End tie fee comparisons

Marina	Rate	Notes
South Beach Harbor (San Francisco)	\$22.30/ft for end ties,	used for large vessels About 7.8% increase for 50'
Westpoint Harbor (Redwood City)	\$22.00/ft for end ties	About 107% increase for 30', 72.5% for 50'
Oakland Yacht Club	\$15.80/ft for all size end ties.	About 71% increase for 30', 14% for 50'
Marina Bay Yacht Harbor (Richmond)	\$15.15/ft for all size end ties.	About 27% increase for 30', 11% for 50'
Loch Lomond Marina (San Rafael)	\$15/ft for all size end ties.	About 36% increase for 30', 15% for 50'
Berkeley (Proposed)	\$12.78/ft for 30' \$14.35 for 50'	20% increase from current rate
Berkeley (Current)	\$10.34/ft for 30' \$11.61/ft for 50'	

- Incentive: Referral Discount**

Incentive fees are currently in place in the form of a \$50 referral discount at the Berkeley Marina. With this existing discount, an existing monthly slip holder can refer a friend to join the Berkeley Marina as a new monthly slip holder and both will receive a one-time \$50 discount off the next month of slip fees. We have averaged 14 referrals per year. This fee update will raise the referral discount to a one-time discount of \$250 for both the new and referring customers. The incentive is expected to serve a public purpose by increasing occupancy, and raising revenue to better maintain the Marina and expand its use as a recreational amenity. Existing customers will be limited to two referrals per year. New customers will be limited to one discount as a new customer, and two per year as referring customers once they join the Marina.
- Incentive: New Customer Discount**

A new incentive discount is proposed in addition to the referral fee in order to attract new customers to the Marina. This is a one-time discount of two months free in December and January, along with a one-time \$75 gift card to a Berkeley Waterfront business. This incentive will make it worth the effort for a new customer to relocate to our Marina, or for a new boater to sign up with us instead of a competitor. The Marina Fund will break even on the new slip holder incentive discount within three months, and will generate new revenue in slip fees for every new customer attracted. As an example, a 30-foot boat would pay \$3,834 in basic slip fees over the course of one year in FY24. This incentive discount for a new customer with a 30-foot boat would reduce Marina revenue by \$639 in discounted slip fees, and would cost \$75 in gift cards, equivalent to a 19% reduction in revenue for the initial year. However, it attracts new slipholders to the Marina who may not have otherwise come; and provides a source for sustained revenue in the future. The incentive also links new Marina customers with our Waterfront businesses.
- Dry Storage (22' length or less), Dry Storage (23'-27' length), Dry Storage (28'-40' length), & Dry Storage (40' or greater length)** fees are the monthly fees for a secured parking spot for a boat on a trailer. This fee is broken down in two size groups; 27' or less and 28' or more. Dry Storage sizes range from 18' to 40'. The proposed fee change breaks down the 22-foot range of sizes into four groups instead of two, for greater consistency with other Marinas. The proposed fees will increase the rates to levels that

are more comparable with the limited local dry storage locations, while still providing a good price for our customers. Our Dry Storage fees are unique in that they include access to the launch ramp which is on site and adjacent to the dry storage area. Dry storage occupancy is at 100% and has a long waiting list indicating that the market will support the proposed price increase. This fee has not been increased since 2018, and is expected to help offset the costs of maintenance and management of the Marina. This fee is lower than local Marinas, (see Table 6).

Table 6 – Dry Storage fee comparisons

Marina	Monthly Rate	Notes
Mariners Square Drystack (Alameda)	<ul style="list-style-type: none"> \$375 	Valet service, 4 launches per month on site.
Clipper Yacht Harbor (Sausalito)	<ul style="list-style-type: none"> 22' length or less: \$218 23'-27': \$308 28'-40': \$308 40' or greater: \$308 	Launch Ramp on site, access included with fee.
Alameda Point Storage (Alameda)	<ul style="list-style-type: none"> 20' length or less: \$200 21'-30': \$315 	.5 mile from launch ramp
Berkeley Marina (Proposed)	<ul style="list-style-type: none"> 22' length or less: \$200 23'-27': \$220 28'-40': \$240 40' or greater: \$280 	Launch Ramp on site, access included with fee.
Berkeley Marina (Current)	<ul style="list-style-type: none"> 27' length or less: \$125 28' length or greater: \$150 	

- Liveaboard Fee – boat (monthly) and Liveaboard Fee – floating home (monthly)** are applied to our permits for cruising vessels used as a residence, and thirteen floating homes in the Berkeley Marina. This fee is proposed to increase from \$200/month to \$220/month. This liveaboard fee increase is in place to offset staff costs of administrating this permit, including the Liveaboard waiting list and annual inspections. The fee also offsets the additional usage of Marina facilities for that of a full-time resident at an otherwise recreational facility. This fee has not been increased since 2017, (see Table 7).

Table 7 – Liveaboard fee comparisons

Marina	Rate	Source
Westpoint Harbor (Redwood City)	\$425/month	2023 Bay Area Marina Survey
Safe Harbor Emeryville Marina	\$400/month	2023 Bay Area Marina Survey
Emery Cove Marina (Emeryville)	\$400/month	2023 Bay Area Marina Survey
Safe Harbor Marina Bay Yacht Harbor (Richmond)	\$275/month	2023 Bay Area Marina Survey
Berkeley (proposed)	\$220/month	
Berkeley (current)	\$200/month	

- Visitor Berth Fees (11-30 nights)** are applied to visiting boaters who are staying longer than 10 nights, but no longer than a month and are not applying for a permit to berth. This proposed fee increase will change the current way the rate is calculated from 20% of base berth rent to a per foot/per night rate to Visitor Berth Fees (11-30 nights) up to 29': \$0.50/ft/night, Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night, and Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night. This fee was last increased in 2018.

The proposed fee change will reduce the administrative burden of having to calculate the surcharges for larger vessels, upwind, or single slips for a short-term transaction. Visitors are usually placed in slips that are convenient and least disruptive to operations, which could mean larger slips or slips with premium surcharges. The proposed fee change will make it fairer to the customer to be charged a flat rate per length of boat.

Table 8 – Visitor Berth Fees

Marina	Rate
Santa Cruz	\$2.00/ft over 2 weeks
Safe Harbor Emeryville	\$1.08/ft/night weekly \$.75/ft/night monthly
Berkeley (Current)	Current Rate: 20% of base berth rent 29': \$.45/ft/night 40': \$.52/ft/night 60': \$.59/ft/night
Berkeley (Proposed)	Visitor Berth Fees (11-30 nights) up to 29': \$0.50/ft/night Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night

- The launch ramp fees, charged for access to the Berkeley Marina Boat Launch Ramp and parking lot, are proposed to increase from \$16 to \$17/day; from \$95 to \$105/month; and \$310 to \$350 for a seasonal pass. This fee has not been increased since 2019, and is expected to help offset the costs of maintenance and management of the Launch Ramp facilities. This fee is consistent with local Marinas, (see Table 8).

Table 8 – Launch ramp fee comparisons

Marina	Rate	Notes
Loch Lomond Marina (San Rafael)	\$20/launch	\$500 annual pass
Santa Cruz Harbor	\$18/launch	
Marina Bay Yacht Harbor (Richmond)	\$17/launch	
Berkeley (Proposed)	\$17/day	\$105/month, \$350/seasonal
Berkeley (Current)	\$16/day	\$95/month \$310/seasonal
Oyster Point Marina (San Mateo)	\$13/launch	\$213/year
Coyote Point (San Mateo)	\$12/launch	

- A new fee for **Abandoned Vessels** of \$1,000 is proposed, to be charged to boat owners who abandon their vessels in the Berkeley Marina if their vessel does not sell in a lien sale and has to be destroyed. This process is partially paid for by a grant from the State of California Division of Boating & Waterways. This fee is a requirement of the State of California Harbors and Navigation Code, HNC § 525.

BACKGROUND

The Marina Fund covers all Waterfront operations including the Marina, landscaping, facilities, parks, roads, recreation programs and special events. Specific examples include the daily maintenance of over 1,000 berths, repairs to docks, pilings and buildings, staffing in Shorebird Nature Center and Adventure playground and the daily administration of what essentially is a “small city”. These costs are paid via revenues from berth fees, special fees, and commercial leases and licenses. Berth fees comprise 54% of all Marina Fund revenue, while all other Marina fees combined comprise approximately 11% of Marina Fund revenue.

The proposed fees were brought before the Parks, Recreation & Waterfront Commission on May 10, 2023 at their regular meeting.

ENVIRONMENTAL SUSTAINABILITY

The proposed fee increases will improve the City’s ability to manage and operate the Berkeley Waterfront, where the City provides unique recreational and educational opportunities for the community to engage with and learn about the Bay and local marine environment.

CONTACT PERSON

Scott Ferris, Director, 510-981-6700
Christina Erickson, Deputy Director, 510-981-6703
Alexandra Endress, Waterfront Manager, 510-981-6737

Attachments:

1. Waterfront Fees: Current vs. Proposed
2. Resolution
Exhibit A: Fee Schedule
3. Notice of Public Hearing

ATTACHMENT 1

Waterfront Fees: Current vs. Proposed

Fee	Current		Proposed				Notes:
1. Berth Fees	Berth Fee per size of boat (in feet)	Berths \$/ft	Berth Fee per size of boat (in feet)	Berths 3% \$/ft FY24	Berths 3% \$/ft FY25	Berths 3% \$/ft FY26	Last increased 2015
	20' – 21'	\$8.20	20' – 21'	\$8.45	\$8.70	\$8.96	
	22' – 24'	\$8.67	22' – 24'	\$8.93	\$9.20	\$9.48	
	25' – 29'	\$9.76	25' – 29'	\$10.05	\$10.35	\$10.66	
	30' – 39'	\$10.34	30' – 39'	\$10.65	\$10.97	\$11.30	
	40' – 49'	\$10.95	40' – 49'	\$11.28	\$11.62	\$11.97	
	50' – 59'	\$11.61	50' – 59'	\$11.96	\$12.32	\$12.69	
	60' – 69'	\$12.33	60' – 69'	\$12.70	\$13.08	\$13.47	
	70' – 79'	\$13.04	70' – 79'	\$13.43	\$13.83	\$14.24	
	80' – 89'	\$13.81	80' – 89'	\$14.22	\$14.65	\$15.09	
			90' +	\$17.00	\$17.51	\$18.04	
	2. Skiff <20' length	\$125/month		\$140/month			
3. Surcharges	Surcharges	Base Rate Per Foot	Surcharges	Base Rate Per Foot			Last adjusted in 2019
	Upwind Berth*	10% added to the base rate	Upwind Berth*	10% added to the base rate			
	Single Berth (Double Finger Berth)	10% added to the base rate	Single Berth (Double Finger Berth)	10% added to the base rate			
	Upwind & Single Berth	20% added to the base rate	Upwind & Single Berth	20% added to the base rate			
	Catamaran/ Trimaran Fees	20% added to the base rate	Catamaran/ Trimaran/ or End Tie Fees	20% added to the base rate			
4. Referral Discount for New Slip Holders	-\$50 on first month of berth fees		-\$250 on first month of berth fees				Introduced in 2018
5. New Customer Discount	No slip fees December & January plus \$75 gift card						New Fee
6. Dry Storage	Dry Storage (27' length or less): \$125/month		Dry Storage (22' length or less): \$200/month Dry Storage (23'-27' length): \$220/month Dry Storage (28'-40' length): \$240/month				Last increased in 2018

Selected Marina Fee Increases

PUBLIC HEARING
May 23, 2023

Fee	Current	Proposed	Notes:
	Dry Storage (28' length or more): \$150/month	Dry Storage (40' or greater length): \$280/month	
7. Liveaboard Fee	\$200/month	\$220/month	Last increased in 2017
8. Visitor Berth Fees (11-30 nights)	20% of base berth rent	Visitor Berth Fees (11-30 nights) up to 29': \$0.50/ft/night Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night	Last increased in 2018
9. Launch Ramp Fees	\$16/daily \$95/monthly \$310/seasonal	\$17/daily \$105/monthly \$350/seasonal	Last increased in 2019
10. Abandoned Vessel Fee		\$1,000	New Fee

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

ESTABLISHING FEES FOR GOODS AND SERVICES PROVIDED AT THE BERKELEY
MARINA AND RESCINDING RESOLUTION NO. 68,899-N.S.

WHEREAS, on May 14, 2019, Council adopted the new Marina Fee Schedule (Resolution No. 68,899-N.S.); and

WHEREAS, the City's costs to operate facilities, provide services and undertake capital improvements at the Berkeley Marina have increased with inflation, rising staff costs, and an aging infrastructure; and

WHEREAS, increased fees are required to offset those costs; and

WHEREAS, referral and new customer incentives are needed to increase occupancy at the Marina, and this serves a public purpose by attracting new revenue to offset the costs of maintaining the Marina area.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the attached rate structure (Exhibit A) is hereby established for use by the general public for facilities and services at the Berkeley Marina, effective July 1, 2023.

BE IT FURTHER RESOLVED that Resolution No. 68,899-N.S. and all amendatory resolutions are hereby rescinded effective July 1, 2023.

Exhibit A: Fee Schedule

Exhibit A: Fee Schedule

Marina Rate Schedule
(effective July 1, 2023)

Berth Fee per size of boat (in feet)	Berths \$/ft	Power \$/ft
20' – 21'	8.45	0
22' – 24'	8.93	0.20
25' – 29'	10.05	0.40
30' – 39'	10.65	0.60
40' – 49'	11.28	0.80
50' – 59'	11.96	1.00
60' – 69'	12.70	1.20
70' – 79'	13.43	1.40
80' – 89'	14.22	1.60
90' +	17.00	1.60

Surcharges	Base Rate Per Foot
Upwind Berth*	10% added to the base rate
Single Berth (Double Finger Berth)	10% added to the base rate
Upwind & Single Berth	20% added to the base rate
Catamaran/ Trimaran/ or End Tie Fees	20% added to the base rate

Discounts	Base Rate Per Foot
Multiple Berth Discount > 20	-30% off Base Berth Rent
Multiple Berth Discount 11-20	-20% off Base Berth Rent
Multiple Berth Discount 5-10	-10% off Base Berth Rent
Incentive: Referral Discount **	-\$250 on first month of berth fees
Incentive: New Slip Holders***	- 100% off of monthly slip fees for the first December and January
New Customer Discount	No slip fees December & January plus \$75 gift card

Other Fees	Amount
Abandoned Vessel Fee	\$1000
Chaining Fee (per occurrence)	\$120/occurrence
Charter Boat Fee	\$35/event + \$1/person
Dry Storage (22' length or less)	\$200/month
Dry Storage (23-27' length)	\$220/month
Dry Storage (28-40' length)	\$240/month
Dry Storage (40' length or more)	\$280/month
Electronic key pass (initial 1-2 keys)	\$15/key
Electronic key pass (additional keys)	\$75/key
Group key fee (Organizations)	\$15/key
Floating Home Sewer Charge – monthly	\$25/month
Food Booth Fee	\$500/event
Impound Fee	\$55/day
Insurance – Outdated / Inadequate	\$75/month
Labor Fees	\$75/hour
Launch Ramp – Monthly	\$105/month

Other Fees	Amount
Launch Ramp – Seasonal	\$350 per 6-month period
Launch Ramp – Daily	\$17/day
Lien Fee	\$100/occurrence
Limited Access Berth	Vessel Length x Rate
Liveaboard Fee – boat (monthly) ++	\$220/month
Liveaboard Fee – floating home (monthly) ++	\$220/month
Locker Fee	\$30/month
Merchandise Booth Fee	\$100/event
Registration/Documentation – Outdated/Inadequate	\$75/month
Skiff <20' length	\$140/month
Slip Transfer Fee	\$30/occurrence
Small Scale Ferry Service Fee	See table below
Visitor Berth Fees (11 – 30 nights) up to 29'	\$.50/ft/night
Visitor Berth Fees (11 – 30 nights) 30'-49'	\$.60/ft/night
Visitor Berth Fees (11 – 30 nights) 50' or more	\$.70/ft/night
Visitor Berth Fees (10 nights or less)	\$1/foot/night
Waterfront Special Event Fees	See table below.

*Houseboats excepted

**Fee credit offered on first month of slip fees to both a new slip holder (that has not previously held a slip at the Berkeley Marina) and an existing customer who made the referral.

***One time 100% off of the first December and January monthly slip fees for a new slip holder (that has not held a slip at the Berkeley Marina in the past 5 years), redeemable after 3 months of monthly berth fees paid on time and in full.

++ Boaters may apply for a refund of any Liveaboard fee increase that takes effect from FY 2016 onward through the City's Very Low Income Refund policy.

Small-Scale Ferry Service Fee

Landings Per Day	Daily Landing Fee		Landings per Day	Daily Landing Fee
1	\$14.34		11	\$68.83
2	\$25.80		12	\$70.27
3	\$35.84		13	\$71.70
4	\$44.44		14	\$73.15
5	\$51.61		15	\$74.58
6	\$57.35		16	\$76.02
7	\$61.65		17	\$77.46
8	\$64.52		18	\$78.89
9	\$65.96		19	\$80.33
10	\$67.40		20	\$81.77

For each additional SSFS landing in excess of 20 landings, the daily landing fee would increase by \$2.88.

Waterfront Special Event Fees

Venue Fee	
- 1-99 attendees	\$350/day
- 100-249 attendees	\$500/day
- 250-499 attendees	\$700/day
- 500-999 attendees	\$1,000/day
- 1000-4999 attendees	\$5,000/day
- 5000-9999 attendees	\$10,000/day
- 10,000-14,999 attendees	\$15,000/day
- Over 15,000 attendees	\$20,000/day
Additional fees	
- Road closure request	\$500
- Road closure	\$2,000
- Participant fee (for event w/alcohol)	\$5/person or \$1000/day*
- Exclusive Use Parking	\$10/space/day
- Attended Parking	\$20/vehicle less than 17'; \$50/vehicle for vehicles and trailers in excess of 17'
- Concession Fee	10% of gross sales including ticket sales
- Event clean up deposit	\$1,000
Pass-Through Costs	
- Operations staff to plan & monitor event	Actual costs
- Parking attendants	
- Parks staff to prepare site, inspect after event, and make any necessary repairs	
- Custodial staff	
- Signage, rentals, equipment, green waste, and other goods or services required for the event.	

*Whichever is higher.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

Marina Fee Increases

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that 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 Parks, Recreation & Waterfront is proposing to increase selected Marina fees, as contained in the attached Marina Fee Schedule and summarized below:

Table 1 - Current vs. Proposed Fees

Fee		Current		Proposed				Notes:
1. Berth Fee	Berth Fee per size of boat (in feet)	Berths \$/ft	Berth Fee per size of boat (in feet)	Berths 3% \$/ft FY24	Berths 3% \$/ft FY25	Berths 3% \$/ft FY26	Last increased 2015	
	20' – 21'	\$8.20	20' – 21'	\$8.45	\$8.70	\$8.96		
	22' – 24'	\$8.67	22' – 24'	\$8.93	\$9.20	\$9.48		
	25' – 29'	\$9.76	25' – 29'	\$10.05	\$10.35	\$10.66		
	30' – 39'	\$10.34	30' – 39'	\$10.65	\$10.97	\$11.30		
	40' – 49'	\$10.95	40' – 49'	\$11.28	\$11.62	\$11.97		
	50' – 59'	\$11.61	50' – 59'	\$11.96	\$12.32	\$12.69		
	60' – 69'	\$12.33	60' – 69'	\$12.70	\$13.08	\$13.47		
	70' – 79'	\$13.04	70' – 79'	\$13.43	\$13.83	\$14.24		
	80' – 89'	\$13.81	80' – 89'	\$14.22	\$14.65	\$15.09		
			90' +	\$17.00	\$17.51	\$18.04		
	2. Skiff <20' length	\$125/month		\$140/month				Last increased 2018
3. Surcharges	Surcharges	Base Rate Per Foot	Surcharges		Base Rate Per Foot		Last adjusted in 2019	
	Upwind Berth*	10% added to the base rate	Upwind Berth*		10% added to the base rate			
	Single Berth	10% added to	Single Berth (Double Finger		10% added to the base rate			

	(Double Finger Berth)	the base rate	Berth)	
	Upwind & Single Berth	20% added to the base rate	Upwind & Single Berth	20% added to the base rate
	Catamaran/ Trimaran Fees	20% added to the base rate	Catamaran/ Trimaran/ or End Tie Fees	20% added to the base rate
4. Referral Discount for New Slip Holders	-\$50 on first month of berth fees		-\$250 on first month of berth fees	
5. New Customer Discount	No slip fees December & January plus \$75 gift card			New Fee
6. Dry Storage	Dry Storage (27' length or less): \$125/month Dry Storage (28' length or more): \$150/month		Dry Storage (22' length or less): \$200/month Dry Storage (23'-27' length): \$220/month Dry Storage (28'-40' length): \$240/month Dry Storage (40' or greater length): \$280/month	
7. Liveaboard Fee	\$200/month		\$220/month	
8. Visitor Berth Fees (11-30 nights)	20% of base berth rent		Visitor Berth Fees (11-30 nights) up to 29': \$0.50/ft/night Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night	
9. Launch Ramp Fees	\$16/daily \$95/monthly \$310/seasonal		\$17/daily \$105/monthly \$350/seasonal	
10. Abandoned Vessel Fee			\$1,000	

The hearing will be held May 23, 2023. in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact **Alexandra Endress at 510-981-6737.**

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 11, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on May 11, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks, Recreation and Waterfront  
 Subject: Changes to Selected Parks and Recreation Fees

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select parks and recreation facility rentals; and rescinding Resolution No. 70,667-N.S. and all amendatory resolutions.

FISCAL IMPACTS OF RECOMMENDATION

The proposed new fees and fee increases are estimated to provide an additional \$55,398 in revenue to the Parks and Marina Funds to offset the costs for service and maintenance of these reservable picnic sites and outdoor gathering spaces in the City parks, (see Table 1). Revenue from these fees will be deposited into the appropriate fund as noted below.

**Table 1 - Summary of Estimated Annual Increase in Revenue**

| Fee                               | Parks Tax<br>(450) | Marina Fund<br>(825) | Total           |
|-----------------------------------|--------------------|----------------------|-----------------|
| Mini Amphitheater (Outdoor Venue) | \$1,800            | \$1,000              | <b>\$2,800</b>  |
| Picnic Area Rentals               | \$45,118           | \$1,800              | <b>\$46,918</b> |
| John Hinkel Amphitheater          | \$4,120            |                      | <b>\$4,120</b>  |
| Bounce House Fee                  | \$1,560            |                      | <b>\$1,560</b>  |
| <b>Total</b>                      | <b>\$52,598</b>    | <b>\$2,800</b>       | <b>\$55,398</b> |

CURRENT SITUATION AND ITS EFFECTS

The City periodically reviews all recreation fees in an effort to keep programs and facilities accessible to residents while accounting for increased costs to deliver those services. Fees proposed here – for picnic area rentals, bounce house permits, and John Hinkel amphitheater rentals – were last increased in May 2017 and May 2018, when Council adopted Resolutions No. 67,984-N.S. and 68,450- N.S. Since then, demand for reservable picnic sites and outdoor rentals has increased, along with costs to maintain and service those sites. An increase in fees is needed to offset those costs of the existing rentals and the addition of new outdoor rental sites.

The proposed fees cover existing and new reservable picnic sites, outdoor reservable assembly spaces, including mini-amphitheaters and small event venues, and permits for

bounce houses in City parks. Non-resident fees are set 20% higher than resident fees, with the exception of sites at the Waterfront, as a distinction between resident and non-resident fees is not permitted on public trust lands.

### Picnic Sites

A 10% increase is proposed for reservable picnic sites, (see Table 2). New fees are proposed for nine new reservable picnic sites at levels similar to existing sites based on number of tables, amenities and location. These fees are needed to offset the cost of increased maintenance of park areas and facilities, and the increased costs of cleaning and restocking restrooms. Even with the fee increases, Berkeley's costs for reservable picnic areas remain lower than neighboring communities, (see Attachment 2, Table 1).

**Table 2 – Proposed reservable picnic area fees** (new sites are shaded)

| <b>Picnic Areas</b><br>(4-hour minimum)                 | <b>Unit of Measure</b> | <b>Resident</b> | <b>Resident<br/>Proposed 10%<br/>increase</b> | <b>#Tables</b> | <b>Max Capacity</b> |
|---------------------------------------------------------|------------------------|-----------------|-----------------------------------------------|----------------|---------------------|
| Aquatic Park Area 1                                     | 4-hours                | \$45.00         | \$50.00                                       | 3              | 50                  |
| Aquatic Park Area 2<br>(inside Dreamland without grill) | 4-hours                | N/A             | \$54.00                                       | 3              | 50                  |
| Cedar Rose Area 1                                       | 4-hours                | \$30.00         | \$33.00                                       | 2              | 40                  |
| Cedar Rose Area 2                                       | 4-hours                | N/A             | \$36.00                                       | 2              | 40                  |
| Cesar Chavez Area 1                                     | 4-hours                | \$45.00         | \$50.00                                       | 3              | 50                  |
| Cesar Chavez Area 2                                     | 4-hours                | \$200.00        | \$220.00                                      | 10             | 200                 |
| Cesar Chavez: Area 3                                    | 4-hours                | N/A             | \$70.00                                       | 2              | 50                  |
| Codornices Park Area 1                                  | 4-hours                | \$75.00         | \$83.00                                       | 5              | 80                  |
| Codornices Park Area 2                                  | 4-hours                | \$60.00         | \$66.00                                       | 4              | 70                  |
| Codornices Park Area 4                                  | 4-hours                | N/A             | \$50.00                                       | 2              | 50                  |
| Cragmont Area 1                                         | 4-hours                | \$45.00         | \$50.00                                       | 2              | 45                  |
| Glendale La Loma Area 1                                 | 4-hours                | N/A             | \$40.00                                       | 2              | 40                  |
| Grove Area 1                                            | 4-hours                | \$30.00         | \$33.00                                       | 2              | 30                  |
| James Kenney Area 1                                     | 4-hours                | \$45.00         | \$50.00                                       | 2              | 45                  |
| James Kenney Area 2                                     | 4-hours                | N/A             | \$50.00                                       | 2              | 45                  |
| John Hinkel Area 1                                      | 4-hours                | N/A             | \$40.00                                       | 2              | 45                  |
| King School Area 1                                      | 4-hours                | \$30.00         | \$33.00                                       | 2              | 45                  |
| Live Oak Park 1                                         | 4-hours                | \$60.00         | \$66.00                                       | 6              | 80                  |
| Live Oak Park 2                                         | 4-hours                | \$60.00         | \$66.00                                       | 4              | 70                  |
| Ohlone Park @ McGee Area 1                              | 4-hours                | \$45.00         | \$50.00                                       | 2              | 45                  |
| San Pablo Park Area 1                                   | 4-hours                | \$30.00         | \$33.00                                       | 2              | 30                  |
| San Pablo Park Area 2                                   | 4-hours                | N/A             | \$33.00                                       | 2              | 30                  |
| San Pablo Park Area 3                                   | 4-hours                | N/A             | \$33.00                                       | 2              | 30                  |
| Strawberry Creek Area 1                                 | 4-hours                | \$30.00         | \$33.00                                       | 3              | 50                  |



**Outdoor Assembly Spaces**

The community has expressed a need for outdoor space to gather for meetings, classrooms, and events. PRW proposes three new reservable Mini Amphitheater/ Outdoor Meeting Spaces and Small Wedding/Event Venues, described below. The rental duration will be set in 4-hour time blocks like picnic sites. The rental fees will be for non-exclusive use of parks and open space and are needed to cover the cost of increased maintenance of park areas and facilities, in addition to increased costs of cleaning and restocking restrooms.

**Table 3– Proposed new reservable outdoor assembly spaces**

| Location                                           | Unit of Measure | Maximum Capacity | Resident |
|----------------------------------------------------|-----------------|------------------|----------|
| Codornices Park #A1 (Next to Picnic Site #2)       | 4-hours         | 25-30            | \$40.00  |
| Live Oak Park #A1                                  | 4-hours         | 25-30            | \$50.00  |
| Shorebird Park #A1 (near Nature Center/Playground) | 4-hours         | 30-50            | \$50.00  |

**John Hinkel Amphitheatre**

Fees for John Hinkel Amphitheater, which seats up to 200 people and can be reserved for \$120 per day (\$15 per hour), are low compared to surrounding venues, (see Attachment 2, Table 2). For example, the Berkeley Botanical Gardens Redwood Grove Amphitheater seats 200 persons and charges an average of \$2,000 per hour for Friday through Sunday reservations.

Fee changes for John Hinkel Amphitheater include shifting from a “Daily Rate” of \$120 to a “4-Hour” time block rate of \$200, with \$75 for each additional hour after the 4-hour time block; and increasing the refundable Cleaning/Damage Deposit from \$350 to \$500 per rental. This fee is needed to offset the cost of increased maintenance of the Amphitheater and facilities, in addition to increased costs of cleaning and restocking restrooms. Changing the rate from a full-day to a 4-hour block will provide more community access to this space.

**Table 4– Proposed fees for John Hinkel Amphitheater**

| John Hinkel Amphitheater             | Current Unit of Measure | Resident Fee | Proposed Unit of Measure | Proposed Fee |
|--------------------------------------|-------------------------|--------------|--------------------------|--------------|
| Rental Fee                           | Day (8-hours)           | \$120        | 4-Hours                  | \$200        |
| Each Additional Hour (after 4-hours) | -                       | -            | Hour                     | \$75         |
| Cleaning/Damage Deposit (refundable) | Rental                  | \$350        | Rental                   | \$500        |

**Bounce House Permits**

Bounce house permits are issued in an effort to reduce injuries and liability of inflatable play structures in the City parks. The fee for bounce house permits is proposed to increase from \$20

to \$30 per use. The increase is needed to offset the cost of staff to verify insurance, monitor reservations, and address damage to turf that occurs with bounce house wear and tear.

BACKGROUND

Overall, recreation fees cover approximately 30% of recreation program costs. Berkeley's recreation programs and facilities are primarily supported by the General Fund, Parks Tax Fund, and the Marina Fund. A small amount of recreation revenue supports the Parks Tax and Marina Funds, to offset the costs of supporting picnic, park events, and rentals in City parks.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Scott Ferris, Director, Parks Recreation and Waterfront (PRW), 510-981-6700  
Christina Erickson, Deputy Director, PRW, 510-981-6703  
Stephanie Chu, Youth and Recreation Services Manager, PRW, 510-981-6707

Attachments:

1. Recreation Fees: Current vs. Proposed
2. Fee Comparisons
3. Resolution  
Exhibit A: Fee Schedule
4. Notice of Public Hearing

ATTACHMENT 1

**Recreation Fee Schedule: Current vs. Proposed\***

\*New fees or changes to existing fees are highlighted in yellow.

**Exhibit A:**

| Program Area                                                                                                                                                                          | Unit of Measure | Resident     | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|---------------------|--------------|-------------------------|
| <b>I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES</b>                                                                                                                                  |                 |              |                     |              |                         |
| The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities. |                 |              |                     |              |                         |
| Various                                                                                                                                                                               | Various         | Up to \$350  |                     |              |                         |
| <b>II. FACILITY RENTAL CHARGES</b>                                                                                                                                                    |                 |              |                     |              |                         |
| <b>1. Room Rentals - Regular Hours (1 hour minimum); Non-Regular Hours (2 hour minimum)</b>                                                                                           |                 |              |                     |              |                         |
| James Kenney (JK) Live Oak (LO)<br>Frances Albrier (FA), Martin Luther King (MLK)                                                                                                     |                 |              |                     |              |                         |
| <b>A. Youth, Senior, Disabled</b>                                                                                                                                                     |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$41.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$61.00      |                     |              |                         |
| <b>B. All Other</b>                                                                                                                                                                   |                 |              |                     |              |                         |
| <b>Auditorium (FA) &amp; Social Hall (LO)</b>                                                                                                                                         |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$67.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$82.00      |                     |              |                         |
| <b>Fireside Room (LO), Community Room (JK)</b>                                                                                                                                        |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$52.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$67.00      |                     |              |                         |
| <b>Game Room (FA, MLK) Arts &amp; Crafts Room (FA, JK, LO) Meeting Room (JK, LO, MLK)</b>                                                                                             |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$46.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$62.00      |                     |              |                         |
| <b>C. Multi Room Discount</b>                                                                                                                                                         |                 |              |                     |              |                         |
| 2nd room                                                                                                                                                                              | Rental          | 25% discount |                     |              |                         |
| 3rd room, each additional room                                                                                                                                                        | Rental          | 50% discount |                     |              |                         |
| <b>D. Gym Rentals (JK, MLK)</b>                                                                                                                                                       |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$64.00      |                     | \$77.00      |                         |
| Non-Regular Hours                                                                                                                                                                     |                 | \$75.00      |                     | \$90.00      |                         |
| <b>E. Filming Fee</b>                                                                                                                                                                 |                 |              |                     |              |                         |
| Parks and Facilities                                                                                                                                                                  | ½Day            | \$400.00     |                     | \$400.00     |                         |
|                                                                                                                                                                                       | Full Day        | \$800.00     |                     | \$800.00     |                         |
| <b>F. Surcharges</b>                                                                                                                                                                  |                 |              |                     |              |                         |
| Table & Chair Set-Up                                                                                                                                                                  | Rental          | \$63.00      |                     | \$76.00      |                         |

| Program Area                                                                                                                  | Unit of Measure              | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------|---------------------|--------------|-------------------------|
| Kitchen Use                                                                                                                   | Rental                       | \$86.00    |                     | \$103.00     |                         |
| Small Storage Room                                                                                                            | Month                        | \$21.00    |                     | \$25.00      |                         |
| Large Storage Room                                                                                                            | Month                        | \$31.00    |                     | \$37.00      |                         |
| Stage Use w/Room Rental                                                                                                       | Hour                         | \$26.00    |                     | \$31.00      |                         |
| P/A system & staff operation                                                                                                  | Hour                         | \$42.00    |                     | \$50.00      |                         |
| Cleaning/Damage Deposit All Rentals (Refundable)                                                                              | Rental                       | \$200.00   |                     | \$200.00     |                         |
|                                                                                                                               |                              |            |                     |              |                         |
| <b>2. City Athletic Fields</b>                                                                                                |                              |            |                     |              |                         |
| <b>Cedar Rose, Codornices, Glendale - La Loma, Grove, James Kenney, Ohlone, San Pablo, Willard, Rosa Parks, Thousand Oaks</b> |                              |            |                     |              |                         |
| Youth non-profit leagues                                                                                                      | 2-Hours                      | \$36.00    |                     | \$43.00      |                         |
| Adults, for-profits, private schools                                                                                          | 2-Hours                      | \$72.00    |                     | \$86.00      |                         |
| Maintenance Deposit                                                                                                           |                              | 40% of fee |                     | 40% of fee   |                         |
| <b>Gabe's Fields at Harrison Park, Natural Turf</b>                                                                           |                              |            |                     |              |                         |
| Youth non-profit leagues                                                                                                      | 2-Hours                      | \$29.00    |                     | \$35.00      |                         |
| Adults, for-profits, private schools                                                                                          | 2-Hours                      | \$72.00    |                     | \$86.00      |                         |
| <b>Gilman Fields, Natural Turf</b>                                                                                            |                              |            |                     |              |                         |
| Youth non-profit leagues                                                                                                      | 2-Hours                      | \$29.00    |                     | \$35.00      |                         |
| Adults, for-profits, private schools                                                                                          | 2-Hours                      | \$72.00    |                     | \$96.00      |                         |
| <b>Gilman Fields, Synthetic Turf</b>                                                                                          |                              |            |                     |              |                         |
| Youth non-profit leagues                                                                                                      | 2-Hours                      | \$40.00    |                     | \$48.00      |                         |
| Adults, for-profits, private schools                                                                                          | 2-Hours                      | \$91.00    |                     | \$109.00     |                         |
| <b>Sports Field User Fines (Policy Violations: Applicable to All Athletic Fields)</b>                                         |                              |            |                     |              |                         |
| Playing on Closed Grass Fields                                                                                                | 1st Offense                  | \$250.00   |                     | \$250.00     |                         |
|                                                                                                                               | 2nd Offense                  | \$500.00   |                     | \$500.00     |                         |
| Running practices in main goal areas                                                                                          | 1st Offense within 12 months | \$50.00    |                     | \$50.00      |                         |
|                                                                                                                               | 2nd Offense within 12 mo     | \$100.00   |                     | \$100.00     |                         |
|                                                                                                                               | 3rd Offense within 12 mo     | \$200.00   |                     | \$200.00     |                         |
| Dogs, Alcohol, Trash, Wheeled vehicles                                                                                        | Incident                     | \$100.00   |                     | \$100.00     |                         |
| Field Monitor                                                                                                                 | Hourly                       | \$25.00    |                     | \$25.00      |                         |
| <b>Additional Rules (Applicable to all athletic fields)</b>                                                                   |                              |            |                     |              |                         |
| Weekday slots used before 3:30pm throughout the year are discounted 50%                                                       |                              |            |                     |              |                         |
| Weekday slots 5:30pm-7:00pm are charged as full two-hour slot                                                                 |                              |            |                     |              |                         |
| All other slots are pro-rated in 30 minute increments                                                                         |                              |            |                     |              |                         |

| Program Area                                                                                                                            | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| <b>3. Skate Park Rental (only available AM hours)</b>                                                                                   |                 |          |                     |              |                         |
| <b>A. Morning Hours (includes 2 staff members)</b>                                                                                      | Hour            | \$250.00 |                     | \$300.00     |                         |
| <b>B. Birthday Party (includes 2 staff members &amp; lesson)</b>                                                                        | Hour            | \$350.00 |                     | \$420.00     |                         |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 |                     | \$200.00     |                         |
| <b>4. Tennis Courts</b>                                                                                                                 |                 |          |                     |              |                         |
| <b>A. Day Use (All Courts): Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard</b> |                 |          |                     |              |                         |
| Adult                                                                                                                                   | Hour            | \$7.00   |                     | \$8.00       |                         |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$5.00   |                     | \$6.00       |                         |
| <b>B. Night Use/Lighted Courts: Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard</b>                     |                 |          |                     |              |                         |
| Adult                                                                                                                                   | Hour            | \$10.00  |                     | \$12.00      |                         |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$8.00   |                     | \$10.00      |                         |
| <b>5. Swim Centers (1-hour minimum) King, West Campus</b>                                                                               |                 |          |                     |              |                         |
| 1-35 people                                                                                                                             | Hour            | \$100.00 |                     | \$120.00     |                         |
| 36-70 people                                                                                                                            | Hour            | \$145.00 |                     | \$174.00     |                         |
| 71-100 people                                                                                                                           | Hour            | \$177.00 |                     | \$212.00     |                         |
| 101-150 people                                                                                                                          | Hour            | \$217.00 |                     | \$260.00     |                         |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 |                     | \$200.00     |                         |
| <b>6. Picnic Areas (4-hour minimum)</b>                                                                                                 |                 |          |                     |              |                         |
| Aquatic Park Area 1                                                                                                                     | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| Aquatic Park Area 2                                                                                                                     | 4-hours         | N/A      | \$54.00             | N/A          | \$65.00                 |
| Cedar Rose Area 1                                                                                                                       | 4-hours         | \$30.00  | \$30.00             | \$36.00      | \$40.00                 |
| Cedar Rose Area 2                                                                                                                       | 4-hours         | N/A      | \$36.00             | N/A          | \$43.00                 |
| Cesar Chavez Area 1                                                                                                                     | 4-hours         | \$45.00  | \$50.00             | \$50.00      | \$50.00                 |
| Cesar Chavez Area 2                                                                                                                     | 4-hours         | \$200.00 | \$220.00            | \$200.00     | \$220.00                |
| Cesar Chavez: Area 3                                                                                                                    | 4-hours         | N/A      | \$70.00             | N/A          | \$70.00                 |
| Codornices Park Area 1                                                                                                                  | 4-hours         | \$75.00  | \$83.00             | \$90.00      | \$100.00                |
| Codornices Park Area 2                                                                                                                  | 4-hours         | \$60.00  | \$66.00             | \$72.00      | \$79.00                 |
| Codornices Park Area 4                                                                                                                  | 4-hours         | N/A      | \$50.00             | N/A          | \$60.00                 |
| Cragmont Area 1                                                                                                                         | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| Glendale La Loma Area 1                                                                                                                 | 4-hours         | N/A      | \$40.00             | N/A          | \$48.00                 |
| Grove Area 1                                                                                                                            | 4-hours         | \$30.00  | \$33.00             | \$36.00      | \$40.00                 |
| James Kenney Area 1                                                                                                                     | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| James Kenney Area 2                                                                                                                     | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| John Hinkel Area 1                                                                                                                      | 4-hours         | N/A      | \$40.00             | N/A          | \$48.00                 |
| King School Area 1                                                                                                                      | 4-hours         | \$30.00  | \$33.00             | \$36.00      | \$40.00                 |
| Live Oak Park Areas 1                                                                                                                   | 4-hours         | \$60.00  | \$66.00             | \$72.00      | \$79.00                 |
| Live Oak Park Areas 2                                                                                                                   | 4-hours         | \$60.00  | \$66.00             | \$72.00      | \$79.00                 |
| Ohlone Park @ McGee Area 1                                                                                                              | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| San Pablo Park Area 1                                                                                                                   | 4-hours         | \$30.00  | \$33.00             | \$36.00      | \$40.00                 |

| Program Area                                                                                 | Unit of Measure | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|----------------------------------------------------------------------------------------------|-----------------|------------|---------------------|--------------|-------------------------|
| San Pablo Park Area 2                                                                        | 4-hours         | \$30.00    | \$33.00             | \$36.00      | \$40.00                 |
| San Pablo Park Area 3                                                                        | 4-hours         | N/A        | \$33.00             | N/A          | \$40.00                 |
| Strawberry Creek Area 1                                                                      | 4-hours         | \$30.00    | \$33.00             | \$36.00      | \$40.00                 |
| Shorebird Park Areas 1                                                                       | 4-hours         | \$75.00    |                     | \$75.00      |                         |
| Shorebird Park Areas 2                                                                       | 4-hours         | \$75.00    |                     | \$75.00      |                         |
| Shorebird Park Area 3                                                                        | 4-hours         | \$45.00    |                     | \$45.00      |                         |
| Bounce House Permit                                                                          | Per Use         | \$20.00    | \$30.00             | \$25.00      | \$36.00                 |
| <b>7. Parks &amp; Open Space (not athletic fields)</b>                                       |                 |            |                     |              |                         |
| <b>A. Special Events</b>                                                                     |                 |            |                     |              |                         |
| 1-99 Participants                                                                            | Day             | \$180.00   |                     | \$350.00     |                         |
| 100-249 Participants                                                                         | Day             | \$270.00   |                     | \$500.00     |                         |
| 250-499 Participants                                                                         | Day             | \$350.00   |                     | \$700.00     |                         |
| 500+ Participants                                                                            | Day             | \$550.00   |                     | \$1,000.00   |                         |
| Cleaning/Damage Deposit (refundable)                                                         | Day             | \$700.00   |                     | \$700.00     |                         |
| <b>Special Events - Additional Days</b>                                                      |                 |            |                     |              |                         |
| 1-99 Participants                                                                            | Day             | \$170.00   |                     | \$340.00     |                         |
| 100-249 Participants                                                                         | Day             | \$230.00   |                     | \$460.00     |                         |
| 250-499 Participants                                                                         | Day             | \$250.00   |                     | \$600.00     |                         |
| 500+ Participants                                                                            | Day             | \$450.00   |                     | \$900.00     |                         |
| <b>B. John Hinkel Amphitheater</b>                                                           |                 |            |                     |              |                         |
|                                                                                              | Day 4-hours     | \$120      | \$200               | \$144        | \$240                   |
| Each Additional Hour (after 4 hours)                                                         | Hour            | N/A        | \$75                | N/A          | \$90                    |
| Cleaning/Damage Deposit (refundable)                                                         |                 | \$350.00   | \$500               | \$350.00     | \$500                   |
| <b>Camp Day Use Fee</b>                                                                      |                 |            |                     |              |                         |
| 1-50 Participants                                                                            | Day             | \$50.00    |                     | \$50.00      |                         |
| 51-100 Participants                                                                          | Day             | \$100.00   |                     | \$100.00     |                         |
| 101-150 Participants                                                                         | Day             | \$150.00   |                     | \$150.00     |                         |
| <b>Small Turf Areas in Parks (Ages 8 yrs &amp; under; Mon-Fri only; Max 3 days per week)</b> |                 |            |                     |              |                         |
| Ohlone Park, Aquatic Park, James Kenney Park, Live Oak Park                                  | 2-Hours         | \$25.00    |                     | \$30.00      |                         |
| <b>8. Weddings (4-hour minimum)</b>                                                          |                 |            |                     |              |                         |
| <b>A. Rose Garden</b>                                                                        |                 |            |                     |              |                         |
| 4-Hours                                                                                      |                 | \$1,000.00 |                     | \$1,200.00   |                         |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00   |                     | \$204.00     |                         |
| <b>8. Cragmont, Live Oak Park, &amp; John Hinkel (outside areas)</b>                         |                 |            |                     |              |                         |
| 4-Hours                                                                                      |                 | \$450.00   |                     | \$540.00     |                         |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$75.00    |                     | \$90.00      |                         |
| <b>C. Spinnaker Way Vista</b>                                                                |                 |            |                     |              |                         |
| 4-Hours                                                                                      |                 | \$750.00   |                     | \$750.00     |                         |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00   |                     | \$170.00     |                         |
| <b>D. Yacht Club Point</b>                                                                   |                 |            |                     |              |                         |
| 4-Hours                                                                                      |                 | \$750.00   |                     | \$750.00     |                         |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00   |                     | \$170.00     |                         |
| Cleaning/Damage Deposit (refundable)                                                         | Rental          | \$700.00   |                     | \$700.00     |                         |
| <b>9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)</b>                               |                 |            |                     |              |                         |

| Program Area                                                                             | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|------------------------------------------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| <b>Codornices Park #A1 (Next to Picnic Site #2)</b>                                      | 4-hours         | N/A      | \$40.00             | N/A          | \$48.00                 |
| <b>Live Oak Park #A1</b>                                                                 | 4-hours         | N/A      | \$50.00             | N/A          | \$60.00                 |
| <b>Shorebird Park #A1 (near Nature Center Playground)</b>                                | 4-hours         | N/A      | \$50.00             | N/A          | \$50.00                 |
| <b>III. SWIM CENTER FEES</b>                                                             |                 |          |                     |              |                         |
| <b>1. Admissions (Public &amp; Family Swim, Laps)</b>                                    |                 |          |                     |              |                         |
| Adult (Drop-in)                                                                          | Swim            | \$6.00   |                     | \$6.00       |                         |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$51.00  |                     | \$51.00      |                         |
| Adult (Monthly)                                                                          | Month           | \$73.00  |                     | \$73.00      |                         |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$3.00   |                     | \$3.00       |                         |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$22.00  |                     | \$22.00      |                         |
| Youth Senior Disabled (Monthly Card)                                                     | Month           | \$37.00  |                     | \$37.00      |                         |
| <b>2. Red Cross Swim Sessions</b>                                                        |                 |          |                     |              |                         |
| Adult                                                                                    | Session         | \$75.00  |                     | \$90.00      |                         |
| Youth, Senior, Disabled                                                                  | Session         | \$72.00  |                     | \$84.00      |                         |
| Organized Youth Groups (Residents only)                                                  |                 |          |                     |              |                         |
| 10-15 participants                                                                       | Session         | \$65.00  |                     | -            |                         |
| 16-21 participants                                                                       | Session         | \$62.00  |                     | -            |                         |
| 22-32 participants                                                                       | Session         | \$54.00  |                     | -            |                         |
| 33-43 participants                                                                       | Session         | \$48.00  |                     | -            |                         |
| 44-54 participants                                                                       | Session         | \$39.00  |                     | -            |                         |
| 55+ participants                                                                         | Session         | \$37.00  |                     | -            |                         |
| <b>3. Premium Classes</b>                                                                |                 |          |                     |              |                         |
| Continuous & Coached Workouts: water aerobics, parent/tot, stroke technique, Master Swim |                 |          |                     |              |                         |
| Adult (Drop-in)                                                                          | Swim            | \$7.00   |                     | \$7.00       |                         |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$66.00  |                     | \$66.00      |                         |
| Adult (Monthly)                                                                          | Month           | \$82.00  |                     | \$82.00      |                         |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$5.00   |                     | \$5.00       |                         |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$40.00  |                     | \$40.00      |                         |
| Youth Senior Disabled (Monthly Card)                                                     | Session         | \$57.00  |                     | \$57.00      |                         |
| <b>4. Private Swim Lessons (1/2 hour session)</b>                                        |                 |          |                     |              |                         |
| Individual (One-on-One)                                                                  | Lesson          | \$30.00  |                     | \$36.00      |                         |
| Semi-Private Lesson (2 or more Participants)                                             | Lesson          | \$50.00  |                     | \$60.00      |                         |
| <b>IV. RECREATION PROGRAMS</b>                                                           |                 |          |                     |              |                         |
| <b>1. Sports</b>                                                                         |                 |          |                     |              |                         |
| <b>A. Adult Softball League</b>                                                          |                 |          |                     |              |                         |
| 4 Game Season                                                                            | Team            | \$320.00 |                     | \$384.00     |                         |
| 8 Game Season                                                                            | Team            | \$640.00 |                     | \$715.00     |                         |
| 10 Game Season                                                                           | Team            | \$800.00 |                     | \$875.00     |                         |
| <b>B. Adult Basketball League</b>                                                        |                 |          |                     |              |                         |
| 8 Game Season                                                                            | Team            | \$560.00 |                     | \$635.00     |                         |
| 10 Game Season                                                                           | Team            | \$700.00 |                     | \$775.00     |                         |
| <b>C. Adult Volleyball League</b>                                                        |                 |          |                     |              |                         |

| Program Area                                                                    | Unit of Measure | Resident                               | Resident (proposed) | Non-Resident                           | Non-Resident (proposed) |
|---------------------------------------------------------------------------------|-----------------|----------------------------------------|---------------------|----------------------------------------|-------------------------|
| 8 Game Season                                                                   | Team            | \$320.00                               |                     | \$384.00                               |                         |
| 10 Game Season                                                                  | Team            | \$400.00                               |                     | \$475.00                               |                         |
| 12 Game Season                                                                  | Team            | \$480.00                               |                     | \$555.00                               |                         |
| 15 Game Season                                                                  | Team            | \$600.00                               |                     | \$675.00                               |                         |
| <b>D. Open Gym Volleyball</b>                                                   | Drop-In         | \$5.00                                 |                     | \$5.00                                 |                         |
| <b>E. Youth Baseball</b>                                                        |                 |                                        |                     |                                        |                         |
| Individual                                                                      | Session         | \$51.00                                |                     | \$61.00                                |                         |
| <b>F. Youth Hoops League</b>                                                    |                 |                                        |                     |                                        |                         |
| Individual                                                                      | Session         | \$30.00                                |                     | \$36.00                                |                         |
| <b>G. Youth Twilight Basketball</b>                                             |                 |                                        |                     |                                        |                         |
| Individual                                                                      | Session         | \$27.00                                |                     | \$32.00                                |                         |
| <b>H. Youth Flag Football League</b>                                            |                 |                                        |                     |                                        |                         |
| Individual                                                                      | Session         | \$30.00                                |                     | \$36.00                                |                         |
| <b>I. Tennis Lessons</b>                                                        |                 |                                        |                     |                                        |                         |
| Youth                                                                           | Session         | \$73.00                                |                     | \$88.00                                |                         |
| Adult                                                                           | Session         | \$107.00                               |                     | \$128.00                               |                         |
| <b>J. Skate Park Lessons &amp; Classes</b>                                      |                 |                                        |                     |                                        |                         |
| Full Day                                                                        | Session         | \$258.00                               |                     | \$310.00                               |                         |
| 1/2 Day Camp                                                                    | Session         | \$195.00                               |                     | \$234.00                               |                         |
| Park Introduction                                                               | Session         | \$11.00                                |                     | \$13.00                                |                         |
| Trick Clinic                                                                    | Session         | \$11.00                                |                     | \$13.00                                |                         |
| Private Lessons                                                                 | Hour            | \$43.00                                |                     | \$52.00                                |                         |
| Group Lessons                                                                   | Session         | \$108.00                               |                     | \$130.00                               |                         |
| <b>2. Programs at Centers</b>                                                   |                 |                                        |                     |                                        |                         |
| <b>A. After School Program Registration Fee (Frances Albrier, James Kenney)</b> |                 |                                        |                     |                                        |                         |
| Individual                                                                      | Week            | \$25.00                                |                     | \$30.00                                |                         |
| <b>B. Community Center Camp Programs (Winter, Spring, Summer)</b>               |                 |                                        |                     |                                        |                         |
| Core                                                                            | 30 hours        | \$101.00                               |                     | \$121.00                               |                         |
| AM Extended Care                                                                | 5 hours         | \$10.00                                |                     | \$12.00                                |                         |
| PM Extended Care                                                                | 15 hours        | \$30.00                                |                     | \$36.00                                |                         |
| <b>3. Camp Programs</b>                                                         |                 |                                        |                     |                                        |                         |
| <b>A. Berkeley Day Camp</b>                                                     |                 |                                        |                     |                                        |                         |
| Youth Core Program                                                              | 5-Days          | \$269.00                               |                     | \$323.00                               |                         |
| AM Extended Care                                                                | 5-Days          | \$57.00                                |                     | \$68.00                                |                         |
| PM Extended Care                                                                | 5-Days          | \$88.00                                |                     | \$106.00                               |                         |
| Counselor-In-Training                                                           | 10-Days         | \$217.00                               |                     | \$260.00                               |                         |
| Cancelled Reservation                                                           | Session         | 25% of reservation not to exceed \$150 |                     | 25% of reservation not to exceed \$150 |                         |
| <b>B. Echo Lake Camp</b>                                                        |                 |                                        |                     |                                        |                         |
| <b>50 &amp; Better Camp</b>                                                     |                 |                                        |                     |                                        |                         |
| 50 & Better Camp Tent (up to 2 campers)                                         | 5-Day           | \$818.00                               |                     | \$981.00                               |                         |
| 50 & Better Camp Tent (up to 2 campers)                                         | 4-Day           | \$650.00                               |                     | \$780.00                               |                         |
| 50 & Better Camp Tent (up to 2 campers)                                         | Weekend         | \$515.00                               |                     | \$618.00                               |                         |



| Program Area                                          | Unit of Measure | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-------------------------------------------------------|-----------------|------------|---------------------|--------------|-------------------------|
| 50 & Better Camp Additional Camper                    | 1-Day           | \$55.00    |                     | \$66.00      |                         |
| <b>Counselor-In-Training</b>                          |                 |            |                     |              |                         |
| Counselor-In-Training                                 | 2-Week          | \$448.00   |                     | \$538.00     |                         |
| Counselor-In-Training                                 | 1-Week          | \$308.00   |                     | \$370.00     |                         |
| <b>Family Camp</b>                                    |                 |            |                     |              |                         |
| Full-Week Standard Tent (up to 3 campers)             | 7-Day           | \$1,843.00 |                     | \$2,212.00   |                         |
| Full-Week Low-Occupancy Tent                          | 7-Day           | \$1,595.00 |                     | \$1,914.00   |                         |
| Nightly Rate: Sun, Mon, Tues, or Wed                  | 1-Day           | \$450.00   |                     | \$540.00     |                         |
| Weekend Standard Tent (up to 3 campers)               | 4-Day           | \$1,397.00 |                     | \$1,676.00   |                         |
| Weekend Low-Occupancy Tent                            | 4-Day           | \$1,226.00 |                     | \$1,471.00   |                         |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day           | \$1,210.00 |                     | \$1,452.00   |                         |
| Mid-Week Low-Occupancy Tent                           | 4-Day           | \$1,062.00 |                     | \$1,274.00   |                         |
| Additional Camper Fee (1-Day)                         | 1-Day           | \$90.00    |                     | \$108.00     |                         |
| Additional Camper Fee Session- Based Daily Rate       | 1-Day           | \$80.00    |                     | \$96.00      |                         |
| <b>Day Use Fees</b>                                   |                 |            |                     |              |                         |
| Adult (15+) Day Use                                   | 1-Day           | \$108.00   |                     | \$129.60     |                         |
| Youth (7-14) Day Use                                  | 1-Day           | \$72.00    |                     | \$86.40      |                         |
| Child (3-6) Day Use                                   | 1-Day           | \$54.00    |                     | \$64.80      |                         |
| <b>Group Rental Rates</b>                             |                 |            |                     |              |                         |
| Adult (15+)                                           | 1-Day           | \$85.00    |                     | \$102.00     |                         |
| Youth (7-14)                                          | 1-Day           | \$71.50    |                     | \$85.80      |                         |
| Child (3-6)                                           | 1-Day           | \$52.80    |                     | \$63.36      |                         |
| Infant (0-3)                                          | 1-Day           | \$0.00     |                     | \$0.00       |                         |
| <b>New Camper Welcome Weekend</b>                     | Weekend         | \$195.00   |                     | \$234.00     |                         |
| <b>School Outdoor Education</b>                       |                 |            |                     |              |                         |
| Teachers & Adult Chaperones                           | 1-Day           | \$60.00    |                     | \$72.00      |                         |
| Youth Participants                                    | 1-Day           | \$45.00    |                     | \$54.00      |                         |
| <b>Work Weekend</b>                                   | Weekend         | \$0.00     |                     | \$0.00       |                         |
| <b>Youth Camp</b>                                     |                 |            |                     |              |                         |
| 5-Day Program                                         | 5-Days          | \$672.00   |                     | \$806.00     |                         |
| 6-Day Program                                         | 6-Days          | \$806.00   |                     | \$967.00     |                         |
| 7-Day Program                                         | 7-Days          | \$941.00   |                     | \$1,129.00   |                         |
| Per Day Fee                                           | 1-Day           | \$134.00   |                     | \$161.00     |                         |
| <b>Wedding Rental</b>                                 |                 |            |                     |              |                         |
| Wedding Rental                                        | 4-Hours         | \$750.00   |                     | \$900.00     |                         |
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour            | \$125.00   |                     | \$150.00     |                         |
| <b>C. Tuolumne Camp</b>                               |                 |            |                     |              |                         |
| <b>50 &amp; Better Camp</b>                           |                 |            |                     |              |                         |
| 50 & Better Camp Tent (up to 2 campers)               | 5-Day           | \$1,008.00 |                     | \$1,210.00   |                         |
| 50 & Better Camp Tent (up to 2 campers)               | 4-Day           | \$806.00   |                     | \$967.00     |                         |
| 50 & Better Camp Tent (up to 2 campers)               | Weekend         | \$605.00   |                     | \$726.00     |                         |

| Program Area                                          | Unit of Measure             | Resident               | Resident (proposed) | Non-Resident           | Non-Resident (proposed) |
|-------------------------------------------------------|-----------------------------|------------------------|---------------------|------------------------|-------------------------|
| 50 & Better Camp Additional Camper per day            | 1-Day                       | \$60.00                |                     | \$72.00                |                         |
| <b>Leaders in Training (LIT)</b>                      | 1-Week                      | \$941.00               |                     | \$1,129.00             |                         |
| <b>Counselor-In-Training</b>                          |                             |                        |                     |                        |                         |
| Counselor-In-Training                                 | 2-Week                      | \$465.00               |                     | \$558.00               |                         |
| Counselor-In-Training                                 | 1-Week                      | \$308.00               |                     | \$370.00               |                         |
| <b>Family Camp</b>                                    |                             |                        |                     |                        |                         |
| Full-Week Standard Tent (up to 3 campers)             | 1-Week                      | \$2,195.00             |                     | \$2,633.00             |                         |
| Full-Week Low-Occupancy Tent                          | 1-Week                      | \$1,887.00             |                     | \$2,264.00             |                         |
| Weekend Standard Tent (up to 3 campers)               | 4-Day                       | \$1,664.00             |                     | \$1,997.00             |                         |
| Weekend Low-Occupancy Tent                            | 4-Day                       | \$1,459.00             |                     | \$1,751.00             |                         |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day                       | \$1,430.00             |                     | \$1,716.00             |                         |
| Mid-Week Low Occupancy Tent                           | 4-Day                       | \$1,210.00             |                     | \$1,452.00             |                         |
| Nightly Rate: Sun, Mon, Tues, or Wed                  | 1-Day                       | \$525.00               |                     | \$630.00               |                         |
| <b>Family Camp Day Use Fees</b>                       |                             |                        |                     |                        |                         |
| Adult (15+) Day Use                                   | 1-Day                       | \$135.00               |                     | \$162.00               |                         |
| Youth (7-14) Day Use                                  | 1-Day                       | \$90.00                |                     | \$108.00               |                         |
| Child (3-6) Day Use                                   | 1-Day                       | \$68.00                |                     | \$81.60                |                         |
| Additional Camper Fee (1-Day)                         | 1-Day                       | \$100.00               |                     | \$120.00               |                         |
| Additional Camp Session-Based Daily Rate              | 1-Day                       | \$90.00                |                     | \$108.00               |                         |
| <b>Group Rental Rates</b>                             |                             |                        |                     |                        |                         |
| Adult (15+)                                           | 1-Day                       | \$110.00               |                     | \$132.00               |                         |
| Youth (7-14)                                          | 1-Day                       | \$93.00                |                     | \$111.60               |                         |
| Child (3-6)                                           | 1-Day                       | \$78.00                |                     | \$93.60                |                         |
| Infant (0-3)                                          | 1-Day                       | \$0.00                 |                     | \$0.00                 |                         |
| <b>New Camper Welcome Weekend</b>                     | Weekend                     | \$195.00               |                     | \$234.00               |                         |
| <b>School Outdoor Education</b>                       |                             |                        |                     |                        |                         |
| Adult Chaperones                                      | 1-Day                       | \$75.00                |                     | \$90.00                |                         |
| Youth Participants                                    | 1-Day                       | \$56.00                |                     | \$67.20                |                         |
| <b>Work Weekend</b>                                   | Weekend                     | \$0.00                 |                     | \$0.00                 |                         |
| <b>Youth Camp</b>                                     |                             |                        |                     |                        |                         |
| 5-Day Program                                         | 5-Days                      | \$840.00               |                     | \$1,008.00             |                         |
| 6-Day Program                                         | 6-Days                      | \$1,008.00             |                     | \$1,210.00             |                         |
| 7-Day Program                                         | 7-Days                      | \$1,176.00             |                     | \$1,411.00             |                         |
| Per Day Fee                                           | 1-Day                       | \$168.00               |                     | \$202.00               |                         |
| <b>Wedding Rental</b>                                 |                             |                        |                     |                        |                         |
| Wedding Rental                                        | 4-Hours                     | \$1,000.00             |                     | \$1,200.00             |                         |
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour                        | \$150.00               |                     | \$180.00               |                         |
| <b>D. Resident Camp Surcharges</b>                    |                             |                        |                     |                        |                         |
| Family Camp Program Deposit Payment                   |                             | \$500 per registration |                     | \$500 per registration |                         |
| Late Fee                                              | \$75 if balance is not paid |                        |                     |                        |                         |

| Program Area                                                                                     | Unit of Measure                        | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|--------------------------------------------------------------------------------------------------|----------------------------------------|------------|---------------------|--------------|-------------------------|
|                                                                                                  | by date specified                      |            |                     |              |                         |
| Cleaning / Damage Deposit                                                                        | Rental                                 | \$2,000.00 |                     | \$2,000.00   |                         |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                            | \$100.00   |                     | \$100.00     |                         |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150 |            |                     |              |                         |
| Cancel Reservation (due to emergency or illness, with Dr's excuse)                               | Reservation                            | No Charge  |                     | No Charge    |                         |
| <b>4. Waterfront Programs</b>                                                                    |                                        |            |                     |              |                         |
| <b>A. Adventure Playground</b>                                                                   |                                        |            |                     |              |                         |
| Individual Admission (anyone over 1 year old)                                                    | Day                                    | \$1.00     |                     | \$1.00       |                         |
| Group size 5-10                                                                                  | 2-hours                                | \$75.00    |                     | \$75.00      |                         |
| Group size 11-20                                                                                 | 2-hours                                | \$105.00   |                     | \$105.00     |                         |
| Group size 21-30                                                                                 | 2-hours                                | \$150.00   |                     | \$150.00     |                         |
| Group size 31-40                                                                                 | 2-hours                                | \$180.00   |                     | \$180.00     |                         |
| <b>8. Education Programs</b>                                                                     |                                        |            |                     |              |                         |
| Animal                                                                                           | Session                                | \$200.00   |                     | \$200.00     |                         |
| Low Tide                                                                                         | Session                                | \$200.00   |                     | \$200.00     |                         |
| Research Boat Trip                                                                               | Session                                | \$225.00   |                     | \$225.00     |                         |
| Sail Boat Trip                                                                                   | Session                                | \$255.00   |                     | \$255.00     |                         |
| Docent Training                                                                                  | Session                                | \$65.00    |                     | \$65.00      |                         |
| Special Program Request                                                                          | Hour                                   | \$65.00    |                     | \$65.00      |                         |
| Marine Biology                                                                                   | 4-Days                                 | \$75.00    |                     | \$75.00      |                         |
| Marine Biology                                                                                   | 8-Days                                 | \$150.00   |                     | \$150.00     |                         |
| Boating                                                                                          | 4-Days                                 | \$150.00   |                     | \$150.00     |                         |
| Canoeing                                                                                         | 3-Days                                 | \$55.00    |                     | \$55.00      |                         |

**ATTACHMENT 2**

**Table 1: Picnic Site – Per Hour Fee Comparison**

Note: This analysis compares hourly rates for picnic reservations.

| <u>Price Comps By # of Tables</u> |                    |              |                |             |                     |                         |                                                                             |
|-----------------------------------|--------------------|--------------|----------------|-------------|---------------------|-------------------------|-----------------------------------------------------------------------------|
|                                   | <u>Picnic Time</u> | <u>Min</u>   |                |             | <u>4 hr rate</u>    | <u>4 hr rate</u>        |                                                                             |
| <b>2 Tables</b>                   | <u>Blocks</u>      | <u>Hours</u> | <u>#Tables</u> | <u>Max#</u> | <u>Fee Resident</u> | <u>Fee Non-Resident</u> | <u>Details</u>                                                              |
| Albany, CA                        | 4                  | 4            | 2              | 12          | \$ 38.59            | \$ 49.87                |                                                                             |
| Richmond, CA                      | 4                  | 1            | 2              | *50         | \$ 178.00           | no differential         | * based on 50 person general fee #31 plus table fee of \$27 per table       |
| Oakland, CA                       | 4                  | 2            | 2              | 30          | \$ 60.00            | \$ 72.00                | 2 hr rate Res \$30 / Non-res \$36                                           |
| Berkeley, CA                      | 4                  | 4            | 2              | **41        | \$ 42.00            | \$ 47.10                |                                                                             |
| <b>4 Tables</b>                   | <u>Blocks</u>      | <u>Hours</u> | <u>#Tables</u> | <u>Max#</u> | <u>Fee Resident</u> | <u>Fee Non-Resident</u> | <u>Details</u>                                                              |
| Albany, CA                        | 4                  | 4            | 4              | 30          | \$ 92.92            | \$ 104.21               |                                                                             |
| Richmond, CA                      | 4                  | 1            | 4              | 60          | \$ 360.00           | no differential         | * based on 51-100 person general fee \$63 plus table fee of \$27 per table  |
| Oakland, CA                       | 4                  | 2            | 4              | 49          | \$ 160.00           | \$ 160.00               | 2 hr rate Res \$80 / Non-res \$86                                           |
| Berkeley, CA                      | 4                  | 4            | 4              | 70          | \$ 60.00            | \$ 72.00                |                                                                             |
| <b>10 ro 12 Tables</b>            | <u>Blocks</u>      | <u>Hours</u> | <u>#Tables</u> | <u>Max#</u> | <u>Fee Resident</u> | <u>Fee Non-Resident</u> | <u>Details</u>                                                              |
| Albany, CA                        | 4                  | 4            | 12             | 72          | \$ 219.97           | \$ 231.25               | All 12 tables are in this fee                                               |
| Richmond, CA                      | 4                  | 1            | 10             | 200         | \$ 766.00           | no differential         | * based on 51-100 person general fee \$124 plus table fee of \$27 per table |
| Oakland, CA                       | 4                  |              |                |             |                     |                         | none in this range                                                          |
| Berkeley, CA                      | 4                  | 4            | 10             | 200         | \$ 200.00           | \$ 200.00               | Marina location, no differential resident non-resident                      |

**Table 2: Outdoor Amphitheater– Per Hour Fee Comparison**

Note: This analysis compares the hourly rate for amphitheater rentals. Rental rules and minimum hours vary a great deal among other cities.

| <b>Venue</b>                    | <b>Location</b>                 | <b>Capacity</b> | <b>Average Fee per hour</b> | <b>Rate Types</b>                                                   |
|---------------------------------|---------------------------------|-----------------|-----------------------------|---------------------------------------------------------------------|
| <b>John Hinkel Amphitheater</b> | <b>Berkeley</b>                 | <b>200</b>      | <b>\$15</b>                 | <b>Resident/Non-Resident for 8 hours</b>                            |
| Mill Valley Amphitheater        | Mill Valley                     |                 | \$143                       | Residents: # of attendees up to 49/50-74/Private 75+/Commercial 75+ |
| Woodminster Amphitheater        | Oakland                         | 1500            | \$313                       | Resident/Non-Resident/Non-Profit                                    |
| Piedmont Amphitheater           | Piedmont                        | 200             | \$438                       | Resident/Non-Resident                                               |
| Redwood Grove Amphitheater      | UC Botanical Garden at Berkeley | 200             | \$2,000                     | Friday-Sunday rate                                                  |

**ATTACHMENT 3**

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

CHANGES TO SELECTED PARKS AND RECREATION FACILITY RENTAL FEES; AND  
RESCINDING RESOLUTION NO. 70,667-N.S

WHEREAS, on January 17, 2023, Council adopted the new Fee Schedule for Recreation Division programs (Resolution No. 70,667- N.S.); and

WHEREAS, the proposed picnic site and outdoor venue new fees and fee increases will provide additional revenue to the Parks Fund and Marina Fund which will help cover the cost of increased maintenance of parks areas and facilities, and increased costs of cleaning and restocking restrooms; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the rates and charges set forth in Exhibit A are hereby fixed and established for the parks and recreation facility rentals and shall be effective July 1, 2023, unless otherwise noted in Exhibit A.

BE IT FURTHER RESOLVED that Resolution No. 70,667-N.S. and all amendatory resolutions are hereby rescinded effective July 1, 2023.

Exhibit A: Fee Schedule

**Exhibit A:**  
**Recreation Fee Schedule**  
*Effective July 1, 2023 (unless otherwise noted below)*

| Program Area                                                                                                                                                                          | Unit of Measure | Resident     | Non-Resident |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|--------------|
| <b>I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES</b>                                                                                                                                  |                 |              |              |
| The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities. |                 |              |              |
| Various                                                                                                                                                                               | Various         | Up to \$350  |              |
| <b>II. FACILITY RENTAL CHARGES</b>                                                                                                                                                    |                 |              |              |
| <b>1. Room Rentals - Regular Hours (1 hour minimum); Non-Regular Hours (2 hour minimum)</b>                                                                                           |                 |              |              |
| James Kenney (JK) Live Oak (LO) Frances Albrier (FA), Martin Luther King (MLK)                                                                                                        |                 |              |              |
| <b>A. Youth, Senior, Disabled</b>                                                                                                                                                     |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$41.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$61.00      |              |
| <b>B. All Other</b>                                                                                                                                                                   |                 |              |              |
| <b>Auditorium (FA) &amp; Social Hall (LO)</b>                                                                                                                                         |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$67.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$82.00      |              |
| <b>Fireside Room (LO), Community Room (JK)</b>                                                                                                                                        |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$52.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$67.00      |              |
| <b>Game Room (FA, MLK) Arts &amp; Crafts Room (FA, JK, LO) Meeting Room (JK, LO, MLK)</b>                                                                                             |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$46.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$62.00      |              |
| <b>C. Multi Room Discount</b>                                                                                                                                                         |                 |              |              |
| 2nd room                                                                                                                                                                              | Rental          | 25% discount |              |
| 3rd room, each additional room                                                                                                                                                        | Rental          | 50% discount |              |
| <b>D. Gym Rentals (JK, MLK)</b>                                                                                                                                                       |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$64.00      | \$77.00      |
| Non-Regular Hours                                                                                                                                                                     |                 | \$75.00      | \$90.00      |
| <b>E. Filming Fee</b>                                                                                                                                                                 |                 |              |              |
| Parks and Facilities                                                                                                                                                                  | ½ Day           | \$400.00     | \$400.00     |
|                                                                                                                                                                                       | Full Day        | \$800.00     | \$800.00     |
| <b>F. Surcharges</b>                                                                                                                                                                  |                 |              |              |
| Table & Chair Set-Up                                                                                                                                                                  | Rental          | \$63.00      | \$76.00      |
| Kitchen Use                                                                                                                                                                           | Rental          | \$86.00      | \$103.00     |
| Small Storage Room                                                                                                                                                                    | Month           | \$21.00      | \$25.00      |
| Large Storage Room                                                                                                                                                                    | Month           | \$31.00      | \$37.00      |
| Stage Use w/Room Rental                                                                                                                                                               | Hour            | \$26.00      | \$31.00      |
| P/A system & staff operation                                                                                                                                                          | Hour            | \$42.00      | \$50.00      |
| Cleaning/Damage Deposit All Rentals (Refundable)                                                                                                                                      | Rental          | \$200.00     | \$200.00     |

| Program Area                                                                                                                            | Unit of Measure              | Resident   | Non-Resident |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------|--------------|
| Program Area                                                                                                                            | Unit of Measure              | Resident   | Non-Resident |
| <b>2. City Athletic Fields</b>                                                                                                          |                              |            |              |
| <b>Cedar Rose, Codornices, Glendale - La Loma, Grove, James Kenney, Ohlone, San Pablo, Willard, Rosa Parks, Thousand Oaks</b>           |                              |            |              |
| Youth non-profit leagues                                                                                                                | 2-Hours                      | \$36.00    | \$43.00      |
| Adults, for-profits, private schools                                                                                                    | 2-Hours                      | \$72.00    | \$86.00      |
| Maintenance Deposit                                                                                                                     |                              | 40% of fee | 40% of fee   |
| <b>Gabe's Fields at Harrison Park, Natural Turf</b>                                                                                     |                              |            |              |
| Youth non-profit leagues                                                                                                                | 2-Hours                      | \$29.00    | \$35.00      |
| Adults, for-profits, private schools                                                                                                    | 2-Hours                      | \$72.00    | \$86.00      |
| <b>Gilman Fields, Natural Turf</b>                                                                                                      |                              |            |              |
| Youth non-profit leagues                                                                                                                | 2-Hours                      | \$29.00    | \$35.00      |
| Adults, for-profits, private schools                                                                                                    | 2-Hours                      | \$72.00    | \$96.00      |
| <b>Gilman Fields, Synthetic Turf</b>                                                                                                    |                              |            |              |
| Youth non-profit leagues                                                                                                                | 2-Hours                      | \$40.00    | \$48.00      |
| Adults, for-profits, private schools                                                                                                    | 2-Hours                      | \$91.00    | \$109.00     |
| <b>Sports Field User Fines (Policy Violations: Applicable to All Athletic Fields)</b>                                                   |                              |            |              |
| Playing on Closed Grass Fields                                                                                                          | 1st Offense                  | \$250.00   | \$250.00     |
|                                                                                                                                         | 2nd Offense                  | \$500.00   | \$500.00     |
| Running practices in main goal areas                                                                                                    | 1st Offense within 12 months | \$50.00    | \$50.00      |
|                                                                                                                                         | 2nd Offense within 12 mo     | \$100.00   | \$100.00     |
|                                                                                                                                         | 3rd Offense within 12 mo     | \$200.00   | \$200.00     |
| Dogs, Alcohol, Trash, Wheeled vehicles                                                                                                  | Incident                     | \$100.00   | \$100.00     |
| Field Monitor                                                                                                                           | Hourly                       | \$25.00    | \$25.00      |
| <b>Additional Rules (Applicable to all athletic fields)</b>                                                                             |                              |            |              |
| Weekday slots used before 3:30pm throughout the year are discounted 50%                                                                 |                              |            |              |
| Weekday slots 5:30pm-7:00pm are charged as full two-hour slot                                                                           |                              |            |              |
| All other slots are pro-rated in 30 minute increments                                                                                   |                              |            |              |
| <b>3. Skate Park Rental (only available AM hours)</b>                                                                                   |                              |            |              |
| <b>A. Morning Hours (includes 2 staff members)</b>                                                                                      | Hour                         | \$250.00   | \$300.00     |
| <b>B. Birthday Party (includes 2 staff members &amp; lesson)</b>                                                                        | Hour                         | \$350.00   | \$420.00     |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental                       | \$200.00   | \$200.00     |
| <b>4. Tennis Courts</b>                                                                                                                 |                              |            |              |
| <b>A. Day Use (All Courts): Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard</b> |                              |            |              |
| Adult                                                                                                                                   | Hour                         | \$7.00     | \$8.00       |
| Youth, Senior, Disabled                                                                                                                 | Hour                         | \$5.00     | \$6.00       |

| Program Area                                                                                                        | Unit of Measure | Resident | Non-Resident |
|---------------------------------------------------------------------------------------------------------------------|-----------------|----------|--------------|
| Program Area                                                                                                        | Unit of Measure | Resident | Non-Resident |
| <b>B. Night Use/Lighted Courts: Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard</b> |                 |          |              |
| Adult                                                                                                               | Hour            | \$10.00  | \$12.00      |
| Youth, Senior, Disabled                                                                                             | Hour            | \$8.00   | \$10.00      |
| <b>5. Swim Centers (1-hour minimum) King, West Campus</b>                                                           |                 |          |              |
| 1-35 people                                                                                                         | Hour            | \$100.00 | \$120.00     |
| 36-70 people                                                                                                        | Hour            | \$145.00 | \$174.00     |
| 71-100 people                                                                                                       | Hour            | \$177.00 | \$212.00     |
| 101-150 people                                                                                                      | Hour            | \$217.00 | \$260.00     |
| Cleaning/Damage Deposit (refundable)                                                                                | Rental          | \$200.00 | \$200.00     |
| <b>6. Picnic Areas (4-hour minimum)</b>                                                                             |                 |          |              |
| Aquatic Park Area 1                                                                                                 | 4-hours         | \$50.00  | \$60.00      |
| Aquatic Park Area 2                                                                                                 | 4-hours         | \$54.00  | \$65.00      |
| Cedar Rose Area 1                                                                                                   | 4-hours         | \$30.00  | \$40.00      |
| Cedar Rose Area 2                                                                                                   | 4-hours         | \$36.00  | \$43.00      |
| Cesar Chavez Area 1                                                                                                 | 4-hours         | \$50.00  | \$50.00      |
| Cesar Chavez Area 2                                                                                                 | 4-hours         | \$220.00 | \$220.00     |
| Cesar Chavez: Area 3                                                                                                | 4-hours         | \$70.00  | \$70.00      |
| Codornices Park Area 1                                                                                              | 4-hours         | \$83.00  | \$100.00     |
| Codornices Park Area 2                                                                                              | 4-hours         | \$66.00  | \$79.00      |
| Codornices Park Area 4                                                                                              | 4-hours         | \$50.00  | \$60.00      |
| Cragmont Area 1                                                                                                     | 4-hours         | \$50.00  | \$60.00      |
| Glendale La Loma Area 1                                                                                             | 4-hours         | \$40.00  | \$48.00      |
| Grove Area 1                                                                                                        | 4-hours         | \$33.00  | \$40.00      |
| James Kenney Area 1                                                                                                 | 4-hours         | \$50.00  | \$60.00      |
| James Kenney Area 2                                                                                                 | 4-hours         | \$50.00  | \$60.00      |
| John Hinkel Area 1                                                                                                  | 4-hours         | \$40.00  | \$48.00      |
| King School Area 1                                                                                                  | 4-hours         | \$33.00  | \$40.00      |
| Live Oak Park Areas 1                                                                                               | 4-hours         | \$66.00  | \$79.00      |
| Live Oak Park Areas 2                                                                                               | 4-hours         | \$66.00  | \$79.00      |
| Ohlone Park @ McGee Area 1                                                                                          | 4-hours         | \$50.00  | \$60.00      |
| San Pablo Park Area 1                                                                                               | 4-hours         | \$33.00  | \$40.00      |
| San Pablo Park Area 2                                                                                               | 4-hours         | \$33.00  | \$40.00      |
| San Pablo Park Area 3                                                                                               | 4-hours         | \$33.00  | \$40.00      |
| Strawberry Creek Area 1                                                                                             | 4-hours         | \$33.00  | \$40.00      |
| Shorebird Park Areas 1                                                                                              | 4-hours         | \$75.00  | \$75.00      |
| Shorebird Park Areas 2                                                                                              | 4-hours         | \$75.00  | \$75.00      |
| Shorebird Park Area 3                                                                                               | 4-hours         | \$45.00  | \$45.00      |
| Bounce House Permit                                                                                                 | Per Use         | \$30.00  | \$36.00      |
| <b>7. Parks &amp; Open Space (not athletic fields)</b>                                                              |                 |          |              |
| <b>A. Special Events</b>                                                                                            |                 |          |              |
| 1-99 Participants                                                                                                   | Day             | \$180.00 | \$350.00     |
| 100-249 Participants                                                                                                | Day             | \$270.00 | \$500.00     |
| 250-499 Participants                                                                                                | Day             | \$350.00 | \$700.00     |



| Program Area                                                                                 | Unit of Measure | Resident | Non-Resident |
|----------------------------------------------------------------------------------------------|-----------------|----------|--------------|
| 500+ Participants                                                                            | Day             | \$550.00 | \$1,000.00   |
| Cleaning/Damage Deposit (refundable)                                                         | Day             | \$700.00 | \$700.00     |
| <b>Special Events - Additional Days</b>                                                      |                 |          |              |
| 1-99 Participants                                                                            | Day             | \$170.00 | \$340.00     |
| 100-249 Participants                                                                         | Day             | \$230.00 | \$460.00     |
| 250-499 Participants                                                                         | Day             | \$250.00 | \$600.00     |
| 500+ Participants                                                                            | Day             | \$450.00 | \$900.00     |
| <b>B. John Hinkel Amphitheater</b>                                                           |                 |          |              |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$75     | \$90         |
| Cleaning/Damage Deposit (refundable)                                                         |                 | \$500    | \$500        |
| <b>Camp Day Use Fee</b>                                                                      |                 |          |              |
| 1-50 Participants                                                                            | Day             | \$50.00  | \$50.00      |
| 51-100 Participants                                                                          | Day             | \$100.00 | \$100.00     |
| 101-150 Participants                                                                         | Day             | \$150.00 | \$150.00     |
| <b>Small Turf Areas in Parks (Ages 8 yrs &amp; under; Mon-Fri only; Max 3 days per week)</b> |                 |          |              |
| Ohlone Park, Aquatic Park, James Kenney Park, Live Oak Park                                  | 2-Hours         | \$25.00  | \$30.00      |
| <b>8. Weddings (4-hour minimum)</b>                                                          |                 |          |              |
| <b>A. Rose Garden</b>                                                                        |                 |          |              |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00 | \$204.00     |
| <b>8. Cragmont, Live Oak Park, &amp; John Hinkel (outside areas)</b>                         |                 |          |              |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$75.00  | \$90.00      |
| <b>C. Spinnaker Way Vista</b>                                                                |                 |          |              |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00 | \$170.00     |
| <b>D. Yacht Club Point</b>                                                                   |                 |          |              |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00 | \$170.00     |
| Cleaning/Damage Deposit (refundable)                                                         | Rental          | \$700.00 | \$700.00     |
| <b>9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)</b>                               |                 |          |              |
| Codornices Park #A1 (Next to Picnic Site #2)                                                 | 4-hours         | \$40.00  | \$48.00      |
| Live Oak Park #A1                                                                            | 4-hours         | \$50.00  | \$60.00      |
| Shorebird Park #A1 (near Nature Center Playground)                                           | 4-hours         | \$50.00  | \$50.00      |
| <b>III. SWIM CENTER FEES</b>                                                                 |                 |          |              |
| <b>1. Admissions (Public &amp; Family Swim, Laps)</b>                                        |                 |          |              |
| Adult (Drop-in)                                                                              | Swim            | \$6.00   | \$6.00       |
| Adult (10-Swim Card)                                                                         | 10-Swims        | \$51.00  | \$51.00      |
| Adult (Monthly)                                                                              | Month           | \$73.00  | \$73.00      |
| Youth, Senior, Disabled (Drop-In)                                                            | Swim            | \$3.00   | \$3.00       |
| Youth Senior Disabled (10-Swim Card)                                                         | 10-Swims        | \$22.00  | \$22.00      |
| Youth Senior Disabled (Monthly Card)                                                         | Month           | \$37.00  | \$37.00      |
| <b>2. Red Cross Swim Sessions</b>                                                            |                 |          |              |
| Adult                                                                                        | Session         | \$75.00  | \$90.00      |
| Youth, Senior, Disabled                                                                      | Session         | \$72.00  | \$84.00      |
| Organized Youth Groups (Residents only)                                                      |                 |          |              |
| 10-15 participants                                                                           | Session         | \$65.00  | -            |
| 16-21 participants                                                                           | Session         | \$62.00  | -            |
| 22-32 participants                                                                           | Session         | \$54.00  | -            |

| Program Area                                                                             | Unit of Measure | Resident | Non-Resident |
|------------------------------------------------------------------------------------------|-----------------|----------|--------------|
| 33-43 participants                                                                       | Session         | \$48.00  | -            |
| 44-54 participants                                                                       | Session         | \$39.00  | -            |
| 55+ participants                                                                         | Session         | \$37.00  | -            |
| <b>3. Premium Classes</b>                                                                |                 |          |              |
| Continuous & Coached Workouts: water aerobics, parent/tot, stroke technique, Master Swim |                 |          |              |
| Adult (Drop-in)                                                                          | Swim            | \$7.00   | \$7.00       |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$66.00  | \$66.00      |
| Adult (Monthly)                                                                          | Month           | \$82.00  | \$82.00      |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$5.00   | \$5.00       |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$40.00  | \$40.00      |
| Youth Senior Disabled (Monthly Card)                                                     | Session         | \$57.00  | \$57.00      |
| <b>4. Private Swim Lessons (1/2 hour session)</b>                                        |                 |          |              |
| Individual (One-on-One)                                                                  | Lesson          | \$30.00  | \$36.00      |
| Semi-Private Lesson (2 or more Participants)                                             | Lesson          | \$50.00  | \$60.00      |
| <b>IV. RECREATION PROGRAMS</b>                                                           |                 |          |              |
| <b>1. Sports</b>                                                                         |                 |          |              |
| <b>A. Adult Softball League</b>                                                          |                 |          |              |
| 4 Game Season                                                                            | Team            | \$320.00 | \$384.00     |
| 8 Game Season                                                                            | Team            | \$640.00 | \$715.00     |
| 10 Game Season                                                                           | Team            | \$800.00 | \$875.00     |
| <b>8. Adult Basketball League</b>                                                        |                 |          |              |
| 8 Game Season                                                                            | Team            | \$560.00 | \$635.00     |
| 10 Game Season                                                                           | Team            | \$700.00 | \$775.00     |
| <b>C. Adult Volleyball League</b>                                                        |                 |          |              |
| 8 Game Season                                                                            | Team            | \$320.00 | \$384.00     |
| 10 Game Season                                                                           | Team            | \$400.00 | \$475.00     |
| 12 Game Season                                                                           | Team            | \$480.00 | \$555.00     |
| 15 Game Season                                                                           | Team            | \$600.00 | \$675.00     |
| <b>D. Open Gym Volleyball</b>                                                            |                 |          |              |
| <b>E. Youth Baseball</b>                                                                 |                 |          |              |
| Individual                                                                               | Session         | \$51.00  | \$61.00      |
| <b>F. Youth Hoops League</b>                                                             |                 |          |              |
| Individual                                                                               | Session         | \$30.00  | \$36.00      |
| <b>G. Youth Twilight Basketball</b>                                                      |                 |          |              |
| Individual                                                                               | Session         | \$27.00  | \$32.00      |
| <b>H. Youth Flag Football League</b>                                                     |                 |          |              |
| Individual                                                                               | Session         | \$30.00  | \$36.00      |
| <b>I. Tennis Lessons</b>                                                                 |                 |          |              |
| Youth                                                                                    | Session         | \$73.00  | \$88.00      |
| Adult                                                                                    | Session         | \$107.00 | \$128.00     |
| <b>J. Skate Park Lessons &amp; Classes</b>                                               |                 |          |              |
| Full Day                                                                                 | Session         | \$258.00 | \$310.00     |
| 1/2 Day Camp                                                                             | Session         | \$195.00 | \$234.00     |
| Park Introduction                                                                        | Session         | \$11.00  | \$13.00      |
| Trick Clinic                                                                             | Session         | \$11.00  | \$13.00      |
| Private Lessons                                                                          | Hour            | \$43.00  | \$52.00      |
| Group Lessons                                                                            | Session         | \$108.00 | \$130.00     |
| <b>2. Programs at Centers</b>                                                            |                 |          |              |

| Program Area                                                                    | Unit of Measure | Resident                               | Non-Resident                           |
|---------------------------------------------------------------------------------|-----------------|----------------------------------------|----------------------------------------|
| <b>A. After School Program Registration Fee (Frances Albrier, James Kenney)</b> |                 |                                        |                                        |
| Individual                                                                      | Week            | \$25.00                                | \$30.00                                |
| <b>B. Community Center Camp Programs (Winter, Spring, Summer)</b>               |                 |                                        |                                        |
| Core                                                                            | 30 hours        | \$101.00                               | \$121.00                               |
| AM Extended Care                                                                | 5 hours         | \$10.00                                | \$12.00                                |
| PM Extended Care                                                                | 15 hours        | \$30.00                                | \$36.00                                |
| <b>3. Camp Programs</b>                                                         |                 |                                        |                                        |
| <b>A. Berkeley Day Camp</b>                                                     |                 |                                        |                                        |
| Youth Core Program                                                              | 5-Days          | \$269.00                               | \$323.00                               |
| AM Extended Care                                                                | 5-Days          | \$57.00                                | \$68.00                                |
| PM Extended Care                                                                | 5-Days          | \$88.00                                | \$106.00                               |
| Counselor-In-Training                                                           | 10-Days         | \$217.00                               | \$260.00                               |
| Cancelled Reservation                                                           | Session         | 25% of reservation not to exceed \$150 | 25% of reservation not to exceed \$150 |
| <b>B. Echo Lake Camp</b>                                                        |                 |                                        |                                        |
| <b>50 &amp; Better Camp</b>                                                     |                 |                                        |                                        |
| 50 & Better Camp Tent (up to 2 campers)                                         | 5-Day           | \$818.00                               | \$981.00                               |
| 50 & Better Camp Tent (up to 2 campers)                                         | 4-Day           | \$650.00                               | \$780.00                               |
| 50 & Better Camp Tent (up to 2 campers)                                         | Weekend         | \$515.00                               | \$618.00                               |
| 50 & Better Camp Additional Camper                                              | 1-Day           | \$55.00                                | \$66.00                                |
| <b>Counselor-In-Training</b>                                                    |                 |                                        |                                        |
| Counselor-In-Training                                                           | 2-Week          | \$448.00                               | \$538.00                               |
| Counselor-In-Training                                                           | 1-Week          | \$308.00                               | \$370.00                               |
| <b>Family Camp</b>                                                              |                 |                                        |                                        |
| Full-Week Standard Tent (up to 3 campers)                                       | 7-Day           | \$1,843.00                             | \$2,212.00                             |
| Full-Week Low-Occupancy Tent                                                    | 7-Day           | \$1,595.00                             | \$1,914.00                             |
| Nightly Rate: Sun, Mon, Tues, or Wed                                            | 1-Day           | \$450.00                               | \$540.00                               |
| Weekend Standard Tent (up to 3 campers)                                         | 4-Day           | \$1,397.00                             | \$1,676.00                             |
| Weekend Low-Occupancy Tent                                                      | 4-Day           | \$1,226.00                             | \$1,471.00                             |
| Mid-Week Standard Tent (up to 3 campers)                                        | 4-Day           | \$1,210.00                             | \$1,452.00                             |
| Mid-Week Low-Occupancy Tent                                                     | 4-Day           | \$1,062.00                             | \$1,274.00                             |
| Additional Camper Fee (1-Day)                                                   | 1-Day           | \$90.00                                | \$108.00                               |
| Additional Camper Fee Session- Based Daily Rate                                 | 1-Day           | \$80.00                                | \$96.00                                |
| <b>Day Use Fees</b>                                                             |                 |                                        |                                        |
| Adult (15+) Day Use                                                             | 1-Day           | \$108.00                               | \$129.60                               |
| Youth (7-14) Day Use                                                            | 1-Day           | \$72.00                                | \$86.40                                |
| Child (3-6) Day Use                                                             | 1-Day           | \$54.00                                | \$64.80                                |
| <b>Group Rental Rates</b>                                                       |                 |                                        |                                        |
| Adult (15+)                                                                     | 1-Day           | \$85.00                                | \$102.00                               |
| Youth (7-14)                                                                    | 1-Day           | \$71.50                                | \$85.80                                |
| Child (3-6)                                                                     | 1-Day           | \$52.80                                | \$63.36                                |
| Infant (0-3)                                                                    | 1-Day           | \$0.00                                 | \$0.00                                 |
| <b>New Camper Welcome Weekend</b>                                               | Weekend         | \$195.00                               | \$234.00                               |
| <b>School Outdoor Education</b>                                                 |                 |                                        |                                        |

| Program Area                                          | Unit of Measure | Resident   | Non-Resident |
|-------------------------------------------------------|-----------------|------------|--------------|
| Teachers & Adult Chaperones                           | 1-Day           | \$60.00    | \$72.00      |
| Youth Participants                                    | 1-Day           | \$45.00    | \$54.00      |
| <b>Work Weekend</b>                                   | Weekend         | \$0.00     | \$0.00       |
| <b>Youth Camp</b>                                     |                 |            |              |
| 5-Day Program                                         | 5-Days          | \$672.00   | \$806.00     |
| 6-Day Program                                         | 6-Days          | \$806.00   | \$967.00     |
| 7-Day Program                                         | 7-Days          | \$941.00   | \$1,129.00   |
| Per Day Fee                                           | 1-Day           | \$134.00   | \$161.00     |
| <b>Wedding Rental</b>                                 |                 |            |              |
| Wedding Rental                                        | 4-Hours         | \$750.00   | \$900.00     |
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour            | \$125.00   | \$150.00     |
| <b>C. Tuolumne Camp</b>                               |                 |            |              |
| <b>50 &amp; Better Camp</b>                           |                 |            |              |
| 50 & Better Camp Tent (up to 2 campers)               | 5-Day           | \$1,008.00 | \$1,210.00   |
| 50 & Better Camp Tent (up to 2 campers)               | 4-Day           | \$806.00   | \$967.00     |
| 50 & Better Camp Tent (up to 2 campers)               | Weekend         | \$605.00   | \$726.00     |
| 50 & Better Camp Additional Camper per day            | 1-Day           | \$60.00    | \$72.00      |
| <b>Leaders in Training (LIT)</b>                      | 1-Week          | \$941.00   | \$1,129.00   |
| <b>Counselor-In-Training</b>                          |                 |            |              |
| Counselor-In-Training                                 | 2-Week          | \$465.00   | \$558.00     |
| Counselor-In-Training                                 | 1-Week          | \$308.00   | \$370.00     |
| <b>Family Camp</b>                                    |                 |            |              |
| Full-Week Standard Tent (up to 3 campers)             | 1-Week          | \$2,195.00 | \$2,633.00   |
| Full-Week Low-Occupancy Tent                          | 1-Week          | \$1,887.00 | \$2,264.00   |
| Weekend Standard Tent (up to 3 campers)               | 4-Day           | \$1,664.00 | \$1,997.00   |
| Weekend Low-Occupancy Tent                            | 4-Day           | \$1,459.00 | \$1,751.00   |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day           | \$1,430.00 | \$1,716.00   |
| Mid-Week Low Occupancy Tent                           | 4-Day           | \$1,210.00 | \$1,452.00   |
| Nightly Rate: Sun, Mon, Tues, or Wed                  | 1-Day           | \$525.00   | \$630.00     |
| <b>Family Camp Day Use Fees</b>                       |                 |            |              |
| Adult (15+) Day Use                                   | 1-Day           | \$135.00   | \$162.00     |
| Youth (7-14) Day Use                                  | 1-Day           | \$90.00    | \$108.00     |
| Child (3-6) Day Use                                   | 1-Day           | \$68.00    | \$81.60      |
| Additional Camper Fee (1-Day)                         | 1-Day           | \$100.00   | \$120.00     |
| Additional Camp Session-Based Daily Rate              | 1-Day           | \$90.00    | \$108.00     |
| <b>Group Rental Rates</b>                             |                 |            |              |
| Adult (15+)                                           | 1-Day           | \$110.00   | \$132.00     |
| Youth (7-14)                                          | 1-Day           | \$93.00    | \$111.60     |
| Child (3-6)                                           | 1-Day           | \$78.00    | \$93.60      |
| Infant (0-3)                                          | 1-Day           | \$0.00     | \$0.00       |
| <b>New Camper Welcome Weekend</b>                     | Weekend         | \$195.00   | \$234.00     |
| <b>School Outdoor Education</b>                       |                 |            |              |
| Adult Chaperones                                      | 1-Day           | \$75.00    | \$90.00      |
| Youth Participants                                    | 1-Day           | \$56.00    | \$67.20      |
| <b>Work Weekend</b>                                   | Weekend         | \$0.00     | \$0.00       |
| <b>Youth Camp</b>                                     |                 |            |              |
| 5-Day Program                                         | 5-Days          | \$840.00   | \$1,008.00   |
| 6-Day Program                                         | 6-Days          | \$1,008.00 | \$1,210.00   |
| 7-Day Program                                         | 7-Days          | \$1,176.00 | \$1,411.00   |

| Program Area                                                                                     | Unit of Measure                               | Resident               | Non-Resident           |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------|------------------------|
| Per Day Fee                                                                                      | 1-Day                                         | \$168.00               | \$202.00               |
| <b>Wedding Rental</b>                                                                            |                                               |                        |                        |
| Wedding Rental                                                                                   | 4-Hours                                       | \$1,000.00             | \$1,200.00             |
| Wedding Rental - Each Additional Hour (after 4 hours)                                            | Hour                                          | \$150.00               | \$180.00               |
| <b>D. Resident Camp Surcharges</b>                                                               |                                               |                        |                        |
| Family Camp Program Deposit Payment                                                              |                                               | \$500 per registration | \$500 per registration |
| Late Fee                                                                                         | \$75 if balance is not paid by date specified |                        |                        |
| Cleaning / Damage Deposit                                                                        | Rental                                        | \$2,000.00             | \$2,000.00             |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                                   | \$100.00               | \$100.00               |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150        |                        |                        |
| Cancel Reservation (due to emergency or illness, with Dr's excuse)                               | Reservation                                   | No Charge              | No Charge              |
| <b>4. Waterfront Programs</b>                                                                    |                                               |                        |                        |
| <b>A. Adventure Playground</b>                                                                   |                                               |                        |                        |
| Individual Admission (anyone over 1 year old)                                                    | Day                                           | \$1.00                 | \$1.00                 |
| Group size 5-10                                                                                  | 2-hours                                       | \$75.00                | \$75.00                |
| Group size 11-20                                                                                 | 2-hours                                       | \$105.00               | \$105.00               |
| Group size 21-30                                                                                 | 2-hours                                       | \$150.00               | \$150.00               |
| Group size 31-40                                                                                 | 2-hours                                       | \$180.00               | \$180.00               |
| <b>8. Education Programs</b>                                                                     |                                               |                        |                        |
| Animal                                                                                           | Session                                       | \$200.00               | \$200.00               |
| Low Tide                                                                                         | Session                                       | \$200.00               | \$200.00               |
| Research Boat Trip                                                                               | Session                                       | \$225.00               | \$225.00               |
| Sail Boat Trip                                                                                   | Session                                       | \$255.00               | \$255.00               |
| Docent Training                                                                                  | Session                                       | \$65.00                | \$65.00                |
| Special Program Request                                                                          | Hour                                          | \$65.00                | \$65.00                |
| Marine Biology                                                                                   | 4-Days                                        | \$75.00                | \$75.00                |
| Marine Biology                                                                                   | 8-Days                                        | \$150.00               | \$150.00               |
| Boating                                                                                          | 4-Days                                        | \$150.00               | \$150.00               |
| Canoeing                                                                                         | 3-Days                                        | \$55.00                | \$55.00                |

## NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**Parks and Recreation Facility Rental Fee Increases**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that 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 Parks, Recreation & Waterfront is proposing to increase selected fees, as contained in the attached Recreation Fee Schedule and excerpted below:

| Program Area                                | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|---------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| <b>6. Picnic Areas<br/>(4-hour minimum)</b> |                 |          |                     |              |                         |
| Aquatic Park Area 1                         | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| Aquatic Park Area 2                         | 4-hours         | N/A      | \$54.00             | N/A          | \$65.00                 |
| Cedar Rose Area 1                           | 4-hours         | \$30.00  | \$30.00             | \$36.00      | \$40.00                 |
| Cedar Rose Area 2                           | 4-hours         | N/A      | \$36.00             | N/A          | \$43.00                 |
| Cesar Chavez Area 1                         | 4-hours         | \$45.00  | \$50.00             | \$50.00      | \$50.00                 |
| Cesar Chavez Area 2                         | 4-hours         | \$200.00 | \$220.00            | \$200.00     | \$220.00                |
| Cesar Chavez: Area 3                        | 4-hours         | N/A      | \$70.00             | N/A          | \$70.00                 |
| Codornices Park Area 1                      | 4-hours         | \$75.00  | \$83.00             | \$90.00      | \$100.00                |
| Codornices Park Area 2                      | 4-hours         | \$60.00  | \$66.00             | \$72.00      | \$79.00                 |
| Codornices Park Area 4                      | 4-hours         | N/A      | \$50.00             | N/A          | \$60.00                 |
| Cragmont Area 1                             | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| Glendale La Loma Area 1                     | 4-hours         | N/A      | \$40.00             | N/A          | \$48.00                 |
| Grove Area 1                                | 4-hours         | \$30.00  | \$33.00             | \$36.00      | \$40.00                 |
| James Kenney Area 1                         | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| James Kenney Area 2                         | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |
| John Hinkel Area 1                          | 4-hours         | N/A      | \$40.00             | N/A          | \$48.00                 |
| King School Area 1                          | 4-hours         | \$30.00  | \$33.00             | \$36.00      | \$40.00                 |
| Live Oak Park Areas 1                       | 4-hours         | \$60.00  | \$66.00             | \$72.00      | \$79.00                 |
| Live Oak Park Areas 2                       | 4-hours         | \$60.00  | \$66.00             | \$72.00      | \$79.00                 |
| Ohlone Park @ McGee Area 1                  | 4-hours         | \$45.00  | \$50.00             | \$54.00      | \$60.00                 |

|                                                                |             |          |         |          |         |
|----------------------------------------------------------------|-------------|----------|---------|----------|---------|
| San Pablo Park Area 1                                          | 4-hours     | \$30.00  | \$33.00 | \$36.00  | \$40.00 |
| San Pablo Park Area 2                                          | 4-hours     | \$30.00  | \$33.00 | \$36.00  | \$40.00 |
| San Pablo Park Area 3                                          | 4-hours     | N/A      | \$33.00 | N/A      | \$40.00 |
| Strawberry Creek Area 1                                        | 4-hours     | \$30.00  | \$33.00 | \$36.00  | \$40.00 |
| Bounce House Permit                                            | Per Use     | \$20.00  | \$30.00 | \$25.00  | \$36.00 |
| <b>B. John Hinkel Amphitheater</b>                             |             |          |         |          |         |
|                                                                | Day 4-hours | \$120    | \$200   | \$144    | \$240   |
| Each Additional Hour (after 4 hours)                           | Hour        | N/A      | \$75    | N/A      | \$90    |
| Cleaning/Damage Deposit (refundable)                           |             | \$350.00 | \$500   | \$350.00 | \$500   |
| <b>9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)</b> |             |          |         |          |         |
| <b>Codornices Park #A1 (Next to Picnic Site #2)</b>            | 4-hours     | N/A      | \$40.00 | N/A      | \$48.00 |
| <b>Live Oak Park #A1</b>                                       | 4-hours     | N/A      | \$50.00 | N/A      | \$60.00 |
| <b>Shorebird Park #A1 (near Nature Center Playground)</b>      | 4-hours     | N/A      | \$50.00 | N/A      | \$50.00 |

The hearing will be held on May 23, 2023, at 6:00 p.m. in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact **Steph Chu at 510-981-6707**.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 11, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service 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 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:** May 12 and May 13, 2023 – The Berkeley Voice  
Published pursuant to 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 May 11, 2023.

Mark Numainville, City Clerk



Office of the City Manager

ACTION CALENDAR

May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

RECOMMENDATION

Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

FISCAL IMPACTS OF RECOMMENDATION

There are no additional fiscal impacts associated with the acquisition of this equipment. There may be minimal fiscal impacts associated with training staff on the use of Fixed Surveillance Cameras.

INTRODUCTION

The City of Berkeley enacted the Surveillance Ordinance in 2018 with the stated purpose to establish a thoughtful process regarding the procurement and use of Surveillance Technology that carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members. To ensure that our general policies maintained consistent format with other policies the Department decided to develop parallel equipment 'use' policies where appropriate so that the Surveillance Use Policy could directly follow all the requirements explicitly set forth in BMC 2.99.020(4). Both policies are equally important, and all members are required to abide by the legal parameters of both policies. Recognizing the important of the Surveillance Use Policies, the Department has a chapter in our Departmental Policies specifically dedicated to the Surveillance Use Policies.

CURRENT SITUATION AND ITS EFFECTS

There are two surveillance technologies that are undergoing the process of the Surveillance Ordinance in order to obtain City Council approval. These technologies are External Fixed Video Surveillance Cameras and Unmanned Aerial System (UAS).

As part of the Surveillance Ordinance process the Department completed acquisition and use policies which underwent review by the Police Accountability Board and Public Safety Policy Committee.

City owned fixed surveillance cameras are already in place in several locations in the City of Berkeley and Council has approved installation of fixed cameras at ten specific intersections in the City. Acquisition and Use Policies are being submitted through the Surveillance Ordinance process to ensure clear guidelines regarding the approved technologies and the manner in which they will be used.

The Berkeley Police Department has made several exigent uses of Unmanned Aerial System (UAS) technology and believes circumstances may arise in the future necessitating further use. The Surveillance Ordinance provides guidance to Temporary Acquisition and Use of Surveillance Equipment (BMC 2.99.040) which requires the following: notifications, and presumes that if the uses will continue beyond exigent circumstances that the Department bring forward an acquisition report and use policy.

Crime trends regionally and in the City of Berkeley indicate there has been a steady increase in shootings in the City the last five years and Part 1 Crimes reached their highest level in ten years in 2022. The Department has developed and submitted acquisition and use policies for these surveillance technologies as we believe that they support our mission to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. These law enforcement tools enhance policing practices and create greater safeguards toward fair and impartial policing and safer outcomes during law enforcement interactions.

The External Fixed Video Surveillance Camera Policies are covered by three policies:

1. Policy 351 – The policy that will establish guidelines for the Police Department on the use of External Fixed Video Surveillance Cameras
2. Policy 1304 - The Surveillance Use Policy related to Fixed Video Surveillance Cameras
3. Surveillance Acquisition Report – Citywide Report regarding Cameras

Each of the above External Fixed Video Surveillance Camera Policies received City Attorney Office review with Public Works staff being the primary author of the Acquisition Report and Berkeley Police Department staff being the primary author of Policies 351 and 1304.

The Unmanned Aerial System (UAS) policies are covered by the following policies:

1. Policy 611 – The policy that will establish guidelines for the Police Department on the use of an Unmanned Aerial System (UAS – commonly referred to as drones)
2. Policy 1303 - The Surveillance Use Policy related to UAS

3. An Acquisition Report related to UAS. The Department is not seeking to acquire UAS technology at this time but per the City Attorney's Office, the Surveillance Ordinance requires completion of an Acquisition Report as well.

Each of the above policies received City Attorney office review. Attached to this report are the revised versions of all the aforementioned policies considering feedback from the Police Accountability Board and Public Safety Policy Committee meetings. Track changes are included to show the revisions the Department made.

Pursuant to the Surveillance Ordinance, BMC Section 2.99.030.2, upon receipt of acquisition and use policies from the Police Department, the Police Accountability Board (PAB) has a 30-day deadline "to recommend approval of the policy, object to the proposal, recommend modifications, or take no action." The Department provided the PAB the acquisition and use policies for UnManned Aerial Systems on January 24, 2023 and Fixed Cameras on February 8, 2023. The PAB provided written recommendations to the Department and the PSPC. The Department provided information and solicited feedback on these policies from the Public Safety Policy Committee at the Committees March 20, 2023 and April 24, 2023 meetings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Captain Mike Durbin, Police, Professional Standards Division (510) 981-5760

ATTACHMENTS:

1. REVISED: Policy 351- External Fixed Video Surveillance Cameras
2. REVISED: 1304- Surveillance Use Policy External Fixed Video Surveillance Cameras
3. REVISED: Acquisition Report- External Fixed Video Surveillance Camera
4. REVISED: 611- Unmanned Aerial System (UAS)
5. REVISED: 1303-Surveillance Use Policy Unmanned Aerial System (UAS)
6. REVISED: Acquisition Report- Unmanned Aerial System (UAS)
7. RESOLUTION

External Fixed Video Surveillance Cameras

351.1 PURPOSE AND SCOPE

This policy provides guidance for the use of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department.

This policy only applies to fixed, overt, marked external video surveillance systems utilized by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department. ~~This policy is intended to be the Use Policy, however all aspects of the Surveillance Use Policy, 1304 which corresponds with the External Fixed Video Surveillance Cameras is equally applicable. Department Personnel shall adhere to requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Surveillance Use Policy – 1304.~~

351.2 POLICY

The Berkeley Police Department utilizes a video surveillance system to enhance its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance safety and security in public areas and City property. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and human-made disasters, to assist City officials in providing services to the community, among other uses.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

351.3 OPERATIONAL GUIDELINES

Only City Council-approved video surveillance equipment shall be utilized. Members authorized to review video surveillance should only monitor public areas and public activities where no reasonable expectation of privacy exists. The City Manager shall obtain Council approval for any proposed additional locations for the use of video surveillance technology.

351.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City departments when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Camera placement includes, but is not limited to: existing cameras such as those located at San Pablo Park, the Berkeley Marina, and cameras placed in Council identified and approved intersections throughout the City, and potential future camera locations as approved by City Council.

Current City Council approved locations:

REVISED-351 External Fixed Video Surveillance Cameras (Final).docx

- 6th Street at University Avenue
- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street

The cameras shall only record video images and not sound. Recorded images may be used for ~~a variety of purposes, including~~ criminal or civil investigations. The video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To address identified areas of criminal activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer ~~and offender~~ conduct during interactions to safeguard the rights of the public and officers.
- ~~(f) To augment resources in a cost effective manner.~~
- ~~(g)~~(f) To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations.
- ~~(h)~~(g) To document City of Berkeley employee, employer, and/or customer conduct during interactions to safeguard the City of Berkeley employee, employer, and customer from misconduct.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

351.3.2 FIXED CAMERA MARKINGS

All public areas monitored by video surveillance equipment shall be marked in a conspicuous manner with unobstructed signs to inform the public that the area is under police surveillance.

351.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department is prohibited from integrating or accessing system capabilities of the video surveillance system with other systems, such as gunshot detection, automated license plate recognition, facial recognition and other video-based analytical systems.

351.4 VIDEO SUPERVISION

Access to video surveillance cameras data shall be limited to Berkeley Police Department (BPD) personnel utilizing the camera database for uses described above, with technical assistance from Public Works personnel. Information may be shared in accordance with 351.6 or 1304.9 below. Members seeking access to the camera system shall seek the approval from the Investigations Division Captain, or their designee.

Supervisors should monitor camera access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

351.4.1 VIDEO LOG

No one without authorization will be allowed to login and view the recordings. Access to the data must be obtained through the Public Works Department. All system access including system login, access duration, and data access points is accessible and reportable by the Public Works Department's authorized administrator. Those who are authorized and login should automatically trigger the audit trail function to ensure compliance with the guidelines and policy. This is further outlined in 1304.4 of the Surveillance Use Policy.

351.4.2 PROHIBITED ACTIVITY

Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

351.5 STORAGE AND RETENTION OF MEDIA

The cameras should record minimally for one year as guided by Government Code 34090. Recordings of incidents involving use of force by a police officer, detentions, arrests, or recordings relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to administrative or

civil proceedings shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court.

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

351.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as available and appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

351.6 RELEASE OF VIDEO IMAGES

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law, also referenced in Policy 1304.8.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804.

Requests for recorded images from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

351.7 VIDEO SURVEILLANCE AUDIT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. System audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.

BPD will enforce against prohibited uses of the cameras pursuant to Policy 1010, Personnel Complaints or other applicable law or policy.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d., published on the City of Berkeley website in an appropriate location, and retained within Professional Standards Bureau.

351.8 TRAINING

All department members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are utilized will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804 Records and Maintenance.

351.9 MAINTENANCE

-It shall be the responsibilityies of the Public Works Department to facilitate and coordinate any updates and required maintenance.

Surveillance Use Policy-External Fixed Video Surveillance Cameras

1304.1 PURPOSE

This policy provides guidance for the use of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD). This policy only applies to fixed, overt, marked external video surveillance systems utilized by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department. Department Personnel shall adhere to requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Use Policy – 351.

This Surveillance Use Policy is legally-enforceable pursuant to BMC 2.99.

1304.2 AUTHORIZED USE

Only BPD members who receive training on this policy, who are then granted access by an administrator may access the data from the video surveillance cameras. This data may only be accessed to further a legitimate law enforcement purpose. Members must follow the necessary logging mechanisms, such as case number and case type when querying the database.

Recorded images may be used for ~~a variety of purposes, including~~ criminal or civil investigations. The video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To address identified areas of criminal activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer ~~and offender~~ conduct during interactions to safeguard the rights of the public and officers.
- ~~(f) To augment resources in a cost effective manner.~~
- ~~(g)~~(f) To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations.
- ~~(h)~~(g) To document City of Berkeley employee, employer, and/or customer conduct during interactions to safeguard the City of Berkeley employee, employer, and customer from misconduct

The following are prohibited uses of the video surveillance system:

- (a) Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.
- (b) Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
- (c) Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

- (d) Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.
- (e) Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

1304.3 DATA COLLECTION

The cameras will film and store video on City of Berkeley encrypted servers. License plate and facial recognition data hardware is not installed on the cameras. Audio is a standard feature of the camera, but is deactivated by the system administrator. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.

1304.4 DATA ACCESS

Access to video surveillance cameras data shall be limited to Berkeley Police Department personnel utilizing the camera database for uses described above, with technical assistance from Public Works personnel. Information may be shared in accordance with 1304.9 below. Members seeking access to the video surveillance system shall seek the approval from the Investigations Division Captain, or their designee.

1304.5 DATA PROTECTION

All data transferred from the cameras and the servers shall be encrypted. Access to the data must be obtained through the Public Works Department. All system access including system log-in, access duration, and data access points is accessible and reportable by the Public Works Department's authorized administrator. All relevant recordings that are utilized will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804 Records and Maintenance.

1304.6 CIVIL LIBERTIES AND RIGHTS PROTECTION

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including 1304.4 Data Access, 1304.5 Data Protection, 1304.7 Data Retention, 1304.8 Public Access and 1304.9 Third Party Data Sharing serve to protect against any unauthorized use of video surveillance camera data. License plate and facial recognition data hardware is not installed on the cameras. Audio is a standard feature of the camera, but is deactivated by the system administrator. These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

1304.7 DATA RETENTION

The video surveillance camera system should record minimally for one year as guided by Government Code 34090. Recordings of incidents involving use of force by a police officer, detentions, arrests, or recordings relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to administrative or civil proceedings shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court. All data will automatically delete after the aforementioned retention period by the System Administrator from Public Works.

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

Surveillance Use Policy-External Fixed Video Surveillance Cameras

1304.8 PUBLIC ACCESS

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

1304.9 THIRD-PARTY DATA-SHARING

Requests for recorded images from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with specific and legitimate law enforcement purposes.

Data collected from the video surveillance system may be shared with the following:

- (a) The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- (b) Other law enforcement personnel as part of an active criminal investigation;
- (c) Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process

1304.10 TRAINING

All department members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

All relevant recordings that are utilized will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804 Records and Maintenance.

1304.11 AUDITING AND OVERSIGHT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. Video surveillance system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.

BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d., published on the City of Berkeley website in an appropriate location, and retained within Professional Standards Bureau.

1304.12 MAINTENANCE

It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance.

PUBLIC WORKS DEPARTMENT SURVEILLANCE ACQUISITION REPORT

SURVEILLANCE CAMERAS**A. DESCRIPTION**

The Avigilon camera system consists of three main components: The camera, the server, and a remote information management system referred to as the Avigilon Control Center Client application (ACC).

The first component, the Avigilon camera, is a device that incorporates a video recording from an image. The cameras are affixed to City of Berkeley-owned infrastructure including utility poles on City streets and parks. The cameras provide protection to indoor and outdoor spaces with high-resolution images of up to 5 MP, a wide field of view, and efficient bandwidth management in a compact design without compromising building aesthetics. Although license plate and facial recognition hardware is available, neither was purchased or installed. Without the hardware, these features cannot be activated. Audio is a standard feature of the camera, but will remain deactivated by the authorized administrators of the system.



The second component of the system is the server. Once the Avigilon camera captures the imagery, a local device called a server, functions as a repository for the data. Servers are physically secured on City property and video recordings are protected within the City's network. Servers are designed to store recorded events in real time for secure retrieval and analysis. Recorded videos are transferred from the server's storage into an information management system, Avigilon Control Center (ACC) application. ¹.

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040AB839

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The third component is the Avigilon Control Center Client application (ACC) which streamlines data management and allows users to access videos on one secure platform. The ACC software provides various levels of analytics to sort stored videos faster and is a standard feature. These include pixel motion detection of vehicles and people. Vehicular characteristics are searchable by vehicle type and color. Personal characteristics are searchable by gender (gender is a binary search, female or male), hair color, age, and upper and lower body clothing color. Authorized users of the system can only access data stored on a server through the ACC application. The ACC application is located on the server and accessed solely through the City's secured intranet by protected login and password. The application does not allow the authorized administrator or system users to alter, manipulate, or edit any of the footage recorded by the server.

B. PURPOSE

Surveillance cameras will be utilized for the following business purposes:

- i. To prevent, deter and identify criminal activity.
- ii. To address identified areas of criminal activity.
- iii. To respond to critical incidents.
- iv. To assist in identifying, apprehending and prosecuting offenders.
- v. To document officer ~~and offender~~ conduct during interactions to safeguard the rights of the public and officers.
- ~~vi. To augment resources in a cost-effective manner.~~
- ~~vii-vi.~~ vii-vi. To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations.
- ~~viii-vii.~~ viii-vii. To document City of Berkeley employee, employer, and/or customer conduct during interactions to safeguard the City of Berkeley employee, employer, and customer from misconduct

C. LOCATION

Surveillance cameras encompassed by this report, are located at, or will be installed at, the following locations.

Future Projects:

- 6th Street at University Avenue

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- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street

Completed Projects:

- San Pablo Park
- City of Berkeley Marina
- Transfer Station

D. IMPACT

The primary intent of these cameras is to deter and address crime in the City of Berkeley. The Public Works Department will work to ensure that the video recordings are secured and only accessible to authorized personnel. The right to maintain someone's anonymity versus the need to collect information to maintain public safety is of paramount concern. The Department recognizes that all people have a right to privacy and is committed to protecting and safeguarding civil rights by adhering to the strictest requirements concerning the release of video recordings. There should not be any impact on anyone's civil liberties or civil rights. The camera system lacks the hardware to conduct license plate reader or facial recognition technology. Audio is a standard feature of the cameras, but will remain deactivated by the authorized administrators of the system. Staff is explicitly prohibited from using any facial recognition technology as outlined in BMC 2.99.

The Public Works Department will ensure responsible data management, transparency, and accountability including the posting of video surveillance notices.

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E. MITIGATION

In order to minimize violations of privacy, data shall be maintained in a secure, non-public accessible location, such locations require specialized system access including a dedicated password and log in. Data will be obtained or released in accordance with the use policy. Data will not be used to unlawfully discriminate against people based on race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, gender identity, disability status, sexual orientation or activity, or genetic and/or biometric data. Additionally, the Department will not use the camera surveillance system to scan footage and identify individuals based on any of the categories listed in the preceding sentence.

Employees are prohibited from retaining, duplicating, or distributing video recordings except for departmental business purposes in accordance with the use policy.

F. DATA TYPES AND SOURCES

The surveillance camera system's use is limited to capturing non-audio, video recordings on affixed City buildings, including utility poles on streets and within park boundaries. The Camera Surveillance system collects video recordings in high-resolution imagery that is stored securely on a local server and accessible by authorized users on the ACC application. As video images are recorded, the ACC application automatically stamps the video with the current date/time and the camera's identity.

G. DATA SECURITY

External users will not have access to the ACC application. The authorized administrator and designated staff will have access to video recordings. To gain system access, staff must obtain approval from system management. Authorized users will access the ACC application via a single sign-on and password administered by Information Technology. All system access including system log-in, access duration, and data access points is accessible and reportable by the Public Works authorized administrator. The application prohibits the authorized administrator and users from altering, manipulating, tampering, or editing video recordings.

The Public Works Director or his/her designee shall appoint a member of the department as the authorized administrator to coordinate the use and maintenance of the Surveillance Camera system and the storage of recordings, including:

1. Establishing a system for downloading, storing, and securing of recordings.
2. Designating persons responsible for downloading recorded data.
3. Establishing a maintenance system to ensure the working order of surveillance cameras.
4. Monitoring the system to prevent tampering, deleting, and copying recordings.

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5. Working in alignment with the State of California record retention policy, AB 839 to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
6. Maintaining an audit trail record for all access to video recording files, wherein access information for each file is logged using a secure log-in system. The ACC application associates an audit trail record with each user access information, thereby logging the date, time, user name, and activity occurring during each video recording file access.

H. FISCAL COST

Costs for future projects listed in Section C of this report are unknown at this time. Future costs will depend on additional maintenance, equipment, and parts. Ongoing costs include associated staff time relative to the system administrator’s role of administering and maintaining the surveillance camera program. All cameras are purchased and wholly owned and operated by City of Berkeley.

Initial Purchase Costs:

San Pablo Park: \$64,829.46 – 1 server and 21 camera views

Zero Waste Transfer Station – Weigh Station: \$15,962.35 – 1 server and 10 camera views

Marina: \$106,620.14 – 2 servers and 45 camera views

Ongoing Costs:

Personnel, maintenance, and other ongoing costs, including compliance and other reporting and oversight requirements - \$13,443.20 per year.

I. THIRD PARTY DEPENDENCE AND ACCESS

All Camera Surveillance data is accessed by a secure network login and password and stored on servers maintained by the Department of Information Technology. There is no third-party dependence or external access to information other than the ACC is a proprietary technology which requires all the components to be Avigilon.

J. ALTERNATIVES

The City can decide to rely on traditional policing techniques as a method for addressing crime such as deploying sworn officers to patrol City buildings and parks.

There is a broad consensus – among the community– that surveillance cameras can be an important tool for deterring criminal activities.

PUBLIC WORKS DEPARTMENT SURVEILLANCE ACQUISITION REPORT

K. EXPERIENCE OF OTHER ENTITIES

Neighboring cities including San Francisco, Oakland, and San Jose have adopted the use of Surveillance Cameras as a tool for reducing crime on city streets and parks. Many cities have developed their own usage policies which may include standards for use, data retention standards, and system controls.

Unmanned Aerial System (UAS) Operations

611.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS. This policy is intended to be the Use Policy, however all aspects of the Surveillance Use Policy – 1303 which corresponds with the Unmanned Aerial System is equally applicable. Department Personnel shall adhere to requirements for Unmanned Aerial Systems covered in this policy as well as the corresponding Surveillance Use Policy – 1303.

611.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

611.2 POLICY

Unmanned aerial systems may be utilized for the purpose of enhancing the department's mission of protecting lives and property by enabling remote surveillance and monitoring in the situations specified in 611.5 below when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. All uses of the UAS shall be reported in compliance with the Surveillance Technology Ordinance, BMC 2.99.

All requests and deployments shall be reported annually in the Surveillance Technology Report as outlined in BMC 2.99.070. Additionally, the Department shall publish data regarding the specific requests and deployments on the Department's transparency portal within 14 days of use.

611.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

Unmanned Aerial System (UAS) Operations

611.4 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

611.5 AUTHORIZED USE

The use of a UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purpose of remote surveillance and monitoring in the following specified situations:

- (a) Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- (b) Disaster management;
- (c) Missing or lost persons;
- (d) Hazardous material releases;
- (e) Sideshow events where many vehicles and reckless driving is present;
- (f) Rescue operations;
- (g) Training;
- (h) Hazardous situations which present a high risk to officer and/or public safety, to include:
 - i. Armed suicidal persons;
 - ii. Hostage situations;
 - iii. Barricaded suspects;
- (i) Arrest of armed and/or dangerous persons
- (j) Service of high-risk search and arrest warrants involving armed and/or dangerous persons
- (k) Other unforeseen exigent circumstances.

Unmanned Aerial Systems shall only be utilized for law enforcement purposes.

611.6 REQUEST PROCESS

Pursuant to BMC 2.99, the Surveillance Technology Ordinance governing the use of drones, the following steps must occur to seek permission to temporarily use a drone. The requests shall be made to the City Manager via the Chain of Command, as follows:

Unmanned Aerial System (UAS) Operations

- (a) All requests shall be routed to the Watch Commander, if they are not available, the Duty Command Officer (DCO)
- (b) The Watch Commander or DCO should contact the Chief of Police, or the Acting Chief of Police in his/her absence.
- (c) The Chief of Police, Acting Chief of Police, or in exigent circumstances the DCO shall obtain approval from the City Manager authorizing the use of a Drone. The City Manager is responsible for logging the use and ensuring the notifications and reporting requirements are met pursuant to BMC 2.99.040.

611.7 RETENTION OF UAS DATA

If available, any data collected by the use of a UAS should be purged by BPD within 60 days if it doesn't contain any data of evidentiary value. If the data has evidentiary value, it should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release.

Surveillance Use Policy-Unmanned Aerial System (UAS)

1303.1 PURPOSE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS. Department Personnel shall adhere to requirements for Unmanned Aerial Systems covered in this policy as well as the corresponding Use Policy – 611.

1303.2 AUTHORIZED USE

The use of a UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purpose of remote surveillance and monitoring in the following specified situations:

- (a) Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- (b) Disaster management;
- (c) Missing or lost persons;
- (d) Hazardous material releases;
- (e) Sideshow events where many vehicles and reckless driving is present
- (f) Rescue operations;
- (g) Training;
- (h) Hazardous situations which present a high risk to officer and/or public safety, to include:
 - i. Armed suicidal persons;
 - ii. Hostage situations;
 - iii. Barricaded suspects;
- (i) Arrest of armed and/or dangerous persons
- (j) Service of high-risk search and arrest warrants involving armed and/or dangerous persons
- (k) Other unforeseen exigent circumstances

Unmanned Aerial Systems shall only be utilized for law enforcement purpose.

1303.3 DATA COLLECTION

If equipped, it shall be the request on all BPD deployments that the “video recording only” function of the UAS be activated whenever the UAS is deployed, and deactivated whenever the UAS deployment is completed. The UAS operator will rely on SD Cards for video recordings.

Surveillance Use Policy-Unmanned Aerial System (UAS)

1303.4 DATA ACCESS

Access to UAS data shall be limited to Berkeley Police Department (BPD) personnel and the mutual assistance agency, in connection with an active investigation. Information may be shared in accordance with 1303.9 below. It shall be at the discretion of the Commander or senior supervisor to discern which members have a need to know, and limit access to those members. BPD is prohibited from selling any data obtained from the UAS.

1303.5 DATA PROTECTION

Whenever feasible, the data from the UAS should be encrypted by the vendor or operator. The data should only be accessible to BPD personnel who have been granted security access.

1303.6 CIVIL LIBERTIES AND RIGHTS PROTECTION

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. The procedures described within this policy (Data Access, Data Protection, Data Retention, Public Access and Third-Party Data Sharing) protect against the unauthorized use of Unmanned Aerial Systems (UAS). These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

1303.7 DATA RETENTION

If available, any data collected by the use of a UAS should be purged by BPD within 60 days if it doesn't contain any data of evidentiary value. If the data has evidentiary value, it should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release.

1303.8 PUBLIC ACCESS

UAS data which is collected and retained under this policy is considered a "law enforcement investigatory file" pursuant to Government Code § 6254, and shall be exempt from public disclosure. UAS data which is retained pursuant to this policy shall be available via public records request pursuant to applicable law regarding Public Records Requests as soon as the criminal or administrative investigations has concluded and/or adjudicated.

All requests and deployments shall be reported annually in the Surveillance Technology Report as outlined in BMC 2.99.070. Additionally, the Department shall publish data regarding the specific requests and deployments on the Department's transparency portal within 14 days of use.

1303.9 THIRD-PARTY DATA-SHARING

Data collected from the UAS may be shared with the following:

Surveillance Use Policy-Unmanned Aerial System (UAS)

- (a) The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- (b) Other law enforcement personnel as part of an active criminal investigation;
- (c) Other third parties, pursuant to a Court Order or Search Warrant.

Surveillance Use Policy-Unmanned Aerial System (UAS)

1303.10 TRAINING

The use of a UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. All BPD personnel shall be provided with this Surveillance Use Policy. BPD recognizes that the assisting agency will need to satisfy their respective training requirements to operate the UAS, however BPD personnel shall follow this policy and all relevant policies, including Records Management, Policy 804 while access or retaining any of the captured data from the UAS.

1303.11 AUDITING AND OVERSIGHT

Division Captains or their designee shall ensure compliance with this Surveillance Use Policy.

The security and integrity of the Surveillance Technology and collected information will be completed in the form of a random biennial audit of the uses from the Audit and Inspection's Sergeant. This audit will be routed to the Captain of Professional Standards Bureau and the Chief of Police for review.

Intentional violation of this policy may serve as grounds for disciplinary action pursuant to Policy 1010, Personnel Complaints.

1303.12 MAINTENANCE

UAS's will only be used in a mutual assistance request, and thereby must be obtained from the City Manager via the Chain of Command. All UAS maintenance shall be conducted by the owner/operator of the device consistent with all other mutual assistance response agreements.

1303 APPENDIX A

BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

UNMANNED AERIAL SYSTEM (UAS)**A. DESCRIPTION**

An Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled and all of the supporting or attached components designed for gathering information through imaging, recording, or any other means. Generally, a UAS consists of:

- An unmanned aircraft which consists of the chassis with several propellers for flight, radio frequency and antenna equipment to communicate with a remote-control unit, control propellers and other flight stabilization technology (e.g. accelerometer, a gyroscope), a computer chip for technology control, a camera for recording, and a digital image/video storage system for recording onto a secure digital card (SD card);
- A remote-control unit that communicates with the unmanned aircraft via radio frequency; and
- A battery charging equipment for the aircraft and remote control.

UAS are controlled from a remote-control unit (similar to a tablet computer). Wireless connectivity lets pilots view the UAS and its surroundings from a bird's-eye perspective. UAS have cameras so the UAS pilot can view the aerial perspective. UAS record image and video data onto a secure digital (SD) memory cards. SD cards can be removed from UAS after flights to input into a computer for evidence.

B. PURPOSE

UAS offer to significantly improve the capacity of law enforcement (LE) to provide a variety of foundational police services. This technology has already been used with many law enforcement agencies to save lives and help capture dangerous criminal suspects. UAS can support first responders in hazardous incidents that would benefit from an aerial perspective.

Responding to violent crime in Berkeley often requires officers to face risks to their safety – in addition to the clear risks faced by members of the public when violent crime is present. From 2018 to 2022, the yearly average number of shootings has doubled. In 2021 Berkeley had 265 robberies, 210 aggravated assaults, 57 sexual assaults, and 118 firearms recovered.

Technology such as UAS can play a vital role in mitigating these omnipresent dangers, by providing a greater view into the immediate surroundings of crime scenes and active pursuits. The use of a UAS is also in line with the Department's philosophy around de-escalation, as this tool can provide greater time and distance, which are the critical components in offering officers the greatest likelihood of a peaceful, or less violent resolution.

1303 APPENDIX A

BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

Searches for armed and dangerous suspects are more effective and controlled with UAS support; an armed suspect can be hiding in a tree or on a roof. LE can respond accordingly and more safely when provided with this critical information (see Section #10 below “Alternatives Considered” for more information on how UAS compares to alternatives for situational awareness). More informed responses also lead to less injury and less uses of force.

LE agencies have successfully used UAS to locate missing persons, especially in more remote areas – as well as for rescue missions. UAS is also being used during disasters and during any hazardous material releases. The situational awareness UAS provides has also become an important tool for large events (e.g. sport events, parades, and festivals); the aerial view provides information that would otherwise require a much larger deployment of LE personnel to maintain the same level of public safety support. Furthermore, smaller UAS can be equipped with a loud speaker to communicate (e.g. hostage situations/providing verbal commands and directions to the subject).

BPD must seek approval from the City Manager prior to any use. BPD may then make a mutual assistance request to ACSO for their UAS. This approval process could be rapid or take several hours depending if their resources are deployed elsewhere, and there is no guarantee that the equipment will be available.

C. LOCATION

BPD proposes to use UAS as outlined in policy 611- Unmanned Aerial System (UAS), and further guided by policy 1303-Surveillance Use Policy Unmanned Aerial System (UAS). Department Personnel shall adhere to requirements for Unmanned Aerial Systems covered in this policy as well as the corresponding Surveillance Use Policy – 1303. BPD proposes to only use UAS as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS.

UAS may only be requested for the following specified situations:

- a. Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- b. Disaster management;
- c. Missing or lost persons;
- d. Hazardous material releases;
- e. Sideshow events where many vehicles and reckless driving is present;
- f. Rescue operations;
- g. Training;
- h. Hazardous situations which present a high risk to officer and/or public safety, to include:

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BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

- i. Barricaded suspects;
- ii. Hostage situations;
- iii. Armed suicidal persons;
- i. Arrest of armed and/or dangerous persons
- j. Service of high-risk search and arrest warrants involving armed and/or dangerous persons
- k. Other unforeseen exigent circumstances

Unmanned Aerial Systems shall only be used for law enforcement purposes.

Potentially, UAS could be deployed in any location in the City of Berkeley where one or more of the above situations occur and where the proper authorizations are provided. Fortunately, several of these situations rarely occur – but some do occur regularly, such as arresting armed/dangerous person. BPD occasionally arrests individuals for violent homicides, shootings, robberies, violent sexual assaults, and other crimes– UAS can provide situational awareness in all of these critical incidents to provide a greater level of safety for officers, as well as for nearby civilians

D. IMPACT

BPD recognizes that the use of UAS raises privacy concerns. UAS are becoming ubiquitous in the United States, and there is a growing concern that people can be surveilled without notice or reason. There is concern that UAS can be utilized to observe people in places, public or private, where there is an expectation of privacy. The level of potential privacy impact depends upon factors such as flight elevation and camera zoom magnitude, as well as where the UAS is flown.

The results of the research study titled, "Mission-based citizen views on UAV usage and privacy: an affective perspective¹," published in February 2016 found that people's perceptions of how UAS impacts privacy relate to use type. The researchers from College of Aeronautics, Florida Institute of Technology, and the Aeronautical Science at Embry-Riddle Aeronautical University (ERAU), College of Aviation UAS Lab found that people tend to be less concerned about police UAS use when the technology is only used for specific uses - "concerns for privacy were less in the condition where the UAV was only used for a specific mission than when it was operated continuously." Policy 611 and 1303 provide strict acceptable guidelines, and Authorized Uses which explains when BPD personnel can request the use of a UAS for specific missions.

E. MITIGATION

¹ <https://www.nrcresearchpress.com/doi/abs/10.1139/juvs-2015-0031#.XkHEAWhKIUI>

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BPD's policy 611 restricts BPD's use of UAS in several ways to promote greater privacy protections.

BPD will only request use UAS for specific missions rather than operating continuously, mitigating concerns raised in the February 2016 study cited above.

Policy 611 and 1303. Authorized Use lists the only allowable uses of UAS (e.g. mass casualty incidents, disaster management, missing or lost persons, hazardous material releases, sideshow events where many vehicles and reckless driving is present, rescue operations, training, hazardous situations which present a high risk to officer and/or public safety to armed suicidal persons, hostage situations, barricaded suspects, arrest of armed and/or dangerous persons, service of high risk search and arrest warrants involving armed and/or dangerous persons, and other unforeseen exigent circumstances). Policy 611 also articulates the Request Process which indicates the approval must come from the City Manager via the Chain of Command for all use approvals.

All requests and deployments shall be reported annually in the Surveillance Technology Report as outlined in BMC 2.99.070. Additionally, the Department shall publish data regarding the specific requests and deployments on the Department's transparency portal within 14 days of use.

The Federal Aviation Administration (FAA) sets strict flight regulations for all UAS users, including for law enforcement. The FAA provides two law enforcement options for creating acceptable UAS under 14 Code of Federal Regulation (CFR) part 107, subpart E, Special Rule for Model Aircraft; the agency can designate individual members to earn FAA drone pilot certificates and fly under the rules for small UAS, or receive a FAA certificate to function as a "public aircraft operator" to self-certify agency drone pilots and drones. Either way, these options allow for BPD to use systems under 55 pounds, for flying at or below 400 feet above ground level. Absent an emergency situation warranting a FAA COA/Part 107 waiver- permitted law enforcement response, law enforcement is also restricted from using UAS to fly over or near the following locations:

- Stadiums and Sporting Events;
- Near Airports; and
- Emergency and Rescue Operations (wildfires and hurricanes).

Policy 611 "Privacy Considerations," outlines several other protocols for mitigating against privacy abuse:

BPD UAS mutual assistance personnel must adhere to FAA altitude guidelines – flying below 400 feet helps to ensure that UAS is not used for surveilling overly large geographic areas; BPD will use UAS to focus on specific areas.

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BPD UAS operators shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure, place of worship, medical provider's office).

Mutual assistance operators and observers shall take reasonable precautions, such as turning imaging devices away, to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

Policy 611 "Prohibited Use" explains that:

UAS shall not be used for the following activities:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation when not connected to actual information about specific individuals related to criminal investigations;
- For the purpose of harassing, intimidating, or discriminating against any individual or group; or
- To conduct personal business of any type.

BPD is prohibited from weaponizing any UAS.

F. DATA TYPES AND SOURCES

UAS will record using industry standard file types such as (e.g. jpeg, mov, mp4, wav or RAW). Such files may contain standard color photograph, standard color video, or other imaging technology such as thermal. Although UAS can transmit one-way audio from the operator, the UAS technology available today does not currently record sound.

G. DATA SECURITY

BPD takes data security seriously and safeguards UAS data by both procedural and technological means. The video recording function of the UAS shall be activated whenever the UAS is deployed. Video data will be recorded onto Secure Digital (SD) Cards. Any data collected by the use of a UAS should be kept by BPD minimally for 60 days. The data should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release.

H. FISCAL COST

The only costs will be staff time, since at this time BPD is only proposing this acquisition for the purposes of leveraging our neighboring agencies UAS during the proposed policy

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guidelines. Use of UAS by neighboring agencies in a mutual assistance scenario will not result in additional costs to the City.

I. THIRD-PARTY DEPENDENCE AND ACCESS

BPD is primarily reliant upon the Alameda County Sheriff's Office (ACSO) and Oakland Police Department when exigent circumstances occur that warrant UAS requests. BPD requested and received UAS support from ACSO two times in 2021/2022.

BPD proposes that any data collected from the UAS may be shared with the following:

The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;

Other law enforcement personnel as part of an active criminal investigation;

Other third parties, pursuant to a Court Order or Search Warrant.

J. ALTERNATIVES

In some instances, BPD could rely on requesting the assistance of an outside agency's helicopter, which cause significant carbon emissions, especially when considering the footprint of a UAS.

Another alternative is the deployment of additional police resources. The inherent problem with this alternative is that this may be counterproductive to the Department's philosophy on de-escalation as it reduces the Department's ability to leverage time and distance to reduce the likeliness of a physical or violent confrontation.

K. EXPERIENCE OF OTHER ENTITIES

Currently, in Alameda County, the following cities have UAS programs, The Alameda County Sheriff's Office, the Oakland Police Department, Fremont Police Department, Hayward Police Department, and Newark Police Department. At the time of publication, the author had not received a response from Oakland and Fremont Police Departments.

Alameda County Sheriff's Office

An Alameda County Sheriff's Office representative indicated the only financial burden is the changing technology every 12-18 months, including improved batteries and cameras that require possible updates.

In 2015 when the Sheriff's Office proposed the use of UAS' to the Board of Supervisors, several community groups expressed opposition due to the fear of an invasion of privacy and spying on the public. Since the approval by the Board of Supervisors, ACSO created a website for the public to voice their complaints. As of January 2023, they have received one complaint from a community member in Alameda County. That specific complaint was deemed not relate to ACSO UAS.

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No community costs. No unintended video was captured, and if it was, it would be deleted per their policy.

Successes in their program were described as follows:

- 1) Community and Officers are Safer
- 2) UAVs contributed to the arrest of fleeing suspects
- 3) Reported Missing Person suffering from a Health Condition (Alzheimer's) have been located
- 4) Documenting crime scenes are conducted more efficiently and conducted in a shorter time

No noted failures to date from the program that were reported to Berkeley Police Department.

Hayward Police Department

Hayward Police Department did not have any unintended financial burdens. Their initial drone purchase (4 drones) was budgeted, and they also have a CIP (Capitol Improvement Budget) item where every three years they get \$50,000 to purchase new drones as new equipment becomes available or just as a replacement plan.

Hayward Police Department did not report any unintended community costs or backlash. Hayward Police Department reported that since the program began, it's paid dividends past what they thought it would. For instance, a lieutenant with Hayward Police Department stated that several drone deployments have resulted in a significant risk reduction when trying to stabilize potentially critical incidents.

Hayward Police Department held two community meetings (separate from the council sessions) and had an outside agency bring a done, and they included an educational training for all persons who attended. This is believed to have mitigated many issues (and educated the city council members as well), which addressed many of the initial concerns. Hayward Police Department also worked closely with ACSO to craft their policy and create their program. Hayward Police Department has deployed their UAS approximately 75 times since March of 2022 with 0 citizen complaints.

Newark Police Department

Newark Police Department reported no unintended financial burdens associated with the UAS. Newark Police Department spent \$1,200 to purchase a drone from BestBuy, which

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came from their organization's operating funds. Newark Police Department obtained a grant which funded the purchase of three additional drones at a cost of \$30,000.

Newark Police Department has not had any unintended community costs or backlash. Newark Police Department has a community academy in which the Department provides training on the program and the uses associated with the UAS.

Newark Police Department reported that the program had the unintended benefit of working more closely with ACSO and Fremont, garnering a better working relationship which was unanticipated.

Newark Police Department used many of the processes that ACSO used in creating their UAS program. Newark Police Department relied heavily on the policies and practices developed by Alameda County Sheriff's Office due to their very robust input from various stakeholders. This helped create a solid foundation they could build upon. From this, they have succeeded in the creation and implementation of their UAS program.

DRAFT

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

SURVEILLANCE ORDINANCE ITEMS: FIXED SURVEILLANCE CAMERAS
AND UNMANNED AERIAL SYSTEMS

WHEREAS, the Berkeley City Council adopted Ordinance NO. 7,592-N.S., the Surveillance Technology Use and Community Safety Ordinance on March 13, 2018; and

WHEREAS, BMC section 2.99.020 (4) mandates a Surveillance Use Policy for use of Surveillance Technology; and

WHEREAS, External Fixed Video Surveillance Cameras and Unmanned Aerial System are considered Surveillance Technology per BMC section 2.99.020 (1); and

WHEREAS, per BMC section 2.99.030 (1)(b), requires the City Manager to obtain City Council approval for the acquisition of new Surveillance Technology, Fixed Video Surveillance Cameras, by placing an item on the Action Calendar; and

WHEREAS, per BMC section 2.99.030 (1)(c), requires the City Manager to obtain City Council approval for the use of new Surveillance Technology, Unmanned Aerial System by placing an item on the Action Calendar.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the acquisition and Use Policies for the External Fixed Video Surveillance Cameras and for the Unmanned Aerial System.



BEN BARTLETT

VICE MAYOR

ACTION CALENDAR

May 23, 2023

TO: Honorable Members of the City Council

FROM: Vice Mayor Ben Bartlett (Author) & Mayor Jesse Arreguin (Co-Sponsor)

SUBJECT: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses

RECOMMENDATION

- 1) Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
- 2) Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
- 3) Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

BACKGROUND

On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA). This proposition legalized the use of cannabis for adults over 21 years old. Berkeley voted overwhelmingly for Proposition 64, with 85% approving the measure. The State of California developed state-wide regulations for recreational cannabis, allowing temporary licenses for adult-use businesses effective January 1, 2018.

In September 2017, the Berkeley City Council adopted amendments to B.M.C. Chapter 12.26 to permit temporary licenses for existing medical cannabis dispensaries, allowing them to sell adult-use cannabis in the City effective January 1, 2018. To date, five of the

six existing permitted dispensaries have received city and state licenses and are selling adult-use cannabis.

Since long-standing dispensaries began selling adult-use cannabis on January 1, 2018, there have been many questions regarding the local cannabis tax rate. In addition to State and sales taxes, local taxes have added significant costs to cannabis products and may discourage business, especially as other nearby cities adopt lower tax rates.

In 2018, the City set tax rates at 5% based on the best information possible at the time. Since then, the cannabis industry in California has seen its growth stall, and in the last year, the bottom has fallen out, leading to an industry-wide collapse.

- During the COVID pandemic, cannabis was deemed essential, yet was left out of the state and federal relief provided to other business owners, including but not limited to relief for wages paid to employees on leave for COVID-related workplace exclusions, the Paycheck Protection Program (PPP) loans, and Small Business Administration loans.
- The costs of compliance with state and local regulations for the cannabis business are extremely high.
- Nearly all of what would otherwise be considered a standard business tax deduction are not applicable because of Internal Revenue Code Section 280E, which disallows all ordinary business expenses and still unjustly applies to state legal tax businesses.
- The unlicensed market and organized cartels continue to thrive under this system, undercutting the legal market. Berkeley is not immune to this. In the first months of 2023, two unlicensed operations within the City were shut down. One facility had 14,000 plants and hundreds of pounds of cannabis concentrate on site.
- Licensed cannabis cannot compete.

The compounding effect of these added costs of doing business with the state and local taxes and fees and lack of access in much of the state drives the cannabis consumer to the unlicensed market, which is currently more than twice the size of the regulated one—and half the price.

Last year, the State had an opportunity to adjust the tax rates for cannabis businesses and provide relief for those struggling to make it into the legal market. Instead of providing that relief, the state shifted the tax burden to retailers and cannabis consumers and will likely increase those excise taxes in the future. This change in state tax collection had a

chilling effect on an already struggling industry, and the shift negatively impacted urban regions of the state that predominantly have retail cannabis as the main license type.

Berkeley wants to see its legal cannabis businesses thrive so they can continue providing high-wage jobs and access to safe, tested cannabis to the people of Berkeley and those who come to Berkeley.

Taxes Applicable to Non-Medical Cannabis Businesses

There are a number of taxes applicable to adult-use cannabis businesses, including:

- State Cannabis Excise Tax
 - Effective January 1, 2018, a 15% excise tax is imposed upon retail purchasers of all cannabis and cannabis products, except for those possessing a state cannabis medical card. The 15% excise tax is calculated based on the average market price from the retail sale, **which leads to an actual current effective tax rate of around 27%.**
 - **Beginning this year, that excise tax was shifted to retail. Because of the way the tax is calculated, this amounted to a tax increase.**
- Local Sales Taxes
 - The City of Berkeley and Alameda County's combined sales tax is 10.25%
- City of Berkeley Business License Tax
 - Measure S, adopted by Berkeley voters in 2010, set the business license tax rate for Non-Medical Cannabis Businesses authorized pursuant to Proposition 19 at 10% or \$100.00 for every \$1,000 of gross receipts. The measure included language allowing the City Council to lower the tax rate by ordinance, which the Council did in 2018 to 5% or \$50 for every \$1000.
 - A note about Measure S - This ballot measure was expressly written to accompany Proposition 19 from 2010, which would have legalized cannabis and did not set a state tax rate. That ballot initiative did not pass.
 - Cities like Berkeley and Oakland, which set high local tax rates in anticipation of Proposition 19 passing, have seen an exodus of the supply chain businesses that can leave and a loss of customers to its brick-and-mortar dispensaries as other jurisdictions have come online with much lower taxes. This also leads the more price-driven customers to jurisdiction shop when choosing where to buy their cannabis, particularly where delivery from neighboring regions is widely available.

- The business license tax rate for Medical Cannabis Businesses is currently 2.5% of gross receipts.

Other Cannabis Tax Rates in the region

Different jurisdictions in Alameda County have set their cannabis tax rates at a range of levels. Over the next year, there will be efforts to lower the local rates in most of these jurisdictions.

Oakland: has seen an exodus of supply chain businesses to lower tax rate jurisdictions.

Hayward: voters approved up to 15% but have set the effective rate at 6% and is having trouble attracting cannabis businesses.

San Leandro: Measure NN approved in November 2016, was a voter-approved gross receipts tax on cannabis businesses of up to 10%. It is currently 6% and will increase over time. All cannabis businesses must have annual audits.

Emeryville: Has set tax rates at 3% for retail, 2% for manufacturing, and 1% for distribution.

City of Alameda: **Currently has no cannabis tax for its cannabis businesses. The City Council chose not to pursue any additional cannabis taxes for the foreseeable future to allow licensed businesses to get on their feet. Cannabis businesses pay regular business license taxes.**

City and County of San Francisco: **Have continually delayed the implementation of a cannabis-specific tax to help the flailing industry.** Cannabis businesses pay regular business taxes.

In order for Berkeley to remain competitive and attract new cannabis businesses, it should consider lowering its business license tax on Non-Medical Cannabis businesses.

FISCAL IMPACTS OF RECOMMENDATION

Reducing the business license tax rate for Non-Medical Cannabis Businesses may reduce tax receipts to the General Fund. However, a lower tax rate will make Berkeley cannabis businesses more competitive in the regional market and may result in greater business activity and tax revenues to the City. According to the FY 2023 Mid-Year Budget Update, Recreational Cannabis Taxes have produced \$1,643,749 in receipts as of February 2023.

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects or opportunities are associated with this report's subject.

CONTACT

Ben Bartlett, Councilmember/Vice-Mayor, District 3

510-981-7130

Attachments:

1. [Ordinance: BMC Chapter 9.04.136](#)
2. [CDTFA total cannabis sales data from 2021 through Q4 2022 show unexpected and continual losses.](#)
3. [MJ Biz article: "California localities extend tax relief to marijuana companies in the absence of state action," February 28, 2022](#)
4. Letter from hi fidelity

Attachment 1

<https://berkeley.municipal.codes/BMC/9.04.136>

Ch. 9.04 Business Licenses | Berke... x +

https://berkeley.municipal.codes/BMC/9.04.136

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9.04.136 Cannabis businesses.

A. 1. Every Medical Cannabis Business that is not a Nonprofit Organization as defined in Section [9.04.305](#), and every Non-Medical Cannabis Business, shall pay an annual tax for each thousand dollars of gross receipts as provided in Section [9.04.240](#). If the "Regulate, Control and Tax Cannabis Act of 2010" on the November 2010 state ballot passes and takes effect, the maximum gross receipts rate that may be applied to medical cannabis businesses shall be reduced to 1.8%, or \$18 per \$1000.

2. Except as provided in paragraph 1 of this subdivision, the tax on Medical Cannabis Businesses that is imposed by this Section shall be phased in as follows:

(a) The tax payable in 2011 shall be \$18 per \$1000 of gross receipts after June 30, 2010.

(b) The tax payable in 2012 shall be \$25 per \$1000 of gross receipts after January 1, 2011.

(c) The tax payable in subsequent years shall be \$25 per \$1000 of gross receipts during the preceding calendar year.

B. For purposes of this Chapter:

1. "Medical Cannabis Business" means any activity regulated or permitted by Chapter [12.26](#) or Title [23](#) that involves planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing, any part of the plant Cannabis sativa L. or any of its derivatives, pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#).

2. "Non-Medical Cannabis Business" means any of the activities described in the preceding paragraph that are not conducted pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#), but are otherwise authorized by state law.

3. "Cannabis Business" includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.

4. A Cannabis Business shall be deemed a "Business" under Section [9.04.010](#) and as that term is used in...

What's Nearby

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- 9.04.135 Retail trade
- 9.04.136 Cannabis businesses**
- 9.04.140 Grocer, retail or wholesale
- 9.04.145 Motor vehicle dealers (new ...)

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9.04.136 Cannabis businesses.

otherwise authorized by state law.

B. 3. "Cannabis Business" includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.

4. A Cannabis Business shall be deemed a "Business" under Section [9.04.010](#) and as that term is used in this Chapter.

C. For purposes of this Section and Section [9.04.305.A.2](#), "gross receipts" includes any monetary consideration for medical cannabis whatsoever, including but not limited to: membership dues; reimbursement pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#); and any money received for wholesale or retail sales.

D. 1. The annual tax rate imposed by Section [9.04.240](#) on Non-Medical Cannabis Businesses shall apply to the sum of gross receipts as defined in Section [9.04.025](#) and this Section.

2. The City Council may impose the tax authorized by this Section at a lower rate, and may establish an exemption for Cannabis Businesses whose gross receipts are below a specified amount. The Council may adopt different rates and exemption levels for Medical and Non-Medical Cannabis Businesses. No action by the Council under this paragraph shall prevent it from subsequently increasing the tax rate for any type of Cannabis Business to the maximum specified in this Section and Section [9.04.240](#) or from modifying or eliminating any exemption.

E. In order to aid in the City's collection of taxes due under this Chapter and ensure that all Cannabis Businesses are taxed consistently to the best of the City's ability, beginning January 1, 2011, in any Cannabis Business, that obtains any product containing Cannabis sativa L. or any of its derivatives for monetary consideration that constitutes gross receipts under subdivision (C) for the provider of that Cannabis sativa, shall either:

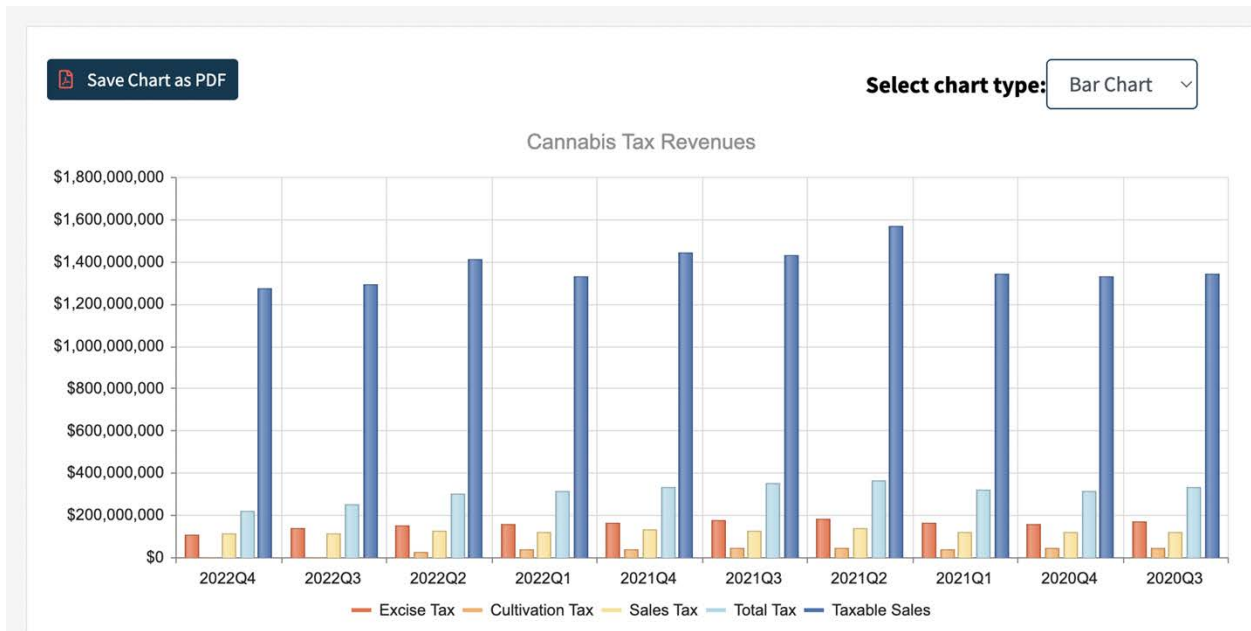
1. Report quarterly to the City all such transactions, the monetary consideration involved, and the identity and contact information of the person or entity to whom or to which monetary consideration was provided; or

2. Collect the tax that would be payable as a result of the transaction from the person or entity to whom monetary consideration was provided and remit it to the City.

F. The City Manager may promulgate regulations to implement and administer this Section, including allowing Medical Cannabis Businesses to remit taxes more frequently than annually. (Ord. 7160-NS § 1, 2010)

Attachment 2

<https://www.cdtfa.ca.gov/dataportal/charts.htm?url=CannabisTaxRevenues>



Attachment 3

<https://mjbizdaily.com/california-localities-extend-tax-relief-to-marijuana-companies/>

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California localities extend tax relief to marijuana companies in absence of state action






By Jackie Bryant
February 28, 2022 - Updated March 11, 2022

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A map showing California localities that are providing tax relief for the cannabis industry.



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March Magazine Issue

Since state lawmakers have been slow to lower marijuana taxes, local governments throughout California are scrambling to grant tax relief to cannabis businesses.

The tax rollbacks by cities and counties mainly reflect lobbying from industry organizations as well as local residents and businesses.



March Magazine Issue



They argue that taxation at all levels of the supply chain is simultaneously choking cannabis companies' ability to stay afloat while strengthening the illicit market.

The rush to grant tax relief began a couple of years ago and has since accelerated.

It has encompassed a range of localities, including the cities of Desert Hot Springs and San Diego as well as Humboldt and Sonoma counties.

"This is really a statewide issue," explained Natalynne DeLapp, executive director of the Humboldt County Growers Association.

All this comes against the backdrop of a historic [bear market for California wholesale cannabis prices](#), which plummeted last year in response to a supply glut.

Prices have only [recently begun to rebound](#).

The tax rollbacks also come amid accusations from operators, local lawmakers and industry insiders that the [state has not done enough](#) to properly address tax reform, among other ills, leading to what many are calling a crisis in California's cannabis industry.

Marijuana license holders in California are subject to a state cultivation tax of \$161 per pound, as well as a 15% excise tax, in addition to taxes levied by city and county officials.

In January, Gov. Gavin Newsom [pledged tax reform](#), though he was light on details.

Four bills at the state level addressing cannabis taxation have been introduced in the past few weeks: [Assembly Bill 2792](#), [AB 2506](#), [Senate Bill 1281](#) and [SB 1293](#).

SB 1281 appears to be the most comprehensive. Among other things, it would eliminate the cultivation tax and reduce the excise tax to 5%.

With constituents screaming for relief, localities are not waiting for any state tax changes to kick in, especially considering that such legislative actions wouldn't take effect until 2023, at the earliest.

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One of the most high-profile moves took place in Humboldt County on Feb. 7, when the Board of Supervisors voted to reduce by 85% the county cultivation tax locally known as Measure S.

Measure S previously required a \$1-\$3-per-square-foot payment, the amount of which was dependent on license type. Now, those fees will be calculated in the same manner, but growers will pay only 15% of the total amount.

Temporarily lowering the cultivation tax showed the county's "commitment to growers who have committed \$50 million to our local economy in the four years since Measure S was passed," Humboldt County Supervisor Rex Bohn said.

The reduction was met with some opposition from locals who believe cannabis growers got off easy by not having to pay taxes before legalization.

Bohn said this came into stark relief once it became clear that many of the same growers are now choosing to leave their gardens fallow rather than risk planting and paying taxes on marijuana flower they can't sell.

Though Humboldt might be one of the more significant of such actions taken, it's far from the only one.

"Most cities and counties set their local tax rates based on an assumption that cannabis businesses were going to be wildly profitable," DeLapp said.

"The reality is that, in many places, those tax rates are no longer sustainable, particularly for small and independent legacy businesses who are operating without outside capital."

Cannabis lobbyist Nara Dahlbacka, a partner at the Oakland-based Milo Group, said that while tax relief is needed both at the state and local levels, localities enacting reform can "also be a huge help on the red tape side" for businesses.

"In order to expand their (marijuana) businesses, there's a level of red tape and bureaucracy that have to be dealt with at the local and state levels," Dahlbacka said.

The following localities have, or are considering, cannabis tax reductions and relief:

The following localities have, or are considering, cannabis tax reductions and relief:

Humboldt County

- This month, the Board of Supervisors voted to temporarily reduce its cultivation tax by 85% for one year.

Lake County

- In January, the Board of Supervisors voted to postpone until May 15 the due date for cannabis tax payments and suspend the 25% late-payment penalty during the postponement. The board also directed staff to develop additional options for cannabis tax relief for ongoing discussion and voting in future meetings.

Monterey County

- The Board of Supervisors is preparing to vote March 1 on an industrywide cultivation tax reduction, including eliminating automatic increases on all taxes and doing away with the distribution tax entirely.
- After freezing an automatic tax increase on growers previously scheduled for 2021-22, the board voted last October to increase the number of times growers could amend the taxable square footage of their crop canopy from once to twice per year.

Sonoma County

- In January, the Board of Supervisors voted to postpone first-quarter taxes from Jan. 31 to April 30. Total taxes levied for both quarters will be due without penalties or interest on April 30 unless the board approves another extension.

Bellflower

- In October 2020, local officials reduced taxes for manufacturing and distribution from 7.5% to 2% and 1%, respectively.

Berkeley

- In February 2018, local officials reduced the cannabis tax rate from 10% to 5% to remain competitive in the Bay Area.

Cloverdale

- The City Council is scheduled to vote on March 9 to reduce tax rates for all licensees and tier the tax rates for different types of licenses.

Desert Hot Springs

- In February 2021, local officials reduced the tax for cultivation from \$25.50 per square foot to \$10.20 per square foot for cultivation.

Long Beach

- In 2019, the city lowered manufacturing, distribution and testing taxes from 6% to 1%.
- In 2020, the City Council agreed to ditch a proposed tax increase and instead increased the hours of operation for cannabis retailers.

Oakland

- In 2019, the City Council voted to lower the gross receipts tax on cannabis businesses that make \$500,000 or less from 10% to 0.12%.

Palm Springs

- In February 2019, local officials reduced the manufacturing tax from 10% to 2%.

San Diego (city)

- In February, **the City Council voted** to reduce the manufacturing and cultivation tax from 8% to 2%, effective May 1.

San Francisco (city)

- In December 2021, San Francisco authorities **approved a second one-year suspension** of the city’s marijuana business tax through 2023.

San Jose

- In July 2019, local officials reduced the flat-rate taxes of 10% to 4% for cultivation, 3% for manufacturing, 2% distribution and 0% for testing.

Additionally, according to Dahlbacka, the following localities have passed resolutions formally requesting the state to amend its cannabis taxes:

- Alameda County
- Calaveras County
- Lake County
- Mendocino County
- Monterey County
- San Francisco (city and county)
- Santa Cruz County
- City of Berkeley
- City of Desert Hot Springs
- City of Oakland
- City of Rio Dell

Jackie Bryant can be reached at jacqbryant@gmail.com.

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CULTIVATION

NEW YORK HEMP FARMERS GIVEN PRIORITY TO GROW RECREATIONAL MARIJUANA



Attachment 4



April 18, 2023

Dear Vice Mayor Bartlett:

On behalf of High Fidelity Dispensary, we are writing to support the proposed tax moratorium for Berkeley cannabis businesses.

Operating a licensed, profitable cannabis dispensary in California is now nearly impossible. Layer upon layer of taxation, coupled with punitive federal rules denying tax deductions for operating expenses -- while competing against the unlicensed, unregulated market -- makes this industry unsustainable for operators who play by the rules.

Now that many jurisdictions around Berkeley are lowering their cannabis tax rates, it is incumbent on this city to follow suit. It is our hope that a future tax rate once the moratorium sunsets is fair and equitable and takes into account the unique constraints endemic to this industry.

Thank you for your consideration,

David Prinz, Owner,

Marc Weinstein, Owner

High Fidelity Dispensary

Cc: Mayor and City Council



Police Department

INFORMATION CALENDAR
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: Audit Recommendation Status – 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale

CURRENT SITUATION AND ITS EFFECTS

The City Auditor's report included 14 recommendations. With this report, 13 recommendations have been implemented and 1 was dropped (in consultation with the Auditors Office). Please see attachment for further details regarding individual recommendations.

BACKGROUND

On April 25, 2019, the City Auditor's Office issued its audit, *911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale*¹. This audit report included 14 recommendations. The purpose of this report is to update City Council on the Berkeley Police Department's (BPD) progress on implementing the City Auditor's recommendations. This is the second and final status report regarding this audit as all recommendations have been addressed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

FINANCIAL IMPLICATIONS

Staff time in addition to the contract costs. The contract for CareWare, approved in 2022 is \$191,740 (5-year contract). That work is in progress and implementation is nearing completion. This staffing solution contract is for the whole Police Department, not just the Communications Center.

CONTACT PERSON

Captain Kevin Schofield, 510-981-5815.

Attachments:

1. Recommendation Table

¹ City Auditor's Office Dispatcher Audit (04/25/19) <https://berkeleyca.gov/sites/default/files/2022-01/Dispatch-%20Workload-Fiscal-%20Year-2018.pdf>

Audit Title: 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale					
Finding	Recommendation	Department	Expected or Actual Implementation Date	Status of Audit Recommendations, Corrective Plan, and Progress Summary	Last Period: Status
It is taking longer to answer 911 calls and there are not enough call takers.	1.1 Conduct an annual staffing analysis of required minimum staffing levels and budgeted dispatchers to ensure budget staffing requests and scheduling efforts meet demand and limit the use of overtime where possible (see also Finding 2). Use the staffing analysis to communicate to Council and the public during the annual appropriations process: <ul style="list-style-type: none"> • Service level demands • The full-burdened cost of budgeting for additional staff • Whether there is sufficient funding available to budget for the additional staff or a shortfall (quantified in dollars) • Additional staffing requests, if needed 	Police	8/26/2022	<u>Implemented:</u> Current employees continue to be staffed during days and times that mirror call volume reports. Data on service level demands continues to be reviewed monthly. Current budget does not support additional staff, however analysis of overtime expenditures was conducted as part of Call Taker recommendation. This revealed that additional positions could be funded via overtime savings.	Implemented

<p>It is taking longer to answer 911 calls and there are not enough call takers.</p>	<p>1.2</p>	<p>Use the staffing analysis performed in response to recommendation 1.1, to determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.</p>	<p>Police</p>	<p>2/15/2023</p>	<p><u>Implemented:</u> A part of Measure FF passed in 2021 provided additional funding to improve Berkeley's 9-1-1 dispatch system and implement an accredited priority dispatching and emergency medical dispatching program. The Fire Department contracted with Federal Engineering to conduct an analysis of the staffing, infrastructure, and technology needs of the Communications Center to implement these programs. Analysis work began in February 2022. The consultant's final report was presented to staff on February 15, 2023.</p>	<p>Partly Implemented</p>
<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.1</p>	<p>Open all dispatcher positions to continuous recruitment.</p>	<p>Police</p>	<p>6/29/2022</p>	<p><u>Implemented:</u> In June of 2022 Human Resources changed the Public Safety Dispatcher I position to open and continuous hiring.</p>	<p>Implemented</p>

<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.2</p>	<p>Work with Communications Center staff to create a specific recruitment plan for dispatcher positions including recruitment events and marketing material. Use recruitment best practices to reach potential applicants and increase the number of applicants.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> Recruitment and Retention Team continues to actively recruit and implement new strategies for reaching a diverse and broad group of Communications Center applicants. Communications Center personnel have been included in recruitment materials, interview processes, applicant “sit alongs”, and applicant outreach. BPD launched a recruitment-specific website, www.joinberkeleypd.com, and accompanying social media accounts all specifically designed for BPD by an experienced marketing firm. This included recruitment videos, language, and images specifically targeting potential Communications Center applicants. BPD implemented a program (Text bpdjobs to (510) 399-1814) that leads applicants through immediate response text conversations where recruiters can gather information on applicants quickly and efficiently, and applicants can be provided testing and job information. Another strategy implemented during the most recent recruitment period included advertising on a worldwide employment related search engine (indeed.com). One of the Supervising Public Safety Dispatchers personally contacted the more than 600 applicants once the application period was open to inform them of such and to provide them with POST test preparation materials and other test information.</p>	<p>Implemented</p>
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<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.3</p>	<p>Identify and implement feasible option to improve turnaround time on background checks for dispatcher positions. This can include outsourcing background investigations or working with Human Resources to ensure that the Department is able to complete all background investigations in a timely manner.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> Two independent background investigation firms are working with BPD to complete backgrounds. Turn-around times have met promised delivery dates, with most being completed within a month. This has relieved pressure on internal background investigators and significantly shortened the time from application period to job offer. Data is being collected and reviewed regularly regarding turn-around times. This current pace will allow BPD to remain swift and competitive while hiring quality applicants and also ensure that we can hold multiple recruitment periods in a single year.</p>	<p>Implemented</p>
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<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.4</p>	<p>Design a way to retain staff that are unable to pass the Police Desk training, for example, keep staff as PSD I and have them work as a call taker or create a new job classification for a call taking position.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Dropped:</u> Call Taker proposal written and subsequently approved by the Chief. Initial meeting held with affected bargaining unit and Human Resources. Union voiced concerns about separating job duties within the Communications Center and the Call Taker position being misused. Next steps include Human Resources reviewing job classification and conducting comp survey, followed by BPD and HR meeting again with the union. Union is considering submitting counter proposal to Call Taker position, to possibly rewrite trainees. It became clear that the majority of those failing the training program were failing due to inability to pass call taking, and that the call taking training was often extending over six months. The most recent trainee who failed due to inability to pass Police Desk who would have been qualified to work in the Call Taker position was in 2011. A determination was made to focus on improving the training program for Call Taker training (and overall training program) to increase the success rate for trainees moving from PSD I to PSD II. This would also alleviate the Union's stated concerns. Additionally, BPD will conduct a review of both the training program as well as the feasibility/benefit of moving forward with a Call Taker position at the next Audit Status Update.</p>	<p>Dropped</p>
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<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.5</p>	<p>Evaluate the results from dispatcher recruitment routinely (e.g., annually or at the end of a recruitment cycle) to determine areas for improvement. Update recruitment plans.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> Personnel and Training, working in conjunction with the Communications Center, now tracks applicant progress through the recruitment, testing, hiring and training process. Data collected includes information regarding where the applicant/employee was “lost” and what steps are in place or required to allow the applicant (or future applicants) to successfully move forward in the process. Data is reviewed at each stage, and at the end of each cycle will be assessed for effectiveness.</p>	<p>Implemented</p>
<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.6</p>	<p>Implement an automated scheduling software that has built-in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.</p>	<p>Police</p>	<p>3/5/2023</p>	<p><u>Implemented:</u> Care Systems Inc. was selected and approved by City Council on May 24, 2022 for an electronic scheduling solution. The system integrates scheduling and overtime management. The Police Department began using the system on March 5, 2023.</p>	<p>Partly Implemented</p>

<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.7</p>	<p>Decrease the concentration of overtime among dispatchers.</p>	<p>Police</p>	<p>7/1/2022</p>	<p><u>Implemented:</u> Since the last update we have successfully promoted 3 Public Safety Dispatcher II employees. Currently there are 2 Public Safety Dispatcher I employees in training. In April 2021 we implemented the use of Google Sheets (Drive) where all shifts and overtime are readily viewable and signup is done online. Minimum mandatory overtime hours are set for each Dispatcher per week for equity. Voluntary overtime signup is completed in stages in order to distribute overtime equitably between all Dispatchers. Trainees who have passed Call Taking, Fire Desk, or Records desk are able to assist and work overtime on select desks as needed. On May 25, 2022 City Council approved the hiring of Care Systems Inc. for an electronic staffing solution for the police department. The system integrates scheduling and provides timely and accurate information on overtime usage and an approval process. Recruitment and hiring for Public Safety Dispatchers (PSD) is now open and continuous. Overtime expenditure for the Communications Center from fiscal year 2019 through 2021 trended downward.</p>	<p>Implemented</p>
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<p>The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.</p>	<p>2.8</p>	<p>Develop and implement a Communications Center training plan to ensure compliance with POST training requirements. Evaluate training processes and update training plans routinely.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> Communications Center leadership, in partnership with Personnel and Training, now monitor training hour progress annually (tied to PARs) and quarterly with a goal of training hours being completed throughout the training cycle. At the third quarter of year one of the two year cycle, Communications Center personnel have surpassed training hours that were accomplished near the end of the last two year cycle. Plan implemented to approve a minimum of two Communications Center personnel to training each month, and complete at least two hours of online training as well. In an effort to also improve morale and overall health, focus has been placed completing training hours in classes that provide employee wellness and development.</p>	<p>Implemented</p>
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<p>Working conditions adversely affect dispatcher morale.</p>	<p>3.1</p>	<p>Create a comprehensive stress management program specifically for the Communications Center that includes the following: - Stress management training for all staff, 8 hours minimum during career - Access to on-site educational resources to help with stress and related risks, e.g., directory of local therapists specializing in treatment of stress and traumatic stress disorders and City programs that provide information on how and where to access help - Procedures assuring participation of staff in critical incidence stress management activities (e.g., debriefing sessions when involved in traumatic call events) - A Peer Support Program - Comprehensive, ongoing training on structured call-taking processes</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> Multiple courses and online learning materials related to Communications Center/dispatcher stress management have been identified. Communications Center personnel have begun attending this course (goal set of at least two Communications Center personnel attending a class per month) and the department will continue to provide these training opportunities. BPD as a whole continues to aggressively work on improving the overall wellness and improving stress management skills of personnel. All employees have access to a meditation app to support stress reduction, and have access to a fully-equipped gym in the building.</p>	<p>Implemented</p>
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<p>Working conditions adversely affect dispatcher morale.</p>	<p>3.2</p>	<p>Develop and implement plans to address workplace cleanliness and equipment and furniture maintenance and replacement.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> BPD has implemented a quarterly deep-cleaning schedule. After reviewing the current Hepa filters, it was determined that purchasing new individual filters for each console was not financially prudent, as we have already identified that the existing console must be replaced within the next year. BPD purchased and will install two wall mounted Hepa filters that can work in conjunction with existing (or replacement systems) and are relocatable once a new location /expansion is decided. Additionally, the carpet was replaced in the last 8 years with a low pile, sound reduction carpet that consisted of individual squares so that dirty/stained or otherwise worn areas or squares could be switched out. Replacement timeline for that product is being monitored. Further, the individual console chairs are regularly replaced and over the last several years we have worked with the COB Occupational Health and Safety Specialist to purchase chairs to conform to the specific ergonomic needs of individual dispatchers.</p>	<p>Implemented</p>
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<p>Working conditions adversely affect dispatcher morale.</p>	<p>3.3</p>	<p>Conduct regular supervisor level meetings to share information about operations and staffing. Use these meetings to improve understanding of the supervisor role, identify problems, discuss changes that may affect operations, and establish communications plans for distributing information to all staff.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> The Communications Manager and supervisor group now conduct formal weekly supervisor level meetings as well as informal group discussions regarding operational needs, project updates and current issues that need addressing. Information from these meetings is shared out to the entire Communications Center via email from the manager or Lieutenant.</p>	<p>Implemented</p>
<p>Working conditions adversely affect dispatcher morale.</p>	<p>3.4</p>	<p>Routinely have Police and Fire staff meet with all Center Supervisors to solicit feedback on Center operations and to address any issues. Use these meetings to improve understanding of the dispatcher role and current policies of public safety, identify problems that should be evaluated for further discussion, and discuss known and expected changes that may affect the Communications Center.</p>	<p>Police</p>	<p>5/10/2022</p>	<p><u>Implemented:</u> BFD attends the formal weekly meeting once a month, or more frequently as needed. BFD and BPD leadership conducted a topic specific meeting to discuss potential physical expansion needs, Emergency Medical Dispatching and the opening of the Communications Center Manager position due to retirement.</p>	<p>Implemented</p>



INFORMATION CALENDAR

May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: Audit Recommendation Status - Data Analysis of the City of Berkeley's Police Response

CURRENT SITUATION AND ITS EFFECTS

The City Auditor's report included 2 recommendations. Both of the recommendations have been implemented.

BACKGROUND

On July 2, 2021, the City Auditor's Office issued its audit, *Data Analysis of the City of Berkeley's Police*¹ This audit report included 2 recommendations. The purpose of this report is to update the City Council on the Police Department's progress on implementing the City Auditor's recommendations. This is the second and final status report for this audit. In brief, multiple datasets including Crime Mapping, Use of Force, Calls for Service, RIPA, the Arrest and Booking Logs are now published and available on the BPD Transparency Hub. The Transparency Hub also information where there was a documented mental health or homelessness component involved: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/>.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

FISCAL IMPLICATIONS

Staff time for various members of BPD and the Department of Information Technology.

CONTACT PERSON

Captain Kevin Schofield, Police Department, (510) 981-5815

ATTACHMENTS

1: Data Analysis Recommendation Table

¹ City Auditor's Office Data Analysis Audit (7/2/2021)

<https://berkeleyca.gov/sites/default/files/2022-01/Data-Analysis-Berkeley-Police-Response.pdf>

Audit Title: Data Analysis of Berkeley's Police Response					
Finding	Recommendation	Department	Last Period: Status	Expected or Actual Implementation Date	Status of Audit Recommendations, Corrective Plan, and Progress Summary
Berkeley Police Department can better track mental health and homelessness calls.	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.	Police	Implemented	6/29/2022	<u>Implemented:</u> Starting July 1, 2021, the department formally began utilizing “H” homeless and “MH” mental health disposition codes when closing out any call involving a homeless person or a person with mental health issues. Officers were instructed that they were not required to ask people what their housing status is unless necessary for identification purposes. Unless there are mental health issues which are related to the call, they are not required to ask them what their mental health status is either. Officers are expected to use their best judgement / perception in determining if a call is related to a homeless issue or someone suffering from a mental health issue. If so, they are directed to add the “H” and/or “MH” disposition to the CAD disposition.
The City can improve the transparency of Police Department activity data on the Open Data Portal.	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.	Police	Partly Implemented	1/11/2023	<u>Implemented:</u> Multiple datasets including Crime Mapping, Use of Force, Calls for Service, RIPA, the Arrest and Booking Logs are published and available on the BPD Transparency Hub: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/ .



Office of the City Manager

INFORMATION CALENDAR
May 23, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

CURRENT SITUATION AND ITS EFFECTS

The City Auditor's report included 12 recommendations. Five of the recommendations have been implemented, one has been partly implemented and six of the recommendations have been started. The next status update report will be in six months.

Included in the update is progress on two significant recommendations. We have recently implemented an electronic staffing software solution that will improve ability to monitor overtime and resources. The Department worked with the City Attorney's Office to develop Policy 1043 which describes the procedures and contractual agreement requirements for working with outside entities. That policy is attached to this item. Information about the process as well as the application itself are also available on the Police Department website at;

<https://berkeleyca.gov/safety-health/police/community-liaisons>

BACKGROUND

On March 3, 2022, the City Auditor's Office issued its audit, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*¹. This audit report included 12 recommendations. The purpose of this report is to update the City Council on the Police Department's progress on implementing the City Auditor's recommendations. This is the second status report for this audit, the first being in November 2022.

¹ City Auditor's Office Overtime Audit (3/3/2022)

<https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Police%20-%20Improvements%20Needed%20to%20Manage%20Overtime%20and%20Security%20Work%20for%20Outside%20Entities.pdf>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

FISCAL IMPLICATIONS

Staff time in addition to the contract costs. The contract for CareWare, approved in 2022 is \$191,740 (5-year contract). This software is now being utilized throughout the whole Police Department.

CONTACT PERSON

Captain Kevin Schofield, Police Department, (510) 981-5815

ATTACHMENTS

1. Police Overtime Recommendation Table
2. Policy 1043 - Extra Duty Employment

Audit Title: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities						
Finding	Recommendation		Department	Expected or Actual Implementation Date	Status of Audit Recommendations, Corrective Plan, and Progress Summary	Last Period: Status
Overtime is used to maintain minimum patrol staffing set by BPD.	1.1	Collect and monitor data on how often compensatory time leads to additional backfill overtime and develop a plan to monitor it.	Police	9/1/2023	<u>Started:</u> The CareWare electronic staffing software solution has recently been implemented to monitor staffing, overtime and time off, plus shift trades/swaps. Now that the software is being utilized, BPD will be better able to work towards understanding the expense and impacts of compensatory time.	Not Started
Overtime is used to maintain minimum patrol staffing set by BPD.	1.2	Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.	Police	Ongoing	<u>Started:</u> The City of Berkeley released an RFP for a "Berkeley Police Department Workload Organizational Study". A vendor for the organizational workload study has been selected and BPD is entering into the contracting process.	Not Started
Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.	2.1	Establish a procedure to regularly assess minimum staffing and overall staffing needs of the department. This process should document and incorporate criteria to assess staffing levels, such as calls for service, other workload, community input, and other relevant factors. As BPD prepares for the rollout of a new software system, BPD should consider how to best align the program's capabilities with this assessment process.	Police	9/1/2023 - 3/1/2024	<u>Started:</u> Annually, BPD will monitor and reassess workloads as they consider how to best allocate resources. These internal tools were used with the March 2023 timesheet to help identify a new beat structure to ensure adequate coverage plus rebalancing minimum staffing levels.	Not Started

<p>Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.</p>	<p>2.2</p>	<p>Document and define the Patrol Unit's minimum staffing levels in a publicly assessable format.</p>	<p>Police</p>	<p>9/2/2022</p>	<p><u>Implemented:</u> This information has been placed on the BPD webpage. The button "current officer shift assignments" links to a timesheet with officer assignments. Information can be viewed at https://berkeleyca.gov/safety-health/police/community-liaisons. The public-facing CoB website additionally includes the following language: "Note: The timesheet and minimum staffing levels are a starting point for each shift assessed every six months and commanders have a number of options to consider regularly. There are often daily assessments, as well. Overtime to backfill officers is typically triggered when a patrol team's staffing drops below 9 or 10, depending on which Patrol team, or as other needs may dictate (crimes, emergencies, protests, etc.). These numbers are always subject to change."</p>	<p>Implemented</p>
<p>Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.</p>	<p>2.3</p>	<p>Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget.</p>	<p>Police</p>	<p>9/1/2023 - 3/1/2024</p>	<p><u>Started:</u> A vendor for the organizational workload study has been selected and BPD is entering into the contracting process.</p>	<p>Not Started</p>

<p>Officers work excessive overtime, increasing health and safety risks.</p>	<p>3.1</p>	<p>Update the department overtime policy to address the fact that there currently is no limit to the number of consecutive days worked and determine the appropriate limit for overtime that is enforceable with the goal of avoiding officer fatigue. The department may examine other jurisdictions' overtime limits as possible criteria.</p>	<p>Police</p>	<p>3/1/2024</p>	<p><u>Started:</u> BPD has started looking into what other agencies do regarding limiting the number of consecutive days worked. The current policy addresses the maximum number of work hours per week but does not address consecutive days worked. The recent implementation of the electronic staffing software solution and tracking abilities may also help guide any needed changes.</p>	<p>Not Started</p>
<p>Officers work excessive overtime, increasing health and safety risks.</p>	<p>3.2</p>	<p>Work to implement a staffing software solution that integrates overtime management and scheduling software. Develop management reports that provide timely, accurate, and complete information on overtime usage. Develop a process for filling overtime shifts on a voluntary and mandatory basis, including supervisor approval. Build in warnings for when an individual is approaching overtime limits and an approval process for allowing individuals to exceed limits when deemed necessary according to the policy.</p>	<p>Police</p>	<p>3/8/2023</p>	<p><u>Implemented:</u> The CareWare electronic staffing software solution has recently been implemented to monitor staffing, overtime and time off, as well as shift trades/swaps. This includes a warning notice within the system that someone could be working more than the allowed number of hours. This warning requires acknowledgement by the user allowing the hours.</p>	<p>Started</p>

<p>BPD has no contracts for overtime security with outside entities.</p>	<p>4.1</p>	<p>Update A.R. 2.10 and other department policies to explicitly include guidance around department agreements for work for outside entities, which is paid for by reimbursements to the City from the outside entities. Internal procedures should include appropriate criteria to identify and document the benefit to the City gained by work for outside entity agreements, and to allocate resources in a way that does not negatively impact City operations. Additionally, BPD should document their criteria for when officers are not available or eligible for work for outside entities.</p>	<p>Police</p>	<p>Ongoing</p>	<p><u>Implemented:</u> BPD finalized Policy 1043 and will begin using the newly created contracts with outside entities.</p>	<p>Started</p>
<p>BPD has no contracts for overtime security with outside entities.</p>	<p>4.2</p>	<p>In consultation with the City Attorney, create contracts with outside entities in compliance with City policies and applicable laws.</p>	<p>Police</p>	<p>Ongoing</p>	<p><u>Partly Implemented:</u> Service agreements for work with outside entities are drafted and available on the Police Department's website. BPD's sergeant in special events will be doing outreach to all of the regular consumers/requesters as a next step.</p>	<p>Started</p>

BPD has no contracts for overtime security with outside entities.	4.3	Develop an application for BPD's services that is publicly available and accessible online to any interested party. Set pay uniformly according to rank and hourly rate and include a reasonable fee that covers the expenses of administering work for outside entities including workers compensation, fuel, use of equipment, and any other actual or potential costs to the City.	Police	3/30/2023	<u>Implemented:</u> The application and service agreement have been added to the BPD website on the Community Liaisons page under 'Related Documents'. BPD will be working with their web management team to add it to the main City of Berkeley website in the 'Special Events' section. A 10% fee was added on top of employee fees to offset costs associated with coordinating special events, including planning and staff time. 10% is a standard administrative fee at the state level and is standard administrative fee for grant funding they receive. BPD wants to be consistent with department administrative fees throughout BPD. The police department will adjust the administrative fee in the future as needs dictate.	Started
BPD has no contracts for overtime security with outside entities.	4.4	BPD should reconcile invoices with the amounts received for work with outside entities at regular intervals. BPD should also implement procedures to check invoices for errors prior to billing outside entities.	Police	3/7/2023	<u>Implemented:</u> BPD's Admin & Fiscal Services Unit developed a written procedure for the 'Outside Entity Billing Process'. This will ensure consistency and accountability in billing and tracking.	Started
BPD has no contracts for overtime security with outside entities.	4.5	Explore ways to clearly account for different funds to track revenues and expenses.	Police	Ongoing	<u>Started:</u> BPD is in the beginning stages of developing potential solutions to account for different funds. It may require collaboration with Finance, Budget, Payroll Audit, the ERMA Team, and other stakeholders.	Started

Extra Duty Employment

1043.1 PURPOSE AND SCOPE

This policy covers extra duty employment, which consists of officers working special details wherein the City of Berkeley has a contractual agreement to provide services for a fee to private third parties.

1043.1.1 DEFINITIONS

Extra Duty Employment- Extra Duty Employment occurs when a member of this Department performs police services at the request of a private third party and receives overtime compensation or wages paid directly into their routine pay, the cost of which the City will recover pursuant to a Service Agreement between the private third party and the City. Approval shall be obtained from the Chief of Police prior to any overtime being posted for Extra Duty Employment.

1043.2 OBTAINING APPROVAL FOR EXTRA DUTY EMPLOYMENT

All requests for Extra Duty Employment will be offered only after a third party has signed a Service Agreement and completed an Application for Extra Duty Services prior to the officers being assigned.

The City is under no obligation to provide or approve Extra Duty Employment and all requests must consider the following criteria:

- The overall staffing needs of the Department, including Investigations and specialized patrols such as the Bike Force Team
- The impact of the request on officer wellness and fatigue mitigation
- The degree to which the extra duty employment supports overall public safety and builds connections with the community.
- The potential the extra duty employment has to cast discredit upon or create embarrassment for the Department or City Government.

In instances where the Department chooses not to staff an Extra Duty Employment opportunity, the private third party will not incur any charges.

The completion of a Service Agreement and Application for Extra Duty Services is required for all events in which the Berkeley Police Department will seek reimbursement. All police grant work is excluded from this policy. Mutual Aid response from the Berkeley Police Department may include incidents wherein reimbursement is expected, however it is explicitly excluded from the provisions of the Extra Duty Employment, and is covered under General Order M-02, and Policy 327 (upon its publication).

Any private third party seeking Extra Duty Employment shall complete the following:

- The private third party must complete the **Service Agreement** in order to request Extra Duty Employment. This form is available on the Police Department's website, and is attached to this policy.
- The **Service Agreement** may be entered into for a one-time event, for repeating events, or to cover continuous service. **Service Agreements** for Extra Duty Employment will span no longer than the duration of one calendar year, automatically resetting every January 1st for events that seek continuous services. In circumstances like the Berkeley Unified School District which may have different events spanning the year, the **Service Agreement** for Extra Duty Employment should identify what activities or events (i.e. sporting events, dances, graduation) are anticipated. Extra Duty Employment outside of these events will require an additional application. This allows for adjusted staffing consistent with the needs of each respective event.

Extra Duty Employment

- City Manager approval must be obtained for all **Service Agreements**.
- The private third party must complete an **Application for Extra Duty Employment**. This form is available on the Police Department's website, and is attached to this policy.
- The private third party must submit the **Application for Extra Duty Employment** and any additional supporting documents to the Special Events Sergeant.
- Chief of Police approval must be obtained for all **Applications for Extra Duty Employment**
- The Special Events Sergeant will be the contact person between the Department and the private third party on the status of their respective application.
- The Special Events Sergeant will be responsible for posting the overtime.
- The Special Event Sergeant shall maintain records of all submitted Extra Duty Employment requests and shall be responsible for annual renewal of Service Agreements.

1043.3 EXTRA DUTY EMPLOYMENT- SWORN PERSONNEL

Sworn personnel are subject to the following provisions regarding Extra Duty Employment while working in a law enforcement function representing the Berkeley Police Department:

- Officers will treat Extra Duty Employment overtime like regular patrol duty, and shall be dressed in full Police Uniform, and adhere to all policies and procedures of the Berkeley Police Department. Officers are permitted to use marked police vehicles as appropriate while working in this capacity.
- All officer conduct will be highly professional, and all law enforcement actions taken will be those authorized by the employee's status as a California police officer.
- In all Extra Duty Employment instances, the police personnel shall at all times be subject to the exclusive direction, supervision, and control of the Police Department.
- Equipment, including vehicles, may be assigned by the Police Department based on the nature and duration of the work to be performed.

[See attachment: BPD Service Agreement-final.pdf](#)

[See attachment: Application for Extra Duty Services.pdf](#)

Attachments

BPD Service Agreement-final.pdf

CITY OF BERKELEY POLICE DEPARTMENT SERVICE AGREEMENT

This agreement for services (“Agreement”) is by and between the City of Berkeley, a chartered California municipal corporation (“City”) and _____ (“Organization”). The City and the Organization may be referred to herein individually as a “Party”, or collectively as the “Parties”.

The Parties agree to the following terms and conditions:

1. DATES: Unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on _____ and terminate on _____.
2. SERVICES; CONDITIONS; CITY EMPLOYEES: In exchange for the compensation from the Organization, as described in this Agreement, the City’s Police Department Peace Officer Personnel (“Personnel”) shall provide security services, crowd control, and/or traffic control (collectively, “Services”) as may be separately requested by the Organization and agreed upon by the City. In performing such Services, the Personnel shall be utilized only in their capacity as Peace Officers, as defined by California Government Code Section 50920 and Penal Code Sections 830 and 830.1.

The Personnel shall, at all times, be subject to the exclusive direction, supervision, and control of the City. The Personnel shall remain employees of the City when performing Services under this Agreement, and shall not be deemed employees of the Organization.

Services shall be provided only upon written request by the Organization via the completion of an Application for Extra Duty Services, attached hereto as Exhibit A. Any request shall include the date and time-period for which Services are required, the number of Personnel anticipated, and a description of the Services. The City may reject any request for any reason in its sole discretion.

The City’s ability to perform such Services is subject to the availability of its Personnel, as such availability may be determined by the City in its sole discretion. It is understood and agreed that the City assumes no liability for its rejection of any request for Services or its inability to provide Personnel for Services on any particular date and/or time.

3. BILLING: The Organization will be billed by the City for Services rendered by the Personnel at the overtime rate of the individual Personnel who provide the Services plus indirect costs of 10% of the hourly rate. The specific hourly rate for the individual Personnel shall be determined by the City and shall include a three-hour minimum charge per individual Personnel. Billing for Services shall begin from the time the officer leaves the police station to travel to the off-site work area and will continue until the officer has returned from the off-site work area to the police station.
4. INDEMNITY/HOLD HARMLESS: To the maximum extent permitted by law, and excluding the gross negligence or willful misconduct by the Personnel while providing the Services, the Organization shall defend, indemnify, and hold harmless, the City (including any City employee, officer, or agent), from any claim, injury, loss, or damage,

including all costs and reasonable attorney’s fees, in any way arising from the Services provided under this Agreement.

- 5. **LIABILITY INSURANCE/ADDITIONAL INSURED**S: The Organization shall provide and maintain certificates of insurance for a Commercial General Liability and Automotive Liability insurance policy (in a form acceptable to the City Attorney’s Office), which carries general policy coverage limits of at least one million dollars (\$1,000,000).

The Organization shall also provide an endorsement to such insurance policy providing coverage at least as broad as Insurance Services Office Endorsement CG 2010, 1985 Edition, which names the City of Berkeley and its employees, officers, and agents as additional insureds under said policy. Such insurance shall be primary and non-contributing, and shall include a waiver of any right of subrogation against the City. The Additional Insureds endorsement must include the following, or very similar, language: The City of Berkeley and its employees, officers, and agents are hereby added as additional insureds with respect to liability arising out of the paid services the City provides to the Organization under the terms of the Berkeley Police Department Service Agreement.

- 6. **WORKER’S COMPENSATION CLAIMS**

An employee’s worker’s compensation claim for an injury sustained while performing Services under this Agreement shall be primarily covered by the City’s Workers’ Compensation Insurance Plan.

- 7. **BINDING and NON-DELEGATION**: The City and Organization bind themselves to the terms and conditions of this Agreement, and except as otherwise set forth in this Agreement, no interest in this Agreement or any of the Services provided for in a request under this Agreement shall be assigned, delegated, or transferred, either voluntarily or by operation of law, without the prior written approval of the Parties.

- 8. **NOTICES**: All notices prescribed by this Agreement shall be in writing and shall be deemed effective once delivered and properly received by:

To City: Chief of Police
 Berkeley Police Department
 2100 Martin Luther King, Jr., Way
 Berkeley, CA 94704

To Organization: _____

- 9. **GOVERNING LAW**: This Agreement shall be governed and construed in accordance with City of Berkeley Municipal Code and the laws and regulations of the State of California.

- 10. AMENDMENTS: The City or Organization may, from time to time, request changes in the terms and conditions of this Agreement. Such changes, which are mutually agreed upon in writing by the City and Organization shall be incorporated in amendments to this Agreement.
- 11. COUNTERPARTS: This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile or scanned email attachment, shall be sufficient to bind the Parties.
- 12. OTHER AGREEMENTS: This Agreement shall not supersede, amend, or otherwise alter any other contract, memorandum of understanding, or any other written agreement between the Parties.
- 13. UNDERSTANDING/AUTHORITY TO SIGN: The Parties hereby certify that they have read the above terms and conditions, and agree to conform to them and all laws and regulations pertaining to the use of City Personnel for the purposes as set forth in this Agreement. The signatories below warrant and represent they have the authority to bind the Party to the terms of this Agreement.

CITY OF BERKELEY

Dated: _____

Office of the City Manager
 City of Berkeley
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704

ORGANIZATION NAME: _____

Dated: _____

By: _____
 (Signature of Person authorized to bind the Organization)

Name: _____

Title: _____

Address: _____

Email Address: _____

Telephone: () _____

Fax: () _____

Application for Extra Duty Services.pdf



BERKELEY POLICE DEPARTMENT
 2100 Martin Luther King Junior Way, Berkeley, CA 94704
 TEL: (510) 981-5900, TDD (510) 981-5799, FAX: (510) 981-5744
 EMAIL: police@cityofberkeley.info

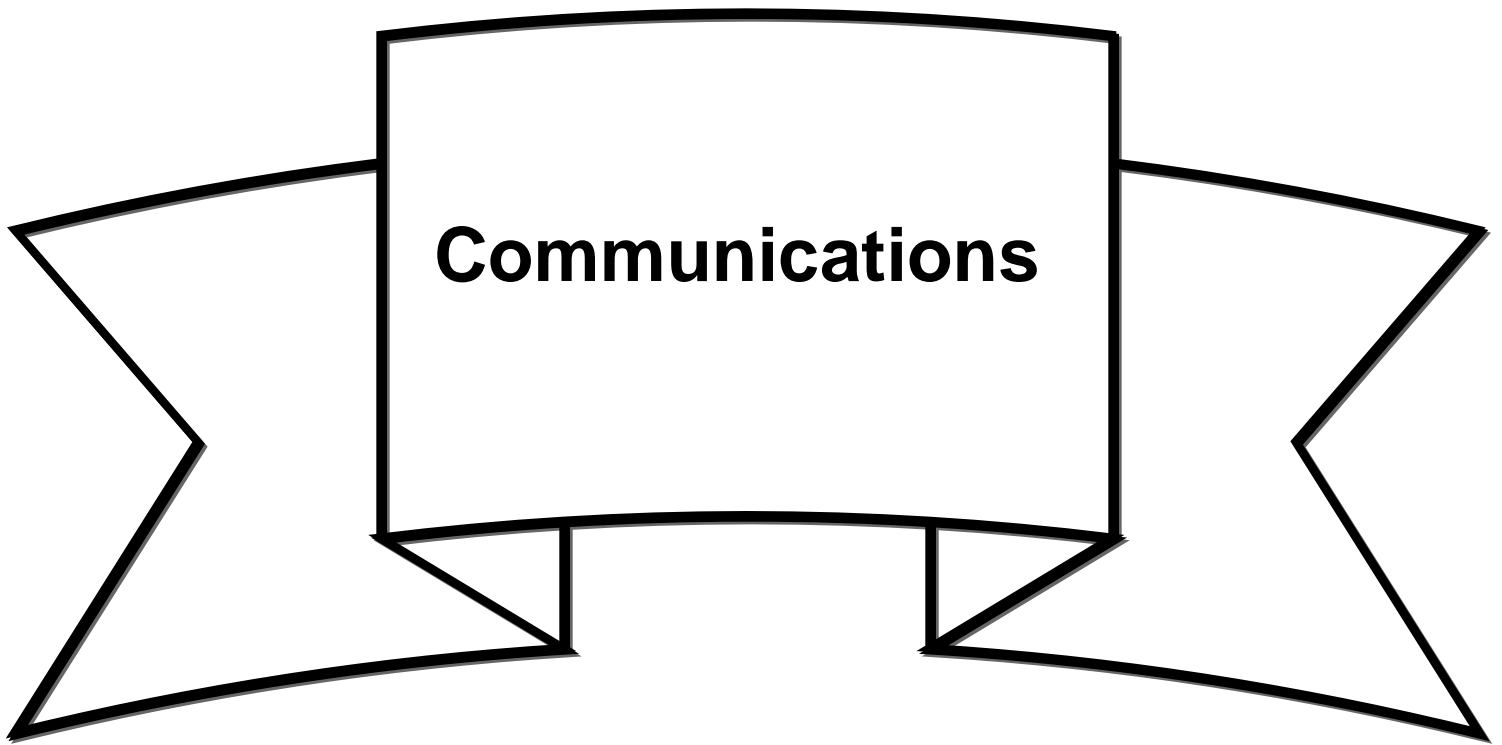
APPLICATION FOR EXTRA DUTY SERVICES

Applicant Information	
Name:	Address:
Phone:	Alternate Phone:
Email:	
Reason for Request and Officer Responsibilities	
One Time Event <input type="checkbox"/>	Annual Employer <input type="checkbox"/>
Reason for the Request:	
List Responsibilities that Officer(s) will provide:	
Number of Officer(s) Requested:	
Event Information	
Date(s) of Event:	
Event Address:	
Company or Event Name:	
Company Address:	
Company Phone:	Email:

Insurance:
 A completed general liability endorsement for \$1,000,000 naming the prospective employee(s) as the insured for the period of Extra Duty Employment is required.
Insurance Agency Name: _____ **Phone Number:** _____
Policy Number: _____ **Expiration Date:** _____
A copy of the Insurance Policy Attached, If not explain: _____

Billing:
 The Organization will be billed by the City for Services rendered by the Personnel at the overtime rate of the individual Personnel who provide the Services plus indirect costs of 10% of the hourly rate. The specific hourly rate for the individual Personnel shall be determined by the City and shall include a three-hour minimum charge per individual Personnel. Billing for Services shall begin from the time the officer leaves the police station to travel to the off-site work area and will continue until the officer has returned from the off-site work area to the police station.
 The applicant's submission is an acknowledgement that any Police Services offered are subject to the City of Berkeley Police Department Service Agreement, and that Police Officers will adhere to all Berkeley Police Department policies, procedures, and all local, state, and federal laws. The applicant further acknowledges and agrees that in all instances, the police personnel shall at all times be subject to the exclusive direction, supervision, and control of the Police Department.

Applicant Signature Applicant has declared that the information provided in this application is true and correct.	
Signature:	Date:
BPD USE Received By:	Date Received:



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF