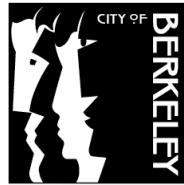


AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 12, 2019

6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION – 670 RIDGEWOOD DRIVE, CIRCLEVILLE, OH 43113

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

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

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

Public Comment on Non-Agenda Matters: *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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 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. Speaker cards are not required for this second round of public comment on non-agenda matters.*

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.” 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. Companion Report: Council Referral-Proposed Amendments to Berkeley’s Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,640-N.S. amending BMC Chapter 13.27, which proposes: 1. adding a definition of “Department” in Section 13.27.020, 2. limiting new waivers of the LWO to one year in Section 13.27.040, 3. clarifying language related to wages and benefits in the Section 13.27.050 and adding Section 13.27.120 related to severability.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Kelly Wallace, Housing and Community Services, 981-5400

Consent Calendar

2. Dorothy Day House License Agreements: Veterans Memorial Building and Old City Hall

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,641-N.S. (1931 Center St.) and Ordinance No. 7,642-N.S. (2134 Martin Luther King Jr. Way), authorizing the City Manager or her designee to execute license agreements and any amendments thereto with Dorothy Day House to provide services at the Veterans' Memorial Building at 1931 Center Street and the Old City Hall at 2134 Martin Luther King Jr. Way.

Frist Reading Vote: All Ayes.

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

3. Contract: YMCA of the East Bay for Berkeley's 2020 Vision's Early Childhood Trauma and Resiliency Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with the YMCA of the East Bay (YMCA) through June 30, 2021, to operate the Berkeley's 2020 Vision Early Childhood Trauma and Resiliency Project, as described below, for a total contract amount not to exceed \$334,410.

Financial Implications: Mental Health Services Act Innovations Fund - \$334,410

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 2019

From: City Manager

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

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

5. Adoption of the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness

From: City Manager

Recommendation: Adopt a Resolution adopting the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness, and use it as a guide for allocating resources for programs assisting persons experiencing homelessness.

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

Consent Calendar

6. Contract: Alameda County Housing and Community Development Department for California Homeless Emergency Aid Program (HEAP)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and to negotiate and execute a contract with the Alameda County Housing and Community Development Department, in an amount not to exceed \$4,032,711, for Berkeley's share of the California Homeless Emergency Aid Program (HEAP).

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

7. Contract No. 10904 Amendment: Agreement with Bay Area Community Services (BACS) to Operate the Pathways Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the existing Contract No. 10904 with Bay Area Community Services (BACS) for Pathways STAIR Center operations, adding \$105,603 for a revised total contract amount not to exceed \$2,545,603 and a contract end date of June 30, 2019.

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

8. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Four Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,594,226 for Tenant-Based Rental Assistance (TBRA) for the period June 1, 2019 through May 31, 2020; b) \$208,051 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2019 through May 31, 2020, with Resources for Community Development as the project sponsor; c) \$202,376 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2019 through May 31, 2020, with Bonita House, Inc. as the project sponsor; and d) \$2,332,198 in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2020 through December 31, 2020. 2. One grant from the County of Alameda for \$684,177 to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2019 through February 28, 2020.

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

Consent Calendar

- 9. Memorandum of Understanding: Planning Phase for the viability of a potential WETA Ferry Service and Public Recreation Pier at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Water Emergency Transportation Authority (WETA) to accept up to \$250,000 in WETA funding for the Planning Phase (technical feasibility study and public engagement process) for the viability of a potential WETA ferry service and public recreation pier at the Berkeley Marina.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 10. Authorizing Rewards of up to \$50,000 for Information in Criminal Investigations**
From: City Manager
Recommendation: Adopt a Resolution increasing the maximum cash reward that the City Manager is authorized to approve from \$15,000 to \$50,000 for information leading to the arrest and conviction of the person or persons responsible for a specific crime or crime series, and rescinding Resolution No. 59,824-N.S.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
- 11. Authorizing the Addition of 2700 block of Belrose Avenue to the Street Sweeping Program**
From: City Manager
Recommendation: Adopt a Resolution adding the 2700 block of Belrose Avenue to the mechanical street sweeping program.
Financial Implications: Minimal
Contact: Phillip Harrington, Public Works, 981-6300
- 12. Measure O Oversight Committee and Measure P Homeless Services Panel of Experts**
From: Housing Advisory Commission
Recommendation: Designate or appoint the independent oversight committee and homeless services panel of experts contemplated under Measures O & P as soon as possible.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400

Consent Calendar

13. **Communicating and Meeting with Community Stakeholders on Housing Innovations**

From: Housing Advisory Commission

Recommendation: Authorize the Housing Advisory Commission to correspond in writing and to confer in public session directly with various affordable housing organizations for the limited purposes and time, and with the disclaimer described in the report.

Direct the City Manager that the City Attorney shall craft an appropriate disclaimer, as described in the report. The Commission will include this disclaimer when corresponding or meeting with these agencies.

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

Council Consent Items

14. **Persian New Year Festival: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

From: Councilmembers Harrison, Davila, and Robinson

Recommendation:

1. Adopt a Resolution co-sponsoring the 20th annual Persian New Year Festival on March 19th, 2019

2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$100 from Councilmember Harrison, to The Persian Center, the fiscal sponsor of the festival, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$100

Contact: Kate Harrison, Councilmember, District 4, 981-7140

15. **Letter Requesting Congresswoman Lee's Support of HR. 530 (Eshoo)**

From: Councilmembers Wengraf, Harrison, Davila, and Hahn

Recommendation: Send a letter urging U.S. Representative Barbara Lee to co-sponsor H.R. 530 - Accelerating Broadband Development by Empowering Local Communities Act of 2019 which would repeal FCC limits on local regulation of 5G infrastructure.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

- 16. Camp Kesem Berkeley's Annual Fundraising Gala: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Councilmembers Robinson and Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$150 per Councilmember including \$150 from Councilmember Robinson, to Camp Kesem Berkeley for their Annual Fundraising Gala to fund summer camp for children whose parents have cancer, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Robinson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$150
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 17. Use of Gender Neutral Language in City Documents**
From: Councilmember Robinson
Recommendation: Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular "they," and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 18. Affirming the City of Berkeley's Support for the People of Tibet**
From: Councilmembers Robinson and Davila
Recommendation: Adopt a Resolution affirming support to the people of Tibet. Copies of the resolution are to be sent to the President of the United States, elected federal representatives, the Governor of California, and the United Nations High Commissioner for Human Rights in Geneva, Switzerland, and His Holiness the Dalai Lama, Dharamsala, India.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action Calendar

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

Action Calendar

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

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

Action Calendar – Public Hearings

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

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

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

- 19. Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus) (Continued from February 19, 2019. Item contains revised material.)**

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt the first reading of Zoning Ordinance amendments that repeal obsolete Density Bonus regulations (Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus chapter (Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, 981-7400

- 20. ZAB Appeal of 2701 Shattuck Avenue, Use Permit #ZP2016-0244**

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 #ZP2016-0244 to construct a 5-story, 62-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units), a 600-square-foot ground-floor quick-service restaurant, and 21 parking spaces, and dismiss the appeal.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, 981-7400

Action Calendar – Public Hearings

**21. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code
From: City Manager**

Recommendation: Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and adopt the first reading of five ordinances amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses);
4. Protect youth by restricting cannabis advertising within the city; and
5. Allow temporary cannabis events at Cesar Chavez Park.

The ordinances would adopt BMC Chapters 12.21 and 20.40, amend Chapters 12.22, and 23C.25, Sub-Titles 23E and 23F, and repeal Chapters 12.23, 12.25 and 12.27.

Financial Implications: See report

Contact: Timothy Burroughs, Planning and Development, 981-7400

Action Calendar – Old Business

**22. Contract: Pride Industries for Citywide Janitorial Services at Various Locations
(Continued from February 19, 2019)**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Pride Industries to provide Citywide Janitorial Services at twenty nine (29) various City locations and facilities for the period May 1, 2019 to April 30, 2022, in an amount not to exceed \$3,725,735, with an option for two (2) one-year extensions for a maximum five (5) year contract for an amount not to exceed \$6,414,881, subject to the City's annual budget appropriation process.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Information Reports

23. Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service

From: City Manager

Contact: Timothy Burroughs, Planning and Development, 981-7400

24. Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Information Reports

25. **Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
26. **Code Enforcement Review Update**
From: Housing Advisory Commission
Contact: Amy Davidson, Commission Secretary, 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person 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 <http://www.cityofberkeley.info>.

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

City Clerk Department
2180 Milvia Street
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
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 981-6418 (V) or 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 February 28, 2019.*

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 #20: ZAB Appeal: 2701 Shattuck Ave**

1. Blackrock Multifamily, LLC, on behalf of 2701 Shattuck Berkeley, LLC

### **I-80 Exit Ramp Conditions**

2. John Caner, CEO of the Downtown Berkeley Association, Kristen MacDonald, CEO of the Berkeley Chamber of Commerce, Stuart Baker, Executive Director of the Telegraph Business Improvement District, Barbara Hillman, CEO of Visit Berkley, Dr. Rowena Tomaneng, President of the Berkeley City College, Heather Hensley, Executive Director of the North Shattuck Association, Julie McCray, Coordinator of the Gilman District & Melissa Hathaway, President of the Elmwood Business Association

### **Healthy Berkeley Program**

3. Holly Scheider, Poki Namkung, Pat Crawford & Xavier Morales

### **Climate Change**

4. Thomas Lord (4)
5. Tom Kelly, KyotoUSA

6. Donald Goldmacher

**Green New Deal**

7. Donald Goldmacher (2)

8. Thomas Lord

9. Margy Wilkinson

**5G**

10. Regina DiMaggio

11. Vivian Warkentin

12. Phoebe Anne Sorgen

13. Kate Harrison

14. Cecile Pineda

15. Tina Chow

**UC Berkeley Food Pantry Gleaning Committee**

16. Saahil Shangle (2)

**Planetarium Perspectives**

17. Vivian Warkentin

**Give the City Manager the Tools Needed**

18. Janice Greenberg

**Guidelines for Council Agenda Items**

19. Barbara Gilbert

**Street Sweeping on Lincoln's Birthday**

20. David Lerman

**Berkeley Marina Exemption**

21. Dave

**Berkeley Ordinance – Acquisition and Use of Surveillance Technology**

22. James Massar, et al, on behalf of Oakland Privacy

**Support for Lemat Restaurant Application as a Full Service Restaurant**

23. Teresa Clarke

**Lot Lines**

24. Barbara Gilbert

**Use of Pepper Spray**

25. Kelly Hammargren

**Reconsider ZAB Approval for 2190 Shattuck**

26. Judith Brown

### **Amazon Boycott**

27. Hut Landon

### **Living in a Smart City**

28. Vivian Warkentin

### **Hand Washing Stations**

29. Dorothea Dorenz

### **Encampment Clean Ups**

30. Erica Etelson

### **Cannabis at Cesar Chavez Park**

31. Carol Hirth

32. Virginia Browning

### **Land Deal – Sister City Oaxaca, Mexico**

33. Avram Gury Arye

### **UC Berkeley – Housing Insecurity Solutions as Admittance Grows**

34. Margot Smith (2)

### **North Berkeley BART Station**

35. Rick Kleine

36. Kenmotsu Junko

37. Tobey Wiebe

38. Vivian Warkentin

### **Supplemental Communications and Reports**

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

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



ORDINANCE NO. 7,640-N.S.

PAYMENT OF LIVING WAGE TO EMPLOYEES OF CITY CONTRACTORS;  
AMENDING BERKELEY MUNICIPAL CODE CHAPTER 13.27

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

Section 1. That Berkeley Municipal Code Chapter 13.27 is amended to read as follows:

PAYMENT OF LIVING WAGE TO EMPLOYEES OF CITY CONTRACTORS

Sections:

- 13.27.010 Title and purpose.
- 13.27.020 Definitions.
- 13.27.030 Contractors, users of public property, City financial aid recipients and subcontractors subject to the requirements of this chapter.
- 13.27.040 Waivers.
- 13.27.045 Notice, posting, and payroll records.
- 13.27.050 Compensation required to be paid to specified employees.
- 13.27.060 Required contract provision.
- 13.27.070 Exemptions.
- 13.27.080 Retaliation and discrimination prohibited.
- 13.27.090 Employee complaints to City.
- 13.27.100 Private rights of action.
- 13.27.110 Relationship to other requirements.
- 13.27.120 Severability.

**Section 13.27.010 Title and purpose.**

This ordinance shall be known as the "Berkeley Living Wage Ordinance." The purpose of this ordinance is to protect the public health, safety and welfare. It does this by requiring that public funds be expended in such a manner as to facilitate individual self-reliance by employees of City contractors, lessees, recipients of City financial aid and their respective subcontractors.

**Section 13.27.020 Definitions.**

The following definitions shall apply throughout this ordinance:

A. "City financial aid recipients" means all persons or entities that receive from the City direct assistance in the form of grants, loans, or loan guarantees, in-kind services, waivers of City fees, real property or other valuable consideration in an amount of more than \$100,000 in any 12-month period. This term shall not include those who enjoy an economic benefit as an incidental effect of City policies, regulations, ordinances, or charter provisions.

B. "Department" shall mean the Department of Finance or other City department or

agency as the City shall by resolution designate.

C. "Marina zone" shall mean all land held in trust by the City of Berkeley pursuant to the Public Trust Tidelands grant from the State of California to the City of Berkeley, Stats. 1962, Ch. 55; specifically, Aquatic Park and all land, including submerged land, which is west of Marina Boulevard as it is presently constructed and as if it were extended, in both northerly and southerly directions, to the Berkeley city limits and all land north of Spinnaker Way as it is presently constructed and as if it were extended to the shoreline, to the east, and to the Berkeley city limits, to the west.

D. "Non-profit" shall mean a non-profit organization described in Section 501c(3) of the Internal Revenue Code of 1954 which is exempt from taxation under Section 501(c)(3) of that code, or any non-profit educational organization qualified under Section 23701(d) of the Revenue and Taxation Code.

**Section 13.27.030 Contractors, users of public property, City financial aid recipients and subcontractors subject to the requirements of this chapter.**

The persons and entities described below shall comply with the minimum compensation standards established by this chapter to the employees specified herein:

A. For-profit vendors of services, which employ six or more employees and receive contract(s) for \$25,000 or more in a 12-month period. Compliance shall be required during the term of said contract(s) as to any employees who spend 25% or more of their compensated time engaged in work directly related to the said contract(s).

B. Non-profit vendors of services, which employ six or more employees and receive contracts of \$100,000 or more in a 12-month period. Compliance shall be required during the term of said contract as to any employees who spend 50% or more of their compensated time engaged in work directly related to a City contract.

C. Lessees of public property, licensees, concessionaires, and franchisees, which employ six or more employees and generate \$350,000 or more in annual gross receipts. Compliance shall be required during the lease term with regard to any employees who spend 25% or more of their compensated time on the leased property, or engaged in work directly related to the license, concession or franchise.

D. City financial aid recipients, which receive more than \$100,000 in loans, or other cash and/or non-cash assistance in any 12-month period. Compliance shall be required for a period of five years following receipt of the aid with regard to employees who spend 25% or more of their compensated time engaged in work directly related to the purpose for which the City provided the aid.

E. Entities within the boundaries of the Marina Zone which employ six or more employees and generate \$350,000 or more in annual gross receipts. Compliance shall be required with regard to any employees who spend 25% or more of their compensated time in the Marina Zone.

F. Subcontractors and sublessees of any of the entities, persons, or recipients described in subparagraphs A through D. Compliance shall be required during the term of the contract between the City and the prime contractor, lessee, licensee, concessionaire, franchisee or City financial aid recipient as to any employees who spend 25% or more of their compensated time engaged in work directly related to the City contract, lease, license, concession, franchise or agreement providing financial aid.



**Section 13.27.040 Waivers.**

The City Council may waive the requirements of this chapter upon a finding and determination that such a waiver is in the best interests of the City. Such waivers may not cover a period longer than 365 days. Such waivers may be granted only once and may not cover a period longer than 365 days.

**13.27.045 Notice, posting, and payroll records.**

A. By May 1 of each year, the Department shall publish and make available to Employers a bulletin announcing the adjusted Living Wage rate, which shall take effect on July 1. In conjunction with this bulletin, the Department shall by May 1 of each year publish and make available to Employers, in all languages spoken by more than five percent of the work force in the City, a notice suitable for posting by Employers in the workplace informing Employees of the current Living Wage rate and of their rights under this Chapter.

B. Every Employer subject to the Living Wage Ordinance shall post in a conspicuous place at any workplace or job site in the City where any Employee works, the notice published each year by the Department informing Employees of the current Living Wage rate and of their rights under this Chapter, including paid and unpaid time off and medical benefits. Every Employer shall post such notices in any language spoken by at least five percent of the Employees at the work-place or job site. Every Employer shall also provide each Employee at the time of hire with the Employer's name, address, and telephone number in writing.

C. Employers shall retain payroll records pertaining to Employees for a period of four years, and shall allow the City access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this Chapter. Where an Employer does not maintain or retain adequate records documenting wages paid or does not allow the City reasonable access to such records, the Employee's account of how much he or she was paid shall be presumed to be accurate, absent clear and convincing evidence otherwise. Such records shall include the amount of hours worked, wages paid, and shall state, in unambiguous terms, the manner in which the Employer made their required healthcare expenditures for each Employee.

D. The requirements above are applicable to all new or renewed contracts effective after the adoption of this ordinance.

**Section 13.27.050 Compensation required to be paid to specified employees.**

Except as provided in Section 13.27.060, an employer subject to this chapter pursuant to Section shall provide to its covered employees the following minimum compensation terms for the duration of the covered period:

A. Wages. All employers subject to this chapter shall pay the required Living Wage rate. In addition, all subject Employers shall offer a medical benefit plan, which allows employees to receive employer compensated care from a licensed physician equal to or higher than the medical benefit rate requirement. If the employer does not offer the employees with such a medical benefit plan, the employer shall pay employees an hourly wage of not less than the Living Wage rate plus the value of the medical benefit rate. The hourly wage rate and medical benefit rate required by this section will be adjusted automatically or modified annually pursuant to subsection D. The new rates shall be

announced by May 1 of each year and shall become effective on July 1 of that year.

B. Time-off. Employees shall be entitled to at least 22 days off per year for sick leave, vacation, or personal necessity. Twelve of the required days off shall be compensated at the same rate as regular compensation for a normal working day. Ten of the required 22 days may be uncompensated days off. Employees who work part-time shall be entitled to accrue compensated days off in increments proportional to that accrued by full-time employees. Employees shall be eligible to use accrued days off after the first six months of satisfactory employment or consistent with employer policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required 12 compensated days off.

C. Additional compensation permissible. Nothing in this chapter shall be construed to limit an employer's discretion to provide greater wages or time-off to its employees.

D. The wage rates required in subsection A shall be adjusted annually, effective July 1, to reflect increases during the preceding year in the Consumer Price Index for all urban consumers in the San Francisco-Oakland area, as published in April of each year by the U.S. Department of Labor, Bureau of Labor Statistics.

E. Notification of rights under chapter. Employers subject to this chapter pursuant to Section 13.27.030, shall give written notification to each current and new employee of his or her potential rights under this chapter in a form provided by the City. Such notice shall also be posted prominently in areas where it will be seen by all employees. (Ord. 6765-NS § 1, 2003: Ord. 6583-NS § 2, 2000: Ord. 6548-NS § 2, 2000)

#### **Section 13.27.060 Required contract provision.**

Every City contract, lease, license, concession agreement, franchise agreement or agreement for financial aid with an employer described in Section 13.27.030 or amendment thereto shall contain provisions requiring it to comply with the requirements of this chapter as they exist on the date when the employer entered its agreement with the City or when such agreement is amended. Such contract provisions shall address the employer's duty to promptly provide to the City documents and information verifying its compliance with the requirements of this chapter, and sanctions for non-compliance.

#### **Section 13.27.070 Exemptions.**

The requirements of this chapter shall not be applicable to the following employees:

A. An employee participating in a temporary job-training program in which a significant component of the employee's training consists of acquiring specialized job readiness knowledge, abilities or skills (e.g., the importance of proper work attire, punctuality and workplace demeanor.)

B. An employee who is under 18 years of age, employed by a non-profit entity for after school or summer employment or as a trainee for a period not longer than 120 days.

C. An employee working for the employer for a period not exceeding six months in aggregate during any 12-month period.

D. Volunteers.

E. Employees of contractors on City public works projects subject to the requirements of Division 2, Part 7, of the California Labor Code, when said code requires compensation greater than that required by this chapter.

F. Employees who are standing by or on-call according to the criteria established by

the Fair Labor Standards Act, 29 U.S.C. Section 201. This exemption shall apply only during the time when the employee is actually standing by or on-call.

G. An employee for whom application of the requirements of this chapter is prohibited by state or federal law.

H. An employee subject to a bona fide collective bargaining agreement where the waiver of the provisions of this chapter are set forth in clear and unambiguous terms in such an agreement.

**Section 13.27.080 Retaliation and discrimination prohibited.**

It shall be unlawful for an Employer or any other party to discriminate in any manner or take any adverse action (including action relating to any term, condition or privilege of employment) against any person in retaliation for exercising rights protected under this Chapter. Rights protected under this Chapter include, but are not limited to: the right to file a complaint or inform any person about any party's alleged noncompliance with this Chapter; and the right to inform any person of his or her potential rights under this Chapter or otherwise educate any person about this Chapter or to assist him or her in asserting such rights. Protections of this Chapter shall apply to any person who mistakenly, but in good faith, alleges noncompliance with this Chapter. Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this Chapter shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

**Section 13.27.090 Employee complaints to City.**

A. An employee who alleges violation of any provision of the requirements of this chapter may report such acts to the City. The City Manager may establish a procedure for receiving and investigating such complaints and take appropriate enforcement action.

B. Any complaints received shall be treated as confidential matters, to the extent permitted by law. Any complaints received and all investigation documents related thereto shall be deemed exempt from disclosure pursuant to California Government Code, Sections 6254 and 6255.

**Section 13.27.100 Private rights of action.**

A. An employee claiming violation of this chapter may bring an action in the municipal court or superior court of the State of California, as appropriate, against an employer and obtain the following remedies:

1. Back pay for each day during which the employer failed to pay the compensation required by this chapter.

2. Reinstatement, compensatory damages and punitive damages.

3. Reasonable attorney's fees and costs.

B. Notwithstanding any provision of this chapter or any other ordinance to the contrary, no criminal penalties shall attach for any violation of this article.

C. No remedy set forth in this chapter is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This chapter shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

D. Nothing in this chapter shall be interpreted to authorize a right of action against the

City.

**13.27.110 Relationship to other requirements.**

This Chapter provides for payment of a local Living Wage and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends other protections.

**13.27.120 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of 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 February 19, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

## ORDINANCE NO. 7,641-N.S.

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A LICENSE AGREEMENT AND ANY NECESSARY AMENDMENTS WITH DOROTHY DAY HOUSE FOR REAL PROPERTY LOCATED AT 1931 CENTER STREET

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

Section 1. The City Council finds as follows:

- a. In June 2018 as part of the biennial budget process, City Council allocated \$400,000 for fiscal year 2019 to expand the 2019 winter shelter program; and
- b. Dorothy Day House operated the winter shelter at the North Berkeley Senior Center (NBSC) at 1901 Hearst Avenue and must be relocated due to site closure; and
- c. The basement at 1931 Center Street allows Dorothy Day House to operate the expanded winter shelter, on a continuous basis through June 30, 2019; and
- d. Dorothy Day House has an existing contract (Contract No. 115103-1) with the City of Berkeley and has been providing these services continually since December 23, 2017; and

Section 2. The City Manager or her designee is hereby authorized to enter into a license agreement and necessary amendments starting October 1, 2018 with Dorothy Day House for real property located at 1931 Center Street, which property is more specifically described in the property description attached to the proposed License Agreement as Exhibit A.

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

At a regular meeting of the Council of the City of Berkeley held on February 26, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

## LICENSE AGREEMENT

This AGREEMENT is entered into on October 1, 2018 by and between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California ("City") and DOROTHY DAY HOUSE ("Licensee"), a non-profit corporation under the laws of the State of California, who agree as follows doing business at P.O. Box 12701, Berkeley, CA 94712 who agrees as follows:

### 1. LICENSE

- a. Subject to all the terms and conditions herein, City hereby grants Licensee use of that portion of the City's property at **1931 Center Street** in Berkeley, County of Alameda, State of California ("the Property") shown on Exhibit A (hereinafter "the Premises"), attached hereto and made a part hereof. This License is not a lease; Licensee does not by this License obtain an exclusive right, against the City or the public, to any part of the Property.
- b. This License is granted for the purpose of providing overnight shelter services to single individuals aged 18 or older in Berkeley seven (7) nights per week.
- c. This License is granted for the purpose of preparing food in the 1931 Center Street basement kitchen for the Berkeley Community Breakfast Program (6) days per week and preparing and serving dinner seven (7) nights per week to the occupants of the Shelter in the 1931 Center Street basement.

### 2. TERM

This License shall take effect once executed by Licensee and approved by the Berkeley City Council (the "effective date"). It shall remain in effect on a month - to - month basis, starting with the effective date, subject to the following:

Either party may terminate this License for any reason with thirty (30) days' prior written notice to the other party. Either party may terminate this License for default upon fifteen (15) days' written notice to the other party if the other party has substantially failed to fulfill any of its obligations under this License in a timely manner.

### 3. LICENSE FEE

In consideration of the rights conveyed by this License, Licensee shall pay to City \$100.00 (ONE HUNDRED DOLLARS) per year which shall be due and payable upon execution of this agreement, as specified in Exhibit B.

**4. NOTICES**

A written notice shall be deemed served upon mailing said notice to the other party and depositing the same with the U.S. Post Office, first class mail, with postage paid.

For purposes of this License, all notices to the City shall be addressed to:

Real Property Division  
Public Works Department  
1947 Center Street, 4th Flr.  
Berkeley, CA 94704

For purposes of this License, all notices to Licensee shall be addressed to:

David Stegman, Executive Director  
Dorothy Day House  
P.O. Box 12701  
Berkeley, CA 94712

**5. GENERAL OCCUPANCY RULES AND REGULATIONS**

- a. City may waive any one or more of the occupancy rules or regulations contained in this agreement for the benefit of any particular licensee or licensees, but no waiver by City shall be construed as a waiver of those rules and regulations in favor of any other licensee, nor prevent City from enforcing any of those rules and regulations against any or all of the licensees of 1931 Center Street. Any waiver of rules and regulations by City shall be in writing.
- b. City reserves right at any time to change or rescind any one or more of the rules and regulations or to make additional reasonable rules and regulations that, in City's judgment, may be necessary for:
  - 1. Management, safety, care and cleanliness of the premises, building and real property; and
  - 11. Preservation of good order; and
  - 111. Convenience of other occupants and licensees in the premises, building and real property.

**6. PARKING**

City will permit Licensee to access on a temporary basis two parking spaces (#5 and #11) in the parking lot at the rear of the Premises. Access to the parking space is not guaranteed for the term of this License or for any specified term and may be withdrawn at any time within the sole discretion of City. Licensee's access to and use of the parking space and any portion of the parking lot is subject to all the

terms and conditions of Paragraph 16 (Indemnity) and Paragraph 17 (Insurance) as shown on Exhibit C.

7. **HEALTH, SAFETY AND ACCESSIBILITY (Applicable to licensees described below)**

Berkeley Opportunities for Self-Sufficiency (BOSS)/Multi-Agency Service Center (MASC), and Dorothy Day House (DDH) shall make all reasonable efforts to comply with the Alameda County-Wide Homeless Continuum of Care Health, Safety and Accessibility Standards for Shelter Facilities in Alameda County.

8. **MAINTENANCE AND ALTERATIONS**

Licensee shall maintain the Premises used pursuant to this License in good order and repair and reasonably free and clean of all debris, trash and rubble. Upon termination of this License, Licensee shall, at its own cost, remove any equipment or materials installed by Licensee and shall surrender the Premises to City in the same condition as at the commencement of this License with the exception of regular wear and tear. Licensee shall reimburse the City for any expenses incurred by the City for any damage to the Premises resulting solely from Licensee's use of the Premises;

- a. Licensee shall not construct or place any facilities on the Premises or the Property, or install any equipment on the Premises or the Property, or make any alterations or improvements to the Premises or the Property, without the City's prior written consent.
- b. The City shall provide janitorial services in the women's and men's restrooms and all the common areas.
- c. The City shall be responsible for the payment of water, gas, electricity, trash collection/maintenance, water and sewer utilities and other services delivered to the premises. Licensee shall pay the City a fee as provided in Section 3 above. Licensee shall be directly responsible for paying fees for other services, such as internet and phone.
- d. No sign, placard, picture, name advertisement, or notice visible from the exterior of the premises will be inscribed, painted, affixed or otherwise displayed by Licensee on any part of 1931 Center without the prior written consent of the City. Material visible outside the building will not be permitted.
- e. Licensee acknowledges that the City does not currently have and is not likely to have in the future sufficient funding to improve, retrofit, refurbish or maintain the Property and Licensee agrees to accept the Premises in their "as is" condition.
- f. Licensee shall assume all responsibility for protecting the premises from theft, robbery, pilferage, vandalism, damage or waste, including keeping doors locked and other means of entry to the premises closed and turning off all water faucets, water apparatus, and utilities.
- g. Licensee shall conduct business in a manner that will not cause damage to



the building or property including but not limited to (i.e., not overloading the circuits, inappropriate use of extension cords, exceeding maximum weight on stage and any other floor area, etc.)

**9. SECURITY**

- a. Pursuant to BMC Section 13.36.065, Licensee shall comply with security rules for City buildings. The City Manager's building security rules are designed to maintain the safety of City employees and patrons, facilitate the City's ability to do government business and provide services, and prevent damage to City facilities. (**See Attachment 1**).
- b. Access keys to the building and to Licensee's space shall be provided by Public Works Maintenance only and no keys shall be duplicated without consent of the City of Berkeley Public Works Maintenance Division. Licensee may not change any locks. The City must have access to all space in the building in the event of an emergency.

Courtyard: BOSS/MASC staff will patrol the courtyard Services from 8 a.m. to 2 p.m. BOSS/MASC, will be responsible for responding appropriately when unsafe behavior by clients on the premises threatens the safety of the building or the general public. DDH will monitor courtyard area nightly at 6 p.m.

**Courtyard Schedule:**

8 a.m. - 2 p.m. Mondays through Fridays - MASC Lockers

6 p.m. – Dorothy Day House (check to make sure the gate is locked).

- c. Holiday Coverage: BOSS/MASC and DDH are responsible.
- d. Front Steps: BOSS/MASC and Options staff will ensure security of the front steps jointly daily and keep an activity log. DDH staff will be responsible for front steps at night from the inside of the building.

**10. MAINTENANCE**

Dorothy Day House will maintain the men and women's bathrooms and the hallway and office space on nights when the shelter is operating. The following morning it will clean and restock the restrooms, clean and mop the sleeping areas and clean and stack the mats.

Public Works Department will perform and/or delegate to third party to perform the following maintenance work:

- Pest control
- Janitorial services
- Deep cleaning
- Alarm system
- HVAC system
- Mechanical and electrical maintenance

- Any other preventive maintenance services

**11. USE OF SHARED SPACE**

- a. Use of the kitchen will be exclusively for Dorothy Day House (DDH). Hours of use are as follows: Dorothy Day House: Monday through Sunday: 4 a.m. to 10 a.m. for the Breakfast Program and 5 p.m. to 12 a.m. for the Shelter Program. Any DDH volunteers must be under supervision by a team leader.
- b. DDH team leaders will have access to the kitchen throughout the day in order to clean and receive deliveries;
- c. Use of the conference room on the auditorium level shall be based on the Conference Room Schedule. (See Attachment 4.) The conference room shall be available on a first-come first-served basis during all vacant periods.
- d. Two parking space in the parking lot behind the building shall be assigned Licensee.

**12. NO SMOKING**

- a. Pursuant to Berkeley Municipal Code (BMC) ch. 12.70, no smoking is allowed in public places. This prohibition includes, but is not limited to within 20 feet of any entrance, exit or air intake vent to 1931 Center Street, except while passing on the way to another destination.
- b. No smoking is permitted in the parking lot or courtyard at 1931 Center Street.

**13. ENVIRONMENTAL**

- a. Licensee shall follow all environmental rules and regulations as they apply to City agencies. Specifically, Licensee shall minimize waste and recycle and compost, as per Recycling and Composting Guidelines for City Buildings. Guidelines for creating a recycling program are attached as Attachment 2. Licensee must participate in a recycling service provided by the City or provide an acceptable alternative with the approval of the City's Recycling Supervisor. To that end, Licensee shall:

Assign someone to be in charge of its recycling programs, and to communicate needs and questions to the City's Solid Waste Management Division.

- i. Recycle corrugated cardboard, office papers and beverage containers (glass bottles, plastic bottles, and cans)
- ii. Place collection containers for paper at desk sides and copy rooms, and break rooms. (See Attachment 2 for details.)
- iii. Provide a location for custodians to pick up flattened empty cardboard boxes. A central paper container is acceptable.

- iv. Educate employees and new employees about recycling procedures.
- v. Cooperate with the custodial service to make recyclables available for collection.
- vi. Recycle batteries and office equipment (contact the City's Solid Waste Management Division for information about vendors).
- vii. Cafeterias and commercial kitchens may participate in the City's organics recycling program, with the approval of the City's Solid Waste Supervisor. City provides containers and training.
- viii. Licensee shall recycle construction waste from tenant improvements.
- ix. Licensee shall conserve energy as specified in the City Manager's January 11, 2001 memorandum as shown in Attachment 3.

**14. ACCESS TO PROPERTY; TAXES, ASSESSMENTS, AND OTHER CHARGES**

- a. City, including its agents and employees, reserves the right to enter the Property and make any improvements thereon at reasonable times and with reasonable notice, provided such entry does not cause unreasonable interference with Licensee's activities.
- b. Licensee shall pay all personal property taxes levied on account of personal property owned by Licensee on the Property, and pay any in-lieu, possessory interest, or use taxes imposed by reason of Licensee's use or occupancy of the Property.

**15. ASSIGNMENT AND SUBLICENSING PROHIBITED**

This License is personal to Licensee. Notwithstanding references to assignees and/or sublicensees elsewhere in this License, if any, Licensee may not assign or sublicense this License in whole or in part without the prior written consent of the City, and any attempt to assign or any attempt to assign or sublicense this License shall terminate it.

**16. INDEMNIFICATION**

- a. To the fullest extent permitted by law, Licensee shall (1) immediately defend and (2) indemnify Landlord, and its directors, officers, and employees from and against all liabilities regardless of nature, type, or cause, arising out of or resulting from or in connection with the License. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. The Licensee's obligation to indemnify applies regardless of whether a liability is a result of the

negligence of any other person, unless it is adjudicated that the liability is caused by the sole active negligence or sole willful misconduct of an indemnified party.

- b. The duty to defend is a separate and distinct obligation from the Licensee's duty to indemnify. The Licensee shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by the Landlord, the Landlord and its directors, officers, and employees, immediately upon submittal to the Licensee of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. A determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Licensee from its separate and distinct obligation to defend Landlord. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Licensee asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Licensee may submit a claim to the Landlord for reimbursement of reasonable attorneys' fees and defense costs.
- c. The review, acceptance or approval of any of Licensee's work or work product by any indemnified party shall not affect, relieve or reduce the Licensee's indemnification or defense obligations. This Section survives the termination of this License. The provisions of this Section are not limited by and do not affect the provisions of this License relating to insurance.
- d. Liabilities subject to this Section include any claim of discrimination or harassment, including but not limited to sexual harassment, arising from the conduct of the Licensee or any of the Licensee's officers, employees, agents, licensees, or subcontractors. In the event of a discrimination or harassment complaint against any employee, agent, licensee or subcontractor of the Licensee or its subcontractors, the Licensee shall take immediate and appropriate action in response to such complaint, including, but not limited to termination or appropriate discipline of any responsible employee, agent, licensee or subcontractor.
- e. Neither Licensee nor its assignees, heirs, guardians, and legal representatives shall make a claim against or sue City or its employees, agents or contractors for injury or damage resulting from the negligence, whether active or passive, or other acts, however caused, by any employee, agent, or contractor of the City as a result of Licensee's presence on the Property. Licensee hereby acknowledges that the Property specifically and 1931 Center Street generally requires certain structural or code upgrades and accepts the conditions of the premises "as is."
- f. LICENSEE ACKNOWLEDGES THAT 1931 CENTER STREET HAS BEEN DEEMED TO BE UNSAFE AND SUBJECT TO SEVERE

DAMAGE DURING ANY MAJOR EARTHQUAKE. LICENSEE OCCUPIES THE BUILDING AT ITS OWN RISK. LICENSEE HEREBY RELEASES AND DISCHARGES THE CITY OF BERKELEY AND ITS EMPLOYEES, AGENTS, AND CONTRACTORS, FROM ALL ACTIONS, CLAIMS OR DEMANDS THAT LICENSEE, ITS HEIRS, GUARDIANS, AND LEGAL REPRESENTATIVES NOW HAVE OR MAY HAVE IN THE FUTURE FOR INJURY RESULTING FROM AN EARTHQUAKE.

**17. INSURANCE**

- a. Licensee at its cost shall maintain commercial general liability and property damage insurance with a single combined liability limit of **\$2,000,000.00** and property damage limits of not less than **\$100,000.00** per occurrence insuring against all liability of Licensee and its authorized representatives arising out of and in connection with Licensee's use or occupancy of the Property. All such insurance shall insure performance by Licensee of the preceding indemnity provisions. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.
- b. If the insurance referred to above is written on a Claims Made Form, then following termination of this License, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this License.
- c. Licensee at its cost shall maintain on all its personal property, Licensee's improvements, and alterations, in, on, or about the Premises, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements. This coverage shall be, considered primary, and the proceeds from any such policy shall be used by Licensee for the replacement of personal property or the restoration of Licensee's improvements or alterations.
- d. If Licensee employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the City. The workers' compensation insurance shall: provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the City; provide for a waiver of any right of subrogation against City to the extent permitted by law; and be approved as to form and sufficiency by the City's Risk Manager.
- e. Licensee shall forward all insurance documents to:

Real Property Administrator  
Public Works Department  
1947 Center Street, 4th Flr.  
Berkeley, CA 94704

**18. CONFORMITY WITH LAW**

- a. Licensee shall observe and comply with all applicable laws. Licensee shall release, defend, indemnify and hold harmless City, its officers, agents, volunteers and employees from any and all damages, liability, fines, penalties and consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.
- b. If a death, serious personal injury or substantial property damage occurs in connection with the performance of this License, Licensee shall immediately notify the City's Risk Manager by telephone. If any accident occurs in connection with this License, Licensee shall promptly submit a written report to City, in such form as the City may require. This report shall include the following information: 1) name and address of the injured or deceased person(s); 2) name and address of Licensee's sub licensee, if any; 3) name and address of Licensee's liability insurance carrier; and 4) a detailed description of the accident, including whether any of City's equipment, tools or materials were involved.
- c. If a release of hazardous materials or hazardous waste occurs in connection with the performance of this License, Licensee shall immediately notify the Berkeley Police Department and the City's Emergency and Toxics Management office.
- d. Licensee shall not store hazardous materials or hazardous waste within the City of Berkeley without a proper permit from the City.

**19. INDEPENDENT CAPACITY**

For purposes of this License, and for the duration of this License, Licensee, including its agents and employees, shall be, and is, an independent contractor and not an agent or employee of the City. Licensee has and shall retain the right to exercise full control and supervision of the services, and full control over the employment, direction, compensation and discharge of all persons assisting Licensee in the performance of this License. Licensee shall be solely responsible for all matters relating to the payment of its employees, including compliance with Social Security, withholding, and all other regulations governing such matters, and shall be solely responsible for its O"'.fl acts and those of its agents and employees.

**20. CITY NON-DISCRIMINATION ORDINANCE**

Licensee hereby agrees to comply with the provisions of Berkeley Municipal Code ("BMC") Chapter 13.26 as amended from time to time. In the performance of this License, Licensee agrees as follows:

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

- b. Licensee shall permit the City access to records of employment, employment advertisements, application forms, EE0-1 forms, affirmative action plans and any other documents which, in the opinion of the City, are necessary to monitor compliance with this non-discrimination provision. In addition, Licensee shall fill out, in a timely fashion, forms supplied by the City to monitor this non-discrimination provision.

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

- a. If Licensee provides any aid, service or benefit to others on the City's behalf, Licensee shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Licensee shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination against individuals with disabilities and shall ensure that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.
- b. If Licensee is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Licensee shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Licensee. All of Licensee's activities must be in accordance with these laws, ordinances, codes, and regulations, and Licensee shall be solely responsible for complying therewith.

**22. OPPRESSIVE STATES**

- a. In accordance with Resolution No. 59,853-N.S., Licensee certifies that it has no contractual relations with, and agrees during the term of this License to forego contractual relations to provide personal services to or to purchase, sell, lease or distribute commodities in the conduct of business with, the following entities:
  - 1. The governing regime in any Oppressive State.
  - 11. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
  - 111. Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

- b. For purposes of this License, the Tibet Autonomous Region and the provinces of Amdo, Kham, and U-Tsang shall be deemed oppressive states.
- c. Licensee's failure to comply with this section shall constitute a default of this License and City may terminate this License pursuant to Section 2. In the event that the City terminates this License due to a default under this provision, City may deem Licensee a non-responsible bidder for five (5) years from the date of termination.

**23. LIVING WAGE ORDINANCE**

- a. Licensee agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Licensee employs six (6) or more part-time or full-time employees, and generates \$350,000 or more in annual gross receipts, Licensee will be required to provide all eligible employees with City mandated minimum compensation during the term of this License, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.
- b. Licensee shall be required to maintain all reasonable records and documents that would establish whether Licensee is subject to Berkeley's Living Wage Ordinance (LWO). If Licensee is subject to the LWO, as defined therein, Licensee shall be further required to maintain monthly records of those employees located on the Property. These records shall include the total number of hours worked, the number of hours spent providing service on the Property, the hourly rate paid, and the amount paid by Licensee for health benefits, if any, for each of its employees providing services under the License. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered grounds for termination of this License in accordance with section 2 of this License.
- c. If Licensee is subject to the LWO, Licensee shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all sublicense agreements in which Licensee enters with regard to the Property. Sublicensees shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the Property.
- d. If Licensee fails to comply with the requirements of the LWO and this License, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Licensee's failure to comply with this Section shall be considered grounds for termination of this License in accordance with section 2 of this License.

In addition, at City's sole discretion, Licensee may be responsible for liquidated damages in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Licensee's failure to pay any of its eligible employees at least the applicable living



wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Licensee's breach.

**24. BERKELEY EQUAL BENEFITS ORDINANCE**

- a. Licensee hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Licensee generates \$350,000 or more in annual gross receipts, Licensee will be required to provide all eligible employees with City mandated equal benefits during the term of this License, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.
- b. If Licensee is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Licensee agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered grounds for termination of this License in accordance with section 2 of this License.
- c. If Licensee fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Licensee's failure to comply with this Section shall constitute grounds for termination of this License in accordance with section 2 of this License.

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

**25. CONFLICT OF INTEREST PROHIBITED**

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

- b. In accordance with Government Code section 1090 and the Political Reform Act, Government Code section 87100 *et seq.*, no person who is a director, officer, partner, trustee, employee or consultant of the Licensee, or immediate family member of any of the preceding, shall make or participate in a decision made by the City or a City board, commission or committee, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Licensee.
- c. Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code section 87100 *et seq.*, its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64.

**26. NUCLEAR FREE BERKELEY**

Licensee agrees to comply with B.M.C. Chapter 12.90, the Nuclear Free Berkeley Act.

**27. RECYCLED PAPER FOR WRITTEN REPORTS**

If Licensee is required by this License to prepare a written report or study, Licensee shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent (10%) more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this License, recycled paper is paper that contains at least fifty percent (50%) recycled product. If recycled paper is not available, Licensee shall use white paper. Written reports or studies prepared under this License shall be printed on both sides of the page whenever practical.

**28. PESTICIDES: EFFECT ON SUCCESSORS AND ASSIGNS: RISK OF LOSS**

- a. All use of pesticides on the premises shall be in compliance with the City of Berkeley's Pesticide Use Policy as it exists at the time of such use.
- b. This License shall be binding on and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.
- c. Licensee bears all risk of loss under this License.

**29. AUDIT**

The City Auditor's Office, or its designee, may conduct at any time an audit of Licensee's financial and compliance records maintained in connection with the operations and services performed under this License, and with the payments made under this License. In the event of such audit, Licensee agrees to make all such financial and compliance records available to the Auditor's Office, or its

designee. City agrees to provide Licensee an opportunity to discuss and respond to any findings before a final audit report is filed.

**30. SETOFF AGAINST DEBTS**

Licensee agrees that City may deduct from any payments due to Licensee under this License any amounts due to the City, and any monies that Licensee owes City under any ordinance, agreement or resolution for any unpaid taxes, fees, licenses, unpaid checks or other amounts.

**31. GOVERNING LAW; AMENDMENTS**

- a. The laws of the State of California shall govern this License.
- b. The term of this License shall not be altered or otherwise modified except by a written amendment to this License executed by City and Licensee.

**32. CITY BUSINESS LICENSE; PAYMENT OF TAXES. TAX I.D. NUMBER**

- a. Licensee has obtained a City business license as required by B.M.C. Chapter 9.04, and its license number is written below; or, Licensee is exempt from the provisions of B.M.C. Chapter 9.04 and has written below the specific B.M.C. section under which it is exempt. Licensee shall pay all state and federal income taxes and any other taxes due. Licensee certifies under penalty of perjury that the taxpayer identification number written is correct.

**33. SEVERABILITY; WAIVER**

- a. If any part of this License or the application thereof is declared invalid for any reason, such invalidity shall not affect the other terms of this License which can be given effect without the invalid provision or application, and to this end the provisions of this License are declared to be severable.
- b. Failure of City to insist on strict performance shall not constitute a waiver of any of the provisions of this License or a waiver of any other default of Licensee.

**34. ENTIRE AGREEMENT**

- a. The terms and conditions of this License, all exhibits attached and any documents expressly incorporated by reference represent the entire agreement between the parties with respect to the subject matter of this License. This License shall supersede any and all prior agreements, oral or written, regarding the subject matter between City and Licensee. No other agreement, statement, or promise relating to the subject matter of this License shall be valid or binding except by a written amendment to this License.

- b. If any conflicts arise between the terms and conditions of this License and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this License shall control.

**IN WITNESS WHEREOF**, City and Licensee have executed this License as of the date written on the first paragraph of this License.

**CITY OF BERKELEY**

By: \_\_\_\_\_  
CITY MANAGER

Registered by:

Approved as to form:

\_\_\_\_\_  
CITY AUDITOR

\_\_\_\_\_  
CITY ATTORNEY

Attest:

\_\_\_\_\_  
CITY CLERK

**Dorothy Day House**

By: \_\_\_\_\_  
David Stegman, Executive Director

Tax Identification # \_\_\_\_\_

Berkeley Business License # \_\_\_\_\_

Incorporated: Yes  No

Certified Woman Business Enterprise: Yes   
No

Certified Minority Business Enterprise: Yes   
No

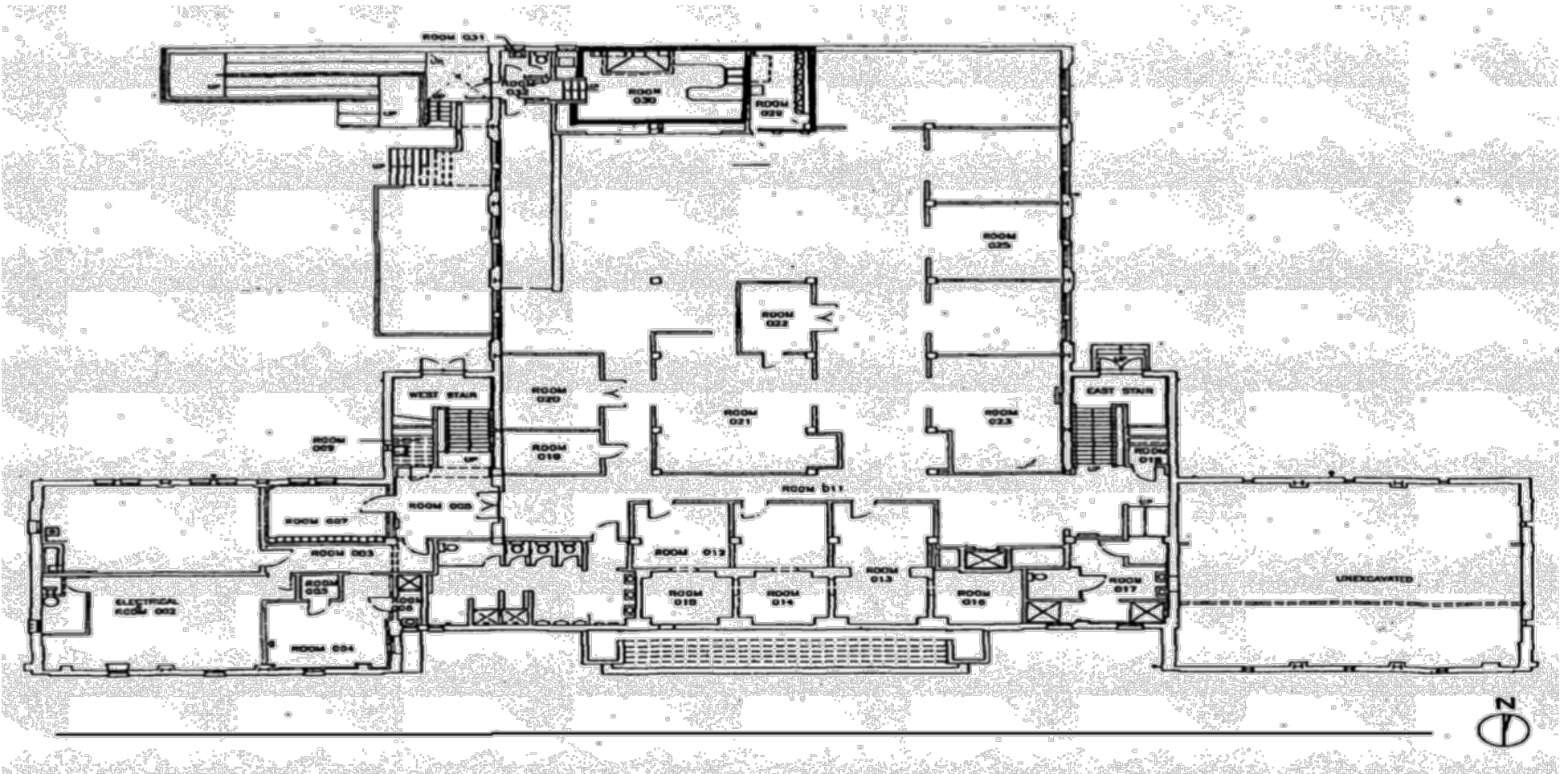
If yes, state ethnicity: \_\_\_\_\_

Certified Disadvantaged Business Enterprise:  
Yes  No

EXHIBIT A

PROPERTY DESCRIPTION

Dorothy Day House's Shelter has use of all available shared floor space and rooms 007 (Laundry), 021, and 022 in the basement during the hours of 5 p.m. to 8 a.m. daily, and has exclusive use of the shelter bays (rooms 023 through 027, inclusive) and staff office space in rooms 004, 011 and 014 and 016 (attached), and 019. Office space 013 will be used for storage and agency meeting space with clients. The kitchen (rooms 029 and 030), and storage space room 018. (See plan below for details)



**EXHIBIT B**

**PAYMENT**

1. Payments shall be due and payable upon execution of the agreement and the check made payable to the "City of Berkeley." Payments shall be paid at Finance Department Customer Service Center at 1947 Center Street, 1st Floor, Berkeley, CA 94704
2. Failure to make full payments on time is grounds for termination of this License by the City.
3. The license fee shall be \$100.00 per year.



EXHIBIT C



## SECURITY RULES FOR CITY BUILDINGS

**Interior Rules/Signage**

1. No member of the public may enter an interior area of a City building once a City employee advises that the area is closed to the public.
2. No member of the public may enter an interior area of a City building that is signed in any manner that suggests that the public should not enter, unless given permission to enter by a City employee. Such signs include, but are not limited to: "Reception Area- Please Check In," "Private," and "Employees Only"
3. A member of the public may remain in the lobby, hallways, waiting areas, or similar public areas inside a City building only as long as necessary to conduct City-related business or contact an employee. Members of the public may not wait in a City building for a City employee indefinitely, and may be asked to return at another time when the employee is expected to be in the office. When signage is not practical: use verbal warnings.
4. Bathrooms in City buildings shall not be used for bathing or washing clothes, unless the bathroom is equipped for such uses and the person is authorized to use the bathroom for such purposes. Acceptable Signage, But Only If The Problem Is Recurring: "No Bathing Allowed" or "No Bathing Or Washing Laundry Allowed"
5. In City buildings, no member of the public may:
  - a. Yell, threaten, or use profanity or rude, insulting language against City staff, e.g., calling the City staff member a "bastard" or an "idiot" in an attempt to intimidate the staff member into doing something that the staff member cannot do;
  - b. Disturb or annoy anyone with loud or unreasonable noise;
  - c. Insist that City staff provide a service, explanation or document that City staff has made clear cannot be provided at that time;
  - d. Insist on meeting with a City staff member or supervisor after being told that the person is either not available or will not meet with the person;
  - e. Conduct oneself in a manner that obstructs or intimidates City staff or patrons;
  - f. Block City entrances, ramps, or exits;
  - g. Enter a City building with animals other than service animals authorized by law;
  - h. Ride bikes, skates, scooters, Segways, skateboards, and other devices designed to enhance mobility but not intended for indoor use;

- i. Smoke, eat, or drink, except where expressly permitted;
- j. Lie on the floor or sleep; or
- k. Exude extremely offensive odors

### **Exterior Rules/Signage**

1. No member of the public may remain on the exterior steps or exterior grounds<sup>1</sup> of City buildings, unless the person is there to conduct City-related business or contact an employee.

Acceptable Signage: "No Sitting On Steps - BMC 13.36.065" and/or "Building Steps And Grounds For City Business Only-BMC 13.36.065."<sup>2</sup> (See following text of BMC 13.36)

<sup>1</sup> "Exterior grounds" means the area between the outer building facade and the property line. Exterior grounds can include an off-street parking lot. However, a public sidewalk is not part of the exterior grounds. (BMC § 13.36.065.(8) Also, if the City only leases a portion of a building, this rule still applies

### **Chapter 13.36 DISORDERLY CONDUCT\***

Section 13.36.065 Violating building security rules for City buildings.

- A. Purpose. The purpose of this section is to enable the City Manager to establish building security rules for buildings that the City of Berkeley owns or leases for City government business or services. The City Manager's building security rules will be designed to maintain the safety of City employees and patrons, facilitate the City's ability to do government business and provide services, and prevent damage to City facilities. The City Manager's building security rules may apply to all City buildings, as defined in this section, or only to specific City buildings, depending on the security needs at each site.
- B. Definitions. "City building" as used in this section means any building that the City of Berkeley owns or leases for the purpose of conducting City government business or providing City services. If only a part of the interior of a building is leased by the City for City government business or services, then "City building" shall apply to only that part of the interior of the building. In addition, if only a part of the interior of a building is leased by the City for City government business or services, then "City building" shall also include the entire exterior curtilage of the building, unless the building owner or occupant authorizes the conduct prohibited by this section on the exterior curtilage.

"Curtilage" as used in this section means the exterior grounds of a building. "Curtilage" shall include the steps and grounds that lie between the outer facade of the building and either (1) the public sidewalk, (2) a formally dedicated public park, or (3) the adjacent private property. Curtilage does not include the public

sidewalk or a formally dedicated public park, but rather, ends there.

- C. Prohibited Conduct. No person shall violate the City Manager's building security rules governing any City building. The City Manager's building security rules shall promote safety for City employees and patrons, facilitate the City's ability to provide services, and/or help prevent damage to City facilities. The City Manager's building security rules shall include but need not be limited to, prohibiting persons from:
- 1) Entering designated areas that are not open to the general public inside of City buildings without permission from a City employee or agent, and
  - 2) Remaining inside of or on the curtilage of a City building without a purpose related to conducting business, accessing services, or contacting an occupant on the premises.
- D. Citation. No person shall be arrested or cited under this section unless the person engages in conduct prohibited by this section after having been notified by a City official that he or she is in violation of the prohibition in this section.
- E. Penalty. Notwithstanding the provisions of Section 13.36.100, violation of this section shall be either an infraction or a misdemeanor, in the discretion of the prosecutor, and upon conviction shall be punishable as set forth in Chapter 1.20 of this code. (Ord. 6486-NS § 1, 1999)

## SETTING UP A RECYCLING PROGRAM

### A. Recycling and Composting Guidelines

1. All occupants in City-owned facilities must participate in recycling services provided by the City or provide an acceptable alternative for approval of City's Recycling Supervisor.
  - a. Assign someone to be in charge of your recycling program, and communicate needs and questions to the City's Solid Waste Management Division..
  - b. Recycle corrugated cardboard, office papers and beverage containers (glass bottles, plastic bottles and cans).
  - c. Place collection containers at convenient locations for licensee and employees including at desk sides and copy rooms, and containers for bottles/cans. See Section B below.
  - d. d.
  - e. Educate employees about recycling procedures.
  - f. Cooperate fully to make recyclables available for collection.
  - g. Recycle batteries and office equipment (contact City's Solid Waste Management Division for information about vendors).
2. Cafeterias and commercial kitchens may participate in the City's organics recycling program, with approval of refuse supervisor. The City will provide containers and training.
3. Licensee shall recycle construction waste from any licensee improvements.
4. The City shall provide the following services at standard rates:
  - a. Curbside collection service (cart) or on site for bins.
  - b. Containers for desk side, copy room and storage.
  - c. Assistance designing your recycling program.
  - d. Training and instructive posters.
5. Standard Rates:
  - a. There is no charge for recycling services for bottles/cans, papers and cardboard.
  - b. Organics collection is charged at 80% of equivalent refuse service.

### B. Recycling happens in four phases:

1. Convenient separation where it's first generated:

- a. Container next to each desk to hold office paper and trash.
  - b. Container by each copy machine. This container should be at least 13 gallons and can double as the central container for the office.
  - c. Container for bottles/cans in the break room.
2. Move small amounts to a central collection container:
    - a. Employees usually empty their desk side containers into a larger central container. Often this doubles as the copy-room container.
    - b. Employees put their bottles/cans into a container in the break room.
  3. Licensee is responsible to transfer the paper to the licensee's storage location, and setting storage containers by the curbside by 7:00 a.m. on collection day and bringing them back to the storage area as soon as possible after they are emptied.
  4. The City will pick up recycling materials on the regular collection day.



Office of the City Manager

MEMORANDUM

January 11, 2001

TO: All Staff

FROM: Weldon Rucker, Acting City Manager

RE: MUNICIPAL ELECTRIC LOAD CURTAILMENT

As you are aware, California's electric system is in a fragile condition. In order to prevent rolling blackouts, the City shall curtail municipal electric loads as described below. Since this problem is likely to persist, these procedures shall remain in effect until further notice.

The California Independent System Operator (ISO) issues alerts when power supply margins are too low. A Stage II emergency seeks voluntary load curtailment. A Stage III Emergency orders utilities to institute rolling black outs.

At all times, regardless of the ISO Emergency status, the procedures below shall be followed.

- 1) Site Safety Coordinators shall:
  - a) ensure that non-essential equipment including copiers, printers, computers, lights, space heaters, air conditioners, fans and air compressors are turned off at the end of the day;
  - b) ensure that Energy Saver features are enabled on all office equipment (copiers, printers, PCs, faxes);
  - c) minimize use of incandescent lighting (call the Energy Office to replace incandescent desk lamps with fluorescents); and,
  - d) be familiar with Stage II procedures.
- 2) No new incandescent (including halogen and quartz) floor or desk lamps may be purchased.
- 3) Information Systems shall set Energy Star features on all new installs and service calls.
- 4) Public Works Facilities Management shall review and connect settings on all setback thermostats (Operating hours: heat= 68 degrees; cooling= 74 degrees. Non-operating hours: heat= 55 degrees; cooling 90 = degrees).
- 5) Parks and Waterfront and Health and Human Services shall prepare a plan to notify ball field users of closures.

During Stage II Emergencies, the procedures below shall be followed:

- 1) Public Works and the Communications Center shall notify each other and Information Systems of the Stage II notice.
- 2) Information Systems shall send an email to Everyone (that includes excerpts from this document).
- 3) Site Safety Coordinators shall:
  - a) Disconnect electric vehicles from chargers;
  - b) Ensure all procedures above are implemented;
  - c) Turn off all non-essential air compressors;
  - d) Turn off all space heaters, window box air conditioners and fans;
  - e) Turn off all unused office equipment;
  - f) Turn off all unnecessary overhead lighting;
  - g) Reset thermostats to 78 degrees for cooling and to turn off ventilation equipment when heating/cooling element is not on.
- 4) Health and Human Services and Parks and Waterfront shall notify ball field users of the emergency and shall turn off ball field lighting.
- 5) Parks and Waterfront shall turn off ball court lighting.

ORDINANCE NO. 7,642-N.S.

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A LICENSE AGREEMENT AND ANY NECESSARY AMENDMENTS WITH DOROTHY DAY HOUSE FOR REAL PROPERTY LOCATED AT 2134 MARTIN LUTHER KING JR. WAY

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

Section 1. The City Council finds as follows:

- a. In June 2018 as part of the biennial budget process, City Council allocated \$30,101 for fiscal year 2019 to Dorothy Day House to operate the Berkeley Emergency Storm Shelter (BESS) on cold and rainy nights only for up to 40 people for 45 nights; and
- b. At its November 27, 2018 City Council meeting Council authorized the repurpose of the Old City Hall building for a temporary Emergency Storm Shelter; and
- c. Dorothy Day House has agreed to operate Berkeley Emergency Storm Shelter (BESS), on a continuous basis through April 15, 2019; and
- d. Dorothy Day House has an existing contract (Contract No. 115103-1) with the City of Berkeley and has been providing these services continually since November 16, 2018; and

Section 2. The City Manager or her designee is hereby authorized to enter into a license agreement and necessary amendments starting November 30, 2018 with Dorothy Day House for real property located at 2134 Martin Luther King Jr. Way, which property is more specifically described in the property description attached to the proposed License Agreement as Exhibit A.

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

At a regular meeting of the Council of the City of Berkeley held on February 26, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

## LICENSE AGREEMENT

This AGREEMENT is entered into on November 1, 2018 by and between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California ("City") and DOROTHY DAY HOUSE ("Licensee"), a non-profit corporation under the laws of the State of California, who agree as follows doing business at P.O. Box 12701, Berkeley, CA 94712 who agrees as follows:

### 1. LICENSE

a. Subject to all the terms and conditions herein, City hereby grants Licensee use of that portion of the City's property at **2134 Martin Luther King Jr. Way** in Berkeley, County of Alameda, State of California ("the Property") shown on Exhibit A (hereinafter "the Premises"), attached hereto and made a part hereof. This License is not a lease; Licensee does not by this License obtain an exclusive right, against the City or the public, to any part of the Property.

b. This License is granted for the purpose of providing Berkeley Emergency Storm Shelter services to single individuals aged 18 or older in Berkeley on nights when inclement weather is forecast.

### 2. TERM

This License shall take effect once executed by Licensee and approved by the Berkeley City Council (the "effective date"). It shall remain in effect on a month - to - month basis, starting with the effective date, subject to the following:

Either party may terminate this License for any reason with thirty (30) days' prior written notice to the other party. Either party may terminate this License for default upon fifteen (15) days' written notice to the other party if the other party has substantially failed to fulfill any of its obligations under this License in a timely manner.

### 3. LICENSE FEE

In consideration of the rights conveyed by this License, Licensee shall pay to City \$100.00 (ONE HUNDRED DOLLARS) per year which shall be due and payable upon execution of this agreement, as specified in Exhibit B.

### 4. NOTICES

A written notice shall be deemed served upon mailing said notice to the other party and depositing the same with the U.S. Post Office, first class mail, with postage paid.

For purposes of this License, all notices to the City shall be addressed to:

Real Property Division  
Public Works Department  
1947 Center Street, 4<sup>th</sup> Fl.  
Berkeley, CA 94704



For purposes of this License, all notices to Licensee shall be addressed to:

David Stegman Executive Director  
Dorothy Day House  
P.O. Box 12701  
Berkeley, CA 94712

**5. GENERAL OCCUPANCY RULES AND REGULATIONS**

a. City may waive any one or more of the occupancy rules or regulations contained in this agreement for the benefit of any particular licensee or licensees, but no waiver by City shall be construed as a waiver of those rules and regulations in favor of any other licensee, nor prevent City from enforcing any of those rules and regulations against any or all of the licensees of 1931 Center Street. Any waiver of rules and regulations by City shall be in writing.

b. City reserves right at any time to change or rescind any one or more of the rules and regulations or to make additional reasonable rules and regulations that, in City's judgment, may be necessary for:

1. Management, safety, care and cleanliness of the premises, building and real property; and
11. Preservation of good order; and
111. Convenience of other occupants and licensees in the premises, building and real property.

**6. PARKING**

The Licensee will not have any to parking at this site.

**7. HEALTH, SAFETY AND ACCESSIBILITY (Applicable to licensees described below)**

Dorothy Day House (DDH) shall make all reasonable efforts to comply with the Alameda County-Wide Homeless Continuum of Care Health, Safety and Accessibility Standards for Shelter Facilities in Alameda County.

**8. MAINTENANCE AND ALTERATIONS**

Licensee shall maintain the Premises used pursuant to this License in good order and repair and reasonably free and clean of all debris, trash and rubble. Upon termination of this License, Licensee shall, at its own cost, remove any equipment or materials installed by Licensee and shall surrender the Premises to City in the same condition as at the commencement of this License with the exception of regular wear and tear. Licensee shall reimburse the City for any expenses incurred by the City for any damage to the Premises resulting solely from Licensee's use of the Premises;

a. Licensee shall not construct or place any facilities on the Premises or the Property, or install any equipment on the Premises or the Property, or make any alterations or improvements to the Premises or the Property, without the City's prior written consent.

- b. The City shall provide janitorial services in the women's and men's restrooms and all the common areas.
- c. The City shall be responsible for the payment of water, gas, electricity, trash collection/maintenance, water and sewer utilities and other services delivered to the premises. Licensee shall pay the City a fee as provided in Section 3 above. Licensee shall be directly responsible for paying fees for other services, such as internet and phone.
- d. No sign, placard, picture, name advertisement, or notice visible from the exterior of the premises will be inscribed, painted, affixed or otherwise displayed by Licensee on any part of 1931 Center without the prior written consent of the City. Material visible outside the building will not be permitted.
- e. Licensee acknowledges that the City does not currently have and is not likely to have in the future sufficient funding to improve, retrofit, refurbish or maintain the Property and Licensee agrees to accept the Premises in their "as is" condition.
- f. Licensee shall assume all responsibility for protecting the premises from theft, robbery, pilferage, vandalism, damage or waste, including keeping doors locked and other means of entry to the premises closed and turning off all water faucets, water apparatus, and utilities.
- g. Licensee shall conduct business in a manner that will not cause damage to the building or property including but not limited to (i.e., not overloading the circuits, inappropriate use of extension cords, exceeding maximum weight onstage and any other floor area, etc.)

**9. SECURITY**

- a. Pursuant to BMC Section 13.36.065, Licensee shall comply with security rules for City buildings. The City Manager's building security rules are designed to maintain the safety of City employees and patrons, facilitate the City's ability to do government business and provide services, and prevent damage to City facilities. (**See Attachment 1.**)
- b. Access keys to the building and to Licensee's space shall be provided by Public Works Maintenance only and no keys shall be duplicated without consent of the City of Berkeley Public Works Maintenance Division. Licensee may not change any locks. The City must have access to all space in the building in the event of an emergency.

Dorothy Day House will be responsible for responding appropriately when unsafe behavior by clients on the premises threatens the safety of the building or the general public. DDH will monitor the area nightly at 7 p.m.

**Shelter Schedule:**

7 p.m. – 8 a.m. when it meets the weather requirements

- c. Front Steps: Dorothy Day House staff will be responsible for front steps at night from the inside of the building.

10. **MAINTENANCE**

Dorothy Day House will maintain the men and women’s bathrooms and the hallway and office space on nights when the shelter is operating. The following morning it will clean and restock the restrooms, clean and mop the sleeping areas and clean and stack the mats.

Public Works will perform and/or delegate to third party to perform the following maintenance:

- Pest control
- Janitorial services
- Deep cleaning
- Alarm system
- HVAC system
- Mechanical and electrical maintenance
- Any other preventive maintenance services

11. **USE OF SHARED SPACE**

a. Dorothy Day House will operate the shelter on nights when inclement weather forecast. It will maintain the sleeping area in a way that Berkeley Community Media staff and visitors can continue to access its office space on the main floor.

12. **NOSMOKING**

a. Pursuant to Berkeley Municipal Code (BMC) ch. 12.70, no smoking is allowed in public places. This prohibition includes, but is not limited to within 20 feet of any entrance, exit or air intake vent to 1931 Center Street, except while passing on the way to another destination.

b. No smoking is permitted in the parking lot or courtyard at 1931 Center Street.

13. **ENVIRONMENTAL**

a. Licensee shall follow all environmental rules and regulations as they apply to City agencies. Specifically, Licensee shall minimize waste and recycle and compost, as per Recycling and Composting Guidelines for City Buildings. Guidelines for creating a recycling program are attached as Attachment 2. Licensee must participate in a recycling service provided by the City or provide an acceptable alternative with the approval of the City's Recycling Supervisor. To that end, Licensee shall:

Assign someone to be in charge of its recycling programs, and to communicate needs and questions to the City's Solid Waste Management Division.

- i. Recycle corrugated cardboard, office papers and beverage containers (glass

- bottles, plastic bottles, and cans)
- ii. Place collection containers for paper at desk sides and copy rooms, and break rooms. (See Attachment 2 for details.)
- ii. Provide a location for custodians to pick up flattened empty cardboard boxes. A central paper container is acceptable.
- iv. Educate employees and new employees about recycling procedures.
- v. Cooperate with the custodial service to make recyclables available for collection.
- vi. Recycle batteries and office equipment (contact the City's Solid Waste Management Division for information about vendors).
- vii. Cafeterias and commercial kitchens may participate in the City's organics recycling program, with the approval of the City's Solid Waste Supervisor. City provides containers and training.
- viii. Licensee shall recycle construction waste from tenant improvements.
- ix. Licensee shall conserve energy as specified in the City Manager's January 11, 2001 memorandum as shown in Attachment 3.

**14. ACCESS TO PROPERTY: TAXES, ASSESSMENTS, AND OTHER CHARGES**

a. City, including its agents and employees, reserves the right to enter the Property and make any improvements thereon at reasonable times and with reasonable notice, provided such entry does not cause unreasonable interference with Licensee's activities.

b. Licensee shall pay all personal property taxes levied on account of personal property owned by Licensee on the Property, and pay any in-lieu, possessory interest, or use taxes imposed by reason of Licensee's use or occupancy of the Property.

**15. ASSIGNMENT AND SUBLICENSING PROHIBITED**

This License is personal to Licensee. Notwithstanding references to assignees and/or sublicensees elsewhere in this License, if any, Licensee may not assign or sublicense this License in whole or in part without the prior written consent of the City, and any attempt to assign or any attempt to assign or sublicense this License shall terminate it.

**16. INDEMNIFICATION**

a. To the fullest extent permitted by law, Licensee shall (1) immediately defend and (2) indemnify Landlord, and its directors, officers, and employees from and against all liabilities regardless of nature, type, or cause, arising out of or resulting from or in connection with the License. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. The Licensee's obligation to indemnify applies regardless of whether a liability is a result of the negligence of any other person, unless it is adjudicated that the liability is caused by the sole active negligence or sole willful misconduct of an indemnified party.

b. The duty to defend is a separate and distinct obligation from the Licensee's duty to indemnify. The Licensee shall be obligated to defend, in all legal, equitable, administrative,

or special proceedings, with counsel approved by the Landlord, the Landlord and its directors, officers, and employees, immediately upon submittal to the Licensee of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. A determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Licensee from its separate and distinct obligation to defend Landlord. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Licensee asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Licensee may submit a claim to the Landlord for reimbursement of reasonable attorneys' fees and defense costs.

c. The review, acceptance or approval of any of Licensee's work or work product by any indemnified party shall not affect, relieve or reduce the Licensee's indemnification or defense obligations. This Section survives the termination of this License. The provisions of this Section are not limited by and do not affect the provisions of this License relating to insurance.

d. Liabilities subject to this Section include any claim of discrimination or harassment, including but not limited to sexual harassment, arising from the conduct of the Licensee or any of the Licensee's officers, employees, agents, licensees, or subcontractors. In the event of a discrimination or harassment complaint against any employee, agent, licensee or subcontractor of the Licensee or its subcontractors, the Licensee shall take immediate and appropriate action in response to such complaint, including, but not limited to termination or appropriate discipline of any responsible employee, agent, licensee or subcontractor.

e. Neither Licensee nor its assignees, heirs, guardians, and legal representatives shall make a claim against or sue City or its employees, agents or contractors for injury or damage resulting from the negligence, whether active or passive, or other acts, however caused, by any employee, agent, or contractor of the City as a result of Licensee's presence on the Property. Licensee hereby acknowledges that the Property specifically and 1931 Center Street generally requires certain structural or code upgrades and accepts the conditions of the premises "as is."

f. LICENSEE ACKNOWLEDGES THAT 1931 CENTER STREET HAS BEEN DEEMED TO BE UNSAFE AND SUBJECT TO SEVERE DAMAGE DURING ANY MAJOR EARTHQUAKE. LICENSEE OCCUPIES THE BUILDING AT ITS OWN RISK. LICENSEE HEREBY RELEASES AND DISCHARGES THE CITY OF BERKELEY AND ITS EMPLOYEES, AGENTS, AND CONTRACTORS, FROM ALL ACTIONS, CLAIMS OR DEMANDS THAT LICENSEE, ITS HEIRS, GUARDIANS, AND LEGAL REPRESENTATIVES NOW HAVE OR MAY HAVE IN THE FUTURE FOR INJURY RESULTING FROM AN EARTHQUAKE.

## 17. **INSURANCE**

a. Licensee at its cost shall maintain commercial general liability and property damage insurance with a single combined liability limit of **\$2,000,000.00** and property damage limits of not less than **\$1,00,000.00** per occurrence insuring against all liability of

Licensee and its authorized representatives arising out of and in connection with Licensee's use or occupancy of the Property. All such insurance shall insure performance by Licensee of the preceding indemnity provisions. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.

b. If the insurance referred to above is written on a Claims Made Form, then following termination of this License, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this License.

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

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

e. Licensee shall forward all insurance documents to  
Real Property Administrator  
Public Works Department  
1947 Center Street, 4<sup>th</sup> Flr.  
Berkeley, CA 94704

**18. CONFORMITY WITH LAW**

a. Licensee shall observe and comply with all applicable laws. Licensee shall release, defend, indemnify and hold harmless City, its officers, agents, volunteers and employees from any and all damages, liability, fines, penalties and consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

b. If a death, serious personal injury or substantial property damage occurs in connection with the performance of this License, Licensee shall immediately notify the City's Risk Manager by telephone. If any accident occurs in connection with this License, Licensee shall promptly submit a written report to City, in such form as the City may require. This report shall include the following information: 1) name and address of the injured or deceased person(s); 2) name and address of Licensee's sub licensee, if any; 3) name and address of Licensee's liability insurance carrier; and 4) a detailed description of the accident, including whether any of City's equipment, tools or materials were involved.

c. If a release of hazardous materials or hazardous waste occurs in connection with the performance of this License, Licensee shall immediately notify the Berkeley Police Department and the City's Emergency and Toxics Management office.

d. Licensee shall not store hazardous materials or hazardous waste within the City of Berkeley without a proper permit from the City.

**19. INDEPENDENT CAPACITY**

For purposes of this License, and for the duration of this License, Licensee, including its agents and employees, shall be, and is, an independent contractor and not an agent or employee of the City. Licensee has and shall retain the right to exercise full control and supervision of the services, and full control over the employment, direction, compensation and discharge of all persons assisting Licensee in the performance of this License. Licensee shall be solely responsible for all matters relating to the payment of its employees, including compliance with Social Security, withholding, and all other regulations governing such matters, and shall be solely responsible for its O"'.fl acts and those of its agents and employees.

**20. CITY NON-DISCRIMINATION ORDINANCE**

Licensee hereby agrees to comply with the provisions of Berkeley Municipal Code ("BMC") Chapter 13.26 as amended from time to time. In the performance of this License, Licensee agrees as follows:

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

b. Licensee shall permit the City access to records of employment, employment advertisements, application forms, EE0-1 forms, affirmative action plans and any other documents which, in the opinion of the City, are necessary to monitor compliance with this non- discrimination provision. In addition, Licensee shall fill out, in a timely fashion, forms supplied by the City to monitor this non-discrimination provision.

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

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

b. If Licensee is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Licensee shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting

discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Licensee. All of Licensee's activities must be in accordance with these laws, ordinances, codes, and regulations, and Licensee shall be solely responsible for complying therewith.

**22. OPPRESSIVE STATES**

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

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

b. For purposes of this License, the Tibet Autonomous Region and the provinces of ADO, Kham, and U-Tsang shall be deemed oppressive states.

c. Licensee's failure to comply with this section shall constitute a default of this License and City may terminate this License pursuant to Section 2. In the event that the City terminates this License due to a default under this provision, City may deem Licensee a non-responsible bidder for five (5) years from the date of termination.

**23. LIVING WAGE ORDINANCE**

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

b. Licensee shall be required to maintain all reasonable records and documents that would establish whether Licensee is subject to Berkeley's Living Wage Ordinance (LWO). If Licensee is subject to the LWO, as defined therein, Licensee shall be further required to maintain monthly records of those employees located on the Property. These records shall include the total number of hours worked, the number of hours spent providing service on the Property, the hourly rate paid, and the amount paid by Licensee for health benefits, if any, for each of its employees providing services under the License. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered grounds for termination of this License in accordance with section 2 of this License.

c. If Licensee is subject to the LWO, Licensee shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all sublicense agreements in



which Licensee enters with regard to the Property. Sublicensees shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the Property.

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

Licensee's failure to comply with this Section shall be considered grounds for termination of this License in accordance with section 2 of this License.

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

**24. BERKELEY EQUAL BENEFITS ORDINANCE**

a. Licensee hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Licensee generates \$350,000 or more in annual gross receipts, Licensee will be required to provide all eligible employees with City mandated equal benefits during the term of this License, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

b. If Licensee is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Licensee agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered grounds for termination of this License in accordance with section 2 of this License.

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

Licensee's failure to comply with this Section shall constitute grounds for termination of this License in accordance with section 2 of this License.

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

**25. CONFLICT OF INTEREST PROHIBITED**

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

b. In accordance with Government Code section 1090 and the Political Reform Act, Government Code section 87100 *et seq.*, no person who is a director, officer, partner, trustee, employee or consultant of the Licensee, or immediate family member of any of the preceding, shall make or participate in a decision made by the City or a City board, commission or committee, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Licensee.

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

**26. NUCLEAR FREE BERKELEY**

Licensee agrees to comply with B.M.C. Chapter 12.90, the Nuclear Free Berkeley Act.

**27. RECYCLED PAPER FOR WRITTEN REPORTS**

If Licensee is required by this License to prepare a written report or study, Licensee shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent (10%) more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this License, recycled paper is paper that contains at least fifty percent (50%) recycled product. If recycled paper is not available, Licensee shall use white paper. Written reports or studies prepared under this License shall be printed on both sides of the page whenever practical.

**28. PESTICIDES: EFFECT ON SUCCESSORS AND ASSIGNS: RISK OF LOSS**

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

b. This License shall be binding on and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

c. Licensee bears all risk of loss under this License.

**29. AUDIT**

The City Auditor's Office, or its designee, may conduct at any time an audit of Licensee's

financial and compliance records maintained in connection with the operations and services performed under this License, and with the payments made under this License. In the event of such audit, Licensee agrees to make all such financial and compliance records available to the Auditor's Office, or its designee. City agrees to provide Licensee an opportunity to discuss and respond to any findings before a final audit report is filed.

**30. SETOFF AGAINST DEBTS**

Licensee agrees that City may deduct from any payments due to Licensee under this License any amounts due to the City, and any monies that Licensee owes City under any ordinance, agreement or resolution for any unpaid taxes, fees, licenses, unpaid checks or other amounts.

**31. GOVERNING LAW; AMENDMENTS**

- a. The laws of the State of California shall govern this License.
- b. The term of this License shall not be altered or otherwise modified except by a written amendment to this License executed by City and Licensee.

**32. CITY BUSINESS LICENSE; PAYMENT OF TAXES. TAX I.D. NUMBER**

- a. Licensee has obtained a City business license as required by B.M.C. Chapter 9.04, and its license number is written below; or, Licensee is exempt from the provisions of B.M.C. Chapter 9.04 and has written below the specific B.M.C. section under which it is exempt. Licensee shall pay all state and federal income taxes and any other taxes due. Licensee certifies under penalty of perjury that the taxpayer identification number written is correct.

**33. SEVERABILITY; WAIVER**

- a. If any part of this License or the application thereof is declared invalid for any reason, such invalidity shall not affect the other terms of this License which can be given effect without the invalid provision or application, and to this end the provisions of this License are declared to be severable.
- b. Failure of City to insist on strict performance shall not constitute a waiver of any of the provisions of this License or a waiver of any other default of Licensee.

**34. ENTIRE AGREEMENT**

- a. The terms and conditions of this License, all exhibits attached and any documents expressly incorporated by reference represent the entire agreement between the parties with respect to the subject matter of this License. This License shall supersede any and all prior agreements, oral or written, regarding the subject matter between City and Licensee. No other agreement, statement, or promise relating to the subject matter of this License shall be valid or binding except by a written amendment to this License.

b. If any conflicts arise between the terms and conditions of this License and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this License shall control.

IN WITNESS WHEREOF, City and Licensee have executed this License as of the date written on the first paragraph of this License.

CITY OF BERKELEY

By: \_\_\_\_\_  
CITY MANAGER

Registered by:

Approved as to form:

\_\_\_\_\_  
CITY AUDITOR

\_\_\_\_\_  
CITY ATTORNEY

Attest:

\_\_\_\_\_  
CITY CLERK

**Dorothy Day House**

By: \_\_\_\_\_  
David Stegman, Executive Director

Tax Identification # \_\_\_\_\_

Berkeley Business License # \_\_\_\_\_

Incorporated: Yes  No

Certified Woman Business Enterprise: Yes  No

Certified Minority Business Enterprise: Yes  No

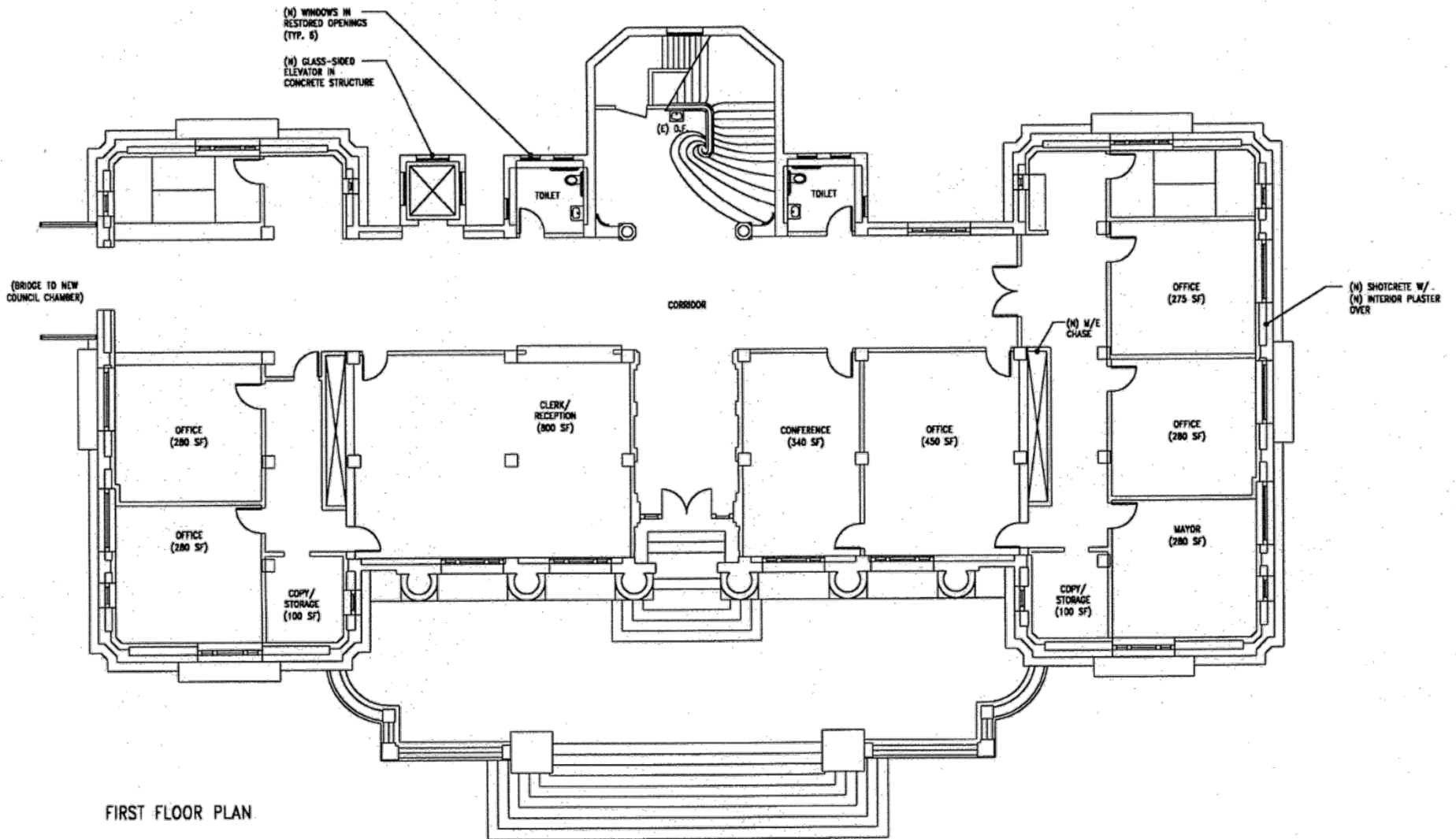
If yes, state ethnicity: \_\_\_\_\_

Certified Disadvantaged Business Enterprise:  
Yes  No

EXHIBIT A

PROPERTY DESCRIPTION

Dorothy Day House's Berkeley Emergency Storm Shelter (BESS) has use of the corridor and restrooms. (See plan below for details)



FIRST FLOOR PLAN

1/16"=1'-0"

**EXHIBIT B**

**PAYMENT**

- 1) Payments shall be due and payable upon execution of the agreement and the check made payable to the "City of Berkeley." Payments shall be paid at Finance Department Customer Service Center at 1947 Center Street, 1st Floor, Berkeley, CA 94704
- 2) Failure to make full payments on time is grounds for termination of this License by the City.
- 3) The license fee shall be \$100.00 per year.

## SECURITY RULES FOR CITY BUILDINGS

### Interior Rules/Signage

1. No member of the public may enter an interior area of a City building once a City employee advises that the area is closed to the public.
2. No member of the public may enter an interior area of a City building that is signed in any manner that suggests that the public should not enter, unless given permission to enter by a City employee. Such signs include, but are not limited to: "Reception Area- Please Check In," "Private," and "Employees Only"
3. A member of the public may remain in the lobby, hallways, waiting areas, or similar public areas inside a City building only as long as necessary to conduct City-related business or contact an employee. Members of the public may not wait in a City building for a City employee indefinitely, and may be asked to return at another time when the employee is expected to be in the office. When signage is not practical: use verbal warnings.
4. Bathrooms in City buildings shall not be used for bathing or washing clothes, unless the bathroom is equipped for such uses and the person is authorized to use the bathroom for such purposes. Acceptable Signage, But Only If the Problem Is Recurring: "No Bathing Allowed" or "No Bathing Or Washing Laundry Allowed"
5. In City buildings, no member of the public may:
  - a. Yell, threaten, or use profanity or rude, insulting language against City staff, e.g., calling the City staff member a "bastard" or an "idiot" in an attempt to intimidate the staff member into doing something that the staff member cannot do;
  - b. Disturb or annoy anyone with loud or unreasonable noise;
  - c. Insist that City staff provide a service, explanation or document that City staff has made clear cannot be provided at that time;
  - d. Insist on meeting with a City staff member or supervisor after being told that the person is either not available or will not meet with the person;
  - e. Conduct oneself in a manner that obstructs or intimidates City staff or patrons;
  - f. Block City entrances, ramps, or exits;
  - g. Enter a City building with animals other than service animals authorized by law;
  - h. Ride bikes, skates, scooters, Segways, skateboards, and other devices designed to enhance mobility but not intended for indoor use;
  - i. Smoke, eat, or drink, except where expressly permitted;
  - j. Lie on the floor or sleep; or
  - k. Exude extremely offensive odors

### Exterior Rules/Signage

1. No member of the public may remain on the exterior steps or exterior grounds<sup>1</sup> of City buildings, unless the person is there to conduct City-related business or contact an employee.



Acceptable Signage: "No Sitting On Steps - BMC 13.36.065" and/or "Building Steps And Grounds For City Business Only-BMC 13.36.065."2 (See following text of BMC 13.36)

**1** "Exterior grounds" means the area between the outer building facade and the property line. Exterior grounds can include an off-street parking lot. However, a public sidewalk is not part of the exterior grounds. (BMC §13.36.065 (8)) Also, if the City only leases a portion of a building, this rule still applies

**Chapter 13.36 DISORDERLY CONDUCT\***

Section 13.36.065 Violating building security rules for City buildings.

- A. Purpose. The purpose of this section is to enable the City Manager to establish building security rules for buildings that the City of Berkeley owns or leases for City government business or services. The City Manager's building security rules will be designed to maintain the safety of City employees and patrons, facilitate the City's ability to do government business and provide services, and prevent damage to City facilities. The City Manager's building security rules may apply to all City buildings, as defined in this section, or only to specific City buildings, depending on the security needs at each site.
- B. Definitions. "City building" as used in this section means any building that the City of Berkeley owns or leases for the purpose of conducting City government business or providing City services. If only a part of the interior of a building is leased by the City for City government business or services, then "City building" shall apply to only that part of the interior of the building. In addition, if only a part of the interior of a building is leased by the City for City government business or services, then "City building" shall also include the entire exterior curtilage of the building, unless the building owner or occupant authorizes the conduct prohibited by this section on the exterior curtilage.

"Curtilage" as used in this section means the exterior grounds of a building. "Curtilage" shall include the steps and grounds that lie between the outer facade of the building and either (1) the public sidewalk, (2) a formally dedicated public park, or (3) the adjacent private property. Curtilage does not include the public sidewalk or a formally dedicated public park, but rather, ends there.

- C. Prohibited Conduct. No person shall violate the City Manager's building security rules governing any City building. The City Manager's building security rules shall promote safety for City employees and patrons, facilitate the City's ability to provide services, and/or help prevent damage to City facilities. The City Manager's building security rules shall include, but need not be limited to, prohibiting persons from:
- 1) Entering designated areas that are not open to the general public inside of City buildings without permission from a City employee or agent, and
  - 2) Remaining inside of or on the curtilage of a City building without a purpose related to conducting business, accessing services, or contacting an occupant on the premises.
- D. Citation. No person shall be arrested or cited under this section unless the person engages in conduct prohibited by this section after having been notified by a City official that he or she is in violation of the prohibition in this section.
- E. Penalty. Notwithstanding the provisions of Section 13.36.100, violation of this section shall be either an infraction or a misdemeanor, in the discretion of the prosecutor, and upon conviction shall be punishable as set forth in Chapter 1.20 of this code. (Ord. 6486-NS § 1, 1999)

SETTING UP A RECYCLING PROGRAM

A. Recycling and Composting Guidelines

1. All occupants in City-owned facilities must participate in recycling services provided by the City or provide an acceptable alternative for approval of City's Recycling Supervisor.
  - a. Assign someone to be in charge of your recycling program, and communicate needs and questions to the City's Solid Waste Management Division.
  - b. Recycle corrugated cardboard, office papers and beverage containers (glass bottles, plastic bottles and cans).
  - c. Place collection containers at convenient locations for licensee and employees including at desk sides and copy rooms, and containers for bottles/cans. See Section B below.
  - d. d.
  - e. Educate employees about recycling procedures.
  - f. Cooperate fully to make recyclables available for collection.
  - g. Recycle batteries and office equipment (contact City's Solid Waste Management Division for information about vendors).
2. Cafeterias and commercial kitchens may participate in the City's organics recycling program, with approval of refuse supervisor. The City will provide containers and training.
3. Licensee shall recycle construction waste from any licensee improvements.
4. The City shall provide the following services at standard rates:
  - a. Curbside collection service (cart) or on site for bins.
  - b. Containers for desk side, copy room and storage.
  - c. Assistance designing your recycling program.
  - d. Training and instructive posters.
5. Standard Rates:
  - a. There is no charge for recycling services for bottles/cans, papers and cardboard.
  - b. Organics collection is charged at 80% of equivalent refuse service.

B. Recycling happens in four phases:

1. Convenient separation where it's first generated:
  - a. Container next to each desk to hold office paper and trash.
  - b. Container by each copy machine. This container should be at least 13 gallons and can double as the central container for the office.
  - c. Container for bottles/cans in the break room.
2. Move small amounts to a central collection container:

- a. Employees usually empty their desk side containers into a larger central container. Often this doubles as the copy-room container.
  - b. Employees put their bottles/cans into a container in the break room.
3. Licensee is responsible to transfer the paper to the\_ licensee's storage location, and setting storage containers by the curbside by 7:00 a.m. on collection day and bringing them back to the storage area as soon as possible after they are emptied.
  4. The City will pick up recycling materials on the regular collection day.



Office of the City Manager

MEMORANDUM

January 11, 2001

TO: All Staff

FROM: Weldon Rucker, Acting City Manager

RE: MUNICIPAL ELECTRIC LOAD CURTAILMENT

As you are aware, California's electric system is in a fragile condition. In order to prevent rolling blackouts, the City shall curtail municipal electric loads as described below. Since this problem is likely to persist, these procedures shall remain in effect until further notice.

The California Independent System Operator (ISO) issues alerts when power supply margins are too low. A Stage II emergency seeks voluntary load curtailment. A Stage III Emergency orders utilities to institute rolling black outs.

At all times, regardless of the ISO Emergency status, the procedures below shall be followed.

- 1) Site Safety Coordinators shall:
  - a) ensure that non-essential equipment including copiers, printers, computers, lights, space heaters, air conditioners, fans and air compressors are turned off at the end of the day;
  - b) ensure that Energy Saver features are enabled on all office equipment (copiers, printers, PCs, faxes);
  - c) minimize use of incandescent lighting (call the Energy Office to replace incandescent desk lamps with fluorescents); and,
  - d) be familiar with Stage II procedures.
- 2) No new incandescent (including halogen and quartz) floor or desk lamps may be purchased.
- 3) Information Systems shall set Energy Star features on all new installs and service calls.
- 4) Public Works Facilities Management shall review and connect settings on all setback thermostats (Operating hours: heat= 68 degrees; cooling= 74 degrees. Non-operating hours: heat= 55 degrees; cooling 90 = degrees).
- 5) Parks and Waterfront and Health and Human Services shall prepare a plan to notify ball field users of closures.

During Stage II Emergencies, the procedures below shall be followed:

- 1) Public Works and the Communications Center shall notify each other and Information Systems of the Stage II notice.
- 2) Information Systems shall send an email to Everyone (that includes excerpts from this document).
- 3) Site Safety Coordinators shall:
  - a) Disconnect electric vehicles from chargers;
  - b) Ensure all procedures above are implemented;
  - c) Turn off all non-essential air compressors;
  - d) Turn off all space heaters, window box air conditioners and fans;
  - e) Turn off all unused office equipment;
  - f) Turn off all unnecessary overhead lighting;
  - g) Reset thermostats to 78 degrees for cooling and to turn off ventilation equipment when heating/cooling element is not on.
- 4) Health and Human Services and Parks and Waterfront shall notify ball field users of the emergency and shall turn off ball field lighting.
- 5) Parks and Waterfront shall turn off ball court lighting.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager, City Manager's Office

Subject: Contract: YMCA of the East Bay for *Berkeley's 2020 Vision's* Early Childhood Trauma and Resiliency Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with the YMCA of the East Bay (YMCA) through June 30, 2021, to operate the Berkeley's 2020 Vision Early Childhood Trauma and Resiliency Project, as described below, for a total contract amount not to exceed \$334,410.

FISCAL IMPACTS OF RECOMMENDATION

Approving this recommendation would authorize a contract with the YMCA of the East Bay, for a total not to exceed \$334,410 in Mental Health Services Act (MHSA) Innovations (INN) funding through June 30, 2021. Funds will be appropriated as part of the second amendment to the FY 2019 annual appropriations ordinance (Budget code: 315-21-210-000-0000-000-412-612990).

CURRENT SITUATION AND ITS EFFECTS

Berkeley's 2020 Vision's contract would equip YMCA of the East Bay's Head Start program educators and staff, along with parents and caregivers, to better recognize and address trauma in some of our community's most vulnerable young children. By focusing on the early childhood years, this project would help pave the way for more Berkeley children to enter kindergarten ready to learn and to realize their full potential.

Berkeley's 2020 Vision began addressing childhood trauma in three Berkeley schools (a preschool, elementary and middle school) in 2016. On April 26, 2016, City Council first authorized the City Manager to approve the allocation of \$180,000 for a new MHSA INN Plan to implement a Trauma Informed Care (TIC) Project through June 30, 2018 (Resolution No. 67,434-N.S.). This MHSA INN-funded project sought to train educators to: (1) become aware of their own trauma and trauma triggers; (2) better identify students who were exhibiting trauma symptoms; and (3) more effectively help students in accessing the mental health services and supports they need. Due to staff vacancies, this project was implemented for only one year.

In 2018, Berkeley's 2020 Vision resurrected this project, renamed the Berkeley Early Childhood Trauma and Resiliency Project. The original BUSD school partners were first invited to rejoin the project. Although the principals and a preliminary outside evaluation reported positive benefits, higher priority BUSD training requirements prevented these schools' continued participation.

On October 30, 2018, Council approved a MHSA INN TIC Update, consistent with the City Council approved MHSA Reversion Expenditure Plan. This approval added \$266,134 of funds to the previously approved project budget of \$180,000 for a total amount not to exceed \$446,134 through June 30, 2021 (Resolution No. 68,640-N.S.). Original project expenditures were estimated at \$109,309, resulting in a balance of \$336,825.

On December 17, 2018, the State's Mental Health Services Oversight and Accountability Commission (MHSOAC) approved this expanded project budget of \$336,825 through June 30, 2021 and a revised plan for an updated TIC project. The City Manager's Office has since identified an additional \$34,885 in previously approved carryover MHSA funds, bringing the available funding for Berkeley's 2020 Vision's Early Childhood Trauma and Resiliency Project to \$371,710.

Working with the Kindergarten Readiness Work Group and the City's Mental Health division, Berkeley's 2020 Vision identified a new partner: YMCA of the East Bay's Head Start program. YMCA's four Berkeley-based Head Start centers currently serve 218 children under the age of 6 years old; 90% of their families have incomes below the federal poverty limit; 87% of these children are African American and Latinx. According to Head Start, 70 – 75% of these children enroll at BUSD. In addition to strong demographic alignment with the focal population of Berkeley's 2020 Vision, the leadership of the Head Start program has demonstrated strong interest, capacity and commitment to developing a system-wide approach to address the high incidence of trauma in the children and families they serve.

The proposed City contract with YMCA of the Bay Area is for \$334,410 of the available MHSA funds. On January 15<sup>th</sup>, 2019, the City Manager's Office issued a bid for the remaining \$37,300 to hire a consultant to conduct a project evaluation, as required by MHSA.

#### BACKGROUND

Berkeley's 2020 Vision is a collective impact partnership that is helping to advance the City's Strategic Plan goal of championing and demonstrating social and racial equity. Berkeley's 2020 Vision supports a wide range of programs and systems change efforts aimed at eliminating racial disparities in Berkeley's public schools, with a primary focus on African American and Latinx children and their families. A priority of the partnership is to ensure that all young children (ages 0-5) enter kindergarten ready to learn.



As demonstrated in seminal research conducted by the Centers for Disease Control – Kaiser on Adverse Childhood Experiences (ACEs), early childhood trauma has a profound long-term impact on health, wellbeing and opportunity throughout the course of a person's life ([www.cdc.gov/violenceprevention/acestudy/](http://www.cdc.gov/violenceprevention/acestudy/)). In the shorter term, untreated trauma can deeply impact children's physical, cognitive and social-emotional development ([www.wested.org/service/trauma-informed-practices-in-early-education/](http://www.wested.org/service/trauma-informed-practices-in-early-education/)).

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

This contract will advance Berkeley's 2020 Vision's Kindergarten Readiness priority. The City will sole source the contract because the YMCA of the Bay Area's Head Start Program is uniquely positioned to conduct this work. As compared to other Berkeley early childhood education programs, Head Start serves a particularly large population and high concentration of extremely low-income African American and Latinx children. This contract with the YMCA of the Bay Area will allow Berkeley's 2020 Vision to effectively and efficiently address the prevalent issue of early childhood trauma with a significant portion of Berkeley's most vulnerable young children.

#### ALTERNATIVE ACTIONS CONSIDERED

Berkeley's 2020 Vision first considered partnering with the three BUSD schools that took part in the earlier phase of this work. BUSD's demanding professional development requirements prevented these schools from participating. Berkeley's 2020 Vision then assessed the feasibility of working with other Berkeley child care centers. There were no others that served such a large number or high concentration of children who would benefit from participating in this project.

#### CONTACT PERSON

Nina Goldman, 2020 Vision Manager, City Manager's Office, (510) 981-7537

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

CONTRACT: YMCA OF THE EAST BAY FOR EARLY CHILDHOOD TRAUMA AND RESILIENCY

WHEREAS, Berkeley's 2020 Vision is a collective impact partnership that is helping to advance the City's Strategic Plan goal of championing and demonstrating social and racial equity; and

WHEREAS, Berkeley's 2020 Vision supports a wide range of programs and systems change efforts aimed at eliminating racial disparities in Berkeley's public schools, with a primary focus on African American and Latinx children and their families; and

WHEREAS, a priority of the partnership is to ensure that all young children (ages 0-5) enter kindergarten ready to learn; and

WHEREAS, early childhood trauma has a profound impact on health, wellbeing and opportunity throughout the course of a person's life; and

WHEREAS, Berkeley's 2020 Vision began addressing early childhood trauma in three Berkeley schools in 2016; and

WHEREAS, the Berkeley City Council first authorized the City Manager on April 26, 2016 to approve an allocation of \$180,000 for a new Mental Health Services Act (MHSA) Innovations (INN) Plan to implement Berkeley's 2020 Vision's Trauma Informed Care (TIC) Project through June 30, 2018; and

WHEREAS, Berkeley City Council approved an MHSA INN Update on October 30, 2018 for a total amount not to exceed \$446,134 through June 30, 2021 (Resolution No. 68,640-N.S.); and

WHEREAS, less expenditures for the first phase of the project and \$37,300 in anticipated evaluation costs (required by MHSA), a balance of \$334,410 remains; and 371,710 in MHSA INN funds remains. These funds will be appropriated as part of the second amendment to the FY 2019 annual appropriations ordinance; and

WHEREAS, the YMCA of the Bay Area's Head Start Program is uniquely positioned to conduct the next phase of this early childhood trauma work because of the large number and high concentration of low-income African American and Latinx children it serves.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract with the YMCA of the East Bay through June 30, 2021 to operate the Berkeley's 2020 Vision Early Childhood Trauma and

March 12, 2019

Resiliency Project for a total contract amount not to exceed \$334,410. A record copy of this agreement is on file with the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 2019

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 \$2,400,000.

| <u>PROJECT</u>                  | <u>Fund</u> | <u>Source</u> | <u>Amount</u>      |
|---------------------------------|-------------|---------------|--------------------|
| Mental Health Patient Transport | 011         | Discretionary | \$2,400,000        |
| <b>Total:</b>                   |             |               | <b>\$2,400,000</b> |

CURRENT SITUATION AND ITS EFFECTS

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

BACKGROUND

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on March 12, 2019

CONSENT CALENDAR  
March 12, 2019

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

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Shari Hamilton, General Services Manager, Finance, 510-981-7329

Attachments:

1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on March 12, 2019

Sanitary Sewer Rehabilitation:

- a) Mental Health Patient Transport

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

DATE SUBMITTED: March 12, 2019

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                           | ESTIMATED COST     | BUDGET CODE TO BE CHARGED           | DEPT. / DIVISION        | CONTACT NAME & PHONE      |
|--------------------|-------------------------------------------------|----------------------|--------------------------|--------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|-------------------------|---------------------------|
| 19-11305-C         | Mental Health Patient Transpot                  | 3/14/2019            | 4/11/2019                | Private ambulance company to provide transports for mental health patients on involuntary holds (5150) | \$2,400,000        | 011-72-742-837-0000-000-423-612990- | Fire / Training and EMS | David Sprague<br>981-5590 |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                                                                        | <b>\$2,400,000</b> |                                     |                         |                           |
| <b>GRAND TOTAL</b> |                                                 |                      |                          |                                                                                                        | <b>\$2,400,000</b> |                                     |                         |                           |







Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, Health, Housing and Community Services Department

Subject: Adoption of the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness

RECOMMENDATION

Adopt a Resolution adopting the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness, and use it as a guide for allocating resources for programs assisting persons experiencing homelessness.

FISCAL IMPACTS OF RECOMMENDATION

There are no immediate fiscal impacts associated with this recommendation. Adopting this resolution would have the long-term effect of influencing the strategic use of city funds for homeless services.

CURRENT SITUATION AND ITS EFFECTS

EveryOne Home is the collective impact organization to address and end homelessness in Alameda County, uniting the efforts of city and county government partners, nonprofit service providers, homeless consumers, and community members. In 2018, EveryOne Home undertook a Strategic Update to its Plan to End Homelessness, previously drafted in 2007. The full report is included as Attachment 1.

This report analyzes countywide homelessness data to determine the extent of need across Alameda County and the size and cost of interventions to address that need. For example, the report states that:

- Over the course of a given year, more than 12,000 people experience homelessness in Alameda County. For every person who exits homelessness, two new people enter it; if trends continue, this rate would increase the homeless population by 1,500 annually. The homeless population is disproportionately African-American, reflecting ongoing equity disparities in housing markets and policies.
- The overarching goal of the report is to reduce the Alameda County nightly homeless count to 2,200—meaning no one would have to sleep without shelter. The report asserts that the best way to address the crisis of unsheltered

homelessness in Alameda County is not to build more shelter, but rather to reduce the number of people needing shelter—that is, by expanding affordable housing stock and increasing the system’s capacity to create “flow” of people from the streets and into that housing.

- For more than half of these 12,000 people, their episode of homelessness will last a year or longer. 42% of the population will require permanently subsidized or permanent supportive housing—meaning the system must add 2,800 units of permanent supportive housing and another 4,000 subsidized permanent housing units dedicated to extremely low-income people experiencing homelessness.
- Overall, achieving this goal of eliminating unsheltered homelessness will cost an additional \$228 million. To assist, the report suggests that *“Government Agencies can ensure funding is aligned with strategies and redirect unspent resources to expand housing and prevention.”*

On February 26, 2019, staff presented Council with the 1000 Person Plan to address homelessness in Berkeley. The 1000 Person Plan aligns with the EveryOne Home Strategic Plan in two key ways:

- HHCS staff met extensively with EveryOne Home to align data methodologies and assumptions on service needs and projected costs.
- In the 1000 Person Plan, HHCS suggests four strategic goals for the Council to consider that were designed to align with the EveryOne Home Plan:
  1. *Transform Berkeley’s shelter system into a housing-focused, low-barrier Navigation System.* In alignment with the EveryOne Home plan, HHCS recognizes that to end unsheltered homelessness, Berkeley does not need new shelters but rather an enhanced capacity of existing shelters to quickly move high-needs people into permanent homes. Berkeley cannot create all the affordable housing needed to end homelessness—as the EveryOne Home plan affirms, that is the collective role of the County—but it can ensure that its existing general fund expenditures are focused on creating pathways into those permanent homes.
  2. *Reduce chronic homelessness by 50% by 2023.* Ending unsheltered homelessness means addressing the longest-term and highest-needs members of the homeless population first—the chronically homeless. Because the chronic homelessness rates in Alameda County (29%) and Berkeley (27%) are roughly double the national average, both plans specifically recommend this goal.
  3. *Enhance the efficacy of homeless prevention resources with pilot interventions specifically targeted to need.* To efficiently target homeless services, we must establish programs and criteria that prioritize those most at risk of actually becoming homeless but for the intervention. Staff recommend this goal only after making progress on goals 1 and 2, but it aligns with the recommendations of the EveryOne Home Plan.

4. *Continue to implement changes to Berkeley's land use, zoning, and development review requirements for new housing with an eye towards alleviating homelessness.* Over the long-run, Berkeley will need to pave the way for affordable housing to be built if the City, and County at large, is to meet this collective goal. In alignment with the EveryOne Home plan, staff believe the best way to do this is to fast-track affordable housing—both 100% affordable projects and market-rate projects with sufficient inclusionary requirements.

#### BACKGROUND

In 2006, EveryOne Home released the original countywide strategic plan to end homelessness, which was subsequently adopted in by the Board of Supervisors and all 14 jurisdictions in the County. In 2018, EveryOne home undertook a year-long, inclusive community process to update the Strategic Plan to better reflect the current realities of the Bay Area's housing market and resource needs.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects associated with this recommendation.

#### RATIONALE FOR RECOMMENDATION

HHCS staff took major steps to ensure close methodological alignment between the 1000 Person Plan and the EveryOne Home Plan Update. As such, staff recommend that Council become the first in Alameda County to adopt the EveryOne Home Strategic Plan Update and consider future action to adopt one or more of the 1000 Person Plan goals highlighted above, once again affirming Berkeley's role as a leader in the collective effort to end homelessness.

Adoption of the plan's Strategic Update is a City of Berkeley Strategic Plan Priority Project, advancing our goals to (i) create affordable housing and housing support service for our most vulnerable community members and (ii) champion and demonstrate social and racial equity.

#### ALTERNATIVE ACTIONS CONSIDERED

The City Council may also wish to adopt one or more of the strategic recommendations identified in the February 26, 2019 1,000 Person Plan Information Report.

#### CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS, (510) 981-5435.

#### Attachments:

1: Resolution

Exhibit A: 2018 Strategic Update to the EveryOne Home Plan to End Homelessness

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

ADOPTION OF THE 2018 STRATEGIC UPDATE TO THE EVERYONE HOME PLAN  
TO END HOMELESSNESS

WHEREAS, on any given night in the City of Berkeley, 972 people sleep without a permanent place to call home, 668 of them sleeping in encampments, in cars, or in other places not meant for human habitation; and

WHEREAS, homelessness disproportionately affects people of color in Berkeley, reflecting years of systemically racist housing and economic policies at all levels of society; and

WHEREAS, the Berkeley City Council took immediate steps to address this problem by unanimously declaring a Homeless Shelter Crisis on January 19, 2016 (Resolution No. 67,357-N.S.) and extending that declaration on November 15, 2016 (Resolution No. 67,746-N.S.) and again on October 31, 2017 (Resolution No. 68,206-N.S.); and

WHEREAS, the Berkeley City Council also affirmed its interest in finding longer-term, permanent solutions to homelessness by unanimously referring the creation of a 1,000 Person Plan to address the homeless crisis to the City Manager on April 4, 2017; and

WHEREAS, EveryOne Home is the collective impact organization to end homelessness in Alameda County, bringing together city and county government partners, nonprofit service providers, homeless consumers, and community members; and

WHEREAS, EveryOne Home created the Alameda Countywide Homeless and Special Needs Housing Plan in 2006, adopted by the Berkeley City Council on May 16, 2006 (Resolution No. 63,301-N.S.); and

WHEREAS, to better address changing realities of the current homeless crisis in 2018, EveryOne Home has created a Strategic Update to this 2006 plan; and

WHEREAS, in responding to the 1,000 Person Plan referral, City staff met extensively with EveryOne Home leadership, resulting in strategic recommendations for the Council's consideration that reflect close alignment with the EveryOne Home Plan's priorities and underlying methodologies; and

WHEREAS, City staff presented findings from the 1,000 Person Plan to the City Council on February 26, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness.

March 12, 2019

BE IT FURTHER RESOLVED that the City will use this plan as a guide for future allocation of resources available for programs assisting those who are experiencing homelessness.

Exhibits

A: 2018 Strategic Update to the EveryOne Home Plan to End Homelessness



# Plan to End Homelessness

Alameda County, CA



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## Executive Summary

# Our Goal

Right now, in Alameda County, approximately 5,600 people experience homelessness on any given night. Over the next five years we aim to reduce that number to less than 2,200 people. If we achieve this goal no one will have to sleep outside.

This strategic update to the *EveryOne Home Plan to End Homelessness* asks for all of us to act with renewed urgency in our efforts. Every year, more than 12,000 people experience an episode of homelessness in Alameda County. The number has increased dramatically in recent years, and most are unsheltered. For some homelessness may only last a few weeks, but, for more than half it will last a year or longer.

Our current housing crisis response system cannot meet the growing need. For every 2 people who become homeless for the first time in Alameda County, only one person returns to a permanent home. Service providers help at least 1,500 people return to permanent housing every year, yet there are 3,000 people becoming homeless for the first time. At this rate, homelessness could increase by 1,500 people per year.

Homelessness is a stark symptom of inequality and visible evidence of structural discrimination. African-Americans are 11% of the population of Alameda County however they represent 49% of the people experiencing homelessness. Communities of color, low-income households, people with disabilities, LGBTQ individuals, and

survivors of violence and trauma, all experience homelessness at higher rates and face greater barriers to housing stability. Our response must redress, not perpetuate those inequalities.

To tackle these problems we need to aggressively pursue strategies that prevent people from becoming homeless, expand affordable housing, offer critical interventions that ensure the safety and dignity of people living without housing, and urgently reduce homelessness in our most impacted and vulnerable communities.

Homes end homelessness. While this plan supports short-term interventions—such as shelter, safe parking, outreach, and hygiene stations—the goal is not more shelter, it is fewer people needing shelter. Above all, this plan calls for ending homelessness by preventing it before it starts and expanding permanent, affordable housing.

Our goal is ambitious. We will not change the trajectory of homelessness with the current pace and scale of our response. It will take bold, coordinated action and significant investment to reduce the number of people becoming homeless and increase the number of people returning home.



## THE PROBLEM

For every 2 people who become homeless for the first time in Alameda County, only one person returns to permanent housing. If these rates continue, homelessness will increase by 1,500 people per year.



Sources: HUD System Performance Measures, 2017; Point in Time Count, 2017; HMIS Annual Performance Report Data, 2017. Values have been rounded to the nearest hundred.

## THE SOLUTIONS

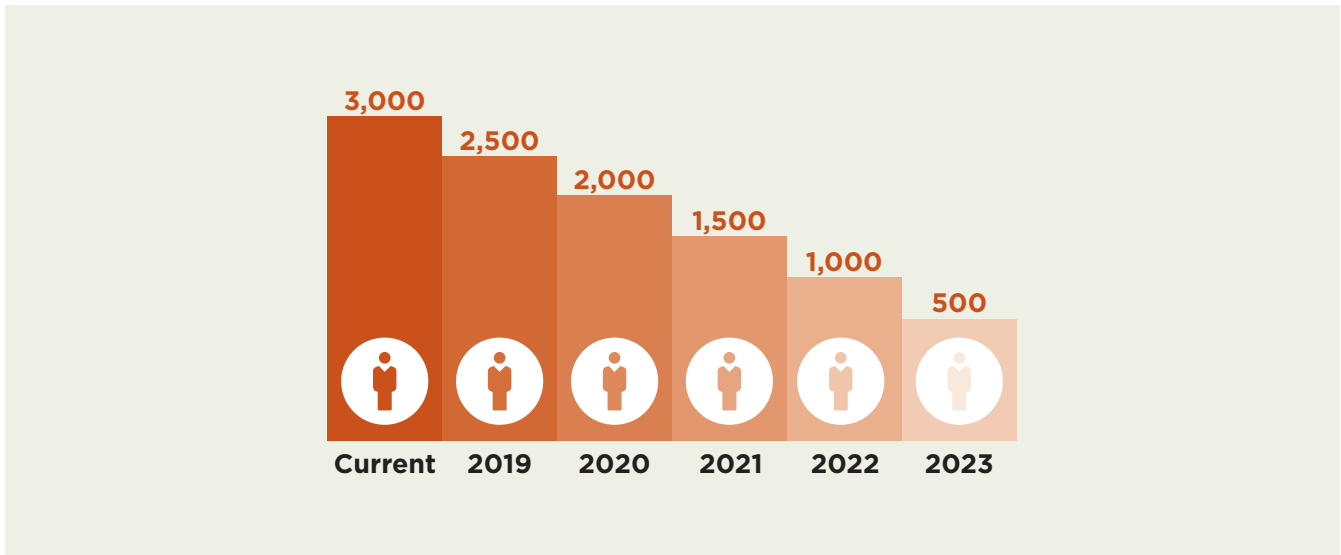
We know what works to end homelessness. This plan answers the question of what it will take to bring these solutions to scale. It outlines effective housing interventions and determines how much we will need of each to achieve our goal.



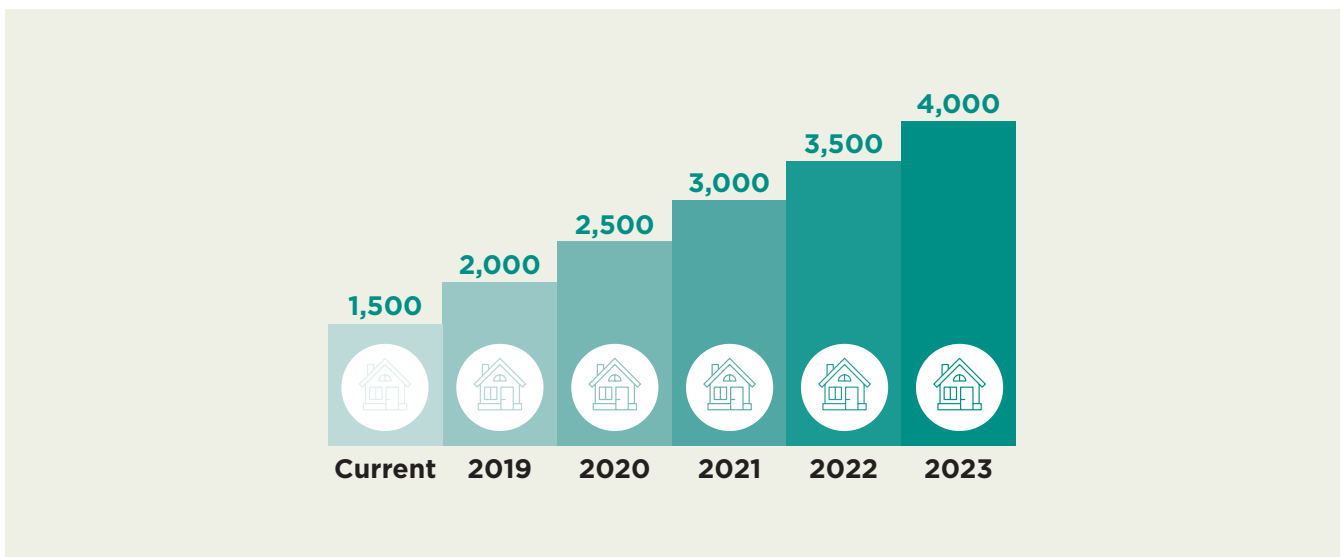
Sources: Alameda County Point-In-Time Count, 2017; HMIS Annual Performance Reports, 2017.

## OUR FIVE-YEAR TARGETS

- 1 Every year for the next five years, reduce the number of people becoming homeless by 500, until 500 or fewer people become homeless in 2023.



- 2 Every year for the next five years, increase the number of people returning to permanent homes by 500, until 4,000 or more people move out of homelessness in 2023.



## REACHING OUR GOALS: OUR COMMUNITIES

By targeting our efforts, it is possible to end homelessness for highly impacted and vulnerable communities in Alameda County. This requires focusing on the racial disparities and structural inequalities that lead to homelessness and a commitment to delivering equitable results.



**End unsheltered family homelessness by December 2019 and all family homelessness by the end of 2023**



**End chronic homelessness among veterans by March 2020 and all veteran homelessness by December 2021**



**End chronic homelessness among older adults by December 2020**



**Reduce chronic homelessness among persons with serious mental illness by 30% by December 2021**



**Reduce all chronic homelessness by 50% by 2023**



**Develop an action plan for youth in 2019**



**Ensure safe access to permanent housing for people experiencing domestic violence, human trafficking, and sexual assault**

## PROPOSED STRATEGIES

This plan embraces four broad strategies that, together, will bring the necessary capacity, investment, partnership, and collective impact to achieve our goal.



### Expand Capacity

Our system needs to significantly expand capacity in several areas. To prevent homelessness, we must expand to be able to assist 2,500 individuals and families per year with temporary financial assistance and legal support. To house more people, we must add 2,800 units of permanent supportive housing and another 4,000 subsidized permanent housing units dedicated to extremely low-income people experiencing homelessness. We must also expand street outreach and other services to the unsheltered, which includes stabilizing existing shelters and increasing the number of shelter beds. This is important in the first years of the plan, until more permanent housing is available.



### Increase Investment

Expanding capacity requires shifting or identifying new sources of financial investment from all levels of government. The plan estimates an additional \$228 million per year is needed to achieve and sustain the results envisioned. A dedicated local funding stream would support a scaled response, keeping people in their homes and creating opportunities for deeply affordable housing. Advocacy with state and federal policymakers for additional resources is ongoing, but it must not hold up or take the place of local investment.



### Build Stronger Partnerships

Engaging the leadership and expertise of people experiencing homelessness in governance, policy, planning, and service delivery is essential to our success. This strategy includes expanding employment opportunities and career development within our system as well as ensuring that decision making bodies include those most impacted by the choices being made.








### Align Public Policies

Local policymakers can advance policies to reduce homelessness, such as protecting renters, increasing affordable housing for homeless and extremely low-income households, protecting the dignity, health and safety of those forced to live on the streets, and counteracting the disparate racial impacts of housing policies.















## PROPOSED ACTIONS

We will reach our goal if everyone in Alameda County agrees to take bold action, whenever and wherever possible. This plan outlines a range of actions that can be tailored to local communities. Actions that address major barriers to housing, are designed with a racial equity lens, and honor the dignity and safety of all community residents, especially those living without housing, will have the greatest impact.













### Prevent People from Becoming Homeless:

-  Adopt policies to keep renters in their homes
-   Increase the availability of flexible temporary financial assistance
-   Increase connection to income and benefits

### Protect the Dignity of People Experiencing Homelessness:

-   Repeal or stop enforcing policies that criminalize homelessness
-   Develop a humane and consistent response to the needs of unsheltered people
-  Evaluate access to and outcomes of the Housing Crisis Response System
-  Engage the leadership of people experiencing homelessness
-   Provide services for health and sanitation
-   Expand language accessibility to the Housing Crisis Response System
-   Expand, coordinate, and enhance street outreach
-   Stabilize existing shelter capacity and provide additional shelter/safe spaces

### Expand Housing Opportunities:

-  Use land for housing efficiently
-  Meet Inclusionary Zoning policies and Housing Plan targets
-  Expedite the development of affordable housing
-  Establish a dedicated revenue stream for housing operations and services
-  Prioritize the most vulnerable for affordable housing
-   Expand landlord partners
-  Increase permanent supportive housing
-   Increase stock of and accessibility to alternative housing opportunities
-   Expand supportive services to help people stay housed

CAPACITY



INVESTMENT



PARTNERSHIPS



POLICY



## 1. Introduction

Over 12,000 people each year experience an episode of homelessness in Alameda County. For some that episode will be brief, lasting only weeks, but for more than half, their homelessness lasts a year or longer. Between 2015 and 2017, the number of people experiencing homelessness on a given night in Alameda County increased 39% to 5,629; nearly 4,000 of whom were unsheltered. The current pace and scale of our response to homelessness is inadequate to change the trajectory of this growing problem.

In response to the growing homelessness crisis, the *EveryOne Home Plan to End Homelessness: 2018 Strategic Update (Strategic Update)* calls on all of us, policy makers, funders, providers, housing developers, concerned residents, advocates, to act with renewed urgency. It recommends strategies and actions to reduce the number of people experiencing homelessness on a given night so that no one will have to sleep outside.

The *Strategic Update* examines the evolving realities of homelessness and the resources needed to address it. It builds upon the [original countywide plan to end homelessness](#), adopted in 2007 by the Board of Supervisors and all 14 cities in Alameda County.

The original plan focused on five areas:

- >> Prevent homelessness and other housing crises;
- >> Increase housing opportunities for the plan's target populations;
- >> Deliver flexible services to support stability and independence;
- >> Measure success and report outcomes;
- >> Develop long-term leadership and political will.

These focus areas remain relevant today with the *Strategic Update* continuing to prioritize homelessness prevention and affordable housing development, including permanent supportive housing. Homelessness will not come to an end without decreasing the number of people becoming homeless and ensuring access to affordable, permanent homes.

The *Strategic Update* advocates for long-term strategies and immediate solutions to ensure those currently experiencing homelessness are safe and treated with dignity. Stronger partnerships with those experiencing or at risk of homelessness are

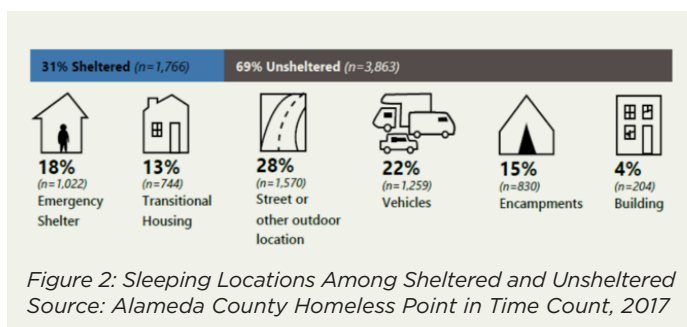
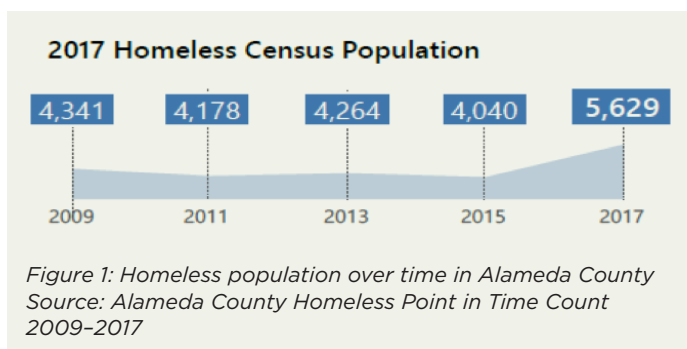
essential to designing these strategies and delivering effective solutions. Increases in services and shelter beds create more humane conditions during homelessness, but will not reduce the number of people experiencing it. The goal is not more shelters, but fewer people needing shelter.

The *Strategic Update* outlines ways we can work towards a dual goal of racial justice and housing justice given the racial disparities in Alameda County's homeless population. African Americans are overrepresented, constituting 49% of the homeless and only 11% of the general population. Underpinning this disparity are historical inequities in housing policies and practices, segregation, discriminatory laws and enforcement, and restricted economic opportunities. Low-income households, people with disabilities, including serious mental illness, LGBTQ individuals, and survivors of violence and trauma, all experience homelessness at higher rates and face greater barriers to housing stability. An effective response to homelessness must redress, not perpetuate those inequalities.

*The EveryOne Home Plan to End Homelessness: 2018 Strategic Update* is the product of a year-long community process that included 25 key stakeholder interviews, six focus groups with 70 people currently experiencing homelessness, multiple community forums with over 200 hundred participants, and a review of best practices and plans from communities with similar homeless populations and housing markets. It is informed by data from countywide Point-In-Time Homeless Counts, homeless housing and services inventories, and the Homeless Management Information System (HMIS). The EveryOne Home Leadership Board wishes to thank all who contributed.

The ambitious targets and strategies proposed in this *Strategic Update* will take bold, coordinated action to reduce the number of people becoming homeless each year and increase the number of people returning to a home.

## 2. A Snapshot of Homelessness in Alameda County



On January 30, 2017, volunteers and homeless guides canvassed every census tract in Alameda County and counted 3,863 people sleeping in vehicles, tents, abandoned buildings, parks, and other places not meant for people to live. Another 1,766 people spent that night sheltered in emergency shelters and transitional housing.

In total the Point-In-Time Homeless Count documented 5,629 individuals experiencing homelessness that night, a dramatic increase from the 2015 Count. Over two thirds (69%) of the people counted were unsheltered. In the weeks following the canvassing, 1,228 homeless individuals (sheltered and unsheltered) were surveyed to learn more about their experience and characteristics.<sup>1</sup> We learned:

### More people are becoming homeless and staying homeless.

>> 39% of respondents said that this was their first time homeless. Of those, 58% said they had been homeless for a year or longer.

### Economic insecurity creates homelessness.

>> 57% cited money issues as the primary event or condition that led to their homelessness. Only 12% cited mental health and substance abuse.

### The population of people without homes reflects major racial disparities, with African Americans particularly overrepresented in the homeless population.

>> 49% identified as Black or African American compared to 11% of the County's overall population.

>> 3% identified as American Indian or Alaska Native compared with 1% of the County's overall population.

### The majority of those experiencing homelessness are our neighbors.

>> 82% are from Alameda County, with 57% having lived here for ten years or more.

### Health conditions impact people's income and access to housing.

>> 47% self-report a health condition that impairs their ability to work or maintain housing.

>> 41% identify as having a psychiatric or emotional condition.<sup>2</sup>

>> 18% identify having three or more disabling health conditions.

### Homelessness is not a choice.

>> 98% said they were interested in independent, affordable rental housing or housing with supportive services.

## 3. How did we get here?

The disturbing growth in homelessness impacts us all. It is a stark symptom of multiple, interrelated dynamics in our economic and social fabric that have grown worse in recent years. Dire shortages of affordable housing, neighborhood gentrification, increasing disparities of income and wealth, deinstitutionalization, and an inadequate social safety net all contribute. Historical practices of stigmatization and racial discrimination leave

<sup>1</sup> Applied Survey Research., Aspire Consulting LLC., & Everyone Home. (2017). Alameda County 2017 Homeless Census & Survey Comprehensive Report (Rep.). (2017). Retrieved from <http://everyonehome.org/wp-content/uploads/2016/02/2017-Alameda-County-8.1-2.pdf>

<sup>2</sup> According to NAMI, estimating using self-reported numbers may under represent the actual prevalence of serious mental illness in the population

marginalized populations the most vulnerable to experiencing homelessness.

**California and Alameda County face serve shortages of rental housing, exacerbated by the high cost of development.**

>> California now faces a shortage of 3.4 million homes, including 1 million homes for extremely low-income households, the group most at-risk of experiencing homelessness.<sup>3</sup>

>> Alameda County has only 28,000 units affordable to the 71,000 extremely low-income renters— a 44,000-unit gap.<sup>4</sup>

>> The UC Berkeley Turner Center for Housing Innovations estimated that a 100-unit affordable housing project in California costs almost \$425,000 per unit in 2016.<sup>5</sup> Those costs continue to rise.

**High development and operating costs, inadequate housing stock, and increasing demand contribute to out of reach rents for the lowest income renters.**

>> More than 3 million Californians find themselves “cost burdened,” meaning that they spend more than 1/3 of their gross income on housing expenses.<sup>6</sup>

>> Oakland is now the 5th most expensive rental market in the nation and the market with the 2nd steepest increase in median rent over the last five years, up 51% since 2012.<sup>7</sup>

**Longstanding discriminatory housing policies, such as exclusionary zoning and federal underwriting standards that favored whites, continue to reverberate today, contributing to displacement, housing instability, and higher rates**

**of homelessness among African Americans.**

>> Between 1990 and 2011, the proportion of African Americans in all Oakland neighborhoods decreased by nearly 40%. Furthermore, African Americans dropped from being 50% to 25% of all homeowners in Oakland, and within the African American community, homeownership decreased while the share of renting households grew.<sup>8</sup>

>> The Race Counts initiative of the Advancement Project California ranks Alameda County as the 4th most racially disparate of California’s 58 counties.<sup>9</sup> Here, a white household that rents typically keeps \$56,500 after housing costs as compared with \$19,000 kept by African American households.<sup>10</sup>

>> 49% of Alameda County’s homeless population identified as Black or African American during the 2017 point in time census, as compared with 11% of the general population.<sup>11</sup>

**Other populations subjected to stigmatization are also at greater risk of homelessness.**

>> Rates of homelessness among those that self-identify as having mental health or substance use problems in Alameda County are 3-5 times higher than their prevalence in the general population.<sup>12</sup> Changes to statewide community care licensing regulations and increased fees have resulted in substantial reductions in the number of licensed care facility beds available for extremely low-income disabled individuals that need daily living supports.<sup>13</sup> These declines increase the number of disabled individuals, including those with serious mental health issues, at-risk of homelessness. Moreover, persons with serious mental illness and other disabilities often live with family members and are highly vulnerable to becoming homeless

3 Up for Growth National Coalition. (2018) Housing Underproduction in the United States: Economic, Fiscal and Environmental Impacts of Enabling Transit-Oriented Smart Growth to Address America’s Housing Affordability Challenge. Retrieved from [https://www.upforgrowth.org/sites/default/files/2018-09/housing\\_underproduction.pdf](https://www.upforgrowth.org/sites/default/files/2018-09/housing_underproduction.pdf)

4 Poethig, E., Getsinger, L., Leopold, J., MacDonald, G., Posey, L., Blumenthal, P., Reed Jordan. (2017, April 27). Mapping America’s Rental Housing Crisis. Retrieved from <http://apps.urban.org/features/rental-housing-crisis-map/>

5 UC Berkeley Turner Center for Housing Innovations. (2018) Turner Center Research Series: The Cost of Building Housing. Retrieved from [http://turnercenter.berkeley.edu/uploads/Cost\\_of\\_Building\\_Housing\\_Series\\_Framing.pdf](http://turnercenter.berkeley.edu/uploads/Cost_of_Building_Housing_Series_Framing.pdf).

6 An extremely low-income renter (30% Area Median Income) earning \$24,400 per year should only pay \$677 per month on housing. U.S. Department of Housing and Urban Development. (2018) Oakland-Fremont, CA HUD Metro FMR Area. Retrieved from [https://www.huduser.gov/portal/datasets/fmr.html#2018\\_documents](https://www.huduser.gov/portal/datasets/fmr.html#2018_documents)

7 Weidner, D. (2018, January 25). The Rent Is Getting Too Damn High - Trulia’s Blog. Retrieved from [https://www.trulia.com/blog/trends/rent-getting-damn-high/#\\_ftn1](https://www.trulia.com/blog/trends/rent-getting-damn-high/#_ftn1).

8 *ibid*

9 The Race Counts Initiative (2018 October). The Full Picture. Retrieved from <http://www.racecounts.org/california/>

10 The Race Counts Initiative (2018 October). 04 Housing. Retrieved from <http://www.racecounts.org/county/alameda/>

11 Applied Survey Research., Aspire Consulting LLC., & Everyone Home. (2017). Alameda County 2017 Homeless Census & Survey Comprehensive Report (Rep.). (2017). Retrieved from <http://everyonehome.org/wp-content/uploads/2016/02/2017-Alameda-County-8.1-2.pdf>

12 Applied Survey Research., Aspire Consulting LLC., & Everyone Home. (2017). Alameda County 2017 Homeless Census & Survey Comprehensive Report (Rep.). (2017).

13 Behavioral Health Care Services, Alameda County Department of Health Care Services, (2018).



when those care givers experience illness or pass away.

>> Lesbian, gay, bisexual, and transgender individuals are more likely to experience homelessness.<sup>14</sup>

>> According to a recently released report, formerly incarcerated individuals are ten times more likely to experience homelessness than the general population.<sup>15</sup> They can struggle with mental health and substances use conditions and face barriers to obtaining and maintaining housing without community supports.

To reduce homelessness, we must take steps to address the broader housing crisis, and its disproportionate impact on people of color and other vulnerable communities such as families with children, transition-age youth, veterans and persons with serious mental illness. These steps include preventing people from becoming homeless, and engaging other systems—criminal justice, child welfare, foster care, work force development, education, and healthcare— in the work of preventing homelessness. Together, these systems must repair, not perpetuate, institutional racism and other inequities. They must be shaped by and responsive to the needs of the people they serve. Most importantly, efforts to end homelessness must openly acknowledge and address these disparities and the resources need to match the scale of the problem.

#### 4. The Current Housing Crisis Response System

The United States Interagency Council on Homelessness authored the 2010 Federal Strategic Plan to End Homelessness, *Opening Doors*, which calls on communities to “transform homeless services to crisis response systems that prevent homelessness and rapidly return people who experience homelessness to stable housing.”<sup>16</sup> As a collective impact initiative, we are building a Housing Crisis Response System in Alameda County organized around three commitments:

>> Prevent People from Becoming Homeless.

>> Protect the Dignity and Safety of People Experiencing Homelessness.

>> Expand Permanent Housing Opportunities.

The Housing Crisis Response System works to address housing crises for all Alameda County residents who are currently or recently homeless and those at-risk of homelessness. The goal is for each individual or family that seeks assistance to have a safe, supportive and permanent place to live.

#### A. Current Capacity

The Housing Crisis Response System in Alameda County consists of the following components:

>> Coordinated Entry

>> Prevention Services

>> Homeless Support Services and Shelter

>> Permanent Homes and Services

>> Homeless Management Information System (HMIS)

>> Training, Technical Assistanes and Other Program Delivery Costs

**Coordinated Entry:** Launched across the entire county in November 2017, Coordinated Entry serves as the front door and the central organizing feature of the Housing Crisis Response System. It covers the geographic area of Alameda County and is designed to be easily accessed by individuals and families seeking housing or services. The purpose of Coordinated Entry is to assess the needs of people in a housing crisis, connect them to available support, and track the outcomes and performance of the system. Since there are not enough housing or services for everyone in need, the main goals of Coordinated Entry is to problem solve, and through assessment ensure that the people with the highest needs are prioritized for and successfully matched to the limited resources that are available.

Coordinated Entry can only be effective matching people to resources if the system has the inventory of available housing and services that people need.

14 Conron KJ, Mimiaga MJ, Landers SJ. A population-based study of sexual orientation identity and gender differences in adult health. *Am J Public Health*. 2010 Oct;100(10):1953-60. Kruks, G. Gay and lesbian homeless/street youth: Special issues and concerns. *J Adolesc Health*. 2010;12(7):515-8. Van Leeuwen JM, Boyle S, Salomonsen-Sautel S, et al. Lesbian, gay, and bisexual homeless youth: An eight-city public health perspective. *Child Welfare*. 2006 Mar-Apr;85(2):151-70.

15 Couloute, Lucius. (2018 August). Nowhere to Go: Homelessness among formerly incarcerated people. Prison Policy Initiative. Retrieved from <https://www.prisonpolicy.org/reports/housing.html>

16 United States Interagency Council on Homelessness, (2010). *Opening Doors, Federal Strategic Plan to Prevent and End Homelessness*. Retrieved from [www.usich.gov](http://www.usich.gov). page 49.

The existing Housing Crisis Response System's resource capacity remains inadequate to meet current needs, especially for single adults. For more details on Coordinated Entry Access Points, Resource Zones and prioritization criteria see [Appendix D](#).

**Prevention Services:** Homelessness prevention services target those on the verge of losing their housing and assist them to retain their current living situation or relocate without becoming homeless. Prevention services include information and referral, legal services, benefits advocacy, housing education, housing problem solving, and in some cases one-time financial assistance. The capacity of Housing Crisis Response System as of November 2017 includes:

>> Brief and targeted [housing problem solving](#) available 24 hours per day over the phone by contacting Eden Information and Referral at 2-1-1. These conversations help households identify resources at their disposal (personal, familial, public benefits, financial) to immediately avoid homelessness when possible, without on-going assistance.

>> [Homelessness prevention, eviction prevention funds, and flexible funds](#) are offered to eligible households for one-time assistance to keep housing or move without an episode of homelessness.

>> A legal hotline and six full-time attorneys provide [legal services](#) that prevent housing loss and clear barriers to obtaining housing.

>> [Housing workshops](#) are offered daily across all five regions of the county. Housing workshops include housing education and counseling that assist people to understand and access both the subsidized and private housing market, prepare paperwork and applications, connect to financial and legal services to reduce barriers to applying for housing, and provide peer-to-peer support.

Annual numbers and per client costs are not yet available. Additional prevention resources exist within the county but are not formally linked with the Housing Crisis Response System.

**Homeless Support Services and Shelter:** These assist people while they are homeless, intending to protect their dignity and safety while helping them to quickly regain a permanent home. They include outreach, housing problem solving, housing navigation, health care, and hygiene services as well as shelter to people experiencing homelessness.

>> Currently there are 15 full-time equivalent [outreach](#) positions countywide. They are responsible for connecting unsheltered people to Coordinated Entry and other housing-related services. Outreach workers build trust and engage in housing problem solving while people are unsheltered.

>> [Housing Navigators](#) assist people to locate housing, gather the documents needed to obtain housing, secure benefits and/or employment and access health care services. The Housing Crisis Response System funded 600 new Housing Navigator positions in 2017-18 to be able to assist 1,200 people at a time.

>> [Homeless shelters](#) are temporary or interim places for people to stay, which include year-round emergency shelters, winter and warming shelters, navigation centers and transitional housing. These types of shelter have varying hours, lengths of stay, food service, and support services. For example, winter and warming shelters typically have shorter stays and transitional housing programs have longer stays and more services. Despite their differences, all provide an indoor location for people to stay temporarily and should not be thought of as housing. In 2018, people experiencing homelessness had access to 1,934 shelter beds:

- > 300 [seasonal or inclement weather beds](#), open during the rainy season or only on rainy/cold nights, usually closed during the day, and offer some services (*Alameda County Housing Inventory Count, 2018; Health Care for the Homeless, Alameda County Winter Emergency Housing Resources 2017-2018*).
- > 882 [year-round emergency shelter beds](#), often open 24 hours, offering meals and services (*Housing Inventory Count, 2018*).
- > 752 [transitional housing beds](#), often with private rooms or shared units, with more independence and services (*Housing Inventory Count, 2018*).

The following new shelter options have opened or are under development as of January 2018:

- > 20 winter shelter beds in the city of Alameda.
- > 80 beds at Oakland's two pilot cabin community sites.
- > 45 beds at the Berkeley Stair center.

- > 90 beds of transitional housing in Oakland.

**Permanent Homes and Services:** Permanent affordable homes, including permanent supportive housing, are the solution to homelessness. This component of the Housing Crisis Response System includes move-in funds, temporary subsidies in permanent units, permanent rent subsidies in private market units, subsidized affordable housing developments and permanent supportive housing units. Services help tenants stay housed, healthy and safe and can include engaging landlords to commit units and help resolve problems with tenants if needed. The housing intervention types and services are described more fully below.

>> Rapid Re-Housing (RRH) is broadly understood as time-limited financial assistance to help with obtaining permanent housing, subsidizing the rent, and providing support services. The length of financial assistance and services varies by funding type and program design; it can be as brief as housing search and move-in resources or up to two years of rental assistance and support services. These programs serve 1,200 households, annually and funding comes from HUD, the U.S. Department of Veterans Affairs, the State of California and other local sources. Some funding sources target certain sub-populations such as veterans, families on CalWORKs, the re-entry population, or transition age youth. Since 2015, RRH capacity has grown by 100%, or 600 slots.

>> Subsidized Permanent Housing connected to the Housing Crisis Response System keeps the cost of rents affordable to people with extremely low, fixed incomes and dedicates units to those experiencing homelessness. Affordability can be achieved by subsidizing the capital development and/or the operations of the housing. Examples include, Alameda County Measure A1 affordable housing bond funds have been awarded to 18 projects, with 176 units dedicated to homeless households. The Alameda Housing Authority, the Berkeley Housing Authority, the Oakland Housing Authority, and the Housing Authority of the County of Alameda have all contributed operating subsidies to affordable housing developments, totaling over 400 units that must then be rented to persons experiencing homelessness. In 2018 the Health Care Services Agency launched a \$5 million flexible housing subsidy pool for this purpose.

>> Permanent Supportive Housing (PSH) serves formerly homeless people with disabilities. Tenants

pay a portion of their income in rent, which is subsidized by the PSH program. Someone living in PSH could be in a dedicated unit in an affordable housing development or have a subsidy being used in the private rental market. PSH programs also offer voluntary supportive services, tailored to tenant needs, which can vary in intensity and type, and often include medical, behavioral health, and services that support sobriety. As of 2018, there are 2,398 units of PSH in Alameda County; 451 of those are dedicated to veterans through the Veteran Administration Supportive Housing (HUD-VASH) program, and another 309 are dedicated to persons living with serious mental illness, funded primarily through the Mental Health Services Act (MHSA).<sup>17</sup> Since 2015, PSH capacity has grown 32%, or 691 additional units. Another 67 units are in development, and 125 VASH vouchers were awarded in 2018.

All PSH openings are filled through coordinated entry according to program eligibility criteria, client unit preferences, and prioritization score on the countywide by-name list. Alameda County Health Care Services Agency (HCSA) Home Stretch unit is responsible for countywide matching to PSH including matching to HUD-VASH, MHSA, and future No Place Like Home (NPLH) funded permanent supportive housing units. To be eligible for NPLH funded units applicants must be living with serious mental illness and being chronically homeless or “at-risk of chronic homelessness”. Individuals that meet the NPLH definition of “at-risk of chronic homelessness” can be added to the existing countywide by name list for matching to No Place Like Home units. Since permanent supportive housing matching is conducted by the Alameda County HCSA, cross-system data review and matching can occur between HMIS and the mental health data systems in the County.

Permanent Supportive Housing is highly effective, and as a result, there is very little turnover – only 9% annually. Ninety-seven percent of the people connected to PSH stay for one year or longer. PSH is a vital resource for ending homelessness and more is needed to ensure stable homes for the highest-need people experiencing homelessness.

>> Tenancy Sustaining Services and Landlord Liaison Services help formerly homeless people stabilize and maintain housing over time. Like PSH rental subsidies, these slots will not turn over very often. The Housing Crisis Response System added 1,000 Tenancy Sustaining Services slots in 2018.

<sup>17</sup> 2018 Housing Inventory Chart submitted to the U.S. Department of Housing and Urban Development as part of Alameda County's consolidated application for HUD Continuum of Care Funding

>> Landlord Liaison Services encourage landlords in the private housing market to house formerly homeless people by providing immediate support and problem-solving around issues that may threaten a household's stable tenancy. New countywide Landlord Liaison services and landlord incentive programs have been added in 2018.

### **Homeless Management Information System**

**(HMIS):** HMIS is the countywide, shared database that serves as the communication backbone of Coordinated Entry and the Housing Crisis Response System. Essential to providing individualized, confidential support to all people seeking assistance, the HMIS ensures timely information and facilitates effective service by allowing the Housing Crisis Response System to:

- >> Document and retrieve critical and up-to-date information to help households in crisis.
- >> Understand the specific needs of households seeking assistance and make effective referrals and matches to services and housing programs.
- >> Coordinate the provision of services and care countywide, focusing on the household's needs and protecting client privacy and confidentiality.
- >> Collect system-level data and analyze the overall Housing Crisis Response System's performance.

In addition to HMIS, Alameda County is investing in a Social and Health Information Exchange (SHIE) infrastructure through its Whole Person Care Medi-Cal waiver program. The foundation of the SHIE is creating a data repository that contains data from multiple County systems include HMIS, Medi-Cal managed care health plans, County specialty mental health and substance use services, Medi-Cal eligibility data, and other information. When fully functional, data from the SHIE repository can be utilized for population-wide analysis as well as client-level information sharing with authorized care and treatment providers. The SHIE, HMIS data, and a permanent supportive housing data and filing system maintained by the Alameda County Health Care Services Agency (HCSA) will be utilized to meet No Place Like Home and other California state reporting requirements related to funding to address homelessness. Combining this data from multiple systems should enable Alameda County to report on the impact of permanent supportive housing on emergency and inpatient health care utilization, incarceration, and other system-wide performance measures.

### **Training, Technical Assistance and Other Program**

**Delivery Costs:** State and federal funding sources provide inadequate funding for program delivery costs and contract administration. As a result, we have under-invested in developing our homeless services workforce. Non-profits struggle to access training on best practices in the field, such as trauma informed care, housing first, motivational interviewing, and harm reduction. Non-profit and local government positions have high turnover and/or remain vacant for extended periods of time. Building an effective system will require investment in training, competitive wages and adequate administrative capacity for local government and non-profit partners.

## **B. System Performance**

In 2017 the Housing Crisis Response System helped people who experienced homelessness in the following ways:

- >> 10,900 people were served while homeless (HMIS Annual Performance Report, 2017).
- >> 2,476 people maintained Permanent Supportive Housing, 2,170 for twelve months or more. (HMIS Annual Performance Report, 2017).
- >> 97% of people in Permanent Supportive Housing retained their home for at least 12 months or moved into other permanent housing (HUD System Performance Measure, 2017).
- >> 383 Veterans received Permanent Supportive Housing through VASH (Alameda County Housing Inventory Chart, 2017).
- >> 1,359 people moved from homelessness into permanent homes (HUD System Performance Measure, 2017).
- >> 3,500 people stayed in shelter (either seasonal shelter, year-round shelter or transitional housing) (HMIS Annual Performance Report, 2017).
- >> The median length of time people spent homeless in Alameda County went up by nearly 18 weeks, from 209 nights in 2016 to 333 nights in 2017. This includes the time on the street prior to entering a shelter or transitional housing (HUD System Performance Measures, 2017).
- >> The median length of time from first engagement with homeless support services and shelter to permanent housing decreased by three weeks, from 114 days in 2016 to 93 days in 2017 (HUD System Performance Measures, 2017).

### C. Racial and Ethnic Disparities in Access and Outcomes

National and local data show that African Americans and Native Americans are disproportionately impacted by homelessness. For this reason, EveryOne Home conducted an analysis to identify and understand disparities in access and positive housing outcomes along racial and ethnic lines. Preliminary findings include:

- >> African Americans comprise 49% of the homeless population, 54% of people accessing the Housing Crisis Response System, and 58% of the permanent housing outcomes.
- >> American Indian or Alaskan Natives, Asians, and Native Hawaiian or Other Pacific Islanders show equivalent rates in the homeless population, Housing Crisis Response System access, and permanent housing outcomes at 3%.
- >> Whites comprise 30% of the homeless population, 27% of people accessing the Housing Crisis Response System, and 23% of the total exits to permanent housing.
- >> Hispanic/Latinos comprise 17% of the homeless population, 16% of people accessing the Housing Crisis Response System, and 19% of the total exits to permanent housing.<sup>18</sup>

More sophisticated analysis will be undertaken in the coming months and years to better understand and address disparities in Housing Crisis Response System access and permanent housing outcomes.

### D. Funding

The Housing Crisis Response System spent approximately \$106 million dollars addressing homelessness in FY 2017/18. Over 62% of these funds—\$11 million for homelessness prevention and \$54 million for PSH— prevented people from becoming homeless, or helped people obtain and maintain permanent homes. Approximately 34%— \$36 million— supported programs for people while they were homeless. That \$36 million divided by the 10,900 homeless people served last year, indicates that the Housing Crisis Response System spent an average of \$3,300 per person, or \$9.00 per day assisting people while they were homelessness.

Alameda County and many cities - including

Alameda, Albany, Berkeley, Emeryville, Fremont, Hayward, Livermore, Oakland and San Leandro - increased spending on homelessness during FY 2018-19.<sup>19</sup> Nearly \$20 million of new funding helped launch county-wide Coordinated Entry and expanded prevention, outreach, housing navigation, rapid re-housing and tenancy sustaining services. Sources of this new funding includes \$14 million from Whole Person Care, a Medi-Cal pilot program supported by the State of California and the federal government. Because Whole Person Care will end in 2021, additional resources must be identified to ensure the continuity of these services.

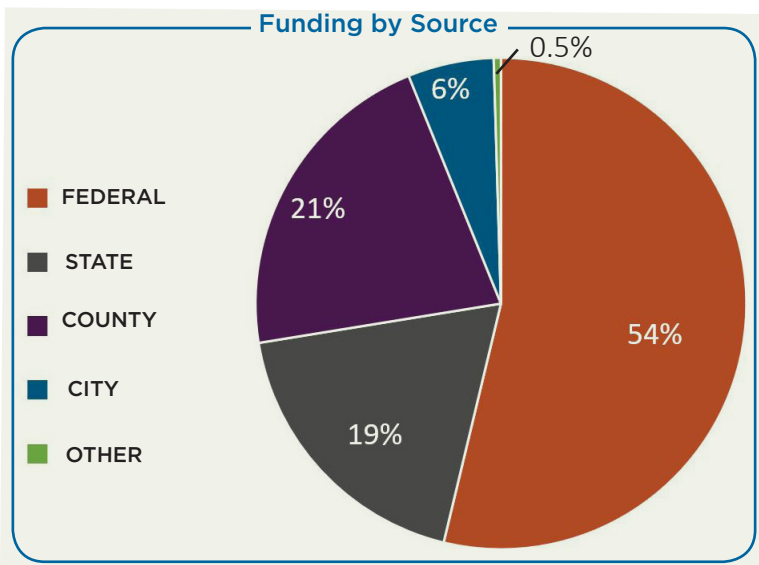


Figure 3: Funding Sources for Housing Crisis Response System

Over half of all funds used to address homelessness come from federal sources that are administered by local governments. Federal sources include:

- >> The U.S. Department of Housing and Urban Development’s Continuum of Care Program, which primarily funds PSH and RRH, but also some transitional housing, HMIS, Planning and Coordinated Entry. Jurisdictions also use HOME funds, Community Development Block Grants and Emergency Solutions Grant funds to support emergency shelters and RRH.
- >> The U.S. Department of Veterans Affairs funds PSH through HUD VASH, RRH through Supportive Services for Veteran Families (SSVF), and transitional housing.
- >> U.S. Department of Health and Human Services (HHS) contributes funds through Health Care for

<sup>18</sup> Population data were pulled from the Healthy Alameda County website (www.healthyalamedacounty.org) on October 18, 2018. Homeless population data and outcomes were pulled from the CA-502 Oakland/Alameda County operated Homelessness Management Information System (HMIS).

<sup>19</sup> Spending amounts depicted in Figure 4 are preliminary and will be refined as system coordination increases.

the Homeless (HCH) and Medicaid (Medi-Cal). The recent influx of resources from HHS has gone to support the expansion and launch of Coordinated Entry.

The balance of funds come from the State of California at 19%, which includes Mental Health Services Act (MHSA) funds; Alameda County general funds at 21%; various city general funds at 6% and less than 1% from other sources.

Grouping funding into the strategies outlined in this plan shows that the majority goes towards keeping people permanently housed (~\$54 million), followed by homeless services and shelter (~\$36 million), homelessness prevention (~11 million), and program delivery costs (~\$5 million).

**E. Needs Analysis**

Roughly 3,000 unduplicated people became homeless for the first time in 2017 while, during that same year, nearly 1,500 people moved from homelessness to permanent housing. Figure 4 represents the number of people entering the homeless system each year and exiting to a permanent home.



Sources: HUD System Performance Measures, 2017; Point in Time Count, 2017; HMIS Annual Performance Report Data, 2017. Values have been rounded to the nearest hundred.

Figure 4: 2017 Ratio of Newly Homeless to those Finding Homes

Twice as many people are becoming homeless than are moving into permanent housing.

If the Housing Crisis Response System does not increase its capacity to prevent homelessness and move people into permanent homes, the homeless population on a given night could grow by as many as 1,500 people per year as shown in Figure 5.

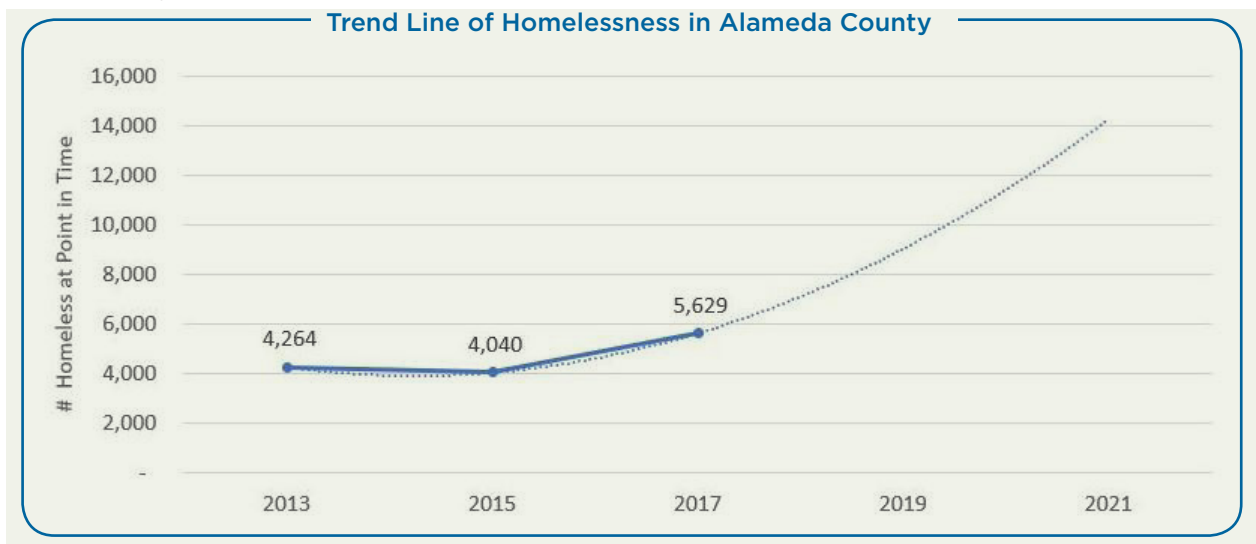


Figure 5: Potential Increase in Homeless Point in Time Count 2013-2021

Source: Alameda County Point in Time Counts 2013-2017

There are not enough emergency shelter beds to serve the estimated 12,000 people who experience homelessness in Alameda County. Of the 10,900 people who used homeless services, about 3,500 stayed for one night or more in an emergency shelter, seasonal shelter, or transitional housing program represented by the green circle, equaling 1 shelter bed for every three people homeless at any point-in-time.

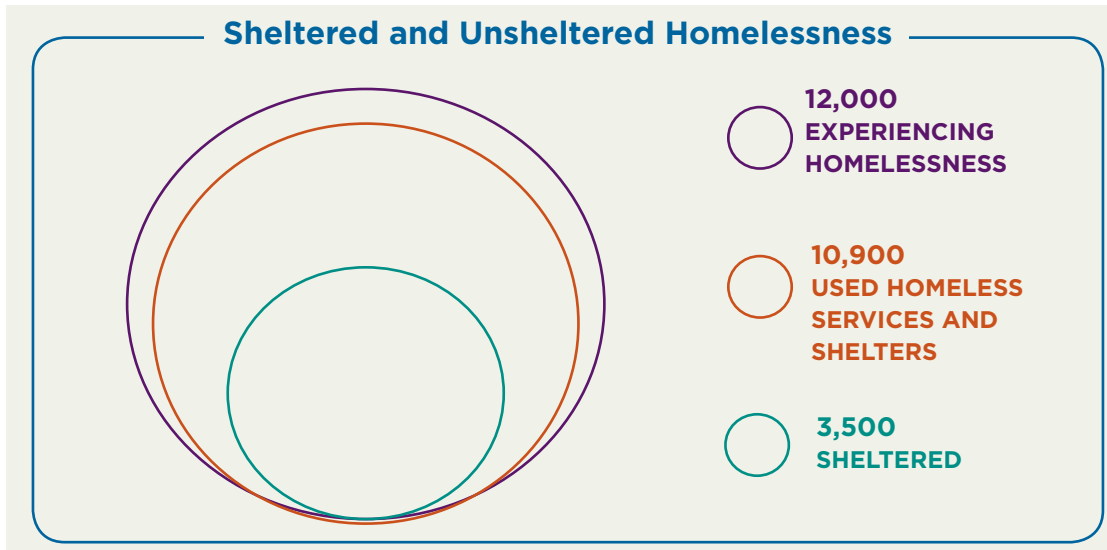
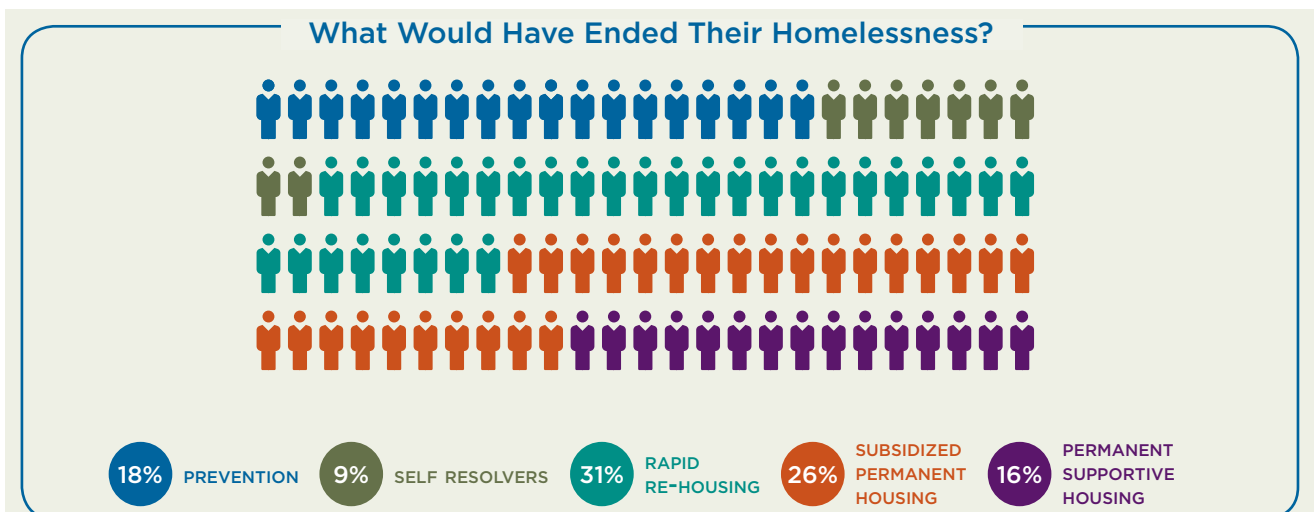


Figure 6: Number of People in Alameda County Using Shelter in 2017  
 Source: HMIS Annual Performance Report 2017

Creating more shelter will improve the dignity and safety of people while homeless but increased capacity, without paths to permanent homes, will not end homelessness in Alameda County. The number of people becoming homeless will continue to be twice the number moving to a permanent home, so homelessness will continue to grow.

To move people off the streets and into homes, the bulk of the Housing Crisis Response System’s resources must go to reducing inflows—prevention—and increasing exits—permanent homes. Both must occur to successfully reduce the number of people experiencing homelessness. Preventing first time homelessness and providing adequate resources for people to obtain permanent homes are the biggest gaps in our current response to homelessness. These deficiencies cannot be remedied without public policies and investments to stabilize the rental market and increase housing stock and rental subsidies.



Sources: Alameda County Point-In-Time Count, 2017; HMIS Annual Performance Reports, 2017.

Figure 7: Housing Crisis Response System Interventions Needed in 2017

Sources: Alameda County Point in Time Count, 2017; HMIS Annual Performance Reports, 2017

HMIS data allows us to project the type of housing intervention that could have solved or prevented homelessness by tracking the housing situations people had before their homelessness, their income sources, health and disability information, the programs and services they used, and where they went when leaving. Looking back at those served in 2017, Figure 7 shows that approximately 18% of those who became homeless could have been prevented if identified and served earlier. Approximately 9% get housed on their own, using information and referral resources, but no financial assistance. Rapid re-housing could work for an estimated 31%, with interventions ranging from one-time move-in monies up to 24 months of rental subsidies and services. Another 26% can live independently, without housing support services, but need permanent subsidized housing because they are on a fixed disability or retirement income and cannot afford the current housing market without permanent financial assistance. The current Housing Crisis Response System manages very little of this intervention specifically for homeless individuals and families. Instead, homeless people join a larger pool of extremely low-income people seeking subsidized housing or tenant choice vouchers. Finally, 16% of the population would be best served by Permanent Supportive Housing. This group needs both rent subsidies and supportive services that are focused on helping them stay in their homes and improve health and well-being. For an explanation of how estimates were calculated see [Appendix A](#).

### 5. Recommended Strategies

To reduce homelessness so that no one is unsheltered, the *Strategic Update* sets the following targets:

- 1 Every year for the next five years, reduce the number of people becoming homeless by 500, until 500 or fewer people become homeless in 2023.

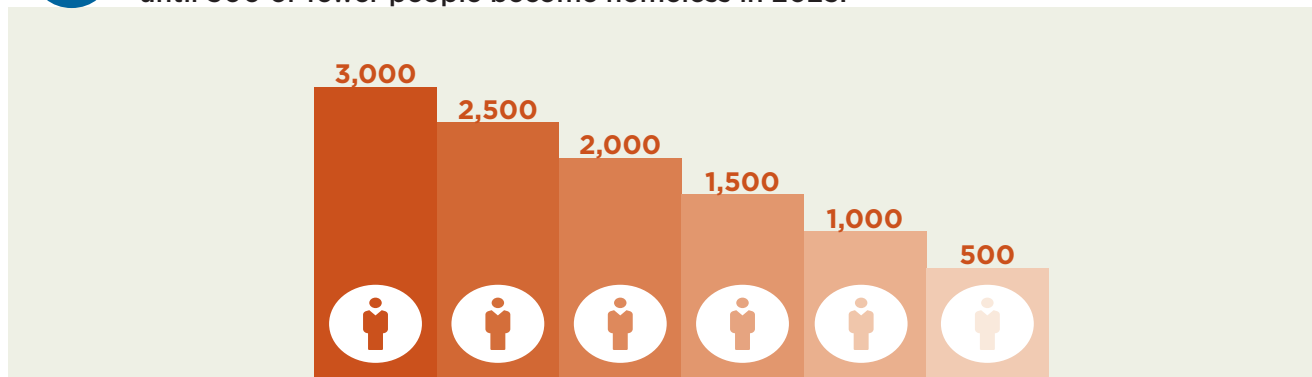


Figure 8: Annual Reduction Targets in People Becoming Homeless for the First Time

- 2 Every year for the next five years, increase the number of people returning to permanent homes by 500, until 4,000 or more people move out of homelessness in 2023.

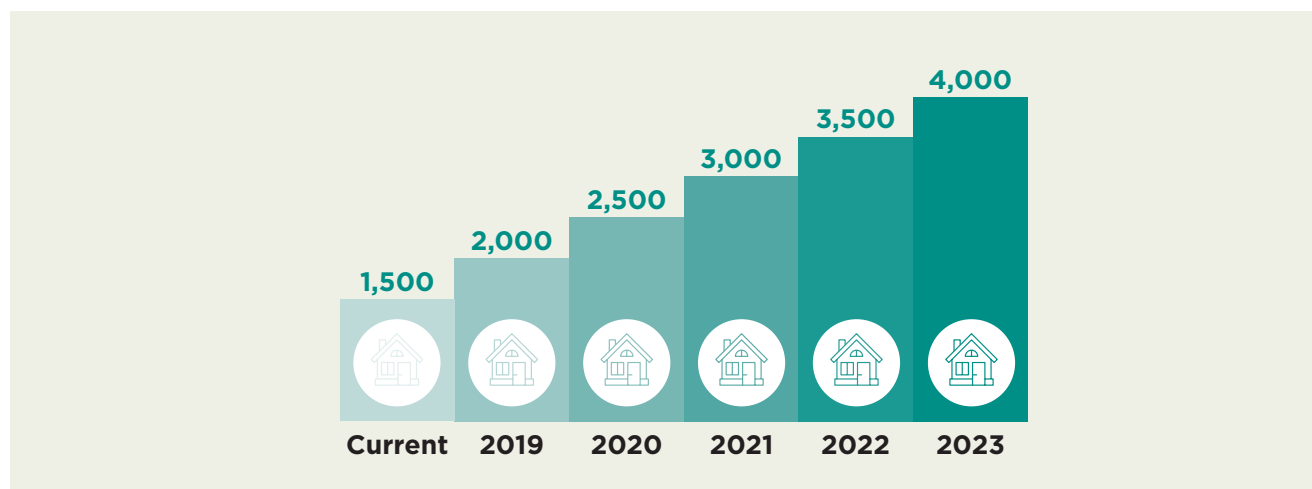


Figure 9: Annual Increase Targets in People Moving Back Into a Permanent Home



If the Housing Crisis Response System prevents 500 more people from becoming homelessness and moves 500 more people into homes year over year, then Alameda County could look dramatically different five years from now. The number of people experiencing homelessness on a given night could drop below 2,200. No one experiencing homelessness would need to go without shelter. Far fewer people would experience homelessness overall and more formerly homeless people will be housed permanently.

To reach these targets, we have established the following strategies, each of which is explored more thoroughly in this section.

- >> Expanding Capacity
- >> Increasing Investment
- >> Building Stronger Partnerships, especially with people experiencing homelessness
- >> Aligning Public Policies

**A. Expanding Capacity**

Figure 10 compares housing interventions of the current system to the targets recommended in this Strategic Update. The interventions needing the greatest expansion are homelessness prevention, street outreach, subsidized permanent housing, and Permanent Supportive Housing.

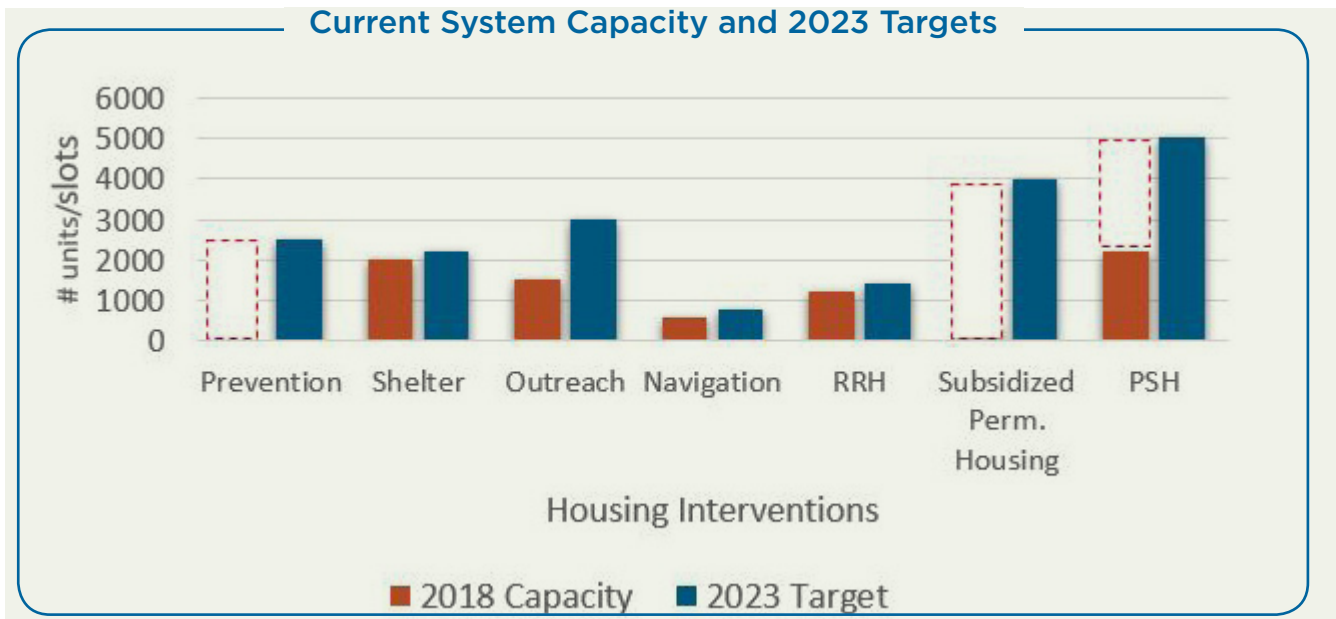


Figure 10: Housing Crisis System Capacity and Targets  
 Source: Housing Inventory Count, 2018

**Prevention:** Alameda County offers legal and financial services to prevent evictions. However, not all people who are evicted become homeless, and not everyone at risk of homelessness has rental agreements. Often, those most at risk live doubled up or “couch surf” before entering a shelter or being on the streets. As well, formerly homeless people may be at risk of returning to homelessness. Data collected since 2012 indicate that 16% of people in Alameda County who obtain a permanent home return to homelessness within 24 months. Persons with serious mental illness, especially those with compounding medical and substance abuse problems are another group at greater risk when a family member who is housing them becomes ill or dies or their board and care or assisted living facility closes.

The 2,500 prevention slots proposed in Figure 10 would provide temporary financial assistance to those most at risk of homelessness, especially those without a lease, those with prior episodes of homelessness, and those with disabling conditions relying on ailing/aging family members for housing. To best deploy these services, we will need to establish criteria for prioritizing those most at risk of becoming homeless, track whether the number of people becoming homeless declines, and refine the targeting and prioritization of assistance accordingly.

**Emergency Shelter:** This *Strategic Update* proposes modest increases in shelter capacity with a stronger focus on prevention and expansion of permanent housing resources. Meanwhile, several hundred shelter beds are in the pipeline for 2018 and 2019 and capacity will also grow with existing beds turning over more frequently. By quickly placing shelter residents in permanent homes it will shorten the length of time people need shelter and make more efficient use of existing capacity.

**Outreach:** When compared to communities with similar unsheltered populations, Alameda County has far fewer coordinated street outreach workers and teams. This hampers our ability to locate and connect people to resources quickly. The *Strategic Update* proposes to expand street outreach services to at least 35 full time equivalent positions countywide in the early years of implementation and reduce capacity as the unsheltered population declines. Outreach teams will need to meet standards and deliverables to ensure quality and efficacy across the system. To meet these standards and deliverables, they should receive adequate training and have access to the available housing resources (units, shelter beds, interim housing) through Coordinated Entry.

**Housing Navigation:** The Housing Crisis Response System added 600 housing navigation slots during 2018 and needs another 200 to reach the target. This will create a point-in time capacity of 800 slots with an estimated annual capacity of 1,600 - 3,200 slots.

**Rapid Rehousing (RRH):** Analysis of 2017 data indicates that 31% of those served would benefit from Rapid Rehousing, making the existing annual capacity of 1,200 households served inadequate. The plan proposes to expand RRH capacity temporarily then as homelessness declines the capacity drop down to near current levels. The target by the end of 2023 is 1,400 slots that are available each year.

**Subsidized Permanent Housing:** The Housing Crisis Response System currently has a small flexible housing pool (\$5 million) for permanent subsidies. However, this intervention must be significantly increased to better serve the 42% of homeless adults with fixed disability or retirement incomes, who are unable to afford market rents or qualify for affordable housing units targeted to 50% of Area Median Income. This population can often remain stably housed without the intensive services offered in permanent supportive housing, if their rent is subsidized. The target for this intervention is 4,000 units/subsidies that can be financially sustained indefinitely. Subsidies should increase over the course of five years and then ongoing need could be met with turnover.

**Permanent Supportive Housing:** For those needing both subsidies and intensive support services to stay housed, there is a need for 2,800 additional units of permanent supportive housing for a total of 5,000 to be financially sustained indefinitely. Once that target is reached, need could be met with turnover. As well, some tenants remain in permanent supportive housing because they need the subsidy, not the services. Permanent rental vouchers from local housing authorities could assist those tenants to keep their subsidy without intensive support services, thereby releasing slots for those with higher needs.

**B. Increasing Investment**

To reach capacity targets an increased annual investment of \$228 million is needed ([Appendix A](#)). Figure 11 demonstrates the total cost of the system in FY 2017/18 and FY 2023/24 as well as how funds are distributed across the Housing Crisis Response System.

This increase in resources can be achieved through a variety of sources, including: new state funding that will provide \$24 million in 2018 to Oakland and Alameda County (one time); S.B. 2, the

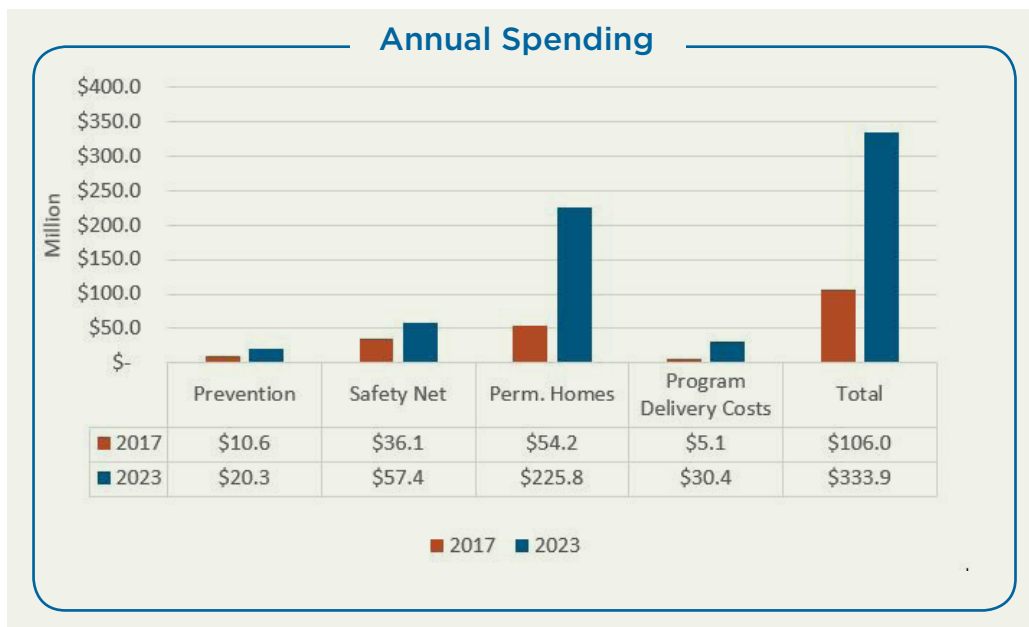


Figure 11: Housing Crisis Response System Spending

Building Homes and Jobs Act (ongoing); Housing Programs and Veterans' Loans Bond and No Place Like Home, two statewide ballot measures passed in 2018. Other sources include new health care system investments; increases in existing federal grants indexed to Fair Market Rents (FMRs), and expansion of new federal resources whenever possible, such as with the Section 811 mainstream voucher program; along with private sector investments.

However, the strategy with the most significant impact will be to create a **dedicated local revenue stream**. Such a source would provide a flexible resource that could be administrated locally to reach capacity targets in the Housing Crisis Response System. For example, a dedicated local revenue stream could support a Flexible Housing Pool (FHP), a funding mechanism for public and private entities to pool resources for housing and services that are insufficiently funded by or not paid for at all by other sources, including:

- >> Permanent housing subsidies
- >> Support services for tenants that focus on housing and health stability
- >> Housing acquisition services with streamlined rental processes
- >> Landlord incentives and support
- >> Flexible funds to clear barriers to housing such as legal issues or back rent, as well as, move-in costs

There are several options to consider for a countywide local funding source including:

- >> Parcel tax is assessed based on square footage, tied to inflation, and includes exemptions and a sunset date.
- >> County general fund carve-out would guarantee a certain amount or percentage be appropriated to restricted activities on a one-time basis or ongoing.
- >> Half-cent sales tax is likely to raise the most funds and would require state legislators to authorize raising the limit.
- >> Prop 13 "split-roll" reform would reassess commercial property every 1-3 years to adjust

property tax for increased value. This could generate an estimated \$192 million annually for Alameda County.<sup>20</sup>

A comprehensive and transparent public process that includes persons experiencing homelessness, members of the collective impact initiative to end homelessness, the business community, and other key stakeholders would determine the best mechanism for raising funds and how they should be used.

### C. Building Stronger Partnerships, Especially with People Experiencing Homelessness

Since adopting the original Plan in 2007, the collective impact initiative to end homelessness has focused intently upon building more equitable and functional systems through cross-system collaboration. Examples include:

- >> City and county departments are working with non-profit partners to operate Coordinated Entry and the Housing Crisis Response System, braiding funding streams and managing services through a countywide administrative structure.
- >> Health Care Services Agency (HCSA) invested millions in building and subsidizing housing for its highly vulnerable patients. HCSA is also a major funder of Coordinated Entry, including expanding virtual information and referral through 211, outreach, housing resource centers, housing navigation, as well as investing in the conversion and expansion of the homeless management information system and the creation of a countywide Social and Health Information Exchange.
- >> The Alameda County Probation Department and Social Services Agency partnered with the Alameda County Housing and Community Development Department to fund Rapid Re-Housing programs for their homeless clients

These successes are encouraging and validate our efforts to coordinate care, broaden our resource base, and collaborate effectively across systems.

The greatest gap in collaboration is with those currently or formerly experiencing homelessness. In early 2018, EveryOne Home facilitated a series of county-wide consumer focus groups to solicit the

<sup>20</sup> This projection is based on statewide revenues of \$9.1 billion (related to 2015 real estate values).

expertise of people experiencing homelessness<sup>21</sup> and inform the *Strategic Update*. Seventy individuals participated in six focus groups held in Berkeley, Oakland, Hayward, Fremont and Livermore. The individuals were primarily unsheltered, single adults served through meal programs or warming shelters. The focus groups identified existing gaps and prioritized uses for future funding, including:

**The dignity and value of people experiencing homelessness must be honored, and the systemic discrimination faced by people who are homeless must end.**

>> People who are homeless need to be recognized as human beings, and not be discriminated against—whether by law enforcement, government, motels/hotels, employers, transit, security guards, and others.

**People experiencing homelessness feel unsafe and request health and safety protections.**

>> Most participants reported not having a safe space to sleep during the night and/or be during the day, making them vulnerable to harassment, assault and violence. They emphasized the insecurity created by lack of access to basic sanitation and constant contact with law enforcement – often in the form of harassment or “move-along” tactics.

**People mistrust the system.**

>> Many participants reflected that no matter what “input” they provide, it does not result in agencies or government meeting their basic needs.

**People experiencing homelessness request access to income, life skills, employment training, and job opportunities.**

>> Most participants, including those on fixed-income such as SSI, lost their homes because of inability to pay for high rents. Many participants requested that the system removes barriers to accessing more income and employment.

**When asked how they would like to see increased funding used they responded overwhelmingly for more housing, including:**

>> Housing rental subsidies for affordable housing

at 30% AMI, including long term, deep subsidies for the disabled and elderly

>> Preservation, repurposing, and rehabilitation of existing empty buildings and utilizing homeless individuals as workforce

>> Providing supportive services, including housing stabilization support and life skills trainings, and mental health support

>> Sanitation services for those unsheltered

Authentic collaboration includes far more than listening. People with lived experience must have leadership roles and/or employment in system design and governance, program evaluation, provider selection, and service delivery. Doing so will ensure that system changes have cultural competency, consumers’ needs, and racial equity at their core.

**D. Aligning Public Policies**

Increased spending and expanded Housing Crisis Response System capacity will be most effective alongside local public policies that support them. As partners in this *Strategic Update*, local jurisdictions are strongly encouraged to review and update policies in the following areas:

>> **Renter protections:** What policies can be adopted or revised to further protect renters from unreasonable evictions or rent increases?

>> **Respecting the dignity and safety of those forced to live on the streets:** What policies and practices can be adopted by law and code enforcement, public health and public works to increase cooperation and reduce the experience of harassment many homeless people describe?

>> **Fast-tracking and targeting affordable housing:** Are there building and permitting codes that can be modified to speed up the process and reduce the cost of building affordable housing? How can that housing be targeted to assist those who are homeless?

EveryOne Home recommends that local jurisdictions support the implementation of this *2018 Strategic Update* by exploring a range of policy strategies and tailoring them to local needs to meet the goal of no person having to be

<sup>21</sup> The Alameda County Health Care for the Homeless Community/Consumer Advisory Board (HCH CCAB) also conducted three All-In 2018 Listening Sessions during the Spring in Hayward, Castro Valley and Oakland from people experiencing street homelessness in Alameda County, with very similar results: people living in homelessness require human dignity and human rights, in addition to health and hygiene, support services and outreach, storage, information and resources, safe parking and community support.

unsheltered. These strategies include rent control and protection ordinances, tax credits or subsidies for low-income renters or property owners that rent to low-income tenants, and community land trusts to secure land for low-income rental and ownership housing.

## 6. Proposed Actions

*“As we respond to the crisis of unsheltered homelessness, we must not repeat past mistakes of focusing only on where people will be tonight. We must simultaneously be focused on where people can succeed in the long-term—and we know that is permanent housing.”—Matthew Doherty, U.S. Interagency Council on Homelessness*

Proposed actions are informed by the analysis in this Strategic Update and the recommendations of people currently experiencing homelessness, local providers and funders, advocacy organizations, and national, state and local policy experts. Implementation will be tailored by jurisdictions to their local context. Final actions will need to address racial barriers to housing and honor the dignity and safety of all community residents, especially those living without shelter.

Proposed actions are grouped into three categories:

- >> *Prevent People from Becoming Homeless.*
- >> *Protect the Dignity Safety of People Experiencing Homelessness.*
- >> *Expand Permanent Housing Opportunities*

They are also identified with one or more strategy icons:

|             |                                                                                     |            |                                                                                     |
|-------------|-------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------|
| CAPACITY    |  | INVESTMENT |  |
| PARTNERSHIP |  | POLICY     |  |

### A. Prevent People from Becoming Homeless

**Target:** Decrease the number of people becoming homeless each year from 3,000 to fewer than 500 by 2023, with annual reductions of 500 per year. The EveryOne Home Results Based Accountability Committee will develop a data dashboard to track the number of people entering homelessness for

the first time in the HMIS each quarter. The dashboard will be publicly available on the EveryOne Home website



### **Action: Policy Options to Keep Renters in Their Homes**

>> **Pass “Just Cause” Eviction Protections.** Require landlords to provide a specific, valid reason before an eviction can take place (e.g. failure to pay rent, continuing to damage a rental unit after being provided with a written notice to stop or refusing to pay for the repairs, refusing to re-sign a lease after the old one expires, ongoing disturbances to other tenants and neighbors, if the owner wants to move in or if they want to take it off the rental market through the Ellis Act, etc.).

>> **Support the Repeal of Costa-Hawkins.** Costa Hawkins is a state law that limits local jurisdictions’ ability to enact renter protection ordinances. Repeal of this state law returns policy making to local government and enables jurisdictions to be responsive to their own housing markets.

>> **Strengthen Renter Protections.** Local jurisdictions can further strengthen local rent boards with mandatory reviews of increases over a certain percentage, increase relocation resources, and make arbitration binding.

#### **Spotlight: Renter Protections in Hayward, Alameda, Oakland, and Berkeley**

In 2016, the city of Hayward passed the Residential Rent Stabilization Ordinance. This ordinance limits rent increases to a maximum of 5% per year on applicable units; any increases of more than 5% are subject to review and allowable only under certain conditions. The ordinance also limits the allowable



causes for evictions. In the city of Alameda, a similar ordinance also passed in 2016. Landlords are required to file notices to the Rent Review Advisory Committee for rent increases of over 5%, whose decision is binding depending on unit type. For evictions of certain causes, landlords must file a copy of the termination notice and provide relocation assistance to displaced tenants. Free mediation services are also available for tenants and landlords. Other cities in Alameda County with similar rent stabilization policies include the city of Oakland and the city of Berkeley. Combined, there are over 100,000 units of rent-stabilized units across the four cities.



**Action: Increase Availability of Flexible Temporary Financial Assistance (TFA).**

Local funders can increase investments in temporary financial assistance and consider prioritizing for prevention assistance those who are particularly at risk of becoming homeless, such as couch surfers, people who have been homeless before, and those in permanent supportive housing. Funds should be coordinated with legal services and Coordinated Entry. To successfully serve 500 hundred additional at-risk households each year, at an average cost of \$5,000 per household, EveryOne Home estimates needing an additional \$2.5 million per year added to the flexible housing pool, reaching \$10 million per year by 2023.



**Action: Increase Connection to Income and Benefits.**

Connect eligible persons to mainstream benefits (SSI, GA, SNAP, etc.) and health insurance. Also, for those with an interest in employment, expanded job training, apprenticeship, and other employment/educational opportunities can increase income. More specifically, there is a need to increase to high-quality education programs, improve career pathways for people with significant barriers, and removing barriers to employment and income supports. The system can build off successful and evidence-based employment interventions like Alameda County Behavioral Health Care Services Individualized Placement and Support (IPS) for helping individuals with serious mental illness to obtain competitive employment. We should also explore all options for creating positions within the Housing Crisis Response System workforce and/or piloting a peer-to-peer training program.

## B. Protect the Dignity of People Experiencing Homelessness

**Target:** Deepen collaboration with people experiencing homelessness so that assistance respects their dignity, increases their safety, and meet their needs.



**Action: Repeal or Stop Enforcing Policies that Criminalize Homelessness.**

The 9th Circuit Court of Appeals affirmed in *Martin v. Boise* (2018) that the state may not “criminalize conduct that is an unavoidable consequence of

being homeless when there are more homeless persons than available shelter beds or in the absence of other adequate alternatives.” In the summary opinion, the judges wrote, “the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.” Therefore, communities should repeal or stop enforcing ordinances/laws that prohibit or limit the use of public space by people experiencing homelessness for survival such as:

- >> Sitting and lying down,
- >> Sleeping outside or in vehicles,
- >> Panhandling,
- >> Food sharing,
- >> Camping, or
- >> Storing belongings

In addition, communities must support law enforcement officers to work collaboratively with people experiencing homelessness – including improving training and protocols - to enhance cooperation and safety.



**Action: Develop Policies for a Humane and Consistent Response to the Needs of Unsheltered People.**

Jurisdictions should develop transparent policies that indicate the criteria for temporary or permanent closures of encampments. The following are guidance and best practices from the U.S. Interagency Council on Homelessness and Indianapolis Ordinance on Homeless Encampments, 2016:

>> Encampments should only be closed or temporarily removed as a final resort, in recognition that jurisdictions have the responsibility to provide access to and use of public rights of way for other vulnerable populations, and that people sleeping outside have limited options.

>> Policies should reflect the input of those living in encampments.

>> If encampments are to be closed or temporarily moved, clear guidelines and criteria need to be in place to ensure residents are aware of the process. This should include but not be limited to:

- > Providing clear, written notices to residents with reasonable and consistent time frames for abatement and removal
- > Clearly defining emergencies and what

constitutes a “serious harm” to public health and safety.

- > Ensuring a solution for belongings if displaced, including cataloging and potential storage of personal items.
- > Specifying how outreach workers will support encampment residents facing displacement, including providing assessment and prioritization for Coordinated Entry services.



**Action: Evaluate access to and outcomes of the Housing Crisis Response System.**

The EveryOne Home Results Based Accountability (RBA) Committee developed system performance measures to track and hold the Housing Crisis Response System accountable for its performance. In the future, this information will be publicly available in a dashboard on the EveryOne Home website. In the coming year, the RBA Committee will further analyze racial disparities in the Housing Crisis Response System to include not only access to or outcomes from it, but also equity in governance and leadership. This analysis is crucial for understanding the scale and scope of the problem, and to help us identify the resources needed to address it.



**Action: Launch a leadership recruitment and training program for people experiencing homelessness, especially those from communities disproportionately impacted.**

In order to address racial and socioeconomic disparities, increase cultural competency, empower people with lived experience, and improve the quality of services the *Strategic Update* proposes recruiting, training, and employing people experiencing sheltered and unsheltered homelessness, especially those from communities disproportionately impacted. Examples of where such leaders could strengthen the System include serving on EveryOne Home’s governance/planning bodies, planning and implementation of the biennial Point-In-Time Count, and delivering services across the Housing Crisis Response System. All which offer an expansion of employment opportunities and career development for these groups.

**Spotlight: Consumer/Community Advisory Board of Health Care for the Homeless**



The Alameda County Health Care for the Homeless (HCH) Consumer/Community Advisory

Board (HCH CCAB) is made up of community members who have received services from HCH and may have experienced homelessness at some point in their lives. The CCAB provides a strong, collaborative voice in shaping HCH’s programs and policies in Alameda County.

To date they have led a number of initiatives and activities, including: Sponsoring the June 22 2018 Solstice Celebration of the Strength and Resilience of People Experiencing Homelessness, a luncheon event attended by 60 people experiencing homelessness in which Local Hero awards and speeches were made; carrying out Voter Registration drive and forums; carrying out All In Listening Sessions; writing shelter encampment health advocacy documents; evaluating the HCH programs: Patient experience surveys and proposing new consumer-informed metrics; and finally serving to analyze and evaluate HCH program patient literature for readability and literacy.



**Action: Provide Services for Health and Sanitation. Expand access to health and sanitation services, such as:**

- >> Toilets (24-hours)
- >> Showers (mobile or using existing infrastructure)
- >> Laundry
- >> Warming/cooking facilities
- >> Dumpster/garbage collection



**Action: Expand Language Accessibility to the Housing Crisis Response System.**

Ensure that people experiencing a housing crisis whose first language is not English have access to multilingual materials and information and staff who can assist them in their preferred language.



**Action: Expand, Coordinate, and Enhance Multi-Disciplinary Team Street Outreach by Designated Census Tracts.**

Expand Street Outreach from 15 full-time positions to 35 full-time positions countywide to ensure the

ability to connect unsheltered people across the County to available services. As housing capacity increases and unsheltered homelessness declines, the number of street outreach workers could decrease. Outreach teams should include staff with expertise in mental health, substance use, physical health, housing, public benefits, and/or lived experience. Teams should cover specific census tracts and efforts should be coordinated countywide to ensure appropriate coverage. Teams should engage individuals, help them meet basic needs, complete coordinated entry assessments to inform support plans, help them obtain/maintain documents for accessing housing and other resources, support linkages to health services, and increase access to public benefits.



**Action: Provide Additional Shelter/Safe Spaces**

**>> Provide places where people can park and sleep at night that can be scaled back and/or converted to low-cost permanent housing.**

Locations need access to toilets, showers, dumpsters, safe parking/camping spaces, and power. These can be located on lots of businesses, community centers, places of worship, or other existing buildings that have infrastructure not used at night.

**>> Stabilize and enhance existing year-round shelter beds to better meet the needs of individuals with significant health care issues and/or serious mental illness, and to meet County standards.** This could include physical improvements and renovations, as well as modified standards/protocols to ensure that shelters are low-barrier and open 24 hours. Shelters should be funded at a base rate per bed per night to support operations that meet the County standards.

**>> Make Warming or Seasonal Centers Year-Round When Possible.** Expand opportunities for 24/7 access to warming and seasonal centers, with enhanced services, including:

- > Facilities with amenities like meals, bathrooms, showers, laundry, storage for personal belongings and spaces for people to rest.
- > Facilities that allow pets.
- > Expanded drop-in centers with showers, laundry and safe indoor spaces, which can potentially serve as Coordinated Entry access points.

**Spotlight: Safe Spaces in Fremont, Oakland, and Berkeley**

More and more, local cities and nonprofits are partnering and using low-barrier, Housing First and



harm reduction philosophies to provide safe and welcoming spaces for people to stay during the day and night.

In the newly opened Berkeley STAIR center, an emergency shelter with housing navigation services, participants can bring pets, have storage for all their belongings, have no curfews, and feel welcome. Similar policies are also in place for the Henry Robinson Multiservice Center in downtown Oakland, where residents can come and go at any time of the day, and where services are offered to help residents obtain permanent housing.

In Fremont, plans are in place to expand the current Wellness Center into a Homeless Wellness Center. This center will open 7 days a week and have staff onsite to provide mental health, employment, and housing services. Facility improvements include adding laundry machines, a second shower, additional furniture, and additional storage for individuals to store belongings.

A low-barrier, Housing First approach provides more accessible services for all and focuses resources into helping people obtain permanent housing solutions.

**C. Expand Housing Opportunities**

**Target:** Increase the number of people moving into a permanent home by 500 people per year, until 4,000 people move into housing in 2023. The EveryOne Home Results Based Accountability Committee will develop a data dashboard to track the number of people exiting homelessness. The dashboard will be publicly available on the EveryOne Home website.



**Action: Use Land for Housing Efficiently.**

Encourage multi-family, high-density, and accessory dwelling units. Consider relaxing restrictions that make it harder to build housing (height limitations, density, parking requirements, etc.) in combination with increased affordability requirements and strong preservation and anti-displacement provisions.





### **Action: Meet Inclusionary Zoning (IZ) policies and Housing Plan Targets.**

>> Jurisdictions can require new residential developments to make a certain percentage of the housing units affordable to extremely low-income households or to provide funding for such homes.

>> Approve housing developments that achieve a “housing balance” where the overall affordability mix is proportional to Regional Housing Need Allocation by income levels.



### **Action: Expedite the Development of Affordable Housing.**

>> Allow eligible affordable housing projects that meet existing zoning to be built “By Right,” with a streamlined public process and administrative approval. Zoning-compliant affordable housing projects would not be subject to discretionary review.

>> Allow the development of small, affordable multi-family units in all appropriate low-density neighborhoods. Allow the development of affordable housing that is less expensive to build (ADUs, duplexes, quadplexes, prefabricated housing, etc.) to be built by-right in certain zones.



### **Action: Create Permanent, Dedicated Funding for Housing Operations and Services.**

Without adequate resources to match the scale, homelessness will persist in Alameda County. EveryOne Home’s needs analysis shows that 42% of homeless adults earn roughly 11% of area median income with fixed disability or retirement incomes – too low to qualify for much of affordable housing in Alameda County. Many just need permanently affordable homes and could sustain it without services typical of PSH. The *Strategic Update* projects that in Alameda County an additional 4,000 households will need to be sustained every year with flexible subsidies at an estimated annual cost of \$53.6 million dollars. Additional funding is essential to create this vital resource.



### **Action: Ensure that Affordable Housing Built with New Capital Sources Prioritizes the Most Vulnerable.**

Affordable housing developments are often targeted to those earning 30-60% area median income and therefore are out of reach for most of

the homeless population. By connecting subsidies to affordable housing developments, we can ensure that more new affordable housing will house people experiencing homelessness.



### **Action: Expand Landlord Partners.**

HCSA has dedicated \$1.2 million in Whole Person Care funding to Landlord Liaison and Housing Subsidy Management Services. These programs identify landlords willing to accept clients and subsidies from HUD Continuum of Care (CoC) and MHSA rental assistance programs; support landlords when issues arise as a result of their involvement in these programs; directly manage some HUD CoC and MHSA-funded housing subsidies; coordinate with service providers and public housing agencies involved with managing housing subsidies to ensure landlord concerns are addressed in a timely and appropriate fashion; and operate a landlord incentive and risk mitigation fund. The value of this effort should be evaluated over time.

#### **Spotlight: Oakland Housing Authority Incentive Program**



The Oakland Housing Authority expanded the benefits offered to property owners. The four

initiatives of the Owner Benefits Program include: Signing Bonus (New Landlord Incentive Payment), Re-rent Bonus (Vacancy Loss Payment), Inspect now, rent later (Prequalifying Unit Inspections), and the Owner Recognition Program.

Since implementation of the expanded benefits in early 2018, 75 new property owners have signed up to accept Section 8 housing vouchers.



### **Action: Increase Permanent Supportive Housing.**

The *Strategic Update* estimates that 2,800 new permanent supportive housing units or subsidies will be needed by 2023 to be operating at the needed capacity of 5,000 units. We can reach this target by building new units with sources like No Place Like Home, local Housing Programs and the Veterans’ Loans Bond. These units are often

integrated within affordable housing developments that have a mix of affordability levels in the development, while still including support services for tenants that need them. We can also expand subsidies for market rate and affordable housing with additional VASH vouchers, 811 vouchers, and subsidies funded by a dedicated revenue stream. Additional funding is needed to cover the cost of supportive services associated with PSH, estimated at \$6,000-8,000 per year per unit. HCSA intends to work with housing developers to link appropriate support services with new developments. Additional advocacy at the state and federal level is needed to ensure the availability of flexible health care funding for housing-linked services.



**Action: Increase Stock of and Accessibility to Alternative Housing Opportunities.**

Traditional affordable housing is often costly and takes a long time to build. To reach housing goals in Alameda County, alternative housing opportunities such as shared housing, accessory dwelling units, prefabricated, and microunits should be expanded. Other options to explore include expanding and improving the quality of independent living and/or Room and Board housing, as supported by HCSA, and home sharing, as supported by the city of Fremont.



**Action: Expand Tenancy Sustaining Services to Include More Households.**

HCSA has dedicated \$2.64m in Whole Person Care funding to create 1,000 slots of tenancy sustaining services that help formerly homeless people who have just moved into housing to become successful tenants. In addition to finding a means of sustaining those slots when the Whole Person Care pilot ends in 2021, funding is needed to create 2,000 additional spots for people housed in new PSH units described above.

## 7. A System with a Racial Equity Lens.

*“Discrimination is both a cause and consequence of homelessness. Those who face discrimination on the grounds of race, ethnicity, place of origin, socioeconomic status, family status, gender, mental or physical disability, health conditions, sexual orientation and/or gender identity and age are more likely to become homeless, and once homeless, experience additional discrimination.”*  
Leilani Farha, UN Special Rapporteur on adequate housing.

As discussed earlier, the disproportionate racial impacts of the housing crisis, especially on African Americans, are clear. Resourcing and renewing a system to reduce the number of unsheltered homeless people can be a critical intervention to increase the health and housing stability of people of color within the homeless population. However, this dual goal of housing justice and racial justice will only be achieved by addressing the complicated, historical realities of discriminatory policies and ensuring that our system is intentional about redressing those.

African Americans are overrepresented among the homeless when compared with the overall populations in Alameda County, making up 49% of the homeless population and 11% of the general population. Similarly, the American Indian and Native Alaskan population makes up 3% of the homeless population in Alameda County, but just 1% of the general population. At the same time, 30% of Alameda County’s homeless population identifies as white, as compared with 50% of its general population. Because social and economic inequities are evident in the disproportionate representation of people of color among the homeless population in Alameda County and throughout the country, the *Strategic Update* propose to apply the same level of care and attention to understanding and redressing racial disparities in the Housing Crisis Response System that we are asked to extend to HUD sub-populations.

Historical inequities in housing policies and practice, law enforcement, economic opportunities, wealth disparities, offer explanatory context for racial and ethnic disparities, and it is critical that our response does not perpetuate those inequalities. EveryOne Home commits to continuing to analyze Housing Crisis Response System data to identify racial and ethnic disparities in the way the system is governed, people access programs, are treated by agencies and providers, and achieve positive outcomes. In addition, EveryOne Home partners will collaborate with those who are currently homeless to identify and design preferred models of housing and supports. We will also work in partnership with our people experiencing homelessness to determine needed changes to the way programs and services are delivered so that they are more equitable and accessible.

## 8. Reaching Our Goal: Our Communities

### Homeless Families

The 2017 Point-In-Time Count and HMIS data show variation of the scale of family homelessness. Overall, families constituted 12.6% of the people counted in the PIT Count and 27% of the population served throughout the year in HMIS. One explanation could be that the pattern of family homelessness is different from that of adult-only households. Families without homes might stay with family and friends, in hotels, and in vehicles as well as in shelters, but less often on the streets. To account for the unique pattern, the Department of Education includes doubled-up families in its definition of homelessness. However, HUD does not consider doubling-up to be homeless. Coordinated Entry is identifying more unsheltered families, yet families with minor children remain a smaller proportion of the overall homeless population.

Forty five percent (45%) of the year-round shelter and transitional housing capacity and 74% of the Rapid Re-Housing capacity in Alameda County is dedicated to families. The number of homeless families with minor children has declined steadily over the last decade, and that trend will likely continue considering current resources as well as new Temporary Assistance to Needy Families (TANF) resources to dedicated to rehousing families. New and proposed prevention services will also assist families who are couch surfing and doubled up.

In addition, families with adults or children impacted by a serious mental illness or serious emotional disturbance are eligible for MHSA-funded permanent supportive housing as well as future housing units developed with No Place Like Home funds. Alameda County Behavioral Health Care Services coordinates mental health services for children with serious emotional disturbances and will work to link eligible families to the Coordinated Entry System for prioritization and matching to MHSA and No Place Like Home-funded housing.

The *Strategic Update* sets the following targets for reducing family homelessness:

>> Eliminate unsheltered family homelessness by December 2019.

>> Reduce the number of homeless persons in families to fewer than 200 by 2023.

### Veterans

Operation Vets Home (OVH) is the initiative working to end veterans' homelessness in Alameda County. OVH members include staff from the U.S. Department of Veterans Affairs (VA), local veteran housing providers, and Continuum of Care staff. Other providers and elected officials participate periodically. Partners participate in monthly case conferencing and strategy meetings. Since the fall of 2015, the group has worked a By-Name-List (BNL) of homeless veterans, which stands at 437 people as of September 30, 2018. Thirty three percent (144) are chronically homeless. On average, 34 veterans per month join the BNL. This has increased with the launch of Coordinated Entry, as vets seeking services from a wide range of partners are now immediately added to the BNL. An average of 21 vets move off the list every month, primarily to permanent housing supported with Veterans Affairs Supportive Housing (VASH) vouchers or Supportive Services for Veteran Families (SSVF) rapid re-housing funds. Some veterans exit the list because they can no longer be located or have moved out of the county.

The *Strategic Update* and Operation Vets Home have set the following Targets:

>> End chronic veteran homelessness by March 31, 2020. With 125 new VASH vouchers in 2018-19 and 67 more project-based subsidies under construction, as well as the CoC prioritizing the high-need veterans who are ineligible for VA resources for other sources of PSH, partners expect to double the number of chronically homeless vets housed each month. At that pace, ending chronic veteran homelessness is possible in one year.

>> Reduce the number of veterans experiencing homelessness at any point-in-time to under 90 by December 31, 2021. Reaching this target would require housing an additional 18 veterans a month. SSVF resources often provide move-in funds for veterans with VASH vouchers. Once fully leased, SSVF slots for non-chronically homeless will increase by about 10 slots per month. The gap may be closed by reducing the number of vets becoming homeless using the prevention actions discussed above.

### Chronically Homeless People, including seniors and persons living with serious mental illness

Chronic homelessness has been a focus of HUD Continuum of Care (CoC) funding and programs for many years. In 2017, 1,652 people in Alameda County met the definition of

chronically homeless<sup>22</sup> on the day of the Point-in-Time Count. HMIS data indicate that, over the course of a year, 3,000 individuals in 2,600 households met the definition of chronically homeless. Increasing lengths of time spent homeless result in people with disabilities “aging into” chronic homelessness.

Alameda County’s customized assessment tool prioritizes chronically homeless persons for housing. Those with the longest histories of homelessness and the highest barriers to housing have the highest priority for most resources, including year-round emergency shelter, transitional housing and housing navigation. All CoC and Mental Health Service Act (MHSA) funded Permanent Supportive Housing operators are required to fill their openings from the Coordinated Entry prioritized list. Until June of 2018 the prioritized list for homeless disabled persons was maintained outside of HMIS and recently migrated to a new software platform that will integrate all previous By-Name-Lists. The goal of this transition is to increase the efficiency of matching to resources and reduce the lengths of time homeless. If so, it will help reduce chronic homeless. Partners continue to recruit housing operators to participate in Coordinated Entry to expand the number of units available.

*Chronically Homeless Seniors:* HMIS data indicate that 350, or 14%, of the 2,568 homeless seniors (ages 55+) in our system have been homeless longer than 12 months and have a disabling health condition. These seniors would be highest priority for any PSH built for this age range. Seniors require unique engagement and supportive service approaches to meet their needs. Many seniors may struggle with a wide range of health conditions that impact their ability to manage daily tasks. They are also more likely to be in and out of health care institutions that may make it more difficult to document their homelessness status according to HUD standards. Linkages with senior-specific community resources, as well as training and support for health and social service providers can help to address these issues. The county’s In-Home Supportive Services Bridge Pilot project, which improved access to in-home care for individuals experiencing homelessness, is an example of an effective approach to replicate.

*Persons with Serious Mental Illness—*There are variety of data sources that show the considerable overlap between chronic homelessness and serious mental illness. Within Alameda County’s mental health system, there has been a steady increase in annual mental health service program admissions among homeless individuals. In FY 17/18, 2,702 unique individuals entering County mental health programs were homeless, representing 10% of all the people receiving County mental health services. During the 2017 Point-in-Time Count, 2,307 (41%) of the people counted self-reported having a mental health condition. Over the course of one year, 4,238 adults (39%) represented in the County’s HMIS self-reported a mental health condition. HMIS data indicate that 1,950, or 46%, of the 4,268 people reporting a mental health condition at intake also met the definition of chronic homelessness.

Individuals with serious mental illness also require unique engagement strategies. They may be more reluctant to access services due to their condition and may have had negative experiences with helping professions. For these reasons, many homeless people with mental health illnesses may not appear in the system at all, or do not receive services on an ongoing basis. In addition, individuals with serious mental health issues are more likely than the general population to experience co-occurring physical and substance use challenges. Integrated health services and improved access to co-occurring informed substance use treatment resources is critical for meeting the needs of this population.

California’s No Place Like Home Program (NPLH) will make funds available to build permanent supportive housing for this population. It is imperative that the County maximize the use of these funds as soon as they are available. Efforts to expand outreach to these populations and their providers are underway and progress will be monitored through the HCSA data repository. Alameda County’s Whole Person Care effort is investing resources to build a more integrated treatment system and provider organizational capacity to better meet the needs of Medi-Cal beneficiaries with complex health needs. These service resources will be linked with new No Place Like Home and other supportive housing units created for this subpopulation.

<sup>22</sup> HUD definition of chronically homeless includes any person who has been homeless for 12 or more months (either continuously or in four or more distinct episodes over 3 years); who lives in a place not meant for human habitation, a safe haven, or an emergency shelter; and is living with a disability of longstanding duration. There are a number of additional qualifying details, all of which can be accessed on the HUD Exchange website: <https://www.hudexchange.info/homelessness-assistance/resources-for-chronic-homelessness/>

The *Strategic Update* sets following targets to reduce chronic homelessness:

>> End chronic homelessness for older adults age 50 and older by December 2020.

>> Reduce chronic homelessness among persons with serious mental illness by 30% by December 2021.

>> Reduce the overall annual count of chronically homeless people by 50% by December 2023.

### Homeless Youth

In the first ever separate youth Point-In-Time Homeless Count in 2017, 919 unaccompanied Transitional Aged Youth (TAY) ages 18-24 were identified, 74% of whom were unsheltered. This number is more than double that of previous counts. Patterns of homelessness in this population are like families, and include nights staying off the streets, but often involving unsafe indoor situations. Homeless youth are also more likely to identify as LGBTQ+ than the general homeless population and have increased risk of violence and other forms of trauma. They are especially vulnerable to domestic violence, sexual assault, exploitation and human trafficking.

Interventions for TAY must be designed to address racial disparities, as almost 50% of unaccompanied TAY in Alameda County were African American. According to the SPARC report, African American youth had an 83% higher risk of homelessness compared to youth of other races.<sup>23</sup> In addition, TAY are more likely to have a history of foster care. At the Point-In-Time Homeless Count, 45% of sheltered TAY and 26% of unsheltered TAY reported a history of foster care.

Shelter and permanent housing targeted to this population includes:

- >> 8 emergency shelter beds for minors,
- >> 48 emergency shelter beds for TAY,
- >> 284 transitional housing beds,
- >> A new RRH project serving 60 youth per year, and
- >> 70 units of PSH.

Alameda County partners that include Social Services Agency and All In Alameda County (formerly Interagency Children's Policy Council), and the CoC have launched a Youth Advisory Board.

This youth-specific planning process will set targets for reductions in youth homelessness and expanded capacity in youth services. In addition, the Behavioral Health Care Services for youth will work to ensure that homeless youth with serious mental illness are connected to the Coordinated Entry system and that youth are considered for MHSA, NPLH permanent supportive housing units, and other Housing Crisis Response System resources as appropriate.

### Survivors of Domestic Violence

"Survivors of domestic violence" in this section refers to individuals and families fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, and other dangerous or life-threatening conditions, including human trafficking.

Survivors of domestic violence often face an untenable choice between their safety and their housing. Because of confidentiality requirements and the social stigma associated with victimization, accurately measuring the need for victim-centered housing and support services is difficult. However, the 2017 Point-In-Time Homeless Count showed that 1,026, or 18%, of homeless people reported having experienced domestic violence or sexual assault at some point in their lifetime. This is a significant proportion of the homeless population and warrants additional attention and focused resources.

Alameda County's domestic violence and sexual assault service providers offer the following resources targeted to survivors of domestic violence:

- >> 175 beds of emergency shelter
- >> 47 units of Rapid Re-Housing
- >> 32 units of PSH

To identify survivors of domestic violence, the standard coordinated entry process begins with a safety screening. Once screened, survivors can choose to receive services from domestic violence service providers, and/or they can choose to access homeless support service and shelter. Survivors of domestic violence will have equal access to available housing resources through matching case conferences, which will include domestic violence service providers.

<sup>23</sup> Center for Social Innovation. (2018, March) SPARC Phase One Study Findings. Retrieved from: <http://center4si.com/wp-content/uploads/2018/03/SPARC-Phase-1-Findings-March-20181.pdf>

Going forward, Alameda County's Housing Crisis Response System will need to collaborate with victim service providers and seek input from homeless survivors, to ensure the Housing Crisis Response System is trained and equipped to effectively serve survivors of violence. One of the most immediate steps the Housing Crisis Response System can take is to incorporate training on domestic violence, sexual assault, and trafficking into the standard training provided to the Housing Crisis Response System workforce. Additionally, the system can incorporate safety planning into housing problem solving interactions and implement trauma informed practices throughout the Housing Crisis Response System. The Continuum of Care will continue to pursue funding opportunities for safely housing this population.

## 9. Adoption and Implementation:

What does it mean to adopt the *EveryOne Home Plan to End Homelessness: 2018 Strategic Update*?

Jurisdictions committed to preventing and ending homelessness in Alameda County are encouraged to adopt the *Strategic Update* and develop local action plans to achieve the goals and targets. Implementation will look different depending on the specifics of each jurisdiction. However, adoption of the *Strategic Update* demonstrates a commitment to prevent homelessness, increase permanent affordable housing opportunities, and enhance the safety and dignity of people experiencing homelessness by:

- >> Identifying and implementing policies, investments and actions that are applicable to your community.
- >> Setting specific targets for how your community will contribute to achievement of the county-wide targets.
- >> Participating in the mutual accountability structure of collective impact, which includes tracking performance to targets and adjusting approaches as needed.
- >> Contributing human, financial, and political resources toward ending homelessness in your community.
- >> Considering how your community can help address the needs of vulnerable populations while advancing solutions that benefit everyone who is affected.

>> Pursuing policies and practices that advance racial justice as well as housing justice.

>> Joining with other partners and communities to implement strategies that require collaboration and scaled effort.

>> Increasing awareness among and seeking endorsement of the *Strategic Update* by others in your community.

Non-profit, business, faith and community groups are invited to endorse the *EveryOne Home Plan to End Homelessness: 2018 Strategic Update*. Determine how your organization can contribute to achieving the collective goal and targets with advocacy, financial contributions, changes in programs and practices.

It will take all of us to implement and achieve the collective impact outlined in this plan. Here are just a few ideas:

**Individuals** can advocate for increasing resources.

**Faith Communities** can support advocacy efforts, open buildings and land as safe spaces for those who are unsheltered or for housing development.

**Non-profit and organizations** can review and improve program operations and outcomes.

**Business Leaders** can contribute resources and expertise to the advocacy effort and new initiatives such as the Flexible Housing Pool.

**Government Agencies** can ensure funding is aligned with strategies and redirect unspent resources to expand housing and prevention.

**Advocacy Organizations** can build momentum and look for additional opportunities for joint efforts.

**City Councils and County Supervisors** can adopt the *Strategic Update* and work to align public policies and resources.

## Appendix A: Methodology

Projections were developed using the following approaches:

### Number of People Experiencing Homelessness Annually (Figure 6)

According to the 2017 Point-In-Time Count 2.2% of persons surveyed had been homeless for 7 days or less. That proportion was used to calculate the number of people becoming homeless each week in Alameda County as well as to estimate the total over the course of year.

$2.2\% \times 5,629 = 124$  people becoming homeless each week

$124 \text{ people/week} \times 52 \text{ weeks} = 6,440$  people in 5,545 households becoming homeless annually

$6,440 \text{ new people} + 5,629 \text{ people already homeless as of January 2017} = 12,069$  total people in 10,400 households experiencing homelessness annually

### What Would Have Ended Their Homelessness (Figure 7)

Projecting those who could have been prevented from becoming homeless began with the number of persons who became homeless for the first time in 2017, multiplied by the percent of persons who were experiencing homelessness for the first time in the PIT Count survey who also said they came from rental housing or living with friends and family. These locations before homelessness indicate some existing housing resource that could be preserved. That total was multiplied by 80% assuming not all prevention efforts would succeed.

Those who self-resolved were estimated by using the proportion of those who exited in 2017 to unassisted permanent housing without going through RRH first. They may have used homeless support services and shelter, but solved their homelessness without financial assistance from the Housing Crisis Response System.

Those estimated to need Rapid Re-Housing had low or no incomes, but the possibility of increasing their resources to eventually maintain housing on their own.

Those projected to need permanent subsidies were those living on fixed disability or retirement incomes. In 2017 that was 42% of all adults served.

The portion who would need wrap-around services

as well as subsidies (PSH) were estimated based using the number of chronically homeless served over the course of a year divided by 50%. This proportion reflects the history of chronically homeless persons exiting to permanent housing, many of whom do not exit to PSH, combined with those who have remained homeless.

### Annual Targets for Reducing Newly Homeless through Prevention and Exits to Homes with Permanent Housing (Figure 8 and 9)

The annual targets of 500 each year are based on what it would take to get to a point in time count of under 2,200 people (the number of shelter beds) within five years.

### Projected Needed Capacity (Figure 10)

The amount of each housing intervention needed by the end of 2023 derives from the proportion of people needing a given intervention to the number of people exiting to housing each year. For example, the 26% of people needing subsidized permanent housing applied to the 4,000 people exiting to housing in 2022 would give the number of people needing subsidized permanent housing that year. In case of Prevention and Rapid Re-Housing, the capacity only includes the year in which the services are provided, since these interventions are time limited. In the case of subsidized housing and PSH the capacity needed would increase each year because the support is permanent, and the capacity needed would accumulate until the need could be met with turnover.

### Projected Costs (Figure 11)

Projected costs were developed using the average per household costs in 2017 for current prevention, Year Round Shelter Beds, RRH, and PSH programs. The average was then multiplied by the number of slots for the annual cost. The average cost, increased by 5% each year, and multiplied by the estimated needed capacity by 2023. For the permanent subsidy program the following assumptions underlie the amount of support required: assume 1/3 in affordable housing for those at 50% AMI, with the amount of subsidy calculated at the difference between allowable rent for a 50% AMI and 30% of SSI income; assume 1/4 in market rate paying 50% of the rent; assume 1/5 with getting a flat subsidy of \$600/month; assume 1/4 in market rate housing paying only 30% of SSI income. The 5% rent increases were presumed for this calculation as well. Program delivery costs are 12.5% of all direct costs.

These calculations resulted in the \$228 million shortfall for operating a system at capacity. These cost estimates do not account for capital costs to develop units.



## Appendix B: Glossary Terms

### Annual Performance Report

**(APR):** A standard report of the Homelessness Management Information System (HMIS) data required by the federal department of Housing and Urban Development (HUD).

### Area Median Income (AMI):

100% of the gross median household income for a specific Metropolitan Statistical Area, county or non-metropolitan area established annually by HUD.

**By-Name List :** A real-time list of people experiencing homelessness in Alameda County. A robust By-Name List allows a community to not only know who is currently homeless, but also to understand the inflow (the number of people becoming homeless each month) and the outflow (the number of people obtaining permanent housing or otherwise leaving the system each month).

**Chronic Homelessness:** Either (1) a homeless adult with a disabling condition who has been continuously homeless for a year or more, OR (2) an individual with a disabling condition who has had at least four episodes totaling twelve months or more of homelessness in the past three years. Chronically homeless individuals may be accompanied by other family members.

**Continuum of Care (CoC):** Is an integrated system of care organized to carry out the responsibilities of addressing homelessness required by the McKinney-Vento Homeless Assistance Act, the HEARTH Act, and the 2012 Interim Rule in order to receive federal homeless assistance funding. It was designed to promote communitywide commitment to the goal of ending homelessness,

provide funding for efforts by nonprofit providers, promote access to and utilization of mainstream programs by homeless individuals and families, and optimize self-sufficiency among individuals and families experiencing homelessness. EveryOne Home is the lead agency for the Alameda County Continuum of Care.

**Coordinated Entry:** Coordinated Entry (CE) is a process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed and prioritized for, referred, and connected to housing and assistance based on their strengths and needs. In Alameda County, HMIS is used in conjunction with CE to maximize accountability and organization.

**Emergency Shelter:** Temporary or interim places for people to stay, which include year-round emergency shelters, winter and warming shelters, navigation centers and transitional housing. These types of shelter have varying hours, lengths of stay, food service, and support services.

**Fair Market Rent (FMR):** The fair market rent is used by the Housing and Urban Development to determine how much rent should be covered through Section 8 and other housing subsidy programs.

**Flexible Housing Pool:** A Flexible Housing Pool (FHP) is a funding mechanism for public and private entities in a community to invest around a unified vision and to significantly and rapidly expand innovative solutions to ending homelessness.

**Housing Choice Voucher (HCV):** Also referred to as Section 8 Housing, Housing choice vouchers allow very low-income

families to rent safe, decent, and affordable privately-owned rental housing. The tenants pay 1/3 of rent and the voucher pays the balance.

### Homeless Management

**Information System (HMIS):** A local database used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Each Continuum of Care is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards.

### Homeless Services and Shelter:

Describes the services and lodging people utilize while homeless. It includes Coordinated Entry, street outreach, housing navigation, drop-ins, shelters, transitional housing, and other social and health services

### Housing And Urban

**Development (HUD):** A federal agency dedicated to strengthening and supporting the housing market.

### Housing Crisis Response System:

The Housing Crisis Response System is Alameda County's overall system of housing services and programs that are coordinated to prevent homelessness whenever possible and ensure episodes of homelessness are brief and non-recurring.

**Housing First:** An approach that quickly and successfully connects individuals and families experiencing homelessness to permanent housing without preconditions to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered,

but are not mandatory, to maximize housing stability and prevent returns to homelessness.

**Housing Inventory Count:** An annual count of all temporary and permanent housing beds and units that are dedicated to homeless people, including emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing. The Housing Inventory Count is required by HUD and takes place during the last 10 days of January each year.

**Housing Navigation:** A set of services designed to support homeless households to locate, obtain, and retain housing. Navigation services include, but are not limited to, developing a housing support plan; searching for housing and assisting with applications and gathering required documentation; securing resources for one-time move-in expenses; coordinating move-in; and supporting housing retention.

**Landlord Liaison and Housing Subsidy Management Services:** Identify landlords willing to accept clients and subsidies from publicly funded rental assistance programs and provide support to landlords when issues arise as a result of their involvement in these programs. Support may include efficiently managing housing subsidies and payments to landlords, ensuring landlord concerns are addressed in a timely and appropriate fashion, and the operation of a landlord incentive and risk mitigation fund.

**Literal Homelessness:** Individual or family who lacks a fixed, regular, and adequate nighttime residence, specifically a person who:

>> Has a primary nighttime residence that is a public or

private place not meant for human habitation

>> Is living in a publicly- or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs)

>> Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

>> Is fleeing domestic violence, human trafficking and sexual assault.

**Measure A1 (Alameda County):** On November 8, 2016 Alameda County voters supported Measure A1, passing it with 73% of the vote. It will raise 580 million dollars for affordable housing across Alameda County. At least 20% of the units funded by the rental housing portion of the program will serve extremely low-income households at or below 20% of AMI.

**Mental Health Services Act (MHSA):** Proposition 63, the Mental Health Services Act (MHSA), expands and transforms California's county mental health service systems by imposing an additional one percent tax on individual, but not corporate, taxable income in excess of one million dollars. Funding provides more comprehensive and better coordinated care to those with serious mental illness, particularly in underserved populations. MHSA has provided resources to affordably house those living with serious mental illness.

**Permanently Affordable Housing:** Affordable housing that

has been subsidized by government funds during construction and/or operation, such that the operator must charge below market rents affordable to tenants with moderate, low, very low, and extremely low incomes. Both rents and tenant incomes are capped by the regulatory agreements for use of public funds.

**Permanent Supportive Housing (PSH):** In addition to rent subsidies, PSH includes voluntary support services. The extent of services can vary depending on program resources and tenant needs. They typically include providing a case manager, care coordinator, and/or social worker who meets regularly with the tenant to assess needs and help accessing services. They often also include a range of health care services including clinics, psychiatric care and sobriety services.

**Point-In-Time Homeless Count (PIT Count):** Conducted within the last ten days of January, this biennial count of homeless persons provides a snapshot of the number of people experiencing homelessness on a given night. The PIT Count is a HUD mandated reporting process and one of the main sources of homeless data collection and reporting for Alameda County.

**Prevention Resources:** These resources are intended to help individuals and families resolve a housing crisis without having to enter shelter, transitional housing, or spend time living outdoors. They are more targeted to people most likely to become homeless than tradition eviction prevention services. Examples of prevention resources include one-time financial assistance, legal services, benefits advocacy, housing education and problem solving.

**Proposition 13 (California):** An amendment of the Constitution of California enacted during 1978, by means of the initiative process. The initiative was approved by California voters on June 6, 1978. The proposition decreased property taxes by assessing property values at their 1976 value and restricted annual increases of assessed value of real property to an inflation factor, not to exceed 2 percent per year. It also prohibited reassessment of a new base year value except for in cases of (a) change in ownership, or (b) completion of new construction. In addition to decreasing property taxes, the initiative also contained language requiring a two-thirds majority in both legislative houses for future increases of any state tax rates or amounts of revenue collected, including income tax rates. It also requires a two-thirds vote majority in local elections for local governments wishing to increase special taxes.

**Rapid Re-Housing (RRH):** Housing intervention that includes both financial and support services to locate, move-into and retain permanent housing. Assistance is time limited but can be up to 24 months in some programs.

**Results Based Accountability:** A framework that helps communities use data to make real progress in solving entrenched social problems. Using data, RBA asks whether the current situation is acceptable, or good enough. If not, then RBA seeks to “turn the curve” of the data by working backward from “ends,” or a desired outcome, to “means,” or the strategies and approaches to realize that outcome. RBA uses data to develop accountability for the well-being of people and the performance of programs.

**Self-Resolved:** This term is used to describe individuals and families who end their homelessness without financial assistance from the system of care. They may use homeless services such as outreach or shelter, but are not provided move-in monies or ongoing subsidies

**Sheltered Homelessness:** Describes those homeless individuals who are living in emergency shelters or transitional housing programs.

**Support Services for Veteran Families (SSVF):** A program of the U.S. Department of Veterans Affairs and community-based organizations that provides supportive services to very low-income Veteran families to improve housing stability. SSVF offers outreach, case management, and assistance in obtaining VA and other benefits and services. SSVF also provides time-limited payments to third parties (e.g., landlords, utility companies, moving companies, and licensed child care providers) if these payments help Veterans’ families stay in or acquire permanent housing on a sustainable basis.

**System Performance Measures:** System level measures designed to measure the effectiveness and impact of the Housing Crisis Response System. HUD has defined six system performance measures that include: length of time persons remain homeless, the extent to which persons who exit homelessness to permanent housing destinations return to homelessness, change in annual counts of homeless persons, employment and income growth for homeless persons, number of persons who became homeless for the first time, and the successful placement in or retention of permanent housing. The Alameda County Continuum

of Care has translated the HUD system performance measures into a set of local measures and targets designed to help understand and improve the performance of individual programs, agencies, and the system.

**Temporary Financial Assistance:** Time-limited assistance that can help with a range of costs associated with obtaining or retaining housing including rent and utility arrears, rental deposits, etc.

**Tenancy Sustaining Services:** Once homeless individuals and families are housed, many need ongoing support to sustain tenancy. Services include intervention for behaviors that may jeopardize housing; coaching on relationships with landlords; dispute resolution assistance; advocating and linking to eviction-prevention community resources; assistance with housing recertification; and housing management skills such as paying rent, money management, and community-building.

**Transition Aged Youth:** Refers to a youth aged 18-24 years

**Transitional Housing (TH):** A project that is designed to provide time-limited housing and appropriate supportive services to homeless persons to facilitate movement to independent living.

**United States Interagency Council on Homelessness (USICH):** Coordinators of the Federal response to homelessness who work to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation.

**Unsheltered Homelessness:** Homeless individuals and families who are living on the streets or in

abandoned buildings, storage structures, vehicles, encampments, or any other place not meant for human habitation.

**Veterans Administration**

**Supportive Housing (VASH):** A Federal Housing and Urban Development (HUD) program that combines Housing Choice Voucher (HCV) rental assistance for homeless Veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). VA provides these services for participating Veterans at VA medical centers (VAMCs) and community-based outreach clinics.

**Veteran's Affairs (VA):** The US Department of Veterans Affairs provides patient care and federal benefits to veterans and their dependents. Its housing programs include SSVF and HUD-VASH.

**Whole Person Care:** Whole Person Care is a five-year pilot (2016-2020) that is funded by a \$140 million grant from the California Department of Health Care Services. The initiative allows the use of Medi-Cal funding for services not usually thought of as healthcare, in particular, housing services. In Alameda County, the pilot is called AC Care Connect and was developed to ensure people facing complex physical, mental, and housing challenges get the care and services needed to improve overall health and reduce unnecessary crisis system utilization. System-wide changes are focused on consumers receiving regular care from providers and finding a safe place to live. This is an innovative approach to enable providers from different systems (physical health, mental health, and housing) to work together to help people achieve optimal health.

## Appendix C: 2018 Strategic Update Planning Process

This *Strategic Update* reflects a collaborative process between the EveryOne Home Leadership Board, its committees, and staff as well as community members, elected leaders, formerly and currently homeless people, nonprofit partners, and philanthropic organizations. Stakeholders offered critical insights that strengthened the analysis and generated the strategies included here. The EveryOne Home Leadership Board wishes to thank all those who contributed to this *Strategic Update* and who will be essential to its successful implementation.

| Timeline                           |                                                                                                                              |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>May 2017</b>                    | Call for updated Plan at Point-in-Time Count Press Event                                                                     |
| <b>June-October 2017</b>           | Develop key strategies in conversation with EveryOne Home Leadership Board, membership, key stakeholders and elected leaders |
| <b>October 2017</b>                | Receive feedback on strategies at Annual Membership Meeting                                                                  |
| <b>November 2017- January 2018</b> | Refine strategies using feedback gathered at Annual Membership and Leadership Board meetings                                 |
| <b>January 2018</b>                | 6 Consumer Focus Groups                                                                                                      |
| <b>February 2018</b>               | Present strategies and analysis at Countywide Summit hosted by Alameda County Supervisor, Keith Carson                       |
| <b>February-April 2018</b>         | Leadership Board refine content and direction of the Plan                                                                    |
| <b>June 2018</b>                   | Leadership Board releases draft for public comment                                                                           |
| <b>July 2nd-August 6, 2018</b>     | Public Comment Period                                                                                                        |
| <b>October 2018</b>                | Leadership Board and membership adopted revised plan based on public comments                                                |
| <b>January 2019-May 2019</b>       | Alameda County Board of Supervisors and City Councils vote on adopting the plan                                              |

In January 2018, EveryOne Home held six consumer focus groups at locations throughout the county to solicit the opinions and expertise of people experiencing homelessness. Read more about findings from the Consumer Focus Groups in the Summary Report [here](#).

| Date      | Location                       | City      |
|-----------|--------------------------------|-----------|
| 1/25/2018 | East Oakland Community Project | Oakland   |
| 1/26/2018 | Dorothy Day House              | Berkeley  |
| 1/29/2018 | St Mary's Center               | Oakland   |
| 1/30/2018 | Abode Services                 | Hayward   |
| 1/31/2018 | Ashbury Methodist Church       | Livermore |
| 2/1/2018  | Family Resource Center         | Fremont   |

EveryOne Home's Executive Director conducted the following stakeholder interviews to develop and improve strategies.

| <b>Date:</b> | <b>Key Stakeholders:</b>                                                                | <b>Agency/Jurisdiction:</b>                 |
|--------------|-----------------------------------------------------------------------------------------|---------------------------------------------|
| 1/11/2018    | Supervisor Wilma Chan                                                                   | Alameda County District 3                   |
| 1/11/2018    | Mayor Jesse Arreguin                                                                    | City of Berkeley                            |
| 1/12/2018    | Dan Sawislak, Executive Director                                                        | Resources for Community Development         |
| 1/17/2018    | Eric Johnson, Executive Director and Staff                                              | Oakland Housing Authority                   |
| 1/18/2018    | Mayor Libby Schaaf                                                                      | City of Oakland                             |
| 1/19/2018    | Rachael McNamara and Dana Bailey                                                        | City of Hayward                             |
| 1/23/2018    | Supervisor Keith Carson                                                                 | Alameda County District 5                   |
| 1/23/2018    | Chris Gouig, Executive Director and Staff                                               | Housing Authority of the County of Alameda  |
| 2/02/2018    | Vivian Wan, Associate Director                                                          | Abode Services                              |
| 2/06/2018    | Councilmember Annie Washington                                                          | City of Oakland District 4                  |
| 2/07/2018    | Linda Gardner, Kathleen Clannon, Lori Cox, Colleen Chawla, Chris Bazar, Susan Muranishi | Alameda County Homelessness Council Meeting |
| 2/07/2018    | Supervisor Richard Valle                                                                | Alameda County District 2                   |
| 2/09/2018    | Sara Bedford and Lara Tannenbaum                                                        | City of Oakland                             |
| 2/13/2018    | Supervisor Keith Carson                                                                 | Alameda County District 5                   |
| 7/10/2018    | Mayor Libby Schaaf                                                                      | City of Oakland                             |
| 8/07/2018    | Mayor Lily Mei                                                                          | City of Fremont                             |
| 8/09/2018    | Mayor Jesse Arreguin                                                                    | City of Berkeley                            |
| 8/09/2018    | Mayor John Marchand                                                                     | City of Livermore                           |

The draft *EveryOne Home Plan to End Homelessness: 2018 Strategic Plan Update* was made publicly available on the EveryOne Home website and distributed to EveryOne Home's mailing list of over 2,000 recipients including but not limited to all 14 cities in Alameda County, County agencies and departments (Social Services Agency, Community Development Agency, Health Care Services Agency, Probation Department and Sherriff's Office), housing and homeless serving organizations, community members, public housing authorities in Alameda County, community health centers, former and currently homeless consumers, an family members.

Community members provided written comment using an electronic form available on the EveryOne Home website or by email. EveryOne Home received 77 written comments from 15 sources.

EveryOne Home also presented the plan and obtained feedback through the subsequent public discussion from two community meetings on July 16th and August 10th with 45 participants.

The EveryOne Home committees and working groups that provided expertise, revisions, and recommendations at several critical junctures included the Results Based Accountability Committee, Advocacy Committee, System Coordination Committee, Operation Vets Home Committee, and Funders Collaborative. The Strategic Update was also brought to the Youth Action Board for discussion.

A Strategic Plan Work Group worked with staff to finalize the draft post public comment. Members included Rachael McNamara from the City of Hayward, Susan Shelton the Membership Representative, Moe Wright the chair of the Leadership Board, and Claudia Young from the City of Livermore. Edits were also provided by Leadership Board Members Gloria Bruce and Robert Ratner.

| <b>EveryOne Home Leadership Board</b> |                                                         |                                                                |
|---------------------------------------|---------------------------------------------------------|----------------------------------------------------------------|
| <b>Name</b>                           | <b>Title</b>                                            | <b>Organization</b>                                            |
| Sara Bedford                          | Human Services Director                                 | City of Oakland                                                |
| Paul Buddenhagen                      | Health, Housing and Community Services, Director        | City of Berkeley                                               |
| Kristen Lee                           | Health, Housing and Community Services, Acting Director | City of Berkeley                                               |
| Linda Gardner                         | Director                                                | Alameda County Housing and Community Development               |
| Colleen Chawla                        | Director                                                | Alameda County Health Care Services Agency                     |
| Robert Ratner                         | Director of Housing                                     | Alameda County Behavioral Health Care Services                 |
| Lori Cox                              | Director                                                | Alameda County Social Services Agency                          |
| Claudia Young                         | Human Services Program Manager                          | City of Livermore                                              |
| Jill Dunner                           | Member                                                  | City of Berkeley Human Welfare and Community Action Commission |
| Moe Wright                            | Principal                                               | BBI Construction                                               |
| Mayor Peggy McQuaid                   | Mayor                                                   | City of Albany                                                 |
| Suzanne Shenfil                       | Human Services Director                                 | City of Fremont                                                |
| Vivian Wan                            | Chief Operating Officer                                 | Abode Services                                                 |
| Gloria Bruce                          | Executive Director                                      | East Bay Housing Organizations                                 |
| Melanie Ditzenberger                  | Captain                                                 | Alameda County Sheriff's Office                                |
| Kelly Glossup                         | Youth and Services Manager                              | Alameda County Sheriff's Office                                |
| Dr. Margot Kushel                     | Medical Doctor and Professor                            | U.C. San Francisco                                             |
| Darin Lounds                          | Executive Director                                      | Housing Consortium of East Bay                                 |
| Supervisor Nate Miley                 | Supervisor                                              | Alameda County Board of Supervisors                            |
| Dr. Christine Ma                      | Medical Director                                        | UCSF Benioff Children's Hospital, Oakland                      |
| Terrie Light                          | Executive Director                                      | Berkeley Food and Housing Project                              |
| Susan Shelton                         | Membership Representative                               | n/a                                                            |
| Chris Gouig                           | Director                                                | Alameda County Housing Authority                               |

## Appendix D: Description of Coordinated Entry

The Housing Crisis Response System works to address housing crises for all Alameda County residents who are currently or recently homeless and those at-risk. The goal is for each individual or family that seeks assistance to have a safe, supportive and permanent place to call home.

Alameda County's Housing Crisis Response System is made up of housing services and programs including:

- >> Information & Referral
- >> Street Outreach
- >> Drop-In Centers
- >> Housing Resource Centers
- >> Housing Problem Solving Services
- >> Homelessness Prevention Services
- >> Housing Navigation Services
- >> Warming and Seasonal Shelters
- >> Year-Round Shelters
- >> Navigation Centers
- >> Transitional Housing
- >> One-Time Financial Assistance and Flexible Funds
- >> Short-Term Rental Assistance
- >> Tenant Support Services
- >> Permanent Subsidized Housing
- >> Permanent Supportive Housing
- >> Landlord Liaison Services and Incentive Programs
- >> Flexible Housing Subsidies
- >> Housing-Focused Health, Human, Social, and Legal Services

Coordinated Entry is the central organizing feature of the Housing Crisis Response System. Alameda County's Coordinated Entry operates through a network of access points (2-1-1, Housing Resource Centers, Outreach) and administrative coordination (Resource Zones) to identify, assess, prioritize, and match eligible people to housing services and programs. To ensure reliability and transparency, Coordinated Entry uses a standard process and set of tools for everyone who accesses the system, no matter which access point they use.

When individuals and families at-risk of homelessness seek services through an access point, they are briefly triaged using the standard screening and housing problem solving tools. Depending on their needs they are then referred to homelessness prevention services, legal services, and/or financial assistance to support them to stay

housed. They are encouraged to call or visit the 2-1-1 website for information and referral to other social, financial, legal, educational, or health services.

When individuals and families who are currently experiencing homelessness seek services through Coordinated Entry access points, they are briefly triaged using the standard screening and housing problem solving tools. They are then either referred to a housing resource center or outreach location to complete the Coordinated Entry assessment or offered the assessment immediately.

The Coordinated Entry assessment is the standard and comprehensive assessment tool used to assess and prioritize literally homeless households for the limited available homeless services and housing programs in Alameda County. Prioritization factors include health and vulnerability, age and family characteristics, housing barriers and homeless history. All literally homeless households who have been assessed are added to the Countywide By-Name List and ranked in order of priority using a standard scoring method. Ranking of the By-Name List is dynamic, meaning a person's position on the list may change due to their circumstances or the circumstances of others.

After completing a Coordinated Entry assessment, individuals or families experiencing homelessness are connected to a housing resource center for outreach, on-going support, and matching to housing services and programs. Matching is the step of Coordinated Entry by which available housing services or programs are offered to homeless individuals or families with the highest need. The following services or programs are offered based on the individual or family's rank on the By Name List and the eligibility criteria established for the available program:

### Homeless Services and Housing Programs Matched to by Coordinated Entry.

- > Housing Navigation
- > Year-Round Shelter
- > Rapid Rehousing
- > Permanent Supportive Housing
- > Transitional Housing
- > Tenancy Sustaining Services
- > Landlord Liaison Services
- > Certain SSI Advocacy, Substance Use Treatment, Veteran, Mental Health, and Behavioral Health Programs



Alameda County is committed to ensuring all persons experiencing homelessness remain aware of the assessment and referral process to access available housing and related support services. These efforts include the utilization of Alameda County's 2-1-1 information and referral line with multiple language and TDD capacity as an initial referral portal. Outreach workers throughout the county have received training on the coordinated entry assessment tool and process. Designated access points with drop-in hours have been established throughout the County. Policies and procedures to reduce barriers and discrimination based on race, color, religion, sex, age, national origin, familial status, disability, sexual orientation, and gender identity have been written and are reviewed on a regular basis through a System Coordination Committee. Periodic review of aggregate data is conducted to identify potential signs of discrimination or differential treatment of particular groups.

Alameda County's Coordinated Entry operates through a network of access points (2-1-1, Housing Resource Centers, Outreach) and administrative coordination (Resource Zones) to identify, assess, prioritize, and match eligible people to housing services and programs.

| RESOURCE ZONE                  | ZONE COORDINATOR                                         | COORDINATES FOR                                                                                       | AFFILIATED HOUSING RESOURCE CENTERS                    | MATCHES TO                                                                                                                                                                                         |
|--------------------------------|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oakland Adults                 | City of Oakland                                          | Oakland, Piedmont                                                                                     | Downtown Oakland HRC (BACS)<br>East Oakland HRC (EOCP) | Housing Navigation<br>Year-Round Shelter<br>Transitional Housing<br>Rapid Rehousing<br><br>Certain SSI Advocacy,<br>Substance Use<br>Treatment, Mental<br>Health and Behavioral<br>Health Programs |
| North County Adults            | City of Berkeley                                         | Albany, Berkely,<br>Emeryville                                                                        | North County HRC (BFHP)                                |                                                                                                                                                                                                    |
| North County Families          | City of Oakland                                          | Albany, Berkeley,<br>Emeryville, Oakland,<br>Piedmont                                                 | North County Family Front Door (EOCP, BFWC)            |                                                                                                                                                                                                    |
| Mid County Adults + Families   | Abode Services                                           | Alameda, San Leandro, Hayward, Castro Valley, San Lorenzo, Cherry Land, Ashland, unincorporated areas | Mid-County West HRC (BFWC)                             |                                                                                                                                                                                                    |
| East County Adults + Families  | Abode Services                                           | Dublin, Livermore, Pleasanton, and unincorporated areas east of foothills                             | Tri-Valley County HRC (Abode Services)                 |                                                                                                                                                                                                    |
| South County Adults + Families | Abode Services                                           | Fremont, Newark, Union City, Sunol, and unincorporated areas around Fremont                           | Tri-City HRC (Abode Services)                          |                                                                                                                                                                                                    |
| Countywide Adults + Families   | Alameda County Health Care Services Agency, Home Stretch | Countywide                                                                                            | N/A                                                    |                                                                                                                                                                                                    |

Resource Zones provide administrative coordination of resources and ensure standardized prioritization and matching to those resources.

| ALAMEDA COUNTY |                          | STANDARD COORDINATED ENTRY PROCESS |                          |          |                         |          |                              |                |            |                |                |          |
|----------------|--------------------------|------------------------------------|--------------------------|----------|-------------------------|----------|------------------------------|----------------|------------|----------------|----------------|----------|
|                |                          | SCREENING                          |                          |          | HOUSING PROBLEM SOLVING |          | COORDINATED ENTRY ASSESSMENT |                |            | PRIORITIZATION | MATCHING       |          |
|                |                          | Safety Screening                   | Housing Crisis Screening | Referral | Housing Problem Solving | Referral | Release of Information       | Client Profile | Assessment | Referral       | Prioritization | Matching |
| ACCESS POINTS  | 2-1-1 Call Center        | X                                  | X                        | X        | X                       | X        |                              |                |            |                |                |          |
|                | Outreach                 | X                                  | X                        | X        | X                       | X        | X                            | X              | X          | X              |                |          |
|                | Housing Resource Centers | X                                  | X                        | X        | X                       | X        | X                            | X              | X          | X              |                |          |
| RESOURCE ZONES |                          |                                    |                          |          |                         |          |                              |                |            |                | X              | X        |

Homelessness prevention services, legal services, and financial assistance are limited resources in Alameda County, and now, the providers offering these services are using a standard method to prioritize who receives these resources. For prevention resources referred to through Coordinated Entry (services funded by Federal ESG funds), the factors used to target individuals and families include:

| Factors for Targeting Homelessness Prevention Resources                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| At Immediate Risk of Homelessness                                                                                  | <p>An individual or family who will imminently lose their primary nighttime residence, provided that:</p> <ul style="list-style-type: none"> <li>&gt;The primary nighttime residence will be lost within 14 days of the day of application for homeless assistance;</li> <li>&gt;No subsequent residence has been identified; and,</li> <li>&gt;The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing</li> </ul>                                                                                 |
| Within the category of “imminent risk” special attention and outreach is done to target those households that are: | <ul style="list-style-type: none"> <li>&gt; Doubled up with family and friends, must move within 14 days and are seeking to enter shelter;</li> <li>&gt; Living in a hotel or motel using their own resources, must leave within 14 days, and are seeking to enter shelter;</li> <li>&gt; Living in their own housing, are being evicted for non-payment of rent, must leave within 14 days, and are seeking shelter;</li> <li>&gt; Fleeing domestic violence;</li> <li>&gt; Imminently leaving foster care or have recently left foster care and are at imminent risk of losing their current housing.</li> </ul> |

To ensure reliability and transparency, Coordinated Entry uses a standard process and set of tools for everyone who accesses the system, no matter which access point they use. Prioritization for homeless resources is based on the following factors:

| <b>Prioritization Factors</b>    |                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Household Characteristics</b> | <ul style="list-style-type: none"> <li>&gt; Children aged 5 or under</li> <li>&gt; Seniors</li> <li>&gt; Larger households</li> <li>&gt; Pregnant household member</li> <li>&gt; Youth head of household aged 18-24</li> </ul>                                                                                                                               |
| <b>Homeless History</b>          | <ul style="list-style-type: none"> <li>&gt; Unsheltered</li> <li>&gt; In emergency shelter</li> <li>&gt; Episodes of homelessness</li> <li>&gt; Length of time homeless</li> </ul>                                                                                                                                                                           |
| <b>Housing Barriers</b>          | <ul style="list-style-type: none"> <li>&gt; Time since last held a lease</li> <li>&gt; History of eviction</li> <li>&gt; History of incarceration/law enforcement involvement</li> <li>&gt; Income</li> </ul>                                                                                                                                                |
| <b>Vulnerability</b>             | <ul style="list-style-type: none"> <li>&gt; Emergency service utilization</li> <li>&gt; Functional impairment/disability</li> <li>&gt; Life-threatening illnesses or acute medical conditions</li> <li>&gt; Unsafe or risky survival strategies</li> <li>&gt; Households whose members have run away from home</li> <li>&gt; Chronic homelessness</li> </ul> |

## About the 2018 Strategic Update

This document is a strategic update to the *EveryOne Home Plan to End Homelessness* which was first published in 2007. The update was produced through a year-long community process that included 25 key stakeholder interviews, six focus groups attended by 70 people currently homeless in the county, multiple community forums with over 200 participants, and a review of best practices and plans from communities with similar homeless populations and housing markets. It is informed by data from countywide Point-In-Time Homeless Counts, homeless housing and services inventories, and the Homeless Management Information System (HMIS). The EveryOne Home Leadership Board wishes to thank all who contributed to the update and who are now working to make its vision a reality in our community.

## About EveryOne Home

EveryOne Home is leading the collective effort to end homelessness in Alameda County. We're building momentum, using data to improve our efforts, and aligning resources for long-term solutions.



101 Callan Ave, San Leandro, CA 94577 | (510) 473-8643 | [everyonehome.org](http://everyonehome.org)



Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, Health, Housing and Community Services Department

Subject: Contract: Alameda County Housing and Community Development Department for California Homeless Emergency Aid Program (HEAP)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to receive funds and to negotiate and execute a contract with the Alameda County Housing and Community Development Department, in an amount not to exceed \$4,032,711, for Berkeley's share of the California Homeless Emergency Aid Program (HEAP).

FISCAL IMPACTS OF RECOMMENDATION

Approving this recommendation would allow the City to execute a contract and any necessary amendments to that contract with Alameda County Housing and Community Development (CMS No. IYAFY) for a total not to exceed \$4,032,711. Recommended use of the funds was outlined in a January 15, 2019 Work Session report to Council and is as follows:

- Partially fund second year (FY 20) of the Pathways STAIR navigation center: \$2,000,000 in budget code 336-51-504-535-0000-000-444-636110.
- Partially fund two years (FY 20 and 21) of the Dorothy Day House Shelter at the Veterans Building: \$832,000 in budget code 336-51-504-535-0000-000-444-636110.
- Partially fund two years of encampment servicing/trash removal: \$729,847 in budget code 336-54-623-677-0000-000-444-511110- and benefit codes in this same sequence and 336-54-623-675-0000-000-431-612310.
- Fund two years (FY 20 and 21) of port-a-potty and sanitation efforts at existing and expanded locations: \$270,000 in budget code 336-52-541-598-0000-000-461-612990.
- Capital and services costs for one year (FY 20) of the pilot homeless locker program including expansion at a second site: \$100,000 in budget code 336-54-623-675-0000-000-431-612310.
- Administrative allowance at 2.5%: \$100,864 in budget code 336-51-504-535-0000-000-444-511110- and benefit codes in this same sequence

- \$2,932,864 in funds would be added to the Health, Housing and Community Services Department, \$829,847 in funds to the Public Works Department and \$270,000 to the Parks and Recreation Department.

### CURRENT SITUATION AND ITS EFFECTS

The Homeless Emergency Aid Program (HEAP) is a flexible but time-limited and one-time source of funding from the State of California to address the homelessness crisis.

Broadly speaking, the funding:

- Must be used for services, capital construction costs, and/or housing subsidies that will be of direct benefit to people experiencing homelessness.
- The funds cannot be used as capitalized operating reserves or for activities directly related to enforcement, encampment closures, etc.
- Must be contractually obligated and 50% spent down by January 2020, and 100% spent down by June of 2021.
- Requires a County-imposed (but not statutorily required) 50% local match. Staff intend to meet this match requirement with existing general fund contributions to homeless services, which exceed the 50% threshold requirement.
- Is one-time only, with all unspent funds as of June 2021 returned to the State.

Given these parameters, staff previously recommended, in a Work Session report to Council on January 15, 2019, that these funds be used in a way that addresses City priorities while minimizing the risk of underspending and spending delays. Staff believe that the following allocations strike this balance:

- Partially fund second year (FY 20) of the Pathways STAIR navigation center: \$2,000,000.
- Partially fund two years (FY 20 and 21) of the Dorothy Day House Shelter at the Veterans Building: \$832,000.
- Partially fund two years of encampment servicing/trash removal: \$729,847.
- Fund two years of port-a-potty and sanitation efforts at existing and expanded locations: \$270,000.
- Capital and construction costs for one year (FY20) of a pilot homeless locker program including expansion at a second site: \$100,000
- Administrative allowance at 2.5%: \$100,864
- TOTAL: \$4,032,711

Since Berkeley's HEAP allocation was formulaically based and not derived from program costs, not all of these city priorities can be funded in full with the funds available and will need to be supplemented by other sources, such as Measure P. Spreading funds across multiple efforts, though, helps reduce the risk of underspending and needing to return unspent funds.

Staff recommend granting the City Manager the authority to negotiate and execute a contract with the County for use of these funds as described above. To ensure that all funds are spent within the state-mandated parameters and expenditure timelines, the City Manager may reconfigure this budget with contract amendments as needed.

BACKGROUND

Senate Bill 850, signed into law by Gov. Jerry Brown in June of 2018, created \$500M in one-time funding to address homelessness and its impacts across California. This program is the Homeless Emergency Aid Program (HEAP). HEAP funding is allocated by formula to Continuums of Care across the State, with Alameda County receiving approximately \$17M in funding as a result of its homeless count. Berkeley has been awarded \$4,032,711 million, an amount determined formulaically according to Berkeley's share of the County's unsheltered homeless population. Subtracting an administrative allowance of 2.5%, this brings Berkeley's expected allocation for direct services to \$3.9M. The funds are administered by the HEAP Administrative Entity for Alameda County, the County Housing and Community Development Department.

ENVIRONMENTAL SUSTAINABILITY

Adopting this resolution will add \$729,847 to the budget for encampment trash and debris removal, which will positively impact the environment by removing many tons of debris, including hazardous and human waste, from encampments. This reduces the likelihood such waste will wind up in the city's creeks, wetlands, or other environmentally sensitive areas.

RATIONALE FOR RECOMMENDATION

The singular long-term solution to homelessness in Berkeley is the creation and provision of affordable housing—a long-term goal that cannot be achieved overnight. In the meanwhile, Berkeley is contending with the immediate problem of inhumane, unsanitary conditions in encampments, which negatively impact both the people living in them and the communities that neighbor them. The one-time, short-lived nature of HEAP funding make it particularly amenable to emergency aid for street-based populations, such as portable toilets, washing stations, trash removal/sanitation, etc. We recommend that Berkeley's share of these State funds be used to support efforts to alleviate the impacts stemming from unsheltered homelessness.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS, (510) 981-5435.

Attachments:

1: Resolution

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

CONTRACT: ALAMEDA COUNTY HOUSING AND COMMUNITY DEVELOPMENT  
DEPARTMENT FOR CALIFORNIA HOMELESS EMERGENCY AID PROGRAM  
(HEAP)

WHEREAS, California Governor Jerry Brown signed Senate Bill 850 into law on June 27, 2018, authorizing \$500 million in one-time emergency funding, known as the Homeless Emergency Aid Program (HEAP), to assist those communities having declared a shelter crisis; and

WHEREAS, the Berkeley City Council unanimously declared a Homeless Shelter Crisis on January 19, 2016 (Resolution No. 67,357-N.S.) and extended that declaration on November 15, 2016 (Resolution No. 67,746-N.S.) and again on October 31, 2017 (Resolution No. 68,206-N.S.); and

WHEREAS, the County of Alameda was awarded over \$17 million in HEAP funding, further distributing these funds to the County's jurisdictions formulaically according to their share of the unsheltered homelessness population; and

WHEREAS, the City of Berkeley's HEAP allocation totals \$4,032,711 and may be used for homeless services, housing subsidies, and/or capital construction costs for projects that benefit persons experiencing homelessness; and

WHEREAS, these funds are one-time and must be 50% spent by January 2020 and 100% spent by June 2021; and

WHEREAS, the City Manager previously recommended uses for the funds in a Work Session report to the City Council on January 15, 2019; and

WHEREAS, acceptance of these funds will result in a contract of \$4,032,711 between the City of Berkeley and Alameda County Housing and Community Development Department, with funds to be deposited in 421-7906-331.12-30 (FUNDS) and 336-51-504-535-0000-000-000-431110 (ERMA)

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to receive these funds and to negotiate and execute a contract (CMS No. IYAFY), and any amendments needed to that contract, with the Alameda County Housing and Community Development Department for an amount not to exceed \$4,032,711 for Berkeley's share of the California Homeless Emergency Aid Program (HEAP). A signed copy of said documents, agreements, and any amendments will be kept on file with the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, Health, Housing & Community Services Department

Subject: Contract No. 10904 Amendment: Agreement with Bay Area Community Services (BACS) to Operate the Pathways Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to the existing Contract No. 10904 with Bay Area Community Services (BACS) for Pathways STAIR Center operations, adding \$105,603 for a revised total contract amount not to exceed \$2,545,603 and a contract end date of June 30, 2019.

FISCAL IMPACTS OF RECOMMENDATION

Approving this recommendation would allow the City to execute an amendment to an existing contract with Bay Area Community Services (Contract No. 10904B, CMS No. QI7RB) in the Housing and Community Services Division of the HHCS Department adding \$105,603 for a total not-to-exceed (NTE) amount of \$2,545,603. The original contract amount, \$2,440,000, was reduced by \$108,695, with that sum retained by HHCS to pay trailer lease expenses for the program. The revised NTE amount for BACS was \$2,331,305. Staff have identified \$214,298 in unspent funds in Contract Number 10568 with the Berkeley Food and Housing Project (BFHP) that are at risk of recapture if not spent by 6/30/2019. BACS will be able to spend these funds by the deadline. The funds are Emergency Solutions Grant funds and will be repaid by BFHP and placed in (FUND\$ code 045-7902-463.35-10, ERMA code 311-51-504-530-0000-000-444-636110). Approving this recommendation adds this sum back into the BACS contract to reach the revised NTE of \$2,545,603.

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2018, Council voted to authorize the City Manager to execute a contract, and any necessary amendments to that contract, with Bay Area Community Services (BACS) for a total not-to-exceed amount of \$2,440,000. As this was an entirely new program in the City's existing portfolio of homeless services, staff estimated the cost of service delivery and the expected outcomes of the program.

Since that time, and as of this writing, the STAIR Center has experienced an unexpected level of success, having housed 53 people. The program is projected to

overspend its budget unless all housing placements stop for the remainder of this fiscal year (i.e., through June 30, 2019). Stopping all new housing placements would create substantial operational challenges at the program and would prevent future vacant beds from being offered to other encampment residents.

In partnership with BACS leadership, staff have engaged in a rigorous analysis of actual and projected expenses at the STAIR Center, and propose adjusting the contract's not-to-exceed total to \$2,545,603. This new amount reflects:

- A reduction of \$108,695 in lease expenses for the Pathways modular trailers. BACS had originally been expected to make lease payments on the trailers, but City staff determined that making the payments directly to the modular vendor was optimal for insurance purposes.
- An addition of \$214,298 in funding for additional Rapid Rehousing placements through the remainder of Fiscal Year 2019. City staff have identified unspent funds in the Emergency Solutions Grant (ESG) allocation of the City of Berkeley, which is currently set aside for rapid rehousing through the Coordinated Entry contract, as the funding source for this adjustment.

This brings the new contract not-to-exceed (NTE) amount to \$2,545,603. Staff recommend adopting a resolution to authorize a contract amendment that reflects this corrected NTE amount. Staff also recommend extending the contract period's end date (now 6/9/2019) to 6/30/2019 to align with the City's fiscal calendar.

#### BACKGROUND

The City Council authorized the implementation of the Pathways Project with a referral to the City Manager on April 4, 2017 and a services contract with Bay Area Community Services (BACS) as a partial realization of that referral on March 27, 2018 (Resolution No. 68,372-N.S.). Since that time, and as of this writing, the STAIR Center has housed 53 homeless people in Berkeley, has served 106 total clients at the shelter site, and has made over 685 outreach contacts at encampments throughout Berkeley.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects associated with this report.

#### RATIONALE FOR RECOMMENDATION

This recommendation supports the City Council's October 31, 2017 extension of its January 19, 2016 and November 15, 2016 resolutions declaring a homeless shelter crisis in Berkeley through January 19, 2020. In devising a first-year program budget, City staff underestimated the pace at which BACS (program operator) would be making permanent placements via rapid rehousing. This amendment and revised NTE amount more accurately reflects the program's cost, and would allow the program to continue housing the residents currently living at the program (who would otherwise have no access to flex funding for housing until the start of the next fiscal year on July 1, 2019) and provide future shelter beds to more residents currently living on the streets.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS, (510) 981-5435.

Attachments:

1: Resolution

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

CONTRACT NO. 10904 AMENDMENT: AGREEMENT WITH BAY AREA COMMUNITY SERVICES (BACS) TO OPERATE THE PATHWAYS PROJECT

WHEREAS, the Berkeley City Council authorized the implementation of a Pathways Project to Address Homelessness in Berkeley on April 4, 2017; and

WHEREAS, the City Council, on March 27, 2018, voted to authorize the execution of a contract with Bay Area Community Services (BACS) for operation of the STAIR Center, an amount not to exceed \$2,440,000, in partial fulfillment of the Pathways Project referral; and

WHEREAS, over the first 7 months of operations since its opening on June 27, 2018, the STAIR Center has demonstrated unexpected success, having housed 53 homeless people in Berkeley, having served 106 total clients at the shelter site, and having made over 685 outreach contacts at encampments throughout Berkeley through January, 2019; and

WHEREAS, the STAIR Center is projected to overspend its budget, and would need to halt all new housing placements, without a budget adjustment that reflects current operational success; and

WHEREAS, the Berkeley City Council unanimously declared a Homeless Shelter Crisis on January 19, 2016 (Resolution No. 67,357-N.S.) and extended that declaration on November 15, 2016 (Resolution No. 67,746-N.S.) and again on October 31, 2017 (Resolution No. 68,206-N.S.); and

WHEREAS, halting all placements at the STAIR Center would prevent current STAIR residents from accessing funds to support their housing, prevent their beds from turning over and serving future unsheltered residents, and thus fails to respond to City's shelter crisis; and

WHEREAS, City staff have identified unspent grant funds from HUD's Emergency Solutions Grant (ESG) program's fiscal year 2019 allocation to the City of Berkeley as the source of funding to cover additional housing exits at the STAIR Center through the remainder of the program's first year of operations, and

WHEREAS, these ESG funds were originally allocated to Berkeley Food and Housing Project in Contract Number 10568; these funds will be repaid by BFHP so that they can be reallocated.

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. 10904 (Contract No. 10904B, CMS No. QI7RB) with Bay Area Community Services (BACS), adding \$105,603 for an amount not-to-exceed \$2,545,603 and a contract end date of June 30, 2019. A signed copy of said documents, agreements, and any amendments will be kept on file with the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kelly Wallace, Interim Director, Health, Housing & Community Services Department  
 Subject: Shelter Plus Care Program Renewal Grants

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants:

1. Four Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,594,226 for Tenant-Based Rental Assistance (TBRA) for the period June 1, 2019 through May 31, 2020; b) \$208,051 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2019 through May 31, 2020, with Resources for Community Development as the project sponsor; c) \$202,376 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2019 through May 31, 2020, with Bonita House, Inc. as the project sponsor; and d) \$2,332,198 in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2020 through December 31, 2020.
2. One grant from the County of Alameda for \$684,177 to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2019 through February 28, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Each of the four Shelter Plus Care grants and the grant from Alameda County provides funds for rental subsidies from the federal Department of Housing and Urban Development (HUD). The grants support five existing grants and includes an expansion of the COACH Project. The grants serve homeless and disabled individuals and families in Berkeley, and must be renewed on an annual basis. These grants fund the rental subsidies for these units while city staff and community agency partners provide the supportive services that fulfills the 25% match required for these grants. In the past, the City received five HUD Shelter Plus Care grants. This grant cycle, the City submitted a request to consolidate the TBRA and the Housing for Older Adults Project (HOAP) grant, which HUD approved, resulting in a total of four HUD grants. Additionally, HUD approved the City's proposal to expand its COACH Project resulting in an increase of \$1,583,136, which is included in the above COACH project amount.

HUD allows up to 7% of each grant to be used to administer the rental subsidies to support the Health, Housing and Community Service Department's grant-related administrative activities. (For the four HUD grants budget codes 347-51-504-530/535 various; funds to be deposited in revenue accounts 805-7906-331-1023 and 6064 (FUND\$) and 347-51-504-535-0000-000-000-431110 (ERMA). For the contract with Alameda County, budget codes 348-51-504-530-535-various and funds to be deposited in revenue accounts 806-7906-331-1023 and 6064 (FUND\$) and 348-51-504-535-0000-000-000-431110 (ERMA).

### CURRENT SITUATION AND ITS EFFECTS

Based on a national competition, the federal Department of Housing and Urban Development and the County of Alameda awarded funding to the City of Berkeley to renew five Shelter Plus Care grants that provide rental assistance to a minimum of 220 households. The City's Shelter Plus Care Program provides federal rental subsidies that are matched by locally provided services to transition formerly homeless, disabled individuals and families into permanent, supportive housing. Three of the grants provide tenant-based rental subsidies for a minimum of 196 households to rent from private property owners in Berkeley, Oakland, and Emeryville. This cycle HUD approved the City's request to expand its COACH Project resulting in funding to add 53 homeless households to the project and staffing support. The remaining two grants provide sponsor-based rental subsidies that are dedicated for units owned and operated by the project sponsors. Resources for Community Development is the sponsor for one of these grants which provides 12 subsidies to serve homeless individuals in Berkeley who are diagnosed with a serious mental illness and/or a history of drug and alcohol dependence. Bonita House, Inc. is the project sponsor for the other grant which provides 11 sponsor-based rental subsidies to serve homeless individuals in Berkeley who are dually diagnosed with a serious mental illness and a history of drug and alcohol dependence.

Each of the participants in the program receives case management and other supportive services provided by one or more of the following agencies: Bay Area Community Services, Berkeley Food and Housing Project; Berkeley Drop-In Center; City of Berkeley Mental Health Division; City of Berkeley Aging Services Division; Bonita House, Inc.; Building Opportunities for Self-Sufficiency; East Bay AIDS Center; Lifelong Medical Care; the Women's Daytime Drop-In Center; and YEAH! (Youth Engagement Advocacy and Housing).

### BACKGROUND

Since 1995, the City of Berkeley Shelter Plus Care Program has been an important component of the continuum of housing available to disabled homeless people. The Shelter Plus Care Program is funded by HUD and the County of Alameda to provide housing subsidies for people who are homeless with a disability. The program combines a rental subsidy with ongoing supportive services to assist chronically homeless individuals and families to obtain and maintain housing.

The Berkeley Shelter Plus Care Program is a partnership between the Health, Housing & Community Service Department and nine community agencies. The Health, Housing & Community Service Department provides operational and programmatic oversight, and inspects rental units to ensure that each unit meets federal housing quality standards, and makes monthly rental subsidy payments to property owners. The community agencies along with the Department's Divisions on Aging Services and Mental Health provide ongoing case management and support to participants in the program. The City of Berkeley Shelter Plus Care grants provides more than 220 units of supportive housing for homeless and disabled people. The new COACH Project expansion will add 53 households for a total of more than 273 units.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The City of Berkeley Shelter Plus Care Program successfully provides stable housing and ongoing services to some of the most indigent and underserved of the City's residents. Authorizing the acceptance of the five Shelter Plus Care renewal grants, including the COACH Project expansion, will assure that 220 homeless and disabled individuals and families in Berkeley continue to benefit from receiving ongoing rental assistance and the supportive services necessary to retain stable housing and will add 53 new homeless households to the program.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Wing Wong, Community Services Specialist, HHCS, (510) 981-5428

Attachment:

1: Resolution

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

SHELTER PLUS CARE PROGRAM RENEWAL GRANTS

WHEREAS, the U.S. Department of Housing and Urban Development and the County of Alameda have awarded the City of Berkeley Health, Housing & Community Services Department the following five Shelter Plus Care grants: 1) \$3,594,226 for Tenant-Based Rental Assistance for the period June 1, 2019 through May 31, 2020; 2) \$208,051 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2019 through May 31, 2020, with Resources for Community Development as the project sponsor; 3) \$202,376 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2019 through May 31, 2020, with Bonita House, Inc. as the project sponsor; 4) \$2,332,198 in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2020 through December 31, 2020; and 5) \$684,177 provided through a contract with Alameda County to provide tenant-based rental assistance to individuals who have HIV/AIDS or other disabilities from March 1, 2019 through February 28, 2020; and

WHEREAS, the combined total for the five grants is an estimated \$7,021,028 to provide direct rental assistance, and of this amount approximately 7% is available to support the Health, Housing and Community Service Department's grant-related administrative activities (For the four HUD grants budget codes 347-51-504-530/535 various; funds to be deposited in revenue accounts 805-7906-331-1023 and 6064 (FUND\$) and 347-51-504-535-0000-000-000-431110 (ERMA). For the contract with Alameda County, budget codes 348-51-504-530-535-various and funds to be deposited in revenue accounts 806-7906-331-1023 and 6064 (FUND\$) and 348-51-504-535-0000-000-000-431110 (ERMA); and

WHEREAS, four of the five Shelter Plus Care grants are an annual renewal of an existing program that provides rental subsidies and ongoing support services for more than 220 homeless and disabled individuals and families in Berkeley and the expanded COACH Project expansion will serve 53 additional households; and

WHEREAS, the rent subsidies provided through the City's Shelter Plus Care Program are matched by services provided by the City's Mental Health Division and Aging Services Division and nine community-based agencies that assist formerly homeless, disabled individuals and families to retain stable housing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to receive funds and execute any agreements and amendments resulting from the five grants awarded from the U.S. Department of Housing and Urban Development and the County of Alameda for the City's Shelter Plus Care Program as follows: 1) \$3,594,226 for Tenant-Based Rental Assistance (TBRA) for the period June 1, 2019 through May 31, 2020; 2) \$208,051 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2019 through May 31, 2020, with Resources for Community Development as the project sponsor; 3) \$202,376 for sponsor-based rental assistance for the Pathways Project for the period



March 12, 2019

June 1, 2019 through May 31, 2020, with Bonita House, Inc. as the project sponsor; and 4) \$2,332,198 in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2020 through December 31, 2020; and 5) \$684,177 provided through a contract with Alameda County to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2019 through February 28, 2020. A signed copy of said documents, agreements and any amendments will be kept on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Memorandum of Understanding: Planning Phase for the viability of a potential WETA Ferry Service and Public Recreation Pier at the Berkeley Marina

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Water Emergency Transportation Authority (WETA) to accept up to \$250,000 in WETA funding for the Planning Phase (technical feasibility study and public engagement process) for the viability of a potential WETA ferry service and public recreation pier at the Berkeley Marina.

FISCAL IMPACTS OF RECOMMENDATION

WETA will cover the costs of the technical feasibility study in an amount up to \$250,000. The City will use \$75,000 from the Measure T1 allocation for the Berkeley Pier Project to cover those costs associated with the non-ferry-related elements of the project. If the feasibility study indicates that ferry service and public recreation is viable, the City and WETA will execute subsequent MOU agreements for each additional phase (design, construction, and operations phases), each of which shall be subject to approval by the City Council and the WETA Board, contingent upon the availability of regional transportation funding and City funding. If approved, up to \$250,000 from WETA will be appropriated in an amending ordinance in the Spring of 2019.

CURRENT SITUATION AND ITS EFFECTS

In February of 2016, the Water Emergency Transportation Authority (WETA) updated their [Strategic Plan](#)<sup>1</sup>, which identified a network of sixteen potential locations for expanded ferry service throughout the Bay Area region, including the Berkeley Marina, to help provide alternative transportation for passengers and emergency response. The Plan projects that by year 2035, ferry service at the Berkeley Marina could see a daily ridership of up to 1,589 trips (795 unique individuals) for a total annual ridership of 203,000 trips.

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<sup>1</sup> <https://weta.sanfranciscobayferry.com/sites/default/files/weta/strategicplan/WETAstrategicPlanFinal.pdf>

On June 5, 2018, Bay Area voters approved Regional Measure Three (RM3) toll bridge increase to finance \$4.5 billion in highway and transit projects, and would provide \$60 million each year to operate new bus and ferry services in congested bridge corridors. WETA is expected to receive up to \$300 million for one-time capital construction projects and up to \$35 million per year to operate an expanded regionwide ferry system. The new WETA ferry system will have ferry vessels utilizing the most environmentally-friendly technology feasible that can carry up to 400 passengers.

Based on these two developments, WETA staff contacted City staff to initiate a dialogue for a potential partnership to study the feasibility of ferry service at the Berkeley Marina. During initial meetings, WETA and City staff realized that it would be cost-effective to investigate a single pier that would provide two uses – ferry service and public recreation. In order to evaluate the viability of this concept, either at the current Berkeley Pier or a new pier, a planning phase is needed.

The Planning Phase for the potential WETA ferry service and public recreation pier would include engineering feasibility studies on the proposed improvements and impacts: the waterside improvements would look at fixing the existing or building a new pier, wave dynamics and breakwaters, and dredging, etc.; and the landside improvements would include renovations to existing parking lots, public access (e.g., paths), and public amenities (e.g., restrooms). If the project is found to be viable in terms of costs, public benefits, and minimized impacts at the Berkeley Waterfront, the project would move to subsequent phases (design, construction, and operations) in the form of additional MOU amendments, each of which would be subject to approvals by the City Council and WETA Board.

WETA has identified funding in an amount up to \$250,000 for the Planning Phase. In order for the City to receive the WETA funds and conduct the study and the public engagement process, a Memorandum of Understanding (MOU) agreement has been developed for City Council and WETA Board approval (Attachment 1). The MOU has been drafted to facilitate a positive partnership between the Berkeley community and WETA, and it allows either entity to withdraw from the project for any reason without imposing any additional financial or other obligations.

In terms of full project financing, it is anticipated that WETA would provide the capital funds for the design, permitting, environmental review, and construction of the waterside and landside improvements associated with ferry service, as well as the annual operating costs associated with ferry service; the City would cover only those additional costs to build and maintain the public recreation portion of the pier, as well as the costs to operate the landside parking facilities. These costs are currently not known, and would be identified as part of the Planning Phase feasibility study. The Planning Phase will also include a robust public engagement process that will review the findings of the studies and help the City decide if there is a preferred project alternative that is viable enough to move forward to the Design Phase.

## BACKGROUND

In July of 2015, the Berkeley Municipal Pier was closed to the public indefinitely due to structural safety issues. On June 21, 2017, the City contracted with GHD, Inc. to perform a structural engineering assessment to identify feasible options and costs for fixing the Pier (Contract No. 10632, Resolution No. 67,856). The draft study identified twelve options ranging in cost from \$17 million to \$55 million. A second component of the study looked at the feasibility of small-scale ferry service at the potentially renovated pier. (Small-scale ferry service is currently offered by two independent providers at K-dock at the main basin at the Marina).

## **WETA**

In 1999, the California State Legislature established the Water Transit Authority (WTA) (which is WETA's predecessor agency) to expand water transit on the San Francisco Bay. In 2007, the agency name was changed to Water Emergency Transportation Authority (WETA) and its responsibilities expanded to include coordination of the water transit response to a regional emergency and consolidation of existing ferry services operated by the cities of Valley, Alameda and Oakland into a comprehensive water transit system.

WETA's overall mission is to plan for and operate passenger-only ferry services on the San Francisco Bay for commuter and disaster response purposes. The Berkeley location has been identified in WETA's System Expansion & Strategic Plan (2016) as one of the higher priority Near-Term projects, along with the Seaplane Lagoon in Alameda, Mission Bay in San Francisco, and Redwood City.

Approximately ten years ago, as part of their regionwide effort, WETA conducted a conceptual ferry terminal study and [draft environmental impact report \(DEIR\)](#)<sup>2</sup> at the Berkeley Marina at Seawall Drive (2008 through 2011). However, the project was suspended at that time due to the lack of funding.

In February of 2016, the Water Emergency Transportation Authority (WETA) updated its Strategic Plan, which identified a network of sixteen potential locations for expanded ferry service throughout the Bay Area region, including the Berkeley Marina, to help provide alternative transportation for passengers and emergency response.

## ENVIRONMENTAL SUSTAINABILITY

The transportation system in the Bay Area has become severely impacted by the growing economy and population boom, causing severe traffic congestion on roads and overcrowding on public transit systems. Traffic congestion makes vehicles spend more time on roads, and overcrowding on public transit systems can push commuters back

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<sup>2</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley%20Albany%20Ferry%20DEIR%20Oct%2008.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%20Albany%20Ferry%20DEIR%20Oct%2008.pdf)

into cars, both of which result in more greenhouse gas emissions.

The City's Climate Action Plan identifies public transit as a more sustainable form of transportation (Chapter 3), and sets a goal to expand under-used modes of transportation, such as ferry service at the Berkeley Marina that would connect to San Francisco and other locations.

With WETA's updated Strategic Plan for expansion of 2016, WETA could become a major customer to procure ferry vessels that have a more shallow hull (greater energy efficiency, less dredging required), and that use cleaner fuels (e.g., clean diesel, electric, hybrid, and wind) for a reduced carbon footprint.

As a water-based transportation service, WETA will be directly impacted by Sea-level Rise. As agencies throughout the Bay Area explore adaptation strategies and other mitigations, WETA will monitor forecasts and trends to ensure that its plans for expansion and operations provide an effective public transit option for the foreseeable future.

WETA also provides an attractive potential option for recreational travel, such as for ballgames and other weekend excursions. This can help reduce the use of private vehicles, which helps alleviate the congestion, parking, and vehicle miles traveled issues at variety of special events throughout the region (e.g., fireworks, parades, festivals, sports, Blue Angels, etc).

#### RATIONALE FOR RECOMMENDATION

With access to the voter-approved RM3 transportation funds (June 2018), the concept of a dual-purpose public pier at the Berkeley Marina is currently the most effective way to bring back the public recreation opportunities of the beloved Berkeley Pier, as well as provide alternative public transportation in the form of new ferry service to an already overburdened Bay Area transportation system. In addition, the potential ferry service could bring more visitors to Berkeley, which could help the financial viability of the Berkeley Waterfront.

To-date, ferries have already come to play a vital role in the Bay Area by providing high-volume service during peak congestion periods, efficiently moving people across the Bay. The vast majority of WETA ferry trips occur in the heavily traveled I-80 corridor; and in addition, there is a growing need for ferries to connect people and locations that do not currently have good public transit options, such as residents of West Berkeley.

Demand for ferry service is now at an all-time high; data from 2012 to 2016 shows that ferry ridership increased by 94%. Ridership is expected to increase significantly with the newly-opened Richmond Ferry Terminal as of January 10, 2019, and with the now partially-completed expansion of the downtown San Francisco Ferry Terminal.

Ferry transportation is a cost-effective and adaptable public transportation alternative for

the region because ferry trips across Bay waters are not affected by roadway congestion, and the capital costs for ferry vessels and landings are orders of magnitude lower than for BART and standard roadway transportation facilities (e.g., roads, bridges, tracks, and tunnels).

Finally, the City's Local Hazard Mitigation Plan of 2018 (LHMP) has identified developing a partnership with ferry service as a High Priority Action that would play an important role in the City's emergency response and recovery after a major disaster.

#### ALTERNATIVE ACTIONS CONSIDERED

The City can decide that a new ferry service at the Berkeley Marina is not in the City's best interest at this time, although the MOU allows the City to opt out of the project at any time. The estimated cost to restore or rebuild the existing municipal pier ranges from \$17 million to \$55 million, and funding would be difficult to obtain for solely public recreation uses.

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Christina Erickson, Deputy Director, PRW, 981-6712  
Nelson Lam, Associate Civil Engineer, PRW, 981-6395

#### Attachment:

##### 1: Resolution

- Attachment 1: Project Memorandum of Understanding (MOU) with WETA for Berkeley Marina Ferry Facility Project
  - Exhibit A: WETA System Expansion Policy
  - Exhibit B: Funding Agreement
  - Exhibit C: Amendment to Consulting Services Agreement

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

A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE WATER EMERGENCY TRANSPORTATION AUTHORITY (WETA) TO ACCEPT UP TO \$250,000 IN WETA FUNDING FOR THE PLANNING PHASE FOR THE VIABILITY OF A NEW WETA FERRY SERVICE AND PUBLIC RECREATION PIER AT THE BERKELEY MARINA

WHEREAS, WETA's overall mission is to plan for and operate passenger-only ferry services on the San Francisco Bay for commuter and disaster response purposes. In February of 2016, the Water Emergency Transportation Authority (WETA) updated their Strategic Plan, which identified a network of sixteen ideal locations for expanded ferry service throughout the Bay Area region, including the Berkeley Marina, to help provide alternative transportation for passengers and emergency response; and

WHEREAS, in July of 2015, the Berkeley Municipal Pier was closed to the public indefinitely due to structural safety issues. On June 21, 2017, the City contracted with GHD, Inc. to perform a structural engineering assessment to identify feasible options and costs for fixing the Pier (Contract No. 10632, Resolution No. 67,856); and

WHEREAS, on June 5, 2018, Bay Area voters approved Regional Measure Three (RM3) toll bridge increase to finance \$4.5 billion in highway and transit projects, and would provide \$60 million each year to operate new bus and ferry services in congested bridge corridors. WETA is expected to receive up to \$300 million for one-time capital construction projects and up to \$35 million per year to operate an expanded regionwide ferry system; and

WHEREAS, WETA staff contacted City staff to initiate a dialogue for a potential partnership to study the feasibility of ferry service at the Berkeley Marina. During initial meetings, WETA and City staff realized that it would be cost-effective to investigate a single pier that would provide two uses – ferry service and public recreation; and

WHEREAS, the Planning Phase for the potential WETA ferry service and public recreation pier would include engineering feasibility studies on the proposed improvements and impacts: the waterside improvements would look at fixing the existing or building a new pier, wave dynamics and breakwaters, and dredging, etc.; and the landside improvements would include renovations to existing parking lots, public access (e.g., paths), and public amenities (e.g., restrooms). The Planning Phase will also include a robust public engagement process that will review the findings of the studies and help the City decide if there is a preferred project alternative that is viable enough to move forward to the Design Phase; and

WHEREAS, if the project is found to be viable in terms of costs, public benefits, and minimized impacts at the Berkeley Waterfront, the project would move to subsequent phases (design, construction, and operations) in the form of additional MOU amendments, each of which would be subject to approvals by the City Council and WETA Board; and



WHEREAS, WETA will cover the costs of the technical feasibility study in an amount up to \$250,000. The City will use \$75,000 from the Measure T1 allocation for the Berkeley Pier Project to cover those costs associated with the non-ferry-related elements of the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley That the Council authorizes the City Manager to execute a Memorandum of Understanding (MOU) (Attachment 1) with the Water Emergency Transportation Authority (WETA) to accept up to \$250,000 in WETA funding for the Planning Phase (technical feasibility study and public engagement process) for the viability of a new WETA ferry service and public recreation pier at the Berkeley Marina. A record signature copy of the MOU and any amendments to be on file in the Office of the City Clerk.

Attachment 1: Project Memorandum of Understanding (MOU) with WETA for Berkeley Marina Ferry Facility Project  
Exhibit A: WETA System Expansion Policy  
Exhibit B: Funding Agreement  
Exhibit C: Amendment to Consulting Services Agreement

## Berkeley Marina Ferry Service Project Agreement

**PROJECT MEMORANDUM OF UNDERSTANDING**  
**BERKELEY MARINA FERRY FACILITY PROJECT**

March 12, 2019

**Term, Parties**

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. General                      | <p>This Memorandum of Understanding (“<b>MOU</b>”) establishes the framework for the funding, development and operation of the planned ferry service facility at the Berkeley Marina (the "Project", as further described in paragraph 5 below). The Project is anticipated to be carried out in the following four consecutive phases: (1) Planning; (2) Design; (3) Construction; and (4) Operation.</p> <p>This MOU covers the Planning Phase. City and WETA have secured a portion of the necessary funding needed for the Planning Phase. Although this MOU also provides general assumptions for the Design, Construction, and Operation Phases, the Parties are not obligated to embark on, and have not secured funding for the Design, Construction, or Operation phases. In addition, the Parties anticipate executing either amendments to this MOU, or separate agreements to govern the precise terms of the subsequent phases, each of which shall be subject to the approvals of the City Council and WETA Board.</p> |
| 2. Term                         | <p>The term (“<b>Term</b>”) of this MOU shall commence on _____, 2019 (“<b>Effective Date</b>”) and shall remain in effect until the first to occur of: (i) _____, 202__ or (ii) the date which is one (1) year following completion of the Planning Phase work, or such later date as the Parties may mutually agree.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3. Parties                      | <p>This MOU is entered into between the San Francisco Bay Area Water Emergency Transportation Authority (“<b>WETA</b>”) and the City of Berkeley (“<b>City</b>”). City and WETA may be individually referred to herein as a “<b>Party</b>,” and collectively as the “<b>Parties</b>.”</p> <p>WETA was established in 2008 as the successor agency to the Water Transit Authority with a mission to consolidate and operate certain existing publicly operated ferry services on the San Francisco Bay, expand new routes, and coordinate ferry services in the event of an emergency.</p> <p>City is a charter city and municipal corporation located in Alameda County. City has jurisdiction over the property in and around the Berkeley Marina where the proposed Project may be located.</p>                                                                                                                                                                                                                                    |
| 4. WETA System Expansion Policy | <p>On June 4, 2015 the WETA Board of Directors adopted a System Expansion Policy attached hereto as <u>Exhibit A</u> and incorporated herein (“<b>System Expansion Policy</b>”) to serve as a framework for evaluating the feasibility of new ferry projects. This Policy is applicable to the proposed Project.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

March 12, 2019

Page 1 of 6  
15027302.2

Berkeley Marina Ferry Service Project Agreement

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>5. Project Objectives</p> | <p>WETA’s 2016 WETA Strategic Plan indicates the desire to construct and operate a Berkeley ferry service. It is the intention of both Parties that, upon completion of the Project, WETA will commence public ferry service between San Francisco and the Berkeley Marina. WETA anticipates that it will initially provide direct public ferry service to and from San Francisco during commute times. As ridership grows, WETA may include direct public ferry service to and from the Berkeley Marina to its other facilities. WETA also anticipates that it may provide direct public ferry service for special events. City desires to reconstruct or replace the Berkeley Municipal Pier, which is currently closed due to structural safety concerns, to restore public access to San Francisco Bay. City and WETA agree to work together in good faith to coordinate their efforts in pursuing these objectives.</p> <p>The proposed Berkeley Marina Ferry Facility Project (“<b>Project</b>”) contemplated by this MOU would include a new or restored dual-use pier facility that would both serve as a passenger ferry facility for berthing public ferry service vessels and provide public access to San Francisco Bay. WETA will permit non-WETA vessel operators to call on the Berkeley Marina Ferry Facility provided they do not interfere with regularly scheduled WETA service and they meet WETA’s private landing requirements, <u>and agree to pay reasonable docking fees, if applicable, to WETA.</u> The Parties anticipate that the dual-use pier will be located at or near the Berkeley Municipal Pier located at the west terminus of University Avenue along Seawall Drive.</p> <p>The Project would also include landside improvements, such as reconfiguration of the existing parking facility, new parking facilities, roadway improvements, bus/ride share drop areas, pedestrian trail improvements, landscaping, and security measures. The Project may also include construction of a breakwater and the dredging of a navigation channel extending west into the Bay.</p> |
| <p>6. Partnering</p>         | <p>Federal, state, regional or local funding may become available during the term of this MOU. WETA and the City commit to collaborate and coordinate to pursue funding for the Project. Such support may include, but will not be limited to: application support letters, provision of ridership data, operating or capital cost information or other technical information required by funders, as well as WETA Board or City Council resolutions in support of one another’s funding applications.</p> <p>City and WETA agree to work collaboratively to advocate for and coordinate with AC Transit and other potential local transit operators to provide frequent, reliable, and convenient bus or shuttle service to the Berkeley Marina Ferry Facility.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Berkeley Marina Ferry Service Project Agreement

**Phase 1: Planning Phase (Feasibility Study, Public Engagement, and Funding)**

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>7. Feasibility Study</p>          | <p>The City is currently conducting and has completed a draft feasibility and structural condition assessment to explore options for restoring, rehabilitating or reconstructing the Berkeley Municipal Pier in conjunction with ferry service. That work is nearly complete and has been fully funded by City at a cost to City of approximately \$330,744.</p> <p>In partnership with WETA, City will expand this assessment to consider development of a WETA-scale ferry facility alongside a new or restored pier ("<b>Expanded Feasibility Study</b>").</p> <p>City will serve as the project lead, with assistance from WETA, for the Expanded Feasibility Study that will include technical analyses and a public process. The Expanded Feasibility Study will also develop the conceptual designs for a dual-function facility (ferry and public access) including both waterside and landside improvements. The Expanded Feasibility Study will also include conceptual analysis on wave protection. Landside facilities will include, but are not limited to, parking areas, paths-of-travel, restrooms, bus and shuttle stops, and ride and bike share stations. The Parties will mutually agree to a final scope of work prior to initiating work on the Expanded Feasibility Study.</p> |
| <p>8. Public Engagement</p>          | <p>All interaction with the public as part of the planning phase will be managed by City with assistance and participation from WETA. This coordination includes public notices, scoping meetings, public engagements and comments, City Council and Commission presentations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>9. Contracting</p>                | <p>City will contract for professional consultant services for the Expanded Feasibility Study.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>10. Funding</p>                   | <p>WETA will reimburse City for a total amount not to exceed \$250,000 of the cost of the Expanded Feasibility Study unless otherwise agreed to by the Parties. The City will contribute for a total amount not to exceed \$110,000 of the cost of the Expanded Feasibility Study. The Parties will execute a funding agreement in the form attached as Exhibit B. City and WETA will each contribute staff resources to support the Planning Phase.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>11. Feasibility Determination</p> | <p>It is anticipated that the Planning Phase will conclude with a determination by the City Council of the City of Berkeley and the WETA Board regarding the feasibility of the proposed Project. If the City Council or WETA Board determines, each in its sole and unfettered discretion, not to proceed with the Project, this MOU shall automatically terminate and the Parties shall have no further obligations under this MOU.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

March 12, 2019

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Berkeley Marina Ferry Service Project Agreement

**Phase 2: Design (Design, Environmental Clearance, Permitting, and Funding)**

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>12. Design Assumptions</p> | <p>If the Parties mutually determine to proceed to the Design Phase, the Parties will prepare an amendment to this MOU to address design, environmental review, permitting, and funding. The MOU amendment shall memorialize the Parties' determination that the proposed Project is feasible, and describe in greater detail the obligations of the Parties in the Design Phase.</p> <p>The Parties anticipate that the City will serve as the lead agency for CEQA review and any associated public outreach or interaction during the Design Phase.</p> <p>The City will also be responsible for project permitting and leading the design process, including contracting for professional design services.</p> <p>WETA will coordinate with the City and provide technical resources and assistance to support the Design Phase.</p> <p>Subject to applicable laws and the Parties' ability to secure adequate funding, WETA will pay all costs associated with Project elements associated with public ferry service, including CEQA (and, if applicable, NEPA) compliance, resource agency permitting, and design costs, City will pay all costs associated with public access aspects of the Project. For aspects of the Project that are required for both types of elements, WETA and City will implement a reasonable cost-sharing method. The City and WETA will each contribute staff resources to support the Design Phase.</p> |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Phase 3: Construction (Bidding, Construction, Construction Administration, and Funding)**

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>13. Construction Assumptions</p> | <p>If, after conclusion of the Phase 2 Design Phase, the Parties determine to proceed to the Phase 3 Construction Phase, the Parties will negotiate and enter into appropriate agreements to address bidding, construction, construction management, funding, and related issues, subject to the concurrent approvals of the City Council and WETA Board</p> <p>The Parties anticipate that City will serve as the Project lead, with assistance from WETA to advertise and bid out the construction of the Project in accordance with applicable provisions of the Public Contract Code and any specific funding requirements. The Parties contemplate that the Project will be constructed as soon as possible after necessary permits and regulatory approvals have been approved and 100% of the construction funding has been secured.</p> <p>The City will contract for professional construction management services for inspection, construction support and management for the Project.</p> <p>Subject to applicable laws and the Parties' ability to secure adequate funding, WETA will pay all costs associated with Project elements associated with public ferry service, including any needed dredging work, and City will pay all costs associated with public access elements of the Project. For aspects of the Project that are required for both types of elements, WETA and City will implement a reasonable cost-sharing</p> |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Berkeley Marina Ferry Service Project Agreement

|  |                                                                                                   |
|--|---------------------------------------------------------------------------------------------------|
|  | method. The City and WETA will each contribute staff resources to support the Construction Phase. |
|--|---------------------------------------------------------------------------------------------------|

**Phase 4: Operation**

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>14. Operation Assumptions</p>            | <p>Prior to the commencement of construction of the Project, the Parties shall negotiate and execute appropriate agreements to address the use, operation, maintenance and repair of the new Berkeley Marina Ferry Facility, subject to concurrent approvals of the City Council and WETA Board. Issues to be considered include responsibilities for capital rehabilitation, funding, landing and property rights, use by third parties, and related issues. It is anticipated that WETA will own all improvements to the waterside of the access control gate built exclusively to support ferry operations, including, but limited to the gangway, float, guide piles and the access control gate itself, and that City will retain ownership of the waterside improvements related to public access, and all other landside improvements and property upland of the access control gate, including all State public trust lands.</p> <p>City acknowledges that WETA’s initiation of public ferry service between San Francisco and Berkeley is contingent upon City providing parking facilities within a reasonable distance from the access control gate. This reasonable distance and the number of required spaces will be determined and mutually agreed upon after feasibility and other necessary studies have been conducted. The parking facilities will be owned, maintained, and operated by City or its designated representative. City will evaluate the possible implementation of public/private transit connections and potential parking fees, the proceeds of which, if any, would be committed to support maintenance and operation of the landside facilities, including the parking facilities.</p> |
| <p>15. Public Ferry Service Assumptions</p> | <p>Vessels: The public ferry service contemplated by this MOU will likely require a dedicated vessel and a shared spare vessel to ensure reliable operations. The estimated cost of a dedicated vessel and shared spare is approximately \$22 million (FY 2018 dollars).</p> <p>Initial Ferry Service: A minimum level of service is desired to operate an effective commuter service, which the Parties will endeavor to provide upon the initiation of the San Francisco/Berkeley ferry service consistent with the WETA System Expansion Policy. It is anticipated that the initial service would include a minimum of three departures during the AM peak (6-9 AM) from Berkeley to San Francisco and 3 departures during the PM peak (4-8 PM) from San Francisco to Berkeley. Midday and weekend service is not initially anticipated but may be added as demand warrants and funding is available.</p> <p>Expansion of Service: The initial ferry service level defined for Berkeley Marina service may be expanded as necessary. All service adjustments, including possible 30-minute or faster headways in the peak hour and initiation of midday or weekend services, are anticipated to be consistent with the WETA System Performance Targets Policy adopted by the WETA</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Berkeley Marina Ferry Service Project Agreement

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Board on June 4, 2015 and other WETA service planning policies in effect at the time of adjustment, as applicable.</p> <p>Emergency Response and Recovery: In the event of a natural disaster or disruptive regional event (“<b>Casualty Event</b>”), WETA ferries may be called upon by the California Office of Emergency Services (“<b>Cal OES</b>”) to provide service from the Berkeley Ferry Terminal for both emergency response and recovery after the Casualty Event.</p> <p>In the immediate aftermath of an event, Cal OES will determine how to allocate regional transportation resources including WETA ferries. The Berkeley Marina Ferry Facility will be an asset in this emergency network and it will be a state and regional decision as to how this asset will be used.</p> <p>In the weeks and months following an event as the Bay Area recovers, WETA ferry service will play a critical role as a component of the regional transit network that can be quickly operationalized at facilities like Berkeley. Decisions regarding funding and asset deployment during the recovery phase will also likely take place at the state and regional level.</p> |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

WETA and the City of Berkeley have entered into this Memorandum of Understanding as of the last date set forth below.

**San Francisco Bay Area  
Water Emergency Transportation  
Authority**

By: \_\_\_\_\_  
Nina Rannells  
Executive Director

Date: \_\_\_\_\_

**Reviewed:**

By: \_\_\_\_\_  
Madeline Chun  
Legal Counsel to Authority

**City of Berkeley**

By: \_\_\_\_\_  
Dee Williams-Ridley  
City Manager

Date: \_\_\_\_\_

**Reviewed:**

By: \_\_\_\_\_  
Farimah Brown  
City Attorney

Attachments:

Exhibit A: WETA System Expansion Policy

Exhibit B: Funding Agreement

Exhibit C: Amendment to Consulting Services Agreement

March 12, 2019

**EXHIBIT A**

WETA System Expansion Policy

<https://weta.sanfranciscobayferry.com/strategic-plan>

March 12, 2019

15027302.2



EXHIBIT B

Funding Agreement

March 12, 2019

15027302.2

[DATE]

City of Berkeley

\_\_\_\_\_  
\_\_\_\_\_

Re: RM2 Funding Agreement - Berkeley Marina Ferry Facility Project

Dear \_\_\_\_\_:

This letter agreement memorializes the understandings between the San Francisco Bay Area Water Emergency Transportation Authority (WETA) and the City of Berkeley (CITY), to fund an expanded feasibility study of the Berkeley Marina, utilizing RM2 operating funds available to WETA.

The City of Berkeley’s contractor, GHD, pursuant to an Agreement for Consulting Services between City and GHD dated May 8, 2017 (“GHD Agreement”), has already conducted a feasibility and structural condition assessment to explore options for restoring, rehabilitating or reconstructing the Berkeley Municipal Pier in conjunction with the potential for ferry service.

It is agreed that CITY shall amend the GHD Agreement to expand the scope of the GHD feasibility study to assess the potential for a WETA-scale ferry terminal, and to develop conceptual designs for a dual-function facility (public ferry service and waterfront public access) including both waterside and landside improvements.

CITY will serve as the project lead, with assistance from WETA, for the expanded feasibility study, which will include technical analyses and a public engagement process. The expanded feasibility study will include water technical analysis on wave protection and geotechnical investigation. Landside facilities will include, but are not limited to, parking areas, paths-of-travel, restrooms, bus and shuttle stops, and ride and bike share stations. The parties will mutually agree to a final scope of work prior to initiating work on the expanded feasibility study. CITY will engage professional consultant services, approved by WETA, to conduct the expanded study. CITY and WETA will each contribute staff resources to support the expanded feasibility study, and will confer on a regular basis on the progress of the work. CITY will provide drafts of the study for WETA's review prior to finalizing the work.

WETA will reimburse CITY for CITY's actual costs incurred for authorized and satisfactorily completed work and services rendered by CITY's outside professional consultants, including GHD, for the expanded feasibility study, not to exceed Two Hundred and Fifty Thousand (\$250,000.00). Payment will be made within thirty (30) days of receipt of an invoice, approved by WETA (which approval shall not be unreasonably withheld, conditioned or delayed), describing work performed, itemizing all costs for which reimbursement is requested, and

City of Berkeley  
[DATE]  
Page 2

stating the payment requested and the cumulative amount billed to date. CITY shall also attach to each invoice such receipts, proof of payment, and other supporting documentation as may be reasonably required by WETA.

All invoices must be made in writing and delivered or mailed to WETA as follows:

Attention: Accounting Department  
San Francisco Bay Area Water Emergency Transportation Authority  
Pier 9, Suite 111, The Embarcadero  
San Francisco, CA 94111

Performance will begin on or after \_\_\_\_\_, and be completed by \_\_\_\_\_, unless this Agreement is terminated by either WETA or CITY as provided below. Invoices must be submitted before \_\_\_\_\_, to be paid.

Either CITY or WETA may terminate this Agreement, in each party's sole discretion, for any force majeure event, if such events (i) irrecoverably disrupt or render impossible CITY's performance hereunder; or (ii) disrupt WETA's ability to make payments hereunder. CITY will be entitled to payment for costs of work performed by CITY's outside professional consultants, including GHD, prior to the date of such termination, up to the maximum amount payable under this Agreement.

If CITY fails to perform as specified in this Agreement, WETA may terminate this Agreement for cause by advance ten (10)-day written notice and CITY will only be entitled to costs of work performed by CITY's outside professional consultants, including GHD, in accordance with this Agreement, not to exceed the maximum amount payable under the Agreement for such work.

CITY agrees to retain all documents, working papers, records, accounts and other materials relating to its performance under this Agreement for a minimum of four (4) years following the fiscal year of the last expenditure under this Agreement and WETA and its authorized representatives may inspect and audit such records during that period of time.

In performing services under this Agreement, CITY will be acting as an independent contractor and not as an agent or employee of WETA. CITY will have no authority to contract in the name of WETA, and CITY will be responsible for its own acts and those of its agents, contractors and employees.

CITY agrees that the amendment to the GHD Agreement ("GHD Amendment") shall be substantially in the form attached hereto and shall, among other things, (i) obligate GHD to defend, indemnify and hold harmless WETA and its officers, agents, officials, representatives and employees from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of GHD or its subconsultants), expense and liability of every kind, nature and description that arise out of, pertain to or relate to the negligence, recklessness, or willful misconduct of GHD and its subconsultants, anyone directly or indirectly employed by the them, or anyone that they control; (ii) name WETA and its directors, officers, representatives, employees, consultants, subcontractors and agents as additional insureds under GHD's commercial general liability, business automobile liability and

City of Berkeley  
[DATE]  
Page 3

professional liability insurance policies; and (iii) name WETA as a third party beneficiary of the GHD's indemnity and insurance obligations under the GHD Agreement, as amended by the GHD Amendment, and provide that such provisions may not be amended without WETA's consent.

Any amendment of the Agreement must be in writing, specifically identified as an amendment to this agreement, and signed by both CITY's City Manager and WETA's Executive Director, or their designated representatives.

Please sign and date both counterparts of this letter in the space provided below, return one counterpart to WETA, and retain the other counterpart for your files.

Sincerely,

Nina Rannells  
Executive Director

\* \* \* \* \*

Accepted and Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF BERKELEY

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OAK #4851-4585-9205 v7

EXHIBIT C

Amendment to Consulting Services  
Agreement

March 12, 2019

15027302.2

CMS# XXXXX

**AMENDMENT TO CONTRACT**

THIS CONTRACT AMENDMENT is entered into DATE, between the CITY OF BERKELEY ("City"), a Charter City organized and existing under the laws of the State of California, and GHD ("Contractor") a California Corporation, doing business at 655 Montgomery Street, Suite 1010, San Francisco, CA 94111.

WHEREAS, City and Contractor previously entered into Contract Number 10632 dated June 21, 2017, for a not to exceed amount of \$214,123, which Contract was authorized by the Berkeley City Council by Resolution No. 67,856- N.S.; and

WHEREAS, on January 23, 2018, by Resolution No. 68,294-N.S., the Berkeley City Council authorized amendment of said contract increasing the scope of work for an additional fee of \$94,744 for a total contract amount not to exceed \$330,744 for the term ending December 31, 2019; and

**WHEREAS, on DATE, by Resolution No. XX,XXX-N.S., the Berkeley City Council authorized amendment of said contract as set forth below.**

THEREFORE, City and Contractor mutually agree to amend said contract as follows:

1. Section 3 is amended to include the additional services described in Exhibit A of this amendment.
2. Section 4 is amended to read as follows:

**COMPENSATION**

For services referred to in Section 3 as amended, City will pay Contractor an additional amount not to exceed \$XX,XXX for a total contract amount not to exceed \$XXX,XXX. City shall make payments to Contractor in accordance with provisions described in Exhibit B, which is attached to and made part of this Contract.

3. **First sentence of Section 7.1 is amended to read as follows:**

**INDEMNIFICATION BY CONSULTANT**

**“To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.8), Consultant shall defend (with legal counsel reasonably acceptable to City), indemnify and hold harmless the City and the Water Emergency Transportation Authority (“WETA”) and its and their officers, agents, departments, officials,**

representatives and employees (collectively, “Indemnitees”) from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of Consultant or its Subconsultants), expense and liability of every kind, nature and description that arise out of, pertain to or relate to the negligence, recklessness, or willful misconduct of Consultant, and Subconsultant, anyone directly or indirectly employed by the them, or anyone that the control (collectively, “Liabilities”).

4. Section 10.2.1 is amended to read as follows:

**INSURANCE**

“City and WETA, and its and their directors, officers, partners, representatives, employees, consultants, subcontractors and agents, shall be named as additional insureds, but only with respect to the liability arising out of the activities of the named insured, and there shall be a waiver of subrogation as to each named and additional insured.”

5. Section 33 is amended to add as follows:

**MISCELLANEOUS**

“33.5 WETA shall be deemed a third party beneficiary of Consultant’s obligations under Sections 7 and 10 of this Agreement. Any amendment to Section 7 or 10 shall require the written consent of WETA to be effective. Except as provided in this Subsection 33.5, there are no other third party beneficiaries to this Agreement.”

3. Section 2 is amended to read as follows;

**TERM**

a. This Contract shall begin on DATE, and end on DATE. The City Manager of the City may extend the term of this contract by giving written notice.

In all other respects, the contract dated DATE shall remain in full force and effect.

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date written on the first paragraph of this Contract.

CITY OF BERKELEY

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

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR  
THE CITY OF BERKELEY  
5/09

Registered by:

\_\_\_\_\_  
City Auditor

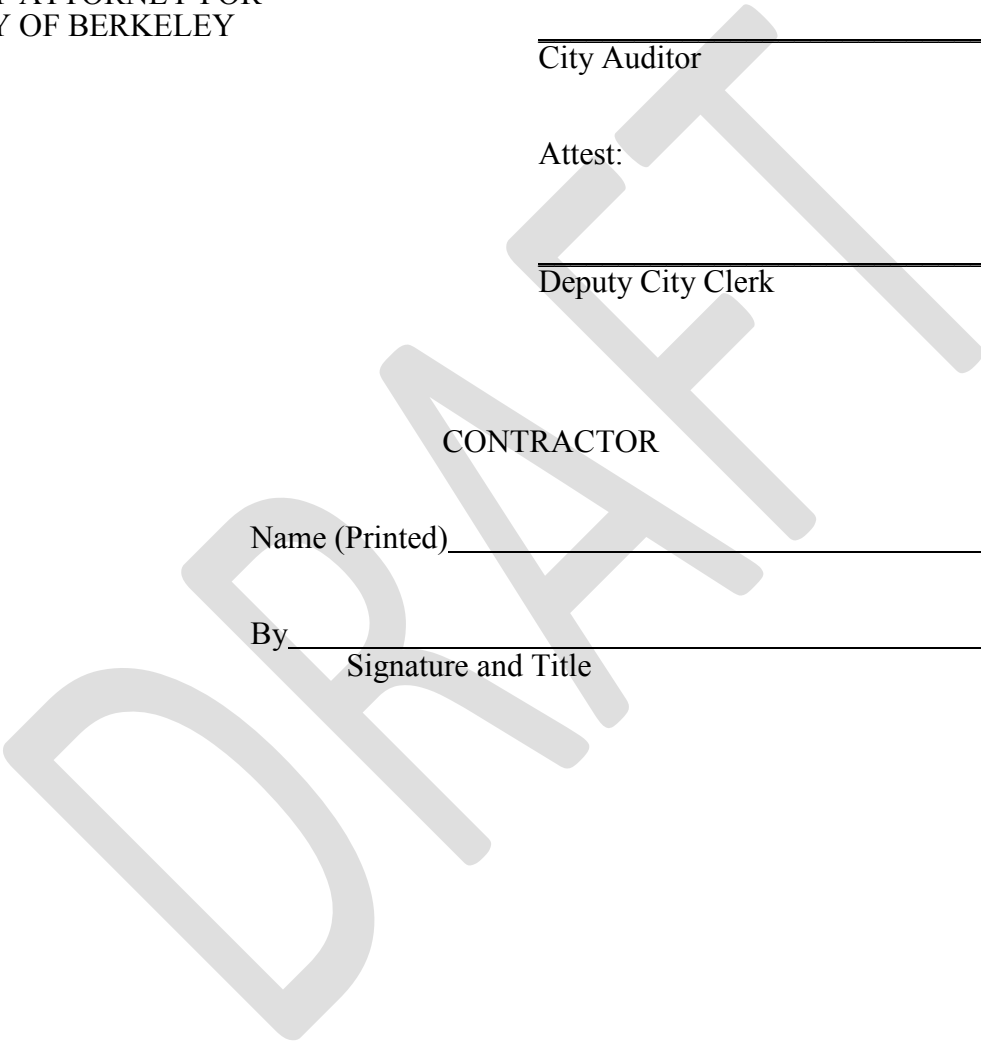
Attest:

\_\_\_\_\_  
Deputy City Clerk

CONTRACTOR

Name (Printed) \_\_\_\_\_

By \_\_\_\_\_  
Signature and Title





**Exhibit A  
Scope of Services  
2<sup>st</sup> Amendment (“10632B”) to Contract No. 10632**

With this amendment, the contractor hereby agrees to perform the following scope of work:

**TO BE INCLUDED AT THE TIME OF AMENDMENT**

DRAFT

Exhibit B

Payment

TO BE INCLUDED AT THE TIME OF AMENDMENT

DRAFT



Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Andrew Greenwood, Chief of Police  
 Subject: Authorizing Rewards of up to \$50,000 for Information in Criminal Investigations

RECOMMENDATION

Adopt a Resolution increasing the maximum cash reward that the City Manager is authorized to approve from \$15,000 to \$50,000 for information leading to the arrest and conviction of the person or persons responsible for a specific crime or crime series, and rescinding Resolution No. 59,824-N.S.

FISCAL IMPACTS OF RECOMMENDATION

Authorized rewards would be paid out of the existing Berkeley Police Department Budget (budget code 159-71-705-820-0000-000-421-612990). No new funding source is needed at this time. Although specific annual costs are difficult to estimate, it is unlikely that there would be more than one reward payout in any single fiscal year. Furthermore, major cases almost never get adjudicated within a year's time and as a result, the Berkeley Police Department would be able to plan ahead for any potential reward payouts.

CURRENT SITUATION AND ITS EFFECTS

With approval from the City Manager, the Berkeley Police Department is currently authorized to offer a \$15,000 reward for information leading to the arrest and conviction of the person or persons responsible for specific homicides.

Homicide Investigators have asked for an increase in the dollar amount offered as a cash reward for several unsolved murder cases. Investigators point out that the dollar amount has not been increased since 1998, and believe that the requested increase may generate new leads. There are still over a dozen unsolved murder cases since 2005.

Additionally, there have been other types of cases where the Berkeley Police Department would like to offer rewards but is not able to do so because the existing resolution only applies to murder cases.

BACKGROUND

In 1998 the City Council approved Resolution No. 59,824-N.S. (Authorizing Rewards of \$15,000 in Murder Cases). For each case the Police Chief submits a confidential memorandum to the City Manager outlining the facts, and requesting authorization to issue a reward. Payment has only been made on one case since 1998.

In addition to the City program relating to unsolved murder cases, there was also a similar local program relating to other types of crime. Until recently a community organization called Bay Area Crime Stoppers, had offered a standing reward of \$3,000 as an incentive for people to provide information to law enforcement. The Berkeley Police Department was able to refer to this reward in media releases on a variety of other criminal cases such as robberies, burglaries and sexual assaults. Even though reward payouts are rare, just the presence of a reward results in greater interest from media outlets and the general public. The more interest generated in a specific case, the greater the chance that someone will come forward with new information. Unfortunately the Bay Area Crime Stoppers Reward is no longer available. The Berkeley Police Department anticipates that there will continue to be situations outside of unsolved murder cases where a monetary reward would help generate leads.

If a new resolution is adopted, the maximum dollar amount offered as a reward for unsolved murder cases would increase from \$15,000 up to \$50,000 and the Berkeley Police Department would also be able to offer rewards on other types of criminal cases as well. All offers of a reward would still require the approval of the City Manager.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

A reward can be an incentive, assisting in the resolution of a case and adding valuable evidence to help convict a suspect. The existing resolution allows cash rewards only for murder cases and restricts the amount to \$15,000. Today, \$15,000 is no longer the incentive that it was in 1998. Berkeley Police Detectives believe that increasing the maximum dollar amount to \$50,000 could lead to information that will bring the perpetrators of crimes to justice and bring relief to the families of crime victims.

CONTACT PERSON

Andrew Greenwood, Chief of Police, 981-5700

Attachment:

1. Resolution

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

AUTHORIZING REWARDS OF UP TO \$50,000 AND RESCINDING RESOLUTION NO. 59,824-N.S.

WHEREAS, Council approved Resolution No. 59,824-N.S. on December 8, 1998, authorizing a \$15,000 cash reward given to those who provide information leading to the arrest and conviction of murderer(s); and

WHEREAS, \$15,000 is no longer the incentive that it was in 1998; and

WHEREAS, there are still over a dozen unsolved murder cases since 2005 as well as other types of cases where a reward may lead to information that will bring the perpetrators of such crimes to justice; and

WHEREAS, the existing resolution only applies to murder cases; and

WHEREAS, the Berkeley Police Department has a commitment to bring suspects of crime in for prosecution; and

WHEREAS, closure of criminal investigations will bring relief to the families of the victims and reduce fear in the community; and

WHEREAS, authorized rewards would be paid out of the existing Berkeley Police Department Budget (budget code 159-71-705-820-0000-000-421-612990).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, based on the confidential recommendation of the Police Chief, the City Manager is authorized to offer a cash reward of up to \$50,000 to those who provide information and/or investigative action leading to the arrest and conviction of the person or persons responsible for a specific crime or crime series.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Resolution No. 59,824-N.S. is rescinded.





Office of the City Manager

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Phillip L. Harrington, Director, Public Works  
 Subject: Authorizing the Addition of 2700 block of Belrose Avenue to the Street Sweeping Program

RECOMMENDATION

Adopt a Resolution adding the 2700 block of Belrose Avenue to the mechanical street sweeping program.

FISCAL IMPACTS OF RECOMMENDATION

There is minimal impact to the current sweeping schedule as it will be added to existing routes in the area.

CURRENT SITUATION AND ITS EFFECTS

Residential street sweeping is a City service that helps to beautify our community and protect wildlife and the environment by removing litter and debris from our streets. The program includes monthly mechanical sweeping of city streets in residential neighborhoods. Local parking restrictions are established to maximize the sweeper's access to the curb/gutter area where pollutants and debris accumulate.

At the January 10, 2019 the Public Works Commission meeting, adding the 2700 block of Belrose Avenue to a mechanical street sweeping route was approved by a unanimous vote.

BACKGROUND

The Mechanical Street Sweeping became part of the Clean City Program in 1987. The program was developed to clean the streets and improve the quality of life. The goal of the City of Berkeley street sweeping program, which covers residential, commercial, and industrial areas, is to remove debris from streets that might otherwise be transported to receiving waters.

ENVIRONMENTAL SUSTAINABILITY

Adding this block to the street sweeping program supports the City's compliance with the Municipal Regional Stormwater Permit and removes pollutants and trash that flow into local waterways and the San Francisco Bay via the City's storm drain system.

RATIONALE FOR RECOMMENDATION

The residents of the 2700 block of Belrose Avenue support to institute monthly street sweeping. The Public Works Commission approved the change (Hitchen/McGrath 5/0/1 abstain: Schueler).

The Public Works Department and the Public Works Commission are in support of adding this additional block to the program. There are minimal costs associated and it provides additional stormwater protection.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

John Hurtado, Public Works Supervisor, Public Works, 510-981-6484

Attachments:

- 1: Resolution
- 2: Map of Street Sweeping Route



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

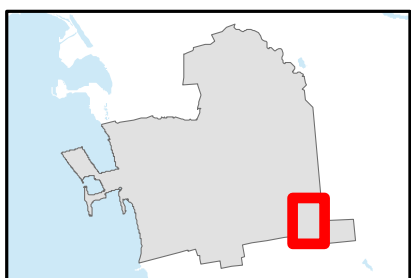
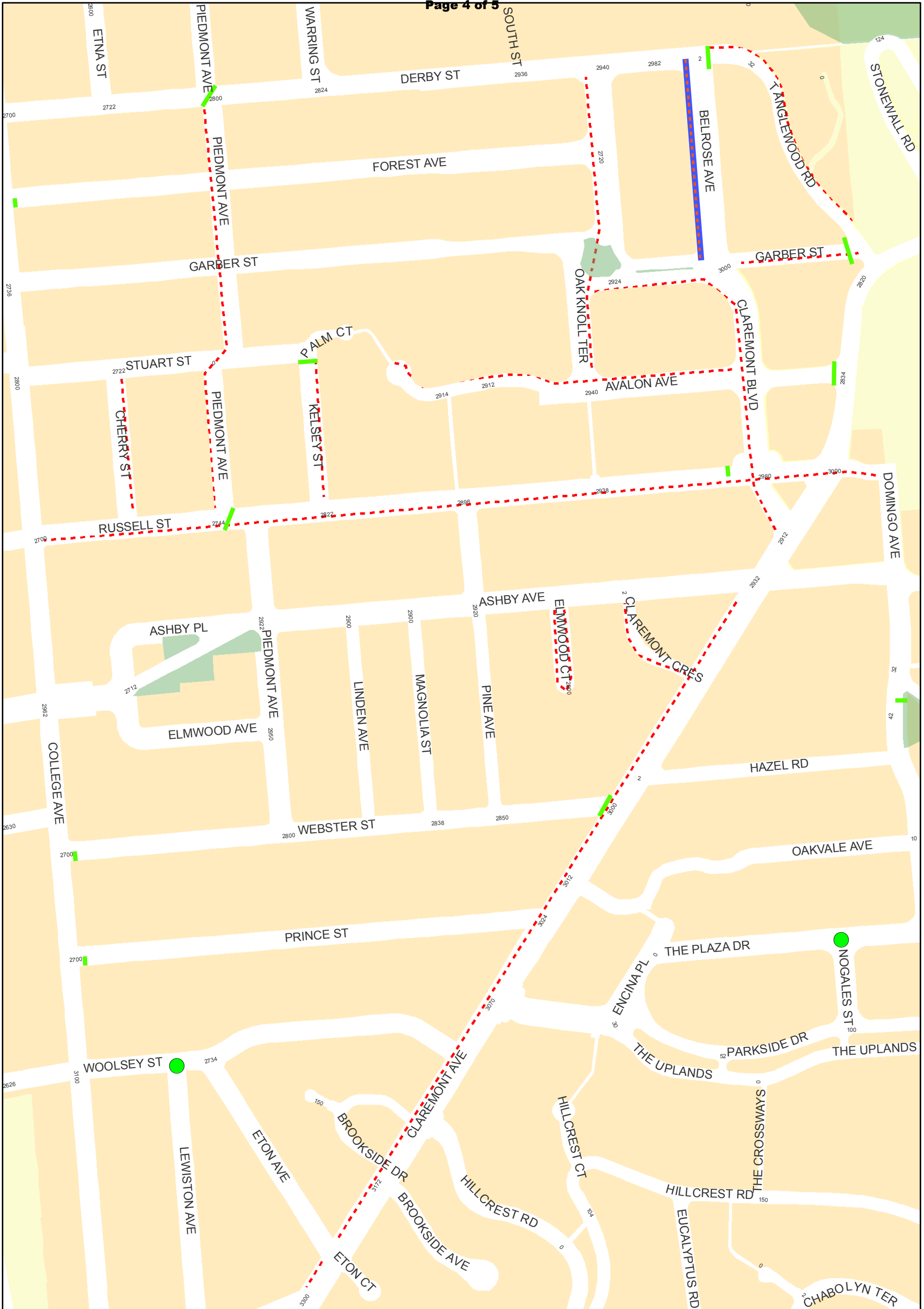
AUTHORIZING THE ADDITION OF 2700 BLOCK OF BELROSE AVENUE TO THE  
STREET SWEEPING PROGRAM

WHEREAS, the residents of the 2700 block of Belrose Avenue, the Public Works Commission and the Public Works Department support the addition of the 2700 block of Belrose Avenue to the street sweeping program; and

WHEREAS, there are minimal costs associated with including one block to the program; and

WHEREAS, additional street sweeping provides further stormwater protection.

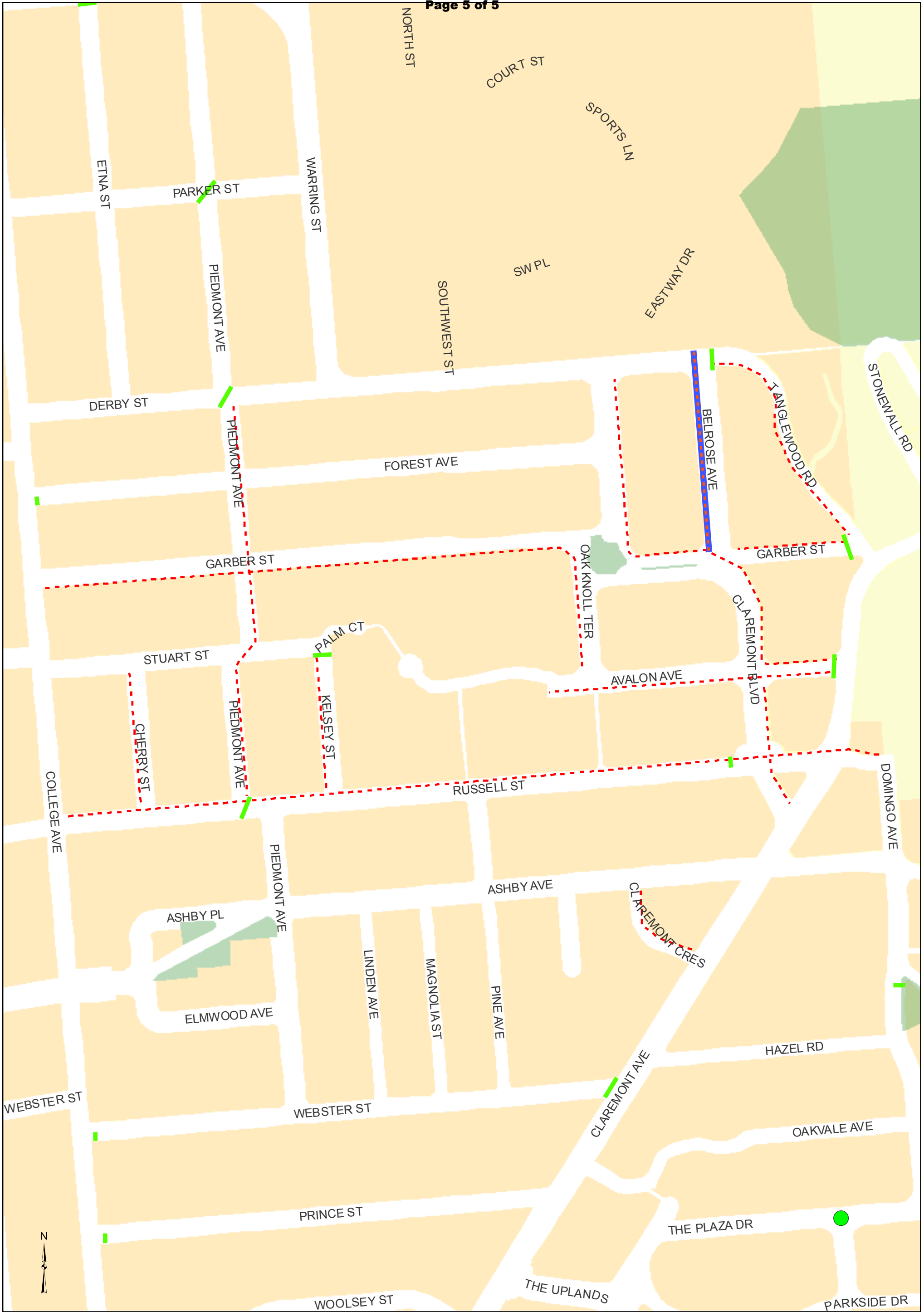
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the 2700 Block of Belrose Avenue be added to the City's mechanical street sweeping program.



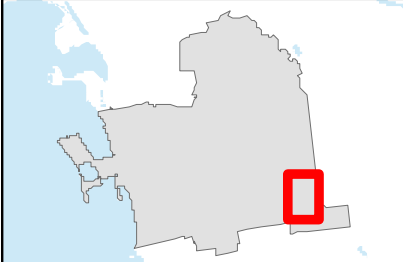
- Traffic Circles
- Traffic Diverters
- Block added to sweeping program



# 24 - Fourth Monday AM



# 44 - Fourth Wednesday AM



- Traffic Circles
- Traffic Diverters
- Block added to sweeping program







Housing Advisory Commission

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Housing Advisory Commission  
 Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission  
 Subject: Measure O Oversight Committee and Measure P Homeless Services  
 Panel of Experts

RECOMMENDATION

Designate or appoint the independent oversight committee and homeless services panel of experts contemplated under Measures O & P as soon as possible.

FISCAL IMPACTS OF RECOMMENDATION

There will be costs associated with the staffing needed to create the committee and panel of experts.

CURRENT SITUATION AND ITS EFFECTS

Measures O and P passed in the 2018 election cycle provide substantial resources to address housing needs within the City of Berkeley. Each of these measures emphasized the importance of a well thought out and strategized allocation of resources through a committee or panel of experts. Part of the role of the Housing Advisory Commission is to make recommendations to address the housing needs within the City of Berkeley. To expedite many valuable projects' timelines for consideration, the Berkeley City Council should either appoint or designate the committee and panel of experts proposed within Measures O and P as soon as possible. At the January 3, 2018 meeting, the Housing Advisory Commission adopted the following motion:

Action: M/S/C (Johnson/Thomas) to recommend to City Council that the independent oversight committee and Homeless Services Panel of Experts as designated under Measures O & P be created as soon as possible.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

BACKGROUND

As the City works as quickly as possible to address the housing crisis in the City of Berkeley, it is important to recognize that having more voices at the table is critical to ensuring that everyone has a chance to be heard and included. It was with this idea that Measure O and Measure P were crafted with intention of having "independent oversight committees."

Measure O's ballot language specifically provided that "all expenditures will be subject to oversight by an independent oversight committee, composed of individuals appointed by the City Council, to confirm that Bond expenditures are consistent with the intent of this Measure."

Measure P had similar ballot language, providing that "there shall be established the Homeless Services Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support."

The role of the committees is to make sure that the parts of our community with the most pressing needs and challenges are prioritized. In addition, they will help to ensure that the goals laid out in Measures O and P are achieved. The sooner that these independent bodies are brought together, the sooner that there can be a comprehensive plan for how to allocate the additional resources brought in by Measure O and Measure P. In addition, with a comprehensive plan in place this will give the City the opportunity to more clearly define its objectives and goals, and to receive proposals which better achieve those goals.

#### ENVIRONMENTAL SUSTAINABILITY

There is no environmental impact to creating the oversight committee or panel of experts recommended from Measures O and P.

#### RATIONALE FOR RECOMMENDATION

Taking the step of appointing or designating the Homeless Services Panel of Experts and the independent oversight committee will build the required input and feedback into the funding process for housing and homelessness projects utilizing Measure O and Measure P funds.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report. Staff have provided council with information about making appointments and council is in the process of making those appointments.

#### CONTACT PERSON

Amy Davidson, Commission Secretary, HHCS, (510) 981-5406



[Commission Name]

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission

Subject: Communicating and Meeting with Community Stakeholders on Housing Innovations

RECOMMENDATION

Authorize the Housing Advisory Commission to correspond in writing and to confer in public session directly with various affordable housing organizations for the limited purposes and time, and with the disclaimer described below.

Direct the City Manager that the City Attorney shall craft an appropriate disclaimer, as described below. The Commission will include this disclaimer when corresponding or meeting with these agencies.

SUMMARY

The Commission wishes to explore *innovative* ways to expand the Small Sites housing program, to implement a Tenants Option to Purchase ordinance, and to advance region-wide goals – the “three Ps” – to protect tenants, preserve affordable housing, and produce new housing.

We are interested, for example, in looking beyond conventional City loans and grants for new ways to help finance affordable housing projects. We are interested in streamlining the purchase of small sites while addressing the property management issues associated with such streamlining. We wish to identify promising project ownership structures, democratic management structures, and flexible alternatives to conventionally written deed restrictions.

A variety of outside agencies are potentially appropriate discussion partners for this work (see under “Background”, subsection “A tentative list of agencies”, below). As required by the Commissioners’ Manual, we seek authorization to pursue discussion with them. We are additionally asking that the City Attorney provide us with a suitable disclaimer to use in such discussions, to avoid inadvertent legal risk to the City (see under “Background”, subsection “Disclaimer”, below).

FISCAL IMPACTS OF RECOMMENDATION

There is a presumably modest cost associated with asking the City Attorney to prepare a suitable disclaimer for the Commission to use in its communications.

CURRENT SITUATION AND ITS EFFECTS

The Commission has previously received briefings from the Health, Housing, and Community Development staff regarding the Small Sites and Tenants' Option to Purchase programs. These presentations included information about obstacles and limitations encountered in other jurisdictions that have already implemented such programs.

The Commission has received a similar presentation from representatives of the Sustainable Economies Law Center, the East Bay Community Law Center, and the Northern California Land trust.

The rules set forth in the Commissioners Manual sharply limit the Commission's ability to further engage as a body with these and other agencies to continue the conversation. The rules will allow the Commission to move forward with Council authorization.

In June and September of 2018, the Commission adopted a work plan item titled "*Democratized housing innovations summit*", which this referral helps to implement.

The Housing Advisory Commission voted on January 3, 2019 to make this referral to City Council. The action is recorded as follows:

Discussion and Possible Recommendation to Council on the Housing Advisory Commission's Communicating and Meeting with Community Stakeholders on Housing Innovations

Action: M/S/C (Lord/Johnson) to recommend to City Council to authorize the Housing Advisory Commission to:

Communicate directly, in writing, with various affordable housing organizations for the limited purposes and with the disclaimer described below;

- To receive, and place on the record, written replies and replies spoken to the Commission in session;
- To ask the City Manager and City Attorney to craft the disclaimer we describe below and provide a proper version to the Commission;
- To have the option to schedule (in cooperation with the Commission Secretary) up to one (1) additional meeting of the Housing Advisory Commission prior to June 2020, a Special Meeting to which these organizations may be invited to discuss the issues described below; and
- With none of these authorizations extending beyond June 2020 without further review by City Council.



Vote: Ayes: Johnson, Lewis, Lord, Owens, and Tregub. Noes: Sargent and Wolfe.  
Abstain: None. Absent: Wright (excused).

## BACKGROUND

### Small Sites

The City of Berkeley has created a pilot "small sites acquisition" program, aimed at helping non-profit organizations and the City itself to acquire, rehabilitate, preserve, or create affordable housing. Berkeley's program places an emphasis on land-trust and cooperatively managed housing.

City staff have researched similar programs in other jurisdictions and have informed the Housing Advisory Commission of some of the practical limitations encountered by similar programs in San Francisco and Washington D.C.

The Housing Advisory Commission is interested in exploring innovative ways to reduce or avoid those limitations.

### Tenants Right to Purchase

At Council's direction, the City is working towards implementing a Tenants' Right to Purchase Ordinance which would give tenants a first option to purchase an apartment building they occupy. Such an option might also be transferable to the City itself. Here again, practical limitations have been encountered in other cities. Here again, the Housing Advisory Commission is interested in innovative ways to reduce or avoid those limitations.

### The Three P's

The Metropolitan Transportation Commission and Association of Bay Area Governments have generated considerable interest and policy momentum around the concepts they call the "three Ps":

- Protecting tenants
- Preserving affordable housing
- Producing housing, including affordable housing

The Housing Advisory Commission sees these broadly defined goals as wholly compatible with Small Sites and Tenants' Option to Purchase policies. We believe there may be an opportunity to advance housing affordability and housing justice consistently with these emerging regional planning concepts.

### Example Areas for the Commission to Explore with Outside Organizations

- One problem encountered in Small Sites and Tenants' Right to Purchase programs is the need to act quickly – to lock in a purchase faster than an outside agency or the tenants of a building may be prepared to act.

- *The Commission has explored and would like to further explore the possibility of direct purchases by the City or a City franchise, when fast-tracking a purchase is necessary.*
- *This raises a critical question of property management. In the case of a quick City purchase, who will initially manage the property?*
- Another area of concern is that land-trust and co-op models may be difficult to finance. Acquisitions of this sort often do not qualify for the same kinds of financing assistance available to conventional non-profit developers.
  - *How can City of Berkeley housing policies help gain access to alternative forms of financing, beyond City provided loans and grants?*
- The land-trust and co-op models can suffer limitations of scale. When each property is its own legal entity, opportunities for cross-subsidy and achieving economies of scale are lost.
  - *Is it sensible to try to consolidate ownership of small sites and sites purchased via a tenants' option?*
  - *How can a larger portfolio of such housing be cooperatively managed?*
  - *Are there alternatives to customary AML-tied deed restrictions for preserving affordability while being able to dynamically adjust to needs and operate on self-financing basis?*

#### The Purposes of Communications with External Agencies

In short, we would like to invite various stakeholders to contribute to the Commission's understanding and brainstorming around questions like those above.

In part we hope to learn from these organizations. Perhaps we might even help them to organize and cooperate to advance an innovative program here in Berkeley.

#### A Tentative List of Agencies to Contact

We ask the right to add to this list but we have identified stakeholders with relevant interests:

- BACLT
- BUSD
- Berkeley Federation for Teachers (BFT)
- East Bay Permanent Real Estate Cooperative
- NCLT
- POCSHN (People of Color Sustainable Housing Network)
- RCD
- SAHA
- Sustainable Economies Law Center (SELC)
- UC Berkeley Co-op
- UC Berkeley Grad Student Union

Disclaimer

The Commission suspects but does not know for certain that any communication we make directly should clearly state that:

- We speak only for the Commission.
- We are not announcing any City Program or soliciting bids or proposals.
- We are only seeking voluntarily given advice and consultation.

We believe the City Attorney is the appropriate official to provide us with suitable language for this disclaimer.

ENVIRONMENTAL SUSTAINABILITY

No impact.

RATIONALE FOR RECOMMENDATION

Passage of this recommendation will empower the Commission to better pursue its duties under Berkeley Municipal Code Title 19.44.020(B)(10) as amended by the passage Measure U1 (2016):

*The Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness. These recommendations may be made annually or biannually, as the Commission deems appropriate in light of the City's budget cycle and other relevant funding cycles. The Commission's recommendations shall be promptly published on the City's web site and transmitted to the City Council. The City Council shall consider, but need not follow, the Commission's recommendations, and shall annually inform the Commission as to the extent to which it has implemented the recommendations.*

The Commission is obligated to seek the City Council's authorization by the rules set forth in the Commissioner's Manual (see "Alternative Actions Considered" for further details).

ALTERNATIVE ACTIONS CONSIDERED

The Commission considered "informally" corresponding with and inviting these organizations to discussions. Concerns were raised, however, that the Commission could not engage in such communication as a *body* without violating the rules set forth in the Commissioners' Manual, which clearly states:

*Unless specifically authorized by the Council, commissions may not represent the City or its policies or positions to outside agencies either on their own behalf or of the City. (Chapter III, Part C, section 2).*

We interpret that to mean that for the Commission to represent *its own agreed upon views and questions* to these agencies, the Council must consent. We seek this consent. In seeking this consent, we are sensitive to the concern that we will not officially state City of Berkeley policy and that we will not be announcing any City programs or funding opportunities.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

The Housing Advisory Commission does not need Council authorization to host a special meeting but does require authorization to invite additional organizations to participate. Approval of this item will allow the Commission to proceed with its outreach to community organizations, and to move forward with determining the specific schedule, agenda, and participant list for the meeting. If this exceeds regular staff capacity associated with the Commission, staff may return to Council for guidance and approval. Otherwise, the authority granted with approval of this item will allow the Commission to hold the proposed meeting.

CONTACT PERSON

Amy Davidson, Commission Secretary, HHCS, (510) 981-5406



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Kate Harrison, Cheryl Davila, and Rigel Robinson  
 Subject: Persian New Year Festival: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

1. Adopt a Resolution co-sponsoring the 20<sup>th</sup> annual Persian New Year Festival on March 19<sup>th</sup>, 2019
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$100 from Councilmember Harrison, to The Persian Center, the fiscal sponsor of the festival, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.

BACKGROUND

For the past 20 years, The Persian Center in Berkeley has held a Persian New Year Festival to celebrate the East Bay's Persian community, facilitate new cultural experiences for all Berkeley residents, and commemorate the vernal equinox and Persian New Year.

The Persian Center is a space where Iranians, Iranian descendants, and all interested in Persian Culture come together to celebrate traditional Persian festivals and attend classes, workshops, book readings, and more. It was incorporated in 1992 and moved into its permanent home on Durant Avenue in 2000. The Persian New Year Festival is one of their most popular events, bringing participants from across the Bay Area.

The Persian New Year Festival is also called Chaharshanbeh Souri, which means "Eve of Wednesday" because the festival is held on the last Tuesday of winter. All are invited to jump over a bonfire to shake off the darkness of winter and welcome the lightness of spring, a Persian ritual passed down since Zoroastrian times.

We are proposing that City Councilmembers make individual grants of up to \$500 to The Persian Center to support the continued success of the Persian New Year Festival. The event is being held on March 19<sup>th</sup>.

FISCAL IMPACTS OF RECOMMENDATION

No impact to the General Fund.

ENVIRONMENTAL SUSTAINABILITY

Minimal.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

Attachments:

- 1: Resolution for City Sponsorship
- 2: Resolution for Council Expenditures

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

CITY SPONSORSHIP OF PERSIAN NEW YEAR FESTIVAL

WHEREAS, the Persian New Year Festival will take place on March 19<sup>th</sup>, 2019; and

WHEREAS, the Persian New Year Festival has for twenty years been a fun and enriching way to celebrate the advent of spring and the Persian New Year; and,

WHEREAS, the Persian New Year Festival will enrich the City and people of Berkeley through Persian cultural education, crafts, food, music and dancing;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors the Persian New Years Festival, and The Persian Center has permission to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor solely for the purpose of the City indicating its 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 Persian New Year Festival; or (3) constitute regulatory approval of the event.

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 Kate Harrison has surplus funds in her office expenditure account; and

WHEREAS, a California non-profit tax exempt corporation, The Persian Center, seeks funds to provide public services to publicly commemorate and honor the Persian New Year; and

WHEREAS, the celebration will include invaluable educational benefits for the people of Berkeley presented by members of The Persian Center;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to The Persian Center to fund the celebration of the Persian New Year and related cultural activities.





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Susan Wengraf, Kate Harrison, Cheryl Davila, and Sophie Hahn

Subject: Letter Requesting Congresswoman Lee's Support of HR. 530 (Eshoo)

RECOMMENDATION

Send a letter urging U.S. Representative Barbara Lee to co-sponsor H.R. 530 - *Accelerating Broadband Development by Empowering Local Communities Act of 2019* which would repeal FCC limits on local regulation of 5G infrastructure.

FINANCIAL IMPLICATIONS

None

BACKGROUND

Rep. Anna Eshoo (CA-18) introduced H.R. 530 - *Accelerating Broadband Development by Empowering Local Communities Act of 2019*, to overturn the FCC's order preempting local authority over small cell wireless infrastructure. The FCC's regulations sharply limit the type and amount of fees cities and states may charge for profit-generating use of public property, set "shot clocks" as low as 60 days for cities and states to conduct all necessary inspections and authorize proposals, and drastically limit non-fee requirements that cities and states may impose.

While H.R. 530 would not preclude future FCC or congressional preemption of cities on wireless infrastructure, it would halt the FCC's restrictive preemption order, which ignored the input of hundreds of local governments. The bill also complements ongoing efforts to overturn the FCC order in federal courts, and the investigation by congressional leaders into alleged attempts by the FCC to thwart that litigation.

The FCC allowed the telecommunications industry to write these regulations without sufficient input from local leaders. This has led to regulations that restrict cities from requiring carriers to meet the needs of communities in which they want to operate. The FCC's order unnecessarily complicates existing agreements and negotiations between cities and wireless providers by imposing a one-size-fits-all preemption of existing state and local policies. The FCC's limits on fees for use of publicly owned property by private companies is an extreme overreach by the federal government, forcing cities to subsidize development at the cost of other critical local services.

The following leaders in Congress have signed on as co-sponsors:

[Rep. Speier, Jackie \[D-CA-14\]\\*](#)  
[Rep. Bonamici, Suzanne \[D-OR-1\]](#)  
[Rep. McGovern, James P. \[D-MA-2\]](#)  
[Rep. Swalwell, Eric \[D-CA-15\]](#)  
[Rep. Suozzi, Thomas R. \[D-NY-3\]](#)  
[Rep. Grijalva, Raul M. \[D-AZ-3\]](#)  
[Rep. Blumenauer, Earl \[D-OR-3\]](#)  
[Rep. DeSaulnier, Mark \[D-CA-11\]](#)

ENVIRONMENTAL SUSTAINABILITY

Unknown

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Letter to Barbara Lee

2. [Text of H.R. 530](#)



The Honorable Barbara Lee  
United States House of Representatives  
2470 Rayburn House  
Office Building  
Washington, DC 20515

Dear Representative Lee:

On behalf of the City of Berkeley we are writing to express our support of H.R. 530, the *Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019*, and urge you to co-sponsor this bill. H.R. 530 repeals recent harmful FCC regulations limiting the ability of local governments to regulate the deployment of 5G wireless infrastructure.

Last year, the FCC adopted regulations limiting the authority of cities and states to regulate small cell sites (e.g., attachments to street light and utility poles) needed for the deployment of 5G. The FCC's regulations sharply limit the type and amount of fees cities and states may charge for profit-generating use of public property, set "shot clocks" as low as 60 days for cities and states to conduct all necessary inspections and authorize proposals, and drastically limit non-fee requirements cities and states may institute. The regulations began taking effect on January 14, 2019.

The FCC allowed the telecommunications industry to write these regulations without sufficient input from local leaders. This has led to regulations that restrict cities from requiring carriers to meet the needs of communities in which they want to operate. The FCC's order unnecessarily complicates existing agreements and negotiations between cities and wireless providers by imposing a one-size-fits-all preemption of existing state and local policies. The FCC's limits on fees for use of publicly owned property by private companies is an extreme overreach by the federal government, forcing cities to subsidize development at the cost of other critical local services.

We all want to ensure efficient, safe, and appropriate deployment of new broadband technology. However, this sweeping regulation is not the best approach. The City of Berkeley urges you to support and co-sponsor H.R. 530, and to work together with local governments to find the best solution for effective 5G deployment that meets the diverse needs of our nation's many unique communities.

Sincerely,

The Berkeley City Council

CC: Sam Caygill, East Bay Division, League of California Cities, [scaygill@cacities.org](mailto:scaygill@cacities.org)  
League of California Cities ([cityletters@cacities.org](mailto:cityletters@cacities.org))

# H. R. 530

To provide that certain actions by the Federal Communications Commission shall have no force or effect.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2019

Ms. ESHOO (for herself and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide that certain actions by the Federal Communications Commission shall have no force or effect.

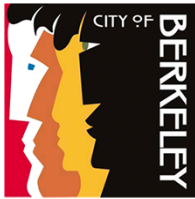
*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Accelerating Broadband Development by Empowering Local Communities Act of 2019”.

### **SEC. 2. PRESERVATION OF RIGHTS OF STATE AND LOCAL GOVERNMENTS.**

Actions by the Federal Communications Commission in “Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” (83 Fed. Reg. 51867) and the Federal Communications Commission’s Declaratory Ruling in “Third Report and Order and Declaratory Ruling” (FCC 18–111) shall have no force or effect.



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Rigel Robinson and Cheryl Davila  
 Subject: Camp Kesem Berkeley's Annual Fundraising Gala: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$150 per Councilmember including \$150 from Councilmember Robinson, to Camp Kesem Berkeley for their Annual Fundraising Gala to fund summer camp for children whose parents have cancer, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Robinson and any other Councilmembers who would like to contribute.

BACKGROUND

Camp Kesem Berkeley is an organization that provides free summer camps to support children who have been impacted by a parent's cancer. This camp is staffed by highly trained college students who want to give back to their community and give a safe space for children going through similar experiences. Whether they have lost a parent to cancer or have a parent undergoing cancer treatment, Camp Kesem gives these children a community of support through this hardship. In order to give these children a wonderful camp experience at no cost to the families Camp Kesem will be holding an Annual Fundraising Gala this spring on March 16th at the California Memorial Stadium. Councilmembers support would help fund this camp service and support Bay Area families that suffer from cancer.

FINANCIAL IMPLICATIONS

No General Fund impact; \$150 is available from Councilmember Robinson's Office Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

No Impact

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Resolution for Council Expenditures

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

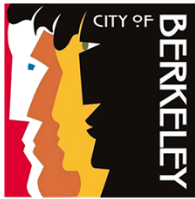
AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Rigel Robinson has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax exempt corporation, Camp Kesem Berkeley, seeks funds in the amount of \$150, through their event Camp Kesem Berkeley - Make the Magic FY 2019, to support bay area children through and beyond their parent's cancer; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Camp Kesem organizes and funds summer camp proگرامing providing the highest level of support and service for Bay Area children through their parent's cancer at no cost to the families

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$150 per office shall be granted to Camp Kesem Berkeley, through their event Camp Kesem Berkeley - Make the Magic FY 2019, to support Camp Kesem and their programs for Bay Area Children.



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson  
 Subject: Use of Gender Neutral Language in City Documents

RECOMMENDATION

Refer to the City Manager to:

1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other).
2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular “they,” and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.

BACKGROUND

In recent years, broadening societal awareness of transgender and gender-nonconforming identities has brought to light the importance of non-binary gender inclusivity. Therefore, it is both timely and necessary to make the environment of City Hall and the language of city legislation consistent with the principles of inclusion.

In a commendable first step, as of February 2019, the City has extended the option to all employees to receive a name badge with preferred pronouns printed alongside professional category.

In continuing this trend, City staff should develop a timeline and financial plan for implementing an optional field for personal pronouns on forms that are used by the public or new employees. In all instances where such a form currently requires selection of “Female,” “Male,” or “Decline to State,” this designation should be eliminated and replaced with “She/Her,” “He/Him,” “They/Them,” or “Other \_\_\_\_\_”. Forms used by the public or new employees which do not currently have a form for indicating gender should be assessed to determine whether such a field should be added.

The five current Sections of the Berkeley Municipal Code regarding the interpretation of gendered pronouns are inconsistently worded, and three are constructed with an

exclusionary interpretation of gender as binary. Suggested amendments to correct Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 are attached.

Additionally, all instances of personal pronouns throughout the Berkeley Municipal Code should be changed to the neutral gender. Staff should develop a proposal to achieve these changes which limits cost and additional use of staff time. For the Charter and those parts of the Code requiring ballot measures to amend, future revisions placed before the voters of Berkeley for other reasons should also include amendments to adopt the neutral gender.

FINANCIAL IMPLICATIONS

Cost dependent on staff recommendation.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Mars Svec-Burdick, (510) 981-7170

Attachments:

- 1: Ordinance
- 2: Merriam-Webster Definition of "they,"



ORDINANCE NO. -N.S.

AMENDING THE BERKELEY MUNICIPAL CODE TO ADOPT GENDER INCLUSIVE LANGUAGE

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

Section 1. That Berkeley Municipal Code Section 1.04.020 is amended to read as follows:

**Section 1.04.020** Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City of Berkeley:

- A. Gender. The ~~masculine~~ gender neutral pronoun includes the feminine and ~~masculine~~neuter genders, ~~and the neuter gender includes the masculine and feminine.~~
- B. Pronoun Singularity~~Singular and plural.~~ "They/them" shall indicate a singular individual, unless the context indicates the contrary. In most cases, tThe singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

Section 2. That Berkeley Municipal Code Section 4.36.110 is amended to read as follows:

**Section 4.36.110** Gender.

"Gender." Whenever a personal pronoun is used in the neutral masculine gender, it shall be deemed to include the feminine and masculine also.; "They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 3. That Berkeley Municipal Code is amended to read as follows:

**Section 4.38.110** Gender.

"Gender." Whenever a personal pronoun is used in the neutral masculine gender, it shall be deemed to include the feminine and masculine also.

"They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 4. That Berkeley Municipal Code is amended to read as follows:

**Section 4.39.110** Gender.

"Gender." Whenever a personal pronoun is used in the neutral masculine gender, it shall be deemed to include the feminine and masculine also. "They/them"; shall indicate a singular individual, unless the context indicates the contrary.

Section 5. That Berkeley Municipal Code is amended to read as follows:

**Section 11.08.050** Construction of genders.

The neutral masculine gender includes the feminine and masculine; ~~the feminine, the masculine and neuter; the neuter, the masculine and feminine.~~ "They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 6. 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.

## Merriam-Webster Definition of They

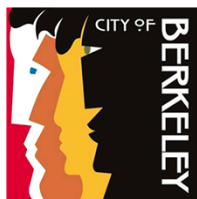
they pronoun, plural in construction

\ 'thā \

Definition of they (Entry 1 of 2)

1.
  - a. those ones —used as third person pronoun serving as the plural of he, she, or it or referring to a group of two or more individuals not all of the same sex
    - i. they dance well
  - b. HE entry 1 sense 2 —often used with an **indefinite third person singular antecedent**
    - i. everyone knew where **they** stood — E. L. Doctorow
    - ii. nobody has to go to school if **they** don't want to — N. Y. Times
2.
  - a. PEOPLE sense 2 —used in a generic sense
    - i. as lazy as they come





CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 March 12, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Rigel Robinson and Cheryl Davila  
 Subject: Affirming the City of Berkeley's Support for the People of Tibet

RECOMMENDATION

Adopt a resolution affirming support to the people of Tibet. Copies of the resolution are to be sent to the President of the United States, elected federal representatives, the Governor of California, and the United Nations High Commissioner for Human Rights in Geneva, Switzerland, and His Holiness the Dalai Lama, Dharamsala, India.

BACKGROUND

The City of Berkeley has a diverse population including many Tibetan Americans. A large part of this population is concerned about human rights and freedom in the United States and around the world. Tibetan Americans, including those residing in the City of Berkeley, have expressed concern at the Chinese Government's (1) travel restrictions against Tibetans and United States citizens; (2) restrictive regulations on religious affairs in Tibet; (3) censorship of Buddhist literature and information in Tibet; (4) demolition of Tibetan Buddhist sites; (5) imprisonment of Tibetan prisoners of conscience; and (6) declarations that "Decision-making power over the reincarnation of the Dalai Lama and over the end of survival of his lineage resides with the central government of China"

On March 10, 2019, Californians, including Tibetan Americans, residing in Berkeley and surrounding regions will gather to commemorate the 60th anniversary of the Tibetan National Uprising against the Chinese invasion and occupation of Tibet.

The United States has a long history of support to the Tibetan people, including the passage of the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107-228; 22 U.S.C. 6901 note), signed into law on September 30, 2002, which encapsulates policy and programmatic initiatives and supports the aspirations of the Tibetan people to safeguard their distinct identity.

The City of Berkeley was pleased to welcome His Holiness the Dalai Lama, a true champion of world peace and religious harmony, when he visited the Tibetan Community Center in February 2014.

This resolution would establish March 10th, 2019 as "Tibet Day" in Berkeley, acknowledging the struggles and hardships for Tibetan residents of the City of Berkeley.

[Title of Report]

CONSENT CALENDAR  
March 12, 2019

It would also recognize and support current and historic Congressional initiatives on Tibet.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

None

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Resolution

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

AFFIRMING THE CITY OF BERKELEY'S SUPPORT FOR THE PEOPLE OF TIBET

WHEREAS, On March 10, 2019, Californians, including Tibetan Americans, residing in Berkeley and surrounding regions will gather to commemorate the 60th anniversary of the Tibetan National Uprising against Chinese invasion and occupation of Tibet; and

WHEREAS, the City of Berkeley has a diverse population, including many Tibetan Americans, who are concerned about human rights and freedom in the United States and throughout the world; and

WHEREAS, the United States has a long history of support to the Tibetan people, including the passage of the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107-228; 22 U.S.C. 6901 note), signed into law on September 30, 2002, which encapsulates policy and programmatic initiatives and supports the aspirations of the Tibetan people to safeguard their distinct identity; and

WHEREAS, on October 17, 2007, His Holiness the 14th Dalai Lama was awarded the Congressional Gold Medal in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding; and

WHEREAS, the City of Berkeley was pleased to welcome His Holiness the Dalai Lama, a true champion of world peace and religious harmony, when he visited the Tibetan Community Center in February 2014; and

WHEREAS, The State Department's 2017 Country Reports on Human Rights Practices said of the situation in Tibet: "The most significant human rights issues included: disappearances; torture by government authorities; arbitrary detentions, including political prisoners; and government curtailment of the freedoms of speech, religion, association, assembly, and movement"; and

WHEREAS, Tibetan Americans, including those residing in Berkeley City, have been expressing concern at the Chinese Government's:

- (1) travel restrictions against Tibetans and United States citizens;
- (2) restrictive regulations on religious affairs in Tibet;
- (3) censorship of Buddhist literature and information in Tibet;
- (4) demolition of Tibetan Buddhist sites;
- (5) imprisonment of Tibetan prisoners of conscience; and
- (6) declarations that "Decision-making power over the reincarnation of the Dalai Lama and over the end of survival of his lineage resides with the central government of China"; and

WHEREAS, Tibetan Americans residing in California have been facing discriminations at the hands of Chinese consulates while applying for visas to visit Tibet; and

WHEREAS, the Reciprocal Access to Tibet Act (passed by Congress) signed into law by on December 19, 2018 highlights China's attempts to isolate Tibet and seeks to promote access for United States diplomats and other officials, journalists, and other citizens, including Tibetan Americans, to Tibet; and

WHEREAS, since 2009, 155 Tibetans have self-immolated to protest against China's rule in Tibet and most Tibetans publicly call for the return of the Dalai Lama to Tibet;

WHEREAS, the city of Berkeley has a long history of support for Tibet and the Tibetan people; and

WHEREAS, The Berkeley City Council affirms the determination of the Tibetan people in Tibet and outside, including the Tibetan Americans, to retain their heritage and protect it from destruction against overwhelming odds through non-violent and peaceful means.

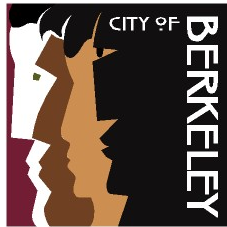
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that March 10, 2019, the 60th anniversary of the Tibetan national uprising, shall be officially recognized as "Tibet Day" and the Tibetan flag shall be raised at the City Hall.

BE IT FURTHER RESOLVED that the Berkeley City Council supports the initiatives on Tibet in the United States Congress.

BE IT FURTHER RESOLVED, that the City of Berkeley stands in solidarity with His Holiness the Dalai Lama, the Tibetan people and their just, peaceful and non-violent movement to remind the world of the occupation and ongoing suppression of human rights and freedom in Tibet and the continuous degradation of culture, religion, land and identity of the Tibetan people by China.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, elected federal representatives, the Governor of California, and the United Nations High Commissioner for Human Rights in Geneva, Switzerland, and His Holiness the Dalai Lama, Dharamsala, India.





Office of the City Manager

## REVISED AGENDA MATERIAL

**Meeting Date:** February 19, 2019

**Item Number:** 14

**Item Description:** Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)

**Supplemental/Revision Submitted By:** Timothy Burroughs, Director, Planning and Development Department

The attached version of the proposed Ordinance has been revised to fully comply with State mandates, to better articulate definitions of terms for consistency, and to reflect additional input received since the item was continued from Council's Jan. 29 meeting.

DENSITY BONUS ORDINANCE - SUPPLEMENTAL

ORDINANCE NO. -N.S.

RESCINDING SUB-SECTION 23C.12.050 OF THE BERKELEY MUNICIPAL CODE AND ADDING CHAPTER 23C.14 TO THE BERKELEY MUNICIPAL CODE

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

Section 1. That Sub-Section 23C.12.050 is hereby rescinded.

Section 2. That Chapter 23C.14 is hereby added to read as follows:

Chapter 23C.14 Density Bonus

|            |                                           |
|------------|-------------------------------------------|
| 23C.14.010 | Purpose                                   |
| 23C.14.020 | Definitions                               |
| 23C.14.030 | Application Requirements                  |
| 23C.14.040 | Density Bonus Calculations and Procedures |
| 23C.14.050 | Incentives and Concessions                |
| 23C.14.060 | Waivers and Reductions                    |
| 23C.14.070 | Qualifying Units                          |
| 23C.14.080 | Special Provisions                        |
| 23C.14.090 | Regulatory Agreements                     |

23C.14.010 Purpose

The purpose of this Chapter is to establish procedures and local standards for the implementation of California Government Code Section 65915, 65916, and 65917 consistent with local zoning regulations and development standards, and to provide special provisions consistent with the intent of State and local law.

23C.14.020 Definitions

Whenever the following terms are used in this Chapter, they have the meaning established by this Section. Other capitalized terms have the meaning set forth in Berkeley Municipal Code Chapter 23A.08 and/or Chapter 23F.04, or in California Government Code Section 65915, 65916, and 65917, as applicable.

- A. "Administrative Regulations" means guidelines and procedures promulgated by the Planning Director that may be modified from time to time to effectively implement this ordinance.
- B. "Base Project" means the maximum allowable residential density (lots, number and type-size of residential units, floor area ratio, or number of beds or bedrooms, as determined by City or State law or regulation) on a housing development site

## DENSITY BONUS ORDINANCE - SUPPLEMENTAL

1 pursuant to the applicable zoning district or, where no density standard is provided,  
2 as set forth in the Administrative Regulations before applying the density bonus.

3  
4 C. "Density Bonus ~~Units~~" means those lots, residential units, floor area, rental beds or  
5 bedrooms added to the Base Project pursuant to the provisions of Section 65915  
6 and this Chapter.

7  
8 D. "Eligible Housing Development" has the meaning set forth in Section 65917.2.

9  
10 E. "Floor Area Ratio" has the meaning set forth in Section 65917.2.

11  
12 ~~D.F.~~ "Housing Development" has the meaning set forth in Section 65915(i).

13  
14 ~~E.G.~~ "Incentive and Concession" means an incentive or a concession as the terms are  
15 used in Section 65915 and in particular as defined in Section 65915(k) thereof.

16  
17 ~~F.H.~~ "Qualifying Unit" means a unit that is provided at a below market-rate rent or  
18 sales price as set forth in Section 65915 in order to receive a Density Bonus and/or  
19 Waivers and Reductions and/or Incentives and Concessions.

20  
21 ~~G. "Section 65915" means California Government Code Section 65915, as it may be~~  
22 ~~amended from time to time.~~

23  
24 ~~H.I.~~ "Waiver and Reduction" means a waiver or a reduction as the terms are used in  
25 Section 65915 and in particular in Section 65915(e) thereof, and means any and all  
26 changes to or exemptions from physical lot development standards that are required  
27 to avoid precluding the construction of a Housing Development with Density Bonus  
28 Units, as set forth in Section 65915(e).

### 29 30 **23C.14.030 Application Requirements**

31  
32 In addition to any other information required by this Title, an application for a Density  
33 Bonus must include the following information:

34  
35 A. How the proposed project will satisfy the eligibility requirements of Section 65915 or  
36 65917.2.

37  
38 B. For those districts without density standards, a density bonus schematic as set forth  
39 in the ~~administrative~~ Administrative regulations ~~Regulations~~;

40  
41 C. The ~~proposed size of the requested~~ Density Bonus pursuant to Section 23C.14.040.

42  
43 D. Any Waivers and Reductions that are sought under Section 65915(e) that would be  
44 required to accommodate the Housing Development including the Density Bonus  
45 Units.

46

## DENSITY BONUS ORDINANCE - SUPPLEMENTAL

- 1 E. Any Incentives and Concessions that are sought under Section 65915(d)  
 2 accompanied by documentation of resulting cost reductions to provide for affordable  
 3 housing costs.  
 4
- 5 F. Any requested additional bonus units under Section 65915(n).  
 6
- 7 G. Any requested parking reductions under Section 65915(p).  
 8
- 9 H. ~~An~~ Whether the applicant ~~may elects in writing~~ to receive a Density Bonus  
 10 that is less than that mandated by Section 65915, including a Density  
 11 Bonus of 0 (zero). In such cases, the applicant ~~will retain~~s their entitlement  
 12 to Incentives and Concessions.  
 13
- 14 I. Documentation of how project complies with regulations regarding  
 15 replacement units as described in Section 65915(c)(3).  
 16

**23C.14.040 Density Bonus Calculations and Procedures**

- 17
- 18
- 19 A. Density Bonuses must be calculated as set forth in Section 65915,  
 20 65917.2, and pursuant to the Administrative Regulations.  
 21
- 22 B. Density Bonus requests must accompany Housing Development permit  
 23 applications and will be decided upon by the highest governing body  
 24 concurrent with the underlying Permit for the project.  
 25

**23C.14.050 Incentives and Concessions**

- 26
- 27
- 28 A. For purposes of this Chapter, the number of Incentives and Concessions are  
 29 counted as follows:  
 30
- 31 1. Any Incentive and Concession that would otherwise require discretionary  
 32 approval by the Zoning Officer or Zoning Adjustments Board of any single  
 33 dimensional lot development standard, such as height or setbacks, or any single  
 34 quantitative lot development standard, such as parking or open space, counts as  
 35 one.  
 36
- 37 2. A proposed Incentive and Concession that would involve exceedance of a single  
 38 physical lot development standard counts as one even if that exceedance would  
 39 otherwise require more than one Permit (e.g., extra height may require Permits  
 40 for height, FAR floor area ratio, and/or number of stories but would count as one  
 41 Incentive and Concession for height).  
 42
- 43 3. Where it is ambiguous as to whether a proposed Incentive and Concession  
 44 involves one or more dimensional or quantitative lot development standards, the  
 45 stricter interpretation shall apply, as determined by the Zoning Officer, and  
 46 Zoning Adjustments Board, or the City Council, as the case may be.

## DENSITY BONUS ORDINANCE - SUPPLEMENTAL

- 1  
2 B. In determining whether it can make the finding set forth in Section 65915(d)(1)  
3 related to the necessity for, efficacy of, and adverse effects of a requested Incentive  
4 and Concession, the City will base its determination and any finding on a  
5 comparison of the project including the Density Bonus and requested Incentives and  
6 Concessions to the Base Project.  
7  
8 C. The City is not required to deny a proposed Incentive and Concession solely  
9 because it is able to make a finding under Section 65915(d)(1). The City bears the  
10 burden of proof for the denial of a requested Incentive and Concession, and may not  
11 require the applicant to prepare a pro forma.  
12  
13 D. Unless denied under Section 65915, Incentives and Concessions will be exempt  
14 from discretionary review or Permits under this Title, other than design review, and  
15 do not modify the CEQA review status of a project.  
16  
17 ~~E. Incentives and Concessions must be justified based on the financial needs of the~~  
18 ~~project, including reduced costs and increased revenue, to provide for the affordable~~  
19 ~~housing costs of the qualifying units and for the project overall.~~  
20

**23C.14.060 Waivers and Reductions**

- 21  
22  
23 A. An applicant may submit to the City a proposal for Waivers and Reductions of  
24 development standards that physically preclude construction of a development  
25 Housing Development project and Density Bonus Units meeting the criteria of  
26 Section 65915(b).  
27  
28 ~~B. The applicant may request, and the City shall hold, a meeting to discuss Waivers~~  
29 ~~and Reductions.~~  
30  
31 B. The City may negotiate changes to the requested Waivers and Reductions as part of  
32 the Use Permit and Design Review process, in coordination with the applicant, in  
33 order to address aspects of the project that may be of concern in the community or  
34 inconsistent with overarching principles of the General Plan, Zoning Ordinance and  
35 Design Guidelines.  
36  
37 C. The City may deny Waivers and Reductions if a Waiver or Reduction would have  
38 adverse impacts and/or there is no mitigation for such impacts, as described in  
39 Section 65915(e)(1).  
40

**23C.14.070 Qualifying Units**

41  
42  
43 Upon completion of project construction, Qualifying Units must be ~~reasonably dispersed~~  
44 ~~throughout the Housing Development, be~~ of the same size and contain, on average, the  
45 same number of bedrooms as the non-Qualifying Units in the project, and must be  
46 comparable to the non-Qualifying Units in terms of design, use, appearance, materials

DENSITY BONUS ORDINANCE - SUPPLEMENTAL

1 and finish quality. ~~In determining whether dispersal of Qualifying Units is reasonable,~~  
2 ~~the decision-making body may consider special benefits provided by, as well as special~~  
3 ~~constraints on, the project.~~

4  
5 **23C.14.080 Special Provisions**

6  
7 In addition to requirements set forth in Section 65915 and this Chapter, the following  
8 Special Provisions apply to Density Bonuses in the City of Berkeley.

9  
10 A. [RESERVED]

11  
12 ~~B. In addition to other required findings, Special Provisions may be awarded only when~~  
13 ~~the City finds that the Density Bonus project complies with the purposes of the~~  
14 ~~district in which the project is located.~~

15  
16 **23C.14.090 Regulatory Agreements**

17  
18 Prior to issuance of a Certificate of Occupancy for a Housing Development that has  
19 received a Density Bonus, the applicant must enter into a regulatory agreement in a  
20 form provided by the City that implements Section 65915 and this Chapter.

21  
22  
23  
24  
25 Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the  
26 display case located near the walkway in front of Council Chambers, 2134 Martin Luther  
27 King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each  
28 branch of the Berkeley Public Library and the title shall be published in a newspaper of  
29 general circulation.

30  
31  
32



Office of the City Manager

PUBLIC HEARING

March 12, 2019

(Continued from February 19, 2019)

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Timothy Burroughs, Director, Planning and Development Department  
Subject: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt the first reading of Zoning Ordinance amendments that repeal obsolete Density Bonus regulations (Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus chapter (Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Density Bonus ordinance is currently embedded in the Inclusionary Housing Requirements chapter of the Zoning Ordinance (Chapter 23C.12). That ordinance (Section 23C.12.050: State of California Density Bonus Requirements) was most recently amended in 2005 and needs updating because it references obsolete State regulations and includes requirements that are no longer in effect. The proposed amendments (see *Attachment 1*) create a stand-alone Density Bonus chapter in the Zoning Ordinance that accurately reflects and complies with State law.<sup>1</sup>

The proposed amendments comprise the first part of Planning Commission's response to six Density Bonus-related City Council referrals. Some of these referrals specifically mention modifications to Density Bonus, whereas others suggest modifying Berkeley's development standards. The common thread that ties the referrals together is clarity around density standards or increased residential densities in return for community benefits most often valued as affordable housing (see *Attachment 2*). The Planning Commission and its Subcommittee on Affordable Housing reviewed the six referrals and

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<sup>1</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV)

developed a multi-phase approach to address referrals through an updated Density Bonus ordinance:

- 1) Bring the Zoning Ordinance into compliance with State Density Bonus requirements and document existing practices;
- 2) Develop a local density incentive program that would result in affordable housing production in excess of what is provided by State Density Bonus; and
- 3) Analyze and recommend modifications to Berkeley’s density standards.

The proposed Zoning Ordinance amendment included with this report, if adopted, will complete Phase 1. This step is necessary to set a new framework within which Phase 2 and Phase 3 policies can be implemented.

**BACKGROUND**

State Density Bonus provides incentives for developers to include affordable housing units within market-rate projects by granting increased density, and relief through concessions related to financial feasibility of the proposed project and waivers to development standards.

Density bonuses of up to 35% of the base project are mandated by the State and are based on the percentage of affordable units provided at various income levels<sup>2</sup>. See below for a summary of the relationship between income levels for the inclusionary units, the percentage of affordable units provided, and the density bonus awarded.

| Summary of Density Bonus Awards |                                                        |                                   |
|---------------------------------|--------------------------------------------------------|-----------------------------------|
| Household Income Level          | Percentage of Affordable Units in Base Project (range) | Density Bonus (market rate units) |
| Very Low Income                 | 5%                                                     | 20%                               |
| Very Low Income                 | 11%                                                    | 35%                               |
| Low Income                      | 10%                                                    | 20%                               |
| Low Income                      | 20%                                                    | 35%                               |
| Moderate Income                 | 10%                                                    | 5%                                |
| Moderate Income                 | 40%                                                    | 35%                               |

To illustrate how this works, a 100-unit base project with 11 very low income units would receive a 35-percent density bonus, resulting in 135 units (11 affordable and 124 market rate). If that same 100-unit base project included 10 moderate income units, it would only receive a 5-percent density bonus, resulting in 105 units (10 affordable and 95 market rate). This structure balances the public and private outcomes based on the

<sup>2</sup> Very Low Income is defined as 30-50% of Area Median Income, Low Income is defined as 50-80% Area Median Income, and Moderate Income is defined as 80-120% Area Median Income.



assumed value and cost of the affordable units, targeted income levels, and remaining market rate units.

All cities and counties are required to adopt an ordinance specifying how they will comply with State Density Bonus regulations.

On December 6, 2017, and February 7, 2018, the Planning Commission's Subcommittee on Affordable Housing (the Subcommittee) reviewed the City's Density Bonus zoning language and related referrals. Due to the complexity of State Density Bonus regulations and the scope of the six referrals, the Subcommittee suggested a three-phased approach to accomplish this work. This multi-stage approach is currently underway. Below is a summary of the work that has been accomplished to date and on-going research that will inform next steps:

- Phase 1: Develop Zoning Ordinance Amendments and Administrative Regulations

Staff prepared Zoning Ordinance language to support Phase 1 for Planning Commission consideration on February 21, 2018. Planning Commission discussed these changes, then conducted a Public Hearing on March 21, 2018 on Zoning Ordinance amendments related to Phase 1 of Density Bonus. Along with Zoning Ordinance amendments, staff revised Administrative Regulations (see *Attachment 3*) to document the process by which the Planning Department evaluates density bonus projects. Administrative Regulations are intentionally written in simple terms and provide a step-by-step procedure for staff to follow, maintaining consistency between projects and amongst staff. Administrative Regulations also allow the Planning Department to remain nimble in its workflow as State Density Bonus law continues to change.

- Phases 2 & 3: Conduct Research to Guide Local Enhancements to Density Bonus

In April 2018, the Joint Subcommittee for the Implementation of State Housing Law (JSISHL) inherited the work of the Planning Commission's Subcommittee on Affordable Housing. JSISHL considered modifications to Berkeley's Density Bonus program at its May and July meetings. During the July meeting, a number of questions were posed that either related to on-going projects or prompted new research. These efforts are described below. As information is collected and analyzed, staff will share results with JSISHL and Planning Commission. Phases 2 and 3 are expected to be completed in 2019.

### **Analysis of State Laws**

In October 2017, the California legislature passed and the Governor signed a package of 15 housing bills, all of which went into effect on or before January 1, 2018. These laws addressed a variety of issues related to California's housing crisis, such as the timing of land use approvals, limits on local discretionary authority over housing projects, requirements and reporting deadlines for Regional Housing Needs Allocation (RHNA) and housing element reports, and new funding measures. Staff

presented an analysis of these laws to JSISHL on May 17, 2018 (see *Attachment 4*). This analysis included a discussion of Density Bonus.

One year later, the Governor signed into law 16 new housing laws that went into effect on January 1, 2019. Four of these bills amend State Density Bonus law (e.g. allow use of floor area ratio (FAR) and student housing projects in Density Bonus) and relate directly to Berkeley's Density Bonus efforts. This package of housing legislation is intended to further the effectiveness of the bills introduced in 2017 and increase affordable housing production in the state. The Planning Department has developed a matrix of 2017 and 2018 State housing legislation (see *Attachment 5*) to track newly adopted regulations and determine steps necessary to comply with changing State law.

Separately, in an effort to understand the challenges of administering State Density Bonus in the context of Berkeley's zoning regulations, the Planning Department has been analyzing proposed, entitled and completed Density Bonus projects applications. This effort includes review of best practices from neighboring and similar cities, and conversation with staff and developers to better understand how Density Bonus is being administered and its outcome in Berkeley.

### **Analysis of Development Standards**

Parallel to the work mentioned above, the Planning Department is analyzing existing development standards in order to address the referrals presented in *Attachment 2*. Described below are four separate yet related projects that aim to better understand existing conditions and inform development of Density Bonus policies in Phase 2 and Phase 3.

Student Housing in the Southside – Staff is researching a number of questions in order to respond to ideas presented in the *More Student Housing Now Resolution* (see *Attachment 6*) and in Southside-focused referrals. The overarching theme of this work focuses on mechanisms that allow for increased density to accommodate new and affordable student housing. Research ranges from a capacity analysis to better understand built conditions in the Southside to interviews with property-owners to gauge interest in development incentives that could be implemented in Phase 2.

Density Standards in Commercial Corridors – The City of Berkeley has not established parcel-based density standards for higher density residential districts (R-3 and above) or for commercial/mixed-use zoning districts. Density Bonus projects rely on zoning development standards and basic Building Code considerations to define a “base project” from which bonus calculations are derived. The Planning Department is currently working with a consultant to assess Density Bonus project outcomes along Berkeley's commercial corridors, where most high-density residential projects are locating. These results will be compared to best practices from other cities and will guide development of potential new density standards in Phase 3.

GIS Analysis of Development Standards – In order to evaluate referrals that request additional density and/or modifications to development standards, the Planning Department is collaborating with Berkeley’s Information Technology Department to use available technology and data to visualize existing development conditions. This same methodology will be used to evaluate future scenarios that reflect findings from concurrent research projects mentioned in this report. This effort will inform Phases 2 and 3.

Adeline Corridor Plan – During the Adeline Corridor planning process the community has voiced their desire for community benefits, including affordable housing for displaced residents and communities of color, in return for development in the Adeline Corridor. Although not directly related to the referrals presented in *Attachment 2*, the work informing the community benefit structure and/or zoning regulations can be used to guide city-wide proposals related to Phases 2 and 3.

### **Analysis of Development Fees**

In order to understand the City’s ability to incentivize affordable housing development, the Planning Department has hired a consultant to analyze fees imposed on Berkeley development projects and assess development feasibility under a variety of fee scenarios. The results of this study will be used in Phase 2 to help develop policies that encourage construction of affordable housing above and beyond the parameters of State Density Bonus.

### ENVIRONMENTAL SUSTAINABILITY

Density Bonus is a State mandated planning and permitting tool that brings flexibility into the zoning process by providing developer incentives in exchange for affordable housing. Development projects that include affordable units encourage social interactions of diverse residents thereby building a connected, resilient community. Density Bonus projects also address Berkeley’s Climate Action Plan goal to increase compact development patterns throughout the City.

### RATIONALE FOR RECOMMENDATION

Zoning Ordinance amendments in this report codify existing practice, respond to changes in State law, and provide a framework for future local programs and policies.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7400  
Steven Buckley, Land Use Planning Manager, Land Use Planning Division, 510-981-7411

Alene Pearson, Principal Planner, Land Use Planning Division, 510-981-7489

Attachments:

- 1: Ordinance
- 2: Council Referrals
- 3: Administrative Regulations
- 4: May 17, 2018 JSISHL Staff Report on 2017 Housing Package
- 5: Matrix of 2018 & 2019 Housing Regulations
- 6: *More Student Housing Now* City Council Resolution
- 7: Public Hearing Notice

ORDINANCE NO. -N.S.

RESCINDING SECTION 23C.12.050 OF THE BERKELEY MUNICIPAL CODE AND ADDING CHAPTER 23C.14 TO THE BERKELEY MUNICIPAL CODE REGARDING DENSITY BONUS

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

Section 1. That Section 23C.12.050 of the Berkeley Municipal Code is hereby rescinded.

Section 2. That Chapter 23C.14 is hereby added to the Berkeley Municipal Code to read as follows:

**Chapter 23C.14 Density Bonus**

|                   |                                                  |
|-------------------|--------------------------------------------------|
| <b>23C.14.010</b> | <b>Purpose</b>                                   |
| <b>23C.14.020</b> | <b>Definitions</b>                               |
| <b>23C.14.030</b> | <b>Application Requirements</b>                  |
| <b>23C.14.040</b> | <b>Density Bonus Calculations and Procedures</b> |
| <b>23C.14.050</b> | <b>Incentives and Concessions</b>                |
| <b>23C.14.060</b> | <b>Waivers and Reductions</b>                    |
| <b>23C.14.070</b> | <b>Qualifying Units</b>                          |
| <b>23C.14.080</b> | <b>Special Provisions</b>                        |
| <b>23C.14.090</b> | <b>Regulatory Agreements</b>                     |

**23C.14.010 Purpose**

The purpose of this Chapter is to establish procedures and local standards for the implementation of California Government Code Section 65915 consistent with local zoning regulations and development standards, and to provide special provisions consistent with the intent of State and local law.

**23C.14.020 Definitions**

Whenever the following terms are used in this Chapter, they have the meaning established by this Section. Other capitalized terms have the meaning set forth in Berkeley Municipal Code Chapter 23A.08 and/or Chapter 23F.04, or in California Government Code Section 65915, as applicable.

- A. "Administrative Regulations" means guidelines and procedures promulgated by the Planning Director that may be modified from time to time to effectively implement this ordinance.
- B. "Base Project" means the maximum allowable residential density (number and type of units) on a housing development site pursuant to the applicable zoning district or,

where no density standard is provided, as set forth in the Administrative Regulations before applying the density bonus.

- C. "Density Bonus Units" means those residential units added to the Base Project pursuant to the provisions of Section 65915 and this Chapter.
- D. "Housing Development" has the meaning set forth in Section 65915.
- E. "Incentive and Concession" means an incentive or a concession as the terms are used in Section 65915 and in particular as defined in Section 65915(k) thereof.
- F. "Qualifying Unit" means a unit that is provided at a below market-rate rent or sales price as set forth in Section 65915 in order to receive a Density Bonus and/or Waivers and Reductions and/or Incentives and Concessions.
- G. "Section 65915" means California Government Code Section 65915, as it may be amended from time to time.
- H. "Waiver and Reduction" means a waiver or a reduction as the terms are used in Section 65915 and in particular in Section 65915(e) thereof, and means any and all changes to or exemptions from physical lot development standards that are required to avoid precluding the construction of a Housing Development with Density Bonus Units, as set forth in Section 65915(e).

### **23C.14.030 Application Requirements**

In addition to any other information required by this Title, an application for a Density Bonus must include the following information:

- A. How the proposed project will satisfy the eligibility requirements of Section 65915.
- B. For those districts without density standards, a density bonus schematic as set forth in the administrative regulations;
- C. The proposed size of the Density Bonus pursuant to Section 23C.14.040.
- D. Any Waivers and Reductions that are sought under Section 65915(e) that would be required to accommodate the Housing Development including the Density Bonus Units.
- E. Any Incentives and Concessions that are sought under Section 65915(d) accompanied by documentation of resulting cost reductions to provide for affordable housing costs.
- F. Any requested additional bonus units under Section 65915(n).

- G. Any requested parking reductions under Section 65915(p).
- H. An applicant may elect in writing to receive a Density Bonus that is less than that mandated by Section 65915, including a Density Bonus of 0 (zero). In such cases, the applicant will retain their entitlement to Incentives and Concessions.
- I. Documentation of how project complies with regulations regarding replacement units as described in Section 65915(c)(3).

**23C.14.040 Density Bonus Calculations and Procedures**

- A. Density Bonuses must be calculated as set forth in Section 65915 and pursuant to the Administrative Regulations.
- B. Density Bonus requests must accompany Housing Development applications and will be decided upon by the highest governing body.

**23C.14.050 Incentives and Concessions**

- A. For purposes of this Chapter, the number of Incentives and Concessions are counted as follows:
  - 1. Any Incentive and Concession that would otherwise require discretionary approval by the Zoning Officer or Zoning Adjustments Board of any single dimensional lot development standard, such as height or setbacks, or any single quantitative lot development standard, such as parking or open space, counts as one.
  - 2. A proposed Incentive and Concession that would involve exceedance of a single physical lot development standard counts as one even if that exceedance would otherwise require more than one Permit (e.g., extra height may require Permits for height, FAR, and/or number of stories but would count as one Incentive and Concession for height).
  - 3. Where it is ambiguous as to whether a proposed Incentive and Concession involves one or more dimensional or quantitative lot development standards, the stricter interpretation shall apply, as determined by the Zoning Officer.
- B. In determining whether it can make the finding set forth in Section 65915(d)(1), the City will base its determination and any finding on a comparison of the project including the Density Bonus and requested Incentives and Concessions to the Base Project.
- C. The City is not required to deny a proposed Incentive and Concession solely because it is able to make a finding under Section 65915(d)(1).

- D. Unless denied under Section 65915, Incentives and Concessions will be exempt from discretionary review or Permits under this Title, other than design review.
- E. Incentives and Concessions must be justified based on the financial needs of the project, including reduced costs and increased revenue, to provide for the affordable housing costs of the qualifying units and for the project overall.

**23C.14.060 Waivers and Reductions**

- A. An applicant may submit to the City a proposal for Waivers and Reductions of development standards that physically preclude construction of a development project meeting the criteria of Section 65915(b).
- B. The applicant may request, and the City shall hold, a meeting to discuss Waivers and Reductions.
- C. The City may deny Waivers and Reductions if a Waiver or Reduction would have adverse impacts and/or no mitigation for such impacts, as described in Section 65915(e)(1).

**23C.14.070 Qualifying Units**

Qualifying Units must be reasonably dispersed throughout the Housing Development, be of the same size and contain, on average, the same number of bedrooms as the non-Qualifying Units in the project, and must be comparable to the non-Qualifying Units in terms of design, use, appearance, materials and finish quality. In determining whether dispersal of Qualifying Units is reasonable, the decision-making body may consider special benefits provided by, as well as special constraints on, the project.

**23C.14.080 Special Provisions**

In addition to requirements set forth in Section 65915 and this Chapter, the following Special Provisions apply to Density Bonuses in the City of Berkeley.

- A. [RESERVED]
- B. In addition to other required findings, Special Provisions may be awarded only when the City finds that the Density Bonus project complies with the purposes of the district in which the project is located.

**23C.14.090 Regulatory Agreements**

Prior to issuance of a Certificate of Occupancy for a Housing Development that has received a Density Bonus, the applicant must enter into a regulatory agreement in a form provided by the City that implements Section 65915 and this Chapter.



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 Old Berkeley City Hall, 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.



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
 2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
 PHONE 510-981-7170, FAX 510-981-7177, EMAIL  
 kworthington@ci.berkeley.ca.us

### ACTION CALENDAR

July 12, 2016

*(Continued from May 24, 2016)*

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Kriss Worthington

Subject: Allow Increased Development Potential in the Telegraph Commercial (C-T) District Between Dwight Avenue and Bancroft Avenue and Refer to the City Manager to Develop Community Benefit Requirements, with a Focus on Labor Practices and Affordable Housing

### RECOMMENDATION

That the Council immediately amend the Berkeley Zoning Ordinance to allow increased development potential in the Telegraph Commercial (C-T) District between Dwight Avenue and Bancroft Avenue and refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing.

### BACKGROUND

The City Council sent a referral to the Planning Commission on June 30, 2015, regarding the conflict between the 5.0 FAR adopted by the Council for the C-T District and the other development regulations in the district.

On April 20, 2016, the Planning Commission considered modifying the development standards and community benefits. The Planning Commission voted to recommend the following to the Berkeley City Council:

- a) That the staff proposed Zoning Ordinance development standards for buildings adjacent to Bancroft Way be applied to the entirety of the C-T District north of Dwight Way; and
- b) That the Council develop community benefit requirements, with a focus on labor practices and affordable housing, before implementation of the proposed Zoning Ordinance language.

### FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

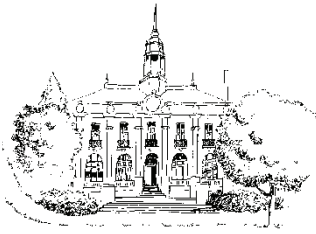
Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington      510-981-7170

Attachment:

1. April 20, 2016 Planning Commission Staff Report on "Changes to the Zoning Ordinance to Allow Development Potential Increases in the Telegraph Avenue Commercial (C-T) District"



Kriss Worthington  
 Councilmember, City of Berkeley, District 7  
 2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
 PHONE 510-981-7170, FAX 510-981-7177, EMAIL  
 kworthington@ci.berkeley.ca.us

CONSENT CALENDAR

May 30, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmembers Kriss Worthington and Ben Bartlett, and Mayor Arreguin

Subject: Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals

RECOMMENDATION

That the Berkeley City Council refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.

BACKGROUND

Under current state law, new development projects that get a density bonus, allowing up to 35 percent more density, are required to build inclusionary housing. Inclusionary housing is typically defined as below-market rate housing for people who earn 50 percent or 80 percent of the Area Median Income (AMI).

While it's great that developers are including some affordable housing in their market-rate projects, affordable housing for the homeless and extremely low-income who don't qualify for inclusionary units can be provided if developers instead paid fees into the Housing Trust Fund. This can be achieved through the use of a City Density Bonus for the Telegraph Avenue Commercial District, an area where many residents have expressed support for housing the homeless and the extremely low-income.

The City bonus fee would be equal to the in-lieu affordable housing mitigation fee, currently set at \$34,000 per unit. Fees paid into the fund could be leveraged with other Federal, State and Regional affordable housing sources, resulting in significantly more affordable housing built through the Housing Trust Fund than currently available. The City has important policy proposals to assist the homeless and extremely low-income residents that urgently need funding.

The pilot program of a City Density Bonus in the Telegraph Avenue Commercial District could go a long way toward easing Berkeley's critical housing shortage by increasing incentives for developers to add more housing and give the city greater ability to deliver affordable housing.

FISCAL IMPACTS

This proposal will generate millions in new revenue to the Housing Trust Fund.

ENVIRONMENTAL IMPACTS

The proposed change is consistent with City Climate Action Plan goals supporting increased residential density. Additionally, new residential construction is subject to more stringent green building and energy efficiency standards and will help reduce per capita greenhouse gas emissions.

CONTACT PERSON

Councilmember Kriss Worthington 510-981-7170

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING**

**Tuesday, July 11, 2017**

**6:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 6:03 p.m.

**Present:** Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington, Arreguin

**Absent:** Harrison

Councilmember Harrison present 6:14 p.m.

**Ceremonial Matters:**

- 1. Recognition of UN Association of California, Alpha Kappa Alpha, and Alpha Nu Omega

**City Auditor Comments:**

- 1. Recognition of Public Works for completing the Equipment Fund Audit

**City Manager Comments:**

- 1. Launch of Berkeley Bike Share Program on July 11, 2017

**Public Comment on Non-Agenda Matters:** 3 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 1 speakers.

**Consent Calendar**

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

**Vote:** All Ayes.

## Action Calendar – Old Business

29. **Housing Accountability Act** *(Continued from June 13, 2017. Item includes supplemental materials.)*

**From: City Manager**

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** 5 speakers. M/S/C (Arreguin/Davila) to refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
2. Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
3. Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
4. Quantify and set objective zooming standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings.

**Vote (Paragraphs 1-3):** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – Bartlett, Droste.

**Vote (Paragraph 4):** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Arreguin; Noes – Bartlett, Droste, Worthington.

Recess: 9:10 p.m. – 9:27 p.m.

30. **Amend BMC Sections 3.78.030, 040, and 050 Related to Commission Procedures** *(Continued from June 13, 2017)*

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

**Recommendation:** Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley Municipal Code that clarifies aspects of the management of City of Berkeley commissions and the removal and appointment of commissioners.

**Financial Implications:** See report

Contact: Wing Wong, Commission Secretary, 981-5400

**Action:** Moved to Consent Calendar. No action taken by the City Council on this item.

**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
 2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
 PHONE 510-981-7170, FAX 510-981-7177,  
 EMAIL [kworthington@ci.berkeley.ca.us](mailto:kworthington@ci.berkeley.ca.us)

CONSENT CALENDAR  
 10/31/2017

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Kriss Worthington and Kate Harrison, and Mayor Arreguin  
 Subject: City Manager and Planning Commission Referral: Facilitate primarily Student Housing by a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton

RECOMMENDATION: Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust the Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.

BACKGROUND:

In the last few years, students have become increasingly active in proposing ways to increase student housing. Housing is urgently needed in close proximity to the UC Berkeley campus as rents increase and the University population steadily rises. Students, recent graduates, employees of the University, and local businesses contribute to the local economy, create jobs for the local community, and greatly enrich the community through their presence. Implementing this action would provide a place to live for many individuals who would otherwise have to reside far from campus. Oftentimes, the quest to find living spaces is emotionally taxing for students and can decrease academic performance or leave students without affordable and safe places to live.

Increasing density in the area surrounding campus proves better for the environment, better for campus area businesses, and better for students. By reducing commute times, students will opt to walk or bike to class, reducing congestion on the road. A shorter commute will also increase student safety and allow students to participate in extracurricular activities that may run into the evening because students will not have to worry about how they will get home. An enhanced sense of safety in the surrounding region is beneficial for all in the community. Finally, higher density benefits campus area businesses because it brings them more customers, which supports the local economy. Previous efforts to increase south-side campus housing improved project viability specifically for the very small area of the C-T zoned blocks. Unfortunately, even blocks on Bancroft directly across from the University still have excessive restrictions.

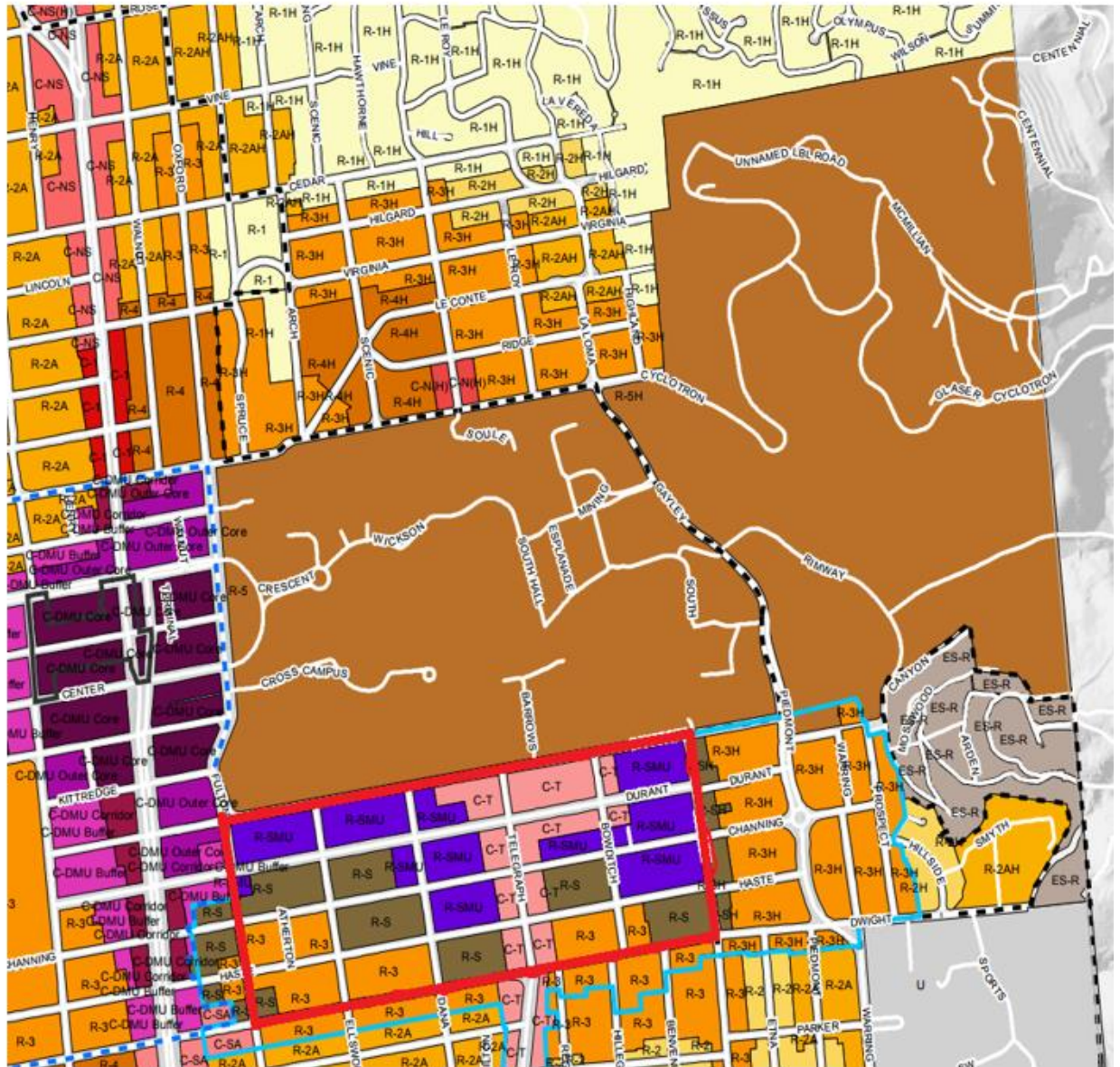
FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY: Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON: Councilmember Kriss Worthington      510-981-7170



Attachment:



|  |       |                                  |
|--|-------|----------------------------------|
|  | R-3   | Multiple-family Residential      |
|  | R-S   | Residential High Density Subarea |
|  | R-SMU | Residential Mixed Use Subarea    |
|  | C-T   | Telegraph Avenue Commercial      |

Proposed Area: South-North Boundary ---- Dwight to Bancroft  
 East-West Boundary ---- College to Fulton 10007

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, November 28, 2017  
6:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

### **Preliminary Matters**

**Roll Call:** 6:04 p.m.

**Present:** Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin

**Absent:** Maio, Wengraf

### **Ceremonial Matters:**

1. Recognition of Tom Kelly
2. Recognition of Berkeley Humane
3. Recognition of Berkeley Fire Department/Berkeley Police Department Responders to North Bay Fires

### **City Auditor Comments:**

1. The Auditor highlighted the importance of funding the reserves in light of pension liabilities and possible economic slowdowns. The Auditor also provided an update on the Measure GG audit report.

### **City Manager Comments:**

1. Planning Department Open House – 12/6 from 3:00 - 6:00 p.m. at 1947 Center Street
2. Grove Park Reopening – 12/2 at 11:00 a.m. – 1:00 p.m.
3. Live Oak Holiday Tots Carnival – 12/2 at 10:00 a.m. – 2:30 p.m. at Live Oak Recreation Center
4. Winter on the Waterfront – 12/9 at 1:00 p.m. – 6:30 p.m. at the Berkeley Yacht Club

**Public Comment on Non-Agenda Matters:** 8 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 4 speakers.

## Action Calendar – Old Business

### 22. Implementation Plan for Affordable Housing Action Plan Referrals *(Continued from November 14, 2017. Item contains revised materials.)*

**From: City Manager**

**Recommendation:** Adopt the attached interdepartmental implementation plan for Affordable Housing Action Plan referrals.

**Financial Implications:** None

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400, and Timothy Burroughs, Planning and Development, 981-7400

**Action:** On the severed portion to include density standards.

**Vote:** Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Arreguin; Noes – Droste; Abstain – None; Absent – Maio, Wengraf.

**Action:** On the severed portion regarding the California Construction Cost Index.

**Vote:** Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Arreguin; Noes – None; Abstain – Droste; Absent – Maio, Wengraf.

**Action:** 3 speakers. M/S/C (Arreguin/Davila) to Approve the following priority order for Affordable Housing Action Plan referrals, and adopt the interdepartmental implementation plan as revised:

#### High Priority

1. Develop a Small Sites Program to assist non-profits in acquiring multi-unit properties of 25 units or less. Consider giving priority to the creation of limited and non-equity cooperatives affiliated with a democratic community land trust. Consider master leasing as a mechanism for managing distinct, smaller properties.
2. Develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act (TOPA) that offers existing tenants in multi-unit properties of three units or more the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider.
3. **A) Draft an ordinance creating a pilot Density Bonus policy for the Telegraph Commercial District to grant additional density for projects in the Telegraph area which pay Affordable Housing Fees in lieu of units on-site. B) Study the creation of a new City Density Bonus plan to allow developers of multi-family housing to add up to 15% more density in exchange for fees only.**
4. Examine and eliminate barriers to developing student housing and senior housing.
5. **Create specific per acre density standards, including standards for projects that include density bonus units.**
6. Develop enforcement tools for Short-Term Rental Ordinance and Section 8 Non-Discrimination Ordinance (BMC Chapter 13.31, "Discrimination based on source of income prohibited"). Request that the City Manager direct staff to draft a fine schedule for violations of the short-term rental ordinance for multi-unit properties with multiple units used as STRs that are out of compliance with the host ordinance, including fines for when non-owner/tenant occupied dwelling units are made available for short-term rentals (from June 9, 2015 STR referral).
7. Refer to the City Manager and Planning Commission, and/or Housing Advisory Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within 1/2 mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction, and other forms of displacement as defined by Council.

## Action Calendar – Old Business

8. Increase commercial linkage fee by California Construction Cost Index CCCI.
9. Identify Parcels of City owned land appropriate for siting assisted-living modular micro-unit buildings; take affirmative steps to speed the permitting and approvals process; obtain zoning approval and a building permit and approvals process for the creation of below market housing; identify a housing non-profit to be responsible for managing and operating the building; and establish criteria for selecting individuals and determining eligibility.
10. Utilize list of city properties developed by city staff and further examine opportunities for placing affordable housing on these sites.
11. Investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and other school district employees. The investigation should include research into what other California jurisdictions (such as San Francisco, Oakland, Santa Clara, and San Mateo County) are considering as part of their pursuit of School District workforce housing.
12. a) Streamline the Affordable Housing Permitting process for Projects with majority of Affordable Housing (50% affordable units or more, Worthington referral 1/19/16); b) Remove Structural barriers to Affordable Housing (Green Affordable Housing Package Policy #2, Droste); c) waive or reduce permit fees for affordable housing projects (Hahn), including previously adopted streamlining measures from 2017.
13. Examine and eliminate barriers to building and renting Accessory Dwelling Units.
14. Develop Measure U1 Priorities and Implementation Criteria. Include consideration of ability to leverage funds and placing a measure on the November 2018 ballot to allow possible bonding against revenues.
15. Establish a City maintained online resource that would provide a brief overview of the history and purpose of Below Market Rate (BMR) units, a current list of all buildings that contain BMR units and the characteristics of the units, the percent of median income qualification levels for the units, the HUD published income guidelines for percentage of median and family size, the property owner, rental agent, and/or management company contact information, and other relevant information that would be helpful to potential renters of BMR units. The City shall update the information as more units become available, and quarterly, to ensure that information is current.

### Medium Priority

16. Impose fees when multifamily properties are destroyed due to fault of property owner (Demolition ordinance, RHSP, Relocation fees, fines).
17. Green Affordable Housing Package policy #1: Prioritize housing over parking in new developments. Reduce parking in R-4.
18. Amend Zoning code to allow housing and other non-commercial uses on the ground floor.
19. To encourage landlords to accept Section 8 and Shelter + Care vouchers study a program that is intended to encourage rehabilitation of substandard units that could be leased to recipients of Section 8 and Shelter + Care vouchers. Possible assistance that the City could provide including: creating a list of qualified, efficient, and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code.
20. Collaborate with Berkeley Housing Authority Board to invest capital funds from sale of the public housing for more affordable housing (Longer term referral).
21. To encourage landlords to accept Section 8 and Shelter + Care vouchers: identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords.
22. Establish Office of Anti-Displacement, and hire Anti-Displacement Advocate (non-city funded position).

## Action Calendar – Old Business

23. Provide housing counseling and legal services for Berkeley's low-income, elderly or disabled distressed homeowners.

**Vote:** Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio, Wengraf.

## Action Calendar – New Business

### 23. FY 2017 Year-End Results and FY 2018 First Quarter Budget Update

**From:** City Manager

**Recommendation:** 1. Adopt a Resolution allocating the General Fund excess equity as follows: \$1,930,415 to the General Fund Stability Reserve, \$1,579,430 to the General Fund Catastrophic Reserve and incorporate additional allocations as amended by subsequent Council action. 2. Discuss and determine funding allocations based on the Mayor's June 27, 2017, revised amendments to the FY 2018 & FY 2019 Biennial Budget and as amended by subsequent Council action.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** 3 speakers. M/S/C (Worthington/Arreguin) to continue the item to December 5, 2017 and include the allocations from Mayor Arreguin in Supplemental Reports Packet #2 including a new resolution for the allocation to Dorothy Day House.

**Vote:** Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio, Wengraf.

### 24a. Recommendation for Audit and Legal Review of Measure GG Expenditures with Attention to Allocation of Measure GG Funds for Fire Department Overtime

**From:** Disaster and Fire Safety Commission

**Recommendation:** We recommend that City Council request from the City Auditor an audit of Measure GG expenditures specifically regarding the allocation of Measure GG funds for Fire Department overtime pay. We additionally suggest a legal review by the City Attorney to determine if the decreasing budget for Fire Department overtime in the General Fund and the coordinated increase of Measure GG funds allocated to overtime pay is in compliance with Measure GG and State and Federal laws, and to provide corrective guidance if it is not.

**Financial Implications:** See report

Contact: Keith May, Commission Secretary, 981-3473

|                          | Bill (Sponsor)                          | Focus Area           | Title                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Action Required by COB                                                                       | Next Steps                                                                                                                           |
|--------------------------|-----------------------------------------|----------------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 2017 Housing Legislation | SB 35 (Wiener)                          | Streamline           | Streamline Approval Process                    | Creates a streamlined approval process for developments in localities that have not yet met their housing targets, provided that the development is on an infill site and complies with existing residential and mixed use zoning. Participating developments must provide at least 10 percent of units for lower-income families. All projects over 10 units must be prevailing wage and larger projects must provide skilled and trained labor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Yes                                                                                          | Review SB35 applications as they are submitted.                                                                                      |
|                          | AB 73 (Chiu)                            | Overlay              | Streamline and Incentivize Housing Production  | Provides state financial incentives to cities and counties that create a zoning overlay district with streamlined zoning. Development projects must use prevailing wage and include a minimum amount of affordable housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Optional                                                                                     | If COB wants to create overlay zone, identify resources.                                                                             |
|                          | SB 540 (Roth)                           | Specific Plan        | Workforce Housing Opportunity Zones            | Authorizes the state to provide planning funds to a city or county to adopt a specific housing development plan that minimizes project level environmental review. Requires at least 50 percent of total housing units within that plan to be affordable to persons or families at or below moderate income, with at least 10 percent of total units affordable for lower income households. Developments projects must use prevailing wage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Optional                                                                                     | If COB wants to create a WHOZ, identify resources.                                                                                   |
|                          | AB 1515 (Daly)                          | Approvals            | Reasonable Person Standard                     | States that a housing development conforms with local land use requirements if there is substantial evidence that would allow a reasonable person to reach that conclusion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                                                                          | Review and update development standards.                                                                                             |
|                          | AB 1397 (Low)                           | Zoning               | Adequate Housing Element Sites                 | Requires cities to zone more appropriately for their share of regional housing needs and in certain circumstances require by-right development on identified sites. Requires stronger justification when non-vacant sites are used to meet housing needs, particularly for lower income housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                                                                                          | Review zoning during 2023 Housing Element updates                                                                                    |
|                          | SB 166 (Skinner)                        | Housing Element      | No Net Loss                                    | Requires a city or county to identify additional low-income housing sites in their housing element when market- rate housing is developed on a site currently identified for low-income housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                                                                                          | Review zoning during 2023 Housing Element updates                                                                                    |
|                          | AB 879 (Grayson)                        | Housing Element      | Updates to Housing Element law                 | Make various updates to housing element and annual report requirements to provide data on local implementation including number of project application and approvals, processing times, and approval processes. Charter cities would no longer be exempt from housing reporting. Requires HCD to deliver a report to the Legislature on how local fees impact the cost of housing development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes                                                                                          | Provide data to HCD as required. Waiting on updated guidelines from HCD.                                                             |
|                          | SB 2 (Atkins)                           | Funding              | Building Jobs and Homes Act                    | Imposes a fee on recording of real estate documents excluding sales for the purposes of funding affordable housing. Provides that first year proceeds will be split evenly between local planning grants and HCD's programs that address homelessness. Thereafter, 70 percent of the proceeds will be allocated to local governments in either an over-the-counter or competitive process. Fifteen percent will be allocated to HCD, ten percent to assist the development of farmworker housing and five percent to administer a program to incentivize the permitting of affordable housing. Fifteen percent will be allocated to CalHFA to assist mixed-income multifamily developments.                                                                                                                                                                                                                                                                                                                                         | Yes                                                                                          | Provide documentation to HCD in order to receive funding. Waiting on guidance from HCD.                                              |
|                          | SB 3 (Beall)                            | Funding              | Veterans and Affordable Housing Bond Act       | Places a \$4 billion general obligation bond on the November 2018 general election ballot. Allocates \$3 billion in bond proceeds among programs that assist affordable multifamily developments, housing for farmworkers, transit-oriented development, infrastructure for infill development, and homeownership. Also funds matching grants for Local Housing Trust Funds and homeownership programs. Provides \$1 billion in bond proceeds to CalVet for home and farm purchase assistance for veterans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | No                                                                                           |                                                                                                                                      |
|                          | AB 1505 (Bloom)                         | Inclusionary Housing | Inclusionary Ordinances                        | Authorizes the legislative body of a city or county to require a certain amount of low-income housing on-site or off-site as a condition of the development of residential rental units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Completed                                                                                    | COB has an Inclusionary Ordinance.                                                                                                   |
|                          | AB 1521 (Bloom)                         | Subsidized Housing   | Preserve the Existing Affordable Housing Stock | Requires the seller of a subsidized housing development to accept a bona-fide offer to purchase from a qualified purchaser, if specified requirements are met. Gives HCD additional tracking and enforcement responsibilities to ensure compliance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                                                                          | Discuss next steps with HHCS.                                                                                                        |
|                          | AB 571 (Garcia)                         | Tax Credits          | Low Income Housing Credits for Farmworkers     | Makes modifications to the state's farmworker housing tax credit to increase use. Authorizes HCD to advance funds to operators of migrant housing centers at the beginning of each season to allow them to get up and running. Extends the period of time that migrant housing centers may be occupied to 275 days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | No                                                                                           |                                                                                                                                      |
|                          | AB 2923 (Chiu and Grayson)              | BART zoning          | Development on BART-Owned Land                 | Gives BART the authority to rezone any BART-owned land within a half-mile of a BART station to set the lowest permissible limit for height, density and floor area ratio and the highest permissible parking minimums and maximums. Local jurisdictions must then adopt conforming zoning amendments within two years after BART adopts standards for a district. Qualifying projects may apply for streamlined, ministerial processing as specified in SB 35 – without having to otherwise qualify separately for ministerial processing under SB 35. Developers may also secure vested rights to develop in accordance with the newly adopted standards after entering into an exclusive negotiating agreement to develop an eligible project. Among the qualifying criteria, developers must make at least 20 percent of housing units affordable to very low-income and low-income households, with additional affordable requirements for projects that would displace housing or take place within the district's boundaries. | Not required, but COB will be actively engaged these efforts.                                | Collaboration with community, BART, City Council, HAC and PC on visioning and zoning of North Berkeley BART and Ashby BART stations. |
|                          | AB 2753 (Friedman)                      | Density Bonus        | State Density Bonus Process Reforms            | Expedites the processing of density bonus applications pursuant to the State Density Bonus Law. Amendments now require local governments to provide determinations to developers regarding the amount of density bonus for which a development is eligible, all reductions in parking requirements for which the applicant is eligible and whether the applicant has provided adequate information for the local government to make a determination regarding any requested incentives, concessions, waivers or reductions in required parking. The law further requires such determinations to be based on the development project at the time the application is deemed complete, and provides that the local government shall adjust the amount of density bonus and required parking based on any changes during the course of the development processing.                                                                                                                                                                      | Yes                                                                                          | Review and determine necessary modifications to policies and/or procedures.                                                          |
|                          | AB 2372 (Gloria)                        | Density Bonus        | State Density Bonus Law Floor Area Ratio Bonus | Authorizes cities or counties to grant a developer of an eligible housing development under the State Density Bonus Law a floor area ratio bonus in lieu of a bonus on the basis of dwelling units per acre. The floor area bonus is calculated based on a formula prescribed in the new statute (i.e., allowable residential base density x (site area in square feet / 43,500) x 2,250). An eligible housing development under the law is a multifamily housing development that provides at least 20 percent affordable units, is located within a transit priority area or a half-mile from a major transit stop, meets requirements for the replacement of existing units and complies with height requirements applicable to the underlying zone. The law also prohibits cities and counties from imposing parking requirements in excess of specified ratios and allows an applicant for an eligible development to calculate impact fees based on square feet and not per unit.                                             | Not required, but COB will be considering modifications to Berkeley's Density Bonus Program. | Review and determine Zoning Ordinance amendments needed to implement                                                                 |
|                          | SB 1227 (Sen. Nancy Skinner)            | Density Bonus        | Density Bonus for Student Housing              | Extends the State Density Bonus Law to apply to student housing. It allows student housing projects where at least 20 percent of the units are affordable for lower income students to receive a 35 percent density bonus. The law also provides that the development must provide priority to students experiencing homelessness. The density bonus under the law will be calculated based on the number of beds instead of units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                                                                          | Review and determine Zoning Ordinance amendments needed to implement                                                                 |
|                          | AB 2797 (Assembly Member Richard Bloom) | Density Bonus        | State Density Bonus Law and the Coastal Act    | Reconciling the State Density Bonus Law and the Coastal Act requires the State Density Bonus Law to be harmonized with the California Coastal Act so that both statutes can be given effect within the coastal zone to increase affordable housing in the coastal zone while protecting coastal resources and access. This law supersedes the Second District Court of Appeal's opinion in <i>Kalnel Gardens, LLC v. City of Los Angeles</i> (2016) 3 Cal.App.5th 927, 944 holding that the State Density Bonus Law is subordinate to the Coastal Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | No action required by COB.                                                                   |                                                                                                                                      |

2018 Housing Legislation

|                                       |                    |                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                            |                                                                                                              |
|---------------------------------------|--------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------|
| AB 3194<br>(Assembly Member Tom Daly) | HAA                | Housing Accountability Act Amendments                                      | Strengthens the Housing Accountability Act (HAA). First, if the zoning for a project site is inconsistent with the general plan, a proposed housing development project cannot be considered "inconsistent" with a jurisdiction's zoning standards and cannot be required to seek a rezoning, as long as the project complies with the jurisdiction's objective general plan standards. Second, local agencies must now apply zoning standards and criteria to facilitate and accommodate development at the density allowed on the site by the general plan. Third, the Legislature declared its intent that a "specific, adverse impact on the public health and safety" – the only permissible basis on which a local government can reject or reduce the size of a project that complies with objective standards—will "arise infrequently."                                                                                                                                               | Yes                        | COB staff will review HAA to ensure modifications are understood and accurately communicated to applicants.  |
| SB 765 (Sen. Scott Wiener)            | SB 35              | SB 35 Amendments                                                           | Makes a series of "cleanup" revisions to SB 35 including 1) explicitly stating that the California Environmental Quality Act (CEQA) does not apply to the agency's determination of whether an application for a development is subject to the streamlined ministerial approval process and 2) stating that "it is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply."                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes                        | COB staff will review SB35 to ensure modifications are understood and accurately communicated to applicants. |
| AB 2263<br>(Friedman)                 | Parking            | Parking Reductions for Historic Reuse Projects                             | Authorizes parking reductions for a development project in which a designated historical resource is being converted or adapted. For projects converting or adapting a designated historical resource to a residential use that is located within a half-mile of a major transit stop, an agency shall not require the project to provide parking spaces greater than the number of parking spaces that existed on the project site at the time the project application was submitted. For a project converting or adapting a designated historical resource to a nonresidential use, a local agency shall provide a 25 percent reduction in the amount of parking spaces that would otherwise be required.                                                                                                                                                                                                                                                                                    | Yes                        | Review historic re-use projects as they are submitted for compliance with State law.                         |
| AB 2162 (Chiu and Daly)               | Supportive Housing | Supportive Housing Use "By Right"                                          | Requires supportive housing to be considered a use "by right" in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified criteria. Supportive housing is housing linked to an onsite or offsite service that assists the resident in retaining the housing, improving his or her health status and ability to live and work in the community. Qualifying criteria relates to affordability, long-term deed restrictions, nonresidential floor use providing supportive services and other design requirements. The law requires a local government to approve, within specified periods, supportive housing developments that comply with these requirements. The law prohibits the local government from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within a half-mile of a public transit stop. | Yes                        | Review Zoning Ordinance for required updates.                                                                |
| AB 829 (Chiu)                         | State Funding      | Prohibitions on Local Government Requirements for State Funding Assistance | Prohibits local governments from requiring a developer of obtain a letter of acknowledgment or similar document prior to applying for state assistance for a housing development. The law defines state assistance as any state funds, a state tax credit or a federal tax credit administered by the state. The legislative analysis for the bill explained that in at least one case in the state, city council members have delayed projects for supportive housing requiring financial assistance by conditioning a project to receive official sign-off from the local elected official in order to receive funding. This law ends that practice for all jurisdictions.                                                                                                                                                                                                                                                                                                                   | Yes                        | Review requirements for projects requesting state funding assistance to ensure compliance with State law.    |
| SB 828 (Wiener) and AB 1771 (Bloom)   | RHNA               | RHNA Process Amendments                                                    | Makes changes to the RHNA process to use more data to more accurately and fairly reflect job growth and housing needs, with an emphasis on fair housing goals. New amendments revise the data that the COG must provide to HCD as part of the RHNA process. That data must now include new information regarding overcrowding rates, vacancy rates and cost-burdened housing (among other new data points). This law adds more opportunities for public comment and HCD adjustments to the council of governments' methodology for selecting RHNA targets, as well an ability for local governments to appeal RHNA targets. Additionally, the law prohibits a council of governments from using prior underproduction of housing, or stable population numbers, as justification for a determination or reduction in a local government's share of the RHNA.                                                                                                                                   | No action required by COB. | COG and State will make modifications and share next steps with local municipalities as necessary.           |
| AB 686<br>(Santiago)                  | Fair Housing       | Affirmatively Further Fair Housing                                         | Requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing and not take any action that is inconsistent with this obligation. "Affirmatively furthering fair housing" means, among other things, "taking meaningful actions ... that overcome patterns of segregation and foster inclusive communities" and "address significant disparities in housing needs and in access to opportunity." Additionally, an assessment of fair housing practices must now be included in upcoming housing elements.                                                                                                                                                                                                                                                                                                                                                                                  | Yes                        | Review and assess Fair Housing Practices during 2023 Housing Element updates                                 |
| SB 1333<br>(Wieckowski)               | General Plan       | Planning Requirements for Charter Cities                                   | Makes charter cities subject to a number of planning laws that previously only applied to general law cities. These include laws related to general plan amendment processing, accessory dwelling unit permitting and the preparation of housing elements. Notably, the new law now requires a charter city's zoning ordinances to be consistent with its adopted general plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes                        | Ensure Zoning Ordinance is consistent with General Plan.                                                     |
| AB 1919 (Wood)                        | Disaster Planning  | Anti-"Price Gouging" During Emergencies                                    | Expands the existing crime of price gouging to include new rentals that were not on the market at the time of the emergency within the types of goods and services that are price-controlled in the immediate aftermath of an emergency. The law also makes other related reforms to limit rent increases and evictions following an emergency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes                        | Check with Rent Control Board on next steps.                                                                 |
| AB 2913 (Wood)                        | Building Permits   | Extending the Duration of Building Permits                                 | extends the duration of a building permit from six months (180 days) to 12 months, as long as construction has started and has not been abandoned. The law also provides that a permit is subject to the building standards in effect on the date of original issuance, and if the permit does expire, the developer may obtain approval from the local building official for one or more six-month extensions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes                        | Update BMC to reflect building permit time lines.                                                            |

## STAFF REPORT

DATE: May 17, 2018

TO: Joint Subcommittee on the Implementation of State Housing Law

FROM: Steve Buckley, Land Use Planning Manager  
Alene Pearson, Associate Planner

SUBJECT: State Housing Laws in the Berkeley Context

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### INTRODUCTION

The Legislature passed and the Governor signed a package of 15 housing bills last fall, all of which went into effect on or before January 1, 2018. These laws address a range of issues related to California's housing crisis, ranging from the timing of land use approvals to limits on local discretionary authority over housing projects to requirements and reporting deadlines for Regional Housing Needs Allocation (RHNA) and housing element reports to new funding measures. This report briefly summarizes the bills that relate to JSISHL's goals and explains the bills in the context of Berkeley's current practices and City Council's priorities. In the Discussion section, JSISHL will identify a focus area and future work based on the information presented in this memo and attachments.

### BACKGROUND

Bills from the 2017 Housing Package that relate to the work of JSISHL fall into four categories:

- Amendments to the Housing Accountability Act (HAA)
- Streamlining Approvals
- Inclusionary Housing Laws
- Enforcement Bills

Bills are explained below with commentary on their relevance to the City of Berkeley<sup>1</sup> and their relation to City Council Referrals and Housing Action Plan Items (See *Attachment 1: Referral Matrix* and *Attachment 2: Referral Table*). Some of the bills (e.g. SB 167, AB 678, AB 1515, SB 35, AB 494, and SB 229) obligate the city to specific actions and require

<sup>1</sup> Bills included in 2017 Housing Package are complex. This report was authored by City of Berkeley Land Use Planning staff and is intended to provide JSISHL with a cursory overview of the laws. It is intended for JSISHL discussion purposes only.



adjustments to current practices. Other bills provide new processes and mechanisms that Berkeley can employ to achieve State and local goal towards housing development.

### AMENDMENTS TO THE HOUSING ACCOUNTABILITY ACT (HAA)

#### **SB 167 / AB 678 / AB 1515 (Amendments to the Housing Accountability Act)**

jointly amend the Housing Accountability Act (HAA) to provide protections for housing development projects. Protections prohibit municipalities from denying a project or reducing its density if proposed project, regardless of affordability, adheres to General Plan and Zoning Ordinance “objective standards” and has no adverse impacts on public health and safety. For affordable projects, jurisdictions would have to make additional findings to deny a project or lower project density.

Berkeley Context: The HAA was passed to hold jurisdictions accountable for lack of housing construction. Jurisdictions -- although not in control of many factors that affect housing construction and developers choice – do control zoning approvals. It is in this context that Berkeley will need to review existing practices to stay in compliance with the HAA. Specifically:

*Applicability*: The HAA applies broadly to all residential development projects including mixed-use projects where 2/3 of the square footage is set aside for residential use. The HAA also applies to transitional and supportive housing, including emergency shelters.

*Objective Standards*: The HAA references “objective standards” without providing a definition of this term. See SB 35 under STREAMLINING BILLS for discussion of defining “objective standards” in the Berkeley context.

*Consistency*: The HAA changes the standards for determining whether or not a project confirms to local regulations. The HAA mandates that a project shall be deemed consistent with applicable standards if substantial evidence allows a reasonable person to conclude the project is consistent with local regulations. In addition, receipt of Density Bonus is not a basis for finding a housing project inconsistent with applicable development standards.

*Findings*: Currently, findings made to deny a housing project are supported by substantial evidence. The new legislation mandates that findings made to deny a housing project be supported by a preponderance of evidence. This is a less deferential standard of review and will make it difficult for staff to deny projects. It will also make it difficult for project opponents to challenge an approved project.

*Response Times*: The HAA requires jurisdictions to notify housing project applicants of compliance/non-compliance within 30-days (for projects with 150 or fewer units) or 60-days (for projects with more than 150 units). If a jurisdiction misses this deadline, the proposed project will default to an approval.

*Financial Repercussions:* Courts can issue a court order to approve a project if they rule that a jurisdiction's findings are not supported by a preponderance evidence. If the jurisdiction does not comply the court order, the jurisdiction can be fined \$10,000 per unit. Furthermore, if the court finds that the jurisdiction acted in bad faith in making these findings, the fine *must* be multiplied by 5.

*Overall:* The overall effect of these amendments to the HAA depends to some extent upon the definition of objective standards. Once this is established, the Planning Department will need to take extreme care to review and consider evidence, make findings through the lens of a reasonable person – as opposed to a technical expert – and to pay close attention to HAA response times. Depending upon the volume of applications, the City may need to identify resources to have staff available to address project workload.

*Relation to Council Referrals:* The following referrals are focused on establishing density standards and /or development standards and overlap with the HAA's importance of jurisdictions having clear objective standards:

- Revise General Plan and Zoning Ordinance to add written standards regarding 1) density by parcel; 2) health and safety detriments; 3) design review; and 4) view and shadow impacts. (Arreguin: July 11, 2017)
- Create specific per acre density standards, including standards for projects that include density bonus units. (Housing Action Plan Item 5)

## STREAMLINING BILLS

**SB 35 (Streamlined Approval for Housing Projects)** allows a developer to request streamlined approval of eligible multi-family housing projects in a city that has 1) failed to issue enough building permits to meet its share of RHNA by income category or 2) has not submitted its Housing Element Annual Progress Report to the State for two consecutive years. Projects that are eligible to receive streamlining through SB 35 are granted ministerial approval without CEQA review or public input. See *Attachment 3* for SB 35 Eligibility Criteria List.

### Berkeley Context:

One of the first projects to request streamlining through SB 35 is located in the City of Berkeley. As Berkeley planners work through this application, the law is being tested. The specifics of the application will not be discussed with JSISHL; however, the following information provides background on SB 35 and explains the law in the context of Berkeley's Zoning Ordinance and current practices.

*City Obligation:* Berkeley is subject to SB 35 streamlining for proposed developments with  $\geq 50\%$  affordability. Berkeley has made insufficient progress towards issuing building permits for affordable housing -- units available to households making below 80 percent of the area median income. Insufficient

progress is defined as less than 25% permitting progress toward 5th Cycle regional housing needs assessment (RHNA) for an income category in 2017. After Berkeley submits two consecutive annual progress reports (APRs) that show sufficient progress toward its Lower income RHNA (Very Low and Low income), the City will no longer be subject to SB 35 streamlining for proposed developments with at least 50% affordability.

*Site Criteria:* Eligible sites can be located in districts zoned for residential or mixed use. In Berkeley, this translates to all districts except Manufacturing (M), Mixed Manufacturing (MM), Mixed Use-Light Industrial (MULI), Specific Plan (SP), or Unclassified (U). Within the eligible districts, development sites are not eligible if there is evidence of past/present soil or groundwater contamination (e.g. on the Cortese List) and the Department of Toxic Substance Control has not declared site clean for residential use. Furthermore, development sites are not eligible if a proposed project demolishes a historic structure<sup>2</sup>, any rental housing occupied by tenants in the last ten years, or any housing subject to rent or pricing control.

*Project Requirements:* Eligible projects must comply only with current zoning standards and other objective standards identified by the City. The project developer must pay prevailing wages and use a “skilled and trained” workforce. “Objective standards and objective design guidelines” need to be clearly documented in the Zoning Ordinance to ensure Berkeley processes applications accurately. The passage of SB 35 presents an opportunity for Berkeley to review/modify findings/standards and develop application checklists/procedures to ensure objective standards are explicit and used to expedite processing of streamlined projects. Some of the funds available through SB 2 can be used to make these modifications. Guidance on the application process will be published in 2018.

*Ministerial Approval:* If proposed development project conflicts with objective design and zoning standards, then the City needs to provide documentation to the applicant within 60 day (for projects with 150 units or less) or 90 days (for projects with more than 150 units). Approvals for qualifying projects must be completed within 90 days (for projects with 150 units or less) or 180 days (for projects with more than 150 units). Approvals last indefinitely for projects that include public investment in housing affordability beyond tax credits where 50% of the units are set aside for low income households (income is less than 80% of AMI). Approval of all other projects expire within three years, although a one year extension may be granted if significant progress has been made towards construction. This is an incredibly expedited timeline. The Planning Department will need to dedicate staff to SB 35 applications in order to ensure deadlines are met. Missing a deadline can result in an automatic project approval.

<sup>2</sup> The definition of “historic structure” is currently being evaluated. Staff has no information on the outcome of this discussion.

*Relation to Council Referrals:* The following referrals overlap in intent and action with the requirements of SB 35:

- Investigate and remove barriers to housing production. (Droste: December 1, 2015 and June 27, 2017 and Housing Action Plan Item 12)
- Streamline permit process for housing projects which include greater than 50% affordable units. (Worthington: January 19, 2016 and Housing Action Plan Item 12)
- Revise General Plan and Zoning Ordinance to add written standards regarding 1) density by parcel; 2) health and safety detriments; 3) design review; and 4) view and shadow impacts. (Arreguin: July 11, 2017)
- Allow ministerial approval of zoning-compliant affordable housing projects. (Droste: December 15, 2017)
- Create specific per acre density standards, including standards for projects that include density bonus units. (Housing Action Plan Item 5)

**SB 540 (Streamlined Workforce Housing Zone Projects)** allows jurisdictions to establish Workforce Housing Opportunity Zones (WHOZs) which prioritize workforce and affordable housing in close proximity to jobs and transit. WHOZs must also conform to California's greenhouse gas reduction laws. WHOZ development requires environmental review (e.g. EIR) and public input, similar to the process of adopting a specific area plan. Once a WHOZ is established, WHOZ-consistent development projects are guaranteed a 60-day approval process and can be requested for 5-years after WHOZ adoption.

Berkeley Context: Berkeley's Planning Department is currently focused on a specific area plan for the Adeline Corridor. The next specific area plan that has been referred to the City Manager is focused on San Pablo Avenue. There is potential to evaluate the feasibility of including WHOZs into this specific area plan, although at this time, no resources have been allocated to this project.

*Relation to Council Referrals:* The following referrals overlap in intent and action with the requirements of SB 540:

- Initiate an area planning process with community outreach regarding future development on San Pablo Avenue. (Moore and Maio: July 14, 2015)
- Work with Berkeley Unified School District regarding housing affordability for local teachers in the context of SB 1413. (Worthington: September 27, 2016 and Housing Action Plan Item 11)

**AB 73 (Streamlined Housing Sustainability District Projects)** incentivizes municipalities to create housing in Housing Sustainability Districts (HSDs). An HSD in an overlay created with oversight from California State Housing and Community Development (HCD) on infill sites in close proximity to public transit. Establishing an HSD requires preparation of an EIR. Once established, 20% of the units built in an HSD must be affordable. Streamlined consideration of HSD housing projects are considered within 10 years of the HSD EIR and if the project pays prevailing wages.

Berkeley Context: Berkeley could leverage this law to establish an overlay in an area (near transit) where new development includes at least 20% affordable units. This could be implemented near BART, Amtrak, or bus stops that meet specific headway requirements. The City would need to identify resources for environmental analysis of proposed overlay zoning districts.

*Relation to Council Referrals:* The following referral tangentially overlaps in intent and action with the goals of AB 73:

- Create a zoning overlay for Adeline Corridor that would result in Community Benefits Agreements. (Bartlett: July 25, 2017)

**AB 494 / SB 229 (Streamlined Accessory Dwelling Units)** provides minor clarifications to State Accessory Dwelling Unit (ADU) regulations intended to streamline permitting of ADUs. Clarifications expand applicability to proposed single family homes and to residential districts where single family homes are allowed. These bills also reduce parking requirements for ADUs.

Berkeley Context: Modifications to Berkeley's ADU Ordinance that expand application to proposed single family homes and expand allowable districts for ADUs will be considered by City Council on May 15, 2018. Berkeley's ADU Ordinance currently requires no parking for ADUs.

*Relation to Council Referrals:* The following referrals overlap in intent and action with the goals of AB 494 and SB 229:

- Examine and eliminate barriers to building and renting Accessory Dwelling Units (ADUs). (Housing Action Plan Item 13).

## INCLUSIONARY HOUSING LAWS

**AB 1505: Inclusionary Housing Requirements for Rental Projects:** Allows jurisdictions to adopt ordinances that require a percentage of projects in rental development projects to be deed restricted as affordable. This law is considered a

“fix” to the Palmer Decision, which invalidated inclusionary housing ordinances that applied to rental properties.

Berkeley Context: The City of Berkeley has an Inclusionary Ordinance that requires payment of an Affordable Housing Mitigation Fee (AHMF) for 20% of the units, but allows in lieu on-site units instead of payment of the inclusionary fee for rental properties. Separate requirements apply to ownership and condominium conversion projects. The City is reviewing the existing ordinances and may need to amend them.

*Relation to Council Referrals:* The following short term referral tangentially overlaps in intent and action with the goals of AB 1505:

- Conduct a development feasibility study of the effect of existing fees and development costs. (Droste: December 5, 2017)

#### MONITORING / ENFORCEMENT BILLS

Several bills modify State housing element requirements and annual reporting standards and mechanisms with a focus on new enforcement measures and responsibilities. These bills mandate jurisdictions to conduct more robust analysis and public review processes than previously required. Jurisdictions that are found to be out of compliance with these laws (both new and old) will be subject to steep penalties and repercussions.

**AB 72: HCD Review and Oversight:** Provides HCD with greater review and enforcement authority over laws that require jurisdictions to follow goals and programs identified in adopted housing elements. Though this law, HCD has the authority to review any actions-inactions that HCD believes are in conflict with a jurisdiction’s housing element and revoke certification of a non-compliant housing element.

**SB 166: No Net Loss:** Mandates that every jurisdiction maintain a current supply of sites in the housing element inventory to meet RHNA by income categories. If existing sites can’t accommodate unmet RHNA needs, a jurisdiction is required to rezone. This law does not apply to charter cities; however annual progress reports (APR), required by all cities, and must include related data. Note that APRs are used mid-cycle by HCD in their review of housing element compliance (see AB 72).

**AB 879: Annual Reporting Requirements:** Expands upon existing law that requires annual progress reports on a jurisdiction’s housing element. Analysis and reporting required by this new law is more robust and applies to general law and charter cities.

**AB 1397: Residential Development Inventory:** Makes numerous changes to how a jurisdiction establishes its housing element site inventory.

Berkeley Context: Planning staff and IT staff will need to collaborate in order to efficiently and accurately analyze permitting activities. As a first step, planning staff will need to develop a list of requirements to share with IT. Requirements will need to include a mechanism that tabulates various data fields in order to track compliance with RHNA and identify sites identified in the Housing Element inventory.

### **DENSITY BONUS**

Although State Density Bonus law was not part of the 2017 Housing Package, it warrants discussion in this report because it incentivizes development of affordable housing. Density Bonus is also mentioned in the purpose of JSISHL and in multiple City Council referrals. Density Bonus has been discussed by the Planning Commission and the Planning Commission's subcommittee on Affordable Housing and Density Bonus a number of times in the context of City Council referrals. Resulting from these efforts, an updated Density Bonus Ordinance will be considered by City Council this summer (agenda date yet to be determined). See Attachment 4 (*February 21, 2018 Planning Commission Density Bonus Staff Report*) for background information on Density Bonus and status of ongoing work and future work.

*Relation to Council Referrals*: The following referrals overlap in intent and action with State Density Bonus law:

- Allow increased development potential in the C-T district and develop community benefit requirements, with a focus on labor practices and affordable housing. (Worthington: July 12, 2016)
- Create a pilot Density Bonus program in the C- T district that allows for payment in lieu of providing qualifying onsite affordable units. (Worthington: May 30, 2017 and Housing Action Plan Item 3)
- Revise General Plan and Zoning Ordinance to add written standards regarding 1) density by parcel; 2) health and safety detriments; 3) design review; and 4) view and shadow impacts. (Arreguin: July 11, 2017)
- Increase density in the C-T, R-SMU, R-S and R-3 districts by adding 20 feet to maximum building heights and adjusting FAR. (Worthington: October 31, 2017).
- Create specific per acre density standards, including standards for projects that include density bonus units. (Housing Action Plan Item 5)

### **DISCUSSION**

JSISHL was created by City Council to look at issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining to attain compliance with State law and take advantage of new opportunities for the development

of affordable housing. Preliminary analysis in the Background section of this report shows them path to achieving these goals through State law. For example, State law mandates that jurisdictions dial back discretion on eligible housing projects, accelerate the approval process for certain types of housing projects and face financial consequences for being out of compliance with State law.

As identified in the analysis above, City Council's priorities reflect and overlap with the goals of State. The next steps are twofold:

1. Identify where city of Berkeley needs to modify the Zoning Ordinance and/or current practices to be in compliance with State law.
2. Evaluate referrals in the context of State law and determine next steps of action to accomplish this work.

It is in this context, that JSISHL is asked to discuss the following questions:

***Does State law go far enough to accomplish the goals set forth in City Council referrals with respect to Density Bonus, HAA, Streamlining, and Inclusionary Housing? If no, what is missing?***

In some areas, State law is either too broad or too restrictive to accomplish Council's priorities. Staff recommends that the City explore the area in between by developing local, parallel programs (e.g. Local Density Bonus, Local Streamlining, Local Inclusionary), that offer alternate paths to achieve stated goals. Alternate paths could have different eligibility criteria, additional incentives and benefits, and a set of unique regulations and/or requirements. As an example, see Attachment 5 (*April 4, 2018 Palo Alto City Council Staff Report on Affordable Housing Combining District Ordinance*) which creates an overlay that provides flexible development standards for 100% affordable housing projects located on commercially-zoned sites near transit.

***Should City of Berkeley begin working on a parallel program that address items identified in the question above? If yes, what would be the focus of program and what may it include in order to archive the results outlined in City Council referrals?***

Staff believes there are tasks JSISHL can address in the context of State law and local referrals. Staff will return at the next meeting with analysis and options for JSISHL to consider.

## **ATTACHMENTS**

1. City Council Referral Matrix
2. City Council Referral Table
3. SB 35 Eligibility Checklist



4. Planning Commission Staff Report on Density Bonus Ordinance Amendments (February 21, 2018)
5. Palo Alto City Council Staff Report on Affordable Housing Combining District Ordinance (April 4, 2018)

## Procedures for Implementing State Density Bonus Law In Zoning Districts Without Numeric Density Standards

### Introduction

This is a description of the procedures followed by the City of Berkeley for the analysis of a project that qualifies as an affordable housing project pursuant to Government Code Section 65915, the State Density Bonus Law. Specifically, this document describes how to determine the base project in zoning districts that do not have numeric density standards (R-3, R-4, R-5, Commercial Districts, and Mixed-Use Districts).

The State Density Bonus Law was enacted in 1979 to encourage the creation of more housing and to address the severe shortage of affordable housing in California by allowing an applicant to exceed the otherwise maximum residential density for a parcel by including a specific percentage of deed-restricted affordable housing. This document outlines how the City of Berkeley evaluates proposed density bonus projects.

While this document establishes a general set of procedures, every density bonus project is unique and should be treated as such. Thus staff's analysis of each proposed project will require careful review and continued discussion with applicants, colleagues, and the City Attorney.

### Affordability Requirements

Pursuant to § 65915, Below Market Rate definitions:

|                        |                                                    |
|------------------------|----------------------------------------------------|
| <b>Very Low Income</b> | ≥ 30% to 50% Area Median Income (AMI) <sup>1</sup> |
| <b>Low Income</b>      | ≥ 50% to 80% AMI                                   |
| <b>Moderate Income</b> | ≥ 80% to 100% AMI                                  |

### Overview

| Requirement                       | Duration                     | Reference   | Applies to:                                      |
|-----------------------------------|------------------------------|-------------|--------------------------------------------------|
| Qualifying Units                  | 55 years                     | 65915(c)(1) | All projects                                     |
| Replacement Units                 | 55 years                     | 65915(c)(3) | Projects with existing units onsite <sup>2</sup> |
| Demolition Ordinance              | For the life of the building | 23C.08.020  | Projects with existing units onsite              |
| Affordable Housing Mitigation Fee |                              | 22.20.065   | Projects with units that are for rent            |
| Inclusionary Housing Ordinance    |                              | 23C.12      | Projects with units that are for sale            |

<sup>1</sup> AMI is median index of household earning as it is calculated for Alameda County. For a more detailed discussion of AMI please refer to the Housing Element of the General Plan.

<sup>2</sup> Per § 65915(c)(3), replacement units are required when the project is proposed on a "parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households."

**Affordable Housing Projects that Qualify for a Density Bonus**

If a project proposes to include dwelling units with affordability consistent with any one of the following levels (§ 65915(b)), it is considered a density bonus project:

- At least 10% of the total dwelling units are affordable to Lower Income households;
- At least 5% of the total dwelling units are affordable to Very Low Income households;
- A senior citizen housing development (requires at least 35 units) (see Civil Code Section 51.3 and 51.12 for definitions of qualified residents);
- At least 10% of the total dwelling units are affordable to Moderate Income households, when they are for sale (a “common interest development”); or
- At least 10% of the total dwelling units are for transitional foster youth or disabled veterans (Education Code Section 18541) that are affordable to Very Low Income households.

**Overview (Described in more detail below)**

Step 1: Calculate the “Base Project,” i.e. the project that meets the “maximum allowable density” for the project site, without any discretionary permits.

Step 2: Analyze the Fidelity between the Base Project and the Proposed Project.

Step 3: Calculate the Density Bonus, i.e. the allowed density increase.

Step 4: Accommodate the Density Bonus units (Waivers/Reductions and Concessions/Incentives)

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## Step 1. Calculate the Base Project

State Density Bonus Law requires a City to grant a density increase over “the otherwise maximum allowable gross residential density” for the specific zoning range and land use element of the general plan. Berkeley, however, does not have parcel-based density standards for higher density residential (R-3 and above) or commercial/mixed-use zoning districts. While the General Plan provides policy guidance for residential density, it cannot be applied on a per-parcel basis to set the maximum allowable residential density.

Because Berkeley does not have density standards in most zoning districts, we instead rely on zoning development standards and basic Building Code considerations to define a building envelope for a particular project site. The defining standards include setbacks, parking, height, lot coverage, open space, and floor area ratio. Allowable maximum residential density is therefore the residential floor area that these standards can accommodate on a given parcel. This envelope becomes the “base project” for the purpose of calculating density. In other words, per BMC Section 23C.14.040, the otherwise allowable maximum residential density is the floor area that can be achieved under the single use permit, which requires solely a finding of non-detriment under Chapter 23B.32.

### Overview of Procedures to Identify the Base Project:

- a. Using the floor area and unit count of the proposed final project, calculate average unit size of the project based on the units within the proposed project.<sup>3</sup>
- b. Determine the maximum floor area of a hypothetical base project that would fit on the site without needing a development code waiver or reduction, while fully complying with the building code.
- c. Divide this area by the average unit size of the proposed units. Any fractional unit must be rounded up.<sup>4</sup>

### Concepts for the Base Project:

- Must comply with all applicable development standards, without any discretionary permits to waive or modify a standard (such as additional height, reduced parking, setbacks or usable open space).<sup>5</sup>
- Must comply with applicable building and fire codes.
- Must be substantially consistent with the proposed project (not including waivers/reductions to allow the density bonus and any concessions).<sup>6</sup> See below, “Fidelity between Base and Proposed Project,” for further discussion.
- Must exclude any commercial space.
- Must include any non-residential uses, including non-dwelling residential amenities (such as common laundry rooms, lounges, etc.) in proposed project, unless these uses are requested as a concession.<sup>7</sup>

<sup>3</sup> This size will be larger than that typically placed on project plans, since it includes circulation space and other residential amenities that are above the ground floor.

<sup>4</sup> Per § 65915(q), “Each component of any density calculation, including base density and bonus density, resulting in any fractional units shall be separately rounded up to the next whole number.”

<sup>5</sup> All mechanical equipment and elevator penthouses must fit within the Base Project without the necessity of additional permits. Floor area that encroaches into the public right-of-way must be excluded, because it would require a permit from the Public Works Department.

<sup>6</sup> The base project must include all required parking, even if the proposed project reduces the parking and the applicant proposes to pay an in-lieu fee.

<sup>7</sup> This requirement is intended to prevent an applicant from counting non-residential space in the base project that is not actually intended for residential use, which would lead to a calculation of a larger bonus. Residential amenities (laundry rooms, bike parking, meeting rooms etc.) will not count towards the base project when located in areas of the project where residential uses are not allowed according to the Zoning Ordinance (i.e. residential uses on the ground floor in the C-1 District).

## Step 2. Fidelity between Base Project and Proposed Project

The base project must be substantially consistent with the footprint, configuration of parking and usable open space, and ceiling heights of the proposed project. In other words, the base project and proposed project must have fidelity. This requirement reflects the City's desire to ensure that the project that the applicant wishes to build is reflected in the base project, and is also intended to prevent applicants from creating a base project that would be far denser and/or poorer in design quality than the applicant actually desires to build, for the purpose of obtaining a larger density bonus.

In general, the following design choices should be consistent in order for the base project and proposed project to have fidelity:

- Average unit size must be substantially the same in the base and proposed project;
- If parking is proposed in the basement of a base project, it must also be in the basement of the proposed project; if lifts are proposed in the base, they must also be in the proposed project;
- If useable open space is proposed on the roof of the base project, it must also be on the roof of the proposed project.

However, determining whether there is fidelity between the base and proposed projects is not always straightforward. Applicants should review each case with the Planning Manager as well as the City Attorney to ensure that this principle is applied consistently.

## Step 3. Apply the Density Bonus

Once a base project has been established for a parcel given the characteristics of the proposed project, this base density is multiplied by the required density increase per § 65915(f). The result is the density bonus a qualifying affordable housing project is entitled to develop pursuant to State law. Below is a summary of the required procedures:

1. Determine percentage and income level of below market rate units based on § 65915(b), the 'qualifying units'
2. Calculate the allowable bonus (%) based on § 65915(f)<sup>8</sup>
3. Apply the number of bonus units to the base project. Round any fraction up to the next whole number.

## Step 4. Accommodate the Density Bonus Units

- A. Waivers/Reductions: In order to accommodate the proposed density bonus, the City must relax development standards that would otherwise have the effect of physically precluding the bonus floor area or units. § 65915(e) provides further direction on granting waivers/reductions.

An applicant is entitled to the prescribed density increase based on the number / affordability of qualifying units the project provides; the City does not have discretion over the density increase. However, staff can work with the applicant to determine which

<sup>8</sup> Per § 65915(n), a City may grant a density bonus that is greater than what is described in subdivision (f) only if permitted by local ordinance. Berkeley's ordinance only permits a greater bonus in the C-T District

waivers/reductions and concessions/incentives would result in the least detriment to the neighborhood and adjoining properties. A number of factors are considered in determining which standards to modify. These include neighborhood context, existing public policy or plan recommendations including the General Plan, Area Plans, Zoning Ordinance requirements, and environmental issues. In other words, staff will work to determine the options that would result in the least detriment to the neighborhood and adjoining properties. These determinations are subject to further review by the Zoning Adjustments Board and Design Review Committee.

In general, any combination of zoning development standards may be modified to accommodate the placement of bonus units. These include but are not limited to:

- Increased lot coverage
- Reduced setbacks
- Increased floor area ratio
- Increased building height or number of stories

- B. Concessions/Incentives: After requested waivers/reductions have been granted to accommodate the density bonus units, the applicant may request concessions/incentives, or modified development standards consistent with § 65915(k).

Per § 65915(d)(1), the City shall grant a concession or incentive unless it is able to make the finding that “the concession or incentive does not result in identifiable and actual cost reductions” or “would have a specific, adverse impact... upon public health and safety or the physical environment.” Projects are entitled to 1, 2, or 3 concessions/incentives, according to the criteria outlined in § 65915(d)(2).

Typical concessions include reduced parking or open space requirements.

## RESOLUTION NO. 68,304-N.S.

## MORE STUDENT HOUSING NOW RESOLUTION

WHEREAS, the student housing shortage is the foremost city issue mentioned by Berkeley students; and

WHEREAS, increased density close to campus reduces air pollution and traffic congestion, and encourages pedestrian, transit and bicycle travel; and

WHEREAS, on March 10, 2016, the Berkeley City Council voted unanimously to send a thank you letter to President Napolitano, which committed the city to addressing zoning barriers and obstacles preventing creating student housing; and

WHEREAS, the scarcity of available, accessible, and affordable student housing impacts individuals and families across demographics throughout the City and the lack of production near the UC campus pushes students deeper into the City's scarce and competitive housing market, forcing them to compete with and increasing pressure on the City's lower and middle-income family and aging populations; and

WHEREAS, most market rate units that are built close to campus are lived in by students. Even though market rate units are not defined as student housing, they provide much needed units primarily for middle class students. These units also contribute to creating affordable units because the inclusionary Ordinance is a major source of affordable housing in Berkeley. It requires 20% of a market rate project to be affordable, or the owner can pay an in-lieu fee of \$37,000 per unit; and

WHEREAS, Public Private Partnerships (PPP's) are a primary alternative to get funding for student housing on university property. The City of Berkeley continue to encourage PPP's provided they include student costs comparable to residence hall rate, labor standards and retaining or expanding UC sustainability standards to ensure greener buildings. Using University land in PPP has been done with success, including the 775-unit Bancroft project currently under construction.

NOW THEREFORE, BE IT RESOLVED that the City reaffirm our support for the thank you letter on March 10, 2016 to President Napolitano.

BE IT FURTHER RESOLVED that the City Council and the Planning Commission prioritize previous referrals from the City Council including the following:

- Facilitate primarily Student Housing by a Twenty Feet Height Increase and Adjust floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft & from College to Fulton (Date: 10/31/2017)
- Create a Pilot Density Bonus Program for the Telegraph Avenue Commercial District (Date: 05/30/2017)
- Create a use permit process to allow non-commercial use on the Ground Floor in C-T Telegraph Commercial District excluding Telegraph Ave

(Date: 07/11/2017. This item is based on an original item submitted by Susan Wengraf on 01/20/2015)

- Develop an Ordinance Requiring New Residential Buildings to include essential wheelchair-accessible modifications, such as Auto-door Openers & Roll-in Shower (Date: 09/15/2015 & 07/11/2017)

BE IT FURTHER RESOLVED that the City and the Planning Commission will consider:

- Allowing conversion of vacant Telegraph area commercial space to housing only from Dwight to Bancroft & from College to Fulton (excluding Telegraph Avenue itself)
- Expanding the Car-Free Housing Overlay area between College and Fulton (including R-S & R-3 parcels between Fulton and Shattuck), Bancroft and Dwight.
- Allowing at least two high-rises for student housing in Southside campus area
- Investigate sites to build micro-units, which may create housing cheaper and faster
- Permitting and encouraging the construction of modular units


BE IT FURTHER RESOLVED that the City strongly support UC President Napolitano and Chancellor Carol Christ in their pursuit of implementation of a comprehensive plan addressing the housing needs of students across all income levels with a specific focus on extremely low income, immigrant, and disabled students. Furthermore, the City encourages a University Short Term Implementation Plan for the approximately 1,500 remaining units already approved in the current LRDP. The City of Berkeley encourages the University to seriously consider potential short term consensus sites including Fulton & Bancroft; University & Oxford, formerly designated for a hotel; Channing Ellsworth tennis courts, and Unit 3 densification if done as modular units built elsewhere during the school year and placed on site during summer. The City supports University high rise development up to 12 stories at three out of four of these sites.

The foregoing Resolution was adopted by the Berkeley City Council on January 23, 2018 by the following vote:

Ayes: Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: Bartlett.

  
 Jesse Arreguin, Mayor

Attest:   
 Mark Numainville, City Clerk



## NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

### ZONING ORDINANCE AMENDMENTS THAT CREATE A DENSITY BONUS ORDINANCE THAT COMPLIES WITH STATE LAW

The proposed amendments to the City's Zoning Ordinance will remove outdated references to State Density Bonus from Berkeley Municipal Code Chapter 23C.12 (Inclusionary Housing Requirements) and create a new standalone Chapter 23C.14 (Density Bonus Ordinance) that is in compliance with State law and codifies current practices.

Changes recommended by the Planning Commission include:

- Repeal Section 23C.12.050 (State of California Density Bonus Requirements)  
Berkeley's Density Bonus language, currently found in Section 23C.12.050, lists outdated percentages and affordable housing requirements from State Density Bonus regulations and other provisions that do not reflect current practice, and so this section is recommended to be deleted.
- Adopt Chapter 23C.14 (Density Bonus)  
Proposed Chapter 23C.14 will create a new Density Bonus Ordinance that is organized logically and will reference – not restate – State regulations. The new Ordinance will refer to Administrative Regulations documenting Berkeley's method for base project calculation, among other things, necessary to implement the law.

Citywide, in all zoning districts except Manufacturing (M) and Mixed Manufacturing (MM). The zoning map is available online:

[http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level\\_3\\_-\\_General/Zoning%20Map%2036x36%2020050120.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level_3_-_General/Zoning%20Map%2036x36%2020050120.pdf)

The hearing will be held on Tuesday, March 12, 2019 at 6:00 p.m. in the BUSD Board Room, 1231 Addison Street, Berkeley.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of February 28, 2019.

For further information, please contact Alene Pearson at 510-981-7489.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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.

**Published:** Friday, March 1, 2019

**Noticing per California Government Code Sections 65856(a) and 65090**

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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 Old Berkeley City Hall, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 28, 2019.

Mark Numainville, City Clerk



Office of the City Manager

ACTION CALENDAR

March 12, 2019

(Continued from February 19, 2019)

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Director, Planning and Development
Subject: Density Bonus Ordinance Revisions - Repeal Existing BMC Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New BMC Chapter 23C.14 (Density Bonus)

RECOMMENDATION

Adopt first reading of an Ordinance amending the Zoning Ordinance to repeal obsolete Density Bonus regulations (Berkeley Municipal Code Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus Chapter (Berkeley Municipal Code Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Density Bonus ordinance is currently embedded in the Inclusionary Housing Requirements chapter of the Zoning Ordinance (Chapter 23C.12). That Density Bonus section (State of California Density Bonus Requirements (Section 23C.12.050)) needs to be updated because it references obsolete State regulations and includes requirements that are no longer in effect. It was most recently amended in 2005. State law has continued to undergo amendments since then to mandate a clear local ordinance.

The proposed ordinance (*see Attachment 1*) also responds to City Council referrals to the City Manager that requested several modifications to Berkeley's Density Bonus. Some of these referrals specifically mention modifications to the Density Bonus program, whereas other suggest a parallel path to modifying development standards in order to allow for increased residential densities (*see Attachment 2*). The Planning Commission and its Subcommittee on Affordable Housing reviewed the referrals and developed an approach to create a more robust Density Bonus program. This multi-stage approach is underway; this proposed ordinance amendment is necessary to set a new framework within which other programs and policies can be implemented.

BACKGROUND

State Density Bonus law (SDBL)¹ provides incentives for developers to include affordable housing within their projects by granting increased density and relief from local regulations. Relief is delivered through concessions related to financial feasibility of the proposed project and waivers that apply to development standards.

Density Bonuses of up to 35% are mandated by the State and are based on the percentage of affordable units provided at various income levels. All cities and counties are required to adopt an ordinance specifying how they will comply with SDBL.

On December 6, 2017 and February 7, 2018, the Planning Commission's Subcommittee on Affordable Housing provided input and direction on an approach to referrals and modifications to City of Berkeley's Density Bonus regulations. The subcommittee suggested a three-phased approach to modifying the City's Density Bonus regulations that consisted of:

1. Create a Density Bonus Ordinance that codifies existing practice.
2. Respond to Density Bonus referrals that go beyond State Density Bonus laws to provide additional incentives for developing more affordable housing.
3. Develop numeric density standards and objective standards for all zoning districts.

Staff prepared Zoning Ordinance language to support Phase 1 for Planning Commission consideration on February 21, 2018. The Commission discussed these changes, then conducted a Public Hearing on March 21, 2018 on Zoning Ordinance amendments related to Phase 1 of the Density Bonus program. The Planning Commission has begun to consider modifications related to Phase 2 and aims to make recommendations to City Council by the end of the year. Staff is currently working on an RFP to bring in additional resources to help with Phase 3. This work is anticipated to start in the fall of 2018 and will be shared with Planning Commission and the Joint Subcommittee on Implementation of State Housing Law as appropriate. Phase 3 should be completed by the end of 2019.

ENVIRONMENTAL SUSTAINABILITY

Density Bonus is a State mandated planning and permitting tool that brings flexibility into the zoning process by providing developer incentives in exchange for affordable housing. Development projects that include affordable units encourage social interactions of diverse residents thereby building a connected, resilient community. Density Bonus projects also address Berkeley's Climate Action Plan goal to increase compact development patterns throughout the City.

RATIONALE FOR RECOMMENDATION

Zoning Ordinance amendments in this report codify existing practice, respond to changes in State law, and provide a framework for future local programs and policies.

¹ http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7400
Steven Buckley, Land Use Planning Manager, Land Use Planning Division, 510-981-7411

Alene Pearson, Associate Planner, Land Use Planning Division, 510-981-7489

Attachments:

- 1: Ordinance
- 2: Council Referrals

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

RESCINDING SECTION 23C.12.050 OF THE BERKELEY MUNICIPAL CODE AND ADDING CHAPTER 23C.14 TO THE BERKELEY MUNICIPAL CODE REGARDING DENSITY BONUS

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

Section 1. That Section 23C.12.050 is hereby rescinded.

Section 2. That Chapter 23C.14 is hereby added to read as follows:

Chapter 23C.14 Density Bonus

23C.14.010	Purpose
23C.14.020	Definitions
23C.14.030	Application Requirements
23C.14.040	Density Bonus Calculations and Procedures
23C.14.050	Incentives and Concessions
23C.14.060	Waivers and Reductions
23C.14.070	Qualifying Units
23C.14.080	Special Provisions
23C.14.090	Regulatory Agreements

23C.14.010 Purpose

The purpose of this Chapter is to establish procedures and local standards for the implementation of California Government Code Section 65915 consistent with local zoning regulations and development standards, and to provide special provisions consistent with the intent of State and local law.

23C.14.020 Definitions

Whenever the following terms are used in this Chapter, they have the meaning established by this Section. Other capitalized terms have the meaning set forth in Berkeley Municipal Code Chapter 23A.08 and/or Chapter 23F.04, or in California Government Code Section 65915, as applicable.

- A. "Administrative Regulations" means guidelines and procedures promulgated by the Planning Director that may be modified from time to time to effectively implement this ordinance.
- B. "Base Project" means the maximum allowable residential density (number and type of units) on a housing development site pursuant to the applicable zoning district or, where no density standard is provided, as set forth in the Administrative Regulations before applying the density bonus.

- C. "Density Bonus Units" means those residential units added to the Base Project pursuant to the provisions of Section 65915 and this Chapter.
- D. "Housing Development" has the meaning set forth in Section 65915.
- E. "Incentive and Concession" means an incentive or a concession as the terms are used in Section 65915 and in particular as defined in Section 65915(k) thereof.
- F. "Qualifying Unit" means a unit that is provided at a below market-rate rent or sales price as set forth in Section 65915 in order to receive a Density Bonus and/or Waivers and Reductions and/or Incentives and Concessions.
- G. "Section 65915" means California Government Code Section 65915, as it may be amended from time to time.
- H. "Waiver and Reduction" means a waiver or a reduction as the terms are used in Section 65915 and in particular in Section 65915(e) thereof, and means any and all changes to or exemptions from physical lot development standards that are required to avoid precluding the construction of a Housing Development with Density Bonus Units, as set forth in Section 65915(e).

23C.14.030 Application Requirements

In addition to any other information required by this Title, an application for a Density Bonus must include the following information:

- A. How the proposed project will satisfy the eligibility requirements of Section 65915.
- B. For those districts without density standards, a density bonus schematic as set forth in the administrative regulations;
- C. The proposed size of the Density Bonus pursuant to Section 23C.14.040.
- D. Any Waivers and Reductions that are sought under Section 65915(e) that would be required to accommodate the Housing Development including the Density Bonus Units.
- E. Any Incentives and Concessions that are sought under Section 65915(d) accompanied by documentation of resulting cost reductions to provide for affordable housing costs.
- F. Any requested additional bonus units under Section 65915(n).
- G. Any requested parking reductions under Section 65915(p).
- H. An applicant may elect in writing to receive a Density Bonus that is less than that mandated by Section 65915, including a Density Bonus of 0 (zero). In

such cases, the applicant will retain their entitlement to Incentives and Concessions.

- I. Documentation of how project complies with regulations regarding replacement units as described in Section 65915(c)(3).

23C.14.040 Density Bonus Calculations and Procedures

- A. Density Bonuses must be calculated as set forth in Section 65915 and pursuant to the Administrative Regulations.
- B. Density Bonus requests must accompany Housing Development applications and will be decided upon by the highest governing body.

23C.14.050 Incentives and Concessions

- A. For purposes of this Chapter, the number of Incentives and Concessions are counted as follows:
 1. Any Incentive and Concession that would otherwise require discretionary approval by the Zoning Officer or Zoning Adjustments Board of any single dimensional lot development standard, such as height or setbacks, or any single quantitative lot development standard, such as parking or open space, counts as one.
 2. A proposed Incentive and Concession that would involve exceedance of a single physical lot development standard counts as one even if that exceedance would otherwise require more than one Permit (e.g., extra height may require Permits for height, FAR, and/or number of stories but would count as one Incentive and Concession for height).
 3. Where it is ambiguous as to whether a proposed Incentive and Concession involves one or more dimensional or quantitative lot development standards, the stricter interpretation shall apply, as determined by the Zoning Officer.
- B. In determining whether it can make the finding set forth in Section 65915(d)(1), the City will base its determination and any finding on a comparison of the project including the Density Bonus and requested Incentives and Concessions to the Base Project.
- C. The City is not required to deny a proposed Incentive and Concession solely because it is able to make a finding under Section 65915(d)(1).
- D. Unless denied under Section 65915, Incentives and Concessions will be exempt from discretionary review or Permits under this Title, other than design review.
- E. Incentives and Concessions must be justified based on the financial needs of the project, including reduced costs and increased revenue, to provide for the affordable housing costs of the qualifying units and for the project overall.

23C.14.060 Waivers and Reductions

- A. An applicant may submit to the City a proposal for Waivers and Reductions of development standards that physically preclude construction of a development project meeting the criteria of Section 65915(b).
- B. The applicant may request, and the City shall hold, a meeting to discuss Waivers and Reductions.
- C. The City may deny Waivers and Reductions if a Waiver or Reduction would have adverse impacts and/or no mitigation for such impacts, as described in Section 65915(e)(1).

23C.14.070 Qualifying Units

Qualifying Units must be reasonably dispersed throughout the Housing Development, be of the same size and contain, on average, the same number of bedrooms as the non-Qualifying Units in the project, and must be comparable to the non-Qualifying Units in terms of design, use, appearance, materials and finish quality. In determining whether dispersal of Qualifying Units is reasonable, the decision-making body may consider special benefits provided by, as well as special constraints on, the project.

23C.14.080 Special Provisions

In addition to requirements set forth in Section 65915 and this Chapter, the following Special Provisions apply to Density Bonuses in the City of Berkeley.

- A. [RESERVED]
- B. In addition to other required findings, Special Provisions may be awarded only when the City finds that the Density Bonus project complies with the purposes of the district in which the project is located.

23C.14.090 Regulatory Agreements

Prior to issuance of a Certificate of Occupancy for a Housing Development that has received a Density Bonus, the applicant must enter into a regulatory agreement in a form provided by the City that implements Section 65915 and this Chapter.

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.



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177, EMAIL
kworthington@ci.berkeley.ca.us

ACTION CALENDAR

July 12, 2016

(Continued from May 24, 2016)

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: Allow Increased Development Potential in the Telegraph Commercial (C-T) District Between Dwight Avenue and Bancroft Avenue and Refer to the City Manager to Develop Community Benefit Requirements, with a Focus on Labor Practices and Affordable Housing

RECOMMENDATION

That the Council immediately amend the Berkeley Zoning Ordinance to allow increased development potential in the Telegraph Commercial (C-T) District between Dwight Avenue and Bancroft Avenue and refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing.

BACKGROUND

The City Council sent a referral to the Planning Commission on June 30, 2015, regarding the conflict between the 5.0 FAR adopted by the Council for the C-T District and the other development regulations in the district.

On April 20, 2016, the Planning Commission considered modifying the development standards and community benefits. The Planning Commission voted to recommend the following to the Berkeley City Council:

- a) That the staff proposed Zoning Ordinance development standards for buildings adjacent to Bancroft Way be applied to the entirety of the C-T District north of Dwight Way; and
- b) That the Council develop community benefit requirements, with a focus on labor practices and affordable housing, before implementation of the proposed Zoning Ordinance language.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

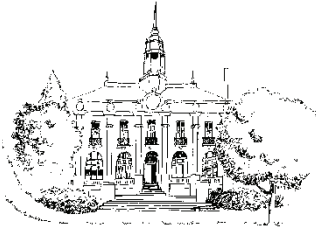
Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170

Attachment:

1. April 20, 2016 Planning Commission Staff Report on "Changes to the Zoning Ordinance to Allow Development Potential Increases in the Telegraph Avenue Commercial (C-T) District"



Kriss Worthington
 Councilmember, City of Berkeley, District 7
 2180 Milvia Street, 5th Floor, Berkeley, CA 94704
 PHONE 510-981-7170, FAX 510-981-7177, EMAIL
 kworthington@ci.berkeley.ca.us

CONSENT CALENDAR

May 30, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmembers Kriss Worthington and Ben Bartlett, and Mayor Arreguin

Subject: Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals

RECOMMENDATION

That the Berkeley City Council refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.

BACKGROUND

Under current state law, new development projects that get a density bonus, allowing up to 35 percent more density, are required to build inclusionary housing. Inclusionary housing is typically defined as below-market rate housing for people who earn 50 percent or 80 percent of the Area Median Income (AMI).

While it's great that developers are including some affordable housing in their market-rate projects, affordable housing for the homeless and extremely low-income who don't qualify for inclusionary units can be provided if developers instead paid fees into the Housing Trust Fund. This can be achieved through the use of a City Density Bonus for the Telegraph Avenue Commercial District, an area where many residents have expressed support for housing the homeless and the extremely low-income.

The City bonus fee would be equal to the in-lieu affordable housing mitigation fee, currently set at \$34,000 per unit. Fees paid into the fund could be leveraged with other Federal, State and Regional affordable housing sources, resulting in significantly more affordable housing built through the Housing Trust Fund than currently available. The City has important policy proposals to assist the homeless and extremely low-income residents that urgently need funding.

The pilot program of a City Density Bonus in the Telegraph Avenue Commercial District could go a long way toward easing Berkeley's critical housing shortage by increasing incentives for developers to add more housing and give the city greater ability to deliver affordable housing.

FISCAL IMPACTS

This proposal will generate millions in new revenue to the Housing Trust Fund.

ENVIRONMENTAL IMPACTS

The proposed change is consistent with City Climate Action Plan goals supporting increased residential density. Additionally, new residential construction is subject to more stringent green building and energy efficiency standards and will help reduce per capita greenhouse gas emissions.

CONTACT PERSON

Councilmember Kriss Worthington 510-981-7170

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, July 11, 2017

6:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:03 p.m.

Present: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington, Arreguin

Absent: Harrison

Councilmember Harrison present 6:14 p.m.

Ceremonial Matters:

1. Recognition of UN Association of California, Alpha Kappa Alpha, and Alpha Nu Omega

City Auditor Comments:

1. Recognition of Public Works for completing the Equipment Fund Audit

City Manager Comments:

1. Launch of Berkeley Bike Share Program on July 11, 2017

Public Comment on Non-Agenda Matters: 3 speakers.

Public Comment on Consent Calendar and Information Items Only: 1 speakers.

Consent Calendar

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

Vote: All Ayes.

Action Calendar – Old Business

29. **Housing Accountability Act** (*Continued from June 13, 2017. Item includes supplemental materials.*)

From: City Manager

Contact: Zach Cowan, City Attorney, 981-6950

Action: 5 speakers. M/S/C (Arreguin/Davila) to refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
2. Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
3. Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
4. Quantify and set objective zooming standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings.

Vote (Paragraphs 1-3): Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – Bartlett, Droste.

Vote (Paragraph 4): Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Arreguin; Noes – Bartlett, Droste, Worthington.

Recess: 9:10 p.m. – 9:27 p.m.

30. **Amend BMC Sections 3.78.030, 040, and 050 Related to Commission Procedures** (*Continued from June 13, 2017*)

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley Municipal Code that clarifies aspects of the management of City of Berkeley commissions and the removal and appointment of commissioners.

Financial Implications: See report

Contact: Wing Wong, Commission Secretary, 981-5400

Action: Moved to Consent Calendar. No action taken by the City Council on this item.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177,
EMAIL kworthington@ci.berkeley.ca.us

CONSENT CALENDAR
10/31/2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington and Kate Harrison, and Mayor Arreguin
Subject: City Manager and Planning Commission Referral: Facilitate primarily Student Housing by a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton

RECOMMENDATION: Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust the Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.

BACKGROUND:

In the last few years, students have become increasingly active in proposing ways to increase student housing. Housing is urgently needed in close proximity to the UC Berkeley campus as rents increase and the University population steadily rises. Students, recent graduates, employees of the University, and local businesses contribute to the local economy, create jobs for the local community, and greatly enrich the community through their presence. Implementing this action would provide a place to live for many individuals who would otherwise have to reside far from campus. Oftentimes, the quest to find living spaces is emotionally taxing for students and can decrease academic performance or leave students without affordable and safe places to live.

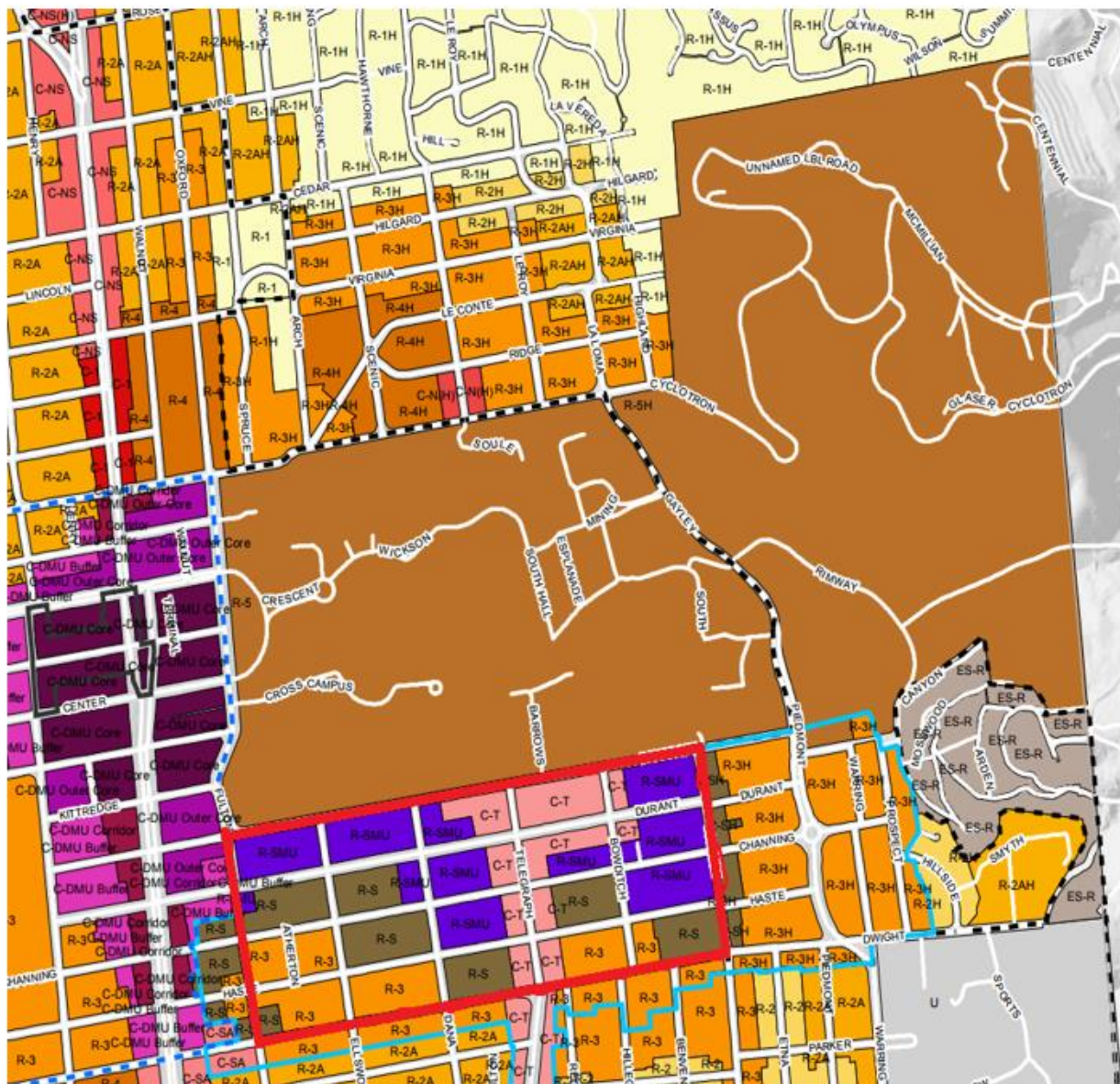
Increasing density in the area surrounding campus proves better for the environment, better for campus area businesses, and better for students. By reducing commute times, students will opt to walk or bike to class, reducing congestion on the road. A shorter commute will also increase student safety and allow students to participate in extracurricular activities that may run into the evening because students will not have to worry about how they will get home. An enhanced sense of safety in the surrounding region is beneficial for all in the community. Finally, higher density benefits campus area businesses because it brings them more customers, which supports the local economy. Previous efforts to increase south-side campus housing improved project viability specifically for the very small area of the C-T zoned blocks. Unfortunately, even blocks on Bancroft directly across from the University still have excessive restrictions.

FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY: Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON: Councilmember Kriss Worthington 510-981-7170

Attachment:



	R-3	Multiple-family Residential
	R-S	Residential High Density Subarea
	R-SMU	Residential Mixed Use Subarea
	C-T	Telegraph Avenue Commercial

Proposed Area: South-North Boundary ---- Dwight to Bancroft
 East-West Boundary ---- College to Fulton 10007

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, November 28, 2017

6:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:04 p.m.

Present: Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin

Absent: Maio, Wengraf

Ceremonial Matters:

1. Recognition of Tom Kelly
2. Recognition of Berkeley Humane
3. Recognition of Berkeley Fire Department/Berkeley Police Department Responders to North Bay Fires

City Auditor Comments:

1. The Auditor highlighted the importance of funding the reserves in light of pension liabilities and possible economic slowdowns. The Auditor also provided an update on the Measure GG audit report.

City Manager Comments:

1. Planning Department Open House – 12/6 from 3:00 - 6:00 p.m. at 1947 Center Street
2. Grove Park Reopening – 12/2 at 11:00 a.m. – 1:00 p.m.
3. Live Oak Holiday Tots Carnival – 12/2 at 10:00 a.m. – 2:30 p.m. at Live Oak Recreation Center
4. Winter on the Waterfront – 12/9 at 1:00 p.m. – 6:30 p.m. at the Berkeley Yacht Club

Public Comment on Non-Agenda Matters: 8 speakers.

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

Action Calendar – Old Business

22. Implementation Plan for Affordable Housing Action Plan Referrals *(Continued from November 14, 2017. Item contains revised materials.)*

From: City Manager

Recommendation: Adopt the attached interdepartmental implementation plan for Affordable Housing Action Plan referrals.

Financial Implications: None

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400, and Timothy Burroughs, Planning and Development, 981-7400

Action: On the severed portion to include density standards.

Vote: Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Arreguin; Noes – Droste; Abstain – None; Absent – Maio, Wengraf.

Action: On the severed portion regarding the California Construction Cost Index.

Vote: Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Arreguin; Noes – None; Abstain – Droste; Absent – Maio, Wengraf.

Action: 3 speakers. M/S/C (Arreguin/Davila) to Approve the following priority order for Affordable Housing Action Plan referrals, and adopt the interdepartmental implementation plan as revised:

High Priority

1. Develop a Small Sites Program to assist non-profits in acquiring multi-unit properties of 25 units or less. Consider giving priority to the creation of limited and non-equity cooperatives affiliated with a democratic community land trust. Consider master leasing as a mechanism for managing distinct, smaller properties.
2. Develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act (TOPA) that offers existing tenants in multi-unit properties of three units or more the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider.
3. **A) Draft an ordinance creating a pilot Density Bonus policy for the Telegraph Commercial District to grant additional density for projects in the Telegraph area which pay Affordable Housing Fees in lieu of units on-site. B) Study the creation of a new City Density Bonus plan to allow developers of multi-family housing to add up to 15% more density in exchange for fees only.**
4. Examine and eliminate barriers to developing student housing and senior housing.
5. **Create specific per acre density standards, including standards for projects that include density bonus units.**
6. Develop enforcement tools for Short-Term Rental Ordinance and Section 8 Non-Discrimination Ordinance (BMC Chapter 13.31, "Discrimination based on source of income prohibited"). Request that the City Manager direct staff to draft a fine schedule for violations of the short-term rental ordinance for multi-unit properties with multiple units used as STRs that are out of compliance with the host ordinance, including fines for when non-owner/tenant occupied dwelling units are made available for short-term rentals (from June 9, 2015 STR referral).
7. Refer to the City Manager and Planning Commission, and/or Housing Advisory Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within 1/2 mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction, and other forms of displacement as defined by Council.

Action Calendar – Old Business

8. Increase commercial linkage fee by California Construction Cost Index CCCI.
9. Identify Parcels of City owned land appropriate for siting assisted-living modular micro-unit buildings; take affirmative steps to speed the permitting and approvals process; obtain zoning approval and a building permit and approvals process for the creation of below market housing; identify a housing non-profit to be responsible for managing and operating the building; and establish criteria for selecting individuals and determining eligibility.
10. Utilize list of city properties developed by city staff and further examine opportunities for placing affordable housing on these sites.
11. Investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and other school district employees. The investigation should include research into what other California jurisdictions (such as San Francisco, Oakland, Santa Clara, and San Mateo County) are considering as part of their pursuit of School District workforce housing.
12. a) Streamline the Affordable Housing Permitting process for Projects with majority of Affordable Housing (50% affordable units or more, Worthington referral 1/19/16); b) Remove Structural barriers to Affordable Housing (Green Affordable Housing Package Policy #2, Droste); c) waive or reduce permit fees for affordable housing projects (Hahn), including previously adopted streamlining measures from 2017.
13. Examine and eliminate barriers to building and renting Accessory Dwelling Units.
14. Develop Measure U1 Priorities and Implementation Criteria. Include consideration of ability to leverage funds and placing a measure on the November 2018 ballot to allow possible bonding against revenues.
15. Establish a City maintained online resource that would provide a brief overview of the history and purpose of Below Market Rate (BMR) units, a current list of all buildings that contain BMR units and the characteristics of the units, the percent of median income qualification levels for the units, the HUD published income guidelines for percentage of median and family size, the property owner, rental agent, and/or management company contact information, and other relevant information that would be helpful to potential renters of BMR units. The City shall update the information as more units become available, and quarterly, to ensure that information is current.

Medium Priority

16. Impose fees when multifamily properties are destroyed due to fault of property owner (Demolition ordinance, RHSP, Relocation fees, fines).
17. Green Affordable Housing Package policy #1: Prioritize housing over parking in new developments. Reduce parking in R-4.
18. Amend Zoning code to allow housing and other non-commercial uses on the ground floor.
19. To encourage landlords to accept Section 8 and Shelter + Care vouchers study a program that is intended to encourage rehabilitation of substandard units that could be leased to recipients of Section 8 and Shelter + Care vouchers. Possible assistance that the City could provide including: creating a list of qualified, efficient, and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code.
20. Collaborate with Berkeley Housing Authority Board to invest capital funds from sale of the public housing for more affordable housing (Longer term referral).
21. To encourage landlords to accept Section 8 and Shelter + Care vouchers: identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords.
22. Establish Office of Anti-Displacement, and hire Anti-Displacement Advocate (non-city funded position).

Action Calendar – Old Business

23. Provide housing counseling and legal services for Berkeley's low-income, elderly or disabled distressed homeowners.

Vote: Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio, Wengraf.

Action Calendar – New Business

23. FY 2017 Year-End Results and FY 2018 First Quarter Budget Update

From: City Manager

Recommendation: 1. Adopt a Resolution allocating the General Fund excess equity as follows: \$1,930,415 to the General Fund Stability Reserve, \$1,579,430 to the General Fund Catastrophic Reserve and incorporate additional allocations as amended by subsequent Council action. 2. Discuss and determine funding allocations based on the Mayor's June 27, 2017, revised amendments to the FY 2018 & FY 2019 Biennial Budget and as amended by subsequent Council action.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: 3 speakers. M/S/C (Worthington/Arreguin) to continue the item to December 5, 2017 and include the allocations from Mayor Arreguin in Supplemental Reports Packet #2 including a new resolution for the allocation to Dorothy Day House.

Vote: Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio, Wengraf.

24a. Recommendation for Audit and Legal Review of Measure GG Expenditures with Attention to Allocation of Measure GG Funds for Fire Department Overtime

From: Disaster and Fire Safety Commission

Recommendation: We recommend that City Council request from the City Auditor an audit of Measure GG expenditures specifically regarding the allocation of Measure GG funds for Fire Department overtime pay. We additionally suggest a legal review by the City Attorney to determine if the decreasing budget for Fire Department overtime in the General Fund and the coordinated increase of Measure GG funds allocated to overtime pay is in compliance with Measure GG and State and Federal laws, and to provide corrective guidance if it is not.

Financial Implications: See report

Contact: Keith May, Commission Secretary, 981-3473



Office of the City Manager

PUBLIC HEARING
March 12, 2019

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Timothy Burroughs, Director, Planning & Development Department
 Subject: ZAB Appeal of 2701 Shattuck Avenue, Use Permit #ZP2016-0244

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2016-0244 to construct a 5-story, 62-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units), a 600-square-foot ground-floor quick-service restaurant, and 21¹ parking spaces, and dismiss the appeal.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On December 13, 2016, Bay Rock Multifamily, LLC submitted an application for Use Permit #ZP2016-0244 to construct a 5-story, 62-foot tall, mixed-use building with 57 dwelling units. Several months later, on January 6, 2018, a revised proposal was submitted that included five affordable units in the building, and requested a density bonus under the State Density Bonus Law (DBL).²

On June 29, 2018, after seven rounds of Incomplete Application comments from staff in multiple City departments, the application was deemed complete.

On July 26, 2018, the ZAB held a Preview for the project and provided general comments to the applicant.

On August 16, 2018, the Design Review Committee (DRC) conducted a Preliminary Design Review (PDR) of the project, provided comments to the applicant, and continued the PDR to September 20, 2018. In response to DRC comments, the applicant made revisions to the building design and presented the revisions to the DRC on September 20. At that meeting, the DRC completed the PDR and forwarded a favorable

¹ This number (21) reflects the amount of parking in the project after removing nine spaces (three parking lifts), in order to move the ground-floor east wall westward, per Condition #11 of the permit approved by the ZAB on November 8, 2018.

² Government Code section 65915 *et seq.*

recommendation for the project to the ZAB with conditions and recommendations for Final Design Review (FDR).

On November 8, 2018, the ZAB conducted a public hearing for the Use Permit application. After hearing public comments and holding discussion, and adding Condition #11, the ZAB approved the Use Permit by a vote of 7-1-0-1 (Yes: Clarke, Kahn, O'Keefe, Olson, Pinkston, Selawsky, Wright; No: Sheahan; Abstain: None; Absent: Kim).

On November 20, 2018, staff issued the notice of the ZAB decision. On December 3, 2018, Todd Darling and Linda Jensen Darling, the neighbors residing at 2106 Derby Street, filed an appeal of the ZAB decision with the City Clerk. On February 26, 2019, staff posted the public hearing notice at the site and two nearby locations, 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. This public hearing is required to resolve the appeal.

BACKGROUND

The site is in the CS-A, South Area Commercial zoning district, along a commercial thoroughfare on Shattuck Avenue that is developed with a wide range of building types and uses. Bordering the site to the east is a neighborhood in the R-2, Two-Family Residential zoning district, consisting mostly of 1-story, single-family residences and 2-story, multi-family residences. Several large mixed-use and residential projects have been approved and constructed or are proposed nearby the subject site, in the C-SA district, within last several years:

- Constructed (approved in 2012), "Parker Apartments", 1.5 blocks north of the site at 2598-2600 Shattuck Avenue – 5-story, 60'-tall mixed-use project of two buildings with 155 units;
- Constructed (approved in 2015), a residential modular housing project on the adjacent parcel to the south at 2711 Shattuck Avenue – 4-story, 50'-tall building with 22 units;
- Under construction (approved in 2016), "The Roost", 3 blocks north of the site, and west of Shattuck Avenue at 2029-2035 Blake Street – 5-story, 60'-tall mixed-use building with 82 units;
- ZAB Project Preview held on October 11, 2018, a proposal for a mixed-use building one block north of the subject site at 2628 Shattuck Avenue – 6-story, 65'-tall building with 78 units.

The 2701 Shattuck project site under appeal has had two development proposals since the early 2000's which were approved but never built: a 3-story, 17-unit project in 2002 and a 5-story, 24-unit project in 2007. Both were mixed-use proposals which were approved with reduced setbacks and increased lot coverage compared to the base allowed by zoning.

In 2013, the ZAB considered a proposal for the subject site that was very similar to the current project being appealed – it was a 5-story, mixed-use building with 67 dwelling units (as opposed to the 57 units in the 2018 project). The 2013 project was denied because the ZAB was unable to make findings for approval. In the staff report, the denial findings focused on the building being out of scale and incompatible with the residential neighborhood to the east, and a failure of the applicant to adopt design alternatives suggested by the ZAB that would remedy these issues. (See Attachment 4, ZAB Preview Staff Report). The 2013 project also met with strong neighbor opposition. The project did not include a density bonus.

The current proposal was submitted in 2016, and differed from the 2013 proposal in that it had been re-designed to address the previous denial findings by accepting the design alternatives suggested by the ZAB in 2013. In addition, by invoking Density Bonus law, the developer is entitled to a bonus of 15 units, as well as waivers for height, reduced setbacks, and lot coverage to accommodate the inclusion of the bonus units. Concessions necessary for financial feasibility of the project to provide the affordable units were also granted. (See Attachment 5, ZAB Hearing Staff Report and Project Plans for details.) Furthermore, the current project was eligible for approval according to the State Housing Accountability Act (HAA). Pursuant to the HAA, the ZAB could not deny the project, nor approve it at a reduced density (number of units), because the findings for “specific adverse impact” could not be made.³

At the November 8, 2018 ZAB hearing, given that the project building envelope and density, including waivers for height, reduced setbacks, and lot coverage, were entitled to the project via DBL and the HAA, the ZAB attempted to alleviate persistent neighbor concerns over privacy, massing, and access to sunlight by negotiating design adjustments to the portions of the building closest to the eastern neighboring properties.⁴ The applicant agreed to a condition of approval that was added to the permit that requires substantive changes to the building design, to be presented to and approved by the DRC at FDR, which occurs prior to the application for building permits. Draft plans of the revised design have been submitted, and are attached for the City

³ Housing Accountability Act, California Government Code Section 65589.5(j). The HAA requires that findings for “specific adverse impact” must be made to deny or approve with reduced density a project that is compliant with applicable, objective general plan and zoning standards. The HAA applies to projects that have also received modifications to standards that are granted as waivers or concessions under DBL.

⁴ Because the building envelope was ensured by waivers through DBL, and the number of units was entitled to the project via the HAA, the ZAB only had the ability to influence building design elements such as color, materials, and minor adjustments to the massing that would not affect these entitlements. The ZAB also allowed a reduction in parking to below the minimum requirement per zoning standards (eliminate three parking lifts/nine spaces) to reduce the massing on the ground level on the eastern side of the building in order to address neighbor concerns. See Condition #11, Attachment 1, Exhibit A, Findings and Conditions, for details of revisions to be made by the applicant prior to FDR.

Council's consideration.⁵ (See Attachment 1, Exhibit B, Revised Project Plans – revisions are clouded and labeled “Revised per Condition #11”.)

ENVIRONMENTAL SUSTAINABILITY

The project approved by the ZAB is in compliance with all State and local environmental requirements.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the attached appeal letter (Attachment 2, Appeal Letter) and the letter referenced in the appeal letter (Attachment 3, Supplemental Communications Letter) for the full text.

- Issue 1: City Public Meeting Regulations. The appellants assert that project plans were not made available for public review for a sufficient time period. The City calls for a 30-day review period before the public hearing; the plans were made available seven days before the hearing, on November 8, 2018.
- Response 1: The appellant is incorrect about the City's requirements. Public Notice Requirements are specified in the Berkeley Municipal Code (BMC), Section 23B.32.020. The project was noticed in accordance with this section – postcard hearing notices were mailed to all property owners and occupants within 300' of the site and to interested organizations 14 days prior to the hearing (on October 25, 2018), and Notices of Public Hearing were posted at and near the project site on the same day. The postcards and on-site notices provided the link to the project webpage that contains up-to-date application materials, ZAB materials, and all ZAB Preview and DRC materials as of that date. As is also customary and set forth in the City's Commissioners' Manual, the ZAB agenda and

⁵ Condition #11: Final Design Review. The Project requires Final Design Review (FDR) approval by the Design Review Committee. Plans presented at FDR shall include the following design changes:

- A. Eliminate the three south parking lifts along east wall (between floorplan reference lines D and E) and align the exterior podium wall with eastern wall of utility room, creating an approximately 18'-wide setback from the east property line; provide at grade planting in the expanded setback area to the satisfaction of the DRC. (Sheet A2.1)
- B. Move podium railing/parapet to the inside (west) edge of the planting beds so that the planting beds are east of it, to soften the wall edge; detail to be worked out at FDR. (Sheet A2.2)

In addition, the applicant shall consider revising the project to address the following design changes for presentation to the DRC at FDR:

- Better screening on the north stairs and the eastern open space decks to increase privacy;
- Utilize robust plants that grow quickly to provide immediate privacy to east of the site;
- Find a solution for greater privacy on east windows for both residents and neighbors; and
- Explore ways to reduce the apparent massing of the north stair as experienced from the street; consider pulling the stair mass closer into the building.

links to the November 8th hearing materials were posted on the project webpage one week prior the hearing on November 1, 2018.

BMC Sections 23B.32.020.C and F state that the public notices or mailed notices *may* be for a longer time period than 14 days, up to 30 days maximum, when required by State law or extended by the Zoning Officer and/or Board, for applications of major significance. The Board did not take any action to extend the notice period for this project application, so notices were sent and posted 14 days prior to the hearing in accordance with the ordinance.

At the suggestion of a neighbor (now the Appellant), staff revisited the site on Friday, November 2, 2018, eight days after the initial posting of notices, to verify that the notices were still in place. Upon revisiting the site, staff noted that the notices were taken down by an unknown party. Staff re-posted all of the notices on the next business day, Monday, November 5, 2018.

The plan set that was included with the November 8 ZAB materials on the web page was submitted by the applicant on October 30, 2018, and reflected minor changes to the building design that were made in response to comments made by the DRC during PDR. Otherwise, these plans were substantially similar to the plans that had been available to the public since the July 26, 2018 ZAB Preview, and substantially similar to the plans that had been publicly available since the August 16 and September 20 DRC PDR meetings. Thus, a version of the project plans that were essentially the same as the plan set seen by the ZAB on November 8th was available at least four months prior to the hearing. Moreover, the public had opportunities to speak on the project proposal at the July 2018 ZAB Preview, as well as two separate DRC meetings, prior to the November 2018 ZAB decision hearing. Finally, Planning Department staff contact information is publicly available at all times for anyone who needs assistance finding specific information about any application.

Issue 2: Deceptive Plans. The appellants assert that the project plans are purposefully drawn to minimize impact and detriments, and omit information to hide significant impacts in terms of setbacks, massing, shadows, and height. The applicants chose to show shadows at 2 p.m., but not 3 p.m. when significant shadows begin to occur.

Response 2: The applicant submitted plans that adequately met the City's submittal requirements for permit applications. Land Use Planning submittal requirements include: site plans, floor plans, sections, and elevations that are drawn to scale by a licensed architect; street elevations; and

photo simulations from at least four angles that demonstrate maximum impact on views from surrounding properties. The applicant also submitted 3D renderings from additional viewpoints, which are not required, but are typical of a project of this size.

The zoning permit application submittal requirements ask for shadow diagrams that depict shadows which would occur on the summer and winter solstices, and on the date of application, for three times during the day – two hours after sunrise, noon, and two hours before sunset. The applicant has supplied diagrams for these times and for additional times throughout the day. Shadow diagrams for every two hours from sunrise to sunset for each of the dates were submitted, and include the time period of 3 p.m. and later for each date. (See Attachment 1, Exhibit B, Revised Project Plans, sheets S1.0 to S1.4.)

- Issue 3: Affordable Units and In-Lieu Fees. The appellants assert that the detriments resulting from the project outweigh the benefits to the public from four affordable units or the in-lieu fee paid to provide fewer affordable units.
- Response 3: Pursuant to BMC Section 22.20.065, the project is subject to the local Affordable Housing Mitigation Fee (AHMF). The Affordable Housing Mitigation Fee is currently \$34,884 for every market rate unit in the project if paid at issuance of a building permit or \$37,962 if paid at the time a certificate of occupancy is issued. The AHMF ordinance allows an applicant to choose whether to provide Below Market Rate (BMR) units, up to 20% of the total project units, in-lieu of payment of the full fee. The applicant proposes to provide five (9% of the total) Very Low Income (VLI) units and pay the fee for the remainder (11%) of the requirement. The applicant has indicated that they intend to pay the fee amount of approximately \$1 million for the remainder, which would be placed in the City's Housing Trust Fund, which helps to fund affordable housing projects in the City.
- Issue 4: CEQA: The appellants assert that the character of the neighborhood should be protected by CEQA, and CEQA should apply to the project.
- Response 4: The project is exempt from further review under the California Environmental Quality Act (CEQA) under Categorical Exemption Class 32, found in CEQA Guidelines section 15332 ("In-Fill Development Projects").
- Issue 5: Ground-floor Units. The appellants assert that the project appropriates much of the pedestrian space on the sidewalk along the Shattuck Avenue project frontage with private gardens for the ground-level units

and commercial bike racks, without public input, to build an oversized project that provides no front setback and violates other City Codes that require setbacks for ground-level dwelling units.

Response 5: The interface between the ground-floor units and the public sidewalk along Shattuck Avenue was discussed at the ZAB Preview and both DRC meetings, where the public was invited to express any concerns about the project. The bike racks proposed to be outside the lobby on the Shattuck Avenue sidewalk have also been shown on the plan set for all of these meetings. Several solutions were discussed to improve the transition from private to public space at this building frontage, and the layout with raised planting beds and integrated public seating shown on the approved plan set were reviewed by the ZAB, the DRC and the Public Works (PW) department prior to the project's approval on November 8, 2018. Additionally, the DRC will conduct a Final Design Review, and PW will review the plans once more for approval of an encroachment permit prior to the issuance of any building permits.

The project site is in the C-SA (South Area Commercial) zoning district, which refers to the R-4 zoning district yard standards for a mixed-use building. The project is a density bonus proposal, which entitles the project to a waiver for the front yard to be 0 feet, where 15 feet is normally required, in order to accommodate the density bonus units on the site. Though other districts such as the C-NS (North Shattuck Commercial) district may have restrictions for residential uses located on the ground floor near the right of way,⁶ the C-SA District has no such restrictions on ground-floor residential uses, and the project is compliant with all yard standards for the site.

Issue 6: Dormitory Housing. The appellants assert that the design of the building encourages a transient student population that is not consistent with the family character of the existing neighborhood, and is an ad hoc dormitory for U.C. Berkeley without U.C. programs or supervision, which will bring raging parties next to families with toddlers.

Response 6: State law prohibits the City from discriminating among or against types of residents in its approval of new housing. The HAA also prohibits the City from denying approval of the project based on subjective standards or hypothetical concerns about future residents. The 2701 Shattuck project was approved based upon the project's satisfaction of approval findings and all development standards under State law and the municipal code. Concerns about the post-construction operation of the

⁶ The C-NS district requires that in a mixed-use building, no residential use may be located on the ground floor within 20 feet of a property line adjoining a public right-of-way.

building could be addressed by provisions in the Berkeley Municipal Code for the protection of public peace, morals and welfare (nuisance). Any violations of the municipal code can be reported to the City department that handles code enforcement.

Issue 7: Traffic and Safety. The appellants allege that the lack of visibility around the corner would cause car accidents because the project has zero setback on Shattuck Avenue and Derby Street. The lack of parking in the building to the south that just finished construction causes its residents to pull around the corner to Derby and park illegally to visit the new building. A new parking lot at 2701 Shattuck with a few dozen parking spaces and an entrance on Derby will cause cars to queue up to park. Cars driving fast and turning right onto Derby will crash into waiting cars. Also the zero setback on Derby provides exiting cars with no visibility to pull out, increasing the likelihood of cars turning the corner to hit them. There has been no discussion of a traffic study to validate the safety of the design.

Response 7: The applicant submitted a Transportation Assessment (TA) for the project, which was reviewed and deemed adequate by the City's Transportation Division. The TA concluded from an analysis of the site plan that the proposed driveway location would provide adequate sight distance between vehicles exiting the garage and pedestrians / vehicles on Derby Street.⁷ In addition, the TA concluded that the site plan provides sufficient accommodation of access and circulation for pedestrians, bicyclists, transit riders, and motor vehicles. Further, at the November 8 hearing the ZAB directed the applicant to remove three parking stackers or nine parking spaces (in response to neighbor comments on the deficiency of light and privacy for the adjacent residents), which would reduce the number of vehicle trips in and out of the parking lot from the number of trips for the original proposal, and thus further reduce the potential for safety issues at that corner.

Issue 8: Height, Shadow and Privacy. The appellants allege that the stair on the north side of the building and the roof deck, if considered with the proposed trees and rooftop structures, create a 6-story building (and not a 5-story building, as described in the staff report) which will reach a height of 70 feet. The shadow studies did not factor in the trees and rooftop structures. The north stair and the roof deck are open areas where 2701 Shattuck residents will congregate and look down upon adjacent residents' yards. It also increases the shadows on adjacent properties, and is unattractive. It will depress adjacent property values,

⁷ 2701 Shattuck Transportation Assessment, by Kittleson and Associates, dated March 2, 2017, p.10.

increase shadow, decrease light, and decrease privacy for these adjacent properties.

Response 8: The north stair on the project is an exterior stairway that provides access to and emergency egress from the roof deck and all floors of the building. Typically, neither unenclosed stairs nor landscaping (no matter how tall) are considered to be a “story” by definition in the municipal code.⁸ In response to neighbor concerns for privacy expressed at the first DRC meeting, more screening (permeable) was added to the north stair, which increased the built height for the stair at the roof level. Nevertheless, the stair remains unenclosed and does not constitute a sixth story. The enclosed portions of the building reach five stories, and the height of the building, as measured to the top of the parapet, per definition of height in the municipal code, is 62’-4”.⁹

The submitted shadow studies project shadows for all permanent, built elements of the building, but not for soft elements such as plants, trees, or roof deck furniture. This is not unusual, as such soft elements are not permanent, and can change unpredictably in massing and height over time. Furthermore, these elements do not span or cover the entire rooftop area of the building, and therefore would not cause a significant increase in shade compared to the entirety of the permanent, built structure. (The shadow impacts from the building are analyzed in the November 8, 2018 ZAB Hearing Staff Report, Attachment 5, page 19.)

Privacy impacts from the building, including any impacts produced by the north exterior stair, were discussed extensively at both DRC meetings, where the DRC suggested that a setback of the landing at the fifth floor and increased screening on the stair volume be added to the design to address the neighbors’ privacy concerns. These revisions were included in the ZAB-approved plans. In addition, at the November 8 ZAB hearing, the ZAB directed the applicant to eliminate some of the interior, ground-floor parking so that the eastern ground-floor wall could be moved away from the neighbors, to provide greater privacy and light to these residents. Additional requirements by the ZAB are contained in Condition #11 of the Use Permit to remedy privacy, light, and massing

⁸ A “story”, per Berkeley Municipal Code, section 23F, is “That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building between the floor of the topmost floor and the ceiling or roof above”.

⁹ Per Berkeley Municipal Code, section 23F, the height of a building with a parapet is measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the top of the parapet wall.

concerns from the neighbors. (See Attachment 1, Exhibit A, Findings and Conditions.)

Issue 9: Solar Access and Air Flow. The appellants allege that the project will cause their home to lose 5-6 hours of daylight per day. Their solar panels will be shaded by the building during peak sunlight hours, and will cost them lost revenue from potential energy sales to East Bay Community Energy. It will cause neighbors to use more indoor heating because of the lack of sunlight, cause more seasonal affective disorder, and cause neighbors to lose their ability to grow food in back porch gardens. The project is too massive and tall, and blocks the natural breeze that blows from west to east, causing detriments to gardens, and an increase in summer heat and the need for air conditioning.

Response 9: The project meets development standards for height as set forth in State law and the municipal code. Shadow impacts from new buildings must be expected, and are typically analyzed in the staff report for consideration by the ZAB to inform their decision on projects. The ZAB, via their approval of the project, has determined that the shadow impacts from the proposal to be acceptable in return for the benefits provided by other aspects of the project, within the constraints imposed by development standards for the property and State law.

Likewise, for air flow, any impacts from new buildings, whether it be blocked air flow or new air flow streams created, must be expected. It is anticipated that the shade from the building would help to *lower* summer heat and *reduce* the need for air conditioning inside adjacent homes.

As for light access for solar panels, the California Solar Rights Act does not include provisions to protect solar access, though it does recognize the possibility of a “solar easement” to be created.¹⁰ The Solar Shade Control Act protects solar access from shading by plants and trees, but does not preclude private development which may cast shadows on solar panels.¹¹

¹⁰ The Solar Rights Act comprises the following California codes of law: California Civil Code Sections 714 and 714.1, California Civil Code Section 801-801.5 (solar easements), California Government Code Section 65850.5, California Health and Safety Code Section 17959.1, California Government Code Section 66475.3, and California Government Code Section 66473.1.

¹¹ Government Code, Sections 25980–25986.

Issue 10: Flooding and Derby Creek. The appellants allege that the project site is located on top of Derby Creek. No studies have been submitted for excavation on top of the creek or impact to neighboring properties.

Response 10: Staff consulted with the City Public Works Department prior to the November 8th hearing. PW staff confirmed that the subject property is not in a City creek buffer area because the storm drain on Derby Street intercepts the water from what was known as Derby Creek, which is shown on a historic City creek map (source date, 1850). The storm drain was constructed many years ago, and the creek channel which was once Derby Creek was filled. Thus, the creek protection requirements (such as setbacks for construction) under BMC section 17.08 do not apply to the property. The Building and Safety Division will require a geotechnical report (which analyzes the soils on the site and informs site excavation and foundation design) prior to the issuance of building permits.

In conclusion, the project meets all of the findings necessary for approval of the permit. Therefore, staff recommends that the City Council uphold the ZAB decision to approve the project with the attached Revised Plans and Conditions of Approval.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23B.32.060.D, the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

Action Deadline:

Pursuant to BMC Section 23B.32.060.G, 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 PERSONS

Timothy Burroughs, Director, Planning & Development Department, (510) 981-7437
Steven Buckley, Land Use Planning Manager, (510) 981-7411
Sharon Gong, Project Planner, (510) 981-7429

Attachments:

1. Draft Resolution
 - Exhibit A: Findings and Conditions
 - Exhibit B: Revised Project Plans, received February 5, 2019
2. Appeal Letter, dated received December 3, 2018
3. Supplemental Communications Letter to ZAB, dated November 5, 2018
4. ZAB Preview Staff Report, dated July 13, 2017

5. ZAB Hearing Staff Report and Project Plans, dated November 11, 2018
6. Index to Administrative Record
7. Administrative Record
8. Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD APPROVAL OF USE PERMIT #ZP2016-0244 TO CONSTRUCT A 5-STORY, 62-FOOT TALL, MIXED-USE BUILDING WITH 57 DWELLING UNITS (INCLUDING FIVE VERY LOW INCOME UNITS), A 600-SQUARE-FOOT GROUND-FLOOR QUICK-SERVICE RESTAURANT, AND 21 PARKING SPACES; AND DISMISSING THE APPEAL

WHEREAS, on December 13, 2016, Bay Rock Multifamily, LLC (“applicant”) filed an application for a Use Permit to construct a 5-story, 62-foot tall, mixed-use building with 57 dwelling units at 2701 Shattuck Avenue (“project”); and

WHEREAS, on June 29, 2018, staff deemed this application complete and determined that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”); and

WHEREAS, on July 11, 2018, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on July 26, 2018, the ZAB held a Project Preview; and

WHEREAS, on October 11, 2018, the applicant submitted revised plans in response to ZAB and DRC comments, and staff deemed the revised application complete; and

WHEREAS, on October 25, 2018, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on November 8, 2018, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and approved the project, with added Condition #11; and

WHEREAS, on November 20, 2018, staff issued the notice of the ZAB decision; and

WHEREAS, on December 3, 2018, Todd and Linda Jensen Darling (“Appellants”), owners and residents of 2106 Derby Street, filed an appeal of the ZAB decision with the City Clerk; and

WHEREAS, on or before February 26, 2019, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on March 12, 2019, 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 City 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 #ZP2016-0244, adopts the conditions of approval in Exhibit A, and the project plans in Exhibit B, and dismisses the appeal.

Exhibits

A: Findings and Conditions

B: Revised Project Plans, received February 5, 2019

ATTACHMENT 1, EXHIBIT A

FINDINGS AND CONDITIONS

2701 Shattuck Avenue

Use Permit #ZP2016-0244 to construct a 5-story, 62'-tall, mixed-use building with 57 dwelling units (including 5 VLI units), a 600-square-foot ground-floor quick-service restaurant, and 21 parking spaces.

PERMITS REQUIRED

- Administrative Use Permit to construct rooftop projections, such as mechanical appurtenances or architectural elements, which exceed the maximum district height limit; under BMC Section 23E.04.020.C;
- Use Permit to construct a new mixed-use development of 5,000 square feet or more, under BMC 23E.52.030.A; and
- Use Permit to construct more than 3,000 square feet of new floor area, under BMC 23E.52.050.

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Waiver to exceed height – to be 62'-4" maximum, where 50' is the limit, and to be 5 stories where 4 stories is the limit;
- Waiver to reduce the front, street side, side, and rear yards:
 - Front setback – 0'-0", where 15' minimum is required;
 - Rear setback – 0'-6", where 15' minimum is required;
 - Left side setback – 8'-0", where 5' minimum is required;
 - Right side (street side) setback – 0'-0", where 6' minimum is required;
 - Lot coverage – 86%, where 40% maximum allowed;
- Waiver to exceed the lot coverage limit – to be 86%, where 40% maximum is allowed;
- Concession to increase average unit size from 463 square feet (Base Project) to 495 square feet (Proposed Project); and
- Concession to have ground-level parking in the Proposed Project, when the Base Project parking is underground.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").
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

1. As required by Section 23B.32.040.A of the Zoning Ordinance, 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:

- According to the shadow studies submitted by the applicant, the single-family residences to the east (2104, 2106, and 2108 Derby Street) and the multi-family residence to the southeast of the site (2708 Walker Street) will experience the most increased shadows during the few hours before sunset, year-round. Residences to the northeast, beyond the subject block, may experience new shadows in the few hours before sunset in the winter. Shadow impact on these residences to the east and northeast are to be expected, because the subject site is located in the C-SA district (commercial), which allows heights of up to 50' and 4 stories (for residential and mixed-use), whereas the eastern residences are in the R-2 district (residential), which allows heights of up to 28' (35' with a use permit) and 3 stories. The proposal will include an additional story beyond the district height limit to accommodate the density bonus units – a waiver that will be granted. The additional height/story gained through the waiver will cast shadows in the eastern direction further than if the project had only four stories. Still, the shadow impacts from the project will be reasonable, given that the duration will be limited to the evening hours and given the height limit differential between the two districts.
 - A Preliminary Transportation Assessment, which was reviewed and approved by the City's Traffic Engineer, showed that the proposed project will have a vehicle trip generation of 21 weekday AM peak hour trips, and 16 weekday PM peak hour trips. Thus, the project will not exceed the City's 25 peak-hour trip threshold for requiring a full traffic study. The anticipated increase in traffic due to the project will not conflict with any applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system, and the impact will be less than significant.
 - The Preliminary Transportation Assessment also showed that, based on a qualitative review of the site plan, access and circulation for pedestrians, bicyclists, transit riders, and motor vehicles will be sufficiently accommodated by the proposed project. The proposed project will provide 30 vehicle parking spaces and 49 long-term bicycle parking spaces, a slight reduction from the numbers in the original proposal of 32 vehicle parking spaces and 56 long-term bicycle parking spaces, on which the study is based. However, the proposed number vehicle parking satisfies and exceeds district parking requirement by one, and the proposed number bicycle parking well exceeds district parking requirement. Thus, the off-street parking in the surrounding neighborhood will not be adversely impacted by the project.
 - The project 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.
2. Pursuant to Berkeley Municipal Code Section 23E.52.090.B, pertaining to C-SA district findings for approval, the City finds that:
- As a mixed-use building with 57 residential units and a 600-square-foot, ground-floor café, with improvements to the sidewalk outdoor space, the proposed project will encourage and

engage pedestrian traffic near the site, and provide a place for the nearby residents to gather and engage with the local community. The ground-floor café and enhanced public outdoor space are a desirable service and destination for local residents, and will encourage them to patronize other local businesses within walking distance.

- The project will be similar in height, massing, and use to existing, nearby developments, and therefore will be compatible with surrounding uses and buildings within the C-SA district. Also, the project proposal has incorporated design features, such as stepping back from adjacent residences at each floor, to ease the transition from the project to the residential neighborhood and R-2A district to the east.
 - The proposed quick-service restaurant (café) will add to the mixture of businesses in the neighborhood, which consists of car dealerships, medical offices, self-storage, retail, a pharmacy, a grocery store, and quick- and full-service restaurants, without a predominance of any one type of business.
3. Pursuant to Government Code Section 65915, pertaining to State Density Bonus law, the City finds that:
- Under the City’s methodology for implementing density bonuses per Section 65915, the “base project” consists of 42 units.
 - The project will provide at least 5 Very Low Income (VLI) qualifying units in the 42-unit “base project”, as more fully set forth in Conditions #51 - 56. This commitment entitles the project to a density increase of 35% over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 15 units within the 57-unit proposed project.

Waivers:

- In accordance with Government Code Section 65915(e) the City hereby grants the following waivers for the C-SA district standards, in order to allow the construction of the requested project with the density bonus: a waiver to exceed height – to be 62’-4” maximum, where 50’ is the limit, and to be 5 stories where 4 stories is the limit; a waiver to exceed the lot coverage limit – to be 86%, where 40% maximum is allowed; and a waiver to reduce the front, street side, side, and rear yards:
 - Front setback – 0’-0”, where 15’ minimum is required;
 - Rear setback – 0’-6”, where 15’ minimum is required;
 - Left side setback – 8’-0”, where 5’ minimum is required;
 - Right side (street side) setback – 0’-0”, where 6’ minimum is required;
 - Lot coverage – 86%, where 40% maximum allowed.

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the City hereby finds that the density bonus units can best be accommodated by granting these waivers.

- In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the City finds approval of waivers is required 1) construct the proposed project at the density permitted under State

law; 2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers would not be contrary to State or Federal law.

Concessions:

- In accordance with Government Code Section 65915(d) and (k), the City hereby grants the following concessions in order to provide for affordable housing costs: a concession to increase average unit size from 463 square feet (Base Project) to 495 square feet (Proposed Project); and a concession to have ground-level parking in the Proposed Project, when the Base Project parking is underground.
 - In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the City finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
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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 and 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. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the City, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the City, consistent with the City's policy adopted on May 24, 1978, which reduce the size of the project.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

- B. Move podium railing/parapet to the inside (west) edge of the planting beds so that the planting beds are east of it, to soften the wall edge; detail to be worked out at FDR. (Sheet A2.2)

In addition, the applicant shall consider revising the project to address the following design changes for presentation to the DRC at FDR:

- Better screening on the north stairs and the eastern open space decks to increase privacy;
- Utilize robust plants that grow quickly to provide immediate privacy to east of the site;
- Find a solution for greater privacy on east windows for both residents and neighbors; and
- Explore ways to reduce the apparent massing of the north stair as experienced from the street; consider pulling the stair mass closer into the building.

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. Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- C. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- D. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- E. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- F. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- G. Prohibit unnecessary idling of internal combustion engines.
- H. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- I. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- J. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- K. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

14. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate

professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall

- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
- include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

Prior to Issuance of Any Building Permit:

15. Public for Art: Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
16. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
17. Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

18. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
19. Construction Phases. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
20. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
21. Electric Vehicle (EV) Charging. At least 10% of the project parking spaces for residential parking and 3% of the parking spaces for non-residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.
22. 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).
23. Water Efficient Landscaping. Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State's Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District's Section 31: Water Efficiency Requirements.
24. Construction and Demolition. Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.
25. 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.
26. Parking for Disabled Persons. Per BMC Section 23E.28.040.D of the Zoning Ordinance, "Notwithstanding any reduction in off-street parking spaces that may be granted for mixed-use projects in non-residential districts listed in Sub-title 23E, the requirement for off-street parking spaces for disabled persons in the project shall be calculated as if there had been no reduction in total parking spaces."

- 27. First Source Agreement.** The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley. First Source promotes the hiring of local residents on local projects. The agreement requires contractors/employers to engage in good faith efforts to hire locally, including utilizing graduates of local job training programs. Please call (510) 981-4970 for further information, or visit the City's Employment Programs office at 2180 Milvia, 1st Floor.
- 28. 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 6 months 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
 - 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 6 months 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 Demolition or Start of Construction:

- 29. Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

- 30. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 31. Construction Hours- Exceptions.** It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
- 32. 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.

- 33. Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:
- Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 - Calendar and schedule of daily/weekly/monthly construction activities
 - The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.
- 34. 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.
- 35. 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.

- 36. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

- 37. 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.

- 38. 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.
- 39. 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.
- 40. 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 private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- I. 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.
- J. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
- L. 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.
- M. 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.

- 41. 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's 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.
- 42. 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.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. 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.
- 47. 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:

48. 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.
49. 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 **February 5, 2019**, except as modified by conditions of approval.
50. Construction and Demolition Diversion. A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

BELOW MARKET RATE UNITS

51. Number of Below Market Rate Units. The project shall provide 5 Very Low Income (VLI) below market rate rental dwelling units ("BMR Units"), which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.
52. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development.
53. In addition, the following provisions shall apply:
 - A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
 - C. BMR units will be provided for the life of the project under Section 22.20.065.

54. Determination of Area Median Income (AMI).

- The “AMI” (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one person household
One-bedroom unit	AMI for a two person household
Two-bedroom unit	AMI for a three person household
Three-bedroom unit	AMI for a four person household

55. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

56. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23C.12, which applies to the any of the following:

- A. Residential housing projects for the construction of five or more Dwelling Units;
- B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
- C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

At All Times:

57. 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.

58. 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 City review and approval.

59. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to approval.

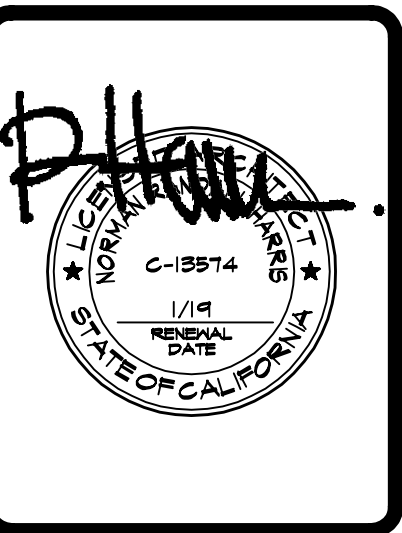
60. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
 61. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 62. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
 63. Bike Parking. Secure and on-site bike parking *for at least* 49 bicycles shall be provided for the life of the building.
 64. Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
 65. Transit Subsidy Condition. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
 66. Residential Permit Parking. Consistent with BMC Section 14.72.080.C.1, no Residential Permit Parking (RPP) permits shall be issued to project residents. 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.
-

2701 SHATTUCK AVENUE



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/19	AY

HDO
architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
COVER

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet

A.O.O

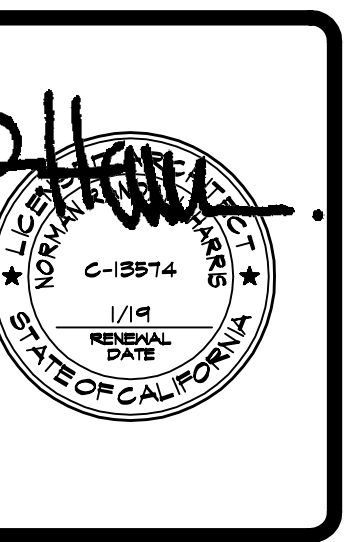
Received 2/5/19, Revised for City Council Appeal on 3/12/19

2701 SHATTUCK AVENUE

BERKELEY, CA

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
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ZAB SUBMITTAL 11/08/18	AY

HDO
architects, planners
2950 Camino Diablo
Suite 110
Walnut Creek, CA
94597
(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

ABBREVIATIONS

AFF	ABOVE FINISHED FLOOR	(N)	NEW
ACOUS	ACOUSTICAL	NEG	NEGATIVE
ADJ	ADJUSTABLE	NOM	NOMINAL
AL	ALIGN	NIC	NOT IN CONTRACT
ALT	ALTERNATE	NTS	NOT TO SCALE
AB	ANCHOR BOLT	NO	NUMBER
APROV	APPROVED		
ARCH	ARCHITECTURAL	OC	ON CENTER
AUTO	AUTOMATIC	OD	OUTSIDE DIAMETER
		OP	OPENING
BLDG	BUILDING	OPP	OPPOSITE
BLKG	BLOCKING	ORIG	ORIGINAL
BM	BEAM		
BD	BOARD	PART	PARTITION
BO	BOTTOM OF	PP	PARTIAL PENETRATION
BS	BOTH SIDES	PAF	POWDER ACTUATED FASTENER
		PLAM	PLASTIC LAMINATE
CAB	CABINET	PL	PLATE
CI	CAST IRON	PN	PLATE NAILING
CIP	CAST IN PLACE	PLYWD	PLYWOOD
COL	COLUMN	PT	POINT
CTR	CENTER	LB	POUND
CL	CENTER LINE	PRES	PRESSURE
CTC	CENTER TO CENTER		
CER	CERAMIC	QUAL	QUALITY
CL	CONSTRUCTION JOINT	QUAN	QUANTITY
	CLEAR		
CMU	CONCRETE MASONRY UNIT	PT	PRESSURE/ PRESERVATIVE TREATED
CON	CONNECTION	PS	PRESTRESSED
CONT	CONTINUOUS	PART	PARTITION
CP	COMPLETE PENETRATION		
CS	COUNTERSUNK	RAD	RADIUS
CW	COLD WATER	RWL	RAIN WATER LEADER
		RECPT	RECEPTACLE
DET	DETAIL	REF	REFERENCE
DEPT	DEPARTMENT	REIN	REINFORCEMENT, REINFORCED
DIA	DIAMETER	REQ	REQUIRED
DIV	DIVISION	RWD	REDWOOD
DR	DOOR	RH	RIGHT HAND
DBL	DOUBLE	RHR	RIGHT HAND REVERSE
DF	DOUGLAS FIR	RM	ROOM
DN	DOWN	RND	ROUND
DS	DIAGONAL SHEATHING	RO	ROUGH OPENING
DWG	DRAWING	REV	REVISION
DRWR	DRAWER		
		SS	SANITARY SEWER
(E)	EXISTING	SAD	SEE ARCHITECTURAL DRAWINGS
EA	EACH	SCD	SEE CONSULTANT DRAWINGS
EF	EACH FACE	SED	SEE ELECTRICAL DRAWINGS
EW	EACH WAY	SKD	SEE KITCHEN CONSULTANT
EN	EDGE NAILING	SND	SEE STRUCTURAL DRAWINGS
EL	ELEVATION	SMD	SEE MECHANICAL DRAWINGS
ELEV	ELEVATOR	SFMD	SEE FINISH CARPENTRY DRAWINGS
ELEC	ELECTRICAL	SJ	SEE PLUMBING DRAWINGS
ENG	ENGINEER	SCHED	SEISMIC JOINT
EQ	EQUAL	SECT	SCHEDULE, SCHEDULE
EQUIP	EQUIPMENT	SH	SECTION
EX	EXHAUST	SM	SHEET
EXP	EXPEDITE	SIM	SHEET METAL
EXT	EXTERIOR	SP	SIMILAR
		SPEC	SPACE
FAB	FABRICATE	SQ	SPECIFICATION
FOC	FACE OF CONCRETE	SQFT	SQUARE
FOF	FACE OF FINISH	ST	SQUARE FOOT
FOS	FACE OF STUD	STAG	STRAP TIE
FOR	FACE OF WALL	SSTL	STAGGERED
FIN	FINISH	STAND	STAINLESS STEEL
FF	FINISHED FLOOR	STL	STANDARD
FE	FIRE EXTINGUISHER	STOR	STEEL
FA	FIRE ALARM	STRUC	STRUCTURE
FLR	FLOOR	SUS	SUSPENDED
FLUOR	FLUORESCENT	SYM	SYMMETRICAL
FL	FLUSH	SYS	SYSTEM
FOUND	FOUNDATION	TEMP	TEMPERED
FTNG	FOOTING	TH	THICKNESS
FR	FRAMING	THR	THREADED
FUR	FURRING	TD	TIE DOWN
		T&G	TOP AND BOTTOM
GA	GAUGE	T&G	TONGUE AND GROOVE
GALV	GALVANIZED, GALVANIZING	TOF	TOP OF CONCRETE
GL	GLASS, GLAZING	TOP	TOP OF FINISH
GLULAM	GLUE LAMINATED BEAM	TOS	TOP OF PLATE
GYP BD	GYP/SUM BOARD	TOW	TOP OF STEEL
		TN	TOP OF WALL
HVAC	HEATING VENTILATION & AIR CONDITIONING	TYP	TRUE NORTH TYPICAL
HSR	HIGH STRENGTH RODS	UL	UNDER WRITERS LABORATORY
HSB	HIGH STRENGTH BOLT	UON	UNLESS OTHERWISE NOTED
HT	HEIGHT	UTIL	UTILITY, UTILITIES
HD	HOLD DOWN	VERT	VERTICAL
HORIZ	HORIZONTAL	VIF	VERIFY IN FIELD
HW	HOT WATER	VER	VERIFY
		VEST	VESTIBULE
INC	INCLUDING, INCLUDED	WC	WATER CLOSET
INFO	INFORMATION	WH	WATER HEATER
INT	INTERIOR	WI	WITH
		WO	WITH OUT
JH	JOIST HANGER	WD	WOOD
JT	JOINT	YD	YARD
LAM	LAMINATE		
LH	LEFT HAND		
LHR	LEFT HAND REVERSE		
LT	LIGHT		
LTW	LIGHT WEIGHT		
L	LONG, LENGTH		
MB	MACHINE BOLTS		
MAINT	MAINTENANCE		
MAX	MAXIMUM		
MECH	MECHANICAL		
MANF	MANUFACTURER		
MTL	METAL		
MEZZ	MEZZANINE		
MIN	MINIMUM		
MISC	MISCELLANEOUS		
MTD	MOUNTED		
MUL	MULLION		

PROJECT DIRECTORY

DEVELOPER:	2701 SHATTUCK BERKELEY, LLC 7917 FESTIVAL COURT CUPERTINO, CA 95014 STUART GRUENDL, CEO STUART@BAY-ROCK.COM 408.761.3598
ARCHITECT:	HDO ARCHITECTS . PLANNERS 2950 CAMINO DIABLO, SUITE 110 WALNUT CREEK, CALIFORNIA 94597 CONTACT: RANDY HARRIS RHARRIS@HDOARCHITECTS.COM 925.256.6042 EXT: 16 CONTACT: ALFREDO YNIGUEZ AYNIGUEZ@HDOARCHITECTS.COM 925.256.6042 EXT: 19
CIVIL ENGINEER:	CALICHI DESIGN GROUP 1330 BROADWAY, SUITE 1203 OAKLAND, CA 94612 CONTACT: RECO PRIANTO RECO@CALICHI.COM 510.250.7877
LANDSCAPE ARCHITECT:	BRUCE JETT ASSOCIATES 3 ALTARINDA ROAD, SUITE 201 ORINDA, CA 94563 CONTACT: BRUCE JETT BRUCEJ@LANDSARCH.COM 925.254.5422

PROJECT DESCRIPTION

2701 SHATTUCK AVENUE IS A PROPOSED MIXED USE DEVELOPMENT AT THE CORNER OF SHATTUCK AVENUE AND DERBY STREET IN BERKELEY. THE PROJECT IS A MULTI-STORY WOOD CONSTRUCTION OVER A CONCRETE PODIUM THAT INCLUDES 57 RESIDENTIAL UNITS, A 600 SQUARE FOOT STREET LEVEL CAFE SPACE, 21 PARKING SPACES, AND INCLUDES DENSITY BONUS CONCESSIONS AND WAIVERS. REVISED PER CONDITION #11

THE PROJECT FEATURES OPEN SPACE FOR THE TENANTS ON A ROOF DECK ALONG THE SHATTUCK AVENUE FRONTAGE AND AT THE PODIUM (SECOND) LEVEL.

THE PROJECT INCLUDES A SECURED BIKE PARKING ROOM, MANAGER'S OFFICE AND RESIDENT COMMUNITY WORKSPACE

DRAWING LIST

ARCHITECTURAL	CIVIL
A0.0 COVER	C0.1 CIVIL COVER SHEET
A0.1 INDEX	C1.0 PRELIMINARY SITE AND UTILITY PLAN
A0.1A ZONING & SUPPORTING CALCULATIONS	C2.0 PRELIMINARY GRADING AND DRAINAGE PLAN
A0.1B DENSITY BONUS CALCULATIONS	C3.0 PRELIMINARY STORM WATER QUALITY CONTROL PLAN
A0.2 RESIDENTIAL FLOOR AREAS SUMMARY	
A0.3 BASE PROJECT	
A0.4 PROPOSED DENSITY BONUS PROJECT	LANDSCAPE
A1.1 EXISTING CONDITIONS	L1.1 ILLUSTRATIVE PLAN - GROUND
A1.2 SITE PLAN	L1.2 ILLUSTRATIVE PLAN - PODIUM LEVEL
A2.1 GROUND FLOOR PLAN	L1.3 ILLUSTRATIVE PLAN - 4TH AND 5TH FLOOR
A2.1A MEZZANINE PLAN	L1.4 ILLUSTRATIVE PLAN - ROOF
A2.2 PODIUM LEVEL FLOOR PLAN	L1.5 ILLUSTRATIVE SECTIONS
A2.3 THIRD LEVEL FLOOR PLAN	L2.1 PLANTING PLAN - GROUND
A2.4 FOURTH LEVEL FLOOR PLAN	L2.2 PLANTING PLAN - PODIUM
A2.5 FIFTH LEVEL FLOOR PLAN	L2.3 PLANTING PLAN - 4TH AND 5TH
A2.6 ROOF PLAN	L2.4 PLANTING PLAN - ROOF
A3.1 EXTERIOR ELEVATIONS	L2.5 PLANTING DETAILS
A3.1A EXTERIOR ELEVATION (VIEWED FROM SIDEWALK)	
A3.2 EXTERIOR ELEVATIONS	GRAND TOTAL: 51
A3.3 BUILDING SECTIONS	
A3.4 BUILDING SECTIONS	
A8.1 UNIT A PLANS	
A8.2 UNIT B PLANS	
A8.3 UNIT C PLANS	
A8.4 UNIT D PLANS	
A8.5 ENLARGED LOBBY PLANS	
A8.6 TOWNHOUSE PLANS	
A9.1 3D VIEWS	
A9.2 3D VIEWS	
A9.3 3D VIEWS	
A9.4 3D VIEWS	
A10.1 WINDOW ASSEMBLY	
S1.0 SHADOW STUDY - AFTERNOON	
S1.1 SHADOW STUDY - SEASONAL	
S1.2 SHADOW STUDY - JUNE 21	
S1.3 SHADOW STUDY - MARCH 21 AND SEPTEMBER 21	
S1.4 SHADOW STUDY - DECEMBER 21	

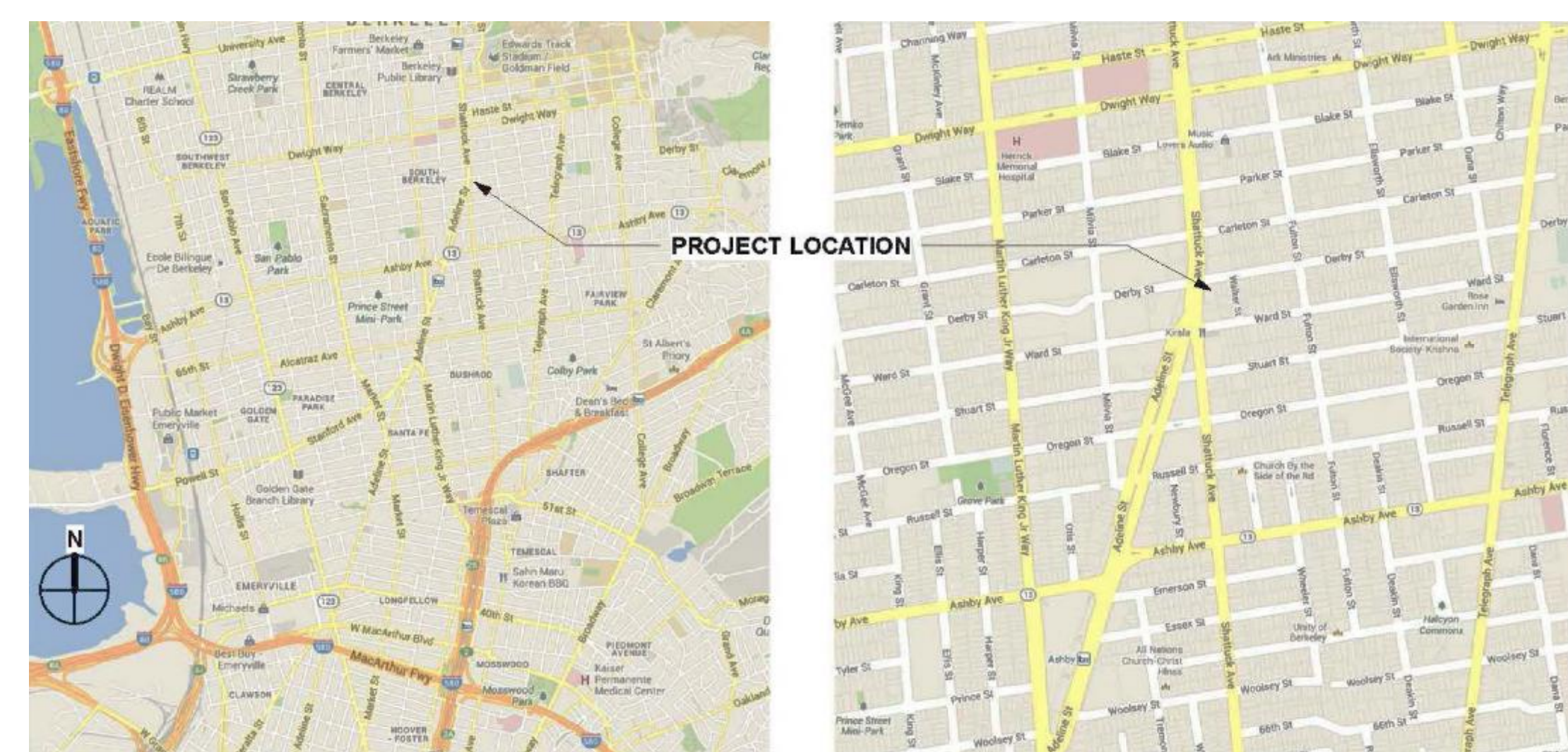
GRAPHIC SYMBOLS

DETAIL REFERENCE	DRAWING NUMBER	#	
	SHEET NUMBER	#	
DETAIL SECTION REFERENCE	DRAWING NUMBER	#	
	SHEET NUMBER	#	
BUILDING SECTION REFERENCE	DRAWING NUMBER	#	
	SHEET NUMBER	#	
WALL SECTION REFERENCE	DRAWING NUMBER	#	
	SHEET NUMBER	#	
EXTERIOR ELEVATION REFERENCE	DRAWING NUMBER	1	#
	SHEET NUMBER	#	
INTERIOR ELEVATION REVERENCE	DRAWING NUMBER	1	#
	SHEET NUMBER	4	#
REVISION REFERENCE		#	
DOOR REFERENCE		##	
WINDOW REFERENCE		#	
ELEVATION DATUM		#	
ROOM NUMBER		###	
PARTITION TYPE		#	
FINISH CEILING HEIGHT		X'-X"	

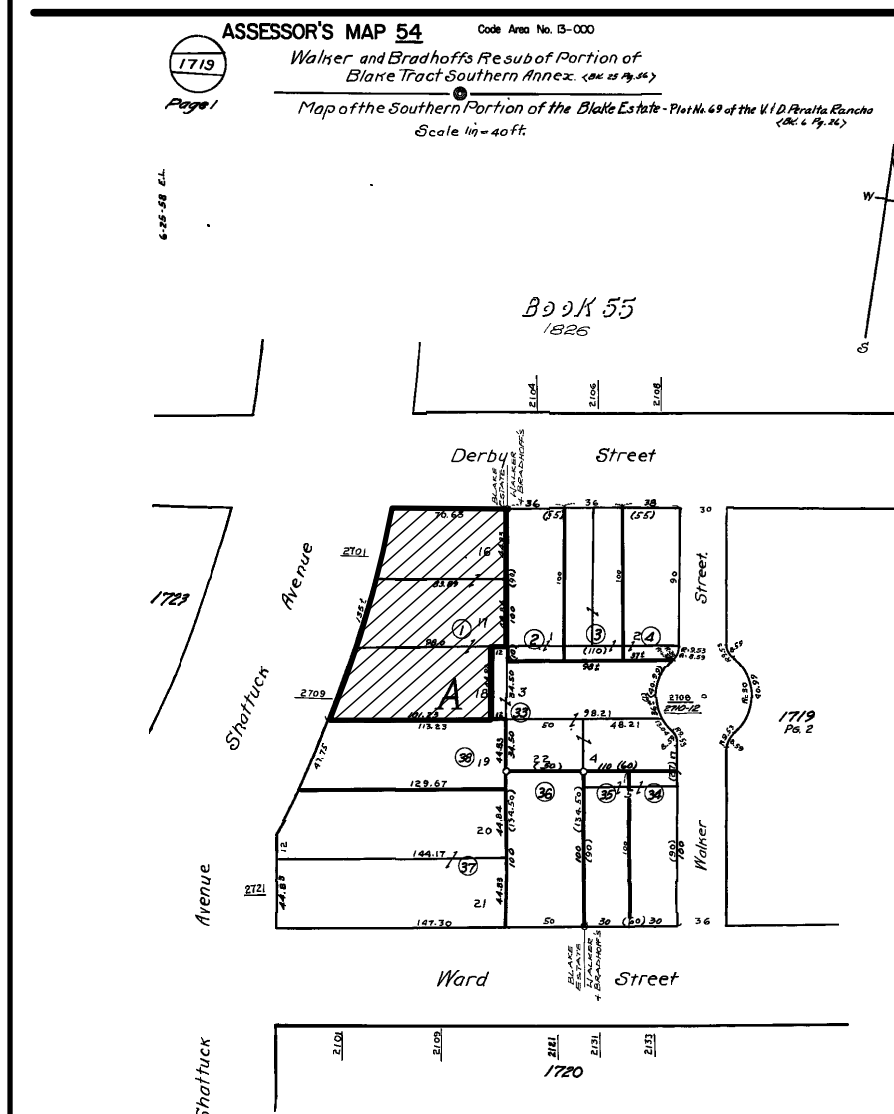
BUILDING CODE DATA

APN:	54-1719-1
STORMWATER TREATMENT REQUIRED PERCENTAGE:	4%
REQUIRED AREA:	477 SF
PROPOSED TREATMENT AREA:	1,126 SF
PRELIMINARY BUILDING CODE ANALYSIS OCCUPANCY TYPE:	R2
CONSTRUCTION TYPE:	VA, FULLY SPRINKLERED
ALLOWABLE AREA/FL:	APPROX. 36,000 SF
PROPOSED AREA/FL:	APPROX. 10,250 SF
ALLOWABLE HT:	4 VA STORIES, 60'; OVER UNLIMITED 1A STORIES
PROPOSED VA HT:	4 VA STORIES, 42'; OVER 1 STORY 1A

PROJECT LOCATION



PARCEL MAP



drawing

INDEX

drawn

checked RH

date 3/07/18

scale NO SCALE

job no. 1802

sheet

AO.1

BASE PROJECT ZONING REQUIREMENTS

LOT COVERAGE
 40% COVERAGE ALLOWABLE
 LOT SIZE: 11,826 SF
 TOTAL SF ALLOWABLE: 4,730 SF
 ACTUAL COVERAGE: 4,730 SF

OPEN SPACE
 REQUIRED: 40 SF/UNIT USEABLE OPEN SPACE
 42 UNITS X 40 SF/UNIT = 1,680 SF
 PROVIDED OPEN SPACE: 1,850 SF

FAR CALCULATION
 ALLOWABLE FAR: 4.0
 BASE PROJECT FAR: 1.6 (18,947 SF / 11,826 SF = 1.60)

PARKING CALCULATION

COMMERCIAL PARKING
 COMMERCIAL GFA: 558 SF
 REQUIRED STALL RATIO: 1:300 SF
 REQUIRED STALLS: 2
 STALLS PROVIDED: 2

RESIDENTIAL PARKING *
 RESIDENTIAL FLOOR AREA: 18,736 SF
 REQUIRED STALL RATIO: 1:1,000 SF GFA
 REQUIRED STALLS: 19
 STALLS PROVIDED: 23

TOTAL AUTO PARKING: 25 SPACES

COMMERCIAL BIKE PARKING
 COMMERCIAL SPACES REQUIRED: 1 SPACE/2,000 SF COMMERCIAL AREA
 COMMERCIAL FLOOR AREA: 558 SF
 $558 / 2,000 = (0.3) = 1$
 COMMERCIAL SPACES PROVIDED: 1 SPACE

RESIDENTIAL BIKE PARKING
 RES. SPACES REQUIRED: 1 SPACE/2,000 SF RESIDENTIAL AREA
 RES. FLOOR AREA: 19,736 SF
 $19,736 / 2,000 = 9.9$
 RES. BIKE SPACES PROVIDED: 10 SPACES

TOTAL BIKE PARKING: 11 SPACES

ROOFTOP COVERAGE CALCULATION

AVERAGE FLOOR AREA: 18,947 SF / 4 STORIES = 4,737 SF
 ALLOWABLE ROOF COVERAGE: 15% X 4,737 SF = 711 SF

ROOFTOP ELEMENTS
 STAIR 1: 145 SF
 STAIR 2: 166 SF
 ELEVATOR: 157 SF
 COMMERCIAL EXH. 5 SF
 MACHINE ROOM 70 SF

TOTAL COVERAGE: 543 SF

* - FIRST 1000 SF EXEMPT OFF-STREET PARKING (BMC SECTION 23E.52.080.C)

PROPOSED DENSITY BONUS PROJECT ZONING REQUIREMENTS

LOT COVERAGE
 LOT SIZE: 11,826 SF
 COVERED AREA OF LOT: 10,217 SF
 $10,217 SF / 11,826 SF \times 100\% = 86\%$

OPEN SPACE
 REQUIRED RATIO: 40 SF PER UNIT
 REQUIRED AREA: 57 UNITS X 40 SF/UNIT = 2,280 SF

PODIUM OPEN SPACE: 2,983 SF
 4TH LEVEL OPEN SPACE: 625 SF
 5TH LEVEL OPEN SPACE: 285 SF
 ROOFTOP OPEN SPACE: 1,979 SF
PROVIDED OPEN SPACE: 5,872 SF REVISER PER CONDITION #11

FAR CALCULATION
 ALLOWABLE FAR: 4.0
 PROPOSED FAR: 2.4 (27,980 SF / 11,826 SF = 2.36)

PARKING CALCULATION

COMMERCIAL PARKING
 COMMERCIAL AREA: 600 SF
 REQUIRED STALL RATIO: 1:300 SF
 REQUIRED STALLS: 2
 STALLS PROVIDED: 2

RESIDENTIAL PARKING *
 RESIDENTIAL FLOOR AREA: 27,213 SF
 REQUIRED STALL RATIO: 1:1,000 SF
 REQUIRED STALLS: 28
 STALLS PROVIDED: 19

TOTAL AUTO PARKING: 21 SPACES REVISER PER CONDITION #11

COMMERCIAL BIKE PARKING
 COMMERCIAL SPACES REQUIRED: 1 SPACE / 2,000 SF
 COMMERCIAL FLOOR AREA: 600 SF
 $600 / 2,000 = 0.3$
 COMMERCIAL SPACES PROVIDED: 5 SPACES

RESIDENTIAL BIKE PARKING
 RESIDENTIAL SPACES REQUIRED: 1 SPACE/2000 SF RESIDENTIAL AREA
 RESIDENTIAL FLOOR AREA: 28,213 SF
 $28,213 / 2,000 = 15 (14.1)$
 RESIDENTIAL SPACES PROVIDED: 44 SPACES

TOTAL BIKE PARKING: 49 SPACES

ROOFTOP COVERAGE CALCULATION

AVERAGE FLOOR AREA: 27,980 SF / 5 STORIES = 5,596 SF AVERAGE
 ALLOWABLE ROOF COVERAGE: 15% X 5,596 SF = 839 SF

ROOFTOP ELEMENTS
 MECHANICAL EXH. 5 SF
 TRASH CHUTE EXH. 32 SF
 COMMERCIAL EXH. 21 SF
 MACHINE ROOM 143 SF
 STAIR 178 SF
 COVERED WALK 201 SF
 ELEVATOR 156 SF
 TRELLIS 98 SF

TOTAL COVERAGE: 834 SF

CITY OF BERKELEY ZONING SUMMARY

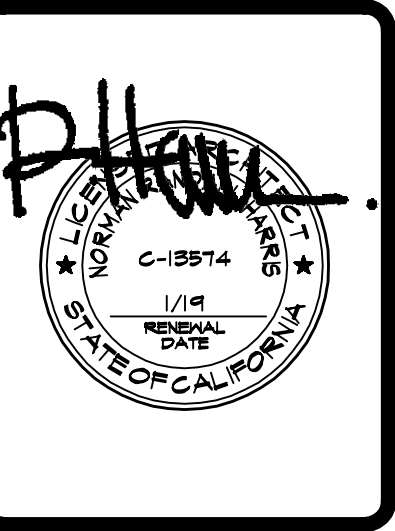
ZONE	C-SA (SOUTH AREA COMMERCIAL)		
	EXISTING	BASE PROJECT	PROPOSED***
Number of Dwelling Units	0	42	57 DU
RESIDENTIAL PARKING	0	23	19
COMMERCIAL PARKING	0	2	2
RESIDENTIAL BIKE STALLS	0	10	44
COMMERCIAL BIKE STALLS	0	1	5
Front Yard Setback	-	15	0 FT
Side Yard Setback (Right Side)	-	4	8 FT
Side Yard Setback (Street Side)	-	6	0 FT
Rear Yard Setback	-	15	0.5 FT
Building Height	-	50	62'-4" FT
Building Stories	-	4	5
Lot Area	11,826	11,826	11,826 SF
Lot Area (Acres)	0.27	0.27	0.27
Level 1	-	4,118	2,440 SF
Mezzanine	-	1,428	775 SF
Level 2	-	4,730	6,699 SF
Level 3	-	4,730	6,655 SF
Level 4	-	4,730	5,966 SF
Level 5	-	-	5,678 SF
Roof Level	-	-	SF
RFA (Residential Floor Area per BMC)*	-	19,736	28,213 SF
Commercial	-	558	600 SF
Trash	-	57	468 SF
GFA(Residential GFA + Commercial)**	-	18,947	27,980 SF
Elevators+ Stairs(2nd floor to the top residential floor)	-	1,404	1,301 SF
Building Footprint	0	4,730	10,217 SF
Lot coverage	0	40% (max)	86%
FAR (Floor Area Ratio)	0	1.6	2.4
Usable Open Space	0 sf	1,883	6,212 SF

REVISED PER CONDITION #11

*RFA PER CITY PLANNER'S GUIDANCE, includes stairs and elevators on all residential floors and EXCLUDES TRASH area
 **GFA includes stairs and elevators on the floor of the greatest horizontal extent, commercial space and trash room, Per BMC DEFINITION OF FLOOR AREA, GROSS (23F.04.010)
 ***INCLUDES WAIVERS AND CONCESSIONS

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
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ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2950 camino diablo suite 110
 walnut creek, ca 94597
 (925) 256-6042



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
ZONING & SUPPORTING CALCULATIONS

drawn
 checked
 RH
 date
 3/07/18
 scale
NO SCALE
 job no.
 1802
 sheet

AO.IA

STEP 1: BASE PROJECT

THE BASE PROJECT IS A HYPOTHETICAL PROJECT THAT REPRESENTS THE "MAXIMUM ALLOWABLE RESIDENTIAL DENSITY" FOR A PROPOSED PROJECT AT A PARTICULAR SITE.

STEP 1.1 CALCULATE MAX. ALLOWABLE RESIDENTIAL FLOOR AREA
CALCULATE THE BASE PROJECT'S RESIDENTIAL FLOOR AREA, INCLUDING EACH STORY OF A HYPOTHETICAL BUILDING, ON THE PROPOSED SITE.

STEP 1.1: BASE PROJECT RESIDENTIAL CALCULATIONS

LEVEL 1 RES.	4,118 sf
LEVEL 1 MEZZANINE RES.	1,428 sf
LEVEL 2 RES.	4,730 sf
LEVEL 3 RES.	4,730 sf
LEVEL 4 RES.	4,730 sf
ROOF LEVEL	-
TOTAL MAX. RESIDENTIAL FLOOR AREA	19,736

STEP 1.2 CALCULATE AVERAGE UNIT SIZE

USING THE PROPOSED PROJECT'S PLANS, CALCULATE THE TOTAL FLOOR AREA DEDICATED TO RESIDENTIAL USES ON EACH FLOOR.

STEP 1.2A: PROPOSED DENSITY BONUS PROJECT RESIDENTIAL CALCULATIONS

LEVEL 1 RES.	2,997 sf
LEVEL 1 MEZZANINE RES.	550 sf
LEVEL 2 RES.	7,617 sf
LEVEL 3 RES.	7,617 sf
LEVEL 4 RES.	7,617 sf
ROOF LEVEL	- sf
TOTAL PROPOSED DENSITY BONUS	26,398 sf

*Calculated per City Density Bonus procedure

STEP 1.2B IDENTIFY THE TOTAL NUMBER OF PROPOSED RESIDENTIAL UNITS

57 UNITS PROPOSED

STEP 1.2C DIVIDE TOTAL PROPOSED DENSITY PROJECT FLOOR AREA BY NUMBER OF UNITS

26,398 SF / 57 UNITS = 463 SF/UNIT

STEP 1.2D CALCULATED AVERAGE UNIT SIZE: 463 SF
(PROPOSED PROJECT REQUESTS A CONCESSION - SEE STEP 3)

STEP 1.3 CALCULATE NUMBER OF BASE PROJECT UNITS
CALCULATE THE BASE PROJECT'S MAXIMUM NUMBER OF RESIDENTIAL UNITS BY DIVIDING THE SQUARE FOOTAGE OF THE BASE PROJECT (STEP 1.1) BY THE AVERAGE UNIT SIZE (STEP 1.2).

STEP 1.1: BASE PROJECT RES. FLOOR AREA: 19,736 SF
STEP 1.2: AVERAGE UNIT SIZE: 463 SF
STEP 1.3: BASE UNITS: 19,736 SF / 463 SF = 42.63 UNITS *

* - ALLOWED 43 UNITS, BUT, DESIGNED TO 42 UNITS

STEP 2: PROPOSED DENSITY BONUS PROJECT

DENSITY BONUS UNITS ARE MARKET-RATE UNITS THAT EXCEED THE "MAXIMUM ALLOWED RESIDENTIAL DENSITY." THE AMOUNT OF AFFORDABLE UNITS AND THEIR AFFORDABILITY.

STEP 2.1 DETERMINE PROPOSED NUMBER AND INCOME LEVEL OF BELOW MARKET RATE (BMR) UNITS.

INCOME LEVEL: VERY-LOW-INCOME UNITS
% AFFORDABLE UNITS: 11%
BASE PROJECT UNITS: 42
AFFORDABLE UNITS: 11% X 42 = (4.62)
= 5 AFFORDABLE UNITS

STEP 2.2 CALCULATE DENSITY INCREASE (%) BASED ON THE DENSITY BONUS LAW AND INFORMATION FROM STEP 2.1.

% GRANTED FOR DENSITY BONUS: 35%
BASE PROJECT UNITS: 42

STEP 2.3 CALCULATE NUMBER OF BONUS UNITS BY APPLYING THE PERCENTAGE FROM STEP 2.2 TO BASE PROJECT.

BONUS UNITS ALLOWED 35% X 42 = (14.7)
= 15 BONUS UNITS
BASE PROJECT UNITS + BONUS UNITS 42 + 15 = 57

UNITS PROPOSED WITH DENSITY BONUS: 57 UNITS

WAIVERS:

NO LIMIT PER CALIFORNIA STATE LAW SECTION 65915

- HEIGHT - BMC 23E.52.070.B.2 TO EXCEED THE HEIGHT AND STORY LIMITS FOR THE DISTRICT (TO HAVE 62'-4" AND 5 STORIES, WHERE 50' AND 4 STORIES ARE REQUIRED).
- BMCS 23E.04.020 TO HAVE ARCHITECTURAL ELEMENTS WHICH EXCEED A DISTRICT'S HEIGHT LIMIT.
- SETBACKS - BMC 23E.52.070.D.5 TO REDUCE THE FRONT, STREET SIDE, AND REAR YARDS; AND TO EXCEED THE LOT COVERAGE LIMIT FOR THE DISTRICT.

- REDUCED FRONT SETBACK**
SETBACK OF 0 FEET ON ALL FLOORS.
- REDUCED STREET SIDE SETBACK**
BUILDING SETBACK OF 0 FEET ON ALL FLOORS.
- REDUCED REAR SETBACK**
OF 6 INCHES ON ALL FLOORS.
- EXCEED LOT COVERAGE**
TO ALLOW 86% COVERAGE.
- (NO WAIVERS ARE REQUIRED FOR THE EAST SIDE SETBACK NOR THE USEABLE OPEN SPACE PER UNIT)

STEP 3: PROPOSED DENSITY BONUS PROJECT WITH WAIVERS AND CONCESSIONS

STEP 3: ZAB ACTS ON THE PROPOSED DENSITY BONUS PROJECT

- 3.1 LIST OF CONCESSIONS (ALLOW 2) AND WAIVERS:
CONCESSION 1) MOVE PARKING FROM UNDERGROUND TO GROUND LEVEL PARKING
CONCESSION 2) INCREASED UNIT SIZE - TO INCREASE AVERAGE UNIT SIZE FROM 463 S.F. (BASE PROJECT) TO 495 S.F. (PROPOSED PROJECT)

WAIVERS SEE ALSO PROPOSED DENSITY BONUS PROJECT LIST

STEP 3.1: PROPOSED PLUS CONCESSIONS RESIDENTIAL CALCULATIONS

LEVEL 1 RES.	2,440
LEVEL 1 MEZZANINE RES.	775
LEVEL 2 RES.	6,699
LEVEL 3 RES.	6,655
LEVEL 4 RES.	5,966
LEVEL 5 RES.	5,678
ROOF LEVEL	-
TOTAL PROPOSED RES. FLOOR AREA	28,213

NOTES:

- DENSITY BONUS FLOOR AREA AND GROSS FLOOR AREA (SHEET A0.2) ARE CALCULATED PER STATE LAW AND LOCAL ORDINANCE.

AVERAGE UNIT SIZE WITH CONCESSIONS AND WAIVERS:
28,213 SF / 57 UNITS = 495 SF/UNIT

AVERAGE UNIT SIZE TO BE LARGER THAN BASE PROJECT/PROPOSED PROJECT [(495 - 463.12) AVGSF] / 463.12 AVG SF = APPROXIMATELY 0.069 (7.0%)

revisions	by
DRC SUBMITTAL 12/15/16 @ 1/27/17	-
ZAB SUBMITTAL 4/12/17 @ 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
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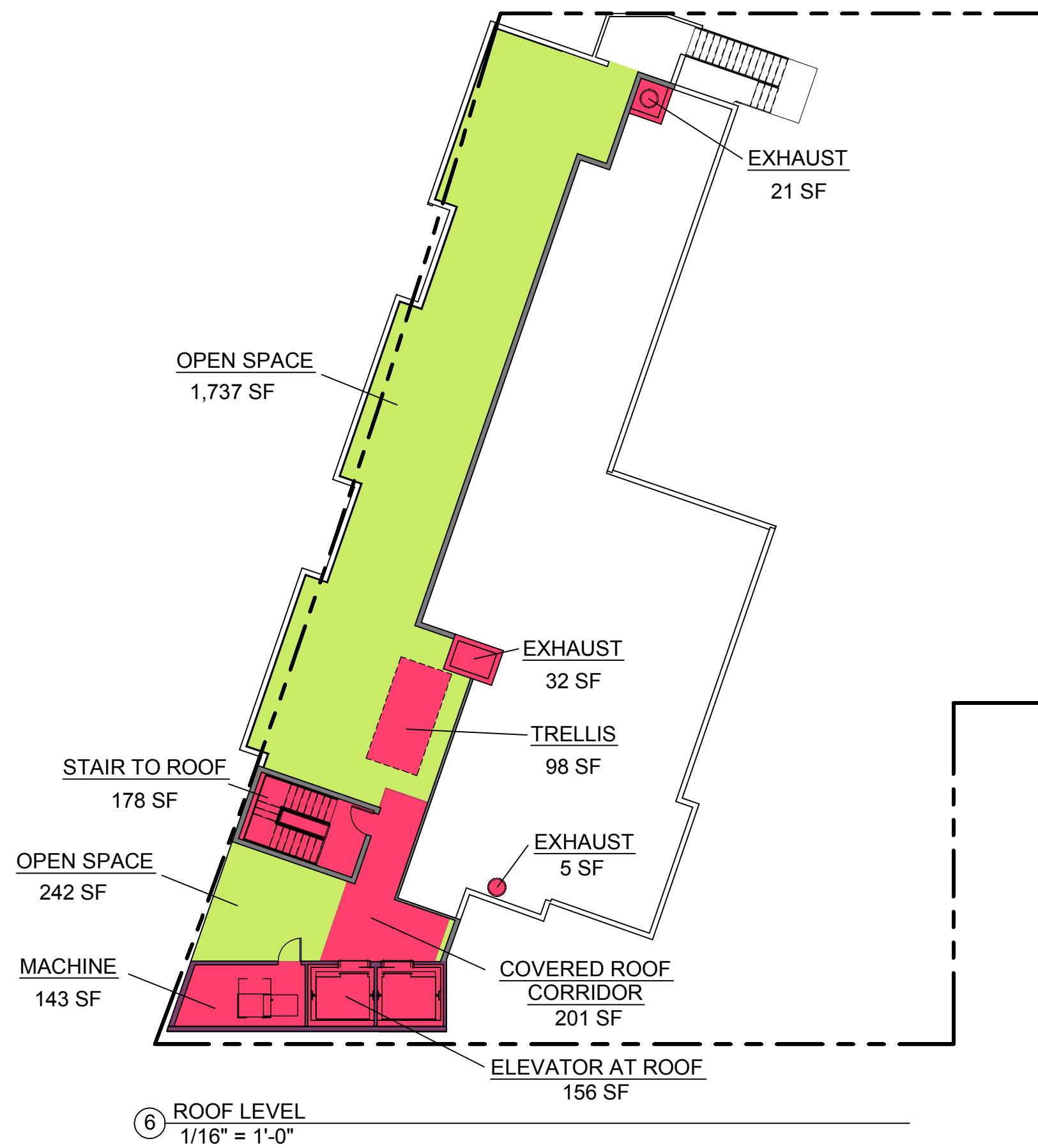
HDO
architects, planners
2950 Camino Diablo
Suite 110
Walnut Creek, CA
94597
(925) 256-6042

2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
DENSITY BONUS CALCULATIONS

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet

A0.1B



⑥ ROOF LEVEL
1/16" = 1'-0"



⑤ FIFTH FLOOR
1/16" = 1'-0"



④ FOURTH FLOOR
1/16" = 1'-0"

PROPOSED RESIDENTIAL FLOOR AREAS		
LEVEL	RFA *	GFA **
1	2,440 SF	2,748 SF
M	775 SF	775 SF
2/PODIUM	6,699 SF	6,391 SF
3	6,655 SF	6,377 SF
4	5,966 SF	5,689 SF
5	5,678 SF	5,400 SF
TOTALS	28,213 SF	27,380 SF

* - AREA OF TRASH ROOM FROM 2ND LEVEL TO 5TH LEVEL = 160 SF
** - AREA OF ELEVATOR AND STAIRS FROM 2ND LEVEL TO 5TH LEVEL = 1301 SF

LEGEND

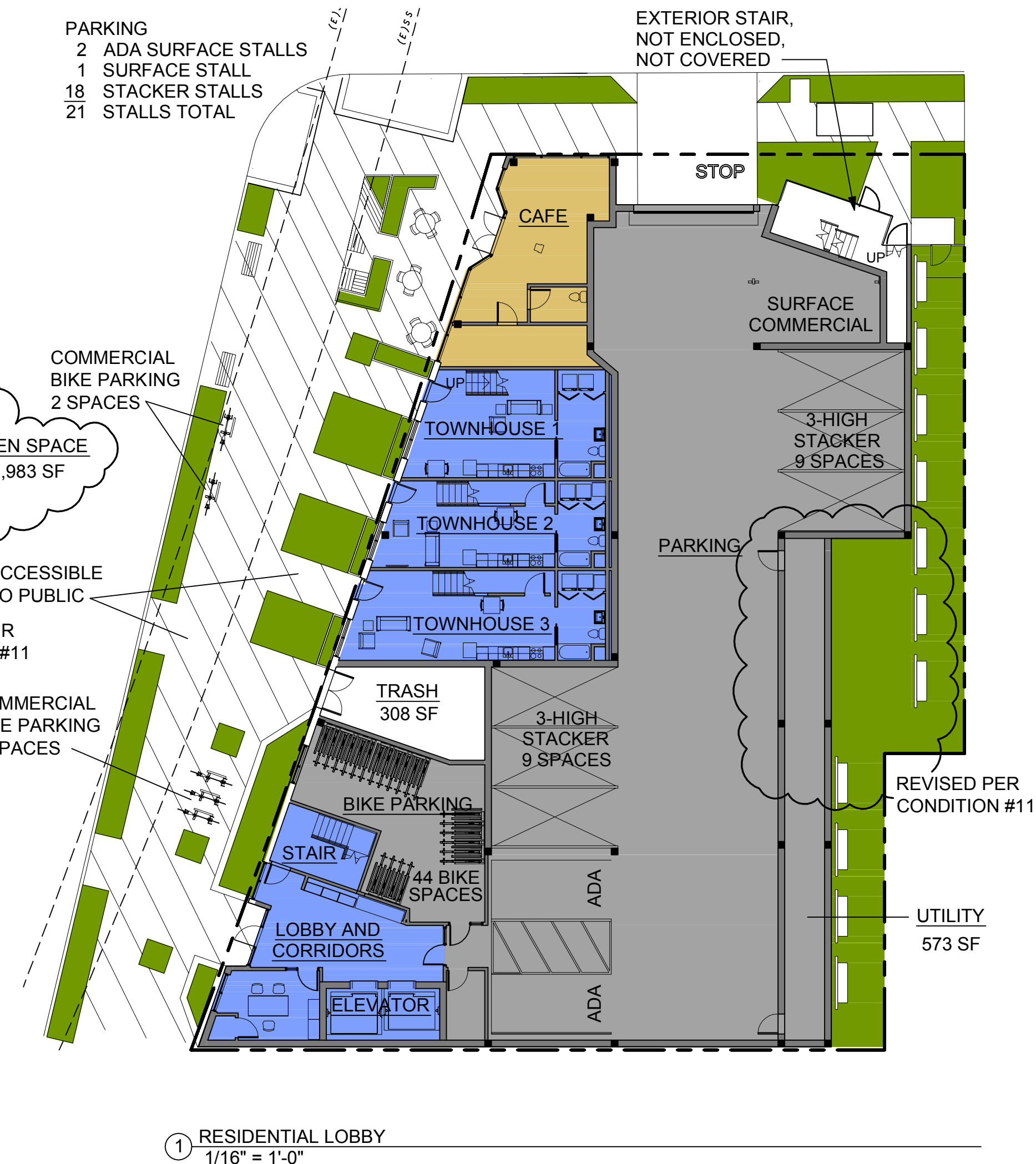
- COMMERCIAL
- PARKING
- RESIDENTIAL
- TRASH
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



③ THIRD FLOOR
1/16" = 1'-0"



② PODIUM LEVEL
1/16" = 1'-0"



① RESIDENTIAL LOBBY
1/16" = 1'-0"

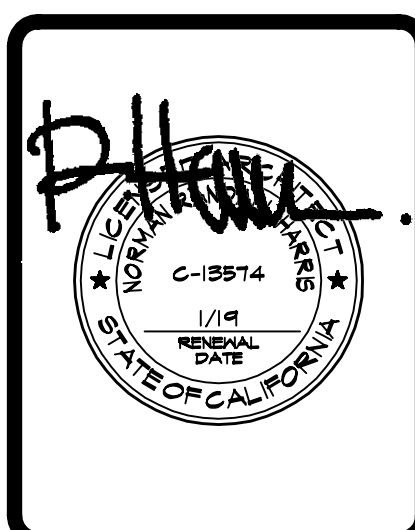
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UNIT TYPE	#	JUNIOR 1 BR	BR	BA + DEN / LOFT
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A2	6	1		1
A3	7	1		1
A4	2	1		1
A5	1	1		1
A6	4	1		1
B1	16	1		1
B2	9	1		1
C	1		1	1
C1	4		1	1
C2	1		1	1
D	2		1	1 + DEN

UNIT DATA:

TOWNHOUSE UNITS:	3
JUNIOR 1 BR UNITS:	46
1 BEDROOM UNITS:	8
TOTAL UNITS	57

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
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HDO
architects, planners
2950 camino diablo suite 110
walnut creek, ca 94597
(925) 256-6042

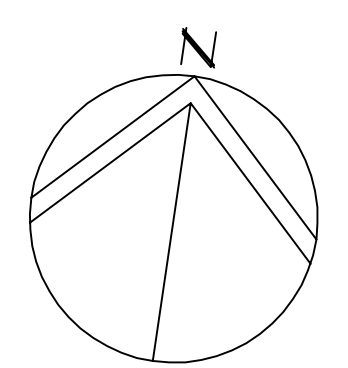


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
RESIDENTIAL FLOOR AREAS SUMMARY

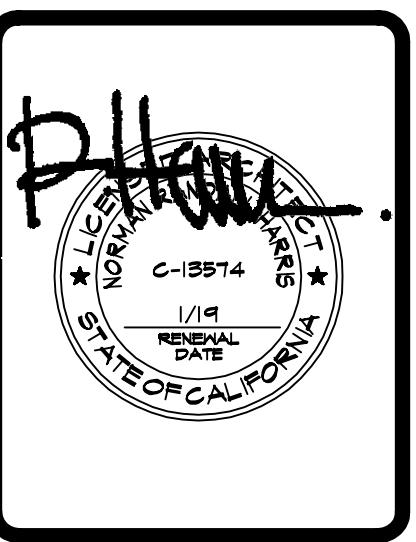
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checked
RH
date
3/07/18
scale
AS SHOWN
job no.
1802
sheet

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revisions	by
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ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/08/18	AY

HDO
architects, planners
2950 camino diablo
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walnut creek, ca
94597
(925) 256-6042

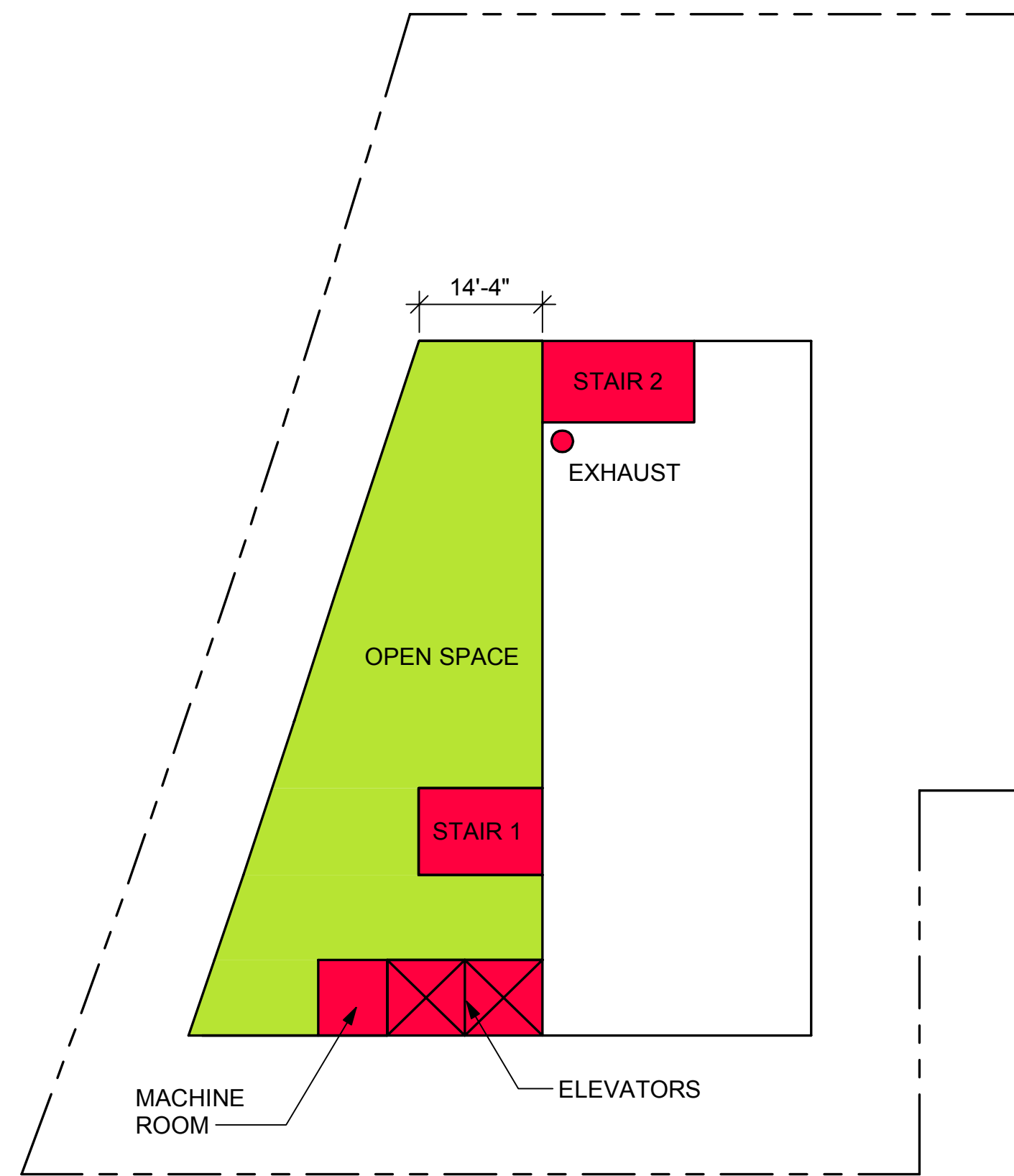


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

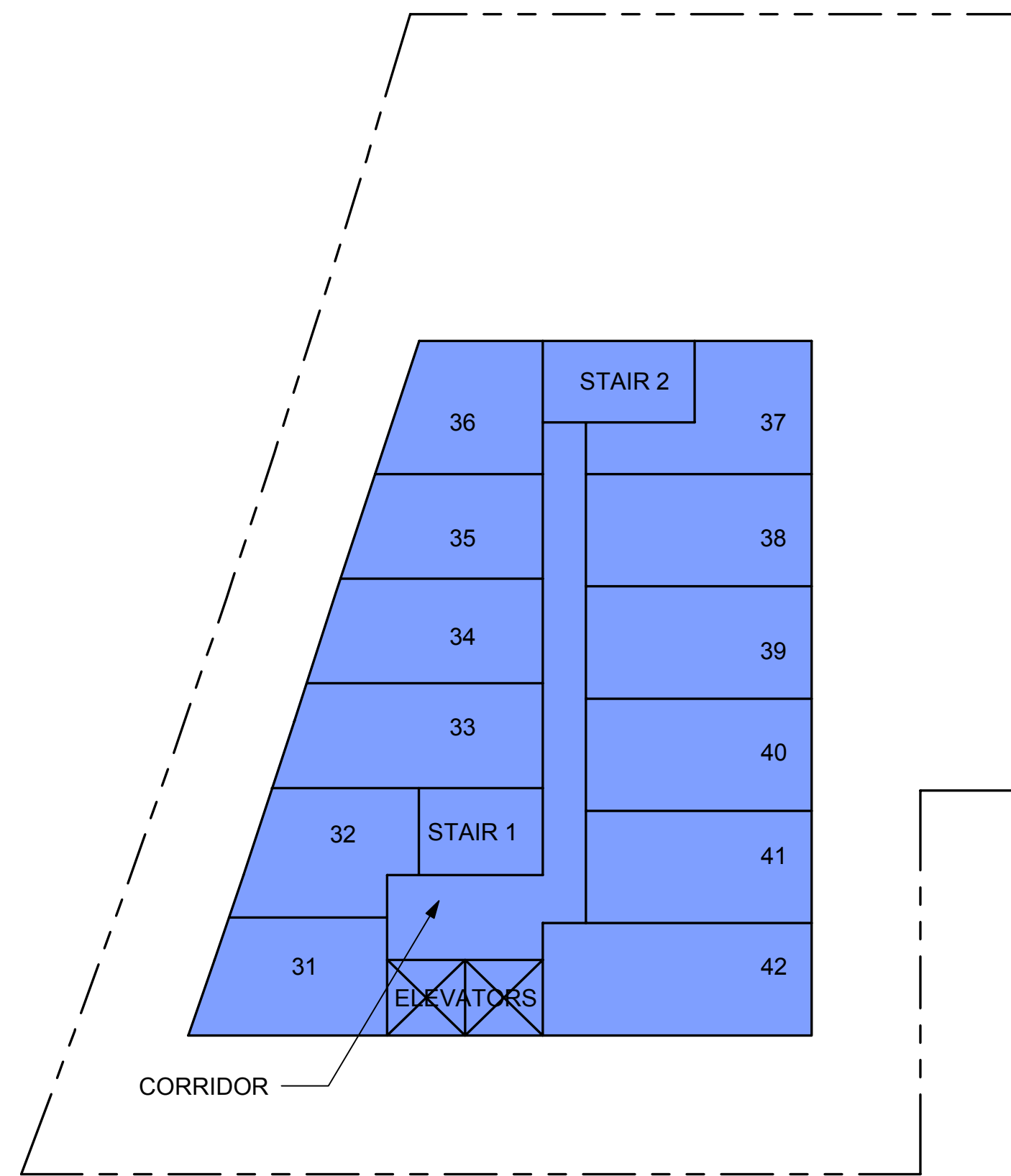
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BASE PROJECT

drawn AY	checked RH
date 3/07/18	scale AS SHOWN
job no. 1802	sheet

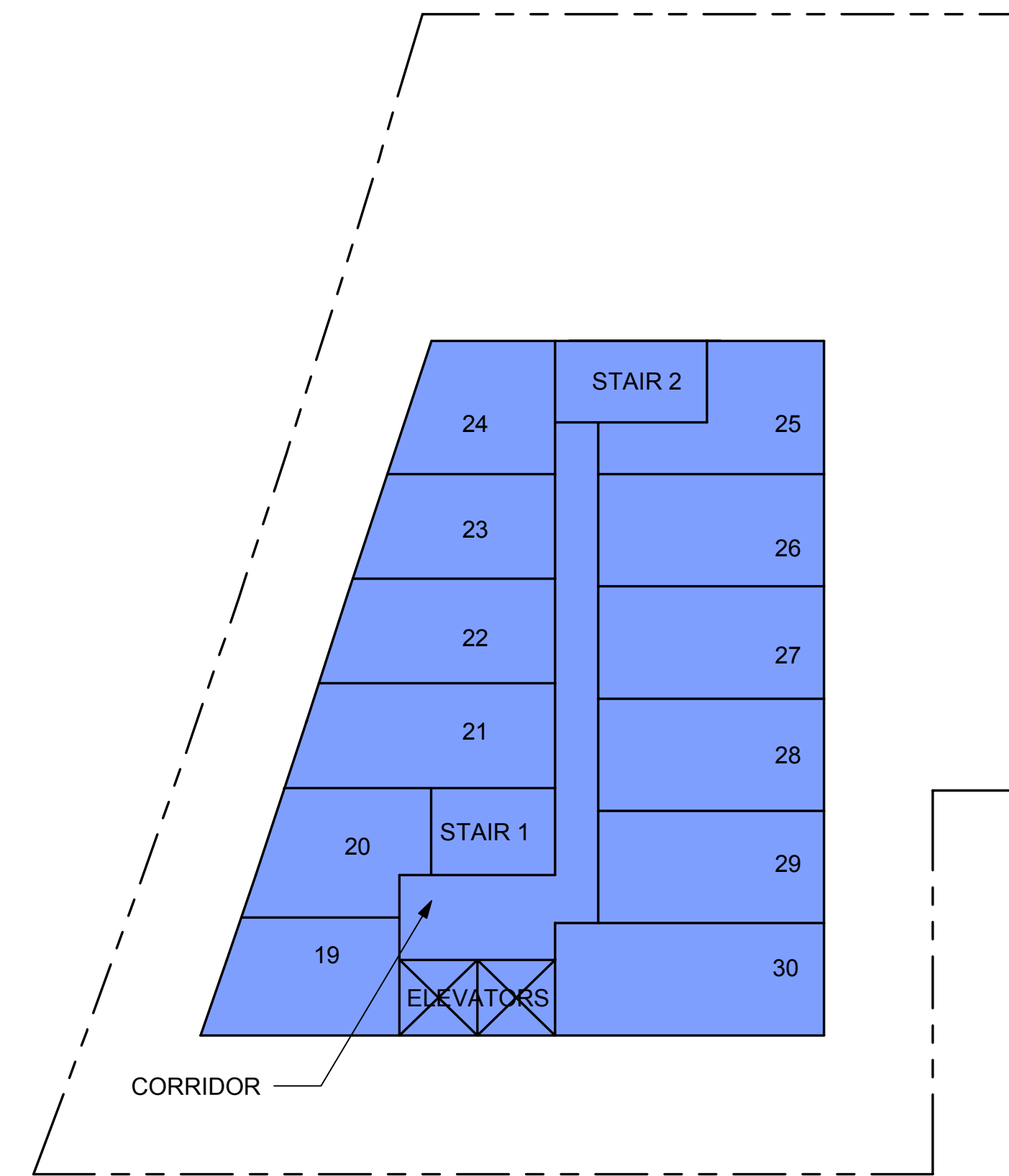
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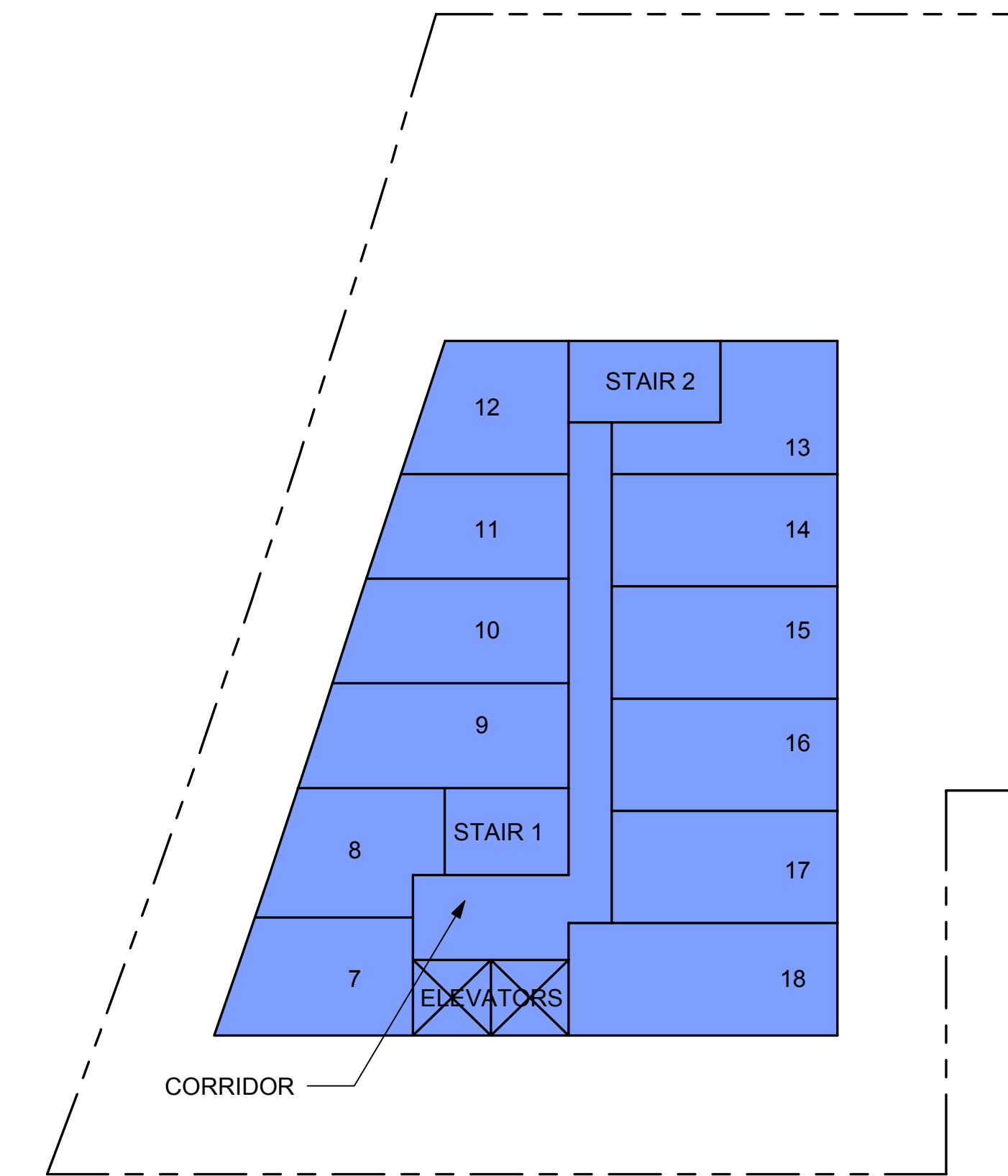
7 BASE PROJECT - ROOF LEVEL
1/16" = 1'-0"



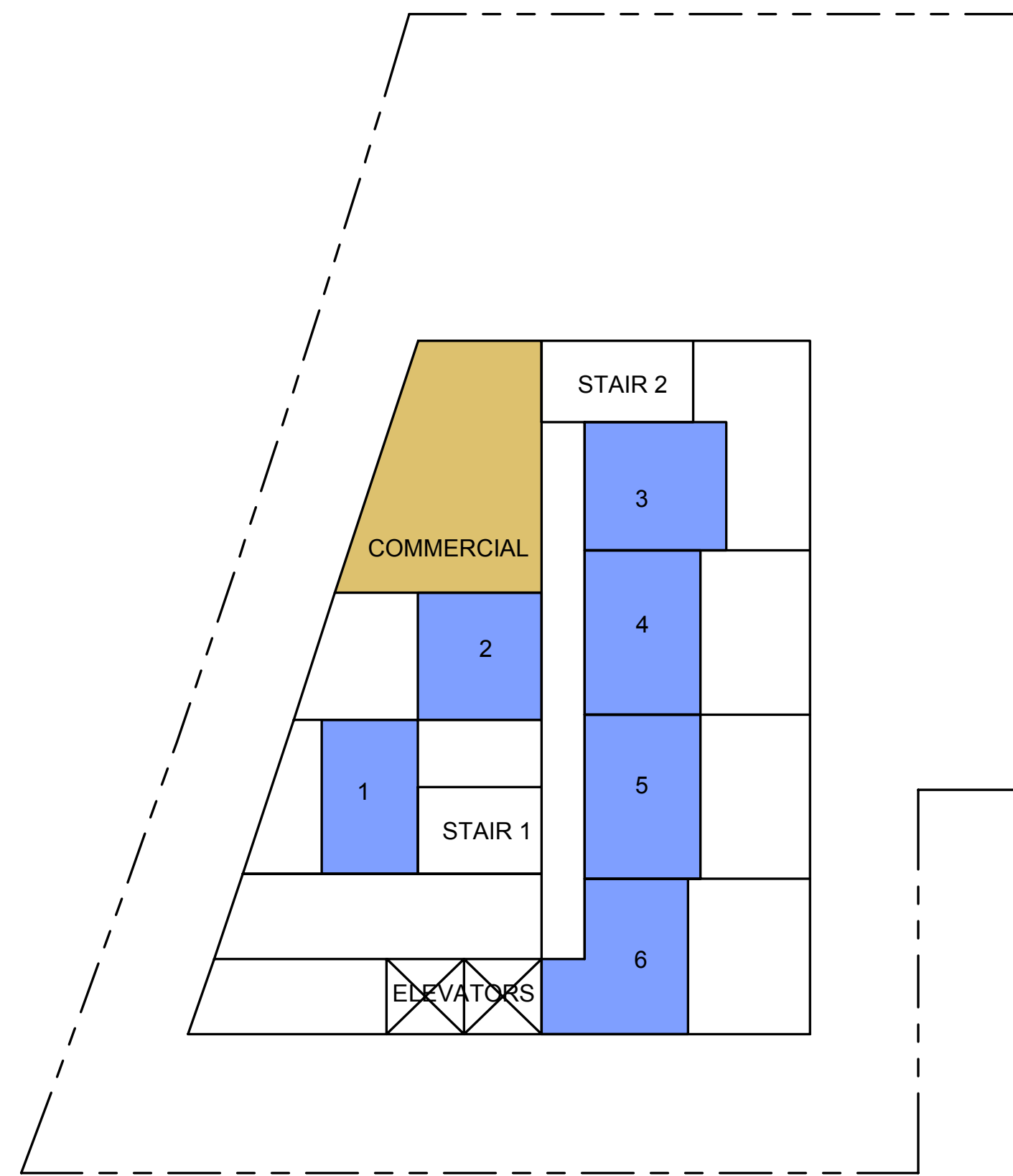
6 BASE PROJECT - FOURTH LEVEL
1/16" = 1'-0"



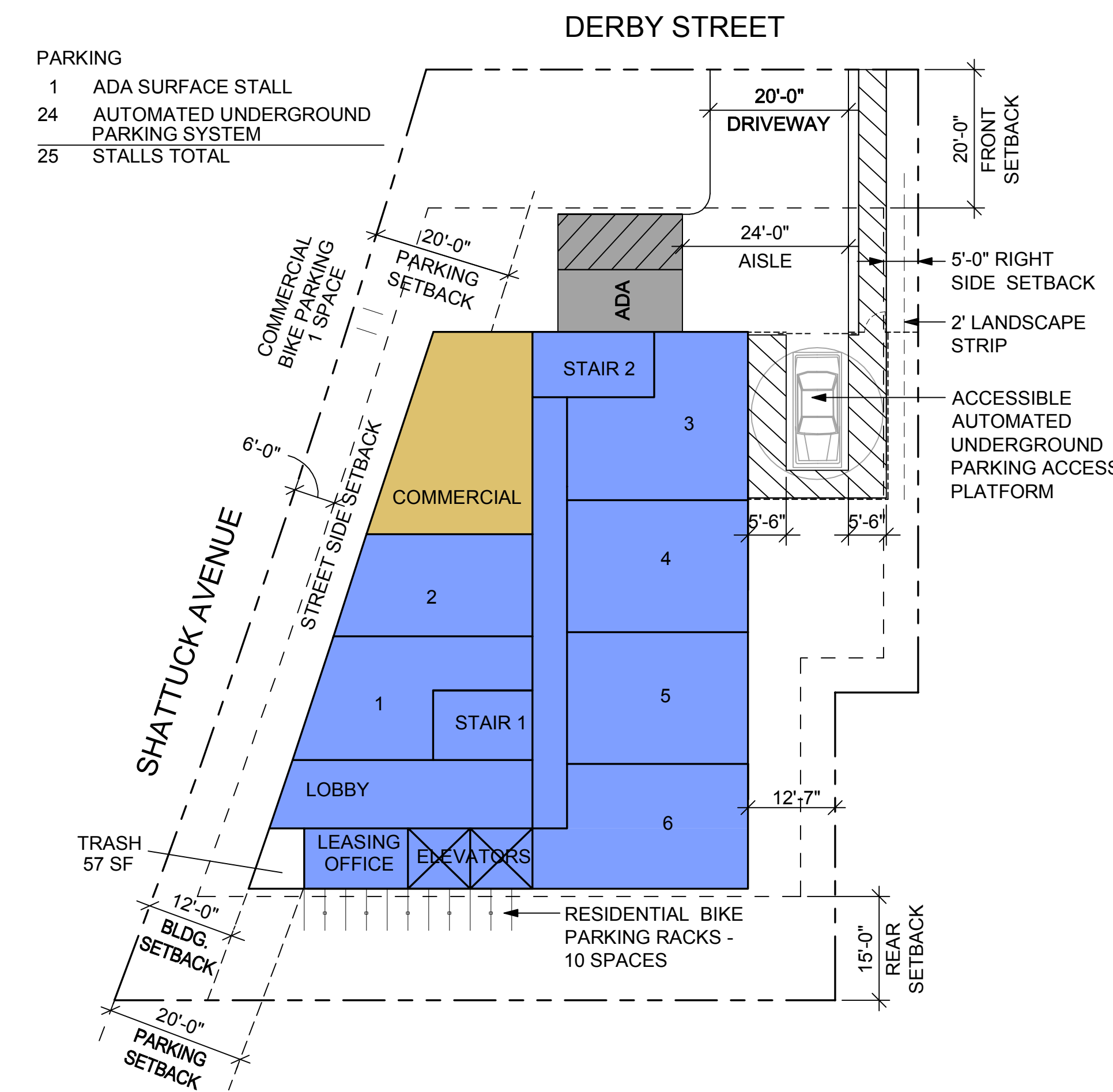
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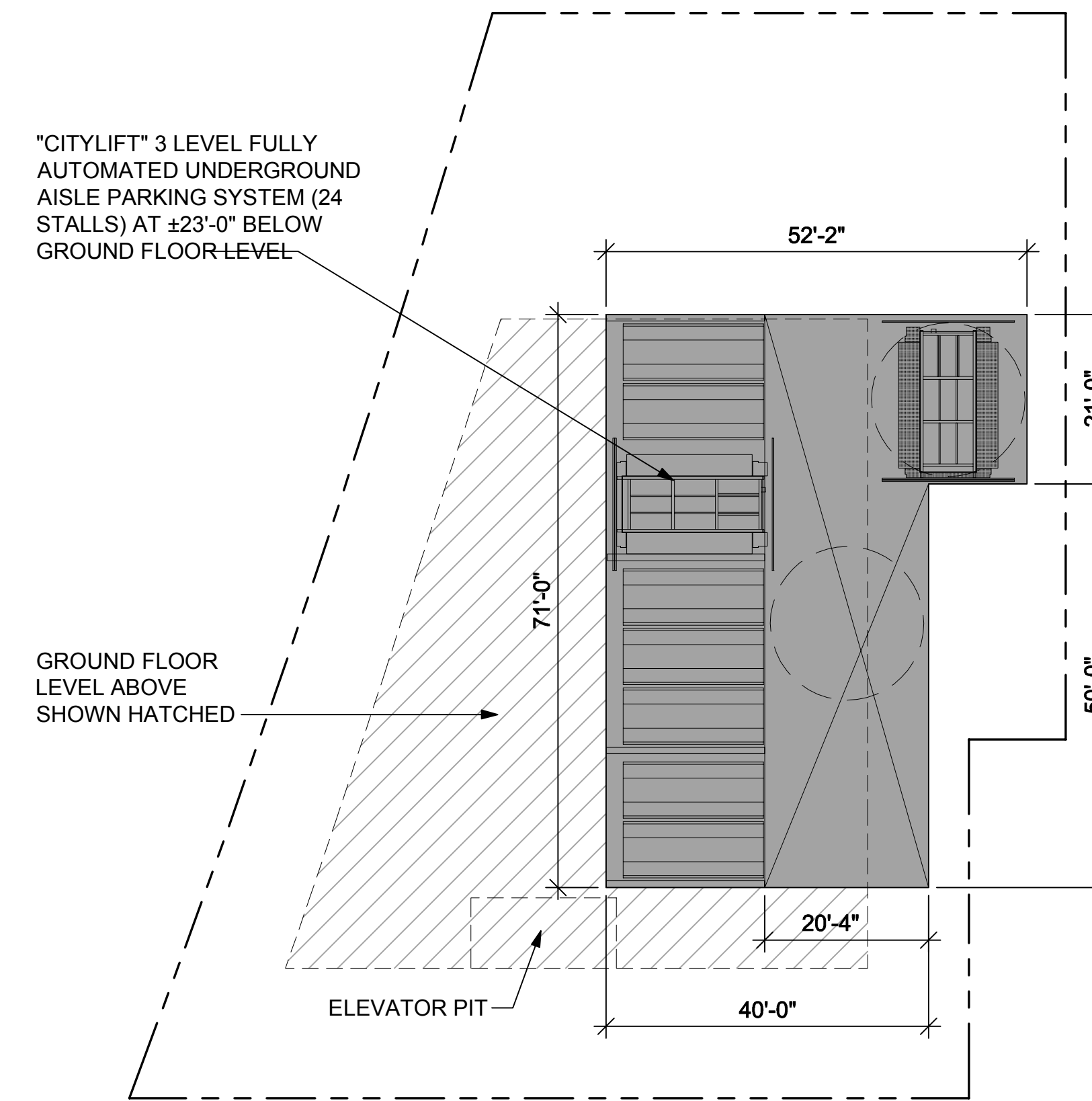
4 BASE PROJECT - SECOND LEVEL
1/16" = 1'-0"



3 BASE PROJECT - MEZZANINE LEVEL PLAN
1/16" = 1'-0"



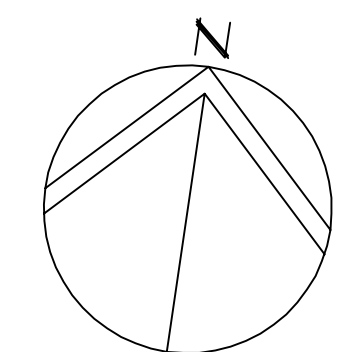
2 BASE PROJECT - GROUND FLOOR PLAN
1/16" = 1'-0"



1 BASE PROJECT - UNDERGROUND PARKING PLAN
1/16" = 1'-0"

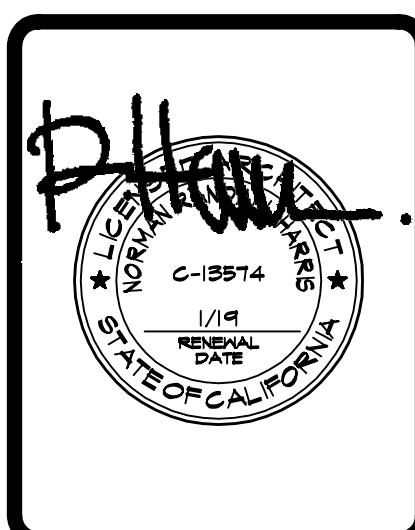
BUILDING AREA LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- OPEN SPACE
- ROOFTOP ELEMENTS



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
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ZAB SUBMITTAL 11/09/18	AY

HDO
architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
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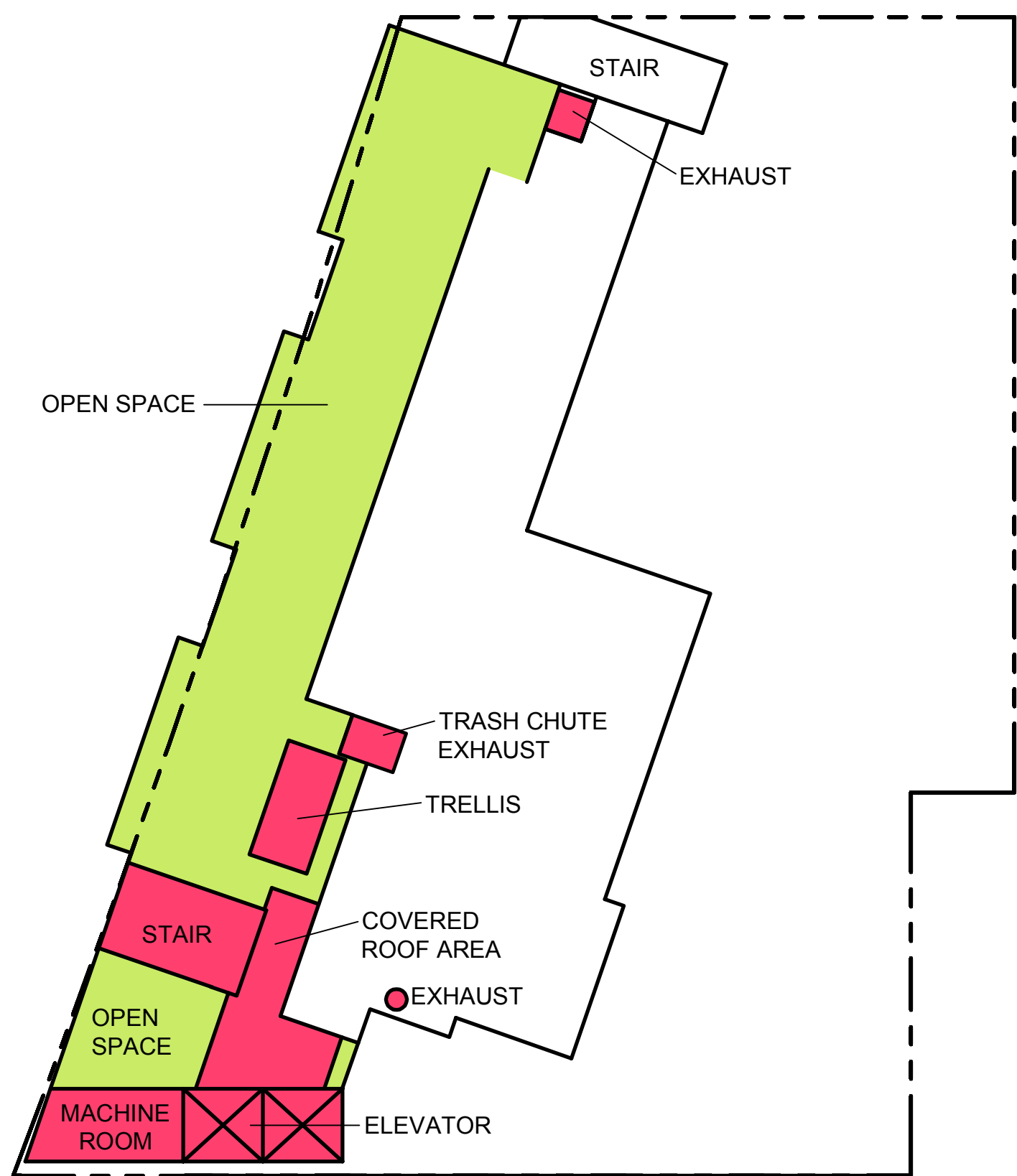


**2701 SHATTUCK AVENUE
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FOR:
2701 SHATTUCK BERKELEY, LLC**

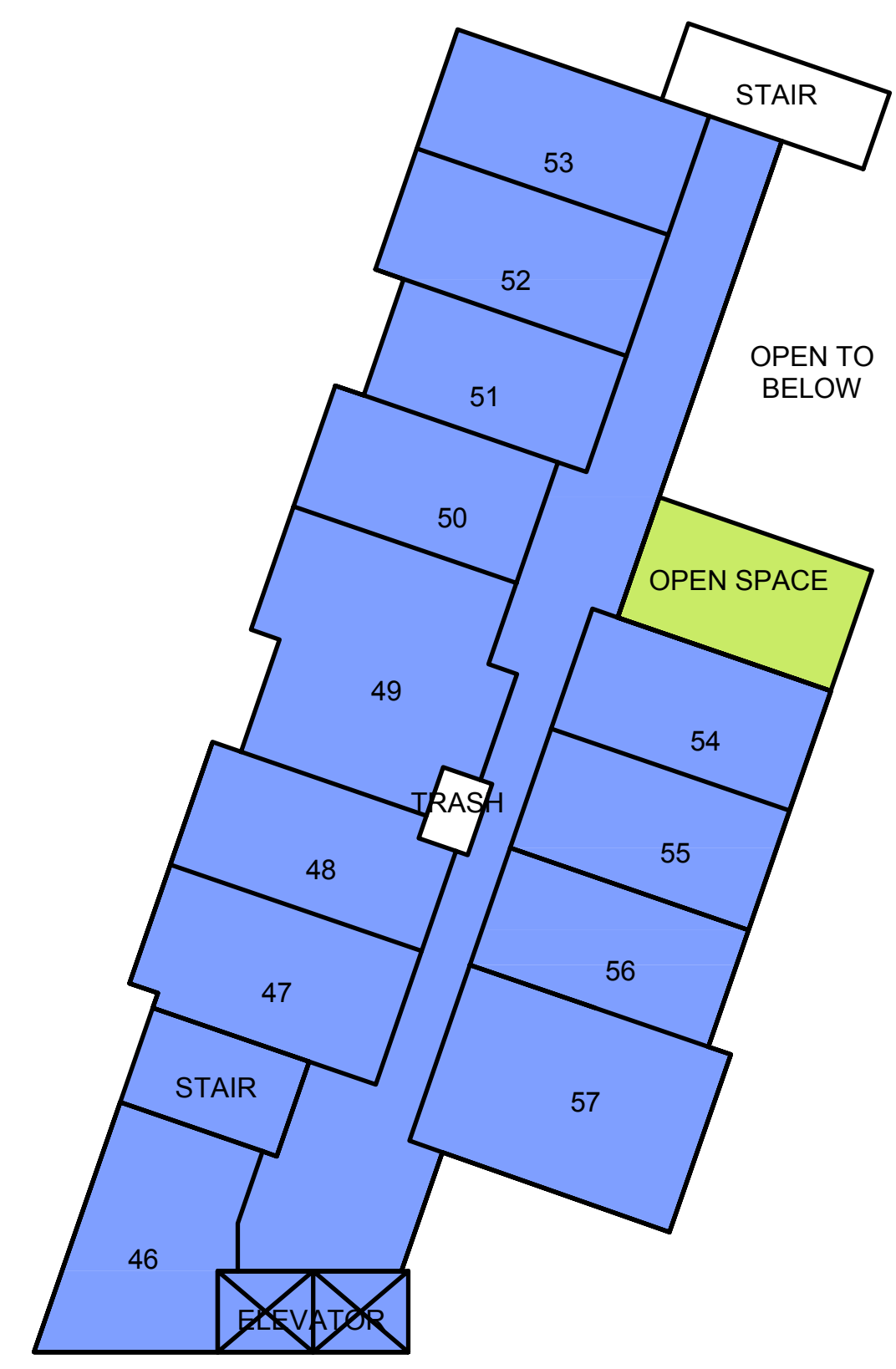
drawing
**PROPOSED
DENSITY BONUS
PROJECT**

checked	date
RH	3/07/18
scale	1/16" = 1'-0"
job no.	1802
sheet	

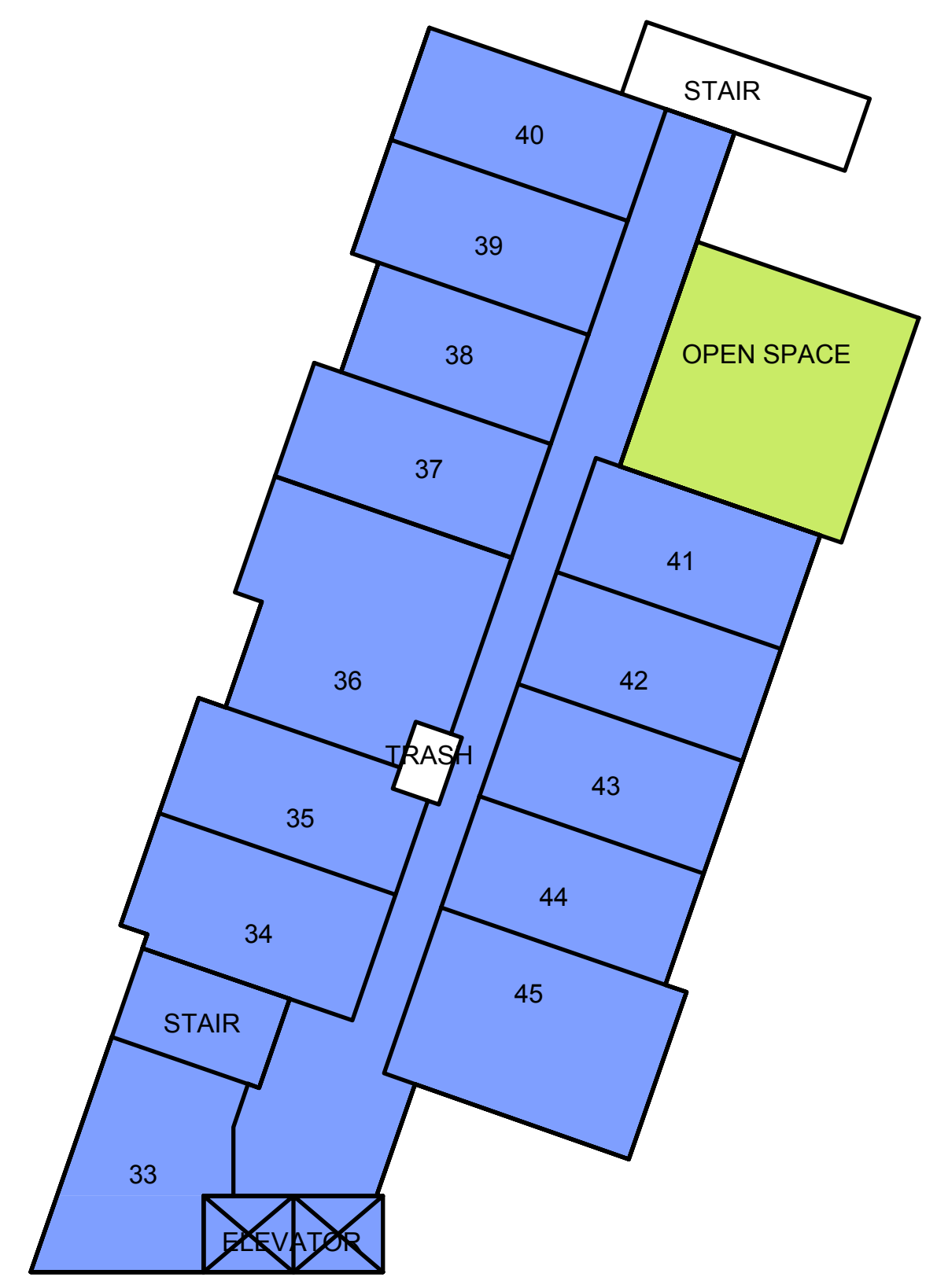
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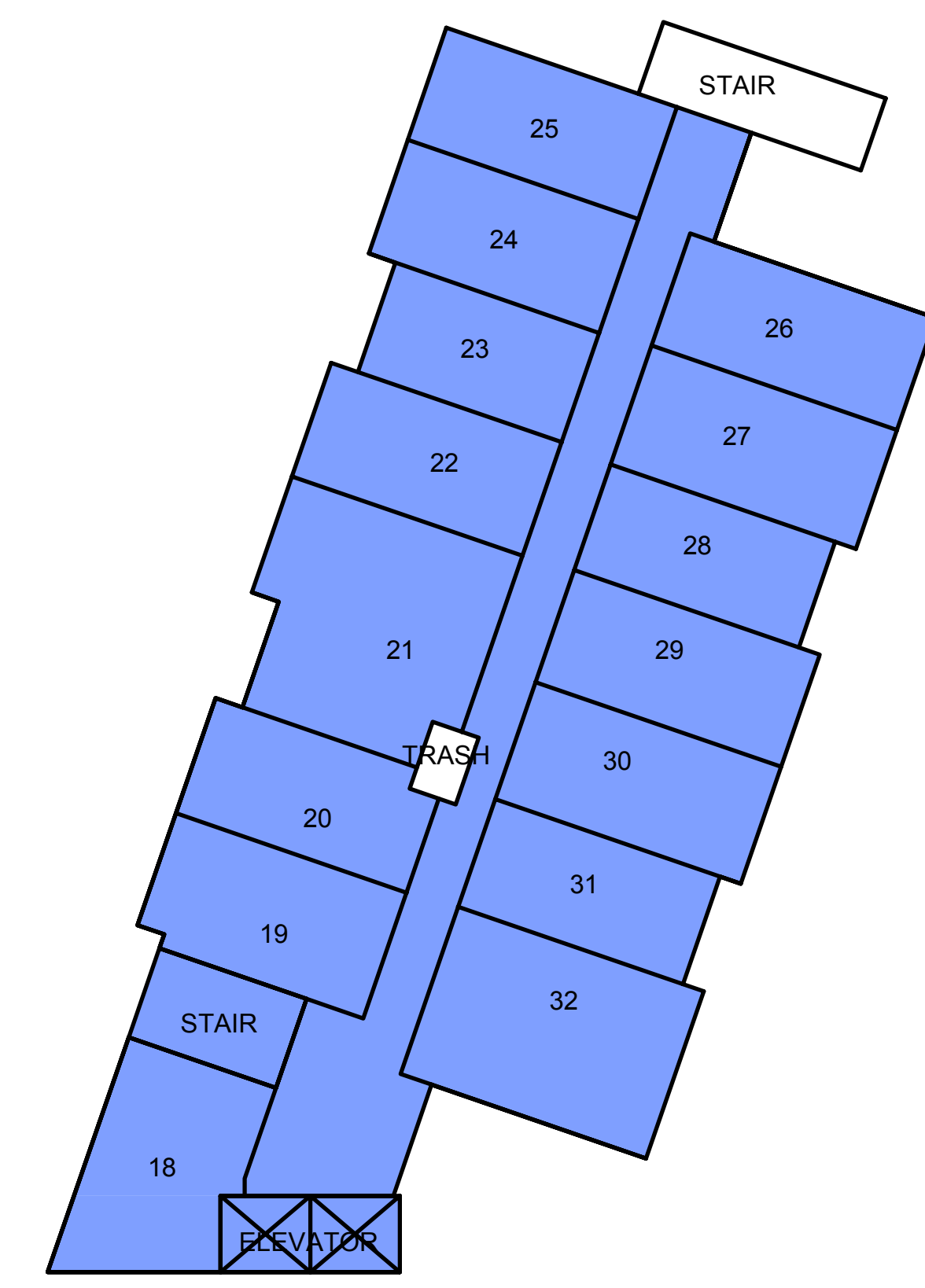
7 PROPOSED - ROOF LEVEL
1/16" = 1'-0"



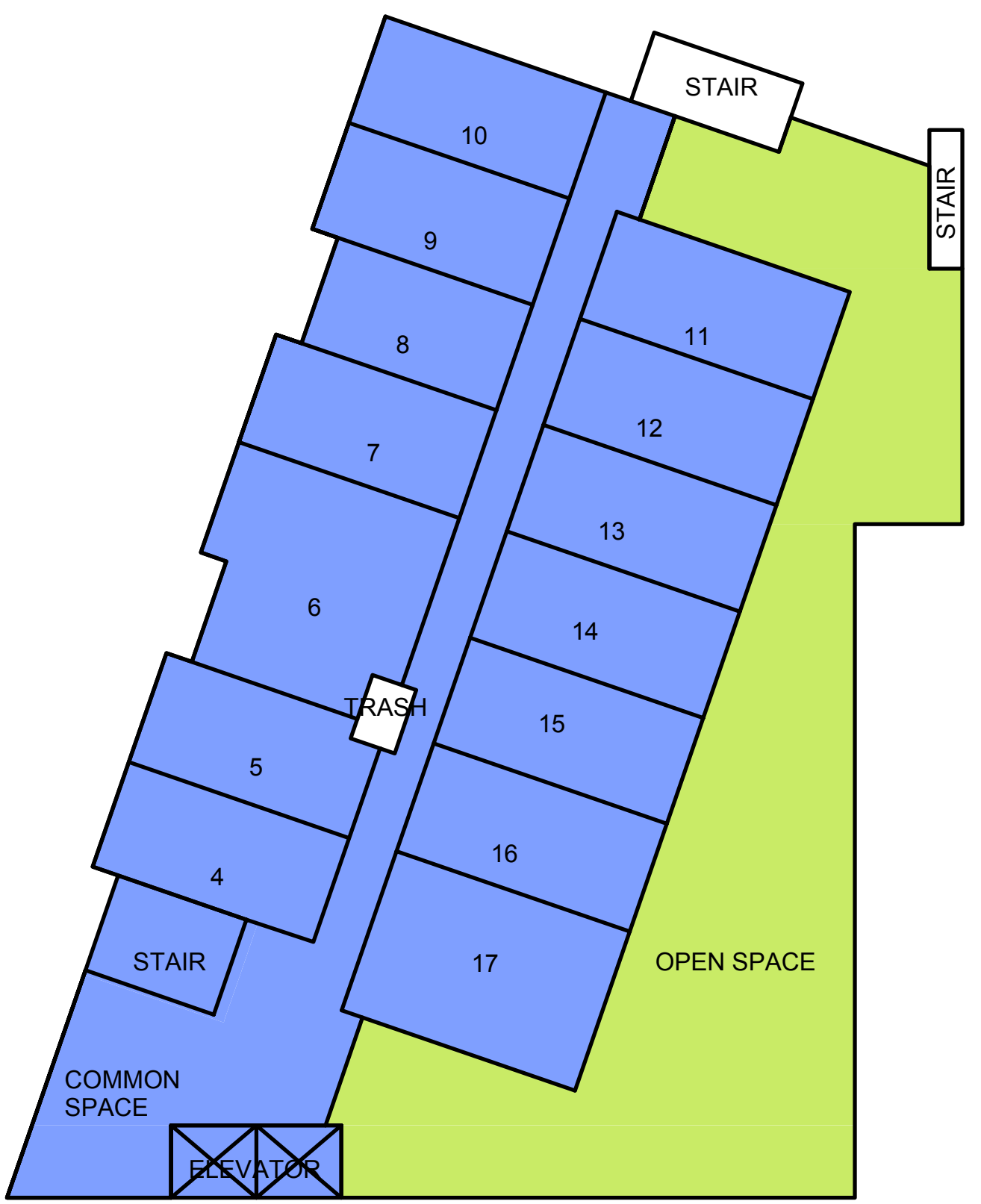
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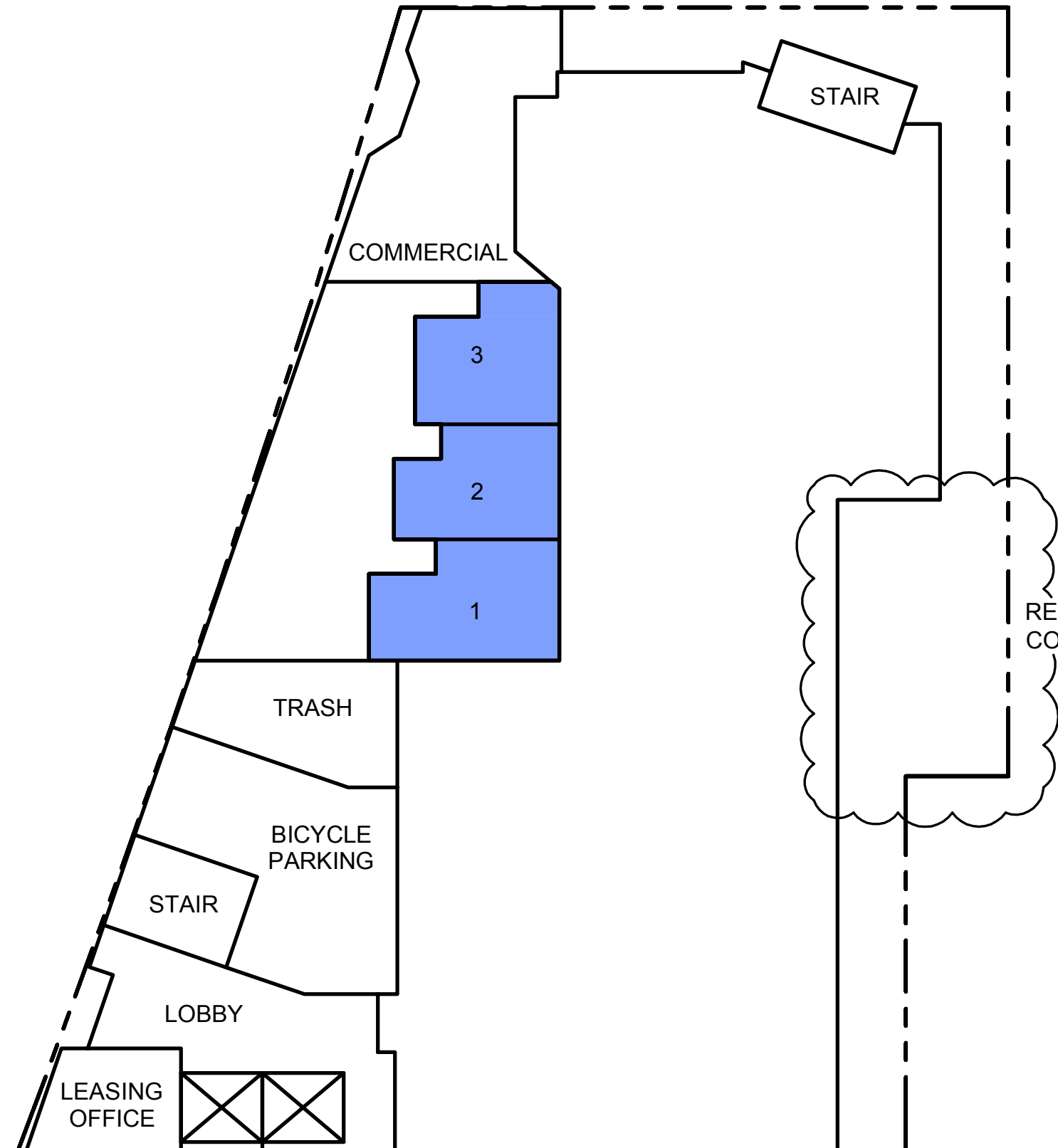
5 PROPOSED - FOURTH LEVEL
1/16" = 1'-0"



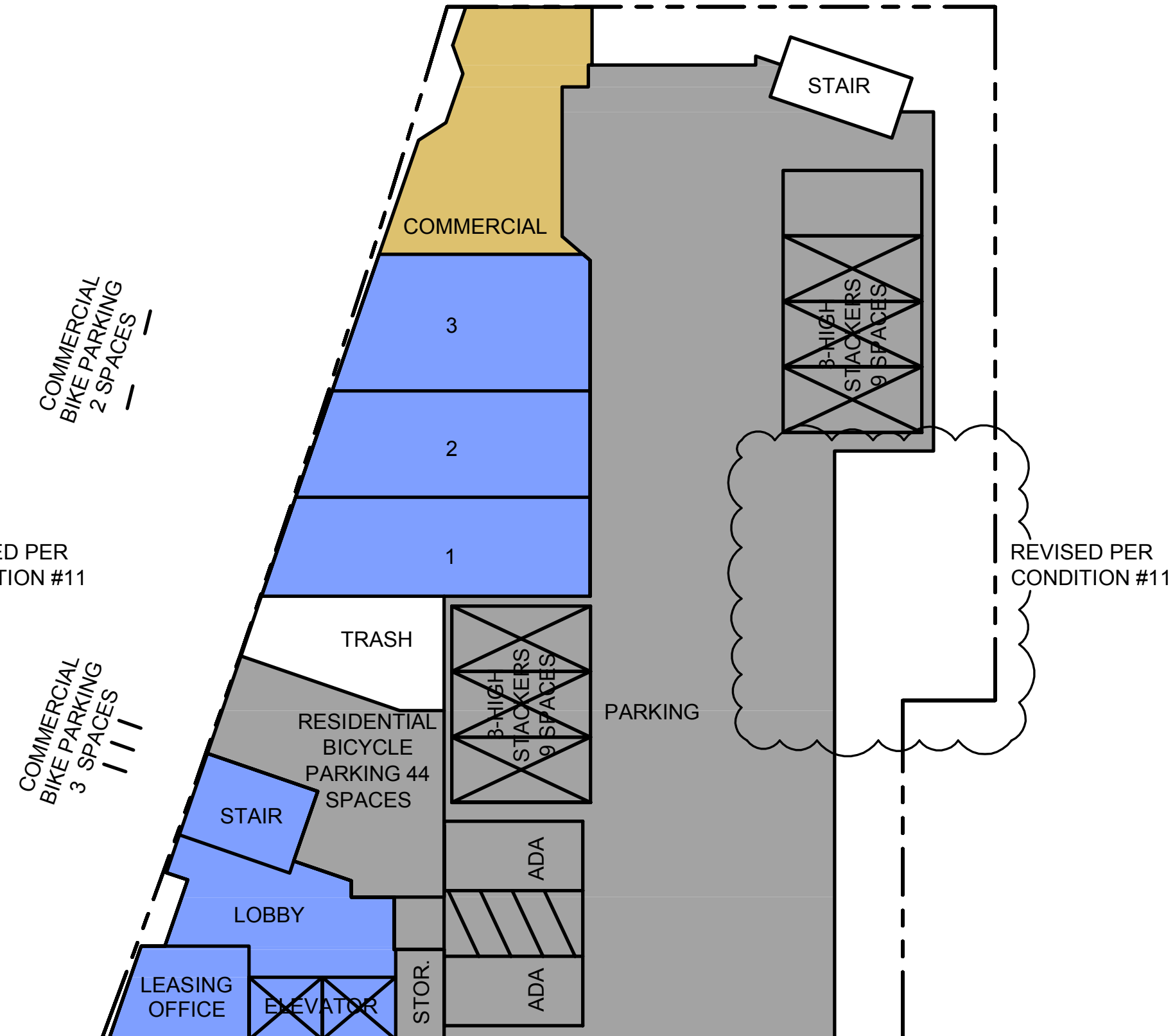
4 PROPOSED - THIRD LEVEL
1/16" = 1'-0"



3 PROPOSED - PODIUM LEVEL
1/16" = 1'-0"



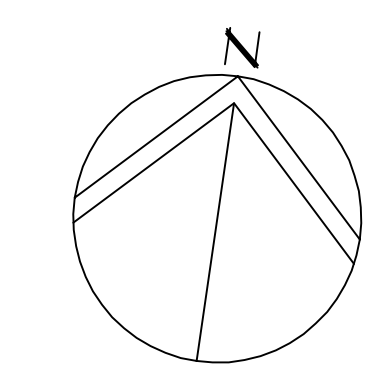
2 PROPOSED - MEZZANINE LEVEL
1/16" = 1'-0"



1 PROPOSED - RESIDENTIAL LOBBY
1/16" = 1'-0"

BUILDING AREA LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- OPEN SPACE
- ROOFTOP ELEMENTS





8 VIEW EAST ON DERBY
12" = 1'-0"



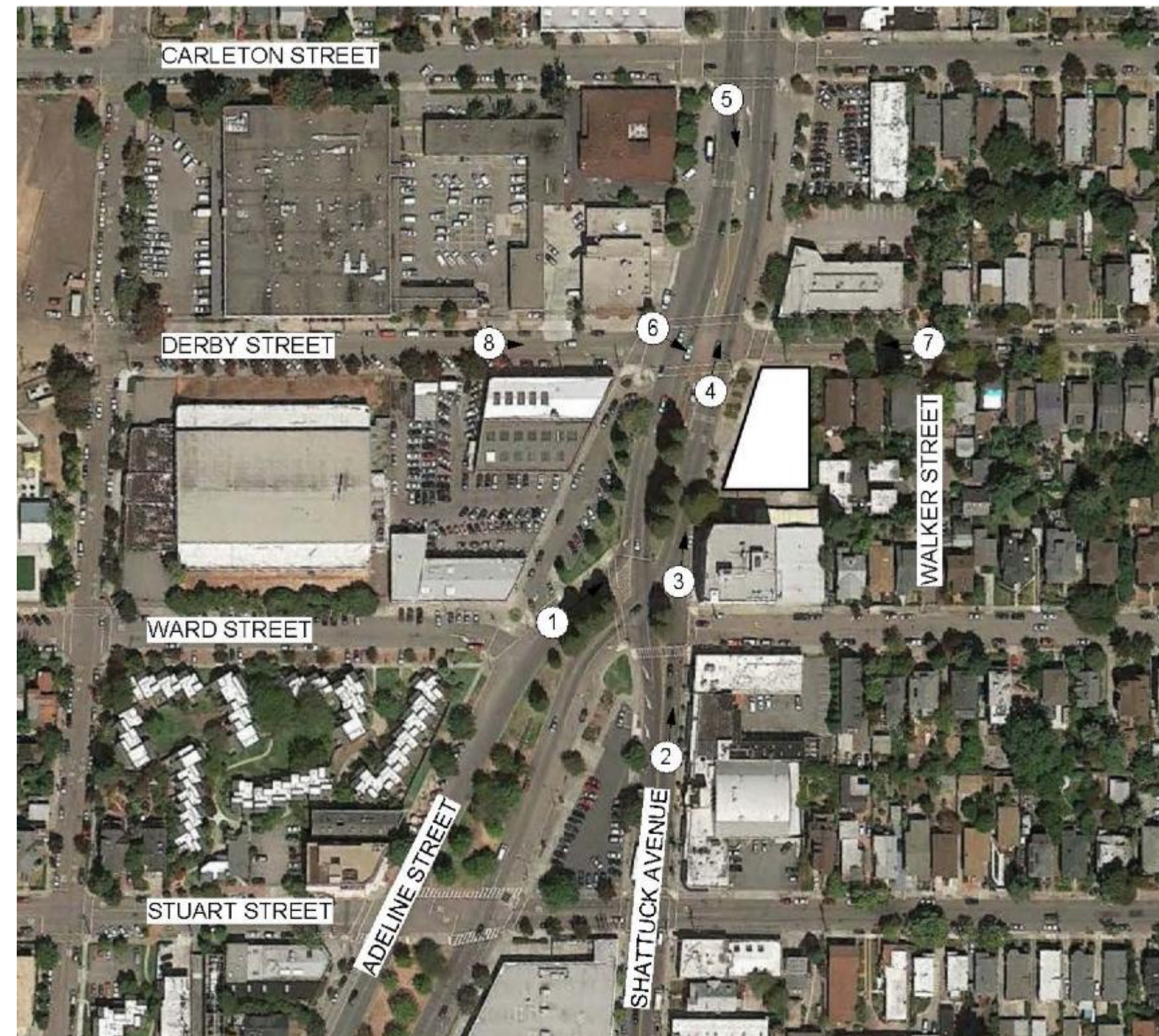
1 VIEW FROM ADELINE AND SHATTUCK
12" = 1'-0"



2 VIEW NORTH ON SHATTUCK AT KIRALA
12" = 1'-0"



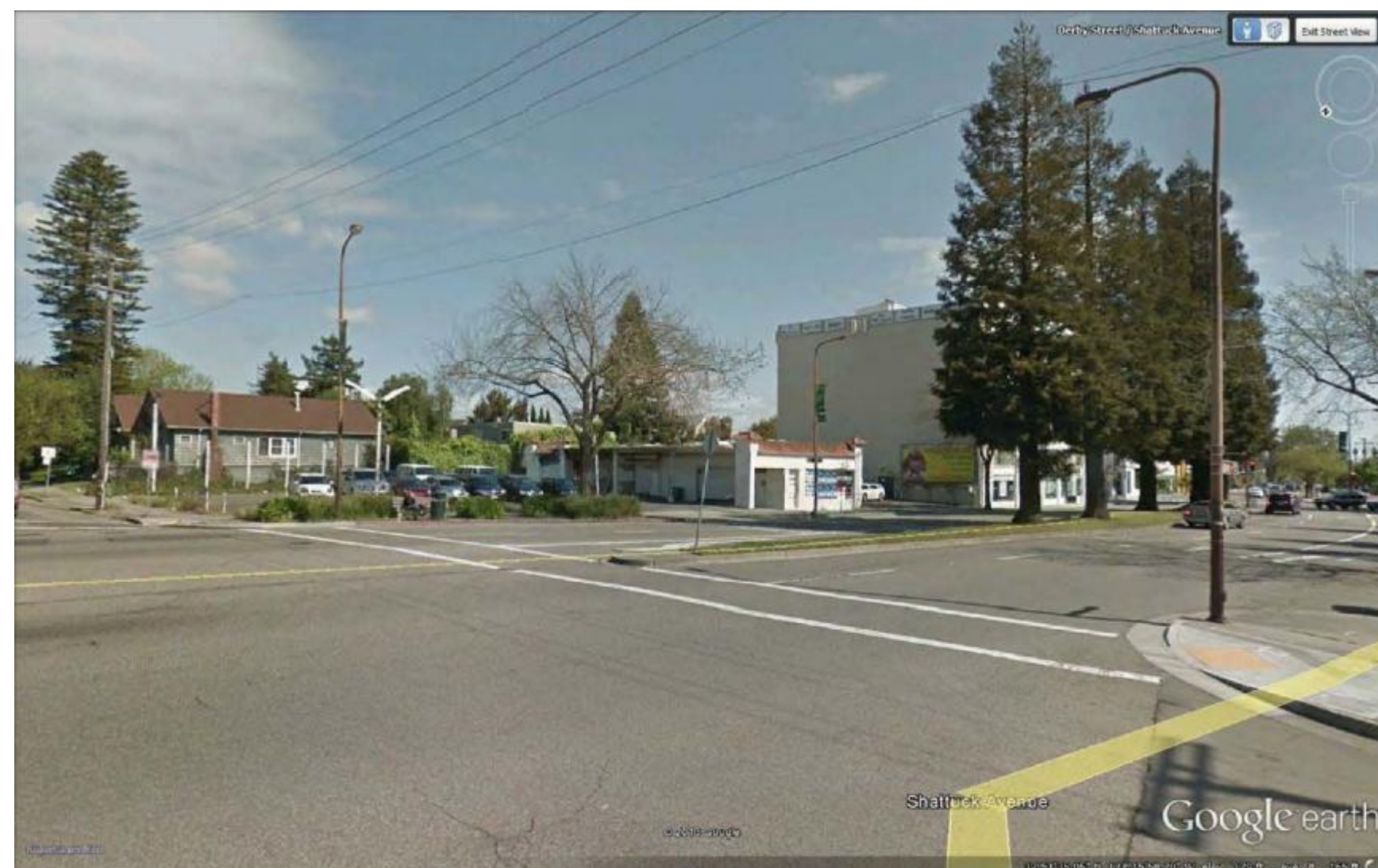
7 VIEW WEST ON DERBY
12" = 1'-0"



0 CONTEXT MAP
12" = 1'-0"



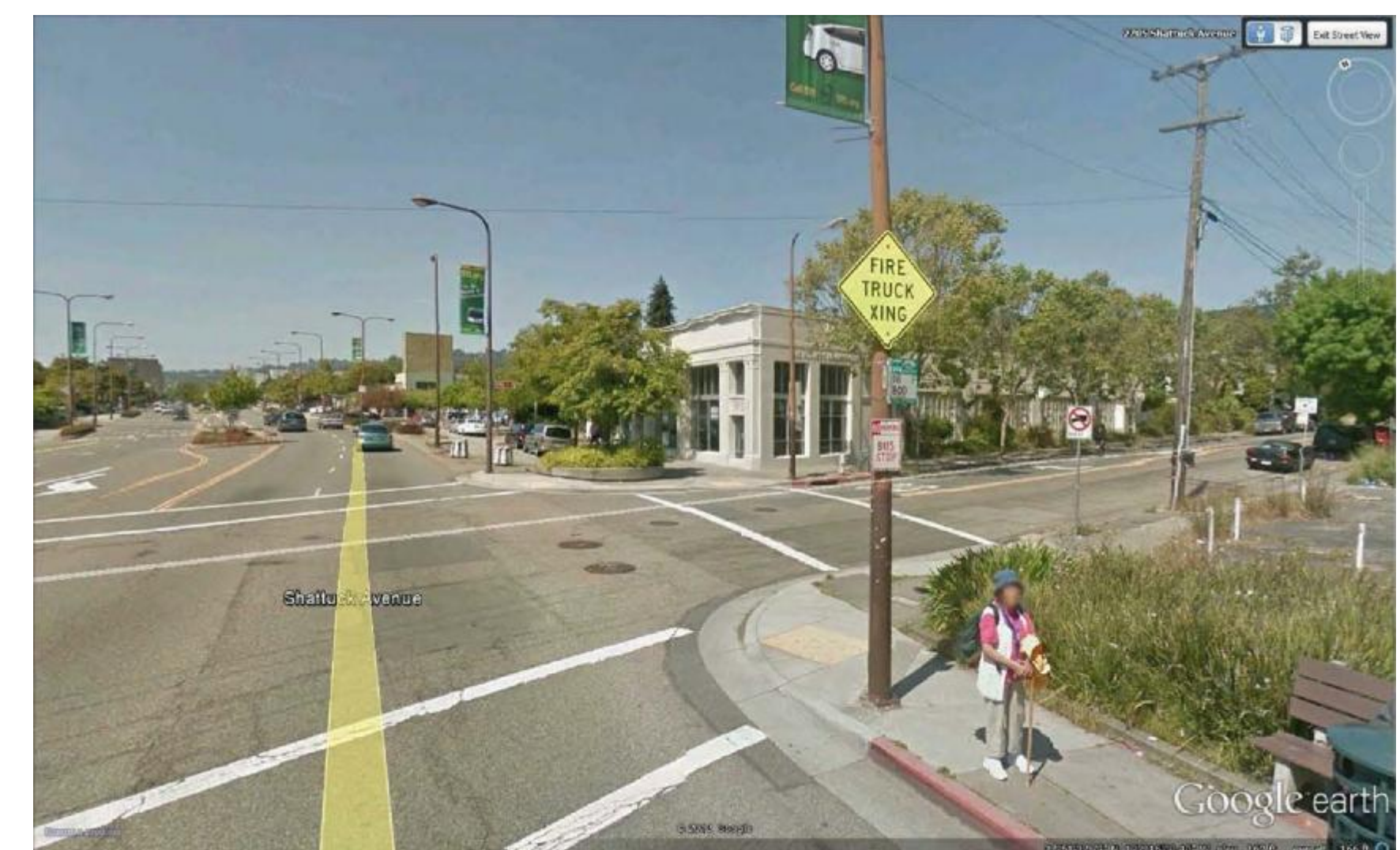
3 VIEW NORTH ON SHATTUCK AT REDWOODS
12" = 1'-0"



6 VIEW OF SITE FROM SHATTUCK AND DERBY
12" = 1'-0"



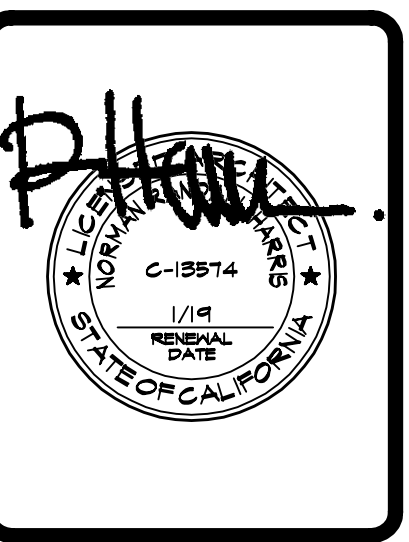
5 VIEW SOUTH ON SHATTUCK
12" = 1'-0"



4 VIEW NORTH AT DERBY AND SHATTUCK
12" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/19	AY

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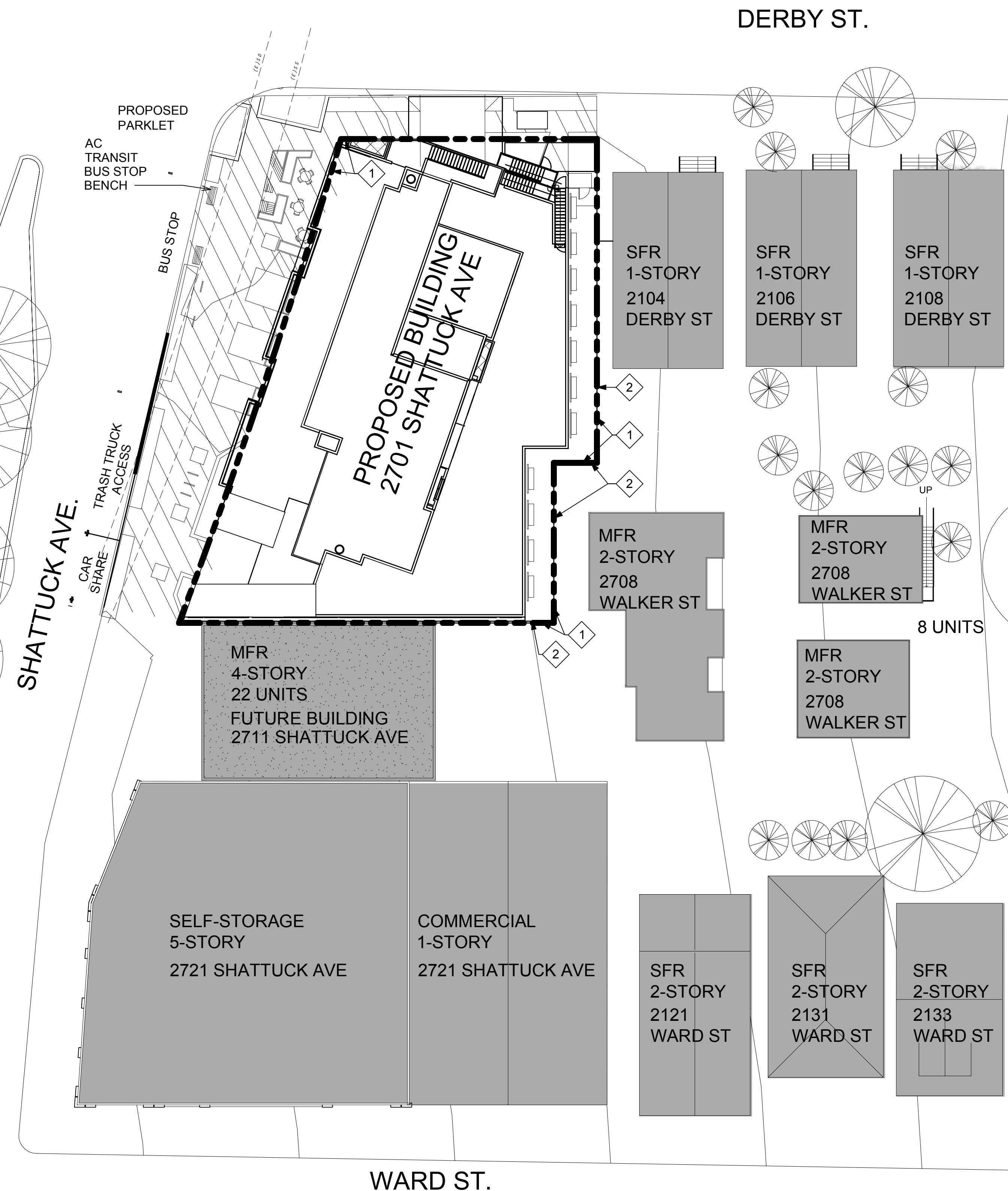
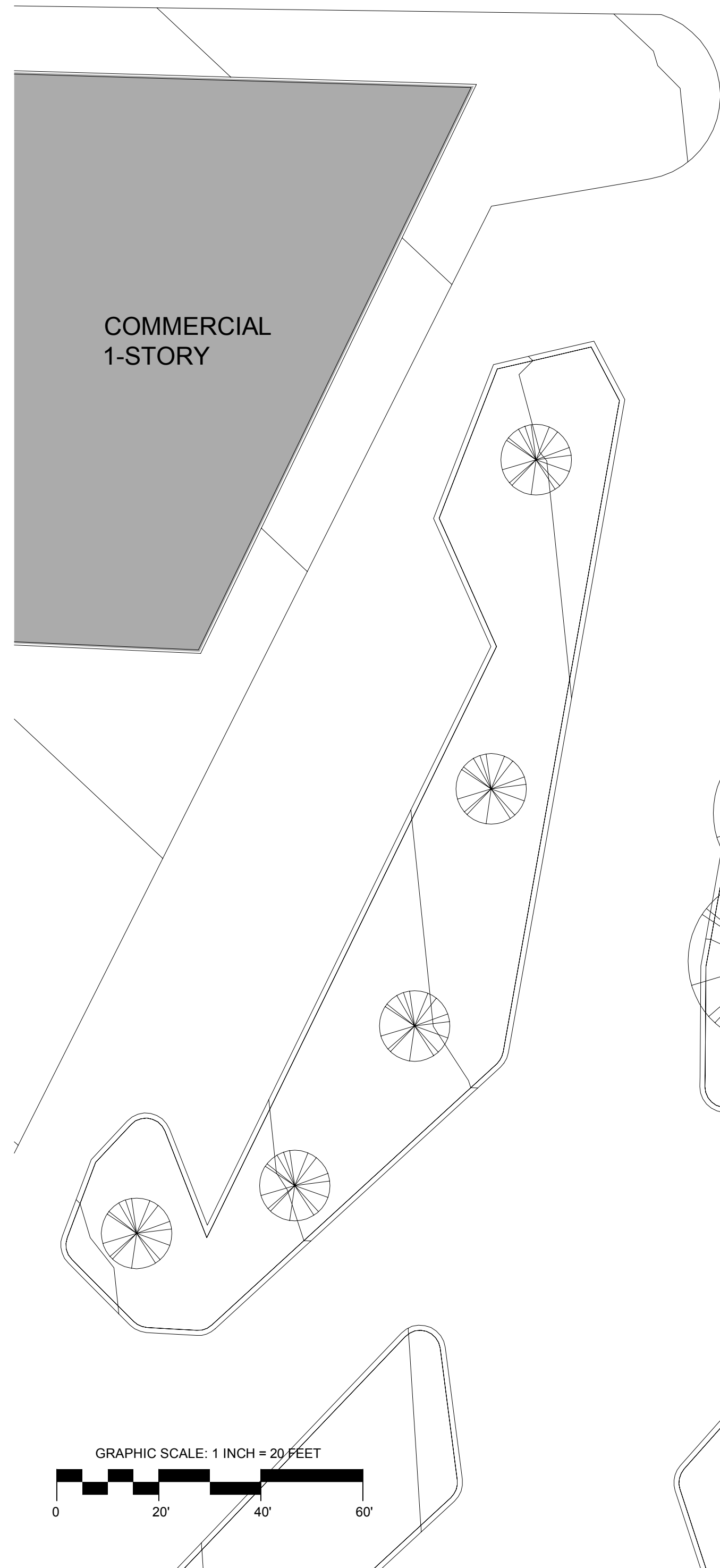
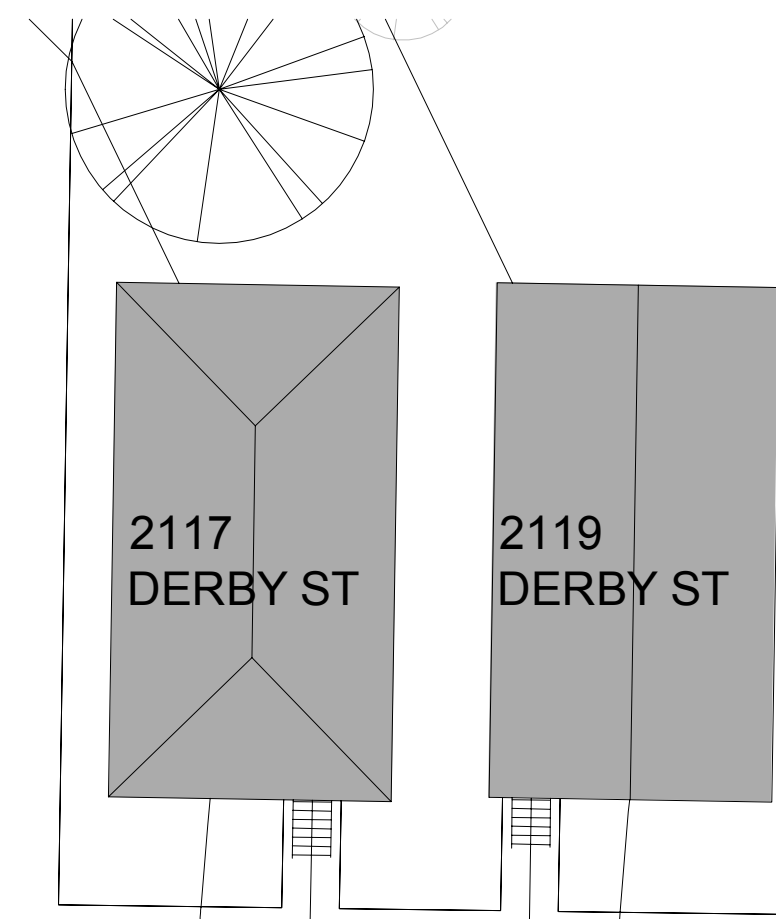
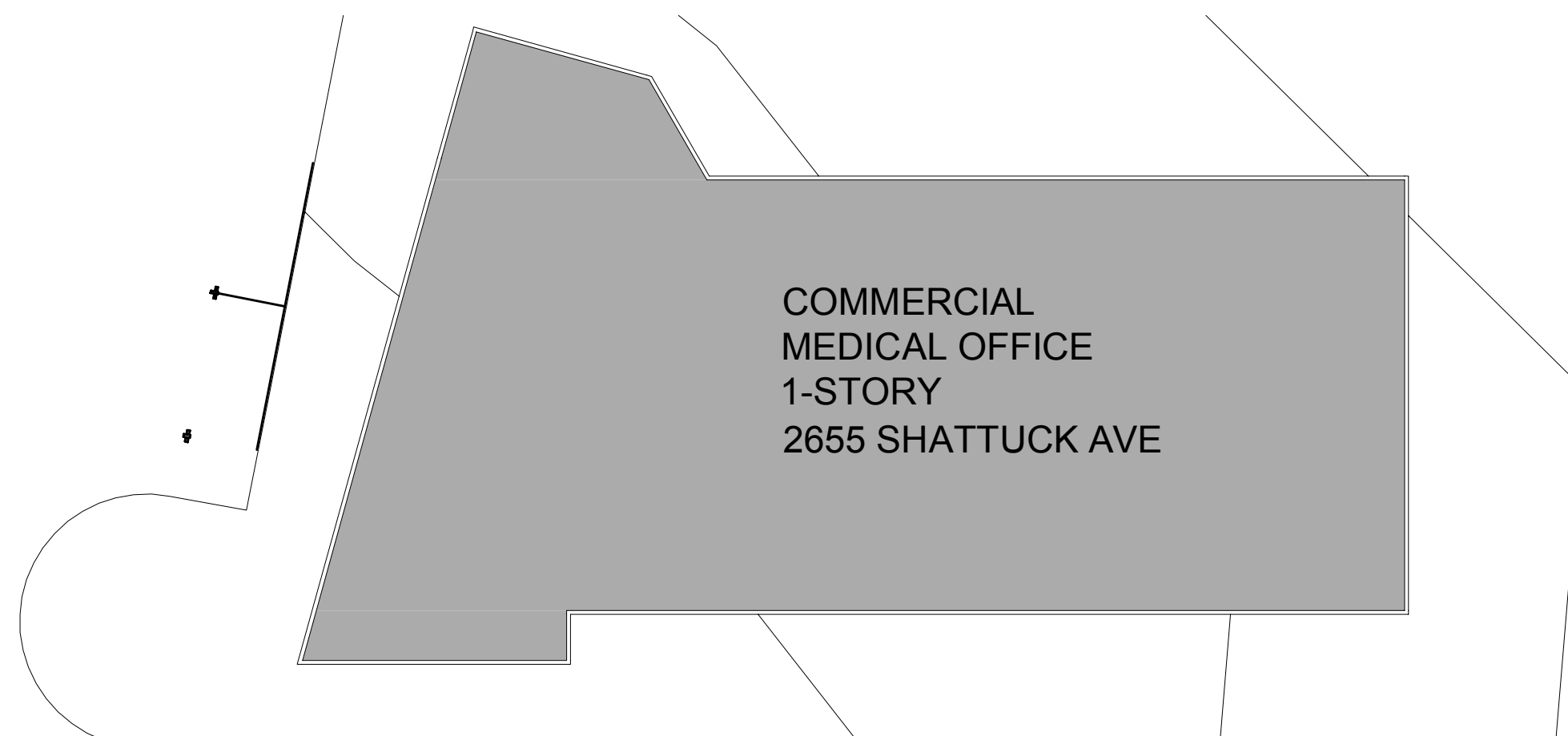
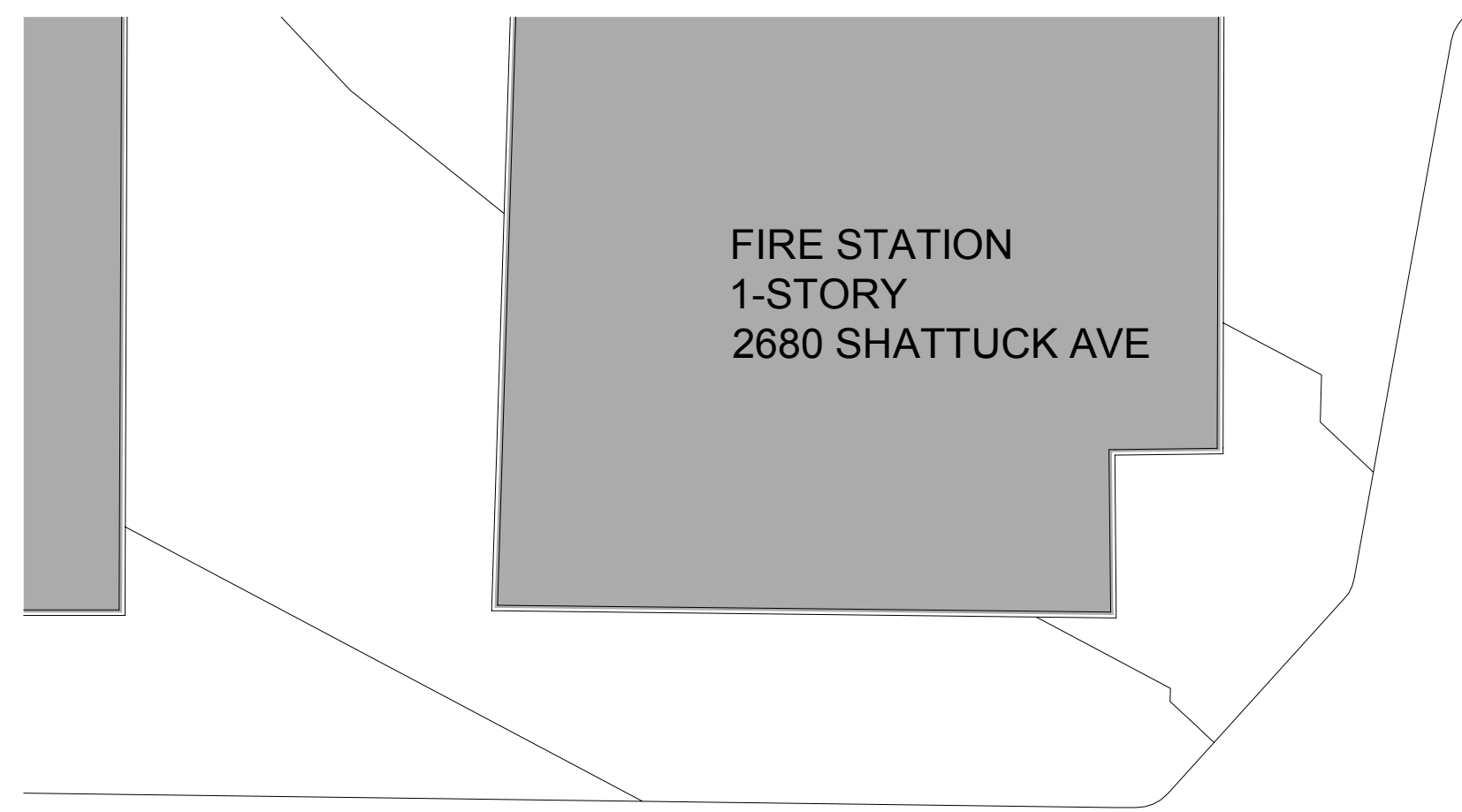


**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**EXISTING
CONDITIONS**

drawn
checked
RH
date
3/07/18
scale
12" = 1'-0"
job no.
1802
sheet

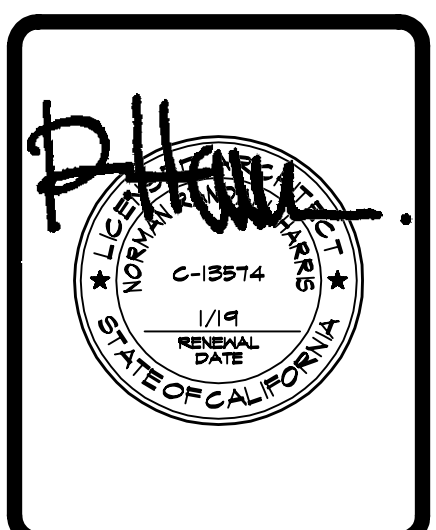
A.I.



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/09/18	AY

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architects, planners

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suite 110
walnut creek, ca
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(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
SITE PLAN

drawn
checked
RH
date
3/07/18
scale
1" = 3'-0"
job no.
1802
sheet

A1.2

KEY NOTES

1 PROPERTY LINE

2 6'-0" HIGH ORNAMENTAL METAL FENCE

LEGEND

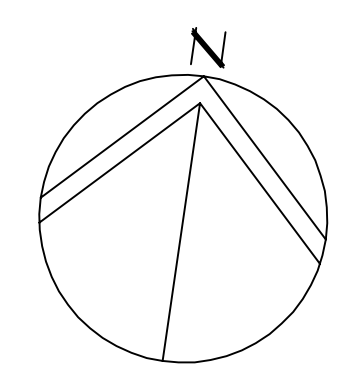
EXISTING BUILDINGS

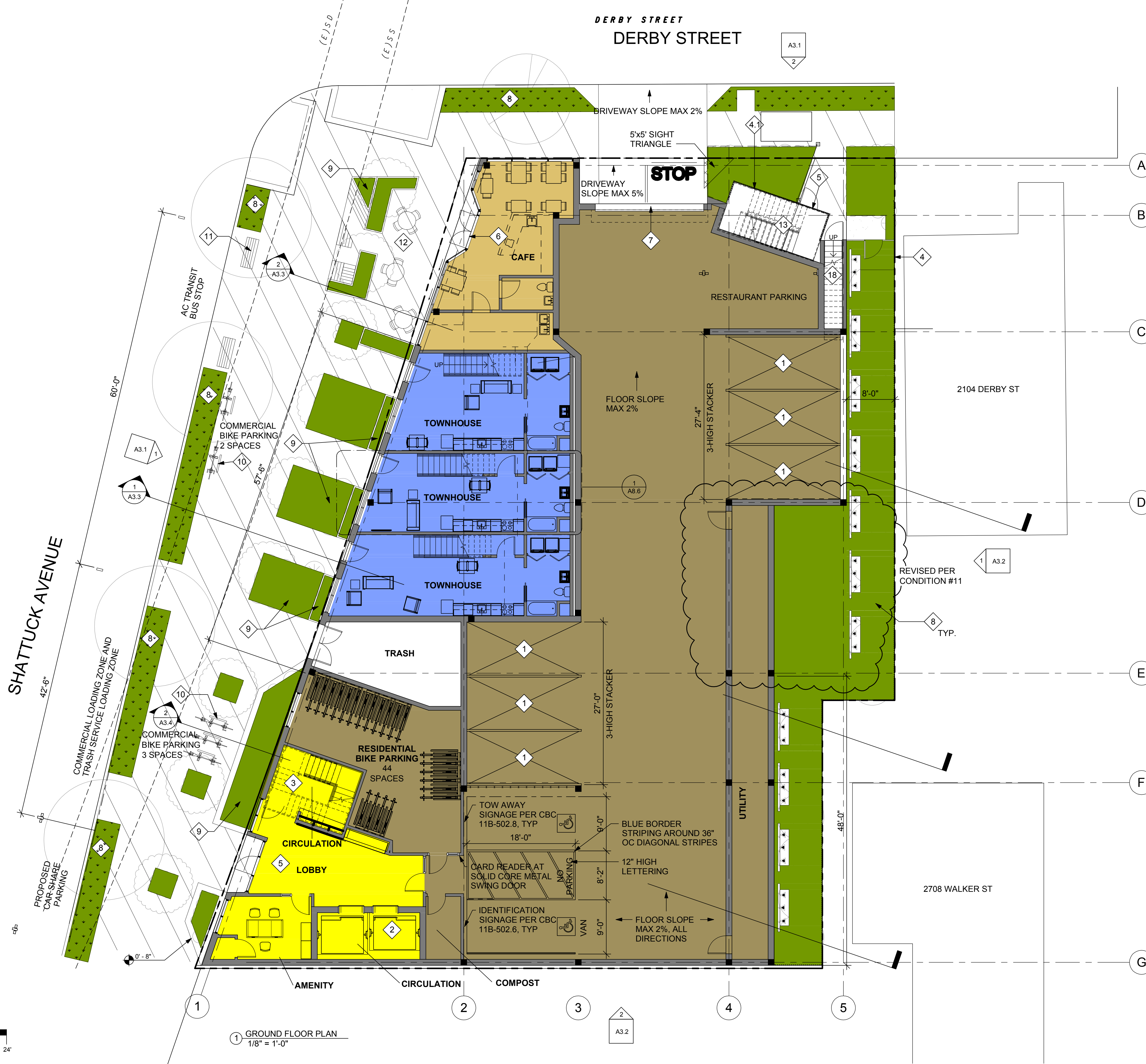
PROPERTY LINE

EXISTING TREE

MFR MULTI-FAMILY RESIDENTIAL

SFR SINGLE-FAMILY RESIDENTIAL





SHEET NOTES

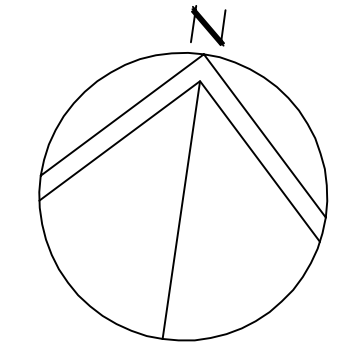
- 1 CITY OF BERKELEY PUBLIC WORKS TRANSPORTATION DIVISION STAFF ARE TO BE CONTACTED TO REVIEW THE LOCATIONS OF THE BIKE RACKS, ON-STREET PARKING SPACES AND PARKING METER HEAD LOCATIONS BEFORE INSTALLATION. LOCATION MUST BE TENTATIVELY MARKED IN THE FIELD AND APPROVED BY PW TRANSPORTATION SERVICES DIVISION.

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
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- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

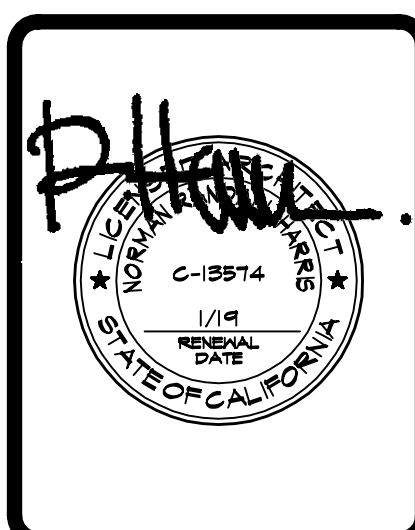
LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- TRASH
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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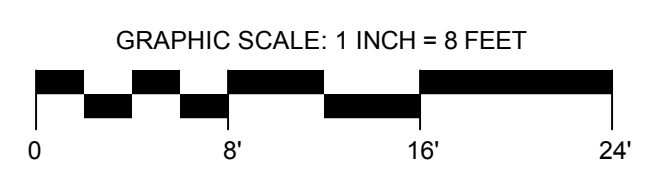


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
GROUND FLOOR PLAN

drawn
checked RH
date 3/07/18
scale 1/8" = 1'-0"
job no. 1802
sheet

A2.1

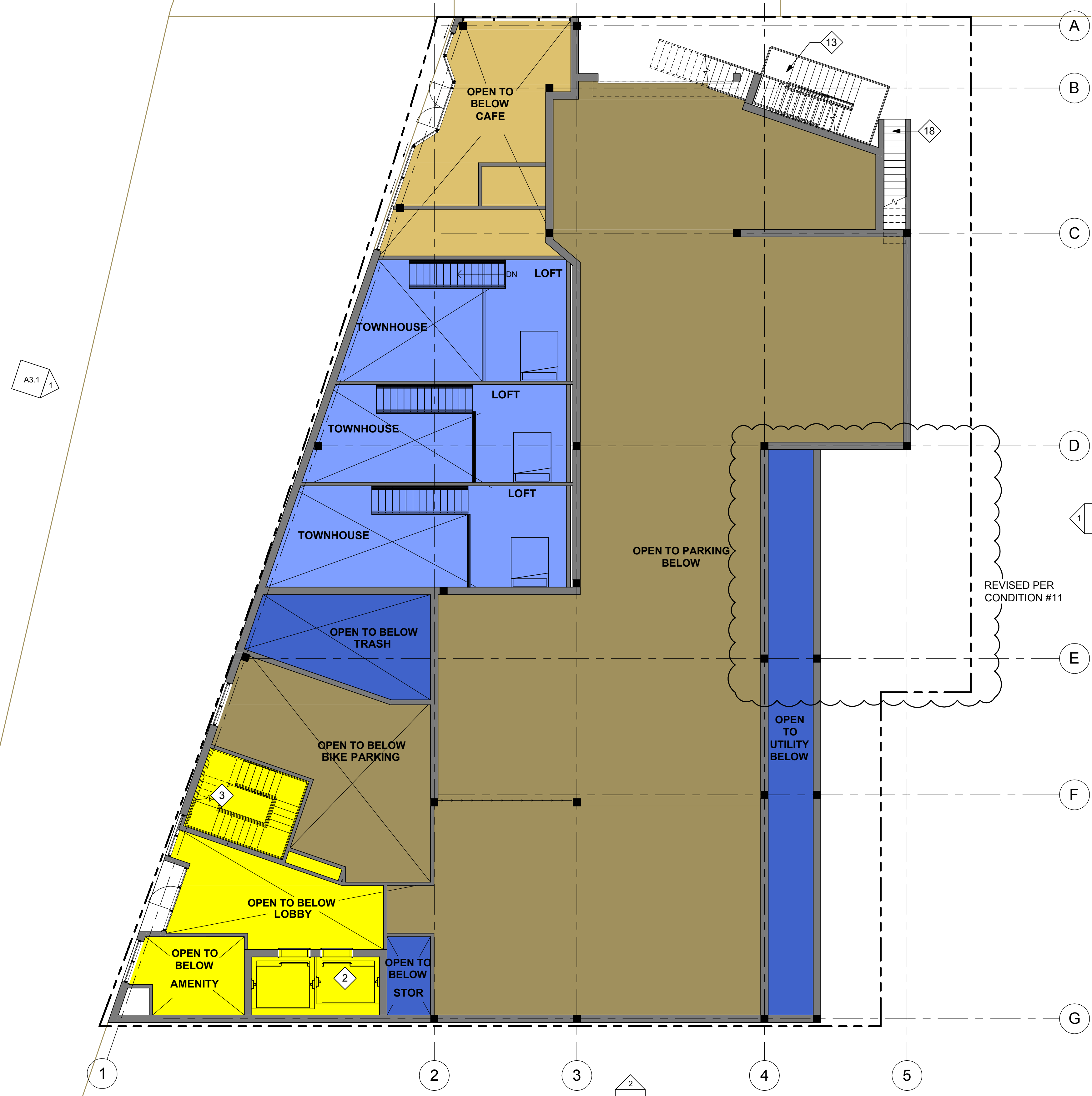


1 GROUND FLOOR PLAN
1/8" = 1'-0"

DERBY STREET

A3.1
2

SHATTUCK AVENUE



1 MEZZANINE
1/8" = 1'-0"

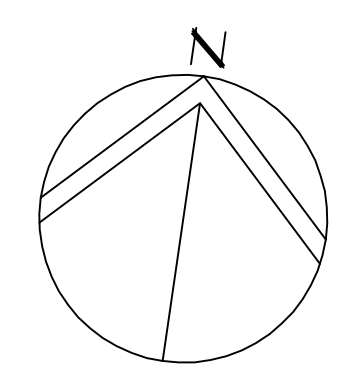
A3.2
2

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
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- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

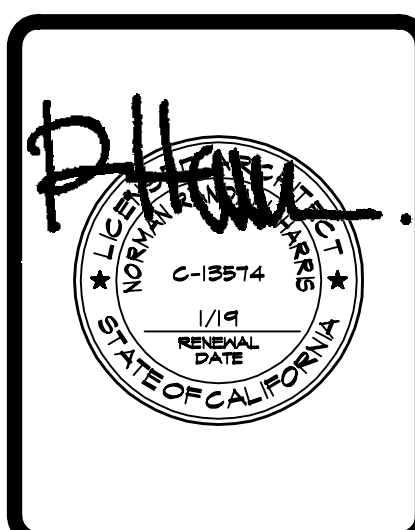
LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/09/18	AY

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architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
MEZZANINE PLAN

drawn
checked RH
date 3/07/18
scale 1/8" = 1'-0"
job no. 1802
sheet

A2.1A

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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D. H. HALL
LICENSED ARCHITECT
C-13574
1/19
EXPIRES
DATE
STATE OF CALIFORNIA

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PODIUM
LEVEL
FLOOR PLAN

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet

A2.2



KEY NOTES

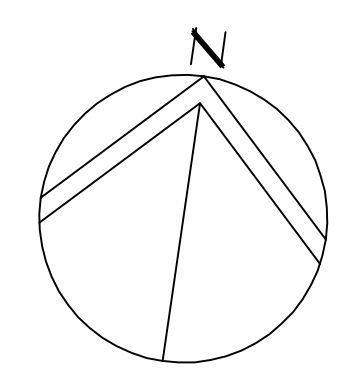
- 1 TRIPLE LIFT PARKING SPACE
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- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

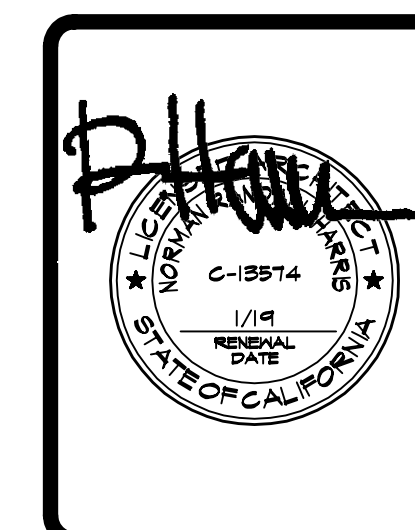


1 PODIUM LEVEL FLOOR PLAN
1/8" = 1'-0"



revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

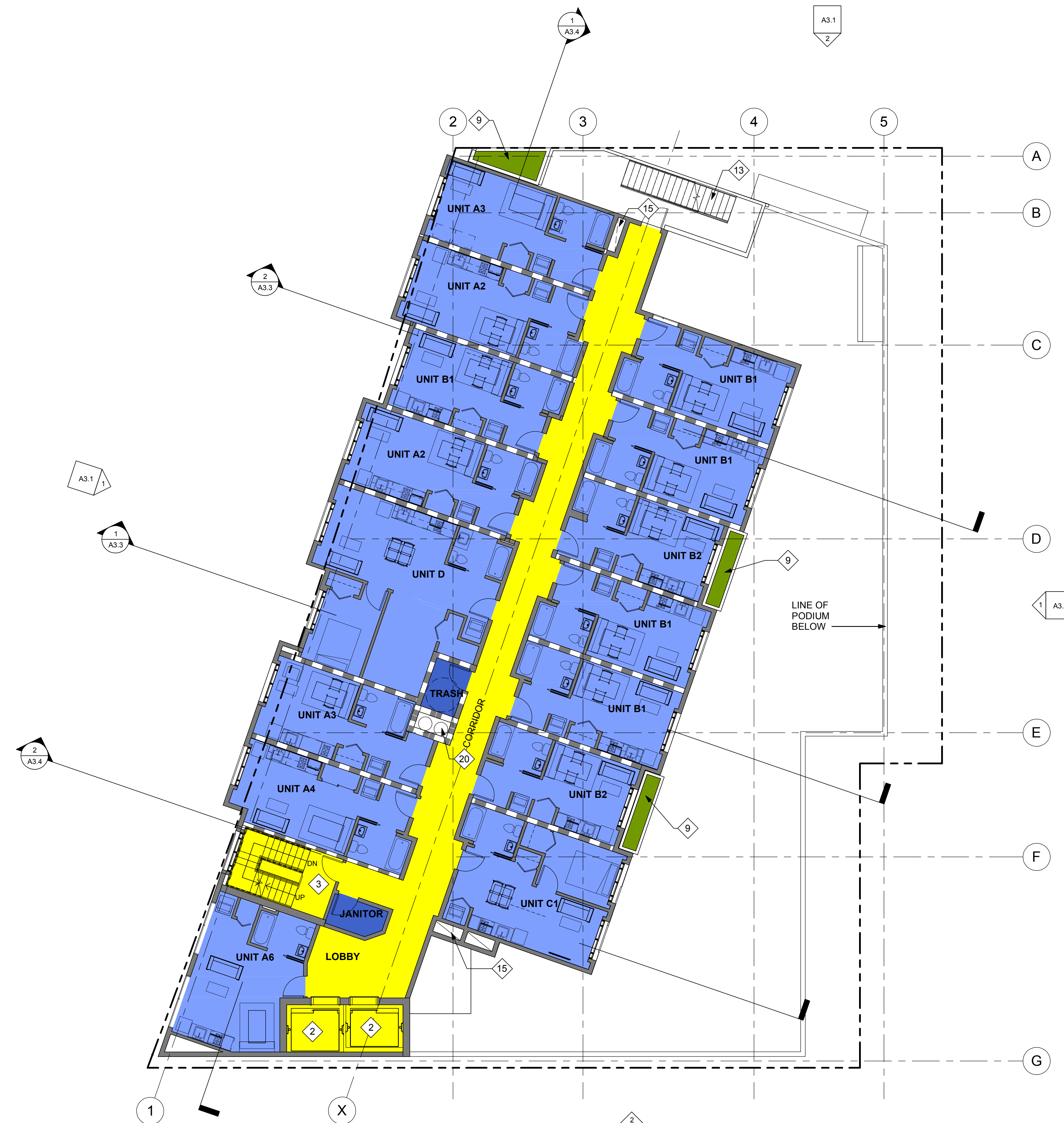
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architects, planners
2950 camino diablo
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walnut creek, ca
94597
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2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
THIRD LEVEL FLOOR PLAN

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet
A2.3



KEY NOTES

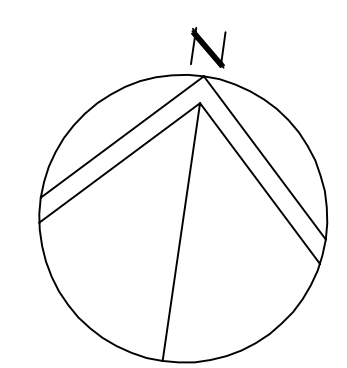
- 1 TRIPLE LIFT PARKING SPACE
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- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

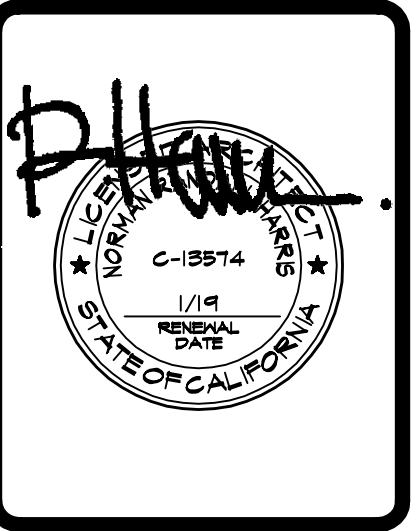


1 THIRD FLOOR PLAN
1/8" = 1'-0"



revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
**FOURTH
LEVEL
FLOOR PLAN**

drawn	checked	date	scale	job no.	sheet
	RH	3/07/18	1/8" = 1'-0"	1802	

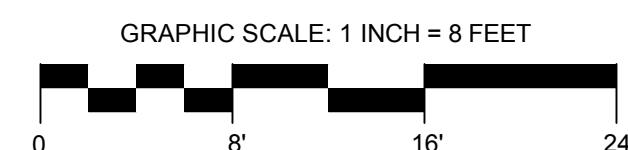
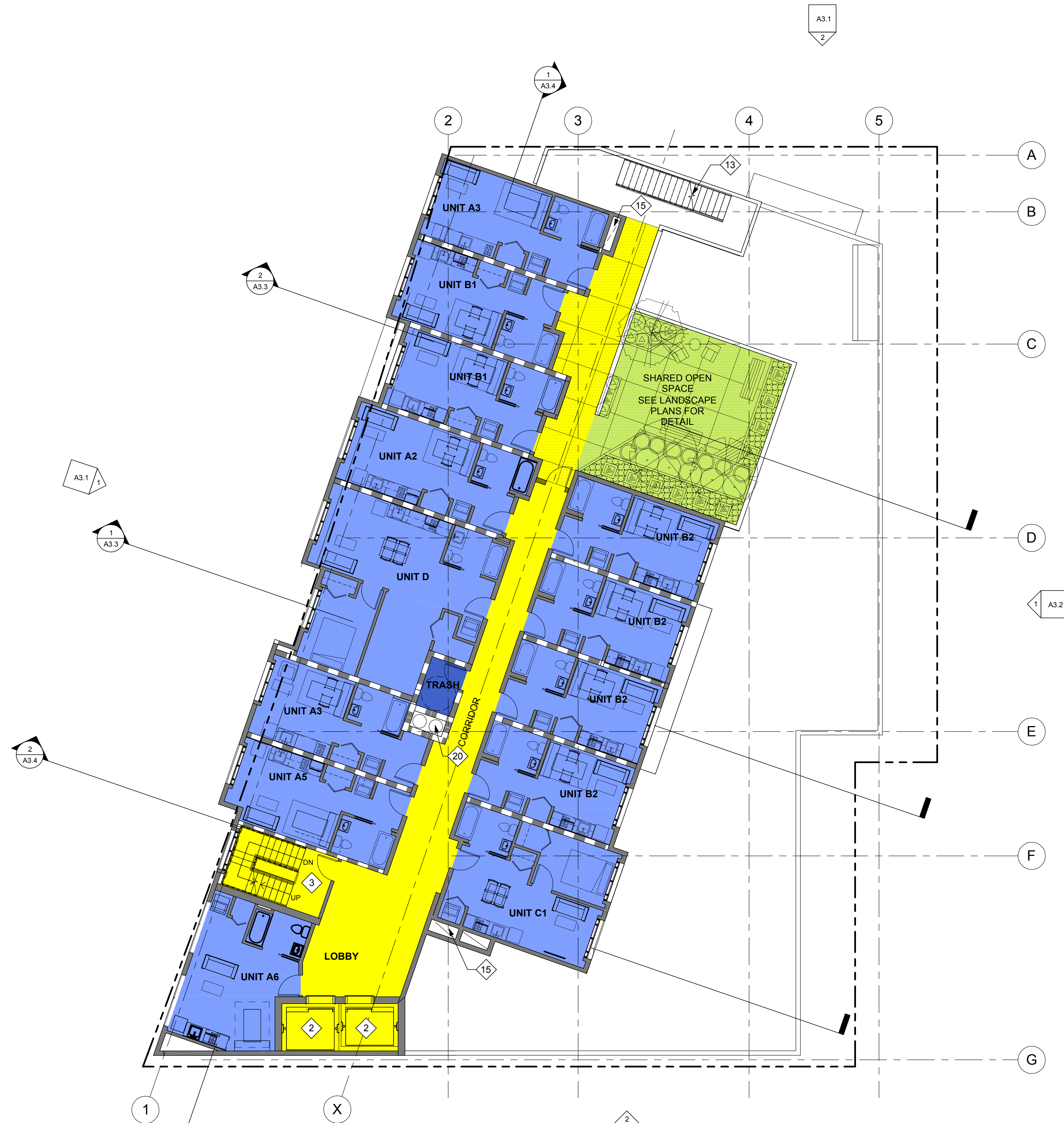
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KEY NOTES

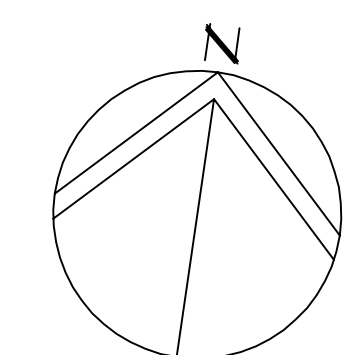
- 1 TRIPLE LIFT PARKING SPACE
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- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
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- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 FOURTH FLOOR PLAN
1/8" = 1'-0"





KEY NOTES

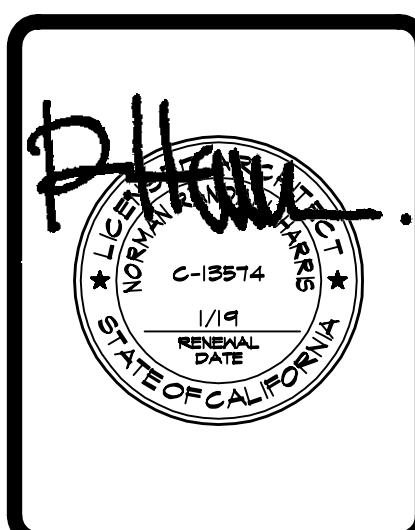
- 1 TRIPLE LIFT PARKING SPACE
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LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

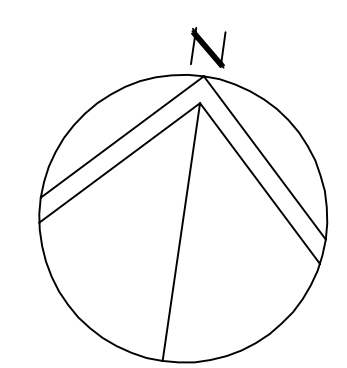
drawing
FIFTH LEVEL FLOOR PLAN

drawn
checked RH
date 3/07/18
scale 1/8" = 1'-0"
job no. 1802
sheet

A2.5

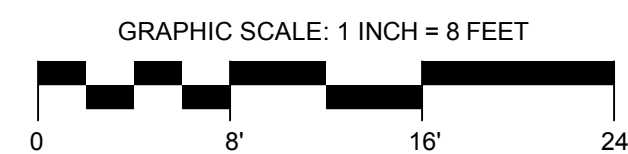


1 FIFTH FLOOR PLAN
1/8" = 1'-0"





① ROOF PLAN
1/8" = 1'-0"



KEY NOTES

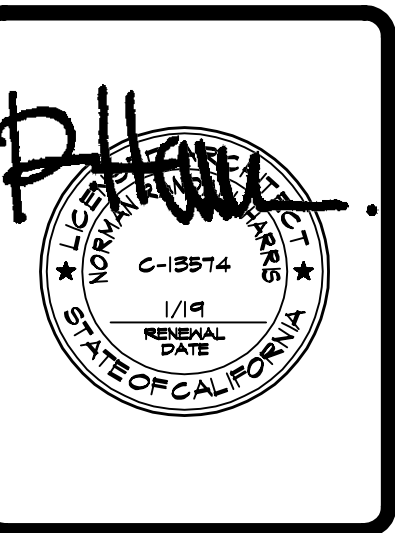
- ① TRIPLE LIFT PARKING SPACE
- ② ELEVATOR
- ③ STAIR
- ④ 6'-0" HIGH ORNAMENTAL METAL FENCE
- ④.1 PERFORATED METAL SECURITY FENCE W GATE
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- ⑥ CAFE ENTRY
- ⑦ GARAGE DOOR WITH VISUAL AND AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
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- ⑪ (E) AC TRANSIT BUS STOP WITH BENCH
- ⑫ OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- ⑬ EXTERIOR STAIR
- ⑭ PARAPET/RAILING
- ⑮ MECHANICAL CHASE
- ⑯ BARBEQUE
- ⑰ TRELLIS
- ⑱ FIRE ACCESS STAIR
- ⑲ METAL ROOF / MATCH SIDING SEE ELEVATIONS

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

revisions	by
DRG SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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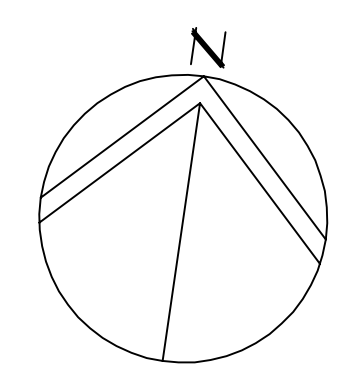


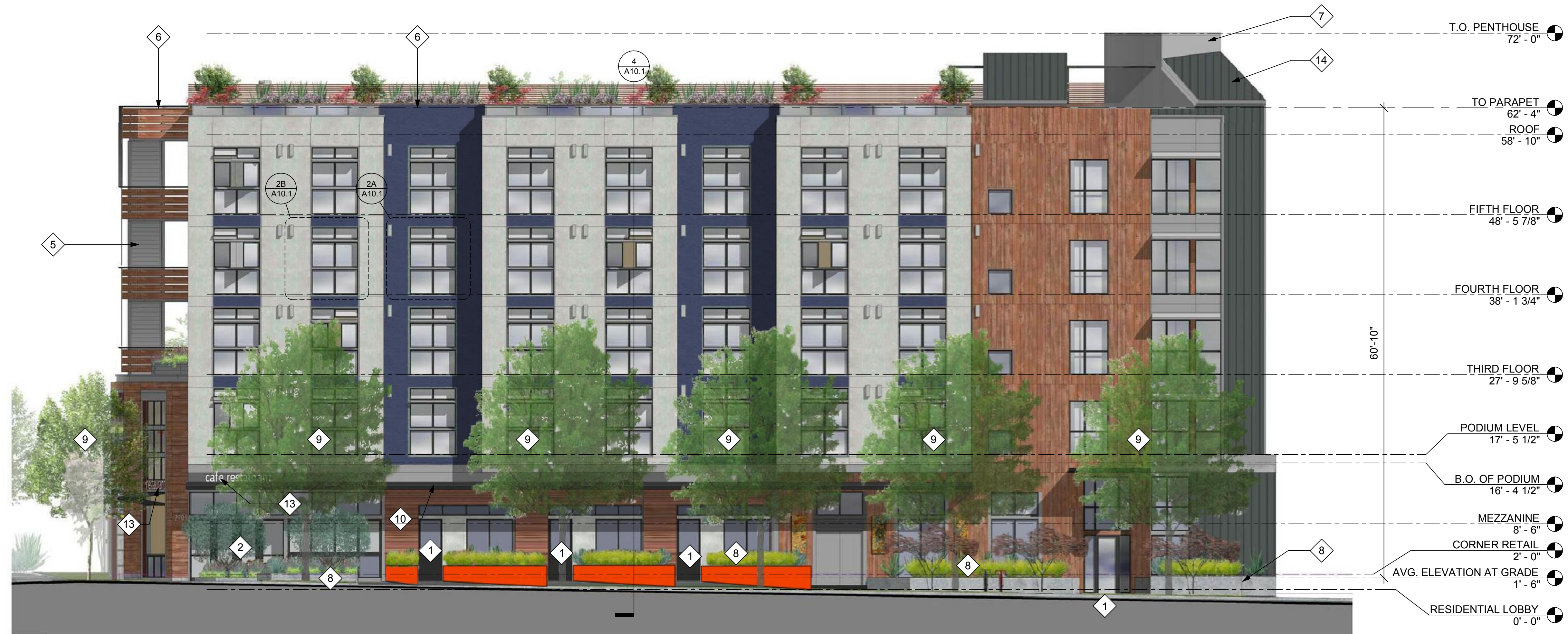
2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
ROOF PLAN

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet

A2.6



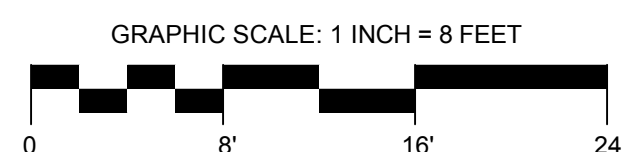


1 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"



2 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"

NOTE: NORMAL TO RESIDENTIAL PORTION OF BUILDING



- T.O. PENTHOUSE 72' - 0"
- TO PARAPET 62' - 4"
- ROOF 58' - 10"
- FIFTH FLOOR 48' - 5 7/8"
- FOURTH FLOOR 38' - 1 3/4"
- THIRD FLOOR 27' - 9 5/8"
- PODIUM LEVEL 17' - 5 1/2"
- B.O. OF PODIUM 16' - 4 1/2"
- MEZZANINE 8' - 6"
- CORNER RETAIL 2' - 0"
- AVG. ELEVATION AT GRADE 1' - 6"
- RESIDENTIAL LOBBY 0' - 0"

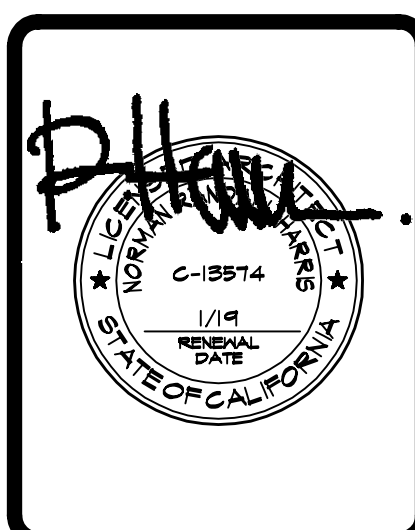
KEY NOTES

- 1 RESIDENTIAL ENTRY
- 2 COMMERCIAL ENTRY
- 3 PARKING GARAGE DOOR
- 4 NOT USED
- 5 EXTERIOR STAIR
- 6 RAILING / PARAPET
- 7 ELEVATOR OVERRUN
- 8 PLANTER, SEE LANDSCAPE PLANS
- 9 TREE, SEE LANDSCAPE PLANS
- 10 AWNING
- 11 NOT USED
- 12 NOT USED
- 13 SIGNAGE
- 14 ROOFTOP MECHANICAL ENCLOSURE
- 15 PERFORATED METAL SECURITY FENCE W GATE

NOTE:
SEE A3.1A FOR MATERIALS LEGEND

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/09/18	AY

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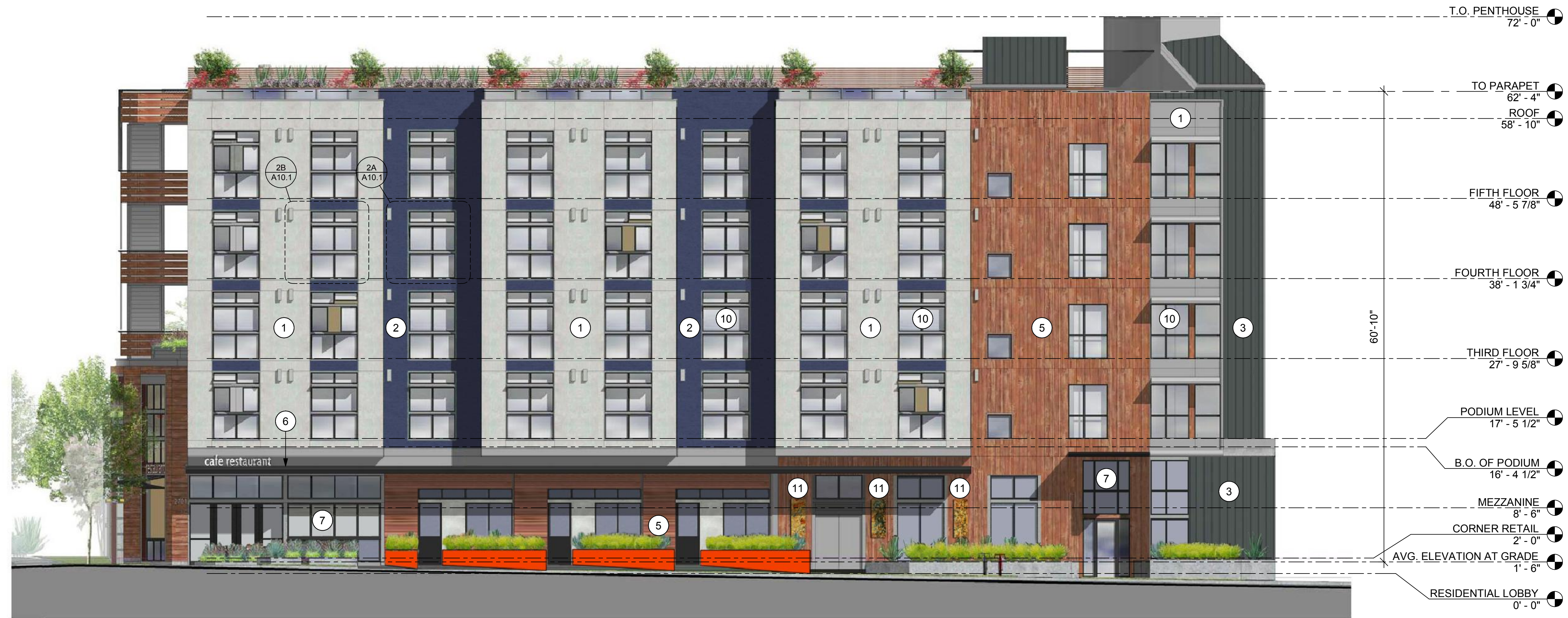


2701 SHATTUCK AVENUE
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 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
EXTERIOR ELEVATIONS

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet

A3.1



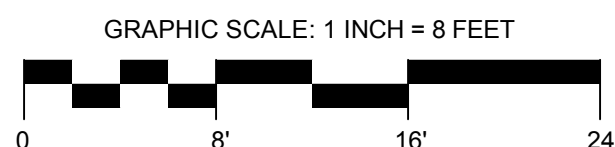
1 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"

- LEGEND**
- 1 PAINTED STUCCO
BODY COLOR 1
 - 2 PAINTED STUCCO
BODY COLOR 2
 - 3 METAL FLUSH PANELS
COLOR: "DARK BRONZE"
 - 4 CAST-IN-PLACE CONCRETE
 - 5 COMPOSITE WOOD PANEL
COLOR: PARKLEX "AMBER" & "RUBI"
 - 6 ARCHITECTURAL METAL DETAILS
 - 7 STOREFRONT GLAZING WINDOW
 - 8 PERFORATED METAL
 - 9 METAL LOUVERS
 - 10 DARK ANODIZED METAL WINDOWS
 - 11 PUBLIC ART LOCATION



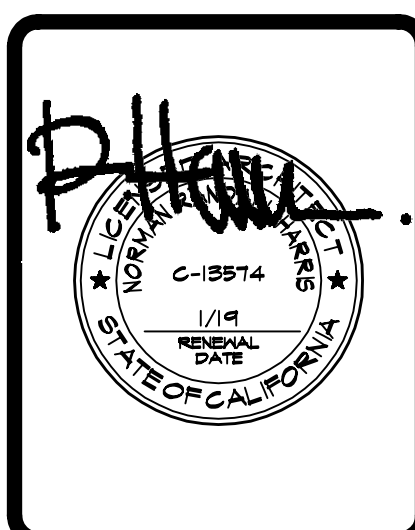
2 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"

NOTE: NORMAL TO RESIDENTIAL PORTION OF BUILDING



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/09/18	AY

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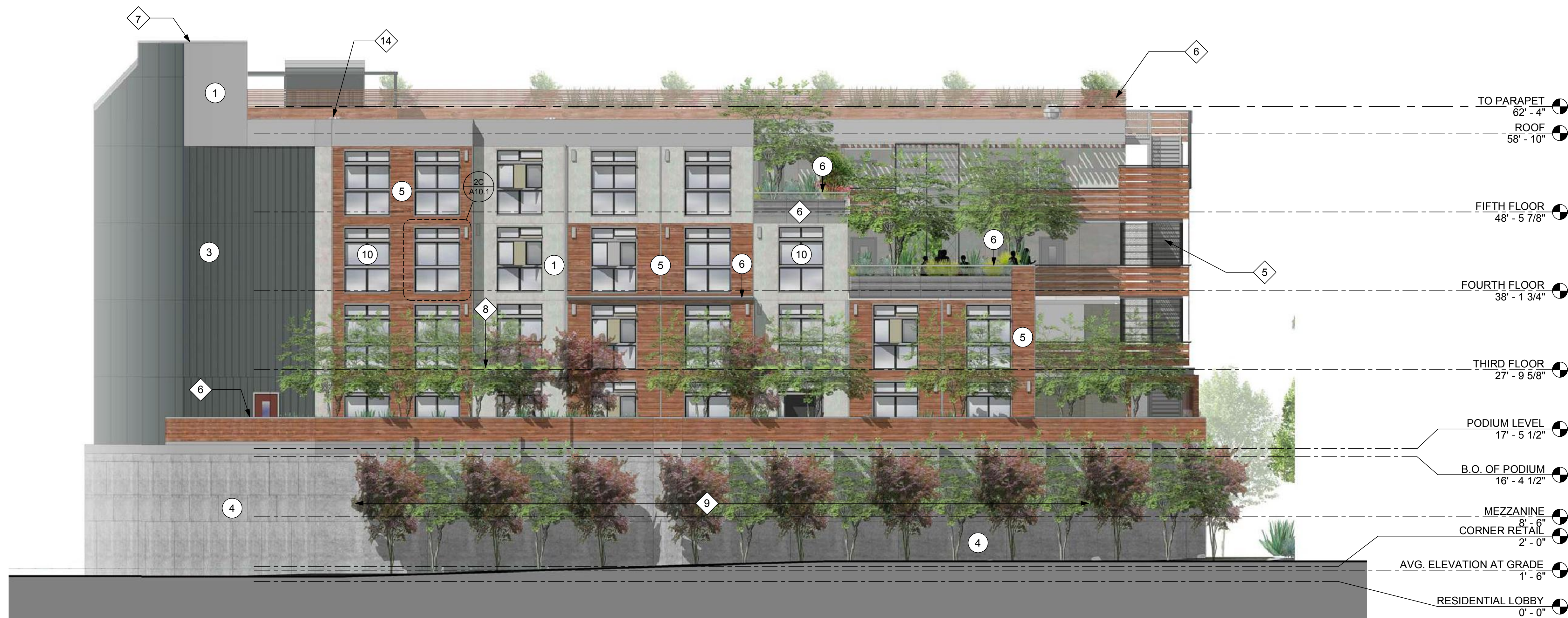


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
EXTERIOR
ELEVATIONS
(VIEWED FROM
SIDEWALK)

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet

A3.1A



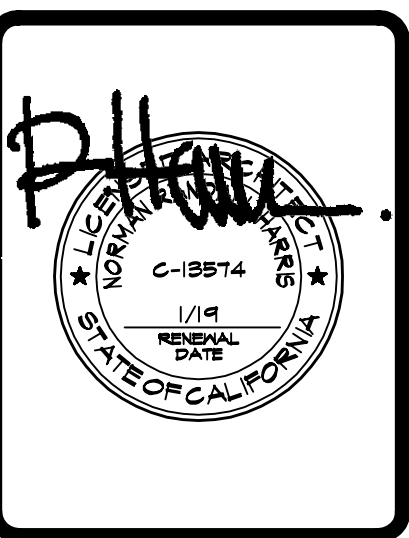
1 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



2 EXTERIOR ELEVATION SOUTH
1/8" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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walnut creek, ca
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FOR:
2701 SHATTUCK BERKELEY, LLC

KEY NOTES

- 1 RESIDENTIAL ENTRY
- 2 COMMERCIAL ENTRY
- 3 PARKING GARAGE DOOR
- 4 NOT USED
- 5 EXTERIOR STAIR
- 6 RAILING / PARAPET
- 7 ELEVATOR OVERRUN
- 8 PLANTER, SEE LANDSCAPE PLANS
- 9 TREE, SEE LANDSCAPE PLANS
- 10 AWNING
- 11 NOT USED
- 12 NOT USED
- 13 SIGNAGE
- 14 ROOFTOP MECHANICAL ENCLOSURE
- 15 PERFORATED METAL SECURITY FENCE W GATE

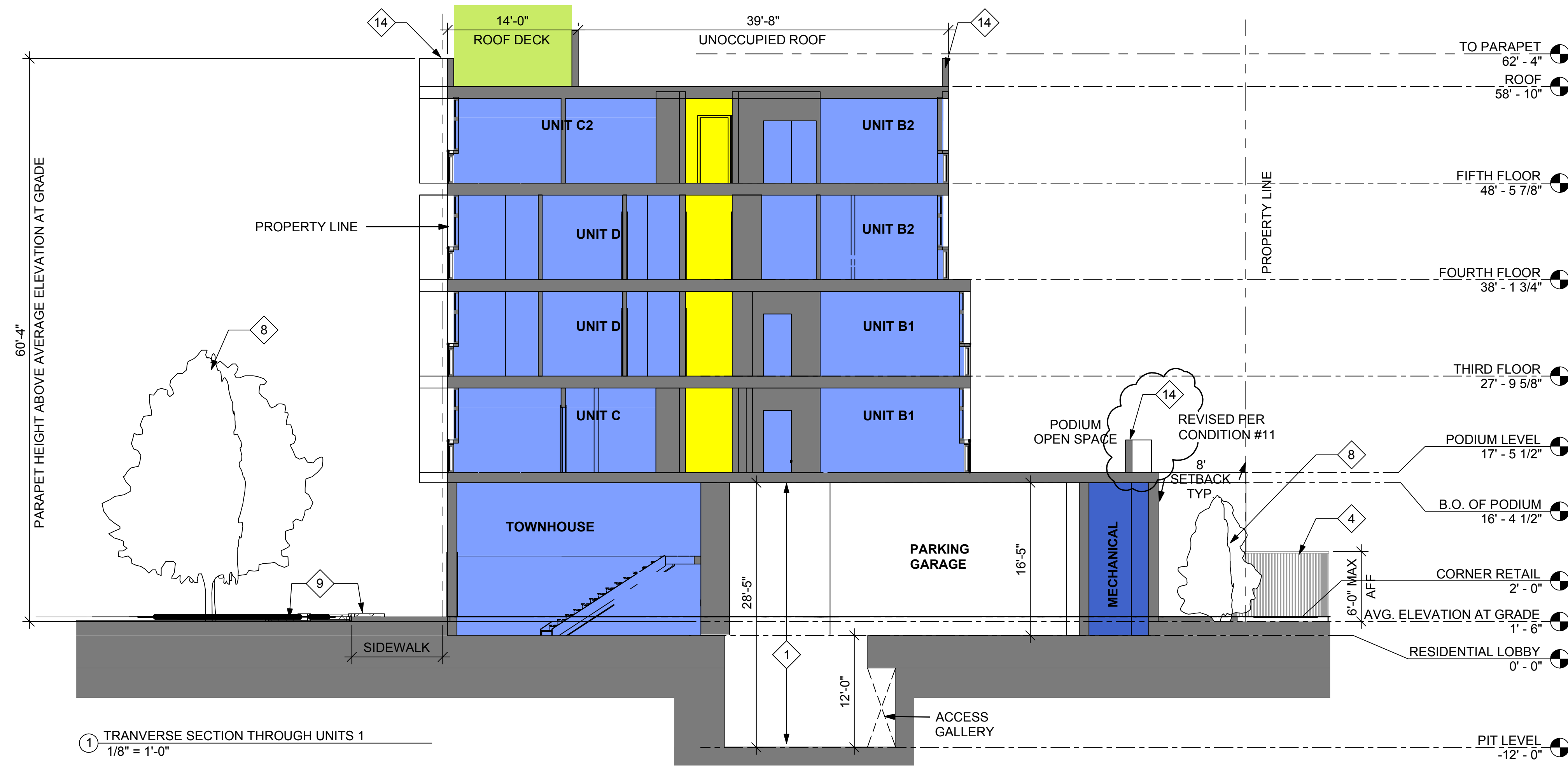
LEGEND

- 1 PAINTED STUCCO BODY COLOR 1
- 2 PAINTED STUCCO BODY COLOR 2
- 3 METAL FLUSH PANELS COLOR: "DARK BRONZE"
- 4 CAST-IN-PLACE CONCRETE
- 5 COMPOSITE WOOD PANEL COLOR: PARKLEX "AMBER" & "RUBI"
- 6 ARCHITECTURAL METAL DETAILS
- 7 STOREFRONT GLAZING WINDOW
- 8 PERFORATED METAL
- 9 METAL LOUVERS
- 10 DARK ANODIZED METAL WINDOWS

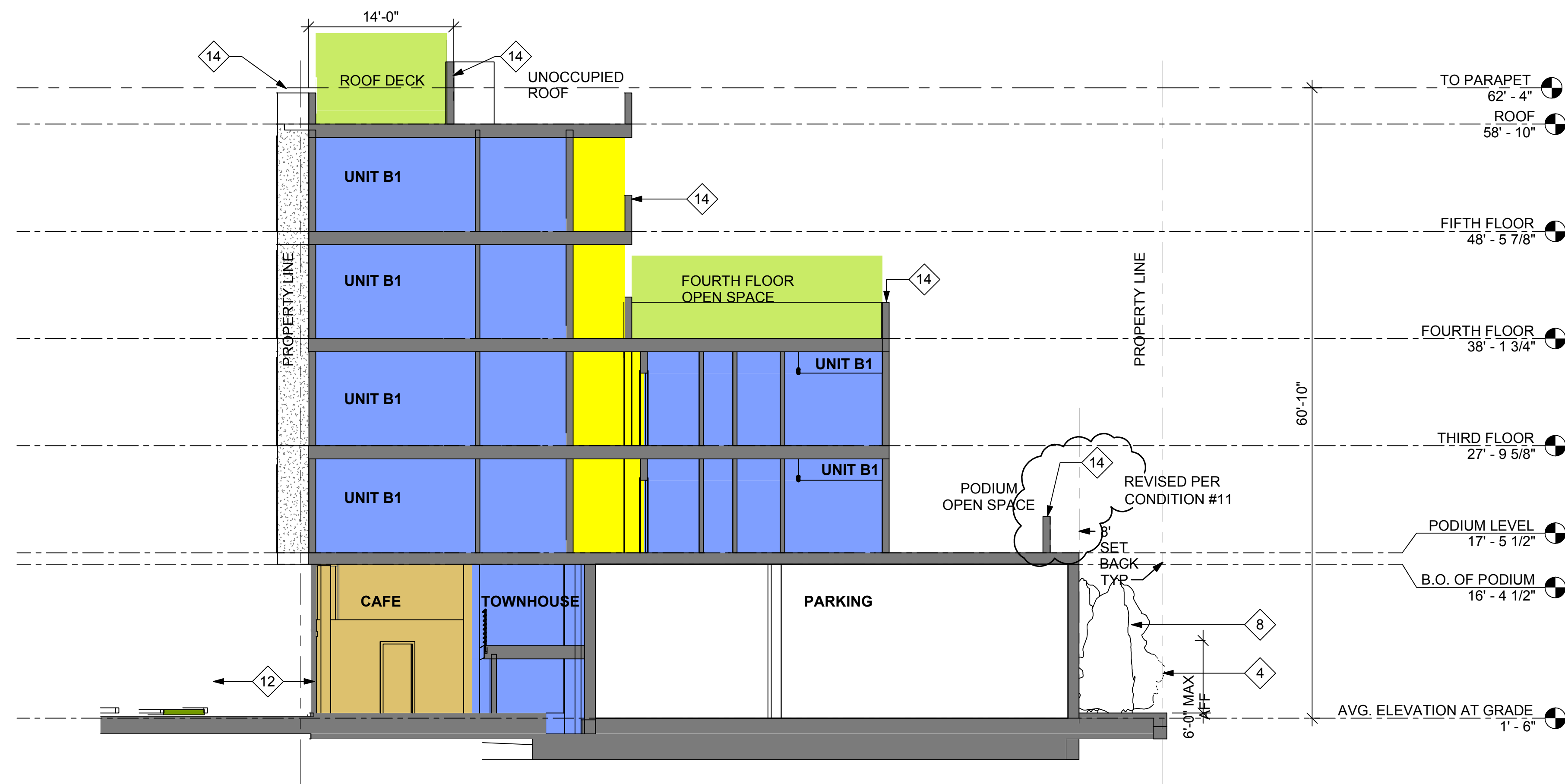
drawing
EXTERIOR ELEVATIONS

checked	date
RH	3/07/18
scale	1/8" = 1'-0"
job no.	1802
sheet	

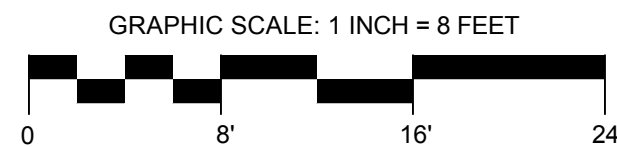
A3.2



① TRANVERSE SECTION THROUGH UNITS 1
1/8" = 1'-0"



② BUILDING SECTION
1/8" = 1'-0"



KEY NOTES

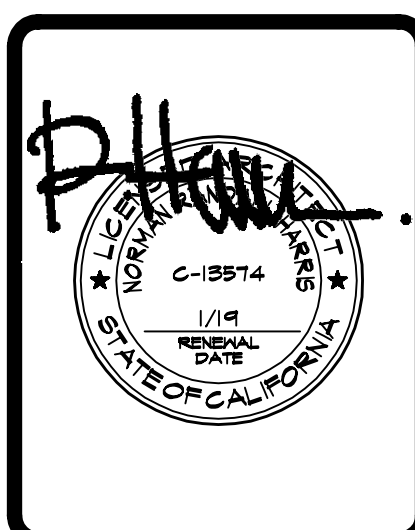
- ① TRIPLE LIFT PARKING SPACE
- ② NOT USED
- ③ STAIR
- ④ FENCE
- ⑤ RESIDENTIAL ENTRY
- ⑥ NOT USED
- ⑦ NOT USED
- ⑧ NEW TREE, SEE LANDSCAPE DRAWINGS
- ⑨ PLANTER, SEE LANDSCAPE DRAWINGS
- ⑩ BICYCLE PARKING
- ⑪ NOT USED
- ⑫ OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- ⑬ STAIR ENCLOSURE
- ⑭ PARAPET/RAILING

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- WALL
- PROPERTY LINE

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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2950 camino diablo
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 FOR:
2701 SHATTUCK BERKELEY, LLC

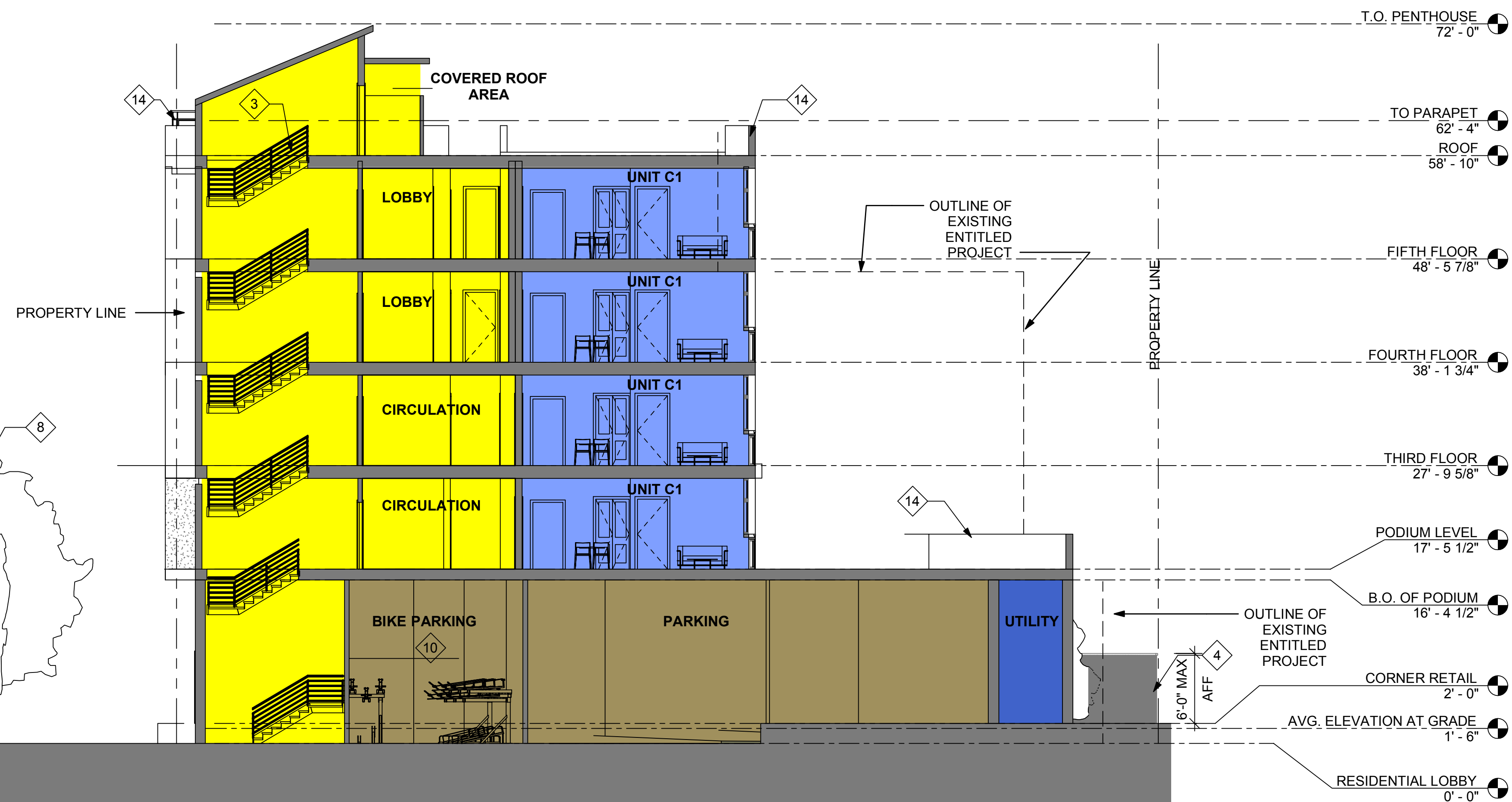
drawing
BUILDING SECTIONS

drawn
checked RH
date 3/07/18
scale 1/8" = 1'-0"
job no. 1802
sheet

A3.3



1 LONGITUDINAL SECTION THROUGH UNITS
1/8" = 1'-0"



2 TRANSVERSE SECTION THROUGH VERTICAL CIRCULATION
1/8" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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architects, planners
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suite 110
walnut creek, ca
94597
(925) 256-6042

D. H. HALL
C-13574
1/19
BERKELEY, CALIFORNIA
DATE

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 NOT USED
- 3 STAIR
- 4 FENCE
- 5 RESIDENTIAL ENTRY
- 6 NOT USED
- 7 NOT USED
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 BICYCLE PARKING
- 11 NOT USED
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 STAIR ENCLOSURE
- 14 PARAPET/RAILING

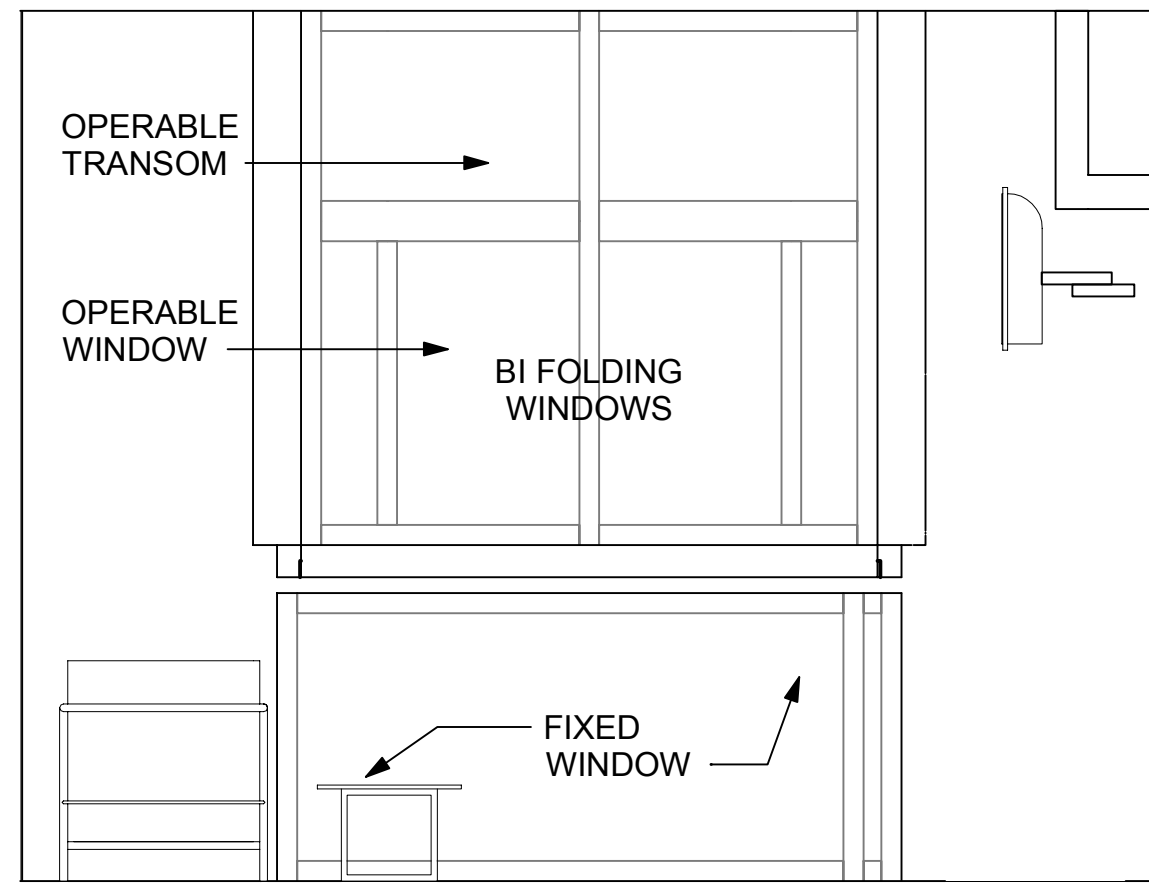
LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- WALL
- PROPERTY LINE

drawing
BUILDING SECTIONS

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet

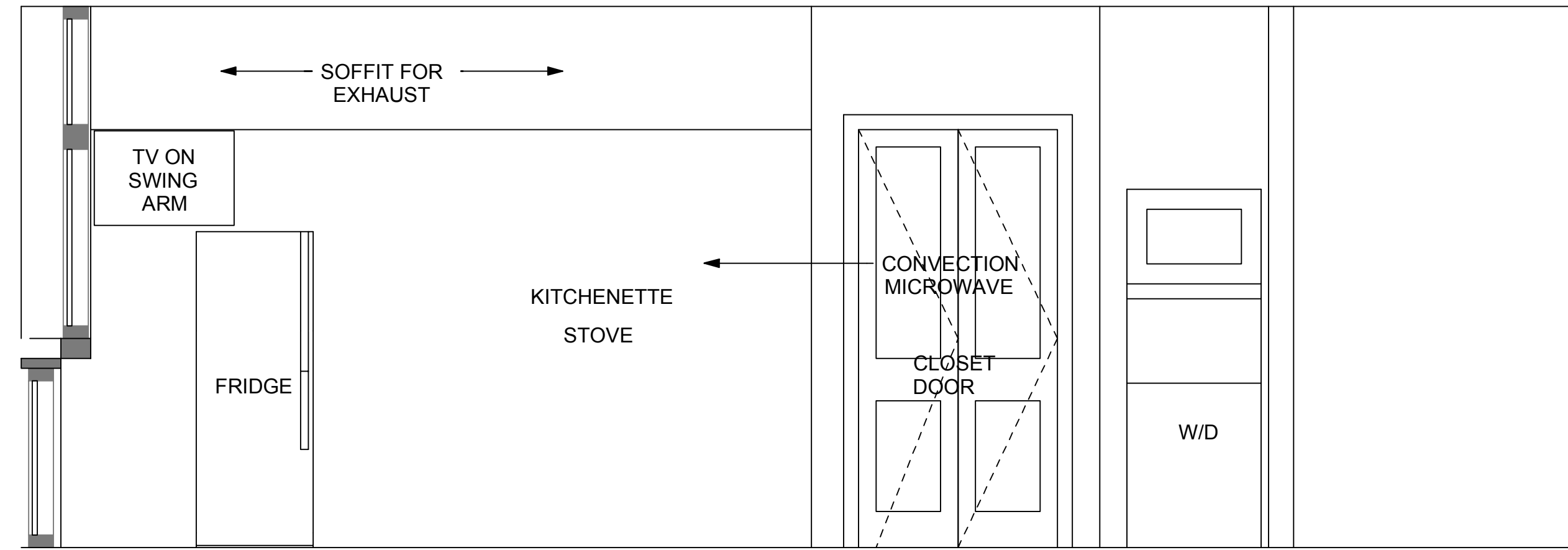
A3.4



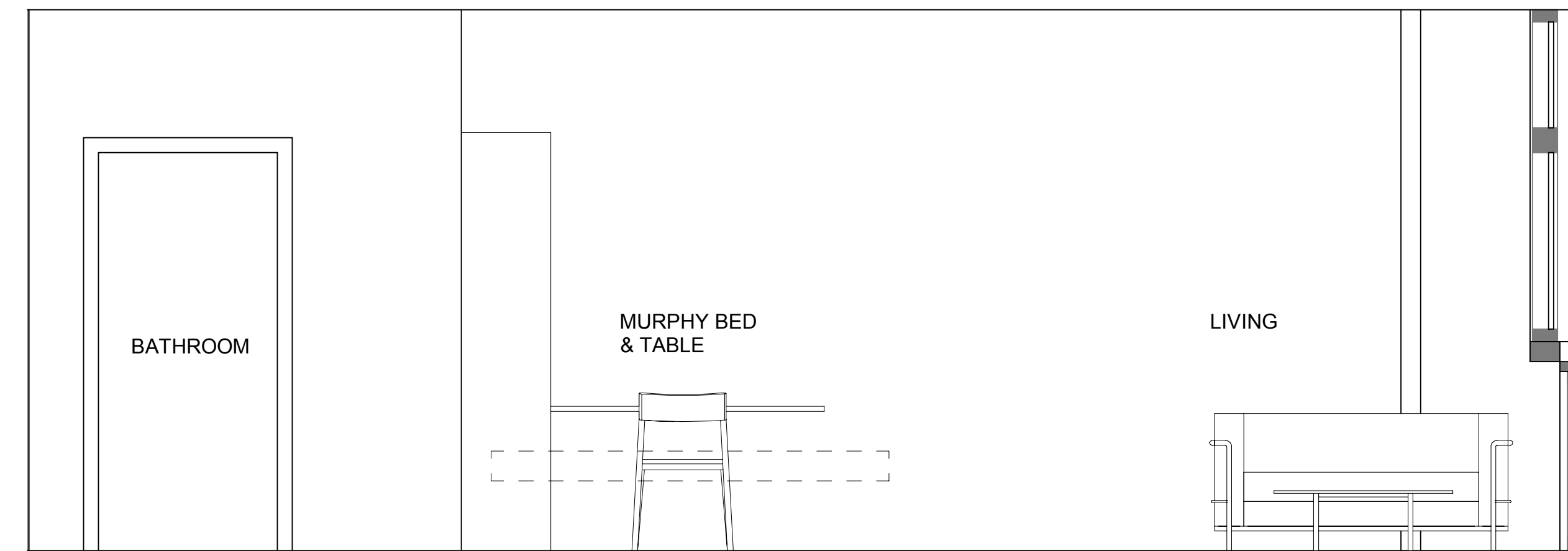
6 WEST ELEVATION OF UNIT A2
1/2" = 1'-0"



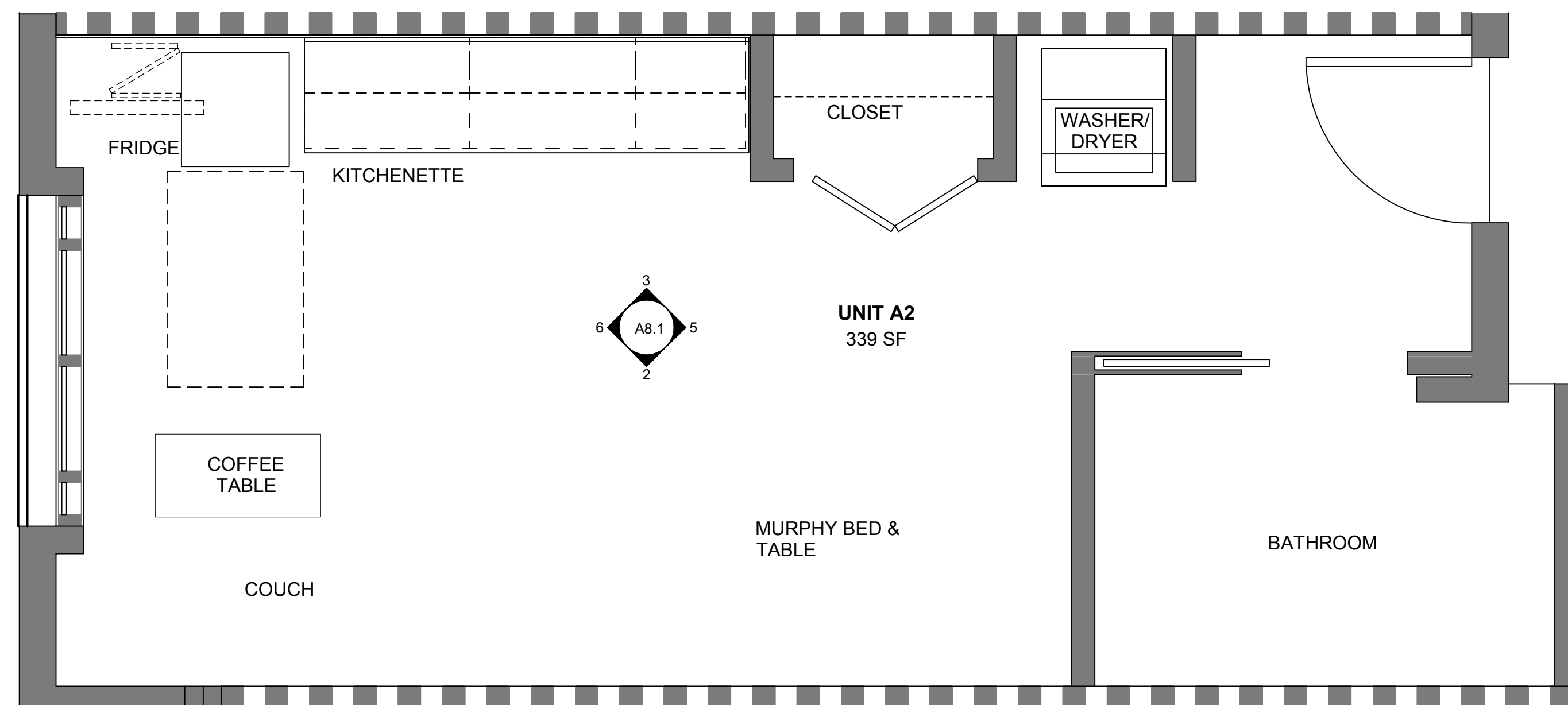
5 EAST ELEVATION OF UNIT A2
1/2" = 1'-0"



3 NORTH ELEVATION OF UNIT A2
1/2" = 1'-0"



2 SOUTH ELEVATION OF UNIT A2
1/2" = 1'-0"



1 UNIT A2 PLAN
1/2" = 1'-0"

4 SECTION PERSPECTIVE OF UNIT A2

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/09/18	AY

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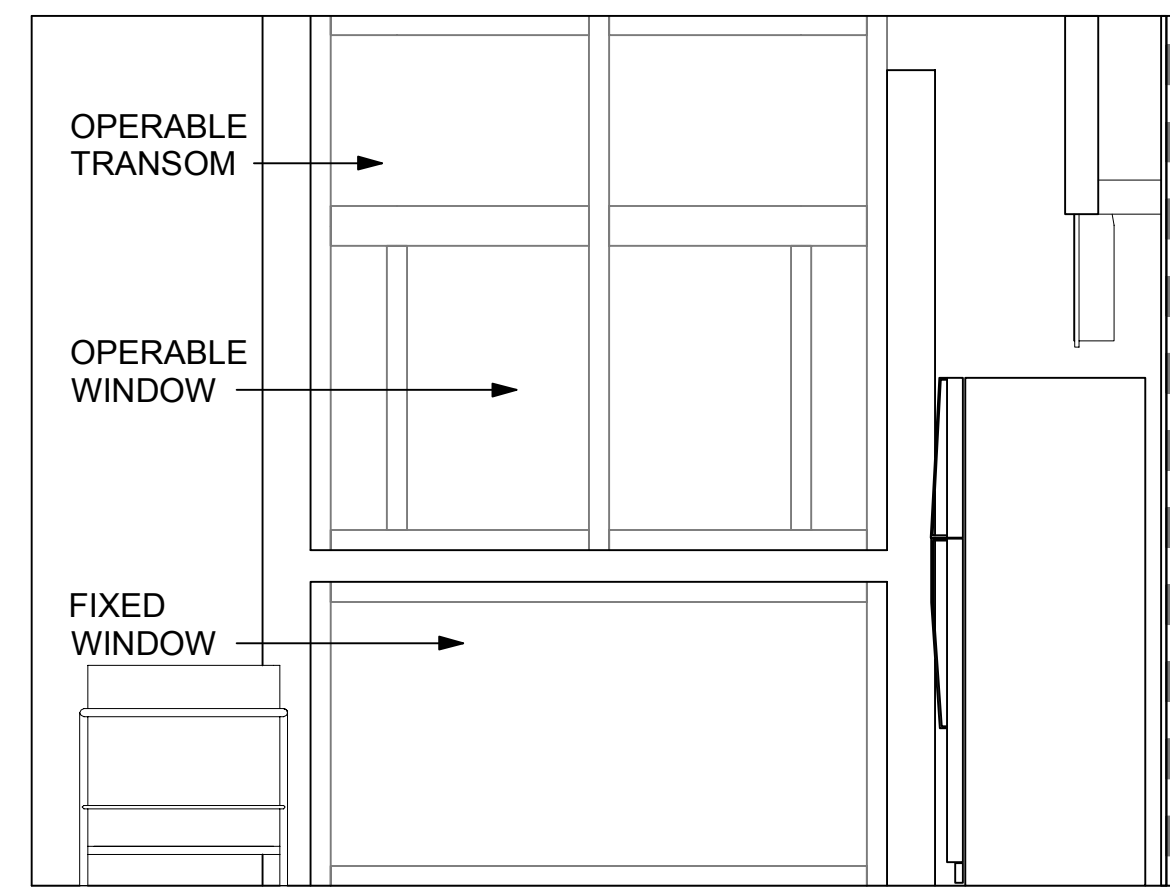


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

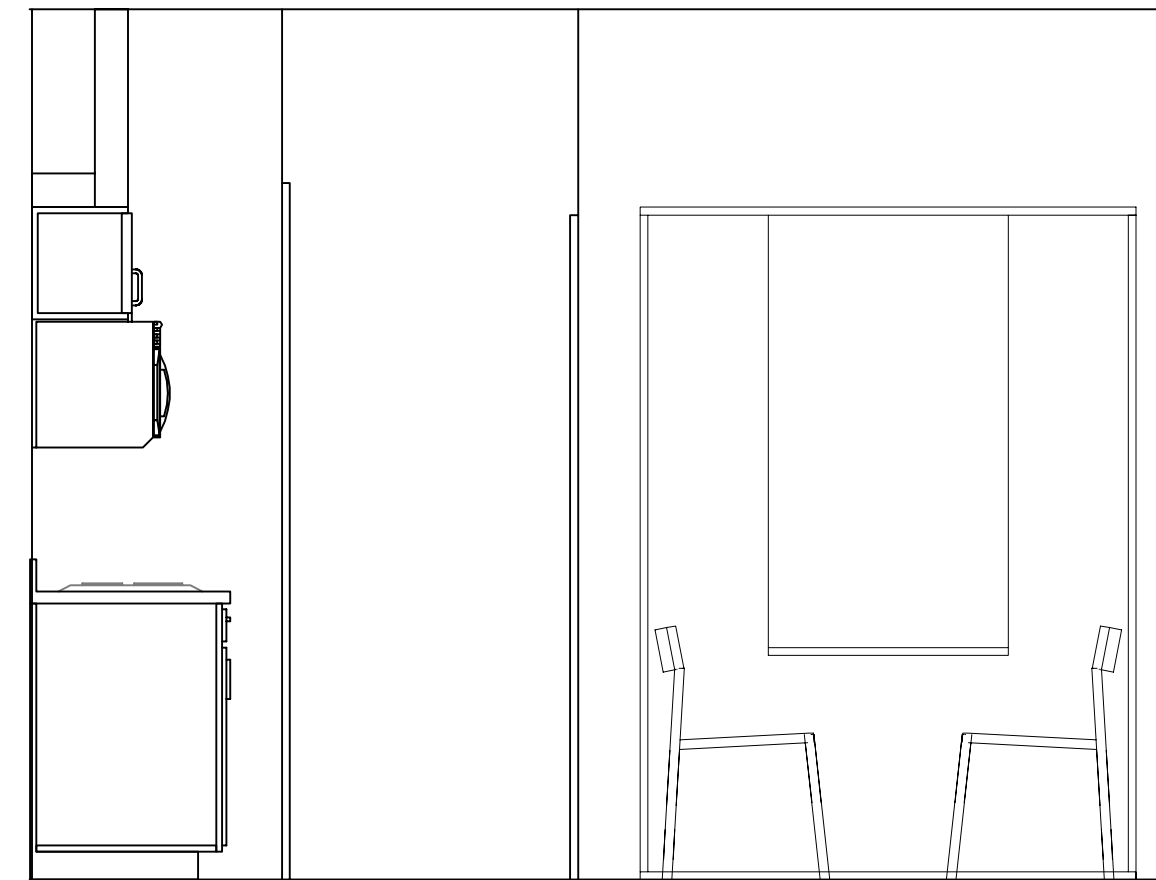
drawing
UNIT A PLANS

drawn
checked
RH
date
3/07/18
scale
1/2" = 1'-0"
job no.
1802
sheet

AB.1



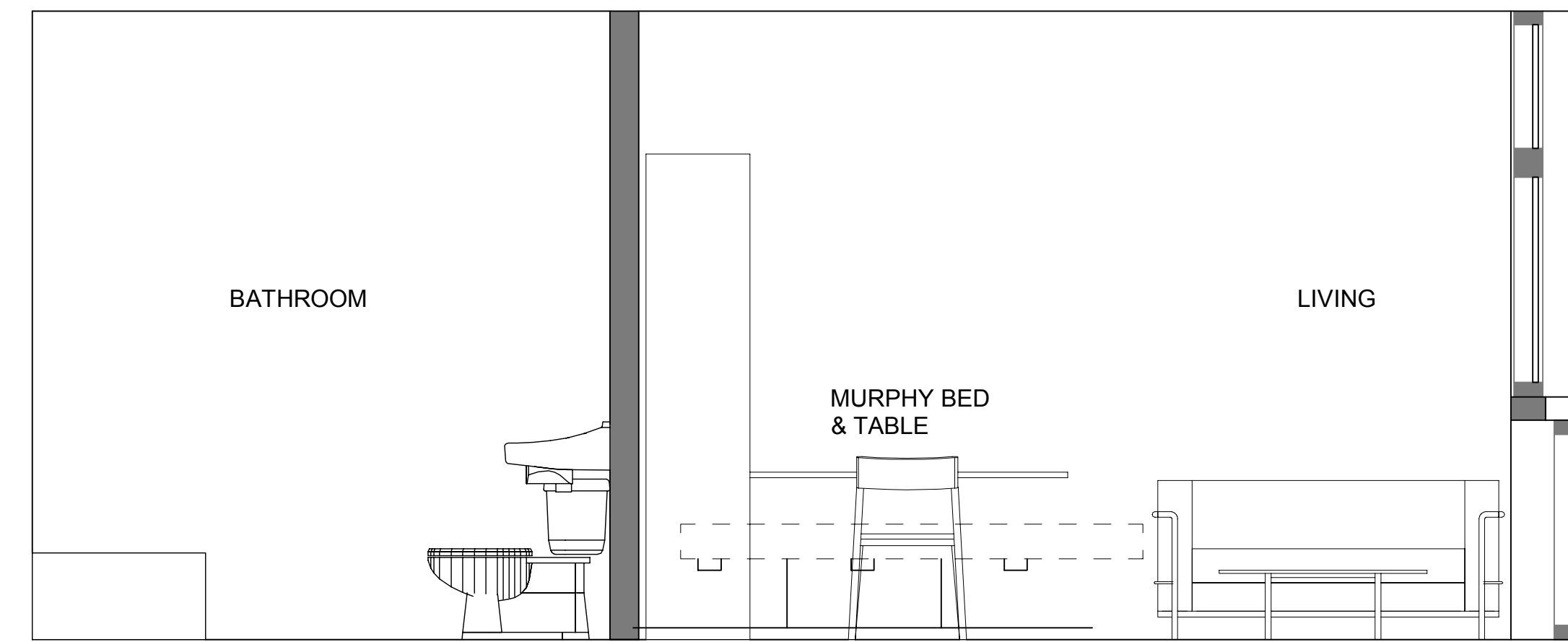
6 EAST ELEVATION OF UNIT B2
1/2" = 1'-0"



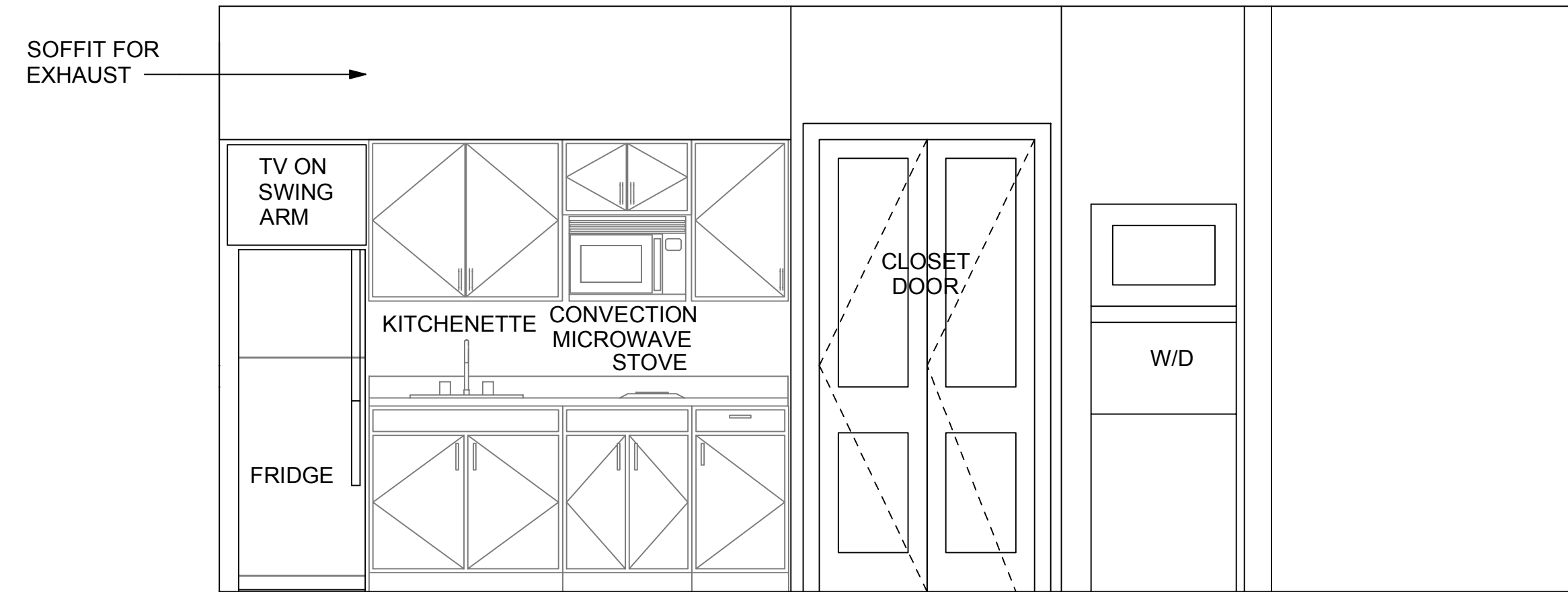
5 WEST ELEVATION OF UNIT B2
1/2" = 1'-0"



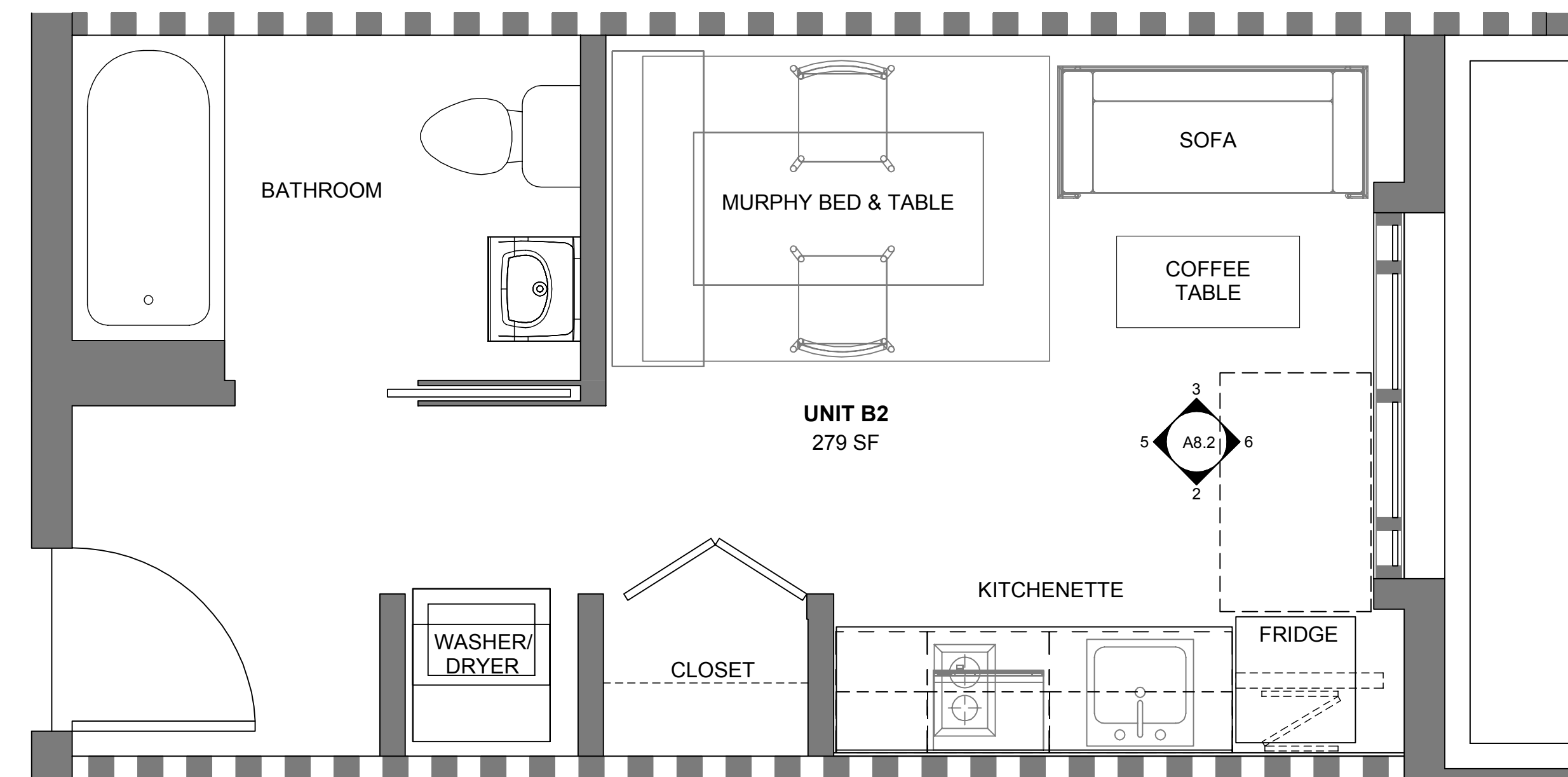
4 SECTION PERSPECTIVE OF UNIT B2
1/2" = 1'-0"



3 NORTH ELEVATION OF UNIT B2
1/2" = 1'-0"



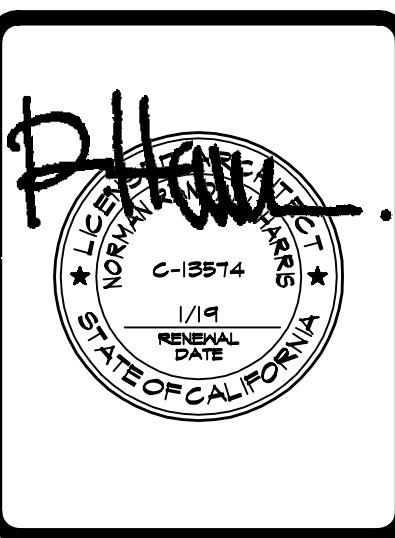
2 SOUTH ELEVATION OF UNIT B2
1/2" = 1'-0"



1 UNIT B2 PLAN
1/2" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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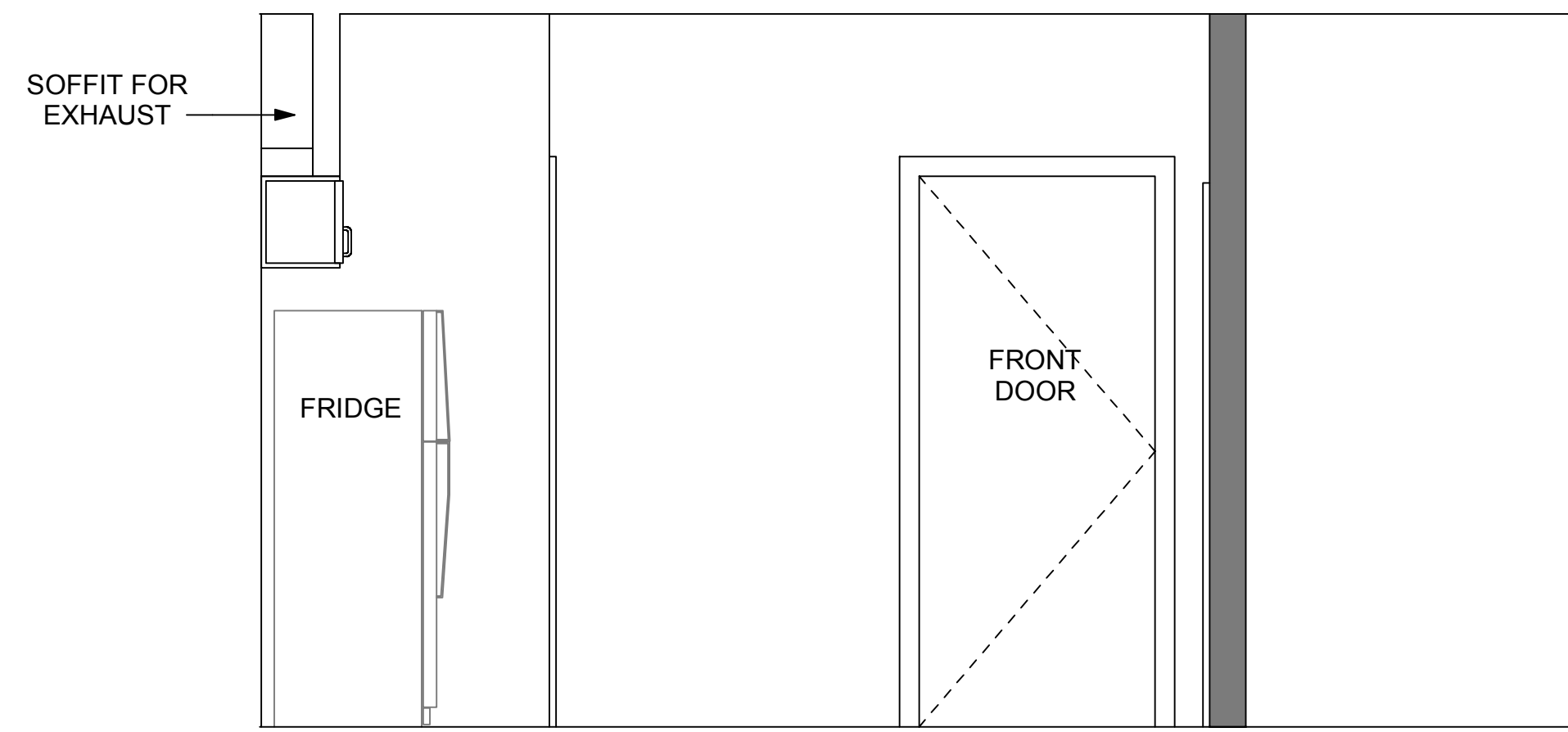


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

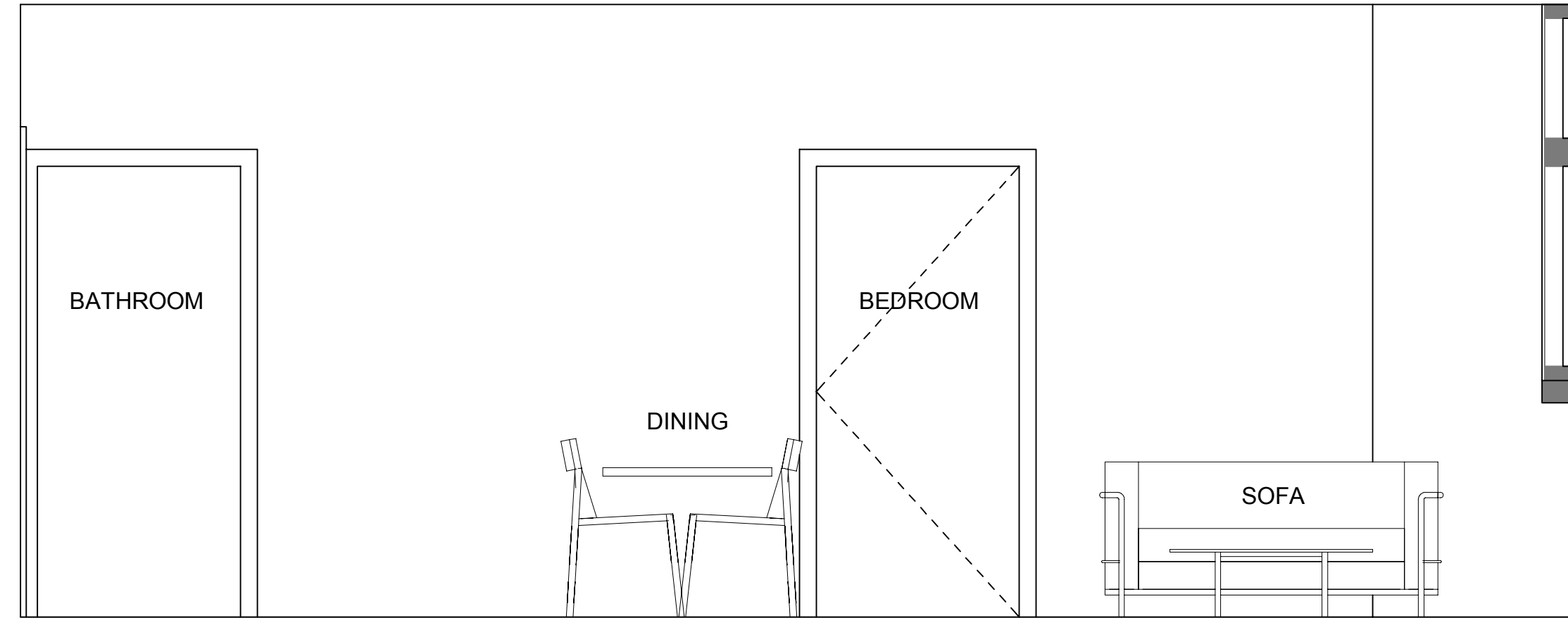
drawing
UNIT B PLANS

drawn
checked
RH
date
3/07/18
scale
1/2" = 1'-0"
job no.
1802
sheet

A8.2



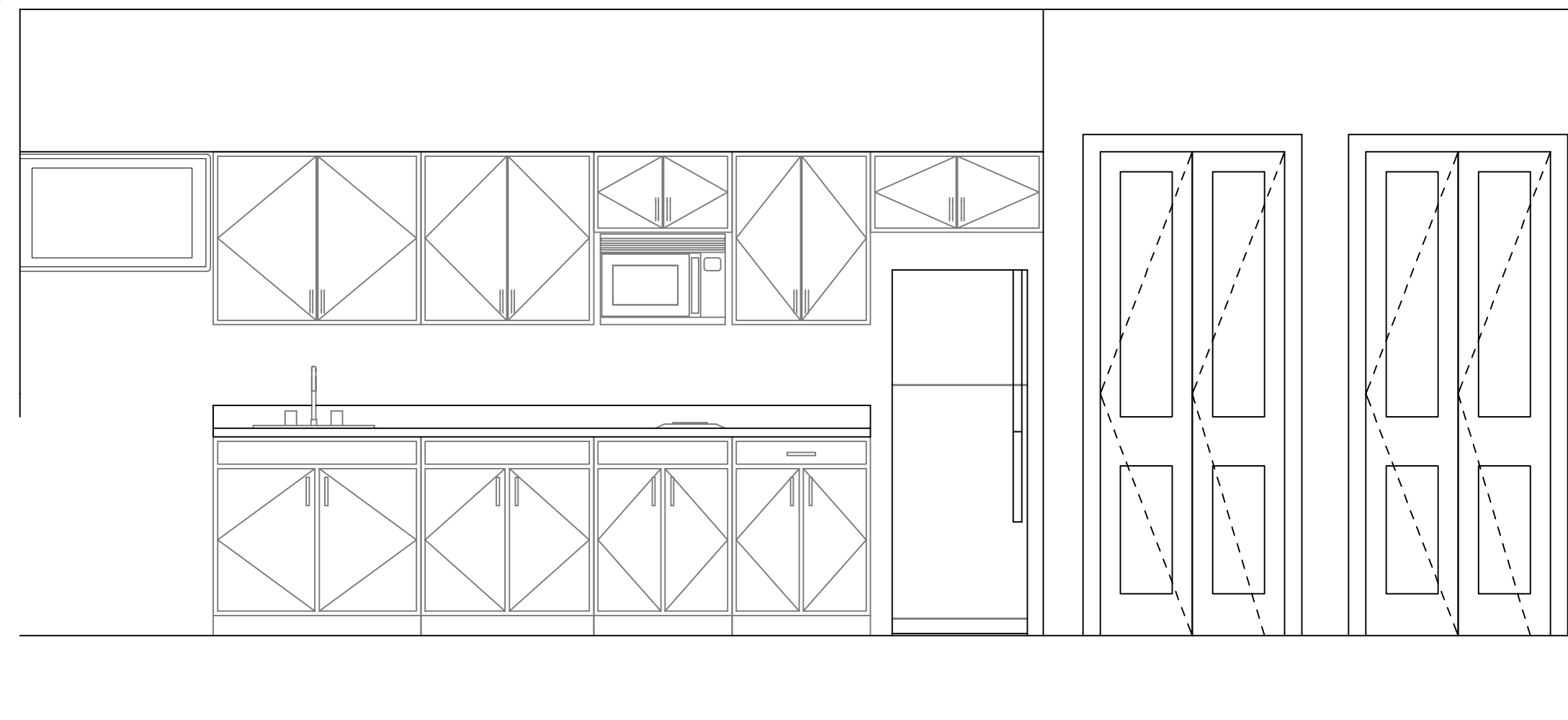
6 EAST ELEVATION OF UNIT C
1/2" = 1'-0"



5 SOUTH ELEVATION OF UNIT C
1/2" = 1'-0"



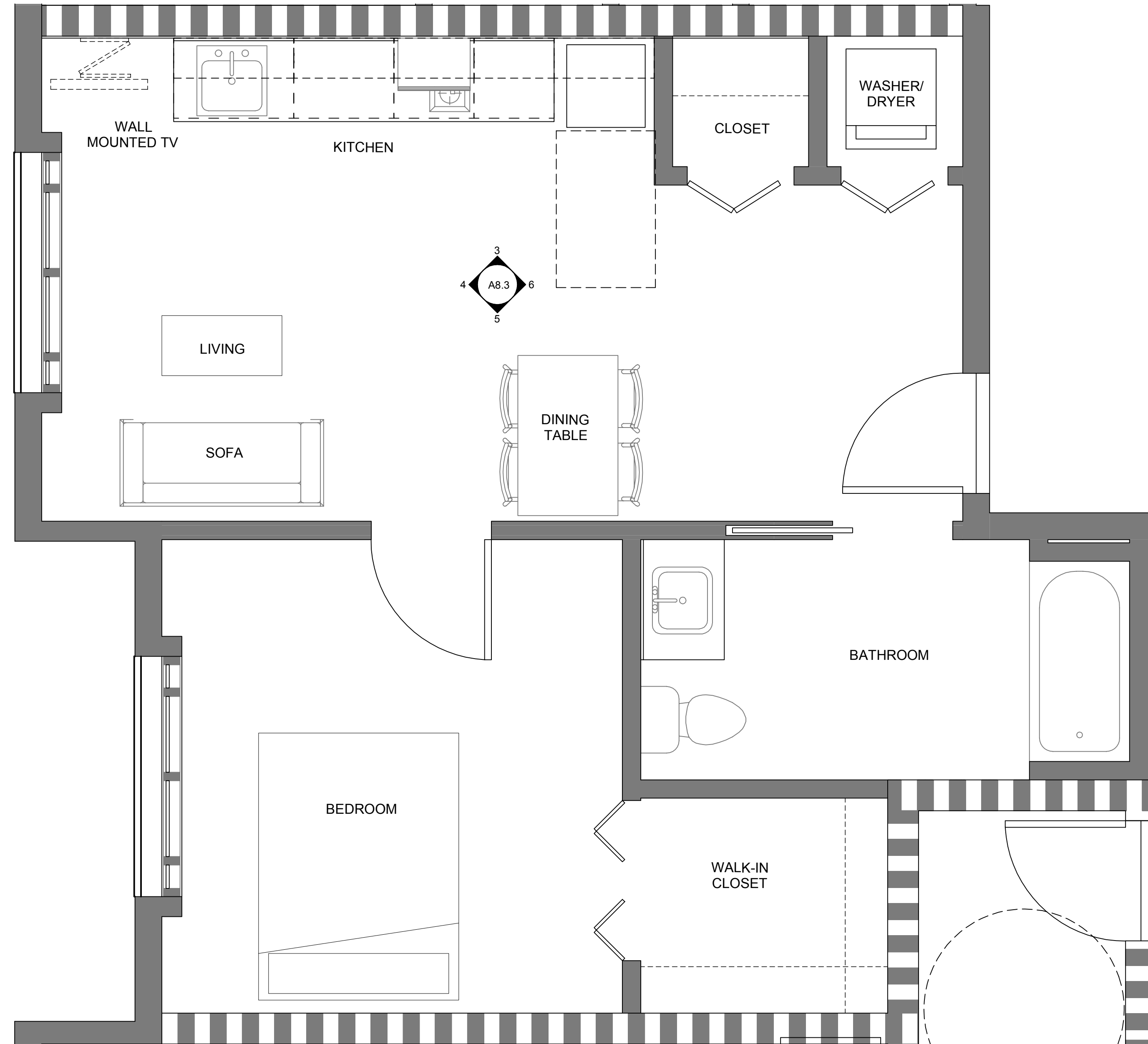
4 WEST ELEVATION OF UNIT C
1/2" = 1'-0"



3 NORTH ELEVATION OF UNIT C
1/2" = 1'-0"



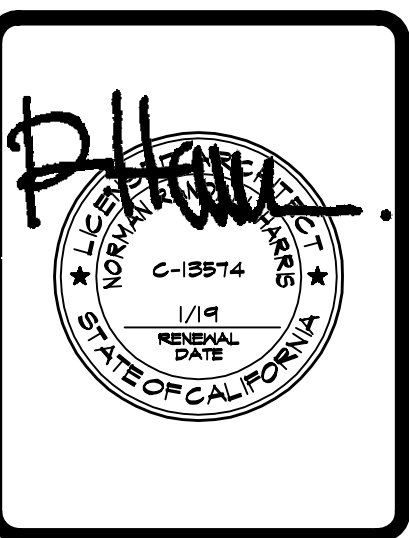
2 SECTIONAL PERSPECTIVE OF UNIT C



1 UNIT C PLAN
1/2" = 1'-0"

revisions	by
DRC SUBMITTAL	-
12/15/18 & 1/27/17	-
ZAB SUBMITTAL	-
4/12/17 & 1/03/18	AY
ZAB SUBMITTAL	AY
3/07/18	AY
ZAB SUBMITTAL	AY
6/28/18	AY
DRC SUBMITTAL	AY
4/20/18	AY
ZAB SUBMITTAL	AY
1/08/18	AY

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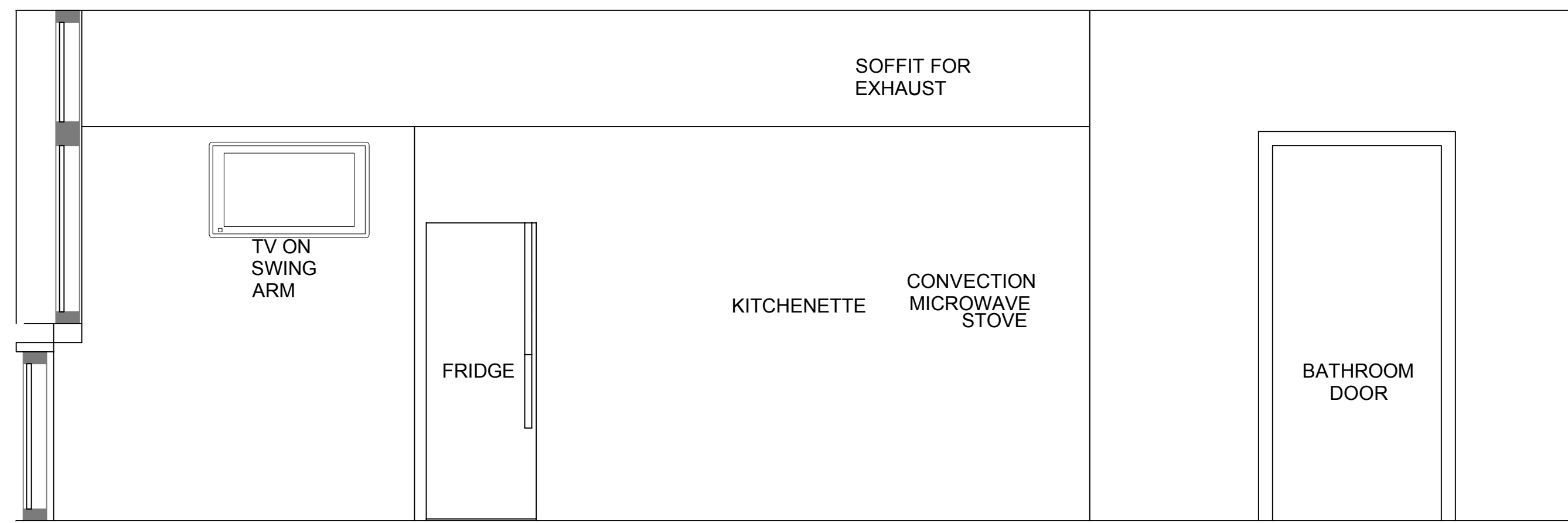


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

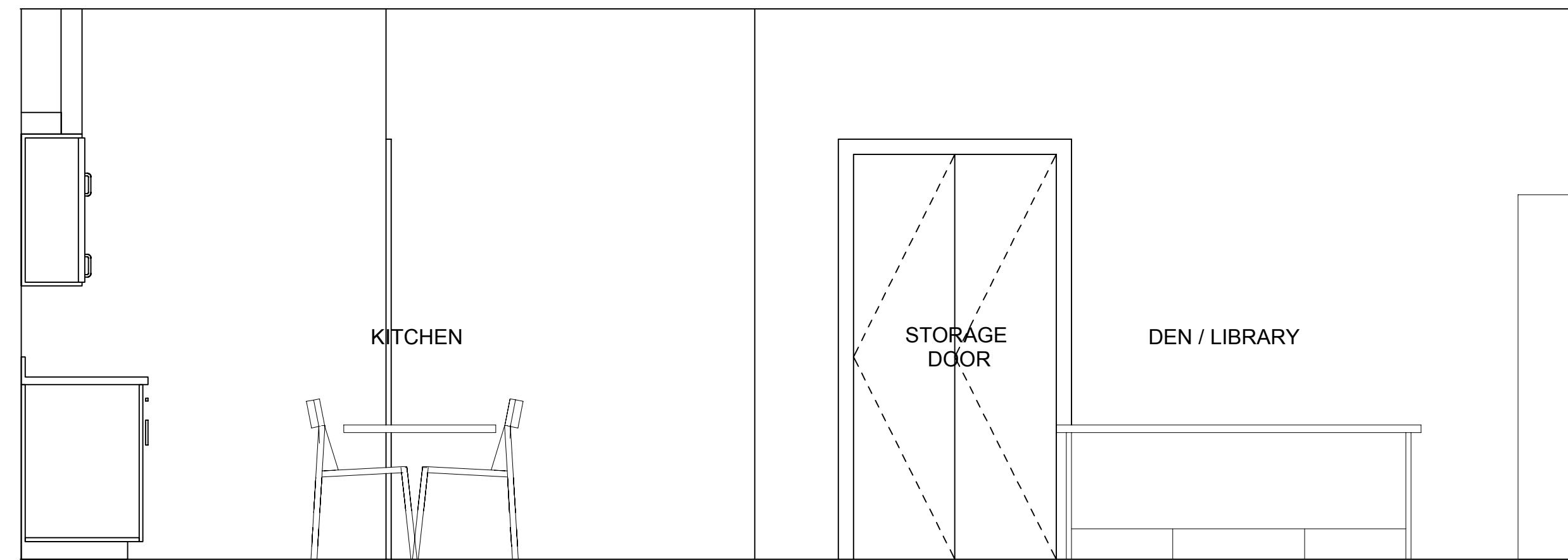
drawing
UNIT C PLANS

drawn
checked
RH
date
3/07/18
scale
1/2" = 1'-0"
job no.
1802
sheet

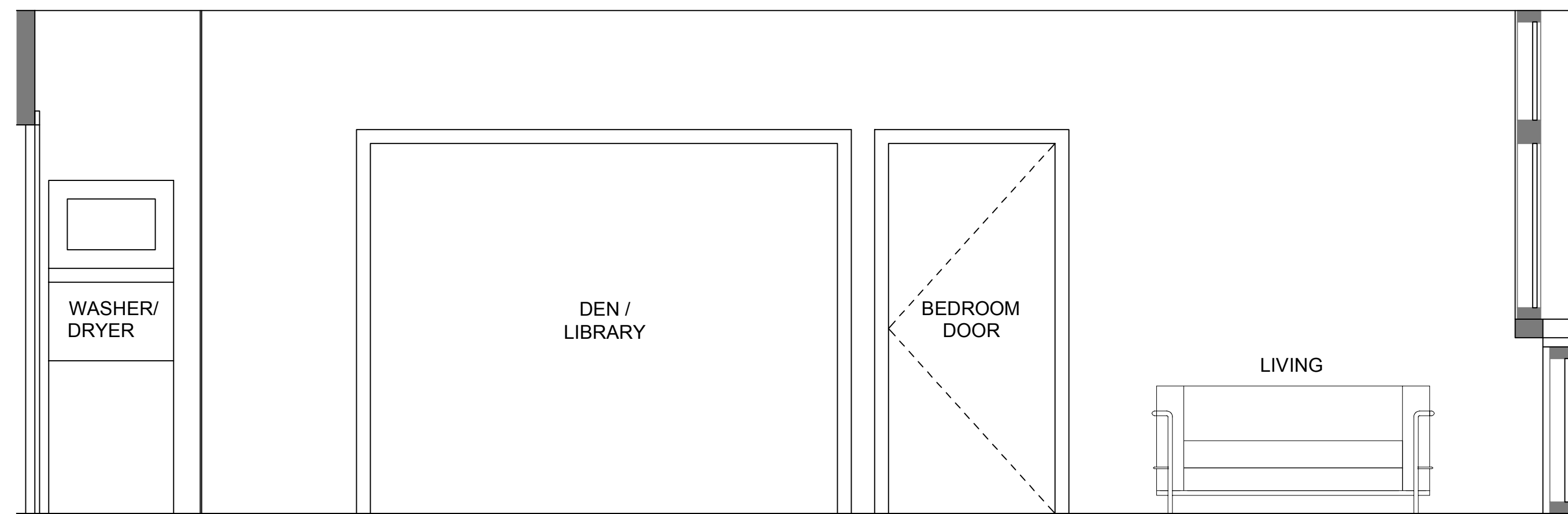
A8.3



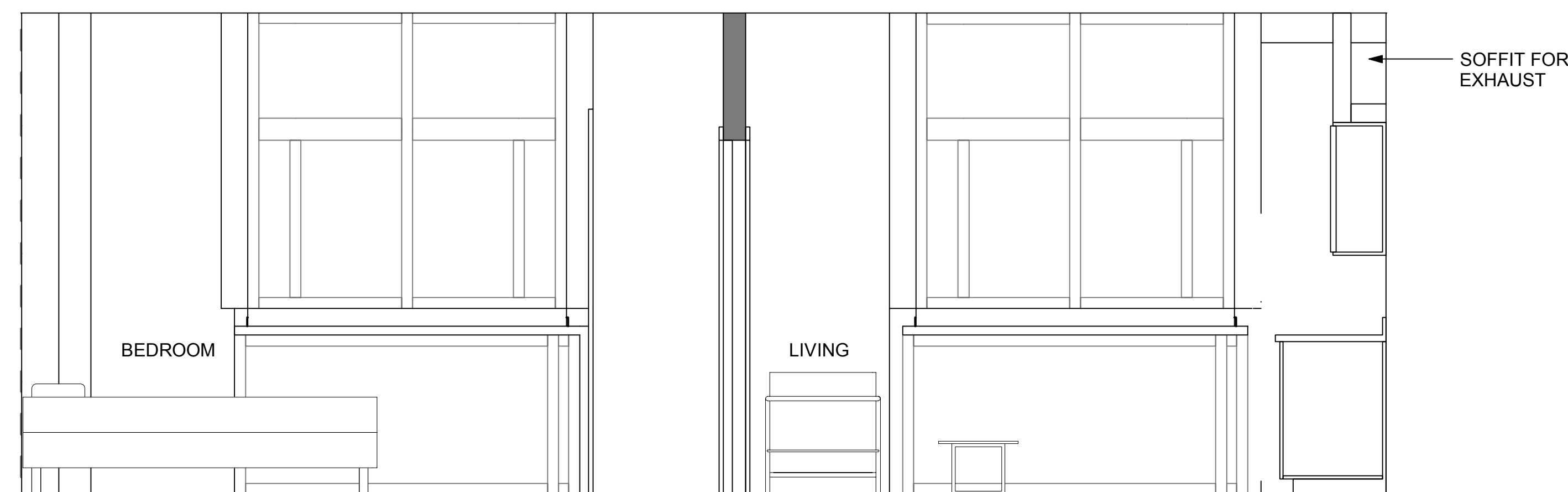
6 NORTH ELEVATION OF UNIT D
1/2" = 1'-0"



5 EAST ELEVATION OF UNIT D
1/2" = 1'-0"



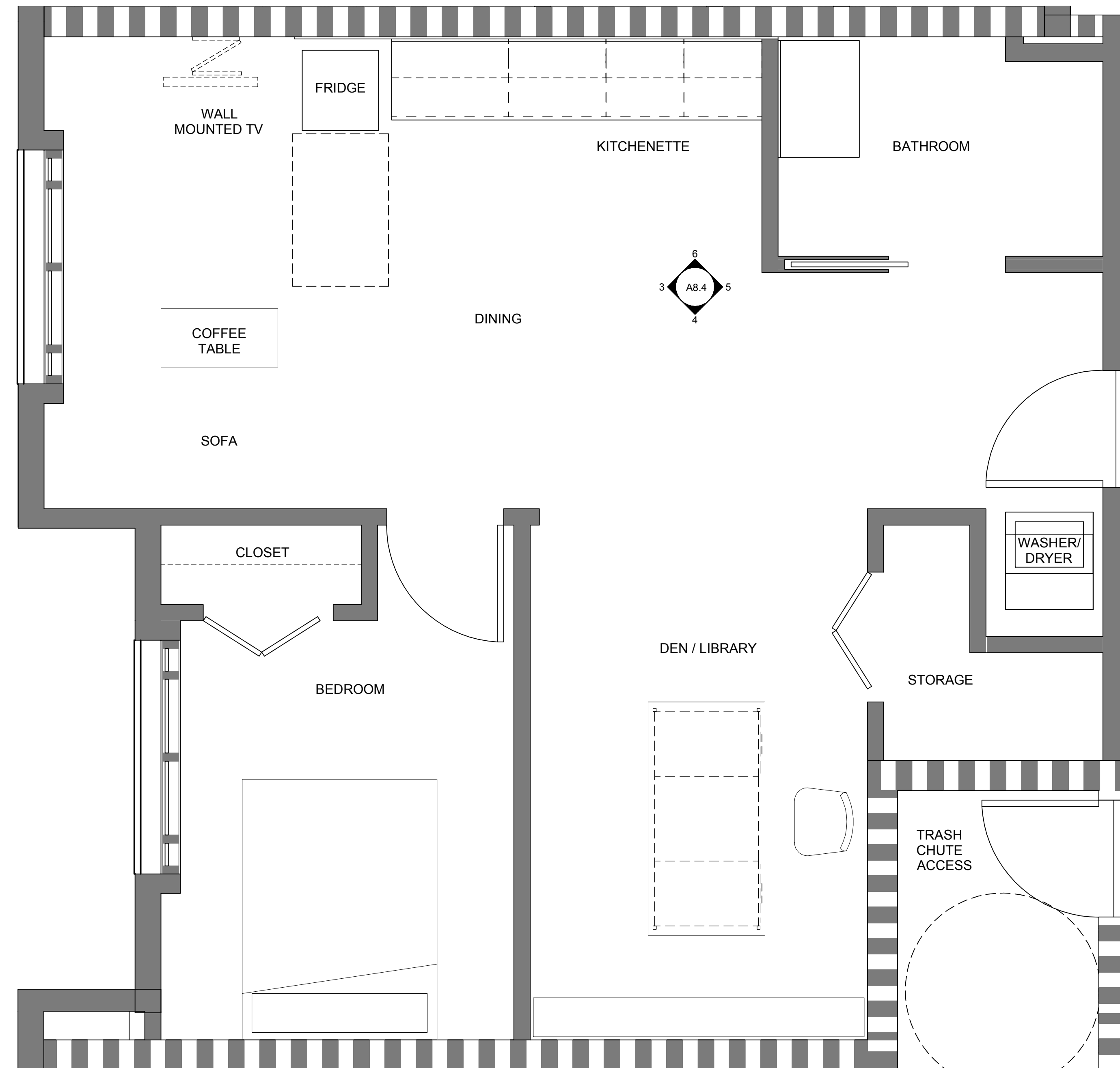
4 SOUTH ELEVATION OF UNIT D
1/2" = 1'-0"



3 WEST ELEVATION OF UNIT D
1/2" = 1'-0"



2 SECTIONAL PERSPECTIVE OF UNIT D

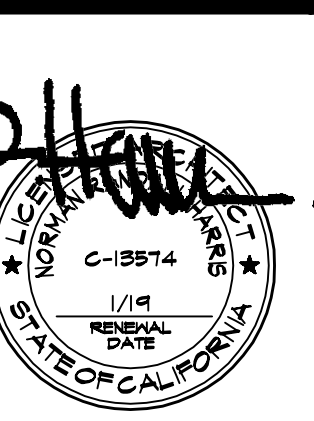


1 UNIT D PLAN
1/2" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY



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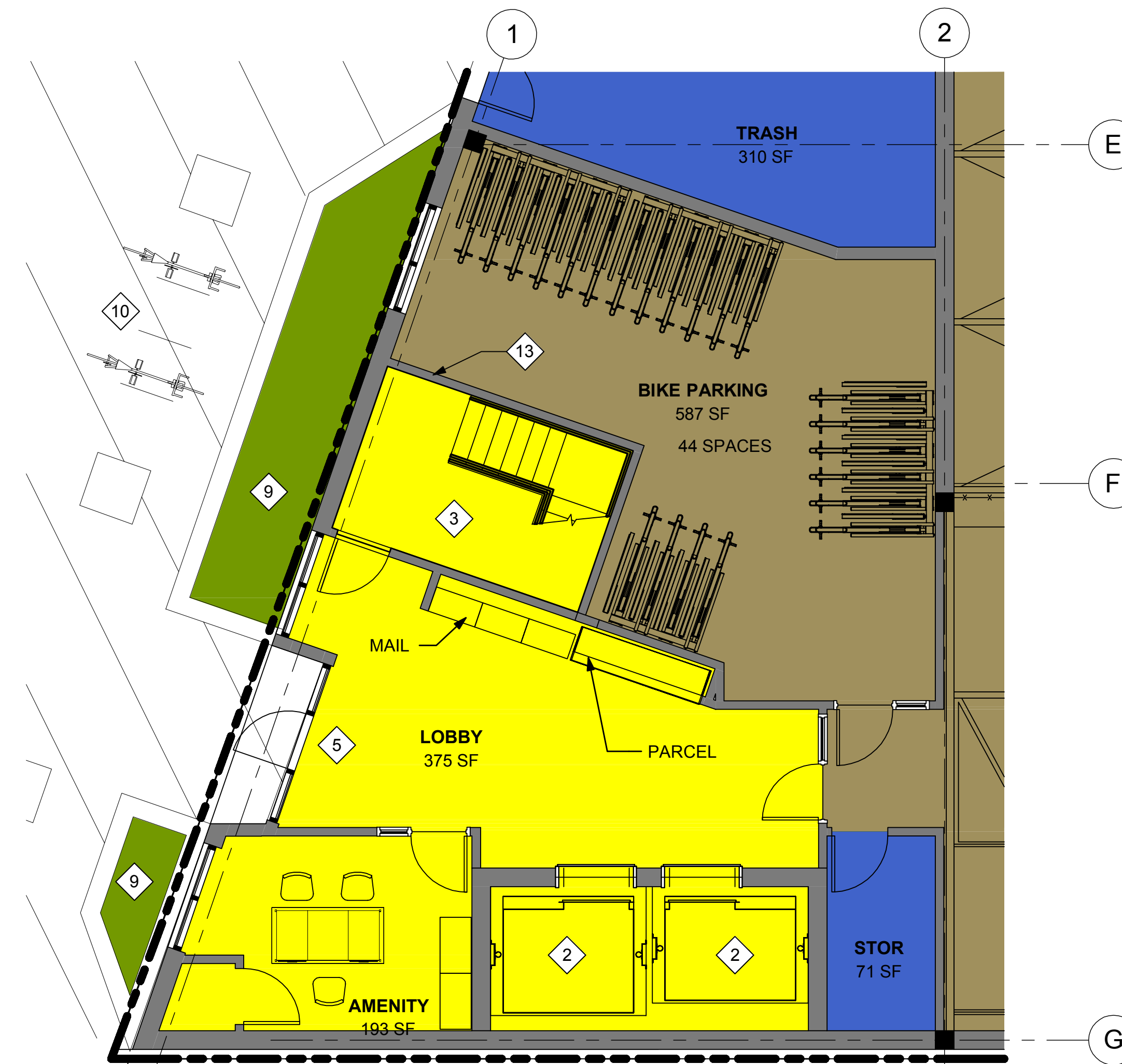
2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing

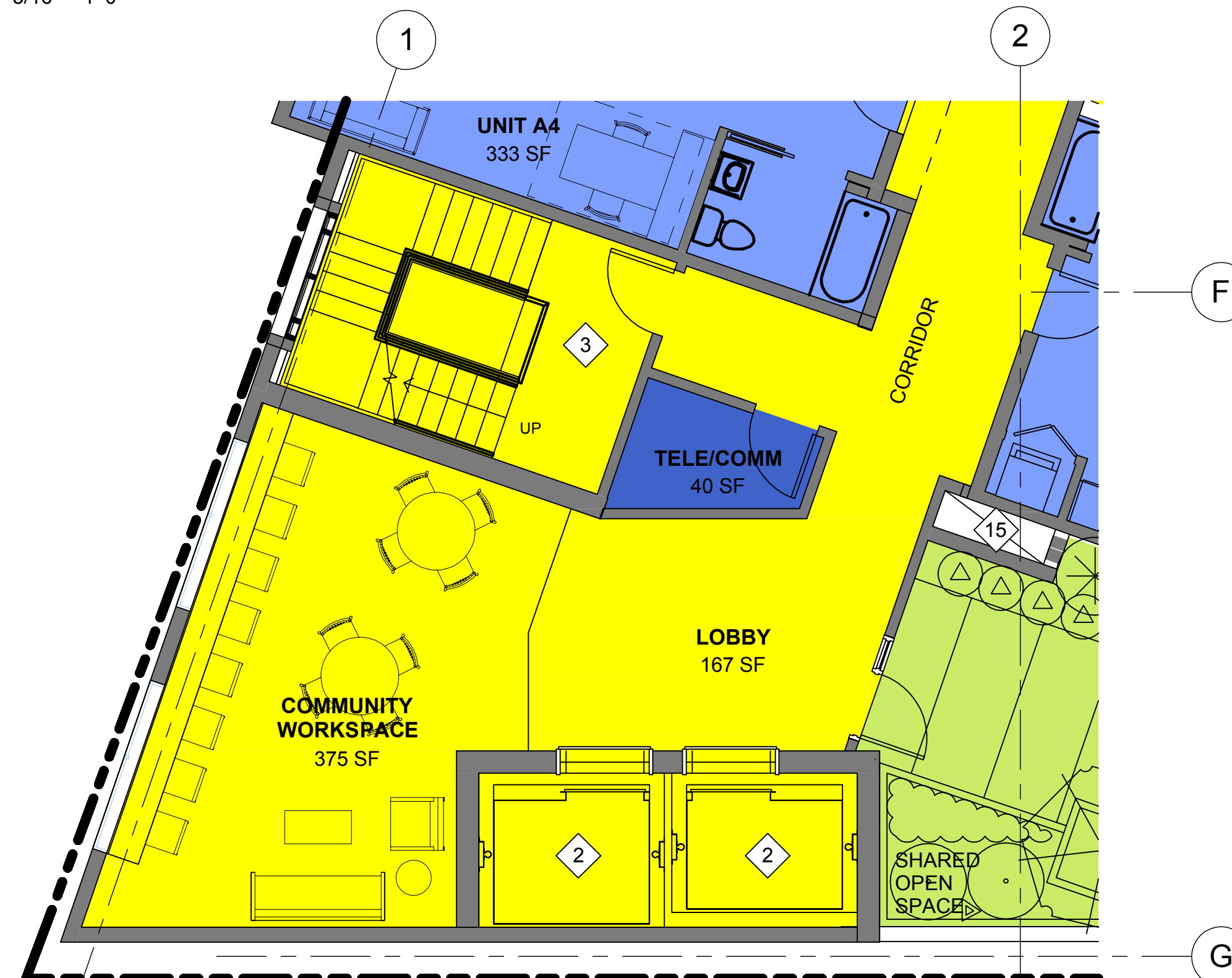
UNIT D PLANS

drawn	checked	date	scale	job no.	sheet
	RH	3/07/18	1/2" = 1'-0"	1802	

A8.4



1 LOBBY - GROUND FLOOR PLAN
3/16" = 1'-0"



2 PODIUM LEVEL PLAN
3/16" = 1'-0"

KEY NOTES

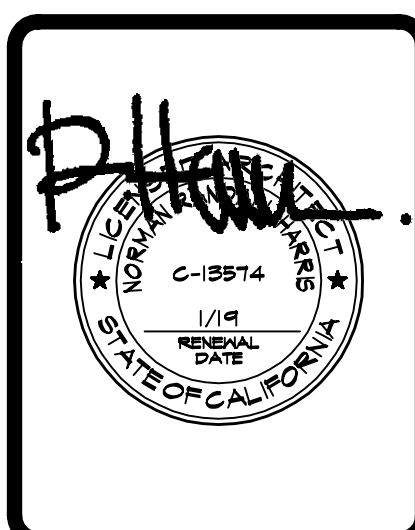
- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 HEAVY DUTY DERO HOOP BICYCLE RACKS
- 11 (E) AC TRANSIT BUS STOP WITH BENCH
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- WALL
- PROPERTY LINE

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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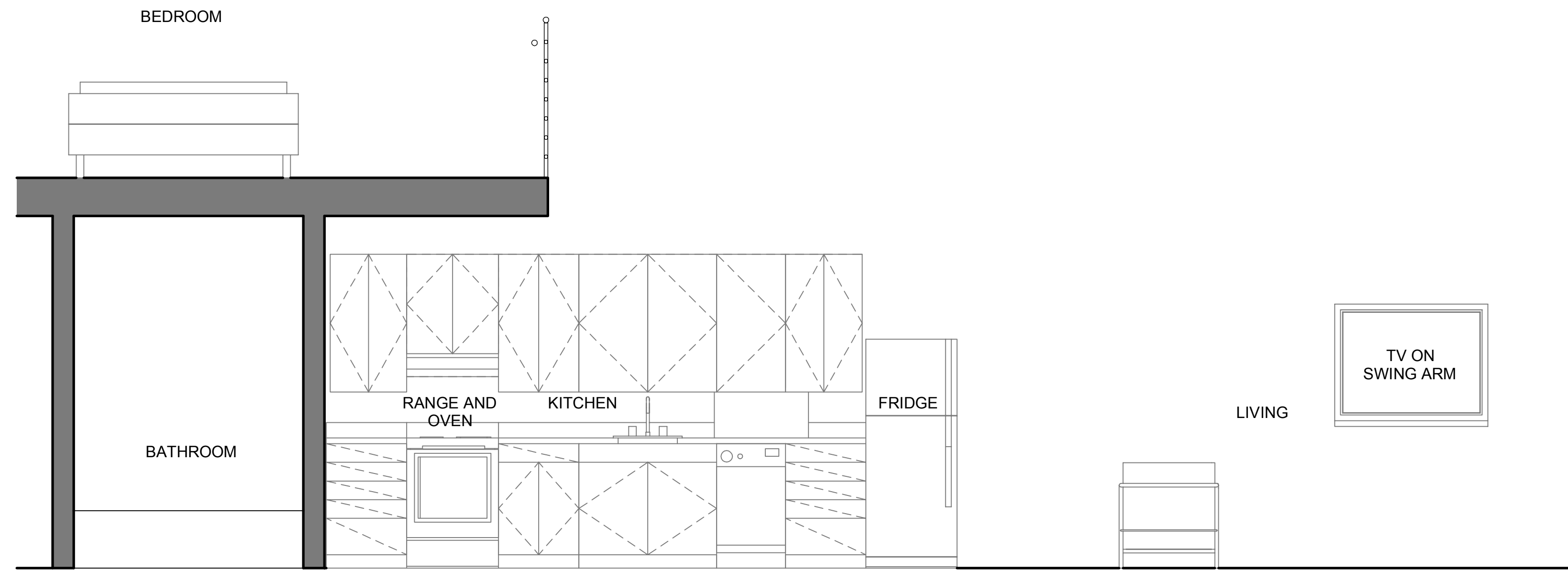


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
ENLARGED LOBBY PLANS

drawn
checked RH
date 3/07/18
scale 3/16" = 1'-0"
job no. 1802
sheet

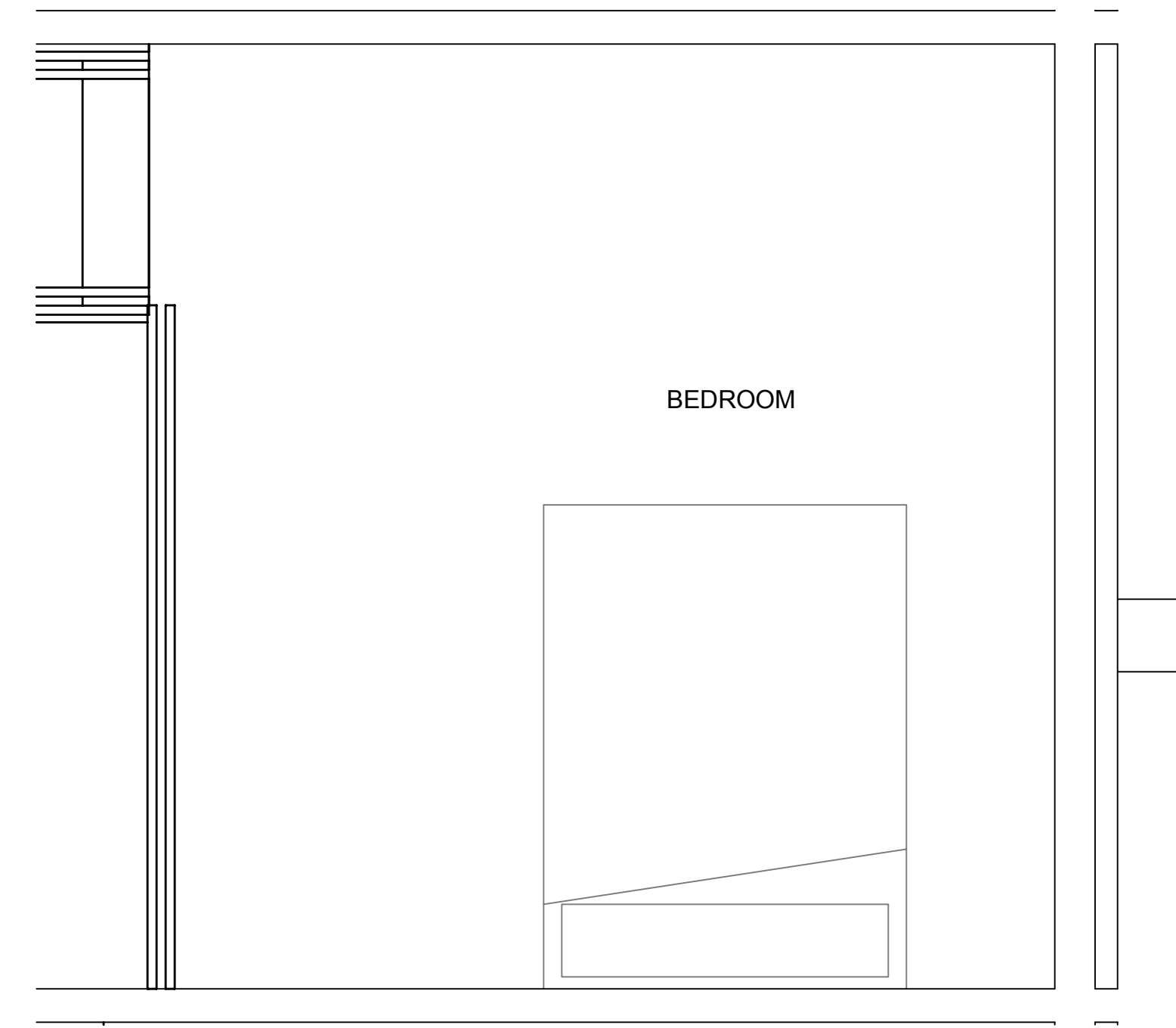
A8.5



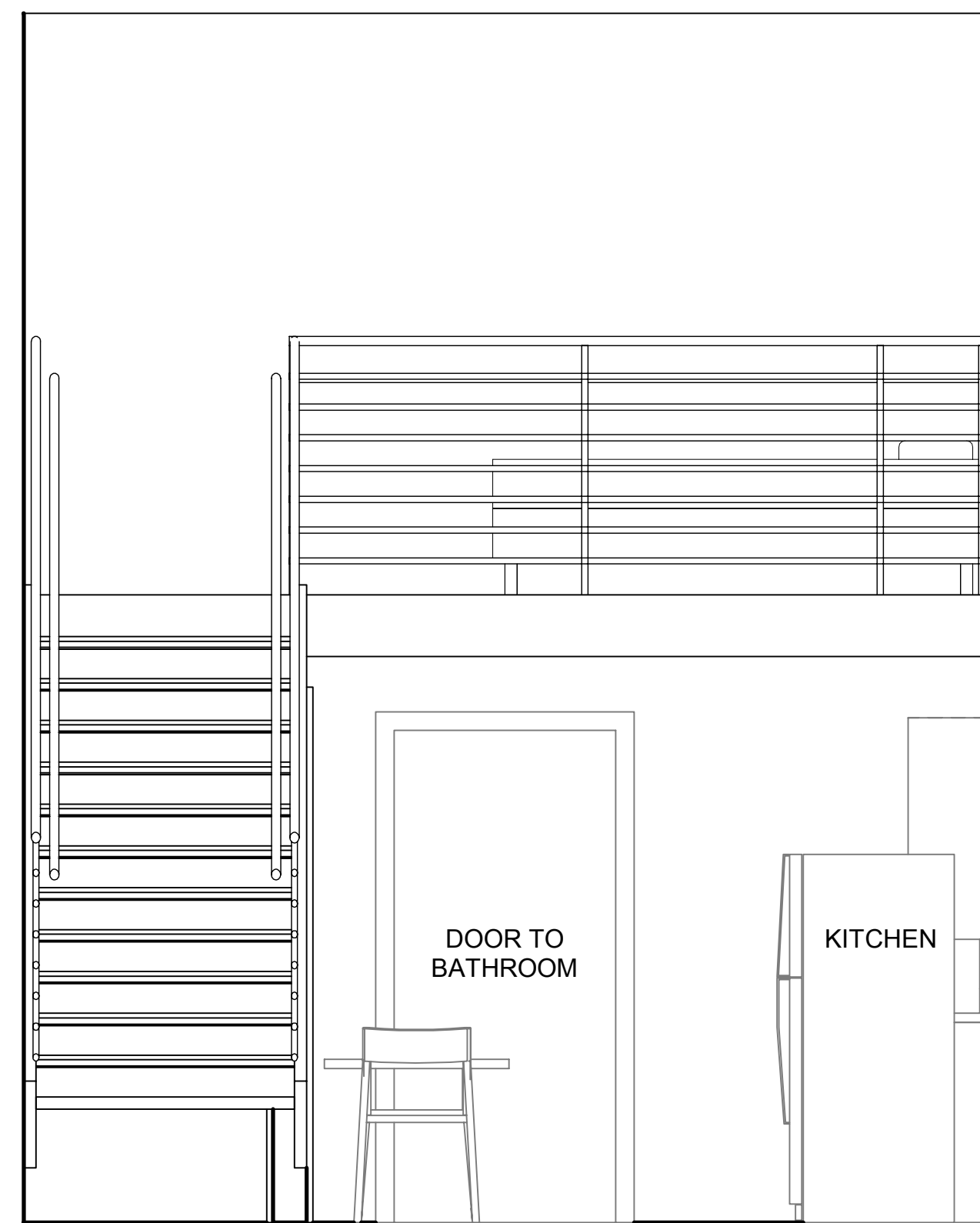
5 SOUTH ELEVATION OF TOWNHOUSE
1/2" = 1'-0"



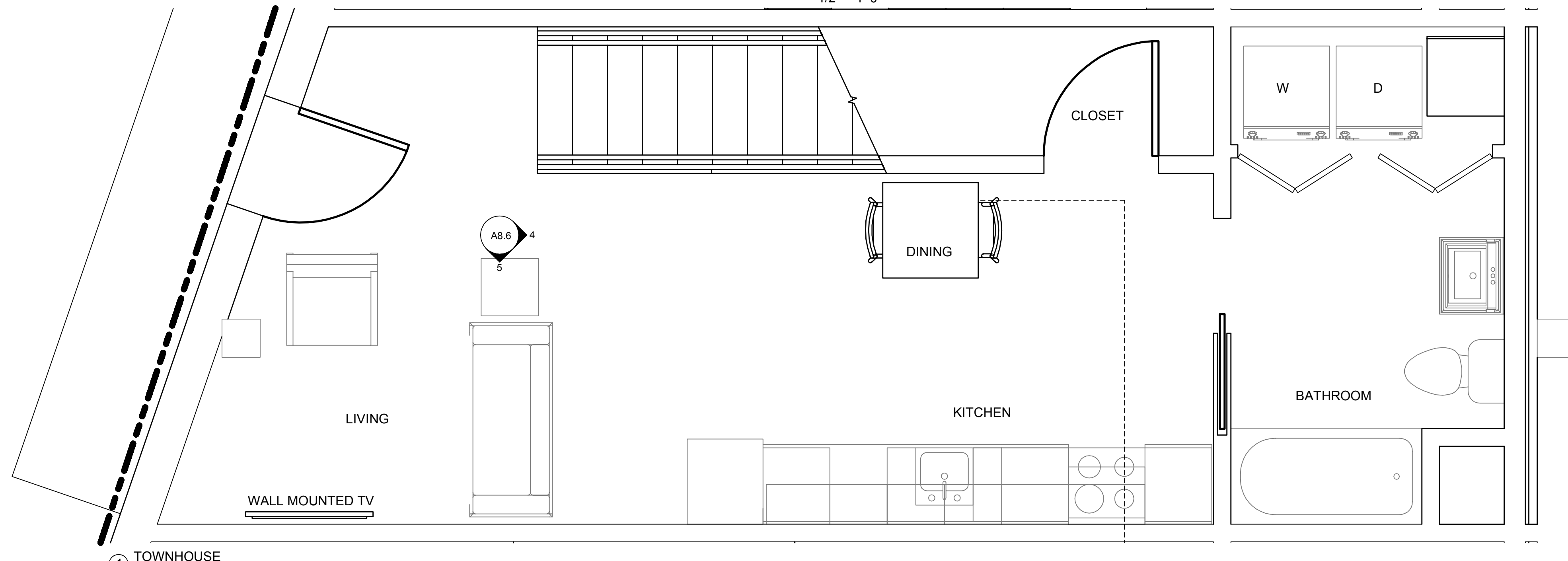
3 SECTION PERSPECTIVE OF TOWNHOUSE



2 TOWN HOUSE MEZZANINE
1/2" = 1'-0"



4 WEST ELEVATION OF TOWNHOUSE
1/2" = 1'-0"

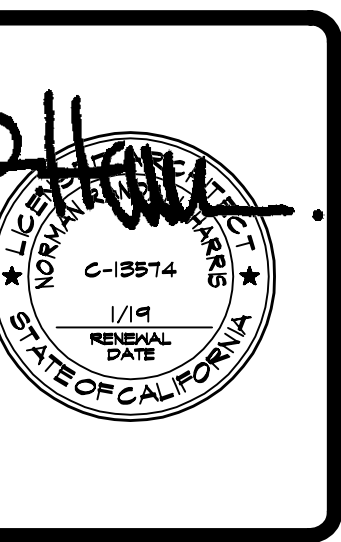


1 TOWNHOUSE
1/2" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/08/18	AY



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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
TOWNHOUSE
PLANS

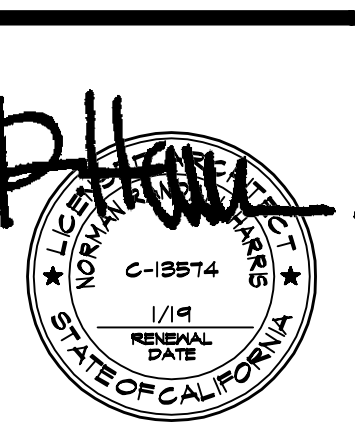
drawn
checked
RH
date
3/07/18
scale
1/2" = 1'-0"
job no.
1802
sheet

A8.6

revisions	by
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ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 11/08/18	AY



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2701 SHATTUCK AVENUE
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 2701 SHATTUCK BERKELEY, LLC



3D VIEW LOOKING NORTH FROM
 STORAGE BUILDING

drawing
 3D VIEWS

drawn
 checked
 RH
 date
 3/07/18
 scale
 NO SCALE
 job no.
 1802
 sheet

AP.1



3D VIEW LOOKING WEST ON DERBY STREET



3D VIEW FROM WALKER STREET



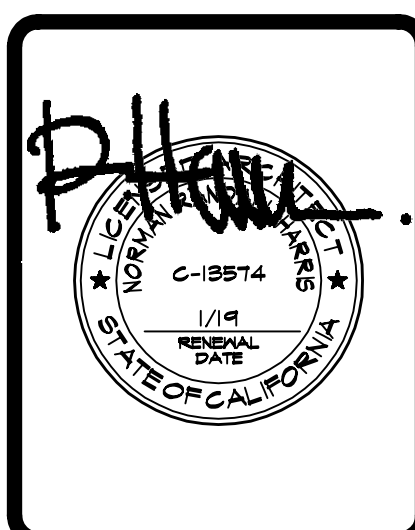
3D VIEW OF DERBY STREET EXIT



3D VIEW OF DERBY FACADE

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/19	AY

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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawn
3D VIEWS

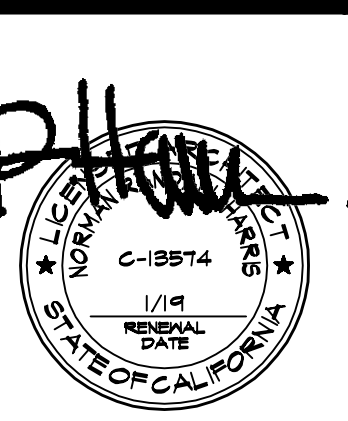
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date 3/07/18
scale NO SCALE
job no. 1802
sheet

A9.2

revisions	by
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ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY



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3D VIEW OF FOURTH FLOOR OPEN SPACE



3D VIEW OF PODIUM OPEN SPACE

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 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
 3D VIEWS

drawn
 checked
 RH
 date
 3/07/18
 scale
 NO SCALE
 job no.
 1802
 sheet

A9.3



BIRD'S EYE VIEW OF NORTHWEST CORNER



BIRD'S EYE VIEW OF SOUTHWEST CORNER



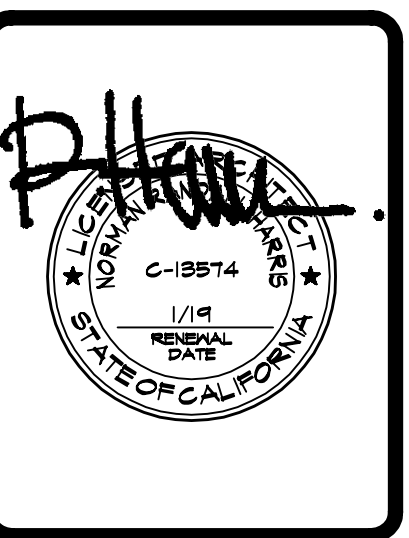
BIRD'S EYE VIEW OF NORTHEAST CORNER



BIRD'S EYE VIEW OF SOUTHEAST CORNER

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/19	AY

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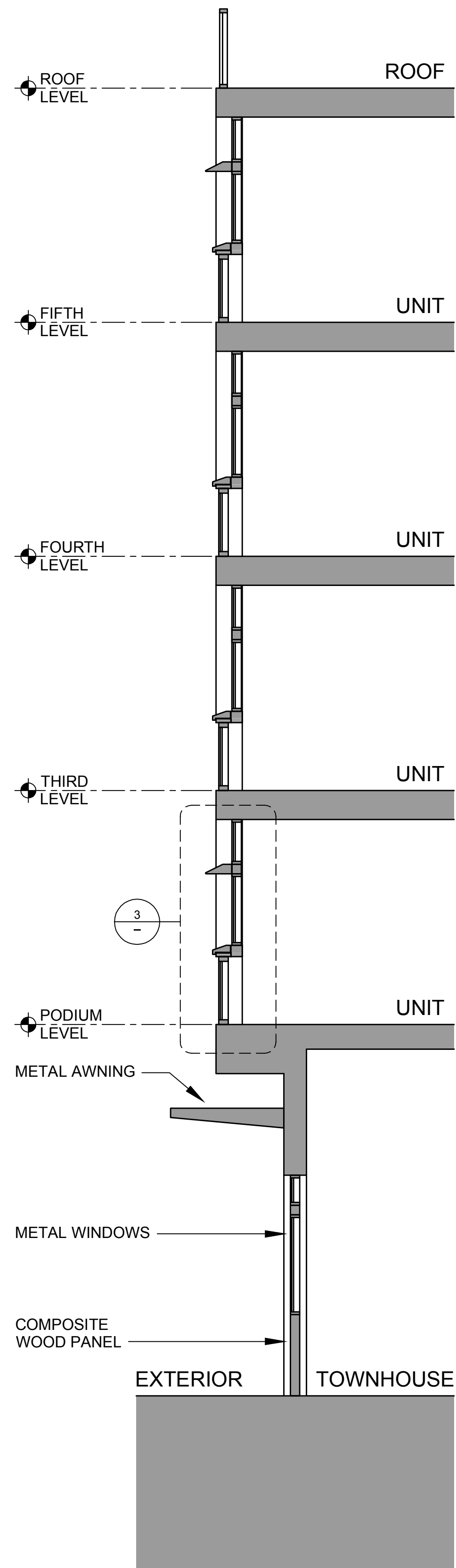


**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

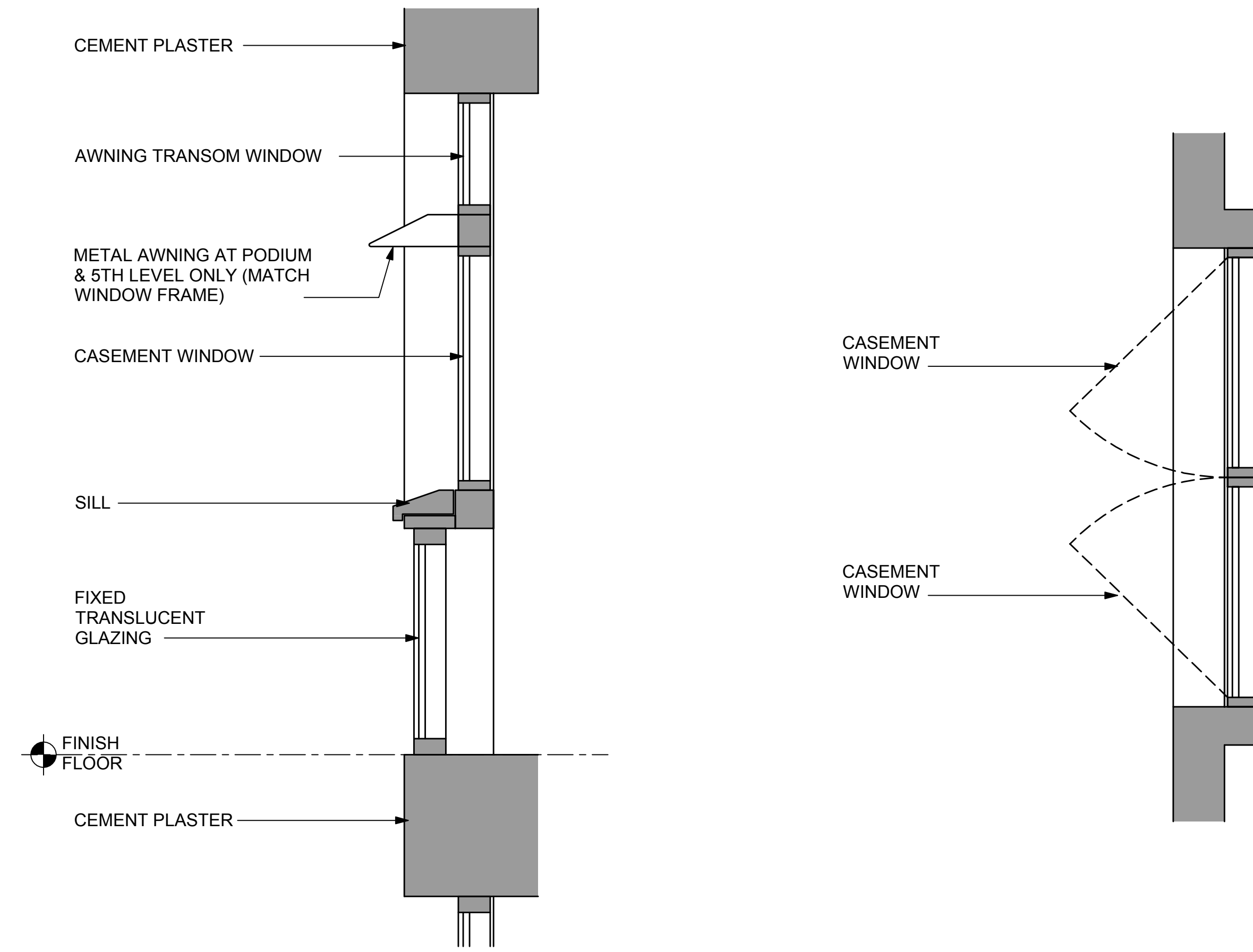
drawing
3D VIEWS

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet

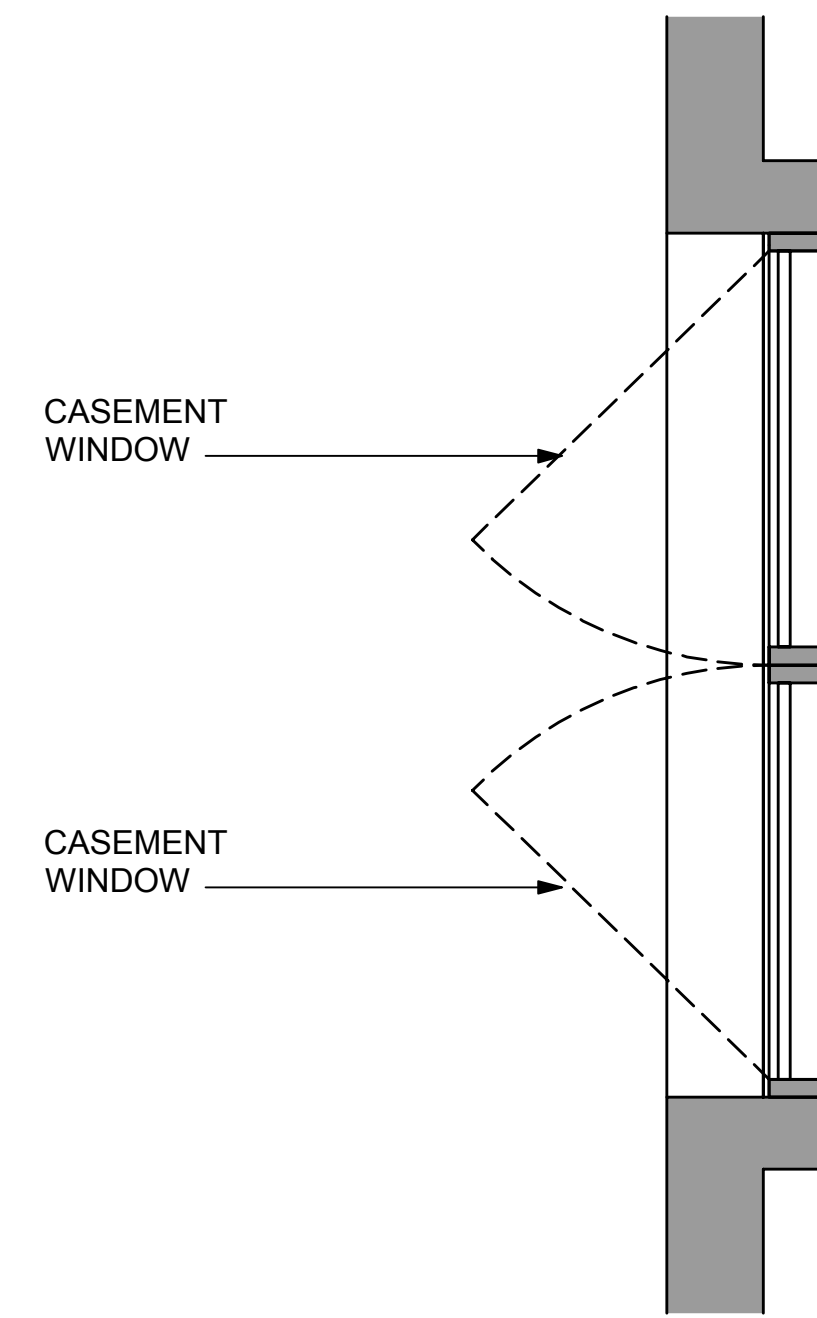
A9.4



4 WALL SECTION
1/4" = 1'-0"



3 TYPICAL SECTION AT WINDOW SYSTEM
3/4" = 1'-0"



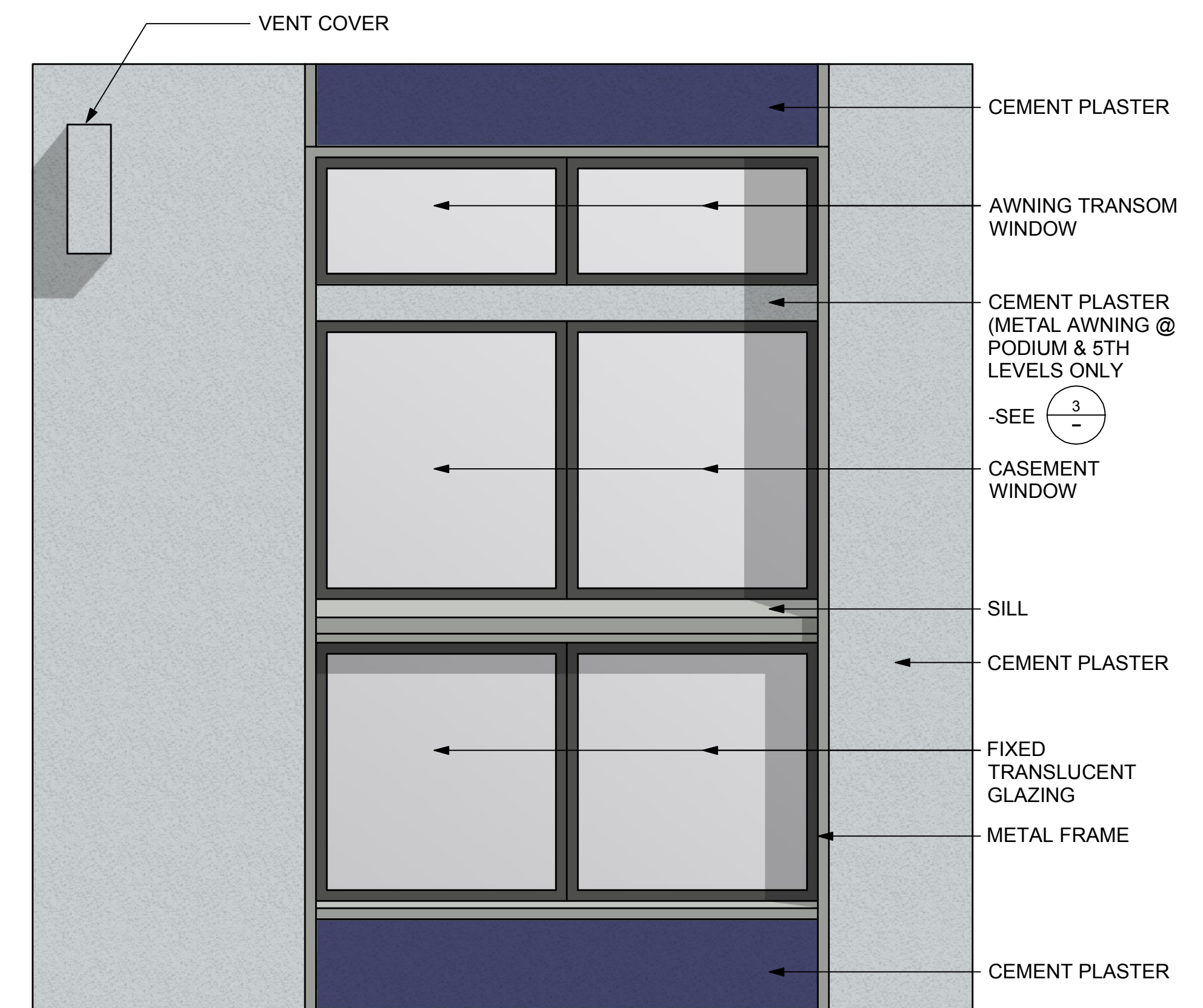
1 WINDOW SYSTEM PLAN
3/4" = 1'-0"



2 DETAIL ELEVATION OF UNIT WINDOW
3/4" = 1'-0"



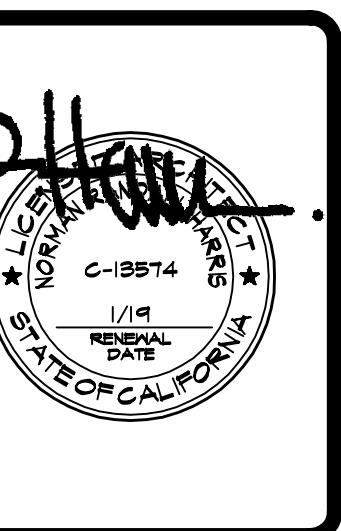
A



B

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

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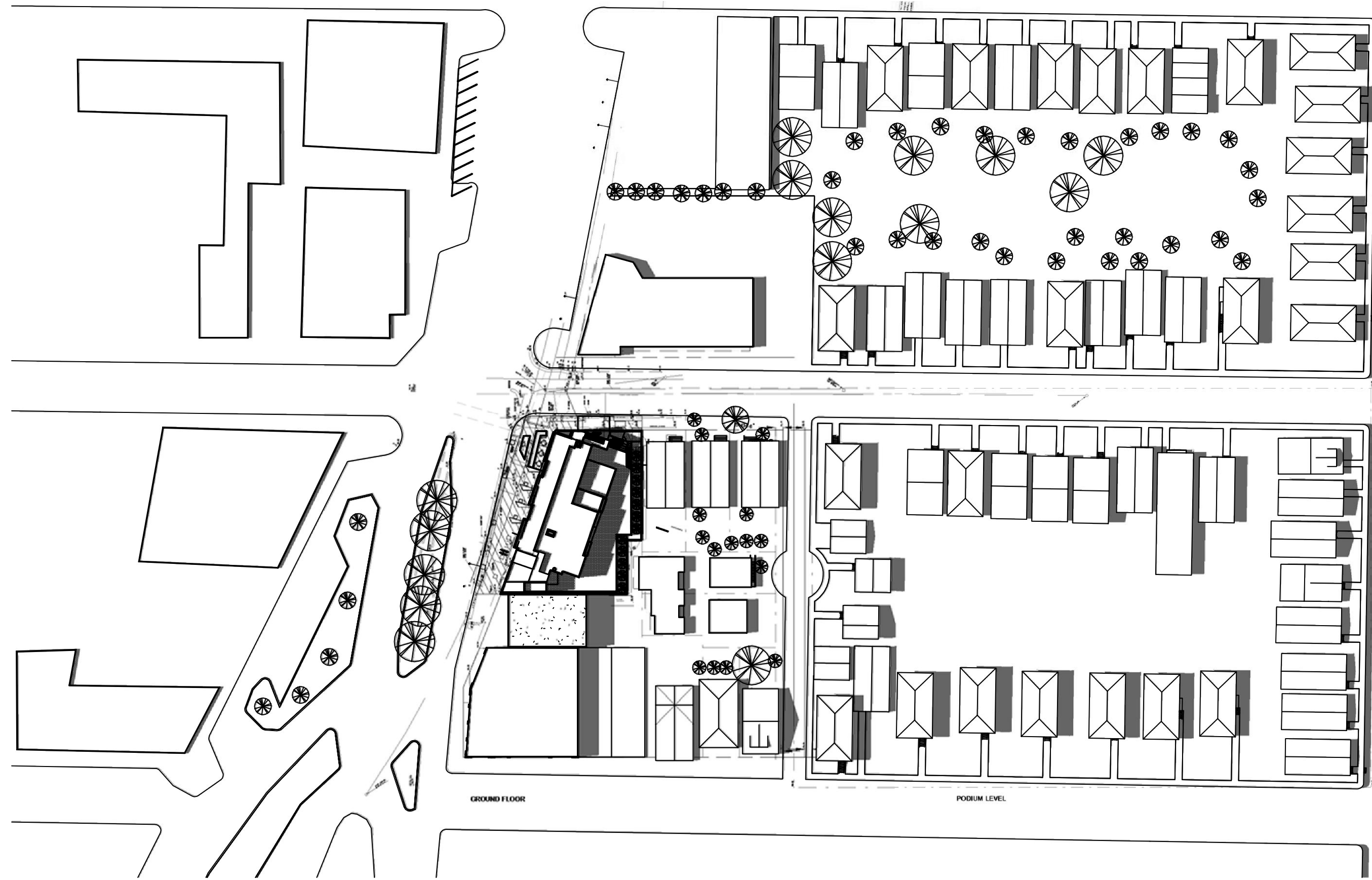


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

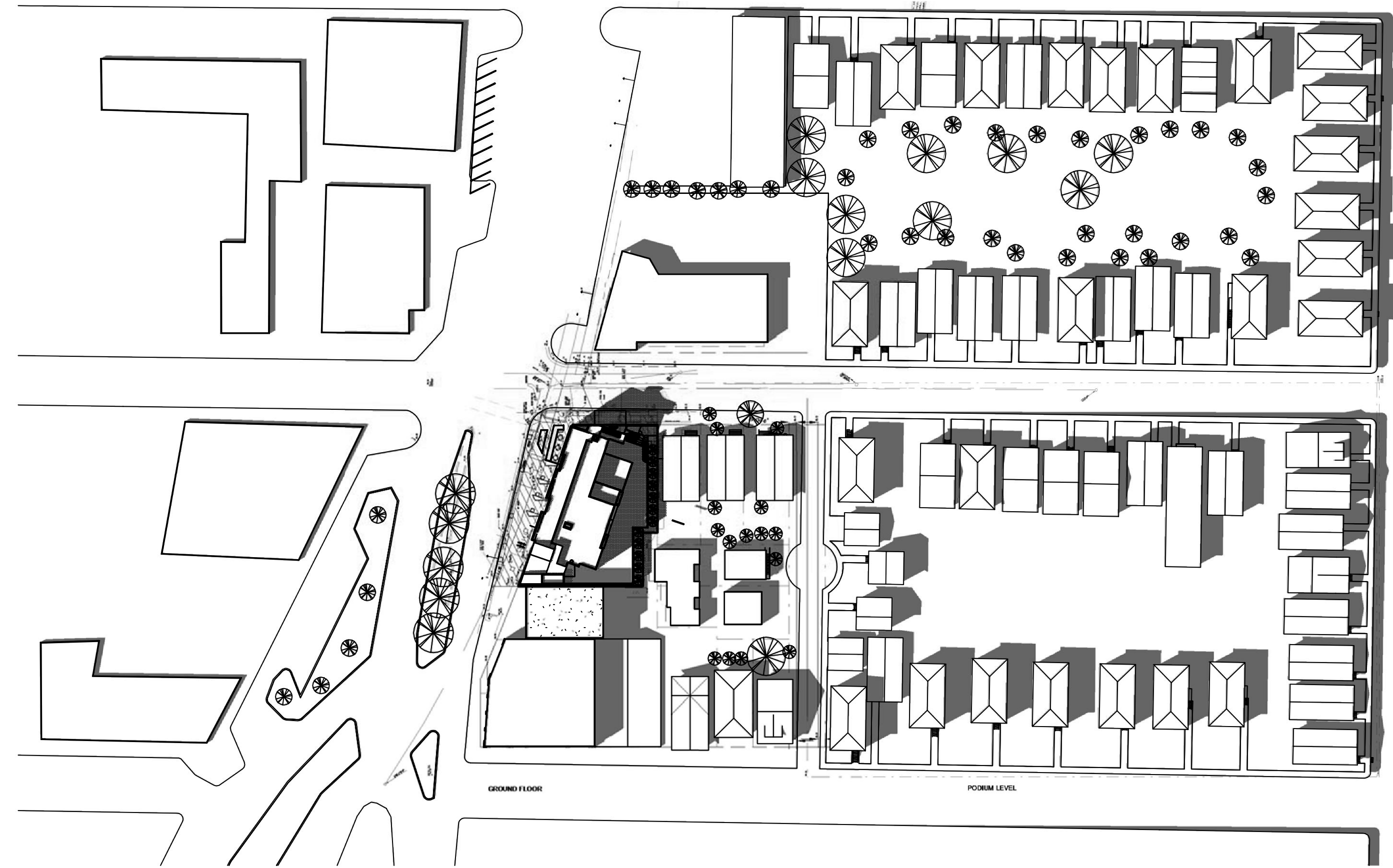
drawing
WINDOW
ASSEMBLY

drawn
MM/AY
checked
RH
date
3/07/18
scale
AS SHOWN
job no.
1802
sheet

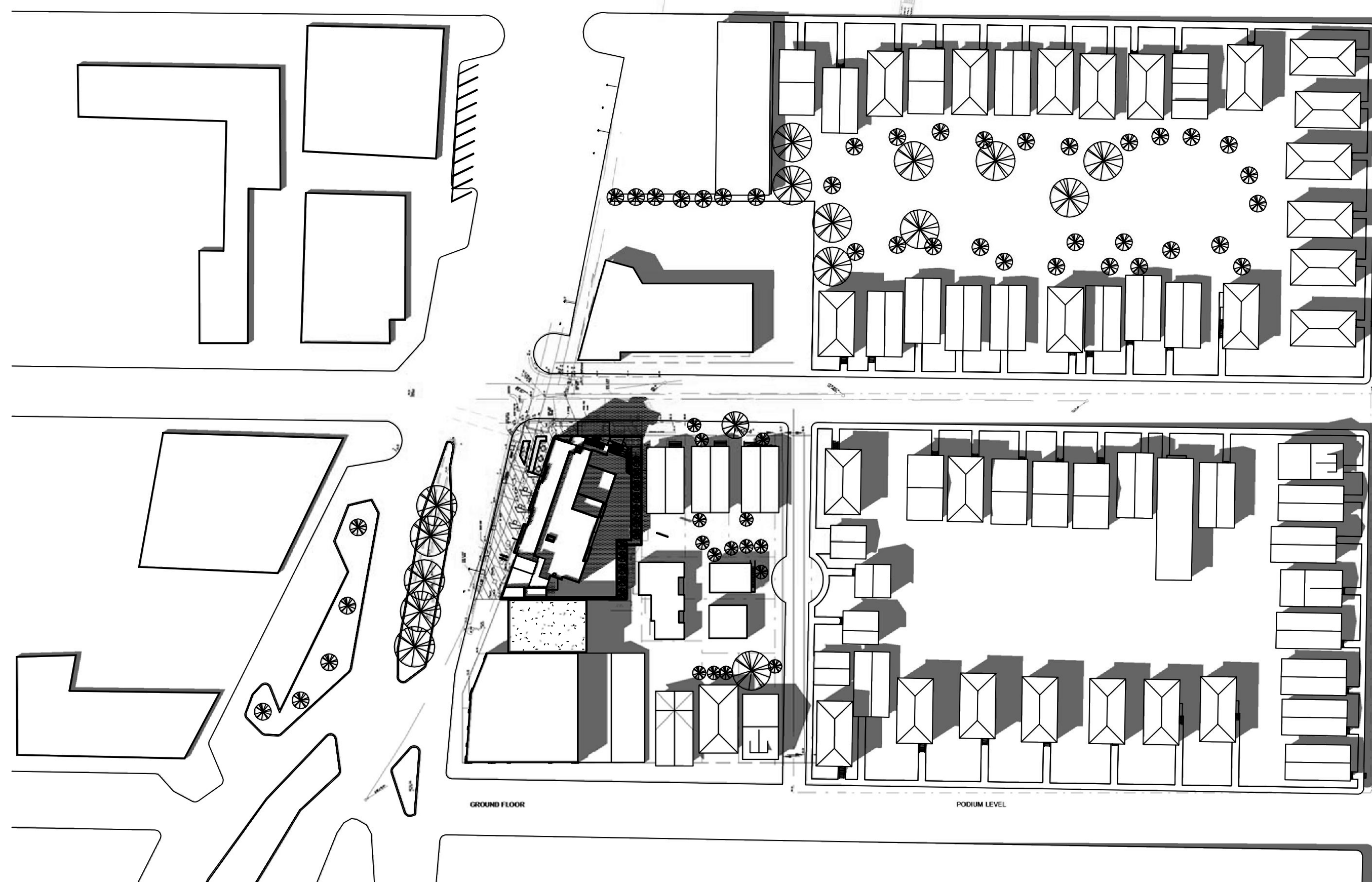
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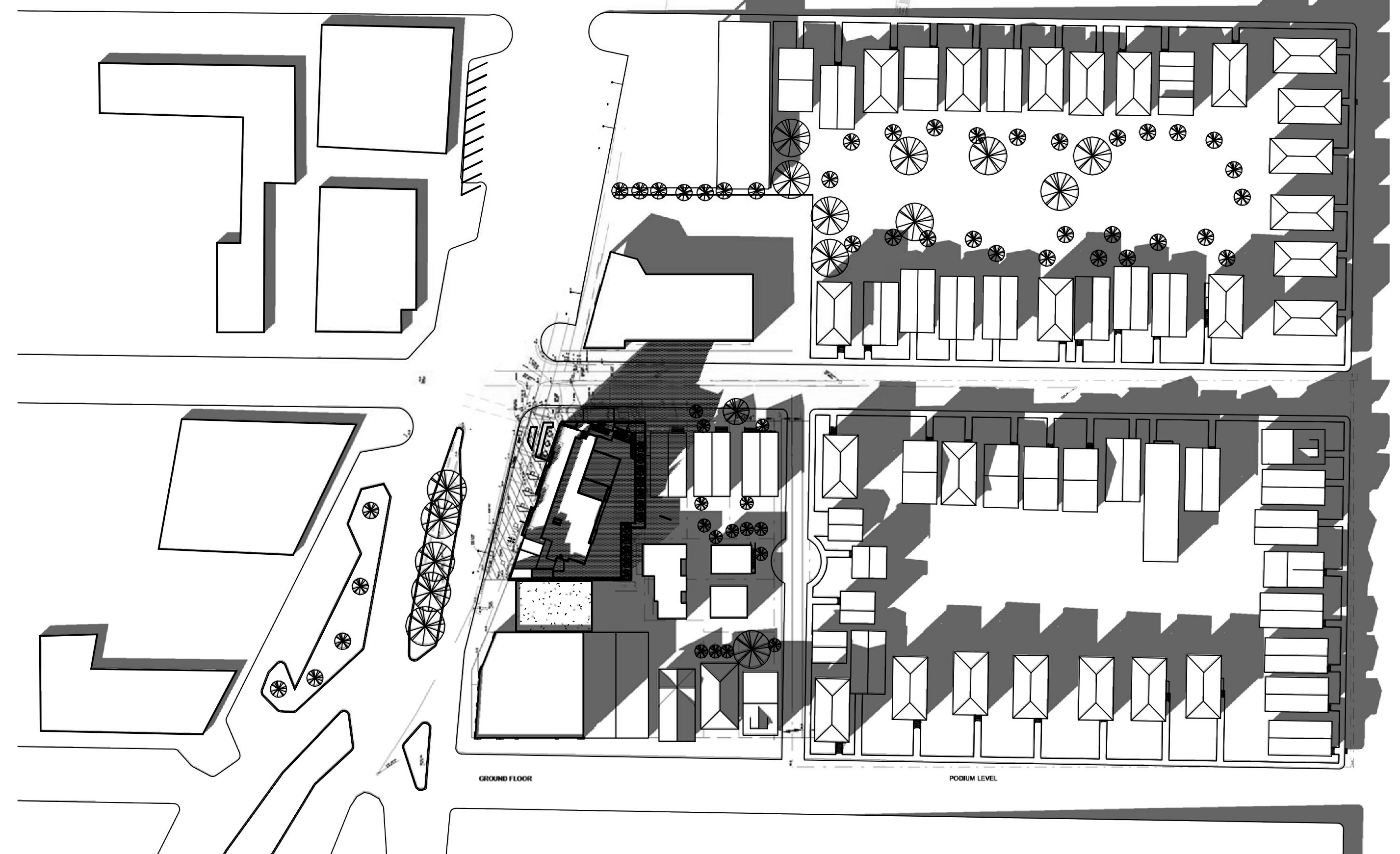
JUNE 21, 2 PM



SEPTEMBER 21, 2 PM



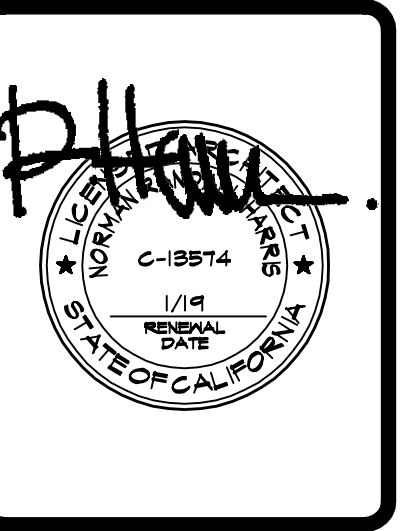
MARCH 21, 2 PM



DECEMBER 21, 2 PM

revisions	by
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ZAB SUBMITTAL 4/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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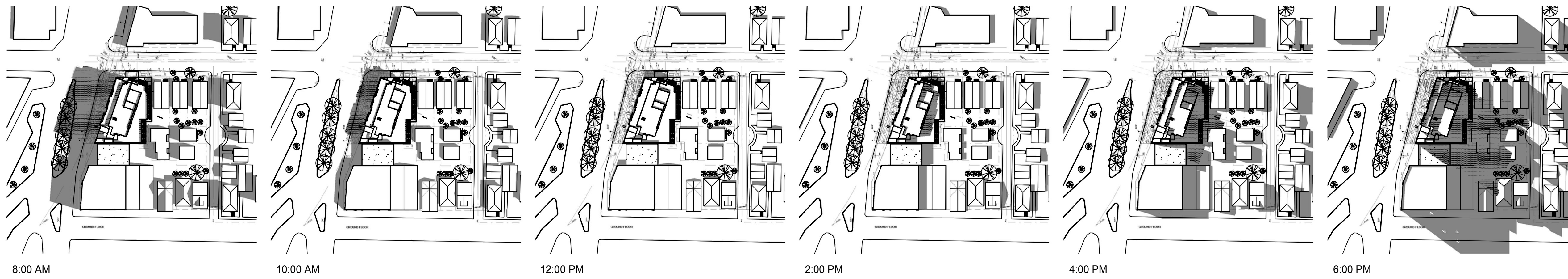
**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**SHADOW STUDY
-AFTERNOON**

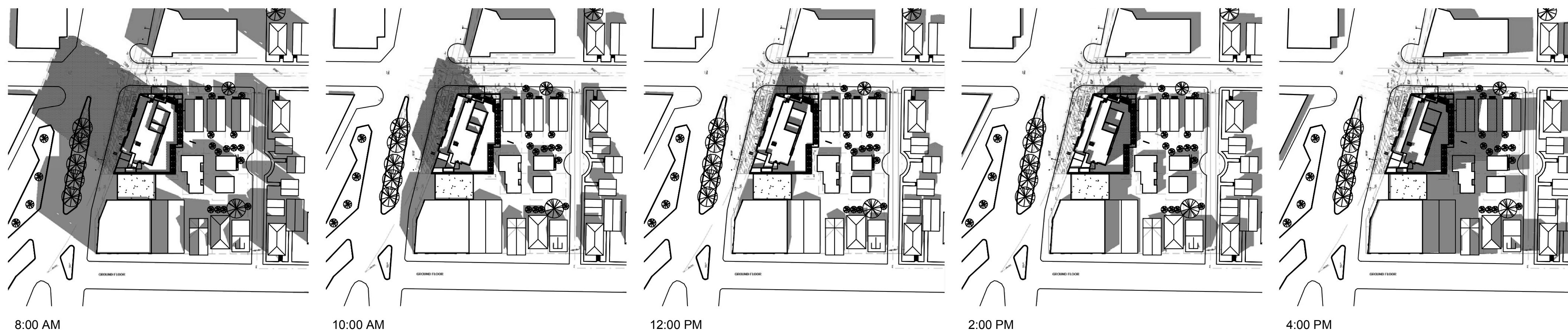
drawn
checked RH
date 3/07/18
scale NO SCALE
job no. 1802
sheet



JUNE 21



SEPTEMBER 21, MARCH 21

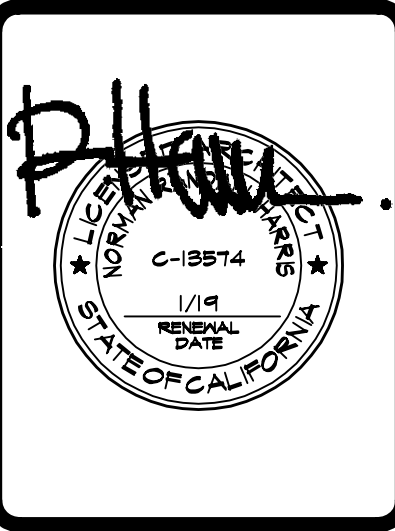


DECEMBER 21



revisions	by
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ZAB SUBMITTAL 4/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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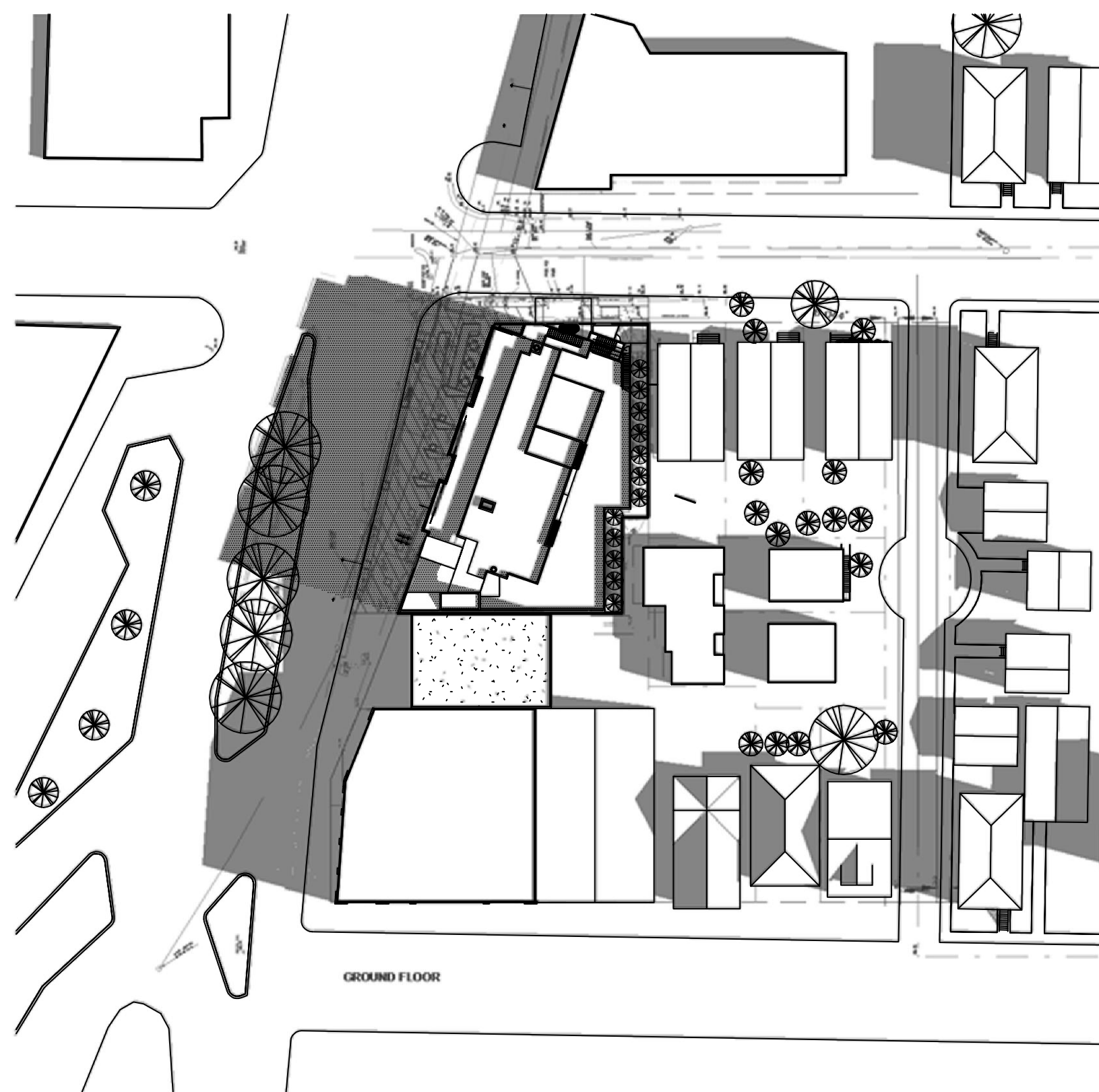
2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
SHADOW STUDY
-SEASONAL

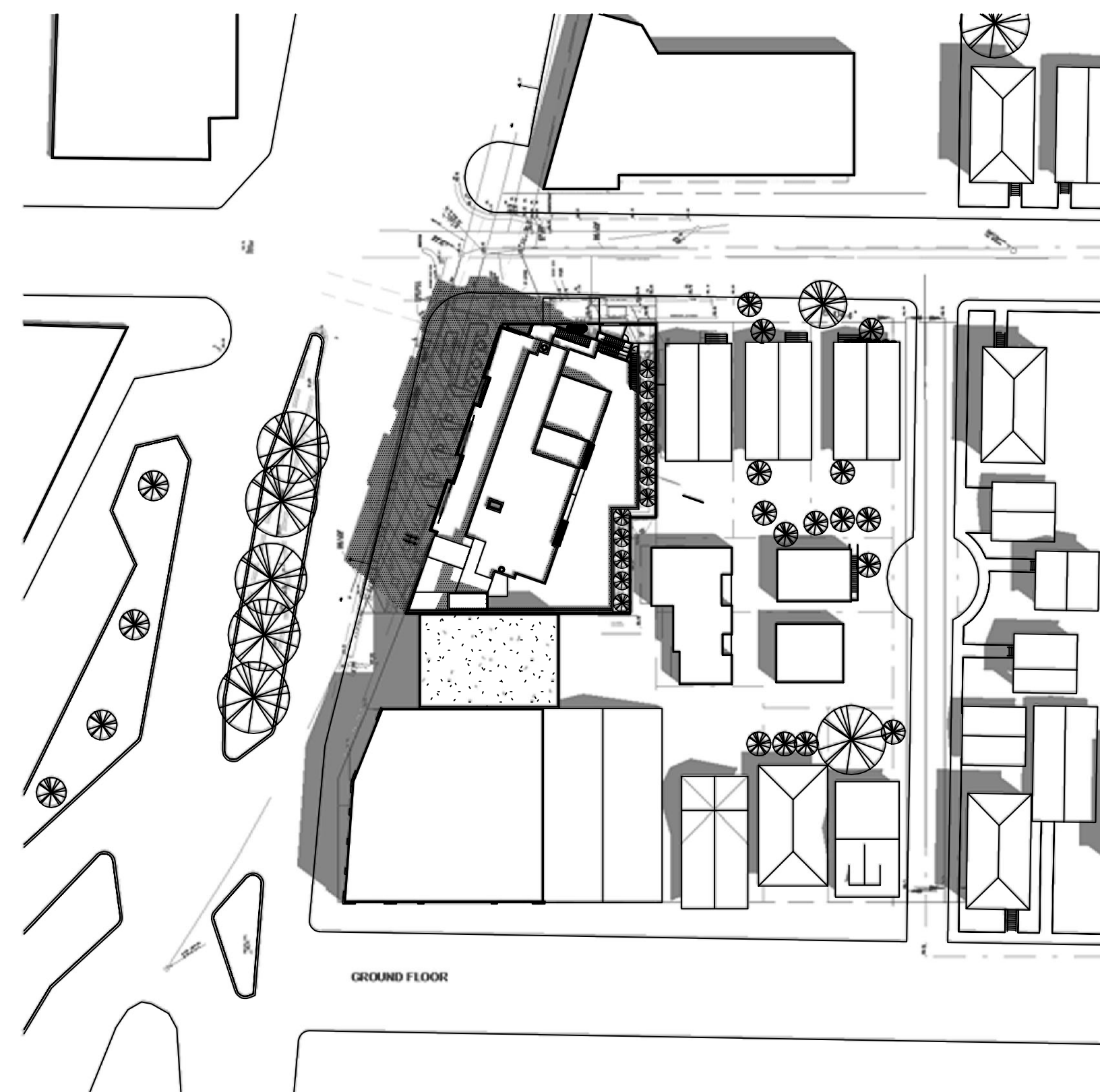
drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet



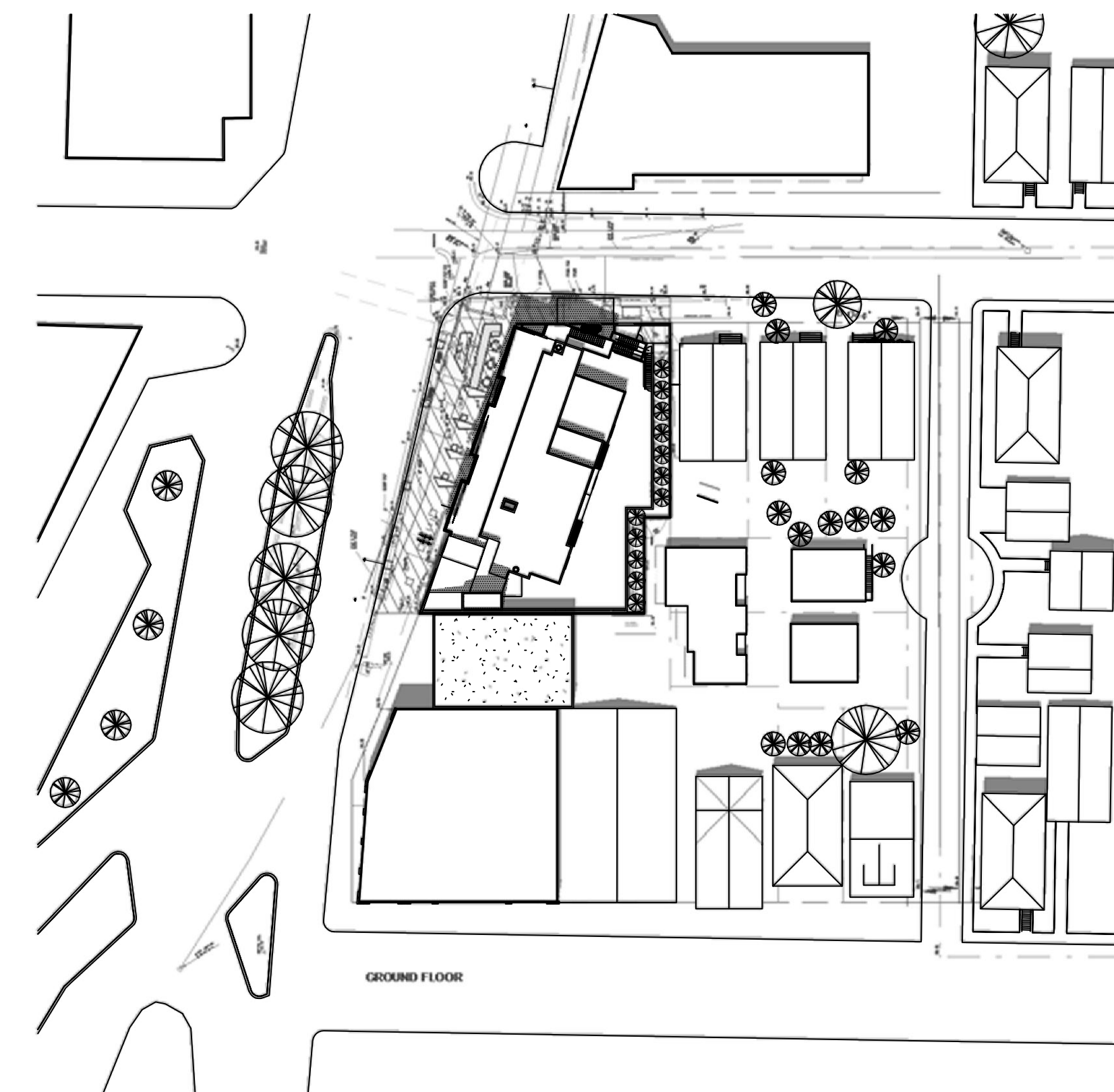
JUNE 21



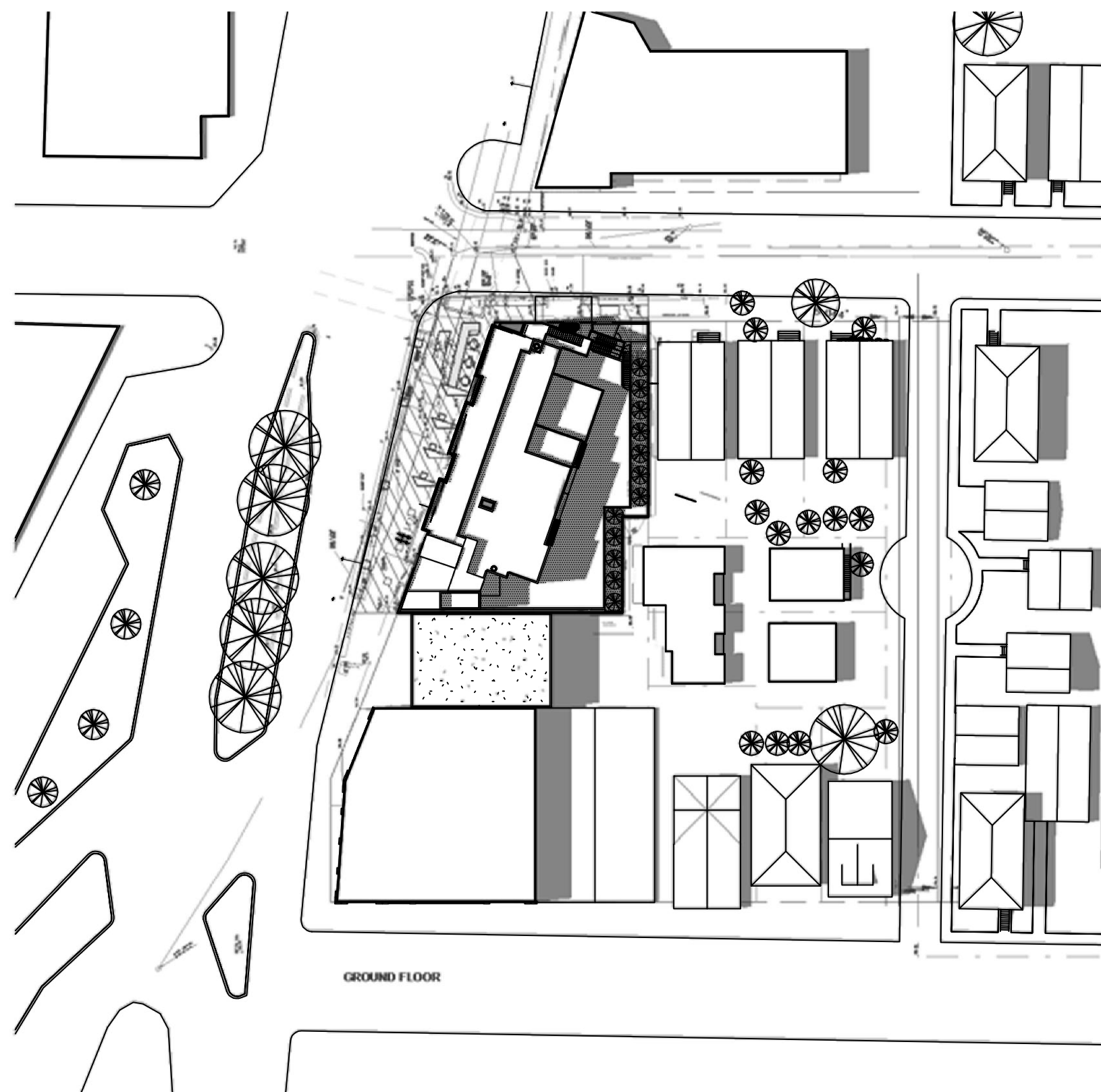
① JUNE 21, 8 AM
1" = 60'-0"



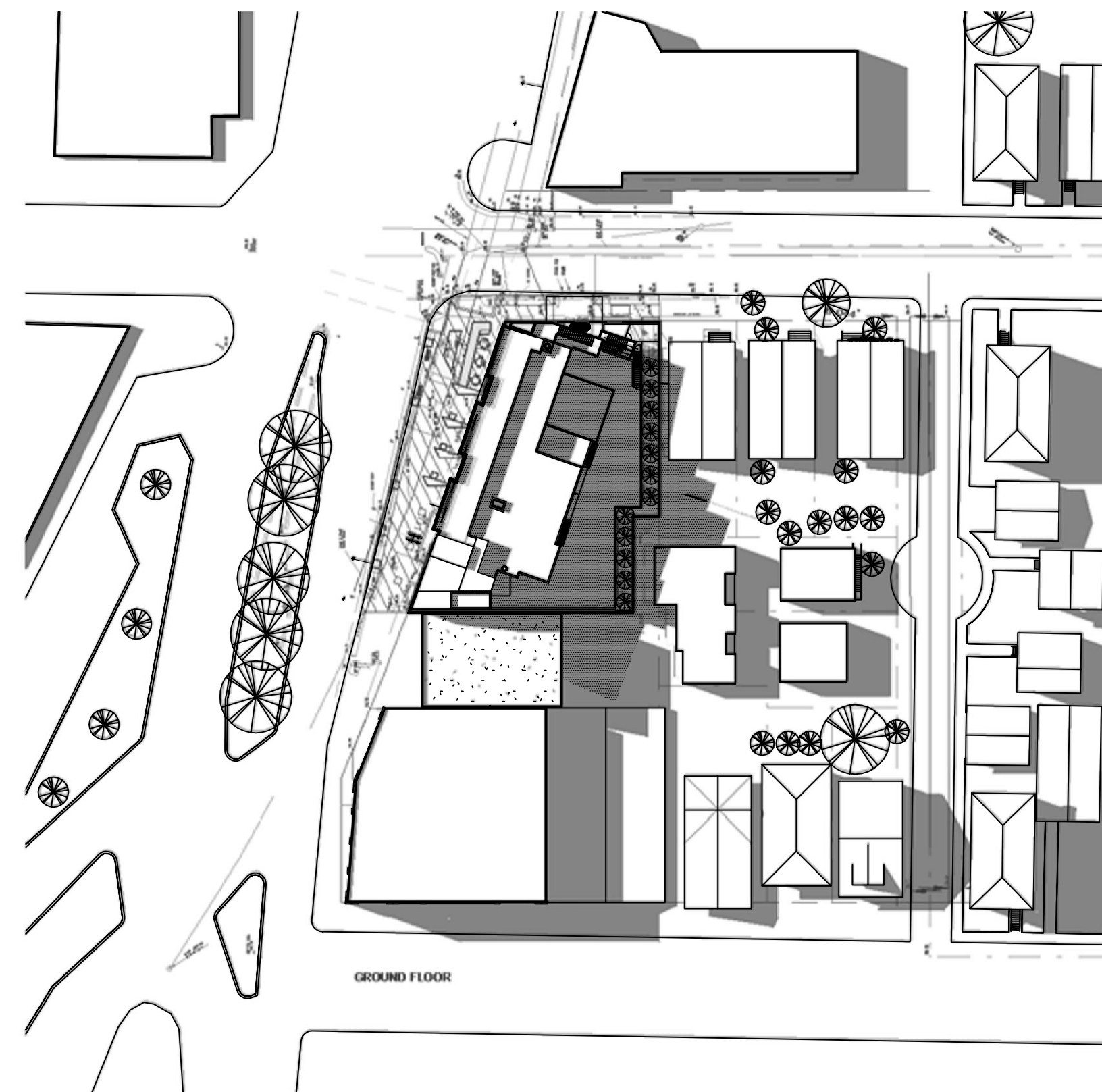
② JUNE 21, 10 AM
1" = 60'-0"



③ JUNE 21, 12 PM
1" = 60'-0"



④ JUNE 21, 2 PM
1" = 60'-0"



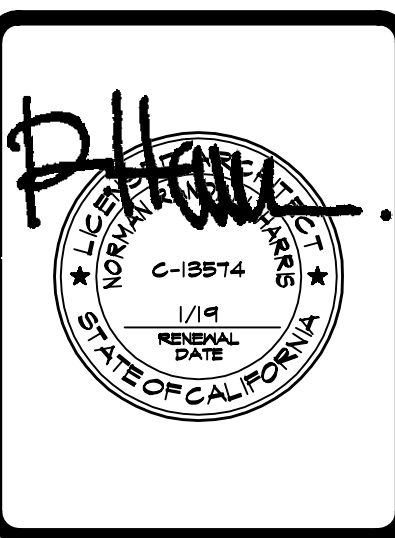
⑤ JUNE 21, 4 PM
1" = 60'-0"



⑥ JUNE 21, 6 PM
1" = 60'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17	-
ZAB SUBMITTAL 1/23/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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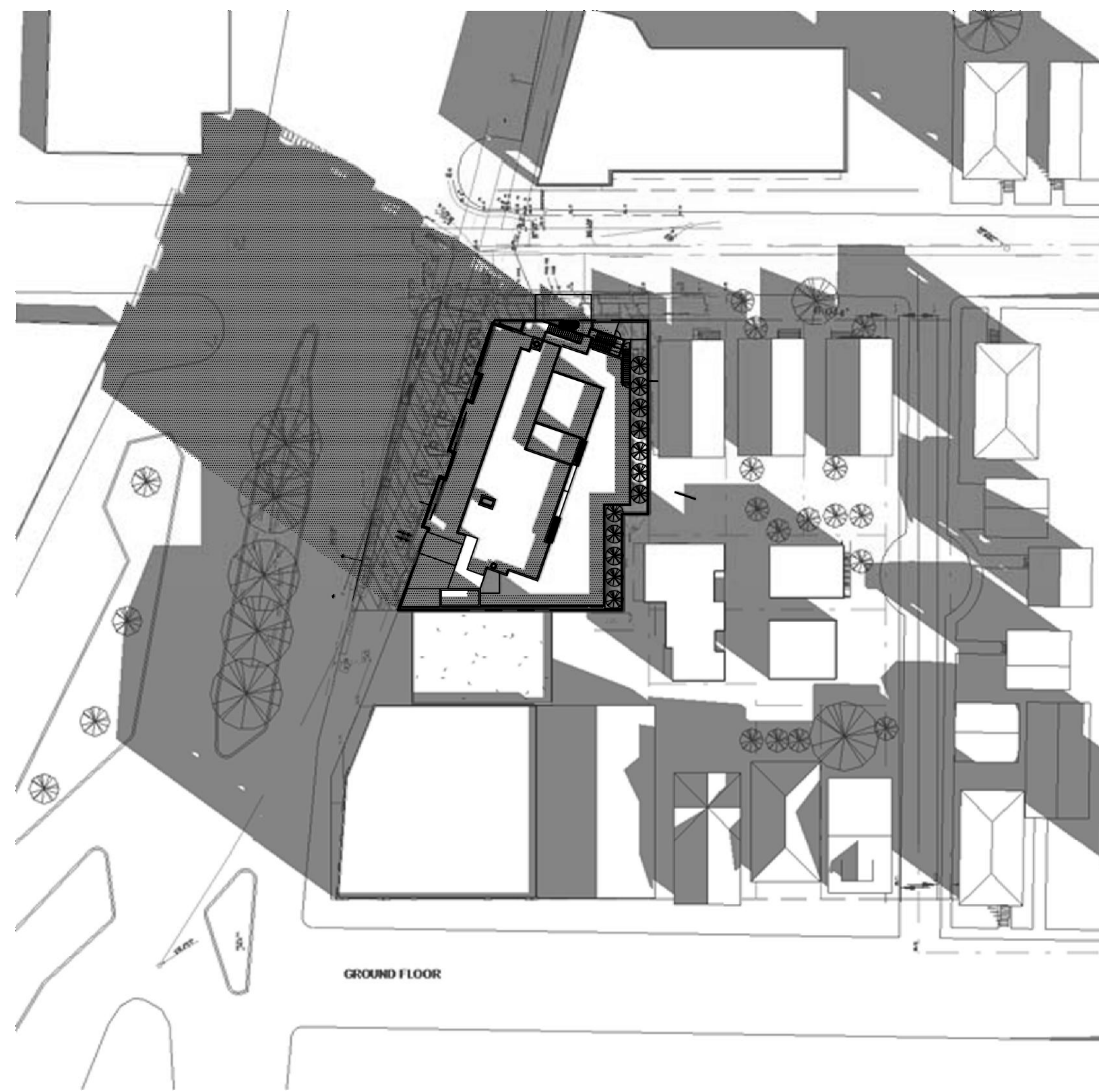
2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
SHADOW STUDY
- JUNE 21

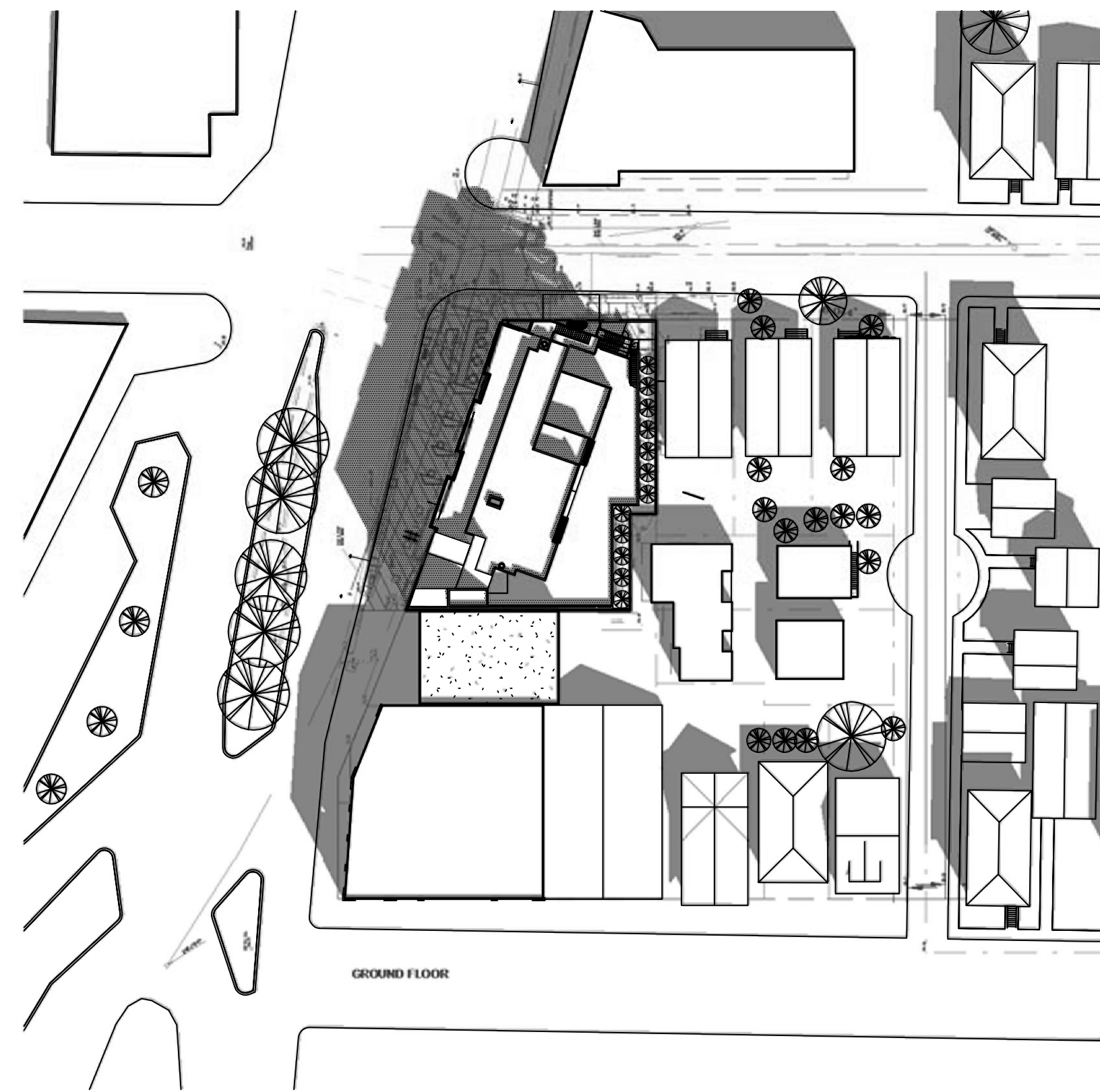
drawn
checked
RH
date
3/07/18
scale
1" = 60'-0"
job no.
1802
sheet

S.1.2

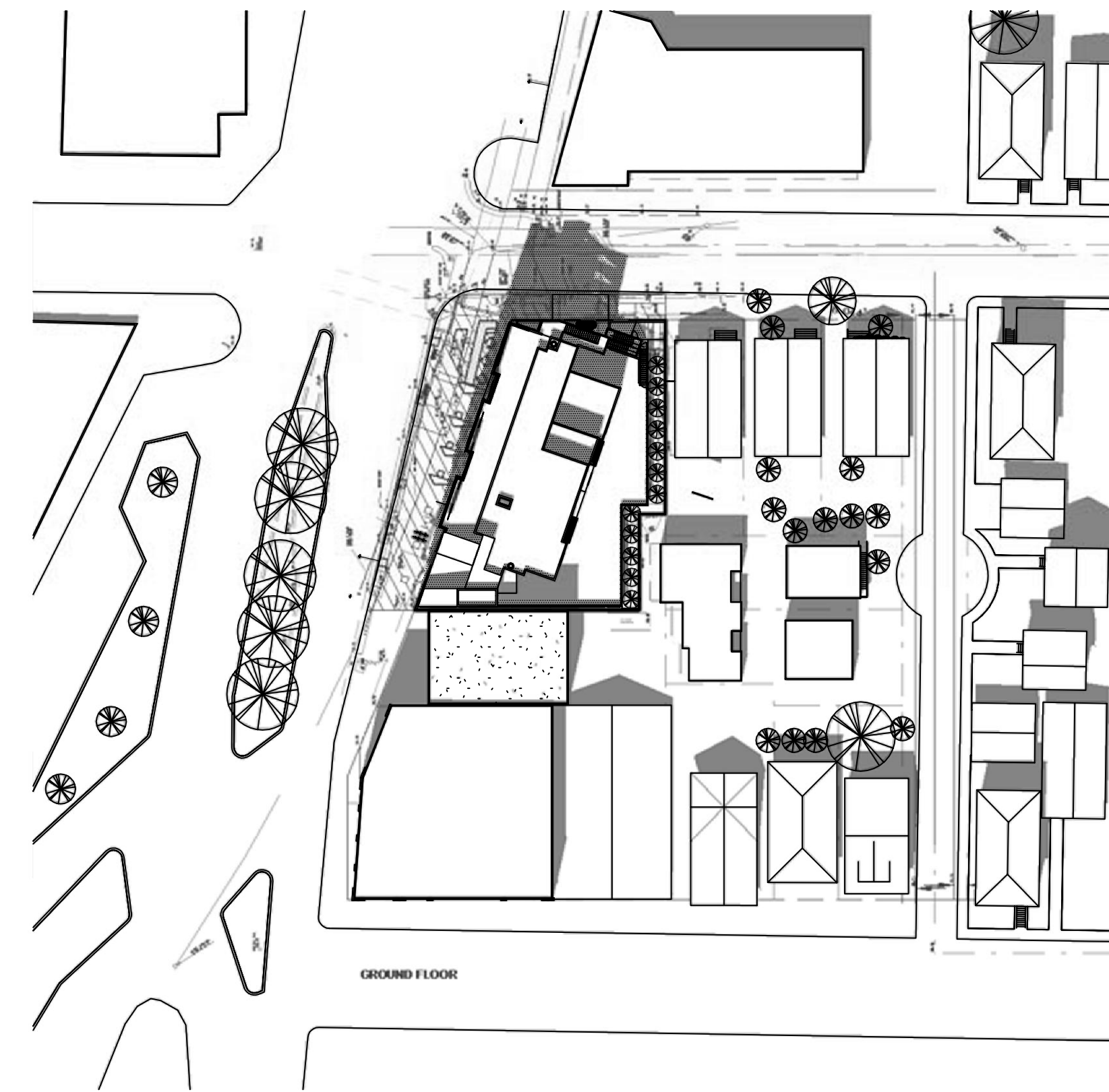
SEPTEMBER 21, MARCH 21



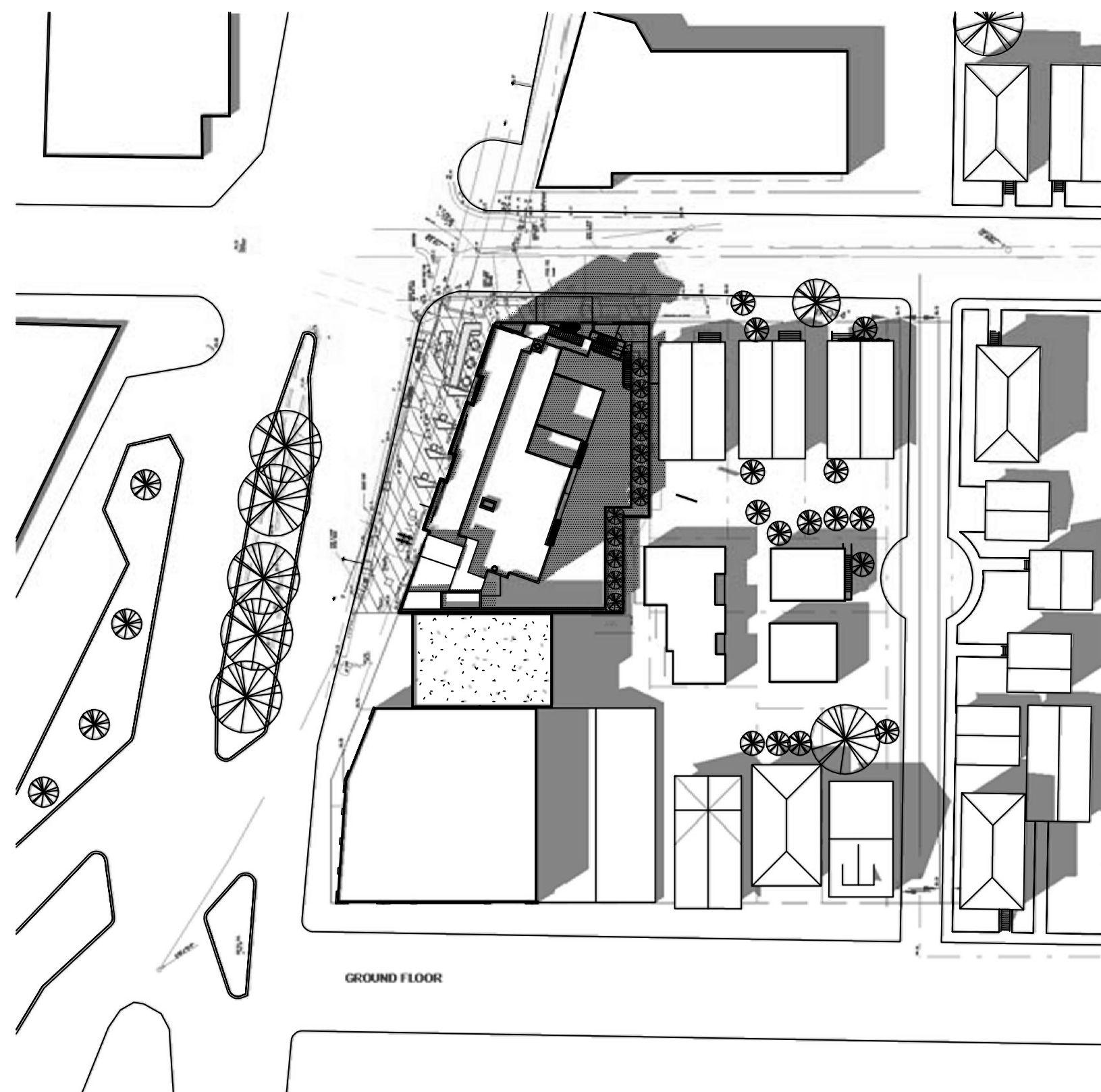
① MARCH 21, SEPTEMBER 21, 8 AM
1" = 60'-0"



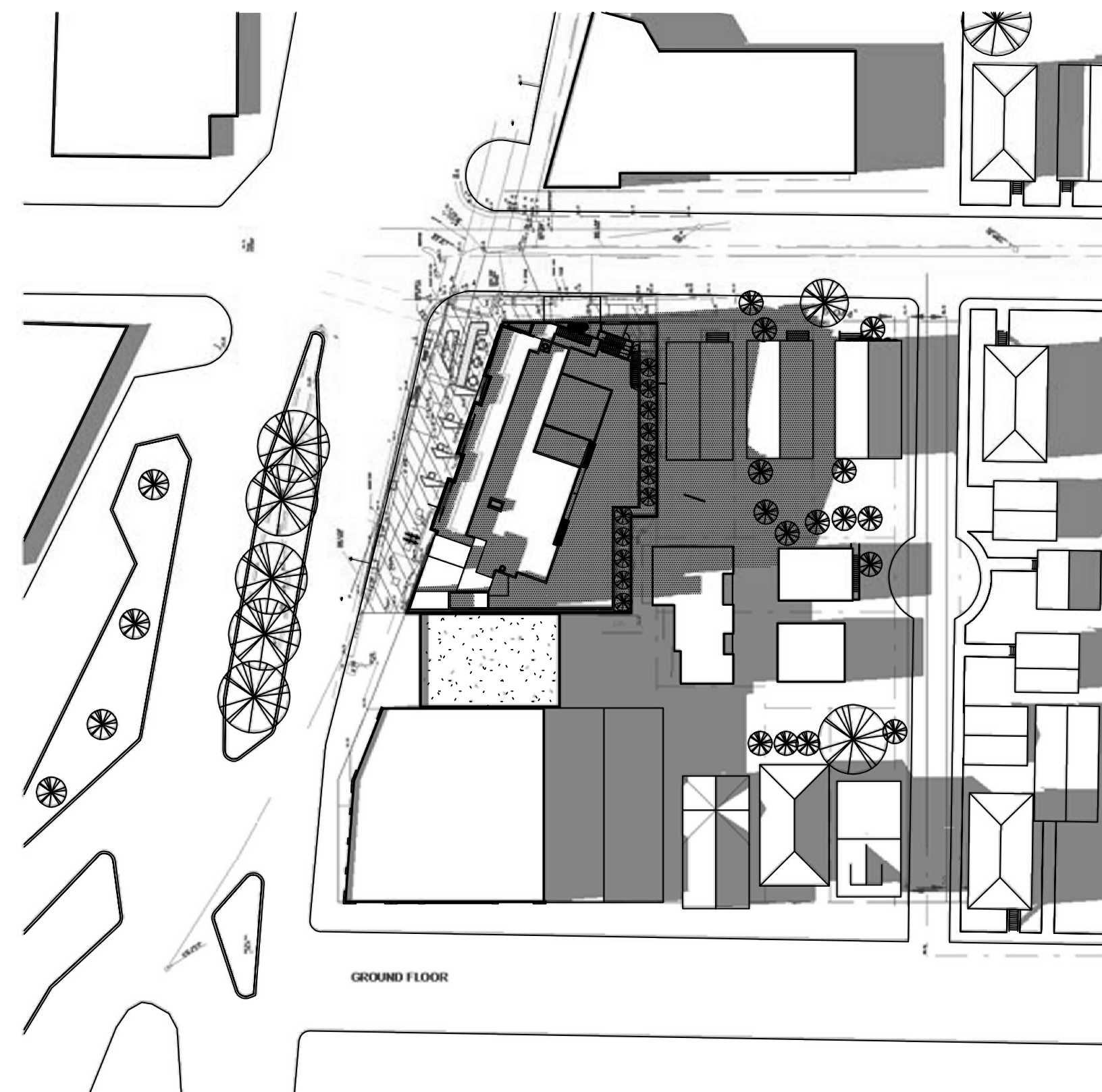
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1" = 60'-0"



③ MARCH 21, SEPTEMBER 21, 12 PM
1" = 60'-0"



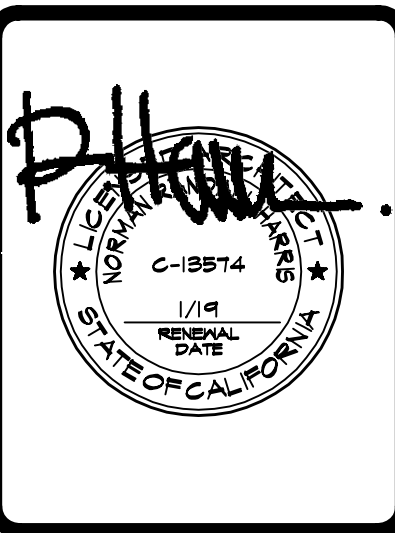
④ MARCH 21, SEPTEMBER 21, 2 PM
1" = 60'-0"



⑤ MARCH 21, SEPTEMBER 21, 4 PM
1" = 60'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
SHADOW STUDY
-MARCH 21 AND
SEPTEMBER 21

drawn
checked RH
date 3/07/18
scale 1" = 60'-0"
job no. 1802
sheet

S.3

DECEMBER 21



① DECEMBER 21, 8 AM
1" = 60'-0"



② DECEMBER 21, 10 AM
1" = 60'-0"



③ DECEMBER 21, 12 PM
1" = 60'-0"



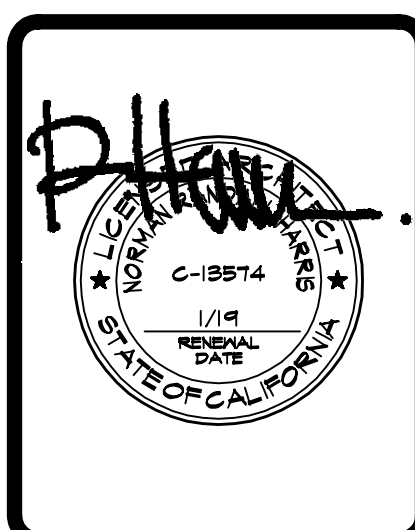
④ DECEMBER 21, 2 PM
1" = 60'-0"



⑤ DECEMBER 21, 4 PM
1" = 60'-0"

revisions	by
DRC SUBMITTAL 12/15/18 & 1/27/17	-
ZAB SUBMITTAL 9/12/17	-
ZAB SUBMITTAL 1/23/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**SHADOW STUDY
-DECEMBER 21**

drawn
checked RH
date 3/07/18
scale 1" = 60'-0"
job no. 1802
sheet

S.I.4

2701 SHATTUCK AVENUE CIVIL CONSTRUCTION DOCUMENTS

CITY OF BERKELEY, CALIFORNIA

revisions	by
DRC SUBMITTAL 12/15/16	
DRC SUBMITTAL 1/27/17	
ZAB SUBMITTAL 9/12/17	
ZAB SUBMITTAL 1/03/18	
ZAB SUBMITTAL 3/07/18	
ZAB SUBMITTAL 11/08/2018	

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CALICHI
CALICHI DESIGN GROUP
1818 28th Street
Berkeley, CA 94710
www.calichidesign.com

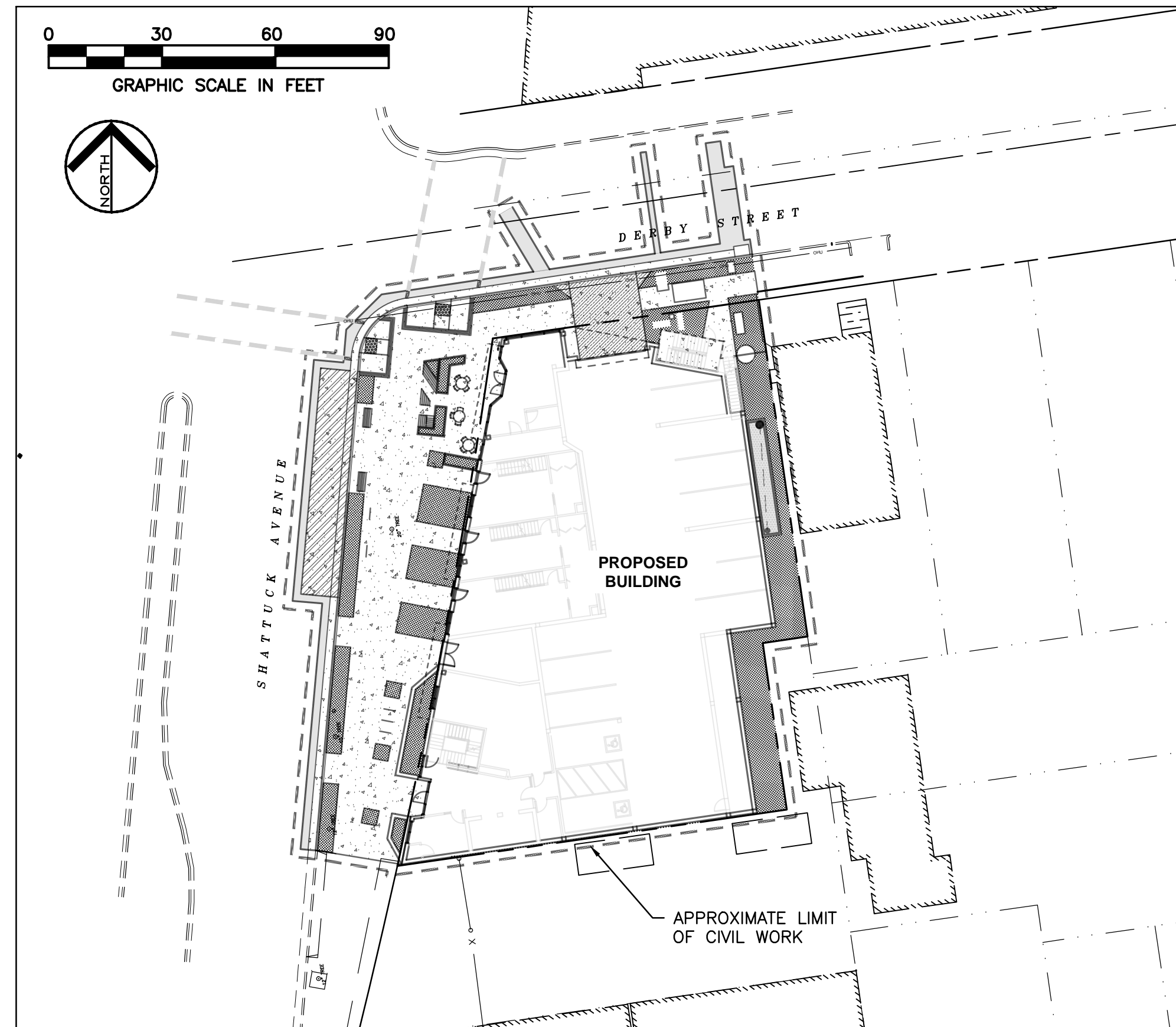
REGISTERED PROFESSIONAL ENGINEER
REC'D VICENTE TRUJILLO
C 69670
EXP. 6-30-2020
CIVIL
STATE OF CALIFORNIA
Vicente Trujillo
10/8/18

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

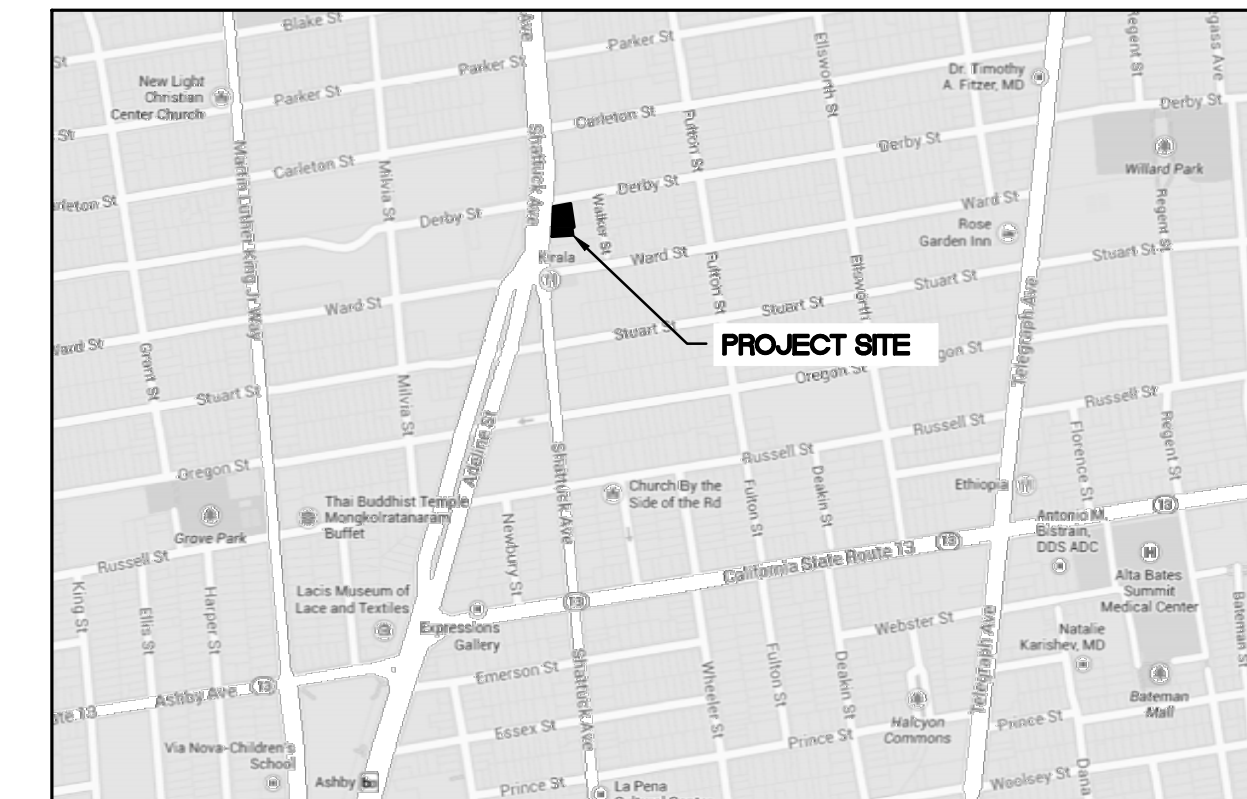
drawing
CIVIL COVER SHEET

drawn
checked RP
date 11/08/18
scale
job no. 1802
sheet
C0.1

LEGEND	
---	EXISTING PROPERTY LINE
---	EXISTING SITE IMPROVEMENTS
---	PROPOSED PCC CURB
---	SAN-EXISTING SANITARY SEWER LINE
---	WTR-EXISTING WATER LINE
---	SD-EXISTING STORM DRAIN LINE
---	OETC-EXISTING OVERHEAD ELECTRICAL, TELEPHONE, AND COMMUNICATION LINE
---	G-EXISTING GAS LINE
x	PROPOSED GOOD NEIGHBOR FENCE
---	PROPOSED HANDRAIL
G	PROPOSED GAS SERVICE
FP	PROPOSED FIRE WATER SERVICE
6" SAN	PROPOSED SANITARY SEWER LINE
6" SD	PROPOSED STORM DRAIN LATERAL
---	PROPOSED PERFORATED STORM DRAIN LINE
WTR	PROPOSED WATER LINE
UE	PROPOSED UNDERGROUND ELECTRICAL SERVICE LINE
UT	PROPOSED UNDERGROUND TELEPHONE SERVICE LINE
WTR	PROPOSED UNDERGROUND CABLE SERVICE LINE
---	APPROXIMATE LIMIT OF CIVIL WORK
4	PROPOSED PCC PAVEMENT SIDEWALK
4	PROPOSED CITY OF BERKELEY BUS STOP HEAVY DUTY PCC PAVEMENT BUS STOP
4	PROPOSED LANDSCAPE AREA - REFER TO LANDSCAPE PLANS FOR ALL DETAILS
4	PROPOSED DETECTABLE WARNING
4	PROPOSED AC PAVING
+	PROPOSED SIGN
+	PROPOSED BACK FLOW PREVENTER / REDUCE PRESSURE PRINCIPLE DEVICE
+	PROPOSED WATER SUB-METER
WM	PROPOSED WATER METER
●	PROPOSED CLEANOUT
⊕	PROPOSED AREA DRAIN
+	PROPOSED UNDERGROUND ELECTRICAL VAULT. SEE ELECTRICAL PLANS FOR DETAILS
+	PROPOSED UTILITY POLE
⊙	EXISTING STREET MONUMENT
W	EXISTING WATER BOX
U	EXISTING UTILITY BOX
FA	EXISTING FIRE ALARM BOX
E	EXISTING ELECTRIC BOX
⊕	EXISTING JOINT POLE
⊕	EXISTING WATER VALVE
⊕	EXISTING FIRE HYDRANT
⊕	EXISTING GAS VALVE
⊕	EXISTING SANITARY SEWER MANHOLE
⊕	EXISTING SANITARY SEWER CLEANOUT
⊕	EXISTING STORM DRAIN MANHOLE
⊕	EXISTING CATCH BASINS
⊕	EXISTING TRAFFIC SIGNAL
⊕	EXISTING STREET LIGHT
⊕	EXISTING STREET SIGN
+	EXISTING GRADE
▲	CONTROL POINT
⊕	SITE BENCHMARK



CIVIL IMPROVEMENT PLAN / LIMITS OF CONSTRUCTION



VICINITY MAP
NOT TO SCALE

CIVIL SHEET INDEX

- C0.1 CIVIL COVER SHEET
- C1.0 PRELIMINARY SITE AND UTILITY PLAN
- C2.0 PRELIMINARY GRADING AND DRAINAGE PLAN
- C3.0 PRELIMINARY STORM WATER QUALITY CONTROL PLAN

SOILS REPORT NOTE:

THE CONTRACTOR SHALL FOLLOW ALL RECOMMENDATIONS AND PROCEDURES AS DESCRIBED IN THE GEOTECHNICAL REPORT TITLED "GEOTECHNICAL INVESTIGATION FOR 2701 SHATTUCK AVENUE BUILDING, BERKELEY, CALIFORNIA"; PREPARED BY AMSO CONSULTING ENGINEERS, DATED JULY 15, 2013.

SURVEY NOTE:

TOPOGRAPHIC SURVEY PROVIDED BY VEGVARY AND VEGVARY, DATED 06/22/2000, AND UPDATED 03/2014 BY MORROW SURVEYING. ALL EXISTING INFORMATION PRESENTED IN THESE PLANS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR AND ANY DISCREPANCIES IN THE PLANS SHALL BE MADE AWARE TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

EASEMENT NOTE:

NO TITLE REPORT WAS PROVIDED TO AID IN THE DEVELOPMENT OF THESE PLANS.

CITY OF BERKELEY BENCHMARK

BASED ON THE MORROW SURVEY, THE ELEVATIONS SHOWN HEREON ARE BASED ON CITY OF BERKELEY DATUM. BENCHMARK B3651, ELEVATION = 145.98.

CITY OF BERKELEY ENCROACHMENT PERMIT NOTE:

ALL IMPROVEMENTS SHOWN IN THE RIGHT-OF-WAY REQUIRE APPROVALS AND PERMITS FROM CITY OF BERKELEY PUBLIC WORKS ENGINEERING.

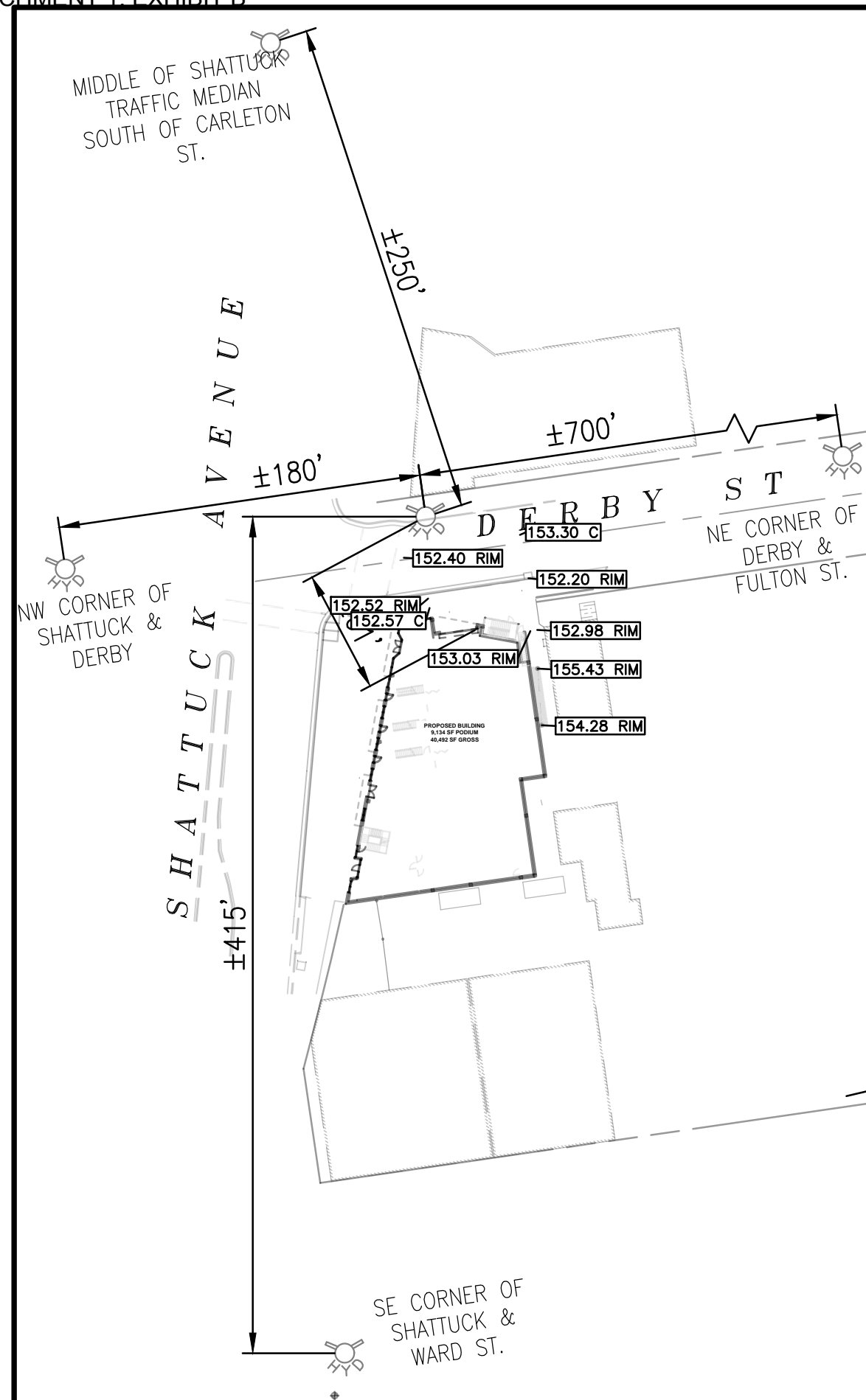
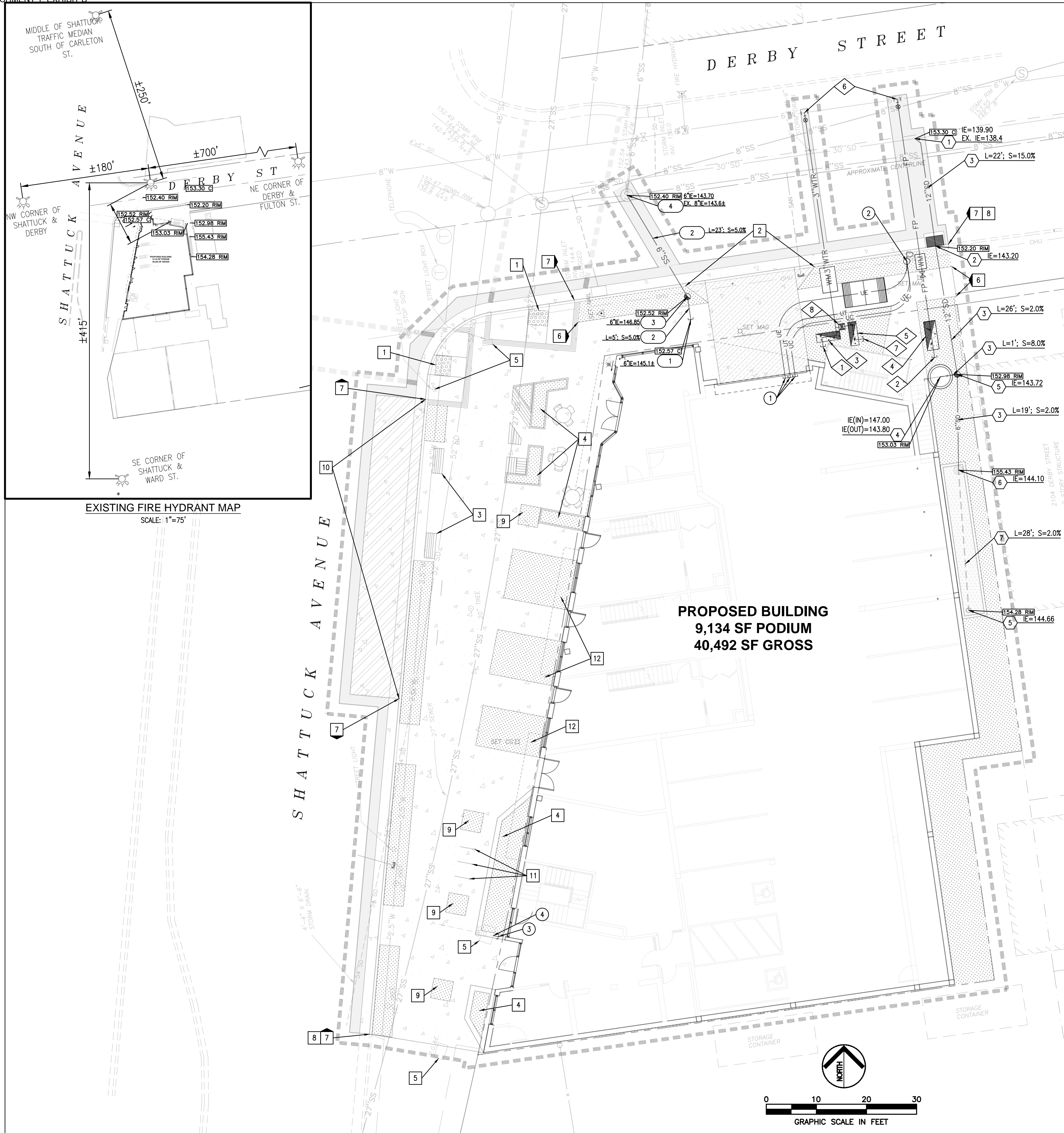
ABBREVIATIONS

AC	ASPHALT CONCRETE	FDC	FIRE DEPARTMENT CONNECTION	N.I.C.	NOT IN CONTRACT	TEV	TELEPHONE VAULT
ADA	AMERICANS WITH DISABILITIES ACT	FF	FINISHED FLOOR	NO	NUMBER	TL	TRAFFIC LIGHT
APN	ASSESSORS PARCEL NUMBER	FG	FINISHED GRADE	N.T.S.	NOT TO SCALE	TOE	TOE OF SLOPE
APWA	AMERICAN PUBLIC WORKS ASSOCIATION	FH	FIRE HYDRANT	O.C.	ON CENTER	TOP	TOP OF SLOPE/ TOP OF PIPE
ATM	AUTOMATED TELLER MACHINE	FL	FLOW LINE	OH	OVERHANG	TS	TRAFFIC SIGNAL
AVE	AVENUE	FND	FOUND	P	PAVEMENT	TSPB	TRAFFIC SIGNAL PULL BOX
BAAQMD	BAY AREA AIR QUALITY MANAGEMENT DISTRICT	FOC	FACE OF CURB	PB	PULL BOX	TVLT	TELEPHONE VAULT
BLDG	BUILDING	FP	FIRE PROTECTION	PCC	PORTLAND CEMENT CONCRETE	TOW	TOP OF WALL
BLVD	BOULEVARD	FS	FINISHED SURFACE	PGE	PACIFIC GAS AND ELECTRIC	TYP	TYPICAL
BK	BOOK	FT	FEET	PIV	POST INDICATOR VALVE	UE	UNDERGROUND ELECTRIC
BM	BENCHMARK	FW	FRONT OF WALK	POC	POINT OF CONNECTION	UT	UNDERGROUND TELEPHONE
BOP	BOTTOM OF PIPE	FWC	FACE OF WALL	PP	POWER POLE	UTL	UTILITY
BSM	BIOTREATMENT SOIL MIX	C	CONCRETE	PVC	POLYVINYL CHLORIDE	VAR	VARIABLE
C	CONCRETE	G	GAS	RD	ROAD	VAT	VACUUM AIR TUBE
CA	CALIFORNIA	GB	GRADE BREAK	RP	REDUCED PRESSURE	VLT	VAULT
CASQA	CALIFORNIA STORMWATER QUALITY ASSOCIATION	GV	GAS VALVE	S	SLOPE / SOUTH	W	WEST
CB	CATCH BASIN	HDPE	HIGH-DENSITY POLYETHYLENE	SD	SANITARY SEWER	W/	WITH
CCTV	CLOSED-CIRCUIT TELEVISION	HWY	HIGHWAY	SDM	STORM DRAIN	WM	WATER METER
CL	CENTERLINE	HYD	HYDRANT	SDMH	STORM DRAIN MANHOLE	WTR	WATER LINE
CLR	CLEAR	IE	INVERT ELEVATION	SDR35	STANDARD DIMENSIONAL RATIO 35	WV	WATER VALVE
COMM	COMMUNICATION	INV	INVERT	SF	SQUARE FEET	WVLT	WATER VAULT
CONC	CONCRETE	IV	IRRIGATION VALVE	SL	STREET LIGHT		
CVLT	COMMUNICATION VAULT	J	JUNCTION	SLPB	STREET LIGHT PULL BOX		
DCV	DETECTOR CHECK VALVE	JP	JOINT POLE	SP	SPECIFIC PLAN		
DCDA	DOUBLE CHECK DETECTOR ASSEMBLY	L	LENGTH	SPEC	SPECIFICATION		
DI	DROP INLET	L/S	LANDSCAPE	SS	SANITARY SEWER		
DIA	DIAMETER	LF	LINEAL FEET	SSCO	SANITARY SEWER CLEAN OUT		
DWG	DRAWING	LTL	LOT LIGHT	SSMH	SANITARY SEWER MANHOLE		
E	ELECTRIC / EAST	LUM	LUMINAIRE	ST	STREET		
ECAB	ELECTRIC CABINET	MAX	MAXIMUM	STD	STANDARD		
EVLT	ELECTRIC VAULT	MH	MANHOLE	STLT	STREET LIGHT		
EX	EXISTING	MIN	MINIMUM	SW	SIDEWALK		
		MON	MONUMENT	T	TELEPHONE		
		MTR	METER	TBM	TEMPORARY BENCHMARK		
		N	NORTH	TC	TOP OF CURB		
		NG	NATURAL GROUND	TCD	TRAFFIC CONTROL DEVICE		

UTILITY LOCATE INFORMATION

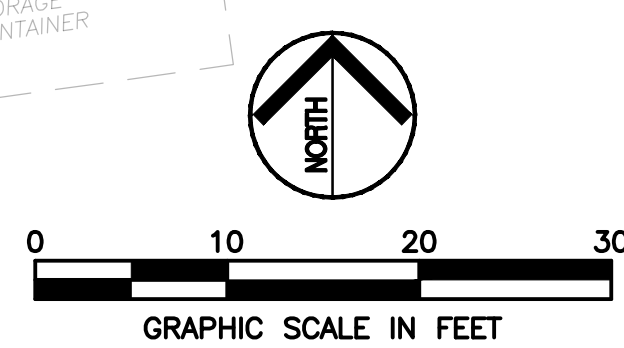


THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES, PIPES AND/OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL ASCERTAIN THE TRUE VERTICAL AND HORIZONTAL LOCATION AND SIZE OF ANY UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR DAMAGE TO PUBLIC OR PRIVATE UTILITIES SHOWN OR NOT SHOWN HEREON.



EXISTING FIRE HYDRANT MAP
SCALE: 1"=75'

PROPOSED BUILDING
9,134 SF PODIUM
40,492 SF GROSS



LEGEND

- EXISTING PROPERTY LINE
- - - - EXISTING SITE IMPROVEMENTS
- PROPOSED PCC CURB
- SAN --- EXISTING SANITARY SEWER LINE
- WTR --- EXISTING WATER LINE
- SD --- EXISTING STORM DRAIN LINE
- OETC --- EXISTING OVERHEAD ELECTRICAL, TELEPHONE, AND COMMUNICATION LINE
- G --- EXISTING GAS LINE
- x --- PROPOSED GOOD NEIGHBOR FENCE - SEE LANDSCAPE PLANS FOR DETAILS
- G --- PROPOSED GAS SERVICE
- FP --- PROPOSED FIRE WATER SERVICE
- 6"SS --- PROPOSED SANITARY SEWER LINE
- 6"SD --- PROPOSED STORM DRAIN LINE - SEE SHEET C3.0 FOR CONSTRUCTION
- WTR --- PROPOSED WATER LINE
- UE --- PROPOSED UNDERGROUND ELECTRICAL SERVICE LINE
- UT --- PROPOSED UNDERGROUND TELEPHONE SERVICE LINE
- UC --- PROPOSED UNDERGROUND CABLE SERVICE LINE

- PROPOSED PCC PAVEMENT SIDEWALK
- ▨ PROPOSED CITY OF BERKELEY BUS STOP HEAVY DUTY PCC PAVEMENT BUS STOP
- ▨ PROPOSED CITY OF BERKELEY DRIVEWAY HEAVY DUTY PCC PAVEMENT
- ▨ PROPOSED LANDSCAPE AREA - REFER TO LANDSCAPE PLANS FOR ALL DETAILS
- ▨ PROPOSED DETECTABLE WARNING
- ▨ PROPOSED AC PAVING DEEP LIFT
- ▨ PROPOSED EBMD APPROVED LEAD FREE RP DEVICE, WILKINS 375A (3" DOMESTIC) AND WILKINS 975XL2MS (1" IRRIGATION), OR APPROVED EQUIVALENT
- WM PROPOSED 3" WATER METER
- WM PROPOSED FIRE SERVICE WATER METER WITH SINGLE CHECK VALVE
- DDCA PROPOSED EBMD APPROVED LEAD-FREE DOUBLE DETECTOR CHECK ASSEMBLY, WILKINS 350A OR APPROVED EQUIVALENT
- PROPOSED UNDERGROUND ELECTRICAL TRANSFORMER VAULT FOR DETAILS
- PROPOSED RELOCATED JOINT POLE
- PROPOSED CLEANOUT

CIVIL SITE PLAN KEY NOTES

- 1 CITY OF BERKELEY CASE 1 WHEELCHAIR RAMP WITH DETECTABLE WARNING.
- 2 PROPOSED CITY OF BERKELEY COMMERCIAL DRIVEWAY APPROACH WITH CURB AND GUTTER.
- 3 PROPOSED BENCH, SEE LANDSCAPE PLANS FOR DETAIL.
- 4 PROPOSED LANDSCAPE PLANTER BOX. SEE LANDSCAPE PLAN FOR DETAILS.
- 5 ADJUST EXISTING RIM TO GRADE.
- 6 PROPOSED PCC SIDEWALK THICKENED EDGE WHERE PAVING ABUTS LANDSCAPE WITHOUT A CURB.
- 7 STANDARD CITY OF BERKELEY CURB AND GUTTER.
- 8 CONFORM TO EXISTING CURB HEIGHT.
- 9 PROPOSED TREE WELL. SEE LANDSCAPE PLANS FOR DETAIL.
- 10 CITY OF BERKELEY BUS STOP.
- 11 PROPOSED BIKE RACK. SEE LANDSCAPE PLANS FOR DETAIL.
- 12 ON GRADE LANDSCAPE PLANTERS. SEE LANDSCAPE PLANS FOR DETAIL.

- ⊙ EXISTING STREET MONUMENT
- W EXISTING WATER BOX
- U EXISTING UTILITY BOX
- FA EXISTING FIRE ALARM BOX
- E EXISTING ELECTRIC BOX
- EXISTING JOINT POLE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING GAS VALVE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING CATCH BASINS
- EXISTING STREET LIGHT
- EXISTING STREET SIGN
- EXISTING GRADE
- ▲ CONTROL POINT
- SITE BENCHMARK

SANITARY KEY NOTES

- 1 PROPOSED 6" SANITARY SEWER POINT OF CONNECTION TO BUILDING. SEE PLUMBING PLAN FOR CONTINUATION - BACKWATER CHECK VALVE REQUIRED AT PROPERTY LINE. VERIFY INVERT IN RELATION TO EXISTING SEWER MAIN PRIOR TO CONSTRUCTION.
- 2 PROPOSED 6" DIAMETER SCHEDULE 40 PVC PIPE (OR APPROVED EQUIVALENT). LENGTH AND SLOPE PER PLAN.
- 3 PROPOSED 22.5 BEND WITH CLEANOUT. INVERT ELEVATION PER PLAN.
- 4 BREAK INTO EXISTING SEWER MANHOLE BASE. APPROXIMATE INVERT PER PLAN. CONTRACTOR TO VERIFY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

WATER KEY NOTES

- 1 PROPOSED 3" DOMESTIC WATER POINT OF CONNECTION TO BUILDING. SEE PLUMBING PLANS FOR CONTINUATION.
- 2 PROPOSED 6" FIRE WATER SERVICE PROTECTION POINT OF CONNECTION TO BUILDING. SEE PLUMBING AND FIRE PROTECTION PLANS FOR CONTINUATION AND LOCATION OF FDC AND PIV.
- 3 PROPOSED ABOVE GROUND 3" BACKFLOW PREVENTION ASSEMBLY FOR DOMESTIC SERVICE LINE.
- 4 PROPOSED ABOVE GROUND 6" DOUBLE CHECK ASSEMBLY FOR FIRE SERVICE. EBMD TO VERIFY NEED FOR DOUBLE CHECK UPON SERVICE APPLICATION.
- 5 PROPOSED ABOVE GROUND 1" BACKFLOW PREVENTION ASSEMBLY FOR IRRIGATION SERVICE LINE.
- 6 PROPOSED CONNECTION FOR 3" WATER AND 6" FIRE WATER SERVICES TO WATER MAIN IN DERBY STREET.
- 7 PROPOSED 1" IRRIGATION WATER POINT OF CONNECTION. SEE IRRIGATION PLANS FOR CONTINUATION.
- 8 PROPOSED IRRIGATION SUB-METER. SEE IRRIGATION PLANS FOR DETAILS.

DRY UTILITY KEY NOTES

- 1 PROPOSED ELECTRICAL, TELEPHONE AND CABLE/DATA POINT OF CONNECTION TO BUILDING. CONTRACTOR SHALL CONFIRM AND COORDINATE LOCATION WITH ARCHITECTURAL AND ELECTRICAL PLANS FOR CONDUIT SIZE AND TYPE.
- 2 CONNECT PROPOSED ELECTRICAL, TELEPHONE, AND CABLE/DATA TO THE RELOCATED JOINT POLE. CONTRACTOR SHALL CONFIRM AND COORDINATE LOCATION WITH ARCHITECTURAL AND ELECTRICAL PLANS.
- 3 PROPOSED GAS SERVICE LINE POINT OF CONNECTION TO BUILDING. REUSE EXISTING SERVICE LINE - CONFIRM SIZE AND LOCATION WITH MECHANICAL PLANS AND PG&E. GAS METER TO BE LOCATED INSIDE THE BUILDING IN DEDICATED METER ROOM. SEE PLUMBING PLANS FOR CONTINUATION.
- 4 CONNECT GAS SERVICE TO EXISTING GAS VALVE - CONFIRM EXISTING SIZE WITH PG&E.

STORM DRAIN CONSTRUCTION NOTES

- 1 PROPOSED 12" DIAMETER ROP LATERAL CONNECTION TO EXISTING STORM DRAIN BOX CULVERT PER GREENBOOK STANDARD PLAN 335-2, LATEST EDITION. TRENCH AND BACKFILL PER CITY OF BERKELEY STANDARD PLAN.
- 2 PROPOSED CATCH BASIN WITH CURB INLET PER CITY OF BERKELEY STANDARD PLAN 6166.
- 3 PROPOSED 12" DIAMETER ROP STORM DRAIN PIPE OR APPROVED EQUIVALENT. LENGTH AND SLOPE PER PLAN.
- 4 PROPOSED 72" PRE-CAST CONCRETE MANHOLE WITH CONTECH STORMFILTER SFMH48 MEDIA FILTER OR APPROVED EQUIVALENT.
- 5 PROPOSED STORM DRAIN CLEAN-OUT. RIM AND INVERT PER PLAN.
- 6 PROPOSED LANDSCAPE AREA DRAIN INLET. RIM AND INVERT PER PLAN.
- 7 PROPOSED 4" PERFORATED PIPE UNDERDRAIN. LENGTH AND SLOPE PER PLAN.

revisions	by
DRC SUBMITTAL 12/15/16	
DRC SUBMITTAL 1/27/17	
ZAB SUBMITTAL 9/12/17	
ZAB SUBMITTAL 1/03/18	
ZAB SUBMITTAL 3/07/18	
ZAB SUBMITTAL 11/08/2018	

HDO
architects, planners
2950 camino diablo suite 110
walnut creek, ca 94597
(925) 256-6042

CALICHI
CALICHI DESIGN GROUP
2104 DERBY STREET
BERKELEY, CA 94709
WWW.CALICHI.COM

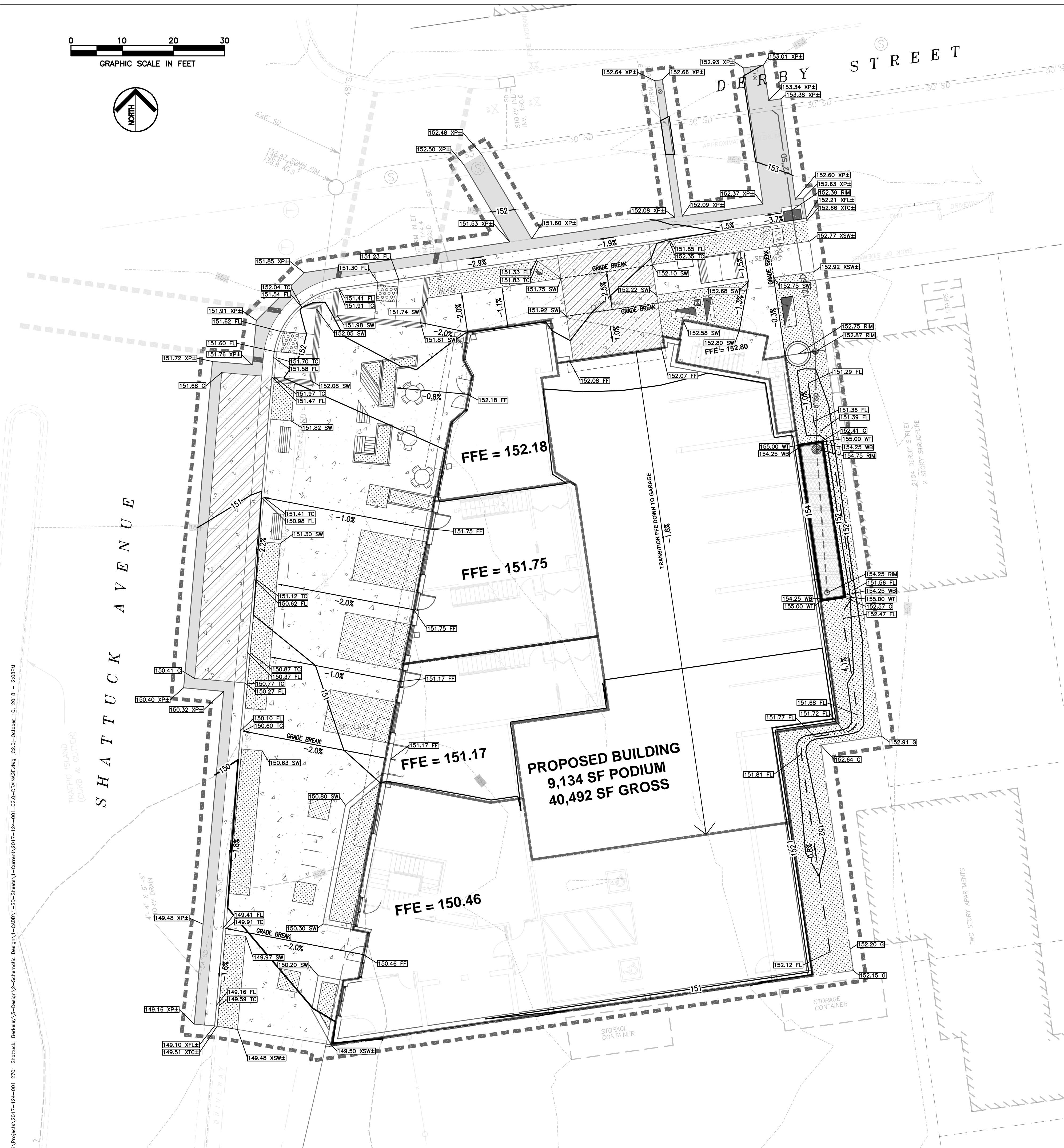
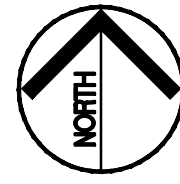
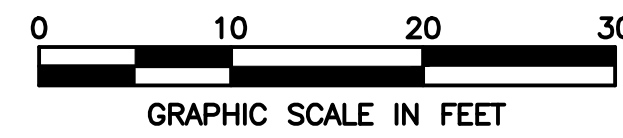
REGISTERED PROFESSIONAL ENGINEER
C 69670
EXP. 8-31-2020
CIVIL
STATE OF CALIFORNIA
R. J. ...
1/28/18

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PRELIMINARY SITE AND UTILITY PLAN

drawn
checked RP
date 11/08/18
scale
job no. 1802
sheet

C1.0



SPOT GRADING LEGEND

- 80.00 EX INDICATES ELEVATION TO MATCH EXISTING
- 80.00 FFF INDICATES ELEVATION AT BUILDING FINISHED FLOOR
- 80.00 C INDICATES ELEVATION AT TOP OF CONCRETE
- 80.00 TC INDICATES ELEVATION AT TOP OF CURB
- 80.00 G INDICATES ELEVATION AT FINISHED GROUND
- 80.00 FL INDICATES ELEVATION AT FLOW LINE
- 80.00 BW INDICATES ELEVATION AT BOTTOM OF WALL
- 80.00 TW INDICATES ELEVATION AT TOP OF WALL
- 80.00 BS INDICATES ELEVATION AT BOTTOM OF STAIR
- 80.00 TS INDICATES ELEVATION AT TOP OF STAIR
- 80.00 RM INDICATES ELEVATION AT STORM DRAIN RIM
- 1.5% DRAINAGE ARROW AND PROPOSED SLOPE
- 1.32 EXISTING 1-FT CONTOUR
- 1.32 PROPOSED 1-FT CONTOUR

SITE PAVING LEGEND

-

GEOTECHNICAL REPORT NOTE:

THE CONTRACTOR SHALL FOLLOW ALL RECOMMENDATIONS AND PROCEDURES AS DESCRIBED IN THE SOILS REPORT FOR THE PROJECT SITE BY AMSO CONSULTING ENGINEERS, TITLED "GEOTECHNICAL INVESTIGATION FOR 2701 SHATTUCK AVENUE BUILDING, BERKELEY, CALIFORNIA" AND DATED JULY 15 2013, INCLUDING ALL PROJECT SPECIFICATIONS, REQUIREMENTS, RECOMMENDATIONS AND PROCEDURES IN REGARDS TO OVEREXCAVATION, COMPACTION, SOIL REMEDIATION, DEWATERING, ETC.

PAD ELEVATION NOTE:

PAD ELEVATION SHOWN IS PER THE GEOTECHNICAL REPORT AS PROVIDED BY AMSO CONSULTING ENGINEERS, DATED JULY 15, 2013, AND COORDINATION WITH STRUCTURAL PLANS. CURRENT PAD ELEVATIONS ASSUME 5 INCH PCC SLAB OVER 2 INCH SAND OVER 4-1/4 INCH PEA GRAVEL FOR BUILDING SLABS, AND 18 INCH PCC FOR THE MAT FOUNDATION SLAB. CONTRACTOR TO VERIFY PAD ELEVATION GRADE WITH GEOTECHNICAL REPORT AND FINAL BUILDING STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE MADE AWARE TO THE ENGINEER IMMEDIATELY.

STORM DRAIN SHEET NOTES:

1. ALL SCHEDULE 40 PVC PIPES SHALL HAVE SOLVENT CEMENTED JOINTS PER MANUFACTURER'S RECOMMENDATIONS.

revisions	by
DRC SUBMITTAL 12/15/16	
DRC SUBMITTAL 1/27/17	
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ZAB SUBMITTAL 1/03/18	
ZAB SUBMITTAL 3/07/18	
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HDO
architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042

CALICHI
CALICHI DESIGN GROUP
REGISTERED PROFESSIONAL ENGINEER
C 69670
EXP. 9-30-2020
CIVIL
STATE OF CALIFORNIA
R. J. ...
10/2-10

REGISTERED PROFESSIONAL ENGINEER
REC'D VICENTE TRINIDAD
C 69670
EXP. 9-30-2020
CIVIL
STATE OF CALIFORNIA
R. J. ...
10/2-10

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PRELIMINARY GRADING AND DRAINAGE PLAN

drawn
checked RP
date 11/08/18
scale
job no. 1802
sheet

C2.0

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CORNER PARKLET



VINE CABLES/GREENSCREEN SITE FURNISHINGS



SEATING



BIKE RACKS

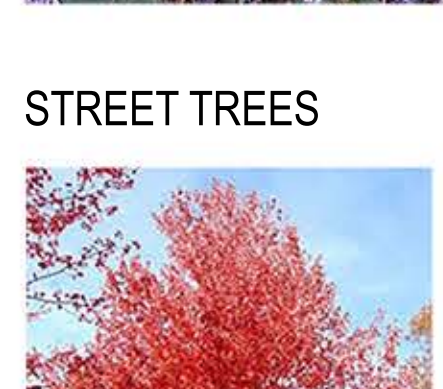


RECYCLING/TRASH

SHRUBS



VINES



STREET TREES



LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen
- 12 Greenscreen/trellis with vines
- 13 Gravel & vines in pots
- 14 Planting area
- 15 Precast pots
- 16 Accent Trees in planting area
- 17 Street Tree, pending water line depth
- 18 Parklet with removable planters & seating

GROUND LEVEL PLANTING MATERIALS

STREET TREES
 Acer rubrum 'Scarsen' - Scarlet Sentinel maple (Shattuck Ave)
 Acer buergerianum - Triden maple (Derby St)

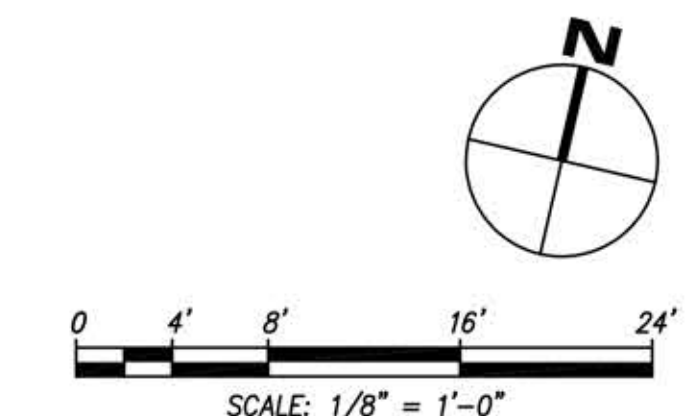
ACCENT TREES
 Lagerstroemia indica 'Dynamite' - crape myrtle

PLANTING AREA
 Acer rubrum 'armstrong' - columnar red maple
 Carex divulsa - gray sedge
 Carex tumullicola - Berkeley sedge
 Ceratostigma plumbaginoides - dwarf plumbago
 Juncus patens - gray rush
 Polystichum munitum - sword fern
 Osmanthus fragrans aurantiacus - orange sweet olive

RAISED PLANTERS / CURBED PLANTERS
 Anemone x hybrida 'Honorine Jobert' - japanese anemone
 Festuca glauca 'Elijah Blue' - blue fescue
 Helictotrichon sempervirens - blue oat grass
 Kniphofia uvaria - torch lily
 Nephrolepis cordifolia - sword fern
 Penstemon heterophyllus 'Margarita BOP' - blue bedder
 Verbena bonariensis - purple top

PRECAST POTS
 Annuals - tbd
 Carex spp. - sedge
 Kniphofia uvaria - torch lily
 Juncus patens - gray rush
 Phormium hybrids - new zealand flax

VINES ON GREENSCREEN & CABLES
 Campsis radicans - trumpet vine
 Hardenbergia violacea - lilac vine



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
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 architects, planners
 2450 camino diablo suite 110
 walnut creek, ca 94597
 (925) 256-6042

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 Orinda CA · 94563
 925.254.5422 · www.jett.land

**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
**ILLUSTRATIVE
 PLAN -
 GROUND**

drawn
 checked
 date
 scale
 job no. 1802
 sheet
L1.1

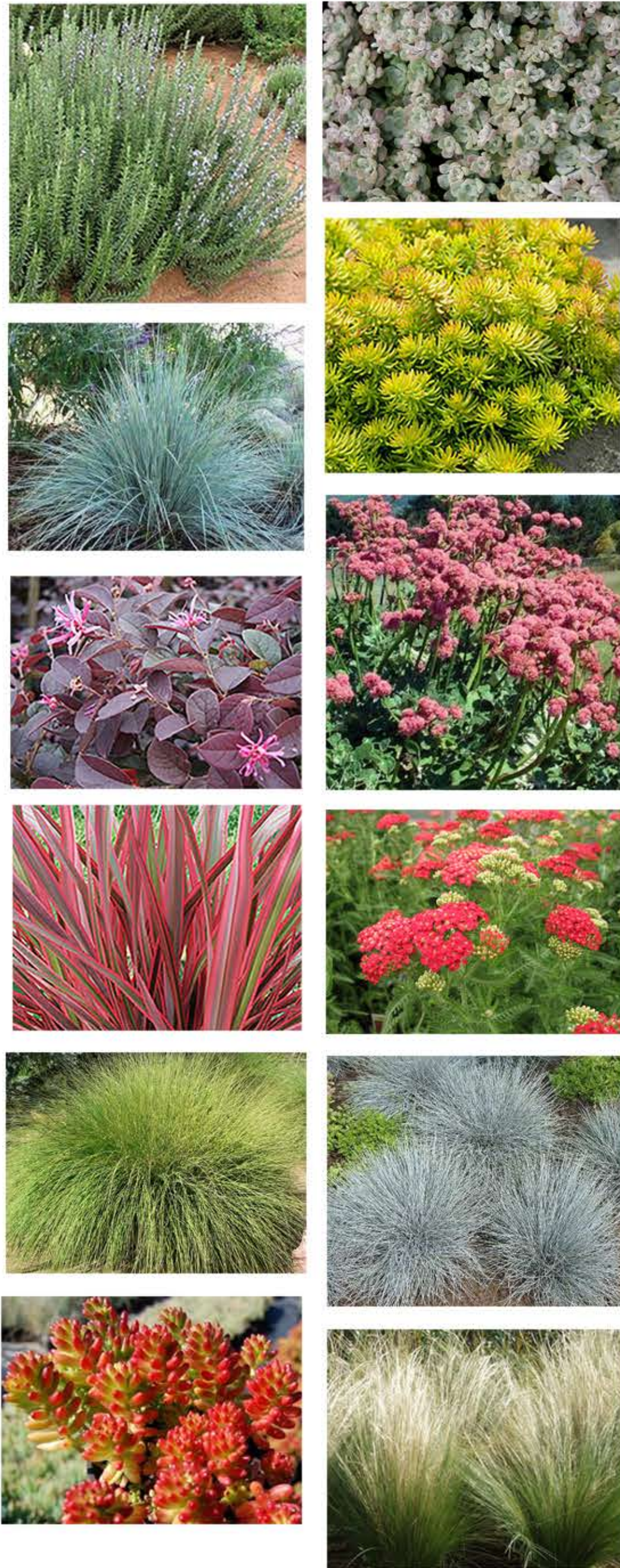
TREES



SEATING



SHRUBS & GROUNDCOVERS

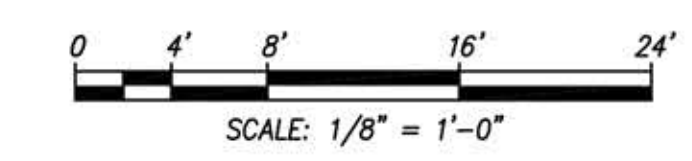
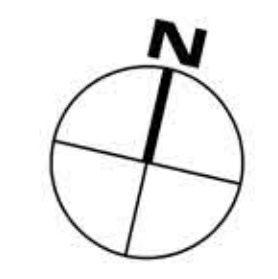


LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen
- 12 Greenscreen with vines
- 13 Gravel & vines in pots
- 14 Stormwater treatment area
- 15 Precast pots
- 16 Accent Tree in planting area

PODIUM PLANTING MATERIALS

- TREES**
- Acer palmatum 'Sangu Kaku' - japanese maple
 - Azara microphylla - box leaf azara
 - Cercis canadensis - eastern redbud
- SHRUB & GRASSES**
- Anemone x hybrida 'Honoreine Jobert' - japanese anemone
 - Carex spp. - sedge
 - Festuca glauca 'Elijah Blue' - blue fescue
 - Helictotrichon sempervirens - blue oat grass
 - Loropetalum chinense - fringe flower
 - Muhlenbergia rigens - deer grass
 - Nassella tenuissima - feather grass
 - Nephrolepis cordifolia - sword fern
 - Phormium 'Sunset' - new zealand flax
 - Rosmarinus 'Tuscan Blue' - rosemary
- GREEN ROOF MIX**
- Achillea millefolium 'Paprika' - yarrow
 - Sedum rubrotinctum - stonecrop
 - Sedum spathifolium 'Cape Blanco' - stonecrop
 - Sedum 'Angelina' - stonecrop
 - Eriogonum grande v. rubescens - buckwheat
- RAISED PLANTERS**
- Loropetalum v. rubrum 'Blush' - fringe flower
 - Muhlenbergia rigens - deer grass
 - Rosmarinus 'Tuscan Blue' - rosemary



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
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drawing
**ILLUSTRATIVE
PLAN -
PODIUM**

drawn
checked
date
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L1.2

TREES



SHRUBS & VINES



LEGEND

- 1 Concrete paving
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- 6 Built-in bench
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- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen
- 12 Greenscreen with vines
- 13 Planting pots in aggregate bed
- 14 Stormwater treatment area
- 15 Precast pots
- 16 Accent Tree in planting area
- 17 Planter with vines at trellis

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	-
ZAB SUBMITTAL 6/28/18	-
PRC SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 1/02/18	-

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architects, planners
2450 camino diablo
suite 110
walnut creek, ca
94597
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925.254.5422 - www.jett.land

**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

DERBY STREET

DERBY STREET



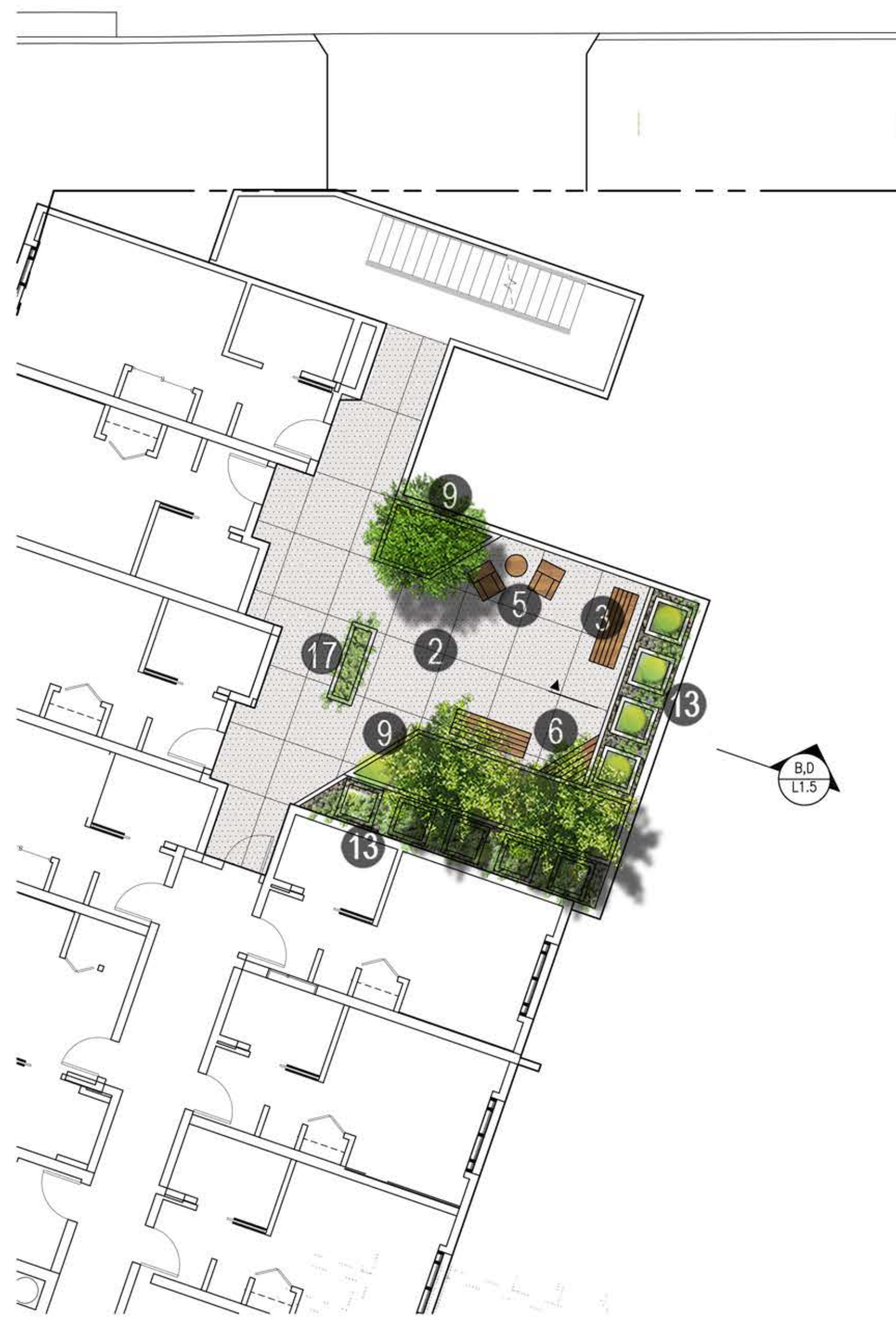
PRECAST POTS

4th & 5th LEVEL PLANTING MATERIALS

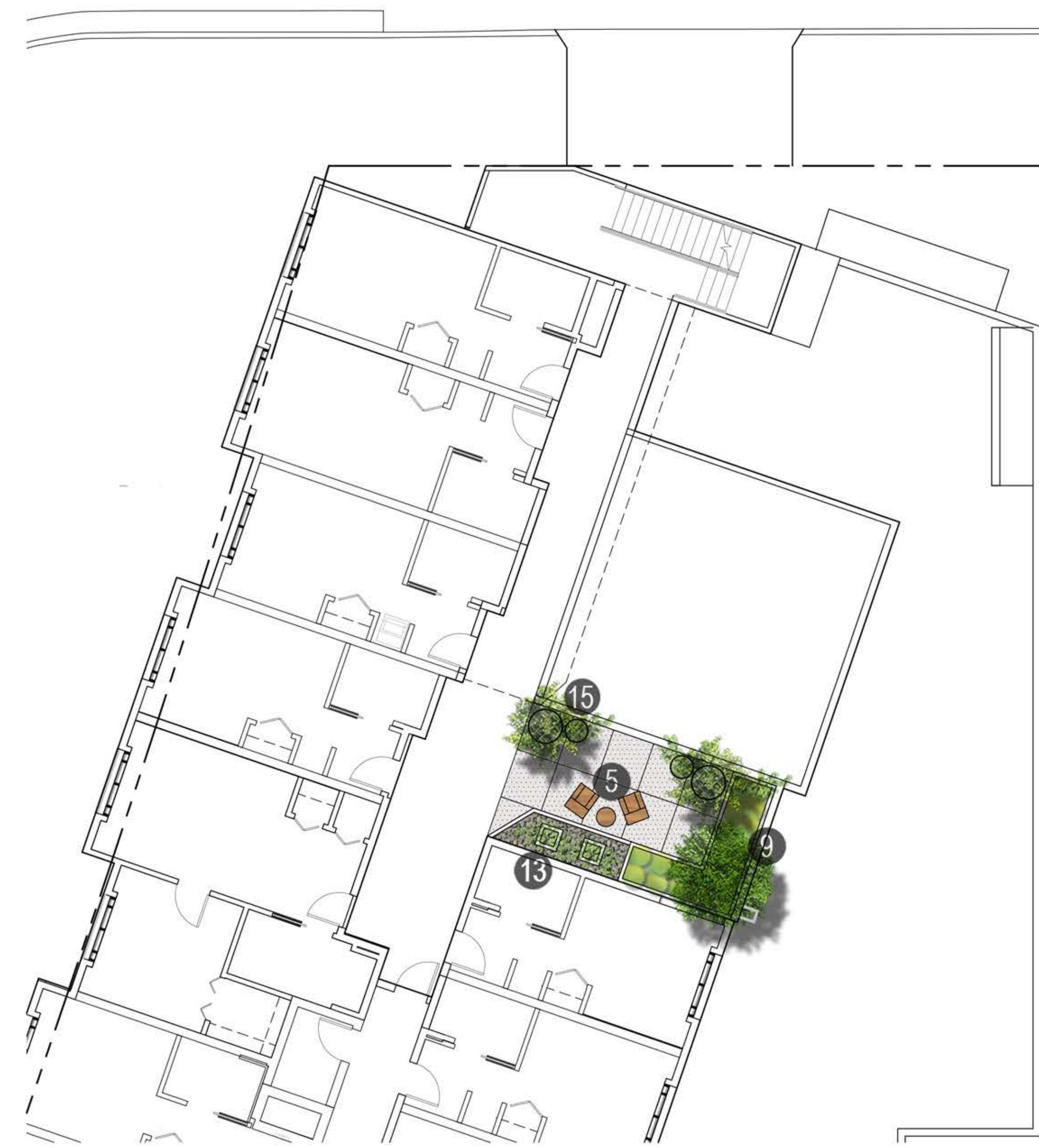
- RAISED PRECAST PLANTERS
Acer palmatum 'Sango Kaku' - Coralbark Maple
Anemone x hybrida - Japanese anemone
Cercis canadensis - Redbud
Correa 'Rays Tangerine' - Australian fuchsia
Loropetalum v. rubrum - fringe flower
Polystichum munitum - California sword fern
Sarcococca hookeriana - sweet box

- PRECAST POTS
Annuals - tbd
Carex spp. - sedge
Citrus limon 'Meyer Improved' - meyer lemon
Citrus kumquat - kumquat
Kniphofia uvana - torch lily
Juncus patens - gray rush
Phormium hybrids - New Zealand flax

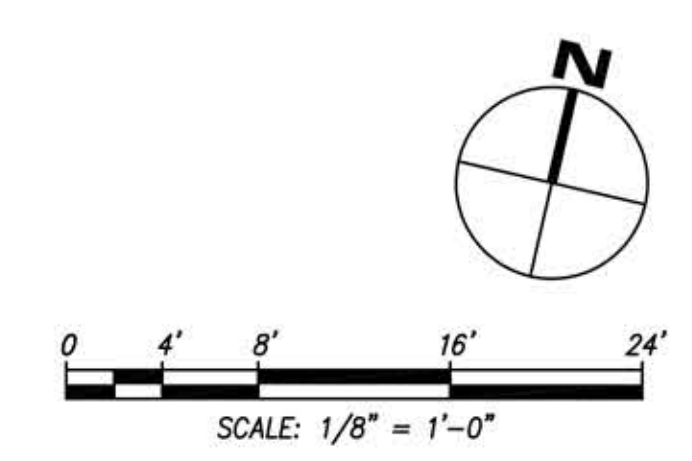
- VINES
Campsis radicans - trumpet vine



1 LANDSCAPE PLAN - 4TH FLOOR
SCALE: 1/8" = 1'-0"



2 LANDSCAPE PLAN - 5TH FLOOR
SCALE: 1/8" = 1'-0"



drawing
**ILLUSTRATIVE
PLAN - 4th &
5th FLOOR**

drawn
checked
date
scale
job no. 1802
sheet

L1.3

DERBY STREET



SHRUBS & TREES



VINES



PRECAST POTS



TRELLIS



LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen with overhead shade structure
- 12 Greenscreen with vines
- 13 Gravel & vines in pots
- 14 Stormwater treatment area
- 15 Precast pots
- 16 Accent Tree in planting area

ROOF PLANTING MATERIALS

RAISED PRECAST PLANTERS
 Anemone x hybrida - Japanese anemone
 Loropetalum v. rubrum - fringe flower
 Phormium 'Margaret Jones' - new zealand flax
 Polystichum munium - California sword fern
 Sarococca hookeriana - sweet box

PRECAST POTS
 Annuals - TBD
 Carex spp. - sedge
 Citrus limon 'Meyer Improved' - meyer lemon
 Citrus kumquat - kumquat
 Kniphofia uvaria - torch lily
 Juncus patens - gray rush
 Phormium hybrids - new zeland flax

VINES
 Campsis radicans - trumpet vine
 Hardenbergia violacea 'Happy Wanderer' - lilac vine

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRG SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 11/08/18	-

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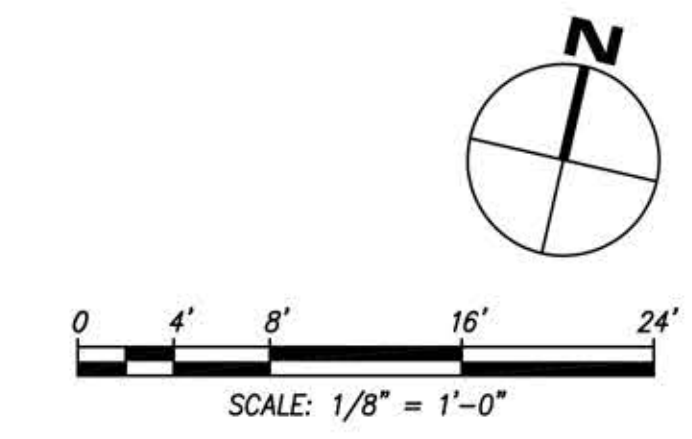
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 Orinda CA - 94563
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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
ILLUSTRATIVE PLAN - ROOF

drawn
checked
date
scale
job no. 1802
sheet

1 LANDSCAPE PLAN - ROOF
 SCALE: 1/8" = 1'-0"



L1.4

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRC SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 11/08/18	-

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2950 camino diablo
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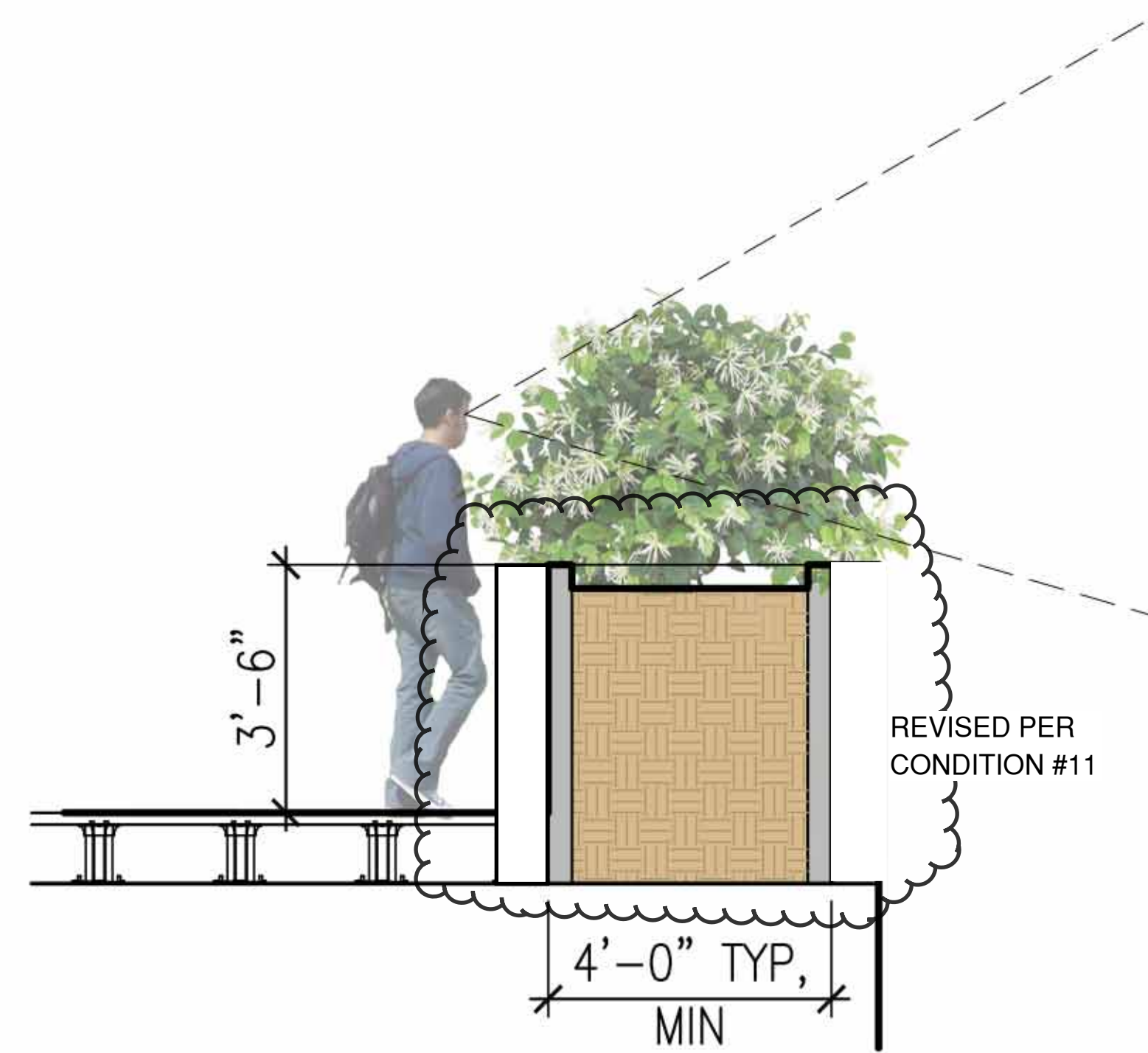
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CRLA # 3335 · 2 Theatre Square #218
Orinda CA · 94563
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

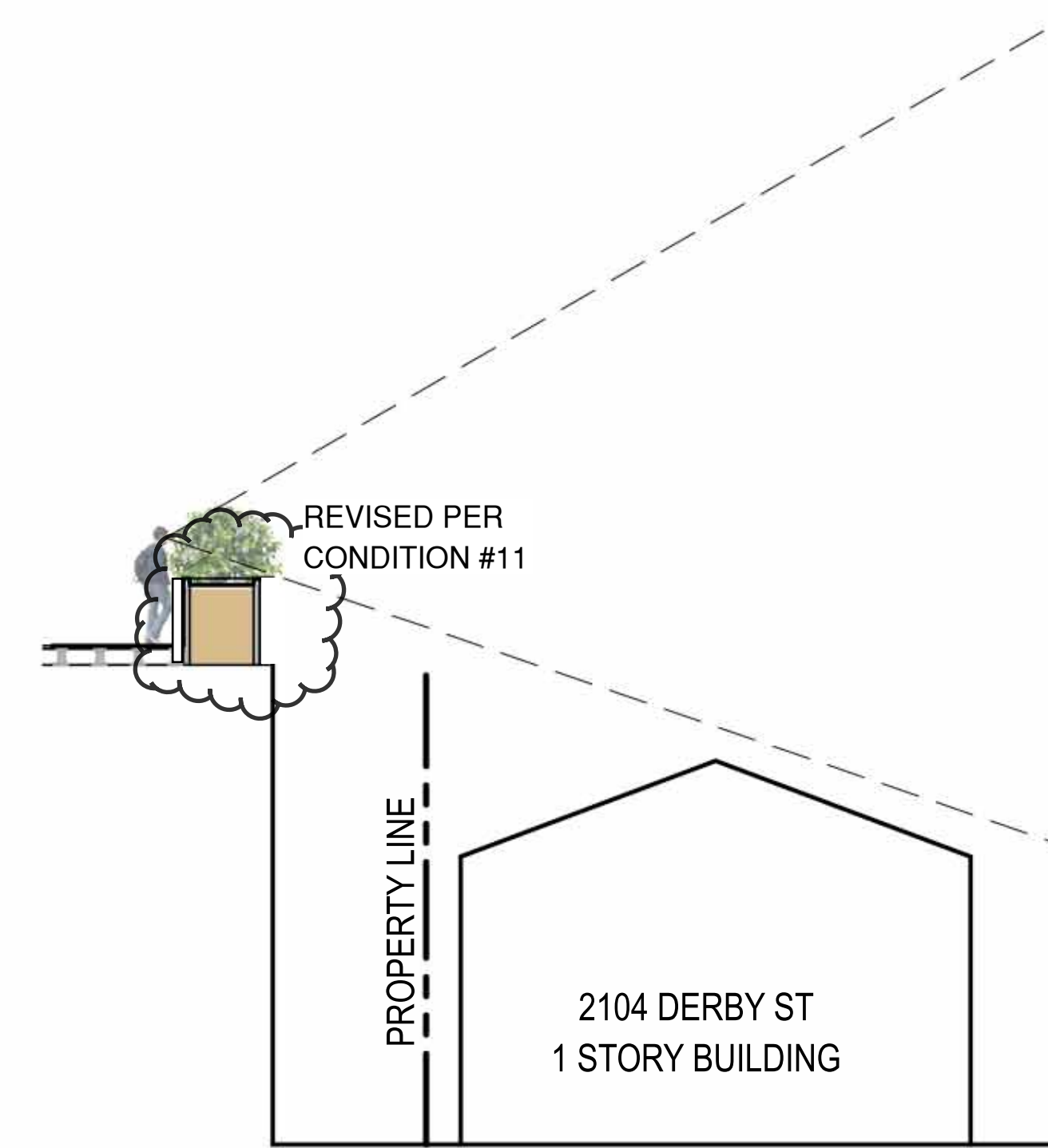
drawing
**ILLUSTRATIVE
SECTIONS**

drawn
checked
date
scale
job no.
1802
sheet

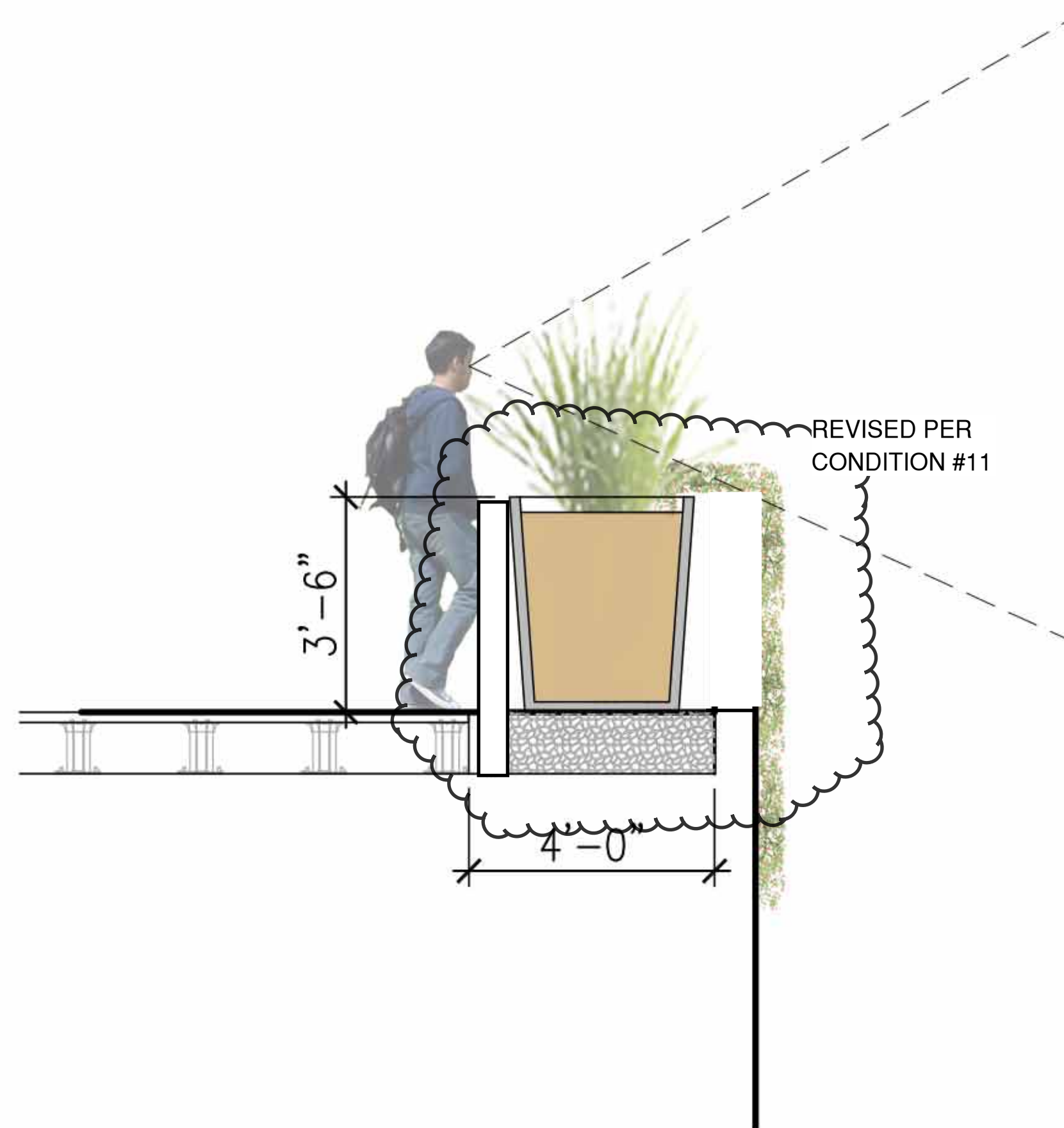
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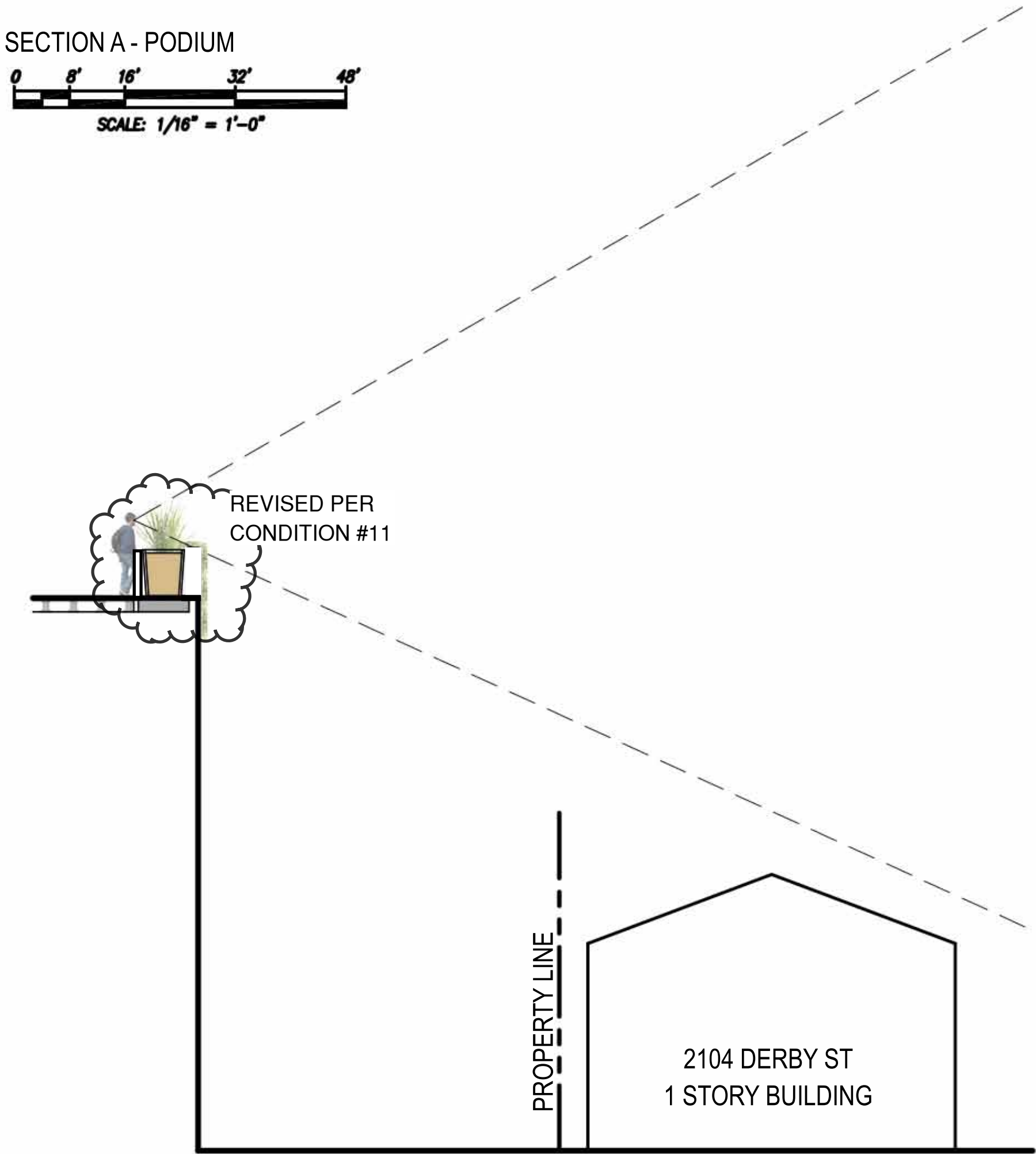
SECTION C - PODIUM
0 2' 4' 8' 12'
SCALE: 1/4" = 1'-0"



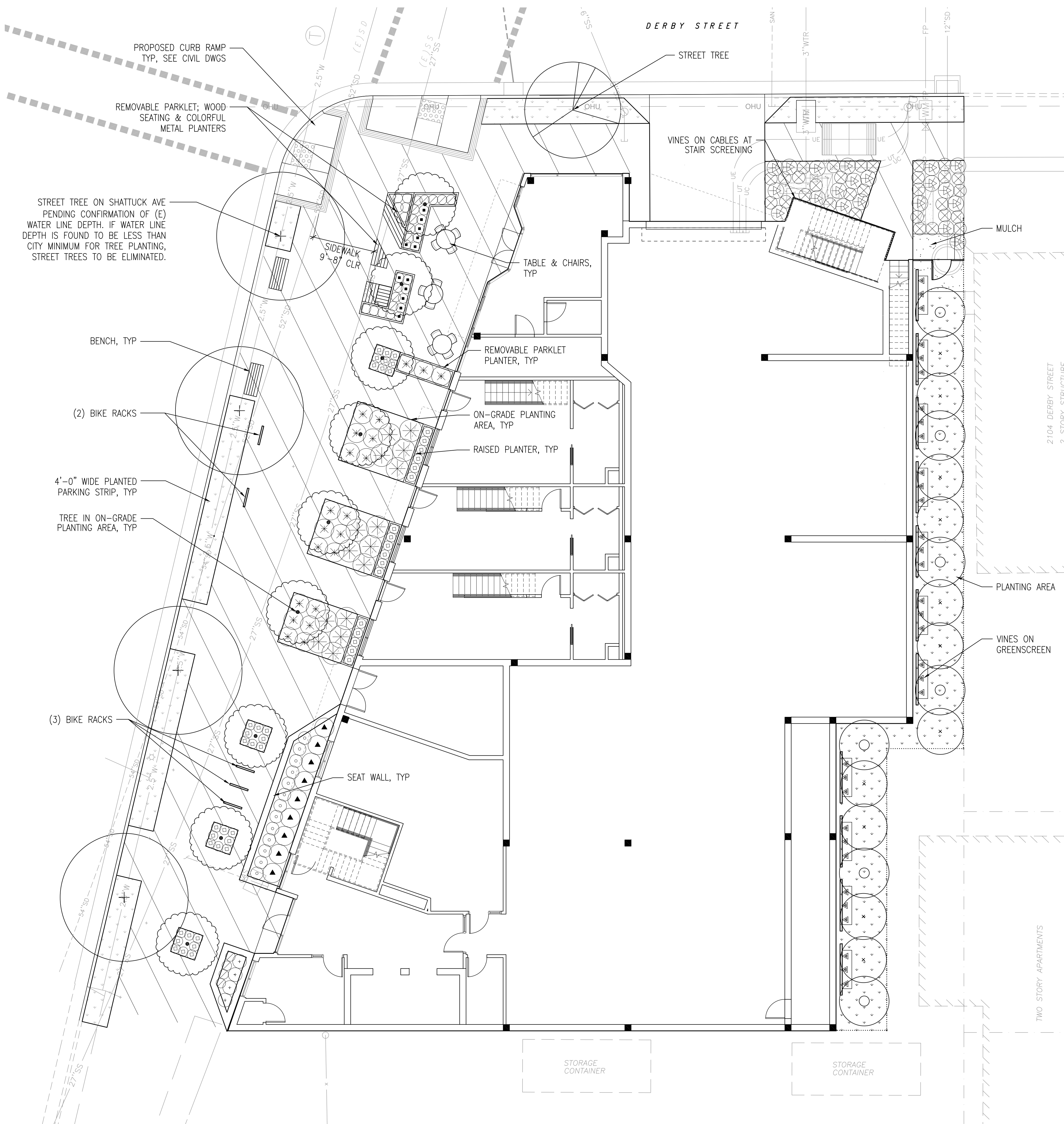
SECTION A - PODIUM
0 8' 16' 32' 48'
SCALE: 1/16" = 1'-0"



SECTION D - FOURTH AND FIFTH FLOOR, TYP
0 2' 4' 8' 12'
SCALE: 1/4" = 1'-0"



SECTION B - FOURTH FLOOR
0 8' 16' 32' 48'
SCALE: 1/16" = 1'-0"



PLANT LIST		
SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	GRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10" INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16" INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10" INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITIUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM	STONECROP
	SEDUM SPATHIFOLIUM 'CAPE BLANCO'	STONECROP
	SEDUM 'ANGELINA'	STONECROP
	ERIOGONUM GRANDE V. RUBESCENS	BUCKWHEAT
	ACHILLEA MILLEFOLIUM 'PAPRIKA'	YARROW
GROUNDCOVER GRASSES		
	CAREX SPP.	SEDGE SPECIES
	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE
	NASSELLA TENUISSIMA	FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA	GRAY SEDGE
	CAREX TUMULICOLA	BERKELEY SEDGE
	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO
	JUNCUS PATENS	GRAY RUSH
	POLYSTICHUM MUNITIUM	SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD	SEDGE SPECIES
	CAREX SPP.	TORCH LILY
	KNIPHOFIA UVARIA	GRAY RUSH
	JUNCUS PATENS	NEW ZEALAND FLAX
	PHORMIUM HYBRIDS	NEW ZEALAND FLAX

SYMBOLS

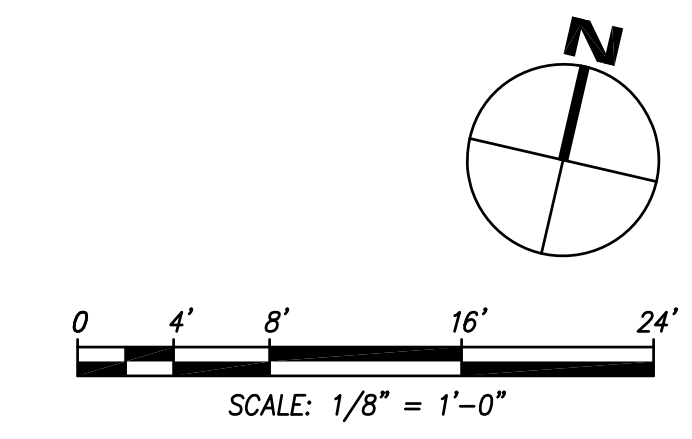
- PAVING**
- DECORATIVE PAVING PATTERN
 - COLORED CONCRETE PAVING
- SITE FURNISHINGS**
- RAISED PRECAST PLANTERS; VARIOUS SIZES
 - TABLE AND CHAIRS
 - BIKE RACKS
 - ADIRONDACK CHAIR
 - BENCH

PLANTING NOTES

- SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
- ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC MULCH.
- STREET TREES TO BE MINIMUM OF 24" BOX SIZE STANDARD TRUNK, A SINGLE DOMINANT CENTRAL LEADER WITH STAKES. ANY TREE NOT ALIVE AND VIGOROUSLY GROWING AFTER THREE YEARS SHALL BE REPLACED BY OWNER.

IRRIGATION NOTES

- THESE PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE, EBMUD SECTION 31, AND BAY-FRIENDLY BASICS AND APPLY THE ASSOCIATED CRITERIA FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.
- IRRIGATION SYSTEM IS TO BE FULLY AUTOMATIC, USING A WEATHER-BASED CONTROLLER AND LOW-FLOW DRIP, SUBSURFACE DRIP, AND BUBBLER DISTRIBUTION. BUBBLERS NOT TO EXCEED 1.5 GALLONS PER MINUTE PER BUBBLER.
- STREET TREES TO BE IRRIGATED WITH 2 BUBBLERS EACH AND VALVED INDEPENDENTLY. PROVIDE A MINIMUM OF 20 GALLON OF WATER PER WEEK BETWEEN MARCH 15TH TO OCT 15TH.



revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
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ZAB SUBMITTAL 6/20/18	-
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
PLANTING PLAN - GROUND

drawn
checked
date
scale
job no.
202
sheet

L2.1

DERBY STREET

SHATTUCK AVENUE



2104 DERBY STREET
2 STORY STRUCTURE

COLORED CONCRETE PEDESTAL PAVING, TYP

ADIRONDACK CHAIR, TYP

3' HT PLANTER

4' HT TREE PLANTER, TYP

2' HT PLANTER

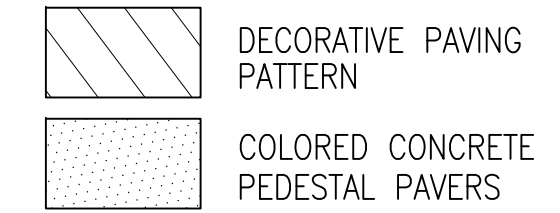
BUILT-IN BENCH, TYP

TWO STORY APARTMENTS

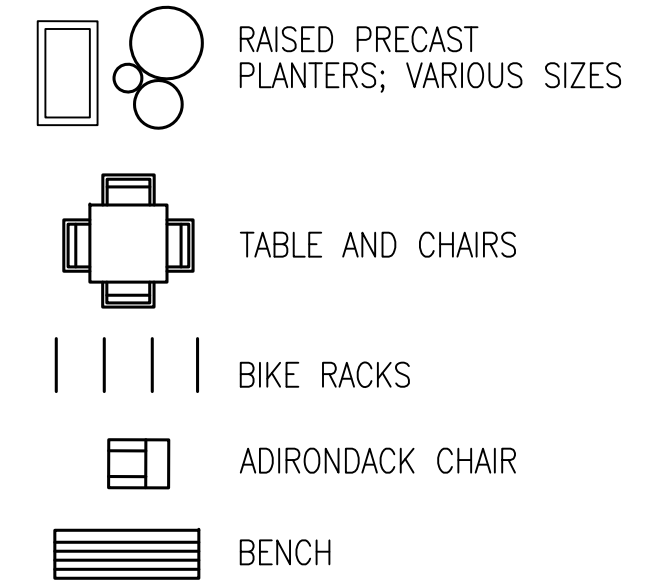
PLANT LIST		
SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
	ACER PALMATUM 'SANCU KAKU' MIN HEIGHT: 8'-10' INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16' INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10' INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITIUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPISIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM	STONECROP
	SEDUM SPATHIFOLIUM 'CAPE BLANCO'	STONECROP
	SEDUM 'ANGELINA'	STONECROP
	ERIOGONUM GRANDE V. RUBESCENS	BUCKWHEAT
	ACHILLEA MILLEFOLIUM 'PAPRIKA'	YARROW
GROUNDCOVER GRASSES		
	CAREX SPP.	SEDGE SPECIES
	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE
	NASSELLA TENUISSIMA	FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA	GRAY SEDGE
	CAREX TUMULICOLA	BERKELEY SEDGE
	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO
	JUNCUS PATENS	GRAY RUSH
	POLYSTICHUM MUNITIUM	SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD CAREX SPP.	SEDGE SPECIES
	KNIPHOFIA UVARIA	TORCH LILY
	JUNCUS PATENS	GRAY RUSH
	PHORMIUM HYBRIDS	NEW ZEALAND FLAX

SYMBOLS

PAVING



SITE FURNISHINGS

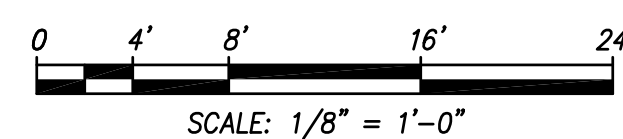
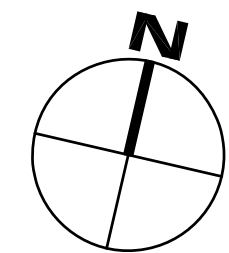


PLANTING NOTES

1. SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
2. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC MULCH.
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ZAB SUBMITTAL 9/12/17 & 1/03/18	-
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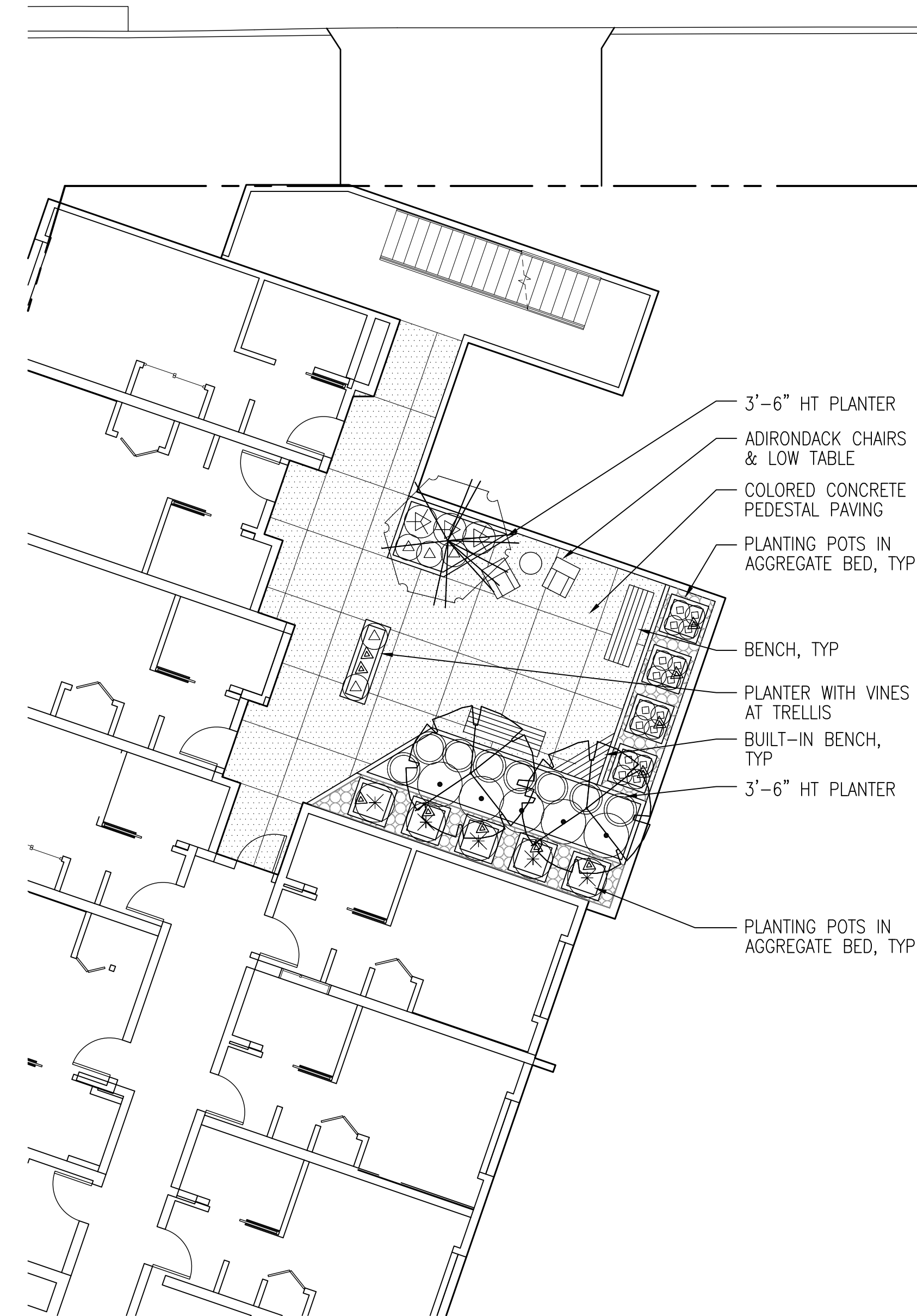
2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PLANTING PLAN - PODIUM

drawn
checked
date
scale
job no.
202
sheet

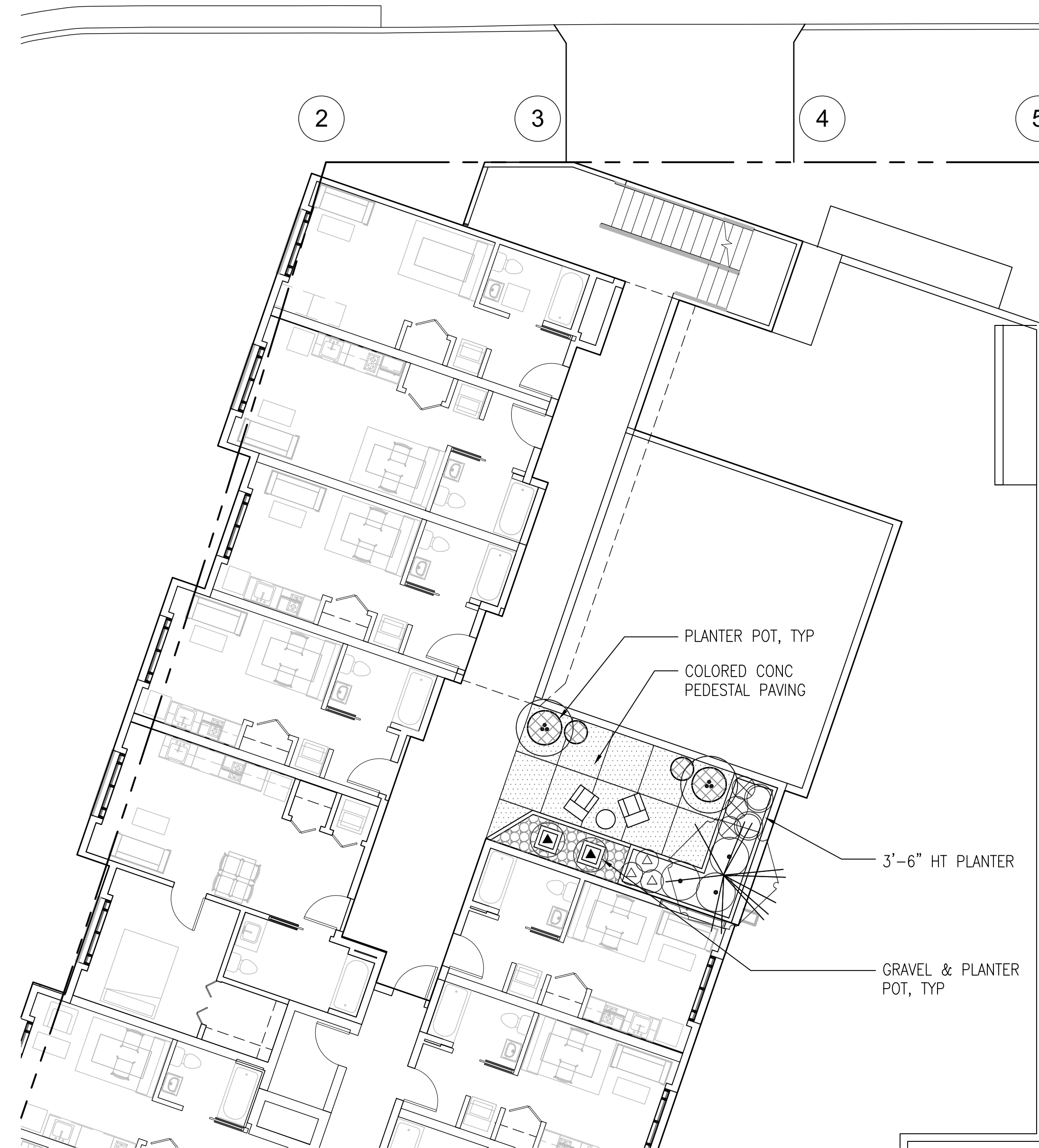
L2.2

DERBY STREET



1 PLANTING PLAN - 4TH FLOOR
SCALE: 1/8" = 1'-0"

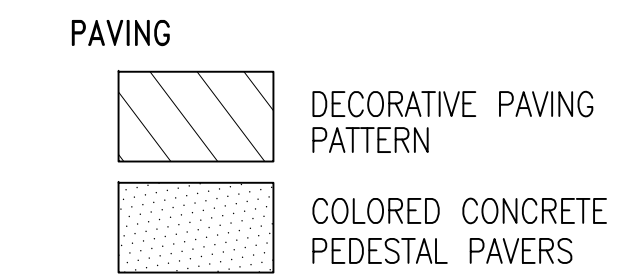
DERBY STREET



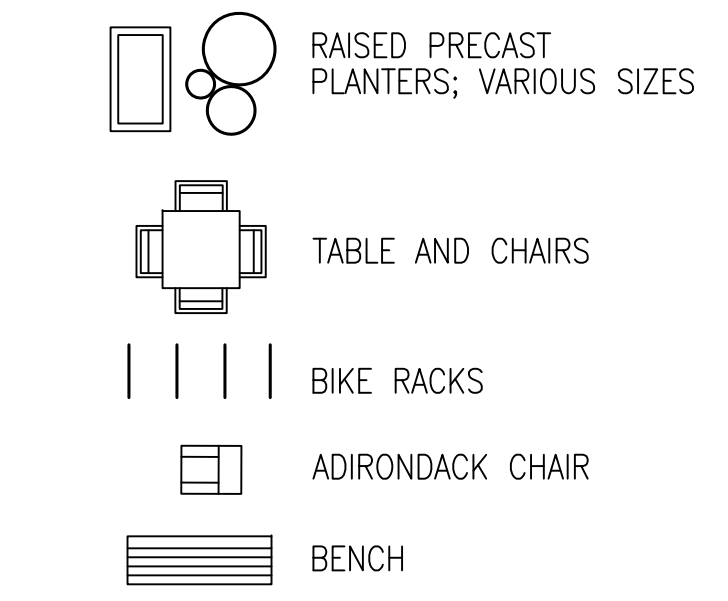
2 PLANTING PLAN - 5TH FLOOR
SCALE: 1/8" = 1'-0"

PLANT LIST		
SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10' INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16' INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10' INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITIUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPDIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM SEDUM SPATHIFOLIUM 'CAPE BLANCO' SEDUM 'ANGELINA' ERIOGONUM GRANDE V. RUBESCENS ACHILLEA MILLEFOLIUM 'PAPRIKA'	STONECROP STONECROP STONECROP BUCKWHEAT YARROW
GROUNDCOVER GRASSES		
	CAREX SPP. FESTUCA GLAUCA 'ELIJAH BLUE' NASSELLA TENUISSIMA	SEDGE SPECIES BLUE FESCUE FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA CAREX TUMULICOLA CERATOSTIGMA PLUMBAGINOIDES JUNCUS PATENS POLYSTICHUM MUNITIUM	GRAY SEDGE BERKELEY SEDGE DWARF PLUMBAGO GRAY RUSH SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD CAREX SPP. KNIPHOFIA UVARIA JUNCUS PATENS PHORMIUM HYBRIDS	- SEDGE SPECIES TORCH LILY GRAY RUSH NEW ZEALAND FLAX

SYMBOLS



SITE FURNISHINGS

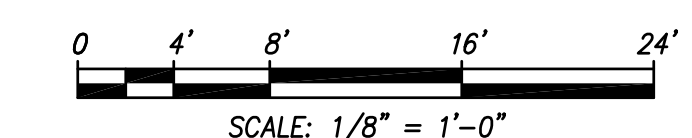
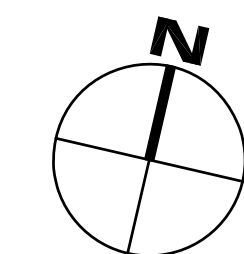


PLANTING NOTES

- SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
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DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
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ZAB SUBMITTAL 6/28/18	-
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HDO
architects, planners
2950 camino diablo suite 110 walnut creek, ca 94597 (925) 256-6042

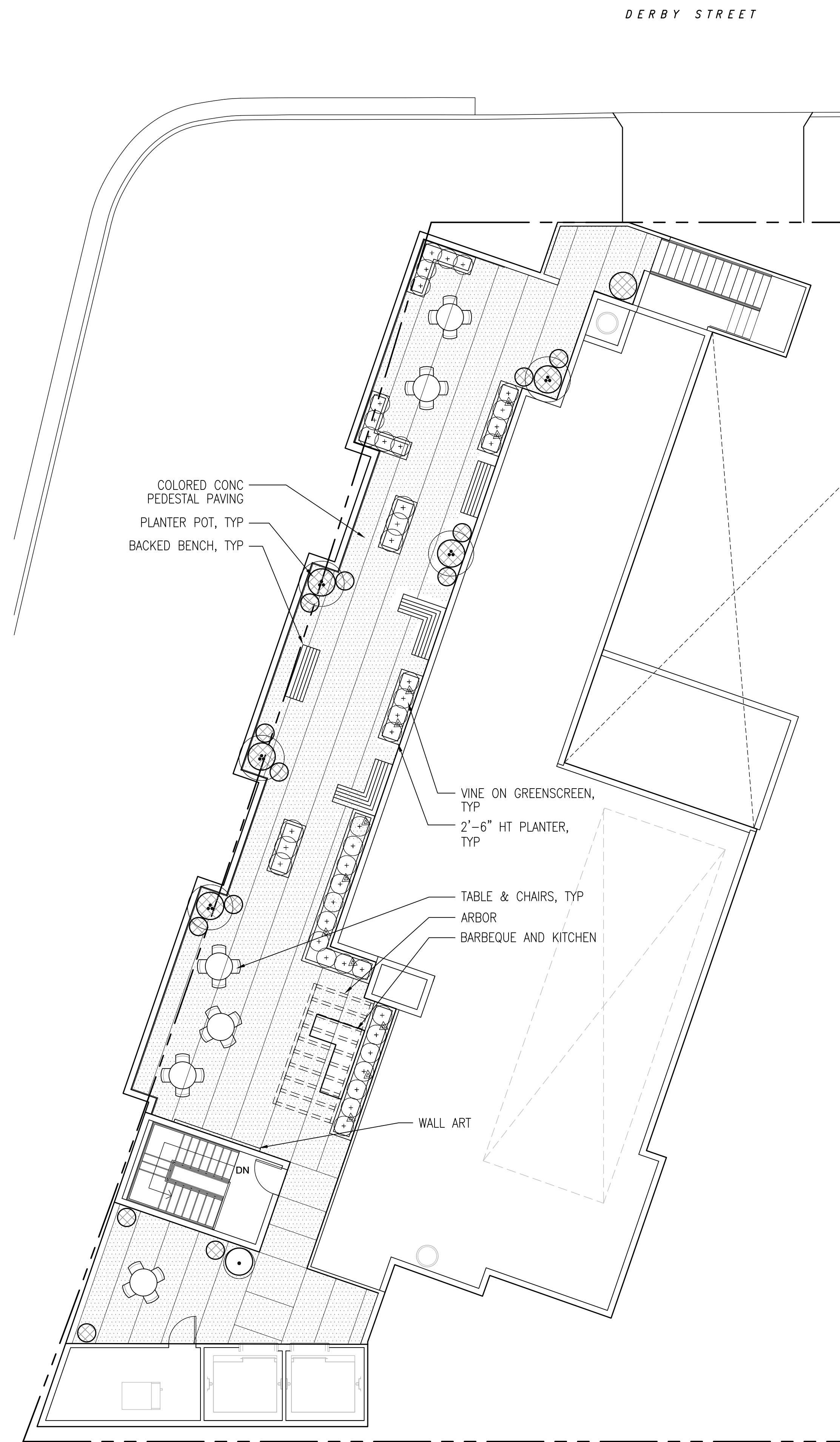
JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA # 3335 · 2 Theatre Square # 218 Orinda CA · 94563 925.254.5422 · www.jett.land

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PLANTING PLAN - 4TH & 5TH

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job no.
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sheet

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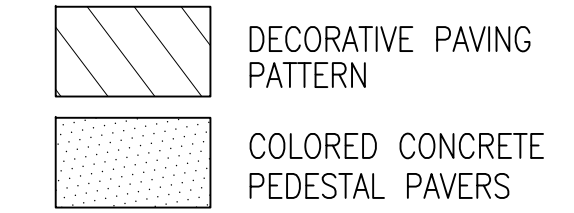


1 PLANTING PLAN - ROOF
SCALE: 1/8" = 1'-0"

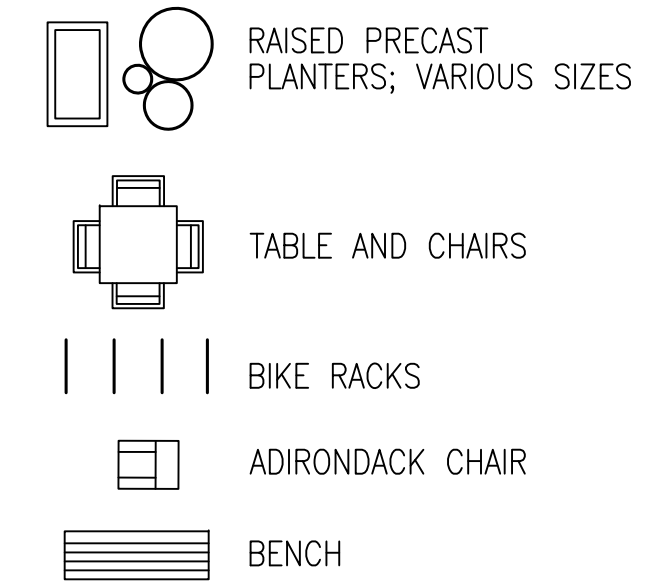
PLANT LIST		
SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	GRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10" INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16" INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10" INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITIUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPISIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM SEDUM SPATHIFOLIUM 'CAPE BLANCO' SEDUM 'ANGELINA' ERIOGONUM GRANDE V. RUBESCENS ACHILLEA MILLEFOLIUM 'PAPRIKA'	STONECROP STONECROP STONECROP BUCKWHEAT YARROW
GROUNDCOVER GRASSES		
	CAREX SPP. FESTUCA GLAUCA 'ELIJAH BLUE' NASSELLA TENUISSIMA	SEDGE SPECIES BLUE FESCUE FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA CAREX TUMULICOLA CERATOSTIGMA PLUMBAGINOIDES JUNCUS PATENS POLYSTICHUM MUNITIUM	GRAY SEDGE BERKELEY SEDGE DWARF PLUMBAGO GRAY RUSH SWORD FERN
PRECAST POT PLANTING MIX		
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SYMBOLS

PAVING



SITE FURNISHINGS

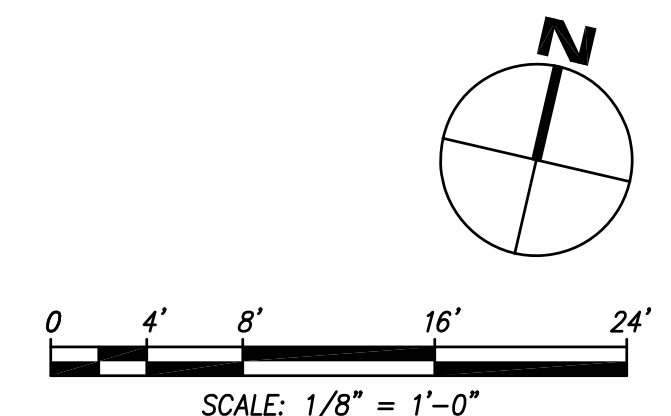


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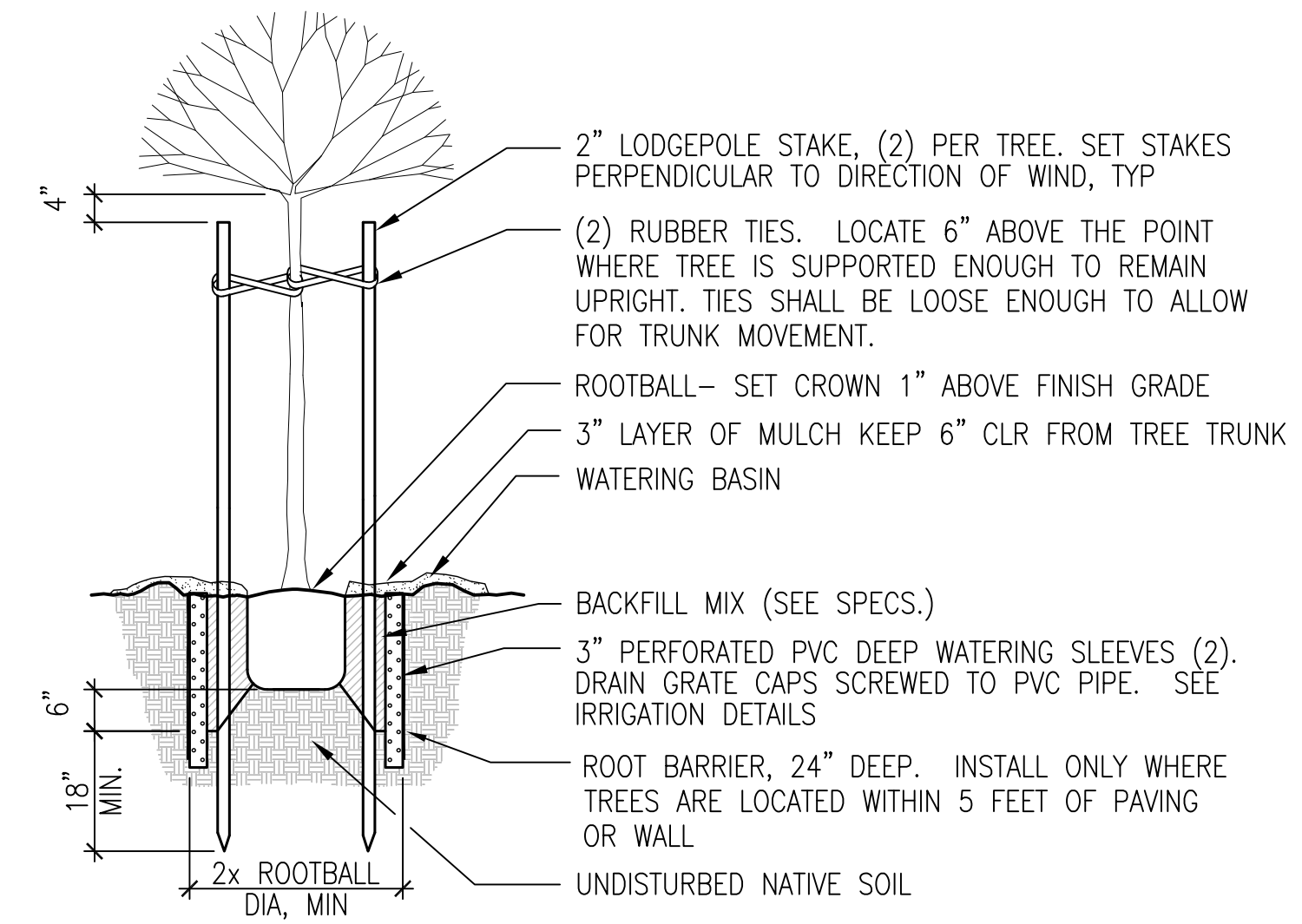
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**PLANTING
PLAN -
ROOF**

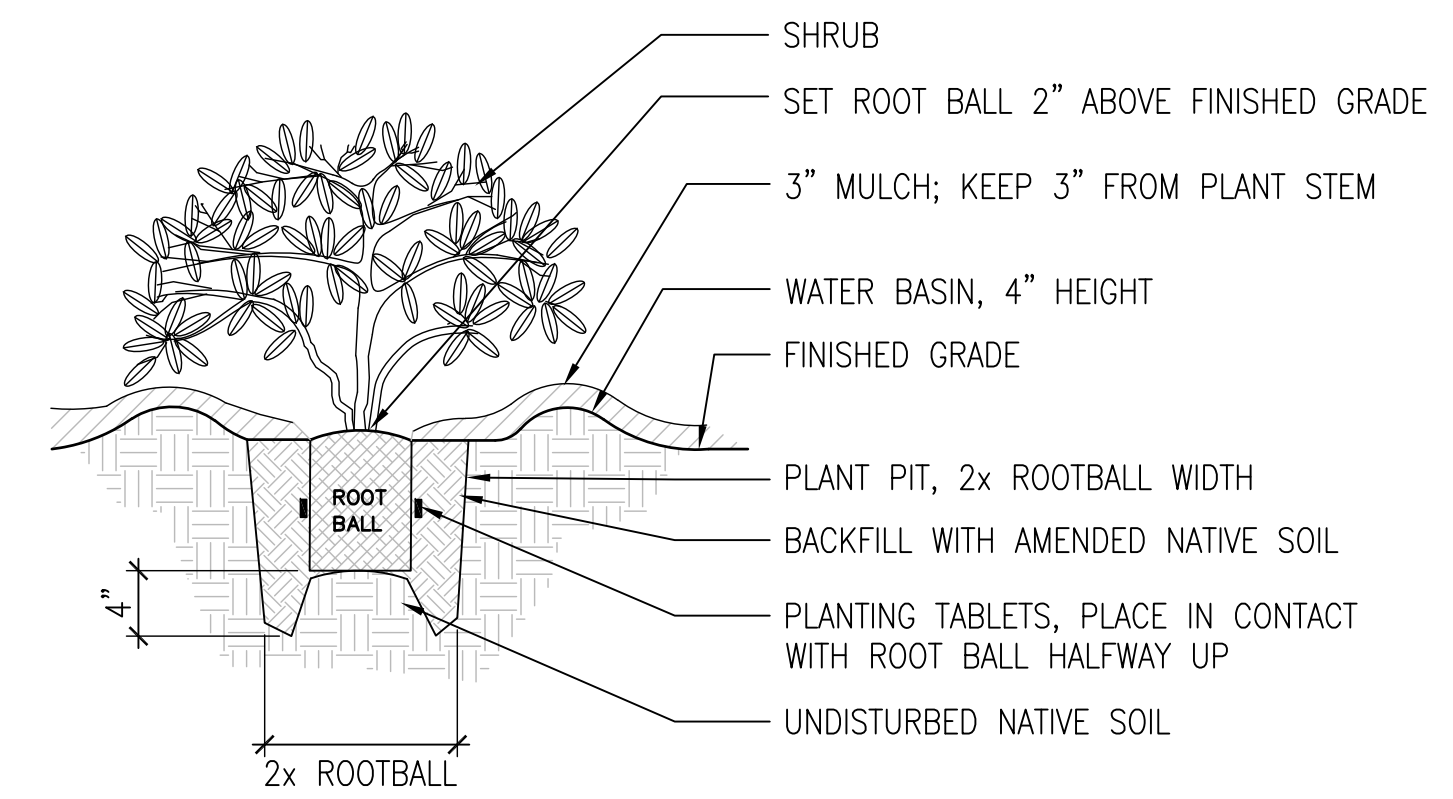
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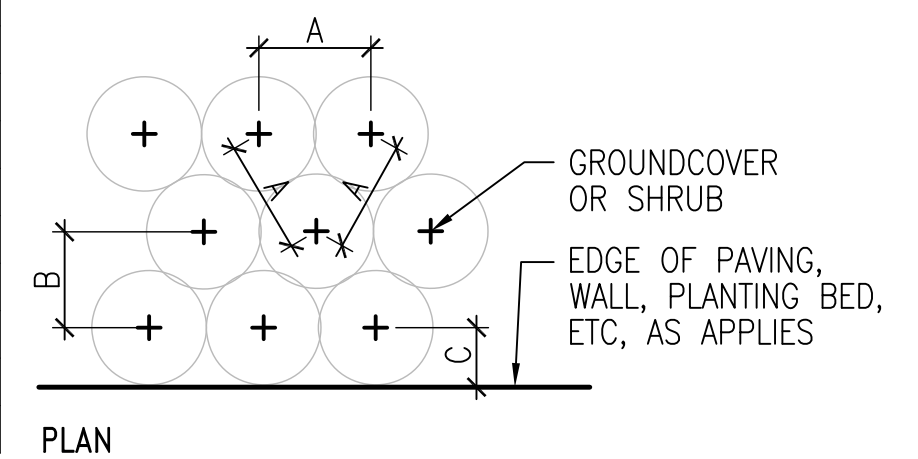
NOTE
EXCAVATE PLANTING PIT TO 2x THE WIDTH OF THE ROOTBALL. SCARIFY SIDES OF PIT.

1 TREE PLANTING
SCALE: 1/2" = 1'



2 SHRUB PLANTING
SCALE: 1" = 1'

PLANT SPACING & QUANTITIES CHART			
SPACING 'A'	SPACING 'B'	SPACING 'C'	NUMBER OF PLANTS PER SQUARE FOOT
6" OC	5.20"	2.60"	4.615
8" OC	6.93"	3.47"	2.597
10" OC	8.66"	4.33"	1.663
1'-0" OC	10.40"	5.20"	1.154
1'-3" OC	13.00"	6.50"	0.738
1'-6" OC	15.60"	7.80"	0.513
2'-0" OC	20.78"	10.39"	0.289
2'-6" OC	26.00"	13.00"	0.185
3'-0" OC	31.18"	15.59"	0.128
3'-6" OC	34.64"	17.32"	0.104
4'-0" OC	41.57"	20.79"	0.072
5'-0" OC	51.96"	25.98"	0.046
6'-0" OC	62.35"	31.18"	0.032



NOTES

1. DIAGRAM APPLIES TO ALL GROUND COVER AND MASSES SHRUB PLANTINGS. SUCH PLANTS ARE TO BE SPACED EQUIDISTANT TO EACH OTHER IN A TRIANGULAR PATTERN AS SHOWN ABOVE, UNLESS OTHERWISE NOTED ON THE PLANS.
2. WHERE GROUND COVER OR SHRUB MASSING OCCURS ADJACENT TO EDGE OF PAVING, WALLS, CURBS, OR ADJACENT PLANTING BEDS, UTILIZE SPACING 'C', WHERE C=1/2 B.

3 PLANT SPACING
SCALE: 1" = 1'

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**PLANTING
DETAILS**

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job no.
1802
sheet
L2.5


CITY OF BERKELEY
CITY CLERK DEPT

Dec 1, 2018

2018 DEC -3 AM 11:34

RD

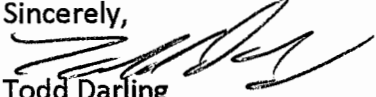
Berkeley Mayor and City Council
c/o City Clerk
2180 Milvia Street
Berkeley, CA 94704


2701

Appeal of Use Permit for ~~2187~~ 2107 Shattuck Avenue, Use Permit # ZP2016-0244

Dear Mayor Arreguin, and City Council Members:

We hereby appeal the Nov. 8, 2018 decision of the Zoning Adjustment Board on the proposed development at 2107 Shattuck. Appellants request that the City Council vacate the Use Permit approvals, the ZAB's adoption of the plans, and all other permits, approvals, licenses or entitlements approved by the ZAB for all the reasons described in the project opponent's written comments submitted to the ZAB for the Nov 8 meeting. The ZAB mistakenly interprets the state density bonus law as allowing the developers excessive concessions and zoning waivers, and fails to take into account that the out-of-scale mass of the development on a small, irregularly shaped lot, transfers too many detriments, liabilities and encroachments onto the public, nearby residents and landowners. These issues include, but are not limited to: the lack of set-backs and step-downs and other violations and inconsistencies of the proposed permits with the City general plan, zoning code and land use and energy polices; the privatization of public right of way by the developers and proposed tenants; violations of the California State Solar Rights Act of 1978 and the city's own solar power initiative; the liabilities created by the lack of adequate traffic study given the busy location and operation of mechanical parking devices; subterranean excavations on top of an underground creek; and other matters that will be raised on or before the date that the Council hears the appeal.

Sincerely,

Todd Darling
310-828-5662 (mobile)


Linda Jensen Darling
510-225-0922

We the undersigned support the Appeal of Use Permit for 2107 Shattuck Avenue, Use Permit # ZP2016-0244 . We live within 300 feet of the proposed project's property line. Page 1

NAME	ADDRESS	DATE
Eugenie Candau	2108 Derby St.	1 Dec. 2018
Rachid El Mousse	2708 Walker St #7	1 Dec 2018
Halima Bensadek	2708 Walker St #6	12/01/2018
Ridly Mook	2146 Derby St	Dec 18
Anupama Gomez	2135 Ward St	12/1/18
CHRISTOPHER CANZONIERI	2116 DERBY ST	12/1/18
Monica Canzonieri	2116 Derby St	12/1/18
Keith Dunham	2126 Derby St.	12/1/18
Dr Elizabeth Dittmars	2117 Derby St.	12/1/18
JON BALDERSTAD	2128 Derby St	12/1/18
Louise Rosenblatt	2124 Derby St.	12/1/18
Gail Brown	2124 Derby St	12/1/18
Anna Tuff	2124 Derby St	12/1/18
Patricia Bell	2703 Walker St.	12/2/18
Karen Congdon	2703 WALKER ST	12.2/18
Anna Tuff	2135 WARD ST	12.2.18
Anna Tuff	2707 Walker St.	12/2/18
Anna Tuff	2707 Walker St	12/2/18

We the undersigned support the Appeal of Use Permit for 2107 Shattuck Avenue, Use Permit # ZP2016-0244. We live within 300 feet of the proposed project's property line. Page 2

NAME

ADDRESS

DATE

Mohamed Torzani 2708 Walker St #8 Berkeley 94705 12/01/18

Nora Boumvar 2708 walker St #8 Berkeley 94705 12/01/18

Samy Belkadi 2708 walker St #3 Berkeley 94705 12/01/18

Miloud TATAR 2708 Walker St #3 Berkeley 94705 12/01/18

Nadee Mubarak 2708 walker St #4 Berkeley 94705 12/01/18

Saeeda Bagum 2708 walker St #4 Berkeley 94705 12/01/18

Ali sidisalah 2708 walker St #6 Berkeley 12/02/18

Empty lined area for additional signatures.

Jacob, Melinda

Subject: FW: 2701 Shattuck Comments for ZAB hearing Nov 8
Attachments: ZAB 2701 Shattuck vNov 1 TD comments NO PHOTO.pdf; Car parked on Derby sidewalk at Shattuck Nov 2 2018.jpg

From: Todd Darling [<mailto:tdarling2000@yahoo.com>]
Sent: Monday, November 05, 2018 10:08 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Bartlett, Ben <BBartlett@cityofberkeley.info>
Subject: 2701 Shattuck Comments for ZAB hearing Nov 8

To the Zoning Adjustments Board:

Please find my comments attached.

Since the final plans for 2701 Shattuck were only made available on Nov. 1, 2018 - seven days before the hearing - it was impossible to examine the plans and send in our comments prior to the seven day deadline of the Nov 8 ZAB meeting. Since we live one door away from this proposed project, we would appreciate if our comments are delivered promptly to the ZAB members so they have time to receive and to read.

It should be noted that Berkeley City Planning failed to allow a thirty day period after the release of the plans before the ZAB meeting was scheduled. The Planning Department has allowed the same tactic recently used by the Trump Administration when it supplied documents to the Judiciary Committee regarding Judge Kavanaugh: the documents regarding the Judge's time in the Bush White House arrived at the committee so late as to foreclose adequate analysis of the documents prior to the crucial public hearing.

Given the route taken by the developers, and allowed by City Planning, our comments arrive after the seven day deadline. Kindly make sure they are delivered promptly.

Sincerely,
Todd Darling
Linda Jensen Darling
Derby St.

Dear Members of the Zoning Adjustment Board.

I urge you to consider the following issues related to the 2701 Shattuck proposal:

- the project creates too many detriments to justify the underlying density bonus;
- procedures to arrive at this hearing, on this schedule, is fundamentally flawed and effectively limits the public's right to participate – this meeting should have been at least two weeks later;
- such a low level of affordable housing units does not justify the harm to the public good created by this project– a number so low that they still have to pay substantial “in-lieu” fees;
- the scale of the building requires too much privatization of public space and right away;
- project's scale will present traffic hazards that cannot be mitigated; for the nearby property owners,
- the impacts of this project amount to a “taking” and will vastly reduce the enjoyment and value of our homes;
- and the scale of the project negatively effects other state and locally mandated priorities such as solar power and local food.

The negative aspects of the project are not limited to these issues, as you will read below.

Most, if not all of these problems derive from trying to put a too large building on a too small lot. This lot is immediately adjacent to an already dense, residential neighborhood that has been there for more than one hundred years.

Our home is located approximately thirty-eight feet from the 2701 Shattuck property. There is already a plan that has been approved by ZAB, but the developers have chosen to ignore this option and have vastly increased the scale for this small property. It is important to set aside notions that the state's “Housing Accountability Act” is ironclad and cannot be challenged. That law cannot give carte blanche to any developer to do anything without consequence. This law has its limits, and this building clearly goes over those boundaries by creating too heavy a burden of detriments on both landowners and the public, and violates local solar power initiatives.

In Lieu Fees

The fair examination of this proposal hinges on two things: the detriments caused the public and nearby landowners and the public benefit of four, small affordable units. The structure is 200% over what is allowed by code, while that increase might be justified in some catastrophe, or some massive public good, this increase of thousands of extra square feet that for a total of 27,300 square feet will yield less than 2000 square feet of “affordable” units. The number of units (5) doesn't even cross the threshold of what the city suggests for affordable units and so the developers are willing to pay millions of dollars “in lieu” fees to get this deal. Clearly, if the developers are required to pay “in lieu” fees to compensate for a lack of affordable housing, then this developer is receiving a windfall profit at the expense of the public without the achievement of the desired social good that underlies this law.

This public subsidy to the private developers should be rejected on these grounds. But, the detriments of this project by themselves outweigh any benefits to the public.

Please note, that this neighborhood is not down-town. Our houses are over one hundred years old. This is a densely packed residential area housing people ranging in age from toddlers to seniors. More people live in the shadow of this building than will ever live inside this building. The character of the neighborhood is supposed to be respected by CEQA, and CEQA should apply in this case because the “density bonus” is bogus.

Violation of City’s public meeting regulations

Procedurally, this hearing should not even be taking place on Nov. 8. The plans were not even available, according to the City’s Planner, Sharon Gong, until Nov 1. Comments are due 7 days before the hearing. That gives one day to view the plans of a huge building and make carefully considered written remarks. This communication will have taken a full work day to prepare. Some of us have to work for a living and cannot take time to make those comments until a week-end rolls around. The City calls for 30 days and adequate time for the public to react to plans. The timing of this hearing effectively disenfranchises the public’s ability to participate in an effective hearing. My written comments will arrive no earlier than Monday Nov 5 so City Planning has handed me a “fait accompli” that my written comments are too late to be included in the ZAB packet, and hence not read by ZAB members prior to their meeting. I will attempt to contact individual ZAB members but then what should be a normal submission will become “ex parte”. This aggressive approach by the developer indicates clearly that they do not want the public to look too closely at their plans.

Detriments:

The project encloses too much of the sidewalk on **Shattuck Blvd.** I walk or skate board down this sidewalk almost daily. Many people walking to and from the restaurant Kerala, Sconehege, and the Berkeley Bowl use this sidewalk, often laden with bags. The developers want to use up the sidewalk with private gardens for their townhouses, and bike rental racks – leaving not much space for actual pedestrians. The developers wish to construct private space to create the semblance a front door step/yard/stoop because their building is zero set-back, and because it violates other Berkeley city codes that say that first floor housing cannot be built without a proper set-back. The building is too large to actually accommodate what they want to rent out – so the developers demand that the public give up its right of way, at no cost, so their tenants can have a front yard. If all Berkeley residents were to similarly claim the public right of way – how much pedestrian space would be left?

The developers also slipped in “commercial bike racks” without any public hearing or input from the public. And all of this will probably require moving the bus stop that is currently on that corner. Three unacceptable detriments caused by the over-size project on Shattuck Blvd sidewalk: inadequate front set-back; privatizing public right of way for private gardens and privatizing public sidewalk for commercial bike racks with zero public consultation.

Traffic

On **Derby Street** the zero foot set-back will make 2701 Shattuck the only structure for the length of Derby to have zero –foot setback. On the corner of Derby and Shattuck the zero feet set back will eventually cause car accidents because of the lack of view around the corner.

Already the complete lack of parking in the building next to it encourages visitors and residents of that building to pull around the corner onto Derby and park illegally. The new building to the south of this lot, open just one month, and already I have witnessed people pull around the corner, park on the sidewalk and then visit the new building. (see attached photo). I witnessed the two men in the car walk into the “Kennedy Building” while I stood there. Add a drive-way on Derby for a couple dozen parking places, that relies on “automatic parking lifts” and there will be a line of traffic waiting to get in, and eventually an impatient visitor will turn that corner too fast and hit a car waiting to get into the drive way. The drive way gate opens onto the sidewalk and leaves next to zero view of the street that often has fast traffic going towards Telegraph. The zero-set back is too much for the circumstance. The accident of someone pulling out of the drive way blindly, getting “T-boned” by a fast-moving car going East could easily cause bodily harm. If there were something greater than zero set back – say the set-back required by code – this might be more easily avoided. The desire for density imposes a threat to public safety. Berkeley should not knowingly exchange an obvious design flaw for bodily harm. This safety issue is a detriment caused by this design. I live near this corner, and I do not see how this design will not result in a tragedy. At least two more detriments added to the list.

There has been no discussion of a traffic study to validate any safety claims of this design.

Stairwell/Viewing platform

The stairway hanging over the north side of the property is part of the zero-feet set back problem. They could have put it on the east side following the contours of the step back of the north-east side of building – but they preferred to place it on the public’s view that is otherwise a protected set-back for a couple miles in either direction. For the immediate neighbors this creates at least two detriments. First it gives a platform six stories high for the residents to gaze down upon our back yards and areas where families and children hang out. Secondly, it increases the shade factor significantly on the surrounding properties. This stairwell goes all the way to the top floor of “open space”, trees, awnings, screens which in reality underscores the fact that this a six-story building the tallest one around. The stairwell is also really ugly. There is another such structure in Oakland down Shattuck and it looks like a jail. So, by itself this stairwell depresses our property value, covers our property in shade, and gives new residents a viewing platforms from which they can surveil our yards and windows.

Examine the placement of this stairwell relative to the lot line – it comes very close to the eastern property line. Notice on p. 17 of their renderings with the drawings of people on the stairway. Why should a new design be so bad as to allow this? This six-story stairwell, with screens and footsteps all times of the day is going to shade my solar panels, look down on my house at close range (about 50 feet away from my house), and deliver a drum-beat of footsteps around the clock. Three more detriments caused by the inflated size and design of this project.

Dormitory next to family residential

The dormitory nature of this building is not in keeping with the family nature of this neighborhood. Even the students in this area live in groups, and so are socialized to be used to groups of people. No one will reside in 279 square feet for very long. It is unlikely they will settle down in this shoe box and raise a family. To get a feel for life in this building please refer to Page 23 of their plans and imagine life in "Unit B-2". Forty-six short term, perhaps uncomfortable dorm dwellers with no common area where they formally mingle is really an intrusion into this residential area. And if UC decides to long term lease the building as happened to the Kennedy building next door the tax base of Berkeley won't even increase. The design of this building guarantees the inhabitants will be uncomfortable, and therefore will be a transient population that will never have much connection with the long term existing residents. Taken over the span of ten years, that could easily be 470 different residents in the dorm rooms. The interactions between the transient inhabitants and the nearby families should concern the City. An ad hoc dormitory for the University, but without any University programs or supervision sounds like a problem. Within a month of opening the new Kennedy dormitory, which ZAB granted shortened setback with the neighbors to the east, already had raging parties until 3 am under the windows of a family with toddlers. Calls to the police went unanswered.

Sixth Floor open space

The viewing decks on the upper floors will be great places to have a party - if they are used. But even if they are not utilized by the inhabitants the trees, screens, coverings and roof top structures essentially makes this a six-story building. The shade of this building is that of a six story building, and the stairwell open to all residents goes up six stories – so this is not a five story building it is a six story building. The shade will be cast from the top of the building which will reach a uniform 70 feet high once the trees, screens and awnings are built. To say otherwise is a disingenuous. **I also question whether or not the shade studies done by the developers include the impact of the sixth story's screens, trees and awnings. Have these factors been included in the shade study?**

Praising the penthouse "open space" at the design review committee was quite ironic since this viewing platform adds greater shade for the neighbors to the east, and adds surveillance for the open space of dozens of neighbors. Give the open space to the new building and simultaneously erodes and worsens the open space of the existing residents - who are at least equal in number. This detriment is clearly shown on the "eastern elevation" on page 19 of their proposal. The sixth story is evident.

I Don't Live In California For The Shade

This project presents a significant shade detriment. The shade drawings are set at 2pm and 4 pm so as to give the impression that it is sunny much longer than it really is. Basically, the shade starts at 2 pm every day of the year. From May until mid-August our home will lose over five to six hours of daylight per day. Many countries and states actually have the "right to sunlight". In our case, the desire to make Berkeley into Brooklyn will have consequences that need to be accounted for.

First and foremost, the City of Berkeley has made it a goal to create solar power. Solar power is particularly important in the summer during the afternoon when air conditioning and day time use is at its peak. Our solar array on our roof will be shaded by this building during the peak hours. This compromises our ability to create energy, which in turn costs of actual money as we cannot sell that power to the "local energy" program in the East Bay. This building's shade takes money out of my pocket, while inhibiting solar energy. Do the developers plan on compensating me for the cost of my solar array? Do the developers plan to pay a carbon tax for the energy they burn to heat and cool this building? This is one example of when too much density has too high an environmental cost. Were this building two floors shorter with adequate set back this problem would go away.

Our potential loss on a 25 -year solar array is about \$2,500 a year or a potential total loss of \$62,500, based on an early estimate of what the system will generate and what the East Bay Community Energy will pay. EBCE was launched in 2018 and will buy solar power and distribute to electric users over PG&E lines.

The environmental impact of this building will also translate in all of the neighbors having to turn on their heat earlier in the day during the winter. We once could rely on the sun to keep our houses warmer. But, since this blocks the sun earlier – we will burn more heating fuel.

Seasonal affect disorder is a real thing- and the building will increase the incidence of this experience for several dozen people.

And, our ability to grow food on our back porch will wither with the construction of this building. In a drought prone, increasingly hot environment growing food of our own is important, is a noted civic value, and it is stupid to plan buildings in a way that forecloses this possibility for the neighbors. The shade creates at least four detriments all of which cost me money.

The sun could actually be the best yardstick for siting and designing buildings. Once again, this building is too large for the lot, and is located in the wrong place. The sun should be a primary guiding factor when planning new, denser structures. If the sun and shade is accounted for, building lots more carefully selected then the construction of new buildings will be more easily accepted by the public. Blocking the sunlight from the west in Berkeley for an entire neighborhood is the worst possible place for a tall structure

Flooding and subterranean creeks

Public safety and the well-being of the neighboring properties faces a serious hazard seen on page 20 where they propose and underground "gallery" for the parking perhaps? On maps you can see that this building is going on top of "Derby Creek". Neighbors who have dug down just a little bit have hit water and needed to install sump pumps. During an El Niño year of heavy rain this underground "gallery" will face problems and who knows the impact on the nearby properties. Do the developers have any known contingency for this? Do they have insurance

to cover the damages their building causes neighboring properties? Has an independent geologist studied this plan? Where are the reports on the dangers of digging directly on top of Derby Creek?

The owners of this building do not live in Berkeley and they will not live on site and they will not care what happens to Berkeley after they've made their money. Flooding will not be their problem unless the City ties them to any damages that this design creates. Has that been done?

Air flow

The air flow is of significant importance to Berkeley. Our breeze blows from the Pacific and the Bay from West to East. This building blocks air flow for everyone on Walker Street and this end of Derby. We have not needed air conditioning, but this building may impose that requirement. With less air flow, our garden does less well, summer heat will increase in this end of the neighborhood and energy use along with it. This is another detriment that effects both our health and our bank accounts. The air-flow would be improved if the building were not a monolith and if it were two stories shorter, per the existing approved plans for this site.

Scale and depth misrepresented by plans

While looking at these plans, please keep in mind that many of the renderings are not to scale and are drawn in such a way as to minimize the impact and detriments of the new structure. The sidewalk is made to appear larger than the set back of the houses. The perspective of the renderings show the houses further away from the structure than they will be in reality. The shade drawings chose 2 pm not 3 pm to show shadows because that is when the shadows commence and by 3 pm they are quite significant. At every step, these plans are an advertising brochure to attempt to fool the viewer.

The various renderings on pages 28-31 manage to distort the perspective so that the viewer is not aware that this building is significantly taller than the self-storage building and the four story building just built adjacent to this lot. Even with the distortion they have a difficult time hiding the imposing height over the immediate neighbors. And it also belies that the trees, screens and shrubbery of the sixth-floor deck will only increase the building's shade detriment-which is not accounted for in their shade drawings.

The shade studies on pages 33-37 indicate the substantial detriment created by this building. Every day, all year long, my house will be in the shade by 2 pm. I do not live in California for the shade. If I wanted to live in shaded, noisy, badly planned city I could move to New York. But, I've been to New York for work and I've decided that the inefficiencies of this "exciting" city make it a nice place to visit but not one where I want to live. If the shade studies showed what the impact of the building was at 3 pm, it would look even worse. Please note this visual deception.

The developers have engaged in deception at every turn. The scheduling of this meeting with the either the connivance or the unwitting cupidity of the City's Planning Department

underscores their contempt for the public and their prospective neighbors. The City of Berkeley hopes for a 30-day notice. We got less than two weeks. There were not public signs posted on the property, they have no proof they didn't put them up and then take them down, because no one ever saw them. Their plans according to Sharon Gong of the Planning Department were only "available on Nov.1". That means instead of 30 days to examine the plans the public only had seven days. To make matters worse, the comments are supposed to be submitted to the City "seven days in advance of the hearing". So, the public on a work day are supposed to go through a forty-page document and write a coherent review AND keep their day job? Clearly, this was done to subvert the public's interest, and on the basis of this the ZAB and the City have to a disturbing degree, disenfranchised the residents and citizens of Berkeley.

This building should not be built, this hearing should not be taking place on Nov. 8 and the future condition of our home, our city will deteriorate if this structure is built. The detriments are substantial and avoidable if the building were to the scale of the lot and the adjacent neighborhood. The addition of 5 affordable units out of 57 is a laughable fig leaf, and the total square footage of affordable space does not justify the taking of my property and the violation of the local zoning limits.

The "crisis" in housing has been defined by the developers and the response from the politicians they fund has resulted in lopsided policies that will not solve the affordable housing crisis, will not protect existing California residents. But while the actual problem is not solved, their false solution will make them richer, and we will still be left with a "crisis" that will never be solved.

We cannot build our way out of this "crisis" as they describe it. But we can destroy our environment by making the developers rich.

Sincerely,
Todd Darling
Linda Jensen Darling,
Derby St. Berkeley, CA





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
- *Project Preview* -

FOR BOARD REVIEW AND COMMENT
JULY 26, 2018

2701 Shattuck Avenue

Project Preview for Use Permit ZP#2016-0244 to construct a 5-story, 62-foot-tall, mixed-use building with 57 dwelling units (including 5 VLI units), a 600-square-foot ground-floor café, and 30 parking spaces.

I. Background

A. Land Use Designations:

- General Plan: AC – Avenue Commercial
- Zoning: C-SA, South Area Commercial District; South Shattuck Strategic Plan

B. Zoning Permits Required:

- Use Permit to construct a new mixed-use development of 5,000 square feet or more, under BMC 23E.52.030.A.

C. Waivers/Concessions Pursuant to State Density Bonus Law:

- Waiver to exceed height – to be 62'-4" maximum, where 50' is the limit, and to be 5 stories where 4 stories is the limit;
- Waiver to reduce the front, street side, side, and rear yards; and to exceed the lot coverage limit for the district:
 - Front setback – 0'-0", where 15' minimum is required;
 - Rear setback – 0'-6", where 15' minimum is required;
 - Left side setback – 4'-0", where 5' minimum is required;
 - Right side (street side) setback – 0'-0", where 6' minimum is required;
 - Lot coverage – 86%, where 40% maximum allowed;
- Concession to increase average unit size from 463 square feet (Base Project) to 495 square feet (Proposed Project); and
- Concession to have ground-level parking in the Proposed Project, when the Base Project parking is underground.

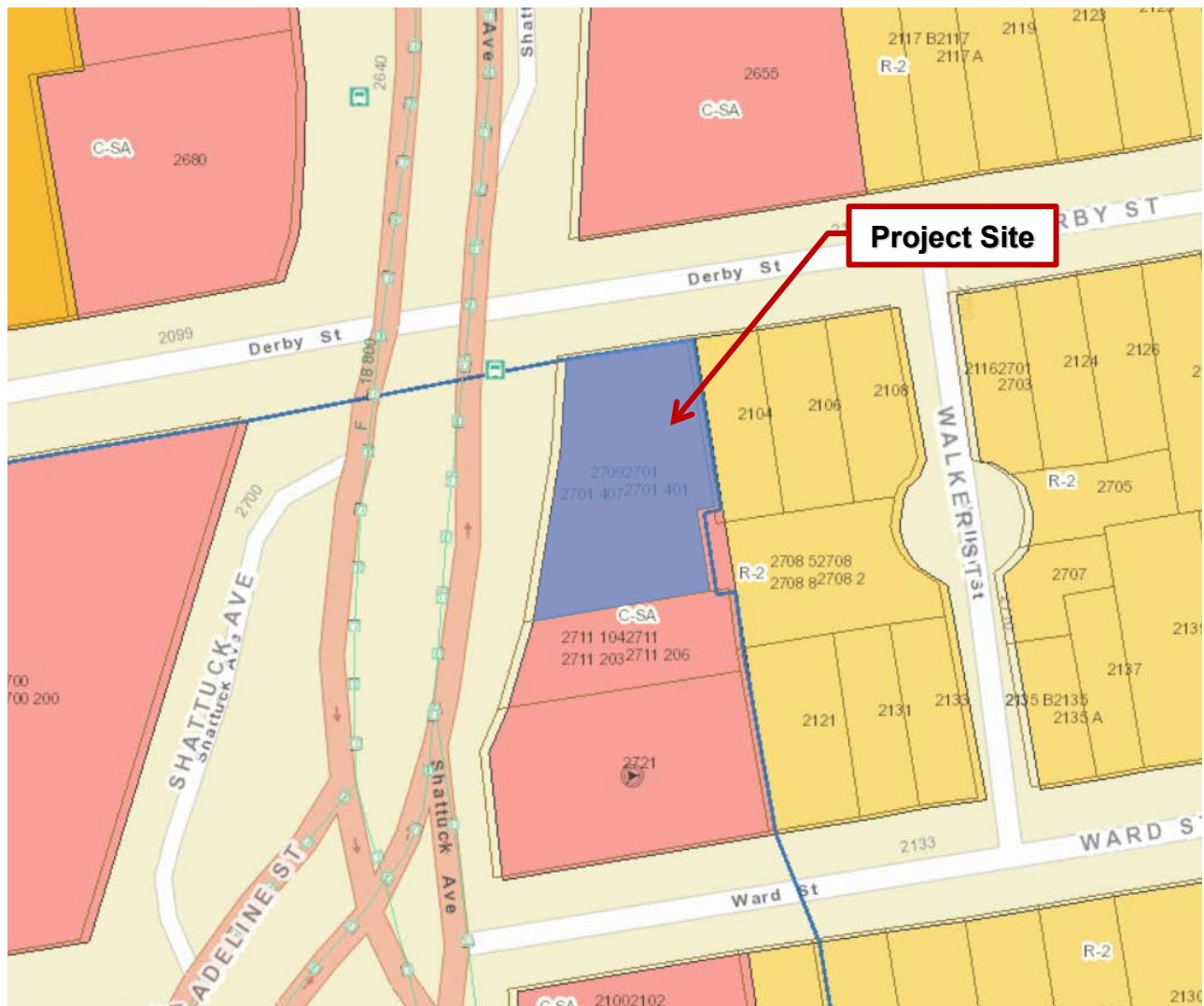
D. CEQA Determination: Categorically exempt pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines.

E. Parties Involved:


- Applicant Stuart Gruendl, Bay Rock Multifamily, LLC, 411 Pendleton Way, Suite C, Oakland, CA 94621
- Property Owner 2701 Shattuck Berkeley, LLC, 7917 Festival Court, Cupertino, CA 95014

F. Application Materials, Staff Reports and Correspondence are available on the Internet: <https://aca.cityofberkeley.info/Community/>

Figure 1: Zoning Map



Legend

- C-SA: South Area Commercial District
- R-2: Restricted Two-Family Residential District
-  AC Transit Bus Route

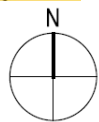


Figure 2: Vicinity Map

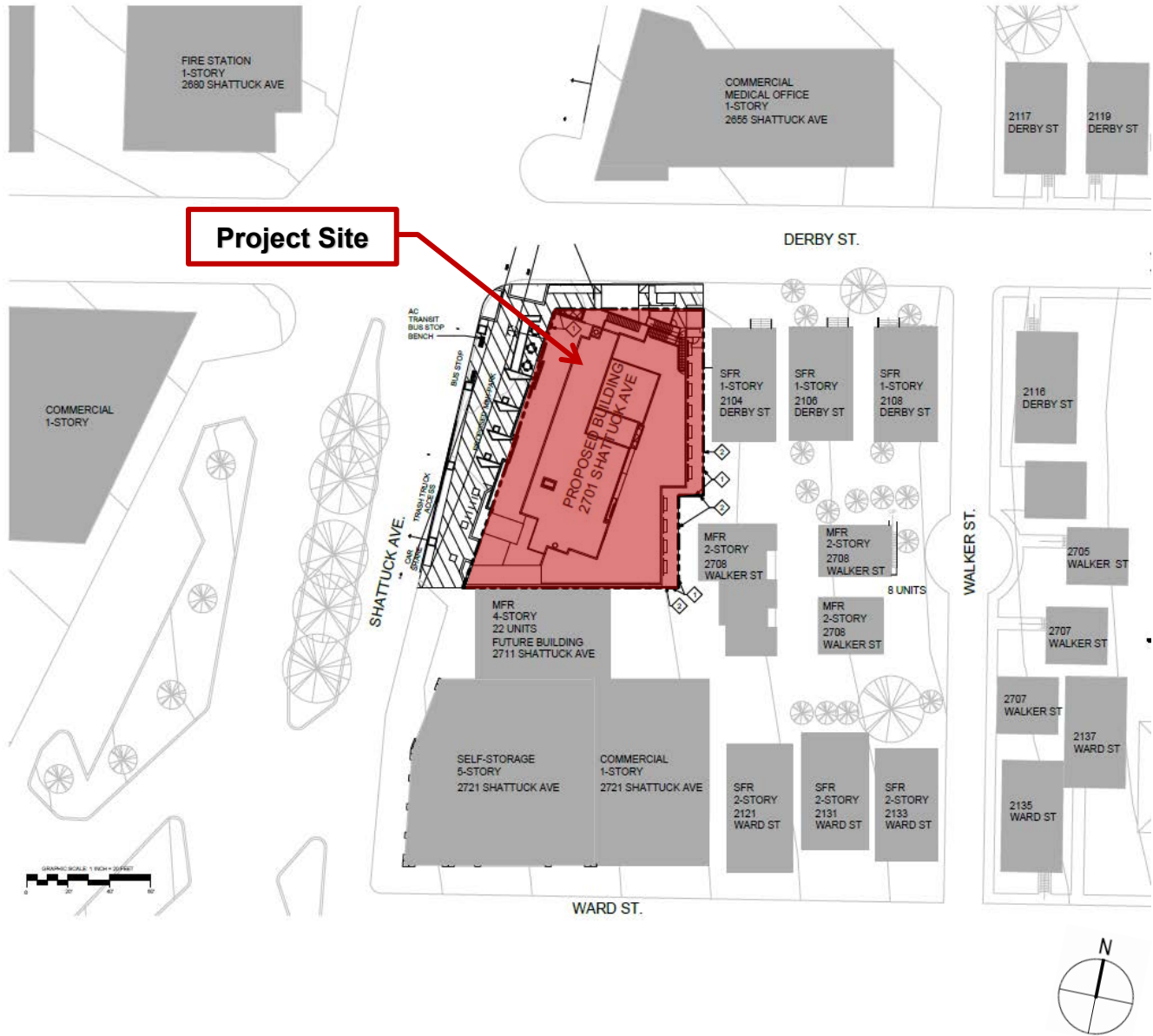


Figure 3: Ground Floor Plan



Figure 4: Shattuck Avenue (West) Elevation



Figure 5: Derby Street (North) Elevation



Figure 6: East Elevation

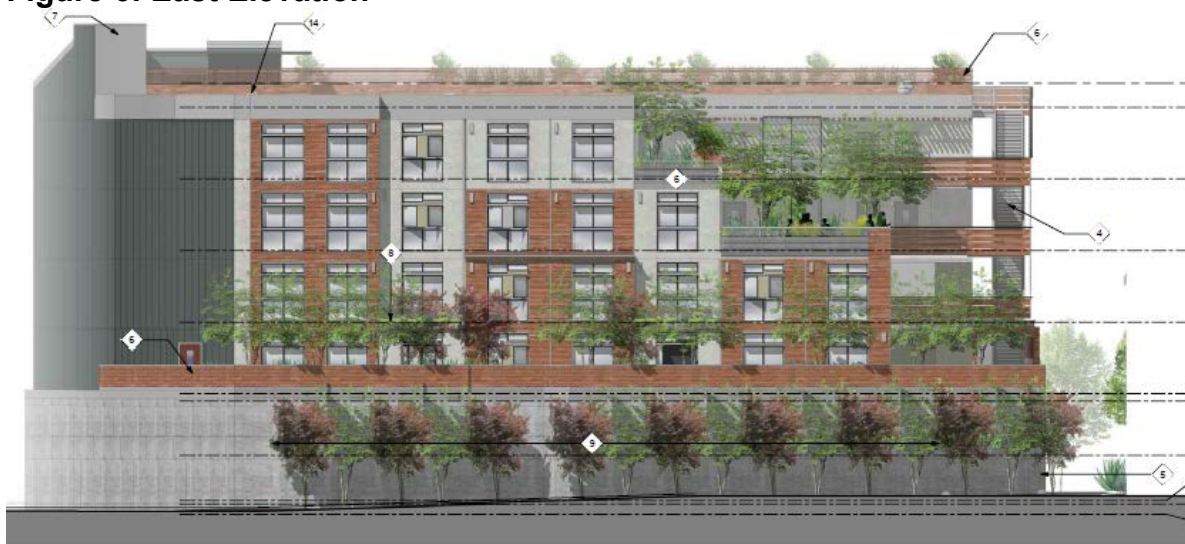


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant (former Auto Dealership)	C-SA	Avenue Commercial (AC)
Surrounding Adjacent Properties	North	Medical Office		
	Northwest	Berkeley Fire Station		
	West	Auto Dealership		
	East	Single-Family Residential/ Multi-Family Residential	R-2	Medium Density Residential (MDR)
	South	Under Construction – Multi-Family Residential, approved per Use Permit ZP#2015-0206	C-SA	Avenue Commercial (AC)

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Resolutions 66,618-N.S. & 66,617-N.S.)	No	This fee applies to projects with more than 7,500 square feet of new non-residential gross floor area. The project includes only 600 square feet of non-residential gross floor area, and thus these requirements do not apply.
Affordable Housing Mitigations for rental housing projects (BMC Section 22.20.065)	Yes	Because the project would have 5 or more dwellings, the project is subject to the affordable housing provisions of BMC 22.20.065. The project would provide 5 Very Low Income units and applicant intends to pay the remaining Mitigation Fee per the formula calculation. See Section V.D for details.
Density Bonus	Yes	The project would provide 5 Very Low Income units, or 12% of the Base Project units, and qualifies for a 35% density bonus (15 units). See Sections V.A and V.B for discussion.
Green Building Score	Yes	The Greenpoint Checklist minimum score is 50, and the maximum is 381. The project achieves a score of 91.
Historic Resources	No	The project site is not designated as a Landmark by the City. Demolition of the auto dealership building was approved with Use Permit #04-1000014 in 2007, and Building Permit #B2016-05314 in 2017. The site is now vacant.
Housing Accountability Act (Govt. Code 65589.5(j))	Yes	The project is a “housing development project” consisting of a mixed-use building, and requests no modifications to development standards beyond waivers and concessions requested under density bonus law. Therefore, the HAA <i>findings</i> apply to this project, and the project cannot be denied at the density proposed unless findings for denial can be made. See Section V.C for discussion.

Characteristic	Applies to Project?	Explanation
Public Art on Private Projects (BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects ordinance. The applicant is electing to provide on-site art to comply. The art proposal will be submitted prior to Preliminary Design Review.
Residential Preferred Parking	No	The site is not in a RPP zone. Thus, the project would not be eligible for RPP permits.
Seismic Hazards (SHMA)	No	The project site is not located in an area susceptible to liquefaction, fault rupture or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area. Phase I and II reports have been submitted by applicant, and have been reviewed by the City Toxics Division. The Division concluded that no further studies were required, but the project is subject to the City's Standard Conditions of Approval (SCA) for Toxics that requires preparation of a Soil and Groundwater Management Plan (SGMP).
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and transbay) that operate along Shattuck Ave. The site is approximately 1/2 mile from both the Downtown Berkeley BART Station to the north, and the Ashby Station to the south.

Table 3: Project Chronology

Date	Action
May 2001	ZAB Approved 16-unit project (Use Permit #00-10000083)
October 2002	ZAB Approved 17-unit project (Use Permit #02-70000044)
December 2006	ZAB Approved 29-unit project (Use Permit #04-10000014)
January 2007	Appeal of ZAB decision filed (Use Permit #04-10000014)
July 2007	City Council Approved 24-unit project (Use Permit #04-10000014)
November 14, 2013	ZAB Denied 67-unit project (Use Permit #12-10000039)
December 13, 2016	Application submitted for 57-unit project
January 12, 2017	Application deemed incomplete
January 30, 2017	Revised application, 57-unit project submitted as Density Bonus project
February 27, 2017 to June 13, 2018	Application was deemed incomplete six more times during this time period. Incomplete items included missing application submittal requirements and evolving density bonus proposal and calculations
June 20, 2018	Revised application submitted
June 29, 2018	Application deemed complete
July 11, 2018	Public hearing notices mailed/posted
July 26, 2018	ZAB Preview

Table 4: Development Standards

C-SA and R-4 Standards BMC Sections 23E.52.070-080 and 23D.40.070		2013 Project (Denied)	Proposed (Density Bonus Project)	Permitted/Required
Lot Area (sq. ft.)		11,932 ¹	11,826	n/a
Gross Floor Area (sq. ft.)		29,909	27,980	47,304
FAR		2.5	2.4	4 max.
Units		67	57	n/a
Average unit size (sq. ft.) (Residential Floor Area / # of Units)		417	495	n/a
Building Height	Average	61'-0"	62'-4"	50' max.
	Stories	5	5	4 max.
Building Setbacks	Front	0'-0"	0'-0"	15' min.
	Rear	0'-6"	0'-6"	15' min. ²
	East Side	4'-0"	4'-0"	5' min. ²
	West Side (Shattuck)	0'-0" (3' overhang in ROW ³)	0'-0" (3' overhang in ROW ³)	6' min. ²
Lot Coverage (%)		85	86	40
Usable Open Space (sq. ft.)		4,381 (2,680 min. req'd)	6,070	2,280 min. (40 s.f./d.u.)
Parking	Commercial	4 (3 min. req'd)	2	2 min. (1 spc/300 s.f.)
	Residential	28 (29 min. req'd)	28	27 min. (R-4 Dist Std: 1 spc/1,000 s.f.)
	Total	32	30	29
Bicycle Parking		61	46	0 (1 spc/2,000 s.f. commercial)
<p>¹ The lot area was listed as 11,932 in the 2013 use permit staff report. The lot area for the current proposal was confirmed with a survey to be 11,826 square feet. Calculations dependent upon lot area are based on the respective lot area amounts.</p> <p>² Setbacks are for ground floor. Minimum setbacks for floors two through five are as follows (per floor: 1st Floor/2nd Floor/3rd Floor etc.): Front, 15/15/15/15'; Rear, 15/15/17/19'; East Side, 5/6/8/10'; and West (street) Side, 8/10/12/14'.</p> <p>³ An encroachment Permit would be required from the Public Works Department.</p> <p>☐ = Waiver/Concession requested to depart from the district standard.</p>				

II. Project Setting

A. Neighborhood/Area Description: (See Figure 1: Zoning Map, and Figure 2: Vicinity Map.) The subject site is located on the southeast corner of the intersection of Shattuck Avenue and Derby Street. Like the subject site, the adjacent and confronting parcels to the north, west, and south of the site are in the South Area Commercial District (C-SA) and lie in the South Shattuck Strategic Plan (SSSP). With the exception of the five-story, 60-foot-tall UC Storage building two parcels south of the site at the corner of Shattuck Avenue and Ward Street; the five-story, 60'-4" tall Parker Apartments 1.5

blocks north, on west side of Shattuck Avenue; and the four-story, 50-foot-tall building under construction on the adjacent parcel to the south of the subject site, development along Shattuck Avenue that is south of Dwight Way (south of the Downtown Mixed Use District) consists of one- and two-story commercial and mixed-use buildings. Adjacent parcels to east are in the Restricted Two-Family Residential District (R-2), and contain one-story, single-family residences on Derby Street and two-story, multi-family residences on Walker Street.

B. Site Conditions/Background: The subject site was a used car dealership for over 15 years and was occasionally used for car storage. Demolition of the commercial building was approved with Use Permit #04-10000014 in 2007. The Building Permit for the demolition (#B2016-05314) was issued in April of 2017, and the site is now vacant.

In May 2001, the City approved a use permit (Use Permit #00-10000083) for the construction of a 50', three-story, 25,000-square-foot, mixed-use building with 16 dwelling units, 3,200 square feet of commercial floor area, and 17 parking spaces. This project was granted use permits to reduce all setbacks, to provide less than the minimum number of off-street parking spaces and to increase the allowed lot coverage above the maximum. This permit was later modified in October, 2002 (Use Permit #02-70000044), to add one dwelling unit. The project was never built.

In July 2007, the City approved a use permit (Use Permit #04-10000014) for a 55', five-story, 33,598-square-foot, mixed-use building with 24 dwelling units, 3,200 square feet of commercial spaces and 24 parking spaces. This project was granted use permits to exceed the height/story limit to allow a partial fifth floor, to reduce all setbacks, to provide less than the minimum number of off-street parking spaces and to increase the allowed lot coverage above the maximum. This project was also not built.

In November 2013, the City denied a use permit for a 61', 5-story, 29,909-square-foot, mixed-use building with 67 dwelling units, a 1,969-square-foot, full-service restaurant, and 32 parking spaces. The building design was very similar to the current proposal and requested exceedances for height and lot coverage, and reductions to the front, street side, and rear setbacks. See section V.E for a discussion of the 2013 denial findings and a comparison of the 2013 project with the current proposal.

III. Project Description

The project proposes to construct a five-story, 62-foot-tall, mixed-use building on a vacant site with the following main components:

- 57 dwelling units – 46 studios; 6 one-bedroom units; 2 two-bedroom units; 3 two-level, townhomes;
- 5 Very Low Income (VLI) units;
- 600-square-foot, ground floor, quick-service restaurant (café);
- 6,070 square feet of usable open space – podium, 4th floor, 5th floor, and roof decks

- 30 car parking spaces and 46 bicycle parking spaces;
- Sidewalk public space and outdoor café seating area (subject to approval from the Public Works Department)

(See Figure 3: Ground Floor Plan, and Figures 4 through 6: Elevations. See Attachment 1, Plan Set, for the full set of project drawings.)

IV. Community Discussion

Neighbor/Community Concerns: Prior to submitting the application to the City on December 13, 2016, a pre-application poster was installed by the applicant at the project site. On November 3, 2016, a neighborhood meeting was held to review the project and discuss concerns, and was attended by nine members of the public.

On July 11, 2018, the City mailed public hearing notices to property owners and occupants within 300' of the site, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. No further communications regarding the project were received as of the writing of this staff report.

V. Issues and Analysis

A. Density Bonus Units: The project would be eligible for a density bonus under Government Code Section 65915, through the inclusion of five VLI units. According to the City's Density Bonus Procedures (2014), the Base Project was calculated to have 43 units as the maximum allowable density for the site¹. The Base Project includes 42 units (one less than the maximum allowable density) with an average unit size of 463 square feet, in a four-story building. (See Table 5: Base vs. Proposed Project and Table 6: Density Bonus.) Five VLI units in the Proposed Project qualifies the development for a 35% density bonus which equates to 15 bonus units, resulting in a 57-unit Proposed Project, with an average unit size of 495 square feet, in a five-story building. The increase in average unit size in the Proposed Project over the Base Project (a 7% increase) would be allowed through a concession². See the next section, V.B, for a discussion of the concessions.

¹ Per the City's Density Bonus Procedures (DBP), the "Base Project" is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the "Proposed Project", which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, section 65915(f).

² Per the City's 2014 DBP, the calculation of maximum allowable density uses the average unit size of the Proposed Project to calculate the number of allowable units in the Base Project. Typically, the average unit size must remain consistent from the Base Project to the Proposed Project to prevent applicants from creating a Base Project that would be far denser and/or poorer in design quality than the applicant actually desires to build, for the purpose of obtaining a larger density bonus. However, the 2014 DBP allowed a Concession for the increase of average unit size. The applicant is utilizing this provision, which is not included in the current, 2018 DBP. The application was deemed substantially complete prior to the City's adoption of the 2018 DBP. Because of this concession, the City's application of the 2014 DBP was altered to allow the increase in residential area

Table 5: Base vs. Proposed Project

Floor	Base Project		Proposed Project	
	Residential Gross Floor Area (GFA)	Base Units	Residential GFA with DBU	Total Units [Base + Density Bonus Units (DBU)]
Totals:	19,736	42*	28,213	57*
Average Unit Size:	463 sq. ft.		495 sq. ft. (7% increase)	

*Per Gov't Code 65915(q), all unit calculations are rounded up to the nearest whole number.

Table 6: Density Bonus – Per CA Gov't Code 65915

Qualifying Units	Density Bonus Achieved	Base Project Units*	Number of DBU Achieved*	Proposed Project Units
5 VLI	35% (35% max.)	42 (43 maximum allowable density)	15 (35%x42)	57

*Per Gov't Code 65915(q), all unit calculations are rounded up to the nearest whole number.

B. Density Bonus Waivers and Concessions: The project would be entitled to two concessions (or incentives), under Government Code Section 65915(d), and an unlimited number of waivers, under Section 65915(e).

A concession or incentive is a modification of a zoning code requirement that results in identifiable and actual cost reductions, to provide for affordable housing costs.³ The applicant is requesting two concessions for the project to modify the DBP: 1) to increase the average unit size from 463 square feet in the Base Project to 495 square feet in the Proposed Project, and 2) to have ground-level parking in the Proposed Project, where the Base Project parking would be underground. The applicant provided a pro forma statement to show the cost reductions associated with increasing

after the calculation of the maximum allowable density for the site. This application of the density calculation formula yields the results discussed in the Density Bonus Units analysis.

Under the standard application of the DBP (both the 2014 or 2018 versions), the Base Project would have been calculated to have 40 units as the maximum allowable density for the site, with an average unit size of 495 square feet. Five VLI units in the proposed project would have qualified the development for a 35% density bonus which would have yielded 14 bonus units, for maximum of 54 units in the Proposed Project. Had the applicant not requested a concession for the increase of average unit size, the Proposed Project would have been limited to a maximum of 54 units for the site.

³ The ZAB may deny a request for an incentive or concession only if it can make a written finding, based upon substantial evidence, of one of the following:

- A) The incentive and/or concession is not required to provide for affordable rents or affordable ownership costs, as provided in Government Code Section 65915(d)(1)(A);
- B) The incentive and/or concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households. For the purpose of this Subparagraph, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete; or
- C) The concession or incentive would be contrary to State or Federal law.

the average unit size and with ground-level parking compared to underground parking. The pro forma statement was peer reviewed by the City's consultant, Placeworks. The peer review memo prepared by Placeworks concluded that the pro forma statement adequately documented that the "Proposed Project Costs with Concessions" would result in a cost reduction or "decrease in cost per unit" relative to the Base Project costs; and that the concession would be necessary to cover the cost of affordable units and generate a feasible rate of return. Furthermore, staff believes that the concessions would not have specific adverse impacts upon public health and safety, or the physical environment, nor would they be contrary to State or Federal law. Therefore, both concessions would be granted for the project.

A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions⁴. Waivers for height, setbacks and lot coverage are requested for the project because they are necessary to physically accommodate the full density bonus project on the site. Staff found no evidence to suggest that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or be contrary to State or Federal law. Therefore, the requested waivers would be granted for the project.

C. Housing Accountability Act: The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The Base Project complies with applicable, objective general plan and zoning standards. Therefore, the City may not propose to deny the Base Project or approve the base project only if the density is reduced without basing its decision on the written findings under Government Code § 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of Base Project.

The Proposed Project employs the State Density Bonus law and requests concessions and waivers of zoning standards. Accordingly, HAA analysis under Section 65589.5(j)

⁴ The ZAB may deny a request for a waiver only if it can make a written finding, based upon substantial evidence, of one of the following:

- A) The waiver or modification would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households. For the purpose of this Subparagraph, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
- B) The waiver or reduction would be contrary to State or Federal law.

does not apply to the proposed project. Instead, under State Density Bonus law, the Zoning Adjustments Board may not deny the concession or waiver unless it can make a written finding under Section 65915, noted above. The project would result in a five-story, 57-unit project, with five dwelling units affordable to VLI households. Approval of the requested concessions are required to provide for affordable rents per Government Code Section 65915(d)(1)(A). Further, Staff believes approval of the requested concessions would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; nor would approval of the requested concession would be contrary to State or Federal law. Similarly, approval of the requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and approval would not be contrary to State or Federal law. Per these standards, there are no grounds to deny the requested concession and waivers.

D. Affordable Housing Mitigation Fee: Pursuant to BMC Section 22.20.065, the project is subject to the Affordable Housing Mitigation Fee (AHMF). The AHMF ordinance allows a project to provide Below Market Rate (BMR) units, up to 20% of the total project units, in-lieu of payment of the full fee.⁵ The applicant is prepared to pay the amount of \$918,000 at building permit issuance, or \$999,000 at the time the Certificate of Occupation issuance.

E. Compatibility with District and Adjacent Residential Neighborhood: As mentioned previously, the City denied a project in 2013 that was very similar to the current proposal. The 2013 proposal underwent a Project Preview in August, 2013, a hearing in September, 2013, and five Design Review Committee meetings before the ZAB denied the project in November of 2013. The current proposal is revised from the 2013 proposal to address the issues listed in the denial findings. Because the 2013 proposal underwent extensive review from the ZAB and the DRC regarding the project's compatibility with the district and adjacent residential neighborhood, staff's analysis is presented as a review of how the current proposal addresses the findings for the 2013 denial. Each of the 2013 denial findings are summarized below, and are followed with a staff analysis of how the current proposal satisfies each finding:

1. 2013 Denial Finding: Project would be out of scale with the existing development in the district. Aside from the storage building at Ward and Shattuck (five stories); the approved (but not yet built in 2013) project known as Parker Place (60', five stories); and the project approved at 2711 Shattuck, on the adjacent parcel to the south of the subject site (50', 4 stories, and also not yet built in 2013), the proposed project at 2701 Shattuck would be the tallest building on Shattuck Avenue south of Dwight Way, the edge of the Downtown District.

2018 Project Staff Analysis: In 2013, the Parker Apartments project (known as Parker Place at the time) was not yet constructed, but it is now fully constructed and occupied. At five stories and 60'-4" in height along the Shattuck Avenue

⁵ The Affordable Housing Mitigation Fee is currently \$34,000 per unit if paid at issuance of a building permit and \$37,000 if paid at the time Certificate of Occupancy is issued. The total fee due is calculated with the formula, $[A \times \text{Fee}] - [(B+C)/(A \times 20\%) \times (A \times \text{Fee})]$, where A=Total # Market Rate Units.

frontage, the maximum building height would be similar to the subject proposal, at five stories and 62'-4" tall. The Parker Apartments project minimized the height impacts on the adjacent residential neighborhoods to the west by stepping down the buildings from five stories on the eastern, Shattuck Avenue side (in the C-SA District) to three stories on the western side (in the R-2A District). Like the Parker Apartments, the 2701 Shattuck proposal would also step down from the five-story front in the commercial district along Shattuck Avenue toward the residential district to the east, in order to minimize the height differential between the districts, by stepping down at each level on the northeast corner to two stories high at the eastern setback. Further, as discussed in the next finding analysis, the current 2701 Shattuck proposal has improved the perceived scale of the project by increasing the building setback distances for all of the building floors from the adjacent residences to the east. (See Figures 7 and 8: View from Derby Street – Current Proposal versus 2013 Proposal.)

2. 2013 Denial Finding: Project would not provide an adequate transition to the residential district to the east. The project does not take into consideration the scale of the abutting properties or protect the adjacent residential properties' access to light and air. In past approvals of projects in commercial districts which abut low or low-medium density residential areas, the building mass was clustered towards the commercial street, and transitioned to the adjacent residential districts by lowering the building height and setting back the upper floors toward the adjacent residences, to reduce apparent mass. The (2013) proposal would provide a varied setback in the east side of the building, but the northeast corner, even though set back, would still be 52' high at the fourth floor, while being 16'-10" from the property line closest to the adjacent residences.

2018 Project Staff Analysis: The current 2701 Shattuck proposal has made the following adjustments from the 2013 proposal to address the massing at the northeast corner, resulting in an improved transition from the proposed five-story building to the one-story residences to the east, and increased light and air to these dwellings (see Figures 7 and 8: View from Derby Street – Current Proposal versus 2013 Proposal):

- Eliminated one corner unit from floors 2 through 5 (floors 2 and 3 would be approximately 39' high from grade at 20' from the east property line);
- Stepped back the fourth floor (to be approximately 48' high from grade at 31' from the east property line); and,
- Stepped back the fifth floor (to be approximately 62' high from grade at 35' from the east property line).

Figure 7: View from Derby Street – Current Proposal



Figure 8: View from Derby Street – 2013 Proposal



3. 2013 Denial Finding: Project would be out of scale with the adjacent residential district. The R-2 District abutting the site to the east contains mostly single-family residences, with a few duplex or multi-family properties located on Ward or Walker Street. The residential buildings to the east, along Derby Street, include one-story buildings, and the residential buildings to the southeast along Ward Street are mostly two-story buildings. Because the fourth floor of the proposed (2013) building would be 52' in height and setback from the residential district to the east by only 16'-10", the ZAB finds that the project would not be compatible in scale with the adjacent residential neighborhoods.

2018 Project Staff Analysis: As discussed above under Finding #2, the current proposal has improved the transition from the proposed five-story building to the one- and two-story residences to the east by further stepping back each floor (over the 2013 project) from the eastern residences, resulting in lower heights at the building corners closest to the east property line and a perceived building scale that would be more compatible with this residential district.

4. 2013 Denial Finding: Design alternatives suggested by the ZAB to the applicant were rejected. The ZAB recommended that as many as 12 units should be removed from the fourth and fifth floors at the northeast corner of the site, or alternatively, that the entire fifth floor could be removed to make the development compatible with existing development patterns, and to provide a transition to the residential district to the east.

2018 Project Staff Analysis: Six units were eliminated at the northeast building corner in current proposal (one each from Floors 2 and 3, three from Floor 4, and one from Floor 5) to improve the transition to the residential district to the east. The fifth floor remains in the current proposal, but would be granted as a waiver under density bonus law. (The 2013 proposal was not a density bonus project, and requested a use permit for the fifth floor). Further, since the writing of the 2013 denial finding, the Parker Apartments project (two blocks north, on the west side of Shattuck Avenue) has been completed, which adds two five-story buildings to the surrounding neighborhood context, and is a larger project (156,102 square feet, 155 units) with a larger footprint, on a larger site (60,351 square feet, over two parcels) than the 2701 proposal. The closest five-story building to the subject site is the self-storage building two parcels south of the site (at Shattuck and Ward).

In conclusion, staff finds that each of the findings for denial of the 2013, 2701 Shattuck proposal have been addressed in the current proposal.

- F. Sunlight/shadow:** According to the shadow studies submitted by the applicant (See Attachment 1, Plan Set – Sheets S1.1 to S1.4), the single-family residences to the east (2104, 2106, and 2108 Derby Street) and the multi-family residence to the southeast of the site (2708 Walker Street) would experience the most increased shadows during the few hours before sunset, year-round. Residences to the northeast, beyond the subject block, may experience new shadows in the few hours before sunset in the winter. Shadow impact on these residences to the east and northeast are to be expected because the subject site is located in the C-SA district (commercial), which allows heights of up to 50' and 4 stories (for residential and mixed-

use), whereas the eastern residences are in the R-2 district (residential), which allows heights of up to 28' (35' with a use permit) and 3 stories. The proposal would include an additional story beyond the district height limit to accommodate the density bonus units – a waiver that would be granted (see section V.B for a discussion of waivers). The additional story casts shadows in the eastern direction further than if the project had only four stories. Still, the shadow impacts from the project would be reasonable, given that the duration would be limited to the evening hours and given the height limit differential between the two districts.

New shadows that would be cast onto properties to the west and northwest (across the street at 2680 and 2700 Shattuck Avenue) in the morning hours in the fall and spring months, and on the property to the north (2655 Shattuck Avenue) in the early-afternoon hours in the winter, would only affect commercial properties, and not residences.

G. Traffic/Parking: A Preliminary Transportation Assessment was prepared by the project transportation consultant, Kittelson and Associates, which was reviewed and approved by the City's Traffic Engineer. The study showed that the proposed project would generate 50 weekday AM peak hour person-trips, and 48 weekday PM peak hour person-trips (the sum of trips for all modes). Of these trips, the vehicle trip generation would account for 21 weekday AM peak hour trips, and 16 weekday PM peak hour trips. For other modes, the Project would generate 15 total transit trips, 2 total bicycle trips, and 36 total walk trips. Thus, the project would not exceed the City's 25 peak-hour trip threshold for requiring a full traffic study. The anticipated increase in traffic due to the project would not conflict with any applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system, and the impact would be less than significant.

The study also showed that, based on a qualitative review of the site plan, access and circulation for pedestrians, bicyclists, transit riders, and motor vehicles would be sufficiently accommodated by the proposed project. The proposed project would provide 30 vehicle parking spaces and 46 long-term bicycle parking spaces, a slight reduction from the numbers in the original proposal of 32 vehicle parking spaces and 56 long-term bicycle parking spaces, on which the study is based. However, the proposed number vehicle parking satisfies and exceeds district parking requirement by one, and the proposed number bicycle parking well exceeds district parking requirement. Thus, staff believes that the off-street parking in the surrounding neighborhood would not be adversely impacted by the project.

VI. Recommendation

Staff recommends that the ZAB provide advisory comments to the applicant regarding the design of the project, and to staff on issues and analyses that the ZAB would like to be addressed in the next staff report.

Attachments:

1. Project Plans, received June 29, 2018
2. Notice of Public Hearing

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429



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
NOVEMBER 8, 2018

2701 Shattuck Avenue

Use Permit #ZP2016-0244 to construct a 5-story, 62'-tall, mixed-use building with 57 dwelling units (including 5 VLI units), a 600-square-foot ground-floor quick-service restaurant, and 30 parking spaces.

I. Background

A. Land Use Designations:

- General Plan: AC – Avenue Commercial; South Shattuck Strategic Plan
- Zoning: C-SA, South Area Commercial District

B. Zoning Permits Required:

- Administrative Use Permit, to construct rooftop projections, such as mechanical appurtenances or architectural elements, which exceed the maximum district height limit, under BMC Section 23E.04.020.C;
- Use Permit to construct a new mixed-use development of 5,000 square feet or more, under BMC 23E.52.030.A; and
- Use Permit to construct more than 3,000 square feet of new floor area, under BMC 23E.52.050.

C. Waivers/Concessions Pursuant to State Density Bonus Law:

- Waiver to exceed height – to be 62'-4" maximum, where 50' is the limit, and to be 5 stories where 4 stories is the limit;
- Waiver to reduce the front, street side, side, and rear yards:
 - Front setback – 0'-0", where 15' minimum is required;
 - Rear setback – 0'-6", where 15' minimum is required;
 - Left side setback – 4'-0", where 5' minimum is required;
 - Right side (street side) setback – 0'-0", where 6' minimum is required;
- Waiver to exceed the lot coverage limit – to be 86%, where 40% maximum is allowed;
- Concession to increase average unit size from 463 square feet (Base Project) to 495 square feet (Proposed Project); and
- Concession to have ground-level parking in the Proposed Project, when the Base Project parking is underground.

D. CEQA Determination: Categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines.

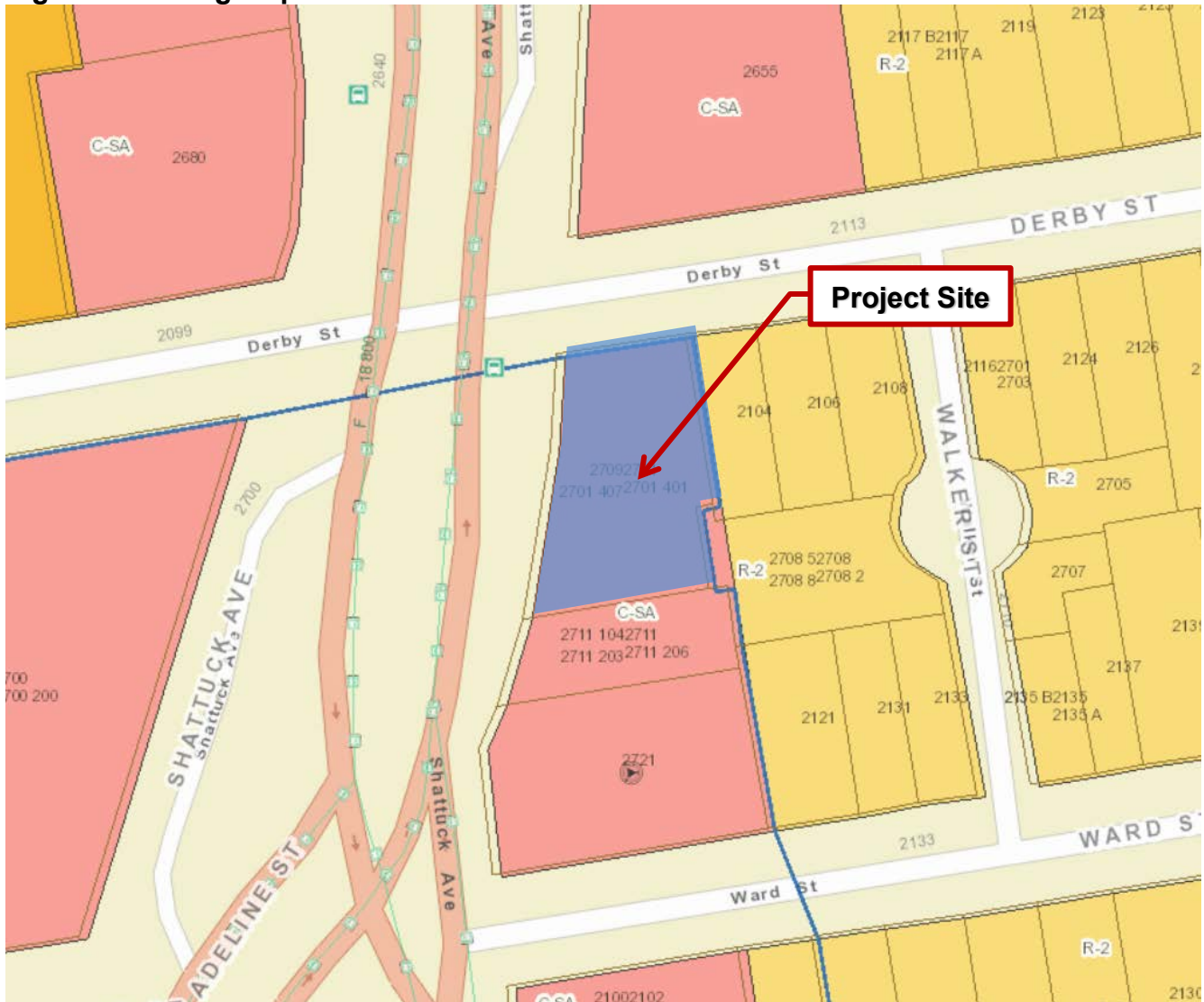
E. Parties Involved:

- Applicant Stuart Gruendl, Bay Rock Multifamily, LLC, 411 Pendleton Way, Suite C, Oakland



- Property Owner 2701 Shattuck Berkeley, LLC, 7917 Festival Court, Cupertino

F. Administrative Record Available: All application materials, staff reports, and correspondence for this project may be found on the Internet at this address: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2701_Shattuck_2016.aspx

Figure 1: Zoning Map



Legend

- C-SA: South Area Commercial District
- R-2: Restricted Two-Family Residential District
-  AC Transit Bus Route
-  Adeline-Shattuck Commercial District Area

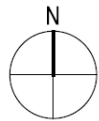


Figure 2: Vicinity Map

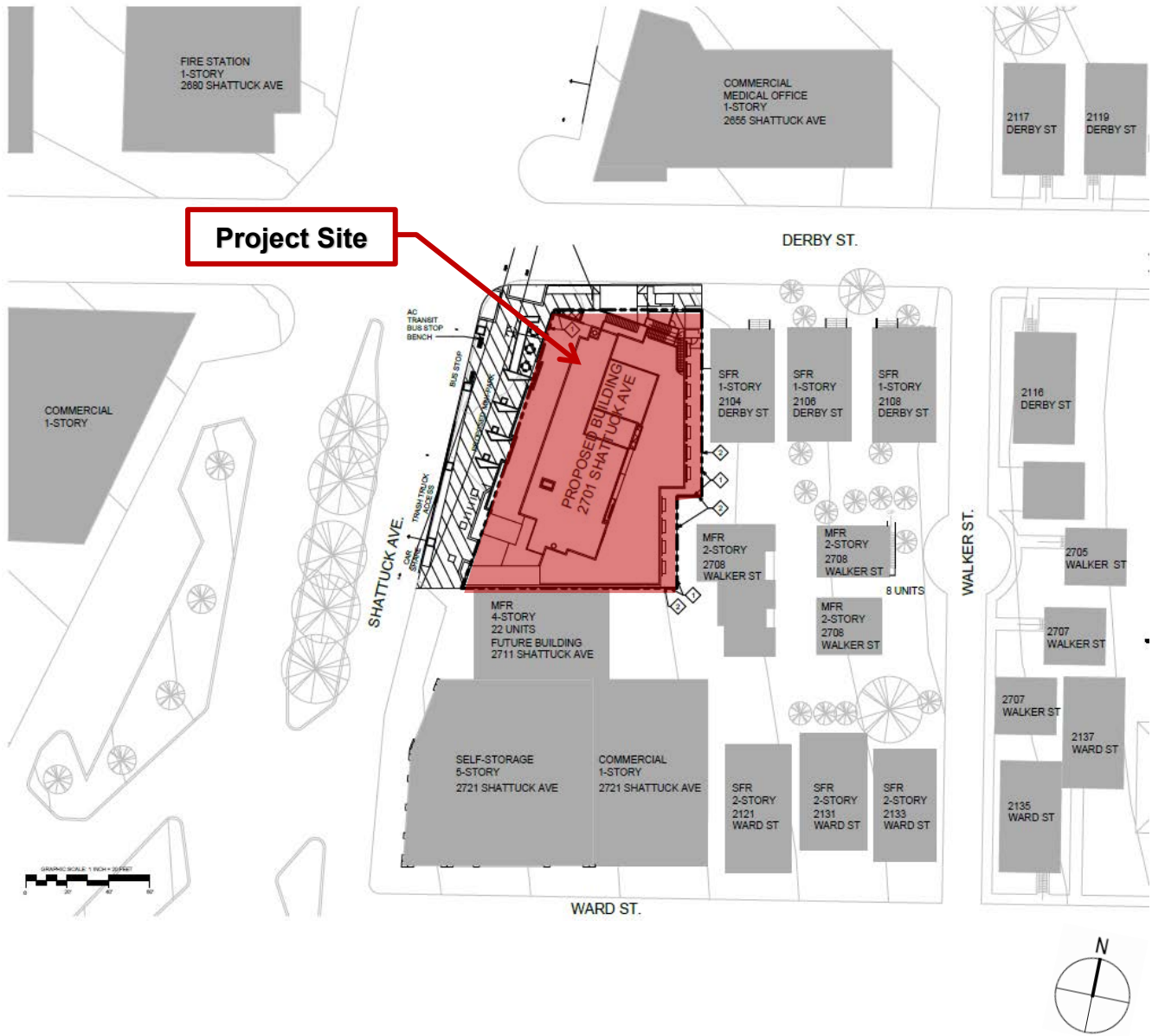


Figure 3: Ground Floor Plan



Figure 4: Shattuck Avenue (West) Elevation



Figure 5: Derby Street (North) Elevation



Figure 6: East Elevation



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant (former Auto Dealership)		
Surrounding Adjacent Properties	North	Medical Office	C-SA	Avenue Commercial (AC)
	Northwest	Berkeley Fire Station		
	West	Auto Dealership		
	East	Single-Family Residential/ Multi-Family Residential	R-2	Medium Density Residential (MDR)
	South	Multi-Family Residential	C-SA	Avenue Commercial (AC)

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Resolutions 66,618-N.S. & 66,617-N.S.)	No	This fee applies to projects with more than 7,500 square feet of new non-residential gross floor area. The project includes only 600 square feet of non-residential gross floor area, and thus these requirements do not apply.
Affordable Housing Mitigations for rental housing projects (BMC Section 22.20.065)	Yes	Because the project would have 5 or more dwellings, the project is subject to the affordable housing provisions of BMC 22.20.065. The project would provide 5 Very Low Income units and applicant intends to pay the remaining Mitigation Fee per the formula calculation. See Section V.D for details.
Creeks (Per BMC Chapter 17.08)	No	No creek or culvert defined by BMC Chapter 17.08 exists on or within 30' the site.
Density Bonus	Yes	The project would provide 5 Very Low Income units, or 12% of the Base Project units, and qualifies for a 35% density bonus (15 units). See Sections V.A and V.B for discussion.
Green Building Score	Yes	The Greenpoint Checklist minimum score is 50, and the maximum is 381. The project achieves a score of 91.
Historic Resources	No	The project site is not designated as a Landmark by the City. Demolition of the auto dealership building was approved with Use Permit #04-1000014 in 2007, and Building Permit #B2016-05314 in 2017. The site is now vacant.
Housing Accountability Act (Govt. Code 65589.5(j))	Yes	The project is a "housing development project" consisting of a mixed-use building, and requests no modifications to development standards beyond waivers and concessions requested under density bonus law. Therefore, the HAA <i>findings</i> apply to this project, and the project cannot be denied at the density proposed unless findings for denial can be made. See Section V.C for discussion.

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Public Art on Private Projects (BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects ordinance. The applicant is electing to provide on-site art to comply. A Conceptual Public Art Plan was presented to the DRC for Preliminary Design Review as part of the overall design proposal. A final proposal will be submitted to the Civic Arts Commission for approval prior to building permit issuance.
Residential Preferred Parking	No	The site is not in a RPP zone. Thus, the project would not be eligible for RPP permits. Most of the neighborhoods to the east and northwest, and small portions of the neighborhood to the southwest, participate in the Residential Preferred Parking program, which limits non-permit parking to two hours.
Seismic Hazards (SHMA)	No	The project site is not located in an area susceptible to liquefaction, fault rupture or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area. Phase I and II reports have been submitted by applicant, and have been reviewed by the City Toxics Division. The Division concluded that no further studies were required, but the project is subject to the City's Standard Conditions of Approval (SCA) for Toxics that requires preparation of a Soil and Groundwater Management Plan (SGMP). Per §15300.2 of the CEQA Guidelines, a categorical exemption may not be used on sites listed on the Cortese List (an annually updated list of hazardous materials sites). The project site is <u>not</u> listed on the Cortese List, and qualifies for a categorical exemption for "In-Fill Development Projects".
Transit	Yes	The project site is served by AC Transit bus lines 18, 800 and Transbay Line F, along Shattuck Ave. The site is approximately 1/2 mile from both the Downtown Berkeley BART Station to the north, and the Ashby BART Station to the south.

Table 3: Site Permit History/Project Chronology

Date	Site Permit Action
May 2001	ZAB Approved 16-unit project (Use Permit #00-10000083)
October 2002	ZAB Approved 17-unit project (Use Permit #02-70000044)
December 2006	ZAB Approved 24-unit project (Use Permit #04-10000014)
January 2007	Appeal of ZAB decision filed (Use Permit #04-10000014)
July 2007	City Council Approved 24-unit project (Use Permit #04-10000014)
November 14, 2013	ZAB Denied 67-unit project (Use Permit #12-10000039)
Date	Project Action
December 13, 2016	Application submitted for 57-unit project
January 12, 2017	Application deemed incomplete
January 30, 2017	Revised application, 57-unit project submitted as Density Bonus project
February 27, 2017 to June 13, 2018	Application was deemed incomplete six more times during this time period. Incomplete items included missing application submittal requirements and evolving density bonus proposal and calculations
June 20, 2018	Revised application submitted
June 29, 2018	Application deemed complete
July 11, 2018	Public hearing notices mailed/posted
July 26, 2018	ZAB Preview
August 16, 2018	DRC Preliminary Design Review (PDR); continued to September 20 with comments
September 6, 2018	Revised plans submitted
September 20, 2018	DRC PDR; recommendation for approval to ZAB with Conditions
October 25, 2018	Public hearing notices mailed/posted
November 8, 2018	ZAB Hearing

Table 4: Development Standards

C-SA and R-4 Standards BMC Sections 23E.52.070-080 and 23D.40.070		Proposed	Permitted/Required
Lot Area (sq. ft.)		11,826	n/a
Gross Floor Area (sq. ft.)		27,980	47,304 max.
FAR		2.4	4 max.
Dwelling Units		57	n/a
Building Height	Average	62'-4"	50' max.
	Stories	5	4 max.
Building Setbacks	Front	0'-0"	15' min.
	Rear	0'-6"	15' min. ²
	East Side	4'-0"	5' min. ²
	West Side (Shattuck)	0'-0" (3' overhang in ROW ³)	6' min. ²
Lot Coverage (%)		86	40 max.
Usable Open Space (sq. ft.)		6,212	2,280 min. (40 s.f./d.u.)
Parking	Commercial	2	2 min. (1 spc/300 s.f.)
	Residential	28	27 min. ⁴ (R-4 Dist Std: 1 spc/1,000 s.f.)
	Total	30	29 min.
Bicycle Parking		44	0 (1 spc/2,000 s.f. commercial)
<p>¹ The lot area was listed as 11,932 in the 2013 use permit staff report. The lot area for the current proposal was confirmed with a survey to be 11,826 square feet. Calculations dependent upon lot area are based on the respective lot area amounts.</p> <p>² Setbacks are for ground floor. Minimum setbacks for floors two through five are as follows (per floor: 1st Floor/2nd Floor/3rd Floor etc.): Front, 15/15/15/15'; Rear, 15/15/17/19'; East Side, 5/6/8/10'; and West (street) Side, 8/10/12/14'.</p> <p>³ An encroachment Permit would be required from the Public Works Department.</p> <p>⁴ Per BMC 23E.52.080.C, the first 1,000 square feet of new gross floor area may be exempted from providing Off-street Parking Spaces.</p> <p>= Waiver/Concession requested to depart from the district standard.</p>			

II. Project Setting

A. Neighborhood/Area Description: The subject site is located on the southeast corner of the intersection of Shattuck Avenue and Derby Street. Like the subject site, the adjacent and confronting parcels to the north, west, and south of the site are in the South Area Commercial District (C-SA) and are in the area covered by the South Shattuck Strategic Plan (SSSP). Development along Shattuck Avenue that is south of Dwight Way (south of the Downtown Mixed Use District) consists of 1- and 2-story commercial and mixed-use buildings, with the exception of the 5-story, 60'-4"-tall Parker Apartments 1.5 blocks north, on the west side of Shattuck Avenue; the 4-story, 50'-tall building on the adjacent parcel to the south of the subject site; and the 5-story, 60'-tall UC Storage building two parcels south of the site at the corner of Shattuck

Avenue and Ward Street. A proposal for a 6-story, 65'-tall, mixed-use building on the parcel one block north of the subject site (adjacent to the Parker Apartments) was Previewed by the ZAB on October 11, 2018. Adjacent parcels to east are in the Restricted Two-Family Residential District (R-2), and contain 1-story, single-family residences along Derby Street and 2-story, multi-family residences along Walker Street. (See Figure 1: Zoning Map, and Figure 2: Vicinity Map.)

B. Site Conditions/Background: The subject site was a used car dealership in the past, and in the last 10-15 years, was occasionally used for car storage. Demolition of the commercial building was approved with Use Permit #04-10000014 in 2007. The Building Permit for the demolition was issued in April, 2017, and the site is now vacant.

In May 2001, the City approved Use Permit #00-10000083 for the construction of a 3-story, 50'-tall, 25,000-square-foot, mixed-use building with 16 dwelling units, 3,200 square feet of commercial floor area, and 17 parking spaces. This project was granted use permits to reduce all setbacks, to provide less than the minimum number of off-street parking spaces, and to increase the allowed lot coverage above the maximum. This permit was later modified in October, 2002 (Use Permit #02-70000044), to add one dwelling unit. The project was never built.

In July 2007, the City approved Use Permit #04-10000014 for a 5-story, 55'-tall, 33,598-square-foot, mixed-use building with 24 dwelling units, 3,200 square feet of commercial space and 24 parking spaces. This project was granted use permits to exceed the height/story limit to allow a partial fifth floor, to reduce all setbacks, to provide less than the minimum number of off-street parking spaces and to increase the allowed lot coverage above the maximum. This project was also not built.

In November 2013, the City denied Use Permit #12-10000039, a request to construct a 5-story, 61'-tall, 29,909-square-foot, mixed-use building with 67 dwelling units, 1,969-square-feet of full-service restaurant space and 32 parking spaces. The building design was very similar to the current proposal and requested exceedances for height and lot coverage, and reductions to the front, street side, and rear setbacks. See section V.E for a discussion of the 2013 denial findings and a comparison of the 2013 project with the current, 2018 proposal.

III. Project Description

The project proposes to construct a 5-story, 62'-tall, mixed-use building with the following main components:

- 57 dwelling units – 3 two-level, townhomes on the ground floor; and 46 studios; 6 one-bedroom units; and 2 one-bedroom plus den units on the 2nd through 5th floors;
- 5 Very Low Income (VLI) units;
- 600-square-foot, ground floor, quick-service restaurant (café);
- 6,212 square feet of usable open space – on the 2nd, 4th and 5th floors, and a roof deck above the 5th floor;

- 30 automobile parking spaces (27 in triple lifts and 3 at grade) and 44 bicycle parking spaces;
- Sidewalk public space enhancements and outdoor café seating area;
- 310-square-foot community room for the use of on-site residents; and
- Public art integrated into the building façades.

(See Figure 3: Ground Floor Plan, and Figures 4 through 6: Elevations. See Attachment 1, Plan Set, for the full set of project drawings.)

Table 5: Residential Units

Unit Type	Average Unit Size (sq. ft.)	Unit Count	Percentage (%)	Total Area (sq. ft.)
Studio ("Jr. One-Bedroom")	320	46	81	14,720
One-Bedroom	496	6	11	2,976
One-Bedroom plus Den	668	2	4	1,336
Studio Loft ("Townhouse")	715	3	5	2,145
Totals:	372* (Avg all units)	57	100	21,177

*Average size of interior of all units. Does not include residential amenities or circulation.

IV. Community Discussion

A. Neighbor/Community Concerns: On November 3, 2016, a neighborhood meeting was held to review the project and discuss concerns, and was attended by nine members of the public. Prior to submitting the application to the City on December 13, 2016, a pre-application poster was installed by the applicant at the project site.

On July 11, 2018, the City mailed public hearing notices to property owners and occupants within 300' of the site, to interested neighborhood organizations, and the posted notices within the neighborhood in three locations. On July 26, 2018, a ZAB Preview of the project was held. Salient points included a concern for the ambiguity of public/private space in front of townhomes in public right-of-way, and a suggestions to reduce or eliminate parking to reduce overall building mass.

On October 25, 2018, the City mailed public hearing notices to property owners and occupants within 300' of the site, to interested neighborhood organizations, and the posted notices within the neighborhood in three locations. No further communications regarding the project were received as of the writing of this staff report.

B. Design Review Committee: The Design Review Committee (DRC) conducted Preliminary Design Review (PDR) of the project on August 16, 2018, provided comments to the applicant, and continued the PDR to September 20, 2018. In response to comments, the applicant made revisions to the design, including:

- Added screening to the eastern stair landings; cut back landing/stair away from the eastern residences at the fifth floor and roof level, to provide greater privacy to these neighbors;
- More open and inviting, removable, seating and planting areas on public right-of-way/sidewalk area;
- Added stoops with low planters on sidewalk outside of ground-floor townhouses to provide a semi-private transition from private to public¹;
- Re-designed two-bedroom units into one-bedroom plus den, to provide natural light and air to all habitable spaces in all dwelling units; and
- Widened roof deck, to create a gathering space for residents (also serves to increase total usable open space).

The DRC completed PDR on September 20th and forwarded a **favorable recommendation** for the project to the ZAB with conditions and recommendations for Final Design Review (Vote: 5-0-0-2; Passmore, Pink – absent):

Conditions:

- Provide metal sunshades over windows on the 2nd and 5th floor;
- Consider final design for planters at ground floor unit entries;
- Review final window details at Final Design Review, including extent of clear and translucent glazing; and
- Provide alternate building colors at Final Design Review.

Recommendations:

- Recommend ZAB discuss sidewalk seating that is not exclusively for café. (ZAB comments will be forwarded to Public Works for consideration.)

V. Issues and Analysis

A. Density Bonus Units: The project is eligible for a density bonus under Government Code Section 65915, through the inclusion of five VLI units. According to the City's Density Bonus Procedures, the Base Project was calculated to have 43 units as the maximum allowable density for the site². The Base Project includes 42 units (one less than the maximum allowable density) with an average unit size of 463 square feet, in a 4-story building. (See Table 6: Base vs. Proposed Project and Table 7: Density Bonus.) Five VLI units in the Proposed Project qualifies the development for a 35% density bonus, which equates to 15 bonus units, resulting in a 57-unit Proposed Project, with an average unit size of 495 square feet, in a 5-story building. The increase in average unit size in the Proposed Project over the Base Project (a 7% increase)

¹ Public Works has since rejected the proposal and has provided preliminary approval of a design that has no stoops and only ground-level planting areas. See Project Site Plan. Approval of an encroachment permit is pending.

² Per the City's Density Bonus Procedures (DBP), the "Base Project" is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the "Proposed Project", which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, section 65915(f).

would be allowed through a concession³. See the next section, V.B, for a discussion of the concessions.

Table 6: Base vs. Proposed Project – Per City’s Density Bonus Procedures

	Base Project		Proposed Project	
	Residential Floor Area (RFA)	Base Units	RFA with DBU	Total Units [Base + Density Bonus Units (DBU)]
Totals:	19,736	42*	28,213	57*
Average Unit Size:**	463 sq. ft.		495 sq. ft. (7% increase)	
* Per Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number. ** Per City’s Density Bonus Procedures, the Average Unit Size used to calculate density bonus includes residential amenities and circulation.				

Table 7: Density Bonus – Per CA Gov’t Code 65915

Qualifying Units	Density Bonus Achieved	Base Project Units*	Number of DBU Achieved*	Proposed Project Units
5 VLI	35% (35% max.)	42 (43 maximum allowable density)	15 (35%x42)	57
* Per Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.				

B. Density Bonus Waivers and Concessions: The project would be entitled to two concessions (or incentives), under Government Code Section 65915(d), and an unlimited number of waivers, under Section 65915(e).

A concession or incentive is a modification of a zoning code requirement that results in identifiable and actual cost reductions, to provide for affordable housing costs. The applicant is requesting two concessions for the project to modify the DBP: 1) to increase the average unit size from 463 square feet in the Base Project to 495 square feet in the Proposed Project⁴, and 2) to have ground-level parking in the Proposed Project, where the Base Project parking would be underground, using an automated

³ Per the City’s 2014 DBP, the calculation of maximum allowable density uses the average unit size of the Proposed Project to calculate the number of allowable units in the Base Project. Typically, the average unit size must remain consistent from the Base Project to the Proposed Project to prevent applicants from creating a Base Project that would be far denser and/or poorer in design quality than the applicant actually desires to build, for the purpose of obtaining a larger density bonus. However, the 2014 DBP allowed a Concession for the increase of average unit size. The applicant is utilizing this provision, which is not included in the current, 2018 DBP. The application was deemed substantially complete prior to the City’s release of the 2018 DBP. Because of this concession, the City’s application of the 2014 DBP was altered to allow the increase in residential area *after* the calculation of the maximum allowable density for the site. This application of the density calculation formula yields the results discussed in the Density Bonus Units analysis.

⁴ Under the standard application of the DBP (both the 2014 or 2018 versions), the Base Project would result in 40 units as the maximum allowable density for the site, with an average unit size of 495 square feet. Five VLI units in the proposed project would have qualified the development for a 35% density bonus which would have yielded 14 bonus units, for maximum of 54 units in the Proposed Project. Had the applicant not requested a concession for the increase of average unit size, the Proposed Project would have been limited to a maximum of 54 units for the site.

parking machine to move the automobiles from grade into the underground storage garage.

The applicant provided a pro forma statement to show the cost reductions associated with increasing the average unit size and with ground-level parking compared to underground parking. The pro forma statement was peer reviewed by the City's consultant, Placeworks. The City's peer review concluded that the pro forma statement adequately documented that the "Proposed Project Costs with Concessions" would result in a cost reduction or "decrease in cost per unit" relative to the Base Project costs; and that the concessions would be necessary to cover the cost of affordable units.

The City may only deny the concessions if it finds that the concessions would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law. Staff believes such a finding cannot be made.

A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. Waivers for height, setbacks and lot coverage are requested for the project because they are necessary to physically accommodate the full density bonus project on the site. The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.

C. Housing Accountability Act Analysis: The Housing Accountability Act (HAA), California Government Code Section 65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact⁵ on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

⁵ As used in the Act, a "specific, adverse impact" means a "significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, polices, or conditions as they existed on the date the application was complete."

The base project complies with applicable, objective general plan and zoning standards. Therefore, the City may not deny the base project or approve the base project at a reduced density without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the base project.

D. Affordable Housing Mitigation Fee: Pursuant to BMC Section 22.20.065, the project is subject to the Affordable Housing Mitigation Fee (AHMF). The AHMF ordinance allows a project to provide Below Market Rate (BMR) units, up to 20% of the total project units, in-lieu of payment of the full fee. The applicant can choose whether to pay the fee, or provide the in-lieu units in the project, or provide a combination of both.⁶ The applicant has indicated that they intend to pay the amount of \$941,868 at building permit issuance, or \$1,024,974 at the time the Certificate of Occupation issuance.

E. Findings for Use Permit in C-SA District: Pursuant to BMC Section 23E.52.090.B, in order to approve any Use Permit in the district, the Board must make the following required findings. The proposed use or structure must:

1. Be compatible with the purposes of the District;

The project is consistent with the following purposes of the South Area Commercial District (C-SA):

- Implement the Master Plan's designations for Community Commercial, and the Commercial/Residential areas, as well as the policies of the South Berkeley Area Plan.

Staff Analysis: See sections V.J and V.K for the project's consistency with the General Plan and the South Berkeley Area Plan.

- Encourage the location of a wide variety of community-oriented retail goods and services in South Berkeley.
- Encourage development and amenities that support pedestrian-oriented uses.
- Encourage appropriate mixed-use development (retail/office/residential) on appropriate sites in the District.
- Encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown:

Staff Analysis: As a mixed-use building with 57 residential units and a 600-square-foot, ground-floor café, with improvements to the sidewalk outdoor space, the proposed project would encourage and engage pedestrian traffic near the site, and provide a place for the nearby residents to gather and engage with the local

⁶ The Affordable Housing Mitigation Fee is currently \$34,884 per unit if paid at issuance of a building permit and \$37,962 if paid at the time Certificate of Occupancy is issued. The following equation will be used to calculate the proportional discount to the fee based on the portion of units provided at Low-Income and Very Low-Income rents: $[A \times \text{Fee}] - [(B+C)/(A \times 20\%) \times (A \times \text{Fee})]$, where A=Total # Market Rate Units; B=# of Very-Low Income Units; & C=# of Low-Income Units.

community. The ground-floor café and enhanced public outdoor space would be a desirable service and destination for local residents, and would encourage them to patronize other local businesses within walking distance.

2. Be compatible in design and character with the District and the adjacent residential neighborhoods;

Staff Analysis: As discussed previously in section V.E, the project would be similar in height, massing, and use to existing, nearby developments, and therefore would be compatible with surrounding uses and buildings within the C-SA district. Also, as discussed in section V.E the project proposal has incorporated design features, such as stepping back from adjacent residences at each floor, to ease the transition from the project to the residential neighborhood and R-2A district to the east.

3. Not result in the domination of one type of commercial/retail use in any one area of the District;

Staff Analysis: The proposed café would add to the mixture of businesses in the neighborhood, which consists of car dealerships, medical offices, self-storage, retail, a pharmacy, a grocery store, and quick- and full-service restaurants, without a predominance of any one type of business.

F. General Non-Detriment: The project 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 would 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.

G. 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 LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
4. Policy LU-5–Affordable Housing Development: Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area, and other transit-oriented locations.

Staff Analysis: As discussed previously in section V.E, the project would be compatible with surrounding uses and buildings within the C-SA district, and would adequately transition to the residential district to the east of the site. The project would bring 57 new residential units, including five Very Low Income units to the area; and with waivers for height, setbacks and lot coverage granted to accommodate the density bonus on the site, would be consistent with district zoning standards. The project site is served by AC Transit bus lines 18, 800 and Transbay Line F along its Shattuck Avenue frontage. The project site is also approximately one-half mile from both the Downtown Berkeley BART station and the Ashby BART station.

5. Policy LU-27–Avenue Commercial Areas: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
6. Policy T-16–Access by Proximity: Improve access by increasing proximity of residents to services, goods, and employment centers.

Staff Analysis: The project would bring 57 new residential units and a 600-square-foot café, and enhanced public sidewalk space to the neighborhood, thereby contributing to the fast development of the South Shattuck area as a destination for Berkeley residents. Proposed improvements to the sidewalk right-of-way, such as public and café outdoor seating would enhance the pedestrian experience on the site frontage along Shattuck, and would encourage further activation of the Shattuck streetscape in this neighborhood.

7. Policy H-1–Extremely Low, Very Low, Low and Moderate-Income Housing: Increase the number of housing units affordable to Berkeley residents with lower income levels.
8. Policy H-12–Transit-Oriented New Construction: Encourage construction of new medium and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
9. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional needs.
10. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards.
11. 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.
12. Policy UD-17–Design Elements: In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.
13. 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.

14. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: According to the shadow studies submitted by the applicant, the single-family residences to the east (2104, 2106, and 2108 Derby Street) and the multi-family residences abutting the site to the east (2708 Walker Street) would experience the most increased shadows during the few hours before sunset, year-round. Residences to the northeast, beyond the subject block, would experience new shadows in the few hours before sunset in the winter. Shadow impact on these residences to the east and northeast are to be expected, because the subject site is located in the C-SA district (commercial), which allows heights of up to 50' and 4 stories (for residential and mixed-use), whereas the eastern residences are in the R-2 district (residential), which allows heights of up to 28' (35' with a use permit) and 3 stories. Shadow impacts from the project would be reasonable, given that the duration would be limited to the evening hours and given the height limit differential between the two districts.

15. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: To help the City meet its regional housing needs, the project would add 57 new residential units, including five Very Low Income units, and 600 square feet of new commercial space to a site that is served by or in close proximity to multiple transit lines, in a building that is consistent with City zoning standards and State density bonus law, and would be compatible with the surrounding neighborhood. The project design would have a reasonable level of shadow impact, and has been reviewed in terms of height, massing, materials, color and detailing by the DRC, which has recommended approval of the design to the ZAB. In addition, the project meets green building and sustainable design standards, by achieving a score of 91 on the GreenPoint Rated Checklist, where the minimum is 50, out of a maximum score of 381.

H. South Shattuck Strategic Plan Consistency: The South Shattuck Strategic Plan (adopted in June, 1998) contains strategies applicable to the project, including the following:

1. Economic Development Strategy 1: Encourage a development model of a variety of pedestrian-oriented neighborhood serving businesses supported by anchor commercial sites. Ensure the compatibility of commercial uses and adjacent residential neighborhoods through project design requirements that reduce negative impacts.
2. Economic Development Strategy 2: Encourage the reuse of vacant and underdeveloped Shattuck sites as mixed-use buildings with commercial frontage and residential above, concentrating particularly on opportunity sites that could significantly revitalize the area.
3. Urban Design Strategy 1: Enhance the pedestrian orientation of the commercial corridor through upgraded and expanded streetscape improvements and the reduction of automobile impacts.

4. Urban Design Strategy 2: Enhance the sense of place and district identity through careful building design and improved relationships between buildings, activities, residents, and shoppers in the South Shattuck corridor.
5. Urban Design Strategy 3: Enhance the visual quality of the corridor by creating an overall district identity, using features appropriate to each of the target areas.
6. Transportation Strategy 1: Make capital improvements in the public right-of-way which increase pedestrian access and safety on commercial streets.
7. Transportation Strategy 4: Support alternatives to the automobile (transit, shuttles, bicycling, and walking) by developing and implementing policies which encourage non-automobile travel, including a plan for targeted street improvements.

Staff Analysis: The project would develop a vacant site to bring 57 new residential units and a 600-square-foot quick-service restaurant (café) to the South Shattuck area on a site that is adjacent to transit, adding to a fast-developing neighborhood destination that has undergone recent increases in residential units, mixed-use developments, and pedestrian-oriented goods and services. The project would also provide improvements to the Shattuck frontage sidewalk, such as outdoor café seating and publicly-accessible sidewalk seating areas that would enhance the pedestrian experience along Shattuck Avenue, and further activate the streetscape in this neighborhood.

A Preliminary Transportation Assessment prepared by the project transportation consultant concluded that the anticipated increase in traffic due to the project would be less than significant, and that the off-street parking in the surrounding neighborhood would not be adversely impacted by the project. Thus, the project would not contribute to traffic and parking issues which result of a significant increase automobile use. Rather, by being adjacent to multiple transit lines, the project encourages non-automobile travel.

VI. 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 #ZP2016-0244, pursuant to BMC Section 23B.32.050 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

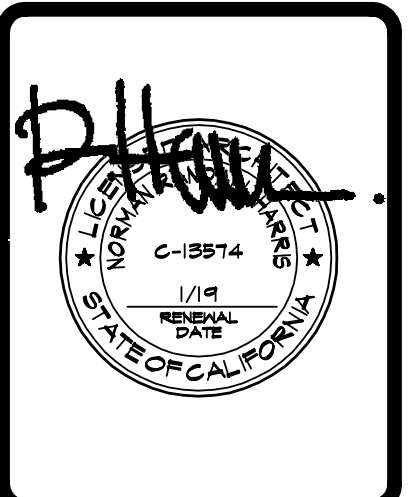
1. Findings and Conditions
2. Project Plans, received October 11, 2018
3. Notice of Public Hearing

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

2701 SHATTUCK AVENUE

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

HDO
architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
COVER

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
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sheet

A0.0



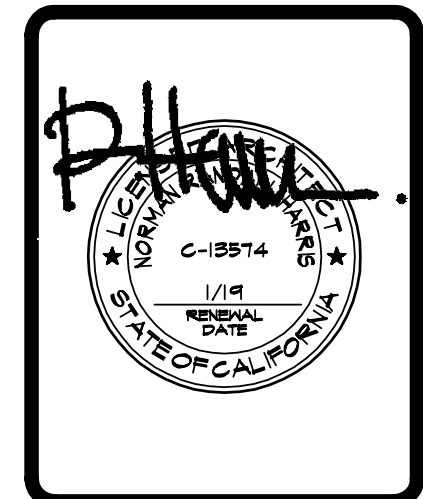
ZAB 11/08/18

2701 SHATTUCK AVENUE BERKELEY, CA

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/23/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

HDO
architects, planners

2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing

INDEX

drawn

checked
RH
date
3/07/18
scale
NO SCALE
job no.
1202
sheet

AO.1

ABBREVIATIONS

AFF ABOVE FINISHED FLOOR	(N) NEW	OC ON CENTER
ACOUS ACoustical	NEG NEGATIVE	OD OUTSIDE DIAMETER
ADJ ADJUSTABLE	NOM NOMINAL	OP OPENING
AL ALIGN	NIC NOT IN CONTRACT	OPP OPPOSITE
ALT ALTERNATE	NTS NOT TO SCALE	ORIG ORIGINAL
AB ANCHOR BOLT	NO NUMBER	
APROV APPROVED		
ARCH ARCHITECTURAL	OC ON CENTER	
AUTO AUTOMATIC	OD OUTSIDE DIAMETER	
	OP OPENING	
BLDG BUILDING	OPP OPPOSITE	
BLKG BLOCKING	ORIG ORIGINAL	
BM BEAM		
BD BOARD	PART PARTITION	
BO BOTTOM OF	PP PARTIAL PENETRATION	
BS BOTH SIDES	PAF POWDER ACTUATED FASTENER	
	PLAM PLASTIC LAMINATE	
CAB CABINET	PL PLATE	
CI CAST IRON	PN PLATE NAILING	
CIP CAST IN PLACE	PLYWD PLYWOOD	
COL COLUMN	PT POINT	
CTR CENTER	LB LBS	
CTC CENTER LINE	PRES PRESSURE	
CER CENTER TO CENTER		
CJ CERAMIC	QUAL QUALITY	
CL CONSTRUCTION JOINT	QUAN QUANTITY	
CMU CLEAR		
CON CONCRETE MASONRY UNIT	PT PRESSURE/	
CON CONNECTION	PRESERVATIVE TREATED	
CONT CONTINUOUS	PS PRESTRESSED	
CP COMPLETE PENETRATION	PART PARTITION	
CS COUNTERSUNK		
CW COLD WATER	RAD RADIUS	
	RWL RAIN WATER LEADER	
DET DETAIL	RECPT RECTANGLE	
DEPT DEPARTMENT	REF REFERENCE	
DIA DIAMETER	REIN REINFORCEMENT, REINFORCED	
DIV DIVISION	REQ REQUIRED	
DR DOOR	RWD REDWOOD	
DBL DOUBLE	RH RIGHT HAND	
DF DOUGLAS FIR	RHR RIGHT HAND REVERSE	
DN DOWN	RM ROOM	
DS DIAGONAL SHEATHING	RND ROUND	
DWG DRAWING	RO ROUGH OPENING	
DRWR DRAWER	REV REVISION	
(E) EXISTING	SS SANITARY SEWER	
EA EACH	SAD SEE ARCHITECTURAL DRAWINGS	
EF EACH FACE	SCD SEE CONSULTANT DRAWINGS	
EW EACH WAY	SED SEE ELECTRICAL DRAWINGS	
EN EDGE NAILING	SKD SEE KITCHEN CONSULTANT	
EL ELEVATION	SSD DRAWINGS	
ELEV ELEVATOR	SLD SEE STRUCTURAL DRAWINGS	
ELEC ELECTRICAL	SMD SEE LANDSCAPE DRAWINGS	
ENG ENGINEER	SFM SEE MECHANICAL DRAWINGS	
EQ EQUAL	SFD SEE FINISH CARPENTRY DRAWINGS	
EQUIP EQUIPMENT	SJ SEE PLUMBING DRAWINGS	
EX EXHAUST	SCHED SEISMIC JOINT	
EXP EXPEDITE	SECT SCHEDULE, SCHEDULE	
EXT EXTERIOR	SHT SECTION	
	SIM SHEET METAL	
FAB FABRICATE	SP SIMILAR	
FOC FACE OF CONCRETE	SPEC SPECIFICATION	
FOF FACE OF FINISH	SO SQUARE	
FOS FACE OF STUD	SQFT SQUARE FOOT	
FOW FACE OF WALL	ST STRAP TIE	
FIN FINISH	SSTL STAGGERED	
FF FINISHED FLOOR	STAND STAINLESS STEEL	
FE FIRE EXTINGUISHER	STL STANDARD	
FA FIRE ALARM	STRUC STEEL	
FLR FLOOR	SUS STRUCTURAL	
FLU FLUORESCENT	SYM SUSPENDED	
FLUSH FLUSH	SYS SYMMETRICAL	
FOUND FOUNDATION	TEMP TEMPERED	
FTNG FOOTING	THR THICKNESS	
FR FRAMING	THR THREADED	
FUR FURRING	T&B TIE DOWN	
	T&G TOP AND BOTTOM	
GA GAUGE	TOC TONGUE AND GROOVE	
GALV GALVANIZED, GALVANIZING	TOP TOP OF CONCRETE	
GL GLASS, GLAZING	TOS TOP OF FINISH	
GLULAM GLUE LAMINATED BEAM	TOW TOP OF PLATE	
GYP BD GYPSUM BOARD	TN TOP OF WALL	
	TYP TRUE NORTH	
HVAC HEATING VENTILATION & AIR CONDITIONING	TYP TYPICAL	
HSR HIGH STRENGTH RODS	UL UNDER WRITERS LABORATORY	
HSB HIGH STRENGTH BOLT	UTIL UNLESS OTHERWISE NOTED	
HEI HEIGHT	VERT VERTICAL	
HD HOLD DOWN	VIF VERIFY IN FIELD	
HORIZ HORIZONTAL	VER VERIFY	
HW HOT WATER	VEST VESTIBULE	
	WC WATER CLOSET	
INC INCLUDING, INCLUDED	WH WATER HEATER	
INFO INFORMATION	W/O WITH	
INT INTERIOR	WD WITH OUT	
	YD YARD	
JH JOIST HANGER		
JT JOINT		
LAM LAMINATE		
LH LEFT HAND		
LHR LEFT HAND REVERSE		
LT LIGHT		
LTW LIGHT WEIGHT		
L LONG, LENGTH		
MB MACHINE BOLTS		
MAINT MAINTENANCE		
MAX MAXIMUM		
MECH MECHANICAL		
MANF MANUFACTURER		
MTL METAL		
MEZZ MEZZANINE		
MIN MINIMUM		
MISC MISCELLANEOUS		
MTD MOUNTED		
MUL MULLION		

PROJECT DIRECTORY

DEVELOPER:	2701 SHATTUCK BERKELEY, LLC 7917 FESTIVAL COURT CUPERTINO, CA 95014 STUART GRUENDL, CEO STUART@BAY-ROCK.COM 408.761.3598
ARCHITECT:	HDO ARCHITECTS . PLANNERS 2950 CAMINO DIABLO, SUITE 110 WALNUT CREEK, CALIFORNIA 94597 CONTACT: RANDY HARRIS RHARRIS@HDOARCHITECTS.COM 925.256.6042 EXT: 16 CONTACT: ALFREDO YNIGUEZ AYNIGUEZ@HDOARCHITECTS.COM 925.256.6042 EXT: 19
CIVIL ENGINEER:	CALICHI DESIGN GROUP 1330 BROADWAY, SUITE 1203 OAKLAND, CA 94612 CONTACT: RECO PRIANTO RECO@CALICHI.COM 510.250.7877
LANDSCAPE ARCHITECT:	BRUCE JETT ASSOCIATES 3 ALTARINDA ROAD, SUITE 201 ORINDA, CA 94563 CONTACT: BRUCE JETT BRUCEJ@LANDSARCH.COM 925.254.5422

GRAPHIC SYMBOLS

DETAIL REFERENCE	DRAWING NUMBER	---	#	---	---
	SHEET NUMBER	---	#	---	---
DETAIL SECTION REFERENCE	DRAWING NUMBER	---	#	---	---
	SHEET NUMBER	---	#	---	---
BUILDING SECTION REFERENCE	DRAWING NUMBER	---	#	---	---
	SHEET NUMBER	---	#	---	---
WALL SECTION REFERENCE	DRAWING NUMBER	---	#	---	---
	SHEET NUMBER	---	#	---	---
EXTERIOR ELEVATION REFERENCE	DRAWING NUMBER	---	1	---	---
	SHEET NUMBER	---	#	---	---
INTERIOR ELEVATION REFERENCE	DRAWING NUMBER	---	4	---	2
	SHEET NUMBER	---	3	---	---
REVISION REFERENCE	---	---	#	---	---
DOOR REFERENCE	---	---	##	---	---
WINDOW REFERENCE	---	---	#	---	---
ELEVATION DATUM	---	---	●	---	---
ROOM NUMBER	---	---	###	---	---
PARTITION TYPE	---	---	#	---	---
FINISH CEILING HEIGHT	---	---	'X'-X"	---	---

PROJECT DESCRIPTION

2701 SHATTUCK AVENUE IS A PROPOSED MIXED USE DEVELOPMENT AT THE CORNER OF SHATTUCK AVENUE AND DERBY STREET IN BERKELEY. THE PROJECT IS A MULTI-STORY WOOD CONSTRUCTION OVER A CONCRETE PODIUM THAT INCLUDES 57 RESIDENTIAL UNITS, A 600 SQUARE FOOT STREET LEVEL CAFE SPACE, 30 PARKING SPACES, AND INCLUDES DENSITY BONUS CONCESSIONS AND WAIVERS.

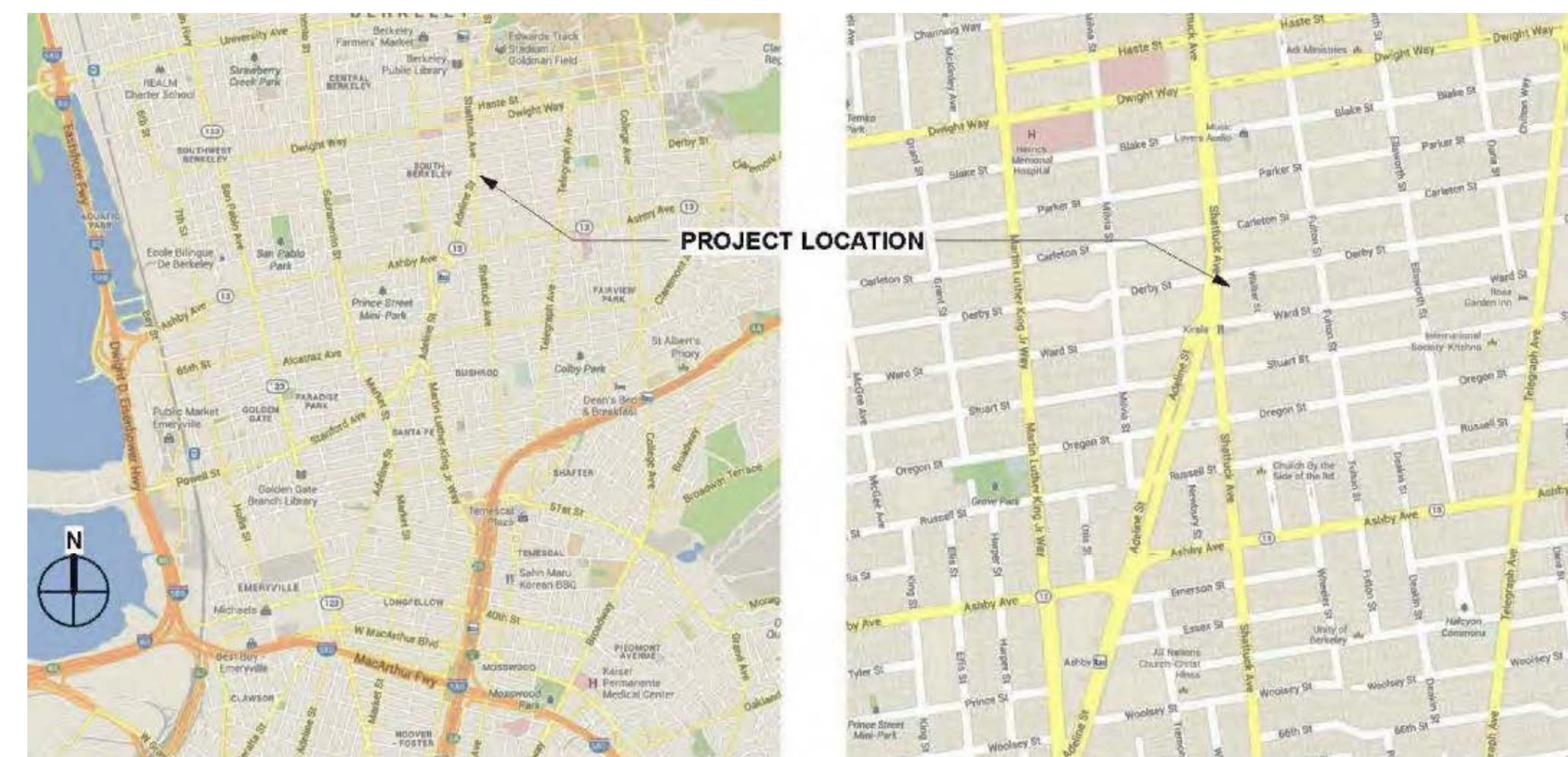
THE PROJECT FEATURES OPEN SPACE FOR THE TENANTS ON A ROOF DECK ALONG THE SHATTUCK AVENUE FRONTAGE AND AT THE PODIUM (SECOND) LEVEL.

THE PROJECT INCLUDES A SECURED BIKE PARKING ROOM, MANAGER'S OFFICE AND RESIDENT COMMUNITY WORKSPACE

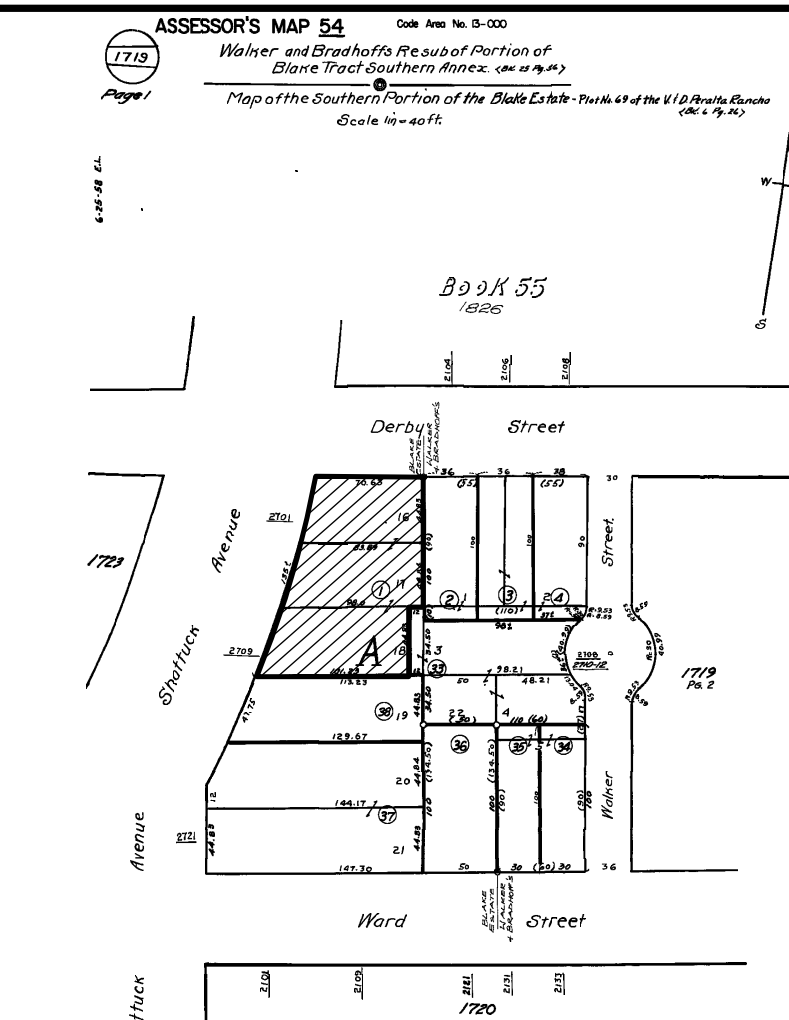
BUILDING CODE DATA

APN:	54-1719-1
STORMWATER TREATMENT	
REQUIRED PERCENTAGE:	4%
REQUIRED AREA:	477 SF
PROPOSED TREATMENT AREA:	1,126 SF
PRELIMINARY BUILDING CODE ANALYSIS	
OCCUPANCY TYPE:	R2
CONSTRUCTION TYPE:	VA, FULLY SPRINKLERED
ALLOWABLE AREA/FL:	APPROX. 36,000 SF
PROPOSED AREA/FL:	APPROX. 10,250 SF
ALLOWABLE HT:	4 VA STORIES, 60'; OVER UNLIMITED 1A STORIES
PROPOSED VA HT:	4 VA STORIES, 42'; OVER 1 STORY 1A

PROJECT LOCATION



PARCEL MAP



BASE PROJECT ZONING REQUIREMENTS

LOT COVERAGE
 40% COVERAGE ALLOWABLE
 LOT SIZE: 11,826 SF
 TOTAL SF ALLOWABLE: 4,730 SF
 ACTUAL COVERAGE: 4,730 SF

OPEN SPACE
 REQUIRED: 40 SF/UNIT USEABLE OPEN SPACE
 42 UNITS X 40 SF/UNIT = 1,680 SF
 PROVIDED OPEN SPACE: 1,850 SF

FAR CALCULATION
 ALLOWABLE FAR: 4.0
 BASE PROJECT FAR: 1.6 (18,947 SF / 11,826 SF = 1.60)

PARKING CALCULATION

COMMERCIAL PARKING
 COMMERCIAL GFA: 558 SF
 REQUIRED STALL RATIO: 1:300 SF
 REQUIRED STALLS: 2
 STALLS PROVIDED: 2

RESIDENTIAL PARKING *
 RESIDENTIAL FLOOR AREA: 18,736 SF
 REQUIRED STALL RATIO: 1:1,000 SF GFA
 REQUIRED STALLS: 19
 STALLS PROVIDED: 23

TOTAL AUTO PARKING: 25 SPACES

COMMERCIAL BIKE PARKING
 COMMERCIAL SPACES REQUIRED: 1 SPACE/2,000 SF COMMERCIAL AREA
 COMMERCIAL FLOOR AREA: 558 SF
 COMMERCIAL SPACES PROVIDED: 558 / 2,000 = (0.3) = 1

RESIDENTIAL BIKE PARKING
 RES. SPACES REQUIRED: 1 SPACE/2,000 SF RESIDENTIAL AREA
 RES. FLOOR AREA: 19,736 SF
 RES. BIKE SPACES PROVIDED: 19,736 / 2,000 = 9.9

TOTAL BIKE PARKING: 11 SPACES

ROOFTOP COVERAGE CALCULATION

AVERAGE FLOOR AREA: 18,947 SF / 4 STORIES = 4,737 SF
 ALLOWABLE ROOF COVERAGE: 15% X 4,737 SF = 711 SF

ROOFTOP ELEMENTS
 STAIR 1: 145 SF
 STAIR 2: 166 SF
 ELEVATOR: 157 SF
 COMMERCIAL EXH. 5 SF
 MACHINE ROOM 70 SF

TOTAL COVERAGE: 543 SF

* - FIRST 1000 SF EXEMPT OFF-STREET PARKING (BMC SECTION 23E.52.080.C)

PROPOSED DENSITY BONUS PROJECT ZONING REQUIREMENTS

LOT COVERAGE
 LOT SIZE: 11,826 SF
 COVERED AREA OF LOT: 10,217 SF
 10,217 SF / 11,826 SF X 100% = 86%

OPEN SPACE
 REQUIRED RATIO: 40 SF PER UNIT
 REQUIRED AREA: 57 UNITS X 40 SF/UNIT = 2,280 SF

PODIUM OPEN SPACE: 3,323 SF
 4TH LEVEL OPEN SPACE: 625 SF
 5TH LEVEL OPEN SPACE: 285 SF
 ROOFTOP OPEN SPACE: 1,979 SF
PROVIDED OPEN SPACE: 6,212 SF

FAR CALCULATION
 ALLOWABLE FAR: 4.0
 PROPOSED FAR: 2.4 (27,980 SF / 11,826 SF = 2.36)

PARKING CALCULATION

COMMERCIAL PARKING
 COMMERCIAL AREA: 600 SF
 REQUIRED STALL RATIO: 1:300 SF
 REQUIRED STALLS: 2
 STALLS PROVIDED: 2

RESIDENTIAL PARKING *
 RESIDENTIAL FLOOR AREA: 27,213 SF
 REQUIRED STALL RATIO: 1:1,000 SF
 REQUIRED STALLS: 28
 STALLS PROVIDED: 28

TOTAL AUTO PARKING: 30 SPACES

COMMERCIAL BIKE PARKING
 COMMERCIAL SPACES REQUIRED: 1 SPACE / 2,000 SF
 COMMERCIAL FLOOR AREA: 600 SF
 COMMERCIAL SPACES PROVIDED: 600 / 2,000 = 0.3

RESIDENTIAL BIKE PARKING
 RESIDENTIAL SPACES REQUIRED: 1 SPACE/2,000 SF RESIDENTIAL AREA
 RESIDENTIAL FLOOR AREA: 28,213 SF
 RESIDENTIAL SPACES PROVIDED: 28,213 / 2,000 = 15 (14.1)

TOTAL BIKE PARKING: 49 SPACES

ROOFTOP COVERAGE CALCULATION

AVERAGE FLOOR AREA: 27,980 SF / 5 STORIES = 5,596 SF AVERAGE
 ALLOWABLE ROOF COVERAGE: 15% X 5,596 SF = 839 SF

ROOFTOP ELEMENTS
 MECHANICAL EXH. 5 SF
 TRASH CHUTE EXH. 32 SF
 COMMERCIAL EXH. 21 SF
 MACHINE ROOM 143 SF
 STAIR 178 SF
 COVERED WALK 201 SF
 ELEVATOR 156 SF
 TRELLIS 98 SF

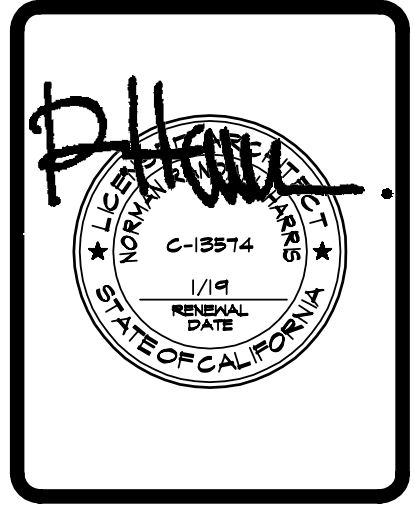
TOTAL COVERAGE: 834 SF

CITY OF BERKELEY ZONING SUMMARY

ZONE	C-SA (SOUTH AREA COMMERCIAL)		
	EXISTING	BASE PROJECT	PROPOSED***
Number of Dwelling Units	0	42	57 DU
RESIDENTIAL PARKING	0	23	28
COMMERCIAL PARKING	0	2	2
RESIDENTIAL BIKE STALLS	0	10	44
COMMERCIAL BIKE STALLS	0	1	5
Front Yard Setback	-	15	0 FT
Side Yard Setback (Right Side)	-	4	8 FT
Side Yard Setback (Street Side)	-	6	0 FT
Rear Yard Setback	-	15	0.5 FT
Building Height	-	50	62-4" FT
Building Stories	-	4	5
Lot Area	11,826	11,826	11,826 SF
Lot Area (Acres)	0.27	0.27	0.27
Level 1	-	4,118	2,440 SF
Mezzanine	-	1,428	775 SF
Level 2	-	4,730	6,699 SF
Level 3	-	4,730	6,655 SF
Level 4	-	4,730	5,966 SF
Level 5	-	-	5,678 SF
Roof Level	-	-	SF
RFA (Residential Floor Area per BMC)*		19,736	28,213 SF
Commercial		558	600 SF
Trash		57	468 SF
GFA(Residential GFA + Commercial)**		18,947	27,980 SF
Elevators+ Stairs(2nd floor to the top residential floor)		1,404	1,301 SF
Building Footprint	0	4,730	10,217 SF
Lot coverage	0	40% (max)	86%
FAR (Floor Area Ratio)	0	1.6	2.4
Usable Open Space	0 sf	1,883	6,212 SF

*RFA PER CITY PLANNER'S GUIDANCE, includes stairs and elevators on all residential floors and EXCLUDES TRASH area
 **GFA includes stairs and elevators on the floor of the greatest horizontal extent, commercial space and trash room, Per BMC DEFINITION OF FLOOR AREA, GROSS (23F.04.010)
 ***INCLUDES WAIVERS AND CONCESSIONS

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
**ZONING &
 SUPPORTING
 CALCULATIONS**

drawn
 checked
 RH
 date
 3/07/18
 scale
 NO SCALE
 job no.
 1802
 sheet



STEP 1: BASE PROJECT

THE BASE PROJECT IS A HYPOTHETICAL PROJECT THAT REPRESENTS THE "MAXIMUM ALLOWABLE RESIDENTIAL DENSITY" FOR A PROPOSED PROJECT AT A PARTICULAR SITE.

STEP 1.1 CALCULATE MAX. ALLOWABLE RESIDENTIAL FLOOR AREA
 CALCULATE THE BASE PROJECT'S RESIDENTIAL FLOOR AREA, INCLUDING EACH STORY OF A HYPOTHETICAL BUILDING, ON THE PROPOSED SITE.

STEP 1.1: BASE PROJECT RESIDENTIAL CALCULATIONS

LEVEL 1 RES.	4,118 sf
LEVEL 1 MEZZANINE RES.	1,428 sf
LEVEL 2 RES.	4,730 sf
LEVEL 3 RES.	4,730 sf
LEVEL 4 RES.	4,730 sf
ROOF LEVEL	-
TOTAL MAX. RESIDENTIAL FLOOR AREA	19,736

STEP 1.2 CALCULATE AVERAGE UNIT SIZE
 USING THE PROPOSED PROJECT'S PLANS, CALCULATE THE TOTAL FLOOR AREA DEDICATED TO RESIDENTIAL USES ON EACH FLOOR.

STEP 1.2A: PROPOSED DENSITY BONUS PROJECT RESIDENTIAL CALCULATIONS

LEVEL 1 RES.	2,997 sf
LEVEL 1 MEZZANINE RES.	550 sf
LEVEL 2 RES.	7,617 sf
LEVEL 3 RES.	7,617 sf
LEVEL 4 RES.	7,617 sf
ROOF LEVEL	- sf
TOTAL PROPOSED DENSITY BONUS	26,398 sf

*Calculated per City Density Bonus procedure

STEP 1.2B IDENTIFY THE TOTAL NUMBER OF PROPOSED RESIDENTIAL UNITS

57 UNITS PROPOSED

STEP 1.2C DIVIDE TOTAL PROPOSED DENSITY PROJECT FLOOR AREA BY NUMBER OF UNITS

26,398 SF / 57 UNITS = 463 SF/UNIT

STEP 1.2D CALCULATED AVERAGE UNIT SIZE: 463 SF
 (PROPOSED PROJECT REQUESTS A CONCESSION - SEE STEP 3)

STEP 1.3 CALCULATE NUMBER OF BASE PROJECT UNITS
 CALCULATE THE BASE PROJECT'S MAXIMUM NUMBER OF RESIDENTIAL UNITS BY DIVIDING THE SQUARE FOOTAGE OF THE BASE PROJECT (STEP 1.1) BY THE AVERAGE UNIT SIZE (STEP 1.2).

STEP 1.1: BASE PROJECT RES. FLOOR AREA: 19,736 SF
 STEP 1.2: AVERAGE UNIT SIZE: 463 SF
 STEP 1.3: BASE UNITS: 19,736 SF / 463 SF = 42.63 UNITS *

* - ALLOWED 43 UNITS, BUT, DESIGNED TO 42 UNITS

STEP 2: PROPOSED DENSITY BONUS PROJECT

DENSITY BONUS UNITS ARE MARKET-RATE UNITS THAT EXCEED THE "MAXIMUM ALLOWED RESIDENTIAL DENSITY." THE AMOUNT OF AFFORDABLE UNITS AND THEIR AFFORDABILITY.

STEP 2.1 DETERMINE PROPOSED NUMBER AND INCOME LEVEL OF BELOW MARKET RATE (BMR) UNITS.

INCOME LEVEL: VERY-LOW-INCOME UNITS
 % AFFORDABLE UNITS: 11%
 # BASE PROJECT UNITS: 42
 # AFFORDABLE UNITS: 11% X 42 = (4.62)
 = 5 AFFORDABLE UNITS

STEP 2.2 CALCULATE DENSITY INCREASE (%) BASED ON THE DENSITY BONUS LAW AND INFORMATION FROM STEP 2.1.

% GRANTED FOR DENSITY BONUS: 35%
 # BASE PROJECT UNITS: 42

STEP 2.3 CALCULATE NUMBER OF BONUS UNITS BY APPLYING THE PERCENTAGE FROM STEP 2.2 TO BASE PROJECT.

BONUS UNITS ALLOWED 35% X 42 = (14.7)
 = 15 BONUS UNITS
 BASE PROJECT UNITS + BONUS UNITS 42 + 15 = 57

UNITS PROPOSED WITH DENSITY BONUS: 57 UNITS

WAIVERS:
 NO LIMIT PER CALIFORNIA STATE LAW SECTION 65915

- HEIGHT - BMC 23E.52.070.B.2 TO EXCEED THE HEIGHT AND STORY LIMITS FOR THE DISTRICT (TO HAVE 62'-4" AND 5 STORIES, WHERE 50' AND 4 STORIES ARE REQUIRED).
 - BMCS 23E.04.020 TO HAVE ARCHITECTURAL ELEMENTS WHICH EXCEED A DISTRICT'S HEIGHT LIMIT.
- SETBACKS - BMC 23E.52.070.D.5 TO REDUCE THE FRONT, STREET SIDE, AND REAR YARDS; AND TO EXCEED THE LOT COVERAGE LIMIT FOR THE DISTRICT.

- REDUCED FRONT SETBACK**
 SETBACK OF 0 FEET ON ALL FLOORS.
- REDUCED STREET SIDE SETBACK**
 BUILDING SETBACK OF 0 FEET ON ALL FLOORS.
- REDUCED REAR SETBACK**
 OF 6 INCHES ON ALL FLOORS.
- EXCEED LOT COVERAGE**
 TO ALLOW 86% COVERAGE.
- (NO WAIVERS ARE REQUIRED FOR THE EAST SIDE SETBACK NOR THE USEABLE OPEN SPACE PER UNIT)

STEP 3: PROPOSED DENSITY BONUS PROJECT WITH WAIVERS AND CONCESSIONS

STEP 3: ZAB ACTS ON THE PROPOSED DENSITY BONUS PROJECT

3.1 LIST OF CONCESSIONS (ALLOW 2) AND WAIVERS:
CONCESSION 1) MOVE PARKING FROM UNDERGROUND TO GROUND LEVEL PARKING
CONCESSION 2) INCREASED UNIT SIZE - TO INCREASE AVERAGE UNIT SIZE FROM 463 S.F. (BASE PROJECT) TO 495 S.F. (PROPOSED PROJECT)

WAIVERS SEE ALSO PROPOSED DENSITY BONUS PROJECT LIST

STEP 3.1: PROPOSED PLUS CONCESSIONS RESIDENTIAL CALCULATIONS

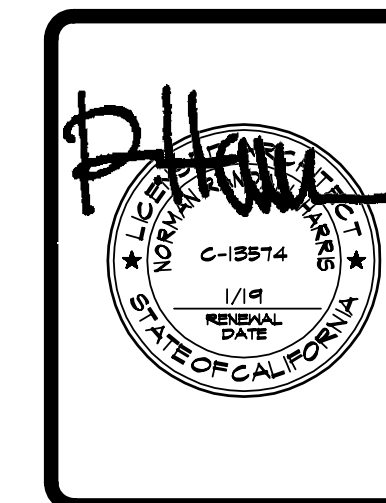
LEVEL 1 RES.	2,440
LEVEL 1 MEZZANINE RES.	775
LEVEL 2 RES.	6,699
LEVEL 3 RES.	6,655
LEVEL 4 RES.	5,966
LEVEL 5 RES.	5,678
ROOF LEVEL	-
TOTAL PROPOSED RES. FLOOR AREA	28,213

NOTES:
 1. DENSITY BONUS FLOOR AREA AND GROSS FLOOR AREA (SHEET A0.2) ARE CALCULATED PER STATE LAW AND LOCAL ORDINANCE.

AVERAGE UNIT SIZE WITH CONCESSIONS AND WAIVERS:
 28,213 SF / 57 UNITS = 495 SF/UNIT

AVERAGE UNIT SIZE TO BE LARGER THAN BASE PROJECT/PROPOSED PROJECT [(495 - 463.12) AVGSF] / 463.12 AVG SF = APPROXIMATELY 0.069 (7.0%)

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
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ZAB SUBMITTAL 1/02/18	AY

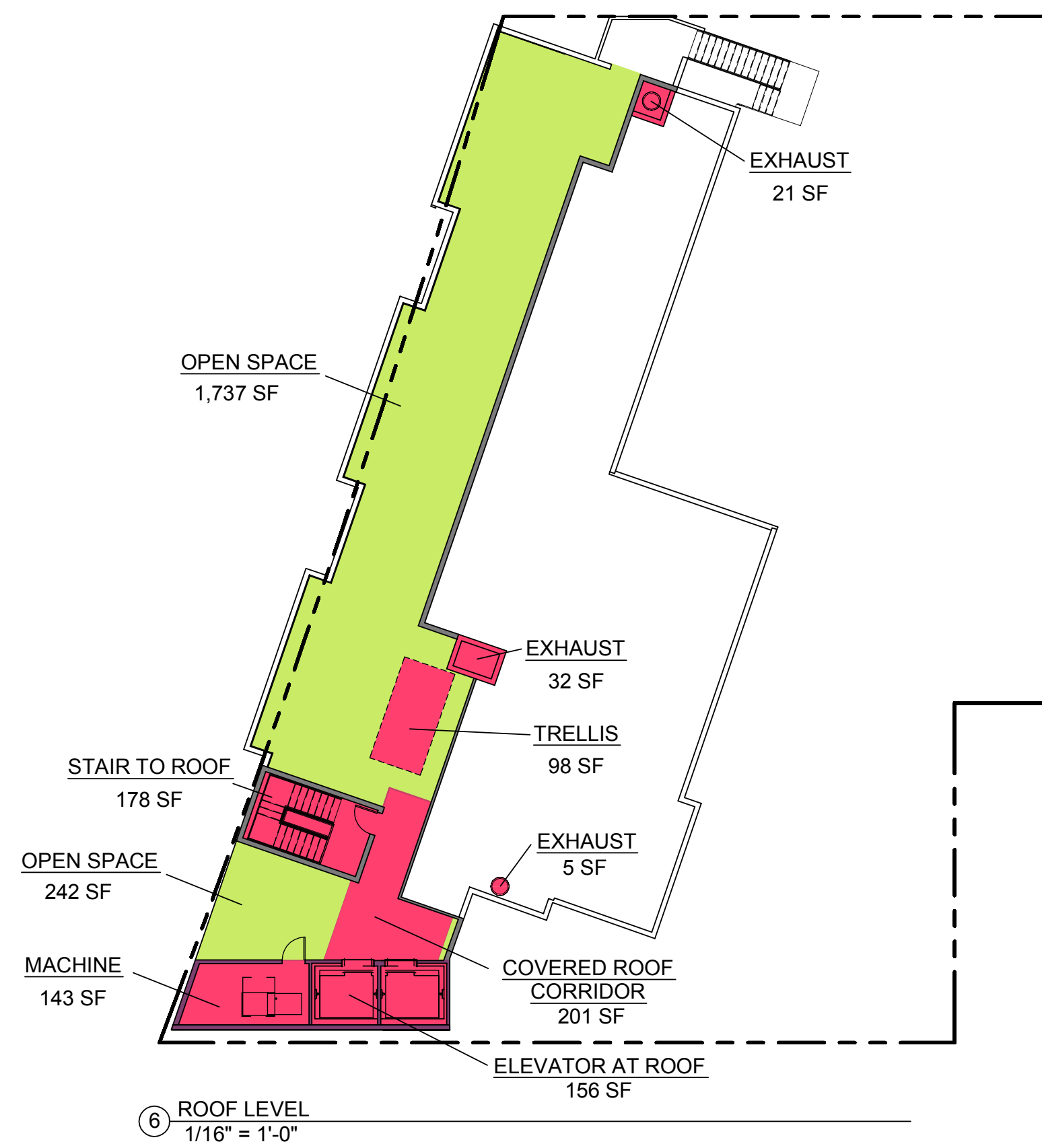


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
DENSITY BONUS CALCULATIONS

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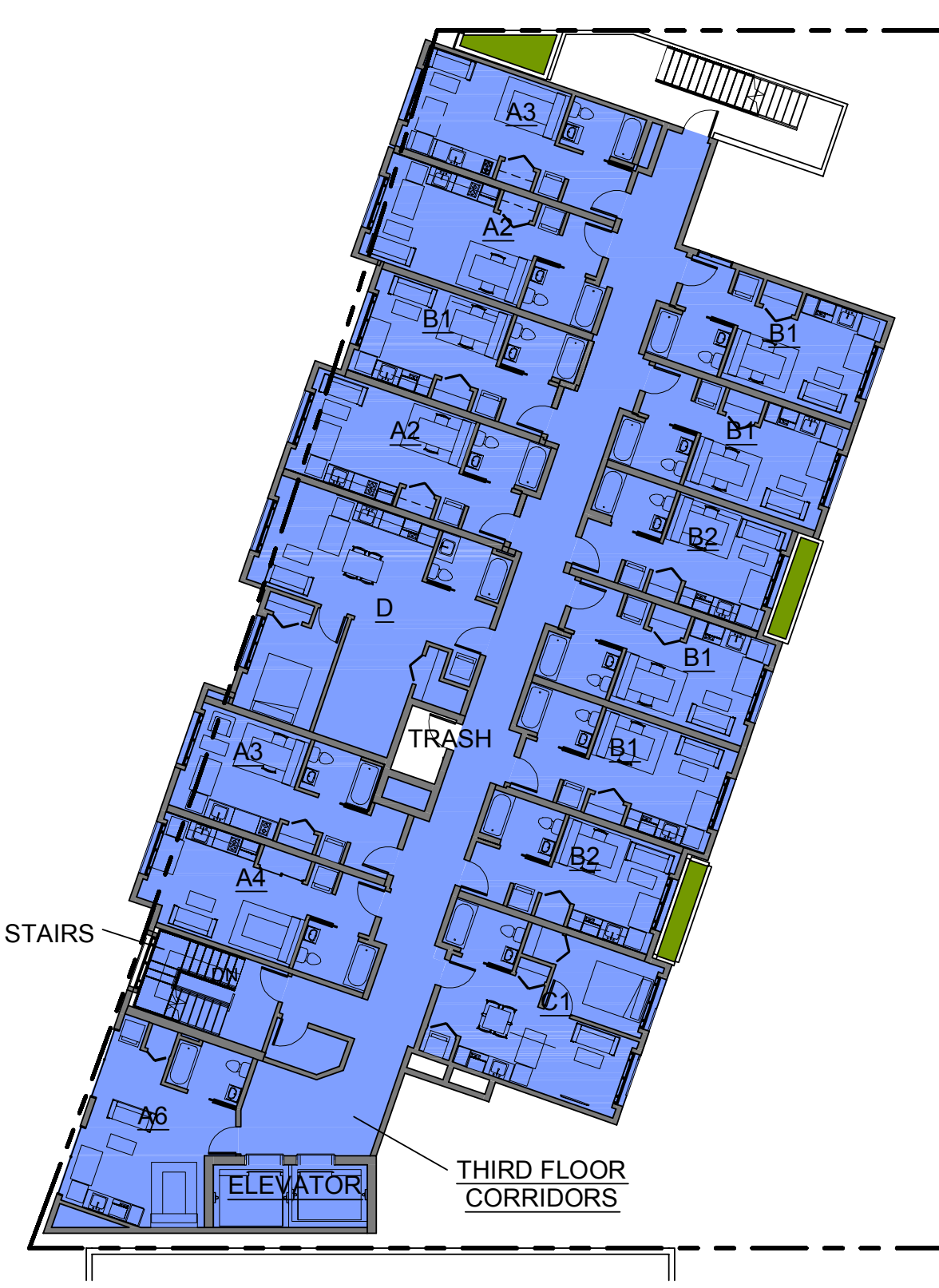
⑥ ROOF LEVEL
1/16" = 1'-0"



⑤ FIFTH FLOOR
1/16" = 1'-0"



④ FOURTH FLOOR
1/16" = 1'-0"



③ THIRD FLOOR
1/16" = 1'-0"



② PODIUM LEVEL
1/16" = 1'-0"



① RESIDENTIAL LOBBY
1/16" = 1'-0"

PROPOSED RESIDENTIAL FLOOR AREAS		
LEVEL	RFA *	GFA **
1	2,440 SF	2,748 SF
M	775 SF	775 SF
2/PODIUM	6,699 SF	6,391 SF
3	6,655 SF	6,377 SF
4	5,966 SF	5,689 SF
5	5,678 SF	5,400 SF
TOTALS	28,213 SF	27,380 SF

* - AREA OF TRASH ROOM FROM 2ND LEVEL TO 5TH LEVEL = 160 SF
** - AREA OF ELEVATOR AND STAIRS FROM 2ND LEVEL TO 5TH LEVEL = 1301 SF

LEGEND

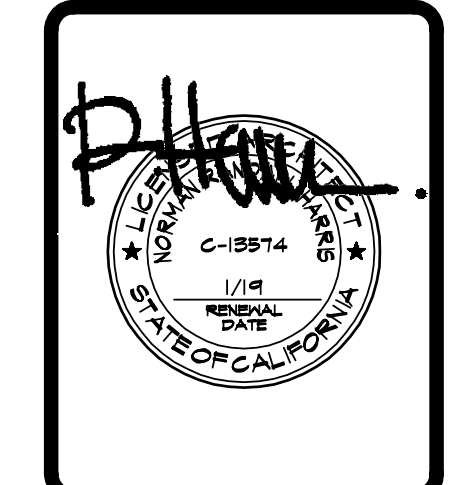
- COMMERCIAL
- PARKING
- RESIDENTIAL
- TRASH
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

UNIT DATA					
UNIT TYPE	#	JUNIOR 1 BR	BR	BA	+ DEN / LOFT
TH	3			1	+ LOFT
A1	1	1		1	
A2	6	1		1	
A3	7	1		1	
A4	2	1		1	
A5	1	1		1	
A6	4	1		1	
B1	16	1		1	
B2	9	1		1	
C	1		1	1	
C1	4		1	1	
C2	1		1	1	
D	2		1	1	+ DEN

UNIT DATA:
TOWNHOUSE UNITS: 3
JUNIOR 1 BR UNITS: 46
1 BEDROOM UNITS: 8
TOTAL UNITS 57

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/02/19	AY

HDO
architects, planners
2450 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042

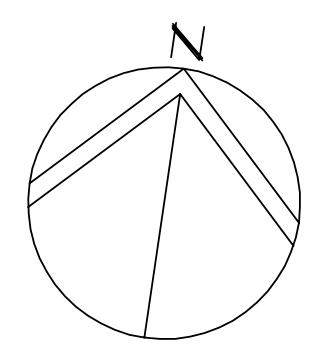


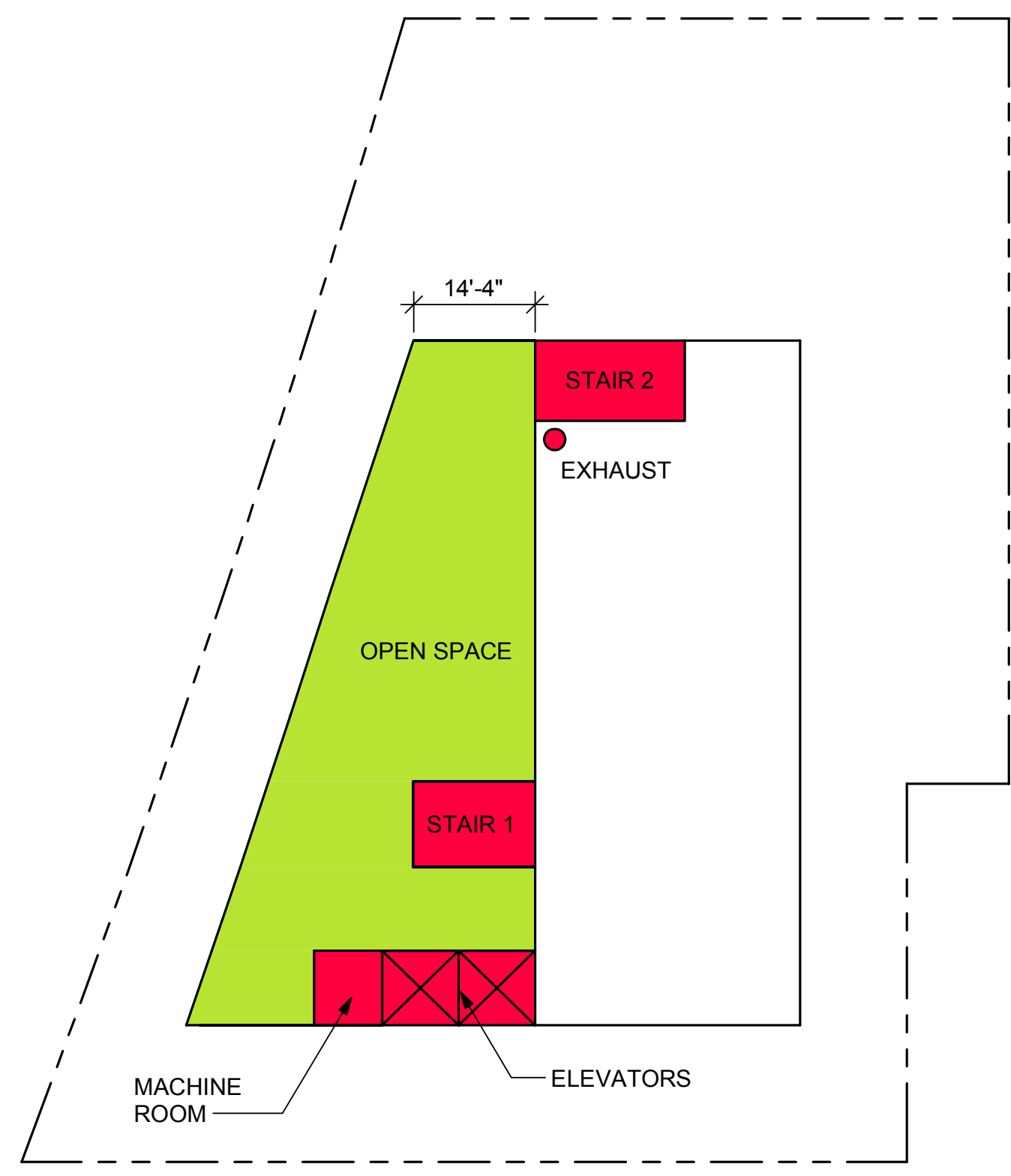
2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
RESIDENTIAL
FLOOR AREAS
SUMMARY

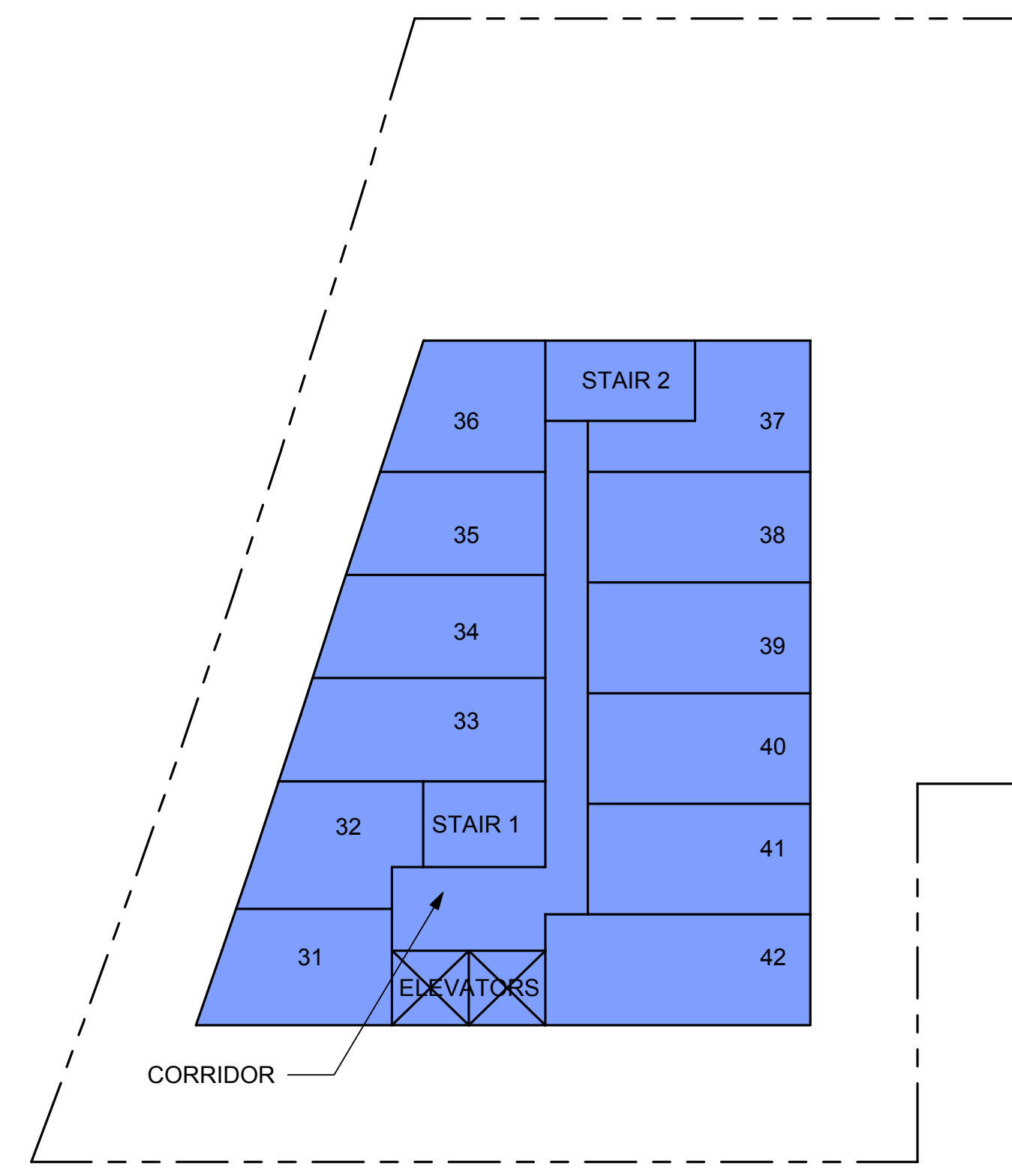
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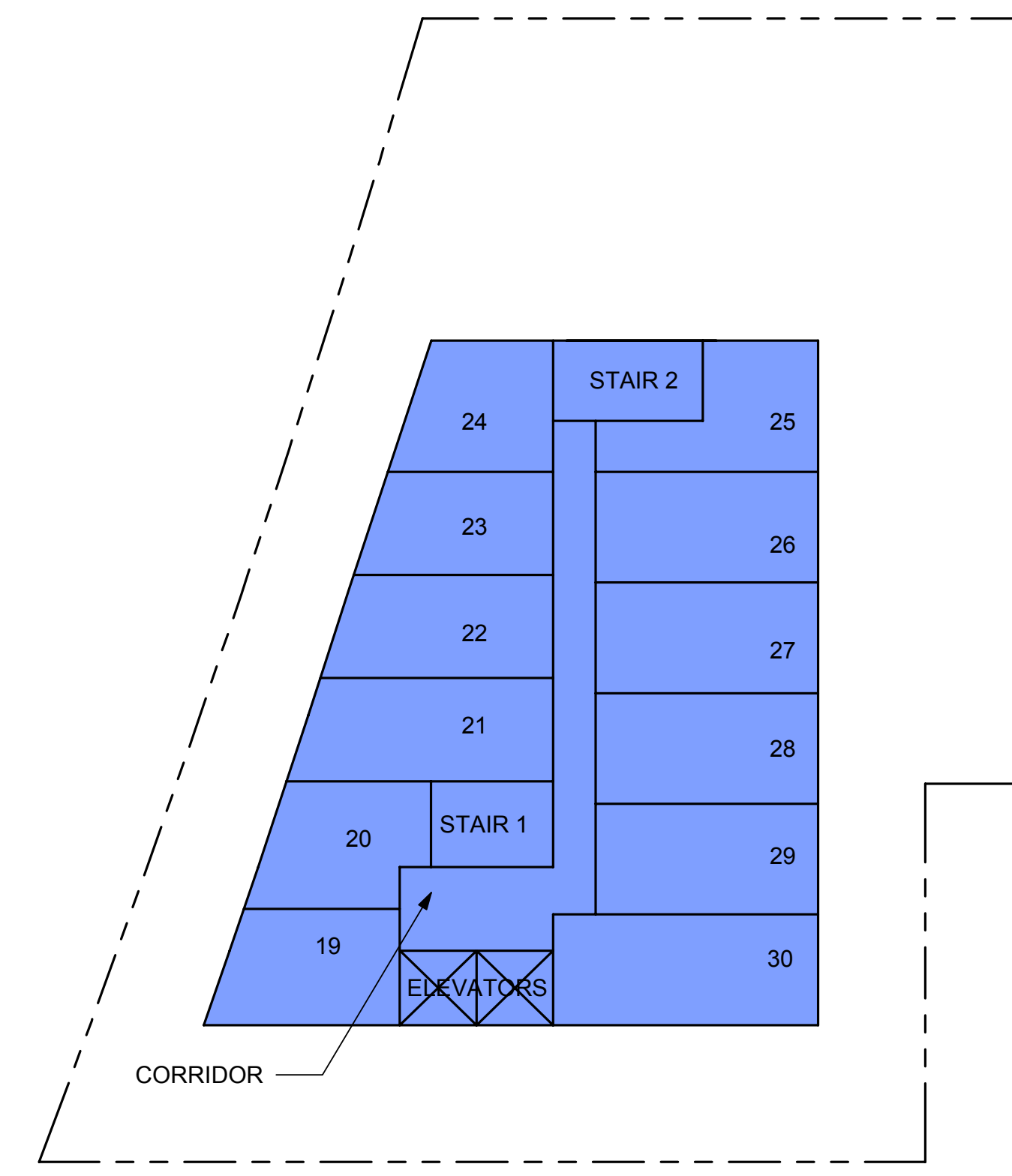




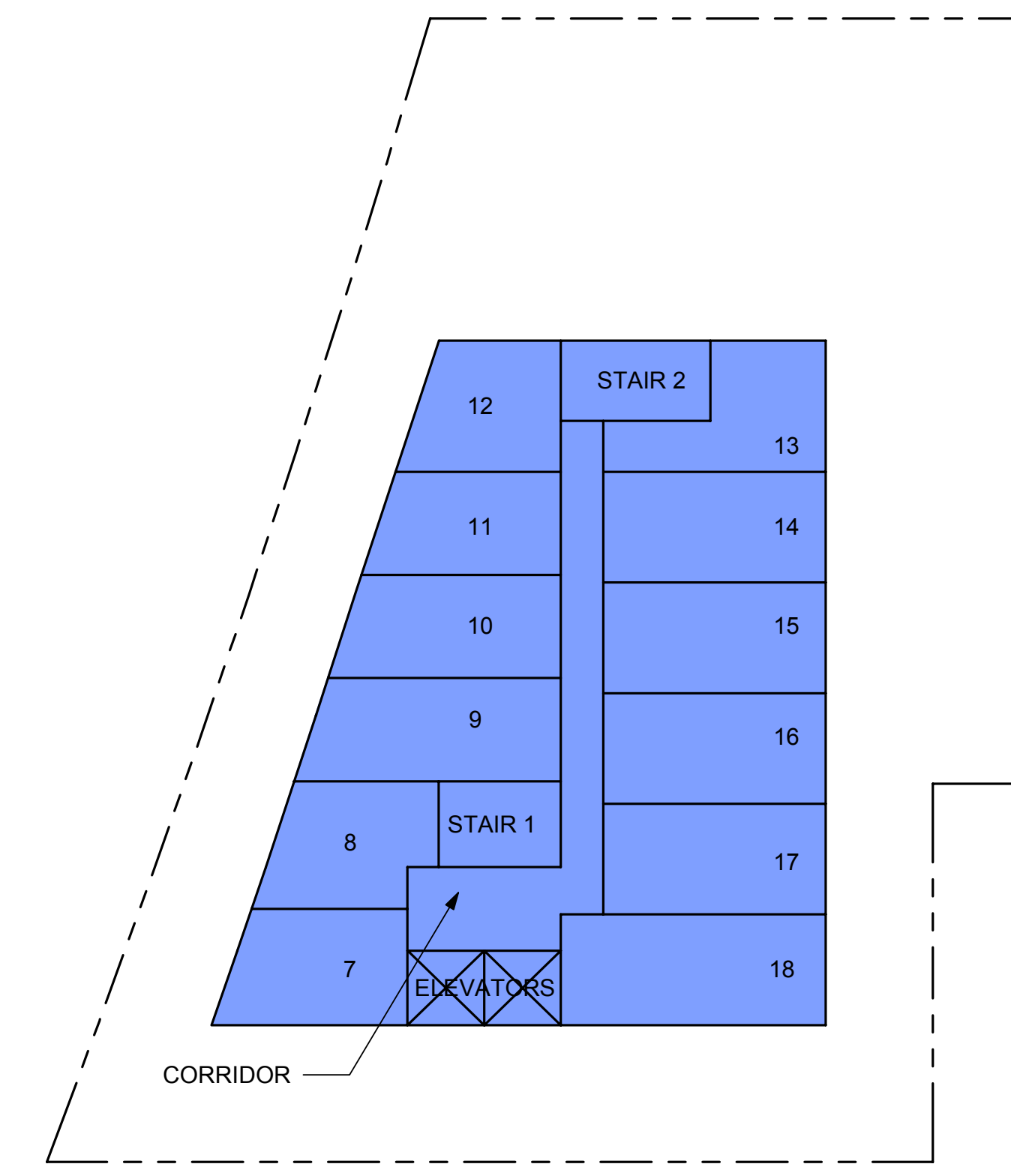
7 BASE PROJECT - ROOF LEVEL
1/16" = 1'-0"



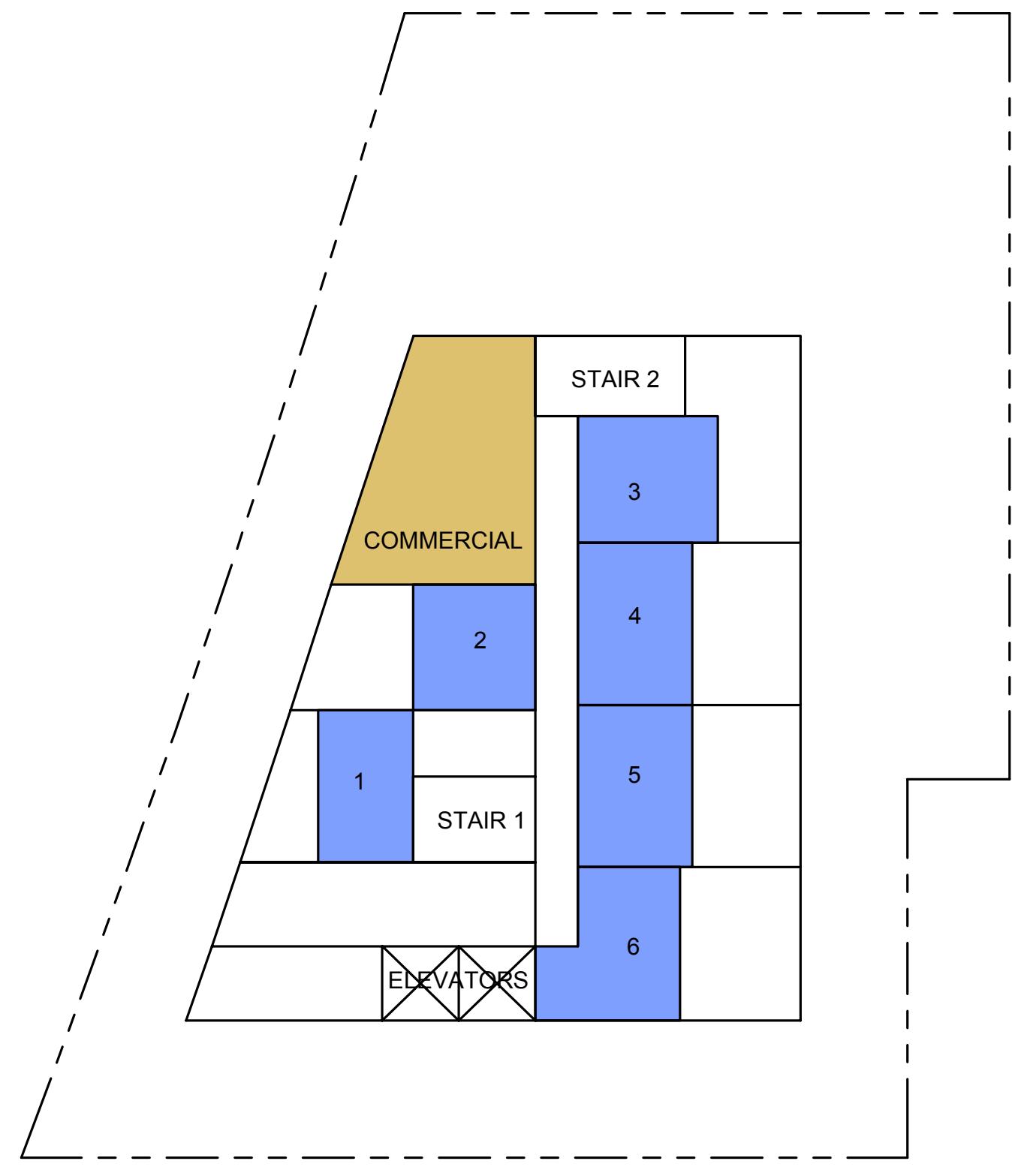
6 BASE PROJECT - FOURTH LEVEL
1/16" = 1'-0"



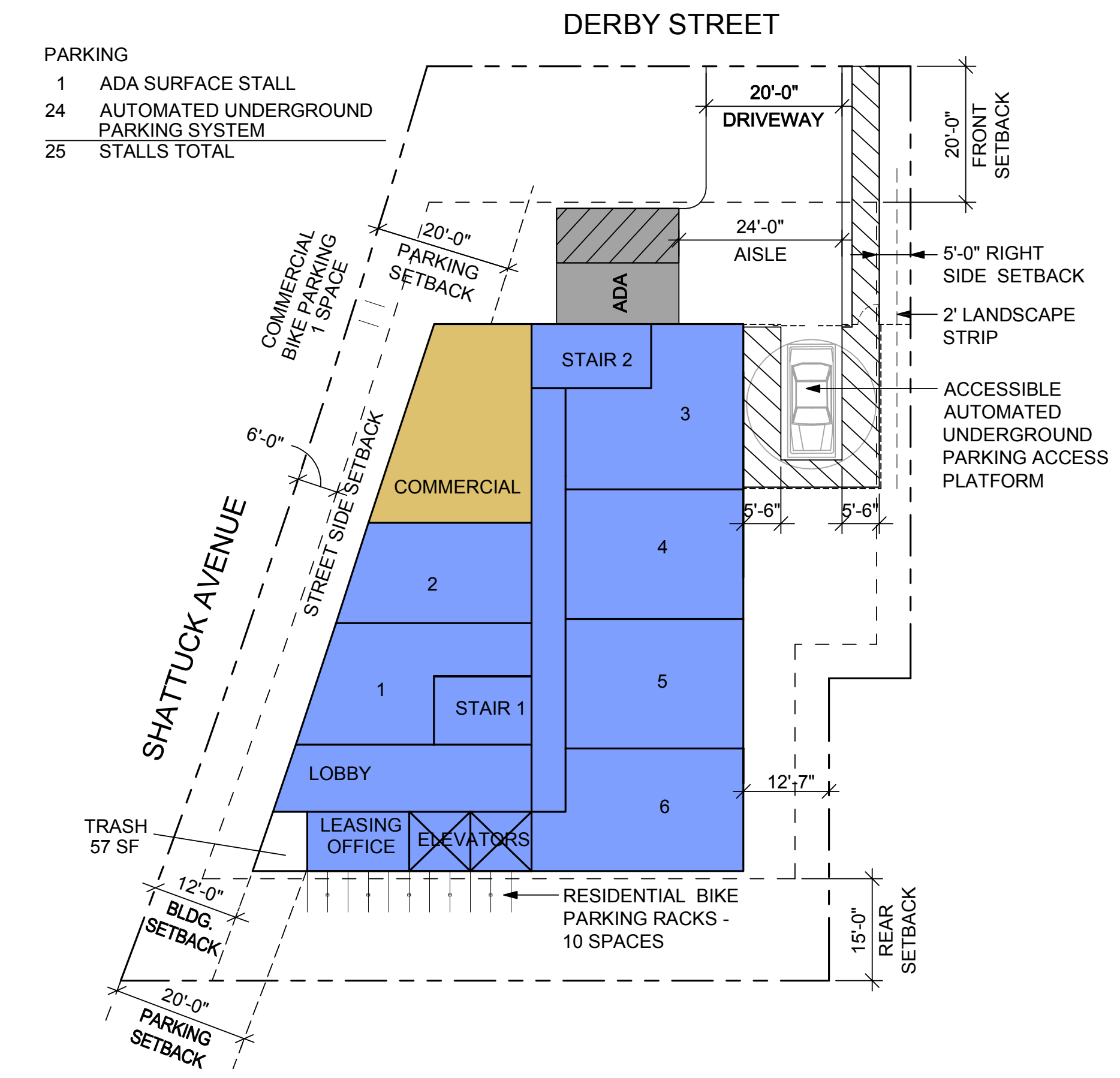
5 BASE PROJECT - THIRD LEVEL
1/16" = 1'-0"



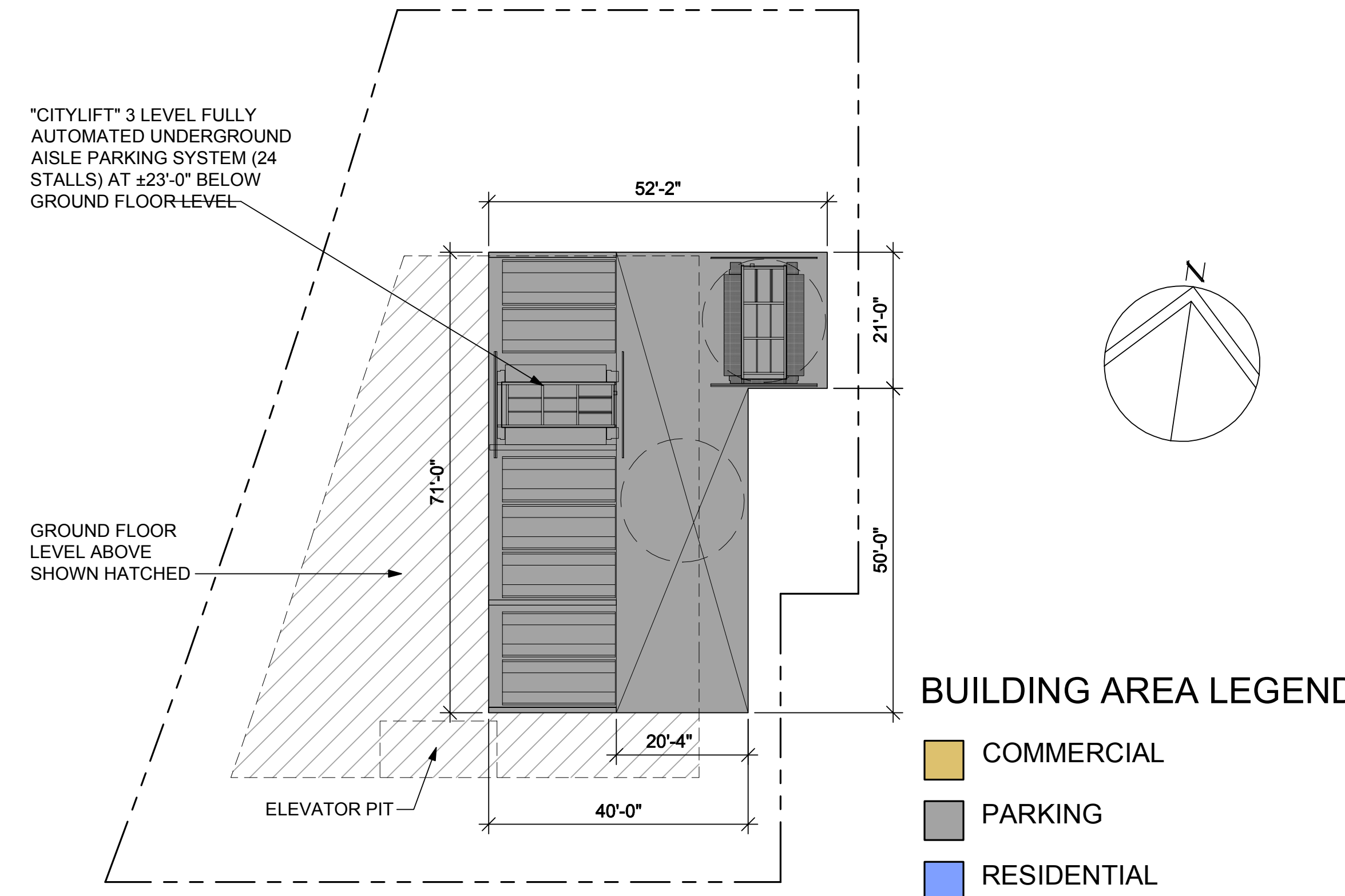
4 BASE PROJECT - SECOND LEVEL
1/16" = 1'-0"



3 BASE PROJECT - MEZZANINE LEVEL PLAN
1/16" = 1'-0"



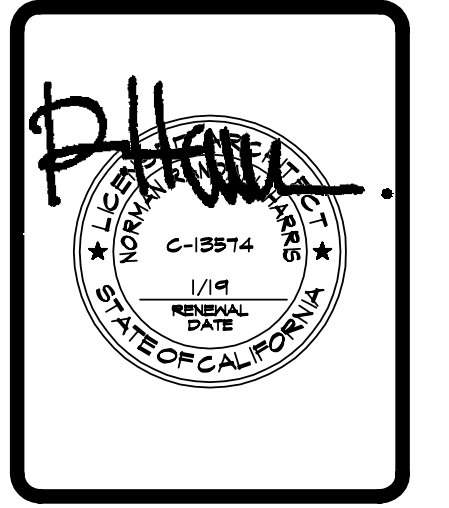
2 BASE PROJECT - GROUND FLOOR PLAN
1/16" = 1'-0"



1 BASE PROJECT - UNDERGROUND PARKING PLAN
1/16" = 1'-0"

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

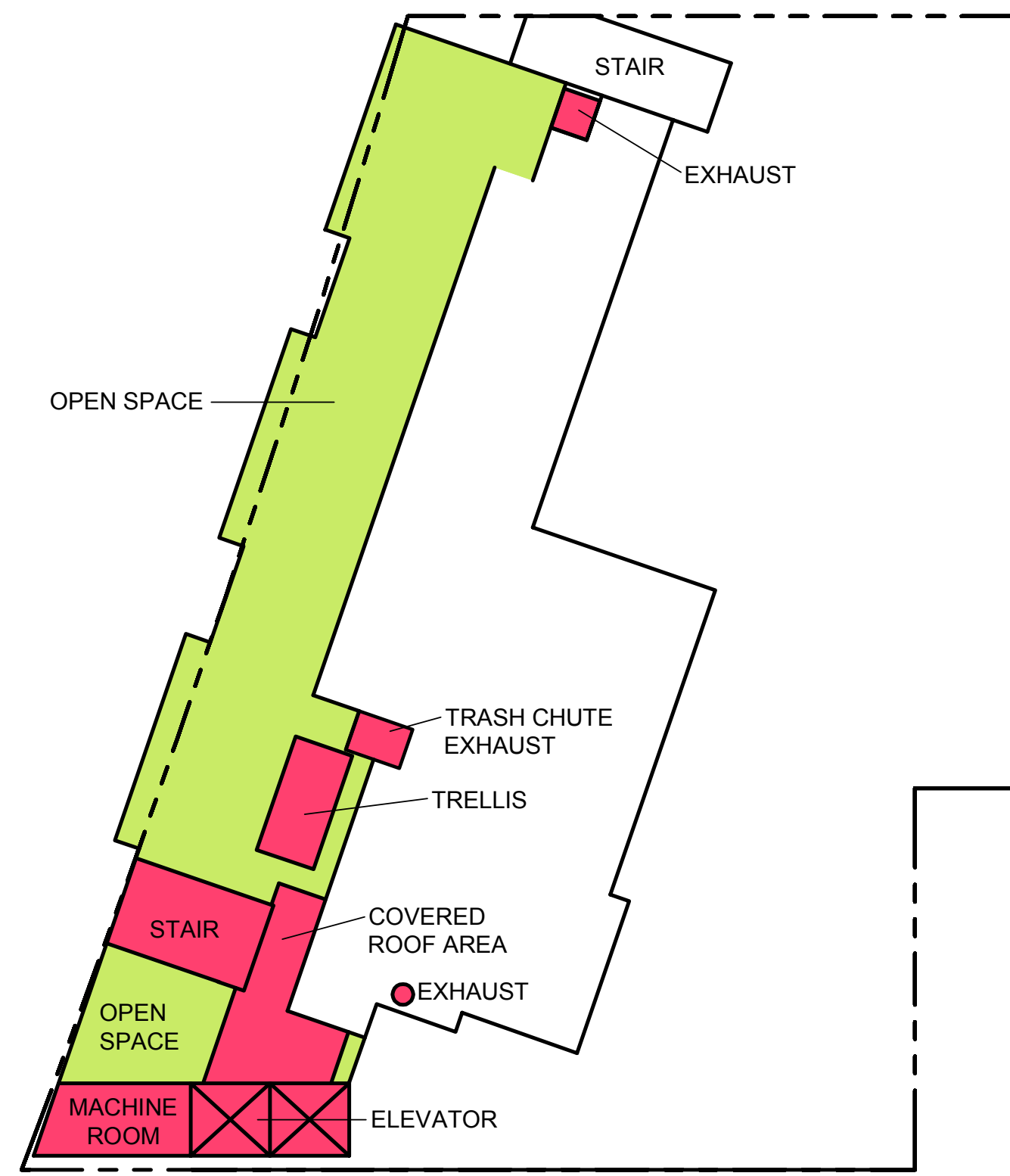
drawing
BASE PROJECT

BUILDING AREA LEGEND

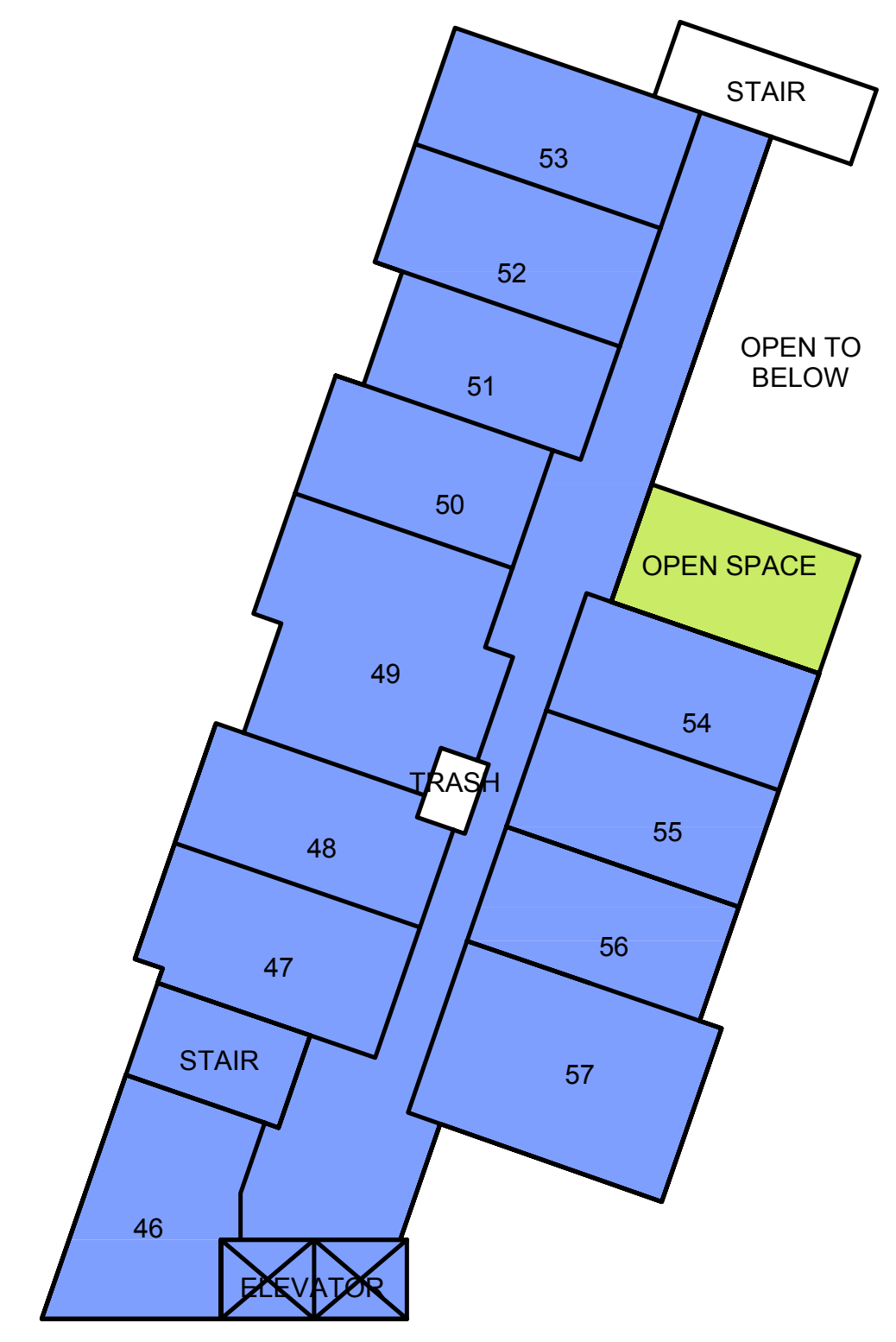
- COMMERCIAL
- PARKING
- RESIDENTIAL
- OPEN SPACE
- ROOFTOP ELEMENTS

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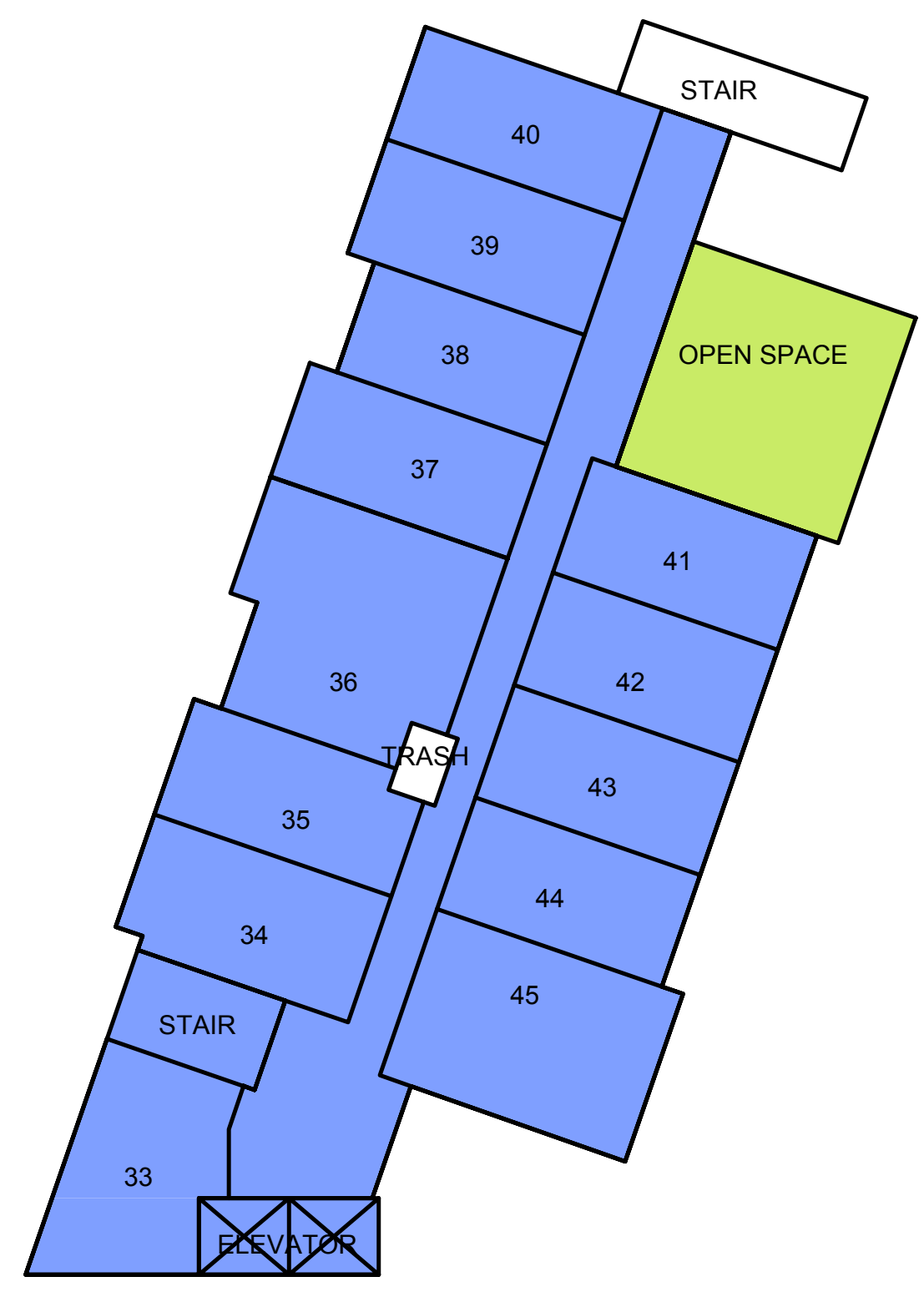
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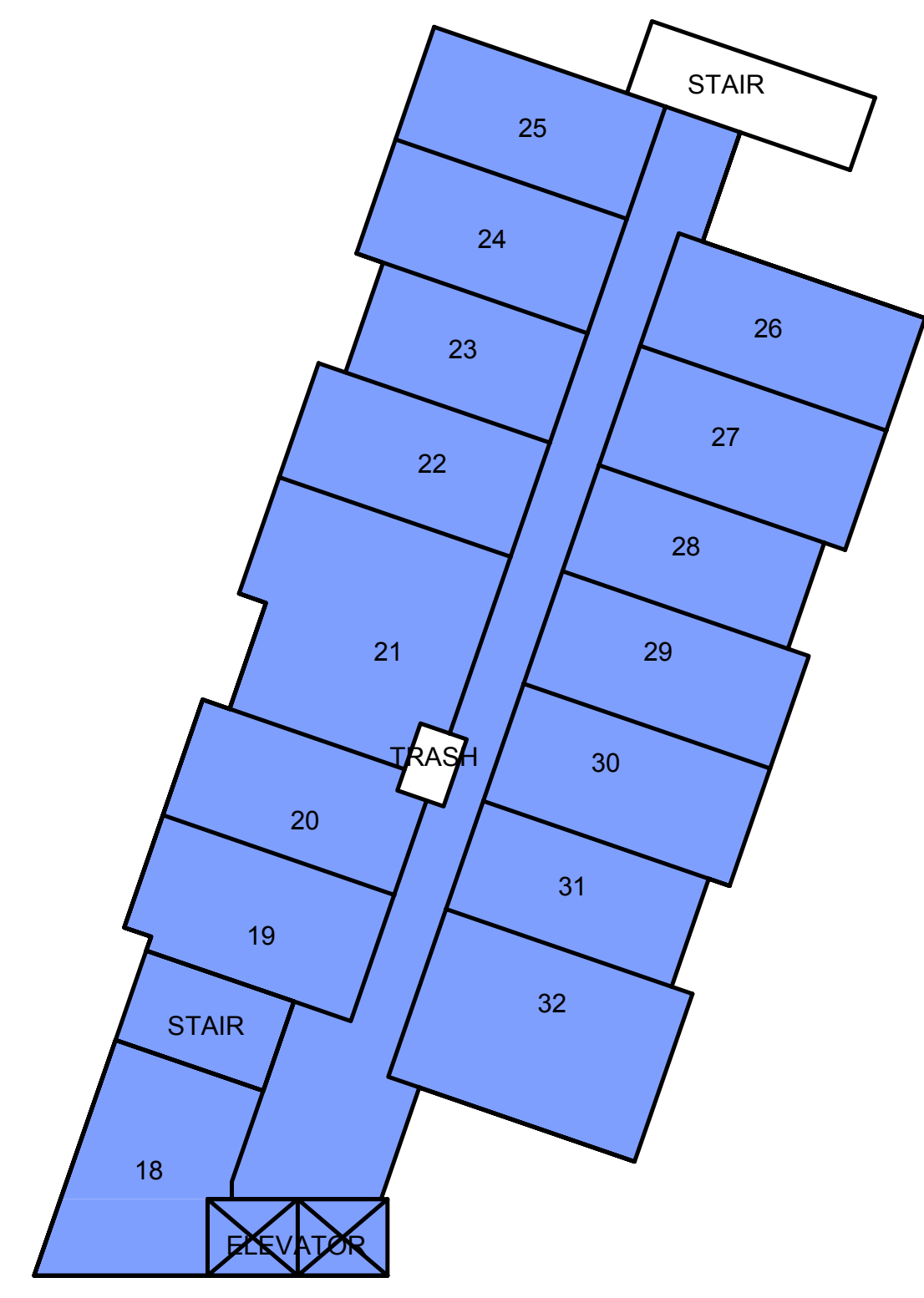
7 PROPOSED - ROOF LEVEL
 1/16" = 1'-0"



6 PROPOSED - FIFTH LEVEL
 1/16" = 1'-0"



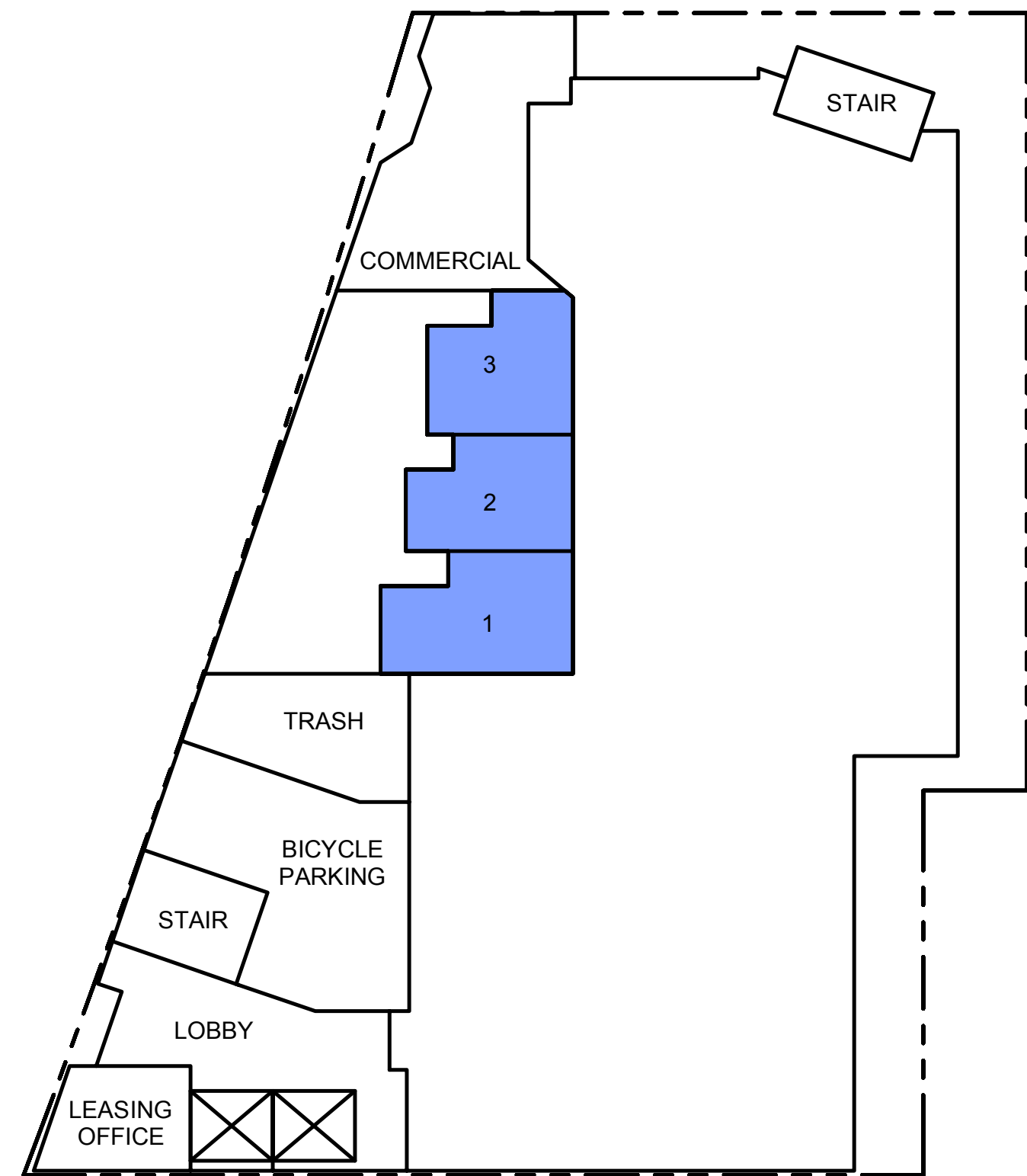
5 PROPOSED - FOURTH LEVEL
 1/16" = 1'-0"



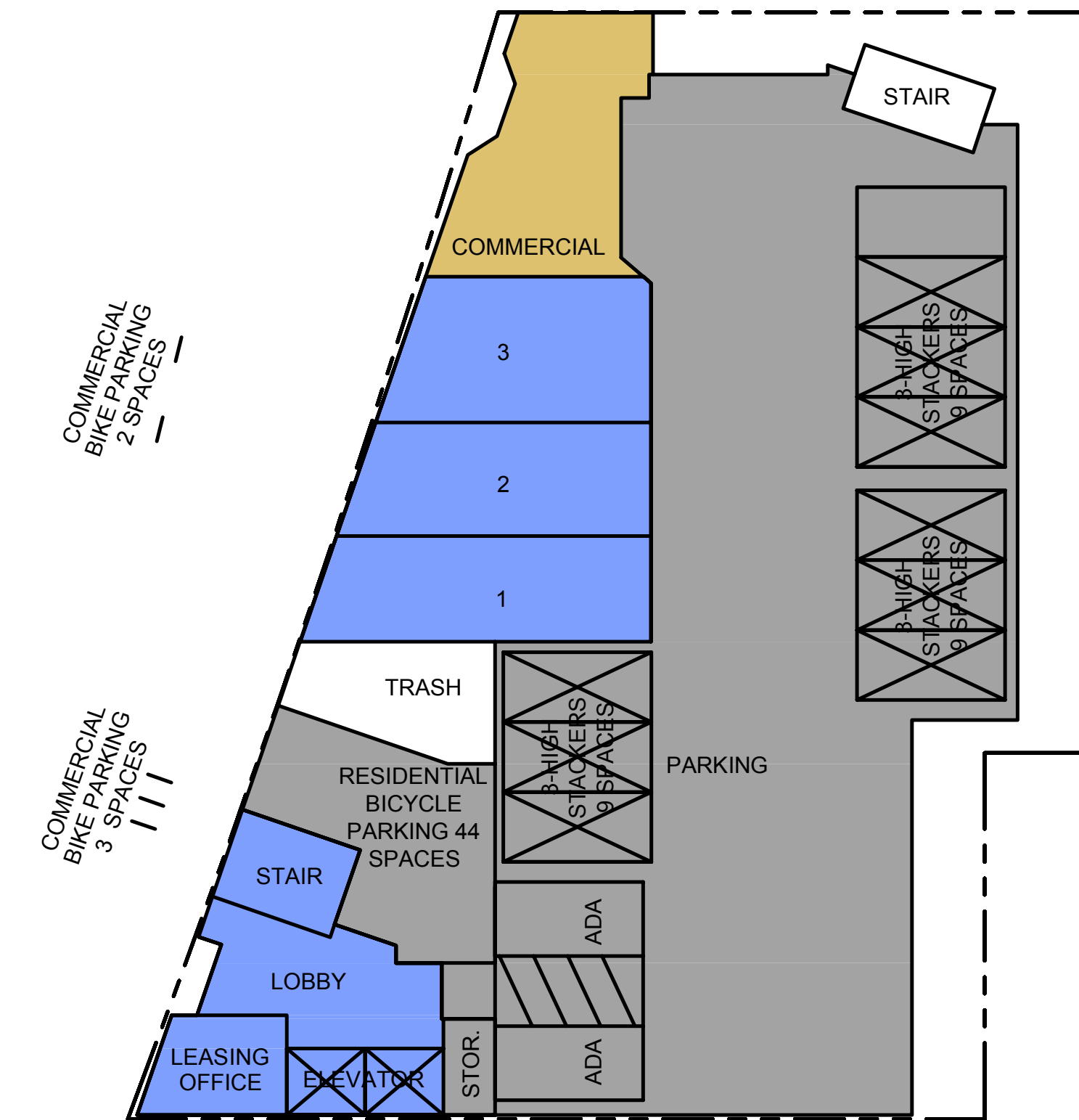
4 PROPOSED - THIRD LEVEL
 1/16" = 1'-0"



3 PROPOSED - PODIUM LEVEL
 1/16" = 1'-0"



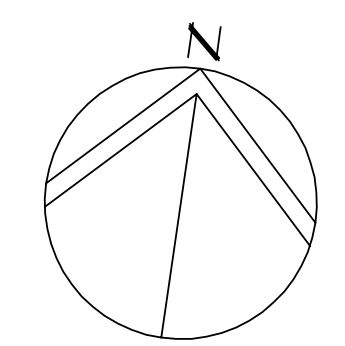
2 PROPOSED - MEZZANINE LEVEL
 1/16" = 1'-0"



1 PROPOSED - RESIDENTIAL LOBBY
 1/16" = 1'-0"

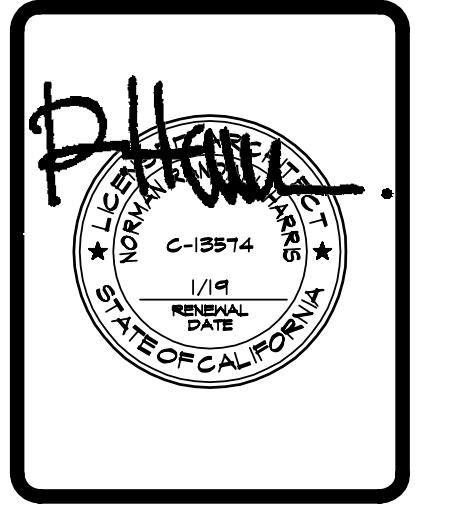
BUILDING AREA LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- OPEN SPACE
- ROOFTOP ELEMENTS



revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PROPOSED DENSITY BONUS PROJECT

drawn
 checked
 RH
 date
 3/07/18
 scale
 1/16" = 1'-0"
 job no.
 1202
 sheet

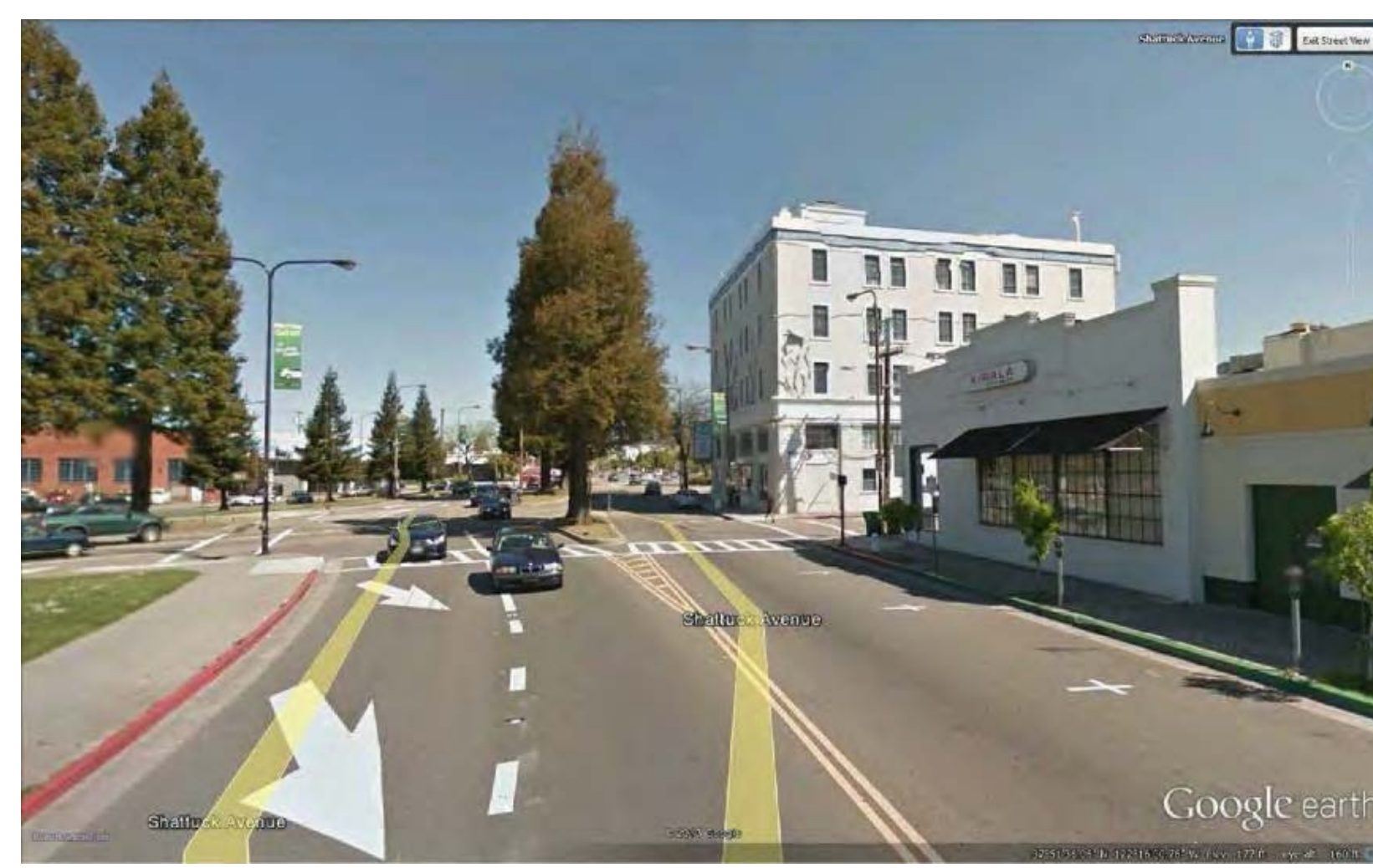
A0.4



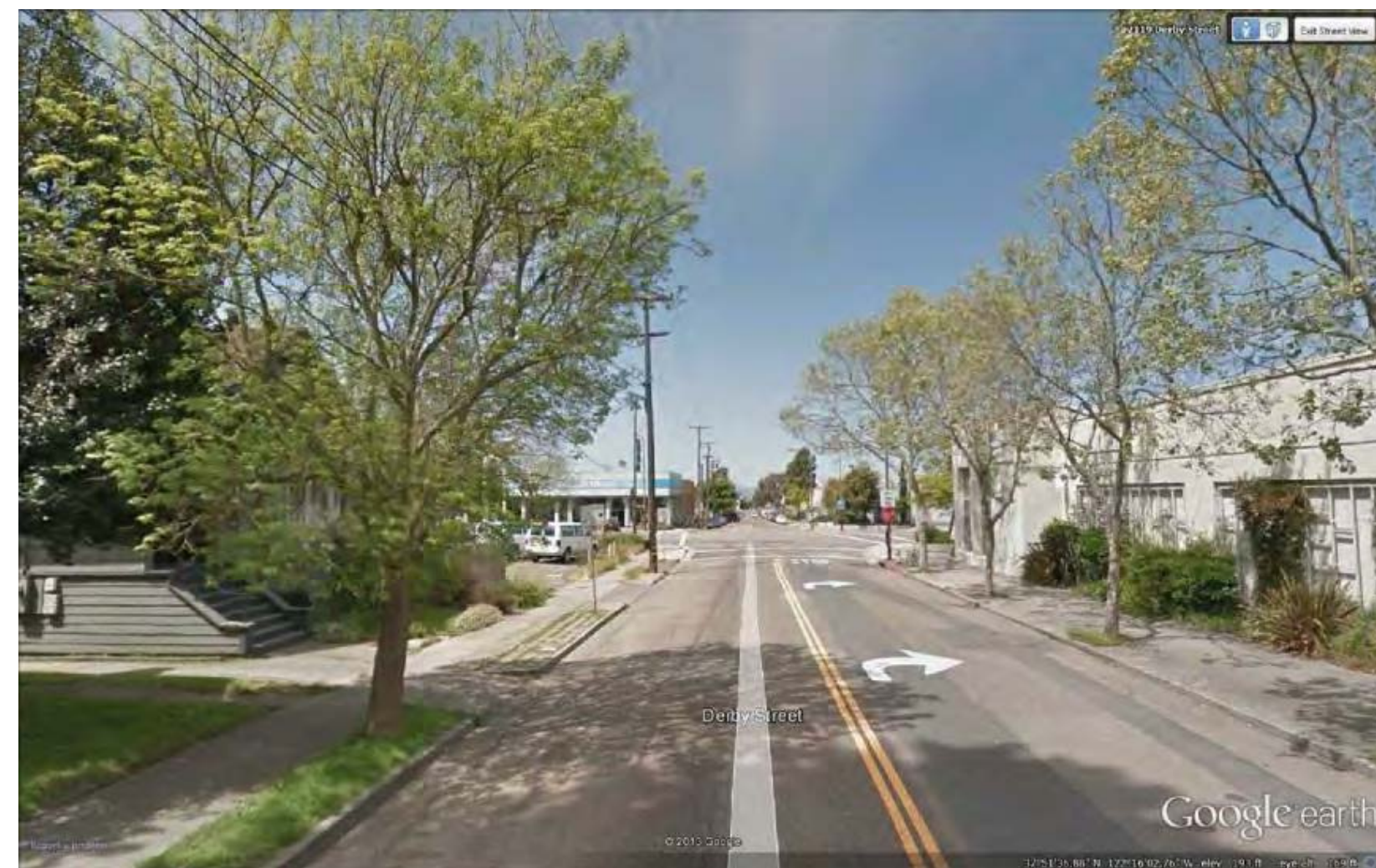
8 VIEW EAST ON DERBY
 12" = 1'-0"



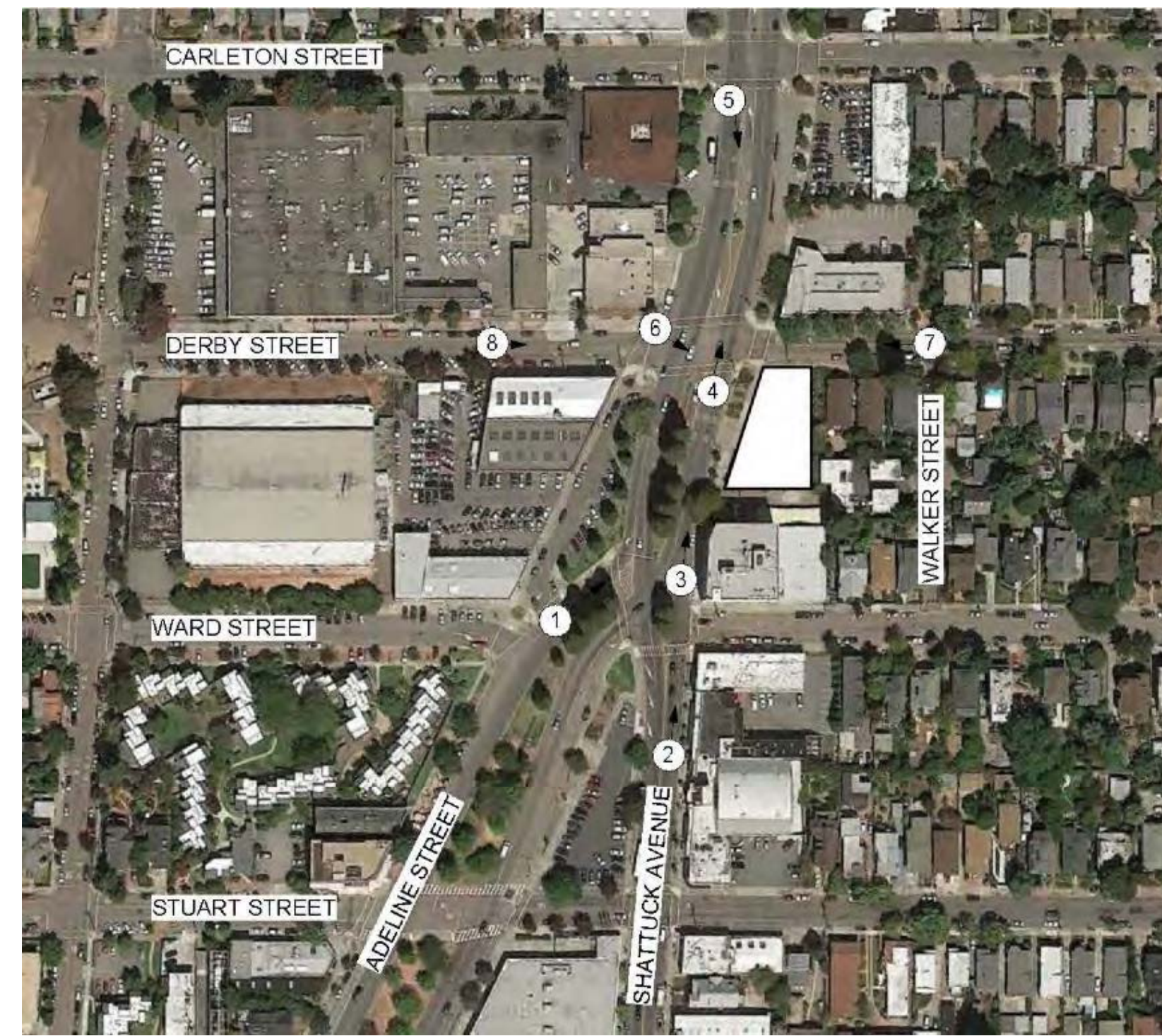
1 VIEW FROM ADELINE AND SHATTUCK
 12" = 1'-0"



2 VIEW NORTH ON SHATTUCK AT KIRALA
 12" = 1'-0"



7 VIEW WEST ON DERBY
 12" = 1'-0"



0 CONTEXT MAP
 12" = 1'-0"



3 VIEW NORTH ON SHATTUCK AT REDWOODS
 12" = 1'-0"



6 VIEW OF SITE FROM SHATTUCK AND DERBY
 12" = 1'-0"



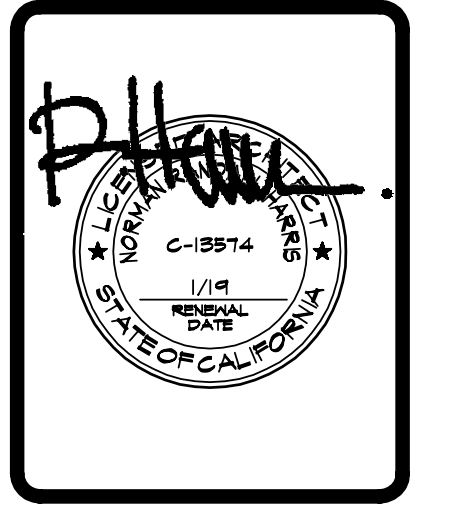
5 VIEW SOUTH ON SHATTUCK
 12" = 1'-0"



4 VIEW NORTH AT DERBY AND SHATTUCK
 12" = 1'-0"

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042

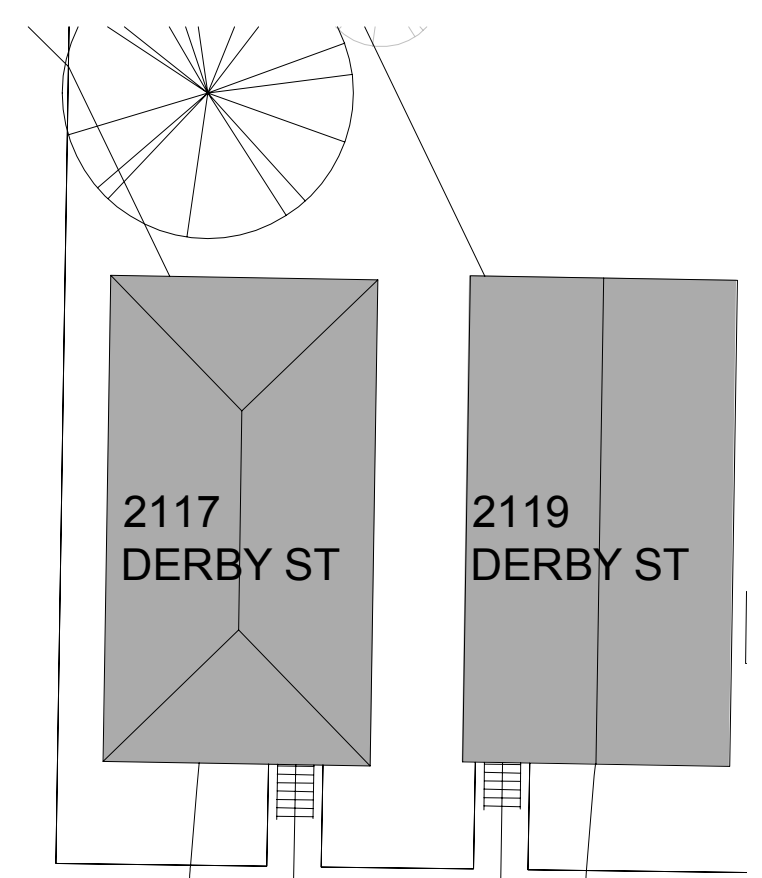
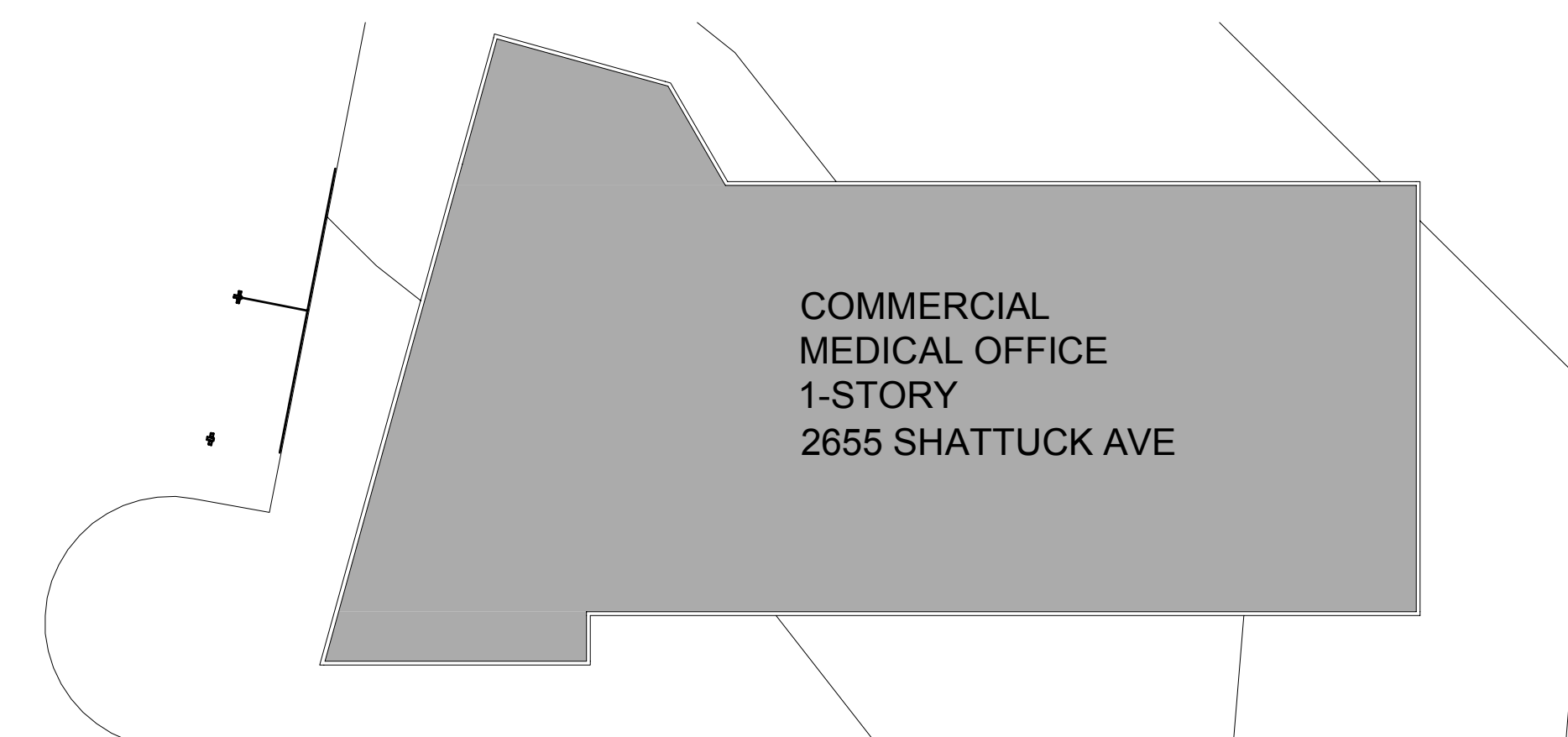
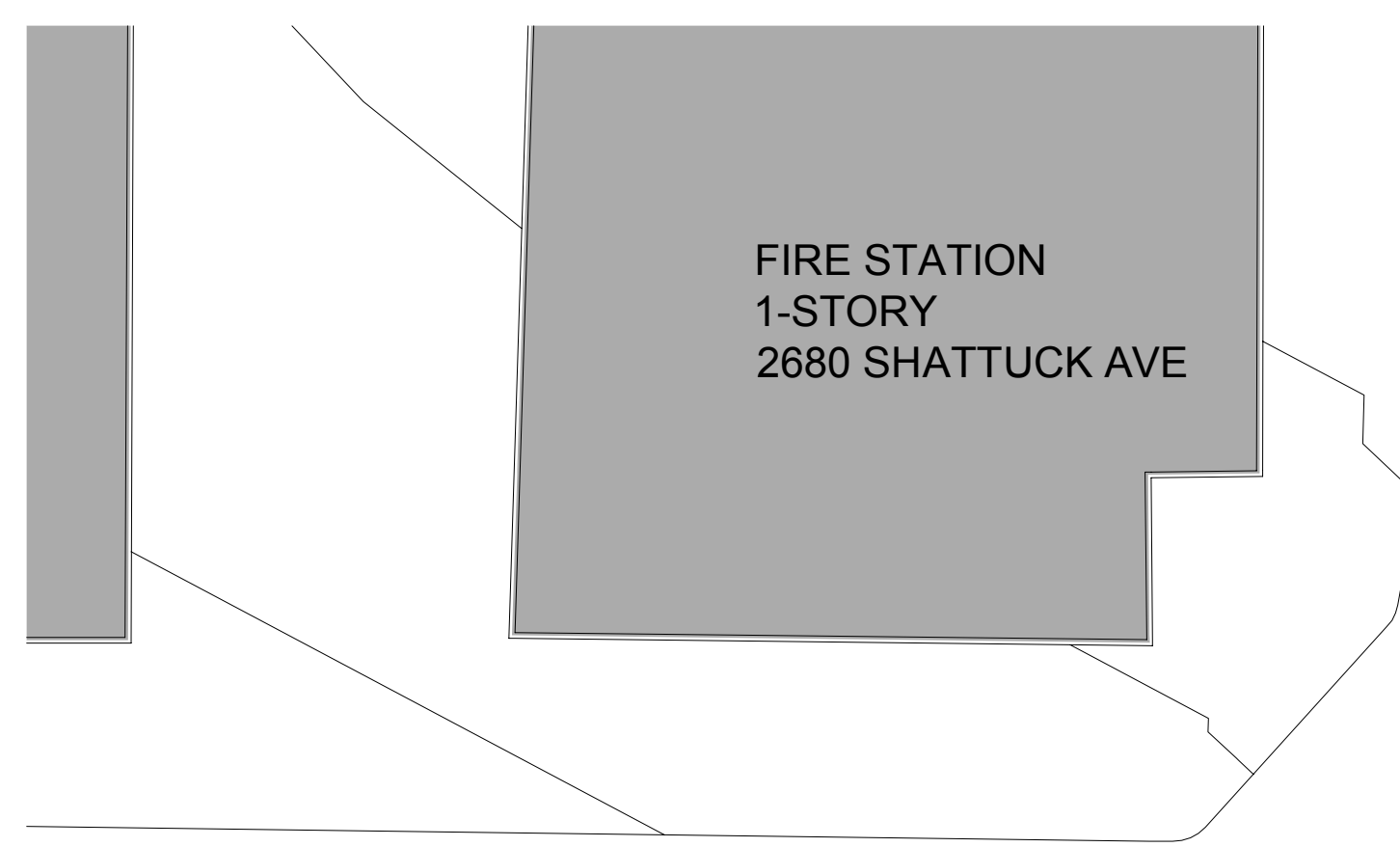


**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
**EXISTING
 CONDITIONS**

drawn
checked RH
date 3/07/18
scale 12" = 1'-0"
job no. 1202
sheet

A.I.I.

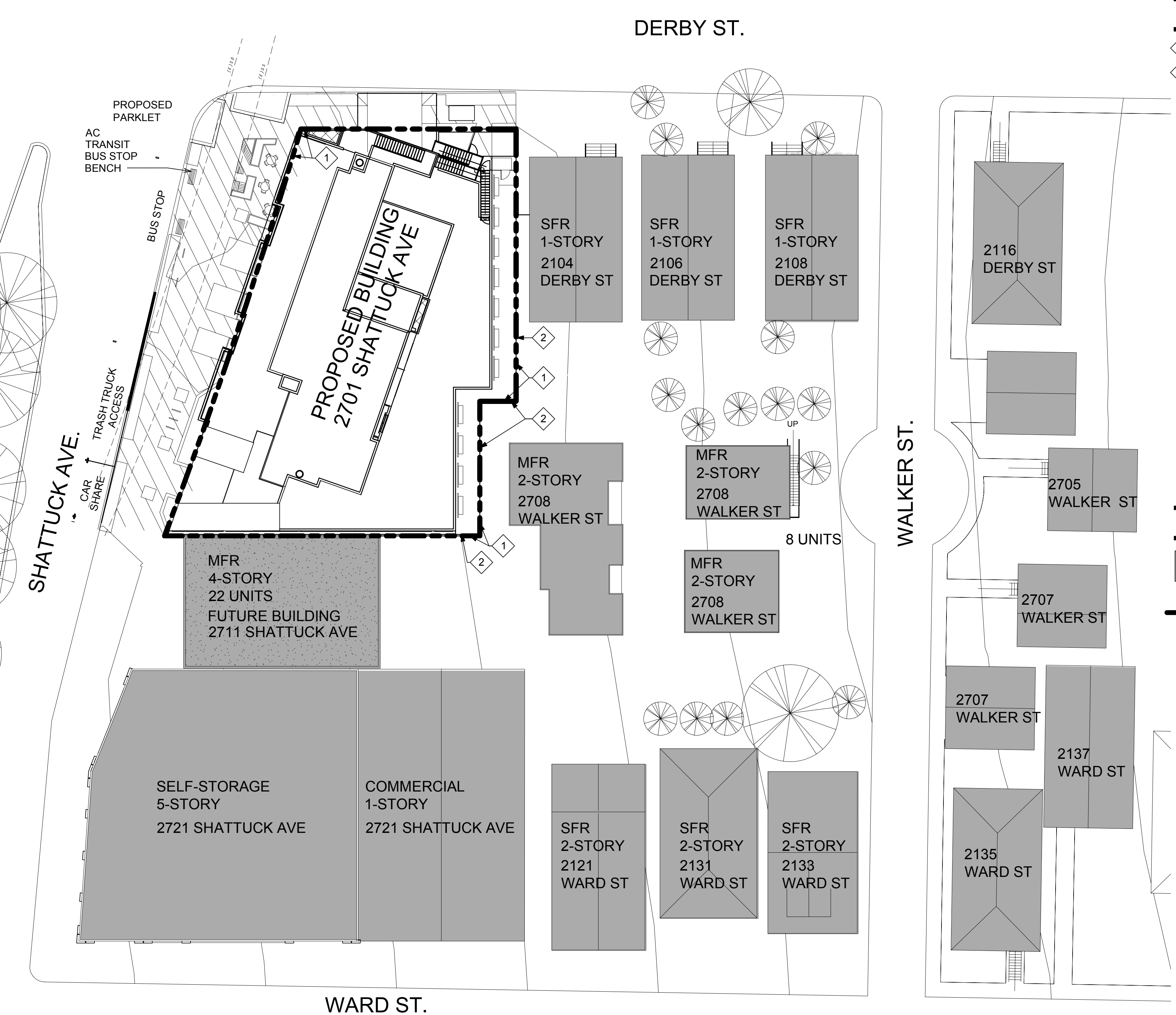
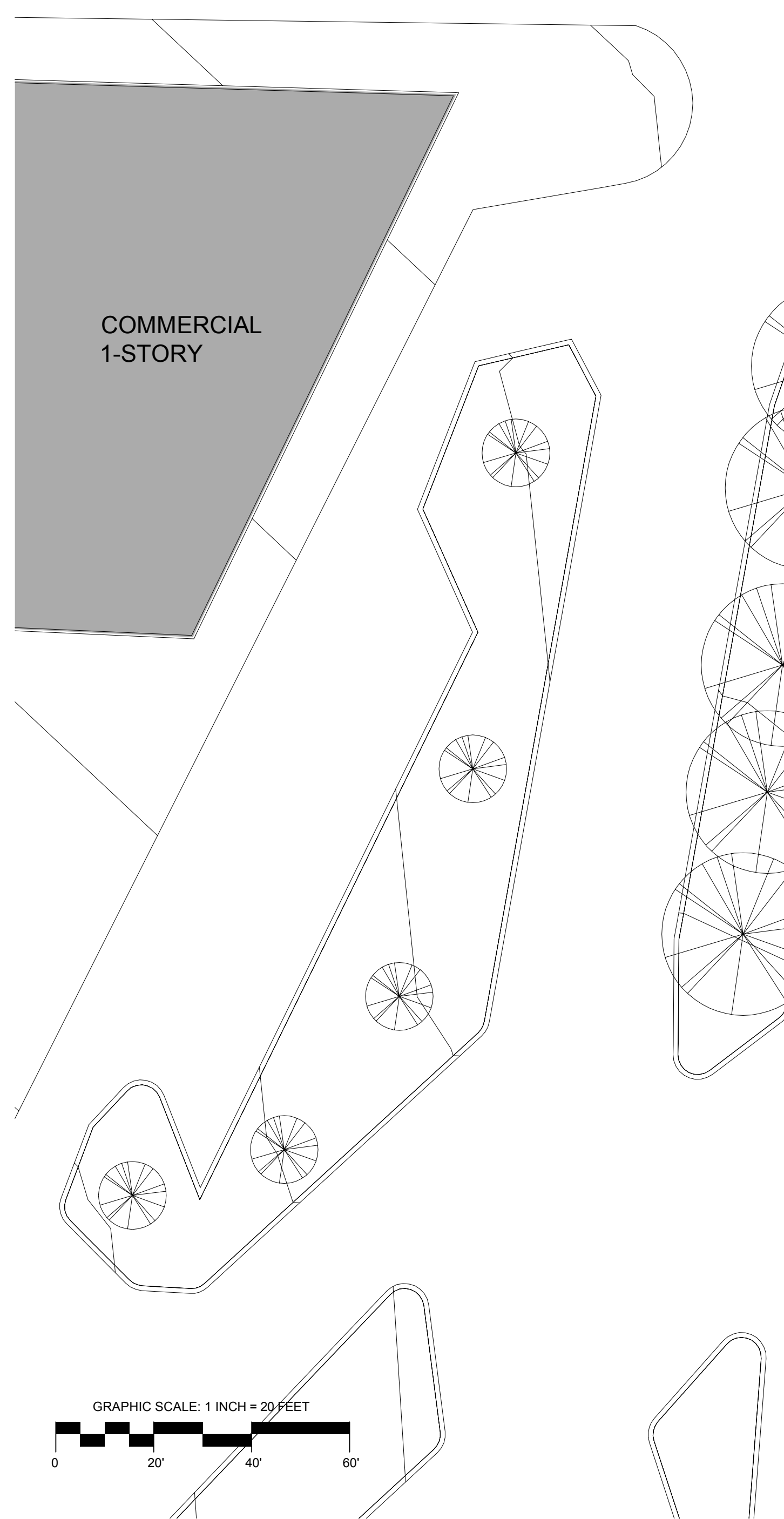
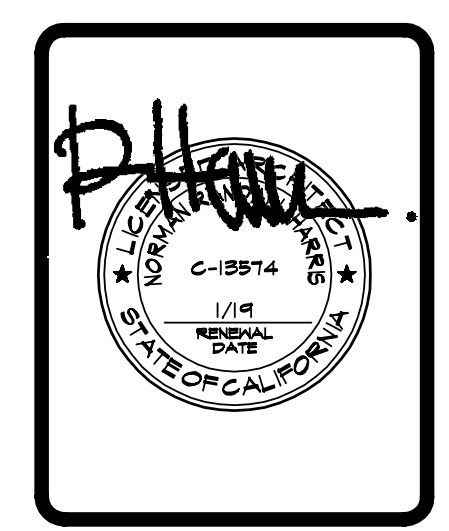


revisions	by
PRC SUBMITTAL 12/15/16 & 1/21/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/09/18	AY

HDO
 architects, planners
 2950 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042

KEY NOTES

- 1 PROPERTY LINE
- 2 6'-0" HIGH ORNAMENTAL METAL FENCE



LEGEND

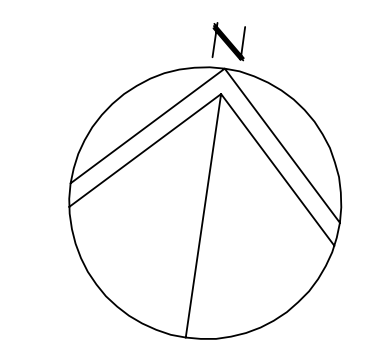
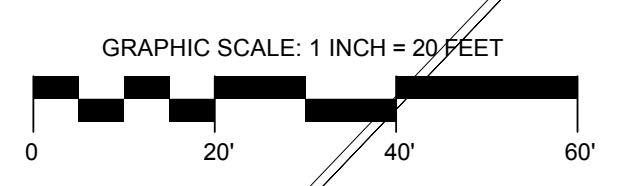
- EXISTING BUILDINGS
- PROPERTY LINE
- EXISTING TREE
- MFR MULTI-FAMILY RESIDENTIAL
- SFR SINGLE-FAMILY RESIDENTIAL

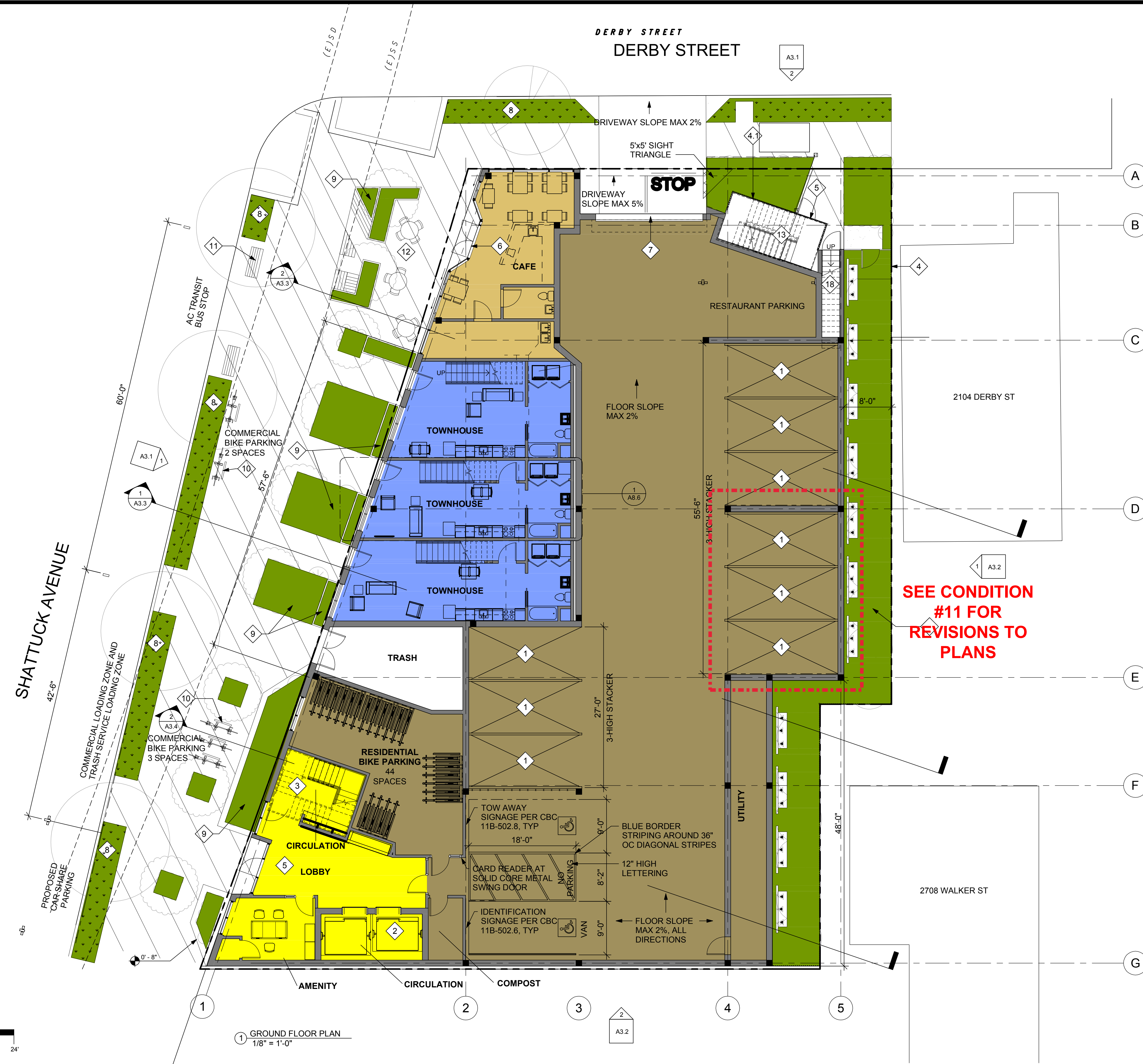
2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
SITE PLAN

drawn
 checked
 RH
 date
 3/07/18
 scale
 1" = 3'-0"
 job no.
 1802
 sheet

A1.2





SHEET NOTES

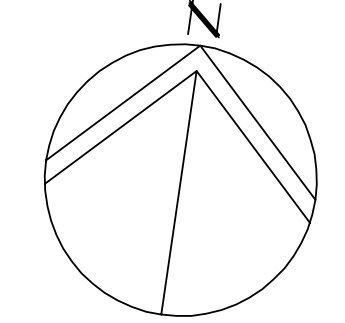
- CITY OF BERKELEY PUBLIC WORKS TRANSPORTATION DIVISION STAFF ARE TO BE CONTACTED TO REVIEW THE LOCATIONS OF THE BIKE RACKS, ON-STREET PARKING SPACES AND PARKING METER HEAD LOCATIONS BEFORE INSTALLATION. LOCATION MUST BE TENTATIVELY MARKED IN THE FIELD AND APPROVED BY PW TRANSPORTATION SERVICES DIVISION.

KEY NOTES

- TRIPLE LIFT PARKING SPACE
- ELEVATOR
- STAIR
- 6'-0" HIGH ORNAMENTAL METAL FENCE
- PERFORATED METAL SECURITY FENCE W GATE
- RESIDENTIAL ENTRY
- CAFE ENTRY
- GARAGE DOOR WITH VISUAL AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- NEW TREE, SEE LANDSCAPE DRAWINGS
- PLANTER, SEE LANDSCAPE DRAWINGS
- HEAVY DUTY DERO HOOP BICYCLE RACKS
- (E) AC TRANSIT BUS STOP WITH BENCH
- OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- EXTERIOR STAIR
- PARAPET/RAILING
- MECHANICAL CHASE
- BARBEQUE
- NOT USED
- FIRE ACCESS STAIR
- METAL ROOF / MATCH SIDING SEE ELEVATIONS
- TRASH CHUTE

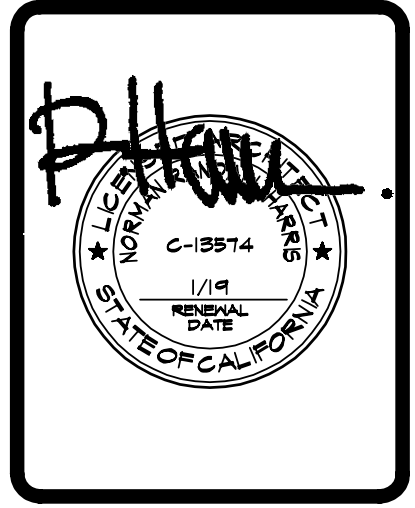
LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- TRASH
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
architects, planners
2450 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042

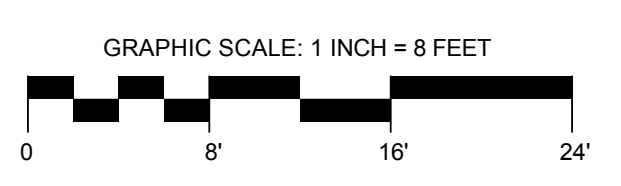


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
GROUND FLOOR PLAN

drawn	checked
	RH
	date
	3/07/18
	scale
	1/8" = 1'-0"
	job no.
	1202
	sheet

A2.1



1 GROUND FLOOR PLAN
1/8" = 1'-0"



1 MEZZANINE
1/8" = 1'-0"

A3.2

A3.1

A3.1

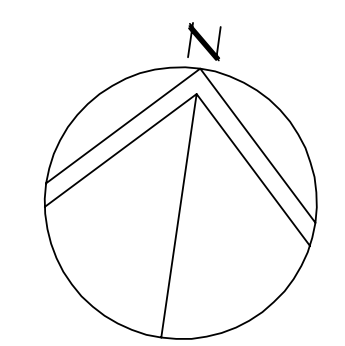
A3.2

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 HEAVY DUTY DERO HOOP BICYCLE RACKS
- 11 (E) AC TRANSIT BUS STOP WITH BENCH
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

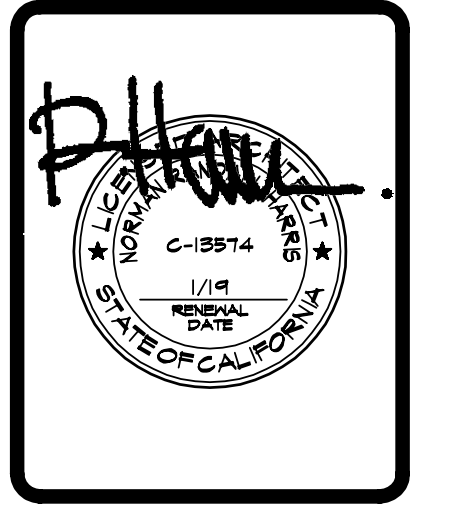
LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
architects, planners
2450 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

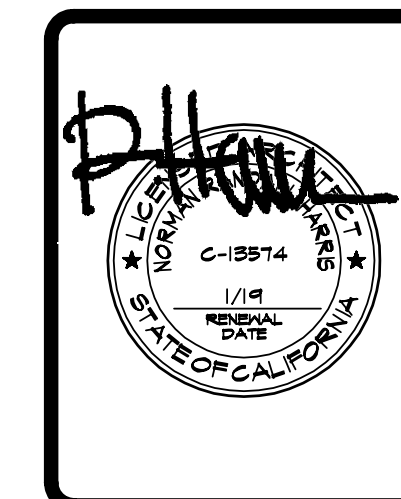
drawing
MEZZANINE
PLAN

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1202
sheet

A2.1A

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
architects, planners
2450 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
**PODIUM
LEVEL
FLOOR PLAN**

drawn
checked
RH
date
3/07/18
scale
1/8" = 1'-0"
job no.
1802
sheet

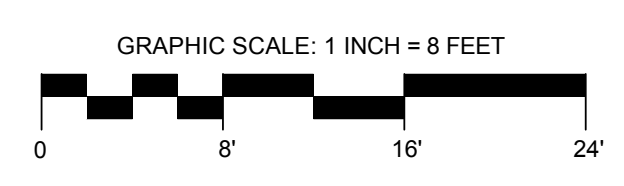
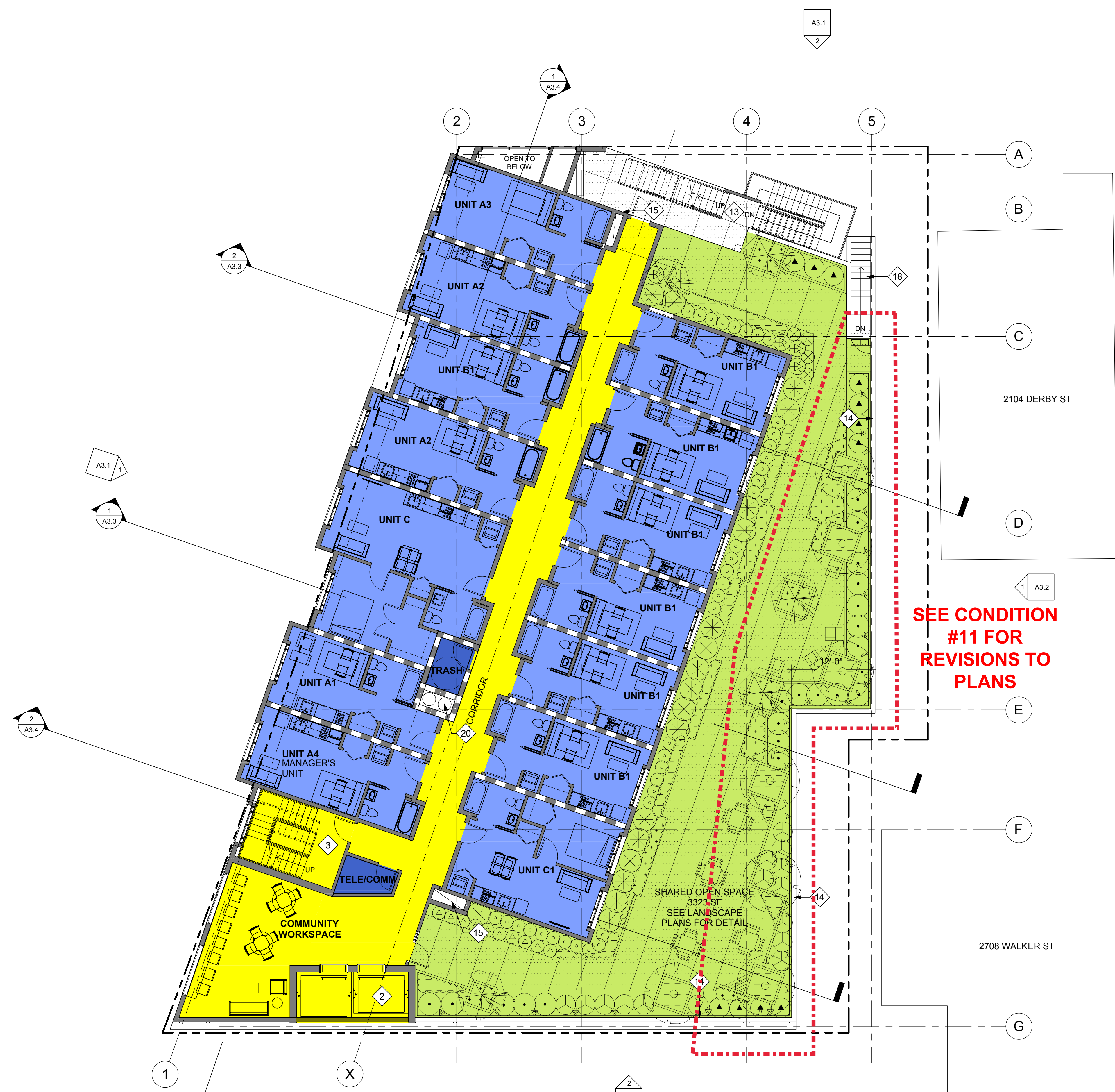
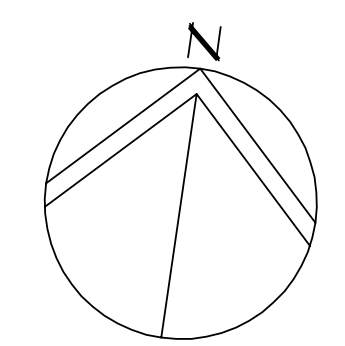
A2.2

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 HEAVY DUTY DERO HOOP BICYCLE RACKS
- 11 (E) AC TRANSIT BUS STOP WITH BENCH
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

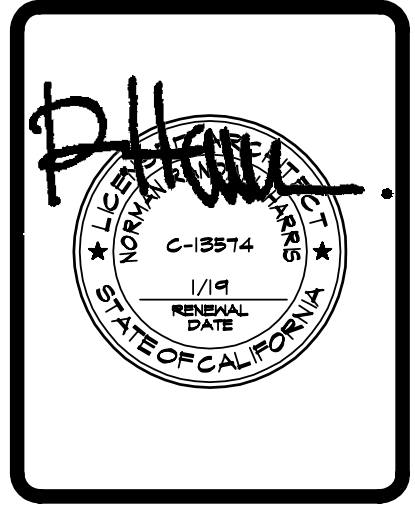
- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 PODIUM LEVEL FLOOR PLAN
1/8" = 1'-0"

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
THIRD LEVEL FLOOR PLAN

drawn
checked RH
date 3/07/18
scale 1/8" = 1'-0"
job no. 1202
sheet

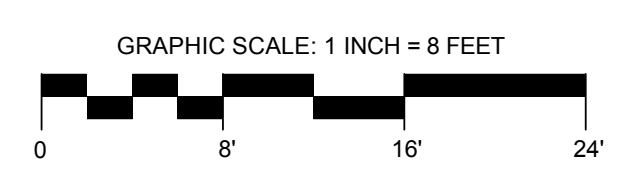
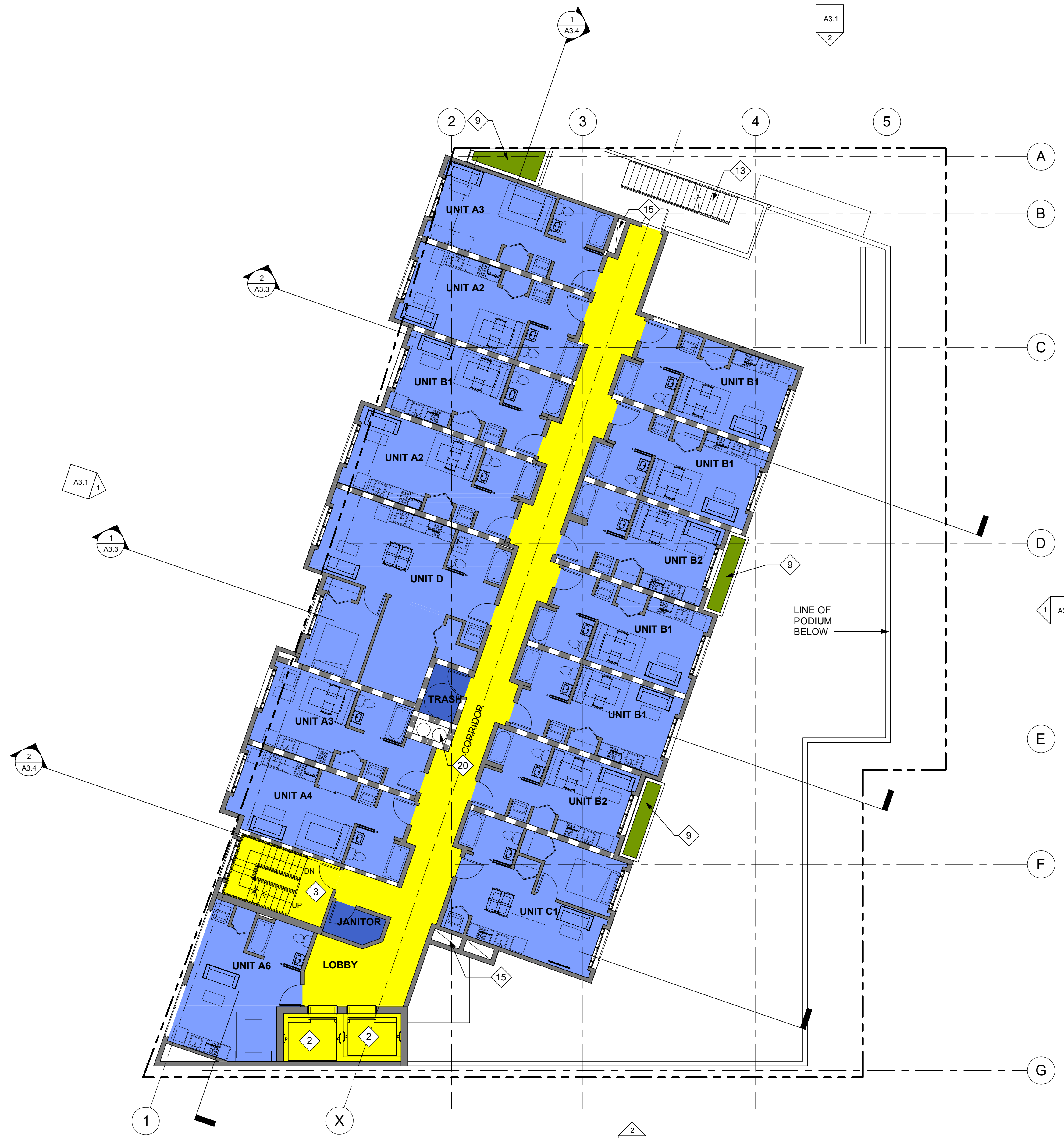
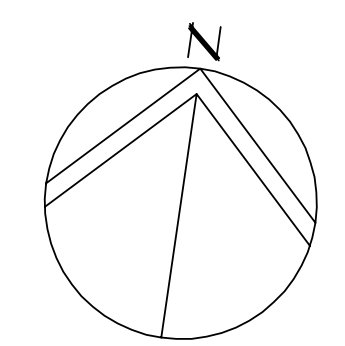
A2.3

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 HEAVY DUTY DERO HOOP BICYCLE RACKS
- 11 (E) AC TRANSIT BUS STOP WITH BENCH
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

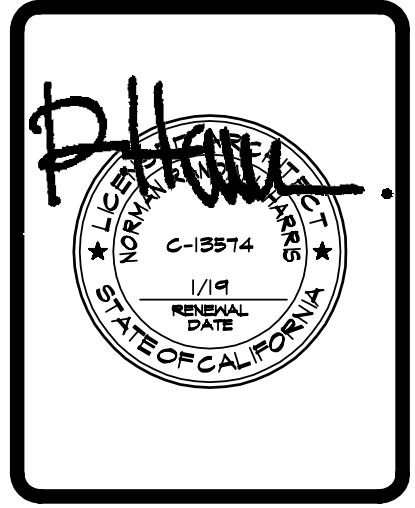
- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 THIRD FLOOR PLAN
 1/8" = 1'-0"

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
**FOURTH
 LEVEL
 FLOOR PLAN**

drawn
checked RH
date 3/07/18
scale 1/8" = 1'-0"
job no. 1202
sheet

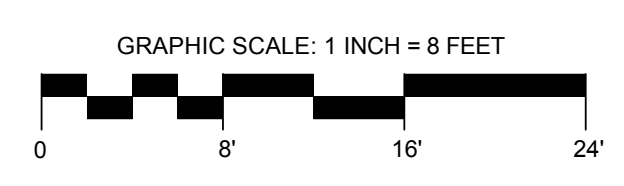
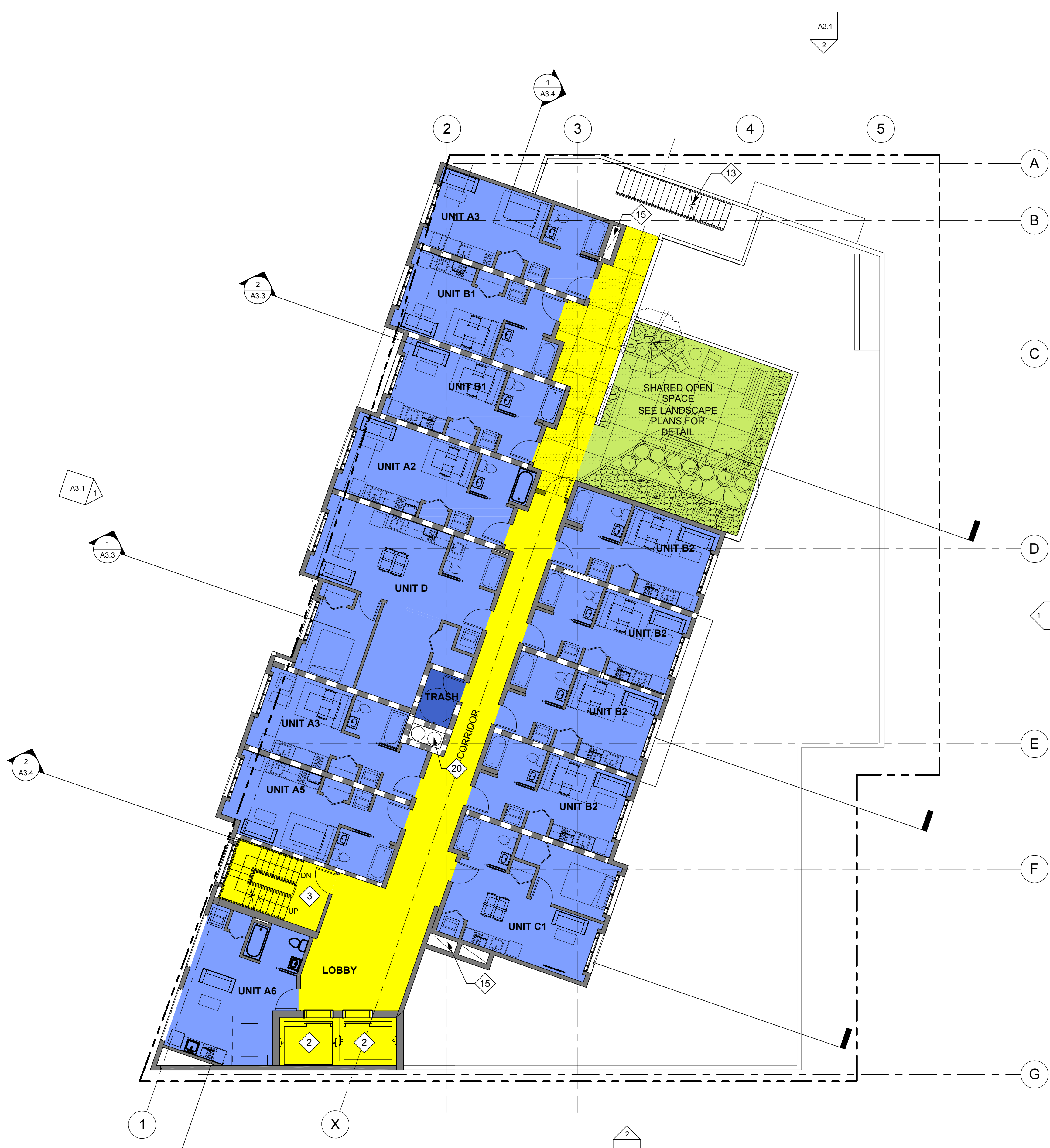
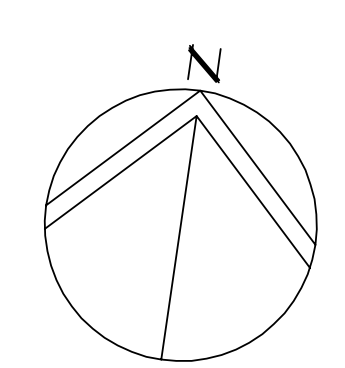
A2.4

KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
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- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 FOURTH FLOOR PLAN
 1/8" = 1'-0"



KEY NOTES

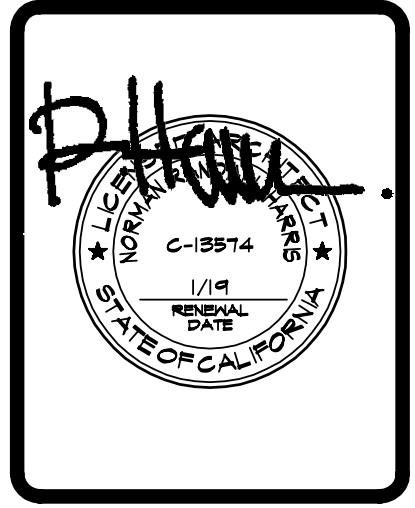
- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
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- 8 NEW TREE. SEE LANDSCAPE DRAWINGS
- 9 PLANTER. SEE LANDSCAPE DRAWINGS
- 10 HEAVY DUTY DERO HOOP BICYCLE RACKS
- 11 (E) AC TRANSIT BUS STOP WITH BENCH
- 12 OUTDOOR SEATING AREA. SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042

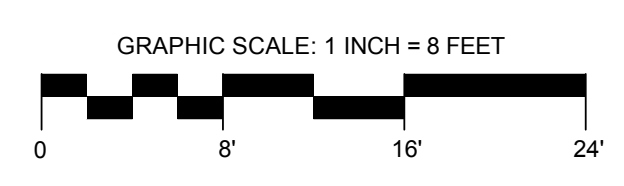


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

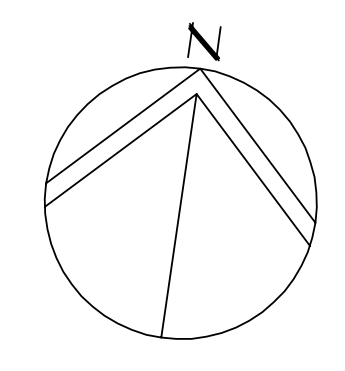
drawing
FIFTH LEVEL FLOOR PLAN

drawn	
checked	RH
date	3/07/18
scale	1/8" = 1'-0"
job no.	1202
sheet	

A2.5



1 FIFTH FLOOR PLAN
 1/8" = 1'-0"





KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
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- 12 OUTDOOR SEATING AREA. SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 TRELLIS
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING. SEE ELEVATIONS

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

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 walnut creek, ca
 94597
 (925) 256-6042

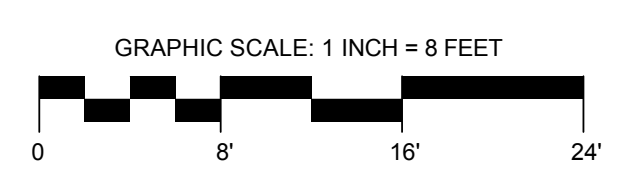


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

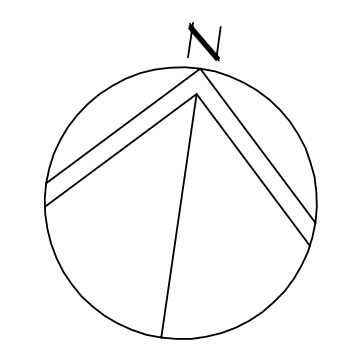
drawing
ROOF PLAN

drawn	
checked	RH
date	3/07/18
scale	1/8" = 1'-0"
job no.	1802
sheet	

A2.6

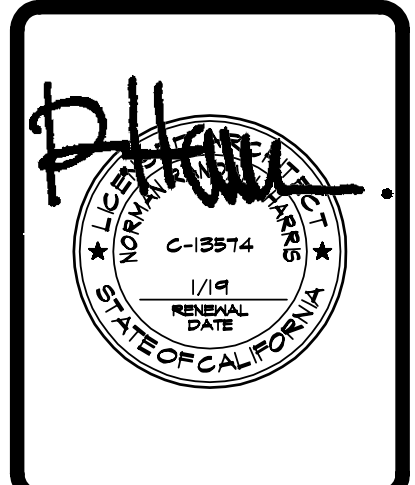


1 ROOF PLAN
 1/8" = 1'-0"



revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/02/18	AY

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 suite 110
 walnut creek, ca
 94597
 (925) 256-6042

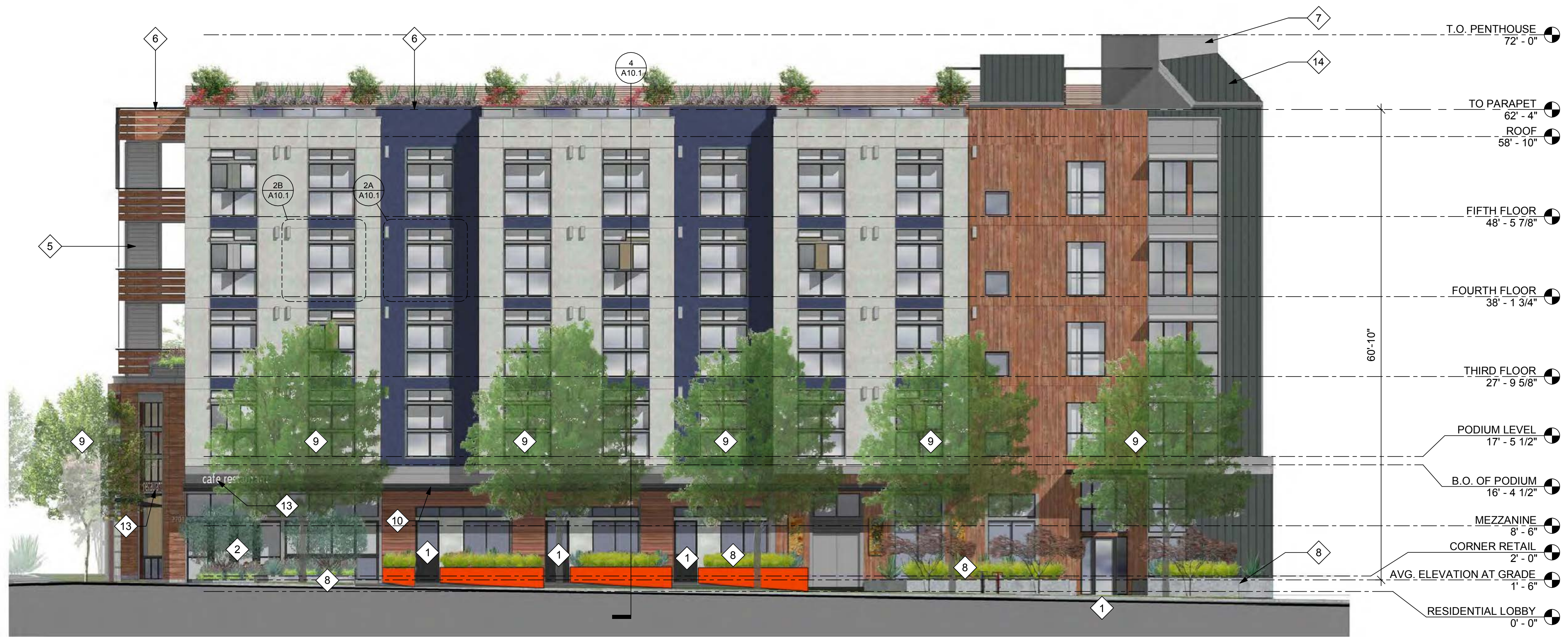


2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
EXTERIOR ELEVATIONS

drawn
 checked
 RH
 date
 3/07/18
 scale
 1/8" = 1'-0"
 job no.
 1202
 sheet

A3.1



1 EXTERIOR ELEVATION - WEST
 1/8" = 1'-0"

KEY NOTES

- 1 RESIDENTIAL ENTRY
- 2 COMMERCIAL ENTRY
- 3 PARKING GARAGE DOOR
- 4 NOT USED
- 5 EXTERIOR STAIR
- 6 RAILING / PARAPET
- 7 ELEVATOR OVERRUN
- 8 PLANTER, SEE LANDSCAPE PLANS
- 9 TREE, SEE LANDSCAPE PLANS
- 10 AWNING
- 11 NOT USED
- 12 NOT USED
- 13 SIGNAGE
- 14 ROOFTOP MECHANICAL ENCLOSURE
- 15 PERFORATED METAL SECURITY FENCE W GATE

NOTE:
 SEE A3.1A FOR MATERIALS LEGEND



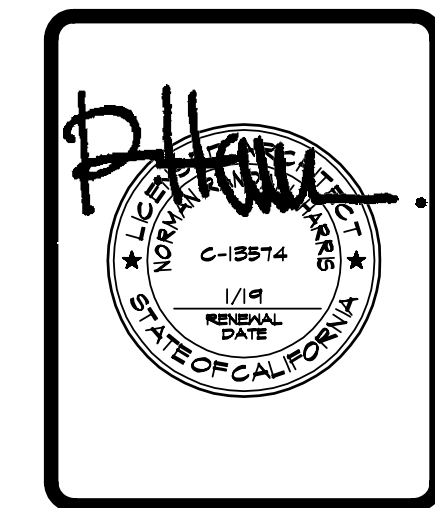
2 EXTERIOR ELEVATION - NORTH
 1/8" = 1'-0"

NOTE: NORMAL TO RESIDENTIAL PORTION OF BUILDING



revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/02/18	AY

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 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
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2701 SHATTUCK AVENUE
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 FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
EXTERIOR ELEVATIONS (VIEWED FROM SIDEWALK)

drawn
 checked
 RH
 date
 3/07/18
 scale
 1/8" = 1'-0"
 job no.
 1202
 sheet

A3.1A



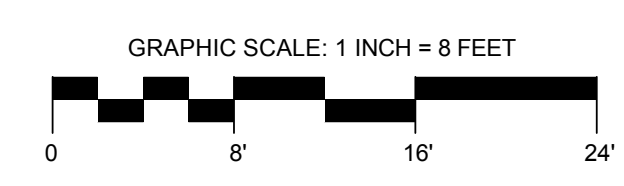
1 EXTERIOR ELEVATION - WEST
 1/8" = 1'-0"

- LEGEND**
- 1 PAINTED STUCCO
BODY COLOR 1
 - 2 PAINTED STUCCO
BODY COLOR 2
 - 3 METAL FLUSH PANELS
COLOR: "DARK BRONZE"
 - 4 CAST-IN-PLACE CONCRETE
 - 5 COMPOSITE WOOD PANEL
COLOR: PARKLEX "AMBER" & "RUBI"
 - 6 ARCHITECTURAL METAL DETAILS
 - 7 STOREFRONT GLAZING WINDOW
 - 8 PERFORATED METAL
 - 9 METAL LOUVERS
 - 10 DARK ANODIZED METAL WINDOWS
 - 11 PUBLIC ART LOCATION



2 EXTERIOR ELEVATION - NORTH
 1/8" = 1'-0"

NOTE: NORMAL TO RESIDENTIAL PORTION OF BUILDING





① EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



② EXTERIOR ELEVATION SOUTH
1/8" = 1'-0"

KEY NOTES

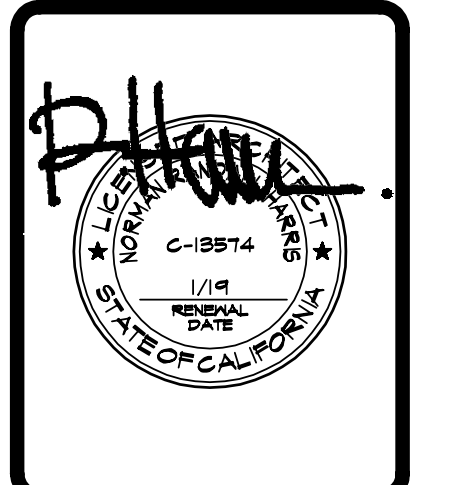
- ① RESIDENTIAL ENTRY
- ② COMMERCIAL ENTRY
- ③ PARKING GARAGE DOOR
- ④ NOT USED
- ⑤ EXTERIOR STAIR
- ⑥ RAILING / PARAPET
- ⑦ ELEVATOR OVERRUN
- ⑧ PLANTER, SEE LANDSCAPE PLANS
- ⑨ TREE, SEE LANDSCAPE PLANS
- ⑩ AWNING
- ⑪ NOT USED
- ⑫ NOT USED
- ⑬ SIGNAGE
- ⑭ ROOFTOP MECHANICAL ENCLOSURE
- ⑮ PERFORATED METAL SECURITY FENCE W GATE

LEGEND

- ① PAINTED STUCCO BODY COLOR 1
- ② PAINTED STUCCO BODY COLOR 2
- ③ METAL FLUSH PANELS COLOR: "DARK BRONZE"
- ④ CAST-IN-PLACE CONCRETE
- ⑤ COMPOSITE WOOD PANEL COLOR: PARKLEX "AMBER" & "RUBI"
- ⑥ ARCHITECTURAL METAL DETAILS
- ⑦ STOREFRONT GLAZING WINDOW
- ⑧ PERFORATED METAL
- ⑨ METAL LOUVERS
- ⑩ DARK ANODIZED METAL WINDOWS

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

HDO
architects, planners
2450 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042

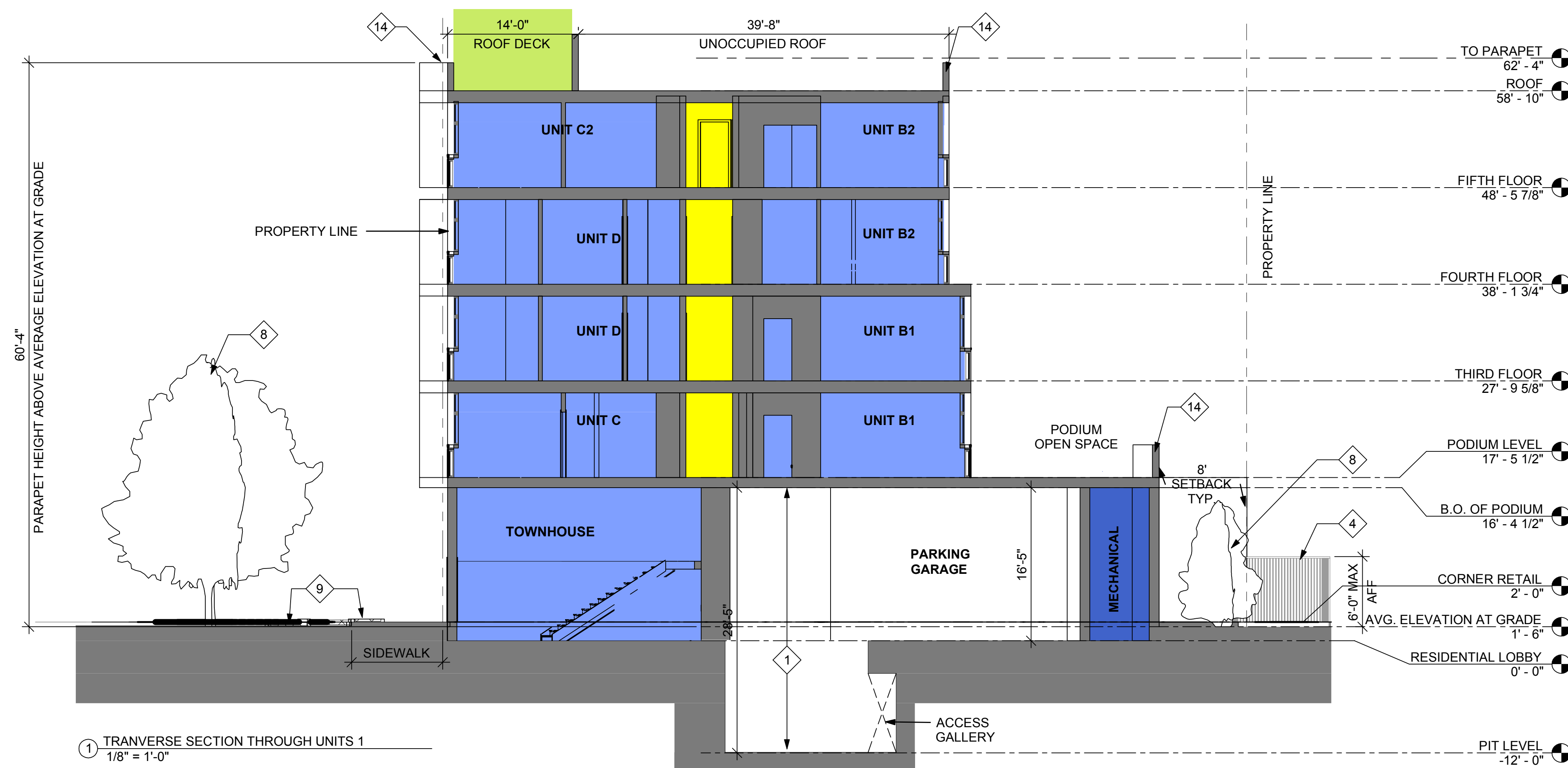


2701 SHATTUCK AVENUE
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 FOR:
2701 SHATTUCK BERKELEY, LLC

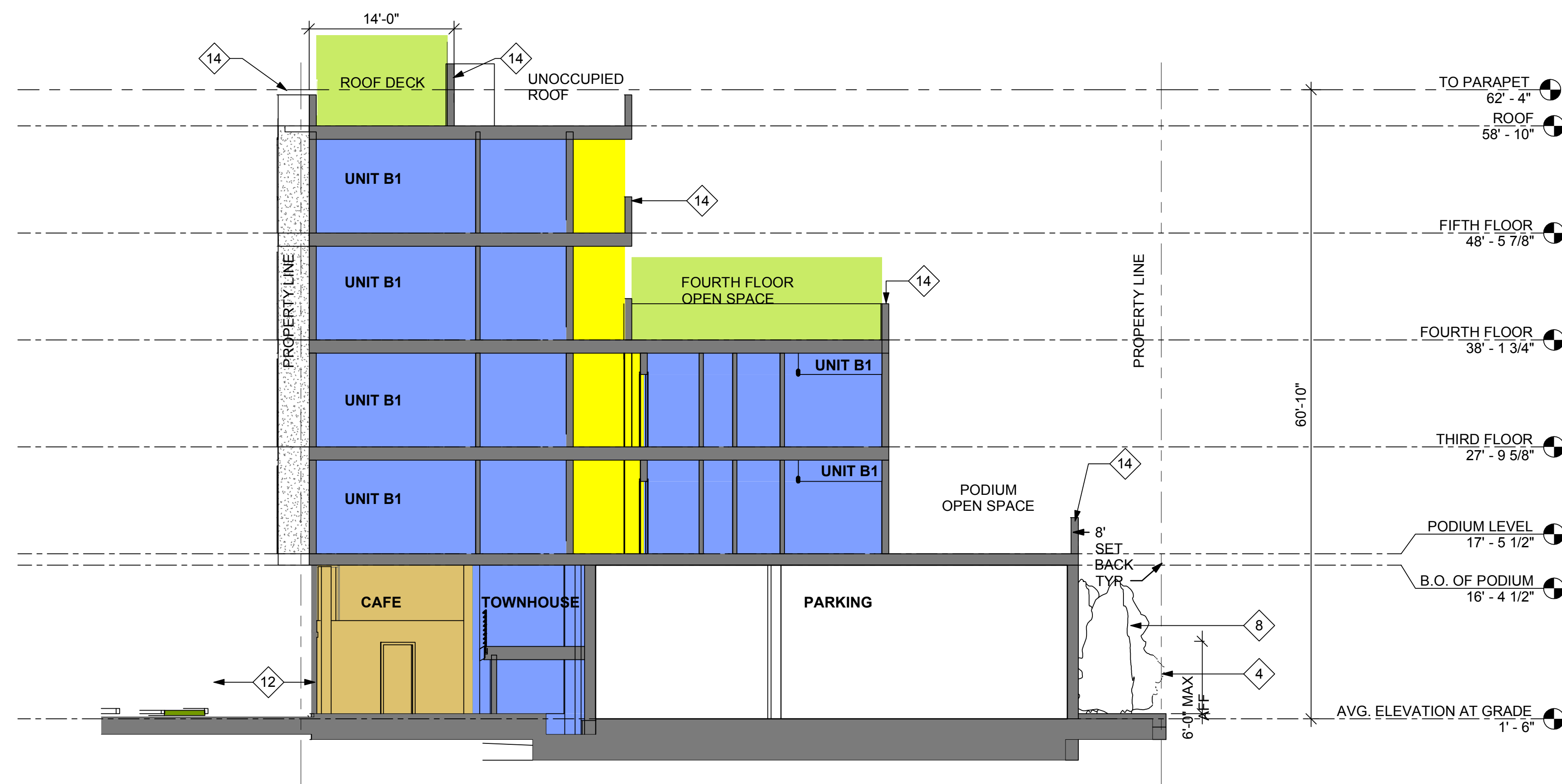
drawing
EXTERIOR ELEVATIONS

checked	date
RH	3/07/18
scale	1/8" = 1'-0"
job no.	1202
sheet	

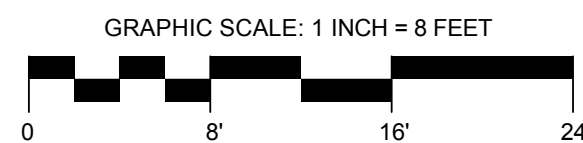
A3.2



1 TRANVERSE SECTION THROUGH UNITS 1
1/8" = 1'-0"



2 BUILDING SECTION
1/8" = 1'-0"



KEY NOTES

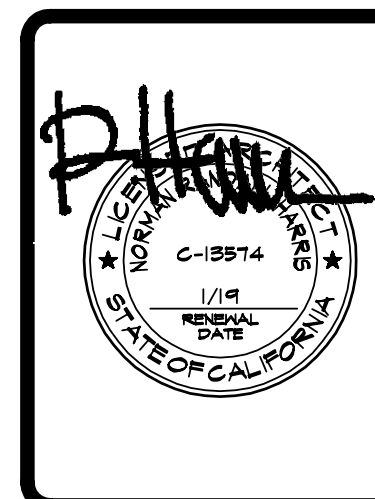
- 1 TRIPLE LIFT PARKING SPACE
- 2 NOT USED
- 3 STAIR
- 4 FENCE
- 5 RESIDENTIAL ENTRY
- 6 NOT USED
- 7 NOT USED
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 BICYCLE PARKING
- 11 NOT USED
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 STAIR ENCLOSURE
- 14 PARAPET/RAILING

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- WALL
- PROPERTY LINE

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/23/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/28/18	AY

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architects, planners
2450 camino diablo
suite 110
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
BUILDING SECTIONS

drawn	checked
date	date
3/07/18	3/07/18
scale	scale
1/8" = 1'-0"	1/8" = 1'-0"
job no.	job no.
1202	1202
sheet	sheet

A3.3



① LONGITUDINAL SECTION THROUGH UNITS
 1/8" = 1'-0"

KEY NOTES

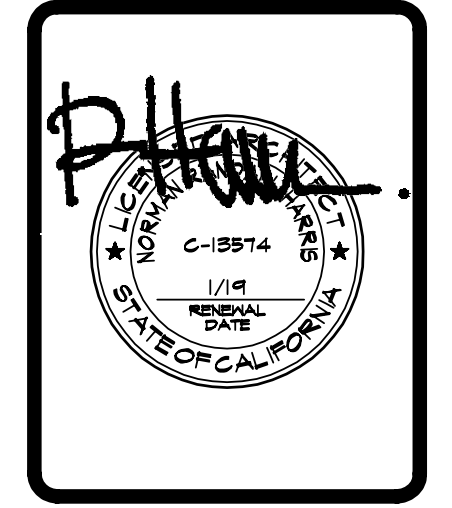
- ① TRIPLE LIFT PARKING SPACE
- ② NOT USED
- ③ STAIR
- ④ FENCE
- ⑤ RESIDENTIAL ENTRY
- ⑥ NOT USED
- ⑦ NOT USED
- ⑧ NEW TREE, SEE LANDSCAPE DRAWINGS
- ⑨ PLANTER, SEE LANDSCAPE DRAWINGS
- ⑩ BICYCLE PARKING
- ⑪ NOT USED
- ⑫ OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- ⑬ STAIR ENCLOSURE
- ⑭ PARAPET/RAILING

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- WALL
- PROPERTY LINE

revisions	by
DRC SUBMITTAL 2/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/02/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (425) 256-6042

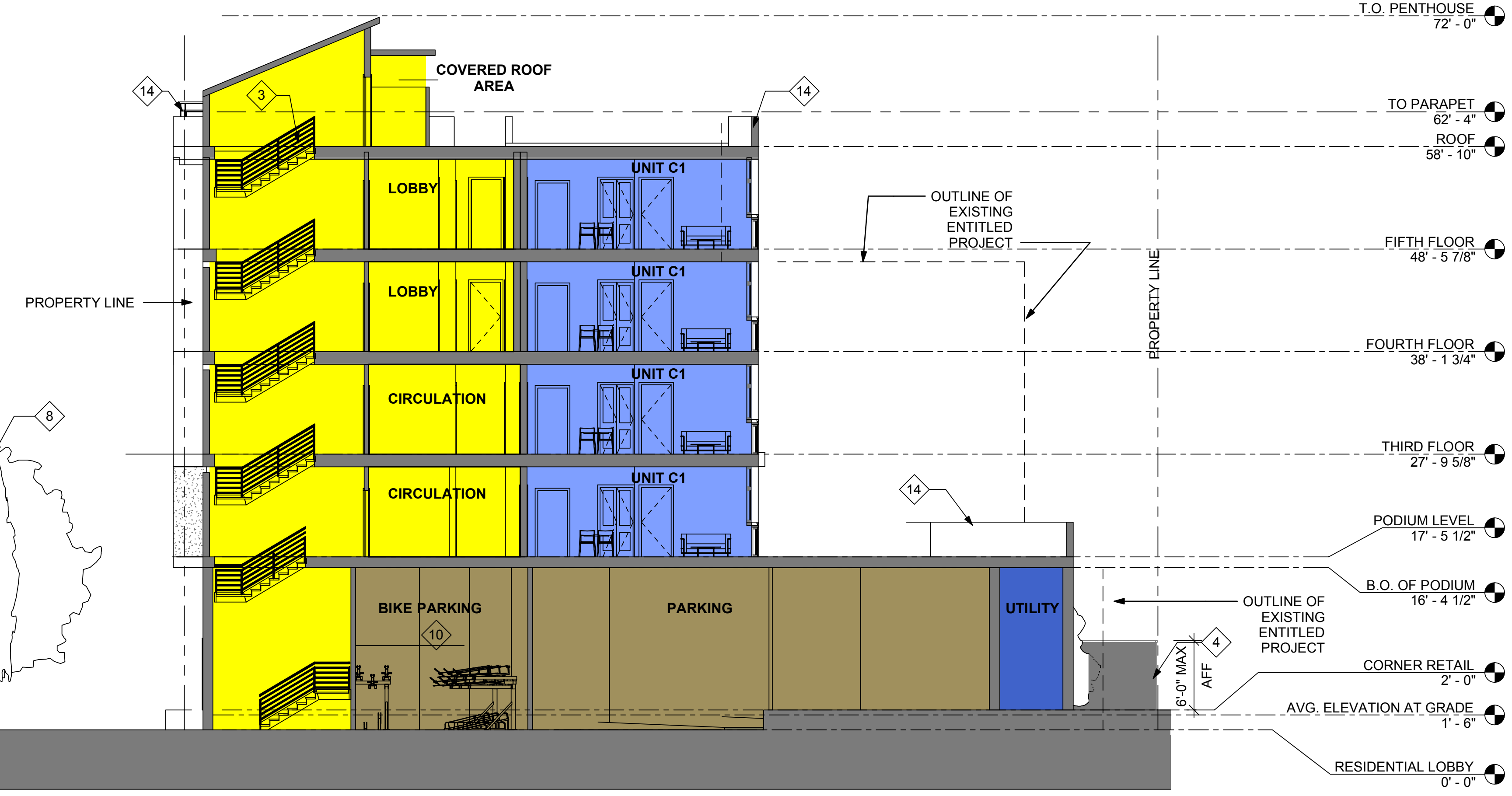


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 FOR:
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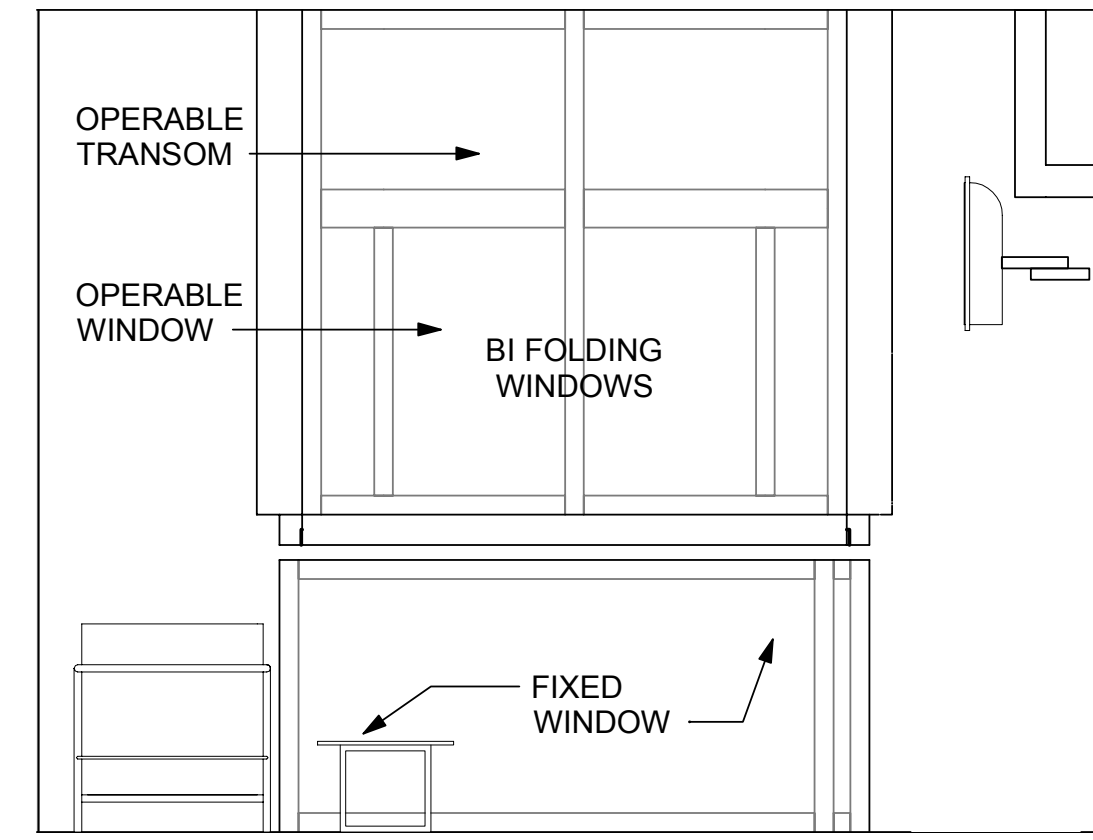
drawing
BUILDING SECTIONS

drawn
 checked
 RH
 date
 3/07/18
 scale
 1/8" = 1'-0"
 job no.
 1802
 sheet

A3.4



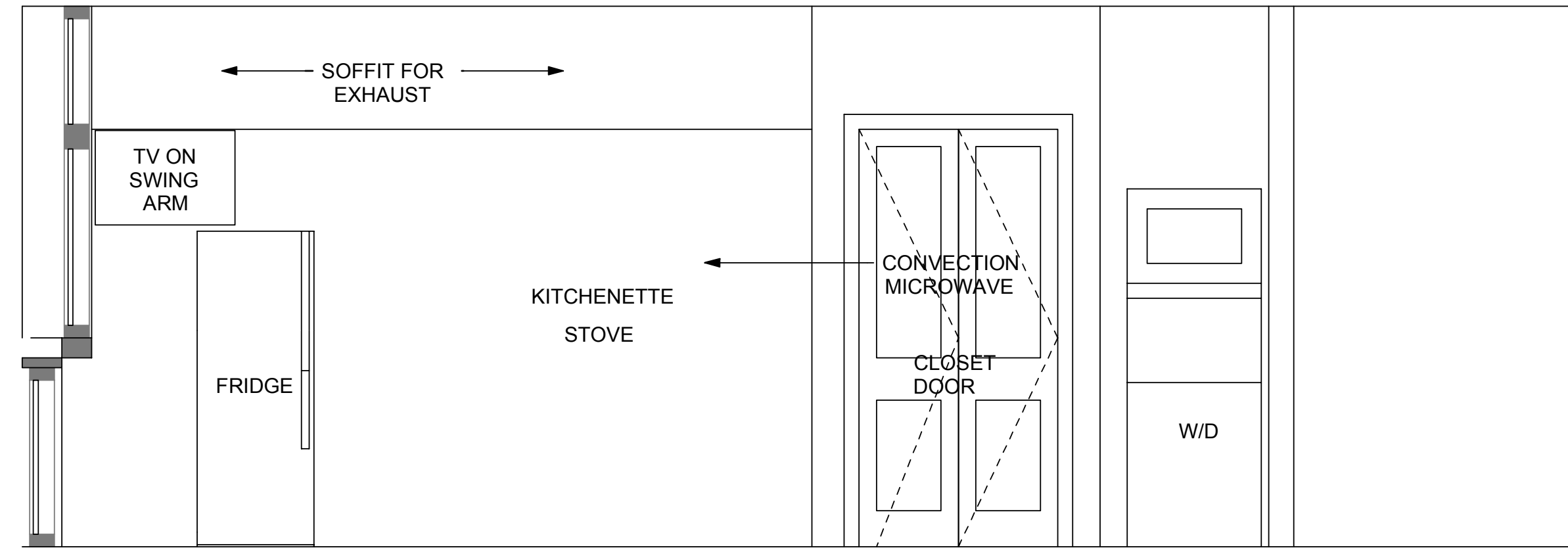
② TRANSVERSE SECTION THROUGH VERTICAL CIRCULATION
 1/8" = 1'-0"



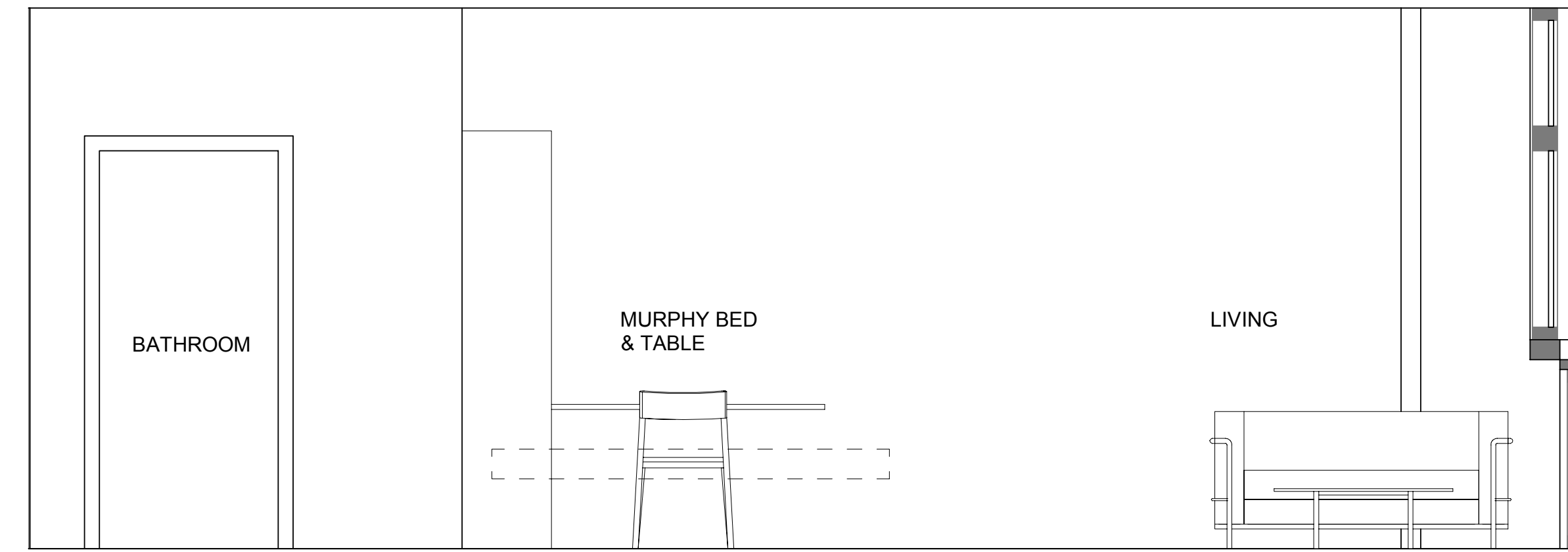
6 WEST ELEVATION OF UNIT A2
 1/2" = 1'-0"



5 EAST ELEVATION OF UNIT A2
 1/2" = 1'-0"

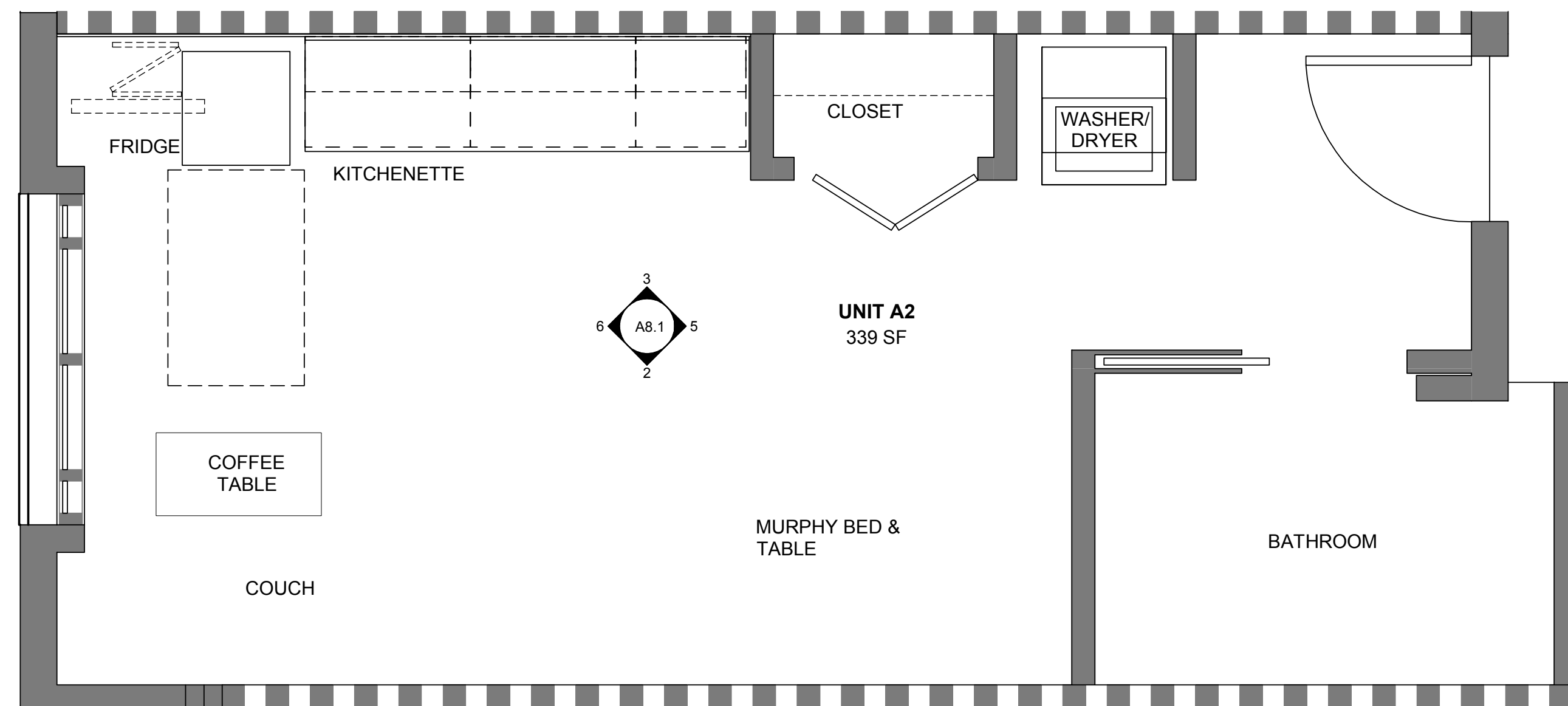


3 NORTH ELEVATION OF UNIT A2
 1/2" = 1'-0"



2 SOUTH ELEVATION OF UNIT A2
 1/2" = 1'-0"

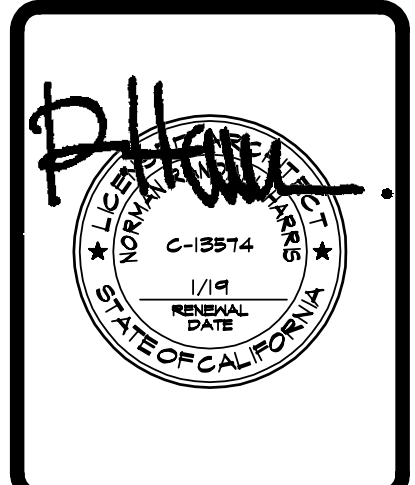
4 SECTION PERSPECTIVE OF UNIT A2
 1/2" = 1'-0"



1 UNIT A2 PLAN
 1/2" = 1'-0"

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

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 architects, planners
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 suite 110
 walnut creek, ca
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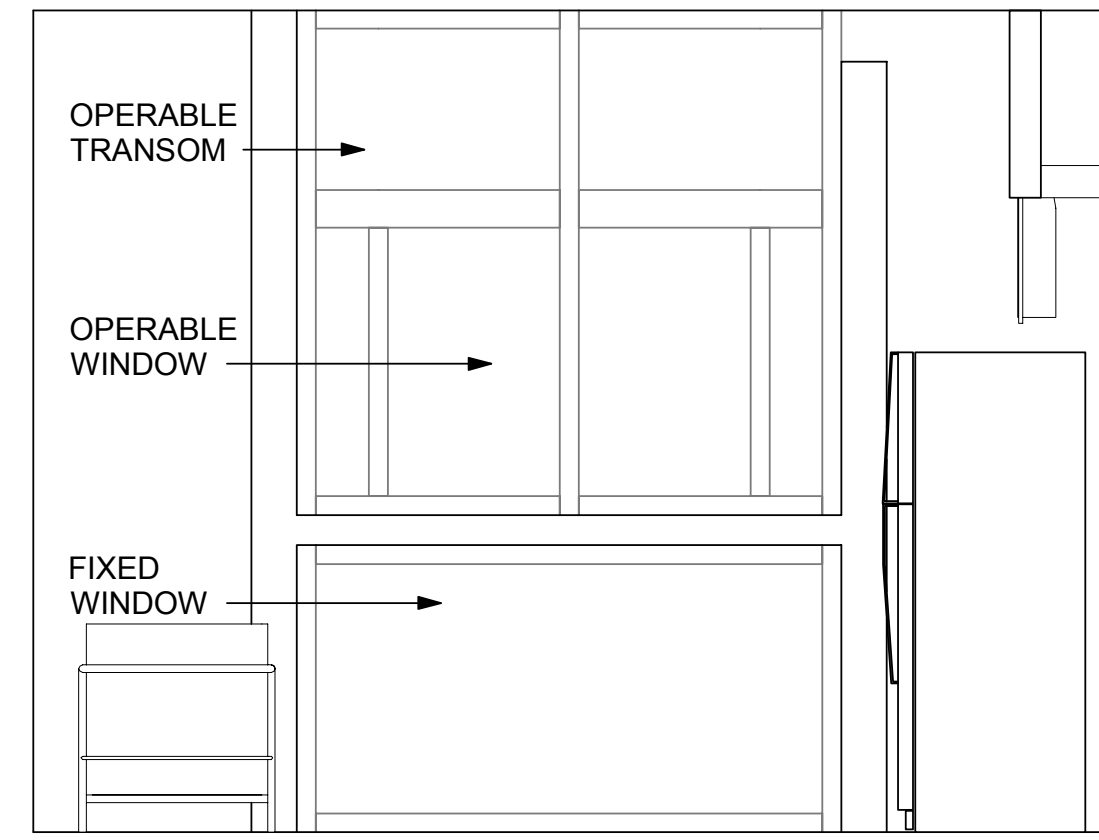


2701 SHATTUCK AVENUE
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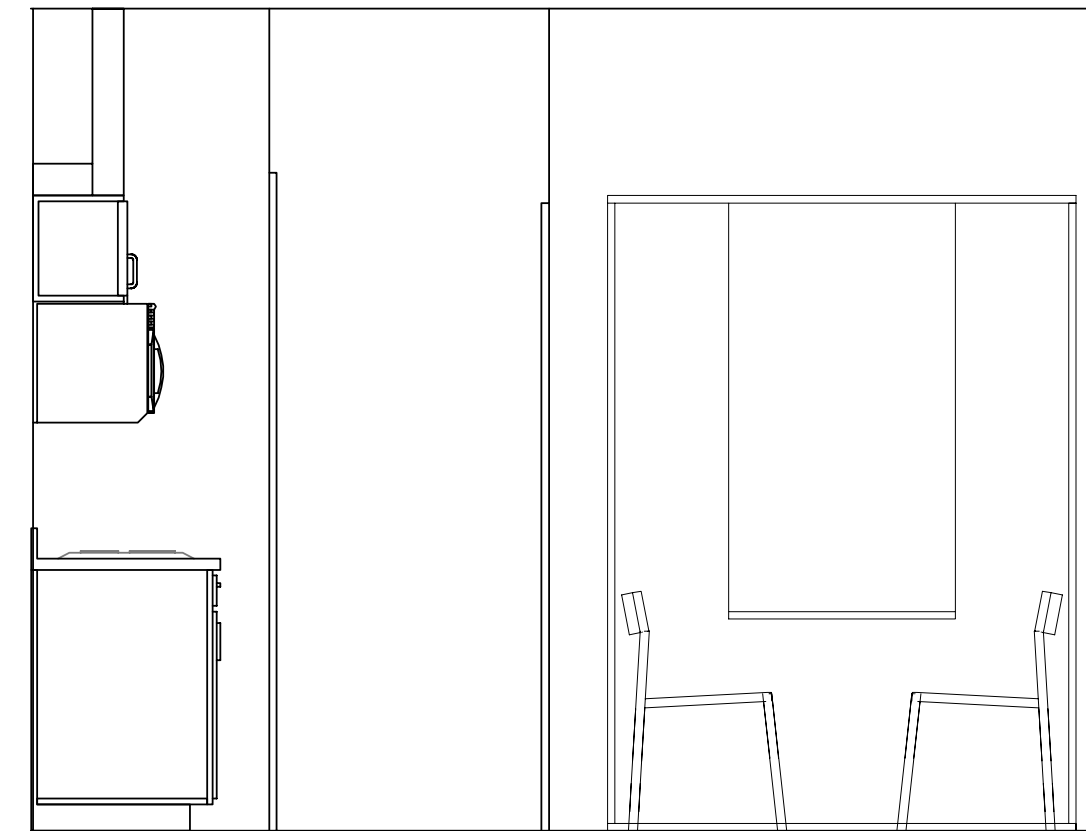
drawing
 UNIT A PLANS

drawn
 checked
 RH
 date
 3/07/18
 scale
 1/2" = 1'-0"
 job no.
 1202
 sheet

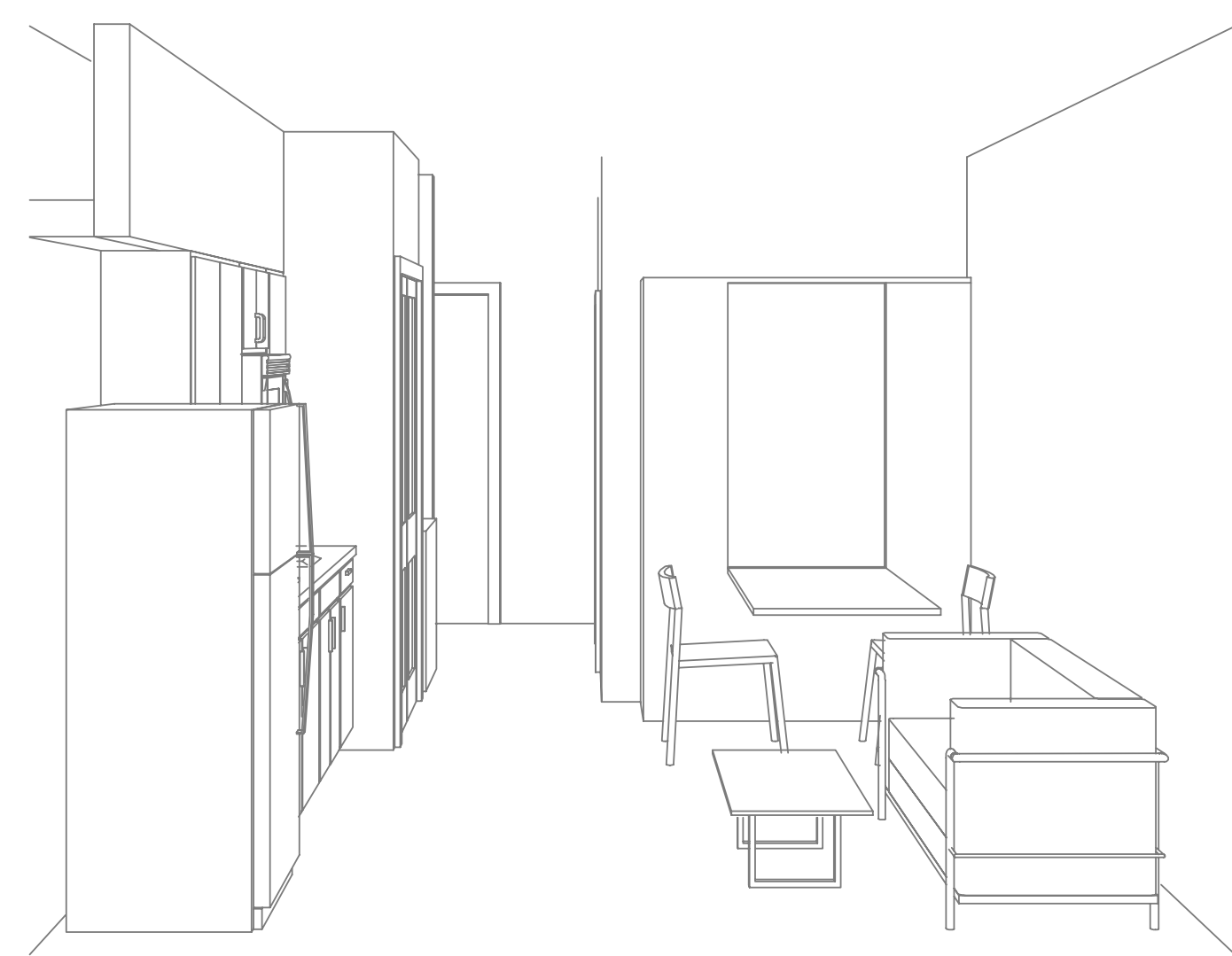
A8.1



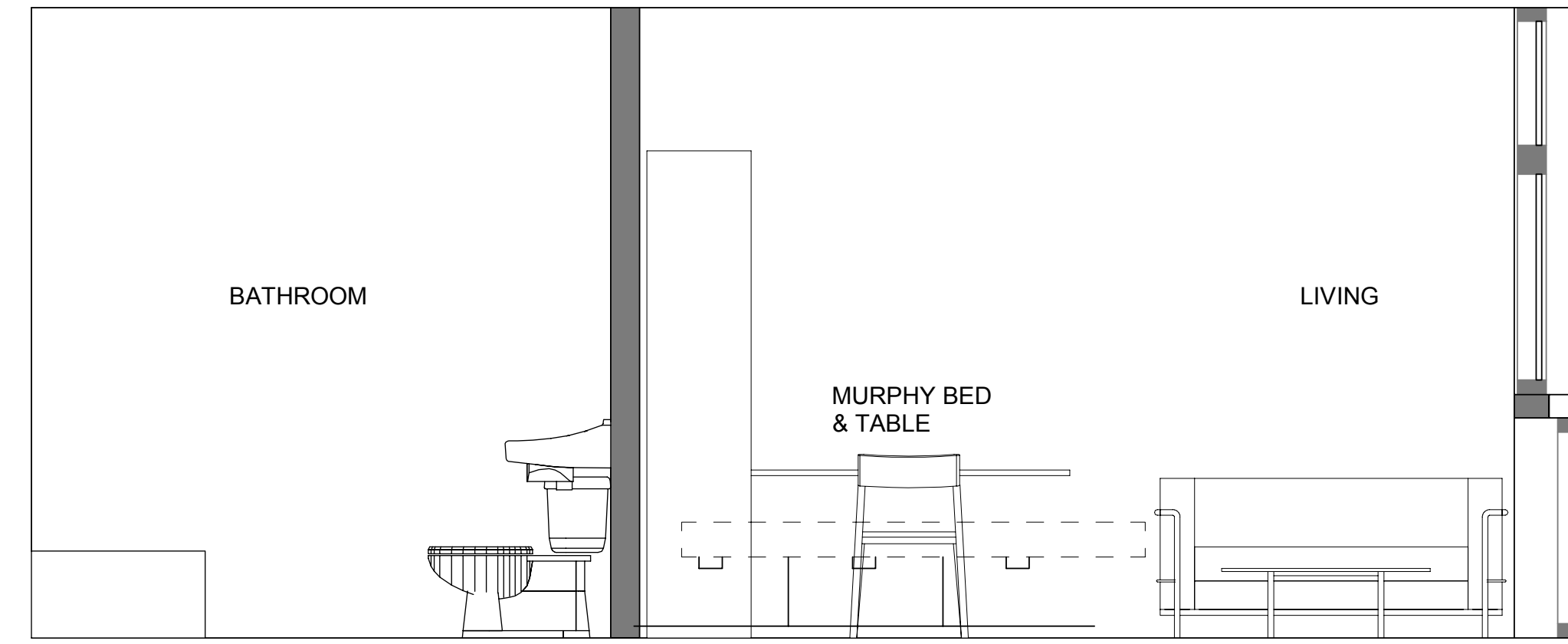
⑥ EAST ELEVATION OF UNIT B2
 1/2" = 1'-0"



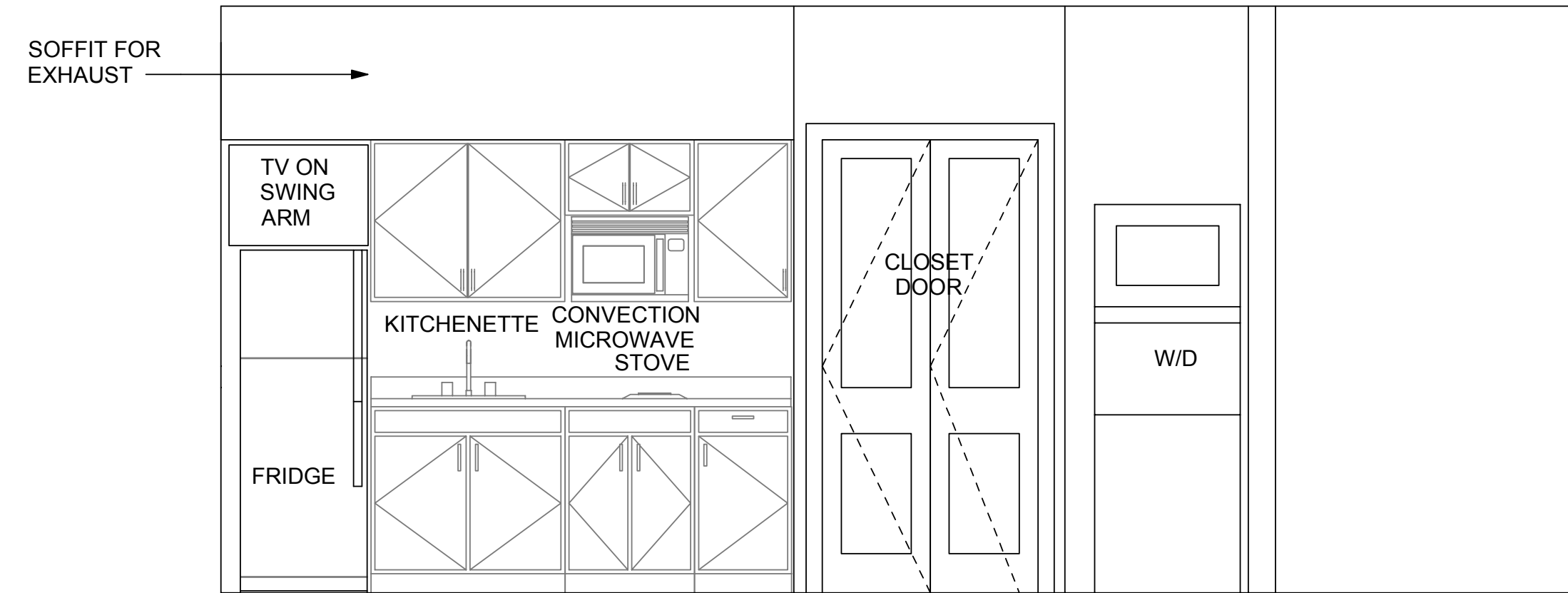
⑤ WEST ELEVATION OF UNIT B2
 1/2" = 1'-0"



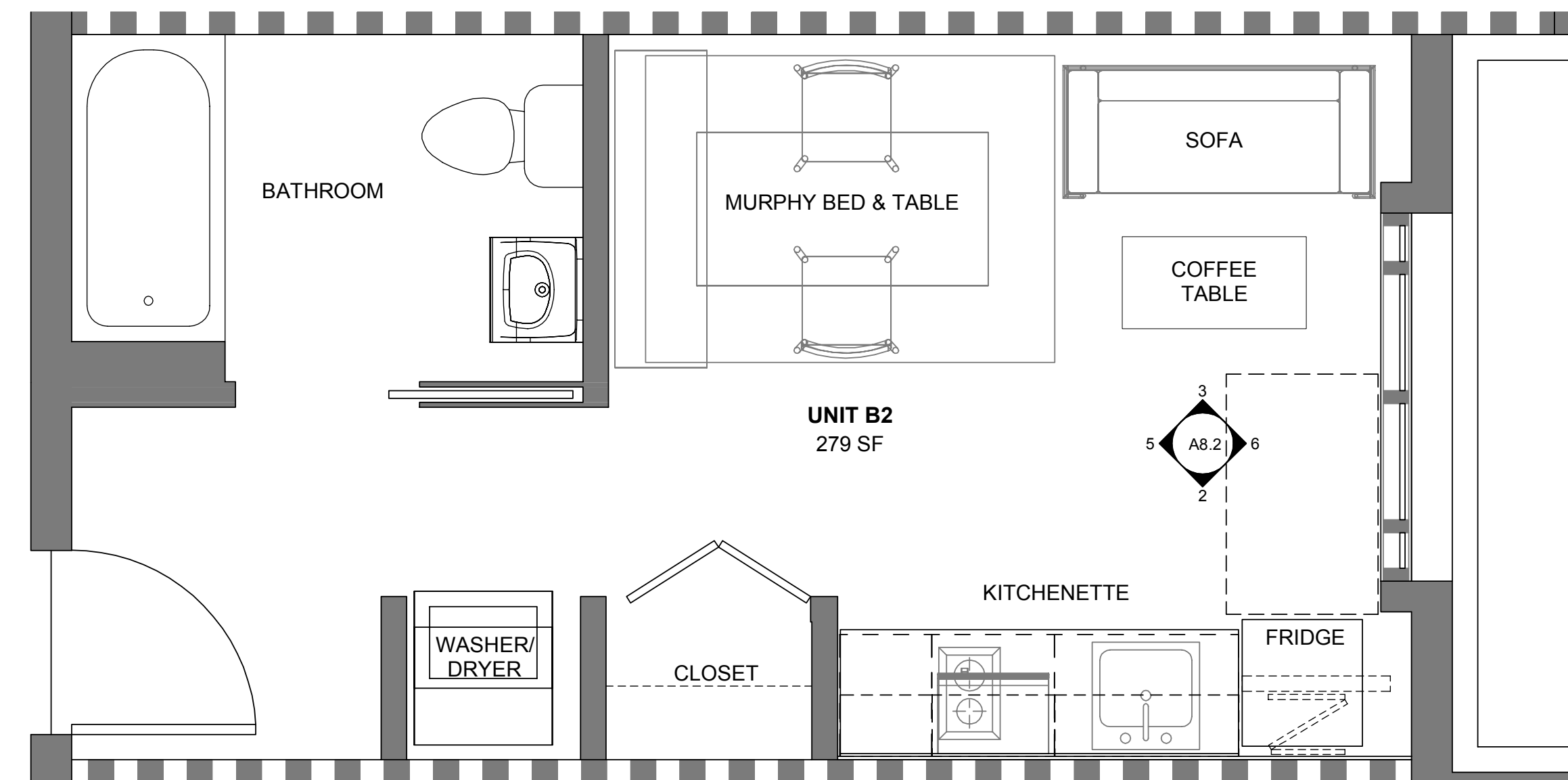
④ SECTION PERSPECTIVE OF UNIT B2
 1/2" = 1'-0"



③ NORTH ELEVATION OF UNIT B2
 1/2" = 1'-0"



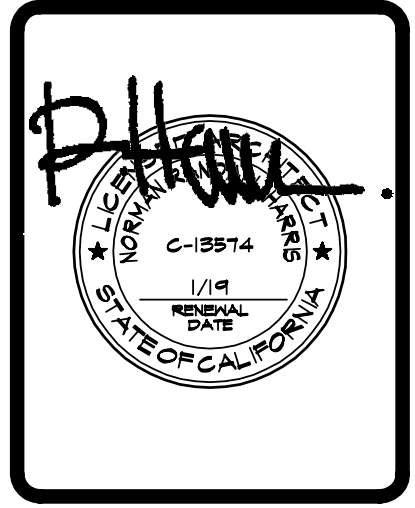
② SOUTH ELEVATION OF UNIT B2
 1/2" = 1'-0"



① UNIT B2 PLAN
 1/2" = 1'-0"

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

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 architects, planners
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 suite 110
 walnut creek, ca
 94597
 (925) 256-6042

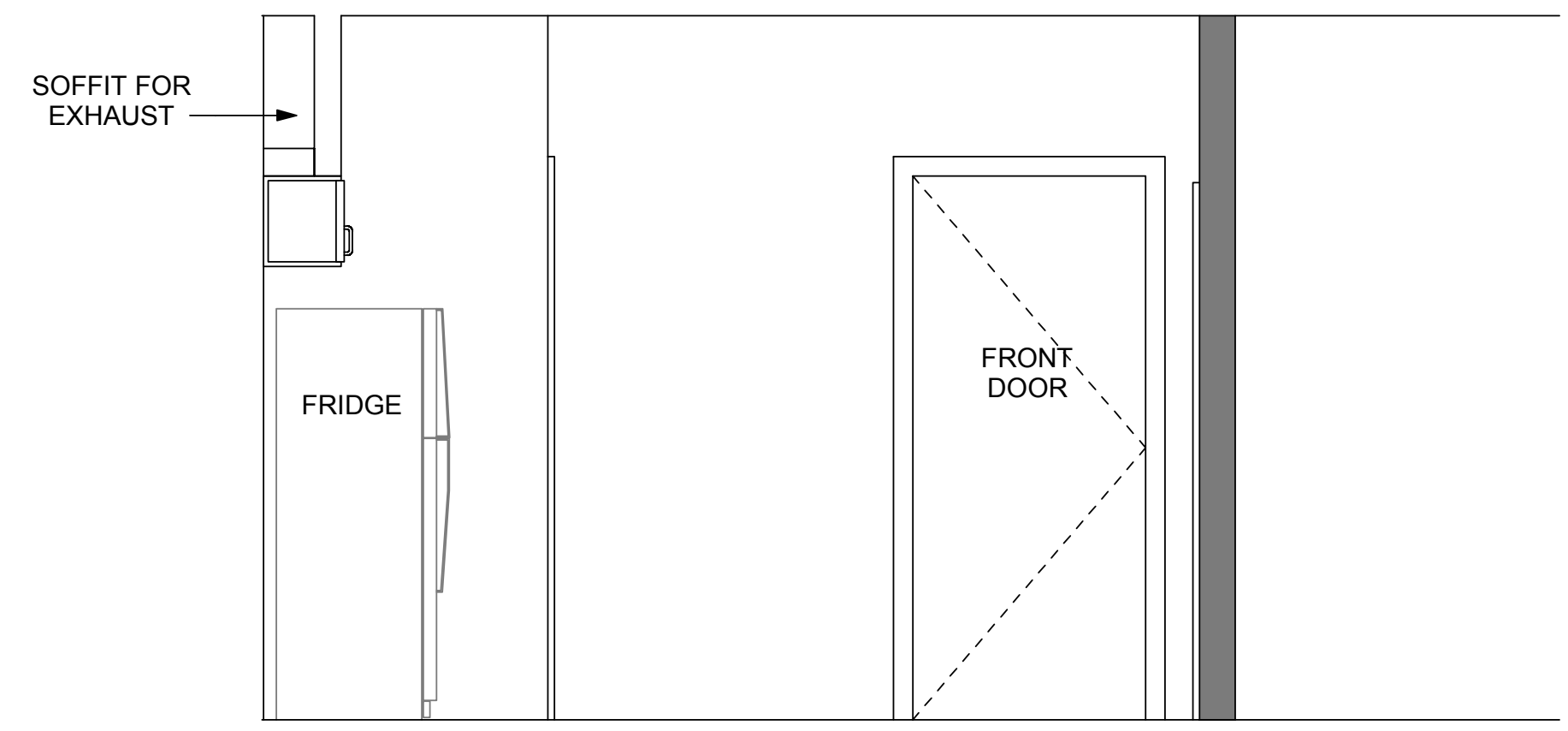


2701 SHATTUCK AVENUE
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 FOR:
 2701 SHATTUCK BERKELEY, LLC

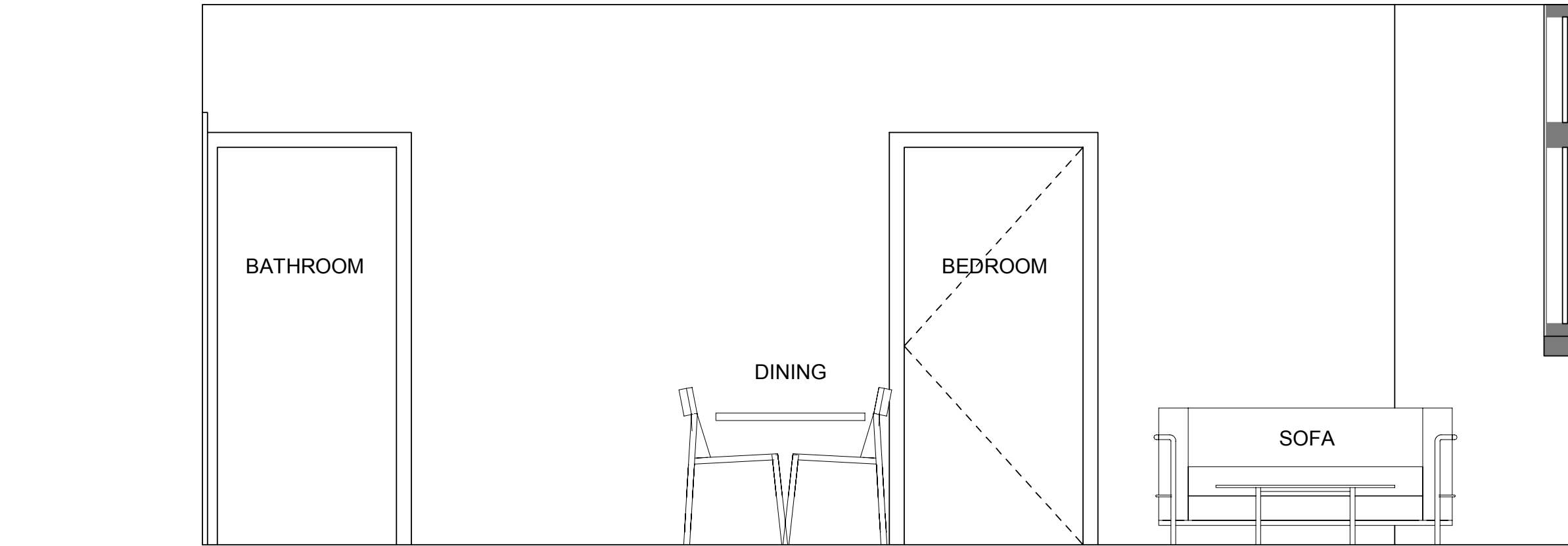
drawing
 UNIT B PLANS

drawn
checked RH
date 3/07/18
scale 1/2" = 1'-0"
job no. 1202
sheet

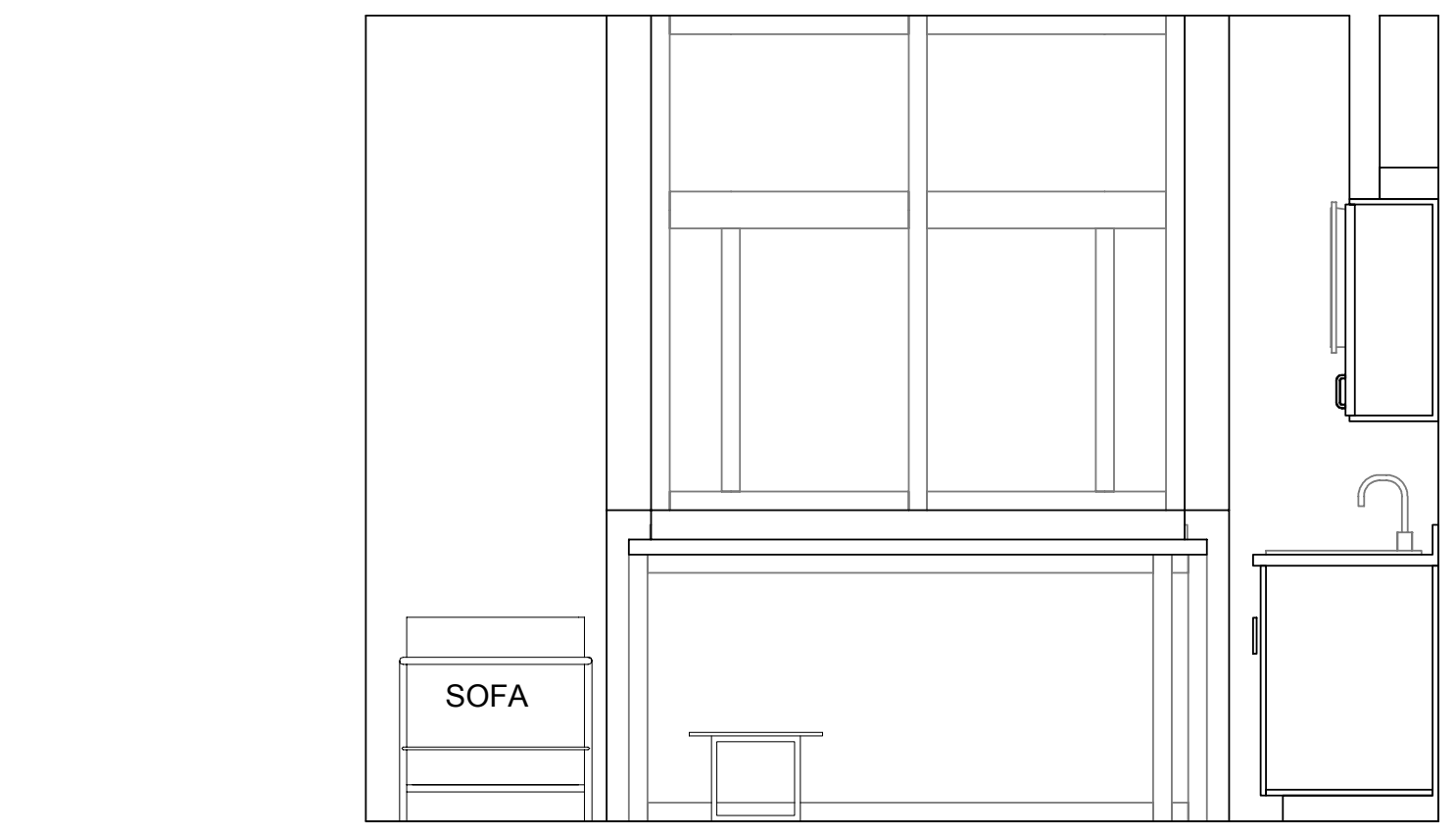
A8.2



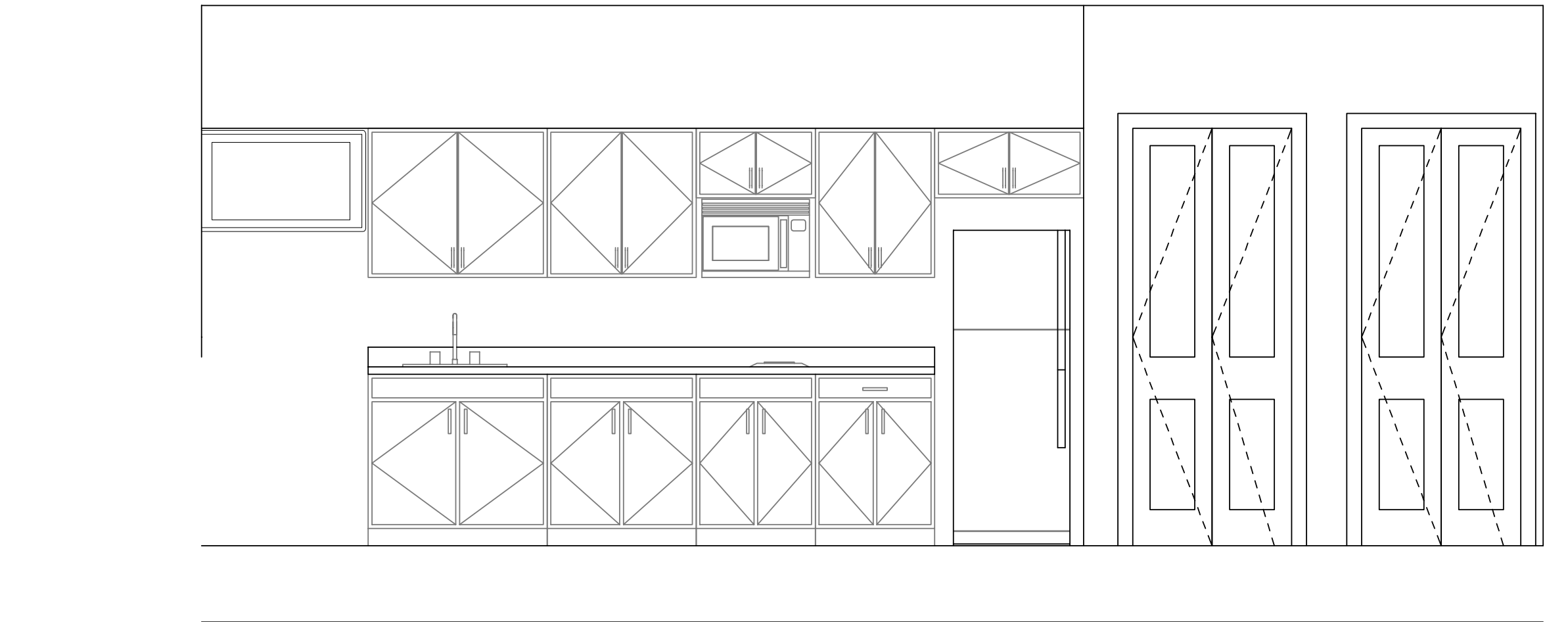
6 EAST ELEVATION OF UNIT C
 1/2" = 1'-0"



5 SOUTH ELEVATION OF UNIT C
 1/2" = 1'-0"



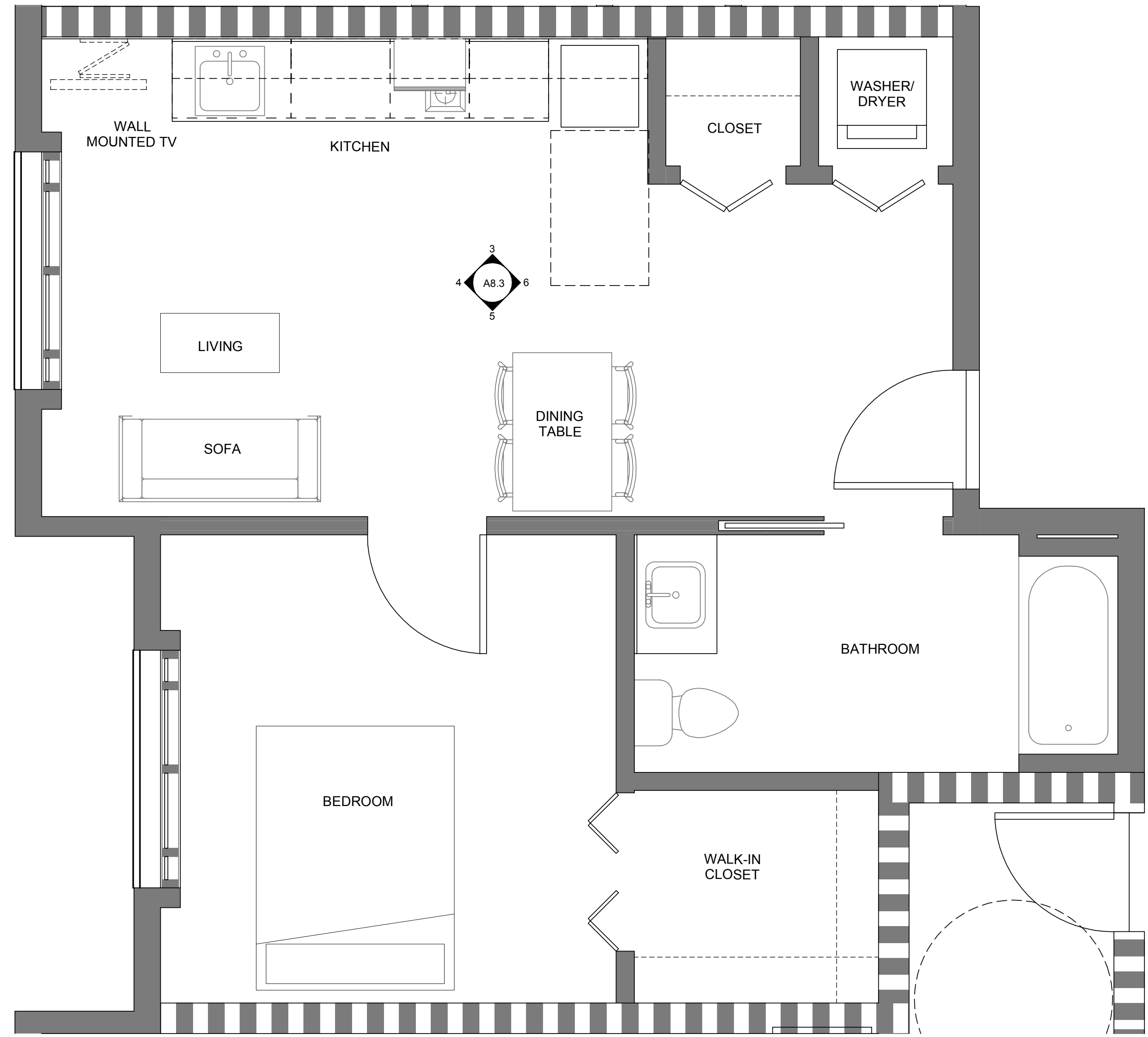
4 WEST ELEVATION OF UNIT C
 1/2" = 1'-0"



3 NORTH ELEVATION OF UNIT C
 1/2" = 1'-0"



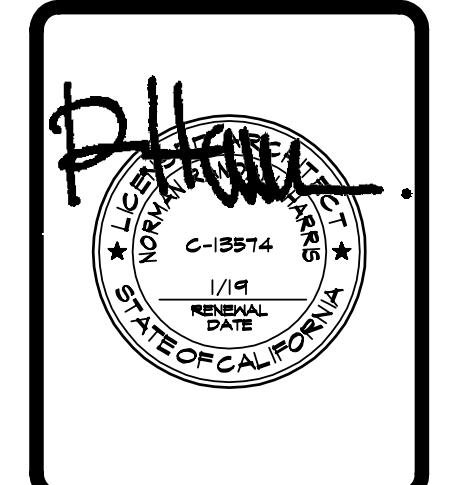
2 SECTIONAL PERSPECTIVE OF UNIT C



1 UNIT C PLAN
 1/2" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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 suite 110
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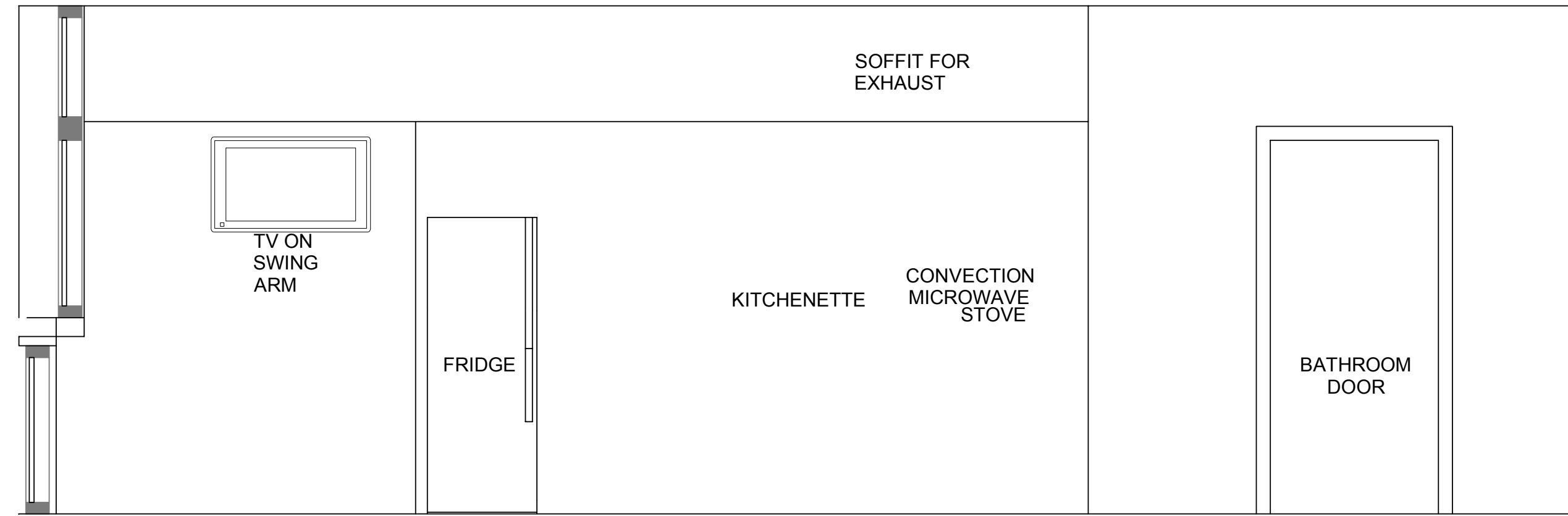


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 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
UNIT C PLANS

drawn	
checked	RH
date	3/07/18
scale	1/2" = 1'-0"
job no.	1802
sheet	

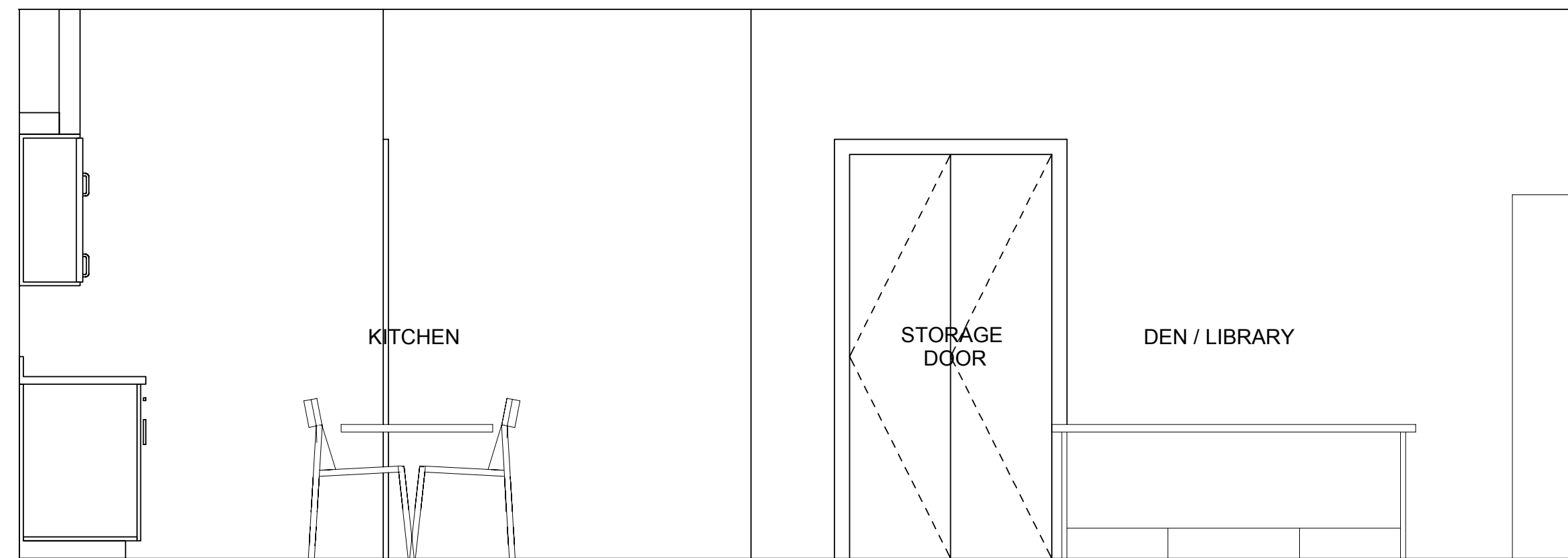
A8.3



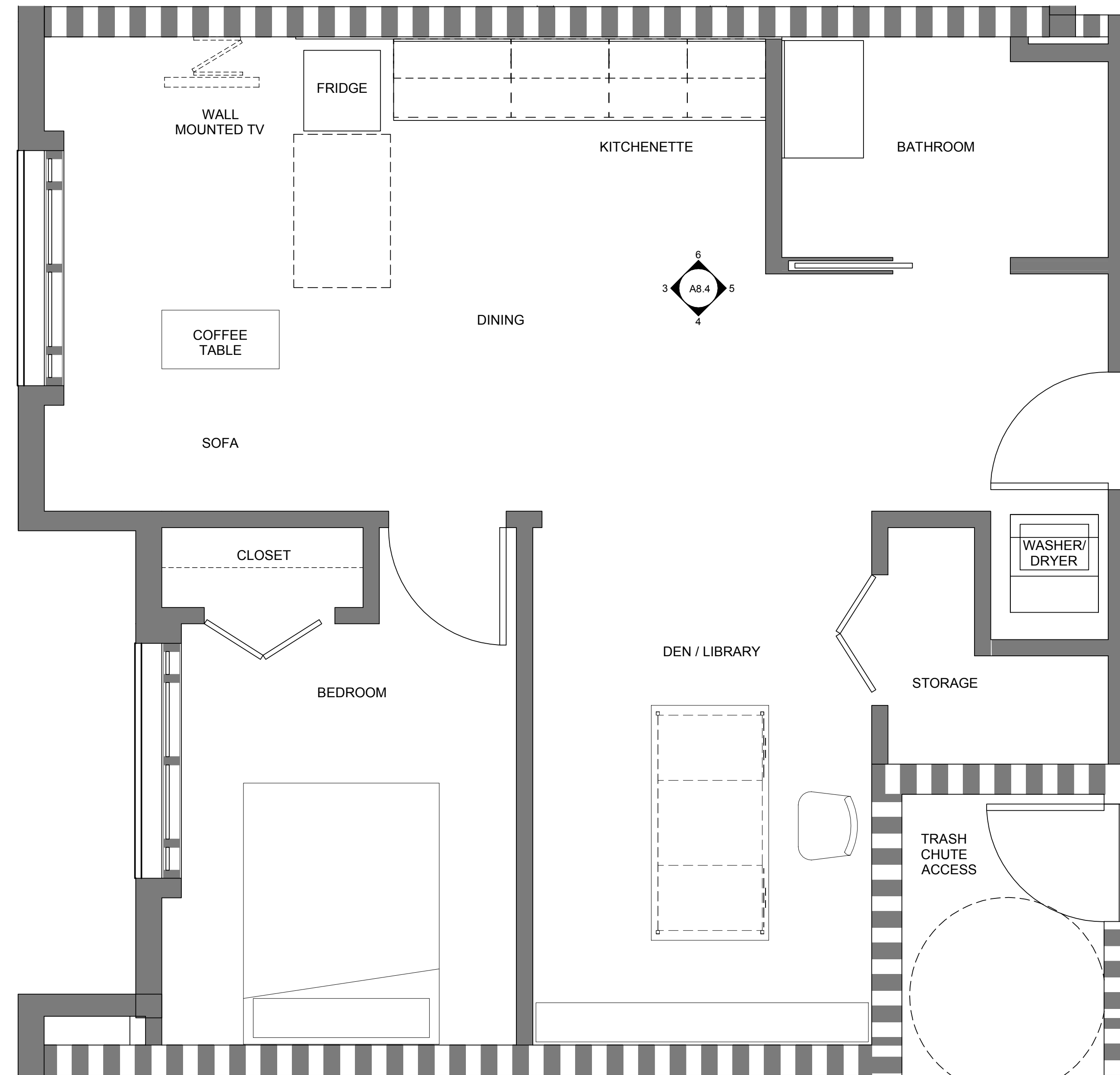
6 NORTH ELEVATION OF UNIT D
1/2" = 1'-0"



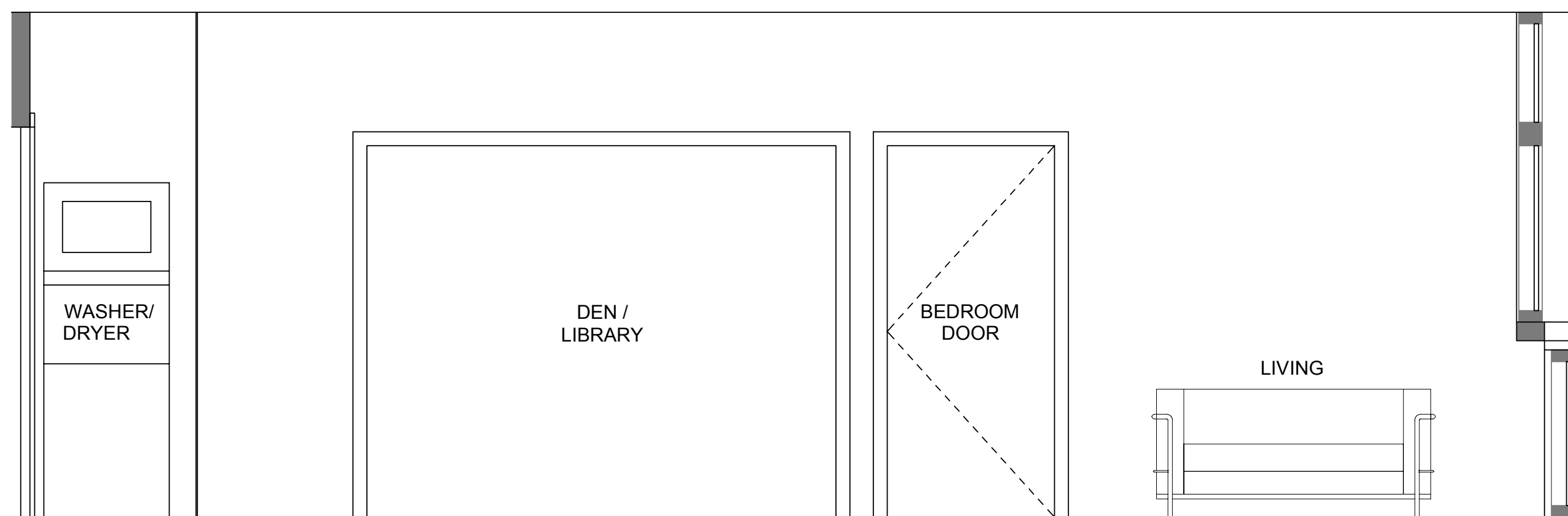
2 SECTIONAL PERSPECTIVE OF UNIT D



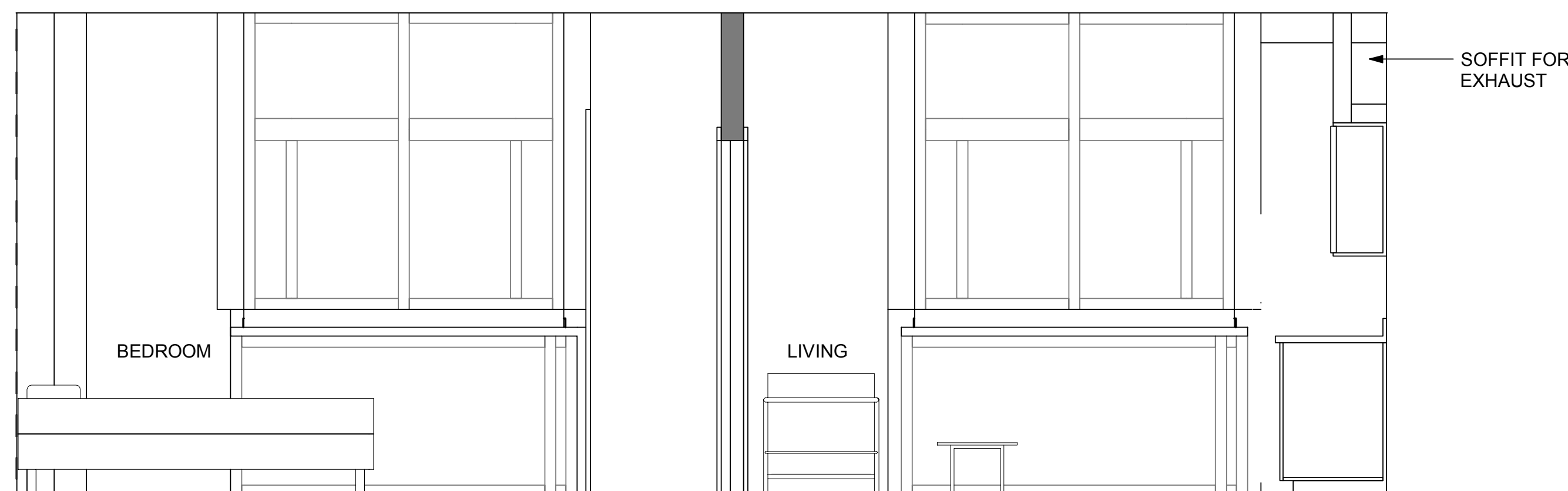
5 EAST ELEVATION OF UNIT D
1/2" = 1'-0"



1 UNIT D PLAN
1/2" = 1'-0"



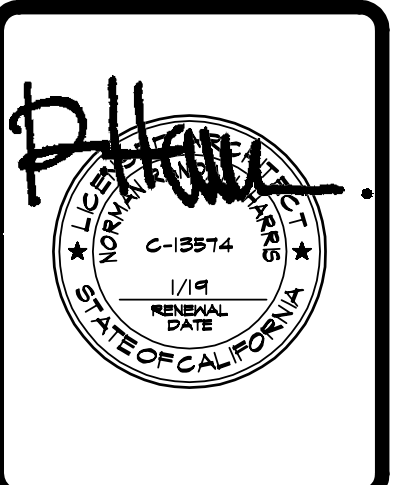
4 SOUTH ELEVATION OF UNIT D
1/2" = 1'-0"



3 WEST ELEVATION OF UNIT D
1/2" = 1'-0"

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRC SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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architects, planners
2950 camino diablo
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walnut creek, ca
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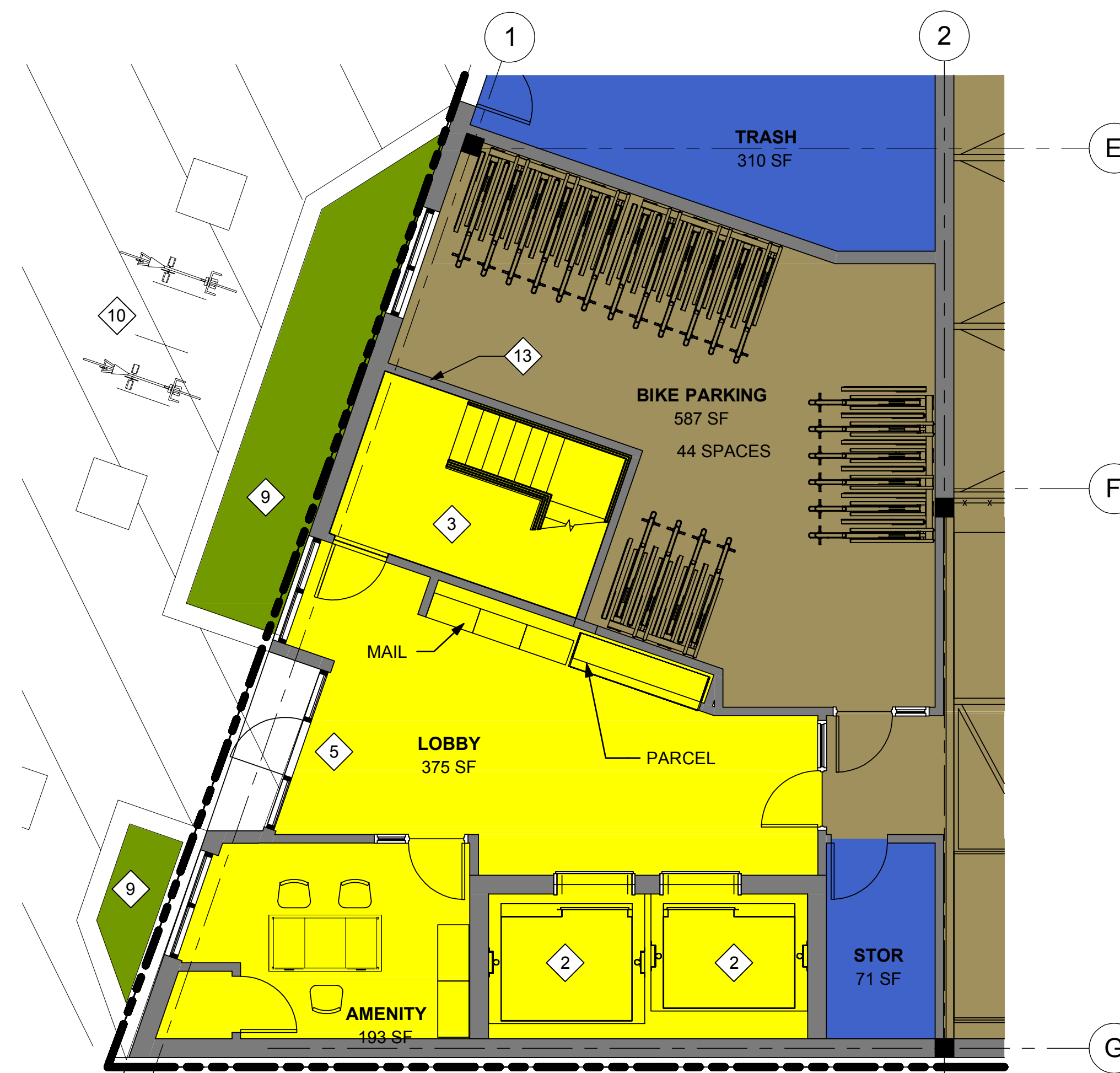


**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

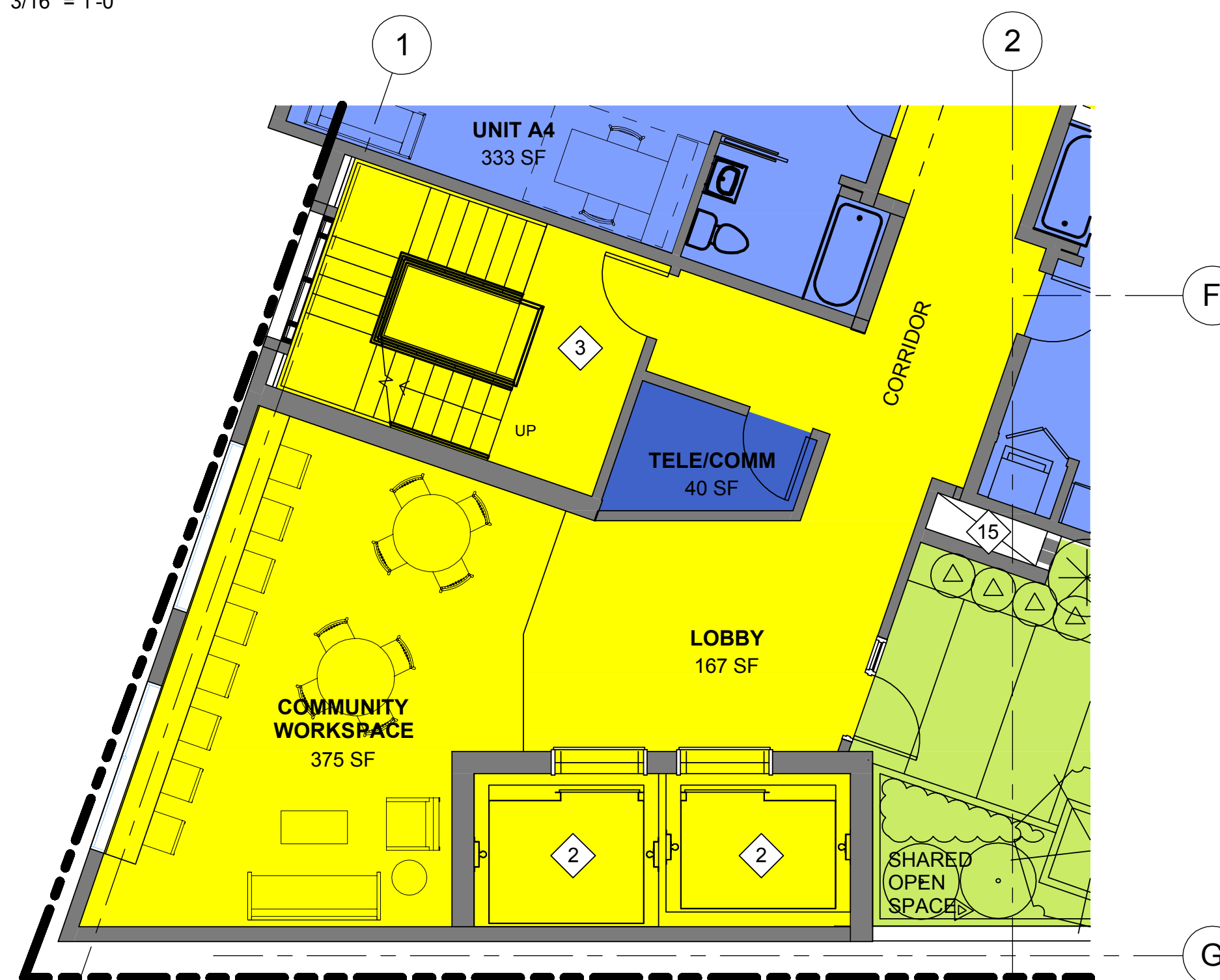
drawing
UNIT D PLANS

drawn
checked RH
date 3/07/18
scale 1/2" = 1'-0"
job no. 1802
sheet

A8.4



1 LOBBY - GROUND FLOOR PLAN
 3/16" = 1'-0"



2 PODIUM LEVEL PLAN
 3/16" = 1'-0"

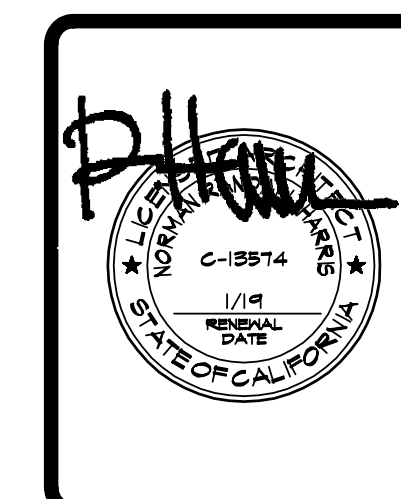
KEY NOTES

- 1 TRIPLE LIFT PARKING SPACE
- 2 ELEVATOR
- 3 STAIR
- 4 6'-0" HIGH ORNAMENTAL METAL FENCE
- 4.1 PERFORATED METAL SECURITY FENCE W GATE
- 5 RESIDENTIAL ENTRY
- 6 CAFE ENTRY
- 7 GARAGE DOOR WITH VISUAL AND AND AUDIBLE ALERT SYSTEM MOUNTED ABOVE DOOR. SOUND AND LIGHT CONTROLS IN GARAGE.
- 8 NEW TREE, SEE LANDSCAPE DRAWINGS
- 9 PLANTER, SEE LANDSCAPE DRAWINGS
- 10 HEAVY DUTY DERO HOOP BICYCLE RACKS
- 11 (E) AC TRANSIT BUS STOP WITH BENCH
- 12 OUTDOOR SEATING AREA, SEE LANDSCAPE DRAWINGS
- 13 EXTERIOR STAIR
- 14 PARAPET/RAILING
- 15 MECHANICAL CHASE
- 16 BARBEQUE
- 17 NOT USED
- 18 FIRE ACCESS STAIR
- 19 METAL ROOF / MATCH SIDING SEE ELEVATIONS
- 20 TRASH CHUTE

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- WALL
- PROPERTY LINE

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 5/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

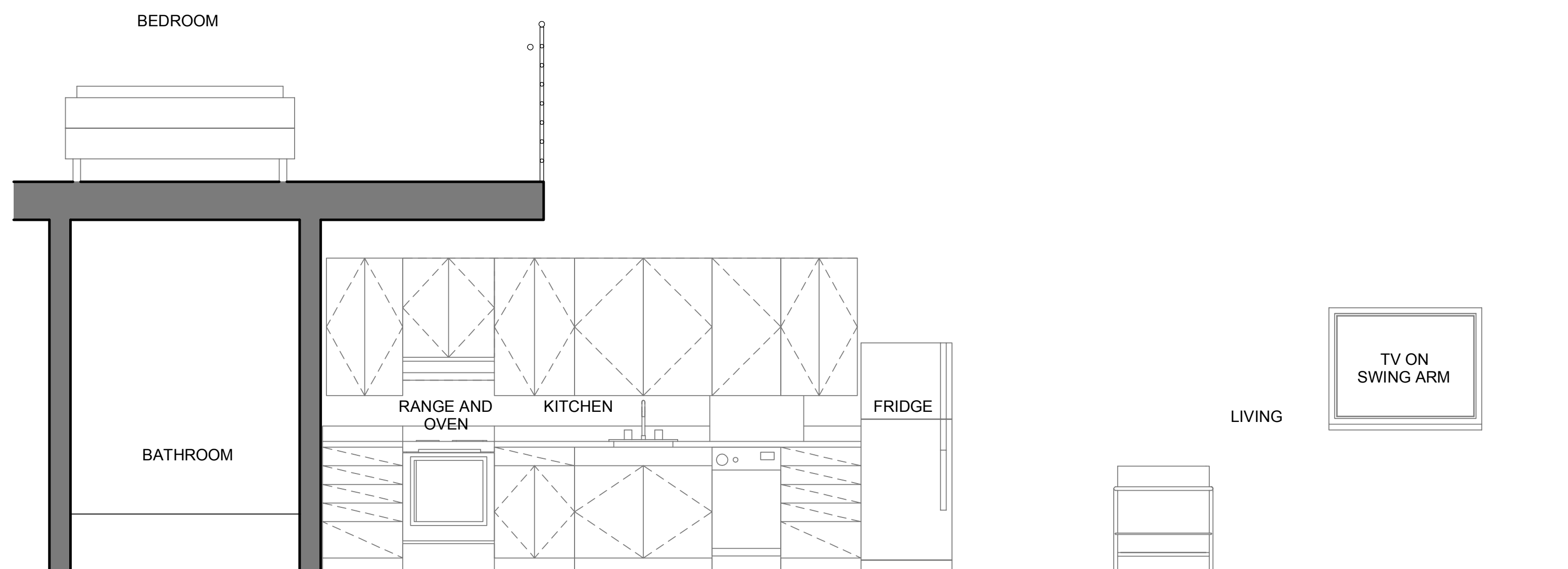


**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

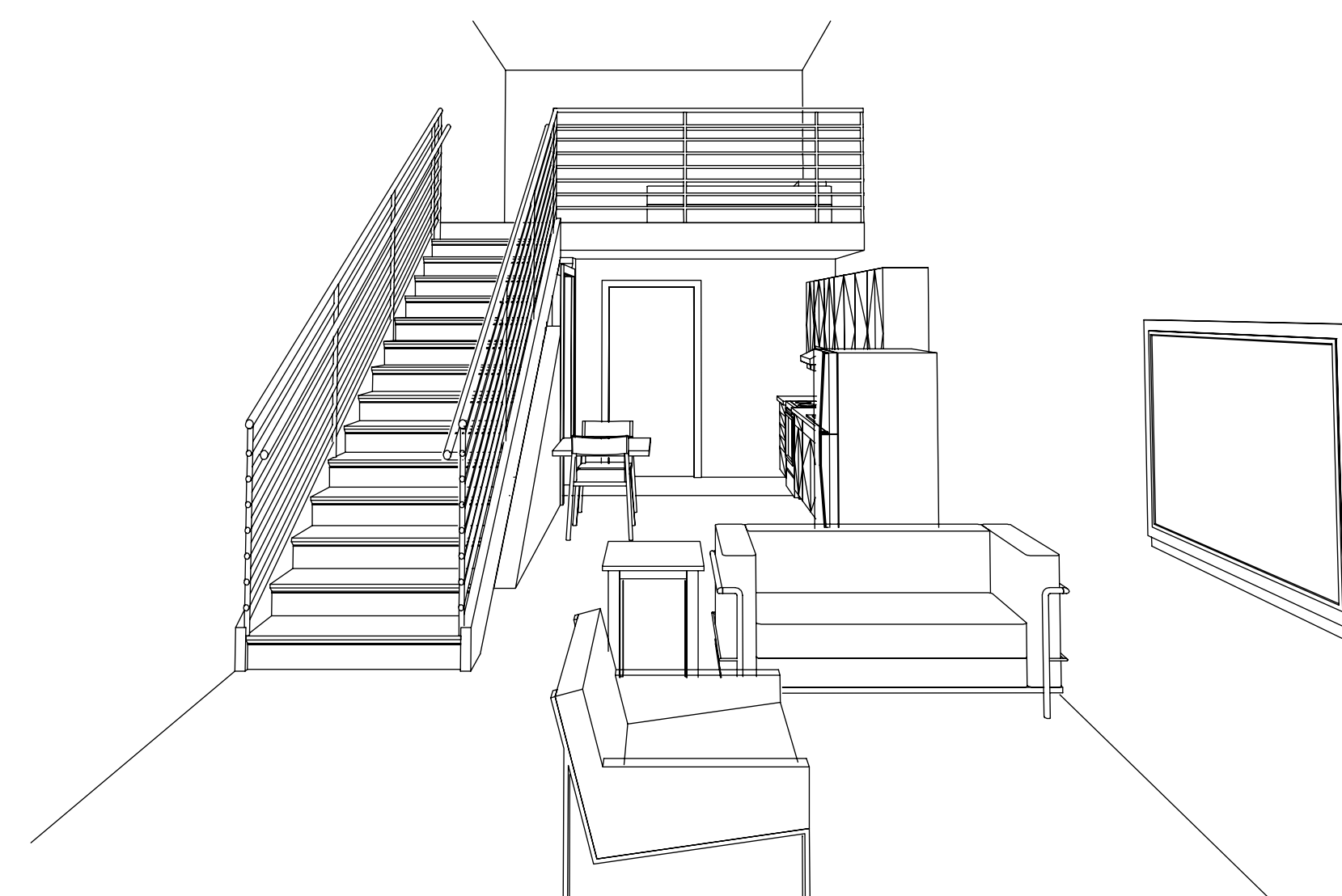
drawing
**ENLARGED
 LOBBY
 PLANS**

drawn
checked RH
date 3/07/18
scale 3/16" = 1'-0"
job no. 1202
sheet

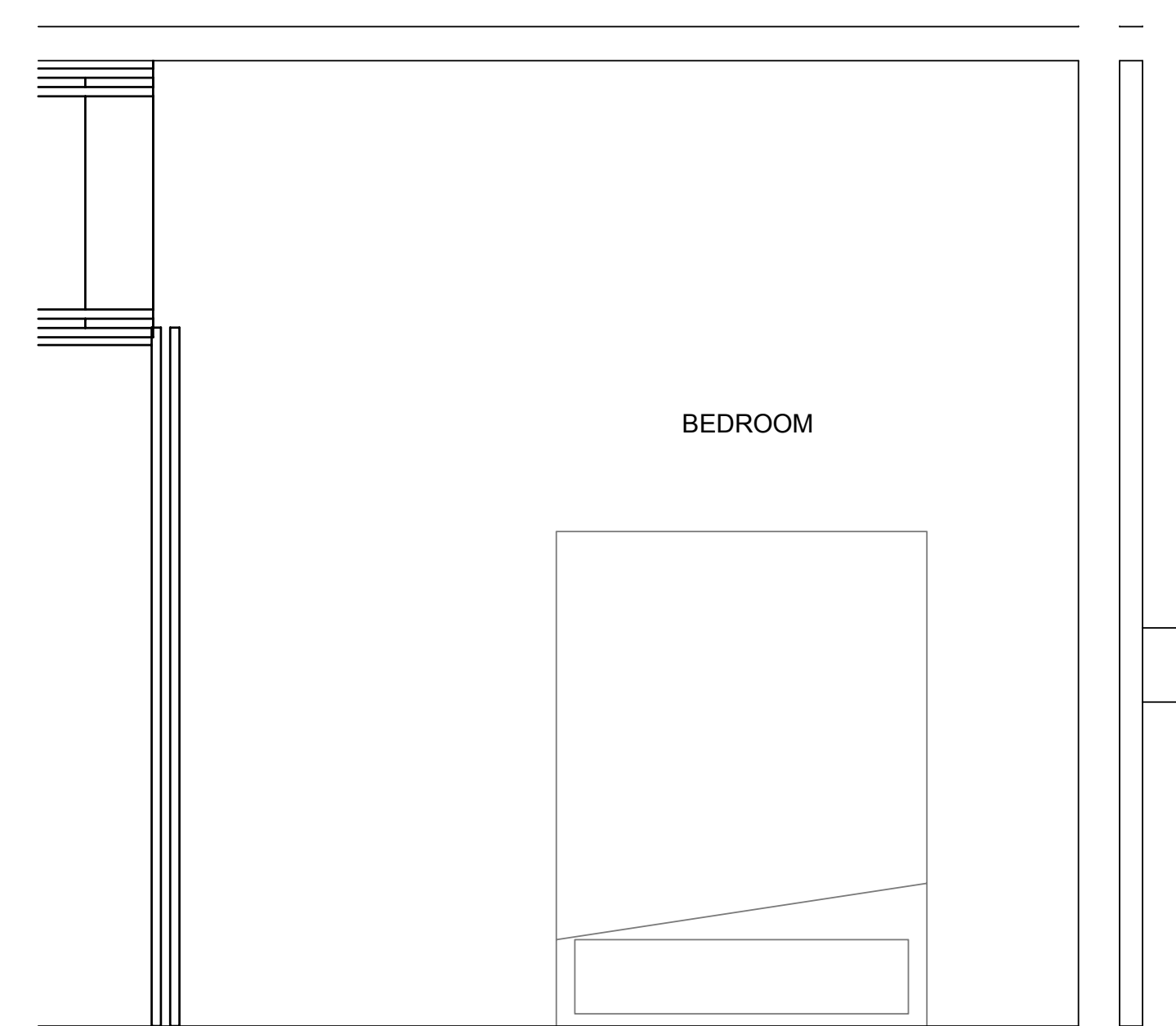
A8.5



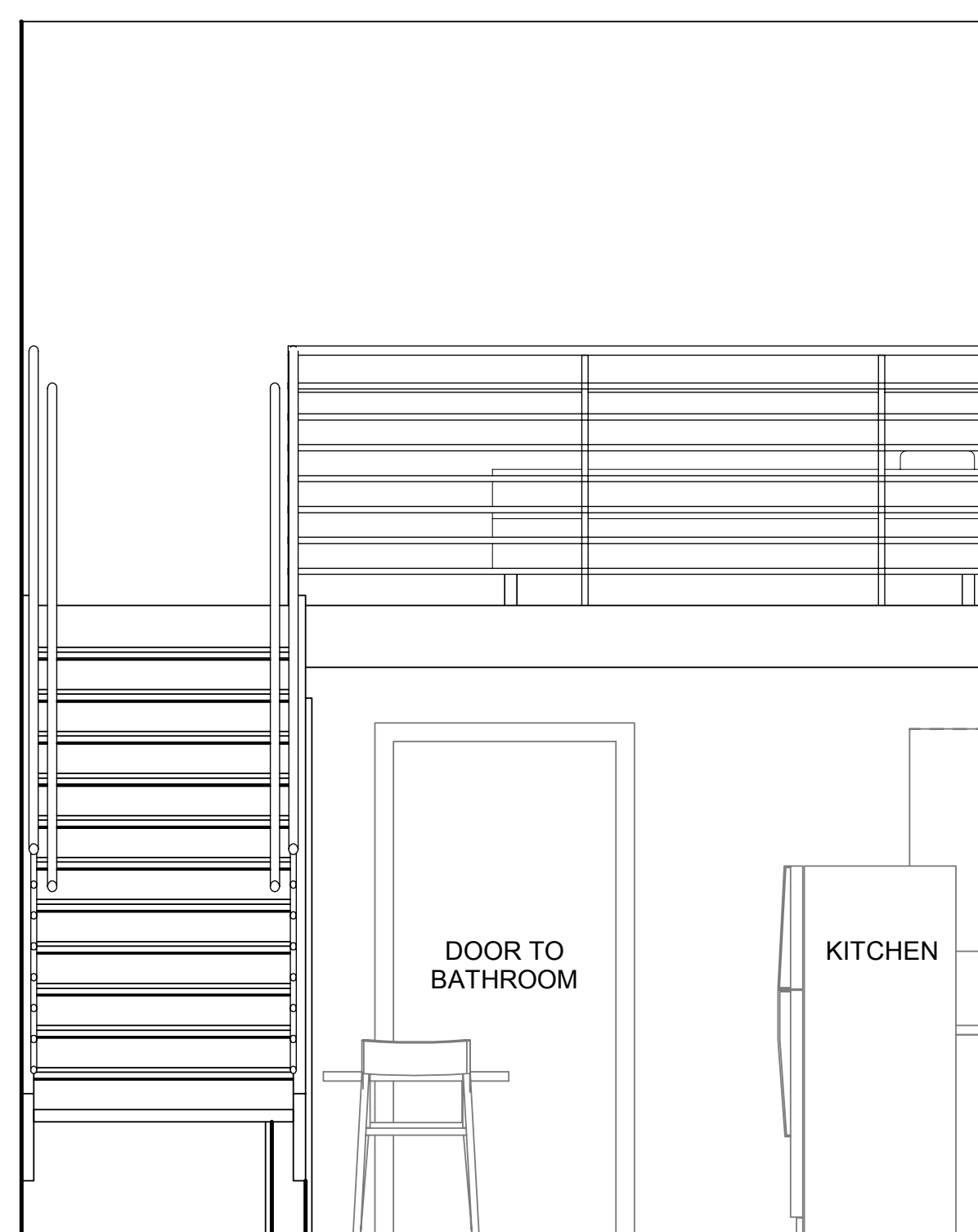
5 SOUTH ELEVATION OF TOWNHOUSE
 1/2" = 1'-0"



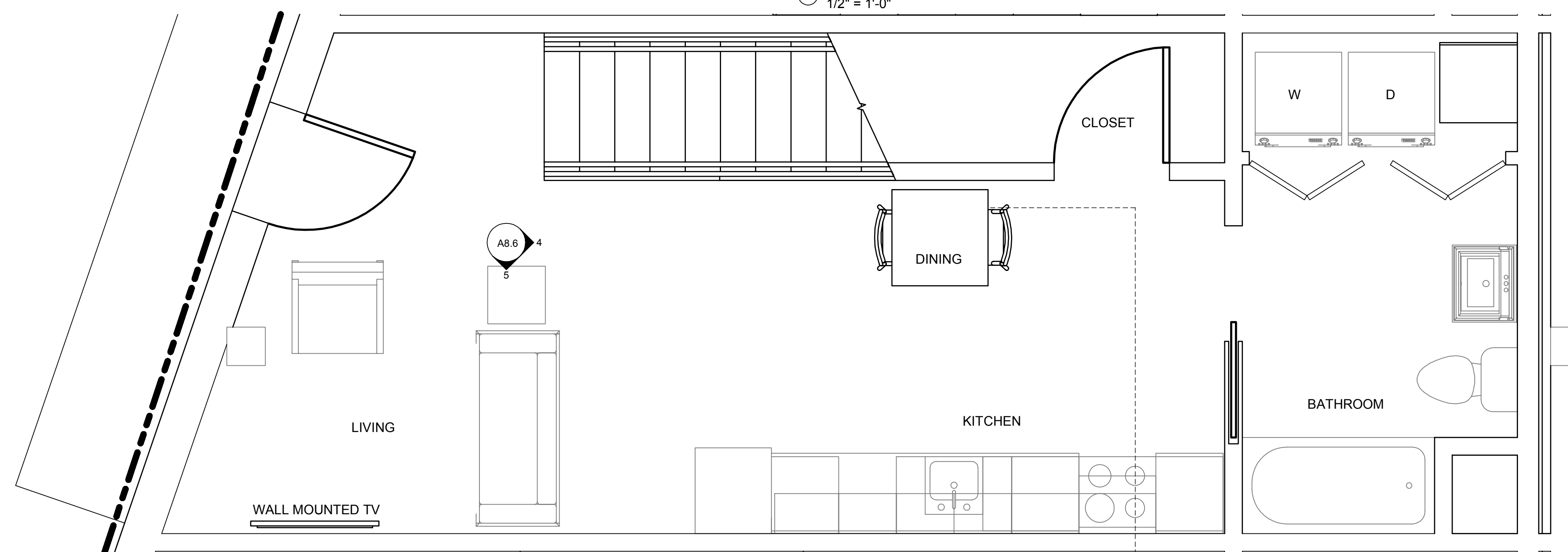
3 SECTION PERSPECTIVE OF TOWNHOUSE



2 TOWN HOUSE MEZZANINE
 1/2" = 1'-0"



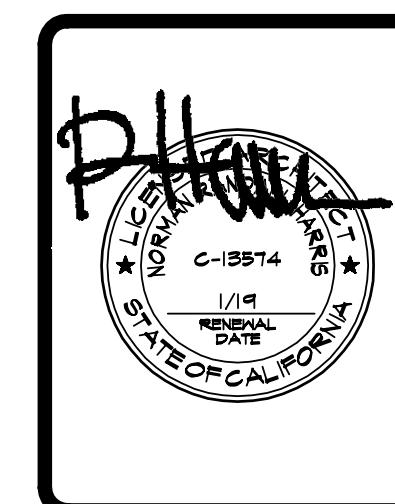
4 WEST ELEVATION OF TOWNHOUSE
 1/2" = 1'-0"



1 TOWNHOUSE
 1/2" = 1'-0"

revisions	by
DRG SUBMITTAL 12/15/16 & 1/21/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

HDO
 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042



2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

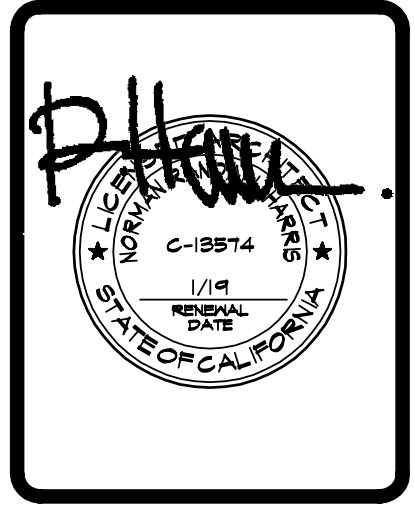
drawing
**TOWNHOUSE
 PLANS**

drawn
 checked
 RH
 date
 3/07/18
 scale
 1/2" = 1'-0"
 job no.
 1802
 sheet

A8.6

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/03/18	AY

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architects, planners
2450 camino diablo
suite 110
walnut creek, ca
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(925) 256-6042



2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
3D VIEWS

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1202
sheet
A9.1



3D VIEW LOOKING NORTH FROM
STORAGE BUILDING



3D VIEW LOOKING WEST ON DERBY STREET



3D VIEW FROM WALKER STREET



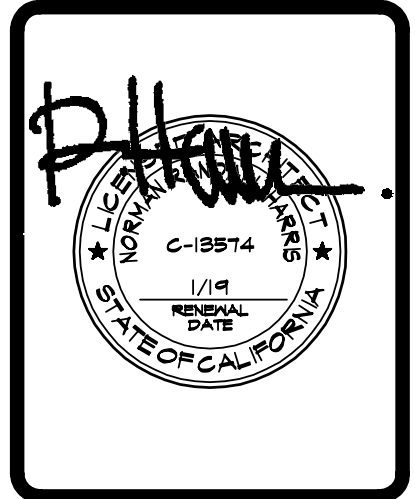
3D VIEW OF DERBY STREET EXIT



3D VIEW OF DERBY FACADE

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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suite 110
walnut creek, ca
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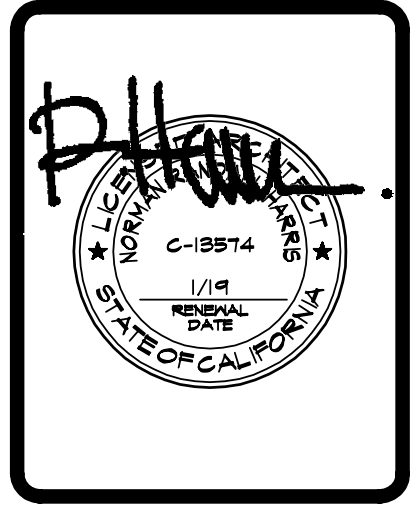
**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
3D VIEWS

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet
A9.2

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 4/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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architects, planners
2450 camino diablo
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walnut creek, ca
94597
(925) 256-6042



**2701 SHATTUCK AVENUE
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FOR:
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drawing
3D VIEWS

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet
A9.3



3D VIEW OF FOURTH FLOOR OPEN SPACE



3D VIEW OF PODIUM OPEN SPACE



BIRD'S EYE VIEW OF NORTHWEST CORNER



BIRD'S EYE VIEW OF SOUTHWEST CORNER



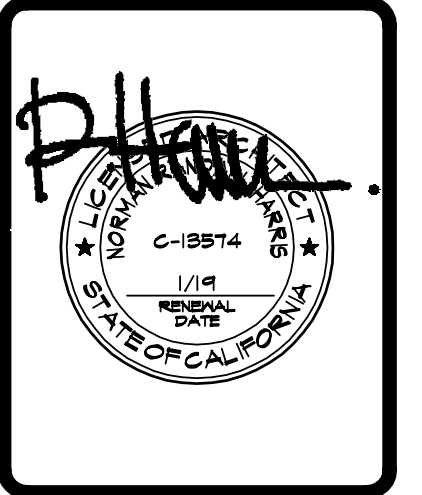
BIRD'S EYE VIEW OF NORTHEAST CORNER



BIRD'S EYE VIEW OF SOUTHEAST CORNER

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
PRC SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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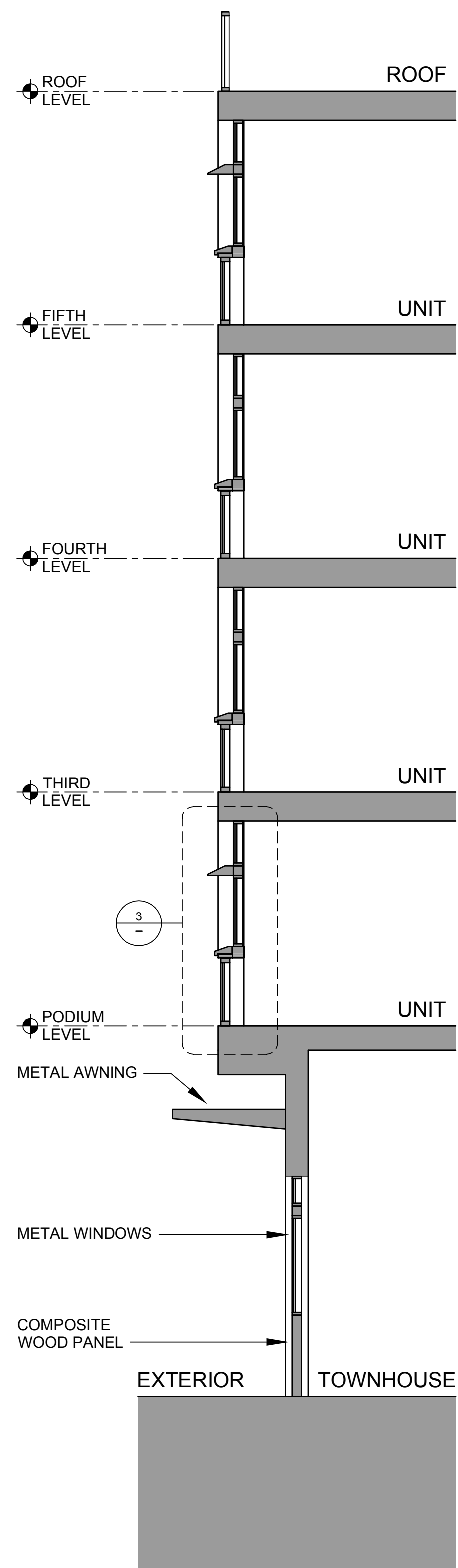


**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

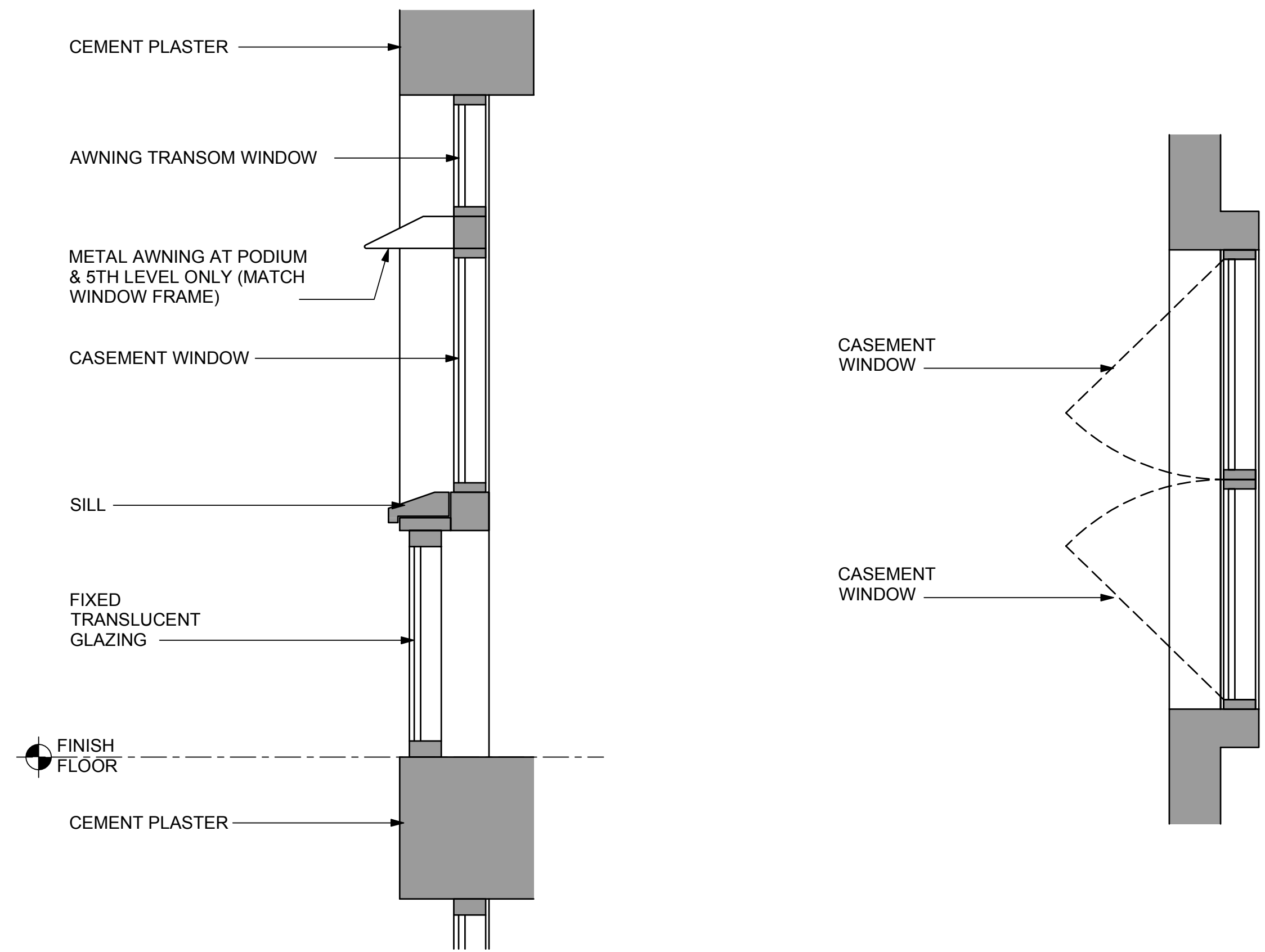
drawing
3D VIEWS

drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet

A9.4



4 WALL SECTION
 1/4" = 1'-0"

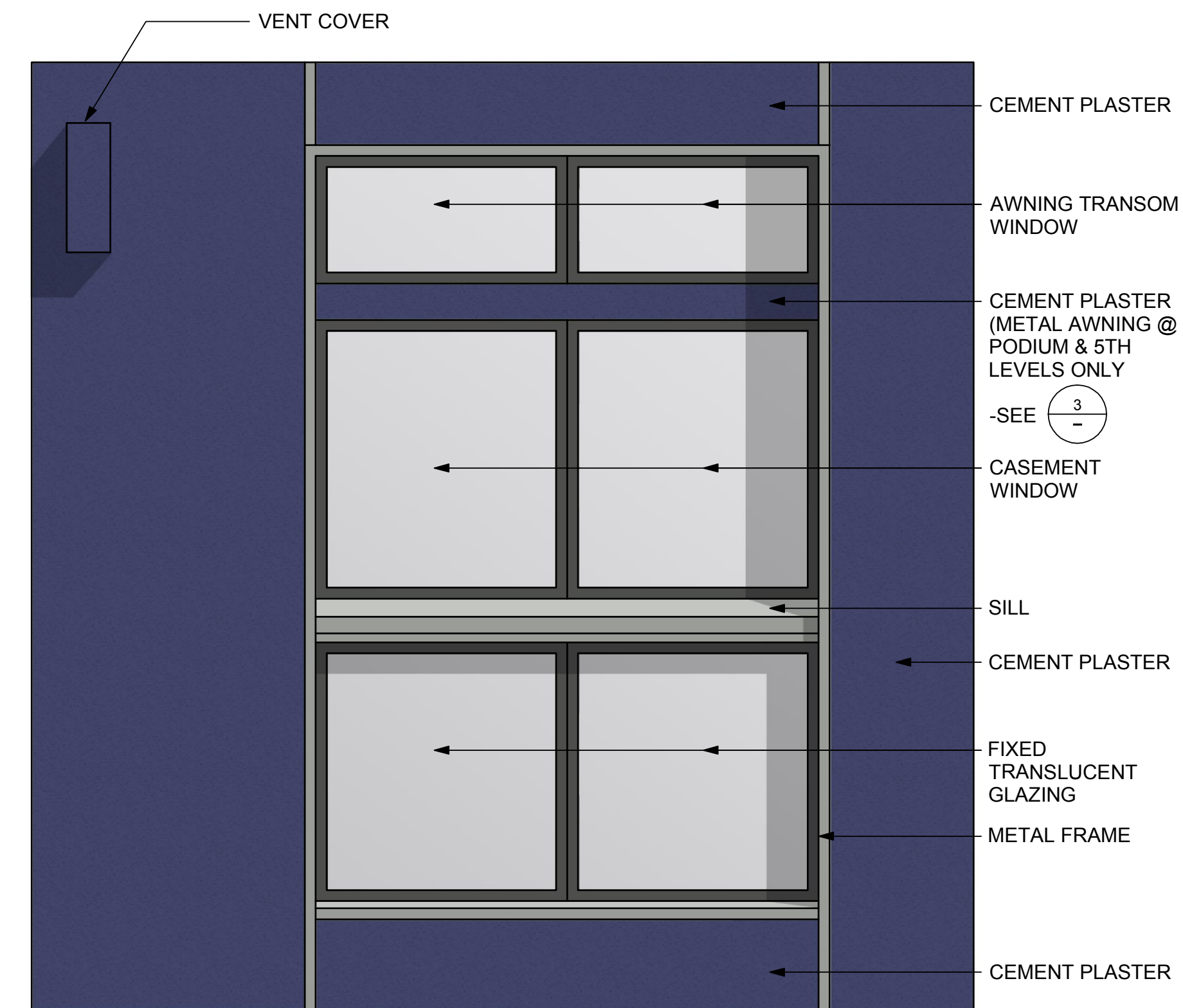


3 TYPICAL SECTION AT WINDOW SYSTEM
 3/4" = 1'-0"

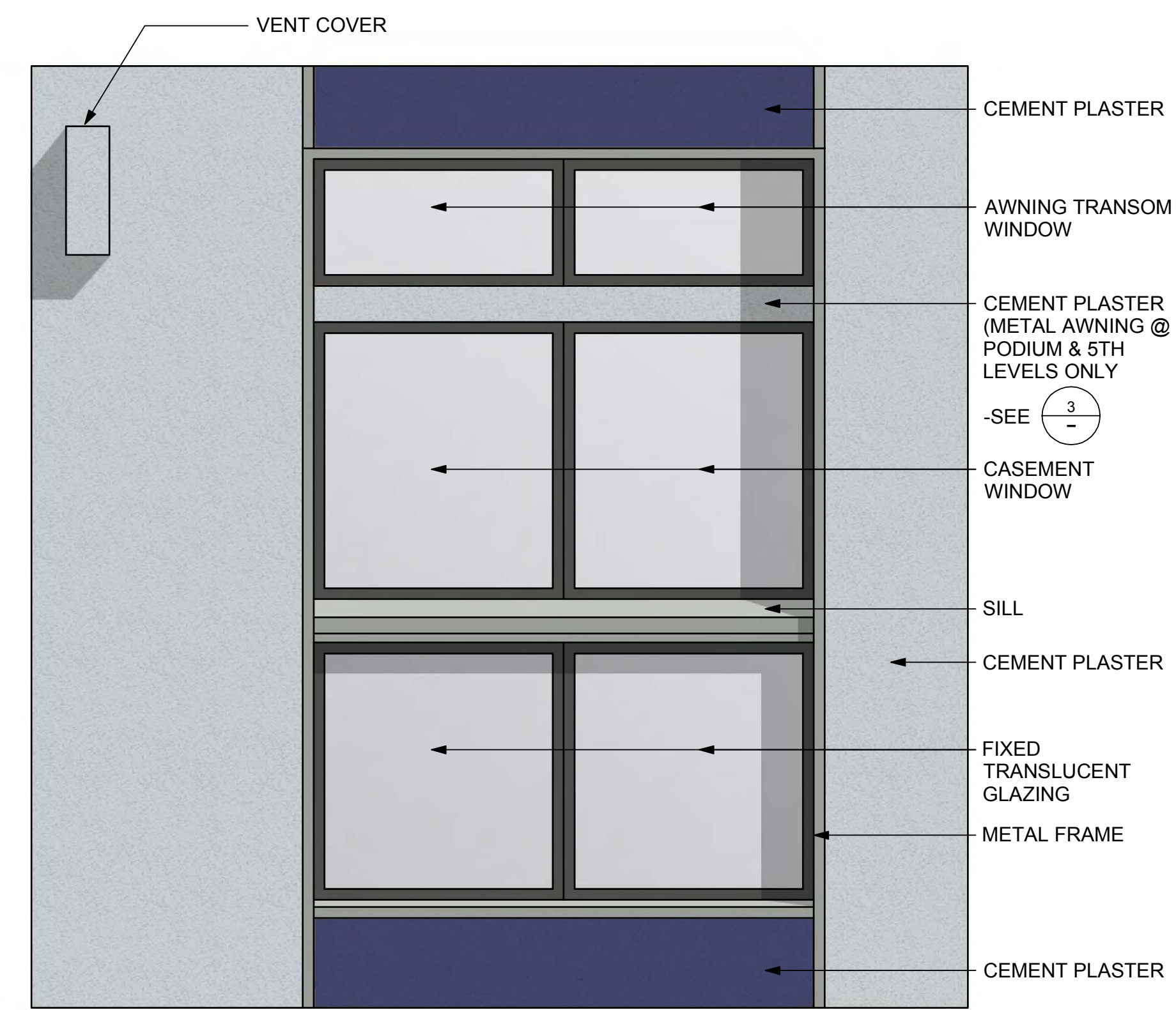
1 WINDOW SYSTEM PLAN
 3/4" = 1'-0"



2 DETAIL ELEVATION OF UNIT WINDOW
 3/4" = 1'-0"



A



B

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY
DRG SUBMITTAL 9/20/18	AY
ZAB SUBMITTAL 1/08/18	AY

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 walnut creek, ca
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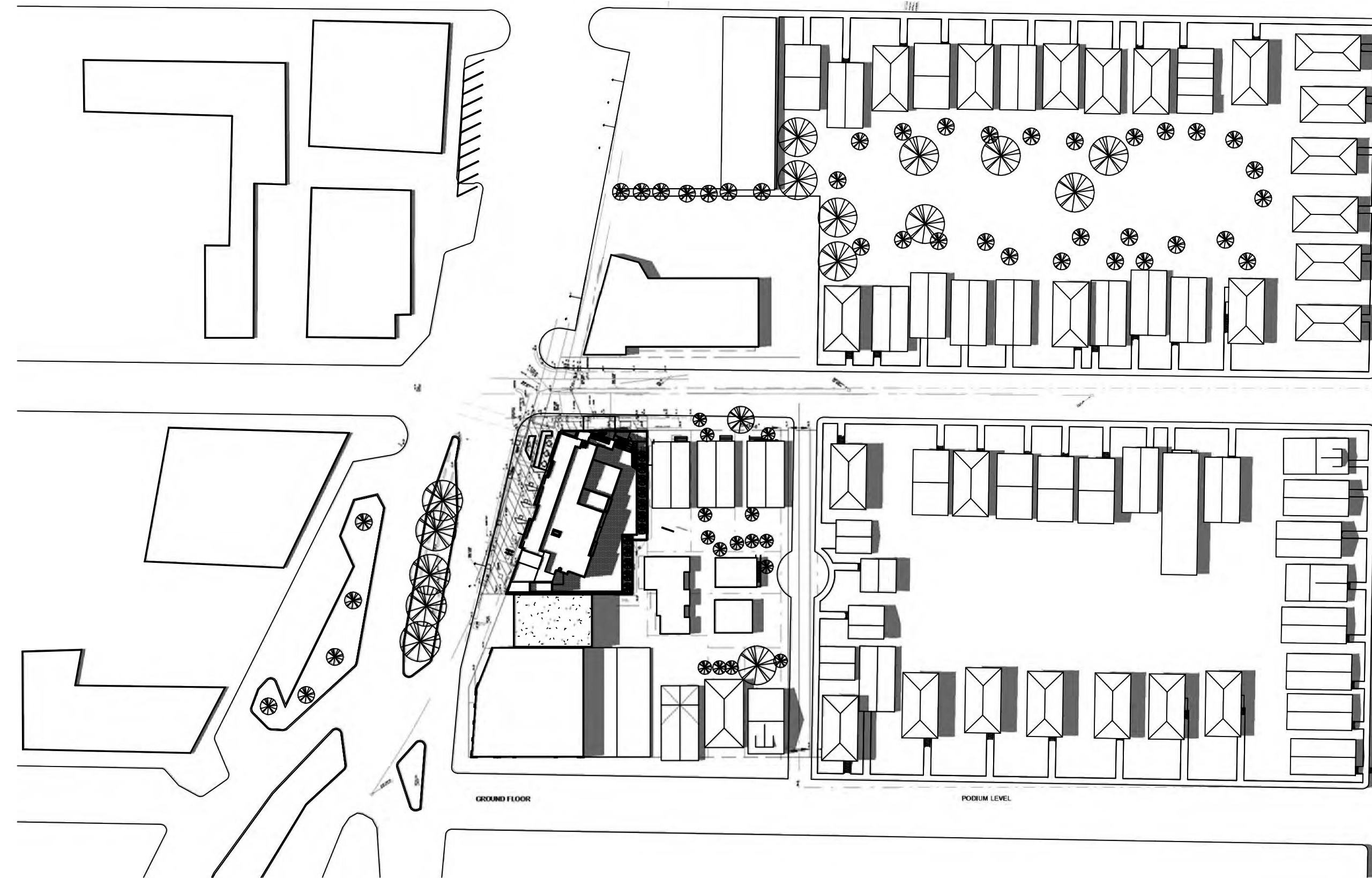
Plum
 C-18574
 1/18
 ARCHITECT
 STATE OF CALIFORNIA

**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

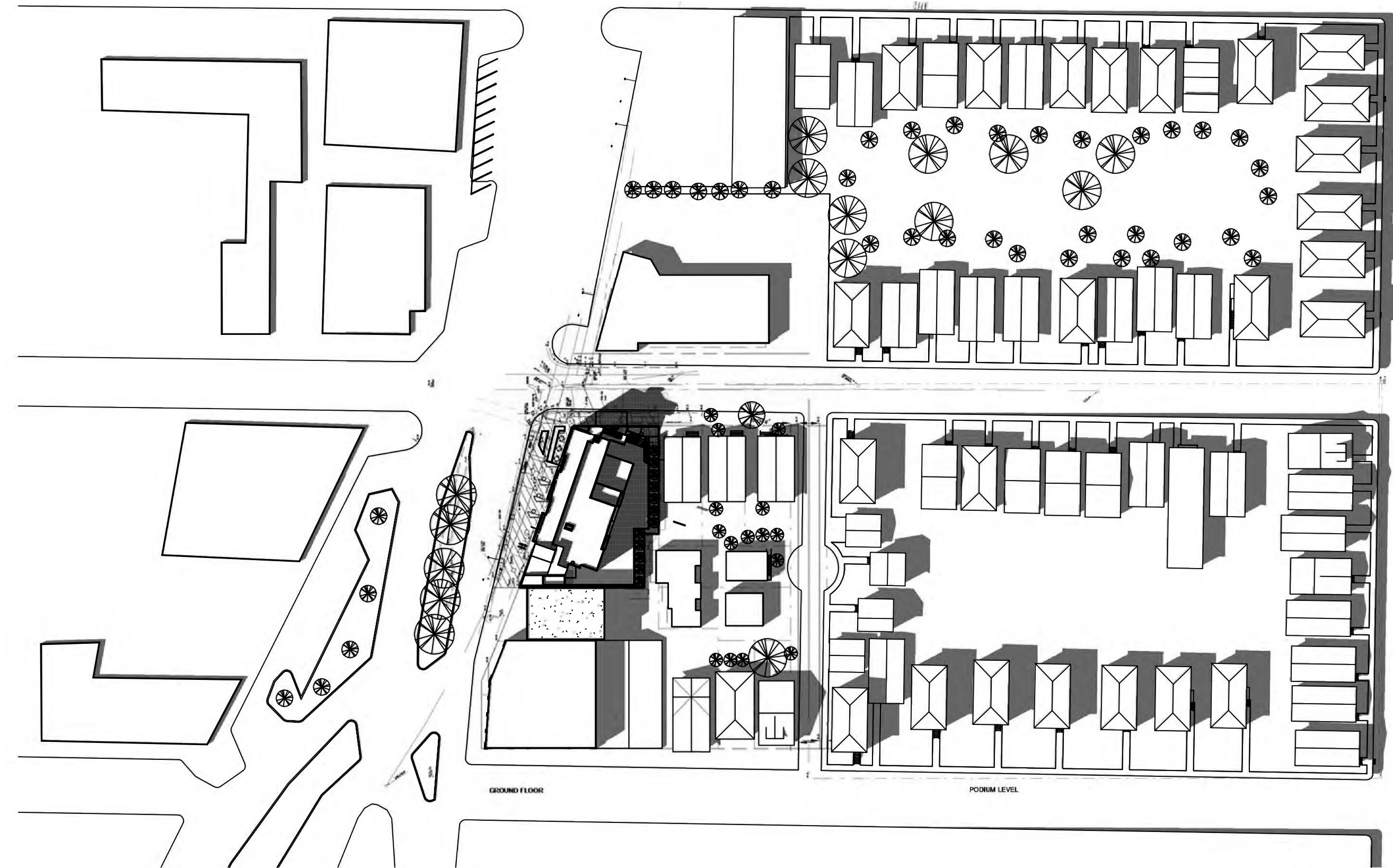
drawing
**WINDOW
 ASSEMBLY**

drawn
MM/AY
 checked
RH
 date
3/07/18
 scale
AS SHOWN
 job no.
1202
 sheet

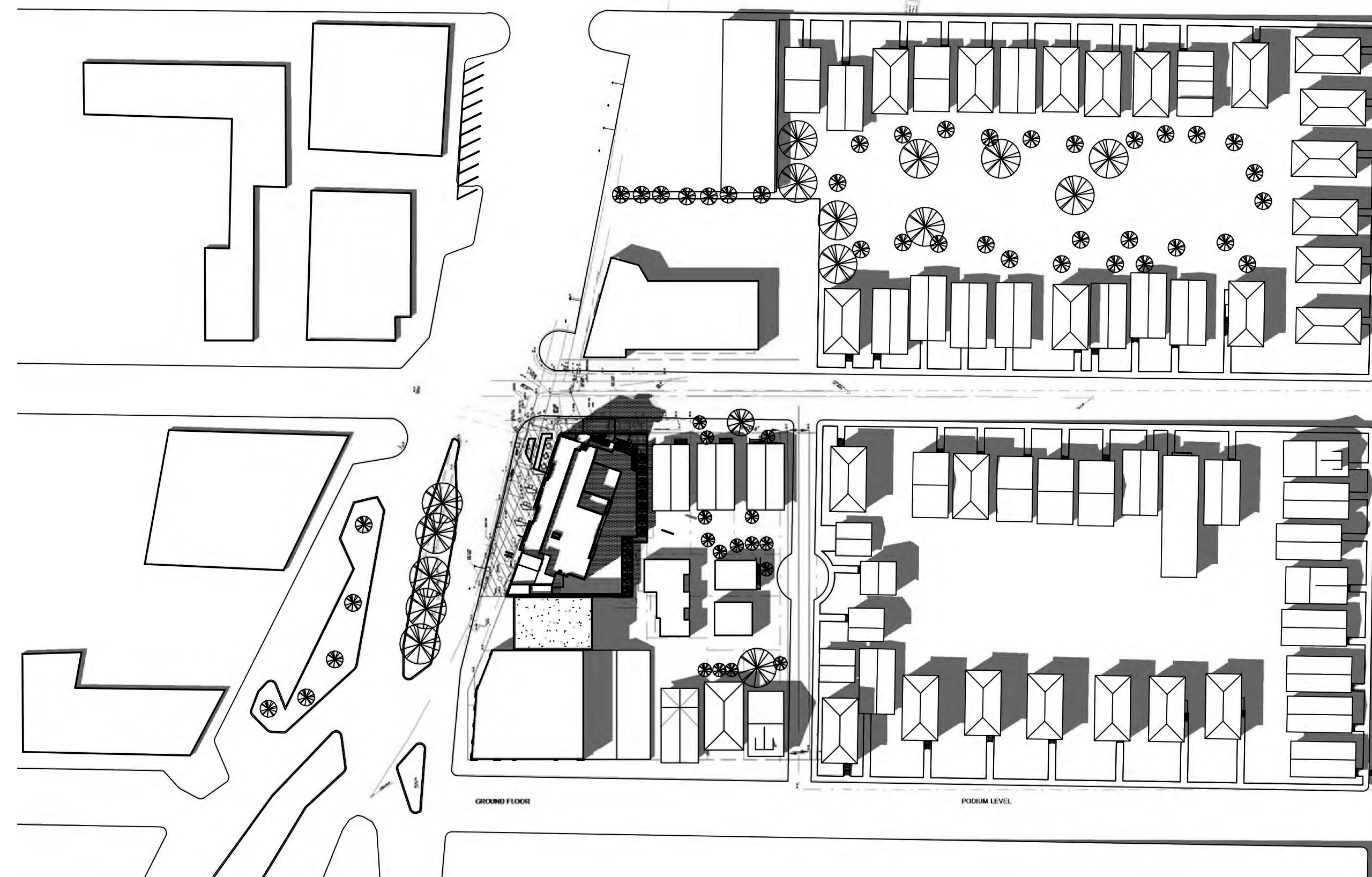
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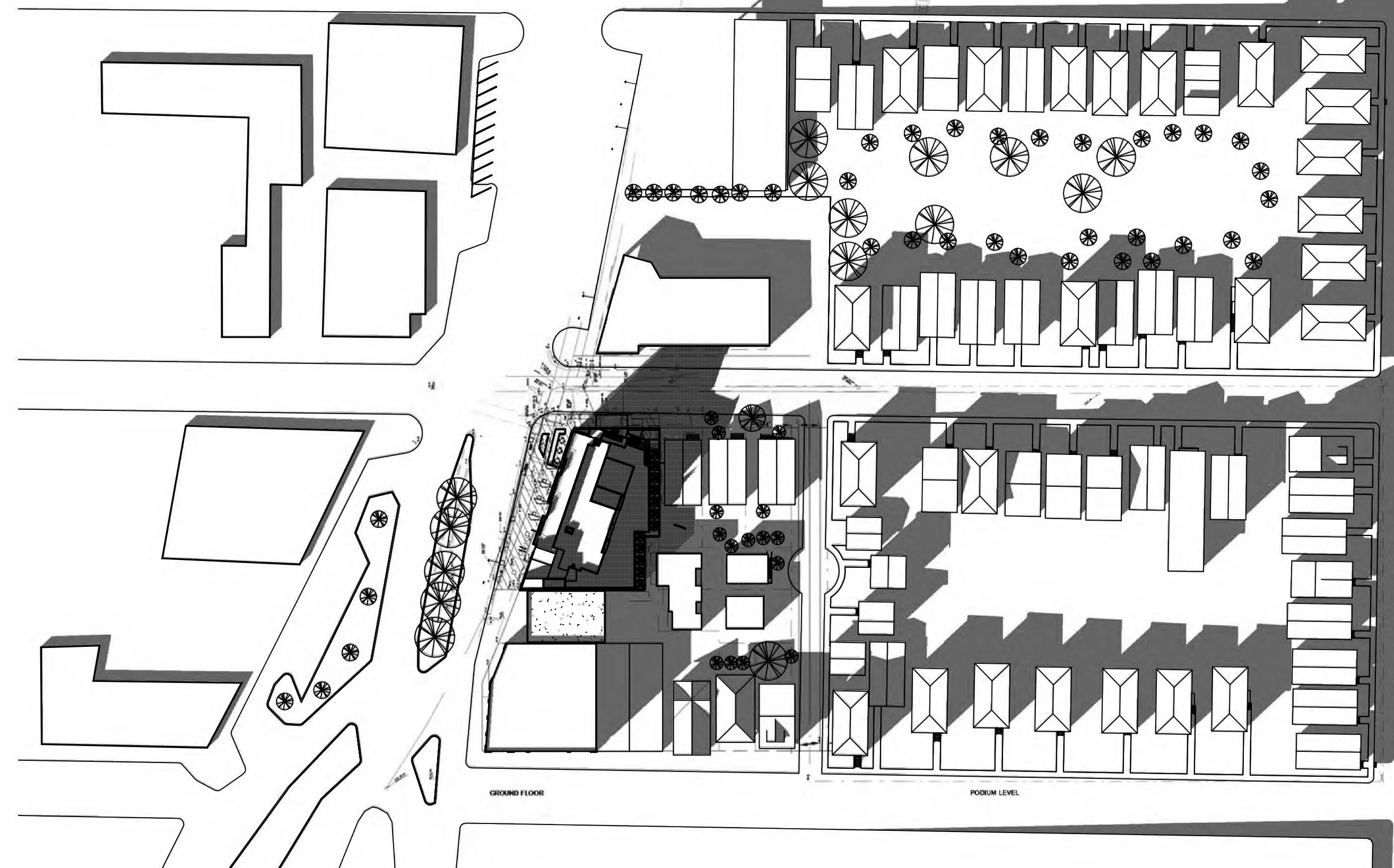
JUNE 21, 2 PM



SEPTEMBER 21, 2 PM



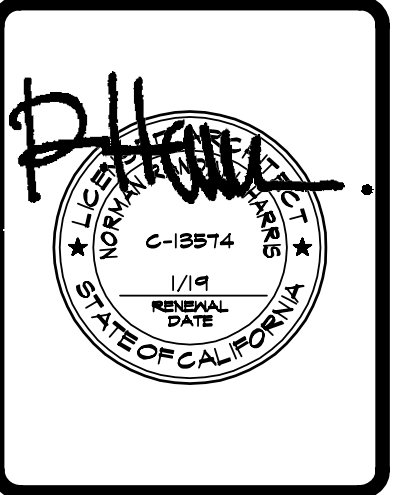
MARCH 21, 2 PM



DECEMBER 21, 2 PM

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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2450 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



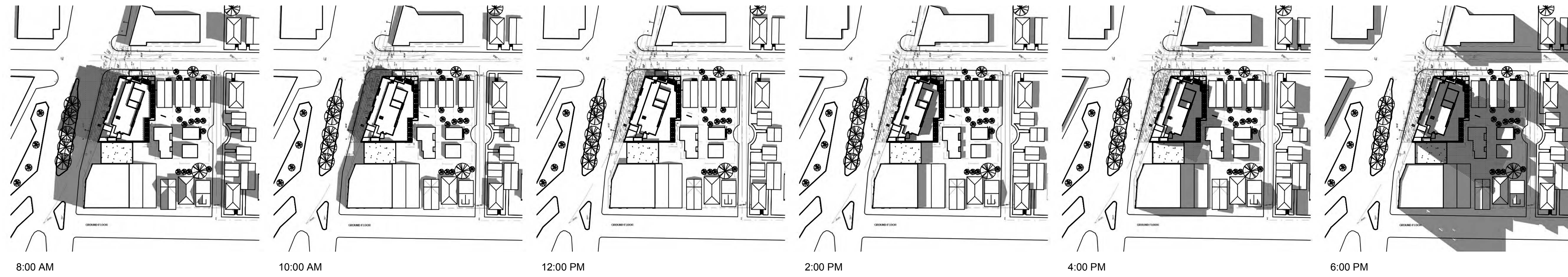
**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**SHADOW STUDY
-AFTERNOON**

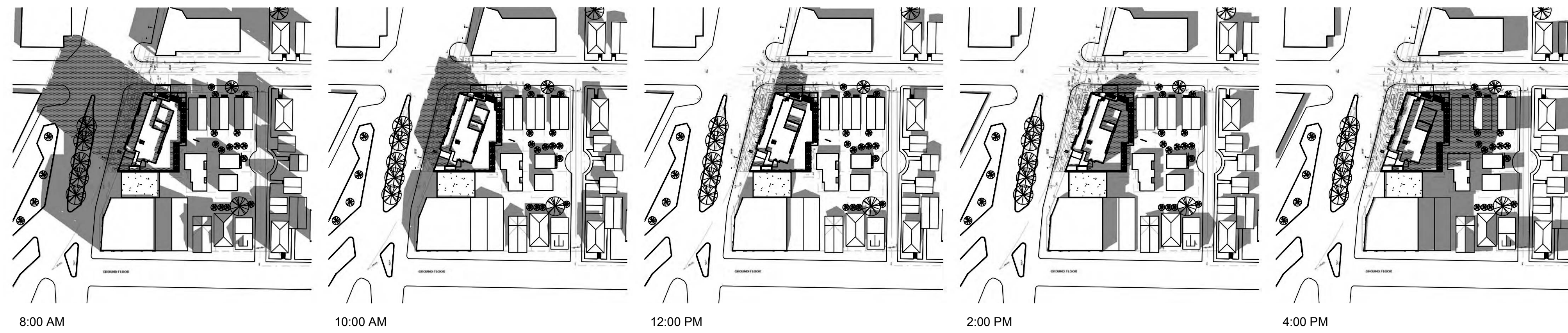
drawn
checked
RH
date
3/07/18
scale
NO SCALE
job no.
1802
sheet

S.I.O.

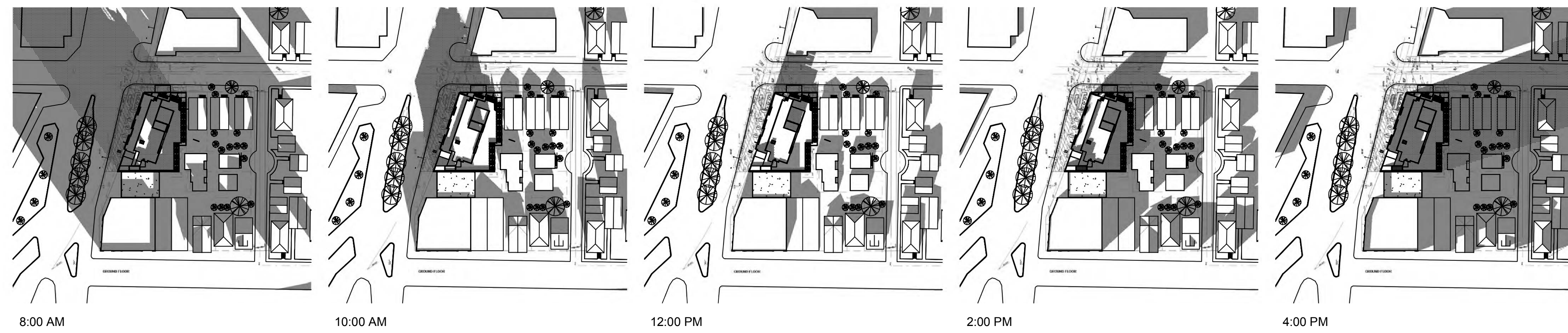
JUNE 21



SEPTEMBER 21, MARCH 21

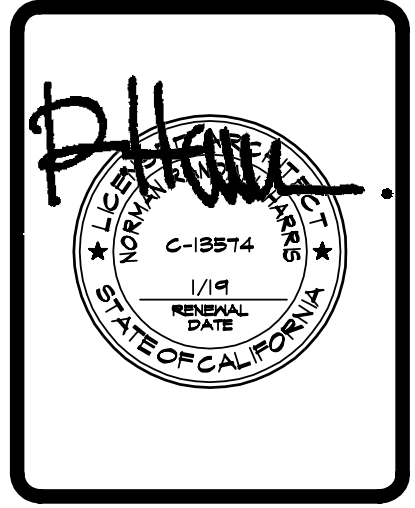


DECEMBER 21



revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

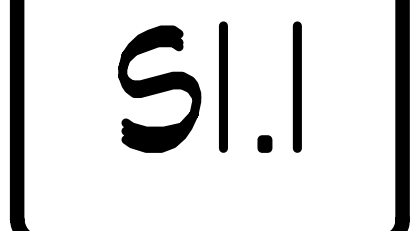
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 architects, planners
 2450 camino diablo
 suite 110
 walnut creek, ca
 94597
 (925) 256-6042



**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

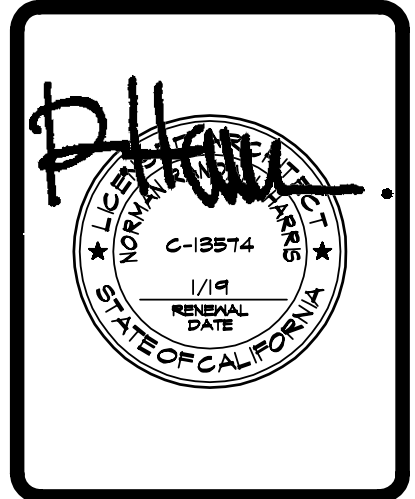
drawing
**SHADOW STUDY
 -SEASONAL**

drawn
 checked
 RH
 date
 3/07/18
 scale
NO SCALE
 job no.
 1802
 sheet



revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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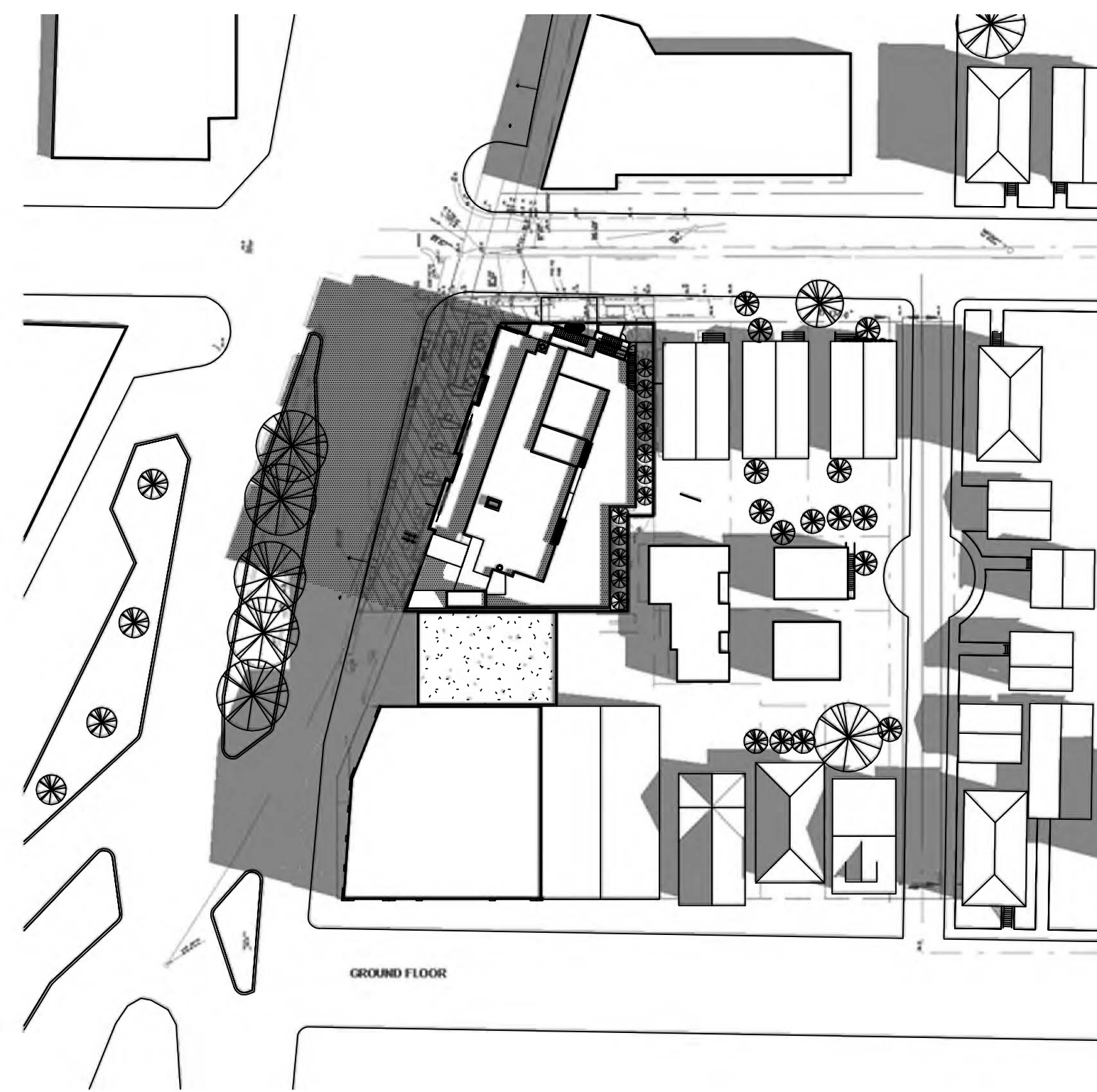
**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
**SHADOW STUDY
 -JUNE 21**

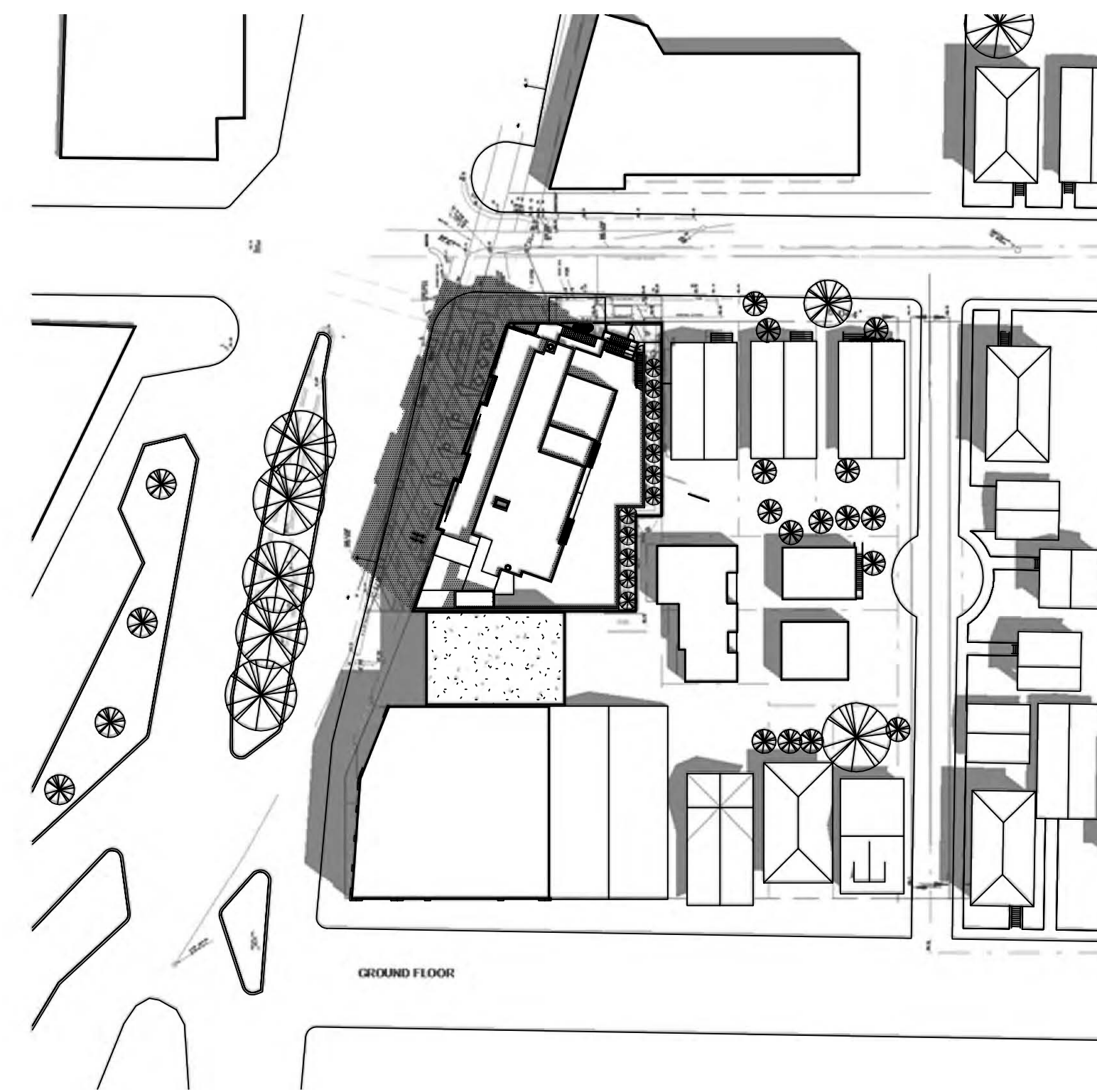
checked RH
date 3/07/18
scale 1" = 60'-0"
job no. 1802
sheet

S.2

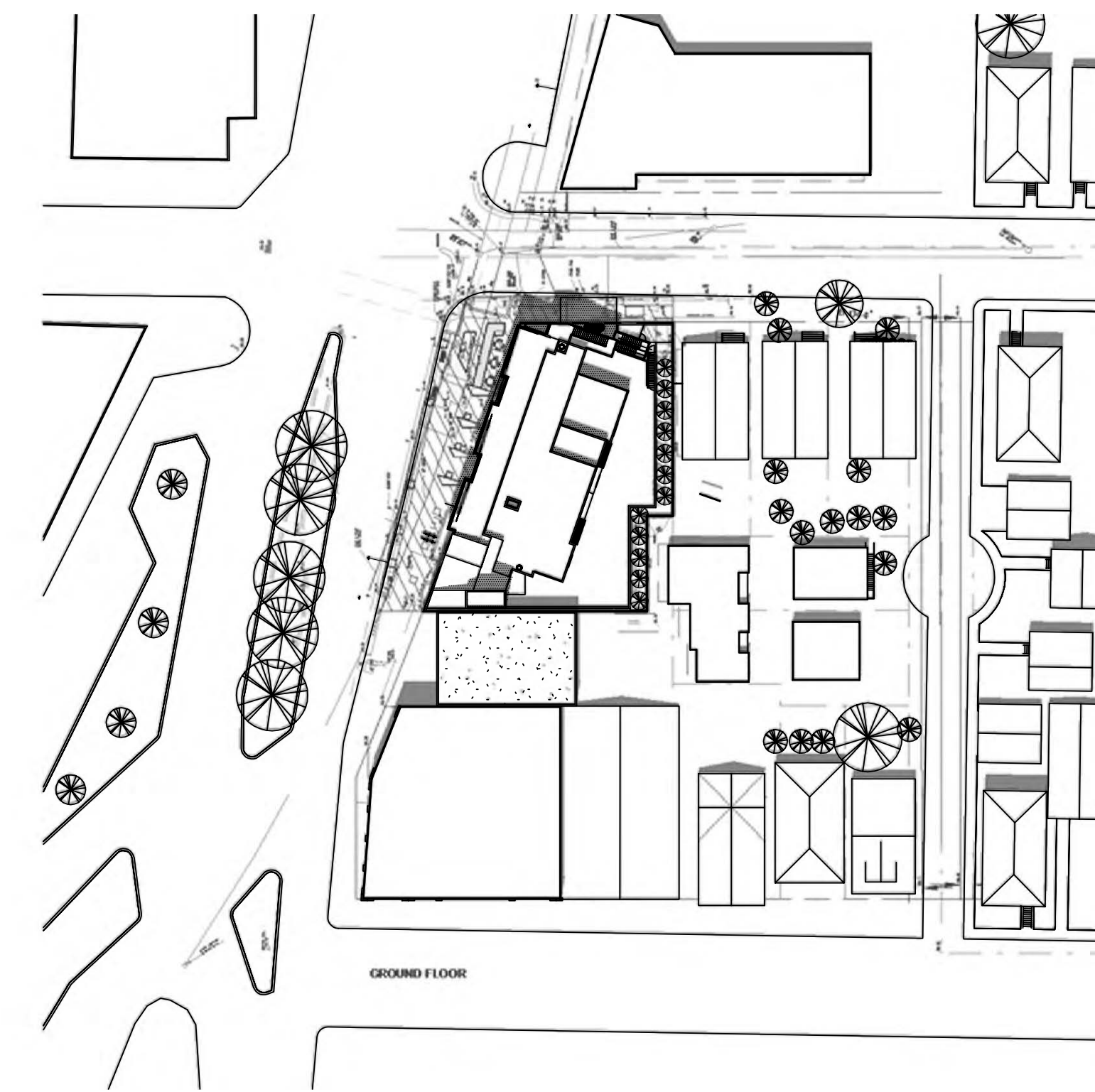
JUNE 21



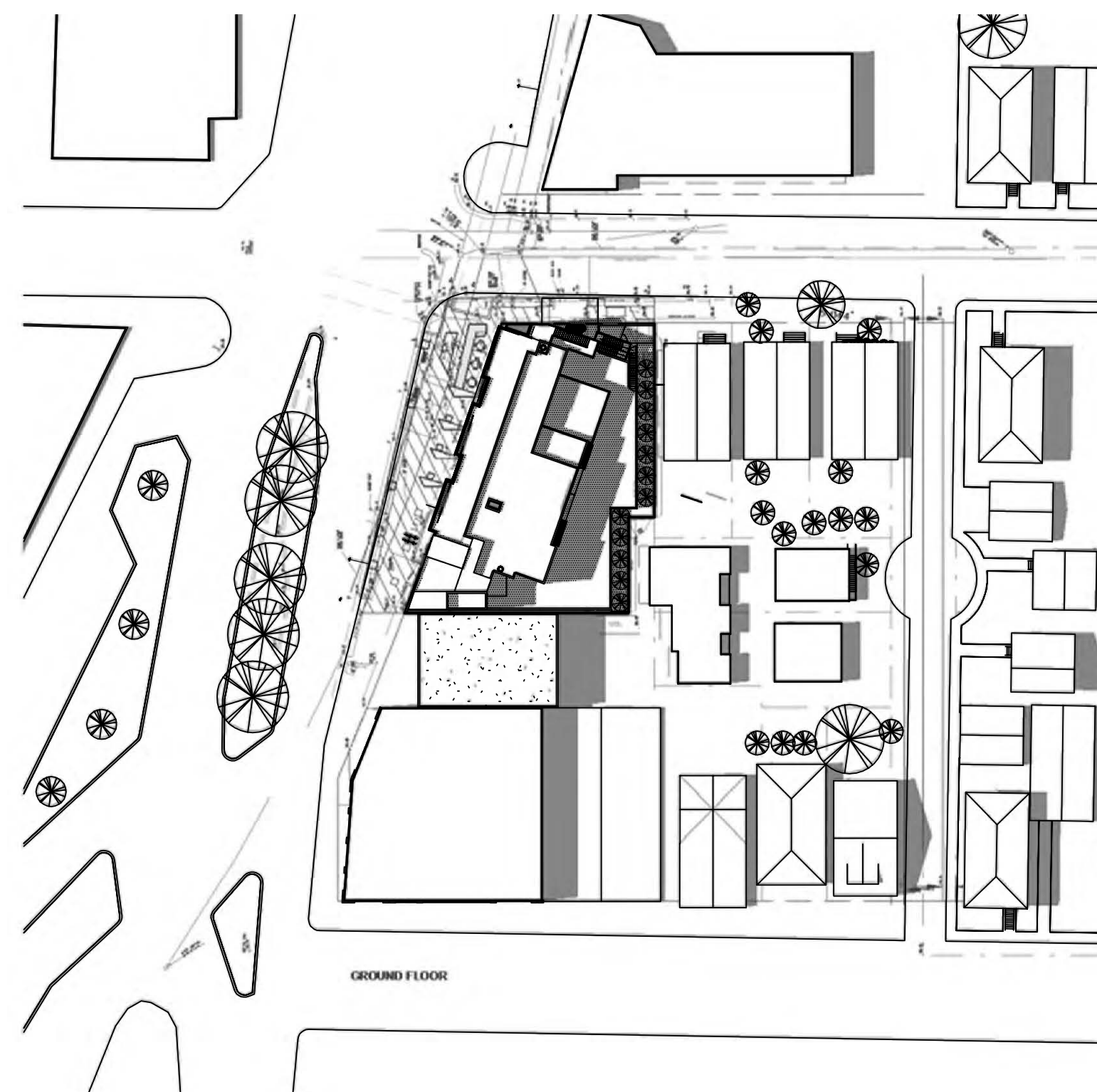
① JUNE 21, 8 AM
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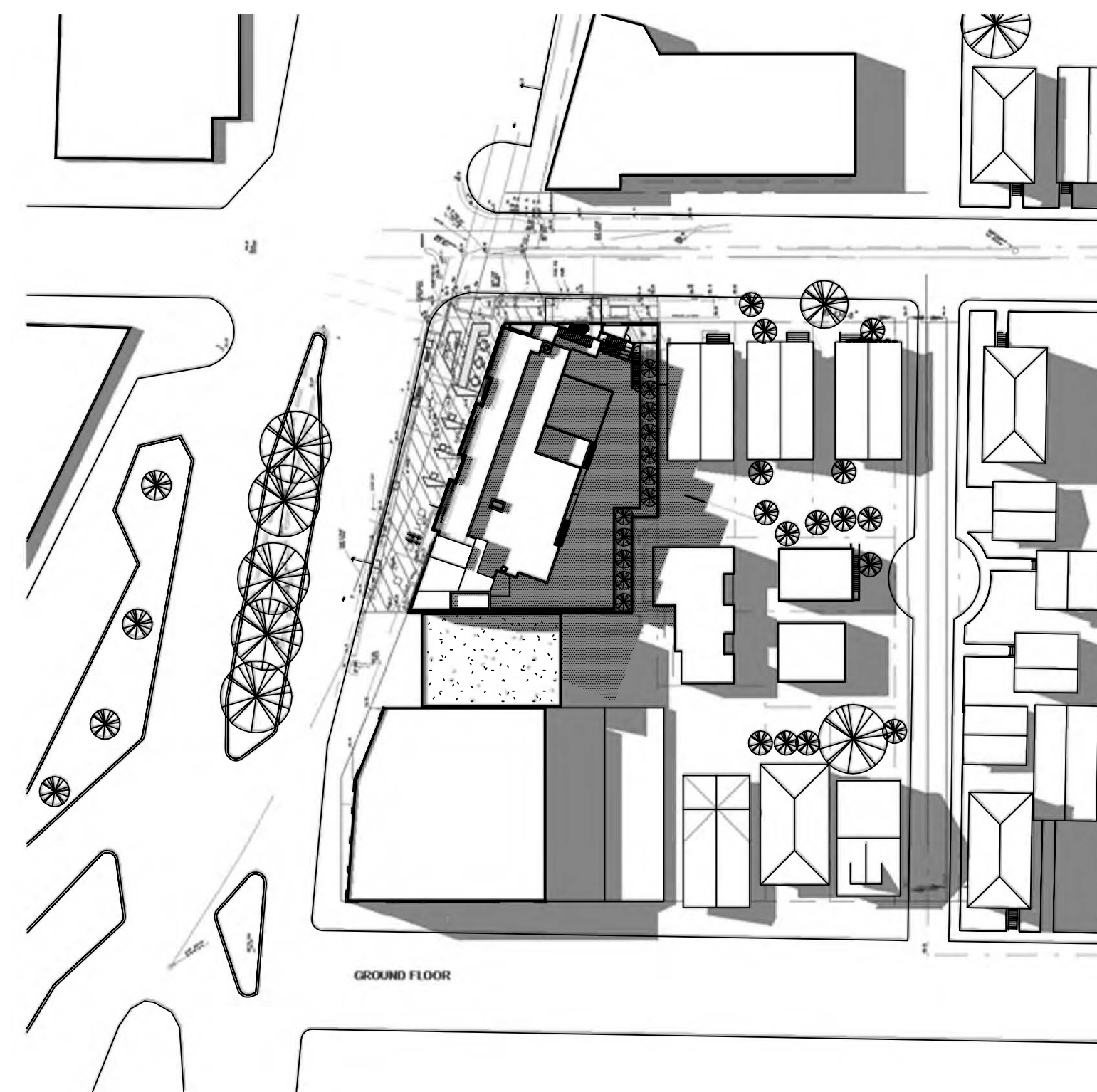
② JUNE 21, 10 AM
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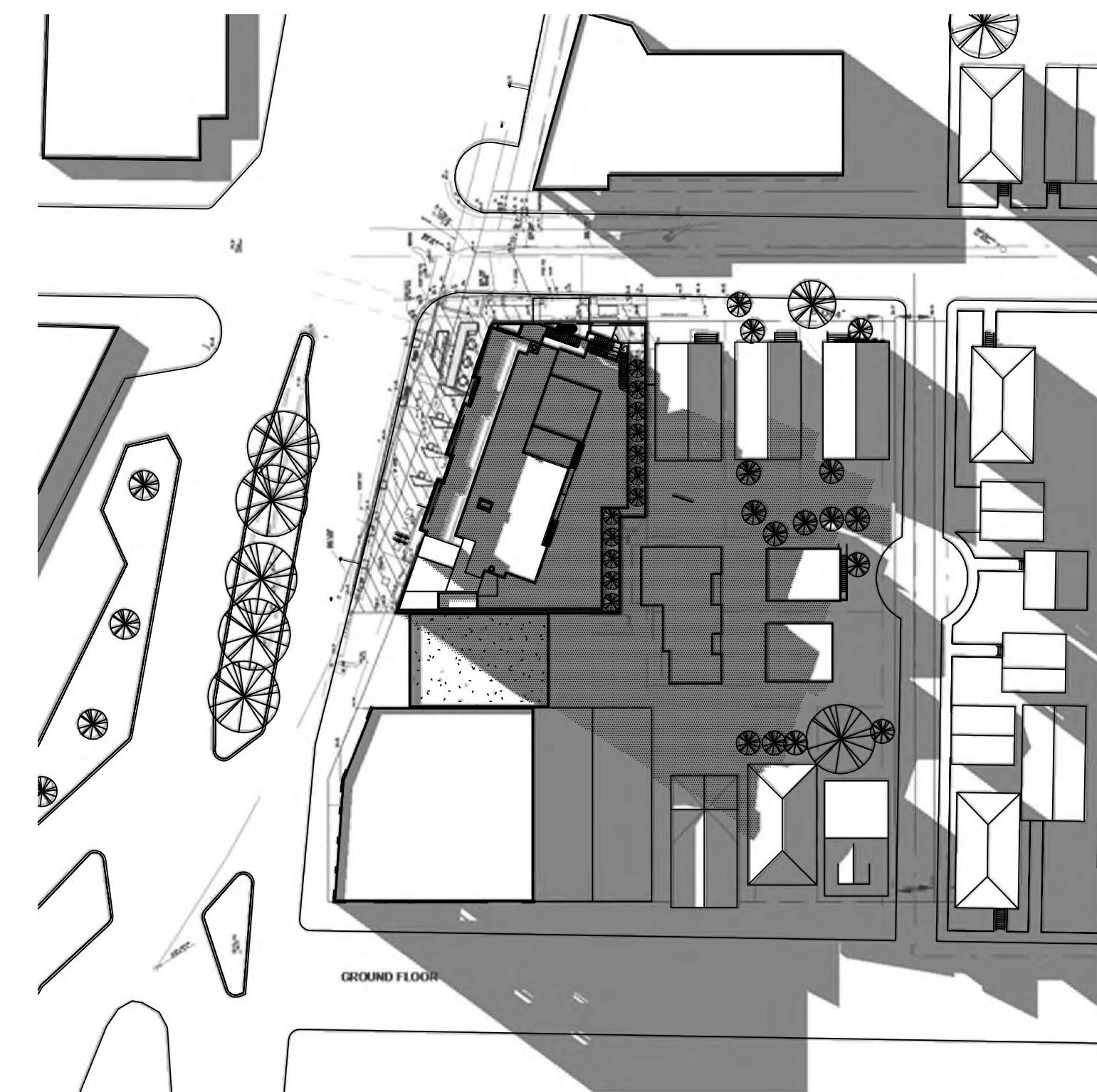
③ JUNE 21, 12 PM
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④ JUNE 21, 2 PM
 1" = 60'-0"

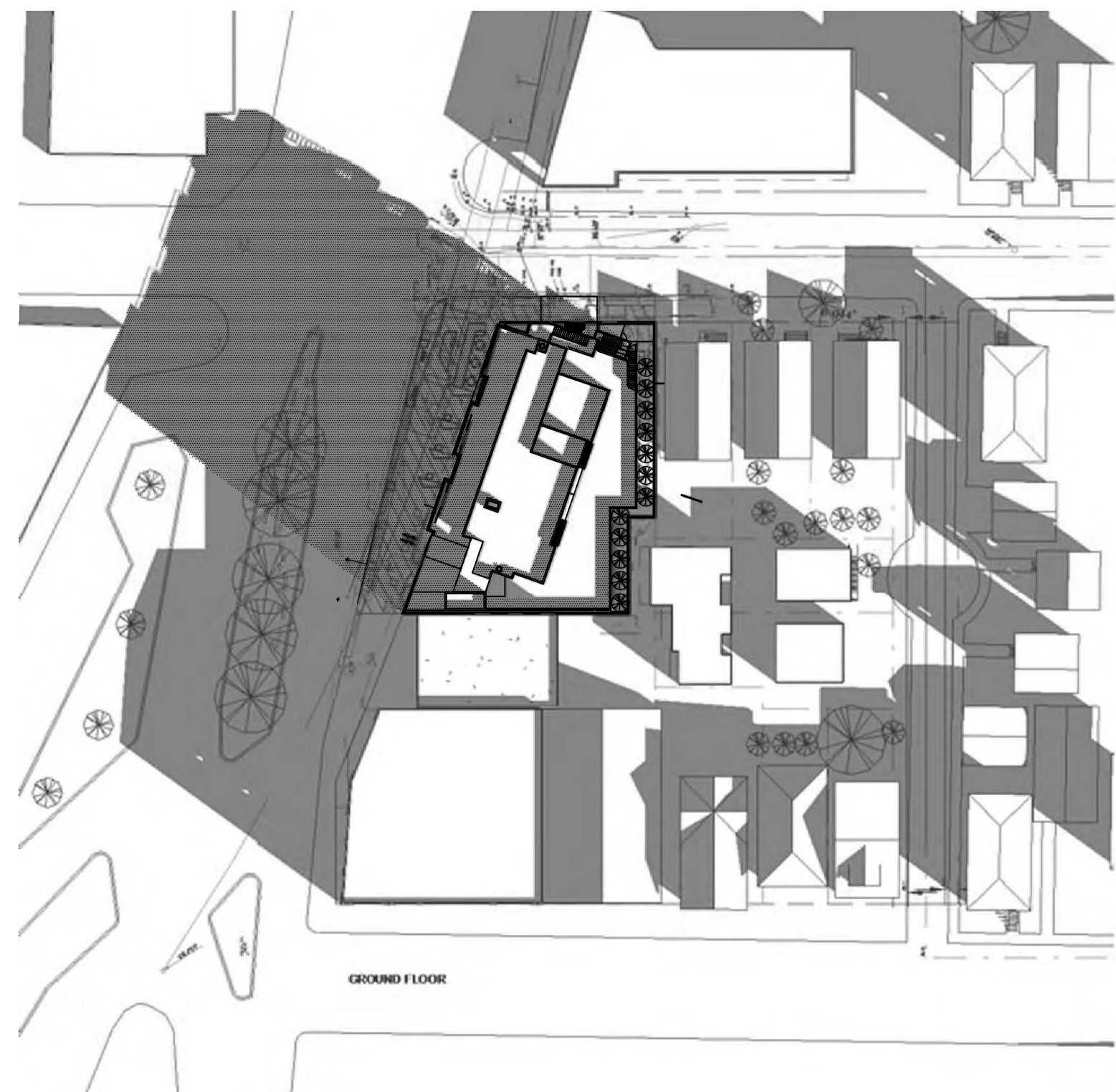


⑤ JUNE 21, 4 PM
 1" = 60'-0"

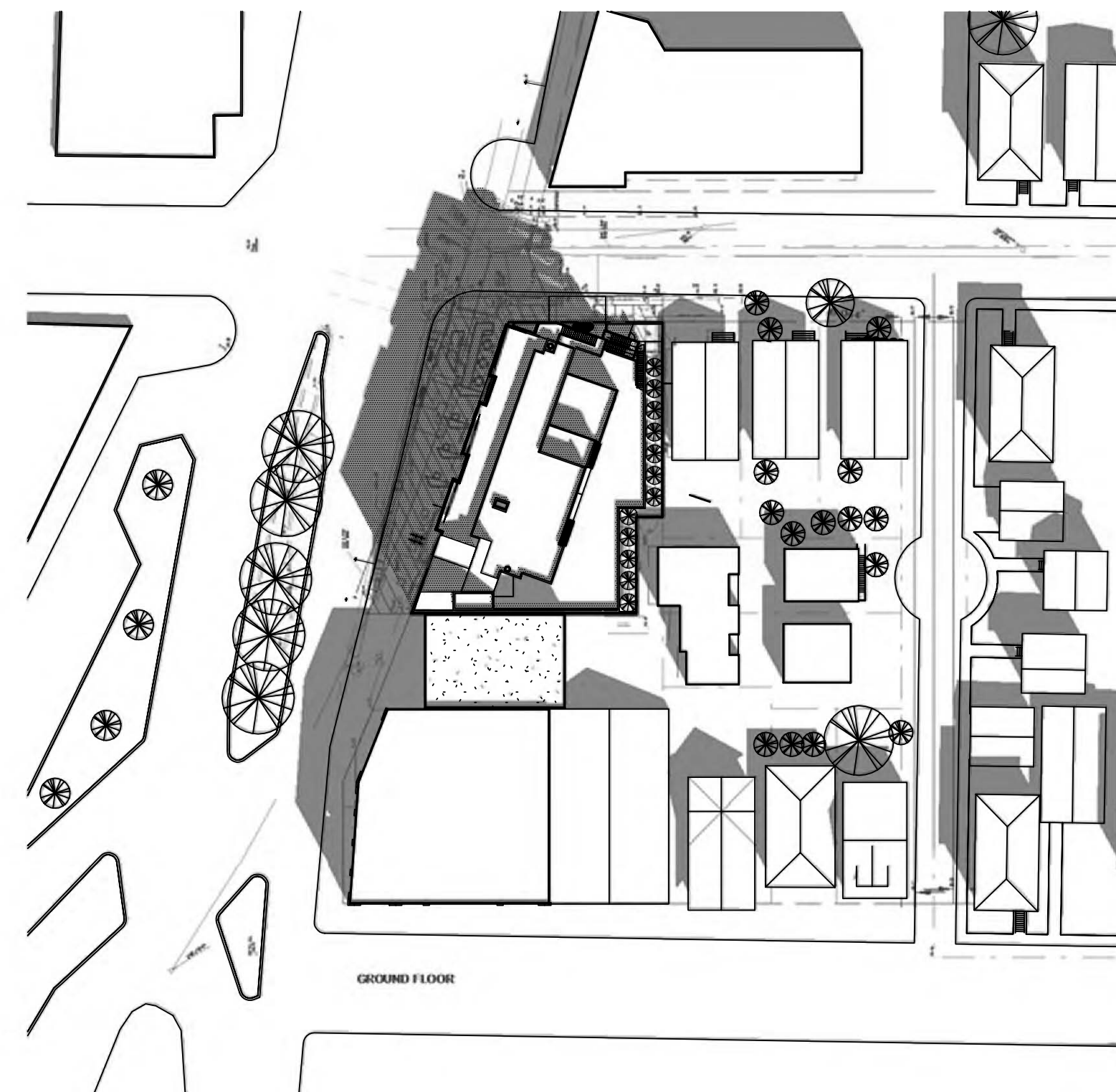


⑥ JUNE 21, 6 PM
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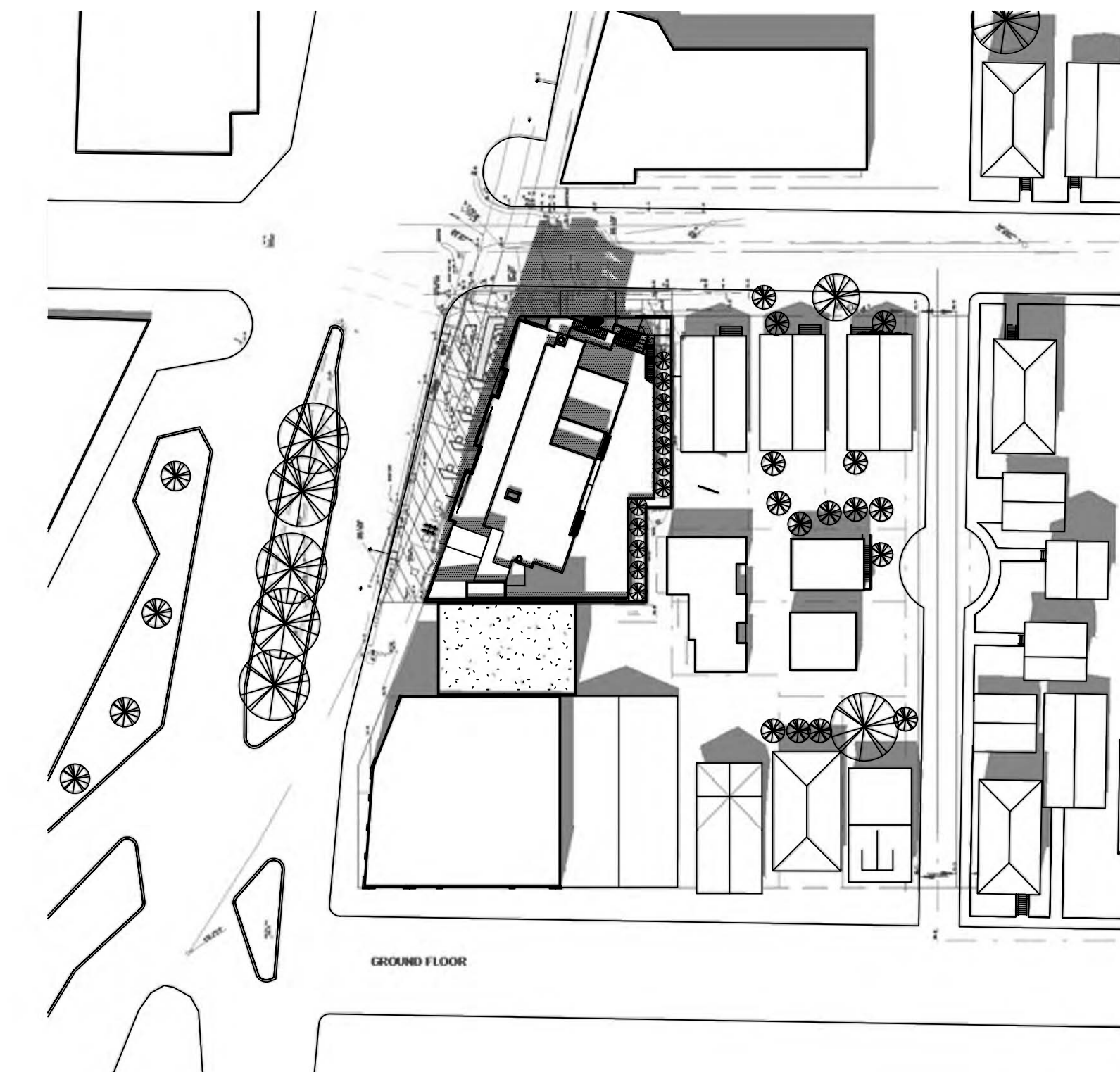
SEPTEMBER 21, MARCH 21



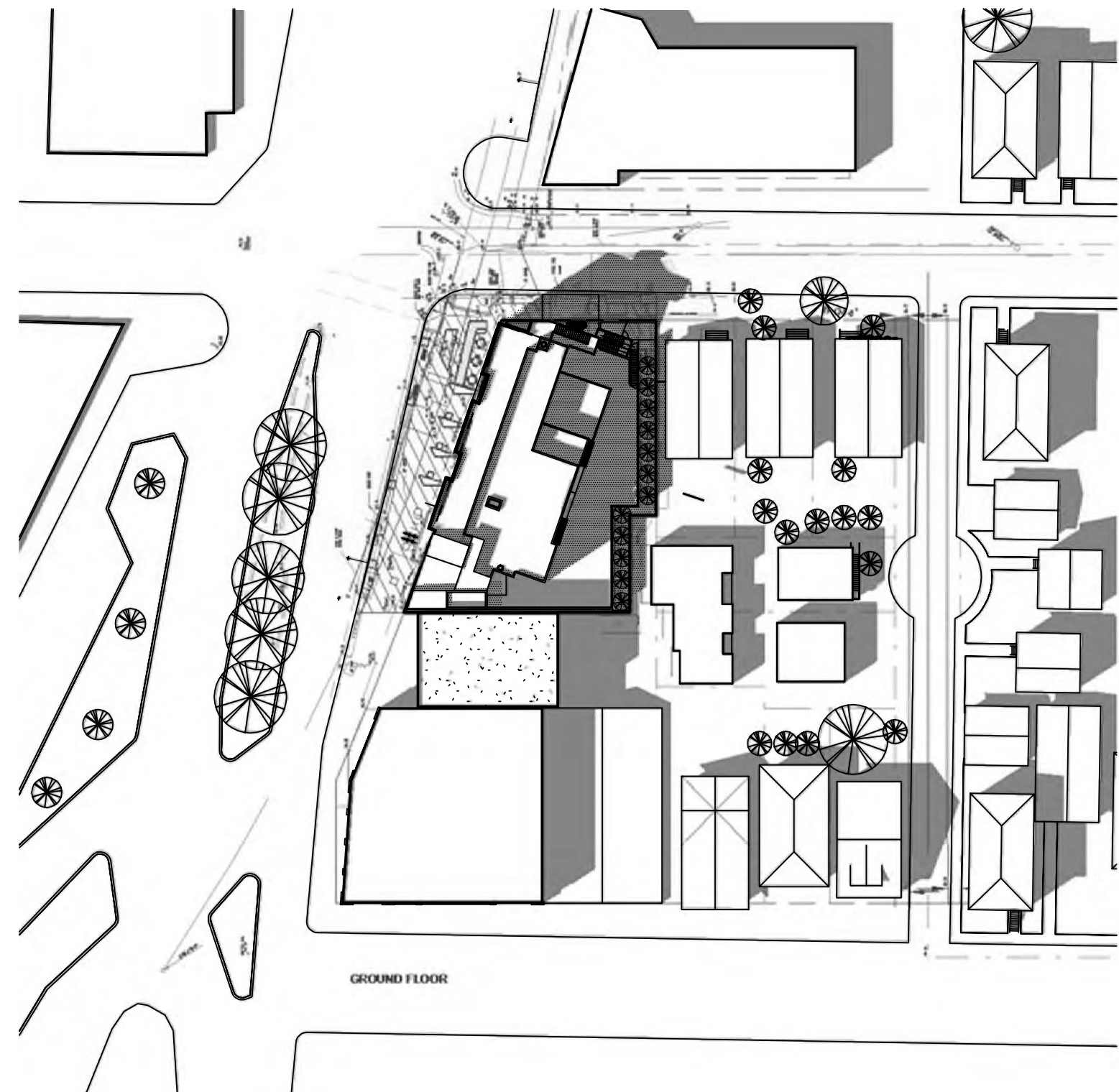
① MARCH 21, SEPTEMBER 21, 8 AM
 1" = 60'-0"



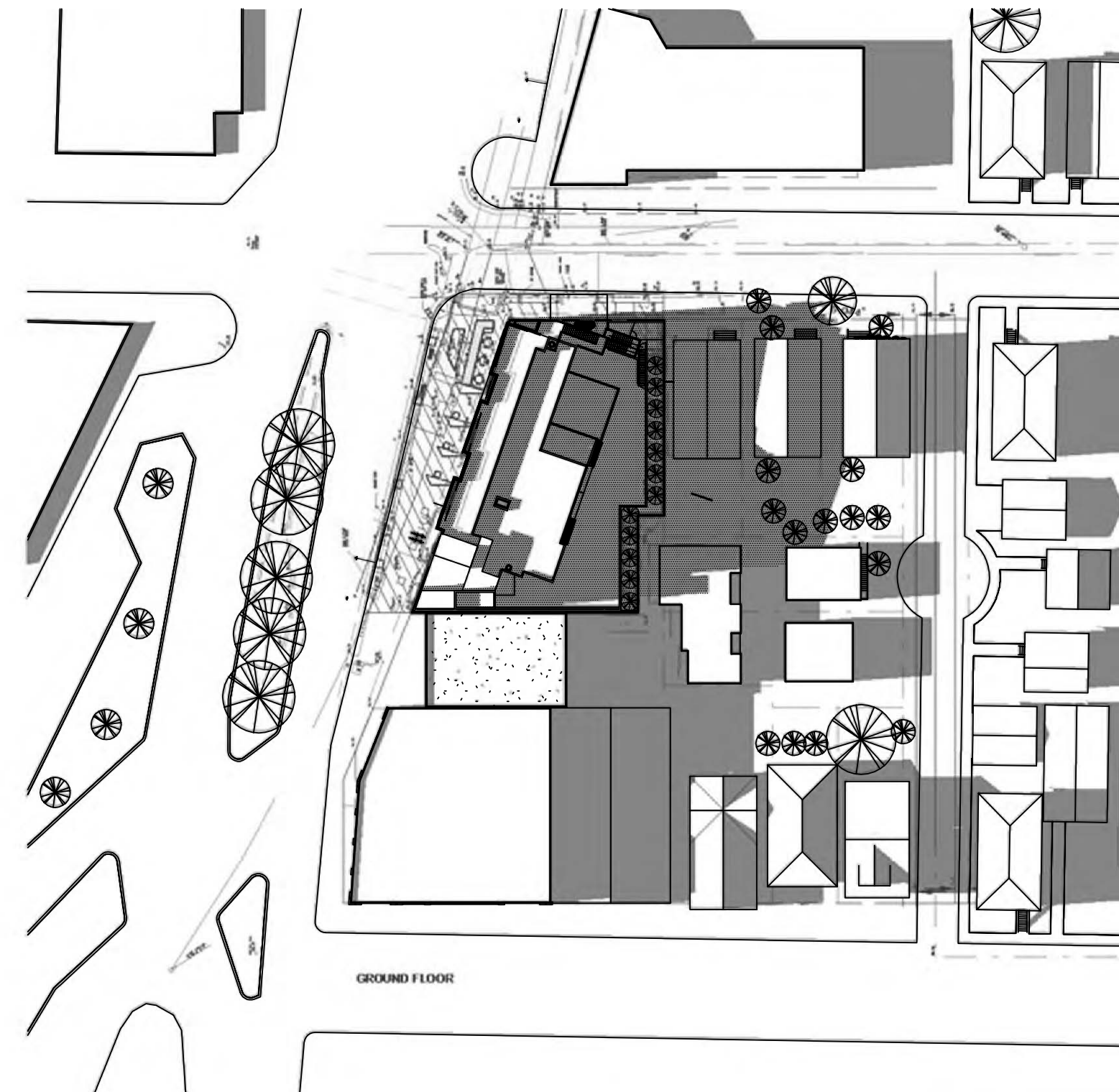
② MARCH 21, SEPTEMBER 21, 10 AM
 1" = 60'-0"



③ MARCH 21, SEPTEMBER 21, 12 PM
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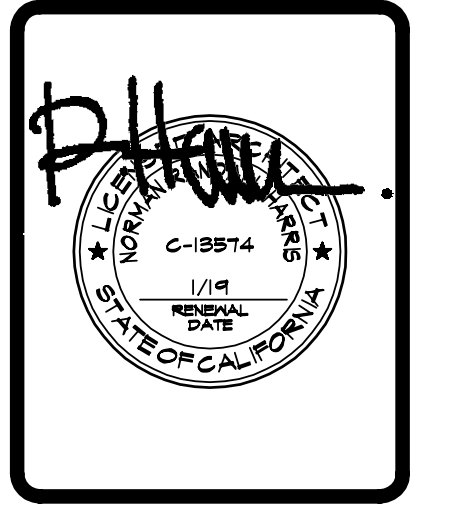
④ MARCH 21, SEPTEMBER 21, 2 PM
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⑤ MARCH 21, SEPTEMBER 21, 4 PM
 1" = 60'-0"

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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 walnut creek, ca
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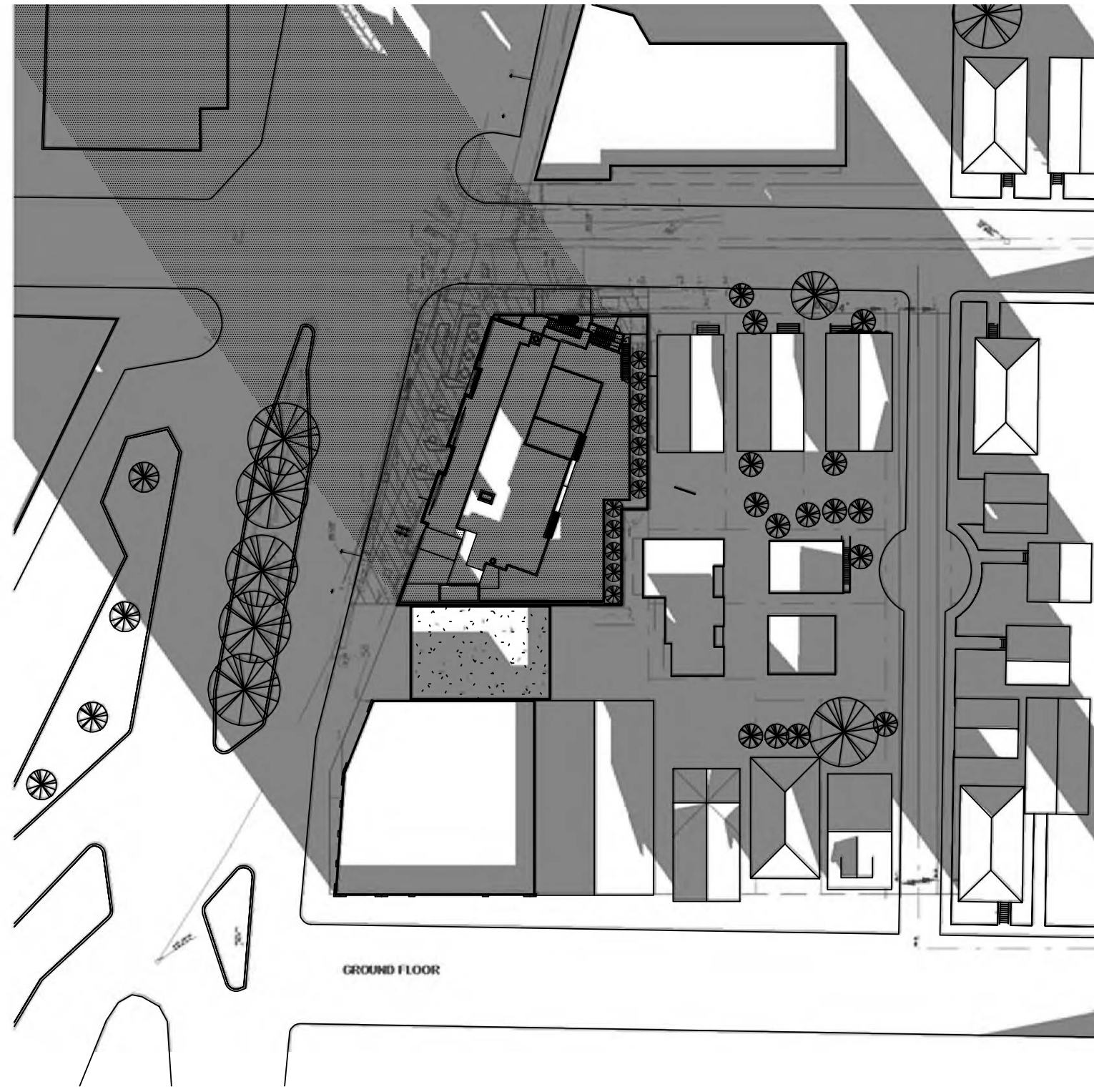
**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
 SHADOW STUDY
 -MARCH 21 AND
 SEPTEMBER 21

drawn
checked RH
date 3/07/18
scale 1" = 60'-0"
job no. 1802
sheet

S.3

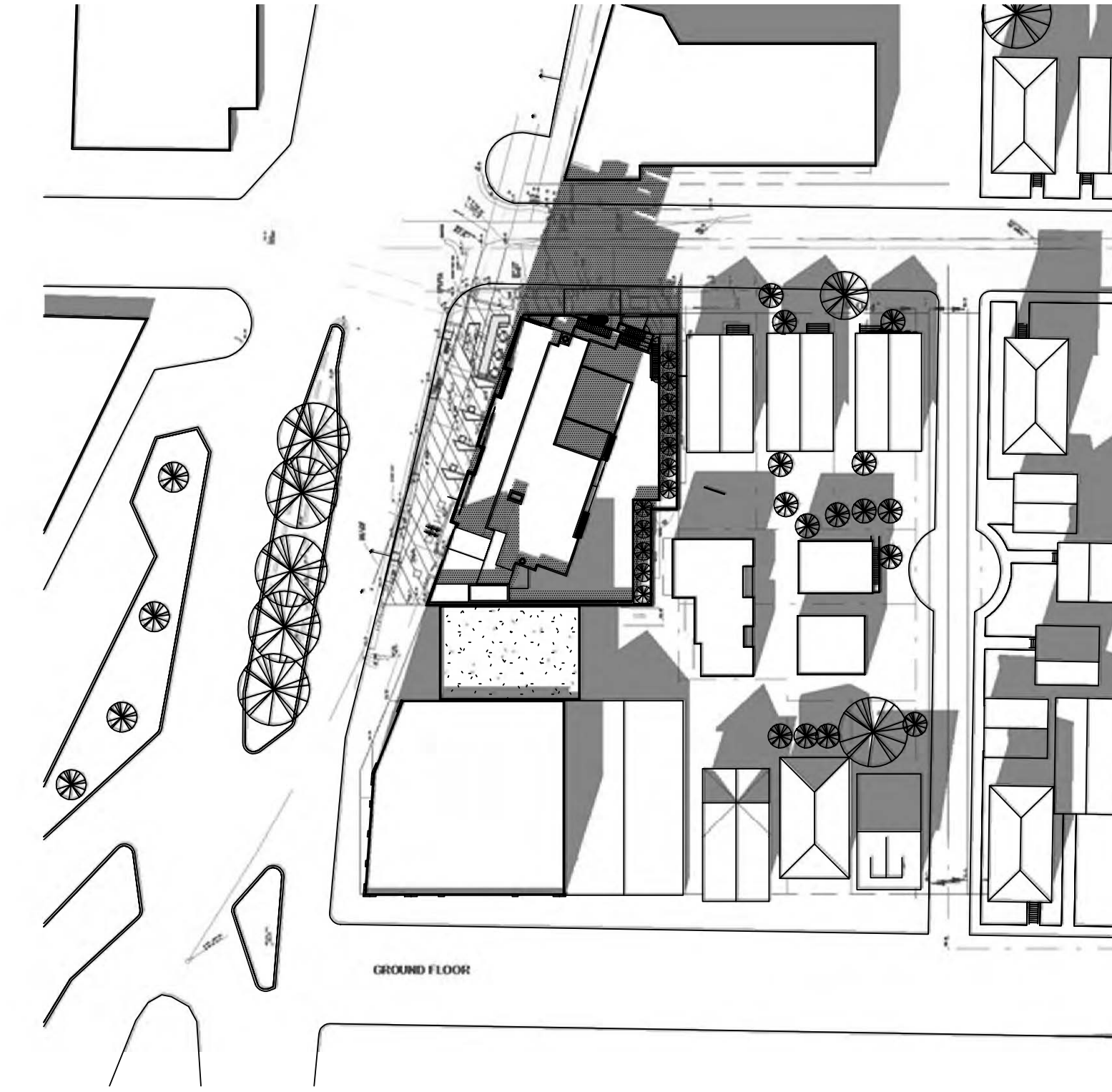
DECEMBER 21



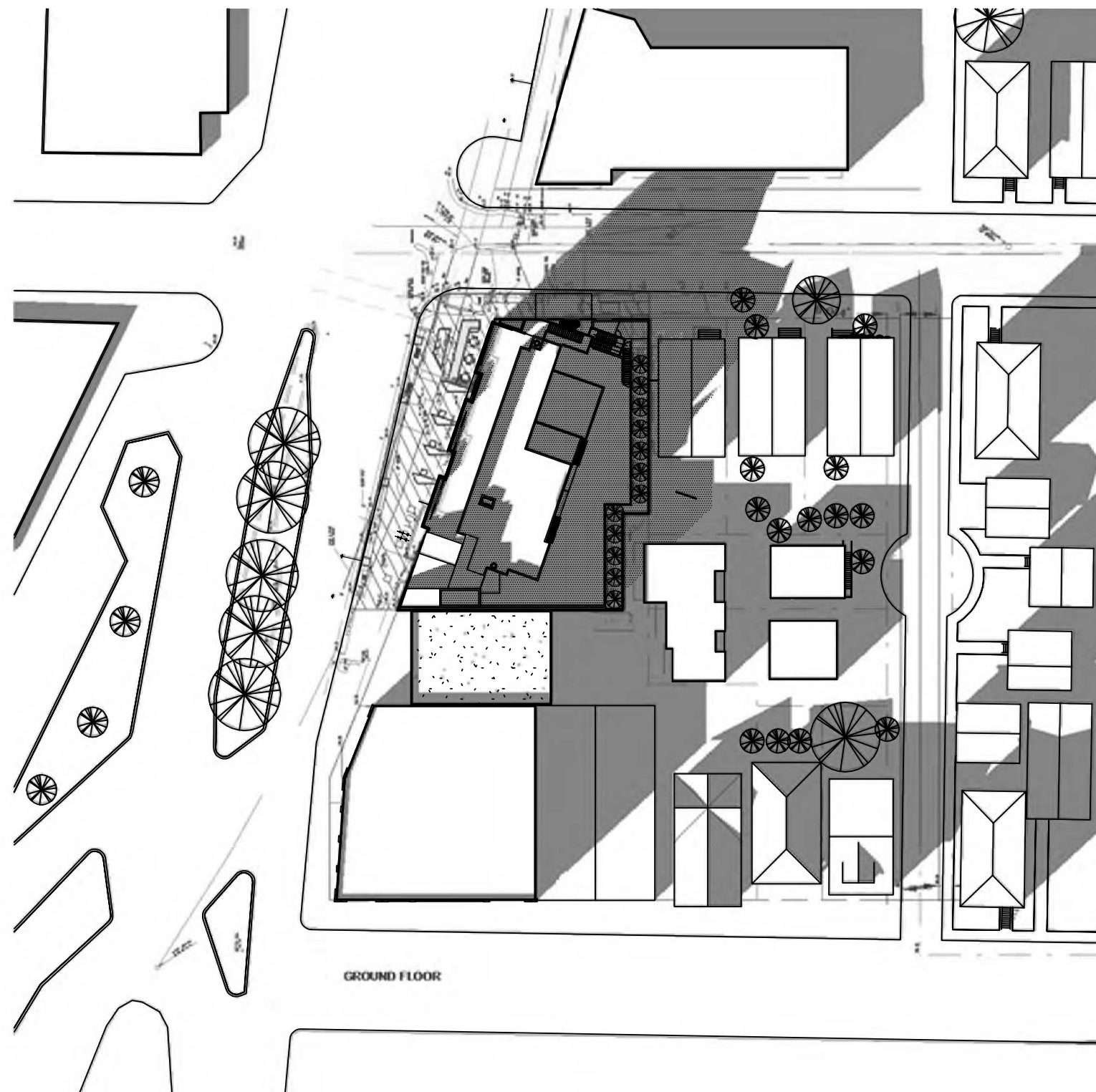
① DECEMBER 21, 8 AM
 1" = 60'-0"



② DECEMBER 21, 10 AM
 1" = 60'-0"



③ DECEMBER 21, 12 PM
 1" = 60'-0"



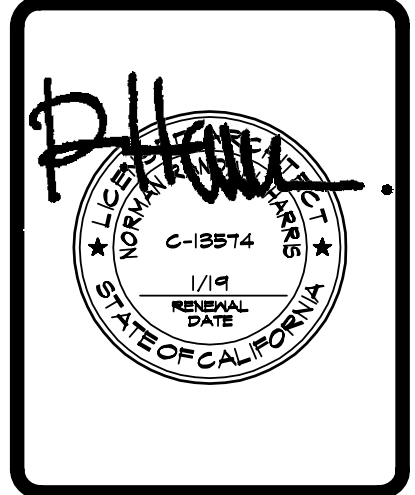
④ DECEMBER 21, 2 PM
 1" = 60'-0"



⑤ DECEMBER 21, 4 PM
 1" = 60'-0"

revisions	by
PRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17	-
ZAB SUBMITTAL 1/03/18	-
ZAB SUBMITTAL 3/07/18	AY
ZAB SUBMITTAL 6/28/18	AY

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2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
 SHADOW STUDY
 -DECEMBER 21

checked RH
date 3/07/18
scale 1" = 60'-0"
job no. 1202
sheet

S.4

2701 SHATTUCK AVENUE CIVIL CONSTRUCTION DOCUMENTS

CITY OF BERKELEY, CALIFORNIA

revisions	by
DRC SUBMITTAL 12/15/16	
DRC SUBMITTAL 1/27/17	
ZAB SUBMITTAL 9/12/17	
ZAB SUBMITTAL 1/03/18	
ZAB SUBMITTAL 3/07/18	
ZAB SUBMITTAL 11/08/2018	



architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042



CALICHI DESIGN GROUP
3000 PLYMOUTH AVENUE #100
OAKLAND, CA 94612
(510) 536-9977
WWW.CALICHI.COM



REDO VICENTE PAVONI
C 69670
EXP. 6-30-2020
CIVIL
STATE OF CALIFORNIA

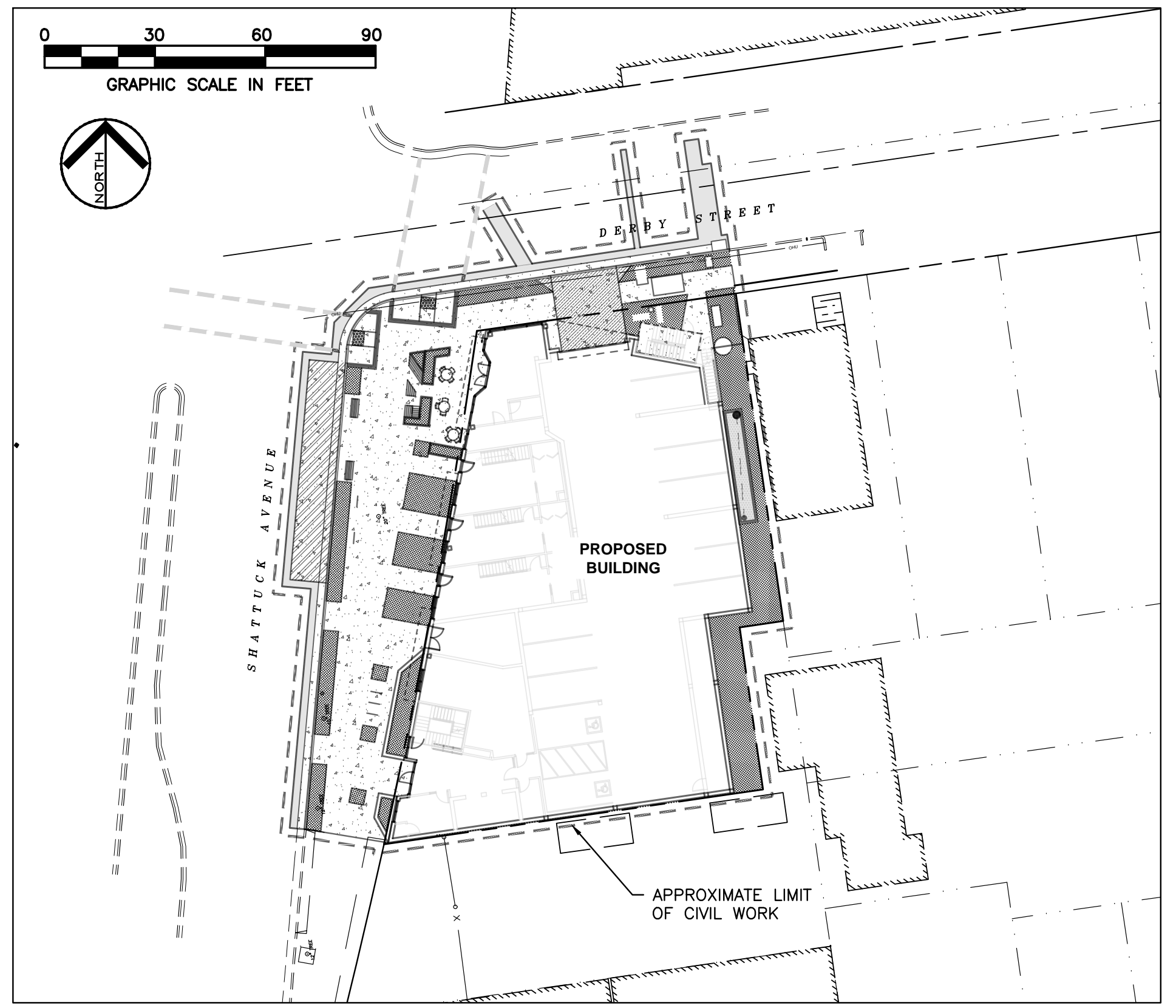
**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
2701 SHATTUCK BERKELEY, LLC**

drawing
CIVIL COVER SHEET

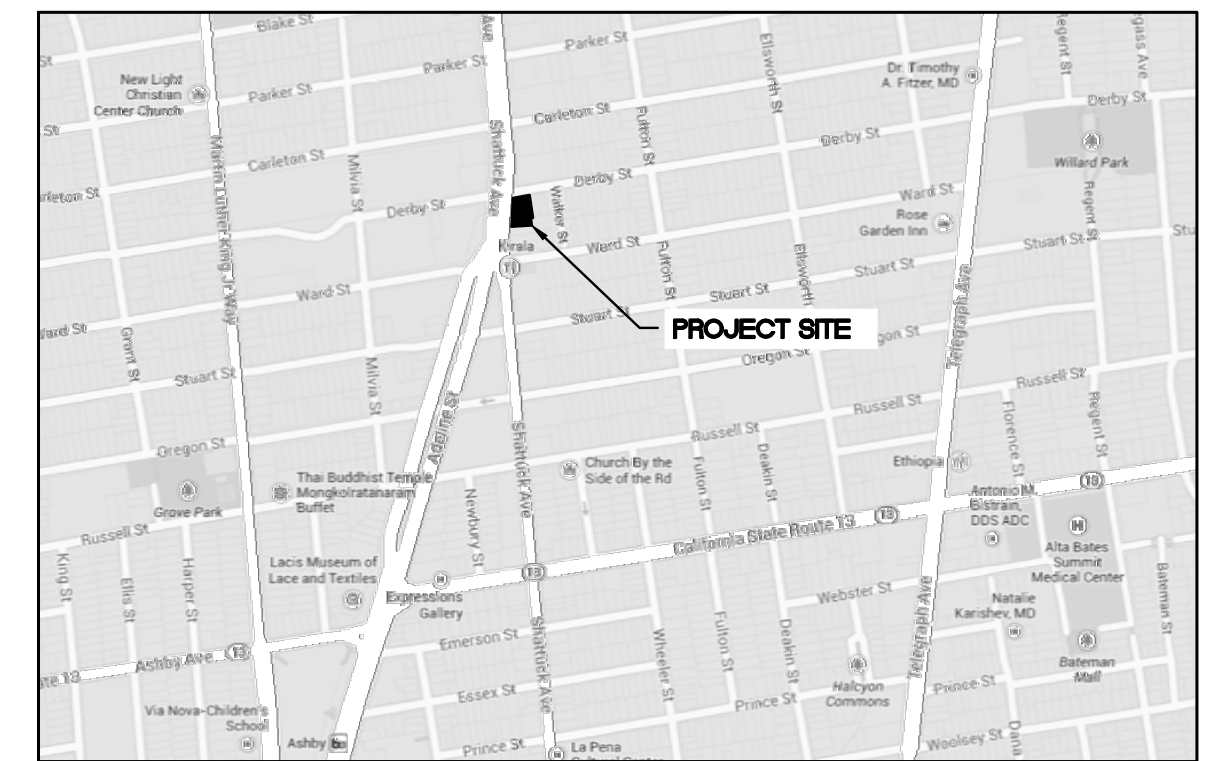
drawn
checked
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dct
11/08/18
scale
job no.
1802
sheet
C0.1

LEGEND

---	EXISTING PROPERTY LINE	⊙	EXISTING STREET MONUMENT
---	EXISTING SITE IMPROVEMENTS	W	EXISTING WATER BOX
---	PROPOSED PCC CURB	U	EXISTING UTILITY BOX
---	SAN — EXISTING SANITARY SEWER LINE	FA	EXISTING FIRE ALARM BOX
---	WTR — EXISTING WATER LINE	E	EXISTING ELECTRIC BOX
---	SD — EXISTING STORM DRAIN LINE	⊕	EXISTING JOINT POLE
---	OETC — EXISTING OVERHEAD ELECTRICAL, TELEPHONE, AND COMMUNICATION LINE	⊕	EXISTING WATER VALVE
---	G — EXISTING GAS LINE	⊕	EXISTING FIRE HYDRANT
x	PROPOSED GOOD NEIGHBOR FENCE	⊕	EXISTING GAS VALVE
---	PROPOSED HANDRAIL	⊕	EXISTING SANITARY SEWER MANHOLE
G	PROPOSED GAS SERVICE	⊕	EXISTING SANITARY SEWER CLEANOUT
FP	PROPOSED FIRE WATER SERVICE	⊕	EXISTING STORM DRAIN MANHOLE
6" SAN	PROPOSED SANITARY SEWER LINE	⊕	EXISTING STORM DRAIN BASINS
6" SD	PROPOSED STORM DRAIN LATERAL	⊕	EXISTING TRAFFIC SIGNAL
---	PROPOSED PERFORATED STORM DRAIN LINE	⊕	EXISTING STREET LIGHT
WTR	PROPOSED WATER LINE	⊕	EXISTING STREET SIGN
UE	PROPOSED UNDERGROUND ELECTRICAL SERVICE LINE	⊕	EXISTING GRADE
UT	PROPOSED UNDERGROUND TELEPHONE SERVICE LINE	⊕	CONTROL POINT
WTR	PROPOSED UNDERGROUND CABLE SERVICE LINE	⊕	SITE BENCHMARK
---	APPROXIMATE LIMIT OF CIVIL WORK		
△	PROPOSED PCC PAVEMENT SIDEWALK		
▨	PROPOSED CITY OF BERKELEY BUS STOP HEAVY DUTY PCC PAVEMENT BUS STOP		
▨	PROPOSED LANDSCAPE AREA — REFER TO LANDSCAPE PLANS FOR ALL DETAILS		
▨	PROPOSED DETECTABLE WARNING		
▨	PROPOSED AC PAVING		
+	PROPOSED SIGN		
+	PROPOSED BACK FLOW PREVENTER / REDUCE PRESSURE PRINCIPLE DEVICE		
W	PROPOSED WATER SUB-METER		
WM	PROPOSED WATER METER		
⊕	PROPOSED CLEANOUT		
⊕	PROPOSED AREA DRAIN		
⊕	PROPOSED UNDERGROUND ELECTRICAL VAULT. SEE ELECTRICAL PLANS FOR DETAILS		
⊕	PROPOSED UTILITY POLE		



CIVIL IMPROVEMENT PLAN / LIMITS OF CONSTRUCTION



VICINITY MAP
NOT TO SCALE

CIVIL SHEET INDEX

- C0.1 CIVIL COVER SHEET
- C1.0 PRELIMINARY SITE AND UTILITY PLAN
- C2.0 PRELIMINARY GRADING AND DRAINAGE PLAN
- C3.0 PRELIMINARY STORM WATER QUALITY CONTROL PLAN

SOILS REPORT NOTE:

THE CONTRACTOR SHALL FOLLOW ALL RECOMMENDATIONS AND PROCEDURES AS DESCRIBED IN THE GEOTECHNICAL REPORT TITLED "GEOTECHNICAL INVESTIGATION FOR 2701 SHATTUCK AVENUE BUILDING, BERKELEY, CALIFORNIA"; PREPARED BY AMSO CONSULTING ENGINEERS, DATED JULY 15, 2013.

SURVEY NOTE:

TOPOGRAPHIC SURVEY PROVIDED BY VEGVARY AND VEGVARY, DATED 06/22/2000, AND UPDATED 03/2014 BY MORROW SURVEYING. ALL EXISTING INFORMATION PRESENTED IN THESE PLANS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR AND ANY DISCREPANCIES IN THE PLANS SHALL BE MADE AWARE TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

EASEMENT NOTE:

NO TITLE REPORT WAS PROVIDED TO AID IN THE DEVELOPMENT OF THESE PLANS.

CITY OF BERKELEY BENCHMARK

BASED ON THE MORROW SURVEY, THE ELEVATIONS SHOWN HEREON ARE BASED ON CITY OF BERKELEY DATUM. BENCHMARK B3651, ELEVATION = 145.98.

CITY OF BERKELEY ENCROACHMENT PERMIT NOTE:

ALL IMPROVEMENTS SHOWN IN THE RIGHT-OF-WAY REQUIRE APPROVALS AND PERMITS FROM CITY OF BERKELEY PUBLIC WORKS ENGINEERING.

ABBREVIATIONS

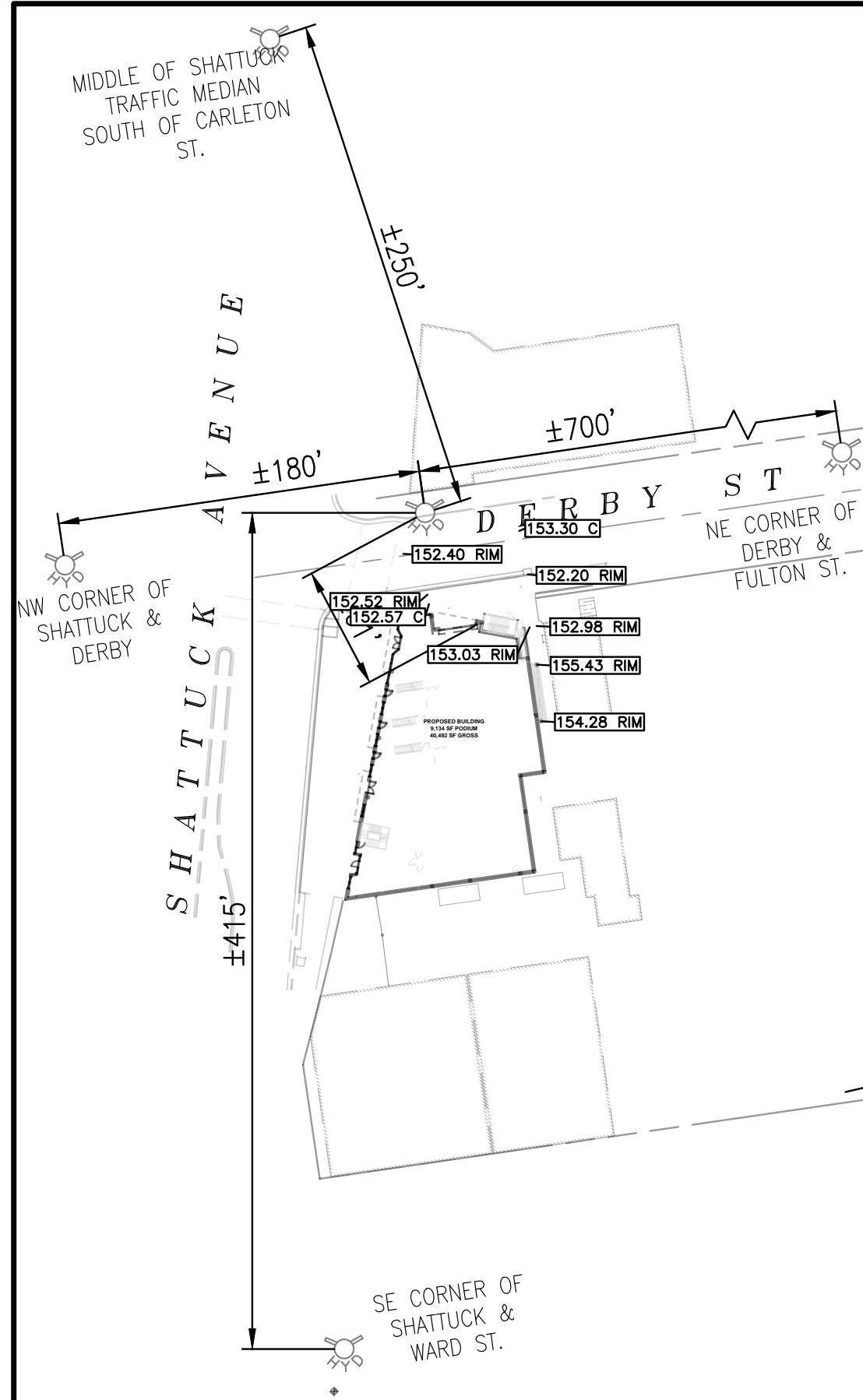
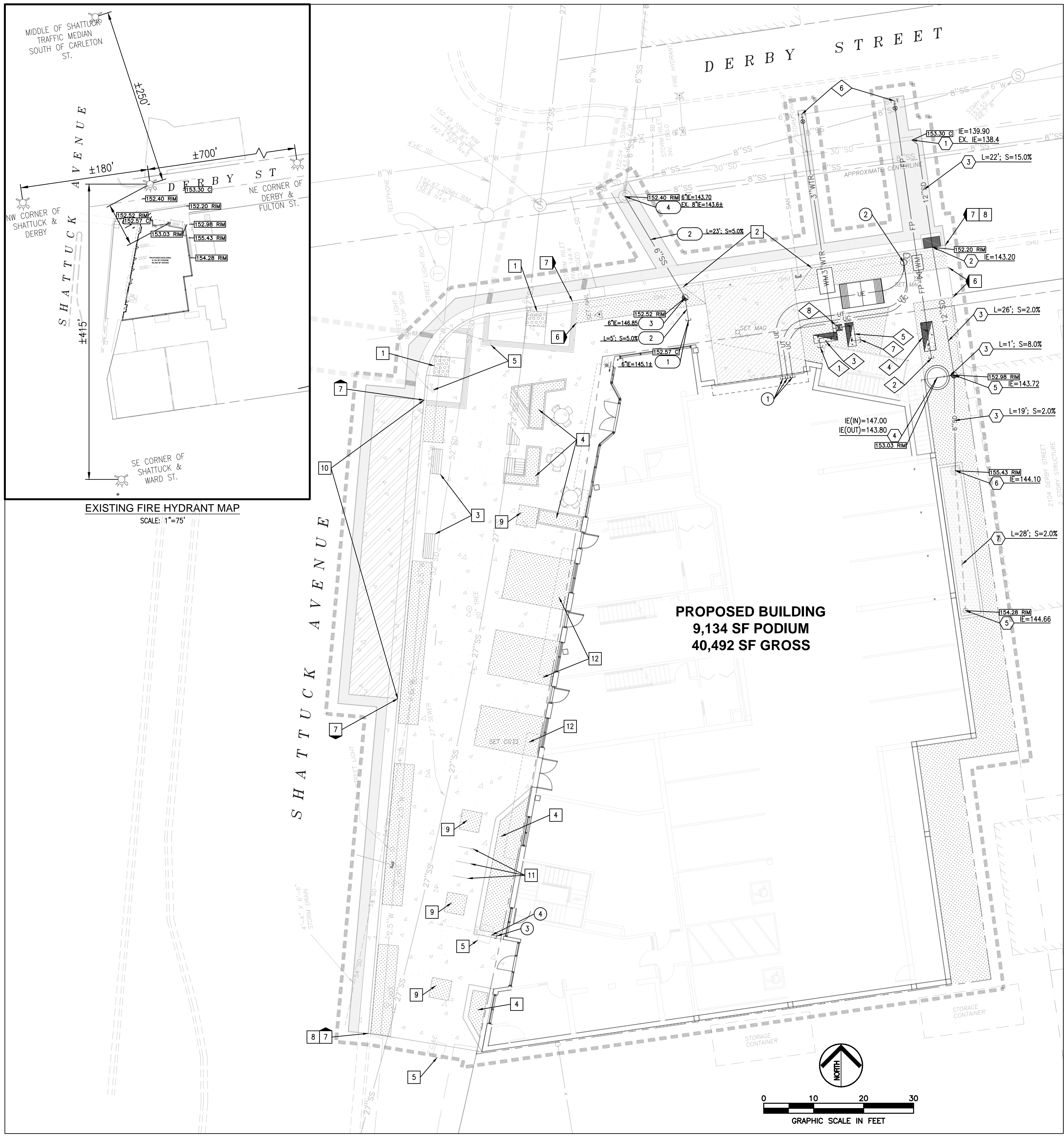
AC	ASPHALT CONCRETE	FDC	FIRE DEPARTMENT CONNECTION	N.I.C.	NOT IN CONTRACT	TEV	TELEPHONE VAULT
ADA	AMERICANS WITH DISABILITIES ACT	FF	FINISHED FLOOR	NO	NUMBER	TL	TRAFFIC LIGHT
APN	ASSESSORS PARCEL NUMBER	FG	FINISHED GRADE	N.T.S.	NOT TO SCALE	TOE	TOE OF SLOPE
APWA	AMERICAN PUBLIC WORKS ASSOCIATION	FH	FIRE HYDRANT	O.C.	ON CENTER	TOP	TOP OF SLOPE/ TOP OF PIPE
ATM	AUTOMATED TELLER MACHINE	FL	FLOW LINE	OH	OVERHANG	TS	TRAFFIC SIGNAL
AVE	AVENUE	FND	FOUND	P	PAVEMENT	TSPB	TRAFFIC SIGNAL PULL BOX
BAQMD	BAY AREA AIR QUALITY MANAGEMENT DISTRICT	FOC	FACE OF CURB	PB	PULL BOX	TVLT	TELEPHONE VAULT
BLDG	BUILDING	FP	FIRE PROTECTION	PCC	PORTLAND CEMENT CONCRETE	TOW	TOP OF WALL
BLVD	BOULEVARD	FS	FINISHED SURFACE	PGE	PACIFIC GAS AND ELECTRIC	TYP	TYPICAL
BK	BOOK	FT	FEET	PIV	POST INDICATOR VALVE	UE	UNDERGROUND ELECTRIC
BM	BENCHMARK	FW	FRONT OF WALK	PCC	POINT OF CONNECTION	UT	UNDERGROUND TELEPHONE
BOP	BOTTOM OF PIPE	FWC	FACE OF WALL	PP	POWER POLE	UTIL	UTILITY
BSM	BIOTREATMENT SOIL MIX CONCRETE	C	CONCRETE	PVC	POLYVINYL CHLORIDE	VAR	VARIABLE
C	CONCRETE	G	GAS	RD	ROAD	VAT	VACUUM AIR TUBE
CA	CALIFORNIA	GB	GRADE BREAK	RP	REDUCED PRESSURE	VLT	VAULT
CASQA	CALIFORNIA STORMWATER QUALITY ASSOCIATION	GV	GAS VALVE	S	SLOPE / SOUTH	W	WEST
CB	CATCH BASIN	HDPE	HIGH-DENSITY POLYETHYLENE	SAN	SANITARY SEWER	W/	WITH
CCTV	CLOSED-CIRCUIT TELEVISION	HWY	HIGHWAY	SD	STORM DRAIN	WM	WATER METER
CL	CENTERLINE	HYD	HYDRANT	SDR35	STANDARD DIMENSIONAL RATIO 35	WTR	WATER LINE
CLR	CLEAR	IE	INVERT ELEVATION	SF	SQUARE FEET	WV	WATER VALVE
COMM	COMMUNICATION	INV	INVERT	SL	STREET LIGHT	WVLT	WATER VAULT
CONC	CONCRETE	IV	IRRIGATION VALVE	SLPB	STREET LIGHT PULL BOX		
CVLT	COMMUNICATION VAULT	J	JUNCTION	SP	SPECIFIC PLAN		
DCV	DETECTOR CHECK VALVE	JP	JOINT POLE	SPEC	SPECIFICATION		
DCDA	DOUBLE CHECK DETECTOR	L	LENGTH	SS	SANITARY SEWER		
		L/S	LANDSCAPE	SSCO	SANITARY SEWER CLEAN OUT		
		LF	LINEAL FEET	SSMH	SANITARY SEWER MANHOLE		
		LTLT	LOT LIGHT	ST	STREET		
		LUM	LUMINAIRE	STD	STANDARD		
		MAX	MAXIMUM	STLT	STREET LIGHT		
		DIA	DIAMETER	SW	SIDEWALK		
		DWG	DRAWING	T	TEMPORARY BENCHMARK		
		E	ELECTRIC / EAST	TBM	TEMPORARY BENCHMARK		
		ECAB	ELECTRIC CABINET	TC	TOP OF CURB		
		EVLT	ELECTRIC VAULT	TCD	TRAFFIC CONTROL DEVICE		
		EX	EXISTING				

UTILITY LOCATE INFORMATION

CALL 811 OR
1-800-227-2600
CALL BEFORE YOU DIG
US
UNDERGROUND SERVICE AGENCY
WWW.USANORTH.ORG
CALL TWO WORKING DAYS BEFORE YOU DIG

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES, PIPES AND/OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL ASCERTAIN THE TRUE VERTICAL AND HORIZONTAL LOCATION AND SIZE OF ANY UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR DAMAGE TO PUBLIC OR PRIVATE UTILITIES SHOWN OR NOT SHOWN HEREON.

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**PROPOSED BUILDING
9,134 SF PODIUM
40,492 SF GROSS**

LEGEND

- EXISTING PROPERTY LINE
- EXISTING SITE IMPROVEMENTS
- PROPOSED PCC CURB
- SAN --- EXISTING SANITARY SEWER LINE
- WTR --- EXISTING WATER LINE
- SD --- EXISTING STORM DRAIN LINE
- OETC --- EXISTING OVERHEAD ELECTRICAL, TELEPHONE, AND COMMUNICATION LINE
- G --- EXISTING GAS LINE
- x --- PROPOSED GOOD NEIGHBOR FENCE - SEE LANDSCAPE PLANS FOR DETAILS
- --- PROPOSED HANDRAIL - SEE ARCHITECTURAL PLAN FOR DETAILS
- G --- PROPOSED GAS SERVICE
- FP --- PROPOSED FIRE WATER SERVICE
- 6"SS --- PROPOSED SANITARY SEWER LINE
- 6"SD --- PROPOSED STORM DRAIN LINE - SEE SHEET C3.0 FOR CONSTRUCTION
- WTR --- PROPOSED WATER LINE
- UE --- PROPOSED UNDERGROUND ELECTRICAL SERVICE LINE
- UT --- PROPOSED UNDERGROUND TELEPHONE SERVICE LINE
- UC --- PROPOSED UNDERGROUND CABLE SERVICE LINE
- --- APPROXIMATE LIMIT OF CIVIL WORK
- --- PROPOSED PCC PAVEMENT SIDEWALK
- --- PROPOSED CITY OF BERKELEY BUS STOP HEAVY DUTY PCC PAVEMENT BUS STOP
- --- PROPOSED CITY OF BERKELEY DRIVEWAY HEAVY DUTY PCC PAVEMENT
- --- PROPOSED LANDSCAPE AREA - REFER TO LANDSCAPE PLANS FOR ALL DETAILS
- --- PROPOSED DETECTABLE WARNING
- --- PROPOSED AC PAVING DEEP LIFT
- --- PROPOSED EBMD APPROVED LEAD FREE RP DEVICE, WILKINS 375A (3" DOMESTIC) AND WILKINS 975XL2MS (1" IRRIGATION), OR APPROVED EQUIVALENT.
- --- PROPOSED IRRIGATION SUB-METER - SEE IRRIGATION PLAN FOR DETAILS.
- WM --- PROPOSED 3" WATER METER.
- --- PROPOSED FIRE SERVICE WATER METER WITH SINGLE CHECK VALVE.
- --- PROPOSED EBMD APPROVED LEAD-FREE DOUBLE DETECTOR CHECK ASSEMBLY, WILKINS 350A OR APPROVED EQUIVALENT.
- --- PROPOSED UNDERGROUND ELECTRICAL TRANSFORMER VAULT FOR DETAILS
- --- PROPOSED RELOCATED JOINT POLE
- --- PROPOSED CLEANOUT

CIVIL SITE PLAN KEY NOTES

- 1 CITY OF BERKELEY CASE 1 WHEELCHAIR RAMP WITH DETECTABLE WARNING.
- 2 PROPOSED CITY OF BERKELEY COMMERCIAL DRIVEWAY APPROACH WITH CURB AND GUTTER.
- 3 PROPOSED BENCH, SEE LANDSCAPE PLANS FOR DETAIL.
- 4 PROPOSED LANDSCAPE PLANTER BOX. SEE LANDSCAPE PLAN FOR DETAILS.
- 5 ADJUST EXISTING RIM TO GRADE.
- 6 PROPOSED PCC SIDEWALK THICKENED EDGE WHERE PAVING ABUTS LANDSCAPE WITHOUT A CURB.
- 7 STANDARD CITY OF BERKELEY CURB AND GUTTER.
- 8 CONFORM TO EXISTING CURB HEIGHT.
- 9 PROPOSED TREE WELL. SEE LANDSCAPE PLANS FOR DETAIL.
- 10 CITY OF BERKELEY BUS STOP.
- 11 PROPOSED BIKE RACK. SEE LANDSCAPE PLANS FOR DETAIL.
- 12 ON GRADE LANDSCAPE PLANTERS. SEE LANDSCAPE PLANS FOR DETAIL.

SANITARY KEY NOTES

- 1 PROPOSED 6" SANITARY SEWER POINT OF CONNECTION TO BUILDING. SEE PLUMBING PLAN FOR CONTINUATION - BACKWATER CHECK VALVE REQUIRED AT PROPERTY LINE. VERIFY INVERT IN RELATION TO EXISTING SEWER MAIN PRIOR TO CONSTRUCTION.
- 2 PROPOSED 6" DIAMETER SCHEDULE 40 PVC PIPE (OR APPROVED EQUIVALENT). LENGTH AND SLOPE PER PLAN.
- 3 PROPOSED 22.5 BEND WITH CLEANOUT. INVERT ELEVATION PER PLAN.
- 4 BREAK INTO EXISTING SEWER MANHOLE BASE. APPROXIMATE INVERT PER PLAN. CONTRACTOR TO VERIFY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

WATER KEY NOTES

- 1 PROPOSED 3" DOMESTIC WATER POINT OF CONNECTION TO BUILDING. SEE PLUMBING PLANS FOR CONTINUATION.
- 2 PROPOSED 6" FIRE WATER SERVICE PROTECTION POINT OF CONNECTION TO BUILDING. SEE PLUMBING AND FIRE PROTECTION PLANS FOR CONTINUATION AND LOCATION OF FDC AND PIV.
- 3 PROPOSED ABOVE GROUND 3" BACKFLOW PREVENTION ASSEMBLY FOR DOMESTIC SERVICE LINE.
- 4 PROPOSED ABOVE GROUND 6" DOUBLE CHECK ASSEMBLY FOR FIRE SERVICE. EBMD TO VERIFY NEED FOR DOUBLE CHECK UPON SERVICE APPLICATION.
- 5 PROPOSED ABOVE GROUND 1" BACKFLOW PREVENTION ASSEMBLY FOR IRRIGATION SERVICE LINE.
- 6 PROPOSED CONNECTION FOR 3" WATER AND 6" FIRE WATER SERVICES TO WATER MAIN IN DERBY STREET.
- 7 PROPOSED 1" IRRIGATION WATER POINT OF CONNECTION. SEE IRRIGATION PLANS FOR CONTINUATION.
- 8 PROPOSED IRRIGATION SUB-METER. SEE IRRIGATION PLANS FOR DETAILS.

DRY UTILITY KEY NOTES

- 1 PROPOSED ELECTRICAL, TELEPHONE AND CABLE/DATA POINT OF CONNECTION TO BUILDING. CONTRACTOR SHALL CONFIRM AND COORDINATE LOCATION WITH ARCHITECTURAL AND ELECTRICAL PLANS FOR CONDUIT SIZE AND TYPE.
- 2 CONNECT PROPOSED ELECTRICAL, TELEPHONE, AND CABLE/DATA TO THE RELOCATED JOINT POLE. CONTRACTOR SHALL CONFIRM AND COORDINATE LOCATION WITH ARCHITECTURAL AND ELECTRICAL PLANS.
- 3 PROPOSED GAS SERVICE LINE POINT OF CONNECTION TO BUILDING. REUSE EXISTING SERVICE LINE - CONFIRM SIZE AND LOCATION WITH MECHANICAL PLANS AND PG&E. GAS METER TO BE LOCATED INSIDE THE BUILDING IN DEDICATED METER ROOM. SEE PLUMBING PLANS FOR CONTINUATION.
- 4 CONNECT GAS SERVICE TO EXISTING GAS VALVE - CONFIRM EXISTING SIZE WITH PG&E.

STORM DRAIN CONSTRUCTION NOTES

- 1 PROPOSED 12" DIAMETER RCP LATERAL CONNECTION TO EXISTING STORM DRAIN BOX CULVERT PER GREENBOOK STANDARD PLAN 335-2, LATEST EDITION. TRENCH AND BACKFILL PER CITY OF BERKELEY STANDARD PLAN.
- 2 PROPOSED CATCH BASIN WITH CURB INLET PER CITY OF BERKELEY STANDARD PLAN 6166.
- 3 PROPOSED 12" DIAMETER RCP STORM DRAIN PIPE OR APPROVED EQUIVALENT. LENGTH AND SLOPE PER PLAN.
- 4 PROPOSED 72" PRE-CAST CONCRETE MANHOLE WITH CONTECH STORMFILTER SFM48 MEDIA FILTER OR APPROVED EQUIVALENT. PROPOSED STORM DRAIN CLEAN-OUT. RIM AND INVERT PER PLAN.
- 5 PROPOSED LANDSCAPE AREA DRAIN INLET. RIM AND INVERT PER PLAN.
- 6 PROPOSED 4" PERFORATED PIPE UNDERDRAIN. LENGTH AND SLOPE PER PLAN.

revisions	by
DRC SUBMITTAL 12/15/16	
DRC SUBMITTAL 1/27/17	
ZAB SUBMITTAL 9/12/17	
ZAB SUBMITTAL 1/03/18	
ZAB SUBMITTAL 3/07/18	
ZAB SUBMITTAL 11/08/2018	

HDO
architects, planners
2950 camino diablo
suite 110
walnut creek, ca
94597
(925) 256-6042

CALICHI
CALICHI DESIGN GROUP
3000 WILSON AVENUE #3
SAN ANTONIO, CA 78209
(512) 628-9777
WWW.CALICHI.COM

REGISTERED PROFESSIONAL ENGINEER
C 69670
EXP. 6-30-2020
CIVIL
STATE OF CALIFORNIA
John R. ...
10/8/18

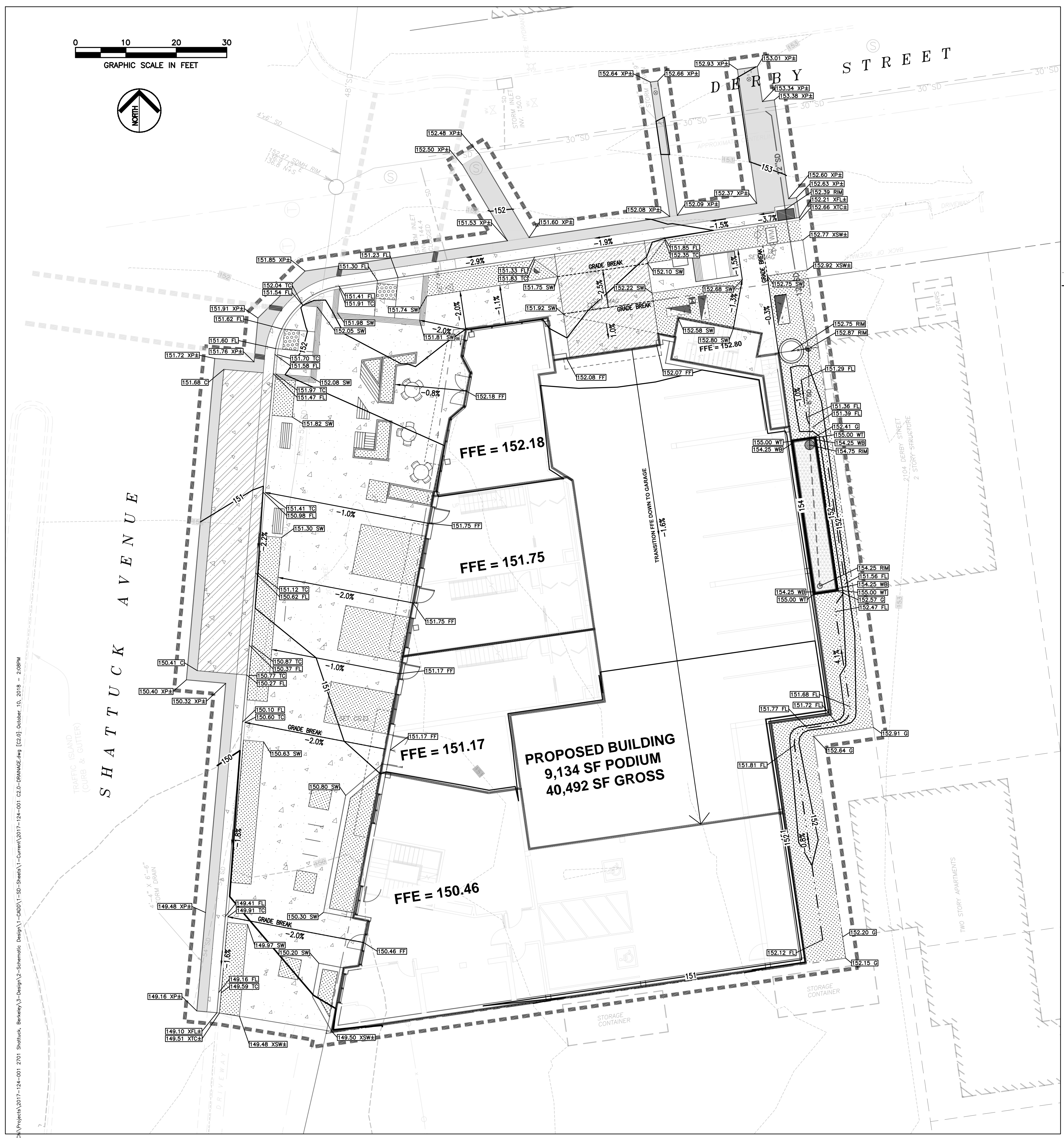
**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
2701 SHATTUCK BERKELEY, LLC**

drawing
**PRELIMINARY SITE
AND
UTILITY PLAN**

drawn
checked
RP
date
11/08/18
scale
job no.
1802
sheet

C1.0

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SPOT GRADING LEGEND

- 80.00 EX INDICATES ELEVATION TO MATCH EXISTING
- 80.00 FFF INDICATES ELEVATION AT BUILDING FINISHED FLOOR
- 80.00 C INDICATES ELEVATION AT TOP OF CONCRETE
- 80.00 TC INDICATES ELEVATION AT TOP OF CURB
- 80.00 G INDICATES ELEVATION AT FINISHED GROUND
- 80.00 FL INDICATES ELEVATION AT FLOW LINE
- 80.00 BW INDICATES ELEVATION AT BOTTOM OF WALL
- 80.00 TW INDICATES ELEVATION AT TOP OF WALL
- 80.00 BS INDICATES ELEVATION AT BOTTOM OF STAIR
- 80.00 TS INDICATES ELEVATION AT TOP OF STAIR
- 80.00 RIM INDICATES ELEVATION AT STORM DRAIN RIM
- 1.5% DRAINAGE ARROW AND PROPOSED SLOPE
- 1.32 EXISTING 1-FT CONTOUR
- 1.32 PROPOSED 1-FT CONTOUR

SITE PAVING LEGEND

- [Symbol] PROPOSED PCC PAVEMENT SIDEWALK (4" PCC)
- [Symbol] PROPOSED HEAVY DUTY PCC PAVEMENT (9" PCC/6" AB)
- [Symbol] PROPOSED LANDSCAPE AREA - SEE LANDSCAPE PLANS FOR DETAILS
- [Symbol] PROPOSED ASPHALT PAVEMENT DEEP LIFT (10" AC MIN.)

GEOTECHNICAL REPORT NOTE:

THE CONTRACTOR SHALL FOLLOW ALL RECOMMENDATIONS AND PROCEDURES AS DESCRIBED IN THE SOILS REPORT FOR THE PROJECT SITE BY AMSO CONSULTING ENGINEERS, TITLED "GEOTECHNICAL INVESTIGATION FOR 2701 SHATTUCK AVENUE BUILDING, BERKELEY, CALIFORNIA" AND DATED JULY 15 2013, INCLUDING ALL PROJECT SPECIFICATIONS, REQUIREMENTS, RECOMMENDATIONS AND PROCEDURES IN REGARDS TO OVEREXCAVATION, COMPACTION, SOIL REMEDIATION, DOWATERING, ETC.

PAD ELEVATION NOTE:

PAD ELEVATION SHOWN IS PER THE GEOTECHNICAL REPORT AS PROVIDED BY AMSO CONSULTING ENGINEERS, DATED JULY 15, 2013, AND COORDINATION WITH STRUCTURAL PLANS. CURRENT PAD ELEVATIONS ASSUME 5 INCH PCC SLAB OVER 2 INCH SAND OVER 4-1/4 INCH PEA GRAVEL FOR BUILDING SLABS, AND 18 INCH PCC FOR THE MAT FOUNDATION SLAB. CONTRACTOR TO VERIFY PAD ELEVATION GRADE WITH GEOTECHNICAL REPORT AND FINAL BUILDING STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE MADE AWARE TO THE ENGINEER IMMEDIATELY.

STORM DRAIN SHEET NOTES:

1. ALL SCHEDULE 40 PVC PIPES SHALL HAVE SOLVENT CEMENTED JOINTS PER MANUFACTURER'S RECOMMENDATIONS.

revisions	by
DRC SUBMITTAL 12/15/16	
DRC SUBMITTAL 1/27/17	
ZAB SUBMITTAL 9/12/17	
ZAB SUBMITTAL 1/03/18	
ZAB SUBMITTAL 5/07/18	
ZAB SUBMITTAL 11/08/2018	

HDO
architects, planners
2950 camino diablo suite 110
walnut creek, ca 94597
(925) 256-6042

CALICHI
CALICHI DESIGN GROUP
3800 PENNELL STREET, SUITE 110
OAKLAND, CA 94612
TEL: 510.835.8877
WWW.CALICHI.COM

REGISTERED PROFESSIONAL ENGINEER
REC'D
C 69670
EXP. 6-30-2020
CIVIL
STATE OF CALIFORNIA
[Signature]
10/1/08

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PRELIMINARY GRADING AND DRAINAGE PLAN

drawn
checked
RF
date
11/08/18
scale
job no.
1802
sheet
C2.0

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CORNER PARKLET



VINE CABLES/GREENSCREEN



SITE FURNISHINGS



SEATING



BIKE RACKS



RECYCLING/TRASH

SHRUBS



VINES



STREET TREES

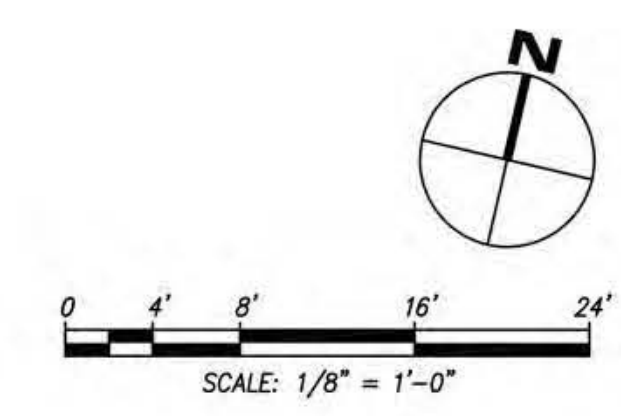


LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen
- 12 Greenscreen/trellis with vines
- 13 Gravel & vines in pots
- 14 Planting area
- 15 Precast pots
- 16 Accent Trees in planting area
- 17 Street Tree, pending water line depth
- 18 Parklet with removable planters & seating

GROUND LEVEL PLANTING MATERIALS

- STREET TREES**
 Acer rubrum 'Scarsen' - Scarlet Sentinel maple (Shattuck Ave)
 Acer buergerianum - Triden maple (Derby St)
- ACCENT TREES**
 Lagerstroemia indica 'Dynamite' - crape myrtle
- PLANTING AREA**
 Acer rubrum 'armstrong' - columnar red maple
 Carex divulsa - gray sedge
 Carex tumulicoida - Berkeley sedge
 Ceratostigma plumbaginoides - dwarf plumbago
 Juncus patens - gray rush
 Polystichum munitum - sword fern
 Osmanthus fragrans aurantiacus - orange sweet olive
- RAISED PLANTERS / CURBED PLANTERS**
 Anemone x hybrida 'Honorine Jobert' - japanese anemone
 Festuca glauca 'Elijah Blue' - blue fescue
 Helictotrichon sempervirens - blue oat grass
 Kniphofia uvaria - torch lily
 Nephrolepis cordifolia - sword fern
 Penstemon heterophyllus 'Margarita BOP' - blue bedder
 Verbena bonariensis - purple top
- PRECAST POTS**
 Annuals - tbd
 Carex spp. - sedge
 Kniphofia uvaria - torch lily
 Juncus patens - gray rush
 Phormium hybrids - new zealand flax
- VINES ON GREENSCREEN & CABLES**
 Campsis radicans - trumpet vine
 Hardenbergia violacea - lilac vine



revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRG SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 1/02/18	-

HDO
 architects, planners
 2950 camino diablo suite 110
 walnut creek, ca 94597
 (925) 256-6042

JETT
 LANDSCAPE ARCHITECTURE + DESIGN
 CRLA #3335 2 Theatre Square #218
 Orinda CA - 94563
 925.254.5422 www.jetland

**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
**ILLUSTRATIVE
 PLAN -
 GROUND**

drawn
 checked
 date
 scale
 job no. 1802
 sheet
L1.1

TREES



SEATING



SHRUBS & GROUNDCOVERS



SHATTUCK AVENUE

DERBY STREET



LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen
- 12 Greenscreen with vines
- 13 Gravel & vines in pots
- 14 Stormwater treatment area
- 15 Precast pots
- 16 Accent Tree in planting area

PODIUM PLANTING MATERIALS

- TREES**
- Acer palmatum 'Sangu Kaku' - japanese maple
 - Azara microphylla - box leaf azara
 - Cercis canadensis - eastern redbud
- SHRUB & GRASSES**
- Anemone x hybrida 'Honorine Jobert' - japanese anemone
 - Carex spp. - sedge
 - Festuca glauca 'Elijah Blue' - blue fescue
 - Helictotrichon sempervirens - blue oat grass
 - Loropetalum chinense - fringe flower
 - Muhlenbergia rigens - deer grass
 - Nassella tenuissima - feather grass
 - Nephrolepis cordifolia - sword fern
 - Phormium 'Sunset' - new zealand flax
 - Rosmarinus 'Tuscan Blue' - rosemary
- GREEN ROOF MIX**
- Achillea millefolium 'Paprika' - yarrow
 - Sedum rubrotinctum - stonecrop
 - Sedum spathifolium 'Cape Blanco' - stonecrop
 - Sedum 'Angelina' - stonecrop
 - Eriogonum grande v. rubescens - buckwheat
- RAISED PLANTERS**
- Loropetalum v. rubrum 'Blush' - fringe flower
 - Muhlenbergia rigens - deer grass
 - Rosmarinus 'Tuscan Blue' - rosemary

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRG SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 1/08/18	-

HDO
 architects, planners
 2950 camino diablo
 suite 110
 walnut creek, ca
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 (925) 256-6042

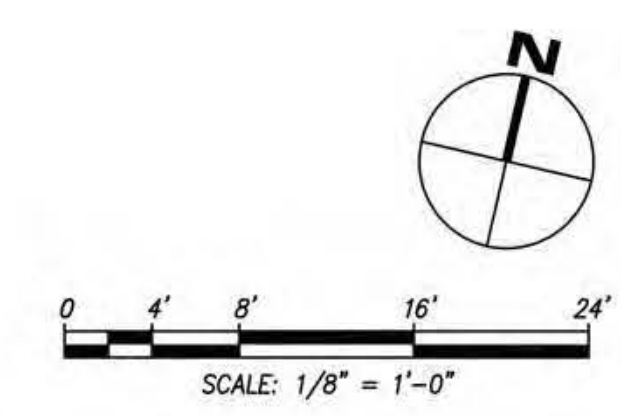
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**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**

drawing
**ILLUSTRATIVE
 PLAN -
 PODIUM**

drawn
 checked
 date
 scale
 job no.
 1802
 sheet

L1.2



revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/05/18	-
ZAB SUBMITTAL 5/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRG SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 11/08/18	-

TREES



SHRUBS & VINES



LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen
- 12 Greenscreen with vines
- 13 Planting pots in aggregate bed
- 14 Stormwater treatment area
- 15 Precast pots
- 16 Accent Tree in planting area
- 17 Planter with vines at trellis



PRECAST POTS

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 Suite 110
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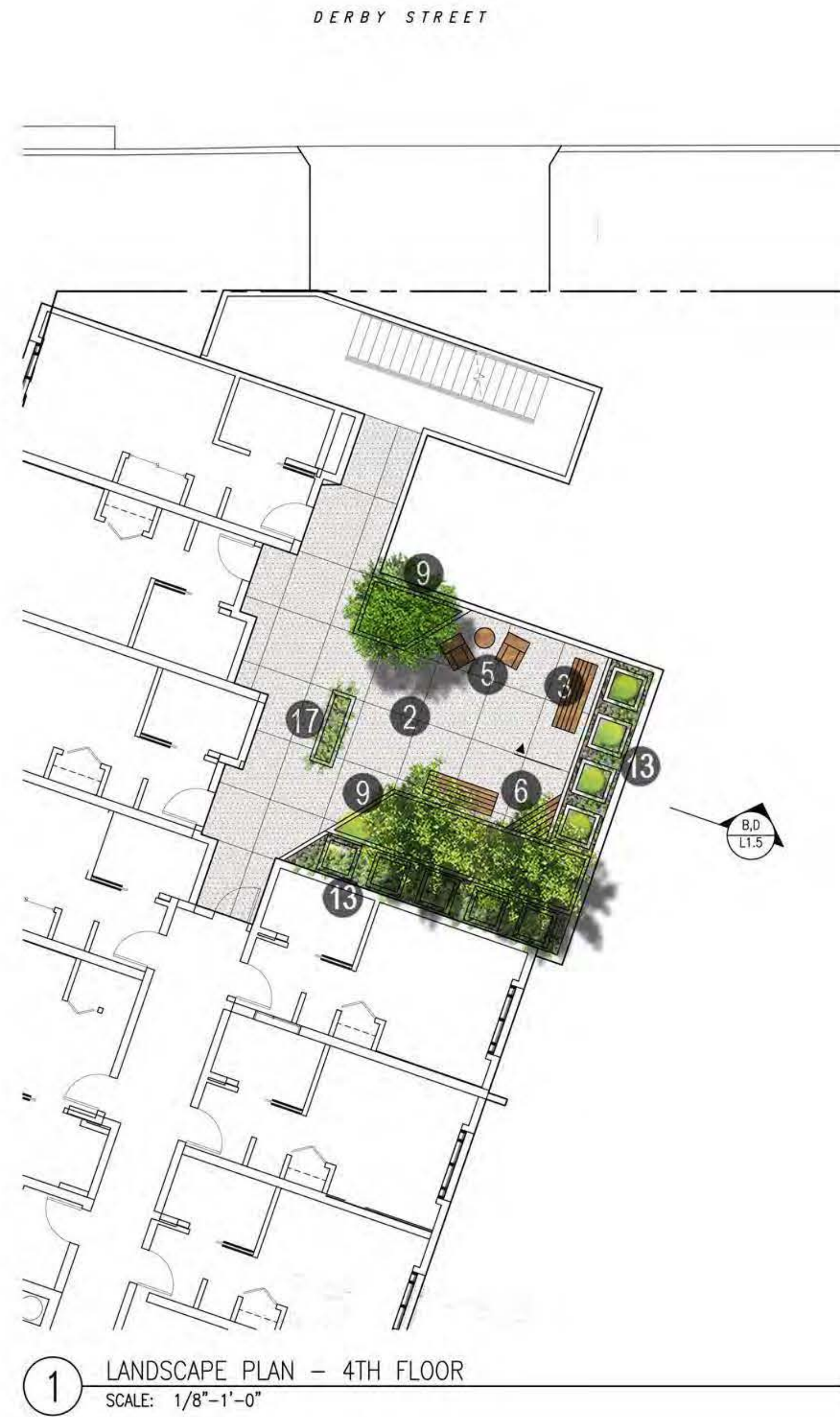
2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
2701 SHATTUCK BERKELEY, LLC

4th & 5th LEVEL PLANTING MATERIALS

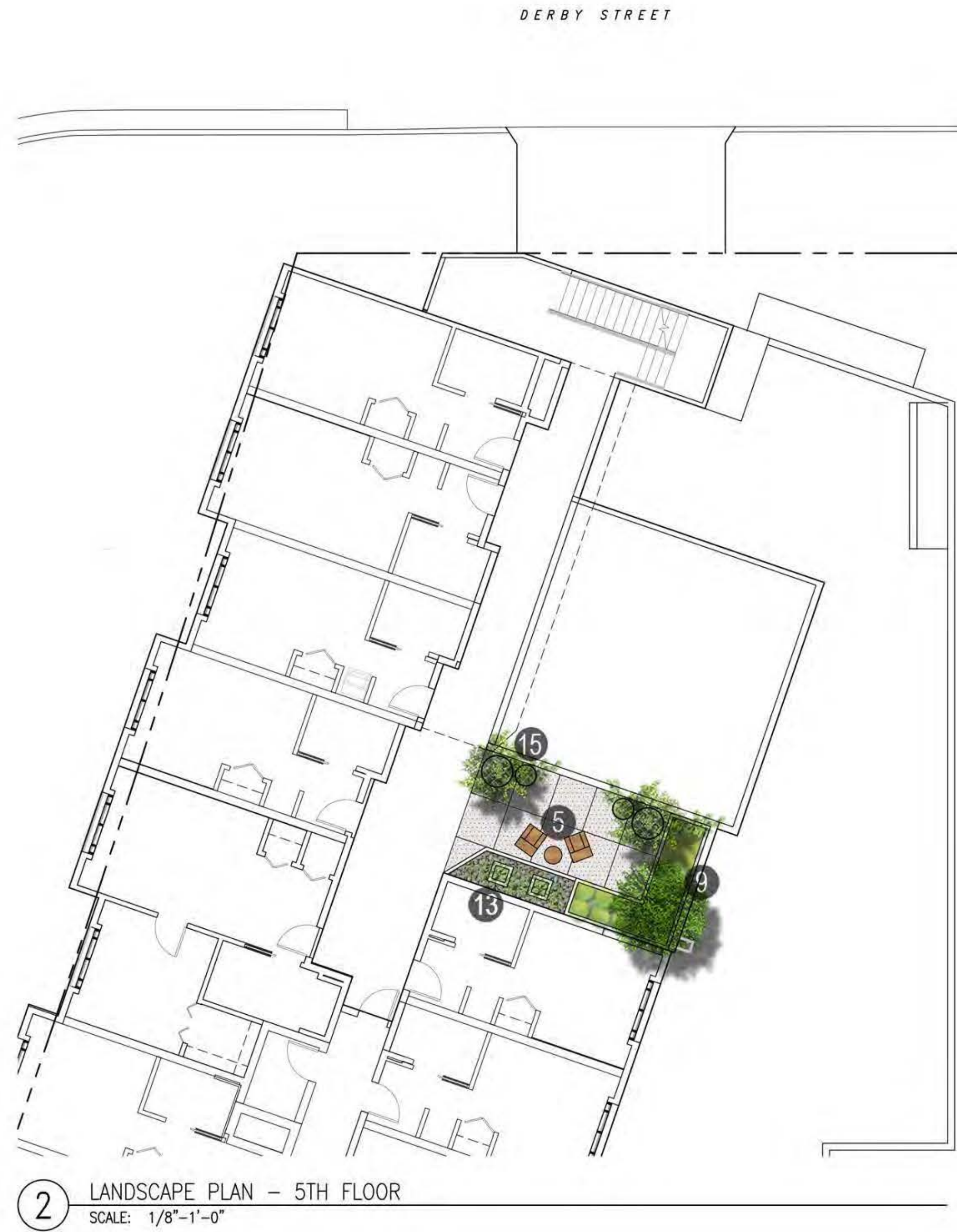
- RAISED PRECAST PLANTERS
 Acer palmatum 'Sango Kaku' - Coralbark Maple
 Anemone x hybrida - Japanese anemone
 Cercis canadensis - Redbud
 Correa 'Rays Tangerine' - Australian fuchsia
 Loropetalum v. rubrum - fringe flower
 Polystichum muntilium - California sword fern
 Sarcococca hookeriana - sweet box

- PRECAST POTS
 Annuals - tbd
 Carex spp. - sedge
 Citrus limon 'Meyer Improved' - meyer lemon
 Citrus kumquat - kumquat
 Kniphofia uvaria - torch lily
 Juncus patens - gray rush
 Phormium hybrids - New Zealand flax

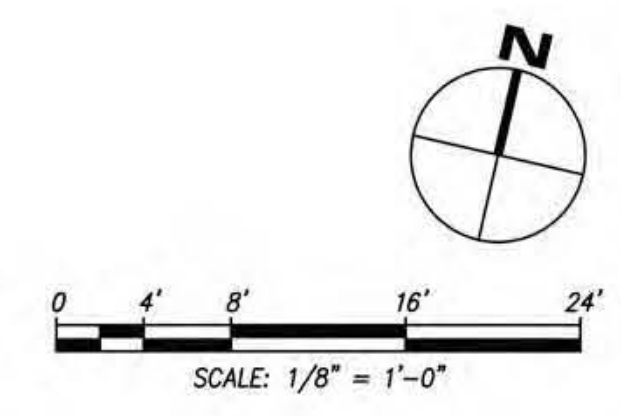
- VINES
 Campsis radicans - trumpet vine



1 LANDSCAPE PLAN - 4TH FLOOR
 SCALE: 1/8"-1'-0"



2 LANDSCAPE PLAN - 5TH FLOOR
 SCALE: 1/8"-1'-0"



drawing
ILLUSTRATIVE PLAN - 4th & 5th FLOOR

drawn
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 job no.
 202
 sheet

L1.3



SHRUBS & TREES



VINES



PRECAST POTS



TRELLIS



LEGEND

- 1 Concrete paving
- 2 Pedestal pavers
- 3 Bench
- 4 Table & chairs
- 5 Adirondack chair
- 6 Built-in bench
- 7 Bike rack
- 8 Seatwall
- 9 Raised planters
- 10 Low railing
- 11 Grill and kitchen with overhead shade structure
- 12 Greenscreen with vines
- 13 Gravel & vines in pots
- 14 Stormwater treatment area
- 15 Precast pots
- 16 Accent Tree in planting area

ROOF PLANTING MATERIALS

- RAISED PRECAST PLANTERS**
- Anemone x hybrida - Japanese anemone
 - Loropetalum v. rubrum - fringe flower
 - Phormium 'Margaret Jones' - new zeland flax
 - Polystichum munitum - California sword fern
 - Sarcococca hookeriana - sweet box
- PRECAST POTS**
- Annuals - TBD
 - Carex spp. - sedge
 - Citrus limon 'Meyer Improved' - meyer lemon
 - Citrus kumquat - kumquat
 - Kniphofia uvaria - torch lily
 - Juncus patens - gray rush
 - Phormium hybrids - new zeland flax
- VINES**
- Campsis radicans - trumpet vine
 - Hardenbergia violacea 'Happy Wanderer' - lilac vine

revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
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2950 camino diablo
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walnut creek, ca
94597
(925) 256-6042

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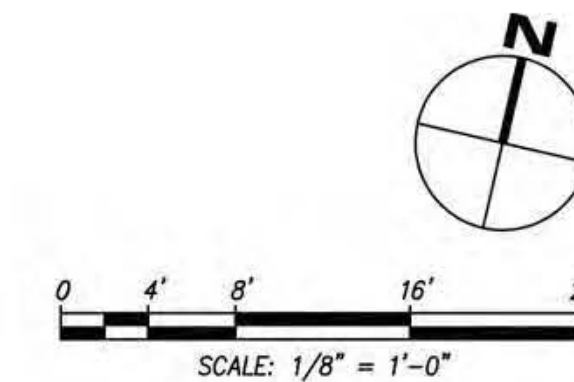
**2701 SHATTUCK AVENUE
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FOR:
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drawing
**ILLUSTRATIVE
PLAN -
ROOF**

drawn
checked
date
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1802
sheet

L1.4

1 LANDSCAPE PLAN - ROOF
SCALE: 1/8" = 1'-0"



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DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRG SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 1/02/18	-

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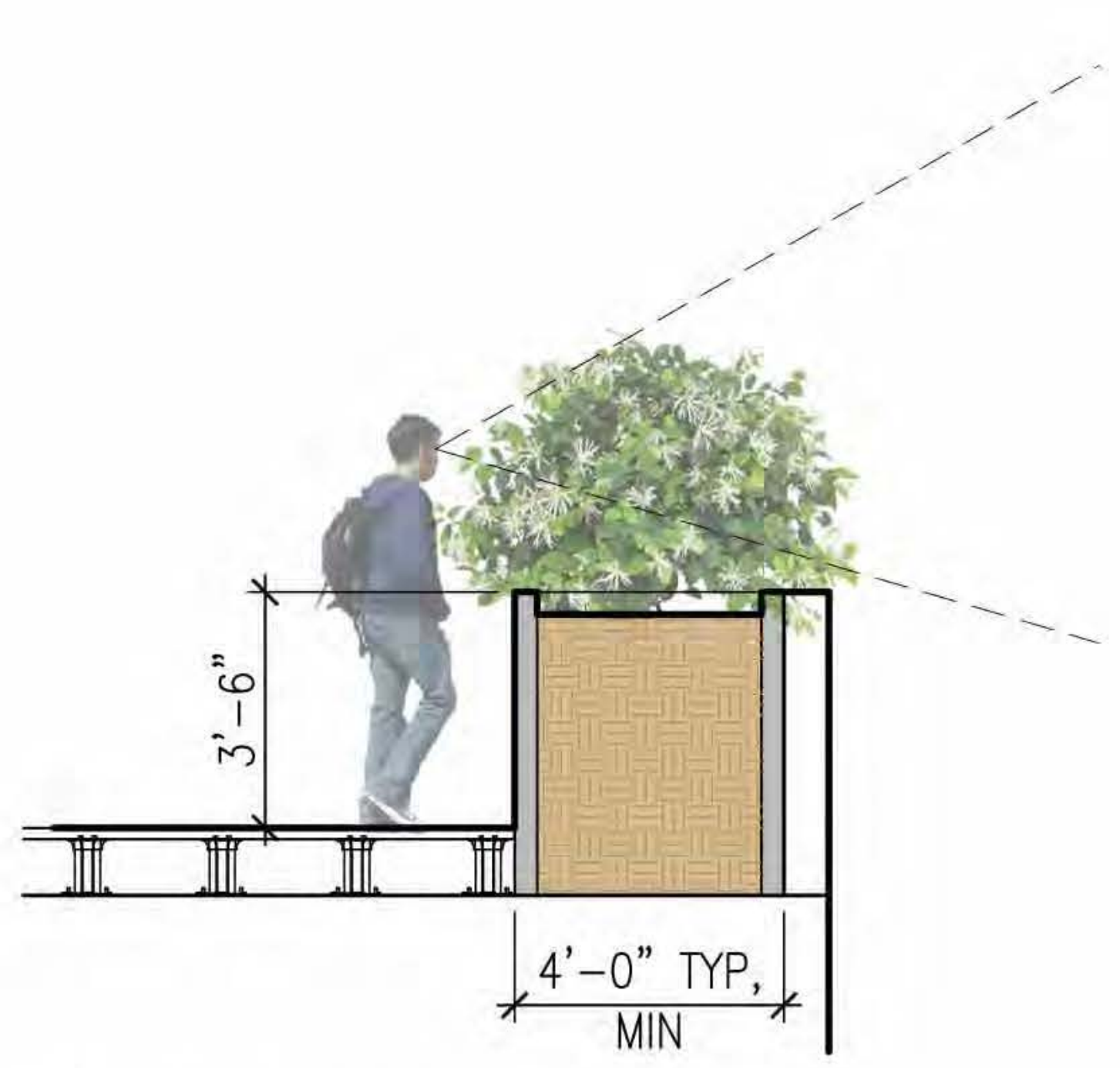
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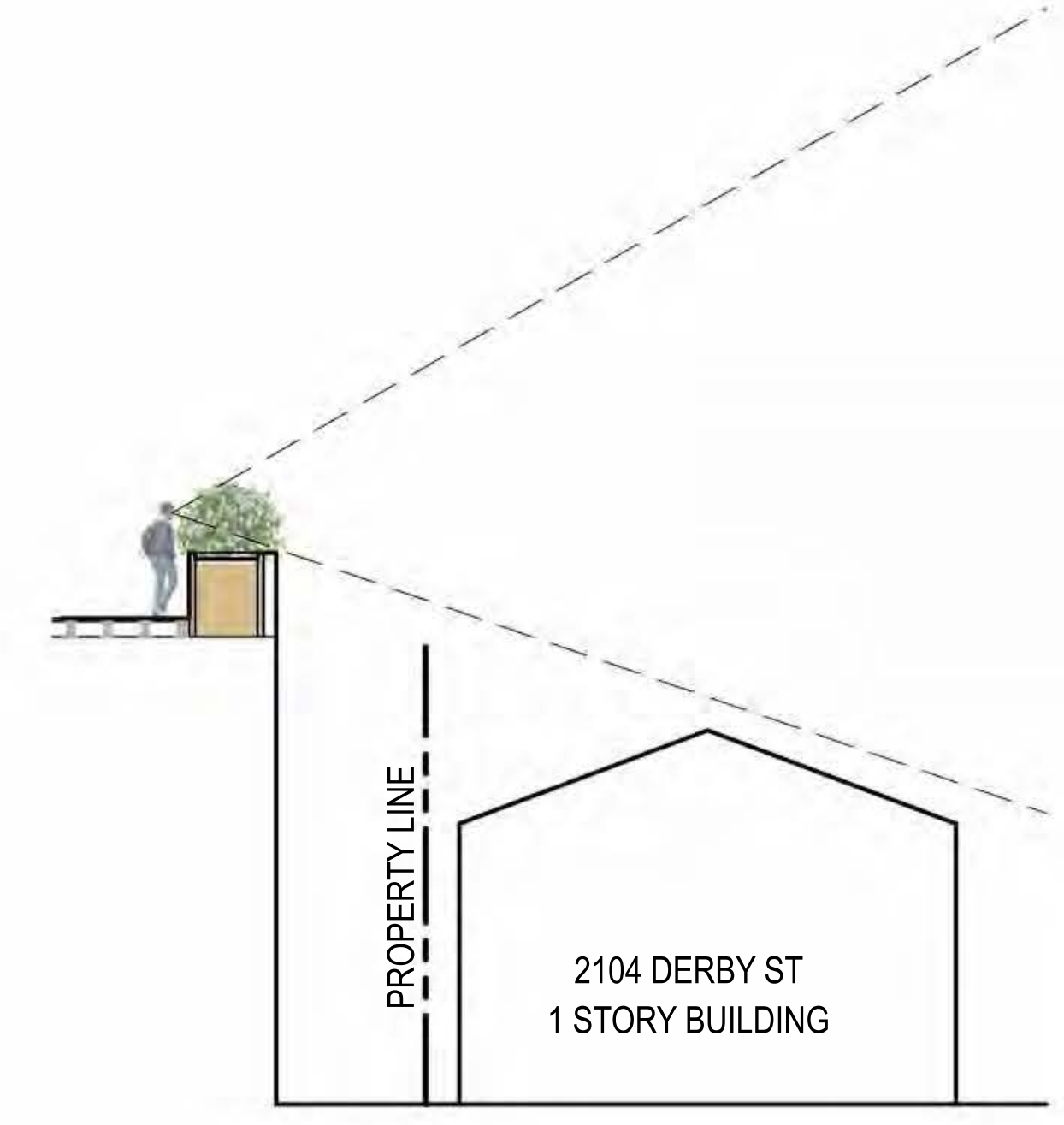
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ILLUSTRATIVE SECTIONS

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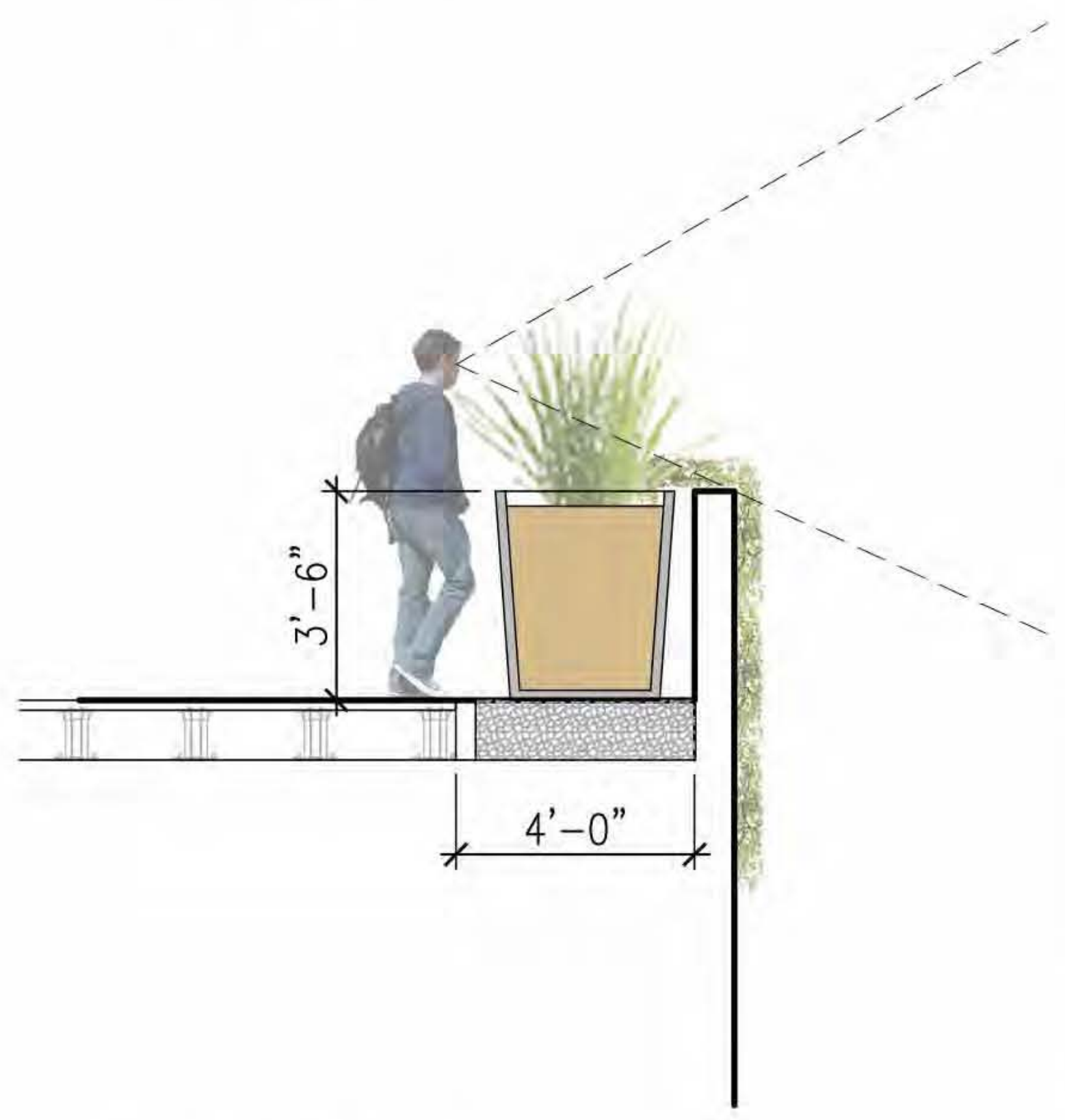
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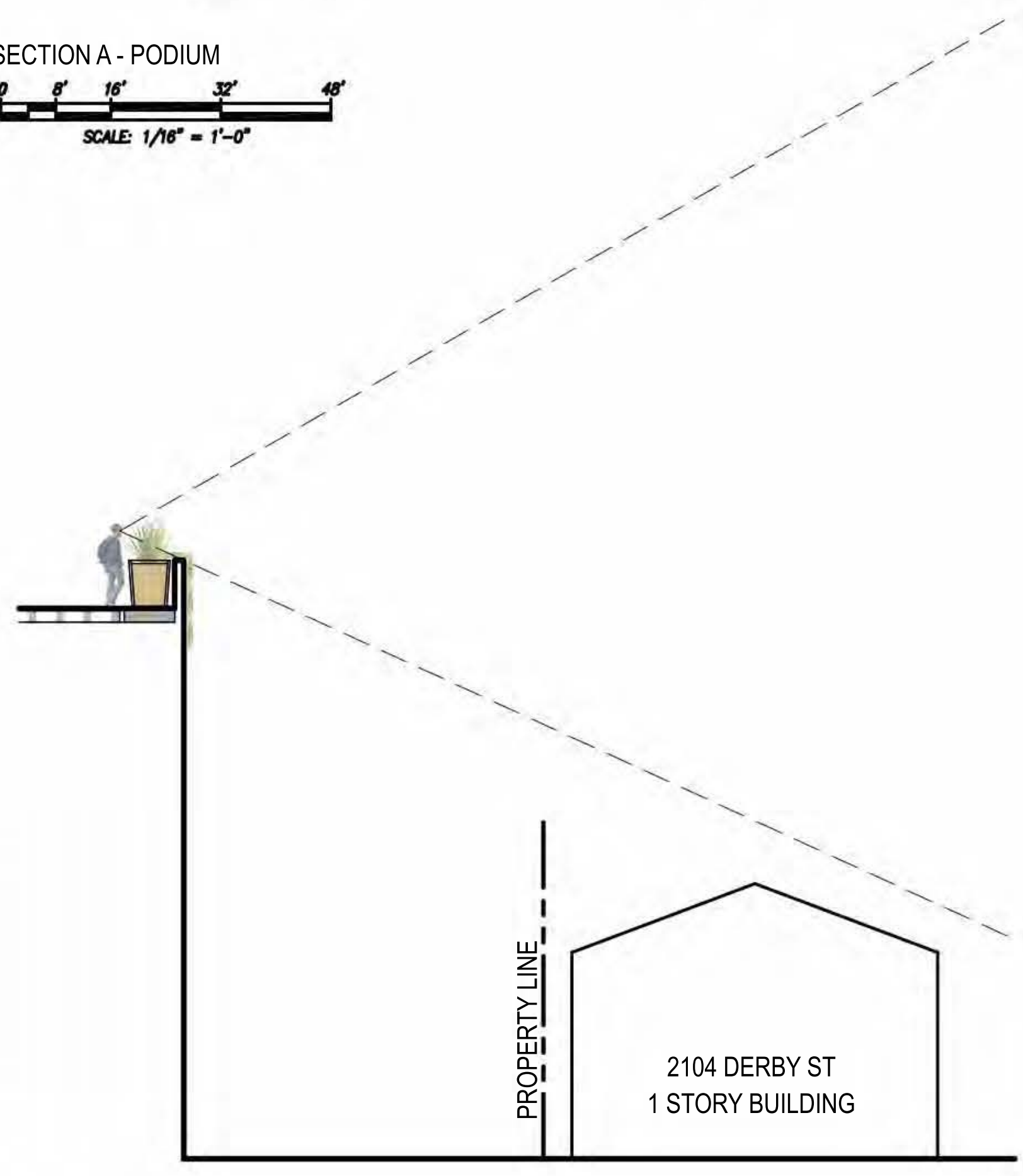
SECTION C - PODIUM
 SCALE: 1/4" = 1'-0"



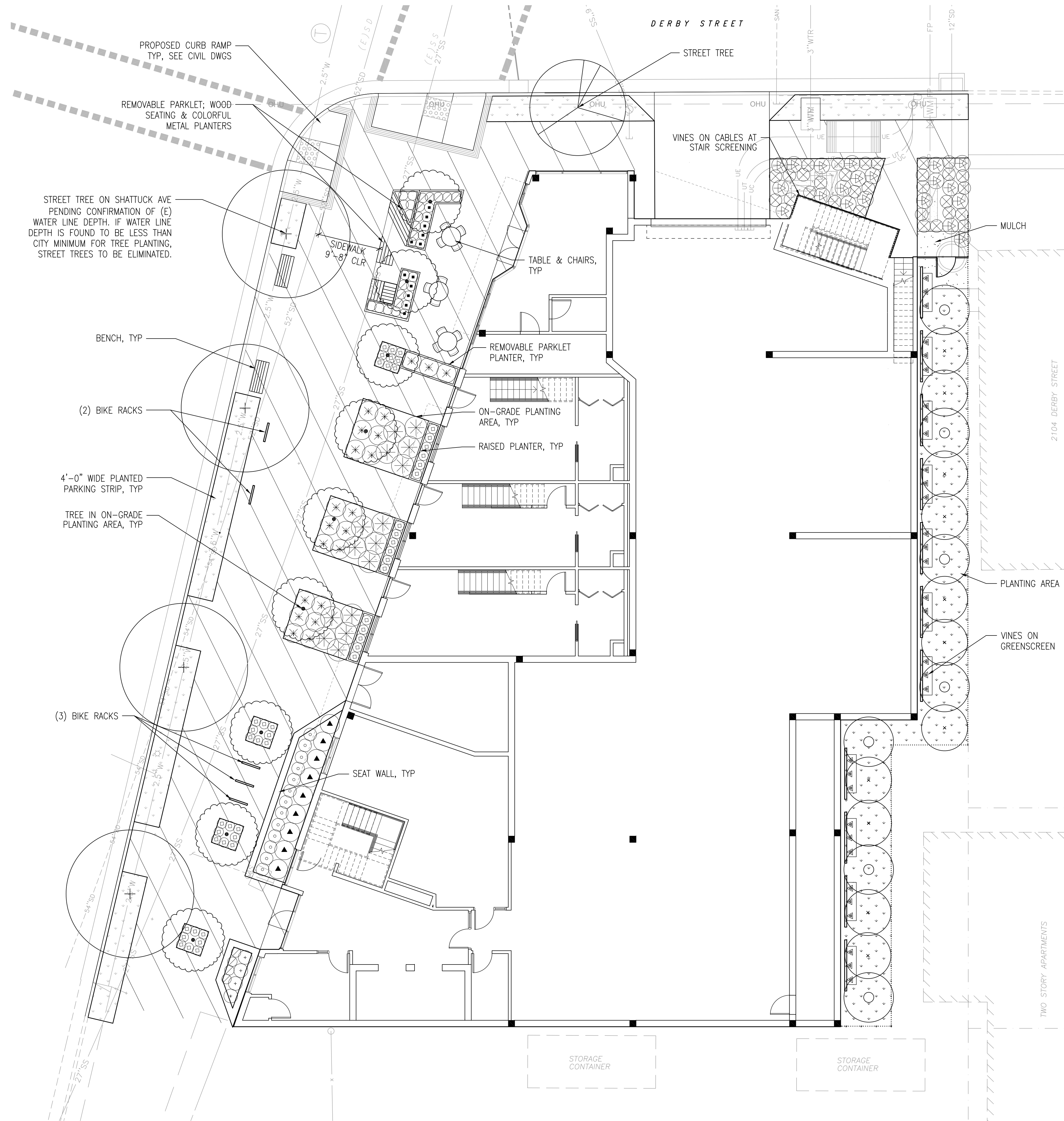
SECTION A - PODIUM
 SCALE: 1/16" = 1'-0"



SECTION D - FOURTH AND FIFTH FLOOR, TYP
 SCALE: 1/4" = 1'-0"



SECTION B - FOURTH FLOOR
 SCALE: 1/16" = 1'-0"



PLANT LIST		
SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
(+)	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
(/)	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
(•)	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
(/)	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10" INSTALLED	JAPANESE MAPLE, 36" BOX
(/)	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16" INSTALLED	COLUMNAR RED MAPLE, 36" BOX
(•)	AZARA MICROPHYLLA	BOXLEAF AZARA
(/)	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10" INSTALLED	EASTERN REDBUD, 24" BOX
(•)	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
(•)	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
(X)	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
(•)	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
(/)	CAREX TUMULICOLA	BERKELEY SEDGE
(/)	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
(•)	ANIGOZANTHOS SPP.	KANGAROO PAWS
(/)	KNIPHOFIA UVARIA	TORCH LILY
(/)	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
(•)	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
(•)	HEMEROCALLIS SPP.	DAYLILLY
(/)	PHORMIUM SPP.	NEW ZEALAND FLAX
(/)	MUHLENBERGIA RIGENS	DEER GRASS
(/)	POLYSTICHUM MUNITIUM	CA. SWORD FERN
(/)	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
(/)	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
(•)	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
(•)	VERBENA BONARIENSIS	PURPLE TOP
VINES		
(▲)	CAMPISIS RADICANS	TRUMPET VINE
(▲)	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
(•)	SEDUM RUBOTINCTUM	STONECROP
(•)	SEDUM SPATHIFOLIUM 'CAPE BLANCO'	STONECROP
(•)	SEDUM 'ANGELINA'	STONECROP
(•)	ERIOGONUM GRANDE V. RUBESCENS	BUCKWHEAT
(•)	ACHILLEA MILLEFOLIUM 'PAPRIKA'	YARROW
GROUNDCOVER GRASSES		
(/)	CAREX SPP.	SEDGE SPECIES
(/)	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE
(/)	NASSELLA TENUISSIMA	FEATHER GRASS
(/)	TURF	-
GROUNDCOVER PLANTING		
(/)	CAREX DIVULSA	GRAY SEDGE
(/)	CAREX TUMULICOLA	BERKELEY SEDGE
(/)	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO
(/)	JUNCUS PATENS	GRAY RUSH
(/)	POLYSTICHUM MUNITIUM	SWORD FERN
PRECAST POT PLANTING MIX		
(•)	ANNUALS, TBD	-
(/)	CAREX SPP.	SEDGE SPECIES
(/)	KNIPHOFIA UVARIA	TORCH LILY
(/)	JUNCUS PATENS	GRAY RUSH
(/)	PHORMIUM HYBRIDS	NEW ZEALAND FLAX

SYMBOLS

PAVING

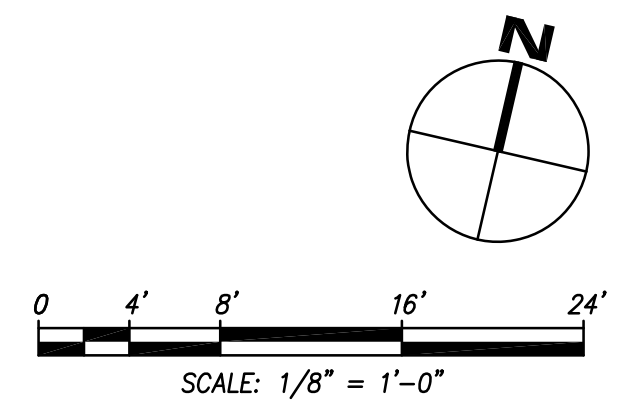
- DECORATIVE PAVING PATTERN
- COLORED CONCRETE PAVING

SITE FURNISHINGS

- RAISED PRECAST PLANTERS; VARIOUS SIZES
- TABLE AND CHAIRS
- BIKE RACKS
- ADIRONDACK CHAIR
- BENCH

- PLANTING NOTES**
- SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
 - ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC MULCH.
 - STREET TREES TO BE MINIMUM OF 24" BOX SIZE STANDARD TRUNK, A SINGLE DOMINANT CENTRAL LEADER WITH STAKES. ANY TREE NOT ALIVE AND VIGOROUSLY GROWING AFTER THREE YEARS SHALL BE REPLACED BY OWNER.

- IRRIGATION NOTES**
- THESE PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE, EBMUD SECTION 31, AND BAY-FRIENDLY BASICS AND APPLY THE ASSOCIATED CRITERIA FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.
 - IRRIGATION SYSTEM IS TO BE FULLY AUTOMATIC, USING A WEATHER-BASED CONTROLLER AND LOW-FLOW DRIP, SUBSURFACE DRIP, AND BUBBLER DISTRIBUTION. BUBBLERS NOT TO EXCEED 1.5 GALLONS PER MINUTE PER BUBBLER.
 - STREET TREES TO BE IRRIGATED WITH 2 BUBBLERS EACH AND VALVED INDEPENDENTLY. PROVIDE A MINIMUM OF 20 GALLON OF WATER PER WEEK BETWEEN MARCH 15TH TO OCT 15TH.



revisions	by
DRG SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
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ZAB SUBMITTAL 11/09/18	-

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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PLANTING PLAN - GROUND

drawn
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date
scale
job no. 1802
sheet

L2.1

SHATTUCK AVENUE

DERBY STREET



PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	GRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10' INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16' INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10' INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPSIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM	STONECROP
	SEDUM SPATHIFOLIUM 'CAPE BLANCO'	STONECROP
	SEDUM 'ANGELINA'	STONECROP
	ERIOGONUM GRANDE V. RUBESCENS	BUCKWHEAT
	ACHILLEA MILLEFOLIUM 'PAPRIKA'	YARROW
GROUNDCOVER GRASSES		
	CAREX SPP.	SEDGE SPECIES
	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE
	NASSELLA TENUISSIMA	FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA	GRAY SEDGE
	CAREX TUMULICOLA	BERKELEY SEDGE
	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO
	JUNCUS PATENS	GRAY RUSH
	POLYSTICHUM MUNITUM	SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD	-
	CAREX SPP.	SEDGE SPECIES
	KNIPHOFIA UVARIA	TORCH LILY
	JUNCUS PATENS	GRAY RUSH
	PHORMIUM HYBRIDS	NEW ZEALAND FLAX

SYMBOLS

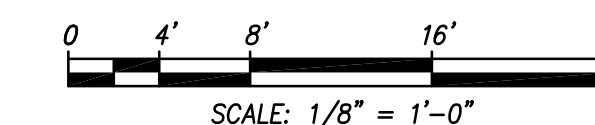
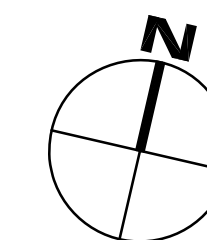
- PAVING**
- DECORATIVE PAVING PATTERN
 - COLORED CONCRETE PEDESTAL PAVERS
- SITE FURNISHINGS**
- RAISED PRECAST PLANTERS; VARIOUS SIZES
 - TABLE AND CHAIRS
 - BIKE RACKS
 - ADIRONDACK CHAIR
 - BENCH

PLANTING NOTES

- SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
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2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PLANTING PLAN - PODIUM

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DRG SUBMITTAL 12/15/16 & 1/27/17	--
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**PLANTING
PLAN - 4TH
& 5TH**

drawn
checked
date
scale
job no.
1202
sheet

L2.3

PLANT LIST		
SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTINEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10' INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16' INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10' INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM SEDUM SPATHIFOLIUM 'CAPE BLANCO' SEDUM 'ANGELINA' ERIOGONUM GRANDE V. RUBESCENS ACHILLEA MILLEFOLIUM 'PAPRIKA'	STONECROP STONECROP STONECROP BUCKWHEAT YARROW
GROUNDCOVER GRASSES		
	CAREX SPP. FESTUCA GLAUCA 'ELIJAH BLUE' NASSELLA TENUISSIMA	SEDGE SPECIES BLUE FESCUE FEATHER GRASS
	TURF	--
GROUNDCOVER PLANTING		
	CAREX DIVULSA CAREX TUMULICOLA CERATOSTIGMA PLUMBAGINOIDES JUNCUS PATENS POLYSTICHUM MUNITUM	GRAY SEDGE BERKELEY SEDGE DWARF PLUMBAGO GRAY RUSH SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD CAREX SPP. KNIPHOFIA UVARIA JUNCUS PATENS PHORMIUM HYBRIDS	-- SEDGE SPECIES TORCH LILY GRAY RUSH NEW ZEALAND FLAX

SYMBOLS

PAVING

DECORATIVE PAVING PATTERN

COLORED CONCRETE PEDESTAL PAVERS

SITE FURNISHINGS

RAISED PRECAST PLANTERS; VARIOUS SIZES

TABLE AND CHAIRS

BIKE RACKS

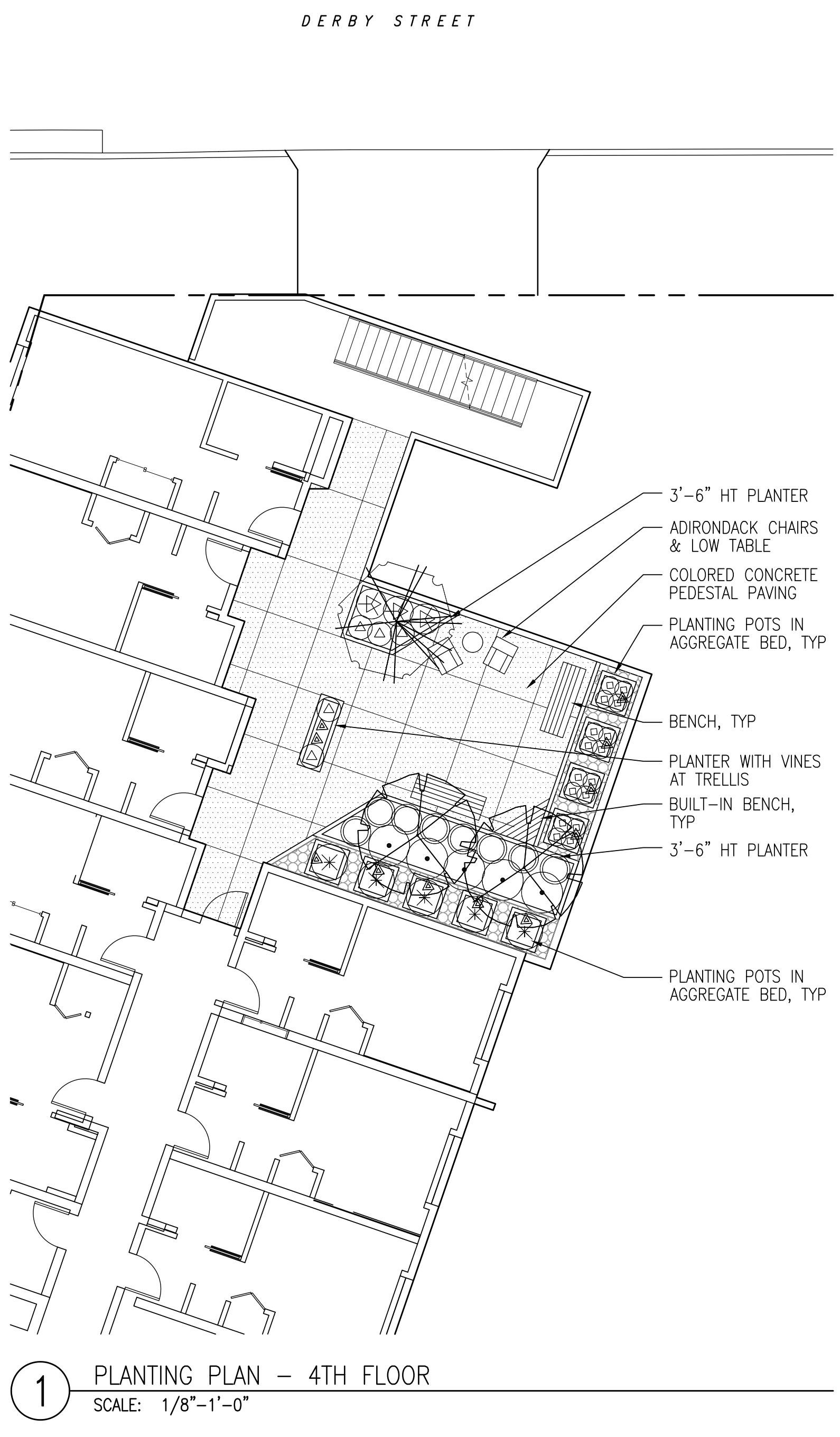
ADIRONDACK CHAIR

BENCH

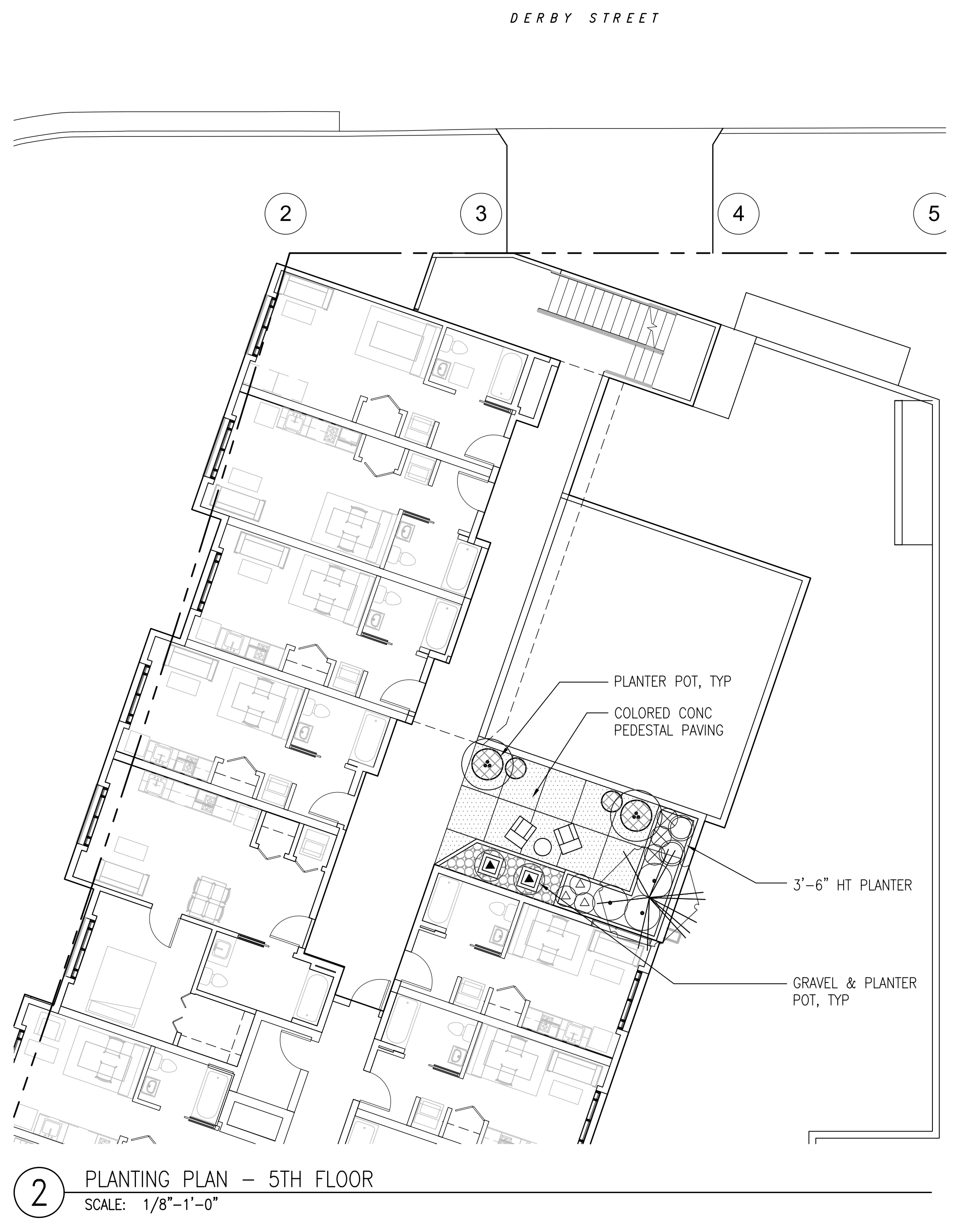
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- SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
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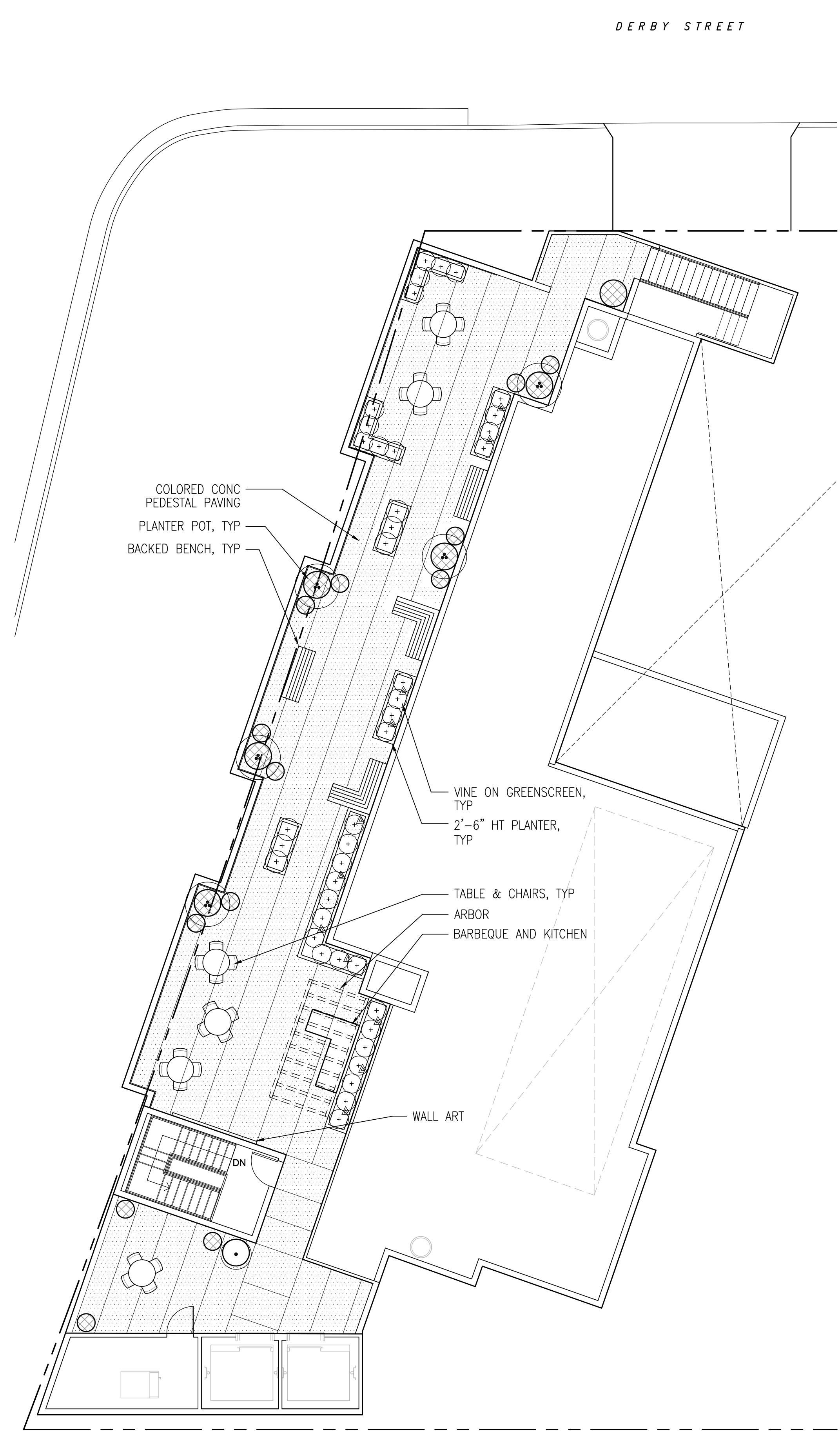
SCALE: 1/8" = 1'-0"



1 PLANTING PLAN - 4TH FLOOR
SCALE: 1/8"-1'-0"



2 PLANTING PLAN - 5TH FLOOR
SCALE: 1/8"-1'-0"



1 PLANTING PLAN - ROOF
SCALE: 1/8" = 1'-0"

SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10" INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16" INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10" INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITIMUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPSIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM	STONECROP
	SEDUM SPATHIFOLIUM 'CAPE BLANCO'	STONECROP
	SEDUM 'ANGELINA'	STONECROP
	ERIOGONUM GRANDE V. RUBESCENS	BUCKWHEAT
	ACHILLEA MILLEFOLIUM 'PAPRIKA'	YARROW
GROUNDCOVER GRASSES		
	CAREX SPP.	SEDGE SPECIES
	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE
	NASSELLA TENUISSIMA	FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA	GRAY SEDGE
	CAREX TUMULICOLA	BERKELEY SEDGE
	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO
	JUNCUS PATENS	GRAY RUSH
	POLYSTICHUM MUNITIMUM	GRAY RUSH
PRECAST POT PLANTING MIX		
	ANNUALS, TBD	-
	CAREX SPP.	SEDGE SPECIES
	KNIPHOFIA UVARIA	TORCH LILY
	JUNCUS PATENS	GRAY RUSH
	PHORMIUM HYBRIDS	NEW ZEALAND FLAX

SYMBOLS

PAVING

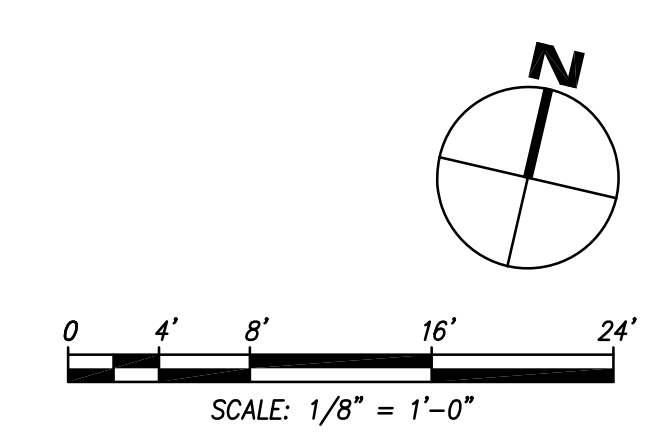
- DECORATIVE PAVING PATTERN
- COLORED CONCRETE PEDESTAL PAVERS

SITE FURNISHINGS

- RAISED PRECAST PLANTERS; VARIOUS SIZES
- TABLE AND CHAIRS
- BIKE RACKS
- ADIRONDACK CHAIR
- BENCH

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revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 4/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRC SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 11/08/18	-

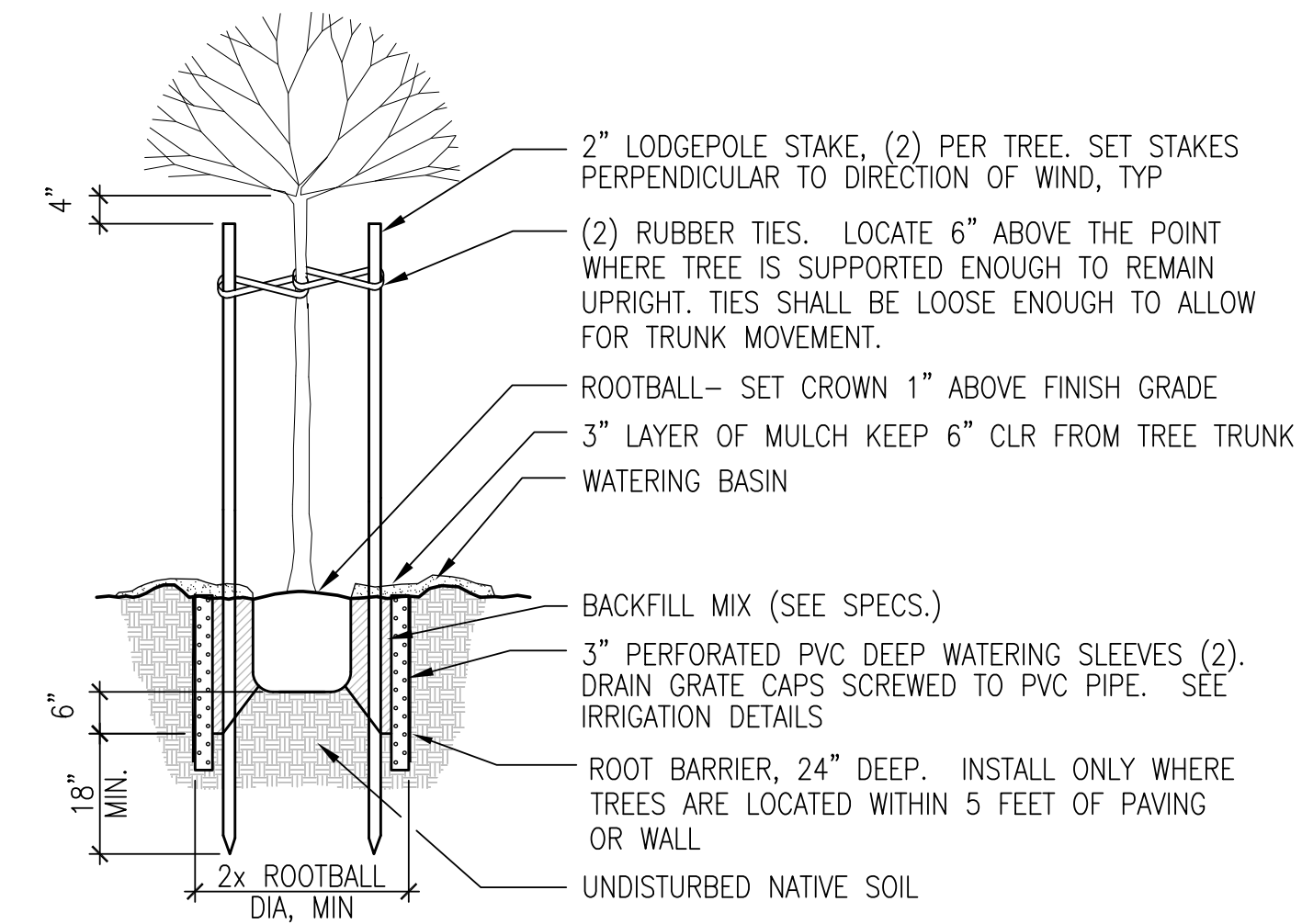
HDO
architects, planners
2950 camino diablo suite 110
walnut creek, ca 94597
(925) 256-6042

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 - 2 Theatre Square #218
Orinda CA - 94563
925.254.5422 - www.jett.land

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PLANTING PLAN - ROOF

drawn
checked
date
scale
job no.
1802
sheet
L2.4



NOTE
 EXCAVATE PLANTING PIT TO 2x THE WIDTH OF THE ROOTBALL. SCARIFY SIDES OF PIT.

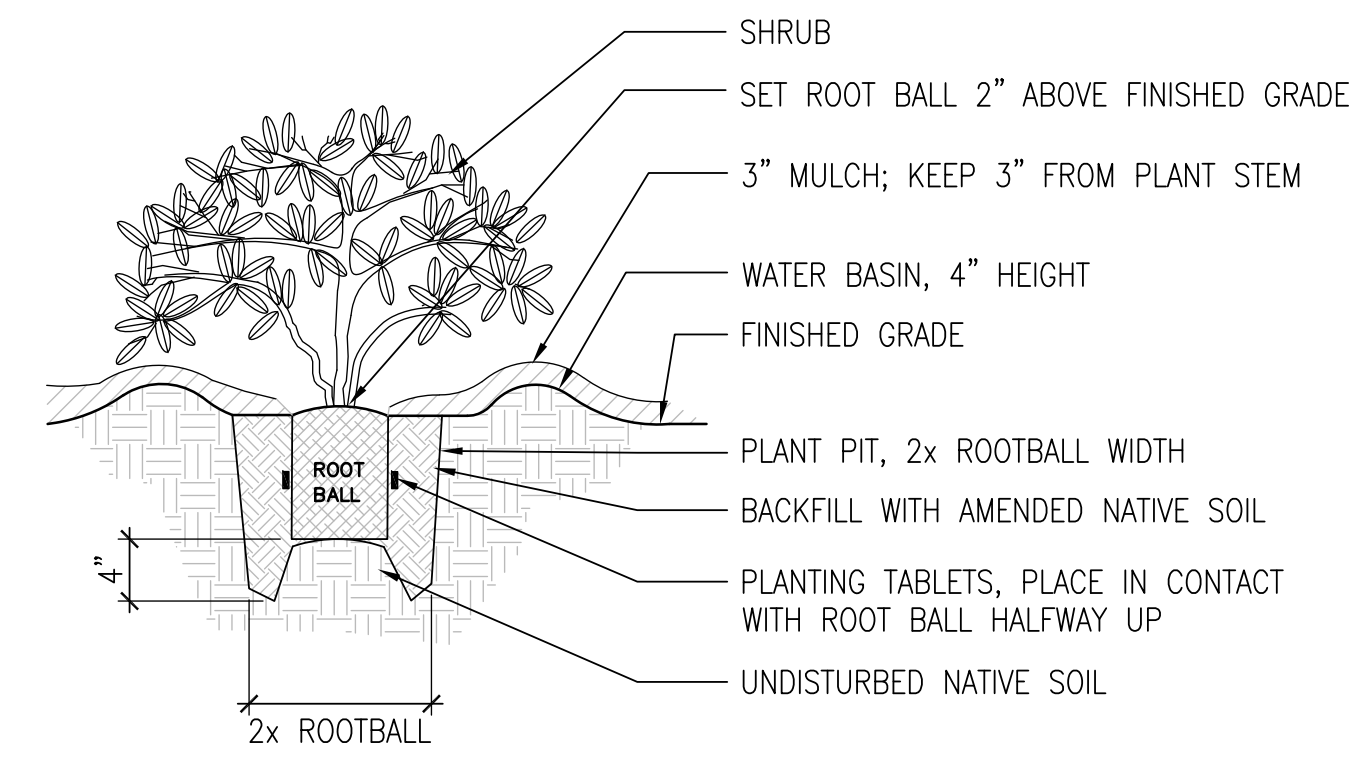
1 TREE PLANTING
 SCALE: 1/2" = 1'

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	—
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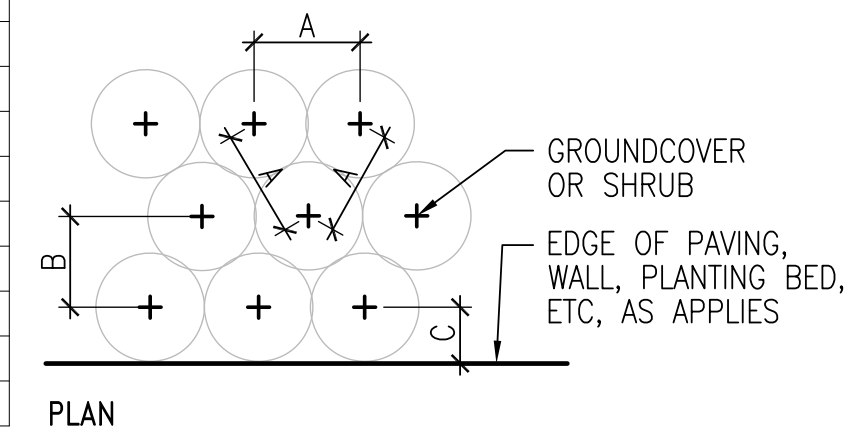
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**2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC**



2 SHRUB PLANTING
 SCALE: 1" = 1'

SPACING 'A'	SPACING 'B'	SPACING 'C'	NUMBER OF PLANTS PER SQUARE FOOT
6"-0" OC	5.20"	2.60"	4.615
8"-0" OC	6.93"	3.47"	2.597
10"-0" OC	8.66"	4.33"	1.663
1'-0" OC	10.40"	5.20"	1.154
1'-3" OC	13.00"	6.50"	0.738
1'-6" OC	15.60"	7.80"	0.513
2'-0" OC	20.78"	10.39"	0.289
2'-6" OC	26.00"	13.00"	0.185
3'-0" OC	31.18"	15.59"	0.128
3'-6" OC	34.64"	17.32"	0.104
4'-0" OC	41.57"	20.79"	0.072
5'-0" OC	51.96"	25.98"	0.046
6'-0" OC	62.35"	31.18"	0.032



- NOTES
- DIAGRAM APPLIES TO ALL GROUNDCOVER AND MASSSED SHRUB PLANTINGS. SUCH PLANTS ARE TO BE SPACED EQUIDISTANT TO EACH OTHER IN A TRIANGULAR PATTERN AS SHOWN ABOVE, UNLESS OTHERWISE NOTED ON THE PLANS.
 - WHERE GROUNDCOVER OR SHRUB MASSING OCCURS ADJACENT TO EDGE OF PAVING, WALLS, CURBS, OR ADJACENT PLANTING BEDS, UTILIZE SPACING 'C', WHERE C=1/2 B.

3 PLANT SPACING
 SCALE: 1" = 1'

drawing
**PLANTING
 DETAILS**

drawn
checked
date
scale
job no. 1802
sheet

L2.5



Administrative Record
ZAB Appeal:
2701 Shattuck Ave

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
SCHOOL DISTRICT BOARD ROOM, 1231 ADDISON STREET
ZAB APPEAL: USE PERMIT #ZP2016-0244, 2701 SHATTUCK AVENUE**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, MARCH 12, 2019 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of a decision by the Zoning Adjustments Board to approve Use Permit #ZP2016-0244, to construct a 5-story, 62-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units), a 600-square-foot ground-floor quick-service restaurant, and 21 parking spaces, and dismiss the appeal.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **February 28, 2019**.

For further information, please contact Sharon Gong, Project Planner at (510) 981-7429. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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.

Mark Numainville, City Clerk

Mailed by February 26, 2019

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 at 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

March 12, 2019

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Timothy Burroughs, Director, Planning and Development Department
 Subject: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

RECOMMENDATION

Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and adopt the first reading of five ordinances amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses);
4. Protect youth by restricting cannabis advertising within the city; and
5. Allow temporary cannabis events at Cesar Chavez Park.

The ordinances would adopt BMC Chapters 12.21 and 20.40, amend Chapters 12.22, and 23C.25, Sub-Titles 23E and 23F, and repeal Chapters 12.23, 12.25 and 12.27.

SUMMARY

The five proposed cannabis ordinances would revise definitions and establish operating standards for all cannabis businesses in Berkeley, and include new regulations based on commission recommendations, Council direction, and Resolution 68,326-N.S. which established Berkeley as a sanctuary city for recreational cannabis use. The new ordinances would replace three existing Berkeley Municipal Code (BMC) chapters (12.23, 12.25 and 12.27), which were developed to regulate medicinal cannabis businesses only and do not fully incorporate new State regulations. The new ordinances would fully address both medicinal and adult use cannabis businesses, adopt new buffers for Retailers, establish a use type that could both grow and sell clones and seeds (Retail Nursery Microbusinesses (RNM), establish advertising regulations for cannabis businesses and products, and respond to a recent referral by creating an avenue to allow temporary cannabis events involving on-site sales and consumption of cannabis products.

The proposed BMC ordinances have been reviewed by the Cannabis Commission (CC) and the Community Health Commission (CHC). The Planning Commission (PC)

reviewed only those changes related to the Zoning Ordinance (Title 23). The minutes which contain the recommendations from these commissions, as well as a letter from the CHC detailing its recommendations, are included as attachments to this report. Where commission recommendations do not conform to staff recommendations, alternative language is provided, and in each of these instances Council is asked to specify which alternative it is adopting.

These ordinances do not include regulations concerning delivery-only businesses, equity, lounges, levels of discretion, expansion of cultivation beyond the Manufacturing (M) district, and recommendations from the CHC related to cautionary signage and product labelling and packaging. These issues need further research and discussion. Regulations pertaining to these issues are expected in mid-2019.

FISCAL IMPACTS OF RECOMMENDATION

The new regulations would have fiscal impacts related to the staff time necessary to monitor new cannabis businesses and activities, as well as the revenue impacts of having additional cannabis businesses paying taxes to the City.

Costs

The ordinances would require all cannabis businesses to obtain a City operating permit. City staff would be responsible for reviewing and issuing permits, conducting at least two inspections per year to determine compliance with local regulations, and responding to community complaints. These costs, as well as those for temporary cannabis events, will be covered by permit fees. The City currently has an operating permit fee for Retailers; operating permit fees for other cannabis businesses will be developed in the next year.

The department primarily involved in reviewing and issuing operating permits and inspecting businesses would be Health, Housing and Community Services (Environmental Health Division). Special event permits for temporary cannabis events would be reviewed by multiple agencies, including the Environmental Health Division, Police and Fire Departments, Department of Public Works, and the City Manager's Office.

Revenue

Since 2012, medical cannabis businesses paid taxes equaling \$25 per \$1,000 of gross receipts. In 2017, this generated \$1,645,012 in revenue for the City. With the legalization of adult use cannabis in 2018, the majority of sales is expected to be focused on the adult use market. Since the taxes for adult use cannabis (\$50 per \$1,000 of gross receipts) are greater than that for medicinal cannabis, revenue from cannabis businesses is expected to increase in 2018.

CURRENT SITUATION AND ITS EFFECTS

The proposed ordinances would clarify and update Berkeley's current cannabis ordinance language, ensure that all cannabis businesses are subject to the same basic requirements, address additional uses which are not in the current ordinance, including general Microbusinesses, RNMs, and temporary cannabis events, and modify current regulations. The adoption of Chapter 12.21 would increase clarity by placing all of the definitions and general regulations related to cannabis in one chapter, and will replace Chapter 12.23. Amendments to Chapter 12.22 would place all specific regulations for cannabis business types and activities in one chapter, and would replace Chapters 12.25 and 12.27. Changes to the Zoning Ordinance will adopt development standards for all six cannabis business types (Retailers, Cultivators, Manufacturers, Distributors, Testing Laboratories, and Microbusinesses), and modify retailer quotas and buffers, per Council input.

The following are brief synopses of each proposed change to Berkeley's cannabis ordinances. The ordinance language reflects staff recommendations. In cases where a commission's recommendation does not match that of staff, alternatives are provided. The staff recommendation is labelled as Alternative A and the commission recommendations are labelled Alternative B or C as necessary.

The Council should note that some land use changes, particularly buffers from schools, could impact businesses that have been approved by the Council but which are not yet established. Staff would treat these businesses in the same way as businesses that have received entitlements through a discretionary permit process; these businesses are considered "grandfathered" and are not subject to land use changes which occur after their initial approval.

A. Ordinance amending Title 12 (Health & Safety) of the Berkeley Municipal Code to establish general regulations and specific operating standards for cannabis businesses and activities

The proposed ordinance would:

- Add Chapter 12.21 (Cannabis Businesses: General Regulations) to the BMC. This would provide updated definitions, general regulations and eligibility requirements for all cannabis businesses in one chapter of the BMC and would provide updated language to match State regulations.
- Modify the existing BMC Chapter 12.22 (Cannabis Business Operating Standards) to provide specific regulations for all cannabis business types and add enforcement language. It would also:
 - Create delivery requirements for storefront Retailers, including qualifications for delivery drivers, prohibition of advertising on vehicles, and limits on the amount of cash and cannabis which a driver can transport at any time;

- Require all cannabis businesses to obtain annual operating permits, which will involve bi-annual inspections and which can be revoked if the City's regulations are not met;
- Establish operating standards for Microbusinesses, including RNM, consistent with those for related cannabis uses;
- Permit temporary cannabis events at Cesar Chavez Park. These events would allow on-site sales and consumption of cannabis, and would be required to apply for a special event permit from the City as well as a permit from the State of California. This would be limited to up to three events per year, and Council will revisit the provisions of the ordinance following the first year of implementation; and
- Remove the sections related to residential Collectives, as these will not be legal per State law after January 9, 2019.
- Remove BMC Chapter 12.23 (Cannabis General Regulations). These regulations were incorporated into BMC Chapter 12.21 to increase clarity.
- Remove BMC Chapter 12.25 (Cannabis Cultivation). These regulations were incorporated into BMC Chapter 12.22 to increase clarity.
- Remove BMC Chapter 12.27 (Medical Cannabis Dispensaries and Collectives). These regulations were incorporated into BMC Chapter 12.22 to increase clarity.

The direction on temporary cannabis events is in response to a referral approved by Council on February 19, 2019. The draft ordinance language reviewed by the Cannabis and Community Health Commissions in early 2018 would have prohibited temporary cannabis events in Berkeley; this reflected State law in place at the time. In September 2018, the State changed the law, allowing temporary cannabis events at any location subject to state and local approval. Staff planned to bring the issue of temporary cannabis events back to the commissions in early 2019 along with other issues needing further research and discussion.

Additional changes to the City's Smoking Ordinance (Health and Safety Code, Chapter 12.70) will be necessary to allow smoking or vaping in City parks. This would be similar to the language in BMC section 13.36.070 which allows sales and consumption of alcohol in City parks at City-sanctioned special events. No temporary cannabis events could be approved until changes to the smoking ordinance are adopted.

Main issues discussed by City Commissions

The CC and the CHC reviewed the proposed ordinance summarized above.

Important issues identified by the CC included the following:

- As is described in more detail below, the CC recommends removing the requirement for guards at cultivators and distributors, and, once they are permitted, at delivery-only Retailers. They also discussed allowing deliveries to occur at locations other than residences.

- The CC also expressed concern about the State prohibition of residential collectives, which will not permitted to operate as of January 9, 2019.
- The Commission supported the staff definitions and operating standards for RNMs.

Important issues identified by the CHC included the following:

- As is described in more detail below, the CHC focused its comments and recommendations on limiting access and exposure of youth to cannabis products. It recommends greater restrictions on cannabis consumption at businesses and cannabis deliveries.
- The Commission supported the staff definitions and operating standards for RNMs.

The following subsections include options for alternative ordinance language based on recommendations by one or more of the Commissions:

- 12.21.040.H.2- Security.
 - *Description:* Requires all Retailers, Distributors and Cultivators to have security guards in addition to security cameras, alarms and lighting.
 - *Staff Rationale (Alternative A):* Staff believes that these businesses could be targets of crime based on the product and cash on-hand, and that greater security measures would adequately address this issue. The City does not currently have any Distributors and Cultivators, and is exhibiting caution by requiring guards for these uses. Once these businesses start locating in the City, staff will develop a better understanding of their security needs, and can recommend removal of security requirements as appropriate.
 - *Alternate recommendation and reasoning (Alternative B):* The Cannabis Commission recommends removing the security guard requirement from Distributors and Cultivators, reasoning that since these businesses are not open to the public, they will not require the same level of security as a Retailer.
- 12.21.040.I.1- Neighborhood Compatibility.
 - *Description:* Requires all Retailers, Distributors and Cultivators to either secure exterior windows and doors with bars or metal gates, or have a security guard on site during non-business hours.
 - *Staff Rationale (Alternative A):* Staff believes that these businesses could be targets of crime based on the product and cash on-hand and that additional security measures would adequately address this issue. The City does not currently have any Distributors and Cultivators, and is exhibiting caution by requiring guards for these uses. Once these businesses start locating in the City, staff will develop a better understanding of their security needs, and can recommend removal of security requirements as appropriate.
 - *Alternate recommendation and reasoning (Alternative B):* The Cannabis Commission recommends removing the security guard requirement from

Distributors, Cultivators, reasoning that since these businesses are not open to the public, they will not require the same level of security as a Retailer.

- 12.22.040.G.2 – Consumption of Cannabis
 - *Description*: Allows consumption of cannabis and cannabis products at Retailers that allow customer visits, with the exception of smoking.
 - *Staff Rationale (Alternative A)*: Cannabis consumption is prohibited in public, in most businesses, and in many apartments. Providing a place to consume cannabis legally is important for patients who have no other options. Impaired driving resulting from on-site consumption will be addressed in the same way as impaired driving from bars and restaurants.
 - *Alternate recommendation and reasoning (Alternative B)*: The CHC recommends that adult use cannabis consumption should not be permitted in any businesses as this will contribute to exposure of others to cannabis vapor and contribute to impaired driving.

- 12.22.040.H.1 – Delivery Requirements
 - *Description*: Establishes requirements for Retailers that deliver medicinal and adult-use cannabis to customer residences. For the moment this would only apply to store-front Retailers, as Delivery-only Retailers are currently not permitted in Berkeley.
 - *Staff Rationale (Alternative A)*: The state allows retailers to deliver cannabis and cannabis products to physical addresses in California, as long as those addresses are not on publicly-owned land or in a building leased by a public agency. The State does not make a distinction between medicinal and adult-use cannabis deliveries, and neither do neighboring jurisdictions which allow delivery services. Prohibiting delivery of adult-use cannabis would be difficult for City staff to enforce. In general, the State does not distinguish between medicinal and adult-use cannabis; items are determined to be medicinal when they are sold to a person with a State-issued patient card.
 - *Alternate recommendation and reasoning (Alternative B)*: The CHC believes that cannabis deliveries should be limited to medicinal cannabis to reduce youth access to cannabis.

B. Ordinance amending Chapter 20.40 of the BMC to establish cannabis business signs and cannabis product advertising regulations

The ordinance would add a new chapter to the BMC to provide advertising and signage regulations for cannabis businesses. The language related to advertising is based on Chapter 20.66 (Tobacco Product Advertising); it will prohibit advertising in any publicly visible location in the City. Signage regulations would limit signage allowed for storefront Retailers to half the area allowed for other retailers, limit delivery-only Retailers to business complex sign standards, and limit non-retail businesses to 12 square feet of signage. Logos depicting cannabis or cannabis products on signs would be prohibited.

There were no differences between the staff and commission recommendations regarding advertising and signage.

C. Ordinance amending Chapter 23C.25 of the BMC to modify the Cannabis Uses Ordinance

The ordinance would modify Chapter 23C.25 by modifying the two existing sections and adding two new sections:

- Section .010 would provide development standards for cannabis Retailers. These include buffers from schools and other cannabis Retailers, ownership changes, level of discretion and permitted locations. A detailed description of these changes is included below.
- Section .040 would provide development standards for Microbusinesses. It includes specific quotas, buffer and location standards for Retail Nursery Microbusinesses, which are cannabis Retailers that cultivate and sell cannabis seeds and immature plants (clones). More detail on these regulations is included below.
- Sections .020 (Cannabis Cultivation) and .030 (Cannabis Manufacturing, Testing Labs and Distribution) would be modified to correct references to other BMC Chapters.

The following subsections include options for alternative ordinance language based on recommendations by one or more of the Commissions:

- 23C.25.010.B – Retail buffers
 - *Description:* Requires buffers between Retailers and the following uses:
Public or private elementary schools (K-5) = 600 feet
Public or private middle or high schools = 1,000 feet
City-operated community centers and skate parks = 600 feet
Other Retailers = 600 feet
 - *Staff Rationale (Alternative A):* This language incorporates input received from the City Council at the October 2018 Work Session. Larger buffers were developed for middle schools and high schools because those students are more likely to experiment with cannabis. A buffer was added for the five City-operated community centers and the skate park because children are often at these facilities without adult supervision. This recommendation provides protection for youth while providing opportunities for cannabis businesses to locate within the city.
 - *Alternate Recommendation and reasoning (Alternative B):* The CHC recommends a 1,000-foot buffer from all schools, including junior colleges, colleges and universities, as well as buffers around additional uses such as parks and libraries. These additional restrictions are designed to limit cannabis in places that children, youth and young adults might frequent.

- *Alternate recommendation and reasoning (Alternative C):* The CC and PC only reviewed the original staff recommendation, which did not consider the expanded buffers for middle and high schools or buffers from community centers and the skate park. The commissions agreed with this initial recommendation. There was no discussion of the current staff recommendation, which was revised to incorporate Council direction from the October work session.

See Attachment 7 for maps of the three alternatives.

- 23C.25.010.F.1 – Cannabis Retailers
 - *Description:* Maintains the existing storefront Retailer quota of six, and will not allow additional storefront Retailers unless the ordinance is amended in the future. Note that at its February 19, 2019 meeting, Council provided direction to staff to create one new dispensary license for equity applicants, which would increase the storefront Retailer quota to seven. Staff will provide Council with ordinance revisions in mid-2019 that reflect this direction, along with potential options for an equity program.
 - *Staff Rationale (Alternative A):* This language incorporates Council deliberation at the October 2018 Work Session. Currently, only four of the six approved Retailers are open. The Council expressed a desire to potentially hold off on any expansion plans until all six are operational, and to make a decision regarding any potential further expansion at a later date.
 - *Alternate Recommendation and reasoning (Alternative B):* The CC recommended expanding the quota to 32 storefront Retailers, with quotas distributed throughout the City by zoning district. The Commission believes that the cannabis industry should be treated like other businesses. They also believe that additional limits on the numbers of businesses which can operate in the City will hinder the growth of the cannabis industry in Berkeley and limit customers' access to product.
 - *Alternate Recommendation and reasoning (Alternative C):* The PC recommended expanding the quota to 18 storefront Retailers. The main focus was to allow the opportunity for additional Retailers; there was no strong reasoning behind the numeric limit selected.
- 23C.25.040.B.2.b - Retail Nursery Microbusinesses
 - *Description:* Allows two existing conventional nurseries to convert to a cannabis business (Retail Nursery Microbusiness) with a Zoning Certificate. Nurseries which are either completely or partially in a Residential District would require a Use Permit in order to modify a non-conforming use.
 - *Staff Rationale (Alternate A):* A cannabis nursery is expected to be similar to a conventional nursery. The business would be subject to State and local regulations, and an annual operational permit from the City, which could be revoked if operating standards are not met. Buffers from schools will address concerns regarding youth exposure to cannabis products.

- *Alternate Recommendation and reasoning (Alternative B):* The PC and CHC recommended requiring a Use Permit in addition to an annual operating permit for any conversion of a conventional nursery into a Retail Nursery Microbusiness, regardless of location. This would allow the public to discuss concerns and provide comment on the proposed location at a public meeting. Council could also consider requiring an Administrative Use Permit, which does not require a public hearing but does require noticing to adjacent properties and can be appealed.

D. Amending BMC Sub-Title 23E (Provisions Applicable in All Non-Residential Districts)

Description of ordinance

The ordinance would add references to cannabis uses to the use tables of commercial and manufacturing chapters, clarifying how cannabis businesses relate to other businesses in the Zoning Ordinance. For example, cannabis Retailers would be included in the Retail Sales sections of the use tables for commercial districts. This information reflects the language given in Chapter 23C.25 regarding location of business and the level of discretion required. Section 23E.16.070 (Cannabis Dispensaries) was incorporated in Chapter 23C.25.

E. Amending BMC Sub-Title 23F (Definitions)

Description of ordinance

The ordinance would add or modify definitions for cannabis uses in the Definitions chapter to clarify how these businesses relate to other businesses in the Zoning Ordinance.

BACKGROUND

In 2018, the State established the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), a regulatory framework for the medicinal and adult use cannabis industry. Six different cannabis business types are allowed to operate:

- Cultivators (produce seeds, immature plants (clones) and mature plants which are harvested)
- Manufacturers (take raw product and create other products, including edibles)
- Testing Laboratories (test product for potency, pesticides and impurities)
- Retailers (selling product to the public)
- Distributors (transport product between businesses and collect State taxes)
- Microbusinesses (combination of at least three of the other businesses except testing labs)

Through a combination of ballot measures and ordinances, all six types of cannabis businesses can operate in Berkeley. However, many of the current regulations are outdated, either addressing only medical cannabis or addressing Retailers and Cultivators in much greater detail than other uses.

Work on comprehensive cannabis regulations started in the fall of 2017. Draft regulations were developed with the participation of numerous City departments, including the Planning, Finance, Police, and Fire Departments, the Department of Health, Housing & Community Services, the City Attorney's Office, and the Code Enforcement Division in the City Manager's Office. The draft ordinances presented here were also discussed by the Cannabis, Planning, and Community Health Commissions in early 2018. Based on direction from the October 9, 2018 Council Work Session, language related to retail nurseries was drafted by staff and reviewed by the three commissions in November and December 2018. No commissions have reviewed the language permitting temporary cannabis events at Cesar Chavez Park.

ENVIRONMENTAL SUSTAINABILITY

The proposed amendments will continue to allow a complete supply chain for the cannabis industry in Berkeley, allowing the public to purchase products produced locally. The amendments will maintain the energy efficiency features and carbon-offsetting requirements already adopted by the Council for Cultivators. Other cannabis businesses are comparable to non-cannabis businesses in terms of energy consumption, and will be subject to the same standards for building efficiency. Temporary cannabis events will have the same requirements as non-cannabis special events. The impact of cannabis delivery by existing Berkeley-based storefronts or cannabis businesses established in other jurisdictions has not been analyzed.

RATIONALE FOR RECOMMENDATION

The adoption of these proposed ordinance amendments would ensure that Berkeley's cannabis regulations are consistent with the State's regulations. It would also ensure that all license types are subject to the same general operating standards, and clarifies specific standards for each license type. These regulations will be consistent with the voter direction given with the passage of Measures JJ (2008) and T (2010) and Proposition 64 (2016), and will increase the likelihood of these businesses operating harmoniously within Berkeley neighborhoods.

ALTERNATIVE ACTIONS CONSIDERED

Alternative recommendations are described in this report and provided as alternative language in the relevant ordinances.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7437
Elizabeth Greene, Senior Planner, Planning and Development Department, 510-981-7484

Attachments:

1. Ordinance Amending the Berkeley Municipal Code Title 12 (Health and Safety)
2. Ordinance Adding Chapter 20.40 (Cannabis Business Signs and Cannabis Product Advertising) to the Berkeley Municipal Code
3. Ordinance Amending the Berkeley Municipal Code Chapter 23C.25 (Cannabis Uses)
4. Ordinance Amending the Berkeley Municipal Code Sub-Title 23.E (Provisions Applicable in All Non-Residential Districts)
5. Ordinance Amending the Berkeley Municipal Code Sub-Title 23.F (Definitions)
6. Minutes from Cannabis, Community Health and Planning Commissions
7. 9-13-18 CHC recommendation letter to Council
8. Maps of Retail Buffer Alternatives
9. Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE TITLE 12 TO ESTABLISH GENERAL REGULATIONS AND SPECIFIC OPERATING STANDARDS FOR CANNABIS BUSINESSES; ADDING CHAPTER 12.21, AMENDING CHAPTER 12.22, AND REPEALING CHAPTERS 12.23, 12.25, AND 12.27

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

Section 1. That Berkeley Municipal Code Chapter 12.21 is added to read as follows:

**Chapter 12.21
CANNABIS BUSINESSES: GENERAL REGULATIONS**

Sections:

- 12.21.010 Purpose and Applicability**
- 12.21.020 Definitions**
- 12.21.030 Information Requirements**
- 12.21.040 Operating Standards**
- 12.21.050 Records**
- 12.21.060 Operating Procedure and Criteria**
- 12.21.070 Confidentiality of Information**
- 12.21.080 Authority of City Manager**
- 12.21.090 Abatement of Violations**
- 12.21.100 Fees**
- 12.21.110 Severability**

12.21.010 Purpose and Applicability

The purpose of this Chapter is to collect in one location in this Code all of the definitions and general operating standards applicable to Cannabis Businesses and to implement the provisions contained in the Medicinal and Adult-Use of Cannabis Regulation and Safety Act, codified in Division 10 of the Business and Professions Code, Section 1602 and 1617 of the Fish and Game Code, Sections 37104, 54036, and 81010 of the Food and Agriculture Code, Division 10 of the Health and Safety Code, Division 2 of the Revenue and Taxation Code, Sections 23222 and 2429.7 of the Vehicle Code, and Sections 1831, 1847, and 13276 of the Water Code (“MAUCRSA”), as amended from time to time.

12.21.020 Definitions

A. "Active Ingredients" means, in the case of dried cannabis flowers, extractions or infusions, delta-9- tetrahydrocannabinolic acid, delta-9-tetrahydrocannabinol,

cannabidiolic acid, cannabidiol, and any cannabinoid or propyl cannabinoid derivative when present in amounts greater than .5% by dry weight, and any mono- or sesquiterpenoid present in an amount exceeding .3% of a product's dry weight.

B. "Adult Use Cannabis" means Cannabis and Cannabis Products intended for consumption by adults 21 and over, and that is not Medicinal Cannabis.

C. "Adulterant" means any poisonous or deleterious substance that may render Cannabis or Cannabis Products impure or injurious to health, as determined by the City's Environmental Health or Public Health Divisions.

D. "Adulterated" means any Cannabis or Cannabis Product with Contaminates exceeding any testing thresholds and/or containing any Adulterant.

E. "Batch" shall have the same meaning as set forth in MAUCRSA, as amended from time to time,

F. "Cannabis" shall have the same meaning as set forth in Section 26001 of the Business and Professions Code, as amended from time to time, and includes both adult-use and medicinal cannabis.

G. "Cannabis Business" is a business possessing a State license as specified in Section 26050 of the Business and Professions Code, as amended from time to time, and includes Cannabis Businesses with an "A" designation ("ACB") and Cannabis Businesses with an "M" designation ("MCB").

H. "Cannabis By-Products" means delta-8-THC and cannabinol when present in amounts greater than 0.2% of a product's dry weight.

I. "Cannabis Compound(s)" means any or all of the following chemicals, as the context requires:

1. "THC" or " Δ^9 -THC" means Δ^9 -tetrahydrocannabinol, (Δ)-(6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.
2. "THCA" or " Δ^9 -THCA" means the acid form of THC.
3. "CBD" or "Cannabidiol" means 2-[(1R,6R)-6-isopropenyl-3-methylcyclohex-2-en-1-yl]-5-pentylbenzene-1,3-diol.
4. "CBDA" or "Cannabidiolic acid" means the acid form of CBD.

5. "CBN" or "Cannabinol" means 6,6,9-trimethyl-3-pentyl-benzo[c]chromen-1-ol.

J. "Cannabis Cultivation Facility" or "Facility" shall have the same meaning as "cultivation site" as set forth in Section 26001 of the Businesses and Professions Code. It includes "Major Cannabis Cultivation Facility", defined as follows:

"Major Cannabis Cultivation Facility" means a Facility that is between 10,000 sf and 22,000 sf in total canopy area.

K. "Cannabis Products" shall have the same meaning as set forth in Section 26001 of the Business and Professions Code, as amended from time to time, and includes both medicinal and adult-use Concentrates and Cannabis Products.

L. "Cannabis Waste" means contaminated Cannabis or Cannabis Products that cannot be rendered safe and any Cannabis or Cannabis Products that have been designated as a waste by a Cannabis Business, or regulatory authority. Cannabis Waste does not include materials from the cultivation and manufacturing processes not known to be contaminated with pesticide or heavy metal residues and which may be composted by an approved process.

M. "Concentrate" shall have the same meaning as set forth in Section 26001 of the Business and Professions Code, as amended from time to time.

N. "Contaminant" means any pesticide, residual solvent or microbiological organism or product thereof, heavy metal, or any other Adulterant as determined by the Environmental Health Division.

O. "Cosmetic Cannabis Product" means any article, or its components, intended to be rubbed, poured, sprinkled, or sprayed on, introduced to, or otherwise applied to, the human body, or any part of the human body, that is not an Edible Cannabis product and includes tinctures.

P. "Cultivate" and "Cultivation" mean any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

Q. "Cultivator" means an individual or entity required to be licensed to cultivate cannabis pursuant to MAUCRSA, as amended from time to time.

R. "Deliver" and "Delivery" shall mean any transit of Cannabis or Cannabis Product from a Retailer to a Customer at a residence.

S. "Distributor" means an individual or entity required to be licensed as a distributor

pursuant to MAUCRSA, as amended from time to time.

T. "Edible Cannabis Product" (or "Edible") means a cannabis product that is intended to be used, in whole or in part, for human consumption, including but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

U. "Manufacturer" means an individual or entity required to be licensed as a manufacturer pursuant to MAUCRSA, as amended from time to time.

V. "Medicinal Cannabis" means Cannabis and Cannabis Products intended as medicine for those with a valid physician's recommendation in compliance with California law.

W. "Microbusiness" shall have the same meaning set forth in MAUCRSA, as amended from time to time, and includes "Retail Nursery Microbusiness", defined as follows:

1. "Retail Nursery Microbusiness" is restricted to either a Class 1 or Class 2 Nursery that sells plants and seeds on a retail basis, either at a location to which Customers may come to acquire cannabis plants or seeds, or by delivering plants or seeds. No other cannabis products may be sold at this type of use. Distribution is limited to those products directly related to this business. No cannabis consumption is permitted on site.

X. "Nursery" means an individual or entity required to be licensed as a Type 4 Cultivator pursuant to MAUCRSA, as amended from time to time, and includes "Class 1 Nursery" and "Class 2 Nursery," defined as follows:

1. "Class 1 Nursery" means a nursery that only produces immature plants, such as cuttings or clones.
2. "Class 2 Nursery" means a nursery that produces mature plants with flowers for the purpose of producing seeds, whether for distribution to a Retailer or for research purposes. A Class 2 Nursery may also produce cuttings or clones.

Y. "Primary Caregiver" shall have the same meaning as set forth in Section 26001 of the Business and Professions Code, as amended from time to time.

Z. "Principal" means any person that has direct or non-delegated indirect authority over the management or policies of a Cannabis Business.

AA. "Protected Health Information" means documentation of a an MCB's Qualified Patient's medical history or condition other than a physician's recommendation, an identification card issued pursuant to Health and Safety Code Section 11362.7 et seq., or the written designation of a Primary Caregiver by a Qualified Patient or identification card holder. Protected Health Information shall not include information conveyed by a Qualified Patient to a Retailer regarding such Qualified Patient's medical condition, information conveyed by a Qualified Patient to a Retailer regarding efforts to ameliorate or otherwise address symptoms associated with such Qualified Patient's medical condition, or information regarding Cannabis or Medicinal Cannabis Products provided to a Qualified Patient.

BB. "Qualified Patient" shall have the same meaning as provided in California Health and Safety Code Section 11362.7.

CC. Retailer

1. "Retailer" means both Retailers with a location to which Customers, Qualified Patients, or Primary Caregivers may come to acquire Cannabis or any other good or service, and Delivery-Only Retailers.

2. "Retailer" shall mean an ACB ("A-Retailer") or MCB ("M-Retailer") that is authorized under Chapter 12.22, Title 23, and California law to dispense Cannabis at a non-residential location. A Retailer may deliver to its Qualified Patients, Primary Caregivers, or adult consumers and provide other incidental services to its Qualified Patients, Primary Caregivers, or adult consumers to the extent permitted by California law.

3. "Delivery-Only Retailer" is a Retailer that is limited to acquiring Cannabis and delivering it to its Qualified Patients, Primary Caregivers, and adult consumers, and does not have a location to which Qualified Patients, Primary Caregivers, and adult consumers may come to acquire Cannabis or any other good or service.

DD. "Solvent" means any substance in which another substance is dissolved, forming a solution.

EE. "Tincture" means an extract of Cannabis or solution of such, typically made with food-grade alcohol or glycerin.

FF. "Temporary Cannabis Event" shall mean an activity required to be licensed as a temporary cannabis event pursuant to MAUCRSA, as amended from time to time. Such events may involve onsite sale and consumption of cannabis goods and must be operated by a state-licensed event organizer.

12.21.030 Information Requirements

Every Cannabis Business shall provide the following information to the City's Environmental Health Division, and shall be updated whenever there is any material change.

A. A description of the Cannabis Business and its location, which shall include such information as the City may require that demonstrates compliance with applicable provisions of this Chapter.

B. The name, address and 24-hour contact information for each Principal, including a photocopy of at least one primary form of photo identification, such as a California Driver's License or US Passport. This information shall also include any aliases, maiden or married names or other former legal names.

C. Proof of the nature of the Cannabis Business's organizational status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City.

12.21.040 Operating Standards

A. All Cannabis Businesses shall comply with the operating standards set forth in this Section.

B. Cannabis Businesses shall comply with Health and Safety Code Sections 11362.7 et seq. and any other California laws that may be adopted concerning Adult-Use and Medicinal Cannabis, including but not limited to the Medicinal and Adult-use of Cannabis Regulation and Safety Act, and Chapters 12.22 or 12.26 and Title 23 of the Berkeley Municipal Code, and any other applicable City laws or regulations, and shall pay all applicable state or local taxes and fees. To the extent the requirements of this Chapter and Chapters 12.22 and 12.26 are more restrictive than California law, they shall apply. To the extent the requirements of this Chapter and Chapters 12.22 and 12.26 are less restrictive than California law, the requirements of California law shall apply except in instances where the state has expressly allowed localities to be less strict.

C. MCBs may retain memberships.

D. Cannabis Businesses shall only obtain Cannabis from licensed cultivators as authorized by California law.

E. All employees and volunteers of a Cannabis Business must be at least 21 years of age.

F. The Environmental Health Division may require any Cannabis Business to submit an odor control plan to be approved by the Division.

G. Non-diversion. ACBs shall take all practicable steps necessary to prevent and deter diversion of Cannabis and Cannabis Products to persons under 21 years of age, including by using the state-mandated Track-and-Trace system. MCBs shall take all practicable steps necessary to prevent and deter diversion Medicinal Cannabis and Medicinal Cannabis Products to persons other than Qualified Patients or their Primary Caregivers, or non-MCBs, including by using the state-mandated Track-and-Trace system.

H. Security.

1. Cannabis Businesses shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times. Lighting shall be of sufficient intensity to illuminate all areas of the premises.

2. ALTERNATIVE A: STAFF RECOMMENDATION - Retailers, Distributors and Cultivators must maintain security guards and camera coverage of their entire grounds to an extent sufficient to ensure the safety of persons and deter crime. Cameras must be maintained in good condition, and use a format approved by the City Manager, which is of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime. The cameras shall be in use 24 hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, dispensing areas, storage areas, cultivation areas, all doors, parking lots, and any other area determined by the City Manager. Surveillance footage must be retained for a period of 90 days and made available to the Berkeley Police Department for purposes of investigation of alleged crimes, promptly upon request without the necessity of a warrant or subpoena. Retention and maintenance of security camera recordings shall comply with Section 12.21.070.

2. ALTERNATIVE B: CC RECOMMENDATION - Retailers, Distributors and Cultivators must maintain camera coverage of their entire grounds to an extent sufficient to ensure the safety of persons and deter crime. Cameras must be maintained in good condition, and use a format approved by the City Manager, which is of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime. The cameras shall be in use 24 hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, dispensing areas, storage areas, cultivation areas, all doors, parking lots, and any other area determined by the

City Manager. Surveillance footage must be retained for a period of 90 days and made available to the Berkeley Police Department for purposes of investigation of alleged crimes, promptly upon request without the necessity of a warrant or subpoena. Retention and maintenance of security camera recordings shall comply with Section 12.21.070. Retailers must also maintain security guards.

3. Cannabis Businesses must be equipped with an alarm system that is operated and monitored by a security company licensed by and in good standing with the California Department of Consumer Affairs. Alarms shall be maintained and in good working condition at all times.
4. In order to prevent unauthorized entry during non-business hours, Retailers, Distributors and Cultivators shall either secure all exterior windows and roof hatches from the inside with bars, retractable, folding or sliding metal gates, or metal rollup or accordion doors, or provide at least one security guard during those hours.
5. Any security guards employed by Cannabis Businesses shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.
6. All Cannabis Businesses must securely store all Cannabis at all times, except for limited amounts used for display purposes, samples or immediate sale, and the entrance to all storage areas shall be locked and under the control of staff at all times.
7. Cannabis Businesses shall make transactions with payment methods other than cash whenever feasible. All cash received, except that needed for retail customer transactions shall be kept in a secure receptacle such as a drop safe or other type of safe.
8. If any of the requirements in this section conflict with state law, the stricter requirement will apply.

I. Neighborhood compatibility

1. ALTERNATIVE A: STAFF RECOMMENDATION - Cannabis Businesses shall be operated to ensure neighborhood compatibility, and shall take all steps necessary to ensure that Customers do not create neighborhood disturbances. Such measures shall include, but not be limited to, providing a security guard to patrol the area surrounding any Retailer, Distributor or Cultivator during all hours of operation.

1. ALTERNATIVE B: CC RECOMMENDATION - Cannabis Businesses shall be operated to ensure neighborhood compatibility, and shall take all steps necessary to ensure that Customers do not create neighborhood disturbances. Such measures shall include, but not be limited to, providing a security guard to patrol the area surrounding any Retailer during all hours of operation.
2. Retailers shall provide the Police Department and all residents and property owners within 100 feet with the current name, phone number, secondary phone number and e-mail address of an on-site community relations staff person to whom notice of any operating problems associated with the establishment may be reported. This information shall be updated as necessary to keep it current. Retailers shall encourage neighbors to call this person to try to solve any operating problems.
3. All Cannabis Businesses shall have an on-site manager responsible for overall operation at all times they are open, and shall provide the Police Department with contact information for all such persons, including telephone number and e-mail address. Cannabis Businesses shall also provide the Police Department with the current name and phone numbers of at least one 24-hour-on-call manager. This information shall be updated as necessary to keep it current.
4. Cannabis Businesses shall take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties. Such conditions include, but are not limited to: smoking; creating a noise disturbance; loitering; littering; and graffiti.
5. Cannabis Businesses shall ensure all graffiti is removed from property and parking lots under their control within 72 hours of its appearance.

J. Sale and Consumption of Cannabis, Tobacco and Alcohol

1. Sale or consumption of tobacco is prohibited at Cannabis Businesses.
2. Sale and/or service of alcoholic beverages at Cannabis Businesses is prohibited.

K. Holding requirements. Any juice or beverage produced in accordance with Section 40270 of the California Code of Regulations Title 17, Division 1, Chapter 13, Subchapter 3, Article 4 that requires refrigeration to prevent the rapid growth of undesirable organisms or the formation of alcohol through fermentation shall be held below 41 Fahrenheit to prevent the cannabis product from becoming adulterated during the manufacturing, processing, packing, holding, and transporting. Transporting includes both by a

Distributor among licensees and by Retailers conducting delivery to Customers, Qualified Patients, and Qualified Caregivers. Fixed facilities shall hold such cannabis products in equipment certified to ASTM commercial food safety equipment standards by an organization such as but not limited to NSF, UL, or ETL.

12.21.050 Records

A. General. All Cannabis Businesses shall maintain contemporaneous financial and operational records sufficient to show compliance with this Chapter, Chapter 12.26, and applicable California law, as well as satisfaction of commitments made in the Cannabis Business's application and during the ranking and allocation process. Such records shall be maintained in a secure location under the control of the Cannabis Business within the City of Berkeley, and shall be subject to inspection by the City upon reasonable notice during regular operational hours or by appointment.

B. Finances.

1. Cannabis Businesses shall make their financial records available to the City on an annual basis. Such audited records shall be limited to information necessary for the City to determine fair payment of taxes and for M-Retailers very low income 2% distribution verification.

C. Operations. Cannabis Businesses shall maintain the following information and make it available to the City within 30 days of the end of each calendar year.

1. The total number of very low-income members and the amount distributed;
2. The total and net amount of revenue collected during the year;
3. The consideration paid for each Batch;
4. Monetary and non-monetary contributions;
5. Total monetary and non-monetary distributions to suppliers;
6. Salaries and overhead; and
7. A complete list of the types of Cannabis, Cannabis Products and Edibles available, and the prices thereof.

12.21.060 Operating Procedure and Criteria

No Cannabis Business may operate in the City of Berkeley without all applicable City of Berkeley licenses. The Council may by resolution establish procedures and criteria for accepting applications to operate Cannabis Businesses and determining which, if any, to approve.

12.21.070 Confidentiality of Information

A. The City's review of information submitted or maintained pursuant to this Chapter shall preserve the confidentiality of all information about Principals and members to the maximum extent consistent with state and local law. The City shall incur no liability for the inadvertent or negligent disclosure of such information. Disclosure of any Principal or Member information to the City for purposes of this Chapter shall not be deemed a waiver of confidentiality. Financial information provided to the City pursuant to Section 12.21.050 shall be deemed to be "financial information" covered by Chapter 7.26.

B. The information required by Section 12.21.040 and recordings from security cameras, shall be confidential and shall not be subject to public inspection or disclosure except to City and State employees for purposes of law enforcement.

12.21.080 Authority of City Manager

A. The City Manager or his or her designee shall have authority to determine the nature of any Cannabis Business or purported Cannabis Business and whether that entity complies with any of the requirements of this Chapter, Chapters 12.22 and 12.26, and Title 23, and to conduct inspections as provided in Chapter 1.16.

B. The City Manager or his or her designee may promulgate regulations for the administration and implementation of this Chapter, including, but not limited to, regulations relating to non-diversion, record-keeping, and tracking and tracing Cannabis.

C. The City Manager or his or her designee may require any Cannabis Business to obtain operating permits from the City of Berkeley Fire Department, Toxics Management Division, Environmental Health Division, and any other department or division.

D. The City Manager or his or her designee shall have authority to enter onto private property and perform such inspections as may be necessary or convenient to implement and enforce this Chapter, Chapters 12.22 and 12.26, and Title 23, and to adopt regulations to implement this Chapter, Chapters 12.22 and 12.26, and Title 23.

12.21.090 Abatement of Violations

A. Violations of this Chapter or Chapters 12.22 or 12.26 shall constitute a public nuisance under Chapter 1.26. The City may enforce this Chapter through proceedings

under Chapter 1.24, Chapter 1.28, Chapter 23B.64 and any other law or ordinances it deems appropriate.

B. Notwithstanding anything to the contrary, violations of this Chapter or Chapters 12.22 or 12.26 shall not be punishable as public offenses to the extent that doing so would conflict with California law.

12.21.100 Fees

The City Council may establish by resolution the fees that shall be charged to Cannabis Businesses for administration and implementation of this Chapter. The adoption of such fees shall not prevent the City from recovering enforcement costs from Cannabis Businesses not specified in such resolution.

12.21.110 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 2. That Berkeley Municipal Code Chapter 12.22 is amended to read as follows:

Chapter 12.22 CANNABIS BUSINESS OPERATING STANDARDS

Sections:

Article I General

- 12.22.010** ~~Reserved~~Applicability and Purpose
- 12.22.020** ~~Reserved~~Selection Process

Article II Cannabis Businesses

- 12.22.030** ~~Reserved~~Eligibility Requirements
- 12.22.040** ~~Reserved~~Retailers
- 12.22.050** **Distributors**
- 12.22.060** ~~Reserved~~Manufacturers
- 12.22.070** ~~Reserved~~Cultivators

- 12.22.080 **ReservedTesting Laboratories**
- 12.22.090 **ReservedMicrobusinesses**
- 12.22.100 **ReservedTemporary Cannabis Events**
- 12.22.110 **Reserved Collectives Prohibited**

Article III Collectives Enforcement

- 12.22.120 **ReservedFees**
- 12.22.130 **ReservedAuthority of City Manager**
- 12.22.140 **ReservedSeverability**

Article IV Enforcement

- 12.22.150 **Reserved**
- 12.22.160 **Reserved**
- 12.22.170 **Reserved**
- 12.22.180 **Reserved**

12.22.010 ReservedApplicability and Purpose

A. This Chapter applies to all Cannabis Businesses as defined in Chapter 12.21. The purpose of the Chapter is to provide specific operating standards applicable to these businesses and to implement the provisions contained in the Medicinal and Adult-Use of Cannabis Regulation and Safety Act, codified in Division 10 of the Business and Professions Code, Section 1602 and 1617 of the Fish and Game Code, Sections 37104, 54036, and 81010 of the Food and Agriculture Code, Division 10 of the Health and Safety Code, Division 2 of the Revenue and Taxation Code, Sections 23222 and 2429.7 of the Vehicle Code, and Sections 1831, 1847, and 13276 of the Water Code (“MAUCRSA”), as amended from time to time.

12.22.020 ReservedSelection Process

The Council may by resolution establish procedures and criteria for accepting applications to operate Retailers or Major Cannabis Cultivators and determining which, if any, to approve.

12.22.030 ReservedEligibility requirements

A. No Principal of any business of a certain license type may be a Principal for any other business of a different license type in the City of Berkeley, except that a State “M” licensee may also be a State “A” licensee of the same license type.

12.22.040 ReservedRetailers

Retailers shall comply with the operating standards set forth in this Section.

A. Retailers must obtain operating permits from and allow inspections by the City of Berkeley Environmental Health Division.

B. Retailers shall only allow Customer visits between the hours of 9:00 a.m. and 9:00 p.m.

C. A Retailer may deliver cannabis only to the extent allowed by its State license.

D. Retailers may not distribute free samples.

E. Accessibility. Retailers shall comply with all physical accessibility requirements that would be applicable to a newly-constructed building, except that pre-existing Retailers permitted under Ordinance No. 6826-N.S. shall not be required to comply with such requirements as long as they remain in the same location as when this Chapter became effective, except as may be required by other laws.

F. Signage.

1. All Retailers must either provide to each Customer or prominently display at all points of sale a notice containing the language set forth in this Section.

a. If provided to each Customer, the notice shall be printed on paper that is no less than 5 inches by 8 inches in size, and shall be printed in no smaller than 18-point font.

b. If prominently displayed at all points of sale, the notice shall be printed on a poster no less than 8-1/2 by 11 inches in size, and shall be printed in no smaller than a 28-point font.

2. All Retailers must prominently display a notice as set forth in subsection 12.22.040.F that contains the following language:

“The use of cannabis may impair a person’s ability to drive a motor vehicle or operate heavy machinery.”

All Retailers that provide delivery services, including Delivery-only Retailers, must provide this notice to each delivery Customer as set forth in subsection 12.22.040.F.

3. All Retailers must prominently display a notice as set forth in subsection 12.22.040.F that contains the following language:

“WARNING: Cannabis is not tested by local, state or federal governmental agencies for health, safety, or efficacy. There may be health risks associated with the consumption of cannabis or cannabis products.”

All Retailers that provide delivery services, including Delivery-only Retailers, must provide this notice to each Customer as set forth in subsection 12.22.040.F.

4. Any M-Retailer that allows Customer visits must prominently display a notice as set forth in subsection 12.22.040.F that contains the following language::

“This M-Retailer provides medicinal cannabis only to Qualified Patients and their Primary Caregivers, who must have a valid California Medical Marijuana Identification Card or a verifiable, written recommendation from a physician for medicinal cannabis.”

All M-Retailers that provide delivery services, including Delivery-only M-Retailers, must provide this notice to each delivery Customer as set forth in subsection 12.22.040.F.

5. All M-Retailers must prominently display a notice as set forth in subsection 12.22.040.F that contains the following language:

“This Medicinal Cannabis Retailer is licensed in accordance with the laws of the City of Berkeley and the State of California. The sale or diversion of medicinal cannabis for non-medical purposes is a violation of State and local laws.”

All M-Retailers that provide delivery services, including Delivery-only M-Retailers, must provide this notice to each delivery Customer as set forth in subsection 12.22.040.F.

6. Any A-Retailer that allows Customer visits must prominently display a notice as set forth in subsection 12.22.040.F that contains the following language:

“This Adult-Use Cannabis Retailer is licensed in accordance with the laws of the City of Berkeley and the State of California. The sale or diversion of adult- use cannabis to persons under the age of 21 is a violation of State and local laws.”

All A-Retailers that provide delivery services, including Delivery-only A-Retailers, must provide this notice to each delivery Customer as set forth in subsection 12.22.040.F.

G. Consumption of Cannabis

1. The consumption of Cannabis or Cannabis Products in public places is prohibited.

2. ALTERNATIVE A: STAFF RECOMMENDATION - Notwithstanding subsection 12.22.040.G.1, the consumption of Cannabis and Cannabis Products is permitted at Retailers that allow Customer visits, with the exception of smoking. Smoking of Cannabis is prohibited at Retailers. For purposes of this subdivision, the term "smoking" does not include the use of an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of Cannabis, including but not limited to any device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. This is a limited exception to BMC Section 12.70.040.

2. ALTERNATIVE B: CHC RECOMMENDATION - Notwithstanding subsection 12.22.040.G.1, the consumption of Cannabis and Cannabis Products is permitted at Retailers that allow Customer visits, with the exception of smoking. Smoking of Cannabis is prohibited at Retailers. For purposes of this subdivision, the term "smoking" does not include the use of an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of Cannabis, including but not limited to any device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. This is a limited exception to BMC Section 12.70.040.

H. Delivery Requirements

1. ALTERNATIVE A: STAFF RECOMMENDATION - Medicinal and Adult Use cannabis may be delivered by a Retailer, as long as the deliveries comply with the appropriate State license.

1. ALTERNATIVE B: CHC RECOMMENDATION - Only Medicinal cannabis may be delivered by a Retailer, as long as the deliveries comply with the appropriate State license.

2. All Retailers that provide delivery services must comply with the following requirements and all applicable requirements of State law. In the event of a conflict, State law shall prevail.

a. All vehicles used for delivery shall be maintained and operated in a manner and in a condition required by law and applicable regulations.

b. The following persons may not drive delivery vehicles:

- i. a person who does not possess a valid driver's license;
 - ii. a person who has been at fault within the immediately preceding two years in any motor vehicle accident causing death or personal injury;
 - iii. a person who has been at fault in three or more motor vehicle accidents within the previous 12 months;
 - iv. a person who has been under suspension, revocation or probation within the last five years by the Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle;
 - v. a person who has been convicted of any of the following misdemeanor offenses within the past five years: driving under the influence or reckless driving involving alcohol or reckless driving involving bodily injury;
 - vi. a person who has been convicted of any of the following offenses: a second or subsequent conviction for driving under the influence, or any felony conviction for driving under the influence (with or without injury), or vehicular manslaughter, or habitual traffic offender.
- c. The following persons may not be involved in making deliveries:
- i. any person who is required to register as a sex offender under Section 290 of the California Penal Code;
 - ii. any person who has within the past ten years been convicted of any felony offense involving moral turpitude.
- d. Persons involved in making deliveries must have in their possession a copy of the document memorializing the City's approval of the delivery service.
- e. Persons involved in making deliveries may not be armed.
- f. Delivery vehicles may not advertise any activity related to Cannabis, carry symbols or emblems related to Cannabis, or advertise the name of the Retailer.

g. Delivery of Cannabis shall be directly to the residence of the Customer unless said residence is in a park, school or hospital. Deliveries to parks, schools, hospitals, and all non-residential locations are prohibited.

h. Deliveries may occur only between the hours of 8:00 a.m. and 10:00 p.m.

i. Delivery vehicles shall not carry or transport at any one time an amount of Cannabis, Cannabis Products, cash and/or cash equivalents worth, in total, more than three thousand dollars (\$3,000).

j. All orders to be delivered shall be packaged by the name or identification number of the Customer for whom the delivery is intended.

k. In addition to the requirements of Section 12.27.050 subdivisions A and B, the person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.

l. All Retailers that provide delivery service shall maintain at all times Commercial General Liability insurance providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for immediate suspension of the privilege of providing delivery service.

I. M-Retailers

1. M-Retailers must not admit any person without first verifying his or her status as a Qualified Patient or Primary Caregiver.
2. No physician recommendations for Medicinal Cannabis may be provided on site.

3. M-Retailers may not provide more Medicinal Cannabis to a Qualified Patient or Primary Caregiver than is necessary for the personal medicinal use of the Qualified Patient for whom the Medicinal Cannabis is intended, and may not dispense more Medicinal Cannabis to a Qualified Patient or Primary Caregiver per day than permitted by State law.
4. M-Retailers must take all practicable steps necessary to prevent and deter diversion of Medicinal Cannabis to any person who is not a Qualified Patient or Primary Caregiver. M-Retailers must limit access to Medicinal Cannabis to authorized personnel only. M-Retailers must maintain an inventory management system that accounts for all Medicinal Cannabis separately from Adult Use Cannabis if both types are sold or distributed at the Retailer.
5. M-Retailers must not admit any Qualified Patient under 18 years of age pursuant to MAUCRSA.
6. Medicinal Cannabis for low income persons
 - a. At least 2% (by weight) of the annual amount of Medicinal Cannabis in dried plant form provided by a M-Retailer to Qualified Patients and Primary Caregivers shall be provided at no cost to very low-income Qualified Patients who are Berkeley residents or their Primary Caregivers. This amount shall be calculated every six months, based on the amount dispensed during the immediately preceding six months. Medicinal Cannabis provided under this Section shall be the same quality on average as Medicinal Cannabis that is dispensed to other persons.
 - b. For purposes of this Section, income shall be verified using federal income tax returns or another reliable method approved by the City Manager.
 - c. For purposes this Section, "very low income" shall mean the household income levels established by the U.S. Department of Housing and Urban Development.
 - d. M-Retailers shall keep an accurate roster of very low-income Qualified Patients who are Berkeley residents, which shall include a copy of either a California Medical Cannabis Identification Card or a physician's recommendation, and, if using a Primary Caregiver, a written authorization from the Qualified Patient to be represented by such Primary Caregiver. Such

records shall be maintained in a manner that protects the confidentiality of the Qualified Patient and Primary Caregiver.

e. M-Retailers shall track distributions to very low-income Qualified Patients (or their Primary Caregivers) in an inventory management system compatible with the state Track-and-Trace program. M-Retailers shall generate a report every six (6) months showing the total percentage of Medicinal Cannabis sales distributed to Berkeley residents. If an M-Retailer voluntarily expands the program to residents outside of Berkeley, that percentage shall be calculated separately.

J. A-Retailers must not admit any person under 21 years of age. If an A-Retailer also holds an M-Retailer license, access to the M-Retailer portion of the establishment is subject to the requirements of subsection 12.22.040.I.

12.22.050 Distributors

A. Distributors must obtain operating permits from and are subject to inspections by the City of Berkeley Environmental Health Division.

~~B. Distributors must arrange for the testing of Cannabis and Cannabis Products consistent with the City of Berkeley testing procedures specified in Section 12.27.100 of this Chapter until such time as testing procedures specified by the Bureau of Cannabis Control are available and conducted locally.~~

~~C. Testing as specified by the Bureau of Cannabis Control shall be conducted no later than July 1, 2018 at which time BMC Sections 12.25.070.____ and 12.27.070.____ are repealed.~~

DB. Distributors must maintain a written or computerized log compatible with the State Track-and-Trace system documenting:

1. the date, type, and amount of Product tested;
2. the source(s) of any contaminated Cannabis
3. the results of the testing, including the name and level of the substance detected; and

4. the disposition of the Cannabis from which any contaminated sample was obtained, including the amount and the date and manner of disposition.

Such logs shall be maintained for at least one year and be made available to the City upon request.

EC. Distributors are subject to the provisions of the California Retail Food Code and the Sherman Food, Drug and Cosmetic Law, even if those laws are not directly applicable to Edible or Cosmetic Cannabis Products. Handwashing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Handwashing facilities shall be located in preparation areas and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

FD. Scales and weighing mechanisms must be able to weigh to within 1/100th of a gram, shall be maintained in good working order and shall be subject to annual inspection by either the Alameda County Department of Agriculture/Weights and Measures or a licensed scale company.

12.22.060 ReservedManufacturers

A. All Manufacturers must obtain operating permits from and are subject to inspections by the City of Berkeley Environmental Health Division.

B. Compliance with State Food and Product Safety Requirements.

1. A Manufacturer that prepares Cannabis Products must comply with the relevant provisions of all State and local laws regarding the preparation, distribution, labeling and sale of food and cosmetics, even if those laws are not directly applicable to Edible or Cosmetic Cannabis Products.

2. Preparation of Edible and Cosmetic Cannabis Products.

a. Individuals involved in the production or distribution of Edibles and Cosmetic Cannabis Products shall thoroughly wash their hands before commencing production and before handling the finished product. Gloves must be worn when packaging Edibles or Cosmetic Cannabis Products.

b. In order to reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute

gastrointestinal illness or are known to be infected with a communicable disease that is transmissible through foodstuffs are prohibited from preparing Edibles or Cosmetic Cannabis Products until they are free of that illness or disease, or are incapable of transmitting the illness or disease through foodstuffs. Individuals who have sores or cuts on their hands must use gloves when preparing and handling Edibles or Cosmetic Cannabis Products.

c. All employees of Manufacturers who produce Edibles must be State certified food handlers. The valid certificate number of such Manufacturers must be on record at each Retailer where the edible product is distributed, and a copy of the certificate kept either on-site, or made available during inspections if kept off-site.

3. Scales and weighing mechanisms must be able to weigh to within 1/100th of a gram, shall be maintained in good working order and shall be subject to annual inspection by either the Alameda County Department of Agriculture/Weights and Measures or a licensed scale company.

4. Manufacture of Concentrates

a. Cold-water and mechanical extraction equipment shall be maintained in sanitary condition and approved for use by the City of Berkeley Environmental Health Division.

b. Any manufacture method using compressed gases or flammable solvents, whether volatile or non-volatile, shall be approved in advance and inspected by the City of Berkeley Fire Department and Toxics Management Division.

c. All Concentrates shall be produced under sanitary conditions and maintained free of filth and contaminants.

12.22.070 Reserved Cultivators

A. Cultivators must obtain operating permits from and are subject to inspections by the City of Berkeley Environmental Health Division.

B. Cultivator license types shall be the same as defined in MAUCRSA, with the exception of Nursery, as defined in Section 12.21.020.

C. Energy Use. Cultivators must include all feasible (under the current Title 24, Part 6) cost-effective water and energy efficiency measures, including but not limited to natural

daylighting, high efficiency lighting, networked lighting and mechanical controls, and natural cooling.

1. Cultivators must include the following systems to the extent feasible: on-site renewable energy generation; energy storage batteries; water collection, filtration and reuse; and rainwater harvesting.

2. Cultivators must include in any application for a Cannabis Cultivation Facility a description of all energy and water systems, measures employed to maximize efficient resource use, and the following metrics, with supporting documentation:

a. Planned lighting power density (watts/sf)

b. Planned lighting Energy Utilization Index (kBtu/sf/year)

c. Planned total site Energy Utilization Index (kBtu/sf/year)

d. Planned potable water consumption (gallons/sf/year)

3. Cultivators must mitigate the carbon dioxide emissions caused by the generation of electrical energy delivered to its Facility by participating in East Bay Community Energy's (EBCE) 100% renewable content option for electricity or equivalent. Until businesses have the option to purchase power through EBCE, the offset will be achieved through purchase of renewable energy certificates certified by the Center for Resource Solutions.

4. If a Facility uses natural gas to generate electricity for consumption at the site, the Cultivator must offset the carbon content of all electrical energy delivered to the Facility by participating in a program that is included in one of the Offset Project Registries approved by the California Air Resources Board and consists of a project or projects that are solely located in the United States and are either producing energy or reducing energy consumption.

5. For purposes of calculating carbon emissions, the carbon dioxide content of natural gas shall be 5.302 metric tons per 1,000 therms and the carbon dioxide content for electricity shall be the value, at the time of filing, from the most recent Power Content Label published by the California Energy Commission.

6. Cultivators shall be responsible for demonstrating compliance with this Section on a calendar-year basis. Documentation shall include copies of energy and water bills, as well as an authorization to energy and water providers to disclose energy and water consumption at the Facility directly to the City. All

parties that are responsible for energy and water bills shall also be responsible for providing such documentation and authorization.

7. The annual amount paid by a Cultivator to both mitigate carbon dioxide emissions caused by the generation of electrical energy to its Facility and to offset the carbon content of all electrical energy delivered to its Facility shall not exceed 10% of the Facility's annual energy bill. This fee shall be reconsidered after five years to determine whether it should be readjusted to reflect lower energy rates or higher costs of renewable energy certificates.

D. Class 2 Nurseries must track the amount of, and disposition of, flower remaining after seed harvesting.

E. Cultivators must store in a safe manner all pesticides approved for use. Only pesticides approved for use may be stored onsite. Any unapproved pesticides found onsite may trigger a crop hold until the live plants are tested and found free of unapproved pesticide. Plants with any level of unapproved pesticides may be destroyed in the presence of City officials designated by the City Manager.

F. Cultivators must maintain all growing rooms in a clean, safe and sanitary manner and free of visible molds and fungal growth.

G. Cannabis Cultivation Facilities shall not harbor infestations of rodents or non-beneficial insects.

H. In Facilities using CO2 enrichment, ambient oxygen sensors shall be installed in any hallways, offices, or other enclosed occupied spaces.

12.22.080 ~~Reserved~~ Testing Laboratories

Testing Laboratories must obtain operating permits from and are subject to inspections by the City of Berkeley Environmental Health Division.

12.22.090 ~~Reserved~~ Microbusinesses

A. Microbusinesses must obtain separate City-issued operating permits for each activity conducted on the premises.

B. Microbusinesses are subject to the operating standards set forth in this Chapter for each activity conducted on the premises.

C. If the operating standards for the activities are different, the more restrictive standard shall apply, except as follows:

1. Signage for Retail Nursery Microbusinesses shall be subject to the regulations for storefront Retailers.

D. If the operating permit for one of the activities is revoked, the entire Microbusiness must cease operation until all operating permits at the premises are reinstated.

12.22.100 ~~Reserved~~ Temporary Cannabis Events

A. Temporary Cannabis Events as defined in MAUCRSA are permitted in Cesar Chavez Park, subject to approval of a Special Event Permit issued by the City Manager's Office.

A.B. Up to three events can be permitted annually.

12.22.110 ~~Reserved~~ Collectives Prohibited

Collectives previously authorized by the California Health and Safety Code shall be prohibited and must cease operation after January 9, 2019 pursuant to California Health and Safety Code Sections 11362.765 and 11362.775 and California Business and Professions Code Section 26033.

12.22.120 ~~Reserved~~ Fees.

The City Council may establish by resolution the fees that shall be charged for administration and implementation of this Chapter. The adoption of such fees shall not prevent the City from recovering enforcement costs not specified in such resolution.

12.22.130 ~~Reserved~~ Authority of City Manager

A. The City Manager or his or her designee shall have authority to determine the nature of any Cannabis Business or purported Cannabis Business and whether that entity complies with any of the requirements of this Chapter, Chapters 12.21 and 12.26, and Title 23, and to conduct inspections as provided in Chapter 1.16.

B. The City Manager or his or her designee may promulgate regulations for the administration and implementation of this Chapter, including, but not limited to, regulations relating to non-diversion, record-keeping, and tracking and tracing Cannabis.

C. The City Manager or his or her designee may require any Cannabis Business to obtain operating permits from the City of Berkeley Fire Department, Toxics Management Division, Environmental Health Division, or any other department or division.

D. The City Manager or his or her designee shall have authority to enter onto private property and perform such inspections as may be necessary or convenient to implement and enforce this Chapter, Chapters 12.21 and 12.26, and Title 23, and to adopt regulations to implement this Chapter, Chapters 12.21 and 12.26, and Title 23.

E. The City Manager or his or her designee may promulgate regulations for the selection of Retailers, Cultivators, and other Cannabis Businesses that require a selection process.

12.22.140 ~~Reserved~~ Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

12.22.150 Reserved

12.22.160 Reserved

12.22.170 Reserved

12.22.180 Reserved

Section 3. That Berkeley Municipal Code Chapter 12.23 is repealed.

Section 4. That Berkeley Municipal Code Chapter 12.25 is repealed.

Section 5. That Berkeley Municipal Code Chapter 12.27 is repealed.

Section 6: Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old Berkeley City Hall, 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.

ORDINANCE NO. -N.S.

ADDING BERKELEY MUNICIPAL CODE CHAPTER 20.40 TO ESTABLISH CANNABIS BUSINESS SIGNS AND CANNABIS PRODUCT ADVERTISING REGULATIONS

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

Section 1. That Berkeley Municipal Code Chapter 20.40 is added to read as follows:

**Chapter 20.40
CANNABIS BUSINESS SIGNS AND CANNABIS
PRODUCT ADVERTISING**

Sections:

- 20.40.010 Purpose.**
- 20.40.020 Definitions.**
- 20.40.030 Cannabis product advertising prohibited.**
- 20.40.040 Exceptions.**
- 20.40.050 Violations deemed a public nuisance.**
- 20.40.060 Enforcement.**
- 20.40.070 Reinspection fee.**
- 20.40.080 Exemptions.**
- 20.40.090 Joint and several liability.**
- 20.40.100 Severability.**
- 20.40.110 Permitted signs.**
- 20.40.120 Number of signs permitted on premises.**
- 20.40.130 Sign area limitations.**

20.40.010 Purpose.

The purposes of this chapter are to:

- A. To promote the general welfare and reduce illegal purchase and consumption of cannabis or cannabis products by persons under the age of 21, which is accomplished by limiting the exposure of persons under the age of 21 to cannabis product advertising; and
- B. To provide design criteria and development standards to be used in the review of applications for cannabis business signage to ensure that the cannabis

businesses are compatible with the other land uses in the City.

20.40.020 Definitions.

“Cannabis” and “Cannabis Products” shall have the same meaning as set forth in Berkeley Municipal Code Section 12.21.020.

"Cannabis product advertising" means any billboard, sign, poster, placard, device, graphic display, or other item which promotes or is designed to promote the sale, use or consumption of a particular brand of cannabis or cannabis products, but shall not mean any advertising on the packaging of the product itself.

"Owner or operator" includes the owner of the property at which the advertising subject to this chapter is located, the owner of any billboard or other structure on which cannabis product advertising is located, as well as the operator of any commercial or other establishment at that location.

"Person" means any individual, firm corporation, partnership, cooperative association, receiver, trustee, assignee public or private entity, or other legal entity.

"Publicly visible location" means any outdoor location and any window of a commercial establishment that is visible to the public from any street sidewalk, or other public thoroughfare. This shall not be construed to include the inside of any commercial establishment, with the exception of its windows.

20.40.030 Cannabis product advertising prohibited.

No person shall place or maintain, or cause or allow to be placed or maintained any cannabis product advertising in any publicly visible location, except as provided in this Chapter.

20.40.040 Exceptions.

This chapter shall not apply to cannabis product advertising which is:

A. Inside any commercial establishment, except that no cannabis product advertising may be placed in a publicly visible location inside any commercial

establishment.

20.40.050 Violations deemed a public nuisance.

Any violation of the provisions of this chapter is declared to be a public nuisance. The procedures for the abatement of such nuisances shall be governed by Berkeley Municipal Code Chapter 1.24 as may hereafter be amended.

20.40.060 Enforcement.

A. Infraction. Any person violating any provision or failing to comply with any requirement of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code.

1. Each separate display of cannabis product advertising in violation of this chapter is deemed to be a separate offense.
2. Each day an item of cannabis product advertising remains in violation of this chapter is deemed to be a separate offense.

B. Civil Action. In addition to any other remedy provided by this chapter, any violation of this chapter may be enforced by a civil action brought by the City or any other interested person. The City or any other interested person may seek and the court shall grant as appropriate:

1. Injunctive relief, both temporary and permanent;
2. Reasonable attorney fees and costs of suit.

C. Remedies Not Exclusive. Nothing in this chapter shall preclude the City from seeking any other remedy provided by law.

20.40.070 Reinspection fee.

The City Council may adopt a resolution establishing a fee which must be paid by the owner or operator of a specified location whenever the City Manager, or his or her designee, determines upon reinspection that a person has failed to comply with any orders, notices or directions issued by the City under this chapter.

20.40.080 Exemptions.

This chapter shall apply to all existing cannabis product advertising in violation of this chapter unless the owners or operators of the location at which such advertising is located provide written documentation to the City Manager, or his or her designee, within thirty days from the effective date of the ordinance codified in this chapter that this chapter unreasonably interferes with any contracts executed before the date of adoption of said ordinance.

A. Failure to provide such timely, written documentation shall be deemed a waiver of the right to seek an exemption.

B. The City Manager is authorized to grant an exemption from enforcement of this chapter for up to 6 months from the date of adoption. The decision of the City Manager with respect to such exemption is final.)

20.40.090 Joint and several liability.

The advertiser, the property owner and any operator of any location at which prohibited cannabis product advertising exists shall be jointly and severally liable for violations of this chapter.

20.40.100 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

20.40.110 Permitted signs.

A. Retailers that have a storefront and allow customer visits are allowed on-premises signs as set forth in BMC Chapter 20.24.

B. Delivery-only Retailers are allowed business complex signs as set forth in BMC

Section 20.16.070.

C. Non-retailers are allowed on-premises signs as set forth in BMC Chapter 20.32.

20.40.120 Number of signs permitted on premises.

A. The number of on-premises signs for Cannabis Retailers are limited to BMC Section 20.24.030.

B. The number of on-premises signs for Cannabis non-retailers are limited to BMC Section 20.32.030.

20.40.130 Sign area limitations.

A. The sign area for all signs of Retailers that have a storefront shall not exceed seven and a half (7.5) percent of the building face of the premises or seventy-five (75) square feet, whichever is less.

B. The sign area for all signs of Delivery only Retailers are subject to BMC Section 20.16.070.

C. The sign area for all signs of non-Retailers shall not exceed twelve (12) square feet.

D. Signage may not include depictions of cannabis or cannabis products. Logos with such depictions are also prohibited on signs.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old Berkeley City Hall, 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.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23C.25 TO MODIFY THE CANNABIS USES ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 23C.25 is amended to read as follows:

Chapter 23C.25
CANNABIS USES

Sections:

- 23C.25.010 **ReservedRetail Uses**
- 23C.25.020 **Cannabis Cultivation**
- 23C.25.030 **Manufacturing, Testing and Distribution**
- 23C.25.040 **Microbusinesses**

Section 23C.25.010 **ReservedRetail Uses**

A. Retailer is defined in Section 12.21.020.

B. ALTERNATIVE A: STAFF RECOMMENDATION - Retailers may not be located within 600 feet of another Retailer or a public or private elementary school, 1,000 feet of a public or private middle or high school or 600 feet of a City-operated community center or skatepark.

B. ALTERNATIVE B: CHC RECOMMENDATION - Retailers may not be located within 1,000 feet of any public or private K-12 school, junior college, college, university, day care center, park, youth center or library.

B. ALTERNATIVE C: PC and CC RECOMMENDATION - Retailers may not be located within 600 feet of another Retailer or a public or private elementary school, middle school or high school.

C. Expansion of an approved Retailer shall follow the conversion regulations for the Zoning District in which it is located and shall comply with subdivision (B) of this Section.

D. An M-Retailer existing and authorized as of January 1, 2010, that does not comply with this Section, may continue at its current medical cannabis dispensing location and shall be considered a legal nonconforming use. Notwithstanding Section 23C.04.060 or subdivision (B) of this Section, the Zoning Officer may approve an Administrative Use

Permit to allow the expansion of a legal nonconforming medical cannabis dispensary use on any parcel or on two adjacent parcels where a dispensary was located on one of the parcels as of July 1, 2010.

E. No changes in ownership or approved location shall be approved until such time as the City Council established procedures and criteria to allow such changes.

F. Cannabis Retailers

1. ALTERNATIVE A: STAFF RECOMMENDATION - Six Cannabis Retailers as defined in Section 12.21.020 shall be permitted as of right with a Zoning Certificate in C-prefixed zones if they comply with the parking requirements applicable to the uses they include, and any security requirements promulgated by the Chief of Police.

1. ALTERNATIVE B: CC RECOMMENDATION - Thirty-two Cannabis Retailers as defined in Section 12.21.020 shall be permitted as of right with a Zoning Certificate in C-prefixed zones if they comply with quota for the district, the parking requirements applicable to the uses they include, and any security requirements promulgated by the Chief of Police.

1. ALTERNATIVE C: PC RECOMMENDATION - Eighteen Cannabis Retailers as defined in Section 12.21.020 shall be permitted as of right with a Zoning Certificate in C-prefixed zones if they comply with the parking requirements applicable to the uses they include, and any security requirements promulgated by the Chief of Police.

Section 23C.25.020 Cannabis Cultivation

A. Notwithstanding anything to the contrary in this Chapter, cultivation of cannabis as defined in Chapters 12.231 and 12.252 and MAUCRSA, as defined in BMC Section 12.21.010, shall be permitted as a matter of right with a Zoning Certificate in the M District, subject to the following limitations:

1. Such locations shall be limited to licensed Cannabis Businesses.
2. Cannabis may not be dispensed, and client, patient or member services or retail sales are prohibited, at such locations.
3. No single location used for cultivation and associated uses by a licensee may exceed 22,000 square feet of total canopy area, except that separate spaces used by different licensees may be aggregated on the same location.
4. There is no numeric limit for Cannabis Cultivation Facilities under 10,000 sf in total canopy area, up to 48,000 sf.

4.5. Up to six Major Cannabis Cultivation Facilities between the size of 10,000 sf and 22,000 sf in total canopy area are permitted.

5.6. Outdoor commercial cultivation is prohibited.

6.7. The total canopy area used for cannabis cultivation shall not exceed 180,000 square feet.

B. Cannabis nurseries, as defined in Chapter 12.231 are considered Cannabis Cultivation uses and are subject to the same regulations as Cultivators.

C. Such locations shall comply with all regulations in Chapter 12.2522, security regulations promulgated by the Chief of Police, and the requirements of this Chapter, and shall not be located within 300 feet of a private or public elementary, middle or high school. Such locations may include testing, processing, manufacturing and food preparation only to the extent expressly permitted by MAUCRSA.

D. No Cannabis uses may be approved under this Section until the City Council adopts a licensing process and standards for such uses. Such standards shall include a requirement that indoor cultivation uses provide for an energy offset through a program specified by the City to offset the net increased energy that is used by the Facility as compared to a regular industrial facility, and may include, but shall not be limited to, whether proposed Facilities will provide a percentage of all usable product cultivated at no cost to very low income patients and will use organic methods in cultivation and processing to the maximum extent reasonable; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality cannabis to Customers.

E. Notwithstanding Subsection 23C.25.020.D, Cannabis Cultivators with Cannabis Cultivation Facilities (as defined in Section 12.2321.020) that do not exceed 10,000 square feet in total canopy area are permitted as a matter of right with a Zoning Certificate in the M District, subject to a limitation on total canopy area used for Cannabis Cultivation of 180,000 square feet.

Section 23C.25.030 Cannabis Manufacturing, Testing Labs and Distribution

A. Uses such as, but not limited to, testing, processing, and food preparation, that involve cannabis as defined in Chapter 12.2321 but do not involve dispensing, client, patient or member services, or cultivation (other than for testing), shall be evaluated and regulated under this Title without regard to the fact that they involve cannabis.

B. Manufacturers, Testing Labs, Research and Development and Distribution businesses which are licensed as Cannabis Businesses by the State may not be located within 300 feet of a public or private elementary, middle or high school.

C. For the purposes of this Chapter, the following Cannabis uses shall be evaluated and regulated for Zoning purposes in the same way as the existing non-Cannabis uses, with the exception of distance buffers from schools:

Cannabis Use	Non-Cannabis Use
Manufacturing, processing, food preparation	Light Manufacturing
Testing labs	Testing labs
Research and Development	Research and Development
Distribution	Wholesale Uses

Section 23C.25.040 Microbusinesses

A. Microbusinesses are defined in Section 12.21.020

B. Microbusinesses are subject to the development standards set forth in this Chapter for each activity conducted on the premises, with the following exceptions:

1. In cases where the development standards for two activities are different, the more restrictive standards shall apply.

2. Retail Nursery Microbusinesses

a. Two existing nurseries are permitted to convert to a Retail Nursery Microbusiness, regardless of the number of Retailers and Cultivators in the City.

b. ALTERNATIVE A: STAFF RECOMMENDATION - These businesses are permitted by right with a Zoning Certificate in C- and M- prefixed zones, if they comply with the development standards set forth in this Chapter for each activity conducted on the premises.

b. ALTERNATIVE B: PC and CHC RECOMMENDATION - These businesses are permitted with a Use Permit in all zoning districts, if they comply with the development standards set forth in this Chapter for each activity conducted on the premises.

c. If the existing nursery is located entirely or partially in an R-prefixed district, conversion to a Retail Nursery Microbusiness will be subject to requirements for non-conforming uses (Section 23C.04.060).

d. The 600-foot retail buffer shall not apply between Storefront Retailers and Retail Nursery Microbusinesses.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old Berkeley City Hall, 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.

ORDINANCE NO. -N.S.

ZONING ORDINANCE AMENDMENT TO SUB-TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY DEVELOPMENT STANDARDS AND AMEND USE TABLES RELATED TO CANNABIS USES

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

Section 1. That Berkeley Municipal Code Section 23E.16.070 is repealed.

Section 2. That the “Retail Sales” section of Table 23E.36.030 in Berkeley Municipal Code Section 23E.36.030 is amended to read as follows:

Table 23E.36.030 C-1 General Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores)
Alcoholic Beverage Retail Sales including Liquor Stores and Wine Shops	UP(PH)	Includes sale for off-site consumption at restaurants Prohibited within the University Avenue Strategic Plan Overlay (unless in conjunction with a restaurant or general food product store)
Department Stores	ZC*	
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	UP(PH)	Prohibited within the University Avenue Strategic Plan Overlay
Pet Stores, including Sales and Grooming of Animals (but not Boarding)	UP(PH)	
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u> <u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 3. That the “Retail Sales” section of Table 23E.40.030 in Berkeley Municipal Code Section 23E.40.030 is amended to read as follows:

Table 23E.40.030 C-N Neighborhood Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed. (Does not include Video Rental Stores)
Alcoholic Beverage Retail Sales including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores Over 3,000 s.f.	AUP Prohibited	
Drugstores	ZC*	A new or expanded Drugstore is prohibited if it is over 5000 square feet in Gross Floor Area, and within 1000 feet of any property containing an existing Drugstore, as measured by a straight line from the nearest point of the property line of the parcel on which the Drugstore is proposed to the nearest point of the property line of the parcel on which the nearest Drugstore is located.
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	Prohibited	
Pet Stores, including Sales and Grooming of Animals (but not Boarding)	UP(PH)	
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u>

Use	Classification	Special Requirements (if any)
		<u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 4. That the “Retail Sales” section of Table 23E.44.030 in Berkeley Municipal Code Section 23E.44.030 is amended to read as follows:

Table 23E.44.030 C-E Elmwood Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores).
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores Over 3,000 s.f.	ZC* Prohibited	
Drugstores	ZC*	A new or expanded Drugstore is prohibited if it is over 5000 square feet in Gross Floor Area, and within 1000 feet of any property containing an existing Drugstore, as measured by a straight line from the nearest point of the property line of the parcel on which the Drugstore is proposed to the nearest point of the property line of the parcel on which the nearest Drugstore is located.
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	Prohibited	
Pet Stores, including Sales and Grooming of Animals	UP(PH)	Does not include boarding of animals
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u>

Use	Classification	Special Requirements (if any)
		<u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 5. That the "Retail Sales" section of Table 23E.48.030 in Berkeley Municipal Code Section 23E.48.030 is amended to read as follows:

Table 23E.48.030 C-NS North Shattuck Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores).
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores Over 3,000 s.f.	ZC* Prohibited	
Drugstores	ZC*	A new or expanded Drugstore is prohibited if it is over 5000 square feet in Gross Floor Area, and within 1000 feet of any property containing an existing Drugstore, as measured by a straight line from the nearest point of the property line of the parcel on which the Drugstore is proposed to the nearest point of the property line of the parcel on which the nearest Drugstore is located.
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	Prohibited	
Pet Stores, including Sales and Grooming of Animals (but not Boarding)	UP(PH)	
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u>

Use	Classification	Special Requirements (if any)
		<u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 6. That the “Retail Sales” section of Table 23E.52.030 in Berkeley Municipal Code Section 23E.52.030 is amended to read as follows:

Table 23E.52.030 C-SA South Area Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores)
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants No sales of distilled alcoholic beverages are allowed along Adeline Street south of Ashby Avenue
Department Stores Over 3,000 s.f.	ZC* UP(PH)	
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops	Prohibited	Including Auction Houses
Pet Stores	UP(PH)	Including Sales and Grooming of Animals (but not Boarding)
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u> <u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 7. That the “Retail Sales” section of Table 23E.56.030 in Berkeley Municipal Code Section 23E.56.030 is amended to read as follows:

Table 23E.56.030 C-T Telegraph Avenue Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC	As defined in Sub-title 23F, except otherwise listed (does not include Video Rental Stores)
Alcoholic Beverage Retail Sales including liquor stores and wine shops	Prohibited	Includes sale for off-site consumption at restaurants
Department Stores Over 3,000 s.f.	ZC UP(PH)	
Drug Paraphernalia (any use involving the sale or distribution thereof)	Prohibited	As defined in California Health and Safety Code Section 11364.5(d)
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops	Prohibited	Including Auction Houses
Pet Stores	UP(PH)	Including Sales and Grooming of Animals (but not Boarding)
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u> <u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 8. That the “Retail Sales” section of Table 23E.60.030 in Berkeley Municipal Code Section 23E.60.030 is amended to read as follows:

Table 23E.60.030 C-SO Solano Avenue Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores)
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores	ZC*	

Use	Classification	Special Requirements (if any)
Over 3,000 s.f.	Prohibited	
Drugstores	ZC*	A new or expanded Drugstore is prohibited if it is over 5000 square feet in Gross Floor Area, and within 1000 feet of any property containing an existing Drugstore, as measured by a straight line from the nearest point of the property line of the parcel on which the Drugstore is proposed to the nearest point of the property line of the parcel on which the nearest Drugstore is located.
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops	Prohibited	
Pet Stores including Sales and Grooming of Animals (but not Boarding)	UP(PH)	
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u> <u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 9. That the "Retail Sales" section of Table 23E.64.030 in Berkeley Municipal Code Section 23E.64.030 is amended to read as follows:

Table 23E.64.030 C-W West Berkeley Commercial District Provisions: Uses Permitted

Use	Permits Required to Establish, Expand or Change Use (sq. ft.)			Special Requirements (if any)
Retail Sales				
Retail uses as defined in Sub-title 23F, except otherwise listed.				
	Under 3,500	3,500-7,500	7,500 or more	
All Retail Sales Uses, except those specified below	ZC	AUP	UP(PH) **	**Except when part of a combination commercial/residential use; see Mixed Use Development heading

Use	Permits Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	UP(PH)	
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u> <u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 10. That the “Retail Sales” section of Table 23E.68.030 in Berkeley Municipal Code Section 23E.68.030 is amended to read as follows:

Table 23E.68.030 C-DMU Downtown Mixed Use Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements
Retail Sales		
All Retail Sales Uses, except those listed below	ZC	As defined in Sub-title 23F, except otherwise listed
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores Under 10,000 s.f.	AUP ZC	
Firearm/Munitions Businesses	Prohibited	
Pawn Shops, including Auction Houses	UP(PH)	
Pet Stores, including Sales and Grooming of Animals (but not Boarding)	UP(PH)	
Smoke Shops	Prohibited	

Use	Classification	Special Requirements
<u>Cannabis Retailer</u>	<u>ZC</u>	<u>ZC shall only be issued after business is approved through the selection process</u> <u>Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22</u>

Section 11. That the “Other Industrial Uses” section of Table 23E.72.030 in Berkeley Municipal Code Section 23E.72.030 is amended to read as follows:

Table 23E.72.030 M Manufacturing District Provisions: Uses Permitted

Uses	Permits Required to Establish, Expand or Change Use (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 40,000	More than 40,000	
Other Industrial Uses				
Art/Craft Studio	ZC <10,000	AUP 10,000 – 20,000	UP(PH) >20,000	Workspaces only, no Live/Work permitted.
Bus, cab, truck and public utility depots	AUP	UP		
Commercial Excavation	UP(PH)			Including earth, gravel, minerals, or other building materials, including drilling for, or removal of, oil or natural gas
Contractors	AUP		UP	
Dry Cleaning and Laundry Plants	ZC	AUP	UP(PH)	No retail service permitted
Laboratories, Testing and Commercial Biological Research	Prohibited			
Media Production	ZC <10,000	AUP 10,000 – 20,000	UP(PH) >20,000	
Recycled Materials Processing	ZC*	AUP	UP	* If all processing done indoors; if any outdoors, AUP

Repair Service (other than auto repair)	ZC	AUP	UP	No retail sales permitted
Services to Buildings and Dwellings	AUP			
Cannabis Cultivation	ZC			<p><u>For Large Cultivators (over 10,000 square feet of canopy) a ZC shall only be issued after business is approved through the selection process</u></p> <p>Subject to the requirements of Section-Chapter 23C.25 and BMC Chapters 12.231 and 12.252</p>

Section 12. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old Berkeley City Hall, 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.

ORDINANCE NO. -N.S.

ZONING ORDINANCE AMENDMENT TO CHAPTER 23F.04 OF THE BERKELEY MUNICIPAL CODE TO ADD AND MODIFY DEFINITIONS RELATED TO CANNABIS USES

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

Section 1. That Berkeley Municipal Code Chapter 23F.04 is amended to revise the definition of “Cannabis Uses”, add the definition of “Microbusiness” in alphabetical order, and amend the definition of Retail Products Store” as follows:

Cannabis Uses: Cannabis uses include retail sales, cultivation, manufacturing, testing, and distributing. See BMC Chapters 12.21, and 12.22, ~~12.23, 12.25, and 12.27~~ for cannabis regulations and Section 23C.25 for land use regulations.

Microbusiness: Cannabis use involving more than one State license. See BMC Chapter 12.21 for definition.

Retail Nursery Microbusiness: A microbusiness that is restricted to growing and selling cannabis plants and seeds. See BMC Chapter 12.21 for definition.

Retail Products Store: An establishment engaged in the sales of personal, consumer or household items to the customers who will use such items, including, but not limited to:

Retail Products Stores	Comments
Antique Stores	Includes Collectibles
Art/Craft Shops	
Art Galleries	
Art and Craft Supply Stores	
Audio/Video Records, Tapes, Disks Sales Shops	Excludes video rental stores
Automobile Parts Stores	Excludes service of auto parts
Bicycle Shops	Includes sales, parts and repair/service
Bookstores, Periodical Stands	
Clothing Stores	Includes apparel, hats, shoes and accessories
Computer Stores	Hardware and software

Retail Products Stores	Comments
Drugstores	Includes pharmaceutical, sundries, cosmetic/personal care items
Fabric, Textile and Sewing Supply Shops	
Flower and Plant Stores	Includes live, fresh-cut and/or dried flowers; excludes nurseries
Food Products Stores, Specialized	Includes Bakeries
Food Products Stores, General	Includes groceries, markets and supermarkets
Furniture Stores, Household or Office	Includes carpets and rugs
Garden Supply Stores, Nurseries	Does not include Cannabis Nurseries, see Cannabis Cultivation definition in 12.213.020
Gift/Novelty Shops	
Glass Pane and Mirror Stores	
Hobby Shops	
Household Hardware and Housewares Stores	
Household Electronics/Electrical Stores (Audio, Telephone and Video/TV)	Excludes video rental stores
Jewelry/Watch Shops	
Linen Shops	Includes bedding
Musical Instruments and Materials Stores	
Office Supply Stores	
Paint/Wallpaper Stores	
Photography Equipment Supply Stores	Includes cameras and film developing
Secondhand Stores	Includes used/vintage clothing and household goods
Small Appliance Stores	
Sporting Goods Stores	Includes equipment, clothing and supplies, excluding Firearm/Munitions Businesses

Retail Products Stores	Comments
Stationery, Cards and Paper Goods Stores	
Toy Stores	
Variety Stores	

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old Berkeley City Hall, 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.

MINUTES FROM THE CANNABIS, COMMUNITY HEALTH AND PLANNING COMMISSIONS RELATED TO PROPOSED CANNABIS ORDINANCES

CANNABIS COMMISSION

APPROVED MINUTES OF THE CANNABIS COMMISSION MEETING FEBRUARY 1, 2018 (Partial)

A. Review staff proposed changes to cannabis ordinance language and vote on Commission recommendation to Council.

Chair Jones recommended to begin the discussion by going through the matrix attached in the packet.

Public Comment: Eight public comments. The comments stated that there should be 600' buffer from liquor stores as well and that there should be no delivery of cannabis outside of California. Deliveries should be allowed at businesses and hotels, not only residences. The comments also were concerned about limiting cultivation to only the M District, there are good locations outside of the M District, and there will not be enough incentive for businesses to come into Berkeley if we only allow cultivation in the M District. There are large enough sites in the MM District of cannabis cultivation. Another comment expressed concern about only allowing retailers to buy from licensed cultivators. Other comments were concerned that there are not proposed regulations about change of ownership, only regulations for change of location. Another comment encouraged to add language to grandfather existing dispensaries with temporary adult use licenses as adult use retailers in Section 23C.25.010.G. Other comments mentioned that there are a lot of redundancies in Chapters 21 and 22 with the State regulations.

Commissioner Rice responded to the public comments about location of cultivation. She asked for the public to submit written testimonies encouraging the expansion of cultivation outside of the M District. Commissioner Pappas voiced his concern that there needs to be selection process first for cultivators in the M District so that Council can see there is a need for expansion outside of the M District.

Retail: Medicinal Use

The Commission first discussed the topics within the *Retail: Medicinal Use* section of the attached matrix. Commissioner Cable stated that the 600' buffer between retailers should be reduced. Ferguson-Riffe stated that the 600' buffer should stay and is important. Commission Cooper mentioned that they should leave as is and deal with it when it becomes an issue later.

Motion/second for Commissioner Brewster to different buffers for Retail

business that sell non-smokeable products. (Jones/Cable). The motion carried 9-0-0-0. (Ayes: Brewster, Ferguson-Riffe, Jones, Carlisle, Pappas, Cable, Lampach, Rice, Cooper. Noes: None. Abstain: None. Absent: None)

The Commission discussed the issue of quotas for retailers. The Commission raised the question where there needs to be a definition of non-psychoactive/psychotropic products and if there should be a different quota limit for non-psychoactive use.

Motion/second to recommend no quotas for A and M retailers (Ferguson-Riffe/Carlisle). The motion carried 8-1-0-0. (Ayes: Brewster, Ferguson-Riffe, Jones, Carlisle, Pappas, Cable, Lampach, Rice. Noes: Cooper. Abstain: None. Absent: None)

Motion/second to recommend no quotas for Delivery-only retailers (Pappas/Brewster). The motion carried 8-1-0-0. (Ayes: Brewster, Ferguson-Riffe, Jones, Carlisle, Pappas, Cable, Lampach, Rice. Noes: Cooper. Abstain: None. Absent: None)

Motion/second to recommend approving the recommended security regulations for medicinal retailers (Jones/Carlisle). The motion carried 9-0-0-0. (Ayes: Brewster, Ferguson-Riffe, Jones, Carlisle, Pappas, Cable, Lampach, Rice, Cooper. Noes: None. Abstain: None. Absent: None)

The Commission agreed on the recommended on-site consumption language, and agreed with the recommended with the delivery regulations for medicinal use.

Retail: Adult Use

The Commission agreed with all staff recommendations for Adult-Use regulations' topics from the matrix except for the quota, see motion above.

Retail: Delivery-only

The Commission agreed with the location for delivery-only retailers, see motion above for quota recommendation.

Motion/second to recommend changing the buffer for delivery-only retailers to 300' from schools and no buffer from other retailers (Lampach/Cable). The motion carried 9-0-0-0. (Ayes: Brewster, Ferguson-Riffe, Jones, Carlisle, Pappas, Cable, Lampach, Rice, Cooper. Noes: None. Abstain: None. Absent: None)

Commissioner Jones recommended pushing the matrix topics of Cultivation, Manufacturing, and Other to the subcommittee discussion.

APPROVED MINUTES OF THE CANNABIS COMMISSION MEETING

FEBRUARY 22, 2018
(Partial)

VII.A: Continuation from 2-1-18 meeting: Review staff proposed changes to cannabis ordinance language and vote on Commission recommendation to Council.

Staff briefly presented the staff report, including the corrections in the matrix and proposed language. Staff also reported on the motions made by the Planning Commission on February 21.

Commissioner Ferguson-Riffe expressed concern about existing residential growers not being able to obtain licenses and be able to sell to other licensed cannabis businesses. The Commission also expressed concern about not being represented at other Commission meetings and requested to include a standing item in their agendas to discuss how they want to address other Commission that discuss cannabis regulations.

Public Comment: One comment. The public speaker was concerned that the residual solvents limits for testing for manufacturers (12.22.140) do not align with the State's limits.

Commission Brewster's proposed language:

The Cannabis Commission (CC) decided to review Commissioner's Brewster's proposed language before discussing it. Thus, they will address Brewster's memo at the next meeting.

Delivery-specific requirements:

The Commission discussed whether deliveries should be allowed at locations other than residences, including places of work, hotels, etc. The Commission requested that staff check whether the State law includes language on where deliveries are allowed. The Commission will discuss this topic at the next meeting when they have more information.

Motion/second to recommend to Council staff's proposed language on delivery-specific regulations and expand language to include deliveries to place of work, hotels, motels, extended places of stay (Jones/Lampach). Motion was withdrawn.

Cultivation:

The Commission reviewed the subcommittee's recommendations on cultivation. The CC discussed the allowed location of cultivation and expressed interest in expanding cultivation outside of the M District. The Commission made the following motions regarding cultivation regulations.

Motion/second to recommend to Council expanding cannabis cultivation into all M prefixed districts. (Cable/Jones). The motion carried 6-0-1-2. (Ayes:

Ferguson-Riffe, Jones, Carlisle, Lampach, Pappas, Cable. Noes: None. Abstain: Rice. Absent: Brewster, Cooper.)

Motion/second to allow cultivation location outside M prefixed districts on a case-by-case for equity or pre-existing businesses (may not be legally established) (Pappas/Jones). The motion carried 5-1-1-2. (Ayes: Ferguson-Riffe, Rice, Lampach, Pappas, Cable. Noes: Carlisle. Abstain: Jones. Absent: Brewster, Cooper.)

Motion/second to recommend to Council staff's proposed language for size, quota, limit, buffer, security, and on-site consumption of cultivation (Jones/Pappas). The motion carried 7-0-0-2. (Ayes: Ferguson-Riffe, Jones, Carlisle, Lampach, Rice, Pappas, Cable. Noes: None. Abstain: None. Absent: Brewster, Cooper.)

The Commission decided to continue the discussion on the rest of the matrix at the next meeting.

**APPROVED MINUTES OF THE CANNABIS COMMISSION MEETING
MARCH 15, 2018
(Partial)**

VII.B: Continuation from 2-22-18 meeting: Review staff proposed changes to cannabis ordinance language and vote on Commission recommendation to Council. Attachments calls out Cannabis Commission actions since 1-18-18 and Planning Commission action on 2-21-18.

Public Comment: Six comments. Security requirements for distribution should be less strict (no security guards), and distribution licenses should be allowed in manufacturing. Delivery-only businesses do not need security guards. The language about reconfiguration of product is redlined in the proposed language per State regulations, allow dispensaries to apply for a microbusiness license. Other cities recognize cannabis businesses even when they do not have regulations in place with temporary licenses. Concerned that 32 retailers is too many for Berkeley and buffers should be more than 600 feet. Berkeley should consider having a prevention policy and best practices for cannabis businesses. Also, Washington allows 1 retailers to 22,000 residents, 32 in Berkeley is too many. Recommend to Council that residential cultivation is an important issue and that nurseries should be allowed to be a storefront and not just wholesale.

The Commission discussed what topics that had not been discussed at previous meetings and made the following motions.

Motion/second to approve all language proposed by staff or discussed and approved by the Commission, except for the following: nurseries, manufacturing, testing, distributing, and security to discuss now and at the April 5th meeting (Jones/Cable). The motion carried 7-0-0-2. (Ayes: Jones, Carlisle, Cable, Brewster, Cooper, Rice, Pappas. Noes: None. Abstain: None. Absent: Lampach, Ferguson-Riffe.)

The Commission discussed security and recommended removing the security guard requirement for distribution, cultivation and delivery-only businesses.

Motion/second to remove the security guard requirement (12.21.040.G.2 and 4) for distribution, cultivation and delivery-only businesses (Carlisle/Cable). The motion carried 7-0-0-2. (Ayes: Jones, Carlisle, Cable, Brewster, Cooper, Rice, Pappas. Noes: None. Abstain: None. Absent: Lampach, Ferguson-Riffe.)

The Planning Commission discussed temporary licenses and distribution licenses and made the following motions. The Commission articulated the importance of allowing distribution businesses to begin operating as soon as possible.

Motion/second to allow temporary licenses to cannabis businesses (except storefront retailers) that already have a location as of December 31, 2017 but no business license, and conforms with state law, with a caveat that they must conform with any changes to state or local law or lose their business license. (Jones/Cable). The motion was withdrawn.

Motion/second to allow temporary distribution licenses to existing manufacturing businesses that cannot obtain a state distribution license because the requirement of separate premises, with a caveat that they must conform to any changes to state or local law or lose their business license. (Cable/Jones). The motion did not pass 4-1-2-2. (Ayes: Jones, Cable, Rice, Pappas. Noes: Cooper. Abstain: Brewster, Carlisle. Absent: Lampach, Ferguson-Riffe.)

APPROVED MINUTES OF THE CANNABIS COMMISSION MEETING

APRIL 5, 2018
(Partial)

VII.B: Continuation from 3-15-18 meeting: Review staff proposed changes to cannabis ordinance language and vote on Commission recommendation to Council related to nurseries, distribution, testing, manufacturing, and

temporary licenses.

Staff reviewed that proposed manufacturing and testing regulations are very similar to how existing regulations, with the addition of 300' buffers, and required conformance with all State regulations. The City will allow for a temporary license to allow existing businesses to have a distribution license, but waiting to see if the state will allow same site location. Distribution is recommended to be treated as a wholesale trade use in Berkeley. The proposed language says that nurseries would be subject to cultivation regulations.

Public Comment: Two comments. Asked if temporary distribution licenses can be issued to existing manufacturers at the same location, and what is cultivation in greenhouses considered?

The Commission discussed recommendations for manufacturing, testing and distribution and made the following motions. The Commission made no changes to their previous decision regarding cultivation and acknowledged that nurseries are included in cultivation. The Commission did not discuss temporary licenses.

Motion/second to approve staff's recommendation for manufacturing (Jones/Cable). The motion carried 6-0-0-3. (Ayes: Jones, Cable, Brewster, Ferguson-Riffe, Cooper, Rice. Noes: None. Abstain: None. Absent: Lampach, Carlisle, Pappas (not present during this vote).)

Motion/second to approve staff's recommendation for testing (Jones/Brewster). The motion carried 6-0-0-3. (Ayes: Jones, Cable, Brewster, Ferguson-Riffe, Cooper, Rice. Noes: None. Abstain: None. Absent: Lampach, Carlisle, Pappas (not present during this vote).)

Motion/second to approve staff's recommendation for distribution (Jones/Cable). The motion carried 7-0-0-2. (Ayes: Jones, Cable, Brewster, Ferguson-Riffe, Cooper, Rice, Pappas. Noes: None. Abstain: None. Absent: Lampach, Carlisle.)

**DRAFT MINUTES OF THE CANNABIS COMMISSION MEETING
NOVEMBER 8, 2018
(Partial)**

VII.A: Review upcoming cannabis items at Council and other commissions and vote on any commission actions in response to these items. Also appoint a representative for possible January Council meeting.

Staff Overview of Retail Nursery Microbusinesses (A.1):

Staff reviewed the staff report and explained that it is on the agenda based on Council direction from the October work session. The Cannabis Commission, Planning Commission and Community Health Commission will review this ordinance language at their November and December meetings. Recommendations from the commission will be incorporated into the ordinance language going to council in early 2019.

The commission asked for clarification on quota limit (2), buffers between microbusinesses and retailers and proximity to existing nurseries.

Public Comment (A.1): One comment. Speaker thinks a complete cannabis nursery (per Section 5408) will be better than cannabis sales in an existing non-cannabis nursery.

Motion/second to adopt and approve the draft ordinance by staff (staff language)

(Cooper/Jones). The motion carried 6-0-0-1. (Ayes: Jones, Rice, Brewster, Cooper, Cable, Pappas. Noes: None. Abstain: None. Absent: Carlisle.)

CHC recommendations and report (A.2 and 3)

Public Comment: One comment. Speaker asked if the Community Health Commission had read the new State regulations.

May Simpson spoke on behalf of the Community Health Commission (CHC): Community Health Commission has been studying scientific-based research and has spoken to doctors. The information so far has been inclusive but there is concern about use of cannabis having long term effect. There is particular concern about youth because their brain does not fully develop until age 25. We should be open minded and look at evidence from credible sources on both sides of issue.

The Cannabis Commission discussed issues included in the CHC report. There were questions about the validity of some of the concerns and the need for statistics about cannabis-related crime, youth use and hospitalizations since legalization of cannabis. There was some question about whether a prohibition of “characterizing flavors” would result in a prohibition of edibles. There was support for signs to discourage use by teens, pregnant women, and immigrants, and also support for working with the CHC to protect youth.

The Chair asked the CHC representative to inform the Cannabis Commission of any targeted concerns.

COMMUNITY HEALTH COMMISSION

**FINAL MINUTES OF THE COMMUNITY HEALTH COMMISSION MEETING
MARCH 22, 2018
(Partial)**

3. M/S/C (Rojas-Cheathman/Futoran) Support Cannabis Ordinance Recommendation to Council with proposed edit (Attachment 8)

Ayes: Commissioners Rojas-Cheathman, Engelman, Kesarwani, Futoran, Carter, Smart, Lingas, Khalfay, and Wang

Noes: None

Abstain: Commissioner Brosgart and Spigner

Absent: Commissioner Speich and Katz

Excused: Commissioners Chen and Morales

Motion Passed.

4. M/S/C (Kesarwani/Rojas-Cheathman) Send Feedback to Cannabis Commission (Attachment 9)

Ayes: Commissioners Kesarwani, Rojas-Cheathman, Engelman, Futoran, Carter, Smart, Lingas, Khalfay, Spigner and Wang

Noes: Commissioner Brosgart

Abstain: Commissioner Engelman

Absent: Commissioner Speich and Katz

Excused: Commissioners Chen and Morales

Motion Passed.

**DRAFT MINUTES OF THE COMMUNITY HEALTH COMMISSION SPECIAL
MEETING
DECEMBER 6, 2018
(Partial)**

3. M/S/C (Speich/Futoran): Motion to approve Retail Nursery Microbusiness language that was passed by the Planning Commission including Use Permit in all districts.

Ayes: Commissioner Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Khalfay

Noes: None

Abstain: None

Absent from vote: None

Excused: Commissioner Engelman, Goldmacher, Gupta, Simpson, Rosales, Katz

Motion Passed.

4. M/S/C (Spigner/Futoran): Motion to approve staff recommendations with recommended edits for CHC reasoning (clarifying no adult use consumption in any business; no changes to H; agreement with staff recommendations for medicinal cannabis for low-income persons; adding children, youth and young adults language to 10B).

Ayes: Commissioner Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Khalfay

Noes: None

Abstain: None

Absent from Vote: None

Excused: Commissioner Engelman, Goldmacher, Gupta, Simpson, Rosales, Katz

Motion Passed.

PLANNING COMMISSION

**FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
FEBRUARY 21, 2018
(Partial)**

9. Action: Public Hearing: Zoning Ordinance Cannabis Regulations

Staff briefly presented the staff report on the proposed cannabis regulations including the use types, location of cannabis businesses, quotas, buffers, and levels of discretion.

Public Comments: 11 speakers.

Motion/Second/Carried (RK/RW) to close public hearing. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Wrenn. Noes: Vincent, Pinto, O'Farrell. Abstain: None. Absent: None. (6-3-0-0)

The Planning Commission (PC) addressed each Zoning Ordinance topic laid out in the staff report. The Commission agreed on staff's recommendation for locations of cannabis businesses within the Zoning districts. The PC agreed with staff's recommendation for cannabis use types, but discussed the possible options to allow existing non-cannabis nurseries to sell cannabis plants, for example, incidental sales of clones and seeds. The PC also agreed on staff's recommendations for quotas, buffers, and levels of discretion. However, the Commission discussed different options for equitable and geographical distribution and concentration of adult-use and medicinal retailers. And they requested that the Council refer back to the Planning Commission to discuss this issue. The Commission passed the following motions.

Motion/Second/Carried (RW/MKL) to recommend staff's proposal for cannabis businesses locations to Council. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Wrenn, Vincent, Pinto, O'Farrell. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (RW/BB) to recommend staff's recommendation for use types, and suggest to Council to refer back to the Planning Commission to allow incidental cannabis sales of clones and seeds at existing ornamental nurseries. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Wrenn, Vincent, Pinto, O'Farrell. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (CS/RW) to recommend staff's proposals on quotas (with at total of 18 storefront retailers and up to 12 adult use retailers), buffers, and levels of discretion. Request Council to refer back to Planning Commission consideration of

alternate methods of concentration and/or distribution of adult use and medical retailers including consideration of buffer between cannabis retailers, levels of discretion, and quotas. Ayes: Lacey, Beach, Schildt, Kapla, Wrenn, Vincent, Pinto, O'Farrell. Noes: Martinot. Abstain: None. Absent: None. (8-1-0-0)

**DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
DECEMBER 5, 2018
(Partial)**

9. Action: Public Hearing: Retail Nursery Microbusiness

Staff reported that the Council voted at the September 2018 meeting to allow small Distributors and Cultivators to operate in Berkeley and to allow all cannabis businesses to operate as for-profit business. At the October 9, 2018 work session, the Council gave directions to maintain existing Retailer quotas, expand buffers for Retailers and supported the conversion of existing non-cannabis nurseries to cannabis retail nurseries. Staff described the draft ordinance, which would allow two existing nurseries to convert to Retail Nursery Microbusinesses (RNM) regardless of the number of Retailers and Cultivators in the City. RNM would be subject to the performance and development standards in place for the cannabis uses included as part of the RNM. The Commission held a public hearing, asked clarifying questions and discussed the proposed amendment.

Motion/Second/Carried (Schildt /Beach) to close the public hearing for item 9. Ayes: Martinot, Kapla, Schildt, Fong, Beach, Lacey, Wrenn, Hauser. Noes: None. Abstain: None. Absent: Pinto. (8-0-0-1)

Motion/Second/Carried (Kapla/Wrenn) to adopt proposed language and require a Use Permit for the conversion of an existing nursery to a Retail Nursery Microbusinesses. Ayes: Martinot, Kapla, Schildt, Fong, Beach, Lacey, Wrenn, Hauser. Noes: None. Abstain: None. Absent: Pinto. (8-0-0-1)

Public Comments: 4 Comments



Community Health Commission

ATTACHMENT 7

ACTION CALENDAR

September 13, 2018

To: Honorable Mayor and Members of the City Council
From: Community Health Commission
Submitted by: Nuha Afzal Khalfay, Chairperson, Community Health Commission
Subject: A Public Health Approach to the Proposed Cannabis Ordinance(s)

RECOMMENDATION

We recommend that the City Council delay the development timeline, approval, and implementation of the proposed cannabis ordinances for the City of Berkeley until the health protection and promotion measures outlined in this document have been fully integrated into the proposed ordinances, and take appropriate measures such as a moratorium to assure that the state does not issue licenses to businesses in Berkeley until such time as local policy is defined.

SUMMARY

California Proposition 64, the Adult Use Marijuana Act, permits local governments to establish regulations for the production, sale, marketing, and cultivation of marijuana for recreational use. On July 25, 2017, Mayor Arreguin and the City Council referred the development of local ordinances of non-medicinal cannabis to the City Manager and the Cannabis Commission, in order to protect public health, safety, and welfare.

Recent study findings indicate that legalization of recreational cannabis should be carried out cautiously, to prevent undue exposure of youth, pregnant women, and the expansion of problem use; that unfettered expansion and diversification of products and of marketing are not prudent; and that, like tobacco and alcohol, cannabis use may pose significant risks to public health, especially when initiated early.

In this document we take the lessons learned from the public health responses to tobacco and alcohol use and recommend limits on cannabis access, cultivation, sales and marketing in the City of Berkeley, as well as methods for investment in addressing problem cannabis usage and promoting the public's health.

FISCAL IMPACTS OF RECOMMENDATION

Limited loss in local tax revenue from the delay in implementing the relevant cannabis ordinances. Long-term savings to the Police, Fire, and Health, Housing & Community Services Departments, as well as the Berkeley Unified School District, from decreases in problem use among youth and pregnant women.

CURRENT SITUATION AND ITS EFFECTS

Based on the most reliable and up-to-date scientific evidence, while legalization can help mitigate the negative social effects of the war on drugs, excessively rapid introduction of newly legalized recreational cannabis (“cannabis”), presents a significant potential threat to the public health, safety, and welfare of the residents of Berkeley, and particularly to youth and pregnant women.

Even before legalization of adult use of cannabis, the perception of risk from cannabis consumption has dropped from 58.3% to 31.1% among youth nationally between 2000 and 2016;¹ and use during pregnancy has risen substantially between 2000 and 2014, increasing the risk of low birth weight.² Between 2009 and 2016 use in Northern California pregnant women increased from 4.2% to 7.1, in teen mothers the increase was from 12.5% to 21.8%, and in young mothers ages 18 to 24 years use rose from 9.8% to 19%.³

In 2013-2015, the prevalence of lifetime marijuana use (7 or more times) among 11th graders in the Berkeley Unified School District (BUSD) was 38%, almost double that of the state as a whole (19.2%) and substantively more than for Alameda county (22.0%),⁴ indicating that Berkeley youth have not had difficulty obtaining marijuana for recreational use. For BUSD 11th graders, 11.4% of boys and 4.4% of girls used marijuana on more than 10 days in the previous month, vs. 8.6% and 4.7% respectively, in Alameda County.⁵

In 2017, the National Academies of Sciences, Engineering and Medicine (NASEM) reviewed the available scientific evidence on the health effects of cannabis and cannabis-derived products, and while noting substantial evidence of therapeutic effectiveness of medicinal cannabis for a limited number of indications, noted evidence

¹ Johnston LD, O'Malley PM, Miech RA, Bachman JG, Schulenberg JE. *Monitoring the Future National Survey Results on Drug Use, 1975-2016: Overview, Key Findings on Adolescent Drug Use*. Ann Arbor: Institute for Social Research, The University of Michigan; 2017.

² Brown QL, Sarvet AL, Shmulewitz D, Martins SS, Wall MM, Hasin DS. Trends in Marijuana Use Among Pregnant and Nonpregnant Reproductive-Aged Women, 2002-2014. *JAMA*. 2017;317(2):207-209. doi:10.1001/jama.2016.17383.

³ Young-Wolff KC, Tucker L, Alexeeff S, et al. Trends in self-reported and biochemically tested marijuana use among pregnant females in California from 2009-2016. *JAMA*, 318(24): 2490-2491.

⁴ Kidsdata.org. *Marijuana use in lifetime, by grade level*. Accessed 12 March 18.

⁵ *Ibid*.

of association of cannabis use with harm in a wide range of areas.⁶ The NASEM study found “substantial evidence”⁷ to support the following conclusions:

- a) Initiation of use at an earlier age or more frequent use is a risk factor for the development of problem cannabis use;
- b) Maternal cannabis smoking during pregnancy is associated with low birth weight in offspring;
- c) Cannabis use is associated with increased risk of motor vehicle crashes;
- d) Cannabis use increases the risk of development of schizophrenia and other psychoses, with the highest risk among the most frequent users;
- e) Long-term cannabis smoking is associated with worse respiratory symptoms and more frequent chronic bronchitis episodes; and
- f) Increases in cannabis use frequency are associated with developing problem cannabis use.

The NASEM study found that less conclusive, but still worrisome, emerging evidence exists for a wide range of other harms, including impaired academic achievement and educational outcomes, development of substance use disorders, suicide completion, high blood pressure and increased unemployment, among others.

An additional concern is that even in states that have legalized adult use of marijuana, Federal immigration authorities are deporting immigrants (documented or undocumented) for cannabis possession, use, or working in the industry. At a time of heightened risk to the immigrant community, alerting immigrants to this additional legal hazard is important.

In light of these issues and other health effects, the Community Health Commission recommends setting a prudent and thoughtful approach to the complex issues surrounding legalization that should include strengthening the protection of youth and informing pregnant women and others on the foreseeable impacts of the legalization of adult use of recreational marijuana.

BACKGROUND

California Proposition 64, the Adult Use Marijuana Act, permits local governments to establish regulations for the production, sale, marketing and cultivation of marijuana for recreational use. On July 25, 2017, Mayor Arreguín and the City Council referred the

⁶ The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research | The National Academies Press. <https://www.nap.edu/catalog/24625/the-health-effects-of-cannabis-and-cannabinoids-the-current-state>. Accessed July 12, 2017.

⁷ **The Academies defined Substantial Evidence as follows:** *There is strong evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.*

development of local ordinances of non-medicinal cannabis to the City Manager and the Cannabis Commission, in order to protect public health, safety, and welfare.

The Community Health Commission wants to assure that the local ordinances put in place to regulate cannabis in Berkeley reflect a public health approach. We propose that the City of Berkeley's cannabis ordinances address the following issues to make sure the public's health is being protected:

RETAIL OUTLETS

- Limit retail outlets to six. Existing regulation for retail sales of medicinal marijuana limit the number of locations to six. As these six have been allowed to sell adult recreational as well as medicinal marijuana, we recommend that the City limit the total number of retail outlets for both medicinal and adult recreational use to six. We also know from tobacco that outlet density is positively correlated with youth cigarette smoking.⁸ Thus, for a city the size of Berkeley, with a population of approximately 121,240, six retail outlets are sufficient to provide a ratio of 1 outlet per 20,206 people.⁹ Los Angeles County is recommending 1 storefront outlet per 52,000 residents and Washington State started with 1:22,000 residents. If even 1-2 new retailers are allowed, they should be limited to "equity applicants."
- Community input is needed on the decision to open any additional outlets and where these should be situated. We recommend a Conditional Use Permit to assure that the community is heard and so that the burden of retail outlets is not concentrated on one area of the City.
- Delivery-only retail establishments should only be allowed for delivery of medicinal marijuana. To reduce youth access, no additional delivery-only businesses should be allowed for adult recreational use. All sales and dispensing of Cannabis and Cannabis Products shall be conducted in-person on the Premises of the Cannabis Retailer. Off-site Delivery to the Consumer of adult use Cannabis or Cannabis Products is not allowed. Cannabis Retailing by means of Internet ordering or telephone ordering and Delivery to the Consumer service is prohibited in Berkeley.
- Any new retail outlet should have a 1,000 feet buffer from any school providing instruction in kindergarten or grades 1 through 12, Day Care Centers, parks, Youth Centers, libraries, junior colleges, colleges, or universities. The distance shall be measured by a straight line from the nearest point of the property line of the parcel on which the youth-serving facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.

⁸ Finan LJ, Lipperman-Kreda S, Abadi M, et al. Tobacco outlet density and adolescents' cigarette smoking: a meta-analysis. *Tobacco Control*. Published Online First: 08 March 2018. doi: 10.1136/tobaccocontrol-2017-054065

⁹ United States Census Bureau. Quickfacts: Berkeley city, California.

www.census.gov/quickfacts/fact/table/berkeleycitycalifornia/PST045216. Accessed 14 March 18.

- Cannabis Retailers should sell only Cannabis and other Cannabis Products, produced and distributed by persons licensed by the State of California, and Cannabis Accessories. They may not sell other goods, including but not limited to food; tobacco products; alcoholic beverages; non-cannabis medicines or supplements, or items of clothing. The Cannabis Retailer shall not hold or maintain a permit as a food service establishment or cottage food establishment from the City of Berkeley. A Cannabis Retailer may not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. A Cannabis Retailer may not hold or maintain a license to sell tobacco products from the City of Berkeley or the State of California. A permit shall not be issued to authorize Cannabis Retailing in a Pharmacy.
- Lounges and other methods of on-site consumption of recreational marijuana should be prohibited. No Cannabis Product shall be smoked, ingested or otherwise consumed on the premises of a permit holder or in the public right-of-way within twenty-five feet of a Cannabis Retailer. Cannabis Retailers shall post a sign near their entrances and exits providing notice of this policy.

RESTRICTIONS ON ADVERTISING AND MARKETING

- Mirror the current BMC 20.66.030 Tobacco product advertising: No person shall place or maintain, or cause or allow to be placed or maintained any cannabis product advertising in any publicly visible location within one thousand four hundred feet of the perimeter of any school.
- No claims may be made in Advertising or Marketing materials in Berkeley for Cannabis or Cannabis Products or brands that assert such products are safe because they are regulated by the state or local licensing authority (e.g., “state-approved” or “state-licensed”). This restriction does not apply to the display of license or permit numbers where required.
- Advertising and Marketing materials in Berkeley for adult-use Cannabis or Cannabis Products or brands may not include claims of therapeutic or curative effects.
- Products that may not be sold in Berkeley may not be Advertised in Berkeley.
- Advertising and Marketing materials in Berkeley for Cannabis and Cannabis Products or brands may not be Attractive to Children or Youth.
- Advertising and Marketing materials in Berkeley may not depict activities or conditions considered risky when under the influence of Cannabis, such as operating a motorized vehicle or boat, being pregnant, or breastfeeding.

PROHIBITED PRODUCT TYPES

- (a) Cannabis Retailers should not offer for sale, or possess with intent to sell or offer for sale or use:
- i) Any Cannabis or Cannabis Product that is Attractive to Children or Youth.
 - ii) Any Cannabis or Cannabis Product with Packaging or Labeling that is Attractive to Children or Youth.
 - iii) Synthetic cannabinoid containing products.
 - iv) Cannabis flower with potency in excess of 20% THC content.
 - v) Cannabis Products with THC content in excess of 50%.
 - vi) Cannabis flower to which a Characterizing Flavor has been added.
 - vii) Cannabis Products, other than those Edible Cannabis Products noted in (b) below, to which a Characterizing Flavor has been added.
 - viii) Cannabis or Cannabis Products whose Packaging, Labeling, or Marketing materials include claims of health, therapeutic or curative effects, or claims related to “potency” (beyond listing of cannabinoid content), “strength,” “high,” or being “natural.”
 - ix) Cannabis or Cannabis Products that contain any noncannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include, but are not limited to, nicotine, caffeine and alcohol [excepting a minimum of alcohol that is residual from manufacturing or required solvents for the cannabis containing product if the product’s Packaging, Labeling and Marketing make no other reference to alcoholic beverages].
 - x) Any Cannabis Product that would otherwise be classified as a potentially hazardous food (as defined in the Health and Safety Code 113871), including a food that requires time or temperature control to limit pathogenic microorganism growth or toxin formation.
 - xi) Any Cannabis-infused ready-to-drink beverages, powders, gels or other concentrates with instructions for the preparation of Cannabis-infused beverages.
 - xii) Any Cannabis product that the Health, Housing and Community Services Department determines is easily confused with a commercially available food without Cannabis.
- (b) A Cannabis Retailer may sell no more than 10 (ten) product variations (SKUs) of Edible Cannabis Products, with or without Characterizing Flavors, in the form of hard lozenges, or chocolates with no additional flavors, with individually wrapped servings not exceeding 10 mg THC, and packages not exceeding 100 mg per package.

- (c) Tinctures and other non-Edible Cannabis Products may not have Characterizing Flavors, may not exceed 1,000 mg THC per package for adult-use, and must have clear instructions and dispensing mechanism such as a marked dropper or other device for dispensing doses of 10 mg THC or less.
- (d) Cannabis or a Cannabis Product is presumed to have a Characterizing Flavor if a Manufacturer or any of the Manufacturer's agents or employees has:
- i) Made a public statement or claim that the Cannabis or Cannabis Product has or produces a Characterizing Flavor, including, but not limited to, text and/or images on the product's Labeling or Packaging that are used to explicitly or implicitly communicate information about the flavor, taste, texture or aroma of a Cannabis Product; or
 - ii) Taken actions directed to consumers that would reasonably be expected to result in consumers believing that the Cannabis or Cannabis Product imparts a Characterizing Flavor.

Every Cannabis Retailer shall maintain on the Premises the original Labeling and Packaging provided by the Manufacturer for all Cannabis Products that are sold or offered for sale by the establishment separately from the original Packaging designed for retail sale to the consumer. The original Labeling and Packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package.

WARNING LABELS

- The "exit packaging" for cannabis products, including edibles, should have large warning labels.

Any Opaque Exit Package provided by the retailer for Cannabis or Cannabis Product purchased by a customer must carry one of the following warnings in a black-outlined yellow box covering 20% of the front panel of the exit packaging and using at least 12 point font. Each of the warnings should be provided on an equal proportion of exit packaging provided. The Department of HHCS should review and update warnings as needed based on current scientific evidence at least every three years. Stickers are acceptable.

- a. **Are you pregnant or breastfeeding?** According to the Centers for Disease Control and Prevention (CDC), marijuana use during pregnancy can be harmful to your baby's health, including causing low birth weight and developmental problems. **GOVERNMENT HEALTH WARNING.**
- b. **Driving while high is a DUI.** Marijuana use increases your risk of motor vehicle crashes. **GOVERNMENT HEALTH WARNING.**

- c. **Not for Kids or Teens!** Starting marijuana use young or using frequently may lead to problem use and, according to the Centers for Disease Control and Prevention (CDC), may harm the developing teen brain. **GOVERNMENT HEALTH WARNING.**
- d. Marijuana use may be associated with **greater risk of developing schizophrenia** or other psychoses. Risk is highest for frequent users. **GOVERNMENT HEALTH WARNING.**
- e. Smoking marijuana long term may **make breathing problems worse.** **GOVERNMENT HEALTH WARNING.**

PRICING AND DISCOUNTING

- **PROHIBITION ON THE SALE OF CANNABIS FOR LESS THAN THE LISTED PRICE.** No Cannabis Retailer shall: (1) honor or accept a Price Reduction Instrument in any transaction related to the sale of Cannabis or Cannabis Products to a consumer; (2) sell or offer for sale Cannabis or Cannabis Products through any multi-package discount or otherwise provide to a consumer any Cannabis or Cannabis Products for less than the Listed Price in exchange for the purchase of any other Cannabis or Cannabis Product; (3) sell, offer for sale, or otherwise provide any product other than Cannabis or Cannabis Products in exchange for the purchase of Cannabis or Cannabis Products; or (4) otherwise sell, offer for sale, or provide Cannabis or Cannabis Products for less than the Listed Price. In addition, Cannabis Retailers must sell, offer for sale, or provide Cannabis or Cannabis Products for the same listed price every day of the week in a given week.
- **PRICE FLOOR FOR CANNABIS AND CANNABIS PRODUCTS.** The Department of HHCS is authorized, but not required, after 5 years from the effective date of this measure, to establish minimum prices for Cannabis and Cannabis Products. If such a Price Floor is established, Cannabis Retailers may not sell Cannabis or Cannabis Products below the minimum price; City of Berkeley Department of HHCS must review the appropriateness of the Price Floor at least every two years and may adjust the Price Floors at that time to account for changes in the consumer price index, or other considerations related to reducing illegal commerce. The Department of HHCS may promulgate such rules as may be necessary for the purpose of carrying out this section.

REQUIRED IN-STORE SAFETY INFORMATION

- A Cannabis Retailer must display a warning sign prominently behind the main dispensing counter. The sign must be at least 3 feet by 3 feet and be displayed at eye height (i.e., with mid-point 5 feet above the floor).

WARNING:

1. **Are you pregnant or breastfeeding?** According to the U.S. Centers for Disease Control and Prevention (CDC), marijuana use during pregnancy can be harmful to your baby's health, including causing low birth weight and developmental problems.
2. **Driving while high is a DUI.** Marijuana use increases your risk of motor vehicle crashes.
3. **Not for Kids or Teens!** Starting marijuana use young or using frequently may lead to problem use and, according to the CDC, may harm the developing teen brain.
4. Marijuana use may be associated with **greater risk of developing schizophrenia** or other psychoses. Risk is highest for frequent users.
5. Smoking marijuana long-term may **make breathing problems worse.**

THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY

- A Cannabis Retailer must display each of the following three warning signs, which are (i) at least 2 feet wide by 1 foot tall; (ii) posted at eye height (i.e., with mid-point 5 feet above the floor); and (iii) posted prominently and conspicuously facing consumers in a location where it will be seen by all customers, such as behind a dispensing counter, check-in or check-out counter, stating in English and Spanish:
 - **ARE YOU AN IMMIGRANT? Using or possessing marijuana or working in the marijuana industry is legally risky for any noncitizen, even in California.** This includes lawful permanent residents, undocumented persons, student with visas, and others. Marijuana is illegal under federal law, and federal law controls immigration. If you need to take medical marijuana, see an immigration attorney for advice. THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY
 - **ARE YOU ON PROBATION OR PAROLE?** If you are prohibited from using drugs as a condition of your probation or parole, then possession or use of marijuana could violate your probation or parole. THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY
 - **ARE YOU A MEDICAL MARIJUANA CUSTOMER 18-20 YEARS OLD?** If you are caught possessing marijuana without medical authorization, you could face legal consequences. THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY

- The Department of HHCS shall review and, if necessary, update the text of the required warnings as needed, but no less than once every three years, based on current scientific evidence and legal information.

RESTRICTIONS ON BRANDED MERCHANDISE

- No Cannabis Business or Cannabis or Cannabis Product brand identification, including logos, trademarks or names, may be used or licensed for use on clothing, toys, games, or game equipment, or other items that are typically marketed primarily to or used primarily by persons under the age of 21, or that are Attractive to Children or Youth.

TAX PROPOSALS AND USES FOR SAID TAX

- The City of Berkeley recently reduced the tax on adult use cannabis from 10% to 5%. To be most effective at addressing the harms caused by the past criminalization of marijuana possession and to promote the public's health, we recommend in one year that the City Council raise the tax, with a ceiling of 15% of gross receipts, and an additional tax of up to one percent (1%) of the gross receipts from high potency cannabis and each high potency cannabis product cultivated, manufactured or sold by the taxpayer, multiplied by the percent of tetrahydrocannabinol (THC) content of the product above 17%. Experience from other states has shown a rapid fall in price in the first two years post-legalization, which will be likely to increase youth consumption.
- Building on the success of the Sugar Sweetened Beverage Tax and its board, we recommend that the City Council establish a Cannabis Tax Community Advisory Board of nine residents of the City of Berkeley to recommend use of tax proceeds and priorities for funding, make annual recommendations on the spending of tax proceeds, recommend appropriate efforts to evaluate previous expenditures, and to review the annual report. Spending decisions would remain with the City Council, which may choose not to accept any particular recommendation of the Cannabis Tax Community Advisory Board.
 - The Board shall have at least one public health professional, one expert in addiction or substance use prevention and treatment, one physician, a representative of a community based organization, a representative of community clinics, a school nurse or school-based mental health professional, a representative of a community based organization serving low income people, the city health officer or his or her designee. At least

two members shall be residents of communities disproportionately affected by drug-related incarceration.

- The Board shall advise and make recommendations on how to best to spend funds to the City Council, to:
 1. Prevent cannabis consumption by youth, during pregnancy or in excessive or harmful ways;
 2. Prevent other forms of substance abuse or addiction;
 3. Prevent other leading causes of illness, injury and premature death in the community whether or not arising from cannabis use; and/or
 4. Promote wellness and reduce inequity in health conditions;
 5. Reduce negative social impact of substance abuse;
 6. Reduce drug-related incarceration, including, for example:
 - i. Support to reduce new drug-related incarceration;
 - ii. Programs to assist residents in expungement or reclassification of records of marijuana convictions allowable pursuant to MAUCRSA;
 - iii. Re-entry programs for those released from incarceration to avoid recidivism; and
 - iv. Job training programs and other community-based and educational programs, especially those that will minimize drug-related incarceration.
- Recommended activities may include promoting or implementing policy, systems or environmental changes to create a healthier community or to reduce drug-related incarceration, providing education, or community-based programs serving residents of the City of Berkeley with a focus on low-income communities

RATIONALE FOR RECOMMENDATION

We are making these recommendations as we have learned from the public health experience with tobacco and alcohol that products intended for adults are often marketed and accessible to children and youth. We have also learned from the other states that have recently legalized adult use of marijuana that changes in consumption patterns and pricing may put the public's health at risk. Therefore, the Community Health Commission is making the above recommendations to safeguard the health, safety and welfare of the residents of the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The alternative action is to allow the current discussion to go forward without the input of the Community Health Commission; this is not a viable option.

ENVIRONMENTAL SUSTAINABILITY

These measures are likely to reduce second hand smoke exposures from marijuana, exposure of cannabis business employees to second-hand smoke, and to delay or decrease water and electricity consumption related to cannabis production or sale.

CONTACT PERSON

Robert Terrones, Secretary, Community Health Commission, (510) 981-5324

Attachments:

1: *Monitoring the Future National Survey Results on Drug Use, 1975-2016: Overview, Key Findings on Adolescent Drug Use*. Ann Arbor: Institute for Social Research, The University of Michigan; 2017.

2. Trends in Marijuana Use Among Pregnant and Nonpregnant Reproductive-Aged Women, 2002-2014. *JAMA*. 2017;317(2):207-209. doi:10.1001/jama.2016.17383.

3. Trends in self-reported and biochemically tested marijuana use among pregnant females in California from 2009-2016. *JAMA*, 318(24): 2490-2491.

4. Kidsdata.org. *Marijuana use in lifetime, by grade level*.










5. The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research | The National Academies Press.
<https://www.nap.edu/catalog/24625/the-health-effects-of-cannabis-and-cannabinoids-the-current-state>. Accessed July 12, 2017.

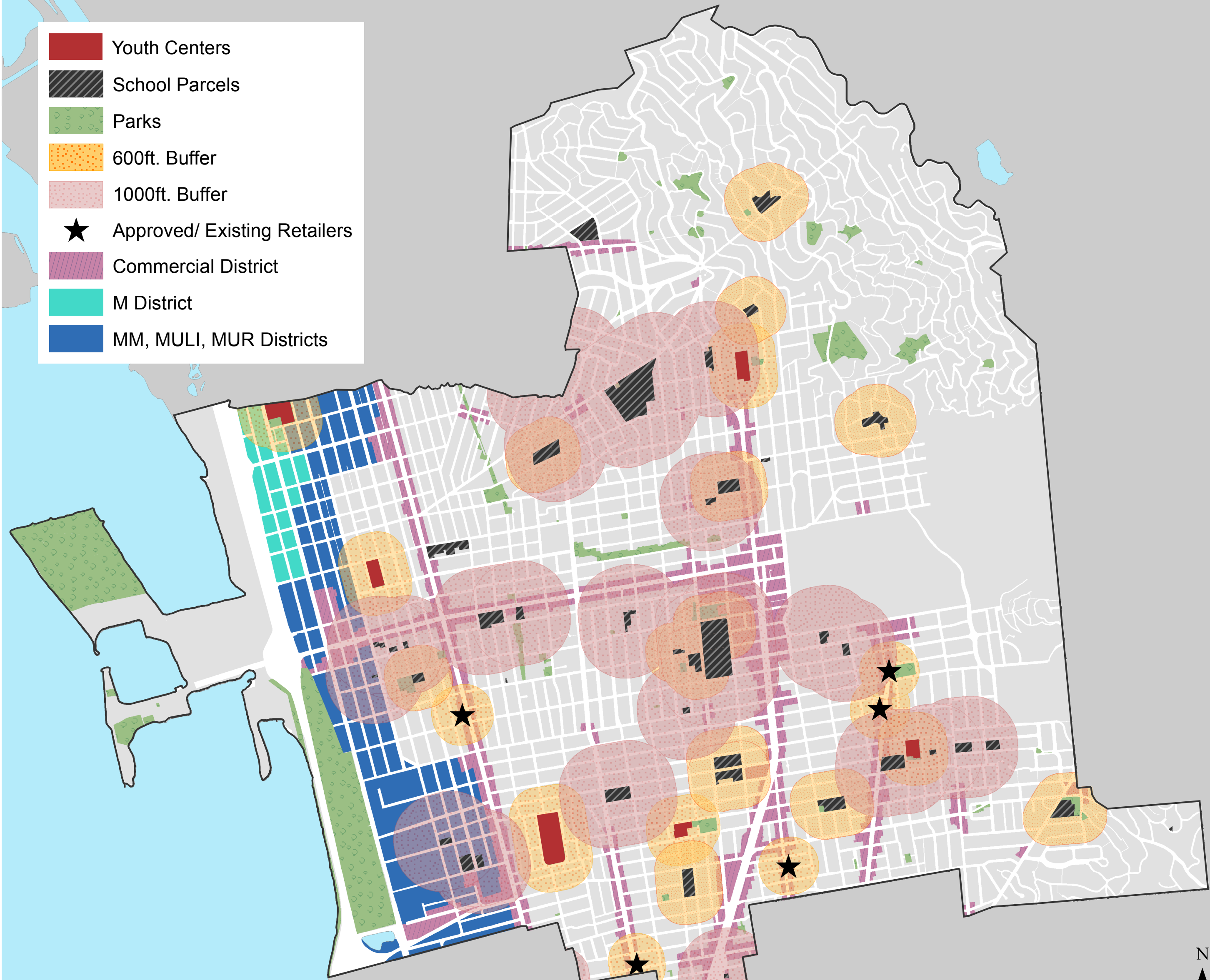
6. The Academies defined Substantial Evidence as follows: There is strong evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest. Safeway (3), Berkeley Bowl (2), Whole Foods (2), Traders Joes, Berkeley Natural Grocery, Monterey Market, Star Grocery.

7. Tobacco outlet density and adolescents' cigarette smoking: a meta-analysis. *Tobacco Control*. Published Online First: 08 March 2018. doi: 10.1136/tobaccocontrol-2017-054065

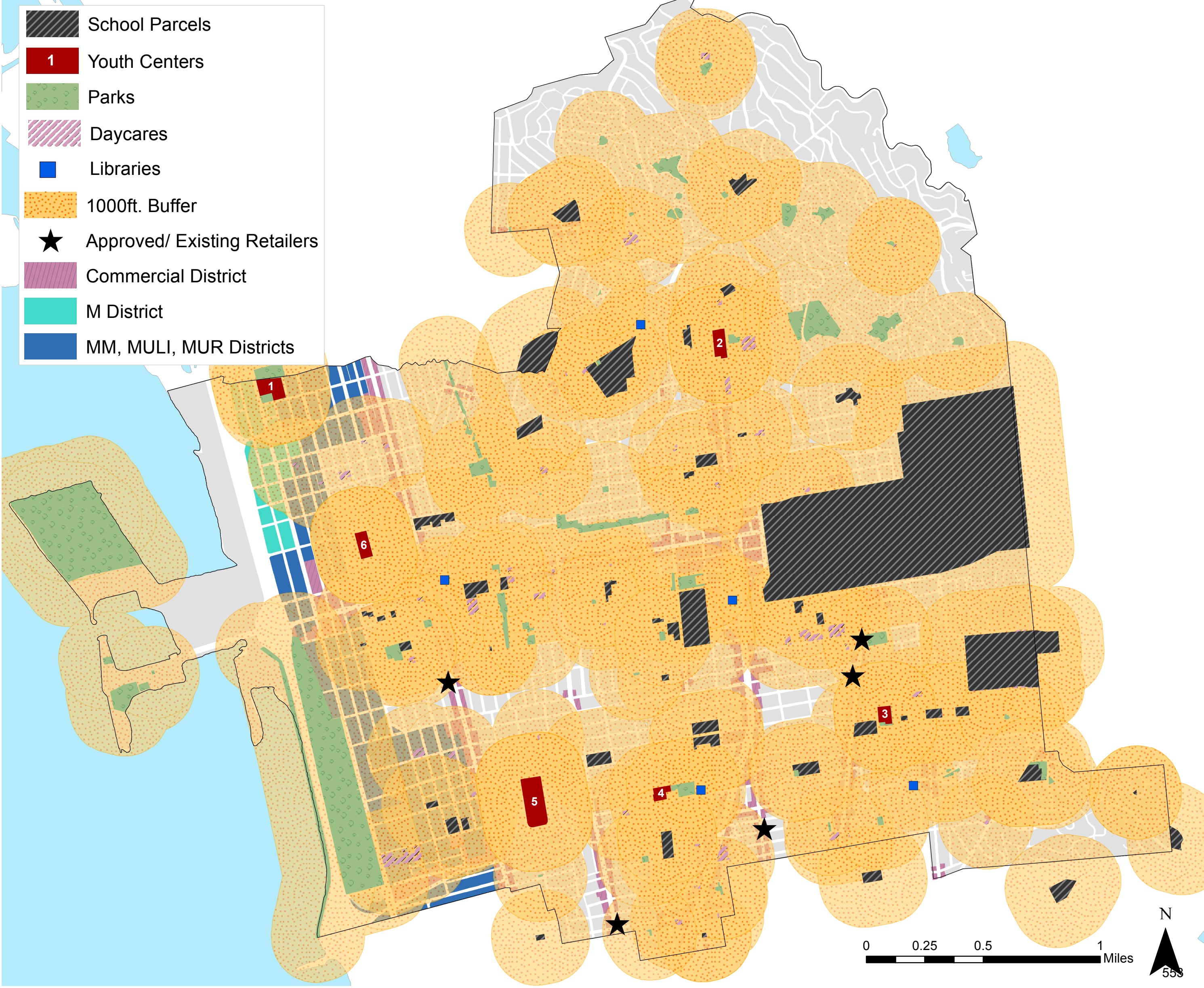
8. United States Census Bureau. Quickfacts: Berkeley city, California.
www.census.gov/quickfacts/fact/table/berkeleycitycalifornia/PST045216. Accessed 14 March 18.

Alt A: 1,000 ft from Middle and High Schools








-  Youth Centers
-  School Parcels
-  Parks
-  600ft. Buffer
-  1000ft. Buffer
-  Approved/ Existing Retailers
-  Commercial District
-  M District
-  MM, MULI, MUR Districts

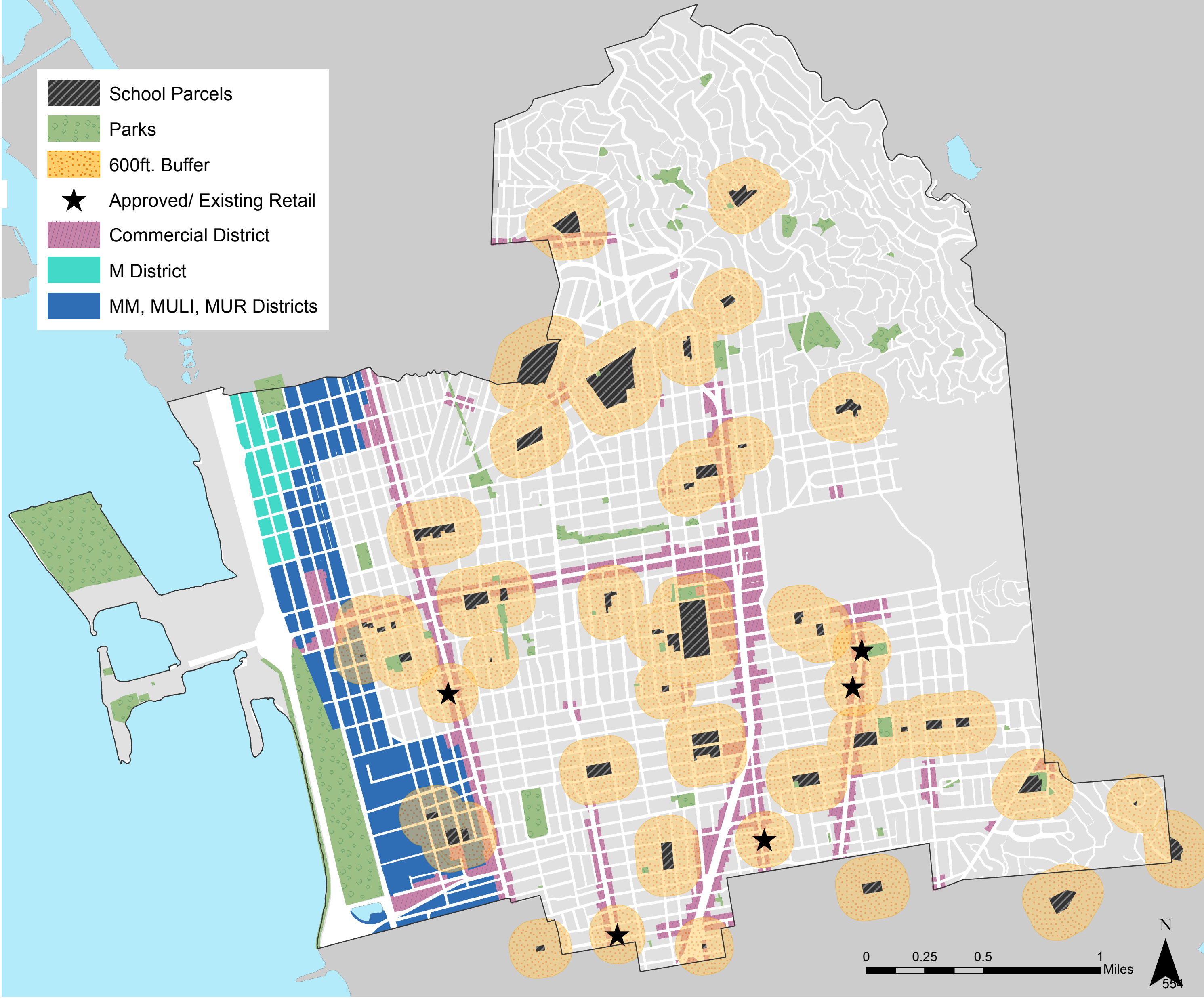


ALT B: Schools, Youth Centers, Parks, Libraries and Daycares with 1000ft Buffer



Alt C: 600ft Buffer from all Schools

-  School Parcels
-  Parks
-  600ft. Buffer
-  Approved/ Existing Retail
-  Commercial District
-  M District
-  MM, MULI, MUR Districts



0 0.25 0.5 1 Miles



**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

CONSIDERATION OF CANNABIS ORDINANCE REVISIONS

Notice is hereby given by the City Council of the City of Berkeley will conduct a public hearing to consider new ordinances to regulate cannabis businesses in the city. Changes to be considered are summarized below:

- Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all businesses types;
- Revise ordinance language to reflect State regulations;
- Allow a new business type (Retail Nursery Microbusiness);
- Restrict cannabis advertising within the city; and
- Allow temporary cannabis events at Cesar Chavez Park.

The hearing will be held on, TUESDAY, MARCH 12, 2019 at 6:00 p.m. in the BUSD Board Room, 1231 Addison Street, Berkeley.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **February 28, 2019**.

For further information, please contact Elizabeth Greene, Land Use Planning at 510-981-7410.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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.

Published: Berkeley Voice, March 1, 2019 **per California Code Sections 65856(a) and 65090.**

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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 Old Berkeley City Hall, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 28, 2019.

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Mark Numainville, City Clerk



Office of the City Manager

ACTION CALENDAR

March 12, 2019

*(Continued from February 19, 2019)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Contract: Pride Industries for Citywide Janitorial Services at Various Locations

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Pride Industries to provide Citywide Janitorial Services at twenty nine (29) various City locations and facilities for the period May 1, 2019 to April 30, 2022, in an amount not to exceed \$3,725,735.34, with an option for two (2) one-year extensions for a maximum five (5) year contract for an amount not to exceed \$6,414,880.53, subject to the City's annual budget appropriation process.

FISCAL IMPACTS OF RECOMMENDATION

By awarding a citywide contract over the next several years, the City will continue to receive financial benefit from the economy of scale leveraged when services for various sites were combined into a single contract in 2013. The negotiated amounts for the recommended award reflect an average increase of 11%. This increase, in large part, can be attributed to the rise in the City of Berkeley Living Wage which increased 35% (from \$11.39 to \$15.45 dollars) since the execution of the current contract. Other factors contributing to the change in costs are: increased expenditures for "green" products/practices, utilization of web-based technology to track performance for key custodial services and a standard operations plan that includes management oversight, on-site supervision, regular client review with performance metrics and robust reporting capability. The funds for the contract will be available in each individual department's budget on an annual basis for both the original three-year term and any of the exercised extensions. This contract has been entered into the City's contract database and assigned CMS No. F1B2K.

The Scope of Service includes 29 sites which are listed below:

All Mental Health Facilities (4 Locations) 1521 and 1535 University, 3282 Adeline Street, 2636 and 2640 Martin Luther King Jr. Way and 1890 Alcatraz Ave. Budget

Codes: 011-51-503-520-0000-000-451-622110, 011-51-503-522-2009-000-451-622110, 315-51-503-520-0000-000-451-622110, 315-51-503-525-2017-000-451-622110, 316-51-503-520-0000-000-451-622110, 316-51-503-522-2009-000-451-622110 \$57,474 annually.

Public Works Facilities (Five Locations): 1947 Center Street, 2100 Martin Luther King Jr. Way (Public Safety Building), Senior Centers: 2939 Ellis Street, 1900 Sixth Street, 1011 University Avenue. Budget Codes: 636-54-624-696-0000-000-474-622110, 011-54-624-702-0000-000-412-622110, 673-54-624-696-0000-000-474-622110 \$409,054 annually.

Parks, Recreation and Waterfront Facilities: (Nine Locations): 2720 Hillegass Ave., 1720 Eighth Avenue, 1301 Shattuck Avenue, 2800 Park Street, 1730 Oregon Street, 2701 Telegraph Avenue, 201 University Avenue, 125-127 University Avenue and the Berkeley Marina Restrooms. Budget Codes: 011-52-543-576-0000-000-461-622110, 011-52-543-579-0000-000-461-622110, 011-52-543-572-0000-000-461-622110, 011-52-543-573-0000-000-461-622110, 011-52-543-580-1011-000-461-622110, 011-52-543-576-0000-000-461-622110, 608-52-544-590-0000-000-474-622110, 608-52-544-590-0000-000-474-622110 \$215,584 annually.

Police Traffic Substation: 841 Folger Street Budget Code: 631-71-703-812-0000-000-474-624110 \$12,827 annually.

Fire: 997 Cedar Street, and all seven (7) Fire Station's semi-annual carpet cleanings. Budget Code: 011-72-742-836-0000-000-422-624110 \$16,184 annually.

Planning: 1947 Center Street Budget Code: 621-53-581-000-0000-000-471-622110 \$127,588 annually.

Animal Shelter: 1 Bolivar Drive Budget Code: 011-21-203-000-0000-000-424-624110 \$23,653 annually.

#### CURRENT SITUATION AND ITS EFFECTS

A Request for Proposal was advertised in September 2018. Upon reviewing the cost, references and financial capabilities, Pride Industries' proposal was determined to offer the best value for the City based on the selection criteria included in the RFP. The facilities covered by the RFP include sites previously serviced under contract. The services for these sites have been performed by an outside vendor and the RFP is the continuation of this service. No City of Berkeley employees are displaced by this contract. In accordance with State Law, California Labor Code Sections 1060-1065 Chapter 4.5 – Displace Janitor Opportunity Act, employees with the current contract holder, Universal Building Services, will be offered employment with Pride Industries.

**BACKGROUND**

Universal Building Services (UBS) has acted as the source of citywide janitorial services for over ten (10) years. A one-year contract extension was exercised to UBS by the City in July 2018. In September of 2018, the City released RFP (#18-11213-C) to provide citywide janitorial services. Eight (8) Janitorial Service providers responded to the RFP: Beatty’s Services, Crossroads, Imperial Maintenance, Karla’s Janitorial, Pride Industries, Quality Cleaning Professionals, SWA Services and Universal Building Services. Walk throughs for all of the Scope of Services were performed and six (6) proposals were provided for evaluation. A selection panel comprised of City staff, who would receive services under the resulting contract, met to evaluate the proposals. The panel evaluated the proposals in accordance with the criteria listed in the RFP:

|                                               |     |
|-----------------------------------------------|-----|
| Transition Plans & Daily Operational Approach | 50% |
| Price                                         | 30% |
| Previous Experience                           | 25% |
| Qualifications                                | 25% |
| Environmental Plan & Sustainability           | 20% |

The panel evaluated each proposal on its merits and identified the top two vendors, Pride Industries and SWA Services, for an in depth interview. References were checked before the interview process. The panel concluded after the interviews that there was no discernable difference in quality between the two finalists. A “Best and Final Offer” was asked from each to be provided to the City in 48 hours.

**ENVIRONMENTAL SUSTAINABILITY**

The RFP required all respondents to certify compliance with the City of Berkeley's strict environmental policy requirements. The recommended vendor is an International Sanitary Supply Association, Cleaning Industry Management Standards Green Building certified (ISSA CIMS-GB Certified with Honors) organization. The designation is awarded to ISSA members that demonstrate their organizations are "prepared to deliver quality, customer-focused services and ensures an organization is capable of delivering a comprehensive green cleaning program based on Leadership in Energy and Environmental Design: Existing Building Operations and Maintenance (LEED: EB O&M) green-cleaning criteria." The vendor also hold the ISSA Certification Experts (I.C.E.) designation awarded members that are "ready to provide training and consulting services to cleaning organizations interested in complying with and preparing to be certified to the Cleaning Industry Management Standard (CIMS)." The vendor also produces and will use its own certified Green Cleaning products that are recognized by the US Environmental Protection Agency's (EPA) Safer Choice Program and are packaged and labeled by people with disabilities. The vendor was named EPA Safer Choice Program Partner of the Year in 2017.

RATIONALE FOR RECOMMENDATION

Pride Industries' Best & Final offer came in under \$2 million dollars from the other finalist SWA Services. Pride Industries offers the best value for the City of Berkeley in terms of its experience, met all of the City's specifications and received the highest rating from the selection panel. Based on these factors, the panel recommends Pride Industries for the next citywide janitorial contract.

ALTERNATIVE ACTIONS CONSIDERED

None. The City went out to bid, exercised due diligence in evaluating the bids and satisfied the competitive process.

CONTACT PERSON

Shari Hamilton, General Services Manager, Finance Department, 981-7329

ATTACHMENT

1. Resolution



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

CONTRACT: PRIDE INDUSTRIES FOR CITYWIDE JANITORIAL SERVICE  
FOR VARIOUS CITY LOCATIONS AND FACILITIES

WHEREAS, janitorial services are critical for cleaning and maintaining service at various City locations and facilities; and

WHEREAS, the City does not have available staff to perform these janitorial services at these sites; and

WHEREAS, the facilities covered by the RFP include sites previously serviced under contract; and

WHEREAS, the services for these sites have been performed by an outside vendor and the RFP is a continuation of this service; and

WHEREAS, no City of Berkeley employees are displaced by this contract; and

WHEREAS, the contract for each of these various locations and facilities will expire on June 30, 2019 and a Request for Proposal (RFP) was duly advertised in September 2018, resulting in the following six responses: Beatty's Services, Imperial Maintenance, Quality Pro Maintenance, Pride Industries, SWA Services and Universal Building Services; and

WHEREAS, as part of the competitive proposal solicitation that was held for providing janitorial services to various city locations and facilities, the proposal submitted by Pride Industries was determined to best meet the City's needs; and

WHEREAS, funds are available in the current year budget in the General Fund and this contract has been entered in the Citywide contract database and assigned CMS No. F1B2K.

NOW THEREFORE, BE RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Pride Industries for Citywide janitorial service at 29 various City locations and facilities for the period May 1, 2019 to April 30, 2022 in an amount not to exceed \$3,725,735.34 with an option for two one-year extensions for a total five-year contract for an amount not to exceed \$6,414,880.53. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.





Office of the City Manager

INFORMATION CALENDAR

March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning and Development Department

Subject: Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service

INTRODUCTION

On March 25, 2014, the City Auditor submitted a Construction Permits audit report<sup>1</sup> to the City Council with recommendations to improve customer service and equity, reduce the risk of theft, improve efficiency, and increase fee revenues to the Planning Department. The purpose of this information item is to update City Council on the status of implementation of the audit report's recommendations. This is the fourth status report regarding this audit.

CURRENT SITUATION AND ITS EFFECTS

The audit included nineteen recommendations. As of the writing of this report, 16 of those recommendations have been implemented, and three others have been partially implemented. The three remaining recommendations currently tracked as partially implemented rely on further implementation of technological solutions in collaboration with the City's Information Technology Department.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress. The next status report to Council is expected to be presented on September 24, 2019.

More broadly, the Planning Department is nearly two years into a Customer Service Improvement initiative, with major goals affecting not only the Permit Service Center, but also the Building and Safety Division, the Land Use Planning Division, and the office of the Planning Director. On October 9, 2018, the department presented its customer service improvement plan at a Worksession of the City Council. The priority goals from this initiative are included as Attachment 2 to this report. Some of those goals with direct bearing on the functions of the Permit Service Center are:

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<sup>1</sup> Audit: Construction Permits – Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service:

[http://www.cityofberkeley.info/Clerk/City\\_Council/2014/03\\_Mar/Documents/2014-03-25\\_Item\\_27\\_Audit\\_Construction\\_Permits.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2014/03_Mar/Documents/2014-03-25_Item_27_Audit_Construction_Permits.aspx)

- Updated submittal guidelines and checklists: Providing information to clients to help them know all rules and requirements before they visit the PSC to submit applications.
- How-To Permit Guide: Staff created and posted to the PSC website an online Building Permits Guide, providing applicants with clear instructions on how to check the status of their permits applications, or any past City permits, how to upload building plans and resubmittals, and to schedule inspections, among other online tools now available. This guide can be found at [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Building\\_and\\_Safety/OnlineBuildingPermitsGuide.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Building_and_Safety/OnlineBuildingPermitsGuide.pdf)
- PSC Open House: On December 6, 2017 the Planning Department held an Open House event to introduce Berkeley residents and businesses to the new PSC. The event included information stations to help potential applicants get answers to a wide variety of Planning and Building questions.
- Coffee with Inspectors: On November 14, 2018 the PSC held this event aimed particularly at local builders and architects, to let them meet the staff who review their projects to develop understanding and collegiality.
- PSC Customer Satisfaction Survey: On January 14, 2019 the department launched this survey, using the *Berkeley Considers* platform, asking every PSC customer to anonymously rate their experience and to offer constructive suggestions for improvements. At this writing survey results are being tabulated, and will be presented to the City Council and the public at large later this fall.
- Better defined roles: In response to findings from the Auditor's 2014 report, as well as the clear need for clarity, the Planning Department has clarified the exact duties of each staff person within the PSC, and is now setting performance benchmarks from which the PSC's success will be evaluated. Efficiency goals are discussed at every PSC staff meeting, in training sessions, and are included in annual staff evaluations.

## BACKGROUND

Construction permits are primarily handled by the Planning Department's Permit Service Center (PSC), within the department's Building and Safety Division. The PSC provides permit application intake and payment and plan check coordination and services for a variety of customers. The PSC also hosts staff from other divisions and departments who are often called to the counter to assist customers with particular questions or needs. The Building and Safety Division also includes Building Inspection, Housing Inspection, and Plan Check, and works closely with representatives from Fire and Public Works. Both Housing and Building Inspectors spend the majority of the day in the field, with the beginning and end of a shift spent in the office to answer phone calls and take care of paper work. Plan Checkers frequently interact with applicants either at the Permit Service Center or over the phone.

Additionally, Plan Checkers analyze proposed project details in submitted building plans, and examine the plans with applicants and relevant staff from other divisions and departments. The Permit Service Center processed over 7,500 permits last year, roughly 80 percent of which were Building Permits.

In 2019 the Planning Department will roll out its new expanded Rental Housing Safety Program, in response to Council requests, which will enable the inspection of every legal rental unit in the City of Berkeley for safety and compliance at least every five years.

#### ENVIRONMENTAL SUSTAINABILITY

Operations of the Permit Service Center include integration with the City's Office of Energy and Sustainability and provide a variety of resources to encourage green building materials and techniques.

#### POSSIBLE FUTURE ACTION

The Planning Department will continue to work with the Information Technology Department to further implement the technological solutions needed to full address the few remaining findings from the Auditor's 2014 report.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None at this time.

#### CONTACT PERSON

Timothy Burroughs, Director, Planning and Development, 510-981-7437

#### Attachments:

- 1: Audit Findings, Recommendations, and Management Response Summary table
- 2: Customer Service priority goals timeline, from Council Worksession report October 9, 2018

| Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service                |                                                                                                                                 |                                                                    |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Findings and Recommendations                                                                                                                 | Lead Dept.                                                                                                                      | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                   | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Finding 1: Management lacks information needed to effectively monitor performance and ensure excellent and equitable customer service</b> |                                                                                                                                 |                                                                    |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.1                                                                                                                                          | Establish plan check turnaround goals for the PSC that commence immediately after the last agency has completed its plan check. | Planning                                                           | Agree. This will be addressed as part of Accela software implementation. | <p><b>Initial Status, 4/7/15:</b> Partially Implemented. Business practice analysis and initial configuration of Accela are completed and include a plan check turnaround goal for the PSC commencing immediately after the last agency has completed its plan check. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. Updated Accela project will now include an Electronic Plan Check (EPC) module which will speed plan check timing between divisions.</p> <p><b>Status Update 2/27/17:</b> Implemented. Plan Check turnaround goals have been established. The PSC is immediately notified when the last reviewing agency has completed its plan check and processing times are tracked in Accela Building Permit Module.</p> |
|                                                                                                                                              |                                                                                                                                 |                                                                    | <b>Actual 2/27/2017</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| Findings and Recommendations                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                                                                                                                                    | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.2                                                                                                                           | Develop policies and procedures that identify not-to-exceed goals for customer wait times and methods to reduce high wait times when they occur. Methods should avoid using supervisors to perform staff work (see related Finding 2 and Recommendation 2.1). When wait times exceed the established goal, PSC management should investigate the reasons to understand why and adjust the policies and procedures as necessary to ensure they are designed to minimize customer wait times as described. | Planning   | Agree. The Nemo-Q system is collecting data for management refinement of policies and procedures around customer wait times. As the data becomes more robust we will be able to adjust procedures to ensure that staffing matches peak customer flow and minimizes the time that supervisors are needed to service customer overflow. |                                        | <p><b>Initial Status, 4/7/15:</b> Partially Implemented:<br/>Wait time goals are established.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented; no change in status.</p> <p><b>Status Update 2/28/17:</b> Partially Implemented. A wait time goal of 30 minutes has been set. However additional measures need to be taken before we can achieve this goal. In conjunction with City Information technology staff, PSC management are creating a process map of the permit intake workflow, to culminate with a Business Needs document. This will prioritize changes to PSC customer queueing software, Accela software, and business processes which will ultimately optimize the intake process and reduce wait times. PSC staff expect that these improvements will reach a level which will allow this finding to be deemed “Implemented” within six to 12 months.</p> <p><b>Status Update 3/13/18:</b> Partially Implemented. A wait time goal of 30</p> |

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|                                                                                                                               |            |                                                                    | Expected 6/30/2019                     | <p>minutes has been set. PSC staffing practices have been revised to more quickly expedite customer visits (see Findings 1.3C and 2.1). Electronic plan submittal has sharply reduced the time spent on over-the-counter plan review and the number of plans rejected for re-submittal (Finding 1.3D). Anecdotally, staff believe PSC wait times have been meaningfully improved. However, the PSC currently lacks a system to automatically track actual customer time spent. With City IT support, staff are reviewing software options to govern queueing and measure wait times. Once installed, and in conjunction with improvements to Accela configuration and PSC business practices, staff expect that this finding will be able to be deemed "Implemented" by Fall 2018. In the meantime, a manual customer routing and tracking system has been implemented.</p> <p><b>Status Update, 3/12/19:</b> Partially Implemented (no change). At this writing the City concluded protracted contract negotiations with Nemo-Q, the selected vendor to install its latest customer queueing and wait time tracking</p> |



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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                        | equipment. The Nemo-Q system is expected to be installed in the PSC by the end of March, 2019 and will subsequently allow the setting of baseline data to demonstrate continuous improvement in reducing customer wait times in the PSC.                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1.3 Establish criteria that plans must meet before PSC staff can accept them:<br>A. Publish clear guidance for permit applicants explaining that existing checklists must be used for all permit applications and that PSC staff will not accept plans that do not meet all applicable requirements in the checklists.<br>B. Establish a routine practice for a Plan Checker to meet with permit applicants, prior to submission of complex permit applications, to verify that all required information is included with the permit application.<br>C. Provide PSC staff with additional technical training | Planning   | Agree. Checklists that detail the minimum items required for submittal are appropriate and will be developed. We will define a threshold for complex projects to require a plan check meeting prior to application submission. We will ensure that all PSC staff have the appropriate training to perform their job functions. Senior management reserves the right to make decisions on a case-by-case basis regarding the acceptance of plans (i.e., complete or otherwise). We will continue to evaluate PSC staff on appropriate performance measures and |                                        | <b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and a pre-application record type and workflow was included. Paper and online forms will be updated as part of final implementation of Accela. Extensive training for staff on new application procedures will be conducted as part of software implementation once programming is finished. Programming is ongoing with an expected implementation of the new system by December 2015.<br><br><b>Status Update 9/15/15:</b> Not Implemented; no change in status expected until after Accela roll-out Dec. 2015. |

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| <p>they need to better understand the criteria for accepting permit applications, plans, and related documents, and require them to reject plans that do not meet the criteria.</p> <p>D. Establish performance goals and evaluate PSC staff on the percentage of plans they accept that meet and do not meet the criteria.</p> |            | <p>develop new performance measures as new management tools (e.g., Nemo-Q and Accela) allow.</p> | <p><b>Actual 3/13/2018</b></p>         | <p><b>Status Update 2/28/17:</b> Partially Implemented.</p> <p>1.3A – Submittal requirements and checklist documents are available to the public, in the Permit Service Center and online, which identify the submittal documents required to obtain a permit.</p> <p>1.3B – Pre-application reviews are help with applicants for complex projects on an ad hoc basis, but this step has not yet been fully implemented for all complex permit applications.</p> <p>1.3C – The implementation of Accela and its electronic plan submittal features have provided PSC staff with the required technical training for application review and acceptance.</p> <p>1.3D – Performance goals and evaluation of staff on plan acceptance rates have not yet been implemented.</p> <p><b>Status Update 3/13/18:</b> Alternative Implemented.</p> <p>1.3A – Newly updated submittal requirements and checklist documents are available to the public, in the Permit</p> |

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|                                                                                                                               |            |                                                                    |                                        | <p>Service Center and online, which identify the submittal documents required to obtain a permit. An Electronic Document Management System (EDMS) has been implemented to maintain up-to-date documents and guidelines.</p> <p>1.3B – Rather than attempt to define a threshold for requiring pre-application reviews, and to have staff serve as an arbiter of that threshold, the option of pre-application reviews has now been made available to all applicants for all projects upon request.</p> <p>1.3C –PSC Management meets with permit specialists monthly for individual technical training, which includes policies and procedures for accepting and reviewing permit applications and submittal documents. PSC management also conducts weekly PSC staff meetings to discuss any challenges and to provide on-going technical training and guidance on processing permit applications. Furthermore, PSC Management meets weekly with the HR Training Officer to develop targeted specialized customer</p> |

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|                                                                                                                               |                                                                                                                                                                                                                                       |                                                                    |                                                                                                                                                                                                         | <p>service training tailored to permit specialists.</p> <p>1.3D. With the implementation of Accela electronic plan submittal processes, there is no longer a reason to reject the plans at the time of submittal. If a permit specialist determines that the plans do not meet the criteria, the clients are provided with a checklist identifying missing items and instructed to upload completed and corrected submittal documents electronically after the application has been initiated. This service saves the clients repeated visits to the permit center to submit plans.</p> |
| 1.4                                                                                                                           | Routinely verify the reliability of reports generated by the building permit module (and Accela, after implementation) to ensure the information is accurate and reliable to use to monitor performance and improve customer service. | Planning                                                           | Agree. We will institute a regular quality control check on the veracity of reports generated by Accela once implemented. Accela itself includes greatly improved quality control capacity for reports. | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and a number of reports are included as part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015.</p>                                                                                                                                                                                                                                                                        |

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|                                                                                                                               |            |                                                                    | Expected 1/1/2020                      | <p><b>Status Update 9/15/15:</b> Not Implemented; no change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Partially implemented.<br/>Most basic reports have been implemented in Accela, however development of reports to meet staff needs is an ongoing process. Validation of such reports is a necessary part of the development process.</p> <p><b>Status Update 3/13/18:</b> Partially implemented; no change from last update. Significant IT resources will be required to develop and validate required reports. Those resources are currently dedicated to more immediate priority Accela configuration needs.</p> <p><b>Status Update 3/12/19:</b> Partially implemented (no change). Development and validation of reports to meet business needs has been a lower priority for limited</p> |

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| <b>Findings and Recommendations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>                                                                                                                            | <b>Expected or Actual Implementation Date</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                         |
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| 1.5 Work with Information Technology to ensure that the Accela software is configured to require staff to input the information listed below and that it is incorporated into system reports. Require Planning management to regularly review the reports and use the information to monitor both individual and overall department performance, and to develop and implement changes in practices to improve service delivery through increased efficiency and timeliness. Recorded and monitored information should include:<br><ul style="list-style-type: none"> <li>A. Start and end dates and times for each phase of the plan check process, and the specific reason(s) for each missed turnaround goal. Management should identify a list of reasons that will allow them to</li> </ul> | Planning          | Agree. We will work with Information Technology to configure Accela to provide the appropriate information necessary to track department and individual performance and to improve service delivery. | <p><b>Initial Status, 4/7/15:</b> Partially Implemented. Business practice analysis and initial configuration of Accela are completed and these items have been built-in to the architecture and basic functionality of the program. Several items are automated in the configuration, including: the amount of time spent performing each plan review, the number of times a set of plans was resubmitted, and the reasons for resubmittal of plans. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented; no change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Partially Implemented.</p> |                                                                                                                                                |

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| <p>determine changes needed to improve performance.</p> <p>B. Amount of time spent performing each plan check review.</p> <p>C. Number of times plans were required to be resubmitted before Planning had sufficient information to review them, and the reason for each resubmission.</p> |            |                                                                    | <p><b>Expected 1/1/2020</b></p>        | <p>The 'BP Plan Check Turn Around' report was developed to indicate the number of plan checks completed and those completed within the estimated completion date. This report is currently used to monitor overall plan check performance. Full implementation of all three sub-findings listed here will depend upon full use of Accela's Ad Hoc reporting capacity, which is pending further IT department work.</p> <p><b>Status Update 3/13/18:</b> Partially implemented; no change from last update. Significant IT resources will be required to develop and validate required reports. Those resources are currently dedicated to more immediate priority Accela configuration needs.</p> <p><b>Status Update 3/12/19:</b> Partially implemented (no change). Process for fixing and/or replacing Accela system is underway, in conjunction with City IT Department.</p> |

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| 1.6                                                                                                                           | When implementing Accela, identify the fields that should have restrictions as to the type of data that can be entered and work with Information Technology to establish edit controls that will prevent inappropriate data, such as dates in the future, from being entered. | Planning   | Agree. During Accela implementation we will work with Information Technology to identify fields to be restricted, to establish edit controls to prevent inappropriate data entry. |                                        | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Permissions for each field will be determined during user acceptance testing of the Accela software, based on the recommendations of division managers, the audit report, and identified best practices. User acceptance testing is scheduled to happen once configuration is finalized and before implementation. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. Initial user acceptance testing for Accela has been completed, and data editing controls have been configured, based on the recommendations of division managers, the audit report, and identified best practices. No further change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Implemented. The applicable business rules were</p> |



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| <b>Finding 2: The risk is high that staff could steal, make errors, or inflate performance results</b>                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.1                                                                                                                           | Clearly identify what is staff work and what is supervisory work. Develop and implement procedures that prioritize solutions for addressing times of heavy workloads to ensure that supervisors perform staff work only on rare occasions. The procedures should identify another supervisor to review and approve staff work that supervisors perform to ensure that all work undergoes a higher-level supervisory review. (See related Recommendation 1.2.) | Planning   | Agree. We will program Accela workflows to clearly define checks and balances between line staff work and supervisory review. We will configure the Accela software to ensure that an inappropriate combination of activities cannot be performed by a single individual, be it supervisor or line staff. See related response to Recommendation 1.2. |                                        | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Permissions for each field and for different user groups (e.g. line staff, supervisor) will be determined during user acceptance testing of the Accela software, based on the recommendations of division managers, the audit report, and identified best practices. User acceptance testing is scheduled to happen once configuration is finalized and before implementation. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. Initial user acceptance testing for Accela has been completed, and data editing controls have been configured. No further change in status</p> |

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|                                                                                                                               |                                                                                                                                                                                                                                                                                                                                    |                                                                    | <b>Actual 2/28/2017</b>                                                                                                                                                                                                                                | <p>expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Implemented. The PSC has hired two dedicated cashiers and a second Senior Permit Specialist. All staff have their own login credentials, and those who handle financial transactions have their own register. Procedures are in place to reduce supervisors performing staff functions to only rare occasions, and in such rare instances, a senior manager will review the supervisor’s work.</p> <p>Accela is programed to provide checks and balances to ensure staff and supervisory review and activities are defined and function separately.</p> |
| 2.2                                                                                                                           | Ask the Department of Information Technology to prioritize implementation of Windows 7 so staff can quickly and easily switch between users using their own login credentials. Require all PSC staff to adhere to the requirements in AR 3.17 by performing all work only under their own user identification and password, ensure | Planning                                                           | Agree. Installation and testing of Windows 7 has begun. Staff will be trained on the requirements of AR 3.17. Implementation of Accela will allow greater conformance to this recommendation but management maintains the discretion to determine when | <b>Initial Status, 4/7/15:</b> Partially Implemented. All PSC staff have computers running Windows 7, in total, 91 of the 96 computers in the Planning Department have been upgraded to Windows 7. Business practice analysis and initial configuration of Accela are completed. Programming is ongoing with an expected implementation of the new                                                                                                                                                                                                                                                                                              |

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| that supervisors understand the importance of and enforce this requirement, and take disciplinary action when the requirements are not followed or enforced. (See related Recommendation 4.1.) |            | disciplinary action is appropriate.                                |                                        | <p>system by December 2015. In order to fully comply with AR 3.17, the Planning Department has obtained authorization to add a position from the appropriate classification to function as a cashier in the PSC. This recruitment is currently open.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. All PSC computers are now running updated operating systems. The PSC has hired a dedicated cashier to improve internal controls around cash handling. Accela has been configured to eliminate all shared credentials once roll-out takes place in Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Implemented. All Building and Safety computers have been updated to Windows 7. Each PSC staff uses their own login credentials and performs all work under their own user identification and password. The PSC has a dedicated cashier to improve internal controls around cash handling.</p> |
| 2.3 Ensure that no staff can perform combinations of activities that would                                                                                                                     | Planning   | Agree. We will ensure that staff will attend appropriate           |                                        | <b>Initial Status, 4/7/15:</b> Not Implemented. Permissions for each field and for different                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <b>Findings and Recommendations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>allow them to both steal and conceal a theft, or to make errors that would not be identified through another person’s review. Planning should:</p> <ul style="list-style-type: none"> <li>A. Train all Planning Department supervisors to recognize activities that increase the risk of theft and errors.</li> <li>B. Identify the specific activities in the plan review, approval, and payment processes that should be performed by different staff to prevent theft and errors. Train supervisors to notice them quickly if they do occur.</li> <li>C. Require supervisors to know, understand, and monitor the functions that each of their staff is authorized to perform in systems used to approve permits and receive payments (currently the FUND\$ Building Permits and Cash Receipts Modules; the BP Module will be replaced with Accela in 2014).</li> </ul> |                   | <p>City of Berkeley trainings (e.g. Cash Handling 101) to better be able to recognize and address activities that increase the risk of theft and errors. As part of Accela implementation we will configure the software to appropriately separate activities and processes to minimize theft and error potential, maximize supervisory monitoring capabilities and maximize accountability. See Recommendation 2.1. As we develop the workflows in Accela we will use this opportunity to refine internal processes and procedures to increase internal controls and theft prevention while encouraging a clear, quick, easy-to-use permit process.</p> | <p><b>Actual 2/28/2017</b></p>                | <p>user groups (e.g. line staff, supervisor) will be determined during user acceptance testing of the Accela software, based on the recommendations of division managers, the audit report, and identified best practices. User acceptance testing is scheduled to happen once configuration is finalized and before implementation. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Not Implemented. Initial user acceptance testing for Accela has been completed, and new user permissions are being configured with IT staff to prevent inappropriate combinations of activities by staff. No further change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Implemented.</p> <ul style="list-style-type: none"> <li>A. PSC supervisor and cashiering staff have taken PCI Training.</li> </ul> |

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| Findings and Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>D. Work with the Department of Information Technology during the Accela implementation to ensure that no staff will be able to perform inappropriate combinations of activities, identified during the second step above, when Accela is implemented. <i>This will likely require some restructuring of individual job responsibilities.</i></p> <p>E. Work with the Department of Information Technology to restructure FUND\$ authorizations in the CR Module to align with the authorizations established during the Accela implementation.</p> |            |                                                                    |                                        | <p>B. Accela now includes an audit log of plan review, approval, payment and fee history. Additionally, Accela maintains an Audit Table which provides a permanent record of all changes to the database, which is viewable by the system administrator and is not alterable.</p> <p>C. Supervisors are fully knowledgeable and monitor line staff and cashiering functions.</p> <p>D. Supervisors, permit specialists and cashiers duties are clearly defined and separated, ensuring that no staff can perform inappropriate combinations of activities.</p> <p>E. FUND\$ authorizations in the CR Module align with authorizations established with Accela user permissions.</p> |
| <b>Finding 3: Fee calculation errors cause Planning to lose revenue</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                                                                    |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3.1 To reduce the potential for fee errors:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Planning   | Agree. The ability to implement this                               |                                        | <b>Initial Status, 4/7/15:</b> Partially implemented. We have configured Accela                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| Findings and Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                   | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>A. Combine fees that support a service provided to the majority of permit applicants into the building permit fee.</p> <p>B. Continue to separately assess fees that support a service provided only to certain types of projects (e.g., commercial projects), but assess them only on those projects.</p> <p>C. Alternatively, develop separate fee structures for residential and commercial construction projects that incorporate all fees required for those specific projects.</p> |            | <p>recommendation is contingent upon City Council approval of a revised fee structure. Staff will present fee structure options to the City Council for their consideration as part of the FY 16 budget process.</p> |                                        | <p>to allow for combined permit fees building, mechanical, electrical and plumbing under a single permit type. Further work on this recommendation will come when a revised fee schedule is sent to City Council for consideration closer to the software implementation date of December 2015.</p> <p><b>Status Update 9/15/15:</b> Implemented. The updated Planning fee schedule adopted by Council 5/26/15 more clearly distinguishes between fees on commercial and residential projects.</p> <p><b>Status Update 2/28/17:</b> Partially Implemented. Application of fees has been improved by reorganizing fees in a user friendly manner, prompting staff for the correct input, adjusting the formulas to utilize consistently formatted input and remove redundant fee items when they actually represent a single service. The PSC is on track to implement these fee</p> |

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| Findings and Recommendations                                                                                                  | Lead Dept.                                                               | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                 | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                               |                                                                          |                                                                    |                                                        | <p>reconfiguration improvements in early 2017.</p> <p>3.1A – There are fees derived from the Building Permit Fee which potentially could be absorbed as they always apply concurrently. However, doing so reduces the transparency of the fees charged, takes significant staff resources to analyze and provides little benefit as the fees are applied automatically and thus their continued existence separate from the Building Permit Fee do not contribute to errors.</p> <p>The PSC is continuing to separately assess fees that support a service provided only to certain types of projects (e.g. commercial vs residential projects), as has been a long-standing practice.</p> <p><b>Actual 3/13/2018</b> <b>Status Update 3/13/18:</b> Implemented. These fee reconfiguration improvements were fully implemented in the PSC after the May 2017 Fee Schedule re-adoption.</p> |
| 3.2                                                                                                                           | Submit a proposed resolution to the City Council authorizing Planning to | Planning                                                           | Agree. We will propose a resolution to City Council to | <b>Initial Status, 4/7/15:</b> Partially implemented. We have configured Accela                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <b>Findings and Recommendations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>                                                                                                                                                                                                                                           | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>always use a current building valuation table from a recognized industry expert, such as the International Code Council, Marshall and Swift, or RS Means. The valuation table selected should be one that allows adjustment for factors that would affect costs in Berkeley, such as regional cost adjustments. Ideally, the table selected should provide a consistent and equitable means of valuing projects that are based on square footage, as well as those that are not, such as reroof projects, remodels, and renovations.</p> |                   | <p>authorize the use of a current building valuation table. Staff will present options for Council consideration prior to the beginning of the FY 2016 fiscal year.</p>                                                                                                                                             | <p><b>Actual<br/>9/15/2015</b></p>            | <p>to allow for the use of a current building valuation table. Further work on this recommendation will come when a revised fee schedule is sent to City Council for consideration closer to the software implementation date of December 2015.</p> <p><b>Status Update 9/15/15:</b> Implemented. At its meeting of 5/26/15, the City Council adopted legislation updating the building valuation tables to use the most current ICC values, and to update those values annually to the latest ICC rates without further Council action required.</p> |
| <p>3.3 If the valuation table selected in Recommendation 3.2 does not provide the capability to value projects based on factors other than square footage, develop and implement clear criteria and guidance for valuing projects to ensure staff value such projects consistently and equitably. If necessary, modify the permit application form to ensure it includes the type of information needed to accurately calculate the project value,</p>                                                                                      | <p>Planning</p>   | <p>Agree. We will develop clear criteria for project valuation supplementary to the guidance provided by the valuation table to ensure equitable and consistent staff valuation of projects. Once the criteria are developed, the permit application form will be revised, if needed, to provide any additional</p> |                                               | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and project valuation is part of the configuration of the program. Paper and online forms will be updated as part of final implementation of Accela. Programming is ongoing with an expected implementation of the new system by December 2015.</p>                                                                                                                                                                   |



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| <b>Findings and Recommendations</b>                                                                                                                                                                                                                                                                                               | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>                                                                                        | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| based on the valuation table and/or selected criteria.                                                                                                                                                                                                                                                                            |                   | information required to calculate project value.                                                                                                                 | <b>Actual 2/28/2017</b>                       | <p><b>Status Update 9/15/15:</b> Not Implemented. In Dec. 2015, in conjunction with the Accela roll-out and publication of related materials, staff will publish guidelines for valuing building projects to better inform the public.</p> <p><b>Status Update 2/28/17:</b> Implemented. Resolution 67,047-N.S. specifically provides guidelines of how to provide proper minimum valuations for all construction types using area as a variable. The valuations can be entered in Accela based on construction type, use and areas as applicable at each story. Staff have been trained how to verify proper minimum valuations based on scope and extent of the project, type of materials, amount of custom work included, etc.</p> |
| <p>3.4 To ensure that project valuations and fees are accurate:</p> <ul style="list-style-type: none"> <li>A. Require Plan Checkers to:                             <ul style="list-style-type: none"> <li>o Verify quantities on permit applications that are used as a basis for calculating fees (e.g.,</li> </ul> </li> </ul> | Planning          | Agree. We will utilize Accela to provide an easier and better set of tools to update valuations and ensure valuation accuracy before issuance of permits. Accela |                                               | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and project valuation is part of the configuration of the program. The configuration includes a valuation history</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Findings and Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                                                                           | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>electrical, plumbing, and mechanical) with those on the plans, and update the quantities in the Building Permit Module/Accela as necessary. Plan Checkers should note and initial on the permit application any changes they make.</p> <ul style="list-style-type: none"> <li>○ Verify permit applicants' stated project valuations and always use the higher valuation to calculate fees, unless the Building Official provides a reasonable basis for exceptions, such as when the permit applicant can show detailed estimates. Planning's calculation should be done through Accela, if possible (see Recommendation 3.5 below).</li> <li>B. Require permit applicants to submit new applications or update and initial changes when changing the type and quantity of work to be performed and for PSC staff to enter the updated information into Accela.</li> </ul> |            | <p>will also allow the automatic recalculation of fees when quantities change, as well as provide an audit trail of when, where, and how valuations change. We also adjust procedures and monitoring processes accordingly to match the changes made possible by Accela.</p> |                                        | <p>table to provide an audit trail of changes to valuation. Additionally, the configuration automatically recalculates fees when quantities are changed. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Not Implemented. No further change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Partially Implemented.</p> <p>3.4A – Plan review procedures require that plan check staff verify the pertinent information, including project valuation, to confirm that it accurately reflects the scope of work shown on the approved construction drawings. The itemizing of trade details is part of the assessment of fees done by Permit Specialists as part of the permit issuance process.</p> <p>3.4B – In the new electronic plan check environment, changes to the application</p> |

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| Findings and Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>C. Develop and implement a process that establishes responsibility for ensuring that all corrections to project values are updated in the BP Module screen (Accela, after implementation) that is used to calculate permit fees. The process should not require staff who collect fees to update those values.</p> <p>D. Require PSC supervisors to monitor and review, on a sample basis, the accuracy of their staff's building permit data entry, including square footage and quantities.</p> |            |                                                                    |                                        | <p>information are made directly within Accela based on the information provided by the applicant or on the construction drawings.</p> <p>3.4C – Processes have been implemented through which plan check staff correct valuations prior to any plan approval or permit issuance. No staff who revise valuations may also collect fees. Accela has been configured to include the valuation history table, which records each valuation change, date, time and staff entering the valuation change; this information cannot be edited after the fact.</p> <p>3.4D – Filters have recently been developed to allow PSC supervisors to monitor overall permit application activity, including a comparison of information provided and then entered into the system. Policies are being created to establish criteria for sample monitoring and review to confirm accuracy.</p> <p><b>Status Update 3/13/18:</b> Implemented.</p> |

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| Findings and Recommendations                                                                                                  | Lead Dept.                                                                                                                                                                                                                                                                                                            | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                               |                                                                                                                                                                                                                                                                                                                       |                                                                    | <b>Actual<br/>3/13/2018</b>                                                                           | Procedures have been established for PSC management to monitor, review and verify accuracy building permit entry data in Accela.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3.5                                                                                                                           | Work with Information Technology during the Accela implementation to ensure it is configured so each element used to calculate permit fees (e.g., square footage, number of meters or receptacles, furnace) is a required field that, if left blank, would prevent PSC staff from completing data entry for a permit. | Planning                                                           | Agree. We will configure Accela to make all permit-fee-calculation-dependent entries required fields. | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Designation of required fields will be determined during user acceptance testing of the Accela software, based on the recommendations of division managers, the audit report, and identified best practices. User acceptance testing is scheduled to happen once configuration is finalized and before implementation. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. User acceptance testing has identified all fields to be set as requiring some staff input before completing the forms. No further change in status expected until after Accela roll-out Dec. 2015.</p> |

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| Findings and Recommendations                                                                                                  | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                               |            |                                                                    | Actual<br>3/13/2018                    | <p><b>Status Update 2/28/17:</b> Partially Implemented. Accela is configured to auto-calculate permit fees, but does not yet require all elements to be completed before permit issuance. There are several hundred such elements in the permit application template. PSC and IT staff are examining better default options for Accela fields in cases where they are not applicable to a particular permit application in order to fully resolve this finding.</p> <p><b>Status Update 3/13/18:</b> Alternative Implemented. Previous revisions to the Planning Fee Schedule for clarity have been synchronized with Accela's configuration, minimizing the potential for data entry errors. Additionally, larger projects (&gt;1,000 sq.ft.) are now charged on a square footage basis, making the question of fixture counts moot. The combination of these steps makes it extremely unlikely that data entry errors can result in revenue shortfalls of any appreciable amount. PSC staff are trained to identify and select all permit specific</p> |

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| Findings and Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                                                | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                                                                                                                                                                                                   |                                        | elements. Considering Accela native functionality, this alternative implementation strategy is the most practical way of addressing this finding.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>3.6 After obtaining approval to always use a current building valuation table and if allowed by the publisher, work with Information Technology to:</p> <ul style="list-style-type: none"> <li>A. Build the new costs into Accela.</li> <li>B. Update the costs whenever the industry expert publishes updates.</li> <li>C. Ensure that, when implemented, Accela is configured to calculate the minimum project value for every permit, based on the required cost elements for the project.</li> </ul> <p>If the publisher does not allow the costs to be built in, develop and implement policies and procedures to ensure that Plan Checkers verify the accuracy of the permit applicant's</p> | Planning   | Agree. If possible, we will create dynamic building valuation in Accela, reflective of the current building valuation table, that can be updated as necessary and can calculate minimum project value per permit based on required cost elements. |                                        | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and the ability to reflect a current building valuation table and to calculate minimum project value is part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. Accela configuration efforts have incorporated updated building project valuation tables and determined that future annual valuation table changes can also be incorporated. No further change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Implemented.</p> |

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| <b>Findings and Recommendations</b>                                                                                                                                          | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>         | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| stated project value, and update the values in Accela as appropriate.                                                                                                        |                   |                                                                                   | <b>Actual 2/28/2017</b>                       | 3.6A – As addressed in Response 3.2, Accela has been configured to utilize the adopted building valuation tables and user input when calculating project valuation.<br>3.6B – The valuation table is annually updated every February.<br>3.6C – Project valuation is affected by many variables which are not captured by square footage alone. The plan check staff are trained to validate project valuations as provided by applicants.                                                                                                               |
| 3.7 Work with Information Technology to ensure that Accela is configured to calculate fees based on the criteria in the fee schedule rather than rounded project valuations. | Planning          | Agree. We will configure Accela to calculate fees based on fee schedule criteria. |                                               | <b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and fee calculation based on the fee schedule is part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015.<br><br><b>Status Update 9/15/15:</b> Partially Implemented. Current authorized Planning fees have been set in Accela for use in project fee calculations; no further change in status expected until after Accela roll-out Dec. 2015. |

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| Findings and Recommendations                                                                                                  | Lead Dept.                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                                                                                                                  | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    | <b>Actual<br/>3/13/2018</b>                                                                                                                                                                             | <p><b>Status Update 3/13/18:</b> Implemented. Fee calculations in Accela have eliminated valuation rounding errors found in the previous system.</p> <p>Fee formulas programed into Accela are regularly tested and validated to ensure they are in accordance with the adopted fee schedule. An additional review of Accela fee calculations took place during 2017 and validated that fee calculation formulas are working correctly.</p>                                                                                 |
| 3.8                                                                                                                           | Work with the City Clerk’s Office to revive the project for making construction documents (i.e., plans, permits, and related documents) readily available for public and staff viewing. Develop a timeline for imaging all older documents and set aside time for staff to image those documents within the timeline. If necessary, and feasible within budget constraints, hire temporary staff to locate, prepare, and image the multi-year backlog of documents. | Planning                                                           | Agree. We will revive the construction document imaging/accessibility project, develop a timeline for imaging older documents, and earmark the requisite staff time to assist in imaging-related tasks. | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and electronic plans and permits are part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015. The City Clerk’s Office obtained and is in the process of implementing a new content management system. We will revive the construction document imaging/accessibility project once the software is in place.</p> |



| Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service |            |                                                                    |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Findings and Recommendations                                                                                                  | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                               |            |                                                                    | Actual<br>3/13/2018                    | <p><b>Status Update 9/15/15:</b> Partially Implemented. City staff have issued an RFP for a vendor to convert paper-only building plans to digital files, which will then be imported into the City Clerk’s new Electronic Data Management System for access by staff and ultimately by the public. Staff expect a contract award in Oct 2015, with all paper plans converted into digital files by June 2016.</p> <p><b>Status Update 2/28/17:</b> Partially implemented. Work is nearly complete under the imaging contract to scan and convert paper-only building plans into digital files. The resulting images will be imported into the City Clerk’s new Electronic Data Management System for access by staff and ultimately by the public.</p> <p><b>Status Update 3/13/18:</b> Implemented. Work has been completed under the imaging contract to scan and convert paper-only building plans into digital files. The resulting images are now available for</p> |

| Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Findings and Recommendations                                                                                                  | Lead Dept.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                                                                                                                                                                                                                                     | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |                                                                                                                                                                                                                                                                                                                            | staff use and for public review upon request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Finding 4: High-risk cashiering and credit card practices significantly increase the risk of employee theft</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4.1                                                                                                                           | When implementing Accela, require each PSC cashier to have, and use, his or her own cash drawer, user identification, and password when cashiering. The cash register must identify the employee responsible for every cash register entry. In the meantime, implement procedures, such as limiting use of each register to the person who is logged into it or changing out cash drawers as register users change, to mitigate the risk of not being able to assign responsibility for individual transaction errors, including overages and shortages. | Planning                                                           | Agree. Accela will improve the situation by requiring staff to use their own login credentials. However, the physical configuration of the building makes individual cash drawers difficult to implement at this time. We agree with the potential solutions and will develop a plan within a year to address the finding. | <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and this item is part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015. Additionally, the Planning Department has obtained authorization to add a position from the appropriate classification to function as a cashier in the PSC. This recruitment is currently open.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented. The PSC has hired a dedicated cashier to improve internal controls around cash handling. Accela has been configured to eliminate all shared credentials once roll-out takes place in Dec. 2015.</p> |

| Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Findings and Recommendations                                                                                                  | Lead Dept.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                                                                                                                                                                                                                                                        | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    | <b>Actual 2/28/2017</b>                                                                                                                                                                                                                                                                                                                       | <b>Status Update 2/28/17:</b> Implemented. The PSC now employs two dedicated cashiers. Both cashiers and Senior Permit Specialists that serve as back-up cashiers during absences, have their own cash drawer, user ID, and password. Procedures have been established which restrict cash registers to only the individual responsible for cashing, eliminating all shared user credentials and improving internal controls around cash handling.                                 |
| 4.2                                                                                                                           | As soon as possible, implement the process identified by the Planning Director for securing faxed credit card information. Require staff to enter credit card information immediately when a permit applicant drops off a credit card authorization form and then shred the form. This will likely mean not accepting a dropped-off credit card authorization form unless the project has already been entered into the permit system. Alternatively, Planning could set up a computer in the PSC that would allow customers to | Planning                                                           | Agree with alternative. We are currently working with Information Technology on the solution for securing faxed credit card information. The other problems identified in Findings and Recommendation 4.2 will be addressed by Accela, in particular, its capacity to accept and process credit card payments in a secure online environment. | <b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and this item is part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015. Additionally, the Planning Department has obtained authorization to add a position from the appropriate classification to function as a cashier in the PSC. This recruitment is currently open. |

| Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service |            |                                                                    |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Findings and Recommendations                                                                                                  | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| enter their credit card information online without PSC staff ever seeing that information.                                    |            |                                                                    | <b>Actual<br/>2/28/2017</b>            | <p><b>Status Update 9/15/15:</b> Partially Implemented. The PSC has hired a dedicated cashier to improve internal controls around cash handling. Accela has been configured to eliminate all shared credentials once roll-out takes place in Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Implemented. PSC procedures have been updated. Credit card information is no longer submitted by fax, e-mail or drop off. The PSC cashier enters credit card information directly into the register at the time it is submitted by clients in the PSC or over the telephone.</p> |

**Page 35 of 38**  
**Year 2 Customer Service Goals, Timeline**

| Zucker #             | Recommendation                                                | Level of Effort | Timeline, in months |          |              |             |             |             |             |   |
|----------------------|---------------------------------------------------------------|-----------------|---------------------|----------|--------------|-------------|-------------|-------------|-------------|---|
|                      |                                                               |                 |                     | Previous | July-Sep '18 | Oct-Dec '18 | Jan-Mar '19 | Apr-Jun '19 | Jul-Dec '19 |   |
| 1.                   | Agree on an implementation plan                               | DONE            |                     | DONE     |              |             |             |             |             |   |
| <b>Communication</b> |                                                               |                 |                     |          |              |             |             |             |             |   |
| 2.                   | Create a staff directory of roles                             | DONE            |                     | DONE     |              |             |             |             |             |   |
| 3.                   | Revise the handouts                                           | C               | 3                   |          |              | C           |             |             |             |   |
| 4.                   | Create Internal newsletter                                    | DONE            |                     | DONE     |              |             |             |             |             |   |
| 5.                   | IT to provide periodic up-dates on Accela improvements        | B               | 12+                 |          | B            | B           | B           | B           | B           | B |
| 6.                   | Repeat customer survey bi-annually                            | C               | 6                   |          |              | C           | C           |             |             |   |
| 7.                   | Revise customer survey forms                                  | C               | 6                   | C        | C            |             |             |             |             |   |
| 8.                   | Survey forms available at all counters                        | C               | 6                   |          |              | C           | C           |             |             |   |
| 9.                   | Send survey forms after project completion                    | C               | 6                   |          |              |             | C           | C           |             |   |
| 10.                  | Provide feedback to staff on survey results                   | E               | 3                   | E        |              |             | E           |             | E           |   |
| 11.                  | Achieve an 85% positive on survey forms                       | B               | 12+                 |          | B            | B           | B           | B           | B           | B |
| 26.                  | Return all phone calls and emails within 48-72 hours          | B               | 6                   | B        | B            |             | B           |             |             |   |
| 27.                  | Make certain website information is accurate at all times     | C               | 6                   |          |              |             | C           | C           |             |   |
| 32.                  | Explain to customers any delay in service                     | DONE            |                     | DONE     |              |             |             |             |             |   |
| 33.                  | Staff to perform other tasks while computers are loading data | DONE            |                     | DONE     |              |             |             |             |             |   |
| 34.                  | Audit work of outside plan review consultants                 | DONE            |                     | DONE     |              |             |             |             |             |   |
| 65.                  | Update minimum submittal checklist                            | DONE            |                     | DONE     |              |             |             |             |             |   |
| 66.                  | Accept only complete plans                                    | DONE            |                     | DONE     |              |             |             |             |             |   |
| 73.                  | Move link for 2015 Housing Element to General Plan web page   | DONE            |                     | DONE     |              |             |             |             |             |   |
| 85.                  | Require complete applications                                 | DONE            |                     | DONE     |              |             |             |             |             |   |
| 89.                  | Provide Expedited processes for al Land Use Processes         | DONE            |                     | DONE     |              |             |             |             |             |   |
| 92.                  | Use project manager/case manager system                       | A               | 12+                 |          | A            | A           | A           | A           | A           | A |
| 98.                  | Convert Zoning Project Submittal handouts to several handouts | C               | 3                   |          |              | C           |             |             |             |   |

**Page 36 of 38**  
**Year 2 Customer Service Goals, Timeline**

| Zucker # | Recommendation | Level of Effort | Timeline, in months |          |              |             |             |             |             |
|----------|----------------|-----------------|---------------------|----------|--------------|-------------|-------------|-------------|-------------|
|          |                |                 |                     | Previous | July-Sep '18 | Oct-Dec '18 | Jan-Mar '19 | Apr-Jun '19 | Jul-Dec '19 |

**Staff Development**

|      |                                                                             |      |     |      |   |   |   |   |   |
|------|-----------------------------------------------------------------------------|------|-----|------|---|---|---|---|---|
| 12.  | Establish performance standards for all staff positions (Annual)            | A    | 12+ | A    | A | A | A | A | A |
| 13.  | Employee evaluations to be timely and useful (Aggregate all evals)          | B    | 12+ | B    | B | B | B | B | B |
| 14.  | Provide periodic evaluation of staff performance                            | A    | 12+ | A    | A | A | A | A | A |
| 15.  | Use employee evaluation results for training sessions (Aggregate all evals) | B    | 12+ | B    | B | B | B | B | B |
| 29.  | Provide accurate estimates of plan check times                              | DONE |     | DONE |   |   |   |   |   |
| 31.  | Monitor front counter staff                                                 | DONE |     | DONE |   |   |   |   |   |
| 35.  | Complete review of Building Division job descriptions                       | DONE |     | DONE |   |   |   |   |   |
| 36.  | Use Certified Permit Technicians for front counter                          | DONE |     | DONE |   |   |   |   |   |
| 37.  | Assign more supervisor duties to Senior Building Plans Examiner             | DONE |     | DONE |   |   |   |   |   |
| 39.  | Permit Services Center Coordinator to focus on management issues            | DONE |     | DONE |   |   |   |   |   |
| 43.  | Adopt new Permit Services Center Performance Standards                      | DONE |     | DONE |   |   |   |   |   |
| 44.  | Use NEMO-Q tracking system                                                  | A    | 6   |      |   |   | A | A |   |
| 49.  | Eliminate current plan check backlog                                        | DONE |     | DONE |   |   |   |   |   |
| 55.  | Track required certificates for staff                                       | DONE |     | DONE |   |   |   |   |   |
| 58.  | Monitor attendance at weekly training sessions                              | DONE |     | DONE |   |   |   |   |   |
| 59.  | Periodically attend meetings of regional Building Officials                 | DONE |     | DONE |   |   |   |   |   |
| 76.  | Brief staff on state legislative changes                                    | DONE |     | DONE |   |   |   |   |   |
| 118. | Have one staff member with extensive expertise in historic preservation     | DONE |     | DONE |   |   |   |   |   |
| 152. | Hold group meeting to discuss Engineering issues                            | DONE |     | DONE |   |   |   |   |   |
| 153. | Land Use Planning staff to discuss issues                                   | DONE |     | DONE |   |   |   |   |   |
| 154. | Close communication gaps                                                    | DONE |     | DONE |   |   |   |   |   |

**Clarity of Regulatory Framework**

|     |                                              |      |     |      |   |   |   |   |   |
|-----|----------------------------------------------|------|-----|------|---|---|---|---|---|
| 46. | Develop interpretations manual               | DONE |     | DONE |   |   |   |   |   |
| 78. | Work with zoning consultant to simplify code | A    | 12+ | A    | A | A | A | A | A |
| 80. | Designate Zoning Administrator position      | DONE |     | DONE |   |   |   |   |   |

| Zucker # | Recommendation                                                   | Level of Effort | Timeline, in months | Previous | July-Sep '18 | Oct-Dec '18 | Jan-Mar '19 | Apr-Jun '19 | Jul-Dec '19 |
|----------|------------------------------------------------------------------|-----------------|---------------------|----------|--------------|-------------|-------------|-------------|-------------|
| 84.      | Create policy and procedures manual                              | A               | 12+                 | A        | A            | A           | A           | A           | A           |
| 90.      | Create interpretation manual                                     | A               | 12+                 | A        | A            | A           | A           | A           | A           |
| 100.     | Clarify criteria for granting Administrative Use Permits         | A               | 12+                 | A        | A            | A           | A           | A           | A           |
| 101.     | Create list of Ordinance changes for Zoning Ordinance consultant | DONE            |                     | DONE     |              |             |             |             |             |
| 105.     | Formalize attendance list for the Pre-Application meetings       | DONE            |                     | DONE     |              |             |             |             |             |

**Resource Management and Performance Standards**

|      |                                                                                           |      |     |      |   |   |   |   |   |
|------|-------------------------------------------------------------------------------------------|------|-----|------|---|---|---|---|---|
| 16.  | Update Land Use fee study                                                                 | B    | 12  |      | B | B | B | B |   |
| 50.  | Assign minor plan reviews to the PSC Plans Examiner                                       | DONE |     | DONE |   |   |   |   |   |
| 51.  | Expand use of outside consultants                                                         | DONE |     | DONE |   |   |   |   |   |
| 67.  | Add charges for numerous resubmittals                                                     | DONE |     | DONE |   |   |   |   |   |
| 68.  | Clarify Public Works reporting arrangements for collocated staff                          | DONE |     | DONE |   |   |   |   |   |
| 72.  | Reevaluate need to retype General Plan                                                    | DONE |     | DONE |   |   |   |   |   |
| 74.  | Set procedures to respond to City Council and Planning Commission mandates                | DONE |     | DONE |   |   |   |   |   |
| 75.  | Track time spend on City Council mandates                                                 | C    | 6   |      |   | C | C |   |   |
| 77.  | Create Annual Work Plan                                                                   | DONE |     | DONE |   |   |   |   |   |
| 79.  | Establish calendar for zoning ordinance updates                                           | DONE |     | DONE |   |   |   |   |   |
| 81.  | Hire staff to organize land use files.                                                    | A    | 12+ | A    | A | A | A | A | A |
| 82.  | Appoint a non-rotating Acting Land Use Planning Manager                                   | DONE |     | DONE |   |   |   |   |   |
| 83.  | Two Principal Planners to focus on management needs and not directly manager any projects | A    | 12  |      | A | A | A | A |   |
| 93.  | Improve specific performance results for all Land Use reviews                             | A    | 6   |      |   |   | A | A |   |
| 94.  | Complete detailed staffing analysis                                                       | B    | 9   |      |   |   | B | B | B |
| 95.  | Complete 30-day reviews early in the process                                              | C    | 9   |      | C | C | C |   |   |
| 96.  | Complete 90% of Zoning Certificates for business licenses in one day                      | DONE |     | DONE |   |   |   |   |   |
| 102. | Change Administrative Use Permit process as outlined                                      | A    | 12+ | A    | A | A | A | A | A |

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**Year 2 Customer Service Goals, Timeline**

| Zucker # | Recommendation                                                                  | Level of Effort | Timeline, in months | Previous | July-Sep '18 | Oct-Dec '18 | Jan-Mar '19 | Apr-Jun '19 | Jul-Dec '19 |
|----------|---------------------------------------------------------------------------------|-----------------|---------------------|----------|--------------|-------------|-------------|-------------|-------------|
| 103.     | Improve performance times for Land Use AUP applications                         | A               | 12+                 | A        | A            | A           | A           | A           | A           |
| 108.     | Add staff for the Design Review Process                                         | DONE            |                     | DONE     |              |             |             |             |             |
| 110.     | Complete sign/awning design reviews in 10 working days                          | A               | 12                  | A        | A            | A           |             |             |             |
| 111.     | Complete staff design reviews within 15 days                                    | A               | 12                  | A        | A            | A           |             |             |             |
| 117.     | Take pro-active action on Potential Initiations list                            | DONE            |                     | DONE     |              |             |             |             |             |
| 119.     | All planners working on Landmark issues to report to the same Principal Planner | DONE            |                     | DONE     |              |             |             |             |             |

**Technology**

|      |                                                              |      |    |      |   |   |   |   |   |
|------|--------------------------------------------------------------|------|----|------|---|---|---|---|---|
| 60.  | Improve Business License program                             | B    | 6  |      |   | B | B |   |   |
| 61.  | Investigate digital plan review program                      | DONE |    | DONE |   |   |   |   |   |
| 63.  | Grant Fire Prevention Bureau Accela access                   | DONE |    | DONE |   |   |   |   |   |
| 64.  | Fire Marshal to use Accela to track and report               | C    | 6  |      |   |   | C | C |   |
| 69.  | Public Works to be integrated into Accela system             | C    | 6  |      |   |   | C | C |   |
| 70.  | Public Works to use Accela to track and report               | C    | 6  |      |   |   | C | C |   |
| 127. | Maintain collaborative working relations between IT and P&D  | C    | 12 | C    | C | C | C | C | C |
| 128. | Formalize Accela user training program                       | A    | 12 | A    | A | A | A | A |   |
| 129. | Train applicants on use of online applications               | C    | 6  | C    | C | C |   |   |   |
| 138. | Mandatory Accela training for all relevant new staff members | A    | 12 | A    | A | A | A | A | A |
| 139. | Find permanent solution to electronic plan checking          | DONE |    | DONE |   |   |   |   |   |
| 141. | Large format monitor                                         | DONE |    | DONE |   |   |   |   |   |
| 149. | Assign high performance workstations to power users          | DONE |    | DONE |   |   |   |   |   |

|   |                                                                             |
|---|-----------------------------------------------------------------------------|
| A | High: Staff time intensive AND lengthy implementation time frame            |
| B |                                                                             |
| C | Moderate: Either staff time intensive, OR lengthy implementation time frame |
| D |                                                                             |
| E | Low: Shorter, more simple tasks                                             |





Office of the City Manager

INFORMATION CALENDAR

March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Department of Public Works

Subject: Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal

INTRODUCTION

The Office of the City Auditor presented to the City Council a July 1, 2014 Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal<sup>1</sup> (Audit Report). The City Auditor conducted the Audit Report at the Public Works Director's request to assess Public Works' Zero Waste Division progress towards the Year 2020 Zero Waste Goal. This is the third semi-annual Information Calendar Update on the efforts made to implement the Audit Report's recommendations.

CURRENT SITUATION AND ITS EFFECTS

The Audit Report noted fifteen (15) recommendations for the Public Works Department (PWD) and its Zero Waste Division (ZWD) to review, implement and report to Council. The first set of seven (7) recommendations were related to zero waste goals and ZWD's operational components and the second set of eight (8) recommendations focused on PW/ZWD working with the Department of Information Technology (IT) to utilize technology to interface with routes, staff and the customers.

As of the writing of this Audit Report, three recommendations have been implemented, six recommendations are partially implemented; five recommendations remain unimplemented; and one recommendation has been declined with a will not implement status.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective actions and implementation progress. The next report to Council is expected to be presented on March 2020 to allow Zero Waste to develop and implement a Strategic Plan.

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<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Auditor/Level\\_3\\_-\\_General/A%2020\\_RPT\\_Zero%20Waste\\_Final.pdf](https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/A%2020_RPT_Zero%20Waste_Final.pdf)

## BACKGROUND

On March 22, 2015, the Berkeley City Council adopted Zero Waste Resolution No. 62,849-N.S reaffirming its commitment to meet the Alameda County Measure D goal of reducing waste sent to landfills by 75%, and setting a goal of zero waste sent to landfills by year 2020. The Resolution does not define a specific zero waste percentage expectation for Berkeley, but the language used therein implies that the Council's intention is diversion of 100 percent of waste from landfills.

In its October 17, 2017 presentation of the Zero Waste Strategic Plan to the City Council, the Zero Waste Commission recommended the City move forward immediately to meet our Zero Waste Goal by updating the Zero Waste Goal for current feasibility and issuing an RFP to hire a consultant to develop a Zero Waste Strategic Plan intended to lead the City toward that goal. The City Council consented to this recommendation.

## ENVIRONMENTAL SUSTAINABILITY

The increased diversion of recyclable materials, such as, cardboard, paper, plastic, etc., from the wastes being landfilled is an essential part of the City's Zero Waste Goal as described in the City's 2009 Climate Action Plan.

## POSSIBLE FUTURE ACTION

The Zero Waste Commission and the Zero Waste Division are continuing to address the remaining nine recommendations in the Audit.

## FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There will be fiscal impacts for the procurement of software, hardware, and professional services necessary to complete the Audit findings. Public Works will continue to update the Council on a periodic basis on the progress, resources available or to be made available, and/or additional funding needs in subsequent updates assessing Zero Waste Division's efforts.

## CONTACT PERSON

Greg Apa, Solid Waste & Recycling Manager (510) 981-6359

### Attachment:

1. Audit Findings and Recommendations Response Form

ATTACHMENT No. 1

| Audit Title: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal |                                                                                                                                                                                                                                                                                        |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Findings and Recommendations                                                                                                                    | Lead Dept.                                                                                                                                                                                                                                                                             | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Finding 1: Insufficient data and resources (for planning, strategy, or execution) dedicated to Berkeley’s zero waste by 2020 resolution</b>  |                                                                                                                                                                                                                                                                                        |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.1                                                                                                                                             | Request the City Council to redefine and then reaffirm its commitment to zero waste (i.e., the percentage that the Council considers to be success), and to ensure sufficient resources to fund appropriate staffing and the necessary infrastructure to achieve stated goals by 2020. | Public Works                                                       | <p>Agree</p> <p>This is consistent with the strategic approach the Public Works Department has taken to correct operational deficiencies and create an organization more capable of continuing the work to reach the City’s zero waste goal.</p> <p>The Department is poised to undertake an open search for a new ZWD Manager whose input, perspective, and anticipated professional expertise will be essential in analyzing the resources necessary to achieve the goal and drafting suitable recommendations to Council.</p> | <p>June 2015</p> <p>June 2019</p> <p>5/09/2017 Status: not submitted</p> <p><b><u>January 23, 2018 Update:</u></b><br/> <b><u>Not Implemented</u></b><br/>                     The Zero Waste Commission submitted to the City Council its recommendation for the City to develop an RFP to: 1) develop a Zero Waste Strategic Plan (Plan) to delineate terminology, 2) define and clarify what the City’s Zero Waste Goal will be, and 3) develop plan for the Public Works - Zero Waste Division to implement to attain that goal. The City Council concurred with this recommendation which was an item on its October 17, 2017 Action Calendar for the Zero Waste Division to develop the RFP for the development of the Plan.</p> |



ATTACHMENT No. 1

| <b>Audit Title: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal</b>                                                                                                                                                                                                                                                                                  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Findings and Recommendations                                                                                                                                                                                                                                                                                                                                                                                                            | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| including annual or biennial interim waste diversion goals.<br>Topics that the strategic plan should discuss include: <ul style="list-style-type: none"> <li>• Objectives and long-term and interim goals</li> <li>• Actions to be taken</li> <li>• Responsible parties</li> <li>• Expected cost and impact of implementation</li> <li>• Performance measures</li> <li>• External factors affecting performance and progress</li> </ul> |            | making progress toward our zero waste goal. The Department improved the efficiency of operations, followed the strategies in the Climate Action Plan, is currently completing a commercial franchise study, and in May 2014 completed a Prop 218-compliant rate increase. PW will continue to focus on maintaining efficient operations, high quality customer service, and improvements to waste diversion efforts.<br><br>The Department will take the next step toward zero waste by reassessing the current situation, and developing a strategic plan intended to guide the Department through the increasingly difficult path to zero waste. Part of this process requires evaluating the existing Transfer Station infrastructure, along with what |                                        | <b><u>Not Implemented</u></b><br>The City's Solid Waste Management Plan (1998) and Source Reduction and Recycling Element (1992) are the City's most recent documents guiding the City's actions toward the goal of zero waste. Although the City's Solid Waste Management Plan Update (2005) wasn't formerly adopted by the City, it was designed to achieve the 2010 goal of reaching 75% diversion. The City is currently achieving 76% diversion based on FY2015 information. The Zero Waste Commission and the City Auditor each concluded independently that a comprehensive, written strategic plan that clearly defines roles and responsibilities and assigns sufficient resources is needed to guide the City towards the goal of achieving zero waste. The |



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| Findings and Recommendations                                                                                                                    | Lead Dept.   | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                                                                                                  | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                   |
|                                                                                                                                                 |              |                                                                                                                                                                                                                                                                                                     |                                        | ZWD has developed an RFP to: 1) develop a Zero Waste Strategic Plan (Plan) to delineate terminology, 2) define and clarify what the City's Zero Waste Goal will be, and 3) develop plan for the Public Works - Zero Waste Division to implement to attain that goal. The RFP is in administrative review.                                                                         |
| 1.3                                                                                                                                             | Public Works | Agree<br>Public Works will continue to prepare its annual work plan under the direction of the City Manager, in coordination and consistent with other Department work plans.<br>Goals, objectives, and actions for the Zero Waste program will be organized and managed by the Zero Waste Manager. | June 2019                              | 5/09/2017 Status: not submitted<br><br><b>January 23, 2018 Update: Not Implemented</b><br>The Zero Waste Commission submitted to the City Council its recommendation for the City to develop an RFP to: 1) develop a Zero Waste Strategic Plan (Plan) to delineate terminology, 2) define and clarify what the City's Zero Waste Goal will be, and 3) develop plan for the Public |

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| <b>Findings and Recommendations</b>                                                                                                                                                                                | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>completion</li> <li>• Lead staff responsible for task completion</li> <li>• Full-time equivalent employees assigned to the tasks</li> <li>• Performance measures</li> </ul> |                   |                                                                           |                                               | <p>Works - Zero Waste Division to implement to attain that goal. The City Council concurred with this recommendation which was an item on its October 17, 2017 Action Calendar for the Zero Waste Division to develop the RFP for the development of the Plan.</p> <p>With a third-party firm in-place, the Plan development will proceed with all stakeholders' input solicited, reviewed and included. With approved by both the Zero Waste Commission and City Council, a fully vetted and approved Zero Waste Strategic Plan will provide Public Works a detailed road map to attain a zero waste goal. With these elements agree to then annual/biennial goals, budget allocations, timelines for completion, employees' assigned task and performance</p> |



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| Findings and Recommendations                                                                                                                    | Lead Dept. | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                                                                                 |            |                                                                    | December 2019                          | <p>measures will be concisely identified and assigned to meet the zero waste goal.</p> <p><b><u>March 12, 2019</u></b><br/> <b><u>Partially implemented</u></b></p> <p>ZWD is drafting an RFP for a Zero Waste Strategic plan to guide the City's policy and decision making and paths of implementation to the goal of Zero Waste. IT and ZWD is in the process of selecting a vendor to implement an entirely new ZW software solution that includes routing, billing and work orders. ZW meets weekly with key PW staff to ensure division objectives and action items are prioritized and budgeted for. With the first reading and passing of the Single Use Foodware and Litter Reduction Ordinance on January 22, 2019, ZWD is working closely with PW</p> |

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| Findings and Recommendations                                                                                                                    | Lead Dept.                                                                                                                                                                          | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                                                           | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                                                 |                                                                                                                                                                                     |                                                                    |                                                                                                                                                  | Fiscal and Admin division to budget for adequate staffing for this new responsibility. ZWD anticipates completion of a Feasibility Study to replace the existing Transfer Station by mid-2019. ZWD primary objectives are in accordance with the Citywide Strategic Plan. Once the new ZW software system is in place and the Strategic Plan has been completed, a more accurate work plan could be created that would include performance measures. |
| 1.4                                                                                                                                             | Regularly communicate zero- waste goals and achievements to City staff and the Council, and offer training to staff on how they can help Berkeley achieve zero waste. This includes | Public Works                                                       | Agree<br>Prepare an annual report to Council, highlighting progress toward strategic plan and work plan goals to achieve zero waste in Berkeley. | December 2019<br><br><b>5/09/2017 Status: not submitted</b><br><br><b>January 23, 2018 Update: Partially Implemented</b><br>With the newly re-staffed ZWC and new management at Zero Waste Division and once the Strategic Plan is completed and                                                                                                                                                                                                     |

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| <p>sharing strategic and annual work plan goals and regular updates regarding progress and completion.</p>                                             |            |                                                                    |                                        | <p>as part of the Strategic Plan, the Work Plan with goals, budget, timelines, FTEs and measurements will be developed. Then, Public Works will initiate annual reporting to Council. Nonetheless progress has been made, such as: the ZWD has undertaken a City Facilities Greening Project to ensure that all City-owned facilities have the appropriate containers with signage for trash, recyclables (bottles/cans and fiber), and organics; and that City staff receive training on the acceptable materials to place in each container type. The recent, May through September 2017, renovation of 1947 Center Street is being used as a pilot for this Project. In celebration of Earth Day 2017, the ZWD hosted a Zero Waste Earth Day Fair for City</p> |

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|                                                                                                                                                 |            |                                                                    |                                        | <p>employees to get answers to all of their recycling-related questions, play games, enjoy zero waste snacks, and talk trash with ZWD staff. This event was attended by more than 100 City employees.</p> <p><b><u>March 12, 2019</u></b><br/> <b><u>Partially Implemented</u></b></p> <p>City staff have been encouraged to participate in the visioning sessions for the Transfer Station Redesign January 16, 17, and 18. <a href="https://www.cityofberkeley.info/City_Manager/Press_Releases/2019/2019-01-02_Workshop_City_needs_your_ideas_for_new_recycling_and_waste_transfer_station.aspx">https://www.cityofberkeley.info/City_Manager/Press_Releases/2019/2019-01-02_Workshop_City_needs_your_ideas_for_new_recycling_and_waste_transfer_station.aspx</a></p> <p>Also, ZWD has developed an RFP to: 1) develop a Zero Waste Strategic Plan (Plan) to delineate terminology, 2) define and clarify what the City's Zero</p> |

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| Findings and Recommendations                                                                                                                           | Lead Dept.                                                                                                                                                                                                                                                                                                                          | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan | Expected or Actual Implementation Date                                                                                                                                                                                                                                                              | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                     |                                                                    |                                                                                                                                                                                                                                                                                                     | Waste Goal will be, and 3) develop plan for the Public Works - Zero Waste Division to implement to attain that goal. The RFP is in administrative review. Once the strategic plan is completed, it will be shared with City staff.                                                                                                                                                                                                                                                                                                                    |
| 1.5                                                                                                                                                    | Determine if additional funds are needed for the education, outreach, compliance, and enforcement necessary to reach zero-waste goals. If sufficient funds are not available, propose to Council a separate fee to cover those costs for the City's zero- waste program, such as a regulatory fee as allowed under Proposition 218. | Public Works                                                       | Agree<br>The Public Works Strategic Plan process will evaluate and identify the necessary resources, and if funding is insufficient, a recommendation will be made to consider an Integrated Waste Management Fee or other appropriate mechanism to fund additional staffing and/or outreach needs. | December 2019<br><br><b>5/09/2017 Status: not submitted</b><br><br><b><u>January 23, 2018 Update:</u></b><br><b>Partially Implemented</b><br>Since September 2016, Public Works has hired the Zero Waste Division's Solid Waste & Recycling Manager, Greg Apa, and Recycling Program Manager, Heidi Obermeit, who have 29 and 10 years, respectively, of solid waste industry experience. With their extensive background in the solid waste industry, they are in the process of reviewing, assessing and addressing Zero Waste's current efforts to |

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| <b>Findings and Recommendations</b>                                                                                                                    | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                                                        |                   |                                                                           |                                               | <p>educate and as needed the expansion of educational outreach to the community members and commercial businesses, both existing and new. Outreach educational materials are somewhat dated and these materials may be updated and customized as required with more current graphics and narratives.</p> <p>In addition, the ZWD has hired a Field Service Representative who assists ZWD’s education and compliance efforts with all community members and businesses.</p> <p>In 2018, the current Council-approved rate structure will require an updated rate study including the cost of increased educational outreach and training for handling of recyclable materials to ensure a sustainable rate structure to</p> |

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| <b>Findings and Recommendations</b>                                                                                                                    | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                                                        |                   |                                                                           |                                               | achieve the zero waste goals that the Council has set for Public Waste and Zero Waste Division.<br><b><u>March 12, 2019</u></b><br><b><u>Partially Implemented</u></b><br>Public Works has determined through internal budget process that Zero Waste needs two additional full time staff members to oversee the education, outreach, compliance, and enforcement necessary to reach zero-waste goals. The Zero Waste Division will be determining additional funding beyond staffing needed to increase education, outreach, compliance, and enforcement during the strategic planning process. The RFP for the strategic plan process is currently under administrative review. This process will also identify if the current levels of fees can cover the costs of the |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |                                                                    |                                        | City's Zero Waste program or if Public Works will need to assess additional fees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1.6 Update the City's Zero Waste website to include easily accessible information regarding: <ul style="list-style-type: none"> <li>• How and where to recycle materials that are not accepted in curbside collection.</li> <li>• What can be brought to the transfer station and materials recovery facility.</li> <li>• Zero waste goals and progress toward those goals.</li> </ul> <a href="http://StopWaste.org">StopWaste.org</a> is a good example and has | Public Works | Agree                                                              | October 2016                           | 5/09/2017 Status: not submitted<br><br><b><u>January 23, 2018 Update:</u></b><br><b>Implemented</b><br>With the hiring of the Recycle Program Manager, ZWD is continuously streamlining and updating the City's and ZWD's website to include: guidelines to recycle plant debris and food waste; information on the mandatory recycling requirements for businesses and multi-family properties in Alameda County; and links to other recycling resources in the area. Further, the ZWD has made available guidelines to help designers of multifamily, commercial, and mixed-use buildings plan for recycling collection when designing new |



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| Findings and Recommendations                                                                                                                                                                                                                                                                                            | Lead Dept.          | Agree, Partially Agree, or Do Not Agree and Corrective Action Plan                                                                                                                                                                          | Expected or Actual Implementation Date | Status of Outstanding Audit Recommendations and Implementation Progress Summary                                                                                                                                                                                                                                                                                                                                                                            |
| <p>resources that Berkeley can direct customers to use.</p> <p>Updates should be made as changes are made to the list of materials accepted through each waste stream.</p>                                                                                                                                              |                     |                                                                                                                                                                                                                                             |                                        | <p>buildings or renovations. In conjunction with the City's Public Information Officer, the ZWD has distributed press releases to educate the general public about the appropriate material to place in their refuse, recycling and green compost carts, extra pick-up bags, proper cart placement.</p>                                                                                                                                                    |
| <p>1.7 Engage in discussions with the California Department of Resources Recycling and Recovery to obtain permission to collect garbage biweekly instead of weekly while maintaining weekly collection of compostables. Perform additional education and outreach prior to implementing biweekly garbage service to</p> | <p>Public Works</p> | <p>Agree</p> <p>The ZWD will investigate the process of obtaining legal permission to pilot biweekly rubbish collection. We will identify the operational and outreach preparation necessary to evaluate the feasibility of this pilot.</p> | <p>N/A</p>                             | <p>5/09/2017 Status: not submitted</p> <p><b><u>January 23, 2018 Update:</u></b></p> <p><b>Will not be Implemented</b></p> <p>Although a Solid Waste &amp; Recycling Manager and Recycling Program Manager is on staff, the Zero Waste Division, as an enterprise funded collection service division, is unstaffed and inexperienced to engage in the process change of State Law, which requires weekly collection of refuse. In addition, this would</p> |

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| <b>Findings and Recommendations</b>                                                                                                                    | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>educate the public on the change. Alternatively, seek permission to implement a pilot project for biweekly garbage service.</p>                     |                   |                                                                           |                                               | <p>require significant lobbying of CalRecycle to approve a pilot program to collect refuse other than on a weekly basis. The Audit Report states that there is the potential of \$496,000 annual cost savings by switching to biweekly garbage service. However and as noted in the Audit Report, this is based on assumptions which:<br/>                     1) State law requires the refuse shall not remain on any premises more than seven (7) days. Berkeley would need to revise the State law, request a waiver or seek permission for a pilot program. This waiver or revision of State law will potentially require substantial lobbying members of City Council, State House of Representative(s) and Senator(s), as well as, of all the many County and State permitting and health agencies</p> |

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| <b>Findings and Recommendations</b>                                                                                                                    |                                                                                                                                                                                                | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                                                        |                                                                                                                                                                                                |                   |                                                                           |                                               | that would be involved to amend State law.<br>2) Require additional staff and funding to support a community educational outreach to ensure that refuse is not just reallocated by community members to the recycling and plant debris carts.<br>3) Public Works would need to enter into negotiations with the employee bargaining unit to an agreement whether positions can be eliminated through attrition or reassignment. |
| <b>Finding 2: Limited use of available technologies affects operational efficiencies</b>                                                               |                                                                                                                                                                                                |                   |                                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2.1                                                                                                                                                    | Work with the Department of Information Technology to configure the CRM system with a required field that auto populates valid route information based on address and service delivery type so | Public Works      | Agree                                                                     | December 2019                                 | 5/09/2017 Status: not submitted<br><br><u>January 23, 2018 Update:</u><br>Not implemented<br>Currently the City is implementing an Enterprise Resource Planning (ERP) project to replace the FUNDS\$ system including the CRM application.                                                                                                                                                                                      |

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| that route-specific data can be collected on a going-forward basis.                                                                                    |            |                                                                    | December 2019                          | <p>ERP is a software with financial (accounting, billing, budget, contracts) and human resource (time entry, personnel, payroll, benefits) applications. As part of this project, ZWD has been working with IT and its consultant during the needs assessment phase to ensure that RouteSmart™ will interface with the selected software.</p> <p><b><u>June 4, 2018 Update:</u></b><br/> <b>Not implemented</b><br/>                     IT with ZWD is soliciting many companies to demonstrate their invoicing, customer service, and routing systems. With the conclusion of the demonstrations, IT will develop an RFP that will solicit proposals for systems that will integrate with erma.</p> <p><b><u>March 12, 2019</u></b><br/> <b>Not Implemented</b></p> |

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|                                                                                                                                                        |                   |                                                                           |                                               | IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018. As the FUNDS system is in the process of being replaced, a new system was deemed necessary and IT issued an RFP for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. One proposal was received. If the proposal is accepted, software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019. The new system will require route optimization and will have |

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|                                                                                                                                                        |                                                                                                |                                                                    |                                                                                                                                     | <p>an onboard system for drivers containing route information based on address and service delivery type so that route-specific data can be collected on a going-forward basis. The details of this system will be evaluated and developed as part of implementation.</p> <p>In addition to these new systems, Public Works and Parks are also implementing a new computerized maintenance management system. Once that vendor has been selected, then 311 will issue an RFP for a new Customer Relationship Management system that will integrate with the Zero Waste solutions</p> |
| 2.2                                                                                                                                                    | Work with the Department of Information Technology to create a link between RouteSmart and the | Public Works                                                       | Agree<br>Zero Waste will work with IT to create the most efficient link between RouteSmart™ and the CRM system that can be created, | <p>April 2015</p> <p>5/09/2017 Status: not submitted</p> <p><b>January 23, 2018 Update:</b><br/><b>Not Implemented</b><br/>IT has been able to create a</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| CRM system (or the software implementation of Recommendation 2.5 below).                                                                        |            | given available resources. One solution, budget permitting, would be implementing the best of breed billing system that integrates with RouteSmart, rather than to trying to configure the CRM system to handle functions it was never designed to handle. | December 2019                          | table that extracts customer information from the FUNDS\$ and RouteSmart™. However and due to the limitations of FUNDS\$, this link takes hours to download information into RouteSmart™ versus that the company states should take minutes. Therefore until the installation of the ERP process is completed, RouteSmart™ cannot be used to its full route optimization capabilities.<br><br><b><u>March 12, 2019</u></b><br><b><u>Not Implemented</u></b><br>Working with RouteSmart for further integration was deemed not worthwhile as that system does not integrate with ArcGIS which is the City's primary system for spatial data. IT released an RFP on behalf of Public Works for Zero Waste Management software on |

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| <b>Audit Title: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal</b> |                   |                                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Findings and Recommendations</b>                                                                                                                    | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                        |                   |                                                                           |                                               | <p>October 18, 2018. The RFP was for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. One proposal was received. If the proposal is accepted, software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019.</p> <p>In addition to these new systems, Public Works and Parks are also implementing a new computerized maintenance management system. Once that vendor has been selected, then 311 will issue an RFP for a new Customer Relationship Management system that will</p> |



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| <b>Audit Title: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal</b> |                                                                                                                                                                                                                                                                                                                                    |                                                                    |                                        |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                    |                                                                    |                                        | integrate with the Zero Waste solutions.                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.3                                                                                                                                                    | Appoint individuals at the management, supervisory, and line staff levels to meet and identify Zero Waste Division operational and analytical reporting needs based on the performance goals at each level of the organization. Work with IT staff to determine responsibility and establish timelines for developing the reports. | Public Works                                                       | Agree.                                 | September 2016                                                                  | 5/09/2017 Status: not submitted<br><br><b><u>January 23, 2018 Update:</u></b><br><b>Implemented</b><br>ZWD along with IT, 311 Call Center, and Revenue Collection have established a monthly meeting to address operational and reporting needs; and create action plans to address those identified needs. These monthly reports included reviewing and analyzing as a Group: 1) monthly 311 calls on various the community members zero waste issues, 2) develop resolutions on community members' zero waste issues (reviewed weekly by 311 and ZWD personnel), and 3) review and resolve community members' LAGAN cases created by 311 calls. |
| 2.4                                                                                                                                                    | Designate a business-                                                                                                                                                                                                                                                                                                              | Public                                                             | Agree                                  |                                                                                 | 5/09/2017 Status: not submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



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| Audit Title: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal |                                                                                                                                                                                                                                                                                                                                     |                                                                    |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                     |                                                                    |                                                                                                                                                                                                    | the Senior Solid Waste Supervisor and an Associate Management Analyst being tasked with route optimization once new software has been identified and implemented. As mentioned elsewhere in this table, an RFP process for this software is currently underway.                                                                                                                                                                            |
| 2.5                                                                                                                                             | Assess the benefits of using mobile technologies that would allow drivers to enter information directly into the CRM system while on their routes, take pictures of why pickups were skipped, and implement electronic route books and other mobile field reporting. Include in the assessment changes to job responsibilities that | Public Works                                                       | Agree<br>The Zero Waste Division will work with Information Technology and Human Resources Departments to assess the pros, cons, and feasibilities of mobile technologies (hardware and software). | 5/09/2017 Status: not submitted<br><br><b>January 23, 2018 Update:</b><br><b>Not Implemented</b><br>ZWD with IT input has been working with the RouteSmart™ to determine if ZWD can utilize its mobile technology to improve route management and provide real-time service data to the customer service representatives in the 311 Call Centers. Fixed unit GPS units are available in the marketplace to track truck movements, such as, |

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| <p>might require a meet and confer with union representatives.<br/>Purchase the software and hardware if cost beneficial.</p>                          |            |                                                                    | December 2019                          | <p>missed pickups. However and with any mobile technology, these systems are constantly involving and improving. Therefore, any investment in a mobile system will not be implemented until the City's ERP project vendor selected, contract awarded and then ZWD/IT needs assessment completed.</p> <p><b><u>March 12, 2019</u></b><br/><b><u>Partially Implemented</u></b><br/>IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018. The RFP was for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. These</p> |

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| <b>Findings and Recommendations</b>                                                                                                                    |                                                                                                                                                                                                                                                                         | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                        |                                                                                                                                                                                                                                                                         |                   |                                                                           |                                               | systems will utilize onboard mobile hardware. In addition, this system will integrate with the new GPS solution which will integrate with the Zero Waste solution allowing for real time decision making and route information. Exact capabilities of both systems will be validated and coordinated as part of the contracting process once the vendors are selected. |
| 2.6                                                                                                                                                    | Work jointly with the Department of Information Technology and the Department of Finance to develop and automate script flows in the CRM system to ensure that all cases undergo the appropriate reviews before a case can be closed. The final step in the script flow | Public Works      | Agree                                                                     | October 2016                                  | 5/09/2017 Status: not submitted<br><br><b><u>January 23, 2018 Update:</u></b><br><b>Implemented.</b><br>ZWD, IT, 311 Call Center, and Finance have developed script flows with use of the CRM tracking systems to ensure all cases receive appropriate review prior to closing. These cases are compiled and reviewed weekly and monthly by ZWD, IT, 311               |

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|                                                                                                                                                        | should be a final review by someone who has authority to verify that all required steps have occurred before the case is closed.                                                                                                                                                                                  |                                                                                                                                                          |                                        | Call Center, and Finance staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.7                                                                                                                                                    | Use the reports developed from implementing recommendation 2.4 to monitor customer complaints and determine what impact the annual bid process has on customer service. If the information demonstrates the annual bid process significantly affects customer service, meet and confer with union representatives | Public Works<br><br>Agree<br><br>Zero Waste will use the CRM system to monitor customer complaints and help assess the effect of the yearly bid process. | January 2019                           | 5/09/2017 Status: not submitted<br><br><b><u>January 23, 2018 Update:</u></b><br><b>Not Implemented.</b><br>ZWD services 62 commercial route days and these ZWD's routes include: 42 refuse route days, 11 fiber (cardboard, paper) route days, 5 mixed recyclable route days and 6 plant debris/food waste routes days. After the new commercial accounts are optimized with existing commercial accounts/routes, ZWD will be in the position to numerically determine if the annual bid system is affecting customer service. With this information |

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| <p>to discuss the elimination the annual route bidding process to help reduce customer complaints and improve service delivery.</p> <p>Implement change if agreement is reached.</p> |            |                                                                    | <p>June/August 2019</p>                | <p>completed, this would enable ZWD to meet and confer with the Union.</p> <p><b><u>June 4, 2018 Update:</u></b><br/> <b>Not Implemented.</b><br/>                     With the integration of an additional 440 commercial accounts (had been serviced by either Waste Management, Inc. or Republic Services, Inc.) completed March/April 2018, with existing commercial accounts/routes, ZWD is in the position to numerically determine if the annual bid system is affecting customer service in April 2019. When this information is completed, ZWD will have information to meet and confer with the Union.</p> <p><b><u>March 12, 2019</u></b><br/> <b>Not Implemented</b><br/>                     The annual bid process is set to</p> |

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|                                                                                                                                                 |                                                                                                                                            |                                                                    |                                                                                                                                                            | begin February 2019 and its impacts will be evaluated June 2019                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.8                                                                                                                                             | Create a method for community members to track the status of their cases online, which will reduce the call volume to the 311 Call Center. | Information Technology                                             | Agree<br>This functionality will be available after the upgrade of our CRM system is complete, currently scheduled to be no later than the end of FY 2015. | June 2016                                                                       | 5/09/2017 Status: not submitted<br><br><b><u>January 23, 2018 Update:</u></b><br><b>Not Implemented.</b><br>Currently 311 team members create cases and assigned them to the appropriate service queue for ZWD investigation and response. This system allows the City to internally track issues but the ability of community member to track independently or via the City website has not been linked.<br>Currently the City is implementing an Enterprise Resource Planning (ERP) project to replace the FUNDS system and to update the City website. With the installation of the selected ERP, then the CRM |



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|                                                                                                                                                 |            |                                                                    | June 2020                              | <p>system can be integrated with the ERP system. This integration would allow community members' to track their issues, such as, missed pickups, cost of service, etc. only.</p> <p><b><u>March 12, 2019</u></b><br/><b><u>Not Implemented</u></b></p> <p>IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018 for a complete Zero Waste Solution. Software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019. Subsequently, IT will be issuing an RFP for a new 311 system to replace LAGAN that will integrate with the Zero Waste solution. One of the objective of these new systems is to</p> |

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| <b>Findings and Recommendations</b>                                                                                                                    | <b>Lead Dept.</b> | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b> |
|                                                                                                                                                        |                   |                                                                           |                                               | provide customers the ability to track their requests.                                 |



Office of the City Manager

INFORMATION CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Public Works

Subject: Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity

INTRODUCTION

The Office of the City Auditor presented to the City Council a September 20, 2016 Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity<sup>1</sup>. The City Auditor conducted the audit to assess whether the City of Berkeley is correctly billing customers based on their actual refuse collection levels; whether all Berkeley residents are signed up to receive refuse, recycling and plant debris collection service as required by the Berkeley Municipal Code; and whether there are opportunities for improving both refuse and service delivery operations. The City Auditor requested the City Manager report back to Council on the status of recommendations until fully implemented or otherwise addressed.

CURRENT SITUATION AND ITS EFFECTS

The Audit Report included twelve (12) recommendations for the Office of the City Manager and Departments of Finance, Information Technology, and Public Works to review, implement, and report to Council regarding the status of recommendations. This is the third status report on those recommendations: six have been implemented; four have been partially implemented; one alternative has been partially implemented; and one has not been implemented.

The Solid Waste & Recycling Manager and Recycling Program Manager have begun the review of the zero waste programs and, as needed, updated and/or revised them. Please see Attachment 1 for a detailed table of audit report recommendations, corrective actions and implementation progress. The next status report and anticipated final report to Council will be scheduled to be submitted in March 2020. The twelve

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<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Auditor/Level\\_3\\_-\\_General/A.2\\_RPT\\_Refuse%20Billing\\_Issue%20Fiscal%20Year%202016.pdf](https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/A.2_RPT_Refuse%20Billing_Issue%20Fiscal%20Year%202016.pdf)

months of additional time between audit updates will allow Zero Waste to focus on actions that will close the audit.

### BACKGROUND

Berkeley's community members, residential and commercial, have reduced landfilled refuse from 86,000 tons in 2007 to approximately 67,000 tons in 2015. The materials not landfilled have been reallocated to recyclable material streams. While the portion of material going to landfills has decreased, the Department of Public Works' Zero Waste Division's Transfer Station is managing almost the same volume of total material. For example, plant debris and food waste are no longer accepted in the gray/black refuse container, but instead are disposed of in the green container for collection turned into compost for beneficial reuse.

In 2015, the City of Berkeley's Solid Waste Management Facility Transfer Station accepted and transported to its contractors, approximately 67,000 tons of refuse (landfilled), 33,000 tons of plant debris and food waste (composted), 15,000 tons of fibers (diverted) and 30,000 tons of construction and demolition debris (diverted for sorting and reuse). Materials that were once bound for the landfill have been successfully separated by both residential and commercial community members into materials that are now recycled, reused and diverted from the landfill.

In addition, Zero Waste's collections operations include collection of four different material types, delivery and collection of carts and/or bins, managing customer requests for service and concerns, and increasing and decreasing service levels. It is a complex enterprise involving various departments' systems, including Finance and Information Technology, and both manual and automated collection services and revenue collection partners.

### ENVIRONMENTAL SUSTAINABILITY

With the implementation of the Audit's recommendations, the Zero Waste Division will continue to help reduce the volume of waste landfilled and:

- Increase residential composting, recycling, and source reduction.
- Increase commercial composting, recycling, and source reduction.
- Increase recycling of construction and demolition (C&D) debris.
- Expand efforts to eliminate waste at its source.
- Increase waste diversion in public buildings.

All of these above noted items promote the City's zero waste goal and are included in the approved Climate Action Plan Goals for Waste Reduction and Recycling.

### POSSIBLE FUTURE ACTION

Department of Public Works will continue to take timely and focused action(s) to address those recommendations that remain outstanding and partially implemented. The Zero Waste Division is in the process of working with Information Technology and

Finance to select the necessary software solution(s) that will facilitate the implementation of the Audit recommendations.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The Department of Public Works will update Council on a periodic basis on the progress, resources available or additional funding needs to address those recommendations that remain outstanding and partially implemented.

CONTACT PERSON

Greg Apa, Solid Waste and Recycling Manager, (510) 981-6359

Heidi Obermeit, Recycling Program Manager, (510) 981-6357

Attachment:

1. Audit Findings and Recommendations Response Form

ATTACHMENT No. 1

| Audit Title: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                               |                                        |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Finding: Integrated thinking about zero waste operations will help ensure accurate billings and customer equity</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                               |                                        |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.1                                                                                                                         | Agree to a common and unified vision for zero waste operations. Discuss the long-term zero waste goals, objectives, and key initiatives and share that information with those responsible for day-to-day operations. Use meetings and informal communications to regularly encourage staff to embrace a unified view of zero waste operations.                                                                                                                                                                                              | City Manager's Office and Team<br>Response: Public Works, Finance, and Information Technology | Agree                                  | October 2016                                                                    | <b>January 23, 2018 Update Implemented</b><br>Since late 2015, Zero Waste, 311, and IT (called collectively the Customer Solutions Group or Group) have met on a monthly basis to discuss operational issues that affect the three divisions. Given that this Group was already in place and per the Auditor's recommendation, the Group opted to include Finance as a participant instead of creating of a separate team and meeting.<br>The meetings' monthly agenda identifies that the Group's primary focus is the development and continuous implementation of a common approach by all members to ensure a unified vision for zero waste operations for all community members. In addition, the meetings' agenda details those customers' issues as they occur, so that, the Group's members resolve them. These resolutions are applied by the Group to continue its efforts to strive towards the City's zero waste goals and the initiatives needed to attain these goals.                   |
| 1.2                                                                                                                         | Form a zero waste team comprised of managers and line staff involved with zero waste operations (i.e., waste collection, billings, customer calls, systems support). Include a diverse pool of people who can share ideas, resources, and knowledge. Have the team members' work collectively to evaluate their respective functions; the interrelationships among their departmental activities; and the practices, policies, and procedures they use to perform their zero waste account management and operations functions. Ensure that | Team<br>Response: Public Works, Finance, and Information Technology                           | Agree                                  | October 2016                                                                    | <b>September 20, 2016 Update Implemented</b><br>Zero Waste, 311, and IT meet on a monthly basis to discuss operational issues that affect the three divisions. This meeting schedule has been in existence for over one year.<br>Since there was already a setup in place, we decided to include Finance as a participant versus create a separate team. We expanded the group and meeting scope to accommodate the Auditor's recommendations. At every meeting, it will be the first agenda item to make sure all participants are made aware of the team's concept. We will consider this completely implemented by October 2016, as at that time we will have met twice within the capacity required by this audit recommendation. This will be a regular meeting for the foreseeable future. The team members do understand that the Zero Waste operation is an enterprise with different parts and that the success of the operation depends on each of these distinctive units working together. |

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| Audit Title: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                  |                                                                    |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| the team understands that their goal is to develop and support a holistic approach to zero waste operations not only to ensure billing accuracy, but also to help accomplish zero waste by 2020 and ensure continued efficient and effective operations beyond that achievement.                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                  |                                                                    |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.3 Require the zero waste team formed in response to recommendation 1.2 to develop written procedures that clearly support cross- departmental strategies and help staff perform their work, as well as understand how their work contributes to success. Include information that helps promote the unified view of zero waste operations, while also explaining the individual tasks that take place within the departments and how those connect. Examples include, but are not limited to, describing the process for routing customer cases from 311 calls, and detailing in layman’s terms the monthly updates that take place to align the CX and RouteSmart systems. Also see recommendation 1.2. | Team Response: Public Works, Finance, and Information Technology | Agree                                                              | Originally Expected December 2017      | <p><b>September 20, 2016 Update</b><br/>Staff from the Zero Waste Division, 311 Customer Service Center, Information Technology, and Finance Revenue Collection are reviewing and updating standard operating procedures for refuse and recycling services; reconfiguring and updating webpages; and creating technical assistance tools for zero waste customers. In July 2016, the group participated in an IT Strategic Plan Workshop to review the start of service process using the Rapid Workflow Process Model. The group will use this model to review other critical workflow processes.</p> <p><b>January 23, 2018 Update</b><br/><b>Partially Implemented</b><br/>The Customer Solutions Group is constantly reviewing and updating standard operating procedures for refuse and recycling services; reconfiguring and updating webpages; and creating technical assistance tools for its zero waste customers. An example of this effort is Zero Waste and 311 identified issues related to responding to the community members complaints related to collection services. Zero Waste and 311 developed 311’s scripted response and Solid Waste Supervisor response flow chart to ensure these issues were addressed within a 48 hour time frame.<br/>In July 2016, the Group participated in an IT Strategic Plan Workshop to review the start of service process using the Rapid Workflow Process Model. And as of this date, the ERP implementation schedule hasn’t reached its scheduled timeline to integrate CX and RouteSmart systems. Nonetheless, the Group will use this Model to review other critical workflow processes to ensure that updates are developed in layman’s terms in its monthly updates.</p> |

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| <b>Findings and Recommendations</b>                                                                                                | <b>Lead Dept.</b>                                                                                                                                                                                                                                                                                                                             | <b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                           | <p>July 2019</p> <p>December 2019</p>         | <p><b>September 25, 2018 Update</b><br/> <b>Partially Implemented</b><br/>                     IT administration, IT-311 and Zero Waste have commenced efforts, such as, an As-Is (existing software) review to improve customer interface with the City and a To-Be (future software) for the development of an RFP to solicit new software for new customer interface, refuse billing and routing systems. These reviews were facilitated by the City's software consultant, Third Wave. The RFP is tentatively scheduled for a late 2018 release.<br/>                     Rather than the purchase of another software system to integrate the existing inefficient (i.e., requires another software program to be bolted on to existing software), and inadequate software, a new routing and customer billing system would replace the CX and RouteSmart™ systems, integrate with ERMA and would be customer driven resolution and coordinated billing system.</p> <p><b>March 12, 2019 Update</b><br/> <b>Partially Implemented</b><br/>                     IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018. The RFP was for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. One proposal was received. If the proposal is accepted, software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019</p> |
| 1.4                                                                                                                                | Require the zero waste team formed in response to recommendation 1.2 to have regular meetings, e.g., quarterly, to share information about their operations and the known or expected changes and events that may impact cross-functional efforts. These meetings may need to be more frequent at first and less frequent over time. The team | Team Response: Public Works, Finance, and Information Technology          | Agree                                         | <p>October 2016</p> <p><b>September 20, 2016 Update</b><br/> <b>Implemented.</b> As we mentioned in response to recommendation 1.2, we expanded our existing monthly meeting to include Finance. The purpose of those meetings has always been to share information about operational and staff challenges. We expanded the meeting to include the specific suggestions of this recommendation. This initiative will be a continuous process that will be put in place for years to come as it becomes part of managing the operations of Zero Waste.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



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| <b>Audit Title: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>should use their meeting time to:</p> <ul style="list-style-type: none"> <li>▪ Identify continued barriers to change.</li> <li>▪ Decide on solutions that will help overcome barriers.</li> <li>▪ Share information about the challenges preventing staff from meeting operational objectives.</li> <li>▪ Make cross-departmental decisions to improve processes and customer service.</li> </ul> <p>Also see recommendation 1.2.</p>                                                                                                                                       |                                                    |                                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>1.5 In collaboration with Information Technology and as part of Enterprise Resource Planning, budget for, select, and install an account management system designed for zero waste activities. Use information from the zero waste team evaluation (recommendation 1.2) and zero waste strategy analyses (recommendation 1.8) to identify the critical business needs that should be included in the purchase of new zero waste account management system, or that should be considered when determining whether sufficient middleware options exist to fully integrate</p> | <p>Team Response:<br/>Public Works and Finance</p> | <p>Agree</p>                                                              | <p>July 2019</p>                              | <p><b>January 23, 2018 Update</b><br/><b>Not Implemented</b><br/>The current Customer Relationship Management (CRM) system will not integrate with RouteSmart™ due to both FUNDS and CRM system limitations. The City is currently engaged in the Enterprise Resource Planning process to replace the FUNDS and then integrate the CRM system, which according to the current schedule by June 2019. The long term solution will be to procure a new customer management, operations and billing software that will fully integrate the RouteSmart™ with the new ERP. Zero Waste Division and the Customer Solutions Group is actively engaging with IT to ensure that the new ERP system recognizes that Zero Waste Division is an enterprise funded operation. That is, it would be desirable to utilize RouteSmart system's capabilities to generate customer driven service requests (work orders), whereas the current ERP system is a City staff internally generated system input. IT has recognized that to provide seamless CRM service that a Request for Proposals (RFP) for an application that delivers the most efficient financial and operational software system that specifically handles the Zero Waste collection services will be written in FY2018 as part of Phase 2 of the ERP project.</p> <p><b>September 25, 2018 Update</b><br/><b>Partially Implemented</b></p> |

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| <b>Audit Title: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity</b>                                                                                                                                                                                                                                                          |                                         |                                                                                                                                                         |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| existing systems with the new account management software. Also see recommendations 1.2 and 1.8.                                                                                                                                                                                                                                                                                            |                                         |                                                                                                                                                         | December 2019                                 | <p>IT administration, IT-311 and Zero Waste have commenced efforts, such as, an As-Is (existing software) review to improve customer interface with the City and a To-Be (future software) for the development of an RFP to solicit new software for new customer interface, refuse billing and routing systems. These reviews were facilitated by the City's software consultant, Third Wave. The RFP is tentatively scheduled for a late 2018 release.</p> <p>Rather than the purchase of another software system to integrate the existing inefficient (i.e., requires another software program to be bolted on to existing software), and inadequate software, a new routing and customer billing system would replace the CX and RouteSmart™ systems, integrate with ERMA and would be customer driven resolution and coordinated billing system.</p> <p><b>March 12, 2019 Update</b><br/> <b>Partially Implemented</b></p> <p>IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018. The RFP was for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. One proposal was received. If the proposal is accepted, software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019.</p> |
| <p>1.6 Incorporate systems thinking into the hiring process for both competitive and promotional recruitments:</p> <ul style="list-style-type: none"> <li>Describe the interdependent nature of zero waste operations in job announcements.</li> <li>Highlight the cross-functional responsibilities and relationships in job descriptions. Discuss cross-functional experiences</li> </ul> | Team Response: Public Works and Finance | Agree<br>Difficult to implement I and II because some classifications are not specific to Zero Waste operations but are general classification that are | October 2016                                  | <p><b>September 20, 2016 Update</b></p> <p>Public Works is currently recruiting for zero waste and using the interview techniques described. Finance and IT, however, are not in the process of, or able to identify when they will be, recruiting for a position for which this recommendation applies. Therefore, we cannot identify a future implementation date. However, both IT and Finance applied these concepts in recent hires. Additionally, all the departments intend to use the concepts described in the recommendation as much as allowable and consider this recommendation implemented.</p> <p>During the interview process, candidates are provided an overview of Zero Waste Division operations including relationships with other departments, the strategic priorities used to guide our everyday thinking and application of resources, and owning the commitment to excel in the areas of courtesy, knowledge, promptness, and teamwork.</p> <p>To the extent possible and allowable by the City's recruitment practices, we will</p>                                                                                                                                                                                                                                                                                                                                                                                                        |

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| during job interviews to gain an understanding of an applicant's mindset about shared accountability.                                                                                                                                                                                                                                                                                                 |                   | Citywide Item III – During job interviews for Zero Waste functions, questions are tailored to potential hires about the working conditions specifically as the relate to Zero Waste. | October 2016                                  | include in our recruitment materials information that conveys to applicants for general classifications that their work will include cross-functional responsibilities and shared accountability.<br><b>January 23, 2018 Update Implemented</b><br>The Departments of Public Works and Human Resources have reviewed the process of development of job announcements, such as, the recent hiring of Zero Waste Division Operations Manager to directly address the issues noted in this Recommendation. With this job description for the Operations Manager and future Zero Waste management, administrative and operation staff positions will include a description of the interdepartmental nature of zero waste operations, and highlight cross-functional responsibilities.                                                                                                                                                                                                                                                                                                                                          |
| 1.7 Require that someone other than the person who manually calculated the zero waste rates and entered the updated rates into the CX module perform an independent review of the calculations and data entry for accuracy. Have the reviewer report back on any errors. Ensure that management is also notified of the errors, verifies that the corrections were made, and signs off on the review. | Finance           | Agree                                                                                                                                                                                | May 2015                                      | <b>September 20, 2016 Update</b><br>Completed. For FY 2016 updates, which was input in 2015, Finance implemented a Quality Assurance process in which an error report was produced by IT. The Supervisor reviewed the report and made corrective changes. The report was re-produced two other times to make sure all the error were fixed and the Manager of the unit signed off on the final report before finalizing system changes.<br><b>January 23, 2018 Update: Implemented</b><br>The initial base rates were approved by Resolution No. 66,600-N.S. effective July 1, 2014 for FY2015. The Department of Public Works administration calculates the next Fiscal Year's rates based on the previous Fiscal Year's rates. The rates are calculated utilizing the current CPI, the published April annual rate, or 3%, whichever is greater. These new FY rates and calculations are verified and signed off by Zero Waste Division Manager. The completed approved Rate Tables are then forwarded to the Finance Department Revenue Collections Manager for final verification and FUND\$ system input for billing. |
| 1.8 Request that Information Technology use the CX module data extracts,                                                                                                                                                                                                                                                                                                                              | Public Works      | Agree                                                                                                                                                                                | Originally Expected: December 2016            | <b>September 20, 2016 Update</b><br>We will ask IT to provide our fiscal services and zero waste strategy staff with CX data using existing data extracts, and use that for data analytics using software such as                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <p>such as the one used for this audit, to provide Public Works staff with the data they need to analyze zero waste strategies. Use the data extracts to further identify the critical business needs for new zero waste account management software.<br/>Also see recommendation 1.5.</p> |            |                                                                    | December 2019                          | <p>Excel. We will use these extracts to help identify the reporting needs of a new zero waste account management system.<br/>If needed, IT staff can provide reports or training to Public Works staff so they are able to run the reports themselves or extract the information in the format needed, if feasible.</p> <p><b>January 23, 2018 Update</b><br/><b>Not Implemented</b><br/>The CX module data utilized for this Audit was specifically designed to support the data request and this is what is called a bolt-on module, which means, it retrieves specific data requested from the CRM. Any module development requires IT to code, test and implement these bolt-on modules for a specific request. To analyze all appropriate data to identify a critical Zero Waste Division business need(s) would require the utilization of data residing in RouteSmart™. The Current CRM system will not integrate or auto-populate with RouteSmart™ due to CRM system limitations. Per the current IT ERP implementation schedule, the City is scheduled to upgrade and/or replace the CRM system in June 2019.<br/>The long term solution will be to procure a new customer management, operations and billing software that will integrate and fully utilize the RouteSmart™ data. An RFP for an application that delivers the most efficient financial and operational software system specific to the Zero Waste Division operational and the solid waste industry requirements is scheduled to be developed in FY2018 as part of Phase 2 of the ERP project.</p> <p><b>September 25, 2018 Update</b><br/><b>Partially Implemented</b><br/>IT provided extensive CX data in support of the Commercial Route expansion. During the expansion which involved adding over 400 accounts, critical limitations of the CZX software were identified. Additionally, IT facilitated the key departments to complete an As-Is analysis of existing software to identify areas of improvement. The departments have completed s To-Be analysis of future software which was the basis for a Request For Proposals (RFP) to solicit new software for new customer interface, refuse billing and routing systems. Both the CX (customer account management and billing software) and RouteSmart™ (collection routing software) systems are planned for replacement within the next year. These reviews were facilitated by the City’s software consultant, Third Wave. The RFP is tentatively scheduled for late 2018 release. IT administration, IT-311 and Zero Waste are collaborating to ensure a unified</p> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |                                                                           | December 2019                                              | <p>approach.<br/>This new routing and customers billing software will the CX and RouteSmart™ Systems and integrate with Erma, the City’s new financial software system. The new software will be customer driven and provide enhanced, coordinated billing system.</p> <p><b>March 12, 2019 Update</b><br/><b>Partially Implemented</b><br/>IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018. The RFP was for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. One proposal was received. If the proposal is accepted, software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1.9 Perform, or contract for, a fully comprehensive route audit to align service delivery with billing rates. Use the route audit to:</p> <ul style="list-style-type: none"> <li>▪ Make CX module and/or RouteSmart system updates to ensure customers are billed correctly for their City-provided services.</li> <li>▪ Ensure that all residential accounts are receiving required services.</li> <li>▪ Ensure that the commercial accounts that the City is responsible for receive and pay for the zero waste services required by City policy. Verify that roll-off bin customers serviced by the Zero Waste</li> </ul> | Public Works      | Agree                                                                     | <p>Originally expected: July 2018</p> <p>December 2019</p> | <p><b>September 20, 2016 Update</b><br/>As part of the route audit, actual service levels will be compared against data in the CX module and appropriate updates made to ensure that all residential and commercial accounts are receiving required services and billed correctly for those services. Route books will also be updated to reflect the results of the route audit.</p> <p><b>January 23, 2018 Update</b><br/><b>Not Implemented</b><br/>IT has created a table for monthly routing development that extracts customer information from the FUND\$ and provides the data to be then downloaded into RouteSmart™. Due to the FUND\$ system limitations, this link takes hours to download information into RouteSmart™. The company, RouteSmart™, has stated that this integration process should take minutes. The City will be replacing the ERP system in June 2019 and then the CRM system would be upgraded or replaced.<br/>The long term solution is to integrate the new customer management, operations and billing software with RouteSmart™. With RouteSmart™ full utilization and the integration of a work order system, the invoicing system could be customer based, i.e. customers’ billing and services are directly linked with the new EFP implementation, to allow the City to more easily reconcile services provided with customers’ invoices.</p> <p><b>September 25, 2018 Update</b><br/><b>Partially Implemented</b></p> |

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| Division are accurately billed.                                                                                                                                                                                                                                                                                                   |              |                                                                    | December 2019                          | <p>IT facilitated the key departments to complete an As-Is analysis of existing software to identify areas of improvement. The departments have completed a To-Be analysis of future software which was the basis for a Request For Proposals (RFP) to solicit new software for new customer interface, refuse billing and routing systems. Both the CX (customer account management and billing software) and RouteSmart™ (collection routing software) systems are planned for replacement within the next year. These reviews were facilitated by the City’s software consultant, Third Wave. The RFP is tentatively scheduled for late 2018 release. IT administration, IT-311 and Zero Waste are collaborating to ensure a unified approach.</p> <p>This new routing and customers billing software will replace the CX and RouteSmart™ Systems and integrate with Erma, the City’s new financial software system. The new software will be customer driven and provide enhanced, coordinated billing system.</p> <p><b>March 12, 2019 Update</b><br/> <b>Partially Implemented</b><br/>                     IT released an RFP on behalf of Public Works for Zero Waste Management software on October 18, 2018. The RFP was for a Zero Waste Management System and Professional Services consisting of a Waste Billing System, a Waste Computerized Maintenance Management System and a Route Optimization System. One proposal was received. If the proposal is accepted, software installation and implementation is anticipated to begin immediately upon contract execution in May 2019, with software operational by December 2019.</p> |
| 1.10 Enforce the requirement for zero waste drivers to compare actual service levels against route books and addenda during their collection routes, and report any variances to the Zero Waste Division supervisor for correction. Ensure that the drivers’ efforts are supported by taking action to correct the discrepancies. | Public Works | Agree.                                                             | December 2016                          | <p><b>September 20, 2016 Update</b><br/>                     We agree that the actual service levels should be compared against route books but believe that enforcing the policy to have drivers do onsite comparisons is no longer an efficient use of our drivers’ time. We are exploring other options, such as using student interns to do the comparisons.</p> <p><b>January 23, 2018 Update</b><br/> <b>Implemented</b><br/>                     The Zero Waste drivers are reminded monthly to verify actual service levels with the route books for their collection routes by the Zero Waste Management Team. The Zero Waste dispatcher(s) are in constant communication with the drivers to ensure service levels are correct. If service levels are not corrected, Zero Waste Supervisor(s) undertake appropriate corrective actions to ensure verification.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |







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|                                                                                                                                    |                   |                                                                           | June 2020                                     | <p><b><u>March 12, 2019 Update</u></b><br/> <b>Partially Alternately Implemented</b><br/>                     Given the roll-out issues associated with the November 1st implementation of the City's new enterprise resource planning system, "Erma", staff time has been rerouted to resolve. This project is on hold.</p> |





[Commission Name]

INFORMATION CALENDAR

March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission

Subject: Code Enforcement Review Update

INTRODUCTION

The Housing Advisory Commission wishes to inform the City Council that Jenny McNulty, as the new Resilient Buildings Program Manager, has graciously committed to attending a future Housing Advisory Commission Meeting or Housing Advisory Subcommittee meeting (to be determined) to discuss:

- The Commission's code enforcement oversight role with respect to the code enforcement responsibilities of the Housing Inspection Section and Community Services.
- The new manager's views on how the Commission can best implement that role with respect to the code enforcement responsibilities of the Housing Inspection Section and Community Services.
- The City Council referral to strengthen the Residential Housing Safety Program
- The Seismic Retrofit program

The meeting will occur within approximately the first three months of the new Manager's tenure. The details of scheduling the meeting will be worked out with the help of the Commission Secretary in consultation with the Commission.

CURRENT SITUATION AND ITS EFFECTS

With this action, the Commission is beginning to implement its code enforcement oversight duties as defined in the ordinance that establishes the Commission. See below for more details.

The Commission supported sending this information item with the following vote:

Action: M/S/C (Lord/Johnson) to send an information report to the City Council regarding the Commission's upcoming meeting with the Resilient Buildings Program Manager to discuss:

- The Commission's code enforcement oversight role;
- The new manager's views on how the Commission can best implement that role;

- The City Council referral to strengthen the Residential Housing Safety Program; and
- The Seismic Retrofit program.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

#### BACKGROUND

Berkeley Municipal Code 19.44.020(B) items (5) and (6) assign limited oversight duties to the Housing Advisory Commission:

*5. The Commission shall make recommendations to the City Council regarding code enforcement priorities.*

*6. The Commission shall monitor code enforcement procedures to ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council.*

The Commission has no currently established practice for performing those duties, and has begun the work of creating such a practice.

"Code enforcement" related to housing extends beyond just the activities that will be overseen by the new Resilient Buildings Program Manager, but that manager will oversee some critical activities.

Our hope in meeting with the new manager is to share our perspectives, develop mutual understandings, and to begin to establish an efficient, effective, mechanism by which the Commission can *"monitor code enforcement procedures to ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council."*

#### ENVIRONMENTAL SUSTAINABILITY

No significant impact.

#### POSSIBLE FUTURE ACTION

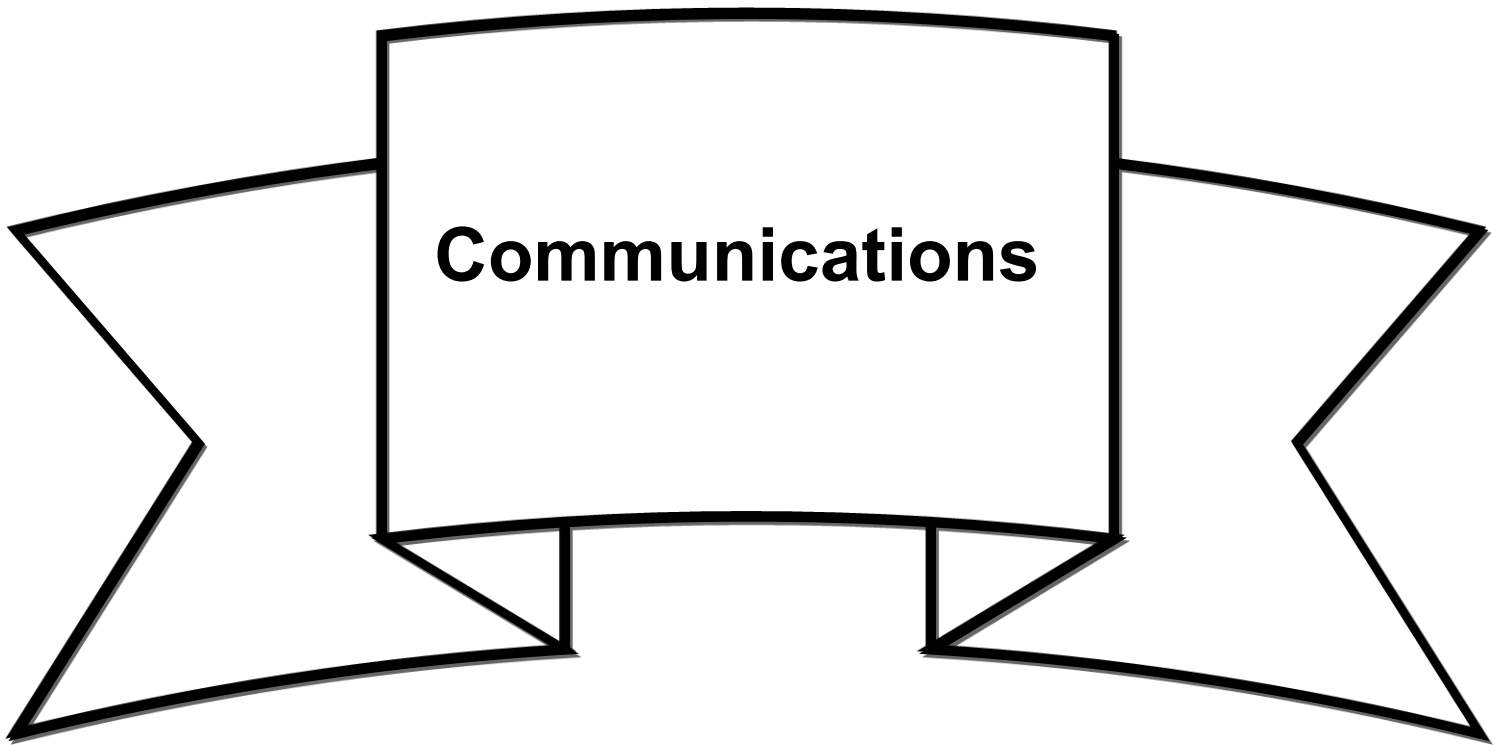
This activity may later result in recommendations to the City Council on the basis of the Commission's findings from reviews of code enforcement procedures.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Possible indirect benefit from helping to ensure code enforcement activities are appropriately prioritized.

#### CONTACT PERSON

Amy Davidson, Commission Secretary, HHCS, (510) 981-5406



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF