



**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,  
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE  
REGULAR MEETING**

**Thursday, November 7, 2019  
2:00 PM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Cheryl Davila, Rigel Robinson, and Kate Harrison

**AGENDA**

**Roll Call**

**Public Comment on Non-Agenda Matters**

**Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

- 1. Minutes - October 3, 2019**
- 2. Minutes - October 17, 2019**

**Committee Action Items**

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair 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.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items

3. **Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Ventilation in all Residential and Condominium Units Undergoing Renovations and Prior to Execution of a Contract for Sale or Close of Escrow**  
*(Item Contains Revised Material)*  
**From: Councilmember Harrison**  
**Referred: September 9, 2019**  
**Due: February 17, 2020**  
**Recommendation:** 1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units undergoing renovations and in all existing residential buildings prior to execution of a contract for sale or close of escrow.  
2. Refer to the City Manager to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
4. **Considering Multi-year Bidding Processes for Street Paving**  
**From: Mayor Arreguin, Councilmembers Hahn, Harrison and Davila**  
**Referred: March 11, 2019**  
**Due: November 9, 2019**  
**Recommendation:** 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.  
2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

## Items for Future Agendas

- **Discussion of items to be added to future agendas**

## Adjournment

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*Written communications addressed to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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I hereby certify that the agenda for this special 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 October 31, 2019.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*



**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,  
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE  
REGULAR MEETING**

**Thursday, October 03, 2019  
2:00 PM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Cheryl Davila, Rigel Robinson, and Kate Harrison

**MINUTES**

**Roll Call:** 2:05 p.m.

**Present:** Davila, Robinson, Harrison

**Announcement:** Brown Act Participation Rules

**Public Comment on Non-Agenda Matters:** 1 Speaker.

**Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

**1. Minutes - July 18, 2019**

**Action:** M/S/C (Robinson/Davila) to approve the minutes as presented.

**Vote:** All Ayes.

**Committee Action Items**

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*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items

2. **Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Ventilation in all Residential and Condominium Units Undergoing Renovations and Prior to Execution of a Contract for Sale or Close of Escrow From: Councilmember Harrison**

**Referred: September 9, 2019**

**Due: February 17, 2020**

**Recommendation:** 1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units undergoing renovations and in all existing residential buildings prior to execution of a contract for sale or close of escrow.

2. Refer to the City Manager to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.

**Financial Implications:** See report

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

**Action:** 1 speaker. The item was continued to the next regularly scheduled meeting to allow staff to return with more information regarding the City's Building Code Amendment, which is updated every three years and set to go before the full Council in November and how it will compare to the proposed item.

## Committee Action Items

**3. Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations and to All Existing Buildings Prior to Execution of a Contract for Sale or Close of Escrow**

**From: Councilmembers Harrison and Bartlett**

**Referred: August 26, 2019**

**Due: February 3, 2020**

**Recommendation:**

1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow.
2. Refer to Planning Department to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.

**Financial Implications:** See report

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

**Action:** 1 speaker. M/S/C (Harrison/Robinson) to send the item with a Positive Qualified Recommendation back to the City Council with the following amendments.

Amend the recommendation revised to read as follows:

1. Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow and to ask the Commission to consider other triggers as appropriate.

Amend the Financial Implications to read:

Staff savings realized from responders not having to shut off gas in an emergency.

**Vote:** All Ayes.

## Committee Action Items

**4a. Recommendations for a Fossil Fuel Free Berkeley**

**From: Energy Commission**

**Referred: May 14, 2019**

**Due: October 29, 2019**

**Recommendation:** The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.

**Financial Implications:** Unknown

Contact: Billi Romain, Commission Secretary, 981-7400

**4b. Companion Report: Recommendations for a Fossil Fuel Free Berkeley**

*(Item Contains Supplemental Material)*

**From: City Manager**

**Referred: May 14, 2019**

**Due: October 29, 2019**

**Recommendation:** Refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley.

**Financial Implications:** See report

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

**Action:** 2 speakers. Items 4a and 4b were continued to the next regularly scheduled meeting. The committee requested that staff from the Parks, Recreation and Waterfront Department and the Ecology Center attend the next meeting to provide an update on current projects, highlighted in the supplemental companion staff report.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

5. **Considering Multi-year Bidding Processes for Street Paving**  
**From: Mayor Arreguin, Councilmembers Hahn, Harrison and Davila**  
**Referred: March 11, 2019**  
**Due: November 9, 2019**

**Recommendation:** 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.

2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.

**Financial Implications:** See report

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

## Items for Future Agendas

- None

## Adjournment

**Action:** M/S/C (Harrison/Davila) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 3:49 p.m.

I hereby certify that this is a true and correct record of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee meeting held on October 3, 2019.

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Michael MacDonald, Assistant City Clerk



**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,  
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE  
REGULAR MEETING**

**Thursday, October 17, 2019  
2:00 PM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Cheryl Davila, Rigel Robinson, and Kate Harrison

**MINUTES**

**Roll Call:** 2:03 p.m.

**Present:** Davila, Robinson

**Absent:** Harrison

**Public Comment on Non-Agenda Matters:** 2 Speakers.

**Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

**1. Minutes - October 3, 2019**

**Action:** No action taken. Item held over to next meeting.

**Committee Action Items**

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair 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.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items

**2a. Recommendations for a Fossil Fuel Free Berkeley**

**From: Energy Commission**

**Referred: May 14, 2019**

**Due: October 29, 2019**

**Recommendation:** The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.

**Financial Implications:** Unknown

Contact: Billi Romain, Commission Secretary, 981-7400

**2b. Companion Report: Recommendations for a Fossil Fuel Free Berkeley**

*(Item Contains Supplemental Material)*

**From: City Manager**

**Referred: May 14, 2019**

**Due: October 29, 2019**

**Recommendation:** Refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley.

**Financial Implications:** See report

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

**Action:** Revision to Item 2b submitted by Planning Department. No action taken. Item will automatically return to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

- 3. Considering Multi-year Bidding Processes for Street Paving**  
**From: Mayor Arreguin, Councilmembers Hahn, Harrison and Davila**  
**Referred: March 11, 2019**  
**Due: November 9, 2019**  
**Recommendation:** 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.  
2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 4. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Ventilation in all Residential and Condominium Units Undergoing Renovations and Prior to Execution of a Contract for Sale or Close of Escrow**  
*(Item Contains Revised Material)*  
**From: Councilmember Harrison**  
**Referred: September 9, 2019**  
**Due: February 17, 2020**  
**Recommendation:** 1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units undergoing renovations and in all existing residential buildings prior to execution of a contract for sale or close of escrow.  
2. Refer to the City Manager to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Items for Future Agendas

- None

## Adjournment

Adjourned at 2:14 p.m.

I hereby certify that this is a true and correct record of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee meeting held on October 17, 2019.

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Michael MacDonald, Assistant City Clerk

AMENDING CHAPTER 19.32 OF THE BERKELEY MUNICIPAL CODE TO REQUIRE  
KITCHEN EXHAUST VENTILATION IN ALL RESIDENTIAL AND CONDOMINIUM  
UNITS UNDERGOING RENOVATIONS AND PRIOR TO EXECUTION OF A  
CONTRACT FOR SALE OR CLOSE OF ESCROW

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

Section 1. That Berkeley Municipal Code Section 19.32 is hereby amended to read  
as follows:

Chapter 19.32

BERKELEY MECHANICAL CODE

Sections:

19.32.010 Adoption of the California Mechanical Code.

19.32.020 Title.

19.32.030 Administrative provisions.

19.32.040 Residential Kitchen Exhaust Ventilation.

RECEIVED AT  
COUNCIL MEETING OF:

OCT 03 2019

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

**19.32.040 Residential Kitchen Exhaust Ventilation.**

Chapter 4 of the 2019 California Mechanical Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**403.7.3.0 General Requirements for Residential Kitchen Exhaust Ventilation.**

Residential kitchen exhaust ventilation systems installed in compliance with this Section pursuant to a building permit issued on or after the effective date of this Section shall comply with all applicable requirements of the Berkeley Mechanical Code.

**403.7.3.1 Existing Multifamily and Condominium Buildings.**

Residential kitchen exhaust ventilation systems are required in any multifamily residential or condominium unit subject to an addition, alteration or repair for which a building permit is issued on or after the effective date of this Section and the valuation for the work exceeds \$10,000.

**403.7.4 Sale of Existing Buildings.**

The requirement to install kitchen exhaust ventilation systems in multifamily or condominium buildings shall apply prior to entering into a contract of sale, or prior to the close of escrow when an escrow agreement has been executed in connection with a sale as follows:

1. in any residential or condominium building or structure, applicable to all units therein; or
2. in an individual condominium unit.

Section 2. The effective date of this amendment shall be January 1, 2020, or the effective adoption date of the 2019 California Building Standards Code, whichever is sooner.

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.

**Comparison Chart of Proposed Residential Kitchen Exhaust Ventilation Ordinance**

State Law	Existing Berkeley Law			CM Harrison's Proposed Amendments		
	New Construction	Renovations	On sale	New Construction	Renovations	On Sale
<b>Single-family homes</b>  Kitchen Exhaust Ventilation required  <i>- 2016 CA Mechanical Code Section 403.7 Minimum Exhaust Rates</i>	Required	Exempt	Exempt	Required	Exempt	Required
<b>Multi-family residential rentals</b>  Required	Required	Exempt	Exempt	Required	Required when work exceeds \$10,000 for any individual unit	Required
<b>Condos</b>  Required	Required	Exempt	Exempt	Required	Required when work exceeds \$10,000 for any individual unit	Required

RECEIVED AT  
COUNCIL MEETING OF:

OCT 03 2019

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
September 24, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Ventilation in all Residential and Condominium Units Undergoing Renovations and Prior to Execution of a Contract for Sale or Close of Escrow

RECOMMENDATION

1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units undergoing renovations and in all existing residential buildings prior to execution of a contract for sale or close of escrow.
2. Refer to the City Manager to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.

POLICY COMMITTEE TRACK

Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee

BACKGROUND

The California Building Standards Code, or Title 24 of the California Code of Regulations, specifies the standards for buildings and other structures in California. Title 24 is intended to protect public health, safety, and general welfare building occupants, and is updated at the state level and adopted by local jurisdictions every three years. Municipalities are permitted to make local amendments to the Building Standards Code<sup>1</sup> as deemed necessary for general welfare, as long as they are submitted to the California Building Standards Commission with the necessary findings. The ideal time to

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<sup>1</sup> "Local Amendments to Building Standards—Ordinances," California Building Standards Commission, <https://www.dgs.ca.gov/BSC/Codes/Local-Jurisdictions-Code-Ordinances>.

update local buildings codes is before the next code cycle. Berkeley will adopt the 2019 code on January 1, 2020.

Cooktops contribute to toxic indoor air quality. A 2013 Lawrence Berkeley National Laboratory (LBNL) study found that “60 percent of homes in the state that cook at least once a week with a gas stove” produce toxic levels of nitrogen dioxide, formaldehyde and carbon monoxide exceeding federal standards for outdoor air quality.<sup>2</sup> A prior LBNL study found that the “aggregate health consequences of poor indoor air quality...are as significant as those from all traffic accidents or infectious diseases in the United States.”<sup>3</sup> Even electric cooktops generate toxic particulate matter. Unfortunately, the Environmental Protection Agency does not currently regulate indoor air quality.

Researchers in the United States and Australia have begun to link the use of natural gas stoves with asthma attacks and associated hospitalizations.<sup>4</sup> Asthma and its relationship to natural gas and other forms of cooking present profound questions about equity.<sup>5</sup> Researchers from the University of California, Berkeley, and the University of California, San Francisco found that the highest asthma rates in Berkeley and Oakland tracked areas that were redlined pursuant to racist housing policies.<sup>6</sup> This issue is compounded by state and regional efforts to boost home efficiency to trap air indoors.

The state currently requires kitchen exhaust ventilation systems in all new residential construction, but not for existing building renovations, nor at time of sale. Ventilation systems are designed to remove combustion and other cooktop byproducts from the residential unit to preserve air quality.

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<sup>2</sup> “Pollution in the Home: Kitchens Can Produce Hazardous Levels of Indoor Pollutants,” Julie Chao, Lawrence Berkeley National Laboratory, July 23, 2013, <https://newscenter.lbl.gov/2013/07/23/kitchens-can-produce-hazardous-levels-of-indoor-pollutants/>.

<sup>3</sup> *Id.*

<sup>4</sup> Amy Mitchell-Whittington, “Cooking with gas, damp housing may cause childhood asthma: study,” Brisbane Times, April 15, 2018, <https://www.brisbanetimes.com.au/national/queensland/cooking-with-gas-damp-housing-may-cause-childhood-asthma-study-20180415-p4z9pz.html>; Nadia N. Hansel et al., “A Longitudinal Study of Indoor Nitrogen Dioxide Levels and Respiratory Symptoms in Inner-City Children with Asthma,” *Environmental Health Perspectives.*, October 2008, <https://pdfs.semanticscholar.org/e099/2f996c97844af8fbcf86b4824fbb7b1cf092.pdf>.

<sup>5</sup> A 2017 California Public Health Department report found that asthma is 30% more prevalent for African Americans and 40% more prevalent for Asian Americans and Native Americans than whites. Gay/lesbian and bisexual men and women have 40-60% higher asthma prevalence than straight men and women. Hispanics and Asians born in the U.S. are more than twice as likely to have current or lifetime asthma than Hispanics and Asians born outside of the U.S. See California Department of Health, “Asthma Prevalence in California: A Surveillance Report,” January 2017, [https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CPE/CDPH%20Document%20Library/Asthma\\_Surveillance\\_in\\_CA\\_Report\\_2017.pdf](https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CPE/CDPH%20Document%20Library/Asthma_Surveillance_in_CA_Report_2017.pdf).

<sup>6</sup> UC Berkeley Public Health, “Historically redlined communities face higher asthma rates” May 2019, <https://sph.berkeley.edu/historically-redlined-communities-face-higher-asthma-rates>.

This ordinance proposes requiring kitchen exhaust ventilation systems in any multifamily residential or condominium units subject to an addition, alteration or repair for which a building permit is issued and the valuation for the work exceeds \$10,000. The requirement would also apply prior to execution of a contract for sale or close of escrow.

The transfer of property currently triggers various state and local building code requirements. For example, at time of sale the state health and safety code requires that, gas water heaters are seismically braced, anchored, or strapped.<sup>7</sup> Other local ordinances related to environment, such as the BMC 19.81: the Building Energy Saving Ordinance, require energy efficiency reports prior to time of sale. The intention of Section 403.7.4 is to ensure that all buildings and units therein that are sold in Berkeley include exhaust ventilation systems, therefore enhancing air quality and public safety across the existing building stock.

#### FINANCIAL IMPLICATIONS

Staff time to submit ordinance to the Building Standards Commission and to draft findings resolution. In addition, building inspector staff time will be necessary to compliance with new provisions.

#### ENVIRONMENTAL SUSTAINABILITY

Mandating kitchen exhaust ventilation systems in residential units undergoing renovation and all units at sale will enhance indoor air quality.

#### CONTACT PERSON

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

#### ATTACHMENTS

1: Ordinance

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<sup>7</sup> Health and Safety Code § 18031.7,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=18031.7.&lawCode=HSC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=18031.7.&lawCode=HSC)

AMENDING CHAPTER 19.32 OF THE BERKELEY MUNICIPAL CODE TO REQUIRE  
KITCHEN EXHAUST VENTILATION IN ALL RESIDENTIAL AND CONDOMINIUM  
UNITS UNDERGOING RENOVATIONS AND PRIOR TO EXECUTION OF A  
CONTRACT FOR SALE OR CLOSE OF ESCROW

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

Section 1. That Berkeley Municipal Code Section 19.32 is hereby amended to read  
as follows:

**Chapter 19.32**

**BERKELEY MECHANICAL CODE**

**Sections:**

**19.32.010 Adoption of the California Mechanical Code.**

**19.32.020 Title.**

**19.32.030 Administrative provisions.**

**19.32.040 Residential Kitchen Exhaust Ventilation.**

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Chapter 4 of the 2019 California Mechanical Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**403.7.3.0 General Requirements for Residential Kitchen Exhaust Ventilation.**

Residential kitchen exhaust ventilation systems installed in compliance with this Section pursuant to a building permit issued on or after the effective date of this Section shall comply with all applicable requirements of the Berkeley Mechanical Code.

**403.7.3.1 Existing Multifamily and Condominium Buildings.**

Residential kitchen exhaust ventilation systems are required in any multifamily residential or condominium unit subject to an addition, alteration or repair for which a building permit is issued on or after the effective date of this Section and the valuation for the work exceeds \$10,000.

**403.7.4 Sale of Existing Buildings.**

The requirement to install kitchen exhaust ventilation systems in multifamily or condominium buildings shall apply prior to entering into a contract of sale, or prior to the close of escrow when an escrow agreement has been executed in connection with a sale as follows:

1. in any residential or condominium building or structure, applicable to all units therein; or
2. in an individual condominium unit.

Section 2. The effective date of this amendment shall be January 1, 2020, or the effective adoption date of the 2019 California Building Standards Code, whichever is sooner.

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.

ACTION CALENDAR

March 26, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, and Councilmembers Sophie Hahn, Kate Harrison, and Cheryl Davila

Subject: Considering Multi-year Bidding Processes for Street Paving

RECOMMENDATION

1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.
2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.

BACKGROUND

In November 2011, the City Auditor provided an analysis of the conditions of Berkeley's 216 miles of streets that showed widespread disrepair resulting from years of underfunding. The impact of the many years of underfunding is compounded by the exponential increase in cost to refurbish streets that have reached "at risk" or "failed" status.

The City of Berkeley's existing Street Rehabilitation and Repair Policy requires that a 5-year Street Rehabilitation Plan be reviewed each year and adopted formally by the City Council. After approval, the City releases bids for one year of paving projects, requiring City Staff and contractors to undertake the bidding process on a yearly basis.

At the December 11, 2018 City Council meeting, Council approved combining the 2018 and 2019 paving projects into the 2019 program after the City was unable to secure a cost effective paving contractor for 2018 in an extremely competitive market.

Permanently moving to a bi-annual or other multi-year bid process will reduce staff time spent on preparing, circulating, evaluating and awarding bids, as well as render Berkeley's projects more attractive to contractors in a very competitive market. It is

expected that larger contracts result in reduced per-mile costs due to better economies of scale and reduced contractor costs associated with yearly bidding processes.

During the December 2018 discussion, Public Works staff suggested that a two year bid process is not only feasible, but also logical as the City's budget and funding processes span two years. While this proposal is already being considered (having been referred by Council at the December 11, 2018 meeting), it is important for Council to reiterate that accelerating paving overall while reducing costs in all ways possible is a key citywide priority, and to include the consideration of longer multi-year bidding cycles to assess whether additional cost savings and integration into existing budget cycles can be achieved.

FINANCIAL IMPLICATIONS

The City is likely to realize long term savings by utilizing two-year or other multi-year bidding processes.

ENVIRONMENTAL SUSTAINABILITY

Improved PCI leads to better fuel efficiency and therefore less greenhouse gas emissions from vehicles.

CONTACT PERSON

Mayor Jesse Arreguin	510-981-7100
Councilmember Sophie Hahn	510-981-7150

Attachments:

1: Annotated Agenda, December 11 2018 Berkeley City Council Meeting, Item 15

## Consent Calendar

13. **Contract: Gallagher & Burk, Inc. for FY 2018 Measure M Street Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the FY 2018 Measure M Street Rehabilitation Project, Specification No. 18-11179-C (Re-Issued); accepting the bid of Gallagher & Burk, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$3,863,909.  
**Financial Implications:** Street Capital Improvement Program Fund - \$3,863,909  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,716–N.S.
14. **Letter of Support on Behalf of SB 3342 - Housing, Opportunity, Mobility, and Equity Act of 2018**  
**From: Housing Advisory Commission**  
**Recommendation:** Direct the City Manager to send a letter of support on behalf of proposed SB 3342, referred to as the HOME Act.  
**Financial Implications:** None  
Contact: Amy Davidson, Commission Secretary, 981-5400  
**Action:** Approved recommendation.
15. **Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution that recommends approval of the Five-Year Street Rehabilitation Plan for FY2019 to FY2023 as proposed by Staff.  
**Financial Implications:** See report  
Contact: Nisha Patel, Commission Secretary, 981-6300  
**Action:** Moved to Action Calendar. 8 speakers. M/S/C (Harrison/Droste) to adopt Resolution No. 68,717–N.S. that recommends approval of the Five-Year Street Rehabilitation Plan for FY2019 to FY2023 as proposed by Staff amended to include Milvia Street from Blake Street to Russell Street in FY2019. Provide direction to staff and request additional information from staff as follows:
- Review the Plan after two years
  - Consult the Transportation Commission on the Plan
  - Provide the Lifecycle analysis and the Bike Plan overlay analysis
  - Consider a two-year bid process
  - Annual report to Council on Measure M projects
  - Report to Council on the funding sources for scheduled and completed paving projects
- Vote:** All Ayes.